

Open borders and new technologies have turned Europe into a land of opportunity for criminal gangs. **Hugo Brady** asks whether the EU is up to the challenge

# ORGANISED CRIME AND PUNISHMENT?

'Violent ethnic gangs in several EU member states account for much of the illegal drugs and human trafficking'

## Cross-border crime is on the rise across Europe.

Europol, the European Union's police unit, has warned governments of a clear and present threat from transnational gangs trafficking in arms, drugs and people; as well as counterfeiting of the euro and money laundering. These gangs are exploiting the lowering of national barriers to EU trade and travel to commit crimes, increase their illegitimate profits and escape punishment.

Mass production of synthetic drugs in Poland, Belgium, the Netherlands and the Baltics has made the EU the world's largest exporter of illegal amphetamines and the 'ecstasy' drug. Counterfeiting of the euro is also increasing. In 2004, nearly a million counterfeit euro banknotes were seized, worth over €45 million, a rise of nearly 30 percent on the previous year. New technologies and business developments have vastly expanded crime opportunities. Widespread availability of internet access, mobile phones and budget air travel allows criminals to commit old crimes in new ways and in relative anonymity.

The most serious threats can be traced to four main types of gang. First, there are the big, home-grown gangs: mafia-style groups like the Italian *Ndrangheta* that

have developed extensive transnational contacts. Similar crime syndicates in the Netherlands, Britain and Belgium have also 'gone global', regularly working with gangs from other countries.

Second: Albanian, Chinese, Turkish, Moroccan and Russian-speaking immigrants have formed violent ethnic gangs in several EU member states. These gangs account for much of the illegal drugs and human trafficking in the host country while maintaining strong links to their home countries. Albanian gangs are particularly widespread, fanning out across the EU since the 1990s. These gangs are renowned for their excessive use of violence to maintain obedience amongst members, control their victims and intimidate police and judges.

The third type of group could be more accurately called (dis)organised crime: networks of perpetrators with no fixed organisation, hierarchy or location. These groups may only come together on a crime-by-crime basis, some never even meeting in person. Nigerian organised crime tends to follow this pattern with, for example, so-called '419 scams': spam emails inviting the gullible to commit huge sums of money to specious investments. Amazingly, such scams can rake in millions. Such groups defy conventional investigation techniques and have to be

attacked indirectly by intercepting their communications and finances.

Last are illegal motorcycle gangs. These are a global phenomenon with strictly organised chapters located worldwide. In Europe, three groups are dominant: the Hells Angels, Bandidos and Outlaws. These gangs combine strict organisation with a large international presence and are involved in crimes ranging from traditional drug smuggling or vehicle crime to human trafficking and contract killings. They are spreading throughout the new member states but are particularly active in the Nordic countries, Germany and Belgium.

The main gang activity is drug trafficking. Illegal substances enter the EU through several principal routes, each dominated by different gangs. Moroccan, Nigerian and Colombian gangs smuggle cocaine and cannabis through Spain, Portugal, France and Italy for distribution throughout the

Prosecuting this type of crime is made more difficult as a firm's employees may be unaware that their company is engaged in illegal activities at all. Or they may simply feign ignorance to the police.

Germany is under particular threat. Its centrality, historical links with the Balkans, and sheer size mean almost every kind of organised crime group has a presence there. The German underworld is a melting pot of Turkish, Balkan, Polish, Ukrainian and Baltic crime, alongside the Italian mafia, Nigerian groups and motorcycle gangs. In 2004 alone their combined operations amassed €1.34 billion. The German authorities feared a major crime spree during the 2006 World Cup, particularly a bonanza in sex trafficking from the east.

Governments and their police forces know they must work together if they are to dismantle such sophisticated networks. The gang structures are increasingly

enforcement authorities are usually reluctant to share out such precious information, especially with several partners whom they may never have met in person. As a result, transnational criminal patterns can go undiscovered. Police forces may even work at cross purposes, unaware that they are investigating the same criminal with operations in both their jurisdictions.

Second, governments organise their law enforcement services differently and some police forces are independent while others take their lead from national prosecutors. Denmark, Finland and Ireland have national police forces, centralised under a clearly designated 'chief'. But the UK and Spain have decentralised police forces – in the UK, for example, there are over 50 separate police forces. This means the smaller regional forces may not be able to answer requests for information or cooperation from counterparts in other countries. Also, police answerable to prosecutors tend to be reactive, chasing wrong-doers rather than preventing crimes from happening.

Third, differences between national legal traditions can prevent EU member states from working together effectively to tackle crime. There are 27 legal systems in the EU (Scotland and Northern Ireland have distinct systems), each one with its own rules for starting investigations and gathering evidence. International conventions governing cooperation between these systems tend to be too complex and inflexible to provide a basis for fighting modern crime, especially in the EU where criminals can move from one country to another unimpeded.

Crime and policing have been increasingly discussed by the EU since the entry into force of the Amsterdam Treaty in 1999 and the proper establishment of Europol – which handles criminal intelligence and supports investigations in EU countries when they have a cross-border element.

Europol is divided into two main sections: one consists of seconded officers from the 25 member states, while the other is its central analysis unit which combines information from countries to create an EU-wide picture of organised crime activity. Though Europol officers cannot make arrests or initiate investigations, they can assist during investigations including

'There are 27 legal systems in the EU, each one with its own rules for starting investigations and gathering evidence'

rest of the EU. Similarly, most heroin in Europe is handled by Turkish and Albanian gangs who organise distribution from Afghanistan via the Balkans. Routes through the Nordic and Baltic region are dominated by Russian-speaking gangs while the Atlantic area is in the grip of the Dutch, British and Belgians.

With criminals constantly trying to tap into new crime markets, these well-established routes have also become corridors for illegal immigration, alcohol and tobacco smuggling and sex trafficking.

Criminal masterminds are facilitating their activities and protecting their ill-gotten gains by penetrating into respectable society: the mainstream economy and, in some cases, politics. For example, legitimate shipping agencies and haulage companies have been acquired by gangs seeking to transport drugs and illegal commodities around the EU with greater ease. Likewise, real estate agents, casinos and currency exchange offices are often used as fronts to launder dirty money.

diffuse, carrying out operations in one country while shielding their leadership and assets abroad (normally where strict banking secrecy rules prevail). Gang leaders prefer to carry out their lucrative activities remotely. The police may apprehend lower level functionaries but they are expendable. The kingpins soon recruit more.

European governments have been officially working together against organised crime since Interpol (the International Criminal Police Organisation) was founded in 1923. But they have been unable to match the degree of international cooperation achieved by criminals. In the past, this has led to a piece-meal approach. Police have disrupted, but not dismantled, crime networks. Prosecutors have been satisfied with re-addressing individual crimes, not the larger threat to the economy or society as a whole.

This is due to a number of basic difficulties. First, good intelligence and information-sharing is critical for police to understand and neutralise a criminal network. Law



searches and the questioning of suspects. The EU also has a unit of prosecutors, Eurojust. This is a group of 25 senior prosecutors, judges and police officers nominated by the member states. They work together to prevent differences between national laws becoming loopholes which allow offenders to escape justice. Eurojust's caseload is growing rapidly: last year it experienced an increase of 54 percent on 2004.

Despite these developments, member states believe that cooperation is still too reactive, consisting mostly of pursuing criminals after they have committed their crimes. Hence they have decided to make a fresh effort based around 'intelligence-led' or preventive policing.

Governments have ordered Europol to assess annually the organised-crime threat drawing on the shared intelligence of their police forces to decide which gangs

need tackling most urgently. Police chiefs will now use its findings to hammer out plans for major joint operations against established crime networks.

Countries have also promised to reform information-sharing between their law enforcement authorities by adhering to a 'principle of availability' by 2008. Police forces will no longer have to plaintively request information from each other, since access will now be assumed.

Meanwhile, governments continue an ongoing effort to align national criminal laws and procedures more closely throughout the EU. They sped up extradition by agreeing the European arrest warrant in 2001 and have just agreed a similar shake-up of procedures for sharing evidence. Police officers are also being encouraged to make more use of joint investigation teams. This new legal tool for police cooperation allows

multi-national police teams to work as a unit on the same investigations.

Major challenges remain. Governments have promised much but many seriously doubt they will be able to deliver. The EU decision-making structure for aligning criminal laws and discussing policing is not fit for purpose and badly needs reform. Europol, though useful, requires a legal overhaul to allow it more freedom and flexibility. Freeing up information-sharing by 2008 is a Herculean undertaking with many serious hurdles to be overcome. And police officers privately worry that some new initiatives are more politically motivated than tailored to meet their needs when cooperating in the field.

However, if decision-making can be improved and the new initiatives made to work, they will help hugely to put Europe's crime bosses behind bars and throw down the gauntlet to organised crime.