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POLICE REFORM IN SERBIA

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Introduction

Serbia is one of two republics comprising the State Union of Serbia and Montenegro. Serbia nominally includes two autonomous provinces, Vojvodina and Kosovo, although since 1999, after armed conflict and NATO intervention, Kosovo has been administered by the United Nations Mission in Kosovo under the authority of UN Resolution 1244.

While a federal-level police organization exists, its role is limited to border policing, security of foreign dignitaries, contacts with international organizations, and other minor functions. The responsibility for the majority of policing tasks lies with the individual republics. As the purpose of this inquiry is to understand the challenges in reforming daily police operations, this paper will be limited to the Ministry of Internal Affairs of the Republic of Serbia. In view of the UN administration of Kosovo noted above, recent developments in policing in Kosovo will be excluded from the scope of this report.

Serbia was one of six constituent republics of the Socialist Federal Republic of Yugoslavia, which violently disintegrated throughout the 1990s. The ensuing wars, international sanctions, and more than a decade of Slobodan Milošević's authoritarian rule sets a stage for police reform in Serbia quite different from the majority of the states under consideration in this volume. During the 1990s, the police in Serbia did not undergo a reform process that would render it compatible with operating in a democracy: on the contrary, the police instead strengthened their repressive function, a transformation which ran counter to the general democratic trends taking place elsewhere in the region.

The police, particularly the secret police, engaged extensively in the hostilities in Croatia, Bosnia, and Kosovo, as attested by evidence presented before the International War Crimes Tribunal in The Hague. During the second half of the 1990s, militarization of the police intensified in response to an escalating conflict in Kosovo,¹ and due to Milošević's distrust of the conscript army. For example, in 1995 a system of 18 levels of ranks closely resembling those of the army was introduced. The organization cultivated a strict hierarchy and military philosophy, with the police academy offering courses in military tactics and the theory of military operations. The uniformed police were trained, as well, in how to handle heavy weaponry such as mortars, mines, bazookas and other rocket launchers, as well as to operate helicopters (Weber 2001: 44).

By the late 1990s, with the emergence of an armed insurgency movement (Kosovo Liberation Army-KLA), the police became engaged in full combat operations in Kosovo. Units were equipped with armored vehicles and supported by helicopters and heavy weapons, such as artillery, rocket units, and anti-aircraft guns. While the majority of the most serious operations were carried out by special police units, independent Serbian media reported that by early 1998 some 20,000 uniformed and plain clothes police were constantly stationed in the province, with up to 30-40,000 total police strength if one takes into account the secret police and reinforcements that were also regularly deployed from other locales (*Naša Borba* 1998).

Milošević also used the police to crack down on the opposition within Serbia proper: to break up mass demonstrations in 1991, in the winter of 1996/97, and prior to the 2000 elections; to harass and beat opposition activists, especially in the final months of his rule; and, to carry out surveillance operations, kidnappings, and assassinations of political adversaries.

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Moreover, the police—like all other state structures—became implicated in organized crime to the extent that organized crime was one of the “pillars” of the Milošević regime. During a decade of sanctions, smuggling was organized to supply the country with oil and other basic provisions, as well as other consumer goods, particularly cigarettes. Milošević awarded control of these lucrative operations to family members and associates in exchange for loyalty and support. The police were instructed to, at the very least, not interfere with these illicit business ventures.

Reform that would redefine the police function according to norms appropriate to a democracy could not begin to take place until a democratic political order was won with Milošević’s ouster in October 2000. Even then, the reformist government did not fully confront and reform the existing security apparatus. The October 2000 “revolution” was rather a *negotiated transition*, with a number of individuals who took part in Milošević’s political and criminal enterprises spared being called to account in exchange for not violently preventing Milošević’s removal. The government would ultimately pay a high price for this bargain: in March 2003, the former commander and top operatives of Serbia’s elite police unit (Unit for Special Operations-USO) assassinated prime minister Zoran Djindjic, in retaliation for the government’s escalating confrontation with organized crime and war crimes, in which the USO was deeply entangled.

While the assassination generated impetus to a resolute crackdown, it would be naïve to think that a three-month police action, even under a state of emergency as was the case here, would fully extirpate all elements associated with the previous regime and its crimes from the political and economic power structures. Political and social alliances are complex and shifting and in Serbia, and the political will to come to terms with crime falters with the prospect of losing political advantage. Nevertheless, in the final appraisal, (capricious political winds notwithstanding), when comparing the results achieved (and achievable) in Serbia as compared to the rest of Central and Eastern Europe, it is important to remember that the positive reform process, at the time of publication of this volume, is only three years under way.

Overall Goals of Reforms

The document describing the long-term strategy and aims for police reform, officially endorsed by the Serbian government in March 2002, outlines the mandate and the principal tasks ahead as follows:

The Serbian Ministry of Internal Affairs seeks to contribute to the establishment of a society where the individual feels safe and secure on the basis of the rule of law and respect for human rights enshrined in the constitution.

The Ministry should be organized in such a way, and behave in such a way so that citizens recognize it as an institution that offers a high quality of service.

The Ministry should engage itself energetically in the fight against organized crime, keeping in mind the need and the obligation for international cooperation in this domain.

The document goes on to elaborate other specific goals and values, including the following:

- establishing effective civil oversight and control over the organization;
- building trust and improving its image before the public;

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- becoming a professional, depoliticized and effective institution, responsive to the needs and demands of a democratic transformation, and founded on the principles of the rule of law, a market economy and tolerance among all cultural, religious, and ethnic groups;
- decentralizing in domains where centralization does not contribute to operational effectiveness;
- greater diversity of its personnel in order to better reflect the ethnic and gender distribution of the population;
- better cooperation with citizens;
- transparency, particularly in relation to civil authorities on the republican and local administrative levels. (MIA 2002a)

The document further outlines the main strategic areas of reform that encompass virtually all areas of police work, including the legal framework, structural and operational changes, effective internal and external oversight mechanisms, reform of the training and education system, augmentation of technical capacity, and the improvement of the material position of employees. It stipulates for specific three year, five year, and long-term strategies in every functional area of police work, and detailed action plans with detailed projects.

The defined goals for reform reflect the recommendations of international experts, and as such, can be considered in line with democratic principles as well as most progressive aims of modern policing. While commendable (not to say impressive), extensive, and comprehensive, the stated goals are also inevitably long-term. The speed and effectiveness with which they will be implemented remains to be seen in a few years' time. Nevertheless, initial steps and priorities can be examined more closely.

Initial Priorities

The first major reform initiative emerged in response to a crisis, the low-level armed conflict which erupted in the winter of 2000/2001 in three South Serbian municipalities (Preševo, Bujanovac and Medvedja), where ethnic Albanians comprise a significant percentage of the population, and a majority in two of the three municipalities.² Among the confidence-building measures undertaken by the Serbian government and the international community, the Organization for Security and Cooperation in Europe (OSCE) Mission in Federal Republic of Yugoslavia introduced a multi-ethnic policing initiative, with a focus on training and education and with the aim of balancing the ethnic Albanian presence in the police structures of these municipalities, and thus begin to restore the trust of the local population in state institutions. A delicate peace was established within months; the new multi-ethnic policing was positively evaluated by the public and continued.

The first phase of the training consisted of brief refresher courses for Serbian police officers and ethnic Albanian reservists and former police officers who had been dismissed or left the force during Milošević's rule. Over the first year, through September 2002, the OSCE program was extended to new recruits, with total of 357 students, among them 28 women, from Serb, Albanian, and other ethnic communities having completed a 12-week foundation training course and 15-week field training. A total of 600 officers are projected to have been trained by the end of 2002 (OSCE 2002b: 7).

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The OSCE extended its involvement to other areas of policing, based on a needs analysis completed in October 2001 (*Study on Policing in the Federal Republic of Yugoslavia*). Other international organizations, most importantly the Council of Europe and Geneva Centre for Democratic Control of Armed Forces (DCAF), have likewise conducted assessments and elaborated recommendations during the first year, many of which have been reflected in the official police reform agenda. The early efforts include the September 2001 establishment of an Advisory Body, formed in partnership with a local NGO (League of Experts -LEX) and supported by the Danish Centre for Human Rights, whose role was to counsel the Ministry in charting a course for reform. Other bilateral foreign assistance in various aspects of policing has arrived since.

The OSCE has played the most systematic sustained role in of police reform in Serbia, above all in advising on the strategy and implementation plans for reform, and can be regarded as the Ministry of Internal Affairs' principal partner. The organization has been invited to assume a coordinating function for all donor activities relating to police reform in Serbia. At the June 2002 donors conference, support for the ambitious long-term goals was solicited on the basis of six initial priority areas determined jointly by the OSCE and the Serbian Ministry of Internal Affairs, as follows:

- (1) Police Education and Development;
- (2) Accountability and Internal Control;
- (3) Organized Crime;
- (4) Forensics;
- (5) Border Policing; and,
- (6) Community Policing. (OSCE 2002a)

To identify the priorities among the priorities, one may note that of the total 10.8 million USD projected for immediate needs, 5.7 million USD or 53% was earmarked for the Organized Crime program and Forensics, demonstrating the international community's emphasis on building capacity to fight crime (OSCE 2002a: 2).

Combating organized crime and corruption has been rightly considered the top priority by the Serbian government and the general public, as the prime minister's murder confirms. The assassins—former and current members of the police Unit for Special Operations—were demonstrated to be also the top leadership of one of the most powerful criminal organizations, whose income-generating activities included kidnappings of wealthy individuals for hefty ransoms and regional drug trade. Indeed, revelations following the assassination demonstrated that some of Serbia's most renowned war heroes, or rather war criminals, shifted their engagement to other criminal enterprises once the wars ended. Evidence supports the government's claim that the assassination was motivated in considerable part by the police's advances in combating organized crime, and government's confrontation with the indictees of the Hague Tribunal. On the day that Djindjic was murdered, he was in fact on the way to sign arrest warrants of the very individuals responsible for his death.

Changes in the Legal Status and Powers of the Police

At the time of writing of this chapter, a new law on the police had not yet been passed. A draft Law on the Internal Affairs had been elaborated already in summer 2001, but underwent continued reworking for another two years. In late July 2003, the Minister of Interior

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announced the anticipated adoption of the new law, along with a comprehensive organizational restructuring, for the fall of that year.

The process has been delayed, in part, by the formulation of a new federal constitution (the State Union of Serbia and Montenegro came into being only in February 2003), which in turn postponed the drafting of the Serbian constitution (anticipated by the end of 2003). The new republican constitutional arrangement may well incorporate elements of decentralization, which would impact police responsibilities to local government authorities. There are also indications of an evolution in thinking about the most appropriate provisions for civil control and oversight, and that the ultimate solution would be part of a comprehensive multi-layered framework. The OSCE—a key advisor on this issue—has engaged an expert dedicated solely to accountability questions in the fall of 2002, a move that advanced the process considerably.

The areas of legislative changes that have received immediate attention—areas where laws have already been passed—reflect other political priorities for reform.

Amendments to the criminal code and criminal procedure code in Serbia were passed in Spring 2002, abolishing the death penalty and defining new corruption offenses, and in December 2002, establishing the institutions of protected witness and undercover agent. Additional contested amendments were introduced following Djindjic's assassination, such as increasing pre-trial detention of up to 90 days for individuals suspected of involvement in organized crime, but this provision was ultimately stuck down by the Constitutional Court in response to challenges by domestic human rights NGOs and advice of international organizations such as the Council of Europe. New legislation on combating organized crime in July 2002 (*Law On Organization and Jurisdiction of Government Authorities in Suppression of Organized Crime*) provided for a special public prosecutor and dedicated teams within the Ministry of Internal Affairs. Additional institutional and legislative harmonization still needs to take place, but there are positive indications that the legislative framework will in the end stand in full compliance with international standards. In addition to the long-awaited law on police, fall 2003 also stands designated as the period when additional legislation on police education and prevention of hooliganism would be passed.

The most important legal and operational change, however, has been the separation of the security services at the republican level from the supervision of Ministry of Interior. In July 2002, legislation was passed defining the State Security Service (the secret police) as an independent body, the Security Information Agency (*Bezbednosno-informativna agencija*), accountable directly to the republican government and the parliament—the first move toward asserting civil control over highly compromised and traditionally widely-feared institution (*Law On Security Information Agency*). While law requires that the agency director, appointed by the government, to report regularly to the republican parliament, human rights activists question the constitutionality of some of the legal provisions,³ while other observers remain skeptical that depoliticization has been achieved.

It may be appropriate to mention that similar redefinitions of security services have occurred at the federal level, placing under the control of the federal parliament and the government the four security services operating at the federal level: the military security service, the military information service, the service for investigation and documentation, and the security service of the federal Ministry of Interior (*Law On Security Services of the Federal Republic Of Yugoslavia*, July 2002).

Changes in the Organizational Structures and Policies of the Police

Except for the above-noted separation of security services, the core functions of the Ministry of Interior remain unchanged from the previous period. The Ministry of Internal Affairs is responsible for the following tasks:

- protection of the constitutional order;
- protection of life, person, and property of citizens;
- prevention and detection of criminal acts and the apprehension and transfer to appropriate authorities of their perpetrators;
- maintenance of public order, security of certain persons and objects;
- traffic safety;
- control of border crossings and border areas;
- procurement and possession of weapons;
- manufacture and trade of explosives and other flammable substances;
- personnel training;
- firefighting; and,
- administrative functions such as issuing of citizenship, identity cards, passports, and drivers licenses; residence registration control, and the registration of foreigners (*Law on Ministries*, May 2002).

The Minister of Internal Affairs, at the head of structure, with the Chief of Police/Assistant Minister below, direct the Public Security Department (PSD), which is comprised, horizontally, of ten Directorates (Crime Investigation, Uniform Police, Traffic Police, Border Police, Aliens and Administration Procedures, Police Fire Prevention, Analysis, Information Technology, Communications, Common Affairs, and Board and Lodging), two special units (Special Anti-terrorist Unit and Gendarmerie), and an Operations Center.

The special units require some attention. The Gendarmerie, estimated at over 1,000 men, represents the transformation of the former Special Police Units, notorious for quelling disorders beyond control of the regular police. Previously, members of the Special Police Units were integrated into the regular ranks of the police, to be called out and deployed in extraordinary situations, disrupting day-to-day police functions. The reconfigured elite corps has a permanent structure of specially trained personnel, including an anti-terrorist unit.

The Gendarmerie assumed the responsibilities for all special operations from the Unit for Special Operations (USO), colloquially referred to as the Red Berets, disbanded in March 2003 following revelations that their former commander and top officers murdered the prime minister and led one of the most powerful criminal organizations in the country. The lurid history of the Red Berets illuminates this otherwise shocking development: this is the unit responsible for some of the most appalling combat operations (and, inevitably, war crimes) during the former-Yugoslav conflicts; this is also the unit that staged a ten-day protest in November 2001, after the arrest and extradition to the Hague Tribunal of its two members accused of committing war crimes in Kosovo. At the time, the standoff ended peacefully through negotiations, although, as events would later demonstrate, not entirely successfully.

The Minister also directly supervises a newly formed Directorate for Organized Crime Suppression (Organized Crime Unit), an Inspector General, the Legal Affairs Section, as well as three training and research institutions—the Institute of Security, the Police College, and

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the Police Secondary School. The Police Academy is an independent institution under the jurisdiction of the Ministry of Education.

Also separate from the PSD and in line with OSCE recommendations, within the Minister's Cabinet, three new bureaus have been established: the Bureau for Co-operation with International Police and Security Services, the Bureau for Public Relations and Media, and the Bureau for Petitions and Grievances.

All the abovementioned organizational changes are described as an introduction to a forthcoming complete reorganization of the Ministry of Internal Affairs upon the promulgation of the necessary legal framework, announced for fall 2003 (MIA 2002a).

Personnel

According to the OSCE Report on Policing in Federal Republic of Yugoslavia, in 2001, employees of the Serbian Ministry of Internal Affairs numbered near 35,000, with approximately 21,000 uniformed officers⁴ and 5,000 plain-clothes investigators (detectives) or scientific support officers (OSCE 2001: 34). Compared to the population of Serbia (excluding Kosovo) according to 2002 census results of 7.5 million, the above figures suggest a ratio of uniformed police officers per 1,000 citizens at 2.8. October 2002 official Ministry of Interior figures published in "Results of the Ministry Realized in the Period January-November 2002," however, define that ratio as 2.41, a figure smaller than the ratio of police per capita in France, Slovakia, Croatia, Bulgaria, and Great Britain (MIA 2002f).⁵ While the official information is unclear for it does not disclose the raw data on which the calculation was based, there are nevertheless indications of reductions in an effort to bring Serbian police structures in line with international standards. Ministry of Internal Affairs regular reports, however, continue to indicate understaffing (71% of "systematized", i.e. formally designated positions), particularly a lack highly trained and specialized personnel in the domain of criminal investigations (MIA 2003c).

Personnel changes began to be implemented immediately upon the change of regime in October 2000. The Milošević era Minister of Internal Affairs and Chief of Security Services, both indicted by the Hague Tribunal for their role in the Kosovo conflict, were the first to be removed from power.⁶ The newly appointed and current as of July 2003 Minister of Internal Affairs, Dušan Mihajlovic, is the leader of New Democracy, a small party within the ruling coalition, and a former Milošević coalition partner (1994-1998).

By December 2002, 405 replacements had been made at the highest-level leadership positions, including heads of directorates, regional secretariats, and commanders of police stations (MIA 2002f). It has been reported that from January 2001 to June 2002, more than 2,500 police officers had been dismissed (Milin 2002). News stories of officers dismissed or arrested for past or present crimes remain a regular feature in the Serbian daily press.

Nevertheless, the process is far from complete. There has been no systematic lustration of the police or any other state institution, and the task of identifying, investigating, and prosecuting individuals who have committed crimes, or still engage in illicit activities, remains a piecemeal process. Human rights organization such as the Helsinki Committee for Human Rights in Serbia and the Humanitarian Law Center are particularly concerned that numerous army and police officials who took part in war crimes committed against the non-Serb

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population in the neighboring countries and in Kosovo, and in the torture of minority members in Serbia (particularly in Sandžak and South Serbia) during the previous regime, are still at large and active, and that many of them still occupy key police and army positions (Helsinki Committee 2002: 28). While the operations following the Djindjic assassination identified and prosecuted a number of these key individuals, others still remain.

Most comprehensive and serious changes in the organizational structures and personnel have taken place in South Serbia, with the introduction of multi-ethnic policing. The Helsinki Committee for Human Rights in Serbia reported in October 2002 significant gains toward proportional representation of Albanians among the police ranks, noted below, compared to the Milošević era when no Albanian officers were in service.

Table 1: Ethnic Distribution Among General Population and Police in Southern Serbia

Municipality	Population (in %)			Police (in %)		
	Serbs	Albanians	Others	Serbs	Albanians	Others
Bujanovac	34.14	54.69	11.17	58	40	2
Medvedja	66.57	26.17	7.26	85.7	12.1	2
Preševo	8.55	89.10	2.35	50	50	-

(Helsinki Committee 2002: 30-31; Republican Bureau for Statistics 2002)

In terms of the police leadership, the head of police/ chief superintendent in Preševo was an Albanian, in Medvedja, a Montenegrin, and in Bujanovac, a Serb. Superintendents of police stations in all three municipalities are Serbs, but they were appointed in consultation with representatives of the Albanian national community, a gesture welcomed by the local Albanians.

Despite the progress, minorities remain underrepresented in other regions where they constitute significant portions of the population, notably in the regions of Sandžak (Bosniaks) and Vojvodina (Hungarians).

The Helsinki Committee for Human Rights in Serbia notes that the heads of three in four Sandžak police departments are Serbs (one is Bosniak,) and reports the following ethnic distribution of police, as compared to the general population:

Table 2: Ethnic Distribution Among General Population and Police in Sandžak

Municipality	Population		Police { TC \15 '' }	
	Serbs	Bosniaks	Serbs	Bosniaks
Nova Varoš	90	10	88.41	8.51
Prijepolje	85	15	53.24	43.42
Sjenica	84.16	15.84	76.1	22.40
Priboj*				
Tutin	4.32	94.23	70	30
Novi Pazar	20.46	76.27	70	30

*Data not available

(Helsinki Committee 2002: 30-31; Republican Bureau for Statistics 2002)

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The Helsinki Committee also noted a positive step in the reinstatement of 23 Bosniak policemen who had been suspended during the NATO intervention due to their refusal to fight in Kosovo. (Helsinki Committee 2002: 31).

In Vojvodina, where, according to 2002 census data, Hungarians represent 14.28 %, and Serbs, Montenegrins and Yugoslavs combined comprise less than 70% of the total population; police ranks appear similarly unrepresentative (Republican Bureau for Statistics 2002: 2). In the 36 municipalities polled by the Helsinki Committee, of a total of 24 heads of police departments, only one was a Hungarian, while the rest were Serbs and Montenegrins. In the same municipalities, 5 police superintendents (13.89%) were non-Serbs, 20 Serbs and Montenegrins, while the ethnicity of the remaining 11 superintendents had not been established (Helsinki Committee 2002: 33-34)

A more active recruitment of women into police ranks has been introduced. During 2002, the first two groups of more than 700 female officers had completed the foundation course and had begun field training (MIA 2002d). Women have also constituted roughly eight percent of the new multiethnic police in southern Serbia. In the Summer 2002, for the first time, 30% of the student population at the police academy was female (OSCE 2002a: 28). By the end of 2002, the Ministry of Interior also reported a total number of 6,777 women employed within the organization, or 19.1% of total staff, noting that the recruitment of women in 2002 was five times higher than the previous year. Of that number a total number, 752 are women operating as police officers, primarily as highly visible “beat cops” and traffic officers. The Ministry also cites that 251 women occupy leadership positions within the organization (MIA 2002a). These numbers represent a modest improvement, but still stand far lower than the gender composition of some West European police services.

Changes in the Operational Policies and Work Patterns of the Police

While low-level armed conflict that erupted in southern Serbia shortly following the arrival of the reformist government presented the key challenge to the Ministry of Internal Affairs in the early months of reform, successful moves on the political front, combined with responsible actions of the police, contributed to the timely de-escalation of the crisis. Ethnically mixed patrols trained by the OSCE, as noted earlier, represent a critical operational change that has largely contributed to confidence-building in the region and the gradual, if slow-moving, normalization of political and social relations.

Since then, combating organized crime and corruption, including crime linked to the previous regime, has since been viewed as the police’s most important task and their greatest challenge, only further emphasized with the prime minister’s assassination. The most visible and most publicly-promoted operational changes relate to this area of the organization’s mandate. This is likewise the area where strongest international links have been established, beginning with FR Yugoslavia’s readmittance to Interpol in September 2001, and cooperation with other regional police bodies, including the newly created Association of the Police Chiefs in SEE (SEPICA). International support to enhance the organization’s ability to combat (international) organized crime in form of training and equipment are likewise underway.

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Special trainings to combat trafficking in human beings, particularly trafficking in women, have been offered by international organizations. Indeed, such activities are growing increasingly numerous.

The Ministry of Interior Affairs formed special organized crime teams to investigate a number of unsolved murders, attempted assassinations, and kidnappings during the Milošević era, but with modest results preceding Djindjić's assassination. The most notable action until then was the October 2002 arrest of individuals suspected of assassinating a police general earlier in the same year. With a spectacular series of actions following the prime minister's murder, most of the pending cases were solved. The successes, however, have further highlighted the remaining unresolved cases—among them killings of journalists—which have an unmistakable political dimension.

Before then, widely publicized, but far less enthusiastically received, actions have been spring and summer 2002 initiatives to break up the structures of illegal smuggling both at the international level (e.g. South East European regional police operation to thwart cigarette smuggling in the region), and also at the domestic level, in cooperation with the Customs Directorate and a national NGO, Resistance (*Otpor*),⁷ reflecting a desire rally support for, and present, a new, open, and results-oriented government institution.

Initiatives drawing on some community policing ideas have been introduced. Increased foot patrols in areas considered to be particularly unsafe were introduced in 2001. Television advertisements explaining that the police are a neighborhood friend who is there to serve and protect were aired for a brief duration, but discontinued, observers feel, due to a persisting lack of credibility in the eyes of the population. This general trend shifted dramatically in the months following Djindjić's assassination, during the state of emergency and undertaking of Operation Saber, when public enthusiasm soared in response the police bringing in for questioning more than 11,000, detaining over 2,700, and bringing charges against 3,946 individuals. While final success of these investigations remains to be seen, the public approval ratings have declined once again with the return to normality and the daily frustrations with the political and economic situation.

Only long-term sustained efforts to combat organized crime and corruption can effect a lasting increase public confidence, as will ongoing efforts to engender a service orientation among the officers, which are, at this stage, only rudimentary. Community policing programs, launched in December 2002 in five districts throughout Serbia considered representative of the challenges facing the police throughout the country, represent a positive step in this direction.⁸ Implementation plans include public opinion surveys, consultation with local communities, and the elaboration of indigenous models of community policing appropriate to the selected socio-economic and cultural contexts.

Some symbols of service orientation have been introduced (nametags and new uniforms that are less militaristic in appearance have been distributed), yet their purpose and intent was not thoroughly inculcated among the individual officers. Anecdotal evidence exists—including personal experience of this researcher—that some officers do not feel comfortable having

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their names publicly displayed and no longer being protected by a shield of impunity of anonymous authority.

In local police stations, posters of smiling policemen proclaiming their new role to serve and protect have appeared. Yet in everyday encounters, experiences vary widely: it is a matter of pure random chance whether a citizen in everyday life will encounter traditional rudeness or exemplary professionalism. The notable exception to any visible improvement, however, remains police treatment of vulnerable groups, particularly the Roma. Furthermore, human rights watchdogs continue to document torture of suspects and individuals apprehended for having committed crimes,⁹ although experts estimate that its incidence has decreased.

Steps such as the introduction of a serious and comprehensive code of conduct in April 2003¹⁰ will assist in changing the behavior of officers only if coupled with meaningful sanctions of misconduct on one hand, and a system of rewards, on the other. Both approaches need further improvement.

There have been palpable efforts to improve transparency and communication with the public. The Minister and other high officials regularly hold press conferences and issue public communiqués, as well as exhaustive bi-annual progress reports detailing not only crime statistics, but also increasingly information on disciplinary actions against officers, the personnel situation (number of women recruited, for example), international cooperation initiatives, and progress in reform. The Ministry of Internal Affairs' web site posts useful information about administrative procedures as well as general information about the structure and responsibilities of the police. The site also posts weekly updates ranging from crime statistics and data on police effectiveness, to auctions and tenders, to employment opportunities and recruitment announcements, to responses to complaints and letters of appreciation from citizens. While the effort does not appear entirely systematic, it nevertheless represents a commendable effort to improve transparency and communication with the public.

Education and Training

The OSCE is to a significant part guiding the reforms of the system of education and training. In addition to the multiethnic police training in Southern Serbia, the OSCE has offered a Modern Policing Course to a number of serving officers in other regions of Serbia. By October 2002, 1,169 officers had been trained, with a total number of 2,500, or 25%, of all Serbian patrol officers projected to have been trained by the end of 2002 (OSCE 2002b: 7).

In parallel, the OSCE has been advising the Ministry of Internal Affairs on the comprehensive reform of the educational system, resulting in plans to consolidate the existing three educational and training centers (police secondary school, college, and academy) into a single police education institution. The planning process has been extensive, including evaluations of the existing systems and structures, an assessment of needs, and a detailed project plan and program to meet those needs. In addition, a management training program has been initiated to equip the organization's leaders and managers with the skills

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required to carry out the reform process over the long term (OSCE 2002a: 27-28). Courses on ethics and human rights have been delivered by the OSCE as well as national human rights NGOs. Specialized training on combating various forms of organized crime appear to be ongoing.

Changes in Oversight and Control of the Police

The existing, but soon-to-be modified, law on the police (*1991 Law on the Ministry of Internal Affairs*) stipulates a measure—an inadequate one—of civil oversight. The police organization was defined as accountable to the Minister of Internal Affairs, who is in turn accountable to the Parliament. In 1997, two bodies were set up for the oversight of security services, but played no such oversight role during the previous regime. (Weber 2001: 54). New solutions are pending.

The initial new draft law elaborated in June 2001 stipulated a permanent parliamentary commission overseeing the work of the police, though by the following summer prevailing opinion had shifted toward creating the institution of Ombudsman. In this context, the Ministry of Internal Affairs recommended establishing a separate Ombudsman responsible solely for questions relating to the police. An implementation plan proposed by the OSCE in winter 2002/2003 called for a multi-layered accountability system including parliamentary oversight, external oversight in the form of an independent body empowered to conduct investigations, internal accountability mechanisms, as well as community consultation mechanisms. The full implementation process is anticipated to begin in 2003.

In the meantime, some interim measures have been tested. The Council for State Security of Serbia—a seven-member supervisory body was created in January 2002 to coordinate activities and set priorities in the security sector—is a purportedly temporary solution implemented in response to the November 2001 protest of the Red Berets discussed earlier. The Council members include the federal president, the Serbian prime minister, five other republican ministers, and the prime minister's security advisor. The body issues reports to the president of Yugoslavia, the prime minister of Serbia, the Yugoslav and Serbian interior ministers, senior diplomats, the head of the Serbian parliament, and the chief of the Coordination Body for South Serbia (Stojkovic 2002).¹¹

Legal experts and human rights activists oppose this solution as it leaves too much authority within the Executive. Parliamentary control of state security—as part of the complex accountability mechanism elaborated in the OSCE accountability implementation plan—is broadly held to be the more appropriate solution.

The OSCE plan calls for parliamentary oversight as one in a system of multi-layered measures, as each separate accountability instrument has its shortcomings. Parliamentary committees, for example, may function poorly because they lack the training, experience, or authority to effectively carry out their function. A scandal that broke out shortly following the passage of the federal law on security services (involving the alleged wiretapping of the federal president) illustrated a number of potential deficiencies, ranging from a lack of independence and impartiality of *ad hoc* parliamentary committees that would investigate

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potential abuses, to public access to information in such proceedings (*B92 News* 2002). Proposals for permanent accountability structures for the Ministry of Interior are awaited with anticipation by many observers.

Internally, an Inspector General's office was established within the Ministry of Interior in mid-2002 to manage internal investigations of complaints and grievances, but staffed only by mid-2003, and internal disciplinary procedures remain problematic. While on one hand, there are frequent, almost weekly reports of police officers being sanctioned for illicit activities or inappropriate behavior, and while statistical data supports the claim that there is a crackdown on rogue officers,¹² human rights groups such as the Humanitarian Law Center continue to document allegations of police brutality and torture, particularly against arrested suspects. While investigations of such allegation are inevitably initiated, human rights activists remain concerned that, in many instances, investigations are not seriously pursued and that human rights abuses are insufficiently sanctioned.

Implementation and Success of Reforms

The vision, aims, values, and strategy for police reform in Serbia follow to a great extent the recommendations outlined by the OSCE, the Council of Europe, DCAF and other experts. The reform process is in its early stages, and it is moving forward. There exists a comprehensive and managed strategy for reform, and a commitment to the process by the very top police officials. The Ministry of Internal Affairs reform management teams work in close cooperation with the OSCE, obtaining top expert guidance in their efforts. In a number of interviews conducted with the OSCE police reform team in Belgrade, this researcher has found nothing but the highest appreciation for the commitment and seriousness about change from the Serbian police officials. These factors are not to be underestimated; they are the basic ingredients for success.

Funds have been made available by the international donor community to begin the extensive process of reform, but more fundraising will be required to bring it forward as planned. The June 2002 donors conference secured 4.3 million Euro of support, compared to the 10.8 million Euro estimated need for immediate reform measures, plus an additional 16 million Euro projected need for short-term measures (OSCE 2002a: 2). Additional funding will be required in the coming years, and successful fundraising will inevitably affect the speed with which the envisioned reforms can be implemented.

Yet there are several serious obstacles to police reform in Serbia at the present. One is the unstable political situation created by an unwieldy 18 member governing coalition representing a broad range of ideological/political positions. Djindjic's assassination has only accelerated the inevitable fragmentation of such a construct, prompting an open and increasingly vicious conflict even among the partners in government. By mid-2003, the bitter rivalry between two principal centers of power—the Serbian Prime Minister Zoran Djindjic's Democratic Party and the former federal President Vojislav Koštunica's Democratic Party of Serbia, and the resulting endless delays and bickering over seemingly every detail of state management—transformed into a multi-polar competition for power, jeopardizing progress on the previously-agreed course of reforms, and feeding public cynicism and distrust.

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While the fight against organized crime and war criminals has advanced in the wake of the prime minister's assassination, the task has not yet been completed. Questions about the current government's link with criminal groups linger, and one of the two key Hague indictees, Ratko Mladic, believed to reside in Serbia, is still at large. Until these issues have been completely resolved, the ability of the police to carry out its duties unobstructed by political pressure remains in question. Suspicion remains that political bartering continues to dictate the success of police in combating all categories of crime, be it organized crime, or, increasingly, high-level corruption of government officials.

The greatest challenge will remain in generating top political commitment to relinquish to lingering influence over the police, and to create the conditions that will transform the organization into a truly independent institution that applies the law equally with individuals supportive of the government as well as with individuals in opposition. This aspect of reform may be the most difficult to track and measure, for it is only the occasional political scandal that may reveal, for instance, the complicity among law enforcement bodies in (concealing) corruption.

Nevertheless, there are many positive developments in the process of police reform in Serbia, with the most promising aspects relating to the daily functioning of the police and their ability to impact positively on the lives of ordinary citizens. Comprehensive transformation of the police organization will be a gradual process, advanced in part by the natural attrition of existing ranks and the introduction of new, well-trained officers without ties or debts to dubious interests and structures. The planned reform initiatives, combined with a budding service-oriented police culture should, over time, influence public opinion to the positive, shaking the inertia of discontent. Yet success will be measurable only in few years' time.

General Lessons About Police Reform

With the reform process only in its early stages, and a lack of measurable indicators for such the short term, it is difficult to draw definite conclusions. A few preliminary observations might nevertheless be made:

- Ø The needs and priorities of police reform must reflect particular histories and political developments. States emerging from personal dictatorships (rather than one-party dictatorships) will inherit different formal and informal structures of power and influence that inevitably shape the challenges confronting the police. Similarly, states emerging from armed conflict, particularly internal strife, will have an additional set of challenges in reforming a police organization that has participated in such a conflict.
- Ø In settings with high levels of crime, particularly organized crime, "democratization" may become a lower priority. In transition settings in particular, it is critical to insure that calls for law and order do not become justification for neglect of fundamental human rights and freedoms.
- Ø Political will, and readiness for change among the top police leadership, appears to be a highly valued factor among police experts advising on reforms in Serbia. It leads to

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effective collaboration and generates a great deal of enthusiasm for the process. Nevertheless, political will for reform can exist selectively, or only “up to a point,” with compromised high level individuals enjoying protection from prosecution. While there is a great deal that can be done to reform the complete organization without eliminating such key individuals, the reform process will not be brought forward past a certain point, and there will remain a danger of “backsliding” if such individuals are allowed to continue to function with impunity.

- Ø Top-level expert assistance is invaluable in planning and implementing reforms. Even more important, however, is that the expertise be available over a longer term, particularly at the start of the reform process. Hastily formed solutions imposed from the outside can have little hope of producing desired changes.
- Ø Reform must have local ownership, for it is the individuals within the organization who will carry out the reforms over the long term.
- Ø Police reform must be a comprehensive undertaking, affecting all structures and areas of police operations. New values must be reiterated at all levels, from recruitment, to training, to daily operations, to management approaches, to accountability and oversight mechanism.
- Ø Progress in police reform should be tracked systematically over a period of years through a variety of meaningful benchmarks and indicators, including officer attitudes and public approval ratings.
- Ø Accountability and oversight mechanisms should be viewed as a multi-layered system, for no single mechanism can fully respond to the requirements appropriate to a democracy.
- Ø Reform costs. The donor community must be prepared to assist over several years, particularly in poor countries, to sustain a momentum for reform.

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Relevant Legislation

- “Law On Organization and Jurisdiction of Government Authorities in Suppression of Organized Crime” [Zakon o organizaciji i nadležnosti državnih organa u suzbijanju organizovanog kriminala”] (Law on Organized Crime) (2002), *Official Gazette of the Republic of Serbia* [Službeni Glasnik Republike Srbije] No. 42/02, 18 July.
- “Law on Ministries” [“Zakon o ministarstvima”] (2002), *Official Gazette of the Republic of Serbia* [Službeni Glasnik Republike Srbije] No. 27/02, 22 May.
- “Law On Security Information Agency” [“Zakon o bezbednosno-informativnoj agenciji”] (2002), *Official Gazette of the Republic of Serbia* [Službeni Glasnik Republike Srbije] No. 42/02, 18 July.
- “Law On Security Services of the Federal Republic Of Yugoslavia,” [“Zakon o službama bezbednosti Savezne Republike Jugoslavije”] (Law on Security Services) (2002), *Official Gazette of the Federal Republic of Yugoslavia* [Službeni List Savezne Republike Jugoslavije] No. 37/02, 3 July.

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Notes

¹ Under the socialist system, Kosovo was an autonomous province within Serbia, whose status was illegally revoked by the Milošević regime in 1989. In the decade that followed, the political, social, and human rights of the 90% majority Albanian population had been systematically violated, and Albanians were purged from, or left, most state functions, particularly the police, creating a *de facto* apartheid system.

² After the establishment of international administration in Kosovo, an armed insurgency movement emerged among Albanian community in South Serbia.

³ Human rights groups, notably the Humanitarian Law Center, have challenged the constitutionality of some of the law’s provisions in possible violation of the privacy of correspondence through imprecise definitions and delimitations of concepts such as “threats to security of the Republic of Serbia” (Humanitarian Law Center 2002).

⁴ Of which, prior to the establishment of the Gendarmerie, some 6,000 would be called away from regular duties and deployed in the Special Police Unit in extraordinary circumstances.

⁵ In the regular bi-annual Ministry of Interior report for the period January-June 2003, this ratio is revised to 2.74 (MIA 2003c).

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⁶ The former, Vljako Stojiljkovic, has since committed suicide, while the latter, Radomir Markovic, has been arrested and is standing trial for murder of the associates of, and attempted murder of, former principal opposition leader Vuk Draškovic.

⁷ The NGO in question, National Movement Resistance (*Narodni pokret Otpor*), was one of the key civil society organizations mobilizing voters to oust Milošević in 2000.

⁸ The five community policing pilots have been launched in Zvezdara, a Belgrade municipality, Kragujevac, a mid-sized city and Vrnjacka Banja, a town in Central Serbia, Novi Bcaj, a small town in Vojvodina, and in the three majority-Albanian municipalities in Southern Serbia.

⁹ Humanitarian Law Center, www.hlc.org.yu.

¹⁰ “Instructions on Police Ethics and Methods of Police Work” (MIA 2003 b).

¹¹ The list of recipients will probably ultimately include the President of Serbia, a function that had remained occupied by Milan Milutinovic, a figure from the previous regime, until the expiration of his mandate in December 2002.

¹² The Ministry of Internal Affairs cites, for example, that from 25 January 2001 to 28 February 2002, a total of 1,302 disciplinary procedures were initiated, with 265 resulting in criminal indictments, 41 arrests, 277 suspensions, 74 dismissals, and 317 disciplinary actions (MIA 2002a).