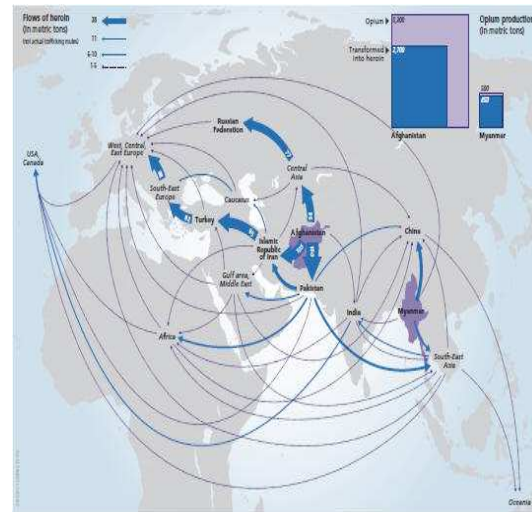


Transnational Organized Crime

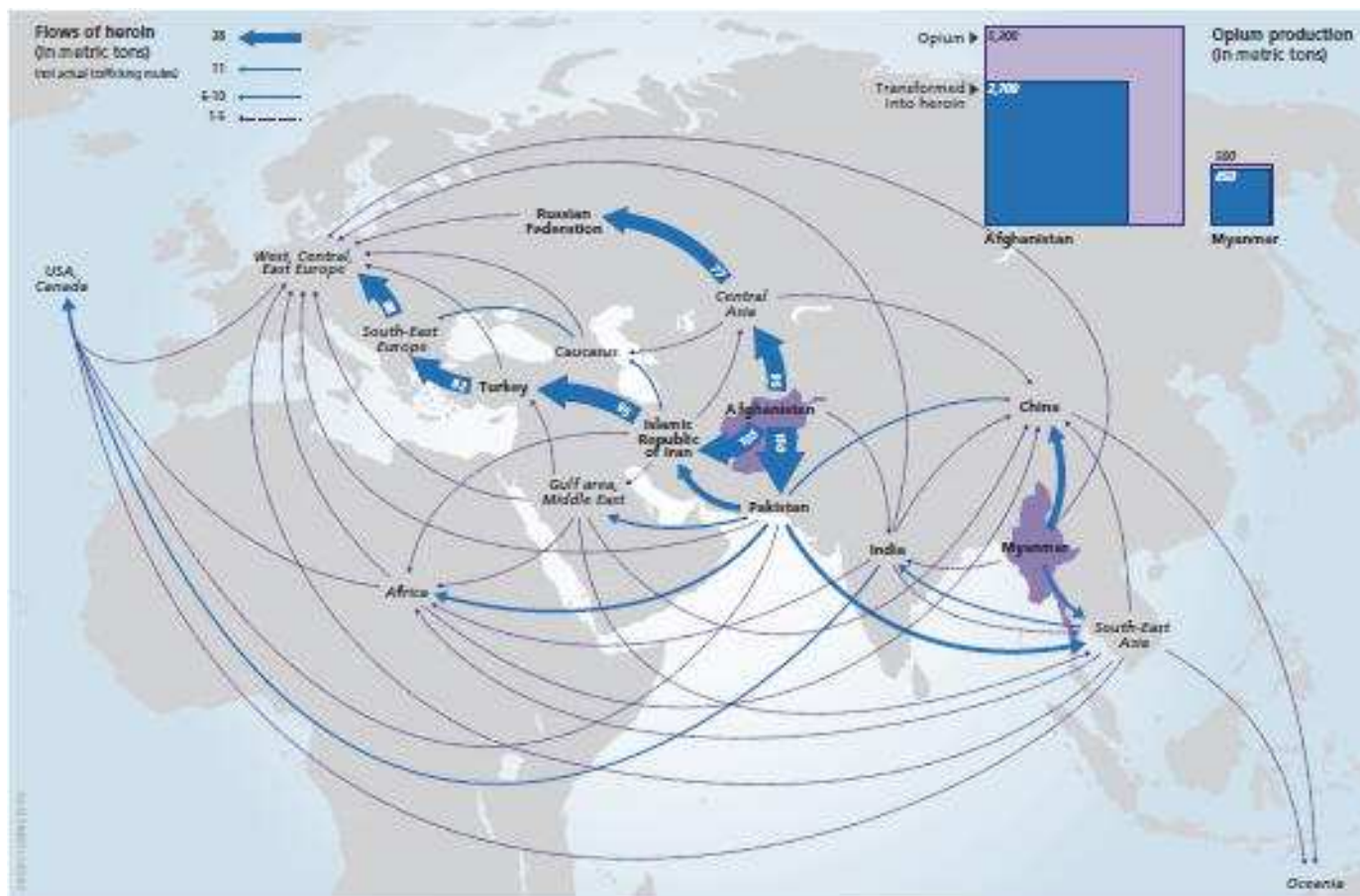
Manuel Eising, Policy & Co-ordination Officer
OSCE Transnational Threats Department



Overview

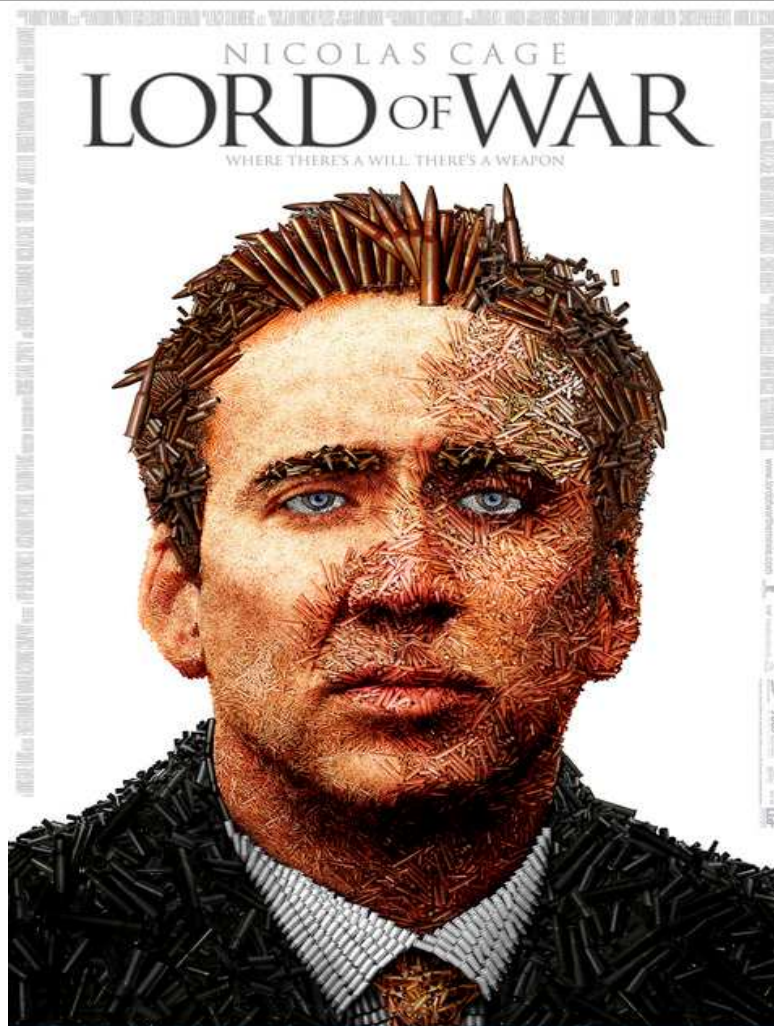
- Introduction to the Problem
- Legal Definitions
- International Responses to the Problem
- The OSCE as an Actor in Fighting Transnational Organized Crime
- Concluding Remarks and Question-Session

Drug Trafficking



(source: UNODC)

Illicit Firearms



(source: lionsgatefilms)

Illicit Trafficking of Cultural Property



(source: <https://heritage.crowdmap.com>)



(source: UNESCO)

Human Trafficking and Migrant Smuggling



(source: Bundeskriminalamt)



(source: www.fluechtlingsforschung.net)

Corruption and Money Laundering



(source: www.insightcrime.org)



(source: UNODC)

Cyber Crime



(source: iStockphoto/jrwasserman)

[Terrorism]

FBI TEN MOST WANTED FUGITIVE

MURDER OF U.S. NATIONALS OUTSIDE THE UNITED STATES;
CONSPIRACY TO MURDER U.S. NATIONALS OUTSIDE THE UNITED
STATES; ATTACK ON A FEDERAL FACILITY RESULTING IN DEATH

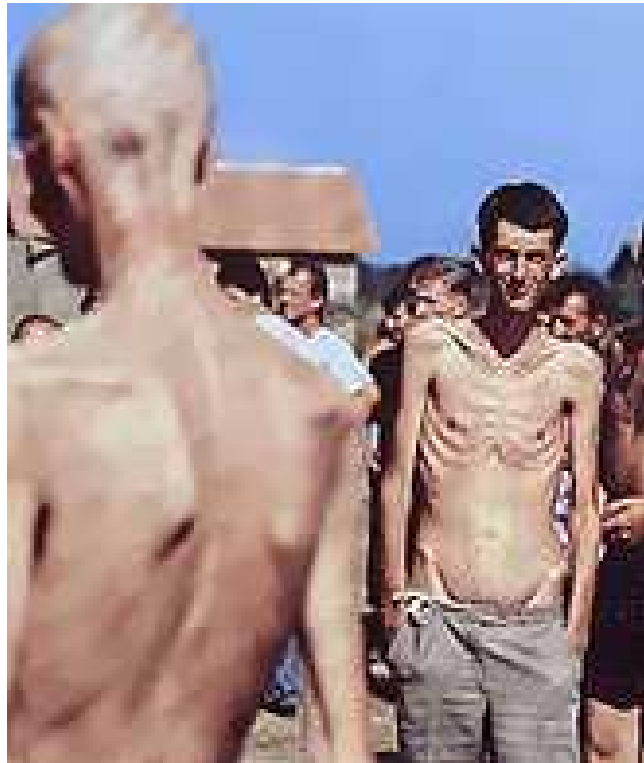
USAMA BIN LADEN



Date of Photograph Unknown

(source: FBI)

[War Crimes]



(source: ICTY)



(source: ICTY)

Legal Definition – “Transnational” Crime

UN Convention against Transnational Organized Crime - UNTOC (2000)

Article 3. Scope of application

1. This **Convention shall apply** [...]:

[...] where the offence is **transnational in nature** and involves an **organized criminal group**.

2. [...] an offence is **transnational in nature** if:

(a) It is committed in more than one State;

(b) It is committed in one State but a substantial part of its preparation, planning, direction or control takes place in another State;

(c) It is committed in one State but involves an organized criminal group that engages in criminal activities in more than one State; or

(d) It is committed in one State but has substantial effects in another State.

Legal Definition – “Organized criminal group”

UNTOC - Article 2. Use of terms

[...]

(a) “**Organized criminal group**” shall mean a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit;

(b) “**Serious crime**” shall mean conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years or a more serious penalty;

(c) “**Structured group**” shall mean a group that is not randomly formed for the immediate commission of an offence and that does not need to have formally defined roles for its members, continuity of its membership or a developed structure; [...]

UN Convention ag. Illicit Traffic in Narcotic Drugs (1988)

Article 3. Offences and sanctions

1. Each Party shall adopt such measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally:
 - (a)
 - (i) The **production, manufacture, extraction**; preparation, offering, offering for sale, distribution, sale, delivery on any terms whatsoever, brokerage, dispatch, dispatch in transit, transport, importation or exportation **of any narcotic drug** or any psychotropic substance **contrary to** the provisions of the 1961 Convention, the 1961 Convention as amended or the 1971 Convention;
 - (ii) The **cultivation of** opium poppy, coca bush or cannabis plant **for the purpose of** the production of narcotic drugs contrary to the provisions of the 1961 Convention and the 1961 Convention as amended;
 - [...]

UNTOC Protocol ag. Illicit Trafficking in Firearms (2001)

Article 4. Scope of application

1. This Protocol shall apply, except as otherwise stated herein, to the **prevention** of illicit manufacturing of and trafficking in firearms, their parts and components and ammunition and to the investigation and **prosecution** of offences established in accordance with article 5 of this Protocol where those offences are **transnational in nature** and involve an **organized criminal group**.

2. This Protocol **shall not apply to state-to-state transactions** or to state transfers in cases where the application of the Protocol would prejudice the right of a State Party to take action in the interest of national security consistent with the Charter of the United Nations.

UNESCO Convention ag. Trafficking in Cultural Property (1970)

Article 6

The States Parties to this Convention undertake:

- (a) To **introduce an appropriate certificate** in which the exporting State would specify that the export of the cultural property in question is authorized. [...]
- (b) to **prohibit the exportation** of cultural property from their territory unless accompanied by the above-mentioned export certificate; [...]

Article 7

The States Parties to this Convention undertake: [...]

- (b) (i) to **prohibit the import** of cultural property stolen from a museum or a religious or secular public monument or similar institution in another State [...]
- (ii) at the request of the State Party of origin, to **take appropriate steps to recover and return** any such cultural property [...]

Article 8

The States Parties to this Convention undertake to **impose penalties or administrative sanctions** on any person responsible for infringing [...] Articles 6(b) and 7(b) above.

UNTOC Protocol against Trafficking in Persons

Article 3. Use of terms

For the purposes of this Protocol:

- (a) “Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, **by means of the threat or use of force or other forms of coercion**, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. **Exploitation shall include**, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;
- (b) The **consent of a victim** of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used; [...]

UNTOC Protocol against Migrant Smuggling

Article 3. Use of terms

For the purposes of this Protocol:

- (a) “**Smuggling of migrants**” shall mean the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident;
- (b) “**Illegal entry**” shall mean crossing borders without complying with the necessary requirements for legal entry into the receiving State;

[...]

Legal Definition – “Corruption”

UNTOC Article 8. Criminalization of corruption

1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:
 - (a) The promise, **offering or giving to a public official**, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, **in order that the official act or refrain from acting** in the exercise of his or her official duties;
 - (b) The **solicitation or acceptance by a public official**, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties.

[...]

Legal Definition – “Money Laundering”

UNTOC Article 6. Criminalization of the laundering of proceeds of crime

1. Each State Party shall adopt, in accordance with fundamental principles of its domestic law, such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:
 - (a) (i) The **conversion or transfer of** property, knowing that such property is the **proceeds of crime**, for the purpose of concealing or disguising the illicit origin of the property or of helping any person who is involved in the commission of the predicate offence to evade the legal consequences of his or her action;
 - (ii) The **concealment or disguise of the true nature**, source, location, disposition, movement or ownership of or rights with respect to property, knowing that such property is the proceeds of crime; [...]

International Response to Transnational Organized Crime

International Organizations

- United Nations / UN Security Council / UN Office on Drugs and Crime (UNODC)
- INTERPOL
- etc.

Regional Organizations

- European Union / Europol / Eurojust
- Council of Europe
- Organization for Security and Co-operation in Europe (OSCE)
- *Others:* NATO, CIS, Arab League, African Union, ECOWAS, Shanghai Cooperation Organisation, OAS, ASEAN, etc.

OSCE Actors Fighting Transnational Organized Crime

OSCE Secretariat

- Transnational Threats Department
- Special Representative for Combating Trafficking in Human Beings
- Office of the Co-ordinator of Economic and Environmental Affairs
- Forum for Security Co-operation

OSCE Institutions

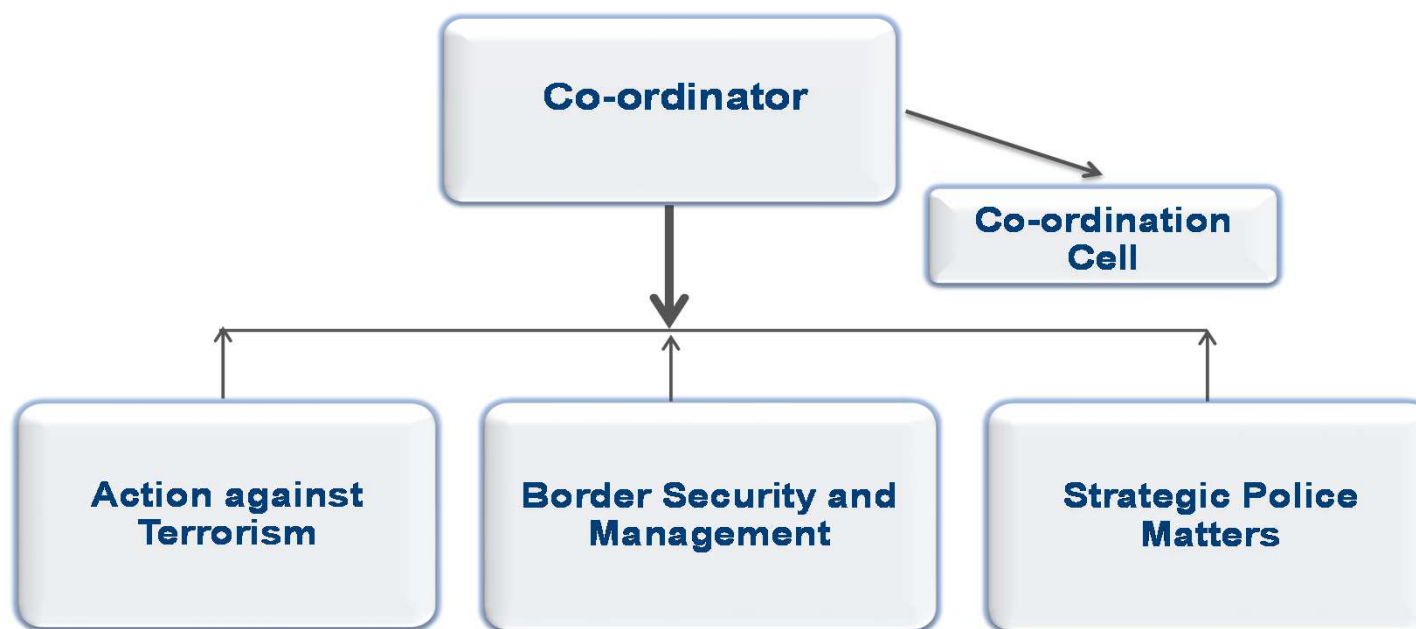
- OSCE Office for Democratic Institutions and Human Rights
- OSCE Parliamentary Assembly
- Representative for Freedom of the Media

OSCE Field Operations

- In Eastern and South Eastern Europe, the South Caucasus and Central Asia

OSCE Co-ordination

Transnational Threats Department



OSCE Priority Areas in fighting Organized Crime

- Law enforcement co-operation at the international, regional and national level;
- Financial investigations, seizures of the proceeds of crime, fight against corruption and money-laundering;
- Countering radicalization, extremism and terrorism;
- Fighting illicit drugs and diversion of chemical precursors;
- Fight against trafficking in human beings;
- Combating cybercrime.

from: OSCE Strategic Framework for Police-Related Activities
PC.DEC/1049 (2012)

OSCE Priority Areas in fighting Organized Crime

Possible specialized assistance in the following fields:

1. Combating terrorism, transnational organized crime, illegal migration and illicit trafficking in [...] weapons [...], hazardous wastes, drugs and human beings:

(i) Strengthening of international exchange networks and information-sharing on the above-mentioned threats and challenges to security;

(ii) Crime-specific training for border services [...];

(iii) Identification of sources for crime-specific equipment [...];

(iv) Technical [...] means of detection of illegal or false documents [...];

(v) Encouragement for the conclusion and implementation of agreements on cross-border co-operation;

(vi) Promotion of the implementation and development of multilateral international norms and practices [...] of legal co-operation on criminal matters related to terrorism and other serious crimes [...];

(vii) Enhancement of co-operation aimed at preventing and countering the threat of illicit trafficking in drugs.

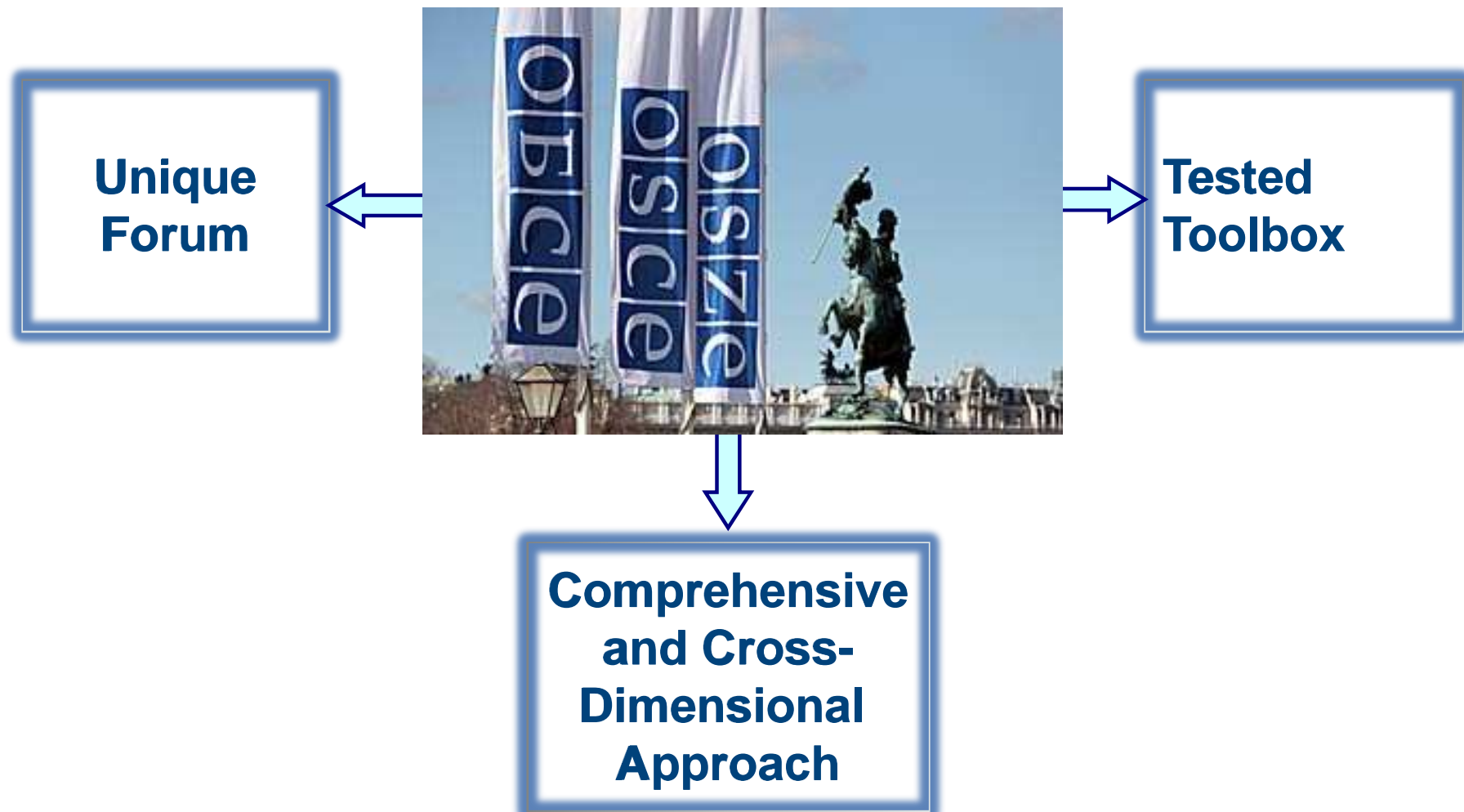
from: OSCE [Border Security and Management Concept](#) - MC.DOC/2/05 (2005)

OSCE Priority Areas in fighting Organized Crime

- Promoting the implementation of the international legal framework against terrorism and enhancing international legal co-operation in criminal matters related to terrorism;
- Preventing and suppressing the financing of terrorism;
- Countering use of the Internet for terrorist purposes;
- Promoting dialogue and co-operation on counter-terrorism issues, in particular, through public-private partnerships between State authorities and the private sector (business community, industry), as well as civil society and the media;
- Strengthening travel document security;
- Promoting and protecting human rights and fundamental freedoms in the context of counter-terrorism measures.

from: OSCE Consolidated Framework for the Fight against Terrorism
PC.DEC/1063 (2012)

Added value of the OSCE



Thank you for your attention!

COMMENTS / QUESTIONS?

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OSCE Secretariat

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Mobile: +43- 676- 3860949

manuel.eising@osce.org