

Police Reform in Serbia: an Overview 2000 – 2006

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Police reform, as an integral part of security sector reform, is one of the main prerequisites in the transition from an authoritarian regime to a democratic polity. One of the biggest challenges Serbia faced after the democratic shift in October 2000 was the reform of the police force and its transformation into a service accountable to citizens.

October 2000 and October 2006: these two landmarks in time coincidentally bear significant historical symbolism. The first date marks the toppling of Slobodan Milošević, although it may not have produced a total collapse of all his regime's policies and practices; the second date marked Serbia's efforts to stay on the democratic path by re-initiating its negotiations on the Stabilisation and Association Agreement with the European Union (EU), which were put on hold due to the lack of co-operation with the UN International Criminal Tribunal for the former Yugoslavia (ICTY).

The overarching challenges of police reform in Serbia were politically announced following the changes in 2000, and were termed as the four "Ds" – de-politicization, de-centralisation, de-criminalisation and de-militarization. This presentation will analyse what has been achieved in terms of the four "Ds", and the way they were formalised as concrete police reform priorities.

The four "Ds" were frequently publicly declared by all administrations that have been in power since 2000, but they were not systematically developed as government policy. This lack of policy and a clear implementation strategy led to a lack of human and technical capacities as well as of precise time frames for the implementation of the declared goals.

One of the most ambitious efforts the Ministry of Interior (MoI) aimed at when defining and managing police reform was the development of the

Ministry's Vision Document, which aimed to carry out an extensive survey of reform issues and produce a document defining a long term strategy and a framework for reform.¹

The development of the nearly 600-page Vision Document took more than a year and a half (2001-2003), and it was officially presented and adopted by the government in April 2003. However, it is important to note that it was presented during the state of emergency declared after the assassination of Serbian Prime Minister Zoran Djindjic. Due to such timing, impact among the public and within the police was minimal.

In addition to the Vision Document, in late 2003, some days prior to new parliamentary elections, a body was created to steer the reform process in line with the Vision Document. The only time the body met was at its founding session. Prime Minister Vojislav Kostunica's administration that came into power in early 2004 did not breathe any life into the body. Hence, the Vision Document was not developed any further nor used as a starting point for a new process - it did not result in a shift in mentality towards strategic planning for the Ministry and police reform in general.

The positive momentum created through this exercise was irrevocably lost. This is a typical example of the weaknesses of public administrations in transition countries, leading to the "one step forward, two steps back" approach which occurs with every political change - one of the primary obstacles to the sustainability of reforms.

Though many years have passed since the adoption of the Vision Document, Serbia still lacks an overall police strategy or a National Security Strategy. The only document, which is made public, is the Ministry of Interior's annual report for the parliamentary Defence and Security Committee, in charge of police issues, in which statistical – rather than analytical – state of affairs is presented coupled with some general guidelines for the forthcoming period.

¹ The Vision Document of the Ministry of Interior, Republic of Serbia, Introduction.

Only recently, the government adopted several strategic documents related to the police – the Strategy on Integrated Border Management (IBM) in early 2006 – a positive result of the beginning of the negotiations on an association agreement with the EU, and the Strategy on the Reform of Police Education. The development of a Strategy on the Fight against Organised Crime was announced in parliament in 2005; however, that strategy has not yet been adopted.

Police reform has been ongoing with varying intensity due to a lack of clear policies. The move to define concrete police reform priorities was a result of a concerted activity between the Ministry of Interior and the OSCE, Serbia's main international partner in this process.

Based on the OSCE Study on Policing, published in 2001, the Ministry of Interior defined six priority areas of police reform in mid-2002:

- Accountability (covering internal and external oversight);
- Police Education and Development;
- Organised Crime;
- Forensics;
- Border Policing;
- Community Policing.

These were declared as the nucleus of reform activities and many projects within each of the priority areas were initiated with the assistance and support of the international community. However, many structural changes awaited the adoption of the new Law on Police, as the Law was considered a precondition for deeper reforms. Several drafts of a Law on Police were made during the government of Prime Minister Djindjic; nevertheless, the then government did not forward any of the drafts to the Serbian parliament.

In June 2004, the new administration led by Prime Minister Kostunica confirmed these six priorities and added two new areas:

- War Crimes investigation, and
- Strategic Planning and Development.

The result was a formal acknowledgement of eight police reform priorities in November 2004 in a Memorandum of Understanding signed between the MoI and the OSCE, stipulating that they will have a partnership approach to working on projects within each of the priorities. In addition, the new government declared that the new Law on Police was top priority.

The promised urgent adoption of the Law on Police took place a year and a half later, in November 2005. Generally, the adoption of the new Law on Police, described as a step towards transforming the police into a public service, was welcomed.

One of the main organisational innovations introduced by the new law was the operational separation of the police service from the Ministry. A director, appointed for a term of five years, would head the police service. The fact that the director will no longer be Assistant Minister of Interior and that his/her five-year term is longer than the term of the government was described as an aim of depoliticising the police at the senior leadership level.

However, the issue of whether the police will be fully de-politicised after the appointment of the first Police Director still looms, as a great deal of power remains in the Minister's hands.² Due to the legacy of the conflicts in former Yugoslavia, internal political instability and present regional security challenges such as the unresolved status of Kosovo, the Ministry of Interior remains an executive authority of the highest political importance.

Going back to the stated reform goals, it must be noted that the police, as well as other public services, still have a long way to go in the fight against corruption and becoming an accountable citizens service. The internal affairs unit – the Inspector General Office (IGO) in charge of

² According to the new law “the minister, in consultation with the Director General of Police, appoints and dismisses regional police chiefs”. Article 24 of the Serbian Law on Police
http://www.parlament.sr.gov.yu/content/cir/akta/akta_detalji.asp?Id=296&t=Z

police oversight as well as investigating citizens' complaints against the police – was established in 2001. However, the appointment of the first Inspector General (IG) took two years.

What brought the issue of the oversight of police into focus was the assassination of Prime Minister Djindjić, the subsequent declaration of the state of emergency and the launching of the police operation Sabre against organised crime connected to the assassination. The person charged with pulling the trigger was holding an official police badge at the time. This was a tragic wake-up call for the Serbian society underlining the urgent need for oversight of the police.

Following these events, only in June 2003 did the government appoint the first Inspector General who at the same time held a political post as Assistant Minister of Interior. The first IG assumed the Office without any human or technical resources – capacity development of the IGO was slow and deliberate.

With the elections and the change of government in 2004, the second IG was appointed – which was more a result of political bargaining. Subsequent political controversy regarding the scope of IGO underscored the 'weak' position of the internal affairs unit within the Ministry's structure – the model chosen by Serbia being a hybrid of internal and external oversight. With the enactment of the new Law on Police, internal police oversight is regulated for the first time by law. Although progress has been made in this area, internal oversight still has to evolve and gain respect of both the police professionals as well as the public.

In addition to the development of more effective internal oversight, police accountability needs to be supplemented with effective external oversight – declared as a priority but not yet fully practiced. The parliamentary Committee for Defence and Security 'has plenty of potential for improving its work and still does not perform preventive oversight over the work of the services – its work is limited to a post

facto discussion’³ which boils down to examining reports by the Minister of Interior. Many members of the Committee do not possess sufficient knowledge of police-related issues, and do not have sufficient professional expertise at their disposal. Furthermore, although police oversight was high on the political agenda back in October 2000, Members of Parliament showed surprisingly little interest in exercising their rights.

The idea of establishing an independent external oversight body has yet to be pursued. Such a body remains a missing link in the police oversight structure, although the new Law on Police opens up prospects for the introduction of a commission for external oversight. Public and media interest will have to evolve to support these accountability mechanisms. External oversight remains a formidable reform challenge not only for the Serbian parliament and other branches of the government but also for the civil society.

In Milosevic’s period Serbia suffered from an enormous increase in organised crime and deepening of corruption, which became the norm in the country’s economic, social and political life. The process of decriminalisation of certain elements within the police and a resolute fight against organised crime were also seen as an absolute priority from the very beginning of the reform.

This priority was tackled immediately and the Special Unit for the Fight against Corruption and Organised Crime was formed back in 2000. It mapped out organised criminal groups as well as the persons responsible for mainly politically motivated assassinations linked to organised crime and state security prior to October 2000.

Having scanned the underground to the best of its abilities at the time, the unit was disbanded in April 2001. A new organisational unit, the Organised Crime Directorate (OCD) was formed and it was the only operational unit reporting directly to the political/ministerial level.

³ National Strategy of Serbia for the Serbia and Montenegro’s Accession to the European Union, p. 185, <http://www.seio.sr.gov.yu/code/navigate.asp?Id=73>

The importance of the list of organised crime groups and their links with the paramilitary unit of the state security, i.e. Special Operations Unit, would be fully grasped only following the assassination of Prime Minister Djindjić, which was the most serious blow that organised crime connected to the parts of the security structures inflicted on Serbia.

The state immediately responded by proclaiming a state of emergency that lasted 40 days and the police launched the massive police operation called *Sabre*. The Special Operations Unit was disbanded and its commanding officers arrested. Police detention during the state of emergency was not limited and more than 11,000 people were arrested throughout Serbia. Operation *Sabre* was a severe blow to organised crime.

In 2003 OCD was also tasked with investigating war crimes. The role of the War Crimes Department is especially important and sensitive having in mind that two national police chiefs are indicted by the ICTY. A number of lower ranking police officers have been indicted by the Serbian courts. Some have been processed and convicted. Establishing war crimes investigation capacities also has a political significance in the light of Serbia's intention to try war crimes in domestic courts. For this purpose the Special War Crimes Prosecutor's Office and the Special War Crimes Chamber of the Belgrade District Court were established. A small police unit has not achieved impressive results thus far, for reasons beyond the pure issue of the lack of the unit's capacities.

Also new was the establishment of the witness protection unit (Unit for the Protection of the Participants in Criminal Proceedings). The unit is significant in the light of the government's intention to broker the transfer of certain war crimes cases from the ICTY to the national judiciary.

In 2005, OCD was put under the umbrella of the police service and renamed to the Organised Crime Service (OCS). Its internal structure did not change much, with the exception of the War Crimes Department, which has been taken out and hierarchically put on the same footing as OCS. One of the aims of such restructuring was de-politicization by

putting all police units within the police service out of direct political control.

OCS has achieved some impressive results, but it could not always meet the high expectations. Its good operational police work was often in vain because of inefficiency in the prosecution and judiciary. To illustrate this using simple statistics, according to police estimates only 16% of criminal charges submitted by the police service end up with a court verdict and half of those are suspended sentences.⁴

Enhancing capacity for the fight against organised crime in Serbia largely depends on developing a comprehensive national criminal intelligence system, forensics and border policing. Such a system did not exist before, and the police are currently in the process of building up the national criminal intelligence and forensics capacity with the support of the international community.

Regarding issues related to border control, the reality is that Serbia became an outer border of the European Union. De-militarization, i.e. the assumption of the responsibility for the state borders by the police, has been postponed until recently mainly due to unclear competencies in the unique state union as Serbia and Montenegro, dissolved in May 2006. The issue of de-militarization was more seriously tackled once it was put as one of the main points on the agenda within the negotiations on the EU accession agreement. The process of police take-over of the state border from the military started in 2005, and so far it has been finalised at the borders with Hungary, Romania, Bulgaria and partly Croatia. The process is expected to be completed by the end of 2006; however, this plan seems optimistic.

As mentioned earlier, the government has finally opened up possibilities for a phased police take-over of securing borders, with the adoption of

⁴ Nikolić-Đaković, Tanja, *Svaki tajkun ima svoje poslanike*, Interview of Josip Bogić, Head of UBPOK's Organised Financial Crime Department, to daily Blic, 28 October 2005.
<http://www.blic.co.yu/arhiva/2005-10-28/strane/tema.htm>

the Strategy on Integrated Border Management (IBM), as well as the action plans for its implementation. However, much is needed in terms of further development of associated laws and regulations, joint training programs for the four border services (i.e. border police, customs, phytosanitary inspection and veterinary inspections) and reconstruction of the border crossing points. It will be a major focus in the coming years.

Returning to the four “Ds”, the issue of decentralisation of police service is connected to the issue of the new Serbian constitution. Serbia is currently in the process of adopting the new constitution, and it remains to be seen what changes it will bring. Currently, the police service is a centralised authority, reflecting the structure of a centralised state. Centralised management of the budget and short-term planning impede the delegation of decisions. Police at the local level have little room for manoeuvre in addressing local issues, and working in closer co-operation with communities, which affects the development of community policing.

Though de-centralisation is still not within the legal framework, working closer with communities is regarded as a vital means in regaining public trust, lost in the ‘90s. There was an extensive pilot community policing phase which demonstrated that the police are not the sole bearers of the responsibility for securing public safety. The primary driving force should be the society’s demand and interest in raising the level of safety. The police are engaged in numerous community policing activities, especially in ethnically diverse areas in the south of Serbia and the Autonomous Province of Vojvodina. In 2005, the community policing concept was mentioned in Serbia’s National Strategy for EU integration recommending that the “work on decentralisation of the MoI and development of the ‘community policing’ concept should continue”.⁵ Hence, the executive branch needs to work on developing a National Community Safety Strategy. This Strategy remains a missing link in working closer to the communities.

⁵ National strategy of Serbia for the Serbia and Montenegro’s accession to the European Union, p. 186, <http://www.seio.sr.gov.yu/code/navigate.asp?Id=73>

A key indicator of the success of police reform is the general public's perception of everyday police culture – the manner in which officers carry out their duties.⁶ A sustainable change in police culture is primarily achieved through the reform of police education and training. To date, the biggest planned breakthrough is the transformation of the Police High-School into a basic entry-level Police Training Centre. All future Serbian police officers, including female students, will graduate from this reformed institution. Modernisation of specialised and advanced training is the foundation of future professional development and career advancement. In that respect, police culture is evolving to accommodate changing social values of a society in transition, striving towards EU membership.

In summary, the process of police reform in Serbia was influenced by the political instability and the lack of clear time frames. There was little public debate on how the transformation of the police needs to be steered; the reform process was and still is mainly left to the police itself. To the best of my knowledge, the parliament and its Defence and Security Committee have never discussed the overall progress of police reform. Some of the most important structural changes occurred after major events, some of which were mentioned earlier. Coordination of security services is currently also in focus, however only in connection to the implementation of the government's Action Plan aimed at resolving the ICTY co-operation issue. These examples demonstrate that significant reform milestones occur as a matter of necessity, rather than as a part of proactive, reform-oriented planning.

To close, I would like to point out that some aspects of police reform are generally perceived as "slow". Deep sustainable reforms are a major challenge since they require changes in the society's system of values. Putting the reform of the Serbian police into its historical context of ten-years of economic, social and moral deterioration of the entire society, one has to be fair and ask how deep was the change in the system of

⁶ Downes, Dr Mark, *Police Reform in Serbia: Towards the creation of a modern and accountable police service*, OSCE Mission to Serbia and Montenegro, Law Enforcement Department, Belgrade, 2004, p. 26.

values of the Serbian society in general – before assessing the police alone. Are the perceptions of the “slow” pace just ‘sour grapes’ in response to what Serbian society would wish it had achieved, rather than what the society has been realistically capable of achieving under the circumstances in the past six years?

This and similar questions are frequently a source of interest and discussion, which brings me to my final point - in order to be able to base discussions on realistic grounds and avoid any arbitrary assessments strategic planning and determining criteria for success at all levels must take place. Although strategic planning and development were declared a priority, as mentioned at the beginning of my intervention – now is the time for implementation and practice without further delay.