

## Security Class 03

16th March, 2024 at 1:00 PM

### ORGANIZED CRIME AND ITS LINKAGES WITH TERRORISM (01:07 PM):

- **Crime:**
- *It is generally an act which generally hurts another individual, community, society, or nation, and is prescribed by the law.*
- *Examples - crime against property, personal crimes, crime of passion, victimless crimes, etc.*
- **Organized Crime (OC):**
- Crimes or crime categories might be the same but what differentiates organized crimes from others is the term organized, which flows from the term "organization".
- An organization is a group/association of people that cooperate to accomplish a task.
- There are certain characteristics of an organization.
- For example, objectives, rules, specialization, hierarchy, etc.
- Despite this, organized crimes are defined differently by different organizations.
- For example:
- It is defined as a continued criminal conspiracy with an organized structure driven by greed that drives its success from the use of fear, corruption, or even violence.
- According to the Treaty of Mutual Assistance in Criminal Matters in 1973, organized crime (OC) is defined as an association of individuals for periods of time for profit by both legal and illegal means.
- Regardless of there being no uniformities over the definition of organized crimes, **certain common characteristics** can be derived from various definitions including:
  - i) Non-ideological motives.
  - ii) Continuity of operations over a period of time.
  - iii) Use of strategic/tactical planning.
  - iv) Rules-based behaviour:
    - For example, a general code of secrecy (Omerta).
  - v) Restriction on membership.
  - vi) Use of force or intimidation or both.
  - vii) Organized hierarchy.
- **Types of organized groups** could include :
  - Gangs (an association of tough and hardened criminals who don't hesitate to use violence).
  - Cartels - It is an association of producers to control monopolized and restrict competition related to the sale or price of a product.
  - Syndicate/Consortium - a union of fortunes or persons to undertake an enterprise beyond the resources of one member.

- **The Indian Scenario (01:42 PM):**

- According to the Maharashtra Control of Organised Crime Act (MCOCA), 1999, organized crime means continuing any unlawful activity by an individual singly or jointly either as a member of or on behalf of an organized crime syndicate, by using violence, the threat of violence, intimidation, or any other unlawful means with the objective of gaining a pecuniary benefit or any undue economic advantage for self or any other person or for promoting insurgency.
- According to the **Bharatiya Nyaya Sanhita (BNS)**, Section 111 defines organized crime as "same as MCOCA except for few changes such as specifying the types of unlawful activities such as kidnapping, robbery, vehicle theft, land grabbing, contract killing, cyber crimes, trafficking, human trafficking for prostitution or ransom, and economic offenses and omission of promoting insurgency part.
- Punishment is the same except for the insurgency part.
- If the organized crime results in the death of the person, then the punishment is death/life imprisonment and a fine of 10 lakh or more.
- Otherwise, it is rigorous imprisonment of 5 years to life imprisonment and a fine of 5 lakh or more.
- The BNS adds another category called petty organized crime.

- **Terrorism (01:58 PM):**

- Terrorism generally means an act conducted with the intent of striking terror in the hearts and minds of common people.
- Globally, there are 19 instruments dealing with terrorism but there remains a complete lack of consistency/uniformity over what act constitute terrorism.
- For instance, the European Union (EU) defines terrorism as the unlawful use of violence and intimidation.
- According to US START, a terrorist event constitutes threatening or the actual use of illegal force and violence to attain political, economic, or religious goals through fear, coercion, or intimidation.
- According to the UN, certain activities shall be considered terrorist if they are intended to provoke a sense of terror in the general public, any group of persons, or a particular person for political purposes.

- **Difference between Terrorism and Organized Crime:**

	<b>Terrorism</b>	<b>Organized Crime (OC)</b>
Motivation	Ideological	Non-ideological
Goals	Political power	Economic power
Detection	Broadcast	Secrecy
Confrontation with the State	Direct	No direct confrontation

- **Similarities between Terrorism and Organized Crime (02:26 PM):**

- i) The common enemy is the State.
- ii) They generally tend to recruit from a common pool (i.e. their resource pool is the same).
- iii) None of them shy away from the use of force, intimidation, or even violence.
- iv) Membership is restricted across both of these groups.
- v) There is some sense of hierarchy.

- **Relationship/Linkages between Terrorism and Organized Crime (02:51 PM):**
- Alliance - Transformation - Complete Convergence.
- Theoretically, the relationship between OC and terrorism is three-fold.
- Taken together these **three levels** are called "Crime-Terror Continuum".
- **a) Alliance:**
- The first type of relationship which is an alliance occurs when criminal groups associate with terrorist organizations or vice-versa, to leverage each other's comparative advantage which is the sharing of expert knowledge (bomb making, assembling firearms, money laundering).
- This relationship may be a one-time occurrence or might last longer.
- **b) Transformation:**
- Transformation occurs when either of the two tries to assume each other's tactics/roles for operational motivations.
- For example, criminal groups may engage in political activity to change operational conditions for them or terrorist groups may focus on criminal activities for financial reasons.
- **c) Conversions:**
- Conversions mean transformation and mixing of tactics/motivations to an extent that it becomes practically impossible to differentiate between the terrorist organization aspect or organized crime aspect of the same group.
- **Examples of linkages:**
- **a) Drug trafficking and terrorism:**
- According to the World Drug Report, 2021, one in every 17 people across the world has used a drug at least once.
- There has been a 23% decadal increase.
- Drug trafficking amounts to roughly one-third of the profits of all organized crimes taken together.
- Consequently, terrorist organizations are taking a keen interest in illicit drug trafficking.
- For instance, before 2022, nearly 80% of the world's illicit opium was cultivated in Afghanistan alone.
- Over 40% of terror plots in Europe were partly financed from the proceeds of drug trafficking.
- The Aimjuma network and Al Qaeda is an established links.
- **b) Human Trafficking:**
- Trafficking for sexual exploitation and forced labour are the most common reasons but it can be exploited in other ways also.
- For example, organ trade, begging, pornography, forced marriages, etc.
- Abduction, rape, and sexual slavery have been used by terrorist organizations to subjugate local populations and advance their ideologies.
- For example, the 2014 attack on the Singer district of Iraq by ISIS and the consequent abduction of over 60,000 Yazidi women and children.
- Boko Haram and Al Shabab (Somalia) have been documented for trafficking children into fighter roles to carry out suicide bombings.
- **c) Trade in cultural property:**
- Terrorist organizations are increasingly taking a keen interest in cultural property not only as a source of revenue generation but also as the destruction and removal of cultural property is used to undermine the morale of the local people (cultural cleansing).
- For example, the 2001 attack on Bamiyan statues in Afghanistan.

- d) **Intellectual property theft (03:39 PM):**
- Intellectual property crime constitutes the largest black economy even surpassing the global narcotics trade (3.3% of the world's total trade value).
- Cigarettes are more frequently pirated products.
- In 2016, terrorist organizations in the North Africa region itself were responsible for the contraband tobacco trade valued at 1 billion US dollars annually.
- e) **Exploitation of natural resources:**
- Several terrorist organizations have involved themselves in the illicit trade of natural resources.
- For example, ISIS is involved in oil trafficking, and Al Shabab is involved in illicit charcoal trafficking.

**THE TOPIC FOR THE NEXT CLASS - EXAMPLES OF LINKAGES IN INDIA AND CYBER SECURITY.**