

Updated Report on Serbia's progress in the visa liberalization process

INTRODUCTION

FULFILLMENT OF THE REMAINING OPEN BENCHMARKS ACTIVITIES IMPLEMENTED TO FULFILL THE OTHER CRITERIA

I) Introduction

In a letter dated July 15, 2009, Mr. De Brouwer informed us that the European Commission adopted a proposal to add the Macedonia, Serbia and Montenegro to the list contained in Regulation 539/2001 of countries whose citizens are exempt from the visa requirement when crossing the external borders of the EU (the Schengen 'positive list'). This letter also contained the list of the remaining activities which the Republic of Serbia should undertake in order to achieve full implementation of the requirements contained in the Road Map for visa liberalization. In this regard, the first part of our Report contains information pertaining to the fulfillment of all remaining open benchmarks, and the second part of the Report deals with the most important activities which our country undertook with a view to implementing all other criteria from the "Road Map".

II) Fulfillment of the remaining open benchmarks

- **The improvement of Administrative line surveillance, which includes in particular the exchange of information with EULEX including by the conclusion and effective implementation of working arrangements; ensure cooperation between the Customs Administration of the Republic of Serbia and EULEX enabling adequate contribution of these services in the fight against trafficking in or smuggling of persons along the Administrative line; provide monthly written reports on the results of this cooperation to the European Commission services**

From July 2009, in the Headquarters of the Ministry of Interior for AP Kosovo and Metohija in Kuršumlja, representatives of the MoI and the representatives of EULEX on a technical level have been meeting, and the topic of these meetings was the enhancement of operative and technical cooperation. In addition to this, in the Headquarters of the Ministry of Interior several high level meetings took place during which the text of the harmonized Protocol on Police Cooperation between MoI and EULEX was agreed on. Protocol on Police Cooperation between the Ministry of Interior and EULEX was signed and entered into force in mid-September, 2009.

Ministry of Interior has appointed a Contact Person, at most senior leadership level- Deputy Director of Police, for cooperation with EULEX.

On all control check points at the Administrative line the necessary communication and information infrastructure has been provided. Thus, technical basis has been created for the efficient access by police officers to registers kept in the MoI Single Information System. Simultaneous control and registering of crossings at check points has been enabled, with the use of automatic readers of electronic ID documents. Eleven land-security check points towards K&M are connected through the MoI Telecommunication Backbone using digital

circuits at the speed of 2 Mbit/s. Three of these locations, operating at speed of 2 Mbit/s, are reserved for the transfer of data, and the remaining locations have the capacity of 1 Mbit/s . The Gendarmerie Units have responsibility for security of the Administrative line with the AP K&M and Ground Safety Zone. In the performance of this task, across the depth, they combine physical security i.e. continuous engagement of their police officers and application of technical means. Physical security is conducted through the engagement of police officers from the Gendarmerie Units on the control territory from permanent and temporary observation posts which are placed along the Administration line. They perform recon-patrol duties, carry out operative-tactical measures and operations (ambush, blockade, raids, search and inspection of the terrain and facilities, etc.)

Along the entire Administration line, assigned to bases depending on sectors, Gendarmerie Intervention Units are engaged in covering this territory, across the depth, and to provide assistance to police officers who are already on the field.

Constant engagement of these units is used for preventive purposes, detection of illegal crossings, as well as detection of narcotics smuggling, smuggling of weapons and ammunition, different goods and human trafficking cases. In August this year, on the territory of the Municipality of Preševo, on several occasions, 22 persons without personal documents were apprehended. Later investigation showed that they were Afghani citizens. In recent months there has been an increase in the number of these cases, and 80 % of these persons are citizens of Afghanistan.

Technical security is performed by the use of mobile units which are equipped with surveillance radars, Opto-electronic devices used for reconnaissance in day and night visibility conditions and sensors which are deployed into certain hardly reachable areas along the Administrative line.

Accomplishment of tasks in the Ground Safety Zone means that regular meeting of the representatives of the Gendarmerie with the representatives of KFOR and UNMIK should be held on a local, operative and command level as well as with the representatives of the Serbian Military who are engaged on the same task. Cooperation and everyday communication with Regional Police Directorates and the Security Information Agency has also been established.

Serbian Customs Administration, on a regular basis, once a month, submits a Statistical Report to the Delegation of the European Commission on:

- The number of initiated disciplinary procedures against customs officials for severe violation of business duty,
- Amount, type and estimated value of confiscated, smuggled goods, narcotics and foreign means of payment, as well as the number of suspended custom procedures due to infringement of intellectual property rights,
- Type and amount of realized revenue from custom fees and other custom duties, accise and import Value Added Taxes,
- Apart from the aforementioned data this Report also contains information on realization of projects financed from pre-accession funds- IPA 2007 and IPA 2008.

- **The effective implementation of the Law on Foreigners and the adoption of the Migration Management Strategy**

As you have been informed in our previous reports, the Law on Foreigners, (The Official Gazette of the Republic of Serbia, no. 97/08), became applicable on 1 April 2009. Stipulated by the Law on foreigners several sub-laws have been adopted:

On 14 July 2008, the Minister of Interior signed the **Instruction concerning the implementation of the Law on Foreigners**, which was distributed to all Regional Police Directorates and Regional Centres of the Border Police.

On 28 July 2009, “The Official Gazette of the Republic of Serbia no. 59/09” published 13 by-laws envisaged by the Law on Foreigners, namely:

- 1) Rulebook on detailed conditions and method of issuance of visa at border crossing points;
- 2) Rulebook on detailed conditions and method of extension of the visa expiration date and on the form of application;
- 3) Rulebook on fulfilment of conditions for granting temporary residence to a foreign citizen for the purpose of family reunion;
- 4) Rulebook on fulfilment of conditions for granting of temporary residence to a foreign citizen for studying and education purposes;
- 5) Rulebook on fulfilment of conditions for granting of temporary residence to a foreign citizen in respect of health insurance;
- 6) Rulebook on form, content and method of issuing the ID card to a foreign citizen;
- 7) Rulebook on form and content of emergency travel document for a foreign citizen;
- 8) Rulebook on detailed conditions for the approval of permanent residence and form, content and method of entering of the approval of permanent residence into a foreign travel document and ID card for a foreign citizen and form of the permanent residence waiver;
- 9) Rulebook on form, content and method of entering the approval of temporary residence into a foreign travel document;
- 10) Rulebook on method of registration of residence, abode and address change and cancellation of abode of a foreign citizen;
- 11) Rulebook on method of entering mandatory residence into a travel document and on form of the application of temporary ID card;
- 12) Rulebook on method of entering residence cancellation and ban on entry, into a foreign travel document;
- 13) Rulebook on method of keeping and content of data registers on foreign citizens, by the Ministry of Interior.

The rulebooks provide for application forms for stay, permanent residence, visa extension, etc. which have been harmonized with Council Regulation 862/2007, according to the EC assessment.

On 18 August 2009, “The Official Gazette of the Republic of Serbia no. 66/09” published the following rulebooks envisaged by the Law on Foreigners, namely:

1. Rulebook on method of entering mandatory residence into a travel document and on form of the temporary ID card application;
2. Rulebook on form, content and method of production of ID card for a foreign citizen.

Following the adoption of the Rulebooks, all Regional Police Departments have been provided with specimen stickers for the approval of temporary and permanent residence, compulsory stay, as well as with foreigner’s ID cards and temporary foreigner’s identity cards specimens and travel certificates. The stickers for temporary and permanent residence are made in accordance with Schengen Standards and contain all necessary security features.

In order to facilitate the procedures of issuing residence permits and personal documents to foreign citizens, all the above mentioned forms, excluding the residence address registration form, can be found on the Republic of Serbia MoI website.

Regulation regarding more specific conditions to refuse entry into Republic of Serbia has been adopted by the Government of the Republic of Serbia on September 11, 2009.

Procedure for the appointment of the National Coordinator for Illegal Migration and Coordination Body for suppression of Illegal Migration is presently under way.

Before the initial implementation of the Law on Foreigners, Border Police Directorate, as one of the organisational units within the MoI responsible for enforcing the Law, has made contacts with all relevant stakeholders, involved in the Law implementation, namely: Ministry of Foreign Affairs, Ministry of Justice (District Court in Belgrade), Ministry of Health and Republic Health Insurance Institute, Ministry of Education, Ministry of Labour and Social Policy, Ministry of Religion, Ministry of Economy and Regional Development, Official Gazette of the Republic of Serbia, with the purpose of collecting all relevant data and establishing procedures for precise development of sub-law acts and efficient implementation of legal provisions.

In August 2009, the MoI web site presented comprehensive information about all new procedures and obligations for foreign citizens deriving from the application of the new legal provisions.

With a view to efficient and uniform implementation of the Law on Foreigners, workshops and round tables have been organised several times for the leadership and officers of regional police directorates carrying out tasks related to foreigners as well as for the leadership and officers of border police stations. On this occasion, heads of organisational units dealing with foreigners’ issues have been provided with drafts of all sub-law acts, in electronic form, and all the above mentioned forms, as well as with examples of decisions, conclusions and affirmations enacted by them as a first-instance body, upon the Law on General Administrative Procedure and the Law on Foreigners. It

should be taken into account, that the new Law also anticipates the possibility of starting administrative dispute before the authorised court of the Republic of Serbia; in this case the Supreme Court.

Representatives of Border Police Directorate have also held numerous meetings and presentations with representatives of international entities active in the Republic of Serbia, namely diplomatic consular members, representatives of EC Delegation in Serbia, members of German Chamber of Commerce, Council of Foreign Investors, air companies, American Chamber of Commerce, etc, aiming to introduce all legal novelties concerning practical dealing with foreign citizens and representatives of foreign legal persons.

Pursuant to provisions of the Law, regarding obligations of carriers and travel organisers, 76 misdemeanor charges have been filed, since the Law is being applied, against legal persons and responsible persons in legal persons, who transported foreigners not complying with conditions for entering territory of the Republic of Serbia.

Work on the design of the Instruction on the work of the Reception Centre for Foreigners has been finalized and the Minister of Interior is going to sign this Instruction by the end of September.

The implementation of the Law on Foreigners falls, in the part pertaining to visas, within the competence of the Ministry of Foreign Affairs. In this regard, a Work Group has been set up and members of this group are representatives of both ministries. The Work Group has designed a Rulebook on visas, which is at this moment in the procedure in the Republic Secretariat for Legislation. In line with the aforementioned act this Work Group, in cooperation with the Institute for Manufacturing Banknotes and Coins has designed sketches for the new visa stickers which are in compliance with the proscribed Schengen standards and protection measures. The Rulebook on visas envisages facilitated issuance in Diplomatic Missions and Consular Posts of the Republic of Serbia, which would for the sake of efficiency require additional engagement of the Border Police Directorate staff and for this reason the new proposed Rulebook on the systematization of posts envisages a reorganization in the Department for Foreigners within the Border Police Directorate, since visa issuance procedure falls within the competence of this Directorate.

On August 19, 2009, in the “Official Gazette of the RS 67/09” a Decision on the determination of the list of safe countries of origin and safe third countries, was published.

In Directorate’s headquarter police officers have been assigned to resolve all the problems and difficulties that may occur in concrete situations in first several months while enforcing the new Law, and they are at constant disposal to police officers from all regional police departments.

The Law on Foreigners is successfully applied on the entire territory of the Republic of Serbia, and no major problems or discrepancies have been detected in its use by individual police departments. All Departments are acting consistently and in accordance with the Law, instructions and suggestions received from the Border Police Directorate headquarter.

Migration Management Strategy

Following the Conclusion of the Government of 11 December 2008, the Commissariat for Refugees was designated to develop a Migration Management Draft Strategy in cooperation with competent Ministries. In accordance with the above Conclusion the Commissariat for Refugees has adopted a Decision on establishment of a special Working Group tasked with developing the Migration Management Draft Strategy. In addition to the representatives of nine relevant Ministries and Commissariat for Refugees that took part in preparing the Draft Strategy, significant contribution was given by the experts of the International Organisation for Migration concerning the issues related to methodology and expert advice. Representatives of international and local non-governmental organisations constituted an informal advisory group that offered proposals and suggestions during the preparation of the Draft Strategy.

The Government adopted the Migration Management Strategy on 23 July 2009. It was published in "The Official Gazzette of the RS 59/09" (*Attached herewith- Annex I*).

The general objective of the Strategy is all-encompassing migration management that would facilitate achievement of sectorial goals and state priorities in migration field. Three strategic objectives listed in the Strategy are the following:

1. Establishment and implementation of the mechanisms for all-encompassing and consistent monitoring of migration flows in the Republic of Serbia

This strategic objective will be achieved by: a) institutionalising the competencies for collection and analysis of the data on migration volume and flows, and b) defining the migration profile of the Republic of Serbia and its regular updating.

2. Completion of the strategic, legal and institutional framework for uniform migration management

This strategic objective will be achieved by: a) strengthening the capacities of the Coordination Body for Migration Flows Monitoring and Managing for the purpose of efficacy and efficiency, b) ensuring the implementation of clear policy in the field of migration management, and c) fulfilling the normative preconditions for all-encompassing and efficient migration management in line with EU standards.

3. Protection of the migrants' rights, creation of conditions for their integration and social inclusion and awareness-raising on the migration significance will be achieved through realisation of the following specific goals:

This strategic objective is to be achieved by: a) introducing the public into the migrants' problems, and b) sensibilising the authorities of the state administration and local governments in charge of migrants' rights enforcement.

The Strategy envisages that the line ministries develop action plans within three months of its adoption, on the basis of which the Commissariat for Refugees will prepare a joint action plan. The Government will define the joint action plan, upon proposal of the Commissariat for Refugees, within six months starting from the date of the adoption of the above Strategy.

The Strategy implementation marked the start of accomplishing the first precondition-creation of the network of the ministries' competent operational level employees in charge of the affairs for the Coordination body for migration monitoring and management. The deadline for implementation of this measure is 23 September 2003. All Ministries and the Statistical Office of the Republic of Serbia have already designated their employees to monitor, report on and coordinate activities within their respective Ministries in relation with Strategy implementation and operation of the Coordination Body for Migration Monitoring and Management.

Among other things, these employees will be in charge of:

- Coordinating development of the action plan for implementation of the Strategy within their respective Ministries;
- Coordinating and communicating with the Commissariat for Refugees on behalf of their respective Ministries with a view to implementing measures envisaged by the Strategy and future Action Plan;
- Consideration of the documents prepared for the Coordination Body for Migration Monitoring and Management;
- Submitting progress reports on Strategy implementation to the Coordination Body for Migration Monitoring and Management through the Commissariat for Refugees that performs expert, operational and administrative and technical affairs for the Coordination Body;
- Ensuring compliance of future activities of their respective Ministries with the measures and activities envisaged by the Strategy and joint action plan.

Development of the relevant ministries' action plans is in progress. On that basis the Commissariat will prepare joint action plan. The deadline for individual action plans development is 23 October 2009.

The European Commission Delegation in the Republic of Serbia appointed external experts for migration issues to support establishment of mechanisms for migration management in the Republic of Serbia. These experts will conduct external assessment of the Strategy, determine specific indicators for collection and exchange of information by relevant actors, as well as monitor migration flows and update relevant migration policies.

- **Effective implementation of the legal framework for combating organised crime and corruption**

The Working Group composed of the representatives of MoI, MJ, MSA, SIA, MF-APML, CA, TA, with significant support of the OSCE Mission in Belgrade, have developed **Action Plan for Implementation of the National Strategy for Combating**

Organised Crime, that was adopted by the Government of the Republic of Serbia on 24 September 2009.*(Attached herewith - Annex II).*

The Action plan envisages objectives, measures, activities and tasks of all state authorities in the field of combating organised crime. The Action Plan envisages improvements in prevention of organised crime combat, examination of the causes, consequences and trends in organised crime. It envisages development of proactive investigations and establishment of criminal and intelligence system of the MoI, improvement of the existing databases and strengthening of human and material capacities of the CPD- OCSS, Special Prosecution Office, Special Department of the District Court of Belgrade- Special Detention Unit, SIA, MD MSA, Administration for the Prevention of Money Laundering, Tax Administration, Sector for the Control of Tax Regulations Enforcement, etc.

In the past period the Ministry of Interior has strengthened its institutional capacities for organised crime suppression:

- In the field of organised financial crime suppression the **Unit for Financial Investigations** was formed within OCSS of CPD that started its operation on 1 June 2009, comprising two Departments: Organised Crime Financial Investigations Department and Department for Planning and Coordinating Financial Investigations, with the organisational chart envisaging 105 posts. The process of personnel recruitment and their professional development of the Unit is in progress.

- Regarding the **Department for Combating High Technology Crime** of the Organised Crime Suppression Service we want to highlight that, in accordance with the provisions of the Convention on Cyber Crime, a **24/7 contact point** was designated for the purpose of continual exchange of information with the foreign competent authorities.

- Development of the **Service for Criminal Intelligence and Undercover Investigators** is also in progress, comprising two departments: Department for Criminal Intelligence and Department for Undercover Investigators. In 2009 Serbia became a member of the European Association of Undercover Officers ECG, providing thereby, along with adopted amendments of and supplements to the Code on Criminal Procedure, the exchange and complete use of undercover investigators in covert investigations that will be conducted in Serbia, including the possibility to engage those officers abroad. In 2009, within the project of the Swedish International Development Agency (SIDA) and in cooperation with the Swedish National Police Committee, MoI has implemented the project "Strengthening the Capacities of Intelligence Led Policing and Establishment of Criminal Intelligence System within RS MoI ", with special focus on training of the operational communication managers- handlers and controllers.

In the period May-September many training courses and seminars were conducted for police officers dealing with organised crime suppression, such as:

- computer forensics training course, organised by the American FBI, in Tallinn (Estonia),

- "anti corruption" training course within the Project "training courses network for operational managers in the field of organised crime- OCTN"- Cetinje,

- seminar on financial investigations in combating organised crime, organised by ICITAP Office of the U.S. Department of Defense - Bečići.
- in cooperation with German liaison officer in Embassy in Belgrade, upon invitation of the Federal Criminal Police of Germany, a study visit was conducted for the purpose of understanding the organisation, structure and practice of the German police in the field of suppressing high technology crime and establishing contacts for future operational cooperation- Wiesbaden, Germany,
- "Work with Informants" seminar organised by ICITAP Office in USA Embassy in Belgrade and CPD of RS MoI - Belgrade,
- "Crossborder police cooperation in combating high technology crime" seminar - Drama, Greece,
- "Intellectual Property Protection" seminar, organised by USA Embassy within ICITAP Programme- Sarajevo, B&H,
- international seminar on anti corruption measures organised withihn TAIEX programme, Department of the DG Enlargement- Brussels, Belgium,
- "Training course on advanced analytical technics" organised by the Regional Affairs Office of the USA Embassy in Belgrade and the CPD of the RS MoI - Belgrade,
- seminar on the programme policy development within the Project "Organised Crime Training Network- OCTN" conducted under coordination of the South East Europe Chiefs of Police Association (SEPCA) with the donations of Switzerland- Belgrade,
- the American FBI training course on human trafficking, organised by the host country in coordination with SECI Centre- Skoplje, Macedonia, etc.

For the purpose of more efficiently combating against all forms of organised crime, the Ministry of Justice has formed Working Groups tasked with preparation of draft laws that would in a more comprehensive manner govern the criminal and legal protection of the Republic of Serbia's citizens, in substantive and procedural sense. After the completion of the Working Groups' tasks, the Ministry of Justice presented the set of criminal laws to the Government for consideration and adoption. **The National Assembly of the Republic of Serbia adopted at its session of 31 August 2009** the following laws:

- **The Law on Amendments of and Supplements to the Criminal Code**
- **The Law on the Amendments of and Supplements to the Criminal Procedure Code**
- **The Law on the Amendments of and Supplements to the Law on Organisation and Competences of the State Authorities in Organised Crime Suppression**
- **The Law on the Amendments of and Supplements to the Law on Enforcement of Criminal Sanctions**
- **The Law on Enforcement of the Prison Sentences for the Organised Crime Criminal Offences**

Within the criminal laws set, the Law on Cooperation with the International Criminal Tribunal was adopted.

- Considering that Republic of Serbia ratified on 18 March 2009 many Conventions (CoE Convention on Cyber Crime, Additional Protocol to the Convention on Cybercrime concerning the criminalisation of acts of racist and xenophobic nature committed through computer systems, CoE Convention on Human Trafficking, CoE Convention on Laundering, Search, Seizure and Confiscation of Proceeds from Crime and on the Financing of Terrorism, CoE Convention on the Suppression of Terrorism, Protocol Amending the European Convention on the Suppression of Terrorism, you were informed thereon in our previous reports), it was necessary to introduce certain **amendments of and supplements to the Criminal Code** regarding the introduction of new criminal offences (failure to pay tax upon deduction, insurance fraud, construction without permission, violent behaviour at sports events, obstruction of justice, non purpose utilization of budgetary funds, putting in danger persons under international protection) as well as regarding the amendments to criminalisation of the existing criminal acts. The Law introduces stricter punishments for about a third of criminal acts, which is very important from the point of view of prevention and suppression of all forms of organised crime and corruption. One of the most important novelties in the Criminal Code is a possibility to enforce a prison sentence of six months in such a manner that a convict may undergo sentence in his/her apartment. In case he/she violates the prohibition to leave the apartment, this manner of sentence enforcement might be replaced by serving his/her sentence in prison.

- After the harmonisation with the Constitution of the Republic of Serbia, the Criminal Code and ratified international conventions and treaties relating to the criminal procedure, the **Law on Amendments of and Supplements to the Criminal Procedure Code** was adopted. The harmonisation of this Law with the Constitution is reflected in the provisions referring to detention. Other important novelties include the introduction of the provisions concerning the interrogation and protection of particularly vulnerable witnesses, institute of arrangement on acceptance of guilt, summary procedure, and some provisions referring to shortened court procedure, interruption and postponement of the main hearing, summoning of persons, procedural discipline and the remedies. The chapter relating to the procedure for the organised crime offences was completely amended, whereas the most important novelties in that chapter refer to the definition of organised crime, special investigative means and precise definition of the witness collaborator and undercover investigator institutes.

We want to particularly emphasise that the above laws formulate a uniform definition of organised crime, in line with the relevant international conventions. In addition to the above, the Law on Amendments of and Supplements to the Criminal Procedure Code envisages special provisions concerning the procedure for the acts of organised crime, corruption and other extremely serious criminal offences: the measures of the prosecution authorities for detection of and evidence procedure for the criminal acts referred to in Article 504a) of this Code, that relate to the surveillance and taping of the telephone and other conversations or communications, offering simulated business services, controlled delivery, undercover investigator engagement referred to in Article 504a, para. 3, automatic computer search of personal and other related data, engaging the witness collaborator, etc.

- The most important news of the **Law on amendments of the Law on organization and competence of authorities in suppression of organized crime** are expanding competencies of specialized authorities for fighting organized crime for recent criminal offences, as follows: criminal offences against constitutional system and security of the Republic of Serbia, criminal offences of corruption when it comes to highest state officials, criminal offences of international terrorism and financing terrorism and criminal offence of money laundering, if that money originated from organized crime, terrorism and financing of terrorism. In accordance with the Law on Public Prosecution it is laid down that competencies of Special Department of District Public Prosecution in Belgrade (special prosecutor's office) are to be taken over by Prosecution for organized crime. The Law also lays down special conditions which must be fulfilled by the judges of Superior Court and Court of Appeals, which are assigned to special departments of these courts for proceeding in cases regarding criminal offences laid down by this Law.

- For the purpose of harmonization with European legal standards in the field of criminal sanction's execution, and, above all, with European prison rules, the **Law on amendments of the Criminal Sanction's Execution Law** was adopted. While creating new legal solutions it was taken care of court practice of the European Court for Human Rights and of standards adopted by Committee for the Prevention of Torture (CPT) in its general reports. While regulating position and safeguard of rights of persons undergone sentence of imprisonment, the concept of corrective training was abandoned. Namely, a new concept of treatment and individualization of treatment of convicted persons, which is based on risk evaluation, needs and capacities of convicted persons was introduced.

- Having in mind need to intensively protect society from organized crime, the **Law on execution of sentence of imprisonment for criminal offences of organized crime** regulates in integral way execution of sentence of imprisonment towards convicted organizers and members of a criminal group, as well as education and organization of special department of already existing institutions where those persons serve sentence of imprisonment. In the aim of as successful as possible confronting organized crime, the Law prevents any possibility that convicted persons, indirectly-through other persons in freedom, continue to organize or direct criminal activities of the same, or other criminal groups.

- As it has already been mentioned in previous reports, on October 23 2008, the **Law on Criminal Proceedings Confiscation** was adopted. This Law has the objective to strengthen efficiency of government authorities in suppression and prevention of all forms of organized crime and corruption, and it lays down establishing of **Confiscated Property Management Directorate**, as a body within the Ministry of Justice. As aforementioned, besides the Confiscated Property Management Directorate, a Unit for Financial Investigations within the Ministry of Interior was formed. Ministry of Justice provided facilities for the Confiscated Property Management Directorate, and in cooperation with Contingency Directorate, storage facilities for the needs of keeping and storage of confiscated property were provided. Sufficient financial assets for operating of the Directorate were provided by the Law on amendments of the Law on Budget of the Republic of Serbia for 2009. After appointing of Director of the Confiscated Property Management Directorate and adoption of Rulebook on internal organization and

classification of posts by the Government in February 2009, the Confiscated Property Management Directorate started working on March 1 2009. Employment of 25 state officials, including two appointed persons (Director and Assistant Director) was foreseen by the Rulebook.

Confiscated Property Management Directorate provided software for communication with Treasury Directorate and became liquid in technical sense. Foreign currency accounts were opened at the National Bank of Serbia for the needs of temporary confiscation of foreign currency assets as well as placing assets based on pledge, while for the needs of temporary and permanent confiscated dinar assets, sub-accounts were opened at the Treasury Directorate.

Confiscated Property Management Directorate is closely cooperating with Special Prosecutor's Office for organized crime and it has successfully accomplished several tasks with the Ministry of Interior. Namely, acting upon court decisions, Confiscated Property Management Directorate had temporarily confiscated house of Milorad Uklemek- Legija, as well as house of Darko Erceg. Structures are now under the jurisdiction of Confiscated Property Management Directorate. Inventory of items was done, the locks were changed and houses were sealed.

According to the data of regular courts, proceedings for confiscation of property were initiated against 260 persons, while Special Prosecution for organized crime initiated investigations against 124 persons, and request for temporary confiscation of property was filed against 66 persons. Four real estates were confiscated permanently, while houses of Milorad Ulemek-Legija and Darko Erceg were temporary confiscated. The evaluation is that total value of confiscated property might come to amount of, approximately, 100 million EUR. State shall use confiscated property for acquisition of modern equipment for investigation authorities- prosecution and special unit of MOI, that conducts financial investigations, and part of the money shall be paid into the budget of the Republic of Serbia.

- Ministry of Justice, aware of importance of **regional cooperation in judicial matters**, especially regarding fighting organized crime and corruption, undertook various steps aiming toward improvement of bilateral relations, both with EU countries and countries in region:

Memorandum on Cooperation with the Ministry of Justice of Montenegro-signed on May 29 2009, in Podgorica,

Agreement on priority areas of cooperation with the Ministry of Justice of the Russian Federation- signed on July 10 2009, in Belgrade,

One of the areas regulated by these agreements is cooperation in fighting organized crime, corruption, money laundering, confiscation of property, trafficking in human beings, terrorism and other high security criminal offences.

- Aiming at strengthening of regional cooperation in the area of justice and interior, the Ministry of Justice in cooperation with the Ministry of Interior is organizing Regional Ministerial Conference of the Ministers of Justice and Interior, on September 28-29; the subject of the conference is "Facing challenges of organized crime and serious crime in Western Balkans".

Fight against corruption

As we have previously notified, Package of anti-corruption laws was adopted on October 23 2009, at the National Assembly of the Republic of Serbia. This Package encompasses Law on Anti-corruption Agency, Law on amendments of the Law on Financing of Political Parties, Law on Criminal Proceeds Confiscation, and Law on the Liability of the Legal Entities for Criminal Offences.

- Law on Anti-corruption Agency became effective on November 4 2008, which provided establishing of new institution of the Republic of Serbia for fighting corruption. Agency has preventive and operative competence in several areas- deals with conflict of interests of the officials in Serbia, follows up regulations within the area of prevention of corruption, proposes amendments of laws and monitors carrying out of National Strategy for Fighting Corruption and accompanying Action Plan, fulfills international obligations, gives guidelines for creating integrity plans and accomplishes cooperation with all governmental and non-governmental organizations in Serbia. In the operative sense, the Agency keeps records of officials, their property, gifts and legal entities in which they own more than 20% of capital; it conducts procedure on data check from submitted property reports and initiates minor-offence procedure or criminal procedure in case of violation of Law and acts upon citizens' complaints. Control of financial reports of political parties and reports on financing of election campaigns was put under the competencies of the Agency, by special Law.

According to the Law, Agency carries out these businesses through two bodies-Agency Committee and Director and administrative and professional service founded by it. Agency Committee has nine members and its proposers are determined by the Law, so that they represent all three areas of authority (legislative, executive and judicial) as well as the public (representatives of media associations and civil sector); Board was elected by the Decision of the National Assembly on April 15 2009, and it had immediately started carrying out decisions determined by the Law- the Board adopted Rulebook on its work and by the end of May 2009 it invited tenders for election of Director and Deputy Director of the Agency, which were elected at the session of the Board on July 3 2009; they entered on duty on July 20 2009.

In period from appointing to report submitting, Director delivered Rulebook on internal organization and classification of posts in administrative and professional service of the Agency, which laid down establishing of two sectors (for prevention and operative affairs), three services (for international relations, general affairs and public relations), as well as existence of special Board Office, considering that Board is minor body for decisions of Agency's Director. Total number of 60 employees is foreseen for

administrative and professional service, and Act on classification regulates in details level of their skills and required education.

Agency also created proposal for its financial plan for 2010, which was forwarded to the Ministry of Finance for further proceedings. Preparation of other internal regulations is in progress; it shall regulate, in details, work of administrative and professional service of the Agency, especially in the area of keeping records and procedures.

Period until beginning of implementation of the Law is, first of all, directed to creation of material assumptions for the work of Agency, providing space and equipment for work. In this period, activities are directed towards establishing of cooperation with all relevant authorities, independent controlling institutions, non-governmental and international organizations and towards determining ways of future cooperation. Activities are directed also towards carrying out international obligations of Serbia in the area of fighting corruption and institutionalized connecting with regional and European associations and organizations in this respect.

Having in mind that Anti-corruption Agency shall start operating with its full capacities on January 1 2010, the Ministry of Justice is currently competent for carrying out Action Plan for implementation of National Anti-corruption Strategy. Aiming at implementation of the mentioned Strategy and Action Plan, the Ministry of Justice gathered reports of competent authorities of the Republic of Serbia, participating in prevention and in suppression and fighting all kinds of corruption. (*Detailed Report of competent authorities participating in prevention, suppression and fighting of corruption as well as Report on Fulfillment of GRECO Recommendations you may find enclosed- Annex III*).

- Within realization of Regular Annual Training Program **Judicial Training Center** organized following seminars in period between October 2008 until September 1st 2009 with corruption as the subject:

Measures for combating corruption - Seminars for judges and prosecutors of district and municipal courts. It has been organized 18 seminars, in which 476 attendees participated. Seminar dealt with topic on measures for fighting corruption, international standards and Serbian obligations in fighting corruption.

Organized crime, money laundering and corruption - Seminars were organized for judges of district courts, prosecutors, Service for fighting organized crime, Money Laundering Prevention Directorate. Three two-day seminars with 97 present attendees were organized.

Investigation and investigative acts in combating corruption - Seminar was organized for judges and prosecutors. Eleven two-day seminars were organized regarding this topic, with 292 attendees. Judges of the Supreme Court of the Republic of Serbia and prosecutors of Republic's Public Prosecutor's Office of the Republic of Serbia were lecturers on these seminars.

Challenges and successful examples of combating money laundering and corruption in Serbia and worldwide - Seminars were organized for investigative judges, prosecutors and police officers. Five three-day seminars were organized with this topic. Prosecutors, police officers from Serbia and prosecutors and police officers from USA were lecturers on these seminars; these seminars had 172 attendees in total.

Organized crime, money laundering and corruption - Special program of education for judges and prosecutors. Working Groups of Judicial Training Center for judges of criminal departments and prosecutors determined attendees of the program. First group, consisting of six attendees, attended training program for lecturers. Five-day seminar was organized for them with topic **Organized crime, money laundering and corruption**. Afterwards, six two-day seminars were organized for judges and prosecutors, with 196 attendees.

Confiscation of assets acquired from criminal activity - Four-day training was organized for lecturers, judges and prosecutors. Afterwards, twenty one-day seminars were held for judges and prosecutors, with topic "Implementation of the Law on Seizure and Confiscation of the Proceeds from Crime" which attended 678 judges and prosecutors. Two-day seminars for judges and prosecutors of district courts, along with the police have been organized since April; these seminars deal with example from practice and practical implementation of the Law. Four two-day seminars with 126 attendees were organized from April until September. Holding of three more seminars is planned until the end of 2009. These seminars shall be organized in cooperation with Embassy of the USA in Belgrade and OSCE Mission in Serbia.

- Even before passing National Anti-corruption Strategy, **Customs Administration** already in 2004 passed its own Strategy, which it implemented entirely. Further, Customs Administration by the end of 2003 passed Code of Conduct of Customs Officers; managers of organization units and Internal Control Department for serious violations of the Code are in charge of implementation of the named Code. Certain number of classes where course attendees adopted anti-corruption ethical code of conduct was also foreseen within compulsory Course for Customs Officers.

- **Integration and safety of procedures applying to issuance of new biometric passports to persons residing in Kosovo, according to UN Security Council Resolution (UNSCR) 1244/99. Establishing new procedure for issuance of biometric passports to persons residing in Kosovo according to Resolution 1244/99 (UNSCR) and to persons to which Citizenship Certificate was issued for the territory of Kosovo according to Resolution 1244/99 (UNSCR) only through specific Coordinating Administration in Belgrade**

On September 15 2009, the Government of the Republic of Serbia **adopted Regulation on the procedure regarding the determination of fulfillment of the prescribed conditions for issuing passports to persons from the Autonomous Province of Kosovo and Metohija** (*Attached herewith - Annex IV*).

Necessary changes within the information system have been made aiming at preparation for the beginning of issuance of biometric passports to persons residing in Kosovo and Metohija, and to which Citizenship Certificates were issued by authorities of the Republic of Serbia competent for the area of Kosovo and Metohija, and which do not have residence in the Republic of Serbia.

The installment of IT equipment required for issuance of biometric passports was also done in agreed location in Belgrade, with the possibility to extend capacities depending upon number of submitted applications. Technical possibilities for generating monthly lists of issued/delivered passports have been achieved.

Required human resources for work at two acquisition posts for taking biometric data from citizens and receptions and processing of their requests, including check of documentation enclosed with the application.

III) Activities implemented to fulfill the other criteria

BLOCK 1: Security of documents

In the period between 7 July, 2008 and 22 September, 2009, 1,207,413 biometric travel documents were issued. Regarding the issuance of passports on the old form, we note that as of 1 November, 2008, all police departments and police stations of the Ministry of Interior of the Republic of Serbia, issue only biometric travel documents.

We note that the issuance of new travel documents began as of 3 November 2008, in all diplomatic-consular representations of the Republic of Serbia in the territories of FR Germany, Republic of Austria, Republic of France, Switzerland, Republic of Italy, USA, Great Britain, Kingdom of Sweden and Kingdom of Denmark, the Embassy of the Republic of Serbia in Brussels, Embassy of the Republic of Serbia in Moscow and Embassy of the Republic of Serbia in Pretoria.

In the period from 14 April, 2008 (when the issuance of new identification documents began) until 22 September, 2009, a total of 1,037,303 identification cards were issued in the territory of the Republic of Serbia.

The production of new **diplomatic and official passports** commenced on 19 June, 2009. The appearance and protective elements of these passports are completely identical to those of the regular passport, except that instead of the data on the address of residence, the data on the function of the person to whom the diplomatic or official passport is issued, is inscribed.

Following the tendencies and recommendations of the EU Commission (Decision C(2006)2909) on the introduction of the second generation of biometric passports, passports with fingerprints (EAC – Extended Access Control), the previous months have seen intensive work on the preparation and adaptation of the existing system. In August 2009, part of the equipment necessary for the expansion of the PKI infrastructure system for the issuance of passports based on the EAC standard, was delivered. The work on

software changes is currently underway. The whole project will be completed and released into production by the end of 2009.

A contactless chip with an antenna was implanted in the polycarbonate page. The chip meets the technical specification relating to standards of security measures and biometric data. Alphanumeric data from the machine readable zone and digital data such as public key infrastructure – *PKI* and biometric data, namely photographs of persons, are found in the chip.

In February 2009, the contactless chip (Philips, Starcos 3.0 OS, 72KB of memory) was replaced with the newer generation chip (Philips, Starcos 3.3PE OS, 80KB of memory) whose LDS structure supports both the personalization of current first-generation biometric passports (BAC passports) and that of the second-generation biometric passports once the conditions for the transition to EAC are met.

Considering that the ICAO 9303 standard in addition to the optical data prescribes the type of data inside the chip, according to the logical data structure – LDS, the data is organized into logical units – data groups (DG). A set of alphanumeric data (DG1) and photographs (DG2) is envisaged for entry into the chip, which is in line with the latest EU recommendations. For the second generation, EAC passports, fingerprints will be inscribed into DG3, as prescribed by appropriate standards.

Also, according to the EU directive, basic access control (BAC) which represents a type of cryptographic protection against unauthorized and long-distance reading, is mandatory for the first generation of biometric passports. The mode of conducting this control is defined by the ICAO standard. This control demands that in order to read the chip data, one must first open the passport, and then read the data from the machine readable zone inscribed into the first page of the passport, based on which the access parameters for reading the chip's content are generated. Considering that the second generation of biometric passports with fingerprints inserted into the chip is being prepared, the upgrade of the system for the implementation of extended access control (EAC) will enable the chip data to be read only by inspection systems that possess a certificate of the country that issued the passport.

International legal regulations and standards based on which the technical and functional specification of travel documents in Serbia was developed, are the following:

- ICAO NTWG, Biometrics Deployment of Machine Travel Documents, Technical Report, Version 2.0, 05 May 2004 [ICAO Bio]
- ISO/IEC 19794-5:2005, Biometric Data Interchange Formats – Part 5: Face Image Data
- ISO/IEC 19794-4:2005, Biometric Data Interchange Formats – Part 4: Finger Image Data
- ISO/IEC 14443, Identification cards - Contactless integrated circuit(s) cards – Proximity cards (standard for contactless chips)

- ICAO NTWG, Use of Contactless Integrated circuits In Machine Readable Travel Documents, Technical Report, Version 3.1, 16 April 2003
- ICAO, Machine Readable Travel Documents, Doc 9303 Part 1 Machine Readable Passports, Draft 6-th Edition, 2006
- ICAO NTWG, Development of a Logical Data Structure – LDS for optional capacity expansion technologies, Technical Report, Revision 1.7, 18 May 2004
- ICAO NTWG, PKI for Machine Readable Travel Documents Offering ICC Read-Only Access, Technical Report, version 1.1, 01 October 2004
- ISO/IEC 7816-4:2005, Identification cards - Integrated circuits cards – Part 4: Organization, security and commands for interchange
- Advanced Security Mechanisms for Machine Readable Travel Documents, Version 1.0, 2005
- Common Criteria Protection profile for Machine Readable Travel Documents with “ICAO Application”, Basic Access Control, Version 1.0
- ANSI/nist-ITL,1-2000 Standard “Data Format for the Interchange of Fingerprint, Facial, Scar mark & Tattoo (SMT) Information”
- Common Criteria Protection profile for Machine Readable Travel Documents with “ICAO Application”, Extended Access Control, Version 1.0
- Brussels Interoperability Group, Terms of Reference
- ICAO NTWG, RF Protocol and Application Test Standard for E-Passport; Parts 2&3
- ISO/IEC 7816-8:2004, Identification cards - Integrated circuits cards – Part 8: Commands for security operations
- „COUNCIL REGULATION(EC) No 2252/2004 on standards for security features and biometrics in passports and travel documents issued by Member States”
- Commission EU - Decision C(2006)2909 28 June 2006
- Technical Guideline TR-03110 Advanced Security Mechanisms for Machine Readable Travel Documents, Version 1.11 21 February 2008.

Also, at the beginning of 2009, the training of police officers involved in the process of issuance of travel documents commenced in accordance with the adopted Curriculum and for the purposes of consistent application of the Ethical Anticorruption Code.

As regards the activities undertaken toward increasing the security of the issuance of certificates of citizenship and birth certificates, we note that the Ministry of State Administration and Local Self-Government, as the competent Ministry in the affairs of state administration relating to public registers (civil status records), conducted a supervision of the work of administrative authorities of the cities of Nis, Kragujevac, Kraljevo, Krusevac, Jagodina, Vranje and Leskovac, with a view to determining the legality of work and establishing supervision over the expedience of work of holders of public powers.

Special emphasis was given to establishing whether the security criteria under item 100) of the Instruction on Administration and Forms of Registers of Births, Marriages and

Deaths (“SRS Official Gazette”, No. 48/90 and “RS Official Gazette”, No. 22/91) are met, namely whether the public registers, documents and records are kept in a way to ensure the preventive-technical, fire and other security measures. In this regard, the conclusion was made on the situation relating to performance of activities, warning was given in respect to the determined irregularities, and measures and deadlines were set for their removal.

Also, in conducting supervision of the work of holders of public powers in the part relating to supervision of the legality of work, it was determined that birth, marriage and death certificates were issued in line with the provisions of the Law on Registers of Births, Marriages and Deaths (“SRS Official Gazette, No. 15/90” and “RS Official Gazette, No. 57/03, 101/05-second law) and the Instruction on Administration and Forms of Registers of Births, Marriages and Deaths, in accordance with the procedure established by the Law on General Administrative Procedure (“FRY Official Bulletin”, No. 33/97 and 31/01). Specially ordered measures referred to the work efficiency of the holders of public powers in the procedure of issuing birth, marriage and death certificates, namely to ensure the successful and quality exercise and protection of rights and legal interests of parties, as a rule, on the same day on which the party requested the issuance of certificate.

As we previously informed you, the application of the new Law on Registers of Births, Marriages and Deaths (“RS Official Gazette”, No. 20/09) will commence on 27 December 2009, which is the deadline prescribed by this Law for the adoption of bylaws for its implementation.

BLOCK 2: Illegal migrations, including readmission

In accordance with the obligations and deadlines prescribed by the Law on Protection of State Border, bylaws have been prepared and their adoption is expected in the following period (Regulation on the procedure of opening, closing and pre-categorization of border crossings; Regulation on conditions and procedure for adopting a decision on the temporary border crossing; Rulebook on the mode of conducting border control and on securing the state border; Rulebook on the mode of establishing state border violations and border incidents; Rulebook on the mode of issuance and form of permits for moving and staying in area of border crossing; Rulebook on the design of signs and other signalization for marking the border crossing and its area, and other).

At the start of 2009, in line with the adopted Curriculum began the implementation of the Course for adoption of the anti-corruption code of ethics for the officers of the Ministry of Interior performing activities relating to border control, state border protection and issuance of biometric documents to citizens. The course curriculum includes the following thematic units: Notion and types of corruption; Causes and consequences of corruption and application of anticorruption regulations at the national and international level; Legal regulation and criminal offences envisaged by the Criminal Code of the Republic of Serbia relating to corruption; Corruption links between organized criminal

groups and organizations and Case Studies (experiences in combating corruption within the Border Police and Ministry of Interior of the Republic of Serbia).

During 2009, installation of the necessary equipment (readers of biometric travel documents) at border crossings continued. For this purpose, 660 stationary and 330 mobile devices – readers of biometric travel documents were obtained in the previous period. It is expected that by the end of 2009 readers of biometric travel documents will be introduced at all border crossings of the Republic of Serbia (installation is carried out by UITS).

The activities on the implementation of the Integrated Border Management Strategy were continued:

- Coordination body for the implementation of the Integrated Border Management Strategy in the Republic of Serbia (established in May 2009 by the Decision of the Government of the Republic of Serbia) continued the activities in all segments of its work;
- Meetings of representatives of all border services are held at the local and central level, whereas representatives of the border police and customs from the regional level coordinate and take active part at the local level meetings as well;
- Contact persons were appointed for issues in the field of integrated border management at the local and regional level for all organizational units of border services;
- A joint analysis of the risks of border services at the local and regional level was made.
- The “Twinning” Project for the implementation of the Integrated Border Management Strategy in the Republic of Serbia was initiated, in cooperation with Austria as the senior and Hungary as the junior partner, with the basic aim of increasing efficiency and capability of state administration responsible for the implementation of the integrated border management system according to the European standards.

BLOCK 3: Fight against organized crime and corruption

Fight against trafficking in human beings

As already mentioned in the previous reports, on 30 April 2009 the Government adopted the **National Action Plan to Combat Trafficking in Human Beings for the Period of 2009-2011**. A number of meetings have been held to date with a view to implementing the National Action Plan to Combat Trafficking in Human Beings.

During the Police Day celebration on 7 June 2009, an exhibition of artworks submitted to the “Modern Slavery” contest, carried out in the course of October 2007 (*Month of the fight against human trafficking*) was held at the Makis Sports Center. The aim of the contest was to raise public awareness of trafficking in human beings by including schoolchildren, primary and secondary school students, and the authors of artworks were invited as honorary guests.

In the course of July 2009, during the Belgrade Universiade held from 1 to 12 July 2009, a preventive-educational video against human trafficking “*STOP HUMAN TRAFFICKING*” of the Ministry of Interior of the Republic of Serbia was developed owing to the efforts of the Coordinator and associates, police officers of the Ministry of Interior of the Republic of Serbia, for humanitarian causes, and was broadcast at the following television stations: RADIO TELEVISION OF SERBIA, RADIO TELEVISION OF VOJVODINA, RT PANONIJA, AVALA, STUDIO B, B 92, FOX TELEVISION, NT KOSAVA AND RT PINK. Cooperation with electronic and written media on the topic of Fight Against Trafficking was intensified and the work of the FACEBOOK group “Stop human trafficking” created by young people, was supported.

On 17 June 2009, the Republic Team for Combating Human Trafficking held a meeting referring to awareness raising and planning further activities envisaged by the National Action Plan to Combat Trafficking in Human Beings 2009-2011. Among those who attended the meeting were members of the Republic Team for Combating Human Trafficking, headed by the Coordinator and associates, as well as representatives of the Ministry of Interior of the Republic of Serbia, Ministry of Justice, Ministry of Foreign Affairs, Ministry of Human and Minority Rights, Ministry of Labor and Social Policy, Ministry of Education, Agency for the Coordination of Protection of Victims of Trafficking, Red Cross of Serbia, NGOs “Astra”, “Beosuport”, “Atina”, “Child Rights Center”, “Pomoc deci – Christian Children’s Fund”, “Save the children UK”, “Counseling Against Family Violence” and international organizations OSCE and UNHCR.

As previously mentioned relating to amendments to the Criminal Code, Article 388 on Human Trafficking was amended to raise the legal minimum and maximum regarding the basic form of the criminal offence. The amendments envisage the prison sentence of “three to twelve years’ imprisonment” for the basic form, without the possibility of imposing a sentence below the legal minimum. It is also envisaged that beneficiaries of services of human trafficking victims shall be punished by imprisonment of six months to five years if the victim of human trafficking is of age, and if the victim of human trafficking is underage, by imprisonment of one to eight years, in accordance with the Council of Europe’s Convention Against Human Trafficking.

Article 389 of the Criminal Code was amended in its title, which now reads “Trafficking in Underage Persons for Adoption”. These amendments increase the age limit and protect underage persons against all forms of exploitation and trafficking.

The Criminal Code was also amended in Article 350, Illegal Crossing of State Border and Human Trafficking. These amendments envisage criminal liability for persons trafficking citizens of the Republic of Serbia and raise the legal minimum relating to the basic form of the criminal offence, prescribing for the basic form the sentence of imprisonment of six months to five years. The legal minimum and maximum are also raised for the criminal offence committed by an organized criminal group and the prescribed sentence is three to twelve years’ imprisonment.

On 27 August 2009, the Government adopted the Draft Law on the ratification of the Council of Europe's Convention on the Protection of Children Against Sexual Exploitation and Sexual Abuse.

Fight Against Money Laundering and Terrorism Financing

Following the adoption of the National Strategy Against Money Laundering and Terrorism Financing ("The Official Gazette of The Republic Of Serbia" no. 89/2008), the Government of the Republic of Serbia formed a Permanent Coordinating Group for supervision of the implementation of the National Strategy Against Money Laundering and Terrorism Financing, by its Decision of 22 April 2009.

Apart from supervision of the Strategy implementation, which is its primary task, the Permanent Coordinating Group (PCG) is responsible for proposing measures to competent authorities for the improvement of the fight against money laundering and terrorism financing system, improvement of coordination and information exchange between those authorities, providing opinions and expert explanations to competent state authorities, harmonization of positions and participation of the Republic's delegations.

At the PCG meeting held on 27 August 2009, the final text of the Action Plan for the Implementation of the National Strategy Against Money Laundering and Terrorism Financing was defined. The draft of the Action Plan, which elaborates recommendations prescribed by the Strategy and clearly envisages the tasks from the Strategy, coordinators of activities and deadlines for the completion of tasks, is underway and will be soon submitted to the Government of Serbia for adoption.

Judicial cooperation in criminal matters

The adoption of the Law on Mutual Legal Assistance in Criminal Matters (adopted on 18 March 2009), as well as the ratification of a number of Conventions of the Council of Europe (ratified on 18 March 2009) and signing of bilateral agreements on judicial cooperation with Montenegro are vital for further strengthening of the legal framework related to fight against organized crime.

Bilateral Agreements

It is important to emphasize that the following agreements were signed with the Republic of Montenegro on 29 May 2009 in Podgorica:

- Agreement on Mutual Legal Assistance in Civil and Criminal Matters;
- Agreement on Extradition of Accused and Convicted Persons;
- Agreement on Mutual Enforcement of Judgement in Criminal Matters.

The said agreements were signed bearing in mind the solutions contained in certain multilateral conventions, primarily conventions of the Council of Europe, as well as the requirements of modern legal traffic and practical need for cooperation in the said fields between the two states.

Legal cooperation in criminal matters between the Republic of Serbia and other states is very voluminous regarding all kinds of international legal assistance. According to the Ministry's records, there are currently around 20,000 letters rogatory for international legal assistance in criminal matters, whether they were submitted by juridical authorities of the Republic of Serbia to foreign authorities or vice versa. The Ministry of Justice received 9,000 letters rogatory for international legal assistance in criminal matters in the period from January to the end of August 2009, from both foreign authorities and judicial and other authorities of the Republic of Serbia. More requests have been submitted for active international legal assistance than for passive international legal assistance. The most intensive cooperation in the field of international legal assistance has been with the neighboring countries, but cooperation with other European countries has also been significant. It is also felt that cooperation with non-European countries is on the rise.

The most intensive cooperation regarding mutual legal assistance is based on acting upon letters rogatory relating to other types of international legal assistance. Within this cooperation, there is a growing number of modern types of international legal assistance requesting that certain measures be taken, such as: surveillance, recording of phone and other conversations, confiscation of property and material gain, control of delivery, interrogation via video conferencing and establishment of joint investigation teams. There has been a growing cooperation relating to financial crime (money "laundering" etc.).

There are several hundred letters rogatory in the Ministry, with the number significantly on the rise, relating to the transfer and taking over of criminal prosecution, whether they were submitted by foreign judicial authorities to the judicial authorities of the Republic of Serbia or vice versa.

As regards the enforcement of foreign criminal judgments and transfer of convicted persons, this type of international legal assistance is also very intensive (currently around 300 letters rogatory) and a considerable rise is felt therein, especially relating to cooperation with neighboring states.

As regards extraditions, as a specific type of international legal assistance in criminal matters, it should be noted that the scope of cooperation with other states is considerably on the rise, whether requests for extradition are submitted by foreign juridical authorities to the Republic of Serbia or vice versa. In the period from January to the end of August 2009 alone, the Ministry of Justice of the Republic of Serbia submitted around 100 requests for extradition of accused and convicted persons arrested abroad based on international wanted circulars. In the said period, the Ministry received around 50 requests for extradition of accused and convicted persons and adopted around 40 decisions regarding requests of other states for extradition of accused and convicted persons.

In the said time period, having determined the legal and contractual prerequisites, the Ministry gave consent to the National Central Bureau of Interpol Belgrade for the issuance of international wanted circulars for 180 accused and convicted persons, assumed of attempting to avoid criminal proceedings or enforcement of prison sentence by fleeing abroad.

In the period from January to the end of August 2009, fifteen accused and convicted persons were extradited to foreign states, whereas thirty persons were extradited to the Republic of Serbia by other states.

With regard to transfers, three persons were transferred from the Republic of Serbia to other states in the said period, whereas two persons were transferred from other states to the Republic of Serbia.

- As far as cooperation with EUROJUST is concerned, in 2008, the Ministry of Justice established intensive contact with Mrs. Malci Gabrielcic, representative of Slovenia in EUROJUST and chairman of the team for cooperation with third states.

Contact person of the Ministry of Justice for cooperation with EUROJUST relating to enforcement of international letters rogatory was appointed in December 2008.

Contact person of the Republic Public Prosecutor for cooperation with EUROJUST was appointed in June 2009. (Deputy Republic Public Prosecutor)

Regular operative work continues to be performed by contacts of the Ministry of Justice and the Republic Public Prosecutor's Office with national representatives and liaison magistrates in EUROJUST – in the form of exchange of data, mutual direct legal assistance and counseling.

The conclusion of Agreement with EUROJUST would improve the cooperation in the area of judiciary and internal affairs with the European Union member states and other states that have concluded similar agreements with EUROJUST.

Cooperation of law enforcement agencies

As we informed you previously, by the Government Decision of 11 December 2008, the Commission was established for harmonization of activities and further improvement of cooperation in the field of judiciary and internal affairs in matters of general interest, especially relating to fight against corruption, organized crime, terrorism, narcotics, human trafficking, seizure of property, money laundering and other related issues. The Commission held its first session on 29 January 2009, whereby it became fully constituted. The Commission is made up of representatives of the Ministry of Justice, Ministry of Interior, Republic Public Prosecutor's Office, Security-Information Agency, Military-Security Agency and the Ministry of Finance.

In period of five months since its first meeting the Commission worked on drafting of the Proposal of the Action Plan, taking into consideration the suggestions and comments of all members of the Commission. The final Proposal of the Action Plan was drafted in April 2009 and adopted at the second session of the Commission, held on 10 June 2009.

One of the Commission's activities is the initiative on the accession to Camden Asset Recovery Inter-Agency Network (hereinafter referred to as CARIN network) in the status of observer. CARIN Network is an informal international network of experts and practitioners in the field of identification, freezing, seizure and confiscation of assets stemming from criminal offences, aiming at promotion of international cooperation between law enforcement authorities and judicial authorities, by improving knowledge, methodologies and techniques in the said field at the practical and operative levels. On 10 September 2009, the Government adopted the Information on the necessity to accede to the CARIN Network in the observer status and on appointing the representatives of the Ministry of Interior and Ministry of Justice in that capacity. After the procedure of representatives' appointment is completed, we shall officially submit the request for accession to the CARIN Network in the observer status.

In the following period, the work of the Commission shall focus on the commencement of the implementation of the Action Plan.

Data Protection

On 24 July 2009, the Government of the Republic of Serbia adopted the **Bill on Data Secrecy**. Its adoption is expected in autumn. The Law on Data Secrecy regulates a uniform system of determination and protection of secret data that are of interest to national and public security, defense, internal and foreign affairs of the Republic of Serbia, protection of foreign secret data, access to secret data and termination of their secrecy, jurisdiction of authorities and supervision of the implementation of the said Law, as well as the responsibility for failure to fulfill obligations under this law and other issues of significance for the protection of data secrecy.

BLOCK 4. Foreign Relations and Fundamental Rights

According to the data of the District courts in the Republic of Serbia, in the period from 1 January 2004 to 31 December 2008, for the crime of Instigation of National, Racial and Religious Hatred and Intolerance (Article 317), 47 first-instance judgments were rendered, out of which 34 convictions, pursuant to Paragraph 1 which envisages the prison sentence from six months to five years. Pursuant to Paragraph 2 which envisages the punishment of imprisonment from one to eight years, 38 first-instance judgments were rendered, out of which 30 convictions. Therefore, the total number of pronounced first-instance judgments for the crime of Instigation of National, Racial and Religious Hatred and Intolerance (Paragraph 1 and Paragraph 2) in the said period is 85, out of which 64 convictions.