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  *"I do hereby attest that I am the sole author of this project/thesis and that its contents are only the result of the readings and research I have done"*

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# ABSTRACT

Social and behavioral research on terrorism has expanded dramatically. However, theoretical work that incorporates terrorism and collection of valid data on it has lagged behind theoretical work on other criminological subjects. Theorizing has been dominated by deterrence perspectives.

Threats of severe consequence for terrorist acts in general show little promise, but there is evidence that increasing the certainty of consequences works in some situations. Research on terrorism will be improved if it moves beyond deterrence to include concepts drawn from legitimacy, strain, and situational perspectives. Limitations of traditional criminology data sources for studying terrorism have encouraged the development of open source event databases. The most comprehensive, created by combining the Global Terrorism Database with RANDMIPT data, documents more than 77,000 terrorist incidents from 1970 to 2006. Attacks peaked in the early 1990s and then declined substantially until 9/11. They have since substantially increased.

The regional concentration of terrorism has moved from Western Europe in the 1970s, to Latin America in the 1980s, to the Middle East and Persian Gulf in the twenty-first century. Despite the enormous resources devoted to countering terrorism, surprisingly little empirical information is available on which strategies are most effective.

Understanding Trends in Personal Violence: Does Cultural Sensitivity Matter?

Sociological theorists have suggested, at least in Western affluent societies, a societal change toward increasing sensitivity to violence. Possible causes include increasing affluence, security, medical victories over infectious diseases, increasing life expectancy, and feminization of society.

A trend toward increasing sensitivity could have implications for understanding crime trends. If some conflicts are newly perceived as violence, this can create a false impression of rising crime, or a crime drop can be rendered invisible. Prior research and new analyses suggest that people in the West have become more sensitive toward violence. There are social differences in sensitivity, and these differences are consistent with theories of increasing sensitivity. Increasing sensitivity is expressed in heightened likelihood of reporting offenses to the police

and to the crime victim surveyors.

The term 'organized crime' can be used in two very different senses. It can simply mean systematic and illegal activity for power or profit. Today, however, the term is usually used in a second sense, and has become virtually synonymous with gangsters in general or the 'Mafia' or mafia-type organizations, in particular.

The implied or stated answer to the problem of organized crime understood in this sense involves increasing the law enforcement power of every individual nation state and, because these organizations are now known to operate globally, increasing the collective power of the internationally community. The threat posed by organized crime in other words must be met by nations committing more resources towards increasing the effectiveness of policing efforts at home and collaborative efforts between nations.

This paper draws attention to the defects in current conceptualizations of organized crime by presenting an outline of international efforts to conceptualize and combat the problem. This problem, however, is rarely so structured and never so separate from society and legitimate institutions as the conventional use of the term implies.

<p style="text-align: center;">**PART ONE: TERRORISM**</p>

# CHAPTER ONE AN INTRODUCTION TO TERRORISM;

- When we talk about terrorism, what exactly are we talking about?
- How does terrorism differ from ordinary crime?
- Is all politically motivated violence terrorism?
- Is terrorism synonymous with guerrilla war, or is the term- properly reserved for those trying to overthrow governments?
- Can governments also be terrorists?
- What is the distinction between driving a truck loaded with explosives into an embassy and dropping high explosives on a city?
- How do we make useful distinctions?

Virtually all discussions about terrorism sooner or later wander into the swamp of definition.

## SECTION ONE: THE DEFINITION OF TERRORISM;

The term "terrorism" has no precise or widely accepted definition. If it were a mere matter of description, establishing a definition would be simple: Terrorism is violence or the threat of violence calculated to create an atmosphere of fear and alarm in a word, to terrorize and thereby bring about some social or political change. This is pretty close to the definition offered by a South American jurist more than 20 years ago, i.e., terrorism consists of acts that in themselves may be classic forms of crime murder, arson, the use of explosives but that differ from classic crimes in that they are executed "with the deliberate intention of causing panic, disorder, and terror within an organized society."'

But while this definition puts terrorism in the realm of crime, we live in a world that recognizes the legitimacy of war and the right of revolution. At the turn of the century, socialist revolutionaries in Russia were proud to call themselves terrorists. They had a terrorist arm called appropriately the Terrorist Brigade, and they hoped through, selective assassination to inspire terror among Russia's ruling elite. They were careful not to injure bystanders, and if their intended victim was accompanied by members of his family, they would abort their attack. Ironically,

today's terrorists are less fastidious about their actions and more concerned about their public image. In the age of mass media, terrorism has become a pejorative term. Terrorists now call themselves anything but terrorists.

 Nobody is a terrorist who "stands for a just cause, Yasser Arafat told the United Nations. If we accept Arafat's statement, the problem of definition is further complicated, since the validity of causes must be inserted into the criteria. As a result, only to the extent that everyone in the world can agree on the justice of a particular cause is there likely to be agreement that an action is or is not a terrorist action.

Some governments are prone to label as terrorism all violent acts committed by their political opponents, while antigovernment extremists frequently claim to be the victims of government terror. Use of the term thus implies a moral judgment. If one group can successfully attach the label terrorist to its opponent, then it has indirectly persuaded others to adopt its moral and political point of view, or at least to reject the terrorists' view. Terrorism is what the bad guys do. This drawing of boundaries between what is legitimate and what is illegitimate, between the right way to fight and the wrong way to fight, brings high political stakes to the task of definition.

 Terrorism in recent years has become a fad word that is promiscuously applied to a variety of violent acts which are not necessarily intended to produce terror. It is important to distinguish between actions that are intended to terrorize and actions that just happen to terrify. Muggers may terrify the population of a large urban area, but they produce terror as a by-product of their crimes; their objectives are wallets and watches, not alarm.

The difficulty in defining terrorism has led to the cliche that one man's terrorist is another man's freedom fighter. The phrase implies that there can be no objective definition of terrorism, that there are no universal standards of conduct Ill conflict. However, civilized nations have through law identified modes of conduct that are criminal.

 kidnapping, threats to life, and the willful destruction of property appear in the criminal codes of every country. True, some of' the prohibit Ions may legally be violated in times of war-the law against killing, for example, may' be violated by those we call "lawful combatants. Terrorists claim to he not criminals, but soldiers at war who are therefore privileged to break ordinary laws. But even in war, there are rules that outlaw the use of certain weapons and tactics.

The rules of war grant civilian combatants who are not associated with "valid" targets at least theoretical immunity from deliberate attack. They' prohibit taking hostages. They prohibit violence against those held captive. They define belligerents. They define neutral territory. These rules are sometimes violated aridity in these case, those responsible for the violations become war criminals. But violations in no way diminish the validity of the rules.

Some international lawyers see the laws of war as a possible solution to the dilemma of definition. They suggest that rather than trying to negotiate new treaties on terrorism which are not likely to be ratified or enforced, nations should apply the laws of war, to which almost all have agreed. Terrorists, they say, should be dealt with as soldiers who commit atrocities. Nearly all countries have agreed to try or extradite soldiers who commit atrocities in international armed conflicts. Why should persons not explicitly granted soldiers' status be given greater leeway to commit violence than soldiers have? Under the laws-of-war approach, terrorism would comprise all acts committed in peacetime that, if committed during war, would constitute war crimes.

Terrorism can be objectively defined by the quality of the act, but not by the identity of the perpetrators or the nature of their cause. All terrorist acts are crimes, and many would also be war crimes or "grave breaches" of the rules of war if we accepted the terrorists' assertion that they wage war. All involve violence or the threat of violence, sometimes coupled with explicit demands. The violence is frequently directed against civilian targets. The purposes are political. The actions are often carried out in a way that will achieve maximum publicity. The perpetrators are usually members of an organized group. Their organizations are by necessity clandestine, but unlike other criminals, terrorists often claim credit for their acts. And finally-the hallmark of terrorism-the acts are intended to produce psychological effects beyond the immediate physical damage.

While these criteria do not eliminate all ambiguity, they enable us to draw some limits and answer some of the questions. Terrorism differs from ordinary crime in its political purpose and in its primary objective. Neither the ordinary bank robber nor the man who shot President Reagan is a terrorist. Likewise, not all politically motivated violence is terrorism. The Minuteman of the American Revolution and the rebel in Central America both have political motives, but they are not automatically terrorists. Terrorism is not synonymous with guerrilla war or any other kind of war, and it is not reserved exclusively for those trying to overthrow governments. The leftist assassin and the right-wing death squad secretly working

under the direction of a Ministry of Interior both use the same tactics for the same purpose-to instill fear and alter a political situation.
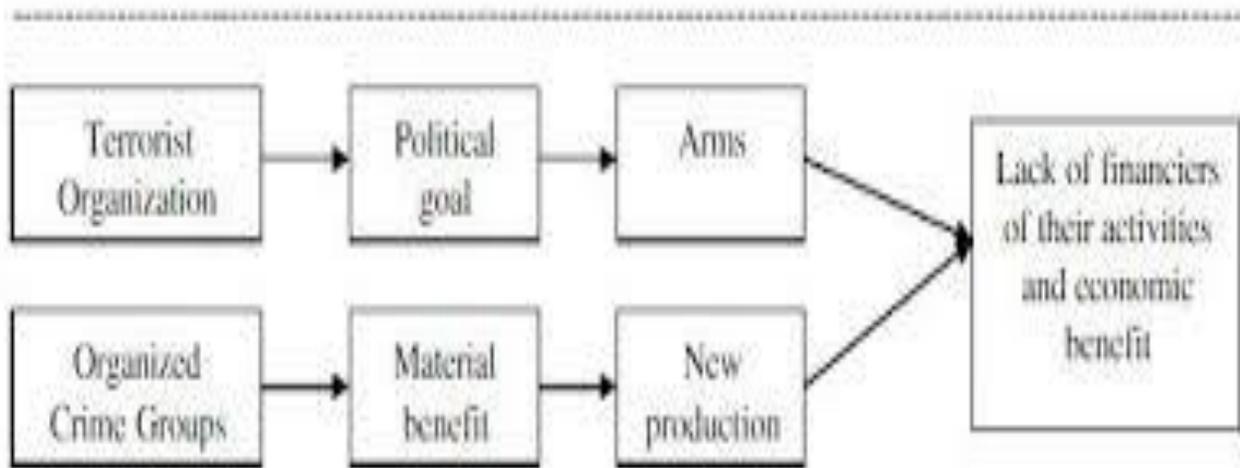


*Terrorist Organizations and Organized Crime Groups Activities*

# SECTION TWO: DIFFERING CONCEPTS OF CONFLICT

International terrorism comprises those terrorist incidents that have clear international consequences: incidents in which terrorists go abroad to strike their targets, stay at home but select victims because of their connections to a foreign state (e.g., diplomats or the executives of foreign corporations), or attack international lines of commerce (e.g., airliners). It excludes the considerable amount of terrorist violence carried out by terrorists operating within their own country against their own nationals and in many countries by governments against their own citizens. For example, Irish terrorists blowing up other Irishmen in Belfast would not be counted as international terrorists, nor would Italian terrorists kidnapping Italian officials in Italy.

This definition of international terrorism reflects the particular concern of the United States and the handful of other governments frequently targeted by terrorists abroad. The issue here is not the general problem of political violence or terrorism, or the causes of the conflicts that give rise to terrorist violence. These are domestic matters. The unit of measure is the spillover of this violence into the international domain. But why, terrorists might ask, should they play by the established rules of diplomacy and war when these rules were contrived by a small group of primarily Western nations for their own advantage, and when they deprive groups without recognized governments, territory, or armies from exercising their "right" to resort to violence?

The terrorists of today see no essential difference between the local authority they fight against and the diplomatic and commercial representatives of foreign powers. All terrorists, from the urban guerrillas in South America to the Palestinian fighters in the Middle East, p. have incorporated the Marxist concept of imperialism. It has become an article of faith in Third World thinking. The banker in Manhattan, the embassy in Montevideo, the local subsidiary of the multinational corporation, and the President in his office are all links in a chain of economic exploitation and political repression. It is a concept shared also by the "irregulars" in North America, Western Europe, and Japan who consider themselves to be the auxiliary forces of a Third World revolution.

# CHAPTER TWO: TERRORIST TACTICS: A LIMITED REPERTOIRE:

Terrorists operate with a limited tactical repertoire. Six basic terrorist tactics comprise 95 percent of all terrorist incidents: bombings, assassinations, armed assaults, kidnappings, barricade and hostage situations, and hijackings. No terrorist group uses all of them. Bombings, generally the least demanding of the tactics, predominate. Explosives are easy to obtain or manufacture, and a bombing requires little organization-one person can do the job, with little risk. Bombings alone account for roughly half of all international terrorist incidents.

## SECTION ONE: THE SIX TACTICS OF TERRORISM:



**-Source:** https://slideplayer.com/slide/8928715

- This tactical repertoire has changed little over time. Terrorists appear to be more imitative than innovative, although their tactics have changed in response to new defenses. For example, seizing embassies, a popular terrorist tactic in the 1970s, declined in the 1980s for several reasons. Nations began turning their embassies

into virtual fortresses, making takeovers more difficult. Governments also changed their policies. Whereas they were initially inclined to yield to the demands of terrorists holding hostages, governments began to adopt hardline policies as terrorist kidnappings and hostage seizures continued. Officials refused to release prisoners (the most frequent terrorist " demand) or make other serious concessions.

The Israeli government refused to offer concessions to the terrorists holding Israeli athletes hostage at the Munich Olympics in 1972. In 1973, the United States refused to yield to the demands of terrorists [-: holding American diplomats in Khartoum. In 1975, the German government refused to yield to the demands of terrorists holding the German embassy in Stockholm, the Irish government refused to yield to the demands of the surrounded kidnappers of a Dutch businessman, the Dutch government refused to yield to terrorists who had seized the Indonesian consulate, and the British government refused to yield to "the terrorists holding hostages in London. There were exceptions, of course; terrorists occasionally won concessions. But overall, the likelihood that their demands would be met declined almost 50 percent in the latter half of the 1970s.

As security measures improved, the terrorists' chances of obtaining concessions declined, and the probability of their being captured or killed went up. Not surprisingly, seizing embassies declined as a terrorist tactic. At the same time, however, terrorist attacks in general, and attacks on diplomats in particular, increased. Terrorists merely changed their tactics, turning to assassinations and bombings.

## SECTION TWO:TERRORISM ORGANIZATIONS:
## Is Al-Qaeda A Special Case?

-It has moved in two main directions:

- (1) analysts have focused on compiling profiles of various individual terrorists and their terror groups, their motivation and methods of operation

- (2) terrorism has been treated mainly as a group activity and the focus of respective research has been on understanding the inner dynamic of the group, its ideological commitment and identity.
-The aim of applying these approaches has been to gain insights into how various groups operate and what their weaknesses are (and consequently – how to defeat them). These analytical frameworks were very influential in studying the leftist and nationalist terrorist groups in the 1970s and the 1980s32, and they corresponded to the structure of terrorist organizations of today. Earlier terrorist groups were quite closed, had a clear inner hierarchy, and their operations were organized in a military fashion – they were well planned and supported by the necessary financial and material means.

- Good examples of such organizations are the Irish Republican Army and the Palestine Liberation Organization of which the latter actually attempted to transform itself into an army operating from Lebanon33, but was stopped by the Israeli invasion.

The lifespan of the majority (90%) of terrorist organizations has not exceeded 1–2 years, and those that managed to cross that threshold, disappeared in a decade. The main reasons for disappearance of terrorist organizations have been:

(1) the capture or killing of the leader,
(2) failure to transition to the next generation,
(3) the achievement of the group's aims,
(4) the transition to a legitimate political process,
(5) the loss of popular support,
(6)repression,
(7) the transition from terrorism to other forms of violence.

Clearly, there are organizations that have managed to survive well after the wave of terrorism with which they occurred had receded. Among these survivors are a number of religiously motivated organizations indicating the strength and

continuity of religious motivation.

Al-Qaeda seems to be emerging as one such terrorist organizations of great vitality. Despite making its infrastructure visible (and thus vulnerable) before 11 September 2001, it has survived the coordinated assault of many countries led by the US aimed at killing or capturing its leadership, destroying its infrastructure, denying refuge, and seizing al-Qaeda's financial assets. Moreover, al-Qaeda has actually lost its refuges in Afghanistan and elsewhere, but has managed to continue preparing and carrying out acts of terror in many countries. The terror attacks of 20 November 2003 in Istanbul, 11 March 2004 in Madrid, 7 July 2005 in London, and 30 June 2007 in Glasgow (and several failed, and planned, but intercepted major plots) testify to al-Qaeda's ability to survive, adapt and continue its operations.

It could be said that the al-Qaeda that attacked World Trade Center in 2001, does not exist anymore. A very hierarchical organization with bin Laden and his advisory council at the top supervising the activities of five different committees35 has transformed into something that has been called a 'network', a 'social movement' or even a 'transnational advocacy'. Such comparisons arise from al-Qaeda's extremely fluid operating methods that are a reminder of auftragstaktik in that they are based rather on common mission statement and objectives than on standard operating procedures and rigid organizational structures.

Al-Qaeda has also been compared to a nebula of cooperating, but largely independent entities that share a common ideology. The number of different groups united under al-Qaeda's umbrella has been estimated to be no less than 24. The estimated number of operatives has varied from 5,000 to 20,000 and al-Qaeda is thought to be present in 76 countries.

Al-Qaeda began to evolve into a network of affiliated organizations after bin Laden's move to Sudan. The Islamic People's Conference that took place in Khartoum in 1995 provided al-Qaeda with an excellent opportunity to forge ties with various Islamic organizations. That process culminated in 1998 when bin Laden announced that a 'World Islamic Jihad against Jews and Crusaders' had been formed.38 After the US-led invasion of Afghanistan that forced the organization out of the country, al-Qaeda has been relying increasingly on the Internet to keep contact with its members and organizations.

Al-Qaeda's evolution into a social movement – i.e. transformation beyond the chain of networked organizations – is suggested by the involvement of militarily untrained people in carrying out terrorist acts. The Head of the British Security

Service Dame Eliza Manningham-Buller said in 2006 that her subordinates were monitoring as many as 200 different groupings with 1,600 individuals in them, that were actively plotting or facilitating terror acts in the UK and overseas. There were 30 top-priority plots under thorough investigation. They had links to al-Qaeda in Pakistan, but these were British citizens who were preparing them. It all was taking place with the background of the approval by some 100,000 British Muslims of the atrocities of 7 July 2005 in London.39 These figures suggest that al-Qaeda is taking advantage of the alienation and identity problems of Muslims (particularly of the second-and third-generation immigrants) in the Western societies. It offers these youths alienated from their parents and society kinship and friendship through 'bridging persons'. The Internet is used to keep contact with and indoctrinate the youth having limited knowledge of Islam; the same channel is used to disseminate information on the practical aspects of carrying out terror attacks.

Accepting that al-Qaeda has transcended the status of organization, allows for the use of various other analogies for understanding its behavior and evolution. One such approach lies in treating it as a transnational advocacy network. In essence, these networks are groups that work across borders to promote various issues or advocate various causes, and they may consist of many types of players. Treating al-Qaeda as a transnational advocacy network shows a certain analogy to the activities of Amnesty International and Osama bin Laden. For example, their criticism aimed at the US could be seen as an attempt to hold the nation accountable for perceived grievance. In doing that, Amnesty International relies on norms and shame, whereas bin Laden resorts to large-scale violence. Moreover, it has been said that the simultaneous rise of international terrorism, international human rights movements and other world culture movements is natural as they are aspects of the same phenomenon with a difference in preferred means and ways of influencing of their target audiences.

A few words must be also said about the financing of terrorism, as al Qaeda represents a very special case in this area as well. Terrorists of the first three waves were funded to various extents by ethnic Diasporas, states and profits gained from criminal activities waves. Notably, the anarchist terrorists of the first wave had to be very self-reliant for funding and they frequently used bank robberies for that purpose.43 Al-Qaeda also appears self-reliant in funding its activities, but the origins of its funds are very different. It has been estimated that the personal wealth of Osama bin Laden is about 280–300 million dollars. This money is invested and used to support various terror activities through a large number of front companies. These sums are complemented by considerable amounts of

money collected through various Muslim charities.

Thus, al-Qaeda truly appears to be an exceptional case among terrorist organizations. It is rather amazing that one organization has managed to survive the coordinated assault of many countries and transform into a self-funded global Islamic movement that is very skillfully tapping into the grievances of Muslims all over the world. It has learned to use all means and possibilities of the global society to engage more and more people, and exert stronger pressure on target governments.

The future: fading or escalating religious terrorism?

## Old and New Terrorism

| Terrorist Environment | Activity Profile | | | | | |
|---|---|---|---|---|---|---|
| | Target Selection | Casualty Rates | Organizational Profile | Tactical/Weapons Selection | Typical Motives | |
| The "old" terrorism | Surgical and symbolic | Low and selective | Hierarchical and identifiable | Conventional and low to medium yield | Leftist and ethnocentric | |
| New Terrorism | Indiscriminate and symbolic | High and indiscriminate | Cellular | Unconventional and high yield | Sectarian | |

The purpose of this study has been to review the history of terrorism, its present state and its future. It has been shown that in last 120–130 years terrorism has gone through four distinct stages and presently we are experiencing the fourth wave of terrorism. There have been contradicting views on the effectiveness of terrorism and so far terrorists have lacked skills to use WMD in the most destructive manner. Simultaneously, al-Qaeda has evolved into a movement that operates in over 70 countries and is present in the cyberspace. It has survived attempts to destroy it by military means and adapted to a new situation. It has been able to extend its influence to Muslim communities in European countries. Does this mean that we are facing the prospect of ever escalating terrorism in Europe? What chances do we have to defeat al-Qaeda?

If al-Qaeda were a traditional terrorist group, it would be reasonable to forecast its relatively likely demise in next 20 years along with the receding fourth wave of terrorism.51 However, the history of terrorism has shown that religious groups can exist for a very long time.

The history of terrorism also suggests that al-Qaeda will not end if Osama bin Laden is killed. That is even truer now when al-Qaeda has ceased to be an organization with a rigid structure and has evolved into a movement that is largely supported and carried forward by local initiative. Al-Qaeda has transitioned to a second, third and even fourth generation, and it is operating with a fairly coherent strategy articulating its goals quite comprehensively.

Al-Qaeda has neither achieved its goals nor is transitioning toward a political process. It still experiences sufficient popular support and is very visible in the insurgencies in Iraq and Afghanistan where military repression has achieved little against it. One can rather claim the opposite – excessive reliance on military force has been counterproductive in Iraq and Afghanistan. The latter has, perhaps, even pushed al-Qaeda's evolution further – toward becoming a full-grown insurgency.5

The chances of cutting al-Qaeda's funding appear rather limited. Firstly, it has been established that approximately 50% of world's money flows through offshore banks53 meaning that it is physically extremely complicated to trace the funds of terrorists. Secondly, al-Qaeda is increasingly engaging in criminal activities (e.g. narcotics trafficking) to fund its activities.54 These activities will be strongly facilitated by another record poppy harvest in Afghanistan that is expected to constitute 8,200 tone in 2007 – 34% growth from 2006.55 Thus, al-Qaeda's funds are not only hard to trace, but the movement appears to be looking for and developing new sources of funding.

As if these facts and figures were not sufficient cause for concern, al-Qaeda has been found trying to acquire weapons-grade uranium56 increasing worries about truly devastating mass-casualty terrorist acts taking place. A terrorist act with the use of a nuclear weapon is likely to bring along a totally unpredictable response and consequences.

What can we deduce from these statements? The situation is worrisome if not to say grim. Al-Qaeda seems to be well beyond the traditional causes of demise of terrorist organizations and has achieved unprecedented influence, reach and means. The struggle against al-Qaeda has evolved from a struggle against an organization trying to evict the US forces from the Middle East, and reduce the US influence in the region to a struggle of minds, a struggle of ideas and worldviews. The western coalition is in growing trouble in Iraq and Afghanistan, and it has been said that the current developments could in the worst-case scenario lead to a systemic war.

However, there might be a tiny ray of hope in the darkness. It is the denial of humanity in the methods that al-Qaeda uses. It is something that some old jihadists have come to realize and are trying to convey to others blinded by rage. Our hope is the human being who lives in each of us.

# SECTION THREE: THE EFFECTS OF TERRORISM

Compared with the volume of violence in the world caused by war and ordinary crime, the volume of violence caused by terrorists is miniscule. Victims of international terrorism number in the thousands. Adding the victims of local terrorism in places like Argentina and Northern Ireland pushes the total into the tens of thousands.

Without minimizing the tragedy of these casualties, we must keep in mind that in the United States alone, nearly 200,000 people were murdered during. The last ten years; that several million people have died in wars fought since, we began tallying the statistics of terrorism; that 60 million people-soldiers and civilians-died in the two world wars fought during the first half of this century, a ghastly figure that would be quickly exceeded in a major exchange of nuclear weapons. When it comes to slaughter, the "civilized" nations of the world can do it on a grand scale.

Terrorism, however, is not measured by body counts or property damage, but rather by its psychological effects and its political results. What effects have terrorists produced? Does terrorism work?

Small groups with a limited capacity for violence have shown that they can achieve disproportionately great effects by using terrorist tactics.

Terrorists have been able to attract attention to themselves and their causes. They have captured headlines and television time. By this measure alone, they are successful. But they have not been successful in explaining their causes. Terrorism attracts intense interest but produces little understanding. News coverage focuses on action, not words.

Terrorist incidents attract the media because they are genuine human dramas, different from ordinary murder and therefore newsworthy. But terrorists lose their audience when they put down their guns and start to talk. The causes they kill and die for are drowned out by sirens, obscured by floodlights, hidden behind the opaque prose to which terrorists seem addicted.

Terrorists certainly have been able to create fear and alarm. It is hard to gauge the intensity of these effects or how long they last, but it appears that people do not easily remain terrorized. In Belfast, in Bogota, in Beirut, terrorism is "lived with."

Repeated coverage of terrorist incidents in the news seems to lessen their effect on people not living under the gun, ultimately numbing the public and forcing terrorists to escalate their violence in order to get public reaction: shock, outrage, alarm, fear, panic, disorder.

Terrorism can alter people's perceptions of their government. Terrorists create dramas in which they and their victims are the central figures. Except for the occasional successful commando rescue, governments seldom get to play the role of the hero. More often, governments are seen as reactive, incompetent, or impotent. Intelligence has failed or security has been demonstrably breached. If the government is unable to satisfy the public's appetite for action, the people's wrath turns against the government itself, demanding the heads of those officials who failed to anticipate the attack or who took inadequate measures to defend against it. We saw some of this type of reaction immediately after the 1983 bombing of the American Marine barracks in Beirut. Where the terrorist violence is not directed against targets abroad but rather threatens the public at home, the reactions are more powerful.

An alarmed public demands prompt government action to remove the threat at whatever cost. Political leaders find themselves under pressure to adopt draconian measures. There is danger of overreaction. For some governments where the terrorist threat is great and traditions are weak, the temptation to repression may become irresistible. Under-reaction also has negative consequences; it can erode the people's faith in government institutions and can lead to vigilantism or the formation of private counterterrorist groups.

Thus far, however, terrorists have been unable to translate these consequences of terrorism into concrete political gains. Nowhere this side of the colonial era have terrorists yet achieved their own stated Long-range goals, and in that sense, terrorism has failed. No doubt terrorism did contribute to the success of colonial insurgents a generation ago. But the stakes are higher at home.

Governments are not so willing to abandon what is regarded as national territory-Northern Ire2 land, the Basque Provinces, or Corsica-even if it means a fight. Nor will they yield before the onslaught of ideologically motivated terrorists of the left or right.

FIGURE 1.13 NUMBER OF DEATHS AND ATTACKS BY REGION, 2015

The Middle East and North Africa region had the highest number of deaths and attacks in 2015, followed by South Asia and sub-Saharan Africa.
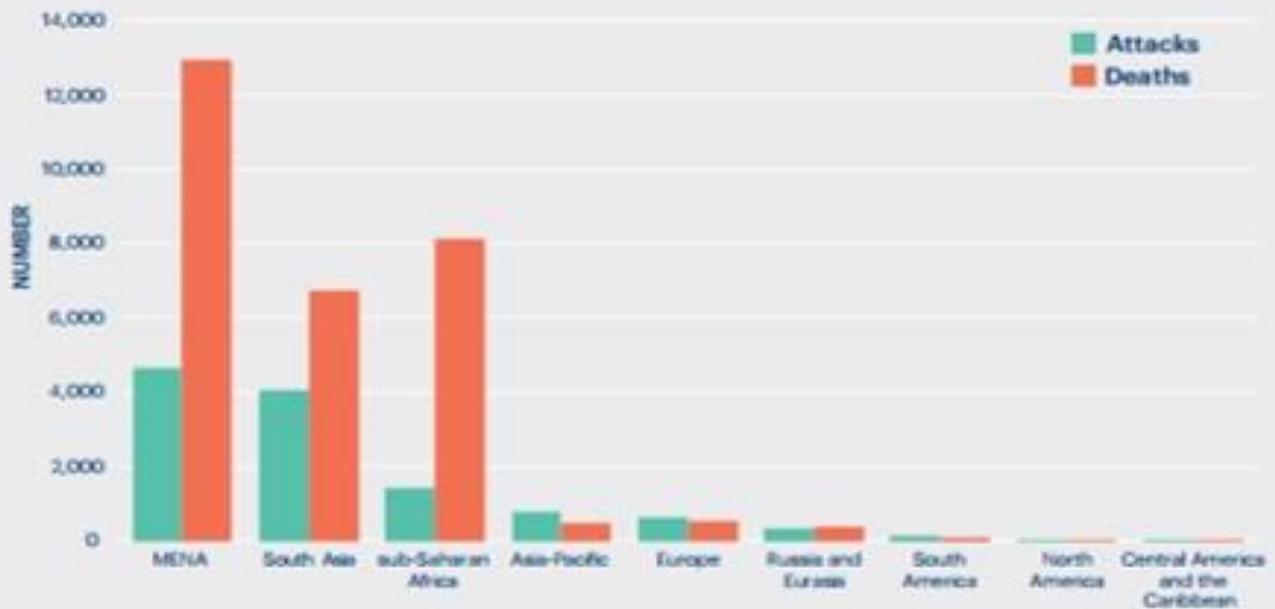


Source: START GTD, IEP calculations

- The attacks of the most four terrorist groups of 2016:



**AL-QA'IDA**

| | |
|---|---|
| GROUP | AL-QA'IDA AND AFFILIATES |
| INCIDENTS | 539 |
| DEATHS | 1,349 |
| INJURIES | 2,201 |
| INJURIES | 969 |
| LOCATION OF ATTACKS | ALGERIA |
| | BANGLADESH |
| | BURKINA FASO |
| | COTE D'IVOIRE |
| | KENYA |
| | MALI |
| | NIGER |
| | PAKISTAN |
| | RUSSIA |
| | SOMALIA |
| | SYRIA |
| | UGANDA |
| | YEMEN |

**TALIBAN**

| | |
|---|---|
| INCIDENTS | 848 |
| DEATHS | 3,583 |
| INJURES | 3,550 |
| LOCATION OF ATTACKS | AFGHANISTAN |
| | PAKISTAN |

**BOKO HARAM**

| | |
|---|---|
| GROUP | BOKO HARAM |
| INCIDENTS | 192 |
| DEATHS | 1,079 |
| INJURIES | 1,119 |
| LOCATION OF ATTACKS | CAMEROON |
| | CHAD |
| | NIGER |
| | NIGERIA |

**ISIL**

| | |
|---|---|
| GROUP | ISLAMIC STATE OF IRAQ AND THE LEVANT (ISIL) |
| INCIDENTS | 1,532 |
| DEATHS | 9,132 |
| INJURIES | 7,723 |
| LOCATION OF ATTACKS | BELGIUM |
| | GEORGIA |
| | GERMANY |
| | INDONESIA |
| | IRAQ |
| | JORDAN |
| | LEBANON |
| | MALAYSIA |
| | PHILIPPINES |
| | RUSSIA |
| | SAUDI ARABIA |
| | SYRIA |
| | TUNISIA |
| | TURKEY |
| | YEMEN |

**Source** http://www.oic-cdpu.org/ar/topic/?tID=4597

# CHAPTER THREE: THE UNITED NATIONS AND TERRORISM

The United Nations' ability to counter terrorism is a test for its future relevance as the threats posed by the rise of non-state terrorist groups have challenged the UN's raison d'être to maintain international peace and security. The fight against terrorism has become a key priority of the international community and has garnered unprecedented levels of cooperation amongst member states, demonstrated by the hydra-headed complex of UN bodies and entities tasked with counter-terrorism related issues.

FIDH's new report looks into the counter-terrorism complex at the United Nations in order to better understand the massive structure that has developed over the last two decades, the corpus of measures and programs it has been generating and their impact on both the enjoyment of human rights and the effectiveness of counter-terrorism at the national and regional levels.

# SECTION ONE: UNITED NATIONS RESPONIBILITY TO COUNTER TERRORISM

The UN as a norm setter and convener has the responsibility for ensuring that human rights are centralized in all counter-terrorism activities, from gap analysis and technical assistance, to capacity building. In that respect, it has made human rights a central principle of its Global Counter-Terrorism Strategy under Pillar IV.

However, despite this commitment, the UN is at a critical juncture. The UN is faced with the major risk that the authoritarian states that occupy or have a strong influence in key positions in this structure may have the non-human rights compliant counter-terrorist policies, already applied in their own territories, endorsed by the international community and replicated widely.

In the current counter-terrorism architecture, efforts are conducted in competing silos of subsidiary organs of the Security Council (UNSC) and the General Assembly (UNGA) that often overlap in their programs and activities. This silo mentality is mainly driven by the fundamental division over which each body is ultimately responsible for countering terrorism. The General Assembly claims to be the competent organ to deal with terrorism because of its universal membership, whereas the Security Council is responsible for maintaining peace and security, which obviously includes countering terrorism. Fundamentally, the UNSC and the UNGA bodies have different mandates when it comes to counter-terrorism.

In theory, Security Council bodies such as the Counter-terrorism Committee (CTC) and its Executive Directorate (CTED) are responsible for assessing needs and providing analysis for technical assistance to member- states, whereas General Assembly bodies such as the Counter-Terrorism Implementation Task Force (CTITF) entities are responsible for coordinating and capacity building. In practice though, this bifurcated system actually results in a competition for resources, influence, and project ownership amongst the two branches.

# 1- UN SECURITY COUNCIL

The issue of terrorism did not come to the Security Council until the 1990's with resolutions that were limited in their engagement because they were not adopted under Chapter VII of the UN Charter. For example, Resolution 1269 (1999) was the first resolution to address terrorism in a general manner; it condemned the "acts and practices of terrorism" by calling on states to implement anti-terrorist conventions, cooperate to prevent terrorists, suppress terrorist financing, exchange information regarding suspected terrorists, deny safe havens to terrorists or those who plan to finance or commit terrorist acts, in addition to taking measures before granting refugee status. However, it held no power as it relied on states to sign relevant treaties in order for its recommendations to be effective.

Resolution 1267 (1999) was the first adopted measure by the UNSC that established a counterterrorism sanctions regime.

Originally adopted in the wake of attacks on US embassies in Africa, the resolution sought to pressure Taliban affiliates to hand over Osama bin Laden by establishing a targeted sanctions regime for Al-Qaida affiliates, Taliban, and Osama Bin Laden. Resolution 1373 (2001), adopted under Ch. VII of the UN Charter, which created the Counter-Terrorism Committee (CTC), set countering terrorism as a major priority for the UN.

To date the UNSC has established three subsidiary bodies that deal with terrorism related issues: the 1267 ISIL (DA'ESH) and Al-Qaida Sanctions Committee, the Counter-Terrorism Committee (CTC) and its Executive Directorate (CTED), and the 1540 Committee. In addition, resolution 1566 (2004) established a working group that recommends practical sanctions measures and was also mandated to address the possibility of setting up a compensation funds for victims of terrorism. The Chairmanship of each of these committees is held by a UN Security Council non-permanent member for a period of two years. The Chairs are selected non-transparently by the permanent five members who either elect a Chair without prior notification or elect a chair based on intensive lobbying from the incoming non-permanent state.

## 2-Analytical Support and Sanctions Monitoring Team pursuant to resolutions 1526 (2004) and 2253 (2015) concerning ISIL (DA'ESH), Al-Qaida and the Taliban and associated individuals and entities - the "Monitoring Team"

The Monitoring Team, based in New York, has a robust and multifaceted mandate to support counter-terrorism at the UN. The Team is primarily responsible for reporting on the implementation of sanctions measures and the nature of the threat posed by Al-Qaida, ISIL (DA'ESH), and the Taliban, gathering information on reported cases of non-compliance with Committee actions, and assisting the Ombudsperson and Committee in carrying out their mandates regarding listings and de-listings.

The Monitoring Team was preceded by the Monitoring Group created by resolution 1363 (2001)13 following the recommendations by the 1333 Committee of Experts on Afghanistan, created by resolution 1333 (2000), a jointly drafted resolution by the United States and Russia following the attacks on the USS Cole.

The 1333 Committee recommended that there be sanctions enforcement teams in each surrounding country around Afghanistan with an additional Office to support the work of the field teams. In response to the report the Security Council, with objection by Pakistan, adopted resolution 1363 (2001) on July 30, 2001 to establish a Monitoring Group in New York of five experts to "monitor the implementation of the measures imposed by resolutions 1267 (1999) and 1333 (2000)," but the creation was delayed following the events on September 11, 2001. Following the attacks, the Security Council established further sanctions measures against al Qaeda and the Taliban with the adoption of Resolution 1390 (2002) and reconstituted the Monitoring Group. The Monitoring Group was ultimately allowed to expire on January 17, 2004 following member state criticisms of the Monitoring Group reports and working methods that used unofficial sources, conducted independent country visits, and named those states who were not compliant with sanctions enforcement measures.

The Monitoring Group's mandate expired and the "Monitoring Team" was created following the adoption of Resolution 1526 (2004) on January 3018 to support the 1267 Committee, with a very different mandate from its predecessor. The Monitoring Team must now obtain approval from the 1267 committee before a

country visit and present their findings to the countries concerned before spreading their reports. The "Monitoring Team" currently consists of ten experts that assist two Security Council committees: the 1988 committee and the ISIL (DA'ESH) and Al-Qaida Sanctions Committee. The current mandate of the Monitoring Team was extended by resolution 2253 (2015) until December 2019[21] and covers:

• Submitting multiple reports to each Committee concerning, updates on implementation and recommendations for improvement, reports on Team's work, and ad hoc reports on issues requested by the council;

• Reporting to each Committee on the changing nature of the threat posed by Al-Qaida, ISIL (DA'ESH), and the Taliban

• Assisting the Ombudsperson in carrying out their mandate;

• Assisting Committees on reviewing names on Sanctions lists.

• Consulting with Government of Afghanistan and other member states regarding individuals or entities to removed from the lists, to gather information on travel under granted exemptions of individuals, to make recommendations to implement measures, and work, in confidence, with state's intelligence and security services.

• Consulting with Member States and other UN entities such as UNODC, UNAMA IATA and non UN entities such as ICAO, WCO, FATF, INTERPOL

• Working closely with CTED, on country visits, reporting, and events, 1540 Committee's group of experts, CTITF and participate in the UN Global Counter-Terrorism Strategy;

• Working with Secretariat to standardize format of all UN Sanctions lists.


To date the Monitoring Team has published 19 operational reports and additional reports. [24][25] During the last reporting period, the Monitoring Team conducted 26 country and technical visits in addition to attending 79 international conferences.


The Monitoring Team is not individually tasked to engage with human rights mechanisms apart from its engagement with the Office of the High Commissioner for Human Rights (OHCHR) as a chair of the Counter-Terrorism Implementation

Task Force (CTITF) Working Group on Countering the Use of the Internet for Terrorist Purposes.

The Committee and Monitoring Team were criticized for their lack of transparency regarding delisting procedures on the Consolidated List2829 which resulted in the creation of the Office of the Ombudsperson in resolution 1904 and the Focal Point for De-listing.

# 3-THE COUNTER-TERRORISM COMMITTEE (CTC):

The Counter-Terrorism Committee (CTC) is the main Security Council counter-terrorism body, consisting of all fifteen Security Council members, that reviews member states' implementation of binding counter-terrorism resolutions 1373 (2001) and 1624 (2005).

The Counter-Terrorism Committee (CTC) was established by resolution 1373 (2001), adopted unanimously in the wake of the September 11th 2001 terrorist attacks. This resolution was unique because it was the first legally binding Chapter VII resolution that applied to all UN membership as opposed to previous counter-terrorism efforts that were only valid if the state had voluntarily signed the relevant international treaty. The CTC was tasked with monitoring the implementation of resolution 1373 (2001), which requires States to, inter alia, combat terrorism focusing on preventing those financing, planning, and committing terrorism, increase information sharing with other states, and ensure that terrorist acts are established as criminal offenses. In addition, the committee evaluates the implementation of resolution 1624 (2005) on incitement to commit acts of terrorism.

 This resolution calls on UN member states to prohibit such incitement in law,  prevent such conduct and deny safe haven to anyone "with respect to whom there is credible and relevant information giving serious reasons for considering that they have been guilty of such conduct." More recently, the CTC was tasked in resolution 2178 (2014) concerning foreign terrorist fighters, to identify gaps and good practices that might hinder States' abilities to stem the flow of foreign terrorist fighters.

While every country has provided the CTC with their initial reports regarding 1373 (2001), many countries have not provided reports regarding their implementation of resolution 1642 (2005).

The appointment of Chairmanships of UNSC subsidiary organs is not transparent. During its investigation, FIDH found out that in practice, Chairmanships, including the CTC Chair, reappointed by solely the P5 members. The CTC, together with its executive body the Counter-Terrorism Executive Directorate (CTED), holds meetings with regional bodies, and other member states on counter-terrorism work. While in theory, the CTC is the gatekeeper for new initiatives and the CTED needs approval from the council for

all of its activities, this is far from how it operates in practice. The CTC chair's authority over CTED is only determined by their commitment and diligence to exert their influence. Chairs have had their involvement limited to convening the Committee or extended to even attending country visits. Countries that chair the Committee who have national experience in countering terrorism are perceived to have more legitimacy and authority compared to other chairs. Actually in practice, we found out that the working relationship between CTC and CTED is reversed, with CTED wielding the power to choose the states where to conduct visits and provide analysis about.

The CTC's first program of work stipulated that "In accordance with the Committee's rules of procedure, the Chairman and, as appropriate, the Vice-Chairmen, in consultation with the Committee, will hold regular briefings of Member States and of the media to explain and publicize the work of the Committee." However, these regular briefings of the media or equally important, with civil society organizations, have yet to materialize.

Indeed it was only in June 2016 that the CTC relaunched its website and fifteen years after being created finally made its previous working methods and programs of work available to the public.

SOURCE: https://www.un.org/sc/ctc/news/event/ctc-special-meeting-review-principles-foreign-terrorist-fighters-13-december-1000am

# 4-COUNTER-TERRORISM EXECUTIVE DIRECTORATE (CTED):

The Counter-Terrorism Executive Directorate (CTED) is an expert body that supports the Counter-Terrorism Committee (CTC) fulfill its mandate of reviewing member states' implementation of binding counter-terrorism resolutions 1373 (2001) and 1624 (2005) by conducting country visits with states, providing counter-terrorism legal and technical assistance, and assessing need gaps with states. Given that CTED must conduct all of its activities at member states' request, it is obvious that CTED can neither behave as an independent counter-terrorism monitor, nor investigate issues of member states' non-compliance.

On March 26, 2004, the Security Council decided to restructure the CTC to provide strategic advice to advance the CTC's ability to fulfill its mandate through resolution 1535 (2004) by creating the Counter-Terrorism Executive Directorate (CTED). Jean-Paul Laborde, a French magistrate with a long history of engaging in counter-terrorism work at the UN, was appointed Director of CTED on 22 July 2013 and terminated his mandate in July 2017. Ms. Michele Coninsx of Belgium was appointed Executive Director of CTED on 11 August 2017, the first woman to hold a senior position in the UN counter-terrorism structure. Currently CTED operates with approximately 40 staff members, including two senior human rights officers. Half of the staff are legal experts who are responsible for analyzing states' submissions regarding their implementation of key UNSC resolutions. , According to CTED's working methods, operations should be ultimately decided and instigated by the CTC when in reality it is CTED that leverages its expertise, and primarily conducts the visits. Even though the CTC is a formal convening body that in theory is meant to welds the most influence, in practice it is CTED that is responsible for drafting recommendations and monitoring implementation of resolutions.

CTED works with states on their implementation of resolution 1373 (2001) and 1624 (2005) and conducts country visits only with prior approval of the host government and endorsement by the CTC Plenary. The only publicly available reports regarding states' implementation are available from 2001- 2006, but " a decision (by the CTC) was made not to make public subsequent reports on resolution 1373 (2001)." The UN Special Rapporteur on the Promotion and Protection of Human Rights While Countering Terrorism noted that these reports and assessment that would potentially undertake a human rights assessment, are only available " in the context of confidential country reports that do not see the

light of day." It is unclear whether this was an internal decision made by CTED or the CTC. After the adoption of resolution 1456 (2003), which called on states to ensure that their counter terrorism measures complied with human rights, humanitarian, and refugee law, CTED claimed to take a more proactive approach to human rights by liaising with OHCHR, appointing a human rights expert to their staff, in addition to establishing a working group on the Human Rights Aspects of Counter Terrorism in 2008.

To date, the CTED has conducted over 100 country visits and even though it remains publicly unclear how much time in advance CTED plans country visits, these are planned approximately two years in advance, in consultation with the CTC. Country visits are composed of a large delegation that reaches up to 15 persons, with representatives from CTED, other UN entities, and non UN for such as financial regulating bodies known as FATF-Style Regional Bodies (FSRB). During country visits, CTED uses the Overview for Implementation Assessment (OIA) to determine the counterterrorism capacity building needs and status of implementation of each member state visited.

 The analytical tool that CTED uses to ultimately assess the visit is the Detailed Implementation Survey (DIS) consisting of 200 questions, with 15% of them relating to human rights that allows CTED to assess the status of Member States implementation of Resolutions 1373 (2001) and 1624 (2004). However, the assessment is only shared with the state and only prepared based on official sources and information provided by the state. FIDH was able to read and look over country visit reports and found out that fourteen years after the adoption of resolution 1373, some countries had still not met all of their requirements under international law to fulfill their obligations. Most importantly, CTED does not have the tools or capacity to follow-up on their recommendations following a country visit to comprehensively assess their impact. This is compounded by the fact that state visits are not conducted independently and the reports are not made public.

# SECTION TWO:UN GLOBAL COUNTER-TERRORISM STRATEGY

## In the headlines:

- Opening Assembly debate, Ban calls on world leaders 'act now,' work together for a better future
- US President Obama urges world to eschew division and pursue global integration at UN Assembly
- Central American leaders at UN Assembly spotlight region's efforts to address transport, migration issues
- King of Spain stresses support for 2030 Agenda, climate change action at UN Assembly
- At UN podium, Senegal's leader urges massive investment and fair development for Africa
- Mongolia's President cites 'essential' nature of sustainable development, UN goal to 'leave no one behind'

- Uganda's President cites 'pseudo-ideology' and fragmented markets as barriers to African prosperity
- At UN Assembly, Tunisia's President cites African 2063 Agenda as vita to continent-wide development
- Culture of prevention vital to peace and security, Portugal's President tells UN Assembly
- Mexican President Peña urges global push to achieve 'brave, demanding' UN 2030 Agenda
- Corruption is major obstacle to achieving Agenda 2030, Nigerian leader tells UN Assembly
- Slovenia sets sight on educating youth for digital transformation, President tells UN Assembly

*More stories inside*

## Opening Assembly debate, Ban calls on world leaders 'act now,' work together for a better future

*20 September* – Highlighting the challenges confronting the global community, United Nations Secretary-General Ban Ki-moon today opened the 71st annual debate of the UN General Assembly with a call on world leaders to recognize that the important positions they hold are a reflection of the trust the people have in them and "not personal property."

"My message to all is clear: serve your people. Do not subvert democracy; do not pilfer your country's resources; do not imprison and torture your critics," Mr. Ban said in his opening address to leaders from the UN's member countries of the UN.

He added, however, that after 10 years as the top UN official, he is "more convinced than ever that we have the power to end war, poverty and persecution."

Secretary-General Ban Ki-moon presents his annual report on the work of the Organization at the opening of the general debate of the General Assembly's seventy-first session. UN Photo/Cia Pak

"We have the means to prevent conflict. We have the potential to close the gap between rich and poor, and to make rights

SOURCE: https://unicmanila.org/2016/09/21/un-daily-news-21-september-2016

The UN Global Counter-Terrorism Strategy (GCTS), adopted by the General Assembly in 2006 and reviewed every two years, is the guide for the United

Nations' counter-terrorism activities and priorities.

Parallel to the work in the Security Council and the General Assembly, former Secretary General Kofi Annan led the initial development of the Global Counter Terrorism Strategy as the United States escalated their War on Terror. In a keynote address at the International Summit on Democracy, Terrorism, and Security delivered in Madrid, Spain in 2004, he echoed a call for comprehensive strategy to address terrorism at the United Nations, based on a recommendation by the High Level Panel on Threats, Challenges and Change. The then Secretary-General made it clear that upholding "human rights [was] not merely compatible with a successful counter terrorism strategy. It is an essential element of it." Annan followed up on this call for a strategy by releasing his report United Against Terrorism Recommendations for: Global Counter-Terrorism Strategy52 that he presented to the General Assembly in 2006.

The UN Global Counter-Terrorism Strategy is a non-binding and broad instrument that is aimed at enhancing national, regional and international efforts to counter-terrorism. The Strategy is composed of four pillars:

I.   Addressing the conditions conducive to the spread of terrorism
II.  Preventing and combating terrorism
III. Building  States' capacity and strengthening the role of the United Nations
IV.  Ensuring human rights and the rule of law


The General Assembly reviews the Global Counter-Terrorism Strategy every two years in order to re-evaluate the counter-terrorism landscape and align it with member states' priorities.


This was the first time that all Member States agreed to a common strategic approach to fight terrorism. In doing so, states not only sent a clear message that terrorism is unacceptable, but also resolved to take practical steps individually and collectively to prevent and combat it. Those practical steps include a wide array of measures ranging from strengthening state's capacity to deal with terrorist threats to better coordination of UN counter-terrorism activities. The most recent review, the fifth review, was adopted in July 2016, and detailed in Section 6 of the New Landscape of Counter-Terrorism at the UN.

# 1-AD HOC COMMITTEE AND WORKING GROUP ON TERRORISM

The Ad Hoc Committee on Terrorism was established in 1997 by UNGA Resolution 51/210 on December 17, 1996 and is tasked with drafting a Comprehensive Convention on Terrorism. The General Assembly recommended that the work of this Ad Hoc Committee be supplemented by a working group within the Sixth Committee, which was established on 22 September 1997. Since then, the Ad Hoc Committee has negotiated three treaties: the International Convention for the Suppression of Terrorist Bombings (1997), the International Convention for the Suppression of the Financing of Terrorism (1999), and the International Convention for the Suppression of Acts of Nuclear Terrorism (2005).

The Ad Hoc Committee has been working since 2000 on a draft comprehensive convention on terrorism. However, the negotiations on the text have been deadlocked over the definition of terrorism since 2002 as the committee "works on the basis that nothing is agreed until everything is agreed.

The Ad Hoc Committee did not meet in 2012, 2014, 2015, and 2016 signaling less political will to create a universally agreed upon definition and finalize a draft. The Committee is not expected to meet in 2017 either. However, the Sixth Committee working group has met each year at the General Assembly; this past year (2016) it met under the chairmanship of Israel where it decided to hold another working group meeting in the next session and discuss holding a high level conference on the remaining issues.

The Ad Hoc Committee and Working Group have discussed the idea to hold a high level conference under the auspices of the United Nations to generate the political will necessary to finalize the comprehensive convention on terrorism. It was noted by the Working Group in 2015 that "if the impasse remained [after a high level conference]… delegations could acknowledge that agreement was not possible and consider suspending further deliberations." To date, there has not been a high-level conference indicating that a politically ripe time might never approach. This delay empowers states to rely on overly broad definitions of terrorism that create a vehicle for human rights abuses.

# 2-UN COUNTER-TERRORISM CENTRE (UNCCT)

The UN Counter-Terrorism Centre (UNCCT), created by the Kingdom of Saudi Arabia with two founding donations is tasked to deliver counter-terrorism capacity building with states.

The UNCCT was created by resolution A/RES/66/10 and became operational in April 2012. The UNCCT, previously located within DPA, now relocated to the new OCT, carries out counterterrorism projects and allegedly partners with "active think tanks and NGOs" to research emerging issues. The UNCCT is best understood as half of a same coin of CTITF where CTITF is responsible for coordination and coherence and the UNCCT is responsible for capacity building.

The central objectives are driven by the Secretary General's "6-Point Vision" articulated at the 9th meeting of the UNCCT Advisory board on November 7th, 2014. The Secretary-General outlined his vision for the role of the UNCCT to turn it into a "Centre of Excellence" that will lead in thematic issues not addressed by other UN bodies and provide the capacity building needed for Member States to fulfill the UN Global Counter Terrorism Strategy. The UNCCT is now guided by its five year strategy that started in 2016 that aligns with the four main pillars of the GCTS as outcomes with twelve secondary outputs assigned to each pillar.

In the recent 2016 fifth review of the UN Global Strategy, the UNCCT was mentioned five separate times thus demonstrating the UNCCT's growing importance in UN counter-terrorism work. This is particularly relevant since the only available funding for counter-terrorism programs within the entire UN counter-terrorism system is through the UNCCT: as a matter of fact, the UNCCT was created and funded through an initial $10 million donation by the Kingdom of Saudi Arabia and followed by an additional $100 million to finance the rest of the research and work. Since then, 18 other countries have contributed minor donations but most of the $132 million budget still comes from Saudi Arabia. This, combined with the fact that the Permanent Representative of Saudi Arabia, Ambassador Abdallah Yahya A. Al-Mouallimi is the chairman of the UNCCT's Advisory Board, which has authority over the budget, programs, projects and proposals of the Center, clearly comforts Saudi Arabia in a very influential position to lead the UN counter-terrorism efforts.

The UNCCT is leads by the same leadership as the CTITF and shares the same operational staff, but within its activities it at times appears to conduct different programs. FIDH learned that moving forward all capacity building programs will be

under the UNCCT label since it enacted its 5 year program in 2016. Before the 5 year program, different programs were under UNCCT and CTITF labels and those that are still operational have kept those labels. For example, prior the five year program, as noted in 2015, the UNCCT has participated individually on 15 projects: 4 projects in Pillar 1, 6 projects in Pillar II, 4 projects in Pillar III, and 1 project within Pillar IV. However, UNCCT in conjunction with CTITF, displayed as UNCCT/CTITF has worked on 14 projects since 2015: 4 projects in Pillar I, 0 projects in Pillar II, and 6 Projects in Pillar III, and 4 projects in Pillar IV. 74 However, this prior distinction between UNCCT and UNCCT/CTITF shows that from 2011- 2015 CTITF was the entity and label responsible for more programs concerning Pillar IV on the protection and promotion of human rights.

 This previous distinction makes the UNCCT as an individual entity appear more inclined to fund projects falling under Pillar II on Preventing and Combatting Terrorism, not Pillar IV on human rights.

# 3-UNITED NATIONS OFFICE ON DRUGS AND CRIME (UNODC): TERRORISM PREVENTION BRANCH (TPB):

The Terrorism Prevention Branch (TPB) of the United Nations Office on Drugs and Crime (UNODC) provides legislative and capacity building assistance to member states in addition to creating publications and tools of counter-terrorism best practices.

The Terrorism Prevention Branch created in 1999 sits within the Center for International Crime Prevention in Vienna and predates the CTC. It was strengthened in 2002 following UNGA resolution 57/292 to "provide, at the request of Member States, technical assistance in prevention of international terrorism in all its forms and manifestations." The TPB offers resources including the Counter Terrorism Learning Center that aims to provide courses for criminal justice officers and create an information exchange between counter-terrorism practitioners. Operationally, the TPB claims to regularly coordinate with other bodies such as CTED, I-ACT, and CTITF. For example, in accordance with its mandate, it participates in CTC/CTED country visits, assists state's with compiling national reports for submission, and works together on additional joint projects and convening events. Finally, UNODC-TPB also works with CTITF by participating in various working groups concerning: "Preventing and Responding to Weapons of Mass Destruction Terrorist Attacks, Supporting and Highlighting Victims of Terrorism, Countering the Use of the Internet for Terrorist Purposes, Protecting Human Rights While Countering Terrorism, Border Management Relating to Counter-Terrorism, and is a co-chair of the Working Group on Tackling Financing of Terrorism." The UNODC-TPB developed a handbook on The Use of the Internet for Terrorist Purposes and the assistance tool on the "Criminal Justice Response to Support Victims of Acts of Terrorism.

The TPB has its own human rights officer. As detailed in Pillar IV pertaining to human rights of the Global Counter Terrorism Strategy, UNODC is the sole organization mentioned to provide technical assistance in rule of law capacity building with states.

# 4-DEPARTMENT OF PEACEKEEPING OPERATIONS (DPKO): OFFICE OF RULE OF LAW AND SECURITY INSTITUTIONS (OROLSI):

Peacekeeping is not meant to deal with countering terrorism or preventing violent extremism, however, UN peacekeeping missions are increasingly operating in asymmetric contexts.

The Office of Rule of Law and Security Institutions (OROLSI) of the Department of Peacekeeping Operations (DPKO) is not a primary counter-terrorism body, but supports UN counter-terrorism efforts taking part in the creation of National Preventing Violent Extremism Action Plans, mainstreaming counter-terrorism concerns into security sector reform (SSR) programs, and providing capacity building assistance in creating judicial counter-terrorism units in host countries.

OROLSI's priorities fall under Pillar III of the Global Counter-Terrorism Strategy. They include doctrine and policy in asymmetric environments, how to adapt to these environments (including protection of UN personnel and facilities and protection of civilian mandates), and how DPKO can provide assistance.

During FIDH's research, it was questioned whether OROLSI duplicated similar work concerning the rule of law that CTED conducts in capacity building measures with states. OROLSI claims to be the "largest provider of police, justice and corrections specialists in the world operating in 25 countries and regions with a force of more than 14,000 deployments. Established in 2007, six years after the creation of the CTC and three years after the creation of CTED, OROLSI is constantly evolving to now tackle the "new challenges of the twenty-first century, such as violent extremists.

The Secretary General's Plan of Action to Prevent Violent Extremism called on PVE to be integrated into peacekeeping and Special Political Missions, tasking OROLSI and DPKO with new initiatives. While DPKO maintains that peacekeeping is not the best tool for "counter-terrorism military/ security operations" DPKO and OROLSI do engage in capacity building to counter terrorism and prevent violent extremism in ways that are similar to CTED's operational capacity.

One of the mechanisms that DPKO uses in relation to the PVE strategy is the Global Focal Point arrangement for Police, Justice and Corrections Areas in the Rule of Law in Post-Conflict and other Crisis Situations (GFP) which aims to provide a "united" front that is not a merger or a new entity, but a joint operation of GFP partners and UN entities that are deployed in order to create nuanced assistance. However, the Global Focal Point has not been tasked with dealing with PVE activities, it is focused on justice capacity building. The question remains on how these efforts complement or fit into CTED and CTITF existing projects and initiatives.

Currently, the first pilot program of DPKO to enhance state's capacity for countering terrorism and preventing violent extremism is to be developed with the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA).

According to DPKO, this is being done in conjunction with UN partners in order to support the training of security forces in: investigations, first response, forensics analysis, and Counter-Improvised Explosive Device. They note that MINUSMA is playing a critical role in standing up the Specialized Counter Terrorism Judicial Unit. Following the creation of the Specialized Counter Terrorism Judicial Unit by law 21 May 2013, FIDH and its member organization in Mali, Association maligned des droits de l'Homme (AMDH) have welcomed the decision of the Malian political authorities to extend the competence of the unit to also include war crimes, crimes against humanity, genocide, and torture. As this specialized center has jurisdiction over the entire national territory, and is enjoying strengthened capacities, it is in the best position to deal with cases related to international crimes and serious human rights violations committed in the northern and central regions since 2012.

However, it is unclear how the efforts in Mali are organized when each party, CTED, OROLSI (DPKO), and CTITF all engage in judicial capacity building. Considering that CTED conducts country visits with states, it was surprising to note that CTITF also conducted their own country state visit with Mali right after CTED's official delegation.

## SECTION THREE: KEY CTITF ENTITIES:

## 1-United Nations Development Program (UNDP):

UNDP is currently mobilizing a $108 million program focused on development to prevent violent extremism for 2017-2020. UNDP claims to have been critically engaging on preventing violent extremism since 2014 and its regional bureau in Africa launched an initiative called "Preventing and Responding to Violent Extremism in Africa: A Development Approach. This program was initially proposed to cost $45.7 million, but was augmented to $81 million. On September 7, 2017, UNDP released a two year study on "recruitment in the most prominent extremist groups in Africa" titled "Journey to Extremism in Africa: Drivers, Incentives and the Tipping Point for Recruitment." The report conducted interviews with 495 voluntary recruits and revealed that percent of recruits interviewed said that it was some form of government action that was the 'tipping point' that triggered their final decision to join an extremist group.

## 2-UN WOMEN:

UN WOMEN provides a gender-sensitive perspective of counter-terrorism efforts at the UN. UN WOMEN has also adopted a global program on preventing violent extremism focused in four areas:

1- research
2- policy development
3- response (increased access to justice and essential services for victims of sexual and gender-based violence in the context of violent extremism)
4- participation (increasing women's participation in counter-terrorism response and prevention efforts)

UN WOMEN briefed the CTC on 30 March 2017 and discussed needs to integrate gender into CTED's country analysis, reports, and technical assistance recommendations. UN WOMEN chairs the newly created CTITF working group on Gender and Counter-Terrorism and has also been continuously raising the issue of sexual violence and gender-based violence as a tactic of war and terrorism. UN

WOMEN is contributing to the internal work of the UN counter-terrorism structure by conducting a gender analysis of counter-terrorism work at the UN and developing a guide for UN counter-terrorism staff on gender.

## 3-United Nations Interregional Crime and Justice Research Institute (UNICRI):

UNICRI is a CTITF entity that works to improve crime prevention and control policies, including counter-terrorism, with states, intergovernmental organizations, and NGOs. The Secretary General noted in his recent report on the implementation of the GCTS that UNICRI's activities are focused on Pillars I and IV of the strategy, yet there is limited publicly available information on UNICRI's programs in each of these pillars available through their website. One project of UNICRI, the planned Center of Excellence for chemical, biological, radiological, and nuclear (CBRN) mitigation in Central Asia, was placed under Pillar II in the development of capacity building assistance with the United Nations Regional Centre for Preventative Diplomacy for Central Asia (UNRCCA).

## 4-United Nations Regional Centre for Preventive Diplomacy for Central Asia (UNRCCA):

UNRCCA is a special political mission responsible for developing a regional plan in Central Asia to implement the GCTS. The UNRCCA's counter-terrorism activities have gone through two phases of implementing a joint plan of action where it has carried out capacity building programs with regional states.

The UNRCCA is not publicly noted to be a CTITF entity, but works on each of these phases with CTITF. The Special Representative and Head of UNRCCA, has briefed the Security Council on issues regarding the rise of terrorism and extremism in Central Asia, but starting with the current SRSG Petko Draganov's first briefing in September 2015 in consultations with the Security Council has broken with protocol and did not release a press statement following the meeting.

UNRCCA stated that "It appeared that some Council members had objected to the initial text proposed by the penholder Russia. All three following briefings have been done in consultations and it seems that the issue at stake in releasing a press statement had to do with UNRCCA's cooperation with regional organizations and

amendments relating to the situation in Afghanistan. The Council was still not able to reach an agreement on a press statement at the meeting of the SRSG in February 2017, but were able to agree on press elements that were read by the SC president following the consultations. At the most recent consultations in June 2017, there was again no agreement.

Briefings on the activities of the UNRCCA speaking on conflict prevention and terrorism in the region are contentious and must be publicly communicated in a transparent manner.

# CONCLUSION OF THIS CHAPTER

The United Nations counter-terrorism architecture has grown into a tangled web of actors and activities. However, with the momentum following the creation of the Office of Counter-Terrorism (OCT), the UN has the opportunity to start a new chapter of meaningful reform of the counterterrorism complex driven by a commitment to impact, effective coordination, prevention, and human rights compliance. In fact, this past year FIDH noticed improvement regarding new publicly available information and greater investment in external communication on meetings and activities than all previous years.

Currently, the counter-terrorism structure is welcoming new leadership that has the opportunity to make significant positive changes, with a new Under-Secretary General for Counter-Terrorism, a new Executive Director of CTED, and a new Special Rapporteur on Counter-Terrorism and Human Rights. It is a prime time to revisit the prioritization of activities, centralization of human rights, and establish new internal working methods. With almost 40 entities involved in counter terrorism, spread across four pillars and focused on a variety of outcomes on the one hand and with member states focusing on implementing relevant Security Council resolutions on the other, the tentacular architecture should strive for clear and consistent prioritization of activities to create a clear roadmap ahead that has key benchmarks for evaluation. FIDH has identified that in practice, human rights in the context of the UN's counter-terrorism work is often minimized to a generic line in a resolution, reduced to a few questions on a country visit survey, comprised of a small staff sprinkled throughout the secretariat and security council bodies, securitized in the Preventing Violent Extremism agenda and underfunded in its programming.

Moving forward, any additional reform should centralize human rights in all UN counter-terrorism activities.

The creation of the Office of Counter-Terrorism (OCT) and the appointment of a new USG presents an opportunity to re-evaluate programs, coordination, and coherence across the system with a strong commitment to human rights oversight and programming. In this vein, the USG should begin his tenure by establishing effective lines of communication and new working methods between all involved entities, particularly CTED, OHCHR, and the Special Rapporteur on Counter-Terrorism and Human Rights. Similarly, the USG has the opportunity to establish

new relationships between the OCT and civil society, particularly local civil society actors, including through UN country teams, where the OCT coordinates programs. The USG, in close cooperation with the Secretary General, who has undertaken the reform of the UN's peace and security architecture, now has the opportunity to establish new practices in developing programming across all four pillars, establishing comprehensive monitoring and evaluation, and addressing instances of duplication across the complex.

Member states that wish to address the human rights deficit and structural shortcomings of the structure should increase their involvement and scrutiny of its activities. FIDH reported on the process of reform and attended various thematic counter-terrorism meetings that were rushed and did not stimulate debate.

The creation of the OCT and the ensuing debate regarding the composition of the Advisory Board to the UNCCT, calls on member states to determine their level of involvement in order to balance the influence of other states that hold key positions.

The UN has created a confusing and complex structure to address terrorism, operating in silos with a competition for resources and program ownership. However, all actors and entities involved have an opportunity to invest in meaningful reform that centralizes human rights, streamlines counter-terrorism activities amongst entities, and establishes clear ways to measure efficacy.

The fight against terrorism has been at the forefront of our global geopolitical order for the past two decades, particularly marked by the attacks on September 11th, 2001, that demonstrated the horror and atrocities committed in the name of establishing terror.

The period following the attacks on 9/11 was marked by unprecedented levels of security cooperation amongst states, from the invocation of Article 5 of the NATO treaty of mutual assistance that lead to the invasion of Afghanistan to the unanimous adoption of Resolution 1373 (2001) under Chapter VII of the United Nation's charter that imposed new counter-terrorism requirements on every country. Countering "terrorism," still a legally undefined term , has been a unifying force amongst states, bound by the premise that no country is immune to the scourge of "terrorism" and that "terrorism" is not defined by any race, religion, or culture. This unanimous international support is best illustrated by the plethora of counter-terrorism resolutions adopted by consensus by the UN Security Council and General Assembly over the last 15 years.

# PART II: ORGANIZED CRIME AND THE MAFIA

# CHAPTER ONE
## AN INTRUDACTION TO ORGANIZED CRIME

- this chapter emphasizes the criminal nature of the organizations that engage in illegal activities but notes that organized crime has infiltrated legitimate businesses and organizations.

- Organized crimes results in extensive property losses to businesses and individuals; the hierarchy within organized crime is known for its use of violence to accomplish established goals. Likewise, terrorism, often used as a weapon to obtain political goals

 - For a long time the crimes of the underworld have provided Americans with a source of mystery and excitement and have captured their attention through movies and books. In his 1989 edition, one textbook writer noted that over 13 million copies of The Godfather, a novel published in 1969, had been sold by that year and that the book was still the most popular book about crime ever published in North America.

The movie, one of the most successful ever made, had grossed $166 million. According to the author, the difficulties of separating fact from fiction in organized crime has made scientific analysis difficult, probably accounting for the lack of social science  emphasis on the study  of organized crime until relatively recently.

The successes of the underworld in eluding law enforcement are well known; in many cases, underworld activities have provided services and commodities labeled illegal by statute but considered important to the enjoyment may not be viewed as a nuisance. But organized crime has so infiltrated legitimate society is one of cooperation.

# CONCEPT OF ORGANIZED CRIME

The first problem in an analysis of organized crime is to define the term. There is little agreement on the definition, as indicated in Exhibit1, which contains a listing and brief discussion of general characteristics of organized crime. In some countries the term organized crime is synonymous with professional crime, a concept discussed in an earlier chapter. It is true that all professional crime is to some extent organized.

Early sociologists used the term organized crime to describe professional criminals in contrast to amateur criminals. According to Alfred Lindesmith, organized crime is "usually professional crime...involving a system of specifically defined relationships with mutual obligations and privileges." Edwin Sutherland and Doneld Cressey defined organized crime as the association of a small group of criminals for the execution of a certain type of crime. These definitions include any small group of criminals who organize to engage in their professional work.

In recent years the term organized crime has been used more narrowly. Many people think of organized crime as a national or international syndicate that infiltrates at the local and national level. This view is not accepted by most social scientists; thus, it is important to distinguish the two major approaches to defining organized crime:
 (1) the law-enforcement perspective
 (2) the social and economic perspective.

# SECTION ONE
# THE LAW ENFORCEMENT PERSPECTIVE: ORGANIZED CRIME AND THE MAFIA :

The view of organized crime that is most common is the law enforcement perspective. In its 1967 report, the President's Commission on Law Enforcement and administration of Justice defined organized crime as 'a society that seeks to operate outside the control of the American people and their working government." According to that report, organized crime is an organization of thousands of criminals; they operate in a complex organizational structure, and they have rules that are more rigid and enforced more strictly than those of legitimate government. Money and power are their goals. They infiltrate legitimate as well as illegitimate businesses.

The law-enforcement approach to analyzing organized crime has been called the governmental approach, President's Task Force, traditional approach, or evolutional-centralization approach, President's Task force traditional approach, or evolutional-centralization approach. It is associated most frequently with the work of the late criminologist, Donald Crosse who was one of six consultants to the President's Commission. It was Crosse "who towered over the others and came to be attributed the status of major spokesperson for the Commission and its report." The late Crosse, a prolific writer in many areas of criminology, is recognized for his outstanding contributions to the study of organized crime.

When the Task Force on Organized Crime of the National Advisory Committee on Criminal Justice Standards and Goals considered the definition of organized crime, it refused to attempt a definition that would include the criminal activities covered by all state and federal statutes. Instead, the task force chose to delineate the major characteristics of organized crime, which are enumerated in Exhibit 2.

## SECTION TWO
## <u>SOCIAL AND ECONOMIC PERSPECTIVES: ORGANIZED CRIME AS FUNCTION OF AMERICAN SOCIETY :</u>

A second approach views organized crime as '"an integral part of the nation's social, political, and economic life-as one of the major social ills, such as poverty or racism, that grew with urban living in America." Organized crime does often involve minor ity groups, but that involvement is seen by this second perspective as the process by which those groups begin to establish themselves and gain power in this society. As more acceptable avenues for this process become available, the criminals may move into legitimate enterprises while other groups move into organized crime to begin their process of integration into the society.

Another version of this functional perspective comes from economists who view organized crime as operating just like other economic enterprises. Organized crime supplies goods and services to customers seeking those goods and services.

## EXHIBIT 1:-

## ORGANIZED CRIME: AN OVERVIEW

-What is organized crime?

Although organized crime has been considered a problem throughout the century, no universally accepted definition of the term has been established. The president's commission on organized crime, for example, defines the criminal group involved in organized crime as a continuing, structured collectivity of persons who utilize criminality, violence, and a willingness to corrupt in order to gain and maintain power and profit.

Some characteristics of organized crime are generally cited:

## A- Organizational continuity:-

Organized crime groups ensure that they can survive the death or imprisonment of their leaders and can vary the nature of their activities to take advantage of changing criminal opportunities.

## B-Hierarchical structure:-

All organized crime groups are headed by a single leader and structured into a series of subordinate ranks, although they may vary in the rigidity of their hierarchy. Nationwide organizations may be composed of multiple separate chapters or families each unit generally headed by its own leader who is supported by the group's hierarchy of command.
Intergroup disputes, joint ventures, and new membership are generally reviewed by a board composed of the leaders of the most powerful individual chapters. For example, La Coosa Nostra currently is estimated to include 24 individual families all under the general authority of a national commission comprised of an estimated nine bosses.

## C- Restricted membership:-

Members must be formally accepted by the group after a demonstration of loyalty and a willingness to commit criminal acts. Membership may be limited by

race or common background and generally involves a lifetime commitment to the group, which can be enforced through violent group actions.

## D- Criminality\violence\power:-

Power and control are key organized crime goals and may be obtained through criminal activities of one type or in multiple activities. Criminal activity may be designed directly to generate income or to support the group's power through bribery violence, and intimidation. Violence is used to maintain group loyalty and to intimidate outsiders and is a threat underlying all group activity. Specific violent criminal acts include, for example, murder, kidnaping, arson, robbery, and bombings.

## E- Legitimate business involvement:-

Legitimate businesses are used to launder illegal funds or stolen merchandise. For example, illegal profits from drug sales can be claimed as legitimate profits of a noncriminal business whose accounting records have been appropriately adjusted. Legitimate business involvement also elevates the social status of organized crime figures.

## F- Use of specialists:-

Outside specialists such as pilots, chemists, and arsonists, provide services under contract to organized crime groups on an international or regular basis.

- Organized crime groups often are protected by corrupt officials in the government and private sector:

Such officials include inspectors who overlook violations, accountants who conceal assets, financial officers who fail to report major cash transactions, law enforcement officers who provide enforcement activity information to drug traffickers, and attorneys who have government witnesses intimidated to change their testimony.

The public also supports organized crime by sometimes knowingly or unknowingly purchasing illegal goods and hot merchandise.

## Organized crime groups are involved in many different activities:

In addition to its well-known involvement in illegal drugs, organized crime is also involved in prostitution, gambling, and loan sharking operation and has been shown to have infiltrated legitimate industries such as construction, waste removal, wholesale and retail distribution of goods, hotel and restaurant operations, liquor sales, motor vehicle repairs, real estate, and banking.

The supply is considered illegal by the government at a given time, for example, liquor during prohibition- the economic process is the same as it would be if the enterprise were not defined as criminal. In organized crime, however, the proceeds from these illegal sales are used to engage in other illegal activities, such as corrupting public officials to provide protection from prosecution.

# CHAPTER TWO
## ANALYSIS OF THE CONCEPT OF ORGANIZED CRIME

- The two approaches to the concept of organized crime have some common elements.
In both perspectives, the activity is organized and goes on beyond the life of any particular members. Both perspectives see the need for and the existence of some degree of protection, which comes from corrupting public officials, both perspectives view organized crime as providing illegal goods and services demanded by the public.

These similarities have led to this definition of organized crime:-

-(it is) a persisting from of criminal activity that brings together a client-public which demands a range of goods and services defined as illegal. It is a structure of network of individual who produce or supply those goods and services, use the capital to expand into other legitimate or illegitimate activities, and corrupt public officials with the aim of gaining their protection.

Despite this attempt to articulate a definition of organized crime that is broad enough to  include the two perspectives, the view of organized crime as roughly synonymous  with the national (or international) crime syndicate characterized by Italian membership  persists. This perspective has obvious implications in terms of attempts to eradicate or control crime. It leads to a focus on catching the notorious underworld

# SECTION ONE
## CHARACTERISTICS OF ORGANIZED CRIME(EXHIBIT2)

1- Organized crime is a type of conspiratorial crime, sometimes involving the hierarchical coordination of a number of persons in the planning and execution of illegal acts, or in the pursuit of a legitimate objective by unlawful means. Organized crime involves continuous commitment by key numbers, although some individual with specialized skills may participate only briefly in the ongoing conspiracies.

2- Organized crime has economic gain as its primary goal, though some of the participants in the conspiracy may have achievement of power or status as their objective.

3- Organized crime is not limited to patently illegal enterprises or unlawful services such as gambling, prostitution, drugs, loansharking, or racketeering. It also includes such sophisticated activities as laundering of illegal money through a legitimate business, land fraud, and computer manipulation.

4- Organized crime employs predatory tactics such as intimidation, violence, and corruption, and it appeals to greed to accomplish its objectives and preserve its gains.

5- By experience, custom, and practice, or organized crime's conspiratorial groups are usually very quick and effective in controlling and disciplining their members, associates, and victims. Therefore, organized crime participants are unlikely to disassociate themselves from the conspiracies and are in the main incorrigible

6- Organized crime is not synonymous with the Mafia or La Cosa Nostra, the most experienced, diversified, and possibly best disciplined of the conspiratorial groups.

7- Organized crime does not include terrorists dedicated to political change, al-though organized criminals and terrorists have some characteristics in common, including types of crimes committed and strict organizational structures

-criminals rather than on making changes in the social system. The lake of a generally accepted definition of organized crime results also in a variety of definitions throughout the various states.

# SECTION TWO
# HISTORY AND ORGANIZATION OF ORGANIZED CRIME

Many scholars believe that organized crime did not exist on a large scale before this century    and that its development as a large-scale operation was a result of prohibition.

They trace the history of organized crime to the Volstead Act, the Eighteenth Amendment, passed in 1919, which made it illegal to sell and distribute alcohol.

Others argue that although Prohibition gave organized crime "a distinctive vigor and form the roots can be found in many American cities long before. However, our extremely puritanical approach to the suppression of vice, of which Prohibition is an example has provided a fertile bed for the growth of organized crime. Organized crime can provide the services the public wants but are forbidden by law to enjoy.

A study of the history of organized crime must include a brief introduction to the reports of four major official studies that preceded the most recent government report. The Committee to Investigate Crime in Interstate Commerce, the Kefauver committee, named after its chair, found widespread involvement of organized crime gambling and other forms of racketeering. The Select Committee on Improper activities in the Labor or Management Field, the McClellan Committee, reported numerous incidents of organized criminal activity among labor unions. The President's Commission on Law Enforcement and Administration of Justice found that organized crime is widespread among American cities in such activities as gambling, narcotics traffic, and loan sharking and that, in addition, organized criminals have invested some of their money in legitimate businesses in which they have some control indirectly. Finally, the National Advisory Committee on Criminal Justice Standards and Goals, which issued its report on organized crime in 1976, concluded organized crime had infiltrated legitimate as well as illegitimate businesses and was spreading rapidly.

Organized crime has a highly organized structure with the lords of the underworld at the top. These persons make all the important decisions, and since few are detected, not much is known about their career patterns. At the bottom are those offenders who deal directly with the public; many resemble conventional offenders their career patterns.

Organized crime is directed by a syndicate, a group of persons who organize to

carry out their mutual financial interests. There is disagreement about whether one or several syndicates in charge of all organized crime in the United States. Some contend there is one syndicate, the Mafia, operating out of New York and Chicago and run by Italians from Sicily.

This was the approach taken by the Kefauver Committee. Others deny the existence of the Mafia. According to the 1967 President's Commission, organized crime is controlled by twenty-four groups known as families. The membership of a family ranges from twenty to 700. The families operate as criminal cartels in large American cities; most cities have only one family, although New York City has five.  Each family is headed by a boss, who has complete authority over the family and only by the national advisory commission. Reporting to the boss is the underboss, who like the vice-president of a company, acts in the absence of the president and service as a mediator between the boss and lower-level management.

The consigliore, or counselor, holds a position analogous to a legal advisor in a corporation. The lieutenants, or caporegima, are the middlemen in the management structure. They serve as buffers between the boss or underboss and internal or external conflicts. This lower level management comprises soldiers who "operate the illegal enterprises on a commission basis or own illicit or licit businesses under the protection of the family.

FIGURE 10.1 AN ORGANIZED CRIME FAMILY
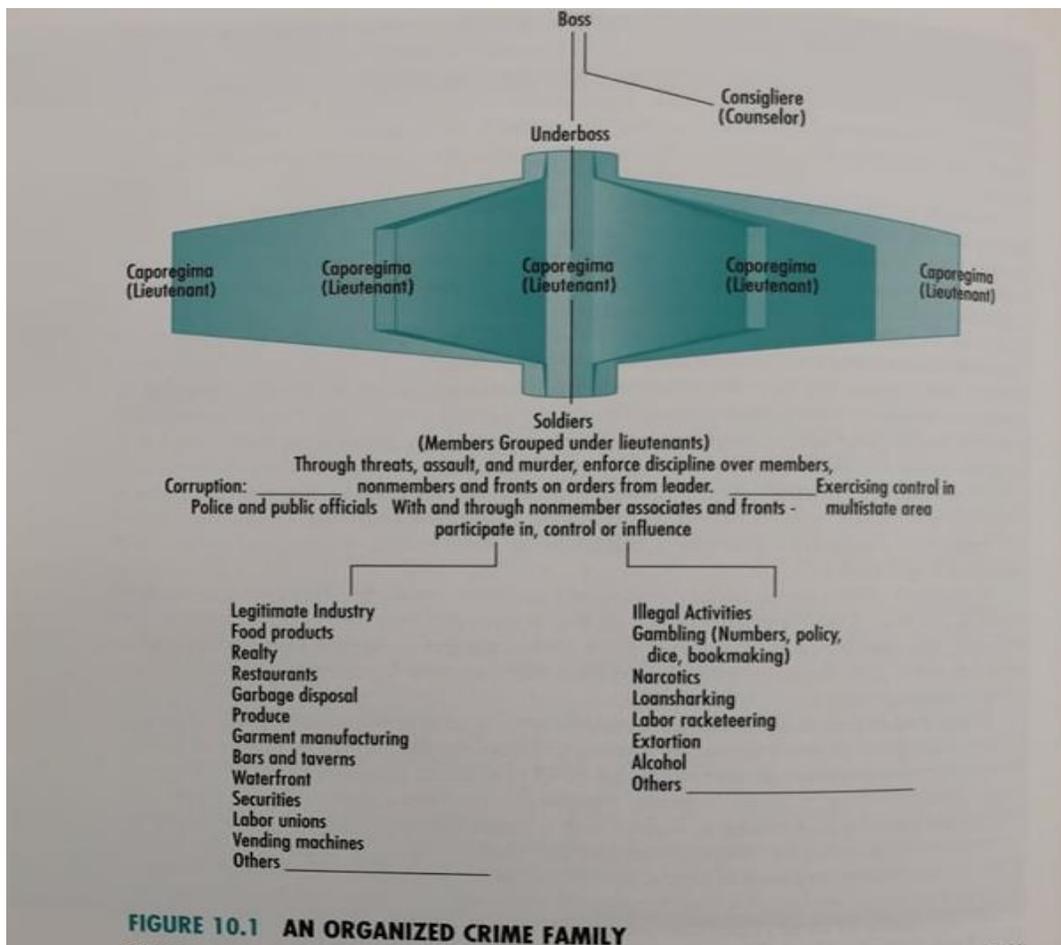
SOURCE: President's Commission on Low Enforcement and Administration of Justice, The Challenge of crime in a free society (Washington, D.C: U.S. Government printing office, 1967), p.194.

Many social scientists disagree with the use of this bureaucratic analogy, which they say is too rigid to explain the social, economic, and political dynamics of the organized crime families. They describe the family in kinship terms, maintaining that organized crime families are called families because many are tied by marriage or blood and because they exhibit many of the complex ties characteristic of families.
Others analyze organized crime in terms of an economic system and as an organization of power relationships.

According to the 1967 President's Commission, the organized crime families are in frequent communication and their membership is exclusively Italian. The name of the organization has been changed from the Mafia to La Cosa Nostra, which means our thing. The twenty-four groups control other groups, which may have

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members from other ethnic backgrounds. The ultimate authority in the organization is the commission, which serves primarily as a judicial body. The commission is made up of nine to twelve men, not all of equal rank and power. The respect they command and the power they wield appear to be related to their own wealth, their tenure on mission, and their positions as heads of large families or groups.

1986 report, a subsequent presidential commission, discussed in more detail did not define precisely the terms Mafia and La Coosa Nostra (LCN) and insisted later, although the report is centered on LCN, organized crime is broader than that LCN, however, is the "group most entrenched in labor and business," infiltrating legitimate business more frequently than any other organized crime group.

Despite the focus on the Mafia and LCN, it is important to emphasize that today organized crime is much broader. In 1990 Senator Joseph R. Biden, Jr., chair of the Senate Judiciary Committee, warned that the increasing prevalence of heroin imported from Asia might be a "harbinger of a new drug epidemic." The Judiciary Committee held hearings on the twin problems of the increase in the number of Asians involved in heroin smuggling and the rapid
growth in heroin use. Biden noted that most Asian Americans are law-abiding citizens out predicted that Asian groups called Triads, which control the global heroin trade, may become the Mafia of the 1990s. FBI agents testified that ethnic Chinese have gained control of the heroin trafficking previously controlled by LCN and that the new form of heroin imported from Asia is purer and more potent. This heroin can be smoked, which many people find more attractive than the injections required to get the desired effect from the older, less potent heroin.

# CHAPTER THREE
## ORGANIZED CRIME ACROSS BORDER

It is now generally acknowledged in criminology that the level of common crime across countries can be successfully estimated through standardized victimization surveys among the public (Van Dijk et al. 1990; United Nations 1999; Kury2001; Nieuwbeerta2002; Lynch 2006). Standardized survey research among samples of the public has opened new windows of opportunity for comparative crime measurement.



Scatterplot of ICVS conventional crimes with organized crime index

-source: https://link.springer.com/article/10.1007/s12117-007-9013-x
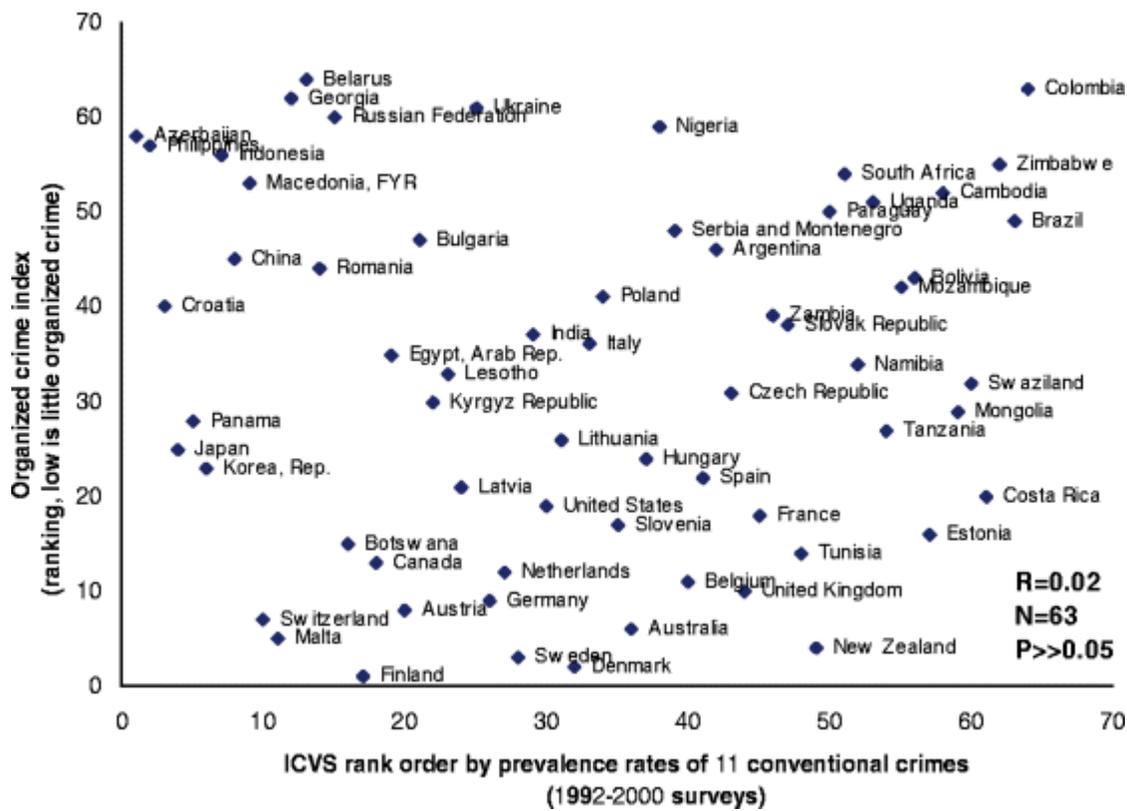
# SECTION ONE:
# OGANIZED CRIME IN CENTRAL/SOUTH AMERICA

Central and South America are geographically similar but politically and economically quite different. While some Central American countries are among the most acknowledged centrs for money laundering, some South American countries are characterized by intense cocaine production and drug trafficking problems. As a consequence of globalization and unification of markets, to the traditional drug destinations in Europe and North America the more recent markets in the Middle East and Eastern Europe have been added. Transhipment from Mercosur (Brazil, Argentina, Uruguay and Paraguay) to the new transhipment points in Africa (South Africa, Nigeria) has been consolidated, and even destinations as far away as Australia and the Far East have become increasingly common. Latin American cocaine is also exchanged in the Middle East for heroin, which is sent back to the Latin American kingpins who re-route it to the traditional destinations. Illegal migrant trafficking is a major international business in this region, where some countries are mainly source countries and others transit ones. The trafficking of migrants is basically controlled by international organized criminal networks.

 Trafficking organizations operate with near impunity, as alien smuggling is a crime only in few recipient countries and penalties are minimal. In Central America, alien smugglers operate openly since only Honduras and Panama have an anti-smuggling law. Trafficking in women and children for the purpose of commercial and/or sexual exploitation is an important and increasing phenomenon in Latin America, especially in the Dominican Republic. Sources in this country state that they have the fourth highest number in the world of women working overseas in the sex trade, after Thailand, Brazil and the Philippines.  The main concentration of these women is to be found in Austria, Curaçao, Germany, Greece, Haiti, Italy, The Netherlands, Panama, Puerto Rico, Spain, Switzerland, Venezuela and the West Indies. Central America is also increasingly used as a conduit for the irregular movement of persons.

 Significant numbers of Central American nationals contribute to migrant trafficking flows heading towards Mexico and the United States. Central and South America are melting pots for organizations such as the Cartels, Italian and US Mafia, Lebanese and Nigerian syndicates and even newcomers from Eastern Europe. Criminal organizations in this area vary in size, scale and in the range of criminal activities. Although many of the activities of organized crime groups remain the

same, they have expanded their area of operation and their levels of co-operation. The criminal activities range from the production and sale of illegal drugs to support for terrorist groups, smuggling of cars and people, engaging in financial and banking fraud, smuggling of embargoed commodities, and laundering huge amounts of illicit money.

The organized crime groups operating in Central and South America are characterized by enormous financial resources, international links, and the use of sophisticated international business techniques to maintain their illicit operations. Indeed, some criminal organization use sophisticated marketing assessments to guide their operations and to study trade patterns to facilitate smuggling. Many groups and the most capable drug-trafficking organizations have fluid and decentralized structures to allow them to adapt not only to rapid changes in the marketplace but also to challenges posed either by competitors or governments. The most important growth factor of organized crime in this area has been the development of a global network for illegal drug trafficking that produces extraordinary revenues. Money laundering is an important issue that touches both Central and South America. It is due to the interlacing of different components: proximity to the USA, the biggest market of cocaine consumers and an attractive financial market, foreign debt and the use of dollars in South America, weak governments and the extensive poverty of many of its countries. The narcotics trade generates enormous amounts of money which have to be integrated into the formal economy through a complex web of money laundering activities.

Countries such as Colombia and Venezuela are witnessing the wholesale displacement of legitimate businesses from sectors of the economy such as construction, tourism and agriculture, because launderer-controlled companies are using their laundering commissions as subsidies to undercut their competitors. Another area of concern in Central and South America are the criminal gangs of various kinds which have been appearing in Belize, Guatemala, El Salvador, Honduras, Nicaragua, Costa Rica and Panama, differing in size, degree of organization, strategies, operating methods and extra-regional connections in their criminal activities. In Costa Rica and Panama, they are relatively better organized and use more sophisticated criminal methods; in other countries they are organized more informally.

The members gather for the purpose of committing crimes such as swindles, confidence games, assaults (often armed), property theft, extortion, sexual crime and even murder. Some of these crimes are closely associated with drug use and trafficking. Costa Rica, El Salvador, Guatemala, Honduras, Panama and Nicaragua also report the presence of organized car theft rings operating both locally and

internationally. These gangs steal vehicles, dismantle them and sell them in parts or use them for export, ransom, or insurance fraud. Vehicle theft rings in these countries are associated with corrupt public officials who lend services in falsifying documents and other information related to the ownership of stolen vehicles. As regards the drug trade, Peru and Bolivia are considered the largest producers of coca leaves, and much of this production is refined into intermediate base paste, and flown clandestinely to Colombia for final processing into cocaine. The powerful criminal organizations and their laboratories are located in Colombia.

This country, in fact, is strategically located between the coca-producing nations and the routes through the Caribbean and Central America that lead to the North American and European markets. Colombian organized crime has shown enormous flexibility in entering new markets, forging critical alliances with other crime groups and using sophisticated techniques to launder its money. The Colombian cartels are vertically integrated global businesses, a structure that enhances the criminal groups' ability to create whole new markets for goods and services. This can be done either by creating new products, like crack, which revolutionized the USA cocaine market in the mid-1980s, or by opening up new market areas, as the cocaine cartels have attempted to do in Europe, establishing links to the Mafia and other European criminal organizations.

Colombian drug traffickers are increasingly using groups in Brazil, Argentina, Chile and Venezuela to transship cocaine to Europe, though distribution remains in the hands of European, principally Italian, organized crime. The cartels are also trying to expand their markets into Asia. They are establishing links to major Asian heroin traffickers, sometimes exchanging cocaine for heroin. Moreover, the Colombian cartels are exploring, on a large scale in the Andes, the potential of growing opium in marketable quantities. In addition to their efforts to develop ties with other criminal groups, the cartels have also forged relationships with organized crime groups emerging from terrorist organizations like the Sendero Luminoso in Peru and the Revolutionary Armed Forces of Colombia.

The cartels receive armed protection, and the insurgents receive large sums of money with which to underwrite their efforts, particularly to acquire arms. Money laundering is a natural corollary of the cocaine trade, and Colombia continues to be one of the primary money-laundering concerns in the Western hemisphere. A considerable portion of the funds and property obtained from drug trafficking, including funds and property that belong to criminal organizations based in Colombia, are located in countries other than those which are traditionally considered to be "drug-producing" countries. Although a substantial portion of such funds may be controlled from Colombia, this does not necessarily imply their

passage through the country or the active participation of Colombian agents in the process.30 A recent Colombian police report stated that, with the successful imprisonment of major cartel leaders in Colombia, the drug industry is moving to Mexico, making it and Brazil the new Latin American drug centres.31 Organized crime in Mexico is dominated by four consolidating cartels which have emerged from local gangs organized by the Colombian cartels to help in their cocaine smuggling operations to the United States. The Mexican gangs have grown so rich and powerful from such activity that they have gained co-equal status with their Colombian sponsors. Mexico is also a major source for marijuana and heroin available in the USA. In league with the Chinese Triads, the Mexican cartels also smuggle large numbers of illegal Chinese migrants into the USA. In Mexico, the drug trade has become a local problem in terms of addiction, corruption, organized crime, and other related socio-economic problems, and the Mexican Government is using the military effectively in the war on drugs. As a mid-transfer point for narcotics proceeds to Colombia, Mexico has become a major destination point for laundering proceeds from narcotics sales by Mexican drug organizations. A great deal of currency is also returned from the USA through Mexico, en route to South America. Traffickers are reverting to bulk shipments of drug currency; having been 'stung' by enforcement officials though Operation Green Ice, they are more fearful of being detected through improved US bank reporting requirements. Large quantities of cash are secreted in tractor trailers or cars, often carrying legitimate merchandise, which are driven across the Southwest border (some bulk shipments are by air). Inside Mexico, cash is placed into the financial system, or moved in bulk further to South America.

# ORDANIZED CRIME IN Western Europe

## Western European overview:

Western Europe is characterized by the presence of Italian organized crime groups not only in Italy but also in France and Germany, and sporadically even in Austria and the United Kingdom, and by the development of "domestic bilateral organizations" operating from country to country, for example between Belgium or the United Kingdom and the Netherlands in order to take advantage of the opportunities offered by drug price differences in these countries.

In other countries, specifically in France, the United Kingdom and Spain, there are domestic organized groups (gangs). Western Europe is also a crossroads for other criminal groups operating internationally. From the West, Colombian cartels are still mainly predominant in the importation of cocaine, helped by national criminal groups. Galicians in Spain and the Mafia in Italy co-operate with the cartels to import and distribute cocaine in the whole of Europe. From the South, Nigerian groups are responsible for drug trafficking and also exercise their expertise in fraud. Other groups from the Maghreb area are involved in the importation of hashish.

From the East, Chinese Triads have established stable communities in Spain, the Netherlands, the United Kingdom, Italy, Austria, Belgium and Portugal. Their main activities in drug trafficking, alien smuggling, local extortion, illegal gambling and prostitution rackets are interrelated. Turkish and Pakistani groups control the trafficking of heroin from the Middle East and Central Asia through former Yugoslavia or other Eastern countries. Part of Europe's modern criminal history is the threat of the progressive expansion of organized groups from Eastern and Central Europe, mainly from Russia. But to call these groups "Russian" means keeping an old label for a new product.

The process of criminal fragmentation that is happening today in Russia, in other CIS republics and in the states of former Yugoslavia should be closely watched, especially for its future implications for the European geography of organized crime. Talks with national law enforcement agencies in many European countries confirm that groups of Russian, Polish, Czech, Rumanian and former Yugoslav origin are active in Spain, Germany, Belgium, Denmark, France, Italy, Austria, the United Kingdom, the Netherlands and Sweden. Their main activities are drug trafficking, the export of stolen cars, alien smuggling and prostitution.

Organized crime development in Europe shows a progressive increase in sea, air and land trafficking routes to Europe and onward routing from key European points to outside countries. Spain and Italy are still the major entry points for cocaine in Europe, along with Portugal. Spain may be considered the natural bridgehead for drug traffickers entering Europe and its geographical location provides countless coastal landing sites.

DEA estimates that 80% of all cocaine destined for Europe transits through Spain. Drugs, dropped in plastic bags on the high seas from ships or planes, are collected and brought ashore by Galician fishing boats and then distributed in Europe. The Colombian cartels found a natural gateway in Spain for importing their cocaine into all European countries. Another gateway used by Colombians to import cocaine into Spain is Barajas airport, near Madrid; Colombian traffickers stow the cocaine on fly weekly commercial airline flights from Bogota to Madrid. As regards cocaine trafficking in Italy, "Operation Cartagine" of March 1995 revealed that the business is monopolized by a well-structured Mafia organization ('Ndrangheta in this specific case), working in collaboration with the Colombian cartels and with the Italian-American Caruana family.

The 'Ndrangheta is believed to purchase and sell a huge amount of cocaine throughout the entire country, without competition from other criminal organizations. It operates at the same hierarchical level and with the full co-operation of the Colombians. Law enforcement officials observed that 'Ndrangheta men may occupy leading positions in the Colombian cartels. Some experts state that Colombian Cartels also have links with the Sicilian Mafia. Portugal is also an important transit point for cocaine from South America, heroin from Southwest Asia, and hashish from North Africa destined for Western Europe. Portugal's location and close linguistic and historic ties with Brazil and the former Portuguese colonies in Africa facilitate the transit of drugs and attract traffickers from those countries. Cocaine arrives by ship from Brazil and transits Portugal on its way to the rest of Europe. The African route (Angola, Mozambique and Cape Verde) is used as an alternative to the Balkans for the transporting of heroin from Pakistan and Southwest Asia to Western and Northern Europe.

Hashish enters by boat from Morocco and is transported by lorry to Spain and Northern Europe. Much of the drug trade is controlled by gangs based in Galicia, a region in Northwest Spain in which a dialect similar to Portuguese is spoken. Close ties between Colombia's cocaine cartels and the Galician gangs have been reported by senior police officials. Transshipment of heroin from Central Asian regions and Middle Eastern countries, and of cocaine from South America, seems

also to be conducted by Nigerians through the main international airline points. Also, Turks and Kurds are involved in heroin trafficking from production points to Germany and the United Kingdom, passing through the Balkan routes and Greece. Germany is a major drug-consumer country in Europe. Because of its central geographical location and its major seaports and airports, Germany also serves as a transit country for the flow of drugs from Asia, Central and South America to Britain and Central Europe (heroin), Western Europe (marijuana) and Eastern Europe (cocaine).

Germany is not a major narcotics-producing country, although there is small-scale production of amphetamines. Nevertheless, heroin represents the largest volume of illicit trafficking, usually shipped to or through Germany from Southwest Asia via Turkey, Bulgaria, Hungary, Poland, the Czech Republic, Romania and Austria. Most of this traffic is controlled by Turkish, Slav, North African and Italian groups, as well as indigenous syndicates.

On the other hand, cocaine smuggling is controlled by Colombians, who recently have turned to Rostock and Germany's other Baltic ports as a route to the European market. Germany is also a significant consumer of amphetamines produced in Poland and the Netherlands, and of cannabis and opiates from Southwest and Central Asia. Due to consolidated interaction among Russian, Chinese and Vietnamese gangs, Austria has become a transit country for heroin coming from the Central Asian regions and for cocaine arriving via Central Europe and Russia. In Southern Europe, Albania is being used, instead of the traditional transit route through former Yugoslavia, for drug trafficking and, to some extent, for smuggling aliens into Italy, a point of entry into Europe. France is a transit route for hashish originating in South West Asia and North Africa.

Ireland is another entry point for sea-borne drugs (hashish from North Africa) destined for the United Kingdom and continental countries.

# CHAPTER FOUR
## INTERNATIONAL EFFORTS IN ORGANIZED CRIME
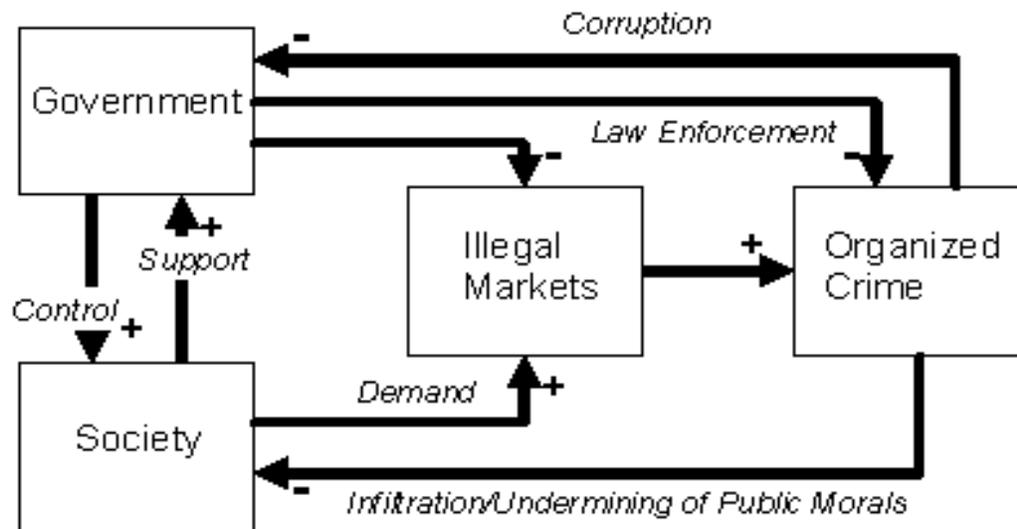


The growing concern regarding the development of organized crime, has been translated in an increasing number of international initiatives dealing with this issue. These initiatives, which are described in this chapter, have influenced those enacted at the domestic level and which are considered.

On the criminals' side their transnational development is mainly due to:

their wish to set a distance between the location in which the illicit activity is conducted and the place from which they direct their operations, making it more difficult for law enforcement agencies to reach the core of the organization; their wish to diversify their activities among several countries in order to maximize opportunities and minimize the "law enforcement risk".

In particular, they develop tactical alliances with local criminal groups, taking advantage of their expertise and local range of action, and they exploit the

internationalization of financial systems to conduct money laundering operations, thereby concealing the origin of illicit profits; their wish to respond to the international development of police and judicial co-operation.

On the other side, the role of international organizations, both governmental and non-governmental, is to overcome the problems that arise among countries because of legislative discrepancies and inefficient co-operation (in information-sharing, in joint investigations, in the provision of assistance in legal procedures - such as testimony-taking, locating persons and freezing forfeitable assets - and in extraditing criminals).

 Their aim is to ensure that rapid national action should not be hampered by the laborious mechanism of supra-national policies. This chapter illustrates the actions of the major international organizations against organized crime (United Nations, European Union, Council of Europe,  Organization for Economic Co-operation and Development, Organization of American States) and other initiatives taken at the international level, from the World Ministerial Conference on Organized Transnational Crime held at Naples, Italy, in November 1994 onwards. Furthermore, the most recent bilateral agreements on the same issue will be considered.

 The role of international organizations in the fight against organized crime

## A-The United Nations

The United Nations has always played a central role in the fight against organized transnational crime in all its specific manifestations, for example corruption, money laundering, and trafficking in illegal migrants. The main multilateral instrument in the fight against organized crime is the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. This Convention is a law enforcement instrument and contains provisions requiring the development of international cooperation in the fields of extradition, asset forfeiture, mutual legal assistance, and cooperation among the law enforcement agencies of member-states, control of precursor and essential chemicals and crop eradication. One hundred and fifty countries have to date signed the Convention, which is a significant demonstration of consensus.

The thirteen governments that are signatories to the Convention but have not yet taken steps to become a party include: Austria, Gabon, the Holy See, Indonesia, Israel, Jamaica, Kuwait, Maldives, Mauritius, New Zealand, Philippines, Switzerland and Zaire. As of 1997, forty-five governments had neither signed the Convention nor become a party to it: Andorra, Anguilla, Armenia, Aruba, Benin, Bermuda, British Virgin Islands, Cambodia, Cape Verde, Central African Republic, Chad, Comoro Islands, Congo, Djibouti, DPR Korea, Estonia, The Gambia, Georgia, Haiti, Hong Kong, Iceland, Iraq, Kazakhstan, Kiribati, Korea, Laos, Lesotho, Liberia, Liechtenstein, Mali, Marshall Islands, Micronesia, Mongolia, Mozambique, Namibia, Papua New Guinea, Samoa, San Marino, Sao Tome and Principe, Singapore, South Africa, Taiwan, Tajikistan, Thailand, Turks & Caicos, Vanuatu and Vietnam.

 In recent years the United Nations has taken several further steps in the fight against organized crime. To help address the problem of the progressive internalization and sophistication of criminal groups, in 1994, at the World Ministerial Conference on Organized Transnational Crime held in Naples, Italy, UN member States adopted the Naples Political Declaration and Global Action Plan against Organized Transnational Crime, with a view to strengthening and improving "national capabilities and international co-operation against organized transnational crime and [to] laying the foundations for concerted and  effective global action against organized transnational crime and the prevention of its further expansion".

 The Political Declaration and Action Plan points out the necessity for a generally accepted definition of organized crime and the need to highlight its main structural

characteristics and modus operandi. In order to prevent and combat the phenomenon, reliable statistics and information are necessary, as well as substantive, procedural and regulatory legislation, and organizational structures. Further to national action, particular importance is placed on international co-operation. In this regard, bilateral and multilateral assistance must be improved, as well as agreements and conventions on extradition, mutual legal assistance, intelligence-gathering, and exchange and co-operation at the prosecutorial and judicial levels. It is important that all these issues be tackled at the regional level, in order to devise appropriate regional strategies to prevent the criminal groups operating in a particular region from spreading their activities further afield.

Since profit is the main goal of criminal organizations, the Action Plan also urges member states to criminalize money laundering, to adopt legislative measures for the seizure and confiscation of illicit proceeds, and to heighten the transparency of financial systems. As regards the further development of international instruments, the Ministerial Conference requested the Commission on Crime Prevention and Criminal Justice to examine the feasibility of drawing up a convention against organized transnational crime. Moreover, the Commission was given the task of monitoring the follow-up and implementation of the Political Declaration and the Action Plan, to "translate it into practice to the widest possible extent at national, regional and international levels". The UN General Assembly approved the Naples Political Declaration and Global Action Plan3 in its resolution 49/159.

Moreover, the Economic and Social Council, in its resolution 1995/11 of 24 July 1995, requested the Commission on Crime Prevention and Criminal Justice to ensure and monitor their full implementation, and asked the Secretary-General to canvass the views of governments on the opportunity and impact of instruments, such as a convention against organized transnational crime. In the same resolution, the Council proposed the creation of a central data bank of information on existing legislation, regulatory measures and organizational structures directed against organized crime. In pursuance of these resolutions, a Regional Ministerial Workshop on Follow-up to the Naples Political Declaration and Action Plan was convened in Buenos Aires in November 1995. The Work shop called for increased technical co-operation, strategic co-ordination, legislative action and other measures to combat organized crime.

In order to promote national and regional action, the Workshop adopted the Buenos Aires Declaration on Prevention and Control of Organized Transnational Crime. At its fifth session in 1996, the Commission on Crime Prevention and Criminal Justice continued to review the implementation of the Action Plan. In its resolution 1996/27 of 24 July 1996, the Economic and Social Council requested the

Secretary-General to assist in the implementation of the Action Plan, to continue with the collection and analysis of information on the structure and other aspects of organized crime, and to provide technical assistance to member-states requesting it. In its study on the feasibility of drawing up an international convention, the Council requested the Secretary-General to take account of the Buenos Aires Declaration. The same resolution set up the Working Group on the Implementation of the Political Declaration and Global Action Plan against Organized Transnational Crime and gave it the task of assisting the Commission in implementing the Action Plan.

The Intergovernmental Expert Group is also taking an important part in development of an international instrument against organized transnational crime. During the Ninth United Nations Congress on the Prevention of Crime and Treatment of Offenders , in resolution 2, entitled "International cooperation and practical assistance for strengthening the rule of law: development of United Nations model instruments", the Commission on Crime Prevention and Criminal Justice was urged to consider establishing an intergovernmental expert group to analyze practical recommendations for the development of mechanisms of international co-operation, as well as the development of model legislation on extradition. The Intergovernmental Expert Group Meeting on Extradition, convened by the Secretary-General in accordance with Economic and Social Council resolution 1995/27, was held in Italy in December 1996. On 12 December 1996, the General Assembly adopted resolution 51/120, which requested the Secretary-General to invite all states to state their opinions on the elaboration of a convention on organized crime, taking into account a draft UN framework convention introduced by the Government of Poland.

In April 1997, a meeting in Italy on the same issue discussed a draft framework convention against organized crime, together with the opinions of governments. The necessity for a clear and specific common definition of organized crime was stated, together with a list of offences to be covered by it (namely fraud, money laundering, extortion and usury, kidnapping, computer crimes, illicit trafficking in children, murder and infliction of injury and trafficking in illegal firearms).

On 21 July 1997, during its 36th plenary meeting, the Economic and Social Council adopted resolution 1997/22, which requested the Intergovernmental Group of Experts - then elaborating the preliminary draft of the convention against organized crime - to take account of existing international instruments, the United Nations draft framework convention presented by the Government of Poland, and the reports of the Working Group on the Implementation of the Naples Declaration and Action Plan. The Council recommended that priority be given to the following

issues:

 "(i) Measures for judicial and police co-operation, particularly in relation to mutual assistance, extradition, money laundering and confiscation of illicit assets, protection of witnesses, information sharing, training and other forms of technical assistance; [...]

 (ii) Provisions related to criminal offences, particularly in the area of criminal associations, conspiracy and money laundering. It also recommended that consideration be given to specific provisions relating to crimes such as trafficking in children and illegal migrants, corruption, theft of motor vehicles, and offences related to firearms. One of the most important issues, the scope of organized crime to be covered by the convention, is still to be agreed upon. Another open question is to what extent the convention will deal with the criminalization of membership in a criminal organization. The convention shall in all probability cover such issues as extradition, mutual legal assistance, co-operation between law enforcement and judicial personnel, money laundering, and the freezing, seizure and confiscation of the proceeds of crime.

Furthermore, the United Nations has always been active in the fight against the specific criminal conduct typical of organized criminal groups. Specific manifestations of organized crime, such as bribery and corruption, the smuggling of illegal migrants and the illicit traffic in children, were addressed at the sixth session of the Commission on Crime Prevention and Criminal Justice. On 24 July 1995, the Economic and Social Council adopted resolution 1995/10 on criminal justice action against the organized smuggling of illegal migrants across national borders. It condemned the practice of smuggling illegal migrants, which is an activity which frequently involves highly organized criminal groups with international ties. Moreover, it emphasized that a significant number of countries still lack criminal legislation on the issue. On 12 December 1996, the General Assembly adopted resolution 51/62 entitled "Measures for the Prevention of the Smuggling of Aliens".

The United Nations Declaration on Crime and Public Security, contained in resolution 51/60, is of particular relevance, since articles 1 and 7 (d) of the Declaration specifically refer to organized trafficking in persons and the organized smuggling of migrants across borders. The United Nations has also given high priority to the problems created by spreading corruption. In accordance with General Assembly resolution 49/157, the Commission on Crime Prevention and

Criminal Justice took consideration of the recommendations of the Ninth UN Congress on the Prevention of Crime and Treatment of Offenders, the background papers of which included the draft international code of conduct for public officials.

The Economic and Social Council adopted resolution 1995/14, requesting the Secretary-General to finalize the draft code on the basis of consultations with governments. In the same resolution the Council urged states to develop and implement anti-corruption measures in the same resolution. In December 1996, the General Assembly adopted the International Code of Conduct for Public Officials. According to this Code, a public office is a position entailing the duty to act in the public interest. The code focuses on issues concerning the conduct of public officials, such as:

 (a) conflict of interest and disqualification;
 (b) disclosure of assets;
 (c) acceptance of gifts or other favors;
 (d) confidential information;
 (e) political activity. With resolution 51/191, the General Assembly also adopted the United Nations Declaration against Corruption and Bribery in International Commercial Transactions.

 In July 1997, the Crime Prevention and Criminal Justice Division organized the African Regional Ministerial Workshop on Action against Organized Crime and Corruption in Senegal. At its final meeting, the Workshop unanimously adopted the Dakar Declaration, in which the Ministers and Representatives of the African States expressed their concern about the increase and expansion of organized criminal activities, corrupt practices and bribery in international commercial transactions.

 As regards drug trafficking, the United Nations Drug Control Program (UNDCP) actively promotes adherence to and implementation of international drug control treaties, such as the 1988 UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. In 1996, the UNDCP provided assistance to 15 countries in the drafting and implementation of national drug control legislation and regulations.

## B-The Council of Europe

Founded in 1949, the Council of Europe is the oldest and most extensive European political organization, and it covers every policy area except defense. Based in Strasbourg, France, it comprised, on 1 April 1997, 40 member countries.

Applications for membership from five European states had been submitted and are being examined. The action of the Council of Europe against crime is channeled through the European Committee on Crime Problems (CDPC). Particular attention is paid to the functioning of Council of Europe penal law conventions, permanently monitored by the Expert Committee on the Operation of European Conventions in the Penal Field (PC-OC). The most recent action against organized crime is the final declaration and action plan adopted by the presidents and prime ministers attending the 2nd Summit of the Council of Europe, held in October 1997. The issues covered deal with democracy and human rights, social cohesion, security, democratic values and cultural diversity, the Council's structures and working methods. From the point of view of the present analysis the issue of security is of particular importance. The countries attending the meeting agreed as follows:

to strengthen international co-operation in the fight against terrorism; to boost co-operation between member states in combating corruption, including its links with organized crime and money laundering; to strengthen co-operation in tackling problems related to the use of and trafficking in illicit drugs; and to ensure common standards for the protection of children undergoing or at risk of inhuman treatment, the aim being to prevent all forms of exploitation including child pornography. In view of the specific problems faced by Central and Eastern European countries in their fight against organized crime, and in particular against money laundering and corruption, the Council of Europe has launched two major projects. The "Octopus" Project is a joint venture with the Commission of the European Communities (Phare Democracy Program). Its aim is to evaluate the situation in sixteen Central and Eastern European countries with regard to legislation and practice against corruption and organized crime.

The program was established in June 1996 and is set to run for eighteen months. The countries involved in the project are: Albania, Bulgaria, Czech Republic, Croatia, Estonia, Hungary, Latvia, Lithuania, Moldova, Poland, Romania, Russian Federation, Slovakia, Slovenia, "the Former Yugoslav Republic of Macedonia" and Ukraine. The Octopus project consists of four stages. The first comprises evaluation of the

problems of organized crime and corruption, followed by an assessment of the efficiency of the countermeasures already taken by the countries considered.

As a result of this first stage, recommendations and guidelines for action, as well as actions to promote co-operation at regional level, have been formulated for each of the beneficiary states by five Council of Europe experts.

The third and fourth stages consist respectively of a follow-up on implementation of the recommendations and guidelines formulated by the experts and final evaluation of the impact of the project, with further proposals. The second initiative is the Program for mutual evaluation of antimoney laundering measures in countries not covered by the Financial Action Task Force (FATF), about to be launched by the Council of Europe's European Committee on Crime Problems with help from FATF itself. This is an evaluation program for countries that have already adopted legislation against money laundering. Prior to an on-site visit to each state, the country involved is required to respond to a questionnaire drafted by the Council of Europe. Selected experts then visit the country for discussions with government officials, agencies, ministries and institutions concerned with the issue, in order to describe findings and possible improvements in their reports. The Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (opened for signature on 8 November 1990) came into effect on 1 September 1993.

By 1 September 1997 the Convention had been ratified and was in force in sixteen countries: Austria, Australia, Bulgaria, Cyprus, the Czech Republic, Denmark, Finland, France, Ireland, Italy, Lithuania, the Netherlands, Norway, Sweden, Switzerland and the United Kingdom. The convention has also been signed by Belgium, Croatia, Germany, Greece, Iceland, Liechtenstein, Luxembourg, Moldova, Portugal, Romania, San Marino, Slovenia, Spain and Ukraine. Several countries (Germany, Poland, Russia and Slovenia) are preparing their legislation for ratification. Moreover, two Committees of experts have been created to conduct constant analysis of organized crime.

The results of this analysis will be shared among member states to facilitate the development of a comprehensive European strategy to harmonize legal systems. Accordingly, a new Committee of experts on criminal law and criminological aspects of organized crime (PC-CO) was established on 1 April 1997, and given the brief to examine the features of organized crime, to identify loopholes in international co-operational instruments, and to propose new strategies.

For this purpose, in June 1997 a questionnaire was drafted to collect statistics on

the nature, structure and activities of organized crime groups in each country. As the next step, the committee will focus on special means of investigation of criminal activities, and on international co-operation and ways to improve it. It is evident from analysis of recent trends in organized crime that criminals are making more frequent use of telecommunications, computers and the Internet. With a view to studying this new trend, a Committee of experts on crime in the Cyberspace (PC-CY) has been established and is already in operation. Finally, in June 1997, the Council of Europe adopted a draft recommendation on the protection of witnesses which seeks to strike a balance between the needs of an efficient criminal justice system and the rights of the defense.

The recommendation deals in particular with ensuring the safety of witnesses giving testimony against organized crime. Organized crime is often linked with corruption. As Peter Leuprecht stated in his speech at the 21st Conference of European Ministers of Justice, "taken separately, organized crime and corruption already constitute major threats to our fundamental values. The combination of the two, whenever it occurs, can only have a devastating effect on democracy, rule of law and human rights". At the 19th Conference of European Ministers of Justice (Valletta, 1994), the Ministers recommended the establishment of a multi-disciplinary group on corruption, in the belief that the effective fight against corruption requires improves international co-operation among countries and international institutions. Following these recommendations, the Multidisciplinary Group on Corruption (GMC) was set up in September 1994. In the following year it prepared a draft Program of Action against Corruption which was adopted by the Committee of Ministers in November 1996 in the form of an action program for 1996-2000 which covers the following key points:

– definition of corruption;
– criminalization of corruption offences and proceeds;
– development of codes of conduct;
– introduction of civil liability for corruption;
– definition of roles and responsibilities of institutions and individuals; and – measures to prevent and fight corruption.

The GMC has begun drafting two international conventions against corruption: one is a "classical" convention dealing with criminal law, the other is a "framework" convention to be supplemented with protocols or other legal instruments on specific topics. At the time of writing, June 1997, the draft criminal law convention on corruption is in its second reading. The text provides for the co-ordinated criminalization of a large number of corruption offences as well as international co-operation to combat them.

The draft framework convention - which covers subjects ranging from the criminalization of corrupt behavior and the prohibition of the tax-deductibility of bribes to public tendering and the responsibility of the public administration - has three main purposes. The first is to set out the principles underpinning the fight against corruption. The second is to establish a process for the identification and subsequent application of the international measures necessary to combat corruption. Finally, the convention seeks to provide a follow-up mechanism which will reinforce the parties'undertakings. This is intended to be an "open" convention, which means that non-member states may accede to it. The link between the convention and the additional instruments may be a monitoring system which provides an overview of the steps taken by governments and ensures a minimum degree of harmonization among measures.

# C-The Organization for Economic Co-operation and Development(OECD)

The Organization for Economic Co-operation and Development (OECD) The OECD, established on 30 September, 1961, replaced the Organization for European Economic Co-operation. The twenty founding members of the OECD were: Austria, Belgium, Canada, Denmark, France, the Federal Republic of Germany, Greece, Iceland, Ireland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, Turkey, the United Kingdom and the United States. Japan joined in 1964, Finland in 1969, Australia in 1971, and New Zealand in 1973.

Yugoslavia was granted special status in 1961, although its changing political status has not yet been addressed by the OECD. INTERPOL, the Bank of International Settlements and the Customs Co-operation Council all participate as observers. The supreme body of the Organization, the Council, includes one representative from each member country which also maintains a permanent delegation and the functions of which is that of a normal diplomatic mission, headed by an ambassador. The ambassador represents his or her country at the meetings of the Council. Once a year, the Council meets at the Ministerial level, under the chairmanship of one or more Ministers from the member countries elected annually to this function. The Council produces Decisions (legally binding on member countries) and Recommendations (expressions of political will).

Numerous international organizations that are not part of OECD, participate in OECD activities. The Commission of the European Communities usually participates in the work of the OECD under a protocol signed at the same time as the OECD Convention. The European Free Trade Association may also send representatives to OECD meetings. In addition, the OECD maintains official relations with the International labor Organization, the Food and Agriculture Organization, the International Monetary Fund, the World Bank, the General Agreement on Tariffs and Trade, the International Atomic Energy Agency and a large number of United Nations organizations. In 1962, the OECD concluded special arrangements establishing close links with the Council of Europe.

The OECD entertains close relationships with other international organizations; the twenty-four OECD members were among the first to join the FATF, which is physically hosted by OECD. Despite the apparent willingness of individual OECD countries to combat money laundering, the OECD has not published anything on the topics of money laundering, drug trafficking, or asset forfeiture. The OECD has,

however, held meetings on these topics during the 1990-91period. On 20 November 1997, OECD Member countries and five non-member countries, Argentina, Brazil, Bulgaria, Chile and the Slovak Republic, adopted a Convention on Combating Bribery of Foreign Public Officials in International Business Transactions. This Convention is the culmination of two years of OECD work on the problem of making bribery of foreign officials a crime.

The Convention sets forth a standard for effective national laws to criminalize bribery of foreign public officials in international business transactions and a basis for effective international judicial co-operation. The Convention deals with what, in the law of some countries, is called "active corruption" or "active bribery", meaning the offence committed by the person who promises or gives the bride, as contrasted with passive bribery, the offence committed by the official who receives the bribe. The Convention seeks to assure a functional equivalence among the measures taken by the Parties to sanction bribery of foreign public officials, without requiring uniformity or changes in fundamental principles of a Party's legal system. Article 1, "the offence of bribery of foreign public officials", "establishes a standard to be met by Parties, but does not require them to utilize its precise terms in defining the offence under their domestic laws. It is an offence within the meaning of article 1 to bribe to obtain or retain business or other improper advantage through bribery whether or not the company concerned was the best qualified bidder or was otherwise a company which could properly have been awarded the business. The conduct prescribed by article 1 is an offence whether the offer or promise is made or the pecuniary or other advantage is given on that person's own behalf or on behalf of any other natural person or legal entity.

It is also an offence irrespective of, inter alia, the value of the advantage, its results, perceptions of local custom, the tolerance of such payments by local authorities, or the necessity of the payment in order to obtain or retain business or other improper advantage". As regards the sanctions, article 3 prescribes that "the bribery of a foreign public official shall be punishable by effective, proportionate and dissuasive criminal penalties. The range of penalties shall be comparable to that applicable to the bribery of the Party's own public official and shall, in the case of natural persons, include deprivation of liberty sufficient to enable effective mutual legal assistance and extradition.

In the event that, under the legal system of a Party, criminal responsibility is not applicable to legal persons, that Party shall ensure that legal persons shall be subject to effective, proportionate and dissuasive non-criminal sanctions, including monetary sanctions, for bribery of foreign public officials"

. Article 4 prescribes that, as regards the jurisdiction, "each Party shall take such measures as may be necessary to establish its jurisdiction over the bribery of a foreign public official when the offence is committed in whole or in part in its territory. Each Party which has jurisdiction to prosecute its nationals for offences committed abroad shall take such measures as may be necessary to establish its jurisdiction to do so in respect of the bribery of a foreign public official, according to the same principles". In article 7, "bribery of its own public official" "is intended broadly, so that bribery of a foreign public official is to be made a predicate offence for money laundering legislation on the same terms, when a Party has made either active or passive bribery of its own public official such an offence. When a Party has made only passive bribery of its own public officials a predicate offence for money laundering purposes, article 7 requires that the laundering of the bribe payment be subject to money laundering legislation".

Article 9 states that "each Party shall, to the fullest extent possible under its laws and relevant treaties and arrangements, provide prompt and effective legal assistance to another Party for the purpose of criminal investigations and proceedings brought by a Party concerning offences within the scope of the Convention and for non-criminal proceedings within the scope of the Convention brought by a Party against a legal person".

Article 10 states that "a Party may consider the Convention to be a legal basis for extradition if, for one or more category of case falling within this Convention, it requires an extradition treaty. For example, a country may consider it a basis for extradition of its nationals if it requires an extradition treaty for that category but does not require one for extradition of non-nationals".

# D- The Organization Of American States (OAS)

The Organization of American States (OAS) was founded in 1890, and it is a multinational organization dedicated to the process of peace and development in the Americas. The OAS is headquartered in Washington DC. It currently has 35 Member States; in addition, the Organization has granted Permanent Observer status to 37 states as well as the European Union. The Organization operates through agencies and institutions throughout the Western hemisphere.

The OAS has made a significant effort in the area of the development and codification of international law, with its organs adopting over one hundred conventions regulating numerous aspects of public and private law. Over the last few years, especially through the Plan of Action of the Miami Summit held in December 1994, the OAS has also placed greater focus on the problem of illicit drugs and related crimes In the face of the growing drug problem, the OAS General Assembly established in 1986 the Inter-American Drug Abuse Control Commission (CICAD), charging it with a mandate to promote and facilitate close cooperation among member states in controlling illegal drug use, production and drug trafficking.

The work of the CICAD is guided by the principles and objectives set out in the Inter-American Program of Action of Rio de Janeiro Against the Illicit Use and Production of Narcotic Drugs and Psychotropic Substances and Traffic Therein, as well as in the provisions of the Anti-drug Strategy in the Hemisphere, approved in 1996. Its primary objectives are to expand and strengthen the member states' capacity to lower the demand for illegal drugs and prevent their use, to effectively combat illicit production and traffic therein, and to promote a suitable inter-American response by increasing regional activities involving research, information sharing, training of specialized personnel and reciprocal assistance. In 1996, the CICAD comprised 29 member states: Argentina, the Bahamas, Belize, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Dominica, the Dominican Republic, Ecuador, El Salvador, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Saint Lucia, Suriname, Trinidad and Tobago, the United States, Uruguay and Venezuela. At its twentieth regular session, the General Assembly added the membership of Barbados and Grenada to CICAD, effective as per 1 January 1997. In 1991, the Inter-American Drug Abuse Control Commission created a Group of Experts which prepared model anti-money laundering laws for adoption by its members in order to harmonize differences in the legal systems of the region. "Model Regulations Concerning Laundering

Offenses Connected to Illicit Drug Trafficking and Related Offenses," were approved by the CICAD in March 1992 and by the entire membership of the OAS in May 1992, and recommended for adoption by its members.

 The framework of the recommendations follows the Vienna Convention, and incorporates, whenever possible, the recommendations tendered by the Financial Action Task Force (FATF). Also, since the Summit of the Americas Process began at the end of 1994, the Executive Secretariat has been active in the Summit Initiative to Combat the Problem of Illegal Drugs and Related Offences. Throughout 1995, the Executive Secretariat participated with the member states in the process of developing a draft Action Plan on Anti-Money Laundering Measures to be agreed upon by Ministers responsible for combating money laundering in all the countries of the hemisphere. On 2 December, 1995 the Ministers met in Buenos Aires, Argentina, and agreed to recommend the Action Plan to their respective governments in furtherance of a co-ordinated hemispheric response to combat money laundering including specific items for consideration by the OAS, CICAD and its Expert Group in particular.

In June 1996, the Group of Experts was reconvened to that end and reached the following recommendations which were approved by the twentieth regular session of CICAD held in Buenos Aires, Argentina, in October 199651, to the following effect:
 – "to institute on-going assessment procedures;
 – to carry out an initial analysis of the information provided in the replies to the questionnaire. The analysis by the Group of Experts will first be provided to individual member states to ensure accuracy and then be published for distribution among member states of the Organization;
 – to consider in detail the desirability of countries establishing financial investigation units and, if so agreed, to make a recommendation to amend CICAD's Model Regulations on Money Laundering accordingly;
 – to develop a typologies exercise, including the collation and analysis of money laundering methods, patterns and trends. This information can be used to gain and exchange knowledge of the current money laundering situation and to suggest future counter-measures".

As regards the drug trafficking problem, at its sixteenth semi-annual session in October 1994 the OAS/CICAD issued the "Declaration of Santiago" which renewed the political commitment of the member states to support CICAD and strengthen hemispheric co-operation against drug trafficking and abuse. Meeting in Buenos Aires on its tenth anniversary, CICAD also approved a new Hemispheric Anti-Drug Strategy as a platform for enhanced drug control efforts in the twenty-first century.

The new Anti-drug Strategy in the Hemisphere (the Strategy), approved at CICAD's twentieth regular session held in October 1996, represents a commitment to international co-operation to combat the drug problem, based on the principle of shared responsibility and the need for a policy that balances preventive and law-enforcement measures.

CICAD's action program supports drug control activities region-wide in five priority areas and, among these, the "Legal Development" regards the measures to improve the capacity of member governments to prosecute drug-related crimes, and in particular, the development of legislation for the control of money laundering, arms trafficking, and the illegal diversion of precursor chemicals. The Strategy was signed by representatives of some member states at the ministerial-level meeting held in Montevideo, Uruguay, in December 1996. Following the CICAD's recommendations, the Hemispheric Anti-drug Strategy shall be applied in accordance with the following terms:

– "the problem of drugs, which has become increasingly important in the world, manifests itself as a complex, shifting and global phenomenon;

– the problem of drug abuse and the demand for drugs, and the illicit production, distribution and trafficking of drugs, including synthetic or "designer" drugs, continue to be grave and interrelated. Sources of special concern are the negative consequences of illicit drugs and other controlled substances, and related offenses, which pose a serious threat to the health and integrity of the individual and the normal development of society (...);

– in view of the complexity and the global nature of the problem, the countries of the hemisphere recognize the need to strengthen international co-operation and for constant review and improvement of national policies, taking into account the particular circumstances of the phenomenon as it appears in each country;

– the Hemispheric Anti-drug Strategy addresses the drug problem from a global and multidisciplinary perspective. All countries of the hemisphere recognize that they share a responsibility for ensuring that a comprehensive and balanced approach is taken on all aspects of the phenomenon, taking into account their available capabilities and resources (...)". The Anti-drug Strategy in the Hemisphere states that:

– "dismantling criminal organizations and their support networks should be another of the key objectives of initiatives taken by the countries of the hemisphere against illegal drug trafficking and related crimes. Enforcing the law with respect to

perpetrators, instrumentalities and proceeds from criminal activities is an effective deterrent to participation in these unlawful activities;

– the countries of the hemisphere will intensify their efforts to exchange information and gather evidence to enable them to bring to trial and sentence the leaders and other members of criminal organizations and their support networks, within the framework of full respect for due process of the law.

– the countries of the hemisphere recognize the importance of having modern legal systems for an effective strategy against the problem of illegal drug trafficking and related crimes and the need to have adequate extradition procedures;
– the countries of the hemisphere recognize that the smuggling of drugs, chemicals, weapons and explosives, and the cross-border movement of illicitly acquired assets by any means or method to avoid detection is a grave problem (...);

– the countries of the hemisphere also recognize that implementation of national programs and effective international co-operation in the area of information exchange, training and the conduct of operations to detect, track and confiscate these illicit shipments are important aspects of a comprehensive strategy to be developed with due respect for the sovereignty and territorial integrity of each country".

On 29 March 1996, 23 member states of the OAS, recognizing that "corruption is often a tool used by organized crime for the accomplishment of its purposes, signed the Inter-American Convention against Corruption.

This Convention is the first international instrument of its kind designed to promote and strengthen the development by each state party of the mechanisms needed to prevent, detect, punish and eliminate corruption; and to promote, facilitate and regulate co-operation among the states parties to ensure the effectiveness of the measures and actions to prevent, detect, punish and eliminate acts of corruption in the performance of public duties and acts of corruption specifically connected with those duties. The purposes of the Convention are:

– "to promote and strengthen the development by each of the States Parties of the mechanisms needed to prevent, detect, punish and eradicate corruption and

– to promote, facilitate and regulate co-operation among the States Parties to ensure the effectiveness of measures and actions to prevent, detect, punish and eradicate corruption in the performance of public functions and acts of corruption specifically related to such performance". The States Parties have agreed to

consider the applicability of measures within their own institutional systems to create, maintain and strengthen, among others:

 – "standards of conduct for the correct, honorable, and proper fulfillment of public functions";

 – "systems for registering the income, assets and liabilities of persons who perform public functions in certain posts as specified by law and, where appropriate, for making such registration public";

 – "government revenue collection and control systems that deter corruption";

 – "laws that deny favorable tax treatment for any individual or corporation for expenditures made in violation of the anti-corruption laws of the States Parties";

 – "systems for protecting public servants and private citizens who, in good faith, report acts of corruption, including protection of their identities, in accordance with their Constitutions and the basic principles of their domestic legal systems";

 – "oversight bodies with a view to implementing modern mechanisms for preventing, detecting, punishing and eradicating corrupt acts";

 – "deterrents to the bribery of domestic and foreign government officials, such as mechanisms to ensure that publicly held companies and other types of associations maintain books and records which, in reasonable detail, accurately reflect the acquisition and disposition of assets, and have sufficient internal accounting controls to enable their officers to detect corrupt acts";

 – "mechanisms to encourage participation by civil society and non-governmental organizations in efforts to prevent corruption".

# CHAPTER FIVE

## A-The relationship Between Organized Crime and Terrorism

percentages, as follows:

1- Use of force or violence 83.5%;
2- Political character 65%;
3- Inducing fear and horror 51%;
4- Threat 47%;
5- Psychological effect 41.5%;
6- Difference between the victim and wider target of attack 37.5%;
7- Goal oriented, planned and organized action 32%;
8- Method, strategy, tactics of fighting 30.5%;
9- Violation of accepted rules, lack of humanitarian grounds 30%;
10- Blackmail, coercion and obedience 28%;
11- Desire for publicity 21.5%;
12- Arbitrariness, impersonality, randomness, non-discrimination 21%;
13- Civilian casualties 17%;
14- Intimidation 17%;
15- Innocence of the victims 15, 5%;
16- The perpetrator is a group, movement or organization 14%;
17- Symbolic nature 13.5%;
18- Unpredictability and unexpectedness 9%;
19- Secrecy, concealment 9%;
20- Repetition 7%;
21- Criminal character 6%;
22- Requests to third parties 4% (Schmid, Jongman, 1988).

# B-Similarities Between Organized Crime And Terrorism

"The instant which creates confusion between the concept of organized crime and that of terrorism is the instant in which the pursuit of political power is presented as one of the determining characteristics of organized crime in the sense which is irrelevant of the capacity of the potential political power to contribute to the enrichment of the group, that is the gain of criminal profit" (Fatić, 2005: 82).

The aforementioned definition clearly states that it is very easy to cross the thin line which differentiates terrorist groups from those of organized crime. Moreover, these two entities are characterized with significant similarities, which are one of the main factors that contribute to their being regarded as mutually interchangeable and intertwined. Thus, the criminal activities committed by certain terrorist organizations are financed by organized crime, whereas some criminal organizations, having acquired financial power, exhibit political ambitions which they endeavor to realize with the help of terrorism (Mijakovski, 2003: 50). Some authors, such as Makarenko and Thamm, interpret the similarities between terrorism and organized crime in a peculiarly simplified manner, emphasizing the fact these two groups have one common "enemy": the State.

A detailed analysis of this issue shows another striking similarity: a similar personality profile of members belonging to a terrorist or an organized crime group. Both entities seem to be recruiting their members from the marginal social groups exposed to and burdened by social or political frustrations. They are the persons attracted by excitement, thrill and risktaking, who despise socially accepted norms (UN Office on Drugs and Crime, 2005: 9).

The analysis of the fundamental characteristics of terrorism and organized crime reveals a great number of similarities. They are both punishable by law. Their illegal activities often involve the abuse of the latest technological developments and entail novel high-tech forms of criminal activity. Another common characteristic is a detailed planning and preparation of their illegal activities. Both criminal groups display a respect of strict discipline, which includes rigorous rules of behavior and an internal system of punishment for any form of disobedience. Organized crime and terrorism are also characterized by secrecy and confidentiality of their activities, use of violence for the purpose of accomplishing certain goals or interests and intimidating the surroundings.

# C-Differences Between Organized Crime And Terrorism

Criminology traditionally defines that the basic difference between organized crime and terrorism lies in different motives of perpetrators. Terrorists are supposed to act out of idealistic goals aimed at reforming social reality, immaterial of a particular terroristic organization's vision of that reform and transformation. On the other hand, members of organized crime are believed to act with the aim of gaining personal criminal profit (Berdal, Serano (eds), 2002).

This rather simple interpretation, though helpful in drawing a line between organized crime and terrorism, represents too naïve an opinion to define the actual situation. According to this definition, terrorists want their activities to be in accordance with their "morally superior and pure" ideals, while in reality they are actually quite the opposite. Almost none of the active terrorist organizations considers the method of "clean hands" as an option. Furthermore, their connection with illicit trade of drug or human trafficking is more than obvious.

Therefore, it is not possible to differentiate organized crime from terrorism on the basis of motivation. Reference materials emphasize that this criminological point of view originated from the careful observation of the "Islamic terrorism", which partially satisfies the criteria of "clean hands" since the Islamic terrorists avoid activities related to drug and human trafficking for purely religious reasons.

One of the most obvious differences between organized crime and terrorism might be found in their ultimate goals. Terrorist acts are aimed at accomplishing particular political goals with the help of forbidden and socially unacceptable means. On the other hand, the goals of organized crime are predominantly economical, devoid of any political dimension, aimed at gaining and enlarging their own profit. Their goal is the ultimate economic power followed by the legalization of the acquired profit. Other goals, especially the political ones, which relate organized crime to terrorism, are only side effects of organized crime activities.

These two entities differ regarding the "visibility" of their activities. Organized crime groups do not reveal their goals publicly, never show their political aspirations openly and aspire to keep their activities fairly "invisible". Terrorists, on the other hand, not only declare their goals openly but they do that in order to gain support from particular target groups of people so that their determination in accomplishing their goal becomes clear to everyone. Terrorist organizations claim

responsibility for terrorist attacks, whereas members of the organized crime groups never assume any responsibility for their criminal acts.

Although it is frequently said that terrorism and organized crime have the same enemy: the state, their relationship towards the state is another distinctive feature. While terrorism is characterized by a constant confrontation with the existing establishment and an attempt to change the government, organized crime is known for its infiltration, bribery of state officials and a selective antagonism towards certain levels of government (Mijalković, Bajagić, 2012: 521). The connection between organized crime and government officials appears to be more striking and fundamental than that between terrorists and governments in most countries.

# D-THE COMPLEXITY OF THE LINK BETWEEN TERRORISM AND ORGANISED CRIME

The importance of examining the connection between these two phenomena coincides with the importance of the fight against terrorism and organized crime. Adequate anti-terrorist and anti-criminal policy at the national and international level largely depends on understanding each problem separately as well as on understanding their versatile correlations. Otherwise, there is a risk of a theoretical "fusion" of one problem into another which may, in practice, lead to problems in combating these crimes. By considering them a single phenomenon, important separate aspect of terrorism or organized crime can be disregarded.

Although many theorists argue that terrorism is a form of organized crime, others point out that their relations can only exist at the level of interconnection, rather than overlapping features. While it is clear that certain activities and methods that are common for terrorist groups and organized crime groups may lead to a conclusion that they represent the same phenomenon, the differences between them indicate the sustainability of another interpretation. Despite the obvious organizational and operational characteristics common to both actors, who thereby acquire similar methods as well, they have divergent ultimate goals. For terrorist organizations, engaging in criminal activity is a means for achieving politically motivated and ideological goals. On the other hand, organized crime groups lack ideology; they are representatives of a purely material, lucrative crime, with the ultimate aim of making profit (Shelley, Piccarelli, 2013).

The link between terrorism and organized crime has been widely analyzed and a growing body of scholarly literature suggests that the connection may exist as an association, union, cooperation, symbiosis, convergence and metamorphosis. One of the most obvious aspects of their interrelatedness is the functional one, which implies putting organized crime in service of terrorism by engaging in criminal activity and financing terrorism from the proceeds of organized crime. Hence, when talking about the link between organized crime and terrorism, it usually implies the straightforward use of crime by terrorist groups as a source of funding, such as taxing the drug trade or engaging in credit card fraud (Makarenko, 2004).

## I-Financing terrorism

After the terrorist attacks on September 11, 2001, the United States adopted a very strict approach in the fight against financing terrorism, as part of the "war on terror". Under the auspices of this campaign, numerous aggressive measures have been undertaken, and bank accounts of Islamic charities, individuals and companies have been blocked or put under surveillance, due to suspected links with Al Qaeda and other terrorist organizations. According to some estimates, a sum of around 100 million dollars associated with Al Qaeda and other groups was blocked (Meyer, Williams, 2001). Following this stance, many international and national documents were adopted, such as UN Security Council Resolutions and the International Convention for the Suppression of the Financing of Terrorism.

The global war on terrorism constricted the flow of financial support to terror groups and, in order to circumvent these measures, transnational terrorist organizations moved deeper into the sphere of organized crime. The link that was created between terrorists and organized crime groups indicates their awareness that they had to become "self-sufficient", to survive in a society that was formed after the September 11 attacks, particularly bearing in mind that more than 165 countries adopted national measures to combat terrorism and blocked the assets of individuals and organizations suspected to have links with terrorism (Wannenburg, 2003). The logical next step was to find alternative funding. Somewhat ironically, the state response to the threat of terrorism has led to creating a far more treacherous "association" and "networking", which have yet to be adequately addressed.

The mentioned national measures, however, did not have the same effect on all of the entities within the organized crime networks. Transnational organized crime groups like the Sicilian Mafia, the Chinese Triads and the Russian Mafia are still refusing to cooperate with terrorist groups because of their long-term and stable financial strategies. The only possible way for this situation to change is for these "traditional" groups to be threatened by government authorities to the extent that they are forced to cooperate with terrorist groups, for their own survival. In contrast, the recently formed criminal groups that do not have the stability in terms of cash flow see cooperating with terrorist groups as a way of achieving high profits.

The link between terrorism and organized crime is thoroughly analyzed and monitored by the UN Office on Drugs and Crime (UNODC), which has pointed out

that the profit from criminal activity is increasingly used to finance terrorist acts, and that the arms trade and money laundering, as forms of organized crime, have become an integral part of terrorism. Some of the commonly used examples would be the financing of the Taliban through opium production in Afghanistan and trafficking in cocaine, kidnapping and extortion to finance activities of the Revolutionary Armed Forces of Colombia (FARC).

Although the operations of organized criminal groups and terrorists are more noticeable in certain countries, the threat stemming from the integration of these actors extends to the entire international community. Due to the development of technology, communications, transport and finance, networks of terrorists and organized criminal groups operating at the international level can now connect with each other more easily. By joining resources and expertise, they significantly increase their capacity to inflict harm (Yury Fedotov, 2011). The process of globalization, which proved to be a double-edged sword, contributes to this situation. Open borders, the single market, as well as the ease of travel and communication are, to a large extent, being used by terrorist organizations and organized criminal groups.

## II-Narco-terrorism

It has been over 30 years since the former Peruvian president Fernando Terry first used the term "Norco-terrorism", thereby describing the terrorist attacks on Government's drug enforcement agencies (Holmberg, 2006). Yet, the meaning of this concept has changed, especially given the detailed analysis of the forms of terrorism after the September 11 events.

pecially given the detailed analysis of the forms of terrorism after the September 11 events. Even though a unique and comprehensive definition of narco-terrorism has never been adopted, the term is nowadays mostly used to describe the activities of certain groups that use drug trafficking to finance terrorism. According to the US Drug Enforcement Administration (DEA), narco-terrorism is "a subset of terrorism," where groups or individuals participate directly or indirectly in the cultivation, manufacture, transportation or distribution of controlled substances and the money derived from these activities (Wagley, 2006). Certain authors believe that there are various definitions of narco-terrorism, and that the very concept is of a dual nature, depending on whether the emphasis is put on drug trafficking or on terrorism. However, it might be argued that the difference in emphasis matters little since the concept of narco-terrorism can be seen as a mid-way convergence of two phenomena: drug trafficking and terrorism, with organizations doing a bit of both (Bjornehed, 2004:306).

Drug trafficking is one of the most common and most profitable ways to finance the activities of groups such as the Revolutionary Armed Forces of Colombia (FARC), which has an annual revenue of hundreds of millions of dollars from the cocaine trade, which is used to finance terrorist attacks in this country. It is believed that the terrorist attack in Madrid in 2004 was also funded by profits made from drug trafficking. This example is often used when trying to illustrate how low the cost of terrorist actions could be, which in turn cause huge material destruction and take a large number of human lives. In the terrorist attack in Madrid, when public trains were targeted, the number of casualties amounted to 200 people; during the investigation, it was also discovered that the direct costs of the entire operation could not have been over €10,000. According to the opinion of the former president of Colombia, Andres Pastrana, "only two kilograms of hashish had to be sold to finance the attack.

# III-Financing terrorism through money laundering

The term "money laundering" is a generic term used to describe any technique of converting unfairly and illegally acquired wealth into a lawful income (by placing the illicit proceeds into legal financial flows). The primary objective of money laundering is to conceal the illegally acquired income, considering that the process implies the laundered money becomes part of the legal payment system (Petrovic, Dobovsek, 2007: 44). Financing terrorism through money laundering is a very complex process involving various relations that are aimed at attempting or a successful ensuring or collecting funds or property, with the intention of using it, in whole or in part, for carrying out a terrorist act (Sandic, 2012: 380).

Money is the oxygen of terrorism and terrorists, as well as other interest groups, have to provide the necessary funds to finance their ventures. They also need to find methods of laundering these funds and, eventually, a secure way to use them for terrorist activities. Apart from the banking systems, financial supporters of terrorist activities use various forms of transfer of assets, such as: physical transfer of cash across the state border, alternative systems of transport, humanitarian and non-profit organizations that serve as fronts for money laundering and financing terrorism, etc. (Bolta, 2011: 423). There are quite a number of individual donors in Saudi Arabia who finance the activity of Islamic terrorists, mostly because they believe in the goals of these terrorist groups; thus, in order to support the cause, they are ready to write huge amount checks. Besides individuals, there are even countries that are "sponsors" of terrorism, which represents an even greater problem since they provide not only financial support but also the infrastructure through which money is laundered.

It is evident that, both individually and through interconnection, money laundering and financing of terrorism pose a huge challenge for all countries. In modern theory and practice, the most significant consequences of money laundering and terrorist financing are: undermining stability and transparency of the financial system of the state, economic instability, reducing the number of investments, undermining the reputation of the state and endangering national security (Sandić, 2012: 392).

In 2009, the Republic of Serbia adopted the Act on the Prevention of Money Laundering and Financing Terrorism, as an instrument for combating these crimes and an attempt to harmonize domestic legislation and international standards in

this field. Although it represents the first step towards eradication of these problems, the adoption of this Act is not sufficient to terminate the circle of money laundering and terrorist financing, given the fact that the financial supporters of terrorism efficiently use all legal gaps, loopholes in the implementation of regulations and ambiguities of legal regimes in order to put their criminal plans into action.

# IV-Human trafficking and terrorism

The link between terrorism and drug trafficking has been the matter of analysis for a long time, but only recent activities by ISIS and Boko Haram have drawn the attention of the international community to human trafficking. This problem cannot be expected to be resolved if all the attention is still directed towards narco terrorism, thereby ignoring the role that human trafficking plays in the financing of terrorist organizations (Shelley, 2014). Currently, human trafficking is not only a method of collecting revenue for terrorist organizations but also a way to achieve other objectives, such as: increase of manpower, sexual abuse, intimidation/harassment, etc. The cases of Nigeria and Iraq demonstrate that kidnapping and human trafficking provoke fear and eliminate any kind of resistance from the local population. Human trafficking is also used to form military units that serve