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20 years after Vodinelic**

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SPECIFICITY OF THE MILITARY POLICE SERVICE IN THE IMPLEMENTATION OF SEARCH MEASURES AND ACTIVITIES

Abstract

One of the aspects of the military defense system is the need for protection, security and retrieval of property and persons belonging to the armed forces and resources, their capabilities and defense in general. This process is accomplished through taking a complex set of measures and activities by the authorities and units of the military police. The specificity of the research service of the military police is the focus of activities to find, capture and arrest the perpetrators of crimes, and finding people, objects and data collection facilities for the search. In the use of special investigative measures and activities, the bodies of the military police carry out joint work with other state agencies and departments responsible for this matter. This paper contributes to the affirmation of the search activities of the military police in support of the national security level. The active search creates the control of space, facilities, events, and developments that are particularly important in ensuring smooth functioning of the system.

Keywords: search service, measures, activities, facilities, military police.

1. INTRODUCTION

The definition of investigative work, investigations and inquiries in the foreign and domestic literature is made in different ways¹¹⁷. Opting to define the investigations in a wider sense, the German theorists adhere to the following: For Meixner, the term "search" in the broad sense means belonging to a majority of the total activity of criminalistic police¹¹⁸. Eller represents an angle for the search service in a broader sense and includes the total criminal tactics and techniques with all ancillary sciences¹¹⁹. Kleinsmidt in his "practicum at criminalistics" claims that the search starts from criminalistic; it can advance the investigation by the perpetrators and objects¹²⁰. Hartung in the term "search" involves the entirety of measures intended to detect a crime and the perpetrator to be apprehended for criminal prosecution¹²¹. While for the Western criminalists, the problem of determining the term of office and pretrial investigations is general or broad sense, the Eastern scholars to this term give a more different definition: Koldin explains the "search identification activity" and defines it as a standardized legal action as the court, specialist and expert, for the purposes of detecting and investigating crime, focuses on finding traces of the holders of probative information on finding and identifying who caused the problems and the proof of their connection with the crimes.¹²² R. S. Belkin noted that "the search service is aimed at scouting officials and investigation, and its importance is in the discovery of planned, prepared and committed crimes in determining the culprits and facilities of the holders of probative information, the object of attack, and other facilities important for uncovering the truth of the crime".

Unlike the investigation that is aimed to prove, the taking of non-procedural matters in the search service aims at detection and identification. As adjusted taking theory that the application of the measures and actions in the implementation of the search service should match the objectives, content of search activities significantly narrowed down. In the region of the former Yugoslavia, there are authorities that by their engagements and articles contribute to the creation of closer determination of search and investigative activity. Its measures and actions within the system of operational-tactical and technical measures and things are directly undertaken by the internal affairs and military police. Analyzing the definition of the research of the founder of the Yugoslav Criminalistics School, V. Vodinelic, the search is defined as a system of such

¹¹⁷ Vodinelic, Criminalistics - detection and verification, Skopje, 1985

¹¹⁸ Meixner, Auskunfbuch fur Kriminalheamte, Hamburg, 1960

¹¹⁹ Eller, "Fahndung nach Personen und Sochen", Munchen, 1952

¹²⁰ Kleinsmidt, "Lernbuch fur den Praktischen Kriminaldiends", Lubeck, 1963

¹²¹ Hartung, Kriminologie, Berlin, 1936

¹²² Koldin, Search, identification, proof, Moscow, 1981

measures for protection of the public safety which refer to the determination of the people and objects; it can be concluded that the investigation procedures are accomplished with an active research deviation of the burden of the public services¹²³.

Searching of persons and objects is in order to determine the point at which a person can object to or find in the same time. Vodinelic in his extensive work with impressive thick letters wrote: "Every public security is as good as its searching is good." In a very tight relationship with the forward written, he equated the military police work in terms of execution of the tasks in the area of control of the military order and discipline in public places. Repeatedly he stands and insists on looking free, because through it we can discover hitherto unknown perpetrators, while the most important precondition for successful investigation and planned existence of elaborate and accurate description of the person or the object of the crime, which would also be identifying possible doubt.

Milan Zarkovic defined the investigative activity as an activity that should allow detection and identification of criminal links between the perpetrators of such crimes, detection and identification of other crimes and accomplices, finding and securing evidence and information, timely detecting and apprehending the perpetrators and accomplices, detection and clarification of the circumstances that contributed to the perpetration of the crime, etc¹²⁴. The Search Service begins the search activity as a system of operational tactical and technical measures and work by announcing or issuing warrants, announcement or circular for the search, and it is made to track down and apprehend the perpetrators of the crimes that are objects of the search. We define search requests as known or unknown persons and objects that are associated with a crime or other reason in the interest of the criminalist police. The investigative activity is a system of tactical operational and technical measures and things that are just taken by police authorities, at the behalf of other organs or incentive to track down certain people and objects that are or may be in connection with a crime, or in order to establish the identity of persons or corpses, if it cannot be determined otherwise. With this definition of investigative activity, Vladimir Krivokapic, represents it as part of the operational processing where criminal investigations are subject of natural persons or objects and corpses¹²⁵.

In the Ministry of Internal Affairs of the Republic of Macedonia, the investigative actions are defined as a system of operational tactical and technical measures taken by regional units of the Ministry of Interior of the Republic of Macedonia, in order to find certain people or objects, or to collect data on people or objects.¹²⁶ Investigative actions are accomplished through active searching, finding and arresting offenders, finding people who can contribute to the resolving of crimes (witness or corrupted), finding objects, determining the identity of strangers and found corpses and collecting data on persons or objects. In the further thorough study of the existing literature, it must be recognized that the problems of this topic are under-researched, and on a worldwide scale there is very little research in this area, defining similarities in terms of investigative activity without any specific goals clarified; it can be found in the works of theorists, Dusan Modli¹²⁷, a group of authors¹²⁸, Vesel Latifi¹²⁹, Miodrag Gosic¹³⁰, Siril Zerjav¹³¹, Josif Matakovic¹³². For military police it is characteristic that in peacetime and in crisis situations, they will participate in the search and destruction of terrorist and other hostile armed groups. Active investigation by military police under investigation service in army is realized in close cooperation with the security authorities, police structures, bodies of social policy communities, professional and organized services (airport, customs and other services to public companies) because of finding and catching perpetrator of the crime, which is prosecuted ex officio, finding objects and data collection for objects and persons in relation to a felony. Accordingly, from the above we can conclude that the activities undertaken by civil police structures and military police in the search service (operational tactical and technical measures and stuff), in order to find a person of unknown area or residence or a particular subject and collecting information on individual facts and circumstances relevant to the disciplinary and criminal proceedings¹³³.

¹²³ Vodinelic, *Criminalistics*, Volume I, Discovering and proving, Skopje 1985

¹²⁴ Zarkovic, *Looking for the perpetrators of such crimes*, Belgrade, 1993 (master thesis)

¹²⁵ Krivokapic, *Criminology*, Tack I, Belgrade, 1996

¹²⁶ Ministry of Interior of Republic of Macedonia, "Guidelines for taking search actions, announcing international and central and warrants for persons and objects", Skopje, 1993

¹²⁷ Modli, *Criminology for beginners penological School*, Zagreb, 1990

¹²⁸ Vladimir Krivokapic, Ugljesa Todorovic, Ljubinka Stupar, Mico Boshkovic, Vukasin Ivanovic, *Criminology*, Belgrade, 1991

¹²⁹ Vesel Latifi, *Criminology*, Vucitrn, 1984

¹³⁰ Miodrag Gjoshic, *Criminal tactics*, Belgrade, 1995

¹³¹ Ciril Zerjav, *Criminology*, Zagreb, 1986

¹³² Josip Matakovic, *Criminology basis for educating radnika physical and technical protection*, Zagreb, 1986

¹³³ SSNO, *Methodology of the combat training of the military police*, Belgrade, 1989

2. SPECIFICITY IN THE IMPLEMENTATION OF SEARCH MEASURES AND ACTIVITIES

In practice, the common encountered interference terms are search, warrant, manhunt and investigation; it will not be wrong if any of these terms is used. Search term is used by almost all scholars, but often with different theoretical provisions. When talking about the type of search, Belgrade theorists generally have the same approach to the types of investigation searches so they split into two types: the type of the area looking for the kind of inquiry and investigation on the subject of the request¹³⁴. Vladimir Krivokapic indicates the existence of warrant, announcement and circular tracking. If you know that the investigation is a set of operational tactical and technical activities, and warrant an act that ordered (required) search, the opinion is whether the warrant may be a kind of quest. In his work for education of workers of physical and technical work, Josip Matakovic uses the term "search" as well, implying to the search of certain premises, official and private rooms as well as apartments, for finding people, objects and traces of the crime for important criminal proceedings. The investigation by Matakovic can be investigative and operational reliability of tactical measures and preventive measure¹³⁵.

Typical arrangement of the types of investigation is found in the master thesis of Milan Zarkovic, where the searches were divided into many kinds: looking for people, objects and corpses, looking for data on persons and objects, for their discovery, and identified, local, central and international missions, warrant, announcement and circular forms of inquiry as a quest, looking at the initiative of the police authorities and other entities¹³⁶. Professor Vladimir Vodinelic, in a comprehensive manner, using the principles of legality, truth, objectivity, efficiency and the principle of humanity, classified the types of quests, which fully comprise persons, objects and corpses. Considering that in the independence of the Security Service of army today can be felt a rise in the development of science and criminalistic science with military tactics, especially in the field of the search service as the center of a circle starting in other departments, and implementing the international criteria and standards. The theory of Vodinelic recognizes several types of search: inquiries for residence, warrant, notice, etc. is accepted with particular interest¹³⁷. In his so far performed tasks within the scope of the inquiry service, the bodies of military police used the warrant and the announcement as basic documents for ordering and request to conduct searches of persons and objects.

Given that the powers used by the bodies of military police are conditions for the development of modern democratic society, there is a need for close cooperation between the authorities of the military police bodies and the civil police structures (in the fields of performing the tasks and scope of the field of security, especially in the search service), and out of the buildings belonging to the Ministry of Defence¹³⁸. Registering the successful and efficient execution of tasks deriving from the scope of the search service, based on requirements or orders of competent officers, practice showed that the bodies of the military police should fully embrace them as part of their normal duties and tasks for maintenance of the required combat readiness units and disrupting delinquent behavior of the members of the army, and the types of search that are available¹³⁹.

3. INQUIRIES FOR RESIDENCE

The inquiries for residence are operational tactical activities taken by the bodies of the military police, where the information or estimation that a person or object of investigation can find or keep a specific address or area is checked. If on the estimated field the person being written request for is not found, the competent authority shall address to the authorities of the wider area, and when there is no success, even on the territory of the entire country.

More specifically, if a person is on the run or in hiding somewhere in the residence, authorities of the military police in cooperation with bodies of internal affairs will first create a picture of where they could hide, considering the situation and the overall condition. When performing the analysis, their property ownership, employment, relationships and connections with people from different categories should be considered, and if necessary again with their partners and vice versa. It is important to take into account the possibility of leaving the country. City professional delinquents who are for any reason absent from the units

¹³⁴ Vladimir Krivokapic, Ugljesa Todoric, Ljubinka Stupar, Mico Boshkovic, Vukasin Ivanovic, *Criminalistics*, Belgrade, 1991

¹³⁵ Matakovic, *Criminology basis*, Zagreb, 1986

¹³⁶ Milan Zharkovic, *Looking for perpetrators of crime - (master thesis)*, Belgrade, 1993

¹³⁷ V. Vodinelic, *Criminalistics*, IV section, Belgrade, 1978

¹³⁸ *Services of the Army Military Police: security, searching, patrolling, duty service, security and military traffic, combat crime*

¹³⁹ ARM members are: officers, soldiers, conscripts of reserve forces and civil personnel serving in the Army, Law of Defense, Article 26 Paragraph 1 (Official Gazette of the RM No. 8/92)

(have moved or are on the run), and usually kept hidden by their lovers, friends or collaborators in illegal apartments. Large cities offer better shelter. When they know that they will be required by the prosecuting authorities, they often migrate from one end to the other. The drug users would be looked for in ambulances, hospitals and facilities for reception of mentally ill people who have used drugs earlier. The tactics for carrying out the search for the perpetrator who escaped and is hidden from the authorities should be carried out as follows:

- The first unit of which the members withdraw before collecting all necessary data and information from other officers who were able to follow them during their training or performing their duties, and were released to the authorities for prosecution. In the settlement, on the ground or where presumably begins finding people who can give information about the person and the place of hiding. Conduct interviews with parents, friends, employers, for all they know where he or she is currently, where and when were last seen, what plans "were tailoring" for the future if shown particular interest in certain places or regions in the country and abroad where they have friends, whether preparing for travelling and other important information. This can serve for questionnaires for soldiers, officers and civil personnel serving in the Army filled upon arrival in the unit, or a new job. It is important to determine who he or she had love relationships with and where they live. When suspected offender after escaping from the ranks of the army was preparing to leave the country, official structures should seek information from passport services, travel agencies, airlines, bus, train and other services and agencies.
- Among the aforementioned tactical measures and methods of the military police authorities and police authorities of the Interior, a special observation and use of confidants will be a very effective measure. In some occasions when it is necessary, and the approval of the competent officers will monitor and close relatives, friends and others with whom the incidence was seen closely, especially with lovers. Even the mail and packages can be put under proper supervision. Because comparing the collected letters and postal packages undoubtedly requires the manuscript of the named person. In this case, the orders of an investigating judge, authorized officer in the presence of two witnesses can open lockers and other army lockers and crates where a member of the unit keep their personal belongings, and use them by the authorities that run the procedure. While the tactics and technique of the person request for a place of residence or establishment in the temporary place of hiding, they can be used with success by guards, hunts controllers, or guards separated facilities. Undoubtedly, facilities under the jurisdiction storage and maintenance of these people are also very favorite ways of moving and hiding through which the intensity of people is very small, thus reducing the possibility of exposing them.

Within this kind of search for the perpetrator of disciplinary offense, the perpetrator of light or heavier crime, with high probability is possible to make an escape from the armed forces in a particular case. Based on the orders of the officer in charge, the cooperation with the bodies of internal affairs should organize raids, ambushes, search of larger blocks and houses, as well as the search of a particular field and buildings. Firstly, it is always necessary to perform a search in the apartment of fugitive. All rooms are systematically searched counting the basement, floor, ceiling, elevator and others. If in the apartment there are acts, records, documents, items belonging to the army (weapon, ammunition, explosive means, parts of military equipment, uniform parts, etc.), they need to be carefully examined as a possible explanation for direction of flight or concealment. Of particular benefit are the photographs made in several samples; they can be useful in tracking itself. If not possible - then cut the face and develop new photos of the person being sought from another group photography. They should not forget the requirement for hospitals, tourist places (lakes if summer time, winter resorts if winter), and places where young people gather, even in the prisons. Skilled authorities involved in the operational and tactical activities should always bear in mind that the person may be hiding nearby, and does not have to hide, especially if they skillfully changed their appearance and personal documents¹⁴⁰.

4. NOTICE

A notice is an act for searching through which military and civil police elements initiate search activity, under the orders of the State Body, authorized officer, or upon its own incentive, the authority of the military police or the Interior is required in the shortest possible time and available forces and means to

¹⁴⁰ Law of criminal procedure of the Republic of Macedonia

perform the required criminal activity. The issuance of a circular set of measures and activities are implemented by the principles of criminalistics where the announcement of residence of a person has not given results. The largest number of theorists' questioning considers a very important kind of search because most indispensable criminalistic measures and actions were undertaken by its initiation. The circular is exercised by most diverse police purposes. Various facilities are on the searches initiated with circular and in most cases the certain categories of persons. Regardless of the incentive which led to the issuance of circular (the public prosecutor, the court, military and civil police formation, etc.), order of investigation initiated activity can be identified, finding the address, arrest the perpetrator of the crime and similar. Investigative activity initiated emergency incentive, the only issue of circular tracking to order and can be deprivation of liberty of a person suspected that there is a reasonable suspicion of crime. For example, investigative authorities fully accepted approach to this kind of regulation search activity between the Ministries of Interior and Defense, and existing courts before which all citizens of the Republic of Macedonia, and members of the army and pursue their rights and obligations and duties. Thus, the introduction and use of circular authorities in investigating military police has an important place. Notification of other authorities of the military police commands and facilities, as well as in cooperation with civil police elements, circular is performed and is known under the term cables (telegram). In particularly urgent cases, the transfer of information can be realized with the help of radio links, respectively with phone. The publication of the Notice can be done after the printing of regular and extraordinary reports, and in some cases through the media. Besides the above mentioned, military police takes this kind of search when it is necessary in cooperation with bodies of internal affairs to identify and trace accomplices in the crime, their addresses, witnesses, or persons who can provide valuable information for detecting crime and its perpetrators.

5. WARRANT

Warrant is a document given by authorized entities (the public prosecutor, the court, military and civil police structures, the competent administrative prison and other authorized persons), to take an order or request for the search for a military person charged with a criminal investigation or for which the security known to the offender, or escaped from their prison sentences. Raising commandments is an official act to the competent territorial authorities as well as to the duty of military police authorities, and thus initiating download of looking out that competent authorities and institutions to explore, and in terms of the territory of which the investigation activities can be divided into local, central and international missions.

6. LOCAL WARRANT

The military police conduct local warrant in relation with bodies of internal affairs based on local warrant of space of one or more municipalities in the area of one administration of the Interior or the area of a garrison, when the discretion is supposed that the object of search can be found at one of the places most of the immediate area, or move in a certain direction area. In this sense, the competent territorial unit of the military police which requires bringing local search is obliged to give and take instructions, or additional information in the investigative activity¹⁴¹.

7. CENTRAL WARRANT

The central warrant arises when measures of local search did not give the expected results when it comes to serious crime, and the circumstances point to the conclusion that the person is on the run and will keep the area of a garrison or township in which there is no military or object (barracks, watchtowers, commands, institutions), where the objects are of great importance for the resolution of serious crime (weapons, ammunition, explosive means, combat equipment, and other military material), and all the circumstances indicate that the committed crime was located outside their own place. The way of bringing local search differs from the way of the expanded form of local search, whereas the area of the forces and who is engage in it. If a member of the army committed a crime inside or outside the territory, the prescribed

¹⁴¹ Military police authorities, performs search activities exclusively by the civil police structures. Civil police structures, same tasks can performs independently, outside army facilities. Military police authorities can provide assistance or established search element. Military police act, Article. 35, paragraph 3, Skopje, 1997

conditions can be initiated immediately. Initiating a search under these circumstances applies to local and international warrant¹⁴².

8. INTERNATIONAL WARRANT

This is implemented when measures taken at local and central quest gave the expected results that there is a reasonable doubt or knowledge that the search requested facility located outside of the country. Characteristic of this quest is that it is given for people who certainly proved to be the perpetrators of that crime. International search shall be initiated by an international arrest warrant through the Ministry of Interior to Interpol. The realization of the international search is conducted through Interpol, which delivers the warrant to all police organizations of the member states, when an unknown residence of the person is sought. In case they have the data and information that the offender is hiding on the territory of a particular country, the International arrest warrant is delivered to the civil police organization of that country.

9. ANNOUNCEMENT

A special type of search is the announcement. Public announcement is proclaimed when it comes to initiating a search for data collection and retrieval of objects related to the felony of jurisdiction concerning the committed crime, issued by the courts for identifying corpse found of a military officer or a member of the army. Public announcement is proclaimed by an order of the court before which the criminal patted or authorized by an order of a military authority. Therefore it can be concluded that the announcement is a document that announces search for specific items or carcasses of a military personnel. The order of the court or competent authority or military officer, submitted a declaration to the competent authorities, is the same as when it comes to calling central and local warrants. The announcement of an undefined corpse of a member of the armed forces or object that is suspected to be under the jurisdiction of the army, should contain detailed information about the location and time of the discovery of the object, and the trunk and characteristic physical data for clothing, footwear and photograph of the corpse. To find items, the announcement should include detailed data on the type, the measure (model), any physical signifiers, important individual characteristics important for recognition, possibly a photograph or drawing, and guide the proceedings of the found items.

10. CONCLUSION

The development of the search service of the military police has successful implementation in the detection and apprehension of perpetrators of crimes, or elimination and conduct of a search of the buildings or units, or competent institutions for further proceedings, as well as taking appropriate measures to obstruction of those phenomena. These issues as a part of the security segment indicate the need for further study and the reduction of the term of criminality belt defense, which can confirm that demonstration despite the specificity of the military environment. So far, in the previous period of time, the search service of the military police did not register complicated task in terms of diversion - detection of explosive devices, anti-terrorist diversion period, and therefore, we can conclude that the results are noticeable and improve the overall efficiency of the security service.

¹⁴² Department of Defense, Service rules of the military police, Skopje, 1997

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