

European disagreements and perspectives on organised crime, risk and human rights

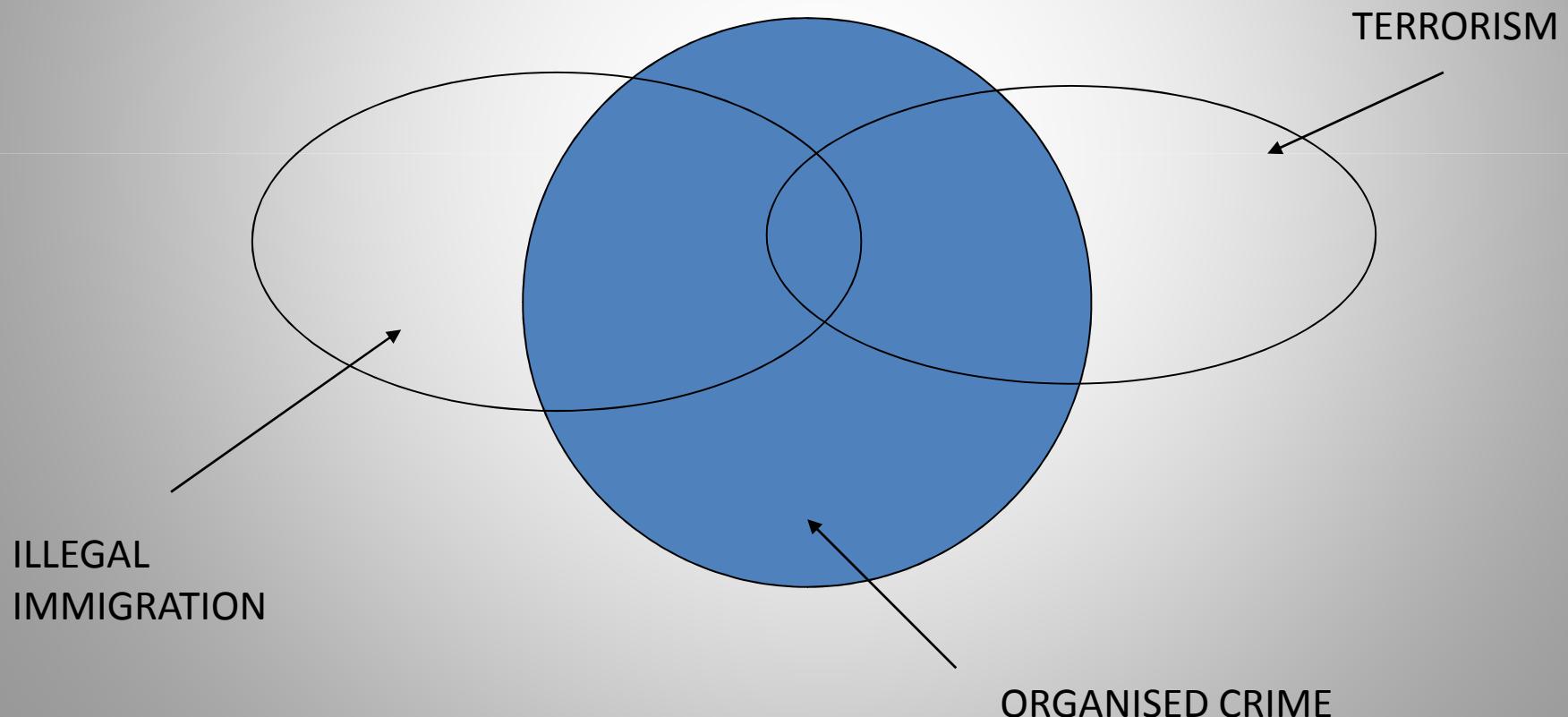
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Introduction

- For this discussion to be meaningful, organised crime must be put in context
- Does not exist in isolation – nor is it dealt with as a singular phenomena
- European perspectives and disagreements are often down to different contexts in which OC experienced
- So far so obvious

Venn Diagram

- Security risks (not to scale!)



Understanding context

- Every country will have a different understanding of the risks
- This can involve many different aspects
- History
- Geography
- Judicial systems
- Formal networks (eg EU, Interpol, Frontex)
- Informal relationships

Risks in context

- Terrorism very high profile
- But in many areas of Europe and periphery, almost irrelevant
- OC relevant to all, in theory
- But rarely dealt with in isolation –
- Xenophobia, human rights, fears of immigration and terrorism drive political will
- Counteracting OC can become expedient; by-product of other political ends

Risks in Context II

- How serious are these phenomena? How do we measure their impact?
- Is human trafficking exaggerated - is it really illegal immigration?
- Is other stuff being underestimated?
- Is the response proportionate to the risk?

Case Study: The Sex Trade in the Netherlands



Overview

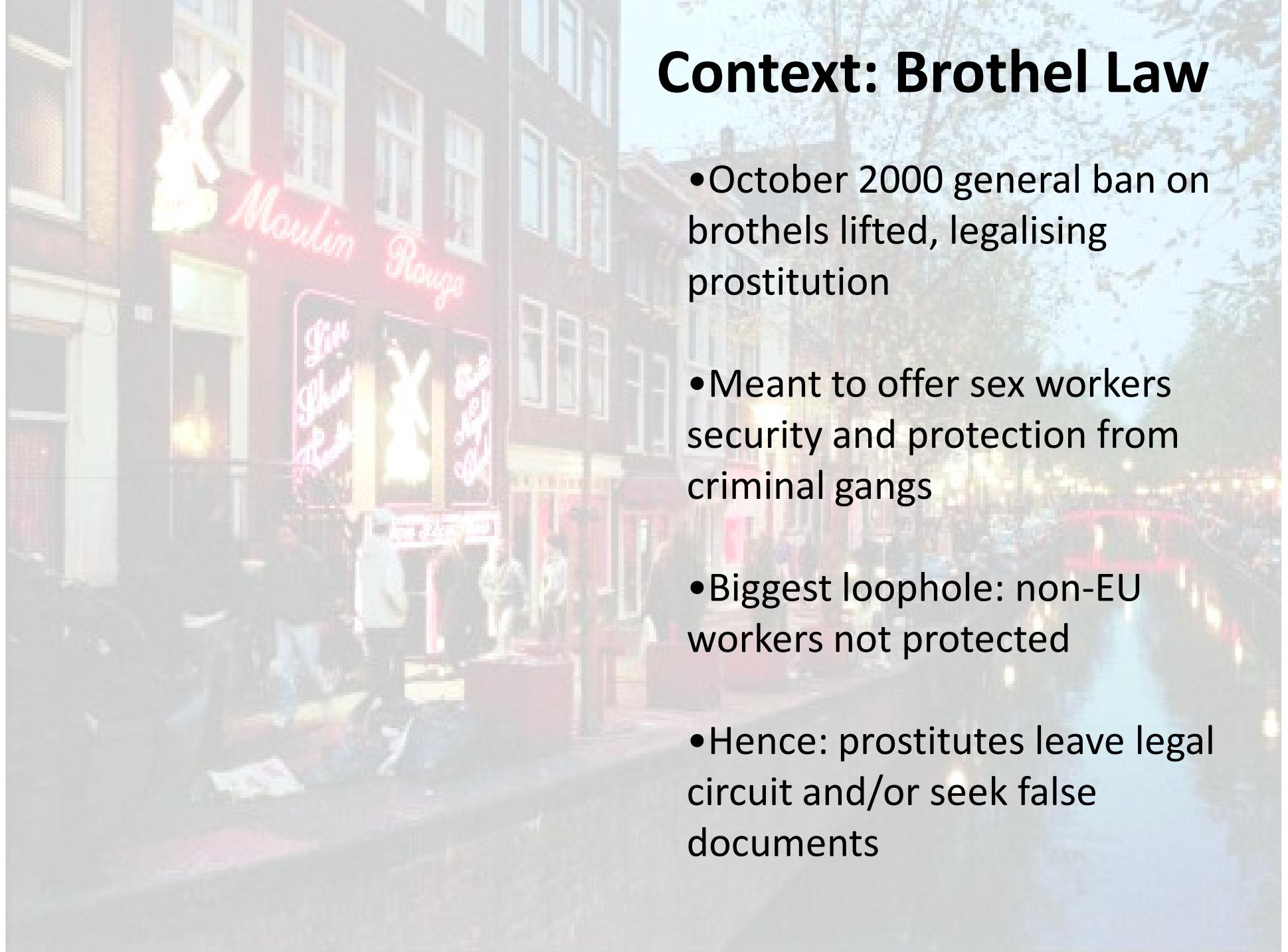
- Brothel Law passed in 2000, intended to reduce involvement of OC gangs in sex trade by legalising it
- Specified only those eligible to work in Netherlands could work in sex trade
- Pushed illegal immigrants out of legal sex trade, allowed OC groups to traffic women from outside EU to work in illegal trade

Context: The Netherlands

- Attractive to criminal groups
- Open borders
- Tolerant population
- Comparatively lenient laws
- Good prison conditions
- Geographically well-situated
- Large sex industry

Context: Sex Trade

- In 2006 estimated 28,000 sex workers
- 20 per cent (4,000) in window prostitution
- 8,000 in Amsterdam
- Between 65 and 80 per cent of women involved in sex trade in Netherlands from outside the EU
- Registered sex workers just 180 in Amsterdam by July 2007



Context: Brothel Law

- October 2000 general ban on brothels lifted, legalising prostitution
- Meant to offer sex workers security and protection from criminal gangs
- Biggest loophole: non-EU workers not protected
- Hence: prostitutes leave legal circuit and/or seek false documents

Sneep Case, 2007



- Turkish German gang running a prostitution ring of 100 women
- Eastern Europe as well as EU, put to work in window brothels
- Group had hierarchical structure including leader and his brother, lower level pimps, senior prostitutes, bodyguards and snorders
- Peripheral pimps used services
- Network of pimps monitored women, took ID papers, moved around
- Violence, abortions, rapes, beatings, tattoos
- Emotional relationships; only nine willing to testify, all later revoked

Dismantling of gang

- Public prosecutor started gathering info in 2005
- Police planning to round up gang in April 2007, but leaked to press in Feb
- July 2008, six members including ringleader, Saban B, convicted and sentenced to seven and a half years
- In Sept 2009, Saban B married one of ‘his women’ in prison, and fled to Turkey while on leave to visit newborn daughter
- Settled in Antalya and ran a nightclub. Unlikely ever to be extradited

Risk Assessment

- Women were recruited in their native countries, mainly in Eastern Europe, and majority of them knew they were going to work as prostitutes. Some women already working as prostitutes in the Netherlands.
- ‘Loverboy’ tactics produced emotional ties, violence reinforced fear.
- Escape of Saban B undermined idea that organised criminals would or could be prosecuted

Koolvis Case, 2009



- Largest international investigation involving human trafficking
- Solomon O and Gilbert E ringleaders
- No clear hierarchy – loose network
- Madams in Europe ordered girls, madams in Nigeria recruited
- Girls told they had to repay large debts up to EUR60,000
- Netherlands used as transit country for short period before transfer
- Girls told to claim asylum.
- Picked up from asylum centres and put to work in window brothels
- Less violence used, more psychological pressure

Dismantling of gang

- Involved co-operation with Nigerian, Italian, Spanish and other police
- On 3 December 2009, 10 suspects appeared in court in Zwolle
- The prosecution's case seemed solid; it consisted of wiretapped conversations and 10 statements made by alleged victims.
- Most difficult part of case convincing girls to testify against traffickers
- African clergyman brought in to allay girls' fear of magical powers and persuade them to make statement. However, not accepted by the court, because of possible 'manipulation' of girls' testimony.
- As a result, judges found insufficient evidence to conclude case of large-scale trafficking of Nigerian girls in and through Netherlands.
- While Solomon O and Gilbert E both convicted of trafficking, five other defendants acquitted.

Risk Assessment

- Often, girls were aware of the sort of work they were expected to perform in Europe and so were their families, who considered it a temporary sacrifice for a brighter future once the girl returned to Nigeria.
- Contracts were often drawn up by intermediaries in Nigeria and mothers of girls
- Strong psychological pressure including use of voodoo magic

Conclusions

- Despite legalisation, organised crime did not vanish
- Rather, older generation of Dutch pimps replaced by immigrants raised in Netherlands with contacts at home
- Young men from immigrant communities
- Other newcomers from new EU member states
- Failure to prosecute makes it harder to secure convictions in future

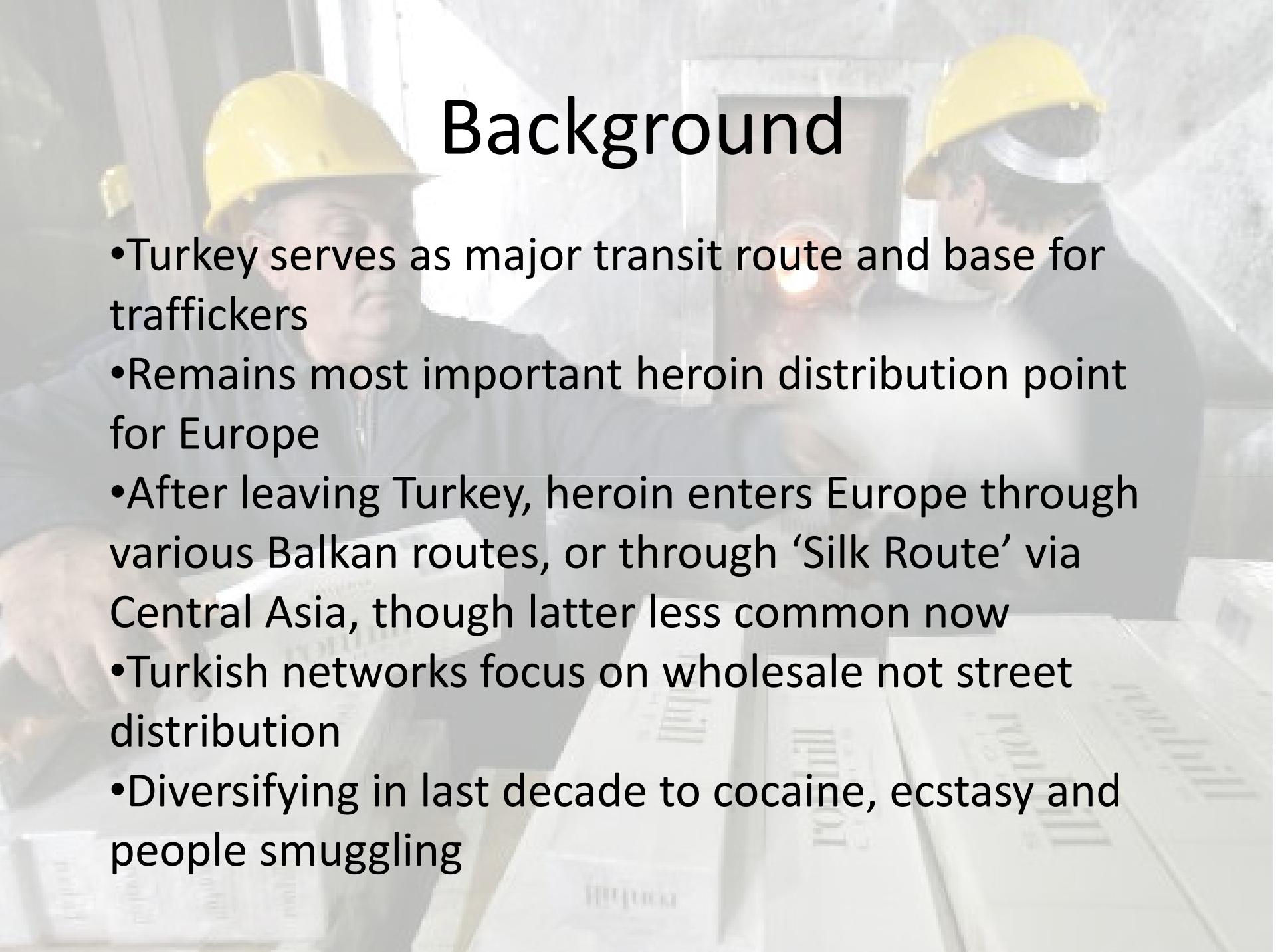
Conclusion

- Original assessment of risk somewhat naïve; focused on safety of those then present in sex trade rather than wider networks involved
- Human trafficking limited in these cases; often, girls had some idea of outcome
- Legalising trade opened more space for illegal groups to operate
- Difficulty in securing convictions reflects complexity of motivations and sophistication of organised crime groups
- Also makes it increasingly difficult to secure convictions in the future

Case Study: Organised crime in Turkey

- Drugs smuggling, esp. heroin
- Human trafficking
- Networks across Balkans and in many western countries
- Strategic location straddling Europe/Asia, near to Afghanistan & Pakistan
- Benefits from large diaspora
- Groups now diversifying and co-operating with other groups





Background

- Turkey serves as major transit route and base for traffickers
- Remains most important heroin distribution point for Europe
- After leaving Turkey, heroin enters Europe through various Balkan routes, or through 'Silk Route' via Central Asia, though latter less common now
- Turkish networks focus on wholesale not street distribution
- Diversifying in last decade to cocaine, ecstasy and people smuggling

Risk assessment

- Drugs gangs altered operational methods, from large pyramidal family structures to brokering
- Diversification of criminal activities
- Accusations of EU hypocrisy
- Links with PKK (or are there?)
- More concerted effort from Turkey to counter people trafficking
- However, serious flaws including lack of judicial co-operation and investigating indications of official complicity

Case Study: Irish Organised Crime



Tackling Organised
Crime Together

- Organised crime often drugs related, gangland shootings
- Irish criminals elsewhere e.g. Spain thought responsible for much of drugs trade
- Black market in firearms
- Involvement of those with paramilitary background
- As terrorist activity diminished, criminal groups extended operations

Risk Assessment

- Garda (police) operations focused on Dublin and Limerick due to levels of violence
- Reluctance of witnesses to testify
- Only minority of gangland murders committed since mid-1990s resulted in convictions
- Criminal Assets Bureau particularly effective – set up after murder of Veronica Guerin. Gilligan cleared of murder, convicted of trafficking, had EUR5 million property seized

Mobile Criminal Groups

- Property crimes, car theft, copper theft (trains)
- Often originate in Eastern European countries.
- Possible shift eastward, to new EU borders.
- Offenders arrested and sentenced travel to other countries afterwards to start all over.
- No uniform identification system, criminals are not recidivists, but sentenced like new perpetrators.
- Clarify need for a common EU approach for combating transnational criminal phenomena

Co-operation

- OC is a cross-border phenomenon
- Many other security threats are too
- By nature more flexible than police and judicial authorities
- Formal measures: EAW, Frontex, MAOC-N, CeCLAD-M, Eurojust, Prum Treaty, SitCen

Problems

- EAW - No way to remove warrants where extradition would result in injustice.
- EAWs often used for minor crimes
- Kaleidoscope of different judicial, legal systems and procedures apply across Europe
- High level intelligence not always shared
- Questions of data protection, civil liberties
- Institutional reluctance to change system

Successes for Co-operation

- QUESTION – are there any formal or informal networks or programmes which have been an overwhelming success?
- QUESTION – why have they been so successful?
- QUESTION – is it possible to draw conclusions from this?

Other areas for discussion

- QUESTION - Is human trafficking exaggerated - is it really illegal immigration?
- QUESTION - Is other stuff being underestimated?
- QUESTION - Is the response proportionate to the risk?