

SERBIA: INFORMATION¹
ON UNITED NATIONS GENERAL ASSEMBLY RESOLUTION 74/194
(MEASURES TO ELIMINATE INTERNATIONAL TERRORISM)

Serbia is firmly committed to addressing present-day security challenges, among which countering terrorism and all forms of extremism and radicalization are its priority goals. Well aware that, complex as they are, they call for a joint and coordinated international action, it stands ready to contribute, with its partners all over the world, to the struggle against these phenomena at the national, regional, European or global level and to take part in international efforts aimed at their suppression.

Recognizing the universal character of terrorism and extremism that are evolving in nature, Serbia considers that a global holistic approach is needed to address this threat. It is therefore convinced that the United Nations is a priority forum for active engagement and that the UN Global Counter-Terrorism Strategy is an exceptionally important instrument in this field. Serbia has supported all UNGA resolutions on measures to combat international terrorism ever since the first such resolution was adopted in December 1972, just as it has supported all international efforts to address this global problem efficiently and effectively. At the same time, Serbia has fulfilled all its obligations under international agreements of which it is a signatory party and takes active part in many informal international initiatives aimed at, among others, addressing international terrorism, including the Global Initiative to Combat Nuclear Terrorism, the Proliferation Security Initiative and others.

Having signed 15 international legal instruments (*conventions*) so far, Serbia belongs, by the number of ratifications, among the leading UN Member States that have ratified the Universal Anti-Terrorist Acts.

In 2014 and 2015 alone, Serbia supported and co-sponsored a number of Security Council resolution, including 2133 (2014), 2161 (2014), 2170 (2014) and 2199 (2015), as well as Security Council resolution 2178 (2014) adopted at the Council's meeting held during the 69th session and presided by US President Barack Obama. It co-sponsored a cluster of Security Council resolutions that address various aspects of international terrorism, such as 2253 (2015), 2322 (2016), 2341 (2017), 2354 (2017), 2396 (2017), 2462 (2019) and 2482 (2019).

By sponsoring key UNSC resolutions and by rendering support to the Counter-Terrorism Committee, Serbia contributes to the work of the Committee. Following a Committee delegation visit to Belgrade in March 2013, the delegation members reported that Serbia was the best equipped country in the region, i.e. that its capacities were best suited to prevent potential terrorist acts. The Committee paid another, expert visit to Serbia in March 2018 and the head of the Committee delegation, A. S. Davla, said that, from their meetings with their Serbian counterparts, they noticed that Serbia had made a significant progress in all areas. He went on to say that Serbia had done a lot in the implementation of the Committee's recommendations and emphasized that

¹ The Information has been compiled on the basis of the data available to the government agencies of Serbia and does not include the data for its Autonomous Province of Kosovo and Metohija. The Province is under United Nations interim administration under UNSCR 1244 (1999).

the country is well aware of the areas and concrete goals of the Committee's future activities, including measures taken to implement recent Security Council resolutions.

In September 2018, Serbia's Foreign Minister Ivica Dacic met the Committee's Executive Director Michele Koninsx in New York who reiterated the afore-mentioned assessments of Serbia's achievements also on this occasion. At the same time, an announcement was made that a delegation of the Committee's Sanctions Monitoring Team was to visit Serbia in 2019.

In the quest for solutions to the current challenges, Serbia relies on its own resources, but it is also very active in promoting international cooperation. To that end, the government agencies charged with the task of combating terrorism intensify bilateral and multilateral cooperation with various international organizations and foreign stakeholders and participate actively in relevant international fora.

Serbia joined the Global Coalition against DAESH at the end of 2014 whereby it reconfirmed its resolve to contribute to the global efforts invested in addressing the ongoing security challenges. Foreign Minister Ivica Dacic participated in the Ministerial Conference of the Coalition, held in Washington on 6 February 2019 and addressed by US President Donald Trump. In his Statement to the Conference, Foreign Minister Dacic stated that Serbia fully supported the fight against terrorism, contributed to the full extent of its capacities to the efforts of the Coalition and stood ready to work in full partnership with its members. Serbia also nominated 3 focal points for cooperation with the Coalition: 1 from the Ministry of Foreign Affairs, 1 from the Ministry of the Interior and 1 from the Security Intelligence Agency.

A Memorandum of Understanding between Serbia's Ministry of the Interior and the US Department of Homeland Security on cooperation in preventing terrorists' travel and illegal migrations was signed on 14 May 2019 and ratified on 11 November 2019. On 7 October 2019, a Memorandum was signed with Turkey on joint police patrolling and, on 8 January 2020, an Agreement with the State of Palestine to combat crime. An Agreement with Malta against trafficking in narcotic drugs and psychotropic substances, as well as against organized crime and international terrorism is also expected to be signed. Furthermore, under its Cooperation Agreement with Eurojust, signed in Belgrade on 12 November 2019, Serbia opened its Liaison Prosecutor Office in The Hague on 10 March 2020, thus establishing its permanent presence in this EU institution.

Serbia has consistently complied with its international obligations stemming from UNSC resolutions on arms embargoes, which resolutions impose bans also on non-State actors, terrorist organizations and persons linked with them.

In order to implement UN resolutions, strengthen its capacities to prevent the flow of foreign terrorist fighters and fulfil relevant recommendations within the EU accession process, Serbia has taken various measures that belong into 3 categories: strategic-political, normative and institutional and operational.

Serbia has made significant progress **in the strategic-political field** as a number of national documents on strategy and doctrine have been drafted and adopted, such as the strategies and risk

assessments, whereby it consolidated and brought in line its efforts to combat terrorism with international standards.

- In February 2020, Serbia adopted, as third in a row, the Strategy against money-laundering and terrorism-financing for the 2020-2024 period and its implementation Action Plan for the 2020-2022 period.
- In February 2017, Serbia adopted the Strategy for integrated border management for the 2017-2020 period and its implementation Action Plan for the same period in December 2019 for the year 2019. The Action plan was revised to reflect past and future activities aimed at implementing the Strategy more effectively. The revision was made necessary also by the establishment of a coordination mechanism to recommend and monitor the new activities provided for by the Strategy.
- In August 2017, Serbia adopted the Strategy to prevent and suppress human trafficking, especially the trafficking in women and children, and protect the victims for the 2017-2022 period with its implementation Action Plan. The Strategy was drafted in line with the current policies devised by the international community to eradicate human trafficking and stop migrations.
- In October 2017, Serbia adopted the National Strategy to prevent and combat terrorism for the 2017-2022 period with the Action Plan for its implementation. The Strategy emphasizes the prevention of terrorism, especially the ever more evident phenomena of violent extremism and radicalization that lead to terrorism. To that end, the Strategy has clearly defined goals: (1) prevention of terrorism, violent extremism and radicalization; (2) detection and removal of terrorist threats and system weaknesses; (3) prosecution of terrorists, with full respect for human rights, the rule of law and democracy and (4) ensuring a proper response by the system to terrorist acts. To implement the Strategy in full and make necessary improvements, a mechanism is to be established to monitor and assess the realization of activities and the achievement of the goals. Consequently, the Government decided on 18 April 2019 to set up the National Coordination Body to prevent and combat terrorism and, on 10 June 2019, appointed Police General Vladimir Rebic, Director of Police, as National Coordinator.
- In September 2018, Serbia adopted the Strategy to combat high-technology crime for the 2019-2023 period with its implementation Action Plan for the 2019-2020 period as a continuation and expansion of activities to strengthen the efficiency and effectiveness of the work of all stakeholders in this field, aimed, in particular, at further harmonizing the domestic laws with international standards and improving regional and international cooperation in combating high-tech crime.
- In December 2018, Serbia adopted the Strategy to address irregular migrations for the 2018-2020 period with its implementation Action Plan, aimed at increasing regularity of migrant flows and migrants' management on its borders and territory.
- In June 2019, Serbia adopted the Strategy to control small arms and light weapons for the 2019-2024 period with its implementation Action Plan for the 2019-2020 period. They provide for the continuation and expansion of the activities aimed at strengthening the efficiency and effectiveness of all stakeholders in this field, harmonizing domestic laws with international standards and at improving regional and multilateral cooperation.

Significant efforts have been made **on the normative plan**, too, not only to implement the documents on strategy and doctrine, but also to harmonize domestic laws with international standards and, in the final analysis, to combat terrorism more effectively.

- In accordance with relevant United Nations recommendations, primarily UNSCR 2178 (2014) and the Amendments of Serbia's Criminal Code of October 2014, two new criminal offences have been provided for: Participation in war or an armed conflict in a foreign country (Art. 386a) and the Organization of the participation in war or an armed conflict in a foreign country (Art. 386b), whereby the travel of Serbian nationals to the territories of other countries and their participation in armed conflicts, as well as an act of organizing these persons to travel to foreign battlefields have been incriminated and sanctioned.
- The Amendments of the Criminal Code of November 2016, in force since December 2019, incriminate and sanction preparatory actions for the commission of the criminal act of terrorism, while the Amendments of the Criminal Code of mid-2019 amend significantly the criminal offence of terrorism and the criminal offences linked with it. To that end, the following Articles have been amended in respect of the punishment they prescribe: 391 (para. 4) - criminal offence of terrorism; 391v (para. 3) - criminal offence of the use of a lethal device; 391g (para.3) - criminal offence of the destruction of, or damage to, a nuclear installation; and 392 (para. 3) - criminal offence of a threat to a person under international protection. The Amendments provide for the sentencing of the perpetrator of the criminal offences from the above Articles to life imprisonment if, in the commission of the offences, one or more persons have been intentionally deprived of life². (). Art. 391b - criminal offence of recruitment and training for the commission of terrorist acts has also been amended, so that, in line with a significant part of modern-day criminal legislations, the very act of travel abroad has become punishable if taken for the motives and intent specified in this provision. Also, para. 1 of Art. 392 - criminal offence of threat to a person under international protection has been amended so that, in addition to such person, the legal protection has been extended also to include the members of his/her family. Fully amended has also been Art. 393 - criminal offence of terrorism financing.
- In addition to the criminal offences from Arts. 391-392 (terrorism and kindred criminal offences), legal protection has been expanded in para. 1 from the financing of criminal activities, i.e. organizations, their members and individuals aimed at committing these acts, to the following acts: Art. 134 - abduction; Art. 287 - unauthorized acquisition of, and a threat to, the security of nuclear materials; Art. 290 - threat to traffic safety by a dangerous act or a dangerous means; Art. 291 - threat to air traffic safety; Art. 292 - threat to air or maritime traffic safety or a fixed platform and Art. 293 - seizure of aircraft, a ship or another vehicle.
- By the 2019 Amendments, Serbia's Criminal Code has been harmonized in its preponderant part with international standards in this area, primarily with the provisions of the EU Directive 2017/541 of March 2017 on the suppression of terrorism, as well as with the Convention of the Council of Europe on the suppression of terrorism and its Additional Protocol.

² Punishments prior to the Amendments were 30 to 40.

- The 2017 and 2018 Amendments to the Law on property use limitations aimed at preventing terrorism address in greater detail the questions related to the UNSC List of Designated Persons and the procedure of designation, as well as the questions related to other international organizations of which Serbia is a member. The 2019 Amendments of the Law expand, among others, its application to the criminal offence of terrorism-financing. Its other provisions make the application of the Law, including the fight of terrorism, more effective, ensuring thus its additional harmonization with international standards.
- The Law on the export and import of arms and military equipment adopted in October 2014 and the Law on the export and import of dual-use goods adopted in 2013 and amended in October 2019 provided for the establishment of a system of effective monitoring and control of the trade in arms, military equipment and dual-use goods whereby persons included in terrorism have been prevented from obtaining possession of means to carry out terrorist attacks.
- By the Law on arms and ammunition, adopted in 2015 and last amended in March 2020, additional efforts have been made to prevent persons linked with terrorism from obtaining possession of means to carry out terrorist acts. In line with the Strategy on the control of small arms and light weapons provisions have been made to harmonize by-laws on arms incapacitation with relevant European legal regulations.
- The Law on the organization of the competencies of government agencies in the suppression of organized crime, adopted in 2016 and last amended in October 2018, provides for additional harmonization with international standards in the field of the exchange of information and cooperation related to criminal acts of terrorism and for normative strengthening of the institutional capacities to combat terrorism.
- The Law on the amendment of the Law on the prevention of money-laundering and terrorism-financing was adopted in December 2019 whereby additional harmonization with the EU and FATF recommendations has been achieved.
- The areas of the Security of the State border and illegal migrations has been regulated by the Law on border control, the Law on asylum and temporary protection and the Law on foreigners adopted on 22 March 2018. They provided for the Amendments that brought about further harmonization with EU standards and introduced important novelties not regulated or left less precise by law. The Security Intelligence Agency figures for the first time in the framework of new institutes related to the conditions regulating the issuance of visas to foreigners and the assessment of the risks for the security of the country in cases of their entry and stay in Serbia. The new Law on asylum and temporary protection reduces the room for the abuse of asylum rights and creates conditions for increasing asylum system efficiency.

Serbia has taken concrete steps aimed at strengthening its own institutional capacities in the fight of terrorism. Accordingly, it established the Direction to Counter Terrorism and Extremism within the Crime Police Directorate of the Ministry of the Interior as a separate unit within the organizational chart of the Ministry. Following the conclusion of the Agreement on operational and strategic cooperation with Europol in 2014, the Direction became the central body for cooperation with Europol in terrorism information exchange.

Recognizing the importance of horizontal and vertical inter-linkage and efficient inter-sector cooperation, the Bureau for the coordination of the work of security services in Serbia as the executive body of the National Security Council established in January 2015 an inter-sector team called the Standing Mixed Working Group for Countering Terrorism and Extremism. One of its primary tasks as the roof body in Serbia in this area is to ensure, at the strategic-tactical level, quality and rapid inter-linkage and coordination in the work of competent government agencies and, by extension, their greater efficiency in combating terrorism. After the establishment of the National Coordination Body for the Prevention and Combat of Terrorism in April 2019, the Standing Mixed Working Group was integrated in the Body. In mid-2019, the National Coordination Body established an inter-sector Working Group to draft a Plan to proceed in cases of return of foreign terrorist fighters and the members of their families to the territory of Serbia. It made a Draft Plan which was submitted to the National Coordination Body for consideration. Upon being adopted in the form of government conclusions, the document will become binding on all relevant agencies.

Also, Serbia established the Standing Coordination Group to Monitor the Implementation of the National Strategy to Combat Money-Laundering and Terrorism-Financing and the Commission for the Coordination of the Activities and the Improvement of Cooperation within the Judiciary and Internal Affairs in Questions of General Interest, including, among others, the fight against terrorism, confiscation of property, money-laundering and terrorism-financing and other related issues. The Commission adopted an Action Plan for the realization of its activities aimed at harmonizing and improving inter-agency cooperation.

By its decision of 12 July 2018, the Government established the Coordination Body for the Prevention of Money-Laundering and Terrorism-Financing. It was established as a permanent body under the Law on preventing money-laundering and terrorism-financing aimed at ensuring efficient cooperation and coordination among relevant agencies.

Among the measures taken on the institutional plan was the establishment, in 2018, of the Section to Combat Terrorism and Arms Trade. It was established within the Crime Division of the Prosecutor's Office for Organized Crime under its annual plan of work and consists of 2 deputy prosecutors and 2 assistant prosecutors.

In addition to the said bodies that function at the strategic-tactical level, a number of other teams, i.e. working groups, has also been established, charged exclusively or in part with the task of combating terrorism. Furthermore, Serbia is in the process of establishing a National Database to Combat Terrorism; an inter-sector working group, established by the Government, has been working diligently on the Database formation. It has drafted a relevant Bill which has passed public discussion. The relevant procedure of collecting opinions from the competent government agencies is now under way, upon the completion of which the Bill will be submitted to the Government and then to the National Assembly for adoption.

In the context of the implementation of measures on the strategic-political, normative and institutional plans, especially in the current situation of extensive migration flows over Serbia's territory, the Ministry of the Interior, security services, the judiciary and other relevant government

agencies have taken a number of measures **on the operational plan** aimed, among others, at increasing the security of the country's external borders and making it more difficult for foreign terrorist fighters to enter or transit Serbia, as well as at monitoring and preventing travel to conflict areas. This segment provides for the following measures: implementation of the prescribed procedure of the integrated border management, the visa system, screening of all foreign travel documents for crossing the State border, verification through the database, including the database of Interpol, application of rules and regulations that deny entry to a foreigner to Serbia's territory, implementation of procedures aimed at preventing terrorists from obtaining asylum whereby systemic preconditions have been set to identify terrorists prior to granting them any form of temporary or permanent stay, including citizenship or asylum status.

Designed to render assistance to Serbia, i.e. the Border Police Directorate of its Ministry of the Interior, in managing migrations at the State border with Bulgaria and North Macedonia, "Special Measure 2", a project run by the International Organization for Migrations since November 2018, is being continued.

To protect the State border and prevent criminal activities linked with migrations and, in particular, to deny terrorists the possibility to use migratory movements to reach Western European countries, the security structures select, on the basis of continuity, persons of interest from among the migrants to identify potential terrorist elements. Migrants are finger-printed and photographed within some of the measures taken since 1 January 2015 and, as a consequence, some have been registered to have been finger-printed two or more times, on which data have been exchanged with Serbia's international partners.

Special services for the prevention and countering of terrorism monitor travel to conflict areas. Therein belong also the activities of security and intelligence agencies carried out by way of recourse to special measures and procedures, including the "community policing" and the "policing and intelligence work", aimed at gathering, verifying and systemizing intelligence data and at archiving them in a database. The activities include also international cooperation, in particular the exchange of information on contacts, movements and activities of certain persons both in Serbia and abroad. Their money transactions are monitored, too.

Upon return to Serbia, persons reasonably suspected of having taken part in armed conflicts in third countries are taken measures against, aimed at controlling their movement in and out of Serbia. If the necessary level of suspicion is reached, special evidentiary actions are taken in respect of the suspected persons provided for by Art. 161 of the Law on criminal procedure in order to bring such persons to court.

By adopting the Law on property use limitations, Serbia has made it possible for relevant international instruments of which it is a signatory party to be directly implemented in domestic laws, establishing thereby the legal basis for setting up a national list of terrorists and a list of organizations and persons that sponsor, finance or support terrorists and their activities in some other way.

Foreign terrorist fighters

All countries exposed to terrorist threats and faced with the phenomenon of foreign terrorist fighters encounter, as a consequence, specific challenges. Serbia is no exception in that regard. One of the significant challenges it is faced with is evinced by the fact that it is located in a very specific environment saturated with powerful centres (associations, religious facilities and even small settlements) which disseminate the aggressive ideology of the "Islamic State" and carry out recruitment of, and dispatch, foreign terrorist fighters to crisis areas. The territory of the Autonomous Province of Kosovo and Metohija presents a challenge, too. The phenomenon of foreign terrorist fighters is much in evidence in that territory and, for reasons already explained, Serbia's authorities have no factual and executive control over this part of its territory.

Serbia is committed to countering the phenomenon of foreign terrorist fighters, which is certainly a challenge and an issue to be actively addressed and cooperated upon. Serbia attaches special attention to the prevention of violent extremism and radicalization that lead to terrorism and considers that the work on the prevention of violent extremism is of exceptional importance in the all-out fight against terrorism. Its specialized agencies and bodies take measures and engage in activities aimed at developing a prevention system against violent extremism and terrorism to include, in addition to countering these phenomena, counter-radicalization and de-radicalization, as well as re-socialization and integration upon return.

Serbia actively participated in the Joint High-Level Regional Conference on "Foreign Terrorist Fighters - Addressing Current Challenges", organized by the UN Office on Counter-Terrorism, the OSCE and the Government of Switzerland in Vienna on 11 - 12 February 2020. In addition, Serbia continues to maintain extensive international cooperation, especially with partners in South-East Europe.

Even though prevention is one of the primary goals in the work of government agencies countering terrorism and suppressing the phenomenon of foreign terrorist fighters, the segment of criminal prosecution and punishment of those responsible for criminal acts related to terrorism is not disregarded, either. In that context, particularly important is the institute of prosecutorial investigation whereby provisions have been made for the Office of the Prosecutor for Organized Crime, which deals with all criminal acts related to terrorism, to be included in, and spearhead, from the very beginning, all the activities that the Ministry of the Interior and the security services of Serbia take under the relevant provisions of the Criminal Procedure Code and the Criminal Code. At the end of the day, the actions may result in arrest and arraignment.

Serbia's judiciary attaches special attention to the institute of international legal assistance in criminal matters related to combating terrorism and does so in line with Serbia's international obligations and domestic laws.

Speaking of criminal acts of terrorism and the phenomenon of foreign terrorist fighters, so far the competent agencies have arrested 4 Serbian nationals.

Speaking of the prosecution of Serbia's nationals, the Special Division of the Higher Court in Belgrade tried and sentenced by its decision in the first instance of 4 April 2018 seven indicted

persons, which decision was upheld by the judgment of the Special Division for Organized Crime of the Appellate Court in Belgrade of 18 January 2019. Three persons were sentenced to 11 years in prison each, one to 10 years, two to 9 years and 6 month each and one to 7 years and 6 months.

Serbia stands ready to continue its cooperation with the United Nations in this important area and, in that context, it supports the efforts invested in adopting the Comprehensive Convention on International Terrorism.