

LEGAL AND POLITICAL AFFAIRS COMMITTEE

**PARLIAMENTARY ASSEMBLY OF THE BLACK SEA ECONOMIC COOPERATION
PABSEC**

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REPORT

ON

**COOPERATION AMONG THE PABSEC MEMBER COUNTRIES
IN COMBATING ORGANISED CRIME**

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INTRODUCTION

According to the decision made at the Sixth Meeting of the Legal and Political Affairs Committee held in Chisinau on 25-26 October 1995, upon the proposal made by the Romanian PABSEC Delegation, "Cooperation among the PABSEC Member Countries in Combating Organised Crime" was put on the agenda of the Seventh Meeting in Bucharest on 10-11 April 1996 as the main item. This decision had been reiterated by the Committee at the General Assembly in Ankara on 27-29 December 1995.

In addition, at the Sixth meeting of the Ministers of the Foreign Affairs of the BSEC Participating States held in Chisinau on 1 November 1995 "the ministers of the PABSEC member states, taking into consideration common goal of implementing the provisions of the Bucharest Statement agreed to invite the PABSEC and to provide for its assistance for creating an appropriate legal bilateral and multilateral framework with a view of combating organised crime, drug dealing, illicit weapons and radioactive materials, all acts of terrorism and illegal border crossings in the BSEC region".

Given the importance to the issue, the PABSEC International Secretariat circulated a letter to the national delegations (Ref.: LC 1781/95 of 18 December 1996) asking for relevant information, documentation and suggestions on the report and recommendation to be submitted to the Committee and later to the PABSEC General Assembly.

The purpose of this report was to consider the entire spectrum of organised crime in the PABSEC member countries to explore its nature, scope and extent trying to give analyses through the investigation of prevailing problems and to outline legislative mechanisms for further bilateral and multilateral interstate cooperation in integrating efforts for combating organised crime in the Black Sea area.

Among the PABSEC member delegations Armenia, Georgia, Greece, Romania, Turkey and Ukraine responded and provided relevant information. On the other hand, the delegation of Moldova furnished the International Secretariat with the materials of the International Symposium on the Criminological Situation and Security in Society held in Chisinau on 9-11 November 1995. At the same time, the International Secretariat sought to obtain and study relevant documents from other sources on the situation in the Black Sea area including those of the United Nations, the Council of Europe, IPU and other international bodies. The present Report is drafted according to the above mentioned material and is complemented at the Committee meeting in Bucharest.

THE IMPACT OF ORGANISED CRIME

Scope of the Problem

The organised crime, continuing to grow and occasionally to thrive despite past efforts of its eradication, is a subject of world-wide concern, now seen as the increasingly important to the study.

An enterprise consisting of a core of criminal group and a criminal support, involving a number of persons each with a specialised responsibility and obligation, is designed to facilitate illicit

activities using violence or bribery or both to achieve ends and to secure profit and power. Continuity and well-designed structure makes the organised crime able to acquire more regular character in the global arena jeopardising national security of many states.

The case of violence, intimidation and corruption, eliminating interference of competitors and law enforcement officials, enable the criminal groups to extend control over legitimate elements of society. Moreover, the revenues gained by the criminal activities is often funnelled into legitimate business.

The international practice shows that it is very difficult to block organised crime activities due to the fact that as soon as the law enforcement closes off one illicit channel, many new replacements appear at a time. The immensely wealthy and well-armed international organised criminal groups, expanding their sphere of influence over drug trafficking, arms smuggling, money laundering, labour racketeering, gambling, terrorism, etc. are becoming more and more dangerous to the society.

The ability of organised crime to quickly alter and adapt to the new social, economic and legal conditions maintaining their institutional survival determines the growth of its transborder network. At the same time, constraints placed on the governments in democratic society limiting law enforcement efforts give hand to a greater extent to development of organised criminal actions.

It is unrealistic to expect that organised crime with its attendant ill-effects could be completely curbed. With a view of the fact that governments of advanced countries like United States and Italy have proved to be unable to eliminate organised crime in their societies despite repeated attempts to do so, the less developed nation-states narrow possibility to do much better. Nevertheless, the countries of the Black Sea region have to state their firm stand with regard to join complex and time-consuming process of elaborating appropriate national and international strategies mobilising to end tolerance of crime at all levels of society.

Transitional Consequences Fuel Organised Crime

The collapse of the Soviet totalitarian system resulting in disruption of common controlling and supervisory mechanisms and formation of newly independent states with fragile structures, unstable political climate and prevailing social unrest created perfect milieu for the organised crime to emerge and strengthen.

The transformation process towards market economy - bringing about increase in inequality wide-spread unemployment, rapid inflation, lack of proper legal regulations - paved the way to growth of economic and organised crime. In addition, these reforms implemented in a rather hasty manner overcoming elaboration of relevant necessary legal basis gave opportunity to criminal groups to obtain enough power to legalise their illegal profits.

The criminological situation has been exacerbated by the fact that organised criminal groups found support in upper echelons of power, controlling most important branches of supervisory bodies and promoting various illicit activities.

Another facet of the organised crime problem in the countries in transition was marginalisation of socially disadvantaged young people, who became best support for the criminal activities, actively involving especially in drug dealing and labour racketeering business.

Situation in the Black Sea region

The Black Sea region rather heterogeneous in its character remains a such with regard to the impact of the organised crime. That is to say, the multiple issue stemming from the organised criminal activities in the PABSEC member countries vary from state to state due to their socio-economic peculiarities and need to be approached and estimated carefully.

As economic cooperation between the PABSEC countries are increasing, the ties among people involved in illegal organisations are intensifying as well.

According to the information received the organised crime rate is exceedingly mounting in the region preventing normal flow of socio-economic reforms at all levels. For instance, in the Republic of Moldova crime rate grew by 3.5%. In Georgia occurrence of organised crime like armed robbery, drug trafficking and terrorism has also increased. The situation in the Russian Federation is not an exception with speedy escalation of organised criminal actions.

In Romania the evolution of the organised crime had been traced since 1990, with development of authentic democracy and freedom for the majority of the population. Certain groups - including some of the Romanian citizens who came back from abroad after 1990 - misunderstood the new democratic climate and this was exploited by international criminal organisations, supported by some Romanian citizens whom they recruited. These trends could not be entirely counteracted due to the capacity of measures from the public order structures.

The analyses of the Romania's situation revealed an intensification of the activity of foreign criminal groups and organisations, who recruit young people, convicts, etc. to commit and support crimes, fraud, organisation of illegal immigration, paid killing, corruption of officials and persons with important functions in the state institutions, commercial and industrial firms, especially of bank directors in order to set up drains of launching and recycling of illicit income.

Among the wide range of organised crime offences drug trafficking, corruption, terrorism and money laundering could be pointed out as most prevailing in the Black Sea region.

Drug Trafficking - this most widespread and lucrative organised crime in the world today annually generating billions of illicit income - flourishes in the countries of the Black Sea region turning it into both transit and processing centres for drugs destined for the domestic and international markets. Since the geographic location of the PABSEC countries is very close to the areas where the drugs are produced, most of them play a key role as a major transit route for much of the Southwest Asian drugs moving to Western and Central Europe along so called "Balkan Route". At the same time, political instability and tenuous border controls in the former soviet republics spawn new overland trafficking routes. Drugs smuggled into these countries are concealed in legitimate shipments and are moving with minimal interference from law enforcement authorities. Most of smuggling operations are difficult to be detected due to the sophisticated technique of traffickers beyond the reach of traditional police intelligence gathering methods. Besides, immense profits attained by the drug trafficking causes this crime sector to become even more attractive and harder to combat with.

According to the statistics, the crime rate in Russian Federation connected with drug trafficking in increased three-fold in 1993 (compared to previous years) involving total number of 36 965 persons, 80 % of whom are youngsters under 30 years of age. The annual profit from such actions hits scores of billion Russian Roubles. The country serves as transit route for drug circulation to Western Europe, Scandinavian countries and America, and, on the other hand, is major realisation centre of drugs supplied from Azerbaijan, Kazakhstan,

Ukraine and other CIS countries. Quite a big number of the Russian citizens are involved in transborder drug trafficking operations.

Corruption - one of the integral part of the organised crime attendant to all phases of illicit operations fostering criminal and undermining judiciary actions. Officials nearly at all levels of the police and criminal justice system are bribed and subverted by criminals. The greater the complexity and development of the society, the more striking is the corruption. Most of the PABSEC countries suffer from infiltration of corrupted officials at nearly all levels of legal hierarchy. Infantile law mentality and law enforcement inertia is often aggravated by amalgamation of officers with the organised crime structures.

Terrorism - Organised crime operations often coexist and cooperate with political insurgent groups and terrorists. Criminals supply terrorists with arms and money in return for protection and assistance in smuggling activities.

Terrorists and insurgents funded through profits from illegal actions could very conceivably become powerful enough to pose a serious threat to the countries' national securities. According to the US State Department's International Narcotics Control Strategy Report for 1996 "the terrorist PKK (Kurdistan Workers' Party) uses heroin production and trafficking to support its insurgency against the government of Turkey".

The methods used by terrorists like assassination, bombings, seizure of hostages, hijacking planes, etc., generate widespread concern in the societies, creating a collective danger to lives of innocent people. One of the most pervasive and dangerous is the terrorism within the communal situations when people living side by side happen to be locked in situations of violence growing into the massacres, forcible displacement, etc.

Lately, the international terrorism is becoming the subject of concern in the world community. The perpetrators of the violence and brutal terrorist acts are escaping prosecution and punishment on the territories of other countries. Terrorism is not solely the problem of one country, but of the whole international community. It is obvious that a solution to this problem can only be found through international cooperation aiming at upholding peace and stability.

Money Laundering - the attendant offence to the organised criminal activities in order to conceal and disguise the illicit profits, its origin, location, disposition and movement. Lack of the legal infrastructure to prohibit or control money laundering in the most PABSEC countries allow the proceeds of the organised crime to be invested in legitimate business. As an example, in the Russian Federation there are many cases to invest illicit money into joint ventures and privatised enterprises. The money laundering statistics is rather alarming in other countries with illicit money transactions to the foreign banks.

It is obvious that remedial action should be taken to counteract money laundering practices and elaborate anti-laundering legislation.

Agency roles in reducing organised crime

The information from the member countries outline certain strategies and tactics applied along with the array of measures taken by the enforcement agencies in reducing organised crime rate.

With liberation of the border crossing formalities and free movement of labour, services, goods and capital, the organised crime rate had been rapidly changing. To that end, the international cooperation and coordination among the law enforcement agencies could be attained to keep tougher control over the prevailing situation.

Close cooperation among the police departments of the PABSEC member countries in security and training become more important each day in order to combat organised criminal actions in the region. Within this framework, bilateral agreements had been signed between the Republic of Turkey and Bulgaria, Georgia, Moldova, Romania, Russian Federation and Ukraine.

The law enforcement agencies in Georgia succeeded to detect seven terrorist acts, a number of cases of drug trafficking (42), armed robbery (86), blackmail (45), 107 groups consisting of 460 criminals were arrested who committed 93 different types of organised crime offences (property: 1 helicopter, 123 firearms, 166 bombs, 828 bombing launchers, 89 kg, explosive, 6 canons, 33 stolen cars).

Many perpetrators in the criminal activities and terrorist acts are traced to being fled to the neighbouring countries supported by their counterparts abroad. To this end, vital necessity of closer cooperation between the enforcement agencies for extradition becomes one of priority issues.

With a view to prevent and combat the organised crime the Ministry of Interior of Romania has enhanced existing cooperation with similar bodies and structures from other states at regional, European and international level, as well as participation in the drafting and implementation of an international legal framework, as explicit as possible, in this field.

The efforts of the Ministry of Interior of Romania was focused on:

- accession to international legal instruments in the matter - which will concretise in 1996, by the submission to the Parliament of Romania of an important number of bills (concerning ratification of the accession of the European conventions on control upon acquisition and possession of weapons by individuals; offences against highway code; laundering, search, seizure and confiscation of the proceeds from crime; offences against art objects).
- setting up of a consistent legal framework on the cooperation with the neighbour countries, with those of the Balkans and the Black Sea region, and within the European Union member countries. In this respect, apart from the bilateral agreements signed with the West European, South American and Middle East countries, presently, the Ministry of Interior - empowered by the Government of Romania - concluded cooperation agreements on different fields (starting with combating organised crime and illegal immigration) with 7 of 10 states participating in the Black Sea Economic Cooperation, namely, Albania, Bulgaria, Moldova, Russian Federation, Turkey and Ukraine.

LEGAL FRAMEWORK AND ENFORCEMENT POLICY

The lack of laws to prevent and counteract organised crime in the PABSEC member countries impede to a greater extent implementation of combating measures. Most of these states practice codes of criminal procedure drafted a number of years ago. In this respect, the first priority for

the parliamentarians of the member countries is to review existing legal regulations and elaborate proper legal framework meeting present challenges for gradual suppression of organised crime.

Certain results has been reached in this field. Particularly, the Parliament of Moldova has passed over 500 laws and regulations concerning criminological situation in the republic. The Parliament of Romania commenced the process of updating and modernisation of the legislative framework in accordance with new evaluations and trends of organised crime. In this respect, some bills (e.g. Law on Dope Regime, Law on Combating Drug Dealing, Law on Prevention and Suppression of Organised Crime, Law on Foreigner's Regime, Law on the Regimentation of Chemicals' Production, etc.) were drafted and submitted to the Parliament. Also completely new bills were presented such as Penal Law, Law on Incrimination of Laundering, Law on the Modification of some Provisions of the Penal Code, etc.

At the same time, legal enforcement policies, particular to each country have to be determined and outlined. In this respect, successful nation-wide programmes launched in certain countries could be taken as example. The grand-scale programme of measures against organised criminal groups coordinated by the Department on Combating Organised Crime at the Ministry of Interior of Georgia resulted in detention of mafia groups and a number of their supporters, as well as organisers and perpetrators in the terrorist acts.

The Government of Romania adopted in February 1993 a special Task Programme, initiated by the Ministry of Interior related to the organisational aspects and practical joint actions of all bodies with attributions in this field. At the same time, the General Police Inspectorate set up the Squad doe combating organised crime and the Directorate for Combating Economic Financial Crime with structures specialised in researching, preventing and combating organised crime.

Assuming that the organised crime is becoming increasingly international problem and having in mind that no one country id capable to fight against it on its own, elaboration of multilateral mechanism for regional and international cooperation could contribute to combating organised crime in the region. To this end, manifestation the combined efforts of the PABSEC countries to curb the criminal actions in the region could be embodied in the Black Sea regional convention on combating organised crime.

ENFORCEMENT STRATEGIES AND INTERNATIONAL COOPERATION

The organised crime with its well-organised structure deeply rooted in the world community successfully progresses stretching over both developed and less developed countries regardless to the methods and mechanisms invented against it. The situation is much more delicate for the Black Sea countries facing twofold difficulty created by the impact of criminal actions and heavy plight of transitional reforms.

In order to the organised crime be dealt with more effectively, more frequent contacts possible between the authorities of the member states is desirable with the task of preparing the decisions to be taken in each state with a view to helping to resolve the matter. To this end, the practice of the countries advanced in fighting mechanisms of crime prevention should be studied and shared.

With the aim of establishing of a multilateral cooperation mechanism against organised crime, preparations are being made for technical meetings covering the analyses of common criminal activities, the routes used by these organisations which have penetrated into social and economic structures of the PABSEC member countries.

On the other hand, it would be advisable for the PABSEC member countries to apply the UN decisions and provisions of Naples Declaration of 1994 on combating the transnational organised crime. At the same time, provisions of the conventions, resolutions and other documents adopted by the international and European organisations directed against the organised crime like drug trafficking, corruption, terrorism, money laundering etc. should be taken into consideration when formulating new legal policies and cooperation programmes in this field.

CONCLUSIONS

It was noted that rapid economic transformations and social changes determined to a greater extent dramatic increase in organised crime. The dilemma before the nations is to devise and activate mechanisms to freeze to a certain level and to try to reduce its rate. It is obvious that the PABSEC member countries are already highly concerned with this problem.

Although the inadequate legal policy and imperfect laws hamper efforts to suppress crime, the governments have to do their utmost to prevent development of organised crime and all of evil that flow from it.

Revival of the criminological situation in the Black Sea region is often associated with socio-economic changes towards market economy and its attendant difficulties and hardships that plagued the countries. It would be wrong approach to blame transitional reforms but at the same time incorrect conduct of certain reforms should be underlined.

To that end, the need to sustain the thrust towards democracy in the region and to help each other to recover economically so that the countries could meet their obligations to control and curtail criminal activities thus contributing to the successful Black Sea Economic Cooperation is mounting on the top of the list of measures that have to be implemented.

SUMMARY OF RECOMMENDATIONS

Recommendations presented by the delegations of Armenia, Georgia, Greece, Romania, Russian Federation, Turkey and Ukraine for combating organised crime are as follows:

- drafting and adoption by the PABSEC member countries of a set of regional conventions on combating organised crime under its all forms of manifestation, to which other central European countries (as Hungary, Czech Republic, Poland, Slovakia, the Federative Republic of Yugoslavia, etc.) which are confronted with the same problems and whose territories are also used by criminal organisations would be invited in view to their adhesion;
- the realisation of some multilateral mechanisms of cooperation among the institutions of the states participating in the Black Sea Economic Cooperation;
- harmonisation of the customs regulations and border-crossing formalities;
- the initiation of a proposal concerning the extension of cooperation in combating organised crime at the level of "Balkan Zone", Romania having already concluded cooperation agreements with other countries unnamed on the list of the 10 member countries;

- coordination of the similar bodies of the Black Sea countries in combating drug trafficking through bilateral and multilateral cooperation and joint measures.
- to make full and complete analyses of the organised crime in order define the nature of traditional organised crime as well as emerging organised crime groups, the sources and amounts of organised crime income;
- evaluate domestic legislation in the member countries and make them pertinent to the effort to combat organised crime;
- make appropriate administrative, legislative and judicial improvements;
- develop in-depth information exchange between the PABSEC member countries on the participants in organised criminal actions and envisage their extradition;
- to consider setting up of an inter-state data bank on combating organised crime in the BSEC countries providing following information:
 - stolen arms, ammunition, objects of cultural and historical value;
 - hijacked cars;
 - persons under search;
 - cases of theft of drugs and psychotropic substances and their possible transit, trafficking and realisation;
 - dangerous recidivists, leaders of criminal society, organisers and perpetrators in terrorist acts and sabotage;
 - other information.
- conduction of searching operations and taking pressing investigation measures (arrest, extradition, etc.) upon instruction of relevant bodies of the member countries in order to prevent, detect and investigate committed crimes. In this respect bilateral agreements should be concluded;
- cooperation among the member countries in coordinated actions for detection, prevention and eradication of international terrorism. To this end, question of safeguarding of strategically important sites (air transport, communications, industrial objects, atomic power station) should be discussed;
- elaboration of joint measures of the PABSEC member countries to combat international terrorism;
- coordinate activities of state bodies for combating terrorism (improvement of facilities for obtaining intelligence data, study behaviour of terrorist organisations, terrorists and their supporters, exchange of information, outlining and implementation of joint operations);
- exchange and coordination of the activities of relevant bodies of the PABSEC countries, Council of Europe, Interpol and other international organisations in combating terrorism;
- organisation of the study of wide range of problems entailing terrorist actions and facilitating them.
- increasing public awareness at national and international levels;

- coordination of measures to exert pressure on state sponsors of terrorism;
 - organisation of preparation of international security forces in combating terrorism;
 - coordination of the PABSEC countries in practising legal norms against detected terrorists (arrest and conviction).
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