Law enforcement policy in Serbia

Evidence based transparent policy making

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Foreword

This report contains an account of our research on corruption in Serbia. The project was funded by the Dutch Embassy in Serbia and constituted our second attempt to shed light on the nature of corruption in Serbia and the ways it is handled by the law enforcement agencies.

Doing research is penetrating and scouting new territory, though the reader may wonder what is new in the field of corruption. Was there not always corruption and do we not regularly learn about corruption scandals in the media? That is true, but how systematic is that knowledge? What are the facts and figures of the authorities and, in particular, how reliable are these?

When we started our reconnaissance these questions were hardly addressed systematically. In short: nobody knew much two years ago at the time of our first research project, or knew when we started anew. This lack of knowledge growth is itself already a research finding. This means that while there is new legislation, a national strategy and an Anti Corruption Agency, the basic systematic knowledge on which all these efforts should be built remained absent.

In order to fill this gap this research went 'back to basic' with all the shortcomings attached to such an approach, partly in the dark. But we got help from diverse institutions (some Court and Prosecution offices, Anti Corruption Council) and the Statistic Office of the Republic Serbia. Thanks to their openness and interest we got a more precise insight into the basic law enforcement data contributing to an empirical added value.

We obtained detailed information about many cases, but true to researchers' tradition we maintained strict anonymity. Hence, in this report no names are mentioned: neither of officials, whether praised or criticised, nor of persons mentioned in files and other material, even if their deeds have been the subject of media attention.

As is the case with any other research, answers lead to new questions and otherwise there always remain open ends. Some questions could not be addressed fully due to time constraints (14 months). This implies that there is ample space for a follow-up research. We sincerely hope that our colleagues in Serbia will take over the baton and pursue the race.

Doing research on corruption is difficult in any country and the researcher is dependent on people and institutions who seriously *care* for the state of corruption and who prove to be open for cooperation. Not all institutions or civil servants were keen to help us, but those who did provided us with the empirical basis necessary for our narrative for which we are most grateful. For any interpretation which might be wrong or with which they do not agree, we are responsible.

Petrus C. van Duyne

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Executive summary

This research project on corruption in Serbia, "*Intensifying anti- corruption policy in Serbia by furthering law enforcement transparency and evidence based policy making*" was supported by the Dutch Embassy. It is a follow-up of a preceding research project carried out in 2008-2010 and as such an on-going attempt to shed light on the criminal law side of corruption and related offences.

From a research perspective this field of research is characterised as a *camera obscura* in which lack of transparency prevails. This is illustrated by one of the reports of the Anti Corruption Council, which describes various reported cases in which there are reasons to suspect corrupt dealings, but which were never responded to by the Government. From a research perspective, this state of *camera obscura*, gives rise to a 'black box' research approach as far as the institutions of law enforcement are concerned. The research does not pretend to be able to look into the inside of the black box of law enforcement institutions, but investigates their outward conduct, their turnover in terms of the input and output and their characteristics. In short: what kind of corruption related cases enters the judicial institutions (Prosecution Offices and the Courts) and what, how and when do the cases leave these institutions again (e.g. indictment or sentence)?

As no institution can be studied without its surrounding landscape, first a broader picture has been provided of the corruption situation in Serbia based on recent surveys and under the title of "*Who does it and who cares*?" Contrary to expectations from the surveys it appeared that most interviewees do not considered corruption as the most serious problem of the country. Depending on the survey carried out, the rank order of the seriousness rating of corruption is at the third or fourth place and ranges from 8,7% to 18%. Asked for direct experience with giving a bribe 15% to 20% of the respondents stated to have given a bribe in the past three/twelve months. A sizeable part of the respondents (20%) is not dissatisfied with paying a bribe given the favourable outcome of the corrupt transaction, leading to our conclusion: "*Many do and few care*".

The *perception of corruption* is measured regularly: respondents can rate the country as well as its institutions for their 'corruption status'. Despite the methodological caveats, perceptions ratings do reflect the trust of a population in its institutions. With political parties at top (76,7%), followed by the health service (73,6%), the governmental institutions have generally a high corruption perception rating, with the police scoring 62,3% as the most favourable. Not surprisingly, the reporting rate of corruption to the police is low: 35% of the respondents having experienced bribery thought reporting to the police pointless: "*Who cares*?" is the response.

Method of research

The situation of the "*camera obscura*" has consequences for doing research in this field. There is no central information point for data or other knowledge, which implied that the research team had 'to knock on many doors', also because the academic involvement in research in this field has stopped after 2007. The research team addressed the following potential information sources:

- The *open sources*: the media and the websites of the Ministry of Justice, Ministry of Interior and the National Assembly. The (written) media contained a substantial number of references from which a selection has been made. The websites of the National Assembly, and the two ministries revealed no useable hits. Questions for clarification of this absence to the Assembly as well as ministries were left unanswered.
- *The Anti Corruption Council* provided full support from the beginning of the project and gave us insight into their database as well as the procedural history of the cases it handed over to the Republic Public Prosecutor's Office. In most cases it got no feedback.
- *The Republic Public Prosecutor's Office*, equally pledged its support, but the way this was realised was very diverse: it ranged from full cooperation by the office of the Special Prosecutor for Organised Crime to a listless, dragging and unproductive communication by the Anti Corruption Department of the Republic Public Prosecutor's Office. In contrast, the research team got access to the indictments of the *First Prosecutor's Office Belgrade*.
- The *Courts of Belgrade* lent the project also a mixed support. On the one hand, the Belgrade Higher Court gave full support, and on the other hand, one Basic Court claimed to have no corruption cases, though according to the national statistics the output of that court numbered 109 verdicts. In between we met a welcoming Appeal Court, but we could not retrieve its cases due to flaws in the computer programme.
- The *Statistic Office of the Republic of Serbia* (SORS) gave full and voluntary support by providing us with the full raw database of 2007-2009 which proved essential for our analysis.
- Initially the *police* showed interest in the research but, as she is hierarchically subordinated to the Ministry of Interior, the ministry had to give consent, which lasted longer than the whole project time span of 12 months: a time consuming, twisting and tortuous correspondence unfolded. When the project neared its end, a first small '*rapprochement*' took place which could not be pursued because the project finished.
- The category 'other institutions' is of course diverse. With the exception of the Customs they declined cooperation. The Customs wanted to cooperate, but there were too few data. The Anti Corruption Agency kept the research project

at arm's length, showed no interest in whatever data on corruption, let alone that it would have anything empirically useable which could shed light on this phenomenon.

Results: "The fruits of the tree"

Quantitative analysis

The total figures concerning the number of reports on offences with 'an element of corruption' to the police, the indictments and convictions showed a steady decline since 2005/2006 also in relation to the general crime figures. The percentage differences in corruption case input between the Court regions proved to be large, whether in percentage of total crime (ranging from 3% to 10%) or increase or decrease of cases between 2007 and 2009 (from 40% increase to 30% decrease).

For most analyses carried out, the figures of years 2007-2009 had to be fused, because for many variables there are not sufficient cases in each year. The prosecution and the court data had to be processed separately: the two databases stem from two different forms that do not allow forming a unified database.

In the time span 2007-2009, the *Prosecution Offices* received 11.823 complaints, mostly coming from the police (45%), followed by complaints from the citizens, whether as direct victim or otherwise. Most complaints were labelled as 'abuse of office' (62%), though this qualification covers a large diversity of criminal conduct, not all of which represents corruption. The second complaint category was 'violation of law by the judiciary' (16%), followed by embezzlement (11%). A substantial part of the citizens (39%) who complained about judiciary corruption did so because of perceived law breaking by (deputy) judges and prosecutors. Bribery (taking or offering) were reported very infrequently (2,5%), least of all by the citizens (around 1,5% of the citizens' complaints).

Of the 'case input' 43% were indicted; 49% of the reports were dismissed. Complaining citizens had the lowest chance of seeing their complaint ending in an indictment (10%), which is due to the high dismissal rate of law breaking by the judiciary (95%), of which they mostly complained. There were again large differences in indictment rates between the Prosecution Offices, ranging from 26% to 65%. The data allowed no explanatory analysis. Otherwise the analysis was hampered by low absolute numbers that often did not allow more refined analysis.

Of the 4.543 cases handled by the *Courts*, 61% ended in a guilty verdict. The interregional differences were again large: from 42%-83%. Bribe offering and unauthorised use of assets had the highest conviction rate (82%). Trespassing judges or prosecutors has less to fear: only three of them were convicted. In case of conviction the usual punishment is a prison term, which is in 80% under probation, particularly with shorter sentences. There were differences between the Courts in the sense that some Courts could be considered as more lenient.

There was no significant correlation between the rank order of indictments and verdicts per Court district, which indicates that there is no statistical coherence between the data of the Courts and the Prosecution Offices. Within the set of Court and Prosecution data there were also many unexplained differences. For this reasons the judicial system is to be considered rather as a *random box* excluding the notion of an anti corruption strategy functioning within their confines.

Qualitative analysis

The analysis of the 26 serious corruption/abuse cases at the Special Court of Organised crime showed that these cases covered a very broad time span: from 1995 onwards. The most important offence category was the organised commitment of tax fraud in various forms: organised excise fraud, VAT fraud and trading false invoices. To categorise the broad variety of cases, a typology was designed: power abuse cases (ranging from suspects in government positions to single persons with decision making powers); corrupt services such as offering to tamper with legal evidence; and corrupt businesses, which comprises criminal undertakings within legal firms as well as criminal firms skimming the public fund. These analysed cases were projected on the two dimensions of '*leadership-executive*' and '*social prestige*'. The outcome illustrates to what extent the manifestations of corruption and related offences cut through all layers of society.

Analysing the 30 indictments of the First Basic Prosecution Office Belgrade revealed also a very heterogeneous picture of what is covered by 'abuse of office' (most often simple embezzlement). These 'common' cases, also cut through all layers of society, ranging from high school directors to taxi drivers.

'Scraping' these data together again stressed the low prevalence of corruption cases within the law enforcement institutions, whether at Basic Prosecution or at Court level or at higher instances.

The processing of the cases of the *Anti Corruption Council* has been studied in some detail, as it may illustrate the way high-profiled cases are dealt with. It appeared that persisting in launching complaints, particularly in serious economic matters, could result in a quicker prosecution response *against* the complainant or even against the ACC than an orderly criminal investigation or feedback to the ACC: usually the government or the RPO did not respond.

Integrated Criminal Data Entry Tool: ICDET

Observing the serious flaws in the databases and communication, the research team designed the outlines of an information processing tool that updates and integrates the existing information gathering systems of the Courts and the Prosecution Offices. The principles are simple. Any anti-corruption criminal law policy must be based on a transparent monitoring tool, which allows a practical case-by-case following as well as a strategic analysis. The basic requirement for such a tool is that the basic counting units (cases and suspects) can be followed throughout their whole

history in the criminal procedure: the suspects and cases must be followed from entry at the police till their finalisation at any level of the criminal law institutions. Departing from what is in use at present, the report makes suggestions for fusing the existing data entry modalities into a united one.

The report concludes with observing the aftermath of the project. There are neither fundamental objections against the proposed information system, nor could any noticeable enthusiasm be recorded. Suggestions to take these proposals into consideration were lightly passed over by the Ministry of Justice. This aftermath underlines the answer to the title of the second chapter: "*Who does it and who cares*?" – "*Many do, but few care*."

1. Facets of corruption and the research 'black box'

During the upheaval in Italy in the beginning 1990s, when it was revealed that corruption is not only a South Italian problem, but that major corruption cases were uncovered in Milan and other industrial towns in North Italy (della Porta and Vannucci, 1997), one of the higher-level suspects is said to have remarked: "If everybody is corrupt, nobody is corrupt". This looks like a cynical sophism intended to 'define away' a major societal problem. As most sophisms contain a smart distortion of reality, we have to pay closer attention to its wording. Looking closer the sentence is untrue, but only its second part. The first part, the premise, may be true: "everybody is corrupt" because corruption always lurks in human relationships. Who does not want to influence a decision maker by doing him a favour or who does not like to receive one? Whether that is 'bad' in the sense of a transgression depends on accompanying circumstances. But that corruption can emerge in any human relationship does not allow a "nobody is corrupt" conclusion. Instead we should conclude: "If everybody is corrupt, then fighting corruption is a never ending battle." That fits better the historical and social reality. Even if success has been achieved it is only temporarily: corruption can emerge again everywhere and at any time as soon as one loosens the reins.

There is also another derived implication from 'everybody is corrupt': that it is improper to 'point fingers' or 'throw the first stone', whether at individual or national level. Few countries are free from corruption scandals and even the absence of such scandals is no proof for being 'corruption free'.

It may be true that such a pointing of fingers at other allegedly corrupt persons or nations is hypocritical, but within the (international) political reality this is irrelevant. Anti-corruption policies are not drafted by those who are incorrupt but by those who are in power. To protect its commercial interests abroad, the US enacted its Foreign Corrupt Practices Act (Gelemerova, 2009), which has become a global standard.[1] The EU formulated anti-corruption standards to protect EU financial interests, of course applicable to the whole Union, but mainly invoked against candidate countries or recently joined Member States, accidentally now all located in the Balkan region. That implies an imbalance, but complaining about that is of little

[1] The first FCPA was enacted in 1977. After the OECD Anti-bribery Convention the U.S. FCPA was brought into line with this convention with the International Anti Bribery Act of 1998.

use if the underlying reasons are correct: corruption is a problem in all Balkan states (UNODC, 2011).

This implies that most likely Serbia shares characteristics of corruption with its neighbours (Van Duyne *et al.*, 2009; 2010). "Most likely", because it is difficult to prove this, given that in some ironical sense we lack data to underline this statement in any systematic way. This defect is due to the most prominent feature the countries share: serious lack of transparency and opacity in public administration. This lack of transparency is usually attributed to higher-up politics and decision making in the 'board rooms of power'. However, when opacity is the rule at all higher levels of the public administration, it casts its shadow must broader and down to lower levels. In particular, it affects the possibility of getting a broader empirical insight into this phenomenon: opaque administrations are not the institutions fostering knowledge by sharing information, keeping reliable statistics or furthering research.

This does not imply full darkness. There is usually some beam of light breaking through the cracks of this '*camera obscura*': there are some crude statistics and media reports. Representative samples of the population are also regularly interviewed about their perception of the state of corruption in their country or their (indirect) experience (UNODC, 2011; TNS Medium Gallup, 2010). But perceptions may be biased by rumours and reputations while 'own experience' may be selective and only related to the daily lower level interactions of citizens and firms with the authorities: corruption at *executive* level.[2] These experiences may represent a recurring annoyance of citizens undermining the trust in the administration, but as a rule they do not concern 'grand corruption' at higher decision making levels: corruption as a political-economic system. How much insight do we have in this alleged 'higher-up' phenomenon? At this level with so much higher stakes, for private business as well as the authorities, opacity prevents almost all insight into this *camera obscura*, unless a scandal emerges.

When corrupt dealings lead to a public scandal, a beam of light breaks into the darkness. But that does not herald a real lightening up. Instead, opacity uses to set in again, as is illustrated by the following case presented by the Anti Corruption Council.

The port of Belgrade

This case concerns the destination of the land of the Belgrade port, situated in one of the most valuable pieces of land near the centre of Belgrade. In the process of privatisation a number of decisions have been made which were sufficiently questionable to justify suspicions of dishonest dealing. In the first place, in 2005, the majority of the shares were bought for € 44 million by a Luxembourg

[2] During our research some officials referred to 'street level corruption'. Indeed, there is corruption at 'street' level, but that should not be confused with corrupt conduct of executive staff at other levels. We return to this typology in our chapter on the findings.

firm whose assets amounted to the legal minimum of € 31.000.[3] Little was known about this new firm: there were no balances or financial reports. What transpired however, was that the share selling price of 800 dinars was more than half of the assessed price of 1774 dinars. All the authorities involved gave their consent, no questions were asked, not the least by the Securities Commission and the Administration for the Prevention of Money Laundering (Serbian FIU: "Where does the money com from?" No curiosity displayed, no suspicious transaction report filed). This take-over was connected to another shady take-over, namely the retail chain C-Market by a firm registered at the same address as the new owner of the majority interests of the Belgrade Port Company. Likewise, no questions were asked.

This case does not stand alone: from the beginning of its existence the Anti Corruption Council regularly tried to draw the government's attention to questionable cases of great public interest. One can argue that the cases forwarded by the Council are not illustrative for grand corruption or a criminal collusion of interests. Of course, a few examples should not be declared 'illustrative' without collecting more cases to compare with. Here we face the well-known problem of the 'black numbers': how many more of such cases have passed unnoticed? We cannot solve that problem here. But we can raise the question: how many cases become noticed initially and slip eventually into the set of 'black number'? It is not difficult to achieve this: the only thing the authorities have to do is to remain silent. This is illustrated by the reaction of the Government to the reports of the Anti Corruption Council: namely a full and persistent *non*-reaction. The reports were summarily neglected, as was also observed by Transparency International (2011). Worse, in a letter of 26 October 2009, in which the Council drew the attention to previously reported cases, the director remarked bitterly that

> "While the public prosecution in Belgrade hasn't done anything concerning the criminal charges submitted by the Union of small share holders and the Report of the Council on the of Port Belgrade, it has already started the procedures concerning the criminal charges of the Port Belgrade *against the Anti corruption Council*." (Italics added)

The Anti Corruption Council was not only left in the cold, eventually it found itself under criminal investigation. Should this be considered as the 'silent answer' of the government? Of course, without further clarifying information we cannot draw such a conclusion. But such information is difficult to obtain: opacity prevails, evoking unanswered questions. Interestingly, this state of affairs did not draw media attention. The ACC's dire fate of bringing corruption to the fore, getting no answers

[3] All numbers in this report are in *normal European writing* with the comma for the decimals and the dot for the thousands.

and finding itself charged in the end, remained without investigative journalist actions. Indifference: is that perhaps illustrative for the corruption situation in Serbia?

It is too early to answer this question confirmatively but it is an important social and political point which we will address systematically. This implies that we will collect basic facts from a multitude of sources and will keep raising the question: are these facts known (or knowable) and who is interested in them?

This is the empirical side of the picture. The other side consists of a number of activities the government has deployed against corruption. There is an Anti-corruption Strategy (which took five year to enter the implementation phase), a new one is heralded[4]; adapted legislation; and in January 2010 the perhaps most important initiative: the putting into place of the *Anti Corruption Agency*. As far as legislation is concerned, the evaluation commission of GRECO concludes that: "Following a series of legislative amendments, the Criminal Code of Serbia is largely in line with the Criminal Law Convention on Corruption (ETS 173)." It made a few additional recommendations, but the general judgment was positive. This judgement was (diplomatically, but with little conviction) repeated by the EU *Commission Staff Working Paper*, 2011 (section 1.1.5.).[5]

These are the anti-corruption institutions and legislation put into place. However, what about the actual prevalence of corruption itself? For institutions such as the Anti Corruption Agency having a strong prevention programme, it is required that there is a basic quantitative knowledge of what to prevent. This basic requirement is not fulfilled. We mentioned already the problem of the 'dark-number' which must be juxtaposed to the official figures of the criminal law institutions handling the inflow of reported corruption cases which are processed to some kind of output. Together this represents the 'corruption turnover'. This is of course not a *measure* of the extent of corruption in Serbia. It may not even be a suitable approximation in view of the 'dark number' or reported suspicions never responded to, as is the case with the Anti Corruption Council. Nevertheless, this turnover provides us with the scarce data which are accessible.

This corruption case-turnover approach may not shed a full light on the nature and prevalence of corruption itself, it constitutes nevertheless an important research aspect for addressing the question of how the *law enforcement institutions* respond to corruption. One may object that this will be no more than a look from the outside. This is true, but in general it is difficult to research the *inside* functioning of institutions: even if the researcher would be insider himself, also within institutions much

[4] Justice Ministry State Secretary Slobodan Homen announced on 30 March 2011, that Ministry of Justice intends to initiate the drafting of a new National Strategy for Combating Corruption, as well as the Action Plan for Implementation of this new National Strategy.

[5] These praises are offset by the observations of "more political will" concerning the implementation of the ant corruption policy. If one substitute this diplomatic phrase by "not interested", one gets a clearer interpretation: "All legislation and institutions are in place, but nobody is interested to make it work."

remains unseen or not communicated. However, recording systematically the outside can be meaningful. Just as the proverbial 'tree is known by its fruits', the functioning of institutions can be (partly) deduced from their 'fruits', their turnover: the observable input and output. This is called the 'black-box approach', well known in experimental psychology: we cannot look into one's 'closed mind', which is a 'black box', but we can observe the correlation between input and output and formulate plausible hypotheses about its inner working. We apply this approach to the Serbian criminal law institutions: together they constitute our 'black box'. We will investigate whether their turnover, the input and output, may tell us more of how the law enforcement institutions address the *recorded* manifestations of corruption. This will be the main focus of this project.

The elaboration of this focus will require the development of a methodology for capturing the relevant data. Having achieved that it would be a waste of effort to leave the developed tools and insights unused for practical purposes: after all, these research tools for information analysis and processing may be equally useful as 'general purpose case description tools', which may contribute to more transparency. This will be the second project focus: turning the research methodology and insight into practical information processing tools for strategic policy making and practice. If we use a ruler for (corruption) measurement in research, we can also use that ruler for measurement in practice, *e.g.* for practical monitoring corruption cases through the criminal law system: the *track record* recommended by the European Commission.

Before elaborating and applying this black box approach we must first cast a look at its surroundings: the landscape of corruption as it is represented in previous studies and surveys. The more we know of this surrounding landscape, the better we can project the findings about the law enforcement turnover against this background, enabling us to formulate hypotheses (or reject assumptions) about the inner functioning of the law enforcement institutions which are a part of it.

2. Who does it and who cares? Survey of research

In the publication of our first research project on corruption in Serbia we compared the fight against corruption in Serbia with a 'Sisyphus hard labour': rolling a rock up the hill which is pushed down again as soon as it reached the top (Van Duyne *et al*, 2010). Is that metaphor still relevant? Of course, every description of on-going social and political processes are static like stills while reality moves on – potentially. That does exclude the possibility that this Sisyphus metaphor still represents a persisting undercurrent above which only superficial changes in surface structures can be observed. Undercurrents versus surface ripples. For this reason we start with a broader outlook and will first discuss the findings from research and open sources. These may provide observations from various angles as well as a broader horizon which may enable us to cast a glance at the undercurrent.

We start with the broader, but partly subjective picture derived from the perceptions and experiences of the Serbian population itself. Then we will move to the perception of institutions.

Against the background of the official intensification anti-corruption policy of the authorities, it is of interest to find out how the population itself assesses the seriousness of the corruption problem and to what extent people have direct or indirect experience (own or knowledge of other people) with corruption. To this end we can compare three sources: The *TNS-Medium Gallup* and *UNDP* (2010) project, the *Transparency Global Corruption Barometer* (TI, 2009) and the *UNODC* (2011) research on bribery in the Balkan region: bribery as experienced by the people. Of course, this will be related to other research carried out in the previous decade.

In the *TNS-Medium Gallup and UNDCP* project 2.215 adult persons (18 years and older) have been interviewed in three rounds from October 2009 till October 2010. The regions were represented proportionally while Belgrade was represented by a separate subset, consisting of 598 respondents. The interviews were carried out face to face and were semi-structured. The project description does not mention whether it was a repeat measurement of the *same* set of sampled persons in the three rounds. Given the unequal numbers in the three rounds, we assume three independent samples and measurements. The relative differences of the answers to most questions over the three rounds appeared to be small, however, mostly within a range of 5 % or less. Hence we take the average over the whole period.

An important question is the assessment of the relative importance of corruption among the valuation of other problems people perceive as being important. To this end the interviewees were asked to mention what they consider the most important

problem of the country. The relative frequencies of what has been mentioned as the most importance problems (political, social or economic) are presented in Table 1.

Table 1
% of most important problems mentioned by 2.215 interviewed adults, 2009/2010

Most important problem	%
1. Unemployment	32,0
2. Poverty	22,3
3. Low salaries	8,7
4. Corruption	8,7
5. Lack of possibilities for young people	8,0
6. Criminal and safety	6,7
7. Pensions	3,3
8. Relations to Europe and EU	2,3
9. Health system	2,0
10. Weakness and inefficiency of institutions	2,3
11. Bad education system	1,6
12. Kosovo	1,0
13. Economy	0,6

Source: TNS-Medium Gallup/UNDP, 2011. The three rounds have been averaged.

The overwhelming majority of the interviewees mentioned unemployment and poverty as the most important social problem followed with a great distance by low income and then corruption. Then comes youth unemployment while we find the politically sensitive issue of Kosovo (a hot issue during elections) at the low end. Compared with previous research as reported by Begović *et al.* (2007) this appears to be a stable finding. In Begović's research the percentage of respondents who rated corruption as a most serious problem was 11 and 10 % in respectively 2001 and 2006. Corruption as a *social* problem was rated by 10%, while only 5 % of the respondents considered corruption a *personal* problem (asked only in 2006). Again, poverty, low standard of living and unemployment were judged as the most important problem: 27 and 24% in 2006 (Begović *et al.*, 2007; 23-26). Given this repeated finding over three years of measurement (with different measurement instruments), one can conclude that corruption is seen as a problem, but not as the most pressing one.

The rating of the importance of corruption was higher in the UNODC 2011 report. Of the 3.000 sampled persons who were sent a questionnaire (response rate 70%) 18% thought corruption the most important problem of the country. However, the rank order in relation to other national problems was the same: unemployment (32%) and low standard of living (26%) were again considered as more important. It underlines the basic principle of "first the eating and then morality" (Berthold Brecht: "*Erst das Fressen, dann die Moral*").

Experience with corruption can be measured in different ways: one can ask for the *own* experience ("Have you in the past (year) given a bribe?") or for 'indirect' experience ("Do you know someone (household/relatives) who has been involved in bribery?"). The wording of these questions is important as it may evoke different answers which causes variations between the attempts to measure the 'real' (experienced) prevalence of corruption beyond the mere perception. What were the results of the various studies with their different methodologies?

The *Transparency Global Corruption Barometer 2009* asked the interviewees whether they (or "anyone living in your household") paid a bribe in the past 12 months. 20% of the respondents answered confirmative. The TNS-Medium Gallup & UNDCP survey also asked the interviewees for their direct as well as indirect experience.

- *Direct*: "In the past three months have you paid a bribe in any form (presents or money)?"
  Average response: 14,6%
- *Indirect*: "Has anyone close to you (cousins or close friends) paid a bribe in any form (presents or money) in the past three months?"
  Average response: 35%

Evidently people have more indirect than direct experience. The majority (63%) of the respondents who had stated to have had direct experience had this only once (in the preceding three months); 25 % paid bribes two times; the other 12% three times or more. In most of these cases the bribery was not a form of extortion: 85% admitted that they had taken the initiative and offered a bribe to obtain some service (59%) or to avoid problems with the authorities. In 23% the bribe was directly asked for. Traditionally much corrupt interaction takes place in the healthcare (Report of Centre of Antiwar Action, 2005): in this survey 53,6 % of the respondents said they paid the doctor. Next comes 'daily law enforcement': 22,6% paid bribes to policemen. Indeed, most bribery occurs for the own benefit: to obtain some or a better medical service or to stay out of trouble with the police, mostly as a result of traffic participation (*e.g.* (alleged) wrong parking, speeding).

How do these findings compare with those of the Begović *et al.* (2007; 53) four years earlier and the Transparency International Global Corruption Barometer of 2009? In Begović's survey on average 18,3% of the respondents said that they based their ratings on own experience, but no time span was indicated nor what 'own experience' meant. In the TI Global Corruption Barometer (2009) 20% of the respondents confirmed having paid a bribe in any form (oneself of someone in the household) in the past 12 months.

If we take account of the differences in time span (three months in the TNS-UNDP survey and 12 months in the TI survey), we think it plausible that the percentage of having direct experience with bribery approaches 20% of the population. The UNODC research mentions a lower figure of 8%. This difference is due to a

different way of calculating *prevalence*: the number of adults with bribery experience in the past 12 month as a percentage of those who had at least had one contact with a civil servant in the same period (Σ experience/Σ civil servant contacts). This is realistic: if there is no opportunity there is no corruption. With this approach bribery in Serbia would be at about the same level as in Montenegro, lower than in Albania, Bosnia-Herzegovina, Croatia and Kosovo, but higher than in Macedonia (figure 2 of the report).

Again, in this survey a sizeable part of the respondents is not victim, but initiator to obtain a benefit or fend off trouble with the authorities (a reverse benefit). Unfortunately the reports do not contain a cross-comparison between the variables: in the TNS-UNDP survey, it would have been appropriate to correlate the seriousness ratings with answers to the questions about own experience or initiative. Now we can only speculate about an answer to the question whether the low rating of seriousness is determined by a range of interacting variables such as: (a) direct experience with corruption; (b) having experienced a favourable outcome (or heard of it) and being willing to pay (20,7%) or (c) being too remote from corruption opportunities and for that reason responding mainly from media publications. The factors (a) and (b) may interact to produce an *overall* lower seriousness rating. The same may apply to factor (c): a remote problem of which one hears from the media is experienced as something less pressing than one's own low salary or unemployment. It is tempting to conclude: "*Many do it and few care*". If this hypothesis holds true, it is not far removed from Datzer *et al.* (2008) findings in their corruption research in Bosnia & Herzegovina: they also spot many 'willing sinners'.

Perceptions and reality

The observations in the previous section have an important limitation. They concern *bribery*: taking and giving bribes. But bribery is only a subset of the whole corruption phenomenon: many manifestations of corruption are characterised by other forms of illegal exchange of interests and advantages. For example, offering jobs or positions in exchange for political support or furthering the position of a relative in exchange of a 'friendly' deal in a project negotiation (Pesić, 2007). These forms of corruption are usually not covered by surveys. Also, they are difficult to observe. Nevertheless, they may be suspected for good reasons because of accompanying dubious manifestations: governmental inefficiency, inexplicable dealings and (outwardly) disadvantageous favouritism, (muffled) complaints in the media or they come occasionally to the surface as scandals which can no longer be hidden. Together these impressions and media coverage may contribute to a perception of corruption in a country, even if in a very imprecise way.

Various authors (Van Hulten, 2011) question the measurement of the perception of corruption as a valid index for assessing the real prevalence. For the annual ratings of Transparency International this is even a central tenet: it is the very basis of the annual Corruption Perception Indexes. Though it is not an implausible hypothesis that there is a correlation between perception and the actual level and extent of corruption, this may be less directly than is assumed. One should be cautious in deducing from the general corruption perception specific statements about the actual corruption situation in institutions without considering rival hypotheses or additional explanatory circumstances. In particular one has to take into account (a) the actual experience people have with the assessed institutions mentioned in a survey (see previous section) and (b) the *general reputation* of (an) institution(s). Naturally the own corruption experience reinforces the negative perception, which may spill over to other institutions, particularly if their reputation is already stained. In addition, despite the absence of own experience the general reputation of institutions as being corrupt is likely to lead to a "they-are-all-corrupt" judgement.

While the perception methodology remains a matter of debate, capturing the perception of corruption remains important for another reasons than only indexing the relevant status of a country. As one can deduct from the argumentation of the previous section, the perception index of corruption itself is important because it reflects the *trust* a population has in the institutions of the country. Whether this trust is based on broad range of subjective impressions as well as on own (occasional) experience, it is an objective, socio-psychological given and real in its consequences. The following perception results should therefore be interpreted against this perception-realism perspective.

The TNS-UNDP 2010 perception survey is the most detailed where it concerns the perception of the institutions in Serbia. Abstracting from the (usually small) percentage differences between the three rounds within the twelve month by averaging them, we obtain the picture as presented in Table 2 on the following page.

Of the most negatively rated 'top ten' sectors half concern institutions for the maintenance of the state of law ('Rechtsstaat'), ranging from the political parties to actual law enforcement agencies. In the order of mentioning, judges, prosecutors and the police, were rated negatively. If we add to this the lawyer profession, functionally directly related to the maintenance of law, we observe a profound distrust towards the whole institution of justice. Only the political parties and the health system are perceived more negatively. Similar corruption perceptions have also been observed by Begović *et al.* (2007; 38-39), though the rank order is not the same. In 2006 the judiciary and top government officials got the highest corruption perception scores of respectively 73 and 67 %. Health care scored 58%, after customs and police (65 and 62 %, the same scores 5 years later).

Table 2
To what extent do you perceive the following sectors in this country to be affected by corruption?

Sectors	%
Political parties	76,7
Health service	73,6
Judges	69,3
Prosecutors	66,0
Lawyers	67,0
Customs	65,7
Government	63,3
Parliament / legislation	63,3
Police	62,3
Media	51,6
City /administration	54,7
Education	51,0
Business/private sector	48,3
International help and donations	50,3
Tax board	49,0
Average other institutions	35,2

Source: TNS-Medium Gallup/UNDP, 2011. The three rounds have been averaged.

As remarked, it is plausible that these perception scores reflect a mixture of reputation and own experience, but not in the same way with all sectors. Many citizens have to deal with doctors as well as policemen, while their interactions with members of the legal professions will be much less frequent. However, looking at their persistently high negative perception of this profession over the years, we can at least speak of a lasting reputation problem (Begović et al., 2004; chapter IV; Trivunovic et al., 2007; p. 21).

This negative perception has serious consequences even if it misrepresents the actual level of corruption. It does not only affect the general attitude of the population towards these institutions. When it comes to fighting corruption it also weakens the willingness to report corruption to the authorities due to a feeling of ambiguity if not distrust. On the one hand, the respondents express their opinion that the criminal law system and police have a role to play in fighting corruption, but on the other hand, respectively 80 and 60% think both institutions are too corrupt to fulfil this role. Small surprise that when people are confronted with corruption (assuming they are not the initiators or beneficiaries themselves) many are not willing to take the trouble to inform the authorities. Indeed, corruption is a seriously under-reported offence: only 14,5% said that if they were directly asked for a bribe, they would report it to the authorities. And what did those respondents (of the UNODC bribery report) who confessed to have paid a bribe say about their *non-*

reporting? Of these bribe payers 28% considered their bribe as a token of gratitude, while 20% would not report because of the benefit derived from the bribe (figure 22). A minority did not report because of "common practice" and 35% thought reporting to the police pointless: "Nobody would care". Perception creates reality which again reinforces perception.

It is tempting to compare these responses with the open letter of the Anti Corruption Council in the previous chapter. It does not stretch the imagination to state that both the President of the ACC and the respondents (common citizens) express the same feeling captured in the title of this chapter: "Who does it and who cares?" According to the surveys and the Anti Corruption Council the answer should be: "*Many do and few care*."

3. Method of research

> "*Corruption was an interesting topic for us for some time, but we moved away from it. One of the reasons is that it proved that none has been really interested in what we were doing. ACA never contacted us. [The Anti] Corruption Council at the beginning invited us as observers (not speakers) to their conferences and even that stopped after some time. I am not happy to work on something that none is really interested. Politicians came to our conferences because that was a nice photo opportunity and 'CV cleansing' (i.e. they consider us as a nice PR asset) for them, but no support to our work. We understood the message.*"
> Professor at Belgrade University

As mentioned in the introduction, despite the official policy of intensifying the fight against corruption in Serbia, when one wants to 'line up' facts and figures in an orderly way, one soon finds oneself moving from dusk to darkness. This implies that to find sufficient information, one has to throw in a wide net into an opaque 'information pond'. Less metaphorically: one has to inspect as many different data sources as possible in the hope to collate from the bits and pieces of information a more or less representative picture. These bits and pieces range from findings from open sources as provided by the media, in particular the press, to more confidential case information as provided by the Courts and some Prosecution Offices, to the data of the Statistic Office of the Republic of Serbia.

As we will describe in more detail in the next sections, lacking any central information point, the search for 'true data' about corruption implied knocking on many different doors. Knocking on the doors of universities was to no avail: scientific research has virtually stopped after 2007 due to lack of interest. Knocking on the doors of law enforcement bodies (police, Republic Public Prosecutor's Office, Ministry of Interior, Ministry of Justice) resulted in little more than crude statistics. However, their reliability and validity is undeterminable (Van Duyne, *et al.*, 2010), while the simple frequency tables do not allow further analysis, such as cross-comparisons. The Anti Corruption Council proved to be a valuable source, but it has other tasks than acting as a central information gathering point. The Anti Corruption Agency did not adopt the task of systematic basic fact finding or research in its programme, though the Law on the Anti Corruption Agency stipulated in article 66 its mission in this respect: despite that, it showed no interest (see the citation above).[6]

Not stopping at those doors, our search was diverted to 'fieldwork' in Courts and Prosecution Offices elaborated in the next sections. Given time and staff con-

[6] The offer of the research team as well as the OSCE to carry out research in connection with the ACA's task or on her behalf, free of charge (a 'silver plate offer') was declined: no reasons given, no real interest.

straints, this fieldwork had to be limited to the Belgrade area: we could not cover a larger territory. Hence the story of 'knocking on doors' does not cover the whole of Serbia with the exception of the Ministries of Justice and Interior.

We stress that the observations of this knowledge search rises above a mere technical methodology description of looking for data. It documents to what extent the (local) authorities or other (central) stakeholders are really 'eager to know' or willing to share knowledge – *if* they have any. In this regard the experience of the researchers' 'knocking on doors' as documented below is to be considered a serious research finding in itself: a kind of 'anthropology of the guards' at the doors of the various '*cameras obscura*'. Their responses, or more usual the lack thereof, reveal as much of their basic attitude towards the corruption issue as the hard 'facts and figures' which they may, or rather should have.

a. Open sources: the websites and the media

Apart from the usual survey of the literature, with the focus on research (which dried up after 2007), the research team also investigated the media and the websites of the National Assembly and the Ministry of Justice and Interior.

The media are an important, but methodologically difficult source. Its importance lies in the fact that the media are supposed to be the 'ears and eyes' of the public, also concerning the subject of corruption. This can be deduced from the perception surveys: the highest percentage of *direct* corruption (bribery) experience is 20%. Hence some 80% must rely on hear-say or on the 'ears and eyes' of the media. That is natural: not everybody needs a license, a doctor or commits traffic offences. But how reliable are those 'public ears and eyes'? There are grave doubts of that reliability, among the public as well as among the members of the media themselves. The latter pointed out to the Anti Corruption Agency: "*the need to prohibit public authorities . . . by law from advertising in the media, because advertising is viewed as a means for placing pressure on the media (not) to publish something . . .*" (Annual ACA report, 2010, p 33/34). This observation was reinforced by a report of the Anti Corruption Council (19 September 2011), which documented in detail how little transparent the ownership of (and therefore the influence on) the media is. In addition, it underlined the economic influence of the state institutions on the work of the media which tend to serve the ruling elite rather than the public. If that concern is justified, one must be careful with those 'public ears and eyes', lest they are muffled and biased in their functioning.

Despite this caveat, the media are too important a potential public opinion creating institution to ignore, also if they are biased due to improper influence from "higher-up". For this reason, from the start of the project (October 2010) the team took stock of the articles on corruption (and related topics) by way of reconnaissance. This proved to be a laborious and insufficiently systematic undertaking. Scanning a news paper like *Blic* yields a series of narratives, some concerning scandals

which then overlap with the cases identified by the Anti Corruption Council. To obtain a better overview the team decided to carry out a broader as well as a more systematic survey, which was outsourced to the firm for media archiving *Ebart*. We intended to take stock of the following sectors:

- health;
- law enforcement (police, prosecution and the courts);
- political parties,

and had search runs carried out on the search words 'corruption' and related words in four news papers for the period of January till June 2011. The target was to produce 500 articles. Preliminary search runs produced a too large output: 1500 articles, which forced us to make a selection from the news papers as well as to screen the 'information fullness' of the hits in the three sectors.

We first decided to reduce the number of new papers to be searched to two: *Vecernje Novosti* and *Politika*. The first is owned by a 'tycoon' and the second is older and somewhat more conservative and less sensational: would they be different? The Anti Corruption Council mentions them both for lavish advertisements by state institutions. Secondly, we had to drop the law enforcement sector: a first screening showed that the catch word 'corruption' (and related terms) produced only corruption prosecutions and trials but not articles about corrupt*ed* judiciary. Therefore the final selection became: Vecernje Novosti and Politika for the health and the political sectors.

The research team also searched the websites of the Ministry of Justice, Interior and the National Assembly. Given this high-priority subject we assumed to find many uploaded messages, reports and other documents. For example, political responses to articles in the media: whether and how publicised cases were handled by the prosecution, or (for representatives) as a background for asking questions to the competent ministers. We felt that our expectations were justified given the encouraging statements by the Republic Public Prosecutor in her description of the functioning of Republic Public Prosecutor's Office about "*informing the public*", as well as by the stipulation of art 29 of the Law on Public Prosecutor according to which he/she "*shall have the competence to . . . (4) submit reports to the National Assembly*". So, what were these reports and can they be found on the internet of the Assembly or the ministry?

b. The Anti Corruption Council (ACC)

The ACC was one of the first agencies which opened its doors to the research project team. In its office we could study all the material the Council has available.

As the Council has to advise the government it has no criminal investigative function. However, it does collect documentary evidence and carries out investigations with its own specialist staff and advisers (defence council, professors in various disciplines). Out of the correspondence which the ACC receives daily from worried

or aggrieved citizens it selects the serious complaints. When it thinks a complaint has sufficient basic evidence, it hands over its observations to the Prosecution Office for further criminal investigation. The Council did so in 147 cases: 48 to the Republic Public Prosecutor's Office, 7 to the Special Prosecutor for Organised Crime, 33 to the District Prosecutor's Office and 59 to Municipal Prosecutor's Offices. As the prosecution offices answered only in 22 cases, the team decided to have a closer look. It retrieved the prosecution identification numbers of 53 cases. Of this subset 15 cases have been sent to the Republic Public Prosecutor's Office; 1 to the Special Prosecutor; 7 to the District Prosecutor's Office in Belgrade and the remainder to the municipal Prosecutor's Offices.

Of 14 cases we found more detailed descriptions concerned illegal dealings, such as irregularities in the privatisation process and take-overs by shady firms or under suspicious circumstances (five times), EU fraud, embezzlement and abuse of power.

The information contained in the Council's documentation consists therefore of a mixture of complaints of aggrieved citizens and of information drawn from open sources in addition to (copies of) official documents from the own investigation. These have to be complemented with evidence derived from criminal investigations. Hence, we turned to the Republic Public Prosecutor's Office (from here onwards RPO) for additional information about a follow-up, with which we enter the premises of the RPO.

c. The Republic Public Prosecutor's Offices

"*In my view, the priorities of the Republic Prosecution of Serbia in 2011 will be the criminal offences of corruption in all its forms*."
The Republic Prosecutor's Office. 2011

The RPO and the Anti Corruption department

Given the above cited encouraging statement of the Republic Public Prosecutor in her final "*dear reader*", in addition to her earlier pledge of "*informing the general public on the crime situation and crime developments*" also in the RPO report, the project team contacted with various Prosecution Offices, which yielded diverse and sometimes unexpected results.

The *Anti-corruption Department* of the Republic Public Prosecutor's Office in Belgrade was considered to be important because it has a central role in monitoring the handling of corruption cases by the local offices.[7] Asking questions to this institution was therefore considered to be within the range of its formal competence. We thought this the more appropriate as (by chance) we learned about the existence of a provision which is part of the *National Anti Corruption Strategy* and *Action Plan*.

[7] The Republic Public Prosecutor's Office, Programme of work 2010, OSCE publisher; page 6 and further.

This provision stipulates that each prosecutorial intended decision to *abandon* or to *reject* a case 'with elements of corruption' has to be reviewed by two senior prosecutors belonging to the same office. Only after their approval is the rejected case sent to the Republic Prosecutor's Office which archives it. If the prosecutors decide that there is no sufficient reason to reject the case, the file is sent back to the prosecutor who originally intended to reject it. If an appeal has been filed a copy of the first instance verdict and an appeal motion must be sent together with the second-instance prosecution decision. The Anti Corruption Department of the RPO would have handled or at least archived more than 2.200 cases between 2007 and 2009.[8] This procedure would allow an efficient monitoring and control of the prosecution in individual cases. The implementation of this provision is supposed to be monitored by the Anti Corruption Agency of which we found no evidence too.

In view of this important information gathering role this department could not fail to have the relevant information. But it failed, at least to help us: the RPO denied to have any cases in their premises.[9]

This failure is also born out from our search for addition information about the cases of the ACC sent to the RPO as mentioned in the previous section. As these registered cases date from 1999 to 2007, we expected that some information about their processing by the prosecution would be available by now, as they should have been monitored according to the assigned task of the RPO. Therefore we requested the Anti Corruption Department to inform us on 31 March (e-mail) and on 19 April 2011 by personally handed letters. These letters remained unanswered, however. Finally on 19-9-2011 we e-mailed a reminder to the RPO in which we also asked for additional information about the 'rejection commission' (see above). To this date the RPO did not answer any of our requests. A last meeting (October 2011) for clarifying a few open questions was agreed upon, but shortly after cancelled by the RPO.

The reader may correctly deduce from this description that from the beginning of our project the interaction did not proceed smoothly. This looks like an institutional problem which is illustrated by a well-intentioned high ranking member of staff who in January 2010 had to deliver us a long delayed (unhelpful) answer by hand at the first Guiding Committee meeting: "*I am just a postman*", he complained, albeit the best paid postman in the whole of Serbia.

It appeared that the statistics collected by the RPO and sent to the Ministry of Justice and published in the MoJ reports are unsuitable for analysis purposes. (We

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[8] *Work of Public Prosecutions in combating crime and the protection of constitutionality and legality in 2009*. (29 page of electronic version of report. Section: *The Work of the Anti Corruption Department*). A high representative of the RPO requested us not to disclose the actual figures, for which reason we rounded them.

[9] In the previous research project (Van Duyne *et al.*, 2010), we basically asked the same information. After first stating there were no files, we unexpectedly got a handful of them. Then we got a whole collection of unsorted reports "from the field" about 2007 and 2008, after which the flow of information dried up again.

also inspected and commented on them in our first project.) As we observed in one of the Basic Prosecutor's Offices in Belgrade, the (national) statistics are deduced from figures manually entered into big forms at the local offices. The reliability and validity of this manual work can only be determined again by manual comparison.[10] We decided not to carry out such a check, for good reasons. This implies that we obtained only very partly direct insight into the basic data input. Given the way of working it is understandable that there is a serious mismatch with other databases, as we demonstrated earlier (Van Duyne *et al.*, 2010).

Whether the RPO has other information to fulfil its monitoring task concerning the handling of corruption cases by the Prosecution Offices in the country remained unknown. How this monitoring can be fulfilled with this kind information is a difficult to answer: there is no written evidence to substantiate the realisation of this task.

The Higher Prosecutor's Office

The team approached the Higher Prosecution Office in Belgrade too. After a brisk and hopeful beginning the communication faltered over time. The team did not succeed in accessing and researching its archive.

The Special Prosecutor for Organised Crime

The project team also addressed the *Special Prosecutor for Organised Crime* which deals with serious cases of corruption too. The project team was welcomed and met with a full cooperation: all the indictments (26) have been made available to the field researchers. The indictments covered a time span from 1995 to 2009.

First Prosecutor's Office Belgrade

In addition to this cooperation, the project team also obtained access to the *First Prosecution Office* at Belgrade. The office provided us with their detailed statistical survey which illustrates the thinly scattered input of abuse and bribery cases. We have included these statistics in the addendum II. As the number of indictments was too big to analyse in the available project time, a (stratified) sample was considered. However, such sampling methodology appeared to be something in the ideal world. Instead, the team was handed over 31 indictments: 15 from the third, 13 from the first, 1 from the second municipal prosecutor's office, 1 from district prosecutor's office and 1 of an 'unknown' office, which was discarded.

[10] During our visits to the first Basic Prosecution office on Belgrade we were demonstrated an electronic database. This could search for offences and suspects, but was not suitable for analytic purposes. Conversion of the matrix may produce the contents of many cells as "unreadable".

d. The Courts

The judiciary in Belgrade was equally cooperative, but the yield was mixed. At the Appellate court we got warm support from the President, but the access to their files had to go through an outdated search system which does not allow to search for appeal verdicts for separate offences. Corruption offences could therefore not be found, unless going though the paper registry manually.

The First Basic Court in Belgrade cooperated by providing us with over 52 verdicts pronounced in first instance in 2010/2011 from which 26 were selected, the crime categories selected in proportion to their occurrence in the whole set.

The Second Basic Court in Belgrade has also been addressed. They responded that there are no corruption verdicts in their municipalities: Mladenovac, Lazarevac and Obrenovac. That was remarkable: from the Statistic Office database we could extract 109 cases with identification number, offence and reporting data etc. This list has been sent to the office, but no response has been received.

The Belgrade Higher Court gave the field researchers access to verdicts in cases registered as 'abuse of office'. However, of the thirteen verdicts only five could be qualified as corruption. The other cases comprised hand-written complaints (rejected), interrupted investigations and cases which were more of a civil law than of a criminal law nature.

e. Statistic Office of the Republic of Serbia (SORS)

The project team obtained also a full cooperation from the SORS, which made the *raw* excel databases for the years 2007-2009 available. This allowed us to convert these databases into an SPSS statistical database for a detailed analysis. From these databases the data of the District and Municipal Courts and Prosecution Offices were selected but only for charges against *known* persons. The Special Court (and prosecution office) for Organised Crime and the Military Courts have been left out of the analysis. This may lead to slightly different totals than can be found in the Statistical Year Book or other SORS publications. Combination of variables may also lead to changing 'missing values'.

The database for the Prosecution Offices and that of the Courts have been processed separately: they are based on two different forms which do not allow a fusion into one database as the identification numbers and variables appear to differ.

An important limitation was the relatively small number of cases spread over time (3 years) and place (25 District Courts plus Municipal Courts within each district). This produced too many tables with empty or hardly filled cells impeding a meaningful quantitative analysis. Therefore, the Municipal and District Courts were fused into 25 Court *regions* under the name of the District Courts. Even then some break-downs over three years for various variables produced too low figures, warning us of a generally low case frequency.

The relevant offences were the articles 359-369 from the chapter "Criminal offences against official duty". Though the variable 'criminal offence' also contained more refined differentiations in combination to the main articles, these refinements have not been included in the analysis, due the small case frequency.

f. The police and Ministry of Interior

Getting access to the police proved to go over a difficult, time consuming and tortuous road. Shortly after the beginning of the project the project manager started probing for access to various information sources, among them the police, which implied the permission of the Ministry of Interior (MoI). While we moved slowly forward with the other agencies, the police/Ministry did not move at all: the correspondence remained unanswered. After reminders the project manager was told that the letter had not arrived: "Please send another, but by fax." Then the fax either did not work or the letter was lost otherwise. During the second Guiding Committee meeting the project team was shown a report with new police statistics about corruption. The report was secret, however. Was this what we needed? The project team wrote again, but this time delivered the letter in person at the address of the MoI. Subsequently a functionary did respond, but not to the letter: he requested that a our request must be resubmitted, but by the host organisation (Victimological Society Serbia) and accompanied with a written token of support from the Dutch Embassy. Apparently the MoI did not trust the research project. This condition of the MoI evoked a to-and-fro of correspondence with a carefully tuned diplomatic sensitivity. In the end, the request for information and cooperation plus the Embassy support letter was resubmitted to the Ministry, on paper: delivered in person. And for good reasons, with a written confirmation of reception. In terms of manpower, all this made this half-page letter probably one of the most expensive pieces of mail ever delivered in the Balkan region.

Was the result worth the effort? Leaving that as a diplomatic valuation aside, suffice to notice that in the end we got 5 pages from the confidential report with a few crude tables concerning reports to the police of offences "with an element of corruption". Apart from its usefulness for internal purposes, for obtaining insight into how corruption cases start at police level, the presented material proved to be unsuitable.

To fulfil the basic research principle 'get to the lowest data level possible', namely the initial raw data input, new requests would have to be submitted to the MoI. So we did. This time we were invited for a insightful meeting about statistics and methodology. We have been shown new statistic forms and the staff explained their raw database – called KDU – and gave us a token print with all the variables. This database does have the potential for conversion into an analytic database. Given the time constraints a new request for exploring this database has not been considered.

g. Other institutions

Assuming that knowledge of corruption should also be present at other institutions the project team made a reconnaissance at the State Auditor, the Procurement Office, the Anti Corruption Agency, the Board of the Information of Public Importance and the Customs.

The Customs appeared to be cooperative. However the number of corruption offences proved to be too small for a quantitative analysis: 12 cases were detected between 2008-2010 of which 9 were prosecuted. Whether this is a plausible number (perhaps the lowest in Europe, apart from Finland) is difficult to determine without a deeper investigation.

As representatives of the Tax Administration attended the opening meeting of the project and expressed their interest, we also addressed the Tax Administration for cooperation. However, the administration declined.

As far as the State Auditor is concerned, we were in a way too early: the office was not long enough operational to contain relevant cases. The Commissioner of the Board for Information of Public Importance was prepared to cooperate, but said not to have corruption cases in his files.

Given the perception of the public on *procurement* as being fraught with corruption, the project team had some hope of finding sufficient information at the Public Procurement Office. However, after one opening discussion the office eschewed further communication.

Communication with the Anti Corruption Agency was more frequent and more open, but exclusively on the team's initiative. However, inspection of the "key results" as mentioned in the Agency's annual 2010 report, did not prove to be informative as far as insight into the underlying corruption phenomenon is concerned. The "key results" do sum up a large array of activities, but they do not convey what is should be the *base line* of any strategy: knowledge of and insight into corruption at the starting time as a *zero-measurement* for assessing later performance.

Institutions which may convey such an insight could have been research institutions or universities. We mentioned the surveys of Transparency International Serbia in the introduction. Acting as an important 'barometer' – but with many caveats – they do not address our research questions. Further stock taking of the research literature showed that after 2007 no research has been published by the universities, as mentioned before. We consider this an ominous sign: apparently knowledge about corruption is not a 'marketable commodity' for research institutions and where there is no research money, there is no interest. This is not compensated by the earlier mentioned official task of ACA to further research on corruption as stipulated by article 66 of the Anti Corruption Agency Act. The annual report for 2010 mentions a vague intention: "*shall cooperate with research institutions*", but for the present research no initiative nor interest was noticeable. As illustrated by the quote

at the beginning of this chapter, Serbian researchers made similar observations. They expressed a bitter disappointment at the lack interest of the authorities: "*Corruption is no longer a sexy subject for my students. They don't care.*"

We have read that remark before as one of the reasons not to report corruption to the police and concluded the previous chapter with: "*Many do and few care*".
A first general conclusion is taking shape.

From a methodological perspective the usual corollary of this presumed lack of interest is a widespread poverty of reliable basic data and a faltering communication. These methodological observations constitute by themselves a repeated and significant baseline finding.

4. Findings: "The tree as known by its fruits"

As elaborated in the previous chapter, it is clear that any assessment of the elusive phenomenon of corruption must be fed by a multitude of information sources. As we have observed, none of the available sources is flawless or 'rich'. This may imply that one source may have to make up the shortcomings of another, sometimes adjacent source and even then they may give only a fragmented picture of which the plausibility still has to be assessed by a next adjacent information source. Sometimes an allegedly useful information source may in the end appear to be virtually dry. Is that a finding? Yes, against a background of persistent proclaimed *high-priority* subject, an empty or dried-up source can be very telling of the genuineness of that priority. The same applies to a source which has locked up itself, resulting in non-responding 'black box' as we have described in the previous chapter on methodology. The researcher has to record that finding as an unambiguous 'hard' behavioural fact. Subsequently he has to interpret that 'black box' finding against other outcomes to assess or theorise what the inside may look like. In this sense some elements of the narrative of the methodology chapter can be interpreted as solid research findings.

Taken all this together, these outcomes lead to more than speculation. We will compare diverse findings, including the 'black box' finding and we will weigh plausible hypotheses: the hypothesis of traditional bureaucratic secretiveness against the hypothesis of a 'corruption related closure' to the prying eyes of outsiders (which researchers are bound to be). In between we may have to consider the alternative hypothesis of 'institutional indifference', which itself can be motivated by an underlying engrained eschewing of transparency, or a basic corrupt attitude.

For this reason, this chapter on findings will be more than an account of figures and 'dry' statistics: it is also about the relationship between the gathered empirical 'fruits', the circumstances under which these fruits were reaped and the hypothetical 'tree' which we cannot see, but which is known by its 'fruits'. Eventually, all we have are these very (empirical) fruits which the agencies allowed us to reap. From these we must describe the corruption 'tree' *and* the related policy making. Naturally, not all fruits are as closely guarded. Those which are in the public domain are simply given in the media or in the internet and are accessible to the whole population.

I. Open sources: the websites of the authorities and the media

a. The websites

Given the stimulating statement of Republic Prosecutor Office about "*informing the public*", as well as that he/she "*shall have the competence to . . . .(4) submit reports to the National Assembly*", we searched the websites of the ministries as well as the National Assembly. We used 'corruption' and all corruption related search words to find to find reports, statements, or questions from these ministries and the Assembly dealing with this subject. The search was carried out on the Serbian and English language website.

This search proved to be fruitless. The website of the Assembly produced only three documents in which 'corruption' and 'abuse' occurred: a declaration "On the current situation in Kosovo" (31 July 2011), the Belgrade Declaration (10 July 2011) and the "Resolution on Combat against Illicit Human Organ Trafficking". The combination "corruption and questions" (by representatives) gave a zero result. No parliamentary questions about corruption appeared to be asked and no reports from the ministries have been sent.

As Transparency International (2011, p.2) observed already that "*large number of data on National Assembly's work is available, but not always in a best possible way*", we realised that the 'search machine' might not go deep enough. Therefore we addressed the chairman of the Justice and Administration Committee (1-11-2011), with the request to inform us about Parliamentarian documents or reports from the Ministry of Justice or the RPO or questions from the National Assembly to the competent ministers and related answers about corruption. To make sure that we would be informed from both sides we sent a similar request to the Minister of Justice (26 October, 2011) as she is assigned as coordinator for the organs of state in the fight against corruption.

At the time of finalising this report no answers have been received. With no results having achieved we must assume that potential expressions of interest for this topic may have to be found elsewhere, or may not exist: "To be is to be perceived" (*Esse est percipi*).

b. The media

Studying the media is more than tallying the number of articles on a particular subject. Presenting such frequencies will only be properly meaningful if the importance of the related subject is taken into account. Or rather, its perception as we do not have any yardstick to measure importance. We have seen earlier (chapter 2) that only a minority of the interviewed Serbians rated corruption as the most important problem in Serbia, even if the percentages depended much on the type of research.

We have already indicated that this mismatches with the own direct (14,7%) or indirect (35%) experience. How does this moderate seriousness perception relate to a potential 'perception shaping' by the media? Will the media also be moderate about the seriousness of the issue of corruption? Not by stating verbatim that the corruption problem is 'not that bad' (that is politically incorrect), but in the way of referring to it.

Another question concerns the societal sectors and the way the public rates them as corrupt. In Table 2 we have seen that the following sectors had the highest corruption ratings: the political parties (77%), the health sector (74%) and the institutions of law enforcement (67% average). Will that also be reflected in the media?

As far as *law enforcement* is concerned, reporting about corrupted judges, prosecutors and their deputies occurred so seldom, that we had to drop this element. That does not mean that the search words "courts/judge/prosecutor" combined with corruption/abuse did not produce many hits, but these were all but a handful *about* the processing of cases, not about corrupt*ed* judges and prosecutors. The research team thought this outcome not promising enough for pursuing this search backwards to previous years. We were confirmed in our decision by the on-going statistical analysis, which shows that legal staff of the Courts or Prosecution Offices are seldom prosecuted, let alone convicted. Therefore it seems likely that there is no public opinion shaping or heating up by the press. How this apparent persistent bad perception of the judiciary among the public has arisen and remains so prominent, is a question the Ministry of Justice should take care of.

Of the remaining two sectors the *political parties* have the highest corruption perception rating. How much light is cast on this issue by the sample of cases in the first five months of this year? Thirteen articles were retrieved from Vecernje Novosti (3) and Politik (10), all of a general nature except for one interview with the Minister of Justice. Three pairs of articles were connected: one article responding to a previous one (Politika, 12-5 and 20-5-2011), two articles dealing with the same subject (party financing: Politika, 28-1 and 4-2-2011), two articles about the same round table "How to combat corruption (Politika, 18-2 and 21-2-2011), reciting solemn statements from the Minister of Justice, the President of the ACA and other high-ranking officials. There were three announcements of general measures (Vecernje Novosti: 4-4, 10-5 and 23-5-2011): the special competence for corruption cases of the Special Republic Public Prosecutor's Office for organised crime (as of 1 January 2010: a year 'old news'), and the announcement that the Minister of Justice has become the Anti-corruption Coordinator, though it is unclear what that is supposed to imply in view of a most opaque information situation.[11]

[11] As we will elaborate in the statistics section: the law enforcement institutions against corruption behave rather like *random boxes* than like a coherent system. One may therefore wonder what that announcement implies: a Minister as national coordinator of random processes.

Surveying this, as far as the political parties and corruption connection is concerned: there were no articles about politicians and parties, or the National Assembly, apart from party financing and one reference to 'blank resignation'. As a matter of fact, under glowing headlines, like "The Plague of Corruption", "Bribes fill Pockets" or "Bribes Destroy the very Foundations of the State" the content looks very general and pale. This impression, which haunted us during the whole course of this research project, is best captured by the heading of one article in Politika (5-5-2011): "*So much Uproar, yet Stupendous Silence*".

The search for media references concerning the *health sector* resulted in more hits: 42 of which 26 from Politika and 16 from Vecernje Novosti. Four articles were of a general nature, already included in the set 'politics' discussed above. Eight articles concerned the partly connected cases of various surgeon, being arrested and their bribery investigated (four Politica and four Vecernje Novosti, April and February 2011: six articles dealt with the same surgeon). Together 15 articles concerned law enforcement actions in this sector: arrests, investigations and sentencing. Concerning single bribery cases Vercernje Novosti investigated other cases related to other bribe taking surgeons, and two cases of pension scams (25-1-2011), displaying an enthusiastic degree of 'doggedness'.

Of the other articles 12 were of a more general nature, though the case connected articles also discussed general aspects concerning the lack of integrity in the health care system. Other articles mention two NGOs, the 'Right to health' and 'Doctors against corruption', demanding (in an open letter to the health minister) an investigation regarding the trade in waiting lists (cancer patients), the anti tumour drugs affair, the reconstruction of health centres, the cooperation between ambulance staff and undertakers, and the trade in radiation lists at an Oncology Institute. Statement of the Minister of Health are to be found in three articles, while the Minister of Interior states in an article of 5-3-2011 (Politika) that over 3.800 individuals have been registered as corruption suspects, particularly in the health care and education sector. That sounds enormous, though very unspecified. Does that mean that the Public Prosecution Offices have been swamped by a inflow of corruption cases? That would be a real break with the inflow figures of 2007-2009 which we will discuss in the next section.

The media coverage of the corruption in the health sector as far as represented by the two news papers selected, evokes a lively image which deserve to be qualified as the 'eyes and ears'. Of course, a convincing generalisation must be withheld: for that we should have covered a broader collection of media outlets as well as a longer time span. In particular a comparison over a real long period would be important for comparing the press coverage intensity with law enforcement efforts. Suppose both remain the same: then we would have the outcome which we found in other respects: a non-responsive law enforcement as we will see in the next section.

II. The Statistic Office of the Republic of Serbia (SORS)

As was the case in the first phase of the research project on corruption (2008-2009), the SORS staff did not need much explanation of the importance of an in-depth analysis of data and of the quantitative aims and implications of the research project. On our informal request and without time wasting formalism the SORS provided us with the full excel data base containing the digital conversion of the content of their data base. This is constituted from the forms sent by the prosecution offices (SK-1) and the Courts (SK-2), about which later. We obtained six databases for the years 2007-2009: three of the Prosecution Offices and three of the Courts. As mentioned before, the data bases of the Prosecution and the Courts had to be processed separately due to their different identification numbers and content of the variables.

There are no Appeal Court statistics available. This does not mean that appeal cases have actually disappeared, but the recording procedure makes them invisible. This is due to the *paper* form. After the finalisation of the cases in appeal the Appeal Courts sent the files back to the Courts of first instance which then sends the form to the SORS. However, the relevant form does not contain an entry for appeal, which implies that statistically the appeal instance remains invisible.[12]

The excel files of the Prosecution Offices and the Courts have been converted into SPSS files: SPSS is a widely used general statistical analysis tool. This entails one impediment: what SPSS cannot 'read', cannot be processed. Fortunately, all the raw data could be read without problems, except for the 'time variable': 'date-month-year'. Of the prosecution files none of the dates could be converted; of the Court files only 113.

We start with a short tour along the horizon to outline the total historical inflow of cases after which we will first discuss the first phase of the case processing: the inflow at the Prosecution Office and analyse "who reported what" and what the outcomes of the prosecutorial decisions have been. Hence, we move from a broad perspective to a more detailed view during which we will breakdown the whole data base, mainly per *Court region* (= the total of district court plus subordinated municipalities because of low frequencies in most municipalities).[13] Starting with a differentiation per year we soon had to fuse the three years 2007-2009, again because of the shortage of cases in more detailed breakdowns.
The SORS forms for the Prosecution and Courts are attached in the addendum.

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[12] There may be appeal statistics at the Ministry of Justice, but these are unknown to us.

[13] The (higher) district courts and the municipal courts have been put together according to region (covered by the district court). Differentiating between these two categories would lead to very few cases or sometimes the absence of it at district court level in some years.

a. The time trend: the total inflow of 'crimes against official duty'

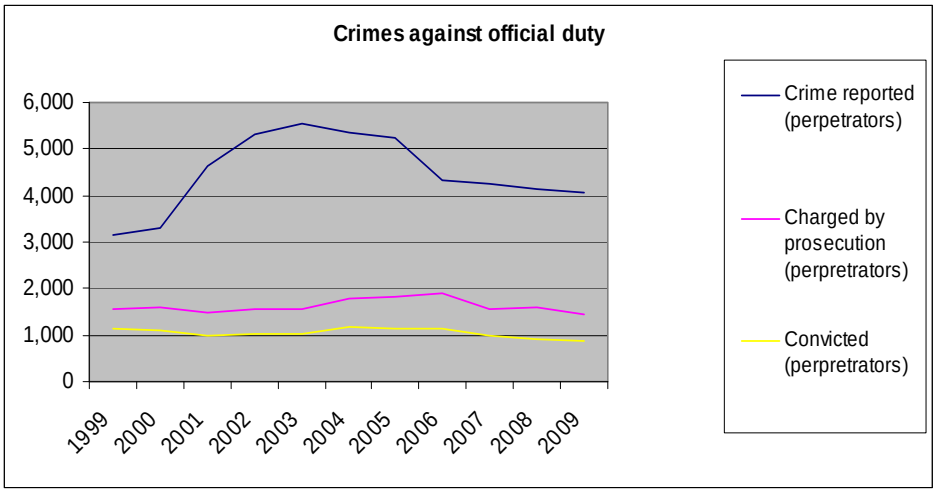
For a general overview it is important to survey a broader period of cases concerning 'crimes against official duty' to determine a potential time trend. From the annual SORS data of reported crimes against official duty, we took the numbers of indictments and convictions, which are presented in absolute numbers and as percentages of the total input of offences of this category. The time span ranges from 1998 till 2009, the results of which are represented in Table 3 and figure 1.

Table 3
Crimes against official duty: reported offenders, charged and convicted 1998-2009

	Offenders			%		
Year	reported	charged	convicted	Charged/ reported	Convicted/ charged	Convicted/ reported
1998	4.303	1.860	1.242	43	67	29
1999	3.169	1.566	1.133	49	72	36
2000	3.312	1.583	1.101	48	70	33
2001	4.640	1.473	983	32	67	21
2002	5.312	1.553	1.031	29	66	21
2003	5.535	1.566	1.038	28	66	19
2004	5.356	1.796	1.170	33	65	22
2005	5.253	1.839	1.126	35	61	21
2006	4.343	1.896	1.147	44	60	26
2007	4.244	1.564	994	37	64	23
2008	4.114	1.661	1.079	38	58	22
2009	3.980	1.833	878	46	48	22
average	4.463	1.683	1.076	37	64	24

Source: Statistical Yearbook

Figure 1
Trends in reports, charges and convictions of crime against official duty



The time series, as represented in Table 3 and Figure 1 shows a clear increase from 2000 till 2003, after which a decrease sets in, which in the last three years levels off. This trend is not mirrored by the prosecution and the conviction frequencies, which show rather a flat line. This response side of law enforcement (RPO and the Courts) will be discussed in the following sections. In Van Duyne *et al.* (2010) we interpreted this dual pattern of increased and later decreased reporting as an initial increased willingness of the public to come forward with complaints, followed by a mounting reluctance related to the 'flat' response of the authorities, suggesting a non-responsive apparatus. The judicial 'black box' does not seem to move or to react, whether it concerns the public or other social factors. This non-responsiveness may be related to with the answer of interviewees at the end of chapter 2: 35% thought reporting to the police pointless: "*Nobody would care.*"

b. The Republic Public Prosecutor's Offices

b1. The inflow differentiated per RPO

Naturally the inflow of reported crimes against official duty must be related to the total number of recorded offenders for all types of crime. At the time of reporting, these basic data concerning total case input were only available for 2006 - 2009. Comparison of this total criminal input with the set of crimes against official duty revealed a stable total pattern: the proportion of the corruption category to the total of reported known offenders ranges from 6,8% in 2006 to 6,1% in 2009. However, underlying this general trend large differenced between *Court regions* can be observed: at the low end of the range we find Pančevo (2,8%), Subotica (2,9%), Zrenjanin (3%) and Belgrade (3,5%). At the high end we have Vranje (11,4%), Leskovac (10,6%) and Požarevac (10,5%).

This is the average picture over the years. Looking at differences between years *and* court regions, we find also large relative differences (corruption in proportion to total crime), with Jagodina being on top in 2007, with 15% crimes against official duty, Požarevac heading the year after with 10,2%, and in 2009, Leskovac with 14%. Belgrade, with the highest absolute number of crimes against official duty remains steady with an range between 3,6 and 3,3%. There are no explanations for these sudden increases or decreases.

As remarked, the relative differences per court region and per year can be substantial. This is also reflected in the analysis of the *2007-2009* database (without relating to the total crime figures). Between 2007 and 2009 Leskovac showed an *increase* of cases (against official duty) from 159 to 249, while in the same time span Negotin experienced a *decrease* from 155 to 81. In percentages: an increase of 57% versus a decrease of 48%. Table 4 provides the full picture.

Table 4

Reported offenders against official duty: per court region

Districts (regions)	Reported offenders against official duty 2007	2008	2009	Difference 2007-2009 in %	3 years average	Rank order of average
Belgrade	426	473	436	2	445	1
Čačak	83	150	120	45	118	14
Kragujevac	123	94	85	-31	101	17
Kraljevo	73	55	112	53	80	21
Kruševac	144	134	165	15	148	11
Leskovac	159	180	249	57	147	12
Negotin	155	103	81	-48	113	15
Niš	115	112	77	-33	101	18
Novi Pazar	71	46	60	-15	60	23
Pirot	50	35	70	40	60	23
Požarevac	195	218	198	2	204	5,5
Prokuplje	110	120	87	-21	106	16
Smederevo	179	182	131	-27	164	10
Jagodina	239	154	207	-13	200	7
Šabac	254	303	259	2	272	3
Užice	106	154	150	43	137	13
Valjevo	152	187	219	44	186	8
Vranje	388	315	361	-7	355	2
Zaječar	166	193	163	-2	174	9
Novi Sad	217	222	173	-20	204	5,5
Pančevo	66	59	54	-18	60	23
Sombor	95	75	102	7	91	19
Sr. Mitrovica	232	229	184	-21	215	4
Subotica	85	67	77	-9	76	22
Zrenjanin	98	91	77	-21	87	20
Total	**3981**	**3951**	**3897**	**-2**	3943	

Large increases (≥ 40%) can also be observed in the districts of Čačak, Kraljevo, Pito, Užece and Valjevo. Decreases of more than 30% are observed in Krugajevac and Niš. On average there is more decrease than increase resulting in a slightly lower figure in 2009 compared to 2007.

How should these input figures be interpreted? Relevant regional background data are scarce, not up-to-date and not easy to connect meaningfully to the frequencies of reported crimes against official duty, whether in absolute numbers or percentages. Geographically the highest percentages of these cases are found in in the south (Vranje 11,4%) and mid-east (Leskovac 10,6%, Požarevac 10,5%). The northern frontier regions have the lowest percentages: Pančevo (2,8%), Zrenjanin (3%), Subotica (2,9%) and Sombor (4,6%). The centrally positioned Belgrade region belongs also to this low range (3,5%).

The responsible monitoring Anti Corruption Department of the RPO does not seem to be aware of these findings. Lacking a knowledgeable RPO, previous studies and analyses, backgrounds or any theory about reporting corruption to the authori-

ties, this must remain just a statistical observation without any causal suggestion. It demonstrates merely the sort of *random* (unexplained) variability.

b2. Who report crimes against official duty?

For a proper systematic analysis the whole case flow from the reception of the complaint till its final handling should be followed. Lacking the same identical case/person number from the police or RPO till the finalisation, we can only analyse the beginning phase at the prosecution level. For this reason we have focussed on what can be derived from the *2007-2009* database.

Table 5 shows that almost 50% of the reports reaching the Prosecution Offices are filed by private persons or enterprises. The other half comes from official actors, mainly the police. Other official sources, such as the RPO, inspectorates and other 'directorates' hardly play a role as an 'input channel' of corruption cases. For each of the input channels the annual pattern hardly varies: there are no indications of outward events (such as a policy change, 'awareness raising') rippling the smooth surface over the years. As the figures between the years do not appear to vary significantly, we will fuse the three years for this part of the analysis.

Table 5
Reporting actors to the RPO 2007-2009

	Year of processing			
Who submitted report	2007 %	2008 %	2009 %	Total over 3 years
Citizen victim	33,6	33,3	34,0	33,6
Other citizen	3,9	4,1	4,8	4,3
Enterprise	11,9	11,6	10,5	11,4
Inspection	0,2	0,5	0,3	0,3
Police/MoI	44,6	43,9	44,9	44,5
Other directorates	2,2	2,5	1,8	2,2
In-line RPO	1,1	1,5	0,5	1,0
Other	2,5	2,5	3,2	2,7
N = 100%	3969	3952	3901	11822

Given this overall pattern of reporting, the next question is: *Who reported about what*? To answer this question we have made a cross-comparison of the reporting actors and the types of criminal offences they reported, the results of which are presented in Table 6.

Table 6

Who reported and about what?

Who submitted criminal report and for what.

In % of reporting actors = 100%. 2007-2009 taken together

Type of offence	Citizen victim %	Other citizen %	enterprise %	Inspection %	Police/MoI %	Other directorate %	In-line RPO %	Other %	Total %
Abuse of office	51,4	63,8	64,2	94,7	68,3	66,0	82,3	70,9	62,2
Law breaking court	38,9	22,0	3,8	0,0	2,4	17,8	2,4	8,7	16,1
Dereliction of duty	2,9	5,1	3,5	0,0	2,9	3,9	1,6	8,0	3,2
Illegal payment or disbursement	0,1	0,0	0,1	0,0	0,1	0,0	0,0	0,0	0,1
Fraudulent service	0,2	0,4	0,4	0,0	0,8	1,2	0,0	0,9	0,5
Embezzlement	3,8	3,0	24,6	2,6	15,1	7,7	8,1	6,2	11,4
Offence civ. servant	0,3	0,4	2,1	0,0	1,7	0,8	0,0	0,3	1,1
Influence trading	0,2	1,6	0,2	0,0	0,2	0,4	0,0	0,0	0,2
Taking bribe	1,5	2,4	0,7	2,6	4,4	1,5	0,0	3,1	2,8
Giving bribe	0,7	1,4	0,3	0,0	4,1	0,8	5,6	1,9	2,3
Disclosure secrets	0,0	0,0	0,1	0,0	0,1	0,0	0,0	0,0	0,1
Total = 100%	3974	505	1342	38	5257	259	124	323	11822

As can be observed, most actors report about an *abuse of office*: about two third. Inspections and prosecutors reported mainly abuses of office (95%), though the absolute numbers are small. The high percentage of enterprises who complain about *embezzlement* goes without saying: it is an offence of which they are most often victims. Two categories attract the attention: the high percentage of citizen's complaints about violations of law by judges and prosecutors (or their delegates). If citizens filed a report then in almost 40% it was about the alleged criminal conduct by prosecution or judges. Compared to this high relative frequency the reporting about *bribery* dwindles into insignificance: 2,8% for taking a bribe and 2,3% for giving a bribe. In addition, most reports about these two offences came from the police. This seems to confirm the outcome of the interviews and questionnaires discussed in the second chapter: bribery is seriously underreported and the last to file a complaint are the citizens themselves.

To these findings we add two annotations. In the first place, the category of 'abuse of office' is a very broad one: a kind of umbrella article which covers a wide range of other separate offences which may be charged alternatively. Not all law breaking covered by abuse of office is to be qualified as corruption. For example, fraud in the context of a enterprise, or the forgery of documents do not need to be committed in combination with corruption. In the section on the analysis of criminal files we will return to this issue.

In the second place, it is unknown how many police reports stemmed originally from victimised citizens. At the time of writing we were still awaiting access to basic police data, which prevents a more accurate analysis.

In the analysis above we focussed on the reporting agent (= 100%), whether civilian, police or one of the supervising authorities. We can also turn the prism and ask: given a certain *crime category* (=100%), from whom does the report come? Table 7 answers this question.

Table 7

Which crime was reported by whom?

	What type of crime (=100%) was reported by whom (2007-2009)								
Type offence	Citizen victim %	Other citizen %	Enterprise/ legal entity %	Inspec-tion %	Po-lice/MoI %	Other director-ate %	In-line RPO %	Other %	Total 100 %
Abuse of office	27,8	4,4	11,7	0,5	48,8	2,3	1,4	3,1	7352
Law breaking court	81	5,8	2,7	,0	6,5	2,4	0,2	1,5	1909
Dereliction duty	30,5	6,8	12,4	,0	40,3	2,6	0,5	6,8	380
Ill. Paym/disb.	36,4	0,0	18,2	,0	45,5	,0	,0	,0	11
Fraud. service	12,9	3,2	9,7	,0	64,5	4,8	,0	4,8	62
Embezzlement	11,2	1,1	24,6	,1	59,3	1,5	,7	1,5	1342
Off. Civ. servant	7,7	1,5	21,5	,0	66,9	1,5	,0	,8	130
Infl. trading	31	27,6	10,3	,0	27,6	3,4	,0	,0	29
Taking bribe	18,4	3,7	2,8	,3	70,6	1,2	,0	3,1	326
Giving bribe	10,4	2,6	1,5	,0	79,9	,7	2,6	2,2	268
Discl. secrets	11,1	,0	11,1	,0	77,8	,0	,0	,0	9
Total N	3974	505	1342	38	5257	259	124	323	11818
	33,6%	4,3%	11,4%	,3%	44,5%	2,2%	1,0%	2,7%	100,0%

Summarising table 7 over 2007-2009 and taking the most prevailing categories we get the following picture:

- Abuse of office (N = 7.352): 43,9% citizens + enterprises, 49% police;
- Complaints courts (N = 1.909): 88,5% citizens + enterprises, 6,5% police;
- Embezzlement (N = 1.342): 24,6% enterprises and 59,3% police;
- Taking a bribe (N = 326): 24,9% citizens + enterprises and 70,6% police;
- Giving a bribe (N = 268): 14,5% citizens + enterprises and 79,9% police.

We see again that for the crime categories 'taking' and 'giving a bribe' the reports come mainly from the police. Complaints against judges and prosecutors are almost exclusively filed by citizens who think to have reasons to report judicial malpractice. Of all the reported alleged criminal conduct by court staff (judges, prosecutors or their deputies) 89,5% came from citizens and enterprises. But the lion's share (81%) from "citizen victims". The low percentage of these alleged offences reported by the police may indicate that many of these complaints are not substantiated – of course according to the opinion of the police or prosecution. We will discuss that later. But irrespective of the juridical quality of the complaints in terms of legal evidence, the finding that each year roughly a *same* percentage of these complaints against the Prosecution Offices' and Courts' staff originate from citizens, reconfirms that there exists at least a persistent, serious reputation problem.

As remarked, in cases of bribery, citizens appear to be less insistent in filing a report. Of course, the annotation made above applies here too: did the police herself detect the bribery or did they receive complaints from victimised citizens? But then: who are the 120 citizens (nation-wide in three years) who reported bribery themselves?[14] More background research is certainly required.

b3. The outcome: to indict or dismiss

Now we have seen who are reporting crimes against official duty, it is of interest to combine these findings with the decision outcomes of the RPO. In terms on contents, but also statistically there are two main categories which count: *dismissal* of the complaint or *indictment*.

Inspection of the indictment rates over the years shows that, while there is a decrease of case input between 2007 and 2009, the rate of indictments has *increased*: from 1573 to 1688 which means an increase of 7%. It may be that the Prosecution Offices are making up arrears: we do not know.

The set of decisions mentioned in the SK-1 form is very refined: there are 13 categories, most of them with a low absolute frequency. Therefore, we condensed these 13 decision categories to four main categories, but even then, as Table 8 shows, we have actually a dichotomy: indictment or not, which we combined with the type of offence.

[14] One should bear in mind that the absolute bribery figures are very low and breaking them down over three years and 26 districts results in large tables with many empty cells.

Table 8
The type of decision and reasons broken down by type of offence

Type of offence (= 100%)	Dismissal report %	Disrupt investigation %	Terminating investigation %	Indictment %	Total = 100%
Abuse of office	45,4	0,9	9,5	44,1	7.141
Law breaking judiciary	95,1	0,1	0,7	4,2	1.897
Dereliction of duty	65,6	0,3	3,6	30,6	366
Illegal receiving or payment	50,0	0	0	50,0	10
Fraud in service	18,0	0	8,2	73,8	61
Embezzlement	15,6	0,8	10,9	72,7	1.331
Offence by civ. servant	5,4	0	11,6	82,9	129
Influence trading	65,5	0	6,9	27,6	29
Taking bribe	23,3	0	1,9	74,8	322
Giving bribe	13,9	0	2,2	83,9	267
Disclosure official secrets	66,7	0	0	33,3	6
Total N	5.654	78	886	4.945	11.559
	48,9%	0,7%	7,7%	42,8%	100,0%

Clearly, offences within the office or enterprise, embezzling or defrauding, as well as bribery (taking and giving) have a high likelihood of indictment. However, some of the absolute frequencies are again dismally low (certainly if broken down over three years and districts), with the exception of abuse of office and embezzlement. Complaints about abuse of office stand an almost equal chance of dismissal or indictment.

Table 9
Type of decision about complaints by reporting actors: all cases 2007-2009

	The type of decision				
Who submitted report = 100%	Dismissal report %	Disrupt investigation %	Terminating investigation %	Indictment %	Total = 100%
Citizen victim	87,4	0,1	2,6	9,9	3853
Other citizen	85,9	0	2,2	11,8	491
Enterprise/Legal entity	47,9	1,0	7,4	43,8	1318
Inspection	13,2	0	2,6	84,2	38
Police/MoI	15,9	1,1	12,0	71,0	5184
Other directorate	60,4	0,4	6,0	33,2	250
In-line RPO	39,3	0	16,4	44,3	122
Other	68,1	0,7	5,9	25,4	307
Total	5.654	78	886	4.945	11563
	48,9%	0,7%	7,7%	42,8%	100,0%

The results presented in Table 9 inform us about 'who' has reported a corruption offence and what the result came out of it. The Table reveals a clear difference in view of the reporting types of actor combined with the decision outcomes. If citizens file a complaint they have roughly only 10% chance of seeing this resulting in

an indictment. With a 43,8% indictment rate enterprises fare much better, which is due to their high proportion of complaints about embezzlement (which are easier to prove). Inspections have the highest chance of seeing their complaints leading to an indictment, but their absolute number is very small. With an average of 71% indictments the police may be called rather successful.

The low percentage of citizens' complaints leading to an indictment is largely due to the fact that 39% of citizen victims' complaints were about law breaking by judges or prosecutors. And these resulted actually only in 4% in an indictment, as can be seen in the previous Table 8.

Apart from differences between reporting actors and types of crime there are differences between the Court regions, which is the subject of the next Table.

Table 10
Type of decision per Court district: 2007-2009

Court region	Dismissal report %	Disrupt investigation %	Terminating investigation %	Indictment %	Total = 100%
Belgrade	31,8	1,4	9,0	57,8	1316
Čačak	41,5	0,6	8,3	49,6	337
Kragujevac	26,2	0	10,3	63,5	301
Kraljevo	32,1	0	2,5	65,4	240
Kruševac	38,5	0,2	7,9	53,3	418
Leskovac	60,5	0	6,0	33,4	583
Negotin	66,2	0,3	3,3	30,3	337
Niš	65,3	0	4,3	30,3	300
Novi Pazar	44,5	0,6	2,3	52,6	173
Pirot	58,7	0	11,0	30,3	155
Požarevac	70,9	0	2,9	26,2	595
Prokuplje	46,6	0,3	14,2	38,8	309
Smederevo	34,2	1,3	6,7	57,8	479
Jagodina	64,6	1,0	3,4	31,0	594
Šabac	64,0	2,3	5,3	28,4	791
Užice	43,8	0	13,9	42,3	404
Valjevo	69,3	0	3,1	27,5	541
Vranje	50,2	0	12,8	37,0	1033
Zaječar	63,2	0,2	9,3	27,2	503
Novi Sad	31,2	0,5	6,2	62,1	593
Pančevo	33,5	0	9,1	57,4	176
Sombor	29,6	0	13,7	56,7	270
Sr. Mitrovica	47,9	3,1	11,3	37,7	639
Subotica	46,2	0	1,8	52,0	223
Zrenjanin	37,5	0	6,4	56,2	251
Total	5652	78	886	4945	11561
	48,9%	0,7%	7,7%	42,8%	100,0%

As Table 10 shows, the differences in indictment between the regions are substantial: The indictment rate ranges between the extremes of 26,2% in Požarevac to 65,4% in Kraljevo.

By way of illustration, though without suggesting any causality, it may be of interest to juxtapose these two extremes, as is done in Table 11.

Table 11
Type of decision of Požarevac and Kraljevo: 2007-2009

	Požarevac				Kraljevo				
Type of offence	Dismissal report %	Terminating invest %	Indictment %	Total	Dismissreport %	Disrupt invest. %	terminating invest %	Indict dictmen %	Total
Abuse of office	67,2	4,4	28,4	*229*	28,2	0,6	6,8	64,3	*471*
Law breaking court	91,7	0	8,3	*241*	100	0	0	0	*35*
Dereliction duty	84,2	0	15,8	*19*	66,7			33,3	*15*
Illegal collection payment	100	0	0	*1*					*0*
Fraudulent serv.				*0*				100	*2*
Embezzlement	17,0	13,2	69,8	*53*	15,2	0	10,9	73,9	*46*
Offence by civ. Servant	0	0	100	*2*				100	*7*
Influence trading			100	*1*					*0*
Taking bribe	57,7	0,0	42,3	*26*				100	*12*
Giving bribe	26,1	0,0	73,9	*23*				100	*5*
Total	422	17	156	*595*					*593*
	70,9%	2,9%	26,2%		31,5	0,5	6,2	62,1	

As can be observed in the findings of Table 11, the main difference appears to be the decisions concerning *abuse of office*, with a low indictment rate in Požarevac and a high one in Kraljevo: 28,4% against 64,3 %. With the exception of complaints against judges and prosecutors and embezzlement, the other crime categories have such low absolute frequencies in either of the two regions (or in both), that relative frequencies have little meaning.

The difference of the prosecution rates of *embezzlement* appears to be small. The complaints against the staff of courts, however, point at a difference direction. In Požarevac there are seven times more of these complaints than in Kraljevo. But in Kraljevo, none are indicted, while in Požarevac 8,3% of the suspected corrupt court cases are brought to trial.

Inspection of the underlying data broken down by district court and municipal court reveals that these outcomes are mainly attributable to the differences between decisions about abuse of office at *District Court* level. At municipal level the differences are much smaller: 28 and 36%. Bribery cases hardly occurred at this level: 1

case in three years in Požarevac. We refrain from the conclusion that Požarevac is the least corrupt region of Serbia.

As far as further analysis is concerned, the breakdown of these two Court regions underlines again the basic problem of the the small numbers within most subsets after the first or second breakdown.

c. The court regions: Trial and verdict

As remarked before, the analysis of the Court database comprising the set of cases after the indictment (input into courts), cannot be related directly to the prosecution database (output towards courts) due to the difference identification numbers. Of course, they are related, but can they also be connected statistically? To answer that question we will carry out a test of statistical independence. If the mutual dependence is rejected, the outcomes of the analysis of the court database must be studied independently, which implies a lack of (statistical) coherence within the law enforcement 'system' again pointing at a *random* organisation. This potential statistical outcome does not exclude an incidental comparison if only to assess in what aspects this lack of coherence is most conspicuous.

In the following analysis we have again merged the Municipal and District Court cases to make up for low frequencies. This did not obfuscate serious differences in guilty verdicts between Court regions: as we will see, these were insignificant.

c1. Input and verdicts

The following Table provides first an overview of the persons brought to trial in the years 2007-2009, after which we will discuss the subsequent breakdown.

Table 12
Inflow offenders against official duty: per Court region and year

Court regions	Prosecuted persons per year			Difference 2009-2007	Three years average	Rank order of average
	2007	2008	2009			
Belgrade	191	201	194	3	195	1
Čačak	32	52	48	16	44	14
Kragujevac	71	98	73	2	81	5
Kraljevo	29	62	53	24	48	12,5
Kruševac	53	36	24	-29	38	16,5
Leskovac	73	64	67	-6	68	8
Negotin	27	34	41	14	34	21
Niš	116	86	53	-63	85	4
Novi Pazar	10	17	14	4	14	25
Pirot	29	18	32	3	26	23
Požarevac	40	34	48	8	41	15
Prokuplje	20	17	14	-6	17	24
Smederevo	35	30	40	5	35	20
Jagodina	60	80	83	23	74	7
Šabac	70	60	65	-5	65	9
Užice	34	39	34	0	36	19
Valjevo	36	40	36	0	37	18
Vranje	89	117	59	30	88	3
Zaječar	108	53	66	42	76	6
Novi Sad	160	174	133	27	52	10
Pančevo	60	48	44	-16	51	11
Sombor	50	60	33	-17	48	12,5
Sremska Mitrovica	74	85	107	33	89	2
Subotica	36	33	26	-10	32	22
Zrenjanin	55	27	33	-22	38	16,5
Total	1.558	1.565	1.420	-138	1.514	

* Missing values: 51

As was the case with the dataset of the Prosecution Offices, there was also a decrease in the number of processed cases by the Courts, in contrast to the increase of the indictments (= output towards the Courts). The decrease of the Court turnover is 9%, while the indictment rate of the prosecution (based on the SK-1 database) actually increased with 7% (see section I above). This again raises the question about the coherence between the Prosecution output and Court input. Between them there should be on average a fair match, even if a point-to-point comparison is excluded; but no match is found. Inspection of the two databases reveals a total difference of 402 cases between the indictment output and Courts input. However, that difference did not always point into the same direction: eight Courts had more processed cases than indictments, ranging from 164 in Niš to only nine in Leskovac. The rest had less processed trial cases, Belgrade being on the top with 174 cases. Indeed,

testing the two databases for their (in)dependence showed that the hypothesis that they are (statistically) *independent* could not be rejected. This reconfirms that the two databases cannot not be considered as representing one 'flow of cases'. Even the plausible explanation that the backlog in the Courts should have increased cannot be supported without reservation as we have no data about Court waiting lists.

The following question to be addressed is: given the total annual Court 'turn-over', what kind of decision outcomes can be observed and do these reveal differences between potential key variables?

The first variable is again *year*: the detailed decisions in the years 2007-2009 are represented in Table 13.

Table 13
Nature of the verdict (districts and municipalities) 2007-2009

	Year of processing			
Nature of decision	2007 %	2008 %	2009 %	Total = 100%
Dismiss priv. prosecution.	1,4	2,8	1,8	92
Act not a crime	1,2	2,2	1,0	67
Pros. Impeded	3,1	3,9	3,9	165
No evidence	0,7	0,8	1,2	42
Dismissed before trial	7,1	6,4	5,4	291
No criminal act	1,8	2,9	2,3	106
Prosecution denied	12,7	12,6	15,0	615
Prosecution rejected	3,3	3,5	5,0	180
Prosecution withdraws	5,2	7,1	3,9	249
Sec. measure no verdict	0,1	0,0	0,1	2
Guilty	63,6	57,9	60,5	2785
Total	1564	1578	1452	4594

Comparison of the main category of decisions, the guilty verdict over this period revealed no significant differences: of 4.594 cases on average in 60,6% a *guilty* verdict was pronounced, ranging from 57,9% in 2008 to 63,6% in 2007. The spread of the outcomes of the other decision categories was not very broad either. Given this finding, we fuse the three years again and carry out our subsequent analyses on the whole Court database of three years.

Other simplifications concern the differentiation between District and Municipal Courts and the categories of the verdict. Concerning the District and the Municipal Courts, the percentage of guilty verdicts were 60,6 and 60,7 respectively for which reason we grouped the Courts again into regions (District plus Municipal Courts). The nature of the verdicts was also condensed to three categories: guilty verdict, charge denied/lifted and other ways of a (non-guilty) ending.

Table 14
Category of verdict: guilty or not guilty

Regions (district and municipal courts)	Category of verdict: Guilty %	Charge lifted/denied %	Other end not guilty %	**Total** = 100%
Belgrade	53,8	16,7	29,5	593
Čačak	56,8	34,8	8,3	132
Kragujevac	41,6	38,3	20,2	243
Kraljevo	63,9	23,6	12,5	144
Kruševac	62,8	23,0	14,2	113
Leskovac	52,9	39,2	7,8	204
Negotin	54,9	33,3	11,8	102
Niš	69,4	17,6	12,9	255
Novi Pazar	63,4	26,8	9,8	41
Pirot	45,6	30,4	24,1	79
Požarevac	73,0	16,4	10,7	122
Prokuplje	66,7	29,4	3,9	51
Smederevo	82,9	17,1	0	105
Jagodina	62,9	31,7	5,4	224
Šabac	63,1	23,6	13,3	195
Užice	65,4	26,2	8,4	107
Valjevo	56,3	30,4	13,4	112
Vranje	72,1	24,5	3,4	265
Zaječar	63,0	20,3	16,7	227
Novi Sad	53,5	29,8	16,7	467
Pančevo	70,4	18,4	11,2	152
Sombor	69,2	26,6	4,2	143
Sremska Mitrovica	65,8	16,9	17,3	266
Subotica	56,8	24,2	18,9	95
Zrenjanin	62,6	28,7	8,7	115
Total	2.759	1.141	652	4.552

As can be observed in Table 14, around the average of 60,6% guilty verdict, the interregional differences are again large, ranging from 82,9% (Smederevo) to 41,6% (Kragujevac).

It is interesting to compare the guilty verdict rank order of the Court regions with the rank order of the indictments of the Prosecution Offices: is a high (or low) indictment score indicative for a high guilty score? That is not necessarily the case: prosecutors may charge too many weak cases resulting in a higher percentage of non-guilty verdicts. That would result in a negative correlation. It may also be the case that there is no correlation at all, underlining a lack of coherence between the two branches of the judicial system. Statistically that seems to be the case: the comparison between the rank order of indictments and guilty verdicts (Spearman's Rho)

showed a non-significant but slightly negative correlation of -0,091, rejecting the hypothesis of coherence between the decisions of the Prosecution Offices and the Courts: also this finding point to a *random* functioning of the justice institutions.

Another important underlying variable is the nature of the offence: are some kinds of offences more likely to result in a guilty verdict? The outcomes for the whole database of this comparison are presented in Table 15.

Table 15
Offence categories and verdicts (all years and courts)

	Verdict category			
Type of crime	Guilty %	Charge lifted/denied %	End case/other %	Total = 100%
Abuse office	54,9	29,5	15,6	2845
Offence Judiciary	9,7	25,8	64,5	31
Dereliction duty	21,7	33,3	45,0	129
Unlawful coll. and paym.	50,0	50,0	0	6
Fraud in service	41,3	19,6	39,1	46
Embezzlement	74,9	16,0	9,0	1105
Unauth. use	82,2	13,8	4,0	174
Trading Influence	78,3	4,3	17,4	23
Taking bribes	75,4	20,2	4,4	114
Offering bribes	81,9	16,4	1,7	116
Discl. off. secrets	0	100,0	0	2
Total N	2784	1148	659	4591
%	60,6	25	14,3	

As can be observed, with an average of 60,6% guilty verdicts, charges against judges and prosecutors (or their deputies) have the lowest chance of resulting in a guilty verdict (9,7%), while unauthorised use of assets and offering a bribe have the highest chance of conviction (around 82%). The guilty verdict rate of abuse of office, being the most prevalent offence category, scores with 55% below the average. This can be observed in all Court regions, though the largest percent differences are revealed in Belgrade, Zrenjanin and Pirot (-15% to -16%). Pirot has the lowest guilty rate for abuse of office: 30,2% against 77% for Smederevo, stressing again the huge differences between the court regions.

c2. Sentencing

Given the 2.784 guilty verdicts over the three years 2007-2009, what kind of sentences have been meted out? There are seven sentence modalities, though most of

them did not apply or have not been imposed at all in these corruption related cases. Table 16 represents therefore the three most often used sentencing modalities.

Table 16
Sentencing by type of crime. 2007-2009

	Sentencing			
Type of crime = 100%	Prison %	Fine %	Other %	Total = 100%
Abuse of office	99,7	-	0,3	1561
Offence judiciary	100,0	-	-	3
Dereliction of duty	96,4	3,6	-	28
Unlawful coll and paym.	33,3	33,3	33,3	3
Fraud in service	100,0	-	-	19
Embezzlement	99,9	-	0,1	828
Unauth. use	99,3	-	0,7	143
Trading influence	94,4	-	5,6	18
Taking bribes	97,7	-	2,3	86
Offering bribes	96,8	1,1	2,1	95
Total N	2.769	3	12	2.784
%	99,5	0,1	0,4	

As Table 16 shows, virtually all sentencing concerned imprisonment. Imposed fines and other punishment modalities are negligible. This may be considered as a severe sentencing policy, however, one has to take account of another important category of the sentence modality: *unconditional* sentencing versus a sentence under *probation*. As a matter of fact, almost 80% of the prison sentences are imposed under probation. In absolute numbers this means that of 2.769 prison sentences only 584 are unconditional. This applies (within a not very big percent variation) to all but one crime category: with *taking bribes* cases the pattern is reversed as in 76% an unconditional prison term is imposed.

Probation and unconditional sentences differ as far as the length of the prison term is concerned: unconditional sentences tend to be significantly longer ($X^2 > 0.00$) than the probation sentences, which do not go beyond the 2 years prison term. 75% of the probation sentences are under 6 months against 53% of the unconditional sentences. Unconditional short sentences (≤ 30 days) are rarely imposed: three times in three years. While the next sentence categories have a somewhat higher frequency, the courts seem to 'jump' subsequently to the mid-level severity category of 3 – 6 months while after this category unconditional sentences are more often imposed.

Table 17

Length of prison sentence and conditional modus

Prison term	Probation and unconditional prison terms			Prison terms in %
	Probation %	Unconditional %	Prison terms N	
≤ 30 days	1,5	0,5	36	1,3
1 – 2 month	2,2	2,4	63	2,3
2 – 3 month	15,7	13,0	419	15,1
3 – 6 month	55,1	37,2	1421	51,3
6 – 12 months	22,0	27,7	644	23,2
1 – 2 years	3,4	12,3	147	5,3
2 – 3 years	-	4,3	25	0,9
3 – 5 years	-	2,4	14	0,5
5 – 10 years	-	0,2	1	0,0
Total N = 100%	2186 79%	584 21%	2770	100%

Further analysis of the length of prison sentence is impeded by the scaling on this dimension: an ordinal scale of categories of unequal intervals which implies a substantial statistical information loss.[15] This defect is aggravated by low frequencies, spread over 25 regions, resulting ever lower numbers or empty cells. Nevertheless, some reconnaissance has been undertaken.

Table 18

Unconditional prison sentences per crime type: all years

Sentence categories	Simplified criminal code								Total impris.
	abuse office %	Derelic-tion duty %	Fraud in service %	Embez-zlement %	Unauth. Use %	Trading Influ-ence %	Taking bribes %	Offering bribes %	
Till 30 days	-	-	-	1,1	-	-	-	5,0	3
1 - 2 months	1,3	-	-	2,9	5,9	20,0	-	15,0	14
2 - 3 months	10,1	-	-	19,0	41,2	-	6,3	10,0	76
3 - 6 months	33,7	66,7	100,0	42,5	47,1	40,0	32,8	35,0	217
6 - 12 months	28,3	16,7	-	23,0	5,9	20,0	43,8	35,0	162
1 - 2 years	15,8	16,7	-	8,0	-	20,0	14,1	-	72
2 - 3 years	5,7	-	-	3,4	-	-	3,1	-	25
3 - 5 years	4,7	-	-	-	-	-	-	-	14
5 - 10 years	0,3	-	-	-	-	-	-	-	1
Total	297	6	1	174	17	5	64	20	584

[15] The data collection from the SK-2 form is actually at ration level (exact months and weeks), though not made available. This means that a more in-depth statistical analysis of sentencing is in principle possible.

Comparison on the *offence* dimension shows some interesting differences, even if further detailing cannot be carried out. Given that limitation, it is clear from Table 18 that *taking bribes* is responded to with more severe prison terms than embezzlement or abuse of office which corresponds with the higher number of unconditional sentences for bribe taking.

To what extent is there a difference in sentencing between the Courts in the sense that we can differentiate between 'severe' and 'lenient' courts? For a general picture we put all the crime types together, which produces the following picture for *unconditiona*l prison sentences.

Table 19

Unconditional prison sentences per court region, all years

	Length prison term									
	Till 30 d %	1 - 2 months %	2 - 3 months %	3 - 6 months %	6 - 12 months %	1 - 2 years %	2 - 3 years %	3 – 5 years %	5 - 10 years %	Total Courts = 100%
Belgrade		2,6	5,1	30,8	43,6	15,4	2,6			39
Čačak		2,4	19,5	34,1	19,5	12,2	12,2			41
Kragujevac		9,1	9,1	36,4	45,5					11
Kraljevo		3,1	12,5	37,5	21,9	18,8		6,3		32
Kruševac			11,1	66,7		11,1	11,1			9
Leskovac	6,5	12,9	16,1	45,2	12,9	6,5				31
Negotin		7,7	15,4	46,2	23,1			7,7		13
Niš		1,3	11,7	46,8	31,2	6,5	1,3	1,3		77
Novi Pazar				66,7	33,3					3
Pirot			44,4	22,2	33,3					9
Požarevac			9,1	40,9	45,5	4,5				22
Prokuplje			50,0			50,0				2
Smederevo			18,2	36,4	36,4			9,1		11
Jagodina		6,7	13,3	20,0	33,3	16,7	10,0			30
Šabac		4,8	23,8	52,4	9,5		4,8	4,8		21
Užice			13,0	43,5	26,1	17,4				23
Valjevo			25,0	50,0		25,0				4
Vranje			23,1	46,2	23,1	7,7				13
Zajecar			26,1	43,5	30,4					23
Novi Sad			4,9	21,3	29,5	23,0	14,8	4,9	1,6	61
Pančevo			6,3	56,3	12,5	25,0				16
Sombor	2,0	2,0	10,2	26,5	24,5	26,5	4,1	4,1		49
Sr. Mitrovica			5,6	44,4	33,3	5,6	5,6	5,6		18
Subotica				50,0	50,0					4
Zrenjanin			25,0	41,7	8,3	16,7	8,3			12
Total	3	14	76	216	155	72	25	12	1	574
	0,5%	2,4%	13,2%	37,6%	27,0%	12,5%	4,4%	2,1%	,2%	

Though we have compared between unequal sentencing intervals, while for a number of Court regions the absolute numbers are very small, it seems that Belgrade, Kragujevac and Požarevac tend to impose more unconditional prison terms, particularly in the 6–12 months category, while Novi Sad imposed in 44,3% prison sentences of more than one year, mainly for *abuse of office*: of the 56 unconditional prison sentences for this offence, 43% were punished with more than one year imprisonment. This Court region can be considered as one of the severest in Serbia. Further breaking down on the crime type dimension stranded on low frequencies.

Thus far the relationship between sentencing and the seriousness of the crime has eluded us, given that we only have the criminal code as indicator, though we have seen that some offences like taking bribes are dealt with more severely. However, the *pre-trial detention* can serve as a kind of proxy variable for the seriousness: the longer a suspect must remain in custody, the more likely it is that the charge concerns a more serious criminal conduct to which may be responded with a longer unconditional prison sentence. This plausible relationship is underlined in Table 20.

Table 20

Length of custody and unconditional prison term

sentences	**Length of custody and 'no custody' distributed over sentencing categories**						**Total sentences**
	< 30 days %	1-3 months %	3-6 months %	6-12 months %	12-18 months %	**No** custody %	
Till 30 days	-	-	-	-	-	0,7	3
1 - 2 months	1,2	2,4	-	-	-	2,9	14
2 - 3 months	3,5	7,3	-	12,5	-	16,6	76
3 - 6 months	40,7	24,4	19,2	18,8	-	40,1	217
6 - 12 month	37,2	31,7	38,5	18,8	-	25,4	162
1 - 2 years	14,0	22,0	19,2	25,0	16,7	10,0	72
2 - 3 years	3,5	4,9	11,5	12,5	33,3	3,2	25
3 - 5 years	-	7,3	11,5	12,5	50,0	0,7	14
5 - 10 years	-	-				0,2	1
Total custody = 100%	86	41	26	16	6	409	584

The significance of this correspondence evaporates, however, when we look at two important additional variables which may be relevant for sentencing: '*previous convictions*' and '*co-offending*' (perpetrator acting alone or with co-offenders). 'Previous convictions' correlates positively and significantly with unconditional sentencing: earlier convicted offenders were more likely to get an unconditional prison sentence, particularly those convicted for 'similar *as well as* difference crimes' (Pearson Chi square: $p = < 0.000$). However, this relationship was not found back in the *length* of sentence: there was no significant correspondence. Co-offending did have some correlation with sentence length as born out in Table 21, though the test for significance (with a warning of too many cells with a value below 5) is debatable.

Table 21

Relationship between co-offending and length of sentence

Length of sentence	**Number co-offenders and related sentence length**					**Total sentence distr.** %	Total N
	1 offender %	2-3 offenders %	4-5 offenders %	6-10 offenders %	11-31 offenders %		
Till 30 d	0,7	-	-	-	-	0,5	3
1 - 2 months	3,1	1,0	-	-	-	2,4	14
2 - 3 months	14,3	11,5	9,5	-	-	13,0	76
3 - 6 months	38,3	41,3	21,4	25,0	-	37,2	217
6 - 12 months	26,7	26,0	31,0	56,3	50,0	27,7	162
1 - 2 years	10,7	13,5	23,8	18,8	-	12,3	72
2 - 3 years	4,3	2,9	9,5	-	-	4,3	25
3 - 5 years	1,7	3,8	4,8	-	50,0	2,4	14
5 - 10 years	0,2	-	-	-	-	0,2	1
Total N = 100%	420 71,9%	104 17,8%	42 7,2%	16 2,7%	2 0,3%	100	584

Further breakdown will lead us to single cases which is not the proper level to search for an overall pattern in the nature of the cases and their related processing.

d. Preliminary conclusions from the statistical analysis

The SORS database allows more detailed analysis, but with every detailing step we will lose statistical ground under our feet. Suffice it to halt and look back as this is the first time that such an analysis has been carried out in Serbia, a significant omission of which we do not know the reason.

Summarising our first conclusion we refer back to our introductory chapter in which we compared the law enforcement system with a 'black box': something gets into it and something comes out of it, but what happens inside, no one knows. Statistically we have broken somewhat into this black box. There we found the box of the Prosecution Offices and the Courts, but not as new little black boxes (or the Russian doll within the doll). Rather, these look like boxes with stained glass windows that allowed us to peep into. Compared to our first research this is quite an improvement (Van Duyne *et al.*, 2010). However, in what we discerned subsequently very little order or coherence could be recognised. Hence, we deduce the conclusion that these boxes are more or less acting *without statistical coherence*. We found no coherence or correlation between the variables of the input and output of two boxes *together* and *within* each box. This implies that the processing at Prosecu-

tion Office level as well as at Court level reveals no system as far as can be deduced from these data.

The observed differences between offence types, Prosecution Offices and Courts, could not be meaningfully connected to the accompanying variables. Sometimes a bit of order dawned, but with a next analytical step that disappeared again. This justifies to make the working hypothesis already alluded to above more precise: the judicial institutions concerning corruption (in its broad meaning) behave statistically *at random*. This refutes the hypothesis or claim of there being a policy or strategy, which semantically contradicts the observed randomness. The notion of a strategy or a policy does not appear to be relevant within the confines of the Republican Prosecution Offices and the Courts. This implies that the monitoring role of the RPO's Anti Corruption Department must be seriously questioned: we do not deny that it does some monitoring (collecting various statistics, but unfit for proper analysis), but the Department produces no outcomes which can reject our hypothesis. And if it does nevertheless, it should "inform the public".

Critics will point at the many caveats, such as that this database is unsuitable for hypotheses testing. The discipline of the data input at the offices of the Courts and Prosecution cannot be determined; there is an unsuitable scaling of the sentencing variables at ordinal instead of interval or ratio level. These objections are correct and are our concern too. However, we do not confirm a hypothesis like there being a system, we only reject it and replace it by a rival one: in this case the *random box* hypothesis. If one wants to reject this hypothesis in favour of a strategy-and-system hypothesis, one has to present an alternative data analysis or build a better instrument and present other data. As long as that does not happen, the random box theory will prevail.

We will return to that important issue later. We first want to look closer, *within* these stained-glass boxes and look at what can be observed and discerned of the real case work performed by prosecutors and judges.

III. Findings from a 'closer look' at (corruption) fruits

The simple input and output data of the criminal justice '*random box*' have to be complemented by filling it with 'content and colour' such that the nature of the manifestations of corruption becomes clearer. To accomplish this the research team decided to get as close as possible to raw data: the underlying documents consisting of criminal files, indictments and verdicts.

As we already observed, the article 'abuse of office' is the most common charge (about 60%). We also observed that it has a very broad coverage which allows insufficient differentiation. Therefore, we will also look in more detail what 'facts' in

terms of underlying criminal conduct it covers by describing actual criminal cases we obtained from the sources described below.

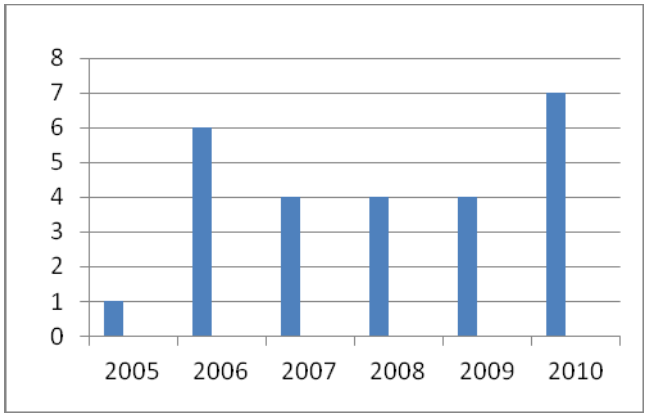
As we elaborated in the chapter on methodology, we had access to various offices where we could study criminal files. These were:

- The Special Prosecution Office and Special Court for Organised Crime
- The Higher Court of Belgrade
- The first basic Court of Belgrade
- The first basic Prosecution Office of Belgrade.

a. The Special Prosecutor's Office and Court

In this office we could study the sometimes voluminous files of serious cases of corruption. The number of investigated criminal files of cases on corruption (or containing elements of corruption) in the years of indictment 2005-2010 are represented in figure 2.

Figure 2
Special Prosecution Office and Court
Indictments and verdicts 2005-2010



These concern 26 *cases*: the actual number of indicted persons is much larger: 487. With an average of 18 defendants per case (median 15), the minimum and maximum number of defendants range from 2 to 53 indicted persons. 213 defendants were or have been in custody (if released, the files often contained the release date) while 23 defendants were (or are still) fugitive.

In 16 cases there was a mentioning of the illegal profits which amounted to 4.750.000.000 dinars and € 32.000.000 with a stated damage of 1.334.000.000 dinars. We do not present these overall figure as an accurate assessment for the seriousness or economic impact of these cases. The methodological caveats are numerous: the number of missing (financial) data is large, the accuracy of the assessments is unknown and the *time span* of the cases themselves is wide: for the whole set of cases the period of offending ranges from 1995 till 2006 (the first year of recorded

offending), while the time of offending *per case* ranges from a few months to seven years. For this reason a financial profit or damage assessment of this dataset remains well-nigh impossible.

As far as the underlying law breaking is concerned, creating some kind of order proved to be difficult, due to the circumstance that in virtually all cases a multitude of concurring offences could be identified. What elements from the conglomerate of offences have been included in the indictment is a matter of choice made by the prosecutor. Given the fact that in these cases there was always a co-offending, most of them involve also a conspiracy to commit offences or taking part in a criminal organisation. Instrumental to the smooth running of such a criminal enterprise could be bribery, though not necessarily: some criminal enterprises operated like a closed conspiratorial circuit having no need for a to-be-corrupted outsider. In a few cases the criminal intention of the offenders was solely directed at obtaining bribes in exchange for rendering illegal services. In Table 22 we have summarized the cases by labelling them with the most important type of criminal conduct. In the ensuing discussion we will deal with the accompanying or underlying offences.

Table 22

Type of crime, frequency and object/field of crime

Crime type	**N**	**remark**
Tax fraud	10	Excise (oil, cigarettes); import-export; VAT fraud
Abuse of office	5	Conspiracy; military; law enforcement; administration
Grand theft	3	Oil; Custom/state revenues; toll revenues
Procurement fraud	2	Real estate; Serbian Rail
Fraud	2	Loan fraud; insurance fraud
Privatisation	1	Value depreciation & invoice fraud
Forgery	2	Transport tickets; bonds
Consp. law & firms	1	Commercial court and numerous firms
	26	

According to Table 21, tax fraud appears to be the most common type of offending. However, the variety within this category is large too: we find common cigarette smuggling (excise fraud) next to swindling schemes with mislabelled mineral oil (from the high to the low tax category); evading import and export duties and the organisation of forged invoice trading. The two cases of fake invoice trading can also be categorised as forgery or documentary fraud. Like another forgery case (transport tickets), they were well organised, but were run without bribery.

Clearly, designing a real typology from this small set of cases and with a multitude of offences and combinations does not make an attempt for classification easy. Nevertheless, there are several clusters of offending we want to highlight: abuse of power; delivering corrupt services; and running a corrupt businesses. First we describe these clusters and subsequently we will make a socio-economic projection of the cases on two social and entrepreneurial dimensions.

Power and corruption

If corruption is essentially a *decay of decision making* which implies abuse of power (Van Duyne, 2001)[16], what decay did we observe in this sample of cases? In the first place we have three cases of decay of power of a very old date, namely: cigarette smuggling conspiracy rings and high-level state coffer plundering in the Milošević era. These cases provide a good illustration of the complete rotting process at virtually all leadership levels in Serbia in that time. Cigarette smuggling took place under the specific protection of leading persons, in the customs organisation as well as the government: The Department for Combating Smuggling did most of the smuggling (providing armed protection patrols, licence plates for cars, orders not to control), while the (ex) President together with other high officials embezzled directly from the state coffer. Apparently it took more than 10 years before indictments were filed.

If we abstract from these 'old elite' cases, there a few more recent examples of corrupt decision making by people exerting such a high official power. Two cases took place 2004-7 and the third between 2001-7. In the first two cases the head of the city sanitation and a whole procurement commission were involved. In the last case the corruption of power went down from the highest level, namely the mayor of a provincial town to lower executive layers.

We qualify these cases as *conspiracy*: in concert the offenders abused their position in the field of privatisation and procurement by defrauding the regulations. But there was more going on than violating procurement and privatisation rules. In the two cities corrupt power centres appeared to have grown up around the mayor (in one case) and a city enterprise in the other. According to the indictment 22 respectively 39 persons were criminally involved and in addition to making corrupt decisions about contracts, there was a lively trade in false invoices going on as well. These covered the payment of non-existing goods and services. There was even a 'mole' in the Ministry of Interior acting as a 'look-out' for potential investigations.

Decision making in the health sector is traditionally prone to corruption[17], which in our sample concerned the procurement of hospital equipment. Given the layered decision making situation, influence was exerted by the competent city councillor on directors of medical institutions to violate procurement rules, obtaining low quality goods made three times more expensive than they could have procured otherwise.

In these corrupt power cases the decision makers victimised the public fund, while colluding with leading persons of private enterprises. Criminal private entre-

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[16] The full definition is: "Corruption is an *improbity or decay in the decision-making process* in which a decision-maker (in a private corporation or in a public service) consents or demands to deviate from the criterion, which should rule his decision making, in exchange for a reward, the promise or expectation of it." This deviates, but does not contradict Begović (2005) who also point at more narrow meaning of corruption.

[17] See: *Corruption in health sector in Serbia*. Report by the Center of Antiwar Action. Belgrade, 2005

preneurs can also lie on the lurk to damage fellow enterprises, for which they may need the support of important decision makers in the public service. Well situated decision makers are to be found in the judiciary, as was the case in what is called the *Bankruptcy Mafia* (2003-2006). This represents an extensive collusion of judges, prosecutors, lawyers, bankruptcy experts and businessmen in which 46 persons were indicted. In this most complex of all cases, the President of the Commercial Court manipulated and corrupted legal procedures in various ways, allowing a criminal group to skim assets from companies declared corrupt by the Court/chamber.

Corrupt services

Being in a position of power one can render illegal services, either on the own initiative or being bribed into it. Such an illegal service delivery can range from an individual case to a whole system, as has been observed in two cases within the law enforcement institutions: the Public Prosecution Office and the police. In the first case the prosecutor operated independently, offering his service to a businessman who had problems in making his debtors pay their bills. For a modest fee of € 40 per case he wrote criminal charges, sent them to the debtors and invited them to his office. There he told the impressed (or intimidated) debtors that they were in problems, but he would help them by delaying the criminal procedure *if* they paid their debt to the entrepreneur. The illegal service proved to be very effective: under this combination of threat and promise the debts were paid even if there was no ground for any criminal procedure.

As a matter of fact, this corrupt service provision was a 'stand-alone' form of extortive abuse of office and power. At the other extreme one finds a fully fledged corrupt 'service enterprise', also abusing law enforcement powers. This criminal 'law service enterprise' consisted of a law firm, policemen and a doctor. Here the criminal cases against suspects were real and the conspiracy of lawyers and policemen consisted of helping these suspects by subverting the course of justice. Actually, the law firm was commercially based on its corrupt service contacts with four police inspectors and a doctor to provide help to 'recommended suspects', such as holding back evidence, forestalling custody, or to file false medical expert reports which could be used for delays or to avoid custody.

Of course, abusively providing services can also take place as a kind of 'favour', as was the case with leading army officers passing housing and other advantages to befriended veterans. However, this was not an occasional between-friends service; rather it was a highly 'systematised favouritism' which required a proper organisation, including the forging documents.

As far as the profits are concerned, the 'stand-alone' corrupt prosecutor's illegal service netted no more than € 1.600 (the client fared better because he saw his debts repaid), while the lawyers-police service enterprise yielded € 18.000. Yet it was still

a mid-level profit compared to the businesslike outgrowth of corruption in other entrepreneurial sectors described in the next section.

Corrupt businesses

There are no sharp dividing lines in the growth process of incidental corruption schemes towards its more businesslike systematisation. Also, given the nature and business of a crime-enterprise, giving or taking bribes may even not be necessary for its operation: that may implicate a condoning outsider with an accompanying risk of information leaks. Corrupt enterprises can be operated as a 'closed circuit', as is the case when it concerns an 'inside business' which, in addition to abuse of office, can also be qualified as organised embezzlement or fraud by a gang of corrupt employees. For example, the electronic toll monitoring and measurement system was manipulated by employees such that the revenues could be skimmed. In this criminal operation 53 persons were involved (2004-2006): programmers, shift leaders and lower executives. Together they operated as a smooth skimming organisation *within* the legal enterprise without any need of bribery.

Other corrupt enterprises operated also as a hidden skimming undertaking, sponging on the 'mother firm', but with the help of corrupt outsiders. For example, in a large scale oil embezzlement case oil had to be siphoned off when the pipe pressure allowed to do so, after which a regular number of truckloads with oil had to be transported, for which corrupt policemen were involved to guard the transport.

The best 'sponging' of the richest 'mother firm' concerns the *public fund*: e.g. the Custom and Tax Services. Within this field of corrupt businesses we can make a differentiation based on the nature of the criminal core trade:

- *Real goods*, which mostly involve import and the evasion of duties. This is a hazardous undertaking, unless supported or carried out by the Customs. In one case this occurred under the protection of the head of the Anti-smuggling Department who managed/coordinated nine other corrupt officers (2006). The scam (28 defendants) concerned the importation of high valued goods evading controls: the leading staff was paid € 2.500-3.000 per truck. In another Customs case the importation documents of used-cars were tampered with, which required the support of officials of the Ministry of Finance and a local Custom Head.
- *Invoice trade with corrupt officers* does not involve real goods: the 'commodity' consists of fake invoices which allow tax reduction or tax returns for VAT. For example, a Director of the Tax Administration, the Head of the Department of Field Control, another staff and the director of a firm, started trading 'approved' documents which allow such advantages to other firms, cashing a 6% standard 'commission'.
- *Invoice trade without bribery* was observed in three other criminal enterprises operating through legal persons. Basically the criminal enterprises concerned busi-

ness-to-business corruption, in the centre of which operated leading persons. They provided on a wholesale scale fake invoices and other forged documents (for a % commission), which entailed illegal tax advantages. Sometimes real goods were involved, but these ended on the black market. In view of their thorough organisation, with a division of tasks, these enterprises can be qualified as criminal organisations abusing their legal status for their criminal core trade with which they served a wide circle of eager corrupt fellow businessmen.

Of course, these types of abuse of office, or breaches of integrity in an organisation, do not represent the whole gamut of variations. Three scams, one with loans from banks and two other organisations, one involved in printing forged bonds and the other forging transport tickets do not fit fully into this typology.

The *loan scam* was a combination of deceit and corruption (of implicated bank staff): fabricating false employment and income declarations in the name of poor and gullible people (rewarded with a pittance of € 250) with which they raised 275 long term special purpose loans.

The *Child Allowance Bond group* and the *Forged Transport Ticket crime-enterprise* were multi-layered organisations. The first one concerned forged bonds to be cashed in post offices. It was a large undertaking: more than one million bonds worth 500 dinar each were identified. Among the eight defendants one Post Office manager who cashed the bonds was implicated. Given the size of the scheme, it is plausible that more postal outlets were involved.

The *Forged Transport Ticket scheme* was also sizeable: it stretched from the forgery shop (printing facility) through a ramified network of buying and selling to the lowest (official) outlet: the kiosks. While implying abuse (by the official sellers) but without observable bribery we think this at the rim of our *corruption* sample.

Projecting and interpreting

More important than designing the 'right' typology with cases which sometimes do not fit into a list of fixed categories, is their social and economic interpretation. With this we do not mean a valuating assessment of 'seriousness' or dangerous impact, as there are too few cases to attempt such an evaluation. And even if we would have enough cases, there is the difficulty of drawing up some kind of 'seriousness standard' to rank order the cases: there is too much heterogeneity within the set of corruption cases to 'scale' their societal seriousness. Corruption by the Prime Minister or President may seem more serious than corrupting a doctor or a teacher for a treatment or a diploma. However, the impact of the latter manifestations of corruption gains significance when they have become so widespread that an informally accepted 'tariff system' has come into being. The system of corrupt services such as selling forged invoices against a fixed commission, described in the previous sections are proven examples of such an informal corruption systematisation.

Another example was given by the *Kurir* (Press Review,5 August 2011). According to *Kurir* the 'corruption tariff' of medical treatments ranges from € 300- 3000, that of passing exams at universities € 500–700. Though the methodology of this investigation still has to be scrutinised, what matters is the societal penetration and acceptance which allows the development of an (allegedly) informal corruption tariff system.

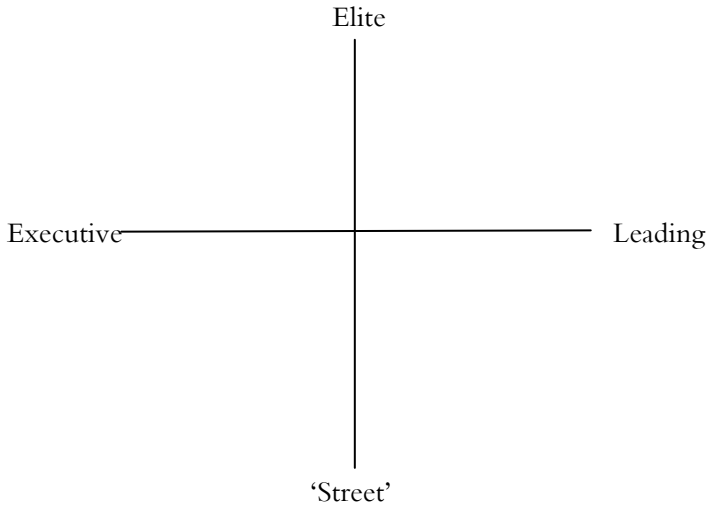
This systematisation can attribute to the corruption of the single doctor or university teacher a higher level of seriousness. But will it be of the same level of seriousness as the corruption of a Prime Minister? Clearly, such a scaling remains difficult and is more than just an academic exercise: judges meeting out punishments in corruption cases are also supposed to do such a scaling of seriousness routinely. However, all this still is a *value* question: this research does not deal with seriousness as a subjective value attribution.

We have to abstract from the subjective value term of seriousness, and return to the core concept of corrupt conduct: the *decay of the accountable decision making*. What does that mean in sociological terms? Let us take the examples above. We have decision makers at various levels of society: for example, corrupt directors/mayors, corrupt storehouse keepers or policemen, all at different levels of the social ladder where decisions must be made. For example: at *managerial level* the mayor can concoct procurement advantages with the director of the oil firm or hospital, while within the same firm at *executive level* the pressure metre-operator or store manager telephones his accomplices that it is the right time to siphon off oil from the pipe or to take medical equipment out of the hospital. We see here corrupt decision makers at high leadership level and at a lower executive level. At both extremes (corrupt) decisions are being taken. From this functional perspective one can think of a scale, which approximates the decision making levels within institutions, enterprises and society. We can call this scale the *leadership-executive dimension*.

Partly overlapping and crossing this dimension we have the *economic-social status* of the actors involved in corruption. In the example above, the mayor has a higher social position than the storehouse keeper or the pressure metre-operator; likewise the President of the Commercial Court is at another level than the tickets forgers, even if the latter cashed more criminal income than the judge. We call this the *social prestige dimension*, ranging from the leading elite of the country (such as the (ex) President) to 'street level' corruption by lower executives, such as the policeman on patrol.

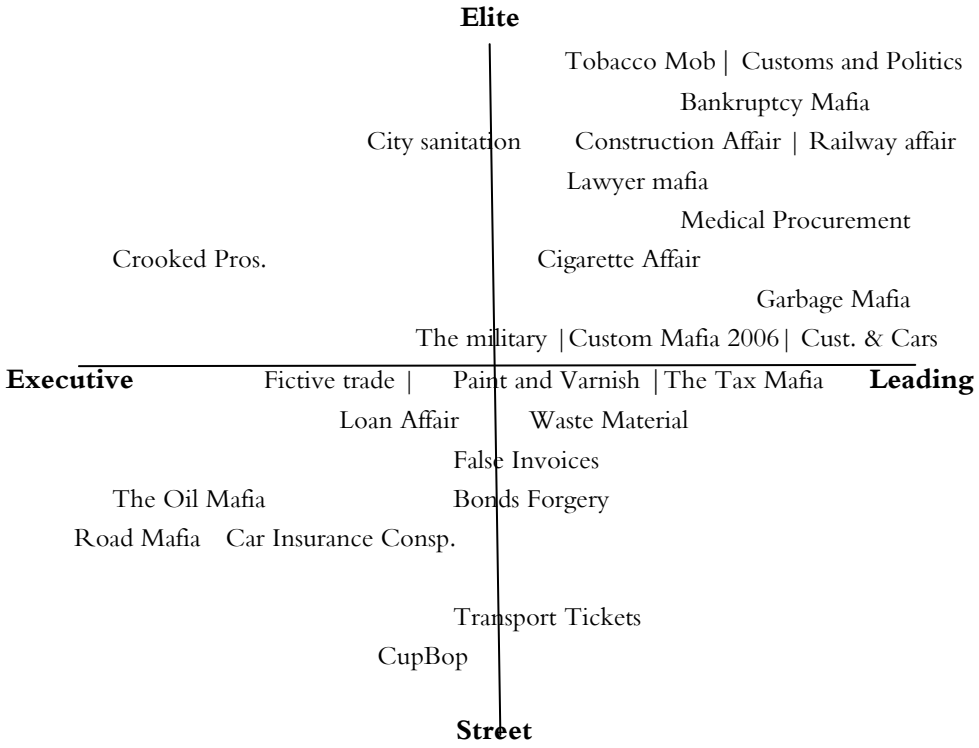
Putting these two dimensions together we get the following combination:

Figure 3
Leadership-executive and social prestige dimension



These dimensions enable to project the corruption cases along the two axes such that one can take account of their composite structure, because 'elite' cases may have a 'street level' component or a corrupt leading staff can be dependent on many executives.

Figure 4
Projection of the cases from the Special Prosecutor Office on the Leadership-executive and social prestige dimension



Our reasoned, but still subjective projection of this set of cases on these two dimensions results in a 'high elite rating of at least six cases on the top of the 'prestige dimension'. Two are the 'old elite' cases from the time of Milošević. At the other extreme of the prestige dimension we project the Transport Tickets Forgery, representing mainly an underground economy. Above this low level towards the executive side we find a number of cases with mainly executive staff involved, though not necessarily staff of the own victimised firm: in the Oil Mafia and Car Insurance scheme policemen were involved too. In the Oil Mafia patrol policemen protected the transport of stolen oil. In the Car Insurance scheme they drew up false reports of pretended accidents. Higher up the prestige dimension axis we see a clustering at the middle of mixed cases: leading staff of private firms abusing their legal entities to defraud the public fund. In the tax and Customs affairs they are supported by complicit civil servants. At the following next higher level we find a mixture of entrepreneurs and leading staff (general manager or director) of civil service units. Higher-up whole units led by directors, mayors or heads of departments prove to be corruptly involved: again the elite corruption.

As remarked, this is still a subjective projection and not a definitive social scaling of these organised corruption cases. For a more precise and accountable social assessment we need more socio-economic and personal data than there were available thus far.

b. The Belgrade Higher Court cases

After having obtained access to the Belgrade Higher Court we got 13 verdicts of cases concerning 'crimes against official duty'. Eight of them proved to be not relevant for the research. Though they were registered under the relevant heading of chapter 33 of the Criminal Code, they contained various hand written complaints which were dismissed by the Court. Of the five remaining cases three concerned soliciting and/or taking bribes by medical staff. One case was about embezzlement by a bank account manager who transferred money from the accounts of customers: abuse of office but no corruption.

The fifth case, called *Caught Red-handed but Acquitted*, was a good example of a high elite case, in line of what we found earlier at the Special Prosecutor's Office. A top manager of the National Bank of Serbia solicited a bribe of two million Euros in exchange for licensing a financial institution. The police raided the place where half the bribe would be handed over in a suit case. But ten minutes before the raid a person, now heading a Ministry, left the premises. The others still present were caught 'red handed'. Nevertheless, they were acquitted because of "lack of evidence" (27 December 2010). One may say: an 'elite corruption' followed by an 'elite sentence'.

c. The First Prosecutor's Office and the First Basic Court Belgrade

c1. The Prosecutor's Office

As mentioned earlier (page 27), we were offered 32 indictments from the First Basic Prosecutor's Office of Belgrade: 30 of them proved to be useful (in one indictment so much text around the names were blackened as to make it useless; another was from an 'unknown' office). These indictments came from the present First Basic Prosecution Office as well as from the period before the judicial reform of 2010 in which the territory of this office was divided into five Municipal Prosecution Offices. Therefore this territory consists of a regrouping of municipal offices, which makes it difficult to make comparisons with the older statistics of the abolished municipalities. Also, we could not determine the selection of the cases ourselves: they were made available by the administration based on unknown selection criteria.[18] For this reason we prefer to use this set of cases as it is to illustrate the nature of simpler offences against official duty, while it can also provide us insight into the variety under the legal qualification of 'abuse of office' and of the offenders involved.

The general criminal procedural characteristics were the following. The indictments were filed in a period from 2006 till 2011, while the criminal offences were committed from 2003 onwards. The processing time from the last date of offending till the filing of the indictment was on average 22 months (median 21), with a range from 1,5 months to 6 years and 4 months. In total 48 offenders were indicted: in 19 cases one offender was charged; in 11 cases there were more offenders.

Analysing the indictments we compared the legal qualifications with the description of the actual conduct of the offenders: what and how they committed their offences. In particular we looked at the nature of the offences from the perspective of corruption in the sense of 'decay of decision making'. In addition, we noted some of the standard social variables such as age, marital state, education, profession and criminal record.

What was the nature of the offences? The legal qualifications were: abuse of office; embezzlement and one case of offering a bribe. However, the analysis and categorisation of the criminal conduct yielded a somewhat richer differentiation, as presented in Table 23 on the following page.

As can be deduced from Table 23, a third of the cases concerned 'plain embezzlement' by a single offender: being in service and withholding money or valuables from the employer. The modus operandi was usually simple and actually bound to become disclosed. Embezzlement was in five cases committed by tampering with the paper work: tampering with receipts, withholding them or adding lower figures

[18] This is partly due to the reform of law enforcement, which implied a reorganization of the data system as well as the storage of the files, spread over different buildings where it was difficult to retrieve them.

in the books. Five cases of embezzlement were committed in concert: e.g. in two cases employees of a casino put money into their pockets while conspiring with players. In one case they staged a burglary, complete with damage to the furniture and machines, to explain the missing money. Fearing disclosure two other offenders also reported to the police to have become victim of a robbery, adding false reporting to the basic offence.

Table 23

Offence types of the indictments I Basic Prosecution Office

Offence types	**N**
corruption	7
plain embezzlement	10
embezzlement in co-offending	5
regulatory offences	2
single abuse	1
fraud	5
Total	30

We singled out seven cases which could be qualified as corruption in the meaning of 'decay of decision making'. Scaling these cases as we did before (see page 65) we find at the low end a taxi driver who was stopped by the police for a control of his taxi documents (which he did not have). He tried to avert trouble by waving with a five Euros and a 500 dinar banknote. At a higher level (elite) decision making we find the management of a high school (director and professor) demanding of his staff that certain students must have positive rates, "otherwise . . ." One may wonder why such a serious high-elite case was not filed at the Higher Court or submitted to the Special Prosecutor, certainly if one compares this case with other cases of corruptive abuse of office, which were more on the mid-level of *wheeling and dealing*. For example, the price conspiracy about the subletting of land (three offenders); taking advantage of one's executive tasks, such as being inspector of the City Water Supply; or accommodating visitors and arranging a high-bill-low-cash-price with the hotel manager – of course: the inflated invoice going to the employer and the difference being split between the participants. As an elite case of an abuse of office stands a doctor who without involvement of others, prescribed unnecessary expensive orthopedic devices.

Who were these offenders and what did they gain from their law breaking? To start with the latter aspect: of 23 cases the proceeds were mentioned. They amounted to (rounded) 9.500.000 dinars with an average of 413.000 dinars (roughly € 95.000 and € 4.130). The highest illegally obtained proceed was 1.400.000 dinars: a case of 'plain' embezzlement of withholding a part of the daily income from market sales.

Could the perpetrators be considered as a cross-section of the Serbian society? Without national statistics that is difficult to say. At any rate, they were all employed,

thereby leaving out the unemployed part of the population. Otherwise, we think that they do represent a fair cross-section of the population mainly employed in the *private* sector. Nine offenders were employed in public service, five of them in education; the other 39 offenders were employed in all sorts of private enterprises. The professions ranged from a student (involved in casino-embezzlement), the unlucky taxi driver with his five euro bribe, to the professor abusing his power and authority to obtain higher marks for selected students. Between these extremes there was a bias towards higher positions and professions: 17 of the offenders (35%) could be rated as belonging to higher positions or professions. Nine persons occupied low positions in their corporations. Whether it is correct to rate the other offenders as 'mid-level employees' remains somewhat uncertain, given the sparse information available. At any rate almost two third (63%) had a higher professional education, which does not always imply a commensurate position in the organisation.

Compared to the 'usual offender' population of common crime this group of offenders can be characterised as rather common: no criminal record (one exception) and otherwise as 'older and average': with a mean age of 43 year, 54% of them married and having mainly two children.

c2. The First Basic Court of Belgrade

The research team also got access to the First Basic Court of Belgrade, as a result of which it obtained 26 judgements which were pronounced in first instance in 2010 or in appeal in 2011: that is half of the available judgements for those years. As the next Table shows, there were no verdicts concerning bribery cases in that year. Also, there were no corruption cases in the broader meaning of the term. The few cases about abuse of office contained no 'elements of corruption' with the exception of one case: a police school officer pocketed a traffic fine of 1000 dinars, though he was not authorised to fulfil traffic tasks. This case looked more like an extortion.

Table 24
Verdicts of the First Basic Court Belgrade, 2010/11

Offence types	N
Embezzlement	14
Abuse of office	7
Fraud	2
Theft	2
Dereliction of duty/negligence	1
Total	**26**

There were 34 offenders on trial: in eight cases two offenders and in one case three offenders were involved. However, a plurality in the trial did not mean that co-offending implied a conspiracy or coordination. In four cases there was a co-offending which involved a cooperation: defrauding a bank with transfers to a re-

lated firm which did not fulfilled its obligations; or falsely signing a bill of lading and handling the goods to the co-offender. Two other co-offender cases concerned manipulation of prices of property and dwellings while breaking the rules on housing. There were no indications of bribery, though the beneficiaries have certainly been granted a very sweet deal by an alleged abuse of office. But the Court thought differently: both cases were acquitted.

In the other two cases the offenders committed separate and unrelated property offences, but having victimised the same firm during the same time (or being employed by it), they were brought to trial together under the same trial number.

With one exception embezzlement was a one-offender undertaking. The exception concerned a guard at a tool factory, who brought the embezzled goods to the fence where his wife and son picket it up: a 'family undertaking'.

Of 25 cases the proceeds were mentioned. They totalled to 21 million RSD, with an average of 845.000 and a median of 200.000 dinars. Naturally, in the lower ranks we find the street vendor embezzlers and packet delivers. One of them, a female ice vendor (proceeds 16.000 dinars) was kept in custody. At the higher proceeds levels (above 1.000.000) dinars we find the skimming of money by withholding during a period (punishment: one year and seven months imprisonment, on probation) and defrauding the employer with false paperwork (one year).

In the first trial instance 28 offenders were found guilty. In appeal five of these verdicts were rejected, abandoned or the charge was refused. If convicted a prison sentence was meted out; but with two exceptions these were all on parole. The length of the prison sentences ranged from 2 to 19 months with an average of 9 months. The two *un*conditional sentences were one year and four months (multiple offences, among them one robbery) and one year (embezzlement only).

The processing time of handling of the cases, from the date of the first report till the final verdict, ranged from one to ten years, with an average of five years. A processing time of ten years was not an exception: it occurred four times. There is no particular organisational layer, from police to the appeal court, to which the delay (sometimes extreme) can be exclusively attributed. At any rate it can be observed that the nine higher social offender cases had longer processing times: all but one date from 2005 or before. Only one of them was found guilty and was convicted to imprisonment for one year and seven months, but on probation, with the condition of alcohol treatment and repayment of the damage. All other more or less highly placed persons saw their cases rejected or abandoned: if not in first instance, then in appeal. There are too few cases to identify one or more factors which may shed light on a potential class bias: both the cases and the judges may have been 'weak'. We will notice that this unfolding class bias suspicion will recur.

Do we find a similar cross-section of the Serbian working population? With an average age of 40 years, 17 of the 34 offenders married with mostly 2 children and 24 male offender, they do not deviate from the indictment group. Most of them

were employed in private firms (30). The socio-economic position of nine offenders could be scaled in a higher status category.

What conclusion can be drawn from this file analysis? Of course, one Basic Prosecution Office and one Basic Court are of course not a representative sample to jump to generalisations, but together with the other data it does not imply that there are no lessons to be drawn.

The review of these cases and the comparison with the articles of chapter 33 of the Criminal Code, particularly the first article of that chapter, *abuse of office* (art. 359) which covers more than 60% of the reported cases (with elements of 'corruption'), demonstrates the underlying heterogeneity of the criminal conduct. It shows that while the rough 'statistical map' based on the articles of the Criminal Code can be used for pointing at important trends and troubling areas, for a more accurate insight into the phenomenon of *corrupt decision making* it must be complemented by a more precise concept definition.

Our more elaborate description teaches us also:

- the extent in which corruption cuts through all levels of society: from (ex) president to humble seller of forged transport tickets or street cops guarding embezzled oil or filing false traffic accident reports;
- but, the prevalence of 'real' corruption cases in the Prosecution Office and Court is so low that it hardly gives any signal to the public;
- the official set of cases with 'elements of corruption' is too heterogeneous for an adequate strategy formulation. To get a proper view on corruption, the cases which do not concern *corruption decision making situations* must be filtered out. This will lead to a much lower frequencies as is clear from our analysis covering a period of research of more than ten years, albeit restricted to the region of Belgrade (but see also the chapter on statistics).

"All levels of society" versus "low frequently": does that point at a serious underreporting or an overestimation of the corruption problem? We just raise that intriguing question here to return to this juxtaposition later. We must now return to one of the agencies to which citizens apply when their complaints and charges has fallen on deaf ears at the police and prosecution: the Anti Corruption Council.

d. The cases of the Anti Corruption Council: no answer

As observed in the chapter on the research method, the ACC receives regularly complaints from concerned and/or aggrieved citizens. The ACC looks into these complaints and carries out an investigation to determine the seriousness. An account of that procedure we find in the report of the President of the ACC to the government of 26 October 2009 (See page 11). Over the past years 212 complaints were

considered to be serious enough to be presented as criminal charges to the RPO. The complaints were classified as represented in Table 25.

Table 25
Complaints from the public to the ACC about law breaking

submitter	**Field/subject of complaint**	N
Unions/small shareholders	Privatisation & bankruptcy	46
Tenants ass. & individuals	Urbanisation and construction	55
n.a.	Courts: intentional stalling procedures	51
n.a.	Economy	23
n.a.	Other economic and public interests	37
Total		212

Source: ACC report 2009

The ACC account is unfortunately not rich in information. Nevertheless, there is a clear need of serious investigation. This report, together with the examples described in the report and some additional details may shed some additional light on the question of probable underreporting. In addition to the "*who cares?*" argument this underreporting may also be a result of *under*-investigation or a law enforcement neglect of the victims of elite corruption (another manifestation of "*who cares?*"). But sometimes law enforcement does care: it turns actively against those who blow the whistle, as illustrated by the following report.

> Zoran K. submitted four times (2004, 2005 and 2006) criminal charges to the II Municipal Prosecution office in Belgrade against officials for dereliction of duty and corruption related to building permission in his building, which is in private ownership. These criminal charges were not processed. However as soon as Zoran K. had gone public in DANAS, the President of the Executive Board submitted a criminal charge for slander. Now the police reacted without delay and called Zoran immediately for an interview.
>
> Likewise, in the case of JUGOREMEDIJA, the prosecution did not process the criminal charge that the Association of Small Shareholders of that company has filed in 2004 against the director of the company for abuse of office and falsifying official documents. The conflict escalated and became violent and in the end the prosecution proceeded at short notice against the strike committee. The complaint of the Association of Small Shareholders were investigated only after two years.
>
> The President of the ACC added: "This example is not the only one; the same situation can be found in many cases the Council is familiar with, from the complaints of citizens."
>
> In the introduction we quoted the President who saw her efforts against the machinations around the Port of Belgrade responded to by a criminal investigation against herself.

It seems that the RPO acts faster *against* complainants or the ACC than handling the cases timely and providing an orderly feedback.

It is interesting to throw a glance at the persons and institutions who were accused of wrong-doing.

Table 26
Persons and institutions being accused.
2001-2007

Municipal management	16
Director	28
Representatives	31
Judges and prosecutors	35
City planning management	10
other	25
Total	145

Course: Anti Corruption Council

Indeed, this represents the very elite.

How did the RPO respond? Of the 147 cases sent to the Prosecution Offices, only in 22 cases a response was received: 11 of which mentioning a rejection of the charge. The underlying material is poor of content and does not allow far reaching conclusions, though it certainly justifies a further investigation if only to exclude the not all too implausible hypothesis of an *elite class bias*.

About the flow of communication between the ACC and the RPO there is no jumping to conclusions: on the side of the RPO it reflects anything but a sense of urgency, unless it can move against complainants.

The findings collected in this chapter are the empirical 'fruits' of the 'law enforcement tree' or of the '*random box*'. Both metaphors apply in the sense that only few bad fruits are scattered around at random. And this randomness is coordinated by the Minister of Justice, recently appointed National Coordinator in the fight against corruption. Coordinating a random box should certainly be judged as a metaphysical achievement.

Meanwhile the reader may wonder whether this is all the authorities can display. If there is more, it should have been reached out to the research team, if not to the public, certainly where the Republic Public Prosecutor states in the section V on the *Analytical-Informatics Task*:

> "the Republic Public Prosecutor's Office will, based on its own work and on statistical and textual reports on the work of district and municipal public prosecutor's offices, perform analytical-informatics tasks."

The results of this task performance, if carried out in the first place, have not been communicated to the research team, let alone the public. Consequently and in view of the proclaimed information disseminating task, the perception principle applies: 'To be is to be perceived' (*esse est percipi*). When the authorities referring to their duty of informing the public cannot make us (and the public) perceive anything, we must assume there is nothing.

5. Integrated Criminal Data Entry Tool: ICDET

a. From random box to strategic map

The chapter on the empirical findings concluded that the judicial system should rather be described as a *random box* than as a system. It also pointed at the need to single out 'real' corruption from the diversity of offences covered by the 'abuse against official duty' articles, which is required for a fact based anti-corruption strategy. All along doing research we also made a serious observation: there are major defects in the communication between competent organs responsible for the fight against corruption. Overarching these conclusions is our observation of a basic lack of knowledge (due to lack of information) as well as curiosity: no questions are being raised and there is no display of observable interest in potential answers. No curiosity and still persisting that corruption is a high priority: does that go together?

There is no 'silver bullet' solution to these problems, though partial solutions can be achieved. Defects in the communication are one of the problems, particularly as far as the information content is concerned: what to communicate if there is no information content? To mend this defect an orderly flow of transparent information concerning the core activities – the processing of corruption cases – is required.

With this observation we do not appear to stand alone. At the time of writing this report the European Commission issued a Staff Working Paper: an Analytical Report with the "Commission Opinion on Serbia's application for membership of the European Union". In that report the rapporteurs observed a similar defect: "a credible track record of opened investigations and final convictions remains to be built up" (p. 38). This is not a new conclusion or one which is only relevant for the handling of corruption cases. It applies to the whole field of criminal case processing. Van Duyne and Donati (2008) pointed already at that defect concerning the money laundering regime; a year later Van Duyne *et al.* (2009) observed the same defect concerning corruption statistics ('track record', in the EU report). Time passed by while there are no observable manifestations of a sense of urgency to mend this defect. As mentioned before, this contrasts with the high priority allocated to the corruption portfolio. What goes wrong and where?

Let us leave aside the 'political will' as an assumed cause, because that is a conclusion and not an observation.[19] What we observe at all levels is a lack of valid information and an absence of up-to-date information instruments. Naturally, this

[19] "Political will" is a seriously abused disguising euphemism if one considers the number of persons involved. Within the Ministry of Justice and Republic Public Prosecution we count no more than perhaps five decision making individuals. So what does "political will" mean other than "a handful persons do not want to act"?

impacts on communication, particularly where it concerns the agencies for an anti-corruption strategy: the competent ministries, the ACA and the ACC. This contrasts to the basic requirement that valid information based on elementary facts and surveys is essential for any policy making and administration. (How to design a prevention policy when basic facts are lacking? Preventing what? Or coordinating what?)

Obviously information facilities and equipment are lacking, though that does not imply that there are no instruments of communication or a total lack of information content. There is the potential of the Statistic Office – available to all, but to our knowledge rarely consulted or used for analytical and strategic purposes. There are also new automated information tools installed. A proper use of all this could have produced the kind of 'data map' such as we eventually produced, though imperfect due to technical flaws. But even if one would improve this situation such that a better 'map' would be produced, the communication problem is still not solved, as one also needs the *skills* to read such maps and to convey their meaning and share the contents. An historical example can illustrate this: on the eve of the battle of Waterloo general Grouchy pursued general Blücher. General Grouchy was a brave and competent soldier, but he could not read maps which were available in his camp. Consequently he lost track of Blücher, who managed to escape, only to return in the afternoon of the final battle of Waterloo, which the French lost. Therefore, putting instruments such as maps in place is basic, but not enough. One must also be able (and willing) to read them and communicate their content.

b. Criminal cases: 'cargo' without bill of lading

Apart from the criminal law aspects, the processing of a criminal case resembles that of a cargo: it moves through various phases and all along it has to be monitored, lest its traces get lost somewhere. For the tracing of cargo there is an age-old instrument: the *bill of lading*. This, together with an identity description, at present a bar code, follows the cargo wherever it goes, all the way literally producing a 'track record'. At each phase an operator adds something about the phase of handling, keeps a copy and forwards the parcel to the next addressee. Arriving its destination, a copy is sent back to the sender who is informed of its orderly arrival. However, at this point the similarity between a criminal case file and the cargo handling ends: criminal cases, that is, their files, do not have an equivalent of a 'bill of lading'. Of course, each criminal document has a number: police reports have a number; the files at the prosecution office have numbers, and the files at the courts have numbers too. But for each phase of handling a new number is inserted on the form. Consequently, there is no equivalent of the bill of lading which is based on one identification number or code for the whole journey.

Will that imply that cases may get lost, just as cargo may get lost when one cannot trace its tracks? Not necessarily, though that is not excluded. The fact that the Republic Public Prosecutor's Office did not answer our requests for information about the cases forwarded by the Anti Corruption Council may de due to an inability to trace these cases (and not to unwillingness, being the mildest interpretation). But that is an individual case-bound problem. More important is that the sight on the functioning of the whole criminal justice system becomes blurred because feedback becomes impossible. And we have seen the result of this deficit in the form of a *random box*. This also affects the democratic accountability for the criminal law institutions: how to account for the doings of a judicial *random box*? For example, if the Ministry gets the question about what happened to the reports filed by the police for any particular year at the successive phases of case processing (police, prosecution, trial in one to three instances), it cannot give valid answer. It cannot relate the set of prosecutions for year X to that of the police; nor can it connect the set of trial cases to that of the prosecution. In statistical terms: one cannot divide the number of the prosecution cases (for any given year) by that of the number of the police, or that of the trial cases by that of the prosecution. Hence, a simple question such as "what % of the filed cases of 2010 led an indictment or to a conviction", remains unanswered. In terms of the EU Commission report: there is no "*track record of opened investigations and final convictions*". Consequently, there is no fact based accountability: the Minister of Justice (the National Coordinator!) or RPO cannot "inform the public".

This state of affairs has more consequences than that just a few percentages cannot be calculated. It implies that also the performance rate of law enforcement efforts as a whole cannot be determined. For example: the dismissal percentage as a performance measure of the police input; or the conviction percentage compared to the related indictments. A high percentage of dismissals or acquittals may mean that too many weak cases have entered into the system or that the Courts have a very high 'evidence threshold'. And the next question would be: Are there differences between the Courts in this regard and why? In the previous chapter we have seen that the differences can be substantial, raising the question of the *equality of justice*. These and similar system questions (if they have ever been asked) cannot be answered at the moment.

As observed, at present each case gets three different 'bills of lading'. However, this is not only a matter of different numbers, the forms are different too: the information entries (the content) of these diverse forms differ. That means: in each separate phase we know of each case different things about the offender, the offence and the on-going procedure, but without being able to put these bits of knowledge together, not only because the identification numbers differ but also the variables.

How to change this state of affairs? We have three separate 'knowledge entries' for the same set of cases, resulting in separate databases. Of two of these databases

the research team could make use for analysis: one for the prosecution and one for the courts. Those of the police could not be used: as we have seen the requests sent to the *Ministry of Interior* to obtain even an *empty* form in use by the police remained unanswered. The few sheets we received only gave us some idea of the detailed information the police collect (such as about the profession). But the crude tables which we could obtain after the lengthy procedure described on page 29 were of a too poor content to be useful. For this reason we will only discuss the data-entry forms of the Prosecution Offices and the Courts, though we are of the opinion that our recommendations apply to the police information management as well.

The SK-1 and SK-2 data entry forms

The prosecution and Court forms (SK-1 and SK-2) are included in the addendum. These are the source of our knowledge because of the 'variables' which are intended to capture essential standardised information (content). These are represented in a summarised form in table 27.

Table 27

The statistical forms: prosecution and courts

SK-1 Prosecution Identification number Prosecution service:	**SK-2 Court** Identification number Court:
Person variables ▪ name ▪ sex ▪ birth year	Person variables ▪ name ▪ sex ▪ birth year ▪ place of residence ▪ (un)employment; inactive, unknown ▪ vocation ▪ nationality ▪ citizenship ▪ marital status (5 options) ▪ education (7 options)
	Co-offender variables ▪ alone ▪ accomplice ▪ aid ▪ number co-offenders
	Previous conviction(s) ▪ yes/combinations of same/different offences ▪ no
	Custody ▪ 8 unequal intervals, from 30 days to over 4 years
Criminal offence legal variables ▪ Criminal code(s) ▪ Year offence	Criminal offence legal variables ▪ Criminal code(s)

Damage ▪ Yes/no	Damage ▪ Yes/no
	State of commitment ▪ Completed/attempt
	Year of committing
	Municipality of committing
Submitting actor ▪ 8 options	
Received through ▪ Prosecution service ▪ Ministry of Interior	
Custody ▪ 4 unequal intervals till 6 months	
Type of decision and reasons ▪ Dismissal (6 options) ▪ Suspension of investigation (2 options) ▪ Abandonment investigation (3 options) ▪ Indictment (2 options)	Type of decision and reasons ▪ Dismissal private prosecution ▪ Halting investigation or dismissal report (4 options) ▪ Free of charge (2 options) ▪ Indictment refused (2 options) ▪ Security measure without sentence ▪ Guilty verdict
	Type of punishment ▪ 7 options ▪ If prison: year(s); months ▪ Fine: sum
	Unconditional/probation
	Other responsibilities or measures
	Complementary sentences
	Security measures ▪ 9 options
	Confiscation of assets ▪ Yes/no
	Victim variables ▪ Number ▪ Sex ▪ Age
Dates of procedures ▪ Date receiving report ▪ Date begin investigation ▪ Date decision	Dates of procedures ▪ Date receiving report ▪ Date receiving charge(s) ▪ Date decision
Signature deputy prosecutor	

Inspection of the categories, or variables, raises the question whether and to what extent these important data entry forms could be harmonised, or rather, fused, apart from the need to make them ergonomically more convenient.

There are a number of information entries in the two forms which (partly) overlap: person variables, criminal code data and custody. Except for criminal codes, the entries of the SK-2 form ask for more information than that of the SK-1 form, even if they concern the same subject. This does not stand in the way of a fusion: if data

can only be inserted in the trial phase, then in an automated system, these can be added, as long as one works with the same identification number(s), the same variable definitions and the same format. At the same time, corrected and improved data can simply overwrite the existing ones. This implies that technically there are no reasons to have to forms.

c. Fusion: the SK-Total

This brings us to the core of the issue of fusing: the identification numbers attached to the basic counting units. Basically there are two 'counting units' which matter for any monitoring or track record system and which should remain the same in the criminal history of a case:

- the person (offender) number;
- the case number.

The requirement of keeping the same number for offenders looks pretty much self-evident: changing identification numbers during the various phases of case handling results in different (digital) identities and these will be counted as different 'persons'. This severs the connected phases while the double counting inflates the outcome.

Naturally, each criminal case has also a number. That is a simple given, though the combination with the person number adds some complexity:

- in cases with co-offending there are more person identification numbers;
- an offender may figure in more unconnected cases;
- these cases against the same offender may be fused leading to a new case number;
- cases may be split into two of more cases; this may particularly happen with multiple-offender cases.

In very large cases with many offenders and ramified procedures this may lead to complex statistical case histories and strings of identification numbers. But whatever the complexities, the offender can always be retrieved and followed through-out the procedural development. Likewise, the offender's criminal history can also be traced automatedly.

When the identification number issue is solved, one can in principle fuse the SK-1 and SK-2 forms in a fairly simple way. Parts of it may even be used for the police information gathering, if this is intended for building up a criminal case.

In Table 28 we present such a fusion in which we also introduced some simplifications.

Table 28

Fusion of SK-1 and SK-2 into ICDET

Integrated Criminal Data Entry Tool (ICDET) Unique Person Name Key (for example: date of birth + initials first and family name) Case number **Prosecution office:** **Court:**
Person variables ▪ name ▪ sex ▪ date of birth ▪ place of residence ▪ (un)employment; inactive, unknown ▪ vocation ▪ nationality ▪ citizenship ▪ marital status (5 options) ▪ education (7 options)
Previous conviction(s) ▪ no ▪ yes: year last conviction ▪ combinations of same/different offences
Co-offender variables ▪ alone ▪ yes: number co-offenders ▪ offender was accomplice ▪ offender was aid
Number offences ▪ one ▪ more than one: same offences ▪ more than one: different offences
Time offence variable ▪ first year offending ▪ last year offending
Criminal offence legal variables ▪ Criminal code(s)
Custody If yes: ▪ first date and last day of custody
Damage ▪ Yes/no ▪ If 'yes': amount in RSD ▪ Damage not submitted
Victims ▪ Natural person ▪ Legal persons ▪ Public fund ▪ Combination
Status of commitment ▪ Completed/attempt

Place of committing ▪ Place of residence code ▪ Region, other than place of residence ▪ Abroad: country code
Submitting actor ▪ 8 options
Received through ▪ Prosecution service ▪ Ministry of Interior
Prosecution office Type of decision and reasons: ▪ Dismissal (6 options) ▪ Suspension of investigation (2 options) ▪ Abandonment investigation (3 options) ▪ Indictment (2 options)
Dates of procedures ▪ Date receiving report ▪ Date receiving charge(s) ▪ Date decision prosecution/dismissal
End prosecution phase: form sent to SORS
Court first instance Type of decision and reasons ▪ Dismissal private prosecution ▪ Halting investigation or dismissal report (4 options) ▪ Free of charge (2 options) ▪ Indictment refused (2 options) ▪ Security measure without sentence ▪ Guilty verdict
Type of punishment ▪ 7 options ▪ If prison: year(s); months ▪ Fine: sum
Unconditional/probation
Other responsibilities or measures
Complementary sentences
Security measures ▪ 9 options
Confiscation of assets ▪ No ▪ Yes: sum of valuables in RSD
Dates of procedures ▪ Date receiving report ▪ Date begin trial ▪ Date decision
End first instance: form sent to SORS
Appeal ▪ Yes/no ▪ Appellant: convicted person/prosecutor ▪ If 'yes': court
Court second instance Type of decision and reasons ▪ Dismissal private prosecution ▪ Halting investigation or dismissal report (4 options)

▪ Free of charge (2 options) ▪ Indictment refused (2 options) ▪ Security measure without sentence ▪ Guilty verdict
Type of punishment ▪ 7 options ▪ If prison: year(s); months ▪ Fine: sum
Unconditional/probation
Other responsibilities or measures
Complementary sentences
Security measures ▪ 9 options
Confiscation of assets ▪ No ▪ Yes: sum of valuables
Dates of procedures ▪ Date receiving appeal ▪ Date begin trial ▪ Date decision
End of Court of appeal: form sent to SORS
Appeal in cassation: ▪ Yes/no ▪ Appellant: convicted person/prosecutor

This is the 'bill of lading' which accompanies the criminal file. But it is more than a following or monitoring instrument. It is at the same time the imput of an (excel) database. This implies that while carrying out the case processing function, one feeds at the same time the database with the variables for a strategic higher-level monitoring and analysis, thereby saving time and effort while reducing mistakes.

A question which must be addressed is whether such a tool must be uniformly imposed. To safeguard a proper national analysis, there must be a unity of instrument and using it. But that still allows local a complementary local section to be added to the data-entry form: the instrument provides space for local additions next to the national core data as long as a same level of data discipline is maintained.

6. Conclusion: looking forward

This ICT tool and the simple form for data entry (or a (technical) variation) could be the integrated criminal 'bill of lading' or the track record instrument the EU refers to. Given the present technique of electronic file building, this form can be converted into an electronic data-entry tool, which will be attached to the (electronic) criminal file. Then it will always accompany the criminal file. A copy of this attachment can be sent electronically (even by simple e-mail) to the SORS where it can be integrated automatically into the database (after data cleaning).

Conversion into such a data-entry tool will require technical refinements, changes and adaptations, which has to be carried out in a follow-up project. But the principle remains the same: as soon as a criminal file is initiated, preferably from the police level (or special investigative branches, such as the Customs) onward, the Integrated Criminal Data Entry Tool (ICDET) comes into action too. And that it continues, until the finalisation of the case at whatever phase.

ICDET is not revolutionary. Similar principles have already been elaborated in the UNODC-Cards *Technical Assessment Report*, June 2010, which even went into greater detail and for the whole range of criminal offences. Is the ICDET proposal a duplication? What we cannot find in the UNODC-Cards report is the notion of "bill of lading", while overall it looks very elaborate, such that one may doubt whether it will work out efficiently. The experience has taught that the history of complicated databases is not a happy one.

Studying the contents of the four UNODC training courses, held from October 2010 till 26 January 2011, we observed that in the first course the principle of integrated file number and electronic data management was mentioned and that on the whole as main (intended) tangible outcomes are mentioned: a *Pilot Data Collection Exercise*, the forwarding of data to the UNODC "in the next two weeks" (after 26 January), and the establishment of a *judicial/criminal statistical Committee*. Our attempt to get in touch with that intended statistical committee or to obtain a token of the pilot exercise failed, as there proved to be no committee and no successful pilot output. Despite explicit requests, none of the responsible persons involved, in Serbia as well as Vienna and Milan could (or wanted to) produce written evidence of the realisation of the intended output: silence set in.

So unless any output from the UNODC-Cards project is produced eventually, we consider our recommended ICDET as not overlapping with other intended projects. Our proposal is modest, simple and efficient: it can be considered as a conversion and automated integration of the *existing* tools. It adopts existing variables which already cover the whole history of a case (if one would also include the cassation phase). Once in full use, it enables to produce at fixed time intervals standard tables what will allow an up-to-dated mapping of the ways corruption cases have been handled in the previous period. Such mapping will be as precise as the list of

variables and their content allow: for example, decision outcomes broken down per Prosecution Office or Court; or the length of the procedure combined with the number of co-offenders. In short, it can produce in an automated way most of the statistical analysis that we carried out in the previous chapters.

After the mapping comes the analysis: *e.g.* combinations and correlation of variables. Such an analytic use of the developed database constitutes the *reading* of the 'map' for full monitoring: finding the average patterns, the significant deviations and the potential explanations for these differences. Indeed, making merely statistical pictures, like the maps of the Battle of Waterloo, does not constitute the full monitoring: the statistic outcomes of this tool do not by themselves reveal something meaningful to pursue or to investigate in-depth. That has to be drawn out of it by raising questions and hypotheses, such as our 'random box' hypothesis. This can be put to the test with improved data and refuted or confirmed. But finding such answers has to be done by the 'reading' or analytical skills, for which this tool provides only the basics. Investing in this tool will therefore necessarily entail human skill investment.

This we realised and in order to move one more step the research team drafted a simple project proposal which is included in the addendum III. How was this proposal received? We think we have to relate that too.

The aftermath: bogging down in indifference?

How likely is it that such an investment will be done? At the time of finalising this report, the prospect of raising sufficient interest for this looks bleak. At a presentation at the Ministry of Justice of the main outcomes of the results the response of the audience was tepid. The proposed follow-up project to create a unified database met with a lukewarm response and was lightly passed over by the Ministry of Justice, the National Coordinator for the combat against corruption. The evasive argument that "various experiments were already on-going" could refer to the UNODC-Cards project, of which at the time writing no proven output or success could be observed. If that is the case, it is difficult to avoid the impression that (expensive) UNODC initiatives are grinding to a halt by now.

Does this herald a phase of stagnation? That is difficult to tell: many things are still fluid, particularly as it is election time. Nevertheless, the rank order of election themes are an important indication: how important is corruption as an election item compared to Kosovo? And how does that compare to the answers to "the most important problem" in the survey (Table 1): Kosovo one but lowest and corruption at the fourth place?

Against this observation we remind the reader of the *leitmotiv* of this report from chapter two onwards and expressed in two words by many Serbian interviewees: "*Who cares*?"

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Addendum I

a. The statistic form: SK-1

Questionnaire for person full of age against whom the criminal procedure is finished

_____ Public Prosecution Service

Register no. _____

Serial number of statistical sampler_____

A. Data of criminal act injurer

(in the time of criminal act)

1. Criminal act injurer

Known _____1

Unkown _____2

2. Last name _____

Firstname_____

3. Sex

Male _____ 1

Female_____ 2

4. Year of birth _____

B. Data about the criminal act

3. Legal term of criminal act

_____

Article_____Paragraph_____Point _____ related to criminal act

_____

_____

From Article_____Paragraph_____Point_____

4. Title of applied low (code)

Criminal code _____1

Criminal code of the Republic of Serbia_____2

Elementary Criminal Code_____3

Special code out of Criminal Code_____4

5. Year when criminal act was dispatched _____

6. Did criminal act injured any assets

Yes _____1

No _____2

C. Data about jury trial

7. Who applied criminal report

Aggrieved citizen _____ 1
Other citizen_____ 2
Aggrieved company or other legal entity _____ 3
Inspection _____ 4
Ministry of internal Affaires _____ 5
Other part of directory _____ 6
In-line acknowledgement of Public Persecution Service _____ 7
Others_____ 8

8. How was report applied to the Public Persecution Service

Own information _____ 1
Through Ministry of Interior _____ 2

9. The type of decision and reasons

Dismissed report:

Act is not criminal act_____ 11
There are circumstances that challenge prosecution _____ 12
There are no evidences against applied person _____ 13
Forgiveness of prosecution because of regret _____ 14
No viability to prosecute because of the true remorse. _____ 15
Because of settlement between the aggrieved and the accused ____ 16

Disrupt investigation

Appearance of temporary mental disease or disorder _____ 21
The accused one is escaped or not in range _____ 22

Abolition of investigation

Act is not criminal act _____ 31
There are circumstances that challenge prosecution _____ 32
There are no evidences against applied person _____ 33

Applied accusation- proposition:

In-line_____41
After investigation_____ 42

Was injurer in custody and how long:

Yes: 15 days or less _____ 1
15-30 days_____ 2
1-2 months_____ 3
2-3 months_____ 4
3-6 month _____ 5

Injurer wasn't in custody_____ 6
Unknown injurer_____ 0

D. Data of jury trial length

Date of receiving report	Day _ _	Month _ _	Year _ _ _ _
Date when the investigation started	Day _ _	Month _ _	Year _ _ _ _
Date of decision making	Day _ _	Month _ _	Year _ _ _ _

_____ 200 year _____ Prosecutor-deputy

Date of data entry

_____

Signature

b. The statistic form SK-2

Questionnaire for convicted adult person against whom a criminal procedure has been finished by law

_____

Court in _____

Register no. _____

Serial number of statistical sampler_____

A Data of criminal act injure
(at the time of offending)

1. Last name _____
   First name_____
2. Sex
   Male_____ 1
   Female_____ 2
3. Year of birth _____
4. Municipality_____
5. Employment
   Employed_____
   Unemployed_____
   Inactive (student, housewife, retired)_____
   Unknown_____
6. Vocation_____
7. Nationality_____
8. Citizenship_____
9. Marital status:
   Single _____ 1
   Married_____ 2
   Widowed _____
   3
   Divorced_____ 4
   Unknown_____ 9
10. Education
    No school _____1
    Unfinished primary school_____ 2
    Primary school_____ 3
    High school_____4
    Graduate school
    College_____ 5
    University_____ 6

Unknown _____ 9

11. The perpetrator committed the crime:

Alone_____ 1

With other persons as:

Performer_____ 2

Accomplisher_____ 3

12. How many persons are involved in criminal act_____

13. Was perpetrator convicted before

Yes:

For same type of criminal act_____ 1

For different type of criminal act_____ 2

For same and different type of criminal act_____ 3

Not convicted before_____ 4

Unknown_____ 9

14. Was perpetrator in custody and how long:

Yes:

30 days or less _____ 1

1-3 months_____ 2

3-6 month_____ 3

6-12 month_____ 4

12-18 month_____ 5

18-24 month_____ 6

2-4 years_____ 7

Over 4 years_____ 8

Not in custody _____ 9

B. Data about the criminal act

15. Legal term of criminal act

_____

Article ____ Paragraph ____ Point _____ related to criminal act

From Article ____ Paragraph ____Point____

16. Title of applied low (code)

Criminal code_____ 1

Criminal code of the Republic of Serbia_____ 2

Elementary Criminal Code_____ 3

Special code out of Criminal Code_____ 4

17. Did criminal act injured any assets

Yes_____ 1

No_____ 2

18. Did criminal remained an attempt?

Yes_____1

No_____2

19. Year of performing criminal act _____

20. Municipality of performing criminal act _____

C Data of court decision

23. The type of decision and reasons

Dismiss private prosecution_____ 11

Disrupt investigation or Dismissed report:

Act is not criminal act_____ 21

There are circumstances that challenge prosecution_____ 22

There are no evidences against applied person_____ 23

The prosecutor dismissed the charges before the main hearing_____ 24

Free from accusation:

Act is not criminal act_____ 31

There are circumstances that challenge prosecution_____ 32

Accusation refused:

There are circumstances that challenge prosecution_____ 41

The prosecutor dismissed the charges before the main hearing_____ 42

Security measure without sentence_____ 51

Voted guilty_____ 61

D. Data of predicted sanctions

A) Type of sentence:

Jail _____ 1

Penal sum_____ 2

Public work_____ 3

Taking drivers license_____ 4

Court denunciation_____ 5

Corrective measures _____ 6

Voted guilty, freed from sentence_____ 7

B) If under section A answer is 1 on the line write length:

years _____months_____

C) If under section A answer is 2 on the line write penal sum:_____

25. Is sentence probation

Yes_____ 1

No_____ 2

26. Besides of probation, is there any special responsibility or measure

Yes:

Surveilance_____ 1

Other responsibilities_____ 2

art.65, point 2.

No_____ 3

27. Are there any side sentence

Yes:

Penal sum_____ 1

Taking drivers license_____ 2

No_____ 3

28. Predicted security measures:

Obligatory psychiatrically treatment and keeping in hospital_____ 11

Obligatory psychiatrically treatment without keeping in hospital_____ 12

Obligatory treatment for drug addiction_____ 13

Obligatory treatment for alcohol addiction_____ 14

Prohibition of work _____ 15

Prohibition of driving _____ 16

Deportation foreigner from the country_____ 18

Public judgment_____19

No security measure_____ 20

29. Was there confiscation of assets

Yes_____ 1

No_____ 2

E. Data of injured (victim)

30. Number of injured _____

a) Sex:

Male_____

Female_____

b) Age:

Children under 14 years old_____

Underage persons 14-18 years old_____

Adult _____

F. Data of procedure length

Date of receiving report Day _ _ Month _ _ Year _ _ _ _

Date of receiving charges Day _ _ Month _ _ Year _ _ _ _

Date of decision making Day _ _ Month _ _ Year _ _ _ _

Addendum II

Tables from the Belgrade First Basic Prosecution/Municipalities Offices

Overview of the frequency of crimes against official duty in the Prosecution Offices of the Belgrade region. It gives a good idea of the low occurrence of these offences in the largest region of Serbia over the years.

The First Basic (ex first municipal) Prosecution Office in Belgrade				
Year	Offence type			Total no of cases/indictments per year
	Abuse of office	Embezzlement	Bribery (giving)	
2010	13	4	1	18
2009	6	10	1	17
2008	21	No data	0	21
2007	20	25	1	46
2006	17	32	0	49

The Second Municipal Prosecution Office in Belgrade				
Year	Offence type			Total no of cases/indictments per year
	Abuse of office	Embezzlement	Giving bribe	
2009	2	5	1	8
2008	4	9	1	14
2007	11	6	0	17
2006	6	2	0	8

The Third Municipal Prosecution Office in Belgrade				
Year	Offence type			Total no of cases/indictments per year
	Abuse of office	Embezzlement	Giving bribe	
2009	4	3	0	7
2008	8	5	0	13
2007	9	5	0	14
2006	4	4	0	8

The Fourth Municipal Prosecution Office in Belgrade				
Year	Offence type			Total no of cases/indictments per year
	Abuse of office	Embezzlement	Giving bribe	
2009	6	8	0	14
2008	6	11	1	18
2007	13	8	2	23
2006	10	4	0	14

The Fifth Municipal Prosecution Office in Belgrade				
Year	Offence type			Total no of cases/indictments per year
	Abuse of office	Embezzlement	Giving bribe	
2009	1	0	0	1
2008	0	0	0	0
2007	0	0	0	0
2006	0	0	0	0

Addendum III

The Anti-corruption Research Team

PROJECT SUMMARY EVIDENCE BASED MONITORING

GENERAL INFORMATION

Project Title
Bringing transparency in the criminal law handling of corruption cases
Project Field
Criminal law transparency

CONTENT

Geographical Area
Serbia
Project duration
18- 24 months
Project goals
▪ **Foster evidence- based criminal policy making**
Project purpose
▪ **Design of an evidence–based tool to monitor the anticorruption strategy impact on the law-enforcement and justice systems.** ▪ **Bring transparency in the criminal law handling of cases concerning abuse of official duty and cases in which there are elements of corruption.**
Project output
▪ all courts and public prosecutor's office in Serbia will be provided with a conversion software - supplementary to the actual AVP/MEGALIBRA system and harmonized with the existing MoJ, MoI and National Statistic Office databases - permitting exchange of automated data inputs and facilitating personnel/financial savings; ▪ the Serbian Government will obtain a "system transparency barometer" which allows direct monitoring and evaluation of anti-corruption policies impact; ▪ public administrative employees fully capable to manage the new database and state officials and experts trained to analyse database findings.
Background and Justifications

Corruption remains a highly prioritised policy objective, as has been underlined by the new National Strategy for Combating Corruption (2011-1014) which is currently at an initial drafting stage. Indeed, still much has to be done. The Greco evaluation report 2010 observed that the effectiveness of the Serbian prosecution and adjudication of corruption offences needs to be increased. However, an underlying question is to make this effectiveness visible and transparent in the country and outside. In this regard, it is worth mentioning that the European Commission recently adopted a decision to implement a periodic reporting mechanism to enhance transparency of the anti- corruption efforts of its member states.

The anti-corruption team carried out a research project from October 2010 to November 2011 to obtain a more accurate insight into the handling of criminal cases by the judicial system. The team concluded that the information management of the judicial system does not allow such a transparency. The information instruments at courts and prosecutor's offices allow at best some crude statistics concerning the 'case turnover' for internal use. It is unknown, for example, what proportion of registered cases concerning *type* of corruption are dismissed, investigated or prosecuted by each prosecution office and subsequently, how the prosecuted cases are dealt with by the courts. On the other hand, the databases of the NSO (National Statistic Office) could be useful for such an analysis, however, the prosecution and court databases do not match because of different person-identification numbers and other differences. In short, one cannot follow cases through the whole chain of the system which precludes an integrated survey. Consequently, one has a kind of 'blind judicial system'. This implies that if the effectiveness will be improved, there are no instruments to measure that. This outcome is aggravated by two accompanying circumstances. In the first place, the present data-information tool is not applied Serbia wide in a coherent and comparative way, affecting the required transparency of the system. In the second place, the broad denotation of 'abuse of office' is a too wide cover. Under it one finds various forms of corruption alongside with forms of law breaking, which does not involve corruption. This leads to a misrepresentation of the real state of affairs.

Despite this handicap the team carried out an in-depth analysis of the NSO database covering 2007-2009, however, for the prosecution offices and Courts separately. The comparisons over the years and between prosecution offices and Courts revealed among others:

- a steady decline of the number of corruption cases: input decrease while an increase was expected according to the intensification of anti-corruption policy;
- a very low frequency for certain core offences like *bribery* (taking and asking);

- wide differences in reporting frequencies, even if they are corrected for the size of the population;
- remarkable regional discrepancies in the handling of similar types of cases: prosecution, verdict and sentencing;
- defective registration of important data like the recovery of illegal profits, processing time and length of prison terms.

These discrepancies and inconsistencies came to light because the research team was allowed to work on the *raw* data of the NSO. There are no other sources which shed light on this state of judicial case processing. This means that if there is an anti-corruption criminal policy, we only know its principles, but not its practice, either over time or at court level.

This observation is amplified if we realise that this project team only analysed the *judicial* system. The transit from cases reported to or detected by the police towards the prosecution office has remained out of sight because at single case level a follow-up through the system is not possible.

Beneficiaries
▪ Ministry of Justice ▪ Ministry of Interior ▪ National Statistic Office ▪ Civil society

Envisaged activities
▪ Description of the present 'monitoring tools'- from police till last judicial instance; ▪ Survey among public administration employees on the major problems of the current AVP/MEGALIBRA database; ▪ Creation of the conversion software; ▪ Evaluating test-runs; ▪ System implementation; ▪ Training for public officials to use the system; ▪ Data collection and analysis; ▪ Evidenced based anti-corruption criminal policy preparation

Expected budget
300.000 Euros

Addendum IV

Evaluation Institutional Cooperation

INSTITUTION	CORRESPONDENCE	COOPERATION
Statistical Office of the Republic of Serbia	very satisfactory handled	Research goals achieved
State Audit Institution	satisfactorily handled	No material for research available yet
Commissioner for Public Information and Personal data Protection	Satisfactorily handled	No material for research available
Anti- Corruption Agency	Satisfactorily handled	No useful material for research available
Tax administration	Satisfactorily handled	Rejected
Customs Administration	Satisfactorily handled	Cooperation available, but insufficient cases
Public procurement Office	Halted: no more response	No
Anti- Corruption Council	Very satisfactorily handled	research goals achieved, full cooperation
Police - Ministry of Interior	Unduly complicated, evasive	Cooperation probed - research goals not achieved
Ministry of Justice	Occasional at beginning, further no replies	Cooperation intended, but unproductive
Courts		
Appellate Court Belgrade	Very satisfactorily handled	research goals achieved
Special Chamber for Organized Crime	Very satisfactorily handled	research goals achieved
First Basic Court Belgrade	Very satisfactorily handled	Research goals achieved
Second Basic Court Belgrade	Denied/wrong information	No
Prosecutor's Office		
Republic Public Prosecutors Office - Anti-Corruption department	Defective, evasive, unsatisfactorily handled	Cooperation effectively withheld
Special Prosecutor for Organized Crime	Very satisfactorily handled	research goals achieved
Higher Prosecutors Office Belgrade	Non-responsive	no
First Basic Prosecutor's Office Belgrade	Very satisfactorily handled	research goals achieved