

Environmental Crime in Serbia

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Environmental crime is a type of contemporary crime that is registering intensive growth all over the world. This type of crime results in water, air, and land pollution, which jeopardizes the lives and health of people and causes large-scale destruction of natural resources. In the territory of the Republic of Serbia in 2017 and 2018, a total of 1934 cases of environmental crime were detected. More serious forms of environmental crime that occur in the Republic of Serbia include illicit trafficking of specific protected species of wild fauna and flora and unlawful disposal of hazardous waste. The Republic of Serbia plays an important role in the fight against transnational crime in connection with the endangered species of flora and fauna because it is situated on the most frequently used corridors for the transportation of goods in this part of Europe. In this article, the authors will try to describe what types of environmental crime have been present in the last few years in the Republic of Serbia.

Keywords: environmental crime, organized crime, flora and fauna.

I. Introduction

“Environmental crimes are recognized as a rapidly expanding form of international organized crime. This trend is driven by the escalating demands of both domestic and international markets for natural resources, as well as the lucrative nature of their exploitation. The relative ease with which these activities can be carried out is further facilitated by the inadequate legal frameworks in place at both domestic and international levels. Environmental crime is therefore intricately linked to economic crime, public health, and crimes against official duties.”³

Environmental crimes typically exhibit a blanket nature, that is, the execution of these activities is characterized by acting against the imperative principles outlined in numerous laws and regulations governing environmental protection. In other words, the act of perpetration of these crimes constitutes a violation of environmental protection regulations. For an individual’s activity to be qualified as a criminal offense, it is imperative that the consequences outlined by the legislator in the corresponding criminal offense materialize as a consequence of the violation of environmental protection regulations. Alternatively, engaging in such activity could be qualified as a misdemeanor.

According to a 2011 study by Europol, three out of the twelve transnational criminal activities that yield most financial gains are linked to environmental crime. The estimated annual value of these operations ranges from \$70 billion to \$213 billion. These include illegal trade in: 1) wildlife (with an estimated annual value ranging from \$7.8 to \$10 billion); 2) timber (with an estimated annual value of 7 billion dollars); 3) fish (with an estimated annual value ranging from 4.2 to 9.5 billion dollars).⁴

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³ Павловић З., Свест грађана о значају заштите животне средине и превенција кривичних дела против животне средине, Гласник Адвокатске коморе Војводине, Нови Сад, December 2022, 1214–1243, p. 1216.

⁴ Europol. (2021). “Serious and Organised Crime Threat Assessment (SOCTA)”, updated on Dec. 14, 2021, The Hague.

II. Forms of Environmental Crime in Serbia

“The problem of environmental protection has garnered significant attention in recent decades, both at the worldwide level and within individual states. The validity of this assertion is substantiated by a multitude of international legal documents of both universal and regional nature, which explicitly address the aforementioned matter.”⁵ For example, according to ECOLEX data⁶, there are approximately 2,000 international legal documents that regulate environmental protection issues directly or indirectly. This is a real hyperproduction of international legal documents in this area, which speaks volumes about the internationalization of the environmental protection issue.”⁷

By ratifying the respective international conventions, Serbia assumed the obligations associated with them; consequently, numerous laws were adapted to conform to the provisions of these conventions, all with the goal of protecting the environment.

Chapter twenty-four of the Criminal Code of the Republic of Serbia (CC) contains criminal offenses against the environment, which, according to Čejović and Kulić, are so numerous and diverse that they could be divided into subgroups, namely:

A General criminal offences against the environment:

- Criminal offence of environmental pollution;
- Criminal offence of failure to undertake environmental protection measures;
- Criminal offence of illegal construction and operation of facilities and installations polluting the environment;
- Criminal offence of damaging environmental protection facilities and equipment;
- Criminal offence of damaging the environment;
- Criminal offence of destroying, damaging, taking out of and into Serbia protected natural assets;
- Criminal offence of violation of the right to information about the state of the environment;

B Criminal offences related to dangerous substances:

- Criminal offence of importing dangerous substances into Serbia and unlawful processing, depositing and stockpiling of dangerous substances;
- Criminal offence of illegal construction of nuclear facilities;

C Criminal offences against flora and fauna:

- Criminal offence of killing and abusing animals;
- Criminal offence of transmitting of contagious animal and plant diseases;
- Criminal offence of unconscientious provision of veterinary services;
- Criminal offence of producing harmful products for treating animals;
- Criminal offence of pollution of animal fodder and water;
- Criminal offence of devastation of forests;
- Criminal offence of forestry theft;

⁵ Јовашевић Д., Улога стандарда међународне заједнице у уређивању и заштити животне средине, Политичка ревија, No. 1/2009, pp. 67–78.

⁶ECOLEX is an information service on environmental law, https://www.ecolex.org/result/?tr_status=In+force&type=treaty

⁷ Говедарица М., Кривичноправни инструменти адекватности заштите животне средине – норма и пракса Републике Српске - норма и пракса Републике Српске, Гласник Адвокатске коморе Војводине, 2022, pp. 1054–1055.

D Criminal offences of game and fish poaching:

- Criminal offence of game poaching;
- Criminal offence of fish poaching.⁸

The jurisdiction over the aforementioned criminal offenses is with the basic court, considering the severity of the potential penalties involved. Additionally, these offenses are prosecuted *ex officio* by the basic public prosecutor's office.

“Regarding the identification of the protected object in this group of criminal offenses, there is now a consensus that it does not protect traditional legal interests such as the well-being and physical integrity of individuals (including protection against novel forms of harm arising from endangering environmental). Instead, it protects a distinct interest, namely the environment itself, or more precisely, the human's right to a preserved environment. Given the significance of the environment and its preservation, it is reasonable to categorize it as an independent and primary object of protection. However, it is not justifiable to encompass under this category all offenses in which environmental protection is of secondary importance, primarily serving to protect some other goods.”⁹

When discussing the many manifestations of environmental crime, it is important to acknowledge that certain criminal acts are perpetrated by organized criminal groups, hence in certain cases possessing a transnational character. In this context, there exists a significant number of these criminal offences, accompanied by the complexity involved in their detection and resolution.

III. Statistical Analysis of Environmental Crimes in the Republic of Serbia

In this section of the paper, an analysis of statistical data obtained from the Statistical Office of the Republic (for the period 2012–2021) is conducted to examine the most common types of environmental crimes and their prevalence within the Republic of Serbia.

Table 1: Adults reported for criminal offenses against the environment by year

2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
1841	1996	2148	2205	2507	2187	2550	2425	2153	2012

In Table 1, it can be noted that the highest number of persons reported for committing environmental crimes was in 2018, when 2,550 adults were reported; the lowest number of reported adults occurred in 2012, when 1,841 persons were reported.

⁸ Чејовић Б., Кулић М., Кривично право, *op. cit.* pp. 487–489.

⁹ Стојановић З., Коментар Кривичног законика: према стању Кривичног законика од 1. децембра 2019. године и према стању законодавства од 27. новембра 2020. године, Службени гласник, Београд, 2021, р. 869.

Table 2: Adults reported for criminal offenses against the environment in 2021

	TOTAL	KNOWN PERPETRATORS IN TOTAL	WOMEN	UNKNOWN PERPETRATORS
Environmental pollution	14	9	-	5
Failure to undertake environmental protection measures	4	4	-	-
Damaging the environment	6	3	-	3
Destroying, damaging, taking out of and into Serbia protected natural assets	4	4	1	-
Importing dangerous substances into Serbia and unlawful processing, depositing and stockpiling of dangerous substances	7	6	-	1
Violation of the right to information about the state of the environment	25	24	4	1
Killing and abusing animals	231	117	16	114
Transmitting of contagious animal and plant diseases	12	11	-	1
Unconscientious provision of veterinary services	3	3	-	-
Pollution of animal fodder and water	3	1	-	2
Devastation of forests	33	27	2	6
Forestry theft	1563	850	30	713
Game poaching	93	76	-	17
Fish poaching	15	13	-	1
TOTAL	2012	1148	53	864

Table 2 provides insights into the prevalent criminal offences pertaining to environmental crime in the Republic of Serbia. Notably, the offenses of forest theft and killing and abusing animals emerge as prominent categories. Furthermore, the data reveals a significant male predominance among the perpetrators.

Table 3: Filed indictments – criminal charges against known adult perpetrators of criminal offenses against the environment in 2021

	Filed indictment – criminal charge			
	Total		Following the investigation	Following the taking of evidentiary actions
Environmental pollution	-	-	-	-
Failure to undertake environmental protection measures	-	-	-	-
Damaging the environment	1	1	-	-
Destroying, damaging, taking out of and into Serbia protected natural assets	2	1	-	1
Importing dangerous substances into Serbia and unlawful processing, depositing and stockpiling of dangerous substances	5	1	2	2
Violation of the right to information about the state of the environment	-	-	-	-
Killing and abusing animals	28	3	1	24
Transmitting of contagious animal and plant diseases	3	2	-	1
Unconscientious provision of veterinary services	-	-	-	-
Pollution of animal fodder and water	1	1	-	-
Devastation of forests	9	1	4	4
Forestry theft	276	37	7	232
Game poaching	17	4	-	13
Fish poaching	8	3	-	5
TOTAL	350	54	14	282

Table 3 illustrates a notable reduction in the number of indicted persons in relation to reported persons throughout the corresponding timeframe, namely in 2021. For example, in the same year, 1,563 persons were reported for forestry theft, although the number of indicted persons was only 276, representing a ratio of more than five to one.

Table 4: Adults convicted of criminal offenses against the environment, 2012-2021

2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
430	508	589	549	472	512	484	417	291	323

Table 4 presents data that show that the highest number of convicted persons, amounting to 589, was observed in 2014, and the lowest number of convictions, totaling 323, occurred in 2021. By conducting a comparison between the aforementioned statistics and the number of reported persons provided in Table 1, it can be concluded that this number is over six times greater for certain years.

Table 5: Adults convicted of criminal offenses against the environment by imposed prison sentence in 2021

	Total number of convicted persons	Prison sentences					
		Total number of prison sentences	From 1 to 2 years	From 6 to 12 months	From 3 to 6 months	From 2 to 3 months	Up to 2 months
Damaging the environment	3	1	-	-	1	-	-
Destroying, damaging, taking out of and into Serbia protected natural assets	3	1	-	-	-	-	1
Importing dangerous substances into Serbia and unlawful processing, depositing and stockpiling of dangerous substances	3	-	-	-	-	-	-
Killing and abusing animals	25	1	-	-	1	-	-
Transmitting of contagious animal and plant diseases	1	-	-	-	-	-	-
Pollution of animal fodder and water	1	-	-	-	-	-	-
Devastation of forests	6	-	-	-	-	-	-
Forestry theft	265	28	2	5	14	6	1
Game poaching	14	1	-	-	1	-	-
Fish poaching	2	-	-	-	-	-	-
TOTAL	323	32	2	5	17	6	2

Table 5 reveals a minimal disparity between the figures pertaining to persons who have been convicted and those who have been indicted. For example, in 2021, a total of 25 persons were convicted for the criminal offense of killing and abusing animals, whilst the number of indicted persons stood at 28. In relation to the criminal offense of forestry theft, a total of 265 persons were convicted, while 276 persons faced indictment.

IV. Conclusion

In the territory of the Republic of Serbia, during the year there are around 2000 cases related with environmental crime. In the structure of these offenses the most numerous were forest theft, killing and wanton cruelty to animals and poaching game. Here is the cities in Serbia

where are these criminal activities are mostly done: Zaječar, Belgrade, Novi Sad, Niš and Leskovac.

More serious forms of environmental crime which occur in the Republic of Serbia include illicit trafficking of specific protected species of wild fauna and flora and unlawful treatment of hazardous waste. The illicit trafficking of specific protected species of wild fauna and flora belongs to the most profitable illicit activities to annual value of illicit proceeds at the global level. The protected species of fauna and flora and derivatives thereof are illicit trafficked for the purpose of consumption and use in the traditional medicine as well as for the production of different goods.

Environmental crime, in general, and its most serious forms in particular will remain a big problem in the coming period due to the pronounced dark figure of crime. Undeveloped mechanisms of international cooperation result in a low risk from detection of organized environmental crime, while the society is insufficiently aware of the dangers brought about by one of the main unfavorable factors on the national level.

It can be concluded that environmental crime represents a great threat to everyday life, to the planet and future generations. The routes used for wildlife smuggling are often used to smuggle weapons, drugs and cigarettes, but unlike the illegal drug trade, natural resources are limited, so they can not be performed in laboratory. However, it is a highly profitable form of crime, which allows organized criminal groups to make quick income and low risk detection due to the dark crime rate.¹⁰

V. References

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