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## **TERRORISM AND TRANSNATIONAL CRIME – VIEW FROM SERBIA**

### **Abstract**

*In this article author tries to link theory and practice in terms of differentiating organized crime and terrorism in Serbia. Traditional definitions of organised crime tend to focus on its links with the market. In fact, they depict organised crime as an alternative industry based on the stable supply of a criminal market, characterised by the use of force or threat by it, and motivated by illicit profit or a quest for political power. These definitions arise from the historically most common depictions of specific activities of organised crime, which in most parts of Europe and North America have traditionally been associated with the illegal collection of debts, extortion rackets, contract murders or systemic corruption leading to, and associated with, a transnational trade in drugs. Through the evolution of the definitions, these stereotypes have gradually waned away, and the use of violence, as well as the primary motivation by material profit, has been omitted from the lists of obligatory characteristics that a crime must fulfil in order to be classified as “organised crime”. More recently, in the European Union definition, the use of violence and motivation by profit alone have been made only conditional criteria, and the quest for institutional power has been recognised as a motivating factor for organised crime equal to that of generating illicit profit. These new definitional approaches have opened the way to revolutionary ways of understanding the development of organised crime, specifically to including white-collar crime and massive fraud in the future definitions of organised crime, and to elaborating further the aspect of political violence that appears worryingly present in many organised crime activities across the world. In the Balkans, these new moments in defining organised crime appear to have been tested particularly directly in*

*Serbia, where, first, there has been a long public debate over a systematic “siphoning away” of public funds to the accounts of private companies through the mass corruption of a former, post-communist government until 2001, and where subsequently organised criminal rings have been accused of having masterminded and executed the assassination of the late Serbian Prime Minister, Dr Zoran Đinđić. The Balkans, and particularly Serbia, has been exposed to some of the most destructive consequences of the two novel aspects of organised crime. Correspondingly, the region can serve as a polygon or testing grounds for the exploration of these conceptual issues..*

**Keywords:** *organized crime, terrorism, Serbia, Traditional definitions, New War-Making Entity.*

## 1. INTRODUCTION

General definitions of organised crime have undergone a comprehensive, yet inconclusive evolution. The first colloquial definitions started to be mentioned in the 1920s, in the US, and it was only in the 1990s that the concept of organised crime finally successfully migrated to Europe. These first definitions focused on a group of perpetrators working together for a more or less extended period of time, thus forming a vaguely definable “criminal organisation”. The definitions that followed endeavoured to specify what it meant for a group of perpetrators to really represent a criminal organisation, and in the beginning these attempts toyed with the criteria of the use or threat of violence by the group, a transnational dimension of the crimes committed (e.g. the crimes being planned, executed, or their consequences being felt in more than one country), and the motives that stood behind a typical “organised criminal activity”.<sup>1</sup>

The most familiar crimes associated with the concept of “organised crime” were the activities of the colloquial overweight middle-aged men with Italian accent

<sup>1</sup> A comprehensive discussion of the evolution of definitions of organised crime has already developed in the newest criminological publications in English, and thus need not be repeated here. For useful accounts see Michael Levi, “The Organisation of Serious Crimes”, in Mike Maguire, Rod Morgan & Robert Reiner (eds), *The Oxford Handbook of Criminology*, Oxford University Press, Oxford, 2002, pp. 878–913; Mike Woodiwiss, “Transnational organised crime: The global reach of an American concept”, in Adam Edwards & Peter Gill (eds), *Transnational Organised Crime: Perspectives on global security*, Routledge, London, 2003, pp. 13–27 and Woodiwiss, “Transnational Organized Crime: The Strange Career of an American Concept”, in Margaret E. Beare (ed.), *Critical Reflections on Transnational Organized Crime, Money Laundering, and Corruption*, University of Toronto Press, Toronto, 2003, pp. 3–34.

from the television films and serials, dealing in supplying drugs in the North American and European markets, trading in weapons, and running extortion rackets. These stereotypes conditioned the assumption that organised crime was different from “conventional” crime primarily by being an entire illegitimate industry, and as any industry it was supposed to be motivated by profit and generally characterised by a criminal equivalent of the “business logic”. According to this view, “classic crime” would typically include irrational criminal deviance, such as street violence, while systematically organised and profit-driven criminal activity would be considered “organised crime”.<sup>2</sup> More recently such a rational criminal organisation has been involved in other rackets, such as human trafficking, trade in nuclear materials, and possibly providing logistic support to terrorist groups, which is a novel and highly underexplored dimension of organised crime.<sup>3</sup>

There is no doubt that the origins of organised crime can be traced back to crime as an alternative industry, which first sought to substitute itself for failing state structures that could not cope with social control demands, and then developed a life of its own. For example, the crisis of debt-collection in most transitional countries of Eastern Europe in the 1990s led to a flourishing of criminal debt-collection by violent means, and the failure of the state to cope with the proliferation of property-related crime after the societal liberalisations in the 1980s led directly to the flourishing of protection rackets, which then grew quickly into a profitable criminal industry in most Central and Eastern European capitals throughout the 1990s.<sup>4</sup> Yet, developments in Serbia in 2003, with the assassination of Serbian Prime Minister on 12 March, allegedly by an organised crime group called “the Zemun Gang”, re-actualised a perspective familiar from other parts of the world, where criminals waged war on the security forces in an attempt to gain control of the state institutions and the avenues of factual exercise of state power. Wars with drug cartels in Latin America, where even the US Army occasionally assists the Colombian Government in armed clashes with the “drug armies” that control parts of the country, come to mind as a familiar example. However, Southeastern Europe

2 Extremely useful work on the market-oriented dimension of organised crime is that by R.T. Naylor — e.g. “Predators, Parasites, or Free-Market Pioneers: Reflections on the Nature and Analysis of Profit-Driven Crime”, in Beare (ed.), loc. cit., pp. 35–54, and Naylor, “Follow-the-Money Methods in Crime-Control Policy”, *ibid.*, pp. 256–90.

3 Some very preliminary analyses of the signs of this new cooperation trend between organised crime and terrorist groups are given in Aleksandar Fatić, “Security Threats in Southeastern Europe and Ways to Respond to Them”, in Fatić (ed.), *Security in Southeastern Europe*, Security Policy Group — The Management Centre, Belgrade, 2004, pp. 1–28.

4 For a policy-perspective tied to threat assessments related to organised crime see Sappho Xenakis, “Organised Crime in the Balkans: Pitfalls of Threat Assessment”, in Fatić (ed.), loc. cit., pp. 197–212.

has less well known, yet highly consistent examples of a continued and deeply rooted style of warfare by the underworld organisations against state institutions. Sometimes, “the underworld” acts in synergy with political elites to undermine institutions. Robert Bunker and John Sullivan call this model of organised crime group “the New War-Making Criminal Entity”, and it is this style of underworld activity that I shall focus on in this paper.<sup>5</sup> To do so, it will be necessary to briefly discuss the relationship between the traditional concept of profit-driven motivation of organised crime as one, and the use of violence as another defining characteristic of organised crime, and then proceed to explore the political and institutional background that nurtures conditions for the development of a New War-Making Criminal Entity.

It is probably fair to say that there are two major international normative definitions of organised crime today that sum up most of the confusion over what it means for a criminal offence to be classifiable as “organised crime”. They are the European Union definition, and the UN definition.<sup>6</sup>

Both definitions are enumerative, that is they list certain obligatory and optional features, respectively, that must pertain to particular criminal offences for them to be classifiable as “organised crime”. They are both expansive, rather than restrictive, because they obviously start from the assumption that the definition of organised crime should encompass all crimes that might belong to the category of organised crime, thus minimising the possibility that some such crimes might be omitted and, consequently, treated as “conventional” crimes. By contrast, a restrictive definition would start from the assumption that *only those* crimes that are undoubtedly characteristic of organised crime should be embraced by the definition, while taking special care not to include crimes that do not necessarily belong to the realm of organised crime. The restrictive approach to defining organised crime is justified by reference to civil and human rights of the accused, as treatment of the accused for “organised crime” is often considerably less favourable procedurally, and penalties meted out are considerably harsher, than in the case of “conventional criminals”. The expansive definitions of the EU and the UN reflect a political dimension of the concept of organised crime. It is a new “buzz-word”

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<sup>5</sup> Robert J. Bunker & John. R. Sullivan, “Cartel Evolution: Potentials and Consequences”, *Transnational Organized Crime*, vol. 4, no. 2, Summer 1998, pp. 55–74.

<sup>6</sup> There are also numerous criminological definitions offered by scholars, but they do not have the normative power arising from the obligatory character of the definitions provided by the UN and the EU, and will thus be omitted from this discussion. They are omitted not because they are less intellectually stimulating — in fact, the opposite might well be true — but rather because my interest here lies primarily with the definitions that have direct policy implications for Southeastern Europe.

in the policy-making community, and it is perceived as a “prime threat” to societal security, alongside with terrorism after 11 September 2001.

The EU definition consists of four obligatory characteristics, and two characteristics from a list of seven optional features that a crime must satisfy in order to be considered “organised crime”. The obligatory features are:

- (i) presence of more than two perpetrators;
- (ii) criminal activity stretching over a long period, namely the stability of the criminal operation or group activity;
- (iii) commission of “serious offences”, where a serious offence is any offence that is punishable by the upper limit of penalty of four years of imprisonment or above, according to the relevant national criminal law, and
- (iv) the main motive of the criminal activity is illicit profit or the attainment of (political) power.

The list of optional features includes the following:

- (i) specialist division of labour and distribution of tasks among the participants in the criminal enterprise;
- (ii) discernible mechanisms of discipline and control within the criminal group;
- (iii) use or threat of violence in the conduct of criminal activity;
- (iv) use of commercial or business-like structures;
- (v) money-laundering activity;
- (vi) cross-border or international criminal activity;
- (vii) exertion of influence over legitimate state institutions.<sup>7</sup>

The satisfaction of any two of the optional criteria plus all four obligatory criteria renders a criminal offence “organised crime” and qualifies it for special treatment as provided for by national and international legislation and policy. This often includes the use of special, extended investigation techniques and competencies by the police and the prosecution, trials before special courts or special sections of ordinary courts, meting out of considerably harsher penalties, stricter conditions for parole, confiscation or legal forfeiture of property, etc.

<sup>7</sup> Europol & the European Commission, *Towards a European Strategy to Prevent Organised Crime*, Working Paper, Europol & the European Commission, Brussels, 2001.

The UN definition is similar, and is given in Article 2 of the UN Convention Against Transnational Organised Crime:

- (a) “Organised criminal group” shall mean a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit;
- (b) “Serious crime” shall mean conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years or a more serious penalty;
- (c) “Structured group” shall mean a group that is not randomly formed for the immediate commission of an offence and that does not need to have formally defined roles for its members, continuity of its membership or a developed structure.

This definition is accompanied by an interpretative note that states that the meaning of “structured group” should be viewed flexibly, so as to include both hierarchically organised groups, and those that are informal in structure and do not resemble organisations governed by recognisable rules and definable roles for their members.

Article 3(2) of the Convention defines “transnational offence” in the following way:

- (a) It is committed in more than one State;
- (b) it is committed in one State but a substantial part of its preparation, planning, direction or control takes place in another State;
- (c) it is committed in one State but involves an organized criminal group that engages in criminal activities in more than one State; or
- (d) it is committed in one State but has substantial effects in another State.

If an offence satisfies any of these four criteria, it is to be considered a transnational crime.<sup>8</sup>

Both definitions reflect an awareness of the fact that organised crime threatens the state and grows closer to terrorism, because they specify that the goals of organised crime are either profit or the (illegal) acquisition of (political) power (EU definition), or exertion of influence over legitimate (state) institutions (UN defi-

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<sup>8</sup> [http://www.unodc.org/unodc/en/crime\\_cicp\\_convention.html](http://www.unodc.org/unodc/en/crime_cicp_convention.html)

tion).<sup>9</sup> This is an important element of the two normative frameworks for defining organised crime, given that they are obligatory for an increasing number of states, which means that they will have to be included and operationalised in the domestic definitions and anti-organised crime legislative provisions in the member countries of the two international organisations. Profit and terror are, of course, closely inter-linked, and it could be argued that those criminal groups that seek to assume control over the distribution of political power in society in fact seek a reliable vehicle to foster profit-making. Clearly, if a state is criminalised and a criminal group has control over its institutions, that group will be able to adapt the laws and policies so as to maximise its freedom of manoeuvre and enhance its profile on the global criminal market, which will all likely result in a dramatically increased criminal profit for the group. There are, however, groups that act with the express ambition to attain political power, even when this means sacrificing a part of the criminal profit, and a dramatic risk to the criminal organisation. This was particularly clearly exhibited in the assassination of the Serbian Prime Minister in March 2002.

*Lessons from the assassination of Serbian Prime Minister, Dr Zoran Đinđić, in 2003*

According to police sources, Dr Zoran Đinđić was assassinated by a criminal group called “the Zemun Gang”, led by a former Special Operations Unit Commander Milorad Luković — Legija, and including major drug traders in the region. The person accused of firing the fatal shots at the late Prime Minister is Colonel Zvezdan Jovanović, Deputy Commander of the Special Operations Unit, but the general context of the group is one of a drugs-based gang that has generated enormous profits by using the alleged “favours” that it apparently received from the previous political elites that were in power in Serbia between 2001 and 2003.

When Zvezdan Jovanović was interrogated after arrest, he was first an extremely difficult interviewee for the police inspectors. A policeman seasoned by one of the

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<sup>9</sup> In 1995, four leading Dutch criminologists (C. Fijnaut, F. Bovenkerk, G. Bruinsma and H. van de Bunt) formed the so-called “Fijnaut Group” that draw up a comprehensive report on threats arising from organised crime in the Netherlands. The analysis was published under the title *Organized Crime in the Netherlands*, Kluwer Law International, The Hague, 1998. They proposed the following definition of organised crime: “If and when groups of individuals join for financial reasons to systematically commit crimes that can adversely affect society. And are capable of relatively effectively shielding these crimes from targeted intervention of the authorities, in particular by way of their willingness to use physical violence or eliminate individuals by means of corruption.” — see Peter Klerks, “The network paradigm applied to criminal organisations: theoretical nitpicking or a relevant doctrine for investigators? Recent developments in the Netherlands”, in Adam Edwards & Peter Gill (eds), loc. cit., p. 112, footnotes 7 & 8.

most demanding training programmes in the *JSO* (*Jedinica za specijalne operacije* — Special Operations Unit, in Serbian), physically extremely well prepared for the hardships of interrogation and long-term detention, he refused to speak. According to police interrogators, it was difficult even to persuade him to officially state his name and the names of his parents.<sup>10</sup> Gradually, Jovanović was “softened” by the interrogators appealing to his “patriotism” and the political motivation for his actions. They stated that they appreciated the fact that he was not an ordinary criminal, but a police officer who acted “out of conviction”, because he had supposedly perceived the late Prime Minister to be politically controversial. They promised him a more lenient treatment based on an old federal criminal law provision that those who committed “political crimes” were punishable by less severe prison penalties than those for organised crime. They visited his wife, spoke with her, and told her that he was “all right” in prison, provided security for her and secured the street where she lived. Subsequently they arranged for the wife to visit Jovanović in prison and confirm all this. Finally, they persuaded the prison governor, who was an acquaintance of Jovanović, to advise him to cooperate. As a result, Jovanović not only admitted to having assassinated the Prime Minister, but also led the inspectors to the sites where he had buried the rifle and provided all the details necessary for prosecution.

There are numerous issues that remain unresolved regarding the assassination of Zoran Đinđić. Immediately after the assassination, the police declared in public that they “knew” who the perpetrators were, and proceeded to arrest a large part of the “Zemun Gang”, without explaining when they had managed to complete such a comprehensive investigation, and if they had known about the intentions of “the Gang” before, why they had not acted earlier. Subsequently, an Investigation Committee was created which, to say the least, was less than persuasive in its personnel composition, with the former Deputy Prime Minister Žarko Korać, a psychologist and leader of one of the smallest parties on the Serbian political scene, heading it. Unsurprisingly, the Committee found that there were no faults in the security system and that “the Zemun Gang” was solely to blame for the tragedy. It should be noted that there remain unanswered questions about the real motives for the killing of the Prime Minister. However, the arrest and admission of Zvezdan Jovanović are simple and undoubtable facts, and it is these facts alone that will be viewed as a basis for conclusions regarding the motives for the assassination here.

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<sup>10</sup> I am grateful to a high-ranking police commander for confidential discussions of the events during the investigation. As these discussions were informal and not intended to be publicised in any direct form, the source must remain undisclosed, although the material itself does not represent any form of state secret.



First, it is relatively safe to conclude that Jovanović did not kill the Prime Minister for money or profit. His behaviour in the interrogation reveals that he has “broken” on the issue of “respect” of his “patriotism”. However bizarre it might be to speak about “patriotism” in murdering a Prime Minister, clearly Jovanović held his political motives very dear, so dear that they proved to be the button that the police pushed to persuade him to admit to the crime. This alone reflects that fact that, at least for Jovanović, profit was not the motive for the crime. While Jovanović could hardly be described as a typical “organised criminal”, it is clear that he knew that he was committing a grave crime and that the likelihood of being caught was considerable, to say the least. Even though he is not a typical criminal, criminals do have political motives, and are not always motivated by profit alone.

Secondly, let us look briefly at the official version of “the Zemun Gang” being responsible for the assassination. The version has it that the late Prime Minister had been in contact with individuals who had belonged to “the Gang” in various contexts, and that they had decided to kill him because he “had become a threat”. Allegedly, “the Gang” had earned enormous profits from the trade in drugs, with tacit support by some “higher echelons of the establishment” during the 2001–3 Government. One might ask here, which organised criminal in his or her right mind would attempt to kill the Prime Minister in such allegedly favourable circumstances of corruption of the “upper echelons of the establishment”, while generating enormous drugs-profits. What would be the rationale for killing the Head of Government? Why not transfer the operation elsewhere, assume a low profile for a while, or escape to a different part of the world with the money and the contacts? What could a criminal group expect from the killing of a Prime Minister other than a major police action that would further jeopardise its members and stifle its operations, at least for a considerable while? As a result of the assassination, the largest operation in the history of the Serbian police was mounted, codenamed “Operation Sable”, resulting in the arrest and detention of over 10,000 people, changes in the criminal procedure to allow a hugely increased police and prosecutorial discretion, declaration of a state of emergency, and a courts reform leading, among other developments, to the establishment of a Special Section of the Belgrade District Court for Organised Crime. “Operation Sable” was a major blow to the underworld at the time, whatever the realistic estimates of its structural and long-term consequences might be. In other words, it seems irrational for a criminal group, from the point of view of profit, to adopt such a high-risk strategy as killing the Prime Minister, in order to avert any risks arising from any views or actions by the Prime Minister. It is also irrational from the point of view of the security

risks for the group, as has become clear in the immediate aftermath of the assassination, with most of the group now either killed by the police or imprisoned.<sup>11</sup>

It has been argued by the government, subsequent to the initial results being achieved in pursuing the members of the “Zemun Gang”, that the plan of the assassins was to cause confusion and allow critical space to be used by the JSO to take decisive action and assume control of the government in the immediate aftermath of the Prime Minister’s death. This is a more plausible explanation, although it must also be taken with some reservations given the overall vagueness of the official version of the events and the speed with which the former government allegedly “discovered” the structure behind the PM’s assassination. A group funded by drugs trade, characterised by collusion with parts of the official establishment, allegedly enormously wealthy, appears to have decided to strike at the very heart of the political system and assume control of the government. This is a motive of assuming power, for whose realisation wealth may be required as a pre-requisite, but *profit* itself does not appear to play any immediate or direct role in the motivational structure for such a dramatically risky and starkly “political” criminal act. Such events graphically illustrate the justification for including a quest of power in both the EU and UN definitions of organised crime as a criterion that is alternative to, and although compatible with, still independent from, the generation of criminal profit. However, such a conceptualisation of the motivation for organised crime that arises from parapolitical aspirations opens up the question of the relationship between organised crime in the conventional sense, and *terrorism*.

## 2. TERRORISM AND ORGANIZED CRIME

When drawing a parallel, or exploring a link, between organised crime and terrorism, it is obviously desirable to depict a plausible definition of terrorism. “Standard” or traditional criminology makes a rather problematic distinction between organised crime and terrorism on seemingly plausible grounds of predominant motivation of the respective perpetrators. This distinction is succinctly formulated by Mats Berdal and Monica Serrano, who argue that terrorists act with a view of reordering the social reality, supposedly based on idealistic goals, while the perpetrator of organised crime acts with a view of profit alone.<sup>12</sup> They go on to say that “Historically, the freedom fighter’s cause has been understood to require clean hands. Dirty hands have compromised any agenda claiming political

<sup>11</sup> Fatić, loc. cit.

<sup>12</sup> Mats Berdal & Monica Serrano, “Introduction”, in Berdal & Serrano (eds), *Transnational Organized Crime and International Security*, Lynne Rienner, London, p. 7.

purity and moral superiority”.<sup>13</sup> Such a view seems simple enough, and, if true, it would allow for a comprehensive and simple systematisation of organised crime and terrorism. Berdal and Serrano sum up the argument based on the criterion of motivation in the following way:

The fundamental point is this: to the extent that terrorism and transstate and transnational criminal activities continue to respond to divergent patterns of motivation, the distinction between one and the other will, and should, remain in place. Maintaining such a distinction is pertinent not only for analytical purposes, but also for policy considerations.<sup>14</sup>

This criterion, while simple, elegant, and highly intuitive, unfortunately does not correspond with much of the reality. There are three main reasons for such a lack of plausibility.

First, it does not appear materially true that contemporary terrorists appeal to claims of “clean hands” and “moral superiority”. Most active terrorist organisations in Europe, for example, strive to realise an ethnic territorial autonomy within recognised states, or to extract privileges for marginalised groups from the government, whereby they neither claim to apply a “clean hands” approach, nor do they shy away from “standard” crime. The Basque ETA, the Kosovo Liberation Army, and the Irish Republican Army belong to the most active terrorist groups over the last several decades. Yet, neither claims a “moral superiority”, clean hands, or a particular repugnance to crime. So, it is just materially untrue that the threat from terrorism has much to do with a claim of cleanness.

Secondly, it is true, as many commentators have pointed out, that the “transformative” (as Richard Falk qualifies them) events of 11 September 2001 have taken place with the terrorists operating on a low budget, but this is more an exception than the rule. All of the above mentioned major terrorist movements (and they are major both by volume of activity and by stability across time) operate on high budgets. While Berdal and Serrano acknowledge that the Kosovo Liberation Army as an uncontroversially terrorist movement “was deeply involved in crime”, they do not pay sufficient attention to this fact as a matter of principle in terrorist-style insurgency movements. KLA operatives have systematically drawn funds from drug smuggling networks operated by Kosovo Albanians, who control the Balkan route that connects the Middle East with the EU. The entire route, which starts in Afghanistan and ends in the European capitals, was initially controlled by Turkish traffickers, and the Albanians were responsible for the Balkan part, for which

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13 Ibid.

14 Loc. cit., p. 8.

they were paid in kind, rather than in cash. However, payment in drugs led to the Albanian gangs going into “business” themselves and eventually taking over control from Turkish groups in several major distribution centres in Europe, namely in Switzerland, Norway, Sweden and Italy.<sup>15</sup> It could even be argued that this business has been cultivated with a view of empowering the Albanian insurgents with the means to conduct terrorism towards the realisation of ethnic goals. The reason is that Kosovo Albanian gangsters are also among the dominant “ethnic” criminal groups in Europe in the trafficking of women, but it is primarily from the trafficking in drugs that they have funded the Kosovo Liberation Army. This suggests a clear “division of criminal labour”, where one branch of organised crime is intimately, motivationally, linked with funding terrorism, and another one with “profit proper”. However, there is a tendency to ascribe this only to the KLA operations and the Balkan circumstances — interestingly, Berdal and Serrano do this. This is a deeply misguided tendency, because what is at stake here is a general principle that is in Norway particular for any ethnic group — it applies equally to Serbian gangster/terrorists, to the ETA, the IRA, and all the other European terrorists who consider themselves to be “insurgents”. In other words, everything that has been so frequently said about the Albanian gangs can, to varying extents, also be said about “the Zemun Gang” and most other gangster/terrorist groups.

Thirdly, the distinction based on motivation falls on the grounds of the identity of perpetrators. Many times, as in the case of the KLA, the perpetrators of organised crime and those of terrorism are the same networks and individuals. For example, the main leaders of the Albanian insurgent movement in the late 1990s and early 2000s in Kosovo have been people previously known as organised traffickers in heroin. It is inconceivable that in an internally tightly controlled society such as the one of Kosovo Albanians major women trafficking, along with the trade in drugs, which are going on right now, under the KFOR and UNMIK presence, could develop and be sustained without the explicit support and encouragement by the same networks that have conducted the operations ascribed to the KLA. In Chechnya, much of the criminal funding came from the chain of trade in stolen cars, and it is also difficult to imagine how the ring leaders of this trade would be able to remain completely disconnected from the Chechen terrorist circles. Finally, in Serbia, the assassination of the Serbian Prime Minister clearly demonstrated the symbiosis of organised crime and terrorism in the same perpetrators, if the official version of the events is true. It appears that the commander of an elite special operations unit, by his own admission, was also a major heroin trafficker. In short,

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15 Phil Williams, “Cooperation Among Criminal Organisations” in Berdal & Serrano (eds), loc. cit., p. 80; Thomas Köppel & Agnes Szekely, “Transnational Organized Crime and Conflict in the Balkans”, in Berdal & Serrano (eds), loc. cit., pp. 129–40.

the modern form of terrorism is so closely connected to organised crime that the same individuals often commit both types of offences, and this trend ranges over various societies and political circumstances. Furthermore, while it is certainly true that organised crime is traditionally motivated by profit, it is increasingly the case that a division of labour takes place within the realm of organised crime, where certain activities are conducted specifically with a view of funding terrorism. This fact itself invalidates the claim that a clear distinction based on *motivation* exists between the two.

The three types of facts discussed show that the traditional, intuitive and elegant criminological explanation of the difference between the two types of threats is implausible in modern circumstances. It is based on the habit of associating terrorism with Islamic group alone, because it seems that Islamic terrorism by and large satisfies the “clean hands” criterion to a significant extent. Yet, a major amount of terrorist activity remains outside this “motivational” explanatory umbrella.

Although, unfortunately, the “motivation” story does not solve the question of difference here, there are plausible and useful formal definitions of terrorism. At the same time, however, there appears to be, at least amongst some policy-making and diplomatic communities, a serious lack of familiarity with any such definition, alongside with an extremely liberal and assertive use of the term “terror” and “terrorism”.

The contemporary political discourse first included a frequent use of the concept of “terror” after 1983, when in the explosion of a truck-bomb in Lebanon 241 American Marines lost their lives. The Reagan Administration abruptly ended the American presence in that country, and labelled the incident as “a terrorist attack”. Historically, however, such attacks could not be plausibly described as “terror attacks”, because terror had usually been associated with acts against the *civil* society or *civil* population, with a view of coercing the state in a certain political or ideological direction.<sup>16</sup> Liberal and authors to the left of the political spectrum have pointed out many times that the civil populations have most frequently suffered terror at the hands of states.<sup>17</sup> Yet, states, which have historically been the greatest perpetrators of “terror attacks” against their own and other populations, have worked to exempt themselves from the colloquial meaning of “terrorism”, to the extent of actually labelling anti-state violence that targets occupying soldiers

<sup>16</sup> Richard Falk, *The Great Terror War*, Arris Books, Gloucestershire, 2003, p. XIX.

<sup>17</sup> The name of Noam Chomsky and others “liberals” is odd only at first sight — conceptually and historically, even philosophical anarchism is an offspring of consistent liberalism, such as in the case of Robert Nozick (*Anarchy, state and utopia*, Blackwell, Oxford, 1974).

“terrorism”. There remain several relatively plausible definitions of terrorism, however. For example, the FBI definition depicts terrorism as

the illegal use of violence against persons or property with a view of forcing a government or a civilian population, society or any part thereof, to submit to certain social or political demands.

A definition proposed by the US Department of Defence in 1990 depicts terrorism as

the illegal use of violence, or threat of violence, against individuals or property with the goal of forcing or intimidating a government or society to accommodate political, religious or ideological demands.<sup>18</sup>

The academic community has generally been reserved towards these normative definitions as being too restrictive, and has preferred a broader approach, which would include more specific references to the civilian society being targeted by acts of terror not only from the side of the informal terrorist groups, but also from a terrorist state. In a pungent formulation by Richard Falk, “(...) terrorism needs to be understood as political violence that is deliberately aimed at civilians and civilian society, whether perpetrated by political movements or by states”.<sup>19</sup>

Clearly states have not been particularly welcoming of a definition of terror that posits them as potentially the most dangerous perpetrators, yet it is undoubtedly true that “state terrorism” has been a major component of the overall problem of terrorism over the past several decades. Attacks conducted by the CIA outside the US borders to assassinate political leaders or other opponents of various American interests; direct assassination operations undertaken by the Israeli security agencies and army against the leaders of Hamas and other Palestinian insurgent fractions; attacks by the former communist states in Eastern Europe against the political opponents in the Diaspora — all mark illustrative yet isolated examples of a far more far-reaching trend of state terrorism as a frequent and eagerly applied strategy of political violence. In fact, contrary to dominant discourse, which depicts “political violence” as being predominantly associated with deviant political movements resorting to violent means of struggle against the state, the real bulk of political violence is perpetrated by the state, and quite frequently by democratic states that form a “full-fledged” part of the international community.<sup>20</sup>

18 Bruce Hoffman, *Inside Terrorism*, Columbia University Press, New York, 1998, pp. 14–44.

19 Falk, loc. cit., p. 10.

20 The complete lack of awareness of the tragic fact that states are the greatest perpetrators of terror against civilians is reflected in the 12 multilateral treaties and conventions that under the UN auspices have been signed against terrorism. They include:

### 3. CONCLUSION

Pragmatism in political transition is a dangerous thing, and the obvious tendency by key policy-makers to go along with the “Europe talk” alongside with treating the Balkan institutions as a matter of long-term future, means that power will be brokered between those who factually have it, namely those with money and muscle to protect the money, and those who can articulate their political interests in “European” terms. That approach is contrasted with “legalism”, which takes institutions as the core of all political decisions, and which does not use the term “Europe” cheaply, as an excuse for breaches of the law and legitimacy. Organised crime has played a role in authoritarian governments, and it has consistently played a part in the revolutionary “Pro-European” governments immediately following the onset of political transitions. The only political circles where organised crime does not have a foothold are those characterised as “conservative” and “overly legalistic”. That in itself is a problem, which requires further critical reflection on what it really is that Europe seeks in supporting its current protégés in the Balkans without checking their credentials of integrity, while almost hysterically rejecting anyone who is remotely associated with “nationalism”, despite clear indications of honesty and political modernity.

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1. *Convention on Offences and Certain Other Acts Committed On Board Aircraft*(1963);
  2. *Convention for the Suppression of Unlawful Seizure of Aircraft* ("Hague Convention" (1970);
  3. *Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation*(1971);
  4. *Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons* (1973);
  5. *International Convention Against the Taking of Hostages*(1979);
  6. *Convention on the Physical Protection of Nuclear Material*(1980);
  7. *Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation* (1988);
  8. *Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation*, (1988);
  9. *Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf* (1988);
  10. *Convention on the Marking of Plastic Explosives for the Purpose of Detection* (1997);
  11. *International Convention for the Suppression of Terrorist Bombing* (1997), and
  12. *International Convention for the Suppression of the Financing of Terrorism* (1999) — [http://www.unodc.org/unodc/terrorism\\_conventions.html](http://www.unodc.org/unodc/terrorism_conventions.html).

No convention mentions any form of state terror against civilians.

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## TERORIZAM I ORGANIZOVANI KRIMINAL – POGLED IZ SRBIJE

### Apstrakt

*U ovom radu, autor pokušava da poveže teoriju i praksu po pitanju razlikovanja organizovanog kriminala i terorizma u Srbiji. Tradicionalne definicije organizovanog kriminala imaju tendenciju da se fokusiraju na njegovoj vezi sa tržištem. Naime, one opisuju organizovani kriminal kao alternativnu industriju zasnovanu na stabilnoj ponudi na kriminalnom tržištu, koja se karakteriše upotrebom sile ili pretnjom sile, i koja je motivisana nezakonitom dobiti ili željom za političkom moći. Ove definicije nastaju iz istorijski najčešćih prikaza specifičnih aktivnosti organizovanog kriminala, koje su u većini delova Evrope, kao i Severnoj Americi, tradicionalno povezivane sa ilegalnom naplatom dugova, reketiranjem, plaćenim ubistvima ili sistemskom korupcijom koje vode ka, ili se vezuju za transnacionalnu trgovinu narkoticima. Kroz evoluciju definicija, ovi stereotipi su postepeno oslabili, a upotreba nasilja, kao i primarna motivacija materijalnim profitom, nekako su izostavljene sa spiska obaveznih karakteristika koje zločin mora sadržati kako bi mogao biti definisan kao „organizovani kriminal”. U skorije vreme, u definiciji Evropske unije, sama upotreba nasilja i motivacija protifom su navedene kao uslovni kriterijumi, a želja za institucionalnom moći je priznata za faktor motivacije organizovanog kriminala koji je jednak stvaranju nezakonitog profita. Ovi novi pristupi definisanju su otvorili put revolucionarnim načinima razumevanja razvoja organizovanog kriminala, posebno ka priključivanju kriminala belog okovratnika i masovne prevare u buduće definicije organizovanog kriminala, kao i ka daljem objašnjenju aspekta političkog nasilja, koje je zabrinjavajuće prisutno u mnogim aktivnostima organizovanog kriminala širom sveta. Na Balkanu, ovi novi momenti u definisanju organizovanog kriminala su posebno direktno testirani u Srbiji, gde je prvo postojala javna debata po pitanju sistemskog „prebacivanja“ javnih fondova na račune privatnih kompanija od strane masovno korumpirane bivše, post-komunističke*

*vlade do 2001. godine, kada su, kao posledica toga, krugovi organizovanog kriminala bili optuženi za planiranje i izvršenje atentata na preminulog srpskog premijera, dr Zorana Đinđića. Balkan, a posebno Srbija, bili su izloženi najdestruktivnijim posledinama dva nova aspekta organizovanog kriminala. U skladu sa tim, ovaj region može služiti kao poligon ili osnova za testiranje i istraživanja ovih konceptualnih problema.*

***Ključne reči:*** *organizovani kriminal, terorizam, Srbija, tradicionalne definicije, novi entitet za vođenje rata.*