

**LAW ON POLICE**

*Adopted 14 November 2005*

# **POLICE LAW**

## **I. BASIC PROVISIONS**

Purview of the police

### **Article 1**

The police form a self-contained administrative unit of the Ministry of the Interior (hereinafter: ‘the Ministry’) for which a Directorate is established.

The police perform law-enforcement and other duties as provided by law, uphold the rule of law in democratic society and are responsible for preserving public order and safety in accordance with statutory provisions.

When acting in a law-enforcement capacity, the police shall safeguard the rights and freedoms of all. When acting to preserve safety and security, the police may only curtail certain rights and freedoms under the conditions and in the manner provided by the Constitution and law.

In addition to law-enforcement duties, the Ministry performs other functions as specified by law.

### *Law-enforcement measures*

#### **Article 2**

The police take measures under Ministry authority to maintain public safety.

The police take emergency measures as necessary to remove immediate threats to life and property when other competent authorities are unable to respond in a timely manner, and shall immediately inform the relevant authorities of such action.

The police assist government bodies and administrative authorities at the national, territorial and local levels, as well as individuals and legal entities, in the event of general emergencies arising from natural disasters, epidemics or other hazards.

In fulfilling duties pursuant to Paragraphs 2 and 3 of this Article, the police also participate in search-and-rescue and emergency first-aid activities, training officers and using regulation equipment for this purpose.

### *Police assistance in enforcing compliance*

#### **Article 3**

If reasonable grounds exist to expect obstruction or failure to comply with orders issued by government bodies or public authorities, the police shall provide assistance, upon written request, to ensure compliance.

*Law-enforcement officers*

**Article 4**

Law-enforcement functions shall be performed by law-enforcement officers.

The following are considered law-enforcement officers in the Ministry:

1. Uniformed and plainclothes officers who exercise law-enforcement powers (hereinafter ‘authorized officers’);
2. Personnel on special duty whose tasks pertain directly to police work, including: fire-fighting; issuing weapons; issuing permits and special registrations; issuing and entering confidential identification documents, criminal histories and other personal records; as well as other tasks of a confidential nature or relating to security, and whom the Interior Minister (hereinafter ‘the Minister’) has authorized to perform certain police tasks.

Officers specified in paragraph 2 of this Article are personnel engaged in duties which pose a threat to health and safety, or duties which involve great responsibility and difficulty, such that ability to work is substantially affected by the nature of the tasks and working conditions.

The Minister shall define the position of officers in the official document on internal organization of the Ministry and employee classification.

By law, officers are responsible for the fulfillment of their duties and any dereliction of the same.

*Information on police activities*

**Article 5**

The police shall objectively inform the public of their activities, without disclosing confidential information. In dealing with the media, the police shall act in accordance with law and professional guidelines issued by the Minister.

The police shall directly inform parties on matters within their jurisdiction when the outcome affects the interests of the parties.

Information pursuant to Paragraph 2 of this Article shall be issued by the head of the appropriate law-enforcement department or other person authorized by the Minister of the Interior.

Information defined in Paragraph 2 of this Article shall be withheld when such information is confidential or its disclosure would violate a party’s right to a fair trial or influence the outcome of other court proceedings.

*Police cooperation*

**Article 6**

The police cooperate with territorial and local governments to safeguard life and property.

The police cooperate with other bodies and institutions, non-governmental organizations, minority groups, and other organizations, groups and individuals in preventing, reporting and solving crimes and to achieve other security objectives.

The police shall engage in cooperation in accordance with the law and other regulations and pursuant to guidelines issued by the Minister.

*The Ministry*

**Article 7**

In order to provide for the work of the police, the Ministry:

- 1) sets guidelines for development, organization and staffing, and formulates a strategic plan for the police force;
- 2) prepares annual financial plans for police needs, monitors their implementation and oversees the financial activities of the police;
- 3) carries out internal review of the management of funds and government assets, in accordance with law;
- 4) acquires and maintains law-enforcement equipment, and establishes purchasing plans;
- 5) adopts and implements plans to develop computer systems;
- 6) adopts and implements plans to establish a radio and telecommunications system, as well as a secure encryption system;
- 7) directs and monitors the performance of police functions;
- 8) sets standards for equipment and law-enforcement tools;
- 9) determines the need for law-enforcement tools and acquires them;
- 10) fosters local cooperation and accountability;
- 11) organizes international cooperation;
- 12) carries out education and research as related to police and security matters;
- 13) oversees internal affairs, with regard for public opinion of the Ministry;
- 14) prevents torture and inhuman or degrading treatment, and monitors treatment of persons in custody;
- 15) cooperates with bodies and institutions authorized to monitor the police; and
- 16) provides health protection in accordance with law
- 17) performs other activities in accordance with law.

The Ministry shall establish administrative Divisions, led by duly appointed assistants to the Minister, to discharge the tasks under paragraph 1 of this Article.

The Ministry shall ensure that the police remain operationally independent from other authorities in the fulfillment of all duties.

The Ministry shall provide for other basic requirements of law enforcement, and shall particularly strive to increase confidence in the police as a public service, to promote professionalism in police work and to prevent and combat police corruption.

*The Minister*

**Article 8**

The Minister may require reports, data and other documents pertaining to police activities. The police representative shall provide the Minister, both routinely and upon request, with reports on police activities and all issues in their purview.

The Minister issues guidelines and binding instructions for police work, with full regard for the operational independence of the police. The Minister may order the police to perform tasks which come under Ministry authority, and to report to the Minister on the outcome.

The Minister is the competent authority for the police tasks defined in Paragraph 2 of this Article until the public prosecutor is notified of the criminal offense at issue and assumes direction of police activities in pre-trial proceedings.

*Report to the National Assembly*

**Article 9**

The Minister reports to the National Assembly on the work of the Ministry and security conditions in the Republic of Serbia. The Minister shall submit such a report once per year; more frequently if requested by the National Assembly or necessitated by circumstances. The Minister also reports on matters, whenever so requested, to the Security Committee of the National Assembly.

**II. LAW-ENFORCEMENT DUTIES**

*Concept and types of police work*

**Article 10**

Police work in terms of this Act includes:

- 1) protecting the life, rights, freedoms and integrity of citizens, and upholding the rule of law;
- 2) protecting property;
- 3) preventing, detecting and solving misdemeanors, felonies and other violations (hereinafter ‘criminal offenses’), fighting organized crime and other crimes;
- 4) finding and apprehending perpetrators of criminal offenses, as well as other persons wanted by the authorities, and bringing them before the proper authorities;
- 5) maintaining public order, assisting in emergencies, and providing other forms of protective assistance to those in need;
- 6) regulating, monitoring and assisting road traffic;
- 7) providing security for certain public gatherings, individuals, government bodies, buildings and facilities;

- 8) monitoring and guarding national borders, controlling border crossings, enforcing border regulations and resolving border incidents and other violations of national boundaries;
- 9) performing activities defined by regulations on foreign nationals, and
- 10) performing other tasks as established by law and by-laws deriving from the law.

The Minister shall prescribe the manner of performing police functions and shall provide guidelines and binding instructions for their performance. Regulations must be in accordance with law, and guidelines and binding instructions must conform to regulations.

*How and why law-enforcement functions are to be performed*

**Article 11**

Law-enforcement functions shall be performed so as to protect the safety, rights and freedoms of all, to enforce the law and uphold the rule of law.

Law-enforcement functions shall be performed according to the principles of professionalism, cooperation, legality and proportionality in the use of police powers and force, as well as on the principle of subsidiarity, working to achieve the least harm.

In performing police functions, only such means of enforcement may be used as are contemplated by law and to obtain the most professional results without undue harm or delay.

*Domestic and international standards of police procedures*

**Article 12**

In the fulfillment of their duties, the police shall observe national standards of law-enforcement procedure, requirements pursuant to law and other regulations and official documents of the Republic of Serbia, and international treaties and conventions to which the Republic of Serbia is a signatory.

In the fulfillment of their duties pursuant to Paragraph 1 of this Article, the police shall observe international standards of police conduct, especially the responsibility to serve the public; to follow the law and combat unlawful activities; to actively respect human rights; to proceed without discrimination in the performance of police functions; to practice restraint in the means of enforcement; to prohibit torture and inhuman or degrading treatment; to aid and assist victims; to safeguard confidential information; to disobey unlawful orders, and to resist bribery and corruption.

The police shall strive to achieve the highest standards pursuant to Paragraphs 1 and 2 of this Article.

The police shall ensure that the conduct of law-enforcement officers does not violate or fall short of European standards of police procedure.

The Police shall have a Code of Ethics, which will be submitted to the Government for approval.

*Duties of law-enforcement officers*

**Article 13**

Law-enforcement officers shall at all times act as necessary to protect life and the safety of persons and property.

In the performance of their duties, law-enforcement officers shall serve the community and protect all persons from unlawful actions, act always in a professional, responsible and humane manner, and respect the human dignity, reputation and honor of all persons, as well as their other rights and freedoms.

Law-enforcement officers shall make known to their immediate superiors, in writing, all information obtained in the course of performing police functions or using police powers, or received by other means.

*Preparing for states of emergency or war*

**Article 14**

In accordance with their purview the police shall prepare for the continued performance of their lawful duties during states of emergency or war.

During a state of emergency or war the police shall adapt their working organization, techniques and methods to the changed circumstances, in accordance with law and any other regulations which are adopted to end the state of emergency or war.

The police shall plan for the continued use of law-enforcement tools and equipment, infrastructure, terrain or facilities during a state of emergency or war.

In order to perform necessary police tasks during a state of emergency or war, the police may deploy assets and equipment which have been requisitioned.

The police shall coordinate preparations and tasks in the event of war with the ministry in charge of defense.

*Special measures to ensure public order*

**Article 15**

If the Government of the Republic of Serbia (hereinafter 'the Government') determines that it is otherwise impossible to maintain public order or to protect human health and safety, it may instruct the Minister of the Interior to issue an order:

- 1) restricting or prohibiting movement in certain facilities, in certain areas or in public places;
- 2) prohibiting residence in a certain area or departure from a certain area;
- 3) requiring evacuation of a certain area or facility.

Measures defined in Paragraph 1 of this Article must be of set duration, and may remain in effect until their causes cease.

*Procedure in enforcing compliance*

**Article 16**

The police render assistance pursuant to Article 3 of this Law upon written request of the relevant authority. The request for assistance shall be submitted to the appropriate law-enforcement unit at least three days before the date set for execution of the order. The request for assistance must contain grounds for requesting police assistance; a copy of the order to be enforced, with a finding of enforceability, must be attached.

In emergencies the request pursuant to Paragraph 1 of this Article may be submitted verbally, provided that the written request is submitted within 48 hours.

The Station Commander or other head of the law-enforcement unit determines police involvement and the scope and manner of the assistance to be rendered in executing the order, and shall inform the requesting party in a timely manner.

Before execution of the order, the police shall warn the parties or other persons present that enforcement measures will be used against them if they obstruct execution of the order.

*Cooperation with territorial and local governments*

**Article 17**

Pursuant to Article 6, the assembly or executive body of territorial and local governments:

- 1) reviews the security situation in the province, town or municipality;
- 2) establishes priorities for the safety of persons and property in the province, town or municipality, and submits proposals in this regard to the head of the relevant law-enforcement unit.

The head of the relevant law-enforcement unit, in cooperation with the authorities at Paragraph 1 of this Article, provides information on the security situation within the jurisdiction and the extent to which national minorities and ethnic, cultural and religious groups are represented in working with law-enforcement.

When making decisions, the head of the relevant law-enforcement unit shall consider the security priorities which have been set pursuant to paragraph 1 of this Article.

*Facilitating law-enforcement*

**Article 18**

Bodies specified in Article 17 and other non-governmental entities and corporate entities may participate, through the relevant unit of the Ministry, in facilitating law-enforcement and in carrying out programs relating to the safety of persons and property in a particular area, in accordance with law.



*International cooperation and engagement*

**Article 19**

The Ministry cooperates internationally through its Ministers and appointed representatives, and organizes such cooperation for the needs of the police.

The police cooperate at the operational level with foreign and international law-enforcement in accordance with international agreements and the principle of reciprocity.

In cooperating pursuant to Paragraph 2 of this Article, the police may exchange data and information; take joint measures against terrorism, organized crime, illegal migration and other forms of international crime and border violations; and perform certain police functions abroad in cooperation with law-enforcement agencies of other nations, as established by law.

At the request of international organizations, or in accordance with international treaties of which the Republic of Serbia, or Serbia and Montenegro, is a member or signatory, the police may take part in law-enforcement activities or other peacetime tasks abroad.

The use of the police to perform tasks pursuant to Paragraph 4 of this Article shall be decided by the Government of the Republic of Serbia on recommendation of the Minister.

**III. ORGANIZATION OF THE POLICE**

*The Directorate of Police*

**Article 20**

The Directorate encompasses organizational units in headquarters, the City of Belgrade Police Department, regional law-enforcement departments (hereinafter: ‘regional departments’) and police stations.

Divisions are established within Directorate headquarters; departments and municipal precincts are established within the City of Belgrade Police; departments are established within regional police department headquarters, with local precincts outside headquarters.

The following is the chain of responsibility and command for the administration and work of law-enforcement units:

- 1) heads of Divisions for Directory headquarters, the Commissioner of the City of Belgrade Police, and regional department heads are responsible to the Director General of Police;
- 2) heads of departments for the City of Belgrade Police, and Commanders of municipal police precincts are responsible to the Commissioner of the City of Belgrade Police;
- 3) department chiefs at headquarters, and Station Commanders in local precincts are responsible to regional police department heads.

Units at headquarters shall be structured to complement the organization and work of units at the regional and station level without duplication, or to be responsible for duties throughout an entire area for which the Ministry is responsible.

The Directorate of Police is led by the Director General.

Units at regional headquarters, and regional departments, are led by regional heads; police stations are led by Commanders.

Special law-enforcement units may be engaged for security tasks only with prior approval by the Minister.

**A recommendation to engage special units must contain a plan and assessment.**

*Tasks of the Directorate and appointment and dismissal of the Director General of Police*

#### **Article 21**

Within the territory of the Republic, the Directorate shall:

- 1) monitor and analyze the security situation, especially factors which foster criminal activity;
- 2) organize, coordinate, direct and oversee regional police departments;
- 3) participate directly with regional police departments in tasks of greater complexity;
- 4) ensure implementation of international agreements on law-enforcement cooperation and other relevant matters;
- 5) organize and carry out forensic investigations;
- 6) create conditions for maintaining and improving law-enforcement capability and readiness to respond in emergencies,
- 7) contribute to educational activities regarding police and security matters.

Tasks pursuant to Paragraph 1 of this Article are performed by organizational units in headquarters, in accordance with their purview as established in Article 4, Paragraph 4.

The Director General of Police is appointed by the Government for a term of five years on recommendation of the Minister, following a call for applications and in accordance with Ministry fair-hiring practices.

The Director General of Police must satisfy the general requirements provided by law for government employment, and the special requirements for police employment pursuant to Article 110, Paragraph 1, Points 2)-6); have a university degree; have 15 years minimum of effective work experience in law-enforcement; and meet the special requirements for the position of Director General. When several candidates are eligible, preference shall be given to the candidate demonstrating the best professional results in the discharge of police duties.

*Establishment of regional police departments and police stations*

**Article 22**

The Government shall issue a decree stating the principles of internal organization of the Ministry and establishing police departments, police stations and their territorial jurisdictions and headquarters.

*Internal coordination units*

**Article 23**

To enable the police to function in the specific conditions of certain areas, the decree pursuant to Article 22 may also establish internal units for coordinating the activities of police departments and police stations in such areas. The decree shall determine the jurisdiction and headquarters of such units.

The purview and organization of internal coordination units pursuant to Paragraph 1 of this Article shall be determined by the Minister.

The Interior Minister, in consultation with the Director General of Police, appoints and dismisses the head officer of internal coordination units pursuant to Paragraphs 1 and 2 of this Article.

*Regional police department*

**Article 24**

The tasks of a regional police department are to:

- 1) directly perform law-enforcement and other tasks within its jurisdiction, and establish local cooperation;
- 2) monitor and analyze the security situation in its jurisdiction; coordinate, direct and review the activities of police stations; and facilitate local cooperation and accountability;
- 3) participate as needed in tasks pertaining to police stations;
- 4) safeguard particular individuals and facilities;
- 5) perform duties as provided by other official documents and regulations.

The Minister, in consultation with the Director General of Police, appoints and dismisses regional police chiefs.

*Police stations*

**Article 25**

The tasks of a police station are to directly perform police and other functions, and to cooperate locally within its regional department.

The Director General of Police, under authorization from the Minister and in consultation with regional police chiefs, appoints and dismisses station commanders.

*Assuming command*

**Article 26**

The Directorate of Police may assume command from a regional police department, and the regional police department may assume command from a police station, in order to accomplish certain tasks directly, upon deeming such action necessary.

The Director General of Police may form temporary task groups to accomplish certain duties, and shall establish the scope, authority and working methods of any such groups.

*Police vehicles, vessels, weapons and equipment*

**Article 27**

To perform tasks as specified by law, the police shall use vehicles, vessels, weapons and special equipment.

The color and markings of police vehicles, vessels and weapons shall be determined by the Government.

*Police facilities*

**Article 28**

At the recommendation of the Director General of Police, the Minister shall establish facilities and adjacent properties of special importance for law-enforcement purposes, and shall prescribe the measures necessary to secure them.

Developed or undeveloped plots of land pertaining to a police facility and of special importance for law-enforcement purposes shall constitute adjacent properties as defined by Paragraph 1 of this Article.

*Special measures for protection of police personnel, resources and equipment*

**Article 29**

The police shall take special measures to safeguard personnel, resources and equipment.

The Minister shall, at the recommendation of the Director General of Police, prescribe the measures to be taken pursuant to Paragraph 1 of this Article.

## IV. POLICE POWERS

### 1. Types of law-enforcement powers, principles and general conditions for use

#### *Types of police powers*

#### **Article 30**

In the performance of their duties, law-enforcement officers shall have police powers as defined by this Law and other statutes.

Police powers set forth by this Law are:

- 1) warnings and orders;
- 2) checking and establishing the identity of persons and objects;
- 3) summons;
- 4) transporting;
- 5) detention and temporarily restricting freedom of movement;
- 6) requesting information;
- 7) temporary seizure of objects;
- 8) search of premises and facilities, inspection of documents, and anti-terrorist search;
- 9) stopping and searching persons, objects and vehicles;
- 10) securing and searching crime scenes;
- 11) requisitioning vehicles and communications equipment;
- 12) receiving reports of offenses;
- 13) issuing rewards;
- 14) audio and video recording and photographing in public places;
- 15) polygraph testing;
- 16) police surveillance;
- 17) searching for persons and objects;
- 18) protection of victims and other persons;
- 19) collecting, processing and using personal data;
- 20) targeted search measures;
- 21) use of enforcement measures.

#### *Requirements for exercising police powers*

#### **Article 31**

Police powers shall be exercised by authorized law-enforcement officers, in accordance with Article 4, Paragraph 4.

Before exercising police powers, the authorized officers shall determine that all conditions have been fulfilled as provided by law, and shall be held accountable for this determination.

Authorized law-enforcement officers exercise police powers on officer initiative, on orders from a superior, or as instructed by a competent authority in accordance with other laws and regulations.

When a superior is present, police powers shall be exercised only on superior orders, unless there is no time to await such orders and action must be taken on officer initiative without delay.

In exercising police powers, authorized law-enforcement officers shall proceed in accordance with law and other regulations, and shall respect the standards set out in the European Convention for the Protection of Human Rights and Fundamental Freedoms, the Basic UN Principles on the Use of Force and Firearms by Law-Enforcement Officials, the European Code of Police Ethics and other official international documents relating to the police.

A person subject to police powers has the right, whenever possible and provided it shall not jeopardize the law-enforcement action, to be duly informed of the grounds for the exercise of such powers; to be allowed to explain circumstances the person considers relevant; to be informed of the identity of the police officer (who shall show identification) and to request the presence of a trusted third party.

*Official badge, identification, uniform and insignia*

**Article 32**

To enable the performance of police duties, the Ministry shall issue an official badge and official ID card to authorized officers, and shall issue an official ID card to law-enforcement personnel as specified in Article 4, Paragraph 2, Point 2).

Uniformed authorized police officers shall wear uniforms with insignia when maintaining public order, directing traffic, securing and patrolling national borders or performing other duties defined by regulations governing police activity.

Police officers may also perform tasks defined in Paragraph 2 of this Article without the uniform on orders from a superior.

Police uniforms may be worn, in regulation manner, by retired police officers at state occasions and functions, professional and ex-servicemen's conventions, as well as at funerals of active or retired police personnel.

*Official firearms and means of enforcement*

**Article 33**

Authorized officers have the right and duty to carry official firearms and ammunition, and police personnel specified in Article 4, Paragraph 2, Point 2) may carry firearms if so indicated on their official identity cards.

Firearms and ammunition, as well as other means of enforcement, shall be used by police officers under the conditions established by this Law.

*Identifying prior to use of powers*

**Article 34**

Authorized officers shall identify themselves, before exercising police powers, by showing their official badge and identity card to persons subject to such powers.

In exceptional cases, police officers shall not identify themselves pursuant to Paragraph 1 of this Article if doing so in a particular case would tend to jeopardize the achievement of a lawful aim. In such cases police officers shall issue a warning of their official capacity by using the word "Police".

Upon cessation of the exceptional circumstances defined in Paragraph 2 of this Article, the police officers shall identify themselves pursuant to Paragraph 1 of this Article.

*Impartiality, non-discrimination, humane treatment, respect for human rights and facilitating medical assistance*

#### **Article 35**

In exercising police powers, authorized officers shall act impartially, extending the same protection under the law to all, without bias or discrimination on any grounds.

In exercising police powers, authorized officers shall proceed humanely and with respect for the dignity, honor and good name of all, and other fundamental human rights and freedoms, favoring the rights of the endangered person over those of the person violating such rights, and mindful of the rights of third parties.

In exercising police powers, authorized officers shall enable access to licensed medical attention when a person subject to such powers requests it.

*Principle of proportionality*

#### **Article 36**

Police powers shall be applied in proportion to the need.

The application of police powers shall not cause greater harm than would have occurred had such powers not been applied.

Among a number of police powers, the one able to achieve the aim with the least harm and delay shall be chosen.

Enforcement measures shall be applied gradually, from less to more severe, and always with the least possible force.

*Use of powers against military personnel*

#### **Article 37**

Authorized officers may apply the powers defined by this Law against military personnel, unless separate regulations stipulate that such powers be applied differently or not at all.

Authorized police officers shall immediately notify military police of any action pursuant to Paragraph 1 of this Article.

*Use of powers against juveniles and young adults*

**Article 38**

Authorized officers who have undergone appropriate special training may apply police powers against juveniles, young adults and minors.

In exceptional cases, other authorized officers may apply police powers against such minors if specially trained officers are unable to act.

Police powers against a minor shall be applied in the presence of the parent or guardian or, if these are unavailable, in the presence of a representative from social services who is neither a member of the police nor involved in the case, excepting special circumstances or urgent need.

Representatives from social services may be present, if possible, in cases where parental presence is detrimental to the minor; in cases of domestic violence or similar; or when parental presence causes a serious disturbance likely to interfere with police work.

If representatives from social services cannot be present pursuant to paragraphs 3 and 4 of this Article, another legally responsible person, who is neither a member of the police nor involved in the case, shall be present.

**2. When and how police powers may be used**

**2.1 Warning and order**

*When warnings may be issued*

**Article 39**

Authorized officers shall warn a person whose actions or failure to act may endanger personal or third-party safety or property, disturb public order or endanger traffic, or when there are reasonable grounds to expect that a person may commit, or induce another to commit, a criminal offense.

*When orders may be issued*

**Article 40**

Orders may be issued only with respect to conduct or actions which directly affect the successful performance of police activities.

Orders shall be applied to:

- 1) remove threats to life and public safety;
- 2) remove threats to property;
- 3) prevent criminal offenses, apprehend perpetrators, and detect and secure traces of criminal acts as evidence;
- 4) maintain or restore public order;
- 5) ensure traffic safety;
- 6) prevent entry in prohibited areas or facilities;
- 7) prevent and remove the consequences of natural disasters, epidemics or other public hazards, and
- 8) prevent threats to persons or property in other cases defined by law.



*How warnings and orders may be given*

**Article 41**

Warnings and orders may be issued verbally, in writing or in another suitable manner by light or sound signals, hand signals, or similar means, on condition that their meaning be clearly discernible.

**2.2 Checking the identity of persons and identifying objects**

*When the identity of a person may be checked*

**Article 42**

Identity shall be checked whenever a person:

- 1) is to be apprehended, brought in, detained or transported before a competent authority;
- 2) presents a threat which requires police action;
- 3) is being examined or searched, or is subject to other such measures as established by law;
- 4) is found in another person's home, building or other premises, or in a vehicle undergoing inspection or search, when an identity check is necessary;
- 5) is found in an area or facility where movement is temporarily restricted, when an identity check is necessary;
- 6) reports a criminal offense or perpetrators, or provides information of interest to the police;
- 7) arouses suspicion by his or her behavior of having committed a criminal offense, or of intending to commit an offense, or resembles a person wanted by the authorities;
- 8) is found on the scene of a criminal offense;
- 9) is found in a location where, for security reasons, an identity check is required of all or most persons, and
- 10) is requested to provide identification by duly constituted authorities having good cause.

Good cause as defined in Paragraph 1, item 10 of this Article means that the information is clearly necessary for officials to proceed in accordance with law, or that individual rights have been violated.

Authorized officers are required to inform a person of the grounds for performing an identity check.

*How an identity check is to be performed*

**Article 43**

Identity checks shall be performed by inspecting identity cards or other photographic identification documents.

As an exception to Paragraph 1 of this Article, the statement of a person whose identity has already been checked may be used to check another person's identity.

Identity cards shall be issued by established procedure to persons without them, after the identity of such persons and their right to have an identity card has been established.

*Establishing the identity of a person*

**Article 44**

An individual's identity shall be established when the person does not possess a document defined in Article 43, Paragraph 1 of this Law, or when such a document is suspicious.

Identity shall be established by means of data from records, methods and techniques for criminal investigations, and medical and other appropriate tests.

The police are authorized to publish a composite picture, police sketch, footage or description in order to establish a person's identity.

When identity cannot be established otherwise, the police are authorized to publish a photograph of a person who cannot provide personal information, or of an unidentified body.

*Identification of objects*

**Article 45**

The identity of an object shall be established when proceedings require knowledge of its features and characteristics, as well as the relationship between the object and a person or event.

The Directorate of Police is authorized to publish a photograph, drawing, footage or description of an object if necessary to successfully identify it.

**2.3 Summons**

*When and how a summons may be issued*

**Article 46**

The police may summon a person for an interview when there are reasonable grounds to believe that the person has information necessary for the police to fulfill their duties as defined in Article 10, Paragraph 1, Points 1 through 4 of this Law.

The summons shall contain the name, place and address of the Ministry unit, the reason for the summons, and the place and time to respond.

The summons shall be written in Serbian, and in another official language and alphabet which the person uses, if this information is known before issuing the summons. If this information is unknown beforehand, the person shall be informed of the content of the summons in the other official language at his or her request.

A person who refuses to give information shall not receive another summons for the same reason.

A record of delivery shall be prepared when the summons is served.

*When a person may be summoned*

**Article 47**

A person may be summoned from his or her residence between 06.00 and 22.00 hours.

In exceptional cases, if a risk of delay exists, an authorized officer may summon a person outside of the period defined in Paragraph 1 of this Article.

*Special summons*

**Article 48**

In exceptional cases, an authorized officer may summon a person verbally or by appropriate telecommunications devices; in such cases the officer must state the reasons for the summons. If the person being summoned agrees, the officer may transport the person to official premises.

In exceptional cases, persons may be summoned through the media when there is a risk of delay, for security reasons, or when a greater number of persons are being summoned.

A minor shall be summoned in writing through a parent or guardian.

**2.4 Transporting**

*Written orders to transport a person*

**Article 49**

A person may be transported by written bench order, or by administrative order to compel appearance (hereinafter 'order').

Pursuant to Paragraph 1 of this Article, a person may be transported to Ministry premises, to another competent government authority, or to a place ordered in the summons.

An authorized officer must serve the order defined in Paragraph 1 of this Article before the person is transported.

An authorized officer may serve the order defined in Paragraph 1 of this Article after the person has been transported only when there is probable cause to believe that the person will resist.

A person may be transported between 06.00 and 22.00 hours.

In exceptional cases, when necessary to fulfill urgent police duties, a person may be transported outside of the period specified in Paragraph 5 of this Article.

The police may initiate action to transport a person up to six hours earlier than the time specified, if the person is found in another jurisdiction where the order must be executed.

When a person is transported outside the jurisdiction of the police department where the person was found, transporting may not exceed 24 hours.

*Transporting without a written order*  
**Article 50**

A person may be transported without a written order if:

- 1) the person's identity is to be determined;
- 2) a warrant has been issued for the person;
- 3) the person is to be detained under Articles 53 and 54 of this Law.

*Persons who may not be transported*  
**Article 51**

The provisions on transporting persons shall not apply in cases where mobility is significantly limited by illness, infirmity or pregnancy, or when there are reasonable grounds to believe that transporting a person would seriously endanger his or her health.

The authority issuing the order shall be informed of facts pursuant to Paragraph 1 of this Article.

The provisions on transporting persons shall not apply when the person is performing duties that may not be interrupted until an appropriate replacement is provided.

The immediate superior of the executing officer shall decide whether to transport the person pursuant to Article 50 of this Law, specifically whether to apply the exceptions found at Paragraphs 1 and 3; if such possible exceptions are not discovered until the officer arrives, the officer shall decide whether to apply the order, and inform the superior officer without delay.

*Rights of a person being transported*  
**Article 52**

An authorized officer shall inform the person of the reasons for the order, the right to notify family or other persons, and the right to an attorney.

## **2.5 Detention and temporary restriction of freedom of movement**

*When a person may be detained*

### **Article 53**

Authorized officers shall detain a person who disturbs the peace or endangers public order when it is not possible otherwise to establish order or eliminate the disturbance. Detention may not exceed 24 hours.

The detention of a person extradited by foreign security services or who is to be bound over to a competent authority may not exceed 48 hours.

A detention order must be issued and served on the detainee within two hours following his or her transfer to official property. The detainee is entitled, at any time during detention, to appeal against the detention order. The district court shall rule on the appeal within 48 hours.

The appeal shall not suspend execution of the detention order.

Detention shall end when the grounds for ordering it have ceased to apply, or by order of the competent court.

If a member of the armed forces is detained, military police shall be notified without delay.

*Additional guarantees in case of detention*

### **Article 54**

When individuals are detained pursuant to this Law or laws pertaining to national borders or traffic safety, they must be informed in their native language or a language they understand why they have been detained; that they are not required to make any statements; that they have the right to an attorney of their choosing; and that their family will be informed of their detention.

If the persons referred to in Paragraph 1 of this Article are foreign nationals, they must be advised in their native language or a language they understand that the diplomatic mission or consular post of their country of nationality will be informed of their detention at their request.

Authorized officers must defer all further proceedings until the arrival of the attorney, for a maximum of two hours from the time the detainee was given the opportunity to call an attorney. Authorized officers may also detain persons or perform other actions prescribed by law if deferring such actions would prevent or obstruct the performance of a task.

*Transit center for foreigners*

### **Article 55**

Foreign nationals prevented from entering the country or served with expulsion or removal orders, but whom it is not possible to expel in such a manner may be

ordered, in accordance with law, to reside under increased police protection in a facility designated for that purpose for the period necessary for their removal from the country.

*When freedom of movement may be restricted*

**Article 56**

The law provides for temporary restriction of a person's freedom of movement in order to:

- 1) prevent criminal offenses;
- 2) find and apprehend perpetrators of criminal offenses;
- 3) find and apprehend persons wanted by the authorities;
- 4) uncover traces and objects that may serve as evidence that a criminal offense has been committed.

Temporary restriction of freedom of movement may not exceed the time needed to achieve the aim for which the measure is taken. Any limitation exceeding eight hours requires an order from the competent district court.

*Special conditions for restriction of movement*

**Article 57**

Authorized officers may temporarily restrict freedom of movement within a particular area or facility when safety is endangered by natural disasters or epidemics, and in case of threats against safety or property (safety inspection) for so long as the threat persists.

Authorized officers may remove and evacuate persons in order to achieve the aims defined in Paragraph 1 of this Article.

*Investigative and tactical activities*

**Article 58**

The police may use investigative and tactical means, such as pursuit, search of facilities and areas, ambush, raids, and blocking traffic, in the exercise of their authority to search for persons and objects pursuant to Article 72 of this Law, and to restrict freedom of movement pursuant to Article 56.

**2.6 Requesting information**

*Objectives and limitations in requesting information*

**Article 59**

Authorized officers may request information from individuals to prevent and identify criminal offenses and their perpetrators.

An individual is not required to give information, unless refusing to do would constitute a criminal offense; the officer shall warn the individual of this.

An individual who refuses to give information may not be summoned again to a police interview pursuant to Article 46 of this Act.

## **2.7 Temporary seizure of objects**

*When objects may be temporarily seized; receipts and record-keeping*

### **Article 60**

Authorized officers shall temporarily seize an object if:

- 1) the circumstances of a case indicate that the object is to be used in committing a criminal offense;
- 2) seizing the object is necessary for public safety;
- 3) the object is in the possession of a detainee or an individual whose freedom of movement is restricted, and may be used to harm self or others, or to escape.

Authorized officers shall issue a receipt for all temporarily seized objects. The receipt must contain distinguishing characteristics to identify the object, as well as information on the person from whom it was seized.

Information on temporarily seized objects shall be kept in a special registry.

*Safekeeping and return of temporarily seized objects*

### **Article 61**

When the characteristics of seized objects make storage on police property unduly difficult or impossible, the objects may be secured and stored in another appropriate manner until further disposition by the competent authority.

When the reasons for seizing an object have ceased to apply, the object shall be returned to the person from whom it was seized, unless otherwise directed by law or competent authority, and the person shall be entitled to compensation if the object has depreciated significantly.

*Sale of temporarily seized objects*

### **Article 62**

The police are authorized to sell temporarily seized objects when they are no longer required for proceedings and:

- 1) there is a risk of damage or significant depreciation;
- 2) keeping and maintaining the objects would entail disproportionate costs or difficulties.

A temporarily seized object may be sold if the individual summoned to claim the object fails to do so within the set time period, which may not be less than one month, and if the individual was informed that failure to claim the object would result in its sale.

Temporarily seized items shall be sold at public auction.

If a temporarily seized object cannot be sold at public auction, or if it is obvious that auction costs would be disproportionate to the amount obtained at sale, or if there is a risk of irreparable damage to the object, the temporarily seized object shall be sold directly.

If a buyer cannot be found within one year, the temporarily seized object may be used as public property or destroyed.

Funds acquired through the sale of temporarily seized objects shall be considered revenue in the budget of the Republic of Serbia.

## **2.8 Search of premises and facilities, inspection of documents; anti-terrorism search**

*When and how searches may be conducted*

### **Article 63**

Authorized officers may enter business premises and inspect the premises and documents in order to:

- 1) find the perpetrators of a criminal offense;
- 2) act on information regarding explosive devices or other hazards.

Authorized officers may also conduct anti-terrorism inspection of premises, facilities, means, devices and other objects, aimed at protecting persons and property in traffic, public gatherings, and other locations.

Anti-terrorism inspection may include chemical, biological and radiological inspection, and disposal of explosive devices.

If there are grounds to believe that life or property may be endangered by suspicious devices or objects on the premises, in facilities, means or in any of the locations defined in Paragraph 2 of this Article, or if such a hazard occurs, authorized officers may order evacuation, prevent access, and conduct an inspection either directly or using technical equipment. In such cases officers may also conduct a security inspection.

When conducting an anti-terrorism inspection, authorized officers may request assistance from a competent inspection authority.

## **2.9 Stopping and searching persons, objects and vehicles**

*When and how the police may conduct a stop-and-search*

### **Article 64**

Authorized officers may stop and search persons, objects on an individual's person, and vehicles, when necessary to find weapons and dangerous implements.



Before proceeding with a search pursuant to Paragraph 1 of this Article, authorized officers must inform the person that he or she has been stopped for preventive reasons, for a criminal violation, or for safety.

Searching a person pursuant to Paragraph 1 of this article means inspecting the individual's clothing and footwear.

Searching a vehicle pursuant to Paragraph 1 of this Article means inspecting all open and enclosed spaces of a vehicle, and any objects being transported by means of the vehicle.

Searching objects on an individual's person pursuant to Paragraph 1 of this Article means inspecting all the objects which the person has in his or her physical possession, all the objects in the person's immediate vicinity, and all the objects physically possessed by another person who accompanies the target of a search and who carries objects at the target person's direction.

Authorized officers shall only search persons of the same sex, except when an immediate search is required to confiscate weapons or dangerous implements.

Authorized officers may use law-enforcement technology and police dogs when conducting a search.

In conducting a search pursuant to Paragraph 1 of this Article, authorized officers may forcibly open closed vehicles or items in a person's possession.

If reasonable grounds exist to believe that items which may serve as evidence in a criminal proceeding are in a person's physical possession, vehicle or other object, authorized officers may detain the person until obtaining a search warrant; detention without a warrant shall not exceed six hours.

## **2.10 Securing and searching crime scenes**

### *Procedure* **Article 65**

When authorized officers learn of a criminal offense or other event that requires direct inspection to determine or clarify facts, they may secure the scene until other proper authorities arrive; inspect the scene to find and secure traces and objects that may serve as evidence or to identify the perpetrator; and collect information relating to the criminal offense or other event.

During an inspection, authorized officers may detain a person whom they consider able to supply material information, or to assist with rescue operations, if it is unlikely that the information could be collected later, or that another capable person would be available to assist with rescue operations; such detention shall not exceed six hours.

To protect victims of a criminal offense or other event, and to safeguard proceedings, authorized officers may prohibit photographs and audio-video recordings of the scene.

## **2.11 Requisitioning vehicles and communications equipment**

*How and when the property of others may be used; rights of the owner*

### **Article 66**

Authorized officers may use vehicles or communications equipment belonging to a legal entity or individual if otherwise unable to travel or communicate as necessary in order to apprehend a perpetrator being directly pursued or to transport an injured victim of a criminal offense, traffic accident, natural disaster or other hazard to the nearest medical attention.

In exercising powers pursuant to Paragraph 1 of this Article, authorized officers shall identify themselves by showing their official badge and identity card.

The owner of the vehicle or communications equipment shall be entitled to compensation of costs and damages incurred through officer use.

## **2.12 Receiving reports of offenses**

*Duties of authorized officers*

### **Article 67**

Authorized officers must take report of all offenses which are subject to public prosecution.

If it should be determined after a report has been made, or during investigation, that the event in question is an offense subject only to private prosecution, or that the event is not a criminal offense, the officers shall inform the complaining party and indicate the proper legal redress.

If authorized officers receive a written or verbal report of an offense with a known perpetrator who is being prosecuted privately, they shall inform the complaining party.

At the request of injured parties or other persons empowered to file private charges, authorized officers shall take any lawful steps which the parties are unable to take by themselves, in order to determine the identity of the perpetrator of offenses pursuant to Paragraphs 2 and 3 of this Article.

Paragraphs 2, 3 and 4 of this Article shall not apply when there are reasonable grounds to believe that a criminal offense has been committed against dignity and good name.

## **2.13 Public announcement of reward**

*How the announcement is to published and who may claim the reward*

### **Article 68**

The police may announce a reward for information in order to:

- 1) find and apprehend the perpetrator of a serious felony;
- 2) find a missing person;
- 3) solve other cases, when information from the public is necessary for law-enforcement tasks pursuant to Article 10 of this Law.

The reward may be announced through the media or by other appropriate means.

A person who gives information shall not be entitled to the reward if the police already possess the information.

Police officers and their families shall not be entitled to rewards.

## **2.14 Audio and video recording and photographing in public places**

*Types and manner of recording*

### **Article 69**

Recording in public places means permanent surveillance by audiovisual means in public places where criminal offenses recur, in order to prevent such offenses.

When there is danger to human health and safety or to property during a public gathering, authorized officers may videotape or photograph the gathering.

The police must publicly announce their intention to act pursuant to Paragraphs 1 and 2 of this Article.

## **2.15 Polygraph testing**

*Procedure and limitations for testing*

### **Article 70**

Authorized officers may conduct polygraph testing on a person who requests or agrees to the test, after explaining how the equipment works and obtaining the person's consent in writing.

Authorized officers shall stop the polygraph test if the subject withdraws consent.

Polygraph testing may not be performed on the following:

- 1) a person under the influence of alcohol, narcotics, or other mind-altering substances;

- 2) a person with a serious heart condition;
- 3) a person under stress;
- 4) a person taking tranquilizer medication;
- 5) a person showing visible signs of mental disorder or illness;
- 6) a person suffering intense physical pain;
- 7) a pregnant or parturient woman.

### **3.16 Police surveillance**

*When and how surveillance may be conducted*

#### **Article 71**

Authorized officers may collect information through open observation and covert surveillance before having reasonable grounds to suspect a criminal offense, if the observation or surveillance serve to verify information from the public or to formulate proposals to appropriate authorities pursuant to police duties; such observation and surveillance may be used to establish reasonable grounds for suspecting a criminal offense.

Open observation shall be conducted in public and other accessible spaces, without violating any person's right to privacy.

### **2.17 Searching for persons and objects**

*When and how a search may be conducted*

#### **Article 72**

The police may search for persons and objects.

The search may be conducted by police warrant, call for information or poster.

Police warrants shall be issued in accordance with separate statutory regulations.

A call for information may be issued in order to:

- 1) ascertain the permanent or temporary residence of a person, in accordance with separate statutory regulations;
- 2) ascertain the identity of a person unable to give personal data, or to determine the identity of a body for which personal information cannot be learnt otherwise;
- 3) find objects relating to a criminal offense, in accordance with separate regulations, or objects found or which have disappeared;
- 4) seize objects or documents pursuant to a court order or decision of another public authority.

The poster may be issued:

- 1) for a missing person;

- 2) for a person under reasonable suspicion of having committed an offense prosecuted by law;
- 3) for a person able to give information on criminal offenses or perpetrators;
- 4) at the request of an authority or institution, submitted in accordance with separate statutory regulations;
- 5) at the request of parents or guardians of a person who has run away; and in other cases, in accordance with separate regulations.

## **2.18 Protecting crime victims and other persons**

*When the perpetrator or others pose a threat*

### **Article 73**

The police shall take appropriate measures to protect victims or others who have information of importance for criminal proceedings, and individuals connected to such people, if they face a threat from the perpetrator of a criminal offense or others, for so long as grounds exist.

*Protecting confidential information on identity*

### **Article 74**

The police shall keep as secret any information whose disclosure would endanger a person's physical safety and well-being.

When filing written reports on information which they are authorized to collect, officers may omit the identity of a person who has given information, if disclosure would endanger the life, health or physical safety of the person, or endanger the person's freedom or property.

The identity of a person who gives information shall be considered an official secret and handled accordingly.

## **2.19 Collecting, processing and using personal information**

*How and why information may be collected*

### **Article 75**

The police may collect and use personal information and other data as authorized by this Law in order to prevent criminal offenses and to apprehend perpetrators, and shall safeguard and keep records of all such information.

The police may collect and use other information on members of the public only when permitted by separate statutory regulations, and must preserve such information in the manner provided by law.

Authorized officers shall safeguard the confidentiality of all personal information acquired in the course of duty, and shall use such information only in accordance with law.

*Records of personal information and other data*

**Article 76**

The police shall keep records of:

- 1) persons who for any reason are deprived of freedom in whole or part (transported, detained, restricted, arrested, in custody or other);
- 2) persons under reasonable suspicion of having committed a criminal offense;
- 3) criminal offenses subject to public prosecution committed by persons unknown; victims of such offenses;
- 4) criminal offenses subject to private prosecution committed by persons unknown;
- 5) persons wanted by the authorities, and objects and persons banned from entering the country;
- 6) identity checks of persons;
- 7) persons who have undergone identity checks, fingerprinting, police photographing or DNA analysis;
- 8) field reports, field sources and persons under special police protection;
- 9) field techniques and methods as applied;
- 10) events;
- 11) means of enforcement as applied;
- 12) complaints.

*How information is to be used and provided*

**Article 77**

Numerical data on criminal offenses, persons reported to the police, and victims, as well as other numerical data, may be used for statistical and analytical purposes at the Ministry.

The data defined in Paragraph 1 of this Article may be provided to other competent professional and scientific institutions for research and analysis.

Personal data may be provided to other authorities under the following conditions: the authority requesting the data is authorized by law or other regulations to request and receive such data; the requesting authority requires such data to perform its duties; and such data cannot be obtained otherwise or without disproportionately high costs.

Personal data may be provided to foreign police forces and certain international organizations upon request, in accordance with pre-determined regulations on international police cooperation.

*Protection of personal data*

**Article 78**

Personal data may not be used contrary to the purposes set out in this Law and in other regulations governing the protection of personal data.

The police shall respond within 60 days to a request from a party whose personal information is on file with law-enforcement and make disclosure, excepting information which the subject has personally supplied by law.

The police may adopt an official decision declining to provide the information defined in Paragraph 2 of this Article if disclosure would compromise the fulfillment of a task, the conduct of statutory proceedings, or the safety of persons and property, or could damage the interests of third parties. The decision shall state the reason and be verbally communicated to the requesting party.

When the reasons specified in Paragraph 3 of this Article have ceased to apply, the police shall proceed in accordance with Paragraph 2 of this Article.

*Correcting and deleting personal data and records*

**Article 79**

The police shall correct personal information if it is found to be incorrect, or if the subject specified in Article 78 states that it is incorrect.

Personal information shall be deleted immediately from the records when found to be incorrect or when the reasons for maintaining it have ceased to apply.

*Data-handling*

**Article 80**

Personal information pursuant to Article 76 of this Law shall only be provided to the subject, and only from the time it is entered into the records until being deleted.

In exceptional cases, information pursuant to Article 76 Point 8) of this law may be disclosed after the need for the information has ceased.

Information defined in Article 76, Paragraph 9 of this Act shall always be used in accordance with the relevant special statutes.

Police officers authorized to disclose personal information pursuant to Paragraph 1 of this Article shall always protect the identity of the reporting party.

*Time-limits for maintaining records of personal information and other data*

**Article 81**

Information defined in Article 76 of this Act shall be kept in official records:

1) as to Point 1, for three years after a ruling on further proceedings against a person whose freedom has been restricted, after the person has been released from the restriction;

- 2) as to Point 2, for five years following the deadline for rehabilitation by law, if the person has not been charged again;
- 3) as to Point 3, for five years after the statute of limitations has expired for the offense;
- 4) as to Point 4, for one year after the statute of limitations has expired for the offense;
- 5) as to Point 5, until the person is found or it is determined that further search is unwarranted;
- 6) as to Point 6, for two years following the identity check;
- 7) as to Points 7, 8, 9 and 10, permanently;
- 8) as to Point 11, for ten years following the use of enforcement measures;
- 9) as to Point 12, for ten years after the complaint is received.

*Oversight of the body responsible for protection of personal data*

**Article 82**

The information system containing records specified in Article 76 of this Law shall be supervised by the body charged with protecting personal data in accordance with the Law governing the protection of personal data.

**2.20 Targeted search measures**

*How and when targeted searches may be performed; authority to decide*

**Article 83**

In order to arrest or bind over to the proper authorities a person who is under reasonable suspicion of having committed an offense carrying a sentence of four or more years of imprisonment and who is wanted internationally, and when police officers cannot apprehend such a person by other means, or when other means would involve disproportionate difficulties, search measures may be applied using a special investigative technique pursuant to the law of criminal procedure (hereinafter ‘targeted search measures’), in the manner provided under this Article.

The targeted search measures shall be approved, at the recommendation of the Director General of Police, by the Presiding Justice of the Supreme Court of Serbia or, in the absence of the Presiding Justice, by another justice of this Court who is authorized to decide on such recommendations (hereinafter: authorized magistrate).

The recommendation and decision mentioned in Paragraph 2 of this Article shall be in writing. The recommendation shall contain information relevant for deciding whether to apply targeted search measures.

The approved measures may not exceed six months, and may be renewed once, on the basis of a new recommendation, for a period not longer than six months.

In ruling against the recommendation, the Presiding Justice of the Supreme Court of Serbia or the authorized magistrate shall set forth the reasons for the decision.



In emergencies, the targeted search measures may be ordered by decision of the Director General, with prior approval in writing from the Presiding Justice of the Supreme Court of Serbia, or the authorized magistrate, to commence needful measures. In this case the written recommendation for the continued enforcement of needful measures shall be submitted within 24 hours of obtaining preliminary approval.

The decision on continued enforcement of needful measures, or their termination, shall be made within 72 hours of the recommendation. The decision on termination of needful measures must be explained in writing.

Information collected through targeted search measures may not be used as evidence in criminal proceedings. Upon termination of the targeted search, the information shall be sent to the Presiding Justice of the Supreme Court or the authorized judge, who shall destroy it and enter this fact on the record.

### **3. Enforcement measures and their use**

#### **3.1 Joint provisions on enforcement measures**

##### *Enforcement measures and requirements for their use*

#### **Article 84**

Enforcement measures pursuant to this Law are:

- 1) physical force;
- 2) truncheon/police baton;
- 3) restraints;
- 4) special vehicles;
- 5) police dogs;
- 6) police horses;
- 7) means of obstructing passage;
- 8) water spraying devices;
- 9) chemical agents;
- 10) special weapons and explosive devices;
- 11) firearms.

Authorized officers shall apply enforcement measures only when otherwise unable to carry out their tasks, with due restraint, and in proportion to the danger threatening the protected goods and the seriousness of the offense being prevented or combatted.

Authorized officers shall always use the most lenient enforcement measure guaranteeing success, in proportion to the reason for its use and in a manner whereby the official task is achieved without undue harm.

Authorized officers shall give due warning before using enforcement measures, if possible under the circumstances and without jeopardizing their duty.

Authorized officers using enforcement measures must safeguard human life, cause the least possible injury and material damage, and ensure that any injured parties receive aid and that their relatives are notified without delay.

*Using enforcement measures against a group of persons*

**Article 85**

Authorized officers may order a group of persons to disperse if the group has gathered in violation of law, is acting in violation of law, or may instigate violence.

If the group fails to disperse, the following enforcement measures only may be used:

- 1) physical force;
- 2) truncheon/police baton;
- 3) special vehicles;
- 4) police dogs;
- 5) police horses;
- 6) water cannons;
- 7) chemical agents.

The measures defined in Paragraph 2 of this Article may be used only by order of the chief of a regional police department or law-enforcement officer authorized by the department chief.

*Reporting, oversight, accountability relating to the use of enforcement measures*

**Article 86**

Authorized officers shall submit a report to a supervisor as soon as possible after using any enforcement measures, not later than 24 hours.

The report pursuant to Paragraph 1 of this Article shall include information on the enforcement measures used, the person against whom they were used, the reasons and grounds for use, as well other facts relevant for determining whether the measures were appropriate and justified.

The appropriateness and justifiability of the enforcement measures shall be determined by authorized officers appointed by the Minister.

Upon determining that the enforcement measures were unjustified or inappropriate, the authorized officers pursuant to Paragraph 3 of this Article shall recommend that the Director General take appropriate legal action.

The report pursuant to Article 9 of this Law shall be publicly accessible and contain information on the use of enforcement measures, classified according to type, and information on irregularities or unjustified use of enforcement measures and the corresponding legal action taken in such cases.

**Article 87**

When authorized officers use enforcement measures in accordance with law, they shall be held free of liability.

The Ministry shall provide free legal assistance to authorized officers in criminal proceedings arising from the use of enforcement measures pursuant to Paragraph 1 of this Article, or for other actions performed in the course of duty.

The Ministry shall also provide free legal counsel to members of the public in criminal proceedings arising from assistance they have rendered to authorized officers.

**3.2 Provisions regarding enforcement measures**

*3.2.1 Physical force*

**Article 88**

Pursuant to this Law, physical force means using martial arts or similar techniques to fend off attack or subdue a resisting subject.

Attack means acting to injure or kill a person, to forcibly enter a restricted building or area, or to hinder or prevent authorized officers in the performance of their duties.

Resistance means any opposition to lawful official measures and actions, including disregarding orders, passive resistance in a kneeling, sitting or prone position, hiding behind or refusing to let go of a person or object, struggling, demonstrating intent to attack, or other similar active resistance.

Physical force shall be used in accordance with the rules of self-defense and shall cease immediately when the subject has ceased to attack or resist.

*1.2.2. Use of police baton*

**Article 89**

A police baton may be used if milder enforcement measures are unsuccessful or do not guarantee success.

The police baton shall not be used in the area of the head, neck, spinal column, chest, stomach, genitals or joints, unless in the last resort.

A police baton may be used against persons under 14 years of age, visibly ill, infirm, and seriously disabled persons and pregnant women only if such persons endanger life with firearms or other weapons or dangerous implements.

### *1.2.3. Using restraints*

#### **Article 90**

Restraints may be used to:

- 1) prevent resistance or fend off an attack on authorized officers;
- 2) prevent escape;
- 3) prevent injury to self or others.

Restraining means using restraints to bind a person, in principle by the hands, either in front or behind the back.

Restraints are official handcuffs, plastic ties and other appropriate means.

The use of restraints shall be limited by Article 89, Paragraph 3 of this Law.

### *1.2.4 Using special vehicles*

#### **Article 91**

Special vehicles may be used to restore public order, block passage, and use mounted firearms and chemical agents.

Using special vehicles means using mounted firearms or devices to eject pressurized water, with or without chemical agents, to clear obstacles or to block passage. When in use, special vehicles and their crews shall be guarded by the necessary number of authorized officers.

Special vehicles are vehicles fitted with devices for ejecting pressurized water, armored vehicles with or without barricading equipment, helicopters, obstacle-clearing vehicles and other special-purpose vehicles.

Chemical devices and firearms mounted on vehicles may only be used pursuant to this Law.

### *1.2.5 Police dogs*

#### **Article 92**

A police dog may be used for enforcement if:

- 1) conditions have been met for using physical force or truncheon;
- 2) conditions have been met for using firearms;
- 3) public order is being restored.

Using police dogs means releasing dogs against persons or using dogs to block passage.

As to Paragraph 1, Point 2) of this Article, a police dog may be used with or without a muzzle; as to Points 1 and 3, only when muzzled.

### *1.2.6 Police horses*

#### **Article 93**

A police horse may be used for enforcement to restore public order or to block passage.

Using police horses means riding towards persons to disperse or drive them back, or to block passage.

### *1.2.7. Means of blocking passage*

#### **Article 94**

Blocking passage means forcibly stopping vehicles or obstructing the route of persons.

When in use, means for blocking passage shall be manned by an appropriate number of police officers, as determined by their immediate supervisor.

### *Stopping vehicles*

#### **Article 95**

Means for forcibly stopping vehicles may be used to:

- 1) prevent the escape of a person apprehended while committing a criminal offense subject to public prosecution;
- 2) prevent the escape of a person deprived of freedom or against whom an arrest warrant has been issued;
- 3) prevent the illicit crossing of the national border by vehicle;
- 4) prevent unauthorized access by vehicle to a building or area where persons under police protection are located.

Means for stopping vehicles are devices intended for such purposes, including barbed-wire strips and other implements designed to forcibly stop a moving vehicle.

Traffic signs prohibiting overtaking and indicating mandatory stopping shall be placed, in accordance with traffic safety regulations, at an appropriate distance ahead of the means for forcibly stopping vehicles, if so allowed by circumstances.

### *Road blocks*

#### **Article 96**

Means for blocking the passage of persons may be used to separate and cordon off areas to maintain order at public gatherings, to blockade a particular area or facility or to confine, prohibit or direct movement of persons in public places, areas or roads.

Means of blocking the passage of persons include barricades, special vehicles, police dogs, police horses, and other means designed for this purpose.

### *1.2.8. Water cannons*

#### **Article 97**

Water-spraying devices may be used only as stipulated by this Law for enforcement against a group behaving in a manner that may instigate violence.

### *1.2.9. Chemical agents*

#### **Article 98**

Chemical agents may be used to fend off attack or subdue resistance if this cannot be achieved by physical force or truncheon; to restore public order, to eject persons from enclosed spaces, in resolving hostage situations, and in cases where conditions have been met for the use of special weapons and explosive devices or for the use of firearms, as set out in this Law.

Chemical agents means short-term effect CS gas without lasting effects on psychophysical and general health, as well as chemical substances with milder effects than CS gas.

When using chemical agents near children's institutions and nursing homes, hospitals, primary schools, busy traffic routes or highly flammable substances, special protective measures shall be taken.

Chemical agents shall not be used against persons near explosive or flammable substances, at great heights, or in similar locations where human life could be endangered.

### *3.2.10 Special weapons and explosive devices*

#### **Article 99**

Special weapons and explosive devices may be used only if conditions are met for using firearms pursuant to this Law, and if other types of weapons prove unsuccessful or do not guarantee success.

Special weapons and explosive devices may not be used to prevent escape.

Explosive devices may not be used against crowds.

The decision to use special weapons and explosive devices is issued by the Director General of Police, with the consent of the Minister.

### *3.2.11 Firearms*

#### **Article 100**

In the course of duty, police officers may use firearms only if other enforcement measures would fail and it is absolutely necessary to:

- 1) protect human life;
- 2) prevent the escape of persons apprehended while committing a criminal offense subject to public prosecution carrying a prison sentence of 10 years or more, if there is a direct threat to life;
- 3) prevent the escape of a person deprived of freedom or a person against whom an arrest warrant has been issued for a criminal offense pursuant to Paragraph 2 of this Article, if there is a direct threat to life;
- 4) fend off a life-threatening attack against the officers;
- 5) fend off an attack directed against a facility or person under officer protection, if there is a direct threat to life.

#### *Protecting human life*

#### **Article 101**

Using firearms pursuant to Article 100, Point 1) of this Law means wielding them to protect the lives of one or more persons under attack, when there is immediate danger to life.

#### *Preventing the escape of a person apprehended in the commission of a criminal offence*

#### **Article 102**

Using firearms pursuant to Article 100, Point 2) of this Law means wielding them during or immediately after a criminal offense to prevent the escape of a person apprehended at or near the scene where the offense was committed or its consequences occurred, and to prevent the escape of a person in possession of objects used to commit the offense, or resulting from it.

#### *Preventing the escape of a person under lawful arrest or against whom an arrest warrant is issued*

#### **Article 103**

Using firearms pursuant to Article 100, Point 3) of this Law means wielding them to prevent the escape of a person named in an arrest warrant or order to transport, when the warrant or order expressly states that officers may use firearms to prevent escape.

Before executing a warrant or order pursuant to Paragraph 1 of this Article, the authorized officers shall issue a warning that they will use firearms if the person attempts to escape.

*Fending off direct attack against authorized officers*

**Article 104**

Using firearms to fend off a direct life-threatening attack on authorized officers means wielding firearms to repel an attack by firearms, other weapons or dangerous implements, an attack by two or more persons, or an attack when the officers cannot expect assistance.

Drawing a firearm or attempting to draw a firearm shall also constitute an attack against authorized officers within the meaning of Paragraph 1 of this Article.

Drawing a firearm pursuant to Paragraph 2 of this Article means positioning or readying a firearm for use, and attempting to draw a firearm means moving towards a firearm.

*Fending off attack on facility or persons under protection*

**Article 105**

Using firearms pursuant to Article 100, Point 5) of this Law means wielding them to fend off a direct attack on a facility or person under police protection.

Direct attack on a facility under protection means acting to damage any part of the protected facility, or impairing the functioning of the facility through damage or destruction or otherwise.

Direct attack on a person under protection means an attack by firearm, other weapons or dangerous implements, or an attack by two or more persons.

*Warning before using firearms*

**Article 106**

Before using a firearm, when circumstances allow, authorized officers must warn the person against whom the firearm is to be used by shouting, "Stop, police, I will shoot" and firing a warning shot.

*Special limitations on using firearms*

**Article 107**

The use of firearms is prohibited when it would endanger the lives of others, except in cases where firearms are the only means of performing duties pursuant to Article 100.

The use of firearms against minors is prohibited except as the only defense from direct attack or danger.

*Using firearms in pursuit of vessels*

**Article 108**



Where it is necessary for police to stop a vessel being pursued on internal waterways, the officers may use firearms to disable, stop or sink the vessel only if other available means prove unsuccessful.

The other means at Paragraph 1 of this Article include verbal warnings and warning shots fired across the bow of the vessel, providing this does not endanger others.

When firing as a last resort at such a vessel, officers must protect the lives of those on board the pursued vessel and in the line of fire. Firearms shall not be used when they would endanger life or when they are not essential to save or protect life.

### *Using firearms against animals*

#### **Article 109**

Firearms may be used against animals only if they present a direct threat to life and limb, or endanger human health and safety (in cases of contagious disease or similar circumstances).

Weapons may be also used against sick or seriously injured animals when a veterinarian or other person is unable to take appropriate measures.

## **V. EMPLOYMENT**

### **1. Hiring conditions**

Special requirements

#### **Article 110**

Regulations governing public servants shall apply to the position, duties, rights and responsibilities of police officers of the Ministry, unless otherwise stipulated by this Law and regulations passed on the basis of this Law.

### **2. Employment**

#### **Article 110**

A person entering employment with the Ministry, in addition to general conditions for employment in a governmental agency, must:

- 1) be a citizen of Serbia and Montenegro with permanent or temporary residence in the Republic of Serbia;
- 2) have completed secondary education;

- 3) be younger than 27 if applying for a position requiring only secondary education, or younger than 30 if possessing less than 5 years of work experience and applying for a position requiring university education;
- 4) demonstrate the physical and mental aptitude to carry out the post duties, defined by the decree pursuant to Article 4, Paragraph 3 of this Law, as certified by a clean bill of health from the Health Care Institute of the Ministry of the Interior;
- 5) have completed military service, or be exempt from military service by working in the police, in accordance with legal provisions concerning police officers, if the candidate is male;
- 6) not hold dual citizenship;
- 7) undergo a security check and be found not to pose a security threat.

Conditions defined in Paragraph 2, Points 2) to 6) of this Article shall apply only to employment of police officers in positions defined by the decree mentioned in Article 4, Paragraph 4 of this Act.

Employment in the Ministry of the Interior is prohibited for persons convicted of any offense subject to public prosecution, sentenced to a non-suspended term of incarceration greater than three months, or whose employment with a governmental agency or public authority was terminated due to a binding decision on grave dereliction of duty.

The Ministry maintains a single human resources record of police staff and other Ministry employees, containing information and maintained as directed by the Minister.

*Vetting procedure*  
**Article 111**

The police may collect information about a person seeking employment with the Ministry, with the applicant's written consent, and may collect information to determine impediments for the performance of police duties.

The security check defined in Paragraph 1 of this Article shall include verifying information pursuant to regulations for obtaining a firearms license, as well as information provided by the applicant.

*Hiring procedures*  
**Article 112**

Hiring for Ministry positions is by call for applications.

Public vacancy notice is not required for police officer positions.

The Government may determine by decree other job positions within the Ministry to be filled without public vacancy notice.

*Statement on duties and rights and taking of oath*

**Article 113**

On commencement of duty, police officers must accept and sign a statement on the responsibilities and rights of police officers.

On Police Day, law-enforcement personnel accepted into service shall take the following oath:

“I swear to dedicate all my efforts to public safety, to dedicatedly protect human rights and civic freedoms and to conscientiously and responsibly serve the citizens of the Republic of Serbia and consistently uphold the law and accepted standards in the discharge of police duties”.

*Mandatory notification of conviction*

**Article 114**

If an employee of the Ministry is convicted of a criminal offense pursuant to Article 110, Paragraph 3 of this Law, the Court must submit the finding of guilt to the Ministry, for the purpose of terminating employment with the Ministry.

*Trainees*

**Article 115**

A trainee shall attain the status of police officer after the completion of the trainee period, by passing the trainee exam and acquiring an official rank.

Employment of a police officer trainee shall cease if he or she fails to pass the trainee exam at the end of the trainee period.

In cases pursuant to Paragraph 2 of this Article, the trainee shall reimburse the actual cost of schooling, unless the Director General of Police or the official in charge of special tasks determines that failure was for justifiable reasons and not for unsatisfactory effort.

**2. Gaining and losing rank**

*Ranks of authorized officers and law enforcement personnel discharging fire brigade duties*

**Article 116**

Authorized officers and police staff discharging fire brigade duties shall hold the following ranks and grades:

1) with a secondary school education – junior police officer, junior police officer 1<sup>st</sup> class, police officer, police officer 1<sup>st</sup> class, senior police officer, independent police officer;

2) with associate college degrees – junior police sergeant, junior police sergeant 1<sup>st</sup> class, police sergeant, police sergeant 1<sup>st</sup> class, senior police sergeant and independent police sergeant;

3) with full university degrees – police inspector, senior police inspector, independent police inspector, chief police inspector, police adviser and senior police adviser.

Police officers with appropriate education qualifications specified in Paragraph 1 of this Article shall acquire the initial grade of junior police officer, junior police sergeant or police inspector, following the completion of the training period and after successfully passing the trainee exam.

For certain categories of uniformed police officers the Minister, in the decree mentioned in Article 4, Paragraph 4 of this Act, may establish ranks or grades with names different from those defined in Paragraph 1 of this Article, if more suitable to the work performed.

#### *Grades of other police personnel and other employees*

#### **Article 117**

Other police staff and other employees shall hold the following grades:

- 1) with a secondary school education – junior assistant, junior assistant 1<sup>st</sup> class, assistant, assistant 1<sup>st</sup> class, senior assistant and independent assistant;
- 2) with associate college degrees – junior specialist associate, junior specialist associate 1<sup>st</sup> class, specialist associate, specialist associate 1<sup>st</sup> class, senior specialist associate, independent specialist associate;
- 3) with full university degrees – inspector, senior inspector, independent inspector, chief inspector, adviser and chief adviser.

Police employees with appropriate education qualifications specified in Paragraph 1 of this Article shall acquire the initial grade of junior assistant, junior specialist associate or inspector, following the completion of the trainee period and after successfully passing the trainee exam.

#### *Requirements for acquiring or losing grade*

#### **Article 118**

A police officer or other law enforcement employee shall acquire the next higher grade if:

- 1) the employee possesses the required educational qualifications;
- 2) the grade is appropriate for the job position to which the employee is appointed;
- 3) the employee served in a lower grade for the required period of time;
- 4) the employee received positive evaluations for the previous two years;
- 5) the employee has not been convicted of a criminal offense, sentenced to an actual term of incarceration, or received a disciplinary measure for grave dereliction of duty in the previous two years;
- 6) the employee is not undergoing criminal proceedings for an offense subject to public prosecution, or disciplinary proceedings for grave dereliction of duty.

No impediment exists for acquiring the grade pursuant to Paragraph 1, Point 5) of this Article if proceedings are dismissed during re-trial or on due process motion, or if an acquittal is issued, or if the charges are dismissed other than for non-jurisdiction of the court. No impediment exists pursuant to Paragraph 1, Point 6) of this Article if the

proceedings are discontinued, an acquittal is issued or charges are dismissed, other than for non-jurisdiction of the court.

In cases pursuant to Paragraph 2 of this Article, a police officer or other law enforcement employee who is eligible under this Law shall acquire the grade upon satisfying all conditions.

An employee shall lose grade upon termination of employment with the Ministry.

*Time requirement for acquiring grade of authorized officers and law enforcement personnel discharging fire brigade duties*

**Article 119**

The required time spent in previous grade in terms of Article 118, Paragraph 1, Point 3 of this Act shall be:

- 1) for police officers with secondary school qualifications – five years of service as each of the following: junior police officer, junior police officer 1<sup>st</sup> class, police officer, police officer 1<sup>st</sup> class and senior police officer;
- 2) for police officers with associate college degrees – five years of service as junior police sergeant, junior police sergeant 1<sup>st</sup> class, police sergeant, senior police sergeant 1<sup>st</sup> class and senior police sergeant;
- 3) for police officers with university degree – two years of service as each of the following: police inspector, four years of service as senior police inspector and independent police inspector, and five years of service as chief police inspector and adviser.

*Time requirement for acquiring other personnel grades*

**Article 120**

The required time period spent in previous position in terms of Article 118, Paragraph 1, Point 3 of this Act shall be:

- 1) for police officers with secondary school qualifications – five years of service as each of the following: junior assistant, junior assistant 1<sup>st</sup> class, assistant, assistant 1<sup>st</sup> class and senior assistant;
- 2) for police officers with associate college degrees – five years of service as each of the following: specialist associate, senior specialist associate, independent specialist associate, inspector and senior inspector;
- 3) for police officers with full university degrees – two years of service as inspector, four years of service as senior inspector and independent inspector, and five years of service as chief inspector and adviser.

*Performance evaluation*

**Article 121**

For the purpose of determining conditions for promotion and acquiring or losing a grade, the job performance of police officers and other law enforcement employees (hereinafter: employees) shall be reviewed once a year. Job performance shall receive a positive or a negative evaluation

Positive evaluations are adequate (2), satisfactory (3), very good (4), and outstanding (5), and the negative evaluation is inadequate (1).

*Negative evaluation or absence from work*

**Article 122**

The calendar year in which an employee received a negative evaluation or was absent from work for more than six months shall not be deemed time spent in previous grade pursuant to Article 119 and 120, unless due to work-related illness or injury in the line of duty.

*Authority for performance evaluations*

**Article 123**

Employees shall be evaluated by the head of unit, while heads of units shall be assessed by the Director General of Police or the official in charge of special tasks, or an officer appointed by them.

Job performance shall be evaluated once a year, for the previous year, no later than 1 March of the current year.

*Evaluation procedure*

**Article 124**

The head of unit defined in Article 123, Paragraph 1 of this Act, or an immediate supervisor of the employee appointed by the head of unit, shall inform the employee of the evaluation result within 15 days of the evaluation; the employee shall read the evaluation in full and sign the appropriate Ministry form.

*Complaint and re-evaluation*

**Article 125**

An employee who believes that he or she was evaluated by an unauthorized superior officer or that the evaluation was not performed in accordance with this Law may file a complaint to the evaluating officer.

Within eight days of receiving the complaint, the evaluating officer must submit the complaint, the employee evaluation form and an opinion on whether the complaint is justified to the senior officer appointed by the Minister of the Interior to settle complaints, whose decision is final.

The evaluation awarded after the complaint shall be recorded on the appropriate form as a single evaluation for all elements reviewed and the employee shall be notified in the manner pursuant to Article 124 of this Act.

*Non-evaluation and special evaluations*

**Article 126**

Employees absent from work for more than six months during the calendar year shall not be evaluated.

Employees absent from work for more than six months during the calendar year, except due to job-related illness or injury in the line of duty, shall retain the evaluation awarded for the previous year. If this evaluation is negative, the employee shall be awarded the last positive evaluation received.

*Early and special acquiring of grade (promotion)*

**Article 127**

A police officer receiving the highest mark for work for the preceding two years, and holding the current grade for a minimum of one half of the time stipulated for promotion to the next higher grade, and meeting other conditions defined in Article 118 of this Law, may receive early promotion to the next higher grade.

A police officer achieving exceptional results and making a special contribution to the performance of police duties, or fulfilling requirements for old age retirement, may receive a special promotion to the next higher grade.

Decisions on early and extraordinary promotion to the next higher grade pursuant to Paragraphs 1 and 2 of this Article are made by the Minister or the senior officer he or she appoints.

*Decisions on grades*

**Article 128**

Requests to re-examine a decision on assignment and acquiring of grade may be filed with the issuing authority within 15 days of being issued.

Requests for the re-examination of such decisions do not suspend execution. Requests for the re-examination of adopted decisions may not be the subject of administrative lawsuits.

*How grade is to be acquired and evaluated*

**Article 129**

The Government by decree on internal organizational structure of the Ministry shall determine the elements for performance evaluation and manner of evaluation of police staff and other employees and shall specify the conditions for promotion and demotion of grades in the Ministry.

**1. Duties and rights of law enforcement personnel**

*Obeying orders*

**Article 130**

In performing law enforcement duties, police officers shall obey all orders issued by a superior officer, except those which constitute a criminal offense.

If a law enforcement officer considers an order to be unlawful for other reasons, he or she may so indicate writing to the superior who issued the order. If the order is repeated, the police officer may refer the matter to the next superior officer.

*Overtime*

**Article 131**

**Following an order from a superior, a police officer shall work for a period longer than a full working day if necessary for the efficient and timely performance of duty.**

*Deferment or interruption of annual leave*

**Article 132**

A law enforcement officer's annual leave may be postponed or interrupted by the Minister or authorized person, to carry out police duties that cannot be postponed.

As to Paragraph 1 of this Article, a police officer shall be entitled to compensation of actual costs caused by postponement or interruption of annual leave.

*Activities incompatible with police employment*

**Article 133**

Police officer and other persons employed with the police may not engage in private business or professional activities.

*Union, professional associations and other activities*

**Article 134**

Police officers shall be entitled to organize in trade unions, professional and other associations in accordance with law.

Police officers shall not organize in political parties or be politically active within the Ministry.

Police officers shall not attend party meetings or other political gatherings in uniform, unless on duty.

*The right to strike*

**Article 135**

**General regulations shall apply as appropriate to the organizing and carrying out of strikes.**

Even when on strike authorized officers are required to apply police powers, if necessary, in order to:

- 1) protect human life and safety;



- 2) arrest and bring before competent authority persons apprehended while committing an offense subject to public prosecution;
- 3) prevent criminal offenses and identify perpetrators of offenses subject to public prosecution.

Police officers may not strike in case of:

- 1) war, imminent threat of war or state of emergency;
- 2) armed rebellion, insurrection or other forms of violent disturbance of the democratic and constitutional system of the Republic of Serbia, or threats made against fundamental human rights and freedoms;
- 3) declared natural disaster or immediate threat of natural disaster in the area of responsibility of two or more regional departments of the Ministry or the entire territory of the Republic of Serbia;
- 4) other disasters endangering normal life and the safety of life and property;
- 5) large-scale threats to public order.

*Duty to safeguard official information*

**Article 136**

Police officers shall be subject to a pledge of secrecy with respect to information obtained during or in connection with the performance of police duty, if disclosure of such information would adversely affect the performance of police functions or rights of third parties protected by law.

In terms of this Law official information is:

- 1) all information defined by law or regulations enacted on the basis of law as confidential;
- 2) information and documents defined by general statutory provisions as confidential;
- 3) information and documents defined as confidential by other bodies or legal entities;
- 4) measures, actions, information and sources of information whose disclosure would endanger the interests of the individuals or legal entities concerned, or the efficient performance of duties.

The pledge of secrecy shall apply even after termination of employment with the Ministry.

*Augmented time of service*

**Article 137**

Due to difficult working conditions, the nature of the work and the responsibility of required tasks, police officers shall be allowed early retirement, such that every 12 months of effective police service shall be counted as 16 months, in accordance with separate statutes.

The following shall constitute difficult conditions within the meaning of this Law:

- 1) greater risk to life and health;
- 2) work in excess of set hours due to unforeseeable tasks;

- 3) irregular working hours, i.e. work in irregular cycles, etc;
- 4) working on public holidays and weekends;
- 5) increased level of alert (at workplace or other place or at home, following the order of a superior police officer) and similar forms of active and passive watch-duty.

Positions covered by an early retirement plan shall be determined by the decree specified in Article 4, Paragraph 4. This decree may designate other job positions in the Ministry to which the early retirement plan applies, in accordance with separate regulations.

*Compensation for temporary disability*

**Article 138**

In case of temporary disability, a police officer shall be entitled to remuneration equal to the salary he or she would have received during the period of temporary disability, if such disability was caused by an injury sustained at work or occupational disease, or equal to 85 percent of the salary if such disability was caused by an injury or illness unrelated to work.

*Termination of employment with entitlement to old age retirement*

**Article 139**

Employment may also terminate before meeting the conditions for retirement if the officer meets the special age requirement as provided by the regulations on retirement and disability insurance, and has completed at least 20 years of service, of which at least 10 years must be effectively spent in positions covered by the early retirement plan, and in accordance with pension and disability insurance regulations.

*Termination of employment with entitlement to disability pension*

**Article 140**

A police officer whose physical, mental or general health has changed and rendered him or her unable to perform police duties shall be terminated from Ministry employment.

Disability pursuant to Paragraph 1 of this Article is established by the Employee Health Association of the Ministry whose members are appointed by the Minister in cooperation with the expert panel of the Pension and Disability Insurance Fund.

Loss of working ability in accordance with regulations governing pension and disability insurance shall be deemed as changes of physical, mental and general health as defined in Paragraph 1 of this Article. A police officer who is terminated on these grounds shall be entitled to a disability pension.

*Severance pay*

**Article 141**

A police officer who becomes eligible for retirement shall receive severance pay equal to the amount of his or her salary for the previous five months.

*Burial costs and one-time cash benefit*

**Article 142**

A police officer killed in the line of duty or as a result of performing his or her duty shall be buried in the place determined by the family at Ministry expense

The following shall be considered expenses within the meaning of Paragraph 1 of this Article:

- 1) costs of transporting the remains to the place of burial;
- 2) travel expenses for two escorts;
- 3) costs of providing a burial plot, if not provided by the family;
- 4) other usual costs, the amount of which shall be determined by the Minister.

Pursuant to Paragraph 1 of this Article, the dependants of the deceased police officer shall be entitled to a one-time cash benefit equal to the officer's salary for the previous 24 months, less taxes and contributions.

*Financial and other appropriate assistance*

**Article 143**

The Minister may, in commemorating dates of significance to the police, administer financial aid and other appropriate help to the families of officers killed or seriously injured in the performance of duty.

*Types of awards and honors*

**Article 144**

Police officers and other employees of the Ministry shall receive awards and honors for achievements in police duty, maintaining and improving security, for other contributions to police work and safety, and for other work-related contributions.

Awards and citations are annual awards, occasional awards, citations and other awards established by decree of the Minister.

Pursuant to Article 6 of this Act, the Minister may present awards and citations to local and territorial government, other bodies and institutions, non-governmental organizations and other organizations and individuals.

*Health care*

**Article 145**

The Employee Health Association of the Ministry of the Interior acts in accordance with law to provide health care for hiring by the Ministry, enrollment in education through Ministry institutions, regular medical exams, special medical exams for certifying physical and mental health for law enforcement duties, and by providing expert, technical and employee assistance to police units in performing their tasks and duties.

The health care program for Ministry employees, as implemented by the Employee Health Association, shall be approved by the Minister.

The Ministry bears the costs of the Employee Health Care Plan specified in paragraph 1 of this Article.

**4. Salary**

*Determination of salaries*

**Article 146**

Police officers and other employees of the Ministry are entitled to salary comprising a basic component determined by the Government and a basic and supplementary coefficient relating to grade, special work conditions, danger, responsibility and complexity of work.

The salary specified in paragraph 1 of this Article is increased by 0.4% for every completed year of service.

The amount of the coefficient specified in this Article is determined by the Minister by a decree on salaries of employees of the Ministry, upon approval of the Government.

*Coefficients for calculation of salaries*

**Article 147**

Due to special working conditions, risks to life and health, responsibilities, difficulties, the specific nature of duties, working during public holidays, working at night, working in shifts and possible overtime, duty work, state of alert and other forms of irregularity of work, coefficients for calculation of salaries may be determined for Ministry employees that are 30 to 50 percent higher than for other public servants, and within the overall funds required for payment of additional coefficients specified in Article 146, paragraph 1.

With the agreement of the Government, coefficients may be determined for particular categories of employees that, pursuant to Paragraph 1 of this Article, exceed 50 percent

The rights and duties consequential to the aforementioned special working conditions are not affected by policies specified in general labor regulations on increased salary.

## **5. Transfer and assignment**

### *Conditions for transfer*

#### **Article 148**

In accordance with operational needs, a police officer may be transferred to another position appropriate to qualifications and working experience, within the same or another unit, or in the same or different locality, in accordance with labor regulations and regulations on civil servants.

### *Conditions for assignment to another unit*

#### **Article 149**

A police officer may be assigned to perform official duties at a position in another Ministry unit more than 50 kilometers distant from place of residence, for a continuous period from 30 days to one year.

### *Rights in case of assignment*

#### **Article 150**

A police officer who has been assigned to perform official duties pursuant to Article 149 of this Law shall be entitled to reimbursement of transportation, board and lodging, as defined by an order issued by the Minister, in accordance with law.

### *Assignment to work abroad*

#### **Article 151**

A police officer may be assigned to work abroad in accordance with regulations governing international police cooperation and Article 19 of this Law.

## **6. Education, capacity building and advanced training**

### *Professional education*

#### **Article 152**

Professional education for the needs of the police in order to acquire relevant education is implemented in accordance with separate regulations

*Professional development and advanced training*

**Article 153**

Pursuant to this Law, professional development and advanced training means acquiring and improving professional knowledge, skills, attitudes and behavior, and increasing efficiency and effectiveness in the discharge of police tasks.

The Minister shall specify:

- 1) the program for professional development, including approach and training methods, and professional exams for trainees;
- 2) content and form of professional development and advanced training pursuant to Point 1) of this article;
- 3) rights, duties and responsibilities of trainees in professional development and advanced training;
- 4) criteria for selection of candidates for attending professional development courses, pursuant to published notice;
- 5) other issues related to professional development and advanced training.

Professional development and advanced training pursuant to paragraph 1 of this Article are implemented in the Ministry's in-house educational institutions and other units.

During professional development training trainees shall be provided with board and lodging, as well as other rights as determined by the Minister in the decision specified in Paragraph 2, Point 3) of this Article.

Trainees who successfully complete the professional development training are required to remain for a minimum of three years in the Ministry or to repay a proportional amount of costs for training and education.

*Implementing professional development and advanced training*

**Article 154**

The Minister shall issue programs for professional development and advanced training.

Pursuant to Paragraph 1 of this Article, the Director General of Police shall specify plans for individual forms of professional development and advanced training within the framework of available funds in the budget.

Police officers may participate in other forms of professional development and advanced training in programs conducted by domestic and foreign institutions, in accordance with separate programs and plans.

Foreign participants may take part in implementing professional development and advanced training specified in paragraph 1 of this Article, pursuant to agreement.

## **7. Disciplinary responsibility**

### *Responsibility for violation of official duty*

#### **Article 155**

In cases of misconduct and serious violations of duty, the Ministry of Interior shall take disciplinary action against police officers and other employees of the Ministry.

### *Misconduct*

#### **Article 156**

The following shall constitute misconduct:

- 1) being late for work or leaving work before the end of working hours;
- 2) uncivil treatment of clients and co-workers during working hours,
- 3) improper use of work equipment;
- 4) unconscientious and careless keeping of official documents and information;
- 5) unjustified absence from work up to two days in one calendar year;
- 6) failure to wear uniform or weapon, or keeping an untidy uniform or weapon;
- 7) disregard of a work direction or instruction, which caused or could have caused minor consequences.

### *Serious violation of duty*

#### **Article 157**

The following shall constitute serious violation of duty:

- 1) refusal or failure to follow an order, or slighting an order issued by a superior in or connected with the performance of duty;
- 2) unauthorized withdrawal from the place of work, patrol area or place of securing a facility or person, unit or place of alert;
- 3) use of authority for purposes other than allowed, or use of official police status for unofficial purposes;
- 4) issuing or executing an order that threatens the safety of people and property;
- 5) failure to take measures, or taking insufficient measures to protect people, property and entrusted objects;
- 6) taking action or failure to stop an action that prevents, disturbs or makes following orders more difficult;
- 7) behavior harmful to the reputation of the police or affecting relations between employees;
- 8) loss of or damage to technical and other equipment;
- 9) incorrect and improper use of issued equipment;
- 10) public appearance at one's own initiative
- 11) disclosure of confidential information determined by law, other regulation or acts;
- 12) disclosure of information to unauthorized persons;
- 13) giving false statements about the Ministry;
- 14) failure to take proper measures or provide necessary assistance within official police powers to police employees or other government bodies;
- 15) illicit gain of profit and property for oneself or another, in performance of duty;
- 16) engaging in activities incompatible with official police duty;

- 17) refusal, unjustified failure to respond or evasion of mandatory medical examination or abuse of the right to absence from work in case of illness;
- 18) refusal, unjustified failure to respond or evasion of vocational, specialized or other training;
- 19) any action constituting a criminal offense committed at work or in connection with work;
- 20) issuing an order whose execution would constitute a criminal offence;
- 21) a superior officer's attempt to conceal violation of duty for which an employee may be dismissed.

*Disciplinary measures for misconduct*

**Article 158**

**For misconduct, a fine shall be imposed of from 10 to 30 percent of the monthly salary for the month the disciplinary measure was issued.**

*Disciplinary measures for serious violations of duty*

**Article 159**

For serious violation of duty, one of the following measures shall be pronounced:

- 1) fine of from 30 to 50 percent of the salary for the period of one to three months;
- 2) suspension of promotion to a higher position for the period of six months to two years;
- 3) transfer to another job position for the period of six months to two years;
- 4) dismissal.

The suspension of promotion to a higher position defined in Paragraph 1, Point 2) of this Article shall commence on the day the disciplinary measure takes effect.

The transfer to another position defined in Paragraph 2, Point 3 of this Article shall be to a less challenging position requiring the same qualifications as the previous one.

*Publicity and exclusion of public*

**Article 160**

The disciplinary procedure shall be public.

The presiding authority at the proceeding may conduct a closed disciplinary procedure in cases when facts presented during the procedure are of a confidential nature.



*Jurisdiction of first instance for decision-making*

**Article 161**

In the first instance, disciplinary responsibility of police officials shall be assessed by:

- 1) the Director General of Police or the official in charge of special tasks or a police officer appointed by them or person authorized by them – in cases of alleged violation by police officials of the Police Directorate General and others employed at the seat of the Ministry;
- 2) the chief of the regional department or person authorized, in cases of alleged violation by police officials from the regional police department, police stations or other employees in the jurisdiction.

*Appeals jurisdiction for decision-making*

**Article 162**

The police officer shall be entitled to appeal against the decisions mentioned in Article 161 of this Law to the disciplinary commission within eight days after receipt of the decision.

*Disciplinary Commission*

**Article 163**

The Disciplinary Commission shall have 30 members appointed by the Minister.

The Disciplinary Commission makes decisions in a chamber composed of three members, of whom one must be from outside the Ministry

*Specifying disciplinary responsibility*

**Article 164**

The Government shall decree disciplinary responsibility within the Ministry.

*Reasons and procedure for suspension from duty*

**Article 165**

A Ministry employee may be temporarily suspended if criminal proceedings are initiated against the employee for an offense subject to public prosecution, or if a request is filed to establish the employee's disciplinary responsibility for serious violation of police duty.

Suspension from duty pursuant to Paragraph 1 of this Article may last until final disposition of disciplinary proceedings, and may not exceed six months.

During suspension the employee has a right to compensation amounting to half salary.

The Director General of Police or the official charge of special tasks shall decide on the suspension.

The police officer concerned shall have the right to appeal the decision to the Minister, within eight days of service of the decision. The appeal does not postpone the execution of the decision, and the appeal shall be decided within 15 days.

The police officer suspended from service must surrender the police badge, official identity papers, weapons and other assigned equipment.

*Liability for damage to third parties*

**Article 166**

The Republic of Serbia shall be liable for damages caused by a police officer to third parties, except when proven that the police officer did not act in compliance with regulations governing performance of police functions.

A police officer shall bear responsibility for damages to the Ministry or third parties, unless proven that the officer acted in compliance with regulations governing the performance of police functions.

**8. Special cases of termination of employment**

*Termination of employment by force of law*

**Article 167**

In addition to mandatory termination of employment by force of law as stipulated by other regulations, employment of a police officer or other employee of the Ministry shall cease:

1) when it is established that information related to requirements for admission to service pursuant to Article 110, Paragraph 1, Points 1, 4, 5 and 6 is false, effective immediately;

2) when the court renders a final decision convicting the employee of a criminal offense specified in Article 110, Paragraph 3, effective the day of the decision to terminate employment;

3) when it is learned that the officer has acted in violation of Article 133 of this Law, effective immediately.

4) when a competent authority determines the right to retirement in accordance with law, effective the day the decision is issued.

#### *Termination of employment on security grounds*

### **Article 168**

A police officer or other employee shall be terminated if security impediments arise during employment with the Ministry pursuant to Article 111 of this Act, due to which the officer would not have been offered employment.

In case of a security impediment pursuant to Paragraph 1 of this Article, the decision to terminate a police officer or other employee of the Ministry shall be issued by the Minister, following recommendation by the Director General of Police or official in charge of special tasks. As an integral part of the recommendation, a report on the security check specified in Article 111, Paragraph 2 of this Act shall be added.

The decision pursuant to Paragraph 2 of this Article may not be appealed, but an administrative lawsuit may be initiated.

#### *Application of other regulations*

### **Article 169**

Regulations on employment relations in government bodies shall apply to the status, duties, rights and responsibilities of employees of the Ministry, unless otherwise specified by this Law and regulations enacted pursuant to it.

## **VI. OVERSIGHT OF POLICE WORK**

### **1. External oversight of the police**

#### *Types of external oversight*

### **Article 170**

External oversight of the work of the police shall be performed by the National Assembly, in accordance with Article 9 of this Act, pursuant to separate statute and other regulations.

External oversight of the work of the police shall also be performed by the Government, competent judicial bodies, bodies of state administration with authority to perform oversight duties, and other legally authorized bodies.

Legally authorized bodies pursuant to Paragraph 2 of this Article means having powers determined by separate statute that relate to access to relevant information, contact with relevant police officers, the right to receive answers to questions and other rights defined by law.

## **2. Internal oversight of the police**

### *Division of Internal Affairs*

#### **Article 171**

Internal police oversight shall be performed by the Division of Internal Affairs.

The Division of Internal Affairs shall be managed by the head of the Division.

The head of the Division of Internal Affairs regularly and periodically reports to the Minister on the work of the Division.

### *How internal oversight of the police is to be conducted*

#### **Article 172**

The Division of Internal Affairs monitors the legality of police work, especially with regards to respect and protection of human rights while performing police tasks and applying police powers.

Forms and methods of internal oversight of the police are prescribed more closely by the Minister

### *Personnel in the Division of Internal Affairs*

#### **Article 173**

Authorized officers employed in the Division of Internal Affairs shall have full police powers in carrying out internal monitoring, and regarding both their rights and duties shall be equal to other authorized officers.

### *Procedure by the Division of Internal Affairs*

#### **Article 174**

The Division of Internal Affairs shall act on suggestions, complaints and grievances of individuals and legal entities, on written requests by members of police and on self-initiative or on information and other intelligence

The head of the Division of Internal Affairs shall inform the Minister in a timely manner, in writing, on all cases of police action or failure to act which the Division head deems contrary to law, and shall duly take required actions.

A police member may not be penalized for approaching Internal Affairs.

*Duties and powers in conducting internal oversight of the police*

**Article 175**

Members of the police shall enable officers of Internal Police to conduct oversight and provide necessary expert assistance.

While conducting oversight, Internal Affairs officers are authorized to:

- 1) examine papers, documents, and data that the police collect or issue in accordance with their authority;
- 2) take statements from members of police, victims and witnesses;
- 3) require access from the police and law enforcement employees to other data and information pertaining to their authority which are needed for successful internal monitoring.
- 4) have access to any premises used by the police in their work;
- 5) demand certificates and technical and other data about means and equipment used by the police, as well as to demand proof of capability of police personnel to use the equipment and other means in their work;

When monitoring, Internal Affairs officers shall not interfere with certain police actions or otherwise hinder the work or jeopardize the secrecy of police actions.

Documents related to the use of authority mentioned in Paragraph 2 of this Article and classified as confidential, can be reviewed by officers responsible for internal monitoring only in the presence of an authorized person who has established the degree of confidentiality of the document, or this person's delegate.

The Minister may assign other authorized law enforcement employees of the Ministry, in addition to Internal Affairs, to perform certain individual monitoring tasks.

*Duties of the Division of Internal Affairs*

**Article 176**

The Division of Internal Affairs, its authorized officers and other law enforcement officers in the Ministry are responsible for taking necessary action, determining facts, and collecting evidence in order to conduct police monitoring.

The head of the Division of Internal Affairs shall inform the Minister and the Director General of the result of investigations, and shall make recommendations to the Minister on rectifying any irregularities, as well as taking action to determining accountability.

*Monitoring the Division of Internal Affairs*

**Article 177**

The Minister shall oversee the work of the employees and head of Internal Affairs as well as of Ministry employees responsible for police monitoring pursuant to Article 172, Paragraph 2 of this Act.

If there is a credible danger that internal monitoring of the police and use of powers, pursuant to this or other statutes, would impede or significantly hinder police

performance, or jeopardize officer life and safety, a police officer may temporarily refuse access to documents, inspection of premises and availability of certain data and information, pending a decision by the Minister.

If the object of internal monitoring exceeds the authority of Internal Affairs, is connected with other statutes, or poses an issue of paramount importance to society, the Minister can decide to hand over the case to another internal unit authorized to initiate proceedings.

*Powers of the Minister and duties of Internal Affairs  
towards the Minister*  
**Article 178**

The Minister shall issue guidelines, mandatory work instructions, directives as well as orders to the Division of Internal Affairs to perform certain tasks and take certain measures falling within its authority.

At the request of the Minister, authorized officers and other employees of the Division of Internal Affairs must submit information, documents and reports regarding individual issues under its purview.

*Reporting to the Government and the National Assembly on the work of the Division of Internal Affairs*  
**Article 179**

At the request of the Government and the working group of the National Assembly in charge of security and policing, the Minister submits report on the work of the Division of Internal Affairs.

### **3. Police oversight through complaint procedures**

**Article 180**

Any person shall have the right to file a complaint against a law enforcement officer if the person believes that the officer has violated rights or freedoms by unlawful or improper action.

The complainant from Paragraph 1 of this Article may file the complaint with the police or with the Ministry within 30 days of the alleged violation.

Every complaint against a police employee, as well as related circumstances, must be considered first by the head of the unit in which the implicated officer is employed, or by a person authorized by the head (hereinafter: the head of unit). If the head of unit agrees with the complainant, the procedure may be considered concluded. A record must be made of the complaint procedure, to be signed by the plaintiff. The procedure must be concluded within 15 days of the complaint.

If the complainant fails to respond to a request for interview, or responds but disagrees with the findings of the head of unit, or when the complaint provides grounds to suspect a criminal act subject to public prosecution, the head of unit must hand over all documents to a Commission which then conducts further proceedings to resolve the complaint.

Complaints filed with the Ministry shall be handled by a three-member committee, composed as follows: the head of Internal Affairs or another Internal Affairs officer who is authorized by the head of the Division, a representative of the police authorized by the Minister, and a civilian representative. The civilian representative who takes part in complaint procedures related to police management shall be appointed and dismissed by the Minister upon suggestion from local government. The civilian representative who takes part in complaint procedures related to the work of law enforcement employees at the headquarters of the Directorate shall be appointed and relieved by the Minister upon suggestion from expert groups and non-governmental organizations. The civilian representative shall be appointed to a four-year term with the possibility of renewed mandate.

The complaint procedure at the Ministry ends by providing the complainant with a response within 30 days of final proceedings by the head of unit. The response to the complainant concludes only the Ministry procedure, and the complainant shall still have the right to pursue other legal redress.

Further details of the complaint procedure shall be determined by the Minister.

*Duty to protect confidential data*

**Article 181**

Persons who take part in oversight of police work shall be required to safeguard the confidentiality of information they obtain in performing the oversight, including after their work is completed.

**VII. FINANCING**

*Funds for work*

**Article 182**

Funds for the work of the Ministry shall be provided in the budget of the Republic of Serbia

The Ministry may acquire additional means by providing services related to the main activity of the Ministry, in accordance with work whose purpose is security and data records within the authority.

Amounts charged for the services defined in Paragraph 2 of this Act shall be determined by the Government, at the recommendation of the Minister.

*Funds for special purposes*

**Article 183**

Means used by the Ministry shall be considered state property.

A part of the means used by the Ministry are for special purposes and of confidential nature.

Land, buildings and other objects, which are of confidential nature, and are used for security purposes, shall constitute real property of special purpose.

Access to special-purpose real property, outside of regular use, is allowed only by prior permission of the Minister.

Weapons, equipment, transport and other vehicles, which are of confidential nature, and are used for security purposes, shall constitute movable property of special purpose.

Means for special purposes shall be defined by separate act.

*Funds for special operational purposes*

**Article 184**

Funds shall be allocated, within the budget and in compliance with the police financial plan, for the purpose of covering expenses and paying awards to persons who acted upon or took part in measures permitted by this Law and the Law on criminal proceedings, as well as for paying for useful information related to criminal acts and their perpetrators (hereinafter: means for special operational needs). Records of such payments shall be kept separately and in accordance with the regulations that define certain fields. The manner of managing of the funds for special operational needs shall be determined by instructions from the Minister.

Funds defined in Paragraph 1 of this Article shall be free from taxes or other duties defined by regulations.

*The Fund for monetary assistance to families of killed or wounded police officers*

**Article 185**

The Fund for monetary assistance to families of police officers killed or injured while performing their duties, is established as a budgetary fund for this purpose, in accordance with separate regulations.

The budgetary fund specified in paragraph 1 of this Article shall be established for an indefinite period of time and shall be managed by the Ministry.

Assets of the budgetary fund specified in paragraph 1 may comprise:

- 1) budgetary funds
- 2) donations



- 3) other funds in accordance with law and other regulations.

The beneficiary of the resources of the Fund from Paragraph 1 of this Article may not claim compensation for damages arising from the same event.

## **VIII. FORMS OF COOPERATION WITH OTHER SUBJECTS**

### *Inter-agency cooperation*

#### **Article 186**

The Ministry shall directly cooperate with other internal affairs bodies, with police and police organizations, as well as with security services in Serbia and Montenegro.

The cooperation defined in Paragraph 1 of this Article shall be based on the rights and duties defined by law, on mutual sharing of information and on accomplishing joint tasks.

The manner and forms of such cooperation shall be determined by special regulations of the bodies and services specified in Paragraph 1 of this Article and shall be jointly adopted by the heads of the bodies and services, in accordance with law.

### *Cooperation with the Security and Information Agency*

#### **Article 187**

In accordance with this Law, the Security and Information Agency Act (hereinafter “the Agency”), the Code of Criminal Procedure and other laws enforced by the Ministry and the Agency, the Minister and Director of Security and Information Agency of the Republic of Serbia shall jointly define the mandatory forms of cooperation between the Ministry and the Agency on issues of interest for the security of people and property and for the security and constitutional order of the Republic of Serbia, particularly:

- 1) mutual notification, sharing of information and intelligence of importance for carrying out tasks from the purview of the Ministry or the Agency;
- 2) extending direct physical, expert, technical and other mutual assistance, in accordance with the scope set forth by law and pursuant to prior agreement between the Minister and the Director of the Agency or persons authorized by them;
- 3) undertaking joint measures and activities of interest for concurrent protection and safeguarding life and property and the security of the Republic of Serbia.

*Cooperation with other government organs and non-governmental entities*

**Article 188**

The Ministry shall cooperate with other state bodies and non-governmental organizations specified in Article 6 of this Law, in accordance with this and other statutes.

For the purpose of developing cooperation or partnership, the Minister may in agreement with the bodies and entities specified in Paragraph 1 of this Article issue decrees on cooperation and set up coordinating groups with a mandate to prevent and detect criminal offenses and their perpetrators and pursue other security-related goals.

*Cooperation, protection of rights and providing legal assistance to individuals*

**Article 189**

In performing law enforcement duties, the police shall provide information and advice to individuals relevant to their personal safety and property, as well as other related information obtained by the police, unless doing so would constitute a violation of law.

An individual whose personal rights are endangered may turn to the police for the protection of rights if, in the particular case, there is no other legal protection for the rights and if infringement of the rights is related to the individual's personal safety or property.

The police shall provide assistance to an individual upon request pursuant to Paragraph 2 of this Article, if the request is in accordance with police purview; otherwise, the police must forward the request to competent authorities and inform the individual.

*Cooperation with individuals assisting the police*

**Article 190**

In addition to the cooperation specified in Articles 188 and 189 of this Act, the Ministry shall cooperate directly with individuals who provide assistance in performing police functions.

A individual who, in providing assistance mentioned in Paragraph 1 of this Article, is injured or falls ill, resulting in absence from work, or should become unfit for work, shall be entitled to the rights pertaining to health, pension and disability benefits under the conditions set for police employees.

If the individual is killed while providing assistance, the family shall be entitled to all rights pertaining to pension insurance for police officers who are killed in the line of duty.

An individual suffering damages while providing assistance is entitled, in accordance with law, to compensation of the material damages suffered because of the assistance.

If criminal proceedings are initiated against the citizen because of assistance provided to the police, the Ministry shall provide the individual with legal and other necessary assistance in connection with the proceedings.

The Ministry shall accept responsibility for damage that a citizen inflicts upon a third party while providing assistance to the police.

## **IX. THE AUXILIARY POLICE**

### *Members of the auxiliary police*

#### **Article 191**

The Ministry may establish auxiliary police for performing police tasks in cases when it is necessary to engage a high number of police officers for: carrying out high-security tasks; in natural and other disasters; for securing the national borders; in other cases when internal security is seriously threatened and in cases pursuant to Article 114.

Candidates for auxiliary police must meet the requirements specified in Article 110. Retired police officers until the age of 60 may be engaged as auxiliary police.

The Minister shall decide on use of auxiliary police for law enforcement duties, upon recommendation by the Director General of Police.

### *Rights and duties during training and carrying out tasks in auxiliary police*

#### **Article 192**

The Ministry concludes a contract with the interested candidate for volunteer service in the auxiliary police.

Members of the auxiliary police receive basic and advanced training for carrying out police tasks. Upon completion of training an auxiliary police officer may apply all police powers during engagement on police duties.

An auxiliary police officer may be engaged for a period of up to one month during a calendar year. During the period of engagement the auxiliary officer shall have the rights and duties determined by Government regulations, in accordance with relevant rights and duties of police officers pursuant to this Law.

An employer may not terminate an auxiliary police officer during active engagement in the auxiliary police, nor stipulate contractual agreements pursuant to Paragraph 1 of this Article; the auxiliary police officer shall return to work at the contract position not later than two days after active engagement in the auxiliary police ends.

The police shall keep records of candidates and auxiliary police officers.

## X. POWER TO PASS REGULATIONS

### *Powers of the Government and the Minister*

#### **Article 193**

The Government shall by decree:

- 1) prescribe the design of uniforms and insignia for police officers pursuant to Article 32, Paragraph 2 of this Act;
- 2) determine types of weapons and equipment for police officers pursuant to Article 33 of this Act;
- 3) determine the manner of procurement of special-purpose equipment without public announcement of tender pursuant to Article 183;
- 4) determine requirements for signing contracts for volunteer service in auxiliary police, manner of carrying out of tasks, criteria for selection of candidates, rights to remuneration, costs, leave and other rights and duties of auxiliary police officers and reasons for termination and revocation of contract pursuant to Article 192, Paragraph 1.

The Minister shall issue regulations on:

- 1) the manner of ensuring medical care pursuant to Article 7, paragraph 1, item 16);
- 2) the design of the official badge and identity papers for police officers pursuant to Article 32, Paragraph 1 of this Law and the use of uniforms defined in Article 312 Paragraphs 2 and 4 of this Law;
- 3) carrying of weapons and ammunition pursuant to Article 33 of this Law;
- 4) the manner of exercising police powers in issuing warnings and orders pursuant to Articles 39, 40 and 41 of this Law;
- 5) the manner of checking and establishing identity of persons and objects pursuant to Articles 42 and 45 of this Act;
- 6) the contents and forms of summoning pursuant to Article 46 of this Law;
- 7) the manner of exercising the power to transport persons, pursuant to Articles. 49, 50, 51 and 52 of this Law;
- 8) the manner of exercising the power to temporarily restrict freedom of movement pursuant to Articles, 53, 54, 55, 56, 57 and 58 of this Law;
- 9) the manner of exercising the power to search premises, buildings and documents during an anti-terrorism search pursuant to Article 63 of this Law;
- 10) the manner of exercising the power to search persons, buildings and vehicles pursuant to Article 64 of this Law;
- 11) the manner of exercising the power of securing and investigating scenes of events pursuant to Article 65 of this Law;
- 12) the criteria to determine amounts of award pursuant to Article 68 of this Law;
- 13) the manner of performing polygraph tests and the content of written consent pursuant to Article 70 of this Law;
- 14) the manner of searching for persons and objects pursuant to Article 72 of this Law;
- 15) the types of measures and procedure in protecting victims of criminal offenses and other persons pursuant to Article 73 of this Law;
- 16) the form, content and manner in which records defined in Article 76 of this Law are kept;
- 17) technical characteristics and detailed forms of using enforcement measures pursuant to Articles 89, 90, 91, 94, 97, 98, 99 and 100 of this Act;
- 18) the criteria and manner of examining special mental and physical aptitude pursuant to Article 110, Paragraph 1, Point 4) of this Act;

- 19) the content of the statement of duties and rights of police officers defined in Article 113, Paragraph 1 of this Law and on the manner of taking the oath pursuant to Article 113, Paragraph 2;
- 20) classification of type and degree of confidentiality of information, treatment of confidential information, special measures to protect confidential and official data pursuant to Article 136 of this Law;
- 21) detailed terms and procedures of granting awards and citations pursuant to Article 144 of this Law
- 22) conditions and method of selection of police officers assigned to duties abroad, as well as their duties, rights and responsibilities for the period on duty abroad, pursuant to Article 151 of this Law;
- 23) types of services through which the Ministry can secure additional means and forms and content of records of the additional means obtained, as defined in Article 182, Paragraph 2 of this Law;
- 24) specification of requirements and manner of using assets from the budget fund pursuant to Article 185;
- 25) program and requirements for implementing professional and advanced training of members of the auxiliary police pursuant to Article 192, Paragraph 2;
- 26) appearance, content and manner of keeping records of candidates and auxiliary police officers pursuant to Article 192, Paragraph 5.

The Government and the Minister shall issue regulations pursuant to Paragraphs 1 and 2 of this Article within six months of the day of the entry into force of this Law.

Regulations specified in Paragraph 2 of this Article issued by the Minister shall be published in the “Official Gazette of the Republic of Serbia”.

## **XI. TRANSITIONAL AND FINAL PROVISIONS**

### *The Decree on internal organization and job classification*

#### **Article 194**

Pending the adoption of statutes on internal organization and job classification in the Ministry in accordance with this Law, and until decisions on letters of appointment to the post are passed in accordance with such statutes or pending other appointments in accordance with law, employees in the Ministry at the time when this Law becomes effective shall continue working in their existing posts and with existing ranks, grades and salaries in accordance with current regulations and other statutes.

### *Deadlines for issuing regulations on internal organization and job classification*

#### **Article 195**

The decree on internal organization and job classification defined in Article 194 of this Law shall be adopted within one year of the date of the entry into force of this Law.

## Notification on legislative changes

### Article 196

In order to inform the general public on legislative changes and the relations between this Law and other laws in the field of internal affairs, laws on administration, criminal procedure, minor offenses, labor relations and other laws relevant for the police or enforced by the police, the Ministry shall bi-annually publish information for the general public with a list of laws and explanation of legislative changes.

The Ministry shall publish the first information specified in paragraph 1 of this Article within six months of the entry into force of this Law.

### *Effectiveness of regulations until enactment of new regulations pursuant to this Law*

### Article 197

The regulations passed pursuant to the Internal Affairs Act (*Official Gazette of the Republic of Serbia*, No. 44/91, 79/91, 54/96, 25/2000, 8/2001 and 106/2003) and the Act on Ranks of the Ministry of the Interior (*Official Gazette of the Republic of Serbia*, No. 53/95) shall remain in force until such time as the Government and the Minister pass regulations pursuant to this Act, unless in contravention with provisions of this Act.

### *Repealing of particular legislation*

### Article 198

With the entry into force of this Law, the following Acts shall be repealed:

1) Internal Affairs Act (*Official Gazette of the Republic of Serbia*, Nos. 44/91, 79/91, 54/96, 25/2000, 8/2001 and 106/2003); except the provisions of the Articles from 59 to 65 and Article 69, that shall apply until passing of regulations that shall govern the scope and status of the police educational institution and/or until completion of schooling of the generation of students of the Secondary School for Internal Affairs enrolled for the 2005/2006 school year;

2) Act on Ranks of Members of the Ministry of Interior (*Official Gazette of the Republic of Serbia*, Nos. 53/95 and 66/2003); except the provisions of Articles 1,5,9 and 14 in the part that relates to students of Police Secondary School and students of Police Academy, that shall apply until passing of new regulations that shall govern the scope and status of the police educational institution and/or until completion of schooling of the generation of students of the Secondary School for Internal Affairs enrolled for the 2005/2006 school year.

### *Entry into force of this Law*

### Article 199

This Law shall take effect eight days after its publication in the *Official Gazette of the Republic of Serbia*.

