

# SERBIA

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RULES/GENERAL LAWS	
<b>General</b>	<p>All laws of Serbia, primarily:</p> <ol style="list-style-type: none"> <li><b>The Law on Defence (Official Journal of the Republic of Serbia, Nos.116/2007,88/2009 and 10/2015).</b></li> <li><b>The Law on the Serbian Armed Forces (Official Journal of the Republic of Serbia, No.116/2007,88/2009,10/2005 and 88/2015 Decision of the Constitutional Court)</b></li> <li><b>The Law on the Engagement of the Serbian Armed Forces and Other Defence Forces in Multinational Operations Outside of the borders of the Republic of Serbia when deployed on UN peacekeeping operations.</b> <a href="http://www.mod.gov.rs">www.mod.gov.rs</a></li> </ol> <p>The Serbian military personnel are always 24/7 on duty when deployed and military rules apply during weekends and rest and recreational in mission area.</p> <p>UN rules on sexual exploitation and abuse are implemented in full in the Serbian armed forces when deployed on UN peacekeeping operations.</p>
<b>SEA: military offence?</b>	<p>There are no military offences in Serbia that would be considered sexual exploitation or sexual abuse. However, in <b>Article 149, paragraph 5, of the Law on the Serbian Armed Forces</b>, it is stipulated that disciplinary offences "shall include; acting in a way that insults the dignity of the subordinate personnel, especially in terms of gender, religious beliefs or nationality or violation of rights they are entitled to by law". Therefore SEA offences can be dealt with under the above mentioned article.</p>
<b>Powers of the Commanding Officer (CO)</b>	<p>The contingent commanding officer (Senior National Officer) can promulgate rules and policies of non-fraternization and/or confinement to camp.</p> <p>The commanding officer has disciplinary powers under the provisions of the <b>Rulebook on Military Discipline (Official Military Gazette, No. 9/2016 and 16/2016)</b>.</p>
INVESTIGATION	
<b>Who can investigate?</b>	<p>Sexual exploitation and abuse in the field can be subsumed under criminal offences defined by <b>Articles 178 to 186 of the Criminal Code</b> of the Republic of Serbia. Allegations of sexual exploitation and abuse can be investigated by the contingent commanding officer; if he/she establishes that a criminal offence is involved, he/she will pass the collected data on to the military police who will refer the case to the competent prosecutor to continue the proceedings.</p> <p>Investigations of persons temporarily deployed on peacekeeping operations are instituted by the Head of the Centre for Peacekeeping Operations of the Republic of Serbia under the provisions of <b>Article 64, paragraph 2, of the Rulebook on Military Discipline</b>.</p>
<b>National Investigation Officer (NIO)</b>	<p>National investigations officers may not be deployed with units if a decision is taken to establish a focal point. Proceedings against the contingent personnel who may commit a criminal offence defined in the afore-mentioned Articles are instituted by the military police under the instructions of the prosecutor upon the personnel's repatriation to Serbia.</p>
PROSECUTION	
<b>Referral</b>	<p>Upon completion of an investigation, a national investigations officer passes the collected data on to the prosecutor under whose instructions he/she has taken the relevant measures and actions.</p>
<b>Who can charge?</b>	<p>Charges of sexual exploitation and abuse against a military person are brought either by the military police or the Ministry of Internal Affairs of the Republic of Serbia depending on the offence which has been reported.</p>
JUSTICE	
<b>Military justice</b>	<p>Serbia has no military justice system. See the <b>Law on the Transfer of Competencies of Military Courts and the Offices of Military Prosecutors and Defence Attorney to the Organs of the Member States (Official Gazette of Serbia and Montenegro, No.55/2004)</b>.</p>
<b>Deployable Court Martial?</b>	<p>Serbia has no court martial system.</p>

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