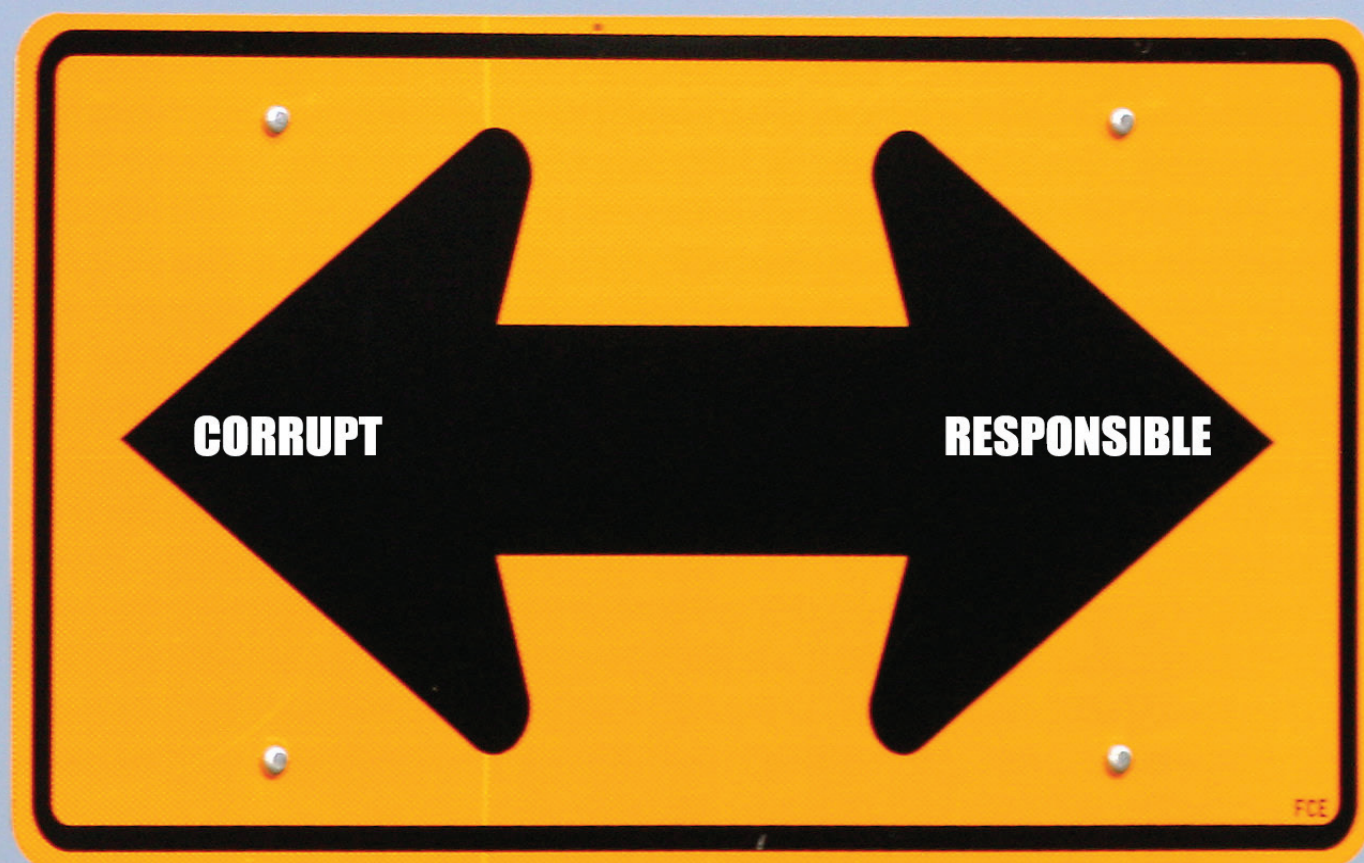


Number 7
December 2012

COLLECTION OF POLICY PAPERS ON POLICE REFORM IN SERBIA



COLLECTION OF POLICY PAPERS ON POLICE REFORM IN SERBIA

NUMBER 7

DECEMBER 2012

Authors

Saša Đorđević
Jan Litavski

The views expressed herein are those merely of the three researchers and do not necessarily reflect the official position of the OSCE Mission to Serbia.



Organization for Security and
Co-operation in Europe
Mission to Serbia

Collection of Policy Papers on Police Reform in Serbia

Number 7, December 2012

Authors

Saša Đorđević
Jan Litavski

Publisher

Belgrade Centre for Security Policy
Gundulićev venac 48, Beograd
Tel: 011 | 32 87 226; 32 87 334
Email: office@bezbednost.org
www.bezbednost.org

Design and layout

Saša Đorđević



CONTENT

Police Corruption Control

Problem	
Importance	
Risks	
Internal controllers	
External oversight	
Guidelines	
Literature	

5	Social Consequences of Corruption in	
6	the Police in Serbia	22
7	Introduction	23
8	Fight against Corruption in Serbia	26
14	Negative effects of the corruption	30
17	Conclusions	35
19	Literature	36
20		
	Abbreviations	38

POLICE CORRUPTION CONTROL

Author: Saša Đorđević
Belgrade Centre for Security Policy

ABSTRACT

Manifestations of police corruption may be different and they are varying from those with less harmless consequences to those considered as criminal offences under the law. Successful prevention and suppression of corruption requires the establishment of police service control mechanisms and identification of corruption risks. In Serbia, the coherent system of internal oversight of the police is not functioning and this system together with the institutions for external oversight and control ensures that the police act according to the set rules and at the same time increases the accountability and integrity of police officers. This situation leads to increased opportunities for corruption. Consequently, the citizens' confidence in the police is lower. Additionally, there is no clear list of corruption risks in the police. Therefore, the aim of the policy study is to fill this gap. First of all, the paper identifies the importance of external and internal oversight of the police in preventing and suppressing police corruption. Internal and external controllers play a significant role in eliminating corruption risks which are addressed in the second part of the paper based on typology of police corruption risks drafted by Transparency International. However, for a successful fight against police corruption it is necessary to eliminate deficiencies in the police internal control authorities and in external oversight institutions, which will be presented in the third and the fourth part of the paper. Finally, the paper presents guidelines for improving the fight against police corruption.

RECOMMENDATIONS

- The police service must define the corruption in a manner specific to their activities and risks and align their actions targeted at the prevention and suppression of corruption with the National Strategic Plan.
- Internal controllers in the MoI must be provided with sufficient material, financial and human resources.
- The work of internal controllers in the MoI should be transparent to external control and oversight institutions and it is also necessary to establish regular cooperation between internal and external control mechanisms.
- The legislation should govern powers and competences in the operations of three controllers in the MoI, namely: Internal Affairs Sector, Department for Control of Legitimacy of Work of Regional Police Department, Division for Control of Legitimacy of Work within the Gendarmerie and their coordination.

- Internal controllers in the MoI must set up an early warning system in order to identify corruption risks and prevent staff's potential misuse.
- It is necessary to apply a system of zero tolerance towards police corruption. The system should comprise a set of measures aimed at the elimination of weak points leading to corruption in the police service.
- It is necessary to enhance the knowledge in the Internal Affairs Sector on corruption risks and manifestations of police officers' corrupt practices and also on the control over the MOI budget spending and carrying out of confidential procurements.
- It is necessary to legally build a system for whistleblower protection at the national level and to allow police internal controllers to run this system in practice.

PROBLEM

Since 2008, the Internal Affairs Sector has received more than 13.000 complaints from citizens implying police corruption. This proves that people in Serbia are familiar with this phenomenon. However, the fact that almost half of complaints were unfounded suggests that citizens need to be furtherly informed of the process of filing a complaint. A total of 69% of the Serbian population believes that the fight against corruption is one of the main priorities of the police reform process. Every other citizen believes that corruption is present in the police and they also consider that the suppression of corrupt practices is rather selective and that there is a lack of adequate whistleblower protection, which is the reason why citizens are reluctant to report corruption (Balkan Insight 2012). Moreover, there is a high probability that police officers will be bribed while communicating with citizens and the percentage of receiving a bribe in such communication is 9%. (UNODC 2011).

The ill effects of corruption are most apparent in the Serbian economy which depends on foreign capital and resources for sustainable growth. The frequent occurrence of police corruption reduces investments. Foreign companies who establish that there is a high level of violence, corruption and organized crime in Serbia and who consider that the police response to these problems is inappropriate choose not to invest in the state. Assessment of reliability of the Serbian police to enforce the law is moderate, meaning that it is at the onset of proper suppression of corruption and crime (World Economic Forum 2012). In the latest Progress Report of Serbia towards EU, the European Commission stated that the corruption problem remains an issue of serious concern (European Commission 2012). Moreover, there is the view that no adequate training is provided for police officers on anti-corruption measures (U.S. Department of State 2011). Finally, 38% of police officers in Serbia believe that they are not or are poorly informed about the European and international standards relating to the prevention and suppression of police corruption (Transparency International Romania 2011: 59).

Because of all negative effects of police corruption, the fourth strategic priority of the MoI is to strengthen the internal control system, to develop the financial management and control system and to provide conditions for the implementation of democratic and civilian control (Development Strategy of the Ministry of Interior, 2011-2016, 21-22). Currently, the MoI does not have a coherent system of internal control and internal controllers lack capacities needed for monitoring and control of appropriateness of

financial operations of the MoI.¹ However, establishment and consequent implementation of priorities related to the suppression and prevention of police corruption is a step forward towards the creation of accountable police service. In addition, the executive branch has finally announced more meaningful fight against corruption which includes the adoption of: (1) a new strategy for fight against corruption (2) law on whistleblower protection, (3) integrity plans (Blic 2012). Nevertheless, government officials have omitted to note the implementation of new measures after the adoption. Also, the adoption of integrity plans essentially means a three-month deferral as they were to be completed by December 2012. Notwithstanding all these drawbacks, it is vital that the initial step in the prevention and corruption control has been made and also that the MoI started drawing up a draft project on the fight against corruption which will be financed from EU pre-accession funds.

The police should actively participate in developing and implementing measures targeted at the prevention and suppression of corruption, given the presence of a large number of risks. Firstly, the work of internal controllers in the police must be improved by eliminating the existing deficiencies in material, financial and human resources management. This should be followed by strengthening of external oversight institutions and the work of internal controllers in the police should be transparent to them.²

First of all, the paper identifies the importance of internal and external oversight of the police in preventing and suppressing police corruption. Internal and external controllers play a significant role in eliminating corruption risks which are addressed in the second part of the paper based on typology of police corruption risks drafted by Transparency International. However, for a successful fight against police corruption it is necessary to remove deficiencies in the police internal control authorities and in external oversight institutions, which will be presented in the third and the fourth part of the paper.

IMPORTANCE

Control is a dual security system that operates from the inside and from the outside and guarantees that the police will act in accordance with the principles of democratic civilian control. The presence of effective police control reduces the possibility of occurrence of two corruption problems inherent to the police. Firstly, the police service is a part of the public administration whose main role is to enforce the law. If police officers do not carry out their duties in accordance with prescribed procedures, it is not likely to expect that the citizens will behave in accordance with the regulations or that their confidence in policing will increase (Holmes 2012: 24). This situation threatens the security of citizens. Secondly, policing often involves working with members of organized crime groups. This often renders police work less transparent than other activities

1 Observance of the principles of appropriateness in financial operations and public procurement implementation means that the subject of the procurement was needed and that it fulfilled the intended purpose.

2 External oversight institutions are: National Assembly, Anti-Corruption Agency, State Audit Institution, Commission for the Protection of Rights in Public Procurement Procedures, Ombudsman and Commissioner for Information of Public Importance and Personal Data Protection.

of the state administration authorities, requiring greater accountability and integrity of police officers. Thus the police service is entitled to provide security services. Otherwise, there is a possibility that the citizens could seek their security from other armed groups (Holmes 2012: 24, TI UK 2012: 16) and that would demise the democratic order of the state and endanger citizens' security even more.

In order to maintain and improve the security of citizens, the effective control must be put in place. Internal control is considered to be its specific form and the first line of defence in the fights against fraud (Crime and Misconduct Commission 2005, 24). Internal controllers play an important role in suppressing police corruption and they should allow the executive branch, i.e. the MoI, to effectively monitor and control the legality of the police work. Internal control is a system of regulations, rules, procedures and bodies that are present in a single institution. Its main goal is to protect and improve the integrity of the institution by preventing and eliminating illegality and irregularities which may occur in the institution (Petrović 2012). The legal and strategic frameworks govern, direct and encourage internal control to control the legality of work and thus prevent and suppress corrupt practices. Internal control authorities are an essential part of the formal control of the state security sector, existent in practices of many countries. (Milosavljević 2004: 26). Therefore, any system of the police internal control should be a part of the state security policy.

In addition to internal control, it is also necessary to strengthen the external oversight and control over the police work performed by institutions that are external to police service, in organisational and operational terms, in order to assess the performance of police officers (Born et. al. 2012: 183). The potential of external oversight institutions is increased by the fact that they have access to classified information (Milošević 2012: 1). External control and oversight institutions should be independent. External oversight and control are important for strengthening the democratic police governance and hence may play a role in increasing public confidence in police officers and induce the improvement of police service. Unquestionably, one of the major roles of the external oversight is to ensure the compliance of the police work with the international standards and the fight against corruption.

RISKS

Manifestations of police corruption may be different and they are varying from those with less harmless consequences to those considered as criminal offences under the law. The best known typology of police corruption is the typology offered by Roebuck and Barker (1974: 428–434), who delineated eight groups of police corruption, while Prenzler (2009: 49–51), described six groups of misconduct of police officers, of which three are related to corrupt methods. Nield (2007: 3–6) classified four groups of corrupt practices.³ However, the bottom line is that the types of police corrupt practices are not uniquely determined.

For the purpose of determining the corruption risks in Serbia, we shall use TI typology

3 See: Saša Đorđević, 2012, "What do we know about police corruption?", BCSP Analysis, Belgrade: Belgrade Centre for Security Policy, <<http://www.bezbednost.org/Sve-publikacije/4662/Sta-znamo-o-korupciji-u-policiji.shtml>>

tailored to fit the properties of the state security sector, especially the defence, police and security services. (2011: 9-16). According to this methodology there are five basic risk groups i.e. areas susceptible to police corruption: (1) political corruption; (2) financial management; (3) human resources; (4) procurement implementation; (5) operational policing.

Political corruption

There is no document in the police that gives a detailed and operationalized definition of police corruption. The MoI responses to a BCSP Questionnaire do not explain how the MoI defines police corruption. In the Development Strategy of the Ministry of Interior 2011-2016, fight against corruption is the part of the fourth pillar of the MoI development. The Strategy set a goal to establish a system of internal and external control and transparency. Nevertheless, this section failed to give a definition of police corruption. In addition, the National Anti-Corruption Strategy has not been singled out as the program document for suppressing corruption in Serbia, nor has the Anti-Corruption Agency Act been accentuated, including descriptive definition of corruption, which was supposed to serve as a guideline for concretization and operationalization of the term 'corruption' in any state administration authority. This impaired the legal obligation of the MoI to offer initial presumptions for suppression of corruption and apply national and international standards for the suppression of corruption.

The strategic planning of the MoI reform does not state the controlling role of the control mechanisms, but merely a supervisory role. According to the Development Strategy of the Ministry of Interior 2011-2016, the fundamental purpose of control mechanisms is to monitor responsibly, but not to control the use of police powers and to impartially take measures against those who commit infringement while using their powers. Thus, the Internal Affairs Sector, being a key element of control, is in charge only for monitoring.

The MoI offers no analysis of legal rules and procedures that could identify their weaknesses and eliminate possible corruption risks in the police. Currently, there is no evidence of the presence of the gap analysis on the existing legal acts tackling fight against corruption and particularly bylaws governing the work of police services. In 2006, the Internal Affairs Sector proposed amendments to regulations that may be a source of corruption, but no steps have been made to implement these changes. At the moment it is not quite reasonable to start implementing the recommendations to amend legal acts, given the fact that the analysis was done six years ago. In the meantime, new regulations were adopted. According to opinion of active police officers, the existing bylaws are outdated, hindering the fight against corruption in the police. (Interview, police officer, anonymous 2012).

For a three years from now, police departments in Niš and Novi Sad do not have the head to manage these organisational units of the police. According to the Law on Police, the Interior Minister, in consultation with the Director General of Police, appoints or dismisses the head of the regional police department. Until now no appointments were made due to the influence of political parties as regards the selection of key positions in the police and unclear relationship between the MoI and the Police Directorate. This brings about two risks. Firstly, non-existence of democratic control over the police

implies that the police is politicised and without a possibility to perform independent and professional work. Secondly, the police carry out its activities for their own benefit. Undoubtedly, none of these scenarios is favourable for citizens. That is why it is clear why the MoI did not systematically identify the corruption risks in the police and nor did those who are responsible. Current analysis of police corruption is based on the Strategic and Intelligence Assessment of the Corruption, drafted in 2012 by the Internal Affairs Sector, as the part of project "Police Reform – Internal Control". The assessment was made based on data collected from surveys with citizens and police officers and consideration of citizens' complaints and filed criminal charges. Although this document identifies certain areas that pose a potential corruption risk, they are only associated with petty police corruption. In addition, the Internal Affairs Sector has only recently started to initiate criminal or disciplinary actions against the MoI management. (Politika 2010). Therefore, the corruption risks in the police senior positions have not been clearly identified. Finally, the Internal Affairs Sector primarily determined its shortcomings and difficulties in the work in the assessment document, but it did not present the clear list of corruption risks in the police.

The system of whistleblower protection has not yet been regulated, and this measure is necessary in order to eliminate weak points leading to corruption. This is in line with the situation in Serbia that generally lacks a systematic whistleblower protection. There are only few legal provisions that could be found in a variety of legal documents. There is no corresponding legal and practical protection for those who report suspicions of corruption. At the moment there is only an unpretentious Rulebook on the Protection of Individuals Who Report Suspicions of Corruption. The Rulebook has seven articles and it was adopted to operationalize the Anti –Corruption Agency Act. The example of inadequate whistleblower protection is a case of a police officer, Milovan Milutinović, who was involved in the investigation called "traffic mafia", suspected of falsifying records on traffic accident expertise. By increasing the alleged damage on vehicle, the group financially harmed few companies for almost EUR 200,000. Family of this police officer has been exposed to threats for a longer period, despite the assurances of the state that his integrity and the integrity of his family shall be protected. This culminated in putting his house on fire (Vukosavljević 2012).

The MoI never initiated a debate on the potential corruption of police officers in peacekeeping operations. There is no evidence that representatives of the MoI or internal controllers discussed the possible corruption risks in peacekeeping operations. Although the participation of police officers in peacekeeping operations is moderate at the moment, no precise manners regulating how a police officer may apply for the participation in peacekeeping operations have been determined. In addition, there are no control mechanisms for police officers in peacekeeping operations, given the fact that there are greater opportunities for corruption together with local actors.

Financial management and procurement implementation

Successful financial management increases the transparency and accountability of the MoI, being among the largest consumers of budgetary resources in Serbia and also entitled to its own income. The process of managing financial resources should start by preparing a transparent calculation and cost estimation and the analysis of legal gaps in procurement implementation. The goal is to provide information about the financial

situation, opportunities and the actual capacity of adapting to the environment, always evidencing of lack of financial resources. In addition, the goal is the build up internal and external means of control as regards spending available resources (Broadbent, Cullen 2003). Transparent and accountable financial management reduces corruption risks (six) in MoI.

Implementation of large-scale procurements for the MoI is being carried out within the margin of appreciation, rather than the analysis based on the actual needs of the Ministry. The MoI procurements, such as motor vehicles or equipment for members of the MoI, are based on the assessment of the MoI records, with no insight into the situation in the field or actual needs of police officers. There is a strong possibility that such procurements are inappropriate, i.e. they do not relate to the actual needs for performing police tasks. The example of the above is the procurement of off-road vehicles (such as Ford Transit) for urban driving conditions.

Up until now there was no oversight or control over the implementation of confidential procurements in the MoI, which make 55.51% of total procurements in the MoI. Although there is no internationally recognized standard that would indicate the share of confidential procurements in the total number of procurements implemented, one should ask why there is no control for more than half of procurements in the MoI.

Oversight and control over the initiation of the restricted public procurement procedure is rather difficult, since the authorized head of the organisational unit in which the procurement is to be conducted is in charge for the initiation of the stated procedure. Given the complexity of the MoI organisational structure, a risk of corruption occurs in emergency and extraordinary situations, when the commander of the police station, as the head of its organisational unit, initiates a restricted procurement procedure according to powers vested in him (Response to BCSP Questionnaire 2012). This means that the heads of organisational units have been granted significant powers, with no proper control and oversight. It is clear that some emergency situations call for the restricted procurement procedure, but there is no clear evidence that the procedure is under supervision and control. Therefore, the head may arbitrarily choose when to initiate the restricted procedure, and this opens a way to corruption risks. Another problem is that there is no control over the transfers to regional police departments. This led to inconsistency in the business records of the MoI and Treasury General Ledger (Report on the Audit of the Annual Financial Statement of the MoI 2010: 17).

It was found that the adopted procedures, directives and instructions of the MoI have not fully established the system of financial management and control. The State Audit Institution determined that the MoI did not establish financial management system and control in accordance with the Law on the Budget System and the Rulebook on Common Criteria and Standards for Establishing and Functioning of the Financial Management and Control Systems, due to the lack of internal procedures, weaknesses in the functioning of the system and due to inconsistent implementation of the existing procedures (Report on the Audit of the Annual Financial Statement of the MoI 2010: 17).

Human resources

Human resources management in the MoI includes strategic approach to managing processes of target recruitment, selection, classification, employment, training, deployment, evaluation, motivation, guidance, promotion, secondment and dismissal of employees. (Žilović 2012). Human resources management (HRM) is the key instrument for achieving the mission, goals and tasks which are set in the Development Strategy of the Ministry of the Interior until 2016. Suppressing the corruption in human resources management and eliminating the weak points leading to corruption in the process of employment, promotion and dismissal make successful discharge of police duties more probable. The MoI identified four corruption risks.

No bylaw was adopted to operationalize Article 133 of the Law on Police. This Article prohibits a police officer employed with the police to engage in private business or self-employed activities which are incompatible with the work of a police officer, in non-working time. A big problem in the police is that certain police officers perform some other business or self-employed professional activity, in addition to police work, which is contrary to the Law on Police. In doing this they use police powers and police resources. A significant portion of initiated disciplinary proceedings for serious violations of duty primarily relates to police officers involved in so-called "black security", a service provided to various people who have money, which could potentially be interpreted as the criminal act of corruption of protecting persons involved in illegal economic activities and also disclosing official information. The heads are held liable for the presence of such practices, since it is their responsibility to monitor the work of their employees and to sanction such practices. At the moment, the Ministry of Interior has no information on the number of employees involved in entrepreneurship, or of instances when they requested a written consent from their heads to perform other activities in non-working time (Response to BCSP Questionnaire 2012).

The system of external advertising of vacancies in the MoI is underdeveloped and this opens up opportunities for corrupt practices involving receiving and negotiating bribe or services involving recruitment. By the end of 2012, the MoI has publicly announced 12 vacancy notices in the Ministry's headquarter and 17 vacancy notices in police departments (Response to BCSP Questionnaire 2012). However, these 29 vacancy notices were announced for job positions where employees do not have a status of a police officer, but for job positions involving technical duties (hygiene, administrative work). This allows the inflow of corruption in recruitment process in the MoI for employees who have the status of police officer and who are in charge of the performance of police duties. Recruitment is mostly done on the basis of political party affiliation and professional qualifications of the candidates are not sufficiently taken into account. Consequently, there are examples that the person employed as the commander of police station does not have adequate work experience and education (Interview, police officer, anonymous 2012).

The MoI has not established a system of internal advertising of vacancies and this opens up opportunities for corrupt practices involving receiving and negotiating bribe or services involving training, secondment and promotion. Police officer, wishing a professional advancement, has no information on open vacancies in the MoI even if he/she has the approval of the superior which is necessary in such cases. No competi-

tion was announced for open job positions in the MoI, nor a call for additional training stating the clear criteria for applying. Secondment is usually arranged on the basis of a political party affiliation, family and friendly ties.

The system of oversight and control over the employment process in the MoI is underdeveloped. This opens up opportunities for corrupt practices of recruiting a person charged with a criminal offence, prosecuted *ex officio*. This also violates the Law on Police (Article 110), since reasonable grounds exist to believe that police officers who had been convicted are being returned to duty (Interview, police officer, anonymous 2012). Furthermore, it is unclear how many persons entered into an employment relationship in the MoI in the period from January 2010 until January 2012, since the MoI did not provide an answer to that question asked by BCSP. Independent Police Trade Union of Serbia released information (Vesti011 2012) that the MoI employed more than 10,000 persons in the past three years, and the least among them were police officers and operatives who were most needed. According to estimates of the General Police Director from October 2008 (Vasic 2008), Serbia needed 14,000 police officers, while the Head of the Police Department stated in April 2011 that there is a need for 3,000 new police officers (RTV 2011). It is impossible to discern whether 11,000 new police officers were recruited in the past three years and whether this number is sufficient for the implementation of police tasks in Serbia. Finally, representatives of the Police Union of Serbia inquired on human resources management in the report of Internal Affairs Sector regarding the employment of unskilled, nepotistically placed staff and staff without built up credibility (Strategic and Intelligence Assessment of the Corruption 2012: 97).

Operational policing

The police service is predominantly characterised by a practical work targeted at the suppression of corruption or the issuance of personal identification documents. If compared with other state actors in the security sector, one can perceive that the police are more often in contact with the citizens and hence there are greatest opportunities for the so-called "petty corruption", mostly observed among officers employed in traffic and border police. When suppressing corruption in the police it is necessary to deal with the culture, values and the manner of conduct of police officers, which are based on the accountability and observance of rules. There are four groups of corruption risk in the operational policing.

More than 75% of police officers do not take any actions after discovering that their co-workers are involved in the corruption (Strategic and Intelligence Assessment of the Corruption 2012: 37). In closed systems such as the police there is an unwritten rule that errors, improper conduct or offences of co-workers are not to be reported. Rare reports on such occurrences are mainly referred to the superior in the police organisational unit, and the odds that the corruption will be reported to the internal controller are small. In case of being unable to work in such environment, a police officer usually asks for a secondment to another police department and organisational unit. (Interview, police officer, anonymous 2012).

Unlawful issuance of documents (e.g. personal documents, permits to carry weapons, vehicle registration) is the most common form of corruption in the performance of ad-

ministrative duties in the MoI. While performing these activities, members of the MoI are an integral part of an organised crime group, using their powers for personal gain. In the course of 2011, one such group was involved in unlawful issuance of biometric identity cards and travel documents to persons of Albanian origin from the territory of Kosovo (Response to BCSP Questionnaire 2012). Such activity means a direct involvement of the MoI employees in criminal activities.

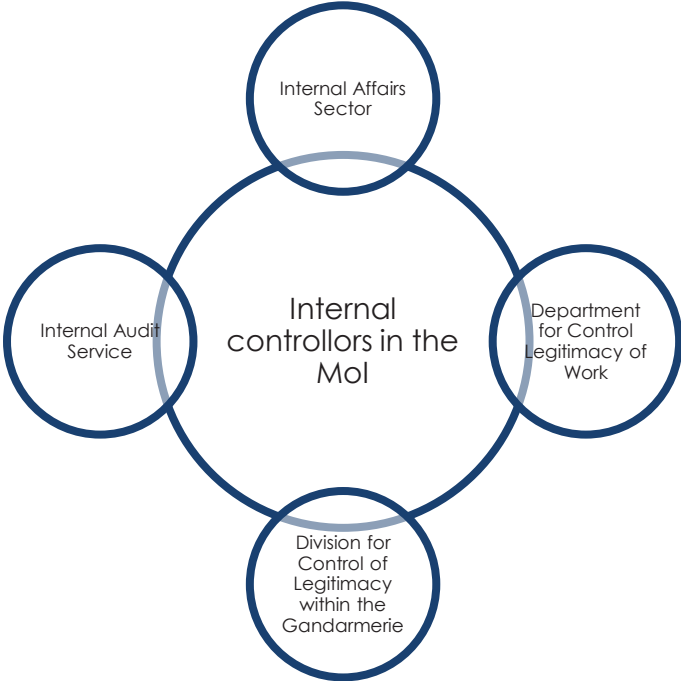
Evidentiary hearing determining the corruption in the traffic police is difficult due to the lack of recording devices (lavalier microphones and cameras recording the conversation with drivers). A survey on traffic corruption showed that in most cases drivers initiated bribery in order to avoid paying a fine in the full amount, penalty points or loss of driver's licence, and that police officers were willing to take a bribe in the amount of RSD 1,000 to RSD 3,000 (B92 2011). According to a survey conducted by the Internal Affairs Sector, almost 30% of citizens reported that they paid a bribe to a traffic police officer. (Strategic and Intelligence Assessment of the Corruption 2012: 16).

Police officers are willing to participate in corruption for a small financial gain (RSD 1,000), an object of small value or a promise for a reciprocal favour. A survey conducted by the Internal Affairs Sector (Strategic and Intelligence Assessment of the Corruption 2012: 21) revealed disturbing information that corrupt police officers in most cases take some smaller amounts of cash, and in fewer cases they accept gifts or promise. Although this a reasonable ground to believe in a presence of petty corruption in the police, cumulative analysis on monthly and annual level and the fact that the MoI is one of the largest ministries in Serbia, reveal some disturbing data. Therefore, further examination of the intensity of petty corruption in the police is essential. Police officers are willing not to deprive of freedom a person for the amount of EUR 10 (Interview, police officer, anonymous 2012). Undoubtedly, the background of this story is an inadequate social and economic standard of police officers which, coupled with underdeveloped police culture, can cause a lot of damage.

INTERNAL CONTROLLERS

There are four internal control authorities within the MoI (Graph 1). In addition to the Internal Affairs Sector, which should have the role of the main controller over all employees, there are Department for Control Legitimacy of Work within the Police Directorate of the City of Belgrade and the Police Directorate, as well as Division for Control of Legitimacy within the Gendarmerie. Internal Affairs Sector controls the legality in the work of the police forces when executing police tasks and applying police powers. The remaining two controllers within the MoI have the same competences. However, the Department for Control Legitimacy of Work is competent for regional police departments, whereas Division for Control of Legitimacy is competent for the members of the Gendarmerie. The newest internal control authority within the MoI is the Internal Audit Service, which is competent for checking and evaluating public finance management within the MoI (Response to the BCSP Questionnaire, 2012).

Graph 1: Internal controllers in MoI



Internal Affairs Sector presents the successor of the Inspector General’s Service of the Department of Public Safety. It was established in 2001. However, its activities commenced two years later when the first inspector general was appointed. Following the entry into force of the Law on Police in 2005 and the termination of the validity of the Law on Internal Affairs, the Inspector General’s Service was renamed into the Internal Affairs Sector. This Sector is managed by the Head appointed by the Government for a five-year period based on the outcome of public competition. The Sector presents an organizational unit within the MoI which is accountable to the Minister of the Interior. Its basic task is to perform internal oversight of the police.

All the executive positions within the Internal Affairs Sector have not been currently occupied. The recommendation of the Internal Affairs Sector from 2006 on the necessity to harmonize the legal framework of the internal control in the MoI still has not been realized. In addition to this, Internal Affairs Sector has not executed control over the MoI budget spending (Response to the BCSP Questionnaire, 2012) and there are not any indicators on the sufficient capacities inside the Internal Affairs Sector for performing such control. This is especially problematic if one bears in mind the fact that the total percentage of confidential procurements out of the total value of the procurements of the MoI amounts to 55.51% (Response to the BCSP Questionnaire, 2012). Even though there is not an internationally acknowledged standard indicating the share of confidential procurements in the total number of realized procurements, it is unclear why there is not the control of the implementation for over a half of the procurements in the MoI. The control of the spending of the budgetary resources was performed by the SAI, having noticed several irregularities (SAI, 2011). Consequently, the Internal Affairs Sector did not participate in the development of the integrity plans for employees in the MoI, which is unacceptable in terms of preventing corruption.

Department for Control Legitimacy of Work operates within the Police Directorate. One of the main tasks of the Department is to monitor and control the legality in the implementation of police powers of police officers in regional police departments. The Department performs special control during the usage of means of enforcement by police officers. This is an extremely important mechanism not only in the field of protection of human rights but also in the field of suppression of corruption in the police. Namely, police officers prone to the usage of the means of enforcement are more prone to corruption, and often to the usage of violence in order to gain personal advantage (Kutnjak-Ivković 2005: 32). If we accept this sort of opinion, a conclusion may be reached that police officers in Serbia are more corrupted, due to the fact that since 2006 to July 2010 there was an increasing tendency of using means of enforcement in the police (Đorđević, 2012). Constant dissatisfaction with the working conditions among police officers in Serbia could be added to the previously mentioned as one of the reasons for the occurrence of corruption because of which the right to strike was used. Consequently, it is really important to improve coordination with the Internal Affairs Sector in order to prevent corruption, primarily at the local level.

There is not any information available to the public regarding the activities of the Division for Control of Legitimacy of Work within the Gendarmerie. There is not any legal support as well. The Division is the part of the Safety and Legitimacy Division and it is probably in charge of ensuring work, discipline and harmonious internal relations in their commands and units, as well as legality in work (MoI, Work Information Booklet of the MoI, 2012: 36). According to the last amendments of the Law on Police in December 2011, it has been defined that the organization and the functioning of the special units of the police and the status of its members will be defined by a by-law not having been adopted yet. This situation presents the risk for the occurrence of corruption, owing to the fact that large number of citizens in the survey of the Internal Affairs Sector on the corruption in the police stated that they were giving presents and/or bribe to the members of Gendarmerie (Strategic and Intelligence Assessment of the Corruption 2012: 16).

Internal Audit Service within the MoI was established in January 2009, based on the obligation of all beneficiaries of public funds to develop internal audit in order to determine risks, estimate work and control the system of financial management of public sector. This is the consequence of the obligation of direct beneficiaries of budgetary funds, such as MoI, to establish a special functionally independent organizational unit for internal audit. Internal Audit Service in the MoI analyzes risks and work and performs the control of the financial management in the MoI. Internal Audit Service is accountable only to the Minister of the Interior (Response to the BCSP Questionnaire, 2012), which is in accordance with the regulatory act regulating the functioning of internal audit in the public sector. Annual report of the activities of the internal audit is at the disposal of the Minister of the Interior, whereas its draft is submitted to the organizational unit being the subject-matter of the audit (Response to the BCSP Questionnaire, 2012). Owing to this, the request defined by the regulatory act defining the activities of internal audit has been fulfilled.

Based on the BCSP Questionnaire, a flaw was noticed related to the annual report on the activities of the internal audit, since the said report is not always and constantly at the disposal of external evaluator of the internal audit of the public sector, i.e. to

the Central Harmonization Unit within the Ministry of Finance (Response to the BCSP Questionnaire, 2012). It is the obligation of every organizational unit for internal audit, since the external audit and work control is performed on those grounds. Owing to the secrecy of the system established within the MoI and the lack of the institute for ministerial accountability (Milosavljević 2004: 28), there is a prospective risk for the occurrence of corruption. It is a possible reason for the lack of control of executed transfers of budgetary funds to regional police departments, which influenced the inconsistency in the business records of the MoI and the Treasury General Ledger (SAI, 2011: 91).

All thirteen working places defined by the job classification have not been occupied within the Internal Audit Service (SAI, 2011: 18). Currently, internal audit duties are performed by nine persons- a head of the service, three superior auditors, four internal auditors and an analyst (Response to the BCSP Questionnaire, 2012). It is one of the main weaknesses of the Internal Audit Service, which prevents the execution of the evaluation of functioning of financial management in the MoI. In addition to this, there is no clear evidence according to which the MoI has realized completely the recommendations of the internal audit (SAI 2011: 19). Through the realization of those recommendations, the current flaw observed by the SAI would be at least partially compensated- the lack of the established system of financial management and control in the MoI (SAI 2011: 17).

In accordance with the BCSP Questionnaire, it has been determined that there is no coordination between internal controllers in the MoI, as well as that there is not a single database. Internal Affairs Sector was the only one to answer the queries on the statistical data referred to the MoI, not only to the Internal Affairs Sector, on the number of criminal charges against the employees in the MoI owing to the criminal acts related to the violation of official duties, number of initiated disciplinary procedures, charges of citizens and employees in the MoI owing to corruption (Response to the BCSP Questionnaire, 2012). The fact according to which the prosecutor's office and judicial authorities have not provided feedback on the outcome of initiated criminal procedure presents an additional problem.

The said state causes two risks related to the occurrence of the corruption. The competences in the work of three controllers in the MoI have not been divided except for the service in charge of the financial management of the MoI. The Minister of the Interior has a discretionary right to exempt the case within the competence of the Internal Affairs Sector and allocate it to another organizational unit. It is an illogical solution, since the Minister of the Interior, being the Member of the Government, takes decisions during the appointment of the Head of the Internal Affairs Sector. His powers have to be clearly defined in order that the Internal Affairs Sector improves its role. It took more than three years for the Internal Affairs Sector to update its working results on its website. Until recently, the results prior to 2008 were the only available results. Owing to this, the non-transparent work of the Internal Affairs Sector was proved, on the basis of which the public estimates whether it confides in this institution and takes decisions whether to report on the corruption in the police. In addition to this, the largest number of criminal charges of the Internal Affairs Sector until the end of 2011 dealt with the criminal act of the violation of official duty. According to the European Commission's Serbia Progress Report, definition of the criminal act of the violation of official duty has not been harmonized with the European standards. Different acts may be read as this

criminal act, therefore it is not clear what is implied under the violation of official duty, i.e. what powers a police officer possesses in accordance with the Law on Police.

EXTERNAL OVERSIGHT

Currently there are not any clear cooperation mechanisms of the four internal controllers in the MoI with the external oversight mechanisms in Serbia: National Assembly of the RS, Anti-Corruption Agency, State Audit Institution, Commission for Protection of Rights in the Public Procurement, Ombudsman and Commissioner for Information of Public Importance and Personal Data Protection. The establishment of the cooperation between the internal control in the MoI and external oversight is important for several reasons. Firstly, external mechanisms of oversight and control depend on effective internal controllers in the process of the maintaining of professionalism, expertise and transparency of police service (Born et. al 2012: 188). Independent internal control in the MoI, being successful in its activities, enables constant and regular external oversight, contributing jointly to keeping police service under democratic civilian control. Owing to this, external oversight institutions have four tasks relating to internal control: (1) to provide conditions for the establishment of internal control mechanisms; (2) to supervise the activities of internal controllers with the aim of their successful and independent completion of tasks within the police service; (3) to provide the citizens with an independent mechanism for filing complains, petitions and charges related to the work of police officers and their participation in corruptive actions; (4) to resolve the cases of corruption in the police the police service cannot resolve, owing to the gravity of the case or the conflict of interest (Born et. al 2012: 189). Currently, there is not any clear evidence indicating that external oversight is performing its four tasks related to the internal controllers in the MoI. The Finance Committee of the National Assembly of the Republic of Serbia still has not commenced implementing its powers enabling it the control of the implementation of the republic budget and accompanying financial plans, that is the legality, appropriateness and efficacy in the spending of public resources of the state earmarked for the security sector. In its previous convocation, the competent Internal Affairs Committee did not elaborate on the issue of budgetary resources allocated to the MoI.

There are several problems in the work of state authorities that may influence their limited impact on the combat against the police corruption.⁴ Apart from the lack of human and material resources, bearing in mind that all the working places anticipated by the job classification have not been occupied and that the SAI performs its activities in four different places, there is also a problem of political willingness where the independent state authorities present "inevitable evil" (Milosević 2012: 6). In addition to this, adequate powers and bad legal powers, as is the case with the Misdemeanor Law, are missing. Since the misdemeanor becomes obsolete within a year, the obsolescence commences before the audit procedure begins with regard to the most of the misdemeanors defined by the stated legal act, if the acts on the past business operations of the beneficiaries of public funds are audited (Milošević 2012: 8). Owing to this, audit procedure loses its purpose. The same limitations apply to the actions of other

4 Independent state institutions are: Anti-Corruption Agency, State Audit Institution, Ombudsman and Commissioner for Information of Public Importance and Personal Data Protection.

three independent state authorities, which agree that the Misdemeanor Law should be amended, and the deadline for obsolescence extended from one to three years (suggestion of SAI), i.e. five years (proposal of the Commissioner).

The State Audit Institution still does not have capacities to examine the appropriateness of spending of public funds. The Strategic Plan of the SAI for the period 2011-2015 anticipates that the evaluation of appropriateness should be introduced in 2013, following the training of auditors (Response to the BCSP Questionnaire, 2012). The audit programme that is adopted at the end of every year will determine the realization of the evaluation of appropriateness relating to the spending of public funds in the security sector (Response to the BCSP Questionnaire, 2012).

By connecting mentioned flaws of external oversight and control with the fact that citizens are not ready to report the corruption in the police, and they are not informed on the outcome of their reporting, the combat against the corruption is made difficult as it depends on the reporting of corruptive action. Only a third of citizens who were asked bribe by police officers reported that to the competent police directorate, while others informed on it the media or their acquaintances (Strategic and Intelligence Assessment of the Corruption 2012: 14). In addition to this, citizens mostly do not know whether their reports were further proceeded (Strategic and Intelligence Assessment of the Corruption 2012: 15). The passivity of citizens and non-transparency of the Ministry of Interior's work prove that citizens still do not believe that the MoI may respond to their needs. This fact is at the same time paradoxical, since according to the survey done by the MoI for the year 2011, citizens of the RS confide the most in the church and then in the police. However, the percentage of confidence is still low if compared to the confidence that citizens of European countries have in their police forces. The results of the BCSP survey "What citizens think of their safety and the safety of Serbia" show that the most of the citizens of the Republic of Serbia feel safe, but do not think that state authorities should take credit for that. This indicates that the relations between the citizens and the police still have not been defined.

GUIDELINES

The MoI should firstly perform institutional changes in the prevention and combating of corruption in its area of activities. Internal Affairs Sector should undertake the role, as it is defined by its report on the assessment of the corruption in the police, of the holder and coordinator of activities related to the combat against the corruption. The aim is to establish the system of internal control which is not important only for resolving criminal acts, but also for the prevention of corruption in the police.

The mechanisms of horizontal coordination among the four internal controllers have not been established in the MoI. Based on the response to the BCSP questionnaire it has been determined that there is not a single and complete database on the criminal liability of police officers, owing to the fact that regional police departments and the Service for Combating Organized Crime submit criminal charges against police officers to the Criminal Force Directorate. In addition to this, there is not a unique and complete database testifying on the number of petitions, complaints and charges of citizens and police officers relating to the violation of police powers. This hampers realistic analysis of the risk of the occurrence of corruption in the police.

One must start with the implementation of new anti-corruption measures. The Ministry of Interior has not developed a system of zero tolerance towards the corruption in the police, which would present the set of measures for eliminating flaws in the police service. Currently, there is not any clear evidence that the MoI has predicted the mechanism of zero tolerance towards the police corruption. The fourth pillar of the Strategy for Development of MoI for the period 2011-2016 does not mention it, even though the Internal Affairs Sector proposed the development of the zero tolerance plan (Strategic and Intelligence Assessment of the Corruption 2012: 14). This measure is important because the leadership of the police may influence in the positive manner the attitude of police officers by establishing good communication and role models, as well as by supporting the view according to which the offenses committed by the police officers may not be tolerated. It is an integral part of the development of police culture.

Regardless of the fact that there are still three months left to develop plans of integrity, it is necessary that Internal Affairs Sector participates in their implementation, since it has not participated in their development. That should be a joint activity of the MoI in its entirety because by doing so an appropriate basis for the ethical work of police officers is being developed, which should consequently have impact on the reducing of the "blue wall", i.e. the rule binding for police officers not to report their colleagues who participate in illegal activities.

Everyone who is interested in having a democratically oriented police service should take part in the discussion on the police corruption. The hierarchical way of talking about corruption in the police should be avoided in the MoI and the dialogue between 14 police trade unions and the MoI leadership should be established. It is also necessary to continue cooperation with civil society organizations which are still seen as "the enemy" (Strategic Intelligence Estimate corruption 2012: 99), as well as with investigative journalism organizations. The goal is to determine the exact risks of the occurrence of the police corruption as well as possible solutions for fixing the damage resulting from corruption.

Finally, the system of the protection of whistleblowers has to be regulated by a legal act to have the highest legal force, and will present the basis for further development of the protection of whistleblowers. It has to be done, since whistleblowers are of key importance when collecting information on possible corrupt practices. They are important for the prevention of corruption, currently lacking to internal controllers in the police. The rules relating to the guaranteeing of anonymity should be defined in legal terms. It implies that important sources and whistleblowers can be protected. In addition, it is necessary to develop protection programs, such as the creation of safe houses, changing identity, provision of protection thanks to the bodyguards, provision of protected transport. Witness protection programs require extensive material, financial and human resources, and owing to that they should be taken into consideration before being launched. Nevertheless, the most important criterion is the safety of witnesses. In the end, it is necessary to ensure that whistleblowers do not become the victims of prejudice or revenge.

Bibliography

- B92, 29 December 2011, The bribe of drivers to police officers up to 3.000 dinars, <http://www.b92.net/biz/vesti/srbija.php?yyyy=2011&mm=12&dd=29&nav_id=569776>
- Balkan Insight, 19 April 2012, Half of Serbs Believe Police Are Corrupt, <<http://www.balkaninsight.com/en/article/half-of-serbians-believe-police-is-corrupted>>
- The Blic, 21 November 2012, Selaković: We have to start in our own yards to combat corruption, <<http://www.blic.rs/Vesti/Politika/354164/Selakovic-Krecemo-od-svog-dvorista-u-borbi-protiv-korupcije>>
- Bogoljub Milosavljević, 2004, Civil surveillance over the police: prospective model for Serbia. Belgrade, Center for Anti-War Action, 2004.
- Crime and Misconduct Commission. "Fraud and Corruption Control: Guidelines for Best Practice", Crime and Misconduct Commission, March 2005. <<http://www.cmc.qld.gov.au/research-and-publications/publications/misconduct-prevention/fraud-and-corruption-control-guidelines-for-best-practice-1.pdf/download>>
- Danijela Vukosavljević, 25 July 2012, Hidden investigator being the target of avengers, Politika Online, <<http://www.politika.rs/rubrike/Hronika/Prikriveni-isednik-na-meti-osvetnika.lt.html>>
- Danijela Vukosavljević, 26 September 2010, Internal control brings order in the MoI, Politika Online, <<http://www.politika.rs/rubrike/Hronika/Unutrasnja-kontrola-zavodi-red-u-MUP-u.lt.html>>
- SAI, 2011, Report on the audit of annual financial statement of the Ministry of Interior for 2012. Belgrade: State Audit Institution.
- European Commission, 2012, Serbia Progress Report 2012, <http://ec.europa.eu/enlargement/pdf/key_documents/2012/package/sr_rapport_2012_en.pdf>
- Hans Born, Aidan Wills, Gabriel Geisler, and Matthias Erny, 2012, „External Oversight and Control” in Toolkit on Police Integrity, Geneva: Centre for Democratic Control of Armed Forces, pp. 187-216, <<http://www.dcaf.ch/Publications/Toolkit-on-Police-Integrity>>
- Leslie Holmes, 2012, „Introduction: Corruption and Policing” in Toolkit on Police Integrity, Geneva: Centre for Democratic Control of Armed Forces, pp. 21-58, <<http://www.dcaf.ch/Publications/Toolkit-on-Police-Integrity>>
- Marko Milošević, 2012, Independent state authorities and combat against the corruption, Belgrade: Belgrade Center for Safety Policy, <<http://www.bezbednost.org/Sve-publikacije/4939/Nezavisni-drzavni-organi-i-borba-protiv-korupcije.shtml>>
- Miloš Vasić, 30 October 2008, "Serbia needs 14,000 police officers", Vreme, No. 930, <<http://www.vreme.com/cms/view.php?id=731364>>
- MoI, 2010, Development Strategy of the MoI 2011-2016, <http://www.mup.gov.rs/cms_cir/sadrzaj.nsf/strategije.h>
- Miroslav Hadžić, ed., 2012, Annual records of the reform of the security sector in Serbia 2008-2011, Belgrade: Belgrade Center for Safety Policy, Official Gazette.
- Nield, R, 2007, Anticorruption and Police Integrity. Washington: U.S. Agency for International Development, <http://www.usaid.gov/our_work/democracy_and_governance/publications/pdfs/AC_and_Police_Integrity.pdf>
- Predrag Petrović, 2012, "Prospective partners and associates", in Parliamentary oversight of the security sector in Serbia – Manual, Belgrade: Belgrade Center for Safety Policy, OSCE Mission to Serbia, pages 75-84.
- Prenzler, T., 2009, Police Corruption: Preventing Misconduct and Maintaining Integrity, London: CRC Press.
- Roebuck, B., Baker, T., 1974, An empirical typology of police corruption: A study in organizational deviance, Springfield: C.C. Thomas.
- RTV, 18 April 2011, Kuribak: Serbia needs 3,000 police officers, <http://www.rtv.rs/sr_lat/drustvo/kuribak-srbiji-nedostaje-3.000-policaajaca_249589.html>

- Sanja Kutnjak-Ivković, 2005, *Fallen Blue Knights: Controlling Police Corruption*, Oxford: Oxford University Press.
- Internal Affairs Sector, 2012, *Strategic and Intelligence Assessment of the Corruption*, Belgrade: MoI.
- Transparency International Romania, 2011, *Integrity and Resistance to Corruption of the Law Enforcement Bodies in South East European Countries*, <<http://www.rai-see.org/what-we-do/project-integrity-and-resistance-to-corruption-of-the-criminal-judicial-system-in-south-eastern-europe.html>>
- Transparency International UK, 2012, *Arresting Corruption in the Police*, <<http://www.ti-defence.org/publications/1431-arresting-corruption-in-the-police>>
- Transparency International, 2011, *Building Integrity and Countering Corruption in Defence and Security*, <http://www.transparency.org/whatwedo/pub/2012_handbook_building_integrity_english>
- U.S. Department of State, 2011, *Human Rights Report 2010*, <<http://www.state.gov/j/drl/rls/hrrpt/2010/eur/154449.htm>>
- UNODC, 2011, *Corruption in Serbia: Bribery as Experienced by the Population*, Vienna: UNODC, <http://www.unodc.org/documents/data-and-analysis/statistics/corruption/Serbia_corruption_report_web.pdf>
- Vesti 011, 17 November 2012, MoI employed 10,000 novices in the period of three years to work in the offices, <<http://www.vesti011.com/2012/01/mup-za-tri-godine-zaposlio-10-000-poslusnika-u-kancelarije/>>
- World Economic Forum, 2011, *The Global Competitiveness Report 2011-2012*, Geneva: Global Economic Forum, <http://www3.weforum.org/docs/WEF_GCR_Report_2011-12.pdf>

SOCIAL CONSEQUENCES OF CORRUPTION IN THE POLICE IN SERBIA

Author: Jan Litavski

Rasma Karklins: „Undemocratic forces skillfully overtake anti-corruption flag and put efforts in using a firm hand, which would bring change with authoritative means. If democratic forces do not start fight against corruption, or if they fight corruption with no success, they create an open window for authoritative forces, both left and right. Corruption must be taken seriously, as it often leads to embitterment with regime, even if it is a democratic one, and can represent a motive for revolution”⁵

APSTRACT

There is no state in the world, democratic or not, without corruption. Corruption destroys state economy, undermines social stability and affects negatively citizens' trust in state institutions. Due to corruption, costs of public services increase, while tax incomes decrease. Negative correlation between corruption, on one side, and good governance or economic development, on the other side, has been determined. When corruption takes over a whole state system, the state starts with stagnating which is followed by destruction and collapse of state institutions. For its specificity and non-transparency, security sector is particularly sensitive to corruption, especially police as a part of it, which should have a leading role in fighting corruption in a state. This is the main reason why the paper deals with causes, development, forms and mechanisms for fighting systemic corruption, with special focus on corruption within the Ministry of Interior. In the introduction of the research paper, the problem of adoption of one comprehensive and overarching definition of corruption is briefly presented. After that, we will analyse what is considered as corruption in police, causes and consequences of corruption in the MoI for citizens, as well as the most widespread forms of corruption, both in society and within the police in Serbia. Although the main focus of the paper is corruption in the police, it cannot be observed out of wider social context in which the MoI in Serbia is. For that reason, factors leading to emergence and development of corruption in the MoI will be analysed, as well as work of independent institutions, judiciary and the MoI, their mutual institutional cooperation, legal solutions, and scope of available instruments for fighting corruption which are at their disposal.

5 Karklins, R., Sistem me je naterao - korupcija u postkomunističkim društvima. Beograd: OEBS, Misija u Beogradu, 2007.

RECOMMENDATIONS

- It is necessary to realize political will in fighting corruption.
- Special attention should be paid to building capacities of special anti-corruption bodies within the police and the results of their work.
- The state has to raise awareness of citizens on negative effects of corruption with a new coherent and unified strategy for fight against corruption, and elaborate monitoring and assessment of independent regulatory bodies, as well as to ensure that there is appropriate normative and institutional framework for fight against corruption.
- It is necessary to work on development and strengthening of preventive mechanisms for fighting against corruption within MoI as well as the establishment institutional and operational channels of cooperation with the Anti-Corruption Agency and the Anti-Corruption Council.
- Disciplinary measures for corrupted police officers should be public, at least within the police service, in order to make other police officers learn from inappropriate behaviour of their colleagues what offence is, and that the similar actions are not acceptable.
- It is needed to develop a system of control and monitoring in the moment of recruitment in the police, and establish a system of total financial control and monitoring within the MoI.
- Anti-corruption laws are important, but their implementation by efficient relevant anti-corruption institutions is even more important. It is needed to develop specific investigative techniques, statistics and indicators.
- Integrity, accountability and transparency of public administration, including police and judiciary, should be enhanced through quality management and application of different standards of control and monitoring (e.g. The Strasburg Resolution), in order to develop citizens' trust in the MoI of Serbia.
- It is needed to develop and promote proactive approach of police in investigating corruption.
- Media and civil society are two very important factors in fight against corruption, and their importance in this process should be defined by the new state strategy for fight against corruption.

INTRODUCTION

As any other complex phenomenon, corruption can be defined in different ways, and it is difficult to come up with one definition which is acceptable for all societies and cultures. Problem is in the fact that corruption is often identified with "breaking norms",⁶ which assumes that behaviour, which is corruptive in one society but is a norm in another, cannot be classified as corruption. Classic definitions of corruption, which observe society in its entirety and focus on social morale and integrity, and neglect behaviour of an individual within that society, are solid base for defining modern acceptable definitions of corruption. This like approach to corruption is justified in little and closed societies in which there is often tightly defined hierarchy of authority.⁷

6 No matter if those are legal, moral or customary norms.

7 Johnston, M, The Definition Debate: Old Conflicts in New Guises, u: Jain, A.K. (ur.):

Problem with this like approach reflects in the revitalization of moral norms – what is moral for one does not have to be moral for another person. If we take into consideration the fact that modern societies are very heterogenic and fragmented, moral fall of authority does not have to mean moral fall of entire society, which is the reason why modern definitions of corruption, instead on the entire society, focus on the behaviour of an individual. Although the problem of corruption can be, in this case, partly solved by defining corruption as stepping away from standards,⁸ a question is raised about criteria based on which standard behaviour can be defined.

Advantages of legal definitions of corruption are in their clarity, that is to say, these definitions simply means that corruption is everything forbidden as corruption by a general legal act. Although this way of defining is simple and easily realized, a problem is in the fact that the rules by which state law-makers were led while making legislation related to fighting corruption remain unknown. Besides, laws can be changed due to political pressure to declare or not declare something as an act of corruption.⁹

The definition of the World Bank, according to which corruption represents abuse of public powers for the purpose of gaining private (material or non-material) benefits, is of special use for analyzing corruption in police. As, according to this definition, the source of corruption lays in public powers, corruption is necessarily linked to the state, its affairs, state intervention on the market and the existence of public sector – corruption can be done only by someone who is in possession of these powers – people who decide about public interest, that is to say people who are indirectly or directly delegated by the citizens to implement certain tasks.¹⁰ The mentioned definition of the World Bank is a basis for legal description of criminal acts of corruption.

Based on the above mentioned definitions of corruption, we will try to determine what would be corruption in MoI and judiciary as the institution with which the MoI should closely cooperate in fighting corruption. When we analyze the mentioned definitions, it is certain that corruption in police occurs when two criteria are fulfilled – abuse of official authorisations and gaining self-profit or profit for another person. In wider sense of the term, unmoral and unfair behaviour of an official also enters the domain of criminal activity and steps away from basic social norms. Miler introduces a narrower definition of corruption in police by saying that it is needed to make difference between corruptive activities, like accepting bribe for example, from criminal activities which are not corruptive – robbery, burglary or theft at a work place.¹¹ Also, Kutnjak says that corruption in police is an action or an omission in work of a police officer or a group of police officers which main characteristic is abuse of official position for the

The Political Economy of Corruption, New York and London: Routledge, 2001

8 Scott, J.C., Comparative Political Corruption, Englewood Cliffs, NJ: Prentic-Hall, 1972

9 Boris Begović, Ekonomska analiza korupcije, Centar za liberalno-demokratske studije, Beograd, 2007. Str. 22

10 Nemanja Nenadić, Pojam i uzorci korupcije, u: Korupcija – osnovni pojmovi i mehanizmi za borbu, priredio Goran P. Ilić, Pravni fakultet u Beogradu, 2007. Str 19-21

11 Miller, J. „Police Corruption in England and Wales: An assessment of current evidence“, Home Office Online Report, 2003 . Dostupno: <http://www.cjp.org.uk/publications/archive/police-corruption-in-england-and-wales-an-assessment-of-current-evidence-11-02-2003/>.

purpose of gaining personal benefit. Based on this, we can conclude that corruption in police represents an act which breaks certain norms (legal), and consists of abuse of official position (abuse can be doing, or failure to do something) with the main goal of gaining some benefit (either it is actually gained or there was a clear attention).

If we apply the widely accepted definitions of corruption on determining what represents corruption in judiciary, we can say it is the process of gaining private profit by abusing powers coming from a certain position or function in judicial institutions. In this way, corruption is defined as an act which includes, not only the acceptance of bribe, but also elements such as abuse of official position and unlawful mediation. Besides judges and public prosecutors, representatives of judicial administration, prentices and all other co-workers.

Corruption in a society strikes most those areas where adopted procedures are unclear, where passed laws are in discrepancy with the already existing laws, where control instruments, either external or internal, are weak, where huge discretionary rights exist and where police and judiciary are inefficient and under control of executive authority without appropriate responsibility mechanisms. Corruption in police undermines its mission and goals which it should realize. As a result of corruption in the area of resource and financial management, police function weakens and quality in the implementation of police tasks decreases. Corruption in police, especially in the domain of employee relationship and behaviour, leads to insufficiently professional execution of its tasks, which can leave serious consequences for integrity and credibility of the institution. Police corruption occurring in the sphere of police operational activities leaves particularly harmful consequences for the society. Due to specific nature of tasks they implement, MoI officials can, for the purpose of material gain, hide or falsify evidence, use private connections, and ask for money from arrested citizens who would, in return, avoid responsibility.

According to the data of Public Prosecution of the Republic of Serbia, there were 6,500 individuals accused for different acts of corruption over the period 2009-2012.¹² Still, the worrying fact announced by the UN Coordinator in Serbia, William Infante, is that the Government of Serbia had not succeeded in making better results in fight against corruption.¹³ He also stressed that, according to the UNDP survey, state administration and police are most corrupted in Serbia. It is obvious that the institutions for fight against corruption in Serbia are weak, that their future is unpredictable, that they are understaffed, as well as that their activities are only at the beginning. Exactly that is why the paper will further focus on the institutions which should execute the fight against corruption in Serbia and their mutual cooperation; those are, on the first place, the MoI, the Anti-Corruption Agency, the Anti-Corruption Council, and the judiciary.

In the next part of the paper, we will focus on systemic corruption in the Republic of Serbia, and we will try to map the main causes of emergence and mechanisms for fighting corruption, with retrospection to the corruption in the judiciary. Besides, we

12 <http://www.glasamerike.net/content/serbia-corruption-un-dp-11-15-2011-133907798/733914.html>

13 <http://www.glasamerike.net/content/serbia-corruption-un-dp-11-15-2011-133907798/733914.html>

will take into consideration the work of independent institutions such as the Anti-Corruption Agency and the Anti-Corruption Council, with which police has necessarily to cooperate while investigating and processing cases of corruption.

FIGHT AGAINST CORRUPTION IN SERBIA

There are four main systems functioning in any state: economic, political, social and value system, each of which has its sub-systems. Quality of a society and state depends on sustainability, development and efficiency of those sub-systems. Corruption, as a harmful social phenomenon, can get into any of the mentioned sub-systems, and it can spread from one sub-system to another. In this context, special problem is when the police, as a sub-system which should represent the main actor in fighting corruption, become corrupted and instead of fighting against corruption, the police become part of it. When that happens, corruption quickly takes over the other sub-systems which are crucial for fighting corruption, such as judiciary and customs. That like situation is usually characterized by systemic corruption where independent agencies, which should fight against corruption, are themselves incapable or corrupted. When corruption overwhelms all mentioned sub-systems and systems, which exactly happened in Serbia, society and state are in huge danger.

In January 2001, the first democratic government in Serbia established an office for fight against corruption in the Ministry of Finance, while in October 2001 it established Council for Fight against Corruption as a counselling of the Government. Although legislative framework was created in the first years of the democratic government by adopting basic anti-corruption, concrete measures were missing. The government started working on the National Anti-Corruption Strategy soon after the elections in 2000, but the Strategy was adopted in the National Assembly of the Republic of Serbia only in December 2005. The draft Strategy was prepared by the Working Group led by the Ministry of Justice, together with external experts, in accordance with the methodology of the Council of Europe. The Strategy relies on the commitments expressed in the Resolution on Joining the European Union of the National Assembly of the Republic of Serbia, measures provided by the Comprehensive Anti-Corruption Policy of the European Union and the document defining ten principles for advancing fight against corruption of the accession countries, candidate countries and third countries. The state in this way expressed its readiness to fulfill needed preconditions for the EU accession. The Strategy remained pro forme, without concrete actions to follow the measures provided by the Strategy.

In regard with the legal definitions of corruption, in the period 2001-2006 the Criminal Procedure Code contained a group of criminal acts derived from criminal acts of abuse of official position, which were introduced in the law under the common title "criminal acts of corruption which were related to abuse in certain areas".¹⁴ An overarching definition of corruption did not exist in the law until the adoption of the Law on the Anti-Corruption Agency in which corruption was defined as a relation based on abuse of official or social position or influence, in public or private sector, with the purpose of gaining own benefit or a benefit for another person. The quoted definition is narrower

14 Nemanja Nenadić, Pojam i uzorci korupcije, u: Korupcija – osnovni pojmovi i mehanizmi za borbu, priredio Goran P. Ilić, Pravni fakultet u Beogradu, 2007. Str 21-23

than the one in the Strategy, as it includes, besides abuse of official position, the assumption of possibility to influence decision-making in public or private sector.

In spite of the mentioned legal regulations, the absence of adequate anti-corruption policy is still a long-term problem in Serbia. Based on the recommendations of the European Commission in regard to the Stabilization and Association Agreement from 2008, and upon Serbia's submission of candidacy for the EU accession, the Government formally placed the corruption problem as its highest priority. The Strategy anticipated the adoption of the Anti-Corruption Law, which will define the relation between the Anti-Corruption Council and the future state institution for fight against corruption. Still, the Ministry of Justice left out these regulations from the text of the Law, and excluded from the Working Group for drafting the Law all members from other institutions (representatives of the Committee for the Conflict of Interest, the Anti-Corruption Council, NGOs, media and the Council of Europe), and then adopted a draft Law which was in contrast to the initial idea of the National Anti-Corruption Strategy – that the corruption is a systemic problem and that it has to be fought as such.

Despite many objections which the Anti-Corruption Council had, the Law on the Anti-Corruption Agency had been passed in 2008. The Law regulated establishment, functions, organisation and work of the Agency, rules related to the prevention of the conflict of interest in performing public functions and announcement of private possessions of persons holding public functions, introduction of integrity plans and other issues. The practice in other countries, which was also confirmed on the case of Serbia, unambiguously showed that, if this like agency has no strong support of political top management and other institutions, the results of its work will stay modest. When support of citizens, non-governmental organisations and media was also missing, the agency turned to be a screen for high level machinations. On the other hand, civil society organisations and media can be very successful in raising citizens' awareness and their sensibility to different forms of corruption. They can exercise a whole scope of activities for that goal: from monitoring legal framework and lobbying for improvement of regulations and practices, to very specific projects implemented with the Anti-Corruption Agency through which they could together put pressure on the state to implement recommendations of the Agency, move the already existing systems, change them or establish new ones where needed.

In order to change the current state, the change of the Law on the Anti-Corruption Agency, as well as enhancing its powers (e.g. possibility of direct access to data basis on private possessions, not only at a request or via other institutions) and resources are needed so that the Agency's decisions and its monitoring role could be realized. Although the Agency was given predominantly preventive role, the European Commission in its recommendations put the accent on monitoring and control powers of the Agency in the future period, meaning it would be important for the Commission to see results, among others, in monitoring the implementation of anti-corruption strategic action plans.¹⁵ In that purpose, it is needed to foster cooperation between the Agency and other relevant state institutions, especially the MoI.

15 <http://www.euractiv.rs/srbija-i-eu/3186-potrebnost-vie-inicijative-u-borbi-protiv-korupcije.html>

This like situation in society had negative consequences for the police as one of the key institutions in fighting corruption. Corruption in the police is not only security but also budgetary problem due to the fact that only 7% of the state budget goes to the MoI while it has 45,000 of employees. The most often forms of corruption among traffic police officers include accepting bribe from: drivers in order to avoid sanctions for traffic offences and more favourable records on the traffic offence; owners of auto-schools for more favourable treatment of their candidates; and owners of transport companies for avoiding sanctioning of their drivers and sending their transport vehicles to additional technical controls. Corruption among border police officers occurs with the goal of more favourable treatment while crossing state borders – faster crossing, free and unsanctioned transfer of goods, as well as administrative assistance to foreign citizens regarding their stay in Serbia. Reports on officers working on administrative issues are related to accepting bribe for faster issuing of personal documentation or getting those without all necessary documents. Complaints on criminal police officers refer to corruption with the aim of avoiding criminal responsibility, returning seized personal belongings, releasing business people of responsibility, and informing on the planned police actions.¹⁶

A huge problem is that there is no MoI's document defining exactly what corruption within the police is and that there are no measures or regulations for fighting corruption in the Ministry. Although the Internal Affairs Sector exists now for years in the MoI, the nomination of a head of the Directorate for Internal Affairs and a head of the Internal Affairs Sector was done after the expiry of legal deadline defined by the Law on Civil Servants. As ministerial responsibility is not developed in Serbia, and Internal Affairs Sector is directly subordinated to the Minister of Interior, independence of Internal Affairs Sector is mostly jeopardized. Huge problem is insufficient transparency, that is to say, the absence of information on the work of the Department for Control of Legitimacy of Work of Gendarmerie.¹⁷ The last changes in the Law on Police from December 2011 assume the regulation of the organisation, functioning of the special police units and the status of their representatives by a secondary legal act, which has not yet been adopted. This like situation represents a risk from corruption due to the fact that a huge number of citizens in the Internal Affairs Sector public opinion poll on corruption in the police stated they had given gifts and/or bribe to the representatives of the Gendarmerie.¹⁸

Two things are expected from the representatives of the police regarding corruption: first, that they themselves never do an act of corruption and second, to determinately fight against all acts of corruption in the society and among them. They are responsible to report on acts of corruption of their colleagues and commanders, while the overall organisation should encourage and support them in that. In that regard, especially frustrating is the fact that more than 75% of police officers do nothing after they find

16 The given data announced Miloš Oparnica, representative of the Internal Affairs Sector at the event in Criminal-Police Academy organised for the purpose of presenting the publication Guidelines for Maintaining Police Integrity, by Belgrade Center for Security Policy.

17 http://korupcija.bezbednost.org/Korupcija/236/Spoljasnja-kontrola.shtml/nav_start=

18 MUP, Strateška obaveštajna procena korupcije 2012, 16, preuzeto sa: http://korupcija.bezbednost.org/Korupcija/236/Spoljasnja-kontrola.shtml/nav_start=

out that their colleagues had taken part in corruptive actions.¹⁹ That is the reason why disciplinary measures for corrupted police officers have to be public, at least within the police service, so that the other police officers could learn from the inappropriate behaviour of their colleagues what an offense means and that the similar actions are not acceptable,²⁰ as well as that those are subject of punishment.

It is supposed that police officers should be resistant to even the slightest, non-punishable forms of corruption such as little favours, gifts and small benefits, as these forms lead to the corruption of police authority as well as to more severe forms of corruption.²¹ The Internal Affairs Sector survey came to the worrying data on the police officers' readiness to participate in a corruptive action for a little amount of money, an object of little value or promise that they will receive a corresponding favour in return.²²

Prohibition and efficient fight against corruption in the police have great importance because the police service should be a carrier of the fight against unlawfulness. The fact is that the police service is a state institution from which the public expects to control behaviour of other citizens, including state representatives; if the police cannot be trusted, there is no other institution to which the public would turn to when searching for respect of the law and maintaining public order. If the Government is not able or does not want to fight corruption, than a question is raised in which way it can ensure respect of the law by citizens.

The fact that all police mechanisms are reactive and its investigations discover only the most obvious forms of corruption represents the main problem. Preventive mechanisms for fighting corruption are rarely present and investigations are related to individual cases, while the organised corruptive activity is difficult to be revealed.²³

Regarding the fight against corruption in a wider context, the police mostly possess means and capability to implement basic investigations, but their capacities for proactive investigation of these cases are yet to be developed. Proactive (e.g. based on the previously observed patterns of corruptive behaviour or data available to everybody, including prosecution and police) and not explicitly reactive investigation (upon receiving a criminal report) is crucial for fighting corruption. Advancement of capacities for implementation of financial investigations, high level and political corruption, should be MoI's priority, as well as establishing coordination between the police and other organisations and institutions dealing with the fight against corruption, especially with the Anti-Corruption Agency. Special attention should be paid on building capacities of specialized anti-corruption bodies within the police and the results of their work.

19 MUP, Strateška obaveštajna procena korupcije 2012, 37, preuzeto sa: http://korupcija.bezbednost.org/Korupcija/236/Spoljasnja-kontrola.shtml/nav_start=

20 Uputstva za očuvanje policijskog integriteta, Geneva Center for Democratic Control of Armed Forces (DCAF), Geneva, 2012.

21 Bogoljub Milosavljević, Ljudska prava i policija – sandardi ljudskih prava za policiju, Centar za antiratnu akciju, Beograd, 2004, str 45.

22 MUP, Strateška obaveštajna procena korupcije 2012, 37, preuzeto sa: http://korupcija.bezbednost.org/Korupcija/236/Spoljasnja-kontrola.shtml/nav_start=

23 Saša Đorđević, Šta je poznato o korupciji u policiji?, Beogradski centar za bezbednosnu politiku, maj 2012, str 7.

Tightly linked with the corruption in the police is the corruption in judiciary, which reflects, as in other state institutions, in the absence of rule of law. Consequence of weak rule of law is that an individual, who is not part of a corruptive chain, feels helpless when facing the system. The corruption in judiciary contributes directly to the strengthening of crime and thus, decreasing in citizens' safety. Instead of fearing judicial system, individuals who are involved in illegal activities feel safe, and they are aware that they can bribe judges in the future again and avoid punishment.²⁴ Although the jurisdiction of the Prosecutor for Organised Crime is extended in January 2010 to the cases of high level corruption, and his office significantly augmented its activities in 2011, as well as initiated investigations on 330 cases of corruption by mid 2011, almost no record of a processed systemic corruption case in Serbia has been recorded. Judiciary reform was executed by unprofessional employees, while the set of judicial laws had been adopted without previous assessment of the situation in the judiciary. The main preconditions for fighting corruption in the judiciary, and by that indirectly in other spheres, are: independence of judicial institutions from the executive authority, budgetary independence of judiciary (which was anticipated in the Anti-Corruption Strategy from 2005, but had not been implemented), supervision of judges with the obligation to respect their independence, realization of disciplinary procedures in which judges and prosecutors with flaws in work would be interrogated. The Minister of Justice was nominated for a coordinator for fight against corruption in 2011 with the purpose of advancing the existing inadequate cooperation between the relevant stakeholders who were involved in the fight against corruption, where the Minister is a coordinator of executive institutions and not of all state institutions fighting corruption, which would directly jeopardize their independence in work. The corruption in judiciary is further spread by wide discretionary rights of judges, such as imposing penalties of 3 to 15 years in prison, as well as the fact that political authority can corrupt judges through the revision process of the already selected judges. Domestic regulations are not sufficiently harmonized with the relevant international documents, and are not properly implemented, while also many issues are still not arranged by the law. All this is a reason why the judicial institutions in Serbia do not have at their disposal appropriate powers for detecting and proving criminal acts of corruption.

NEGATIVE EFFECTS OF THE CORRUPTION

Despite all adopted legal and institutional solutions, fight against corruption in Serbia has not given the expected results. This directly affects the results of public opinion polls on the corruption issue. Majority of citizens, up to 77%, considers corruption to be the biggest issue in Serbia,²⁵ and that it crossed certain lines of tolerance, while every other respondent believes that there is corruption in the police. Approximate percentage of citizens thinks that the state fights selectively against corruption and they would not inform on such a case in fear of inadequate witness protection.²⁶

Paradoxically, according to survey of Victimology Society of Serbia from 2012, up to

24 Miodrag Majtić, *Korupcija u pravosuđu u: Korupcija – osnovni pojmovi i mehanizmi za borbu*, priredio Goran P. Ilić, Pravni fakultet u Beogradu, 2007. Str 61-70

25 Agencija za borbu protiv korupcije, *Istraživanje javnog mnjenja o korupciji u Srbiji* (2012)

26 BCSP Research.

20% of respondents have nothing against giving bribes. Also, percentage of reported corruption acts is very low and amounts to only 35% as per statements of respondents both giving and accepting bribe is a common occurrence and reporting such an act to the corrupted police is meaningless. Devastating results of the survey conducted by the Anti-Corruption Agency in 2012 show that every fifth citizen of Serbia considers giving a gift to an officer to do something that is anyway his job as an acceptable form of behaviour – claim that „corruption in Serbia is a way for people to satisfy their own needs“ is agreed upon by 48%, and 19% of citizens of Serbia considers that using friendship with officers in government institutions in order to skip the line does not represent corruption.

Corrupted individuals and interest groups are above institutions which should fight against corruption and they use these institutions for their own benefit. Even 21% of citizens consider the effect of tycoons (powerful business people) on police work and judiciary the biggest cause of corruption in Serbia, the effect of political arbitrariness on the work of these institutions comes second – 18% of citizens, whereas in the third place comes insufficient control of the officers and officials.²⁷ Also, only one third of citizens who were asked for a bribe from police officers reported the case to corresponding police department while others reported it to the media or their acquaintances.²⁸ Besides, the citizens are usually not acquainted with the corresponding measures of the police upon their complaints.²⁹

Encouraging is the fact that the number of citizens' complaints against police officers is not that low. There are more than 3,500 complaints about the work of police officers and besides the abuse of power, the majority of complaints against police officers was filed for forgery and accepting bribe.³⁰ The crucial problem of citizens' complaints related to other institutions, also affecting the MoI, is the fact that there is no sufficiently functional system based on which whistleblowers would be guaranteed protection, which is one of the crucial points in fighting against corruption. The state has to provide them with adequate protection from mobbing and abuse at work and other forms of retaliation such as threats and dismissal from work. Any retaliation towards whistleblowers should be treated as crime and state institutions should act upon all complaints of whistleblowers whether they are anonymous or not. A future Law on Whistleblowers should be tailor made in accordance with domestic standards and model used in fight against corruption in the countries which have made significant progress in fight against corruption. In order to reduce this problem, the Anti-Corruption Agency should work on encouraging the citizens to report the cases of corruption in the MoI, and especially if they are employed in this institution.

Corruption within police negatively affects the image of police officers, encourages respect of code of silence as well as resistance to principles of responsible work, and

27 Agencija za borbu protiv korucpije, Istraživanje javnog mnjenja o korupciji u Srbiji (2012)

28 MUP, Strateška obaveštajna procena korupcije 2012, 14 preuzeto sa: http://korupcija.bezbednost.org/Korupcija/236/Spoljasnja-kontrola.shtml/nav_start=

29 MUP, Strateška obaveštajna procena korupcije 2012, 15, preuzeto sa: http://korupcija.bezbednost.org/Korupcija/236/Spoljasnja-kontrola.shtml/nav_start=

30 <http://www.e-novine.com/mobile/drustvo/63088-Brojni-oblici-korupcije-policiji.html>

undermines the legitimacy of police and executive authorities in charge of control and monitoring of police.³¹ Giving bribe and abuse of position became dominant and common standard of behaviour during performance of everyday work in contact with state institutions which produces apathy and sense of helplessness among individuals. This results in a low level of trust in state institutions including police.

If legitimacy of police derives from the principle that the police are service of citizens based on offering equal service to all citizens then corruption seriously undermines that legitimacy. It is undoubtedly that systemic corruption which affects the police and jurisdiction jeopardizes the rule of law as a guarantee of order, safety and stability in one system. The corruption in police and judiciary made corruption reach such an extent that it questioned two important values of the rule of law – justice and freedom of citizens. At the same time, independent institutions which should fight against corruption became weakened. Citizens do not trust that these institutions are capable of protecting the public interest: 33% of citizens believe that they are not capable at all, 41% believes that they are mostly not capable whereas only 14% believes that public institutions are mostly or completely capable to fulfill their function.³²

One of the consequences of the corruption in police which directly concerns the citizens is the fact that money of tax payers is spent for something not envisaged within the budget of the MoI. Even though the police and the MoI differ from other institutions of public administration, they are financed from the budget of tax payers. Those in power who run the police carry out the public function and manage the resources entrusted to them by the citizens. That is why citizens have a right to insist on transparency of these institutions. The police, together with all other institutions which belong to security sector, represent the highest expense in the budget of the Republic of Serbia. Due to corruptive financial business especially in the area of public procurement, the corruption in police directly results in more finances allocated for the purchase of items of low quality.

Corruption in police, especially in the system of human resources management leads to creation of corruptive pattern of task performance and creates a system of quid pro quo. In this way, the system of integrity is damaged as well as police accountability and its ability to efficiently respond to security challenges it is faced with.

Also, it is doubtless that political parties in Serbia enjoy support of big businesses; parties divided the country and blocked the work of police and judiciary. „It is a circle in which decisions are reached. There are situations – to lease a party – where you can obtain support or manipulate some smaller political party, to make something valid though certain decrees or regulations“ says Zoran Stojiljković, a board member of Anti-Corruption Agency.³³ Placing their staff on key positions in state institutions such as police, judiciary and public companies, political parties take over the control of these

31 Kutnjak-Ivković, Sanja., *Fallen Blue Knights: Controlling Police Corruption*. Oxford: Oxford University Press, 2005. str3.

32 Agency for Fight against Corruption, *Public Opinion Poll on Corruption in Serbia* (2012)

33 http://www.slobodnaevropa.org/content/tema_sedmice_korupcija_srbija/2245654.html

institutions. On a practical level, political coalitions set up a specific system of trade with functions which is only an additional impulse for other forms of corruption. There is no judicial system which can control this political model of unaccountability. The way out of the accountability crises is reorganization of political model of governance organization and building of system of effective control and accountability in politics and especially in the MoI. The key problem in Serbia is the lack of sufficiently developed institutional mechanism of control for regulating the money flow in political competition. That is the reason to continue with further reforms in this area.

As the reaction of the Anti-corruption Agency to almost all cases of corruption was regularly missing out, the Anti-Corruption Council was repeatedly trying to point to the Government to suspicious cases of corruptive behaviour in all sectors of public interest. As we saw, the reaction of the Government to the reports of the Council came down to complete and constant disapproval, the reports of the Council were simply neglected which was concluded by Transparency International (2011), and the Council was finally subject to criminal investigation.

The Anti-Corruption Agency was reduced to the institution which informs about the conflict of interest with purely preventive and educational function. The inefficiency of the Agency is seen through the fact that none of those being under criminal proceedings for corruption was identified by the Agency to have any conflict of interest or committed any crime of corruption. The lack of the Agency's reaction to accumulating power and functions by some ministers in the Government also speaks about the politicization of this institution. A significant shortcoming in the Law on the Anti-Corruption Agency is the fact that it does not ban those at highest positions in the state institutions to have managerial and operative functions in their political parties. The lack of institutional and operational mechanisms of cooperation between the MoI and the Anti-Corruption Agency is the key problem which should be resolved with the new anti-corruption strategy. The new strategy should contain the principle of zero tolerance for corruption and focus on clearly defined goals and estimation of the problem as well as control mechanisms. The new strategy should emphasize the importance of elimination of corruption and raising awareness of the public, as well as the need that each individual shows personal example how to confront corruptive behaviour. The most important element of the strategy should be cooperation between independent bodies and agencies fighting corruption with the MoI and judiciary.

With the aim of efficient fight against corruption at institutional level, it is extremely important for Serbia to improve legal framework for fighting against corruption as well as institutional framework. Raising awareness of citizens on this topic and their inclusion in the fight against corruption will contribute to more efficient process of reducing the level of corruption.

Significant source of data on corruption and raising awareness of citizens are reports of civil society organizations which carried out the monitoring of budget and public procurement spending. These reports give insight into the current level of transparency and inclusiveness of the process of budget making for certain state institutions, mapping the process of defining priorities of budget policy and procedure of drafting budget of state institutions, evaluate capacities of national parliament and its involvement in the control of state budget and implementation of budget policies and many

other activities. Even though the majority of these reports do not refer directly to the work of police they can serve as instructions for areas in which the MoI should look for signs of corruption.

Also, citizens have right to free access to information of public interest. Information belonging to authorities or the MoI should be available to citizens upon their request or through Informator. In that context, drafting of Informator on work is the obligation of state institutions of the Republic of Serbia, including the MoI, where secondary legal act determine which information the Informator must contain. On the other hand, the MoI and judiciary should be ready to face reaction and complaints of the citizens after announcing the results. Also, for a long-term fight against corruption the key importance is the attitude of people on corruption especially next generations which should be given information on the damage and prevention of corruption. In this regard, the media have significant capacity to influence the development of anti-corruption awareness of citizens. Enhancing sensibility of the media to the problem of corruption as well as connecting corruption with violation of human rights carries in its core important educational and promotional material.³⁴ The role which media and civil society should take over is to regularly inform the citizens on the ways how to report corruption in state institutions including the MoI. Citizens can report corruption to the chief of local police department or commander of police or to one of four regional centres of the Internal Affairs Sector or in a special case to the Bureau for complaints and grievances of the MoI.³⁵

In the aim of fighting corruption, Serbia should pay more attention to implementation of international conventions for fighting against corruption and not just their signing. Regular evaluation and monitoring of the implementation and application of anti-corruption conventions, especially those related to the MoI is effective means to fight corruption. In this area, besides the government, non-governmental organizations, media and private sector have their role.

Corruptive activity in police is growing constantly whereas the methods of practicing corruption became more perfect and more difficult to identify.³⁶ Illegal issuing of documents (e.g. personal documents, license for carrying weapons, vehicle registrations) is the most common form of corruptive activities in performing administrative jobs in the MoI³⁷ and that is why organizing training for police and judiciary as well as other public institutions in the area of ethics and risk management in corruption represents very important factor in fighting this problem. Civil servants should have access to mechanisms for obtaining guidelines and advice within public administration as assistance in applying basic ethic standards at work place.³⁸

34 Korupcija i ljudska prava: uspostavljanje veze, Fond za otvoreno društvo, Beograd, 2010, str. 70-80

35 Marko Savković, Šta građani treba da znaju o korupciji u sektoru bezbednosti?, Beogradski centar za bezbednosnu politiku, oktobar 2012, str.10.

36 Kutnjak-Ivković, Sanja., Fallen Blue Knights: Controlling Police Corruption. Oxford: Oxford University Press, 2005.

37 http://korupcija.bezbednost.org/Korupcija/234/Operativni-rad.shtml/nav_start=

38 Najuspešniji postupci za borbu protiv korupcije, OEBS, Kancelarija koordinatora u oblasti ekonomije i zaštite životne sredine, Austrija, str. 209-217

It is obvious that there is connection between high level of corruption and low level of activity of civil society. Serbia should strengthen the efforts to establish creative and active civil society and help it create its institutions without governmental influence and control and intensifying positive dialog between civil society and the MoI with the aim of collecting information to fight corruption more efficiently.

The attention should be given to resolving the problems of corruption in the entire system of state administration and not only individuals.

The state should insist on obligation of state institutions and civil servants to inform the citizens on their work and to enable citizens to have the right to conduct some activities against those officials whose behaviour they consider dissatisfactory. In that context transparency in the work of the MoI is of vital importance. Also, in order to give citizens the possibility to evaluate the method of performing state functions and especially activities behind closed systems such as police, it is necessary to secure transparency and publicity of work of state officials through open sessions of the National Assembly and the Government not only to media but also all interested actors through obligation of regular submission of a report on state institutions work, strengthening the role of parliamentary oversight of the work of executive institutions, etc. At the end, it is important to say that, if the state wants to fight against corruption, it must support initiatives of civil society related to transparency and raising accountability of work of the MoI.

CONCLUSIONS

Even though there have been a series of reform steps in Serbia it did not affect the decrease of the level of corruption in many segments of society, including police. For example, in the MoI of the Republic of Serbia, there is a relatively developed legal framework of internal oversight with a high number of jurisdiction and powers at disposal. However, relatively developed legal framework for fighting corruption and achieved level of activity are not enough for prevention and fighting against corruptive activities. That is the consequence of the shortcomings in many areas. Firstly, that refers to human resources management and then material and financial resources.³⁹

There are no quick and easy solutions to fight against corruption in police or just separate measures which help achieve instant success. The corruption in police should not only be viewed in broader social context but also should be in the context of determining modern approach to integrity which implies analysis of factors which explain the abuse of authorities by police officers and why they engage in such activities.⁴⁰ Also, it is of crucial importance for fighting against corruption the efficiency of independent institutions such as the Anti-Corruption Agency and the Anti-Corruption Council and their institutionalized and operationalized cooperation with the MoI. In order to make fighting against corruption even possible it requires efficient, unbiased and uncorrupted judiciary since the work of police and independent agencies will have no effect if

39 Bogoljub Milosavljević, *Ljudska prava i policija – standardi ljudskih prava za policiju*, Centar za antiratnu akciju, Beograd, 2004, str 45.

40 Saša Đorđević, *Šta je poznato o korupciji u policiji?*, Beogradski centar za bezbednosnu politiku, maj 2012 str 8

there is still a situation where „justice“ is bought by those who have possibility to realize the outcome of legal proceedings this way.

The seriousness of the consequences of the corruption in police of one country depends on a number of factors – level of presence, type of corruption, legal framework and many other factors. In Serbia, politically and financially powerful business people affect the legal framework and adjust it to their needs. Serbia is a country with institutionalized corruption which affects all segments of society including police. It is up to Serbia to choose the road towards productive society which creates new values or to stay poor, underdeveloped state with weak institutions permeated with systemic corruption and organized crime. The MoI and police have primary role in that process.

Literature:

- Boris Begović, *Ekonomska analiza korupcije*, Centar za liberalno-demokratske studije, Beograd, 2007.
- Boris Begović i Boško Mijatović, *Korupcija u Srbiji*, Centar za liberalno – demokratske studije, Beograd 2001.
- Friedrich, C.J., *Political Pathology*, *Political Quarterly*, Vol. 37, 1966
- Tanzi, V., *Corruption: Arm's length Relationships and Markets*, u: Fiorentini, G. i Pelzman, S.M (ur.): *The Economics of Organised Crime*, Cambridge: Cambridge University Press, 1995.
- *Korupcija – osnovni pojmovi i mehanizmi za borbu*, priredio Goran P. Ilić, Pravni fakultet u Beogradu, 2007.
- Bardhan, P.: *Corruption and Development: A Review of the Issues*, *Journal of Economic Literature*, Vol. 35, 1997.
- Johnston, M., *The Definition Debate: Old Conflicts in New Guises*, u: Jain, A.K. (ur.): *The Political Economy of Corruption*, New York and London: Routledge, 2001.
- Scott, J.C., *Comparative Political Corruption*, Englewood Cliffs, NJ: Prentice-Hall, 1972.
- Friedrich, Carl. *Corruption concepts in historical perspective*. In *Political corruption: A handbook*, edited by Arnold J. Heidenheimer, Michael Johnston and Victor T. LeVine. New Brunswick: Transaction Publishers, 1989.
- World Bank (2001): *World Development Report 2001/2002*, Oxford i New York: Oxford University Press
- Robert E. Klitgaard, *Controlling Corruption*, University of California Press, 1991.
- Miller, J., *Police Corruption in England and Wales: An assessment of current evidence*, Home Office Online Report, 2003. Dostupno: <http://www.cjp.org.uk/publications/archive/police-corruption-in-england-and-wales-an-assessment-of-current-evidence-11-02-2003/>.
- Kutnjak-Ivković, Sanja., *Fallen Blue Knights: Controlling Police Corruption*. Oxford: Oxford University Press, 2005.
- Saša Đorđević, *Šta je poznato o korupciji u policiji?*, Beogradski centar za bezbednosnu politiku, maj 2012.
- *Uputstva za očuvanje policijskog integriteta*, Geneva Center for Democratic Control of Armed Forces (DCAF), Geneva, 2012.
- Agencija za borbu protiv korupcije, *Istraživanje javnog mnjenja o korupciji u Srbiji (2012)*
- *Korupcija I ljudska prava: uspostavljanje veze*, Fond za otvoreno društvo, Beograd, 2010.

- Najuspešniji postupci za borbu protiv korupcije, OEBS, Kancelarija koordinatora u oblasti ekonomije I zaštite životne sredine , Austrija.
- Karklins, R. , Sistem me je naterao - korupcija u postkomunističkim društvima. Beograd: OEBS, Misija u Beogradu, 2007.
- Bogoljub Milosavljević, Ljudska prava i policija – standardi ljudskih prava za policiju, Centar za antiratnu akciju, Beograd, 2004

Internet

- <http://en.wiktionary.org/wiki/corrumpo>
- <http://www.glasamerike.net/content/serbia-corruption-un-dp-11-15-201-133907798/733914.html>
- Dragan Petrović, Korupcija – definicija i istorija korupcije kroz vekove, internet: <http://www.bastabalkana.com/2012/02/korupcija-definicija-i-istorija-korupcije-kroz-vekove/>
- <http://www.transparentnost.org.rs/dokumenti/d013.html>
- <http://www.euractiv.rs/srbija-i-eu/3186-potrebno-vie-inicijative-u-borbi-protiv-korupcije.html>
- http://korupcija.bezbednost.org/Korupcija/236/Spoljasnja-kontrola.shtml/nav_start=
- <http://www.cnp.rs/articles/view/64>
- http://www.slobodnaevropa.org/content/tema_sedmice_korupcija_srbija/2245654.html
- <http://www.kanal9tv.com/2012/06/29/korupcija-u-pravosudu-neizleciva>
- <http://www.24sata.rs/vesti/aktuelno/vest/zakon-o-zastiti-uzbunjivaca-do-polovine-sledece-godine/66092.phtml>

Abbreviations

BCSP	Belgrade Center for Safety Policy
DPS	Department of Public Safety
EU	European Union
EU	European Union
IAS	Internal Affairs Sector
MoI	Ministry of Interior
RAI	Regional Anti-Corruption Initiative
SAI	State Audit Institution
TI	Transparency International

Belgrade Centre for Security Policy (BCBP) is an independent research centre dedicated to advancing security of the citizens and society they live in on the basis of democratic principles and respect for human rights. In the midst of the Centre's interest are all policies aimed at the improvement of human, national, regional, European, and global security.



www.bezbednost.org