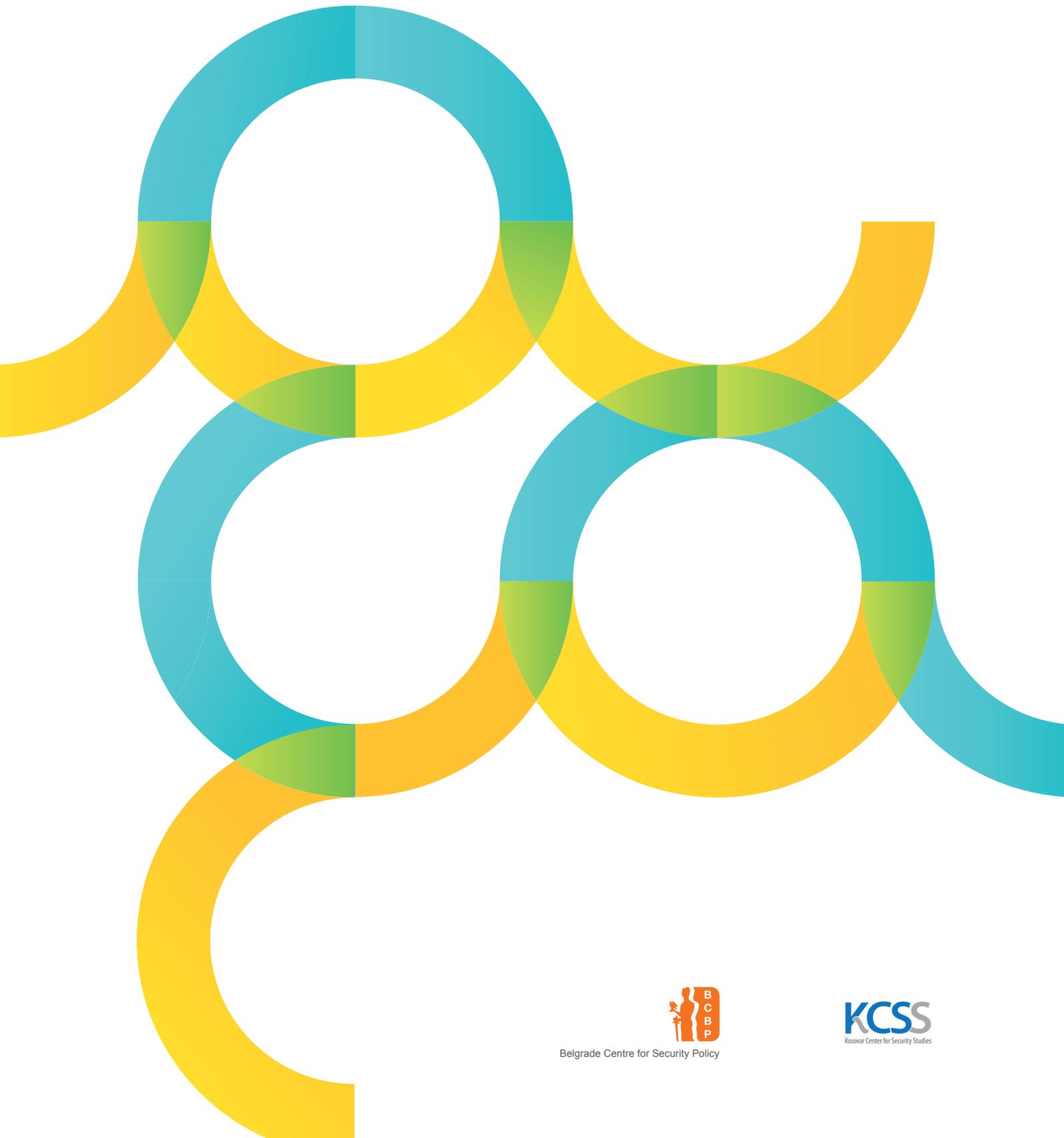


POLICE COOPERATION BETWEEN KOSOVO AND SERBIA



Belgrade Centre for Security Policy



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Police cooperation between Kosovo and Serbia

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INTRODUCTION

Both Kosovo and Serbia are situated in a region susceptible to various organized crime activities. According to the United Nations Office on Drugs and Crime (UNODC), the Balkan region is one of the main heroin trafficking corridors linking Afghanistan to the huge markets of Western Europe.¹ “The Balkan route traverses the Islamic Republic of Iran (often via Pakistan), Turkey, Greece and Bulgaria across South-East Europe to the Western European market, with an annual market value of some \$20 billion.”²³ Despite the large market value of the drugs passing through the Balkans, only 24 per cent of the 73.7 metric tons of heroin seized worldwide was intercepted in the region,⁴ while 39 per cent is seized in the Near- and Middle East and South-West Asia and 10 per cent Western and Central Europe respectively.⁵

According to UNODC, “organized criminal groups are becoming more transnational, multi-ethnic and poly-crime oriented, as they diversify into a variety of crimes involving licit and illicit commodities traded for profit”.⁶ Similarly, “[t]he transnational nature of organized crime means that criminal networks forge bonds across borders as well as overcome cultural and linguistic differences in the commission of their crime. Organized crime is not stagnant, but adapts as new crimes emerge and as relationships between criminal networks become both more flexible, and more sophisticated, with ever-greater reach

Categories of criminal activities according to UNDOC:

- Drug trafficking
- Firearms
- Fraudulent medicines
- Human trafficking and migrant smuggling
- Money-laundering
- Organized crime
- Piracy
- Terrorism prevention
- Wildlife and forest crime

around the globe.”⁷ This is particularly the case with Kosovo and Serbia. Regardless of the political disagreements and political and ethnic tensions between and within the two, organized criminal groups operating in and between Kosovo and Serbia know no ethnic or linguistic barriers and tend to adapt to the new circumstances created on the ground.

Kosovo and Serbia⁸ are not the only countries responsible for fighting organized criminal activities in the region; nonetheless, the absence of formal bilateral relations between the two makes them and the region more vulnerable to various criminal activities.⁹ A situation in which there are fundamental political disagreements between two states always means greater freedom for criminals to operate and provides them with more opportunities to do so.¹⁰ Political disagreements between Kosovo and Serbia mean substantial lapses in proper management and control of their mutual border, especially in the sensitive northern part of Kosovo. This opens the

1 The other main corridor is the northern route, linking Afghanistan to Western Europe via the Russian Federation.

2 This route represents a much larger share of the market than the northern route, with an estimated value of \$13 billion per year

3 UNDOC, “Drug trafficking “. Accessed on 16.04.2014. Available at: <http://www.unodc.org/unodc/en/drug-trafficking/index.html>

4 UNDOC, “Drug trafficking “. Accessed on 16.04.2014. Available at: <http://www.unodc.org/unodc/en/drug-trafficking/index.html>

5 The global increase in heroin seizures in 2006–2008 was mainly driven by continued burgeoning seizures in the Islamic Republic of Iran and Turkey.

6 Archive, UNODC. Accessed on 08.10.2014. http://archive-org.com/org/u/unodc.org/2013-12-03_3252578_7/Drug_Prevention_Treatment_and_Care/

7 UNDOC, “Organized Crime”. Accessed on 16.04.2014. Available at: <http://www.unodc.org/unodc/en/organized-crime/index.html>

8 Kosovo has signed and ratified international agreements on police cooperation with all of its neighbors except Serbia. The agreement on police cooperation with Albania was signed on 6 October 2009, with Macedonia on 3 October 2011 and with Montenegro 16 March 2014.

9 In March 2015 the Director of the Kosovo Police visited Belgrade, although he has been hosted in Belgrade as the Director of the Police of the Kosovo Province of Serbia.

10 High official at the Swiss Embassy in Prishtina. Interview on 25 April 2014, Prishtina.

door to widespread smuggling of migrants, who then find their way to Hungary and then Switzerland and elsewhere in Europe.¹¹ Thus, political disputes between Kosovo and Serbia have an indirect impact on the region's other states as well as those in the EU.

Moreover, the lack of joint and frequent border patrols between Kosovo and Serbia opens the door to massive tree felling in the forests, especially in the northern part of Kosovo. Should the current trend continue, the area might soon be deforested, causing collateral damage for both Kosovo and Serbia.¹² Also, despite the region's reputation for human smuggling, data from the Kosovo Police and Kosovo Customs for January–March 2014 show no criminal records regarding this criminal activity, including at its border crossing points with Serbia and the associated customs unit.

In light of these challenges stemming from the lack of bilateral relations between Kosovo and Serbia, this policy brief intends to shed some light on how police cooperation is conducted between the two. First, it both presents in general and deconstructs the institutional architecture in Kosovo that enables the current mode of cooperation. Second, it examines the mode of both formal and informal, and direct and indirect police cooperation between Kosovo and Serbia. Third, it outlines the existing challenges of the current institutional set-up and mode of cooperation in policing matters, followed by some recommendations. Before moving on, it is worth mentioning that this policy brief considers only matters of “bilateral” police cooperation, and thus does not concern its multilateral aspects. It also focuses solely on police cooperation, and not on other related matters regarding the judiciary, such as cooperation between both states' respective ministries of justice.

11 High official at the Swiss Embassy in Prishtina. Interview on 25 April 2014, Prishtina.

12 High official at EULEX dealing with MMA activities in the north. Interview, 1 May 2014, Prishtina

INSTITUTIONAL ARCHITECTURE

Kosovo's international police cooperation, including its cooperation with police authorities in Serbia, takes place directly and indirectly through various channels of formal and informal communication. This communication is facilitated through the engagement of a number of institutions and mechanisms. It is worth mentioning, however, that due to Kosovo's contested statehood and its lack of full international legitimacy, a number of international institutions, alongside various domestic institutions, make up the overall institutional architecture through which police cooperation between Kosovo and other states and international organizations, including Serbia, takes place.

INTERPOL is one of the most important international police organizations used by countries to facilitate their cooperation in fighting various criminal activities. All INTERPOL member states host a National Central Bureau (NCB) linking national police authorities with INTERPOL's global network.¹³ This serves as the contact point for INTERPOL activities in each member state, and contributes criminal databases and cooperates with the other NCBs on cross border investigations, operations and arrests.¹⁴ In other words, and as INTERPOL itself perceives them: “NCBs are the lifeblood of INTERPOL”.¹⁵ Unlike the other internationally recognized countries which are part of INTERPOL, Kosovo is unable to host an NCB. As a result, the INTERPOL NCB for Kosovo is hosted by UNMIK, which presents an institutional barrier to Kosovo's ability to

13 INTERPOL, “National Central Bureaus”. Accessed on: 02 May 2014. Available at: <http://www.interpol.int/About-INTERPOL/Structure-and-governance/National-Central-Bureaus>

14 INTERPOL, “National Central Bureaus”. Accessed on: 02 May 2014. Available at: <http://www.interpol.int/About-INTERPOL/Structure-and-governance/National-Central-Bureaus>

15 INTERPOL, “National Central Bureaus”. Accessed on: 02 May 2014. Available at: <http://www.interpol.int/About-INTERPOL/Structure-and-governance/National-Central-Bureaus>

communicate directly with other countries' NCBs, including Serbia.¹⁶

EUROPOL is another important EU "law enforcement agency" that assists its member states in their fight against serious international crime and terrorism.¹⁷ In recognizing the transnational nature of organized crime, EUROPOL has already established some initiatives with other non-EU countries and international organizations, including all other Western Balkan countries. As not all EU member states have recognized Kosovo, there is no direct cooperation and strategic agreement between EUROPOL and Kosovo. As a result, it is the EU's Rule of Law Mission in Kosovo (EULEX) that maintains direct communication and cooperation with EUROPOL, which, as is the case with UNMIK and INTERPOL, presents an institutional barrier to Kosovo's direct communication with other parties in EUROPOL.

Third, and in addition to its role in maintaining direct links with EUROPOL, EULEX addresses other existing gaps in matters of police cooperation between Kosovo and Serbia. For instance, EULEX signed a police cooperation protocol with Serbia's Ministry of Interior (MUP) on 11 September 2009.¹⁸ Additionally, EULEX has a Liaison Office in Belgrade hosting 3–4 political officers with the purpose of maintaining closer and direct contact with Belgrade and the EU Delegation in Belgrade.¹⁹ Thus, EULEX is an institutional mechanism that independently and on its own behalf cooperates with Serbia on policing, among other matters.

Fourth, on 03 March 2011 the Government of Kosovo decided to establish an International Law Enforcement Coordination Unit (ILECU)

within the General Directorate of the Kosovo Police.²⁰ ILECU is an EU initiated project with the general objective of creating "an effective international law enforcement cooperation mechanism among the Western Balkans beneficiary countries and to achieve an improved international law enforcement cooperation in the region".²¹ ILECU is designed to support the "exchange of information in international investigations and facilitate contacts on operational level".²² The ILECU²³ represents Kosovo's central point of contact for international police cooperation. This means that "all" information regarding police cooperation goes through the ILECU, including that from UNMIK's NCB, EULEX – albeit informally, police attachés of other partner countries present in Kosovo and any other entity.²⁴

Fifth, another agency within the Kosovo Police directly engaged in communicating, and to a certain extent cooperating, with Serbia's Border Police Department is the Kosovo Border Police department. This institutional mechanism for police cooperation between Kosovo and Serbia became functional very recently after the technical protocol for implementation of the IBM was agreed on 24 February 2013 during the 9th round of dia-

¹⁶ High official at the Kosovo Police. Interview on 17 April 2014, Prishtina

¹⁷ EURORPOL, "About Us". Accessed on: 02 May 2014. Available at: <https://www.europol.europa.eu/content/page/about-us>

¹⁸ B92, "MUP-EULEX protocol signed". Accessed on 04 May 2014. Available at: http://www.b92.net/eng/news/politics.php?yyyy=2009&mm=09&dd=11&nav_id=61706

¹⁹ High official at EULEX dealing with organized crime. Interview on 6 May 2014, Prishtina

²⁰ Republic of Kosovo [2011], "Memorandum of Understanding For coordination and support provided for International Law Enforcement Coordination Unit (ILECU)". Available at: <http://www.psh-ks.net/repository/docs/ILECU.pdf>

²¹ RCC, [2008], "Establishment of international law enforcement coordination units in Western Balkans launched in Vienna today". Available at: <http://www.rcc.int/press/59/establishment-of-international-law-enforcement-coordination-units-in-western-balkans-launched-in-vienna-today>

²² RCC, [2008], "Establishment of international law enforcement coordination units in Western Balkans launched in Vienna today". Available at: <http://www.rcc.int/press/59/establishment-of-international-law-enforcement-coordination-units-in-western-balkans-launched-in-vienna-today>

²³ In order to coordinate actions and increase the effectiveness of the Unit in Kosovo, a Memorandum of Understanding (MoU) was signed between the ministries of Internal Affairs, Justice and Finance and the State Prosecutor on 20 April 2014.

²⁴ High official at the Kosovo Police. Interview on 17 April 2014, Prishtina

logue between Kosovo and Serbia.²⁵ It is therefore evident that the institutional architecture for police cooperation with other countries, including Serbia, is more complex than can be found in other internationally recognized states. The presence of UNMIK and EULEX help to keep Kosovo on the radar of other countries' police authorities, but at the same time it also presents an institutional barrier for Kosovo's police authorities.

MODE OF COOPERATION

The entire institutional architecture discussed above is engaged in enabling police cooperation between Kosovo and Serbia. Some of these mechanisms are engaged directly and formally in communication with police authorities in Serbia, while others communicate indirectly and informally.

Cooperation at the central level

The first channel of communication between the police authorities of Kosovo and Serbia is the formal communication and cooperation which takes place indirectly through UNMIK's NCB. This channel of communication between the police authorities of Kosovo and Serbia is used to exchange information on criminal activities such as car theft, forged documents and the like.²⁶ Communication through this channel takes place at least on a daily basis and often several times a day.²⁷ UNMIK also plays an intermediary role between the police authorities of Kosovo and Serbia in legal and administrative matters such as the verification of certificates, the validity of official documents, arrest warrants and other civilian matters, in which NCBs are

not involved.²⁸ There are a total of 11 international staff members, 4 from UNMIK and 7 from EULEX (according to 2014 research data), who are engaged at UNMIK's NCB in order to facilitate police cooperation between Kosovo and other countries, including Serbia.²⁹ Another member of local staff is also involved with this office in UNMIK.

The second channel of communication is direct and informal communication and cooperation between the ILECU in Kosovo and Serbia. In most cases, such communication takes place via a direct phone line, and as with other ILECU in the region, Kosovo's ILECU is only a button push away from Serbia's.³⁰ There have been a number of cases in which such direct communication has benefited both Kosovo and Serbia in dealing with organized crime and other criminal activities on both sides of the border. For instance, when two citizens of Serbia suspected of involvement in a murder in Serbia found refuge in Kosovo, direct communication between the two ILECU enabled the return of the two suspects from Kosovo to Serbia in a jointly, but informally, coordinated operation. Serbia's ILECU contacted the ILECU in Kosovo directly, and information about the suspects was exchanged. The Kosovo Police opened an investigation, apprehended the suspects and put them in detention. In fact there was no arrest warrant for the suspects, but they were arrested on charges of possessing narcotics. Kosovo's ILECU informed the ILECU in Serbia that the suspects had been detained, and agreed on the time and place for the handover from Kosovo to Serbia. However, given the informality of this direct communication, the suspects could not be and were not officially handed over to the Serbian authorities, but were "released" at the agreed border crossing point. The Kosovo authorities, however, registered this as a "deportation" rather than a "handover", as there is no

25 European Union, Presse 9, "Press statement: EU facilitated dialogue – Agreement on Regional Cooperation and IBM technical protocol", February 24, 2012, http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/128138.pdf

26 High official at the Kosovo Police. Interview on 17 April 2014, Prishtina

27 High official at the Kosovo Police. Interview on 17 April 2014, Prishtina

28 High official at the Kosovo Police. Interview on 17 April 2014, Prishtina

29 High official at the Kosovo Police. Interview on 17 April 2014, Prishtina

30 High official at the Kosovo Police. Interview on 17 April 2014, Prishtina

official extradition agreement between the two states. Upon the “release”, Serbia’s Police authorities, who were waiting on the other side of the border, rearrested the suspects.³¹

Similarly, Serbia has also responded positively to requests from Kosovo regarding various suspects on the run in Serbia. In such cases, Serbia agrees to engage its police authorities unofficially in response to Kosovo’s requests, but Kosovo must file the request officially through UNMIK’s INTERPOL NCB.³² UNMIK Officials tend to ask many questions about Kosovo’s and Serbia’s mutual requests, but both parties generally respond promptly in order to persuade UNMIK’s NCB not to delay the case. The two ILECUs have a far better understanding of such cases and their urgency due to their prior communication when UNMIK’s NCB was not involved.³³

Another direct channel of communication in matters of police cooperation between Kosovo and Serbia is that between EULEX and Serbia’s MUP. One line of communication goes via EULEX’s Liaison Office in Belgrade, while the other is direct, between EULEX officials in Kosovo and Serbia’s MUP, apparently in accordance with the Police Cooperation Protocol signed in September 2009. The problem with this channel of communication is that it challenges Kosovo’s ability to understand the issues which are discussed by EULEX and Serbia’s MUP, since the former acts as an independent mission in Kosovo. This is particularly problematic because, contrary to former Head of Mission Yves de Kermabon’s statement that, “[a]ll information obtained [in contacts with Serbia] will be shared with the relevant Kosovo authorities to the benefit of the rule of law institutions,”³⁴ the Kosovo

Police authorities are aware that EULEX does not share all such information.³⁵

It appears that Kosovo Police officers usually have a role in gathering information for joint investigations and police operations. However, Kosovo Police officers are unaware of what EULEX does or with whom it shares the information gathered, especially if it is involved in joint cross-border operations with Serbia’s MUP.³⁶ As a high ranking Kosovo Police officer puts it: “they know what you know; you don’t know what they know.”³⁷ Regular monthly meetings between EULEX representatives and MUP representatives in Belgrade discuss issues related to the prevention of organized crime and other criminal activities.³⁸

Cooperation with border authorities

Another channel of communication and cooperation between Kosovo’s and Serbia’s police authorities is that between their respective Border Police departments. Regular weekly meetings take place at the local level between the border police authorities from each of the six border crossing points. In addition, regular monthly meetings take place at the regional level between Kosovo’s and Serbia’s regional police departments. All these meetings, facilitated by EULEX, are cooperative in nature, and authorities from both sides usually exchange a variety of information and discuss infrastructural issues and solutions to the various problems they encounter.³⁹ Prior to the signing of the IBM agreement in December 2012 and its associated implementation protocol, agreed in February 2013, no meetings took place be-

31 High official at the Kosovo Police. Interview on 17 April 2014, Prishtina

32 High official at the Kosovo Police. Interview on 17 April 2014, Prishtina

33 High official at the Kosovo Police. Interview on 17 April 2014, Prishtina

34 <http://www.eulex-kosovo.eu/en/pressreleases/0016.php>

35 High official at Kosovo’s northern police region. Interview on 17 April 2014, Prishtina

36 High official at Kosovo’s northern police region. Interview on 17 April 2014, Prishtina

37 High official at Kosovo’s northern police region. Interview on 17 April 2014, Prishtina

38 Alan Edwards, EULEX. Interview on 6 May 2014, Prishtina

39 High official at Kosovo Police’s IBM Division. Interview on 29 April 2014, Prishtina

tween the two sides' border authorities. Information was exchanged and contacts were made exclusively via EULEX.⁴⁰ At that time, when citizens of either party were arrested for illegal tree cutting, for example, it took a long time to exchange information between the two authorities.⁴¹ Such issues are now discussed either at border crossing points as problems occur or at regular weekly and monthly meetings.

Kosovo exercises regular joint border patrols with all neighbouring countries except Serbia,⁴² as Serbia is the only neighbouring state with which Kosovo has no border demarcation agreement. As such, KFOR has not transferred responsibility for patrol of the border with Serbia to the Kosovo Border Police, as it has for all other neighbouring countries.

CHALLENGES

Several challenges are brought up by the current institutional set-up and the ensuing mode of cooperation between police authorities of Kosovo and Serbia:

- The role of EULEX and UNMIK in mediating and facilitating communication and cooperation between police authorities in Kosovo and Serbia means that Kosovo does not own the information which is exchanged. EULEX and UNMIK decide which information is to be shared with the Kosovo Police, meaning that while the latter knows what information is released, they can never be sure what is being withheld. In this context, information exchange between these international institutions is under the ownership and at the discretion of EULEX and UNMIK representatives and the several dozen states they represent.

- There are cases in which EULEX executes operations in Kosovo jointly with Serbia according to an accompanying operational plan. In such cases Kosovo frequently has no authority to become involved, meaning that the Kosovo Police lacks the full control of international police cooperation and information which is necessary for the state to carry out investigations effectively.⁴³

RECOMMENDATIONS

- Kosovo and Serbia should reach and sign a police cooperation agreement with the overall aim of preventing, detecting and fighting crime in a number of areas. Police cooperation agreements between Kosovo and its neighbours and those between Serbia and its neighbours should be used as examples, while taking into account the specifics of both parties;
- Kosovo and Serbia should "formalize" the direct communication and cooperation which takes place through their ILECU. Thus, besides exchanging information, they could capitalize on this communication and organize joint operations directly, without necessarily going via UNMIK's NCB;
- Kosovo and Serbia must move beyond direct communication at the central level through their respective ILECU. They should exchange police attaches through the Liaison Offices in their respective capitals;
- Kosovo should sign more bilateral agreements on police cooperation with states that have recognized Kosovo in order to offset the problem of ownership and efficiency of information exchange. In addition to UNMIK's NCB, direct contact should be established with other states which are important to the fight against criminal activities which threaten both Kosovo and the other party to the agreement;

40 High official in Kosovo Police's IBM Division. Interview on 29 April 2014, Prishtina

41 High official in Kosovo Police's IBM Division. Interview on 29 April 2014, Prishtina

42 High official in Kosovo Police's IBM Division. Interview on 29 April 2014, Prishtina

43 High official at the Kosovo Police. Interview on 17 April 2014, Prishtina

- Taking into account the finalization of the process of integrating MUP structures into the Kosovo Police in accordance with the Brussels Agreement, Serbia should begin sharing information with Kosovo's ILECU on criminal activities in northern Kosovo. The information should be provided to the commander of the northern police region, who should use it to benefit the local population and their security;
- Increased efforts should be made and discussions with EU representatives should take place aimed at signing a strategic agreement with EUROPOL, as other Western Balkan states have done.

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ABOUT ORGANISATIONS

BELGRADE CENTRE FOR SECURITY POLICY (BCSP) **Serbia**

The Belgrade Centre for Security Policy (BCSP) is an independent think tank founded in 1997 to publicly advocate national and human security based on democracy and respect for human rights. The BCSP works towards consolidation of security sector reform (SSR) and security integration of Western Balkan states into the Euro-Atlantic community by creating an inclusive and knowledge-based security policy environment. It achieves these goals through research, public advocacy, education, bringing together relevant stakeholders and creation of networking opportunities.

KOSOVO CENTRE FOR SECURITY STUDIES (KCSS) **Kosovo**

The Kosovar Center for Security Studies (KCSS) is a non-governmental and non-profit think tank established in 2008 with the main aim of developing research studies in the security sector. KCSS conducts research and organizes conferences and seminars in the related fields of security policy, rule of law, justice, and monitoring of the security sector. KCSS activities contribute to strengthening the principles of democratic oversight of security institutions in the Republic of Kosovo.

ABOUT PROJECT

The Security Research Forum is a joint project of three independent think tanks from Belgrade (BCSP), Prishtina (KCSS) and Tirana (IDM) specialized in research of security issues. The Security Research Forum is meant to foster balanced debate among think-tank community, academia, public policy and media in order to provide research-based alternative solutions to ongoing challenges of cooperation among Serbia, Kosovo and Albania.

