

Strengthening Cooperation in the Struggle against Terrorism and Organized Crime

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Terrorism

Introduction

Modern terrorism is a complicated phenomenon, and the act of terrorism is a top of an iceberg. Its organizing requires hard preparatory work: planning an act of terrorism; getting information; taking into consideration various political factors; financial and technical support; professional ideological, and psychological training of the people; intelligence and counter-intelligence; the committed act of terrorism for getting political and financial benefits.

There are various approaches in connection with the interpretation of a concept of terrorism, though the basic one is an explanation given in the UN Convention for the Suppression of the Financing of Terrorism, where terrorism is described as: *Any act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act.* The similar definition is used in the Criminal Code of Georgia (article 323, "Act of Terrorism").

Universal Instruments and Strategy of the United Nations Organization

Since 1963 up to 2005 UN has adopted 13 universal instruments against terrorism. It should be noted, that these documents are directed against those acts of terrorism targeting aircrafts and maritime navigation, at the airports and offshore fixed platforms, against the employees of diplomatic corps and hostages with use of bombs and explosive materials. In this contexts it is noteworthy the Convention for the Suppression of the Financing of Terrorism and the International Convention for the Suppression of Acts of Nuclear Terrorism. In 2006, it was high on agenda to adopt a Comprehensive Convention on International Terrorism.

In its instruments, the United Nations Organization has shaped main components of the strategy to counter terrorism:

1. Dissuading people from resorting to terrorism or supporting it;
2. Denying terrorists the means to carry out an attack;
3. Deterring States from supporting terrorism;
4. Developing State capacity to defeat terrorism, and;
5. Defending human rights in the context of terrorism and counter-terrorism.

FATF's Recommendations

FAFT's (Financial Action Task Force) forty recommendations on money laundering have a big influence on fight against International terrorism. The recommendations envisage: legal and institutional measures, which should be undertaken against the financing of terrorism taking into consideration international cooperation.

FAFT's nine special recommendations proved to be most efficient against the financing of terrorism: ratification and implementation of UN instruments; criminalizing the financing of terrorism and associated money laundering; freezing and confiscating terrorists assets; reporting suspicious transactions related to terrorism; International co-operation; alternate remittance; wire-transfers; non-profit organizations; cash couriers.

EU Actions for Fighting Terrorism

EU adopted FAFT's recommendations on money laundering and terrorism financing for all its member states as legally binding and subject to enforcement, which means more strictness from EU financial organizations during oversight of international financial flows. An amount that exceeds 10 thousand Euros should be declared at the border. Particular attention is paid to the transparency of financial activities of charitable organizations.

The EU's counter-terrorist strategy is including three basic elements: national bodies still play a leading part in fighting terrorism; national bodies should also act outside the state borders; a principle direction of national bodies' activities of the EU member-countries is cooperation with partners in other countries of the World.

After September 11, 2001 EU developed an anti-terrorism action plan, which is adjusted every six months. In January 2004 there has been adopted the European arrest warrant.

However, one important problem stays unsolved up to this date – that is sharing information between EU and other countries.

Fight against the Terrorism Financing on National Level

Formation of counter-terrorism regime on national level should be based on the following main principles: a solid legal base for criminal prosecution for terrorist activities; supervising financial regulation for the purpose of protection of the banking system; forming financial intelligence sub-unit as a link between private and state sectors; carrying out investigations by law-enforcement bodies for the purpose of tracking terrorists' sponsors; judicial and prosecutorial procedures for prosecuting terrorists' sponsors.

These principles should be implemented by a group working against financing of terrorism, which will comprise intelligence, analytical, training and technical support coordination functions.

Following principle directions of the National regime could be suggested against the financing of terrorism:

- Defining priorities against financing of terrorism with the participation of intelligence and law-enforcement bodies;
- Evaluation of the regime of suppression of financing of terrorism;
- Preparation of an official report with evaluation of the weak points of suppression of financing of terrorism and developing recommendations related to the training and technical cooperation;
- Developing a training plan based on these recommendations;
- Adjusting the National Legislation to the European Standards;
- Conducting trainings for the employees of financial organizations for the purpose of the efficient application of the law: financial regulation, forming financial intelligence units, intelligence training for the purpose of *money tracking*;
- Coordination of the activities on the National level with other countries and International financial institutions and such organizations as the UN counter-terrorist committee, FAFT and the G8 Counter-Terrorist Action Group (CTAG) and the EU Counter-Terrorism Coordinator.

With formation of such anti-terrorist National regime, Georgia will make a big step towards implementation of the European Neighbourhood Policy Action Plan.

Organized Crime, Trafficking and Illegal Migration

The organized crime, in its modern shape has emerged in Georgia in the first half of the 20th century as an informal tool for controlling the situation in the Soviet prisons and camps. So called mafia bosses intended formation and ruling of strong professional

organized criminal groups through mafia hierarchy, traditions and laws created by them. Mafia bosses were declaring that they were not cooperating with the State authorities, they refused to work, did not participate in any businesses, they were not abusing drugs, did not have a family or a passport and in general, information on them should have been unavailable to the law-enforcement bodies, however, on the other hand, those criminals were always subjected to the will of prisons administration, helping them to suppress political prisoners.

Along with the growth of ravaging corruption in the Soviet Union, the so called *thieves-in-law* also have undergone transformation and adapted to the new conditions – starting from 1970-80's the criminal world became more and more actively engaged in the shadowy economy and eventually has evolved into a mafia type criminal organization, however, beyond the Soviet "Iron Curtain" it stayed isolated from the global organized criminal networks. It was the first time when professional criminals and corrupted communist bosses have blended into criminal-political clans. The unsuccessful fight against so called negative events, which started in Georgia in 1972, is a good evidence of the above.

In 1990's after collapse of the Soviet Union the *thieves-in-law* got more influence and found its role in the Georgian society. *Thief-in-law* Jaba Ioseliani and his criminal formation *Mkhedrioni* played an important role in political coup of 1991/92 against Z. Gamsakhurdia. Initial accumulation of many present business capitals happened right as a result of criminal activities. In early 1990's Georgia was ruled by an alliance of the thieves-in-law and the communist party bosses lead by J. Ioseliani and E. Shevardnadze. This period is also characterized by new changes in the criminal world. Internationalization of the Georgian organized crime was taking place, which has been primarily affected by two factors: due to the collapse of the Soviet Union armed civil and separatist conflicts have significantly lowered the population's living standards, and brought the economy down to almost zero level; meanwhile new opportunities for criminal activities have opened in other countries, in particular, Russia and the European Union. In 1990's Georgian strong organized criminal groups have appeared in the Western Europe. Some of their activities are already known to the Georgian and Western European public; however this is only a small part of the whole information.

After bloodless political takeover in November of 2003, the new authorities started a strong attack on the criminal world. Some of the *thieves-in-law* have been imprisoned and others fled from Georgia. In 2006 over 30 *thieves-in-law* went to jail, however, a bigger part of them continues their activities abroad, primarily in the Western Europe.

In 2005 Belgian, Austrian, Spanish and other countries' law-enforcement structures arrested several Georgian large organized criminal groups. The sphere of their activities mainly covered: transportation of expensive stolen cars to Georgia and other countries; traffic in drugs, namely, "Subutex" smuggled from Europe to Georgia; participation in the drugs trafficking networks in the Western Europe, trading stolen gold and diamonds; human trafficking, money laundering and other felonies including murders.

Aggravation of the situation, placed on the agenda direct and close cooperation between the Western European and Georgian law-enforcement structures. However, inflexibility and slow decision-making procedures of the national structures were hindering the process. For example, it took over a month for the Ministry of Internal Affairs of Georgia to start a direct cooperation between Belgian and Georgian police units. Criminal world is transnational. In Georgian criminal groups there are active members with a different national background. The law-enforcement agencies should oppose this by their transnational effort, which does not happen on the National level due to the bureaucratic barriers. the European Neighbourhood Policy Action Plan should be directed towards overcoming this serious drawback.

Human trafficking from Georgia is goes in various directions: illegal transportation and using them as a cheap labor force in Greece; most frequent is taking women to Turkey fraudulently, mostly, to Trabzon for the sexual exploitation. Besides, Georgia is a transit

country for illegal migration – from China, Afghanistan, India and other countries. This flow has reduced lately due to the more order on the borders and a successful fight against the corruption. Forgery of Georgian passports became more difficult for illegal migrants. However, the solution of the Georgian citizens' illegal migration problem significantly depends on the successful economic development of Georgia and signing relevant agreements with the EU countries.

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