

# PROGRESS IN POLICE COOPERATION

COUNTRIES IN SOUTHEASTERN EUROPE JOIN FORCES AGAINST ORGANIZED CRIME AND TERRORISM

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**W**hy is police cooperation important? Why should it make a difference in the Balkans? These questions, together with the issue of the political willingness of authorities to cooperate, can help build the legal foundation for police cooperation in Southeastern Europe.

Police cooperation, which takes in the issues of freedom, security and justice, constitutes one of the main aims of the European Union. As stated in Article 29 of the Treaty on European Union: “The aim of police and judicial cooperation in criminal matters is to ensure a high level of safety for EU citizens by promoting and strengthening speedy and efficient cooperation between police and judicial authorities ... its aim is to prevent and combat racism and xenophobia and also organized crime, in particular terrorism, trafficking in human beings, crimes against children, drug trafficking, arms trafficking, corruption and fraud.”

Police and judicial cooperation in criminal matters takes the form of cooperation between national police forces, customs services and judiciaries.<sup>1</sup> The structural emergence of European institutions and agencies and actual police cooperation among member states are based on international agreements rather than on the *acquis communautaire* — the legal framework of the EU. Those agreements include the Europol Convention,<sup>2</sup> the Schengen Agreements,<sup>3</sup> the Dublin Convention for determining the responsibility for examining an asylum

application,<sup>4</sup> the Prüm Treaty,<sup>5</sup> and other intergovernmental treaties for combating serious crime and terrorism. These types of treaties allow the exchange of operational data with relevant provisions on personal data protection, while the *acquis communautaire* mainly applies to financing the cooperation. In this article, police cooperation is defined as the international exchange of relevant operational intelligence to achieve police goals, especially related to combating transnational crime in all of its guises.

This international exchange of information is used by international police cooperation organizations such as Interpol and Europol. While collecting police information shared voluntarily by member states, those agencies analyze the data to provide finished intelligence.<sup>6</sup> Other forms of police cooperation are based on intergovernmental agreements between states. They include the office in Oradea at the Romanian-Hungarian border permanently staffed by representatives of Italy, Germany, Austria, Romania and France. Cooperation also comes in the form of regional organizations dealing with policing and customs, including the Regional Center for Combating Transborder Crime in Bucharest. The means for exchanging information include technical support, the use of databases, data analysis and threat assessments and personnel sharing, such as the use of liaison officers and multinational task forces.

The Balkans, known as the “Pulverfass Europas”<sup>7</sup> — or the Powder Keg of



Police from Bosnia and Herzegovina patrol the streets after a prison break in Ustikolina in 2009. The escape called forth police cooperation across the region.



A Romanian police officer guards the Parliament Palace in Bucharest during a NATO summit in 2008. Bucharest is the site of the Regional Center for Combating Transborder Crime, a multinational police cooperative.

Europe — is made up of overlapping regions.<sup>8</sup> So it is very difficult to use common definitions, because today there are more political arrangements than anyone could have foreseen 20 years ago. And defining which countries make up Southeastern Europe isn't always consistent, though the following countries are generally mentioned: Albania, Bulgaria, Bosnia and Herzegovina, Greece, Croatia, Former Yugoslav Republic of Macedonia, Montenegro, Moldova, Romania, Hungary, Slovenia, Serbia and Turkey.

### HISTORICAL BACKGROUND

The region presents several historical challenges that make police cooperation difficult. Historical friction points include past wars in the Balkans, growing pains in newly independent countries, potential points of crisis, and new challenges to security.<sup>9</sup> First are the ongoing frozen conflicts including those between Albania and Serbia over Kosovo, and Turkey and Greece over Cyprus, just to list a few.

Second, it will take at least a generation to overcome the issues related to four armed conflicts after the split of Yugoslavia. The relations between Slovenia, Bosnia and Herzegovina, Croatia and Serbia are slowly normalizing. The international community was strongly engaged through the Dayton Agreement,<sup>10</sup> the Royaumont Initiative,<sup>11</sup> the Southeast European Cooperative

Initiative,<sup>12</sup> the Stability Pact for South Eastern Europe,<sup>13</sup> and the Instrument for Pre-accession Assistance.<sup>14</sup> But such commitments did not totally succeed in building institutions and processes generally required in postwar societies. The presence of limited peacekeeping troops in Bosnia and Kosovo underlines the difficulty of regional cooperation. As the High Representative in Bosnia and Herzegovina used to say, "It is not a matter of failure, it is a matter of frustration" because it will take these societies at least a generation to recover from such issues as "the slow path of refugee returns to minority areas."<sup>15</sup>

Third, concerning potential points of crisis, the international presence in Bosnia and Herzegovina and Kosovo prevented the further outbreak of mass killings or ethnic cleansing. When the international community withdraws forces from these two areas, violence could flare again. Bosnia's problem is how to build a state containing two entities, three nations and three religions. Similar issues surround ethnic Albanians in the territories of Montenegro, Kosovo, Greece, Former Yugoslav Republic of Macedonia and Serbia.

Fourth, the problem of refugees in the region, as well as in the EU states, remains on the agenda of international meetings, affecting election strategies in developed countries, especially in these times of economic crisis. It is obvious that the economic situation in Greece will not bring more stability, but could be used to inflame resentments based on ethnicity or religion.

Finally, the most difficult issues are the new threats or challenges to security. The geo-strategic situation of the region highly influences the development of new security threats. Consider the region's three religions, six new states, tens of thousands of refugees, territorial disputes and political instability. The Balkan wars not only brought disturbance into the region, but also organized crime. Criminal organizations gained influence by controlling main trafficking routes for people, drugs and weapons. The armed conflict not only brought sorrow for the population and headaches for the politicians, but also left another legacy: state-supported smuggling, meant to avoid international sanctions, created illicit markets in oil, cigarettes, drugs and weapons.

Why is so much attention paid to the history of this region? Because it shows the obstacles that police encounter when they try to coordinate among countries. The historical background of the region is important for two more reasons. First, in the case of police cooperation, a legal base is necessary. If states do not recognize themselves as being states, it is hard to speak about common approaches. Second, criminal entities

with suspected links to political organizations are much harder for the police to investigate.

Another issue is the presence of NATO troops in Kosovo and Bosnia and Herzegovina. The complexity of police coordination is exemplified by the killing of Croatian journalist Ivo Pukanic with a bomb in Zagreb in 2008. Serbian criminals arranged the killing with the help of Montenegrin criminals paid for by Croats. The case was solved after public pressure forced cooperation among law enforcement authorities and led to an improvement in relations between Balkan states. This example shows that authorities are more likely to work together when criminals are not connected to political disputes.

### THE SOUTHEAST EUROPEAN COOPERATIVE INITIATIVE

In December 1996, former Ambassador Richard Schifter of the U.S. Delegation in Geneva got personally involved in the launch of the Southeast European Cooperative Initiative, or SECI. The “final points” of the Common EU–U.S. Understanding stated: “The purpose of SECI is to enhance regional stability through the development of economic and environmental cooperation throughout the region, in particular by involving the private sector in these activities.” The institutional development of the SECI in the following 10 years proved to be another attempt to develop economic and environmental issues in Southeastern Europe. Initially, the partner states were Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Greece, Hungary, Former Yugoslav Republic of Macedonia, Moldova, Romania, Slovenia and Turkey. The goals were ambitious, but the results, despite the diplomatic presentation, did not match initial expectations. The issues discussed were appointing a coordinator for the SECI, establishing the headquarters and searching for SECI financing.

An important and surprisingly well-developed SECI initiative was the creation of the Regional Centre for Combating Trans-border Crime.<sup>16</sup> The legal base for this center was the signing of the Agreement on Cooperation to Prevent and Combat Trans-Border Crime, on April 26, 1999. The main purpose of this initiative was for parties to “assist each other ... in preventing, investigating, prosecuting and repressing trans-border crime” (article 2.1. Scope of the Agreement). The two main fields of interest were police and customs cooperation, closely supported by and coordinated with Interpol and the World Customs Organization. These bodies foresee sharing and using information concerning trans-border crime for purposes of effective coordination. The informa-

tion could relate to persons, goods and transportation. However, it is important to mention that all coordination and cooperation respects the laws of the particular country on whose territory the investigation takes place.

The SECI Center is led by a director, a deputy director (operational director) and a head of legal affairs. They deal only with administrative issues, leaving important decisions to the Joint Cooperation Committee (“the highest decision making body”). This committee ensures the proper function of the center, takes necessary measures for cooperation and establishes new approaches for further development. The member states of the SECI Center are Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Greece, Hungary, Former Yugoslav Republic of Macedonia, Montenegro, Moldova, Serbia, Slovenia, Romania and Turkey. The director of the SECI Center is Gürbüz Bahadır of Turkey. Besides the member states, the SECI Center meetings are also attended by two permanent advisors, from Interpol and the WCO, as well observer countries and organizations. Observers include Austria, Azerbaijan, the Czech Republic, Georgia, Germany, Israel, Japan, Poland, Slovakia, Ukraine, the United Kingdom and the United Nations. Italy and the U.S. maintain permanent representation at the SECI Center.<sup>17</sup> Two representatives from each country (one police officer and one customs officer) work as liaison officers at the center.

Figures for 2001-2009 confirm that the SECI Center is the most important information exchange unit in Southeastern Europe. In 2001, there were only 315 exchanges of information; in 2005, there were 4,053; and in 2008, 9,196. In 2009, the information exchanges rose to 9,577. There is also a corresponding rise in joint investigations, from 4 in 2001 to 12 in 2005 and 39 in 2008. In this regard, one can observe a huge rate of success registered on an operational level by the participating authorities. One explanation could be an increase in trust between participating officers and background authorities and the supporting role of permanent representatives and observer countries (especially officers from Austria, Italy and Germany deployed to Bucharest). The increased need of countries in the region to improve instruments for combating organized crime, as a part of their serious commitment to join Euro-Atlantic structures, could also represent an important motivation. The SECI Center’s use of task forces represents its main success in international police cooperation. It has created eight task forces, each one coordinated by a member state with particular interest in one issue.

Romania was a common country of origin for human trafficking in the 1990s. The center followed up with a task force on Human Trafficking and Migrant Smuggling, proving that the issue wasn't just a diplomatic concern for the U.S. and the EU but also a concern for Romania. The best example of success is Operation Mirage. In three years, from 2002 to 2004, the operation had the participation of 12 countries, proving the power of engagement and coordination. The primary aims and objectives of the operation were the identification of victims of trafficking and apprehension of criminal traffickers. Officers gathered intelligence and targeted human trafficking organizations that recruit, transport and exploit women and children in the region and beyond. Law enforcement authorities (police and prosecutors) and related nongovernmental organizations from the following SECI member countries took part in the operation: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Former Yugoslav Republic of Macedonia, Greece, Hungary, Moldova, Romania, Serbia, Montenegro and Slovenia. Ukraine, the U.S. and the International Organization for Migration participated as SECI observers.<sup>18</sup> The results were outstanding.<sup>19</sup>

A more recent example is Operation Tara (2008-2009), a program targeting human traffickers that was represented by eight countries. The perfect coordination and confidentiality brought results during one action in March 2009 when seven people were arrested in Bosnia and Herzegovina. Another 46 were arrested in Croatia, and weapons seized included guns and hand grenades. Thirteen other suspects were picked up in Slovenia, and two in Austria. The second phase, in July 2009, led to further success: 12 were arrested in Bosnia, where the haul included 1,460 kilograms of cocaine. Another 14 were arrested in Serbia and 4 in Slovenia.

Aside from the human trafficking task force, others were created to deal with drug trafficking, fraud and smuggling, financial and computer crime, stolen vehicles, container security and environmental crimes.

Police cooperation may lead to tremendous success through the use of information exchange with a single point of contact. Agents from different countries come together and are ensured a certain degree of confidentiality. This includes cooperation with Europol, the European police agency. At a certain point, the missions of the SECI Center and Europol will overlap, at least when it comes to threat assessment and criminal analysis. This will raise questions of legitimacy for now-certain EU member states and SECI mem-

ber states (Greece, Bulgaria, Slovenia, Hungary and Romania) and possible EU member states (Croatia, Former Yugoslav Republic of Macedonia, Montenegro, Albania and, perhaps, Serbia and Bosnia and Herzegovina). Expanded EU membership will transform the SECI Center into an almost internal organ of the EU. The EU financed one project for developing a new legal framework to allow closer cooperation between Europol and the SECI. The new agreement was signed in Thessaloniki, Greece, on December 10, 2009, by all thirteen member states of the SECI Center at the 31st meeting of the Joint Cooperative Committee.

The Convention of the Southeast European Law Enforcement Center, or SELEC, is the pinnacle of police cooperation agreements. It deals with creating databases to keep track of police activity. It defines and updates issues related to personal data protection and creates a data protection officer and a joint supervision body. The aim of the convention is to establish operations that mutually benefit SELEC and Europol. This is also the reason the EU is beginning to finance the further development of SELEC. To come into force, the convention still has to be approved by each signatory partner acting in accordance with national laws.

## THE FUTURE OF POLICE COOPERATION IN SOUTHEAST EUROPE

It is not easy for some states to adjust to integration into the EU. The Europeanization process changes political and institutional realities. And these realities impact police cooperation, by building up a modern structure of policing, reforming intelligence collection and signing agreements with member states on the issues of combating serious crime, transborder crime and terrorism. Police training and career development are also affected. In the long term, border control among EU member states is abolished. The states of Southeastern Europe have to prove full commitment to the goals of the European Union. This process takes time, and the experts from the EU Commission offer the best expertise to help states achieve political stability, the first of the three Copenhagen Criteria for EU accession.

Police cooperation is not possible without a strong dedicated government to perform it. State building will continue for all of the nations, together or separate, with the added commitment to Europeanization. This is the way to build political support in these countries to develop reliable institutions for effective international police cooperation on issues such as organized crime. The Regional Center for Combating Trans-border Crime is one example of an operational support

center that achieves excellent results. It has been followed by others, in Central Asia for example, to combat drug trafficking that supports terrorism. It is obvious that in the future, the EU will get more involved in developing a platform — the SELEC — will allow a coordinated European way of police operations. The Europol involvement and the possible operational cooperation of the SELEC, with this European police force, will be an opportunity to use relevant experience as well. However, this will depend on the factor of time, which usually people do not have, but organizations such as the EU may. □

1. [http://europa.eu/scadplus/glossary/police\\_judicial\\_cooperation\\_en.htm](http://europa.eu/scadplus/glossary/police_judicial_cooperation_en.htm);
2. [http://europa.eu/legislation\\_summaries/justice\\_freedom\\_security/police\\_customs\\_cooperation/l14005b\\_en.htm](http://europa.eu/legislation_summaries/justice_freedom_security/police_customs_cooperation/l14005b_en.htm);
3. [http://europa.eu/scadplus/glossary/schengen\\_agreement\\_en.htm](http://europa.eu/scadplus/glossary/schengen_agreement_en.htm) ;
4. [http://ec.europa.eu/justice\\_home/fsj/asylum/criteria/fsj\\_asylum\\_criteria\\_en.htm](http://ec.europa.eu/justice_home/fsj/asylum/criteria/fsj_asylum_criteria_en.htm) ;
5. Treaty between Belgium, Spain, Netherlands, Germany, Luxemburg, Austria and France for the trans border cooperation, especially in the fields of combating terrorism, cross border crime and illegal migration, signed in Pruem, on May 27, 2005;
6. Nadia Garspacher, The roles of International Police Cooperation Organizations, Beyond Mandates, Toward Unintended Roles, European Journal of Crime, Criminal Law and Criminal Justice, Vol. 13/3, p. 413 – 434, 2005;
7. Busek Erhard, "Osterreich und der Balkan – Vom Umgang mit dem Pulverfass Europas", Molden Verlag, Wien, 1999;
8. "The Balkans are a region of overlapping regions" / Vladimir Gligorov, "Trade and Investment in the Balkans," Vienna, wiiw paper nr. 250, 1998, p. 2, cited by Wolfgang Petritsch and Christophe Solioz, Beyond Sovereignty: Integration and Connectivity, Nomos Verlagsgesellschaft, Baden - Baden, 2008;
9. Vukadinovic Radovan, "Southeastern Europe and European Security Architecture", Is Southeastern Europe doomed to instability? A regional perspective. Frank Cass Publishers, London 2002;
10. The General Framework Agreement for Peace in Bosnia and Herzegovina, also known as the Dayton Agreement, Dayton Accords, Paris Protocol or Dayton-Paris Agreement, is the peace agreement reached at Wright-Patterson Air Force Base near Dayton, Ohio in November 1995, and formally signed in Paris on December 14, 1995. These accords put an end to the three and a half year long war in Bosnia, one of the armed conflicts in the former Socialist Federative Republic of Yugoslavia. Some articles erroneously refer to the agreement as the Treaty of Dayton, [http://en.wikipedia.org/wiki/Dayton\\_Agreement](http://en.wikipedia.org/wiki/Dayton_Agreement), read on May 12 2010;
11. The European Initiative to ensure security in the South Eastern European region, as a strong European engagement for the building up of Bosnia and Herzegovina, as a part of the European effort to bring peace in the area. Launched in 1994, in Royamout, near Paris, before the signing of the Dayton Agreement. Later merged with the Stability Pact for SEE, as for the part of Democratization and Human rights. See also <http://www.core-hamburg.de/documents/jahrbuch/98/Ehrhart.pdf>, Ehrhart Hans Georg, "Praevention und regionale Sicherheit: der Prozess von Royamout und die Stabilisierung Sud –Ost Europas, read on May 12, 2010;
12. The SECI / South East European Cooperative Initiative represents the process of a common will of the signatory parts of the Dayton Agreement to cooperate together in order to create a safe and secure area in the Balkans, after the war in Bosnia Herzegovina, conceived by the US with full participation of the EU. Main area of interest were border crossing facilitation, infrastructure development, combating cross-border crime and corruption, energy and environment. See also, Busek, Erhard, 10 Years Southeast European Cooperative Initiative, Springer Verlag, Wien, 2006 p. 2;
13. The Stability Pact for South Eastern Europe was launched in 1999 as the first comprehensive conflict prevention strategy of the international community, aimed at strengthening the efforts of the countries of South Eastern Europe in fostering peace, democracy, respect for human rights and economic prosperity. The Stability Pact provided a framework to stimulate regional cooperation and expedite integration into European and Euro-Atlantic structures. The Pact's secretariat, located in Brussels, was organized into three units each dealing with an issue area- Working Table I focusing on democratisation and human rights, Working Table II focusing on economic reconstruction, cooperation and development matters and Working Table III with security issues – see <http://www.stabilitypact.org/> read on May 12, 2010
14. [http://europa.eu/legislation\\_summaries/enlargement/ongoing\\_enlargement/e50020\\_en.htm](http://europa.eu/legislation_summaries/enlargement/ongoing_enlargement/e50020_en.htm) - The Instrument for Pre-Accession Assistance (IPA)



is the Community's financial instrument for the pre-accession process for the period 2007-2013. Assistance is provided on the basis of the European Partnerships of the potential candidate countries and the Accession Partnerships of the candidate countries, which means the Western Balkan countries and Turkey. The IPA is intended as a flexible instrument and therefore provides assistance which depends on the progress made by the beneficiary countries and their needs as shown in the Commission's evaluations and annual strategy papers., read on May 12, 2010;

15. Press Conferences - Transcript of the farewell press conference by the High Representative, Carlos Westendorp, published on [http://www.ohr.int/print/?content\\_id=5823](http://www.ohr.int/print/?content_id=5823), read on May 13, 2010;

16. methods and techniques of processing passengers and cargo; the successful application of enforcement aids and techniques; enforcement actions that might be useful; new methods of committing offences. See SECI Agreement;

17. SECI CENTER - Annual Report 2008 – 10 years for the best examples of police and customs cooperation;

18. [http://www.secicenter.org/p172/Evaluation\\_Report\\_2003](http://www.secicenter.org/p172/Evaluation_Report_2003);

19. Operational results concerning victims of trafficking:

- 20,629 controlled places, such as night clubs, discotheques, restaurants, border crossing points and other places were checked all over the region, especially those related to which previous intelligence had been obtained.
- 11,170 identified persons; these persons were found in places such as the above mentioned, and they have been checked regarding their identity, the legal status in the respective country as well as the presence at the controlled places.
- 463 identified victims of trafficking; from the information received by the law enforcement authorities through international information exchange channels and domestic sources and as a result of the action on the ground during the operation (11,170 checked persons), 463 women were victims of trafficking.
- 2,175 cases in which administrative measures were applied (fees, interdictions, temporary imprisonment, expelling).
- 65 victims assisted by IOM and NGOs pursuant to their special request or agreement in this sense.
- 62 repatriated persons.

Operational results concerning traffickers:

- 595 traffickers identified - representing the number of persons identified as being involved in activities of trafficking in human beings as organizers, recruiters, transporters, hosts and pimps;
- 319 cases for which criminal procedures were undertaken – the police investigations were followed by 319 criminal procedures initiated during the operational period; the investigations continued in most of these cases even after the operation ended, with the purpose of identifying and charging all the accomplices and members of human trafficking organized criminal networks.
- 207 charged traffickers - from the total number of 595 traffickers identified, 207 were charged during or after the operational period, under the specific provisions of the respective national legislation. The main trafficking routes employed in the region as reported by the participating countries are the following:

1. Ukraine – Moldova – Romania – Serbia and Montenegro
2. Ukraine – Moldova – Romania – Bulgaria – Turkey – Greece
3. Serbia and Montenegro – Bosnia and Herzegovina – Croatia – Slovenia
4. Croatia – Slovenia – EU countries.

Excerpt from the report of Operation Mirage, [http://www.secicenter.org/p172/Evaluation\\_Report\\_2003](http://www.secicenter.org/p172/Evaluation_Report_2003).

Serbian Prime Minister Mirko Cvetkovic, right, and his Bulgarian counterpart, Boyko Borisov, meet in Belgrade in April 2010 to sign an agreement for a joint police and customs center, an example of police cooperation in Southeastern Europe.