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**INTERNATIONAL COOPERATION IN THE AREA OF
JUSTICE AND HOME AFFAIRS COMBATING WITH
ORGANIZED CRIME - INSTITUTIONS AND INSTRUMENTS**

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Abstract

There is lack of unified definitions of the organized crime and its new forms, its character, internationalism and unified international legal acts. The existence of different solutions in the national legislations as well as the increased use of the most sophisticated equipment and technology in order to organize, carry and protect the criminal activities are the main reasons for the cooperation among the law enforcement bodies for its successful prevention and management. These issues turn into a necessity i.e. they become a real need.

The leaders and organizers of organized crime quickly and easily establish and practice cooperation in order to achieve their profit and power.

The existence of well-organized, immediate and constant international cooperation among the institutions of justice and home affairs, supported by effective and efficient international instruments are conditions for successful dealing with organized crime. Namely, there is no state able to counter this negative social phenomenon alone.

Dealing with organized crime today is almost unimaginable without international cooperation in every segment of the proceedings, whether it relates to the clarification of the crime, the identification of the perpetrator, his deprivation of liberty, retreat of the criminal prosecution, serving an imprisonment sentence, seizure and confiscation of objects and property derived from crime, providing legal assistance, extradition etc.

In this context, our paper provides an analysis of the co-operation among institutions and instruments that are available to the authorities for justice and home affairs. In addition, we will estimate whether and in which ways this cooperation affects tackling crime.

Keywords: international instruments, international cooperation, international bodies, mutual legal assistance, extradition.

1. Crime

The issues of security, organized crime and cooperation are mentioned on a daily basis, at all levels and by everyone: politicians, lawyers, economists, businesspersons, academics and ordinary people. Because of their prominence, these issues have been subject of numerous summits, sessions, conferences and seminars, from which have arisen many conventions, resolutions and recommendations.

There is plenty of written material and countless theses and ideas with regard to these terms. However, despite all, a unique definition is lacking. Even so, due to their severity and prominence, they have been, are and will be subject of research and study.

The emergence of slavery, piracy and smuggling of opium are considered the first forms of organized crime, especially if we bear in mind the fact that in all of these forms, it is the State that has been actively involved, primarily for political, economic or financial reasons or interests.

Crime is a phenomenon that follows the development of the society; over time, only the forms and intensity change.

In the second half of the XX century, crime is characterized by large increase in all forms, it adapts easily to the existing social conditions and changes. There is use of violence and brutality, increased participation of returnees and its internationalization. Essentially, this means that the application of prevention activities and the existing system of criminal legal repression does not deliver the expected results. That points to the need for their adaptation to the new conditions of crime. These crime situations inevitably necessitate the need for international cooperation as one of the conditions for successful countering of this phenomenon.

Due to the development of the transnational organized crime on global level, new institutions have been established and new instruments adopted. Therefore, the established cooperation should have the key role in its prevention.

1.1 Asymmetrical threats

We live in the world of the twenty-first century, a world in which there are threats and conflicts of international character, a world in which countries and people are different and divided. These conditions encourage the development of crime, especially transnational crime.

According to the empirical research¹ on the forms of organized crime that are the biggest threat to peace and security, the respondents stated that terrorism is still the most important threat (43.7%), followed by illicit trade of drugs (23.0%), corruption (20.7%), illicit trade of arms trade (5.9%), human trafficking (3.7%) and fugitives (3.0%). Of course, we should not forget the computer and environmental crime. This ranking of asymmetric threats does not deviate from those that Interpol considers as priority areas for performance.

1.1.1 Terrorism

The roots of terrorism are linked to the emergence of organized states. Today, it is considered the primary reason for disturbed security in many countries. Target of attacks are the developed democracies seeking the establishment of democracy in all

¹Research conducted by the author in his master thesis: "International cooperation in the area of justice and home affairs in the European Union's fighting the organized crime".

countries, which is why they are considered enemies of the humankind.

Using advanced equipment and weapons, large number of terrorist groups and committed terrorist acts, rapid and sudden attacks everywhere and at anytime are features of the contemporary terrorism. These permit the assumption that terrorism is a modern or special war. Terrorism is considered an organized criminal activity, because individual terrorist acts without the involvement of others - instigators, accomplices, assistants are rare.

The protection provided from certain countries suggests that in order to deal with it, a unique and harmonized international approach is necessary.

Today's terrorists who carry out terrorist acts² are of all ages, members of different races, religions and cultures. They are quick, sly and deeply believe in their cause. They act individually or as a part of an organized group.

1.1.2 Drug trafficking

The illegal activities consist of the abuse of narcotics, their illegal production, sale and distribution. Their use increases in both developed and undeveloped countries, because the global market is constantly expanding. The main routes lead from the east to the developed Western European countries; from Southern and Central America to the United States, Canada and Europe. According to its financial effects, drug trafficking is considered "the world's second industry" on which preventive and repressive measures have almost no impact.

The easy, fast traveling and the latest technical and technological innovations enable its steady rise. The link between these activities and crime is undeniable, as well as its impact on the crime itself. Considering its consequences on health, economics, finance etc, the use of narcotics is considered the most prevalent and dangerous pathological phenomenon.

1.1.3 Illegal trafficking in human beings and migrants

The opened borders and the development of modern means of communication (transport, information and communication) have their own role in the development of human trafficking. Recently, the most prevailing is the illicit trafficking in human organs. Trafficking of human beings and smuggling of migrants, especially women and children emerges as a serious problem for the international community. The incorporation of vendors, transporters and customers as active participants suggests that it is a well-organized criminal activity.

Trafficking in women is the most prevalent form and the most profitable business. Normally, the victims are recruited in the Eastern European countries. Sexual exploitation, forced prostitution, labor

²Taking hostage, hijacking planes, sabotage, assassination, suicide attack, committing serious criminal acts etc.

exploitation, forced industrial or agricultural work, heavy physical and poorly paid jobs are some of the forms for which the women and children are used. The illegal activities are often carried out through legal firms (employment agencies, travel agencies and brokerage).

Trafficking children for prostitution, performing theft, begging, drug trafficking is a phenomenon that is massively spreading. The mass use of the Internet has a negative effect, particularly the pornography for which children are often used. For the organized criminal groups, the adoption of children represents a possibility for abuse and profit.

The massive occurrence of migrations from one country to another for economic, ideological, political and other reasons, aided by the process of globalization and rapid economic development accelerate this process. The greater participation of the elderly in the total population and low natural population growth in some western countries on one side and the large natural growth in other parts of the world on the other, enhance these north-south and east-west processes.

1.1.4 Corruption

According to certain data, corruption occurred about four thousand years ago. There is no state in which it is not known. The only difference is in the level of its representation. In its essence, it contains the acts of giving and receiving bribes and abuse of official positions and authorization to achieve personal benefit. It is present in all known forms of organized crime. Police officers, judges, prosecutors, politicians, lawyers are bribed in order to ensure some benefits in the prosecution.

1.1.5 Illegal trade of weapons (arms)

The arms market is unlimited, highly ranked and profitable. The development of arms trade is supported by interstate wars, internal conflicts or clashes of various paramilitary groups, as well as by the regular arming of national security services. The collapse of the former socialist countries is also a factor for its spreading.

1.1.6 Fugitives

Persons subject of search or fugitives from the law constitute a separate dangerous category. In terms of open borders and reduced border controls, they quickly and successfully change the place of committing a crime and place of residence, meaning that crossing the border no longer presents a particular problem for them. This makes their locating and bringing before the courts more difficult.

1.1.7 Cybercrime

Cybercrime is known as the crime of high technology. This crime means attacking computer networks and systems in order to destroy or misuse databases, usually for gaining profit.

The activities of the modern people are unthinkable without the use of computer systems and networks. The speed and anonymity of electronic transactions offered by the computer systems and networks are reason for their massive use. A number of state functions, especially in the field of security and defense are conditioned by the performance and reliability offered by these systems and networks.

Their protection and safety depend on the technical and technological innovation, because it is considered that there is no absolute protection of any system or network. The use of electronic trade, the use of electronic signatures and the increased use of electronic payment cards create opportunities for abuse. Development of techniques and technology are constantly monitored by criminal organizations that become capable of entering into computer networks and systems. The use of the Internet at all times and in all conditions enables fast transfer of any kind of transactions with small opportunities for their identification by the legal authorities.

The emergence of cyber terrorism that attacks networks, systems and databases of some states and security institutions is particularly dangerous. Data gained in this way is usually used for threatening the governments of some states with the intention to obtain certain rights.

2. Cooperation

The emergence of transnational organized crime creates numerous problems for the police and judicial authorities. In particular, these relate to different interpretation and definition of the crime, language and political instability of States. In addition, they may derive from the differences in: the criminal justice systems and their traditions; forms of organization of criminal law enforcement authorities; practices in police and judicial proceedings; economic development; implementation or non-implementation of legal regulations. There may also be a high degree of corruption, restraint on the exchange of data and information, especially on a wider scale, lack of confidence etc.

For the international law enforcement and cooperation between States, two moments are relevant: the beginning, when the police first prioritized only the political acts, but which gradually involved other crimes; and, later, when the co-operation developed from temporary and limited forms to permanent and structured organizations with wide multilateral participation.

The emergence of the international criminal law greatly contributes to the successful opposing of organized crime. Its development began after the Second World War, with the establishing of the International Military Tribunal in 1945 and The Hague in 1993. With the establishment of the International Criminal Court in 1998, the international cooperation was manifested and international standards, norms and institutions were applied.

The international police cooperation, recognition and enforcement of foreign criminal judgments and the transfer of sentenced persons are considered modern instruments of international criminal law and forms of international cooperation.

The functioning of the state law, changes in the legal and political systems in terms of rule of law i.e. well-organized and powerful state is the real weapon in dealing with transnational crime globally.

International police cooperation has historical foundations. It began with the formation of nation states in the nineteenth century and the emergence of transnational crime. As it has become more complex, the demands for police cooperation have also increased.

Historical evidence suggests that the development and growth of international police cooperation was aided by the previous practices of cooperation, created primarily for political reasons. The need for international control of persons and organizations that opposed the existing political systems³ (socialists, democrats, liberals and anarchists) is considered a historical predecessor of the international police cooperation.

With the emergence of international law enforcement and important social events, the organization and practices of law enforcement authorities enforcing them have changed. After the terrorist attacks in the United States on September 11, 2001, it is believed that the cooperation is inefficient, inconsistent and inadequate.

Today, the cooperation gains more importance, especially with the harmonization of the national legislations with the international documents and the developed countries' instruments. In addition, there is the implementation of provisions of several international treaties and conventions.

The emergence of international criminal law and organization of international criminal courts on one hand, and the larger share of foreign elements in the crimes committed in the area of organized crime on the other, increase the necessity for cooperation. Therefore, the promotion of cooperation between Interpol, Europol and other regional police organizations constantly need to be expanded and improved.

3. Institutions

The existence of different legal systems, removal of internal borders, reduced border control, continuance and doubtful legal aid, inadequate and inefficient cooperation between police and judicial authorities in the Member States, as well as need for more effective dealing with crime created conditions for establishing new judicial bodies within the EU.

3.1 Interpol

The decision of the delegations from 20 countries at the Second International Police Congress, held in Vienna in 1923, established the first international police body - the International Criminal Police Commission, in order to provide reciprocal assistance among police authorities according to their national laws, creation and improvement of the conditions and forms of fight against crime.

³Deflem Metju, *Policing World Society: Historical Foundations of International Police Cooperation*, Oxford University Press, November 2002.

The increased number of crimes committed by foreign element called for the need to establish a body at an international level that would confront transnational crime and particularly organized crime. When it comes to military, political, spiritual or religious crimes, it is the right of every state to decide independently whether the act falls within one of these groups and whether it will comply with the request or not. During its operation, Interpol complies with the principle of respect for national sovereignty, universality, equality of the Member States, the flexibility of the working methods and cooperation with other institutions and agencies. At the request of a Member State, electronic notices with different content and meaning circulate through the channels of the organization. The colors used in the issued notices indicate the type of search⁴.

Police co-operation operates in accordance with the national regulations by the national central bureaus located in the Member States.

Tracing people and their deprivation of liberty that are subject of an international arrest warrant, the exchange of information, the establishment of standards in the treatment and education of staff are part of the regular activities. Its priority area of action is separating the new asymmetric threats.⁵

Within Interpol operate seven sub regional offices.⁶ These serve primarily to coordinate the activities of the countries in the region with regard to common problems. In addition, they create conditions for faster exchange of data and information.

Interpol prepares and publishes works of general and special type.⁷ Interpol remains the world's largest international police organization. All EU Member States are also members of Interpol. They use the services of Interpol together with the countries that are not members of the Schengen area and the European Union.

⁴Red Notice - to seek the arrest or provisional arrest of wanted persons with a view to extradition; Blue Notice - to locate, identify or obtain information on a person of interest in a criminal investigation; Green Notice- to warn about a person's criminal activities if that person is considered to be a possible threat to public safety; Yellow notice - to help locate missing persons, often minors, or to help identify persons who are unable to identify themselves; Black Notice - to seek information on unidentified bodies; Orange Notice - to warn of an event, a person, an object or a process representing an imminent threat and danger to persons or property; Purple Notice - to provide information on modus operandi, objects, devices and concealment methods used by criminals; [INTERPOL–United Nations Security Council Special Notice](#) - Issued for individuals and entities that are subject to UN sanctions.

⁵Terrorism, trafficking in human beings, illicit trafficking of drugs, cyber crime, corruption and fugitives.

⁶Abidjan (serving West Africa), Buenos Aires (South America), Harare (Southern Africa), Nairobi (East Africa), San Salvador (Central America) and Yaoundé (Cameroon). In addition, there is a Liaison office in Bangkok, serving Southeast Asia.

⁷International police review; International crime statistics; stolen/lost passports; stolen works of art; counterfeits and forgeries review; vehicle registration documents.

3.2 Europol

At the same time, the creation of a single area of freedom, security and justice in the EU requires immediate police cooperation between the Member States, because of the existence of criminals, their organizations and networks in this area.

Police cooperation among the EU Member States is carried out through the European Police Office Europol⁸ (European police office) settled in The Hague, formed in 1995 with the Decision of the European Council (Europol Convention). It began its activities on July 1, 1999, after the ratification of the Europol Convention by the EU Member States on October 1, 1998 and after the implementation of other legal activities.

The primary activities are in the field of preventing and combating terrorism, drug and weapons trafficking, illegal trafficking in human beings and migrants, motor vehicles and other forms of transnational organized crime.

The organization can engage in joint actions for prevention of committing serious crimes.⁹ In 2001, a memorandum of understanding with Interpol was signed. With the agreement of May 2003, a European liaison officer was established at the Interpol General Secretariat. The final cooperation agreement was signed in 2004. After this, the implementation of several joint projects in the area of combating human trafficking, money laundering and fraud began.

3.3 Eurojust

Eurojust¹⁰ is a special EU body established for cooperation in the field of justice. It is supposed to promote the provision of mutual legal assistance and extradition. Namely, it ensures more effective conduct of investigations and proceedings on charges concerning serious transnational crime, by competent judicial authorities, especially in the field of organized crime. At the same time, it encourages and improves cooperation among judicial authorities of different countries in terms of execution of requests for cooperation and extradition.

3.4 European Judicial Network

European Judicial Network¹¹ was established in 1998 to improve cooperation between judicial authorities by providing contact points in the States for faster communication. It concerns facilitating, identifying and establishing direct contact with persons or competent

⁸ COUNCIL DECISION [2008/976/JHA](#) of 16 December 2008 on the European Judicial Network.

⁹ Murder, grave body injury, illicit trade of human organs, tacking hostages, fraud, racket, extortion, forgery of money and documents, unlawful deprivation of liberty, money laundering, trafficking in weapons, drugs etc.

¹⁰ Council Decision [2002/187/JHA](#) of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime.

¹¹ Council Decision [2008/976/JHA](#) of 16 December 2008 on the European Judicial Network.

judicial authorities in each Member State, creating a network of experts, providing the latest data and information through appropriate telecommunication network.

3.5 Sirene bureaus

Sirene bureaus¹² are established for cooperation between the police, in accordance with the Schengen Convention. It takes place through the Schengen Information System that is a common database (32 million) entered by the Schengen Member States, for the purposes of public safety, supporting police and judicial cooperation, immigration services and management control of the external borders of the Schengen zone.

3.6 Frontex

Frontex¹³ is the EU police agency for cooperation between border control agencies (border police) in the EU. The aim of Frontex is to ensure that the EU's external borders remain permeable and effective for legal trips, while an effective and efficient barrier for cross-border crime.

3.7 SECI / Selek

SECI/Selek - South-East Cooperative Initiative Regional Centre for combating border crime SELEC SECI¹⁴ is the only operational organization that allows rapid exchange of information for preventing crime through police and customs cooperation.

The cooperation initiative was established on April 15, 1998 in Geneva. Its members are Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Macedonia, Greece, Hungary, Moldova, Serbia, Slovenia, Montenegro and Turkey. It aims to improve the economic cooperation and cooperation in the field of environmental protection among the Member States and to facilitate the integration process of the SEE countries in the EU. The signed agreement for cooperation is supposed to improve prevention, detection, investigation and prosecution of cross-border crime and the active exchange of information.

Interpol actively monitors the activities of SECI SELEC since its foundation by attending the meetings. On February 25, 2002, an

¹²Council Decision 2004/201/JHA of 19 February 2004 on procedures for amending the Sirene Manual.

¹³Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union.

¹⁴April 15, 1998, Geneva - the SECI Agenda Committee approved the Romanian delegation's proposal project "Prevention and Combating Trans-border Crime" as part of the Trade and Transport Facilitation Program. February 1, 2000, the SECI Agreement entered into force. All signatory states have ratified the SECI Agreement, which has as enclosed part the Charter of Organization and Operation of the SECI Center. The Convention of the Southeast European Law Enforcement Center (SELEC) was signed on December 9, 2009. On October 7, 2011 the SECI Center became SELEC.

agreement was signed¹⁵ with SECI to connect and exchange information through Interpol technical equipment.

4. Instruments

The international instruments define the rules for effective international cooperation and represent a cornerstone of the international law and international criminal justice. They can be defined as formally signed and ratified international documents (laws) between two or more states. International instruments deal with issues such as extradition, mutual legal assistance, transfer of persons and benefits, recognition of foreign judgments, cooperation in investigations, etc.

The oldest international instruments are the bilateral agreements signed between two countries. Multilateral agreements include several signatory countries, because they are more complex than bilateral.

4.1 Interpol Red notice

The Red notice is considered to be the first and oldest tool that is available to the police in dealing with the fugitives.

As an instrument of international police cooperation, it is issued by the Interpol General Secretariat to ensure that the fugitives from justice can be found, deprived of liberty and extradited. Arrest warrants can be issued in the form of red notice for search of persons subject to criminal proceedings¹⁶ and red notice for search of persons who are searched for serving a sentence.¹⁷

The basis for its issuance is the existence of a court order for the arrest of a person and its extradition. With its announcement, it is active and available for search of a person and its extradition within 190 member countries of Interpol.

Worldwide, it is considered the only instrument, and with its wide application there are no limits for search of fugitives.

4.2 European arrest warrant - EAW

European arrest warrant comes into force in 2004. It has been established for more efficient judicial cooperation in the implementation of the procedures for extradition¹⁸ within the Schengen zone. In order to overcome practical flaws of the extradition proceedings, especially in view of the long procedures in the Union, the Framework Decision of the Council of Europe on June 13, 2002 established the European arrest warrant. The way of extradition of persons is changed, as well as their transfer between the competent judicial authorities. The warrant is the basis for an unaffected and

¹⁵New agreement for cooperation in the field of communication, connection and exchange of information was signed in December 2004.

¹⁶Minimum provided sentence of twelve months.

¹⁷Minimum four months imprisonment.

¹⁸Faster procedure, simplified procedure, dual criminality principle, no political influence, surrender of own citizens.

direct judicial cooperation between the member countries. The principle for mutual recognition of decisions enforced by the courts is the basis for making this decision.

The assumptions underlying the issuance of the Warrant request are that it must be issued for offenses that are punishable by prison or security measure of at least 12 months or if there is already rendered sentence of at least four months. For the envisaged 32 criminal offenses that can be punishable by imprisonment or security measure over 3 years, the execution of the order is mandatory, and the principle of dual criminality is not valid. The speed of the process¹⁹ is the main feature of the order. The latter consists in achieving clear deadlines in which the decisions need to be made (if the person agrees to surrender, the decision is made within 10 days, while in other cases the decision to surrender are to be made within 60 days, with the possibility for it to be continued for 30 days).

In cases when it comes to extradition of a person from an EU Member State against a non-EU state, the conditions prescribed by the conventions or bilateral agreements apply.

4.3 Extradition

The concept of extradition can be interpreted in a narrow and broad sense. In the narrow sense, this concept²⁰ was used for the first time in the French "Decret Loi" of 1791 as a form of international cooperation in the prevention of crime, which consisted of surrender under certain conditions and in certain proceedings of a perpetrator of an offense from one country to another for prosecution or serving a sentence. In a broad sense, the term means any transfer of a person in another state regardless of the reason and purpose.²¹

According to Kambovski,²² the international cooperation is an indisputable imperative and the only answer to the fact that crime knows no national boundaries and that it is accomplished by the application of international instruments such as extradition, mutual legal assistance and other forms covered by international conventions.

It is considered to be the oldest form of mutual cooperation. As a tool, its use is in the interest of both countries, i.e. the requesting State proves its repressive power and the requested State has no interest to harbor escaped criminals on its territory.

Extradition existed and has been practiced since ancient Egypt.²³ Before World War II, extradition was legally regulated and

¹⁹In average, whole procedure of surrender for 2005-2009 took 48 days (or 21,1 days in average when the person agreed), Report from the Commission to the European Parliament and the Council, com(2011) 175 final, Brussels, 11.4.2011.

²⁰The term was used officially for the first time as an expression of law in a French "Decret Loi" in 1791.

²¹Vogler, *Les Problèmes Actuels de l'Extradition*, RIDP, 1968/3-4 p. 417.

²²Kambovski V, *Organized crime*, Skopje, 2005, p. 313.

²³The first agreement for extradition from 1280 BC, when a peace agreement was signed between Ramses II and the Prince of Hittites. Basiouni Cherif, *The Protection of Human Rights in the Administration of Criminal Justice of United Nations Norms and Standards*, New York, 1994, p. 407.

received its legal nature. After World War II, extradition was regulated by contracts and adopted multilateral conventions.

Today, despite the existing conventions on extradition, it is regulated with a number of bilateral agreements with its implementation in national laws.²⁴ In the absence of mutual (bilateral) agreements on extradition, provisions are applied by the Conventions as a legal basis.

The basic requirement for starting the extradition procedure is that the crime for which it is required must be punishable under the domestic law of both countries participating in this process.

4.4 Mutual legal assistance

Mutual legal assistance refers to the cooperation between the courts, investigative police and other bodies participating in criminal legal persecution. This instrument of cooperation is at an international level regulated by several Conventions.²⁵

As an instrument, the mutual legal assistance is carried out in accordance with the national legislation in the procedures for investigation, prosecution and legal procedures for transnational crimes and offenses committed by organized groups provided in the conventions. It is implemented on the basis of reciprocity. Mutual legal assistance applies to legal persons in cases where they are involved in criminal activities.

The mutual legal assistance includes: providing witnesses or evidence, judicial documents, conducting searches, seizures and freezing of assets, searching facilities and places; providing information, original or certified transcripts and documents; identifying or tracing proceeds of crime, property or objects; assistance in case of voluntary reporting and transfer of sentenced persons, the transfer of criminal proceedings, transfer of conditional sentences or probation hearing witnesses and experts, and other activities that do not conflict national legislation.

The mutual legal assistance enables hearing by video conference or hearing persons on the territory of the requested State in the presence of its judicial bodies. In the absence of a mutual agreement, the provisions of the conventions applied. In the absence of dual criminality requirement, the provision of mutual legal assistance may be refused. For successful and efficient execution of procedures for mutual legal assistance, each state determines the central authority of responsibilities and powers. This authority accepts, processes and forwards the received requests and it carries out and monitors their execution.

The mutual recognition and enforcement of foreign criminal judgments as a form of cooperation is of recent date. The application

²⁴In the Republic of Macedonia, in the Code of Criminal Procedure – XXXII.

²⁵Convention on the Transfer of Sentenced Persons; European Convention on Mutual Assistance in Criminal Matters and its Protocols; Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union; Convention Implementing the Schengen Agreement; Police Cooperation Convention for Southeast Europe etc.

of this instrument contributes to abandonment of the notion according to which each state on its territory recognizes only the judgment rendered by a domestic court. The principle of solidarity in their implementation plays a major role.

In 2001, an additional Protocol of the European Convention on Mutual Assistance in criminal cases from 1959 provided new forms of cooperation.²⁶

Conclusion

It is a fact that the international community still cannot find a suitable answer for the transnational organized crime with its new features. The cooperation among the institutions is not yet at an appropriate level and the opportunities offered by the existing instruments have not yet been sufficiently exploited.

Reasons for this are the slow changes of the criminal justice law enforcement authorities, the practice of traditional concepts and approaches to solving certain problems, inadequate technical equipment, differences in regulations and widespread corruption at all levels and in all segments of society.

The fact that the co-operation in dealing with crime is ineffective is affirmed by the results of the research conducted by this author. With regard to the issues of cooperation on national and international level, in terms of efficiency, half of the respondents answered that in both cases the cooperation is ineffective.

In the same study, with regard to the use of forms of instruments, it was found that on both national and international levels utmost importance is given to the establishment of common databases and information exchange (31.8%).

This indicates that the preventive and repressive measures aiming to prevent crime, undertaken by the agencies of the criminal justice prosecution are inadequate to the measures taken by the criminals for their own protection.

Having in mind the above mentioned, only by joined efforts and enhanced cooperation, especially cooperation in criminal legal matters, it is possible to expect positive outcomes in dealing with crime.

The advancement of co-operation and its consistency between institutions of justice and home affairs, as well as the use of the opportunities provided by the instruments of cooperation, is a prerequisite for efficient fight against organized crime, especially internationally.

According to the author, the response to the new challenges of transnational crime would be: effective and full implementation of the common instruments (supreme legal assistance; extradition; cooperation in investigation procedures), and legislative

²⁶Undertaking measure on the territory of the requested country by official persons from the requesting country; temporary transfer of prisoner; deprivation of liberty; direct communication between judicial authorities-courts; hearing through video conference and telephone conference; controlled delivery, cooperation in covered investigations; joint investigation teams; witness protection etc.

harmonization and approximation of national legislatures with conventions and treaties, strengthening institutions of criminal justice prosecution, joint multidisciplinary training of judges, prosecutors, police, lawyers and others.

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<http://www.ejn-crimjust.europa.eu/>
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