



**Organization for Security and Co-operation in Europe  
Strategic Police Matters Unit**

**Lessons-Learned Exercise on  
the OSCE and the Fight against Organized Crime**

Hofburg, Vienna  
19-20 April 2007

**ANNOTATED AGENDA**

**Background**

Pursuant to the adoption in Brussels last year of Ministerial Council Decision 5/06 on organized crime, the Secretary-General of the OSCE created a Task Force on organized crime in January 2007. This Task Force will help to ensure that the responsibilities assigned to the OSCE institutions in this Decision are fulfilled according to the timeline indicated.

The goal of the Task Force is to enhance the professional and expert content of OSCE activities in the field of combating organized crime. It should also help to foster broad understanding within the OSCE and with participating States of the Organization's capacity to offer assistance in this field.

The Task Force will help to build up OSCE capacity in the area of organized crime by:

- Taking into account the breadth of existing definitions of organized crime, and the nature of the phenomenon, to then define the framework within which the OSCE addresses the threat to security posed by organized crime;
- Assessing the OSCE *acquis* with regard to its relevant components on the prevention and/or combating of organized crime, including a focus on the strategic links between elements of criminal justice systems;
- Increasing and improving co-operation between relevant OSCE entities in the field of organized crime;
- Increasing and improving co-operation with other relevant Organizations (UNODC, EUROPOL, INTERPOL, Council of Europe, Stability Pact, ...);
- Programme planning: providing Fund Managers with recommendations to improve the coherence of programmes in the field of organized crime.

The "Lessons-learned exercise on the OSCE and the fight against organized crime" is organized as part of the work of the OSCE Task Force. It will be attended by dedicated specialist staff from the different OSCE structures (OSCE Secretariat, ODIHR and field operations).

The exercise will focus on:

- Emphasizing the cross-dimensional nature of the fight against organized crime and the need for the OSCE to address it as such, in full respect of the OSCE's human rights engagements.

- Identifying tools and methods which have been successfully applied in the assistance provided to participating States in implementing relevant commitments to prevent and combat organized crime, with a particular focus on field activities.
- Identifying further programmatic activities, on the basis of the gathered information and lessons learned, with the potential to contribute to efforts of the participating States' to prevent and combat organized crime effectively and efficiently.

## **Thursday 19 April**

### **Opening session: Welcome and Presentation of the Task Force**

*14:00-14:45*

*Segmentgalerie 1*

**Moderator:** Ian Mitchell, Senior Policy and Planning Adviser, Office of the Secretary-General

**Rapporteur:** Isabelle De Ruyt, Consultant, OSCE Strategic Police Matters Unit

#### **Welcome and introduction on the objectives of the Task Force on organized crime**

Kevin Carty, Senior Police Adviser, OSCE Strategic Police Matters Unit

#### **Presentation of organized crime as a priority under the Belgian Chairmanship**

Arnout Pauwels, First Secretary, Permanent Mission of Belgium to the OSCE

#### **Presentation on organized crime in the OSCE in 2007 and the role of the security committee**

Erling Skjonsberg, Minister Counsellor, Deputy Permanent Representative, Permanent Delegation of Norway to the OSCE

### **Session 1: The need for an integrated approach to the fight against organized crime**

*14:45-16:15*

*Segmentgalerie 1*

**Moderator:** Livio Sarandrea, Senior Coordinator for Judicial and Legal Reform, Rule of Law and Human Rights Department, OSCE Mission to Serbia

**Rapporteur:** Rodolfo Losada, Liaison Officer, Office of the OSCE Secretary-General

#### **Introduction to the advantages of a multidisciplinary approach to the fight against organized crime**

Moderator

The inter-linkages between the various components of the criminal justice system, police, prosecutors, courts, corrections, criminal defense are evident to all, and the importance of ensuring coordination is even more evident when we talk about fighting organized crime. But such common understanding is not always reflected in the planning of criminal justice assistance programs in post-conflict countries.

Having police, judicial and prison experts in one same international assistance mission allows constant coordination of respective assistance programs, sharing of resources and expertise and reduces to the minimum the possibility of sending contradictory or confusing messages to national counterparts.

Examples of concrete programs implemented in the past year by the OSCE Mission in Serbia showed not only the benefits of, but the necessity to have a comprehensive approach. Issues such as witness protection or the introduction of special investigative techniques are equally relevant for prosecutors and for police and had to be dealt with using a common strategy which involved from the outset consultation with both counterparts. Equally, supporting the work of the organized crime prosecutors in halting existing communication between arrested organized crime leaders and their adepts still at large meant also investing in the development of a special detention regime for organized crime members and the reorganization of a dedicated prison pavilion.

### **The role of criminal justice systems in combating organized crime** Office for Democratic Institutions and Human Rights (ODIHR)

Combating organized crime requires a concerted effort and professionalism from all actors in the criminal justice system. Police activities lay the groundwork for dismantling criminal organizations and successfully prosecuting their members, but this work will not be effective if the prosecutors and judges are susceptible to corruption, pressure, or intimidation. Therefore a professional, well-equipped, and reliable criminal justice system is at the heart of the fight against organized crime. In light of this, special effort should be made to build institutional capacity of all actors involved in the administration of justice, including the police, prosecutors, lawyers, judges, and penitentiary officers.

In relation to terrorism and to organized crime more generally, effective prosecutions form a vital tool in bringing perpetrators to justice. Miscarriages of justice not only undermine public faith in the legal system, they also result in effective impunity for perpetrators of serious crimes. Guaranteeing the right to fair trial for suspects and defendants including adequate access to lawyers is a crucial part of ensuring effective prosecutions.

Increasingly investigations and prosecutions for organized crime or terrorism related offences will involve international co-operation in exchange of evidence and extradition. Human rights violations or low standards of human rights protection in some States may undermine their ability to effectively co-operate in the fight against organized crime and terrorism in that these deficiencies may result in unreliable or inadmissible evidence and/or hold up or prevent extradition proceedings.

Witnesses and victims of organized crime or terrorism may be particularly vulnerable to reprisals. To ensure that witnesses can give evidence required to secure prosecutions and to allow access to justice for victims of such crime, States may need to establish specific schemes for witness protection and legal aid for victims.

### **Corruption and the financial aspects of the fight against organized crime**

Killian Strauss, Senior Programme Officer, Office of the Co-ordinator of OSCE Economic and Environmental Affairs (OCEEA)

Based on OSCE Ministerial and PC Decisions, as well as the Strategy Document for the Economic and Environmental Dimension, the OCEEA focuses its activities in the area of good governance and the fight against organized crime on the fight against corruption and money laundering as well as against the financing of terrorism.

Activities in the area of good governance aim at national capacity building and regional co-operation. The OCEEA places a particular focus on promoting international instruments, such as the UN

Convention against Corruption. All activities in the area of good governance take place in close co-operation with partner organizations.

One of the key partners of the OSCE is the United Nations Office on Drugs and Crime (UNODC). Joint activities between the OSCE and UNODC include the national and regional workshops to promote of the UN Convention against Corruption in compliance with the Sofia Ministerial Council Decision Nr. 11 on combating corruption. The OCEEA and UNODC also co-operate closely on combating money laundering and the financing of terrorism by implementing joint activities aimed at institution building and legislative development.

**The intersections between the fight against organized crime and the fight against terrorism**  
Jean-Pierre Berens, Counter Terrorism Officer, Action against Terrorism Unit (ATU)

Terrorism and organized crime are usually identified as distinct phenomena. Through a series of documents, the international community has however been emphasizing for several years an alleged connection between international terrorism and transnational organized crime. Although this 'agreed language' has rarely been questioned, there is no consensus among experts regarding the nature and the extent of the implication of terrorist groups in transnational crime, or the involvement of criminal organizations in terrorist activities. The scope of the co-operation between terrorist groups and criminal organizations has still to be clearly delineated.

The ATU's mandate focuses exclusively on counter-terrorism issues. Hence, the Unit doesn't usually deal with organized crime as such. Instead of exploring the alleged links between organized crime and terrorism, the ATU favors an approach which aims to identify areas where critical capacity-building efforts are likely to address and disrupt both phenomena. The ATU programmes and activities in the fields of international legal co-operation, travel document security and container / supply chain security are expected to affect transnational organized crime as well.

## **Session 2: The OSCE's co-operation with other actors in the fight against organized crime**

*16:30-18:00*

*Segmentgalerie 1*

**Moderator:** Tim del Vecchio, Police Affairs Officer, Strategic Police Matters Unit  
**Rapporteur:** Isabelle De Ruyt, Consultant, Strategic Police Matters Unit

### **Introduction on the OSCE's co-operation with other actors in the fight against organized crime**

Moderator

The importance of co-operation in the fight against transnational organized crime cannot be emphasized enough. Professionals have noted that one of the main impediments to pursuing transnational organized crime cases effectively is the lack of co-operation amongst States. This is often due to the lack of a legal framework to institutionalize this co-operation. Initiatives aiming at encouraging contacts, co-operation and trust among law enforcement agencies and judicial authorities are most needed. Assistance to States to put in place the proper legal framework and to enter into bilateral or regional agreements that would allow for the necessary co-operation to take place in a timely fashion would also contribute significantly to the fight against transnational organized crime.

Many organizations specialize in specific aspects of the fight against organized crime and can assist States in putting in place the proper co-operation framework to facilitate the fight against organized crime. The OSCE has been co-operating with some of these organizations and in particular with the UNODC. For instance, the OSCE has been working with UNODC to encourage States to ratify and to implement the Palermo Convention. The OSCE and the UNODC further co-operated in 2006 towards the creation of a Criminal Justice Assessment Toolkit, which can be used by States, practitioners and representatives of international organizations.

This session will aim at exploring in which ways the OSCE could assist participating States in their efforts to improve their processes internally to allow for better co-operation with other States and organizations in the fight against organized crime.

**Presentation on the UNODC and their relations with the OSCE**

Simonetta Grassi, Crime Prevention and Criminal Justice Officer, Division for Treaty Affairs, United Nations Office on Drugs and Crime (UNODC)

**Presentation on the OSCE Mission in Serbia's co-operation with international and national actors to assist the host State in the fight against organized crime**

Leif Vagle, Organized Crime and Border Policing Programme Manager, OSCE Mission to Serbia

A central OSCE role is the co-ordination of the international community and its assistance to the police reform process. There is a demonstrated need for improved co-ordination of assistance activities, in order to avoid duplication and overlap where possible and feasible.

Bilateral co-operation of the host country with other countries should be encouraged. However, if the country does not have a clear reform strategy and priorities, this could lead to a lack of coordination. It is therefore crucial to encourage and assist the host country in developing these strategies, in order to ensure not only the sustainability and irreversibility of reform processes, but also to ensure a more effective use of both existing resources and international assistance opportunities to fight organized crime.

It is of crucial importance to coordinate the international community's assistance in order to maximize the results of the support given to local authorities to more efficiently combat organized crime. The OSCE Mission to Serbia has, since its creation, been playing this role in Serbia. The OSCE is also trying to set an example for local counterparts by taking a strategic approach to reform and assistance and by responding to local needs and encouraging local ownership of the reform process.

**Friday 20 April**

**Session 3: OSCE experiences with regards to the fight against organized Crime**

*09:00-12:30*

*Rooms 201, 210, 207, 208, 209*

**Moderator:** Jaroslaw Pietrusiewicz, Head of the Operations Unit, OSCE Conflict Prevention Centre

**Rapporteur:** Erik Falkehed, Analyst/Researcher, Operations Unit, OSCE Conflict Prevention Centre

1230-14.00      *Lunch*

## **Session 4: Ensuring the protection of Human Rights in the fight against organized crime**

14:00-15:30

*Segmentgalerie 1*

**Moderator:** Vera Gracheva, Senior Advisor, Office of the Special Representative/ Co-ordinator for Combating Trafficking in Human Beings

**Rapporteur:** Alina Brasoveanu, Anti-trafficking Officer, Office for Democratic Institutions and Human Rights (ODIHR)

### **Presentation on how to ensure that the OSCE's commitments in the field of Human Rights are fully reflected in the OSCE's fight against organized crime**

Moderator

The debate on whether acts of organized crime constitute a violation of human rights or just a crime, and whether violations of human rights can only be committed in principle by a State is on-going. Whatever the arguments and interpretation, it is obvious that there is a strong and direct link between a crime against an individual and subsequent violations of universal, inalienable and indivisible human rights and fundamental freedoms, such as human life and dignity, liberty and security of a person, freedom from torture and other cruel, inhuman or degrading treatment or punishment, non-discrimination, equal protection under the law, highest standard attainable of physical and mental health, just and favourable conditions of work, freedom of movement, etc.

Trafficking in human beings, being a crime against an individual, in a concerted form, leads to all these gross violations. There is no crime without a victim, and the victims of THB, be them men, women or children, enslaved for the purpose of exploitation, have to be at the centre of the attention of the State in the fight against organized crime. What really matters, is not just dismantling criminal networks and ensuring that those guilty are adequately punished, but the full restoration of the victims' rights and their access to justice and remedies for the harm suffered. It is relevant for the crime of THB, and it is equally relevant for other forms of organized crime which entail human rights violations. For example, smuggling of migrants, being a crime against a State, also entails a chain of violations of human rights and has to be addressed in accordance with human rights standards.

Commitments to protect human rights-and fundamental freedoms adopted by the participating States and their universal and regional legal obligations oblige the Organization to pursue and promote a human rights based approach to the fight against organized crime, THB being a part of it. Firstly, it is the States' responsibility to ensure the full enjoyment of human rights and fundamental freedoms on their territories without any discrimination. And secondly, a victim-centered approach provides for much better opportunities for the prosecution of crimes. The protection of victims and witnesses remains crucial for the efficiency of investigations and judicial procedures.

The session will focus on the revision and the implementation of the OSCE human rights commitments in reference to the fight against organized crime, shortcomings and challenges faced by the OSCE structures and institutions, as well as those faced by the participating States. In many instances these challenges are closely interlinked.

**Presentation on the importance and added-value of ensuring the respect of Human Rights  
in the fight against organized crime**  
ODIHR

Trafficking reports continue to indicate large disparities between the numbers of presumed trafficking victims and prosecutions of traffickers. Experience shows that the prosecution of traffickers is still largely dependent on the adequacy of the trafficking victim's testimony. Victims of trafficking however remain reluctant, and in some cases may be increasingly reluctant, to seek criminal justice : criminal justice professionals are seen to be insensitive to issues of gender- based violence; trafficking victims fear reprisals from traffickers and cannot rely on the protection from the State; criminal justice systems are perceived as corrupt and interpretations of trafficking law inconsistent, victims of trafficking risk prosecution or penalties for illegal border crossing, illegal work and prostitution; appropriate social, psychological and financial support during proceedings, or permission to work or continue with education when proceedings may endure years, is not available and concrete remedies in terms of compensation are a rarity. In addition legal representation for victims of trafficking is in short supply, compared to the expert defence frequently secured by traffickers. On the other hand where the rights of trafficking victims are protected in keeping with the recommendations of the national referral mechanism concept (NRM), the trafficking victim becomes a stabilised victim-witness. Experiences in the OSCE region have shown that the rate of successful criminal prosecution of perpetrators rises in countries where comprehensive NRM's have been set up.<sup>1</sup>

**Session 5: The OSCE's added-value in the fight against organized crime**

15:30-16:45

*Segmentgalerie 1*

**Moderator:** Ian Mitchell, Senior Policy and Planning Advisor, Office of the Secretary-General

**Rapporteur:** Isabelle De Ruyt, Consultant, OSCE Strategic Police Matters Unit

**Wrap-up: reviewing aspects of the fight against organized crime which still need assistance and where the OSCE could add value**

Moderator

**1645-1700 Closing session**

- Closing word by the Senior Police Advisor

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<sup>1</sup> See 'National Referral Mechanisms: Joining Efforts to Protect the Rights of Trafficked Persons. A Practical Handbook.' *OSCE/ODIHR*, 2004 at 26.