

СТАЛНА МИСИЈА РЕПУБЛИКЕ СРБИЈЕ ПРИ УЈЕДИЊЕНИМ НАЦИЈАМА
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The Permanent Mission of the Republic of Serbia to the United Nations presents its compliments to the Office of Legal Affairs of the United Nations and, with reference to the latter's Note No. LA/COD/11/1 of 8 January 2019, has the honour to forward, enclosed herewith, the relevant information on the measures taken by the Government of the Republic of Serbia to implement UNGAR 73/211 of 20 December 2018 entitled "Measures to eliminate international terrorism" to be included in the relevant annual report of the Secretary-General of the United Nations.

The Permanent Mission of the Republic of Serbia to the United Nations avails itself of this opportunity to renew to the Office of Legal Affairs of the United Nations the assurances of its highest consideration.

New York, 31 May 2019



OFFICE OF LEGAL AFFAIRS
OF THE UNITED NATIONS
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GOVERNMENT OF THE REPUBLIC OF SERBIA
INFORMATION ON UNITED NATIONS GENERAL ASSEMBLY RESOLUTION 73/211:
MEASURES TO ELIMINATE INTERNATIONAL TERRORISM

Serbia is firmly committed to addressing security challenges, including the countering of terrorism and the elimination of all forms of extremism and radicalism. The commitment is reflected in its policy priorities and the active role it plays in the suppression of the challenges at the international level. Also, Serbia has continually supported the goal of achieving sustainable development aimed at promoting peaceful and inclusive societies that provide equal access to justice for all. Failure to build such societies creates breeding grounds for all forms of extremism, violence and terrorism. Concerted international efforts are needed to address these problems and the United Nations is the principal forum for active engagement and cooperation in this regard.

To implement United Nations resolutions efficiently and effectively, strengthen its capacities to prevent the flows of foreign terrorist fighters and to fulfil relevant recommendations within the European Union accession process, Serbia has taken numerous strategic-political, normative, institutional and operational measures.

1. Strategic-political measures

Important breakthroughs have been made by devising and adopting of a number of national strategy and doctrine documents. These documents include:

- **Community Policing Strategy**, adopted in April 2013. It defines a new approach to community policing designed to have police accepted as a partner also in ethnic and social groups susceptible, more than others, to radicalization and recruitment, and to establish extensive, two-way communication with these communities.
- **Strategy to Develop a System of Criminal Sanctions Enforcement until 2020 and the Action Plan for its implementation**, adopted towards the end of 2013 and in 2014 respectively. They provide, among others, for the establishment of a system of criminal sanctions enforcement within which individuals, including those sentenced for terrorism, would be worked with to change attitude and to re-socialize.
- **Assessment of Terrorist Financing Risks**, adopted at the beginning of 2014. Alongside the **Assessment of Money Laundering Risks**, it is aligned with the FATF recommendation to countries to identify, assess and understand the money laundering and terrorist financing risks.
- **Second national Strategy against Money Laundering and Terrorist Financing and the Action Plan for its implementation**, adopted in December 2014. The Strategy provides

for the measures to strengthen relevant parts of the system of protection of the financial integrity and security of the country and its economy from money laundering and terrorist financing risks. They include the full understanding of terrorist financing risks; adoption of regulations for the implementation of relevant UNSC resolutions, in particular Resolutions 1267 (1999) and 1373 (2001), and other international standards, such as the legal *acquis* of the European Union in the field; and the reduction of money laundering and terrorist financing risks through strategic planning, coordination and cooperation by all stakeholders.

- **National Youth Strategy for the Period 2015-2025**, adopted in February 2015. It is aimed at addressing, first and foremost, the problems affecting the vulnerable groups of the young people at the risk of social exclusion and poverty.
- **Strategy of Integrated Border Management in the Republic of Serbia for the Period 2017-2020**, adopted in February 2017.
- **New Development Partnership Framework for the Period 2016-2020**, signed by the Government of the Republic of Serbia and the United Nations Country Team in Serbia in June 2017. It is fully aligned with the national priorities, EU Accession Agenda, Sustainable Development Agenda and the SDGs and includes, among others, the fight of poverty and social inequality as long-term causes of radicalization and extremism as potential breeding grounds for recruitment of vulnerable population categories.
- **Strategy to Combat Human Trafficking, Especially in Women and Children, and Protect Victims for the Period 2017-2020 and the Action Plan for its implementation**, adopted in August 2017.
- **National Strategy to Prevent and Combat Terrorism for the Period 2017-2021 and the Action Plan for its implementation**, adopted in October 2017. It accentuates prevention of terrorism, especially violent extremism and radicalization leading to terrorism as a spreading phenomenon, through clearly defined strategic goals: prevention of terrorism, violent extremism and radicalization leading to terrorism; protection through the identification and elimination of terrorist threats and systemic weaknesses; prosecution of terrorists with full respect for human rights, rule of law and democracy; and the system's response to terrorist attacks.

Serbia is a party to 15 international legal instruments (Conventions) against terrorism and belongs in the group of the United Nations Member States that have ratified the largest number of Universal Anti-Terrorist Instruments. Three focal points have been designated for cooperation with the Global Coalition against Daesh: one in the Ministry of Foreign Affairs, one in the Ministry of the Interior and one in the Security Intelligence Agency. The **Strategy against Irregular Migrations in the Republic of Serbia for the Period 2018-2020 and the Action Plan for its implementation** were adopted in December 2018, aimed at increasing the regularity of migration flows and managing migration at Serbia's borders and in its territory.

2. Normative measures

Significant efforts have been made to devise normative measures aimed not only at implementing the strategy and doctrine documents, but also at aligning the national legislation with international standards and combating terrorism efficiently and effectively. These documents include:

- **Amendments to the Criminal Code** relative to criminal offences of terrorism and criminal offences linked to terrorism, adopted in January 2013, whereby Serbia fully aligned its laws with international standards in this field. Proceeding from United Nations recommendations and, in particular, UNSCR 2178 (2014), two new criminal offences have been established by the Amendments to the Criminal Code of October 2014: Participation in a war or an armed conflict in a foreign country and the Organization of participation in a war or an armed conflict in a foreign country. Departures by Serbian nationals to territories of other States and participation in armed conflicts and an act of organizing such departures are incriminated by the offences and criminal sanctions have been provided for.
- **Criminal Procedure Code and its Amendments**, adopted in May 2014. They contain process rules which ensure that no innocent man be sentenced and that a criminal sanctions be passed against a perpetrator of a criminal act under the conditions provided for by the Criminal Code and on the basis of lawful and fair proceedings. These rules are fully aligned with the generally accepted legal standards and the international obligations assumed by Serbia. In addition to providing for a prosecutorial investigation, establishing the rules on recourse to special evidence collection actions in case of a terrorist act (communication interception, recording and secret monitoring, online search for personal and related data, covert investigation and controlled delivery) and the seizure of property from a criminal act, the relevant law contains also special provisions relative to the admission of a criminal offence and the testimony of indicted and sentenced persons. They set up a legal basis making a criminal act of terrorism and/or a criminal act linked to terrorism, including recruitment by terrorist groups, easier to detect and prove, which is very important for the prosecution as States often rely on the evidence by men closely linked to terrorist groups and subject, more than others, to intimidation.
- **Law on the Export and Import of Arms and Military Equipment and the Law on the Export and Import of Dual-Use Goods**, adopted at the end of 2014. They establish a system of effective monitoring and control of the trade in arms, military equipment and dual-use goods and prevent persons included in terrorism from acquiring means to carry out terrorist acts.
- **Law on Arms and Ammunition**, adopted at the beginning of 2015. It regulates the acquisition, possession and the carrying of arms and ammunition by physical and legal persons and further limits the possibilities to persons linked to terrorism to obtain and possess means to carry out terrorist attacks.
- **Law on Limiting the Possession of the Property for the Purpose of Preventing Terrorism**, adopted in March 2015. It provides for a temporary ban of the transfer, conversion, disposal and movement of the property by 'designated persons' if so decided by a competent government agency and for a procedure for designating, i.e. including persons in the list of terrorists, terrorist organizations or terrorist financiers. The Law establishes a legal basis to prevent access to monetary, financial or economic assets by persons taking part in, assisting or supporting terrorist activity and is aimed at combating terrorism by establishing a system of prevention and suppression measures against terrorist financing as a prior phase in the commission of terrorist acts. It is also aligned with the provision of Chapter VII of the Charter of the United Nations whereby the "Members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council." The 2017 amendments to the Law regulate the questions related to the List of Designated Persons of the United Nations

- Security Council and the Lists of other international organizations of which Serbia is a member, as well as the procedure of designation.
- **Law on International Limitation Measures**, adopted in February 2016. It provides for the implementation of the international limitation measures assumed by Serbia. They include measures to prevent and combat terrorism at national, regional and global levels, such as a ban of arms trade; a ban of the entry into, and transit over, the territory of Serbia; and temporary limitation of the disposal of assets and property in the territory of Serbia.
 - **Amendments to the Criminal Code of the Republic of Serbia**, adopted in November 2016.
 - **Amendments to the Law on the Seizure of Property from Criminal Acts**, adopted in November 2016. They provide, among others, for the extension of the application of the provisions of the Law to include the criminal offence of terrorist financing.
 - **Amendments to the Law on the Organization by, and Competencies of, Government Agencies in the Disposal of Property for the Purpose of Preventing Terrorism**, adopted in December 2017. They regulate the questions related to the List of Designated Persons of the United Nations Security Council and the Lists of other international organizations of which Serbia is a member, as well as the procedure of designation.
 - **Law on the Prevention of Money Laundering and Terrorist Financing**, adopted in December 2017. It provides for the alignment of national legislation with EU standards and FATF recommendations.
 - **Law on Border Control, Law on Asylum and Temporary Protection and the Law on Aliens**, adopted in March 2018. They regulate the protection of the State border and irregular migrations and align national legislation with EU standards.

3. Institutional measures

The government agencies tasked with the prevention and combat of terrorism are: the Prosecutor's Office for Organized Crime charged with special competencies; Special Division of the Higher Court in Belgrade; Special Division of the Appellate Court in Belgrade; Ministry of the Interior; Department for the Prevention of Money Laundering of the Ministry of Finance; security intelligence services (Security Intelligence Agency, Military Security Agency and the Military Intelligence Agency), other Ministries and organizational units within the Ministries, including the Customs and Tax Departments of the Ministry of Finance and the Department for the Enforcement of Criminal Sanctions of the Ministry of Justice.

In addition, institutions tasked with the management, coordination, monitoring and control of the work of the executive parts of the system of national security also play an important role. They include the National Assembly, President and the Government of the Republic of Serbia, the judiciary, independent institutions and oversight bodies, as well as the Office of the Council for National Security and the Protection of Secret Data.

Recognizing the importance of horizontal and vertical inter-linkage and effective inter-sector cooperation, the Bureau for Security Services Coordination, the executive body of the National Security Council, established, in January 2015, the **Standing Mixed Working Group to Fight Terrorism**, an inter-sector team, one of whose primary tasks, as the roof body in Serbia in the said area, is to improve and speed strategic and tactical inter-linkage, coordination, monitoring and reporting on the

work of government agencies and, by the same token, make their fight of terrorism more efficient and effective.

A **National Coordination Body to Prevent and Fight Terrorism** is being established. It will be tasked, among others, with making decisions related to the fight of terrorism, including the implementation and the coordination, monitoring and reporting on the implementation of the **National Strategy to Prevent and Combat Terrorism for the Period 2017-2021** and the **Action Plan** for its implementation.

The **Standing Coordination Group** to monitor the implementation of the **National Strategy against Money Laundering and Terrorist Financing** and the **Commission for Coordination and Cooperation in the Field of the Judiciary and Internal Affairs in Questions of General Interest**, including, among other, the fight of terrorism, seizure of property, money laundering and terrorist financing and related matters have also been established recently. The Commission has adopted its **Action Plan** to better carry out its activities and coordinate and improve inter-agency cooperation.

A multi-sector **Working Group** is in the process of establishing an integrated **National Database to Combat Terrorism**. It is expected to promote and speed up exchange of information among relevant agencies and, to that end, a **Law on the National Database to Prevent and Combat Terrorism** has been drafted and is currently on public consultation.

4. Operational measures

To implement strategic-political, normative and institutional measures, particularly in the context of recent migration flows over Serbia's territory, the Ministry of the Interior, security services, the judiciary and other relevant agencies have taken a number of operational measures aimed, among others, at increasing the security of the country's borders, preventing the entry of terrorist fighters in, and their transit over, Serbia's territory and at monitoring and precluding their travel to conflict areas.

4.1. Increasing the level of security of the borders of the country and making the travel over its territory more difficult

The following measures have been provided for by this segment: Implementation of the procedure of an integrated border management, visa system, screening of all foreign travel documents at border crossings and their check-up against database, including the INTERPOL database, recourse to regulations preventing aliens to enter Serbia's territory and refusing asylum to terrorists (The regulations set up a legal basis for a decision to expel terrorists, as well as a right to legal remedy.).

The measures establish systemic preconditions to identify terrorists before they are granted temporary or permanent stay, including citizenship or the asylum-seeker status. At the same time, they set up a basis for the country's Immigration Policy. In this context, it is important to point out that criminal responsibility is provided not only for the persons acting as illegal migrants (Criminal Code, Art. 350 – Criminal offence of an illegal crossing of the State border and human trafficking), but also for persons aiding and abetting them (Criminal Code, Art. 350a – Criminal offence of abuse of the asylum right in a foreign country), incriminating the act of assisting Serbian nationals to abuse

the asylum right in a foreign country, such as organizing their travel abroad aimed at acquiring property or making the abuse of the asylum right possible in a different way.

4.2. Border management in the conditions of migrations and the migrant crisis

Serbia's geographic location accounted for the fact that, ever since the beginning of the migrant crisis, a large number of persons of Afro-Asian descent using the so-called Balkan route and heading to a country of Western Europe, have transited through the territory of Serbia. This problem was very evident since June 2015 until the formal closing of the route in March 2016.

A number of operational measures have been taken to protect Serbia's borders and prevent criminal activities linked to migrations, in particular the abuse of migration to transfer terrorists to Western Europe. To that end, a continuous selection of security-interesting persons among migrants has been carried out by security agencies in order to identify potential terrorist elements. Fingerprint identification and photographic imaging have been used since 1 January 2015 (considering the timespan, some persons have been fingerprinted and/or photographed a number of times) and the data are exchanged with international partners.

4.3 Monitoring travel to conflict areas

Specialized services for the prevention and fight of terrorism and security intelligence agencies carry out the monitoring in this area through special measures and procedures that include 'community policing' and 'policing through intelligence'. They collect, check and systemize intelligence data and deposit them in databases. Also, the data are exchanged internationally, including intelligence on contacts, movements and activities of monitored persons, in Serbia and abroad, as well as their monetary transactions.

Upon return to Serbia, persons suspected of participation in armed conflicts in third countries are subjected to control measures of movement, especially the movement outside Serbia, are interviewed and have their baggage inspected at border crossings. If the requisite level of suspicion is reached, the persons are investigated and, if it is warranted by evidence, arraigned under Art. 161 of the Criminal Code.

4.4. Preventing access to boot camps

The adaptability of terrorism and terrorists' quest to access boot camps are addressed by the establishment of relevant procedures, including lists, registries and databases.

The adoption of the Law on Limiting Disposal of Property with the Aim of Preventing Terrorism enabled incorporation of international instruments signed by Serbia in national legislation; it also set up a legal basis to establish national lists of terrorists and organizations and persons sponsoring, financing and otherwise supporting terrorists and their activities.

4.5. Developing media strategy to discourage participation in foreign conflicts with special emphasis on modern means of communication

Specialist agencies and bodies take measures and actions to develop a system of prevention of violent extremism and terrorism; they include prevention of radicalization and de-radicalization, as well as re-socialization and re-integration upon return.

5. Challenges presented by foreign terrorist fighters

Like many other countries, Serbia faces multiple challenges in addressing terrorist threats. They include: aggressive ideology of the 'Islamic State' spread online; radicalization in religious institutions and associations; self-radicalization through mass media; easy transit to Syria; danger presented by persons not known to be radicalized, yet adherent to 'Islamic State' public calls to commit crime; concern over maintaining balance between the fight of terrorism and respect for human rights; anti-Muslim backlash; difficulties in proving participation; inadequate human and technological resources to monitor online communication among radicalized persons; difficulties in ascertaining death of foreign terrorist fighters; illegal migrations and potential presence of foreign terrorist fighters among migrants; and difficulties in monitoring suspicious money flows.

Serbia's environs presents a special challenge, too. Widespread religious institutions and associations, often entire towns and villages partake in spreading the aggressive ideology of the 'Islamic State' and in recruiting and dispatching terrorist fighters to crisis areas.

Specific challenges are endemic to the territory of Serbia's Autonomous Province of Kosovo and Metohija where the phenomenon of foreign terrorist fighters is more evident than elsewhere. However, for reasons widely known, the government agencies of Serbia do not have control over this part of Serbia's territory and, by extension, over this phenomenon.

In the quest to address these challenges, Serbia relies on its own resources, as well as on cooperation with its partners. The cooperation includes also many international organizations and fora.

5.1. Relevant practice regarding foreign terrorist fighters

Indeed, prevention is one of the primary goals in the work of government agencies on fighting terrorism and suppressing the phenomenon of foreign terrorist fighters; yet the segment of criminal prosecution and the sanctioning of those responsible for the commission of criminal offences linked to terrorism is just as important.

In that context, it is very important to emphasize the significance of the institute of prosecutorial investigation: it has enabled the inclusion and execution by the Prosecutor's Office for Organized Crime of all actions taken by the Ministry of the Interior and security services under the relevant provisions of the Criminal Procedure and Criminal Codes. All the measures are aimed at making it possible that perpetrators be arrested and arraigned.

The judiciary of Serbia pays special attention also to the institute of international legal assistance in criminal matters related to the fight of terrorism in line with Serbia's international obligations and its domestic laws.

5.2. Number of Serbian nationals fighting abroad as foreign terrorist fighters

28 Serbian nationals¹ are currently fighting in Syria and/or Iraq: 11 Bosniacs, 7 Roma, 7 Albanians and 3 Serbs (converts to Islam). Although all of the 28 are designated as foreign terrorist fighters, there is no exact indication as to how many of them have taken part in combat and the commission of crimes, especially since that number includes women. In theory, it may be somewhat larger since it is possible that some of them have gone to Syria and/or Iraq from other countries to which they went as guest workers or students.

5.3. Age of Serbian nationals fighting abroad as foreign terrorist fighters

Years of birth of the Serbian nationals fighting in Syria and/or Iraq vary between 1962 (the oldest) and 1998 (the youngest). Most of them, though, belong in the younger age bracket.

5.4. Number and percentage of women, Serbian nationals, among foreign terrorist fighters

11 or 39.3 per cent of women, Serbian nationals, are fighting in Syria and/or Iraq as foreign terrorist fighters.

5.5. Number of arrests in connection with foreign terrorist fighters

So far, 4 Serbian nationals have been arrested in connection with the phenomenon of foreign terrorist fighters.

5.6. Number of judicial proceedings initiated in connection with foreign terrorist fighters

The Higher Court in Belgrade, Special Division, passed a first-instance decision on 4 April 2018 against 7 indicted persons and the Appellate Court in Belgrade, Special Division for Organized Crime, upheld the decision on 18 January 2019 whereby

- All 7 indictees were pronounced guilty of the criminal offence of terrorist association under Art. 393a, para. 1, of the Criminal Code in conjunction with the criminal offence of terrorism under Art. 391, para. 1, of the Criminal Code;
- 6 indictees were pronounced guilty of the criminal offence of recruitment and training for the commission of terrorist acts under Art. 391b, para. 1, of the Criminal Code;
- 6 indictees were pronounced guilty of the criminal offence of terrorist financing under Art. 393, para.1, of the Criminal Code; and
- 1 indictee was pronounced guilty of the criminal offence of public instigation to the commission of terrorist acts under Art. 391a of the Criminal Code.

3 indictees were sentenced to 11 years in prison each, 1 indictee to 10 years in prison, 2 indictees to 9 years and 6 months in prison each and 1 indictee to 7 years and 6 months in prison each.

6. International legal instruments

Serbia is a party to the following international legal instruments:

¹ The number does not include the Serbian nationals from Kosovo and Metohija fighting in Syria and/or Iraq. That number is estimated to be much higher.

A. Universal instruments

- 1. Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (1973);**
- 2. International Convention against the Taking of Hostages (1979);**
- 3. International Convention for the Suppression of Terrorist Bombings (1997);**
- 4. International Convention for the Suppression of the Financing of Terrorism (1999);**
- 5. International Convention on the Suppression of Acts of Nuclear Terrorism (2005);**
- 6. Convention on the Physical Protection of Nuclear Material (1980);**
- 7. Amendment to the Convention on the Physical Protection of Nuclear Material (2005);**
- 8. Convention on Offences and Certain Other Acts Committed on Board Aircraft (1963);**
- 9. Convention for the Suppression of Unlawful Seizure of Aircraft (1970);**
- 10. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (1971);**
- 11. Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (1988);**
- 12. Convention on the Marking of Plastic Explosives for the Purpose of Detection (1991);**
- 13. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (1988);**
- 14. Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (2005); and**
- 15. Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (1988).**

B. Regional instruments

- 1. European Convention on the Suppression of Terrorism (1977);**
- 2. Protocol amending the European Convention on the Suppression of Terrorism (2003);**
- 3. Council of Europe Convention on the Prevention of Terrorism (2005);**
- 4. Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (2005);**
- 5. Agreement on Operational and Strategic Cooperation between the Republic of Serbia and the European Police Office (2014); and**
- 6. Police Cooperation Convention for Southeast Europe (2006).**

C. Bilateral instruments

- 1. Agreement on Cooperation against International Crime, International Unlawful Trade in Drugs and International Terrorism between the Ministry of the Interior of the Republic of Serbia and the Federal Ministry of Internal Affairs of Austria (2004);**
- 2. Agreement between the Government of the Republic of Serbia and the Government of Romania on Cooperation against Organized Crime, International Unlawful Trade in Drugs and International Terrorism (2007);**
- 3. Agreement on Cooperation against Organized Crime, International Unlawful Trade in Drugs and International Terrorism between the Government of the Republic of Serbia and the Government of the Republic of Italy (2008);**

4. **Agreement between the Government of the Republic of Serbia and the Government of the Republic of Cyprus on Cooperation against Terrorism, Organized Crime, Unlawful Trade in Narcotics, Psychotropic Substances and Their Precursors, Illegal Migrations and Other Offences (2009);**
5. **Agreement between the Government of the Republic of Serbia and the Government of the State of Israel and the Abuse of Narcotics and Psychotropic Substances, Terrorism and Other Grievous Criminal Offences (2009);**
6. **Agreement on Cooperation against Organized Crime, International Unlawful Trade in Drugs and International Terrorism between the Government of the Republic of Serbia and the Council of Ministers of the Republic of Albania (2011);**
7. **Agreement between the Government of the Republic of Serbia and the Government of the Republic of Turkey on Cooperation against Grievous Criminal Offences, Especially Terrorism and Organized Crime (2011); and**
8. **Agreement between the Government of the Republic of Serbia and the Government of the Federal Republic of Germany on Cooperation in the Field of Security (2016).**

Serbia is a signatory of a number of other agreements, memoranda, joint communiques and texts on cooperation intention between the Ministry of the Interior and the Ministries of Internal Affairs of other countries within which cooperation is envisaged with the aim of suppressing organized crime and other criminal offences.