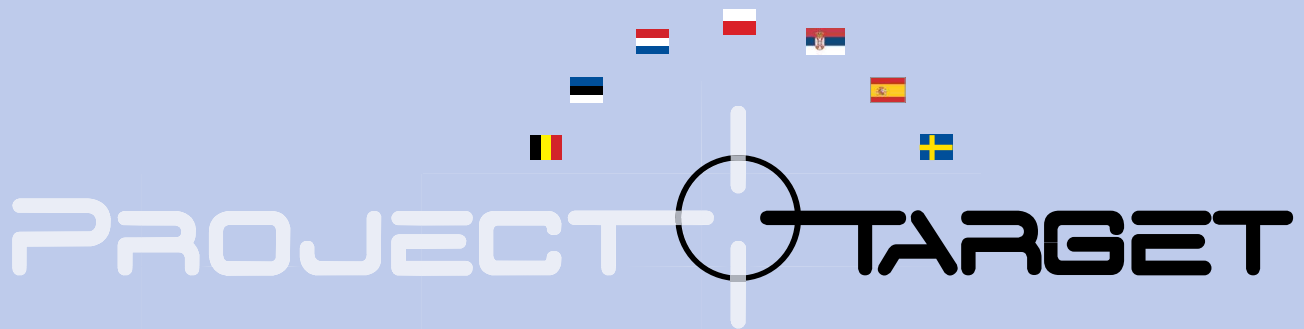


COUNTRY REPORTS



Pulling the trigger: gun violence in Europe

Nils Duquet (ed.)



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REPORT 

PROJECT TARGET

A snapshot of illicit firearm-trafficking and gun violence in Serbia

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Introduction

The uncontrolled spread and misuse of firearms challenges and threatens both State and human security. According to the Small Arms Survey estimates, there are more than one billion firearms in the world, the vast majority of which are in the possession of civilians.¹ Although Serbia is among the top-ranked countries according to the estimated rate of civilian firearm holdings,² the country is not characterised by high levels of conventional crime or violence with firearms. As suggested by the *Small Arms and Light Weapons* (SALW) survey, the period 2012–2016 saw a 34% decrease in criminal offences committed with the use of firearms.³ In the period from 2010 to 2015, approximately 260 deaths in Serbia annually resulted from firearms⁴ which include approximately 52 firearm homicides annually (an annual average of 0.73 firearm homicides per 100,000 population).

On the other hand, the problem of trafficking in and illicit possession of firearms is also present in Serbia: most cases of homicide and other violent crimes are committed using illicit firearms. However, apart from some studies of small arms and light weapons (SALW) and domestic violence,⁵ no specific studies have been undertaken to analyse the impact of illicit firearm-trafficking – particularly as a form of organised crime – on gun violence in Serbia in general. Consequently, little is known about the scope and dynamics of the impact of illicit firearm-trafficking on gun violence. Taking that as a starting point, the objective of the present study is to analyse the impact of illicit firearm-trafficking on gun violence in Serbia. The study has three main aims:

- to analyse the scope and nature of gun violence in Serbia;
- to analyse the characteristics of firearms used in gun violence in Serbia, and
- to map out existing policy and practice related to collecting and recording data in this area, preventing gun violence, combating illicit firearm-trafficking and limiting the impact of illicit firearm-trafficking on gun violence.

Box: Research design

This chapter was prepared by triangulating data collected through quantitative and qualitative research methods, which comprised:

qualitative analysis of the relevant literature, including academic articles, previous research studies and reports, reports of state institutions and civil society organisations (CSOs), relevant legislation and policy documents;

collecting quantitative data on incidents of gun violence in Serbia and the firearms used in these incidents; and

in-depth interviews with key actors in Serbia.

Qualitative analysis of the relevant literature was performed in order to investigate the existing legal framework, policy and practice related to the illicit firearm-trafficking and gun violence and their relationship so as to provide a basis for the empirical part of the research.

Quantitative data on gun violence for the five-year period 2015–2019 were collected primarily from the Ministry of the Interior of the Republic of Serbia (MoI) on the basis of the Law on Free Access to Information of Public Importance.⁶ The starting point was 2015 because it was in that year that the Law on the Weapons and Ammunition⁷ was enacted. The data were based on previously defined variables derived from a literature review.

In addition, statistical data on firearm-related violence were collected from the Armed Violence Monitoring Platform, which is managed by the South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC).

In-depth interviews were conducted with SEESAC representatives, the UN Office for Drugs and Crime (UNODC) in Serbia and the Customs Administration's Department for Suppressing Smuggling. Interviews were conducted by a means of a semi-structured questionnaire. The MoI allowed us to submit a questionnaire to be distributed to certain police units. We subsequently received a joint document from the MoI containing the requested data related to firearm-trafficking. The data were processed using both qualitative and quantitative methods

¹ SEESAC operates under a mandate from the United Nations Development Programme (UNDP) and the Regional Cooperation Council (RCC) to enhance control over SALW. More information can be found at <https://www.seesac.org/AVMP/>.

This chapter begins with a brief analysis of the regulatory framework for firearm possession and trade and the scope and characteristics of legal firearm possession and trade. This provides a basis for a better understanding of the dynamics of legal firearm possession and the firearms market in the country. This is followed by an analysis of the scope and characteristics of illegal firearm possession and illicit firearm-trafficking into, within and from the country. The main part of the chapter focuses on the scope and nature of gun violence in Serbia. The final part provides insights into the national policy and initiatives to combat illicit firearm-trafficking and gun violence. In the concluding part we provide some recommendations for the improvement of policy and practice in preventing and responding to gun violence and illicit firearm-trafficking in Serbia, as well as for the improvement of data-collection on these issues.

1

Regulatory framework for firearm possession and trade

1.1 International regulatory framework

The Republic of Serbia has developed its regulatory framework for firearm possession and trade on the basis of its commitments confirmed by signing relevant international instruments. As a member of the United Nations (UN), the State has accepted a range of resolutions and agreements related to arms control, such as the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (UN PoA),⁸ the UN Firearms Protocol,⁹ and the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons.¹ In 2001, Serbia ratified the UN Convention against Transnational Organised Crime¹⁰ and in 2005 it signed its supplementing Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition.¹¹ In 2013 Serbia signed and in 2014 it ratified the Arms Trade Treaty.¹²

At the regional level, the country is committed to implementing the goals defined in the Roadmap for a sustainable solution to the illegal possession, misuse and trafficking of SALW/firearms and their ammunition in the Western Balkans (the 'Roadmap').¹² This instrument serves as a guiding and consensual document developed and adopted by the states in the Western Balkans in 2018 under the auspices of the German Federal Foreign Office, the European Union (EU) and the Regional Cooperation Council, with the support of SEESAC. The Roadmap is built on the political commitments to the UN PoA and legal obligations stemming from the UN Firearms Protocol. This regional instrument provides an overall platform for commonly agreed levels of performance in achieving the following goals:

I Adopted by the United Nations General Assembly on 8 December 2005.

II The Treaty was adopted on 2 April 2013 by resolution 67/234B during the 67th session of the General Assembly of the United Nations, and entered into force on 24 December 2014.

- By 2023, ensure that arms control legislation is in place, fully harmonised with the EU regulatory framework and other related international obligations and standardised across the region.
- By 2024, ensure that arms control policies and practices in the Western Balkans are evidence-based and intelligence-led.
- By 2024, significantly reduce illicit flows of firearms, ammunition and explosives into, within and beyond the Western Balkans.
- By 2024, significantly reduce the supply, demand and misuse of firearms through increased awareness, education, outreach and advocacy.
- By 2024, substantially decrease the estimated number of firearms in illicit possession in the Western Balkans.
- Systematically decrease the surplus and destroy seized SALW.
- Significantly decrease the risk of the proliferation and diversion of firearms, ammunition and explosives.

In 2019, the UNDP, the UNODC and the Multi-Partner Trust Fund (MPTF) Office established the Western Balkans SALW Control Roadmap MPTF as a key funding mechanism for implementing the Roadmap. The periodic monitoring of progress against the agreed goals and the key performance indicators is regularly conducted and reported on by SEESAC.¹³

As a member of the Organisation for Security and Co-operation in Europe (OSCE), the State has been fully implementing the Vienna Document 2011, the Document on Small Arms and Light Weapons¹⁴ and the Document on Stockpiles of Conventional Ammunition.¹⁵

Serbia has joined almost all the major non-proliferation, disarmament and arms control treaties promoted by the EU. The State has accepted the criteria under the 1998 EU Code of Conduct on Arms Export and aligned itself with the Common Position 2008/944 on common rules governing arms exports.

1.2 National regulatory framework

On the basis of these international documents related to SALW, the Republic of Serbia has developed a normative framework that consists of the following legislation:

- Law on Weapons and Ammunition;¹⁶
- Law on Export and Import of Dual-Use Goods;¹⁷
- Law on Export and Import of Arms and Military Equipment;¹⁸
- Law on Testing, Stamping and Marking of Weapons, Devices and Ammunition;¹⁹
- Law on Production and Transfers of Weapons and Military Equipment;²⁰
- Law on Trade of Explosive Materials;²¹
- Law on Private Security;²²
- Law on Detective Activity;²³

- Criminal Code;²⁴
- Code on Criminal Procedure;²⁵
- Law on Police;²⁶
- Law on Game and Hunting.²⁷

Important to stress is that the Serbian legal framework on the civilian use of firearms and ammunition is only partially harmonised with the EU regulations (see Table 1).

Table 1: Level of harmonisation of Serbian legislation with EU directives/regulations

EU directives/regulations	Legal framework
Council Directive 91/477/EEC of 18 June 1991 on control of the acquisition and possession of weapons	Law on Weapons and Ammunition Law on Testing, Stamping and Marking of Weapons, Devices and Ammunition Rulebook on Weapon Deactivation Law on Export and Import of Arms and Military Equipment
Directive 2008/51/EC of the European Parliament and of the Council of 21 May 2008 amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons	Partially harmonised
Directive (EU) 2017/853 of the European Parliament and of the Council of 17 May 2017 amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons	Partially harmonised
Regulation 258/2012 of the European Parliament and of the Council of 14 March 2012 implementing Article 10 of the UN Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the UN Convention against Transnational Organised Crime (UN Firearms Protocol), and establishing export authorisation and import and transit measures for firearms, their parts and components and ammunition	Fully harmonised
Commission Implementing Regulation (EU) 2015/2403 of 15 December 2015 establishing common guidelines on deactivation standards and techniques for ensuring that deactivated firearms are rendered irreversibly inoperable	Partially harmonised

Commission Implementing Regulation (EU) 2018/337 of 5 March 2018 amending Implementing Regulation (EU) 2015/2403 establishing common guidelines on deactivation standards and techniques for ensuring that deactivated firearms are rendered irreversibly inoperable

Commission Implementing Directive (EU) 2019/68 of 16 January 2019 establishing technical specifications for the marking of firearms and their essential components under Directive 91/477/EEC on control of the acquisition and possession of weapons

Commission Implementing Directive (EU) 2019/69 of 16 January 2019 laying down technical specifications for alarm and signal weapons under Council Directive 91/477/EEC on control of the acquisition and possession of weapons

Source: SEESAC. Roadmap for a sustainable solution to the illegal possession, misuse and trafficking of SALW and their ammunition in the Western Balkans by 2024. Key Performance Indicators (KPI) Regional Reporting Framework, 23 November 2020

The legislation in this field is regulated in greater depth in the relevant by-laws¹. The majority of the listed laws have been adopted under the Strategy on SALW during the period 2010–2015 that has envisaged introducing stricter control over trade in weapons and preventing and eliminating their illicit possession and trade.

The acquisition, holding, carrying, collecting, repairing and converting, trade in, brokering and transportation of weapons and ammunition are regulated by the Law on Weapons and Ammunition. Under this Law, the weapons are divided into four categories (see Table 2) with respect to the level of permission and prohibition to acquire, hold and carry them as regulated in article 5.

¹ Such as the Rulebook on Keeping the Registry of Persons Authorised to Perform Export and Import of Weapons and Military Equipment, Brokering Services and Technical Assistance (Official Gazette of RoS, Nos 28/2015 and 44/2018) and the Rulebook on the Form and Content Requirements for Licence, the Licence Form, the Form and Content of the Certificates Accompanying the Export and Import of Arms and Military Equipment (Official Gazette of RoS, No 28/2015).

Table 2: Categories of weapon according to the Law on Weapons and Ammunition

Category	Type of weapons	Permission and prohibition to acquire, hold and carry
A	Mines and explosive devices, automatic short and long firearms, weapons disguised as other objects and firearms with silencers.	May not be acquired, held or carried by natural persons, legal entities and entrepreneurs, except in cases envisaged by this and other laws.
B	All types of firearm (short, long, semi-automatic, repeating, single-action, double-action, with rifled or smooth-bore barrels, other than those listed in categories A and C) and convertible weapons.	May be acquired, held and carried against a document of the competent authority (MoI).
C	Deactivated firearms, antique weapons and their modern copies that do not use central or rim fire bullets, air weapons with the kinetic energy equal to or greater than 10.5 J, with projectile velocity equal to or greater than 200 m/s, and of calibre larger than 4.5 mm and, finally, string weapons with the tension force exceeding 450 N, or whose drawing weight is more than 101 libras.	May be freely acquired in the cases specified in this Law and may be held provided they have been declared to the competent authority.
D	Cold weapons, gas sprays, electroshock weapons, air weapons with kinetic energy below 10.5 J or with projectile velocity below 200 m/s, and of calibre equal to or smaller than 4.5 mm and, finally, string weapons with the tension force below 450 N, or whose drawing weight is up to 101 libras.	May be acquired and held without any document and declaration to the competent authority.

Under the Law on Weapons and Ammunition, weapons and ammunition that may be acquired and registered may be transported across the border when importing and exporting. Such transportation will be in line with the regulation related to the export and import of weapons and ammunition, foreign trade change and transport of dangerous goods and with application to the border-control authority. In this case, the owners of imported weapons are obliged to submit the application for a weapon licence within eight days of its importation. Licensed weapon-owners – or their agents, if the weapon is owned by a legal entity or an entrepreneur – may transport the weapon and ammunition across the State border on condition that they declare them to the border-control authority. Violation of these provisions is considered a misdemeanour that is sanctioned by imprisonment of up to 60 days or a fine. A fine is prescribed in the case of an offence committed by legal entities and entrepreneurs. Apart from these sanctions, a protection measure of weapon and ammunition confiscation may be imposed. In the amendments to the Law in March 2020, additional efforts have been made to prevent persons linked to terrorism from obtaining possession of the means of carrying out terrorist acts.

Trafficking in weapons is not criminalised as an explicit criminal offence but is prohibited under a general provision of the Criminal Code that prohibits the illegal

manufacturing, possession, carrying and sale of firearms (art 348). A person who or an entity which transfers SALW requires a licence of authorisation to transfer SALW from or into the country. SALW trade without a licence or authorisation, or doing so in a manner that is in contradiction of the terms of a licence or authorisation, is a criminal offence. The unlawful manufacture, possession, carrying and sale of firearms and explosives are sanctioned by imprisonment ranging from six months to five years and a fine. If the subjects of the offence are firearms, ammunition or weapons whose sale, procurement, exchange, or possession is forbidden to citizens, the sanctions are imprisonment of between one and eight years and a fine. If the subject of the offence is a larger quantity of weapons, ammunition or weapons and other devices of large destructive power or the act is committed contrary to the rules of international law, the offender will be punished by imprisonment of from one to eight years. A person who carries the above-mentioned objects may be sentenced to imprisonment of between two and 12 years. Unlawful sale in prohibited weapons is sanctioned under the article 377 by imprisonment of from one to eight years.

It is important to stress that the Criminal Code and the Code on Criminal Procedure contain certain shortcomings that prevent the illicit trade in firearms being combated effectively. Owing to the State's having omitted to criminalise trafficking in weapons as a specific criminal offence, the judiciary classifies these cases as illicit sales under general article 348 of the Criminal Code. This is also the case even if the subject of the offence is a larger quantity of illicit trade in weapons and/or ammunition. Consequently, it is not possible to obtain the real data of cases of trafficking in weapons that have been prosecuted, are currently in a criminal procedure or where sentence has been passed, because these data are hidden in the court statistics within the overall cases of illegal acts related to firearms.

Moreover, in the case of gun violence perpetrated using an illicit firearm, a prosecutor is not obliged to investigate the origin of the firearm used. It is seized, but no further investigation is carried out to uncover the chain of the trafficking in weapons or/and detecting links with other types of trafficking such as trafficking in narcotics. This is a significant shortcoming of the criminal procedure and in the prevention of trafficking in firearms, as it has been proved that firearm-smugglers often use the same channels as smugglers of narcotics.¹

Another problem is that the unlawful removal and/or change of markings or a serial number on the weapon or one of its components is not viewed as a criminal offence. Article 41 of the Law on Testing, Stamping and Marking of Weapons, Devices and Ammunition prescribes that whoever makes false stamps or markings for testing, stamping and marking of weapons, devices and ammunition with the intention to use them as genuine, or who, with the same intent, alters such genuine stamps or markings or uses false or altered stamps or markings as genuine, must be punished with a fine or imprisonment of up to three years.

¹ Interview with the National Programme Officer, UN Office for Drugs and Crime in Serbia, 18 February 2021.

However, the act of removing markings is not criminalised under this law as required by article 5 of the UN Firearms Protocol. Furthermore, if gun violence is carried out using such a weapon, a prosecutor is not obliged to investigate further how and from whom such a weapon has been acquired. This is also a shortcoming of the criminal procedure, because a firearm from which the markings and/or a serial number are removed or changed is usually purchased on the illegal market with the intention to use it in a criminal activity (robbery, homicide, etc).²⁸

As a result of these legal shortcomings, few cases of trafficking in firearms are prosecuted and sentenced, and the criminal sanctions are less onerous than the sanctions for trafficking in narcotics. For example, the prescribed sanction for the unlawful trade in a firearm is imprisonment of from six months to five years and a fine (art 348.1), while in the case of the unlawful trade in narcotics the prescribed sanction is imprisonment of from three to 12 years (art 246.1).

It is expected that by 2023 the Republic of Serbia will have fully harmonised its legislation with the UN Firearm Protocol and have adopted legislative and other measures that will eliminate the above-mentioned shortcomings. This means that Serbia should qualify the following acts as criminal offences if they are committed with intent:

- the illicit production of firearms, their parts, assemblies and ammunition;
- the illicit trade in firearms, their parts, assemblies and ammunition;
- forgery or the unlawful deletion, removal or altering the markings on firearms.

A working group was set up to draft amendments to the national legislation in this sphere in accordance with the EU *Acquis*.

2

Legal firearm possession and trade

Civilian possession of firearms has traditionally been high in Serbia due to the cultural and historical tradition of owning a gun, but also due to its legacy of a large weapons industry and string armed forces.²⁹ In addition, the number of firearms in civilian possession is particularly an issue of concern as a result of its recent history of wars and other conflicts, which resulted in an atmosphere of general insecurity, and the high level of availability of weapons.

According to the SALW survey implemented in jurisdictions in the Western Balkans countries, a steady increase of 9.3% in the total number of firearms held by civilians and private entities in Serbia was observed between 2012 and 2016: from 587,192 in 2012 to 641,600 in 2016.³⁰ Almost all of these firearms were held by civilians (96.3%), with a vast majority of male firearm licence-holders (94.7%), who were often middle-aged and older. The most common reasons for legal firearms possession are self-protection and/or defence (39.5%) and hunting (41.8%).³¹ The number of firearm licence applicants fluctuated but increased overall from 12,379 applicants in 2012 to 13,125 in 2016, an increase of 6%, with a peak in 2015 at 17,060 (likely connected to the introduction of the Law on Weapons and Ammunition in 2015, which tightened civilian firearm-licensing conditions).³² In this period a growing interest among younger citizens (18 to 35) in legally acquiring firearms was observed.³³

The findings of the online SALW perception survey conducted by SEESAC in 2017 suggested that 63% of the respondents in Serbia reported that they had not experienced the use of a gun at all;³⁴ 43% of men reported to have had some form of direct personal experience with a gun (used a gun, had a gun directed at them, or both) compared to 14% of women. Male respondents were more likely to experience gun use in “armed conflict” and “other” situations, whereas female respondents reported that they had had more experience with gun use in situations of “intimidation and threats” and “celebratory shootings”.³⁵ Men were twice as likely as women to own a gun.³⁶ The most frequent reasons stated for gun ownership were not linked to tradition and customs, but rather to a desire for protection or safety, previous experience of gun use and

hunting. Both male and female respondents generally believed that more police or a greater presence of authorities, violence awareness campaigns and stricter gun control regulations are the most effective ways of making a community safer. Only 7% of the respondents believed that more people owning guns to protect themselves would be the most effective way to make communities safer.³⁷

The 105 private security companies operating in Serbia held 52.1% of all private-entity firearms in 2016. These companies employed 7,041 personnel, the majority of them male (98.3%), who were authorised to carry firearms. They collectively held 12,265 firearms, an increase of 12.7% in comparison to 2012.

Sales shops held 27.8% of all private-entity firearms in 2016. The number of shops selling firearms increased from 142 in 2012 to 151 by 2016.³⁸ In the same year, a total of 9,843 firearms were sold to civilians, the majority of which were category B firearms; 6,224 firearms were sold to legal entities.³⁹

Shooting ranges held 14.9% and shooting associations 5.2% of all private-entity firearms in 2016.⁴⁰ The number of shooting associations in Serbia fell from 97 in 2012 to 90 in 2016. They collectively had approximately 6,500 members, half of whom were women.⁴¹

The production of and the legal trade in firearms in the Republic of Serbia are considered to be the most significant in the Western Balkans region. The Serbian arms industry has experienced significant growth in recent years, including the arms exports that tripled between 2011 and 2018.⁴² In 2016 the country had approximately 60 companies producing arms and military equipment, while only three companies were authorised to produce firearms.⁴³ No illegal firearm production was reported in Serbia during this period.

3

Illicit possession of firearms

The break-up of the Socialist Federal Republic of Yugoslavia, the wars on the territory of the former Yugoslavia and the political instability in the region of the Western Balkans during the 1990s resulted in the accumulation and stockpiling of the millions of weapons in this region, and facilitated the spread of firearms among the Serbian population.⁴⁴ The developed weapons industry in the former Yugoslavia and its legacy of a large army also contributed to the accumulation and proliferation of firearms.⁴⁵ Following the political and social changes in 2000, Serbia has witnessed increasing political stability; nevertheless, the number of illicit firearms in civilian possession remains high.

The exact scope of illegal firearm possession in Serbia is difficult to assess due to the hidden nature of the phenomenon of crime and the lack of a clear methodology for estimating the number of illicit firearms held by civilians and circulating in the country. For example, the Small Arms Survey estimated that by the end of 2017 there were approximately 2,719,000 civilian-held firearms in Serbia, of which only 1,186,086 were registered, leaving 1,532,914 illicit firearms.⁴⁶ From these estimates it can be concluded that the number of illegal firearms has increased over the years despite the relative success of several legislative campaigns and weapons amnesties organised in Serbia over the past two decades.

After the adoption of the Law on Weapons and Ammunition in 2015, a three-month firearm legalisation campaign was organised in Serbia (March–June 2015). During the campaign, civilians could hand in illicit firearms without having to prove their origin and without facing criminal and misdemeanour charges. This resulted in the legalisation of 8,955 firearms, with 7,545 having been legalised in 2015 and a further 1,410 in 2016.⁴⁷ No data were available regarding whether domestic or international tracing was undertaken for these firearms. Between 2012 and 2016, a total of 42,568 firearms were surrendered voluntarily, with 5,379 surrendered in 2012, a peak number of 12,128 being handed over in 2015 and 8,396 surrendered in 2016.⁴⁸ As pointed out in the SALW survey report, domestic tracing with matches and hits was carried out for all

firearms, while information was not available regarding international tracing carried out on firearms that were surrendered voluntarily.

Between 2012 and 2016 a total of 7,048 firearms were seized throughout the country; the majority of them were pistols and revolvers (52%) and rifles (21%).⁴⁹ According to the Illicit Arms Flows Questionnaire, in 2016 and 2017 a total of 3,148 firearms were seized in Serbia (1,451 rifles and 1,215 pistols), both from criminals and from individuals who do not have connections with the criminal milieu.⁵⁰ According to the regional narrative progress reports on the implementation of the Roadmap for a sustainable solution to the illegal possession, misuse and trafficking of SALW and their ammunition in the Western Balkans, in 2018, a total of 1,567 pieces of firearms, 59,957 pieces of ammunition of different calibre and 119 bombs and explosive devices that were in illegal possession were seized.⁵¹ During 2019, 1,061 firearms, 15,187 pieces of ammunition of different calibres, 58 hand grenades, 184 explosive devices and 42 kg of explosives found in illegal possession were seized in Serbia.⁵² Therefore, as pointed out in a recent report on illicit trade in south-eastern Europe, during the period between 2018 and 2020 seizures of firearms in Serbia have increased, which coincides with the adoption of the Regional roadmap on combating illicit arms trafficking in the Western Balkans.⁵³

4

Illicit trafficking in firearms

Illicit trafficking in firearms is a global phenomenon that is closely connected to organised crime groups (OCGs) and terrorism.⁵⁴ However, as different research suggested, it is more concentrated in the areas affected by conflicts and in post-conflict countries, regions and territories.⁵⁵ Consequently, owing to its recent history of armed conflicts and political instabilities, the Western Balkans is considered to be one of the main sources of firearms.⁵⁶ As indicated by a recent UNODC Global Study on Firearms, the Western Balkans is primarily characterised by intra-regional illicit trade in firearms. However, the high price of weapons in the markets outside of the region also contributes to illicit trade in firearms from the Western Balkans to other parts of Europe, Western Asia and North America,⁵⁷ and their sale on the international weapons market.⁵⁸ Firearms produced in the Balkans were used in several terrorist attacks in 2015 and 2016,⁵⁹ but they also continue to be used in the region itself.⁶⁰

Serbia has been a hub of illicit firearm-trafficking for a long time. Large numbers of weapons were smuggled out of the country to Croatia and later to Bosnia and Herzegovina in exchange for scarce goods (particularly fuel) during the 1990s and the embargo imposed by the UN after the collapse of the former Yugoslavia.⁶¹ Improved border control, a certain degree of market saturation and an increase in law-enforcement capacity have led to a significant decrease in trafficking levels, as witnessed by a decrease in the number of firearms and the amount of ammunition intercepted at the border.⁶² Data received from the Customs Administration, Department for Suppressing Smuggling confirms this trend (see Table 3).

Table 3: Units of firearms seized by customs' officials at Serbian borders, 2014–2020

Year	Number of firearms seized	Pieces of ammunition seized
2014	103	2,597 pieces and 49 boxes of ammunition
2015	98	24,530 pieces
2016	54	6,220 pieces and 7.5 kg of ammunition
2017	27	9,835 pieces
2018	44	two packages and 709 pieces
2019	36	2,373 pieces and six packages
2020	474	33,851 pieces of ammunition and 11 kg of gunpowder

A steady decrease in the number of firearms seized by customs officials at the borders from 2014 to 2019 is observed. However, a sharp increase in 2020 is visible. A similar trend is seen in connection with ammunition seized. It can be estimated that this trend is a result of the adoption of the Regional roadmap on combating illicit arms trafficking in the Western Balkans and the commitment of Serbia and its authorities to comply with its aims.

Being on the Balkans route,^{I 63} Serbia is primarily a transit country for illicit trade, including illicit trade in firearms, while to a lesser extent it is a source of or a destination country for trafficked firearms.⁶⁴ There have been numerous cases of police raids and street shootings using illegal guns in connection with drug-trafficking or the smuggling of migrants.^{II 65} However, as recently pointed out in one research report, in Serbia and other countries of south-eastern Europe 'illegal possession and trade of weapons is perceived more as a public safety, rather than organised crime or national security, threat'.⁶⁶

Rather limited quantitative information is available on the various modes of illicit firearm trafficking in Serbia. The SALW survey noted that a total of 264 firearms^{III} were

^I The geographic location of the Western Balkans region makes it attractive for various forms of illicit trade in drugs, weapons and people. This includes both human-trafficking and the smuggling of migrants.

^{II} For example, in December 2020, police seized various types of firearm, ammunition and explosive from a criminal group of 12 that was arrested and suspected of organised illegal border crossings and trafficking in migrants. They were suspected of organising the illegal crossing of more than 310 migrants across the border with Croatia and Bosnia and Herzegovina on their way to the EU countries. Pistols and ammunition have also been found during a police raid on a group suspected of trafficking in human beings in Serbia and Belgium. A man injured in a street shooting in December 2019 was suspected of having connections with OCGs and drug-trafficking.

^{III} 22 in 2012, 44 in 2013, 105 in 2014, 41 in 2015 and 52 in 2016

recorded as having been trafficked along Serbia's borders between 2012 and 2016.⁶⁷ 202 of these firearms (76.5%) were trafficked at border-crossing points; 33 firearms (12.5%) were trafficked via airports and 19 (7.2%) across the green borders.⁶⁸ In the same period a total of 43,825 units of ammunition^I were reported trafficked across Serbian borders.⁶⁹ However, as pointed out in the survey report, no data were available for the number of indictments for firearm- and ammunition-trafficking during the given period or for the types of firearm trafficked.

The routes used for illicit trafficking in firearms through Serbia are similar to those used for drug-trafficking or human-trafficking and smuggling of migrants. They mainly go from east to west, but also vice versa. From the east, the routes of firearm smuggling mainly proceed from Turkey and Kosovo towards Western Europe (Belgium, Austria and Switzerland) and the Scandinavian countries. These routes are also used in cases of illicit trade in firearms produced in Serbia. From the west to the east, the routes of illicit trafficking in firearms go from the Western European countries towards Kosovo, Turkey and Montenegro, and further afield. These directions are mainly used for more sophisticated and expensive weapons.^{II}

In recent years, Serbia has also become a transit country in the flow of convertible weapons through the Western Balkans region. Several converted weapons have been seized at Serbia's borders, in particular at the border with Bosnia and Herzegovina and Montenegro, and at the administration line with Kosovo.^{III} This is illustrated by the following example: on 21 April 2020, it was reported that the Serbian Customs Administration had intercepted 80 Grizzly 83-2 5.5 mm and Grizzly Striker 4.5 mm air rifle barrels, 80 rifle stocks, ten Zoraki 9 mm air pistols, 4,000 pieces of ammunition for gas pistols and 70 optical rifle scopes, found hidden in a truck entering Serbia at the Gradina border crossing with Bulgaria. The truck, driven by a 27-year-old Serbian man, was travelling from Turkey to Montenegro, where the weapons would have been converted into conventional small-calibre firearms.⁷⁰ Among the converted firearms seized were also some that appear to have been destined for the domestic market.^{IV}

Serbia is, to a lesser extent, also a source country for the illegal trafficking in firearms to Western Europe: revolvers, automatic rifles, hand grenades, mines and ammunition of various calibres in particular are routinely smuggled from Serbia into the EU.⁷¹ As pointed out by some researchers, 'this is primarily the result of the large state-owned and civilian stockpiles (registered and unregistered) and the prevalence of organised crime in the region.'⁷² OCGs smuggle the weapons first into the central European states such as Croatia, Hungary, Slovakia and Austria, and from there to countries such as France, Belgium, the Netherlands, Denmark, Sweden and Norway.⁷³

^I 74 in 2012, 6,284 in 2013, 18,303 in 2014, 7,415 in 2015 and 11,749 in 2016

^{II} Interview with the representative of the Customs Administration, Department for Suppressing Smuggling.

^{III} Interview with the representative of the Customs Administration, Department for Suppressing Smuggling.

^{IV} Interview with the representative of the Customs Administration, Department for Suppressing Smuggling.

90% of seizures take place at the road border crossings, rarely at the airports^I and on the river. The largest and most frequent seizures of illicit firearms occur at the major road-crossing points: Batrovci (Croatia), Horgoš (Hungary), Gradina (Bulgaria) and the administrative crossing point of Merdare (Kosovo).^{II} Traffickers usually follow the highway – it is faster and has fewer controls. In addition, there were seizures of firearms at the crossing points of Gostun (Montenegro) and Preševo (North Macedonia), mainly on exiting from Serbia, and at Strazimirovce and Ribarci (Bulgaria), mainly on entry to Serbia. This is illustrated by several examples.

In November 2020, at the Batrovci crossing point (with Croatia) at the entrance to Serbia, a BMW with Belgian licence plates was pulled over for a detailed inspection. Three men were in the car: a Belgian, an Albanian and a citizen of Kosovo – all of them, however, were Albanian nationals. The driver was a 42-year-old man who said they had nothing to declare to customs' officials except personal luggage. He added that they were travelling to the territory of Kosovo, because, allegedly, as the owner of a private company in Belgium, he needs workers, saying that his two companions were also employed by him. But a detailed inspection of the travel bags and suitcases in the trunk revealed two Hawke Endurance 30WA optical sights, one ND3 SubZero laser sight, two Warrior Turbo Kit Olight tactical LED lamps and one thermal imager Xeye E3 Pro camera. Again in November 2020, a 7.62 mm 'Zastava' pistol with 400 associated bullets was seized at the Gostun crossing point (with Montenegro) and a 52-year-old Montenegrin citizen was convicted of smuggling. The gun was found in a plastic bag on the floor in front of the passenger seat, and a bag with 401 TT-7.62 mm bullets was found among the clothes in the suitcase.⁷⁴

These and other examples of weapons' seizures at the border-crossing points described by the interviewee from the Customs Administration, Department for Suppressing Smuggling, as well as additional data received from the MoI, suggest that different types of firearm and ammunition are transferred via Serbian borders, at the border-crossing points. Among the most frequently smuggled models of weapon are the Tokarev TT and the Crvena Zastava M70, M57, M70A and M88 pistols.

Weapons are mostly smuggled by individuals – citizens of Serbia, Kosovo, Turkey, Albania and also citizens of Western European countries who originate from the Western Balkans countries and Turkey. The smugglers are usually young or middle-aged men. Women are rarely involved in smuggling firearms, and children are almost never recruited for this form of illicit trade. The trafficking operation usually involves a few well-connected individuals, who often have links to OCGs that coordinate the purchase and transfer of firearms. In addition, as suggested by the data received from the MoI, OCGs involved in the illicit trade and smuggling of firearms are usually well connected to other criminal groups in Serbia and the Western Balkans region. However,

^I The case discovered at the Nikola Tesla airport in Belgrade, when a Serbian citizen arriving from Canada tried to smuggle a hunting rifle, is a rare example. The hunting rifle was disassembled, hidden in bars that were put in a suitcase with the clothes. The bars were detected on the scanner, the luggage was inspected and parts of the rifle were found in the bars. Interview with the representative of the Customs Administration, Department for Suppressing Smuggling.

^{II} Interview with the representative of the Customs Administration, Department for Suppressing Smuggling.

these criminal groups are often formed ad hoc, while individuals who smuggle firearms are usually already involved in a criminal milieu.

The trafficking in firearms usually takes the form of an ‘ant trade’: firearms, parts, components and ammunition are hidden inside cars, vans and trucks, rarely in larger vehicles such as buses and trains, and moved across the border in small quantities.⁷⁵ Weapons are smuggled in whole or in parts, at once or over several trips. They are hidden in different parts of the vehicle, but have also been found in frozen chicken, a dish with cheese, a fuel reservoir, a bucket of paint, etc. Firearms are usually trafficked together with other illicit goods. They are also smuggled among other (declared or undeclared) goods, which are often transferred in large amounts, which makes inspection difficult. Firearms, as with other illicit goods or illicit trade, are usually smuggled in the periods when the frequency of passengers through Serbia increases (e.g. during holidays), at night or in the early morning, as smugglers count on the reduced attention of the border services.¹

Serbia is rarely a country of final destination for the illicit trade in firearms,¹¹ but reliable data on this issue are still lacking. The data received through the questionnaire from MoI for the purpose of this study also suggest that a certain number of firearms sold on the illegal markets in Serbia originate from property-based crimes, mostly thefts from flats, houses, cottages and arms depots. Firearms available on illegal markets in Serbia are used both by OCGs and individuals to commit other criminal offences, including homicides, robbery and bodily injuries. In addition, there are also cases where owners in legal possession of firearms sell them on the illegal market for financial reasons, and then report the theft or loss of firearms.

Finally, as pointed out in the interviews, novel ways of communication enable new forms of trafficking in firearms that have recently been developed. Owing to its anonymity, the dark web is appealing to a number of actors, illegal activities and black markets, including those for firearms. No official data or statistics on the number of firearms acquired using the dark web are available. It is also difficult to prevent, track and detect the illicit trade in firearms carried out by successive shipments in parts by mail and courier services. One can only assume a high frequency of trafficking in firearms using these methods. Nevertheless, this is only speculation, which means that this field is still under-researched and needs to be explored further in order to obtain reliable data.

¹ Interview with the representative of the Customs Administration, Department for Suppressing Smuggling.

¹¹ Interview with the representative of the Customs Administration, Department for Suppressing Smuggling.

5

Firearm related violence



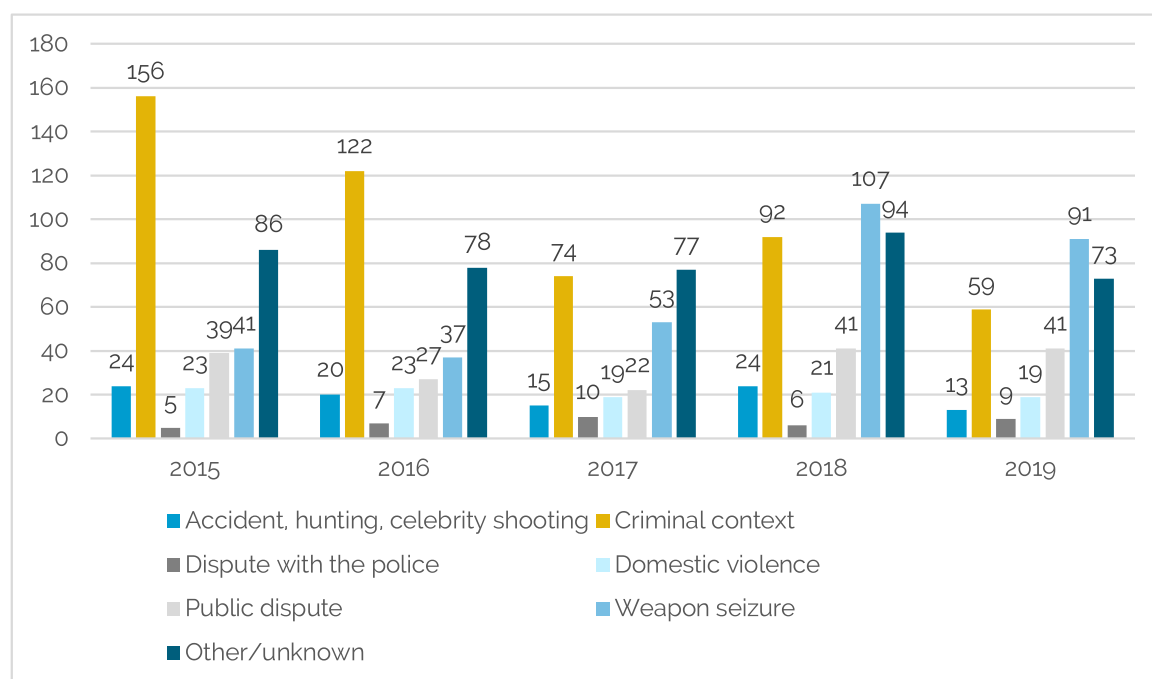
This section is based on the data collected from two main sources: the Armed Violence Monitoring Platform and the MoI. A significant amount of statistical data on firearm-related violence in Serbia is publicly available at the Armed Violence Monitoring Platform, which is managed by SEESAC.⁷⁶ The data collected and presented on the Armed Violence Monitoring Platform are based mainly on media reports, but also stem from law-enforcement agencies through their official websites or daily reports. Firearm-related incidents include: accidents, hunting, celebrity shootings, criminal context, disputes with the police, domestic violence, public disputes and weapon seizures. Therefore, the platform provides broader insight into firearm-related violence which goes beyond criminal offences. Apart from the type of incident, the platform provides data on the firearms used, the sex of the victim and perpetrator and geographic references of the incident.

To obtain more detailed insight into the scope and characteristics of firearm-related violence, data from the MoI were also collected. Police statistics are often considered to provide the most accurate picture of real crime, which is particularly relevant in connection with firearm-related criminal offences. The MoI continuously collects data on firearm-related incidents, including data on the age and sex of persons who commit firearm-related criminal offences, that is, a criminal offence under article 348 of the Criminal Code of the Republic of Serbia – Unlawful Manufacture, Possession, Carrying, and Sale of Firearms and Explosives or other criminal offences involving the use of firearms. It also keeps data on the number of persons involved in the lethal and non-lethal consequences of firearm use, the type of firearms used and the place where the homicide took place. Since 2017, it has also provided data on the type of ownership of the firearms (legal or illegal) used for committing crimes. In addition to this, the MoI collects and records separate data on domestic violence cases, including those committed with a firearm. Therefore, in this part of the section the focus is narrowed to the firearm-related incidents in the context of criminal offences defined by the Criminal Code of the Republic of Serbia only.

5.1 Scope and nature of firearm related incidents based on data available at the Armed Violence Monitoring Platform

During the period 2015–2019, a total of 1,648 firearm-related incidents were reported in Serbia: 374 in 2015, 314 in 2016, 270 in 2017, 385 in 2018 and 305 in 2019.

Figure 1: Firearm-related incidents, 2015–2019



Source: Armed Violence Monitoring Platform, Serbia, 2015–2019

In the first three years studied (2015–2017) firearm-related incidents in the criminal context¹ comprised the highest number of these incidents, whereas in 2018 and 2019 the highest number of firearm-related incidents referred to weapon seizure. A stable decline has been observed in the number and share of firearm-related incidents in the criminal context and in the total number of recorded firearm-related incidents in the five-year period: from 42% of the total number of firearm-related incidents in 2015 to 19% in 2019.

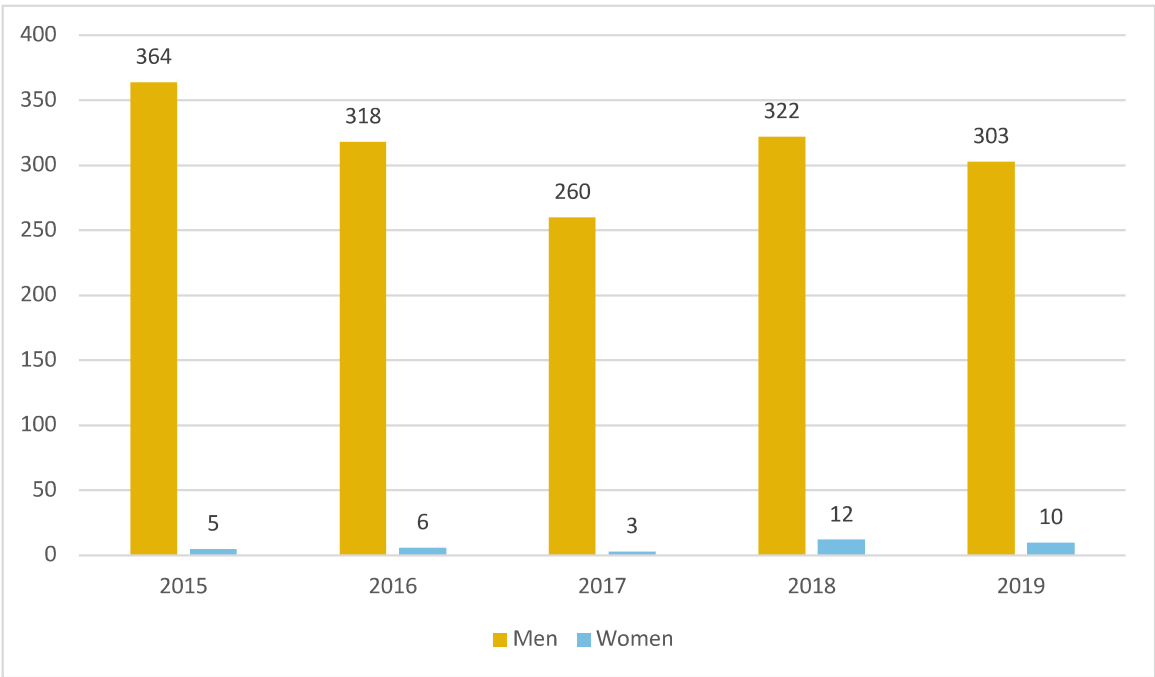
With some fluctuations, incidents involving the use of a firearm in the family context remained at almost the same level throughout the observed period (around 6.4% of the recorded firearm-related incidents in the five-year period).

¹ Included under the category of 'criminal context' are primarily incidents related to armed robberies and those specified as being connected to organised crime.

As for weapon seizure, an increasing trend has been observed: from 11% of the total number of recorded firearm-related incidents in 2015 to 30% in 2019.

Finally, it can be seen that the category other/unknown remains rather stable throughout the observed period. This category refers to suicides, shootings under undetermined circumstances, shooting of animals not related to hunting, explosions, weapons used for defence, weapon surrender, and any other incidents that cannot be classified under any of the main categories.

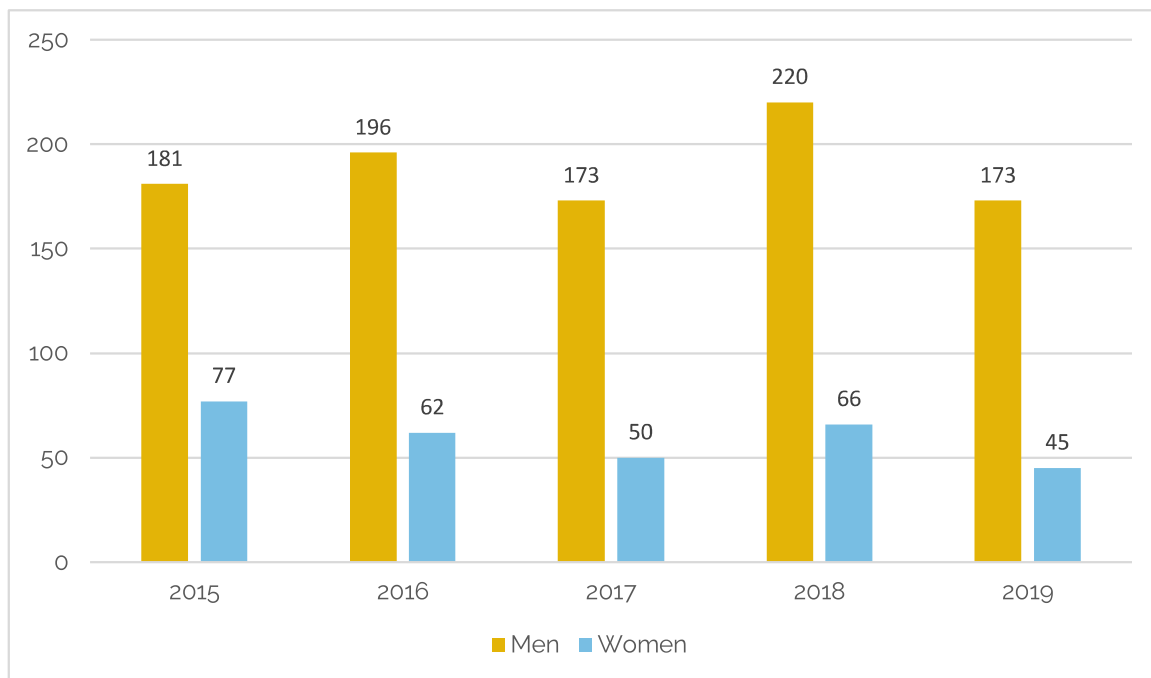
Figure 2: Perpetrators of firearm-related violence by sex, 2015–2019



Source: Armed Violence Monitoring Platform, Serbia, 2015–2019

On average, men accounted for 98% of the perpetrators of firearm-related incidents in the observed period (Figure 2).

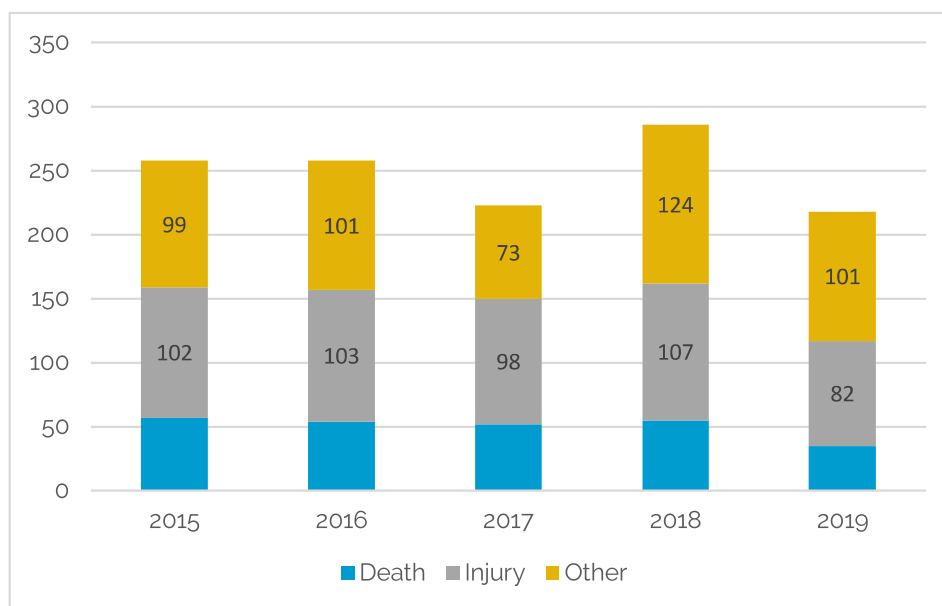
Figure 3: Victims of firearm-related violence by sex, 2015–2019



Source: Armed Violence Monitoring Platform, Serbia, 2015–2019

The majority of victims of firearm-related incidents were also men: approximately 76% of victims are men, whereas women are victims in 24% of cases (Figure 3).

Figure 4: Victims of firearm-related incidents by the type of consequence, 2015–2019



Source: Armed Violence Monitoring Platform, Serbia, 2015–2019

As the data in Figure 4 suggest, a significant decrease in the number of deaths can be noticed during the observed period, with the lowest number of lethal outcomes occurring in 2019 (40% less in comparison to 2015). The same trend can be observed for non-lethal injuries caused by firearms.

Finally, the available data from the Armed Violence Monitoring Platform indicates that most firearm-related incidents took place in urban areas (77% on average in the five-year period).

5.2 Scope and nature of firearm related violence based on police statistics

For the purposes of collecting data from the police, the firearm-related incidents referred to criminal offences in which a firearm was either used to commit an offence or was a subject of an offence. Criminal offences in which a firearm was used to commit an offence included the following criminal offences defined in the Criminal Code of the Republic of Serbia:

- homicide (art 113), including attempted homicide;
- aggravated homicide (art 114), including attempted aggravated homicide;
- light bodily injury (art 122);
- serious bodily injury (art 121);
- domestic violence (art 194);
- aggravated larceny/theft (art 204);
- grand larceny (art 205);
- robbery (art 206);
- causing general danger (art 278);
- attack on an official in performance of their duty (art 323);
- preventing an official from discharging their duty (art 322);
- threat using a dangerous implement in a brawl or quarrel (art 124);
- illegal trade (art 235);
- illegal production (art 234);
- making and obtaining weapons and tools intended for committing an offence (art 347).

Firearm-related offences in which a firearm was a subject of an offence referred to the unlawful manufacture, possession, carrying and sale of firearms and explosives (art 348).

5.2.1 Different types and characteristics of firearm related criminal offences

In the observed five-year period (2015–2019), 3,957 firearm-related criminal offences in total were recorded by the police in Serbia. As the data in Table 4 suggest, a steadily decreasing tendency in the number of reported firearm-related criminal offences has been observed. In 2019, the number of firearm-related criminal offences was more than halved in comparison to 2015.

Table 4: Firearm-related criminal offences, 2015–2019

Year	Number of firearm-related offences	Offences in which a firearm was use	Offences with firearm as subject
2015	1,248	604	644
2016	881	427	454
2017	694	336	358
2018	604	291	313
2019	530	253	277
Total	3,957	1,911	2,046

It is important to make a distinction in firearms-related criminal offences in which a firearm was used to commit an offence and offences in which a firearm was the subject of the offence. Both types of offences have decreased significantly between 2015 and 2019.

Table 5 indicates that, with regard to criminal offences for which firearms were used, a majority of these cases refer to the misuse of firearms for committing robbery (65% out of total number of offences committed using a firearm). The number of offences of robberies with firearms decreased very strongly: from 475 in 2015 to 98 in 2019.

Firearms were also frequently used to commit the offence of the unlawful manufacture, possession, carrying and sale of firearms and explosives (16%) and these cases have increased between 2015 and 2019.

Homicides, including both completed and attempted homicides and aggravated homicides, accounted for almost 10% of the total number of reported firearm-related criminal offences in the period observed. The number of offences of (attempted) homicides with a firearm has also increase between 2015 and 2019. Other offences, such

as causing general danger (4.8%) and domestic violence cases (1.2%), were not often recorded.

Table 5: Structure of criminal offences in which a firearm was used to commit an offence, 2015–2019

Criminal offence	2015	2016	2017	2018	2019	Total 2015–2019 N°	Total 2015–2019 %
Homicide	5	4	8	19	12	48	2.5
Attempted homicide	13	5	7	10	12	47	2.5
Aggravated homicide	8	9	18	21	10	66	3.5
Attempted aggravated homicide	5	6	5	3	5	24	1.3
Aggravated larceny/theft	3	0	0	2	2	7	0.4
Grand larceny	2	2	1	2	2	9	0.5
Robbery	475	311	202	164	98	1,250	65.4
Light bodily injury	4	3	8	0	3	18	0.9
Serious bodily injury	1	5	2	0	4	12	
Threat by dangerous implement in brawl or quarrel	1	0	1	0	1	3	0.2
Domestic violence	5	6	5	3	4	23	1.2
Causing of general danger	33	18	12	10	19	92	4.8
Preventing an official in	0	0	0	1	0	1	0.1

discharge of duty							
Attack on an official in performance of duty	0	1	0	0	1	2	0.1
Making and obtaining weapons and tools intended for committing an offence	0	0	0	0	0	0	0
Unlawful manufacture, possession, carrying and sale of firearms and explosives	49	57	67	56	80	309	16.2
Total	604	427	336	291	253	1,911	100

5.2.2 Legal status of firearms used to commit criminal offences

Armed robberies with firearms are the most-often reported criminal offences with firearms. Previous analyses indicate that armed robberies at petrol stations, shops, betting shops, banks and post offices have often been carried out using illegal guns.⁷⁷ Since 2017, the MoI collects data on the type of ownership of the firearms used for committing criminal offences. However, for most of the cases of firearm-related criminal offences given in Table 5 these data were not recorded by the police. For example, in 2017, out of 202 cases of robbery with the use of a firearm, data on the type of ownership of firearms were recorded in one case only. Unfortunately, a similar picture can be observed for other years and other firearms related offences. This means it remains difficult to estimate the extent to which illegal firearms represent a risk to the safety of citizens.

5.2.3 Lethality and victims of firearms related criminal offences

In the period 2015–2019, firearm-related incidents which caused physical injuries resulted in 125 (42.1%) lethal^I and 172 (57.9%) non-lethal outcomes (see Table 6). As observed above, the number of lethal victims has increased between 2015 and 2019. During the same period the number of victims of offences with non-lethal injuries fluctuated and no specific increasing or decreasing trend could be observed. Of 172 victims of non-lethal injuries 92 persons (53.5%) sustained serious and 80 (46.5%) light bodily injuries.

Table 6: Victims of firearm-related criminal offences by the type of consequence

	Death	Non-lethal injury	Serious bodily injury	Light bodily injury
2015	14	36	18	18
2016	13	34	20	14
2017	31	40	17	23
2018	41	28	17	11
2019	26	34	20	14
Total	125	172	92	80

The data from the MoI further indicates that in the observed period, most victims of non-lethal firearms incidents were men – 142 (83%) (see Table 7). In four cases, children under the age of 14 sustained bodily injuries and in five cases victims were between 14 and 17 years of age. Approximately 50% of all injured men were young (18 to 30 years of age). Equal numbers of women between 18 and 30 and 31 and 60 years of age sustained injuries from firearms during this period.

^I Lethal outcomes, that is, deaths, refers only to cases of homicide and aggravated homicide as defined in the Criminal Code of Serbia under articles 113 and 114.

Table 7: Victims of non-lethal incidents by sex and age, 2015–2019

	2015		2016		2017		2018		2019		Total 2015–2019	
Age/sex	M	W	M	W	M	W	M	W	M	W	M	W
Under 14	0	1	1	0	1	0	0	0	1	0	3	1
14–17	2	0	2	0	0	0	0	0	1	0	5	0
18–30	11	3	11	4	20	3	11	1	17	2	70	13
31–60	15	3	11	4	13	2	10	2	9	2	58	13
Over 60	1	0	0	1	0	1	2	1	2	0	5	3
Unknown	0	0	0	0	0	0	1	0	0	0	1	0
Total M/W	29	7	25	9	34	6	24	4	30	4	142	30

5.2.4 Firearm related homicides

As the data presented in Table 8 suggest on average a quarter of total number of 483 homicides¹ was committed with a firearm in the observed five-year period. Similar to the data presented above, we can observe an increase in the number of firearm related homicides between 2015 and 2019. The share of firearm-related homicide victims of the total number of homicide victims in 2019 even doubled compared to 2015.

¹ Including the criminal offences of homicide and aggravated homicide as defined in the Criminal Code of Serbia under articles 113 and 114.

Table 8: Number of victims of firearm-related homicides and aggravated homicides, 2015–2019

Year	Total number of homicide victim	Firearm-related homicide victims (N)	Firearm-related homicide victims (%)
2015	96	14	14.6
2016	112	13	11.6
2017	83	31	37.4
2018	105	41	39.1
2019	87	26	29.9
Total	483	125	25.9

Not surprisingly, men prevail as both perpetrators and victims of homicides committed with a firearm. In the observed five-year period, 95% of the total number of perpetrators who used a firearm in committing homicide were males (see Table 9).

Table 9: Perpetrators of firearm-related homicides by sex

Year	Total number of perpetrators	Women	Men
2015	16	0	16
2016	27	0	27
2017	25	0	25
2018	41	4	37
2019	24	3	21
Total	133	7	126

The majority of perpetrators who used a firearm in committing homicide were young people between 18 and 30 years of age (43%) and those aged between 31 and 40 (23%). As per the data provided by MoI, five minors aged 14–17 misused a firearm and committed a homicide (see Table 10).

Table 10: Perpetrators of firearm-related homicides by age

Year	Below 14	14-17	18-30	31-40	41-50	51-60	Over 60
2015	0	1	5	5	0	2	3
2016	0	0	14	7	2	2	2
2017	0	1	10	6	6	1	1
2018	0	0	21	7	6	1	6
2019	0	3	7	6	3	1	4
Total	0	5	57	31	17	7	16

During the period 2015–2019, a total of 125 persons were killed with firearms (see Table 11); the majority of whom were males (82%). The number of women killed with a firearm remains rather stable throughout the observed period, ranging between three and six homicides per year.

Table 11: Victims of firearm-related homicides by sex

Year	Total number of victims	Women	Men
2015	14	4	10
2016	13	3	10
2017	31	6	25
2018	41	4	37
2019	26	5	21
Total	125	22	103

The majority of victims of firearm-related homicides were aged between 18 and 50 years (74.4%) (see Table 12). Young people prevail among the victims of this type of the criminal offence: one in three persons killed was young (aged 18–30) and one in four was aged 41–50. Only one underage victim was registered in the observed period.

Table 12: Victims of firearm-related homicides by age

Year	Below 14	14-17	18-30	31-40	41-50	51-60	Over 60
2015	0	0	3	1	4	3	3
2016	0	0	7	1	3	0	2
2017	0	0	8	10	8	3	2
2018	0	0	10	14	8	5	4
2019	0	1	9	4	3	6	3
Total	0	1	37	30	26	17	14

During the observed five-year period, a little more than half of firearm-related homicides with a lethal outcome (51%) took place in a public space^I, especially in the ‘street’ (see Table 13). It is worth mentioning here that many incidents of shootings on streets or other public places, including those with lethal outcomes, are connected to organised crime, while the majority of the victims have been suspected to have connections with OCGs.⁷⁸ On the other hand, in approximately 26% of cases incidents with lethal outcomes happened in private spaces^{II}.

Table 13: Victims of firearm-related homicides by the place where the homicide was committed

	Exchange office	Petrol station	Road	Street	Garage, parking lot	Yard	Flat, house, other living place	Other
2015	0	0	0	5	1	1	4	4
2016	0	0	0	6	0	1	3	3
2017	0	1	5	9	1	0	8	7
2018	0	0	0	24	2	0	10	5
2019	1	0	0	10	0	2	4	10
Total	1	1	5	54	4	4	29	29

^I This includes streets, roads, exchange offices, petrol stations, garages or parking lots.

^{II} This includes flats, houses or other living places, or in yards

In most homicide cases the perpetrators used pistols (72%). In 11% of the homicides hunting rifles (carabines or shotguns) were used and in another 10% rifles (including automatic rifles) were used. The other types of firearm (revolvers, and gas pistols) were used in less than five cases each (see Table 14).

Table 14: Victims of homicides by the type of firearm

	Hunting rifle, carbine	Pistol	Rifle	Revolver	Hunting rifle, shotguns	Gas pistols	Automatic rifles
2015	1	9	0	1	1	1	2
2016	1	8	0	2	3	0	1
2017	1	27	0	0	2	0	1
2018	1	34	4	1	1	0	1
2019	0	19	5	0	4	0	3
Total	4	97	9	4	11	1	8

The legal status of firearm homicides was in most cases not available. The available data for 2017–2019, however, suggests that the firearms used to commit homicides in Serbia were mainly in legal possession (19 cases compared to only six cases with firearms that were possessed illegally).

Table 15: Victims of firearm-related homicides by the legal status of the firearms

	Firearms in legal possession	Firearms possessed illegally	Data on the legal status of firearms not recorded
2015	-	-	15
2016	-	-	13
2017	6	1	24
2018	3	3	35
2019	10	2	15
Total	19	6	102

5.2.5 Firearm misuse in the context of domestic violence

The data for the cases of firearm misuse in the context of domestic violence were delivered by MoI separately from the aggregated data on other forms of violence, including homicides, with the use of firearms analysed above.^{1 79} According to the data received from the MoI, in total 249 persons were killed in a context of domestic violence in the period 2015–2019. With some slight fluctuations, this number remains at almost the same level throughout the observed period, albeit the fact that in 2017 the Law on the Suppression of Domestic Violence⁸⁰ got into effect.

As the data in Table 16 suggest, homicides in the context of domestic violence affect women disproportionately: almost two-thirds of victims killed in the family context were women – 169 (67.9%). The highest number of women killed in a context of domestic violence was in 2016 (38), but it can be seen that, annually, the number of women killed remains rather stable. A share of women killed in a family context of the total number of family homicides fluctuated annually, but decreased from 2015 to 2019. This is, however, not the result of more lethal female victims of violence in the family context, but the result of an increase in the number of lethal male victims. In 2019, almost twice as many men were killed in a family context in comparison to 2015.

Table 16: Victims killed in the context of domestic violence

	Total	Women N	Women %	Men N	Men %
2015	47	35	74.5	12	25.5
2016	54	38	70.4	16	29.6
2017	47	31	66.0	16	34.0
2018	47	34	72.3	13	27.7
2019	54	31	57.4	23	42.6
Total	249	169	67.9	80	32.1

¹ Unlike data on homicide and aggravated homicide, including those committed with the use of firearms, which are collected through the MoI Unified Information System, the data on domestic violence cases, including homicides in a family context, are recorded separately according to the Law on the Prevention of Domestic Violence. Therefore it is not possible to compare the data on homicides in a family context with the data on homicides classified under articles 113 and 114. Nor is it possible to sum up these data as the data on some cases of family homicides could already exist in the data on homicides under articles 113 or 114, but in the case of the other data not because the perpetrator, for example, committed suicide and there is no criminal report; consequently, the case is recorded as an incident and not as a criminal offence. Therefore, as already pointed out in recent studies, 'such data incoherence hinders the analysis and comprehensive understanding of the share of homicides committed in a domestic context in the total number of homicides.'

Table 17 indicates that more than a quarter of the 249 persons killed in a context of domestic violence were killed with a firearm. The share of firearm family homicides fluctuated, being the highest in 2015 – almost 40% – and the lowest in 2018 – around 13%.

Table 17: Share of persons killed with a firearm of the total number of those killed in a context of domestic violence

	Total	Firearm homicides No	Firearm homicides %
2015	47	17	38.6
2016	54	16	29.6
2017	47	16	34.0
2018	47	6	12.8
2019	54	11	20.4
Total	249	66	26.5

While three quarters of the victims of homicides are men (see table 11), an opposite picture can be observed with regard to the victims of firearm-related homicides in a context of domestic violence: 70% of these victims were women (see table 18). In total more than one quarter of the women killed by a family member (27%) was killed with a firearm (46 out of 169 homicides in a family context).¹ This suggests that the home is not a safe place for women.

¹ In addition, we can see that the number of women killed with a firearm by a family member is higher than the total number of women killed with a firearm, as suggested by the data in Table 9 above; this is due to different methods of data-collection.

Table 18: Victims of firearm-related homicides in the context of domestic violence by sex

	Total	Women	Men
2015	17	11	6
2016	16	11	5
2017	16	12	4
2018	6	6	0
2019	11	6	5
Total	66	46	20

In most cases of firearm-related homicides in a family context the victims were killed by their (former) partners¹ (37 out of 66 cases). These victims were, with the exception of one case, always women. Partner-perpetrated firearm-related homicide is therefore highly gendered.

Table 19: Victims of partner-perpetrated firearm-related homicides

	Total	Women	Men
2015	7	7	0
2016	8	8	0
2017	10	10	0
2018	6	6	0
2019	6	5	1
Total	37	36	1

Table 20 summarizes these findings and demonstrates that while the lethal use of firearms in the family context were equally frequent for both women (27%) and men (25%) compared to all homicides committed in the family context, 78% of the female

¹ The term 'partner' refers to marital partner (wife/husband), extramarital partner, former marital partner (former wife/husband), former extramarital partner, present or former boyfriend/girlfriend.

victims of family firearm-related homicides were killed by their partners compared to only 5% of the male victims.

Table 20: Victims of homicides in the family context, 2015–2019

	Women	Men	Total
Total number of persons killed in the family context	169	80	249
Total number of persons killed in the family context by firearm	46	20	66
Total number of victims of partner-perpetrated firearm-related homicides	36	1	37

It is important to stress that MoI has issued a document on the conduct of all police officers in cases of temporary seizure of firearms during domestic violence in order to provide better protection to domestic violence victims, particularly women. Based on such a policy, in the period from July to December 2019, 40 illegal weapon pieces were seized in criminal proceedings following events involving elements of domestic violence.⁸¹

Such a response seems particularly important when keeping in mind cases of mass shootings^{1 82} related to family and domestic violence context. Based on media reports, in the period between 2000 and 2018, five out of the six mass shootings that have occurred in Serbia were a direct consequence of the misuse of firearms either in the context of domestic violence or they involved the killing of a family member or a former or current partner or wife.⁸³ In each of these five cases, the perpetrator was a man. Forty people in total were killed and 30 wounded in these cases. Most of the lethal victims were women. In at least three cases there was evidence that, prior to the shooting, the perpetrator had a history of committing domestic violence.⁸⁴ In four cases rifles were used (Crvena Zastava M70 assault rifle, hunting rifles, and the Kalashnikov-type automatic assault rifle), and in one case the perpetrator used Tokarev-style pistol. Available data suggest that in two cases the perpetrator legally owed the weapons.

¹ Mass shooting defined as 'an incident in which several people are killed by one or more perpetrators in a relatively short time frame (usually within a few hours) and within a very limited geographical area'.

6



National policy and initiatives to combat illicit firearm trafficking and prevent gun violence

In its Annual Progress Report 2020 for Serbia,⁸⁵ the European Commission stated that Serbia had made some progress on meeting 2019's recommendations related to implementing the EU *Acquis* on justice, freedom and security, notably the adoption of the Strategy for Small Arms and Light Weapons Control for 2019–2024, with its accompanying action plan for 2019–2020. They provide for continuing the activities aimed at strengthening the effectiveness and efficiency of all stakeholders in this field, harmonising national legislation with international standards and multilateral cooperation.

Serbia continued to improve its international police cooperation and significantly contributed, as a transit country, to the management of the mixed migration flows to the EU. In February 2017, the Strategy for Integrated Border Management for 2017–2020 and its implementation Action Plan were adopted. The country's implementation of the integrated border management strategy and its action plan were also evaluated as being effective.

The Strategy for Small Arms and Light Weapons Control for 2019–2024 has been developed on the basis of the evaluation of the previous Strategy for 2010–2015 and the 'Roadmap'. The elements of the strategy (vision, goal, specific objectives and the measures) are defined in accordance with the EU *Acquis* and good practice in order to continue the efforts to improve national operational capacities; further harmonise the national legislation in this field with relevant EU *Acquis*; establish a system for registering confiscated weapons; better exchange of information; and more the efficient destruction of confiscated weapons.⁸⁶

The strategy envisages the establishment of an expert advisory body and Firearms Focal Points. In December 2019, a team for monitoring and exchanging all operational data regarding weapons was formed and a national coordinator for the control of small arms and light weapons was appointed. The strategy defines five strategic goals for improving the control of weapons:

- harmonised and improved legal framework in the area of control of SALW;
- improved national mechanisms for reducing SALW for civilian use in illegal possession;
- improved national capacities for managing the supply of SALW for civilian use;
- improved national capacities for controlling, testing, marking and monitoring SALW, and for record-keeping;
- strengthened cooperation at the international, regional and national level and with the civil society sector.

The Action Plan for the implementation of the strategy in the period 2019–2020 envisaged several activities and measures related to improving national mechanisms, such as preparing a comprehensive analysis on the impact of illegal SALW on society, the security and safety of citizens and implementing an awareness-raising campaign on the risks related to illegal arms possession. SALW controls aimed at weapon collection (amnesty) or their seizure and destruction are foreseen as regular activities. The Action Plan seeks to improve cooperation with civil society aimed at preventing the misuse and prevalence of SALW. Recognising the gender dimension of SALW, this policy document has integrated a gender perspective into some activities and measures. In this respect, it is envisaged to work on increasing awareness about and decreasing the abuse of firearms in cases of domestic violence and other forms of gender-based violence. In addition, the Action Plan underlines the necessity to ensure the *de facto* participation of women in the control of SALW.

The continuous and permanent activities include increasing control of the state borders in order to prevent and eradicate cross-border criminal activities related to SALW. These activities are linked to the national policies related to the fight against organised crime.⁸⁷ The process for collecting and destroying illegally possessed weapons and ammunition continues. The Action Plan for the coming period 2021–2024 has not yet been adopted.

Serbia continues with its efforts to regulate arms control effectively and facilitate a response to relevant threats that is fully harmonised with the EU framework and overall targets defined in the ‘Roadmap’ for a sustainable solution to the illegal possession of and trade in SALW. By 2023, Serbia is committed to ensuring the standardisation of procedures and practices in the area of arms control, including annual qualitative and quantitative overviews of the implementation of procedures and practices yet to be initiated. To prevent gun violence, combat illicit firearm-trafficking and limit the impact of illicit firearm-trafficking on gun violence, the following activities are envisaged to be achieved by 2024:

- Significantly reduce illicit flows of SALW by ensuring the full implementation and monitoring of legal, policy and procedural frameworks on the trafficking of SALW, preventing trafficking through improved procedures, and strengthening the control, monitoring and prevention of the diversion of legal trade through improved capacities, procedures and transparency.

- Ensure that arms control policies and practices are evidence-based, including standardising and institutionalising the data-collection of SALW by sex and age, regarding legal and illegal SALW interdictions, gun violence incidence and other related data; that sex and age concerns in SALW control policies are fully integrated; that the meaningful participation of women in SALW control is in place.
- Increase national analytical capacities related to SALW data analysis.
- Institutionalise the systematic collection of criminal justice data across the criminal justice sector.

7

Conclusions



The Republic of Serbia has defined and implemented measures to prevent gun violence, to combat illicit firearm-trafficking and to limit the impact of illicit firearm-trafficking on gun violence under a broad legal and policy framework for firearm possession and trade. This regulatory framework is mostly in line with the State's commitments to the relevant ratified UN instruments and the OSCE documents.

Laws and by-laws adopted during the existence of the Strategy on SALW in the period 2010–2015 have introduced stricter control of the trade in weapons and the prevention and elimination of their illicit possession and trade. However, they are still not fully harmonised with the UN and the EU regulatory framework. Trafficking in firearms is not yet criminalised as a specific criminal offence but is prosecuted under the general provision of the Criminal Code that prohibits the illegal manufacturing, possessing, carrying and sale of firearms. Forgery or the unlawful deletion, removal or alteration of the markings on firearms are also not prescribed as criminal offences. These legal shortcomings undermine the State's efforts to prevent and combat firearm-trafficking effectively. Therefore, Serbia should criminalise these acts as specific criminal offences as required by the UN Firearm Protocol. In addition, in the case of gun violence carried out using an illicit firearm or a firearm in which markings are unlawfully removed, a prosecutor is not obliged to investigate its origin and how and from whom was such a firearm acquired. Introducing such the instruction to prosecutors would contribute to detecting, identifying and eliminating channels of trafficking in weapons that are often linked to other forms of trafficking such as those in drugs and human beings.

The institutional framework has recently been developed by establishing an expert advisory body, Firearms Focal Points and a team for monitoring and exchanging all operational data regarding weapons. In addition, a national coordinator for the control of SALW has been appointed. The policy framework is strengthened by adopting the Strategy for SALW for 2019–2024, but the accompanying Action Plan for its implementation in the current period is still not in place. However, it is encouraging that Serbia is committed to fully implementing the activities defined by the Roadmap

for a sustainable solution to the illegal possession, misuse and trafficking of SALW in the Western Balkans by 2024. The most effective measures in this field up to now relate to strengthened cooperation at the international, regional and national levels, an effective integrated border management strategy and measures for the seizure and destruction of confiscated illegal weapons. The national mechanisms for the reduction of SALW for civilian use in illegal possession and for managing the supply of SALW have been also improved. Cooperation with civil society aimed at preventing the misuse and prevalence of SALW has been introduced. The MoI and police have raised their awareness with respect to the abuse of firearms in cases of violence within a family and intimate partner relationships.^{1 88} The necessity to increase the participation of women in the SALW control has been recognised and included among the measures in the strategic documents.

Nevertheless, owing to the recent history of armed conflicts and political instability, the developed weapons industry in the former Yugoslavia and the legacy of a large army, as well as the cultural and historical tradition of owning a gun, Serbia is still among those countries with a high rate of civilian possession of firearms. An increased demand for firearms in Serbia has been reflected in the increased number of registered firearms and firearm licence-holders. Civilian ownership of firearms is highly gendered: it is dominated by young and middle-aged men. This can be explained by the impact of culture and tradition, while, along with hunting, self-protection or defence is stated as one of the main reasons for firearm possession. Therefore, it is of the utmost importance to work further at raising awareness and developing programmes that will target men in general and young men in particular related to the possession and (mis)use of firearms. Despite various legal reforms, the established institutional framework, legalisation campaigns and the adoption of the Regional Roadmap on combating illicit arm-trafficking in the Western Balkans, a significant number of illicit firearms are still in circulation in Serbia. However, assessing the scope of illegal firearm possession is difficult because of its hidden nature and the lack of a clear methodology for estimating the number of illicit firearms held by civilians and circulating within the country. Therefore, it is also important to put more effort into developing a sound method for collecting data on the issue and providing reliable estimates that would provide a basis for developing evidence-based programmes for reducing the number of (illicit) firearms in the hands of civilians.

Owing to its geographic location, Serbia – together with other countries of the Western Balkans – is attractive to various forms of illicit trade, including illicit trafficking in firearms. Being on the Western Balkans route, Serbia is primarily a transit country for illicit trade, including illicit trade in firearms, while to a lesser extent it is a source or

1 UNDP Serbia is supporting MoI on this issue through the project, 'Reduce risk, increase safety', that aims to reduce the risk of firearm misuse and ensure the safety of victims of domestic violence and intimate partner violence. The project is being implemented in cooperation with police officers, the judiciary, multisectoral groups for coordination and cooperation that process reported cases of domestic violence and intimate partner violence, women's NGOs providing support to victims of violence and the 'Journalists Against Violence' group. The 'Reduce risk, increase safety' project contributes to the achievement of Goal 4 of the Western Balkans SALW Control Roadmap: by 2024, to significantly reduce the supply, demand and misuse of firearms through increased awareness, education, outreach and advocacy. This project is supported by the Government of Germany.

destination country for trafficked firearms.⁸⁹ The most relevant and accurate indicators of illicit trade in firearms are the data on the seizures of weapons. Although different data are available from different sources, it can be observed that during the past years (2018–2020) seizures of firearms in Serbia have increased, which coincides with policy reforms and the adoption of the Regional Roadmap on combating illicit arms-trafficking in the Western Balkans in 2018. However, as correctly observed elsewhere, one must be careful when interpreting this data as it ‘remains unclear to what extent this would suggest an increase in illicit flows or an increase in efforts to control arms proliferation’.⁹⁰

Although rather scarce information is available on illicit firearm-trafficking in Serbia, it seems that this phenomenon should be reviewed in conjunction of other forms of trafficking, since usually the same routes and infrastructures are used for various forms of illicit trade.⁹¹ What can be concluded from the available data is that the illicit trade in firearms is male-dominated since women are rarely involved, while children are almost never recruited to transfer firearms. In addition, as pointed out in this study, new forms of illicit trade in firearms with the use of contemporary channels of communication have been recorded recently. However, official or other statistical data on the number of firearms ordered using the dark web is lacking. These purchases, however, still need to be physically transported, while another threat would be the purchase of knowledge or blueprints; this therefore opens up a new space for research.

Despite the high rate of firearm possession by civilians, Serbia is not characterised by high levels of conventional crime or violence. In general, from 2015 onwards there has been a steady decrease in the number of incidents involving firearms. As for criminal offences, a firearm was most frequently misused in cases of robbery and the unlawful manufacture, possession, carrying and sale of firearms and explosives. The number of robberies committed with a firearm decreased strongly in recent years. The firearms used in these offences are believed to be generally held illegally. Homicides and attempted homicides account for about 10% in the total number of reported firearm-related criminal offences. This type of offence has increased in recent years and the available data suggests that mainly legally-held firearms have been used in these offences. While the criminal misuse of firearms seems to be connected to illegally held firearms, this is not necessarily the cases for other types of offences. The trends related to firearm misuse in criminal offences, particularly robbery and homicides seem to be interesting when keeping in mind that in most European countries gun homicides decreased, while non-lethal incidents (e.g. robberies) have not such huge declines as in Serbia. However, more in-depth study would be needed to explore the causes and explain such tendency in Serbia.

The data presented in this study confirm general trends that firearm-related violence, including firearm homicides is ‘generally a “male” phenomenon – with male perpetrators victimising males’.⁹² However, in the family context, men still present a majority of perpetrators, but most victims of such firearm-related incidents are women; therefore, ‘women continue to bear the greatest burden of victimisation in the context of intimate partner violence’.⁹³ The data presented in this study further confirm

that the misuse of firearms is far more fatal in the context of domestic violence than in the criminal context. Therefore, access to a firearm by abusers in families and intimate partner relationships creates a high risk that the firearm will be misused and result in extremely severe consequences. The incidence of firearm-related homicides in the family context remains rather stable, which also reflects global trends.⁹⁴ It is important to consider these differences more broadly since diverse factors affect male-to-male homicides, on the one hand, and femicides in the family context, on the other. The former is mainly affected by ‘socio-political developments, drug markets and other volatile factors that cause spikes in killings’, whereas the latter results from persistent social and gender norms that produce and support gender inequalities and discrimination and affect the overall status of women in the society. Because ‘these factors are less volatile’, they contribute to rather stable rates of women being killed by their partners or another family member.⁹⁵ These data call for further work on strengthening the capacities of the relevant institutions for coordinated work, implementing norms and responding to domestic violence cases in a timely, effective and efficient way in order to prevent lethal outcomes. It is also important to work on fostering changes in attitudes to gender roles, eliminating gender stereotypes and promoting zero tolerance towards violence against women. In addition, it is important to develop and ensure the sustainability of programmes for perpetrators. But it is equally necessary to engage men actively in programmes to prevent and suppress intimate and family violence.

The Republic of Serbia still faces many challenges for data-collection on the impact of illicit firearm-trafficking on gun violence in the country. The court statistics are deficient, because the number of cases of trafficking in firearms is hidden within a general court statistic on other illegal acts related to firearms. Since 2017, the MoI has been recording data on the ownership of firearms used for criminal acts; nevertheless, as the analysis provided in this study suggests, this data is mostly missing. This makes it difficult to estimate the extent to which illegal firearms present a risk to the safety of citizens, particularly in the case of homicides, including family-related homicides. Therefore, there is still a need to ensure that criminal-justice data-collection is both institutionalised and rendered more systematic across the criminal justice sector. These data must also capture fully both the type of firearm and the type of ownership of firearms (legal/illegal) used to commit firearm-related criminal offences. Greater effort should also be devoted to standardising and institutionalising data-collection on SALW – by sex and age, regarding legal and illegal SALW interdictions, gun violence incidence and other related data. Gender and age considerations in SALW control policies must also become fully integrated. Standardising the collection and recording of data is a prerequisite for increasing the national analytical capacities related to SALW data analysis. In addition, as also suggested by previous research, it is important to ensure that data on the firearm-related homicides and firearm-related homicides in the family context are collected with a coherent methodology so that these data are comparable. Finally, it is recommended that public access to most of these data should be made possible, particularly to the police statistics. Achieving this would enable permanent monitoring and the evidence-based development of programmes aimed at preventing and suppressing gun violence in Serbia.

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Endnotes

- ¹ At the end of 2017, there were approximately 857 million firearms in civilian hands in the world (85%), while roughly 100 million civilian firearms were reported as registered. (Karp, A. (2018) *Estimating Global Civilian-Held Firearms Numbers*, Small Arms Survey, Annexe, 3, http://www.smallarmssurvey.org/fileadmin/docs/Weapons_and_Markets/Tools/Firearms_holdings/SAS-BP-Civilian-held-firearms-annexe.pdf, consulted 15 October 2020). It has also been estimated that 6.8 million firearms can be found in the Western Balkan countries, most of these being in civilian hands (6.1 million), a substantial proportion of them believed to be unregistered (3.8 million) (Carapic, J. & Gassmann, R. (2018) *Strengthening Resilience in the Western Balkans: Mapping Outreach and Assistance for Small Arms Light Weapons Control*, Federal Ministry of Defence, Republic of Austria, 5).
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- ¹⁹ *Official Gazette of RoS*, No 87/2018.
- ²⁰ *Official Gazette of RoS*, No 36/2018.
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- ²² *Official Gazette of RoS*, Nos 104/2013, 42/2015 and 87/2018.
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