

MECHANISMS OF INTERNATIONAL COOPERATION IN COMBATING ORGANIZED CRIME AND REDUCING ITS ECONOMIC IMPLICATIONS

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Abstract: Organized crime, in the context of globalization, has become a cross-border phenomenon and, as such, its control can not be achieved only at national level but integrated into global, regional and sub regional one. Moreover, the existing tools and future solutions should provide real-time operating as consuming complex cross-border criminal acts menus very quickly, and the coordinators of these networks follow illegal placing of offenses in the legal circuit, as the money laundering, and in this way acquire a growing power, supplying underground economies at state and regional levels.

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1. INTRODUCTION

In many cases cooperation bodies competent in this field is hampered by a number of administrative obstacles, especially legislation, in order to see real-time phenomenon or criminal group, which leads to a gap in prevention and cross-border crime, making it one action reactive and not preventive.

Organized criminal phenomenon is constantly growing, both in quantitative and in the qualitative aspect of existing, concrete crime activity undertaken, namely, modes becoming more elaborate and structural-functional organization stringent and complex. Transnational organized crime is considered one of the major threats to global security membership, having a negative impact on social, economic, political and cultural development of human society.

According to UN estimates, in 2009, for example, the total amount of proceeds from offenses would be about 2100 billion U.S. dollars, equivalent to 3.6% of global GDP recorded in the year 2009. Most of the illegal gains shall be subject to washing and then reintroduced into the economic law. According to the same UN estimates, less than 1% of the proceeds of crime end up being frozen and seized.

In the current economic crisis, which affected the macro-economic systems the whole world, there is historical character recurrent flowering of crime in general and organized type in particular, by exploiting the poor population propensity to commit crimes.

In addition to traditional approaches represented by human trafficking, drugs or weapons, current technology allows organized crime groups to deal with successful inclusion within the scope of cybercrime.

This, due to great financial gains in very short time and with minimal capital investment, gains that can be easily included in the national economy underground and potential reintroduction into the economic, money laundering techniques.

Individuals engaged in conspiratorial acts and organized crime has certain features which may include, but are not limited to:

- At least partially commit violence or other actions that are designed to intimidate, or threaten to commit violent acts;
- Exploiting differences between countries to pursue goals, enriching the organization, increasing its power and / or conceal unlawful acts;
- Trying to gain influence in government structures through corruption in politics and trade, but also through legitimate methods;
- The main goal is economic gain, not only illegal activities but also from investments or business expectations;
- Trying to protect, organizational structure, management of the organization and its members against revealing, sanctions and / or conviction.

All activities of organized crime overlap in terms of the impact they have on the proper course of business life.

On the other hand, each of the presentations organized crime offenses affecting certain areas of macroeconomics. For example, smuggling and human trafficking for labor exploitation affecting the labor market affects fake currency money market and foreign exchange market, macro-financial market crime affecting capital market.

The organized crime mostly know an across borders character, most often consuming it in several states and geographic regions of the world. Therefore, it requires international cooperation through extradition legal institutions, rogatory letters, and performance became final judgments issued by other states, seizure and confiscation of proceeds of crimes committed abroad, and new ways of cooperation between national agencies of different countries. Only the existence of a system of common law rules can help institutions of different countries in effective cooperation in this field. Also international cooperation through international institutions with attributions in the field (Interpol, Europol, Eurojust, etc.).

International legal assistance in criminal matters includes the development and execution of a procedural initiated by judicial organs in various states, achieving mainly through international letters rogatory aimed at middle or final stage of the criminal process where the offenders are identified / trapped and are pending, or have been convicted and Member appeal to the European Convention on conventions or bilateral cooperation in the field.

In the same context, the European Commission proposed new rules for a more effective and extensive confiscation of funds and other assets derived from crime. Thus, Member States will be strengthened capacity to confiscate assets that have been transferred to third parties, will be facilitated confiscation of proceeds of crime even when the accused person to evade criminal prosecution and appropriate facilities will be provided to the competent authorities for temporary freezing measures ordered goods are likely to disappear if the necessary measures are not taken.

As a rule, international judicial cooperation is conducted on the basis of agreements or bilateral or multilateral agreements.

Main modes of international police cooperation are:

a) Exchange of data and information of police, the object first phase of criminal proceedings (pre-trial stage) in order to identify members of the organized networks and means of proof, these activities are being carried in particular through Europol and Interpol;

b) international legal assistance in criminal matters regulated in Romania by Law no. 302/2004, as supplemented and amended by Law no. 222/2008. Legal assistance includes execution of procedural documents, initiated by judicial organs in different countries, achieving especially through international letters rogatory aimed, in particular, the last two phases of the trial (judge or enforcement of judgment), the offenders are identified and caught, or are pending or have been convicted and European countries call on the European Convention or bilateral agreements concluded with other countries regarding international judicial cooperation in criminal.

International judicial cooperation in criminal matters relate to actions to:

- Activities of extradition;
- Surrender of a person under a European Arrest Warrant or international
- Transfer of proceedings in criminal matters;
- The recognition and enforcement of judgments in criminal matters;
- Transfer of Sentenced Persons, letters rogatory;
- Appearance of witnesses, experts and persons investigated and prosecuted;
- Service of process to be drawn up or filed in a criminal trial;
- Criminal record.

2. INTERNATIONAL COOPERATION

Interpol

International Criminal Police Organization (ICPO) is an intergovernmental institution providing mutual assistance between police forces of member countries for the prevention and suppression of ordinary law crime, does not intervene in matters political, military, religious or racial, respects the sovereignty and independence of each country; provides for the exchange of information with international police data, identify criminals track international mandates; coordinate surveillance and catch international criminals, inform specialized units on the theft or loss of foreign identity documents, international drug trafficking, forgery of currency, auto thefts, art, etc.. to take operational measures. Upon request, ICPO requesting information necessary to solve some criminal cases.

Interpol National Central Bureaus are national fulcrum of international police cooperation. Established in each Member State ICPO - INTERPOL National Central Bureaus are composed of national officials always act within the legal framework provided by the law of their country. Their role is to overcome obstacles faced by international cooperation due to the difference between national police structures, language barriers and differences in legal systems of the member countries.

In general, the role of National Central Bureau consists of:

- Centralization of criminal information and documentation directly related to international police cooperation obtained from the country and their transmission and other NCB's General Secretariat;

- Trigger on national territory and acts of police operations requested by other Member States through the National Central Bureaus;

- Receipt of information, checks etc. transmitted by other NCBs and submitting responses to the NCB concerned sites.

In 1988, at the first International Symposium on organized crime, held at the General Secretariat of Interpol Saint-Cloud/France was accepted the following definition of organized crime as "any undertaking or group of persons engaged in illegal activity continues, aimed primarily for profit, regardless of national boundaries "

Liaison officers

Exchange of information of interest operating through the National Focal Point shall be made by the Helpdesk, SECI channels by internal affairs attachés accredited in Romania and other countries Romanian liaison officers accredited in other states.

Countries involved in international cooperation using liaison officers on policy issues to promote, accelerate and intensify international cooperation. They are obliged to follow the authority finality foreign proceedings and communicate the National Focal Point concrete results. Application for assistance line:

- Organized crime: trafficking in human beings, drugs, arms and migration;
- Customs fraud: smuggling, tax evasion, customs and financial counterfeit or pirated goods.

Europol

Europol is the organization in charge of enforcing the law in the European Union, which operates with information about crime. Its objective is to improve cooperation of the competent authorities of the Member States in preventing and combating serious forms of international organized crime and terrorism. Europol's mission is to make a significant contribution to EU action law enforcement against organized crime and terrorism, concentrating its efforts on criminal organizations.

Given that the activities organized crimes do not stop at national borders, Europol has improved how international law enforcement cooperation by negotiating bilateral agreements or strategic intelligence with other countries and international organizations, as follows: Bulgaria, Colombia European Central Bank, European Commission, including the European Anti-Fraud Office (OLAF), Eurojust, the European Monitoring Centre for Drugs and Drug Addiction, Iceland, Interpol, Norway, Switzerland, Turkey, United States, United Nations Office on Drugs and Crime, the World Customs Organization, Romania and Russia.

Europol provides support through:

- facilitate the exchange of information, according to national law, of liaison officers to Europol (OLE). Liaison officers are seconded to Europol by Member States as representatives of national agencies in charge of law enforcement in those countries.
- development of operational analysis to support operations.
- develop strategic reports (e.g. Threat assessment) and analyze criminal activity based on information and data provided by Member States and third parties.
- providing expertise and technical support for investigations and operations within the EU, under the supervision and liability of the Member States concerned. Europol certain amount of promotion forensic analysis and investigation techniques harmonization of Member States.

Eurojust

Eurojust is a European Union body established in 2002 to stimulate and improve the coordination of investigations and prosecutions between competent judicial authorities of the Member States of the European Union when dealing with serious acts of organized crime and border.

In the context of investigations and prosecutions concerning two or more Member States, Eurojust objective is to stimulate and improve coordination between national authorities, taking into account any request from the competent authorities of

the Member States of any information provided by any body competent under provisions adopted under the Treaties (European Judicial Network, Europol and OLAF).

Eurojust increase the effectiveness of national authorities to investigate and prosecute cases of serious forms of organized crime and border, for example. terrorism, human trafficking, drug trafficking, fraud and money laundering, so they bring the perpetrators to justice quickly and effectively.

Eurojust has the power to require national authorities to carry out an investigation or prosecution of specific acts, to recognize that one of them may be able to handle an investigation or to prosecute specific acts to coordinate between competent authorities, constitute a joint investigation team or to provide any information necessary to perform their duties.

Eurojust ensures the exchange of information between competent authorities and give them support in order to achieve optimal coordination and cooperation. Eurojust cooperate with the European Judicial Network, Europol and OLAF too. Eurojust provides logistical support and organize and facilitate coordination meetings between police and judicial authorities of different Member States in order to help them resolve their legal issues and practical problems.

Eurojust is composed of 27 National Members, one from each EU Member State. National members are posted in accordance with their national legal systems and occupy permanent posts Hague. National members are experienced prosecutors and magistrates or police officers of equivalent competence. Some national members are supported by deputies, assistants or seconded national experts.

SECI center

SECI Center (Cooperative Initiative Regional Centre in South East Europe) - to combat cross-border crime, based in Bucharest, brings together representatives of police and customs line, in countries like Albania, Bosnia, Bulgaria, Moldova, Romania, etc. . (13 states) and observer countries, such as Austria, Italy, USA, etc..

Main executive body of the SECI Center is Joint Cooperation Committee and brings together representatives of Member States of the customs administration and the police. JCC meetings attend the World Customs Organization and Interpol (with the status of permanent advisors) and observers (states and international organizations).

Preventing and combating cross-border crime is done by:

- Mutual assistance in conducting criminal investigations and customs;
- Exchange of intelligence;
- Technical assistance and exchange of experience;
- Joint task force (trafficking, drugs, cybercrime, and terrorism);
- Judicial cooperation;
- Accelerate information flow.

Messages sent by SECI Center Line police representatives and customs of the Member States have evidential value, with the agreement of the supplier.

The Center operates seven specialized working groups:

- 1) combating drug trafficking, coordinated by Bulgaria;
- 2) combating trafficking in human beings, coordinated by Romania;
- 3) combating financial fraud and computer-coordinated Macedonia;
- 4) combating trafficking in stolen cars, led by Hungary;
- 5)-smuggling coordinated by Albania and Croatia;
- 6) combating terrorism, coordinated by Turkey;
- 7) container-managed security, coordinated by Greece.

3. CONCLUSIONS

Organized crime is the part of crime privilege not needy, are in desperate poverty, but rather the perpetrators are people rich, powerful, unscrupulous and without prejudice. Rarely motives such facts are to immediately obtain goods and values, because usually those who organize and run major offenses specifically aimed at the conquest of power and position in the community they belong to, because then, under this power and positions to come profits. It is an illicit profit, hateful, which weaken the state, because it continually erodes fundamental institutions.

Nationally, preventing and combating cross-border crime is in accordance with the provisions undertaken by ratifying international conventions to which Romania is part of, and in compliance with international regulations and national legislation in the field.

Increasingly insistent warnings of great experts in the field, with leading politicians and state and starting from the premise that Romania has created a complex socio-economic factors and to stimulate the development of organized crime Criminology is imperative to adopt an open position and objectives of the potential dangers that threaten public order and legality in civil society, general welfare and financial institutions of the state. In this context, it is clear that, by making concerted activities to prevent and combat organized crime, the most important result is blow to the foundation of organizational form of networks of organized crime, reflected in the economic side. Thus, acting on the wealth accumulated by large organized crime networks, is crucial premise of their destructuring, whereas their funds disappear, disappear at the same time and motivation to continue illegal activities.

Funds available to organized crime as a whole are huge. With economic recovery and reintroduction extra circuit in the legal circuit, normal economic life, and the immediate result will be re budgetary and fiscal policy promoted by the government ultimately will benefit the end user - the citizen.

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