

Committee: Economic and Social Committee

Issue: Disrupting organized criminal networks through intelligence and financial investigations

Student Officer: Eirini Panagiotopoulou

Position: Deputy President

Introduction

In our days, criminal activities are becoming more and more widespread. The issue of organised crimes is causing the death, physical and psychological injury of numerous people all over the world and thus it is a problem of great concern. Intelligence agencies and financial investigations, conducted by several organisations, are trying to combat this issue and to restore peace and human security around the globe.

Definition of Key Terms

Organised Crime

Any group that is partaking in organized crime has some manner of formalized structure and whose main aim is to gain money through illegal activities.

Criminal Enterprise

A group of individuals with comparable structure or identified hierarchy, engaged in significant criminal activities.

(These two terms of Organised Crime and Criminal Enterprise are similar and sometimes are used synonymously, but several federal criminal statutes specifically define the qualifications an enterprise needs to fulfil in order to convict individuals or groups.)

Transnational Organized Crime (TOC)

It is a form of organised crime. Its criminal networks forge bonds across national borders as well as overcome cultural and linguistic differences, involving groups or networks of individuals to plan and execute illegal business ventures.

Figure 1. "International Organised Crime Networks"



Intelligence Agency

A government agency which is responsible for the collection, analysis and exploitation of information and intelligence in support of the objectives of law enforcement, national security and foreign policy.

- *Security Intelligence* pertains to domestic threats such as terrorism and espionage
- *Foreign Intelligence* is responsible for the collection of information relating to political or economic activities of foreign states

United Nations Convention against Transnational Organized Crime (Organised Crime Convention)

It is the main international instrument that tries to fight the transnational organised crime and it was adopted by the General Assembly resolution 55/25 of 15th November 2000

Protocols Thereto

The protocols thereto are composed by three different protocols:

- The Protocol to Prevent, Suppress and Punish Trafficking in Persons,
- The Protocol against the Smuggling of Migrants by Land, Sea and Air
- The Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition

Cosa Nostra

It is the oldest but most traditional and widespread manifestation of the Sicilian Mafia which is mainly directed towards North America

'Ndrangheta

It is among the richest and most powerful organised criminal networks globally and it is mainly present in countries like Spain, France, Belgium, the Netherlands, Germany, Canada, the USA, Colombia, Switzerland and Australia.

Camorra

It mainly is a horizontal cluster of Clans and Families engaged in constant internal strife and it is present in Spain, France, the Netherlands, Germany, Switzerland, Eastern Europe, the USA and Latin America.

Background information

Beginning of Organised Criminal Networks

In the 17th century, people who took part in large scale trade in stolen goods and who plundered different ships and vessels were described as pirates, and were also the very first organised crime group in the Western world. However, the organised crime was more obvious in the late 18th, 19th and 20th century because of the ethnic dimension that existed in any highly segregated character of each city and local area. Many gangs were beginning to be formed in the neighbourhoods of Ireland such as the “Bowery Boys” and the “O’Connell’s Guards”. In other areas, for instance in Chinese, African-American, Italian and Jewish neighbourhoods, gangs were formed under local cultural and economic circumstances and the ugly conditions that were obvious during those days, made them participate in criminal activities.

Forty Thieves

Organised Crime as we recognise it today can be first found in the early 1800’s with the first organised crime group the Forty Thieves Gang in New York which was the first gang that flourished from 1820 to 1860. Its members were immigrants who came close in order to be protected and to have financial gain. The feeling of protection among the members originated from the blind trust each person had and the ambition that their lives could follow a different path of fate. The Forty Thieves, were Irish or Americans, people that lived under harsh conditions with a very poor economic sustainability.



Figure 2: “Forty thieves Gang”

Organised Crime Categories

Organised crime can take many forms as the years pass. At first the only activities that were related to organised crime, were prostitution, gambling, theft, forms of extortion and drugs. Violence and corruption were the biggest categories in the 19th and 20th centuries. Forms of

terrorism and assault, as well as labour racketeering and political corruption were very serious crimes those days. Financial crime that included tax evasion, contemporary slavery and forced labour along with drug and human trafficking incidents were the main concerns of the police forces. However today, with the evolution of technology another form of organised crime is threatening many nations. Cybercrime along with the internet fraud, cyberwarfare, computer viruses, copyright infringement and hacking are the new and dangerous forms of organised criminal networks.

Structure of Organised Crime

It has been said that there are three types of organised crime models. Models that are focused on the hierarchical structure, models that are focused on economy and models that emphasise the local, ethnic or cultural connections of organised crime. Operational structure can be best discussed when referring to hierarchical models or to models that emphasise the local, ethnic or cultural connections because they focus more on structure and activity. The structure of an OCG (organised crime group) help to examine the OCG itself based on their operating networks. The role of their structures is to facilitate their involvement into different and specific types of crime. A way to examine the operational structure of OCGs, is to search and spot the weakness and vulnerability of the group. Categorising the OCGs, can later on help the law enforcement agencies with the disruption of the criminal activity. There are two models that help examine an OCG based on the structure and operation or on the profit-oriented activities. These models are the group-focused models and the economic/activity-focused models respectively.

Major Countries and organisations involved

United Kingdom (UK)

Organised crime in the UK was first founded in the 19th century. Gangs were formed mainly in the cities of London, Manchester and Liverpool but also across the West Midlands region, as we are informed by the Serious Organised Crime Agency. The United Kingdom has been a multinational and multi-ethnic society which had the most serious gang problems around the world. For that reason, in order to describe

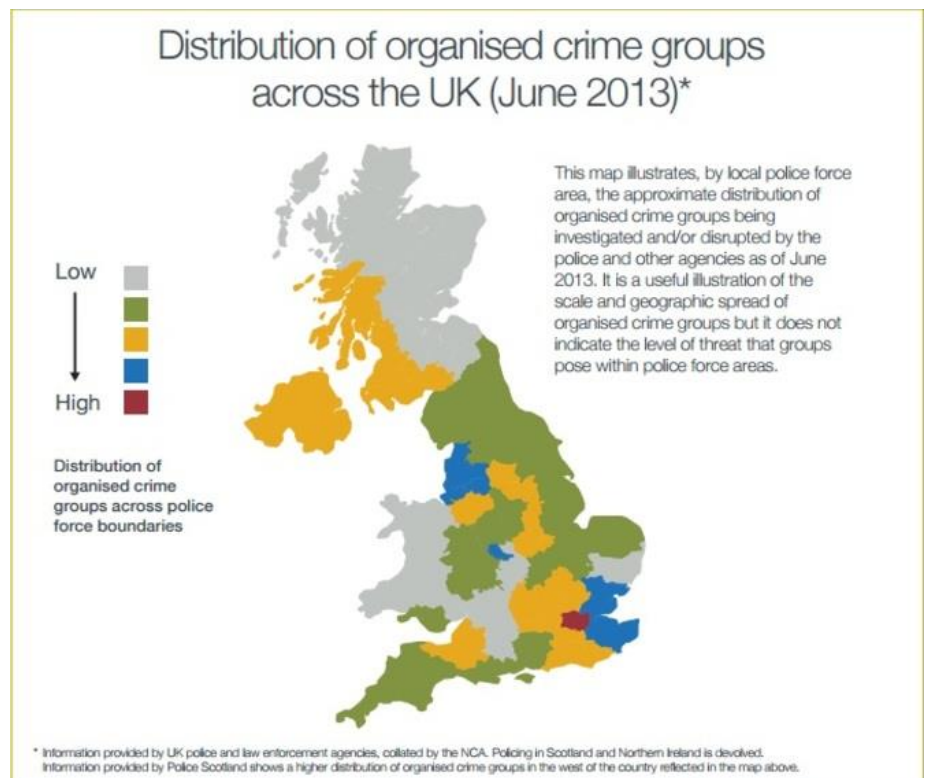


Figure 3: "Distribution of OCGs in the UK"

the organised crime groups in the UK, people designated the name “British firms”.

United States of America (USA)

Organised crime has been directly connected to the USA for many years because of the Forty Thieves Gang as mentioned before but also because of the criminal period of 1920s. On 16th January 1920, the Eighteenth amendment to the Constitution came into force making the selling of alcohol illegal. The period of Prohibition started and that raised many illegal actions by the citizens. People were becoming more and more dissatisfied with that decision and thus started attracting the attention of the police. Many gangs from the ghetto formed different organised crime networks, and so organised crime in the United States made history. Later on, in the 1950s and 1960s, organised criminal network such as the Italian Mafia, Russian Mafia, Japanese Yakuza and Chinese Tongs, were operating inside the US and were involved in many illegal activities. Powerful criminals, such as Al Capone of Chicago, Bonnie and Clyde and John Dillinger were headliners of the era and thus became public figures of mythical proportion. The government set up the “Federal Prohibition Bureau” to police prohibition but that did not make any change to the threat of organised crime during that period of time.

Russian Federation

Since the fall of the Soviet Union, Russia and Ukraine were victims of many illegal activities which were mainly caused by organised criminal networks. During the 1990s, this type of crime affected numerous sectors of the Russian economy, society and government. And as time passed, it proved threatening to the sovereignty of the state. Later the Russian Mafia took the lead and the criminal rates grew even higher. Corruption has become a way of life for Government officials in Russia. The Russian Mafia (also referred to as Bratva) began striking during the imperial period of Tsars but soon the “thieves-in-law” became the leaders of prison groups in gulags. Also, in the 1990s the Russian mafia was the greatest threat to the U.S national security.

Albania

The Albanian Organised Crime or also known as the Albanian Mafia, has been extremely active since the collapse of the Communist rule in this country. This collapse, allowed some indigenous gangs to spread all over the country and start taking part in many illegal actions. The Albanian Mafia is mainly active in Albania and the Balkan Peninsula, but also in the US, UK and some European Union countries such as Italy. According to US reports, the term “Albanian Mafia” also refers to various Albanian-American organised crime groups like the Rudaj Organisation, Albanian Boys and other organised criminal networks that are based in New York City. Generally, the Albanian Mafia is often involved in criminal and political activities, as it has been described by the Research Institute for European and American Studies (RIEAS). For the issue of the Albanian organised crime, we have been informed by the Open Source Intelligence (OSINT) that presents data and information to the public in order to have a balanced and rounded idea about the matter.

Italy

The organised crime in Italy has long been dominated by a throng of clans and mob families that are referred to as “mafia”.

The Mafia is a network of organised crime groups based in Italy, especially in Sicily (an island ruled until the 19th century by a long line of foreign invaders and of Sicilian brigands in the 19th and 20th century) and in America. The origin of Italian Mafia criminal organisations is the subject of abundant literature and there are also some fundamental and interconnected doctrines that must be taken into consideration whenever the Italian Mafia is involved. This include the tenets of family, power, respect and territory. The Italian criminal societies (also known as the Mafia), since their appearance in the 1800s, have influenced and damaged the economic fabric not only of Italy but also of the world. Mafia has been widespread and it is now known all over the world. Some of the currently active organised criminal networks in the U.S are: The Sicilian Mafia, The Camorra or Neapolitan Mafia, the Sacra Corona Unita or United Sacred Crown and the ‘Ndrangheta or Calabrian Mafia.

Figure 4: “Italian Mafia groups”



Serious Organised Crime Agency (SOCA)

SOCA was a non-departmental public body that was active from 1 April 2006 until 7 October 2013. It was responsible to deal with the organised crime networks of the United Kingdom but later on, it was replaced by the National Crime Agency (on 7th October 2013) which was the agency that had to lead the UK's fight against serious and organised crime. SOCA was established under Section 1 of the Serious Organised Crime and Police Act 2005 and it had the functions of preventing and detecting serious organised crime activities and also of contributing to the elimination of such types of crime. Generally, it was an agency with Home Office sponsorship that dealt with the law enforcement agency.

National Crime Agency (NCA)

The National Crime Agency, also known as the NCA, is a crime-fighting law enforcement agency responsible for leading the UK's fight to cut serious and organised crime. However, it functions both in national and international level and tries to combat illegal activities such as human trafficking, child sexual exploitation, drugs, firearms and cyber-crime. As mentioned before it is the body that replaced SOCA and so it is active since 7th October 2013.



Figure 5: "National Crime Agency officials"

Racketeer Influenced and Corrupt Organizations (RICO)

This Act was voted and passed in 1970 by the Congress because it was thought that it could help in resolving the issue of Mafia groups. It was believed that it could combat illegal and criminal actions by these groups. Generally, it refers to the defence of individuals who participate in organised crime. RICO law is responsible for the enforcement of consequences in a form of a punishment to people who engage in organised crime or who are members of criminal groups.

Federal Bureau of Investigation (FBI)

It is the domestic intelligence and security service of the United States which also serves as the prime federal law enforcement agency of the country. It operates under the jurisdiction of the U.S Department of Justice and deals with criminal matters. For that reason, it is responsible for organised crime and it searches for different ways to combat this ongoing threat. FBI has established an Organised Crime Program that participates in joint task forces with other state law enforcement agencies.

Relevant UN Treaties, Resolutions and Events

United Nations Convention against Transnational Organized Crime

This Convention has been adopted by the General Assembly resolution 55/25 of 15th November 2000 in order to participate in the fight against transnational organised crime. It is the main organ that deals with this specific issue and it entered into force on 29th September 2003. In Palermo, Italy on 12-15th December 2000, member states took the opportunity to put signatures at a Political Conference. The Convention is further supplemented by three Protocols, the Protocols Thereto. The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and Children; the Protocol against Smuggling of Migrants by land, sea and air; and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition. These protocols entered into force on 25th December 2003, 28th January 2004 and on 3rd July 2005 respectively.

Serious Organised Crime and Police Act 2005 (SOCPA)

This Act has as primary goal to contribute to the establishment and function of the SOCA, but also to amend the Proceeds of Crime Act 2002. It entered into force in the 7th April 2005 in order to protect people involved in investigations and to provide implementation of certain international obligations that were related to criminal issues. SOCPA is also active in making further provisions to the police and persons supporting the police, so it can also be described as an act that contributes in police-work in order to combat certain criminal proceedings.

General Assembly resolution 55/25

This resolution passed in 15th November of 2000 and it is the main document that helps with the fight against organised crime and especially Transnational Organised crime. It ensures that United Nations Convention against Transnational Organised Crime will be an effective and strong weapon in the crime combat. It is the necessary legal framework which evolves the international cooperation and community strength.

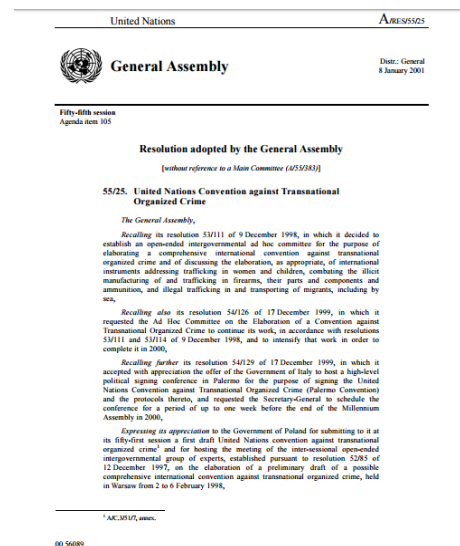


Figure 6: "GA Resolution 55/25"

ECOSOC Resolution 2005/17

With this resolution the United Nations and the ECOSOC Committee had the intention to seal the International cooperation in the fight against transnational organized crime. It functions under the resolution 55/25, 55/255 and 59/157. It was published on the 22nd July 2005 and it mainly refers to the smuggling of persons and the trafficking in people's protocols.

Eleventh Congress

During the Eleventh Congress which took place from 23th to 25th April 2005, there were several propositions and agreements that were made. The United Nations Convention against Transnational Organised Crime and the Thereto Protocols were being discussed and thus undertaken.

Previous attempts to solve the issue

Organised Criminal Networks is a very crucial subject in our days. Many terrorist attacks damage the physical and psychological world of citizens all over the globe. However, some agencies decided to take the issue in their hands and with the contribution of intelligence and financial investigations, they managed to make an improvement. FBI has dealt with more than 51 cases throughout the years of 1930-2012 that were all somehow related to organised crime.

Two cases however that really stand out due to their intimate relation with organised criminal networks are the Al-Capone and the Armenian Mafia crime group case.

Al Capone had been one of the leaders of crime for many years and was also described as a “legend” by members of the Mafia. He was convicted many times for several crimes but he always managed to get away with it. He was once arrested in Philadelphia and he only went to jail for a year, later on he was convicted and sentenced to six months in prison. He finally got sentenced to 22 years in Alcatraz and his criminal life ended when he passed away in 1947. Generally speaking, the FBI has contributed in the fight against crime as it has convicted many members of the Mafia and other gangs all around the world, not only anyone related to the U.S. Accompanied with FBI, the NCA has done a similar job for many years and that also contributed in the elimination of the threat. Also, the signatures of the United Nations Convention against Transnational Organized Crime, show a strong will by nations to combat organised criminal networks and so it can be described as an attempt by the UN to solve the issue.



Figure 7: “UN Convention on Transnational Organised Crime”

Possible solutions

This issue must be tackled and for that reason many possible solutions can be proposed. First of all, as the UN Organised Crime Convention has already entered into force, member states can establish the framework that is being offered. This framework combined with a platform, can really help the nations cooperate and therefore lead together this issue to its prevention and combat. Co-submitters can have access to technical assistance to strengthen their national authorities and thus enhance their intelligence agencies and financial investigations.

Besides the Convention, member states need to have a bigger aim on the reduction of serious and organised crime. Only one framework is not enough to save all the countries and so counter-terrorism organisations are needed to proceed with the plan. Countries must be able to prevent their citizens from engaging in this activity and protect them, but also be prepared to pursue, prosecute and disrupt these people. NCA, FBI and other organisations related to criminal activities are more than welcome to offer their law enforcement agencies in order to restore peace and harmony. This can be done by the establishment of strong, effective organisations and international legal powers, that develop and improve the capabilities and cooperation of intelligence agencies among nations. Also, it is important to develop certain techniques to prevent people from continuing serious organised crime actions, such as the attacks on their criminal finances. The protection of people at risk of becoming victims is really necessary and it can be succeeded by the strengthening of systems for establishing identity and also with the improvement of anti-corruption systems. The security systems in the private sector of every country must be protected and then developed. This would help with the protection of the national and local government of each member state and therefore create the feeling of safety to the communities, victims and witnesses that may be affected by organised crime. Support frameworks will have to be established in order to realize these ideas. Also, it is very important that the major serious and organised criminal networks incidents are brought to an effective resolution and all cases are being rapidly discussed.

It is well known that all the problems begin with certain actions of the public and so it is the nation's duty to raise public awareness in order to inform people about the consequences of the organised crime activities. The public awareness of the reality and the consequences of this problem will have an intimate affect and it will stop people from being drawn into different types of crime. Member states can sponsor and create new educational and communicational programs through schools, television or campaigns that will inform the public about the damage of organised criminal networks for offenders and families. TV, newspapers and the internet could also show and post pictures of gang members and Mafia in order to give the public signs of alert in order to always be prepared. This could also help the police forces and the law enforcement agencies with their financial investigations.

Bibliography

Transnational crime

- <https://www.whitehouse.gov/administration/eop/nsc/transnational-crime/drug-trafficking>
- <https://www.fincen.gov/international/transnational/>
- https://www.whitehouse.gov/sites/default/files/Strategy_to_Combat_Transnational_Organized_Crime_July_2011.pdf
- <https://www.unodc.org/unodc/en/treaties/CTOC/signatures.html>
- <https://www.unodc.org/unodc/en/organized-crime/work-of-unodc-crime.html>

- <https://www.unodc.org/unodc/es/organized-crime/index.html>
- <https://www.unodc.org/unodc/en/treaties/CTOC/CTOC-COP.html>

Agencies

- <http://www.nationalcrimeagency.gov.uk/publications/560-national-strategic-assessment-of-serious-and-organised-crime-2015/file>
- <https://www.icrc.org/eng/assets/files/other/irrc-878-hauck-peterke.pdf>
- <https://www.fbi.gov/about-us/investigate/organizedcrime/overview>
- <https://www.fbi.gov/about-us/investigate/organizedcrime/glossary>
- <https://www.fbi.gov/about-us/investigate/organizedcrime>
- <https://www.fbi.gov/about-us/investigate/organizedcrime/cases>
- https://www.fbi.gov/news/stories/2005/march/capone_032805
- https://www.fbi.gov/news/stories/2006/march/albanian_032906
- <https://www.gov.uk/government/organisations/serious-organised-crime-agency>
- <https://www.gov.uk/government/organisations/national-crime-agency>

Disrupting crime

- https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/248645/Serious_and_Organised_Crime_Strategy.pdf
- <https://www.justice.gov/sites/default/files/criminal-icitap/legacy/2015/04/23/04-23-08combat-intl-crime-overview.pdf>
- https://books.google.gr/books?hl=el&lr=&id=cL_3CsUvxMMC&oi=fnd&pg=PA61&dq=Disrupting+organized+criminal+networks+through+intelligence+and+financial+investigations&ots=13_23FHvB3&sig=4-CwH0aSPTeMYijkOLiHt0Dgmus&redir_esc=y#v=onepage&q&f=false
- http://www.unicri.it/topics/environmental/conference/Expert_Group_II_-_Edmund_McGarrell.pdf
- <https://www.justice.gov/usam/criminal-resource-manual-109-rico-charges>
- <http://www.organized-crime.de/OCDEF1.htm>

Legal Basis

- <https://www.unodc.org/unodc/es/organized-crime/index.html>
- <http://www.refworld.org/docid/46c455a612.html>
- <http://www.un.org/en/ecosoc/docs/2005/resolution%202005-17.pdf>

- <http://www.un.org/en/ecosoc/docs/res2005.asp>
- <http://www.refworld.org/docid/45377c350.html>
- <http://www.brookings.edu/research/articles/2012/08/drugs-crime-felbabbrown>
- <https://www.congress.gov/treaty-document/108th-congress/16/document-text?overview=closed>
- <http://www.legislation.gov.uk/ukpga/2005/15/part/1/chapter/1>
- <https://www.unodc.org/unodc/es/organized-crime/index.html>

Mafias

- <https://www.justice.gov/sites/default/files/usao/legacy/2012/10/31/usab6006.pdf>
- <http://dl.acm.org/citation.cfm?id=1064834>
- <http://ann.sagepub.com/content/605/1/2><http://fortune.com/2014/09/14/biggest-organized-crime-groups-in-the-world/22.short>
- <http://fortune.com/2014/09/14/biggest-organized-crime-groups-in-the-world/>
- <http://actionguide.info/m/pubs/551/>
- <https://www.osac.gov/pages/ContentReportDetails.aspx?cid=17616>
- <http://www.brookings.edu/research/articles/2012/08/drugs-crime-felbabbrown>
- <http://www.ibtimes.co.uk/crime-europol-gangs-adams-family-cartel-delta-441511>
- <https://www.theguardian.com/world/organised-crime>
- <https://www.dur.ac.uk/research/news/thoughtleadership/?itemno=24781>
- <https://www.stratfor.com/sample/analysis/organized-crime-russia>
- <http://fas.org/irp/world/para/docs/ruscrime.htm>
- <http://www.ibtimes.co.uk/italian-mafia-who-are-cosa-nostra-camorra-ndrangheta-sacra-corona-unita-1500221>