

COOPERATION BETWEEN THE RUSSIAN FEDERATION AND THE VISEGRAD GROUP COUNTRIES ON EFFORT AGAINST TERRORISM AND ORGANIZED CRIMES

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1. INTRODUCTION

International terrorism is 21st century global issue which constitutes a considerable danger for the world community. Its expansion becomes a threat which is even stronger due to the existing problems: organized crime, drug and arms trade and human trafficking.

The topicality of the listed problems is conditioned by the increasing amount of danger due to the large expansion and more media coverage of such acts and plots (which slightly varies in different countries) and their wide geographical coverage. These issues have currently become global and are characteristics not only of a certain country or state but of entire continents. In order to overcome the existing threats cooperation is required, that is why this problem is one of the major directions of the world organizations like the United Nations, the European Union, the North Atlantic Treaty Organization and each particular state, including Russia.

An effective struggle against the above-mentioned threats require cooperative effort. Moreover, the criminal world possesses large amounts of different resources, utilizes the latest technology¹ (hires and trains adherences on internet, for instance). A distinctive characteristic of the present-day criminality is rapid progress and adaptation. There is a great influence of economic factor, i.e. aiming at the maximizing of profit, which is partly invested in criminality development and partly in settling into legal world economy. In recent times we have observed that different branches of crime are combining. For example, terrorists lend pirates assistance in forces and support drug mafia for financial assistance in return.

Just before the New Year's celebration in 2013 in Volgograd, the Russian Federation, two horrifying terrorist attacks had taken place. They were committed on public transport and caused 32 deaths. These impudent terrorist attacks have appeared to be a recollection of the times when the entire South Russia as well as now the Northern Caucasus was considered to be the area endangered by terrorists. World community largely reproved the inhuman action and expressed its sympathy for the victims. Hungarian Ministry of Foreign Affairs claimed that the disaster which happened in Russia reminds that the world community's duty is to cooperate against terrorism threatening the peace and safety of the world. Having considered these events, leaders of many countries have grown anxious about whether it is possible to hold the 2014 Winter Olympic Games in Sochi safe enough.

2. COOPERATION EFFORTS

The cooperation of the effort against terrorism and organized crime is conducted on 3 levels: (i) *international* (cooperation in the United Nations Organization, the International Police), (ii) *regional* (cooperation in the Commonwealth of Independent States, the European Union, the Organization on Security and Cooperation in Europe, the Council of Europe) and (iii) *bilateral* (on the basis of two-way deals, state or department level, collaboration of law-enforcement, investigative and judicial authorities).

The present article pays deep attention to bilateral cooperation of the Russian Federation and the Visegrad countries, namely Poland, Hungary, the Czech Republic and Slovakia.

The bilateral cooperation among these states in these cases is based on intergovernmental and interdepartmental agreements. In 1992, the interdepartmental agreement on cooperation was signed by the Russian Federation Ministry of Internal Affairs and the Polish Ministry of Internal Affairs. In pursuance of this agreement *both departments are engaged in maintaining cooperation according to the followings:*

- a) Combat different branches of crime: crimes against life, health, freedom, personality, dignity and property;

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¹ E.g. hires and trains adherences on internet.



- b) Anti-terrorism and fight against international organized crime;
- c) Combat illegal acquisition, transfer, sale, storage, transportation, or bearing of firearms, its basic parts, ammunition, explosives, and explosive devices;
- d) Fight against illegal making, acquisition, storage, transportation, sending, or sale of narcotic drugs or psychotropic substances;
- e) Struggle against forgery, manufacture, or sale of falsified documents, government awards, stamps, seals and forms;
- f) Financial and business crime control;
- g) Combat crimes against items of historical and cultural values;
- h) Detection of criminals, fugitive suspects, missing persons, as well as performing activities related to the identification of people whose identity has not been established;
- i) Identification of unknown corpses;
- j) Combat crimes and achieve public order and security maintenance on railway, maritime and air;
- k) Illegal migration control;

The forms of interdepartmental cooperation are the following:

- a) Exchanging the information of crimes being prepared and already perpetrated and persons involved as well as archives and documents;
- b) Exchanging professional experience of work, legislative and other standard regulation acts, research literature describing the activity and operation of law-enforcement agencies, and rendering mutual assistance in educating and training personnel;
- c) Mutually beneficial exchange of forensic and special technologies, means of communication and special transport;
- d) Exchanging research and technology information of operation of law-enforcement agencies, cooperative conducting of researches, and elaboration of scientific programs on problems that concern all of the partners, as well.

In addition, the Russian Federation and Poland signed two agreements; one of the being the Agreement on legal assistance and legal relations in civil and criminal cases between the Russian Federation and the Republic of Poland from 1996² and the other one being the Agreement on mutual protection of classified information from 2008.³ The latter one regulates cooperation of the Federal Security Service of the Russian Federation, the Internal Security Agency (ISA) of Poland and the Military Intelligence Service on information protection. Also in May 2013, the President of the Russian Federation, Vladimir Putin assigned the Federal Security Service of the Russian Federation to make an agreement with the Military Intelligence Service of Poland on cooperation and interaction in military counterintelligence.

3. THE EFFORTS TAKEN BY THE RUSSIAN FEDERATION AND THE V4 COUNTRIES

Regarding the Visegrad countries (V4 Countries), the Hungarian and the Russian Government signed the *Agreement on cooperation regarding the struggle against crime*, especially its organized forms.⁴ An advantage of this agreement is that cooperation is conducted by a number of law-enforcement authorities, not single

² «Договор между Российской Федерацией и Республикой Польша о правовой помощи и правовых отношениях по гражданским и уголовным делам» от 16 сентября 1996 года [*Agreement on legal assistance and legal relations in civil and criminal cases between the Russian Federation and the Republic of Poland* since 16 September 1996].

http://www.mid.ru/BDOMP/spd_md.nsf/0/881B1E77D5FC05E344257C8C00398810 (11 February 2014).

³ «Договор между Российской Федерацией и Республикой Польша о взаимной защите секретной информации» от 08 февраля 2008 года. [*Agreement on mutual protection of classified information between the Russian Federation and the Republic of Poland* since 8 February 2008].

http://www.mid.ru/BDOMP/spd_md.nsf/0/243BB72B69C3E14D44257C8C0039637E (10 February 2014).

⁴ «Соглашение между Правительством РФ и Правительством Венгерской Республики о сотрудничестве в области борьбы с преступностью, особенно в ее организованных формах» от 07 июля 1997 года. [*Agreement between the Government of the Russian Federation and the Government of the Republic of Hungary on cooperation in the struggle against crime, especially in its organized forms* since 7 July 1997].

http://www.mid.ru/BDOMP/spd_md.nsf/0/54F7C19AF6F2DFD644257C8C003989AF (12 February 2014).

departments. Another similar agreement was signed by the Government of the Russian Federation and the Czech Republic in 2011.⁵

According to the agreement, the departments of the Russian Federation involved in cooperation are the followings: the Ministry of Internal Affairs, the Federal Security Service, the Federal Customs Service, the Federal Service for Financial Monitoring, the General Prosecutor Office, the Federal Migration Service, the Federal Drug Control Service and the Ministry for Public Health and Social Development. The departments of the Czech Republic involved in cooperation are the followings: the Ministry of Internal Affairs, the Presidium of Police, the Ministry of Finance, the Financial Research Service and the Directorate-General of Customs Service. In 1994, the Ministry of Internal Affairs of the Russian Federation and the Ministry of Internal Affairs of Slovakia signed an Agreement on cooperation.⁶ Also, two agreements on mutual confidential⁷ and classified information protection were entered into.⁸

Within the United Nations Organization Report entitled “*Measures to eliminate international terrorism*”, it was mentioned that Hungary is included in 14 universal documents concerning the struggle against terrorism and 10 regional documents of the same sort of obligations under the guidance of the Council of Europe. The new Hungarian Criminal Code includes three crimes (but there are much more reference on terrorism within the act. e. g. homicide), connected with acts of terrorism: *act of terrorism*, *concealment of an act of terrorism* (for example, concealment of authoritative information about acts of terrorism) and *sponsorship of terrorism*.⁹

Besides, Hungary adopted a *Plan of action against money laundering and sponsorship of terrorism*. In particular, the Hungarian legislative authority took some certain measures to introduce amendments to Act CXXXVI of 2007 on the prevention and combating of money laundering and terrorist financing (Act CLXXX of 2007 on the implementation of financial and asset-related restrictive measures ordered by the European Union, and on respective amendments to other laws), some modifications were made in restricting measures, respecting Act CLXXX of 2007 on finance and active assets prescribed by the Act of the European Union.

In 2011, the amendments were introduced into legal basis of activities of the Centre for Terrorism Combat, controlled by the Ministry of Internal Affairs of Hungary in order to define the set of goals and authorities concerning elicitation and exploitation of data more precisely and enhance operation in developing international cooperation.

Slovakia is now the party of thirteen agreements within the subject of counter-terrorism. Slovak legislative authorities are taking measures to recognize this agreements and documents in its domestic legislation enacting laws like Criminal Code, Criminal Procedure Code, act on police, act on implementation of international sanctions, act on anti-money laundering, anti-sponsorship of terrorism act, act on the use of nuclear energy for peaceful purposes, act on mining activities, explosives and mining activities governance act, the technical requirements for products, and evaluating its compliance with these requirements, as well as a number of other decrees and decisions. In order to establish specific tasks for relevant ministries and terms for their fulfillment the National Counterterrorism Plan was adopted for the period of 2011-2014. The Slovak National Counterterrorism Plan states that now there are not any threats of terrorist attacks in the country. However, it is worth mentioning that it is a potential threat if the country's territory

⁵ «Договор между Правительством Российской Федерации и Правительством Чешской Республики о борьбе с преступностью» от 08 декабря 2011 года. [Agreement between the Government of the Russian Federation and the Government of the Czech Republic on cooperation in the struggle against crime since 8 December 2011]. http://www.mid.ru/BDOMP/spd_md.nsf/0/97E04DCAF606CF2744257C8C003965B1 (1 February 2014).

⁶ «Соглашение о сотрудничестве между Министерством внутренних дел Российской Федерации и Министерством внутренних дел Словацкой Республики» от 29 мая 1994 года. [Agreement on cooperation between the Ministry of Internal Affairs of the Russian Federation and the Ministry of Internal Affairs of Slovakia since 29 May 1994]. http://mvd.ru/Deljatelnost/documents/m_soglasch/?noredirect=1 (29 January 2014).

⁷ «Договор о взаимной защите информации ограниченного доступа между Правительством Российской Федерации и Правительством Словацкой Республики» от 29 апреля 1997 года. [Agreement on mutual classified information protection between the Government of the Russian Federation and the Government of the Slovak Republic since 29 April 1997]. http://www.mid.ru/BDOMP/spd_md.nsf/0/0281226C8BA9588844257C8C00398447 (29 January 2014).

⁸ «Договор о взаимной защите секретной информации между Правительством Российской Федерации и Правительством Словацкой Республики» от 07 ноября 2006 года. [Agreement on mutual confidential information protection between the Government of the Russian Federation and the Government of the Slovak Republic since 7 November 2006]. http://www.mid.ru/BDOMP/spd_md.nsf/0/117F4D0E33E4FD9B44257C8C003962F4 (13 February 2014).

⁹ See Act C of 2012 on the Hungarian Criminal Code. Sections 314-318.

(any country's territory can be used for such acts) can be used by criminal groups and terrorist organizations for transit, logistical support and preparing future terrorist attacks.

Signing interdepartmental agreements would allow identifying and promptly eliminating international channels of terrorist financing more effectively. To achieve this goal, the countries need to increase the level of cooperation between states on a bilateral basis, not only from Slovakia but also with other members of the Visegrad Group.

Detection and prevention of such crime or terrorist activity within the territory of the Russian Federation is the reason why the cooperation is necessary and has a great importance for the Federation. As an example, Russia can consider counterterrorism operation by the Czech partners. In 2011, the Czech police liquidated the terrorist organized group of North Caucasian natives who legally reside in the Czech Republic. The detained foreigners forged documents, identity cards, weapons and explosives, as well as collected funds to support terrorist movements. It was the first time in the history of the Czech police when the paragraph forbidding to supporting terrorist movement was used.

Talking about cooperation in the struggle with the sponsorship of terrorist activities, it should be noticed that the importance of coordination not only in tracing the sources of funding but also depriving terrorists of the ability to use the funds for criminal purposes. "Suspicious transactions", such as money laundering for sponsorship of terrorism tend to play a minor role. The exchange of operational information related to terrorist activities between the intelligence agencies of the Russian Federation and the countries of the Visegrad Group is necessary.

In order to achieve more effective cooperation, it is necessary to complete intergovernmental *the Russian Federation – the Republic of Poland* and *the Russian Federation – the Slovak Republic* agreements on cooperation in the effort against organized crime. Those will allow involving a larger amount of services and departments of the above mentioned states into cooperation, which would make our interaction much more efficient.

Furthermore, the states ought to develop bilateral cooperation on operational level as well as on international-legal level. The international-legal level implies the approximation of states' laws on extradition and sheltering of criminals and statutory and regulatory work of other different sorts. Whether the struggle against terrorism and organized crime is really effective and whether or not it may be called successful, largely depends on the surgical cooperation of security services.

Collaborative operation of the Criminal Investigation Department of the Ministry of Internal Affairs of the Russian Federation and the Directorate for Combating Organized Crime of the Czech Police may serve as an example. As a result of the operation, a dangerous, special criminal was attached. In order to improve combating organized crime in the Russian Federation, the state needs to develop and maintain contacts with the Europol. The European Police Office is a law-enforcement agency of the European Union, aiming at providing law-enforcement authorities of countries and members of the European Union with information, practical and force assistance, helping them to fight against international organized crime, terrorism and other heavy kinds of international crimes.

The relationship between the Russian Federation and the Europol started in 2003 at the *Russia-EU summit* in Rome, when the *Agreement on cooperation* (so-called strategic agreement)¹⁰ was signed. It determined relevant authorities of the Russian Federation responsible for implementation, contained statements about exchange of strategic and technical information of conditions and development level of criminality, and described investigative measures assumed by police and criminalistics experts, etc.

In March 2004, the Russian National Contact Center was formed as an entity of the National Central Bureau (NCB) of the Interpol in Russia by the Ministry of Internal Affairs in order No. 859. The Center was ordered to cooperate with the Europol in its work and to ensure information exchange between special authorities of the Russian Federation (like the Ministry of Interior, the Federal Security Service of Russia, the Federal Customs Service, the Federal Drug Control Service, and the Federal Financial Monitoring Service, as well) and the Europol. Another function of the Center is elaborating and preparing measures to develop the collaborative mechanism of its organs and services. As a main competent authority within the Agreement on cooperation between the European Police Office and the Russian Federation, the Russian National Contact Center provides functions of the Ministry of Internal Affairs of

¹⁰ "Соглашение о сотрудничестве между Российской Федерацией и Европейской полицейской организацией" от 06 ноября 2003 года. [Agreement on cooperation between the Russian Federation and the European police organization since 6 November 2003].

http://archive.kremlin.ru/interdocs/2003/11/06/0000_type72066_55349.shtml (28 January 2014).

the Russian Federation within its competence. Main functions of the Russian National Contact Center are the following:

- a) Providing, accepting, processing and directing the requests of the Russian Ministry of Internal Affairs' branches, answering requests of component authorities of the Russian Federation and other information coming from the Europol;
- b) Directing requests and answers for the Europol's requests as well as other information accepted from competent authorities of the Russian Federation and the Russian Ministry of Internal Affairs' branches to the Europol in established order;
- c) Providing assistance for established procedures for handling confidential information contained in documents incoming from the Europol and competent authorities of the Russian Federation, documents of the Russian Ministry of Internal Affairs' branches, and adopting measures to prevent the possibility of an unauthorized transfer of information to excluded businesses and individuals;
- d) Formation of databases of documentary and background information in established order, including proprietary databases on matters relating to cooperation with the Europol;
- e) Consultative and methodological assistance to competent authorities of the Russian Federation and the Russian Ministry of Internal Affairs' branches for cooperation with the Europol;
- f) Analysis within the competence of the practice cooperation between competent authorities of the Russian Federation and the Europol;
- g) In the established order participation in the development of proposals for improving cooperation between competent authorities of the Russian Federation and the Europol on matters within the competence of the Russian National Contact Center;
- h) Participation in the development of international agreements and laws, and regulations on the Russian Federation's cooperation with the Europol in the established order and within the limits of authorities' competence;
- i) Fulfilling other functions and full powers in accordance with laws and regulations of the Russian Federation.

In order to fulfill its tasks and functions the *Russian National Contact Center has right to:*

- a) request documents, references and other materials necessary for performing particular tasks from the relevant Russian Ministry of Internal Affairs' branches in established order;
- b) in established order usage of databases of the Russian Ministry of Internal Affairs;
- c) use logistics, human resources and other support of the NCB of the Interpol and the Ministry of Internal Affairs of Russia.

Finally, it is necessary to mention the followings. Criminal activity of armed gangs and transnational terrorist organizations is widely spread and actively conducted through the territory of the countries of the European Union. Due to this fact and in order to efficiently combat international terrorism, measures taken should not only include detection and suppression regarding every individual crime of terrorism in a particular region but detection and suppression of terrorist activity upon the whole. Combating international terrorism needs a comprehensive solution and necessitates joint efforts of the Russian authorities cooperation with their colleagues of the Visegrad group, which cooperation is rapidly developing and is being performed at the operational level.

In order to increase the cooperation's efficiency in combating international terrorism, the comprehensive system of action framework is to be created and developed, which would include following:

- a) Developing and signing intergovernmental and interdepartmental regulatory legal acts, like agreements between Poland and Slovakia on cooperation in combating organized crime, or agreement on ministerial level between the Russian Federation and the Europol;
- b) Carrying out joint operational efforts and promotional measures with the intent to combat organized crime;
- c) Carrying out joint operational efforts and promotional measures in the field of counterterrorism and cooperation with the National Anti-terrorism Committee of Russia and the Commonwealth of International States Anti-Terrorism Center member states.

4. CONCLUSION

Developing and signing intergovernmental agreements on cooperation between the Russian Federation and the Visegrad group's countries is the requirement of successful cooperation and information exchange between maximally possible intelligence services.

It is worth highlighting that carrying out joint operational efforts and promotional measures in the field of counterterrorism and combating organized crime on international level will bring interstate and interdepartmental cooperation to a whole new level. It will also contribute to the improvement of counterterrorism policy development; besides it is necessary to take the experience of counterterrorism efforts of the Russian Federation and the Visegrad countries into consideration. Another thing is prevention of crimes and terrorist attacks at the step of its preparing to be committed. Collecting and analyzing information about criminal groups, terrorist organizations and finding out financial channels or other ways of assisting them in their criminal activity.

The preventive mission requires a high level of engagement of the Visegrad group countries and the Russian Federation. Only joint efforts of the international community can make it possible to efficiently solve the global problem of international terrorism and organized crime. This is the necessary condition for a successful solution of problems in this area.