

UDC: 351.746.1(497.5)
Review paper
Received: April 11, 2022
Accepted: April 29, 2022
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SECURITY AND INTELLIGENCE SYSTEM OF THE REPUBLIC OF CROATIA

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Abstract: *The authors of this article, in addition to reviewing the existing intelligence and security structure of the intelligence community of the Republic of Croatia, critically analyze its development, organization, strategic directions and structure of work. They highlight the complex political context in which Croatian intelligence and security services have emerged.*

They also highlight the fact that certain elements of the Croatian security and intelligence system were founded before the separation of Croatia from the SFRJ, as well as that its entire defense and security system was being created in a non-systemic and, in particular, non-institutional way.

The authors also note that serious reforms of the security sector, including secret services, were undertaken after the death of Franjo Tuđman and the victory of the opposition coalition in the 2000 parliamentary elections, when the initial and necessary prerequisites for the beginning of democratic consolidation were created.

It is concluded that the last significant changes in the organization of the security and intelligence system of the Republic of Croatia were made in 2006, when, in accordance with Croatia's strategic commitment to rapprochement and accession to the EU and NATO, the aforementioned legal decisions were consistent with EU and NATO standards.

Keywords: *Republic of Croatia, national security, intelligence and security community, intelligence activities, intelligence and security services.*

INTRODUCTION

The Republic of Croatia is a unitary state, and its political structure is a combination of a presidential system and parliamentary democracy. The capital is Zagreb. Its population is 4,188,853 people, and its area is 56,594 km², and the area of the coastal sea is 31,067 km.

We can trace the statehood of Croatia from the collapse of the puppet “Independent State of Croatia” to the end of World War II, when, in accordance with the decisions of the second session Anti-Fascist Council for the National Liberation of Yugoslavia (Antifašističko vijeće narodnog oslobođenja Jugoslavije- AVNOJ) in Jajce, the People's Republic of Croatia was created as one of the constitutional republics of the Federal People's Republic of Yugoslavia (Federalna Narodna Republika Jugoslavija- FNRJ). It gained independence from the Socialist Federal Republic of Yugoslavia (Socijalistička Federativna Rebulika Jugoslavija- SFRJ). However, in the mentioned republic there were constant aspirations towards independence, which had a kind of overture in the “Croatian Spring” of 1970-71. At the time of the declaration of independence, on June 25, 1991, a large number of citizens of Republic of Serbian origin lived on the territory of Croatia. Croatia did not have effective power over one part of the territory, so the Republic of Serbian population declared an autonomous region of the Republic of Republic of Serbian Krajina. Four years of armed conflict and military-police actions followed, first “Flash” (Bljesak) (May 1, 1995-May 3, 1995) and then “Storm” (Oluja) (August 4, 1995-August 7, 1995) with the aim of establishing sovereignty by military force. The Serb population, which was the majority in the Krajina area at the time, was expelled from these areas in these actions. ¹

Today, Croatia is a member of several international organizations, including the EU and NATO.

The political context in which Croatian intelligence and security services emerged was complex. It is important to point out that certain elements of the current security and intelligence system of the Republic of Croatia were founded before the secession of the Croatia from the SFRY, that is to say, before its international recognition and admission to the UN in 1992. The preconditions for the creation of this system arose

¹ Videti šire: Milošević, M., Srećković, Z. (2010). Bezbednosne službe sveta, Vojnoizdavački zavod, Beograd, crp- 308-309

with the adoption of the Law on Internal Affairs in 1989.² The creation of the security and intelligence system of the Republic of Croatia continued with the adoption of the new constitution, amendments to the existing ones and the adoption of new laws in 1990 and 1991.³ By the mentioned legal acts, the State Security Service of the Socialist Republic of Croatia was reorganized into the Service for the Protection of the Constitutional Order (SZUP).

Such cases were facilitated by the creation of a number of parastatal security and intelligence organizations. Some parties have organized their own intelligence activities. Thus, the Croatian Democratic Community (HDZ), through party activists on the ground, collected data that was transmitted to the party leadership. The quality and reliability of the data collected and processed in this way were low. The data were unverified, and because of the amateur manner, they were mostly sensational in nature and were aimed at the political disqualification of dissidents. In that period, a part of the members of the so-called political emigrants returned from abroad and joined the security services, although they did not have any professional qualifications.

The central problem in the creation of the Croatian secret services stemmed from the fact that its entire defense and security system was created unsystematically, and in part non-institutionally.

There was only a Civil Security Service, while there was no military security service, as well as a civilian and military intelligence component. Immediately after the “democratic changes” in 2000, actual reform steps have been taken, albeit on a rather limited scale. The decision of the new Government in 2000, National Security Commission was established.⁴ However, the beginning of a complete reform of the Croatian security and intelligence system was marked by the simultaneous adoption of

² Milan Milošević, *Reforme bezbednosno-obaveštajnog sistema Republike Hrvatske*, Vojno delo, vol.54, br.2-3, Beograd, str.93.

³ Videti: Zakon o unutarnjim poslovima (Narodne novine br.55/89), Zakon o dopunama Zakona o unutarnjim poslovima (Narodne novine br.18/90), Zakon o izmenama Zakona o unutarnjim poslovima (Narodne novine br.47/90), Zakon o preuzimanju saveznih zakona iz oblasti unutarnjih poslova koji se u Hrvatskoj primenjuju kao republički propisi (Narodne novine br.53/91).

⁴ Osnovano je Odlukom Vlade R.Hrvatske, a donošenjem Zakona o sigurnosnim službama njegove poslove preuzeo je Ured Vijeća za nacionalnu sigurnosti. Videti: Član 96. Zakona o sigurnosnim službama Republike Hrvatske, Narodne novine, br.32, Zagreb, 28.03.2002.

the National Security Strategy of the Republic of Croatia and the Law on the Security Services of the Republic of Croatia.

The last significant changes in the organization of the security and intelligence system of the Republic of Croatia were carried out in 2006, with the adoption of the Law on the security and intelligence system. According to this law, the security and intelligence system of the Republic of Croatia consists of the following institutions and agencies:

- National Security Council (Vijeće za nacionalnu sigurnost);
- Office of the National Security Council (Ured Vijeća za nacionalnu sigurnost-UVNS);
- Council for the Coordination of Security and Intelligence Services (Savjet za koordinaciju sigurnosno-obavještajnih agencija);
- Information Systems Security Bureau (Zavod za sigurnost informacijskih sustava-ZSIS);
- The Operational-Technical Centre for Telecommunications Surveillance (Operativno-tehnički centar za nadzor telekomunikacija -OTC);
- The Security and Intelligence Service (Sigurnosno-obavještajna agencija - SOA); and
- Military Security and Intelligence Agency (Vojna sigurnosno-obaavještajna agencija -VSOA).

1. MECHANISMS OF POLITICAL AND PROFESSIONAL CONTROL AND SUPERVISION

The Head of State is the President of the Republic, and he is elected in general elections every fifth year. In addition to representative functions, the President of the Republic has certain powers in the field of defense and security, and his competence includes appointing a prime minister-designate.

The internal and foreign policy of the country is carried out by the Government, whose members are proposed by the mandate and elected by the Parliament.

Legislative power is exercised by unicameral parliament - Sabor, whose members - representatives, are elected in general elections according to the proportional system

every four years. The implementation of legislative control over the secret services was entrusted to the Croatian Parliament through the mediation of its Committee on Internal Policy and National Security, and civilian control over the work of these institutions was entrusted to the Security Services Oversight Council.⁵

According to the current law on the security and intelligence system, the management of the intelligence and security system is carried out by the President of the Republic and the President of the Government. The collective body for managing the work of these agencies is the National Security Council. The Office of the National Security Council is responsible for the operational coordination of the work of these services.

1.2 National Security Council (Vijeće za nacionalnu sigurnost)

The National Security Council is responsible for: consideration and assessment of intelligence and security risks and threats, it considers issues within the scope of security and intelligence agencies, as well as ways of achieving cooperation between the President of the Republic and the Government in directing the work of security services and approving cooperation with security services of other countries; establishes annual guidelines for the work of security and intelligence agencies and other decisions by which the President of the Republic and the Government direct the work of the services and other bodies of the security and intelligence system; establishes measures taken by the President of the Republic and the Government with respect to the results of the control of security and intelligence agencies and other bodies of the security and intelligence system; establishes the offer of funds for the work of the security services and other parts of the security and intelligence system that should be implemented in the State Budget; and considers other issues related to the work and management of agencies and institutions of the security and intelligence system.⁶

The members of the National Security Council are: the President of the Republic, the President of the Government, the Member of the Government responsible for

⁵ Osnovano je Odlukom Vlade R.Hrvatske, a donošenjem Zakona o sigurnosnim službama njegove poslove preuzeo je Ured Vijeća za nacionalnu sigurnosti. Videti: Član 96. Zakona o sigurnosnim službama Republike Hrvatske, Narodne novine, br.32, Zagreb, 28.03.2002.

⁶ Videti u: Zakon o sigurnosno-obavještajnom sustavu R.Hrvatske, član. 3.

National Security, the Minister of Defense, the Minister of Internal Affairs, the Minister of Foreign Affairs, the Minister of Justice, the Adviser to the President of the Republic responsible for National Security, the Chief of the General Staff of the Armed Forces of the Republic of Croatia, the Directors of the SOA and the VSOA and the head of the UVNS. In addition to the permanent members, the President of the Croatian Parliament participates in the work of the National Security Council. The sessions are chaired by the President of the Republic, and decisions are signed jointly by the President of the Republic and the President of the Government. In case of war and imminent threat of war, the Chairman of the parliamentary committee responsible for national security, as well as the Ministers of Economy and Finance also participates in the work of this body.

The Office of the National Security Council (NSC) has a dual role in accordance with the law on the Security and Intelligence System. In addition to the professional and administrative work, they perform for the National Security Council and the Security Services Coordinating Council, they have the task of consolidating the submitted reports and information from security and intelligence agencies, compiling periodic reports on areas of security and intelligence activities, as well as analyzing and evaluating security information relevant to the national security of the Republic Croatia, necessary for the exercise of the constitutional and legal powers of the President of the Republic and the Government.⁷

At the request of the President of the Republic and the Government, the Office cooperates with security and intelligence agencies in developing strategic assessments and assessments of security phenomena relevant to the national security of the Republic of Croatia. The Office is responsible for the implementation of measures related to the application of measures and the adoption of information security standards by State bodies of the Republic of Croatia, as well as for the coordination of measures for the application of measures and standards of information security in the exchange of classification data between the Republic of Croatia and foreign countries and organizations.⁸

⁷ Mladen Bajagić, Špijunaža u XXI veku, Savremeni obaveštajno-bezbednosni sistemi, MARSO, Beograd 2010.godine, str.426.

⁸ Zakon o sigurnosno-obaveštajno sustavu Republike Hrvatske, Narodne novine, broj 73/2006, član 6 i 7.

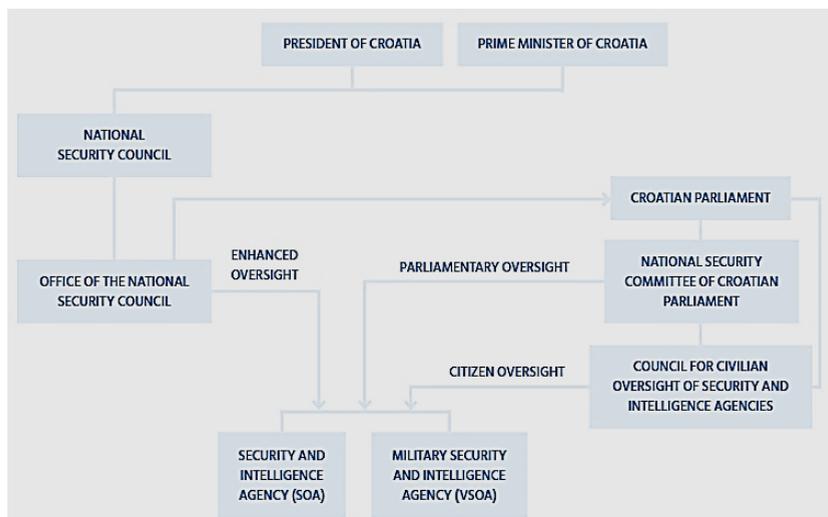


Figure 1. Scheme of supervision and control of the SIS of the Republic of Croatia ⁹

1.1. Council for the Coordination of Security and Intelligence Services (*Savjet za koordinaciju sigurnosno-obavještajnih agencija*)

Council for the Coordination of Security and Intelligence Services is authorized to: make decisions of the President of the Republic and the Government on the management of the work of security and intelligence agencies; put into effect decisions of the National Security Council on how security and intelligence agencies and other security and intelligence agencies work; coordinate the work of security agencies and other security and intelligence agencies; give conclusions and assessments on cooperation with the services of other countries and make proposals to the National Security Council on National security issues; and the adoption of other measures aimed at improving the efficiency of the work of the security and intelligence agencies.¹⁰ Civil control over the application of special measures is carried out by the Council for the Civil Supervision of Security and Intelligence Agencies.

⁹ <https://www.uvns.hr/hr/o-nama/shema-uvns-u-sigurnosno-obavjestajnom-sustavu-rh>.

¹⁰ Ibid. čl. 5.

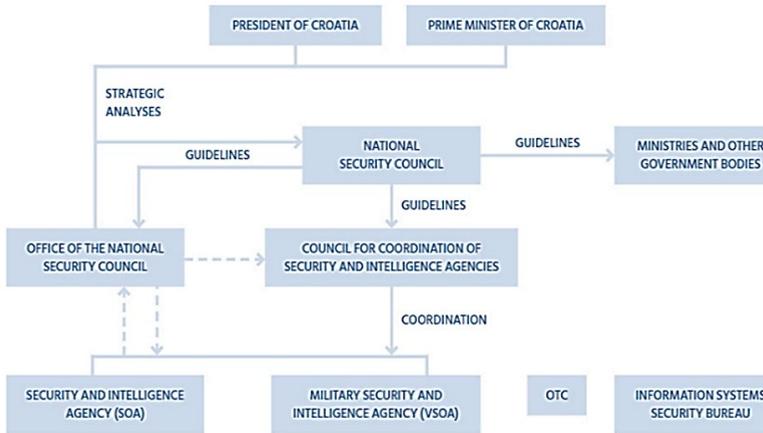


Figure 2. Scheme of intelligence and security system of the Republic of Croatia ¹¹

2. THE CROATIAN INTELLIGENCE AND SECURITY COMMUNITY

The Croatian Intelligence and Security consists of: the Security Intelligence Agency (SOA), the Military Security and Intelligence Agency (VSOA), the Operational and Technical Center for Communications Supervision (OTC), the Institute for Information Systems Security.

2.1. Security and Intelligence Agency -SOA (*Sigurnosno obaveštajna agencija*)

Croatian Security and Intelligence Agency (SOA) was formed during the long-term reform of the public sector and its roots go back to The State Security Service- SDB of Croatia. The security services of the Republic of Croatia played a significant role during the violent disintegration of Yugoslavia, and during the war of independence (1991-1995). Their role was especially important in the formation of paramilitary units, illegal procurement and smuggling of weapons, etc.

After several rounds of reforms, the SOA was finally established by merging the Counterintelligence Agency (POA) and the Intelligence Agency (OA) in 2006.

¹¹ <https://www.soa.hr/hr/o-nama/sigurnosno-obavjestajni-sustav-rh/>,

The scope of work of the Security Intelligence Agency is regulated by the Defense Strategy and the National Security Strategy, as well as other laws.

It is authorized to collect intelligence in the country and abroad, as well as to deal with counter-intelligence and security affairs. The mission of SOA is to detect, investigate and threaten security threats and challenges, by collecting and analyzing information relevant to national security, thus providing reliable information support to state leadership and other state bodies in decision-making and action to protect Croatian national security, interests and well-being of its citizens.¹²

Its main priorities are the fight against terrorism and violent extremism, counterintelligence, the fight against organized crime and corruption, cyber security, protection of confidential data, security checks and intelligence gathering abroad.

The Agency is managed by a director who is appointed and dismissed by the President of the Republic of Croatia and the Prime Minister of the Republic of Croatia. The agency consists of a headquarters and ten regional centers. At the very center, there are units for: analytics; operative; technique; internal control; and human resources, legal and material-financial affairs. In addition to regional centers in the country, there are also organizational units abroad.¹³

According to media reports, it is estimated that it has between 900 and 1,000 employees, and the SOA budget for 2020 was around 55 million euros. The headquarters of the service is in Zagreb.¹⁴

According to its status, the Agency is an autonomous intelligence and security system, a central service that protects the constitutional order, national interests and the general security of citizens and state bodies.¹⁵

This primarily refers to the following activities: terrorism and other forms of organized violence;

¹² Videti šire u Dragan Lozančić „Uvidi i pouke naučene iz reformi obaveštajnih službi u Hrvatskoj“:2020, <https://dcaf.ch/sites/default/files/publications/documents/>

¹³ <https://www.soa.hr/hr/o-nama/ustroj/>.

¹⁴ https://www.dcaf.ch/sites/default/files/publications/documents/ECA_Paper_Intelligence_Reform_SRB_Latin.pdf

¹⁵ Mladen Bajagić, Špijunaža u XXI veku, Savremeni obaveštajno-bezbednosni sistemi, Marso, Beograd 2010. godine, str 429.

intelligence activity of foreign intelligence services, organizations and individuals; organizing and operating extremist organizations and individuals; endangering the security of the highest state officials and protected facilities; organized and economic crime; unauthorized entry into the protected information and communication systems of state bodies; disclosure of protected data from state bodies of importance for national security and national interests; other activities aimed at endangering national security. To this end, the SOA organizes, collects, analyzes, processes and evaluates data of a political, economic, scientific-technological and security nature, relating to foreign states, organizations, political and economic alliances and individuals, especially data revealing intentions, opportunities, covert plans and activities aimed at endangering the national security of the Republic of Croatia.

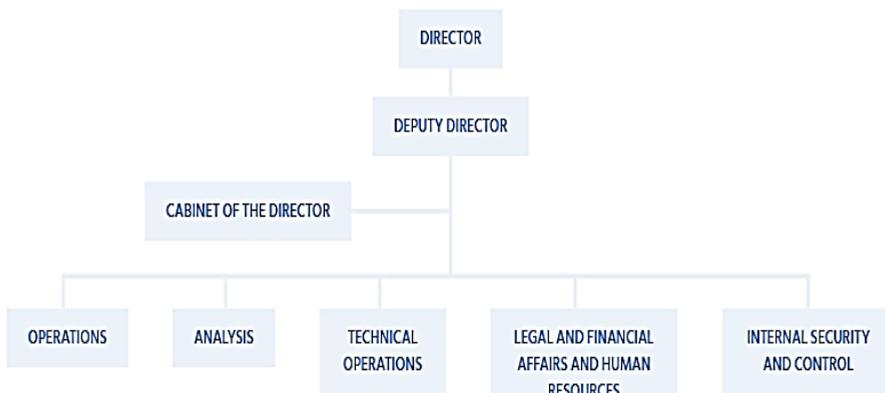


Figure 3. Display of the organization of SOA.¹⁶

It also performs security checks and counter-intelligence protection of persons, facilities, institutions.

SOA is authorized to collect intelligence in several ways: in direct communication with citizens, seeking access to official data, using secret measures and procedures, using public sources and international exchange. The special measures it uses are mainly related to secret surveillance, recording of all types of communication, location, interior of buildings and others. Permission to apply such methods, the head of the agency requires written approval from the Supreme Court of Croatia. For its work, the SOA is

¹⁶ <https://www.soa.hr/hr/o-nama/ustroj/>.

accountable to the Croatian Parliament, the President of the Republic, the Government, the Office of the National Security Council and the Council for Civil Oversight of Security and Intelligence Agencies.¹⁷

2.2. Military Security and Intelligence Agency -VSOA **(*Vojna sigurnosno-obavještajna agencija*)**

Military Security and Intelligence Agency (VSOA) - is a Croatian military security and intelligence service established in 2006 with the adoption of the Law on the Security and Intelligence System of the Republic of Croatia. VSOA is a unit of the Ministry of Defense intended to provide planned and practical support to the Ministry of Defense and the Armed Forces in performing duties in the field of protection of sustainability, sovereignty, independence and territorial integrity of the Republic of Croatia.

It is the successor to the Military Security Agency (VSA). VSOA is a military departmental intelligence and security institution, in charge of providing professional assistance to the Ministry of Defense and the Armed Forces in the protection of the sovereignty, independence and territorial integrity of the Republic of Croatia. As a specialized intelligence and security agency, VSOA collects, analyzes, processes and evaluates all information on the armed forces and defense systems of foreign countries, all external pressures that may affect the defense and security of Croatia, as well as other activities abroad against the defense capabilities of the Republic of Croatia. Also, VSOA researches and collects data on possibilities, intentions and plans of certain organizations, groups and persons on the territory of Croatia, whose goal is to endanger the defense power of the state, organizes and takes measures to detect, monitor and counteract these activities that endanger the constitutional defense capability and security as a whole.

In the implementation of counter-intelligence protection, the VSOA performs security checks of members of the Ministry of Defense and the Armed Forces and persons employed or to be employed in the Ministry of Defense and the Armed Forces, in charge of making security assessments and applying certain measures of eavesdropping protection. "VSOA counter-intelligence protects and takes care of the security of members, facilities and premises of the Ministry of Defense and the Armed

¹⁷ Bosanac G., (2014); Unaprjeđenje transparentnosti sigurnosno-obavještajnog sustava u RH, analiza javne politike Centar za mirovne studije, str.67-68

Forces, and counter-intelligence provides military production potentials (weapons and military equipment) for the needs of the armed forces.”

Also, the counter-intelligence service protects employees and facilities of the Ministry of Defense and the Armed Forces Abroad, through cooperation with the relevant organizational units of the Ministry of Foreign Affairs in charge of security.¹⁸

2.3. The Information Systems Security Bureau -ZSIS

(Zavod za sigurnost informacijskih sustava)

This body is in charge of performing technical work in the field of information security of all state bodies of the Republic of Croatia, that is to say, to issue accreditations for information systems and networks of state bodies, manage crypto currencies exchanged between state bodies of the Republic of Croatia and other countries and coordinate work on prevention and solving problems related to the security of computer networks in state bodies. In addition, this body researches, develops and tests technologies intended for the protection of classified secret information and issues certificates for their use. The Institute for Security of Information Systems is headed by a head appointed by the Government on the proposal of the Council for the Coordination of Security and Intelligence Agencies. The said person has a legal obligation to report on his work to the President of the Office of the National Security Council.¹⁹

2.4. The Operational-Technical Centre for Telecommunications

surveillance- OTC

(Operativno-tehnički centar za nadzor komunikacija)

The Operational-Technical Centre for Telecommunications Surveillance (OTC) is a body in charge of implementing measures of covert surveillance of telecommunications and their flow, and achieving operational and technical coordination between legal and natural persons using public telecommunications

¹⁸ <https://www.soa.hr/en/about-us/security-intelligence-system-of-the-republic-of-croatia/>

¹⁹ Šire videti u: Zakon o sigurnosno-obavještajnom sustavu R.Hrvatske, član 13. i član 14.

networks and providing services in this field in Croatia authorized to apply secret surveillance measures. 20

The OTC also develops modern technical systems which, if necessary and in accordance with the law, are used for the needs of intelligence and security agencies and other state bodies authorized to apply secret surveillance. OTC secret surveillance is achieved by installing appropriate technical equipment and providing software support in the use of telecommunications systems by legally authorized legal entities and individuals. Accordingly, the OTC is authorized to independently and directly use the communication systems of civilian individuals and legal entities, as well as systems belonging to the Ministry of Defense and the Armed Forces.

By collecting, analyzing, processing and evaluating data on threats to the national security of the Republic of Croatia, including terrorism, SOA and VSOA play a very important role in preventing and combating threatening phenomena. SOA and VSOA cooperate with foreign security services through joint education, exchange of data, equipment and cooperation in the implementation of tasks within their scope of work.

In addition to OTC, information and technical protection activities are performed by SOA and VSOA in cooperation with other bodies authorized to apply secret telecommunications surveillance measures, and with the prior consent of the Security Intelligence Agency Coordination Council adopt rules related to technical requirements, that is to say, development of appropriate technical equipment, software, technical devices and other issues related to the application of this measure in accordance with the Criminal Procedure Code of the Republic of Croatia.

CONCLUSION:

After the collapse of the USSR, the countries of Southeast Europe were in a much more difficult position than other countries of the former Soviet camp. Namely, in addition to the current processes of globalization and transition, which in themselves were difficult and demanding, they were also burdened by conflicts on the territory of the former SFRY. However, despite all the difficulties, this region managed not to remain a “black hole” of European security. But although the likelihood of any interstate

²⁰ Zakon o sigurnosno-obavještajnom sustavu Republike Hrvatske čl 6.

conflict at the local or regional level has been almost eliminated, it remains argued that not all challenges that could threaten peace in the region have been overcome. This is mostly about the tensions in Bosnia and Herzegovina and the frozen conflict on the so-called Kosovo. However, all this should be viewed through the prism of the current conflict in Ukraine.

Serious reforms of the security sector, including the secret services in the Republic of Croatia, were undertaken after the death of Franjo Tudjman and the victory of the opposition coalition in the 2000 parliamentary elections. At that time, the initial and necessary preconditions were created for the beginning of democratic consolidation, but also the reforms of the security sector, including the reform of the secret services.

The second decade of Croatian independence was marked by numerous challenges, the most significant of which was the peaceful transfer of political power through elections, from the first post-communist government to another political force in the country. This challenge was successfully overcome by the Republic of Croatia, and the next changes of government did not slow down or stop the started reform, but on the contrary accelerated it, which significantly helped the process of democratic consolidation.

The adjustment of the security sector to political changes and democratic standards was accompanied by the determination and definition of the national interests of the Republic of Croatia, the National Security Strategy, as well as the manner of managing the security services and the armed forces.

The beginning of the complete reform of the Croatian security and intelligence system was marked by the simultaneous adoption of the National Security Strategy and the Law on Security Services in 2002. With the enactment of the mentioned law, the secret services have been adjusted to modern postulates, especially in the field of introducing standards on the protection of human rights in the field of application of secret data collection methods. Thus, for the first time, the Supreme Court was introduced by law into the procedure of approving measures that temporarily restrict human rights and freedoms guaranteed by the constitution. In addition, democratic control over the work of the security services has been institutionalized. In July 2017, the Croatian Parliament adopted a new National Security Strategy. In the text of the strategy, it is important to note that in the part related to security policy, although it is

not explicitly called so, new trends in defining strategic goals, instruments and mechanisms for their achievement are certainly noticed.

In accordance with the strategic commitment of the Republic of Croatia on approaching and joining the EU and NATO, the legal solutions from 2006, which regulate the security and intelligence system, are harmonized with the standards of EU countries and NATO members

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