

SERBIA'S STRATEGIC, LEGAL AND INSTITUTIONAL APPROACH IN THE FIGHT AGAINST TERRORISM

Review Article

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Abstract: Terrorist activities as a negative social phenomenon have been present to a large extent lately, and for that reason, every country strives to develop the best approach in terms of its prevention and suppression. This is understandable, especially given the growing presence of violent extremism and radicalization leading to terrorism. This paper addresses the ways and capacities Serbia uses to fight terrorism. A detailed analysis and review of existing resources, primarily strategic documents, legislation and entities involved in the fight against terrorism, clearly shows that Serbia has significant capacities in this context.

Keywords: terrorism, extremism, radicalization, strategy, law.

INTRODUCTION

Terrorism as a negative social phenomenon attracts a lot of public attention with its current relevance, harmfulness and the consequences it produces with its way of expression. Thus, it is a multi-layered phenomenon that must be viewed multidisciplinary (Trifunović, 2007: 4). In this regard, states have an obligation to provide protection against terrorist acts, and this requires a special emphasis on the prevention of terrorism, which is reflected in their international legal and political obligations (OSCE, 2014: 36).

In the Republic of Serbia, the popularization of radical groups and movements in areas where there are religious minorities has been noticed. Special emphasis is placed on the spread of radicalism among young people. Some of the radical groups are associated with like-minded people in other countries. In addition to popularizing radicalism, some of these groups may be involved in various types of terrorist activity: training, activity planning, arms smuggling, and networking, which favors the development of international terrorism (Seci Center Bucharest, 2011: 130).

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Specifically, Islamist centers show great interest in the region of Raška and Polimlje (Sanjak of Novi Pazar) by performing various activities aimed at achieving well-known goals in this region. Specifically, for this region, the goal of the Islamists is to establish a radical Islamic ideology among the local Muslim population, and then the territorial separation of the so-called Sandžak from the Republic of Serbia and its independence. In addition to certain Islamic countries such as Iran and Saudi Arabia which are the most important financiers of Muslim extremism in this area, political entities, as the bearers of religious extremism in that area, play an important role in the realization of this intention. The most radical among them are Islamist movements and organizations that operate publicly and covertly on the territory of the Raška-Polim region. This primarily refers to the influence of the Wahhabi movement, which publicly advocates conflicts and carries out terrorist acts in the leading countries of Christian civilization. In this regard, they are used to systematically disrupt the security of the cities within the Raška region in order to transfer the hotspot from Kosovo and Metohija to this region and thus distract the attention of the Serbian authorities from the Kosovo problem (Trifunović, Stojaković and Vračar, 2011: 242-243).

In this regard, the Republic of Serbia has adopted a significant number of strategic documents and legal acts and has significant institutions in terms of combating terrorist activities. Therefore, this is also the aim of this paper which seeks to show the specified capacities of the Republic of Serbia in terms of countering terrorism.

As the review of the literature has revealed, there exist a number of articles addressing strategic, legal and institutional fight against terrorism (Alexander, 2005; Picco, 2004; Picco, 2005; Kydd & Walter, 2006; Pietrasanta, 2015; El Diraoui & Uhlmann, 2015; Özbey, 2018; Antoliš, 2009; Pavlović, 2016; Popović, 2019).

The paper presents a strategic approach in the fight against terrorism, the legal framework for the fight against terrorism and the institutional approach to the fight against terrorism in the Republic of Serbia.

STRATEGIC APPROACH IN THE FIGHT AGAINST TERRORISM

At this point, it is important to mention the *National Strategy for the Prevention and Countering of Terrorism for 2017-2021*, which provides guidelines for the improvement of the existing methods and development of new methods, measures and instruments for the prevention and countering of terrorism, with the aim of establishing a proportion between the extent of resource engagement and threat level. This strategy aims to protect the Republic of Serbia from the terrorist threat posed to its citizens, values and interests, while supporting international efforts in the fight against terrorism. This purpose will be achieved, among other things, through the implementation of targeted and designed

measures at the doctrinal level, through the development and enhancement of security culture in society and promotion of certain values at the normative and institutional levels, the improvement of capacities for preventing and countering terrorism, particularly capacities for countering violent extremism and radicalization leading to terrorism, as an increasingly pronounced phenomenon. Strategic objectives regarding prevention should be achieved through measures for the prevention of causes and mitigation of the factors that promote radicalization leading to terrorism, including measures for early identification of radicalization and prevention measures starting with the implementation of a terrorist act planned or prepared. Early prevention measures will be complemented by the measures for the prevention of the spread of radicalization and violent extremism and efforts to deradicalize and reintegrate radicalized persons. The purpose of this strategy will be implemented in four areas defined by the *Action Plan of the National Strategy for the Prevention and Countering of Terrorism*. The strategy defines strategic objectives that protect core values and classifies them into four priority areas: the prevention of terrorism, violent extremism and radicalization leading to terrorism; protection by detecting and eliminating terrorist threats and weaknesses in the protection system; prosecuting terrorists, while respecting human rights, the rule of law and democracy, and the system's response to a terrorist attack. Therefore, the mentioned strategy relies on the *Action Plan* that was adopted for its detailed elaboration and efficient implementation. In the same action plan, the first priority area includes several objectives: developing the security culture of citizens; early identification of the causes and factors conducive to the spread of radicalism and violent extremism leading to terrorism; an environment discouraging the recruitment of young people to participate in terrorist activities; high-tech communication systems and digital networks resistant to the spread of radicalization and violent extremism; strategic communication skills. The second priority area includes the following strategic objectives: full understanding of the terrorism threat in the Republic of Serbia through early identification of target groups and radical methods; improved coordination and cooperation between state intelligence agencies; enhanced level of operational capabilities of police and intelligence-security capacities; an improved system for combating terrorist financing; the deradicalization and reintegration of radicalized persons; the enhanced level of critical infrastructure protection; improved efficiency of the integrated border management mechanism; the raised level of security in the field of transport, trade and exchange of goods and services. Furthermore, the third priority area consists of three objectives: harmonized national regulations with the relevant United Nations Security Council resolutions, EU acquis and other international standards; the improved system of detection, identification and prosecution of perpetrators of terrorism and terrorism-related crimes with respect for human rights; effective trial for terrorism-related offenses. Finally, the fourth priority area consists of two objectives: improved system of managing reducing the consequences the consequences of a terrorist attack and mitigating the consequences of a terrorist attack (Nacionalna strategija za pre-

venciju i borbu protiv terorizma za period od 2017-2021. godine, *Službeni glasnik broj 94/2017*).

The *National Strategy against Money Laundering and Terrorist Financing*, which was adopted in 2008 and represents a very important document of the Republic of Serbia in the fight against terrorism, should also be mentioned. This is the first strategy of the Republic of Serbia in this area. The 2008 National Strategy had an extremely important goal, which was to effectively establish a complex and comprehensive system for combating money laundering and terrorist financing. The overall goal and purpose of this strategy is to fully protect the country's financial system and economy from the dangers posed by money laundering and terrorist financing and the proliferation of weapons of mass destruction, thus strengthening the integrity of the financial sector and contributing to security and safety. This strategy elaborates this general goal through four strategic topics: reducing the risk of money laundering and terrorist financing through strategic planning, coordination and cooperation of all participants in the system; preventing the entry of property suspected of having been acquired by a criminal offense into the financial system and other sectors, that is, detecting and reporting property already entered; detecting and eliminating threats posed by money laundering and terrorist financing, punishing perpetrators of criminal offenses and confiscating illegally acquired property; qualified staff trained for effective participation in all segments of the system for combating money laundering and terrorist financing and public understanding of the role and plans of the competent bodies. This general strategic goal shall be achieved through the Action Plan (Nacionalna strategija za borbu protiv pranja novca i finansiranja terorizma, *Službeni glasnik broj 89/08*).

LEGAL FRAMEWORK OF THE FIGHT AGAINST TERRORISM

Further, the legal basis for anti-terrorist response lies in the national criminal legislation (Criminal Code of the Republic of Serbia) and adopted international conventions, bilateral and multilateral agreements. The Criminal Code of the Republic of Serbia provides for the following criminal offenses: terrorism (Article 391); public incitement to commit terrorist acts (Article 391a); recruitment and training for terrorist acts (Article 391b); the use of a lethal device (Article 391c); the destruction of, and damage to, a nuclear facility (Article 391g); endangering persons under international protection (Article 392); terrorist financing (Article 393), and terrorist association (Article 393a) (Krivični zakonik Republike Srbije, *Službeni glasnik broj 85/2005, 88/2005; 107/2005; 72/2009; 111/2009; 121/2012; 104/2013; 108/2014 i 94/2016*; Zakon o izmjenama i dopunama Krivičnog zakonika Republike Srbije, *Službeni glasnik broj 35/2019* Law on Amendments to the Criminal Code of the Republic of Serbia, Official Gazette No. 35/2019). Regarding criminalization related to recruitment and training for committing terrorist acts, the amendments to the Criminal

Code of the Republic of Serbia criminalize going abroad to prepare, plan or participate in the commission of terrorist acts (*Zakon o izmjenama i dopunama Krivičnog zakonika Republike Srbije*, čl. 37, *Službeni glasnik broj 35/2019*).

In addition to the mentioned law, the *Law on the Prevention of Money Laundering and Terrorist Financing* is of great importance. This law prescribes actions and measures undertaken to prevent and detect money laundering and terrorist financing. It also regulates the competence of government bodies responsible for the implementation of the provisions of this law (*Zakon o sprečavanju pranja novca i finansiranja terorizma*, čl. 1 *Službeni glasnik broj 113/17*).

Also, an important law that largely contributes to the fight against terrorism is the Criminal Procedure Code of the Republic of Serbia. This Code enables government bodies to exercise the proper application of substantive law through the application of their own powers (arising from this Code), and thus the fight against terrorism, (*Zakonik o krivičnom postupku Republike Srbije*, *Službeni glasnik broj 72/2011, 101/2011, 121/2012, 32/2013, 45/2013, 55/2014 i 35/2019*).

INSTITUTIONAL APPROACH TO THE FIGHT AGAINST TERRORISM

The following institutions greatly contribute to combating terrorism: the Prosecutor's Office, the Ministry of Justice, the Security Information Agency, the Ministry of the Interior, the Ministry of Defense (Military Security Agency and Military Intelligence Agency), the Ministry of Finance, and the Ministry of Foreign Affairs. None of them has a leading role (Seci Center Bucharest, 2011: 130).

The National Security Council plays a significant role in combating terrorism. The competences and powers of the Council are as follows: it takes care of national security by addressing security issues; coordinates the work of government bodies that constitute the security sector and addresses measures to improve the national security; directs and coordinates the work of security services by addressing intelligence-security assessments; determines the priorities and methods of protection and directs the realization of national interests which are carried out by performing intelligence - security activities; directs and coordinates the work of security services; advises the Government on the budget proposals of the security services, on the proposals of the annual and medium-term work plans of the security services, as well as on the proposal for the appointment and dismissal of the head of security services; manages the harmonized application of regulations and standards for the protection of personal data, including other regulations that protect human rights that may be endangered by the exchange of information or other operational actions (*Law on the Bases Regulating Security Services of the Republic of Serbia*, Article 5, *Official Gazette Of the Republic of Serbia*, No. 116/2007). The National Se-

curity Council consists of the President of the Republic of Serbia, who is also the chairman, Prime Minister, Minister of Defense, Minister of the Interior, Minister of Justice, Chief of the General Staff of the Serbian Army, Director of the Security Information Agency, Head of the Military Security Service within the Ministry of Defense, and Secretary of the Council and this function is exercised by the Chief of Staff of the President of the Republic of Serbia (Law on Fundamentals of Security Services of the Republic of Serbia, Article 6, Official Gazette of the Republic of Serbia, No. 116/2007).

The Council is not just a consultative body, given that its decisions are binding. It has its own operational powers – the Coordination Bureau which operationally coordinates the work of security services and implements the conclusions of the National Security Council. The Coordination Bureau consists of the directors of the Military Intelligence Agency, the Military Security Agency, the Security Information Agency and the Secretary of the National Security Council. If the need arises, representatives of specific government bodies may be invited to participate in the Coordination Bureau: representatives of the Ministry of Foreign Affairs, the police, and heads of police administrations, Republican Public Prosecutor, the Director of Customs and other heads of government bodies, organizations and institutions. Additionally, the Serbian Government established the Commission for the adjustment of operations and further improvement of cooperation in the field of Justice and internal affairs on issues of general interest, especially in the fight against corruption, organized crime, terrorism, drugs, human trafficking, confiscation, money laundering, and so on. The Commission has adopted an Action Plan to implement its activities in order to coordinate operations and further improve cooperation between the said bodies. Of course, the fight against terrorism is only one of the issues that the Council and the Commission deal with. There is no such an institution in the Republic of Serbia that solely deals with combating terrorism (Seci center Bucharest, 2011: 131-132).

The following organizational units within the Ministry of the Interior of the Republic of Serbia participate in the fight against terrorism:

- The Criminal Police Directorate, within which there is a Service for Combating Terrorism and Extremism, is responsible for the prevention, detection and clarification of terrorism and extremism-related criminal offenses and detection and apprehension of perpetrators of these criminal offenses. The service was established in December 2013, with its Department for the Monitoring and Investigation of Terrorism which was established in 2007. The Service for Combating Terrorism and Extremism continuously monitors all phenomena and events relevant to security in the Republic of Serbia and gathers operational intelligence regarding persons, groups, organizations and movements whose activities are related or may be related to terrorism and/or extremism in order to prevent the commission of criminal terrorism and extremism-related offenses in the Republic of Serbia or to use the territory of the Republic

of Serbia for the preparation or commission of such actions in other countries, as well as to prevent activities advocating terrorism and extremism, recruitment, raising or storing funds for these activities. The service consists of the Department for Countering Terrorism and the Department for Countering Extremism and four field departments (departments in Belgrade, Novi Sad, Nis and Novi Pazar) (Ministry of the Interior of the Republic of Serbia, 2018).

- The special anti-terrorist unit is an organizational unit within the Police Directorate, the Ministry of the Interior. It is intended for the execution of the following high-risk tasks in accordance with legal regulations and authorities: the planning and execution of the most complex security tasks in the fight against terrorism; interventions in hostage situations; interventions in aircraft hijacking and other crisis situations; interventions in cases of barricading and resistance to firearms; the apprehension of members of organized criminal groups in cooperation with other organizational units within the Ministry of the Interior; the security of persons and facilities whose security, according to the assessment of the relevant government bodies, is threatened (Ministry of the Interior of the Republic of Serbia, 2018).
- The Gendarmerie is a special police unit at the headquarters of the Police Directorate whose task is to collect and process operational intelligence, detect terrorist offenses and ensure evidence, apprehend perpetrators of criminal offenses, intervene in the internal defense of the country in order to break up organized terrorist groups, including preventive anti-terrorist activities (Ministry of the Interior of the Republic of Serbia, 2018).

In addition to the police, the Operations Department within the Military Security Services is responsible for combating terrorism (Law on the Military Security Agency and the Military Intelligence Agency, Article 6, Official Gazette of the Republic of Serbia No. 88/2009, 55/2012, 17/2013). Also, the Analytics Department within the Military Intelligence Agency is in charge of combating terrorism (Law on the Military Security Agency and the Military Intelligence Agency, Article 24, Official Gazette of the Republic of Serbia No. 88/2009, 55/2012, 17/2013).

The Security Information Agency (*Bezbednosno-informativna agencija – BIA*) performs significant activity in the fight against terrorism. The Agency consists of the Directorate for Countering Terrorism and International Organized Crime. An important segment of the work of the Security Information Agency is the investigation, detection and documentation of links between individuals, groups and organizations involved in international organized crime and terrorism (BIA, 2018).

The Republic Public Prosecutor’s Office also plays a statutory role in the fight against terrorism through its criminal department, that is, the Special

Prosecutor's Office for Organized Crime (Republican Public Prosecutor's Office of the Republic of Serbia, 2018), including High Courts which are also competent for crimes contained in Chapter 34. (crimes against humanity and other values protected under international law), where there are also incriminations related to terrorism (Higher Courts of the Republic of Serbia, 2018). The organization and jurisdiction of government bodies responsible for combating terrorism is regulated under a special law (Zakon o organizaciji i nadležnosti državnih organa u suzbijanju organizovanog kriminala, terorizma i korupcije, *Službeni glasnik Republike Srbije, broj 94/2016 i 87/2018*).

CONCLUSION

Due to the popularization of radical groups and movements in areas where there are religious minorities, Serbia has developed capabilities to combat terrorism. These capacities are reflected in the existence of strategic documents, legal acts and various institutions which are, in addition to their regular duties and tasks, responsible for the suppression of terrorism as well.

Regarding the strategic documents, it is important to mention the *National Strategy for the Prevention and Countering of Terrorism for 2017-2021* and the *National Strategy against Money Laundering and Terrorist Financing*. The *National Strategy for the Prevention and Countering of Terrorism for 2017-2021*, in addition to its importance related to the protection of the Republic of Serbia from terrorist threats posed to its citizens, values and interests and support of international efforts in the fight against terrorism, the implementation of targeted and designed measures at the doctrinal level through the development of security culture and promotion of certain values at the normative and institutional levels through the improvement of capacities for the prevention and countering of terrorism, is also important because it has measures for the prevention of the spread of radicalization and violent extremism, efforts to deradicalize and reintegrate radicalized persons. Also, it is important to note here that the goals of this strategy are achieved through its Action Plan. In addition to this strategy, the importance of the National Strategy against Money Laundering and Terrorist Financing should be mentioned, which established a complex and comprehensive system for the fight against money laundering and terrorist financing. It seeks to protect the country's financial system and economy from the dangers posed by money laundering and terrorist financing and the proliferation of weapons of mass destruction, thus strengthening the integrity of the financial sector and contributing to security and safety. These activities are implemented through its Action Plan. Here rises the need for the implementation of the previously mentioned strategic documents, as well as precise compliance with the deadlines envisaged under the action plans. Therefore, we believe that these strategic documents should not remain on paper.

Further, in addition to the strategic documents, legal regulations are also important, more precisely, the *Criminal Code*, the *Law on the Prevention of Money Laundering and Terrorist Financing* and the *Criminal Procedure Code of the Republic of Serbia*. The *Criminal Code* criminalizes various terrorist activities, while the *Law on the Prevention of Money Laundering and Terrorist Financing* prescribes actions and measures to be undertaken to prevent and detect money laundering and terrorist financing and regulates the jurisdiction of government bodies to implement these provisions. On the other hand, the *Criminal Procedure Code* enables the proper application of substantive law by government bodies. If the above-mentioned legal regulations are applied in an appropriate way, we can certainly expect important results in the fight against terrorism.

In addition to the above, it is clear that the Republic of Serbia has significant institutions that, within their competence, can produce good results in the fight against terrorism. Thus, there are specific capacities that can produce results both in the preventive and repressive sense. In our view, Serbia's institutions should pay special attention to preventive work, primarily the fight against the process of radicalization.

Based on the above, it may be concluded that the Republic of Serbia has significant capacities to combat terrorism. In addition to the strategic documents, legislation and its own institutions, Serbia has the opportunity to cooperate with other countries and international institutions in the fight against terrorism.

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