

LAW

ON ORGANISATION AND JURISDICTION OF GOVERNMENT AUTHORITIES IN SUPPRESSION OF ORGANISED CRIME, TERRORISM AND CORRUPTION

I INTRODUCTORY PROVISIONS

Subject matter

Article 1

This Law regulates the establishment, organisation, jurisdiction and powers of government authorities and special organisational units of government authorities for the purpose of detection, criminal prosecution and processing of criminal offences stipulated by this Law.

Criminal offences subject to this Law

Article 2

This Law applies for the purpose of detection, criminal prosecution and processing of:

- 1) criminal offences of organised crime;
- 2) criminal offence of the assassination of the highest state officials (Article 310 of the Criminal Code) and criminal offence of insurrection (Article 311 of the Criminal Code);
- 3) criminal offences against official duty (Article 359 and Articles 361–368 of the Criminal Code) and criminal offence of giving and accepting bribes in connection with voting (Article 156 of the Criminal Code);
- 4) criminal offences against economic interests (Articles 223, 223a, 224, 224a, 227, 228, 228a, 229, 230, 231, 232, 232a, 233, Article 235, paragraph 4, Articles 236–245 of the Criminal Code);
- 5) criminal offence of terrorism (Article 391 of the Criminal Code), criminal offence of public instigation of terrorist acts (Article 391a of the Criminal Code), criminal offence of recruitment and training for terrorist acts (Article 391b of the Criminal Code), criminal offence of the use of deadly device (Article 391c of the Criminal Code), criminal offence of the destruction and damaging of a nuclear facility (Article 391d of the Criminal Code), criminal offence of financing terrorism (Article 393 of the Criminal Code) and the criminal offence of terrorist conspiracy (Article 393a of the Criminal Code);
- 6) criminal offences against government authorities (Article 322, paragraphs 3 and 4 and Article 323, paragraphs 3 and 4 of the Criminal Code) and criminal offences against the judiciary (Articles 333 and 335, Article 336, paragraphs 1, 2 and 4 and Articles 336b, 337 and 339 of the Criminal Code), if they were committed in relation to the criminal offences under items 1)–5) of this Article.

II ORGANISATION AND JURISDICTION OF GOVERNMENT AUTHORITIES IN SUPPRESSION OF ORGANISED CRIME AND TERRORISM

Criminal offences under the remit of government authorities in charge of suppression of organised crime and terrorism

Article 3

Criminal offences under the remit of government authorities in charge of suppression of organised crime and terrorism shall include:

- 1) criminal offences under Article 2, items 1), 2) and 5) of this Law;
- 2) criminal offences against official duty (Articles 359, 366, 367 and 368 of the Criminal Code), when an accused, i.e. the person receiving bribe, is an official or a responsible person holding public office on the grounds of election, nomination or appointment by the National Assembly, President of the Republic, Government, general assembly of the Supreme Court of Cassation, High Court Council or State Prosecutorial Council;
- 3) criminal offences under Article 2, item 4) of this Law if the value of the property gain exceeds RSD 200,000,000, i.e. if the public procurement value exceeds RSD 800,000,000;
- 4) criminal offences under Article 2, item 6) of this Law if committed in relation to the criminal offences under items 1)–3) of this Article;
- 5) criminal offence of money laundering (Article 245 of the Criminal Code) if the assets subject to money laundering originate from the criminal offences under items 1)–4) of this Article.

Government authorities in charge of proceeding in criminal cases of organised crime and terrorism

Article 4

The following authorities shall be in charge of proceeding in criminal cases under Article 3 of this Law:

- 1) Prosecutor's Office for Organised Crime;
- 2) Ministry of Interior – organisational unit in charge of suppression of organised crime;
- 3) Special Department for Organised Crime of the Higher Court in Belgrade;
- 4) Special Department for Organised Crime of the Appellate Court in Belgrade;
- 5) Special Detention Unit of the District Prison in Belgrade.

Prosecutor's Office for Organised Crime

Article 5

The Prosecutor's Office for Organised Crime shall have jurisdiction to proceed in criminal cases under Article 3 of this Law for the territory of the Republic of Serbia.

The Prosecutor's Office for Organised Crime shall be administered by the prosecutor for organised crime (hereinafter: prosecutor).

When proposing candidates for the prosecutor or selecting the deputy prosecutor, precedence shall be given to candidates with required expertise and experience in the field of struggle against organised crime and corruption.

Unless stipulated otherwise by this Law, provisions of the law governing public prosecution shall apply to the Prosecutor's Office for Organised Crime.

**Organisational unit in charge of
suppression of organised crime**

Article 6

The police duties in respect of criminal offences under Article 3 of this Law shall be performed by the Ministry of Interior – organisational unit in charge of suppression of organised crime.

The organisational unit in charge of suppression of organised crime shall act upon the prosecutor's motions, in accordance with law.

The minister responsible for internal affairs shall appoint and dismiss the head of the organisational unit in charge of suppression of organised crime, after he obtained the prosecutor's opinion, and shall adopt the act regulating in more detail the organisation and operation of the organisational unit in charge of suppression of organised crime, in accordance with law.

**Special Department for Organised Crime of
the Higher Court in Belgrade**

Article 7

The Higher Court in Belgrade shall have jurisdiction of the first-instance court for criminal cases under Article 3 of this Law, for the territory of the Republic of Serbia.

The jurisdiction under paragraph 1 of this Article shall be exercised by the Special Department for Organised Crime of the Higher Court in Belgrade (hereinafter: Special Department for Organised Crime of the Higher Court).

The President of the Special Department for Organised Crime of the Higher Court shall manage its work.

The President of the Special Department for Organised Crime of the Higher Court shall be appointed by the President of the Higher Court in Belgrade from the ranks of judges assigned to that Department for a four-year term. The President of the Special Department for Organised Crime of the Higher Court must have at least a ten-year professional experience in the field of criminal law.

The President of the Higher Court in Belgrade shall assign judges to the Special Department for Organised Crime of the Higher Court for a six-year term, with their written consent. A judge of the Special Department for Organised Crime of the Higher Court must have at least an eight-year professional experience in the field of criminal law.

Notwithstanding provisions of the Law on Judges, the High Court Council may designate a judge from another court to work in the Special Department for Organised Crime of the Higher Court for a six-year term, with his written consent. The designated judge must meet the requirements under paragraph 5 of this Article.

During assignment or designation to the Special Department for Organised Crime of the Higher Court, precedence shall be given to judges with required expertise and experience in the field of struggle against organised crime and corruption.

The President of the Higher Court in Belgrade shall regulate in more detail the work of the Special Department for Organised Crime of the Higher Court.

Special Department for Organised Crime of the Appellate Court in Belgrade

Article 8

The Appellate Court in Belgrade shall have jurisdiction of the second-instance court for criminal cases under Article 3 of this Law, for the territory of the Republic of Serbia.

The jurisdiction under paragraph 1 of this Article shall be exercised by the Special Department for Organised Crime of the Appellate Court in Belgrade (hereinafter: Special Department for Organised Crime of the Appellate Court).

The President of the Special Department for Organised Crime of the Appellate Court shall manage its work.

The President of the Special Department for Organised Crime of the Appellate Court shall be appointed by the President of the Appellate Court in Belgrade from the ranks of judges assigned to that Department for a four-year term. The President of the Special Department for Organised Crime of the Appellate Court must have at least a twelve-year professional experience in the field of criminal law.

The President of the Appellate Court in Belgrade shall assign judges to the Special Department for Organised Crime of the Appellate Court for a six-year term, with their written consent. A judge of the Special Department for Organised Crime of the Appellate Court must have at least a ten-year professional experience in the field of criminal law.

Notwithstanding provisions of the Law on Judges, the High Court Council may designate a judge from another court to work in the Special Department for Organised Crime of the Appellate Court for a six-year term, with his written consent. The designated judge must meet the requirements under paragraph 5 of this Article.

During assignment or designation to the Special Department for Organised Crime of the Appellate Court, precedence shall be given to judges with required expertise and experience in the field of struggle against organised crime and corruption.

The President of the Appellate Court in Belgrade shall regulate in more detail the work of the Special Department for Organised Crime of the Appellate Court.

Resolving conflict of jurisdiction

Article 9

The Supreme Court of Cassation shall be resolving the conflicts of jurisdiction among regular courts processing criminal cases under Article 3 of this Law.

The provision of paragraph 1 of this Article shall also apply to conflicts of jurisdiction between the Special Department for Organised Crime of the Higher Court and other departments and panels of that Court.

Special Detention Unit

Article 10

Detention ordered in the proceedings for the criminal offences under Article 3 of this Law shall be served in the Special Detention Unit of the District Prison in Belgrade.

The minister responsible for the judiciary shall regulate in more detail the organisation, work and treatment of detainees in the Special Detention Unit.

Salaries

Article 11

The persons performing tasks and duties in government authorities under Article 4 of this Law shall be entitled to salaries that must not exceed the double amount of salary that would be entitled to persons employed to perform relevant tasks and duties at the Prosecutor's Office for Organised Crime, Higher Court in Belgrade, Appellate Court in Belgrade, ministry in charge of internal affairs and District Prison in Belgrade.

On proposal of the minister in charge of the judiciary, the Government shall regulate an increase in salaries of employees at the Prosecutor's Office for Organised Crime, Special Department for Organised Crime of the Higher Court in Belgrade, Special Department for Organised Crime of the Appellate Court in Belgrade and Special Detention Unit of the District Prison in Belgrade.

The minister in charge of internal affairs shall prescribe an increase in salaries of employees at the Ministry of Interior – the organisational unit in charge of suppression of organised crime.

Right to accelerated years of service

Article 12

The judges assigned to the Special Department for Organised Crime of the Higher Court and the Special Department for Organised Crime of the Appellate Court, including the prosecutor and his deputies, shall be entitled to accelerated years of service, with twelve months of work at special departments of these courts and the Prosecutor's Office for Organised Crime calculated as 16 months of service.

III ORGANISATION AND JURISDICTION OF GOVERNMENT AUTHORITIES IN SUPPRESSION OF CORRUPTION

Authorities in charge of suppression of corruption

Article 13

The following authorities shall be in charge of proceeding in criminal cases under Article 2 of this Law, apart from criminal cases under Article 3 of this Law:

- 1) special departments for suppression of corruption of higher public prosecutor's offices;
- 2) Ministry of Interior – organisational unit in charge of suppression of corruption;
- 3) special departments for suppression of corruption of higher courts.

Special departments for suppression of corruption of higher public prosecutor's offices

Article 14

Higher public prosecutor's offices in Belgrade, Kraljevo, Niš and Novi Sad where special departments for suppression of corruption are set up shall be in charge of proceeding in criminal cases under Article 13 of this Law.

The Special Department for Suppression of Corruption of the Higher Public Prosecutor's Office in Belgrade shall proceed in cases for the area of the Appellate Court in Belgrade.

The Special Department for Suppression of Corruption of the Higher Public Prosecutor's Office in Kraljevo shall proceed in cases for the area of the Appellate Court in Kragujevac.

The Special Department for Suppression of Corruption of the Higher Public Prosecutor's Office in Niš shall proceed in cases for the area of the Appellate Court in Niš.

The Special Department for Suppression of Corruption of the Higher Public Prosecutor's Office in Novi Sad shall proceed in cases for the area of the Appellate Court in Novi Sad.

Management, designation and coordination of work of special departments for suppression of corruption of higher public prosecutor's offices

Article 15

The manager appointed by the higher public prosecutor shall manage the work of the special department for suppression of corruption of the higher public prosecutor's office under Article 13 of this Law.

The manager of the department and deputy public prosecutors shall be appointed, assigned and/or designated to the special department for suppression of corruption of the higher public prosecutor's office from the ranks of deputy public prosecutors.

When appointing managers of departments, and/or assigning or designating deputy public prosecutors to the special department for suppression of corruption of the higher public prosecutor's office, account shall be taken of their expertise and experience in the struggle against economic crime and suppression of criminal offences against official duty and corruption.

The consent of the deputy public prosecutor is needed for the appointment of the department manager and/or designation of deputy public prosecutors to the special department for suppression of corruption of the higher public prosecutor's office in the event that they are appointed and/or designated from the public prosecutor's office where a special department for suppression of corruption of the higher public prosecutor's office has not been set up.

The prosecutor shall coordinate the work of special departments for suppression of corruption of higher public prosecutor's offices.

To coordinate work, the prosecutor shall convene meetings, where all managers of special departments shall participate, at least once a month.

Organisational unit in charge of suppression of corruption

Article 16

The police duties in respect of criminal offences under Article 13 of this Law shall be performed by the Ministry of Interior – organisational unit in charge of suppression of corruption.

The organisational unit in charge of suppression of corruption shall act upon the motion of the competent higher public prosecutor, in accordance with law.

One police officer shall be allocated within each organisational unit in charge of suppression of corruption, to coordinate all competent police units, for the purpose of acting upon motions of the competent public prosecutor under Article 14 of this Law.

The deadlines, method of acting and manner of official communication of special departments of higher public prosecutor's offices and the organisational unit in charge of suppression of corruption shall be regulated by the act jointly adopted by the minister in charge of the judiciary and the minister in charge of internal affairs.

The minister in charge of internal affairs shall adopt an act to regulate in more detail the work and organisation of the organisational unit in charge of suppression of corruption.

Territorial jurisdiction of higher courts

Article 17

Higher Courts in Belgrade, Kraljevo, Niš and Novi Sad shall have jurisdiction of first-instance courts for criminal cases under Article 13 of this Law.

The Higher Court in Belgrade shall proceed in cases for the area of the Appellate Court in Belgrade.

The Higher Court in Kraljevo shall proceed in cases for the area of the Appellate Court in Kragujevac.

The Higher Court in Niš shall proceed in cases for the area of the Appellate Court in Niš.

The Higher Court in Novi Sad shall proceed in cases for the area of the Appellate Court in Novi Sad.

Special departments for suppression of corruption of higher courts

Article 18

Special departments in charge of proceeding in criminal cases under Article 13 of this Law shall be set up in the Higher Courts in Belgrade, Kraljevo, Niš and Novi Sad (hereinafter: special department for suppression of corruption of the higher court).

The President of the special department for suppression of corruption of the higher court shall manage its work.

The President of the special department for suppression of corruption of the higher court shall be appointed by the President of the Higher Court from the ranks of judges assigned to that department for a four-year term.

The President of the Higher Court shall assign judges to the special department for suppression of corruption of the higher court for a six-year term, with their written consent.

The High Court Council may designate a judge from another court to the special department for suppression of corruption for a six-year term, with his written consent. The President of the Higher Court shall regulate in more detail the work of the special department for suppression of corruption of the higher court.

IV FINANCIAL FORENSICS SERVICE

Article 19

The financial forensics service may be set up at the Prosecutor's Office for Organised Crime and special departments of higher public prosecutor's offices under this Law.

Financial forensics investigators shall carry out the tasks of the financial forensics service.

A financial forensics investigator shall be the person aiding the public prosecutor to analyse the flows of money and financial transactions with the aim of criminal prosecution.

A financial forensics investigator shall be a civil servant with required expertise in the fields of finance, accounting, audit, banking, stock exchange and economic operations, who completed specialised training at the Judicial Academy in the field of criminal law.

V COOPERATION AMONG GOVERNMENT AUTHORITIES

Liaison officers

Article 20

The Tax Administration – Tax Police, Customs Administration, National Bank of Serbia, Administration for the Prevention of Money Laundering, Business Registers Agency, Central Securities Depository and Clearing House, State Audit Institution, Republic Geodetic Authority, Anti-Corruption Agency, Pension and Disability Insurance Fund of the Republic of Serbia, National Health Insurance Fund, Property Directorate of the Republic of Serbia and Public Procurement Office must allocate at least one liaison officer, for the purpose of establishing cooperation and more efficient submission of data of these authorities and organisations to the Prosecutor's Office for Organised Crime and special department for suppression of corruption of higher public prosecutor's offices, for the purpose of prosecution for criminal offences stipulated by this Law.

Notwithstanding paragraph 1 of this Article, on the motion of the competent public prosecutor, liaison officers must be allocated also in other authorities and organisations.

In case of need, liaison officers with the status of civil servants may be temporarily transferred to the Prosecutor's Office for Organised Crime and the special department for suppression of corruption of the higher public prosecutor's office.

In the event under paragraph 3 of this Article, the transfer shall be made on the motion of the competent public prosecutor.

Temporary transfer shall last for three years at most.

The decision on temporary transfer shall be made by the authority from which the employee is designated, with the written consent of the employee and the competent public prosecutor.

Task forces

Article 21

Task forces may be set up at the Prosecutor's Office for Organised Crime and special departments for suppression of corruption of the higher public prosecutor's offices, with the aim of detecting and prosecuting criminal offences falling under their remit.

A task force shall be set up by the decision of the prosecutor, i.e. competent higher public prosecutor, after obtaining the consent of the Republic Public Prosecutor's Office.

The decision on setting up shall regulate the composition of the task force, its method of work, task, the period for which it is set up, and other issues relevant for operation of the task force.

Managing the task force

Article 22

The prosecutor or his deputy shall manage the task force set up at the Prosecutor's Office for Organised Crime.

The task force set up in the special department for suppression of corruption of the Higher Public Prosecutor's Office shall be managed by the public prosecutor, manager of the special department or deputy public prosecutor assigned to the special department for suppression of corruption of the Higher Public Prosecutor's Office.

Composition of the task force

Article 23

Members from the ranks of employees in government and other authorities shall be nominated to the task force, depending on the subject of work determined by the decision on setting up the task force.

The employees under paragraph 1 of this Article may be nominated to the task force only with their consent and the consent of the manager of the authority from which they are nominated.

The employees under paragraph 1 of this Article may be fully or partially released from regular duties in the government and other authority where they are employed, based on the agreement of the competent public prosecutor and the manager at the government and other authority.

VI TRAINING

Article 24

Holders of judicial functions performing duty in courts and public prosecutor's offices, i.e. their departments prescribed by this Law, shall attend the on-going training programme conducted by the Judicial Academy.

Members of the police who perform tasks and duties, within the meaning of this Law, shall attend the on-going training programme conducted by the Judicial Academy in cooperation with other institutions.

VII DATA ON OWNERSHIP STATUS AND SECURITY CHECKS OF PERSONS

Data on ownership status

Article 25

The persons discharging a function, i.e. performing tasks and duties in government authorities and special organisational units under Articles 4 and 13 of this Law shall, before assuming the function, i.e. starting to work, submit to the Anti-Corruption Agency, in writing, complete and correct data on their property and the property of their spouses or extramarital partners, as well as under-age children if they live in the same family household.

The Anti-Corruption Agency shall record and verify the data under paragraph 1 of this Article, in accordance with a separate law.

Security checks

Article 26

Security checks of the persons discharging a function, i.e. performing tasks and duties in government authorities and special organisational units under Articles 4

and 13 of this Law shall be conducted by the ministry in charge of internal affairs, for the purpose of determining possible hindrances in the context of public order protection, and the Security Information Agency, for the purpose of determining possible hindrances in the context of security of the Republic of Serbia.

Security checks, on the written request of managers of government authorities or special organisational units under Articles 4 and 13 of this Law, may be conducted without the knowledge of the persons being checked, before they start to work, i.e. assume function, during their discharge of function, i.e. performance of tasks, and one year after they stop discharging function, i.e. performing tasks.

The request under paragraph 2 of this Article must contain the legal grounds, purpose and scope of checks.

Data on the person being checked, necessary to achieve the purpose of a security check, shall be collected and verified within the security checking procedure.

Security checks shall be performed by conducting interviews with citizens, collecting data from legal persons, other authorities or by inspecting registers, records, collections and databases kept pursuant to law, and by taking other measures in accordance with law and regulations adopted based on law.

A report shall be compiled on the conducted security check and submitted to the government authority or special organisational units under Articles 4 and 13 of this Law which made a request for a security check. The report cannot contain data which reveal the methods and procedures used for data collection, identify data sources or members of the ministry in charge of internal affairs and/or the Security Information Agency who participated in the security check.

The data collected in security checks shall be recorded, kept and safeguarded in accordance with the law governing data secrecy and the law governing personal data protection, and shall be used only for the purpose for which they were collected.

VIII KEEPING CLASSIFIED DATA

Article 27

All persons who perform tasks and duties under the remit of government authorities concerning the suppression of criminal offences under Article 2 of this Law shall keep as classified the data and knowledge that they obtain while performing such tasks and duties, in accordance with regulations governing data secrecy.

The data arising from the pre-investigation procedure and the investigation in proceedings in respect of criminal offences under Article 2 of this Law may not be publicly disclosed without the permission of the competent public prosecutor.

The data under Articles 25 and 26 of this Law shall be classified data, determined in accordance with the law governing data secrecy.

IX TRANSITIONAL AND FINAL PROVISIONS

Continuation of operation of existing authorities and start of operation of new authorities

Article 28

The Prosecutor's Office for Organised Crime, special departments of the Higher Court in Belgrade and Appellate Court in Belgrade and the Special Detention Unit set up in accordance with the Law on Organisation and Jurisdiction of Government Authorities in Suppression of Organised Crime, Corruption and Other

Severe Criminal Offences (RS Official Gazette, Nos 42/02, 27/03, 39/03, 67/03, 29/04, 58/04 – other law, 45/05, 61/05, 72/09, 72/11 – other law, 101/11 – other law and 32/13) shall continue to operate in accordance with this Law as of the day of start of its application.

As of the day of start of application of this Law, the Service for Suppression of Organised Crime, set up in accordance with the Law on Organisation and Jurisdiction of Government Authorities in Suppression of Organised Crime, Corruption and Other Severe Criminal Offences (RS Official Gazette, Nos 42/02, 27/03, 39/03, 67/03, 29/04, 58/04 – other law, 45/05, 61/05, 72/09, 72/11 – other law, 101/11 – other law and 32/13) shall continue to operate as the organisational unit in charge of suppression of organised crime at the Ministry of Interior, in accordance with this Law.

Special departments for suppression of corruption of Higher Public Prosecutor's Offices in Belgrade, Kraljevo, Niš and Novi Sad, the organisational unit in charge of suppression of corruption at the Ministry of Interior, and special departments for suppression of corruption of the Higher Court in Belgrade, Kraljevo, Niš and Novi Sad shall start to operate on the day of start of application of this Law.

Operation of the Security Information Agency and Military Security Agency

Article 29

Notwithstanding the provisions of this Law, the Security Information Agency and Military Security Agency shall continue to operate in the cases of criminal offences of organised crime, terrorism and corruption determined by this Law, in accordance with the jurisdiction and powers determined by laws and other regulations governing the operation of these agencies, and the law governing criminal proceedings.

Initiated proceedings

Article 30

Criminal proceedings initiated for criminal offences under Article 2 of this Law shall be completed before the public prosecutor's office or the court with actual and territorial jurisdiction, and/or the court department with functional jurisdiction before the day of start of application of this Law.

Deadline for adoption of secondary legislation

Article 31

The secondary legislation envisaged by this Law shall be adopted by the day of start of application of this Law.

Until the adoption of the secondary legislation envisaged by this Law, the legislation adopted under provisions of the Law on Organisation and Jurisdiction of Government Authorities in Suppression of Organised Crime, Corruption and Other Severe Criminal Offences (RS Official Gazette, Nos 42/02, 27/03, 39/03, 67/03, 29/04, 58/04 – other law, 45/05, 61/05, 72/09, 72/11 – other law, 101/11 – other law and 32/13) shall apply if not contrary to this Law.

Repeal of the earlier Law

Article 32

On the day of start of application of this Law, the Law on Organisation and Jurisdiction of Government Authorities in Suppression of Organised Crime, Corruption and Other Severe Criminal Offences (RS Official Gazette, Nos 42/02,

27/03, 39/03, 67/03, 29/04, 58/04 – other law, 45/05, 61/05, 72/09, 72/11 – other law, 101/11 – other law and 32/13) shall be repealed.

Final provision

Article 33

This Law shall come into force on the eighth day following its publication in the Official Gazette of the Republic of Serbia and shall apply as of 1 March 2018.