

STUDY

OSCE

**STUDY ON POLICING IN THE FEDERAL REPUBLIC
OF YUGOSLAVIA**

**BY
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ORGANISATION FOR SECURITY AND CO-OPERATION IN EUROPE

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Richard Monk

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Foreword

It is one of the core priorities of the OSCE to consolidate participating State's common values and help in building fully democratic civil societies based on the rule of law.

The Istanbul Charter for European Security signed in November 1999 includes a provision committing participating States to enhancing the OSCE's role in civilian police related activities.

On the 10 November the Federal Republic of Yugoslavia was re-admitted to membership of the OSCE (formerly the CSCE)

Between the 3 and 5 December 2000, an OSCE Rapporteur Mission visited the Federal Republic of Yugoslavia and found that the reform of policing was principally linked to de-criminalisation, de-politicisation, creating public trust and confidence in the police and tackling organised crime.

On the 11 January 2001, the OSCE Permanent Council agreed to establish a Mission to the Federal Republic of Yugoslavia, comprising four major departments responsible for developments in rule of law, democratisation, media development and law enforcement.

In February, the OSCE appointed a Police Consultant to carry out a comprehensive and participative study of policing in the Federal Republic of Yugoslavia and to recommend what changes accompanied by international assistance were necessary to modernise policing along European lines and integrate it with the international policing community.

The Police Consultant joined the Mission in March and began his work in April. This Study is a record of his findings. The Study is lengthy, due in part to the broad terms of reference of his work which apply to three police forces but also because it is intended as a consultative document covering a wide range of policing issues, amongst which it is hoped that national as well as international readers will find ideas which are helpful to their respective needs and plans.

Executive Summary

Constitutional Background

Policing in Yugoslavia is currently the responsibility of the three Internal Affairs Ministries of the Federal Government, the Republic of Serbia and the Federal Republic of Montenegro. The Federal Ministry has a limited portfolio of policing tasks. Its principal current tasks are to protect Federal and foreign VIPs, guard diplomatic premises, set up a National Central Bureau in anticipation of Yugoslavia being re-admitted to Interpol in September and create a Border Police Service. Whilst it possesses a Crime Investigation Directorate, its members do not investigate crime but co-ordinate requests for assistance to and from foreign police forces. International approaches to modernise aspects of policing are generally dealt with at the Federal level but it is the Republican Ministries with their total control of operational policing which will manage the response.

The current relationships between the Federation and the Republics present a problem and presently impair the opportunity for a coherent internal as well as external discourse. Some Federal acts are not formally recognised by Montenegro as legitimate since a parliamentary resolution of 8 July 2000. Recommendations in this Study are therefore addressed to specific Internal Affairs Ministries according to their respective needs but as far as possible, assistance programmes should be devised on a basis that will create common working practices within the three policing entities and between the entities and neighbouring States in the region.

The Police Culture

The police have become isolated from the community they serve. Their mode of policing is reactive and unresponsive and they are mistrusted by the public at large. There can be no more convincing expression of public service reform than a police service that visibly upholds the rights of the individual – not the state. To do this will require substantial programmes of re-training in human rights, policing principles and values. It will also mean engendering amongst police officers the responsibility and confidence to act on their own authority and initiative according to a professional code of ethics rather than by reference to superior officers or with casual indifference or physical abuse of power. All police officers must recognise that they possess extraordinary powers which they must exercise without fear or favour in the service of the community. They must respect the authority granted to them and the community must respect them. Brutal assaults with batons on a woman by two police officers were witnessed by members of the OSCE during the period of study of this Study. The re-training needed to make such acts professional anathema is formidable. Provided that trainers possess credibility and that the prime obligation to exercise respect for individuals may be demonstrated to be effective with no loss to practical effectiveness, such change should be insisted upon.

These changes are vital because changing the police culture requires authority and decision-making to be delegated to much lower levels in the organisation and therefore that each police officer be accountable to professional standards of conduct. The police have to become open and responsive in their dealings with the public. In terms of responsiveness, the organisations have to be turned upside down.

Crime

Policing has now to be effective against institutionalised levels of corruption and organised crime from within as well as from outside its ranks. International expertise in tackling the major facets of organised and major crime should be provided now. There are emerging trends in crimes like kidnap and commercial terrorism that require the co-operation of international experts in order to counter threats to the confidence of international investors. Financial crime investigators need better legislation, international assistance to trace the country's stolen assets and preparation to deal with modern forms of fraud. The consumption of drugs in both Republics is rising and whilst the details of most suppliers exist, the technical and surveillance aids and the authorities to use them do not. Dealing with sexual crime and domestic violence are impaired by poor perception of the seriousness and extent of each. Both require re-modelling and co-operation with non-government organisations, to provide for the rights of the victims. The investigation of trafficking in females for the purpose of prostitution, in drugs and other commodities, require strengthening not just by policing expertise but also by regional arrangements and co-ordinated assistance by regional organisations.

There is no consistent co-ordination of the crime detection effort and both forces require advice on maximising local and national effort. The creation of a crime intelligence strategy and network within both Republics should be seen as vital to enabling the capture and analysis of large amounts of information related to crime, crime prevention and public disorder. Much of this would be made simpler by the provision of extensive IT hardware and software but the structures could be put in place now. The information systems and IT systems selected to support the endeavour should be made inter-operable between the Republics and link crime intelligence systems at local, national and international level.

The need to strengthen the border of Yugoslavia has little to do with threats to sovereignty and much more to do with resisting trans-national crime and illegal immigration. The Federal Ministry of Internal Affairs proposes a single Border Police Service, withdrawing from the Yugoslav military the responsibility for border security and assimilating the police of both Republics who currently carry out policing at the border check points. The undertaking is substantial. Irrespective of the political agreement necessary to achieve the undertaking, the border crossings are in need of substantial and immediate improvement if trafficking within Europe is to be reduced.

Vision For Policing

Whilst the objectives of policing are provided by law, there is no statement of purpose or values to guide the police mode of operation. The changes necessary to overcome a decade of isolation, chronic under-investment in skills and resources and the use of the police for private political control all require a programme of strategic planning which should be derived from a vision of policing for the future. Creating this vision within the respective Ministries is now an urgent first step towards re-vitalising police morale and engaging the support of influential members of NGOs whose integrity and principles made them enemies of the previous regime.

The vision will require political and public consultation. Reforming the police is as much about openness, transparency and accountability as it is about efficiency and effectiveness. Whilst the police will in future be held responsible for

educating the public as to their rights as well as safeguarding them, the public through mature and continuous public debate need to be made aware of their co-relative obligations to the police and to one another to allow these rights to be exercised. The measures to reform the police should be used to stimulate a wider debate about the type of society to which people would wish to belong and their respective responsibilities to one another in it. This is a task in which the media will play a crucial role and the police need to be brought into closer proximity with journalists and editors and trained in the effective disclosure of police information. The police operate in a closed society and claims to be open and transparent will quickly be tested by the press. Failure to honour these claims, once they have been made, will impair the willingness of the press and broadcasting media to carry the police message in the future.

Managing Reform

Internal reform of the police will only proceed as far as budget and political will, will allow. At present all three Ministers of the Internal Affairs are supportive but face constant constraints on funding and distractions as a result of continuing political instability. The vision for policing must sustain reform for the next three to five and possibly ten years. The process will greatly depend upon total ownership of the vision from the very top and an understanding that it must be driven at all costs irrespective of the diversions of day to day crises. This will require expert external facilitation and substantial funding to support the process and administrative costs. It will also require that clear structures and strategic plans are put in place in all three Ministries to manage and sustain the reform process. The strategic plans developed will identify the areas where change must occur in policing and direct international assistance to those areas where it would be most productive. Whilst it is the intention of at least one Ministry to set up a Donor Co-ordination Unit, thought should be given to how programmes of international assistance will be managed between the three entities. Proposals are made for a similar process of external co-ordination and evaluation.

Human Resources

Crime investigators tackling serious and complex crime in the aftermath of the Milosevic regime and after a decade of isolation from the international police community, require specialist training. The vision for policing will require new and more progressive police commanders to be provided with a different set of professional skills as well as greater authority. Their staffs will need to know how to use problem-solving techniques and how to create local partnerships with individuals, groups and organisations in order to prevent crime and raise the trust and confidence of the public in the police. All these requirements will require major changes in police training. Within the Serbia Ministry of Internal Affairs, a major review of training is also justified on grounds of efficiency and cost effectiveness. Two higher police education establishments, a Higher Police College and a Police Academy, provide training with inevitable overlap. Although the latter provides officers intended for the very highest positions in the service, the need for each appears to be according to grounds that support their continued existence rather than according to the demands of contemporary and future policing. Police training is extensive, demanding and rigorous in both institutions but excessively theoretical and as a result of a decade of isolation, outdated. At the premier level, training supports a militia-style officer class but provides no further management or leadership training during the remainder of its graduate's careers. The total exclusion of women from the Police Academy

makes it more difficult for any woman to reach the highest levels of the service. The facilities used by each are in need of extensive refurbishment and modernisation. In the case of the Police Academy, the NATO bombardment and enforced re-location has severely diminished its status and current facilities. Force of circumstances mean that students and staff eat, sleep and work in cramped and shabby conditions with bare facilities and teaching aids which are not conducive to their professional development and inappropriate to the tasks and commitment required from them.

The introduction of community policing and the delegation of authority to local commanders and their staffs to actively engage in constructive local problem solving will require officers of all ranks to receive further skills training in negotiation, conflict management, communication and decision making. There is a consequent need to raise the status and suite of skills of the patrol officer and to enhance his potential to the organisation throughout his career. His initial and subsequent career training should be enhanced. So too, should be the management and leadership skills of intermediate and senior post holders in the force. The requirements of junior and senior ranks (titles in the Montenegro police force) appear too distinct from one another and should be linked together in a more progressive way. The preparation of a young deputy station commander through four years of theoretical training seems questionable. Both the size of the current training estate and the training delivered implies a need for rationalisation.

Fresh training will be required for different forms of practical policing. The new arrangements for dealing with public disorder by the establishment of permanent gendarmerie-style public order units requires up-to-date information on modern techniques and the minimum use of force. Anti-terrorist police units legitimately require updating in modern staff selection and tactical methods.

The imperative of extensive future training raises questions about the current attitude of police management towards the status of the police patrol officer within his own organisation. Most organisations hold that their most valuable asset is the people who work in it, yet in both Republics, the departments with responsibilities for human resources are minor and subordinate to others. The need for new skills, continuous career development, appraisal systems and mature accountability to a professional code of ethics, require a much greater status for personnel affairs.

Human Rights

A greater emphasis should be put on human rights in all future training programs, and awareness training for all serving police officers throughout the two police forces will substantially reduce public mistrust and encourage public contact or calls. Diversity training to encourage trust for the police amongst minority groups is only belatedly accepted to be necessary. (c/f the multi-ethnic policing element incorporated in the Covic Plan for southern Serbia). Gay and Lesbian rights and issues are not yet in the consciousness of policing. The observance of a police ethical code is a step towards policing becoming a profession. The command ranks require ethical leadership training and there deserves to be a sustained programme of evaluation of all human rights training.

Modern human rights standards need to be accorded to detainees as well as to other members of society with whom the police come into contact. This is traditionally a hard lesson to absorb but it is operationally justified in ensuring that incriminating evidence is not disallowed on the grounds that it has been extorted from the detainee or otherwise improperly acquired. Irrespective of the present budgetary constraints on the force, detainees must have adequate sanitary arrangements including toilet requisites, bedding and food. A record of their time at the police station should be kept and it is strongly proposed that the responsibility for supervising the arrival, searching, treatment, access to legal representation, record of time being questioned, etc become the duty of one junior ranking police officer at every place where detainees are held. A Lay Visitors Panel is proposed as a means of ensuring that the rights and conditions of detainees are upheld. The members of Panels will report to newly proposed local Police and Community Consultative Groups at which police may gather and respond to information about local concerns and invite co-operation with their plans for the future.

Control

Aside from the assurances to the public that transparency, openness and accountability will be part of the future police culture, a strong level of internal control is essential for providing redress for insult or injury and the prompt redress of grievance. The public will wish to know that the body that administers it, is scrupulous in its work through the assurance and oversight of an independent and external body. Although the role of an Ombudsman or Deputy Ombudsman with special responsibility for the police has been suggested, it is considered that powers traditionally ascribed to an Ombudsman are insufficiently strong to meet the assurances sought. A newly drafted law on the police within Serbia proposes a Parliamentary Commission for monitoring and control of the police that will quality-assure the work of the internal investigation of complaints and grievances. It is imperative that a similar external and independent complaints Authority be created in Montenegro and that both have power to require the production of documents, materials and police or police support staff, before it. The Independent Commission or Authority should also have authority to oversee any internal investigation being undertaken and to intervene or require a complaint to be re-investigated. Models and the necessary legislation exist elsewhere and should be made available in the most helpful way. So too, should advice on setting up confidential telephone 'hotlines' to obtain information on corrupt practices and how to manage information obtained in this manner.

De-Politicisation and De-Centralisation

To empower local commanders and give substance to local accountability means a substantial relinquishing of highly centralist power. Within the two Republics of Montenegro and Serbia, the Minister of Internal Affairs is effectively the Chief of Police. Although reasons may exist at present why both Ministers of Internal Affairs may wish to exercise direct control over some operational units and drive the pace of police reform, there needs to be a firm undertaking to relinquish executive control over the police and replace it with constitutional forms of accountability in the future. The lessons of the past make it imperative that interference in the authority of the Chief Officer of Police to direct his force may be legitimately resisted and such interference shall be seen as tantamount to a disregard for the rule of law. The Minister holds political accountability for the police and is responsible for laws and regulations governing their conduct and

performance but must not have executive authority over their day to day operations. There are practical reasons why this should be so. The span of control is too wide and because the authority of the Minister is so strong, it is in the nature of the organisation to endlessly refer contentious decisions upwards thus removing the responsibility for prompt action at lower levels.

A transition from centralist control to devolved decision making at the local level must also be accompanied by swift updating in contemporary crime prevention techniques. There needs to be a strong proactive and crime prevention purpose to local policing and a bottom up responsiveness to a community's needs. The imperatives of community policing and tackling organised crime should be accorded equal status in order to capture the hearts and minds of a de-moralised police and provide a credible deterrent to forces that are still intent on undermining democratic institution building

Highly centralist control and a long period of administrative inertia have also created a void in organisation and management practice. Ministers have more personal authority but the civil administration has embraced inertia. The decision at the Federal level to create a border police service - thus removing from the military the responsibility for border security - has highlighted the absence of expertise within the administration capable of managing major public procurement projects. Hence the detailed financial estimates on which judgements about long-term international assistance may be based are likely to be incomplete or inaccurate. Whilst the successor to the Deputy Prime Minister with responsibility for dealing with corruption scrutinises past public procurement contracts in order to recoup lost assets, expertise is needed to put in place the processes for managing reform projects according to international standards of financial governance.

A further negative consequence of direct executive control being exercised at Ministerial level, is the grouping together under a single Minister particularly in Serbia, of a Public Sector Police Force and State Security Service. In each Republic, whether to remove the respective State Security Directorates from the authority of the Minister of Internal Affairs is currently under consideration. The alternatives do not easily suggest themselves but the grounds for doing so are compelling given the inability of most of the public and international donors to distinguish between the two. There is no doubt that any State Security special operations units deploying executive force should be disbanded or put under the control of the Civil Police. Whilst intelligence gathering against subversive elements or terrorists is a legitimate business of State security, executive action should only be carried out by the appropriate police unit using the same methods for dealing with dangerous criminals.

Similarly, the police must be more demonstrably separate from the military. The fact that an argument exists about whether the military gave orders to the Special Police Units deployed to Kosovo is evidence of the need. There can be no question of the police taking orders from the military – not even in war. The assumption that the military can be called to deal with serious public disorder is likewise to be removed. Public disorder is entirely a matter for the civil police and they should be trained in conflict resolution, public disorder and riot control with the provision of modern equipment. In Serbia, the tendency to associate the

police with the military in virtue of the police holding similar ranks to that of the military should be addressed.

Gender Balance

The absence of sufficient female officers impairs the efficiency of both police forces. The reasons for their under-representation are blatantly discriminatory. The exception of higher gender recruitment for the Multi-Ethnic Police Element in southern Serbia proves the rule.

Pay and Conditions

A key issue in preventing police officers demeaning their status by accepting gratuities or performing other employment that is inconsistent with the integrity or status of a police officer, is securing the economic independence of police. Until the economy is re-started it is difficult to see how to achieve this. By European comparison, the pay of the police is disgracefully low. The reasons are understood but consistent with force reform and re-organisation there will need to be an independent review of their pay as a basis for future financial estimates that should take into account all extraordinary requirements of the work they do. Meanwhile, if police feel their professional esteem to be rising and their commitment to public service is rewarded with delegated authority and the skills to be able to use it, they may be persuaded to remain resilient to financial inducements irrespective of the low pay.

After a decade of chronic under-investment and deprivation, the overall conditions in which the police work and the materials and equipment they possess are poor. (The lack of technical equipment has increased the pressure on investigators to succeed. There is held to be a direct correlation between lack of technical support and fabrication of evidence). Both forces have large running costs and in Serbia the deficit increases daily. The provision by an external donor of any expertise, training and equipment, which is accompanied by a running cost, must therefore be accompanied by the funding to support it.

The present culture of policing is not to admit mistakes readily or publicly. This will need to change.

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1. Introduction

Although the majority of the Study deals with policing in general, two major conditions should be born in mind throughout. First, we speak about three structures dealing with police, the Federal Republic of Yugoslavia, the Republic of Serbia, and the Republic of Montenegro.

The second is that although the Milosevic regime has come to an end, his pursuit of personal and political ends by criminal means provided considerable opportunities for organised crime in Yugoslavia and elsewhere in the Region. Hence, organised crime and deep-rooted corruption remain a challenge to democratic institution building.

The Federal government now seeks a representative and unifying role on behalf of the two remaining Republics but there is strong political uncertainty about what this role should be. There is not a single square metre of Federal territory that is not under the jurisdiction of the governments of the Republics of Montenegro or Serbia, both of which have declared or exhibited strong unilateral decision making. This is deeply significant for the way in which the international community will conduct its arrangements with regard to reform and modernisation programmes – especially with regard to policing.

Two examples illustrate the difficulty. The Federal government of Yugoslavia has applied for membership of the Council of Europe. This will be granted subject to a number of conditions being met, for which assurances about the way in which the police safeguard human rights will substantially contribute, (a scrutiny is already underway). Yet it is the two Republic Ministries of Internal Affairs that have responsibility for the vast majority of policing and hence it is they and not the Federal Ministry that will influence the outcome of the application. The Federal government has also applied for Yugoslavia to be re-admitted to membership of Interpol. Because the Federal Ministry of Internal Affairs has virtually no investigative jurisdiction within the two Republics it remains to be seen what formal liaison arrangements will be established with the two Republics that are the principal users and providers of information about crime.

These two examples of international concern also illustrate the two major areas of domestic needs. The first to reform the role of the police to uphold the rights of the individual – not the state, and second, the ability of the police to deal effectively with crime, especially organised crime.

The constitutional body through which international approaches to Yugoslavia are made remains the Federal Government; hence the Federal Ministry of the Internal Affairs is the body constitutionally competent to address law enforcement and security sector reform assistance. But it is the Republic Ministries of Internal Affairs who will actually control and deliver the changes. In some parts of the diplomatic community, there is strong support for the Federal level to remain the principal governing body. Elsewhere, in the international political community, there is a strengthening belief that in order to hasten social, economic and political improvement, assistance should be offered on a more pragmatic basis. So far as policing is concerned, this is the most appropriate. The individual preparedness by all three Ministers of Internal Affairs, (Federal,

and both Republics) to support police reform and tackle crime requires to be coordinated, but unless supported by tangible assistance, organised crime and corruption will embed itself in the new structures, parallel structures will prevail and European countries will have to commit still greater resources to dealing with the outcome.

Both Republic States, during the last decade, have had to face up to economic sanctions, isolation and a gradual worsening of living standards. Both governments have chosen to turn blind eyes to or even facilitate the steady growth in the grey economy in order that its citizens survive. In both cases and to differing degrees, corruption has become endemic. Worse however, is that State-sponsored crime has flourished and the criminal entrepreneurs have become ruthless and powerful. Ruthless and wealthy criminals, that is to say members of criminal networks able to sustain and re-generate themselves, have burrowed deep into the fabric of society. In both Republics the identity of most of the major criminals is known. What is required is the evidence gathering capabilities and credible systems to convict them.

One of the greatest obstacles to regaining public trust and confidence in the civil police (Javna Bezbednost) of the Republic of Serbia, is its close proximity within the Ministry of Internal Affairs to a discredited state security force and the previous manipulation of both for the pursuit of personal private power. Members of the State Security force (Drzhavna Bezbednost) have allegedly been responsible for appalling violations of human rights and the international condemnation of their lawlessness frequently and undeservedly extend to the civil police force. The recent discovery of mass graves close to Belgrade has been accompanied by hard irrefutable evidence that large numbers of bodies were cleared from the killing fields of Kosovo and transported in refrigerated lorries to areas near the Yugoslav capital.

In the Republic of Serbia, the number of high profile killings of criminals, journalists and political figures during the last four years and the discovery of a large quantity of heroin stored by members of the State Security in the vaults of a “Komerzijalna Banka”, have all pointed to evidence of a ‘firm within a firm’ within the state security department. When the new government arrived on January 25, the Ministry of the Internal Affairs was regarded as one of the dirtiest and the desire to investigate unsolved political assassinations has been hampered by the ample time and opportunity for the guilty to destroy records and evidence that would implicate them. Nevertheless, since January, the Republic of Serbia Minister of Internal Affairs has taken courageous and determined action. The Head of State Security and his predecessor have both been arrested. The Chief of the Public Security Directorate has been replaced and so has the Head of the Criminal Investigation Directorate. Other high-ranking police officers have also been removed and more are likely to follow. Since the new government took office, 2,500 police officers have been removed from the Serbia police force.

The fact that the respective Ministers of the Internal Affairs of the Federal Republic of Yugoslavia and the Republics of Serbia and Montenegro are all committed to reform and openness is not by any means a guarantee that this will happen. Within Serbia, a corrupt residue of the previous regime is presently insinuating itself into the new institutions whilst representing themselves to be champions of democracy. These same individuals are strongly suspected of

removing or destroying evidence against them – by any means. Their skilful use of the media to denounce the warnings and accusations levelled against them by the Minister of Internal Affairs, as politically motivated, is clearly intended to confuse public opinion and weaken action against them. Journalists who pursue organised criminals publicly are beginning to receive threats. One has been murdered.

The situation is no longer an issue for the Serbian Minister of Internal Affairs alone but for the entire Republican government and should be a principal focus of international engagement in the region. This imperative must be supported by strong co-ordinated programmes with international agencies including the international media. A pre-condition of any donor co-operation might therefore be to question why new laws have not been implemented and why so many high profile cases are still outstanding.

The current situation in the Federal Republic of Yugoslavia with regard to organised crime, the threat to the rule of law and the fragility of the major institutions of democracy means that strong commitment is necessary now, not later, to prevent Yugoslavia yielding again to major criminality rather than to the rule of law.

Because of elections and delay in the appointment of a government in Montenegro – there was no government for two months – it was only possible to conduct a formal assessment towards the end of the period of study. Nevertheless, meetings were held with the outgoing and incoming Ministers of the Internal Affairs, the Foreign Affairs Adviser to the President and with the heads of the principal police directorates. Many of the issues relating to human rights, organised crime, de-politicisation, and de-centralisation are the same.

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2. The Police Culture

For the past ten years, the police have been required to play an active part in the intra-state conflict and dissolution of the former Yugoslavia. In both the Republic of Serbia and the Republic of Montenegro as elsewhere in the Balkans, the police have operated in a complex environment concerned not with upholding the law and the rights of the individual but with upholding the political aims of the party in power.

In Montenegro, the numbers of police were increased to counter the perceived threat from the Yugoslav army, while in Serbia the numbers of police were increased to supplement the influence of the Army and the limits placed on it by the General Framework Agreement for Peace (Dayton Accords). Policing became highly politicised, centralist and increasingly unresponsive to the needs of the public. In Serbia, political opposition and public protest frequently provoked unlawful arrests and excessive use of force by the police, which still more alienated them from the public. Police from both Republics were abstracted from their police stations and sent to Kosovo and elsewhere, where many behaved in a corrupt and oppressive manner. In Serbia, because elements of the administration were totally corrupt, senior members of the police became vital to safeguarding the State-run criminal enterprises and became corrupted too. As economic sanctions and isolation took effect, living standards fell and police in both Republics inevitably fell into the trap of participating in low level corruption. The police became aggressive and feared. To some extent the attitude towards the police has improved since emotion and vast public protest against Milosevic overwhelmed them in the middle of Belgrade on October 5, 2000. In Montenegro, police have a stronger standing in view of their association with resisting the Milosevic regime but in both Republics the police are generally regarded as corruptible, unhelpful and remote from the public.

The Serbia Minister of Internal Affairs confronts the legacy of high level corruption within his Ministry and the ruthless persistence of organised crime linked to senior figures in government and public life. Crime investigation has therefore to be made more effective and skilful. His personal determination is to reverse the process and create public trust and confidence in the police by a strong emphasis on community policing. He proposes a complete reform of the Ministry of Internal Affairs and the police culture

The former Minister of Internal Affairs of Montenegro and current National Security Adviser describes the previous three and a half years as permanently at the brink of war with police caught in a static position countering the threat of Milosevic power-play. His strategic goals are powerful de-politicisation, demonopolisation and professionalisation of the police. His successor also lays emphasis on de-linking the police from the influence of any political party, downsizing the numbers of police and re-organising them to become a modern professional police service.

The police culture in a democratic society is about such things as principles, ethics, values, accountability and openness and relates to the beliefs, institutions and assumptions on which police base their actions and behaviour. Effective policing is as much about how the police officer does his job as what he actually does. How police uphold the rights of the individual strengthens them against

malicious or unfair criticism and how they treat offenders as well as victims daily re-inforces their moral as well as their legal authority. While the duties of police in both Serbia and Montenegro are clearly defined in the current Law on Policing, there is no statement of purpose or values that provides guidance on the mode of policing. Such a statement might be expected to include references to such things as impartiality, respect for an individual's rights, responsiveness, fairness and honesty.

It is therefore proposed to suggest ways of introducing values and conventions that are in accordance with the main areas of reform sought by all three Ministers of Internal Affairs and not because of familiarity with their concepts. The local culture is to be responsive to authority and impressed by leaders rather than institutions. In so far as there is a need for police reform to more effectively tackle crime and make police part of their respective communities, there is a corresponding requirement for the public itself to be educated about the obligations of individual citizenship. This should be a major next step. Natural, human and legal rights are easily claimed by the citizen on his own behalf but require a co-relative obligation on the part of other citizens to permit them to be exercised. The process by which conflict and disagreement is resolved, needs to be examined in terms of applying reciprocal courtesy and rational thought not polemic. Yugoslavia is not at present a mature society in this regard. Furthermore, it is undoubtedly a product of the past decade that whilst Ministers have more powers, the bureaucracy barely reacts unless specifically tasked. Much of what follows will be dependent on initiative, progressive free thinking and a release from management by fear.

Policing is still a discipline service and command and control need to be effective to manage internal systems of accountability and performance as well as to deal with highly operational occurrences such as outbreaks of public disorder. There is no doubt that while police officers are aware of disgraceful and disreputable conduct amongst their numbers a large number of the traditional police have been as much a victim of the past conflict as any other individual. The police of Yugoslavia were previously a proud and competent force. Only in southern Serbia 380 police officers were killed and 600 injured.

De-politicisation

All three Ministers of Internal Affairs declare de-politicisation to be a principal goal within their respective ministries. The Federal Minister claims to have de-politicised his Ministry by requiring that no senior officials shall be members of political parties. His Assistant is not a member of a political party and clear authorities and responsibilities are specified in respect of every member of the Federal Ministry. The former Minister of Montenegro believes that a similar step is necessary, so that police may fight for professional status and not be susceptible to political changes in any way.

The law applies to every individual and so far as the police uphold the law they are in the service of the individual – not the State. This is not the experience of the recent past and is not the case now. Currently, the words 'police' and 'Ministry of Internal Affairs' are interchangeable, hence working for the ministry and working for the police mean the same thing. To all appearances, Internal Affairs Ministers are effectively the heads of their respective police forces,

irrespective of whether individuals in the line of command hold party membership.

The perception is re-enforced by the fact that in both Republic Ministries, the highest ranking operational police officers, ie Heads of the Public Security Sectors, or chiefs of police, also hold the title of Assistant Minister. In Serbia, the Minister has direct command of the Department for Organised Crime Suppression and it is proposed that three bureaux (for complaints against police, public relations and co-operation with international police and security services), an Inspector General for Complaints, (not yet in existence) and the Principals of the three police training establishments will also be members of the Cabinet of the Internal Affairs Minister which the Minister chairs. Currently, there is an Assistant Minister for Police Training and Education and an Assistant Minister for Common Services and Finance.

In order to drive change and in the case of the Serbian Ministry of Internal Affairs to tackle serious organised corruption, there may be very good reasons why Ministers must temporarily retain their authority over policing. The time taken to implement progressive practices within policing will be considerable. If, it will need the unremitting resolve of each Minister to drive the change it is understandable why each will wish to exercise the authority each currently possesses. But if people are to believe that the police are never again to be under the control of a political figure, there should be a public declaration of intent linked to constitutional, political and legislative change in the future that any possible executive control over policing will be constitutionally severed and that thereafter any such attempt to re-instate it shall be seen as a powerful indicator of the intention to corrupt the rule of law. Executive control of policing should therefore reach its highest point with the highest ranking police officer, namely the Chief of Police.

Recommendation 1: That all three Ministers of Internal Affairs declare their intention through constitutional, political and legislative means to remove all possible direct executive control over the police and that the highest ranking serving police officer shall be the chief of police who will hold no government position or title.

This will in no circumstances impair police accountability to the Ministers or to parliament and there are ample models from which a comparative analysis might produce the best model.

Accountability

Accountability must be accepted as a satisfactory political alternative to control. There are several forms that are applicable to policing. First, all police officers are accountable to the law. Police are therefore accountable to the courts for their actions; the terms under they are appointed and by which they may be removed. Similarly, the conditions under which a chief of police is appointed and the procedures or conditions that must be satisfied in order to remove him must be specific and explicit. The police are therefore legally accountable. Second, there is political accountability. Police officers are accountable through their senior officers to elected representatives of the community who may tell them, on behalf of their communities, what they would wish the police to do and question their mode of operation as well as their effectiveness and efficiency in carrying it out.

This introduces performance accountability, namely the examination, preferably by an independent Inspectorate, of a police force's ability to be effective, efficient and give value for money. The latter links to financial accountability. Because the money they spend is public money, police should be accountable for how they spend it and may be independently and publicly examined and audited. Next, there is public accountability, through such things as Community Group Consultative Committees and the media that may be particularly persistent in pursuing cases of police malpractice, corruption and wrongful convictions. Finally, there is professional accountability to a Discipline Code and Code of Ethics. This is carried out by an internal control unit but its investigations should be overseen by an independent Authority possessing substantial powers.

De-Militarisation

The use of police forces to provide security for the State has produced in the minds of the public and the police themselves a military ethos. Both Republics employ military style police contingents that permanently wear blue camouflage uniforms. The Republic of Montenegro has retained titles to denote the various levels of seniority and authority in its regular police force but in Serbia a law was passed in 1995 ascribing rank similar to the military ones. A large number of police continue to be drawn from stations in Serbia and deployed to southern Serbia in formed units. The training they receive, the weapons to which they have access and their function is much more related to military than policing tasks.

A further blurring of the military and policing roles has occurred by the appearance on the streets of Belgrade of the military, at Milosevic's insistence, in March 1991 and again in October 2000 to extinguish public protest. There needs to be a clear understanding by the public that only the police will ever be used to deal with public protest and disorder and that the policing tactics for dealing with public demonstrations, marches and disorder both slight and serious will only ever be sufficient to overcome the degree of violence or unruly behaviour and no more.

Furthermore, the contemporary work on security sector reform too often links the police to the military without distinguishing between the sources of their primary response, ie, from the bottom up (the community) as opposed to top down (the State). It has also to be remembered that the police are always in action, not on reserve and that reform has to be carried out at the same time as operational policing.

De-centralisation

Prior to 1985, Mayors and municipal leaders of city councils had a voice in the selection of the local chiefs of police. The provinces of Vojvodina and Kosovo were virtually autonomous and local government was very strong with some areas voting to move out of one municipality into another. A decade ago, Belgrade had a population of 1,200,000. The population is presently estimated to be two million with the increase provided by refugees from Croatia and Kosovo. In 1989 Milosevic amended the Constitution to allow for change and in 1991, a new constitution allowed new laws to draw power to the centre. The policing budget and power were centralised. Autonomous provinces became less autonomous rather than virtual republics. Although some opportunity for self governance remained, this was not applicable to the police. All power was, in

practice, put into the hands of the Minister of Internal Affairs directly responsible to the President and not the Prime Minister or Parliament. This practice was not in accordance with the law.

The police in both Republics act and inter-act according to a highly centralist set of rules. In Serbia, controls and policing imperatives have become less clear as progressive reform proposals confront outdated and outmoded laws, regulations, and more importantly, corrupted practice and interpretation. Nevertheless, by tradition police in both Republics are organised to be responsive upwards. The task is now to comprehensively devolve authority to local commanders and their officers so that they are not only responsive to local needs and possesses the power and authority to deliver results. This will require risk taking. There is bound to be political concern that devolvement not be applied at all costs, for instance in a way which facilitates the secession of Vojvodina and also that financial devolution should not give local leaders total control in place of accountability. The principal requirements are to have structures in place which provide responsiveness, openness, transparency, partnership and progressive leadership whilst providing accountability in return for a lessening of centralised control at all levels and in a much more productive, i.e. honest and self-critical way.

Community policing is entirely about responsiveness, openness, transparency and partnership and depends on good leadership and engagement on both sides. The intention is not that the police become friendly but ineffectual rather that the community understands that it is its responsibility to help the police tackle crime. This in turn means crime prevention becoming a key focus of police/public partnerships at every level, local, regional and national.

At the local level, local police officers have to be given responsibility for a particular sector of the local station area and empowered to undertake problem-solving or create crime reduction partnerships in it. A number of models exist in other countries and it is not too soon to consider one, namely, that police encourage local residents to form Neighbourhood Watches. This entails residents of areas with an obvious physical association, such as living on housing estates or in apartment blocks, to participate together to watch one another's properties, be alert to the threat of crime in their neighbourhoods and receive information from their local community police officer about current crimes, suspects and how to better secure their property and themselves. It is frequently the case that Neighbourhood Watches lead to the formation of Community Associations with a wider interest in improving their environmental surroundings.

Importantly, working in co-operation with the community to prevent crime has to exist at every level. This is why there need to be inter-agency partnerships with local authorities representatives, NGOs, regional organisations and government departments and why an integrated force crime intelligence system needs to exist to collate and analyse the information acquired.

Links with local religious and other community leaders play an important part in community policing Links with teachers enable police officers to visit schools and play a part in the education of children about citizenship and about such things as the threat from drugs misuse. Most of all, police become respected and not feared.

The credibility of community policing becomes difficult to sustain if the composition of the police does not adequately represent the composition of the community they police. This is the driving force behind the changes to policing currently taking place in southern Serbia and in due course will need to be lead to further representation of other ethnic minorities in the police. Because police need to build links with local people it is difficult to see how virtually all-male forces in Montenegro and Serbia will interact with a female population that is in the majority. (A recommendation to increase the number of female officers appears in the Chapter on Organisation).

Community Consultative Groups provide a formal and regular means for the police to publicly consult their communities. The Chairperson should be an influential and respected member of the community with a committed vision of community needs and should be elected by representatives of community groups with a wide range of interests who truly represent the community at large. The meetings should be open to all members of the public, including the press and it is helpful to involve young people as much as possible. Police do not chair the meetings and neither should politicians. The public's responsibility is to tell the police what local concerns they have, including about police action if that is what they feel, and the police responsibility is to explain their actions, the difficulties they face and consult on future policing plans. It is imperative that the police take seriously the need to consult and explain, rather than merely tell the Group what they intend to do.

Community consultation is frequently more satisfying when there are serious problems to be overcome. The police therefore have an opportunity to play a crucial part in melding together communities during the forthcoming difficult years of transition.

Delegating authority to local police commanders, convincing them that they possess the authority to use their officers in whatever way is most effective and training them to think in a more confident way about local problem-solving will be a substantial break with the recent past. The selection and training of new commanders will need to be radically altered to provide the leadership required. Consultative Groups too will rely on the police possessing delegated authority; otherwise police commanders may counter enquiry or criticism by stating that they must seek guidance or approval from a higher level before explaining or commenting further.

The Fund for an Open Society – Yugoslavia, has remained active in Yugoslavia during the past decade to encourage discussion on police as a public service. The Fund has supported several projects proposing community policing and their readiness from Day One of political transition to move towards local partnership policing. There are no other initiatives so far.

Recommendation 2: It is recommended that the police forces of the two Republics introduce full community policing and that international assistance be provided with its formulation and implementation.

Recommendation 3: It is recommended that Community Consultative Groups be created according to models elsewhere and that advice and

guidance be provided by past or present members of existing Groups abroad.

Lay visitors.

The police have an obligation to respect an individual's human rights, irrespective of whether that individual has been brought to a police station as a detainee. Although in the future it may be the intention that all detainees will be properly treated and their rights respected, suspicion that detainees are maltreated in police stations, based on previous allegations and reports will impair the public's belief.

A Lay Visitors Panel is a Panel of local people recommended by local Consultative Groups and formally approved by the Minister of Internal Affairs who are authorised to have access to those parts of a police station where persons are being detained, at any time during the day or night. A Lay Visitor may be any citizen between the age of 18 and 70, without a criminal conviction and whose trade is not regulated by police.

Lay Visitors are not paid but receive expenses. Lay Visitors always attend police stations in pairs and should have immediate access on arrival to those parts of the police station where detainees are normally held. They may be allowed to speak to the detainees and may draw to the attention of the senior officer on duty and to the head of the police station if necessary, reports of poor treatment, deficiencies in basic requirements, lack of bedding, etc. Their reports are made to the head of the local police station and to the next Consultative Group meeting. Because the press may attend the meetings, the press may publish their reports but not the identities of the detainee. A written record of their visit should be kept at the police station and be available to the next Lay Visitors.

Recommendation 4: It is recommended that Lay Visitors Panels be introduced and that international assistance be provided on the setting up and running of such Panels.

Transparency and Openness

The level at which authority was needed to obtain information for this Study underlined the internal presumption that no information should be made available to anyone outside the police service. Requests to see a number of documents and statistics of no confidential consequence whatever, required the covering authority of the Advisor to a Minister. Some were never delivered. It appears that, as a rule, permission for the Commanders of the Secretariats to speak publicly require the permission of the Minister. The prevailing reluctance is counter-productive. A lawyer, invited by the Head of a large police station to telephone him, was nevertheless repeatedly refused to be connected to him. Currently, complete transparency and openness do not exist.

This conforms entirely with the legacy of a post Communist state made worse by being embroiled in war but, in line with the contemporary will for reform, the degree of change required will need to be substantial. There is no reason why so much information about what the police do, about the difficulties they face, the principles that guide them, the number of crimes and accidents they deal with (statistics on the latter appear on the Serbia Ministry of Internal Affairs web site) and the help they require, should not be more freely available. The police have a good story to tell. Policing is always of interest to the public and it is in the best

interest of the police for the public to have an accurate picture of what they contend with both nationally and locally. Annual reports, statistics and policing plans should all be published. So should information about each force's performance in tackling its annual objectives. In other European countries, police regularly take part in television interviews and discussions, radio programme phone-ins, attend Community Group Consultative meetings, are interviewed for magazine articles, meet local business groups, organise youth schemes, publish factual documents and hold open days in police stations. The principle should be applied that all information should be made available unless there is a reason why not, rather than the reverse, which appears to be the case at present.

By being open, the police will quickly establish respect, create new relationships with influential local figures, be trusted by ordinary people and find out what the public honestly think of them. The latter may be an unpleasant step to take but they should be respected for their willingness to take it. A method of doing so is to commission an opinion poll. This is likely to reveal all sorts of adverse opinion but it is a large step in the right direction and preferable to an opinion poll being commissioned by someone else, for example a sensationalist newspaper.

A significant exception to the prevailing reluctance for disclosure is the decision by the Minister of Internal Affairs in the Republic of Serbia to allow public access to personal files previously held by State Security. This is a cause of contention between the Republic of Serbia and the Federal Ministry, which claims that such a decision should be according to Federal law and not a unilateral decision by a Republic Minister. It is also claimed that insufficient thought has been given to whether, and if so how, some material should be protected and how the effects of disclosure on the subjects learning the identity of their informants should be managed. Germany was the first country to tackle this and went furthest. Others have done so: the Czech Republic, Poland, Hungary, Slovakia and, to a lesser extent, Romania. Human rights experts maintain that full disclosure is the only option in order to purge guilt and speed reconciliation.

NOTE Recommendations for a Public Information Strategy with particular reference to the use of the media appear in the Chapter on Organisation and Structure.

Internal Control

Both police forces possess central units for investigating allegations of bad behaviour or the committing of crime by police officers. Designated officers at regional and local level also have a responsibility for carrying out such investigations. (Information about the work of the units, appears in the Chapter on Operations). The future imperative is to quality-assure the work of all Internal Control Units in a way that satisfies the public. To enable people to thrive, they must feel secure and confident that the law will protect them and confident that they are able to seek redress. Complaints against the police are frequently about the unwillingness of police to act. To satisfactorily address this concern requires the creation of an independent body, with substantial powers of oversight and intervention.

Annex 3 of the new draft Law on the Police for Serbia proposes the creation of a Permanent Commission for the Monitoring and Control of Policing comprising a chairperson, deputy chairperson and five permanent members, appointed for five

years. It is proposed that the Commissioners will be assisted by investigators, specialists and administrative staff. The Minister of Internal Affairs for Serbia also has plans to establish an independent body under an Inspector General. Both proposals are a step in the right direction but they must become reality. Other proposals include the appointment of an Ombudsman to look at all complaints from the public about public administration and with a Deputy Ombudsman with sole or special responsibility for the police. It is considered that the traditional powers of an Ombudsman are insufficient when dealing with the police. There must indeed be external and totally independent oversight of police investigation of complaints in the future if the police are to be held properly accountable but the Authority responsible for it, must possess robust powers to require the production of documents, papers and files relating to the complaint and be empowered to direct further investigation if necessary.

Recommendation 5: Notwithstanding the present proposals to introduce an independent Commission or other body to provide external control of the police, it is strongly recommended that as a matter of urgency an external, Independent Complaints Authority possessing strong powers of oversight and intervention, be created in both Republics.

Performance Review

Both Republican forces are the products of the extraordinary circumstances. Both have nevertheless continued to collect information about their respective performances in a conventional manner. The reform of policing will require substantial changes that will need to be managed. New systems and procedures will need to be created and followed in the future. Many of these new systems will need to focus on the organisations' ability to be cost effective and further performance indicators will need to be in place to measure the police organisations' effectiveness and efficiency.

Within each police force there will need to be much greater self-critical awareness, with local commanders taking a keen interest in assessing progress towards reform as well as the achievement of local goals. Within each force's headquarters there will need to be formal inspection units, the members of which constantly review the performance of the organisation according to key performance indicators. The test of whether each police force is effective and efficient should not be left to internal inspection. The police should be constantly challenged on why they do things in a particular way, whether they need to do them at all, eg many functions may be undertaken by services outside the police and whether they could do things in a more effective and efficient way.

It is therefore proposed that an independent Police Inspection and Review Body be created, possibly to be known as The Police Inspectorate. The Police Inspectorate might comprise three or more retired former senior police officers and two independent members, preferably with financial and business experience gained from managing large organisations. To give status to their work, each member should be appointed by the President of the Republic on the advice of the Prime Minister and Minister of Internal Affairs. The Police Inspectorate should be staffed by serving police officers of middle to senior rank appointed by the Minister of the Internal Affairs and by civilian specialists and administrators. Other specialists might be co-opted as necessary. Inspections of each force's principal functions should be carried out at intervals and should be undertaken by

one retired police officer Inspector and one 'lay ' Inspector. Inspections might also scrutinise matters under a single subject heading, for example, the implementation and adherence to human rights standards (in this instance Inspectors could be accompanied by a co-opted international expert), or the training in the use and handling of firearms. Inspections should also consider the integrity of self-inspection systems and provide advice on good practice. The inspectors would prepare written Reports for the each Minister of Internal Affairs who would present such reports to Parliament.

It would seem most appropriate that a single Inspectorate exist at the Federal level that would enable a mix of senior police officers from Montenegro and Serbia to inspect against common standards. The Federal level is planning the creation of bodies to carry out financial and performance audit.

Recommendation 6: That an independent Police Inspection and Review Body be created to inspect the effectiveness and efficiency of the police force of each Republic. The Inspectorate to comprise retired very senior police officers and senior professionals with substantial experience in business methods and to be appointed by the President on the recommendation of the Prime Minister and after selection by the Minister of Internal Affairs.

Policing principles.

The way people see the police and the way police see themselves relies in large part on the police understanding of the notion of public service. Public service should be based on scrupulous standards of professional behaviour and professions generally set codes of ethical conduct and standards for their members to follow. Because policing is fundamentally about upholding human rights, its standards and ethical codes of conduct should apply to all aspects of interaction between the police and the individual, including those most extreme circumstances when deadly force is threatened.

Policing principles need to underpin the way police deal with the public in every respect. Too frequently, they are called upon to deal with members of the public in tense moments following the commission of offences. People do not lose their right to be treated with respect in such circumstances that frequently leads to a more productive outcome. A police officer's ability to behave respectfully yet assertively in response to verbal provocation in no way weakens his authority or his ability to impose his directions or will. Because individuals suffer an infringement of their liberties when they are stopped in the street to be questioned or searched, makes it all the more necessary for police to deal according to a code of ethics which marks them out to be professionals and not just people in authority. This becomes increasingly important when people are arrested or their homes are searched. The reason why so many situations are accompanied by assaults, resistance and resentment is because the police officers not only fail to act, but fail to understand that it is their duty to act, according to a professional code of conduct.

In the absence of a Code of Ethics or Policing Principles, this latter unsatisfactory situation would seem to prevail throughout Yugoslavia. It is therefore proposed that, a major programme of education in human rights for police officers be introduced throughout the police forces of Yugoslavia that is credible and practically related to operational police situations. The Federal Ministry of

Internal Affairs has already prepared and distributed to a large number of the public a document about Human Rights and the Police. A new Code of Ethics for the police appears in Annex 2 of the draft Law on the Police. Directions on the use of force appear at Annex 1 of the same draft. A more comprehensive reference to human rights appears in the current literature of the Council of Europe that is the basis of expert training in over 40 countries. Locally the OSCE Mission to the Federal Republic of Yugoslavia is ready to support human rights awareness training, as is the United Nations Office of the High Commission for Human Rights (UNOHCHR).

NOTE Because the need for the police to understand and act according to international human rights conventions is a training need, recommendations appear in the Chapter on Human Resources.

Strategic Police Plan

All the foregoing will need to be incorporated in a three to five year strategic plan beginning with a vision for policing. Because its realisation will depend on considerable re-organisation and change, the subject is dealt with in detail in the Chapter on Organisation.

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3. Organisation, Structure and Systems

THE FEDERAL MINISTRY OF INTERNAL AFFAIRS

The Federal Ministry of the Internal Affairs has direct control over the Federal police but not over the police of the Republics of Serbia and Montenegro. The Minister is supported by an Assistant Ministers and Advisers. The Federal Ministry has 11 Directorates, four of which have a direct policing responsibility.

The Federal police possess but do not exercise authority to investigate crime or interview suspects within the Republics of Serbia or Montenegro. Since the passing of a Parliamentary Resolution on 8 July 2000, (following Federal constitutional changes condemned as unlawful by the international community), the Republic of Montenegro no longer recognises the Federal jurisdiction

At the Federal level, four Directorates deal with policing. The areas of responsibility covered are respectively:

VIP Protection

A team of approximately 50 officers provide personal security for the Yugoslav President, Prime Minister, occasionally other Ministers and to visiting foreign VIPs, in conjunction with their own officers. All officers are plain clothes officers trained in close protection work.

Diplomatic Security

A uniform force of around 400 permanent uniform officers supplemented by 150 to 200 other officers from both the Republics of Serbia and Montenegro, guard Federal premises and diplomatic missions.

Crime Investigation/Interpol

The Head of the Crime Investigation Directorate is also the Head (designate) of the Interpol National Central Bureau. The Federal Ministry has formally applied for the Federal Republic of Yugoslavia to be re-admitted to Interpol. The application will be treated as a new application and a decision made at the Interpol General Assembly meeting in September 2001. (Within Interpol, there are 178 member countries of which 45 are within the European region. Each country has a National Central Bureau (NCB) that links countries to the Interpol network). Currently 30 plus Federal officers are engaged in preliminary work to establish a National Central Bureau in Belgrade.

A single substantial donation of technical equipment has been made by one country, with the promise of a further contribution from one other country, **but bi-lateral finance of approximately 200,000 Deutschemarks is urgently required to meet the full equipment requirement.** (Interpol would wish to coordinate this through its HQ in Lyons). This estimate does not include the cost of re-furbishing office accommodation and equipping it.

The small staffs of the Crime Investigation Directorate do not actively investigate crime but liase between police of the two Republics in response to international requests and similarly manage requests for assistance to other countries. Investigators within the Directorate are selected for their high personal, academic and professional qualities and act as desk officers, specialising in major crime

matters relating to murder, illegal immigration and trafficking, wanted persons, stolen motor vehicles and commercial crime.

Border Policing

The Federal Ministry intends to create a Border Police Service in order to transfer responsibility for the task of border security from the military to the police and to assimilate the tasks of border crossing checks, which are currently undertaken by the police of the two Republics.

The scale of the project may be seen in the light of the following: The length of the present border is 2,739 kilometres and follows land (1750km), rivers (785km), lakes (50km) and the sea (294km). There are 85 border crossing points of which 74 are international crossing points consisting of road, rail, airport, river and sea. Almost all are poorly equipped and in a very poor state of repair. Borders with Yugoslavia currently exist with Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Hungary, the Former Yugoslav Republic of Macedonia and Romania. The border with Croatia and BiH is not yet defined. The border with Bulgaria was defined only a short while ago and will take a year to mark. The borders, both administrative and national with Kosovo, FYROM and Albania are currently extremely difficult to control.

Border management will be progressively introduced along the borders of the six neighbouring states according to most prevalent levels of illegal activity. Completion of the project is provisionally planned for the third quarter of 2002. The Federal Ministry of Foreign Economic Relations is formally seeking EU regional funding to improve individual major crossing posts. Although finance will be transferred from the army budget, border management will require substantial long term funding. The project is a substantial step towards demilitarisation and should therefore attract related sources of donor income.

It is estimated that the new Border Police Service will require between 6,000 and 7,000 police personnel. Any hardening of the borders between Serbia and Montenegro or the administrative border with Kosovo will add to this number. It is proposed that manpower will be obtained by

- absorbing border police from the two Republics Ministries
- from a percentage of the uniform general jurisdictional police from both Ministries,
- by converting to police, military personnel who currently perform border security service,
- by transferring conscripts who would otherwise perform military duty,
- by recruiting officers from the police secondary schools and
- the largest number to be directly recruited by open competition.

The Federal government is keen that Yugoslavia becomes eligible for membership of the European Union and recognises that Yugoslavia will provide the eastern security perimeter when it does. Therefore, European and Schengen standards pre-condition improvements in border controls especially border crossing points. The model is clearly established and easy to follow, if time consuming to accomplish. Yugoslavia is already part of the EU Stabilisation and Association Process as part of a coalition with BiH, Croatia and FYROM each signalling their EU candidacy and eligible for assistance under the EU Community Assistance for Reconstruction, Development and Stabilisation

programme. (CARDS) To aid preparations, France, Switzerland and Hungary are associating themselves with Federal intentions to create a new Border Police Service. France is the lead country and there have already been meetings between the two respective Ministries.

The proposal to create a new Border Police Service is a substantial undertaking and requires major project management. The Geneva Centre for the Democratic Control of Armed Forces (DCAF) which is currently advising the Federal President on security sector reform, has offered funding for an international expert as Project Adviser who will provide guidance on the essential elements of the project and advice on the preparation of future funding proposals. Several neighbouring and other European States have already undertaken the process and there are several models to be drawn on. DCAF are also able to provide a panel of highly qualified political and military advisers who have past experience of creating and commanding new border police services. The Federal Ministry have submitted a funding proposal to DCAF for such an Adviser.

The draft of the new law required to bring the Border Police Service into being is due to be completed by October, 2001.

There is disagreement amongst experts about whether responsibility for border security should be removed from the military. The number of police required to create a Border Police Service are judged or assessed according to the level of threat, the landscape and the technical equipment available, not according to the length of the border. Border security is nevertheless a single enterprise and should therefore be under one organisation however the border is crossed - by land, water or air. Different agencies imply different systems, constant interchange of information and may lead to constant blaming. The organisation must be highly competent. For that reason, if military conscripts are to be used, the number of professionals should be increased. One of the reasons put forward for the military retaining responsibility for border security is that, in the event of national security being threatened, the border force may immediately be put under the command of military security forces. The question then to be addressed is whether the state border service should have a State Defence role? It is also contended on the experience of some other States that the Border Guards should be para-military (although under the Ministry of the Internal Affairs) in order that, if necessary, they may be ordered to work out of hours and that a clear line of command exist along which orders and explanations may be guaranteed to flow. Furthermore, the use of police officers who reside close to their place of work is convenient but may threaten effectiveness during the course of transition because of their vulnerability to pressure from people they know. The perceived or actual level of corruption is a factor in deciding whether or not police should be employed at all.

The answer to all of this would seem to be that the principal threat to the security of Yugoslavia and for that matter from Yugoslavia to the rest of Europe is not incursion but crime – serious and substantial. The military do not deal with crime. The police do. It would therefore make more sense for the new border service to consist of a totally integrated police force.

The provision of modern and highly functional equipment is important in sending a message to people that the border security function has the full support of the

government(s) concerned. A key requirement is that border police should have the support of legislation and reliable courts. Additionally, because criminals do not generally want to fight the State, State authorities must be overtly strong in their support for border policing and the police must feel this. The current political uncertainty fails to provide this.

Given European expectations, it makes sense that the Federal level should have responsibility for the borders but since Federal intentions have not been acknowledged by Montenegro since July 2000, further political change will be necessary in order that Montenegro agrees to common control over its border crossing points. Until this change occurs, it is unlikely that Serbia will surrender control of its borders. The current political dysfunction is a serious obstacle to tackling cross border and organised crime in the region. The need for all three entities to co-operate and in the absence of a general political solution to agree a pragmatic approach, is referred to in detail, in the Chapter on Crime

Access to information is critical to border checks. Training and new equipment are in short supply or non-existent. In view of the level of illegal immigration, trafficking and trans-national crime the situation is desperate for resolution.

The size of the undertaking is huge and the financial cost will be high. The Federal Ministry have prepared a draft funding proposal estimating the cost of creating the new Border Police Service to be 450,000.000 Deutschemark.

The Federal Ministry has already signed an agreement, on the 6 June 2001, with the Federal Ministry of Bosnia and Herzegovina and UNMIBH for facilities to train trainers for the new Border Police Service, at the rate of 25 trainers four times per year.

A detailed report on the condition of border crossing points appears in the Chapter on Uniform Policing.

Recommendation 7: That comprehensive aid and assistance be provided to the planning, management and creation of a new Border Police Service for Yugoslavia.

Anti-terrorist Unit.

The Federal Ministry of the Internal Affairs also plans to establish its own Anti-terrorist Unit to deal with kidnaps, hostage rescue and hijacking in connection with its responsibility for protecting senior Federal political and foreign political and diplomatic figures. The Republics have established their own units and greater clarity about jurisdiction and tasks is needed.

THE REPUBLIC OF SERBIA MINISTRY OF INTERNAL AFFAIRS

The Minister of Internal Affairs has direct control over the Public Security Department and the State Security Department. The Headquarters of the Public Security Department is situated in the Ministry of Internal Affairs in Belgrade and is under the command of the Chief of Police who is also an Assistant Minister. Directly under the Chief of Police are the Special Anti-terrorist Unit, the Helicopter Unit the Special Police Unit and the eleven Directorates of Policing. These are:

The Crime Investigation Directorate
The Uniform Police Directorate
The Traffic Police Directorate
The Department of Border Police, Aliens and Administration Procedures
The Operations Centre
The police Fire prevention Directorate
The Directorate of Analysis
The Information Technology Directorate
The Communications Directorate
The Directorate of Common Affairs
The Catering and Lodging Directorate

There are 33 police Secretariats (regional police centres) of which the Belgrade Secretariat is the biggest. Within the Secretariats, are representative departments of the various functional Directorates. Below the Secretariats, are the 209 police stations.

Outside the Public Security Department but under the direct control of the Minister of Internal Affairs is the Cabinet of the Internal Affairs Minister under which it is proposed to create three bureaux. These are:

The Bureau for Petitions and Grievances
The Bureau for Public Relations and Media
The Bureau for Co-operation with International Police and Security Services

Also reporting directly to the Minister are:-

The Department of Organised Crime Suppression (Organised Crime Unit)
The Inspector General of the Public Security Department (not yet in existence)
The Legal Affairs Section
The Institute of Security
The Police Academy
The Police College
The Police Secondary School

THE REPUBLIC OF MONTENEGRO MINISTRY OF INTERNAL AFFAIRS

The Minister of Internal Affairs has direct control of the Public Security Department and the State Security Department. He also has control over a Special Police Force created as a defence force. The Headquarters of the Public Security Department are situated in the Ministry of Internal Affairs in Podgorica and is under the command of the Chief of Police who is also an Assistant Minister. Directly under the Chief of Police are the Criminal Investigation Directorate and the Uniform Police Directorate. Under the Criminal Investigation Directorate are departments dealing with General Crime, Commercial Crime, Drugs and Technical Support each subdivided into specialist units. Under the Uniform Police Directorate are the departments of the Border Police, Maritime Police, Internal Control, Traffic Police, Public Order and Operations Centre.

There are 7 police Security Centres (regional police centres) of which the Podgorica Security Centre is the biggest. Within the Security Centres, are representative departments of the various functional Directorates. Below the Security Centres, are the 27 police stations.

State Security Service Reform

The reform of the State Security Service does not fall within the remit of this Study on policing. But it is worth noting that the Ministry of Interior of the Republic of Serbia has undertaken a thorough reform of the State Security Service based on the separation of the State Security Service from the Ministry of Interior.

Public Security Service Reform

Consistent with proposals contained in the previous Chapter to de-politicise, de-centralise and produce transparency and openness, it is proposed that both Ministries undertake the following action.

Strategic Police Plan

It is proposed that both Ministries create a structure and process for managing the major organisational change necessary to achieve police reform. It is proposed that comprehensive business methods are applied and that systems are put in place for managing change. Therefore, knowledge should be sought and resources gathered to support the planning process that should become the principal focus of attention of the Minister and the Chief Of Police for the foreseeable future.

This process should commence with a vision for policing. This means creating a vision of what police should look like in five to ten year's time. The vision should clearly articulate the values of policing and because policing affects the quality of people's lives, is no less than a statement about the society in which people want to live. Therefore, the vision of policing ought also to reflect society's aims for itself and police reform should be seen as a first step in stimulating public debate about individuals' rights and co-relative obligations on each individual to allow others to exercise their rights. The vision statement is therefore a political discussion document. The Minister should assemble a team of people to help him comprising individuals who possess profound understanding and knowledge of the role of police in sustaining a mature and progressive society. Such people may consist of judges, academics, members of NGOs and international experts. The police should also be represented and the police must be involved in the process from the very beginning. **Police and civil staff who deliver the service direct to the public should be given an opportunity to express their opinions on proposed change independent of hierarchy and line command.** From the moment that it is decided to create a new vision for policing and embark on the process of managed reform, the whole process should be facilitated by independent experienced business change experts.

Once agreed, the vision will become the basis for a strategic plan of police reform. The plan will identify the major areas of change necessary to achieve the goals of reform from which individual action plans and working groups may be established. A most important requirement is to establish the structures necessary

to manage the change. The process will be long and resource intensive but there is no alternative if the reform of police, as currently articulated by both Ministers, is to be comprehensively achieved.

It is crucial that police throughout the organisation understand the process, the reasons for it and participate in the changes. If there is no ownership of the problem there will be no ownership of the solution. The Chief of Police must be entirely committed to the new vision and the notion of change. The Heads of the Directorates and the Heads of the Secretariats need to be frequently brought together to participate in all aspects of managing change. They need to understand the importance of changing the policing culture and contribute to the analysis of strengths, weaknesses, opportunities and threats (SWOT) within the organisation that will relate to its capacity to change.

Police officers should also be chosen to staff the various working groups tasked with delivering change. They should be educated in setting clear objectives, which are achievable, measurable, and time limited.

The overall plan should address questions such as what sort of organisation needs to exist to achieve the policing vision and what changes need to be made in order to create it. The plan must be based on a strategy linked to the structure of the organisation, the systems within it, the staffing needs, the skills required, the shared values of members of the organisation and the style in which the business ie policing is carried out.

The planning process will require time and money. Budgets need to be built around the planning process and adjusted regularly. Changes in attitude and values will take time to achieve and the process for indoctrinating serving, particularly long serving, police officers will be especially challenging. This requires the total commitment of senior officers. If they cannot or will not give it they should be replaced.

The public need to have explained to them the extent of the reform and its purpose. The intention is to deliver a new style of policing based on bottom up not top down demands. The public and police officers should understand that the cost of the changes may be a reduction in the day-to-day policing effort – the policing mission - in order to allow resources to be found to achieve the vision for the future. If both mission and vision are attempted, both will fail.

Both Republic police forces scrupulously collect a mass of information about the work they currently do. What is probably not being asked is what outcomes – not outputs - derive from the information collected and whether a clear strategy exists against which the effectiveness of the work may be measured.

The planning process for reform should also link to and influence the annual planning process that sets key objectives for policing and key performance indicators for measuring their achievement. Police performance indicators are normally qualitative and quantitative. It is easier to manage figures, hence easier to measure the latter. However qualitative measures are equally important and may be provided by achieving satisfaction according to guidelines that are based on values, eg numbers of letters of appreciation received from the public. Police managers have to be trained accordingly. Furthermore, measuring performance

against statistics needs explanation. For example, the announcement by police that they have created domestic violence units may result in increased reporting of violent and sexual assaults – hence reported crime will rise. In any case, it is intended that police reform should result in increased levels of trust and confidence in the police and hence crime reporting may be expected to increase significantly. This effect should be anticipated and explained to the public accordingly.

Key Performance Indicators enable a further measure of accountability of police to the public and to the Minister, which should replace the anxious need for direct political control. The annual planning process and the analysis of key performance indicators will require the creation of a Force Planning Unit.

The proposals necessary to achieve the vision should not be constrained by the current shape of the organisation. The Directorates will each need to contribute to the overall reform by preparing their own strategies, action plans and working groups but the number of Directorates or their respective functions may also require to be changed. It is questionable whether the Police Fire Prevention Directorate should be under the Public Security Department at all. A specific reference is made to the need for a Directorate for Human Resources later in this Chapter.

A number of other police forces have undergone these processes and expertise is available on the basis of 'lessons learned'. International senior police officers who have re-organised police forces are therefore available to help if the enterprise requires credibility with operational personnel. The Dean of the Police Academy in Serbia is committed to the reform of police on a comparative and rational basis. The role of the police training establishments in developing progressive young leaders will be crucial

The Danish Centre for Human Rights is currently sponsoring two Republic of Serbia based projects for Reform of the Justice Sector. The projects are aimed at providing 'business change' expertise to help with creating vision documents for police reform and judicial reform and guidance on negotiating each 'vision' into practice. The Ministry of Internal Affairs is using the expert provided by Danish Centre funding to facilitate the creation of a Think Tank, Secretariat and International Experts Group - which will form the basis of the new Bureau for Co-operation with International Police and Security Services

It was to be a recommendation of this Study that a Liaison Unit be established in each Ministry to advise on, assign and manage all future incoming aid to policing according to the needs of each Strategic Plan. It is pleasing to record that the Republic of Serbia, Ministry of Internal Affairs already has plans to create a Donor Co-ordination Unit. This example should be followed by the other two Ministries.

Within Montenegro no such work has begun. The Minister of the Internal Affairs has only recently taken up office and it would be helpful for him to have access to international police re-organisation and change management experts.

Recommendation 8: That in support of police reform in both Ministries a ‘Vision for Policing’ be created and a formalised planning process be introduced to manage the changes necessary to achieve it.

Recommendation 9: That further funding be provided to sustain the long term planning process begun in the Republic of Serbia Ministry of Internal Affairs by the Danish Centre for Human Rights.

Recommendation 10: That funding be provided to support a formalised planning process in support of police reform in the Republic of Montenegro Ministry of Internal Affairs.

Recommendation 11: That the provision of funding, training and equipment to each Ministry be linked to a comprehensive and managed plan of police reform.

NOTE. The Federal Republic Ministry of Internal Affairs is not excluded from the need to create its own vision and strategic plan to manage reform. However, the current limited operational police functions it possesses and the uncertainty of its future role ought first to be addressed.

Review of Staffing

It is clear that both Republican Internal Affairs ministries are over staffed – both in terms of police and civil staff – and are admitted to be so by both Ministers. While the circumstances of the past decade will have contributed greatly to this, future effectiveness will require both Ministries to make efficiency savings in the future.

The Republic of Serbia Ministry of Internal Affairs has 35,000 staff overall of which approximately 21,000 are uniform police officers and 5,000 are plain-clothes investigators or scientific support officers. Of the 21,000 uniform police officers, almost 6,000 police officers are abstracted from territorial commands and employed in the Special Police Unit.

In Montenegro, the Ministry of Internal Affairs has approximately 10,000 staff overall of which there are 3,800 uniform police officers and 427 plain clothes investigators, including crime specialist support officers. There are additionally an estimated further 10,000 members of a Special Police Unit created as a defence force. Ordinary police numbers were also increased to counter the perceived threat from the Yugoslav army and this has produced a relatively young police force with little sense of public service.

The number of police officers leaving the Serbian force each year is about 1,500. Since the appointment of the new government in Serbia, 2,500 police officers have been dismissed or removed by various means. 895 police officers including four Generals been compulsorily retired.

Montenegro is opting for downsizing by setting high standards and enforcing rigorous performance assessment. (In this respect, its Special Police would seem to be a ready source of manpower for the proposed new Border Police Service).

A large number of civil staff are employed as waiters or waitresses to provide refreshments in offices. It is questionable whether this service should be

sustained. It is equally apparent that police are performing many tasks that could just as easily be performed by civilian staff, thus releasing police staff to perform the duties for which they have been trained.

It is very apparent that reducing the number of police and particularly civil staff will create real problems with unemployment and affect people's lives. To assess the scale of the problem it is proposed that a comprehensive review of staffing be undertaken in the two Republican Ministries. This review should aim to identify the staffing needs of each Ministry for the future and those police posts that may be civilianised or combined.

The outcome should be in line with the needs of each Force's Strategic Plan. The Review should therefore identify the skills profiles required in particular posts, both civilian as well as police, as well as leading to an examination of contracts and proposals for making staff severance easier in the future. These are tasks that should be led by the Human Resources Department. At present the staff dealing with human resources are within the Directorate of Common Affairs. This sends an inappropriate message. People are the organisations most valuable resource. Achieving a 'Vision for Policing', developing the careers of officers at every level, managing sickness, welfare, appraisal reporting, and programmes of exchange visits in order to update the skills they require, will depend upon a co-ordinated programme of resource planning. It is strongly proposed that human resources should be managed by a Directorate in each Republican Ministry to give status to its work and that it be equipped with the resources it requires. In due course, serious consideration should be given to incorporating all training under such Directorates.

Recommendation 12: It is recommended that in line with the force Strategic Plan, both Internal Affairs Ministries implement a Comprehensive Staffing Review. The Review should identify the skills profiles required in various posts as well as the posts no longer required.

Recommendation 13: It is recommended that international advice be sought from human resource specialists on the various options available for downsizing staff.

Recommendation 14: It is recommended that both Ministries establish a Directorate of Human Resources to manage the selection, training, promotion and career development of all police officers and support staff.

Review of Pay

Determining the rate of pay for a police officer is traditionally a politically sensitive, objectively impossible and complex task. In other countries, attempts to quantify and weight the principal obligations, tasks or conditions that police must face, are similarly complex but inevitably invite subjective judgement. There are factors, which should appear in any calculation. These include; the level of danger to police of physical assault and death, the duty of the police to face such dangers, the effects on the lives of others of the decisions that police officers takes, the absence of the right to strike, the statutory restrictions on their private lives, the non payment for hours of overtime worked and their obligation to return to duty if recalled.

A police officer in Serbia receives approximately 350 Deutschemarks a month plus some allowances. A police officer in Montenegro receives 450 Deutschemarks a month plus allowances. The level of pay is clearly inadequate without any further elaboration being necessary.

Recommendation 15: It is recommended that in due course an independent review of police pay be undertaken in all three Ministries to establish new and appropriate rates of pay at all levels in the police and recommend the mechanisms by which pay increases should be awarded in the future.

Command Structure Re-organisation

The plan of the force currently proposed by the Republic of Serbia Ministry of Internal Affairs shows the heads of the eleven Directorates and three Special Units reporting to the Chief of Police/Assistant Minister. Short lines of command are preferable but it is nevertheless questioned whether strategic direction to the force as well as dealing with matters passed up by the 11 Heads can be effectively managed through a ratio of 11:1. The functions of contemporary policing generally fall under three main functional headings. These are Operations, Operations Support and Administration. Senior police officers command the Operations and Operations Support Departments whilst Head of Administration would be a senior civilian appointment. The functions of the Directorates of both Ministries suggest they might be grouped this way.

Whether or not re-organisation of the command structure is considered, it is recommended that both forces create major Functional Committees to review demands, co-ordinate fresh planning, create new policies and respond to latest internal, national and international developments in the following areas: Crime, Crime Prevention, Public Order, Community Affairs and Training. Membership of each Committee would be drawn from those senior officers most actively responsible for each subject. Specific Functional Committees might thereby provide a link to their counterparts in the other Republican Ministry on matters of mutual interest.

The imperative of both Ministers to reform policing according to a community policing model will need to be managed by full time staff. It is similarly proposed that, consistent with the Force Strategic Plan, a Directorate of Community Affairs be established to provide policy with regard to and oversee the development of local community initiatives and partnerships eg Consultative Groups, Lay Visitors, Neighbourhood Watch, Victim Support Schemes, Minority group's rights.

Recommendation 16: It is recommended that each force establish functional Force Committees comprising senior police and civilian officers to review demands, co-ordinate fresh planning, create new policies and respond to the latest internal, national and international developments in the following subjects: Crime, Crime Prevention, Public Order, Community Affairs and Training.

Recommendation 17: It is recommended that consistent with the imperative by both Ministers of Internal Affairs to reform policing according to a community policing model, both forces create a new Directorate of Community Affairs to oversee the development of local community

initiatives and partnerships eg Consultative Groups, Lay Visitors, Neighbourhood Watch, Victim Support Schemes, Minority group's rights.

Judicial Police

Judges report that non-payment of fines is frequently not enforced by the law enforcement officials and that this leads to criminals being under an obligation to the law enforcement officials. The management of the administration of the courts is very much in need of reform.

Recommendation 18: It is proposed that consideration be given to creating a Judicial Police Department responsible, amongst other things, for, managing detainees at court, collecting fines, enforcing warrants for non-payment of fines, overseeing the security of the court whilst a judge is sitting and reporting the comments of judges to police.

Crime Prevention

There is no crime prevention strategy at the Federal level or in the two Republics. Crime prevention strategies range from such things as advice on physical target hardening to youth summer projects. Most crime prevention programmes rely on awareness by government that preventing crime cannot be left entirely to the police and that other statutory agencies and voluntary associations must play an active role in tackling crime. Crime prevention offers a prime motivator for co-operation between police and people in their local communities. The need to address local problems is based on knowing what crimes are occurring as well as to what level the fear of crime is constraining people's lives, particularly the old. Finding out about the causes of crime is different to treating its symptoms. In furtherance of the Force Strategic plan and with the co-operation of local municipalities, every Station and Secretariat might be tasked to carry out a local crime audit that will identify the causes of local crime and the effects on the local population.

Of all the measures that can most effectively drive participation with the local community it is the implementation of crime prevention methods that offers the most. Fear of crime is frequently not based on actual crime. Furthermore high crime areas frequently contain the highest percentage of victims, not because of the volume of crime but because of the high incidence of repeat victimisation.

Recommendation 19: That the task of crime prevention be brought to the centre of the policing effort and a Crime Prevention Unit be established in the new Directorate of Community Affairs to provide advice on all aspects of crime prevention, develop initiatives and develop formal inter-agency co-operation with other statutory agencies and NGOs.

Good Practice

Apart from the data produced by the Directorate of Analysis, there appears to be no central repository of good practice within either Republican Ministry from which Commanders of Secretariats or Stations or their respective staffs may obtain advice and guidance on effective strategies for local problem solving. Internal Inspections of the force will, in future, need to identify strategies, particularly in regard to crime prevention but which have more to do with effective and efficient policing practices. In any organisation, there is a problem about organisational memory that, in reality, frequently relies on the knowledge

of permanent staff, all of which is lost when they leave. Equally, contemporary problems may not be easily solved and require social scientific research as opposed to technical research. It is possible that such matters may be referred to the respective police training establishments or to external academic institutions but it is preferable for there to be a single Unit responsible for collating knowledge and commissioning research.

Recommendation 20: It is recommended that a central repository of good practice be established in the headquarters of the police of both Republics to provide information and commission research on problem-solving in all aspects of policing. The use made of it should be scrutinised by the independent Police Inspectorate.

Public Information

The Force has its own web-site www.mup.sr.gov.yu maintained by the Directorate of IT. The Directorate of Analytics publishes 5,000 copies of a bi-monthly magazine 'The Police Officer' and there is a Police Spokesperson's Office within the Cabinet of the Internal Affairs Minister. It is proposed to create a new Media and Public Relations Bureau that will bring all three functions under one head.

There has been a police spokesperson for the last three years. The current Spokesperson is a police Colonel with 2 administrative assistants to help him. The Spokesperson updates the website and appears to manage all aspects of public information with regard to policing single-handedly. He is one of the first people to be informed about key events or incidents and is therefore on call 24 hours per day.

Contact with the public is generally by official statements dealing with major events. Information dissemination is limited, restricted, and formalised. It is evident that police have preferred to avoid contact with the press particularly after a serious crime. In cases of kidnap, there is no agreement with Editors for a news blackout in return for full disclosure of the facts once persons have been arrested. Many interviews on policing are conducted by editors of newspapers, although RTS (Radio and Television of Serbia) do have police journalists. The Spokesperson currently has approximately 120 media contacts including contacts with foreign news agencies like the BBC and CNN.

The Internet web site contains information about the force including crime and traffic statistics and information about how a citizen may complain about the police. Information about wanted and missing persons is put onto the Internet. The web site has an average of 200 hits per day but fluctuates according to events. The site has recorded 30,000 hits over the last four months.

There are three specialist periodicals. The first called 'Security' publishes articles by the Police Academy and other universities and appears every two months. The second entitled 'Science, Security and Police' published only in English by the Police Academy, is published twice a year. The third 'Science, Techniques and Security' is published by the Security Institute. Additionally books on computer crime and forensic science are advertised on the web site.

Media presentation is vital. A poor flow of information from the police to the media and to the public generally occurs because:

- centralised police information structures make local commanders uncertain about what information to make public or their authority to speak at all.
- police public information officers engage in public relations but fail to provide the substantive information required by journalists and
- mistrust between the police and media because of previous poor relations and low-quality coverage of police related issues.

The Vision for Policing and the programme of police reform will require the public to be informed as fully as possible of the changes taking place and especially the implications of community based policing. The sincerity of statements claiming that police are more transparent and open will be quickly tested by the media. A public information strategy needs to be created and introduced throughout both Republican forces as soon as possible.

The recent murder of a journalist in Serbia and threats to others by ruthless criminals have led to the setting up of a telephone hotline staffed by journalists in direct touch with members of the Serbian Police Organised Crime Unit. This is an opportunity for trust to be established between representatives of both sides. However, there is no escaping the fact that the media may on occasion, misrepresent the facts, sensationalise information and flagrantly breach personal privacy.

Recommendation 21: It is proposed that both Republican police forces develop a comprehensive Public Information Strategy that permits the maximum amount of information to be given to the public especially by local commanders.

Recommendation 22: It is proposed that assistance be given to provide media training for all senior officers of the rank of station commander and above and crime investigators normally assigned to lead major crime enquiries.

Recommendation 23: It is recommended that assistance be found to set up Joint Police/Media Workshops at which senior officers and Editors of TV news programmes and newspapers may explain to one another the problems and imperatives each group faces.

Recommendation 24: It is recommended that the Spokesperson in each force be assisted by staff possessing reputable journalist experience.

Recommendation 25: That journalists who regularly report on policing matters should be provided with formal accreditation entitling them to privileges and access denied to other journalists, including regular on and off the record briefings.

Information Systems Strategy

Both Republican police forces scrupulously collect a large amount of management information that informs decision-making about individuals' performance and the performance of the force on specific matters. IT systems are desperately needed to help store, manage and retrieve information. However,

before new systems are added, both Ministries need to review their respective information needs against pre-determined criteria related to the Vision for Policing and the necessity for collecting or transmitting it.

Recommendation 26: It is recommended that against pre-set criteria relating to effectiveness and efficiency standards, a comprehensive and critical review of current information collection, storage and retrieval is undertaken to establish its value to the organisation in the future and in order to inform the IT needs of the forces.

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4. Human Resources

The Federal Ministry recruits police officers from the two Republics and also advertises for direct entrants who are trained by the Serbia Internal Affairs Ministry. A recent advertisement invited 150 new police recruits to apply to increase the strength of the VIP Protection Unit. The advert was addressed solely to male candidates.

The management of staffing within the Republic of Serbia Ministry falls under the Directorate for Common Affairs which consists of three Departments; Finance, Procurement and Logistics and Human Resources. Human Resources consists of Human Resources, Archives and Accommodation.

The officer in charge of the Human Resources Department is a woman holding the rank of Colonel, the highest rank of any woman in the force. However, the Colonel has an administrative not an operational police background.

The Ministry has 35,000 police and civilian employees of which 21,000 are uniform police officers. The ethnic mix of Ministry police and staff is informative and is as follows:-

Serbs 32,170; Yugoslavs 1,165; Montenegrins 1,184; Macedonians 141; Croats 114; Muslims 380; Albanians 118; Slovenians 18; Hungarians 496; Turks 12.

There are reputedly 40 ethnicities amongst the population of the country.

Recruits may join the police between the ages of 18 to 27 and retire at age 50. One year of actual service equals 16 months pensionable service. Thus 30 years service equals 40 years pensionable service.

Multi-Ethnic Police Force for Southern Serbia

Included in the Čovic plan for reducing tension between the Serb and ethnic Albanian communities in the municipalities of Prešovo, Medvedja and Bujanovac is the objective of creating a local police force significantly representative of the community it polices. An original concept plan was formulated by the OSCE to attract back a number of former Albanian police officers who, with their Serb counterparts, would receive a five-week training course to be followed by the three months of training in the field. The formal training period was hurriedly altered to an initial five-day training course (Phase I) in anticipation of the imminent hand over from NATO to the Yugoslav Army of Sector B of the Ground Security Zone at the end of May. The further training was provided for former Albanian and Serb police officers in a five-week training course (Phase II) commencing on the 10 June. The three-month training courses (Phase III) are due to commence on the 6 August and by mid August 2002 it is estimated that 400 Serb and Albanian police officers will have been distributed within the three municipalities. A total reform programme of operational policing needs is currently underway to re-organise the structure of policing in the area. Significantly, a large number of the officers trained will be female. The OSCE involvement in the negotiations, agreements logistics, training and field deployment is included in a collaborative project with the Serbian Ministry of

Internal Affairs, being managed by the Law Enforcement Department of the OSCE Mission in Belgrade and the subject of regular reporting.

Salary

In Serbia, officers earn a basic monthly salary of 17,000 Dinars from which State deductions for such things as social welfare, health and pension are made, leaving a net average salary that equates to 350 Deutschemarks. In Montenegro, the salary is slightly higher at 450 Deutschemarks per month. (The Dinars is not a legal currency). It is difficult to imagine how police officers exist on these small salaries.

In Serbia, a Staff Association has recently been established known as 'The Independent Trade Union of Police Officers'

Women Police Officers

No total number of female officers in the Republic of Serbia force was available but as reported elsewhere, there are currently 29 women in a total of 11,936 uniform general jurisdictional police. At one police station in the middle of Belgrade with a compliment of 250 personnel, there are only 3 women police officers.

Women are currently employed in border police, traffic, as crime investigators and as scientific support officers. Senior police officers admit that the lack of women police officers impairs the operational effectiveness of policing but have no control over the current recruiting policy, although recently a substantial number of female officers were recruited by the border police service to overcome operational deficiencies.

In the Ministry of Internal Affairs of Montenegro there are 160 women in uniform but no women patrol officers.

According to the Republic of Serbia Police's Head of Human Resources it is generally held that the work of police is regarded as high risk, and that the ministry does not actively seek female officers because of the traditional perception of women in society. It is considered possible that when living standards improve, opportunities might improve. Nevertheless, it is a fact that three times more women than men apply to join the police college.

Paid maternity leave of up to 12 months is provided to female police officers in both forces.

Female staff report encountering frequent minor sexual harassment but learn strategies for deterring or coping with it. Many do not regard complaining as an option because they would be laughed at.

There is clearly a need for substantial work in this area. The 1991 census found that women accounted for 52% of the total population and it is estimated that refugees from Kosovo have increased this figure to 54%. Apart from the obvious fact that the composition of the police does not represent the composition of their communities, women are not being afforded equal choice. The operational impairment to the effectiveness of policing is easily improved by allowing more women to join the police. All the obstacles and objections to female recruitment

have been raised elsewhere in other comparable countries and been successfully overcome. The experience of foreign police forces is that female officers are indispensable and senior officers are frequently of a higher standard than their male counterparts.

Recommendation 27: It is recommended that in both Republic Ministries, appropriate changes be introduced to enable female officers to play an equal role to male officers in all aspects of operational policing.

Recommendation 28: It is recommended that in both Republic Ministries, the present recruiting policy be changed to enable women to be actively recruited at all levels of entry to the force.

Promotion

There are 5- 6,000 commissioned officers in the Republic of Serbia force. Titles were replaced by military ranks in 1996. Promotion is according to years of service, qualifications and where posted. Some promotion is automatic. Scrupulously detailed performance appraisal records are meant to be kept of each officer's records of work. On the basis of high performance it is possible to draw an extra 20% in salary. In Montenegro, the Head of Internal Control has the authority to reduce an officer's salary if he witnesses poor performance.

It is the case that promotion in the past has not been according to merit but according to patronage and political allegiance. Links between the old and the new are still very strong.

Appraisal is according to a force Manual and the Law on Ranks. To achieve the Vision For Policing will require new police commanders to possess such qualities as decision-making, motivational skills, problem solving skills, political skills, communications skills, and management skills, in addition to professional policing and leadership skills. Police will need to learn how to appraise these skills.

Career development

There appears to be very little, if any, formal career development provided during an officer's service in either Republic. Career development programmes and enhancement criteria will need to be formally introduced if the needs of both forces are to be met, morale raised and greater professionalism achieved. A new Agency for State Administration Improvement may be able to contribute guidance. However, the most effective means of introducing new programmes is to examine existing ones in police forces elsewhere.

Recommendation 29: It is proposed that both the Republic of Serbia and the Republic of Montenegro police forces receive international advice on managing the career development of all members of their staffs.

NOTE It is noted elsewhere in this Study that people are the organisation's most valuable resource and that achieving substantial police reform in line with the 'Vision for Policing', establishing a community style of policing and equipping the members of the force with the skills they require for the future will depend upon a large programme of co-ordinated resource planning. It is strongly recommended in the Chapter on Organisation that both Ministries establish a

specific Directorate of Human Resources to manage the selection, training, promotion and career development of all police officers and, where necessary, support staff.

Training

The Federal Republic of Yugoslavia Ministry of Internal Affairs draws police from the two Republics and has no training facility.

The Republic of Montenegro has a police high school (secondary school) at Danilovgrad outside Podgorica but no higher training facility and sends recruits to the Republic of Serbia Ministry of Internal Affairs. To meet the crises of the last few years, a large number of police have been recruited but not sufficiently trained and supplementary courses are being provided to overcome that with 1,300 officers trained so far. The Montenegrin force is therefore a young force with 80% of the force having between 3 – 8 years service. Recruitment will therefore be frozen for junior ranks but there is a shortage of good senior ranks. At present, a significant number of the force was trained at the Republic of Serbia police college in Belgrade or, prior to 1990, in Skopje. The remainder of graduates come from civilian universities.

Within the Republic of Serbia, there are three levels of police training:

- Police Secondary or High School for students 14 – 17/18 years of age.
- Police Higher School or College for students 18 – 20/21 years of age, and
- Police Academy (University) for students 18 – 22 upward.

Entry to the police at basic level is via the Police Secondary School or from civilian high schools, in which case recruits undergo a six month Basic Course at the Police College;

The Police Secondary School course is for four years, and incorporates other educational subjects such as maths but teaches policing in a practical sense. From there students are eligible to become Non-commissioned Officers up to the rank of Sergeant Major.

The Police Academy course is for four years. Men who go to the Police Academy (no women are admitted) are generally recruited from other secondary schools than the Police Secondary School. People who join the Police as Inspectors (Investigators) have to be either civilian university graduates, or Police College graduates.

The Police College was established 30 years ago and is located on a campus at Zemun. All former curricula for the police colleges in Zagreb and Skopje were produced at the Police College. The qualifications of the 45 members of professional staff are high. Nine hold doctorates and ten hold masters degrees. Each year, the college is visited by 400 external experts.

The Police College takes 350 students per year of which 10% are female. There are 5 terms and 23 subjects taught. Each student takes 20 examinations. Courses are held for civilian staff that will join the Ministry of Internal Affairs and include forensic technology and courses for crime technicians. A research centre was founded in 1995 and has instituted comparative studies of foreign policing

methods including subjects such as public relations, traffic safety, personal safety and abuse of police power. The centre has so far published 188 documents.

The college is currently undertaking three major projects. The first is to build new school facilities and improve existing ones. The second is to modernise teaching systems and the third is a self-evident programme aimed at building external links called 'Through Sport Into Europe?'

Administration and classrooms are in a barely acceptable condition. The Dining Hall and accommodation is being re-developed. A building is planned for sports facilities and sports ground bordering the Danube. The College also has a property at Avala that it intends to re-build as a scientific and educational centre to provide training to overseas students as it has done in the past to Kenya, Zambia and China.

IT literacy is part of teaching and is incorporated into modern teaching methods to support the development of distance learning packages and teaching scenarios. An intra-net exists to update electronic books. A multimedia system is being developed through a laboratory to produce educational tools. This provides the opportunity to access training methods and literature from external sources so that students may receive external tuition by remote means or external students may be tutored by college staff. Project proposals have been submitted for donors to consider which include support for an anti-stress and diagnostics reference centre, more basic teaching tools, funding for a print shop (which currently publishes 20 documents each year) and the installation of a closed circuit television system for teaching.

The Ministry of Education is being asked to support the building of new student accommodation (the present accommodation is for 240 students) and a 1,800 – 2,000 square metre sports facility. The total cost is estimated to be 10m Deutschemarks

The Police Academy

Although the Police College was created to establish higher police training, it is reported that Milosevic's poor relationship with the military led him to establish a Police Academy to match the status of the Military Academy whilst also extending the length of university courses as a means of reducing official figures for persons unemployed.

The Academy was established in 1993. The first student graduated in 1997 and the highest rank so far attained by a graduate is Colonel. Selection methods, including psychometric testing, are stiff. The Academy takes 115 students per year of whom 67% graduate. No female recruits are accepted although a number of women apply. While students of the police college can only ascend to the rank of captain although exceptional performance might enable some to rise higher - graduates of the police Academy may ascend to the highest ranks in the service. Hence, as the Police Academy does not recruit women, no woman may, through police education, ascend above the rank of Captain. Each student takes 3,600 lessons and 40 examinations. General education subjects including a foreign language account for 10% of the course. Students of the Police Academy take military subjects because they are exempted from military conscription. The best students are entitled to embark on a postgraduate taught course, which entails a

further 10 subjects and 600 lessons to be absorbed and lasts for two years. The Academy encourages research at local, national and international level and publishes its own journal. One of the pre-requisites of teaching staff promotion is that they contribute to research

On graduating from the Police Academy, the first appointment is as Deputy Commander of a police station in preparation for which, the fourth year of the course is spent in uniform. There is an obvious problem of practical credibility to be overcome and college tutors are addressing systems of mentoring to facilitate entry into the operational sphere. There is big gap between the officer class and other ranks.

The Police Academy formally occupied a site in the State Security Department owned Security Institute site at Banjica. The standard of the facilities and output was high. These premises were extensively damaged by NATO bombardment and the Academy has had to re-generate itself by occupying part of the military secondary school in Didinje, part of a hotel belonging to a construction company, and use the shooting facilities of the military Academy

Logistics are a serious problem and living conditions are poor. The Academy has barely survived financially. For the last 3 years it has had no increase in funding and has had to make cuts in clothing, salaries and food. Students have little or no privacy and occupy cramped conditions in four or six bunk rooms with a table and chair each. Clothing is stored in lockers in corridors. There is no air conditioning anywhere in the Police Academy. Tutors share offices and work with outdated equipment. Their fortitude and personal commitment is impressive.

A proposal now exists linked to military rationalisation of its estate for the police Academy to take over the remaining half of the military college campus that they presently occupy. To do so and to re-furbish the buildings to anywhere approaching a reasonable standard will cost 1m DEM.

The Academy is still considered the lead police academic institution in the Balkans.

The length of higher police training and the extent to which subjects are studied must be seen in context with general education standards in Yugoslavia. Education is often better and wider than that provided elsewhere in Europe. Nevertheless, it appears that many students receive training in policing theory and technical matters as an end in itself and to a degree that is unrelated to the work they will do. This is borne out by the vast number of books on theory that every student is obliged to read as a basis for knowledge but in the absence of any leadership or command training. There is a heavy emphasis on martial arts and weapons handling. Students learn to ski and training resembles militia training.

The teaching staff of both college and Academy remain proud of their record and deeply committed to their task. The isolation from the external world and from inter-action with academic institutions and sources of knowledge is keenly felt.

The Dean of the Police Academy is keen that policing should reform itself according to a comparative analysis of other police forces and as a result of lessons learned. This is undoubtedly a way in which the international community may assist and links should also be established with European police training networks as soon as possible. Meanwhile, training is out of date and formidably expensive.

The future role for police training must flow from the Force Strategic Plan (see the Chapter on Organisation). Once questions about what policing should look like in 5 –10 years are decided upon, the shape of the organisation has been decided and the roles of police formulated, it will be the responsibility of the training institutions to deliver the knowledge and skills sets to enable those roles and the values which will need to be embedded in those roles. The knowledge, skills and values will need to be incorporated into training programmes and a structure put in place to effectively deliver them.

The structure of the training component will relate to the structure of the police organisation. Knowledge and skills cannot be dissociated from the work place.

Training is also one of the most important co-ordinating mechanisms within any organisation, enabling common standards to be applied and evaluated.

In addition to the training of new recruits, comprehensive programmes of evaluation and training will be required to change existing values, attitudes and behaviour.

Training cannot be dissociated from other human resource factors like rewards. Attractive salaries are a part of this, (presently entirely missing) and the rewards structure needs to be attached to career management. However, a significant factor recognised elsewhere is that people get a strong emotional reward from delivering public service and that therefore the more they are equipped to do it, the more they will enjoy doing so. Training must recognise this.

The benefits of building links at local level with other agencies to manage joint local problem-solving, should be supported within training. There is therefore a need for inter-agency participation in training and the creation of a dynamic process of problem-solving and learning related to practical decision-making.

It naturally follows that there will need to be a fundamental review of training. Furthermore, because of the degree of overlap between the training given in the police college and the police Academy and, in the context of promoting greater professionalism and training throughout a police officer's career, whatever his or her rank, it should be considered whether two higher police establishments are necessary. It is likely that limits on future financing of police training will similarly point to the need for economies of scale and that there will be greater support for a single comprehensive training facility.

It should also be considered whether recruit training for men and women whether intending to remain in uniform or become crime investigators should be standardised. This will draw the two together from the very beginning and contribute to the enhancement of the uniform police officer.

There should be an improved continuous assessment of an officer's potential throughout his or her career. Accomplished police practitioners who did not enter the force with high academic qualifications but who have nevertheless demonstrated that they possess the ability and potential for higher rank should be enabled to do so at every level.

Senior officers in effect become senior managers of large organisations with large numbers of people and resources yet receive no training in how to do so. Heads of the Uniform Police Directorates in the Republic of Montenegro and Serbia are responsible for 3,860 and 11,936 officers respectively; yet receive no management training whatsoever.

The Police Academy will need to put in place systems for quality assuring the skills level applicable to the various functions and ranks of territorial commanders. An example of this is the need for police uniform commanders to understand how to manage armed incidents or large sporting events and consequently their potential for disorder.

More specifically, human rights are not taught as a prime subject at the Police Academy, the Higher Police School or the Police Secondary School. The melding of human rights within all aspects of police training will require radical and perpetual reform. Comprehensive models exist and there are substantial programmes within international organisations available to guide the work. The International Committee of the Red Cross (ICRC) has produced clear explanatory materials on human rights in policing and become the first organisation to participate in training Yugoslav police. The training was discontinued because of dissatisfaction with the competence of the trainer. The United Nations Office of the High Commission for Human Rights has a wealth of literature and knowledge on the subject and has worked with police forces and with the investigation of human rights violations. The Council of Europe has recently finalised its 'Police and Human Rights 1997 – 2000' programme and has a Experts Committee comprising international police experts on human rights who provide assessment and guidance to police forces in transition. A Trainer's Supply Kit has been developed including a wide range of training material.

NOTE: For a more detailed study see, the Council of Europe Report 'Assessment of the Human Rights, Ethics and Policing Standards in the Republics of Serbia and Montenegro' by John Slater, prepared concurrently with this Study.

There is no specific training in police ethics at any level. Ethical leadership training should be introduced for all police officers in a leadership position, or about to be promoted into one. Many supervisors see their role as one of total obedience and will therefore accept unethical decisions without question. This can be counter-productive if authority is to be devolved to the local level to provide a more democratic policing style. A Code of Ethics appears at Annex 2 of the new Serbian draft Law on the Police and is a first step. However, the Code is nowhere near as thorough as that produced by the Council of Europe on which contemporary policing standards elsewhere seek to be based.

Many police staff joined under very different political regimes, and whilst in Montenegro this issue has been addressed, there is no centrally designed ongoing training for officers in Serbia. There will need to be evaluation of existing training or a means of ensuring consistency.

All police personnel and recruits should have training in 'diversity', focussed on how police action affects cultural and religious expectations for different ethnic, cultural and religious groups. This needs to be practically based and should include training on the concept of the 'rule of law' and the need for equality within it. Such training would also benefit from practical and role related training on 'transaction analysis' in order to move police away from their frequent wish to 'dominate' the members of the public they meet.

There is no national curriculum authority to ensure that the standards of training provided initially to officers is maintained throughout their careers and tested on a regular basis. The Police Academy should become a national curriculum and standards authority for all police training.

NOTE Human rights training, ethical practice and diversity awareness should not be given at the expense of crime investigation and practical police training, particularly during the transition phase, otherwise its relevance will be trivialised, crime will rise, morale will fall and old practices will emerge.

The need to provide knowledge and information on contemporary crime methods as well as to train and advise crime investigators on how to investigate major crime is vital to the police of both Republics. It is proposed that within the training establishment, a National Crime Faculty be established, staffed by operational crime experts tasked with acquiring information about the commission and investigation of all aspects of major crime. The staff should comprise police officers with high credibility as investigators, drawn from the field for a period of temporary secondment and who should contribute to the body of knowledge by developing links to external as well as internal agencies. They should be able to identify crime training needs and be used to offer practical support to senior investigating officers faced with difficult enquiries.

International Training Expertise

Contacts with other European Training Colleges should be established as a matter of urgency and particularly in order to benefit from crime training opportunities. The Association of European Police Colleges (AEPC) was established in 1996 and provides a network link between all the national police academies of the EU Member States. The principal needs of the police of Yugoslavia are entirely matched by the intention of the AEPC to provide policing for communities and the knowledge necessary to tackle organised crime. The AEPC currently consists of thirteen European Police Colleges currently engaged with the Working Group on Regional Civilian Police Training in Southeast Europe under the auspices of Working Table III of the Stability Pact to provide training on a series of topics over the next two years. The first meeting held in Zagreb agreed the priority subjects of future training to be illegal migration, trafficking in human beings and smuggling of drugs. Drugs will be included in the mid term – from 2002 onwards with police management, police ethics, financial crime and money laundering and policing multicultural communities. Norway has underwritten the first two training programmes. Police are at different level of development in the Region and there will need to be some banding. Furthermore there should be an undertaking that police officers will stay in post for a reasonable time after being trained. The number of languages to be used in instruction has not yet been determined but becomes a significant issue when the objective is to develop inter-

communication between practitioners both during the courses and as the basis for an informal network.

The International Law Enforcement Academy (ILEA) was created in 1995 jointly by the government of the United States and the government of Hungary to provide training to the police services of Central and Eastern Europe in how to tackle major and organised crime. The ILEA is based in Budapest. Trainers are mostly Federal Bureau of Investigation agents with substantial operational expertise and the practical investigation courses have high professional credibility. Other courses provide modules on contemporary themes of managing police forces eg leadership, financial management and human rights. Training is given in four languages by simultaneous translation. Police from Montenegro already attend the eight week courses and consideration should be given to increasing the numbers from both Republics as part of a co-ordinated priority crime training programme.

The Central European Police Academy (CEPA) was founded in 1992 and links Austria, Germany, Hungary, Poland, Slovenia, Slovakia, Switzerland and the Czech Republic. The CEPA deals principally with promoting the knowledge and skills required to tackle cross-border crime. The CEPA is a roaming institution with a secretariat based in Vienna.

NOTE Further information may be found in the document 'Regional Civilian Police Training in Southeast Europe' published by the Norwegian Institute of International Affairs.

Translation and Interpretation

The issue of language and hence of translation is an important one. Much of the information to be taught or imparted will not be in Serbian and will have to be translated. Many of the training manuals, technical manuals and police literature required will also have to be translated. This is a formidable but necessary task. The UNLO Office in Belgrade is currently considering to what extent it can provide this form of assistance and has already undertaken to translate a remarkably clear exposition of money laundering prepared by UN international experts.

Apart from the need for simultaneous translation of teaching sessions by internationals, the co-location of international police or technical specialists alongside their counterparts in a programme of rapid and intensive upgrading of their skills and knowledge will also require the participation of a number of full time interpreters. The interpreters will need to be trustworthy, highly competent and may need familiarising with police or technical terminology. It is preferable that most training be given in-country and that local interpreters be used. Although professional interpreters are currently available, the pool is drying up as more international organisations arrive.

The following recommendations include those recommendations referred to in other Chapters that possess a training requirement:

Recommendation 30: There should be a fundamental review of training in order to meet the operational and leadership demands of the force in the

future. This should be supported by expert international advice and assistance and by exposing staff to modern training content and methods.

NOTE: Because officers from Montenegro are trained in Belgrade, the Ministry of Internal Affairs of Montenegro should be included in the consultation.

Recommendation 31: Before any further building development is undertaken at the Police College and consistent with the recommended major review of training, consideration should be given to rationalising training and forming a single higher police training college. Cost should be an important feature of this consideration.

Recommendation 32: It is recommended that consideration be given to establishing a National Crime Faculty or equivalent within the appropriate estate of higher police training.

Recommendation 33: That police investigators required to carry out investigations into major crime, especially organised crime, receive international assistance with formal courses on modern methods and techniques relating to such crimes.

Recommendation 34: It is recommended that expert international assistance be provided to raise the level of awareness of police about sexual crime, including rape and the sexual abuse of children.

Recommendation 35: That all forms of training not related to policing be excluded from police training, eg Fire protection training.

Recommendation 36: It is recommended that assistance be given in modern police leadership and management training and that such training be provided before promotion to junior, intermediate and senior command levels.

Recommendation 37: It is recommended that assistance be given to provide human rights training to all new recruits and that this training shall be given as a specific subject.

Recommendation 38: It is recommended that a formal programme of training or field training on human rights be commenced throughout both forces and linked to such things as surveillance and welfare of detainees. A formal examination should check the level of knowledge and understanding acquired.

Recommendation 39: It is recommended that diversity training should be given to all ranks or titles up to the rank of Lt Col in order to promote trust and confidence in the police amongst minority groups.

Recommendation 40: It is recommended that A Code of Ethics should be created and promulgated throughout the force.

NOTE: Membership of the CoE will require a more substantial Code than that provided for in Annex 2 to the new Law on Police

Recommendation 41: It is recommended that assistance be provided to train driving instructors in order that driver training to advanced level be given to all traffic officers and to other police officers in the force who are employed full time on driving duties.

Recommendation 42: It is recommended that (1) barriers to female entry at any level shall be removed and a minimum quota of 10% aimed for at the Police Higher College, and (2) that international assistance be provided to overcome the obstacles to general female recruitment.

Recommendation 43: It is recommended that selected police professionals with a demonstrable and long-term need to read and communicate in a foreign language be provided with language training to an internationally recognised level.

Recommendation 44: It is recommended that the OSCE in collaboration with the police training establishments draw up a priority list of those documents which require translation and that international assistance with translation or funding for translation be found.

Recommendation 45: It is recommended that the OSCE identify a pool of interpreters from which translators and interpreters may be provided to incoming police experts.

Recommendation 46: It is recommended that a Police Training Co-ordination Unit be set up within each Ministry of the Internal Affairs to

1. identify in detail the areas of professional, technical and educational programmes necessary to support the programme of police reform,
2. identify the manuals, documents or other literature necessary for training, and
3. co-ordinate through the OSCE, the requirement and provision of international training.

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5. Uniform Policing

The headings chosen for the next two Chapters follow the distinction drawn between the Uniform General Jurisdictional and Crime Investigation Directorates within the two Republican Ministries. The division is strongly marked when viewed against the needs of the police of both Republics appears counter-productive. Police reform should aim for a corporate structure that ensures that information is shared, uniform and plain-clothes officers are of similar status and the total policing effort makes the best use of resources. The status of the patrol officer is vital to the public's perception and their willingness to communicate with him but crime investigation officers must be as much involved in local consultation as their uniform counterparts.

Within the Republic of Serbia, the General Jurisdictional Police are the uniform patrol police attached to police stations. Their numbers exclude the Special Police Unit of the Public Security Sector, the Border Police and the Traffic Police.

Within the Republic of Serbia there are 11,936 uniform General Jurisdictional Police, a ratio of uniform police per head of population of 1: 658. (The last population census was taken in 1991. The population is estimated to be eight million but may be higher by half a million). The establishment figure for the General Jurisdictional Police is 18,119 (1:434)

At present, uniform police from Kosovo increase the numbers by 3,200.

There are around 6,000 police officers employed as members of the Special Police Unit mostly deployed in formed units in southern Serbia. (It is proposed to reduce these numbers to 2,000 officers permanently employed as a mobile reserve to deal with public disorder).

There are 3,414 Uniform Traffic Police Officers and 1,620 Uniform Border Police Officers.

The ratio of uniform police (excluding border police) per head of population is therefore much higher at around 1: 326. The western European average for police per head of population is slightly lower, at around 1: 350

Within the Republic of Montenegro, there are 3,800 uniform police officers including 410 Traffic Police and 769 Border Police. The overall uniform force establishment is 4,650. The population of Montenegro is estimated to be 650,000. The ratio of uniform police (excluding the border police) per head of population is therefore 1: 214.

Additionally, there are estimated to be 10,000 Special Police who were recruited as a Security force to resist the threat of Milosevic's domination.

Day to day policing is based on the 209 police stations under the regional command of the 32 police Secretariats within the Republic of Serbia and the 27 police stations within the 7 Police Secretariats of the Republic of Montenegro.

Uniform policing is according to conventional shift pattern working, providing 24-hour cover by both foot and mobile patrols.

Women Police Officers

Within the Republic of Serbia, there are only 29 female officers within the general jurisdiction police. At one police station in the middle of Belgrade with a compliment of 250 personnel there are only 3 women police officers. Senior police officers admit that the lack of women police officers impairs the operational effectiveness of the station but have no control over the current recruiting policy.

Within the Republic of Montenegro there are 160 women in uniform but no female patrol officers. There is a condescending view taken of the role of women and many of the senior police officers seemed unmoved by the operational implications or the denial by a public service of the rights of one half of the population.

Although the proportion of women police officers is higher in the Traffic Police and the Border Police the imbalance between men and women is strikingly evident and inexcusable both on grounds of operational necessity as much as equality of opportunity.

Recommendation: See Recommendation 27 and 28 under the Chapter on Human Resources.

Working conditions

The conditions under which uniform police officers work is poor. The needs of both forces are substantial in terms of accommodation, sanitation, office furniture, office equipment and supplies. The requirements regarding vehicles (excluding traffic police vehicles which are dealt with below), technical equipment, IT and radio are referred to in the Chapter on Finance, Buildings and Equipment.

Driver Training

All drivers of police vehicles should undergo additional training. Furthermore, as soon as the Republic of Serbia police force is equipped with modern, high performance vehicles, police drivers should only be authorised to drive them after having passed appropriate intermediate and advanced standards of training including pursuit training. Within the Republic of Montenegro, which appears to have a modern vehicle fleet, such training should be given now.

Recommendation 47: That all authorised police drivers receive additional and where appropriate, advanced driver training.

Police Stations

Of striking significance is the shabby condition, long queues and disorderliness of most public areas of police stations. A waiting area, helpful atmosphere and cleanliness of public areas are easy to achieve. The ability of staff to deal promptly with members of the public is frequently affected by the poor performance of the IT equipment in use. This leads to tension and frustration on both sides. It is important that the minimum of physical barriers, not the opposite

exist between members of the public and the police officer or administrative assistant dealing with them.

Of higher concern are the conditions in which persons detained for questioning at police stations are held. The control and accountability for persons in custody is inconsistent and poor. There needs to be one person for every police station, ideally a uniform officer of managerial rank, who has a record of every person in custody or being interviewed as a defendant at any one time. Currently uniform and detective officers operate their own systems largely independently of the other. The officer designated as above should be held to account for detainee welfare, including feeding and medical treatment.

Detailed custody records need to be introduced as soon as possible showing medical help and food provided, visits to cells, notification of relatives that the person is in custody and details of times and place of any interrogation.

There needs to be police law and comprehensive procedures covering the detention and interviewing of persons suspected of crime. Currently, persons taken to a police station for questioning or arrested, are not always granted the right to a lawyer at the police station. Once the matter has been referred to the examining judge, access to a lawyer is granted. Confessions made during police interviews are not admissible as evidence and within the Republic of Serbia persons can only be detained for 24 hours regardless of the complexity or gravity of the crime. There is need for a complete overhaul of this system, allowing access to lawyers in the police station and any confession made 'under caution' in the presence of a lawyer to be admissible in evidence. It is counter-productive for police to be taught questioning and interrogation techniques if the information gained cannot be used to secure prosecutions. In the long term, consideration should be given to tape recording interviews. Annex 4 of the draft Law on Police is a first step towards improving matters but should only be considered an interim measure. Most Western European countries have models of such systems based on legislation. See especially the UK 'Police & Criminal Evidence Act'.

In Serbia, the current level of poverty and poor police pay is alleged to have an adverse effect upon custody conditions. There are no mattresses, pillows, blankets or sheets for detainees, regardless of the time of year. There is frequently no toilet paper, soap or towels, nor any disinfectant to keep the cells clean and detainees are only fed if they have the money to buy food, or if relatives bring food to the station. The general opinion is that if these items were provided, they would be taken by police personnel for their homes. This problem has been circumvented in similar regimes by providing such items in highly conspicuous colours and indelibly marked with 'police' logos. This is accompanied by an understanding that anyone found in unauthorised possession of such articles will be prosecuted.

In conjunction with the above, the law should be amended to allow juveniles to have an adult (not connected with the case) present during interrogation at police stations.

Currently detainees are not treated in accordance with UN Standard minimum Rules.

Recommendation 48.

- 1. that a Custody Officer be appointed, of junior rank, responsible for recording the arrival, details and location of every person brought to a police station. That officer shall also be responsible for the welfare of that person and shall maintain a record of every transaction with the detainee including time out of a cell, meal breaks and periods of rest.**
- 2. ANNEX 4 of the new Serbian Law on the Police provides a first step towards the formal care and custody of detainees. This should be viewed as an Interim Stage and further drafting carried out of a more comprehensive regulation.**
- 3. It is recommended that a major and comprehensive review of detainees' facilities be undertaken with external advice and that international aid be sought to provide the requisite stores.**
- 4. The local chief of police be held personally responsible for the supervision and welfare of detainees and the provision of basic sanitation, toiletries and food.**
- 5. It is recommended that in the long term custody reception areas be fitted with CCTV**
- 6. It is recommended that in the medium term consideration be given to all interviews with detainees being tape recorded**

NOTE The creation of a Lay Visitors Scheme described in the Chapter on Police Culture should serve as an independent body of scrutiny on detainee welfare.

Special Anti-Terrorist Squad

An Anti-Terrorist Squad was established in the Serbia Ministry of Internal Affairs in 1978 following the massacre of Israelis at the Munich Olympics. The squad consists of 100 full time officers employed in graded teams. The officers are trained to deal with anti-hijack, hostage rescue, countering attack against sensitive installations, diplomatic premises, protection of VIPs when the threat level is high and may also assist the Organised Crime Unit to arrest armed or dangerous gangs. The Squad is tasked on the Minister of Internal Affairs' Authority, directly by the Head of the Public Security Directorate. The squad has no surveillance or intelligence gathering role. Since November, the Squad has been deployed to southern Serbia in support of the Special Police Unit

Prior to the year 2000, the squad dealt with 30 incidents on average a year. The squad was not active during 2000 because of the political situation.

It is intended that the squad become the nucleus of the proposed permanent Special Police Unit. This decision should be carefully implemented. Whilst for practical reasons it might be attractive to put the two under a single command, there will be a substantial difference in the skills trained and the tasks performed. Furthermore, the squad members will operate in highly dangerous situations when their lives may depend upon their partners. A high esprit and level of mutual confidence is required.

The squad possesses rigorous selection standards including psychological profiling. The weapons and equipment used are outdated (sniper rifles are 15 years old) and members need to be exposed to modern forms of training.

Recommendation 49: It is recommended that as soon as possible the members of the squad be withdrawn from southern Serbia unless directly involved in tasks for which the squad was formed.

Recommendation 50: It is recommended that links be established to comparable units in other countries with a view to providing advice and assistance on further training and equipment needs.

Operations Centre

Day to day uniform policing deals mainly with calls from the public. Each of the Secretariats receives calls from the public within their area and each possesses a radio transmitting facility to direct police to the location of calls. All messages from the public for assistance are written and stored on hard copy. In addition to a local radio network, each Secretariat has a direct communication with the police Operations Centre at each respective Ministry of the Internal Affairs. Within the Republic of Serbia, the Operations Centre is a separate Directorate. The Head of the Operations Centre is therefore directly responsible to the Chief of Police. The main task of the centre is to monitor the operational situation within the force area, co-ordinate incidents of all types and disseminate information to the various Heads of Directorates, the Ministry or the Federal Ministry as necessary.

The previous Public Security Central Operations Room was destroyed by NATO. The current facility is contained in a normal sized room and is manned by two or three operators who monitor station networks. The console is barely functional and the equipment is completely outdated. CCTV pictures are fed from seven or eight street locations in Belgrade. There are no pan, tilt or zoom facilities.

There is no separate Major Incident Suite anywhere in either Republic police force area for managing major incidents. There appear to be no comprehensive contingency plans for dealing with major incidents, for example plane crashes on the grounds that the military will be called to assist with serious incidents or the ability to set up a Casualty Bureau to process details of victims and deal with calls from anxious relatives or members of the public which will jam police telephone switchboards.

Whilst the number of channels is considered sufficient the total radio coverage is impaired by the topography of both Republics.

Recommendation 51: With international assistance, a comprehensive review of all command and control accommodation, systems and equipment in both forces should be undertaken to be followed by substantial modernisation in facilities, systems and procedures.

Public Order

Out of 12,424 public order offences committed in the Republic of Serbia since January 2001, 6,300 were of verbal abuse and 2,000 were fights. Police therefore need to know how to resolve minor disorder and prevent regular street disorder through local initiatives eg staggering the closing times of clubs, arranging for

late night buses, moving bus and taxi stands, improving lighting and installing CCTV. They also need to possess aids to dealing with aggressive and violent persons and the knowledge of how to use them effectively with the minimum of restraint, eg pepper and gas sprays and extendable batons.

The major threat to public order is now regarded to be hooliganism at football sporting events. However, football hooligans are aligning themselves with radical political figures and parties and have already appeared on the streets to protest against the arrest of Milosevic and his subsequent deportation to The Hague. Their tribal code means emulating the behaviour of skinheads in other parts of Europe and attacking minorities. Roma are frequently assaulted and beaten and a Gay Parade in Belgrade became a premeditated opportunity to inflict damage and injury on the police as well as members of the Gay community.

The historical record is that large public demonstrations do not frequently occur. The last major demonstration at which the military were directed to intervene was on October the 5th 2000 when the military left their barracks but were prevailed upon to return. Before that, the military intervened in a public demonstration organised by Vuk Draskovic on the 9 March 1991. Whether the military or the police should deal with large-scale public disorder is perceived to be a political issue. There should only ever be one decision. The military should never appear on the streets to deal with public protest, which is a task only ever to be confronted by the police. The police must therefore be equipped and trained to deal with it. They should understand the planning and preparatory arrangements that should be undertaken and the tactics to be used to prevent rival protesters meeting or diffuse conflict if they do.

The responsibility for dealing with public order rests entirely with the police and in cases of large scale incidents is dealt with by local police supported by police from the Special Police Unit. The Special Police wear blue camouflage uniforms and have access to helmets, protective vests, gas masks, gas water cannons and some armoured combat vehicles. Ordinarily they carry batons and side arms.

In place of police officers drawn on a temporary basis from police stations that provide the manpower for the present Special Police Unit, it is proposed to set up a permanent Special Police Unit constantly available to deal with public disorder. The Unit will consist of 2,000 officers based at locations in the region and be capable of a swift mobile response. At the core will be the Anti-Terrorist Unit retaining their elite role.

It is apparent that notwithstanding the presence of a large number of police at end of season premier football matches and the unpreparedness and discharging of side arms in the air by police at the Gay Parade on the 30 June, that the Republic of Serbia force is poorly trained in tactics for dealing with disorder.

Annex One of the new draft Law on Police will specify authorities for the use of public order equipment. The decision by the Republic of Serbia Ministry of Internal Affairs to form full time Gendarmerie style, regionally based, Special Police Units and dedicated to responding to public disorder incidents is a timely moment to offer comprehensive, ethical based, training. The following factors might indicate some of the needs to be examined by both Ministries of Internal Affairs:-

- There is insufficient legislation to deal with public order offences, particularly football related offences. (Other European countries have repeatedly been obliged to pass laws to combat football hooliganism and have power amongst other things to use banning orders, restrict the sale or consumption of alcohol at or near football grounds, require persons convicted of football hooliganism to report to police stations during matches and require the surrender of passports, by persons suspected of travelling abroad to commit further offences).
- Intelligence gathering and analysis needs to be as much a part of dealing with public order as crime. Links should be established to Units in other countries.
- The results of public disorder eg criminal damage and assaults are crimes and should be investigated as such.
- Early warning tension indicators need to be identified and recognised.
- Planning for policing public demonstrations or rallies is a specialised and full-time task and requires adequate resources.
- The chain of command both in planning and command of a public order situation needs to function at strategic - normally headquarters level, tactical - normally field command level and operational - normally sector level. These command bands conform to a model that has become widely accepted known as the Gold, Silver and Bronze Command Structure.
- Modern tactics for preventing and managing public protest require substantial training. Currently most training is provided at the Basic Police Training Course and does not include them. They include the use of cordons, how to secure road junctions with three sided cordons, the use of shield lines both static and running; mixed shield protection, dispersal and arrest units; how to deploy from vehicles; and tactics for clearing or containing crowds from urban streets.
- There should be sufficient technical equipment provided, eg hand held video and still cameras for use in photographing ringleaders and suspects.
- Sufficient protective equipment such as long shields, fireproof overalls and fire extinguishers should be provided.
- Specially adapted vehicles protected by removable grills are required to carry personnel and their equipment.
- The routes of parades and marches should be frequently inspected eg by clearing streets of builder's rubble and loose objects which may be used as missiles. Shopkeepers and residents should be visited and warned.
- Every public order incident should be followed by an immediate de-briefing carried out by staff responsible for updating plans for future public disorder and by detectives responsible for investigating the offences committed.

The likelihood is that football hooliganism will increase. Parades, demonstrations and marches also remain a legitimate expression of public protest into which there is always the infiltration of a violent element and hence disorder ensuing. The fact that both Ministries intend to maintain a Unit ostensibly to deal with public disorder requires that the Units should be professionally trained and equipped.

Recommendation 52: That international assistance be provided to train and equip the police of both Republics in how to plan for and deal with all forms of public disorder.

Traffic Policing

Within the Republic of Montenegro there are 410 traffic police officers. According to statistics, every second person out of the 150,000 people in Podgorica owns a car.

The state of the Montenegrin police vehicle fleet is satisfactory. The force has recently received assistance to re-build and renovate the car fleet and now possesses 60 traffic vehicles. The force also has 20 motorcycles but these are 20 years old and need replacement.

The roads in Montenegro follow the contours of the hills and mountains. The standard of driving is poor. The number of road deaths and injuries reached a high point two years ago but have been substantially reduced by a policy of rigid enforcement of speed limits. Canada recently supplied 50 hand held speed meters to the force and traffic police stop cars exceeding the speed limit by a single kilometre an hour. The combination of uncertainty about the location of speed traps and zero tolerance policy has substantially reduced accidents and deaths but has provoked frustration and impatience amongst drivers.

The law on traffic was passed in 1988 and is a Federal Law and since regularly amended.

Within the Republic of Serbia, there are 3,414 Traffic Police Officers attached to Traffic Police Units in the Secretariats or to Traffic Police Stations in the area of responsibility of the Secretariats. At smaller police stations, Traffic Police Officers report to a Deputy Station Commander with special responsibility for traffic matters. There are 10 female traffic police officers.

There are 874 engineers, lawyers and administrative staff attached to the Directorate of Traffic's Headquarters.

The number of traffic police officers is calculated according to the type of roads, volume of traffic and conditions prevailing. There is only one major route referred to as a motorway running north to south through Serbia, which is not marked according to European standards. The motorway is patrolled by traffic police officers from the Secretariats of Belgrade, Novi Sad, Subotica, Sremska Mitrovica, Jodina, Nis and Vranje. The numbers of Traffic Patrol Officers required to cover the motorway is defined in an effort to match European requirements but there are substantially insufficient officers available to meet the requirements. This will be of increasing importance as foreign private and commercial traffic volumes increase.

Traffic police attend a three-month traffic police course. Additional rider training is given for police motorcyclists but there appears to be no additional driver training.

Police enforce parking regulations. There are no civilian Traffic Wardens. Drivers who park vehicles illegally may receive a fixed penalty notice of 105 Dinars. Vehicles may be removed to a car pound for which a driver will be required to pay 2,100 or 4,500 Dinars for the vehicles return.

The principal traffic violation is viewed as excessive speed for which drivers pay an on-the-spot fine. The fine is between 60 and 105 Dinars for which a receipt is given.

The force possesses 434 marked police patrol vehicles and 44 motorcycles. The vehicles include some Japanese and German models but are predominantly 1.1 litre or 1.3 litre Zastava saloons built in Yugoslavia. The motorcycles are different models of the BMW range. The vehicles are on average at least 6 years old and the motorcycles 12.

Traffic Police Vehicles are painted in blue and white and carry audible and visible emergency warning equipment. Police motorcycles are painted in black and white. Apart for a very small number of vehicles carrying accident investigation equipment, traffic vehicles do not carry any special equipment to deal with accidents, including first aid kits. Traffic officers do not receive first aid training to a recognisable international standard. Not all traffic vehicles are fitted with radios. Those that are, can enable checks to be made on vehicle and driver identification.

There is an Annual Traffic Plan that sets objectives for the coming year and reports on the success of the previous year. However, there is no Road Safety Strategy for reducing accidents. Although the Directorate of Analytics analyses traffic accident statistics, local action based on analysis of accident causation by traffic officers eg, time of day, conditions inside the vehicle, influence of alcohol, drugs, aggression, road surfaces, weather, distractions, sight lines, lighting etc could be productive.

It is a fact that in many European countries, traffic policing is frequently under-resourced and low down on the scale of operational priorities. This is short-sighted. Accidents continue to kill and seriously injure many people during a year and the effects on victims and their relatives are as severe as the outcome of any crime. The presence of high performance marked police cars has a calming effect on poor road behaviour but in the hands of a highly trained driver, also provide a strong deterrent to drivers who would otherwise refuse to stop for police. Importantly, they provide a mobile reserve to deal with crime and major incidents.

Traffic policing has three main tasks:

- to prevent accidents
- to enforce road traffic law and
- to facilitate the free flow of traffic.

Their primary role therefore gives them a strong opportunity to build good relations with the public whilst raising driver awareness and with a community safety objective in mind. Accident reduction is frequently the reason given for enforcing speed limits whilst other offences go unchecked. There is no doubt that speed is a contributory factor in accidents but it is not a cause. The cause of most accidents is driver error for which the solution is better training. Road Safety

campaigns play a valuable part in raising awareness about danger on the roads and if persistently re-enforced may reduce accidents by making certain behavior anti-social, eg driving with excess alcohol. Police need to play an active part in these campaigns to underline their community safety role.

Some driver or rider behaviour is flagrantly dangerous in which case traffic police must possess the skills and vehicles to enable them to stop such drivers quickly and safely. They should also possess easily deployable equipment that will safely deflate the tyres of a fugitive's vehicle, (sometimes referred to as 'Stinger' or 'Spike Mat'). Nevertheless, all authorised police drivers and riders should undergo additional training to make them safe. A number of police drivers who drive marked police vehicles or special or covert unmarked police vehicles and may be expected to take part in high speed driving should receive advanced police driver training including pursuit training. There should be no doubt in the public's mind that police possess this capability. This is important as a deterrent, gives confidence to law abiding people and is important to professional self-esteem.

Recommendation 53: That new or replacement police vehicles be provided with sufficient load carrying capacity to enable them to carry equipment for dealing with traffic accidents.

(Recommendations with regard to assistance to replace the remaining vehicle fleet appear in the Chapter on Finance, Buildings and Equipment).

Recommendation 54: That new or replacement police traffic vehicles be painted according to European high visibility standards of police vehicle marking.

Recommendation 55: That accident warning signs and equipment required at the scene of major road accidents and major incidents be provided eg portable emergency lighting.

Recommendation 56: That traffic police officers be provided with protective and reflective clothing.

Recommendation 57: That traffic police receive additional and advanced driver and rider training.

Recommendation 58: It is recommended that the police be assisted to introduce high profile public road safety campaigns to make the public aware of the causes of accidents, and educate them in the means of avoiding them.

Police are authorised to collect an 'on-the-spot' fine for speeding offences and to issue a receipt. This provides an opportunity for police to collect unauthorised fines for a lower amount and for which no receipt is provided. The collection of 'on-the-spot' fines also gives rise to suspicion in the mind of the driver, especially visitors to the country.

Recommendation 59: That the practice of collecting – 'on-the-spot-fines' be discontinued and fines collected by alternative means either at a police station or border crossing.

Border Policing

The Federal government devolved responsibility for border crossings to the Republics in 1979.

Within the Republic of Montenegro, there are 13 border crossings. Border security is under the control of the Yugoslav military. There is a good relationship between the two but it is unlikely to be a productive crime fighting partnership in view of the different objectives of the military. Consistent with the unresolved issue of a Federal Border Police Service, it is believed that police officers drawn from the Special Police Unit will form the 2,000 strong border security force of the future.

There is a need for a police maritime unit for river, lake and sea. Customs officials only operate at Bar, Kotor and Risan. There is no coastguard.

Bozaj on the Montenegrin border with Albania is the only permanent crossing point equipped to anywhere like an acceptable standard. Elsewhere, in Montenegro crossing points consist of container accommodation units, in some cases without sanitation, water and interrupted electricity supplies. Only at Bozaj and at Podgorica airport are there stand-alone computers. None of the border crossing points is linked by an IT network.

At Bozaj, 30,000 people and 8-8,500 vehicles cross every month. Since February 2000 Montenegro has established formal links with Albanian Border Police and Police in Shkoder (Albania) resulting in 80% drop in illegal crossing offences. Reputedly, the Albanian police are responsible for securing the Albanian border but ineffective. Major smuggling is known to be carried out over mountainous terrain under the supervision of Albanians who meanwhile legitimately cross at the Bozaj checkpoint.

All border police would profit from information to help identify forged foreign identity and passport documents. Recent awareness training by Germany has so far resulted in the discovery of 85 such documents

The border with Croatia and with Bosnia and Herzegovina has still to be agreed. Montenegro's non co-operation with the Federal government means that there is no representation to EU for border crossing improvement funding.

Within the Republic of Serbia, there are 37 border stations providing staff to 76 border crossings. As in Montenegro, the security of the border is under the control of the Yugoslav military. In Montenegro, responsibility for border police is under the command of the Uniform Police Directorate. In Serbia, the Border Police is under the separate command of the Directorate of Border Police, Aliens and Administration.

The border police deal with 24 million movements annually. Despite the outdated or non-existent technology, in the year 2000, 10,000 suspects were detained and 80,000 persons refused entry. The principal threat remains trafficking in people and goods and other forms of illegal immigration.

As in Montenegro, the absence of a computerised information network and links to the outside world severely impairs the operational effectiveness of the border

police. Lack of international agreements also mean that police are powerless to arrest and deport persons coming to notice (having been posted on the internet) as wanted in other countries.

Over 33 new border crossing points have had to be erected in response to the dissolution of Yugoslavia and the creation of new borders within its former territory. These are the most inadequately constructed and equipped. Even before the dissolution of Yugoslavia, the border crossing points were not in a good condition but they remain in a better condition than the crossing points newly set up between the former territories of Yugoslavia. After the withdrawal of Yugoslav troops from Kosovo, 5 border units were withdrawn and 6 crossings abandoned.

The Sremska Raca new border crossing point with Bosnia presents a typical picture. The crossing is on what used to be a local road but now carries 150 to 250 heavy commercial vehicles and over 100 buses per day and is the principal route to and from Serbia, Banja Luka and Tuzla for 2 million people. The checkpoint provides one traffic lane in either direction. There is a metal roof on iron girders covering vehicles and persons being checked, otherwise the checkpoint is open to all weathers. There is therefore no place to put luggage from buses being searched. There is no weighbridge facility and suspicious vehicles have to be escorted four kilometres to a pull off point to be weighed. Vehicles requiring a thorough search must be escorted 35 kilometres to a police facility. At no police border crossing points or search facilities do police possess modern searching aids of any kind. There is no CCTV, or document scanning equipment and checks must be done by telephone through an intermediary police office with computer access to existing force databases. There is no central database and only 17 border posts are currently linked which means that a decision must be made whether to circulate descriptions of persons wanted or persons or vehicles flagged for special attention by insecure telephone. Visitors Visas are prepared using portable typewriters. There are no purpose built search facilities and female privacy is a problem. The number of women border police officers was recently increased and there is now a total of 180 in the service. There is never more than one female office on duty at a time and female customs officers are frequently asked to assist. There are no detention facilities.

Police at the new border checkpoints operate from metal containers that in summer heat record temperatures of up to 50 degrees centigrade. Alternately, in one instance staff were cut of for seven days in a snow storm. Filing and documentation is worn out. Information is entered onto a stand-alone computer passed to the checkpoint by insecure telephone line or by hand.

The Belgrade Police Secretariat is responsible for the border along the rivers Sava, Danube and at Belgrade Airport. Police do not possess marine craft able to intercept fast rigid inflatable boats making clandestine crossings.

Belgrade Airport.

The airport currently manages 50 flights and around 3,000 passengers a day. New carriers are expected to arrive and JAT has plans to increase its routes to Canada, Australia and the US. The airport is bare and poorly functional. Searching equipment consists of ten year old X ray machines producing black and white images. Security searches appear casual. Presumably because of the poor

design of the airport allowing arrivals passengers to mingle with departing passengers, people are checked and their luggage scanned at every departure gate. Unusually, all visitors to the airport, including people meeting arrivals passengers have themselves and any bags checked, although the standard of scrutiny is poor.

There is no CCTV surveillance or integrated technical systems. There is a police control room but it would be incapable of managing a major incident. There is an atmosphere of enforced idleness.

Any hardening of borders with Montenegro and the administrative border with Kosovo will require more police officers. Efforts by the border service have pushed the main south to north route through Nis for trafficking in drugs, side arms and females to the east and outside the country. Nevertheless, the criminal will strive to get to central Europe by the quickest routes. The visible deficiencies of some crossing points make them attractive alternatives to those borders which are being hardened, eg Hungary. The smuggling of gasoline, cigarettes, coffee has given way to domestic appliances. It is planned for Brcko (in BiH) to become an international port on the River Sava with a consequent and serious potential for smuggling.

The staff of both border services appear competent so far as information, knowledge and technical equipment will allow. Their effectiveness is seriously impaired by the conditions in which they operate, the lack of technical equipment available to them and the complete absence of access to vital information. In both Republics, the absence of a link to Interpol means that suspect motor vehicles cannot be checked, yet Interpol has a vast database of such vehicles.

The borders are likewise inadequately secured. The Army has scarce resources and uses conscripts who lack training. Border security requires manpower and sophisticated surveillance capability. The police too, need four wheel drive vehicles and detainee vans.

At the Batrovci crossing point with Croatia, last year 72,768 trucks, 26,000 cars, 8,000 buses and 940,000 people were processed without sufficient manpower or technical resources. The route is on direct route from west to east linking Belgium to Turkey.

The number of crossings is high because people who previously lived and worked in the same country are now obliged to cross an international border in order to carry on doing so.

Because of the political situation that currently exists between the three political entities in Yugoslavia, the knowledge and extent of the problem confronting the border police of both Republics is being excluded from the planning for the Federal Border Police Service.

The political situation which presently limits the co-operation and effectiveness of police at border crossing points within the two Republics must be resolved as soon as possible, if necessary by the conditioning of donor aid.

Recommendation 60: That in support of and notwithstanding the Federal government's intention to create a new Border Police Service, international assistance be provided to rebuild and equip border crossing points in Montenegro and Serbia, including with a fully integrated IT network.

Recommendation 61: That information and training be provided to the Border Police of both Republics to help them identify forged foreign identity documents.

Internal Control

Within the Republic of Serbia there is an Internal Control Department to deal with complaints against uniform police officers whilst another Department within the Crime Investigative Directorate investigates allegations of crime made against their officers. Allegations of crime against a uniform officer are jointly investigated. One police officer in every Secretariat is directly responsible for investigating complaints.

The Department dealing with the investigation of allegations of crime against police officers consists of a perceptive and hard working Lieutenant Colonel assisted by four investigators. In the year 2000, the Department dealt with 124 allegations but have received 232 complaints in the first five months of 2001 of which 70% have been found to be false. Of the cases reported in 2000, 95% have been concluded, mostly through lack of evidence. Most complaints relate to connections between police and organised crime but founder for lack of evidence. It is the view of a senior police investigator that 20% of such allegations are likely to be true. It is undoubtedly true that some complaints are made by criminals against the officers investigating them in order to obstruct the investigation and have the investigating officer suspended or removed from the enquiry.

The investigation of complaints and allegations of crime against police officers in the early post Milosevic months is a formidable and in some cases a dangerous task. The current resources allocated to it will not be adequate and nor will the resources that they command. If the degree of crime and corruption is considered to be sufficiently threatening, a separate police anti-corruption unit needs to be set up in concert with the Organised Crime Unit to deal entirely with internal crime. Police officers, particularly crime investigators are well versed in surveillance techniques and the police methods of investigation. For this reason, highly sophisticated techniques and resources have to be applied over a long period. This may need the assistance of international agencies and police officers possessing recent relevant experience.

Within the current Organised Crime Squad programmed for suppressing organised crime, the Financial Investigation Unit is managing a project to find out how serious is the problem of general financial corruption in the police. It is judged that the low salary is a contributing factor but not the principal one that is strongly believed to be a lack of competent supervision and internal control.

It is interesting to note that police officers sentenced to less than 6 months imprisonment keep their jobs. Most commonly these cases apply to police officers convicted of causing death by dangerous driving who receive five months imprisonment.

Within the Republic of Montenegro, the current head of Internal Control does not have an operational background but a clear and progressive view of the policing role. He is frank, committed and scrupulous with high ideals for the force. He and his team of two Chief Inspectors deal with all complaints against police including allegations of crime however received from the public. The most prevalent offences are excessive use of force and improper conduct. In 2000, he dealt with 53 cases of excessive use of force for which 10 officers were dismissed and 66 cases of improper conduct for which 16 officers were dismissed from the service. The same officer is responsible for carrying out inspections of performance within the force and possesses the power to reduce the salary of any officer whose performance is adjudged to be below the standard required. Inspections may be carried out unannounced together with a team augmented by police officers from traffic, border or other Secretariats. Reports are submitted to the Head of the Directorate and to the Minister. Checks are carried out with the owners of motor vehicles from whom fines have been paid on a random basis. Commanders of police units have their own inspection systems.

The need for independent oversight and the creation of an external complaints authority appears in the Chapter on Police Culture. A proposal for a Parliamentary Commission to oversee the investigation of complaints is contained in Annex 3 of the new draft Law on Police.

Community Policing

The declared aim of all three Ministers of Internal Affairs within Yugoslavia is to make community policing a principal aim. Community policing should not be viewed as a form of policing which is separate from real policing or a public relations contrivance to bring about less criticism or bad feeling towards the police. Community policing is a part of problem oriented policing which enables police to tackle the causes rather than the symptoms of local crime and to know what matters are of contemporary concern to people in the community they police. If local people know how to contact the police and have no fear or apprehension of doing so, local police officers become gatherers of useful pieces of information that may be of enormous relevance to even the most serious crime investigations. The key element is that police officers are given designated local areas, are encouraged to know as much about them as possible and remain on them for as long as possible. It is strongly recommended that once community policing is established, community police officers are not deployed to fill gaps in policing elsewhere.

Some formal methods for establishing consultation and partnerships with the local community appear in the Chapter on Police Culture.

Crime Prevention

Effective crime detection makes a powerful contribution to crime prevention. If people believe they will get caught, they will be deterred from committing crime. However, minor crimes, especially crime committed by young people are amongst the most prevalent and divert police resource from more major issues.

Uniform officers in both Serbia and Montenegro investigate minor crimes. As an example, of the 13,207 criminal offences solved in the first four months of 2001, 3,966 minor crimes were pre-investigated by uniform and over 3,000 jointly with CID.

On the grounds that a pinch of prevention is worth a handful of cure, a primary part of the policing effort should be applied to preventing crime rather than having to detect it. The means for doing this need to be put in place as soon as possible. It is the uniform police who traditionally take the principal lead in crime prevention. To do so they need to be trained and have access to individuals, groups and agencies outside police who can jointly contribute information and influence towards preventing crime. It should become more and more understood by government, their respective departments and by the general public that although the police can be effective in deterring crime, the responsibility should not be theirs alone.

The need for the Republic of Serbia and the Republic of Montenegro to possess a crime prevention strategy as well as a central department to oversee national, regional and local crime prevention initiatives and act as a repository of knowledge about successful schemes for preventing crime of all types, is dealt with in the Chapter on Organisation.

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6. Crime Policing

Prior to the last decade, Yugoslavia had one of the lowest recorded crime rates in Europe. In comparison to other European States, the incidence of recorded day to day crime was low and the number of cases solved was high. The collapse of communism and a decade of intra-State conflict have shattered law enforcement throughout the region. Laws have become ignored; others have become outdated or unenforceable. The devastating effect on the economy of corruption and war has left the police and judiciary with very low wages, which has undoubtedly encouraged corruption. According to Interpol, eighty percent of crime dealt with by that organisation occurs in Europe and 80% of that crime occurs in the Balkan region. According to contemporary statistics, minor crime remains low. Crime is classified as 'solved' or 'unsolved'. A crime is considered to be 'solved' when the identity of the perpetrator is known although he may not have been convicted of the offence by a court. The biggest increase in minor crime trends is in burglary of shops and domestic dwellings and the theft of mobile telephones.

It is reasonable to expect that as public faith in the police grew less over the last ten years, crime will have been under-reported. By how much is a matter of judgement. A reference to the crime statistics for Serbia for the five years from 1996 to 2000 (Annex A), shows reported violent crime with the exception of robbery but including murder and rape to be reducing. The crime statistics for the Republic of Montenegro (Annex B) show crime to be reducing substantially in all categories. The view of experts is that the major offences linked to organised crime, such as murder, have reduced whilst the criminals assess the situation under new regimes. Property crime is also declining but may be expected to increase as the transition to a new economy takes effect.

What will never be added up are the major criminal offences committed at the behest of the previous regime and the endless conspiracies to pervert the course of justice resulting in the virtual collapse of the rule of law. The example and consequences of this anarchy have left institutionalised law breaking at every level of society. Society as much as the police needs to reform itself. The police have now to tackle organised crime whilst both the police and society co-operate to meet the inevitable increase in reported crime, as social conditions improve.

At the Federal level, members of the Crime Investigation Directorate possess, but do not exercise, the authority to investigate crime in the two Republics. The small staff of highly qualified investigators act as desk officers managing co-operation with foreign countries on behalf of their Republic colleagues and assist to co-ordinate crime operations in response to international requests for assistance in such areas as missing and wanted persons, murder, illegal immigration and trafficking and drugs.

The Department is engaged in fulfilling the conditions necessary to link the country to the Interpol network in anticipation of the Interpol General Assembly agreeing to the Federal Republic of Yugoslavia becoming a full member in September. (More details and the urgent need for further assistance to equip the National Central Bureau are given in the Chapter on Organisation, Structure and Systems). Since being suspended from Interpol in 1992, information and exchange opportunities have ceased and the professional knowledge of crime investigators has fallen behind their European contemporaries. (A head of

detectives in one of the Republic ministries frankly admitted that when he attended a recent conference of international colleagues he did not understand what they were talking about). The Federal ministry reportedly lost 80% of its criminal database in the NATO bombing. Financial resourcing has seriously deteriorated.

Organised Crime

Five days after taking office, the Minister of Internal Affairs of Serbia established a Department for Organised Crime Suppression - or Organised Crime Unit (OCU). The OCU reports directly to him to prevent interference by associates of organised criminals who are feared to have penetrated the Ministry or to reduce the amount of information leakage. The Minister is accountable to government and to the Parliamentary Committee on Security and will retain control of the Unit for the foreseeable future. It is proposed that the Organised Crime Unit will become a separate 'Sector' of policing, ie separate from the Public Security Department Sector.

It is proposed that when fully staffed, the OCU will have specialists dealing with kidnap, drugs, trafficking in human beings, arms and explosives, motor vehicles, art, commercial crime, money laundering, smuggling, fraud and bribery and corruption. It is intended that the Unit will also have its own technical support, scenes of crime officers, crime intelligence, surveillance and forensic capabilities and secure communications and IT. The Unit will have raiding, undercover and witness protection teams,

The term 'organised crime' is frequently but inappropriately used and seldom understood or defined. The Organised Crime Unit requires conditions 1,3,7 and 11 together with any three others from the following list to exist before assuming responsibility for an investigation:-

1. There must be a continuing collaboration between two or more persons.
2. Each individual has a specific task.
3. The collaboration is for a long or indefinite period.
4. There is an internal hierarchy and discipline.
5. The group is engaged in money laundering
6. The group seeks to exercise influence over politicians, the media, public services, the courts and in business.
7. Individuals are suspected of committing major criminal offences.
8. The criminal offences are defined as international crime
9. Individuals are violent and apply other methods of intimidation.
10. Individuals work through business organisations or business look-alike organisations.
11. The main objective is to gain profit or to win political power.

A significant factor not included, is the ability of the group to re-generate itself despite suffering losses as a result of enforcement activity.

The sound reason for defining organised crime is that the term is frequently and inappropriately used to refer to organised criminal gangs and needs to be differentiated in order to justify the sophisticated skills and aids necessary to tackle it. Faced with the present level of threat, the police in Serbia have had to restructure and recruit high quality investigators. The Unit has been instrumental

in evidence gathering against criminal conspirators, including Milosevic but needs further manpower and resources to investigate thousands of outstanding cases of which the biggest is the kidnapping and presumed assassination of previous President Stambolic. Until these cases are cleared up, the public are unlikely to believe that much has changed.

Although the international community will continue to focus on the apprehension of Persons indicted For War Crimes (PIFWCS) from Serbia, it is organised crime and criminals that have become the principal threat to political stability. Organised groups are assessed by the Head of OCU to be getting stronger. Witness protection programmes need to be in place and courageous and incorruptible judges need to be available to try the cases. Organised criminals protected for years are now beginning to feel threatened. The recent arrest of one group produced 170 charges. All the persons arrested possess considerable wealth but have never worked.

There is a strong requirement for knowledge about external organised crime fighting methods and additional training in techniques and technology. Training should be given by international experts co-located with their Yugoslav counterparts and through external visits.

Recommendation 62: It is recommended that information on external organised crime fighting methods be provided to the Head of the Organised Crime Unit in order that assistance programmes may be provided to members of the Unit.

Anti-terrorism

In Serbia, the number of terrorist incidents are mostly those encountered in southern Serbia and dealt with by the uniform Anti-Terrorist Squad supplemented by the Police Special Unit. In Serbia there were over 5,000 cases of terrorism in 1999 and over 1,000 cases in 2000. In Montenegro, there were no recorded terrorist crimes but some explosives used in attacks between criminal gangs to intimidate or kill. In both Republics, State Security has a responsibility for counter-terrorism.

Murder

Murder is frequently a product of organised crime. In Serbia, police are also investigating numerous assassinations and attempted murders of the last few years perpetrated against the enemies of the Milosevic regime.

Steps to be taken at the scene of a murder and during the police questioning of a suspect directly relate to standards of proof required by the courts but in any case should anticipate defence counsel's every effort to discredit evidence against the accused. It would therefore seem vital that all police officers understand the first steps to be taken at the scene of a major crime in order to preserve evidence and prevent contamination. (An example is a uniform police officer covering the naked body of a young girl found on wasteland with his coat in a humane act that nevertheless rendered fibre evidence inadmissible). Few uniform police understand these requirements but may nevertheless be the first officer called to the scene of a crime. Forensic pathologists do not visit the scene as a matter of course.

Officers likely to be appointed to lead murder investigations, thus becoming the Senior Investigating Officer, receive little or no formal training in how to investigate or manage a murder enquiry. Most pick up their skills by watching others and from being involved at a subordinate level in other enquiries. There are no Manuals of Guidance or Aide Memoires issued to Senior Investigating Officers. There are insufficient standardised incident room procedures that enable staff to be pre-trained and tasks to be classified and anticipated. For this reason, no contingency plans are in place which comprehensively list the specialists and administrative personnel who would be called out or placed on standby in contemporary investigations of murder in other countries, eg an Exhibits Officer, Antecedents Officer, Crime Intelligence Analyst, Local Press Officer.

The absence of IT systems and support is a substantial disadvantage. Statements cannot be input onto computer and therefore cannot be automatically searched according to pre-set criteria or key word recognition. Analysis of major large enquiries linked to other similar crimes becomes extremely difficult and in cases of multiple subject links it is easy to lose the picture.

Information Technology is essential to the investigation of complex crimes particularly to analysing links in cases of organised financial crime and its absence highly impairs the effectiveness of investigative work.

Intelligence analysis is vital to the investigation of all crime but particularly to the investigation of murder related to organised crime.

Forensic analysis capabilities have become highly advanced elsewhere during the last decade. The meticulous examination of victims, suspects and crime scenes is therefore crucial. To ensure the admissibility of such evidence also requires awareness and training. Failure to carry out detailed examination in a timely manner will mean that they it may never satisfactorily be undertaken at a later stage. Evidence will be irretrievably lost or weakened.

Elsewhere also, the opportunity for defence counsel to imply evidence manipulation is countered by the Senior Investigating Officer keeping a formal record of such things as major lines of enquiry, action priorities, sequence of events, trace, interview and elimination criteria and statement taking instructions. No such policy record currently exists.

It may also be helpful to have murder investigations reviewed for integrity and possible alternative lines of enquiry by other experienced investigators within the first month of the enquiry and at regular intervals thereafter.

The role of the media may also be crucial. Senior Investigating Officers, at the very least, need to know and be encouraged in how to use the media in order to trace witnesses and manage public co-operation.

All major crime investigations should be reviewed for lessons learned and the information used to inform training and investigators in the field. This task should be undertaken by the staff of the newly proposed Crime Faculty within the Police Academy

The number of detectives in Montenegro dealing with major crime is particularly small.

During the last four years there have been 95 murders reported in Montenegro of which 83 have been detected. A recent, well run, major operation to apprehend seven suspects for conspiracy to murder led to a further six arrests in Serbia of which two were policemen. Confidentiality of operations is threatened by a closed community but similarly, the identities of most major criminals are known. The clear-up rate for murder in 2000 is claimed to be 91%. This is commendably high but there are no modern murder incident room procedures and investigations are overwhelmed with information that cannot be sorted or accessed by computer in the way described earlier.

Recommendation 63: It is recommended that modern methods of investigating and managing a murder enquiry be shown to the respective heads of the crime investigation directorates and selected members of their staff in all three Ministries with a view to providing formalised programmes of knowledge and training.

Kidnap

Kidnap is a relatively new phenomenon within the Republic of Serbia and has pre-occupied most of the operational work of the new OCU since its inception. Since December 2000 there have been 9 kidnaps of prominent business or entertainment figures for which 5 members of an organised crime gang have been arrested. Although police have been successful in discovering the identities of the kidnappers and, in many cases, apprehending or circulating them as wanted, large sums of money are known to have been paid in ransom. The crime is likely to become an attractive means of raising funds, as well as frightening away potential international investors, thus depressing the value of businesses that may then be acquired at cheaper rates by criminal enterprises.

There is little or no knowledge of the modern tactics and techniques in use elsewhere for dealing with this crime. Lack of sophisticated technical aids impair the ability to monitor and track ransom deliveries. Outdated banking systems make the tracing of ransom payments impossible. Investigators are unlikely to be aware of hostage negotiation tactics and the link to the management of large scale hostage taking eg on board a hijacked aircraft or following a bungled bank robbery.

There is no training on the management of the media during the investigation of cases of kidnap, or prior agreements with Editors to impose a news blackout in return for full disclosure of the facts and an interview with the victim when he is released.

Additional difficulties in convicting suspects will face the police and prosecutors. It is highly likely that suspects will be able to afford to employ comprehensive defence tactics and to corrupt judges.

To date, no foreign nationals have been kidnapped but as a tactic for deterring financial interest in businesses (already selected as part of an extensive money laundering operation), this must be anticipated. Training and technical assistance is highly necessary. The political dysfunction between the three political entities

should not obstruct the urgent and pragmatic need for police to become competent to tackle this crime.

Recommendation 64: It is recommended (1) that officers from the Federal Ministry Crime Police Directorate and the Republic of Serbia Ministry of Internal Affairs Organised Crime Unit receive comprehensive training and assistance in the management and detection of kidnap, as a matter of urgency and, (2) that should the Minister of Internal Affairs of Montenegro so require, a separate assessment be carried out of the potential threat of kidnap within Montenegro and the existing capability of the police to respond, with a view to further training being given.

Commercial Terrorism

The first case of commercial terrorism has been recorded in Belgrade recently. It is highly likely that retail outlets, businesses and banks will become targets for this sophisticated and difficult to investigate crime. Advice on controlling the level of risk and joint contingency planning with police should be included in the remit of the OCU and commenced soon. It is possible that funding may be contributed by the major organisations vulnerable to such attack.

Recommendation 65: It is recommended that knowledge and training on the investigation of commercial terrorism be provided to selected investigators in all three Ministries.

Financial Crime and Corruption

Montenegro is currently the recipient of large US and EU funding but will have to develop its own financial means for which tourism will be a major contributor but not until social development elsewhere attracts visitors. There is a real concern that in the interim, criminal entrepreneurs will purchase hotels and develop resorts as a means of laundering the proceeds of crime. Police need links with international police in order to learn about the level of threat and the methods used.

Sixty percent of financial crime in Montenegro occurs in Podgorica. Co-ordination between the Headquarters and the seven regional financial crime units is being strengthened. The Unit deals with public company fraud, the 'abuse of power' by awarding preferential contracts, money laundering and consequently the evasion of tax. A major source of work has been created by the decision in 1994 to admit a large number of refugees to whom Montenegro issued identity cards and permitted to start up companies. After the Dayton Agreement was signed, most returned home or departed for third countries leaving behind frauds and debts. The disintegration of Yugoslavia turned the country into a cash economy with the accompanying opportunity for non-accounting. A third problem is a consequence of the undefined relations with the Republic of Serbia. Legislation dealing with financial matters is according to Federal statute. Since it decided not to recognise Federal authority, Montenegro has been drafting alternative laws but is nevertheless prevented from enacting them by the Federal Constitution, and in order to preserve economic independence has instead drawn up its own regulations. The country has yet to escape the vicissitudes of the past. Throughout the turbulent years, all revenue collection was dominated by Milosevic.

The head of the financial crime investigation seeks regional co-operation and looks to the Stability Pact Anti-Corruption Initiative to help but is disappointed with the response to date.

The Bank of Montenegro was founded at the beginning of 2001 and as other commercial Banks begin to prosper, it is inevitable that credit cards will be re-issued. There is no comprehension of the degree or methods of credit card fraud suffered by external States and the likelihood of a tidal wave of credit card fraud should be countered by formal awareness training. Regional and bi-lateral agreements are currently needed to facilitate access to invoices of companies involved in evading tax on imported goods. Attempts so far have failed because the official point of contact with other countries is the Federal Ministry. Like their contemporaries in all other specialist units, the staff of the financial crime unit are hungry for information about the latest methods for tackling fraud and financial crime. The provision of IT hardware and software systems is vital. Some valuable training is currently being provided by the International Law Enforcement Academy in Budapest.

In both Serbia and Montenegro vast sums of money were raised for either the war effort or the private accumulation of wealth and was provided through trafficking in cigarettes. Cigarettes and oil were imported but no duty was paid and Serbia 'entered the deepest waters in its history' according to the present head of the financial crime unit. The terms 'corruption' and 'money laundering' are not recognised in law and whilst it was planned that these would be incorporated in Serbian legislation in the autumn, the draft law has since been withdrawn from the legislative timetable. Because the investigation of these cases is almost impossible, a pragmatic step has been taken of taxing entrepreneurs on their extra assets, (legally questionable but possibly effective). For that reason the courts will not be involved and it will be left to the tax authorities to advise on the outcome of negotiations and the sums of money offered. There is no asset confiscation legislation.

The Serbian Department of Economic Crime is linked to the OCU and deals with serious cases of fraud involving substantial sums of money. There are strong grounds for believing that political figures are involved. The police are co-operating with the independent government commission on corruption that has twenty one groups investigating previous substantial public frauds. The work is principally undertaken by financial experts from the Banks, the Ministry of Finance and Customs. There was a high incidence of corruption prior to October 2000 but not reported because of the involvement of high ranking politicians. Teams are now undertaking retrospective investigation but are hampered by lack of records and the time consuming effort of reconstructing them. Their tasks are daunting but their enterprise is impressive.

The financial crime unit in Serbia is presently confronting two major matters related to organised corruption. The first is reverse money laundering by which government money is used to fund illegal and criminal activity. Over 30million Deutschemarks in cash is known to have been taken from Customs and used to finance political parties, purchase of houses and cars as gifts for supporters. Milosevic is alleged to have sanctioned or directed this activity and also the imposition of taxes on goods that legally and hitherto did not attract duty. Those involved became close associates of major criminals. Because of the depletion of

the national exchequer, no money was available to fund social welfare, education and health. So far, a previous Minister of Finance, the Head of Customs and officials have been arrested. The first case to be disposed of is the conviction of a former Head of a Prison for fraud.

The second matter is the difficulty of identifying the end user, the current location of the money and who directed the transfer. Although the Head of the Financial Crime Unit describes many polite promises of assistance from overseas countries, so far no tangible assistance has been forthcoming. International repositories for proceeds of money laundering and off-shore havens for illicit funds are well known. The financial crime unit requires co-operation to list those companies owned by Yugoslav citizens in foreign countries and to be given information about their accounts. The justification for the latter requires a case investigation and sufficient grounds for requesting the information as well as an application through the courts. The normal channels would be through Interpol and Europol which are not presently open but the unit also want help with information from countries outside Interpol and the assistance of international agencies dealing with such things as pyramid banking, eg The International Chamber of Commerce. It would seem crucial in order to reduce the size of the donor requirement that countries co- operate.

Recommendation 66: It is recommended that international assistance be provided with the investigation of major financial crime to the police of both Republics and particularly with regard to future credit card fraud.

Recommendation 67: It is recommended that tangible international assistance be provided to the Republic of Serbia to trace the location of large sums of money stolen from the State.

Trafficking

The Federal Ministry is strongly responding to the OSCE and Stability Pact Initiatives on trafficking in human beings. Apart from within the border police departments, there is poor awareness and interest generally on the part of police and the public about the subject, and the prevailing disregard for gender equality contributes to indifference about the plight of victims. Both Serbia and Montenegro are countries of transit and final destination for women and girls forced into prostitution. However, cases of Roma and refugee girls in collective centres in Serbia being lured into trafficking, indicate that Serbia is also becoming a country of origin for vulnerable groups. Because of the lack of reciprocal agreements with neighbouring States, the incompatibility of laws, the absence of laws which enable successful prosecutions to be brought against the traffickers and pimps and the lack of legal authority to produce evidence obtained by the internal use of technical and surveillance aids, victim's cases are generally viewed as time and energy consuming and inevitably unproductive. The very fact that victim's statements, both verbal and written, will be in a foreign language further reduces responsiveness.

Ministers and government representatives of the countries of South East Europe including the Federal Government of Yugoslavia signed a Declaration for Combating Trafficking in Human Beings in Palermo, in December 2000. Following an OSCE Roundtable on Trafficking in Human Beings held in Belgrade in April 2001, the Federal Ministry of Internal Affairs announced the

formation of a National Team to oversee planning to combat trafficking and co-ordinate work with other national teams. Both the Federal Ministry for Health and the Ministry for Social Welfare have pledged the supports of social workers, psychologists and lawyers. The Federal Ministry has publicly condemned the trade but the border police of both Republics daily confront new suspects at border crossing points without the means to act on their suspicions. The absence of appropriate legislation and technical equipment encourages such crimes and hinders intervention and detection.

The Government of the Republic of Montenegro has also signed the Palermo Declaration and in February 2001, appointed a distinguished lawyer to be the National Co-ordinator for Combating Trafficking. A Project Board has been formed comprising representatives of government, OSCE/ODIHR, the Association of Women Judges and Lawyers, the Montenegrin Women's Lobby, the Montenegrin Women's Safe House, the IOM, UNICEF, UNOHCHR, ICMC, CoE, and the American Bar Association. The Board has produced an operational 'Victim's Protection Program For Montenegro' that systematically addresses the key areas for tackling the trade and consists of an Awareness Campaign, an SOS Telephone Line, a Shelter, procedures for Repatriation, a Training Program, specific Border Control and law enforcement actions and Law Reform.

The Program currently receives funding for the Awareness Campaign from Italy; funding from Sweden for the Repatriation program and for the Women's Shelter, (currently in use by victims of domestic violence); and from ODIHR for the SOS Help Line and for training NGO volunteers and the police. The Program is more developed than anything else in the Region but requires further funding to sustain itself for the next two years. The Program also creates a Police Expert Team that ensures that effective police action is taken and linked to the other components of the programme.

Trafficking in women for the purpose of prostitution is significant. The women come from Russia, Romania, Ukraine, Moldavia, work in Montenegro and then pass on to Albania, Italy, or gravitate to the international military communities in Kosovo or Bosnia. Girls are provided with passports and visas and enter through Serbia. Club owners are seldom prosecuted on the grounds that the women choose prostitution of their own free will. Victims that are removed by police have few safe refuges. In Belgrade, the International Organisation for Migration recently created a Shelter with funding obtained from Austria. Police within both Serbia and Montenegro, encounter the frustration of victims' unwillingness to give evidence. More women police investigators are needed and the disclosure by victims needs to be dealt with as part of a criminal continuum that should be maintained and added to as part of an intelligence picture.

The Stability Pact Task Force on Trafficking in Human Beings has distributed a comprehensive set of 'Guidelines for National Plans of Action to Combat Trafficking in Human Beings' which cover the areas of; Awareness Raising, Prevention Addressing Social and Economic Causes, Victim Assistance and Support, Return and Reintegration Assistance, Law Reform, Law Enforcement and International Law Enforcement Co-operation and Co-ordination. The Guidelines provide a useful check list for each country to assess its current position and identify the further action necessary.

Recommendation 68: It is recommended that The Stability Pact Task Force on Trafficking request countries to assess their respective positions with regard to the Guidelines for National Plans of Action to Combat Trafficking in Human Beings' and on the basis of a regional analysis, launch action plans with the assistance of other international agencies to fill the gaps.

Recommendation 69: It is recommended that OSCE planning measures within the Republic of Serbia with regard to the trafficking of women be linked to the 'Victim's Protection Program For Montenegro' through the ODIHR Office in Podgorica.

Recommendation 70: That a team of experts including lawyers and police be formed to carry out a comparative analysis of legislation relating to all aspects of trafficking in the region with a view to harmonising offences, authorities and penalties.

Illegal Immigration

The trafficking in illegal immigrants more generally surpasses trafficking for any other purpose. The numbers of illegal immigrants trying to reach Western Europe through Serbia, Montenegro, Hungary and Bosnia is large and persistent. At Belgrade Airport, immigrants from Nigeria, Iraq, Afghanistan, Sri Lanka, Egypt, China, India and the Afro-Caribbean States come well prepared to be admitted as tourists with visas, sufficient money, hotel booking, letters of invitation and even a return ticket, yet disappear. Records suggest that 90% legally entering never leave. Industrial Fairs allegedly provide cover for Asians with legitimate papers. Since the beginning of 2000, 66 Nigerians have entered through Belgrade Airport as tourists. There are records of only 3 departing. Iraqis have been duped by a courier who walks them through to the Transit area, takes their passports and money and flies off, leaving them to claim refugee status. People claiming to come for medical treatment also disappear.

Montenegro, also on the through route of illegal immigrants, is principally dealing with Chinese, Kurds, Iranians, Albanians and Roma in increasing numbers each year. Chinese 'snake-heads' in Beijing organise persistent illegal immigration often with dreadful consequences. Chinese shops and restaurants in Belgrade are suspected of being a front for the illegal trade. The cost to transfer a Chinese national from Belgrade through Montenegro to Italy is reported to be 2,500 Deutschemarks. Police In Montenegro have far arrested 8 gangs and discovered 52 victims.

The international community outside the Balkan region loudly condemns trafficking in illegal immigrants and exhorts the countries of origin and transit to take stronger measures to stop the trade. However, in many of the Western European States, illegal immigrants provide cheap labour for the leisure industry and foreign women provide sexual services in night clubs and brothels. It is vital and morally necessary that European countries assist by addressing their own participation as an end-user and co-operating more fully in producing intelligence.

Motor Vehicles

Montenegro is the end user for a large number of motor vehicles stolen outside the country, many to order. In many cases, owners in countries outside

Montenegro sell the cars to intermediaries who arrange for the vehicle to be imported and sold on, whereupon the original owner reports the vehicle stolen and collects the insurance. If the vehicle is traced to Montenegro, the vehicle is seized by police and remains in their custody pending protracted court proceedings to decide on the disposal of the vehicle. Public awareness campaigns have been carried out but the lure of a prestige motor vehicle for greatly less than the market price remains a temptation that few in a macho society can resist.

Since 1995 Montenegro has established bi-lateral arrangements with Hungary, Germany Austria and Switzerland with regard to stolen motor vehicles but until reciprocal working arrangements and formal communications links are in place between Montenegro and European countries there is unlikely to be much improvement. Access to the Interpol motor vehicle database may improve the chances of detection but where cars are not reported stolen until after they have been imported and re-registered, the solution is co-operation between law enforcement agencies to identify the traffickers.

Drugs

The principal drugs of addiction in both Serbia and Montenegro are hashish and heroin. Consumption in Belgrade with a population of 2 million is increasing. In Montenegro, the use of drugs is a recent phenomenon. Because in Montenegro the quality of the marijuana is strong, the step to heroin is reputedly easier. Marijuana enters Montenegro from Albania in the form of hashish bricks but Montenegro remains chiefly a transit country. Heroin enters through Albania, Kosovo and Serbia. Its origins are in Afghanistan and Pakistan but procurement is carried out in Turkey. The use of heroin is linked to an increase in HIV and AIDS. Italy is a primary destination with heroin originating in Turkey passing through FYR of Macedonia, Albania and Montenegro before crossing the Adriatic. The mountains and lakes between Albania and Montenegro make interception difficult.

Youngsters are the main users of marijuana, who pay for the habit by stealing and committing burglary. Drugs are similarly used to force women into prostitution. Synthetic drugs are appearing in the clubs. Cocaine because of its comparatively limited availability is expensive. Availability is indicated by comparative prices. A kilogram of marijuana sells for 170 Deutschemarks in Montenegro, 50 Deutschemarks in Albania, 450 Deutschemarks in BiH and 8-900 Deutschemarks in Croatia. Heroin costs between 25 and 30 Deutschemarks per gram in Podgorica and 100 Deutschemarks in Belgrade. A Kilogram of heroin in Albania reputedly costs between 16 and 18,000 Deutschemarks and in Montenegro between 20 and 21,000 Deutschemarks.

There is no national drugs strategy in either Republic. There is no co-ordination between the Ministries of Internal Affairs. Drugs Units are understaffed and lack training. In Montenegro, at 7 regional centres, there are only 28 full time drugs investigators. Drugs intelligence is not held in a central repository. There is little or no regional co-operation and both Republics have a need for information.

Laboratories have limited facilities. Equipment is old and in need of replacement. Laboratory technicians are in need of advice on modern approaches to drug analysis and information about the latest scientific advances. Experienced and competent Customs and Border staff do make seizures but good equipment for

the detection of drugs does not exist. Drugs units need changes in legislation to use evidence gathering means. Currently in FRY, the existing law on Criminal Procedures prevents the use of such things as intercepting communications, covert surveillance aids, intrusive intelligence gathering, undercover agents and test purchases to gather evidence

There are drug awareness and drug reduction programmes in existence but they lack wide-scale commitment by the statutory agencies. The only centre providing a programme for detoxification and drugs re-habilitation in the whole of Serbia is in Novi Sad. A five year Drugs Awareness Programme was established in December 1999 in Montenegro and is run by a Drugs Inter-departmental Group consisting of Ministries of Internal Affairs, Education, Health, Social Welfare and the Secretariat of Information with the objectives of increasing public awareness, providing de-toxification programmes and drugs re-habilitation. There is no co-operation between the Republic of Serbia and the Federal level and the Republic of Montenegro and UNMIK

In a project co-ordinated with the Stability Pact, the United Nations Office for Drug Control and Crime Prevention (UNDCP) is seeking to include the Federal Republic of Yugoslavia in a drugs intelligence programme for drugs/law enforcement aimed at strengthening capacities for the collection and analysis of drugs intelligence in Southeast Europe to which Bosnia, Bulgaria, Croatia, FYROM, Romania and Slovenia already belong. UNDCP are specifically offering:

- the development of a National Drug Strategy and establishment of an Inter Ministerial Committee with responsibility for co-ordinating and implementing the action required
- assistance with the creation of central intelligence systems linked to other centres and to Interpol and Europol
- the training of drugs investigators through UNDCP computer based learning packages supplemented by specialist training
- provision of equipment
- assistance in restructuring and equipping forensic laboratories
- advice on establishing and implementing demand reduction measures
- assistance in strengthening local expert capacities in the field and
- strengthening the operational network between the Republics, law enforcement in Kosovo and neighbouring States.

Meanwhile, training provided by the US DEA in Slovenia helps to build up interdiction networks and ILEA runs 8 week long courses incorporating drugs training for combinations of countries in the region.

Recommendation 71: Consistent with Recommendation 94 that Ministers for the three entities meet to discuss future formal police co-operation between their ministries, it is recommended that a National Drugs Strategy should be developed, if possible identical in content within the three entities.

Recommendation 72: It is recommended that international assistance be given with training to drugs investigators.

Recommendation 73: It is recommended that a comprehensive equipment needs assessment be carried out and funding be found to update drugs units and forensic laboratories with information and equipment.

Recommendation 74: It is recommended that the current drugs awareness programmes be supplemented with international advice and guidance.

Asset Confiscation

A controversial proposal to tax the assets of persons in possession of considerable wealth as a result of questionable transactions during the past ten years has been put forward by the previous head of the Government Commission on Corruption. Whilst the legitimacy of imposing retrospective legislation is questionable as are some of the implications for doing so, the Tax on Extra Assets has already produced a response from some individuals offering to pay huge amounts to have their previous dealings remain unexamined. The efficacy of this initiative rests on a pragmatic assessment by the Head of Tax Collection who recommends to government whether such a sum of money is sufficient and should be accepted thereby avoiding the involvement of the courts.

However, the proposal points to the need for formal legislation to confiscate the possessions of persons convicted of crime or in possession of vast amounts of wealth for which they are unable to provide any reasonable justification. What is missing is a conventional means of confiscating from criminals the money and wealth they have acquired but for which they can offer no legitimate reason for possessing.

Recommendation 75: It is recommended that assistance be provided to help draft legislation providing courts with power to examine and confiscate the assets of persons that are proven to be the assets of crime or for which they are unable to offer a legitimate explanation for possessing.

Rape and Sexual Crime

The traditional view of women in both societies is patronising. There is a strong patriarchal attitude evident especially in Montenegro. In parts of Serbia where the ethnicity of the police is totally Serb, allegations by Bosniac or ethnic Albanian women are treated less seriously and adverse discrimination against women is obvious. Violence towards women is also reported to be part of traditional life. In comparison to many European States, women are highly educated. Some achieve top positions in professions but do so despite the rules not because of them. A product of the male dominated relationship with women is that women view other women to be their rivals. It is the view of one highly placed expert on gender issues that women feel obliged to compete with one another in private and public life thus perpetuating the stereotype. This provides a counter-productive model for police on how to treat violence against women. There are very small numbers of women in the police. The public perception encourages the police to be unfeeling and in the absence of any awareness or training, there is a lack of consistency when dealing with victims.

In Montenegro last year, eight rapes and seven attempted rapes were reported. In the Republic of Serbia, 152 reports of rape were accepted. Representatives of women's groups believe rapes to be substantially under-reported. There a number of reasons why this may be so. The courts require a high level of

resistance to be present for the offence to be substantiated. Knowing this, women who have been terrified into collaborating with their attacker, suffer the trauma but do not report the attack to police. The finding elsewhere is that a high level of physical resistance is not a necessary ingredient for the crime of rape. A compelling reason is that, as elsewhere, many women are raped by men they know. Because of the likely inference that in some measure they consented or fearing the consequences from their husbands or partners, they remain silent. In the communities bound by family and tribal links, retribution is exacted with no thought of involving the police. It is also apparent, that the police lack a commitment to dealing with the offence in general and therefore knowledge about the crime, how to obtain evidence and how to deal with victims. This is compounded by the high burden of proof currently required by the courts before a conviction may be secured under the present law. The victims of convicted rapists tend to be under 13 or over 60, further suggesting that adult women victims are not believed. The extremely small number of women police officers in both forces undoubtedly mean that a victim will be first interviewed by a male officer and that a forensic medical examination will have to await transport to a hospital or doctor's surgery. The victim meanwhile will be taxed on her provocative behaviour and mode of dress. Thereafter, the victim may expect to be repeatedly questioned in the weeks or months to come whilst remaining unprotected from intimidation from the attacker or his relatives or associates.

Because rape victims may be doubly victimised by defence cross-examination in court, their identities should not be disclosed. Because some allegations of rape are false, the identities of suspects should also not be disclosed until after conviction.

The investigation of rape requires specialist procedures and facilities to be in place. These include, forensic medical examiners trained in the taking and handling of exhibits as evidence, female officers on call and available who are trained in sexual offences and evidence disclosure, a reception suite remote from the main business of the police station, at which forensic medical kits, fresh clothing and shower facilities are available and medical assistance to deal with issues of pregnancy and sexually transmitted diseases.

Recommendation 76: It is recommended that the law on rape and the conditions necessary to substantiate a conviction be reviewed on the basis of more extensive understanding of the crime and legislation elsewhere.

Recommendation 77: That selected investigators from both Republics receive further training in the investigation of rape and the treatment of victims.

Recommendation 78: That with international assistance, confidential measures be taken to obtain the extent of under-reporting of the crime of rape and that on the basis of the results, a major public awareness campaign be promoted with the full support of the police of both Republics to encourage victims of rape to report attacks to police in the future.

Recommendation 79: It is recommended that women police officers, including uniform women police officers, receive training in the first steps for dealing with the victims of rape and as chaperones.

Recommendation 80: It is recommended that international assistance be provided to help local police acquire or modify accommodation and supply equipment for use in first dealing with the victims of sexual violence.

Sexual Abuse of Children

Where the incidence of rape is considered by police to be low, the sexual abuse of children is judged to be virtually non-existent. The view of members of NGOs active in abuse related work opposes this. Furthermore, the experience of Europe makes this claim unlikely. Many western European States would have claimed the same thing until a few years ago when scandals involving religious and public figures revealed massive rates of offending.

European experience has shown that there is a frequent link between domestic violence and the physical abuse or sexual abuse of children. The sexual abuse of children may occur within the family or be perpetrated by trusted adults who regularly engage with children, eg teachers, priests, youth leaders, police officers. Intra-familial abuse is a desperately difficult issue to deal with and requires the expertise of paediatricians, child welfare experts, psychologists, clinicians, counsellors, teachers as well as police. The trade in child pornography is enormously lucrative. Paedophiles are the biggest re-offenders in any criminal justice system. They are driven by a belief that what they do is not wrong and need therefore to be confronted with their guilt and their distorted thinking interrupted. What they do, they conceal by threats to the child or the knowledge that the child's own guilt will be sufficient to hide them. It is also a fact that the children seldom ever tell and it requires great skill and sensitivity to encourage a child to disclose his or her abuse. Because the child carries a stain of guilt, it is essential that the child receives expert assessment and treatment to remove it. Children who have been abused, carry the hurt and guilt with them for the rest of their lives. Some, because of a feeling of worthlessness, exhibit dysfunctional behaviour, become depressives or abuse others leading to a cycle of offending. The obligation on police to investigate these crimes is beyond question. They will not know how to do this and international expert assistance should be made available to them to provide the detail of such offending and the measures necessary for dealing with it. This is much more than a policing task and for that reason requires wide planning.

Recommendation 81: It is recommended that, with international expert assistance, confidential measures be taken to discover the extent of intra-familial and extra-familial sexual abuse of children.

Recommendation 82: It is recommended that sexual crime experts provide to investigators, knowledge about the sexual abuse of children and training in how the crime should be investigated and victims dealt with.

Domestic Violence

The Federal Ministry is drafting a legal framework for dealing with domestic violence. Associations exist to deal with domestic violence and there is no question that this is a significant phenomenon. Meanwhile, the police have no clear strategy for dealing with victims of domestic violence or apparently perceive the need to possess one. There is great reluctance by police to co-operate with any third party reporting. Women who make the break from abusive husbands, face intimidation with little or no recourse to law either criminal or

civil. Police called to incidents of domestic violence have no set of measures for adequately dealing with it and apply differing but ultimately ineffective responses.

Studies carried out by NGOs revealed that 50% of women interviewed were the victims of domestic violence. Frequently, women did not understand that they were the victims of crime. There is no such offence as rape in a marriage. Girls are considered to be under the age for consensual intercourse until the age of 18 but between 16 and 18 may marry after a medical examination and with a courts approval. The expectation is that many men return from an aggressive and brutal lifestyle caused by war involvement a more normal one, violence towards women will increase. Many men have been absent from their families, leaving their wives to shoulder wider social responsibilities. Men have returned with problems of alcoholism and depression whilst needing to re-assert themselves as head of the family. It is significant that police officers are reportedly over-represented in cases of domestic violence.

The international community currently focuses on national or ethnic minorities rights. There is less mention of the rights of women irrespective of their background. Under the Stability Pact Working Table One, the Gender task force has barely survived.

Yugoslavia remains a developed country yet has still to experience the surfacing of crimes traditionally hidden by cultural constraints. From the experience of other European countries, the sooner the police anticipate the problem and prepare their response the less damage will be done to people's lives, especially children. There is no alternative to establishing a comprehensive programme in which the NGOs and other statutory agencies must play a part.

Recommendation 83: It is recommended that with international assistance, a Code of Conduct for Victims of Domestic Violence should be prepared by the Ministries of Internal Affairs for the guidance and adherence of all police officers.

Recommendation 84: It is recommended that the experience and means of dealing with domestic violence by NGOs both national and international and by other police forces be sought and assistance provided to train staff and establish domestic violence units throughout the police area.

Gay and Lesbian Rights

This is a subject not recognised or understood amongst the senior levels of the service and it is at the perimeter of public consciousness. If asked, the uncomfortable response appears to be that nobody minds if people are homosexual provided they don't draw attention to it. There is no record of homosexual activity within the police. The only political party to openly admit gay and lesbian members is the Social Democratic Union, whose members and offices have been attacked. On the 30 June 2001 a public Gay Rights Parade was held in the centre of Belgrade. The Parade was attacked by skinheads and severe beatings handed out. Apart from the failure of the police to have contingency plans in place and to adequately deal with the disorder, religious and police leaders made statements that may be counted on to infer official strong condemnation and intolerance of homosexuals.

Recommendation 85. That incorporated into human rights training the police receive awareness training on the aims and concerns of the gay and lesbian community and the police obligation to uphold their rights equally.

Recommendation 86: It is recommended that in order to avoid confrontation or insensitive policing in the future, a formal link be created between the proposed new Community Affairs Directorates (see Recommendation 17) in both Republics and representatives of the gay and lesbian community.

Criminal Intelligence

There is no Criminal Intelligence Strategy at the Federal level or in either Republic. There is no force-wide intelligence base in either Republic. Consequently no single focal point exists at local, regional and national level to collect, store and disseminate crime intelligence. Without such a facility, there is no possibility of crime intelligence analysis beyond the current capacity of the analysis of data performed by the respective Directorates of Analytics.

Whereas crime intelligence concentrates on linking crimes and analysing crime trends, by itself this is unlikely to provide much practical help to investigators. However, in most developed countries it has been shown that less than 20% of criminals commit over 80% of crime. Thus, if intelligence can be gathered on recidivist criminals, who are then arrested and imprisoned, it will significantly reduce the crime rate.

Yugoslav police will not need advice on how to gather information but may need advice on how to manage it to best effect. The absence of an integrated criminal intelligence system is linked to the absence of sufficient IT hardware and suitable sophisticated intelligence software systems.

Criminal intelligence is crucial to identify:

- which criminals are active
- which criminals are linked
- how they commit crime
- where resources should be targeted to counter criminal activity
- where crimes are likely to occur and
- the current challenges, emerging trends and future threats arising from their activities.

These determinants apply to criminals operating at local as well national and international level and it is therefore suggested that the reform of both Ministries of Internal Affairs include plans to make intelligence led policing a central part of community based problem-solving, regional tasking and national co-ordination. Crime intelligence should in future be viewed as an essential contributor to every police activity in order that the policing focus is in the right place and is effective.

At station and Secretariat level, crime investigators task other investigators or uniform officers to research pieces of information whilst other pieces of information relating to persons stopped, sightings of vehicles or individuals in places associated with criminals, etc., is passed to the Head of the Station or his Deputy to decide on further action. Experience elsewhere, suggests that the

collection of information can be greatly enhanced once police understand the need for greater attention to sources of useful information, and by the information being provided to a full time individual or unit responsible to the local commander for providing information according to the six determinants listed above. This same individual should be the focal point for all day to day information about what issues are of concern to people locally and should therefore know the identity of as many local opinion formers, NGOs, shopkeepers, club owners, head teachers, Municipal Authority members, religious leaders, etc. He or she should supervise a central repository of knowledge to which all police officers contribute information about local affairs, rumours, crime trends, active criminals, movements of criminals, crime prevention programmes, future commercial developments, and community or resident associations, enabling local commanders to decide on priorities for short term policing operations intended to improve the quality of life locally.

Recommendation 87: That both forces create a Crime Intelligence Strategy and a force-wide intelligence base.

Recommendation 88: That information and assistance be provided with appropriate crime intelligence and analysis software.

Recommendation 89: It is recommended that at principal police stations, a Local Intelligence Officer be appointed to be responsible for the collation of all information relating to local crime and crime prevention related activities.

Specifically with regard to collecting crime intelligence, the following play a prominent role:

Victims and Witnesses

Statements from both rarely include what victims or witnesses actually see (or hear or smell or feel) but fail to describe. This requires training in skilful questioning.

Remote Television Camera Surveillance

If remote controlled CCTV is employed in public places, considerable pictorial evidence can be made available of suspects who commit assaults or criminally damage property. Used covertly, and in a way that does not breach the European Convention on Human Rights, it provides remote monitoring of locations and suspect movements as well as corroborative evidence.

Informants

The use of informants is a legitimate law enforcement activity and provided their use is properly regulated, highly cost effective. Their present use is described as in two categories. Low level informants provide background information and high level informants provide information on the basis of their direct access to more valuable information. They are paid unofficially. The new Law on Criminal Procedures is expected to legitimise their use. Provided it does so satisfactorily, **a central data base of all locally registered informants should be established in order to identify dangerous informants, duplicate registrations and provide the ability to task informants in appropriate cases.** The use of informants should be extended to uniform officers – not hitherto

associated with this type of work. An official budget should exist from which informants should be paid. Officers may wish to profit from guidelines produced elsewhere on the registering, handling, use and payment of informants, in particular the following method of separately assessing the source from the information:-

Source Code	Definition
A	Where there is no doubt of the authenticity, trustworthiness and competence of the source or If the information is supplied by an individual who, in the past has proved to be reliable in all instances
B	A source from whom information in the past has, in the majority of instances, proved to be reliable
C	A source from whom information in the past has, in the majority of instances, proved to be unreliable.
X	A previously untried source where there is doubt about the authenticity, trustworthiness or competence.

Information Code

1. When the information is known without reservation to be true
2. When the information is known personally to the source but is not known personally to the reporting officer
3. When the information is not known personally to the source but is corroborated by information already recorded'
4. When the information is not known personally to the source and cannot be corroborated in any way.

Surveillance

There is currently no distinction between direct and intrusive surveillance. The police in any case cannot produce evidence acquired through the use of technical surveillance means. The use of surveillance is an essential evidence and intelligence gathering tool. The new Law on Criminal Procedures is also expected to address this omission. It is hoped that it will go sufficiently far enough. The experience of past abuses by police or state security will have produced grave reservations about the future ability of the police to use surveillance responsibly. However, its use is vital against determined and well organised criminals. Other countries have confronted similar concerns and a number of legislative models exist. (The UK 'Regulation of Investigatory Powers Act 2000' appears to be amongst the latest and most stringent)

Scientific Support

The use and value of scientific aids are unable to be realised as their existence is limited or non-existent. Their use provides a valuable source of crime intelligence provided police officers recognise the ways in which they may be most appropriately used.

NOTE At the national level, it is well known to law enforcement agencies that members of organised crime networks are fully aware of the techniques involved to catch them and how to counter them including anti-surveillance, counter intelligence techniques and the corruption of officials, including police. The effectiveness of police to overcome these defences relies on techniques and equipment that have been developed at high cost and are secret. The integrity of police officers to whom such equipment will be entrusted for use must be beyond question.

Telephone Hotlines

Telephone hotlines provide excellent sources of information. The recent murder of a journalist and threats against others has prompted the setting up of a hotline for journalists to report further threats to a central point for investigation by police. Hotlines may be used to deal with short term problems or as a continuous means of eliciting information about crime. Hotlines may also be used internally within organisations to encourage staff to bring to notice corruption or maladministration.

Recommendation 90: It is recommended that further information be provided on the use of telephone hotlines and their further use be explored, particularly with regard to eliciting information from the public about crime.

‘Crimestoppers’

‘CRIMESTOPPERS’ is the name given in other countries to an enterprise jointly run by police and business to encourage members of the public to ring the ‘Crimestoppers’ hotline with information about any crime. Callers may remain anonymous but if the information proves useful to police, a system exists to reward a caller without the caller’s identity ever being known. The ‘Crimestoppers’ telephone number is a telephone number the caller may call without payment. The number appears on a wide variety of publications and is repeatedly and widely publicised by the media.

The cost of the operation and the rewards paid are raised through commercial sponsorship and public appeals. The money is held in a charitable Trust. A Board, consisting of representatives of the major companies sponsoring the initiative manages the funds and, on the advice of police, decide on the size of a reward to be paid. Persons providing significant pieces of information are given a code word by which they identify themselves in all future telephone conversations with the detectives in the ‘Crimestoppers’ Unit. At an appropriate time, the caller is told to visit any branch of a particular Bank and to deliver a message in a prescribed form. All Bank Managers are briefed to expect such a visit and the reward is paid over with no other communication necessary.

The information gained from callers may not be used as evidence but frequently leads to the discovery of stolen property that subsequently results in arrests. For other offences, the provision of a name or alias may lead to more resources being targeted in a particular line of enquiry that ultimately proves productive. The production of a name also stiffens the determination of detectives to question a person whom they suspect of committing a crime but against whom there is little evidence to date.

A 'Crimestoppers' Unit requires to be staffed by detectives highly skilled at allaying anxiety and building confidence in callers. The Unit is a highly restricted area from which all other police officers including most senior police officers are excluded. Information is passed on confidential dockets to chief investigators at the station in whose area the crime referred to has been committed.

The scheme has been in operation in the US and UK for over 15 years and proved highly successful.

Recommendation 91: That consideration be given to establishing a 'Crimestoppers' scheme to be based in the capitals of the two Republics.

There is a suggestion in both Republics to set up a National Criminal Intelligence Agency. This is entirely appropriate but should be linked to the formation of a crime intelligence system throughout both forces extending from the national to the local level.

Forensic Capability

The forensic capability of both police forces is inadequate and in need of urgent updating. Scenes of Crime Investigators work with outdated equipment and in conditions that are inconsistent with the scrupulous need for evidence authenticity and verification. Investigators therefore do not make calls for scientific examination of crime scenes as a matter of course and marks and prints are thereby ignored or overlooked. Administrative back-up is likewise lacking and office equipment is sub-standard. In one office, a 30 year old typewriter was found to be in regular use. This is said to be typical. There is no IT support.

The ability to do DNA analysis exists only outside the force and both forces submit samples for analysis to scientific Institutes in Belgrade or in the case of Montenegro, to Italy. A DNA database links crime scenes and victims to offenders and is proving highly effective elsewhere in convicting criminals of offences of long standing where forensic samples have been retained. A funding proposal has been specifically submitted for assistance to develop a DNA database but prohibitive cost may deter assistance. However, as a first step, assistance might be provided by advice on what samples should be retained and the procedures necessary for retaining samples together with funding to pay for DNA testing in particular categories of crime.

Recommendation 92: That a fundamental programme of needs assessment, re-equipping of forensic laboratories and training of staff be systematically provided. (This should be linked to the assessment of drugs analysis equipment and possibly undertaken by UNDCP).

Recommendation 93: That Scenes of Crimes examination kits be provided to Scientific Officers in both Republics to enable crime scenes to be properly examined.

Fingerprints

The Republic of Montenegro has a fingerprint collection of between 4 – 5,000 prints. The size of the fingerprint collection of the Republic of Serbia is still not known.

Searches and comparisons are all done manually. Automated Fingerprint Identification Systems (AFIS) are used by law enforcement agencies and the technology is becoming highly cheaper. The Republic of Serbia and the Republic of Montenegro have both submitted funding proposals for AFIS systems. The cost is high. If successful, both Republics should be supplied at the same time and with the same system.

Border Policing

Although important in dealing with trans-national crime, border police checkpoints are under the command of the uniform Directorates. (See the Chapter on Organisation).

The Federal Ministry of Internal Affairs sees itself being caught at the working level between international requests to co-operate with regional crime initiatives and internal unresponsiveness, particularly from the Republic of Montenegro. The Federal Ministry is trying to respond to the international wish to prevent Yugoslavia becoming a 'black hole' for crime but while Yugoslavia signs agreements, there is no obligation on the two Republics to honour them. Because of the political dysfunction, Italy has put its own representative into Montenegro to directly manage joint action against crime links with its own country. A recent meeting of the former Minister of Internal Affairs for Montenegro and the Minister of Internal Affairs for Serbia is to be welcomed but excluded the Federal Minister for Internal Affairs. As per Constitution, the two Republics are making bi-lateral agreements with countries.

These political disagreements will not mean much to police officers searching for information and suspects. Criminals are bound by no such considerations and count on the inability or lack of political will by States to allow police to co-operate in order to maintain their freedom and wealth. The responsibility for putting in place practical police co-operation between the three Yugoslav entities rests with the three Ministers of Internal Affairs. The political constraints are apparent but counter productive to the aims of each. It cannot under any circumstances, disadvantage the political outcomes of the future to have police of the three entities co-operating with one another and in a co-ordinated way with the outside world. Therefore:-

Recommendation 94: Without prejudice to any future political considerations or resolution between them and as a matter of operational police necessity consistent with the need to encourage international donor confidence, it is recommended that the Ministers of the Internal Affairs of the Federal government of Yugoslavia, the Republic of Serbia and the Republic of Montenegro meet to agree formal guidelines on co-operation between their respective police forces.

Crime Prevention

There is no crime prevention strategy at the Federal level or in the two Republics.

Crime detection and crime prevention combine to produce crime reduction. Crime investigators also derive a lot of information about the causes and nature of crime that should be incorporated into crime prevention strategies. Because crime prevention strategies chiefly involve police partnership with external agencies and are part of the objectives of local community policing, crime prevention co-ordination is normally dealt with by the uniform side of the organisation. A proposal to formally establish a Crime Prevention Unit appears under the Chapter on Organisation.

Recommendation 95: That each Republic prepares a Crime Prevention Strategy incorporating formal and informal relationships with other organisations, groups and individuals.

Legislation

Notwithstanding the need for a regional comparative analysis of legislation, many of the laws in use in Yugoslavia are outdated and seriously impair crime investigation. New laws are necessary to deal with drugs, money laundering, asset confiscation, the use of surveillance and covert evidence gathering, witness protection, victim anonymity in cases of rape, measures for dealing with football hooliganism and trafficking, amongst others. The law relating to most aspects of criminal investigation within the two Republics is contained in the Federal Law on Criminal Procedures that was enacted in 1977. A new Federal law is being drafted which it is hoped will authorise police to use informants and surveillance aids and the information thus obtained. Of particular significance to lawyers and police investigators alike, is that the existing law created a right for the suspect to a lawyer as a general principle but did not stipulate the right to be a requirement. There is therefore no duty roster held of lawyers available to be called by suspects if they so wish and no mechanism to apply the general principle. A decision by the Yugoslav Constitutional Court declared unconstitutional the provision whereby police could detain persons for questioning for 72 hours.

A further Federal government enactment prohibited the questioning of a suspect for more than 24 hours and stipulated that a person being questioned by the police should have access to a lawyer. This is viewed by the police as detrimental to evidence gathering. The Public Prosecutor can direct police but only after he has formally requested the investigating judge to open an investigation. Not until the investigation is opened can evidence be gathered that is admissible. Earlier statements made to police are therefore considered to be inadmissible if the suspect challenges their authenticity. Judges are also bound to warn the defendant that he can stay silent or even lie – thus implying that very little credence will be placed on his statements. The incentive to police to continue questioning is to locate material evidence the production of which is admissible. Lawyers report that in many cases they are intimidated by police.

All this would be easily rectified by allowing legal representation from the outset and tape recording interviews. Furthermore, questioning and good interrogation techniques are wasted if none of the information thus obtained may be presented in court.

Courts

The Executive, Judiciary and Legislature are not sufficiently separate or defined.

The courts have a low conviction rate. Major criminals have access to corruptible lawyers, journalists and forms of court assistance that ensure that cases are not being proceeded with. The system is ripe for manipulation by defence and corrupt courts. The main battle in the Republic of Serbia is to deal with the corruption left behind by Milosevic.

The management of cases by police, prosecutors and an investigating judge also lends itself to bureaucracy and obfuscation.

The police remain highly doubtful of the integrity of the judges. A number of judges were recently dismissed and court presidents not re-appointed. However, New Presidents of the Supreme Court and of the Belgrade District Court have been appointed and the problem becomes not one of integrity but woefully low salaries. Judges receive 250 Deutschemarks per month salary whereas a Prison Guard (the Penal Service is also under the Department of Justice) receives 300 Deutschemarks per month. A legacy of Milosevic's era is that favoured judges were rewarded with houses and cars. Now, a way will have to be found to lift them above the poverty line or they will leave for private practice and to join international companies.

Encouraged by the number of well qualified people who returned after the election of the new government, the Fund for an Open Society – Yugoslavia jointly with UNDP, are contributing money for salaries hoping to attract back judges from abroad. The Capacity Fund will look at topping up salaries of people in Ministries or finding ways to do that and is currently putting in \$500,000 and \$200,000 for administration reform. Formal work is also underway, co-ordinated by the OSCE in its document 'Funding Proposal: Judicial Reform in Serbia' to double the wages with international funds applied through a Bridge Fund. One international donor has pledged one million US Dollars and another donor is expected to confirm another half million dollars. There are precedents. In Bosnia and Herzegovina, a Trust Fund was established through which funds were made available to pay salaries of judges and selected public officials. Although, of monetary benefit to judges and not police, the necessity is obvious and vital to both.

Reform of the judiciary will take a long time. A proposal within the new Law on the Courts is that all judges' appointments should be reviewed. This is considered to be too big a step. There are currently 2,500 judges of which the percentage considered to be questionable varies according to the person being asked. However, if the new proposal is not upheld, the number of law suits against judges (currently over 500) will take forever to process. Judges who have been convicted of a criminal offence which makes them unsuitable to perform judicial functions or are punishable by imprisonment of at least six months imprisonment are eligible to be removed from office provided that a majority of the 77 Supreme Court judges vote for dismissal. As many owe their status and living to Milosevic the outcome of any such proceeding is unlikely to inspire confidence.

Judges need to be trained and learn how to be independent and self-confident. Judges do not see themselves as independent. Change is nevertheless possible at a much faster rate than in neighbouring states because there is higher sense of vocation, spirit and preparedness. An inventory is currently being made of those countries offering training for judges. Currently the number stands at 18.

Pragmatic realism again means that co-ordination of international assistance should be at the Republic level and not the Federal level.

Court User Group.

There is poor communication between the judiciary and the executive. In 2000 the Constitutional Court decided that the ability of police to detain detainees for up to 72 hrs under the constitutional code was unconstitutional and could not be enforced. Only then did crime investigators and investigative judges talk about the implications. LEX, the Legal Experts NGO devised a course for police on the new criminal procedures law and most frequent reasons for cases being lost but can no longer continue it for lack of funding. There is an obvious and strong benefit from all participants in the criminal prosecution system meeting to exchange information and improve understanding between them.

Recommendation 96: It is recommended that local Court User Groups comprising local senior police officers, prosecutors, representatives of defence lawyers, court administrators and judges be created at which contemporary problems confronting each may be discussed and resolved.

A REGIONAL APPROACH

There are an increasing number of nations sponsoring Fact Finding Missions in the Balkans, all seeking to offer rule of law and police related assistance programmes. Their presence is born out of the absence of a single, credible and accurate point of reference possessing the knowledge and information on which to base concrete practical proposals. Each Fact Finding Mission follows the path of its contemporaries and is frequently left with more questions than answers. Rather than being able to contact a single clearing house which could point to areas of need, each visitor is left to assess for itself priorities and enter into local relationships which may be disappointing or non-productive. Yet, vital information about the administration of justice, about crime, corruption, courts and prisons is held by separate international and national organisations. What is missing is a central repository of such knowledge or where to look for it. There is no directory of organisations, their respective objectives and criteria for funding on a single specific police related subject let alone the full menu. The result is much squandered effort.

Apart from the UN, the OSCE represents by far the biggest political grouping of European and international States, and is the only pan-European security organisation able to fill the void. The OSCE is currently the only organisation looking at complementarity between the Republics of Montenegro and Serbia but must equally press for greater co-ordination in the region. As far as the Balkan States are being exhorted to create structures for managing their reform, the international donors require that a comparable structure exists to deliver the aid to where it was intended, that conditions are attached to ensure best use is made of it and that the outcomes be regularly evaluated. The Stability Pact formally 'looks to the OSCE to play a key part in fostering all dimensions of security and stability and will rely fully on the OSCE to work for compliance with the provisions of the

Stability Pact by the participating States.’ On the basis of this agreement, the OSCE needs to consider whether it could work up a programme of practical measures.

The ability for all three entities to tackle crime effectively, including organised crime, requires information, training and modern equipment to bring them up to the standard of other European States in each of the foregoing areas. There is a corresponding need for countries in the region to co-ordinate their policing efforts and co-operate to convict and imprison the major criminals operating across national borders. Throughout the preparation of this Study, police officers repeatedly referred to this. A number of regional initiatives support the intention.

SECI

The South East European Co-operative Initiative was established in 1995 to

- support regional co-operation
- facilitate process of European integration by associated countries
- build new channels for co-operation
- solve questions of mutual interest to overcome political, historical and ethnic difficulties

The Co-operative presently comprises Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Greece, Hungary, FYR of Macedonia, Moldavia, Romania, Slovenia and Turkey. The only EU member to be a member of SECI is Greece.

Yugoslavia has been a member of SECI since April 2001 but not of the SECI Center, which provides joint operational working between customs and police. The SECI primary objective is to protect and build the economic state of national members and to provide help and support with Member’s accession to the EU.

The SECI Regional Center for Combating Trans-Border Crime is based in Bucharest and is intended as a clearing house for co-operation and intelligence sharing among law enforcement agencies in South East Europe. Each SECI Member State sends to the Center a customs officer and a police officer. The SECI aim is to provide information to the law enforcement officials in SECI participating States to identify individuals and groups involved in crimes and to arrest and prosecute them. To do this, SECI requires countries to create a focal point that, as every one of the SECI countries possesses an Interpol National Central Bureau appears to duplicate the work of Interpol. SECI sees itself as a South East Europe regional equivalent to Europol that provides good crime analysis, training but also has a huge budget and in many ways also duplicates Interpol functions. SECI possesses no such budget and needs crime analysts but has full facilities for training.

The SECI Task forces are under the patronage of separate States. On Humans – Romania, Drugs- Bulgaria, Motor Vehicles-Hungary and Fraud –Croatia with Financial Crime on-stream –FYR of Macedonia. Here again, Interpol welcomes regional co-ordination but would urge the use of its existing network with no need to set up another one. It should be remembered that irrespective of the number of international agencies providing assistance, the issues may only be dealt with by the same finite number of police officers and officials within the Ministries and police forces in each country. Avoiding duplication is a principal

contribution of the proposed management by the OSCE of the matrix of major policing needs referred to later.

The Stability Pact

The Stability Pact is seen as the forum to integrate more general issues and launch motivation for co-ordinated reform in the Region. The Stability Pact Initiative Against Organised Crime (SPOC) is ownership driven. Only representatives of countries in the region are on the Steering Group. Activity and commitment has to come from the country with each country asked to do a study of organised crime in their country leading to a comparative analysis. The Stability Pact is also responsible for an anti-corruption initiative that has carried out a form of assessment on the prevailing threat. Anti-Corruption links the work of police to Working Table Two. The Stability Pact Migration and Asylum Initiative also overlaps with organised crime, border guarding and policing. There are links to UNHCR, the Council of Europe and to developing partnerships with EU Accession Members. The intention is for countries to develop common plans which the Stability Pact can co-ordinate but within the region and amongst the practitioners, there are serious reservations about this. There are other considerations. In Bosnia, the Joint-Entity Task Force has co-operated to excellent operational effect but has been let down by the courts. That is likely to be the situation across Yugoslavia. Furthermore, there are insufficient reciprocal agreements which manage the victims and prevent them returning. Trafficking is carried out by the same people along predictable routes but insufficient external co-operation, structures or determination produces evidence to convict. Legislation is lacking.

The pace of progress is slow and is not likely to increase unless it receives fuller international assistance towards directed and persistent effort. Because police may only investigate crimes that are known to law, there is a need for new laws specifying new crimes to be passed to replace outdated ones. The first step would seem to be a comparative analysis of existing laws and therefore the new laws required in countries throughout the region. (The Federal Ministry are already looking at harmonising legislation with European legislation). Help should then be provided to draft new laws, as the Council of Europe and others currently do. Whilst this cannot be a guarantee that draft laws will be enacted, it should be done on the basis that they will and that the regional assessment demonstrates a compelling need to harmonise laws and especially penalties.

The courts are another focus for international and regional assistance. In Serbia, assistance to judges with judicial studies and on administrative matters is already in hand by the Institute for Advanced Legal Studies and by the OSCE. The effort and needs should be similarly linked to judicial training in Europe.

The operational policing requirement fully supports a needs assessment related to the major areas of policing and the identification of those areas which need external assistance with specialist expertise, wider training, information, resources and equipment to raise standards according to a plan agreed by each country. With regard to the law, the courts and the police, there needs to be a central, up to date point of reference about the situation in each of the areas of need, the obstacles to be overcome, the information, training and equipment needs and dynamic links to the comprehensive list of organisations seeking to provide co-ordination or improvement in specific areas. As regards policing, it is

proposed that the OSCE play such a role. The OSCE Chairman in Office has recently declared that “The Stability Pact for South East Europe is the most recent example of successful co-operation with international support. Together with the EU Stabilisation and Association Process, the Pact will facilitate major projects of economic and political significance for the whole of South East Europe. The OSCE is already actively involved in a number of areas, particularly under Working Tables I and III ... But the projects are many and complex and take sometimes too much time to implement”. This recognises a need for the OSCE in concert with the Stability Pact to carry out a detailed needs assessment arising from the short, medium and long term policing plans in the region, identify the action to be taken to address the needs, help select the experts from the missions, countries, or organisations able to provide such expertise and comprehensively focus on the development of each action until a conclusion is reached.

Recommendation 97: It is recommended that:

- (1) the OSCE in concert with the Stability Pact be invited to undertake further assessments of the policing needs of countries in the region in respect of the major areas of policing, particularly those relating to crime and organised crime,**
- (2) a matrix of present and future policing needs related to the major areas of policing, based on these assessments be held by the OSCE, and updated in collaboration with each respective police force,**
- (3) the matrix be used as a reference or clearing house by countries or international organisations seeking to provide police related assistance to countries in the region or elsewhere, or by the OSCE actively seeking to acquire such assistance on behalf of those countries, and**
- (4) that plans for and progress achieved through international assistance to the policing requirement in each country be notified to and actively monitored by the OSCE with progress and lessons learned used to update the matrix of major policing needs.**

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7. Finance, Buildings and Equipment

The Serbian Ministry of Internal Affairs is exclusively financed from the budget of the Republic of Serbia. The Ministry has single bank account. All future financial assistance should therefore go through this account or be paid to a third party eg an NGO authorised to provide services like training but transparency before parliament would need to be assured.

Currently the needs are double the provision. The total budget for the Ministry of Internal Affairs of Serbia is 17,000,000,000 Dinars of which salaries account for 10,000,000,000 Dinars, material and running costs are 1,000,000,000 Dinars and the remaining 6,000,000,000 Dinars are spent on capital costs, equipment, re-furbishment, etc. The running cost estimate is 2,500,000,000 Dinars.

Once the annual budget is approved, money is transferred on a daily basis. For the last five years, the government has never paid the full allocation and that situation will be repeated this year. The government transfers the money for salaries each month. Running costs are not provided on a regular transfer basis, eg out of 2.8 billion Dinars allocated for the first five months of the current financial year, the government was only able to transfer 1.2 billion Dinars, i.e. 44%. The government is obliged to transfer 27 million Dinars a day but because the Ministry of Finance is working hand to mouth, only a transfer of 6 – 8 million Dinars has been possible. On the 25 May the Ministry of Internal Affairs was 300 million Dinars in debt to public utilities with interest accruing.

Because the running costs are soaking up all sources of finance, any proposals for bringing in additional expertise or equipment for which there is a running or maintenance cost merely adds to the burden. Furthermore, budget and financial estimates are made at the beginning of the year but inflation reduces the value of the spend and because the full sum of money is never allocated, even less purchase is possible.

The Ministry suffered huge losses during the bombing campaign. Offices and warehouses were demolished and there is nowhere to store or even use new equipment. The money needed to purchase new storage means that there is much less money to purchase actual equipment. Of the total needs and equipment estimates for the last ten years only between 10-20% has actually been delivered.

Part of the Ministry employment package is that staff are eligible to be provided with living accommodation for which a police officer pays 100 Deutschemark per month. Currently, there are 13,000 police and ministry employees without an apartment and 7,000 police officers without any accommodation of their own at all. Employees frequently accept apartments that are less than they are eligible to receive. Since 1991 and as a means of raising money for the war effort, police officers have been eligible to purchase their apartments from contributions deducted from their pay and provided they have fifteen years service. Because of the current price per square metre of freehold accommodation, a police officer cannot earn enough money from his entire career to purchase a separate home when he retires. Therefore, the plan is to continue building or acquiring

apartments in order to attract more recruits and despite severe constraints on budget, 130 apartments from a bid of 1,000 will be bought this year.

Drawing off resources to Southern Serbia is not considered a sufficient emergency for funding to be found from the Treasury reserve; hence it is an extra drain for which no contingency funding exists.

Income generation is at a very early stage of consideration. The police are looking at means of generating income, for instance by charging the organisers of sporting events for providing policing or by providing training to security guards.

Because of the protracted period of political transition, it has not been possible to acquire financial information from the Montenegro Ministry of Internal Affairs.

Buildings

A substantial amount of the police estate in Belgrade belonging to the Federal and the Republic of Serbia Ministries of Internal Affairs has been destroyed by the NATO bombardment. Accordingly, equipment has also been destroyed.

Police stations in both Republics are in a generally poor and shabby condition. In some the standard of sanitation and hygiene is a hazard to health. Unlike Serbia, police buildings in Montenegro have not been destroyed or damaged by bombardment but the overall condition is poor.

In administrative buildings, some offices are well appointed and spacious but in most operational establishments, conditions are cramped, office equipment is substantially out of date (official documents frequently being typed on manual typewriters which are 30 years old) and office materials are in short supply.

Vehicles

The police vehicle fleet in the Republic of Montenegro has recently been updated. The vehicle fleet consists of 850 up to date models including Audi, Volkswagen, and Mercedes and several Japanese vehicles. The force also has access to Land Rovers used by the Special Police Force and may also use vehicles seized as the proceeds of crime. The Traffic Department has 20 BMW elderly motorcycles of which eight are more than 21 years old. New motorcycles are considered highly necessary to enable narrow and broken roads to be patrolled and some of these motorcycles should be purpose built off-road machines that can be used for surveillance or access to off-road sites, including remote smuggling routes.

Recommendation 98: That assistance be provided to the Republic of Montenegro police force to replace the motorcycle fleet including with a number of purpose built off-road motorcycles.

There are police vehicle maintenance workshops in Podgorica and at six other locations. The workshop staff are qualified but because of the low wages susceptible to higher paid offers from elsewhere. Training is outdated and the range of vehicles requires manuals, spare parts accessibility and engineering knowledge on too many types of vehicles. There is insufficient workshop equipment.

Recommendation 99: That the number of makes of marked police vehicles provided in future to the Republic of Montenegro be rationalised in order to standardise maintenance and spare part availability.

The police vehicle fleet in the Republic of Serbia is outdated and in poor condition. The force possesses 434 marked police patrol vehicles and 44 motorcycles. The average age of the vehicle fleet of both marked and unmarked vehicles is 9 years. Marked police patrol vehicles are predominantly 1.1 or 1.3 litre Zastava saloons locally produced in Kragujevac. The factory was seriously damaged by bombing and spare part availability has been substantially reduced. Accordingly, spare parts have to be sought from commercial suppliers at higher prices and vehicles are off the road for longer periods awaiting repair or maintenance as a result. The motorcycles are different models of the BMW range used for traffic patrol and escort duties. They are at least 12 years old and obsolete. Within the Serbia Ministry of Internal Affairs, there are four vehicle workshops based at Headquarters, Nis, Novi Sad and Belgrade.

Recommendation 100: It is recommended that assistance be given to replace the Republic of Serbia police vehicle fleet with vehicles and motorcycles, including performance cars, suitable to meet the modern needs of policing. Assistance should include assistance with spare parts, maintenance manuals and training.

Vehicles are blue and white but do not conform to European recommendations on high visibility and reflective marking.

Recommendation 101: That all new marked police vehicles be marked according to European high visibility police markings.

The Serbian force also possesses 5 Bell 206B helicopters and several Gazelle helicopters. The helicopters have between 800 and 2,500 flight hours and the youngest is 10 years old. Minor servicing is carried out by the Air Force Institute but major servicing is carried out abroad at high cost. The craft are re-insured abroad. Whilst air support is a part of modern policing, more effective use could be made of the aircraft for seek and search activities, surveillance capability and as an observation platform at public order events. However, the use and number of the aircraft should be reviewed according to modern requirements of policing and cost.

Recommendation 102. That international assistance be provided to a major review of air support requirements aimed at a substantial rationalisation of the present fleet.

Information Technology

The Head of the IT Directorate, within the Serbia Ministry of Internal Affairs is highly qualified and oversees a team of 50 technicians who manage analysis of needs, planning, project proposals, procurement and training installation. Maintenance is in-house, as systems and equipment are now obsolete. The mainframe central processor is situated in Belgrade linked to sub-servers in regions Workstations at police stations are interconnected and there are basic connections to over 2,000 authorised users. Computers store information on citizens registration details, (each citizen over 18 is required to have an identity

card), vehicles and drivers details, firearms holders, crime reports and criminal records, persons wanted and convicted of traffic offences and stolen identifiable property.

There is no crime intelligence or crime pattern analysis software but it is possible to search on *modus operandi* through key word recognition. There is no fingerprint identification software.

Keyboard skills are taught at the police college and the police Academy but there is no vocational training for other officers. Manuals containing extensive literature are provided.

The equipment is old and obsolete. Computers and printers used to process public documents at police stations are frequently inoperative. The public areas become crowded and nervous, the clerks are stressed and there is a poor relationship between staff and public as a consequence.

The force requires new technology to create and issue identity cards, drivers' licences and vehicle identification records. At present, forgery of documents is very easy.

The IT network is not sufficiently big and does not meet the operational policing needs. What equipment exists, is obsolete and in need of replacement. The entire IT infrastructure requires modernising. The system is not linked to Montenegro as software is incompatible

Recommendation 103: It is recommended that expert advice and assistance be given to the Republic of Serbia to review the cost of updating the force IT requirement.

The Republic Of Montenegro police force has made significant progress in the last four years, principally due to the resourcefulness and technical skill of the Head of IT Services and her staff. A project begun two years ago has produced the first step to create a linked force-wide network with progress limited by funding. At present, the computer main frame and 200 computers in the crime investigation, uniform, finance and document issues administration departments within the Ministry, the Police Headquarters and the IT Technical Department are linked by optical cable. The information is managed by software systems designed and created in-house. Astonishingly, 60 software systems for such things as persons wanted, records of crime, property stolen, *modus operandi* and criminal records have been developed this way. Systems are inter-linked; hence a search on a person's name reveals their place of residence, details of any vehicle owned, drivers' licence details, firearms possessed and criminal records. The financial savings from developing in-house software amount to approximately \$1m. The development of in-house software systems may pose problems with interfacing to new standard applications should such applications be donated.

Although all the municipalities are also linked by optical cable, the connections have not been made neither is there any link with the border crossing points. There are no desktop computers at any of the stations.

A small semi-encrypted system exists for special operations use.

The force provides its own training in IT literacy. Plans to use a computer aided dispatch system similar to the Slovenia model have had to be shelved for lack of funds.

Lack of funding and low salaries also makes it likely that committed and highly qualified staff will be enticed away by newly arrived international companies. (A software programmer earns approximately 300 Deutschemarks per month but in new companies wages are between 1500 and 2000 Deutschemarks).

Recommendation 104: That an in-depth assessment of the present IT system of the Republic of Montenegro Ministry of Internal Affairs be carried out by experts highly knowledgeable in contemporary police IT systems, in order to assess the viability and cost of further stages of in-house development as well as the compatibility of present systems with proprietary systems.

Recommendation 105: That consistent with the assessment, major assistance be given to update the force IT requirement including an interface with systems in the Republic of Serbia.

NOTE. Both forces lack a secure communications network providing end to end encryption over which, by implication, only certain material should be transmitted. Microwave links should only be installed if the encryption capability is in place. (Such a system in place is a pre-condition of membership to Europol). Both forces therefore require a digitally encrypted radio net using trunked radio technology that is economical in bandwidth use. The system chosen should allow personal radios to be 'killed' remotely. There needs to be a correspondingly secure data communications network and hardware and software for an integrated suite of police applications. Security requires a fully integrated set of procedures to safeguard the encrypted network. Each of the police stations or areas within them where secure information is accessible must be secure. The staff having access to secure information must be vetted. There should be strong authentication procedures eg random password generation or eye retina recognition. Manuals are vital to countering breaches of security. People managing information are at risk of being suborned and key users are most at risk. All these additional conditions must be considered and planned for before the acquisition of a secure encrypted network is attempted.

Radio Communications

The Montenegro police force possesses UHF, Short Wave radio and Satellite radio telephone systems. There are 40 repeater sites but because of the Montenegro topography, full coverage is not achieved. The short wave system acts as a reserve system between the police centres. A new system offered by Italy to provide communication between border posts and with border patrol vessels to help combat trafficking has not yet arrived.

All police vehicles are fitted with radios and one in three police officers are provided with hand held radios

The Serbia police force possesses a very complex system of several hundred functional systems and applications networks. The equipment is ancient and obsolete. Eighty percent of radio relays and transmission facilities were

destroyed by NATO bombing. In essence no single system exists, merely what's left. Even before sanctions were imposed the equipment was ageing. The effect of isolation and bombing therefore means that the reconstruction required will be extensive.

There is a clear need to introduce a digital trunking system. The cost of such systems are prohibitive and there will need to be a consortia of banks and suppliers to fund the start-up costs for a system which will need to be leased not purchased. The police will therefore need to share the system with a range of users.

Thought has already been given to the acquisition of such a system by establishing a 'Tetra compliant Island' in Belgrade which has by far the greater number of security requirements. A modular system will therefore permit the system to be expanded in due course.

Recommendation 106: That consideration of developing a broad band digitally trunked system includes the integration of the police network systems of both Montenegro and Serbia.

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8. Summary of Recommendations

Recommendation 1: That all three Ministers of Internal Affairs declare their intention through constitutional, political and legislative means to remove all possible political influence or executive control over the police and that the highest ranking serving police officer shall be the chief of police who will hold no government position or title.

Recommendation 2: It is recommended that the police forces of the two Republics introduce full community policing and that international assistance be provided with its formulation and implementation.

Recommendation 3: It is recommended that Community Consultative Groups be created according to models elsewhere and that advice and guidance be provided by past or present members of existing Groups abroad.

Recommendation 4: It is recommended that Lay Visitors Panels be introduced and that international assistance be provided on the setting up and running of such Panels.

Recommendation 5: Notwithstanding the present proposals to introduce an independent Commission or other body to provide external control of the police, it is strongly recommended that as a matter of urgency an external, independent complaints authority possessing strong powers of oversight and intervention, be created in both Republics.

Recommendation 6: That an independent Inspectorate or Inspection Body be created to inspect the effectiveness and efficiency of the police force of each Republic. The Inspectorate to comprise retired very senior police officers and senior professionals with substantial experience in business methods and to be appointed by the President on the recommendation of the Prime Minister and after selection by the Minister of Internal Affairs.

Recommendation 7: That comprehensive aid and assistance be provided to the planning, management and creation of a new Border Police Service for Yugoslavia.

Recommendation 8: That in support of police reform in both Ministries a 'Vision for Policing' be created and a formalised planning process be introduced to manage the changes necessary to achieve it.

Recommendation 9: That further funding be provided to sustain the long term planning process begun in the Republic of Serbia Ministry of Internal Affairs by the Danish Centre for Human Rights.

Recommendation 10: That funding be provided to support a formalised planning process in support of police reform in the Republic of Montenegro Ministry of Internal Affairs.

Recommendation 11: That the provision of funding, training and equipment to each Ministry be linked to a comprehensive and managed plan of police reform.

Recommendation 12: It is recommended that in line with the force Strategic Plan, both Internal Affairs Ministries implement a Comprehensive Staffing Review. The Review should identify the skills profiles required in various posts as well as the posts no longer required.

Recommendation 13: It is recommended that international advice be sought from human resource specialists on the various options available for downsizing staff.

Recommendation 14: It is recommended that both Ministries establish a Directorate of Human Resources to manage the selection, training, promotion and career development of all police officers and support staff.

Recommendation 15: It is recommended that in due course an independent review of police pay be undertaken in all three entities to establish new and appropriate rates of pay at all levels in the police and recommend the mechanisms by which pay increases should be awarded in the future.

Recommendation 16: It is recommended that each force establish functional Force Committees comprising senior police and civilian officers to review demands, co-ordinate fresh planning, create new policies and respond to the latest internal, national and international developments in the following subjects: Crime, Crime Prevention, Public Order, Community Affairs and Training.

Recommendation 17: It is recommended that consistent with the imperative by both Ministers of Internal Affairs to reform policing according to a community policing model, both forces create a new Directorate of Community Affairs to oversee the development of local community initiatives and partnerships eg Consultative Groups, Lay Visitors, Neighbourhood Watch, Victim Support Schemes and Minority Group's rights.

Recommendation 18: It is proposed that consideration be given to creating a Judicial Police Department responsible, amongst other things, for, managing detainees at court, collecting fines, enforcing warrants for non-payment of fines, overseeing the security of the court whilst a judge is sitting and reporting the comments of judges to police.

Recommendation 19: That the task of crime prevention be brought to the centre of the policing effort and a Crime Prevention Unit be established in the new Directorate of Community Affairs to provide advice on all aspects of crime prevention, develop initiatives and develop formal inter-agency co-operation with other statutory agencies and NGOs.

Recommendation 20: It is recommended that a central repository of good practice be established in the headquarters of the police of both Republics to provide information and commission research on problem-solving in all

aspects of policing. The use made of it should be scrutinised by the independent Police Inspectorate.

Recommendation 21: It is proposed that both Republican police forces develop a comprehensive Public Information Strategy that permits the maximum amount of information to be given to the public especially by local commanders.

Recommendation 22: It is proposed that assistance be given to provide media training for all senior officers of the rank of station commander and above and crime investigators normally assigned to lead major crime enquiries.

Recommendation 23: It is recommended that assistance be found to set up Joint Police/Media Workshops at which senior officers and Editors of TV news programmes and newspapers may explain to one another the problems and imperatives each group faces.

Recommendation 24: It is recommended that the Spokesperson in each force be assisted by staff possessing reputable journalist experience.

Recommendation 25: That journalists who regularly report on policing matters should be provided with formal accreditation entitling them to privileges and access denied to other journalists, including regular on and off the record briefings.

Recommendation 26: It is recommended that against pre-set criteria relating to effectiveness and efficiency standards, a comprehensive and critical review of current information collection, storage and retrieval is undertaken to establish its value to the organisation in the future and in order to inform the IT needs of the forces.

Recommendation 27: It is recommended that in both Republic Ministries, appropriate changes be introduced to enable female officers to play an equal role to male officers in all aspects of operational policing.

Recommendation 28: It is recommended that in both Republic Ministries, the present recruiting policy be changed to enable women to be actively recruited at all levels of entry to the force.

Recommendation 29: It is proposed that both the Republic of Serbia and the Republic of Montenegro police forces receive international advice on managing the career development of all members of their staffs.

Recommendation 30: There should be a fundamental review of training in order to meet the operational and leadership demands of the force in the future. This should be supported by expert international advice and assistance and by exposing staff to modern training content and methods.

NOTE: Because officers from Montenegro are trained in Belgrade, the Ministry of Internal Affairs of Montenegro should be included in the consultation.

Recommendation 31: Before any further building development is undertaken at the Police College and consistent with the recommended major review of training, consideration should be given to rationalising training and forming a single higher police training college. Cost should be an important feature of this consideration.

Recommendation 32: It is recommended that consideration be given to establishing a National Crime Faculty or equivalent within the appropriate estate of higher police training.

Recommendation 33: That police investigators required to carry out investigations into major crime, especially organised crime, receive international assistance with formal courses on modern methods and techniques relating to such crimes.

Recommendation 34: It is recommended that expert international assistance be provided to raise the level of awareness of police about sexual crime, including rape and the sexual abuse of children.

Recommendation 35: That all forms of training not related to policing be excluded from police training, eg Fire protection training.

Recommendation 36: It is recommended that assistance be given in modern police leadership and management training and that such training be provided before promotion to junior, intermediate and senior command levels.

Recommendation 37: It is recommended that assistance be given to provide human rights training to all new recruits and that this training shall be given as a specific subject.

Recommendation 38: It is recommended that a formal programme of training or field training on human rights be commenced throughout both forces and linked to such things as surveillance and welfare of detainees. A formal examination should check the level of knowledge and understanding acquired.

Recommendation 39: It is recommended that diversity training should be given to all ranks or titles up to the rank of Lt Col in order to promote trust and confidence in the police amongst minority groups.

Recommendation 40: It is recommended that A Code of Ethics should be created and promulgated throughout the force.

NOTE: Membership of the CoE will require a more substantial Code than that provided for in Annex 2 to the new Law on Police

Recommendation 41: It is recommended that assistance be provided to train driving instructors in order that driver training to advanced level be given to all traffic officers and to other police officers in the force who are employed full time on driving duties.

Recommendation 42: It is recommended that (1) barriers to female entry at any level shall be removed and a minimum quota of 10% aimed for at the Police Higher College, and (2) that international assistance be provided to overcome the obstacles to general female recruitment.

Recommendation 43: It is recommended that selected police professionals with a demonstrable and long-term need to read and communicate in a foreign language be provided with language training to an internationally recognised level.

Recommendation 44: It is recommended that the OSCE in collaboration with the police training establishments draw up a priority list of those documents which require translation and that international assistance with translation or funding for translation be found.

Recommendation 45: It is recommended that the OSCE identify a pool of interpreters from which translators and interpreters may be provided to incoming police experts.

Recommendation 46: It is recommended that a Police Training Co-ordination Unit be set up within each Ministry of the Internal Affairs to:

1. identify in detail the areas of professional, technical and educational programmes necessary to support the programme of police reform,
2. identify the manuals, documents or other literature necessary for training, and
3. co-ordinate through the OSCE, the requirement and provision of international training.

Recommendation 47: That all authorised police drivers receive additional and where appropriate, advanced driver training.

Recommendation 48.

1. that a Custody Officer be appointed, of junior rank, responsible for recording the arrival, details and location of every person brought to a police station. That officer shall also be responsible for the welfare of that person and shall maintain a record of every transaction with the detainee including time out of a cell, meal breaks and periods of rest.
2. ANNEX 4 of the new Serbian Law on the Police provides a first step towards the formal care and custody of detainees. This should be viewed as an Interim Stage and further drafting carried out of a more comprehensive regulation.
3. It is recommended that a major and comprehensive review of detainees facilities be undertaken with external advice and that international aid be sought to provide the requisite stores.
4. The local chief of police be held personally responsible for the supervision and welfare of detainees and the provision of basic sanitation, toiletries and food.
5. It is recommended that in the long term custody reception areas be fitted with CCTV
6. It is recommended that in the medium term consideration be given to all interviews with detainees being tape recorded

Recommendation 49: It is recommended that as soon as possible the members of the squad be withdrawn from southern Serbia unless directly involved in tasks for which the squad was formed.

Recommendation 50: It is recommended that links be established to comparable units in other countries with a view to providing advice and assistance on further training and equipment needs.

Recommendation 51: With international assistance, a comprehensive review of all command and control accommodation, systems and equipment in both forces should be undertaken to be followed by substantial modernisation in facilities, systems and procedures.

Recommendation 52: That international assistance be provided to train and equip the police of both Republics in how to plan for and deal with all forms of public disorder.

Recommendation 53: That new or replacement police vehicles be provided with sufficient load carrying capacity to enable them to carry equipment for dealing with traffic accidents.

(Recommendations with regard to assistance to replace the remaining vehicle fleet appear in the Chapter on Finance, Buildings and Equipment).

Recommendation 54: That new or replacement police traffic vehicles be painted according to European high visibility standards of police vehicle marking.

Recommendation 55: That accident warning signs and equipment required at the scene of major road accidents and major incidents be provided eg portable emergency lighting.

Recommendation 56: That traffic police officers be provided with protective and reflective clothing.

Recommendation 57: That traffic police receive additional and advanced driver and rider training.

Recommendation 58: It is recommended that the police be assisted to introduce high profile public road safety campaigns to make the public aware of the causes of accidents, and educate them in the means of avoiding them.

Recommendation 59: That the practice of collecting – ‘on-the-spot-fines’ be discontinued and fines collected by alternative means.

Recommendation 60: That in support of and notwithstanding the Federal government’s intention to create a new Border Police Service, international assistance be provided to rebuild and equip border crossing points in Montenegro and Serbia, including with a fully integrated IT network.

Recommendation 61: That information and training be provided to the Border Police of both Republics to help them identify forged foreign identity documents.

Recommendation 62: It is recommended that information on external organised crime fighting methods be provided to the Head of the Organised Crime Unit in order that assistance programmes may be provided to members of the Unit.

Recommendation 63: It is recommended that modern methods of investigating and managing a murder enquiry be shown to the respective heads of the crime investigation directorates and selected members of their staff in all three Ministries with a view to providing formalised programmes of knowledge and training.

Recommendation 64: It is recommended (1) that officers from the Federal Ministry Crime Police Directorate and the Republic of Serbia Ministry of Internal Affairs Organised Crime Unit receive comprehensive training and assistance in the management and detection of kidnap, as a matter of urgency and, (2) that should the Minister of Internal Affairs of Montenegro so require, a separate assessment be carried out of the potential threat of kidnap within Montenegro and the existing capability of the police to respond, with a view to further training being given.

Recommendation 65: It is recommended that knowledge and training on the investigation of commercial terrorism be provided to selected investigators in all three Ministries.

Recommendation 66: It is recommended that international assistance be provided with the investigation of major financial crime to the police of both Republics and particularly with regard to future credit card fraud.

Recommendation 67: It is recommended that tangible international assistance be provided to the Republic of Serbia to trace the location of large sums of money stolen from the State.

Recommendation 68: It is recommended that The Stability Pact Task Force on Trafficking request countries to assess their respective positions with regard to the Guidelines for National Plans of Action to Combat Trafficking in Human Beings' and on the basis of a regional analysis, launch action plans with the assistance of other international agencies to fill the gaps.

Recommendation 69: It is recommended that OSCE planning measures within the Republic of Serbia with regard to the trafficking of women be linked to the 'Victim's Protection Program For Montenegro' through the ODIHR Office in Podgorica.

Recommendation 70: That a team of experts including lawyers and police be formed to carry out a comparative analysis of legislation relating to all aspects of trafficking in the region with a view to harmonising offences, authorities and penalties.

Recommendation 71: Consistent with Recommendation 94 that Ministers for the three entities meet to discuss future formal police co-operation between their ministries, it is recommended that a National Drugs Strategy should be developed, if possible identical in content within the three entities.

Recommendation 72: It is recommended that international assistance be given with training to drugs investigators.

Recommendation 73: It is recommended that a comprehensive equipment needs assessment be carried out and funding be found to update drugs units and forensic laboratories with information and equipment.

Recommendation 74: It is recommended that the current drugs awareness programmes be supplemented with international advice and guidance.

Recommendation 75: It is recommended that assistance be provided to help draft legislation providing courts with power to examine and confiscate the assets of persons that are proven to be the assets of crime or for which they are unable to offer a legitimate explanation for possessing.

Recommendation 76: It is recommended that the law on rape and the conditions necessary to substantiate a conviction be reviewed on the basis of more extensive understanding of the crime and legislation elsewhere.

Recommendation 77: That selected investigators from both Republics receive further training in the investigation of rape and the treatment of victims.

Recommendation 78: That with international assistance, confidential measures be taken to obtain the extent of under-reporting of the crime of rape and that on the basis of the results, a major public awareness campaign be promoted with the full support of the police of both Republics to encourage victims of rape to report attacks to police in the future.

Recommendation 79: It is recommended that women police officers, including uniform women police officers, receive training in the first steps for dealing with the victims of rape and as chaperones.

Recommendation 80: It is recommended that international assistance be provided to help local police acquire or modify accommodation and supply equipment for use in first dealing with the victims of sexual violence.

Recommendation 81: It is recommended that with international expert assistance, confidential measures be taken to discover the extent of intra-familial and extra-familial sexual abuse of children.

Recommendation 82: It is recommended that, sexual crime experts provide to investigators, knowledge about the sexual abuse of children and training in how the crime should be investigated and victims dealt with.

Recommendation 83: It is recommended that with international assistance, a Code of Conduct for Victims of Domestic Violence should be prepared by

the Ministries of Internal Affairs for the guidance and adherence of all police officers.

Recommendation 84: It is recommended that the experience and means of dealing with domestic violence by NGOs both national and international and by other police forces be sought and assistance provided to train staff and establish domestic violence units throughout the police area.

Recommendation 85: That incorporated into human rights training the police receive awareness training on the aims and concerns of the gay and lesbian community and the police obligation to uphold their rights equally.

Recommendation 86: It is recommended that in order to avoid confrontation or insensitive policing in the future, a formal link be created between the proposed new Community Affairs Directorates (see Recommendation 17) in both Republics and representatives of the gay and lesbian community.

Recommendation 87: That both forces create a Crime Intelligence Strategy and a force-wide intelligence base.

Recommendation 88: That information and assistance be provided with appropriate crime intelligence and analysis software.

Recommendation 89: It is recommended that at principal police stations, a Local Intelligence Officer be appointed to be responsible for the collation of all information relating to local crime and crime prevention related activities.

Recommendation 90: It is recommended that further information be provided on the use of telephone hotlines and their further use be explored, particularly with regard to eliciting information from the public about crime.

Recommendation 91: That consideration be given to establishing a 'Crimestoppers' scheme to be based in the capitals of the two Republics.

Recommendation 92: That a fundamental programme of needs assessment, re-equipping of forensic laboratories and training of staff be systematically provided. (This should be linked to the assessment of drugs analysis equipment and possibly undertaken by UNDCP).

Recommendation 93: That Scenes of Crimes examination kits be provided to Scientific Officers in both Republics to enable crime scenes to be properly examined.

Recommendation 94: Without prejudice to any future political considerations or resolution between them and as a matter of operational police necessity consistent with the need to encourage international donor confidence, it is recommended that the Ministers of the Internal Affairs of the Federal government of Yugoslavia, the Republic of Serbia and the

Republic of Montenegro meet to agree formal guidelines on co-operation between their respective police forces.

Recommendation 95: That each Republic prepares a Crime Prevention Strategy incorporating formal and informal relationships with other organisations, groups and individuals.

Recommendation 96: It is recommended that local Court User Groups comprising local senior police officers, prosecutors, representatives of defence lawyers, court administrators and judges be created at which contemporary problems confronting each may be discussed and resolved.

Recommendation 97: It is recommended that:

(1) the OSCE in concert with the Stability Pact be invited to undertake further assessments of the policing needs of countries in the region in respect of the major areas of policing, particularly those relating to crime and organised crime,

(2) a matrix of present and future policing needs related to the major areas of policing, based on these assessments be held by the OSCE, and updated in collaboration with each respective police force,

(3) the matrix be used as a reference or clearing house by countries or international organisations seeking to provide police related assistance to countries in the region or elsewhere, or by the OSCE actively seeking to acquire such assistance on behalf of those countries, and

(4) that plans for and progress achieved through international assistance to the policing requirement in each country be notified to and actively monitored by the OSCE with progress and lessons learned used to update the matrix of major policing needs.

Recommendation 98: That assistance be provided to the Republic of Montenegro police force to replace the motorcycle fleet including with a number of purpose built off-road motorcycles.

Recommendation 99: That the number of makes of marked police vehicles provided in future to the Republic of Montenegro be rationalised in order to standardise maintenance and spare part availability.

Recommendation 100: It is recommended that assistance be given to replace the Republic of Serbia police vehicle fleet with vehicles and motorcycles, including performance cars, suitable to meet the modern needs of policing. Assistance should include assistance with spare parts, maintenance manuals and training. (Note also Recommendation x that new or replacement police vehicles be provided which are suitable to carry accident warning equipment and equipment required at the scene of major accidents and incidents).

Recommendation 101: That all new marked police vehicles be marked according to European high visibility police markings.

Recommendation 102. That international assistance be provided to a major review of air support requirements aimed at a substantial rationalisation of the present fleet.

Recommendation 103: It is recommended that expert advice and assistance be given to the Republic of Serbia to review the cost of updating the force IT requirement.

Recommendation 104: That an in-depth assessment of the present IT system of the Republic of Montenegro Ministry of Internal Affairs be carried out by experts highly knowledgeable in contemporary police IT systems, in order to assess the viability and cost of further stages of in-house development as well as the compatibility of present systems with proprietary systems.

Recommendation 105: That consistent with the assessment, major assistance be given to update the force IT requirement including an interface with systems in the Republic of Serbia.

Recommendation 106: That consideration of developing a broad band digitally trunked system includes the integration of the police network systems of both Montenegro and Serbia.

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Attention is drawn to recommendations contained in the Council of Europe Report 'Assessment of the Human Rights, Ethics and Policing Standards in the Republics of Serbia and Montenegro' by John Slater, prepared concurrently with this Study.

Annex A

SURVEY OF THE BASIC INDICATORS OF THE STATE OF PUBLIC SECURITY ON THE TERRITORY OF THE REPUBLIC OF SERBIA FOR PERIOD FROM 1996 TO 2000					
FIELD OF CRIMINALITY	1996	1997	1998	1999	2000
Total criminal acts committed	149,778	136,341	122,086	92,262	106,021
Financial crime	17,792	18,028	16,717	12,964	12,964
General crime	131,986	118,313	105,369	79,298	93,057
Unsolved	96,429	85,309	77,968	58,537	69,933
Solved	59,662	53,939	47,240	34,917	43,065
% of the cases solved	61,87	63,23	60,59	59,65	61,58
Crimes against property	98,168	86,487	77,234	58,403	70,274
Crimes of violence	4,655	4,752	4,010	3,488	3,729
Crimes against personal dignity	563	469	438	381	446
Crimes against traffic safety	9,009	10,579	8,972	6,483	6,992
Terrorism	31	55	1,885	5,057	1,021
Murder	250	305	289	194	209
Attempt of murder	320	315	269	217	223
Rape	216	164	160	138	152
Robberies	48,449	42,364	38,853	28,434	32,847
Armed robberies	115	109	114	123	141
Banditry's	1,576	1,872	2,311	2,162	2,174
Severe cases of armed robberies	148	188	182	156	205
Extortion	305	277	254	256	217
Vehicle thefts	5,524	6,603	7,612	6,703	6,228
Confiscated narcotics (in kg)	1,369	1,005	1,427	1,728	323
Confiscated firearms (pcs)	6,724	5,090	3,547	2,590	2,768
Art.33, Law on arms and ammunition	6,431	4,788	2,751	2,627	2,714
Abuse of authority in economy	678	908	1,318	1,033	1,057
Illegal trade	3,938	4,609	3,207	3,227	2,539
Tax evasion	908	821	587	385	343
Abuse of official position	2,907	2,756	2,799	1,927	2,268
Embezzlement	1,074	896	703	484	555
Offering and taking bribery	311	240	309	134	189

**SURVEY OF THE BASIC INDICATORS OF THE STATE OF PUBLIC SECURITY
ON THE TERRITORY OF THE REPUBLIC OF SERBIA
FOR THE PERIOD FROM 1996 TO 2000**

FIELD OF PUBLIC LAW AND ORDER	1996	1997	1998	1999	2000
Total violations	66,415	60,911	48,062	41,585	48,039
Total public gatherings	40,120	42,963	40,486	31,515	43,666
Number of explosive devices planted and activated	229	234	239	263	247
Attacks on the authorized civil servants and police officers - obstruction Art.24 Law on Public Order	142	142	95	126	121
Members of the Police killed on duty	8	3	117	199	11
Members of the Police injured on duty	65	72	441	711	161

**STATISTICS ON CRIME IN THE REPUBLIC OF
MONTENEGRO
FOR 1999, 2000 AND FIRST SIX (6) MONTHS IN 2001**

Annex B

TYPE OF CRIME	1999	2000	2001
Total number of criminal acts	8,552	8,473	3,594
No. of disposed-off cases		6,052	2,489
Unresolved cases		2,421	1,105
General crime / total	6,413	6,559	2,834
Crimes against property / total	4,542	4,618	2,106
Major thefts	2,988	2,879	1,215
Thefts	1,123	1,342	693
Stolen vehicles	256	168	63
Robberies	60	66	51
Armed robberies	2	4	3
Extortion	21	17	14
Other crimes	92	142	67
Murders and sexual crimes/total	680	708	270
Murders	19	21	14
Attempted murders	96	83	24
Serious bodily injuries	115	123	44
Minor bodily injuries	225	255	100
Assault with a deadly weapon	152	114	58
Fights	27	60	12
Other crimes	12	5	6
Rape	10	8	4
Attempted rape	9	7	
Other crimes	14	32	8
Other acts considered as general crime/total	1,191	1,233	458
Illegal possession of firearms and and explosive devices	133	147	41
Abuse and trafficking in drugs	98	153	85
Dangerous behaviour	123	132	52
Traffic violations	755	488	158
Assault PO on duty	54	65	24
Violence	42	58	13
Other crimes	164	190	85

Commercial crimes	2,139	1,914	760
Illegal trade	247	147	59
Abuse of power and authority	142	178	56
Negligent performance	5	13	5
Fraud	38	26	8
Abuse of authority in business	47	32	11
Tax evasion	9	5	
Violation of Law on Foreign Exchange Operations	2		
Violation of Payment Traffic Act		1	
Violation of Customs regulations	36	27	18
Illegal fishing	10	14	2
Illegal hunting	1	4	11
Forgery – official documents	77	44	8
Forgery –travel and other Ids			320
Forgery – money	55	51	20
Bribery	2	7	

OSCE
Organisation for Security and Co-operation in Europe

The Secretariat

Conflict Prevention Centre

Vienna, 20 February, 2001

Terms of Reference, Police Consultant

The requirement is for a high-ranking police officer, with proven international and Balkan's experience, to undertake a study of the police of the Federal Republic of Yugoslavia and to assess the overall situation regarding crime and particularly organised crime.

The study will require extensive consultation and participation with the FRY authorities and senior police officers, as well as the co-operation of police officers and officials of all ranks. The Police Consultant will examine the mode and principles of operation of the FRY police, its relationships with the public it serves, its effectiveness in dealing with crime and civil disorder, the skills, training and equipment, both technical and professional, necessary to enable it to function as a democratic police force in the future, and those steps necessary to integrate it with the international policing community.

The post-study Study should set out the challenges and principal difficulties facing the FRY police from inside and outside its borders, including the problems of organised crime. The Study should make recommendations as to what action is required and is possible, in order to modernise the force along European policing lines and how such action should best be implemented.

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