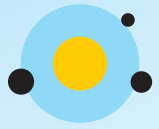


Police Reform

Number 2* July 2003



OSCE Developments in Serbia and Montenegro

Law Enforcement
Department

Contents



1
page

Enhancing Police
Accountability and
Oversight



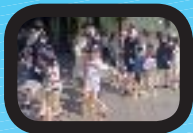
2
page

Editorial
Interview with Dušan
Mihajlović Minister of
Interior Republic of Serbia



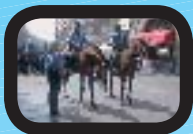
3
page

Latest updates
from Montenegro



4
page

Focus on:
Community Policing
What is Community Policing?



5
page

How Communities view
the Police in Serbia



6
page

In Brief: News & Notices
Upcoming Activities



Tor Tanke Holm, Head of Law Enforcement Department presents a copy of the first issue of "Police Reform" to general Sreten Lukić, Head of Public Security Sector in the Ministry of Interior.

Enhancing Police Accountability and Oversight

Building public confidence in a police service is a chief part of the police reform processes undertaken recently in many countries throughout Europe. Years spent under the control of a political elite that abused police powers in order to further political and personal ambitions requires many countries undergoing transition to rebuild lost trust between the public and the police. Illegal detention of political opponents, disrespect for human and legal rights, and the ill effects of corruption are characteristics of many former regimes of this region which have alienated the citizen from the police. This hampers police work that by its very nature requires the assistance and trust of the public.

The re-establishment of public confidence requires revisions to the laws under which the police function. The core traits of a modern democratic policing organisation involve it becoming more receptive to the needs of citizens so that it is seen to be actively becoming more accountable in all aspects of the profession. "For a democracy to be free of coercion and avoid becoming a police state, policing must be accountable, transparent and conducted with the general consent of the public", explains Jeffrey Thomas, the OSCE's Police Accountability Program Manager. "This applies both to what the police do, or chose not to do, and to how they do it."

Any efforts to develop police accountability must take into account the cultural and political environment in which the police must operate. Working with the OSCE and the Council of Europe, the Ministries of Interior in Serbia and Montenegro are in the process of developing strategies for police accountability. As a starting point the OSCE and Council of Europe produced a Joint Report on Police Accountability which outlines the general state of oversight and accountability of the police service, while making recommendations for reforms which would be in line with EU standards and democratic norms. These recommendations aim to improve police accountability through the establishment of anti-corruption and internal control initiatives within the Ministries of the Interior. Additionally, more effective internal policies and procedures will be developed and an external independent oversight body will be established. Moreover, it is planned to implement reforms to the operation of the Parliamentary Security and Defence Committee.

Currently, the Mission is working with the Ministry to develop an implementation plan that will incorporate the Joint Report's findings for the establishment of these internal and external anti-corruption initiatives and oversight mechanisms. "The changes necessary to overcome a decade of isolation will require a strategic plan that is flexible but thorough. Making this plan a reality is now an urgent first step towards engaging public support for the police and ensuring Serbia and Montenegro's long-term political stability," states Jeffrey Thomas.

Produced by Law Enforcement Department of the OSCE Mission to Serbia and Montenegro

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Design: QUARTET Advertising, Vladimir Peric, PrePress and Printing: Stojkov Printing House, Novi Sad

Editorial

Welcome to the 2nd issue of *Police Reform*, the newsletter published by the Law Enforcement Department of the OSCE Mission to Serbia and Montenegro.

This issue will focus on progress being made towards enhancing police accountability in Serbia and Montenegro. In addition, we consider the development of community policing in Serbia and look at some recent projects to improve the effectiveness and efficiency of the Border Police Service in Montenegro. Finally, this issue also features an interview with the Minister of Interior of the Republic of Serbia, Dušan Mihajlović, in which he considers the role of the international community in the police reform process and describes how this process has been affected by the tragic assassination of Prime Minister Đinđić.

Police accountability is essential for any political and economic transition process to succeed, and for long-term stability to be guaranteed. The first article looks at efforts by the Ministries of Interior in Serbia and Montenegro, in co-operation with the OSCE Mission, to develop and embed the concept of democratic policing in Serbia and Montenegro. For a police service to practise democratic policing requires, among other things, high levels of accountability both within and without the organisation and the implementation of effective anti-corruption measures. As the article describes, the Ministries of Interior in both republics have worked closely with the OSCE to develop strategies in these areas. The progress made so far suggests that police accountability is both achievable and sustainable. What is essential now, in order to maintain momentum and secure the gains made to date, is for the governments of Serbia and Montenegro to decide on and endorse formal strategies for police accountability.

Separately, I would like to take this opportunity to encourage readers to provide feedback on this publication. We would particularly welcome suggestions for future topics to cover. Comments can be emailed to omisam-lednewsletter@osce.org

Tor Tanke Holm,
Head of Law Enforcement Department
OSCE Mission to Serbia and Montenegro

Interview with Dušan Mihajlović

Vice-Prime Minister and Minister of Interior of the Republic of Serbia



Minister of Interior talks about police reform after the assassination of Prime Minister Dr Zoran Đinđić on 12th March

To what extent have the priorities of police reforms changed after 12th March, and what, in your opinion, are the greatest challenges to the continuation of the reform process?

Apart from having firstly worked hard to depoliticise policing, our priorities prior to 12th March also included the re-organisation of the Ministry of Interior. We needed to redefine the role of police. For example, we separated the State Security Sector, whose role is to gather intelligence for the protection of the state, from the Public Security Sector that deals with ordinary everyday police work. We also disbanded the Special Forces Unit and replaced it with the Gendarmerie. Structural changes helped achieve an improvement in policing and contributed towards the transformation of the police into a public service. We have still a lot to do when it comes to modernising the police in terms of technical equipment and professional training. All this will require time and considerable financial resources and, at the moment, we have neither.

It would be difficult to highlight specifically any change in priorities following the assassination of the late Prime Minister, but for the sake of this occasion I will mention the issue of VIP security. This has not always been dealt with in a sufficiently consistent manner in the past. The Ministry of Interior has welcomed the establishment of the *Committee on Investigating the System of Providing Security for the Prime Minister of Serbia Dr Zoran Đinđić* and we anxiously await the findings from this Committee.

In the past few months considerable progress has been achieved in combatting organised crime by arresting the main conspirators and hundreds of other crime syndicate members. Now that the state of emergency has been lifted, how does the Ministry of Interior intend to maintain this momentum in combatting organised crime?

The actions of organised criminals necessitated the implementation of *Operation Sabre* during the state of emergency when immediate, strong and efficient action against organised crime was needed. Constitutional powers granted to the police during the state of emergency were aimed at criminal gangs, not the general population. In fact the general population only benefited from the operation. Much remains to be done, of course. We believe the momentum required to combat organised crime is actually very easy to maintain although this fight is less spectacular now. The focus is no longer limited by time and will not only target the most serious crimes. We will continue unrelentingly to conduct investigations throughout Serbia thereby broadening the scope of our investigations. We are also beginning to concentrate more on serious financial crime. However to continue we need concerted and wide support. There is no need to reiterate that without strong involvement from the prosecutor's office and the judiciary, our work in this area cannot possibly render full results. We also have to improve our investigative work and look at other techniques to suppress criminal activities. ▶▶



Introducing accountability and eradicating corruption in the police and the intelligence service (BIA) are the key aspects of security reform. What structural changes do you intend to implement in order to achieve these two goals?

So far we managed to suspend many of those who abused their position or betrayed our confidence. We have filed misdemeanour and criminal charges against errant police officers. You can read about it in the papers every day. However we now have an absurd situation whereby by being more vociferous in decrying corruption we seem to be creating a perception that the police is the most corrupt public service. If other institutions were as equally rigorous it

would contribute to a more consistent attitude toward corrupt practices. I believe that it's not simply structural changes that are important to root out corruption, but the strengthening of internal controls. This will mean broadening the scope of regular investigations and facilitating assistance from citizens who, up until recently, have felt to a certain extent intimidated and have refrained from reporting police misbehaviour.

What are the obstacles you see on the road to enhancing the accountability of the police and improvement of anti-corruption measures?

The financial situation of police officers, and all other Ministry of Interior's employees, needs to be improved. This not only means an increase in remuneration but also an improvement in the conditions of employment. Another measure may be the better equipping, training, and allocation of personnel. As far as accountability is concerned, the Ministry of Interior submits regular reports to the Government of Serbia, the Parliament of Serbia, and the public in general. A considerable level of civil oversight of the police has already been achieved, which was quite unimaginable only two and a-half years ago. This kind of cooperation and oversight is something we really need as it's much easier for us to do our job when we are trusted.

Do you see any particular area of police reform where the support of the international community might require improvement?

The assistance and co-ordination that the OSCE Mission to Serbia and Montenegro provides is invaluable. We should by all means underline the JuNo Project (I and II) we have been implementing jointly with the Norwegian Government, the assistance coming from the Police of the Federal Republic of Germany, as well as the assistance of the governments and numerous NGOs from the UK, Canada, Switzerland, Netherlands, USA, and many other countries.

The time has come for change, and this can only be achieved through strong cooperation between European police services. In that context, at the very beginning of my mandate, I called for the police services of neighboring countries, EU countries and all the countries whose troops are deployed in the province of Kosovo and Metohija, to establish liaison offices within our Ministry, or within their embassies in Belgrade. Many have accepted this invitation, and the results are visible already.



Latest updates from Montenegro

Police Education

A Working Agreement was signed by representatives of the Montenegrin Ministry of Interior and the OSCE on the continuation of OSCE's Police Development Course in Danilovgrad Police School until the end of 2003. The Working Agreement further proposed that a number of Montenegrin police trainers attend the six-week Trainer Development course in the Advanced Police Training Centre in Belgrade. These trainers would then join the OSCE team in Danilovgrad, enhancing the training capacity of the Police School. This project will lead to a sustainable system of police education by enabling Montenegrin police trainers to take over training in 2004.

The Ministry in Montenegro has commented that the Police Development Course is already having a visibly positive effect on the actions of police officers on the street. The Ministry claimed that trained officers were adhering to the code of conduct and that there was less evidence of the use of excessive force.

Community Policing

It was decided by the Montenegrin Ministry of Interior after a recent seminar with senior police and the OSCE in Bijela that a community policing program would be launched throughout the Republic. This is a significant development and will enable the citizens of Montenegro to work closely with the police in decisions regarding public safety in their local communities.

Border Policing

Realising the need to further coordinate international efforts to develop the Montenegrin police, the Law Enforcement Department chaired the recent Border Police Coordination Meeting at Bar Sea Port. Additionally, it is hoped that the Capacity Building in Illegal Migration project commencing in July will dramatically improve the effectiveness of the Border Police at the most frequent crossing points: Bar, Debeli Brijeg and Podgorica Airport.

Developments in Legislation

A new Police Law is being debated in the Parliament that foresees a major re-organisation of the police. The law concerns accountability structures. Additionally, it was announced that a new internal control unit is being developed to investigate complaints made by the public. Other legal developments include a new Criminal Code, a Law on Criminal Proceedings and a Law on Money Laundering.

Focus on

Community

What Is Community Policing?

The 1990's saw a severe deterioration in police-public relations in Serbia. The police now need to address the legacy of this era and re-build rapport based on mutual respect and trust with the general public. Without trust, which only comes about through effective communication, the prevention and investigation of crime is made much more difficult. In view of this, the Serbian Ministry of Interior, together with the OSCE Mission to Serbia and Montenegro and internal partners (including the United Kingdom's Department for International Development, the Norwegian government and the Swiss Agency for Development and Co-operation) carried out a number of assessments in order to understand more deeply the nature of the problem. As a result, a community policing program was formulated to address the core issue of building trust, through greater communication between the police and the public it serves.

nity to participate in the policing of their community. And it gives the police important insight into their role in the solution of local problems.

The adoption of community policing in Serbia has necessitated a historic break with past policing methods. A tight but flexible relationship between the police, municipal authorities and civil society takes patience and firm commitment from all participants. Schools, churches, youth groups and non-governmental organisations have a key role to play in this process. The police can become a service working with the consensus of the community rather than as a force imposed upon the public. *"The key concept of community policing is very simple,"* explains Pierre Chassagne, the OSCE's Community Policing Program Manager, *"It is no longer feasible for a police officer just to enforce the law. The police must understand the specific needs of the community while the public must appreciate the technical perspective of police work. Citizens and police officers can then work towards improving public safety together,"* explains Chassagne.



The police can become a service working with the consensus of the community rather than as a force imposed upon the public.

Community policing is a technique used by policing organisations throughout the world to create an environment in which the police becomes more integrated with the public. It is policing based on will not force, and essentially involves the re-orientation of the police from tasks that are primarily crime-fighting to tasks that take into account the other skills and abilities of police officers. Police officers can contribute more to society than simply catching criminals. It is this realisation that has motivated the Serbian police to begin developing structures whereby police and committed members of the public meet to discuss the problems affecting their particular locality. This gives ordinary people the opportu-

In 2002, the Serbian Ministry of Interior started the long process of initiating community policing in Serbia. With the assistance of the OSCE Mission, community policing pilot projects were commenced in five different regions: Zvezdara in Belgrade, Novi Becej, Kragujevac, Vrnjaska Banja, and three municipalities in southern Serbia. The aim is that experiences and lessons learned from these experimental areas will eventually be applied to other municipalities throughout Serbia.

A series of consultation seminars have recently been held in each pilot region in Serbia in order to initiate open dialogue between the police and all members of the local community. The long-term aim of these first meetings is to begin the process of establishing regular, structured consultative fora between members of the community and informed and committed police officers. Follow-up meetings will be held to identify areas in which the police and the community can work together to improve community safety. These meetings mark a milestone for the future of community policing in Serbia. It is auspicious for the future of policing in Serbia that both the police and the public are showing themselves to be very serious about community policing.

The Ministry of Interior in Montenegro has launched its community-policing program with a seminar for senior police commanders held this July in Bijela.

The process of developing an effective community policing strategy and embedding its concepts in policing practice will take some time. But the momentum created by the significant achievements of the past few months means that there is a real opportunity for the police force to transform into a police service that is responsive and open to the public in Serbia and Montenegro with whom it works.





Policing

How Communities view the Police in Serbia

In recognition of the need to understand exactly its position in relation to the general public, the Serbian Ministry of Interior and the OSCE commissioned in December 2002 a market research agency to conduct a survey which would measure the public's opinion of the police. This was the first survey of its kind in Serbia and marked the beginning of a great challenge for Serbian policing.

The research utilised questionnaires and focus groups to discern a deeper understanding of citizen attitudes, opinions, feelings and expectations. At the heart of the survey was the need to gauge how people saw the role of the police. The research covered the five pilot areas selected to be test projects for the Mission-supported community policing program - Zvezdara in Belgrade, Novi Becej, Kragujevac, Vrnjacka Banja and three municipalities of southern Serbia - Bujanovac, Presevo and Medvedja. The survey was highly representative in terms of ethnicity, gender, profession and age.

The results of the survey indicate that although the public realise that the police are making an effort to transform, a number of citizens are of the opinion that a lot of work remains to be done. Among the various conclusions there were two major views on the police. Firstly, the police is perceived as a body that exists in order to protect the system, as an instrument of the government rather than the people. Secondly, the police force is seen as inefficient, slow and secretive, made up of individuals lacking necessary education and training. Moreover, these views are heavily influenced by the fact that

the 'old police' of the nineties was perceived as inseparable from the 'old regime', and was also associated with times of war and poverty. Additionally, respondents were largely affected by their negative experiences, both direct and indirect and found it more difficult to be positive about the police. In particular, the attitudes of the ethnic communities, e.g. Albanian and Roma, are generally more negative than the attitudes of Serbs, and are more related to repression, impartiality and police brutality.



On a more positive note, however, the survey indicated that the police are currently perceived as somewhere half way between the

'old police' of the nineties and an ideal police model that the citizens perceive as being the future of policing. It is interesting to note that mixed with harsh criticism and dissatisfaction, respondents also pointed to concrete advances in both police work and conduct. While there is certain dissatisfaction over the rate of the reforms in the police and in the society at large, citizens seem to recognise the direction

of changes as correct and justified.

In conclusion, the public perception survey revealed a quantifiable need to build trust between the police and the local communities in each of the five pilot regions. It pointed to progress but also to a sizeable breach in mutual understanding that reform will have to specifically address. Each region shared a certain amount of common issues but also exhibited uniquely local concerns that demand a flexible, devolved and responsive approach to policing. In a similar manner, although all citizens shared a fairly homogenous opinion of the police, there was evidence that ethnic groups who had experienced policing differently in the past now had their own expectations for the future of policing. The survey, which will act as a benchmark from which future reform efforts may be measured, points clearly to the relationship between trust and reform. The Ministry is now using the results of this survey to build initiatives to deal with local needs and issues. This illustrates that an effective police organisation is not only good at fighting crime but also is trusted, integrated and sensitive to the dynamics of locality and history.

Each region shared a certain amount of common issues but also exhibited uniquely local concerns that demand a flexible, devolved and responsive approach to policing.

News&Notices

Police Education and Development

A significant step forward in the development of the police education system in Serbia and Montenegro occurred in June with the signing of a Working Agreement for the implementation of the OSCE's (Police) Trainer Development Course. This involves the commencement of a six-week course to train existing police trainers in contemporary education practices. A number of Montenegrin trainers in the Police Development Course in Montenegro will attend Trained Development Course alongside Serbian trainers in Belgrade. Additionally, courses prepared by the Council of Europe on human rights and ethics have been incorporated into this program. In southern Serbia, at Bujanovac, twenty police officers per week are graduating from the OSCE course specializing in drug identification, crime prevention and infectious diseases. This course will continue until September 2003.

Border Policing

In May, IT training commenced for the Border Police officers of the Serbian Ministry of Interior. This project is part of the effort to establish a comprehensive and effective chain of Migration Management within the Border control system.

A joint press conference between the UK and Italian Government, IOM and the OSCE on 18th of June launched the Capacity Building in Illegal Migration Project for the Border Police in Serbia and Montenegro. A mobile training team comprised of UK immigration experts will tour all border points to provide specialist contemporary training and assistance to guards operating on the borders surrounding Serbia and Montenegro. The training program is based on the European Union border model and is part of a regional approach to develop an integrated border security approach focussing on combatting illegal migration, smuggling and human trafficking.



The Law Enforcement Department is co-operating with curriculum designers from the Serbian Border Police Directorate to assess European Union training procedures with a view to creating a relevant course in Serbia. Special emphasis will be placed on intelligence gathering and analytical skills.

Organised Crime

The first phase of a major Extortion/Kidnapping and Anti-terrorism project has been concluded. This produced an assessment of training needs for the Serbian police to address serious crime and terrorism. The Organised Crime Directorate of the Serbian Ministry of Interior and the Law Enforcement Department are to co-operate on curriculum development and the selection of trainees. In September 2003 the second phase of the project, sponsored by the Norwegian government, will see the commencement of specialist training.

Accountability

Srbislav Randelović has been appointed as Inspector General to Serbia. He will take control of the mechanisms of internal control and oversight within the Ministry of Interior in Serbia. His appointment is regarded as the first step towards transforming the operating strategies and management of the police with regard to internal investigation of public complaints.

Community Policing

The Law Enforcement Department has formulated a plan to initiate community policing in southern Serbia in order to further its efforts to consolidate a multi-ethnic policing environment in the region. Confidence-building exercises will commence in October 2003 and workshops and seminars are planned which will involve all participants to the process. It is envisaged that Citizen Advisory Groups will be formed which will work with a number of police officers specifically trained in community policing by the OSCE. The second stage of the project in 2004 will work to deepen the process through additional training and enhanced public-police interface projects.

Upcoming Activities

It is anticipated that in late August the LED's Strategic Development Unit will publish the first review of police reform in Serbia since the publication of the influential Policing Study in the Federal Republic of Yugoslavia in July 2001. The report aims to assess the current policy of the Ministry of the Interior, together with the engagement of the OSCE and the international community. These policies will be analysed in light of the contemporary constraints on the reform process, the current political reality and the need for a re-alignment of current strategies in order to meet agreement objectives.

There has emerged a need to increase the capacity of the Serbian Ministry of Interior to process war criminals. It is anticipated to involve training for co-operative witnesses, a proposed Code of Conduct for Prosecutors, and a conference to allow Serbian prosecutors to meet and trade ideas with prosecutors from other countries.

