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Special International Law Enforcement Structures (Bodies) that Combat against Crime Exercised by Organized Groups and Criminal Organizations Established on an Ethnic Basis

The article considers the current state of law enforcement agencies combating crimes committed by organized groups and criminal organizations formed on ethnic basis. In today's conditions, the issue of counteracting crimes committed by representatives of certain nationalities or peoples, especially on the basis of the criminal specialty inherent in them, became particularly acute. From the numerous reports by the mass media, printed publications and own observations, we can conclude that the level of crimes committed by ethnic minorities in our country remains stable. Such ethnic groups are formed on the basis of national and clan affinity, adopted traditions and customs, characterized by specialization for certain types of crimes. The emphasis is on what needs to be developed algorithm of actions to combat crimes committed by organized groups and criminal organizations formed on ethnic basis in Ukraine. It is necessary to approve joint departmental order (General Prosecutor of Ukraine, National Police of Ukraine, Security Service of Ukraine etc.), display indicators of organized crime groups that formed on ethnic basis, criminal activity indicator areas and indicators of impact, and factors associated with crime, based on indicators of organized crime groups of Europol. Countering the crimes committed by organized groups and criminal organizations formed on an ethnic basis requires special attention and special approaches, taking into account their national (ethnic) psychological peculiarities, in this connection this research becomes actuality both in theoretical and practical the plan. Separately analyzed the work of all law enforcement agencies and special international law enforcement structures (Interpol, Europol, BKBZ) to counteract crimes committed by organized groups and criminal organizations that are ethnically based.

Keywords: counteraction; law enforcement agencies of Ukraine; organized groups; criminal organizations; ethnic crime; special international law enforcement structures; international experience.

Problem statement. At the present stage Ukraine of its development is in process of significant transformations and it caused by the changing of the economic structure, formed new entities of property and politics, transforming basic values, placing life, changing of the lifestyle, traditions and other. This dynamic leads to the deterioration in other sectors of Ukrainian society connecting with problems of growing the ethnic crime. History shows that ethnic relations form the group of most complex problems that affect the state of crime in the country [1, p. 235].

Ethnic crime is characterized by a high f latency, especially that which is linked to organized crime and that does not actually enable

us to assess the true extent of their criminal activity in Ukraine [2, p. 33], and beyond.

Currently there appeared many issues concerning combating crimes that are committed by members of certain nationalities or ethnic groups based on their inherent criminal specialization. From numerous media reports, publications and our own observations we can conclude that the level of commission of crimes by representatives of ethnic minorities in our country remains high. These ethnic groups are based on ethnic and clan affinity, accepted traditions and customs, which are characterized by specialization for certain types of crimes. This is partly due to connection with criminal elements in the homeland or by the presence of traditional criminal activity in respect of a particular ethnic group, acquisitive crime, extortion, fraud, arms trafficking, drug trafficking, illegal migration and trafficking, etc. [3, p. 161–162].

Combating crimes committed by organized groups and criminal organizations formed on ethnic basis requires special attention and specific approaches, taking into account their national (ethnic) psychological characteristics, therefore this research takes importance both in theoretical and practical plan [4, p. 996].

In this regard, the study of international cooperation on the fight against ethnic organized crime is of particular importance today, namely the cooperation of special international law enforcement structures, one of the main functions of which is to stop the illegal activities of ethnic organized criminal groups.

Theoretical basis of the study constitute scientific works of Ukrainian and foreign scientists who have studied different aspects of the issue of counteraction to ethnic crime. In particular, contribution in the development of this problem was made by the following scientists: I. Anzhyrov, V. Bosenko, H. Hevorhian, H. Zharovska, V. Zvarych, A. Ziukov, O. Leliak, M. Kasianenko, I. Kasaiev, M. Kleimenov, V. Matviichenko, S. Pavlenko, V. Ponomarenkov, E. Rabdanova, V. Remskyi, V. Rubtsov, O. Smyrnova, I. Stikharnia, Yu. Strelkovska, V. Tiunin, O. Foihel, E. Khehai, R. Chevkhodze, O. Shostka, A. Shchukyn, V. Yusupov and others.

The purpose of the article is to analyze the counteraction to ethnic crime in Ukraine and abroad, as well as to develop concrete proposals to optimize the legislative provision of such activities by special international law enforcement agencies in the fight against crimes committed by organized groups and criminal organizations that are ethnically formed.

Subjects of combating crime create a coherent in functional and organizational terms system connected by common goals and management in combating crime. The complexity of this system, on

the one hand, is due to the versatility of tasks to ensure safety, prevention, prevention, cessation, detection and investigation of crimes, and on the other is the distribution of tasks between entities at various levels, due to the hierarchical structure of the system. This system is a complex social organization, as its constituent homogeneous groups form relatively independent organizational formation, functioning on the basis of identical patterns. Each of these units is a subsystem of a larger system and at the same time consists of its subsystems [5].

According to the researchers, since the crime, including organized ethnic crime, generates a complex causal complex resistance it can be effective only if the development of an appropriate system of integrated economic, social, legal and organizational measures aimed at neutralizing, blocking the displacement of this dangerous phenomenon on the basis of implementation of special law enforcement [6]. The core of this activity shall become a radically new law enforcement structure able to respond quickly to the challenges and threats that are now emerging on the part of organized ethnic crime [7, p. 477].

An important place in the national legislation is taken by international treaties and agreements ratified by the Ukrainian parliament and by Ukraine. International documents regulating activities to combat crime in general and by its components in particular, include cooperation agreements between law enforcement agencies of Ukraine and law enforcement agencies worldwide.

Studying international cooperation to combat ethnic organized crime pointed to the existence of special international law enforcement agencies, one of whose functions is to stop the illegal activities of ethnic criminal groups. An example of such worldwide law enforcement organization is International Criminal Police Commission (Interpol). The existence of such structures can be defined as one of organized answers to the world community on the illegal activities of such groups. At the regional level, the most advanced cooperation is in Europe – European Police Office (EUROPOL) and the member countries of the CIS – Bureau to coordinate the fight against organized crime and other dangerous crimes on the territory of CIS countries, and in other geopolitical regions the creation of such organizations remains open. However, despite existing international acts at different levels and the work of international police organizations, the problem of ethnic fight against transnational organized crime remains a worldwide problem [8].

In April 1992, to coordinate the interaction between law enforcement agencies in the fight against crime in the former Soviet Union, the Meeting of Interior Ministers of the Commonwealth of

Independent States was launched. Later it was decided to convert it to the Council of Ministers of the Interior States – state participants of CIS.

The Bureau for the Coordination of fight against organized crime and other dangerous crimes in the states-members of the Commonwealth of Independent States was chosen as a Working Body of a new international organization. It was approved by the decision of the CIS Heads of Government on September 24, 1993 [9]. The Bureau for the Coordination of fight against organized crime and other dangerous crimes includes the following countries: Belarus, Russia, Armenia, Azerbaijan, Kazakhstan, Kyrgyzstan, Moldova, Tajikistan, Turkmenistan and Uzbekistan.

The main task of The Bureau is coordination and efficiency of interaction of the Ministers of Interiors of the CIS member states in the fight against organized crime, terrorism, drug trafficking and other dangerous crimes.

Since 2004 in the structure of the Bureau, the unit to combat drug trafficking and their precursors, which has a regional task force of dislocation in Dushanbe is functioning. Resources of anti-drug unit of the Bureau for the Coordination of fight against organized crime and its regional units are used to solve a strategic problem – overlapping channels of international drug trafficking from Central Asian countries to Russia and other CIS countries, identifying and exposing transnational criminal organizations [9].

Repeatedly in the analytical review «On the results of the fight against organized crime in the states - participants of the CIS», the Bureau notes that the presence in the CIS states – participants of organized crime, which is formed usually by ethnicity, is a major criminogenic factor which complicates operational circumstances not only in a particular region, but in general within the CIS [10, p. 19].

Organized groups among citizens of the CIS members of and other countries, there are specific associations formed a national basis, that consist mainly of persons of one or multiple nationalities. Compared with other criminal groups, national ones have a cohesive character as selfish reasons supported by the traditional hierarchy of national diaspora. This fact ensures the viability of this criminal group, increases resistance to external influence by rival criminal groups. They are mobile in the preparation and commission of crimes, well adapted to the new conditions, using sometimes in their criminal purposes existing national legal structures [10, p. 13]. Simultaneously in order to expand their capabilities and maximum facilitation of criminal activity, they go for temporary alliance with other ethnic criminal groups, which is an alarming trend in the area of protection of constitutional rights and freedoms of the Commonwealth countries [10, p. 14].

Ethnic organized criminal groups are characterized by specialization for certain types of criminal activity. In some cases, this is due to connections with organized crime at home and traditional forms of criminal activity. Europol experts estimate the following distribution on the territory of Europe: traditional Turkish and Albanian organized criminal groups (OCGs) are usually dealing with the import and distribution of drugs, including heroin. Romanian and Bulgarian OCGs traditionally engaged in crimes against property and human trafficking. Chinese OCGs facilitate illegal migration and trafficking for further sexual exploitation. They also benefit from smuggling in Member States of the European Union [11]. Europol periodically prepares reports – «SOCTA» (Serious and Organized Crime Threat Assessment) with regard to ethnic organized crime and crime in particular. Such Reports indicate and carry out operational analysis of measures taken by the Member states; preparation of reports on strategic studies of crime; performance of expertise and technical support as part of investigations and operations within the EU; as well as highlight of information that facilitates investigation harmonization of procedures in the Member States [12].

Currently, Europol coordinates the work of LEAs of all 28 European Union member states. Unlike the national police, Europol does not have investigative authorities. Europol closely collaborates with LEAs in all 28 EU member states and other partner countries and organizations which are not included in the EU, such as Australia, Canada, USA and Norway [13]. What is more, Europol has relationships with countries which are not included in the EU and with organizations that interact with Europol on the basis of cooperation agreements: Albania, Australia, Canada, Colombia, Iceland, Norway, Switzerland, Interpol and law enforcement agencies of the United States: Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Drug Enforcement Administration (DEA), United States Secret Service (USSS), Federal Bureau of Investigation (FBI), Immigration and Customs Enforcement (ICE), and Internal Revenue Service (IRS). This network has protected channels of communication provided by Europol. Besides, Europol has two liaison officers that are sent in Washington (USA) and Interpol Headquarters in Lyon, France [13].

Considerable concern is caused by organized criminal groups (OCG), formed on ethnic basis, because most of them have international connections, usually with organized groups in their homeland. Europol specialists in their Reports concerning the state of organized crime say that the underlying assets and management of ethnically homogeneous criminal groups are located abroad [11]. Moreover, in practice there are even cases when the profits of crime transferred to the state treasury of the country of origin of members

of ethnic OCG [14, p. 55]. A separate problem is the financing of terrorist organizations by ethnic organized crime.

To address the above stated criminal groups and criminal organizations formed on ethnic basis is an important cooperation between justice authorities at national, European (EUROPOL, FRONTEX, OLAF, OSCE, Council of Europe) and international levels (INTERPOL, FATF, UN). Among other things, this collaboration aims to develop the exchange of information, communications and modern methods and means of investigation of criminal offenses committed as part of organized groups and criminal organizations [15, p. 24; 16, p. 177], which are formed on an ethnic basis.

Activation of work of LEAs on the implementation of the «Millenium» shall be stated (initiator is Interpol and member countries of the Eurasian against international crime). The purpose of the project is to prevent the spread of the influence of Eurasian organized crime groups, particularly those operating in the former Soviet Union, in the European countries and countries of the European Union. The project involves 42 countries, including Ukraine.

Draft law of Ukraine «On ratification of the Memorandum of Understanding between Ukraine and the European Police Office to establish a secure network» is also under consideration in the Verkhovna Rada of Ukraine. This Memorandum will allow virtually via a secure communication line to exchange information between Ukraine and member states of the European Union by Europol in real time to combat transnational crime at national and international levels [16, p. 177–178].

The International Police Organization or INTERPOL, is an organization that is engaged in search of a particular object, person, or contributes to the search of the police. Interpol is composed of 190 countries that fund organization of \$59 million through annual contributions. It is the second biggest international intergovernmental organization after the United Nations. The headquarters is located in Lyon, France. In each of the countries included in Interpol, in the structure of the national law enforcement agencies National Central Bureau (NCB) are established, which are the bodies for interaction of national law enforcement NCB of Interpol of other countries and the General Secretariat of Interpol. The main task is to coordinate the efforts of individual countries and conduct a common policy in the fight against common crime. Its work focuses on coordination of international search, as well on combating human trafficking, organized crime, illicit drug production and drug trafficking, crimes in the Economy sphere and computer crimes, fraud, forgery of securities and child pornography [17].

Experts from Interpol, trying to recapture as much as possible the diversity of the phenomenon, distinguish four types of organized crime: communities of family Mafia types with a solid hierarchy, internal rules and the «code of honor»; often multidisciplinary, operating in different areas of legal and illegal business; group operating in one or more fairly narrow spheres of illegal activities and do not have such a solid structure; criminal groups formed for ethnic lines; terrorist organizations that pursue political goals [18, p. 148].

Having considered the special international law enforcement agencies, Interpol, Europol, Bureau for the Coordination of Organized Crime, one of whose functions is the cessation of illegal activities of ethnic criminal groups, proceed to consider the special law enforcement agencies in some countries. In 1982, the Art. 416-bis was submitted in the Criminal Code of Italy which stipulates: «Everyone who participates in the association of mafia type, consisting of three or more persons shall be punished. All those who create, manage or organize the association are punished» [19, p. 95].

To combat organized crime, including corruption, a special interdepartmental body was established in Italy – «Anti-Mafia Investigation Department» (DIA). The main part of DIA staff consists of investigation specialists of the State Police, Carabinieri and Finance Guard involving civilian experts in science, technical and administrative support. The competence of the DIA is crimes of «mafia-type groups». In some other countries the authority to combat corruption assigned to one of the security forces or distributed among several departments [20, p. 45].

Parliament of this country established a special General Council to combat organized crime. Along with the General Council, District Directorates for Combating organized crime and the mafia were established, and separately – State Department to combat the mafia was also established.

In this respect, in 1993, under public pressure, a Law «On mafia-type groups», which set strict liability for joining the mafia-type criminal organization was adopted [20, p.46].

We should stop also on the USA – the country is multinational, so there mafia formed usually on a national, ethnic basis: Italian, Mexican, Cuban, Chinese, Japanese and others. American Ethnicity Mafia makes its transnational nature.

For instance, to counteract ethnic organized crime (gangs, syndicates, mafia) in the USA, usually used special forces of the FBI (FBI SWAT) – are specialized tactical teams with special military weapons, which exist in each of the 56 regional offices of the FBI and used special tactics neutralization of criminals during special operations, which require skills and abilities that go beyond the capabilities of conventional police [21, p. 74].

Conclusions. After analyzing the above, it should be noted that the strict implementation of entities engaged in countering crimes committed by organized groups and criminal organizations formed on ethnic basis, full use of their authority is the key to success in overcoming the negative trends of ethnic crime, as in individual countries and the world at large.

And in conclusion, we conclude that the opposition to organized groups and criminal organizations that are formed on an ethnic basis requires special attention and special approaches, as scientists who develop methodological recommendations and practical workers who use them during detection, termination, prevention and prevention [22, p. 67].

It should be noted that the interaction of all law enforcement agencies and special international law enforcement agencies (Interpol, Europol, BKBOZ) will create some developments to overcome this phenomenon on a global scale for the entities engaged in counteraction to crimes committed by organized groups and criminal organizations formed on ethnic basis – the conditions for international cooperation on countermeasures against ethnic organized crime in general.

We understand that the above considerations are not devoid of comments or require more detailed reflection, and therefore we expect them to be widely discussed among practitioners, scientists and other experts on the issues of consolidating the national strategy for combating ethnic crime.

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Спеціальні міжнародні правоохоронні структури (органи), які здійснюють протидію злочинам, що вчиняють організовані групи та злочинні організації, сформовані на етнічній основі

Розглянуто питання сучасного стану протидії правоохоронними органами злочинам, що вчиняють організовані групи та злочинні організації, сформовані на етнічній основі. В умовах сьогодення гостро постало питання протидії злочинам, що вчиняють представники окремих національностей чи народностей відповідно до притаманної їм кримінальної спеціалізації. На підставі численних повідомлень засобів масової інформації та власних спостережень можна дійти висновку, що кількість учинених злочинів представниками етнічних меншин у нашій державі залишається стабільно значною. Такі етнічні групи формуються на основі національної та кланової спорідненості, традицій і звичаїв, їм властива спеціалізація за окремими видами злочинів. Акцентовано на необхідності розроблення алгоритму дій щодо протидії злочинам, які вчиняють організовані групи та злочинні організації, сформовані на етнічній основі в Україні. Для цього слід прийняти спільний відомчий наказ (Генеральної прокуратури України, Національної поліції України, Служби безпеки України тощо), визначити індикатори організованих злочинних угруповань, що сформовані на етнічній основі, індикатори сфери злочинної діяльності та впливу, а також фактори, пов'язані зі злочинністю, обравши за основу індикатори організованих злочинних угруповань Європолу. Протидія злочинам, що вчиняють організовані групи та злочинні організації, сформовані на етнічній основі, потребує специфічних підходів, що мають урахувувати їхні національні (етнічні) психологічні особливості. Саме тому здійснене дослідження набуває актуальності як у теоретичному, так і в практичному значенні. Розглянуто роботу всіх правоохоронних органів і спеціальних міжнародних правоохоронних структур (Інтерпол, Європол, Бюро з координації боротьби з організованою злочинністю), що забезпечують протидію аналізованого виду злочинів.

Ключові слова: протидія; правоохоронні органи України; організовані групи; злочинні організації; етнічна злочинність; спеціальні міжнародні правоохоронні структури; міжнародний досвід.