
RESULTS OF REPRESSIVE RESPONSE TO CORRUPTION/ PERFORMANCE OF SPECIALIZED ANTICORRUPTION PROSECUTION DEPARTMENTS

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State response to corruption differs depending on historical context and institutional set up. While the prevention of corruption is often discussed topic, the repressive response to corruption is more rooted to the state sovereignty since it is linked with police and prosecution. International instruments recommend specialization of institutions in fight against corruption, however the specific modality is left to the states to decide. Over the last two decades Serbia is putting efforts to fight against corruption. New institutional framework was established, and new laws were adopted in line with the strategic framework. Fight against corruption is high on political agenda and is part of the European accession process. However, the track record in fight against corruption is still modest and since 2016 the new set of measures were adopted with the aim to improve investigation, prosecution and conviction of corruption. Author assessed Law on Organization and Jurisdiction of Government Authorities in Suppression of Organised Crime, Corruption and other Serious Offences, as well as results of work of newly established specialized departments for fight against corruption within the four higher prosecutor offices. Performance of public prosecution show that prosecutors' quality and efficiency of work did not improve significantly with establishment of new departments. Author provide overview of needed legislative changes in Serbia and point to the necessity for adequate resources for improvement of performance.

Key words: repressive measures, public prosecution, corruption, criminal procedure, specialized offices

INTRODUCTION

Corruption is an international problem that requires international solutions. The range of anti-corruption conventions and instruments in existence today are the manifestations of an international consensus that emerged in the early 1990s identifying corruption as an important problem needing to be addressed and in particular requiring internationally agreed solutions.

As corruption infiltrates the political, economic and social spheres of countries, the stability and security of individual countries and of the international community are

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threatened and there can be few prospects for development and prosperity. The range of anti-corruption conventions and instruments in existence today are the manifestations of an international consensus that emerged in the early 1990s identifying corruption as an important problem needing to be addressed and in particular requiring internationally agreed solutions.

The 2005 World Summit (A/RES/60/1) emphasized the need for solid democratic institutions responsive to the needs of people and the need to improve the efficiency, transparency, and accountability of domestic administration and public spending and the rule of law, to ensure full respect for human rights, including the right to development, and to eradicate corruption and build sound economic and social institutions (Matić Bošković, 2018).

Over time states took different measures and introduced mechanisms to prevent and fight corruption. Social environment in each country, as well as historical reasons influenced development of anti-corruption mechanisms and functions: investigation and prosecution, prevention, education and awareness raising, coordination and monitoring and research (Specialized anti-corruption institutions - Review of models, OECD, 2007). All these functions can be tasked to one or more specialised institutions, depending on existing institutional and legislative framework, prevalence of corruption and strategic goals.

Repressive measures usually include functions of investigation and prosecution performed by specialized structures within the police and the prosecution service. Depending of the structure of the national criminal justice system and functions entrusted to the prosecution service and police, the prosecution can perform investigation or lead investigation, while function of prosecution is very rarely assigned to police (Matić Bošković & Ilić, 2019, 104-143). The institutions that have repressive competences to fight corruption usually faced with several challenges, ranging from defining scope of criminal offences they are competent for, conflict of jurisdiction with other law enforcement agencies and cooperation and exchange of data with other relevant bodies.

One of the recognized European standards for the authorities specialized in the fight against corruption is independence. Independence is defined as a prerequisite for effective performance of the functions and free from any undue influence (Article 20 of the Criminal Law Convention on Corruption, Council of Europe, ETS 173, 1999). The public corruption includes involvement of public officials and very often is in the form of abuse of power. The high-level public officials exercise a lot of powers over their institution and system, so prosecution needs additional safeguard from undue political influence. Institutions in charge of investigation and prosecution of corruption normally require a higher level of independence than those in charge with preventive functions (Council of Europe, Anti-corruption Services – Good Practices in Europe, Council of Europe Publishing, Strasbourg, 2004: 17; United Nations Development Programme Institutional Arrangements to Combat Corruption: A Comparative Study, UNDP Regional Center in Bangkok, 2005: 5).

A number of factors determine the independence of an institution, such as legal basis, institutional placement, appointment and removal of the head of institution, selection

and recruitment of staff, budget and fiscal autonomy, accountability and transparency (Specialized Anticorruption Institutions – Review of Models, OECD, 2013: 23-37).

The degree of independence may vary in accordance with specific needs and conditions (Tonry, 2012). Experience shows that the structural and operative independence is indispensable, including a clearly defined legal framework and mandate granted to a specific authority, department or unit. Transparent procedures for the appointment and removal of head of institution, combined with adequate personnel policy and internal controls are indispensable elements for the prevention of undue interference with work.

All abovementioned European standards and good practices are relevant for Serbia and its efforts to fight against corruption. In Serbia there is a lack of strong and effective safeguards against official corruption, as assessed by several sources, including Freedom in the World 2020 (Freedom in the World Report 2020) and the Human Rights Practices Report 2019. Same is confirmed by the World Bank Worldwide Governance Indicator (WGI) Control of Corruption which captures perception of the extent to which public power is exercised for private gain, according to which control of corruption in Serbia decrease in period from 2008 to 2018.¹ To improve position in international ranking and situation in the country related to the fight against corruption, since 2015 Serbian authorities revised legislative and strategic framework with the aim to improve track record in fight against corruption including prosecution and conviction of high-level officials. The results of these actions will be assessed in the article.

1. REPRESIVE RESPONSE TO CORRUPTION

Prevention of corruption is often discussed topic, especially in the context of anti-corruption authorities, however repression of corruption is equally important having in mind that successful prosecution and conviction of perpetrators have twofold role - to punish perpetrators and prevent future committing of crimes through sending message that there is no impunity, especially in cases of high level corruption.

One of the approaches for successful investigation and prosecution of corruption is specialization. Several international instruments underline the need for specialization within prosecution offices,² while some instruments established legally binding standards for states to ensure anti-corruption specialization of law enforcement bodies (Article 36 of the United Nations Convention against Corruption and article 20 of the Council of Europe Criminal Law Convention).

Specific form in which this approach is implemented depends on the institutional set up in the country, especially position of judiciary and prosecution (Gutmann & Voigt,

¹ For more information <http://info.worldbank.org/governance/wgi/index.aspx#home> and <http://info.worldbank.org/governance/wgi/Home/Reports> accessed on 15.08.2020.

² Council of Europe Recommendation 19 (2000), para 8. *“In order to respond better to developing forms of criminality, in particular organized crime, specialization should be seen as a priority, in terms of the organization of public prosecutors, as well as in terms of training and in terms of careers”*. The Consultative Council of European Prosecutors in its Opinion 14 from 2019 *“encourages member States to take all necessary measures to ensure the impartiality, professionalism and specialisation of prosecutors and other stakeholders, as appropriate, when fighting corruption”*.

2017). Some countries will establish specialized bodies for investigation and prosecution of corruption, while other will established specialized units in the police for investigation and specialized prosecution offices. Many European countries combined within one institution investigation and prosecution of corruption, like Norwegian National Authority for Investigation and Prosecution of Economic and Environmental Crime,³ Belgium Central Office for Repression of Corruption,⁴ Spanish Specialized Prosecutor Office for Repression of Economic Offences Related Corruption,⁵ etc. Also, countries from the region were looking for similar models for successful fight against corruption during their EU accession process. Croatia established Office for Combating Corruption and Organized Crim⁶ and Romania National Anti-Corruption Directorate⁷

The issue of independence of repressive bodies requires special discussion since those bodies are traditionally hierarchically organized and highly centralized in decision making. Level of centralization depends on position of the prosecution within the separation of power. In countries where prosecution is part of the executive branch level of independence is lower, although there are usually guarantees of autonomy from executive in case handling (Matić Bošković & Ilić, 78). In countries where prosecution is part of the judiciary there is lower risk of undue interference in case handling from executive, however internal hierarchy could present risk for autonomous decision making. Powers of superior prosecutor to interfere in a particular case present typical risk for independence.

Having in mind specific task that specialized prosecution offices have, regulation of their position and independence requires careful consideration. The rules regulating specialized prosecution office should prevent abuse of hierarchical organization, interference in decision making in specific case or decision of opening, continuation or termination of investigation and prosecution.

Serbia took some steps to promote specialisation of law enforcement bodies in the fight against corruption (e.g. establishment of specialised anticorruption prosecution departments at central and regional levels, targeted training, etc.). These reforms were taken as part of Group of States against Corruption (GRECO) evaluation process. In 2008 the Republic Public Prosecution Office (RPPO) established a Department for Combating Corruption as a response to the recommendations provided in the GRECO

³ See: <https://www.okokrim.no/english.424311.no.html> ØKOKRIM was established in 1989, and is both a police specialist agency and a public prosecutors' office with national authority.

⁴ See: <https://www.police.be/5998/fr/a-propos/directions-centrales> Judicial and policing powers were transferred to the Central Office for the Repression of Corruption, which was established within the Federal Police. The latter works on corruption cases in cooperation with the 27 federal police offices.

⁵ See: <https://www.fiscal.es> A Specialised Prosecution Office for the Fight against Corruption and Organised Crime (FECCO) was created in 1995 within the General Public Prosecutor's Office, and its autonomy and capacity have been strengthened in the recent years.

⁶ See: <http://dorh.hr/default.aspx?sec=18#> Specialised prosecution services (i.e. Office for Combating Corruption and Organised Crime–USKOK) and the more recently established specialised police for the fight against corruption and organised crime (PNUSKOK) are now well equipped to carry out effective investigations.

⁷ See: <https://www.pna.ro/index.xhtml> The National Anti-Corruption Directorate (DNA), a specialised prosecution office, is tasked to investigate high-level corruption cases. The DNA has established a solid track record of non-partisan investigations into allegations of high-level corruption.

Joint First and Second Evaluation Round report.⁸ On March 26, 2010, the Appellate and Higher Prosecutions in Belgrade, Novi Sad, Kragujevac, and Nis were directed by virtue of mandatory instruction no A.br. 194/10 from the RPPO to establish departments for combating corruption and money laundering. Higher prosecutors were ordered to appoint one deputy to monitor all corruption and money laundering cases in their jurisdictions, and prosecution offices at every level were directed to immediately inform the office of the RPP when criminal reports of corruption and money laundering criminal offences are received, and any decisions made. The lower level prosecutions for corruption are to be reported by those prosecutors tasked with handling these types of cases to the Department for Combating Corruption within the office of the RPPO, where 3 staff members compile and disseminate relevant data within the Public Prosecution. In addition, in 2009 Law on Organization and Jurisdiction of Government Authorities in Suppression of Organized Crime (Article 1 of the Law on Organization and Jurisdiction of Government Authorities in Suppression of Organized Crime).⁹ was amended and jurisdiction of the Specialized Prosecutor Office for Organized Crime is increased and includes high level corruption (accused is public official) and severe corruption (determined by value of the crime).

The fight against corruption emerged as one of the most significant issues during 2004 enlargement of the EU and gained even more importance with the accession of Romania and Bulgaria in 2007. In order to prepare candidate countries for membership, the EU found it necessary to create new institutions and mechanisms to address corruption.

The EU adopts the Negotiating Framework to conduct accession negotiations with candidate country. Negotiating Framework defines a special procedure for Chapter 23 which includes also anti-corruption policy. The benchmarks for Chapter 23 refer in particular to legislative alignment with the *acquis* and to a satisfactory track record in the fight against corruption. In the area of repression policy, it is necessary to established efficient institutional set up for detection, prosecution and convictions of corruption acts, especially high level corruption cases and establishment of efficient system of seizure of assets.

However, according to statistical reports and EU Serbia 2016 Report there is some initial track record of investigation, prosecution and convictions in cases which are not considered high-level corruption. Serbia's track record of investigation, prosecution and convictions in cases which are not considered 'high-level' corruption has been sustained. The basic and higher prosecutor's offices and the specialist prosecution office for organised crime and corruption received 8,460 criminal charges of corruption-related offences during 2015. There were decisions to investigate 816 persons in 2015. Public prosecutor's offices

⁸ GRECO has in the first evaluation round between 2000 and 2002 focused on compliance with Guiding principles 3, 6 and 7. A review of the evaluations and recommendations is presented in E. Albin & M. Kubiciel (2004), *Institutions against Corruption: A Comparative Study of the National Anti-corruption Strategies reflected by GRECO's First Evaluation Round*. Public reports of the evaluation for all member states can be accessed at www.greco.coe.int

⁹ *Official Journal of the Republic of Serbia*, no 42/2002, 27/2003, 39/2003, 67/2003, 29/2004, 58/2004-Separate Law, 45/2005, 61/2005 and 72/2009, *see also* arts. 359- 369, 367 and 368 of the Criminal Code, The Law on Organized Crime also assigns jurisdiction to prosecute these offenses to the Prosecutor's Office for Organized Crime.

submitted indictments against 1,546 people (European Commission, Serbia 2016 Report, 58). These modest results as well as opening negotiation on Chapter 23 were trigger for revision of legislative and institutional framework.

2. LEGISLATIVE FRAMEWORK AND CHALLENGES

To address weaknesses in the Serbian system of financial investigations the Government of Serbia adopted Financial Investigation Strategy for period 2015-2016. Adoption of a mid-term strategy to improve financial investigations overall, means achieving one of the objectives anticipated in the National Anti-corruption Strategy for the period 2013-2018.¹⁰

The Financial Investigations Strategy foresees a proactive and continuous fight against systemic corruption, white-collar crime and financial crime, money laundering and the financing of terrorism which have a serious impact on the political and economic stability of the country, national security, democracy and the rule of law.

The Strategy aims to strengthen financial investigation through cooperation between the prosecution and the police. The Financial Investigation Strategy 2015-2016 envisages linking the police and prosecution through liaison officers, introducing financial forensic experts, continuous training, international cooperation and a number of other measures.

Implementation of the Financial Investigation Strategy was followed by the adoption of the new Law on Organization and Jurisdiction of Government Authorities in Suppression of Organised Crime, Corruption and other Serious Offences¹¹ in 2016. The Law entered into force in March 2018 since it required preparation of the institutions, especially prosecution and police. The new Law establishes competence of the special departments in four higher prosecutor offices (Belgrade, Kraljevo, Nis and Novi Sad) for investigations and prosecution of crimes against official duties, corruption, organized crime, terrorism, crimes against state institutions and judiciary and economic crimes.

Deputies acting in these special departments are not elected for these positions, but they were transferred by the decision of the prosecutor (Article 15, para 2 of the Law on Organization and Jurisdiction of Government Authorities in Suppression of Organized Crime). According to the Law on public prosecution, the consent of the deputies is required for the transfer which is limited to the one-year period (Article 63 of the Law on public prosecution).¹² This solution has a consequence that deputies could be returned to their initial prosecutor offices without any justification, which creates risk of undue influence, especially in sensitive cases. In addition, transfer of deputies cause distortion in human resource management. Position of deputies who were transferred remained *de facto* vacant, but no one could be elected on these positions since deputies

¹⁰ Objective 3.4.9 of the National Anti-corruption Strategy *Adopt a long-term strategy which in a comprehensive manner improves financial investigations.*

¹¹ *Official Journal*, no 96/2016, 87/2018.

¹² *Official Journal of the Republic of Serbia*, no 16/2008, 104/2009, 101/2010, 78/2011, 101/2011, 38/2012, 101/2013, 111/2014, 117/2014, 63/2016.

formally were still in their initial prosecutor offices.

Exclusion of the State Prosecutorial Council (SPC) from the process of the selection of candidates for special departments, is unusual since the SPC is body competent for appointment, promotion and dismissal of prosecutors and deputies (Matić Bošković, 2017). Furthermore, the SPC is competent to manage human resources and ensure equal distribution of workload across the prosecution system. Transfer of deputies cause a lot of challenges in equalisation of workload.

Short-term transfer of deputies for a one-year, present risk for autonomy of work of public prosecutors, especially for deputies who were transfer from basic to higher prosecutor office, which present some form of time limited promotion of deputies. Temporary transfer also prevents comprehensive specialization of deputies in specialized departments. There is no incentive for deputies to learn and gain necessary skills for investigation and fight against corruption since this specific area might not be their long-term engagement.

The specialized department is directly managed by head of department, appointed by the higher public prosecutor (Article 15, para 1 of the Law on public prosecution). The Law does not regulate competences of the head of department or organization of work in the department. Special Prosecutor for organized crime coordinates work of all four specialized departments. There is no provision in the Law on competences of the coordinator, except organization of monthly meetings with the head of departments (Article 15, para 6 of the Law on public prosecution).

In addition, the whole chapter of the Law is dedicated to the coordination of state bodies – establishment of contact points in each institution and establishment of task forces. The Law foresees the introduction of a new profession – forensics accountant whose role is to support prosecutors in conducting the financial investigative part of complex cases (Article 19 of the Law on public prosecution). Through their work the forensic accountants will contribute to the investigation of corruption-related cases (Matić Bošković & Kostić, 2019). Having in mind that prosecutors are lawyers by education they are lacking specialized knowledge in financial matters, so forensic accountants will conduct thorough forensic financial analysis of business and personal records and developing financial profiles of individuals or groups identified as participating in suspicious or illegal activity; participate in gathering evidence; support prosecutors on interviews of subjects and key witnesses; identify and trace funding sources and interrelated transactions; compile findings and conclusions into financial investigative reports; etc.

The professionals discussed competence of specialized departments and crimes that are in their jurisdiction. Crimes that are envisaged in the Law on prevention of corruption¹³ (failure to submit asset declaration or false reporting of assets) and the Law on financing of political activities¹⁴ (hiding data on sources of funding) are not listed among competence of the specialized departments, although the purpose of these laws is prevention of corruption and these are corruption related crimes.

¹³ *Official Journal*, no 35/2019, 88/2019.

¹⁴ *Official Journal*, no 43/2011, 123/2014, 88/2019.

Introduction of specialized anticorruption prosecution offices does not correspond to successful fight against corruption. Establishment of specialised anticorruption bodies is not sufficient for achievement of results. Existence of specialised bodies is effective only if these bodies have adequate competences/responsibilities, resources and if other anticorruption programs are in place like financial accountability, independence of judiciary and media, decentralisation, etc. (Johnson, 2016, Johnson, 2016). Successful models of specialized prosecution offices are USKOK in Croatia (Kuris) and DNA in Romania were adequately resourced and had sufficient level of independence in their work which prevented undue interference. However, both models showed that political will to fight corruption is the key element for success.

3. TRACK RECORD OF SPECIALIZED ANTICORRUPTION PROSECUTION DEPARTMENTS

The special departments of the higher prosecutor offices for fight against corruption were established on March 1, 2018. When it comes to the human resources, the specialized departments started their work with limited resources. On March 1, 2018 only 44 deputy prosecutors were engaged in the special departments, from which 30 were transferred by the decision of the Republic Public Prosecutor. In 2020 only two additional deputies were transferred (Non-paper on state of play regarding Chapters 23 and 24 for Serbia, June 2020). As a support to the work of deputies, 5 forensic accountants were planned, however only specialized departments in Belgrade had this specialist support during first year of law application. The key obstacle for the hiring of forensic accountants is provision from the Law on their status. According to the article 19 of the Law, forensic accountants have status of the civil servants, which limits their salaries, while at the market this specific type of experts have competitive salaries. Only few administrative staff were transferred from higher prosecutor offices to specialized departments. Most of the administrative staff were employed temporary, which is not proper approach having in mind their scope of work.

Although the establishment of the specialized departments were followed with high expectations, the available resources necessary for successful work were missing. The infrastructure resources were not adequate for the work of the specialized departments, limited number of rooms for hearings, limited number offices for administrative staff and deputies, which hampered work (RPPO Annual report, 2019).

The volume of work was higher than expected. The four specialized departments took over criminal complaints against 9,000 persons from general jurisdiction PPOs at the first day of the work (RPPO Annual report 2018). The highest number of cases were taken over by the specialized department in Belgrade (4,549), than in Novi Sad (1,642), Kraljevo (1,437) and Nis (1,420). The specialized departments received twice more cases at the beginning of their work than it was envisaged and only half of planned staff. During initial six months of their work more than 2,000 new criminal complaints were received. Such a high workload in the complex cases, like corruption cases is not feasible. Each prosecutor has on average 250 cases during first six months of their work,

while the Council of Europe median for a one year is 232 cases (CEPEJ, Efficiency and Quality of Justice, 2018). To cope with the workload the significant number of cases were discontinued by prosecutors, in addition to the high number of concluded plea bargaining (RPPO Annual report 2018 and 2019).

After initial high inflow of cases, in 2019, criminal complaints were filed against 3,577 individuals, from which indictments were filed against 583 individuals. The Courts convicted 399 individuals at first instance based on indictments by these special departments, while in 2018 there were 332 convictions. The main tool for court decisions was re court-accepted plea agreements (304 from 332 convictions) (Non-paper on state of play regarding Chapters 23 and 24 for Serbia, June 2020).

Only insight into specific crimes that were prosecuted and sanctions that was imposed can give us full understanding of the performance of specialized departments.

After all reforms of the corruption related crimes the highest number of cases of the specialized departments in 2018 were for an abuse of office (Article 359 of the Criminal Code) and abuse of position of responsible person (Article 227 of the Criminal Code). Specialized departments were received 3,683 criminal complaints for an abuse of office, from which they submitted 145 indictments and 63 criminal convictions were adopted. It is important to highlight that 84.13 percent convictions were adopted based on the plea bargaining. The trade of influence is still very rarely prosecuting (only 66 cases in 2018, two plea bargaining and eight indictments).

Although establishment of specialized departments increased number of criminal complaints and there is a track record in conviction of corruption cases, the European Commission assessed that Serbia needs to improve its results, increase technical expertise and data exchange between involved institutions. In addition, it is expected from Serbia to establish track record on the confiscation of assets gained through corruption (European Commission, Serbia Report, 2019: 19).

CONCLUSION

The legislative framework governing the organization and work of specialized departments need to be improved to ensure sustainability, specialization and autonomy of work of deputies. Transfer of deputies to specialized departments should be replaced by regular procedure of appointment by the State Prosecutorial Council to ensure equal treatment by all deputies in the system and standardize procedure for promotion. Also, appointment by the SPC will remove problem of transfer for only one year and enable better specialization of deputies.

Procedure of appointment of deputies is important for the autonomy of their work and prevention of undue influence. Autonomy of the prosecutors is important not only for internal purposes, but also for the external. For example, the Court of Justice of the EU in deciding on the European arrest warrant (EAW) application examined whether the member States public prosecution authority that is issuing EAW has sufficient level of

judicial protection in issuing warrant.¹⁵ The Court assessed independence of the German public prosecution based on statutory framework and an institutional framework and its capability to prevent external influences. Specifically, the Court examined whether the prosecution service in deciding on issuing of the arrest warrant is exposed to an instruction from the executive.

After two year of application of the Law and establishment of the specialized departments only two forensic accountants were employed which is not sufficient to support work of the deputies. Position of forensic accountants should be amended in the Law to enable their better position and competitive salary.

Statistical data published by the RPPO showed that there is no significant improvement in the track record. Number of criminal complaints increased in 2018 compared to previous years, however in 2019 is similar to period prior to establishment of specialized departments. Deputies in specialized department continued to prosecute mostly some crimes like abuse of office and abuse of official position, while other crimes were very investigated and prosecuted, like trade of influence. We can conclude that both, quality and quantity of the work remain similar after establishment of specialized departments. Most of the cases were finalized by signing plea agreement, which is good from the position of resource and time management, however this raise concerns among professionals and public.

Although it was expected, the measures did not contribute to the improvement of perception of corruption. According to the Transparency International Index, Serbia ranking was worsening in 2018 in comparison to 2017, while in 2019 remain at the same level as in 2018. One of the reasons might be lack of transparency of public prosecution. The public prosecution should improve their approach in communication with public, presentation of results of their work, commenting cases of public interest, in order to increase trust in their work.

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¹⁵ The CJEU in its judgment form 27 May 2019 in the *Case Minister for Justice and Equality v OG and PI* decided that public prosecution in Germany lacks guarantees of independence from executive and thus political interference and cannot issue European arrest warrant. Joined Cases C-508/18 and C-82/19 PPU *Case Minister for Justice and Equality v OG and PI* [2019] ECLI:EU:C:2019:456.

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REZULTATI REPRESIVNIH MERA U BORBI PROTIV KORUPCIJE/REZULTATI SPECIJALIZOVANIH ODELJENJA ZA BORBU PROTIV KORUPCIJE JAVNIH TUŽILAŠTAVA

Odgovor svake države u borbi protiv korupcije uslovljen je instorijskim kontekstom i institucionalnim okvirima. Iako se često govori o prevenciji korupcije, represivni odgovor na korupciju je ukorenjen u državnom suverenitetu, jer je povezan sa policijom i tužilaštvom. Međunarodnim pravnim instrumentima preporučuje se specijalizacija institucija u borbi protiv korucije. Međutim, izbor modalieta je prepušten državama. Poslednje dve decenije Republika Srbija ulaže napore u borbi protiv korupcije. Uspostavljen je novi institucionalni okvir i usvojeni su novi zakoni u skladu sa strateškim okvirom. Borba protiv korupcije visoko je pozicionirana na političkoj agendi i deo je evropskog procesa pridruživanja. Međutim, dosadašnji rezultati u borbi protiv korupcije i dalje su skromni, a od 2016. godine usvojene su nove mere u cilju unapređenja istrage, krivičnog gonjenja i osude za krivična dela korupcije. Autorka se u ovom radu bavi ocenom odredaba Zakona o organizaciji i nadležnosti državnih organa u suzbijanju organizovanog kriminala, korupcije i drugih teških krivičnih dela, kao i

ocenom rezultata rada novoosnovanih specijalizovanih odeljenja za borbu protiv korupcije u okviru četiri viša javna tužilaštva. Rezultati rada tih odeljenja pokazuju da kvalitet i efikasnost rada javnih tužilaca u suzbijanju korupcije nisu značajno unapređeni uspostavljanjem novih odeljenja. Autorka daje pregled relevantnih izmena zakona u Republici Srbiji i ukazuje na potrebu angažovanja adekvatnih resursa u cilju unapređenja učinka u oblasti gonjenja i donošenja presude za krivična dela korupcije.

Ključne reči: represivne mere, javno tužilaštvo, korupcija, krivični postupak, specijalizovana odeljenja