

Official Gazette of the Republic of Serbia, No.116/2007

On the basis of Article 112, paragraph 1, item 2 of the Constitution of the Republic of Serbia I hereby issue the following

DECREE

promulgating the Law on the Bases regulating the Security Services in the Republic of Serbia

The Law on the bases regulating the security services in the Republic of Serbia adopted at the fifth sitting of the second regular session of the National Assembly of the Republic of Serbia held on 11 December 2007 is hereby promulgated.

Ref. No. 64
Belgrade, 11 December 2007

Boris Tadić, sgd.
President of the Republic

LAW

on the Bases regulating the Security Services in the Republic of Serbia

I BASIC PROVISIONS

Content of the law

Article 1

This law shall regulate the bases of the security intelligence system in the Republic of Serbia, guidance and coordination of the security services' activities in the Republic of Serbia (hereinafter: the security services) and supervision of their activities.

The establishment and operation of the security services contrary to the provisions of this law is prohibited in the Republic of Serbia.

Principles of the security services' operation

Article 2

The security services shall operate on the basis and within the framework of the Constitution, other regulations and internal documents, national security strategy, defense strategy and the determined security intelligence policy of the Republic of Serbia.

Members of the security services shall be under obligation to act in an impartial and politically neutral manner in accordance with the Constitution, law, other regulations and internal documents and according to the rules of professional conduct.

Members of the security services shall not be members of political parties.

Security intelligence system Article 3

The security services shall be part of the single security intelligence system of the Republic of Serbia.

The National Security Council shall be established to consider issues of relevance to the national security, and this law shall particularly regulate the Council's functions of relevance to the coordination and guidance of the security services' activities.

The Security Service Coordination Bureau (hereinafter: the Coordination Bureau) shall be established for the operational coordination of the security services' activities.

The security services' activities shall be under the democratic and civilian control of the National Assembly, President of the Republic, Government, the National Security Council, other state bodies and the public in accordance with the law.

II SECURITY SERVICES

Article 4

The security services are as follows: the Security Information Agency, as a separate organization, the Military Security Agency and the Military Intelligence Agency, as bodies within the Ministry of Defense.

The security services shall perform activities and assignments falling within their remit in accordance with the law.

The security services shall have the status of legal persons.

III GUIDANCE AND COORDINATION OF THE SECURITY SERVICES' ACTIVITIES

1. National Security Council

Remit

Article 5

The National Security Council (hereinafter: the Council) is a body of the Republic of Serbia which performs particular functions and tasks in the field of the national security.

The Council shall take care of the national security by

- considering issues in the field of defense, internal affairs and operation of the security services;
- considering mutual cooperation between the competent authorities responsible for defense, internal affairs and the security services and their cooperation with other competent state authorities, as well as cooperation with the authorities and security services of foreign countries and international organizations;
- proposing measures for enhancing national security to the state authorities;
- considering proposals for enhancing national security submitted by the competent authorities for defense and internal affairs and by the security services and other competent state authorities;
- considering issues of relevance to the national security falling within the remit of the public administration bodies, autonomous province, municipalities, cities and the City of Belgrade, and
- considering other issues of relevance to the national security.

The Council shall guide and coordinate the security services' activities by

- considering intelligence security assessments and adopting conclusions containing priorities and guidelines for achieving national interests, which are pursued through intelligence security activities;
- adopting conclusions concerning the operations of the security services and the Coordination Bureau;
- adopting conclusions which streamline cooperation between the security services and foreign security services and international organizations;
- adopting conclusions for coordination of activities of the state authorities devoted to international cooperation in the field of national security and defense;
- monitoring the implementation of conclusions adopted;
- giving its opinion on draft annual and medium term work plans of the security services;
- giving the Government its opinion on budgets proposed for the security services, and monitoring the use of appropriated budget funds;
- giving the Government its opinion on a proposal to appoint and dismiss the security services' directors.

The Council shall take care of the agreed implementation of regulations and standards relating to personal data protection, as well as on other regulations protecting human rights which may be threatened by the exchange of information or other operational actions.

Council composition

Article 6

The Council members are as follows:

- The President of the Republic of Serbia;
- The Prime Minister;
- The Minister of Defense;
- The Minister of Internal Affairs;
- The Minister of Justice;
- The Chief of the General Staff of the Serbian Armed Forces, and
- The Directors of the Security Services.

Council Secretary

Article 7

The Council shall have its Secretary who shall take part in the activities of the Council without the power of decision.

The Council Secretary shall ensure the implementation of the Council conclusions and perform other tasks as defined in the Rules of Procedure and other Council documents.

The Council Secretary shall be appointed and relieved of duty by the President of the Republic.

Council Office

Article 8

The Government shall establish the Office of the National Security Council (hereinafter: the Council Office) as a government service to perform expert and administrative tasks on behalf of the Council, in particular

- those relating to summoning and preparing the Council meetings;
- expert tasks relating to monitoring the implementation of the Council guidelines and conclusions;
- tasks of administrative and technical support to the Coordination Bureau;
- safekeeping of the Council reports and other documents, and making them available to the Council members.

Council method of operation

Article 9

A Council meeting shall be summoned by the President of the Republic of Serbia. A draft agenda of such a meeting shall be determined by the President of the Republic and the Prime Minister.

Such Council meeting shall be presided over by the President of the Republic or by the Prime Minister in case of his absence.

Conclusions and other documents adopted by the Council shall be signed by the President of the Republic.

Council meetings shall be held as appropriate but at least once in three months.

The President of the Republic may on his own initiative or on the initiative of any other Council member summon the heads of other state bodies or institutions, as well as other persons who are not its members to the Council meetings.

Council Rules of Procedure

Article 10

The Council shall adopt its Rules of Procedure.

The Rules of Procedure and other internal documents adopted by the Council shall regulate in more detail issues of relevance to the activities of the Council, Coordination Bureau and the Council Office, as well as the manner in which expert and administrative tasks shall be performed on behalf of the Council.

2. Coordination Bureau

Coordination Bureau competences

Article 11

The Coordination Bureau shall be competent for the operational coordination of the security services' activities and shall implement the Council conclusions on the issues falling within its remit.

The Coordination Bureau shall, in particular

- set assignments to be carried out through the operational coordination of activities of the security services and of other state authorities, and shall attune their activities according to such assignments;
- determine the method of operational coordination in particular cases;
- form joint working groups for operational assignments to be carried out through operational coordination of activities, and set their tasks;
- analyze the result of the operational coordination and report to the Council on it, as appropriate, but at least once in six months.

The Coordination Bureau activities shall be regulated in more detail by its Rules of Procedure.

Bureau composition
Article 12

The Coordination Bureau shall be composed of the security services' directors and the Council Secretary.

The following may participate in the Coordination Bureau activities by invitation:

- The representatives of the Ministry of Foreign Affairs;
- The Director of the Police and Heads of the Police Administrative Units;
- The Public Prosecutor of the Republic of Serbia;
- The Director of the Customs Administration, and
- The Heads of other public authorities, organizations and institutions.

Cooperation with the Council
Article 13

The relevant state authorities shall, in accordance with their constitutional and legal status, cooperate with the Council on the issues falling within its remit, primarily on the implementation of its conclusions.

If a relevant state authority fails to cooperate with the Council or implement its conclusions, the Council Secretary shall, without delay, inform the Council of such an occurrence. In that case, the Council may call on the head of that state authority to take all measures envisaged by the law in order that the above state authority can establish cooperation with the Council or implement its conclusion.

Funds for the Council activities
Article 14

The funds for the Council activities shall be provided for in the Budget of the Republic of Serbia.

IV. SUPERVISION OF THE SECURITY SERVICES' ACTIVITIES

Principles of supervision
Article 15

The supervision of the security services' activities shall be based on the following principles:

- security services' subordination and responsibility to the elected authorities of the Republic of Serbia;
- security services' neutrality in terms of political and ideological affiliations and interests;
- security services' obligation to inform the public of the performance of their tasks in accordance with the law;
- duty of the supervisory body of the security services' activities to inform the public of the results of such supervision;
- professional responsibility and operational independence of the security services' members in performing their assignments, and responsibility of the heads of the security services for their operations.

Supervision by the National Assembly Article 16

The National Assembly shall perform supervision of the security services' activities directly and through the competent National Assembly Committee (hereinafter: the Committee).

The Committee shall in particular:

- supervise the constitutionality and legality of the security services' activities;
- supervise the level of alignment between their activities and the national security strategy, defense strategy and the security and intelligence policy of the Republic of Serbia;
- supervise the compliance of their activities with the principle of neutrality;
- supervise the legality of implementing special procedures and measures for secret data collection;
- supervise the legality of spending the budget funds and other resources allocated for the security services' activities;
- consider and approve reports on their activities;
- consider draft laws, regulations and internal documents within the remit of the security services;
- launch initiatives and submit draft laws within the remit of the security services;
- consider proposals, petitions and representations submitted by citizens to the National Assembly in connection with the security services' activities, as well as put forward measures for addressing the above and inform their submitters thereof;
- establish the facts about illegalities or irregularities observed in the work done by the security services and their members, and adopt conclusions thereon, and
- inform the National Assembly of its conclusions and proposals.

Committee Meeting

Article 17

The security service director is obligated to attend the Committee meeting when summoned. If the security service director is unable to come to such a meeting, he shall assign his deputy or authorized representative to attend it.

The Committee meetings can be closed for the public. In that case, the Committee Chair shall inform the public of the Committee's activities in accordance with the decisions taken at the Committee meeting.

Reporting to the Committee

Article 18

The security service director shall submit a report on its activities to the Committee at least once in the course of the regular session of the National Assembly (regular report).

The security service director shall also submit a report to the Committee as appropriate at the request of the Committee (extraordinary report).

Direct supervision

Article 19

At the Committee's request, the security service director shall make it possible for its members to access the security service premises, allow them to inspect the documentation, provide data and information on the security service activities to them and reply to their inquiries about such activities.

The Committee members shall not request the security services to provide information on the following:

- identity of their current and former associates;
- their members with hidden identities;
- methods of obtaining intelligence and security information;
- actions in progress;
- manner of implementing special procedures and measures;
- data and information obtained through the exchange with foreign services and international organizations;
- other state authorities' confidential data and classified information which are in the possession of the security service.

Obligation to observe confidentiality
Article 20

The Committee members and persons participating in its work shall be under obligation to protect and observe confidentiality of information they have come in contact with in the course of activities performed by the Committee even after terminating their membership of or engagement in the Committee.

The Committee members shall sign an acknowledgment of obligation to observe confidentiality after being appointed to the Committee whereas the individuals participating in the Committee activities shall do so before they begin their engagement in the Committee.

Public supervision
Article 21

The security services shall inform the public of their activities through the bodies to which they shall submit reports in a manner which does not endanger citizen's rights, national security and other interests of the Republic of Serbia.

The security services may also directly inform the public of some security occurrences and developments.

V TRANSITIONAL AND FINAL PROVISIONS
Article 22

The security services' activities shall be regulated by separate laws in accordance with this law.

Until the entry into force of the law referred to in paragraph 1 of this Article, the provisions of the Law on the Security Services in the Federal Republic of Yugoslavia (Official Gazette of FRY, No. 37/02 and the Official Gazette of Serbia and Montenegro, No. 17/04) and the Law on the Security Information Agency (Official Gazette of the Republic of Serbia, No. 42/02) which are not contrary to the provisions of this law shall apply.

The competent authorities shall be under obligation to adopt by-laws necessary for the implementation of this law.

Article 23

This law shall enter into force on the eighth day from its publication in the Official Gazette of the Republic of Serbia.