

**L A W**  
**ON SECURITY SERVICES OF THE FEDERAL REPUBLIC**  
**OF YUGOSLAVIA**  
**/"Official Gazette of the FRY" No. 37/2002, dated July 3, 2002/**

**I PRINCIPAL PROVISIONS**

**Article 1**

This Law governs the duties, powers, co-operation, democratic civilian control and oversight of the security services of the Federal Republic of Yugoslavia (hereinafter: Services) and other issues related to their work.

The Services are part of the security system of the Federal Republic of Yugoslavia (hereinafter: the FRY).

**Article 2**

The Services shall, in accordance with the national security policy and strategy, perform professional tasks in respect of protecting the constitutional order, security, sovereignty and territorial integrity of the FRY, human rights and freedoms established by the Constitution and law and other state interests of the FRY.

In performing tasks specified in paragraph 1 of this Article, the Services shall collect, analyze, assess, use, keep and present information relevant for the security of the FRY.

The Services shall regularly, as necessary or upon request deliver reports on their work, information, security and intelligence assessments to the Federal Assembly, President of the Republic, Federal Government and Supreme Defense Council.

The Services shall inform the public on their work in a manner stipulated by this Law.

**Article 3**

The Services perform their activities pursuant to in accordance with the Constitution and law.

The Services may not exercise powers of law enforcement authorities, except those determined by this Law.

#### **Article 4**

The Services perform their tasks in accordance with the principles of constitutionality and legality, respect of human rights and freedoms, professionalism and proportional use of powers.

In their work, the Services shall be politically and ideologically neutral and may not undertake activities for the benefit or to the detriment of any political party or interest group.

#### **Article 5**

The Services comprise:

- a) Within the Federal Government
  - Military Security Service
  - Military Intelligence Service
- b) Within the federal ministry responsible for foreign affairs
  - Archive and Research Service
  - Security Service

#### **Article 6**

The Services are independent in performing their professional tasks.

The Services co-operate and exchange data in accordance with the regulations passed by the Federal Government.

The Services co-operate and exchange data with the relevant services, agencies and bodies of the Member Republics.

The Services co-operate with the security services of other countries or international organisations following the guidelines of the Federal Government and the national security policy and strategy and the FRY interests.

#### **Article 7**

The Federal Assembly, Federal Government, courts of competent jurisdiction and the public shall exercise control and oversight of the Services in accordance with the Constitution and law.

## **II SERVICES**

### **A. Military Security Service**

#### **Article 8**

The Military Security Service shall:

- uncover, follow, prevent, suppress and intercept intelligence and other activities of foreign services, organisations and persons directed against the Army of Yugoslavia and the federal ministry responsible for defence;
- uncover, follow, prevent, suppress and intercept domestic and international terrorism and subversive actions aimed against command centres, units and institutions of the Army of Yugoslavia and the federal ministry responsible for defence matters;
- uncover, investigate and document the following criminal offences from jurisdiction of military tribunals: criminal offences against the constitutional order and security of the FRY, criminal offences against humanity and international law and the most serious criminal offences with elements of organised crime.

#### **Article 9**

Within its purview, the Service shall:

1. provide security and counter-intelligence protection of the command centres, units and institutions of the Army of Yugoslavia and the federal ministry responsible for defence matters;
2. provide counter-intelligence protection of highest military officials and officials of the federal ministry responsible for defence matters;
3. organise and implement preventive security in the command centres, units and institutions of the Yugoslav Army;
4. process, check, organise and assess the collected information and protect it from unauthorised disclosure, release, alteration, use, loss or destruction;
5. secure and protect its forces, bodies, members and facilities from illegal actions or threats;
6. protect its equipment and facilities from unauthorised access;
7. apply and control the application of protection measures for the data representing a state, official or military secret in the Army of Yugoslavia and the federal ministry responsible for defence matters;
8. prior to employment and assignment to particular duties, carry out vetting procedure for the positions in the Army of Yugoslavia and the federal ministry responsible for defence matters;
9. prior to employment and assignment to particular duties, carry out vetting procedure for the positions in the Service or of persons who co-operate with the Service;
10. organise specialist courses and training centres for its members, conduct research work, form archives and issue its own publications;

11. submit information and reports on its work.

The manner of performing the tasks under paragraph 1 of this Article shall be regulated by bylaws.

## **B) Military Intelligence Service**

### **Article 10**

Military Intelligence Service shall collect, analyse, assess and provide data and information on possible and real threats, activities, plans or intentions of foreign countries and their armed forces, international and foreign organisations, groups and individuals aimed against the Army of Yugoslavia, the federal ministry responsible for defence matters; sovereignty, territorial integrity and defence of the FRY.

The data and information from paragraph 1 of this Article are of military, military-political, military-economic, scientific or technological nature.

### **Article 11**

Within its purview, the Service shall:

1. provide security and counter-intelligence protection of institutions and facilities of the Yugoslav Army and of the FRY abroad, members of the Yugoslav Army and the federal ministry responsible for defence matters abroad, as well as persons on official duty abroad who through the nature of their work have access to data representing a state or military secret;
2. provide security and counter-intelligence protection of its bodies and members;
3. protect its forces, bodies, members and facilities from illegal actions and threats;
4. process, check, organise and assess the collected information and protect it from unauthorised disclosure, release, alteration, use, loss or destruction;
5. establish its organisational structures to perform intelligence tasks and protect its associates;
6. protect its equipment and facilities from unauthorised access;
7. based on its own licences and certificates, acquire, develop and operate, information technology systems, communications systems and data transmission systems, as well as means of data leakage prevention through technical channels;
8. organise specialist courses and training centres for its members, conduct research work, form archives and issue its own publications;
9. submit information and reports on its work.

The manner of performing the tasks under paragraph 1 of this Article shall be regulated by bylaws.

**C) Archives and Research Service of the federal ministry responsible for foreign affairs**

**Article 12**

The Archives and Research Service collects, analyses, assesses and provides information of political, economic and security nature concerning foreign states, international organisations, groups and individuals, which is relevant for foreign policy, and especially those suggesting the intentions, activities, hidden plans and secretive action aimed against the constitutional order, security, sovereignty and territorial integrity of the FRY and other state interests of the FRY.

**Article 13**

Within its purview, the Service shall:

1. process, check, collate and assess the collected information and protect it from unauthorised disclosure, release, change, use, loss or destruction;
2. collect information on international terrorism activities;
3. submit information and reports on its work.

The manner of performing the tasks under paragraph 1 of this Article shall be regulated by bylaws.

**D) Security Service of the federal ministry responsible for foreign affairs**

**Article 14**

The Security Service is responsible for security, anti-bug and counter-intelligence protection of its employees and facilities of FRY diplomatic and consular missions abroad and the federal ministry in charge of foreign affairs in country.

**Article 15**

Within its purview, the Service shall:

1. prior to employment and assignment to particular duties, carry out vetting procedure for the positions in the federal ministry responsible for foreign affairs;
2. protect its employees and facilities of the federal ministry responsible for foreign affairs from illegal actions and threats;
3. collect data and produce analyses on the security of its employees and the facilities of the FRY diplomatic and consular missions abroad and the federal ministry responsible for foreign affairs in the country;
4. submit information and reports on its work.

The manner of performing the tasks under paragraph 1 of this Article shall be regulated by bylaws.

### **Article 16**

A member of the Security Service shall have official identity card for the purpose of exercising his/her powers in the country.

The type, form and contents of the official identity card shall be determined by a bylaw.

### **E) Reporting and Informing**

### **Article 17**

The Services submit annual report on their operation to the Federal Government and the Security Services Oversight Committee of the Federal Assembly.

The Services shall submit reports on particular issues and problems regarding their work to the Federal Government and the Security Services Oversight Committee of the Federal Assembly, at their request.

The Services shall inform the public on their work through the bodies to which they submit their reports and in a manner not endangering the rights of citizens, interests and security of the FRY.

### **Article 18**

The Services shall submit information, security and intelligence assessment reports to the President of the Republic, Presidents of the Federal Chambers, members of the Supreme Defence Council, Federal Prime Minister and relevant federal ministries.

Military Security Service and Military Intelligence Service shall submit information, security and intelligence assessment reports to the Yugoslav Army Chief of Staff.

Information and assessment specified in paragraphs 1 and 2 of this Article represent a state, official and/or military secret.

### **Article 19**

In case of clear and present danger to the security of military units and facilities of the Army of Yugoslavia and the Federal Ministry responsible for defence, the Military Security Service and Military Intelligence Service are required to inform the appropriate command authorities with all information they have acquired in performing tasks and exercising of powers under this Law.

### **III MANAGEMENT OF THE SERVICE**

#### **Article 20**

The head of the Service shall manage the work of the Service and is responsible for its work to the appropriate Federal minister and/or Federal Government.

#### **Article 21**

The head of the Service and his/her deputy specified in Article 5, point a) hereof is appointed and dismissed by the Federal Government, following the recommendation of the Supreme Defence Council.

The head of the Service and his/her deputy specified in Article 5, point b) hereof is appointed and dismissed by the Federal Government.

In the procedure for appointing and dismissal of the head of the Service and his/her deputy the Federal Government shall obtain the opinion of the Security Services Oversight Committee of the Federal Assembly.

Head of the Service and his/her deputy may not be a member of a political party.

#### **Article 22**

The head of the Service:

1. Shall issue instructions and orders for work of bodies and members of the Service.
2. Is responsible for lawful and professional operation of the Service;
3. Is responsible for designated use of budget and other Service;
4. Proposes the Service development plan and annual plan of activities to the Federal Government and/or the responsible Federal minister;
5. Proposes criteria for employment into the Service and termination of employment;
6. Selects and admits members into the Service;
7. Releases members of the Service from the obligation to keep a secret in respect of legal proceedings of government authorities;
8. Submits a report on the work of the Service;
9. Performs other duties determined by this law.

### **Article 23**

The act on internal organisation and job classification of the Service and the manner the Service operates is a state secret.

## **IV SERVICES' AUTHORITY**

### **A. Collecting information**

#### **Article 24**

The Services are authorised, within their purview, to collect information: by requesting the required information from citizens and using other public sources, including inspection of registers and other forms of data collection, in accordance with this Law.

#### **Article 25**

Services may collect information from citizens only with prior approval of the person who is assumed to have knowledge of facts of significance to the security of FRY.

The interview may be recorded by video and audio means following a written consent from the person being interviewed.

If it may be reasonably assumed that the person refusing to give required information has knowledge of facts significant for the security of the FRY, the Service shall request from the appropriate law enforcement authority and/or military police, if such person is a professional member of the Army of Yugoslavia or a conscript, to obtain information from such person in the manner set out under the Law on Criminal Procedure. This interview shall be attended by an authorised official of the Service.

#### **Article 26**

Government authorities, courts and legal entities responsible for registers and other collections of data shall allow the Service, following a written request from the Head of Service, inspection of registers and other forms of collected data.

If data from the registers and other collections of data represent a state, official or military secret, government bodies, courts and other legal entities shall allow the Service to inspect these registers and other collections of data, following a written request from the relevant minister.

### **Article 27**

Federal bodies, organisations and legal entities exercising administrative authority shall ex officio inform the Services regarding data and information obtained in the course of their duties, when such information is of importance for the security of the FRY.

### **Article 28**

Service are authorised, within their powers, to collect information secretly, using the following means and methods:

- collaboration with domestic and foreign citizens (concluding arrangements with natural persons of legal age who agree voluntarily to act for the benefit of the Service and clandestinely deliver information);
- obtaining secret documents (obtaining secret plans, drawings and other documents containing information on activities of individuals and groups);
- operational penetration of groups, organisations and institutions preparing or conducting activities against the security of the FRY.

When using methods specified in paragraph 1 of this Article, the Services are authorised to use documents and employ means directed at concealing the identity of the member of the Service and the person with whom collaboration has been established.

The procedure for instituting means and methods specified in paragraph 1 hereof shall be regulated by bylaw.

The written order to employ means and methods specified in paragraph 1 hereof shall be issued by the Head of Service.

### **Article 29**

The Military Security Service, in uncovering, investigating and documenting criminal offences specified in item 3 of Article 8, shall have the appropriate powers of law enforcement authorities in pre-trial procedure, in accordance with the Law on Criminal Procedure, with the exception of detention powers.

### **Article 30**

If the task cannot be performed through use of powers specified in Article 28 of this Law or by some other means that would not entail a disproportionate risk and endangerment of lives of people, the Military Security Service may employ special means and methods for secret obtaining of information that temporarily suspend human rights and freedoms determined by Constitution and law.

Special means and methods specified in Paragraph 1 hereof that may be employed by the Military Security Service, shall include:

1. surveillance and/or following and observance of persons, using technical devices for documentation;
2. surveillance of mail and other communication means.

### **Article 31**

Special means and methods specified in Article 30, paragraph 2 of this Law may be employed by the Military Security Service following approval of the competent military court and under conditions stipulated by the Law on Criminal Procedure.

The proposal to employ special means and methods specified in Article 30, paragraph 2 of this Law shall be made by the Head of the Military Security Service or a person authorised by him.

The proposal specified in paragraph 2 hereof shall contain: designation of means and methods whose use is requested, data on the person and/or persons or group of persons against whom special means and methods are applied, grounds for suspicion and reasons for employing special means and methods and the need for use thereof, location and duration of employment of special means and methods. If the proposal calls for employing multiple special means and methods, data shall be listed for each particular means or method whose employment is proposed.

The proposal for employing special means and methods is a state, official and/or military secret.

### **Article 32**

Upon granting of permission by the competent military court specified in Article 31 of this Law, the Head of the Military Security Service shall issue a written order to employ the special means or method specified in Article 30, paragraph 2 of this Law.

The order specified in paragraph 1 hereof shall be issued on a special form and shall have attached thereto a copy of the permission of the competent military court to employ the special means and methods specified in Article 30, paragraph 2 of this Law.

## **B. Recording of information**

### **Article 33**

The Services shall establish and maintain registers and files of personal and other data as well as documents on such data.

Registers and data files as well as documents specified in paragraph 1 hereof represent a state, official or military secret.

Registers, files and archives of the Service may not contain data and information on individuals outside of the Service's purview. If the Service comes into possession of such data and information, it shall destroy such information without delay, under a record made by a special commission.

### **Article 34**

The Services are required to inform a citizen, upon his/her written request, whether data collection measures were instituted against him/her and whether the Services are maintaining a record on his/her personal information and, at his/her request, submit such documents regarding collected data for his/her inspection. Documents submitted for inspection may not contain information on members of the Services who undertook the measures or data on third parties.

Services shall give the required information and/or allow inspection of documents specified in paragraph 1 hereof within 60 days of the date of receiving the request.

The Services are not required to observe the provisions of paragraph 1 hereof:

1. If such information would jeopardise performance of the Service's tasks;
2. If such information could lead to endangerment of safety of another person.

The Head of the Service issues a reasoned decision on reasons specified in paragraph 3 hereof that shall be archived.

The petitioner may file a complaint against the Head of Service mentioned in paragraph 4 hereof to the Security Services Oversight Committee of the Federal Assembly.

At such time reasons for applying provisions of paragraph 3, points 1 and 2, hereof cease, the Services shall comply with the provisions of paragraph 1 hereof.

### **Article 35**

Types and manner of keeping of registers and personal data files, as well as Service records; access, handling and protection of records and data therein; time limits for reviewing the need for further use of data, time limits for keeping files on closed cases and the manner of archiving and destruction thereof shall be stipulated by bylaw.

### **C. Authority to carry and use firearms and other means of enforcement.**

#### **Article 36**

If authorised by the Head of Service a member of the Military Security Service, Military Intelligence Service and Security Service has the right and duty to carry firearms and other means of enforcement as noted in the official ID.

A member of the Service specified in paragraph 1 hereof may use firearms in self-defence and extreme necessity.

A member of the Military Security Service may also use firearms when arresting an individual caught in the act of committing a criminal offence specified in Article 8 of this Law, who offers armed resistance.

The conditions and manner of use of firearms and other means of enforcement shall be regulated by bylaw.

## **V MEMBERS OF SERVICE**

#### **Article 37**

A member of the Service shall perform his/her duties in compliance with the Constitution, law, other regulation or general act.

A member of the Service may not be a member of a political party.

A member of the Service shall perform his/her duties in accordance with an order of the Head of Service or direct superior member of the Service and shall keep him/her informed on the work.

A member of the Service is independent in his/her work and is personally responsible for his/her work.

#### **Article 38**

Members of the Military Security Service and Military Intelligence are professional members of the military and civilians employed in the Yugoslav Army and the federal ministry responsible for defence matters.

An authorised official of the Military Security Service or Military Intelligence Service is a member of the Service who has been granted authorisation determined by this Law.

The person specified in paragraph 2 of this Article is issued an official identity card.

the type, form and contents of such identity card shall be determined by bylaw.

### **Article 39**

The position, entitlements, duties and responsibilities of authorised officials of the Military Security Service and Military Intelligence Service shall be governed by appropriate provisions of the Law on the Yugoslav Army.

### **Article 40**

Members of the Archives and Research Service and Security Service have the same position, entitlements, duties and responsibilities as the employees of the federal ministry in responsible for foreign affairs.

### **Article 41**

Members and associates of the Services and their family members are entitled to legal and material assistance of the FRY if detained, arrested or convicted while performing their duties outside the territory of the FRY.

### **Article 42**

A person who during his/her secret co-operation with the Services suffered physical injury or lost his/her working ability shall have the same rights as a member of the Services.

In case of death of the person referred to in paragraph 1 of this Article, his/her family members shall have the same rights as the family members of a member of the Services.

### **Article 43**

A member of the Service who considers that the Constitution, law, human rights and freedoms, professionalism, proportionate use of authority or political and ideological neutrality have been violated during the normal course of operation of the Service, may directly and in writing appeal to the General Inspector and the Federal Assembly Security Services Oversight Committee and inform the competent federal minister accordingly, without consequences to his/her status.

A member of the Service may also appeal to the General Inspector and the Federal Assembly Security Services Oversight Committee when in his/her opinion, due to a violation specified in paragraph 1 of this Article his/her rights in performing tasks and duties within the purview of the Service have been infringed.

## **VI FUNDING**

### **Article 44**

Funds for the work of the Services are provided within the Federal Budget.

### **Article 45**

Regulations providing for mandatory public tendering do not apply for the procurement of special operational equipment and furnishing of premises used by the Services in performing their tasks.

### **Article 46**

If intelligence and security situation in the country requires so the Services may, in accordance with the law and bylaw, establish special organisations with legal entity status and regulate their work that will not publicly disclose association of such organisations with the Services.

The operation of special organisations specified in paragraph 1 of this Article shall be subject to control.

The Services may be allocated business premises or apartments for use under conditions specified in paragraph 1 of this Article.

## **VII DEMOCRATIC CIVILIAN CONTROL**

### **Article 47**

The Federal Parliament shall exercise control over the Services.

The Federal Parliament shall establish a standing Security Services Oversight Committee (hereinafter: Committee) which shall exercise control referred to in paragraph 1 of this Article.

### **Article 48**

The Committee has eight members. Nomination of Committee members is done according to the principle of proportional representation of deputies in deputy groups in the Federal Parliament.

The Committee has a President and Deputy President elected from among the Committee members.

The Committee decides by majority vote of the Committee members. In case of an equal number of votes, the president shall have the deciding vote.

The Committee shall sit at least once in three months. The President of the Committee shall convene a session at his/her own discretion.

Any member of the Committee may request convening of a session, and the President shall do so at the request of at least five members of the Committee or at the request of the President of the Federal Parliament. The President may call a session also at the request of Head of Service.

Experts in particular subject matters may be invited to participate in the work of the Committee.

Head of Service and General Inspector are obliged to attend a session if summoned. If prevented to attend the session, Head of Service shall send his/her deputy.

The sessions of the Committee are closed to the public. The President informs the public on Committee's work, following the decisions made at each session.

### **Article 49**

The Committee shall:

1. Control whether the work of the Services is in compliance with the Constitution and law;
2. Control whether the work of the Services is harmonised with national security policy and strategy;
3. Control observance of human rights and freedoms in the work of Services;
4. Control observance of political, ideological and interest neutrality in the work of the Services;
5. Monitor and oversees the use of special means and methods for secret collection of data which temporarily restrict human rights and freedoms established by the Constitution and law;
6. Control lawful use of budget funds and other funds necessary for Service operation;
7. Consider and approve reports on Services operation;
8. Consider reports of the General Inspector;
9. Consider draft laws, other regulations and bylaws within the purview of the Services;
10. Launch initiatives and propose laws within the purview of the Services;
11. Consider complaints against the decision of a Head of Service referred to in Article 34, paragraph 5 of this Law;
12. Consider complaints of members of the Service specified in Article 43 of this Law;
13. Consider proposals, petitions and representations related to the work of the Service which have been submitted to the Federal Assembly, give recommendations to the Federal Assembly regarding the subject matter of

the proposals, petitions and representations and inform their submitters accordingly;

14. Establish facts and take statements of members of the Services if it notices illegality or irregularity in the work of the Service and its members and shall take decisions accordingly;
15. Inform the Federal Assembly on its decisions and proposals ;
16. Pass its Rules of Procedure.

#### **Article 50**

Head of Service shall, at least once during the regular sittings of the Federal Chambers, submit a report on Service operation (Regular Report) to the Committee.

Head of Service shall also submit a report to the Committee as necessary or at the request of the Committee.

#### **Article 51**

The Committee may request that the Federal Government and/or appropriate federal minister submit a report on the work of the Services.

#### **Article 52**

Head of Service shall, at the request of the Committee, enable access to Committee members into the premises of the Service, allow inspection of documentation, provide them with data and information on the work of the Service and answer their questions concerning the work of the Service.

#### **Article 53**

The Service may not provide the Committee information on:

1. The identity of Service associates;
2. Members of the Service with concealed identity;
3. Other persons for whom revealing of such data could be harmful;
4. Security and intelligence sources;
5. Actions underway.

#### **Article 54**

Members of the Committee and persons participating in its work shall protect and safeguard confidential information that they obtain while working with the Committee.

Following appointment, members of the Committee shall sign a statement obliging them not to disclose state, official and military secrets.

#### **Article 55**

The Committee submits a work report to the Federal Assembly at least once during its regular session.

The Federal Assembly shall consider the Committee's work report at least once a year.

The Federal Assembly may through the Federal Government summon Heads of Services to its sessions to provide information and explanations.

Depending on the contents of the received reports, the Federal Assembly may decide to hold its sessions closed to the public.

#### **Article 56**

The Federal Government shall directly or through the General Inspector exercise control and oversight over the work of the Service, in accordance with its acts.

#### **Article 57**

Internal control of the Service members' work shall be exercised by the Inspector General.

The Federal Government appoints the Inspector General.

In the procedure of appointing the Inspector General the Federal Government shall obtain the opinion of the Security Services Oversight Committee of the Federal Assembly.

The Inspector General is accountable to the Federal Government, and shall submit a report on performed control to the Security Services Oversight Committee of the Federal Assembly at least once a year.

The Inspector general may not be a member of a political party.

## **VIII PROTECTION OF RIGHTS OF CITIZENS**

#### **Article 58**

A citizen who considers that his/her rights or freedoms established by the Constitution have been infringed by an act of a Service member, may file a complaint with the Federal Constitutional Court, in accordance with the Law on the Federal Constitutional Court.

A citizen who considers that his/her rights or freedoms established by the Constitution have been infringed by an act of a Service member, may lodge a grievance with the Security Services Oversight Committee of the Federal Assembly.

The state of the FRY shall be responsible for the damage inflicted on a citizen or legal entity through illegal or irregular acting of a member of the Service or the Service.

## **IX FINAL AND TRANSITIONAL PROVISIONS**

### **Article 59**

Regulations governing the enforcement of this Law shall be enacted within maximum 60 days of entering into force of this Law.

### **Article 60**

A separate federal law shall govern the inspection of citizens' files kept by the Services prior to entering into force of this Law and their treatment.

A special federal committee shall be established to inspect citizens' files kept by the Services prior to entering into force of this Law.

### **Article 61**

Upon entering into force of this Law, the Law on Principles of State Security (Official Gazette of the SFRY, No. 15/84 and 42/90), the provision of Article 52, paragraph 2, indent 3 of the Law on Military Courts (Official Gazette No. 11/95, 74/99 and 3/2002) and the provision of Article 30, paragraph 1 of the Law on Yugoslav Army (Official Gazette of the FRY No. 43/94, 28/96, 44/99 and 74/99) in the part thereof stipulating that duties and responsibilities of law enforcement authorities shall be exercised by the security authorities of the Yugoslav Army shall cease to be valid.

### **Article 62**

This Law shall enter into force on the eighth day of its publication in the "Official Gazette of the FRY".

Translated by OSCE Mission to FRY  
Legal Translation Unit  
8-July-2002  
Translation funded by the United Kingdom