INTERNATIONAL COOPERATION AND SPECIAL INVESTIGATIVE MEASURES

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INTRODUCTION

Crime as a socially harmful phenomenon follows society and its growth and development, changing only its apparent forms and methods of action. It always adapts quickly and easily to new social conditions. As a phenomenon, it finds its roots in individual offenses and violators of prescribed norms of behaviour. Later, street gangs and criminal groups appear which, over time, join together and expand their criminal behaviour.

Open state borders, reduced border controls, rapid and comprehensive development of science, technique and technology, especially computer technology, among other benefits, enabled a rapid flow of people and objects. Criminal organizations and their organizers recognize the convenience of easy transfer of crime from one country to another, from one region to another. Perpetrators of crimes quickly and easily change their place of residence after committing a crime. With their practice, they have unlimited opportunities to achieve their goal - the realization of profit and power. As a consequence of such situations, criminal acts with elements of organization and international characteristics have recorded a constant increase. The number of fugitives from the law is also growing, and thus the number of criminal proceedings conducted in their absence. Crime has brought dangers that can seriously threaten young democratic states. Such conditions make it difficult and complicated to identify, detect and prove.

Globalization as a worldwide process with rapid changes in the legal, political, social, economic, financial areas and communications of all kinds has enabled the overcoming of national borders. At the same time, such changes contributed to the emergence of new forms and ways of committing crime, in which well-organized individuals and groups, professionals, repeated offenders meet as organizers and executors. There are no obstacles and state borders for mutual cooperation to achieve their goals. Quick and easy adaptation to new social conditions contributed to its representation in all countries of the world, regardless of their level of development and type of arrangement.

The international community has recognized crime as a new phenomenon that still represents a special security problem, a serious threat and danger to states and the international community. The harmful consequences that it can cause become the reason and necessity for constantly undertaking and promoting the measures and activities for its prevention and suppression.

Due to its characteristics and as a new phenomenon for which there is still no single and generally accepted definition, it is constantly a challenge and in the centre of attention of the ordinary person, the scientific and professional public. For these reasons, its prevention and suppression require a serious and multidisciplinary approach both on national and international level. International cooperation in dealing with crime is foreseen and implemented in accordance with international conventions, protocols

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and other legal acts and takes place in the direction of cooperation between states. At the national level, activities take place between national agencies, institutions and bodies in charge of dealing with crime.

The emergence of new forms and ways of committing crime impose the need to find and develop new forms of cooperation (Kambovski, 2005), its constant intensification and improvement. Within the framework of the paper, research and analysis of the international cooperation and use of special investigative measures in our country will be made for a period of three years.

CRIME

Crime as a social and harmful category is not an unknown category because it occurs and manifests itself in all societies. As a phenomenon in any of its forms, it is a human creation that follows its development and adapts to the conditions it creates. It is hardly known in the original community (Newman, 1999: 64). The emergence and division of society into classes changes the conditions for people's life and survival. The first antisocial behaviours also appear such as prostitution, betting, begging, wandering and crime. Crime finds its roots in individual offenses and violators of prescribed norms of behaviour.

Later, street gangs and criminal groups appeared which over time joined together and expanded their criminal behaviour. The emergence of piracy in the 17th century and the robbery of merchant ships and the illicit trade in opium are considered to be the first emerging forms in the UK in which active states were also included for political, economic or financial reasons and interests.

Today's forms of crime are thought to have originated in the late 19th and early 20th centuries on the American continent. In the 1980s, it spread rapidly and unstoppably, first through the developed Western European countries, and later also in the poorer countries.

Crime, according to its emerging forms, ways, methods and environments in which it appears and acts, is difficult to identify, particularly to detect and prove. As actions, they can be divided into property, blood, sexual, traffic offenses, economic and political ones, actions against the military forces, against the state, etc. According to the territory on which criminal activities are carried out, they can be local, regional, national and transnational. Depending on the type of criminal activities, the ways and means of their execution also differ.

ORGANIZED CRIME

The developments of science and new technical technological discoveries have a positive effect on the overall development of man and society. Globalization as a worldwide process with rapid changes in the legal, political, social, economic, financial areas and communications of all kinds has enabled the overcoming of national borders. At the same time, such changes contributed to the emergence of new forms and ways of committing crime, in which well-organized individuals and groups, professionals, repeated offenders meet as organizers and executors. There are no obstacles or national borders for their mutual cooperation. The new crime only changes its forms and ways of organizing and acting over time. Quick and easy adaptation to new social conditions contributed to its representation in all countries of the world.

Organized crime represents a special form of professional crime that especially began to develop at the beginning of the 20th century in the developed Western countries, and then spread to the countries in transition. In 1990s, its presence was observed in all states and spheres of social life, and as such it represented a dangerous threat to the future development of democratic states. It should also be taken into account that this type of crime is able to control young democratic societies and their future development.

The dysfunctionality of the rule of law, the predominance of politics over law, disregard for laws, rapid social, economic and political changes, migrations, the development of transport and communications, problems in certain regions and countries in the transition process and crises of all kinds that have arisen in recent years (economic, military, health, financial) are some of the reasons for its emergence and rapid growth (William, 1994:103). Organized crime, together with money laundering, corruption and terrorism, today represents a serious threat to destabilize social, economic, political institutions and a danger to the sovereignty of states.

Since its inception, the term 'organized crime' has been a controversy for the scientific world, a term shrouded in mystery. For those reasons, there are countless definitions even today, but there is not one definition that would be acceptable to all countries (Woodiwiss, 2001:177). The reasons for this can be sought in its transnational nature, the ability to cross state borders, the constant search for appropriate forms necessary for its execution and protection, its internationalization, interconnections and the constant commitment to achieve a greater and more significant influence on political and economic life of the states.

Organized crime does not recognize national borders. Its international character is expressed by mobility, adaptability, finding new methods and forms of action. For these reasons, there is almost no country in the world, regardless of their level of development and state of affairs, in which it is not manifested in any of its forms. Criminal organizations always try to get involved in the existing systems and institutions using appropriate methods and ways (corruption, blackmail, use of violence, recklessness, intimidation) with the sole purpose of gaining power and profit and using them to carry out their future illegal activities. Practicing such methods of action, causes enormous and irreversible damage to the states and the international community in general.

As for security, crime and cooperation, there are daily discussions at all levels. Everyone is talking: politicians, lawyers, economists, sociologists, criminologists, scientists and ordinary people. Due to their topicality, they have been the subject of numerous conferences, meetings, seminars at which numerous conventions, protocols, resolutions, recommendations were adopted. Due to their seriousness and topicality, they are the subject of numerous daily articles and announcements in the public media. Numerous researches have been carried out and conclusions have been drawn, countless theses have been presented.

Due to its characteristics and as a new phenomenon, it is constantly a challenge and in the centre of attention of the ordinary person, the scientific and professional public. Dealing with crime is a complex activity that basically consists of the activation of preventive and repressive measures. Some of the measures are implemented by the police, some by the judicial authorities and some jointly and coordinated by the two institutions. In this direction, special and specialized agencies, and bodies are formed within the police and the judiciary (Interpol, Europol, SELEC, ILECU, Eurojust, European Judicial Network, CEPOL).

Numerous conventions, protocols, recommendations and other legal acts are enacted and adopted. Congresses, conferences, seminars, trainings and other forms of education are being organized and implemented. New instruments are also being introduced to provide the suspected perpetrators with quality evidence for the successful initiation and conduct of criminal proceedings (Red notice, EAW, FAST, ENFAST, SIM).

For these reasons, its prevention and suppression require a serious and multidisciplinary approach, both on a national and a wider international level.

At the national level, the activities take place between national agencies and institutions in charge of dealing with crime. Also, legal acts are adopted that are appropriate for the new conditions of crime. Domestic legislation constantly follows and complies with international legal acts.

National policies and commitments to deal with crime alone are not able to provide an appropriate answer. Also, the instruments of international cooperation are not able to do that. For these reasons, only a joint and coordinated performance can contribute to more successful dealing with crime.

The emergence of new forms and ways of committing crime imposes the need to find and develop new forms of cooperation, as well as to constantly intensify and improve it.

International cooperation in dealing with crime is foreseen and implemented in accordance with international conventions, protocols and other legal acts and takes place in the direction of cooperation between states. Cooperation becomes a necessity and the only organized response to crime. Basically, it implies mutual respect and solidarity. As an instrument of international cooperation, it is under the competence of national state authorities, and as a legal instrument, it is under the competence of judicial authorities. Cooperation foresees and presupposes the existence of certain conditions and procedures.

COOPERATION

Under conditions of increasingly intensive growing movement of capital, material and immaterial goods, regardless of the existence of state borders, interstate legal traffic between states and international organizations and institutions becomes very complex and diverse. The presence of the foreign element in such relations requires knowledge of both national and valid international agreements, bilateral or multilateral and other legal regulations. The beginning of the 21st century in international relations is characterized by efforts to unify the legal systems, especially in the sphere of civil law and criminal law relations, which, despite the similarities, are still different. Even in the criminal matter today, elements with international characteristics are found which, in addition to knowledge of domestic legislation, also require knowledge of international law.

The emergence of new forms and methods of action of transnational organized crime created numerous problems for the police and judicial authorities both at national and international level. Aware of the different approaches and interpretations and definitions of crime, the differences in the penal systems, the different forms of organization of the criminal law authorities, the existence of different practices, the differences in economic development, the high degree of corruption at all levels, restraint and mistrust in the exchange of information and data in dealing with crime require the need to find generally acceptable new solutions and instruments.

Today, in the conditions when the existing crime that does not recognize state borders, international cooperation takes on a significant place and role, that is, it becomes an imperative for the realization of international solidarity in the fight against crime.

The cooperation basically enables the formation of common databases, coordination and support in the process of their exchange between the agencies and institutions in the states and the state authorities at international level competent for the detection and prosecution of the perpetrators of crime.

The efforts usually end with the signing of bilateral and multilateral cooperation agreements and with the establishment of cooperation between intelligence and other services.

Global events on the world stage were the reason why international judicial police cooperation became especially relevant in the last decade. It has become universally recognized as an instrument in overcoming the problems with new forms of crime. It is constantly subject to intense regulation both by legislative bodies at the national and international level.

For the police and judicial authorities, the emergence of transnational organized crime has created and continues to create numerous problems that can be identified in different interpretations and definitions of crime, language, differences in criminal justice systems, various forms of organization of criminal justice authorities, the existence of differences in police and court proceedings, etc. At the international level, the moments when the police authorities started procedures for all criminal acts and not only for political ones, and when the cooperation from the temporary and limiting character gained consistency and organization, are considered particularly important stages for its development.

Further follows the development of international criminal law after the World War II with the establishment of the International Military Court (1945), then the Hague Tribunal (1993) and the International Criminal Court (1998), international cooperation is manifested and applied based on international standards, norms and institutions. International police and criminal justice cooperation extends to the recognition and execution of foreign criminal judgments and the transfer of convicted persons.

International police cooperation has historical foundations. It emerged with the formation of nation states in the 19th century and the appearance of the first forms of organized crime. As it became more complex and acquired characteristics of an international one, and considering the fact that the state is not able to handle it alone, the demands of the states for cooperation increased. Historical records and evidence show that the development of international police cooperation was aided by previously acquired cooperative practices created primarily for political reasons.[2] The emergence of international law in the direction of law enforcement and rapid and significant social changes are reasons for changing and adapting to the new conditions of the practices and organization of criminal law enforcement authorities.

Even in today's conditions, crime represents a special security problem, a serious threat and danger to states and the international community. The harmful consequences that it can cause to the individual and society are the reason for constantly taking and improving the measures and activities for its prevention and suppression. Crime today with its characteristics of constant growth, rapid adaptability to new social conditions and changes and internationalization makes it difficult to identify and detect. The practice of the existing preventive and repressive measures does not give the expected results. For these reasons, their constant review, adjustment and introduction of new ones is required. The fact is that by independently activating any institution, measure and activity today, crime cannot be completely eliminated. Keeping it to the lowest possible limits is considered the main goal in dealing with it. Considering the fact that today's crime knows and recognizes no national borders, the national approach in dealing with crime becomes aimless and pointless.

Its internationalization requires the activation of appropriate measures, activities and instruments of international cooperation. Cooperation based on informal interstate agreements can also produce only a partial effect and result. In this direction, only the measures of harmonization of the domestic

2 The need for international control of persons and organizations opposed to the existing political systems – socialists, liberals, democrats, anarchists.

legislation with the international ones and finding new effective instruments of cooperation can advance and develop the international cooperation in dealing with crime. International cooperation in criminal matters is realized based on many legal acts.[3]

INSTITUTIONS

Interpol

The growing number of committed crimes with elements of organized crime and its internationalization at the beginning of the 20th century imposed the need to find new forms of organizing the international community to deal with this kind of crime. In that direction, the delegations of 20 countries at the Second International Congress held in Vienna in 1923 made a decision to establish the First International Police Authority - the International Criminal Police Commission. The main objectives consisted in facilitating the cross-border cooperation of the criminal police, providing reciprocal assistance to the police authorities in accordance with their national laws and creating and perfecting the conditions and methods for effective crime fighting. Over time, Interpol has grown into the largest international police organization in the world, having today 195 member countries. It is located right after the United Nations. The headquarters of the General Secretariat is located in Lyon, France.

The organization supports and provides assistance to all government organizations, bodies and agencies whose work is to prevent and fight against international crime. In its operation, the organization is focused on secure global police communication system, operational services and police databases, operational police support and police training and development. Also, Interpol has rapid reaction teams and major event support teams.

Priority activities are aimed at public safety, terrorism, drug and human trafficking, criminal organizations, financial and computer crime, corruption and fugitives from the law. The activities for which Interpol is recognizable include search for persons and objects. Through its channels, thousands of electronic requests/posts circulate daily in different colours that indicate its content and meaning, that is, the type of search.

International police cooperation, the establishment of standards in the conduct, the training of personnel, the exchange of police information (even between those countries that have not established an official relationship), assistance in investigations and notifications for persons who are the subject of an international search are the main activities of Interpol. In the implementation of its activities, it respects national legislation and international legal acts.

International police cooperation takes place in accordance with the principles of: respect for national sovereignty and legislation, the application of criminal law, universality, equality of all member countries, cooperation with other institutions and agencies through the National Central Bureaus - NCB, and flexibility in working methods. Respect for these principles implies that the national police undertake and carry out the measures and activities and inform the requesting country about them and the reply may be used for police or court proceedings.

3 The United Nations Convention against Transnational Organized Crime, adopted by General Assembly resolution 55/25 of 15 November 2000; United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 19 December 1988, Entry into force: 11 November 1990; European Convention on Extradition, Paris, 13 December 1957; European Convention on Mutual Assistance in Criminal Matters, Strasbourg, 20 April 1959; Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, Strasbourg, 8 November 1990.

It fulfils its role through the so-called global communication system. I - 24/7 which means 24 hours a day, 7 days a week. The system enables the police forces to be more efficient in performing the assigned tasks. The system was created in the four official world languages, English, French, Spanish and Arabic. Within the framework of Interpol, six regional sub-bureaus[4] operate with the task of coordinating activities in the region for which they were established, and creating conditions for a faster exchange of information and data. It prepares and publishes general and special publications for its activities.

EUROPEAN UNION AGENCIES FOR JUSTICE AND HOME AFFAIRS

The realization of the basic goal of the EU, i.e. freedom, security and justice, required the establishment of special agencies in the field of justice and internal affairs. According to the regulations, they function by exercising controls, monitoring and planning activities in the areas for which they were established. They work and participate in joint operational activities and exchange of information and data. Mutual institutional cooperation and trust is of key importance for the achievement of its tasks and goals. EU regulations are voted by the European Parliament and the Council. Mutual cooperation is achieved by respecting the national systems of the member countries. In the area of order, security and border controls, FRONTEX, EU-LISA and EUROPOL have the greatest jurisdiction.

In the field of law, justice and social policy, the following have the main responsibilities: EASO, EIGE, EMCDDA, CEPOL, FRA and EUROJUST.

CEPEJ – European Commission for the Efficiency of Justice.[5] Bearing in mind the fact that the principle of the rule of law cannot be ensured without fair, efficient and accessible judicial systems, the Committee of Ministers of the Council of Europe, with Resolution REs (2002) 12, established CEPEJ in which the representatives are experts from all member countries.

In order to increase the efficiency of justice systems in the member countries of this organization, the Council of Europe pays special attention to activities in that direction.

In order to achieve the desired goal, several bodies have been constituted that work on the preparation of international instruments that will be available to the member states, the preparation of reports in which practical measures and activities will be offered to overcome the shortcomings that have already been established and the realization of research on the functioning of the judicial systems of the member states.

The cooperation between the member states takes place in several directions, that is, in analyse the different justice systems, in facilitating the application of various legal instruments that increase the efficiency of justice and finding concrete measures that should improve the justice systems in Europe.

The Appendix to the Resolution presents the Statute of the Commission, which contains the objectives, functioning, working methods, procedures and composition of this body.

EUROJUST – The Agency for Criminal Legal Cooperation was established and operates in accordance with Decision No. 2002/187 – JHA.[6] The Decision was repealed and replaced by Regulation

4 Argentina (Buenos Aires), Cameroon (Yaoundé), Côte d'Ivoire (Abidjan), El Salvador (San Salvador), Kenya (Nairobi), Zimbabwe (Harare)

5 The European Commission for the Efficiency of Justice (CEPEJ) was established on 18 September 2002 with Resolution Res(2002)12 of the Committee of Ministers of the Council of Europe

6 Decision 2002/187 - 2002/187/JHA: Council Decision of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime

(EC) number 2018/1727 of 14 November 2018. The basic activities are carried out by coordinating the work of national authorities, investigations and prosecutions of transnational organized crime. It pays particular attention to terrorism, internet crime, human trafficking, drug trafficking, migrant smuggling, crimes against EU financial interests, economic crime, money laundering and fraud.

EIGE – The European Institute for Gender Equality was established and operates in accordance with Regulation (EU) number 2006/1922 of 20 December 2006.[7] in order to contribute, strengthen and promote gender equality and its integration in all EU policies.

EMCDDA – The Centre for monitoring narcotics and drug addictions was established and operates in accordance with Regulation (EU) number 2006/1920 of 12 December 2006,[8] in addition to the regulation from 1993 in order to provide and analyse information on EU level regarding narcotics, addiction and their consequences.

FRA – European Agency for Fundamental Rights. It was established and operates in accordance with Regulation (EU) number 2007/168 of 15 February 2007.[9] It performs its activities by collecting and analysing laws and data, helps in the implementation of laws, supports and strengthens cooperation and ties with EU member states.

EUROPOL – Agency for cooperation in law enforcement.[10] It was established and operates in accordance with the Decision of the European Parliament and the Council number 2009/371-JHA, supplemented by Decisions number 2009/934-JHA, 2009/935 – JHA, 2009/936 – JHA and 2009/968 – JHA. Previously adopted decisions have been replaced by Regulation (EU) number 2016/794 of 11 May 2016. The agency provides an effective response to serious and international Organized crime, cyber-crime and terrorism threats by sharing information and data and providing proactive operational support. The databases and services are available to the relevant authorities in the Member States.

EASO – European Asylum Support Office was established and regulated by Regulation (EU) number 2010/439.[11] It was established in order to improve the implementation of the common asylum system and to coordinate the provision of operational support to member states.

EU - LISA – The agency for operational management of large IT systems was founded and operates according to Regulation (EU) number 2011/1077.[12] The competences have been increased by Regulation (EU) 2018/1726. The agency provides support to member states for safer Europe with the technological operational management of large EU systems. It manages 3 large IT systems covering visas – the Visa Information System (VIS), asylum applications and the exchange of information and data in the Schengen area – the Schengen Information System (SIS 2) and EURODAC.

CEPOL – The Law Enforcement Training Agency was established and operates with Regulation (EU) number 2015/2219 of 25 November 2015.[13] It contributes to greater security by facilitating coopera-

7 Regulation (EC) No 1922/2006 of the European Parliament and of the Council of 20 December 2006 on establishing a European Institute for Gender Equality

8 Regulation (EC) No 1920/2006 of the European Parliament and of the Council of 12 December 2006 on the European Monitoring Centre for Drugs and Drug Addiction (recast)

9 Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights

10 Council Decision 2009/371/JHA establishing the European Police Office (Europol)

11 Regulation (EU) No 439/2010 of the European Parliament and of the Council of 19 May 2010 establishing a European Asylum Support Office

12 Regulation (EU) No 1077/2011 of the European Parliament and of the Council of 25 October 2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice

13 Regulation (EU) 2015/2219 of the European Parliament and of the Council of 25 November 2015 on the European Union Agency for Law Enforcement Training (CEPOL) and replacing and repealing Council Decision 2005/681/JHA

tion, sharing knowledge between law enforcement officials in EU member states, but also with third countries to a certain extent, especially in the area of serious crime.

FRONTEX – The Border and Coast Guard Agency was established in accordance with Regulation (EU) number 2016/1624.[14] With Regulation (EU) number 2019/1896 of 13 November 2019 the mandate is strengthened and the competences are increased. The main activities consist in the management of the external borders of the EU and the fight against cross-border crime. It is the guardian and driving force for the integrated management of European borders.

JHAAN – Justice and Home Affairs Agency Network.[15] The network was established to facilitate and promote mutual cooperation and information sharing. All other agencies are included in the network. The network helps in the implementation of measures and activities in the field of security, justice, fundamental rights and gender equality. It is actively involved and works in the field of migration, border management, drug and human trafficking, fight against Organized crime and gender equality.

EJN – European judicial network.[16] It has been functioning since 1998. The network is composed of national contact points – prosecutors, judges, representatives of the Ministry of Justice and law enforcement authorities. It was founded in order to facilitate international judicial cooperation in criminal matters, that is, to identify and establish direct contacts, providing legal and practical information on judicial cooperation.

The network allows practitioners to make direct contact with their colleagues, provides a secure telecommunications connection to support the operational work of the national contact points. The network actually represents a forum for discussions about the practical and legal problems they face in the course of their work.

INSTRUMENTS

International cooperation is carried out in accordance with the provisions of the Law, international agreements or with a legal act that regulates criminal procedures that are under the jurisdiction of international courts.

Cooperation also implies protection of sovereignty and security, double incrimination, prohibition of double punishment, reciprocity, urgency and efficiency in action, direct communication and cooperation, mutual trust and recognition and execution of court decisions. The cooperation applies to all criminal proceedings and criminal acts which, at the time of submission of the petition - the request for international legal assistance, are under the jurisdiction of the judicial authority of the requesting state, in the proceedings before the European Court of Human Rights, the European Court of Justice, the International Criminal Court and other international organizations.

14 Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard and amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC

15 Established in 2019, the network includes nine agencies: CEPOL, EASO, EIGE, EMCDDA, EU-LISA, Eurojust, Europol, FRA and Frontex.

16 The European Judicial Network (EJN) is a network of national contact points for the facilitation of judicial cooperation in criminal matters. The EJN was created by Joint Action 98/428 JHA of 29 June 1998 to fulfil recommendation n°21 of the Action Plan to Combat Organised Crime adopted by the Council on 28 April 1997. In December 2008, a new legal basis entered into force, Council Decision 2008/976/JHA of 16 December 2008 on the European Judicial Network (hereinafter the "EJN Decision"), which reinforced the legal status of the EJN, while maintaining the spirit of 1998.

International legal assistance, the transfer of criminal proceedings, extradition, the execution of criminal judgments and the transfer of convicted persons, the recognition and execution of foreign criminal judgments and the transfer of convicted persons are considered modern instruments of international cooperation in criminal matters. International legal assistance implies several activities.[17]

SEARCHES

The search for persons is one of the most important measures and instruments used by police authorities in dealing with crime, that is, locating, finding and depriving fugitives of the law of their freedom. Its effectiveness has a direct impact on the course of criminal proceedings (Stojanovski, 2014). Usually, the search begins with issuing a national or international warrant through Interpol channels. In order to increase efficiency, new methods are introduced (SIM), special services and specialized teams are formed (FAST, ENFAST), new legal acts are adopted, and the already adopted ones are changed and adapted to the new conditions. The effective search for fugitives from the law at international level ends with the extradition of the person, which as an instrument of cooperation considered to be the oldest tool. In international frameworks, extradition over time becomes part of international criminal law. In the last twenty years, in dealing with crime and the deprivation of freedom of fugitives from the law, the determination and implementation of SIM has gained a special role, place and importance. The creation of legal presumptions for the determination of these measures is considered the greatest benefit in the fight against crime. The dilemmas surrounding the threat of human rights and freedoms guaranteed by the constitutions and laws have been overcome by their legal regulation.

Interpol's Red notice, European Arrest Warrant, extradition, transfer of convicted persons, FAST and ENFAST as instruments are directly related to the search for the simple reason that if a warrant is not issued, there is no search for fugitives from the law.

RED NOTICE

Red notice as an instrument of search is considered the first and oldest form practiced by the police authorities in dealing with fugitives from the law. International warrants are one of the basic tools in operation. There are eight types of notices circulating through IP channels,[18] each with a special colour and for a special purpose. A red notice is issued for the deprivation of a person for whom an international warrant has been issued and his extradition, a blue notice is issued for locating a person or determining his place of residence, for warning about the presence of a person known to be a per-

17 Delivery of documents, written evidence and objects related to the procedure in the requesting state, delivery and exchange of information, notices and regulations, examination of a witness, victims or expert person, temporary transfer of a person deprived of liberty, cross-border monitoring, joint investigation teams, search of premises, persons and objects, examination via video or telephone conference connection, temporary securing of objects, property and assets, special investigative measures, delivery of extracts from criminal records.

18 Red Notice: To seek the location and arrest of persons wanted for prosecution or to serve a sentence; Yellow Notice: To help locate missing persons, often minors, or to help identify persons who are unable to identify themselves; Blue Notice: To collect additional information about a person's identity, location or activities in relation to a criminal investigation; Black Notice: To seek information on unidentified bodies; Green Notice: To provide warning about a person's criminal activities, where the person is considered to be a possible threat to public safety; Orange Notice: To warn of an event, a person, an object or a process representing a serious and imminent threat to public safety; Purple Notice: To seek or provide information on modus operandi, objects, devices and concealment methods used by criminals; INTERPOL–United Nations Security Council Special Notice: Issued for entities and individuals who are the targets of UN Security Council Sanctions Committees.

petrator of criminal acts on the territory of one or more states, a green notice is issued, for identifying bodies as well as for reported missing persons, yellow notices are issued.

The red notice is issued by Interpol as an instrument of international police cooperation. The red notice is issued for persons who are the subject of a search for the purposes of the criminal procedure and for persons who are wanted for serving a final court criminal sanction. Red notice is intended exclusively for finding and deprivation of liberty of fugitives from the law for the purpose of their extradition. The basis for its issuance and notification is the existing court order for the deprivation of liberty of the person. Its processing through Interpol channels means that it becomes active and available to all Interpol member states at the same moment.

The extradition procedure begins with activities that are under the authority of the police, that is, with the deprivation of the person's liberty. In accordance with national and international legislation, for this purpose, the police issue a warrant first at a national level. If during the search for the person, he/she is not found and deprived of liberty and information is obtained about his stay abroad, the police take actions to issue an international warrant through IP channels.

Both the national warrant and the red notice are issued with the same purpose of finding the person and depriving them of their freedom in order to extradite them. The request for the issuance of an international warrant must be in the prescribed form and contain the identification data for the person, court data and the measures to be taken. As a basis for deprivation of liberty, a large number of IP member states recognize the red notice, and as such it is an important instrument of international police and judicial cooperation.

EUROPEAN ARREST WARRANT

Freedom, justice and security are considered indivisible within the EU. The control of the external state borders and the fight with the Organized crime and terrorism are among the priorities of the EU authorities and bodies. The basic assumptions for successfully dealing with the new challenges are required in the joint action of the criminal law authorities and the police, including here the customs and other agencies competent for the mentioned areas.

With the abolition of internal state borders within the EU and reduced border controls, cross-border crime shows a trend of constant growth.

For these reasons and in order to prevent the spread of crime and increase the efficiency of law enforcement agencies in the fight against crime, the need for increased cross-border cooperation and finding new forms of cooperation has arisen. A novelty in that direction is the introduction of the European Order for Deprivation of Liberty. The foundations for its adoption and introduction are contained in the EU Treaty in the section on police and judicial cooperation.[19] The decision was made and adopted on June 13 2002,[20] and entered into force on January 1 2004. The implementation of the decision, that is, the introduction of the order, became mandatory for the EU member states. In this way, it becomes valid within the EU.

19 EU Treaty in the section on police and judicial cooperation, Area of freedom, security and justice / Police and judicial cooperation in criminal and customs matters / Judicial cooperation in criminal matters; Proposal for a Council framework Decision on the European arrest warrant and the surrender procedures between the Member States

20 2002/584/JHA: Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States - Statements made by certain Member States on the adoption of the Framework Decision

With its introduction, long extradition procedures have been overcome. The introduction of the order also meant an increase in mutual trust and cooperation between the criminal law authorities, respect for the principle of mutual recognition of court decisions and the replacement of extradition procedures with surrender procedures between competent judicial authorities.

In relation to the warrant, the order offers other advantages.

The simplification of procedures, decision making by a judicial authority, the inclusion of the request for search and deprivation of liberty, the determination of the measure of detention and surrender, shortening of the entire procedure by determining precise deadlines, eliminating political influences when making the final decisions, reducing the grounds for refusal are part of the advantages.

EXTRADITION

One of the oldest forms of international cooperation between states is extradition, which is undertaken in order to prevent the perpetrator from escaping the jurisdiction of one state by fleeing and hiding in another. Extradition implies submission of a request for extradition or an issued international warrant for a criminal offense for which the suspended sentence cannot be less than 1 year, for the purpose of execution of a valid effective prison sentence or is required to serve a prison sentence of at least 4 months.

SPECIAL INVESTIGATION MEASURES

The prevention and detection of criminal acts is one of the basic activities of the police authorities on the basis of the domestic legislation, that is, the established positive legal regulations. Police activities can have a preventive or repressive character.

The measures and activities undertaken in the pre-criminal investigation are aimed at providing quality and valid evidentiary material for the initiation of criminal proceedings. In this way, SIMs become part of the criminal procedure (Matovski, 2005). The emergence of new forms of crime caused the need to find new tools in dealing with them.

One of the most significant is the introduction and practice of SIMs, which with the legal decisions became an integral part of the criminal procedure, primarily for providing adequate, qualitative and valid evidentiary material. The measures are determined only in cases where it is likely that with other means of evidence it will not be possible to quickly and efficiently provide data and evidence necessary for conducting the criminal procedure (Ilievski et al., 2012).

In dealing with organized crime, SIMs are extremely important and relevant. SIMs represent a special type of operational technique that criminal law authorities use in pre-investigation procedures. As a measure, they are determined after the crime has been committed. Although by their nature they are repressive, they occupy an increasingly important place in modern democratic legislations in dealing with crime. Their legalization is imposed by the awareness that the permanent traditional investigative measures do not have sufficient capacity to oppose the modern forms of transnational organized crime. For these reasons, the modern criminal legislations have introduced new measures, ways and means with the help of which it is considered that they will stand in the way of modern crime. In recent years, SIMs have been determined more often because by their nature they are very suitable for detecting criminal activities. It is considered that they are the result of the previous practices and experiences of the intelligence and security services. The new concept for the action of the police, prosecutorial and judicial authorities was prepared and promoted in the period from 1992 to 1994, when a comparative study was prepared for twelve European countries and the United States for compliance, uniformity and efficiency in application at the Max Planck Institute in Freiburg (*https://csl.mpg.de/en*), Germany of this type of measures in the fight against transnational organized crime. The negative experiences of some countries, the awareness of the world community about the danger of the new type of crime and the readiness and ability of the authorities for their practice are some of the reasons for their legalization. Their determination and implementation require appropriate precise and clear legislation, which will be available to the public. Legal regulation should be transparent, public and accessible to citizens.

The determination of SIMs consciously violates certain human rights and freedoms guaranteed by the Constitution and international documents. Despite this fact, they are legally regulated in the direction of achieving the protection of citizens and society from serious forms of crime and for a successful and efficient fight against it. With their introduction to the bodies of the criminal law authorities, the procedure for the detection and prosecution of the crime is significantly facilitated, especially in the part of providing quality evidential material for a certain period of time. In order to protect certain rights and freedoms of citizens (Jovchevski, 2009), the legal decisions precisely determine the criminal acts, the type of measure, their duration, the authority that determines them, the procedure with the collected material, the authorities that execute them, etc. Before their determination, all possibilities are analysed whether the evidential material can be provided by applying it in another way and by applying another type of measures.

The introduction of SIMs is considered a forced response. Keeping in mind their sensitivity and in an attempt to protect the rights and freedoms of the individual from any possible abuse and at the same time to take advantage of the multitudes offered by SIMs, the legislators in the states and the international community have regulated this issue by passing numerous legal acts. International standards and domestic legal systems should provide clear, unambiguous and practical guidelines as a basis for prosecutions and courts in dealing with requests, approvals, application, control and supervision during their implementation.

The uniqueness of the measures[21] are the reason that they are determined and implemented only by specialized state authorities. In court proceedings, SIMs are considered relatively new, although until their legal regulation and officialization they were known to the public as measures practiced by secret services. In accordance with the legal regulation, the measures are used only in cases where it is really necessary and exclusively for providing evidence and data that cannot be obtained in any other way. Their application implies a violation of the individuals' privacy, that is, they represent a serious threat to individual rights and freedoms, considering that it may disturb their private life. For these reasons, their application should be balanced between the effectiveness of criminal legislation and basic human rights and freedoms. The consistent application of the adopted legal solutions, their normative arrangement and constant upgrading with appropriate laws becomes a necessity. However, in spite of everything, it is considered that their application is less evil than the evil that is threatened by transnational organized crime, that is, that they are a necessary instrument of the bodies of criminal legal prosecution in today's modern societies.

During their determination and implementation, it is necessary to pay special attention to the protection of privacy, the right to the privacy of the home, the right to the protection of letters and other types of communication, as well as the right to the protection of personal data. According to the adopted con-

21 Certain criminal acts, a certain time for their duration, implementation only by certain authorities, determination only by the prosecution or court and others.

clusions contained in the Resolution of the XVI Congress of the International Association for Criminal Law held in Budapest, 1999,[22] their application implies respect for certain principle.[23] The principles are confirmed and upgraded by other acts of international organizations - UN, EU and others.

FUGITIVE ACTIVE SEARCH TEAM (FAST)

Finding fugitives from the law is of particular importance for the successful conduct of criminal proceedings or the execution of imposed criminal sanctions. Despite the use of the benefits of new techniques and technologies by the criminal prosecution authorities, finding fugitives from the law is difficult. The unlimited opportunities for constant mobility of criminals often beyond state borders, reduced border controls, new forms, means and methods used by fugitives from the law to avoid criminal prosecution require an appropriate response from the criminal justice authorities. For these reasons, the search for persons requires a multidisciplinary approach, efficient and immediate mutual cooperation.

In order to achieve greater and more efficient cooperation between the competent authorities for finding fugitives from the law within the EU during the presidency of Belgium, in 2010, the idea was born for the establishment of national teams for the active search for persons - FAST and the European network of teams for the active search for persons - ENFAST within the framework of the national police authorities in the Union.[24] In countries where there are no conditions for the establishment of such teams, it is recommended to establish a single point of contact for active search for persons.

The introduction of the issued international notices through the channels of Interpol and the European arrest warrant served as a legal framework for the functioning of such teams.

Operationally, the teams act and coordinate measures and activities on the territory of their country. Using the opportunities offered by new technologies is considered the greatest benefit and recognition of the teams. FAST teams are used to locate, find and detain fugitives only for certain crimes.[25]

ENFAST

In order to achieve the goal in cases where there is an active search for persons, the establishment of an informal network for finding, locating and depriving the person of liberty was also foreseen. The ENFAST network is composed of national contact points for cooperation in the field of international tracing within the Union. The network enables the availability of search teams practicing the principle of operation 24/7. By enabling direct and rapid collaboration with special teams, it makes the network unique, and team members are considered experts in their field.

22 XVI International Congress of Penal Law, Budapest, 5 – 11 September, 1999, Section III, p.10

23 Legality, subsidiarity, proportionality, obtaining consent from the court.

24 In 2010 at a fugitive's conference attended by 24 national fugitive teams of the European Union, an initiative was put forward to create a European network of national fugitive teams, named ENFAST. This initiative was adopted by the European Council on 1 January 2013. The Belgian FAST took the first Presidency for a two-year period (2013-2014). After German FAST having continued the project under its Presidency for another two years (2015-2016), Dutch FAST took over the Presidency for 2017 to 2018, followed by FAST Croatia (2019-2020) and currently FAST Spain (2021-2023) ensuring the continuity of the project.

25 Article 253, Code of criminal procedure

Basically, the network should enable more efficient and immediate international cooperation and coordination in cases involving teams. At the same time, it should contribute to raising public awareness that its formation and activity will increase security in the Union.

Five years after the establishment and operation of the network within the EU, it was established that the wanted fugitives from the law in a large number of cases are outside the borders of the EU. For these reasons, the reception of FAST teams from third countries was made possible, which expands the network to non-EU countries with observer status and non-voting rights. Such an approach does not reduce the possibility of deepening mutual cooperation.

RESEARCH

Dealing with modern forms of crime is a constant challenge for law enforcement agencies. Without the application of SIMs, it is difficult to discover and provide quality evidence. Their determination is only in cases where it is not possible and efficient enough to provide evidence and data for the successful conduct of criminal proceedings with other means of evidence.

Following the development of the modern democratic legislation and the experience of the EU member states, the CCP of the Republic of Macedonia from 2004 incorporated the SIMs in the section of the previous - pre-investigation procedure.[26] The incorporation of the measures was made possible by the constitutional amendments late in 2003 especially with Amendment 19 of the Constitution of the Republic of Macedonia Article 146 states the conditions for determining eight SIMs.[27]

Pursuant to Article 271 of the CCP the Public Prosecutor of the Republic of Macedonia[28] is obliged to submit a Report to the Parliament of the Republic of Macedonia on SIMs for the previous year once a year. The data contained in the reports are defined in the same article.

According to research and analysis of the reports, the statistical data on the number of cases and the number of persons against whom the measures have been implemented, by type and by crime, it appears that they cannot be analysed individually as a general set of figures, because in practice most often the measure is not applied only on one basis, but it is combined with multiple types of SIMs.

For these reasons, the research will cover the period 2019-2021 and will pay special attention to the data on the total number of cases, the number of persons and objects covered, the type of measures that were most often applied and the crimes for which a certain measure was determined in the largest number of cases. The data are provided by the publicly available reports for the relevant reporting period prepared by the Republic of Macedonia and submitted to the Parliament of the Republic of Macedonia.

It should also mention the fact that there have been some difficulties in the analysis of the data due to their inadequate presentation, that is, that part of the data refers and is presented only to the number of cases or to the number of persons covered, some to both. The reports do not contain more detailed data on the determined measures for the subjects for which they were determined. For these reasons, only the total number of cases, persons and objects for which the measures were determined will be used in the research.

26 Purified text - Official Gazette of the Republic of Macedonia number 15/05 of 07 March 2005

27 https://www.sobranie.mk/content/Odluki%20USTAV/Odluka%20za%20proglasuvanje%20na%20amandmanot%20XIX%20na%20Ustavot%20na%20RM.pdf

28 Official Gazette of the Republic of Macedonia No. 150/2010 of 18 November 2010

Given that it is an introduction of a relatively new measure that has been practiced for a short time, and the analysed period coincides with the Covid crisis and the period for which reports are provided for only this period, the reasons for the increase/decrease will not be analysed and commented on.

Pursuant to Article 252 of the Criminal Procedure Code, when it is likely that data and evidence necessary for the successful conduct of criminal proceedings that cannot be collected in any other way will be provided, the following SIMs can be taken: point 1 – monitoring and recording of telephone and other electronic communications in a procedure determined by a separate law; point 2 – monitoring and recording of a home, a closed or fenced area belonging to that home or business premises designated as private or in a vehicle and entry into those premises for the purpose of creating conditions for monitoring communications; point 3 – secret monitoring and recording of persons and objects with technical means outside the home or business space marked as private; point 4 – secret inspection and search in a computer system; point 5 - automatic or otherwise search and comparison of personal data; point 6 - inspection of telephone and other electronic communications; point 7 – simulated purchase of items; point 8 - simulated giving and receiving bribes; point 9 - controlled delivery and transportation of persons and objects; point 10 – using persons with a hidden identity for tracking and collecting information or data; point 11 – opening a simulated bank account; point 12 – simulated registration of legal entities or use of permanent legal entities for data collection.

Table 1. *Special Investigation Measures*[29]

Year	Number of cases	Persons with confirmed identity	Persons with unconfirmed identity	Subjects
2019	103	338	17	313
2020	67	404	22	124
2021	59	204	11	126

The data contained in the reports[30] indicate the finding that the number of cases for which a SIM is determined is constantly decreasing compared to 2019, by 35% in 2020 and by 43% in 2021.

In contrast to the data on the cases, the situation with the number of persons with established identity covered by a SIM in relation to 2019, 2020 records an increase of about 20% while there is a decrease of 40% in 2021.

For persons with undetermined identity, the situation in relation to 2019 indicates an increase of about 30% in 2020 and decrease by 35% in 2021.

There are almost no other data in the reports about the cases that were subject to SIMs. From the data contained in the reports, it can be concluded that in relation to 2019, in 2020 and 2021 the number of cases decreased by 60%.

The data on the number of persons with established identity and the number of cases in 2019 are characteristic. They are almost identical so that ratio in the analysed period shows a decreasing trend.

29 The year 2019 was taken as a basis for comparing the data.

30 https://jorm.gov.mk/izveshtaj-za-primena-na-posebnite-istrazhni-merki-vo-2022-godina/

Table 2. *Number of Cases and Information Exchanged*[31]

Year	**2020**		**2021**		**2022**	
Police organization	Number of cases	Messages	Number of cases	Messages	Number of cases	Messages
Interpol	1,447	151,951	1,555	181,787	1,429	177,423
Europol	268	3,476	270	3,290	254	4,049
SELEC	42	/	60	/	53	5,913
Liaison officers	128	/	122	618	151	/
Total	1,885	155,427	2,007	185,695	1,887	187,385

The analysis of the data will have the status of cases and messages in 2020. The data on the total number of cases by year lead to the conclusion that in the researched period there is a slight increase of 6% (2021) or about 2% in 2022, while the number of sent messages increases by 20% in comparison with both 2021 and 2022.

If the number of member countries is taken into account, Interpol as the largest police organization in the world during the researched period, in the total number of cases it constantly participates with about 76%, while in the total number of messages it participates with 95% (2022), i.e. 98% (2020 and 2021)

Taking into account the fact that Europol mostly carries out its activities within the EU member states, the representation in the total number of cases per year is about 13.5%, while in the total number of messages it is about 2%.

CONCLUSION

Criminal activities of any kind are prohibited by law because they threaten the property and integrity of people and values, and the functioning of the social community, that is, they threaten national security or directly undermine the foundations of statehood and the state.

Organized crime continues to be a special form of professional crime that is organized and acts on the basis of its own norms and standards, ways of behaviour, firm organization, hierarchical relationship. Today, most often organized crime is both organized and specialized for the execution of a certain type of criminal act.

Even today, control over crime can hardly be established although intensified measures to reduce it are taken and promoted at the highest level. Its suppression requires a serious and multidisciplinary approach and organized action of all those who are in charge. New forms of organized crime constantly require a new approach. In that direction, strategies are adopted, agencies and other special bodies are formed. Organizational problems, insufficient staffing, without adequate financial, material and other types of support and other problems are the reason that they are not able to fully perform their activities.

Often times, their reports about the established conditions are not given sufficient and serious attention. The ambiguities and inaccuracies in some legal solutions are the reason for their different interpretation and contribute to the spread of criminal activities. Court practice suggests that the

31 https://mvr.gov.mk/Upload/Editor_Upload/Godisen%20izvestaj/%D0%93%D0%BE%D0%B4%D0%B8%D1%88%D0%B5%D0%BD%20%D0%B8%D0%B7%D0%B2%D0%B5%D1%88%D1%82%D0%B0%D1%98_2022_%D0%9C%D0%92%D0%A0.pdf

absence of quality evidentiary materials causes long court proceedings, which favours the organizers, especially the organized crime.

Aiming the activities against the consequences of crime and not towards its suppression is considered as their shortcoming.

Successful dealing with the organized crime implies an independent judiciary, transparency of government institutions, cooperation between different national agencies, and training of the persons dealing with it.

Bearing in mind that it is a global problem faced by all states and the entire international community, a problem for which there are no state borders, the harmonization of domestic legislation with the international, the constant adjustment and harmonization of legislation and institutions in accordance with the new conditions, strengthening of capacities and providing adequate resources to all involved in dealing with it are part of the measures for successfully dealing with organized crime.

PROPOSAL OF MEASURES

Dealing with crime is becoming an increasingly difficult and complex task for law enforcement agencies. The fact remains that crime cannot be completely eliminated. The crime situation points to the fact that there is still no state that can stand up to crime on its own and that the independent activation of any institution, measure and activity in today's conditions cannot produce the expected results. Until the terrorist attacks in the USA on 11 September, 2001, it was considered that international cooperation of any kind was ineffective, inadequate, inconsistent and inappropriate. Reluctance and mistrust were one of the reasons for such cooperation.

The fact that certain institutions act and instruments are practiced only regionally and that there are still countries that have not fully or partially incorporated them into their legislation should be added to such situations with crime and international cooperation.

It has been proven that the application of traditional approaches and methods in dealing with new types of crime have proven to be insufficiently effective. The international community still cannot find an adequate and effective response to crime. For these reasons, finding new solutions remains a top priority. New forms of crime as a complex problem require a wide range of activities at the national, regional and international level. In that direction there is constant search for relevant legal bases for acting and initiating measures and activities for their practical implementation.

Defining and creating a global system to combat transnational organized crime is one of the models for dealing with it. International cooperation becomes a necessity and the only organized response to crime. Only well-organized, direct and permanent cooperation between justice and internal affairs agencies supported by effective and efficient international instruments can successfully and efficiently confront and deal with crime. The expansion and promotion of international cooperation, the increase of mutual trust should become everyday task. Acceptance of effectively proven practices in a certain region[32] should be legally regulated on a wider international level. The opportunities offered by the existing instruments for objective or subjective reasons are not yet sufficiently used. The constant review of the existing legal acts at the national level and their adjustment with the international ones should be the focus of the legislator.

32 EU: EAW, FAST and ENFAST, SIM

It should be stated at the end of the paper that today the two most famous police organizations in the world are Interpol - which carries out its activities in the member states and Europol - which operates within the EU. Both organizations use their own instruments, each with their own disadvantages and advantages over the other. The Interpol Red notice is used by the member states, and the EAW is used by the police organizations of the EU member states. FAST and ENFAST operate within the EU, and a number of special agencies have been established in the area of security and justice.

Regarding the practice of SIMs on a wider international level, there are still no single standards for their determination and use. In addition to this, the data contained in Table number 5 indicate the fact that Interpol participates in the total annual number of cases with 76%, and in the total number of messages with a high 95%, while the participation of Europol in the total number of cases is 13.5%, and in the number of messages a minimum of 2%.

The stated facts indicate that the existence of several police authorities tasked with dealing with crime reduces effective and efficient international cooperation. The reduction of mutual differences and the utilization of the proven positive effects of some cooperation instruments, that is, the reduction of differences from some other instruments will make international cooperation more effective and efficient.

Let this paper be an introduction and an incentive for further research on the topic in order to find more effective solutions for successfully dealing with crime and its perpetrators.

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