

INTERNATIONAL CRIME

SYNDICATE

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CHAPTER I

INTRODUCTION

Modern organized crime is generally understood to have begun in Italy in the late nineteenth century. The secretive Sicilian group La Cosa Nostra, along with other Sicilian mafia, were more powerful than the Italian government in the early twentieth century. In 1924 Benito Mussolini's fascist government rose to power, and Mussolini orchestrated a crackdown on the Italian mafia. Those mafiosi who were not jailed or killed were forced to flee the country. Many came to the United States, where they flourished in the art of bootlegging (stealing) and other criminal activity.¹

Congress and many states maintain laws that severely punish crime committed by criminal enterprises. On the federal level, Congress passed the Organized Crime Control Act in 1970. The declared purpose of the act is to eradicate organized crime by expanding evidence-gathering techniques for law enforcement, specifying more acts as being crimes, authorizing enhanced penalties, and providing for the Forfeiture of property owned by criminal enterprises.

Modern organized criminal enterprises make money by specializing in a variety of crimes, including extortion, blackmail, gambling, loan-sharking, political corruption, and the manufacture and sale of illicit narcotics. Extortion, a time-tested endeavor of organized crime, is the acquisition of property through the use of threats or force. For

¹ Crimes Syndicate, Available at <http://legal-dictionary.thefreedictionary.com/Criminal+syndicate>, visited on 10th April 2014

instance, a criminal enterprise located in a certain neighborhood of a city may visit shopkeepers and demand a specific amount of so-called protection money. If a shopkeeper does not pay the money, the criminal organization may strike at him, his property, or his family.²

The object of organized criminals is to wrest exorbitant profits from society by any possible means and the objective is sought to be achieved by making available illegal goods and services to the consumers, who may need such goods and services and in a number of other ways. Organized crime is thus the product of a self-perpetuating criminal conspiracy involving ruthless exploitation of the social, political, and economic institutions of the society. The phenomenon thrives on muscle power and corruption; fear caused by muscle power and corruption and by the illegal money generated by the organized crime itself.³

Political corruption has diminished as a focus of organized crime. In the first half of the twentieth century, some organized crime groups blackmailed or paid money to politicians in return for favorable legislation and favorable treatment from city hall. This sort of activity has decreased over the years as public scrutiny of political activity has increased. The most recent major venture in organized crime is the manufacture and sale of illicit narcotics. This practice was prefigured in the activities of organized crime from 1919 to 1933.⁴ During this period alcohol was illegal under the Eighteenth Amendment to the U.S. Constitution, and the manufacture and sale of liquor was a favorite activity of

² Available at <http://legal-dictionary.thefreedictionary.com/Criminal+syndicate>, visited on 10th April 2014

³ Prof. S.M. Afzal Quadri, Ahmad Siddique's *Criminology : Problems & Perspectives*, (5th Edi.), pg 433.

⁴ *Supra* 2.

organized crime groups. The manufacture and sale of illegal liquors, or bootlegging, was extremely profitable, and it gave organized crime a foothold in American life. Many organized criminal enterprises subsequently imitated bootlegging by selling other illegal drugs.

Violence often accompanies organized crime. Many crime syndicates use murder, torture, assault, and Terrorism to keep themselves powerful and profitable. The constant threat of violence keeps victims and witnesses silent. Without them, prosecutors find it difficult to press charges against organized criminals.

The modern notion of organized crime in the United States has expanded beyond the prototypical paradigm of family operations. Organized crime in the early 2000s refers to any group of persons in a continuing operation of criminal activity, including street Gangs. To combat the violence and other illegal activity of street gangs, federal and state legislatures have passed laws pertaining specifically to street gangs. Many states provide extra punishment for persons in street gangs who are convicted of certain crimes.⁵

⁵ Available at <http://legal-dictionary.thefreedictionary.com/Criminal+syndicate>, visited on 10th April 2014

CHAPTER II

CRIME SYNDICATES

Organised Crimes :

The core organized crime activity is the supply of illegal goods and services to countless numbers of citizen customers. It employs illegitimate methods-monopolization, terrorism, extortion and tax-evasion to drive out or control lawful ownership and leadership, and to extract illegal profits from the public. Organized crime also corrupts public officials to avert governmental interference and is becoming increasingly sophisticated. In India, in addition to its traditional spheres of activities which included extortion, seeking protection money, contract killing, boot-legging, gambling, prostitution and smuggling, now added is drug trafficking, illicit arms trading, money laundering, transporting illegitimate activities based essentially on its readiness to use brute force and violence. By corrupting public officials and thereby monopolizing or near monopolizing, organized crime aims to secure for itself power. Later, the money and power it begets are used to infiltrate legitimate business and several other related activities.⁶

Meaning of organized crime

Organised crime is defined as “those involved, normally working with others, in continuing serious criminal activities for substantial profit, elsewhere”. Organised

⁶ An article by Jyosna Dighe, Asst. Professor, Gokhale Education Society, published on 25th Sept. 2012, available at <http://www.legalservicesindia.com/article/article/organized-crime-in-india-1290-1.html>, visited on 10th April 2014.

criminals that work together for the duration of a particular criminal activity or activities are what we call an organised crime group.⁷

Many groups are in practice loose networks of criminals that come together for the duration of a criminal activity, acting in different roles depending on their skills and expertise. Collaboration is reinforced by shared experiences (such as prison), or recommendation from trusted individuals. Others are bonded by family or ethnic ties – some ‘crime families’ are precisely that.

Crime Syndicates :

Meaning : A syndicate is a self-organizing group of individuals, companies, corporations or entities formed to transact some specific business, to pursue or promote a shared interest. In most cases formed groups aim to scale up their profits. Although there are many legal syndicates formed around the world, the usage of the term "the syndicate" in colloquial English often refers to one involved in illegal activities.⁸

The term is also associated with anarchist theory, specifically anarcho-syndicalism, in which it forms an alternative to both the nation state and capitalist corporations.

Defination⁹ :

The Merriam Webster Dictionary defines syndicate “as a group of people or businesses that work together. This may be a council or body or association of people or an association of concerns, officially authorized to undertake a duty or negotiate business

⁷ An article by Jyosna Dighe, Asst. Professor, Gokhale Education Society, published on 25th Sept. 2012, available at <http://www.legalservicesindia.com/article/article/organized-crime-in-india-1290-1.html>, visited on 10th April 2014.

⁸ Organised Crime, Available at http://en.wikipedia.org/wiki/Organized_crime, visited on 10th April 2014.

⁹ Ibid.

with an office or jurisdiction. It may mean an association of racketeers in organized crime. It may refer to a business concern that sells materials for publication (newspaper, radio, TV, internet) in a number of outlets simultaneously, or a group of newspapers under one management.”

In the case of criminal activity, the syndicate is there to promote, and engage in, organized crime, organizations which run common illegal businesses on a larger, also international scale. The subunit of the syndicate is a crime family or clan, organized by blood family, as seen in the Italian Mafia, and with its Italian American Mafia crime families, the Five Families dominating New York City crime, the Gambino crime family, Genovese crime family, Lucchese crime family, Bonanno crime family, Colombo crime family.¹⁰

This is the most significant area of organised crime and consists of the supply of illegal goods and services; smuggling, bootlegging, gambling, prostitution, foreign exchange violations are examples of such crimes.¹¹

Characteristics Of Organised Crimes¹²

1. Continuity: The criminal group operates beyond the life time of individual members and is structured to survive changes in lead ship.
2. Structure: The criminal group is structured as a collection of hierarchically arranged interdependent offices devoted to the Accomplishment of a particular

¹⁰ Organised Crime, Available at http://en.wikipedia.org/wiki/Organized_crime, visited on 10th April 2014.

¹¹ Prof. S.M. Afzal Quadri, Ahmad Siddque’s Criminology : Problems & Perspectives, (5th Edi.), pg 438.

¹² An article by Jyosna Dighe, Asst. Professor, Gokhale Education Society, published on 25th Sept. 2012, available at <http://www.legalservicesindia.com/article/article/organized-crime-in-india-1290-1.html>, visited on 10th April 2014.

- function. It may be highly structured or may be rather fluid. It is, however, distinguishable as the ranks are based on power and authority.
3. Membership: The membership in the core criminal group is restricted and based on common traits such as ethnicity, criminal background or common interests. The potential members are subjected to a lot of scrutiny and required to prove their worth and loyalty to the criminal group. The rules of membership include secrecy, a willingness to commit any act for the group and intent to protect the group. In return for loyalty, the member of a criminal group receives economic benefits, certain prestige, and protection from law enforcement.
 4. Criminality: The criminal group relies on continuing criminal activity to generate income. Thus, continuing criminal conspiracy is inherent in organized crime. Some activities such as supplying illegal goods and services.
 5. Violence: Violence and the threat of violence are an integral part of a criminal group. The violence or threat of it is used against the members of the group to keep them in line as also against the outsiders to protect the economic interests of the group. Members are expected to commit, condone or authorize violent acts.
 6. Power/Profit Goal: The members of the criminal group aim at maximizing the group's profits. The political power is achieved through the corruption of public officials, including legislators and political executive. The criminal group maintains power through its association with the "protectors" who defend the group and its profits.
 7. Protect The Group: Criminal organizations adopt measures to protect the group and to guard against the prevention of their activities. To this end, arrangements

are made with doctors, lawyers, policemen, judges, politicians and govt. officials.¹³

Types Of Organised Crimes:

- a) **Drug Abuse and Drug Trafficking** -It is perhaps the most serious organised crime affecting the country and is truly transnational in character. India is geographically situated between the countries of Golden Triangle and Golden Crescent and is a transit point for narcotic drugs produced in these regions to the West. India also produces a considerable amount of licit opium, part of which also finds place in the illicit market in different forms. Illicit drug trade in India centres around five major substances, namely, heroin, hashish, opium, cannabis and methaqualone. Seizures of cocaine, amphetamine, and LSD are not unknown but are insignificant and rare.¹⁴
- b) **Smuggling** - Smuggling, which consists of clandestine operations leading to unrecorded trade, is another major economic offence. The volume of smuggling depends on the nature of fiscal policies pursued by the Government. The nature of smuggled items and the quantum thereof is also determined by the prevailing fiscal policies. India has a vast coast line of about 7,500 kms and open borders with Nepal and Bhutan and is prone to large scale smuggling of contraband and other consumable items.¹⁵ Though it is not possible to quantify the value of contraband goods smuggled into this country, it is possible to have some idea of

¹³ Prof. S.M. Afzal Quadri, Ahmad Siddique's Criminology : Problems & Perspectives, (5th Edi.), pg 436.

¹⁴ An article by Jyosna Dighe, Asst. Professor, Gokhale Education Society, published on 25th Sept. 2012, available at <http://www.legalservicesindia.com/article/article/organized-crime-in-india-1290-1.html>, visited on 10th April 2014.

¹⁵ Ibid.

the extent of smuggling from the value of contraband seized, even though they may constitute a very small proportion of the actual smuggling.

- c) **Money Laundering & Hawala** - Money laundering means conversion of illegal and ill-gotten money into seemingly legal money so that it can be integrated into the legitimate economy. Proceeds of drug related crimes are an important source of money laundering world over. Besides, tax evasion and violation of exchange regulations play an important role in merging this ill-gotten money with tax evaded income so as to obscure its origin. This aim is generally achieved via the intricate steps of placement, layering and integration so that the money so integrated in the legitimate economy can be freely used by the offenders without any fear of detection. Money laundering poses a serious threat world over, not only to the only to the criminal justice systems of the countries but also to their sovereignty.¹⁶
- d) **Terrorism & Narco-Terrorism** - Terrorism is a serious problem which India is facing. Conceptually, terrorism does not fall in the category of organised crime, as the dominant motive behind terrorism is political and/or ideological and not the acquisition of money-power. The Indian experience, however, shows that the criminals are perpetrating all kinds of crimes, such as killings, rapes, kidnappings, gun-running and drug trafficking, under the umbrella of terrorist organisations.¹⁷
- e) **Contract Killings** - The offence of murder is punishable under section 302 IPC by life imprisonment or death sentence. Conviction rate in murder cases is about

¹⁶ An article by Jyosna Dighe, Asst. Professor, Gokhale Education Society, published on 25th Sept. 2012, available at <http://www.legalservicesindia.com/article/article/organized-crime-in-india-1290-1.html>, visited on 10th April 2014.

¹⁷ Ibid.

38%. The chance of detection in contract killings is quite low. The method adopted in contract killings is by engaging a professional gang for a monetary consideration.¹⁸

- f) Kidnapping for Ransom** - Kidnapping for ransom is a highly organised crime in urban conglomerates. There are several local as well as inter-State gangs involved in it as the financial rewards are immense vis-a-vis the labour and risk involved.¹⁹
- g) Illegal Immigration** - A large number of Indians are working abroad, particularly in the Gulf region. Young people want to move to foreign countries for lucrative jobs. Large scale migration is fostered by the high rate of unemployment in the country and higher wage levels in foreign lands. As it is not easy for the aspirants to obtain valid travel documents and jobs abroad, they fall into the trap of unscrupulous travel agents and employment agencies.²⁰
- h) Prostitution** - Trading in sex and girl-running is a very profitable business in which the underworld plays an important part. Flesh trade has been flourishing in India in various places and in different forms. The underworld is closely connected with brothels and call girl rackets, making plenty of money through this activity. They supply young girls to brothels in different parts of the country, shuttling them to and from the city to minimise the risk of their being rescued. According to a study conducted by the Indian Health Organisation, there are over

¹⁸ An article by Jyosna Dighe, Asst. Professor, Gokhale Education Society, published on 25th Sept. 2012, available at <http://www.legalservicesindia.com/article/article/organized-crime-in-india-1290-1.html>, visited on 10th April 2014.

¹⁹ Ibid.

²⁰ Ibid.

1,000,000 prostitutes in Bombay and an equal number in Calcutta. Delhi and Pune have an estimated 40,000 each.²¹

Legal Position In India On Organized Crime :

Organized crime has always existed in India in some form or another. It has, however, assumed its virulent form in modern times due to several socio-economic and political factors and advances in science and technology. Even though rural India is not immune from it, it is essentially an urban phenomenon²².

Criminal Conspiracy Sec. 120-A of the Indian Penal Code defines criminal conspiracy as:

“When two or more persons agree to do, or cause to be done-

(1) An illegal act, or

(2) An Act which is not illegal by illegal means. Such an agreement is designated as criminal conspiracy.

Provided, that no agreement except an agreement to commit an offence shall amount to a criminal conspiracy unless some act besides the agreement is done by one or more parties to such agreement in pursuance thereof. merely incidental to that object”.

Section 120-B of the India Penal Code provides for punishment for criminal conspiracy.²³

Law on Gangsters²⁴

There is no central legislation to suppress ‘gang activity’ having countrywide applicability. The State of Uttar Pradesh, most populous and politically most powerful in

²¹ An article by Jyosna Dighe, Asst. Professor, Gokhale Education Society, published on 25th Sept. 2012, available at <http://www.legalservicesindia.com/article/article/organized-crime-in-india-1290-1.html>, visited on 10th April 2014.

²² Ibid.

²³ Indian Penal Code 1860 – The Bare Act

²⁴ Supra at 21.

enacted Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act,1986, which is applicable in that State only.

The gang has been defined as a group of persons, who, singly or collectively, indulge in anti-national activities by violence or threat of violence for gaining undue political, economic or physical advantages and includes, offences against the body, boot legging, forcible possession of immovable property, creating communal disturbances, obstructing public servants in the discharge of their duties, kidnapping for ransom, diverting an aircraft or public transport vehicle from its schedule path, etc. A gangster is punishable with minimum imprisonment of two years extendable up to 10 years (sec. 3). This Act has a wide canvass and purports to cover large areas of organized criminal activity.

Other Laws :

There are several other central statutes which deal with specific facets of organized crime. Some of them are:

- The Customs Act,1962;
- The Narcotics Drugs and Psychotropic Substances Act, 1884;
- The Immoral Traffic (Prevention) Act, 1956;
- The Foreign Exchange Regulation Act, 1973
- The Public Gambling Act, 1867 etc.

Besides, the State Government has also legislated on subjects like excise, Prohibition and gambling etc.

CHAPTER III

CRIMES SYNDICATE : THE INTERNATIONAL PERSPECTIVE

International criminal activity has increased in scale and extent in the wake of globalization, becoming a complex worldwide threat. International criminals today engage in a wide range of illegal activities, including drug trafficking, terrorism, alien and contraband smuggling, fraud, extortion, money laundering, bribery, economic espionage, intellectual property theft, and counterfeiting. Many also resort to extreme violence to advance their criminal enterprises.²⁵

International criminals ignore borders, except when seeking safe haven behind them. They move sums of money through the international financial system that are so huge they dwarf the combined economies of many nations. They are often organized in multi-crime businesses, and they have capitalized on growth in international communications and transportation to expand their criminal operations and form potent alliances.

The corrosive activities of international criminals in the post-Cold War era no longer threaten particular countries or regions. They threaten all nations, including our own. International crime is not only a law enforcement problem, it is a formidable and increasing threat to national and international security.²⁶

²⁵A Report by U.S. National Security Strategy, May 1997, available at <http://clinton4.nara.gov/WH/EOP/NSC/html/documents/iccs-frm.html>, visited on 12th April 2014.

²⁶ Ibid.

A. Nature and Extent of the Threat²⁷

Threats to Global Security and Stability

International criminals engage in a wide range of dangerous activities, including acquisition and sale of weapons of mass destruction, transfer of sensitive technology to rogue foreign states, trade in banned or dangerous substances, and trafficking in women and children. These crimes pose a grave threat to the security, stability, values and other interests of the entire world community of which the United States is a leading member.

Over the past decade, international criminal organizations have threatened the values as well as the democratic institutions and social well-being of the U.S. global partners. The international commitment to the rule of law, to human rights, and to democracy is under attack from criminal organizations, most notably drug trafficking organizations, that respect none of these values. Criminal organizations use threats, intimidation and murder against journalists, law enforcement officials, elected officeholders, judges and everyday citizens. Worldwide violence and corruption emanating from serious crimes remain at levels corrosive to democratic institutions and the rule of law. As one leading example, in virtually every society, illegal drugs kill and sicken people, sap productivity, drain economies and undermine governing institutions.

Major international crime syndicates not only pose a serious threat to the security and stability of U.S. allies, but also to their prosperity. International drug cartels derive tens of

²⁷ A Report by U.S. National Security Strategy, May 1997, available at <http://clinton4.nara.gov/WH/EOP/NSC/html/documents/iccs-frm.html>, visited on 12th April 2014.

billions of dollars every year from abusers buying illicit drugs, and these proceeds permeate financial and political systems in parts of Latin America, the Caribbean, Western Africa, and Southwest and Southeast Asia. While most of the world's largest economies enjoy sound financial and economic systems, the enormous profits generated each year from international crime have the potential to undermine less stable systems. Where this occurs, these weaker economies are hampered in fostering economic prosperity, higher standards of living and broader adherence to human rights principles.

Increasingly powerful organized crime groups in Russia, the other Newly Independent States of the former Soviet Union (NIS), and Central and Eastern Europe have infiltrated many key industries. These syndicates have demonstrated a willingness to use violence, corruption and other illicit tactics to maintain and expand their criminal empires.

In some nations in crisis, in transition from authoritarian to democratic rule, or in the midst of a substantial privatization process, criminals are able to thrive to such a degree that they pose a threat to the rule of law and the survivability of democracy. This phenomenon often makes it more difficult for the United States to cooperate with reform-minded foreign governments across a broad range of critical issues, including international crime itself.²⁸

B. The International Crime Control Strategy²⁹

²⁸ A Report by U.S. National Security Strategy, May 1997, available at <http://clinton4.nara.gov/WH/EOP/NSC/html/documents/iccs-frn.html>, visited on 12th April 2014.

²⁹ Ibid.

Purpose:

The International Crime Control Strategy (ICCS) is a plan of action. The ICCS articulates eight broad goals with thirty related objectives as the blueprint for an effective, long term attack on the international crime problem. The Strategy also expresses the nation's strong resolve to combat international crime aggressively and reduce substantially its adverse impacts on the American people.

The Strategy's goals and objectives are dynamic. They will evolve over time as conditions change, new crime trends emerge, and improved anti-crime techniques are developed. However, our firm resolve to attack and make significant inroads against international crime must and will be sustained.³⁰

Relationship to Other Strategies:

The ICCS responds to the high priority accorded international crime in the National Security Strategy and builds on existing crime control strategies, such as the National Drug Control Strategy and the Presidential Directives on international heroin control, counternarcotics operations in the Western Hemisphere, alien smuggling, nuclear materials safety and security, and counterterrorism. The ICCS does not reiterate or supplant existing strategies and directives on topics related to international crime. Rather, this broader Strategy complements these other documents, providing the framework for integrating all facets of the federal response to international crime.

³⁰ A Report by U.S. National Security Strategy, May 1997, available at <http://clinton4.nara.gov/WH/EOP/NSC/html/documents/iccs-frm.html>, visited on 12th April 2014.

C. The International Crime Control Strategy Adopted by the United States of America: Goals and Objectives³¹ –

Goal 1: Extend the First Line of Defense Beyond U.S. Borders

Objective 1: Prevent acts of international crime planned abroad, including terrorist acts, before they occur.

Objective 2: Use all available laws to prosecute select criminal acts committed abroad.

Objective 3: Intensify activities of law enforcement, diplomatic and consular personnel abroad.

Goal 2: Protect U.S. Borders by Attacking Smuggling and Smuggling-Related Crimes

Objective 1: Enhance our land border inspection, detection and monitoring capabilities through a greater resource commitment, further coordination of federal agency efforts, and increased cooperation with the private sector.

Objective 2: Improve the effectiveness of maritime and air smuggling interdiction efforts in the transit zone.

Objective 3: Seek new, stiffer criminal penalties for smuggling activities.

³¹ A Report by U.S. National Security Strategy, May 1997, available at <http://clinton4.nara.gov/WH/EOP/NSC/html/documents/iccs-frn.html>, visited on 12th April 2014.

Objective 4: Target enforcement and prosecutorial resources more effectively against smuggling crimes and organizations.

Goal 3: Deny Safe Haven to International Criminals

Objective 1: Negotiate new international agreements to create a seamless web for the prompt location, arrest and extradition of international fugitives.

Objective 2: Implement strengthened immigration laws that prevent international criminals from entering the United States and that provide for their prompt expulsion when appropriate.

Objective 3: Promote increased cooperation with foreign law enforcement authorities to provide rapid, mutual access to witnesses, records and other evidence.

Goal 4: Counter International Financial Crime

Objective 1: Combat money laundering by denying criminals access to financial institutions and by strengthening enforcement efforts to reduce inbound and outbound movement of criminal proceeds.

Objective 2: Seize the assets of international criminals through aggressive use of forfeiture laws.

Objective 3: Enhance bilateral and multilateral cooperation against all financial crime by working with foreign governments to establish or update enforcement tools and implement multilateral anti-money laundering standards.

Objective 4: Target offshore centers of international fraud, counterfeiting, electronic access device schemes and other financial crimes.

Goal 5: Prevent Criminal Exploitation of International Trade

Objective 1: Interdict illegal technology exports through improved detection, increased cooperation with the private sector, and heightened sanctions.

Objective 2: Prevent unfair and predatory trade practices in violation of U.S. criminal law.

Objective 3: Protect intellectual property rights by enhancing foreign and domestic law enforcement efforts to curtail the flow of counterfeit and pirated goods, and by educating consumers.

Objective 4: Counter industrial theft and economic espionage of U.S. trade secrets through increased prosecution of offenders.

Objective 5: Enforce import restrictions on certain harmful substances, dangerous organisms and protected species.

Goal 6: Respond to Emerging International Crime Threats

Objective 1: Disrupt new activities of international organized crime groups.

Objective 2: Enhance intelligence efforts against criminal enterprises to provide timely warning of changes in their organizations and methods.

Objective 3: Reduce trafficking in human beings and crimes against children.

Objective 4: Increase enforcement efforts against high tech and computer-related crime.

Objective 5: Continue identifying and countering the vulnerabilities of critical infrastructures and new technologies in telecommunications, financial transactions and other high tech areas.

Goal 7: Foster International Cooperation and the Rule of Law

Objective 1: Establish international standards, goals and objectives to combat international crime by using bilateral, multilateral, regional and global mechanisms, and by actively encouraging compliance.

Objective 2: Improve bilateral cooperation with foreign governments and law enforcement authorities through increased collaboration, training and technical assistance.

Objective 3: Strengthen the rule of law as the foundation for democratic government and free markets in order to reduce societies' vulnerability to criminal exploitation.

Goal 8: Optimize the Full Range of U.S. Efforts

Objective 1: Enhance executive branch policy and operational coordination mechanisms to assess the risks of criminal threats and to integrate strategies, goals and objectives to combat those threats.

Objective 2: Mobilize and incorporate the private sector into U.S. government efforts.

Objective 3: Develop measures of effectiveness to assess progress over time.

Asian Organized Crime³²

Asian organized crime syndicates are behind a number of serious crimes whose impact is felt on a global level. Criminal activities are not limited to Asia itself but are carried out in countries all over the world.

Major activities of these criminal gangs include drug trafficking, human smuggling, money laundering, illegal gambling, extortion and kidnapping.

At INTERPOL, a project known as AOC (Asian Organized Crime) that works to combat these complex and pervasive crime networks is run.

The Project offers a strategic overview of the problem and coordinates operations in the field, bringing together multiple countries in joint action. It also provides a forum in which law enforcement agencies across the entire globe can share intelligence and experience. Two dedicated working groups have been set up to focus action on a regional basis – one for Asia and the Pacific, the other for Europe. There are many aspects of Asian organized crime that pose specific challenges to police – for example, the culture, language and structure of the crime groups. Project AOC provides resources and training to the global law enforcement community to address these issues.

Targeting illegal football gambling

³² Asian Organised Crimes, available at <http://www.interpol.int/Crime-areas/Organized-crime/Asian-Organized-Crime>, visited on 12th April 2014.

Operation Soga is an ongoing tactical operation coordinated by INTERPOL, which aims to identify and dismantle the international criminal networks behind illegal soccer gambling. The operation also has an impact on other crimes such as corruption, money laundering and prostitution as the same networks are connected to all these activities.

As of 2013, four Soga operations have resulted in 2,360 successful raids, the closure of illegal gambling dens which handled illegal bets worth more than USD 2 billion, and the seizure of more than USD 27 million in cash.³³

EXTRADITION

Extradition may be briefly described as the surrender of an alleged or convicted criminal by one State to another. More precisely, extradition may be defined as the process by which one State upon the request of another surrenders to the latter a person found within its jurisdiction for trial and punishment or, if he has been already convicted, only for punishment, on account of a crime punishable by the laws of the requesting State and committed outside the territory of the requested State.³⁴

Extradition plays an important role in the international battle against crime. It owes its existence to the so-called principle of territoriality of criminal law, according to which a State will not apply its penal statutes to acts committed outside its own boundaries except where the protection of special national interests is at stake. In view of the solidarity of

³³ Asian Organised Crimes, available at <http://www.interpol.int/Crime-areas/Organized-crime/Asian-Organized-Crime>, visited on 12th April 2014.

³⁴ Available at <http://cbi.nic.in/interpol/extradition.php>, visited on 29th June 2014

nations in the repression of criminality, however, a State, though refusing to impose direct penal sanctions to offences committed abroad, is usually willing to cooperate otherwise in bringing the perpetrator to justice lest he goes unpunished.³⁵

ICPO-Interpol has been a forerunner in international efforts to improve and accelerate existing procedure of extradition. Apart from attempts by academic bodies such as the Harvard Research Draft Convention on Extradition, the ICPO-Interpol was the first international organization to recommend to member countries a Draft General Agreement for the Extradition of Offenders, which unfortunately has remained a dead letter since it was adopted by the General Assembly of the Organization (then known as the International Criminal Police Commission) in 1948.³⁶

INTERNATIONAL CRIMINAL JURISDICTION

Ever since World War II, the international community has moved increasingly toward the development of a system of international jurisdictions, complementary to that of domestic courts, to try people accused of genocide, war crimes and crimes against humanity. Such system is mainly two-fold: on one hand it relies on the establishment of *ad hoc* and other internationalized tribunals set up after a conflict; on the other, it counts with the newly created International Criminal Court.³⁷

INTERNATIONAL CRIMINAL COURT

³⁵ Available at <http://cbi.nic.in/interpol/extradition.php>, visited on 29th June 2014

³⁶ Ibid.

³⁷ Available at <http://www.icrc.org/eng/war-and-law/international-criminal-jurisdiction>, visited on 29th June 2014

The Statute of the International Criminal Court was adopted in Rome in July 1998, an event welcomed by the ICRC as an important step towards ensuring that war crimes, crimes against humanity and genocide would no longer go unpunished.³⁸

For the ICRC the International Criminal Court (ICC) is a crucial mechanism for the strengthening of the fight to end impunity, and specifically the failure to punish grave breaches of international humanitarian law.³⁹

As stated in the ICC Statute, States retain the primary responsibility in the prosecution of international crimes. Under the Geneva Conventions and Additional Protocol I of 1977, States must prosecute people accused of war crimes before their own national courts or extradite them for trial elsewhere. In that sense, the ICC may only exercise a complementary jurisdiction in respect of international crimes, meaning it may only take up a case when a State is unable or unwilling to prosecute the suspects. It may also initiate proceedings when requested by the UN Security Council, acting under Chapter VII of the UN Charter.⁴⁰

The rule recognizes the essential role confidentiality plays and shall continue to play in all ICRC's operations. The ICRC will continue to have total control over the information it may acquire when working closely with all parties to a conflict. This will enable it to keep in strict confidence all communications or reports it may produce on combatants

³⁸ Available at <http://www.icrc.org/eng/war-and-law/international-criminal-jurisdiction/international-criminal-court/overview-international-criminal-court.htm>, visited on 29th June 2014.

³⁹ Ibid.

⁴⁰ Ibid.

and other weapon-bearers and fulfil its humanitarian mission to limit the suffering caused by armed conflict.⁴¹

⁴¹ Available at <http://www.icrc.org/eng/war-and-law/international-criminal-jurisdiction/international-criminal-court/overview-international-criminal-court.htm>, visited on 29th June 2014.

CHAPTER IV

VOHRA COMMITTEE REPORT

The Vohra Committee appointed by the Government of India submitted its report in 1993 which was tabled in Parliament on 1st August 1995 has established a clear nexus between the crime syndicates operating in the country and police, bureaucracy and politicians. It has recommended setting up on a nodal agency under the Union Home Secretary to monitor these activities for taking stringent action against the criminals and their patrons. The report says that the 'Mafia Elements' with considerable political clout are dangers to the national security and they could also jeopardize seriously the smooth functioning of administration. The criminals are running parallel governments pushing the State apparatus into irrelevance.⁴²

The Director of Intelligence Bureau and Central Bureau of Investigation reported to the Committee regarding a rapid spread and growth of criminal gangs, armed senas, drug mafias, smuggling gangs, drug peddlers and economic lobbies which have developed an extreme network of contacts with the bureaucrats, govt. officials etc. Some of them have links with the foreign intelligence agencies. The gangs in Bihar, Haryana and Uttar Pradesh enjoy the patronage of local functionaries.⁴³

The following suggestions were made by the C.B.I. Director to control the activities of the criminal syndicate⁴⁴:

⁴² Dr. S.S. Srivastava, *Criminology and Criminal Administration*, 3rd Ed., pg 35.

⁴³ Id at pg 36, *The Times of India* (Lucknow Ed.) 2nd Aug 1995, pg 1.

⁴⁴ *Supra* 29 at pg 37.

- a) Identification of offences and award of deterrent punishments, including preventive detention.
- b) Trial procedure should be simplified and hastened.
- c) Surveillance should be carried out through finger printing, photographs, and dossiers.
- d) Monitoring mechanisms should be established at the State and Central levels.
- e) Establishment of special cells in the State CID's and CBI.
- f) Suitable amendments should be introduced in the existing laws to deal more effectively with the activities of mafia organizations etc. this would also include review of the existing laws.
- g) A detailed case study of 10-15 cases would provide useful information regarding the administrative/legal measures which would be required to be taken to effectively tackle the functioning of the mafia organizations. The CBI can do this within a short period.

The Director of Intelligence Bureau has expressed immediate necessity of establishing an institution to effectively deal with the means of mafia network running parallel government pushing the State apparatus into irrelevance.⁴⁵

⁴⁵ Dr. S.S. Srivastava, Criminology and Criminal Administration, 3rd Ed., pg 37.

CHAPTER V

CONCLUSION

Despite stringent punishments, organized crime is difficult to eradicate. It tends to occur in large cities where anonymity is relatively easy to maintain. The size and hereditary makeup of many enterprises make them capable of surviving the arrest and imprisonment of numerous members. Many organized crime participants are careful, efficient, and professional criminals, making them difficult to apprehend.

Another reason organized crime is so durable is that the participants are extremely dedicated. The group looks after its own and there are serious consequences of betrayal. Members of organized crime groups often take an oath of allegiance.⁴⁶

Responses to Organised Crime :

Dealing with the issue of remedies against organized crime, one aspect to be kept in mind is that the problem is to be tackled by methods different from those employed in ordinary crimes. This was aptly put by an Attorney General of the USA thus:

“ Innovative measures are necessary for the effective prosecution of organized crime cases because the traditional law enforcement process is by and large designed for the control of individuals not for control of organizations”.⁴⁷

Two approaches are possible in dealing with the criminal organizations responsible for organized crimes:

⁴⁶ Crimes Syndicate, Available at <http://legal-dictionary.thefreedictionary.com/Criminal+syndicate>, visited on 10th April 2014

⁴⁷ Prof. S.M. Afzal Quadri, Ahmad Siddque's Criminology : Problems & Perspectives, (5th Edi.), pg 441.

1. The Law Enforcement Perspective – According to this approach, organized crime is the creation of certain distinct groups in the society and the task is to deal with them by applying legal sanctions.

What is required therefore is to enact adequate and appropriate laws and their efficient implementation.

2. The Social and Economic Perspective – According to some of the sociologists who studied the problem of organized crime in the USA the phenomenon is not an alien conspiracy but is a part of social functioning or dysfunctioning and market economy.

What is needed for eradication of the malady are effective economic strategies.

Egs. Sound policies regarding production and distribution, reducing spread between profits and costs, breaking up organized crime monopolies by creating legitimate markets legalization.

Besides the Indian Penal Code, which provides the basic provisions relating to conspiracy, attempts, abetment and frauds there are quite a few other enactments designed to deal with organized criminality like The Customs Act, Conservation of Foreign Exchange and Prevention of Smuggling Activities Act(COFEPOSA), Foreign Exchange Management Act etc.

Thus, India has laws scattered in various statutes to deal with various facets of organized crime. The existing laws, however, drastically fall short of the requirements to curb the menace.

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