

MEĐUNARODNI NAUČNI SKUP „DANI ARČIBALDA RAJSA“
TEMATSKI ZBORNIK RADOVA MEĐUNARODNOG ZNAČAJA

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PREFACE

Dear readers,

In front of you is the Thematic Collection of Papers presented at the International Scientific Conference “Archibald Reiss Days”, which was organized by the Academy of Criminalistic and Police Studies in Belgrade, in co-operation with the Ministry of Interior and the Ministry of Education, Science and Technological Development of the Republic of Serbia, National Police University of China, Lviv State University of Internal Affairs, Volgograd Academy of the Russian Internal Affairs Ministry, Faculty of Security in Skopje, Faculty of Criminal Justice and Security in Ljubljana, Police Academy “Alexandru Ioan Cuza” in Bucharest, Academy of Police Force in Bratislava and Police College in Banjaluka, and held at the Academy of Criminalistic and Police Studies, on 10 and 11 March 2016.

The International Scientific Conference “Archibald Reiss Days” is organized for the sixth time in a row, in memory of the founder and director of the first modern higher police school in Serbia, Rodolphe Archibald Reiss, PhD, after whom the Conference was named.

The Thematic Collection of Papers contains 165 papers written by eminent scholars in the field of law, security, criminalistics, police studies, forensics, informatics, as well as by members of national security system participating in education of the police, army and other security services from Belarus, Bosnia and Herzegovina, Bulgaria, China, Croatia, Greece, Hungary, Macedonia, Montenegro, Romania, Russian Federation, Serbia, Slovakia, Slovenia, Spain, Switzerland, Turkey, Ukraine and United Kingdom. Each paper has been double-blind peer reviewed by two reviewers, international experts competent for the field to which the paper is related, and the Thematic Conference Proceedings in whole has been reviewed by five competent international reviewers.

The papers published in the Thematic Collection of Papers contain the overview of contemporary trends in the development of police education system, development of the police and contemporary security, criminalistic and forensic concepts. Furthermore, they provide us with the analysis of the rule of law activities in crime suppression, situation and trends in the above-mentioned fields, as well as suggestions on how to systematically deal with these issues. The Collection of Papers represents a significant contribution to the existing fund of scientific and expert knowledge in the field of criminalistic, security, penal and legal theory and practice. Publication of this Collection contributes to improving of mutual cooperation between educational, scientific and expert institutions at national, regional and international level.

The Thematic Collection of Papers “Archibald Reiss Days”, according to the Rules of procedure and way of evaluation and quantitative expression of scientific results of researchers, passed by the National Council for Scientific and Technological Development of the Republic of Serbia, as scientific publication, meets the criteria for obtaining the status of thematic collection of papers of international importance.

Finally, we wish to extend our gratitude to all the authors and participants in the Conference, as well as to all those who contributed to or supported the Conference and publishing of this Collection, especially to the Ministry of Interior and the Ministry of Education, Science and Technological Development of the Republic of Serbia.

Belgrade, June 2016

The Programme Committee

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TOPIC I
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THE ROLE OF INTERPOL DEALING WITH CRIME AND TERRORISM

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Abstract: Historically, crime dates back to the origin of civilization itself and in that regard there is no period in the human existence in which the crime was unknown. With the development of modern society the crime gets its new forms and organization which makes it particularly dangerous for the state systems. Organized crime in its various forms, particularly terrorism as the most dangerous form of violence, represent a threat which can cause enormous human and material consequences. Namely its influence can be noticed in further social development both nationally and internationally.

Regarding the fact that crime does not know boundaries and does not recognize and respect the legal rules and regulations, joining efforts in dealing with it should be aimed at its obstruction, reduction and prevention. To achieve these goals at national, regional and international level, special police and judicial prosecutorial units are formed, numerous conventions, protocols, resolutions and recommendations are brought and adopted, national with international legal acts are reconciled, and new instruments are created. Despite all efforts that appear by the participants in the process, it can be concluded that the expected results are not at the desired level.

Interpol has a particularly important role in dealing with the crime, and particularly pays attention to organized crime and terrorism which are qualified as the most dangerous forms of international crime. The main instrument for its obstruction and prevention consists securing and enabling continuous cooperation between Member States.

The above mentioned facts imply the need for a more detailed analysis of the activities of Interpol in the fight against crime and terrorism, particularly in order to increase the capacity utilization and the opportunities that are offered to its members. For the existing conditions in the area of cooperation some data will be presented from the performed empirical research of the authors.

Keywords: crime, organized crime, terrorism, Interpol, international cooperation.

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INTRODUCTORY REMARKS

Historical events in the area of crime show that cooperation finds its roots in earlier practices used in cases of international control of individuals and organizations, political opponents of the existing systems. The formation of large national states in the XIX century and the emergence of organized crime caused the need of more intensive and continuous cooperation. Over time it becomes a unique and most important instrument in the fight against crime and its perpetrators. Abrogation of the political motives of cooperation was the most significant reason for its development and contributes to devote more attention to crime. On the other hand, the evolution of terrorism reflects its complexity, vitality, intensity and his huge threat to the national security of States and overall international security. Today, international relations are characterized by the appearance of new dangerous forms of terrorism with the ability to cause mass effects and the world that is slowly becoming a hostage. If we analyze terrorism, one of the many findings that would occur is that there is a direct and indirect effect. The indirect goal would be the one through which terrorism through its action in all segments of modern society, sows fear among the population worldwide. The direct goal emerges from the threat and weakening of the security of a country and the international community as a whole. Terrorism often uses nonentities to create power hopping that from below it can achieve what the country has from above. Terrorism has various roots and forms but as time passed it evolved, changed and perfected its tactics and methods of action which resulted in changing the traditional concept with a new one called hyper-terrorism.

TERRORISM

The meaning of the word "terrorism" for different people has different meanings. The word terror (the French word "terreur" denotes sowing fear² and Latin „terror,, means fear, terror, rule by intimidation, political violence³) in political terms it means act of violence, which is taken for political purposes of intimidation and without regrets breaking the resistance of the one for whom it is meant.

A solely definition for the term terrorism does not exist. Its definition is open for discussion because what until yesterday was considered as terrorism today it is not or what today is considered as terrorist until yesterday was considered as a liberation movement and vice versa. If one person in a segment of a society is called a terrorist for another segment of the same society he is respected as a fighter for freedom. The definition of terrorism is not yet completed, mainly because of two important reasons: according to some theorists is impossible to define it because of its various forms and according to others because of the political overtones of the term that excludes any objectivity.

According to several authors in the term as constituent elements should be contained the following notions: executor, intent, motive, use of force, the primary subject (victim), excessive sacrifices, intimidation⁴. To prove that the definitions of terrorism are similar, two Dutch scientists from the University of Leiden, Alex Schmid and Albert Jongman, collected 109 scientific and official definitions of the term and analyzed them to find their major components⁵. Basically, for all definitions there are three common elements: using violence, political purposes and intent to instill fear in a targeted population.

2 Politicka enciklopedija –Savremena administracija.Beograd, 1975,str.1079

3 Mala enciklopedija –IP Prosveta Beograd 1970,str.,94

4 J. J. Paust-Preliminary Thoughts-on terrorism-American Journal of International Law- 1974, No.3str.502; Dr. Vojin Dimitrijevic-Instead on the right, the blame is thrown on the left - Student no.19 from 1977; „Politicka enciklopedija,, – Sovremena administracija - Belgrade 1975, str.719

5 The results of the analysis showed that the word violence is consisted in 83,5% of the definitions, political aims in 65%, in 51% incitement of fear and terror, in 21% of the definitions negotiations and hostages were mentioned, and only in 17,5% civilian victims, unarmed persons, natural persons and foreign elements were mentioned

According to the Interpol: "Terrorism is a crime that characterizes violence or intimidation to achieve political or social objectives and mostly against innocent victims"⁶.

Looking at the historical roots of political violence, its origin and motives of application, it is necessary to start from originally organized societies, as the state, through its relations which have always produced the inequalities that are created and maintained on the basis of ownership of the resources of production by which the terror was used as an instrument of punishment or dissuasiveness.

This means that terrorism is deeply rooted in history and present in all periods⁷. Terrorism has always assailed and weakened the social - economic system, undermined the democracy, led to delay of democratic reforms and increased the tension between the countries. Today, it represents a global danger and the most serious threat to democracy, to human rights, to economic and social development. As a form of threat it represents the most widespread form of destructive behavior that daily in the world takes a number of casualties and causes immeasurable damage to property.

Today's international terrorism is usually identified with fundamentalist - Islamist movements and ethnic extremism and organized crime. Terrorist violence as a product of the new and old contradictions develops into a real world problem in the beginning of the XXI century, especially with the opportunities for terrorists to possess weapons of mass destruction⁸.

Terrorism received its international significance in 1930, with the first hijacking of an airplane, so that today it would become a global threat. Modern international terrorism does not target just one society or one country, which is why it is a global issue. International terrorism is a set of activities prohibited by international law, directed against individuals, groups, states and its institutions. International terrorism breaks all conventions on human rights and freedoms on national and international level. Because of its serious threat and endangerment of states and the international community as a whole, a wide range of international - legal modalities of cooperation are established and practiced, joint participation in their prevention, and preventive⁹ and repressive¹⁰ measures are taken. The international cooperation in preventing terrorism, apart from the extradition, is familiar with other instruments that are outside the criminal - proceedings. Those are: international police cooperation, expulsion, exchange of information on inmates, supervision of condition-

6 Kotovchevski, M. Advanced terrorism, Macedonian civilization, Skopje, 2003, p. 24.

7 Traces of terrorism in history take us to the Zeloti (called Sikarii - Jewish sect) who murdered officials in the local authority, with the aim to raise a revolution and ban the Romans from the territory of Palestine. From the middle east most known are Asasini (1090-1275.n.e Islamic sect) which killed political rivals of the ruler for whom they worked for. In the period of ancient Greece and Rome the murderers of the "tyrants" were raised to the heroic pedestal and their acts were accepted with glorification.

8 Modern terror has the intention to enter the sphere of weapons for mass destruction, in the cosmic systems which are installed for the need of humanity, as well as in nuclear systems that can be fatal for humanity. With the exception of the attack with nerve gas on the Tokyo metro in March 1995, carried out by the sect „Aum Shinriko“, the whole terrorism in the last years was carried out in the conventional way. That means that terrorists have limited their „*modus operandi*“ to bomb attacks, throwing bombs, setting fires, weapon attacks, kidnapping and vandalism. The attack with nerve gas in 1995 was an overturn because it was the first case in history using chemical and bio weapon in an urban society.

9 The prevention is combined of several conventions and other acts brought and adopted by the UN and Council of Europe. Geneva convention for combating terrorism from November 16 1937, Convention for the Suppression of Unlawful seizure of Aircraft (Hijacking Convention - The Hague, 16.12.1970, Convention for the Suppression of Unlawful Acts against the safety of Civil Aviation - Montreal, 23.09.1971, European convention against terrorism from 1977, European convention for punishing terrorists (Brussels, 6.12.2001). It is fulfilled through international judicial and police organizations and national bodies. The conference was held in Geneva from 1-16 November 1937 in which 35 countries took part.

10 The repressive measures are provided with the regulations of international and national legislation in terms of acknowledging the criminal acts and criminal sanctions.

ally sentenced or conditionally released persons, arrest and surrender of persons that illegally crossed the border, legal aid, etc.

INTERNATIONAL CRIMINAL POLICE ORGANIZATION – INTERPOL

Until the beginning of the XX century states did not have a special need for the establishment of a special international police organization, although the first attempts, in this regard, are made in the middle of the XVIII century with the formation of the Police Union of German states in 1851¹¹. In this direction were also: The proposal to establish an international police League of Austria and Switzerland in 1898, holding the first conference on police co-ordination of police measures to defend from the anarchists from 24 November to 21 December 1898 in Rome, holding the Second International Conference against anarchism in March 1904 in Saint Petersburg.

Political commitments, ideological divisions and the existence and expression of nationalist sentiments among major countries, were the main reasons for such conditions.

At the end of the XIX century, the police institutions round out the process of professionalism and develop the system for collecting data on crime and its perpetrators. The more intensive traffic of any kind allows quick transport of people and objects anywhere and anytime. The increasing number of crimes committed with a foreign element and the emergence of transnational organized crime with its features, imposed the need to accelerate the process of creating a police organization that will influence broader.

FORMATION AND DEVELOPMENT OF THE ORGANIZATION

One of the largest international organizations that actively participate in the fight against threats to security in the world and which contribute to global security is the International Criminal Police Organization - Interpol. (International Criminal police Organization - Interpol). The motto of the organization “For a safer world” speaks for itself about the goals of the organization¹².

The establishment of Interpol is in fact a continuation of the efforts of the world community for the creation of an international police organization. Holding the first international court - police and criminal - law conference from 14 to 18 April 1914 in Monaco, is the first step of the plan. The next step in international police cooperation against transnational organized crime is made on the second international police congress in Vienna from 3 to 5 September 1923, with the establishment of the International Criminal Police Commission - ICPC known as Interpol, based in Vienna¹³.

The development of the Commission continues with the formation of the central police units for international cooperation within the national police services¹⁴ and in 1930 are established several specialized departments, international central bureau, office for

11 Deflem Mathieu, (2002), Policing World Society: Historical Foundations of International Police Cooperation, Oxford University Press, p.65-77

12 By the number of member states (190) in the international organizations has the second place in the world right after the United Nations which has 192 member states.

13 In the beginning the Commission was with an undefined legal status and saw itself as European, however after the joining of non European countries the Commission gained a multinational character.

14 The Second General Assembly of ICPC held in Berlin in 1926. This step is assumed to be the basis for forming the national central bureaus – NCB today

international police records, bureau for falsified passports, an international radio connection was introduced. The number of states in 1938 increased to 38. During the World War II, the Commission's activities are stopped. In the presence of representatives of 19 countries in 1946 in Brussels, the Commission has been restored. The Statute¹⁵ is being established and the police cooperation is limited to criminal acts of general crime, while the seat is moved to Paris. On the XXV session of the General Assembly held in Vienna in 1956, the name of the Commission is changed in the International Organization of criminal police force that is in use even today. Up to 1958 it was considered as a non-governmental organization and in 1971 within the UN acquires status as a council body that deals with crime prevention. The meeting held in the period from 6 to 13 October 1986 adopted a paragraph according to which each country independently decides the time and manner of subscription and use of the opportunities that the organization offers. Till 1989 Interpol headquarters was located in Paris, when it was moved to its current location in Lyon.

Adjusting to the new technical - technological innovation and the opportunities they offer in order to increase its efficiency and in order to accelerate the exchange of information electronically and efficient search across multiple databases at the same time, steps are taken for constant technical development¹⁶.

ORGANIZATIONAL STRUCTURE OF THE ORGANIZATION

According to the Statute of Interpol, the organizational structure is consisted of the General Assembly¹⁷, the General Secretariat¹⁸, Executive Committee¹⁹, NCB²⁰, and advisors. The communication between members transacted in four official languages: English, French, Spanish and Arabic.

OBJECTIVES AND PRINCIPLES OF ACTION

Interpol basically provides support for the security services and agencies to combat all forms of transnational crime. The main objectives are consisted of providing reciprocal assistance to all organs of the forensic police in accordance with their national legislation and the development of instruments that can contribute to the prevention and repression of crime, while respecting the provisions of the Universal Declaration of Human Rights. Activities that are taken to achieve the objectives are accomplished through various forms and methods of collecting and exchanging data and information on specific treatment requirements for police investigation and criminal legal aid. Interpol's constitution prohib-

15 More on this in the papers of Diskopf, P. (1956), „Novi stari Interpol,,Izbor,,broj 2, str.289-293 i Ustav Megjunarodne Kriminalisticke Policije (1957), Izbor, broj 2, str.143-150.

16 In that direction from 1990 in use is the telecommunication system X-400 and from 1992 the system for automatic search of data - ASF (Automatik Search; Facilliti-ASF). During 1998 the Interpol Criminal Information system - ICIS was created and in 2003 the new telecommunication system based on the Internet Insist I - 24/7 which ensures a secure way for exchanging data and information between "LEAs" - Law enforcement Agencies.

17 The Assembly is the highest command body which is consisted of delegates from all member countries. It brings the most important decisions related to the acting politics, recourses, work methods, finances, activities and work programs.

18 The Secretariat is consisted of the General Secretary, technical and administrative personnel in charge for the functioning of the organization and the international police cooperation.

19 The competence of the Comity is in regards of following of the executions of the dissensions, supervision of the secretariat and the administration

20 National central bureaus functions as national offices of Interpol and as such represent contact points between national police services within the countries, between two or more NCBs and between NCB and the General Secretariat

its any intervention or activities that have political, military, religious or racial character. The basic principles of treatment are consisted in respect for national sovereignty, universality, equality of members, flexibility of working methods and cooperation with other institutions and agencies.

Guided by four core tenets: Secure global police communication services²¹; Operational data services and databases for police²²; Operational police support services²³; and Police training and development²⁴; Interpol offers 24 hours support of law enforcement authorities dealing with international crime. Within Interpol also function - Interpol Response Teams and - INTERPOL Major Event Support Teams.

If we know that fast information is the basis for the prevention of crime and terrorism, then the advantage of the work of Interpol in relation to other security agencies is consisted of rapid access to relevant databases and their exchange. This form of operation is provided by continuously introducing the latest technical - technological infrastructure of technical and operational support to all police organizations to meet the growing challenges of crime in the XXI century.

PRIORITY AREAS OF ACTION

Interpol's activities cover a number of areas. Among them priority or as activities that the organization pays special attention to are: public safety and terrorism, human trafficking, drug trafficking and criminal organizations, financial and computer crime, fugitives and corruption.

PUBLIC SAFETY AND TERRORISM

Public security and terrorism are areas of special attention because terrorism as a threat to life and property of the people and the state can also be threatened. Because of these dangers, Interpol to its members, in their efforts to protect their citizens and the state from crime and terrorism²⁵, offers different kinds of support. To achieve such activities it collects, stores, analyzes and shares information on suspicious persons and groups and their activities and coordinates the circulation of warnings of terrorists, known offenders with foreign elements and armed threats.

²¹The new system I 24/7 contains information for perpetrators of criminal acts and their activities: database for suspected terrorists, database for perpetrators which are subject of search with a view of extradition, database for fingerprints and photographs, DNA database, database for stolen/lost identification documents, database for stolen goods and works of art, database for stolen vehicles, trucks, boats, rowboats and containers, database for stolen weapons etc.

²² Access to the databases through the new system helps the investigators in dealing and preventing crime and facilitates their criminal investigations

²³ Constant support is provided by the Command and Co-ordination Centre²³ – CCC²³ in regards to priority cases with which the organization is dealing with: public safety and terrorism, human trafficking, drugs and organized crime, financial and cyber crime, fugitives and corruption.

²⁴ With the aim to help Interpol employees of the member States in advancing their operative skills and efficiency, building their capacities to be able to respond to the globalization and specific nature of crime in 2007 a special program was established.

²⁵ Including bioterrorism, arms and explosives, attacks against civilian population, piracy and weapons for mass destruction

To help in dealing with terrorism in its reports about terrorist activities, Interpol issues a practical guide "Guidelines", and encourages members to submit reports about other types of crime which is suspected to have connections with terrorism²⁶. The increased possibilities of terrorist attacks with biological or chemical weapons in the world, represent a growing threat, and because of that, in the frame of Interpol operate a specialized unit for bio - terrorism with a task to implement various projects for more efficient and consisted cooperation between NCB and region offices. On this topic are organized annual conferences where hundred participants - experts from specialized units for combating terrorism are exchanging practices, experiences, information and develop strategies for further successful fight against this threat.

NCB INTERPOL AND THE REPUBLIC OF MACEDONIA

National Central Bureau of Interpol in Macedonia was established in 1993 in the framework of the Ministry of Interior. Since the formation until today, NCB Interpol Skopje suffered more reforms to fully meet the standards and working conditions for the functioning and realization of international police cooperation at the highest level. Today, NCB Interpol Skopje is part of the Department for International Police Cooperation, where besides Interpol, function other units as well.

The NCB activities are aimed at sharing information, knowledge and data on persons and objects, participation and coordination of joint international investigations, search and arrest of persons, subject to international search and their extradition. Most of the activities take place through the system of global communication Interpol I 24/7. Through this system in 2015 are received and processed about 120,000 messages. In daily operations, beside cooperation with other NCB and Law enforcement, it makes direct cooperation with other institutions: Ministry of Justice, Public Prosecution, Courts, Customs, Financial Police and so on.

EMPIRICAL RESEARCH

Within the analysis²⁷ of answers of respondents to the question "What are the biggest threats to peace and security" of the responses received it was concluded that for 43.7% of respondents, terrorism remains the number one threat in the world.

Regarding the measures to be taken to deal effectively with new forms of organized crime, 20% of respondents believe that they should be directed to the appropriate changes in legislation and to increase cooperation between the competent institutions. Asked about the effectiveness of international cooperation between the judicial authorities and internal affairs, 42,9% of the respondents believe that it is not effective. About the forms of cooperation between the judicial authorities and internal affairs on international level, that would contribute to dealing with new forms of organized crime 31.8% of respondents believe that they should be aimed at establishing common international database and exchange of information.

A dedicated research represents the basis for concern about maintaining the peace and security of citizens around the world that explicitly indicates the need to strengthen the police force and international security and police cooperation; raising confidence in the security structures intended for prevention, early warning and dealing with contemporary security

²⁶ Activities in relation to suspicious financial transactions, illegal arm trade, money laundering, document forgery used for traveling and identification, seizer of nuclear, chemical and biological materials

²⁷ Stojanovski M. Sasho, (2011), International cooperation in the area of justice and home affairs in EU dealing with organized crime, Master dissertation, Skopje.

challenges, strengthening national security facilities, benchmarks and national bureaus, creating programs to reduce the impact of security risks and threats, exploitation of political and diplomatic resources to fight against terrorism and organized crime and acceptance of appropriate reforms in the security sectors.

CONCLUSION

The threats that come from new forms of transnational organized crime, especially terrorism, make the world societies unsafe. Terrorism remains the number one threat for the world and for all nations. Today terrorists act anywhere. Their presence will grow, and its impact will spread worldwide. The phenomenon will not disappear, because it is in the process of constant evolution. The creation of a growing number of international terrorist organizations and the seriousness of terrorism as a nuclear, biological and chemical threat, poses a mortal threat to the future of humanity.

Therefore, the international community announced a global war on terrorism and the countries transform their institutions and social systems by forming centers for crisis management, protection and rescue, counter-terrorist centers, and the security agencies and intelligence services directed their activities towards preventive action, early detection, cooperation, coordination and exchange of intelligence information.

International solidarity and cooperation is essential. Faced with the challenges and escalating terrorism, states endeavor to prevent and in principle all agree on the need for an uncompromising struggle. But ideological, unofficial neighborhood confrontation and promoting ideas for the protection of human rights and democracy in a violent manner, makes it impossible to conduct such declarative support and also because some countries through terrorism achieve their own aims. If we add to this the terms of the slow and complex procedures, the large number of different national and international legal acts, their mismatch, various international positions and interpretations, perceptions of their national sovereignty, language barriers in mutual communication and the possibilities offered by modern resources of communications and transport in terms of their use by the crime and its perpetrators, the achieving international cooperation becomes problematic.

These conditions contribute to the mismatch of the measures and activities that need to be taken jointly. The latest events with the refugee crisis in Europe as a result of military actions in some North African countries and countries from the Middle East confirm this conclusion.

The way out of this situation is seen in the coordinated approach, in achieving rapid and efficient cooperation between institutions responsible for its prevention and treatment free of formalities, increase mutual trust, using the most modern sources of communication, efficiency, mobility, overcoming the problem of national sovereignty and differences in national legislation, full utilization of capacities and opportunities offered by Interpol.

This means that international institutions and instruments should be adapted to the new requirements and contribute to more effective dealing with threats through increased cooperation and mutual assistance in the investigation and resolution of security issues.

This work shall be an initiative for further research and debate on this subject with the aim of bringing closer the criminal justice systems and successfully dealing with the threats of crime by organized crime and terrorism.

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