

## UNDERCOVER INVESTIGATOR

Veljko Delibasic

**Summary:** In the work a special evidence activity is discussed undercover investigator. Following the introductory part, the conditions necessary for using this measure are stated and the contents of the order to hire an undercover investigator is explained, drawing attention to the subsidiary character of engaging an undercover investigator, which is emphasized by a request that, along with meeting all material and formal conditions, it can be given only if the difficulties in collecting evidence cannot be overcome with other special evidence activities, but only by engaging an undercover investigator. In the part related to the time of lasting the engagement of the undercover investigator, special phases of criminal procedure in which this activity is applied and length or the action itself are discussed. The belief is that this action is applied, before all, in pre-investigation, but there are no legal obstructions to apply it in other phases as well, and that the maximum time of its lasting, which is now one year, plus six months, should be prolonged. After the part explaining the determining the undercover investigator, it is discussed about the problem of committing a criminal act by the undercover investigator, and then about the way of delivery of material and report collected by the undercover investigator. A special attention is given to the interrogation of the undercover investigator as a witness, where it has been emphasized that the legislator did well when he foresaw it only as an exceptional possibility, for it is related to more problems, starting from the possibility of revealing the true identity of the undercover investigator, up to the evidence valuation of his statement. In this part it is pointed out that the undercover investigator could not be interrogated as a witness given the circumstances of the contents of the conversation he led with the suspects and the citizens, and that in order to avoid abuse such prohibition is necessary to be explicitly prescribed. Finally, conclusive considerations are given, suggesting to perform smaller legal corrections of this institute.

**Keywords:** Undercover Investigator, Special Investigative Actions, Agent Provocateur, Organized Crime.