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PERSONS AND FACILITIES PROTECTION SYSTEM FAILURES IN THE CASE OF LORD MOUNTBATTEN'S ASSASSINATION

ABSTRACT: After a brief normative-theoretical insight into the subjects of the persons and facilities protection system in Serbia, as well as a cursory review of the most common forms of endangering the safety of certain persons and facilities, this paper deals with systemic failures in the security of certain persons and facilities, using the example of the case study of the assassination of Lord Mountbatten, The aim of this paper is to establish the level of functionality of the theoretical principles governing the national protection system of persons and facilities, and whether they help identify and eliminate systemic failures. These failures will be examined using the case study of the security failures in the protection of the high-ranking members of the British royal family in the late 1970s.

KEY WORDS: protection system, subjects of the system, forms of endangerment, security failures.

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Introduction

In today's globalized world, it is reasonable to assume that national systems for the protection of certain people and facilities are based on the same or very similar rules of security science and, more importantly, that they function on generally accepted standards and professional conventions, at least when it comes to democracies. The differences observed in terms of certain elements of certain national systems, their organization and the authority of state bodies and services in charge of protecting the highest state officials and facilities of national importance are primarily a reflection of specific normative, social, historical and cultural features, the development of states and their national security systems, including the system of protection of persons and facilities as a subsystem of national security.

1. Persons and facilities protection system

Persons and facilities protection system (PFPS) is a part of a relatively new scientific discipline in Serbia (Daničić & Pilipović, 2018). There are three components that deserve special attention in terms of theoretical insight, supplementation, and comparison with the results of foreign theoretical research, while their sustainability, in practical application, would have to be permanently checked and re-examined in the daily actions of state bodies responsible for the safety of persons and facilities. We believe these are: a) forms of endangering certain persons², b) forms of prevention and specific measures taken by state authorities to protect persons and facilities and, finally, for the purposes of this research, c) the section dealing with the protection of residential buildings.

The main features of PFPS are, among others, its complexity, organizational structure and hierarchy. The features that stand out are: 1) the contrast between the protection objectives and the goals of those who threaten the safety of persons and facilities, and 2) that the functioning of the POPS depends mostly on the human factor (Stajić & Pajković, 2008).

² Here "...persons or officials designated as such by the competent authorities, for whose protection the competent authorities and security services undertake security measures..."

2. Subjekti u sistemu zaštite određenih ličnosti i objekata

According to Daničić and Pilipović (2018), the PFPS subjects are primarily the police within the Ministry of Internal Affairs of the RS, then military security authorities and units such as the Military Security Agency, the Military Intelligence Agency, the Military Police and special units of the Serbian Army and, in particular, the Security Information Agency (abbr. SIA) as "the most important institution in charge of intelligence, counterintelligence and other security tasks" (p. 104).

Some authors, such as Pajković (2003), avoid such classifications of subjects in charge of the protection of certain persons and facilities. According to this author, the responsibility for taking measures and actions to protect certain persons and facilities lies with public security, which performs these tasks independently or in cooperation with the SIA and military security services.

In the following sections, we will discuss the most important PFPS subjects, in accordance with the Decree on the assignment of jobs for the security protection of persons and facilities (2013), refer to the most common forms of endangering persons and facilities, and indicate some of the specific ways of their protection.

Article 1 of the Decree stipulates that "the jobs for the security protection of particular persons and facilities in the country and abroad directly performed by the Ministry responsible for internal affairs, the Security and Information Agency, the Military and Security Agency, the Military Police and the Serbian Armed Forces units."

Within the Ministry of Internal Affairs of the Republic of Serbia (abbr: MUP RS), the performance of police duties, including security protection of certain persons and facilities, in accordance with Article 3, para. 1 and Article 30, para. 3, point 8 of the Law on Police (2018), they are entrusted to the police, i.e. the Police Directorate. According to Daničić and Pilipović (2018), certain organizational units of the police also, directly or as necessary, participate in security protection of certain persons and facilities, such as Unit for security of certain persons and facilities, Gendarmerie, Special anti-terrorist unit, Helicopter unit and Police brigade (p. 91).

The 2018 Law on the Security Information Agency (abbr. Law on SIA) does not explicitly state organizational units or the jobs therein, including security protection of certain persons and facilities. The internal structure, workplace systematization, and thus the work performed in the BIA, are regulated by the Act issued by the Director of the Agency, with the approval of the Government of the Republic of Serbia. Article 7, paragraph 4 of the Law on SIA states that the data contained in the Act are confidential and regulated by a special law on the confidentiality of data. Since this is a modern civilian security service or, colloquially, secret service organized organizationally and functionally according to the highest security standards, it has a special organizational unit responsible for security and counterintelligence protection of its own human resources and facilities. For instance, Article 2 of the Decree recognizes the SIA Director as a designated person to whom the competent state authorities and services provide security protection.

The competences and tasks of the Military Security Agency (abbr. MSA) and the Military Intelligence Agency (abbr. MIA) are organized in a similar way. Article 6 of the Law on the Military Security and Military Intelligence Agency (2013) states that, within the framework of security protection, the MSA, besides other agencies, performs the tasks of security protection of forces, facilities, assets and activities, security protection of other defense subjects, as well as other security tasks and operations. In the segment of counterintelligence protection, the MSA is responsible for counterintelligence protection of persons, facilities, activities and secret data of the Ministry of Defense (abbr. MD) and the Serbian Armed Forces (abbr. SAF). Article 25 of the same law prescribes the duties and tasks of the MIA, such as the security protection of its own activities, persons, facilities and documents, e security protection of the facilities of the Ministry of Defense and the Serbian Armed Forces, as well as persons officially sent abroad by the Ministry of Defense and the Serbian Armed Forces³.

³ In the Decree MIA is not included as a competent body for the security protection of persons and facilities. However, the Law on the Military Security and Military Intelligence Agency, Art 25, para 1. Items 5 and 6, states that the MIA has competencies and is one of the subjects in the persons and facilities protection system.

In the existing system for the protection of persons and facilities, the jurisdiction and official authority of the Military Police, as the body in charge of security protection, are defined in more detail in Article 53, Paragraph 1 and Paragraph 7 of the Law on the Serbian Armed Forces (2019). Article 3 of the Rulebook on Authorized Persons of the Military Police stipulates the implementation of police measures, actions, and powers and performing the duties of the Military Police (2022). These duties include securing the most important military facilities and certain persons, documents and weapons and the application of official powers towards civilians when its members perform these duties. As part of the Military Police, the Kobra Special Purpose Military Police Detachment is responsible for the security protection of certain persons and facilities of special importance. This unit primarily on the undertakes preventive measures in the implementation of security protection, as well as the assessment, planning, and execution of specific tasks in terms of the security of persons and facilities⁴. Another unit of the Serbian Army, the Guard, is also an important subject in the system of protection of persons and facilities. Its main purpose is to secure vital objects of the defense system. In addition, the members of this unit perform tasks directly related to the security of personnel and movable property and perform telecommunications security of persons when they are in military facilities of special importance and, if necessary, in other facilities⁵.

3. Endangerment of persons

Endangerment of persons can take various forms, but it most often involves politically motivated violence, a phenomenon which can also "serve to challenge the rule, overthrow the government and introduce political changes" (Dimitrijević, 2017: p. 23), so not only as political violence in the function of maintaining power.

Mijalković, Bajagić and Popović Mančević (2023: p. 28) see political violence as "a type of political act, i.e. activity" which can manifest as "threat of force, coercion, pressure, psychophysical abuse, political

⁴ For more information, see: www.vs.rs

⁵ Ibid.

assassination, assassination and sabotage, violent protests, riots, rebellions, terrorism, subsidy, repression, terror, uprising, and war" (Simeunović, 1983: pp. 35-36).

The focus of this study will be political murder and terrorism as manifestations of political violence, or more precisely, endangering the safety of certain persons. Concerning terrorism, the focus will be on the form of modern terrorism that uses "traditional means and methods of execution, in the form of bombings, assassinations and kidnappings" (Bajagić, 2012, p. 98). According to Hoffman (2000), the very selection of targets, tactics and weapons of terrorists depends on their ideology, internal organizational dynamics, and the character of the leaders, but also on a number of other internal and external factors.

Belić's study (2008, p. 166) offers a comprehensive analysis of 74 assassinations of 68 high-ranking officials worldwide, from 1950 to 2006, including the location, method, means and motives of the attack, as well as other relevant parameters such as the distance between the perpetrator and the target. In the discussion, Belić (2008: p. 166) states that "the common factor to all assassinations of the highest government officials is that they were meticulously planned and prepared. The place of the attack is usually determined by a detailed analysis of the organizers of the assassination. In most cases, it is a place near the target's home, workplace, or a "bottleneck" – a critical point on a regular, established route. There are no coincidences." Regarding the means that were used (Belić, 2008: p. 166), firearms (50%) and explosive devices (41.9%) were most used, while ideological motives were in most cases the driving force behind the assassinations (p. 169).

4. Protection of persons and facilities

Many Serbian authors (Daničić & Pilipović, 2018, 145-154; Pajković, 2003, 79-87; Stajić & Pajković, 2008, 75-82) make the same or similar division of protection measures for certain individuals into: a) operational- preventive measures, b) measures of physical (immediate) protection, c) anti-sabotage, preventive-technical, and fire protection, d) biological-chemical measures, and e) health protection measures.

All the measures are taken based on the decrees of the competent state authorities and depending on the specific person against whom they are taken, the security assessment of the threat of a specific person as well as numerous circumstances and facts of importance for the security protection of a specific person. Also, there is a consensus among the authors mentioned regarding the four levels of protection (first, second, third and fourth) which are applied depending on the specific form and source of the threat to the security of a certain person.

The authors are also in agreement regarding the measures taken to protect certain facilities (and terrain). These are facilities used by certain persons and the measures are: a) anti-sabotage (and anti-terrorist) protection measures, b) physical (immediate and in-depth) protection measures, c) anti-eavesdropping protection measures, d) technical protection measures, e) fire protection measures and f) sanitary-technical, biological-chemical and health protection measures.

According to the Decree on determining the jobs of security protection of certain persons and facilities (2013), Article 6 states the following measures a: a) counterintelligence protection measures; b) preventive and security measures; c) preventive technical protection measures; d) measures of physical protection, and e) measures of preventive medical protection.

It is not our intention to talk about each individual measure, whether it is the segment of protection of persons or facilities as stated in Article 2 and Article 3 of the Decree. For the purposes of this study, it is enough to say that according to the protection measures of certain persons the most complex operational and preventive measures undertaken by state bodies and services responsible for the security protection of these persons, i.e. counterintelligence protection measures, as stated in Article 7 of the Decree. The measures applied as part of the physical and technical protection of facilities, in terms of their scope, content and complexity, are the most demanding. Most of all, it is the offensive and defensive component of counterintelligence activity as defined by Bajagić (2015, p. 82): "understanding and neutralizing all aspects of intelligence activity of enemy entities, collecting information and conducting other activities in order to protect against espionage, sabotage

and murder... terrorist acts". Which measures (type, scope) will be taken and to what degree, depends above all on the security assessment of the threat to persons and facilities and the degree of confidentiality of data relevant to their security protection.

Before planning the implementation of specific measures, it is essential to assess the security situation and make a security assessment of the threat. According to Subošić and Daničić (2012, p.172), "the assessment refers to the present time, and is made based on the analysis of current data from the past and on the basis of the synthesis derived from it, whereby it is the basis of security assessments". In contrast to the assessment of the security situation, the security assessment "is a document that contains a synthetic conclusion about the future state of security phenomena" or "a procedure that combines the assessment of the security situation and making a decision on the implementation of security protection measures for a specific person" (Krstić and Subošić, 2018, p. 121). Interestingly, Krstić and Subošić (2018), besides stating the content of the security assessments of the Ministry of Internal Affairs, MSA, MIA and Military Police, do the same with the SIA, and claim to have done so "by inspecting the documents [sic!] of security assessments of the vulnerability of certain individuals and facilities created by the Security and Information Agency of the Republic of Serbia" (Krstić and Subošić, 2018, pp. 124-125).6

Case study: The assassination of Lord Mountbatten

The assassination of Lord Mountbatten (Louis Mountbatten, 1st Earl Mountbatten of Burma, 1900-1979), a high-ranking member of the British royal family, as well as a close relative of Prince Phillip, Queen Elizabeth II's husband, and the mentor of current British sovereign, caused alarm in the UK and worldwide and was the subject of many debates regarding the omissions and responsibilities of British agencies responsible for the protection of members of the royal family. The efforts of serious experts to examine the background of this assassination

⁶ Such a gaffe (although useful for research purposes) would be unimaginable for the corresponding author of this paper, a retired SIA officer.

have been obscured by numerous conspiracy theories, questioning even the assassins' identities and motives, although the Provisional Irish Republican Army (PIRA) immediately took responsibility for this terrorist act. IRA is a terrorist organization founded in the 1920s, which later split into several fractions "such as the Provisional IRA, Real IRA, Official IRA, etc.," although it is still commonly referred to only as IRA (Simeunović, 2009, pp. 172-175).

The New York Times was among the first media outlets to report the official statement of Irish terrorists given to the Associated Press by the IRA in Dublin on August 30, 1979, claiming responsibility for Mountbatten's death. The statement "justified" the murder by explosive device as "a discriminatory act to draw the attention of the English to the ongoing occupation" of Irish territory.

The Washington Post focused on the details of Lord Mountbatten's assassination and on the connection between this terrorist and two bombing attacks on a British military convoy carried out by the IRA on the same day, just five hours after the explosion in the bay of Mullaghmore Peninsula (County Sligo, Republic of Ireland), when 18 soldiers and one civilian were killed in the village of Warrenpoint (County Dawn, Northern Ireland).

For the purposes of this study, we will review only valid and credible facts and data, given that the British government has not made the documents related to Lord Mountbatten's assassination available to the public, according to the 2000 Freedom of Information Act. According to historian Launey (2021), "many government files that could provide insight and explanation remain closed ... or have been destroyed".

The established facts about the assassination are:

- time: August 27, 1979, 11:45 a.m.
- location: open bay of the Mullaghmore Peninsula, County Sligo, Republic of Ireland (abbr. RI)
- perpetrators: at least two members of the Provisional Irish Republican Army PIRA, one of whom is Thomas McMahon

- means and method: an explosive device of about 23 kg of gelignite⁷, planted the previous day in the nine-meter long fishing boat *Shadow V* and activated by remote control

- assassination victims: 4 dead, 3 wounded.

Before we discuss the failures of the British (and Irish) security authorities in protecting Lord Mountbatten and the closest members of his family, it is useful to look back at the UK legislation related to combating terrorism in the 1970s.

According to White (2004, p. 237), "from a criminal law perspective, between 1969 and 1985, there was one important factor in the operation of the Northern Ireland security forces: the police and the army carried out joint operations". The practice of using criminal legislation, as a new form of combating terrorism, was proposed in 1972by the Chief Justice of the UK, Baron Kenneth Diplock (1907-1985), with the aim of giving the security forces of the British Crown in Northern Ireland (abbr. NI) wider authority to arrest and detain terrorism suspects without court orders. The courts were allowed to conduct secret court proceedings and pass verdicts based on secret testimony.

Diplock's proposal was accepted and incorporated into the Northern Ireland (Emergency Provisions) Act 1973 (EPA), which was amended several times until 1995. This law gave the police broader powers in terms of conducting investigations and seizures, as well as "stopping and interrogating civilians, and even ... detaining those suspected of being terrorists" (2004, 236). As for the military, it was still allowed to assist the police, except in cases of arrest, while this authority was exercised by the police against suspects, often without a warrant.

Considering the wide authority of the British police and military in the fight against the IRA, it is evident that the British national security system, during the Cold War period, showed numerous organizational and functional deficiencies in security protection of the high-ranking officials, although Wang (2014, p. 72)

⁷ A highly explosive gelatinous mixture of nitroglycerin and nitrocellulose, mixed with wood pulp and saltpeter. In civilian use, it is used most often in quarries.

mentions the critical stance of Christopher Andrew, author of the authorized history of the British Security Service MI5, who states that this service stayed away from internal problems in the UK, especially those in Ireland, in the late 1970s. In support of this assessment, data from the official website of MI5 indicate that in 1974, this service engaged only 7.5% of its resources in the fight against terrorism, which presented the greatest threat to the safety of protected persons, while 52% of resources were engaged in counterespionage and 28% of resources were engaged in countering subversive activities.

In the late 1970s the Metropolitan Police (MPS) has been the competent antiterrorist force, and the body charged with the immediate personal protection of the highest British state officials and members of the royal family in the UK. The terrorist act was carried out on the Republic of Ireland territory, about twenty kilometers from the Northern Irish border. The authority in charge of the security of Lord Mountbatten and his family members, as well as his family seat Classiebawn Castle, was the local police as part of the Irish National police and security services under the official name Garda Siochána. The BBC reported that since the early 1970s the local police forces had secured Clasiban Castle only during the Mountbattens' stay, no longer than one month a year. At the time of the murder, the Queen's relative did not have personal security, holding that he did not need it, and the local police did not take the necessary measures to protect the fishing boat that Mountbatten used for recreation and leisure, which was located at the local public pier in Mullaghmore.

Despite all the weak points in the British and Irish system of protection of persons and facilities, the UK security forces should have been aware of the lord's potential vulnerability. Consequently, concrete and timely protection measures should have been taken (independently or in coordination with RI authorities), starting from a new security assessment and protection plans (made after the termination of public functions).

This was essential since the IRA, in its earlier public addresses, openly targeted the high-ranking government officials, the UK army and the police, but also members of the royal family, as their permanent and legitimate targets. This was particularly true of Lord Mountbatten, a figure that this terrorist organization had always considered a significant symbolic target.

Zaključak

This study offers a brief insight into the subjects and their competences in undertaking some of the most significant measures in terms of the protection of certain persons and facilities in the Serbian security system and the most common forms of endangerment of protected persons and facilities. Many of these threats have challenged different national security systems (including Serbian). Using Lord Mountbatten's as a case study, we tried to identify and explain the most obvious failures in the functioning of entities responsible for the security of protected persons and facilities in the UK and Republic of Ireland.

Convinced of the usefulness of the need to constantly point out these and similar omissions that, from time to time, also occur in the Serbian system of protection of persons and facilities, we offer the following conclusions:

- as part of operational-preventive measures, especially regarding collecting counter-intelligence and other data and knowledge relevant to the security assessment of threats aimed at Mountbatten, the British civil and military security services responsible for countering terrorism and extremism are accountable: it is obvious that the competent services did not have enough elements in the security assessment, and in order to protect Mountbatten's person during his stay and movement in the territory of the neighboring country,
- on the plan of measures for physical protection of the person, there was no engagement of direct physical security in the form of an official (or private) personal companion/s of a high-rank-

ing member of the royal family; responsibility for this omission lies primarily with the British MPS, but also members of the Irish Guard,

- also, no temporary or *ad hoc* measures of physical protection were taken securing the vessel used by Lord Mountbatten or undertaking wider security protection measures of the vessel by employing some of the employees/dock guards in Mullaghmore,
- as to preventive technical protection, anti-sabotage inspection of the vessel in order to detect mine-explosive devices was not performed.

Finally, members of the Irish police and service, apart from a reactive attitude in terms of identifying and arresting one of the perpetrators of the terrorist act, did not show a proactive attitude in undertaking preventive security protection measures for the high representative of the neighboring country during his stay in the area under their control.

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