

LAW
ON ORGANISATION AND JURISDICTION OF GOVERNMENT AUTHORITIES IN
SUPPRESSION OF ORGANISED CRIME
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I. INTRODUCTORY PROVISIONS

Article 1

This Law governs establishing, organization, jurisdiction and powers of special government bodies for detecting and prosecuting perpetrators of criminal offences stipulated in this Law.

Article 2

This Law shall be applied in detecting and prosecuting perpetrators of the following criminal offences when including the element of organised crime:

1. against the constitutional order or security of the Federal Republic of Yugoslavia;
2. against humanity and international law
3. counterfeiting and money laundry, illicit production and sale of narcotics, illicit trade, illicit trade in arms, ammunition and explosive substances, human trafficking, robbery, aggravated theft, offering and accepting bribes, extortion and kidnapping;
4. other criminal offences carrying a prison sentence of minimum five years.

Article 3

For the purpose of this Law the element of organised crime shall exist when any of the elements of the criminal offence *conspiracy to commit a criminal offence* stipulated under Federal law (Article 254 of the FRY Criminal Code), *collusion to commit a criminal offence* stipulated under Federal law (Article 253 of the FRY CC) or *criminal conspiracy* (Article 227 of the RS CC) are present.

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

1. Special Prosecutor's Office

Article 4

The District Public Prosecutor's Office in Belgrade shall have jurisdiction for the territory of the Republic of Serbia to proceed in criminal offences specified in Article 2 of this Law.

A Special Prosecutor's Office for suppression of organized crime is established within the District Public Prosecutor's Office in Belgrade. (hereinafter the Special Prosecutor's Office)

Unless otherwise stipulated by this Law, the provisions of the Law on Public Prosecution shall apply to the Special Prosecutor's Office.

Article 5

The Special Prosecutor's Office is managed by a Special Prosecutor for suppression of organized crime (hereinafter the Special Prosecutor).

The Special Prosecutor is appointed by the Republic Public Prosecutor from among Public Prosecutors and Deputy Public Prosecutors meeting the requirements for appointment as District Public Prosecutor, under written consent of the appointee.

The Special Prosecutor is appointed to a term of office of two years and may be re-appointed.

The Republic Public Prosecutor shall, prior to appointment of Special Prosecutor, first issue a decision on seconding such person to the Special Prosecutor's Office.

Secondment specified in paragraph 4 of this Article shall be done under written consent of the person being seconded and may not exceed two years.

The Republic Public Prosecutor may dismiss the Special Prosecutor before expiry of his/her term of appointment.

Upon termination of his/her office the Special Prosecutor shall return to his/her previous post.

Article 6

The Special prosecutor shall have the rights and responsibilities of a public prosecutor.

Upon becoming aware that a particular criminal case is a case specified in Article 2 of this Law, the Special Prosecutor shall approach the Republic Public Prosecutor in writing, requesting from the Republic Public Prosecutor to confer or delegate jurisdiction to him/her.

The Republic Public Prosecutor shall decide on the request specified in paragraph 2 of this Article within eight days.

Article 7

The Belgrade District Public Prosecutor, at the recommendation of the Special Prosecutor, shall pass the act on internal organisation and job classification in the Special Prosecutor's Office, with the agreement of the minister responsible for the judiciary.

Article 8

The Republic Public Prosecutor, following recommendation from the Special Prosecutor, may second a public prosecutor or deputy public prosecutor to the Special Prosecutor's Office.

Secondment specified in paragraph 1 of this Article may not exceed nine months and may be extended by decision of the Republic Public Prosecutor with written consent of the seconded person.

Article 9

If required by reason of conducting a criminal proceeding, the Special Prosecutor may request the competent government body or organisation to temporarily assign a person from such body or organisation to the Special Prosecutor's Office.

The official in charge of such body or organisation shall without delay take a decision in respect of the Special Prosecutor's request specified in paragraph 1 of this Article.

Secondment is done with consent of the employee and may not exceed one year.

2. Special Service for Suppression of Organized Crime

Article 10

A Special Service for suppression of organized crime and corruption is hereby established as part of the Ministry of Interior (hereinafter "the Service") to perform law enforcement duties in respect of criminal offences specified in Article 2 of this Law.

The Service shall act upon requests of the Special Prosecutor's Office, in accordance with law.

The minister responsible for internal affairs shall appoint and dismiss the commanding officer of the Service following the opinion of the Special Prosecutor and shall specify the Service's activity, in accordance with this Law.

The minister responsible for internal affairs may decide to deploy an organisational unit of the Ministry of Interior - the Gendarmerie, in preventing and detecting the criminal act of terrorism.

Article 11

All government bodies and services shall at the request of the Special Prosecutor or Service:

1. without delay enable use of any technical means at their disposal,
2. ensure timely response of each of their members and employees, including superiors of the bodies or agencies, to give information or for questioning as suspect or witness;
3. without delay hand over to the Service every document or other evidence in their possession, or otherwise deliver information that may assist in uncovering criminal offences specified in paragraph 2 of this Law.

3. Special Department of the Belgrade District Court

Article 12

The District Court in Belgrade shall have first-instance jurisdiction for the territory of the Republic of Serbia in criminal cases specified in Article 2 of this Law.

The Appellate Court in Belgrade shall have second instance jurisdiction in criminal cases specified in Article 2 of this Law.

The Supreme Court of Serbia shall decide in conflicts of jurisdiction between regular courts in criminal cases specified in Article 2 of this Law.

Article 13

A Special Department for processing criminal cases specified in Article 2 of this Law (hereinafter "Special Department of the District Court") is hereby established within the Belgrade District Court.

The President of the Special Department of the District Court shall manage the work of the Special Department of the District Court.

The President of the Special Department of the District Court is appointed by the President of the Belgrade District Court from among the judges assigned to the Special Department of the District Court.

The President of the District Court appoints judges to the Special Department of the District Court for a term of two years, from among judges of that court or judges of other courts seconded to that court, with their consent.

The President of the Belgrade District Court shall more closely specify the work of the Special Department of the District Court.

Article 14

A Special department shall be established within the Appellate Court in Belgrade for processing criminal cases specified in Article 2 of this Law (Hereinafter the Special department of the Appellate Court).

The President of the Special Department of the Appellate Court shall manage the work of the Special Department of the Appellate Court.

The President of the Special Department of the Appellate Court is appointed by the President of the Belgrade Appellate Court from among the judges assigned to the Special Department of the Appellate Court.

The President of the Belgrade Appellate Court appoints judges to the Special Department of the District Court for a term of two years, from among judges of that court or judges of other courts seconded to that court, with their consent.

The President of the Belgrade Appellate Court shall more closely specify the work of the Special Department of the Appellate Court.

4. Special Detention Unit

Article 15

A special detention unit shall be established in the Belgrade District Prison for detention pronounced in criminal proceedings for offences specified in Article 2 of this Law (hereinafter Special Detention Unit).

The Minister responsible for judicial affairs shall specify the organization, work and treatment of detainees in the Special Detention Unit, in accordance with the Law on Criminal Procedure and the Law on Execution of Penal Sanctions.

III. FINANCIAL STATUS INFORMATION

Article 16

Persons holding office and/or engaged on tasks and jobs in special organisational units specified under this Law are required, prior to taking office, to submit in writing full and accurate data on his/her financial status and the financial status of spouse, lineal blood relatives, and lateral blood relations to third degree, and relatives by marriage to second degree of kinship, in accordance with the act passed by the Government of the Republic of Serbia..

Data referred to in paragraph 1 of this Article represents an official secret.

Vetting and financial status checks of persons specified in paragraph 1 of this Article may be conducted without knowledge of such persons prior to appointment, during the term in office and during one year following termination of office, in accordance with the act of the Government of the Republic of Serbia referred to in paragraph 1 of this Article.

IV. OFFICIAL SECRET

Article 17

All persons engaged on tasks and duties within the purview of government authorities regarding suppression of organised crime shall treat all information and data they have acquired in performance of these duties as an official secret.

The Special Prosecutor, President of the Special Department of the District Court, the President of the Special department of the Appellate Court and commander of the Service shall specify the official secrets act in respect of the bodies they manage.

V. SALARIES AND OTHER EMPLOYMENT RIGHTS

Article 18

Persons holding office and/or engaged on jobs and tasks in special organisational units specified in this Law are entitled to salaries that may not exceed treble the amount of the salary they would be entitled to for posts and or jobs held prior to taking office or jobs in these organisational units.

The Government of the Republic of Serbia shall determine salaries of persons referred to in paragraph 1 of this Article.

Article 19

Judges assigned to the Special Department of the District Court and the Special Department of the Appellate Court, the Special Prosecutor, public prosecutors and their deputies assigned or seconded to the Special Prosecutor's Office are entitled to accelerated pension scheme whereby 12 months of work shall be calculated as 16 months of pension insurance.

VI. FUNDS AND FACILITIES FOR WORK

Article 20

The ministry responsible for judicial affairs shall provide adequate premises and all technical prerequisites necessary for efficient and secure work of the Special Prosecutor's Office and the Special Department.

Article 21

Funds for the work of the Special Prosecutor's Office, the Special Department and the Special Service are provided in the budget of the Republic of Serbia.

VII. TRANSITIONAL AND FINAL PROVISIONS

Article 22

Criminal proceedings for criminal offences specified in Article 2 of this Law in which the indictment has become effective prior to the day this Law comes into force, shall be concluded before the courts having actual and territorial jurisdiction prior to coming into force of this Law.

Article 23

This Law shall come into force eight days after publishing in the "Official Gazette of the Republic of Serbia", whilst provisions of Article 12, paragraph 2 and Article 14 of this Law shall apply from 1 March 2003.

Until 1 March 2003 provisions of the Law on Courts shall apply for second instance proceedings in criminal cases specified in Article 2 of this Law.

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