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It is again my pleasure to introduce another English language Issue of the Journal of Criminal Justice and Security, this one edited by Jack Greene and Gorazd Meško.

Organized crime activities in Eastern and Central Europe are under increasing scrutiny within the European Union generally, since the countries located here are being used more and more as staging points for expansion of criminal structures within the greater Europe. This is especially true of countries such as Germany, and perhaps to a lesser extent France and Italy. Moreover the European integration process and the relaxation of border controls create unique opportunities for further growth of those criminal networks. Increasingly, these groups are able to tap into their specialization and acquired experience, and further enlarge their illegal activities, as has been the case over the past 20 years. With the collapse of communism in 1989, this new challenge for security authorities across the European Union has emerged and will most certainly need to be addressed further to provide safety and security to its citizens.

Focusing on criminal justice and security issues relating to organized crime in Southeastern Europe, this volume includes contributions from scholars from several countries on a variety of timely and interesting topics, specifically variations in organized crime and the ways Western Balkan countries are addressing such matters. This edition includes research and policy discussions from Bosnia-Herzegovinian, Macedonia, and Slovenia, as well as issues affecting the area more generally.

The authors, editors, and I hope you find the following contributions both interesting and educational.

*Chuck Fields*

Associate editor for English issues

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Z zadovoljstvom predstavljam novo tematsko številko revije Varstvoslovja v angleškem jeziku, tokratna gostujoča urednika sta Jack Greene in Gorazd Meško.

Aktivnosti organizirane kriminalitete v Vzhodni in Srednji Evropi so v Evropski uniji pod vse večjim nadzorom, saj so njene države vse bolj in bolj uporabljane kot odskočne točke za razširjanje kriminalnih struktur znotraj celotne Evrope. To velja predvsem za države, kot je Nemčija in verjetno v nekoliko manjšem obsegu tudi Francija in Italija. Evropski integracijski proces in sprostitev obmejnih kontrol omogoča edinstvene priložnosti za nadaljnje širjenje teh kriminalnih mrež. Te skupine so vse bolj in bolj sposobne izkoristiti svojo specializacijo in pridobljene izkušnje za povečano širjenje ilegalnih aktivnosti, kot to počnejo že v zadnjih 20-ih letih. Evropska unija je tako, s propadom komunizma leta 1989, postavljena pred nove izzive, ki bodo vsekakor morali biti deležni nadaljnje pozornosti za zagotavljanje varnosti njenih državljanov.

Pričujoča številka revije Varstvoslovje se osredotoča na vprašanja kazenskega pravosodja in varnosti v Jugovzhodni Evropi in vsebuje prispevke strokovnjakov nekaterih držav, ki se nanašajo na različna časovna obdobja in različne teme, povezane z organizirano kriminaliteto in načini, s katerimi se države vzhodnega Balkana soočajo. Vključene so raziskave in razprave iz Bosne in Hercegovine, Makedonije in Slovenije kot tudi vprašanja, ki se nanašajo na tematiko bolj v splošnem.

Avtorji in uredniki upamo, da se vam bodo prispevki zdeli zanimivi in poučni.

*Chuck Fields*

Odgovorni urednik angleških števil

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# **Introduction to a Special Issue on Criminal Justice and Security in Southeastern Europe**

Throughout the world, crime and deviance have many faces. In a globalized, commercialized and networked world, crime and how nation states seek to deal with crime, has taken on many shapes and identities. Many of these changing approaches have focused on how to deal with organized and networked crime. Whereas in the past local communities were primarily concerned with locally initiated (home-grown) crime, today crime while still local in its impact often has its roots elsewhere. At the same time, globalized and networked crime invariably draws its sustenance from organized and coordinated criminal enterprises often far beyond the reach of any single jurisdiction or legal system. Crime has left the “cottage industry” model of local development and control and has become industrialized and indeed broadly cast.

The impacts of organized crime in Eastern and Central Europe have developed over many years being affected by, among other things, shifting politics and borders, the complexities of population dislocations and assimilations, and shifting legal developments; forces often challenging these emerging democracies and the fledgling democratic institutions that have replaced prior political regimes and alliances. Change in this region of the world is complex, implicated by longstanding histories, languages and cultures, some of which overlap, some compete, and some are at times in conflict. Changes in the geopolitics of the region oftentimes opened often longstanding social, cultural, economic and legal divisions or vulnerabilities to criminal organizations and patterns of organized crime. Emerging legal systems have attempted to keep apace of networked and global crime, while justice agencies have made transitions from centralized control emphasized in prior political configurations in the region to more decentralized, country specific, and institutions embracing the need for balancing social control with the rule of law. Such transitions take time to congeal, of course; in the interim the shifting landscape of crime and justice matters takes on some urgency as civil populations cope with new social, legal, economic and criminal orders. As crime has changed in the region, so too have approaches to dealing with crime.

In this part of the world, and especially in the Western Balkans, criminal behavior has become increasingly organized, systemic, reaching across borders and having implications for what might be called “traditional” crime, as well as new patterns of criminality emerging over the past several years. In the Western

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Balkans attempts to better understand unlawfulness must be sensitive to organized criminality, while at the same time being paired with approaches to address crime that transcend individual borders, legal doctrines and regions. In important ways regional organized crime activities require regionalized criminal justice responses.

This issue of the *Journal of Criminal Justice and Security* is focused on variations in organized crime and the ways Western Balkan countries are addressing such matters. This particular edition includes analytics and policy discussions from Bosnia-Herzegovinian, Macedonia, and Slovenia, as well as broader discussions affecting a larger range of ECE countries. Topics include the organization, methods and tactics, and routes used by organized crime to exploit this region, as well as the dynamics of crime groups such as the Albania Mafia in the Republic of Macedonia, or how corruption associated with organized crime impacts the development of sustainable tourism, and the corresponding rise in international and public-private cooperation to address such challenges, police attitudes and their effect on sex trafficking, and the rise of witness protection efforts to address organized crime. In some important ways this volume considers the rise of “new criminality” and “new criminal justice” – necessity being the mother of invention.

The volume begins with research in Bosnia-Herzegovina examining law reinforcement attitudes toward sex trafficking conducted by Muftić. It is reasonably well established that how the law gets implemented depends on how the police see the law and interpret its application to social events they encounter. Muftić’s study examines the attitudes of 363 Bosnian Border Police (BP) toward sex trafficking. The study finds that officers’ support for trafficking interventions and the handling of sex trafficking victims, offenders and the traffickers are indeed influenced by individuals’ adherence to prostitution myths, whether the officer received training concerning sex trafficking, and importantly the sex of the individual officer. Her findings suggest that if sex trafficking is to be fully approached by the police in Bosnia-Herzegovina, stereotypes and myths of prostitution and the sex trade need to be confronted with more systematic and factual information. Adherence to such myths is found to result in more punitive orientations toward victims, and less so toward customers and traffickers. Improvements in the effectiveness of anti-trafficking programs will need to confront such long-standing biases and myths.

Ilievski and Dobovšek next consider how the Albania mafia has operated within the Republic of Macedonia. Using a review of extant literature, official records and interviews with those close to organized crime development in Macedonia the authors consider the role of the Albanian mafia in the trafficking of humans, illegal arms and drugs in Macedonia and throughout Europe. They also consider the ways in which these organized criminal elements have dominated such organizations as the National Liberation Army (NLA), posing a serious threat to the sovereignty and territorial integrity of Macedonia. Of critical importance, the authors outline consider how the NLA has transformed itself into a political party, the Democratic Union for Integration, thereby increasing the political legitimacy of what was formerly a clearly criminal confederate. The links between criminal enterprise and political activity is under scored in this analysis.



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Illegal trafficking in this region has historical roots. The “Balkan Route”, examined by Dimovski, Babanoski and Ilijevski, has been recognized as a pathway for criminal activity since the seventh century. Historically, this route stretching from Afghanistan, through the Balkans and onward to Western Europe has witnessed the continual smuggling of illegal goods, such as heroin, and immigrants from the East to the West. Most recently, however, highly mobile and flexible criminal groups have revitalized the Balkan Route using it as a transit and stockpiling system for the shipment of drugs, weapons and people as border security is relatively weak and cooperation among policing systems poor. In Macedonia the authors suggest that the country’s transition to a “free market” coupled with the opening of borders, expanded opportunities for a growing “black market”. At the same time wars in the former Yugoslavia has continually stressed the region and hampered the development of regional cooperation necessary to address such organized criminal activity. The authors conclude their discussion of the “Balkan Route” by considering how it can also become a route for terrorism.

Considering the impact of organized crime on the development of sustainable tourism in this region, Mekinc, Kociper and Dobovšek consider the relationships between tourist destinations, sustainable tourism and organized crime and corruption using data from several international sources. The authors conclude that organized crime and corruption has a dramatic effect on sustainable tourism as eco-criminality often despoils the very places where tourism would be welcomed and useful. This paper is an interesting reflection on how eco-crime, often having its roots in organized crime and civic corruption continues to undermine both sustainable development and tourism. Using information from Transparency International and the World Economic Forum the authors juxtapose countries rankings of corruption with their rankings in competitiveness in travel and tourism, demonstrating the negative correlations between the two. The paper also considers the types of corrupt activities that undermine the development of sustainable tourism and concludes with the development of a model better explicating such dynamics.

Extending the previous discussion, Eman considers an increasingly more visible aspect of organized and white collar crime – environmental crime – and its development over time in Slovenia. In this paper using environmental crime data in Slovenia and the responses of 25 Slovenian experts in the field of environmental justice, the author finds that the number of detected environmental crime is relatively low, but represents such environmental crimes as illegal waste dumping, the torture of animals, game poaching and other environmental destructions. The number of detected offences has increased over the last several years. Nonetheless, the number of criminal charges, while increasing between 2002 and 2006, has declined over the last several years. Public opinion about the threats that are posed by environmental degradation reveals that the public is indeed aware and concerned about such risks. Expert opinions about such matters have also increased with concerns being raised about the level of cooperation among governmental agencies in addressing environmental crime issues, suggesting that environmental crime needs to become a more visible national priority in Slovenia.

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While organized, white collar and environmental crime are indeed pressing issues for this region of the world, how to address such issues is less clear. The final three papers in this volume consider more coordinated and robust ways of tackling these challenges.

Returning to Bosnia-Herzegovinian, Jusufspahić examines a witness protection program focused on organized crime. The author first considers the development of organized crime in Bosnia-Herzegovina following the collapse of the former Yugoslavia, and the resulting struggles for democracy and democratic institution development since. Criminal groups grew stronger during the war era; weak social institutions and corrupt governmental actors including the police resulted in a deepening crime problem, both domestically in the form of street and other forms of public crime, and in organized criminal activity. One response to the organized crime problems was passage of two pieces of legislation (2003–2004) affording witness protection for those coming forward in organized crime situations. This legislation was seen as an important mechanism for fighting organized crime in Bosnia-Herzegovina. The author traces the development of these mechanisms, and the resulting legal framework created for these laws, as well as examining witness protection programs in the US and throughout the European Union. Of particular concern in this discussion is the need for international relocation as a central element of such laws.

Of course the complexity of regional crime across ECE countries, including the Western Balkans, has required expanded international criminal cooperation particularly as it is related to extradition and surrender procedures. Šepec considers this development across the European Union, and the important legal and practical distinctions between extradition and legal surrender. As a means of criminal law cooperation, refinement of the legal institutions of extradition and surrender is required according to the author, recognizing that extradition is a political accommodation or form of cooperation among nations, while surrender is more associated with judicial processes and the harmonization of law across EU member states. Nonetheless, differences in the rights accorded those for whom extradition or surrender are being sought must also be included into these discussions, often making them more difficult, but solvable.

In the final article of this volume, the rise in public-private cooperation in the provision of security in Macedonia is detailed by Gerasimoski. Public-private cooperation is has been advanced by many as a major way to increase safety and security, most particularly in an era of restricted governmental growth and investment. Gerasimoski examines public-private cooperation in crime prevention for a 10 year period in Macedonia, using a content analysis of existing documents and data provided from the Macedonian Ministry of Interior. After reviewing the underlying rationale and activities associated with such public-private partnerships more generally, the author considers their application in Macedonia. He concludes that while there have been some efforts to forge these partnerships; they are relatively weak presently, representing more of a “possibility” rather than “reality”. Initially an unregulated private security industry in Macedonia became more associated with promoting than preventing criminality. Current partnership

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efforts are more focused and controlled, offering the possibility of successful crime prevention in the years ahead.

Collectively the papers presented in this volume of the *Journal of Criminal Justice and Security* help frame and deepen understanding of the ways in which organized crime is made manifest in the Western Balkans, while at the same time providing a few glimpses of what the law, government agencies and private groups are doing to address such issues. Each in their own way sheds some needed light on these matters, while also calling for more systematic and focused data development and analysis. Taken together the authors presented here make an important contribution to examining organized crime and its effects in a part of the world perhaps less well studied.

This volume concludes with a description of the scholarly activities of the Faculty of Criminal Justice and Security at the University of Maribor providing interested readers with a portrait of criminological, criminal justice and security related scholarship, thereby creating the potential for collaborative, comparative research in the future.

*Jack R. Greene and Gorazd Meško*  
Guest editors

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# Attitudes Regarding Criminal Justice Responses to Sex Trafficking among Law Enforcement Officers in Bosnia and Herzegovina

VARSTVOSLOVJE,  
*Journal of Criminal  
Justice and Security*  
year 15  
no. 2  
pp. 177–189

Lisa R. Muftić

## **Purpose:**

The purpose of this research study is to examine law enforcement officers' attitudes pertaining to the sanctioning of individuals involved in the sex trade, with a particular focus on sex trafficking victims, sex traffickers, and men who purchase sex (herein referred to as customers).

## **Design/Methods/Approach:**

The current study relies on self-reported survey data from the Bosnian Border Police (BP) officers ( $n = 363$ ) collected in the summer of 2011 to assess officers' attitudes regarding the sex trade. Participants were asked to respond to a variety of statements reflecting attitudinal factors related to prostitution myths and criminal justice responses to sex trafficking victims, sex traffickers, and customers.

## **Findings:**

Results from a series of multivariate statistical analyses indicate several factors to be associated with an officer's support for the arrest, incarceration, and deportation of trafficking victims, traffickers, and customers. These include adherence to prostitution myths, whether or not the officer had received training pertaining to human trafficking, and the officer's sex.

## **Research Limitations/Implications:**

Avenues for future research include an examination of the impact attitudes have on police behavior, an analysis of the content, duration and frequency of training programs offered to law enforcement, and consideration of the impact personal experiences with the sex trade have on attitude formation among the police.

## **Practical Implications:**

Findings presented have important implications for anti-trafficking programs, in particular those designed to educate and train criminal justice officials. Training programs need to include the provision of factual information regarding prostitution and sex trafficking.

UDC: 351.74/.76:343.43

**Keywords:** police, prostitution, victims of trafficking, Bosnia and Herzegovina

## **Stališča policistov v Bosni in Hercegovini do kazenskega pravosodja v zvezi s trgovino z ljudmi z namenom spolnega izkoriščanja**

### **Namen prispevka:**

Namen raziskave je preučiti stališča policistov do kaznovanja posameznikov, vključenih v trgovino z ljudmi z namenom spolnega izkoriščanja, s posebnim poudarkom na žrtvah trgovanja, trgovcih in moških, ki plačujejo za spolne usluge (v nadaljevanju kupci).

### **Metode:**

V raziskavi so poleti 2011 sodelovali policisti bosanske obmejne policije ( $n = 363$ ) z namenom oceniti odnose policistov do trgovine z ljudmi z namenom spolnega izkoriščanja. Sodelujoči so odgovarjali na različna vprašanja, ki so se nanašala na mite o prostituciji in na stališča kazenskega pravosodja do žrtev trgovine z ljudmi z namenom spolnega izkoriščanja, trgovcev ter kupcev.

### **Ugotovitve:**

Rezultati multivariatnih statističnih analiz nakazujejo na mnoge faktorje, povezane s podporo policistov za aretacijo, zapor in deportacijo žrtev, trgovcev in kupcev. To vključuje upoštevanje mitov o prostituciji ne glede na to, ali so se policisti usposabljali s področja trgovine z ljudmi ali ne in ne glede na spol policistov.

### **Omejitve/uporabnost raziskave:**

Prihodnje raziskave bodo vključevale preučitev vpliva, ki ga imajo odnosi na vedenje policistov; analize vsebine, trajanja in pogostosti programov usposabljanj, ki so na voljo policistom; in vpliv, ki ga imajo osebne izkušnje s trgovino z ljudmi z namenom spolnega izkoriščanja na oblikovanje odnosov znotraj policije.

### **Praktična uporabnost:**

Predstavljene ugotovitve imajo pomembne posledice za programe proti trgovanju, še posebej tiste, ki so namenjeni izobraževanju in usposabljanju uradnikov kazenskega pravosodja. Izobraževalni programi morajo vsebovati določbe o dejanskih informacijah, ki se nanašajo na prostitucijo in trgovino z ljudmi z namenom spolnega izkoriščanja.

**UDK:** 351.74/.76:343.43

**Ključne besede:** policija, prostitucija, žrtve trgovanja, Bosna in Hercegovina

## **1 INTRODUCTION**

As a consequence of war, Bosnia and Herzegovina has undergone innumerable economic, political, legislative, social, and cultural changes. One such change has been the growing sex trade in the region (Adžajlić-Dedović, 2003). In the last decade and a half, Bosnia and Herzegovina has become a country of origin, transit, and destination for human trafficking for the purpose of sexual exploitation (herein sex trafficking; Department of State, 2012). As a result, attention has been directed at

how the state responds to sex trafficking, with a particular focus on law enforcement responses. Missing from this is an examination of officers' opinions, not only about the sex trade in general, but also policies intended to curtail trafficking and prostitution in the region. This is unfortunate because research indicates that police officers' attitudes can impact their professional behavior (Frank & Brandl, 1991; Riksheim & Chermak, 1993). Consequently, what officers think about the sex trade, how they view individuals involved (i.e., victims, traffickers, and customers), and their support of sex trafficking policies may influence the manner in which they police the sex trade. Thus, it is plausible that officers who view victims in a negative light may be more likely to arrest rather than rescue victims of trafficking, despite departmental policy that advocates the latter.

This study provides what is believed to be one of the first empirical analyses of Bosnian police officers' attitudes about the sex trade, including an exploration of what impact, if any, various factors (e.g., demographics, training/education, work experience, and adherence to prostitution myths) have on officers' support for punitive sanctions (i.e., arrest, incarceration, deportation) for actors involved in the sex trade. This is an important contribution to the literature, not only because it is one of the first studies of its kind, but since research pertaining to the police in Bosnia and Herzegovina has largely centered on studying the process of reformation in the immediate post-conflict years with little attention directed at officers as a unit of study (for exceptions see Deljković & Lučić-Čatić, 2011; Ivković & Shelley, 2005, 2008; Muftić & Cruze, *in press*). As stewards of the law, it is imperative that we understand officers' opinions about the laws they are entrusted to enforce, as well as the factors that influence such opinions. Doing so will allow for a better understanding of police behavior, as well as identify avenues for education and training initiatives.

## 2 THE SEX TRADE IN BOSNIA AND HERZEGOVINA

The selling of sex is illegal in Bosnia and Herzegovina. Sanctions for prostitution range from monetary fines for pandering (a misdemeanor at the local level) to a maximum of 5 years imprisonment (a criminal offense at the state level). Additionally, international procuring in prostitution, which is a criminal felony at the state level, carries with it a maximum sentence of 10 years imprisonment. Estimating the incidence of the sex trade in Bosnia and Herzegovina is difficult if not impossible for several reasons. First, official data on the number of individuals charged and prosecuted for prostitution or trafficking in persons is not systematically collected at either the state or local level. Second, the formal data that does exist suggests that the sex industry in Bosnia and Herzegovina may be on the decline as there has been a decrease in formal responses to trafficking (i.e., police investigations and prosecutions) as well as fewer victims being referred for assistance (Department of State, 2012). While it is possible that a drop in the number of trafficking cases prosecuted and the number of trafficking victims assisted may indicate a sex industry that is diminishing, experts in the field contend

that this is not the case (A. Pehlić, personal communication, September 4, 2012)<sup>1</sup>. Rather, the sex trade, which continues to be a very lucrative source of revenue for organized criminal networks in the country, has evolved<sup>2</sup> and been pushed further underground, making its detection all that more difficult (Longino, 2008). Third, prostitution and sex trafficking are often conflated by criminal justice and governmental officials. Prostitution, broadly involves individuals who are most often women willingly<sup>3</sup> providing a sexual act in exchange for money or some other commodity. Sex trafficking, on the other hand, most often involves women who are coerced (e.g., via deception, force, and/or violence) into providing a sexual act in exchange for some type of payment. Understanding the nuances between the two can be difficult, especially when criminal justice officials are not properly trained to recognize the indicators of trafficking (Čopić & Simeunović-Patić, 2012; Farrell, 2012). The end result is that some individuals find themselves charged, prosecuted, and fined for engaging in prostitution, when in fact they are victims of trafficking (Limanowska & Rosga, 2004).

## 2.1 Attitudes about Prostitution and Sex Trafficking

Sawyer and Metz (2009: 336) claim that “some men have distorted notions about sex workers and their work.” They refer to these distortions as prostitution myths. Prostitution myths “are those which justify the existence of prostitution and prostituted women and contribute to a social climate that exploits and harms not only prostituted women but all women” (Cotton, Farley, & Baron, 2002: 1790). Research indicates that men who adhere to prostitution myths are more likely to support other mythical beliefs, such as rape myths (Cotton et al., 2002). Thus, it is also plausible that men who adhere to prostitution myths may be more likely to adhere to myths about sex trafficking victims<sup>4</sup>.

While there is an abundance of research examining attitudes towards sex work in the United States and other Western countries (see Farley & Kelly, 2000 for a review of this literature), this is an area of scholarship that remains largely unexplored in southeastern Europe. This is unfortunate on many levels. As a region that has experienced a growing sex trade since the collapse of communism and the

1 Abida Pehlić, President of the Association “Novi Put”. Mostar, Bosnia and Herzegovina.

2 For instance, reports indicate that while in the immediate post-conflict years international men comprised upwards to one-third of clientele and almost all sex workers were foreign born, individuals involved in the sex trade (clients and workers) today are now predominately locals from within Bosnia and Herzegovina.

3 It is important to recognize that “the degree to which prostitutes “willingly” engage in prostitution has been questioned by feminists and survivor advocates particularly considering that for many prostitutes, their “consent” may be mediated by dire economic circumstance, drug addiction, and fear of violence from a partner or pimp” (Monto, 2004: 162).

4 The media is ripe with mythical depictions of the quintessential trafficking victim; the “young and naïve innocent lured or deceived by evil traffickers into a life of sordid horror from which escape is nearly impossible” (Doezema, 2000: 24). In reality, only a minority of victims fit this profile (Čopić & Simeunović-Patić, 2012). Victims of trafficking, more often than not, voluntarily migrated for sex work only to find themselves in a situation they had not anticipated which often involves deplorable working conditions, debt bondage, and psychological, physical, and sex violence (Weitzer, 2007).



subsequent Yugoslav wars in the 1990s, a great deal of international attention and effort has been directed at responding to and reducing the sex trade. Of particular interest has been formal (i.e., state) responses to sex trafficking. This has included providing training to some criminal justice officials, including law enforcement officers, about sex trafficking in general as well as techniques to facilitate the proper identification and investigation of trafficking cases. Despite all of this, little to no attention has been directed at examining and/or influencing officers' attitudes about the sex trade.

This oversight could be tragic as research suggests that "attitudes, as evaluative internal states, pre-dispose individuals to act in a certain manner" (Frank & Brandl, 1991: 83). As previously stated, what officers think about the sex trade and how they view individuals involved (i.e., victims, traffickers, and customers) may influence the manner in which they police the sex trade. In other words, officers who are unsympathetic toward victims of trafficking or unaware or unsure of the differences between prostitution and sex trafficking may be more likely to arrest rather than rescue victims of trafficking, despite departmental policy advocating the latter.

### 3 RESEARCH QUESTIONS

The purpose of this research is to examine law enforcement officers' attitudes pertaining to the sanctioning of individuals involved in the sex trade, with a particular focus on victims, traffickers, and customers. While there is a small body of research literature that has explored police officers' attitudes about prostitution, to the author's knowledge, this is the first study to examine officers' punitive attitudes regarding sex trafficking. As such, several research questions are presented below.

#### **Research Question One: Do officers support punitive sanctions for actors involved in the sex trade?**

Little is empirically known about police officers' attitudes regarding criminal justice sanctions for individuals involved in the sex trade. The first research question is thus designed to provide a baseline understanding of which sanctions officers support when it comes to various individuals involved in the sex trade. Specifically, this question asks whether officers support punitive sanctions (i.e., arrest, incarceration, and/or deportation) for sex trafficking victims, traffickers, and customers?

#### **Research Question Two: What impact do attitudes toward prostitution have on officers' support of punitive sanctions for individuals in the sex trade?**

The second research question presented is designed to explore what impact personally held beliefs about prostitution have on officers' sex trafficking attitudes. Since previous research suggests that men who hold mythic ideas regarding prostitution also hold mythic ideas about other types of sexual violence (Cotton et al., 2002), it is hypothesized that officers who adhere to prostitution myths will be more likely to advocate for punitive type of criminal justice responses to victims,

and support more lenient criminal justice sanctions for traffickers and customers than officers who do not adhere to prostitution myths.

**Research Question Three: What impact does training have on officers' support of punitive sanctions for individuals involved in the sex trade?**

American based research that has examined law enforcement responses to human trafficking finds that police officers who have received training pertaining to human trafficking are more knowledgeable and better equipped to identify and investigate trafficking cases (Farrell, McDevitt, & Fahy, 2008). Therefore, it is proposed that officers who have received training specific to sex trafficking will not support punitive sanctions for trafficking victims but will support the arrest and incarceration of traffickers and trafficking customers.

**Research Question Four: Are there certain characteristics that are related to punitiveness among law enforcement officials?**

Existing research indicates that certain characteristics, particularly sex and age, are related to individuals holding more conservative and punitive attitudes about prostitution (Cotton et al., 2002; Wilson, Cullen, Latessa, & Wills, 1985). For instance, general population surveys find that younger respondents are less supportive of prostitution and resultantly, more supportive of criminal justice approaches that punish prostitutes (e.g., arrest and imprisonment; Jakobsson & Kotsadam, 2009; May, 1999; Sawyer, Metz, Hinds, & Brucker, 2001; Wilson & Chappell, 1968). In contrast, Wilson et al. (1985) found that among the police, younger officers were more supportive of prostitution than older officers. It is not known what influence age, or other individual characteristics like sex and education, have on officers' attitudes about sex trafficking. Consequently, the third research question is non-directional and simply explores the impact sex, age, and education have on officers' attitudes regarding sex trafficking.

## **4 METHODS**

The current study relies on self-reported survey data from Bosnian Border Police (BP) officers ( $n = 363$ ) collected as part of a larger study to assess officers' attitudes about, knowledge of, and experience with the sex trade in Bosnia and Herzegovina. Pencil and paper surveys, which were translated from English into Bosnian/Croatian/Serbian, were distributed by border police administrators to all officers working over the course of seven days in the summer of 2011. A total of 400 surveys were distributed of which 363 surveys were returned (90.8% response rate). Data entry and analysis were conducted in the United States.

### **4.1 Dependent Variables**

Participants were asked to respond to a variety of statements reflecting attitudinal factors related to law enforcement responses to trafficking victims, traffickers, and customers. Participants indicated their level of agreement or disagreement with

each statement on a four-point scale with higher values signifying greater levels of agreement with each individual item.

*Punitive Attitudes Towards Trafficking Victims Scale.* Officers' views pertaining to how they feel trafficking victims should be treated by the criminal justice system were assessed by asking three questions pertaining to arrest, incarceration, and deportation (see Table 1). These three items were factor analyzed and none of the items had a loading of less than 0.3. As such, all three items were used in the creation of the Punitive Attitudes Toward

*Trafficking Victims Scale.* The mean of these combined items was calculated to create the scale ( $M = 2.07$ ,  $SD = 0.70$ ), with higher values reflecting support of more punitive criminal justice responses to trafficking victims. The scale had acceptable internal consistency with a reported Cronbach alpha of 0.609.

*Punitive Attitudes Toward Traffickers and Customers Scale.* Officers' views pertaining to how they feel traffickers and customers should be treated by the criminal justice system were determined by asking four questions relating to arrest and incarceration (see Table 1). Higher values represent a belief that traditional criminal justice responses (i.e., arrest and incarceration) to traffickers and customers are acceptable. These four items were factor analyzed and none of the items had a loading of less than 0.3. As a result, all four items were included in the generation of the Punitive Attitudes Toward Traffickers and Customers scale. The mean of these combined items was calculated to create the scale ( $M = 3.55$ ,  $SD = 0.57$ ), with higher values reflecting a belief in more traditional criminal justice responses for traffickers and customers. The Cronbach alpha was 0.725 indicating that the scale had acceptable internal consistency.

Variable	$\alpha$	$M$	$SD$
<b>Attitudes Toward Prostitution</b>	0.702	1.74	0.64
Once women get out of the sex industry they are safe.		1.64	0.84
Most women working in the sex industry make a lot of money.		1.99	0.95
Women working in the sex industry enjoy their work.		1.73	0.87
The reason women work in the sex industry is because they like sex.		1.67	0.86
<b>Attitudes Toward Victims</b>	0.609	2.07	0.70
All women working in the sex industry should be arrested.		1.89	1.03
Women who are trafficked into BiH should be deported.		2.30	1.16
Women working in the sex industry should be imprisoned.		2.07	1.00
Women work in the sex industry because they want to; it's their choice.		2.01	0.92
<b>Attitudes Toward Traffickers/Customers</b>	0.725	3.55	0.57
Traffickers should be arrested.		3.87	0.56
Buyers/ customers should be arrested.		3.30	0.90
Traffickers should be imprisoned.		3.87	0.55
Buyers/customers should be imprisoned.		3.08	1.00

**Table 1:**  
Attitudinal  
scales and  
statistics

## 4.2 Independent Variables

*Attitudes Toward Prostitution Scale.* Officers were asked about their attitudes about sex work. Attitudes were assessed through a series of questions taken from the Attitudes Toward Prostitution scale developed by Sawyer and Metz (2009). Participants indicated their level of agreement or disagreement with each statement on a four-point scale with higher values signifying greater levels of agreement with each individual item. The 10 questions comprising the Attitudes Toward Prostitution scale were factor analyzed, and items with loadings less than 0.3 were excluded. This resulted in a scale of four items reflecting an individual's views towards prostitution (see Table 1). The mean of these combined items was calculated to create the Attitudes Toward Prostitution scale ( $M = 1.74$ ,  $SD = 0.64$ ), with higher values representing more "distorted, unrealistic beliefs about sex work" (Sawyer & Metz, 2009: 337). The Cronbach alpha was 0.702 indicating that the scale had acceptable internal consistency.

*Sex Trafficking Training.* A dichotomous measure of training receipt was utilized for this study. Officers self-reported (yes/no) if they had ever received training pertaining to sex trafficking. One-Half of the officers (51.8%;  $n = 188$ ) indicated they had received some type of sex trafficking training.

*Demographics.* Officer demographic information (i.e., sex, age and education) was also collected. Overall, the officers surveyed were primarily male (88.7%) and ranged in age from 21 to 58 years ( $M = 37.7$ ;  $SD = 6.51$ ). Respondents self-reported the number of years of education they had completed. The mean number of years of education completed was 13.4 years ( $SD = 1.86$ ; range 8–18 years).

**Table 2:**  
**Border Police**  
**Sample**  
**Descriptives**  
**( $n = 363$ )**

Male	92.8%
Age (years)	37.7 (6.5)
Highest Grade Completed (years)	13.4 (1.9)
Length of Time on Force (years)	14.1 (6.1)
Received Training	51.8%

## 5 FINDINGS

The current study was designed to explore law enforcement officers' support for punitive sanctions for actors caught up in the sex trade. In addition to measuring officers' perceptions of punitiveness, an examination of what factors may be related to such attitudes was also undertaken. This was accomplished through the generation of multivariate (OLS regression) models. Because of the likelihood that various factors influence attitudes, multivariate models were utilized in order to control for competing explanations. It was hypothesized that personally held attitudes about prostitution, training received, and individual characteristics (i.e., sex, age and education) would influence an officer's support of specific types of criminal justice sanctions for individuals in the sex trade.

## 5.1 Punitive Attitudes toward Trafficking Victims

The first research question examined to what extent officers hold punitive attitudes toward sex trafficking victims. Officers indicated their support for arresting, imprisoning and deporting trafficking victims on a scale of one to four, with higher values representing more support for these types of sanctions. Overall, officers did not appear to support punitive sanctions for victims of sex trafficking ( $M = 2.07$ ,  $SD = 0.70$ ). When individual scale items were examined, the least amount of support was found for arrest ( $M = 1.89$ ,  $SD = 1.03$ ) while the greatest support was found for deportation ( $M = 2.30$ ,  $SD = 1.16$ ). It should be noted, however, that officers' responses varied widely with at least one-quarter of officers supporting sanctions involving arrest (26.4% of officers), imprisonment (33.5% of officers surveyed), and deportation (41.9% of officers surveyed) for sex trafficking victims.

The next set of research questions that were examined involved an analysis of factors related to punitive attitudes among officers. Results indicated that several factors appear to influence officers' support for punitive sanctions. Controlling for important demographic factors (i.e., sex, age and education), two variables were found to be significantly related to officers' attitudes supporting punitive sanctions for trafficking victims. As expected, officers who indicated adherence to prostitution myths were more likely to advocate for punitive responses to trafficking victims than officers who indicated less adherence to prostitution myths ( $\beta = 0.541$ ,  $p < .001$ ). Officers who have participated in training related to sex trafficking, on the other hand, were less likely to be supportive of punitive responses for trafficking victims than untrained officers ( $\beta = -0.096$ ,  $p < .05$ ). Educational level, number of years on the police force, sex, and age were not found to be statistically related to officers' punitiveness.

## 5.2 Punitive Attitudes toward Traffickers and Sex Trafficking Customers

In addition to examining officers' support for punitive sanctions for trafficking victims, this study set out to explore whether officers support punitive measures for traffickers and sex trafficking customers. Overall, officers hold rather punitive attitudes towards traffickers and sex trafficking customers ( $M = 3.55$ ,  $SD = 0.57$ ). The strongest support was found for arresting ( $M = 3.87$ ,  $SD = 0.56$ ) and imprisoning ( $M = 3.87$ ,  $SD = 0.55$ ) traffickers. It should be noted, however, that there was little variation found within the dependent variable with most officers supporting punitive sanctions for both traffickers and sex trafficking customers.

That being said, support for sanctions varied and dependent upon several factors that were examined in the multivariate statistical model generated. As predicted, officers that indulge in prostitution myths were less likely to advocate for punitive responses to traffickers and customers than officers who do not support prostitution myths ( $\beta = -0.104$ ,  $p < .05$ ). Sex was also found to be an important determinant of punitiveness. Specifically, male officers appear to be less supportive of punitive criminal justice responses for traffickers and customers than female

officers ( $\beta = -0.148, p < .01$ ). Educational level, number of years on the police force, training, and age were not found to be statistically related to punitiveness.

**Table 3:**  
Ordinary  
least squares  
regression  
analyses of  
sex trafficking  
attitudes

	Attitudes Towards Trafficking Victims			Attitudes Towards Traffickers & Customers		
	<i>B</i>	<i>SE</i>	$\beta$	<i>B</i>	<i>SE</i>	$\beta$
Attitudes Toward Prostitution	0.612***	0.062	0.541	-0.091*	0.055	-0.104
Sex	-0.015	0.140	-0.006	-0.322**	0.138	-0.148
Age (years)	-0.003	0.009	-0.030	0.012	0.008	0.141
Education (years)	-0.014	0.021	-0.036	-0.016	0.019	-0.055
Experience (years)	0.008	0.010	0.070	-0.008	0.009	-0.086
Received Training	-0.135*	0.078	-0.096	-0.037	0.072	-0.034
	<i>n</i> = 254 <i>R</i> <sup>2</sup> = .298 <i>F</i> (6, 248) = 17.508, <i>p</i> < .001			<i>n</i> = 260 <i>R</i> <sup>2</sup> = .043 <i>F</i> (6, 254) = 1.911, <i>p</i> < .10		

\*\*\* *p* < .001, \*\* *p* < .01, \* *p* < .05, one-sided

## 6 DISCUSSION

As a whole, officers were not supportive of punitive criminal justice sanctions for trafficking victims. Greater and more consistent support was found for punitive responses to traffickers and customers. Results from a series of multivariate statistical analyses indicate several factors to be associated with law enforcement officers' adherence to prostitution myths and support for punitive responses to individuals involved in the sex trade. These include adherence to prostitution myths, training received, and sex of the officer. Specifically, this study finds officers who adhere to prostitution myths are more likely to be supportive of punitive sanctions for trafficking victims, but unlikely to be supportive of such sanctions for traffickers or customers compared to officers who do not hold mythical beliefs about prostitution. Punitive attitudes were less likely among officers who had received some form of training compared to officers who had not participated in such training. Finally, male officers were less likely to support sanctions involving arrest and incarceration for traffickers and sex trafficking customers than were female officers.

These findings have important implications for anti-trafficking programs. Considering that reports from local NGOs in Bosnia indicate that police officers continue to punish trafficking victims by arresting them for prostitution, possession of forged documents, illegal entry into the country, and/or working without proper authorization despite policies that discourage such practice, the attitudes of officers must be considered (Human Rights Watch, 2009; Longino, 2008). Thus, the focus of training programs needs to be not only on indicators of trafficking and investigation techniques, but also on dispelling the myths of prostitution and

trafficking through the provision of factual information on prostitutes, prostitution, and sex trafficking.

## 6.1 Limitations and Future Studies

This study provided one of the first known explorations into whether or not officers support punitive measures for individuals involved in the sex trade in Bosnia and Herzegovina. While an important venue for research, this study is not without limitations. For instance, the measured attitudes employed in this study were not used to predict behavior. If behavioral measures (e.g., arrest decisions) had been used, it would be hypothesized that attitudes in favor of punitive sanctions would be predictive of arresting sex workers, regardless of whether or not the individual has been trafficked. Future studies need to incorporate behavioral measures.

Future research needs to go beyond a dichotomous measure of training (trained/not trained) and examine the type of training programs officers are exposed to. In addition to curriculum, training duration, as well as frequency, should also be evaluated. Finally, faulty messages related to prostitution and sex trafficking, as well as the use of sexist language must also be assessed.

Considering the number of claims levied against the law enforcement community for their involvement in the sex trade (Department of State, 2012; Human Rights Watch, 2009), future studies need to consider officers' personal experiences with prostitution and the sex trade. For instance, are the attitudes of officers who have had sex with a prostitute different from the attitudes of officers who have not?

Finally, considering how the market for sex has changed in Bosnia and Herzegovina in the past decade, it would be pertinent to concentrate on local law enforcement (in addition to the border patrol) to examine police officers' experiences, as well as training needs. This is particularly important because the results from this study, which focused exclusively on officers within the border patrol, may not be generalizable to the law enforcement community at large in Bosnia and Herzegovina.

In conclusion, by understanding officers' attitudes about sex trafficking, we have a better sense of police officers' willingness (or reluctance) to find, investigate and prosecute sex trafficking cases. We are thus in a "better position to identify and overcome barriers to police responses to trafficking" as well as identify areas for training and education (Farrell, 2009). The good news is that attitudes can change. They are not static. Training and education programs can target such areas in order to dispel myths which may impact behavior.

## REFERENCES

Adžajlić-Dedović, A. (2003). *Prostitucija u Bosni i Hercegovini*. Sarajevo: Fakultet kriminalističkih nauka.



- Čopić, S., & Simeunović-Patić, B. (2012). Evaluating responses to human trafficking: A review of international, regional, and national counter-trafficking mechanisms. In J. Winterdyk, B. Perrin, & P. Reichel (Eds.), *Human trafficking: Exploring the international nature, concerns, and complexities* (pp. 265–290). Boca Raton: CRC Press.
- Cotton, A., Farley, M., & Baron, R. (2002). Attitudes toward prostitution and acceptance of rape myths. *Journal of Applied Social Psychology*, 32(9), 1790–1796.
- Deljić, I., & Lučić-Čatić, M. (2011). Implementing community policing in Bosnia and Herzegovina. *Police Practice and Research*, 12(2), 172–184.
- Department of State. (2012). *2012 trafficking in persons report*. Washington: Author. Retrieved from <http://www.state.gov/j/tip/rls/tiprpt/2012/>
- Doezema, J. (2000). Loose women or lost women? The re-emergence of the myth of white slavery in contemporary discourses of trafficking in women. *Gender Issues*, 18(1), 23–50.
- Farley, M., & Kelly, V. (2000). Prostitution: A critical review of the medical and social sciences literature. *Women & Criminal Justice*, 11(4), 29–64.
- Farrell, A. (2012). Improving law enforcement identification and response to human trafficking. In J. Winterdyk, B. Perrin, & P. Reichel (Eds.), *Human trafficking: Exploring the international nature, concerns, and complexities* (pp. 181–206). Boca Raton: CRC Press.
- Farrell, A. (2009). Understanding the determinants of police identification in human trafficking cases. *First Annual Interdisciplinary Conference on Human Trafficking*. Digital Commons @ University of Nebraska-Lincoln.
- Farrell, A., McDevitt, J., & Fahy, S. (2008). *Understanding and improving law enforcement responses to human trafficking*. National Institute of Justice, U.S. DoJ (2005-IJ-CX-0045).
- Frank, J., & Brandl, S. (1991). The police attitude-behavior relationship: Methodological and conceptual considerations. *American Journal of Police*, 10(4), 83–103.
- Human Rights Watch. (2009). *Trafficking of women and girls to Bosnia and Herzegovina for forced prostitution: A submission for the United Nations Committee on the Rights of the Child from the Human Rights Watch Children's Rights Division*. New York: Author. Retrieved from [http://www.crin.org/docs/resources/treaties/crc.39/Bosnia\\_HRW\\_ngo\\_report.pdf](http://www.crin.org/docs/resources/treaties/crc.39/Bosnia_HRW_ngo_report.pdf)
- Ivkovic, S. K., & Shelley, T. O. (2005). The Bosnian police and police integrity. *European Journal of Criminology*, 2(4), 428–464.
- Ivkovic, S. K., & Shelley, T. O. (2008). The contours of police integrity across Eastern Europe: The case of Bosnia and Herzegovina and the Czech Republic. *International Criminal Justice Review*, 18(1), 59–82.
- Jakobsson, N., & Kotsadam, A. (2009). What explains attitudes toward prostitution. *Working Papers in Economics*, No. 349. Goteborgs Universitet.
- Limanowska, B., & Rosga, A. J. (2004). The bar raid as “outcome space” of anti-trafficking initiatives in Balkans. In C. Baillie, E. Dunn, & Y. Zheng. (Eds.), *Traveling facts: The social construction, distribution, and accumulation of knowledge* (pp. 154–176). Frankfurt: Campus Verlag.
- Longino, E. (2008). An enduring scourge: The evolution of trafficking in women for forced prostitution in Bosnia-Herzegovina. *Independent Study Project Collection*,



- Paper 548*. Retrieved from [http://digitalcollections.sit.edu/cgi/viewcontent.cgi?article=1553&context=isp\\_collection](http://digitalcollections.sit.edu/cgi/viewcontent.cgi?article=1553&context=isp_collection)
- May, D. (1999). Tolerance of nonconformity and its effect on attitudes toward the legalization of prostitution: A multivariate analysis. *Deviant Behavior*, 20(4), 335–358.
- Monto, M. A. (2004). Female prostitution, customers, and violence. *Violence Against Women*, 10(2), 160–188.
- Muftić, L. R., & Cruze, J. (in press). The laws have changed but what about the police? What officers really think about policing intimate partner violence in post-conflict Bosnia. *Violence Against Women*.
- Riksheim, E. C., & Chermak, S. M. (1993). Causes of police behavior revisited. *Journal of Criminal Justice*, 21(4), 353–382.
- Sawyer, S. A., & Metz, M. E. (2009). The attitudes toward prostitution scale: Preliminary report on its development and use. *International Journal of Offender Therapy and Comparative Criminology*, 53(3), 334–347.
- Sawyer, S. A., Metz, M. E., Hinds, J. D., & Brucker, Jr., R. A. (2001). Attitudes towards prostitution among males: A “consumers’ report”. *Current Psychology*, 20(4), 363–376.
- Weitzer, R. (2007). The social construction of sex trafficking: Ideology and institutionalization of a moral crusade. *Politics & Society*, 35(3), 447–475.
- Wilson, P. R., & Chappell, D. (1968). Australian attitudes towards abortions, prostitution and homosexuality. *The Australian Quarterly*, 40(2), 717.
- Wilson, G., Cullen, F., Latessa, E., & Wills, J. S. (1985). State interventions and victimless crimes: A study of police attitudes. *Journal of Police Science and Administration*, 13(1), 22–29.

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# Operation of the Albanian Mafia in the Republic of Macedonia

Aleksandar Ilievski, Bojan Dobovšek

## **Purpose:**

Albanian mafia currently represents a threat to the entire Europe, while Macedonia, a country with a 25% Albanian minority, is one of the most threatened countries in Europe. In this article, we have elaborated in more detail the scope, vision and modus operandi of the Albanian mafia in human trafficking, illegal arms and drug trade in Europe, especially in Macedonia, a country that is considered one of the home countries of the Albanian mafia. The aim is to explain the transformation of the National liberation army (NLA) into Democratic Union for Integration (DUI) and investigate underlying interconnection between the NLA with the Albanian mafia.

## **Design/Methods/Approach:**

The methods employed include analysis of existing literature along with previously published interviews, certain statistical data, as well as opinions of people who have been interviewed in person due to their extensive experience in the fight against organized crime in Macedonia.

## **Findings:**

During the research, the actual condition regarding the impact of the Albanian mafia in Macedonia has been investigated, and it was concluded that, both in Macedonia and throughout Europe, there was a need for more rigorous treatment of the strategy how to deal with the mafia. The thesis that the NLA has direct links with the Albanian mafia has been proven.

## **Research Limitations/Implications:**

The main focus was on the progress of its activities in Macedonia, although the Albanian mafia operates on a far larger territory.

## **Practical Implications:**

This research emphasizes the actual state of operation of the Albanian mafia in several aspects, and provide a brief insight into their vision for the future. In addition, it could help significantly into the improvement of safety measures against the mafia's criminal activities.

## **Originality/Value:**

Due to the fact that any research regarding the operations of the Albanian mafia in Macedonia is crucial for the security in the region, there is hardly any made in this field.

**UDC: 343.9.02(497)**

**Keywords:** Albanian mafia, National Liberation Army (NLA), Democratic Union for Integration (DUI), Big Albania, transformation, Macedonia

## **Delovanje Albanske mafije v Republiki Makedoniji**

### **Namen prispevka:**

V današnjem času predstavlja Albanska mafija nevarnost celotni Evropi. V Makedoniji predstavljajo Albanci 25 odstotkov vsega prebivalstva, kar pomeni, da je Makedonija ena najbolj ogroženih držav v Evropi. V tem prispevku smo podrobneje analizirali obseg, vizijo in način delovanja Albanske mafije pri trgovini z ljudmi, orožjem in drogami v Evropi, še posebej v Makedoniji, ki velja za eno izmed matičnih držav Albanske mafije. Namen prispevka je bil razložiti preoblikovanje osvobodilne narodne vojske (ONV) v Demokratično unijo za integracijo (DUI) in raziskati osnovne povezave med ONV in Albansko mafijo.

### **Metode:**

Uporabljene metode so vključevale analizo obstoječe literature, objavljenih intervjujev in določenih statističnih podatkov ter mnenja oseb, ki so bile intervjuvane osebno na podlagi njihovih bogatih izkušenj v zvezi z bojem proti organizirani kriminaliteti v Makedoniji.

### **Ugotovitve:**

Med raziskovanjem dejanskega stanja vpliva Albanske mafije v Makedoniji je bilo ugotovljeno, da obstaja potreba po bolj strogi strategiji obravnave mafije tako v Makedoniji kot tudi v Evropi. Teza, da ima ONV neposredne vezi z Albansko mafijo, je bila potrjena.

### **Omejitve raziskave:**

Glavni poudarek je bil na širjenju aktivnosti mafije v Makedoniji, čeprav Albanska mafija deluje v precej širšem prostoru.

### **Praktična uporabnost:**

Raziskava obravnava dejansko stanje delovanja Albanske mafije z več vidikov in ponuja vpogled v njeno vizijo prihodnosti. Raziskava bi lahko pomembno pripomogla k izboljšanju varnostnih ukrepov proti kriminalnim dejavnostim mafije.

### **Izvirnost/pomembnost prispevka:**

Glede na dejstvo, da je to področje skorajda neraziskano, je kakršna koli raziskava o delovanju Albanske mafije v Makedoniji izrednega pomena za varnost v regiji.

**UDK: 343.9.02(497)**

**Ključne besede:** Albanska mafija, osvobodilna narodna vojska (ONV), Demokratična unija za integracijo (DUI), Velika Albanija, preoblikovanje, Makedonija

## 1 INTRODUCTION

The word *mafia* originates from Sicily and is used to refer to secret criminal organizations that have joined together in »families«, whose members are interconnected through ties of kinship or marriage. The mafia is a closed organization with precisely defined hierarchy and rules. Any violation of the rules is paid with one's life (Raufer & Quéré, 2006).

Finances are of crucial importance to the Mafia. So that they can achieve their goals, criminal families mainly rely on illegal activities. Illegal operations are the only method used by the mafia, because illegal activities are expensive and are not subject to taxation. Albanian criminal organizations are responsible for a number of different criminal activities. Regarding the illegal drug trade, the Albanian mafia is active in trafficking heroine, cocaine, synthetic drugs and cannabis. These groups have enormous financial resources that allow them to collaborate with other criminal organizations and deal with further illegal activities for the purpose of achieving greater material benefit (Europol, 2011).

The Albanian mafia is on the top of the world list of criminal organizations, and it has been active for a longer period. The genesis of the criminal development of the Albanian mafia comprises three stages, namely (Raufer & Quéré, 2006): delinquent predisposition (until the end of the eighties), creation of Mafia families out of the already existing and criminalized areas (early nineties), raising the level of professionalism in the Mafia and its expansion on larger territories (in the nineties).

According to Raufer and Quéré (2006), home countries of the Albanian mafia are the countries which form the so-called »Balkan golden triangle«: Albania, Kosovo and Macedonia. The former President of the Republic of Macedonia, Kiro Gligorov, in an interview in December 2000, said: »The generally accepted truth is that certain parts of the population - mostly Albanians, are involved in crime more than Macedonians.« Robert Hislope in his article »The Calm Before the Storm« (2001) says that ethnic Albanians, who make up from one quarter to one third of Macedonia's population, account for 50% of the serious crime done (according to Macedonian sources) and 80% of the prisoners (according to Albanian sources).

In 2001, Macedonia experienced a conflict initiated by the paramilitary Albanian organization NLA (National liberation army). Since then to the present, the focus has been on the Albanians as the main ones responsible for any form of organized crime in Macedonia.

## 2 ALBANIAN MAFIA IN EUROPE

The Albanian criminal network during the last decade, has grown into one of the most powerful mafia structures in the world. In many international reports, the Albanians were assessed as the ethnic group which outnumbers any other ethnical group when it comes to participants into the European organized crime. These assumptions have already proven in many EU countries. This organized Albanian group is also known to act together with other criminal groups in order to expand

their role and take full control of criminal activities in certain regions, such as human trafficking, illegal migration, trafficking in arms etc. The significance of the ethnic Albanian criminal groups in the entire European Union is rapidly increasing. Italy and Germany believe that ethnic Albanians head the largest criminal groups in the countries (Stojarova, 2007).

In November 2001, a report by Europol (Raufer, 2007) estimated that 40 percent of the heroin on the streets in Europe was sold by the Albanians. European intelligence services have identified 15 mafia clans operating in northern Albania and involved in smuggling heroin. The report "EU Organized Crime Threat Assessment [OCTA]" (Europol, 2011) says that Albanian criminal organizations have a significant role in the transport of cannabis in southeastern Europe. According to that report, the cannabis is grown in Albania and the region, and is then sent to Greece, Italy, Slovenia, Hungary and Turkey where it is traded for heroin, which is then distributed in Western Europe.

Much has been said by experts in the field of security in various European countries. An officer of an elite group of the Italian gendarmerie has said that ethnic Albanians are among the most dangerous dealers of drugs and weapons. These people are determined, ruthless and capable of the worst when it comes to achieving their goals. In 1999, John Abbott, director of the National Criminal Intelligence Service (NCIS) warned the public about the risk of infiltration of the Albanian mafia, which is well organized and operates with great cruelty. A prosecutor in Belgium has stated that the Albanian prostitution network is a form of organized crime which Belgium should be seriously concerned with (Raufer & Quéré, 2006). These are just some of the reactions of experts who are justly concerned by the method, the shape and scope of the criminal activities of Albanians in Europe.

Tome Batkovski<sup>1</sup> (personal interview, April 26, 2012) says that the reason for the large presence of the Albanian mafia in Europe is the great Albanian emigration after 1968. At that time they created installations which are being used by them even today. These installations underlie, for example, the criminal route which connects Turkey with Sweden, Belgium, Germany, Italy etc.

### **3 ACTIVITIES OF THE ALBANIAN MAFIA IN MACEDONIA**

Marjan Nikolovski<sup>2</sup> (personal interview, April 24, 2012) states that, if the statistics of local illegal drugs and human trafficking cases are to be realized, the results would certainly indicate that the perpetrators in most of them are members of the Albanian ethnic community. This would be the case in the western part of Macedonia in particular, especially when speaking of illegal arms and human

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<sup>1</sup> Tome Batkovski, Ph.D. is Professor at the Faculty of Security in Skopje and has a long experience in the Intelligence Agency of RM.

<sup>2</sup> Marjan Nikolovski is Assistant Professor at the Faculty of Safety in Skopje and a person with long years of experience in the Directorate for Safety and Counterintelligence of Macedonia.

trafficking. The same opinion is presented by Mitevski Zoran<sup>3</sup> (personal interview, May 25, 2012) who says that the Albanian mafia has great influence on the overall organized crime in Macedonia, which can be demonstrated by the number of closed and court cases proven by a final court judgment. According to Arsovska (2007) murders, abductions and women trafficking and sexual exploitation, are part of Macedonian day-to-day life. Ethnic Albanian perpetrators are said to be holding the responsibility for it.

### 3.1 The Connection of the Albanian Mafia with Human Trafficking in Macedonia

The chaos in Albania, Kosovo and the parts of Macedonia where the Albanian language is spoken, has confirmed the leading role of ethnic Albanians in human trafficking (United Nations Office on Drug and Crime, 2008).

In an interview on the book *»Corruption and Financial Crime«* (Vaknin, 2010) Vladimir Danailov<sup>4</sup> says that since the conflict in 2001 until the present, all the attention is directed towards the Albanians as the main organizers of human trafficking in Macedonia. At that time certain parts of the country had no police control. This was especially true for the western parts where the population is mostly Albanian. These uncontrolled parts of the country provided the most favorable conditions for illegal activities performance, especially in bars whose owners were ethnic Albanians. Having analyzed the data obtained from the NGO *»Coalition for Fair Trials«*, Danailov says that in that period almost everyone who was charged with offenses related to human trafficking and prostitution was of Albanian nationality, while other ethnic groups appear as accomplices. According to Danailov, exactly these circumstances during and after the conflict contributed to the prevailing view that the ethnic Albanian population is particularly associated with this type of crime. Recent research by the IOM and the data provided by several NGOs including the *»Coalition All for Fair Trials«* show that the ethnic structure of criminals is as follows: 55% Albanians, Macedonians, 36% and 9% belong to other ethnic groups. This information is based on the charges and court cases in the field of human trafficking, migrant smuggling, organizing a criminal group and mediation of prostitution (Gotovski, 2011).

According to the NGO *»Coalition All for Fair Trials«* from the observed cases in 2005 (when most cases of human trafficking are noted) 73% of those convicted of the offense human trafficking belongs to people of Albanian nationality. Other than a single case where only Macedonians appear as perpetrators of crime, in all the rest people of Macedonian ethnicity appear only as accomplices (Gotovski, 2011).

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3 Zoran Mitevski is a pensioner who worked all his life in the Intelligence Service of Macedonia, who among others, was a deputy director in the Directorate for international terrorism and organized crime in the Intelligence Service.

4 Vladimir Danailov is currently employed in a Layers Office in Skopje, and in the period between 2000 and 2006 worked as a national director for legal matters in the International Organization for Migration (IOM) Skopje.

There is evidence that the victims are first traded in Kosovo and are later transported to Macedonia and then returned to Kosovo again (see, e.g. International organization for Migration [IOM], 2004). This »ping-pong method« confirms the fact that in this region there are multinational criminal organizations which were created by the Albanians from Kosovo and Albanian criminals from Macedonia.

## 3.2 The Influence of the Albanian Mafia to the Illegal Arms Trade in Macedonia

The state of anarchy in Albania and the conflict in Kosovo which later involved Macedonia as well, had a profound impact on the increased trade in arms in Macedonia. In 1997 in Albania, the police and military armories were raided, and hundreds of thousands of AK-47 and other small weapons ended up in the hands of ethnic Albanian rebel groups. According to the Albanian government, between 1997 and 2002 about 150,000 light weapons were illegally transferred from Albania, mainly to Macedonia and Kosovo. Most of these ended up in the hands of the Kosovo liberation army (KLA), Albanian national army (ANA) and National liberation army (NLA) (Arsovska & Kostakos, 2008). The amount of seized weapons and ammunition by international forces from 2001 to 2002 indicates that Albania was a key source of the Albanian fighters from Kosovo, many of whom crossed the southern border of Kosovo to participate in the conflict in Macedonia (Miloševska, 2009).

Despite the Albanian NLA rebel forces need for weapons to realize the conflict in Macedonia in 2001, there is more evidence that trade in weapons for terrorist purposes is still flourishing in Macedonia. In November 2007, the largest seizure of weapons ever by the Macedonian police took place. This occurred in the village Brodec, near Tetovo in Western Macedonia. In the action, which became known to the world public, 6 people were killed and 13 arrested (»Planinska bura« uništi kriminalna banda, 2007). The criminal group was led by the Albanian Lirim Jakupi-Nazi<sup>5</sup> who managed to escape to the police, being armed with highest military standards. The seized weapons were estimated to number enough to arm a battalion of 650 men (Sandevski, 2010). Three years later another large seizure of weapons by the Macedonian police took place. In this case four Albanians, three citizens of Macedonia and one Kosovo citizen with great criminal record were involved (Harun Aliu e četvrtiot od grupata kaj Raduša, 2010). What is common to both cases is that the so-called Albanian Liberation Army claimed responsibility on behalf of the guerillas, stating that »Albanians in Macedonia were forced to organize militarily in order to defend the Albanian people and their territory« (Ilievski, 2008: 17).

All the weapons seized in Macedonia in recent years according to T. Batkovski (personal interview, April 26, 2012) are insignificant with respect to the region in

5 Lirim Jakupi-Nazi in August 2007 also escaped to the guards in the Kosovo prison Dubrava where he was serving the sentence of 40 years imprisonment (Kuzmanovski, 2010).



which Macedonia stretches and considering how many illegal weapons are present in Macedonia, which originate from the conflict.

### **3.3 The connection between the Albanian drug mafia and Macedonia**

According to certain assumptions, the Albanian drug mafia controls the heroin route, which today has its own distribution centers in all countries. It represents a major concern for all European police departments and countries. The wars in the Balkans broke the previous Yugoslav channels for trafficking drugs from the Middle East to Europe, but after that the ambitious Albanians managed to open new distribution centers and new channels towards the West (Raufer & Quéré, 2006).

Some observers suggest an extreme view on the overall situation, arguing that the entire Albanian national movement is nothing but a front for a vast criminal operation. One such example is the French criminologist Xavier Raufer (2007), who argues that the only purpose of military operations led by the Liberation Army of Presevo, Medvedja, and Bujanovac (LAPMB) in southern Serbia and NLA in Macedonia was to keep open the paths of heroin. Raufer referred to the roads between southern Serbia and Macedonia that lead to Kosovo as the »Balkan Golden Triangle«. LAPMB and NLA, in Raufer's opinion are »representatives of a paramilitary wing of the Albanian mafia«. He even says that despite the lack of firm evidence, »there is no doubt that the offensive of Albanian terrorists is their desire to control the path of drugs«. Moreover, Raufer claims that there is no difference between the Albanian mafia and the Albanian paramilitary forces, adding further that paramilitary forces give their contribution at the battlefield, but also take advantage of such condition to organize heroin trafficking.

It is certain that with the help of closely related ethnic regions, the Albanians have a great advantage in the drug trade as compared to other nations. The highlands between Macedonia, Kosovo and Albania are poorly controlled and often used by the drug mafia (Raufer, 2007). The report OCTA (Europol, 2011) stated that Kosovo, Macedonia and Albania are particularly important locations where storage and repackaging of drugs takes place, and such drugs continue their way to western European countries. Lately, the number of members who are nationals of the Republic of Macedonia in the structure of the ethnic Albanian criminal groups dealing specifically with trafficking heroin and cocaine, has increased (Europol, 2011).

Anastasijevic (2006) sees that although Kosovo is further on the South from the traditional Balkan route, it is ideal for storage of drugs smuggled from Macedonia, which can then be repacked and sent to the west through Serbia or Montenegro. This, and the presence of great Diaspora of ethnic Albanians in Turkey, Austria, Germany and Switzerland makes the ethnic Albanians dominant force in the European drug trade.

Ivan Babanovski (Raufer & Quéré, 2006) states that the centers of drug trafficking in Macedonia are Gostivar, Kumanovo and Skopje, where the branch



of the Albanian mafia is situated. According to the information based on his intelligence work, untreated drugs are transported from Macedonia to Kosovo and Albania where it is processed. Since Kosovo is land-locked and set somewhat out of main international highways' reach, Albanian drug lords have to work closely with their Macedonian, Serbian, and Bulgarian partners in order to move the shipments towards their western destinations (Anastasijevic, 2006).

## 4 DIRECT CONNECTIONS OF THE NLA WITH THE MAFIA

The Republic of Macedonia in 2001 was facing one of the most serious threats to its sovereignty and territorial integrity, caused by the open aggression of the well-organized and armed paramilitary group called NLA. Ivan Babanovski (2002: 201) defines NLA as »a terrorist organization which by using organized violence, terror, kidnapping and intimidation is trying to change the constitutional order in the Republic, to jeopardize its security, achieving its goal through the conquest of territory«.

Despite the fact that during the conflict the leaders of NLA claimed that they caused the conflict in order to get more rights for the Albanian population in Macedonia, Tome Batkovski (personal interview, April 26, 2012) says that the initial purpose of NLA was the »liberation of occupied Albanian territories«. Later under the influence of Western powers, the goal was changed to a request for greater rights for Albanians. He says that the most popular thing which comes as a surprise lately is that the idea of »ethnic Albania« is now referred to as »Natural Albania«. It was promoted in 2009 by Professor Koco Danaj in Tirana, Albania, with several stages of its creation.

The paramilitary criminal organization NLA between February and November 2001, fully occupies the north-western border of Macedonia where Macedonia borders Kosovo and Albania. Many experts interested into the matter (Babanovski, 2002; Daskalovski, 2004; Raufer & Quéré, 2006), agree on the thesis that a major role in the creation and functioning of the NLA was played by the interest of some Albanian political leaders in Kosovo, Albania and Macedonia, who has publicly encouraged the idea of creating a so-called »Great Albania« and they also provided financial and political support to NLA. Their interest in this action, as Daskalovski (2004) and Babanovski (2002) said, would be the profit from the criminal activities, which occurred at that time in that region and would be interrupted with the reinstatement of control by the Macedonian police forces in that area. Certain intelligence research data show that the criminal network, which operated in the region of Kosovo, southern Serbia and northwestern Macedonia and Albania, dealt primarily with trafficking in drugs, weapons, cigarettes and people and represent one of the key links in the supply of goods from Asia Minor to Europe (Daskalovski, 2004).

A report of the United Nations Office on Drug and Crime (2008) says that in the early 1990s, the village of Tanusevci, where the conflict actually began in 2001, was the main channel for arms for KLA. The report gives particular importance to the occupation of Arachinovo, which is located 10 km from Skopje, the capital city

of Macedonia. According to a report, during this period Arachinovo turned into »a hotbed of Albanian mafia activities«. Moreover, it clearly indicates that some NLA commanders were Mafia bosses.

The headquarters of the so called NLA was led by Ermush Xemali, Ali Ahmeti (political representative), Fazli Veliu, responsible for the Diaspora and Gezim Ostreni, chief military commander. Ali Ahmeti is a Macedonian with Albanian ethnic origin who during his studies participated in the Albanian separatist movement in Kosovo for which he was imprisoned for a year (European Stability Initiative, 2008). According to Professor T. Batkovski (personal interview, April 26, 2012), such separatist movement was closely linked to Enver Hoxha, the leader of the Albanian Party of Labor, whose program had nothing to do with civic democracy. According to him it is a classic Stalinist internal democracy when there were many attacks on socialism in the former Yugoslavia and all those in nationalist terms were supporters of ethnic Albania. His uncle Fazli Veliju was arrested by the German police for terrorist activities. He also had close ties with the Kosovo mafia clan »Jashari« a clan which is connected with Hashim Thaci, the Prime Minister of Kosovo, while Gezim Ostreni was a senior official in the KLA, Kosovo. Other than that Babanovski (2002), while treating NLA, says that the longtime boss of the Secret Service of Hashim Thaci was Ermush Xemali, one of the most mysterious characters on the entire scene, who is thought to have excellent relations with the Albanians of Macedonia and extremists in the valley of Presevo. Such close relations between the NLA and KLA members, set the ground for assumptions that NLA was created following the KLA example, whose leader was Kosovo Prime Minister Hashim Thaci as well as the fact that NLA is »paramilitary wing« of the Albanian mafia.

## **5 TRANSFORMATION OF NLA INTO THE POLITICAL PARTY DUI**

The similarities between Kosovo's KLA and NLA refer not only to their structure and function but also to their form of »transformation«. After the conflict and dissolution of the KLA in Kosovo, Hashim Thaci founded the political party named »Democratic Party of Kosovo« and won the elections in Kosovo on 17 November 2007, becoming the Prime Minister (Hashim Tachi, 2008). Ali Ahmeti, the leader of NLA, only a year after the conflict in Macedonia on June 5, 2002 founded a party named »Democratic Party of Integration«. There is no difference between the leadership of NLA and DUI, Ali Ahmeti who was the leader of NLA, became leader of DUI. People closest to the NLA occupied the highest positions in the party, namely Musa Xhaferi, a senior military commander, became general secretary of the party, while Fazli Veliu, the uncle of Ali Ahmeti and senior commander of the NLA became vice president of DUI (Taleski, 2011).

Three months after the formation of the new Albanian party DUI, parliamentary elections were held in Macedonia. According to the results of the Macedonian State Election Commission, the party of Ali Ahmeti won 102,038 votes, which is 12% of the voting electorate, i.e. the majority of the Albanian population (102,038 votes DUI – 40,951 votes PDP) (Macedonia's State Election Commission, 2012). Thus, Ali

Ahmeti with his newly created party, enjoyed tremendous support by the ethnic Albanians in Macedonia.

The support by the ethnic Albanians continues even today, namely the party of Ali Ahmeti from 2002 until this day has constantly had the greatest support among the Albanian parties in Macedonia. As a coalition partner in the government it has been present every year since 2002 to this day, except from 2006 to 2008, when although it had the greatest support in the Albanian block, VMRO-DPMNE managed to make a coalition and created a government with the Democratic Party of Albanians (DPA).

Despite the fact that the formation of a paramilitary organization is punishable, Ali Ahmeti through his presence in the government achieved much for the Albanian people and the members of the NLA. Namely on 20. 7. 2011, the Macedonian Parliament with the support of 63 MPs voted for the amnesty for the NLA terrorists charged for »War Crimes« in 2001 (Murusic, 2011). The cases known as »the four cases« were connected to the kidnapping and liquidation of 12 civilians and inhumane behavior and humiliation during the conflict in 2001. On the contrary, the Macedonian Johan Tarchulovski on July 10, 2008 in The Hague was sentenced to 12 years of imprisonment, as a responsible person in an action of the Macedonian police in the locality Ljuboten where 3 Albanian civilians were murdered and several properties were damaged (International Criminal Tribunal for the former Yugoslavia, 2010).

## 6 CONCLUSION

Many visible signs indicate that Albanian crime achieved a high level of organization and sophistication. With its multi-criminal activity, reaching a scientific level of safety, complex organization and firm discipline, they prove that it is not an ordinary criminal gang, but it is a well organized, sophisticated and widespread criminal organization – a Mafia. The Albanian mafia currently threatens the entire world because of their rapid and constant development, and their ability and desire to have greater and more secure business area. International reports rank the Albanian mafia as the leading one in Europe. Albania, Kosovo and Macedonia, are the countries where the presence of ethnic Albanians is largest and which are indicated as their home countries. The border highlands regions which are difficult to control and where Macedonia borders Kosovo and Albania, are of great importance for the Albanian mafia and their illegal activities such as trafficking in people, weapons, drugs, smuggling of migrants, etc.

What is of crucial importance for the development and the expansion of a criminal organization is its ability to take control over areas and to disrupt the safety situation in the region. One such example is the conflict in 2001, when the so-called NLA occupies the north-western regions of Macedonia, which for a longer period were out of the control of the Macedonian forces. Such a situation leaves the way for organized crime wide open.

Crime and corruption have played a major role since 2001 when Macedonia found itself involved in a real state of war. The criminal networks within the

Albanian community are the key element in the organization and maintenance of Albanian paramilitary forces. Powerful Albanian mafia controls a substantial part of the circles that deal with in heroin, cigarettes, and people trafficking, as well as prostitution. Albanian radical groups completely managed to benefit from the networks and the support of the Albanian mafia. It was a great help to the armament as a precondition for organizing the conflict in Macedonia.

Very often, the criminal organizations involved in various conflicts in certain countries, remain to function after the conflict is over. Unlike in 2001, today they have a political body or a party, the so called DUI, whose structure differs from the structure of the NLA. Through such a party, the paramilitary organization NLA executes its political goals and interests very successfully. Lately, the public demand of Ali Ahmeti the leader of DUI and NLA, is giving pensions to the veterans of the NLA.

A month after the parliamentary elections in Macedonia, amnesty was granted for the »Hague cases«. It was the time when the leader of VMRO-DPMNE, Nikola Gruevski, needed the support of the Albanian party DUI, so that he would be able to form a government. The leader of DUI, Ali Ahmeti, took advantage of the situation and succeeded in his intention: the Parliament granting amnesty for the cases just prior to forming the Government. As long as there is no unity among Macedonian people, NLA will continue taking advantage of situations, which would, slowly but surely, be bring Albanians closer to achieving their goal, a step at a time. Their main goal is to establish control over the government in Macedonia and Albania, i.e. to bring the platform »Ethnic Albania« to life. This has been a public secret among the Albanian political parties in Macedonia for some time, which seems to be gaining on intensity lately.

## REFERENCES

- Anastasijevic, D. (2006). *Organized crime in the Western Balkans*. HUMSEC: Annual conference 2006. Retrieved from [http://www.humsec.eu/cms/fileadmin/user\\_upload/humsec/Workin\\_Paper\\_Series/Working\\_Paper\\_Anastasijevic.pdf](http://www.humsec.eu/cms/fileadmin/user_upload/humsec/Workin_Paper_Series/Working_Paper_Anastasijevic.pdf)
- Arsovska, J. (2007). *Social confusion on the road to modernity: The meaning of violence and crime in ethnic Albanian context: Final results of a 2006 CERGE-EI GDN Project*. Retrieved from [http://iweb.cerge-ei.cz/pdf/gdn/RRCVI\\_54\\_paper\\_01.pdf](http://iweb.cerge-ei.cz/pdf/gdn/RRCVI_54_paper_01.pdf)
- Arsovska, J., & Kostakos, A. P. (2008). Illicit arms trafficking and the limits of rational choice theory: The case of the Balkans. *Trends in Organized Crime*, 11(4), 352–378.
- Babanovski, I. (2002). *ONA teroristička paravojaska vo Makedonija*. Skopje: Veda.
- Daskalovski, Z. (2004). *The Macedonian conflict of 2001: Problems of democratic consolidation*. Sindelfingen: Libertas.
- European Stability Initiative. (2008). Ali Ahmeti, Macedonia. *Esiweb.org*. Retrieved from [http://www.esiweb.org/index.php?lang=yu&id=280&portrait\\_ID=49](http://www.esiweb.org/index.php?lang=yu&id=280&portrait_ID=49)
- Europol. (2011). *EU organised crime threat assessment*. Retrieved from [https://www.europol.europa.eu/sites/default/files/publications/octa\\_2011\\_1.pdf](https://www.europol.europa.eu/sites/default/files/publications/octa_2011_1.pdf)

- Gotovski, M. (2011). *Monitoring na sudski predmeti od oblasti na trgovijata so luge i ilegalna migracija vo Makedonija 2010 godina*. Skopje: NVO – Site za pravično sudenje. Retrieved from [http://www.all4fairtrials.org.mk/Main\\_files/Izvestaj\\_2011\\_MKD.pdf](http://www.all4fairtrials.org.mk/Main_files/Izvestaj_2011_MKD.pdf)
- Hislope, R. (2001). *The calm before the storm: The influece of cross-border networks, corruption and contraband on Macedonia stability and regional security*. Annual meeting of the American political Science Association San Francisco, California. Retrieved from <http://www.antikorupcija.org.mk/dokumenti/priracnici/The%20Calm%20before%20the%20storm%20by%20Robert%20Hislope.pdf>
- Harun Aliu e četvrtiot od grupata kaj Raduša. (13. 5. 2010). Vesti. *Alfa.mk*. Retrieved from <http://www.vesti.alfa.mk/default.aspx?mId=36&egId=6&eventId=22204>
- Hashim Thaci. (10. 1. 2008). *Setimes.com*. Retrieved from [http://www.setimes.com/cocoon/setimes/xhtml/sr\\_Latn/infoCountryPage/setimes/resource\\_centre/bios/thaci\\_hashim?country=Kosovo](http://www.setimes.com/cocoon/setimes/xhtml/sr_Latn/infoCountryPage/setimes/resource_centre/bios/thaci_hashim?country=Kosovo)
- Ilievski, Z. (2008). *Country specific report: Macedonia - the role of human and minority rights in the proces of reconstruction and reconciliation for state and nation-building: Macedonia*. MIRICO: Human and Minority Rights in the Life Cycle of Ethnic Conflicts. Retrieved from [http://www.eurac.edu/en/research/institutes/imr/Documents/23\\_Macedonia.pdf](http://www.eurac.edu/en/research/institutes/imr/Documents/23_Macedonia.pdf)
- International Criminal Tribunal for the former Yugoslavia. (2010). *Appeals chamber affirms conviction of Johan Tarčulovski and acquittal of Ljube Boškovski: 2010 press releases*. Retrieved from <http://www.icty.org/sid/10406>
- International Organization for Migration. (2004). *Changing patterns and trends of trafficking in persons in the Balkan region*. Switzerland. Retrieved from [http://publications.iom.int/bookstore/free/Changing\\_Patterns.pdf](http://publications.iom.int/bookstore/free/Changing_Patterns.pdf)
- Kuzmanovski, I. (7. 9. 2010). Lirim Jakupi ke ostane vo zatvor na Kosovo. *Sitel.com*. Retrieved from <http://sitel.com.mk/dnevnik/makedonija/lirim-jakupi-nacist-ke-ostane-vo-zatvor-na-kosovo>
- Macedonia's State Election Commission. (2012). *Previous election results*. Retrieved from <http://www.sec.mk/index.php/arhiva>
- Miloševska, T. (2009). Nezakonskata trgovija so oružje i municija kako potencijalen bezbednosan problem. In V. Davčev (Ed.), *Godišen zbornik na Filozofskiot fakultet* (str. 465–485). Skopje: Filozofska fakulteta.
- Murusic, J. S. (20. 7. 2011). Macedonia abandons Hague cases. *Balkaninsight.com*. Retrieved from <http://www.balkaninsight.com/en/article/macedonia-passes-amnesty-for-hague-cases>
- »Planinska bura« uništi kriminalna banda. (7. 11. 2007). *Dnevnik.com*. Retrieved from <http://www.dnevnik.com.mk/?itemID=8D5E67F4064F974BADE0BF6C78D6F6AB&arc=1>
- Raufer, X. (2007). Albanian organized crime. In M. Korinman, & J. Laughland (Eds.), *Long March to the West: Twenty-first century migration in Europe and the greater Mediterranean area* (pp. 397–406). Portland: Vallentine Mitchell.
- Raufer, X., & Quéré, S. (2006). *Zakana za Evropa, Albanska mafija*. Skopje: Di-eM.
- Sandevski, T. (2010). External democracy promotion in post-conflict zones: Evidence from case studies, Macedonia. Berlin: Freie Universität. Retrieved from <http://>

- aix1.uottawa.ca/~czurcher/czurcher/Transitions\_files/Final%20Report%20Macedonia.pdf
- Stojarova, V. (2007). Organized crime in the Western Balkans. *HUMSEC Journal*, (1), 91–114. Retrieved from <http://www.isn.ethz.ch/isn/Digital-Library/Publications/Detail/?ots591=cab359a3-9328-19cc-a1d2-8023e646b22c&lng=en&id=110397>
- Taleski, D. (2011). *From bullets to ballots: Guerrilla-to-party transformation in Macedonia*. Central European University, Political Science Departmental Seminar. Retrieved from <http://web.ceu.hu/polsci/teaching/seminarpapers/Taleski11.pdf>
- United Nations Office on Drug and Crime. (2008). Crime and its impact on the Balkans. *Unodc.org*. Retrieved from [http://www.unodc.org/documents/data-and-analysis/Balkan\\_study.pdf](http://www.unodc.org/documents/data-and-analysis/Balkan_study.pdf)
- Vaknin, S. (2010). *Corruption and financial crime*. Skopje: A Narcissus Publications Imprint.

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# Republic of Macedonia as a Transit Country for the Illegal Trafficking in the “Balkan Route”

VARSTVOSLOVJE,  
*Journal of Criminal  
Justice and Security*  
year 15  
no. 2  
pp. 203–217

Zlate Dimovski, Kire Babanoski, Ice Ilijevski

## **Purpose:**

This study aims to give an empirical overview of the illegal trafficking with human beings, drugs and weapons in the Republic of Macedonia and its involvement in the transnational crime within the “Balkan Route”.

## **Design/Methods/Approach:**

A qualitative-quantitative approach will be used, using analysis of the current scientific literature, academic publications and scientific papers from this area, and statistical methods using statistical analysis and interpretations of data on committed crimes and the perpetrators of illegal trafficking (with national and international elements).

## **Findings:**

The scope and structure of this crime in the Republic of Macedonia and its international character will be seen through empirical data and discussions.

## **Research Limitations/Implications:**

Difficulties in the study of the transit position of the Republic of Macedonia within the “Balkan Route” especially in terms of illegal trafficking, are related to limitations in revealing the dark figure in this type of crime. Our research is largely based on existing scientific expertise and expert estimates and prognosis.

## **Practical Implications:**

The practical aim here is to enable the prevention of the transnational illegal trafficking in the Republic of Macedonia as a transit country and its exclusion from the “Balkan Route”.

## **Originality/Value:**

The conclusions which arise from this study should contribute to creating and updating of the national strategy and optimal measures in combating trafficking in Macedonia by law enforcement agencies, thereby preventing the transit of criminality from the Middle East, through Macedonian territory into the Western countries.

**UDC: 343.341(497)**

**Keywords:** illegal trafficking, “Balkan Route”, Republic of Macedonia, transit



## **Republika Makedonija kot tranzitna država za nezakonito trgovanje po "balkanski poti"**

### **Namen prispevka:**

Namen prispevka je podati empirični pregled nezakonitega trgovanja z ljudmi, drogami in orožjem v Republiki Makedoniji in njeno vključenost v transnacionalno kriminaliteto znotraj "balkanske poti".

### **Metode:**

Uporabili smo kvalitativno-kvantitativni pristop – analize trenutne znanstvene literature, akademskih objav in znanstvenih prispevkov s tega področja ter statistične analize in interpretacije podatkov storjenih kaznivih dejanj in storilcev nezakonitega trgovanja (z narodnimi in mednarodnimi elementi).

### **Ugotovitve:**

Skozi empirične podatke in razpravo smo prikazali področje in strukturo tovrstne kriminalitete v Republiki Makedoniji ter njeno mednarodno vpetost.

### **Omejitve/uporabnost raziskave:**

Težave tranzicijskega umeščanja Republike Makedonije znotraj "balkanske poti" v zvezi z nezakonitim trgovanjem so povezane predvsem z omejitvami razkrivanja temne plati tovrstne kriminalitete. Raziskava se v večji meri naslanja na obstoječe znanstvene ugotovitve in ocene ter napovedi strokovnjakov.

### **Praktična uporabnost:**

Praktični cilj je omogočiti preprečitev transnacionalnega nezakonitega trgovanja v Republiki Makedoniji kot tranzitni državi in njeno izključitev iz "balkanske poti".

### **Izvirnost/pomembnost prispevka:**

Zaključki, ki izhajajo iz te študije, naj bi pripomogli k izoblikovanju in posodobitvi nacionalne strategije in optimalnih meril v boju zoper trgovanja z blagom v Makedoniji, s čimer naj bi preprečevali tranzit kriminalitete s Srednjega Vzhoda preko makedonskega ozemlja v zahodne države.

**UDK: 343.341(497)**

**Ključne besede:** nezakonito trgovanje, "balkanska pot", Republika Makedonija, tranzit

## **1 INTRODUCTORY REMARKS**

Today's world is characterized by rapid and dynamic changes that bring new and often unpredictable risks and hazards to the security of nation-states. Although the danger of classical military threats in the long run is not expected, non-military threats are diverse and increasing in intensity over space and time. The trend of globalization in the world, despite the advantages, brings threats caused mostly by widening the gap between the rich and the poor as well as the internationalization of certain hazards, the most extreme of which are international terrorism and organized crime. In addition, there is an expansion of illegal migration and trafficking in drugs, weapons, people and strategic materials. Also, an increased



threat is coming from the use of weapons of mass destruction which is prohibited by international law.

The stability of a country is of particular importance for the strengthening of individual and collective consciousness of the existence and importance of the state, and its ability to improve the life quality of citizens. The achievement of stability in a society provides for the legal and democratic functioning of the state and other institutions in a society that fully respects national and international law in order to successfully achieve the shaping and functioning of civil society, maintaining respect for the rule of law and actually operating the state in accordance with the law. The state is obliged to facilitate the smooth operation of all institutions in society through the defense establishment and preservation of security. Only then can it effectively avoid the consequences of destructive activity that might happen if the state were not functioning properly.

With the disintegration of the former socialist bloc, countries and regions were confronted with conditions of social destruction and unstable democratic structures and institutions. These conditions include the rise of extreme nationalism, ethnic, racial and other prejudices and xenophobia, which are manifested in increasing hatred and use of violence, and as a consequence, have damaged the social infrastructure and produced many casualties.

Forms and activities related to international terrorism, organized crime, illegal migration, trafficking in drugs, weapons, people, strategic materials and dual use, and consequences of the use of means of mass destruction fall into the risks and hazards to the security of the Republic of Macedonia listed in the National Concept for Security and Defense of the Republic of Macedonia. Threats and hazards to the territorial integrity and sovereignty of Macedonia usually come from well-armed and organized criminal groups, mainly from Kosovo, where they are provided with logistics and other support for terrorist and other activities. So it is very often stressed that resolving the Kosovo issue is a key stability factor for the Republic of Macedonia.

## **2 THE BALKAN ROUTE**

Organised crime is changing and becoming increasingly diverse in its methods, group structures, and impact on society. A new criminal landscape is emerging, marked increasingly by highly mobile and flexible groups operating in multiple jurisdictions and criminal sectors, and aided, in particular, by widespread, illicit use of the Internet (Europol, 2011: 8). The three main sectors of organized crime activities – trafficking in drugs, human beings, and weapons – are intertwined, and all three are deeply embedded in the pervasive culture of corruption in the Balkan region. Unhindered by ethnic prejudices, political differences, and lengthily bureaucratic procedures, organized crime groups cooperate on the regional and international level much more efficiently than the governments and international organizations which are trying to suppress them. And although organized crime in the Western Balkans is by now widely recognized as the main threat against

stability in the region and in Europe, there is no comprehensive strategy to address the problem, neither locally, nor in the EU (Anastasijevic, 2006: 13).

According to Interpol (Interpol, 2012), people-smuggling networks change their methods in response to legislative and law enforcement activities, this flexibility being necessary for their survival. Flexibility is thus one of the main characteristics of transportation and the choice of transport routes. This means that the routes used by people-smugglers may sometimes be simple and direct, at other times circuitous. The time between departure and arrival may vary from some days to several months or even years. Smuggling is carried out by land, air or sea. Some examples of routes frequently used for people smuggling include migrants from the Asian region mainly using the route via Kazakhstan, Kyrgyzstan, Uzbekistan, Tajikistan and Turkmenistan to Russia and from there, via Ukraine, Slovakia and the Czech Republic, to western European countries or even further to the United States and Canada. At the same time, the Balkan Route from Asian countries via Iran and Turkey and from there, via the Balkan states, to Western Europe is used for the smuggling of migrants as well as other kinds of illegal goods such as drugs, and firearms.

The Balkans have always been an attractive region for organized crime groups. Criminal gangs coming from mutually hostile ethnic populations cooperate without regard to officially declared animosity and ethnic origin. The idea of Yugoslavian unity and cooperation embodied in the motto Brotherhood and Unity, was paradoxically only maintained in organized crime activities (Stojarová, 2007: 112).

The so called “Balkan Route” has been used for illicit trafficking since the seventh century as it is the shortest road from the East to Western Europe. The route starts in Afghanistan via Turkey, Greece, Macedonia, Bulgaria, Kosovo, Serbia and Bosnia and Herzegovina. Once it reaches Croatia and Slovenia, it leads further to Western European countries (Porobic, 2010: 4). The Balkan Route (Foster, 2012) has long been infamous as a passage along which illegal goods and immigrants are smuggled into Western Europe. It has been known mainly for the drug trafficking that occurs along this passage, most notably the smuggling of heroin from the largest producer – Afghanistan – to its’ greatest market; Western Europe. This has been and still is a conduit for trafficking in arms and smuggling of goods and illegal immigrants. More recently there has been another kind of trafficking taking place here; the trafficking in human beings. Smuggling immigrants, or so called illegal migration, is immigration across national borders in such a way that threatens the immigration laws of the destination country. According to this definition, illegal immigrants are foreigners who illegally crossed the border of the target country by land, water or air, or foreigners who legally entered the territory of the country, but stayed longer than the residence specified in their visa for staying and/or work in that country. On the other hand, human trafficking is a modern phenomenon that threatens a range of human rights and freedoms, and can be realized by different motives: trafficking for prostitution, forced labor, trafficking in human organs or trafficking of children.

Though human trafficking has been taking place for many years now, it is only recently that the issue has come into the forefront as one of the greatest crimes against humanity that we face today. We are only just beginning to understand

the sheer magnitude of this crime in the number of lives that it affects and the multi-layered criminal hierarchy involved that makes human trafficking possible. This can be seen especially along the Balkan Route as much of the corruption among all levels of society that has long allowed the passage of illegal goods and the smuggling of immigrants also enables traffickers to bring their victims into Western Europe. This also makes those countries along the route vulnerable to becoming source countries; being a main area targeted by traffickers as a source of victims to be forced into this form of slavery. The war against human trafficking has sparked many initiatives to treat the victims and prevent this crime, but the only way these initiatives can ever be effective in a specific region is if they are implemented properly by those in power and throughout the levels of society untouched by the rampant corruption that has long allowed this and other crimes to prosper along the Balkan Route.

The original Route passes from Afghanistan through Pakistan/Iran, Turkey, Bulgaria, the Republic of Macedonia or Serbia, Bosnia and Herzegovina, Croatia, Slovenia, and into Italy and Western Europe (Figure 1). This has long been known as a transit zone for the transport of many illegal products, the most recognizable of which being the transport of drugs, but also including trafficking in weapons and the smuggling of legal goods such as cigarettes and oil products in order to avoid taxation, and the transport of humans in the form of smuggling illegal immigrants and the transport of victims of human trafficking.

Drug trafficking has been the greatest problem and primary source of income for organized crime along the Balkan Route for years. The majority of Afghan heroin trafficked into Western and Central Europe comes through the Balkan Route (United Nations Office for Drugs and Crime, 2011: 7). Of the 75–80 tons of heroin trafficked to Western and Central Europe in 2009, some 60 tons were estimated to have been originated from countries of South Eastern Europe (via the Balkan Route). Heroin is trafficked into Western and Central Europe by land, sea and air. The Balkan Route dominates land and sea shipments. Once heroin enters Turkey, most of it is trafficked to Istanbul and then onwards to the borders with Bulgaria and Greece. Heroin is often stretched and cut with adulterants, then re-packaged in the Balkan region and then sent to the West and Central Europe (more information of this in United Nations, 2010).

This also suggests that the movement of cocaine is mainly controlled by large organized crime groups proficient in the trafficking of large quantities of drugs through the Balkans to the more lucrative markets in the west. The Serbian government cited Croatian ports as a main conduit for the entrance of cocaine into the region. In its *European Union Cocaine Situation Report 2007*, Europol indicates that the Balkan Route is being increasingly used both ways, as cocaine is trafficked from Western European countries such as Spain into Central and Southern Europe. Additionally, cannabis and synthetic drugs are produced in the region and trafficked along the Balkan Route to Western Europe, though there is also a local market for these substances. The movement of synthetic drugs and their precursors can also be seen in this area, a movement that also appears to be two-way, suggested by seizures within the Balkans of synthetic drugs originating from sources as remote

as Mexico and South East Asia, according to the report “Crime and its Impact on the Balkans”, by United Nations Office for Drugs and Crimes (Foster, 2012).

**Figure 1:**  
**The Balkan**  
**and Northern**  
**Routes**



The drug trafficking Balkan Route still plays a central role in Europe (Balkan security agenda, 2012). There is the Balkan Route of heroin transit from Afghanistan, via Turkey, the Balkans, Italy and Austria to Western Europe, but another route is also gaining in importance, the minister added. South American cocaine is being transported from Dutch and Belgian ports to Southeast Europe via the Balkan Route. The EU project on combating drug trafficking in the Balkans and the bilateral cooperation between Austria and Serbia, as well as those between other countries, should hinder drug traffic in the Balkan region, as vulnerable ground, because of the many conflicts that occurred in the recent past, so Balkan countries have still under-built capacity to combat illegal trade. Only transnational cooperation with full trust, the fast exchange of information and decisive action can lead to success.

The Balkan Route is mainly used for transit and, to some extent, stockpiling and repackaging of Afghan heroin on its way to Western and Central Europe. The Balkan Route is also used, in the reverse direction, for trafficking of synthetic drugs and of precursor chemicals required for the production of heroin (United Nations Office for Drugs and Crime, 2011: 4).

The conflict in the Balkans created a large market for the traffic in weapons, though this market had dwindled in more recent years. During the cold war, Bulgaria was a main source for firearms and was used extensively to traffic arms during this period, as were many of the other countries in the Balkan region. In the years following several countries of the region were involved in supplying firearms for the surrounding conflict – Croatia is considered to have been the main source of weapons for the IRA – and even today some of this activity continues. This reflects the trend found throughout the Balkans – trafficking in firearms has continued to diminish in recent years, though still maintains a presence among organized crime in the region.

Various other goods are trafficked frequently through the Balkans in the interest of avoiding taxation and customs. The trade in cigarettes is another black market that flourished during the times of conflict – being a common method of funding war efforts in Croatia and several other Balkan countries – and continues to maintain a large presence in the region. This form of smuggling is often done through crime groups or with the consent of a legal manufacturer, as seen in the plan undertaken by the Rovinj tobacco industry in which they attempted the ‘recycle’ cigarettes by legally exporting them to Bosnia and Herzegovina and bringing them back to Croatia for resale as though they originated from Bosnia and Herzegovina. Illegal imports of other commodities are also to be found within this region; according to the last mentioned UNODC report, “Croatia is believed to be the source of more than US\$ 700 million in illegal exports annually” (Foster, 2012).

The transit (Porobic, 2010: 4) towards the western European market is advantageous as the border patrolling capacities are weak, the borders are yet to be reinforced and international and regional police cooperation is poor.

### **3 FACTORS THAT GENERATE ILLEGAL TRAFFICKING IN THE REPUBLIC OF MACEDONIA**

Once organized trafficking finds a suitable ground within a country or region, it grows rapidly and presents a risk for strategic stability and the future of the country. Once it is established, the network traffic associates itself with other existing criminal organizations that hold other spheres of influence in the criminal market, such as terrorism, human, drugs and arms trafficking (Stability Pact for South Eastern Europe, 2003).

When it comes to matters affecting security and democratization in transitional democracies, they take a central place in organized crime and corruption. Numerous experts have recognized the growing link between different types of trafficking and organized crime. Even in situations where criminal groups are not directly responsible for trafficking abroad they often provide and protect operations. The inclusion of “Mafia” dramatically increases the danger and challenges for those who are willing to get caught in the grips of trafficking, but also increases the price you have to pay, and the price to be paid by society if these practice are allowed to continue.

The second important issue concerning security is trafficking in post-conflict areas. Political, social and economic dislocation, as previously stated, supplemented by numerous international presences helped in Bosnia and Herzegovina to create conditions where illegal trafficking flourishes. Kosovo is a similar danger and challenge. Several member states and NGOs in order not to “repeat Bosnia” urged the OSCE, as part of his wider role in the Stability Pact, to confront human trafficking in Kosovo (Organization for Security and Cooperation and Europe, 1999: 33).

The issue of trafficking takes enormous proportions in the area of Southeast Europe (Balkans). Among the reasons that the Balkans is a reference case of human trafficking is a progression from a state of conflict, through the post-conflict situation and now the transition in these countries toward democracy (Netkova, 2004).

The following factors have been identified as the most common causes of the illegal trafficking in Southeast Europe (Miloshevska, 2007: 3–4):

1. The transition to a free market economy
2. Opening of borders
3. Development of the “black market”
4. The wars in former Yugoslavia

Human, drugs and arms trafficking are an extremely important phenomenon and it should particularly be taken into account, since it has the potential to undermine and destroy the democratization process, the value system of the state and the concept of human rights, to undermine efforts to reform the institutions to encourage corruption and threats to the peace process and strengthening the rule of law and the smooth functioning of state law.

#### **4 GEOSTRATEGIC POSITION OF MACEDONIA AS A MITIGATING FACTOR FOR THE ILLEGAL TRAFFICKING**

The biggest paradox in the international war on drugs is connected to the Balkans and the explosion of terrorist activities in that troubled area. However, it relates less to drugs and arms and more to the major participants in this deadly game (The Centre for Peace in the Balkans, 2000). The Balkan region, as part of the European continent, has always played an important role in the events that had historical significance as the region and its surroundings, and in the world as a whole. The stormy history of the peoples living in these areas initiated myriad conflicts that often began on political grounds, and ended by military conflicts with huge casualties. Also, it is evident that most of the crisis ended with the mediation of the major world powers in the form of negotiation or through direct intervention with the use of various military and diplomatic relations. Over time and after the Second World War, the distribution of nations within the borders of the Balkans remained disproportionate in relation to the situation that prevailed before and during the war. Many people who previously inhabited a particular territory, following the schedule of the new limits, were fragmented and the adjustment processes were



misdirected so that some degree of dissatisfaction appears anywhere in the Balkans territory (Dimovski, Ilijevski, & Babanoski, 2012).

In the past decade the Balkans, more precisely the territory of the former Yugoslav Federation, was under constant threat of the emergence and development, and in some cases of flaring military situations, which only added to the political disagreements of the emerging countries of the former federation. Some indicators suggest, that in addition to accumulated hatreds of coexistence through the 50-year long influence of military conflict, almost all newly created states had external factors that created successive crises or interruptions. Examples of this are the arming of Croatian forces with weapons of Western countries, support of Albanian terrorist organizations and activities in Kosovo, and the crisis in Macedonia. However, the international community had probably foreseen the consequences of such developments. Thanks to the chaos that arose due to military conflicts in Bosnia and Herzegovina, Kosovo and Macedonia, some terrorist organizations operating worldwide, found favorable ground for their development including training and training camps, and equipment branches, which were intentional and thrown early on the territories of the above countries (Dimovski, 2005). In this context we may mention the nationwide crisis which emerged in the Republic of Albania in 1997, when thanks to the people's disobedience, demonstrations and protests, some guerrilla or criminal factors failed to arm the uprising with light and medium conventional weapons, which mysteriously disappeared from the military and police warehouses and facilities of the military and police of the Republic of Albania. So, we can easily conclude that Macedonia is surrounded by conflict regions that represent an immediate danger to peace and stability in the country. The geopolitical content of political behavior of the immediate neighbors to the Macedonian state is expressed in a mixture of ethnic populations and discrepancies with the ethnic national state borders, resulting from the conflict of interests among greater powers for their presence, influence and control of the Balkans (Dimovski, 2007: 128).

The Balkan region remains very unstable in part due to the fact that almost all our immediate neighbors find themselves in a relatively small space within which to create large national states, such an idea for creation of Great Albania. It should also be noted that the extent of illicit activities that are inevitably associated with terrorism and its financing (illegal trafficking in drugs, weapons and humans) are the most developed near the northwestern boundary of the Republic of Macedonia – the borders with Albania and Kosovo.

The efforts of the Republic of Macedonia to permanently regulate contentious issues encountered resistance as a consequence of the past and constantly found some old, but the newly “acquired” motives about the “Macedonian issue” continues to hold “open” for some future manipulation and speculation related to the state's ambitions in terms of our country. For these reasons, recognition of the state border from the north is deferred. From the east, Bulgaria was among the first to recognize the statehood of the Republic of Macedonia, but not that Macedonians that in it. The southern neighbor is still having current issues with the name. Albania has recognized Macedonia under its constitutional name and its sovereignty and integrity, but the recognition of Macedonian statehood and

did not mean an end to its pretensions to the Macedonian's national territory. In this context we should mention the geographical distribution of the peacekeeping forces of the world community who were deployed on the territory of crisis spots in the republics of the former Yugoslav federation. The mandates of UNPROFOR, SFOR, KFOR and UNPREDEP represent a factor of stability, especially the mission in Macedonia, which had a task to keep the northern border to prevent spillover of the Kosovo conflict. After the Kosovo conflict began, started the preparations of conflict in Macedonia, and they were secretly supported by many criminal organizations that operated at the European and world level. However, with the completion of the mission of UNPREDEP, the northern Macedonian border remains open to a number of smuggling and criminal channels that are used to transfer drugs, weapons, people and other assets that terrorist groups in Kosovo were necessary (Dimovski, 2007: 134). After the suspension of actions in Kosovo, many armed groups started to plan, prepare and execute a lot of criminal activities in the territory around the northern borders of the Republic of Macedonia. Their motives were different and related to freedom criminal clans to operate freely in these areas and other incentives from the economic sphere realized through criminal activity. But later as official reasons were cited minority rights of the ethnic Albanian population, such as equality, anti-discrimination, right to study on their mother language, right to use their flag etc. It should be noted the fact that the northern border of the Republic of Macedonia was less guarded primarily due to the large number of inaccessible areas.

The discussion concludes that the geographical and strategic position of Macedonia is a danger and causes more terrorism to occur within the country. The reason for this is the fact that Macedonia is surrounded by countries where nationalism, extremism, radicalism and organized forms of crimes, especially illegal trafficking are highly developed. Those are countries which in a recent past were military hot spots, allowing to the organized criminal and terroristic groups suitable ground to function in this region. On the territory of the Balkan they have found a good logistical support, and the Balkan Route is another facilitating factor for financing and realizing of their ideological activities.

## **5 ILLEGAL TRAFFICKING AND TERRORISM**

Different types of trafficking and exploitation have already become one of the main sources of financing of terrorism since the end of the last century. Taking the swing in states with severe and complex conditions, the deficit of jobs, unemployment, low income and low standard of living in certain strata of society, international terrorist and extremist organizations form networks of trafficking and their exploitation. They trade in women and children for prostitution and forced work for profit, and involvement of adults in their activities as mercenaries.

At this stage of development, globalization, internationalization of trafficking and exploitation for profit, it is an indisputable fact that humanity must confront and fight against phenomenon of trafficking in human beings, weapons and drugs. It is a real threat to the national security because in the new century, the



most transnational organized criminal groups are involved in different types of trafficking linked to international terrorist organizations and further hampering the work of state security services.

Trafficking and terrorism are associated with some parts of the world, especially in those areas where trafficking is particularly prevalent and is an important component of the illegal economy. In these particular regions may be involved and the Balkans, and parts of the former Soviet Union. According to estimates from the UN human trafficking is the third largest illegal "business" in the world that creates a profit of several billion per year, and therefore is an important source of financing for terrorist groups, providing 10–15% of their funds.

Terrorist organizations are heavily involved in trafficking, which often links them to criminal groups that operate in these areas. This trade comes in two predominant forms. To assist their own operations, terrorists pay to their foreign merchants to deliver one or more persons in a particular country. Terrorist organizations collect profits from lucrative transnational criminal activity of trafficking. Evidence for this, for instance, is the activity of the Liberian Tigers who were involved in trafficking of Sri Lanka. Also Partia Karkaren Kurdistan (PKK) was associated with trafficking, and Islamic fundamentalist terrorist groups who traded with people from North Africa to Italy. Another very dangerous form of trafficking involves the recruitment and trafficking of men, women and children into slavery and exploitation of labour for providing funds later used to finance terrorist activities. For example, the Maoist rebels in Nepal fund their activities with longstanding trade with young girls taken from Nepal working in brothels in India.

The activities of human trafficking are affecting almost all countries of the world, classified as countries of origin, transit or destination, but the level of involvement by criminal organizations varies. Criminal groups involved in human trafficking may be ranked within a range from less to more transnational and organized. The connections between trafficking and terrorism are reflected in their common logistical support systems, such as planning, financing, realizing and concealment. In addition to providing financial resources, human trafficking may be one of the sources for providing money for terroristic acts. Also, human traffickers, through their professional skills and methods that used, may provide a mechanism for the movement of terrorists across borders worldwide. On the other hand, terrorists may provide protection to the human traffickers to do their job without any problems in the territory which is under their "control" (Dimovski, Ilijevski, & Babanoski, 2011: 510–511).

## 6 CONCLUSION

Organized crime has long plagued the Balkan region, having gained a foothold during communism and civil conflict; it remains today the greatest source of deprivation in the region. Facilitated by corruption, the Balkan Route has turned the region into not only a transit zone for trafficking of drugs, arms, and smuggling, but it has paved the way for fellow humans to be forced into modern day slavery,

and has made the citizens of these countries, especially the young women, more vulnerable to being forced into bondage and sexual slavery. Many important endeavours have been undertaken to help victims of human trafficking that involve the re-orientation of victims back into society and the provision of physical and mental health care. Providing them with alternate job skills and follow up services once they are re-established in society are critical services that need to continue for the victims. But this crime needs to be stopped before there are victims; this is why coordinated efforts to educate at risk demographics to the threat of human trafficking are important, as it will decrease their potential to be tricked into this slavery.

Over the last few decades, international policy established sufficient influence on the Balkan region in order to prevent a possible change of borders through military conventional methods. The Republic of Macedonia, as an ethnic and territory of the Macedonian people, throughout its history has been and still is exposed to various political games and other geopolitical manipulations, which have in the past and today have a significant impact on the viability and safety of the Macedonian people. The efforts of the Republic of Macedonia (which since its independence until today develop good neighborly relations, which has shown through numerous examples), to permanently regulate contentious issues encountered resistance as a consequence of the past and constantly found some old, but the newly “acquired” motives about the “Macedonian issue” continues to hold “open” for some future manipulation and speculation related to the state’s ambitions in terms of our country. For these reasons, recognition of the state border from the north long time was deferred. From the east, Bulgaria was among the first to recognize the statehood of the Republic of Macedonia, but not that Macedonians that live in it. The southern neighbor is still having current issues with the name. Albania has recognized Macedonia under its constitutional name and its sovereignty and integrity, but the recognition of Macedonian statehood and did not mean an end to its pretensions to the Macedonian’s national territory.

With the disintegration of the former socialist bloc, countries and regions emerged in present social destruction and unstable democratic structures and institutions. These are, above all, extreme nationalism, ethnic, racial and other prejudices and xenophobia, which are manifested to the limits of hatred and use of violence, which in the past crossed in military conflicts in Bosnia, Kosovo and Macedonia, and as a consequence may have wrecked infrastructure and many casualties. The emerging political situation in the proclamation and recognition of the independence of Kosovo has amended the current conditions in this area. Organized crime groups are deeply embedded in social and political trends in this region that using the Balkan route, raised it as a profitable smuggling business. Human trafficking, drugs and weapons, along with money laundering are the most common sources of financing of the terrorist organizations in the region. All of these factors are destabilizing to peace building and the peace process in many post-conflict areas, in particular contribute for Kosovo to become a suitable ground for expansion of all forms of terrorism by terrorist groups.

The consequences arising from the security-political situation in the Balkans depend on the geo-strategic position of the Republic of Macedonia, often referred

to as the equilibrium factor for security in the region. Macedonia has an important geo-strategic and political situation in the Balkans and is a factor for maintaining the security balance. After the dissolution of Yugoslavia, Macedonia was visibly and consistently emphasized in the unresolved national question of the Albanian minority, which together with the Kosovo Albanians and Albanians from South Serbia demanded their national rights. Unconditional requirements for the realization of national interests culminated in military action over Serbia in 1999 and in Macedonia the military conflict in 2001. Its ending was the signing of the Ohrid Framework Agreement of August 13, 2001, after which the integration of Macedonia's Albanian minority in the social and political life began.

Forms and activities related to international terrorism, organized crime, illegal migration, trafficking in drugs, weapons, people, strategic materials and dual use, and consequences of the use of means of mass destruction fall into the risks and hazards to the security of the Republic of Macedonia listed in the National Concept for Security and Defense of the Republic of Macedonia. Threats and hazards to the territorial integrity and sovereignty of Macedonia usually come from well-armed and organized criminal groups, mainly from Kosovo, where they are provided with logistics and other support to certain terrorist and other activities.

It is necessary to establish an efficient system of cooperation and coordination at the international level, which necessarily entails a need for assistance and support of the international community, both in terms of training of professional staff through education and exchange of experiences at home and abroad, and in the form of financial assistance in terms of creating conditions for building adequate institutional capacity or databases for easier communication and information exchange for successful fight against illegal trafficking.

## REFERENCES

- Anastasijevic, D. (2006). Organized crime in the Western Balkans. *First annual conference on human security, Terrorism and Organised crime in the Western Balkan Region*. HUMSEC project, Ljubljana, 23–25. 11. 2006. Retrieved from [http://www.humsec.eu/cms/fileadmin/user\\_upload/humsec/Workin\\_Paper\\_Series/Working\\_Paper\\_Anastasijevic.pdf](http://www.humsec.eu/cms/fileadmin/user_upload/humsec/Workin_Paper_Series/Working_Paper_Anastasijevic.pdf)
- Balkan security agenda. (2012). *The drug trafficking Balkan route still has a central role in Europe*. Retrieved from <http://www.balsecagenda.org/?p=474>
- Dimovski, Z. (2005). *Illegal trade with arms and weapons and terrorism in the Republic of Macedonia*. Skopje: Grafotrans.
- Dimovski, Z. (2007). *Terrorism*. Skopje: Grafotrans.
- Dimovski, Z., Ilijevski I., & Babanoski, K. (2011). Security dimensions of contemporary trends of human trafficking. In Ž. Nikač et al. (Eds.), *Thematic conference proceedings, International Scientific Conference "Archibald Reiss Days", Belgrade, 3–4 March 2011* (vol. II, pp. 503–512). Belgrade: Academy of Criminalistic and Police Studies.
- Dimovski, Z., Ilijevski I., & Babanoski, K. (2011). The influence of the Albanian extremism and terrorism from Kosovo on the national security of the Republic

- of Macedonia. In *Političko nasilje: međunarodni tematski zbornik* (pp. 111–122). Prishtina: Filozofskoj fakultet.
- Europol. (2011). *EU organised crime threat assessment*. OCTA. Retrieved from <https://www.europol.europa.eu/sites/default/files/publications/octa2011.pdf>
- Foster, K. (2012). *Croatia: Corruption, organised crime and the Balkan Route*. Adriatic Institute for Public Policy. Retrieved from <http://www.adriaticinstitute.org/?action=article&id=32>
- Interpol. (2012). *People smuggling, smuggling routes and trends*. Retrieved from <https://www.interpol.int/Public/THB/PeopleSmuggling/Default.asp>
- Miloshevska, T. (2007). Security aspects of human trafficking in Southerneastern Europe. *Contemporary Macedonian defense*, no. 15. Skopje: Ministry of defence. Retrieved from [http://fzf.ukim.edu.mk/files/odb/tanjam/Milosevska,%20T\\_%20-%20Bezbednosni%20aspekti%20na%20trgovijata%20so%20luge%20vo%20jugoistocna%20Evropa.pdf](http://fzf.ukim.edu.mk/files/odb/tanjam/Milosevska,%20T_%20-%20Bezbednosni%20aspekti%20na%20trgovijata%20so%20luge%20vo%20jugoistocna%20Evropa.pdf)
- Netkova, B. (2004). *Prevention in human trafficking with women and building the peace in Macedonia*. Skopje: Fridriech Ebert.
- Organization for Security and Cooperation in Europe. (1999). *Human trafficking: OSCE implications*. Assessing conference. Warsaw: OSCE.
- Porobic, J. (2010). *Arms availability and its impact on drug trafficking: A Balkan perspective, policy brief series*. Global Consortium on Security Transformation, no. 13. Retrieved from [http://www.securitytransformation.org/images/publicaciones/179\\_Policy\\_Brief\\_13\\_-\\_Arms\\_availability\\_and\\_its\\_impact\\_on\\_drug\\_trafficking\\_A\\_Balkan\\_perspective.pdf](http://www.securitytransformation.org/images/publicaciones/179_Policy_Brief_13_-_Arms_availability_and_its_impact_on_drug_trafficking_A_Balkan_perspective.pdf)
- Stability Pact for South Eastern Europe. (2003). *Development of anti-trafficking training module for judges and prosecutors*. International Center for Migration Police Development.
- Stojarová, V. (2007). Organized crime in the Western Balkans. *HUMSEC Journal*, (1), 91–114. Retrieved from [http://www.humsec.eu/cms/fileadmin/user\\_upload/humsec/Journal/Stojarova\\_Organized\\_Crime\\_in\\_the\\_Western\\_Balkans.pdf](http://www.humsec.eu/cms/fileadmin/user_upload/humsec/Journal/Stojarova_Organized_Crime_in_the_Western_Balkans.pdf)
- The Centre for Peace in the Balkans. (2000). *Balkan – Albania – Kosovo – Heroin – Jihad, research analysis*. Retrieved from <http://www.balkanpeace.org/index.php?index=/content/analysis/a03.incl>
- United Nations Office for Drugs and Crime. (2011). *Drug situation analysis report: South Eastern Europe, report*. Retrieved from <http://www.msb.gov.ba/dokumenti/DSAR.SEE.published.pdf>
- United Nations. (2010). *Balkan insight, „Balkan route“ addressed in UN drug report*. Retrieved from [http://www.flarenetwork.org/learn/europe/article/balkan\\_route\\_addressed\\_in\\_un\\_drug\\_report.htm](http://www.flarenetwork.org/learn/europe/article/balkan_route_addressed_in_un_drug_report.htm)

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# The Impact of Corruption and Organized Crime on the Development of Sustainable Tourism

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## **Purpose:**

This study focuses on the phenomenon of organized criminality and corruption. Its purpose is to analyse and explain how organized crime and corruption impact the processes of environmentally sustainable development and, indirectly, the development of tourist destinations and activities.

## **Design/Methods/Approach:**

We analyzed relationships between tourist destinations, sustainable tourism, organized crime, and corruption from secondary data. We further synthesize findings and supplement them with observations and previous research findings.

## **Findings:**

Organized crime and corruption have a direct impact on the sustainable development of tourist destinations and also on the services and activities of sustainable tourism. Based on a comparison of several indexes, the sustainable development of tourist destinations is greatly (negatively) affected by eco-criminality which holds back the development of sustainable tourism. It can be concluded that countries with less corruption have a better developmental sustainability, which is the building block of sustainable tourism.

## **Originality/Value:**

Developing theoretical explanations and systematic studies are necessary as a first order of business if countries wish to prosecute organized crime and corruption relating to tourism. This is the first study in Slovenia dealing with this problem, thereby opening many questions for future research.

**UDC:** 343.3/.7:338.48

**Keywords:** sustainable tourism, sustainable development, corruption, organized crime, tourist destinations

## **Vpliv korupcije in organizirane kriminalitete na razvoj trajnostnega turizma**

### **Namen prispevka:**

Prispevek se osredotoča na področje organizirane kriminalitete in korupcije, in sicer je namen raziskati in pojasniti vpliv le-teh na proces trajnostnega razvoja in posredno tudi na trajnostni razvoj turističnih destinacij.

### **Metode:**

Analizirali smo povezave med turističnimi destinacijami, trajnostnim turizmom, organizirano kriminaliteto ter korupcijo s pomočjo sekundarnih podatkov. Nadalje smo naredili sintezo ugotovitev ter le-te dopolnili in primerjali z rezultati preteklih raziskav.

### **Ugotovitve:**

Organizirana kriminaliteta in korupcija neposredno vplivata na trajnostni razvoj turističnih destinacij kot tudi na aktivnosti trajnostnega turizma. S pomočjo primerjave med več kazalniki ugotavljamo, da na trajnostni razvoj turističnih destinacij močno negativno vpliva t. i. ekokriminaliteta, ki zavira razvoj trajnostnega turizma. Na podlagi ugotovitev zaključujemo, da imajo države z nižjo stopnjo korupcije boljši trajnostni razvoj, kar je osnova za razvoj trajnostnega turizma.

### **Izvirnost prispevka:**

Razvoj teoretičnih razlag in sistematičnih študij je nujen korak, če želijo države preganjati organizirano kriminaliteto in korupcijo v turizmu. Pričujoča študija je prva v Sloveniji, ki obravnava to področje in posledično odpira mnoga področja za nadaljnje raziskovanje.

**UDK: 343.3/.7:338.48**

**Ključne besede:** trajnostni turizem, trajnostni razvoj, korupcija, organizirana kriminaliteta, turistične destinacije

## **1 INTRODUCTION**

In this study, we argue that mass tourism presents the greatest threat to sustainable development as people often choose this form of vacationing because it's cheaper than "individualistic tourism", even though the latter is usually more environmentally friendly. The downside of sustainable tourism is that the "product" – travel, vacation facilities, etc. – sometimes carries a high price. Tourism in general has a detrimental effect on local cultural heritage and the natural environment, the very qualities that attract tourists. This is the major contradiction of mass tourism – it destroys its own marketable "product". Furthermore, tourism destroys natural environments and endangers animal and plant species, and tourists compete for often scarce natural resources (e.g., water, electricity, space) with the local population. Another problem is the pollution caused by the air and road traffic necessary to bring tourists to and from tourist destinations. Tourists are relatively unaware of their negative impact on local communities, but expect to be warmly welcomed by the locals. We should not forget other negative consequences



of tourism suffered by locals, e.g., local residents are pushed off their land because it's needed to build hotels, tourist facilities are substandard and so cause more environmental pollution, and prostitution proliferates, as do gambling and other criminal activities.

Protection of the natural environment, which is the basis of sustainable tourism, has become one of the most pressing global issues, just as are issues regarding the relationship between energy needs and ecology. Crises and fluctuations in energetics and ecology quickly pass from one form to another (Mekinc & Cvikl, 2011). Developed countries have adopted legislation, implemented ecological taxes, and formed police units and other institutions with various mandates to combat pollution, the depletion of natural resources, and decrease of biodiversity (Brack, 2002). It's hard to say when in history these efforts started, since each country implemented its protective legislation at a different time. The USA started implementing laws to protect the environment at the end of World War II, and this legislation proliferated in 1970. In Europe, under the leadership of Great Britain, legal protective measures regarding the environment were adopted relatively early; the first laws were issued at the end of the 19<sup>th</sup> century and at the beginning of the 20<sup>th</sup> (Šturm in Eman & Meško, 2012). In 1876, Great Britain issued a law on the protection of water sources from pollution; in 1911 Belgium issued a law on the protection of nature; in 1956 Great Britain proclaimed an act to regulate air pollution; in 1966 Sweden was first to implement a comprehensive legislation to ensure protection of its natural environment. Other countries followed suit: Romania in 1973, Japan in 1974, Hungary and France in 1976. In 1970, the USA proclaimed a national law on environment protection; the German Democratic Republic regulated its environmental issues by adopting constitutional laws in 1968; China did so in 1982. In all these countries there the need arose to not just implement national legislation, but also to establish international cooperation in the form of bilateral, multilateral or regional agreements (Eman & Meško, 2012).

Contemporary tourism faces many challenges, and one of the biggest is sustainability. The most developed and environmentally aware countries invest considerable resources to ensure the sustainability of their tourism. Sustainable tourism is impossible without effective state policies on environmental sustainability. Tourist resorts that function on principles of sustainability can only be successful if the natural environment and cultural heritage are sufficiently protected. The greatest threats are always linked to eco-criminality, which often quite directly endangers individuals, communities and whole countries. As established by Eman (2012), eco-criminality often has indirect effects on security, because it destabilizes natural environments and threatens the safety of local communities; the negative consequences of eco-criminal activities can also spread across state borders. Organized crime and corruption are two significant factors of eco-criminality.

In addition, organized crime directs money away from sound investments towards low quality one, which in the end generate relatively little future-oriented economic activity. Criminal finance encourages investment in non-productive sectors (International Narcotics Control Board [INCB], 2002). Thus criminals often invest their criminal proceeds in real estate, as well as in sectors that are familiar to them such as bars, restaurants, prostitution, cars and transport companies (Unger,



2007). This has also been confirmed in a study on organized crime in Europe 2004 (Fijnaut & Paoli, 2004). The cooperation of citizens in combating the (criminal) interests of individuals and capital is crucial. They can alert authorities when they detect illegal activities and help avert decisions that are potentially hazardous for all. Organized criminal groups are extremely flexible in changing their *modus operandi* and easily adapt to new socio-economic conditions and business trends. Tourism and enterprises that endanger the environment have always attracted the criminal element striving for influence and looking for profits.

This study focuses on the phenomenon of organized criminality and corruption, which means that we will intentionally leave aside the otherwise no less important consequences, such as environmental pollution, water shortages, and various social, cultural and economic impacts. Organized crime uses corruption as a means to achieve the realization of illegal enterprises, as has also been determined by the International Narcotics Control Board (International Narcotics Control Board [INCB], 2011: 3): *"... the most successful criminal organizations are usually those that are able to make use of corruption (supported by violence and systematic intimidation) to weaken official controls and law enforcement. That is why cities, countries or other geographical areas exposed to intense drug trafficking activities often have a high incidence of corruption (and violence). In some instances, criminal organizations also manage to buy the protection of public officials so that they can undermine the activities of competing criminal organizations."* It so happens that certain tourist destinations are completely controlled and managed by criminal organizations.

The influence of transnational crime in our modern global societies is illustrated by some numbers published in a United Nations Office on Drugs and Crime report (United Nations Office on Drugs and Crime [UNODC], 2011: 99): *"The estimated US \$ 2.1 trillion of crime proceeds believed to be generated every year by crime, of which US \$ 1.6 trillion are believed to be available for laundering, including crime proceeds of US \$ 0.9 trillion from transnational organized crime, of which some US \$ 0.6 trillion are thought to be available for laundering, create a large number of negative socio-economic consequences, depending on the specific predicate crimes."* Criminal organizations are increasingly focusing their activities into eco-criminality and tourism. Our goal is to make an overview of the various forms of organized crime in the world, which are, through eco-crimes and corruption, holding back or thwarting the development of sustainable tourism. Because corruption is often the main tool used by organized crime to carry out illegal activities that impact sustainable development, we shall also analyze the relationship between these two hindering factors. Corruption at local and state levels can independently and directly influence the sustainable development of an environment. We often see that there is a conflict of interests in regard to how local communities are managed. Corruption which impacts sustainability is most evident in administrative procedures led by local or state officials. How serious the problem of transnational crime and its influence on local communities is, was exposed in a UN Security Council Report in which it is noted: *"... with concern the serious threat posed in some cases by drug trafficking and transnational organized crime to international security in different regions of the world."* (UNODC, 2010: 231).

In combating eco-crime, institutions of repression and legislative bodies often deal with well organized criminal groups which use corruption, bribery and intimidation to influence tourism activities, all in contradiction with the principles of sustainable tourism and development. Grizold (1999) states that the universality of security is clearly evident from: the integrity of its contents, the interconnectedness of all aspects of life in a society (economic, political, cultural, educational, environmental, military, etc.), and the reciprocal nature of the interdependence of all living beings on Earth. This thought is based on the fact that an interdisciplinary approach is necessary to achieve sustainable tourism at any location.

## 2 SUSTAINABLE TOURISM AND SUSTAINABLE DEVELOPMENT

To understand the phenomenon in question, we need to clarify some basic terms; firstly *tourism* and *sustainability*, then we shall go to the meanings of *sustainable tourism* and *sustainable development*, and finish with *sustainable tourism development*. In tourism literature, we can often read about the economic benefits of tourism, it's present and future trends, and the like. Tourism can indeed be considerably beneficial to economies, but we will stay focused on sustainability and environments, as rapid growth is often responsible for a considerably negative environmental impact. Neto (2003) explains that natural resource depletion and environmental degradation associated with tourism activities pose severe problems to many regions favoured by tourists.

As an industry, tourism, has an enormous impact on nature, and this impact is an important factor when talking about sustainable development and sustainability. The number of people travelling abroad reached 1 billion in 2012 (United Nations World Tourism Organisation [UN WTO], 2012). Tourism is the world's fastest growing industry, employing 7% of the world's workers, and is growing even faster with globalization (UN WTO, 2012). Tourism is a powerful force of change in the economies of both most and least developed countries (Cottrell, 2001; Gumus, Eskin, Veznikli, & Gumus, 2007; Luo, 2011). Neto (2003: 212) considers tourism as one of the most remarkable socio-economic phenomena of the 20<sup>th</sup> century and says: "*It is an increasingly important source of income, employment and wealth in many countries.*"

Countries where tourism is an important driving force of the economy are becoming more concerned with environmental issues.

Nowadays, sustainability has become one of the newest hot topics. The term came into widespread use in 1987 with the publication of *Our Common Future*, a report by the World Commission on Environment and Development (World Commission on Environment and Development [WCED], 2005), and then spread all over the world and through different industries (Luo, 2011). The best way to introduce sustainability is therefore with a quote from the WCED (1987: 46) report: "*Generally speaking, **sustainability** represents an idealized state of society where people live to satisfy their needs in environmentally sound and socially just ways so as to not compromise the ability of other human beings from doing the same now and in the future.*"

The World Travel and Tourism Council et al. (World Travel and Tourism Council, World Tourism Organization, Earth Council [WTTC-WTO-Earth Council], 1995: 30) defines **sustainable tourism** as: "... sustainable tourism development meets the needs of present tourists and host regions while protecting and enhancing opportunity for the future. It is envisaged as leading the management of all resources in such a way that economic, social, and aesthetic needs can be fulfilled while maintaining cultural integrity, essential ecological processes, biological diversity, and life support systems. "

The first call for the implementation of national sustainable development strategies was made at the UN Conference on Environment and Development [UNCED] in Rio in 1992 (Brodhag & Talière, 2006). To follow with WCED's (1987: 40) pioneering work, the definition of **sustainable development** would be: "... it is development that meets needs of the present without compromising the ability of the future generations to meet their own." Definitions of sustainable development are comprised of two parts: the meaning of development and the conditions necessary for sustainability (Miltin, 1992). Dudley (1993) explains *development* which in his words is not just about increased wealth, but mainly means change; in behaviour, in aspirations, and in the way which one understands the world around one. Tosun (2001) points out that sustainable development is predominantly considered a long-term strategy to preserve and conserve the environment. Nunkoo and Ramkissoon (2009) agree with that and say that while the roles of tourism in the economic development of cities and in bringing several benefits to the locals are well recognized, tourism development has "*affected the community negatively*" in numerous ways. Communities are likely to suffer from traffic congestion, increasing crime rates, waste water generation and increased cost of living.

While introducing the term *community*, Eshliki and Kaboudi (2012: 335) also point out possible negative consequences and say: "*Community attitudes are crucial for successful and sustainable tourism development because an understanding of a community's attitudes and perceptions and how these perceptions are formed regarding tourism development would be valuable knowledge for decision-makers. Community is the most important party, since it is they who will be most affected either positively or negatively by tourism planning and development.*"

The topic of sustainable tourism and development has been intensively researched over the last three decades, as confirmed by Tosun (2001) who says that following the popularization of sustainable development as an environmental management concept by the World Commission on the Environment and Development and by Our Common Future report in the late 1980s (WCED, 1987), a growing proportion of the tourism research literature has focused on the principles and practice of sustainable tourism development. However, interdisciplinary field investigating crime and corruption that come with tourism development has been under researched and is therefore focus of this article.

### 3 ORGANIZED CRIME AND CORRUPTION

If we wish to understand the influence of organized crime and corruption on sustainable tourism, it's necessary to first comprehend the effects of eco-criminality

on sustainable environmental development. With each passing day, we become more aware that our natural environment is endangered, and perhaps it's even on the verge of destruction. Proof of this, are the climatic changes and natural disasters manifested globally from which no destination on Earth is exempt. The survival of mankind depends on the survival of our natural environment. Mankind cannot exist without nature, because it's a part of it and is constant and directly connected to it. But our wish to constantly develop and make a profit has now exceeded the bounds of rational exploitation of natural resources. This results in widening areas of destroyed and depleted environments worldwide. Illegal endangerment and destruction of the environment, called eco-criminality, is defined as any activity not in compliance with (criminal) laws protecting the environment (Pečar, 1981). Eman and Meško (2012) define eco-criminality as any temporary or continuous action, prohibited by law, which causes any kind of damage to the environment or illegal change to the natural characteristics of the environment. The perpetrator of such a crime can be anyone of us: a business or corporation, a group of likeminded individuals, unconnected individuals, organizations, local communities, the government, etc. Special to eco-crime, are its victims – people are endangered directly or indirectly through the misuse of biotic and abiotic environmental elements. This definition of eco-crime also comprises all criminal elements, be they criminal organizations or anyone else who uses corruptive methods to cause environmental damages. Direct or indirect damage to the environment affect sustainable development as the basis of sustainable tourism.

The most significant definition of organized crime internationally is found in the UN Convention Against Transnational Organized Crime, in which it is stated that an organized criminal group is a structured group of three or more persons who, over a longer period of time, act in coordination to carry out one or more severe criminal acts with the goal to, directly or indirectly, gain financial or other material benefits (United Nations Office on Drugs and Crime 2004). A slightly different definition was proposed by Abadinsky (1997), who says that organized crime is an un-ideological association of a certain number of individuals from closely related social structures; the association is organized as a hierarchy and its goal is to gain power and make a profit. A comparatively similar definition of organized crime is used by the US Federal Bureau of Investigation (US Federal Bureau of Investigation [FBI], 2010); according to them every group with a formal structure and the goal to accumulate money through illegal activities can be labelled as organized crime.

These organizations establish their social standing through threats and violence, bribery of state officials, and extortion; they have a huge influence on people, local communities, regions and the state as a whole (FBI, 2010). Dobovšek (1997) warns that we should distinguish between classic organized crime (theft, robbery, drugs and arms trafficking, gambling, prostitution, etc.) and entrepreneurial organized crime. The latter was defined by Pečar (1981) as the most organized form of organized crime; criminals of this calibre know a lot about business and management, economic matters and the law, and have connections in the administrative and public sector, government institutions and the labour market. These are criminal associations of well educated individuals in prominent positions in business and/or politics. Such organizations are also referred to as

organized white-collar crime. This type of criminality is far more dangerous than classic organized crime, and it's especially difficult to persecute (Dobovšek, 2009). The distinction between classic organized crime and white-collar organized crime is important in regard to the influence these two forms of criminality have on the development of sustainable tourism. Each type supports different interests, which often overlap. Classic organized crime has an interest for tourism, because it's possible to exploit this area by placing on the market certain services under its control, e.g., prostitution and drug trafficking. Mekinc, Cviki and Dobovšek (2011) state that prostitution, as a criminal act, is only indirectly connected to tourism, if it is carried out in tourist destinations where there is sustainable tourism. On the other hand, there is a lot of "sex tourism" in destinations known for the prevalence of mass tourism.

Organized crime is very interested in taking control of both legal and illegal gambling. In the past decade classic organized crime has played a part in tourism also by employing illegal immigrants in tourist resorts. The before mentioned classic "services" provided by organized crime – prostitution, gambling, drug trafficking, illegal migrations – of course prosper in conditions created by mass tourism. Mass tourism came about when large numbers of tourists converged on certain locations.

Mass tourism comprises all the relationships brought about by the sheer numbers of travellers eager to spend time in tourist resorts. In everyday life individuals are responsible for their actions, but when they merge with a large population of fellow tourists they suddenly cease to feel self-responsible (Mihalič, 1994), and this means that organized crime can operate more effectively. Mass tourism is obviously in the interest of classic organized crime, but it's just as obviously in opposition to sustainable tourism. Moreover, the consumption of mass tourism is highly "spatially polarised", involves a large number of participants and is segmented by nationality and concentrated in a relatively small number of areas (Shaw & Williams, 2002). Mass tourism is also appealing to organized crime because poses opportunities to invest illegally gained money into infrastructure objects, more or less architecturally appealing hotels and other facilities, which rarely mirror the local culture.<sup>1</sup> It's easier to organize prostitution and launder dirty money in large tourist resorts; this can be done through organizing gambling and ownership of local pubs and restaurants. Mass tourism, as a specific exploitations subculture, causes long-term pressures on the environment and the results are seen as changes to the traditional cultural landscape. This means that mass tourism has many negative effects on the sustainable development of tourist destinations because it inevitably impacts the natural and cultural environments

1 *Powerful transnational corporations (TNCs) continue to dominate the international tourism market. Estimates suggest that about 80% of international mass tourism is controlled by TNCs. These companies have an almost unhindered access to markets and use this to drive down the cost of supplies. The result is high levels of financial leakage, and limited levels of revenue retention in the destination or host countries. Financial leakages tend to occur due to various factors, including importation of foreign building material, skilled labour and luxury products, and packaged travel arranged with TNCs. This is as opposed to locally sourcing the necessary resources. It has been estimated that, on average, at least 55% of tourism expenditure flows back out of the destination country (Ashley, Roe, & Goodwin, 2001).*



of local populations. Typical results are: pollution caused by car traffic and other means of transportation, hotels which architecturally stick out of their traditional surroundings, and irresponsible littering by tourists. In tourist resorts, cheap labour is usually exploited, with illegal migrants and workers who are literally owned by criminal organizations. Much damage is indirectly caused due to the indiscriminate use of limited natural resources like water and this can have long-term negative consequences. Local residents are often forced off their land to make place for new hotels which totally destroys local cultures. Mass tourism is synonymous with a lack of respect for traditional local values and cultural heritage because most tourists never venture outside tourist compounds. All this was also noted by Vanhove (1997: 52) who says that "... mass tourism involves the participation of a large number of people enjoying tourism in the same place, which is the first feature. The term "mass tourism" implies that the holiday is standardised, rigidly packaged and inflexible." The negative effects are further enhanced by organizers of mass tourism who are glad if vacationers spend all their time any money within the tourist compound.

Entrepreneurial organized crime derives its influence on sustainable tourism from a neoliberal economy since the structure and functioning of modern (neoliberal) societies is closely tied to the destruction of nature (Eman, 2010). Similar are the findings of Elliot (2009), who says that eco-criminality is widespread and has become transnational when criminal organizations started exploiting the advantages of economic liberalization and globalization. Organized crime thus gained limitless possibilities to launder money and channel profits into legitimate businesses, quite often into tourism. Threats to the environment are relevant for local residents as well as to the economic sectors tied to a certain environment. Besides tourism, farming is also dependent on the preservation of the natural environment and local cultural values. The maintenance of sustainable tourism in a certain spot depends on the relationship between environment and safety, the latter meaning the ability to withstand the pressure of all types of organized criminality – safety directly or indirectly impacts sustainable tourism in a certain place. Bačić (1999) stresses that it's possible to talk about organized eco-criminality, when criminal groups infiltrate themselves into business and the local economy, and when they collude with corporate eco-criminality with only one goal in mind, to make a profit. Odar, Dobovšek and Eman (2012) define organized eco-criminality as the activities of structured groups which want to reap the biggest possible material gains by actively and directly endangering people and nature; and to achieve this they use bribery, blackmailing, intimidation, and violence. Indirect and direct negative effects of organized eco-criminality on sustainable tourism are most easily visualized with the help of their manifestations (Betreuungsgesellschaft für Umweltfragen, 2003; Elliott, 2009; Environment Investigation Agency [EIA], 2008; Situ & Emmons, 2000; White, 2008): illegal dumping of waste, transport and commerce with toxic and radioactive waste, trafficking with illegal substances which are thinning Earth's ozone layer, unreported and uncontrolled fishing, illegal trafficking in protected animal and plant species, and illegal forestry. Especially dangerous to sustainable tourism is the eco-criminality of the wealthiest and most influential classes, i.e. corporate eco-crime, entrepreneurial eco-crime, and industrial environmental

pollution (illegal toxic waste dumps, inappropriate storage of industrial waste, and toxic industrial emissions (Eman, 2008).<sup>2</sup>

In the field of sustainable development and ecology, different levels of corrupting activities can be detected because administrative procedures, public tenders, and local governments allow the destabilization of natural environments and consequently hinder sustainable development of a tourist destinations, especially so, because the desire to maximize profit is constant. The administrative procedures which carry the hallmark of corruption<sup>3</sup> at a local level are most often the ones carried through in cases of public tenders and calls for proposals pertaining to landscaping and real estate. Organized crime usually bribes and otherwise corrupts top level officials, therefore local authorities neglect to detect irregularities and often turn a blind eye to out rightly illegal interventions into the environment, or pass out only minimal fines (Malis Szadzovska, 2011; Pešić, 2011).

The influence of politicians on the legislation, which will facilitate sustainable tourism, is not negligible. Regrettably, we don't have data on the influence of politicians in this area in Slovenia, but a study of the situation in North Cyprus presented by Yasarata, Altinay, Burns, & Okumus (2010) is of interest. Their research was methodologically adapted to situations in small countries, so we assume that certain finding can be applied to Slovenia. Yasarata et al. (2010: 345) investigated ways in which political obstacles inhibit the formulation and implementation of sustainable tourism development and their findings suggest that: "... understanding the intricate political system and power structure in a society is the key to understanding sustainable tourism policy development, planning and implementation. In the case of North Cyprus, policy development is a product of political influence, specifically the use of public resources as an instrument for political power, retention, and the politicisation of the public sector is the underlying cause of the weakened progress in sustainable tourism development." Thus it can be concluded that it's very important to thoroughly understand political relationships and interests to support sustainable tourism.

In a narrow sense, violations of the rules of public tenders can be seen as violations in procedures of public financing or in the use of budget monies to finance the purchases of goods or services and investments in real estate. Public tenders can be issued for low-value projects or for big investments into communal infrastructure and public building projects. Other public calls for proposals can be focused on public/private partnerships, and on concessions or permits for various businesses and services provided for the public. Local zoning and building regulations are often not respected in all phases of administrative procedures. The

2 After an industrial accident in Ajki, an aluminum plant in Hungary, contaminated sludge inundated the nearest town. This ecological catastrophe took nine lives, fluded an area of 40 km<sup>2</sup> in size, and polluted the Donava River and it's tributaries all the way down to the Black Sea.

3 UNDOC defines corruption as a complex social, political and economic phenomenon that affects all countries. Corruption undermines democratic institutions, slows economic development and contributes to governmental instability. Corruption attacks the foundation of democratic institutions by distorting electoral processes, perverting the rule of law and creating bureaucratic quagmires whose only reason for existing is the soliciting of bribes. Economic development is stunted because foreign direct investment is discouraged and small businesses within the country often find it impossible to overcome the "start-up costs" required because of corruption (<http://www.unodc.org>).

planners of local environmental regulations – most often this task is outsourced to landscaping companies or architectural bureaus – follow the directives of their employer or contractor, i.e. local community governments. Those community governments can consciously overstep regulations or intentionally interpret them wrongly in order to: (1) be able to bend the legislation to the requirements of certain influential individuals with private economic interests, (2) to satisfy significant companies which are already doing business in the local community, and (3) hope to do so at locations where they won't be constricted by laws that protect the environment and people. Capital and private economic interests always come before the interests of citizens, nature, and a healthy and unpolluted environment. Local communities are often absent, marginalized, or at least very limited in the decision-making process regarding the development of tourism. This is especially the case in developing countries (Dola & Mijan, 2006).

An important step in fighting all types of corruption and simultaneously ensuring conditions supportive of environment protection policies and sustainable tourism was taken by the United Nations with the *Global Compact* program ([www.unglobalcompact.org](http://www.unglobalcompact.org)), which promotes the implementation of ten principles in regard to respecting human rights, providing decent working conditions, opting for environmental protection and sustainable development, and the fight against all forms of corruption. The principles which speak exclusively about environmental protection and the fight against corruption are: the 7<sup>th</sup> principle, which mandates that corporations support preventive approaches to environmental challenges; the 8<sup>th</sup> principle, which mandates that corporations take the initiative to promote higher levels of environmental awareness and responsibility; and the 9<sup>th</sup> principle, which encourages the development and implementation of environmentally friendly technologies. The 10<sup>th</sup>, and last, principle mandates that companies act against all forms of corruption, including bribery and blackmailing. The Corruption Perceptions Index<sup>4</sup>, which is published every year by Transparency International, shows that for the past several years the more developed countries have acquired higher indexes. The 2011 Corruption Perceptions Index shows that public frustration is well founded. No region or country in the world is immune to the damages of public-sector corruption, the vast majority of the 183 countries and territories assessed, received score below 5 on a scale of 0 (highly corrupt) to 10 (very clean). New Zealand, Denmark, Finland, Sweden, Singapore, Norway, Netherlands, Australia, Switzerland and Canada top the list, while Somalia, North Korea, Myanmar, Afghanistan, Uzbekistan, Turkmenistan, Sudan, Iraq, Haiti and Venezuela are at the bottom (Transparency International [TI], 2011).

For this research, we found it interesting to compare (Table 1) countries from the The Travel & Tourism Competitiveness Index – Corruption Perceptions Index (those that are tourist destinations) with environmental sustainability published in

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4 The Corruption Perceptions Index ranks countries according to their perceived levels of public-sector corruption. The 2011 index draws on different assessments and business opinion surveys carried out by independent and reputable institutions. The surveys and assessments used to compile the index include questions relating to the bribery of public officials, kickbacks in public procurement, embezzlement of public funds, and questions that probe the strength and effectiveness of public-sector anti-corruption efforts ([www.transparency.org](http://www.transparency.org)).



State/country	Transparency International – Corruption Perceptions Index 2011 (183 countries and territories)	World Economic Forum – The Travel & Tourism Competitiveness Index 2011 – environmental sustainability (139 countries)
Australia	Very clean	Fair
Canada	Very clean	Good
Netherlands	Very clean	Very good
Denmark	Very clean	Very good
Finland	Very clean	Very good
New Zealand	Very clean	Good
Norway	Very clean	Very good
Singapore	Very clean	Good
Sweden	Very clean	Very good
Switzerland	Very clean	Very good
Luxembourg	Clean	Good
Iceland	Clean	Good
Germany	Clean	Very good
Austria	Clean	Very good
United Kingdom	Clean	Good
United States	Clean	Negative
Slovenia	Clean	Good
Czech Republic	Corrupted	Good
Malaysia	Corrupted	Fair
Croatia	Corrupted	Good
Montenegro	Corrupted	Good
Slovakia	Corrupted	Good
Italy	Corrupted	Fair
Argentina	Highly Corrupted	Negative
Mexico	Highly Corrupted	Negative
Egypt	Highly Corrupted	Negative
Dominican Republic	Highly Corrupted	Fair
Philippines	Highly Corrupted	Fair
Maldives	Highly Corrupted	N/A
Russia	Highly Corrupted	Negative

**Table 1:**  
A comparison between countries according to the Corruption Perceptions Index 2011 (TI, 2011) and The Travel & Tourism Competitiveness Index 2011 (WEF, 2011)

RANK (Very clean, rank from 1–10, Clean, rank from 11–50, Corrupted rank from 51–100, Highly Corrupted 101–)

2011 by the World Economic Forum (WEF, 2011). The World Economic Forum only lists 139 countries which means that countries with the highest rates of corruption, with the exception of Venezuela<sup>5</sup>, aren't even listed. This is due to the fact that it is impossible to determine an index of tourism competitiveness in some countries

<sup>5</sup> Venezuela was ranked 101 place on the WEF Index for 2011 regarding environmental sustainability.

and this is a statement in itself about the rule of law and the extent of corruption in these countries.

Results show that countries with less corruption (very clean and clean) are more developed in terms of sustainable tourism (very good and good), however a reliable comparison is difficult to make as most corruptive countries are not listed in WEF Index.

### 3.1 Types of Corruptive Activities

At the formal level, the procedures required to make **an environmental/urban plan** (needed before investments can begin) in a local community should be transparent and democratic; the public good should always prevail over partial/private interests. This should be achieved by taking into consideration guidelines and opinions given by various subjects participating in environmental and communal planning; each expert has a mandate to facilitate development that is focused towards balance and sustainability. But in practice local communities, backed by influential investors or consortiums, often organized crime, use pressure to realize their investment goals. It should be noted that changing farming land into building areas, and designating these “newly acquired” estates as reserved for tourism, the price of the land rises steeply, as do the profits of landowners and real estate agents.

The basic tool used by criminal organizations in achieving these goals is **bribery** in one form or another. An act of bribery will usually directly affect a few people, such as unsuccessful bidders for a contract, but also has an effect on the general integrity of the bidding system and hence on many future contracts, for example. It is at this stage that distinctions between public-sector and private-sector corruption often come into play: bribing public officials is almost always seen as more serious than private commercial misconduct. The seniority of those involved in corruption is also a factor, as is an assessment of whether corruption has become widespread and institutionalized or whether it occurs only in occasional cases. Successful anticorruption efforts must be based on integrity, credibility, and be trusted by the general public (United Nation Centre for International Crime Prevention [UN CICP], 2002). Personal integrity is especially vital in the effort to uncover and persecute corruption. Personal integrity means consistent, beneficial, honest, and ethical conduct and responsibility on the part of individuals and organizations. This is conduct focused into mitigating or eliminating risk, so that a government, an official position, or mandate to make decisions is used in compliance with the laws, legally feasible goals, ethic codes, and never to cause damages to individuals or organizations, as defined by the Commission for the Prevention of Corruption RS (2012).

The above mentioned dilemmas also become apparent in relation to **zoning regulations** and tourist infrastructure, and in administrative procedures which result in building permits. Locations which are experiencing a development of tourism are, by rule, visually attractive and rich in cultural heritage, therefore, building in such spots is heavily regulated by law. Sea coasts, lake and river banks all come under the title “common good” which must stay available to everyone

under the same conditions. The same goes for natural resources, cultural and historic heritage, national parks and other areas of national significance. Forests, the best farming land and watersheds, as well as areas prone to flooding and landslides or earthquakes are also protected. In some cases the level of protection is so high that planning tourism is impossible, in others it is possible if certain limitations are considered. It is hard to prove corruption in the process of planning projects, but this doesn't mean that it doesn't happen. Presumably corruption is most prevalent at local levels, in relationships between a local community and an investor, because here the interests of both parties are similar. Local communities see the expansion of tourist facilities, even if these aren't up to environmental standards, as an opportunity to get more money through communal and other taxes, more workplaces, commerce of goods and service, and better infrastructure; all this makes a place more accessible and thus easier to promote. The investor is interested mainly in making a profit by marketing tourist attractions and exploiting natural and other available resources at minimal costs to the business. These types of "partnerships" between local politicians and capital are most evident in larger tourist destinations, e.g., on the Slovenian coast, in winter resorts, spas and in casinos.

Local communities which have jurisdiction over environmental and urban planning and zoning absolutely favour "*local initiatives*", projects that are significant to the local community. Among the most often used initiatives are those that seek to change regulations to enable building tourist facilities on previously protected land. Influential individuals, organizations and businesses, and most notably investors achieve their goals by bribing individuals who give the initiative to bring about the desired changes. Investors are the ones who benefit the most from communal planning which is in accord with their business pursuits. Organized crime all over the world has always shown a lot of interest for investing criminal proceeds into tourist infrastructure, because this is one of the best ways to launder illegally gained money. Identifying **money-laundering** activities and recovering criminally acquired assets remains a key tool in the fight against organized crime and corruption. However, there remain few cases of successful prosecution, particularly with respect to corruption cases (UNODC, 2012a).

Local communities and investors often employ **lobbyists** to realize bigger projects such as building hotels, apartment buildings, theme parks and entertainment centres, casinos, marinas, and other infrastructural objects on sea coasts or alongside river banks, at natural water springs, also golf areas, equestrian centres, and sports centres. If lobbyists are not successful, investors, especially those connected to organized crime, start offering bribes or try to get what they want through intimidation and violence. If both the local community officials and the public (civil initiatives, NGOs) are opposed to the proposed projects then investors employ communication and public relations experts to help sway public opinion. These experts create an idealized image of the project and its positive effects on the community, while at the same time they try to minimize all the possible negative effects, especially hindrances to sustainable development, and they say that opponents are slowing progress. The borders between legal lobbying,

certain benefits offered by investors to decision-makers and outright bribery are usually unclear.

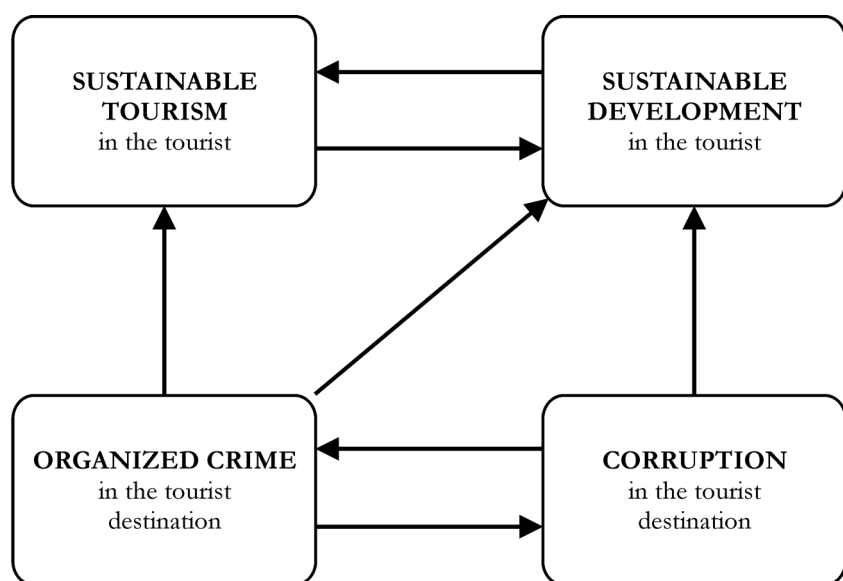
Different types of corruptive behaviour can be seen in the process of **gaining the administrative permits** to make changes in the environment, since interpretations of regulations, especially those pertaining to urban planning, can vary. Corruption can also play a part when zoning permits are in question and discrepancies between building plans and what is actually built come under scrutiny. Making life easier for subcontractors chosen by the investors and shortening the time which is usually needed to get all the papers required translates into less costs for investors. Because tourist infrastructure projects are more often than not quite large investments linked to bank loans and EU funding we can safely conclude that at least some effort is put into trying to influence the time in which permits are granted and the contents of contracts, so as to adapt conditions to an investors interests and requirements.

## 4 CONCLUSION

A free market offers many opportunities to managers in the tourism industry to make profits. But this practice also gives opportunities for criminal activities. Freedom of movement, capital, people, and services are very often misused by criminals (Edelbacher, Theil, & Kratcoski, 2012). Bases on a comparison of several indexes, the sustainable development of a tourist destination is greatly (negatively) affected by eco-criminality which holds back the development of sustainable tourism. Inappropriate interventions into natural environments, environmental pollution, exploitation of biotic and abiotic sources, destruction of historic and cultural heritage for infrastructural facilities, are only some of the activities that have roots in organized crime and corruption at all levels. Of course organized criminality can also directly or indirectly impact sustainable tourism services. This is done by limiting or eliminating legal service providers by unfairly low prices for certain services (e. g., gambling, prostitution, mass tourism). The comparison of two indexes, the Corruption Perceptions Index (TI, 2011) and the Travel & Tourism Competitiveness Index (WEF, 2011) indicate similarity among counties with less corruption and better sustainability development. At the same time countries (WEF, 2011) which have, according to the TI Index (TI, 2011), more corruption are not even ranked in the index of tourism competitiveness. The only country – Venezuela – which the TI awarded 10th place among the most corruptive states was placed at 101 (among 139 countries) on the index of environmental sustainability. The common characteristics, as confirmed by UNODC (2012b), of the countries with the highest rate of corruption are: local instability, inadequate national legal frameworks, corruption, an uneven institutional capacity to govern effectively, and limited cooperation among countries.

Even sustainable tourism and sustainable development can have positive synergic effects. Without sustainable development it's impossible to implement the policy and guidelines for achieving sustainable tourism in any tourist destination. The elements of sustainable tourism are inseparable from the environmental,

historical, and cultural aspects of a place, that is why they should be protected and maintained, but are instead destroyed and depleted by organized crime and corruption. Sustainable tourism generates services and facilities that support sustainable development. Without sustainability in development there can be no sustainability in tourism, and vice versa. This is a symbiosis of two crucial factors. The negative effects of organized crime and corruption can also be felt in tourist destinations, where sustainable tourism hasn't yet been established and developmental possibilities are still open for both mass tourism or more eco-friendly and sustainable forms of tourism (in this case the negative effects are focused towards the opposite of sustainable tourism), as well as in places where sustainable tourism has been established, but has become a factor of contention because of the interests of criminal organizations. Where is the contention and how does it manifest itself? Sustainable tourism and sustainable development can have positive synergic effects in a certain place only under the condition that an appropriate level of legal protection at the state level has been put in place. If there is a rule of law in a tourist destination then the mechanisms and tools to fight corruption and organized crime (which inevitably thwart the development of sustainable tourism) can be effectively put to use.



**Figure 1:**  
The relationships between sustainable tourism, sustainable development, organized crime, and corruption in the tourist destination

To understand the relationship between the components in Figure 1, they must be put into the framework of a tourist destination, be it a country or region. These components in their relationships adversely affect each other in the direction shown in Figure 1. The phenomena of organized crime and corruption in the tourist destination directly influence each other, because the perpetrators of organized crime with their activities, such as bribery, promote corruption. On

the other hand, the prevalence of corruption in a particular tourist destination attracts organized crime, which so easily meets its objectives. Organized crime in activities related to eco-crime directly or indirectly affects both sustainable development as well as sustainable tourism. As projects that are highly rewarding at the same time ecologically questionable, harmful or even dangerous, are supported by structures often associated with organized crime. Such projects will inhibit or destroy sustainable development and sustainable tourism in the destination. Similarly, corruption in the tourist destination makes it possible for those involved in organized crime to achieve their goals, which is contrary to sustainable development and sustainable tourism. Sustainable development and sustainable tourism in this context have a negative effect on each other. In the tourist destination where sustainable development is poorly developed, sustainable tourism also has only limited potential for development and instead it is focused on the more unsustainable forms of development, such as mass tourism, with its accompanying elements such as prostitution, crime, etc. Finally, non-sustainable forms of tourism, the incorrect use of natural resources and the cultural heritage, have a negative impact on the development of the sustainable tourism destination. However, in a tourist destination with a healthy environment, sustainable tourism and sustainable development complementarily positively influence each other, but this is not the case which we present in Figure 1.

The protection of the natural environment, and the historic and cultural heritage are all crucial elements of sustainable tourism, but this is also true for tourism in general, for a certain tourist destination and its local community. The degradation and illegal depletion of natural resources and extreme changes to the environment diminish the opportunity to have sustainable development, and consequently sustainable tourism. The effects of such activities can easily be seen in nature; the damages are difficult to repair, are costly and take time. Citizens must actively and critically monitor what is happening in their local community on a larger scale. They should not be focused only on their immediate vicinity or work place. Their vigilance is crucial, if certain criminal activities, enabled through corruption, are to be detected and sanctioned.

It's important to solicit the cooperation of citizens in combating the interests (criminal) of individuals and capital. Citizens as individuals or in groups can alert authorities when they detect illegal activities and help avert decisions that are potentially hazardous for all. How do they do the latter? Organized criminal groups are extremely flexible in changing their *modus operandi* and easily adapt to new socio-economic conditions and business trends. Tourism and enterprises that endanger the environment have always attracted criminal elements striving for influence and looking for profits. In both areas organized crime has effectively adapted to legislative changes; they simply pushed their businesses to the limits of legality. By employing corruptive methods and exploiting "holes" in the legislation, especially inconsistencies in regulations pertaining to the building sector and environmental protection, or opportunistically exploit the fact that legislation is constantly changing. In this way criminals can perpetrate crimes against the environment and cultural heritage without suffering repercussions and punishment. Due to the dynamic nature of these crimes, the environmental



and cultural heritage can only be protected by an effective legislation and legal system (Ljuština, 2010). The key factor of success in this area is an effective fight against all forms of corruption. Sustainable development and sustainable tourism are not possible without the elimination of criminality and corruption in tourist destinations. The global situation and economic crisis make the fight against organized crime and corruption even more difficult, but positive movements in contemporary society can be found, as stated by Edelbacher and Norden (2012: 47): "... [the] new configuration of public space, the blending of inner and outer security, the institutionalization of security science, and the outsourcing of security services to private entrepreneurs are undeniably new developments in the field."

As we have discussed above, one of the main tools of organized crime are various illegal or semi-legal financial transactions used to launder dirty money, for bribery or as investments into other acts of corruption. Financial malversations and corruption can only be controlled by a rule of law, by the integrity of the people working as public officials, local administrations and communities in tourist destinations. Mass media can support these efforts, but only if journalists are incorruptible and willing to expose cases of corruption and shed light on the activities of criminal organizations. The great importance of mass media was also stressed by Mills (2012: 206) who says: "... when we form a picture of the frontline in the fight against corruption, we usually think of law enforcement officials, governments and government agencies, inter-government organizations like the United Nations (UN), and non-government organizations (NGOs) such as Transparency International. However the media constitute other crucial actors often overlooked in the anti-corruption battle."

## REFERENCES

- Abadinsky, H. (1997). *Organized crime*. London: CENGAGE Learning.
- Ashley, C., Roe, D., & Goodwin, H. (2001). *Pro-poor tourism strategies: Making tourism work for the poor: A review of experience*. London: The International Institute for Environmental Development London and Centre for Responsible Tourism.
- Bačić, F. (1999). Neki kazenskopravni aspekti problematike organiziranog kriminaliteta. *Hrvatski ljetopis za kazneno pravo i praksu*, 1, 37–54.
- Butler, R. W. (1980). The concept of a tourist area cycle of evolution: Implications for management of resources. *Canadian Geographer*, 24(1), 4–12.
- Brack, D. (2002). Combating international environmental crime. *Global Environmental Change*, 12(2), 143–147.
- Brodhag, C., & Talière, S. (2006). Sustainable development strategies: Tools for policy coherence. *Natural Resources Forum*, 30(2), 136–145.
- Betreuungsgesellschaft für Umweltfragen. (2003). *Organised environmental crime in the EU member states*. Retrieved from [http://ec.europa.eu/environment/legal/crime/pdf/organised\\_member\\_states.pdf](http://ec.europa.eu/environment/legal/crime/pdf/organised_member_states.pdf)
- Commission for the Prevention of Corruption of the Republic of Slovenia. (2012). *Integrity and corruption prevention act*. Retrieved from <https://www.kpk-rs.si/upload/datoteke/ZintPK-ENG.pdf>



- Cottrell, S. P. (2001). A Dutch international development approach: Sustainable tourism development. *Parks & Recreation*, 36(9), 86.
- Dobovšek, B. (1997). *Organizirani kriminal*. Ljubljana: Unigraf.
- Dobovšek, B. (2009). *Transnacionalna kriminaliteta*. Ljubljana: Fakulteta za varnostne vede.
- Dola, K., & Mijan, D. (2006). Public participation in planning for sustainable development: Operational questions and issues. *International Journal on Sustainable Tropical Design Research & Practice*, 1(1), 1–8.
- Dudley, E. (1993). *The critical villager: Beyond community participation*. London: Routledge.
- Edelbacher, M., & Norden, G. (2012). Development toward a »Security Society«. In M. Edelbacher, P. Kratcoski, & M. Theil (Eds.), *Financial crimes: A threat to global security* (pp. 37–50). Boca Raton: CRC Press.
- Edelbacher, M., Theil, M., & Kratcoski, P. C. (2012). Financial crime: Past, present and future. In M. Edelbacher, P. Kratcoski, & M. Theil (Eds.), *Financial crimes: A threat to global security* (pp. 391–406). Boca Raton: CRC Press.
- Elliott, L. (2009). Combating transnational environmental crime: Joined up, thinking about transnational networks. In K. Kangaspunta, & M. I. Haen (Eds.), *Eco-crime and justice: Essays on environmental crime* (pp. 55–78). Turin, Italy: United Nations Interregional Crime and Justice Research Institute.
- Eman, K. (2008). Ekološka kriminaliteta kot oblika lastne viktimizacije. In P. Umek (Ed.), *Javna in zasebna varnost: zbornik 9. slovenskih dnevnih varstvoslovja* (pp. 1–16). Ljubljana: Fakulteta za varnostne vede.
- Eman, K. (2010). Organizirana ekološka kriminaliteta – nekoč teoretični pojem, danes preteče dejstvo. In *Zbornik 3. Konferenca kazenskega prava in kriminologije 2010* (pp. 95–104). Ljubljana: GV založba.
- Eman, K. (2012). *Crimes against the environment: Comparative criminology and criminal justice perspectives* (Doctoral dissertation). Ljubljana: Fakulteta za varnostne vede.
- Eman, K., & Meško, G. (2012). Ekološka kriminologija – veda o ekološki kriminaliteti. In G. Meško, A. Sotlar, & K. Eman (Eds.), *Ekološka kriminaliteta in varovanje okolja – multidisciplinarne perspektive* (pp. 37–67). Ljubljana: Fakulteta za varnostne vede.
- Eshliki, S. A., & Kaboudi, M. (2012). Community perception of tourism impacts and their participation in tourism planning: A case study of Ramsar, Iran. *Procedia – Social and Behavioral Sciences*, 36, 333–341.
- Environment Investigation Agency. (2008). *Environmental crime: A threat to our future*. Retrieved from <http://www.eia-international.org/wp-content/uploads/reports171-1.pdf>
- Federal Bureau of Investigation. (2010). *Glossary of terms*. Retrieved from <http://www.fbi.gov/about-us/investigate/organizedcrime/glossary>
- Fijnaut, C., & Paoli, L. (2004). *Organised crime in Europe: Concepts, patterns, and control policies in the European Union and beyond*. Dordrecht: Springer.
- Grizold, A. (1999). *Obrambni sistem Republike Slovenije*. Ljubljana: Visoka policijsko-varnostna šola.

- Gumus, F., Eskin, I., Veznikli, A. N., & Gumus, M. (2007). Availability of rural tourism for Gallipoli villages: The potentials and attitudes. In *International Tourism Biennial Conference* (pp. 157–169). Turkey.
- International Narcotics Control Board. (2002). *Report of the International Narcotics Control Board for 2002*. New York. Retrieved from [http://www.incb.org/incb/annual\\_report\\_2002.html](http://www.incb.org/incb/annual_report_2002.html)
- International Narcotics Control Board. (2011). *Report of the International Narcotics Control Board for 2010*. New York. Retrieved from [http://www.incb.org/documents/Publications/AnnualReports/AR2010/AR\\_2010\\_English.pdf](http://www.incb.org/documents/Publications/AnnualReports/AR2010/AR_2010_English.pdf)
- Ljuština, A. (2010). *Ekološki delikti i policija*. Beograd: Zadužbina Andrejević.
- Luo, Y. (2011). Sustainable development and Chinese tourism industry. *Interdisciplinary Journal of Contemporary Research in business*, 3(2), 10.
- Malis Szadovska, M. (2011). Usage of special investigation measures in detecting environmental crime: International and Macedonian perspective. In G. Meško, D. Dimitrijevič, & C. B. Fields (Eds.), *Understanding and managing threats to the environment in South Eastern Europe* (pp. 123–134). Dordrecht: Springer.
- Mekinc, J., Cviki, H., & Dobovšek, B. (2011). Criminality in Slovenian tourism. In G. Meško, A. Sotlar, & J. Winterdyk (Eds.), *Policing in Central and Eastern Europe – social control of unconventional deviance: Conference proceedings* (pp. 107–124). Ljubljana: Faculty of Criminal Justice and Security.
- Mekinc, J., & Cviki, H. (2011). Safety and security on websites of Slovenian, Austrian and Croatian tourist agencies. In A. Brezovec, & T. Jere Lazanski (Eds.), *Tourism management: Perspectives and opportunities* (pp. 51–63). Portorož: Fakulteta za turistične študije.
- Mihalič, T. (1994). *Ekonomika okolja v turizmu*. Ljubljana: Ekonomska fakulteta.
- Mills, A. (2012). Fighting corruption – The role of media in the broader global context. In M. Edelbacher, P. Kratoski, & M. Theil (Eds.), *Financial crimes: A threat to global security* (pp. 205–216). Boca Raton: CRC Press.
- Miltin, D. (1992). Sustainable development: A guide to the literature. *Environment and Urbanisation*, 4(1), 111–124.
- Neto, F. (2003). A new approach to sustainable tourism development: Moving beyond environmental protection. *Natural Resources Forum*, 3(27), 212–222.
- Nunkoo, R., & Ramkissoon, H. (2009). Small island urban tourism: A residents' perspective. *Current Issues in Tourism*, 13(1), 37–60.
- Odar, V., Dobovšek, B., & Eman, K. (2012). Organizirana ekološka kriminaliteta. In G. Meško, A. Sotlar, & K. Eman (Eds.), *Ekološka kriminaliteta in varovanje okolja – multidisciplinarne perspektive* (pp. 335–363). Ljubljana: Fakulteta za varnostne vede.
- Pečar, J. (1981). Ekološka kriminaliteta in kriminologija. *Revija za kriminalistiko in kriminologijo*, 34(1), 33–45.
- Pešić, R. V. (2011). The role of economic instruments in eco-crime prevention. In G. Meško, D. Dimitrijevič, & C. B. Fields (Eds.), *Understanding and managing threats to the environment in South Eastern Europe* (pp. 69–78). Dordrecht: Springer.
- Shaw, G., Williams, A. M. (2002). *Critical issues in tourism: A geographical perspective* (2nd ed.). England: Blackwell.

- Situ, Y., & Emmons, D. (2000). *Environmental crime: The criminal justice system's role in protecting environment*. London: Sage.
- Tosun, C. (2001). Challenges of sustainable tourism development in the developing world: The case of Turkey. *Tourism Management*, 22(3), 289–303.
- Transparency International. (2011). *The 2011 corruption perceptions index*. Retrieved from <http://cpi.transparency.org/cpi2011/>
- Unger, B. (2007). *The scale and impacts of money laundering*. Cheltenham: Edward Elgar.
- United Nation Centre for International Crime Prevention. (2002). *Global dynamics of corruption: The role of the United Nations helping member states build integrity to curb corruption*. Retrieved from <http://www.unodc.org/pdf/crime/gpacpublications/cicp3.pdf>
- United Nations Office on Drugs and Crime. (2004). *United Nations convention against transnational organised crime (UNCATOC)*. Retrieved from <http://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf>
- United Nations Office on Drugs and Crime. (2010). *The globalization of crime: A transnational organized crime threat assessment: TOCTA report 2010*. Retrieved from [http://www.unodc.org/documents/data-and-analysis/tocta/TOCTA\\_Report\\_2010\\_low\\_res.pdf](http://www.unodc.org/documents/data-and-analysis/tocta/TOCTA_Report_2010_low_res.pdf)
- United Nations Office on Drugs and Crime. (2011). *Estimating illicit financial flows resulting from drug trafficking and other transnational organized crimes: research report*. Retrieved from [http://www.unodc.org/documents/data-and-analysis/Studies/Illicit\\_financial\\_flows\\_2011\\_web.pdf](http://www.unodc.org/documents/data-and-analysis/Studies/Illicit_financial_flows_2011_web.pdf)
- United Nations Office on Drugs and Crime. (2012a). *Anti-corruption*. Retrieved from <http://www.unodc.org/eastasiaandpacific/en/topics/anti-corruption/overview.html>
- United Nations Office on Drugs and Crime. (2012b). *Rule of law challenges*. Retrieved from <http://www.unodc.org/eastasiaandpacific/en/topics/rule-of-law-challenges.html>
- United Nations World Tourism Organisation. (2012). *Tourism highlights*. Retrieved from [http://dtxqt4w60xqpww.cloudfront.net/sites/all/files/docpdf/unwtohighlights12enlr\\_1.pdf](http://dtxqt4w60xqpww.cloudfront.net/sites/all/files/docpdf/unwtohighlights12enlr_1.pdf)
- Vanhove, N. (1997). Mass tourism: Benefits and costs. In S. Walab, & J. J. Pigram (Eds.), *Tourism development and growth: The challenge of sustainability* (pp. 50–77). London: Routledge.
- White, R. D. (2008). *Crimes against nature: Environmental criminology and ecological justice*. Cullompton: Willan.
- World Commission on Environment and Development. (1987). *Our common future*. Oxford: Oxford University Press.
- World Commission on Environment and Development. (2005.) *Report of the World Commission on Environment and Development: Our common future*. Retrieved from <http://www.un-documents.net/ocf-02.htm>
- World Economic Forum. (2011). *The travel & tourism competitiveness report 2011*. Retrieved from [http://www3.weforum.org/docs/WEF\\_TravelTourismCompetitiveness\\_Report\\_2011.pdf](http://www3.weforum.org/docs/WEF_TravelTourismCompetitiveness_Report_2011.pdf)

- World Travel and Tourism Council, World Tourism Organization, Earth Council. (1995). *Agenda 21 for the travel and tourism industry: Towards environmentally sustainable development*. London: WTTC-WTO-Earth Council.
- Yasarata, M., Altinay, L., Burns, P., & Okumus, F. (2010). Politics and sustainable tourism development: Can they co-exist? Voices from North Cyprus. *Tourism Management*, 31(3), 345–356.

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# Environmental Crime Trends in Slovenia in the Past Decade

Katja Eman

## **Purpose:**

Environmental issues become part of modern society within a developed economic system. This article examines the changes of number and forms of detected environmental crime in Slovenia with the purpose to form useful prevention and deterrence methods to face this 'new' form of crime.

## **Design/Methods/Approach:**

The method of crime statistics analysis (data obtained from police, inspectorate, public prosecutors' office and courts of justice) is used for the analysis of the environmental crimes trends in Slovenia with the purpose to estimate the actual situation in the country. Furthermore, using the responses of 25 Slovenian experts in a field of environmental justice, additional standpoints analysis and comparison with the official statistic data is conducted.

## **Findings:**

Previous environmental crime surveys in Slovenia revealed that Slovenia still has a largely intact nature, especially rich water resources and large areas of forest land. On the other hand, the number of yearly detected criminal offences against the environment, space and natural resources is relatively small; in average only 145 offences per year. Analysis of official statistical data show that the illegal waste disposal, the torture of animals, the game poaching, and the burdening and destruction of environment and space in general are groups of environmental crime forms, most often dealt with by police and inspectorate. Another issue is the finding that only one third of filled criminal charges end successfully with a conviction.

## **Research Limitations/Implications:**

Given that the official crime statistics do not cover the grey area of crime, where white-collar and organized environmental crime acts prevail, additional, more focused surveys could improve the gained research results.

## **Originality/Value:**

Environmental crime currently signifies big challenges for criminal justice theory and practice. The results presented here represent a first and very useful basis for additional activities in the study of environmental crime Slovenia.

**UDC:** 343.3/.7:504(497.4)

**Keywords:** environmental crime, Slovenia, crime trends, environmental crime-prevention

## Trendi ekološke kriminalitete v Sloveniji v preteklem desetletju

### Namen prispevka:

Okoljska vprašanja so postala del sodobne družbe v razvitem gospodarskem sistemu. Prispevek preučuje spremembe števila in oblik odkritih dejanj ekološke kriminalitete v Sloveniji z namenom oblikovati uporabne metode preprečevanja in odvrčanja za lažje soočanje s to 'novo' obliko kriminalitete.

### Metode:

Za analizo trendov ekološke kriminalitete v Sloveniji in za oceno dejanskega stanja v državi smo uporabili metodo analize kriminalitetne statistike (baze podatkov policije, inšpektorata, državnega tožilstva in sodišča). V analizo smo vključili še odgovore 25 slovenskih strokovnjakov s področja varstva okolja ter analizi stališč strokovnjakov dodali še primerjavo z uradnimi statističnimi podatki.

### Ugotovitve:

Pretekle študije o ekološki kriminaliteti v Sloveniji so razkrile, da ima Slovenija še vedno v veliki meri neokrnjeno naravo, še posebej bogate vodne vire in velike gozdne površine. Statistični podatki kažejo, da je število letno odkritih kaznivih dejanj zoper okolje, prostor in naravne dobrine razmeroma majhno, v povprečju le 145 kaznivih dejanj na leto. Iz analize uradnih statističnih podatkov je razvidno, da so nezakonito odlaganje odpadkov, mučenje živali, nezakonit lov ter obremenjevanje in uničenje okolja in prostora oblike ekološke kriminalitete, ki jih policija in inšpektorat najbolj pogosto obravnavata. V zvezi s tem pa predmet razprave predstavlja podatek, da se le ena tretjina podanih kazenskih ovadb uspešno konča z obsodbo.

### Praktična uporabnost:

Upoštevajoč dejstvo, da uradni statistični podatki o kriminaliteti ne pokrivajo sivega polja kriminalitete, kjer prevladujeta beloovratniška in organizirana ekološka kriminaliteta, menimo, da bi z dodatnimi, bolj usmerjenimi raziskavami lahko izboljšali dobljene raziskovalne rezultate.

### Izvirnost/pomembnost prispevka:

Ekološka kriminaliteta trenutno predstavlja velik izziv za teorijo in prakso na področju kazenskega pravosodja oziroma varstvoslovja. Zbrani rezultati predstavljajo prvo in zelo uporabno osnovo za nadaljnje dejavnosti pri preučevanju ekološke kriminalitete v Sloveniji.

**UDK: 343.3/.7:504(497.4)**

**Ključne besede:** ekološka kriminaliteta, Slovenija, trendi kriminalitete, preprečevanje ekološke kriminalitete

## 1 INTRODUCTION

Since independence, Slovenia has witnessed changes in its political, economic and social levels, in universal human values, and increasingly complex developments that affect the changing society and, consequently, criminal activity. Slovenia is



a parliamentary republic, near the top of economically developed countries in transition, with an old mining and industrial tradition (which is currently being modernized), and service industries. Crop and livestock production is somewhat trivial, since it covers only about 20 percent of the territory of the state that measures 20,273 square kilometres. Recently, growth in the number of agricultural holdings employing organic farming has been observed.<sup>1</sup> Two-thirds of the country is covered by forests (from 1993 to 2005, forested areas have increased by 17%). The share of land for roads is increasing (from 1993 to 2005, the percentage of land for roads, increased 150%) (Hren et al., 2011: 28). Slovenia has an interest in sustainable development and to increasing the energy of production from renewable resources. In recent years, we witnessed a restructuring of waste disposal and recycling (in 2002 in municipal landfills 84% of all municipal waste were deterred, in 2009 only 69%) (Hren et al., 2011: 29–30). Much progress has been achieved on the educational level where all primary and secondary schools are involved in the program of 'eco-school'. Kindergartens are following the main guidelines of this program as well. Topics about environmental protection and threats against the environment are connected with social studies which is becoming a part of curricula in many university faculties (e.g., Faculty of Criminal Justice and Security UM, Faculty of Social Sciences UL for example).

Unique to Slovenia are the largely intact nature, rich water resources and forested land. A specialty of Slovenia is the countries' spatial placement in the transition zone between Western and Eastern Europe and the border between North and South. Slovenia is known for bringing together diverse worlds, from the Alps to the Dinarides, and the Pannonian to the Karst. It is also known as a transit country of organized criminal groups. This applies to environmental crime as well, with the last three years particularly dangerous because of illegal transport of waste from Western Europe to the East and trafficking of animal and plant species in the opposite direction.

Meško and Flander (2011: 228) emphasize that in last period, penal legislation and sentencing policy are getting harsher in spite of the fact that the crime rate has not risen in recent years. Similar trends are observed in the field of environmental crime. The purpose of this study is to analyse the current situation in the field of environmental crime in Slovenia. This is done by analysing statistical data concerning offences and criminal acts against the environment. Furthermore, results of previous Slovene public opinion surveys on security threats, especially threats against the environment, are analysed. The third part of the study about the situation in Slovenia consists of analysis of the experts' positions about environmental crime collected by structured interviews. Besides the interviewed group's opinion about the seriousness of the problem of environmental crime and the most problematic forms of environmental crime, analysis also considers their

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1 As is typical in the transition countries, the structure of the economy between 1991 and today has dramatically changed. The share of agriculture in GDP has declined by more than half, from 5.7 percent of GDP in 1991 to 2.4 percent in 2010. Besides, also the share of industry and construction has greatly reduced (in 1991 44% of GDP was generated by industry and construction, in 2010 only 31% of GDP). On the other hand, the proportion of service activities raised significantly (from 50% in 1991 to 67% in 2010) (Hren et al., 2011: 48–49).



opinion about the victims of environmental crime. Possible forms of effectively responding and preventing environmental crime in Slovenia are also explored.

## 2 ENVIRONMENTAL CRIME TRENDS IN SLOVENIA

### 2.1 Official statistical data about environmental crime in Slovenia

In the present work, the legal definition of environmental crime is used. Environmental crime is every temporary or permanent act or resigned activity, determined and defined as deviant by the (inter)national legislation, which causes any form of harm (an artificial change, worsening, burden, degeneration or destruction) to one or more of eight elements (air, water, soft soil, mineral materials, human species, animal species, plant species, and microorganisms) that compound the natural environment or interrupt the environments' natural changes. The violator could be anyone or every one of us (e.g., corporations, companies, groups, individuals, the state). Environmental crimes' special characteristics are victims, because besides or directly through the environment (biotic and abiotic natural elements) it harms people as well. Based on the presented environmental crime definition, the analysis of official statistical data is conducted. The method of crime statistics analysis (data obtained from police, inspectorate, public prosecutors' office and courts of justice), is used for the analysis of the environmental crimes trends in Slovenia with the purpose to estimate the actual situation in the State.

Offences against the environment are most often dealt with by the Inspectorate of the Republic of Slovenia for the Environment and Spatial Planning [IRSOP] (hereafter Inspectorate). The police deal with it second most frequently. In 2009 and 2010, the Inspectorate most often dealt with several offences against the environment (IRSOP, 2010, 2011): excessive emissions into the air, mainly from combustion plants and industrial facilities; excessive emissions into the water; excessive noise in the environment; light pollution; illegal activities affecting the environment (mainly intervention into the land and illegal driving in a natural environment) in protected areas; and inappropriate management of waste (e.g., illegal disposal of waste in the environment, especially into the soil [i.e., construction and hazardous waste]). Illegal waste disposal represents approximately 50 percent (in year 2010 55% [IRSOP, 2010]) of all complaints and violations reports. The increase in violations of legal provisions governing genetically modified organisms and examples of excessive electromagnetic radiation was also detected.

Unfortunately, statistical data, separated according to particular offences, are not available in the Inspectorate reports. Therefore, Table 1 contains only information about the realization of the inspection controls, inspection provisions and the passed sanctions against the perpetrators in the period 2003–2010.

**Table 1:**  
Data about  
the inspection  
provisions of  
the offences  
against the  
environment,  
space and  
natural  
resources in the  
period from  
2003 to 2010  
Source: IRSOP  
(2005, 2006,  
2007, 2008, 2009,  
2010, 2011).

Year	Inspection (regular and irregular)	Inspectorate provisions				Offences		Criminal offences	Together
		Provision	Warning	Execution order	Other decisions (decree, referral of case)	Payment order	Provision		
2003	10015	1786	1009	1013	216	252	27	5	14323
2004	9267	1231	1606	1083	269	265	125	11	13857
2005	9437	896	1665	1219	230	152	99	1	13699
2006	11523	1568	1918	1448	283	185	190	5	17120
2007	10780	1367	1496	1070	1109	258	243	2	16325
2008	10231	1484	1379	885	530	292	241	18	15060
2009	10325	1556	547	985	1911	157	316	4	15801
2010	10311	1782	439	998	2216	145	377	5	16273

Table 1 shows that the number of regular and irregular inspections since 2008 is increasing again, although the Inspections in 2006 and 2007 used a lot more inspection controls (11523 in 2006 and 10231 in 2007). Thus, the number of inspectorate offence provisions is increasing; since 2005 only 99 offences were sanctioned and in 2010 the number of offences increased to 377. The number of filed criminal charges for offences against the environment varies considerably. The Inspectorate recorded just one criminal charge in 2005, which increased to 18 criminal charges in 2008. In the period from 2003 to 2010, the Inspectorate filed an average of six criminal offences per year and passed them to the public prosecutor.

Table 2 below shows the number of crimes against the environment from 2000 to 2010 that were detected and inspected by the Slovene police. The mentioned crimes are due to better and easier presentation divided according to the Articles from Chapter 32 in the Penal Code (Kazenski zakonik [KZ-1], 2008) of the Republic of Slovenia. The sum of all criminal acts against the environment and the number and the percentage of the successfully inspected criminal offences are added. The number of environmental crimes varies, decreasing and increasing in the eleven-year period (2000–2010) so we cannot talk about any particular increase of this form of crime, although the number of detected environmental crimes in 2009 increased up to 201 and the number in 2010 decreased to 169. The most probable reason for the high number of detected crimes in 2009 was the preparation by NGOs which initiated a national action called 'Clean Slovenia in one day'. The organizers invited citizens and competent agencies to assert more control and to report the detected crimes against the environment (mostly illegal waste dumping), which influenced on the number of reported criminal offences in 2009.

Article \ Year	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Burdening and destruction of environment and space (332)	21	34	29	24	16	12	12	9	14	57	31
Marine and water pollution by ships (333)	/	/	/	/	/	/	/	/	/	0	0
Import and export of dangerous substances into the country (334)	0	0	0	0	0	0	0	0	0	0	0
Unlawful acquisition or use of radioactive or other hazardous substances (335)	2	1	0	1	6	10	14	9	29	5	2
Contamination of drinking water (336)	3	5	0	3	4	3	0	4	4	3	0
Tainting of foodstuffs or fodder (337)	1	1	2	1	2	0	0	0	0	1	1
Unlawful occupation of real property (338)	1	2	3	3	3	2	3	2	4	3	5
Destruction of plantations by a noxious agent (339)	0	0	0	0	0	0	0	0	0	0	0
Destroying of forests (340)	13	9	8	11	5	0	2	4	2	2	1
Torture of animals (341)	15	20	19	28	29	36	33	23	29	42	41
Game poaching (342)	67	57	92	78	68	66	66	60	59	79	86
Fish poaching (343)	2	2	0	1	1	1	0	0	0	2	1
Illegal handling with protected animals and plants (344)	0	0	0	0	0	0	0	0	1	4	1
Transmission of contagious diseases in animals and plants (345)	0	0	0	0	0	0	0	0	0	0	0
Production of injurious medicines for treatment of animals (346)	0	0	0	0	0	0	0	0	0	0	0
Unconscionable veterinary aid (347)	0	0	0	0	0	0	0	1	0	0	0
Number of all detected offences	125	131	155	152	136	137	133	112	145	201	169
Number of successfully inspected offences	/	80	82	71	67	66	56	40	67	101	70
Percentage of successfully inspected offences	/	61.1	52.9	46.7	49.3	48.2	42.1	35.7	47.2	50.3	41.4

**Table 2:**  
Number of criminal offences against the environment, space and natural resources, which in the period from 2000 to 2010 were dealt with and investigated by the Slovenian police

Source: Policija (2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011).

From Table 2 is evident that criminal offences of marine and water pollution by ships, import and export of dangerous substances into the country, transmission of contagious diseases in animal and plant species, and destruction of plantations by a noxious agent and production of injurious medicines for treatment of animal species in the period from 2000 to 2010 have not been detected. Slovenian police detected environmental crime offences of fish poaching, tainting of forests or

fodder, unlawful occupation of real property, and contamination of drinking water. The number of offences changed in variation from one up to five per year. In this group, the most often and most dangerous (i.e., threatening to health and life of people and other living species) is contamination of the drinking water. Slovenian police register an average from two to three cases of drinking water contamination per year.

Destroying forests is a criminal offence and is decreasing. Since 2003, the number for this criminal offence decreased to approximately two offences per year. In 2010 only one such case was detected. The opposite situation is observed in the case of unlawful acquisition or use of radioactive or other hazardous substances. From two offences in 2000, and one offence in 2001, the number increased to 14 in 2006, and 29 in 2008.

The torture of animals, game poaching, burdening and destruction of the environment and space, are the three groups of environmental crime offences that stand out the most and are the most often registered and investigated form of environmental crime by the police in Slovenia. Burdening and destruction of the environment and space is the most general criminal offence in the group of the criminal offences against the environment, space and natural goods. The torture of animals and game poaching are the most often detected and the least charged criminal offence against the environment. Slovenian police investigated an average of 28.6 cases of animal torture and 70.7 cases of game poaching per year. Game poaching offenses have increased in the past three years. This represents a problem that is definitely connected with the difficult social circumstances and economic crisis in the country. The sale of game meat and trophies offers a profit which also contributes to the increase. The increase in the number of this offence is worrisome. The fact is that police are confronting more and more brutal cases of animal torture;

**Table 3:** in August 2010 the first prison sentence in Slovene history was given for the torture of a dog.

**Number of criminal charges filed by the state prosecution office [VDT] and number of convicted offenders for crimes against the environment, space and natural resources in the period 2000–2010**

The Slovenian police investigated an average of 145 crimes against the environment, space and natural resources per year. Furthermore, 47.45 percent of criminal offences are successfully inspected and criminal charges against the perpetrator passed to the public prosecutor, as shown in the Table 3 below.

Year	2000*	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Number of criminal charges	/	32	141	112	146	200	144	118	85	48	48
Adult individuals	/	32	140	110	146	164	142	111	81	41	48
Legal entities	/	0	1	2	0	36	2	7	4	7	0
Number of convictions	/	29	22	32	33	29	29	38	21	39	98
Adult individuals	/	29	22	32	33	28	29	38	21	39	98
Legal entities	/	0	0	0	0	1	0	0	0	0	0

Note: \*Data for the year 2000 are not available.

Source: VDT (2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011).

Table 3 shows the number of filed criminal charges against adult individuals and legal entities, and the number of convictions for both groups of perpetrators of environmental crime in Slovenia. The number of filed criminal charges for criminal offences against the environment, space and natural goods is not especially high. If we compare it with police data about the investigated crimes against the environment and with reported criminal offences against the environment by the Inspectorate, the number of filed criminal charges by the public prosecutor for criminal offences against the environment, space and natural resources is high. Neither the criminal charges against the legal entities are an exception. Interesting to note is the discovery from 2005, when the public prosecutor filed 36 criminal charges against legal entities. On the contrary, in 2001, 2002, 2004 and 2010 no criminal charges were filed against them.

Between 2001 and 2010, an average of 107 criminal charges were filed against offenders of the Slovene environmental protection legislation. The ratio between the number of criminal charges and the number of convictions is almost three to one (107 per year: 35 per year). Only one third of filled criminal charges ended successfully with the conviction. From the 56 pressed criminal charges against legal entities in the period 2005–2010, only one case ended successfully with a conviction.

One of the major problems in Slovenia is the dependence of municipalities (regions and people) on industry and the businesses in their area, as shown in the continuation. These companies are often major polluters, but the local representatives are indulgent, compassionate and tolerant towards the pollution due to the dependence on the business, which among other things represents needed working places. In addition, Pečar (1981: 40) points out that if we are the polluters, we have no moral right to require changes, since it would affect our actions. In the victimological sense, we are placed in a similar position with crime without the victim when the victims allow themselves to be victimized because of certain advantages and comfort that this phenomenon enables them. For this reason many Slovenes do it, just because of the comfort, prestige, perceived gains, and to avoid costs. Unfortunately, many people today are the perpetrators and victims of environmental crime tomorrow (where even self-victimization is possible). However, the finding that public awareness about the meaning and importance of environmental protection is growing is encouraging.

## 2.2 Slovene Public Opinion about Environmental Threats and Threats Against the Environment

The opinions of citizens are commonly expressed in public opinion surveys. In Slovenia, the Defense Research Centre at the Faculty of Social Sciences in Ljubljana is one of the research institutes in charge of conducting these studies. The results of the prior Slovene public opinion surveys regarding possible threats to security in Slovenia in 1994, 1999, 2001, 2005, 2007 and 2009 are presented in the Table 4 below. We are aware that *perceived threats* (Sotlar, Tičar, & Tominc, 2011) reported in studies such as public opinion survey, can significantly differ from the so called

real threats (Sotlar et al., 2011) that actually occur. They are statistically recorded and verified by different competent national agencies, institutes or other services (e.g., police, inspectorate, public prosecutor and others).

**Table 4:**  
**Factors of possible threats to the security of the Republic of Slovenia in years 1994, 1999, 2001, 2003, 2005, 2007 and 2009 (*n* = 1000)**  
Sources: Dobovšek, Sotlar, & Flander (2009); Meško, Bučar-Ručman, & Tominc (2007); Malešič et al. (2010).

Threats/Year	1994	1999	2001	2003	2005	2007	2009
Traffic accidents	/	3.21	3.24	3.16	3.12	3.34	3.22
Crime	3.14	3.46	3.28	3.28	3.20	3.20	3.18
Drugs, narcotics	2.95	3.45	3.41	3.28	3.21	3.17	3.12
Degradation of environment	3.17	3.35	3.07	2.91	3.06	3.04	3.12
Sell-out of social property	3.01	3.14	2.87	3.06	2.96	3.03	3.19
Poverty	/	3.13	3.05	3.08	3.05	2.99	3.25
Low birth rate	2.25	3.29	3.00	3.09	3.14	2.98	2.60
Unemployment	/	3.35	3.14	3.26	3.24	2.97	3.46
Natural and technological disaster	2.76	3.19	2.76	2.62	2.73	2.85	2.83
Suicides	/	3.08	2.88	2.82	2.72	2.74	2.74
Economic problems	3.08	3.22	2.99	2.92	2.85	2.69	3.14
Refugees, illegal immigrants	2.68	2.98	2.74	2.59	2.49	2.52	2.47
Internal political instability	2.89	2.94	2.53	2.59	2.45	2.51	2.61
Lagging behind in the field of science and technology	2.66	2.83	2.33	2.47	2.55	2.41	2.67
Contagious diseases, AIDS, etc.	/	2.77	2.43	2.21	2.28	2.22	2.23
Conflicts on the territory of former Yugoslavia	2.72	2.74	2.09	2.31	2.22	2.15	2.26
Extreme nationalism	2.48	2.53	2.20	2.14	2.15	2.07	2.14
Terrorism	2.45	2.64	2.09	1.87	1.90	1.91	1.79
Military threats of other countries	2.36	2.21	1.79	1.76	1.68	1.70	1.68
Energy dependence on foreign countries**	/	/	/	/	/	/	2.62

\*Note: The table shows the average value on a scale from 1 to 4 (1 = not a risk, 4 = very threatening).

\*\*The question about energy dependence on foreign countries in year 2009 for the first time appears in the survey.

Table 4 shows that since 1999, security threats for the Slovene population have become less important and less threatening. This group of threats include terrorism, military threats from other countries, conflicts on the territory of the former Yugoslavia and extreme nationalism. Contagious diseases, such as AIDS and hepatitis, are also not seen by the public as a very dangerous threat to them and their security. In the past, low birth rate was an important issue, but since 2007, the fertility rate is increasing so this form of security threat is only moderately dangerous. It is interesting to note that suicides are by public opinion perceived as a medium threat to security beginning in 1999 when this question was included in the survey.

On a daily basis, threats presented in the media and more often confronted threats (Sotlar et al., 2011: 18–19) are perceived as medium threats. Included in this is internal political instability, lagging behind in the field of science and technology, traffic accidents, crime, drugs and narcotics, sell-out of social property, economic problems, degradation of the environment, and natural and technological disasters. Among the medium-security risk factors energy dependence on foreign countries is included. This question appeared for the first time in the study in 2009. The Slovene public perceived unemployment as a strong threat ( $M > 3.4$ ) to security.

If we look closely at the *degradation of the environment* and the *natural and technological disasters* as security risk factors of the Republic of Slovenia, we can notice from Table 4 that:

1. Both risk factors were in the public opinion surveys from 1994 to 2009 classified as medium threats to security;
2. Natural and technological disasters are by Slovene public opinion less threatening than degradation of environment;
3. With the exception of year 1999, when natural and technological disasters as a threat to security were ranked higher, on a scale from 1 to 4 the natural and technological disasters are ranging between  $M = 2.62$  and  $M = 2.85$  (i.e.,  $M = 2.7$ ). We can conclude that people are aware of the potential danger of natural and technological disasters, while knowing that they are rare (with the exception of flooding in Slovene flood-prone areas in recent years), and therefore classified as medium threat to security;
4. In terms of the degradation of the environment as one of the security risk factors the Slovene population perceived it as a slightly more serious security threat, but it is still classified in the category of medium threats to security (its mean is slightly higher, ranging from  $M = 2.91$  in the year 2003 and to  $M = 3.35$  in the year 1999, or about  $M = 3.1$ ). Although small, since 2003 there is a trend of increasing the risk rate of the environment degradation as a factor of security threat is noticeable; and
5. The Slovene public opinion survey from 2009 included a question about the impact of environmental changes on a safety: "Do you worry that the changes in the environment as a result of human behaviour in the future could have a decisive impact on safety?". The survey results showed that 859 (86.1%) respondents answered positive and 139 (13.9%) respondents answered negative. From the results of the Slovene public opinion survey in 2009 more than three-quarters of Slovene public believe that human intentional and unlawful interference with the environment and thereby caused changes in the future may affect the safety.

Threats against the environment are dangerous, not only to the environment and people, they also represent an important aspect of threats to national security. From the national point of view about the relationship between environment and security, the question about the direct and indirect influence of the environment on national security is crucial. Environmental crime is ranked among the risk factors for individual, national and international security. The interest and awareness about the importance and seriousness of environmental risks and issues among



the public is growing more quickly than it is in the field of research. The public rightfully expects an appropriate response of the state in environmental protection and the reduction of environmental threats to security. In the modern era and the globalization conditions, security has a universal content.

In the last few years in Slovenia academic research concerning environmental crime and associated issues has been increasing. Green criminology, as a (social) study of environmental harm, crime, victimization, law, regulation, and justice (Lynch and Stretesky, 2011: 293), represents one of the important bonds between the criminal justice system, its' subsystems, other sciences and all other interested parties. It combines and connects different scientific knowledge and experiences that deal with environmental issues. The case studies, conducted studies, research results, completed analysis and scientific discussions can help competent authorities and other interest groups that confront environmental crime and environmental harm as constantly growing threat. Awareness of the impact of environmental crime on national security and the possible consequences makes the preparation of the security system for responding in crisis situations easier. Preventive measures for stopping possible environmental threats are less pretentious, complicated, and expensive and not threatening at all, as emphasized in the survey about Slovene experts' opinion, presented below.

### **3 EXPERT'S OPINION ABOUT ENVIRONMENTAL CRIME IN SLOVENIA**

The aim of the research was to gain an integrated view into the researched problem (i.e., investigation and responding to environmental crime in Slovenia); therefore the method of structured interviews was used to collect data about views on environmental crime taken by each group of experts that deal with environmental threats and/or environmental protection regularly during their work. For this purpose, 25 individuals from different parts of Slovenia who work as members of NGOs, environmental protection inspectors, police officers, criminal investigators, prosecutors, judges, journalists, firefighters, representatives from civil protection agencies, academic researchers, governmental officials from the ministries, and teachers in elementary and secondary schools, were interviewed. Respondents were asked five groups of questions about environmental crime, its' various forms, victims and possible methods for successful responses to environmental crime in Slovenia, and several demographic questions. The interviews were conducted in September, October and November 2011. All responses were recorded by hand and later retyped in electronic form. In this way the data base was constructed. For analysis, the statistical packages Excel program tools for electronic tables, and analysis of texts or the statistical handling of language data in sociological researches were used.

### 3.1 The sample of Interviewed Experts

Table 5 shows us the demographic data about the sample of respondents who participated in the survey. The sample includes 25 interviewed participants; 16 (64%) men and nine (36%) women.

		<i>f</i>	%
Gender	Male	16	64.0
	Female	9	36.0
Age	<= 30 years	5	20.0
	31–40 years	5	20.0
	41–50 years	6	24.0
	=> 51 years	8	32.0
	Missing answer	1	4.0
Education	High school	2	8.0
	College	1	4.0
	B.A.	15	60.0
	M.A.	4	16.0
	Ph.D.	3	12.0

**Table 5:**  
The description  
of sample

From the data regarding education in Table 5, it appears that as many as 15 (60%) of the interviewees had a B.A. The percentage of other educational groups is much smaller.

### 3.2 Interpretation of the Results

Respondents believe that the threat to the environment is a major concern for several reasons: 1) the extent of the caused damage, which later most often cannot be repaired; 2) the people and other living beings who are affected; and 3) because it is a problem of survival.

The average value of the placement of the assessment of the environment endangering problem in Slovenia on the 10-step scale is 5.56 (min = 2; max = 10). Many respondents (40%) believe that the threat to environment in Slovenia is not a serious problem, as in other parts of the world, but warn that the problem in Slovenian is growing. Respondents emphasized the fact that we are facing the problem of the anthropocentric human relationship towards the environment and that in most cases, man exploits the environment for the purpose of profit. The degree of tolerance of the Slovene population to such acts is still too high.

The interviewees understand the term environmental crime to mean all forms of environmental threats and environmental degradation (i.e., misdemeanours and offenses that are defined by the environmental protection legislation). Two-thirds (17) of the interviewees strictly follow the legal definition of environmental crime and one-third (8) of the interviewees extends the concept of environmental

crime to all offenses against the environment that are unacceptable by society (i.e., sociological definition of environmental crime). In the Slovene space, the interplay between the both definitions of environmental crime and impact of the sociological definition on the legal definition of environmental crime is evident.

Over two-thirds of the respondents (72%) experience environmental crime during their work on a daily basis. One third (28%) of respondents see environmental crime less frequently when addressing individual issues (e.g., teachers, scholars, researchers) and cases (e.g., prosecutors and judges). Respondents believe that in the field of environmental crime in Slovenia, the following forms of environmental crime and other related forms of crime are the most problematic: 1) waste (illegal burning, dumping and smuggling of waste; radioactive waste); 2) water pollution and groundwater contamination by discharges, sprinklers and fertilizers; 3) soil, air and noise pollution; 4) cruelty to animals; 5) white-collar environmental crime which is detected by law enforcement agencies, but they are often unable to accede to the case (i.e., the difficulty of proofs) or do not get far with the investigation due to the lobbying and influence of the politics; 6) organized environmental crime and other serious forms of environmental crime because the competent Slovenian authorities are unable to discover them; and 7) the old, from the past (i.e., previous political regime) remained illegal dumping grounds. We asked the interviewees "What types of threats to the environment (forms of environmental crime) and/or forms of protection of the environment are encountered at your work?". Their responses are represented in Table 6 below. It shows the types of environmental crime that respondents most often meet at their work. The data reveal that the most often dealt with form of environmental crime are waste related, mainly illegal dumping and trading in waste, burning of waste and other forms of inappropriate management of waste. Not less than 60 percent (15) of respondents at their work have to deal with the waste. The data is consistent with the figures from the Inspectorate (IRSOP, 2010), where violations at waste disposal represent 55% of all violations reports. It is evident the second most often environmental crime types mentioned are excessive emission into water and groundwater pollution, which in the course of their work is met by 56% (14) of interviewees, and excessive emissions into air, met by 36% (nine) of the interviewees.

It is interesting to note that 32 percent (eight) of respondents at their work meet all kinds of environmental crime listed in the KZ-1 (2008), ZVO-1-UPB1 (2006, 2008, 2009) and other legal acts. If we compare these data with official police statistics, we see that in the period from 2000 to 2010 that four groups of environmental crime types (criminal offences of marine and water pollution by ships; import and export of dangerous substances into the country; transmission of contagious diseases in animal and plant species; destruction of plantations by a noxious agent; and production of injurious medicines for treatment of animals) have not been detected. At this point the question arises if these forms of environmental crime really occur or are these forms of environmental crime difficult to prove and are therefore never recorded in the official statistics, or is the gray field of environmental crime so extensive that some specific forms are not detected and processed.

Environmental crime forms	<i>f</i>	%
Waste (illegal disposal and trafficking, burning of waste and inappropriate waste management)	15	60
Excessive emissions into water and groundwater contamination	14	56
Excessive emissions into air	9	36
All forms of environmental crime (criminal offences, defined in the KZ-1 (2008), and misdemeanours, defined in the Environment protection act (Zakon o varstvu okolja (uradno prečiščeno besedilo) [ZVO-1-UPB1] (2006, 2008, 2009) and other laws)	8	32
Illegal exploitation of the mineral materials	3	12
Interventions to protect natural habitats (riding with motor vehicles)	3	12
General forms of environmental protection and raising awareness	3	12
Torturing of animals	2	8
All forms of omissions of the duties (i.e., crime of the state)	2	8
Illegal lobbying at the systematical changing of the environmental legislation	2	8
Building permits and illegally changing the spatial arrangement	2	8
Organized and white-collar environmental crime	2	8
Electromagnetic radiation	1	4
Fish kills	1	4

**Table 6:**  
Most often  
encountered  
forms of  
environmental  
crime

Among the less frequently discussed forms of environmental crime are fish kills, excessive electromagnetic radiation, torture of animals, interventions in the protected natural environment, illegal exploitation of mineral materials, and the omission of the duties of the competent authorities (i.e., environmental crime of the state). The data on detection of cases of illegally lobbying at the systematical changing of the environmental legislation, illegal building permits and illegally changing the spatial arrangement, and cases of organized and white-collar environmental crime stand out.

Three (12%) interviewees do not deal with environmental threats and environmental crime directly. On the contrary, teachers and scholars deal with the general forms of environmental protection and raising awareness, as reported in an interview by a primary school teacher:

*"At my work I am not faced with environmental crime directly. We try to present themes of pollution and environmental degradation to pupils and to stress the importance of environmental protection; how we need to behave and protect the environment. We are also involved in the project 'eco-school' that really offers a lot of opportunities and forms of education, raising the awareness of children and even teachers."*

Environmental crime victims in Slovenia are one of the hot topics of discussion, especially when it comes to those particularly vulnerable or risk areas, such as the Mežica Valley, Idrija, the plains of Sorško polje, Kranjsko polje, and Krško polje, Ljubljana and its surroundings, the Savinjska basin, and the plains at the rivers Drava and Mura, called Dravsko polje and Panonsko polje. What is more, ninety-two percent (23) of interviewees (the majority) believe that in Slovenia we can talk

about the victims of environmental crime. Respondents believe that the problem of environmental crime victims is especially related to the problem of pollution from factories, corporations and the emergence of mass casualties of environmental crime and their living in degraded environments. We talk about the phenomena of environmental injustice and environmental crime of the state in the areas where the state did little to protect the citizens (e.g., Mežica, Idrija, Zasavje, Anhovo).

**Table 7:**  
**Victims of**  
**environmental**  
**crime**

Environmental crime victims	<i>f</i>	%
People	22	88
Animals	19	76
Plants	18	72

Table 7 above confirms the above arguments since as much as 88 percent (22) of respondents believe that people are the most common victims and the most vulnerable victims of environmental crime. Animals are next most commonly noted (76%) and finally plants (72%). Especially stressed is the belief that humans are impaired or victims of environmental crime, due to the destruction of the environment and murdered animals. In other words, the anthropocentric aspect of the relationship between human and environment is still present and the human is very often set in the forefront, before the environment. Only in very rare cases is the environment put in first place by certain social groups (i.e., NGOs) or individuals who have a high level of ecological ethics and integrity.

The major problem in Slovenia remains the dependence of people on industry. They tolerate the polluters due to the dependence on their business. This was emphasized in one of the interviews:

*"In Slovenia, we are not talking about victims of the environmental crime, because it is still more important that people have an employment and get a job (i.e., hidden victims), but no one is asking in what kind of working environment are these people working and how health hazardous it is. The consequences of such form of environmental crime will be visible only in few years or decades time and we will 'pay' them very expensively (e.g., the next generations), because we do not protect the environment and today still put the economy and production in the forefront."*

All of the respondents believe that formal responses (statutory, legal responses) of the state against the violators of environmental legislation should be defined by legislation. What is more, environmental protection should be a national priority, as emphasized by the governmental official, working in the field of the prevention of corruption:

*"In Slovenia the problem of evaluation of environmental policy stands out in comparison to other policies (e.g., economic, social, etc.), since this is really an undeveloped area. Not earlier than in the last period the European Union provisions impact on the relevance and development of environmental policy in Slovenia. It is becoming a priority."*

The most common informal responses to environmental crime in Slovenia, experienced or perceived by the interviewees, are NGOs (26%) and civil initiatives (25%), followed by citizens' violations reports (22%). Less often is media coverage (16%), which is usually associated with the operation of NGOs and civil initiatives. Among the important forms of informal responses to environmental crime interviewees also include education. Respondents expressed the following views of the informal responses in the field of environmental crime in Slovenia: 1) informal responses are immediate, but still fall short, although the individual actions are sometimes exaggerated, just because of the search of attention and the lack of trust in the criminal justice system; 2) informal responses depend on the consciousness of the individual (i.e., ecological ethics); and, 3) people in Slovenia are still selectively tolerant; and 4) NGOs are still dependent on funding of the state and political elites.

Expert opinions about cooperation between the relevant governmental agencies and organizations, and about cooperation between governmental and non-governmental organizations, suggest that all organizations involved do not cooperate enough and could strengthened their cooperation in responding to environmental crime and issues in the future. Regarding the cooperation between governmental and non-governmental organizations, the interviewees believe that partnership is required. Representatives of both groups are critical toward the cooperation of the other side; thereby the cooperation between these two groups should be established under statutory provisions.

When asked about environmental crime prevention and methods that would be useful and effective in the Slovene environment, a surprisingly high proportion (68% [17]) of respondents still believe that the effective, immediate, and more stringent action by the competent authorities is the best form of environmental crime prevention. We are talking about a situation where severe punishment and consistent enforcement of (criminal) sanctions should work as general deterrence (i.e., a form of special prevention). Gained findings suggest that almost half (48%) of respondents believe that in Slovenia higher fines and stricter legislation in general are needed. Respondents in this group of preventive measures also include better cooperation between the competent authorities (32%), increasing the number of environmental inspectors (16%) and strengthening of cooperation between the competent authorities and NGOs (1%).

Another group of proposed measures for environmental crime prevention are education (64%) of the entire population, as well as individual groups (e.g., the older population that about environmental protection and waste separation have not listened in primary schools; and additional education of governmental authorities) and rising awareness (48%). Respondents believe that media coverage (20%) (e.g., investigative journalism and a regular media reporting about the offenders of environmental legislation, the so-called media 'lynch'), have an important role in the environmental crime prevention.

Finally, the respondents believe that strengthening environmental policy at the national level, highlighted by 12% (three) of respondents, as well as the regulation of the problem of over-abundance and fragmentation of the environmental protection legislation are important for the Slovene environment. These respondents consider

it necessary to simplify and systematically organize the laws and regulations that cover the field of environmental protection.

From the above, we can conclude that a multidisciplinary approach and combination of different pro-active and re-active methods of responding to environmental crime are necessary to be successful in this 'game of survival'.

## 4 CONCLUSION

Survey results about environmental crime in Slovenia show that over two-thirds of the respondents almost daily see environmental crime during work. One third of the respondents observe environmental crime less frequently, especially when they address individual issues (e.g., teachers, scholars, researchers) and cases (e.g., prosecutors and judges). In general, experts' opinions suggest that threats to the environment in Slovenia are a medium problem. Respondents believe that in Slovenia the most problematic forms of environmental crimes are: 1) waste; 2) water pollution and groundwater contamination; 3) soil, air and noise pollution; 4) cruelty to animals; and 5) white-collar environmental crime and organized environmental crime. If we compare official statistical and public perception about environmental crime, we see similar findings.

In the last five years, the Inspectorate reports show that the most severe problem is extensive and very contextual diverse legislation, which is constantly changing, and the associated enormous scope of work. Similar problems due to the systemization of environmental protection legislation in Slovenia are reported also by police. Slovene police investigate on average 145 crimes against the environment, space and natural resources per year. This means that 47.45 percent of criminal offences are successfully inspected and criminal charges against the perpetrator referred to the public prosecutor. Furthermore, during 2001–2010, an average of 107 criminal charges was filed against offenders of the Slovene environmental protection legislation. Only one third of filed criminal charges end successfully with a conviction, and in only one case the legal entity was convicted for crimes against the environment.

The solution to contemporary environmental problems lies not only in more restricted environmental protective legislation, also in redefining our relationship to nature in general. Results concerning environmental crime prevention types and methods that would be useful and effective in the Slovene environment reveal the experts' opinion about different forms of environmental crime prevention. They still cling to traditional methods of responding and crime prevention and recall the importance of their more frequent and more consistent implementation: 1) effective, immediate, and more stringent action by the competent authorities; 2) higher fines and stricter legislation in general; 3) better cooperation between the competent authorities; 4) increase of the number of environmental inspectors; 5) strengthen cooperation between the competent authorities and NGOs; 6) education (of the entire population, as well as individual groups) and raising awareness; 7)



constant media coverage;<sup>2</sup> 8) strengthen environmental policy at the national level; and 9) regulation of the problem of over-abundance and fragmentation of the environmental protection legislation.

In our opinion, situational crime prevention should be added to the above group of environmental crime prevention methods. Transferring situational crime prevention techniques to crimes against the environment involves designing models that eliminate crime opportunities (e.g., redesigning enforcement strategies to cut off industry-specific criminal opportunities; improvement of enforcement effectiveness with the emerging knowledge of the offender's characteristics and with the increase of technical training). Situational crime prevention tries to identify those situations and intervene where environmental crime and environmental harm opportunities are present in order to deflect offenders or targets away from one another with five groups of clusters (increasing the perceived risk; increasing the perceived effort; reducing the perceived rewards; reducing the perceived provocations; and removing the excuses associated with offending) (Clarke & Eck, 2008).

The general conclusion of everything discussed above is easy: environmental protection should be a national priority and the society has to develop a complete intolerance to all forms of environmental crime. Society must develop a complete intolerance to all forms of environmental crime. An eco-centred perspective of environment must become a social value, and environmental protection must become a national priority. To achieve such a state, a combination of reactive and proactive methods need to be applied to environmental issues (e.g., harm, crime, threats), combining the 'top-down' (adoption and implementation of the stricter legislation) and 'bottom-up' (implementation of awareness raising and educational programs) approaches simultaneously. A thorough analysis must be conducted on every concrete case or problem so that appropriate reactive and proactive measures can be developed.

Less apparent is the way that Slovene population has to go to reach the goal – sustainable development in the clean and protected environment. Education, cooperation and conformation will be needed at all levels, but especially on the national level, between the governmental and non-governmental organizations; and on the academic level, between the social and natural sciences. The education and raising the awareness of the population will follow. The first steps are promising; we identified the problem (i.e., environmental crime) and started to study it in details. What is more, we managed to develop (and are still developing) the new criminological branch, whose role is the study of phenomena of environmental harm that are already been criminalized or are by society perceived as threatening and with it related processes of phenomena, as discussed in the last part of the dissertation. The best solution, besides education and ecological ethics (i.e., raising awareness), is the development of a complete intolerance to all forms of environmental harm and crime. Environmental protection must become a national (number one) priority.

2 When reporting about the environmental issues, journalists cannot avoid the influence of the social, political, and cultural factors. Sometimes the media do not take their secondary role about the raising of public awareness seriously.

## REFERENCES

- Clarke, V. R., & Eck, J. E. (2008). *Priročnik za policijske (kriminalistične) analitike – v 60 korakih do rešitve problema*. Ljubljana: Fakulteta za varnostne vede.
- Dobovšek, B., Sotlar, A., & Flander, B. (2009). Parlament v post moderni družbi med svobodo in varnostjo = Postmodern parliament between freedom and security. *Varstvoslovje*, 11(1), 98–129.
- Hren, K., Čirjaković, J., Korenič, R., Kralj, A., Peceli, S., Repovž Grabnar, I. et al. (2011). *Sloveniji za 20. rojstni dan: slovenski statistiki*. Ljubljana: Statistični urad Republike Slovenije. Retrieved from <http://www.stat.si/Brdo2011/doc/SLO-20-let.pdf>
- Inšpektorat Republike Slovenije za okolje in prostor [IRSOP]. (2005). *Poročilo o delu Inšpektorata za okolje in prostor za leto 2004*. Retrieved from [http://www.iop.gov.si/fileadmin/iop.gov.si/pageuploads/IRSOP\\_dokumenti/Porocila\\_IJZ/letno\\_porocilo\\_2004.pdf](http://www.iop.gov.si/fileadmin/iop.gov.si/pageuploads/IRSOP_dokumenti/Porocila_IJZ/letno_porocilo_2004.pdf)
- Inšpektorat Republike Slovenije za okolje in prostor [IRSOP]. (2006). *Poročilo o delu Inšpektorata za okolje in prostor za leto 2005*. Retrieved from [http://www.iop.gov.si/fileadmin/iop.gov.si/pageuploads/IRSOP\\_dokumenti/Porocila\\_IJZ/letno\\_porocilo\\_2005.pdf](http://www.iop.gov.si/fileadmin/iop.gov.si/pageuploads/IRSOP_dokumenti/Porocila_IJZ/letno_porocilo_2005.pdf)
- Inšpektorat Republike Slovenije za okolje in prostor [IRSOP]. (2007). *Poročilo o delu Inšpektorata za okolje in prostor za leto 2006*. Retrieved from [http://www.iop.gov.si/fileadmin/iop.gov.si/pageuploads/IRSOP\\_dokumenti/Porocila\\_IJZ/letno\\_porocilo\\_2006.pdf](http://www.iop.gov.si/fileadmin/iop.gov.si/pageuploads/IRSOP_dokumenti/Porocila_IJZ/letno_porocilo_2006.pdf)
- Inšpektorat Republike Slovenije za okolje in prostor [IRSOP]. (2008). *Poročilo o delu inšpektorata za okolje in prostor za leto 2007*. Retrieved from [http://www.iop.gov.si/fileadmin/iop.gov.si/pageuploads/IRSOP\\_dokumenti/Porocila\\_IJZ/letno\\_porocilo\\_2007.pdf](http://www.iop.gov.si/fileadmin/iop.gov.si/pageuploads/IRSOP_dokumenti/Porocila_IJZ/letno_porocilo_2007.pdf)
- Inšpektorat Republike Slovenije za okolje in prostor [IRSOP]. (2009). *Poročilo o delu Inšpektorata za okolje in prostor za leto 2008*. Retrieved from [http://www.iop.gov.si/fileadmin/iop.gov.si/pageuploads/IRSOP\\_dokumenti/Porocila\\_IJZ/letno\\_porocilo\\_2008.pdf](http://www.iop.gov.si/fileadmin/iop.gov.si/pageuploads/IRSOP_dokumenti/Porocila_IJZ/letno_porocilo_2008.pdf)
- Inšpektorat Republike Slovenije za okolje in prostor [IRSOP]. (2010). *Poročilo o delu Inšpektorata za okolje in prostor za leto 2009*. Retrieved from [http://www.iop.gov.si/fileadmin/iop.gov.si/pageuploads/IRSOP\\_dokumenti/Porocila\\_IJZ/Porocilo\\_o\\_delu\\_IRSOP2009.pdf](http://www.iop.gov.si/fileadmin/iop.gov.si/pageuploads/IRSOP_dokumenti/Porocila_IJZ/Porocilo_o_delu_IRSOP2009.pdf)
- Inšpektorat Republike Slovenije za okolje in prostor [IRSOP]. (2011). *Poročilo o delu Inšpektorata za okolje in prostor za leto 2010*. Retrieved from [http://www.iop.gov.si/fileadmin/iop.gov.si/pageuploads/IRSOP\\_dokumenti/Porocila\\_IJZ/LETNO\\_POROCILO\\_2010\\_1\\_.pdf](http://www.iop.gov.si/fileadmin/iop.gov.si/pageuploads/IRSOP_dokumenti/Porocila_IJZ/LETNO_POROCILO_2010_1_.pdf)
- Kazenski zakonik Republike Slovenije [KZ-1]. (2008). *Uradni list RS*, (55/08, 66/08).
- Lynch, J. M., & Stretesky, B. P. (2011). Similarities between green criminology and green science: Toward a typology on green criminology. *International Journal of Comparative and Applied Criminal Justice*, 35(4), 293–306.
- Malešič, M., Malnar, B., Toš, N. et al. (2010). *Slovensko javno mnenje 2009/2: Raziskava o nacionalni in mednarodni varnosti*. Ljubljana: Fakulteta za družbene vede, Center za raziskovanje javnega mnenja in množičnih komunikacij. Retrieved from <http://www.adp.fdv.uni-lj.si/opisi/sjm092/>

- Meško, G., Bučar-Ručman, A., & Tominc, B. (2007). Challenges of local safety in Slovenia: On the path of good will, responsible citizenry and managerialism. In G. Meško, & B. Dobovšek (Eds.), *Policing in emerging democracies: Critical reflections* (pp. 209–241). Ljubljana: Fakulteta za varnostne vede.
- Meško, G., & Flander, B. (2011). 'Punitiveness' and penal trends in Slovenia: On the 'shady side of the Alps'? In H. Kury, & E. Shea (Eds.), *Punitivity international developments* (Vol. 1, pp. 227–249). Bochum: Universitätsverlag Brockmeyer.
- Pečar, J. (1981). Ekološka kriminaliteta in kriminologija. *Revija za kriminalistiko in kriminologijo*, 134(1), 33–45.
- Policija. (2002). *Poročilo o delu policije za leto 2001*. Retrieved from [http://www.policija.si/images/stories/Statistika/\\_LetnaPorocila/PDF/lp2001.pdf](http://www.policija.si/images/stories/Statistika/_LetnaPorocila/PDF/lp2001.pdf)
- Policija. (2003). *Poročilo o delu policije za leto 2002*. Retrieved from [http://www.policija.si/images/stories/Statistika/\\_LetnaPorocila/PDF/lp2002.pdf](http://www.policija.si/images/stories/Statistika/_LetnaPorocila/PDF/lp2002.pdf)
- Policija. (2004). *Poročilo o delu policije za leto 2003*. Retrieved from [http://www.policija.si/images/stories/Statistika/\\_LetnaPorocila/PDF/lp2003.pdf](http://www.policija.si/images/stories/Statistika/_LetnaPorocila/PDF/lp2003.pdf)
- Policija. (2005). *Poročilo o delu policije za leto 2004*. Retrieved from [http://www.policija.si/images/stories/Statistika/\\_LetnaPorocila/PDF/lp2004.pdf](http://www.policija.si/images/stories/Statistika/_LetnaPorocila/PDF/lp2004.pdf)
- Policija. (2006). *Poročilo o delu policije za leto 2005*. Retrieved from [http://www.policija.si/images/stories/Statistika/\\_LetnaPorocila/PDF/lp2005.pdf](http://www.policija.si/images/stories/Statistika/_LetnaPorocila/PDF/lp2005.pdf)
- Policija. (2007). *Poročilo o delu policije za leto 2006*. Retrieved from [http://www.policija.si/images/stories/Statistika/\\_LetnaPorocila/PDF/pol-lp2006.pdf](http://www.policija.si/images/stories/Statistika/_LetnaPorocila/PDF/pol-lp2006.pdf)
- Policija. (2008). *Poročilo o delu policije za leto 2007*. Retrieved from [http://www.policija.si/images/stories/Statistika/\\_LetnaPorocila/PDF/pol-lp2007.pdf](http://www.policija.si/images/stories/Statistika/_LetnaPorocila/PDF/pol-lp2007.pdf)
- Policija. (2009). *Poročilo o delu policije za leto 2008*. Retrieved from [http://www.policija.si/images/stories/Statistika/\\_LetnaPorocila/PDF/LetnoPorocilo2008.pdf](http://www.policija.si/images/stories/Statistika/_LetnaPorocila/PDF/LetnoPorocilo2008.pdf)
- Policija. (2010). *Poročilo o delu policije za leto 2009*. Retrieved from <http://www.policija.si/images/stories/Statistika/LetnaPorocila/PDF/LetnoPorocilo2009.pdf>
- Policija. (2011). *Poročilo o delu policije za leto 2010*. Retrieved from <http://www.policija.si/images/stories/Statistika/LetnaPorocila/PDF/LetnoPorocilo2010.pdf>
- Sotlar, A., Tičar, B., & Tominc, B. (2011). Slovenian environmental policy analysis: From institutional declarations to instrumental legal regulation. In G. Meško, D. Dimitrijević, & C. B. Fields (Eds.), *Understanding and managing threats to the environment in South Eastern Europe* (pp. 11–39). Dordrecht: Springer.
- Vrhovno državno tožilstvo [VDT]. (2002). *Skupno poročilo o delu državnih tožilstev 2001*. Ljubljana: Ministrstvo za pravosodje, Vrhovno državno tožilstvo.
- Vrhovno državno tožilstvo [VDT]. (2003). *Skupno poročilo o delu državnih tožilstev 2002*. Ljubljana: Ministrstvo za pravosodje, Vrhovno državno tožilstvo.
- Vrhovno državno tožilstvo [VDT]. (2004). *Skupno poročilo o delu državnih tožilstev 2003*. Ljubljana: Ministrstvo za pravosodje, Vrhovno državno tožilstvo.
- Vrhovno državno tožilstvo [VDT]. (2005). *Skupno poročilo o delu državnih tožilstev 2004*. Ljubljana: Ministrstvo za pravosodje, Vrhovno državno tožilstvo.
- Vrhovno državno tožilstvo [VDT]. (2006). *Skupno poročilo o delu državnih tožilstev 2005*. Retrieved from [http://www.dt-rs.si/uploads/documents/letno\\_porocilo\\_2005.pdf](http://www.dt-rs.si/uploads/documents/letno_porocilo_2005.pdf)

- Vrhovno državno tožilstvo [VDT]. (2007). *Skupno poročilo o delu državnih tožilstev 2006*. Retrieved from [http://www.dt-rs.si/uploads/documents/Letno\\_porocilo\\_06.pdf](http://www.dt-rs.si/uploads/documents/Letno_porocilo_06.pdf)
- Vrhovno državno tožilstvo [VDT]. (2008). *Skupno poročilo o delu državnih tožilstev 2007*. Retrieved from [http://www.dt-rs.si/uploads/documents/Letno\\_POROCILO\\_2007\\_24.pdf](http://www.dt-rs.si/uploads/documents/Letno_POROCILO_2007_24.pdf)
- Vrhovno državno tožilstvo [VDT]. (2009). *Skupno poročilo o delu državnih tožilstev 2008*. Retrieved from <http://www.dt-rs.si/uploads/documents/POROCILO-2008-koncna8.pdf>
- Vrhovno državno tožilstvo [VDT]. (2010). *Skupno poročilo o delu državnih tožilstev 2009*. Retrieved from <http://www.dt-rs.si/uploads/documents/letno%20porocilo/POROCILO-2009.pdf>
- Vrhovno državno tožilstvo [VDT]. (2011). *Skupno poročilo o delu državnih tožilstev 2010*. Retrieved from [http://www.dt-rs.si/uploads/documents/letno%20porocilo/POROCILO-2010-koncno\\_III.pdf](http://www.dt-rs.si/uploads/documents/letno%20porocilo/POROCILO-2010-koncno_III.pdf)
- Zakon o varstvu okolja (uradno prečiščeno besedilo) [ZVO-1-UPB1]. (2006, 2008, 2009). *Uradni list RS*, (39/06, 66/06, 112/06, 70/08, 108/09).

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# The Witness Protection Program in Bosnia and Herzegovina in Cases of Organised Crime

VARSTVOSLOVJE,  
Journal of Criminal  
Justice and Security  
year 15  
no. 2  
pp. 261–276

Adnan Jusufspahić

## **Purpose:**

This article presents the Witness Protection Program in BiH and the conditions for meeting the requirements for the starting the Witness Protection Program. It summarizes and explains the institution of the Witness Protection Program – the model in BiH, and considers the new proposals for *de lege ferenda* solutions within the Law on Witness Protection Program in BiH.

## **Design/Methods/Approach:**

In this study, the author used scientific methods, such as analysis, comparative methods, and case studies, as well as quantitative and qualitative research. The data used in this study is based on the survey that shows the size of groups of offenders accused for organized crime in BiH in the 2004–2008 period. The study covers criminal organizations that were founded in BiH at the beginning of 2003, and sentenced for organised crime.

## **Findings:**

The aim is to present the active role of the Witness Protection Program as a relevant mechanism for fighting organized crime today.

The study also deals with the importance of international relocation and identity change of witnesses, the situation and role of the protected witness.

## **Originality/Value:**

The Witness Protection Program is a new institution in the field of criminal justice in BiH, but it is not the only one, and it should be the primary tool for the joint fight against organized crime in Bosnia and Herzegovina.

The study also reflects on the model in BiH as an important factor in the international surrounding, its active role, its participation and contribution in the protection of future protected witnesses and their unobstructed testimonies in criminal proceedings.

**UDC: 343.1(497.6)**

**Keywords:** organized crime, witness, witness protection program, Bosnia and Herzegovina

## **Program za zaščito prič v Bosni in Hercegovini v primerih organizirane kriminalitete**

### **Namen prispevka:**

Članek predstavlja program za zaščito prič v Bosni in Hercegovini (BiH) in pogoje, katerim je bilo treba zadostiti pri vzpostavitvi programa. Prispevek povzema in obrazloži samo ureditev bosanskega modela programa za zaščito prič in tehta nove predloge *de lege ferenda* za omenjeni program.

### **Metode:**

Avtor je uporabil znanstvene metode analiziranja, primerjalne metode in študij primera kot tudi kvantitativne in kvalitativne raziskovalne metode. Iz pregleda obtožnic, vloženih zoper kriminalne skupine v obdobju 2004–2008, je bila narejena analiza, ki prikazuje število članov tovrstnih skupin. V članku predstavljen primer prikazuje delovanje kriminalne organizacije, ki je bila vzpostavljena v BiH v začetku leta 2003 in kaznovana zaradi aktivnosti organizirane kriminalitete.

### **Ugotovitve:**

Predstaviti aktivno in relevantno vlogo mehanizmov programa za zaščito prič pri boju zoper organizirano kriminaliteto v dandanašnjem svetu.

Študija primera prikazuje uporabnost mednarodne re-lokacije in zamenjave identitete prič kot tudi situacije in vlogo zaščitene priče

### **Izvirnost/pomembnost prispevka:**

Program za zaščito prič predstavlja novo ureditev s področja kazenskega pregona v Bosni in Hercegovini. Program bi moral biti glavno orodje za skupni boj proti organizirani kriminaliteti.

Študija orisuje bosanski model programa v (pomembni) navezavi z mednarodnim okoljem, njegovo aktivno vlogo, participacijo in doprinos pri bodoči zaščiti prič ter zagotovitev za neovirano pričevanje slednjih v kazenskih postopkih.

**UDK: 343.1(497.6)**

**Ključne besede:** organizirana kriminaliteta, priče, program za zaščito prič, Bosna in Hercegovina

## **1 INTRODUCTION**

Organized crime is the most dangerous type of criminal activity today, and it threatens the social and economic stability of any country through its financial power. It tends to corrupt all levels of government, and weaken the active role of the country in its attempt to fight crime, using all illegal means available. Law enforcement acts *lege artis* in its actions and is always one step behind organized crime. Firm attitudes and the joining of forces with the entire community can, in a systematic and planned way, aid in the fight against organized crime. Police agencies in Bosnia and Herzegovina (BiH) tend to neglect and ignore organized training and orientation of their employees regarding organized crime. Witness protection for criminal offences concerning organized crime is defined by two lex

specialis laws in BiH: Law act for endangered witnesses and the witnesses under threat (Zakon o zaštiti svjedoka pod prijetnjom i ugroženih svjedoka, 2003) and Witness Protection Program Law (Zakon o programu zaštite svjedoka, 2004). The role and importance of witnesses testifying in criminal procedures in BiH courts is most certainly one of the most important ways for determining the actual truth. In the practice of BiH courts, we often see witnesses, classified either as witnesses of the defence or as witnesses of the prosecution, but also “direct witnesses” and “famous witnesses”, and the importance of their testimonies vary, depending on the time that has passed and on their memory. This is very prominent in cases that took place during the war in BiH. When we reflect upon this segment within strategic planning and the fight against organized crime, witness protection as well as the role and importance of witnesses are very important in this type of criminal offences. The aim of these laws is to provide protection to witnesses, which is not defined by the Criminal Proceeding Code of Bosnia and Herzegovina (Zakon o krivičnom postupku BiH, 2003). Witness Protection Program Law (Zakon o programu zaštite svjedoka, 2004) is the regulation that ensures the protection of witnesses with their consent, if the witnesses or their families are faced (Zakon o krivičnom postupku BiH [Criminal Proceeding Code of Bosnia and Herzegovina], 2003: pursuant to Article 83, Paragraph 1) with a threat that can harm their life, health, or freedom because of their intent to testify. This law is very useful for implementing measures concerning witness protection. Whether the threat originated during or after the criminal proceeding is irrelevant. With regards to the above-mentioned issues, the Witness Protection Unit (WPU) of the State Investigation and Protection Agency (SIPA), which adopts all decisions independently, but pursuant to this Law, was formed.

## 2 ORGANISED CRIME IN BOSNIA AND HERZEGOVINA

Bosnia and Herzegovina is a young state, formed by the disintegration of former Yugoslavia, which was followed by the war, after which this state transitioned into a modern and democratic society. The Dayton Peace Agreement ended the war in our state, and two entities and one district were established: the Federation of Bosnia and Herzegovina, Republika Srpska, and Brčko District. The government was established in the same way; however, a certain number of ministries were formed on the state level, as well. Following the disintegration of Yugoslavia, the criminal underground adapted itself to the newly formed state. One part of the criminal groups was active even during the war, since they used the situation for earning enormous wealth, while the state was completely isolated during the war. Criminal activities comprised of illegal dealing and trade of drugs, ammunition, military equipment, people, food, gasoline, and other things that were necessary for existence and survival.

Bošković (2003), states that things other than the war, such as the lack of legal regulation, i.e. the crisis of the justice system, a weak and passive position of competent state bodies in the fight against organized crime, the poverty of one class of the population, and the links of organized crime to the government, both



public and political bodies, led to organized crime in Bosnia and Herzegovina. Dobovšek and Petrović (2007), claim that the basis for organized crime in BiH were certain mass or everyday street crimes. These include pick pocketing, burglaries, car thefts, racketeering, gambling fraud, and prostitution. Namely, individual leaders of criminal groups, particularly those who operated abroad, gradually started committing certain new criminal offences, while others changed their field of activity. Those new criminal activities mostly concerned the sale of narcotic drugs, the sale of stolen cars, human trafficking, while the end of the 1980's was marked by illegal weapons trade. Shortly afterwards, the war began, and it represented a school of organized crime for criminals which made them fully trained and equipped with knowledge on two levels, both organizational and material.

In Bosnia and Herzegovina, studies were conducted by a domestic branch of Transparency International on two occasions: in 2002 (1200 examinees), and in 2004 (1640 examinees). Maljević, Datzler, Muratbegović, and Budimilić (2006) states that the research encompassed institutions such as criminal justice institutions, primarily the police and courts. A study from 2004 shows that among 24 institutions and public companies, the police is the 3<sup>rd</sup> most corrupted institution in BiH, and that 55% of the population believes that all police officers, or most of them, are corrupted, and that 14.5% of the citizens claim that officers asked for bribes. Corruption is an activity that complicates the efforts of our law enforcement agencies in fighting organized crime. The situation in Bosnia and Herzegovina is almost identical to that in the rest of the world. Everywhere there is a great need for cooperation with citizens, and for adequate criminal codes and anti-corruption strategies for a successful fight against this negative social phenomenon.

The research, unfortunately, reveals that citizens of BiH (7.5% of them) think that the police are the most corrupted institution in Bosnia and Herzegovina.

## **2.1 Presentation of the Average Size of Criminal Groups Accused of Organised Crime in the Time-Period 2004–2008**

Table 1 shows the size of groups accused of organized crime in Bosnia and Herzegovina in the time-period 2004–2008. The data shown are based on indictments filed by the Prosecutor's Office of BiH. Therefore, nine of the organized groups consist of five members (64.3%). Four have six to ten members (28.6%), and only one group has twenty-one to thirty members (7.1%). In the observed time-period, there were no other groups that would fit the criteria of the table below, and that could be a part of this analysis. However, we have to emphasize the fact that this table displays only revealed criminal offences and that for a more precise analysis we would require exact indicators, or "the dark numbers of criminal offences". The number of groups involved in organized crime in Bosnia and Herzegovina is determined by the criteria that are dominant in Southeast Europe (Jusufović, 2010).

	to 5 members	6–10 members	11–15 members	16–20 members	21–30 members	Over 30 members	Total
Number of groups	9	4	0	0	1	0	14
%	64.3	28.6	0	0	7.1	0	100

Table 1:  
The size of  
Criminal  
Groups Based  
on the Number  
of Members

2.2 Criminal Organisation „Ferid Okić”

Figure 1 shows a criminal organization that was established at the beginning of 2003. Its aim was to acquire illegal gains and to engage in the international trade of substances such as heroin and ecstasy. This criminal group was active in the time-period from the beginning of 2003 until May 2004, and it had a network of accomplices, contacts, and collaborators in Holland, Croatia, Bosnia and Herzegovina, and Turkey. The leader of this criminal organization is a citizen of BiH, and his accomplices were from BiH, but also from Serbia and Croatia. The group did not only engage in illicit trafficking in narcotic drugs, but also racketeering and kidnapping, illegal sale of expensive jewellery, and in depriving individuals of money and other valuables. In their crimes, they used guns with silencers, automatic weapons, excessive violence, ties, handcuffs, camouflage gear and other equipment.

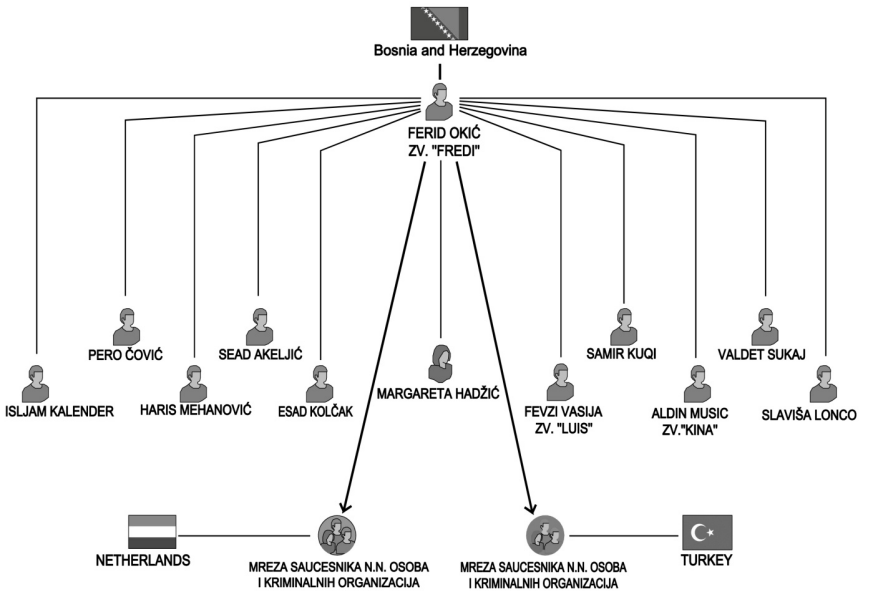


Figure 1:  
Criminal  
organisation  
„Ferid Okić”  
(Presuda Suda  
BiH br. KPŽ-  
18/06 [Verdict of  
Court of BiH],  
2007)

### 3 WHAT IS THE PURPOSE OF WITNESS PROTECTION PROGRAM?

The Witness Protection Program is one very important segment in the fight against organized crime. It enables witnesses to testify during the criminal proceeding on all the facts that are extremely important for the adoption of a legal verdict during a trial. At the same time, it provides safety for the witness, his family and/or the people close to him. In addition, the program ensures a better cooperation between law enforcement and ex-criminals who are “Collaborators of Justice”<sup>1</sup>, and who could help in the fight against organized crime when, and if, they testify against the bosses of organized crime. The Witness Protection Program is a powerful tool, and it should be used responsibly in every state that is ready to tackle the enormous issue of organized crime. It is necessary to point out that, even though the Program is very effective for the implementation of justice, the financing of the entire Program is very complex and problematic.

#### 3.1 Legal Framework

A consistent legal framework is absolutely necessary for the implementation of the Witness Protection Program, and it would enable its use in its full capacity. Besides the legal elements that determine who, and under what circumstances, can be a part of the Program, it would contain all other elements concerning the identity change of the witnesses and their relocation to other countries. However, besides the legal basis that is regulated by the *lex specialis*, other implementation procedures, as well as international police cooperation agreements (Salzburg Forum<sup>2</sup>, SECI- Center<sup>3</sup>, bilateral agreements). It is necessary to emphasize that bilateral agreements, as well as all other agreements, are based on reciprocity. It is necessary to reform this field on two levels: firstly, it is important for the country that requests the relocation to have a sufficient number of agreements and memberships in forums on police cooperation at the international level; and secondly, it is necessary to reform this area regarding the position of the host country (country of the witness’s relocation). The fact that the witness is entering the Program and gaining a new identity, or a “new life”, is complicated, but imagine the complexity of the legal regulations necessary for all the activities. Some of the activities concern new biometrical documents (ID card, driver’s license, passport), birth certificates,

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1 *In some criminal-justice systems, there is an interesting practice concerning witness protection with regards to “collaborators of justice” or “repenters”. They are also called “key witnesses”. Such collaboration with the suspects (pentiti, repentis, kroongetuige, kronzeuge, and sepergras) is different throughout the world. Their role is extremely significant in Holland and France, while in Germany this practice was established in 1982 and used until 1999.*

2 *Is a cooperation among the regional Interior Ministers of eight European countries. It was founded by the Ministry of Interior of the Republic of Austria in 2000. The countries currently meeting are Austria, Bulgaria, Czech Republic, Hungary, Poland, Slovakia, Slovenia, and Romania.*

3 *South-East Cooperative Initiative.*

citizenship certificates, registrations of residence, entries into registries, university diplomas, courses and seminars, health insurance, financial commitments and debts (loans, leasing, savings), property relations (possession of immovable and movable property), probate proceedings, and participation in other proceedings before the courts within the country and abroad, etc.

## 3.2 Cooperation with other Units and Agencies

Good relations with other agencies and bodies within the country, as well as cooperation with all of Europe and the rest of the world, are key factors for the sustainability of the Program. Constant cooperation and contacts are necessary for an efficient implementation of the program. Just imagine a situation in which you require an urgent relocation of the witness to another country, and you need travel papers, or even worse, a situation in which the witness has to take his family with him. Persons involved in organized crime in BiH are not law-abiding citizens, and they do not use legal documents, they have no health insurance, and they do not register children at birth at the civil registry office. So, let me ask the previous question again. You urgently need documents for the witness and his family. How can you get them quickly, effectively, and pursuant to the law? There are surely many problems throughout the entire system. The travel documents are issued by the regional/cantonal Ministry of Internal Affairs, the database is located at IDEEA (Agency for Identification Documents, Registers, and Data Exchange), in order to apply for the documents you need to submit your ID card that is issued by the administration, and there is a special procedure for the issuing of the ID card. The citizenship certificate is issued by municipal authorities, and the entry of birth is performed at the civil registry office. With how many different offices should we establish contact in this case? It is also required to contact the Border Police of BiH, to arrange for the unobstructed entry into, or exit from, the state. These conditions must be met in our territory. During the issuing procedure for the documents from this example, the protected witness and his family are placed into safe-houses<sup>4</sup> under protection of handlers<sup>5</sup>, risking to be discovered at any moment. It is also necessary to keep in contact with witness protection units and the competent ministries of the host country, obeying their laws, procedures and protocols. This is a short presentation of the example, and it cannot truly depict the gravity of the situation and the problems that handlers and other employees of the Unit face during their work under this Program.

<sup>4</sup> Safe houses are situated in highly secure locations.

<sup>5</sup> The group responsible for day-to-day management of witness protection.

## **4 WITNESS PROTECTION PROGRAM - ORIGINS**

### **4.1 United States of America**

Witness protection first came into prominence in the United States of America in the 1970s, as a legally sanctioned procedure to be used in conjunction with a programme for dismantling Mafia-style criminal organizations. Until that time, the unwritten “Code of silence” among members of the Mafia – known as *Omertà* – held unchallenged sway, threatening death to anyone who broke ranks and cooperated with the police. Important witnesses could not be persuaded to testify for the state and key witnesses were lost to the concerted efforts of crime bosses targeted for prosecution. That early experience convinced the United States Department of Justice that a programme for the protection of witnesses had to be instituted. Joseph Valachi was the first member of the Italian-American Mafia to break with *omertà*, the code of silence. In 1963, he testified before a United States congressional committee about the inner structure of the Mafia and organized crime. His cooperation was driven by the fear that he would be murdered by Vito Genovese, a powerful Mafia family boss. There were rumours that the Mafia had placed on his head a price tag of US\$ 100,000. He was the first person in the United States to be offered protection for testimony prior to the establishment of a formal witness protection programme. He was kept isolated from other inmates and his contacts were limited to agents of the Federal Bureau of Investigation and staff of the Federal Bureau of Prisons. He died of a heart attack in 1971, having outlived Vito Genovese by two years (Montanino, 1987).

### **4.2 Italy**

As far back as 1930, the Italian Criminal Code provided for partial or total immunity from punishment if the offender made reparations for criminal damage or cooperated with authorities in cases of political conspiracy or gang-related activities. It was not until 1984, when the Sicilian Mafioso Tommaso Buscetta turned against the Mafia and started his career as a justice collaborator, that witness protection became formalized. Buscetta was the star witness in the so-called „Maxi-Trial“, which led to almost 350 Mafia members being sent to prison. In exchange for his help, he was relocated under a new identity. Those events spurred more Mafia members to cooperate, with the result that by the end of the 1990s the Italian authorities had benefited from the services of more than 1,000 justice collaborators (United Nations Office on Drugs and Crime, 2008).

### 4.3 Status of Witness Protection Programs in The European Union

Laws and Programs in practice	Laws and Programs but lacking regulations on collaborators of justice	Regulations on witness protection, but lacking in either a protection unit or the legal or practical possibility of change of identity	Lacking in legislation on witness protection, but possibility of practical programs of protection	Lacking in both regulations and programs and unit of protection
Cyprus, Estonia, Italy, Latvia, Poland, Slovakia, United Kingdom	Germany, Czech Republic, Hungary, Lithuania, Portugal, Romania, Slovenia	Belgium, Bulgaria, Malta, Spain, Sweden	Austria, Netherlands, Ireland, Denmark, Finland, Luxemburg	France, Greece

**Table 2:**  
**Status of**  
**Witness**  
**Protection**  
**Program in**  
**European**  
**Union**  
**(Commission**  
**of the European**  
**Communities,**  
**2007)**

## 5 WITNESS PROTECTION PROGRAMS IN BOSNIA AND HERZEGOVINA

### 5.1 International Convention: The UN Convention against Transnational Organised crime (2000), Article 24.

Each State Party shall take appropriate measures within its means to provide effective protection from potential retaliation or intimidation for witnesses in criminal proceedings who give testimony concerning offences covered by this Convention and, as appropriate, for their relatives and other persons close to them.

Measures envisaged in Paragraph 1 of this Article may include, inter alia, without prejudice to the rights of the defendant, including the right to due process:

- a) Establishing procedures for the physical protection of such persons, such as, to the extent necessary and feasible, relocating them and permitting, where appropriate, non-disclosure or limitations on the disclosure of information concerning the identity and whereabouts of such persons.
- b) Providing evidentiary rules to permit witness testimony to be given in a manner that ensures the safety of the witness, such as permitting testimony to be given through the use of communications technology such as video links or other adequate means. State Parties shall consider entering into agreements or arrangements with other States for the relocation of persons referred to in Paragraph 1 of this Article. The provisions of this Article shall also apply to victims insofar as they are witnesses.

## 5.2 *De lege lata* Framework in Bosnia and Herzegovina

The legal framework that regulates the Witness Protection Program in BiH, and that includes protection before, during, and after the criminal proceeding, comprises of the following laws:

- Zakon o programu zaštite svjedoka (Witness Protection Program Law, 2004).
- Zakon o državnoj agenciji za istrage i zaštitu (Law of State Investigation and Protection Agency, 2004).
- Zakon o krivičnom postupku BiH (Criminal Proceeding Code of Bosnia and Herzegovina, 2003).
- Krivični zakon BiH (Criminal Code of Bosnia and Herzegovina, 2003).
- Zakon o zaštiti svjedoka pod prijetnjom i ugroženih svjedoka (Law act for endangered witnesses and the witnesses under threat, 2003).

### 5.2.1 Witness Protection Program Law, Article 2.

According to Witness Protection Program Law (Zakon o programu zaštite svjedoka, 2004: Article 2):

- A WITNESS – shall be a person without whose testimony there would be no respects in criminal proceedings of investigating the facts or of ascertaining the whereabouts of the suspect, or such would be made much more difficult.
- A WITNESS may be protected with his consent in accordance with the present Law if he or a family member as faces a danger to life, health, or freedom because of his willingness to testify, and if he is suitable for witness protection measures.

### 5.2.2 Witness Protection Unit – SIPA

SIPA (State Investigation and Protection Agency) is one of the police agencies formed by the Ministry of Security of Bosnia and Herzegovina. According to Zakon o državnoj agenciji za istrage i zaštitu (Law of State Investigation and Protection Agency, 2004), the Criminal Investigation Department, the Financial-Intelligence Department, Internal Control Department, Special Support Unit, and the Witness Protection Unit (WPU) are operating within SIPA. The Witness Protection Program in BiH is under the competence of the WPU and is organized at the state level. The WPU is organized professionally and is staffed adequately to perform all complex tasks. SIPA and WPU are financed from the budget of the Institutions of Bosnia and Herzegovina. See Figure 2.



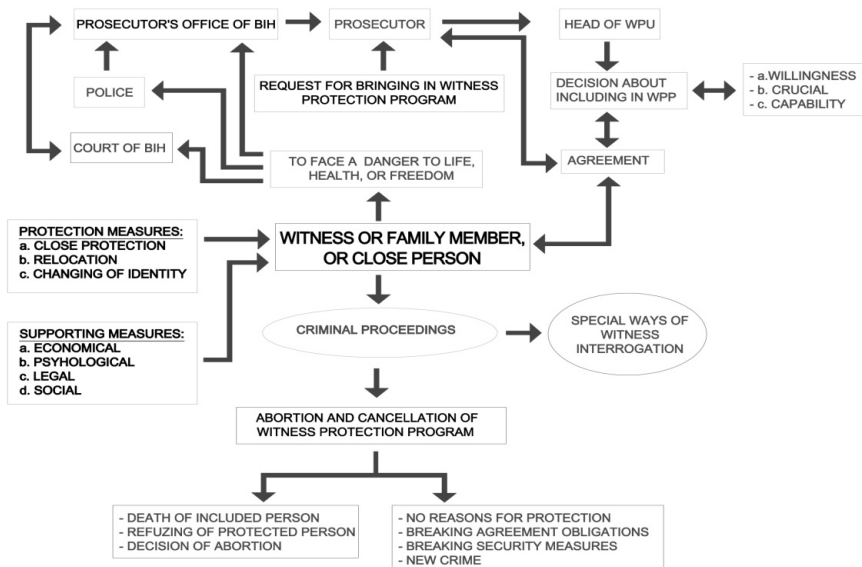
**Figure 2:**  
Position WPU  
in Ministry of  
Security of BiH



### 5.3 Procedures for Starting, Ending and Terminating the Witness Protection Program in Bosnia and Herzegovina

The Witness Protection Program in BiH can be implemented before, during, or after the criminal proceeding. The subjects to this kind of protection are witnesses and/or his family and friends or any other persons close to the witness. In case that the witness, his family, or friends are facing threats against their life, health, and freedom as the result of a testimony in criminal proceedings in BiH courts, they meet the requirements for entering the Witness Protection Program.

**Figure 3:**  
Preconditions  
Necessary  
for Entering  
the Witness  
Protection  
Program



After receiving an application from the witness, the prosecutor submits a request for initiating the Witness Protection Program. The request is submitted to the head of the Witness Protection Unit (WPU). The request has to include all necessary information, especially the facts that refer to the threats against the life, health, or liberty of the witness. According to the *Zakon o programu zaštite svjedoka* (Witness Protection Program Law, 2004) the Witness Protection Unit of the State Investigation and Protection Agency BiH (SIPA) adopts all decisions independently after careful deliberation.

The gravity of the criminal offence and the risk level, as well as the rights of the accused and the effects of the measures taken, are all taken into account when adopting decisions. Before the final verdict, an agreement with the Prosecutor's Office of BiH is reached about the starting and termination of the program. The Prosecutor's Office of BiH is later informed about the decision to terminate the witness protection.

After adopting the decision on entering the Witness Protection Program, the WPU implements all necessary legal procedures that ensure a "new life" for the participating subjects. That implies that those subjects can continue to live freely in new environments, among new neighbours, in new cultures, and customs. It is impossible to create such conditions as to make the "new life" equal to the earlier one. It is a permanent relocation from the current residence (new host country that will ensure the best conditions for the witness is requested). It is not a simple process, as it implies a series of complications and obligations that need to be resolved before the permanent relocation is finalized. Of course, we have to pay attention to the national, ethnical, and religious group the witness belongs to, as well as whether he understands the language, culture, and customs of the

host country. An assessment of the host country, with regards as whether it is adequate and whether the witness will be able to adapt and continue living freely, is necessary.

Have you ever heard about the meaning of “Social death”? In short, it means the loss of family, loss of friends, and removal from the environment they know and understand, living the life of a stranger. We can only assume how the persons participating in the Witness Protection Program, and who need to start a completely new life, feel and what problems and ordeals they have to face. Imagine the following situation: the father of a teenage boy has to forbid his son to use Facebook, Twitter, or other social networks, to tell him to erase former acquaintances and friends from his life, to forget his former sweethearts, favourite teachers, classmates, and all earlier memories. He has to tell him not to contact them and to keep his new home a secret. How can he deny him to talk about his past to his new surroundings, and to make sure that he will strictly tell the “cover story”<sup>6</sup> which he will have to know for the rest of his life.

Witness assessment is of crucial importance for a detailed analysis, in order to provide him with the best possibilities in accordance to his needs. Without cooperation and honesty of the witness in the interviews that are performed by the employees of the Witness Protection Unit (WPU), priorities of the Witness Protection Program cannot be defined in a quality manner, and it cannot be as sustainable and effective as it should. The well-trained team consists of criminalists, criminologists, penologists, psychologists, and, if necessary, social workers, psychiatrists, pedagogues, various medical doctors, etc. The conditions the witness needs to meet are the following: voluntariness, cruciality, eligibility. The protection methods include close protection, relocation, and identity change. In the Witness Protection Program, the handlers work with the witnesses. Handlers are very important to the Program, as they are in charge of the witnesses, and they are literally their mother and father. They know the witness the best, as they know all about their history, habits, affections, hobbies, and interests, and often they know their most private thoughts and secrets. They are trained for this through various special courses and trainings that enable them to display a high level of security and integrity in performing complex tasks.

### 5.3.1 Close Protection

It is performed by police officers of the Witness Protection Unit, and, if necessary, Special Police Units, as safe escorts<sup>7</sup> during the performing of necessary activities. Officers are trained by domestic and international experts in the field of close protection.

<sup>6</sup> A well-planned and realistic life story that serves as a form, and in which the witness will receive “his” new past, origin, education, family, job, hobbies, and which he will learn by heart and use when necessary in his new surroundings, among new friends, colleagues, and neighbours.

<sup>7</sup> Motorized or foot infantry escort for the witness done by the WPU officials.

### 5.3.2 Relocation

Relocation can be temporary or permanent. Witnesses can be relocated on the territory of Bosnia and Herzegovina or to other states. Safe houses that provide safety to the witnesses are necessary for the implementation of Witness Protection Program. Therefore, a network of those safe objects is made for the urgent relocation of witnesses from high-risk zones. Relocation to other states is performed based on bilateral agreements on witness protection, and it is regulated based on the reciprocity principle. Relocation is one of the basic forms of protection necessary for the operation of the Witness Protection Program, because it is virtually impossible to protect witnesses in states with small territories.

### 5.3.3 Changing of Identity

Identity change is a very complex measure taken by the Witness Protection Program that demands cooperation with several administrative departments, a legal system and the harmonization of procedures. The witness receives new identification documents with a false identity that he needs for his “new life”, but that is not enough. New documents have to be made for everything that the witness has done during his life; or one single detail can be missed or a backup story missing. The “cover story” of the witness must be backed up with real facts and data and accompanied with adequate documentation. Can you imagine a college diploma issued 20 years ago, and printed on brand new paper, with a new protocol number, new stamps and signatures? How convincing would it be in real life? The introduction of new biometrical documents presents another challenge in the process of identity change. New technology makes the process more complex. Facial Recognition Systems (FRS), based on algorithms and 3D computation processes the photographs, poses a real threat regarding the disclosing of the true identity of witness<sup>8</sup>.

### 5.3.4 Duration of Witness Protection Program and Its Sustainability

The duration of the Witness Protection Program is as long as necessary for every witness to become completely independent. During that time, the Witness Protection Program provides full economic, legal, psychological, and social support. The point is for the Witness Protection Program to be realistic and sustainable in the “new life” and for persons to adjust and fully socialize in their new environment. The witness has to have nearly the same social status that he had before, but that, of course, does not mean that he will get villas, swimming pools, sport cars, yachts, etc. He will be provided with adequate economic and social conditions for a decent life. His formal and informal education will be harmonized so that he can do a

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<sup>8</sup> It practiced in Federal German Police, Australian Customs, and US Department of State has around 75 million of photos in their database.

job for which he is qualified. This includes necessary additional training and an assessment of the previous work experience, so that he can lead an independent life. Sustainability is one of the essential things, since without planning and assessment it can lead to the stopping and termination of the Witness Protection Program. How big is the risk for the handlers and other employees if they missed a relevant fact? The smallest omission or mistake in their work can risk the entire the Witness Protection Program.

## 6 CONCLUSION

The Witness Protection Program in BiH and in the world, according to expert estimates, will play a key role in the future. The importance of the tool that gives results in the fight against organized crime will undoubtedly increase. Witness protection of “collaborator of justice” in the fight against leaders of criminal organizations will be an imperative in the fight against organized crime. Only the persons who were the witnesses of events, crimes, and criminal activities can provide certain evidence to prosecutors, and their protection and participation in the Witness Protection Program is, therefore, crucial for every democratic society. Experience shows that witnesses who are placed in a safe surrounding, are protected for the rest of their life and can start a “new life”, while the benefits for society are multiple: criminal organizations are crushed, many felons are captured and receive long sentences. The capability of a state will be measured by its ability to successfully protect witnesses. It is necessary to provide technical and financial support for the implementation of the Program. It is necessary to perform constant recruitment of new and best-qualified candidates into the Witness Protection Unit, to provide constant training for them and for members of other Agencies. In addition, the conclusion of more bilateral agreements with partner states and the Witness Protection Unit is necessary. The legislative bodies of the state certainly play one of the most important roles, and they have to provide legal preconditions that will ensure the free implementation of the Program. We have to constantly follow new trends in organized crime in order to collect necessary intelligence and data about criminal organizations, their structure, and their criminal activities. It is also important to hire personnel with advanced academic knowledge, at higher and medium levels, which will perform scientific analyses in the field of organized crime, and offer the best methods for the implementation of the Program.

## REFERENCES

- Bošković, M. (2003). *Transnacionalni organizirani kriminalitet, oblici ispoljavanja i metode suprotstavljanja*. Beograd: Policijska akademija.
- Commission of the European Communities. (2007). *European Commission working document on the feasibility of EU legislation in the area of protection of witnesses and collaborators with justice* COM 693. Retrieved from <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2007:0693:FIN:EN:PDF>

- Dobovšek, B., & Petrović, B. (2007). *Mreže organiziranog kriminaliteta*. Sarajevo: Pravni fakultet.
- Jusufović, A. (2010). *Organised crime in Bosnia and Herzegovina* (Master's thesis). Zenica: Pravni fakultet.
- Krivični zakon BiH [Criminal Code of Bosnia and Herzegovina]. (2003). *Službeni glasnik BiH*, (3/03).
- Maljević, A., Datzler, D., Muratbegović, E., & Budimilić, M. (2006). *Otvoreno o policiji i korupciji*. Sarajevo: Udruženje diplomiranih kriminalista u BiH.
- Montanino, F. (1987). Unintended victims of organized crime witness protection. *Criminal Justice Policy Review*, 2(4), 392–408.
- Presuda Suda BiH br. KPŽ-18/06 [Verdict of Court of BiH, KPŽ-18/06]. (2007). Sarajevo: Sud BiH.
- United Nations convention against transnacional organised crime. (2000). United Nations.
- United Nations Office on Drugs and Crime. (2008). *Good practices for the protection of witnesses in criminal proceedings involving organized crime*. New York: United Nations.
- Zakon o državnoj agenciji za istrage i zaštitu [Law of State Investigation and Protection Agency]. (2004). *Službeni glasnik BiH*, (27/04).
- Zakon o krivičnom postupku BiH [Criminal Proceeding Code of Bosnia and Herzegovina]. (2003). *Službeni glasnik BiH*, (36/03).
- Zakon o programu zaštite svjedoka [Witness Protection Program Law]. (2004). *Službeni glasnik BiH*, (29/04).
- Zakon o zaštiti svjedoka pod prijetnjom i ugroženih svjedoka [Law act for endangered witnesses and the witnesses under threat]. (2003). *Službeni glasnik BiH*, (21/03).

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# International Criminal Cooperation Extradition and Surrender Procedures – Modern Trends and Problems

VARSTVOSLOVJE,  
*Journal of Criminal  
Justice and Security*  
year 15  
no. 2  
pp. 277–293

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## **Purpose:**

The time when each country praised its own criminal repression and avoided cooperation with other countries has long past. Today criminal cooperation in Europe is at its peak and includes extradition and surrender procedures for criminal suspects, defendants and those accused of a criminal offence.

Although international cooperation and unification of procedural regulations is important for prosecution of international crimes, there are also dilemmas regarding the excessive uniformity of rules - especially when acts that safeguard human rights are adjusted on account of “effective and fast” cooperation.

It is the purpose of this article to explain the history, modern trends and possible problems that extradition and surrender procedures present in today's criminal law cooperation in the countries of Central and Eastern Europe.

## **Methods:**

The article is theoretical and practical in nature. Deductive, inductive and systematic methods of research are used to define the trends and problems of extradition and surrender procedures. The Comparative method is used to determine regulation restrictions and legal practice in other European countries.

## **Findings:**

Extradition procedures are politically based cooperation, while surrender procedures are more of a judicial cooperation. Extradition procedures are slow, complex, ineffective but offer more legal guarantees to the suspect/defendant/accused, while surrender procedures are fast, effective, based on the principle of trust and mutual recognition between countries of European Union, but offer less legal guarantees.

## **Research Limitations/Implications:**

Findings here are important for law enforcement agents and judges. The article presents basic two approaches to criminal law cooperation regarding transfers of persons between countries. It also points out the basic dilemmas that both procedures present in today's law practice and solutions on how to avoid these problems.



**Originality/Value:**

Institutions responsible for extradition or surrender procedures should take our concerns into considerations when they initiate or have to respond to an extradition or surrender demand or proposal.

**UDC: 341.44**

**Keywords:** criminal cooperation, extradition, surrender, European Convention on Extradition, arrest warrant, surrender procedures, criminal procedural law

**Mednarodno kazensko sodelovanje**

**Izročitveni postopki in postopki predaje – sodobni trendi in problemi**

**Namen prispevka:**

Časi, ko je vsaka država poznala le svojo kazensko represijo in se izogibala sodelovanju z drugimi državami, so minili. Danes je kazensko sodelovanje v Evropi na izredno visoki ravni in vključuje izročitvene in predajne postopke osumljencev, obdolžencev in obtožencev kaznivih dejanj. Čeprav je mednarodno sodelovanje in poenotenje procesnih predpisov pomembno za pregon kaznivih dejanj, pa obstajajo tudi dileme v zvezi s čezmernim poenotenjem zakonodaje – še posebej to velja, če se zakoni, ki varujejo človekove pravice na višji ravni, prilagodijo na račun »učinkovitega in hitrega« sodelovanja. Namen prispevka je pojasniti zgodovino, sodobne trende in morebitne težave, ki jih izročitveni in predajni postopki predstavljajo za kazensko sodelovanje med državami Srednje in Vzhodne Evrope.

**Metode:**

Članek je teoretične in praktične narave. Za določitev trendov in težav izročitvenih in predajnih postopkov so uporabljene deduktivna, induktivna in sistematična metoda. Primerjalna metoda se uporablja za primerjanje zakonskih ureditev in pravne prakse med evropskimi državami.

**Ugotovitve:**

Postopki izročitve so politične narave, medtem ko so postopki predaje bolj pravna oblika sodelovanja. Postopki izročitve so počasni, zapleteni in neučinkoviti, a ponujajo več pravnih jamstev za osumljenca, obdolženca in obtoženca, medtem ko so postopki predaje hitri, učinkoviti ter temeljijo na načelu zaupanja in medsebojnega priznavanja med državami Evropske unije, a nudijo manj pravnih jamstev.

**Omejitve/uporabnost raziskave:**

Ugotovitve v prispevku so uporabne organom pregona in predstavnikom sodne veje oblasti. Prispevek predstavlja dva temeljna pristopa kazenskega sodelovanja med državami Srednje in Vzhodne Evrope. Prav tako opozarja na temeljne dileme, ki jih oba postopka predstavljata današnji pravni praksi in nekatere ugotovitve za njihovo razrešitev.

**Izvirnost/pomembnost prispevka:**

Odgovorne institucije bi morale upoštevati naše ugotovitve, ko bodo naslednjič dobile prošnjo za izročitev ali predajo osumljenca, obdolženca ali obtoženca

kaznivega dejanja. Enako bodo morale ravnati tudi, ko bodo same naslovile tako prošnjo tuji državi.

**UDK: 341.44**

**Ključne besede:** kazensko sodelovanje, izročitev, predaja, Evropska konvencija o izročitvi, nalog za prijetje in predajo, predajni postopki, kazensko procesno pravo

## 1 INTRODUCTION

International cooperation is an important element of criminal prosecution for offences with international elements. The time when each country praised its criminal repression and avoided extradition, surrender and cooperation with other countries has past. In the European Union, international cooperation has acquired new dimensions. Although international coordination and unification of procedural rules of European countries is welcomed and important in the prosecution of international offences, there are concerns regarding the excessive uniformity of regulations – particularly regarding legislations that protect human rights on a high level that must be adjusted on account of those where this protection is lower.

Extremely important in international cooperation is the question of surrender and extradition of suspects, defendants and those accused of a criminal offence, which are requested by foreign law enforcement agencies. At first, countries agreed on extradition procedures by mutual or bilateral agreements. But it soon became clear that such a complex issue needed a more permanent solution in form of international rules that would determine and coordinate cooperation in this field.

The first international document in this respect was the European Convention on Extradition (hereafter Convention) adopted by the Council of Europe on 13th December 1957 in Paris. Four additional protocols to the Convention were later adopted (First in 1975, Second in 1978, Third in 2010 and Fourth in 2012). Slovenia adopted the Convention in 1994 with the Law on Ratification of the European Convention on Extradition and its Additional Protocols (Zakon o ratifikaciji Evropske konvencije o izročitvi ..., 1994), and provisions of the Convention were implemented in Chapter 31 of the Slovenian Criminal Procedural Act (Zakon o kazenskem postopku [ZKP], 1994), entitled Extradition Procedure of Accused and Convicted Persons (today these provisions are used only for extradition with non-EU countries, e.g. Russia, Switzerland).

A more drastic approach to extradition was undertaken by the European Union. In 1999, the Tampere European Council meeting focused on the topic of creating a European area of freedom, security and justice, which has had significant implications for the development of criminal law. "The goal of creating an area of freedom laid out by the EU, security and justice should lead to depart from the classic form of extradition, which would be replaced by the system of surrender" (Šugman, 2004: IV). European Union established the principle of mutual recognition on the field of criminal law, according to which judicial judgment in one state should be recognized and enforced in all other EU Member States (Bantekas, 2007).

The document that replaced extradition procedures between EU members with the new system of surrender procedures was the European Council Framework Decision 2002/584/JHA of 13th June 2002 (2002) (hereafter Framework Decision) on the European arrest warrant and the surrender procedures between Member States.

The Framework Decision<sup>1</sup> was adopted by the European Council in accordance with its mandate from Article 34(b) of the European Union Treaty<sup>2</sup> and replaces all previously existing instruments governing extradition between Member States – the European Convention on Extradition from 1957 and the European Convention on the Suppression of Terrorism Act from 1977.

Members of the European Union are obligated to adopt the objectives pursued by the EU Council framework decisions; they may however choose the means and methods on how to do so. The purpose of the framework decisions is therefore harmonization of laws and not unification.

Slovenia opted for the adoption of the framework decision by a special independent act and not for the implementation of the provisions in the Criminal Procedure Act.

Thus, Slovenia has implemented the provisions of Council Framework Decision 2002/584/JHA (2002) with the new European Arrest Warrant and Surrender Procedure Act (Zakon o evropskem nalogu za prijetje in predajo [ZENPP], 2004), which was completely replaced in 2007 with the Act on Cooperation in Criminal Matters with Member States of the European Union (Zakon o sodelovanju v kazenskih zadevah z državami članicami Evropske Unije [ZSKZDČEU], 2007).

## **2 COMPARISON OF FUNDAMENTAL SPECIFICS OF EXTRADITION AND SURRENDER PROCEDURES**

It is appropriate to present the basic characteristics of extradition under the European Convention on Extradition and Surrender Procedures under the EU Council Framework Decision (2002) on the European arrest warrant and the surrender procedures between Member States.

We will present and compare only some of the major features of the two institutions, as this is not the purpose of this article, and will concentrate on the law regulation of both procedures in Slovenian Law and on their effects on criminal cooperation.

At the outset, it should be noted that the European Arrest Warrant completely replaces the provisions on extradition, which were adopted in the European Convention on Extradition. These are still in force in relation to Parties of the Convention which are not members of the European Union.

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1 *Framework decisions were adopted into European Union legal system with the Treaty on European Union - Amsterdam Treaty in the year 1997.*

2 *At the time Treaty on European Union - Maastricht Treaty (1992) and Treaty of Amsterdam (1997), as Treaty of Nice (2011) has not yet entered into force.*

## 2.1 Normative Regulation and International Reach

The first comparative observation concerns normative regulation in our legislation. While extradition is regulated in the Criminal Procedure Act (Zakon o kazenskem postopku, 1994) in Chapter 31 entitled Procedure for Extradition of Accused and Convicted, surrender procedures are regulated by a separate Act – the European Arrest Warrant and Surrender Procedure Act (Zakon o evropskem nalogu za prijetje in predajo [ZENPP], 2004). This was completely replaced in 2007 with the Act on Cooperation in Criminal Matters with Member States of the European Union (Zakon o sodelovanju v kazenskih zadevah z državami članicami Evropske Unije [ZSKZDČEU], 2007).

When we compare the international scope of the provisions, it is clear that the European Arrest Warrant applies to the cooperation between the Member States of the European Union, while the provisions of the extradition apply to parties of the European Convention on Extradition, that are not members of the European Union – that is, to third non-EU countries (e.g. Russia, Switzerland). This means that we have two different extradition/surrender approaches – one for EU countries and one for non-EU countries. This in itself is not as problematic as the fact that the level of human rights protection in both procedures is quite different.

## 2.2 Definition and Purpose

Extradition is a political procedure granted for offences punishable under the laws of the requesting Party and by the requested Party, for deprivation of liberty or under a detention order. The requesting country requests extradition from the requested country in which the defendant or the accused is situated. The purpose of extradition is surrender of the accused or convicted and hence to facilitate the prosecution of criminal offenses with international elements.

The request is made through diplomatic channels and cannot be made for Slovenian citizens; Slovenia does not extradite its own citizens. This follows from Article 47 of Constitution of the Republic of Slovenia (Ustava Republike Slovenije, 1991) (hereafter Slovenian Constitution), which stipulates that a citizen of Slovenia cannot be extradited or surrendered, unless the obligation to extradite or surrender arises from an International contract, with which Slovenia has transferred part of its sovereign rights to an international organization (an exception applies only to the European Union).

Surrender on the other hand, is an execution of an arrest and surrender procedure on account of a warrant that was issued by an EU Member State.

The European Arrest Warrant is a judicial order issued by a judicial authority of the Member State with the purpose that a Member State (through its executing judicial authority) arrests and surrenders the demanded person in order to initiate criminal prosecution or execute a custodial sentence or other security measures of a criminal court (paragraph 12 and 13 of Article 7 of the Law on Cooperation in Criminal Matters with the Member States of the European Union – ZSKZDČEU, 2007). The purpose of the European Arrest Warrant is to establish a simplified system of surrender of sentenced or suspected persons between judicial authorities

of EU Member States. Surrender (a new legal term that is strictly separated from extradition) can also be related to Slovenian citizens – Slovenia is obligated to surrender its citizens – they are not under the protection of Slovenian Constitution (Ustava Republike Slovenije, 1991) as in extradition procedures.

## **2.3 Statutory Conditions**

Terms of extradition are provided in the Article 522 of the Slovenian Criminal Procedure Act (ZKP, 1994) with the following conditions:

1. The person whose extradition is sought is not a citizen of the Republic of Slovenia,
2. The offence for which extradition is requested has not been committed in the territory of the Republic of Slovenia, against it or its residents,
3. The offence for which extradition is sought is a criminal offence in domestic law, as under the law of the country where it was committed,
4. Penalty for the requested offence is at least one year imprisonment under domestic law and under the law of the requesting country
5. If extradition is sought for the execution of a final punishment, custodial sentence or a detention order this punishment must be at least 4 months,
6. That prosecution under domestic law is not barred due to the fall under statute of limitation,
7. That the person whose extradition is requested has not been already acquitted or convicted in the Republic of Slovenia or a foreign country, provided sentence has been served or is serving under the law of which the penalty is imposed,
8. That the person whose extradition is requested is not in a domestic criminal procedure
9. That the requesting country gives adequate assurances that the death penalty will not be imposed or enforced,
10. That, when it comes to enforcement of the sentence, which was imposed by a final judgment in the trial in absentia of the person whose extradition is sought, the requesting State shall provide appropriate evidence that the person was summoned personally or the time and place of the proceedings were informed via a representative,
11. Extradition of persons, who committed the offence under the age of 14 years, is not allowed,
12. The identity of the person whose extradition is requested must be established,
13. There must be sufficient evidence to justify a suspicion that the foreigner whose extradition is requested committed the crime.

The basic condition for surrender procedures is contained in Article 8 of the Act on Cooperation in Criminal Matters with Member States of the European Union (ZSKZDČEU, 2007), that stipulates that surrender of a person under arrest is admissible, if the arrest was ordered for a crime that is prosecuted ex officio and if the custodial sentence in the demanding country is at least one year (in the case of custodial or detention sentence, the latter must be at least four months).

## 2.4 Extradition and Surrender Offences

For which crimes may extradition and surrender procedure be requested? Extradition is limited by the condition of dual criminality or identity of norms. An offence for which extradition is sought must also be a criminal offence under Slovenian Law (and of course under the law of the country requesting extradition). Another condition is that the offence for which extradition is requested has not been committed in the territory of the Republic of Slovenia against it or any of its residents. The penalty for the requested offence must be at least one year imprisonment under domestic law and under the law of the requesting country.

Both procedures can be sought for the execution of a final punishment, custodial sentence or a detention order, however identity of norms (dual criminality) of surrender procedure are substantially different

Thus, regardless of double criminality, surrender procedures must be executed for the following offences, if they are punishable in the issuing Member State by a custodial sentence or a detention order for a maximum period of at least three years and as they are defined by the law of the issuing Member State: participation in a criminal organization, terrorism, trafficking in human beings, sexual exploitation of children and child pornography, illicit trafficking in narcotic drugs and psychotropic substances, illicit trafficking in weapons, munitions and explosives, corruption, fraud, including that affecting the financial interests of the European Communities, laundering of the proceeds of crime, counterfeiting currency, computer-related crime, environmental crime, including illicit trafficking in endangered animal species and in endangered plant species and varieties, facilitation of unauthorized entry and residence, murder, grievous bodily injury, illicit trade in human organs and tissue, kidnapping, illegal restraint and hostage-taking, racism and xenophobia, organized or armed robbery, illicit trafficking in cultural goods, including antiques and works of art, swindling, racketeering and extortion, counterfeiting and piracy of products, forgery of administrative documents and trafficking therein, forgery of means of payment, illicit trafficking in hormonal substances and other growth promoters, illicit trafficking in nuclear or radioactive materials, trafficking in stolen vehicles, rape, arson, crimes within the jurisdiction of the International Criminal Court, and unlawful seizure of aircraft/ships and sabotage.

The Slovenian Act on Cooperation in Criminal Matters with Member States of the European Union (ZSKZDČEU, 2007) takes these categories from the EU Framework Decision (2002), but does not define to which offences these categories can apply under our Criminal Code (Kazenski zakonik [KZ-1], 2008). It is clear that serious crimes are included in this listing; however, general categories (e. g. computer-related crime) can include a variety of different offences. The latter category may include a list of numerous offences of fraud, embezzlement, computer intrusion, and unauthorized entries for example. This regulation does not meet the standards of the principle of criminal precision (*lex certa*) and is questionable at least.<sup>3</sup> It would be better if the legislator would name specific criminal offences

3 Also argued by critics such as Alegre and Leaf (2003).

that are meant by these categories (as Hungary has done in its implementation law of the Framework Decision [Council of the European Union, 2008]). Limitation is at least provided in the fact that an offence must be punishable by a term of imprisonment of at least three years. Offences that are on the exclusion list must therefore be punishable with at least a three year imprisonment or else they cannot exclude the double criminality principle.

Extradition and surrender processes are both limited by the rule of speciality, which demands that a person who has been extradited/surrendered shall not be proceeded against, sentenced or detained with a view to the carrying out of a sentence or detention order, for any offence committed prior to his surrender other than that for which he was extradited or surrendered.

## **2.5 Procedure Process**

The process of extradition goes through diplomatic channels. First the Ministry of Foreign Affairs of the requesting country contacts the Ministry of Foreign Affairs of the requested country. Then the Ministry of Foreign Affairs of the requested country request an extradition of a suspect/defendant through the Ministry of Justice that sends the request to the investigating judge of the court in whose territory the suspect/defendant resides or in the area he is found. After judgment is passed by the Court Senate (or the investigating judge), the process is reversed (from the court to Ministry of Justice to Ministry of Foreign Affairs of the requested country to Ministry of Foreign Affairs of the requesting country and from there to Ministry of Justice of the requesting country and finally to the requesting court). Due to the “political phase” the proceedings are long, slow and relatively ineffective in practice. Completely different processes are associated with surrender procedures – there the issuing and executing judicial authorities cooperate directly. If both authorities are state courts, then the request for surrender goes directly from the issuing court to the executing court (proceedings “from court to court” or “from judge to judge”), without any political interference. This means that if Germany requests a surrender of a certain person from Slovenia, this can be done directly through cooperation between German and Slovenian courts. Of course the police are the ones who actually surrender the person, and in practice a lot of surrender procedure requests goes through Eurojust – The European Union’s Judicial Cooperation Unit (Šugman & Gorkič, 2010).

If the location of the wanted person is unknown, an International Arrest Warrant or Interpol warrant can be issued.

Surrender processes are faster, more efficient and better in practice. The problem occurs when a EU Member State does not appoint a court as its executing judicial authority. Some Member States have indeed directly or indirectly appointed the Ministry of Justice as the central authority with powers of executing judicial authority. This is contrary to the provisions of the Framework Decision (Second evaluation report on the state of transposition ..., 2007).



## 2.6 The Process of Assessing the Foundation of a Criminal Offence - Evidentiary Basis of the Requesting State

In this respect, the two procedures differ drastically. While the extradition procedure includes strict judicial control over the extradition act, the latter is much less strict in the surrender procedure. In the extradition procedure, the court must verify if there is sufficient evidence to justify grounds for suspicion that a suspect/defendant whose extradition is requested, committed the crime, or that he has already been convicted with a final court judgment (Article 522, paragraph 13 of the Slovenian Criminal procedure act [ZKP], 1994). If reasonable suspicion is not proven, the court must refuse the extradition. The surrender procedure is completely the opposite - here the executing State, because of the principle of mutual recognition, cannot verify the grounds for suspicion that a criminal offence was committed (the Slovenian court has to accept a judgment from a Member State, although the Slovenian court could not have pronounced such a judgment). Lowering standards of proof in surrendering procedures could be more efficient in criminal cooperation, but it is also very problematic from the perspective of protecting human rights in a criminal procedure, as it clearly lowers the standards that all modern constitutions seek.

Extradition may be refused if it involves enforcement of a sentence, which was imposed by a judgment in a trial *in absentia* of the person whose extradition is sought. The requesting State must provide appropriate evidence that the person was summoned personally or that the time and place of the proceedings were informed via a representative, authorized in accordance with the law of the country which issued the judgment (of the Slovenian Criminal Procedure Act [ZKP], 1994: Article 522, paragraph 10). On the other hand, in the surrender procedure the home court can only require certain guarantees from the issuing judicial authority (e. g. require that a person who has been convicted in absentia, but was not personally invited, or otherwise informed of the location and date of the hearing, has the right to request a retrial or a new trial in the country ordering the warrant and be present at the judgment; Article 11 of the Slovenian Act on Cooperation in Criminal Matters with Member States of the European Union [ZSKZDČEU], 2007).

## 2.7 Decision-Making Process and Reasons for Refusal

Both procedures contain procedural and substantive grounds for refusal. The Slovenian Criminal Procedural Act (ZKP, 1994) stipulates that if an extradition demand is incomplete, it may be sent back to the requesting country to redress it. If the extradition demand is procedurally complete, than a substantive judgment must be given. Proceedings are conducted by the investigating judge of a District court, however judgment is given by a Judge Panel of the District court, who either accepts or refuses the request for extradition. The decision is sent to the Ministry of Justice, then on to the Ministry of Foreign Affairs, who informs the requesting country.

Arrest and surrender procedure is led by an investigating judge of a District Court. After a procedural form check of the warrant the investigating judge issues an order for arrest and arranges a hearing of the demanded person. The latter may consent to surrender (the final decision is then given by the investigating judge) or object to surrender procedure – the decision is then given by the District Court Senate.

The Council Framework Decision of 13 June 2002 on the European Arrest Warrant and the surrender procedures between Member States (2202) provides grounds for mandatory non-execution of the European Arrest Warrant in Article 3 and grounds for optional non-execution of the European Arrest Warrant in Article 4 (both are implemented in the Slovenian Act on Cooperation in Criminal Matters with Member States of the European Union [ZSKZDČEU], 2007).

Grounds for mandatory non-execution are the following. This means that the Member State of execution shall refuse to execute the European arrest warrant if:

- a) the offence is covered by amnesty in the executing Member State,
- b) the requested person has been judged by a Member State, or that the sentence for the offence has already been served or is being served or may no longer be executed under the law of the sentencing Member State (*Non bis in idem*),
- c) the subject of the European Arrest Warrant is a minor (in Slovenia under 14 years of age).

Grounds for optional non-execution are the following, which means that the Member State of execution may refuse to execute the European Arrest Warrant if:

- a) the act on which the European Arrest Warrant is based does not constitute an offence under the law of the executing Member State,
- b) the person who is the subject of the European Arrest Warrant is being prosecuted in the executing Member State for the same act as that on which the European arrest warrant is based,
- c) the judicial authorities of the executing Member State have decided either not to prosecute for the offence on which the European Arrest Warrant is based or to halt proceedings,
- d) criminal prosecution or punishment of the requested person is statute-barred according to the law of the executing Member State,
- e) the executing judicial authority is informed that the requested person has been finally judged by a third State for the same offence provided that, where there has been sentence, the sentence has been served or is currently being served or may no longer be executed under the law of the sentencing country,
- f) Slovenia undertakes to execute the issued sentence or detention order in accordance with its domestic law, and
- g) the European Arrest Warrant relates to offences which were committed in the territory of the executing Member State or if the offence was committed outside the territory of the issuing Member State and the law of the executing Member State does not allow prosecution for the same offences when committed outside its territory.

There are very similar grounds for refusing extradition in the European Convention on Extradition.<sup>4</sup>

It is unfortunate that Slovenian legislation does not include potential violation of human rights as an optional non-execution ground based on the European Convention on Human Rights. On the other hand, Netherlands' implementation law of the Framework Decision clearly defines this ground in Article 11 of the EU Council Report on Netherlands (Council of the European Union, 2009). German criminal law theory also advocates that every arrest warrant should be tested for hidden motives – e.g. criminal prosecution of political crimes (Hecker, 2005).

### 3 MODERN PROBLEMS OF EXTRADITION AND SURRENDER PROCEDURES

With the emergence of new criminal laws, new legal dilemmas associated with them will appear. This is even more apparent when dealing with an international criminal law (e. g. European Arrest Warrant), that aims to unify legal rules about surrendering suspects and defendants of criminal offences. Problems may occur in such simple tasks as in the translation of Conventions and European regulations. Fišer (1995: 22) comments that Slovenian translations of the European Convention on Extradition are “devastating and in some places completely misleading, so that the use of translation can lead to errors of law.”

Translations of European Union regulations (e. g. Framework decision on European Arrest Warrant) are on a much higher level, so there should be no poor translations that do not follow the criminal law doctrine.

There are some concerns regarding the authors of the regulations. The European Convention on Extradition was formed by governments (or their representatives) with the idea to improve international cooperation. After examining the Convention, it is obvious that legal experts were the ones drafting it. On the other hand, the European Council Framework Decision on the European Arrest Warrant and the surrender procedures between Member States (2002) was drafted by the Council of the European Union, which consists of State Ministers for a particular area - in this case, the Ministers of the Interior. As part of law enforcement, the latter will often follow the goal of effectiveness over the rights and freedoms of individuals. The Framework Decisions (2002) are also formulated without cooperation of the legislation branch (Parliament of European Union) and judicial branch (European Court) and must be implemented into the legislation of the EU Member States – again without cooperation or approval of each state's Legislator (Framework Decisions have to be implemented in the EU Member State's legislations without

<sup>4</sup> However, there are some additions in the Convention. One is lapse of time - extradition shall not be granted when the person claimed has, according to the law of either the requesting or the requested Party, become immune by reason of lapse of time from prosecution or punishment. Second is capital punishment – no extradition will be given if the offence for which extradition is requested is punishable by death under the law of the requesting Party. And the third is an exclusion of extradition for political offences.

exceptions<sup>5</sup>). Therefore, the issue with European Arrest Warrant is that the executive branch has removed the guarantees that were achieved through hard negotiations of the legislative branch resulting in the international Convention on Extradition (Šugman & Gorkič, 2010).

After 11th September 2001, legislative acts of the European Union were emotionally characterized as a result of extreme events. It could be said that European Council used the terrorist attacks for implementing legislation that would otherwise never be approved by all the EU Member States (Šugman & Gorkič, 2010). Until 11<sup>th</sup> September 2001, there was no progress in criminal law cooperation between EU Member States. However, after the terrorist attacks regulations on this field became numerous. Douglas-Scott (2004) writes that European critics that criticize USA and their presidential orders should take a look at the measures that are being adopted in the European Union.

These facts convey a feeling of incompleteness of legal regulations, which can also be shown in certain Council's decisions. Alegre and Leaf (2003) argue that European Arrest Warrant is unclear, incomplete, very differently implemented in the legislation of the EU Member States and that it removes safety guarantees established with the Convention on Extradition.

There has been a lot of concern about abolition of the double criminality standard. Article 2 of the European Arrest Warrant Framework Decision 2002/584/JHA (European Council Framework Decision ..., 2002) lists exceptions to the double criminality standard – however, these exceptions are defined very generally and do not present specific criminal offences (e.g. racism and xenophobia, computer-related crime). "The vagueness just described is perceived as a problem which stems from a general unawareness of other Member States' legal systems" (Eisele, 2006: 203). Member State of execution will have to surrender a person based only on the fact that the demanding Member State qualified certain act as one of the vaguely prescribed offences according to its own legislation. Such regulation does not meet the standards of the principle of criminal precision (*lex certa*) and is questionable at least (Alegre & Leaf, 2003).

A doctrinal issue with surrender procedures is that judicial control over the act of surrender (as opposed to extradition<sup>6</sup>) is significantly restricted. Thus, there is no judicial control over reasonable suspicion that a criminal offence was committed – the judicial verification of evidentiary basis is gone.

Because of the mutual recognition principle and the principle of trust the Slovenian Court must recognize judgments of foreign courts, even if this decision

5 This view was opposed numerous times by the Constitutional Court of Germany. The view of the Constitutional Court is that Germany will follow EU legislation as long as these regulations will respect the standards of safeguarding the basic human rights. If these conditions are not met, the German constitution will prevail over the legislation of the European Union (Hecker, 2005). This view was overturned by the Court of Justice of the European Union in the case of Pupino (Court of Justice of the EU, 2005). According to the Court of Justice european legislation prevails over the legislation of each Member State (including each state's constitution).

6 This was evident in the case of *Ramda v Secretary of State for the Home Department* (High Court of England, 2002, EWCHC 1278). *Ramda* was a suspect of terrorist attack and was demanded by France from United Kingdom. English High Court quashed the Home Secretary's decision to extradite *Ramda*, since the evidence against *Ramda* were gained by inhuman methods (alleged torture of a suspect that gave French authorities evidence against *Ramda*).

could not be issued according to our law. As Šugman (2004: VII) comments: "Overall, the country that executes the European Arrest Warrant cannot (except in the extremely narrow context) assess the content and justification of the warrant."

It is also interesting that the surrender procedure does not include the clause that prevents surrendering of persons who are prosecuted for a political offence. On the other hand, Article 9 of the Slovenian Act on Cooperation in Criminal Matters with Member States of the European Union (ZSKZDČEU, 2007) contains a judicial verification of discriminatory reasons – if they are present, the surrender is rejected. One is to trust legal systems of other countries, however to trust them blindly and without reservation is another matter entirely. Numerous cases from the European Court of Human Rights teach us that Member States of European Union frequently violate basic human rights – especially in criminal procedures.

We have already stated that the surrender procedure is a judicial process (rather than political, as the extradition procedure). This is certainly welcome, but the problem arises when a Member State does not name a court as its executing judicial authority. In this way a political phase is again implemented in the surrender procedure, which is contrary to the demands of the Council's Framework Decision (2002).

There is also a question as to whether the executing judicial authority can verify the grounds for human rights violations – is there an option to refuse surrender if there are grounds for suspicion that human rights will be violated in the requesting State? The Council's Framework Decision (2002) does not directly provide this ground for non-execution, however respect for human rights arises from the Treaty on the European Union and from the European Convention on Human Rights<sup>7</sup>. Paragraph 3 of Article 1 of Framework Decision (2002) directly states that this Framework Decision shall not have the effect of modifying the obligation to respect fundamental rights and fundamental legal principles as enshrined in Article 6 of the Treaty on the European Union<sup>8</sup>. Verification of human rights is therefore provided on a constitutional level. It is however questionable to what extent the Member States will enforce this constitutional reason for non-execution of a European Arrest Warrant.

There were some known cases where a Member State has refused the surrender of a person to another State because of the possibility that there will be human rights violations due to unsatisfactory prison conditions. This was evident in *MJELR v. Rettinger* (Supreme Court of Ireland, 2010, IESC 45), where the Supreme Court of Ireland refused the surrender to Poland on the grounds that the person may be subjected to inhuman or degrading treatment in Polish prisons<sup>9</sup>. Judgment of the Irish Supreme Court in fact abolishes the automatic aspects of the European

7 *In a known case Soering v. United Kingdom the European Court of Human Rights (European Court of Human Rights 1989) decided that the requesting country violates the European Convention if extradition is granted to a country where human rights will be or could possibly be violated.*

8 *Here we have in mind all known EU treaties up to date – Treaty on European Union – Maastricht Treaty (1992), Treaty of Amsterdam (1997), Treaty of Nice (2001) and Treaty of Lisbon (2007).*

9 *This was however not the case in Minister of Justice v. Rajki, where the Irish High Court granted an order to surrender an alleged offender to Hungary under a European arrest warrant, despite evidence of inhuman and degrading treatment in Hungarian prisons (High Court of Ireland, 2012).*

Arrest Warrant. The need for a deeper and more active judicial review will arise when the requesting country is an EU Member State with well-known problems in its state prisons (such as Poland, Italy and Romania). Thus, the question arises as to whether Slovenia can successfully request a person with an European Arrest Warrant, since it cannot provide decent conditions in terms of cell size, safety (not enough prison guards), medical care of prisoners, lack of privacy (particularly for those prisoners who are preparing their defence) (Sinn & Worner, 2007). This could be a big problem if Slovenia was sued and sentenced for these reasons in Strasbourg.

This issue is also pointed out by Erbežnik (2010: 11) who states that “an individual may rely (in case of violation of human rights) only on the European Act, and even then only indirectly in terms of interpretation, since direct effect does not apply to the acts of the third pillar. Such a defect is not in accordance with the constitutional rights belonging to a person who is in criminal proceedings and which has been deprived of his liberty. The fact is that the concept of mutual recognition is constitutionally problematic.” Erbežnik (2010) further points out that enforcement of a European Arrest Warrant means that a Slovenian Court must allow the transfer of a Slovenian citizen who has been sentenced to or prosecuted on the basis of evidence that should fall under absolute exclusion in our law and is therefore inadmissible. Thus, the court is applying double standards, namely certain standards of human rights protection for persons who are standing trial in the Republic of Slovenia, and other standards for the people who are being surrendered to another Member State, provided that those standards are not the same between the two countries. The author further proposes a solution along the lines of the views of the German Federal Constitutional Court (2005) in case ref. no. 2 BvR 2236/04 of 18 July 2005, after which the national authority in a concrete case has to take into account the fundamental human rights of its own constitution, which excludes automatic transfer after the European Arrest Warrant is issued. A similar conclusion was also adopted by the Polish Constitutional Tribunal (2010) in judgment of 5<sup>th</sup> October 2010 (Ref. No. SK 26/08).

Both our Criminal Procedure Code (1994: Article 533) and the European Convention on Extradition regulate very thoroughly the extradition of a person required by more countries. Article 533 stipulates that if a request of extradition of the same person is given by several foreign countries for the same offence, the priority is given to the country of the offender's nationality, or the country in which territory the crime was committed. If the offence is committed in the territory of several countries or if it is not known where the offence was committed, extradition is given to the country that first requested the extradition. If several countries request extradition for various offences, the priority is given to the country of nationality of the requested person or to the country where the worst criminal offence was committed.

The Slovenian Act on Cooperation in Criminal Matters with Member States of the European Union (ZSKZDČEU, 2007) is in this respect much vaguer. Article 30 stipulates that in case of multiple requests of the same person a District Court Senate will pass judgment considering the weight of the crime, territory where the



crime was committed, date of requested warrant and whether they are requested for the purpose of sentencing or prosecuting the offence.

From this perspective, the surrender procedure is much vaguer than the extradition procedure.

## 4 CONCLUSION

The aim of this study was to demonstrate the characteristics, differences and some of the dilemmas regarding extradition and surrender procedures of suspects and those convicted of criminal offences. While the process of extradition is more political and based on cooperation between States, the surrender process is judicial and based on the law unification of Member States of the European Union. Extradition procedures in Slovenia give suspects more legal guarantees, since the court must also verify reasonable suspicion that the criminal offence was committed. This suspicion must be based on evidence justification. Double criminality must also be taken into consideration – the requested offence must be a criminal offence in our criminal law otherwise extradition is rejected.

Surrender processes on the other hand, strengthen the principles of trust and mutual recognition between countries. Therefore, the requested country does not verify the grounds for reasonable suspicion that a crime was actually committed (the requested country trusts the judgment of the requesting country). However deviations may occur for reasons of potential human rights violations, which were clearly shown in the Irish case *MJELR* against Rettinger (Supreme Court of Ireland, 2010).

An important distinction is that Slovenia does not extradite its own citizens – this does not apply to surrender procedures where Slovenian citizen could be requested and surrendered.

Although the surrender procedure is more effective in practice than the extradition procedure certain legal dilemmas still arise. While the European Union is pursuing the unification of various criminal laws, certain security mechanisms of verification are being phased out. This of course leads to process efficiency. However, human rights and civil liberties may suffer on account of it. Article 6 of the active European Union Treaty (2011) should be respected – Member States should refuse to surrender a person at the expense of potential human rights violations (which of course does not follow the main idea of the European Arrest Warrant and surrender procedure - the harmonization of regulations, efficiency and speed of the procedure).

It is clear that the goal of the European Union is the harmonization of criminal procedures between Member States, but this could prove to be very problematic since criminal procedures differ substantially between Member States. Unification on the lowest common ground weakens the quality standard of human rights in criminal procedures and cannot be the correct answer for the future of European criminal procedural law.



## REFERENCES

- Alegre, S., & Leaf, M. (2003). *European arrest warrant: A solution ahead of its time?* London: Justice.
- Bantekas, I. (2007). The principle of mutual recognition in criminal law. *European Law Review*, 32(3), 365–385.
- Council of the European Union. (2008). *Evaluation report on the fourth round of mutual evaluations "The practical application of the European arrest warrant and corresponding surrender procedures between Member States": Report on Hungary*, 15317/2/07, Rev 2, 27.
- Council of the European Union. (2009). *Evaluation report on the fourth round of mutual evaluations "The practical application of the European arrest warrant and corresponding surrender procedures between Member States": Report on Netherland*, 15370/2/08, Rev 2, 27.
- Court of Justice of the European Union. (16. 6. 2005). Pupino C-105/03.
- Douglas-Scott, S. (2004). The rule of law in the European Union: Putting the security into the area of freedom, security and justice. *European Law Review*, 29(2), 219–242.
- Eisele, K. (2006). Evaluating the European arrest warrant as a counter-terrorist measure: Security at all costs? An analysis on "Third Pillar-Legislation" with regard to human rights. *European Law*, 2(2), 204–207.
- Erbežnik, A. (2010). Evropski nalog za prijetje in predajo – temna stran meseca [European Arrest and surrender warrant – dark side of the moon]. *Pravna praksa*, 29(42), 10–11.
- European Council Framework Decision 2002/584/JHA of 13th June 2002 on the European arrest warrant and the surrender procedures between Member States. (2002). *Official EU Journal L 190*, 0001–0020.
- European Convention on Extradition*. (13. 12. 1957). Council of Europe, Paris with Additional Protocol to the European Convention on Extradition (15. 10. 1975), Second Additional Protocol to the European Convention on Extradition (17. 3. 1978), Third Additional Protocol to the European Convention on Extradition (10. 11. 2010) and Fourth Additional Protocol to the European Convention on Extradition (20. 9. 2012).
- European Court of Human Rights. (7. 7. 1989). Soering v. United Kingdom, A 161.
- Fišer, Z. (1995). Škandal: ob objavi (prevoda) Evropske konvencije o izročitvi [The scandal of European convention on extradition]. *Pravna praksa*, 14(2), 22–24.
- German Federal Constitutional Court. (18. 7. 2005). Decision ref. no. 2 BvR 2236/04.
- Hecker, B. (2005). *Europäisches Strafrecht*. Berlin: Springer.
- High Court of England. (2002). Ramda v. Secretary of State for the Home Department, EWCHC 1278.
- Kazenski zakonik – KZ-1 [Criminal code of Slovenia]. (2008). *Uradni list RS*, (55/08).
- High court of Ireland. (21. 6. 2012). Minister of Justice & Equality v. Rajki. Retrieved from <http://www.courts.ie/judgments.nsf/6681dee4565ecf2c80256e7e0052005b/c01930b6fac81e6880257a45003c12c6?OpenDocument&Highlight=0,rajki>

- Polish Constitutional Tribunal. (2010). Judgment of 5th October 2010 (Ref. No. SK 26/08). Retrieved from [http://www.trybunal.gov.pl/eng/summaries/documents/SK\\_26\\_08\\_EN.pdf](http://www.trybunal.gov.pl/eng/summaries/documents/SK_26_08_EN.pdf)
- Second evaluation report on the state of transposition of the Framework Decision on the European arrest warrant and the surrender procedures between Member States. (2007). *Europa.eu*, Memo/07/288. Brussels, 11th July 2007. Retrieved from <http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/07/288&format=HTML&aged=1&language=EN&guiLanguage=en>
- Sinn, A., & Worner, L. (2007). *The European arrest warrant and its implementation in Germany its constitutionality, laws and current developments*. Retrieved from [http://www.zis-online.com/dat/artikel/2007\\_5\\_135.pdf](http://www.zis-online.com/dat/artikel/2007_5_135.pdf)
- Supreme Court of Ireland. (2010). MJELR v. Rettinger, IESC 45, Docket Number: 165 & 189/10.
- Šugman, K. (2004). Evropski nalog za prijetje in predajo [European arrest and surrender warrant]. *Pravna praksa*, 23(14), IV–VII.
- Šugman, K., & Gorkič, P. (2010). *Evropski nalog za prijetje in predajo, toeretični in praktični vidiki* [European arrest and surrender warrant, theory and practice]. Ljubljana: GV založba.
- Treaty on European Union - Amsterdam Treaty. (2. 10. 1997). *Official EU Journal C* 340.
- Treaty on European Union - Maastricht Treaty. (7. 2. 1992). *Official EU Journal C* 191.
- Treaty on European Union - Treaty of Lisbon. (17. 12. 2007). *Official EU Journal C* 306.
- Treaty on European Union - Treaty of Nice. (26. 2. 2011). *Official EU Journal C* 80.
- Ustava Republike Slovenije [Constitution of the Republic of Slovenia]. (28. 12. 1991). *Uradni list RS*, (33/91, with amendments 42/97, 66/00, 24/03, 69/04, 69/04, 69/04, 68/06).
- Zakon o evropskem nalogu za prijetje in predajo – ZENPP [European arrest warrant and surrender procedure act]. (2004). *Uradni list RS*, (37/04).
- Zakon o kazenskem postopku – ZKP [Slovenian criminal procedural act]. (1994). *Uradni list RS*, (63/94, with amendments to 2011).
- Zakon o ratifikaciji Evropske konvencije o izročitvi Dodatnega protokola k Evropski konvenciji o izročitvi in Drugega dodatnega protokola k Evropski konvenciji [Law on ratification of the European convention on extradition and its additional protocols]. (1994). *Uradni list RS*, (79/94).
- Zakon o sodelovanju v kazenskih zadevah z državami članicami Evropske Unije – ZSKZDČEU [Act on cooperation in criminal matters with member states of the European Union]. (2007). *Uradni list RS*, (102/07).

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# Crime Prevention through Public-Private Cooperation within the Security System of Republic of Macedonia

Saše Gerasimoski

**Purpose:**

This article examines the contribution of public-private cooperation in crime prevention within the security system of Macedonia in the last 10 years.

**Design/Methods/Approach:**

Secondary data analysis on information obtained from the Ministry of Interior and private security entities as well as content analysis of available resources to estimate the importance of the crime prevention.

**Findings:**

In general, the contribution of the public-private cooperation to crime prevention within the contemporary security system of the Republic of Macedonia is seen more as potential than as reality, owing to the present level of co-existence between public and private security sector. Although the crime prevention advantages of the cooperation between them are recognized within both sectors, it is certain that only joint activities within securing the public events and transportation of money, documents and other valuables are functioning so far.

**Research Limitations/Implications:**

Considering the fact that secondary data are being used, employing primary data for analysis in the future will probably strengthen the findings obtained with this research and reveal new relations.

**Originality/Value:**

Though there are several studies related to private security in the Republic of Macedonia, there is a lack of studies concerning public-private cooperation within the security system, let alone their relationship to crime prevention. We see this study as a pivotal contribution to efforts to highlight this crucial dimension of their mutual relation nowadays and in the future.

**UDC: 355.02(497)**

**Keywords:** crime, prevention, public-private cooperation, security systems, Republic of Macedonia

## **Preprečevanje kriminalitete skozi javno-zasebno partnerstvo v varnostnem sistemu Republike Makedonije**

### **Namen prispevka:**

Članek analizira prispevek javno-zasebnega partnerstva na področju preprečevanja kriminalitete v varnostnem sistemu Republike Makedonije v zadnjih desetih letih.

### **Metode:**

Uporabljena je metoda sekundarne analize podatkov Ministrstva za notranje zadeve in zasebnovarnostnih subjektov kot tudi analiza vsebine razpoložljivih relevantnih virov s področja preprečevanja kriminalitete.

### **Ugotovitve:**

Na splošno gre prispevek javno-zasebnega partnerstva pri preprečevanju kriminalitete v sodobnem varnostnem sistemu Republike Makedonije opazovati predvsem v smislu potencialnega in ne realnega stanja, še posebej, če imamo pred očmi trenutno raven soobstoja javnega in zasebnega varnostnega sektorja. Čeprav oba sektorja prepoznavata prednosti, ki jih za preprečevanje kriminalitete prinaša njuno medsebojno sodelovanje, je to trenutno omejeno predvsem na varovanje javnih prireditev ter prevoz denarja, dokumentov in drugih dragocenosti.

### **Omejitve/uporabnost raziskave:**

Glede na dejstvo, da so bili uporabljeni sekundarni podatki, bo primarna analiza podatkov v prihodnjih raziskavah verjetno okrepila ugotovitve te raziskave in razkrila nova razmerja med javnim in zasebnim varnostnim sektorjem.

### **Izvirnost/pomembnost prispevka:**

Medtem, ko obstaja več študij o zasebnem varovanju, pa primanjkuje tako študij o javno-zasebnem partnerstvu v okviru varnostnega sistema v Republiki Makedoniji kot o njegovem vplivu na preprečevanje kriminala. To študijo lahko razumemo kot ključni prispevek k prizadevanjem, da bi osvetlili pomen medsebojnih odnosov med javnim in zasebnim varnostnim sektorjem za preprečevanje kriminalitete danes in v prihodnosti.

**UDK: 355.02(497)**

**Ključne besede:** kriminaliteta, preprečevanje, javno-zasebno partnerstvo, varnostni sistemi, Republika Makedonija

## **1 INTRODUCTION**

There is a significant difference between the real role of the private security within contemporary security systems and the perceived, sometimes even stereotyped, picture of private security of public opinion. Surely, the very rapid and abrupt development of the private security phenomena caught many by surprise, even the theorists and practitioners in the field of security. Consequently, the real function and potential of the development of private security elsewhere has not been studied nor realized as it should be. For instance, many of the lay-people see private security as a repressive security component and as something that

has deviated from the very notion of security that is, security being seen as an integral societal phenomena, a public good. The very process of privatization of the security function contributed toward minimizing the preventive instead of the repressive function of private security. Private security, however, cannot be envisaged or practiced in any other way than preventive as its primary orientation. Since the position and the role of the private security sector are implied in what is called a subsystem of the security system and since the authorizations and exercise of the measures of coercion and use of weapons are strictly limited and defensively oriented, then there is no room to think about private security in other ways than preventive. Otherwise, repositioning and giving private security the role other than prevention would seriously shake the very concept of so called positive process of privatization within security, or top-down privatization. The private security sector is seen as complementary to the rest of the security system (state/public/civilian). The preventive orientation of the private security sector is now gaining in importance since the police, as the most important exponent of the public security, are also developing toward more preventive work in spite of their commonly accepted perception as a mainly repressive security institution. The new concept of police being service oriented means shifting their role more toward prevention, at the same time not entirely losing its recognizable repressive functions.

Our everyday life has become overwhelmed by different and constantly changing security risks, threats and endangerments. We are living in an era of post-modern societies and globalization where security has become very fluid notion constantly redefined and re-esteemed. Everything that is happening in an era in which we search for maximum possible freedom of living and expression within the given order, is permanently creating possibilities for disrupting that order and endangering the security of others. Thus, paradoxically, the more freedom we are looking for and experiencing, the more dangers we are encountering simultaneously. Or, if we could translate it in security language, the more we want to be free and live free, the more insecure we are becoming. The abrupt and unprecedented rise of the security measures, mostly, but not entirely related to the private security entities, are real evidence for that situation. We don't need more tangible proof for the rise of crime in our lives than the very security surroundings in which we are living. The fact that we have physical and technical security all around us reminds us that we are living in a risky and dangerous time where all that people and devices are here to protect us from those who disrespect the order and from those who break the law thus creating the crime and most importantly-the fear of crime. As Lars Svendsen wisely puts, "the wall (meaning the medieval walls erected to protect the medieval cities from the endangerments) that it supposed to protect us from the threats from 'outside' has been shifted all the way to the walls of our houses". Moreover, "the alarms and security locks in our houses affirm the picture of the dangerous world in which we are living" (Svendsen, 2010: 34).

Paradoxically enough, the unprecedented upsurge of the private security industry could not be sustained without creating in one or another way the need for security services many times greater than the real threats. These needs are accompanied by fear of threats, thus presenting itself, as some authors point out, as a "fear industry" (Whattam, 2011). That is why it is hard to talk about a

present security situation from a philosophical or sociological point of view rather than from securitological. Speaking from the point of view of security sciences, there is nothing wrong with the present security situation. We have a rise of crime worldwide and the private security sector has every reason to stand there and to justify its existence, moreover, since its role is primarily preventive. And indeed, seen from this point the private security is really fulfilling its role and societal function and that is to strengthen the security system capacities in prevention of crime and fight against crime, knowing that the police and other security services from the state /public/ security has found themselves less capable and efficient in dealing with diverse and numerous forms of contemporary crimes.

This study gives a scientific account of what is happening with the private security preventive function and elaborates the experience thus far and possibilities of crime prevention through police-private security cooperation primarily in Republic of Macedonia. At the same time, referring to the state-of-the-art in this field with the countries that have more experience in this kind of cooperative security efforts. We will see that the preventive function of the security system can be best achieved and implemented through cooperation between the security actors within it, that the cooperation of the police and private security, sometimes called public-private security partnership, is between the most important ones regarding this cooperation and that the cooperation between the segments of the security systems cannot be reached without the existence of mutual trust. And trust, its existence or non-existence, abundance or lack of trust is what predetermines not only the preventive actions of the security actors and providers, but also is a precondition to prevention at all.

## 2 THE ROLE OF PRIVATE SECURITY IN CRIME PREVENTION

Private security currently represents a vital segment of contemporary security systems. What was once considered as pure addition to public security and policing in general, today has become an inevitable and unavoidable part of the contemporary security system, policy and especially prevention. The very beginnings of the private security sector (or subsystem as we like to call it) are primarily related to the preventive security function. It is understandable if we know that the private security sector is complementary to the other parts of the security system and considering its legal and security limitations regarding the usage of authorizations, time and space of exerting of authorizations. The private security sector is actually envisaged and designed to help detect and prevent crime, especially proprietary and persons related to crime. Its main functions, tasks and responsibilities lie with protecting property, persons, securing transport of money and valuables and securing events with creating conditions that will diminish or eliminate the possibility of occurring of different forms of crime. Thus, the private security activity can be defined as oriented towards secondary crime prevention speaking broadly, mainly concerned with undertaking situational crime prevention measures (Palmer & Button, 2011). Apart from the closeness in explaining the role of private security with different criminological and crime prevention theories, it



seems quite obvious that the closest theory is a situational crime prevention theory with its roots in the routine activity and rational choice theoretical approaches (Clarke, 1997).

Private security is oriented towards secondary crime prevention because it does not have the mechanisms, nor authorizations and powers to influence significantly and directly the primary crime prevention which implies creating conditions and use of every kind of means and measures aimed at preventing the crime from being committed, or preventing the causes for crime (Krivokapič, 2002). It acts in preventing crime in a certain situation, in certain circumstances related to protection of life, property, valuables or events. In this case, private security crime prevention also carries traits of so called technical and special prevention (Spaseski, Nikolovski, & Gerasimoski, 2010). Private security is directly involved in crime prevention, while indirectly could contribute towards preventing antisocial and socio-pathological phenomena, because prevention in broader terms encompass them together with crime or breaching the laws that crime implies (Stanarevič & Ejduš, 2009). In actual fact, private security acts towards minimizing the opportunity for certain crime being committed in an area of the protection, deterring the potential offenders from committing crime and thus contributing toward reductions in the crime rate in a protected space and wider area. It is this peculiarity of crime prevention that makes private security significant player in the wider crime prevention strategies and policies that have been undertaken by various security providers within the state. Once the significant role of private security in the contemporary crime prevention has been recognized and affirmed, it has been almost unthinkable that successful crime prevention could be nowadays envisaged, planned or implemented without participation of the private security sector. The wide and continuously increased presence of the private security makes the private security sector, together with police and civilian sectors, three basic pillars of contemporary crime prevention, while the quality of their mutual cooperation and sound partnerships determine the success of the crime prevention strategies and policies.

Throughout the history of stratified societies, the prevention of crime seemed to be overshadowed by the repressive criminal justice system that considers various forms of punishment (sometimes too cruel and uncivilized for today's understanding) as the most appropriate for dealing with crime. History also teaches us that no matter what kinds of rigid and repressive criminal justice systems were designed, crime could not be eradicated or diminished significantly (Milosavljević, 2003). There were periods when the inappropriate and excessive use of repressive security and penal measures even increased crime rates. Today, we are living in a world where crime is constantly increasing, with new and more sophisticated forms of crime being invented and occurring every day, and with crime being widespread across the societal structure and geographically. The time in which we live calls for preventive crime strategies and policies as a first choice in combating contemporary crime and it presupposes continuous, joined, organized and successful efforts by different security actors.

Speaking of the roles that the segments (subsystems) of the contemporary security system play when considering crime prevention, we can differentiate the



role of the police and state/public/security sectors in general as being repressive and preventive with an overtone on prevention in recent years, then, the role of the private security sector as primarily preventively oriented and including defensively oriented repressive authorizations, and lastly the civilian security sector that exerts only preventive oriented measures (Spaseski, Aslimoski, & Gerasimoski, 2008).

The crucial role that private security plays in contemporary crime prevention could be summarized as follows:

- Decreasing the crime rates by implementing preventive security measures such as situational crime prevention;
- Creating crime awareness among their clients and the general public;
- Diminishing the possibilities for crime occurrence through surveillance and patrol activities and creating a perception of omnipresence (Steenkamp, 2002; Wakefield, 2005);
- Joint efforts on secondary crime prevention directly and primary crime prevention indirectly through public-private partnerships.

### **3 PUBLIC-PRIVATE COOPERATION FOR SUCCESSFUL CRIME PREVENTION**

Public-private cooperation in crime prevention is nothing new in contemporary security, but building lasting and strategic partnerships between public and private security actors is certainly something that is to be achieved in most parts of the Europe and across the world. We can see the U.S.A., Great Britain, Germany and Australia leading the process, but what about other countries?

It seems that building such partnership requires other preconditions that have to be ripe enough to guarantee sound partnership. The first and the most important thing is of course mutual trust between the public (police) and private security based on high qualitative level of work reached by both sectors. Even in those circumstances, the tensions between state and private interests, lack of consultation with at-risk groups and the community, a predominance of situational crime prevention over other types of prevention and poorly trained personnel, are among the confining factors for sound partnership between public and private sector in crime prevention (Capobianco, 2005). Irrespective of the obstacles, there are very positive examples of public-private partnership that has produced decrease of crime rates and has seriously lowered other forms of crime in terms of their frequency, seriousness and damage they inflicted. Thus, for example, over 90% of assignments of the private security in Germany and in most developed countries of Western Europe (Great Britain, Netherlands, France, Austria, Sweden, Belgium) cover the field of prevention, i.e. warding off danger and preventing criminal offences in the private-law area (Olschok, 2002).

In the USA, the public-private partnerships include advanced forms of partnerships, where the private security sector is widely included in numerous public-private security initiatives and projects. "Operation Cooperation" represents a major national initiative to encourage partnerships between law enforcement and private security professionals (Connors, Cunningham, Ohlhausen, Oliver,

& Van Meter, 2000). The crime prevention partnerships are basic in the overall public-private partnerships in the USA and they form a nucleus from which much wider and advanced forms of cooperation like emergency planning and response, assistance in guaranteeing public security, exchange of information concerning public and state security emerge. It has to be stressed that the public (police)-private security partnership started with crime prevention initiatives, programs and projects, so it is a kind of core for further deepening and widening of the notion of public (police)-private security partnership (Dempsey, 2011). Private security is considered a significant factor that has helped to decrease crime rates in the U.S.A., especially proprietary crimes and in 2005 has reached its lowest level since 1973 (Fischer, Halibozek, & Green, 2008). Although the real impact and merit of private security in decreasing crimes is hard to assess and weigh, it is indisputable that it plays a significant, even crucial role, especially when compared with data when the main job of crime prevention was done by the police alone. Also, we can see salient differences when comparing isolated from joint efforts in crime prevention. The practice has shown that private security, alone or through partnership with police, has a crucial influence on deterring crime, minimizing the crime risk as well as improving the structure of crime (for example, the crimes against people's life and body are less brutal, violent and serious; proprietary crimes inflict less damage; there is a reallocation of the crimes with many entities being affected with minor crimes instead of few with great losses; the propensity for crime is lowering while crime deterrence is growing etc.). This is in accordance with the very essence of crime prevention, since crime prevention understands that intervention in the causes of criminal events, and seeks to reduce the risk of their occurrence and their potential seriousness (Home Office, 2004).

The Australian experience in crime prevention through public-private partnerships is notably valuable. Since the introduction of various programs and projects within public-private partnerships in crime prevention, significant positive results have been noted. A study of several crime-prevention programs and projects grounded in public-private partnerships in Australia found that they have reduced crime by 78% over the last 15 years, and in some cases even 90%. The authors further conclude that the main ingredients for that successful partnership were mutual respect, shared goals, information sharing, confidentiality, complementary powers (the powers were not an obstacle) and mutual benefits (Prenzler & Sarre, 2011).

#### **4 PUBLIC-PRIVATE COOPERATION IN CRIME PREVENTION IN REPUBLIC OF MACEDONIA**

Crime has always been tied to human historical development. We have almost no record of stratified societies without some form of crime. What is most peculiar to the present human condition is that crime is found almost everywhere and more than that, it is found more in latent forms like organized crime and other forms of crime that are more dangerous and all encompassing, but less visible. It makes the fight against crime a painstaking enterprise. Contemporary crime is a kind of

skillfully disguised matter as once described by the renown French theoretician of crime Cristian Carle when he spoke about the crime in Western societies and its latent and disguised development as a real danger and challenge. He actually spoke boldly about so called "crime society", which is surely pretty exaggerated, but he was probably right when he concluded that "la societe du crime s'avance masquee-the crime society is advancing masked" (Carle, 1996).

The Republic of Macedonia passed through a very difficult transitional period marked with a significant increase in the crime and other antisocial and socio-pathological phenomena. What is most concerning is the rapid rise of crime against property and crime against person's life and their physical integrity. According to the statistical data, there are around 20,000 criminal acts against property and life in the past few years on average in the Republic of Macedonia and those criminal acts constitute 60% of all criminal acts. Compared to the situation in the region there are not greater differences, but there are surely significant differences when compared to European averages where the average increase of the crime rate is 1% (Mustać, 2004; Spaseski et al., 2008). For comparison, the crimes against life and body have increased from 696 in 2001, to 982 in 2010, while the increase in crimes against property are dramatic; they doubled from 2001 when they were 9599, to 19846 in 2010 (Državen zavod za statistika, 2011). That explains pretty convincingly the boom of private security in Republic of Macedonia and that is exactly the very period that coincides with that rapid development of this sector in the last decade.

The data from the Ministry of Interior are also very indicative. They show a decrease of police efficaciousness in resolving crime. The efficaciousness has dropped from 60.7% in 2001 to 51.03 in 2010. Also, the crime rate has increased from 840.7 crimes on 100 000 people in 2001 to 1331.4 crimes on 100 000 people in 2009. The structure of clarified crimes is uneven. While the police has shown increased efficaciousness in resolving crimes against life and body from 2004 onwards, it has proven less efficacious in dealing with proprietary crimes like theft, burglary, and other proprietary crimes (Ministerstvo za vnatrešni raboti na Republika Makedonija, 2012a). This is also very interesting when compared to the rise of the private security sector. It seems that neither the police, nor the private security sector had shown greater efficaciousness when considering proprietary crimes and indirectly, the high rate of proprietary crime means that the private security has not played the preventive role for which it primarily exists. This conclusion is supported by the rapid increase of proprietary crimes in the given period.

What is also intriguing is that all private security agencies praise themselves as being very efficacious when dealing especially with proprietary crimes, and they support this with the satisfaction of their clients with the quality of security services they offer to them. Their explanation could be partially accepted, especially when considering the safety and security of their clients, but the wider preventive effects on crimes are certainly missing in this story. Namely, the lack of cooperation between the police and the private security sector in crime prevention, unsatisfactory involvement of the private security sector in crime prevention as part of the public interest work and insufficient preventive measures undertaken in securing property, together with increased proprietary crime towards unsecured

citizens and entities from the private security sector explain why we have increases in proprietary crimes and why we don't have appropriate and efficacious crime prevention policies.

Our content analysis of security services and security policy of private security agencies for securing persons and property that operate in the Republic of Macedonia has shown low levels of awareness of prevention and the significance of prevention in their work, although it can be indirectly observed and assumed in the services they offer. For that purpose, we analyzed the available contents of their Internet pages and found that the word prevention appeared only 3 times (once in each Internet page) of three different agencies out of 31 agencies that are members of the Chamber for securing persons and property, which has become an active member of CoESS this year. We analyzed 5 active pages out of 12 (the other 7 are inactive) (Komora na Republika Makedonija za obezbeduvanje na lica i imot, 2012). We found that the word prevention appears only three times, all of which were related with physical security (physical securing of property) as part of situational crime prevention. We found no mention of prevention within the context of public-private security cooperation, let alone partnerships. As far as mentioning the derivatives of prevention are concerned, we found preventive patrol security, preventive circulation (enclosure) and preventive signboards. It seems that the private security agencies that operate in the Republic of Macedonia are unaware or slightly aware with the vast opportunities of a preventive function in private security and almost unaware of the public (police)-private cooperation and partnership in crime prevention, although they cooperate in terms of securing manifestations and events, transport of money and other valuables and ad-hock exchange of security information concerning crime prevention.

With some other developments added to the previous discussion, we will be able to get clearer picture of what is really happening with crime prevention in the Republic of Macedonia and to get an answer to the question: Why there's not significant cooperation between the police and private security sectors in terms of crime prevention?, and, Why is it that we cannot speak of partnership in crime prevention between public and private security sectors but rather of minimal necessary cooperation?

Some latest developments showed interesting and to some extent disturbing evidence of what was only feared previously, and which was considered as feature of private security development in the first decade (1991–2000). In this first decade private security in the Republic of Macedonia was not legally regulated and it was associated with crime activities, among them organized crime activities, enabled through the links of private security officers and some police officers with political parties and criminal structures (Cvetkovski, 2011; Gerasimoski, 2011a). The police action called "Detonator" undertaken in the beginning of this year revealed another kind of "partnership", completely opposite to the intended one. There were even commentaries that behind all action lay a struggle between some of the private security agencies for market positions. The mentioned police action that at first was undertaken in Eastern Macedonia in the towns of Kočani, Štip and Vinica and then spread across other towns in Macedonia, has revealed hidden and illegal cooperation of local police and some private security agencies in doing

illegal business, racketeering, hustling, blackmailing and other crimes. As a result of this police action, 13 commanders of the police stations and one head of the police sector in Štip were dismissed and others appointed. Besides that, the private security agency "Titan" from Kočani was closed under the allegation of direct involvement in criminal activities, among them for gambling and unauthorized running of gambling business. More than 1000 poker machines were confiscated during the police action "Detonator".

Regretfully, it appears that in the previous years there was more cooperation between police and private security in producing rather, than preventing crime. Recent research has shown that, among the general public, private security agencies are still considered a kind of criminal entities and the security officers as racketeers (Petrevski & Dimitrovska, 2011). Generally speaking, it is a kind of ambivalent situation. On one hand, we have latent criminal connections and more or less visible criminal activities, and on the other we have numerous private security entities that seems like they are doing their job fine and are well organized and equipped for doing their job properly. After all these events, one may get a clearer idea from the numbers outlined above that describe the rise of crime in the Republic of Macedonia in spite of continuous strengthening of police and private security capacities in quantity and in quality.

It is also worth noting that police have started implementing some crime and security prevention initiatives such as the "Safe City" project and "Mixed patrols" project. Both are still in a phase of pilot projects, but both projects do not include participation of the private security sector. This is even strange to some point knowing that private security agencies are even more informed about some crimes and can directly influence in their prevention, like for example, crimes that occur in night clubs, casinos and other tourist and catering locations secured by the private security sector. Therefore, it seems that the police should seriously consider the inclusion of the private security sector in the crime and security prevention projects as mentioned above.

The previous discussion calls for immediate and concerted efforts of the police and the private security sector in preventing crimes and building strong and lasting partnership in crime prevention, since the preventive measures taken so far appear to be inefficacious and insufficient. Importantly, taking preventive measures implies activities of police and other security authorities aimed at precluding the advent of crime, serious transgression of public order as well as securing people and objects. Most of the preventive measures include police patrol and surveillance service, authorizations that nowadays have also been transferred to some extent to private security entities (Boškovič, 1999).

## **5 THE FUTURE OF PUBLIC-PRIVATE PARTNERSHIP IN CRIME PREVENTION IN REPUBLIC OF MACEDONIA**

It is said that the best security is the one that is unremarkable, that is a security situation where everything goes normally, commonly and without any disturbance of the life or activity of the secured persons, property or event. That is

precisely what we mean when we discuss crime prevention. Private security is a predominantly prevention oriented and can perform its preventive tasks alone or in partnership with other segments of the security system. In doing its everyday preventive activities, the private security sector mainly focuses on the situational crime prevention measures of securing persons' lives and their property (Dorevski, 2004). The use of repressive mechanisms in private security is so narrowed and limited and above all unwanted, that there are actually more theoretical than practical possibilities for their usage, or, as Frederic Ocquetau wisely puts, "private security is concerned essentially with prevention and protection, with the (theoretical) exception of repression" (Ocquetau, 1993). It means that the private security companies provide mainly defensive services (in a sense of protective, preventive oriented) (Holmqvist, 2005).

The private security sector in the Republic of Macedonia faces a serious challenge of heightening the preventive function. In order to reach that goal, the private security sector (subsystem) must improve its relations and cooperation with the public security sector (police) to the level of partnership (Gerasimoski, 2011b). The present situation concerning public-private partnerships in the Republic of Macedonia can be described as one of minimal cooperation, that is realized mainly in securing public events and mutual cooperation, assistance and exchange of information in securing the transport of money and other valuables. While there are some who believe that the police and private security cooperate as partners, this is surely not the case in practice. Maybe, some tend to see that they are partners or present themselves as partners in a quest to become such in the future (Savovski, 2011). The current loose public-private security cooperation is a very modest contribution toward crime prevention and in the time ahead it is expected that the mutual recognition and trust must be raised as preconditions to higher and closer forms of cooperation and partnership, especially related to crime prevention. The present situation is unfortunately characterized mainly as unsystematic and ad-hock (from case to case, from time to time) cooperation and one where the police still consider themselves as superior and the main provider of security, while private security is seen as inferior, a stance that is been accepted more or less even among private security entities. This represents a serious obstacle towards other forms of close cooperation and partnership that cannot be carried out if the actors are not seen and taken to be equal. Taking into consideration the fact that the role of the private security sector in crime prevention will be more important as time passes, it is a question of time when the police will recognize that fact.

Today, there are 111 registered agencies for securing persons and property in the Republic of Macedonia, but only around 30 of them (members of the Chamber for securing persons and property) are significant, and there are only five registered private detective agencies (Komora na Republika Makedonija za obezbeduvanje na lica i imot, 2011). The new Draft Law of private securing proposes several new means of coercion that the agencies for securing persons and property could exercise, such as truncheons, means for tying and tear-gas. Although the Draft version of the Law is still waiting be adopted by the Parliament, there are much divided opinions among experts to whether this Law will be a step



further considering prevention and especially crime prevention. This is evident when we speak about the inadequate level of trust and cooperation between police and private security entities that is necessary to preclude any chances for abuse of these authorizations for using more repressive than preventive measures. For sure, the Law makes some very important improvements, but considering the use of measures of coercion and fire arms there is still an air of fear of how this will be implemented in practice. The new Law of private securing does not mention prevention or prevention of crime specifically, nor does it leave room for any forms of cooperation or partnership in this sense. (Ministerstvo za vnatrešni raboti na Republika Makedonija, 2012b)

The worsened reputation of private security with the latest developments surely will require more time for the public to acquire a more positive image of private security and the private security, by its own side, to improve the quality and professionalism needed to become equal partners with police. The police, on the other hand, should be aware of the need to offer closer cooperation and partnership when the quality of work of private security entities will guarantee success of the partnerships. Both have to be sure that nothing prevents crime better than joint efforts. When this requirement is met, we can talk of serious, stable and long-standing partnership between police and private security that could be implemented in the following areas of crime prevention:

- Undertaking complementary and coordinated measures in situational crime prevention;
- Participation in joint projects and programs related with implementation of the CPTED (Crime Prevention Through Environmental Design);
- Exchange of useful operative information concerning crimes against life and body, crime against property as well as crimes committed during public events or transport of money and other valuables;
- Exchange of security know-how, especially the one related with timely and appropriate assessment of risks, threats and endangerments and in designing of security plans;
- Mutual support with material and human resources concerning reduction of crime; and
- Joint participation in wider crime prevention strategies, programs and projects, especially with community and civilian oriented ones like participation in crime prevention initiatives and activities of the local prevention councils.

## 6 CONCLUSION

Private security undoubtedly plays a significant, if not crucial role, in contemporary crime prevention and therefore it has to be taken into consideration as an important factor when considering partnerships in the contemporary security systems. The preventive orientation of private security has helped numerous security systems reconsider the idea of prevention and to build lasting partnerships with the public sector (police), all of these being strongly supported by obvious positive effects on crime prevention.



The Republic of Macedonia seems to be distant from these contemporary developments presently. There is an unsystematic and loose cooperation between private security and the police and it seems that it will take some time before leaders in both sectors understand the real advantage of partnership in crime prevention. We found the lack of mutual trust and some illegal activities to stand on the way of realizing the idea of partnership in crime prevention. We can freely conclude that the idea of prevention in general has been slowly accepted and even the private security sector appears not to be fully aware of its preventive potential. When all these prerequisites are being met, we can expect a next phase of heightening the cooperation between the public and private sectors from the present level of co-existence to the level of partnership, especially concerning crime prevention.

## REFERENCES

- Boškovič, M. (1999). *Kriminološki leksikon*. Novi Sad: Matica Srpska.
- Capobianco, L. (2005). *Sharpening the lens: Private sector involvement in crime prevention*. International Centre for the Prevention of Crime. Retrieved from [http://www.crime-prevention-intl.org/fileadmin/user\\_upload/Publications/Sharpening\\_the\\_Lens\\_Private\\_Sector\\_Involvement\\_in\\_Crime\\_Prevention\\_ANG.pdf](http://www.crime-prevention-intl.org/fileadmin/user_upload/Publications/Sharpening_the_Lens_Private_Sector_Involvement_in_Crime_Prevention_ANG.pdf)
- Carle, C. (1996). *La Société du crime*. Paris: Les Éditions de la Passion.
- Clarke, V. R. (1997). *Situational crime prevention: Successful case studies*. New York: Harrow & Heston Publishers.
- Connors, E., Cunningham, W., Ohlhausen, P., Oliver, L., & Van Meter, C. (2000). *Operation cooperation: Guidelines for partnerships between law enforcement and private security organizations*. Washington: U.S. Department of Justice.
- Cvetkovski, G. (2011). *Profesija privaten detektiv*. Skopje: Panili.
- Dempsey, J. D. (2011). *Introduction to private security*. Belmont: Wadsworth Cengage Learning.
- Dorevski, Z. (2004). *Obezbeduvanje: praktikum*. Skopje: Komora na Republika Makedonija za obezbeduvanje na lica i imot.
- Državen zavod za statistika. (2011). *Storiteli na krivični dela vo 2010: statistički pregled*. Skopje: Državen zavod za statistika.
- Fischer, R. J., Halibozek, E., & Green, G. (2008). *Introduction to security*. Burlington: Elsevier.
- Gerasimoski, S. (2011a). Relations between police and private security sector in Republic of Macedonia. In Ž. Nikač et al. (Eds.), *Proceedings of the Archibald Reiss Days International Scientific Conference* (vol. 2, pp. 795–803). Belgrade: Academy of Criminalistics and Police Studies.
- Gerasimoski, S. (2011b). The development of private security in Republic of Macedonia: Contradictions and possibilities. In C. Mojanoski (Ed.), *Proceedings of the International Scientific Conference Security in the Post-Conflict (Western) Balkans: Transition and Challenges Faced by the Republic of Macedonia, Ohrid, Skopje* (vol. 2, pp. 326–340). Skopje: Faculty of security.
- Holmqvist, C. (2005). *Private security companies: The case for regulation*. Stockholm: SIPRI International Peace Research Institute.

- Home Office. (2004). *Safer places: The planning system and crime prevention*. London: Home Office.
- Komora na Republika Makedonija za obezbeđivanje na lica i imot. (2011). *Preljed na podatoci za dejnosta obezbeđivanje lica i imot*. Presentation at the meeting "Denovi na privatno obezbeđivanje Zaedno sme sigurni, zaedno sme edno", Skopje.
- Komora na Republika Makedonija za obezbeđivanje na lica i imot. (2012). *Agencii za obezbeđivanje na lica i imot-členki na Komorata*. Retrieved from <http://www.obezbeđivanje.org.mk/KomoraContent.aspx?id=232>
- Krivokapič, V. (2002). *Prevenција kriminaliteta*. Beograd: Policijska akademija.
- Milosavljević, M. (2003). *Devijacije i društvo*. Beograd: Draganić.
- Ministerstvo za vnatrešni raboti na Republika Makedonija. (2012a). *Dviženje na kriminalot vo Republika Makedonija vo periodot 2001–2010 godina*. Skopje: Ministerstvo za vnatrešni raboti na Republika Makedonija.
- Ministerstvo za vnatrešni raboti na Republika Makedonija. (2012b). *Predlog Zakon za privatno obezbeđivanje*. Skopje: Ministerstvo za vnatrešni raboti na Republika Makedonija.
- Mustać, V. (2004). *Prevenција kriminaliteta u Europskoj Uniji*. Zagreb: MUP RH i OSCE.
- Ocquetau, F. (1993). Legitimation of the private security sector in France. *European Journal of Criminal Policy and Research*, 1(4), 108–122.
- Olschok, H. (2002). Private security in Germany and the cooperation with the police. *Wirtschaft und Politik*, (3), 11–14.
- Palmer, W. R., & Button, M. (2011). *Civilian private security services: Their role, oversight and contribution to crime prevention and community safety*. Vienna: Expert Group on Civilian Private Security Services.
- Petrevski, B., & Dimitrovska, A. (2011). Reforms of Restructuring the Private Security Subsystem in the Republic of Macedonia Within the Modern Concept of Security System. In C. Mojanoski (Ed.), *Proceedings of the International Scientific Conference Security in the Post-Conflict (Western) Balkans: Transition and Challenges Faced by the Republic of Macedonia, Ohrid, Skopje* (vol. 2, pp. 439–453). Skopje: Faculty of security.
- Prenzler, T., & Sarre, R. (2011). *Public-private crime prevention partnerships in Australia*. Sydney: ARC Centre of Excellence in Policing and Security.
- Savovski, G. (2011). *Analiza na sostojbite vo praksa*. Presentation at the meeting "Denovi na privatno obezbeđivanje Zaedno sme sigurni, zaedno sme edno", Skopje.
- Spaseski, J., Aslimoski, P., & Gerasimoski, S. (2008). *Privatna bezbednost*. Skopje-Ohrid: Policijska akademija i Fakultet za turizam i ugostitelstvo.
- Spaseski, J., Nikolovski, M., & Gerasimoski, S. (2010). *Bezbednosni sistemi: prilog kon učenjeto za nacionalnite bezbednosni sistemi*. Skopje: Fakultet za bezbednost.
- Stanarević, S., & Ejduš, F. (2009). *Pojmovnik bezbednosne kulture*. Beograd: Centar za civilno-vojne odnose.
- Steenkamp, D. G. (2002). *The role of private security in crime prevention* (Doctoral dissertation). Zululand: University of Zululand.
- Svendsen, L. Fr. H. (2010). *Filozofija na stravot*. Skopje: ViG Zenica.
- Wakefield, A. (2005). The public surveillance functions of private security. *Surveillance & Society*, 2(4), 529–545.

Whattam, S. (2011). Situational crime prevention: Modern society's trojan horse. *Internet Journal of Criminology*, 1–52.

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