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## ANTI-CORRUPTION AND COMBATING ORGANIZED CRIME, TERRORISM AND CORRUPTION IN MODERN LAW

*The author explores the issues of the National Anti-Corruption Strategy, financial investigation strategy and the enactment of the Law on Organization and Jurisdiction of State Authorities in Combating Organized Crime, Terrorism and Corruption in Republic of Serbia. He emphasizes that the organizational achievements have been met also. For example, the special anti-corruption departments in four locations in Republic of Serbia have been established. Anti-corruption strategy has to involve various activities, including training of the police and public prosecutor's office, as well as training judges and magistrates. Financial investigations should both assist in resolving the case and defining and identifying the flow of money and assets.*

**Key words:** Anti-Corruption; Organized Crime; Terrorism; Corruption; Financial investigation strategy.

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Theme is appropriate for the changes that have taken place in the Republic of Serbia over the past two years.

Changes started earlier:

- National Anti-Corruption Strategy (...) discuss.<sup>1</sup>

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<sup>1</sup> *National Anti-Corruption Strategy* – Национална стратегија за борбу против корупције у Републици Србији за период од 2013. до 2018. године, *Службени гласник РС*, бр. 57/2013.

- Financial investigation strategy (...) discuss.<sup>2</sup>
- “Law on Organization and Jurisdiction of State Authorities in Combating Organized Crime, Terrorism and Corruption”.<sup>3</sup>
  - ❖ Established special anti-corruption departments in four locations in Republic of Serbia.<sup>4</sup>

## ANTI-CORRUPTION STRATEGY

- Training members of the police and public prosecutor’s office in public procurement for the purposes of conducting more effective investigations of criminal offenses and training judges for the purposes of more efficient judicial proceedings in cases of determining criminal responsibility in the field of public procurements, and training magistrates for the purposes of more efficient conduct of proceedings related to offenses prescribed by the Law on Public Procurement.<sup>5</sup>
- Building capacities of judicial authorities for conducting criminal proceedings.
- Establishing mechanisms for basic, specialized and continuing education of police officers of anti-corruption activities.
- Adopting a strategy which comprehensively improves efficiency of *financial investigations*.
- Introducing a team of economic forensics in public prosecutor’s offices.
- This Strategy and trainings organized in the *Judicial Academy*<sup>6</sup> or the *Academy of Criminalistic and Police Studies*<sup>7</sup> can be used to change their understanding of the term “financial investigation” and make them be more proactive in their work.

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<sup>2</sup> *Financial investigation strategy* – Стратегија истрага финансијског криминала за период од 2015. до 2016. године, *Службени гласник РС*, бр. 43/2015.

<sup>3</sup> *Law on Organization and Jurisdiction of State Authorities in Combating Organized Crime, Terrorism and Corruption* – Закон о организацији и надлежности државних органа у сузбијању организованог криминала, тероризма и корупције, *Службени гласник РС*, бр. 94/2016 и 87/2018 – др. закон.

<sup>4</sup> Србија добија регионалне центре за борбу против корупције, <https://www.rts.rs/page/stories/sr/story/125/drustvo/2990865/srbija-dobija-regionalne-centre-za-borbu-protiv-korupcije.html>.

<sup>5</sup> *Law on Public Procurement* – Закон о јавним набавкама, *Службени гласник РС*, бр. 91/2019.

<sup>6</sup> *Judicial Academy* – Правосудна академија, <https://www.pars.rs/sr/>.

<sup>7</sup> *Academy of Criminalistic and Police Studies* – Криминалистичко-полицијски универзитет, <https://www.kpu.edu.rs/cms/>.

## FINANCIAL INVESTIGATION STRATEGY

- The *main objective* of a financial investigation is to identify and document money flow during criminal activities, that is, to discover where the money comes from (origin), how it is transformed, used and where it flows. The connection between the origin of money, beneficiaries, the moment when the money is received and the place where it is deposited can provide information about criminal activities and evidence about the committed criminal offense.
- Financial investigations should both assist in resolving the case and defining and identifying the flow of money and assets.
- Identifying the *extent of criminal networks*, that is, the scale of criminality, identifying and tracing the *proceeds of crime*, terrorist funds or any other assets that are, or may become, subject to confiscation; and developing evidence which can be used in criminal proceedings.
- Financial investigations, which are *carried out in parallel with criminal investigations*.
- *Forensic accounting* is a multidisciplinary area which combines knowledge of finances, accounting, audit, banking and exchange operations, information systems, and knowledge of the legal framework, the criminal procedure code, the procedures of government institutions, investigation techniques and other financial skills, all that in order to clarify facts and economic transactions for the purpose of criminal proceedings.
- Money flow.
- Harm/Damage.
- Personal Gain.

## CIRCUMSTANTIAL EVIDENCE

Cases involving corrupt activities usually involve indirect evidence. Documents, linking of events involving individuals, financial transactions – deposits, purchases, expenditures, cash, etc. dates.

- Be tightly organized and clearly presented: many circumstantial cases fail not because the evidence is weak, but because it is presented in a disorganized and confusing manner which the fact finder cannot understand.

## **SUPPLY SIDE CORRUPTION VERSUS DEMAND SIDE CORRUPTION**

Two sides of corruption – actually, you would argue there are three sides (...) to include the facilitators of corruption.

This third component of corruption would include those in the financial community, the consulting and legal community, who would overlook certain activities that would allow corrupt activities to occur... A great deal of crime involves the involvement, knowing or unknowing, of persons of respected in their communities and professions.

## **THE INVESTIGATION OF CORRUPTION INVOLVES THREE COMPONENTS:**

- Predicate Crimes...abuse of office, bribery, money laundering, etc.
- Harm/Damage...to the budget, citizens
- Personal Gain...to the demand side of corruption.

## **VALUE OF FINANCIAL INVESTIGATIONS - DISCUSS**

- Evidentiary.
- Provides motive for other crimes...greed.
- Shows lifestyle.
- Shows disposition of illegally gains monies.
- Show purchases of assets.
- Shows reduction of liabilities.
- Shows unexplained/illicit accumulation of wealth.

## **LIST OF REFERENCES**

### **Legal documents and internet sources**

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5. *National Anti-Corruption Strategy* – Национална стратегија за борбу против корупције у Републици Србији за период од 2013. до 2018. године, *Службени гласник РС*, бр. 57/2013;
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## **АНТИКОРУПЦИЈА И БОРБА ПРОТИВ ОРГАНИЗОВАНОГ КРИМИНАЛА, ТЕРОРИЗМА И КОРУПЦИЈЕ У МОДЕРНОМ ПРАВУ**

*Сажетак*

Аутор истражује питања Националне антикорупционе стратегије, Стратегије финансијске истраге и примене Закона о организацији и надлежностима државних органа у борби против организованог криминала, тероризма и корупције у Републици Србији. Истиче да је постигнут напредак и у организационом аспекту. На пример, установљена су специјална антикорупциона одељења на четири локације у Републици Србији. Антикорупциона стратегија треба да обухвати различите активности, међу које спада обука полиције и припадника државног тужилаштва, као и судија. Финансијске истраге треба да допринесу решавању конкретних предмета и дефинисању и идентификовању токова новца и имовине.

**Кључне речи:** *Антикорупција; Организовани криминалитет; Тероризам; Корупција; Стратегија финансијске истраге.*