

Ways towards Justice

CHALLENGES FACING THE FIGHT AGAINST ORGANIZED CRIME

TRAFFICKING IN HUMAN BEINGS

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The main hearing against one criminal group is in progress, and an ongoing investigation includes 19 defendants, divided in several criminal groups. After the hearings, 26 persons, victims of human trafficking, were returned to their countries of origin

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Our criminal legislation, especially in the field of organized crime, was significantly amended in the recent years. It was considerably harmonized with the UN Convention Against Transnational Organized Crime and its additional protocols, the conventions of the Council of Europe (on rendering legal assistance in criminal issues etc.) and other international documents.

The changes created the basis for the establishment of bodies specialized in the fight against organized crime: Special Department of the District Court in Belgrade and Special Prosecutor's Office, and the previously formed Department for Fight Against Organized Crime (UBPOK) of the Ministry of Internal Affairs of Serbia.

Within a short period, in a little over two years since these bodies were established, several organized criminal groups charged for various criminal acts were discovered and prosecuted. Charges were filed against 288 persons. First instance verdicts were delivered for 117 persons. At present, the procedures are conducted in the main hearing phase against 171 persons, while investigation is conducted against 68 persons.

Special attention was paid to transnational organized crime. From the point of economy, our country is in transition, from the point of geography it is also a transit country. Therefore, it is also a transit country for international organized crime, although this does not apply to its entire territory. This is especially evident in case of criminal acts involving human trafficking. Namely, in regard to victims of human trafficking, countries can be countries of origin, transit and destination, so our country is mostly the transit country.

Only during this year, owing to the exceptional engagement and cooperation of investigation judges of the Special Department, the Special Prosecutor's Office and UBPOK, large "channels" of trafficking in human beings were discovered. The countries of origin are countries of the Far and Middle East (China, India, Sri Lanka), then Ukraine, Moldova etc. The routes differ: the maritime route, that can last even 30 days, to Albania and then over the Autonomous Province of Kosovo and Metohija and our territory towards countries of Western Europe as target countries; the second "channel" is to Romania and then over our territory; and the third one goes from Ukraine to Belgrade and further towards Western Europe. In relation to this, one main hearing is in progress against one criminal group, and investigation is conducted against 19 defendants, divided in several criminal groups. After the hearings, 26 persons, the victims of human trafficking, have been returned to their countries of origin.

According to available data, victims live in their countries under difficult financial conditions, with average monthly family income reaching US\$ 100. For the trip to the "promised land" they handed over to the trafficking organizers the amounts of US\$ 10-15,000 each. They collected money from relatives, with an obligation to return it within a predetermined period. Organizers and members of criminal groups divided the money according to their unwritten rules and strong verbal agreements. One of the complex issues is the possibility to indemnify the victims of trafficking and the way in which to do it.

Within a short period, in little over two years since these bodies were established, several organized criminal groups charged for various criminal acts were discovered and processed. Charges were filed against 288 persons. First instance verdicts were delivered for 117 persons. Ongoing procedures include main hearings against 171 individuals, and investigation against 68 individuals.

On the other hand, the structure of the organizers and the members of criminal groups, as well as the manner in which they get to know each other, vary. Some of the organizers were previously engaged in legal businesses in transit and destination countries. Thus they collected information on possibilities for illegal crossing of state borders and other data, and they also met individuals who would participate in

the human trafficking chain with whom they exchanged phone numbers for future communication. These are only some of the interesting remarks in relation to injured parties and defendants.

As previously stated, criminal groups were discovered thanks to the engagement and cooperation of the authorized bodies, but also owing to new investigation techniques. However, the present experience shows that not all potentials envisaged in the mentioned Convention of the United Nations were used, especially in regard to interstate cooperation. Let us list a few examples.

The Convention envisages the possibility of forming common investigating bodies. This can be done through bilateral or multilateral documents or arrangements. In the absence of acts concluded in that manner, common investigation can be conducted on the basis of agreements. This is extremely important, but up to now it was not implemented. Its significance is proved by the simple fact that members of criminal organizations are persons coming from the countries of origin, transit and destination. Therefore, it is logical and useful to conduct common investigations which would use the same evidence in order to bring members of organized criminal groups to justice. Without such investigations and other ways of cooperation, the fear remains that organizers of criminal groups will not be discovered and punished in their countries, the countries of their origin.

Secondly, in the absence of common investigations, the exchange of information among countries of origin, transit and destination, as well as the exchange of evidence among them, has to be simpler and faster. As it is not a huge problem for transnational organized crime to cross state borders, borders should equally not represent a problem for a more efficient collecting of evidence and criminal proceedings.

Related to this is the third issue, a not less important one, the technical capability of the bodies which are to fight this type of crime. The special department is well equipped, so that it is possible to accelerate the procedures, and it is also possible to organize hearings over the video conference link etc.

Unfortunately, the respective bodies from other countries do not have such equipment.

Financial resources represent another problem, because conducting such procedures is very expensive.

There are additional costs for interpreters, experts, transfer of evidence.

The difficulties that arise in practice can be overcome or minimized by efficient and good interstate cooperation in the fight against this type of criminal activity.