ESEM
ESCUELA DE SEGURIDAD MULTIDIMENSIONAL-USP

Course on

ILLICIT MARKETS AND ORGANIZED CRIME IN THE AMERICAS

MINISTÉRIO DA
JUSTIÇA E
SEGURANÇA PÚBLICA

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Class

New Threats of Organized Crime

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PMI impact

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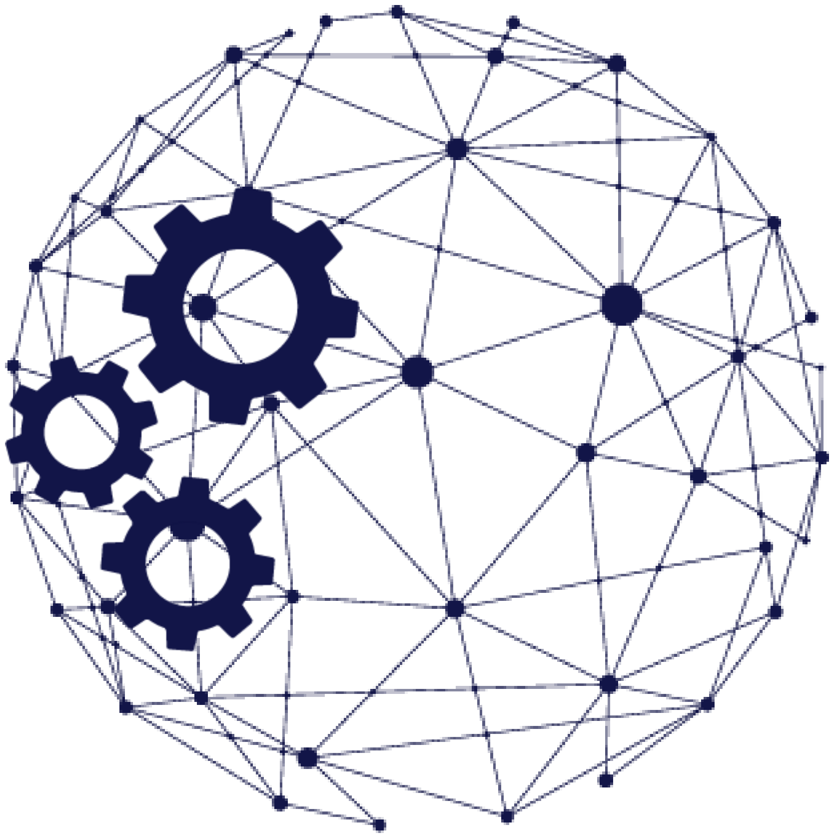
Introduction

This class addresses **the topic of new threats of organized crime and their identification**, covering several aspects from an academic and international perspective.

For this purpose, the course will examine the development of the concept of organized crime, identifying various elements that have been included according to new trends; second, it will look at some of the new spaces in which organized crime is developing; and, finally, it will establish the current challenges faced by States in the context of organized crime.



Concepts

Predatory crimes: those whose objective is to control the territory to establish their activity in a certain area;

Institutions

EUROPOL: the European Union Agency for Law Enforcement Cooperation is the European Union law enforcement agency for deal with criminal intelligence and fight serious organized crime;

INTERPOL: the International Criminal Police Organization, known worldwide by its acronym INTERPOL, is an international organization that facilitates police cooperation and crime control worldwide;

OAS: the Organization of American States is the oldest regional cooperation institution in the world, founded in 1948 to promote common policies in the American continent;

UN: The United Nations is an intergovernmental organization created in 1945 to promote cooperation internationally.

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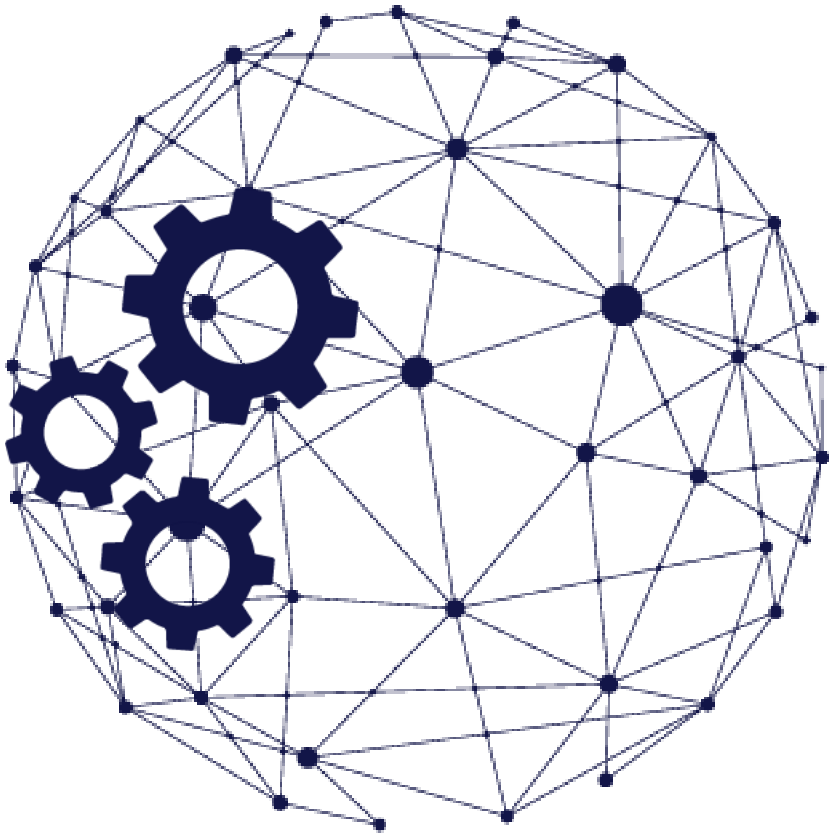
There are many terms used to identify transnational crime, all of which express the organized nature of the groups that comprise it, as well as the international context of their activities.

> "Organized crime becomes transnational when, in addition to be an association of people who share the same interests within the same territory, they decide to do so with criminals from other parts of the world. It is this operability on a global scale, through broad transnational connections, that makes organized crime a kind of transnational crime.." (Andrade, 2019, p. 18).

Organized crime's molding capacity and rapid adaptation to different scenarios made it necessary to identify new threats posed by organized crime in the states of the region.



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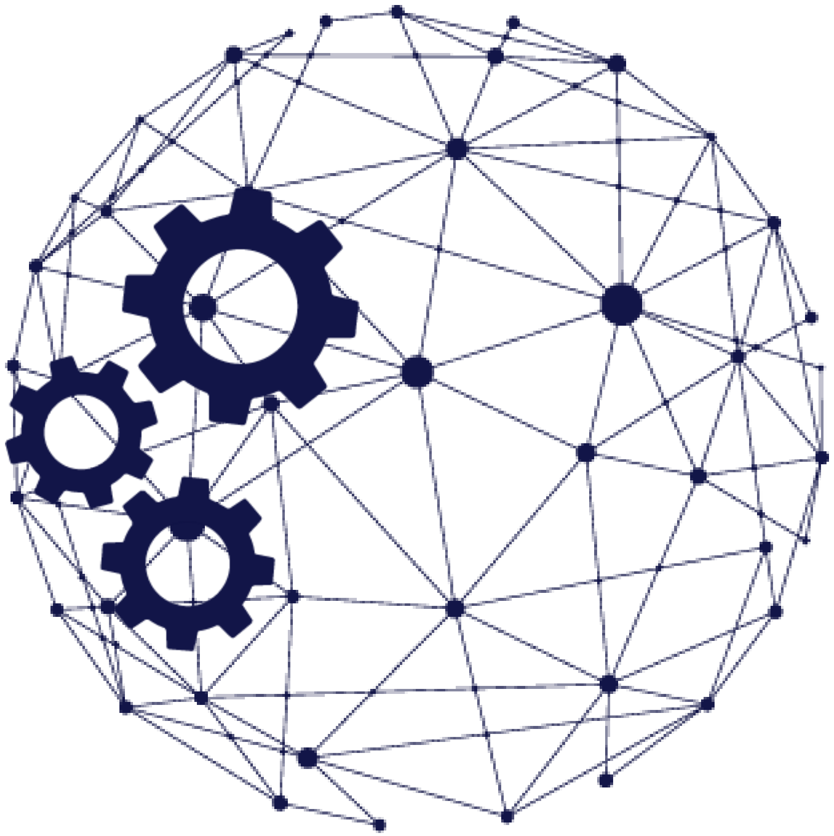
In the context of the conceptual development and elements of transnational organized crime, one of the landmarks of the research on organized crime was the **United Nations Convention against Transnational Organized Crime**, which entered into force on September 29, 2003. This document did not identify a concept for transnational organized crime, but focused on establishing the characteristics of the actors, identified in Article 2 of the Convention.

Broadly speaking, transnational organized crime can be understood as **"any association or group of persons engaged in a continuous illegal activity aiming to obtain profit, regardless of the existence of national borders"** (Working Group on Organized Crime, 1998).



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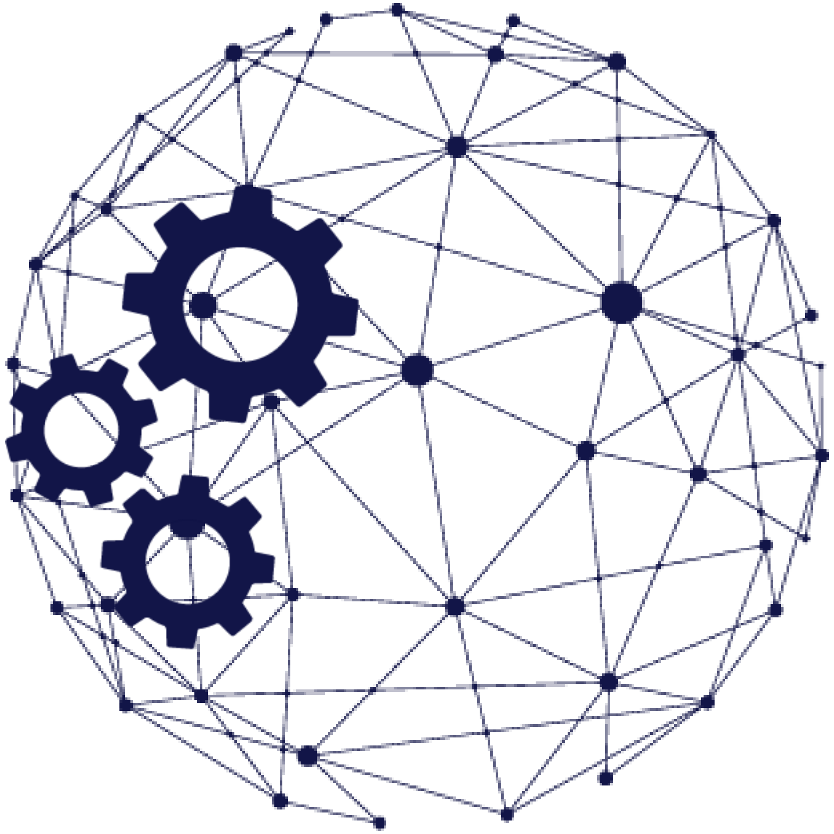
The **UN Office on Drugs and Crime** has played an important role in the fight against organized crime and in 2002 published a document in which it identified that **Organized Crime Groups (GCOs):** are distinguished from other groups by five specific actions :

(1) They are especialized in **commercial crimes** as opposed to predatory crimes;
(2) They have an enduring **hierarchical structure**;
(3) They employ systematic **violence and corruption**;
(4) They get **abnormally high rates of return** relative to other criminal organizations;
(5) And they **extend their activities** to legal economy.



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However, the **Council of the European Union** has issued a list of 11 characteristics for considering whether a crime or a criminal group belongs to the category of organized crime. These characteristics are :

(1) Collaboration between more than two people;

(2) Each of them has specific tasks assigned;

(3) For an extended or indefinite period of time;

(4) Use of some form of discipline or control;

(5) Suspected of having committed serious crimes;

(6) Activities at international level;

(7) Use of violence or other means to intimidate;

(8) Use of commercial or economic structures;

(9) If they are involved in capital blocking;

(10) If they exert influence over politicians, media, public administration, judicial authorities or economic activity;

(11) If they are motivated by the pursuit of profit or power.

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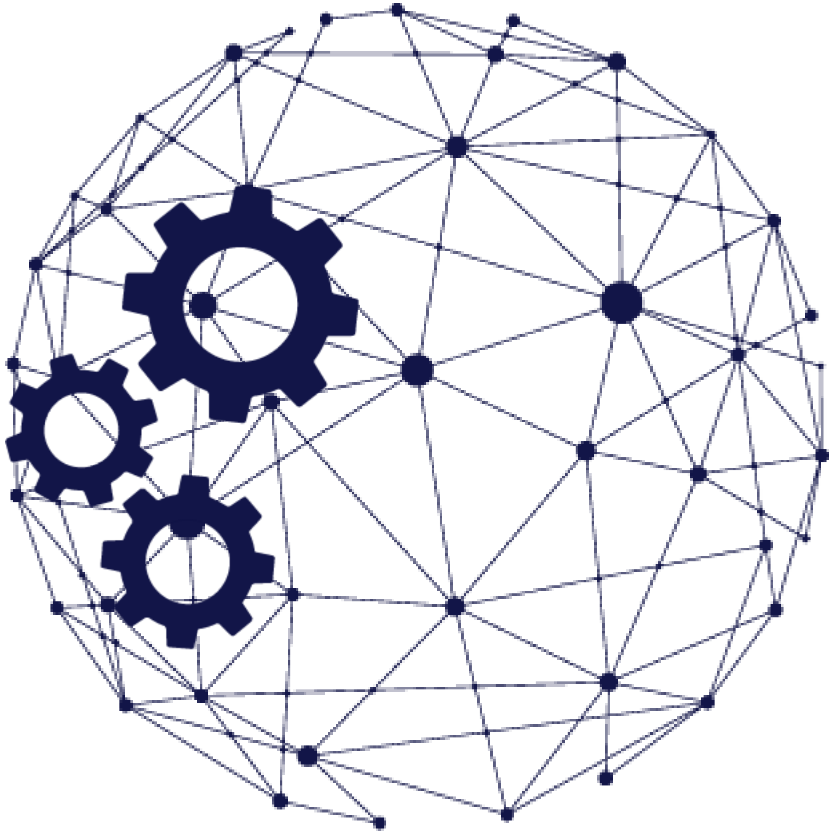
When the United Nations Convention against Transnational Organized Crime and its Protocols were issued in 2000, **some crimes related to transnational organized crime were already considered:** human trafficking; smuggling of migrants by land, sea and air; and trafficking in arms, their parts and components, and ammunition.

On the other hand, in the regional context, the **OAS** Department against Transnational Organized Crime links the crimes of: trafficking in firearms, ammunition, explosives and other related materials; human trafficking; migrant smuggling; smuggling of goods, corruption and asset recovery; illegal mining; cybercrime; management of illicit assets.



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According to INTERPOL, there are **4 areas of crime that currently dominate the global crime threat scenario** :

(1) Organized crime, illegal trafficking, in which drug trafficking, human trafficking and migrant smuggling are highlighted;
(2) Financial crime, especially money laundering, financial fraud and corruption;
(3) Cybercrime, particularly ransomware, phishing, and Internet scams;
(4) And terrorism.

It is important that, at the time of the investigation, an effective traceability mechanism can be established to link or rule out related actions. The two main concerns are **corruption and the technological impact** on transnational organized crime.

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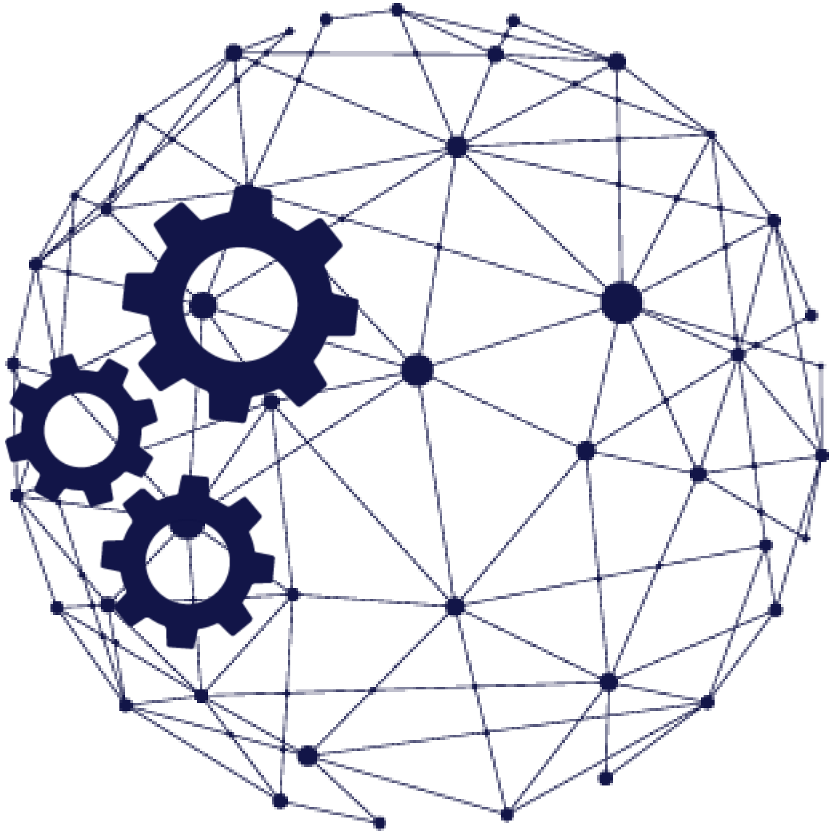
Europol's SOCTA report (2021) identifies that the vast majority of criminal activities performed by criminal networks involve drugs, organized crime against property, several types of fraud and crimes that expose people as commodities. These types of serious and organized crime were identified as particularly threatening, based on their threat, impact and future developments evolution.

The States response is complex, as they must articulate several elements to adequately respond to the specific situation. **One of the main challenges has been the identification of the phenomenon, and this problem, which could be grouped in the field of judicial persecution**, has several areas of development: one at the internal or national level and other at the international level, which includes international organizations.



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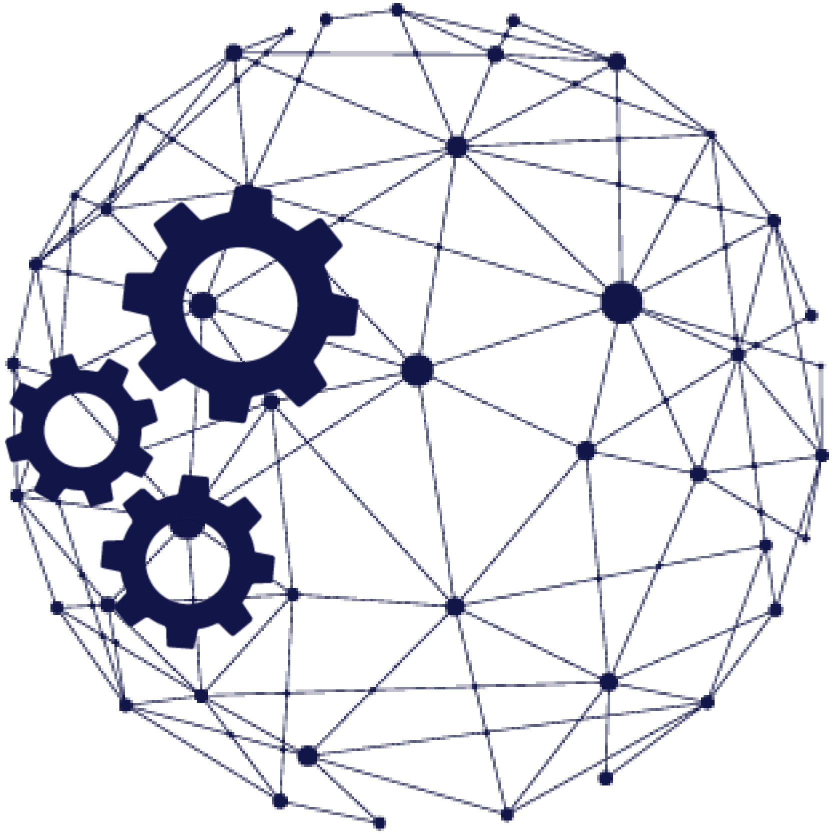
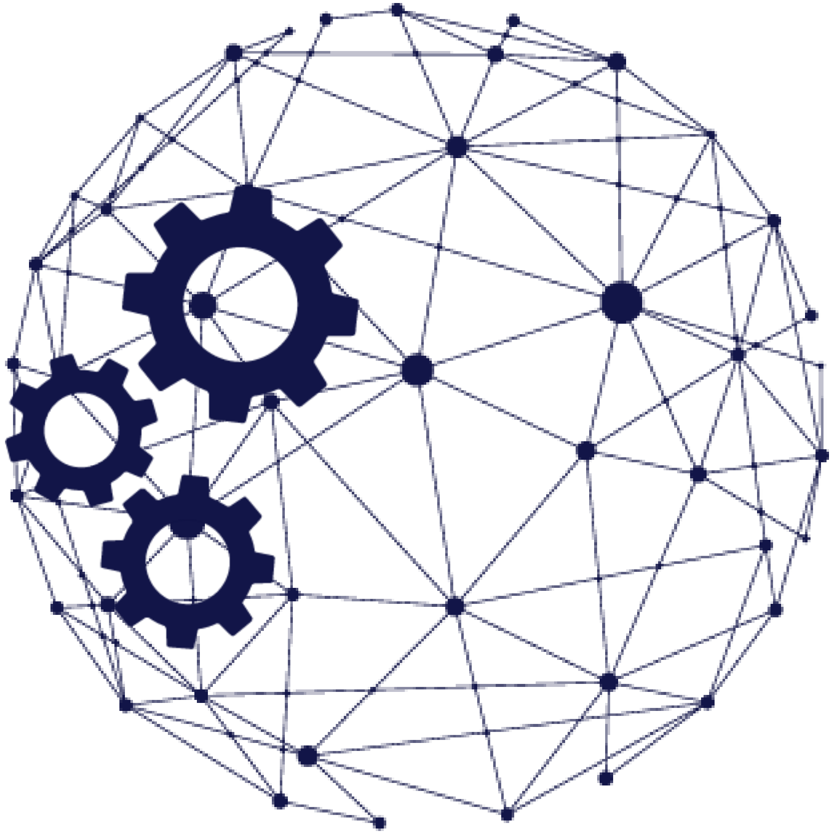
In this context, on the one hand, there are those who identify organized crime as **a form of illegal trade**, typical of countries with high rates of informality at work; and, on the other hand, there are those who interpret organized crime groups as **public sector corruption as an effective method of confronting states with impunity** and thereby undermining the rule of law.

Another element to be considered is the **conceptualization of security**, which on the other hand, there are the analyzes proposed by international organizations, which have pronounced themselves in two specific lines: first, cooperation between States, which has been developing into alliances in the more operational field to be able to carry out criminal actions tracking processes; and second, through the search for a methodology to identify the phenomenon, through the subscription of international norms, in order to standardize.



Summary

- The conceptualization of organized crime according to different perspectives;
- The main international organizations and protocols for identifying transnational organized crime;
- New threats of transnational crime, including terrorism and corruption;
- The challenges faced by States to fight organized crime.



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