

crime&justice

INTERNATIONAL

July/August 2005 • Volume 21 • Number 87

Worldwide News and Trends

An aerial photograph of Moscow, Russia, showing the Kremlin and St. Basil's Cathedral. The image captures the iconic red brick walls of the Kremlin and the colorful, onion-shaped domes of St. Basil's Cathedral. In the background, the modern skyscrapers of the Moscow skyline are visible under a hazy sky. The foreground shows the intricate architectural details of the cathedral's domes, including a prominent red and white striped dome.

**Russia's Special Forces:
Corruption, Crime and Murder**

Over the past fifteen years countless articles have been produced regarding the rise of organized crime in the former Soviet Union, depicting how crime, corruption, contract murders, extortion, and a wide range of other criminal activities have become pervasive.

Less known to the general public is the vast corruption and crime that occurs inside military forces in the former Soviet States and, importantly, the direct link this has in facilitating acts of terror. A glance at current events in Uzbekistan is a sufficient illustration of this.

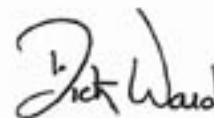
Graham Turbiville, a highly respected defense analyst, has been following issues related to crime in the former Soviet military for many years. Among his numerous publications is his 1995 piece, "Mafia in Uniform: The Criminalization of the Russian Armed Forces," a must-read for anyone interested in this topic.

In this issue of *Crime and Justice International*, Graham brings us up to date on the developments within Russia's Special Forces and how the continuing decline in discipline and resources is fueling the threat of terrorism in the country. With a flurry of terror activity in recent years, including the tragedies at the Dubrovka theatre and the Beslan middle school, there is a great need to understand the context within which events are occurring. Graham gives a fascinating look at the reality of Russia's counter-terrorist efforts today.

In our second article this issue, we go to the Democratic Republic of the Congo where Philip Veerman, the first

Secretary General of Altus Global Alliance, looks at the role of the International Criminal Court (ICC) in the context of development issues and, specifically, criminal justice reform. What role should the ICC play in these issues and how can an organization such as Altus Global Alliance play a part. Altus is a new organization bringing together members from Brazil, Chile, India, Nigeria, Russia and the United States, to explore approaches to criminal justice reform. Awareness of Altus came to us through our friends at the Vera Institute of Justice in New York, one of the founding members of the Alliance. We look forward to presenting you with more news of their work in the future.

Finally, I close this issue's message on a sad note. Paul Clare, professor emeritus of Sociology and Criminal Justice at the State University of New York at Plattsburgh, passed away quite suddenly on May 13. We have provided some details of his long and successful career on page 33. I am pleased to have published his important book, *Racketeering in Northern Ireland: A New Version of the Patriot Game* (1988). More than that, I was blessed to have known him. He was a friend and he will be missed. We at *CJI* extend our condolences to his family.



crime&justice INTERNATIONAL

Crime & Justice International (ISSN 1096-8733) is published monthly (except August) by the Office of International Criminal Justice (OICJ) in cooperation with the Criminal Justice Center at Sam Houston State University. Subscriptions are \$59 for North America and \$89 for International. Address all communications to: Office of International Criminal Justice, PO Box 1819, Huntsville, Texas 77342-1819. Advertising rates on request.

Postmaster: send change of address to Office of International Criminal Justice, PO Box 1819, Huntsville, Texas 77342-1819. Subscribers should allow eight weeks for change of address; all queries concerning subscription problems or other matters; and unsolicited manuscripts should be sent to the address above. (OICJ is not responsible for lost manuscripts or photos.) Back issues are available for \$6 each. *CJI* is printed in the United States. Copyright 2003, OICJ.

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COVER

Crime, corruption, and murder have been the dominant theme in Russia since it emerged from the rubble of the Soviet Union nearly 15 years ago. No part of society has been immune from the trauma of searching for a new identity, including the military. Does Russia stand a chance against terrorism?

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RUSSIA'S SPECIAL FORCES

Corruption, Crime and Murder Undermine Counter-terrorist Efforts

by Graham H. Turbiville, Jr.
Special to CJI

Russian outrage following the September 2004 hostage disaster at North Ossetia's Beslan Middle School No.1 was reflected in many ways throughout the country. The 52-hour debacle resulted in the death of some 344 civilians, including more than 170 children, in addition to unprecedented losses of elite Russian security forces and the dispatch of most of the Chechen/allied hostage-takers themselves. It became quickly clear, as well, that Russian authorities had been less than candid about the number of hostages held and the extent to which they were prepared to deal with the situation. Amid grief, calls for retaliation, and demands for reform, one of the more telling reactions in terms of hardening public perspectives appeared in a national poll taken several days after the event. Some 54% of citizens polled specifically judged the Russian security forces and the police to be corrupt and thus complicit in the failure to deal adequately with terrorism, while 44% thought that no lessons for the future would be learned from the tragedy.¹

This pessimism was the consequence not just of the Beslan terror, but the accumulation of years of often spec-

tacular failures by Russian special operations forces (SOF, in the apt U.S. military acronym). A series of Russian SOF counter-terrorism mishaps, misjudgments, and failures in the 1990s and continuing to the present have made the Kremlin's special operations establishment in 2005 appear

much like Russia's old Mir space station – wired together, unpredictable, and subject to sudden, startling failures.

Russian police corruption, of course, has been an old, continuing story – it has been a fact of life for years and a serious impediment to providing reliable public safety and promoting any public confidence in law enforcement. Russia's well-known problems with its crumbling, troubled military establishment – and the abundant evidence of obsolescence and corruption in so many key areas – had also come to define the Armed Forces despite continuing plans for reform and modernization. Other parts of the national security infrastructure had received public and professional criticism as well.

But Russia continued to maintain and expand a large, variegated special operations establishment which had borne the brunt

of combat actions in Afghanistan, Chechnya, and other trouble spots, and was expected to serve as the nation's principal shield against terrorism in all its forms. Known since Soviet days for tough personnel, personal bravery, demanding training and a certain rough or brutal competence that not infrequently violated international human rights norms, it was supposed that Russian



Graham H. Turbiville, Jr., is a Senior Fellow with the Strategic Studies Department, Joint Special Operations University (JSOU), Hurlburt Field, FL, which sponsored this research as part of a broader project on foreign special operations forces. Dr. Turbiville earlier served 30 years in intelligence community analytical and leadership positions at the Defense Intelligence Agency and the Department of the Army. He is the author of many publications dealing with military and law enforcement issues.

special operations forces – steeped in their world of “threats to the state” and associated with once-dreaded military and national intelligence services – could make valuable contributions to countering terrorism. The now widely-perceived link between “corrupt” special forces on the one hand, and counter-terrorism failures on the other, reflected the further erosion of Russia’s national security infrastructure in the eyes of both Russian citizens and international observers.

There have been other, more ambiguous, but equally unsettling dimensions of Russian SOF activity that have strong internal and external political aspects. These constitute the continuing assertions from Russian media, the judicial system and other Federal agencies and officials that past and current members of the SOF establishment have organized to pursue interests other than those publicly declared by the state or allowed under law. This includes especially the alleged intent to punish by assassination those individuals and groups that they believe have betrayed Russia. The murky nature of these alleged activities has formed a backdrop to other problems in the special units.

The implications of corrupt, ineffective, or “rogue” security forces, of course, extend beyond Russia and the region. The reliability and attitudes of Russia’s elite military, security services, and police special forces – as well as the activities of the influential airborne and special forces veterans’ groups – fundamentally influence the extent to which other nations can view Russia as a reliable partner against terror. In that regard, there is value in briefly reviewing the status of the Russian special forces establishment, and the allegations linking active and retired members to corruption, crime, and “terrorism” itself. A closer look at some of these underlying, less examined circumstances of Russian SOF in 2005 may add some insight and understanding to current and future performance, and some realism to expectations about future cooperation.

Russian SOF Overview

Mid-way into 2005, Russia is focused on evaluating and transforming its special operations forces and associated military and state intelligence capabilities. This is carried out against a backdrop of organizational, tactical and operational failures; a few limited successes; and many growing requirements generated by domestic and international challenges. Proposals range from modest adjustments to extremely controversial ideas like the creation of a new “Forces of Special Designation” command (*Sily Spetsial'nogo Naznacheniya* – SSN) incorporating Russia’s ground, air and naval special operations units as well as the spe-



cial units of the civilian security services under some concepts.² All would be equipped with new arms, transport and other technologies, and be the beneficiary of additional funding.

The special forces establishment that will be the focus of any implemented reforms largely constitutes a legacy force from Soviet days. It is a substantial collection of “elite” units cutting across a number of Russian federal organizations, with some regional and local analogs existing as well. Most were damaged by the initial unit splits accompanying the USSR break-up. Continuing disruption had been imposed by organizational shifts, the alternate shrinking and expansion of units and resources, and inadequate training due to resource constraints. Elements of virtually all Russian SOF – military, security service, and police – have served extensively in Chechnya, associated Caucasus hotspots, and other areas under circumstances that have further degraded their readiness. One consequence – a variety of commentators note – is the creation of organizational cultures of

trained specialists into which non-state agendas and criminal enterprise has made inroads.

While limited Soviet materials began to appear in the late 1980s acknowledging the existence of special operations forces, there is now a huge amount of new information detailing the origins, development, actions and current posture of Russian special operations forces. The numerous publications and available documents in recent years – including a substantial and growing body of Russian-language on-line materials – have expanded the knowledge base and included such innovations as Internet “chat rooms” where special operators exchange views on current issues. While space prohibits detailed discussion or an enumeration of all existing forces, a snapshot of the main units figuring in recent events are set out on p. 6-7 to provide some context and sense of the overall SOF establishment and to

continued on page 8

Russian counter-terrorist units and

Ministry of Defense: The most prominent military counter-terrorist units are found in the General Staff's intelligence arm and within the airborne forces. It is these forces upon which Russian military SOF primarily rest.¹

- **Main Intelligence Directorate (GRU):** The first official Soviet mention of GRU SOF – despite earlier Western knowledge of their existence and capabilities – appeared in the late 1980s. Since that time, the brigades and other GRU detachments, teams, and units of “special designation” (*Spetsnaz* in the Russian acronym) have become well known to those who follow Russian military activities. These military forces are very roughly comparable to U.S. Special Forces. Originally intended for special reconnaissance, direct action, and other missions against NATO and external enemies when formed in the 1960s, they were widely employed in counter-insurgency (COIN) actions in Afghanistan and central in actions against Chechen guerrillas in roles that emphasize special combat actions against insurgents far more than the original *Spetsnaz* model.² When the USSR dissolved, at least half a dozen *Spetsnaz* formations remained with the former Soviet republics and were lost to Russia. There are now a substantial number of *Spetsnaz* Brigades – including Navy brigade-size *Spetsnaz* units – in the Russian force structure. Individual units like the 15th *Spetsnaz* Brigade – about which more will be said – have been well-publicized and discussed in the military press. According to some Russian claims, for example, the 15th Brigade during its Afghan service was responsible for controlling an area several times the size of Chechnya.³
- **Airborne Troops (VDV):** The Airborne Troops – among the most capable of Russian combat forces – have historically been associated with *Spetsnaz* units per se, sharing many training approaches, personnel selection criteria, installations, distinctive uniform items, and some combat capabilities. However, only elements of the VDV's current four divisions and separate combat and support units perform precisely analogous missions or are formally termed *Spetsnaz*. Of note in this regard is the VDV's 45th Separate *Spetsnaz* Reconnaissance Regiment – described by some as one of the most capable VDV units in the force – which will be discussed below. In Soviet times the VDV trained for

large-scale airborne operations with an emphasis on both strategic and tactical mobility. Requirements in Afghanistan, Chechnya and other internal conflict areas have dictated their employment in smaller task forces and teams better suited for counter-insurgency.

Ministry of Internal Affairs (MVD):

- **Internal Troops (VV):** The large Internal Troops establishment is charged with protecting public order, guarding key infrastructure, defending Russian territory, participating in the fight against terrorism, and other tasks. Within the force structure are so-called “operational designation” divisions, organized along motorized infantry lines and capable of conducting missions from quelling ethnic unrest or riots to combat operations. It is within one of these divisions – the Separate Division of Operational Designation (still informally called the Dzerzhinsky Division as in Soviet times) – that one of Russia's premier counter-terrorist units is found. This regimental-size *Spetsnaz* unit is called *Vityaz* (Knight), and it has participated in many major counter-terrorist, hostage rescue, and combat operations since its establishment in 1977. *Vityaz* components serve in Chechnya as well as various ethnic hotspots.
- **Militia:** As in the Soviet era, routine policing of all types is the responsibility of the Militia (as the police establishment is called). Beginning in the late 1980s, as criminal violence as well as ethnic and nationalist violence in restive republics became more serious, militarized “Militia Detachments of Special Designation” (OMON) began to be formed in larger cities and population centers. Analogous to heavily-armed SWAT units, OMON contingents were soon deployed out of area to distant hot spots and also served in Chechnya. Not as capable as *Vityaz* or other elite special operations units, OMON formations perform a range of counter-terrorist duties and have earned a reputation as tough and sometimes brutal.

Federal Security Service (FSB): The FSB, as a KGB successor organization incorporating responsibilities from several former KGB components, retains something of the authority and reputation of its antecedent organization. Charged principally with counter-intelligence, counter-terrorism, economic security, and



special operations veterans' groups

investigations and analysis, among other associated functions, the FSB controls Russia's two major counter-terrorist forces, the *Al'fa* and *Vypmel* (Pennant) groups, which are part of the FSB "Special Designation Center" (*Tsentr Spetsial'nogo Naznacheniya* – TsSN). The Border Service, controlling paramilitary Border Guard units, has had special operations units for combat, counter-terrorist and other missions since at least the 1980s where they were employed in cross-border operations during the Soviet-Afghan war.

- **Al'fa:** Probably the best known and arguably the most capable of Russian counter-terrorist units, *Al'fa* was created in 1974 under the KGB's Seventh Main Directorate. It was one of the units that spearheaded the December 1979 Soviet invasion of Afghanistan and later played a central role in many of the Soviet Union's and Russia's political crises, counter-terrorist operations, and in ethnic and nationalist hot spots. Part of the *Al'fa* group was lost in the dissolution of the USSR (e.g., Ukraine still has its own *Al'fa* Group), but was subsequently rebuilt. *Al'fa* has been targeted against Chechen terrorism in particular – 100% of members have done duty in Chechnya – as well as being engaged in tracking down Chechen leaders and combatants. At Beslan, *Al'fa* lost 3 officers. Both FSB *Al'fa* and *Vypmel* members comprised the force that tracked and killed insurgent leader Aslan Maskhadov in the Chechen village of Tolstoy-Yurt in early March 2005.
- **Vypmel:** This special operations group, founded about 25 years ago (1981) under the KGB's First Main Directorate, was intended for direct action against NATO and other targets outside of the USSR. It operated in Afghanistan during the Russian intervention and was also reportedly present in Cuba, Vietnam, Nicaragua, Mozambique and Angola. Following *Vypmel*'s 1993 refusal to storm the Russian "White House" Parliament building during the Boris Yeltsin-Parliament confrontation, the unit fell on hard times. After transfer to the MVD (where most officers resigned in disgust and the units went through various changes), it was eventually reconstituted using some past members and placed under the FSB as a domestic counter-terrorist force. By the 20th anniversary of its founding in 2001, *Vypmel* had suffered only six fatalities. That number more than doubled at Beslan alone where 7 counter-terrorist officers were killed, and *Vypmel* remains heavily engaged in Chechnya and the Caucasus.

Special Forces Veterans' Groups: The proliferation in the size and number of special operations organizations beginning in the late 1970s and early 1980s has greatly increased the number of associated veterans' organizations. Many have the ostensible mission of providing camaraderie, employment and family assistance, and other benefits to former members, though some have been vocal advocates for patriotic, security, and political issues. Some of the veterans' groups initially formed had broad membership categories including veterans of Afghanistan. Others were exclusively for specific SOF affiliations (like the Association of *Al'fa* Group Veterans, the *Vypmel* Veterans' Association, the Union of *Vityaz* Veterans, and others). A number of private security firms and services were formed by these veterans (e.g., the "VYMPEL-A" group of security companies created by former *Vypmel*, *Al'fa*, and MVD special operations personnel) and continue to hire former officers. The "Airborne and Special Forces Veterans' Association" incorporates mainly military *Spetsnaz* and VDV members. There are in addition a variety of veterans' groups and unions which have broad membership, but include influential airborne and special operations force veterans in their composition. These include such ostensible military-patriotic organizations as the rather shadowy *Tropa* (Path), that attracts GRU and security service *Spetsnaz* officers and others who have fought in various internal hot-spots.

Notes

- 1 A variety of other military units are considered to have special operations capabilities (e.g., maneuver unit and formation reconnaissance elements and specialized assault and support units, among others).
- 2 Recent articles and book-length treatments, like the two-volume Russian-language *Spetsnaz GRU*, have detailed the formation, development, and employment of these forces. See S. Kozlov, et al, *Spetsnaz GRU: Pyat' desyat let istorii – dvadtsat' let voyny* (Spetsnaz GRU: Fifty Year of History – Twenty Years of War) (Moscow: SPSSL – Russian Panorama, 2000); and S. Kozlov, et al, *Spetsnaz GRU 2: Voyna ne okonchena – istoriya prodolzhayetsya* (Spetsnaz GRU: Unending War – History Continues) (Moscow: SPSSL – Russian Panorama, 2000).
- 3 Sergey Ptichkin: "GRUdely Put: Tomorrow Is Armed Forces of Russia Special Forces Day," *Rossiyskaya Gazeta*, 23 October 2004.

— Graham Turbiville



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highlight those specific units so directly affected by allegations of criminality and other misconduct.

A few examples of specific special force units and supporting law enforcement – their alleged corruption, criminal linkages, questionable international activities, charges of contract murder and alleged *Spetsnaz* cabals – illustrate the current state of suspicions and ambiguity.

Corruption and Criminal Links

The June 1995 Chechen hostage-taking saga at Budyonovsk marked the most visible beginning of a series of on-going highly public counter-terrorist failures. The Budyonovsk “Money-Bus-Forest-Allah is Great” scenario – as one Russian official satirically termed it – was a stunning demonstration of Russian ineffectiveness at the time.³ Chechen fighters led by Shamil Basayev seized hundreds of hostages at a Russian hospital, defeated elite security force (including *Al’fa*) efforts to free them, and escaped with officially-provided money and transportation, leaving behind more than a hundred dead hostages and security personnel. Six months later Chechen insurgents seized several thousand hostages at a hospital in Kizliar (Chechnya), killing 65 civilians and security personnel and escaping. The drumbeat of such hostage-taking incidents – punctuated by highly destructive terrorist bombings – continued in the Caucasus, throughout Russia, and in Moscow itself. By October 2002, more than 130 deaths among some 800 hostages taken by Chechen terrorists (41 killed) at Moscow’s Dubrovka theatre in a 57-hour stand-off followed a familiar pattern of failed countermeasures and/or response. A determination that hostage casualties were caused principally by the gas (fentanyl) used by assaulting security forces added a bizarre touch of negligence and inefficiency. Three August 2004 Chechen female suicide bombings that downed two planes killing 89 people and killed another 9 people outside a Moscow subway station served as prelude to Beslan and its outcome.

While not as great in sheer numbers, the eleven *Al’fa* and *Vympel Spetsnaz* fatalities at Beslan had a profound impact on the counter-terrorist forces – two warrant officers, a lieutenant, five majors, two lieutenant colonels, and an eleventh officer who died later of injuries, were losses that in terms of training and experience alone will take years to off-set. More recently – neither publicized nor officially confirmed – Russian media indicated that five FSB special operations personnel (reportedly from *Vympel*) were killed and another two badly wounded in an April 2005 assault on an apartment where well-prepared Chechen fighters were located. There were a few civilian casualties, and six Chechens were also killed.⁴

These are the kinds of failures seen, in part, as consequence of an environment in which security services’ collusion with criminal organizations, involvement in business enterprises, and support for outside political or ideological agendas proliferate.

The USSR’s dissolution was accompanied by burgeoning military crime of all types, with the illegal appropriation of resources, smuggling, gray and black market arms sales involving junior and the most senior officers, and even contract murder creating scandal after scandal. No type of unit seemed immune and that included the Airborne Troops and special designation forces. While the truth of some charges is impossible to determine – even by Russian prosecutors – the number and variety of crimes officially reported and prosecuted over the last decade suggests that corruption among former and serving security service and special operations personnel has been more than occasional.⁵

A common thread in a number of the events noted above has been the susceptibility of MVD police and investigative personnel to bribery and betrayal, including individuals from Moscow to Chechnya and the Caucasus.⁶ Chechen fighters have been able to move easily through checkpoints with weapons and explosives and to establish weapons caches near Moscow as well as in Caucasus areas. As Shamil Basayev himself noted, reaching Budyonovsk in 1995 required some \$10,000 in police/security personnel bribes and if he’d had more money he would have gone to Moscow.⁷ In the wake of the Dubrovka theater hostage taking, officials identified some 100 MVD personnel complicit along the route from Chechnya, including a senior officer of the Moscow Internal Affairs Main Directorate who was arrested for passing information to the Chechen fighters.⁸ Some six weeks before the Beslan terror, a joint MVD-FSB investigation resulted in the arrest of several MVD officers – including a captain with direct links to organized crime – for the sale of illegal travel documents. Some of the recipients of the travel documents were alleged North Caucasus terrorists.⁹

One consequence of suspected criminal linkages for the MVD and FSB has been the reluctance to recruit substantial numbers of personnel possessing the languages and ethnic expertise necessary to penetrate terrorist groups. Chechens top the list but are only one group of many. At the time of Moscow’s Dubrovka theatre hostage episode, the FSB reportedly was unable to translate intercepted terrorist telephone conversations.¹⁰ This today affects the flow and quality of information as well, with information sent from reporting stations regarded as unverified and which, further, often arrives too late to be acted upon in any event.

While such MVD/police corruption constitutes a serious “hole in the bottom of the bucket” for the Russian security system, problems in the special forces themselves are widely alleged as well. Links to shady business dealings – or outright criminal groups – have been a common charge against active and former special operations personnel. As one recent commentator put it, “the Russian special forces are busy cutting business deals instead of preventing terrorist attacks, and this is naturally having an impact.”¹¹

This view appears to be shared by at least some inside the FSB *Spetsnaz* forces. In one of a series of letters to a Moscow



newspaper in 2003, a group of *Al'fa* counter-terrorist specialists complained about the business dealings and corrupt practices of the senior personnel and leadership in the Special Designation Center (TsSN) itself under which *Al'fa* and *Vympel* fall. They pointed to a Center *Spetsnaz* colonel – the senior specialist in sniper operations – who had accumulated a fleet of luxury vehicles, a new three-story home, and joint ownership (with alleged criminal gang members) of a Moscow restaurant and service station. High-level FSB protection reportedly ended a prosecutor's office investigation.

Al'fa personnel charged that FSB senior leaders have business interests and relationships which are intertwined with their official duties and which benefit from FSB sponsorships. Especially galling was the case of a former *Al'fa* junior officer who made a fortune through the private security firm *Vympel-A* (see p. 7) manned by other retired *Vympel* and *Al'fa* members. More to the point, the security firm reportedly operates under the protection of the TsSN chief himself, who grants all manner of special privileges and receives funding from *Vympel-A* for FSB TsSN social functions. Active duty *Al'fa* and *Vympel* fighters – shortly after the disastrous storming of the Dubrovka theatre – were astounded to hear the *Vympel-A* director expounding on operational planning and execution using information he could only have gotten from the TsSN inner circle. A bottom line – “only in our country can FSB generals and prosecutors bathe with businessmen in the TsSN FSB bathhouse.”¹²

In an example involving a well-known military *Spetsnaz* unit, the Airborne Troops elite 45th Separate *Spetsnaz* Reconnaissance Regiment (also accused in a contract murder discussed below) won a still-contested decision earlier this year from the Russian newspaper *Novaya Gazeta*. In one of a series of articles, an investigative reporter charged that the regiment was allowing members of the Podolsk organized crime group to train on the regimental firing range. The regiment sued on the grounds that the article had done damage to their “business reputation,” provoking continued questions and ridicule.¹³

Whatever the merits of this case, a mid-2004 Russian investigative article addressing the linkages among elite Airborne, MVD and GRU special operations personnel and prominent organized crime groups is another case in point, raising the specter of institutionalized relationships with organized crime. While far from a new phenomenon in Russia – OMON units and Airborne personnel were already moonlighting as private security forces in the 1990s – it is one of many indications that the practice of recruiting *Spetsnaz* personnel had become institutionalized.¹⁴ In May 2004, for example, members of Moscow's successful and violent Orekhov organized crime group were convicted of multiple murders, mainly of other criminals. Convicted Orekhov group members included former representatives of the MVD, VDV and GRU special units (at least one of whom was a Marine

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Spetsnaz veteran). The decisions to recruit from special forces was reportedly made during the first Chechen War (mid-1990s) and systematized to the extent that the chief Orekhov recruiter somehow enlisted the services of military draft boards (Commissariats) to find discharged soldiers with requisite service and Chechen experience.

Spillover from shady domestic business dealings to the international scene has long been a feature in the Russian arms trade in particular, and has sometimes had a special operations nexus.¹⁵ Scandal-ridden Russian arms transactions from the early 1990s often made it unclear if arms transactions were so much driven by central policy decisions as by the actions of the free-wheeling, profit-hungry Russian arms sales establishment allied with military and security service leaders, active and retired. The Russian Federation's principal defense arms sales agency – known by the contraction *Rosoboronexport* – is heir to the highly corrupt *Rosvoorouzhenie*, whose irregular weapons transactions in the 1990s were the focus of official Russian Government prosecution and the harshest unofficial critiques from internal Russian spokesmen. This reputation for “irregularity” has followed *Rosoboronexport* and associated entities, particularly in charges of ill-considered and wholly profit-driven sales of weaponry to rogue regimes and groups that undermine Russian security by arming terrorist sponsors, or whose goals and activities are contrary to Russia's asserted support for a global war against terrorism.¹⁶

Former Soviet Airborne Forces commander Colonel General Vladislav Achalov – currently the president of the “Airborne and *Spetsnaz* Veterans' Association” – appears to have moved easily into this milieu.¹⁷ Just days before U.S. and Coalition operations began against Iraq in March 2003, Achalov and another Russian general officer were receiving military awards personally from the Iraqi Defense Minister in Baghdad, with the top levels of the Iraqi



Current President of the Russian “Airborne and *Spetsnaz* Veterans' Association,” former Airborne Troops Commander, and arms trader, Colonel General Vladislav Achalov (center in suit) receives award from the Iraqi Defense Minister in March 2003 for his role in preparing Iraq to repel U.S. aggression days before the operation began.

military leadership in attendance. Achalov had been involved in the preparation of Iraqi forces to repel a U.S. intervention, making some 20 trips to the country in the half dozen years before the war.¹⁸ The successful U.S. campaign resulted in the rapid capture of facilities, including a Republican Guard facility near Baghdad. As Achalov's bad luck would have it, a Radio Free Europe/Radio Liberty reporter imbedded with 1-15 Task Force, U.S. 3rd Infantry Division found a July 2001 letter bearing Achalov's signature as an arms sale representative for a Moscow-based company with a post office box in Nicosia, Cyprus. The letter responded to an earlier Iraqi request to provide price and delivery information for T-72 tank gun barrels, armored personnel carrier (BTR) engines, and .30 caliber machine guns.¹⁹ Any follow-up action on the developing deal – dated long after UN weapons sanctions – is unknown publicly and may have constituted no violation. But these incidents do underscore the enduring, familiar and decidedly anti-U.S. attitudes of some influential spokesmen for the Russian special operations community, as well as a typical link to activities and business transactions that have more than a whiff of “irregularity.”

One of the most serious continuing charges of a nexus between criminal activity and special forces, however, has been allegations of contract murder. While seriously advanced for the first time about a decade ago, consideration of the issue has intensified mid-way into 2005.

Contract Killing and the Military – Enduring Suspicions of a “*Spetsnaz* Cabal”

...unless measures are taken to combat the functionaries and bankers who are performing criminal Western orders, Russian death squads will emerge from the ruins of the special services. They will take on the mission of physically eliminating the instigators of the destructive processes. (Former KGB Major “Vladimir,” the “Feliks” group, April 1995)

VDV Spetsnaz are not ‘assassins’ as some represent it. We prepare specialists for war and not dark alleys. (Colonel Pavel Popovskikh, Airborne Spetsnaz officer acquitted of a reporter's assassination, April 2005)

The phenomena of “contract killings” began to appear in Russia during the early 1990s and soon became well enough established to constitute a special category of crime. Targets for such killings ranged from rival criminal leaders to businessmen, entrepreneurs, financiers, and bankers whose activities brought them into confrontations with aggressive competitors or professional organized crime gangs.²⁰ In some cases serving or retired military or security force officers have been targeted as well, usually for reasons that publicly remain obscure.²¹ The contract murder of the widely popular Moscow television personality and Ostankino State Television and Radio Company director, Vladislav Listyev, on 1 March 1995, and the subsequent killing of the

vice-president of the Yugorsky Bank on 11 April 1995, defined a mid-1990's environment where the lives of prominent and obscure individuals were in daily jeopardy.²²

While few of the killings were solved or successfully prosecuted, mid-1990's projections that the rate would continue to grow at a geometric pace did not develop, although recent high visibility assassinations and attempts has raised that specter again. The pool of "professional" contract killers has been postulated to include "the numerous semi-legal 'professional boxing leagues,' the Afghan war veterans, the OMON riot police, ex-KGB and Interior Ministry officers....," among others.²³ Citing MVD sources in the early 1990s, a Russian journalist who for some years specialized in Russian organized crime laid out an elaborate four-tier classification system for hired assassins.²⁴ At the top of the hierarchy were so-called "lone super killers" employed against the most important targets and drawn from the ranks of former GRU or KGB.²⁵ These reports – even when directly from official sources – seemed highly fanciful, though many well-documented dimensions of Russian organized crime and the past activities of security services are no less so. In any case, since contract killers were rarely caught, little definitive was known on the identities.²⁶

One of the most serious allegations of special forces involvement in a high-visibility contract killing entered its latest phase amidst controversy in March 2005, more than a decade after it surfaced. On 17 October 1994, a Russian investigative journalist for the newspaper *Moskovskiy Komsomolets* named Dmitry Kholodov was assassinated by a bomb delivered to his editorial office. Kholodov had been writing a series of articles dealing with high level military corruption and the massive theft of state property from the Soviet Western Group of Forces in East Germany during Soviet troop withdrawals in the early 1990s. His reporting was widely regarded as innovative, accurate, and appalling for what it indicated about the corruption permeating the senior Armed Forces leadership. He had reportedly turned his attention to pending operations in Chechnya and additional military malfeasance. The bomb that killed him was concealed in a briefcase delivered by an unidentified man and was supposed to contain documents incriminating the armed forces.

The Kholodov murder focused public and official attention on the prospect that members of the military – including the most senior members – may have been behind the reporter's death. Initially, then-Deputy Minister of Defense Matvey Burlakov and Minister of Defense Pavel Grachev – former Airborne Troops Commander – were spotlighted in this regard, owing to the harsh indictments of corruption and malfeasance Kholodov had directed at them and Russian military criminality generally. In an extraordinary interview in October 1994, Grachev denied any personal involvement and stressed in any case that the GRU (Main Intelligence Directorate) would have done the job much more professionally.²⁷

Actually, while GRU involvement was quickly highlighted as a possibility, the then-Federal Counter-Intelligence Service (today's FSB) had determined the murderer to be a paratrooper assigned to a regiment deployed to Chechnya.²⁸ It was three and a half years, however, before arrests were made in 1998, and the detentions were astonishing for the military *Spetsnaz* community. Those charged included the highly regarded Chief of Airborne Forces Reconnaissance and organizer of the Airborne's 45th Separate *Spetsnaz* Reconnaissance Regiment, Colonel Pavel Popovskikh; three officers from a 45th Regiment "special task force"; a "businessman" and former 45th *Spetsnaz* officer; and the deputy director of the Moscow private security organization known as ROSS. They were charged with conspiring to murder Kholodov at the behest of former Airborne Forces commander and later Defense Minister, Pavel Grachev. The machinations of the case – with a recanted confession by Popovskikh, testimony from senior serving and retired paratroopers, an initial not-guilty verdict, reinvestigation and retrial, etc. – went on for some seven years. The case seemingly ended in March 2005 with the acquittal of all suspects and failed new appeals to the Military Board of the Russian Supreme Court by the Prosecutor General's Office and victim's family.

While this might be just another dreary murder mystery of a type common in Russia, the focus on personnel from



Popovskikh

the VDV generally and the 45th *Spetsnaz* Reconnaissance Regiment gives it a different slant. So, too, did the seeming quality and professionalism of the principal officer accused, Colonel Pavel Popovskikh. The 45th Regiment – striking shoulder patch emblazoned with a gray wolf superimposed on a parachute symbol including the term "special designation" – was reputed to be one of the most combat ready, well equipped, aggressive, and active units of the airborne. With a home base near Moscow, substantial elements had been employed in Chechen counter-insurgency operations from the time of the first Chechen war. In 1994, Colonel Popovskikh was credited with the creation of the 45th *Spetsnaz* as a "subunit of the future" designed for the type of counterinsurgent warfare for which the forces had been so unprepared in Afghanistan. With an initial strength of 800 highly qualified personnel, the unit had especially powerful reconnaissance capabilities and innovations to include unmanned surveillance aircraft and tailored psychological warfare assets. Almost all of its officers were "prepared in the GRU *Spetsnaz* system."²⁹

Nevertheless, its clouded reputation included the allegations of organized crime links noted earlier as well as atrocities in Chechnya stemming from its guerrilla-hunting efforts. Whatever

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ordinary Russians may have thought of evidence presented, unit personnel prevailed in hotly contested court decisions leaving behind deep distrust for a most important component of the military's special operations force. Former VDV commander Achalov of Iraq fame above – who had testified in behalf of his close colleague Colonel Popovskikh – declared the trial itself a crime and one that had “cast a shadow across the entire Airborne Forces.” In the latter judgment, at least, there was consensus but one that did nothing to clear the ambiguity of the agendas and attitudes of Russia's special forces.³⁰

In the meantime, Russians were bemused in Spring 2005 – and no doubt further disheartened – about national counter-terrorist protection, by continued assassinations, attempts, or warnings with a distinct mix of security service, big business, and politics. These included the fatal shooting of the former FSB Moscow chief, General Anatoliy Trofimov and his wife on 10 April 2005; the 8 April discovery of a dummy bomb in the car of former FSB officer and current banker General Yuriy Zaostrovtssev (now Deputy Chairman of the Vneshekonombank); and the 17 March 2005 roadside bomb detonation that nearly killed Anatoliy Chubays, the “architect” of post-Soviet privatization and now chief of the Russia Joint Stock Company Unified Energy System (RAO UES).³¹

The latter is most directly relevant for special operations since the principal suspect – arrested on the day of the incident – was the highly respected GRU *Spetsnaz* Colonel (ret.) Vladimir Kvachkov, then a senior specialist with the General Staff's Center for Military-Strategic Studies and regarded as a superb counter-terrorist operator and planner (see p. 13). Also charged and/or under suspicion were two former “paratroopers” (allegedly GRU *Spetsnaz* or 45th VDV *Spetsnaz* Regiment veterans), the son of an ultra-nationalist former Russian Press Minister, and even Kvachkov's son.³² Other GRU *Spetsnaz* officers, as well as personnel of the now-highly-suspect 45th Regiment, were also targeted by prosecutors for questioning.

The attempted assassination involved an explosive device planted along a road frequently traveled by Chubays between his dacha and Moscow. The bomb – a device with up to 1.5 kg package of TNT with bolts, screws and leaving a substantial crater – was detonated with little effect as Chubays's armored BMW (and an accompanying Mitsubishi SUV carrying his bodyguards) passed it on the road. Immediately following the blast, two attackers with automatic weapons sprayed Chubays's BMW puncturing a tire and doing some other minor damage. The bodyguards stopped their SUV, unloaded, and fired at the attackers who fled in a nearby vehicle. No one was injured. Colonel Kvachkov, who himself has a dacha himself nearby, was

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 ISBN 1-57607-915-5 • \$50.00
EBOOK: JUNE 2005 • ISBN 1-57607-916-3 • \$55.00
BOTH: ILJCTC • \$89.00


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 REFINING HISTORY SINCE 1985

Kvachkov: *Spetsnaz*, Soldier, Scholar... and Would-Be Assassin?

Despite possessing the requisite technical skills and experience, it is difficult to imagine a more unlikely suspect in the March 2005 attempted assassination of Anatoliy Chubays than Colonel Vladimir Kvachkov. Kvachkov had a 30-year career as an officer in the Soviet—and then Russian—Main Intelligence Directorate (GRU) *Spetsnaz*, serving in a series of domestic and foreign special operations assignments. From every indication, including recent testimony from his colleagues, Kvachkov has been a serious, professional soldier in the old Soviet General Staff mold. He commanded various *Spetsnaz* detachments and groupings in the 1970s, graduated from the three-year Frunze Military Academy in 1981, and in 1983 commanded a *Spetsnaz* grouping in Afghanistan conducting counterinsurgency operations against the Afghan Mujahedin in the Panjshir and Gazni. He was highly decorated during Afghan service, fighting a particularly notable engagement against a large Mujahedin grouping in January 1984.



Kvachkov, left

Following other special operations posts in the USSR and Germany, he took over command of the famous 15th *Spetsnaz* Brigade in Uzbekistan (then in the Turkestan Military District). There, he led his brigade in operations against combatants in Azerbaijan and Tajikistan. It was at this time that the semi-documentary movie “Black Shark” (*Chernaya Akula*) dealing in part with the war in Afghanistan was filmed. It took its name from the Kamov KA-50 multi-role, special operations combat helicopter then undergoing testing. Kvachkov became something of a celebrity for his brief role in the film playing himself as the 15th *Spetsnaz* Brigade commander. Of note, the film also revealed the “secret” that the GRU was participating in counterdrug operations in the “Golden Crescent,” which includes the high-volume drug-producing states of Iran, Afghanistan and Pakistan.

In the mid-1990s, Kvachkov returned to the General Staff’s central establishment, becoming a “senior scientific associate” at the “Center for Military-Strategic Studies” (TsVSI). There—like other elements of the GRU at the time—he was heavily concerned with events in the Balkans, reportedly traveling abroad to unidentified locations. His recommendations and plan for action (clearly contrary to U.S. interests in the region) were supposedly sent to the Yugoslav Ministry of Defense and

Yugoslav President Milosevic. According to Russian military enthusiasts today, “the history of Europe would have taken an entirely different path” if they had been acted upon.

After military retirement—with a strong suggestion it was forced because of his advocacy of combining all Russian special operations into a single command—Kvachkov somehow managed to fight in Chechnya, winning a decoration for his work. If Russian reporting is accurate, he earned it. Kvachkov reportedly was instrumental in determining the egress route likely



Basayev

to be taken by Shamil Basayev, other leaders, and hundreds of guerrillas in their February 2000 breakout from Grozny. He pushed for the area to be mined, an action that with subsequent artillery strikes resulted in the death of key leaders, many escaping guerrillas, and the loss of Basayev’s leg when he detonated a mine.

Kvachkov, still a focused, non-drinking professional according to his colleagues and since 1998 a published Candidate of Military Science, was preparing his doctoral dissertation defense on special operations issues and working as a civilian associate at the Center for Military-Strategic Studies. His public commentary on U.S. operations in Afghanistan and other issues has been notable for its rational judgments on military issues. He prepared an excellent monograph on special operations available in Russian on the Internet (*Spetsnaz Rossii* [Russian *Spetsnaz*], Military Literature, 2004). It was during the period of his dissertation defense preparation—scheduled for June 2005—that he was charged with the rather ham-handed attempted murder of Chubays sparking a series of theories and highlighting linkages and related issues that have yet to be sorted out. Kvachkov was quickly fired from his position at the Center for Military-Strategic Studies, the termination back-dated to 28 February 2005 to add distance and time to their former long association. If Kvachkov—given his background—turns out to be guilty as charged, it would seem to indicate a level of rage and frustration within the ranks of special operations veterans and at least some serving officers that few had imagined. It would also point to many problems ahead for Russia’s troubled special operations establishment and regional counter-terrorism.

— Graham Turbiville

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arrested within hours. Investigators supposedly found explosives in his residence, “nationalist” literature, and accumulated other evidence that reportedly suggested a “terrorist structure.” “Facts” in the case have reflected the usual bizarre twists and turns associated with Russian criminal justice – while interesting, these don’t bear here except to note that Kvachkov’s defense attorney withdrew in late April after he and two of the suspects’ wives were nearly killed by a speeding Jaguar MK 10 that made an effort to hit them as he escorted them from his office.³³

The successful and attempted assassinations of the mid-1990s fueled suspicions at the time about the existence of “military assassins” or even some well-organized form of military and security service “death squads.” Reporters in the mid-1990s alluded to a GRU *Spetsnaz* base where “they allegedly train either killers or heavies to eliminate criminal high-ups against whom the law and the militia are powerless.”³⁴ At the same time, the public surfacing of the so-called *Feliks* group – reportedly formed in 1991 by former officers of the KGB and General Staff Main Intelligence Directorate – underscored an advocacy of vigilante activities in behalf of the state. According to July 1995 reporting, the *Feliks* group comprised at least 60 former military and state security service officers from major to colonel – under the leadership of a former general officer – who planned assassinations of officials judged to be either corrupt or “Western lackeys.”³⁵

Early in 1995, *Feliks* itself had advanced strong views of Russian and regional corruption, Western connivance with criminal groups in and around the former USSR, and the need for “extreme measures” to deal with the turmoil. The *Feliks* group’s February 1995 release of a privately disseminated report, “International Drug Contraband and the Former USSR,” painted a picture of an international drug trade involving many of the world’s police and security services operating for political or mercenary reasons. The *Feliks* report asserted deep corruption in Russian security services and law-enforcement bodies, and railed against Russian criminal politicians, officials and bankers, as well as the “private armies” some of them had assembled.³⁶

A decade later, dismal counter-terrorism failures, special forces disarray, the recent attempt on the life of Chubays and other assassination efforts, have re-focused attention on the prospect that shadowy military and security service groupings have embarked on campaigns outside the bounds of state control. One organization that moved to the forefront was “Tropa” (Path), immediately suspected by some of links to the Chubays assault. *Tropa*’s reported veteran *Al’fa*, *Vympel*, and GRU *Spetsnaz* membership among other Russian/Soviet combat veterans have self-professed strong military-patriotic views. Others have characterized *Tropa*’s views as ultra-nationalist and suggested that it is part of an “illegal military opposition” with a commitment to killing ideological opponents.³⁷ Similar charges have been leveled

at other ostensible military-patriotic groups. The February 2005 All-Russia Officers Assembly (involving serving officers, veterans, and “free Cossack groups”), for example, resulted in the creation of the so-called “People’s Volunteer Militia” with a military style organization, hard-line military membership, and a “readiness to mobilize in the face of common danger” highlighted specifically by Beslan and Russian president Putin’s call to arms. Added to this was the overall terrorist and “foreign security service” threat, deteriorating state institutions including the armed forces, and other perceived and real societal ills.³⁸ The exact limits on what the “People’s Militia” might do remains ambiguous, but it served to underscore the links among active and reserve officers and veterans seething with anger over the decline of Russian security and over their personal and institutional hard times.

Conclusions

Russian military “chat-rooms” designed for airborne and special operations participants convince even a casual reader that many core members of Russian SOF share a dedication and articulated willingness to act against terrorism and perform assigned duties in ways that are comparable to similar Western forces. In the immediate wake of Beslan, for example – where 11 FSB *Spetsnaz* were killed – long strings of messages from officers and enlisted personnel pledged “Eternal memory to the fallen heroes!”; “Eternal memory to the soldiers of *Spetsnaz*!”; and “Let this black day become the beginning of the awakening of Russia!” At the same time, and in the same messages, there was also “Disgrace to Authorities!!!”; “Disgrace to authorities and to generals!” and similar sentiments, indicating that at the unit level the views of *Spetsnaz* operators and the poll responses of ordinary Russian citizens don’t differ too much on how rot within the leadership structure and state institutions undermines effectiveness and costs lives.

Ideally, the Russian special operations establishment would now be heavily engaged in developing lessons learned from past operations, refining tactics, techniques and procedures, improving the command and control of interagency special operations teams, and exploring possibilities for information sharing and interaction with foreign allies in the fight against terrorism. While there is some of this underway, Russian forces are most directly distracted and undercut by:

- demonstrable corruption within key elements of the state security system;
- allegations – some proven – of intertwined official and “business” dealings by key special operations components and *Spetsnaz* veterans who have alleged links to organized crime groups or other profit-making agencies not compatible with state service; and
- a widening perception – real or not – that serving and veteran special operations officers may be complicit in organized “extra-judicial” punishment of designated enemies and the pursuit of other their own “state” goals.

The mix of charges, denials, trials, acquittals, shadowy deals, murders and other turmoil addressed in the article above can only be sorted out and resolved by pertinent Russian institutions who somehow find the will and wherewithal to do so. The solutions will certainly have to be internal, with mainly encouragement provided from abroad. In the meantime, however, while terrorism in Russia and the region functions well in this environment, close Russian-Western interaction and joint operations would have to be examined critically for relative advantages and risk.

In a closing note, Moscow suffered a major power outage on 23 May 2005, stopping public transportation, leaving many without electricity, and causing other disruptions. The event produced a chorus of criticism against the chief executive officer of the Unified Energy System – and recent assassination target – Anatoliy Chubays, with calls for his resignation. While the cause has not yet been confirmed as this is written, Chubays's staff blamed the outage on an explosion and fire at a power substation. However, Chechen insurgent leader Shamil Basayev quickly claimed responsibility on a guerrilla-linked website, noting that a Mujahedin sabotage team had attacked a component of the system causing the problems.³⁹ True or not in this case, Basayev has forecast a "fiery summer" (*ognennoye leto*) of attacks in 2005 for Russia.⁴⁰ That prospect and challenge could not come at a worse time for the Russian special operations community. 🌐

Notes

- 1 "Corrupt Special Forces in Russia a Problem – A Survey," Reuters, 7 September 2004. This view was reinforced in subsequent polling, e.g., The Public Opinion Foundation Database, "Special Services Against Terrorists: Views and Evaluations," 16 September 2004, received via Internet at <http://bd.english.fom.ru/report/map/analytic/presnyakova/ed043725>
- 2 For examples of discussion on this topic see Sergey Breslavskiy, "Spetsnaz in Need of Reform," *Nezavisimoye Voennoye Obozreniye*, 5 March 2005 as translated in FBIS CEP20050309000346; and Dmitry Safonov, "Armiya spetsialnogo naznacheniye" (Special Purpose Army), *Gazeta.ru* website, 11 March 2005.
- 3 There were rumors that a similar resolution was under considered for resolving the Beslan terrorist hostage-taking before events took on a life of their own.
- 4 Sergey Dyupin: "Seven for Six. FSB Spetsnaz Sustains Unjustified Casualties in Groznyy," *Kommersant* 17 April 2005.
- 5 For the spectrum on military and security service crime in the mid-1990s, see Graham H. Turbiville, Jr. "Mafia in Uniform," Foreign Military Studies Office, Ft. Leavenworth, KS, 1995 (available at <http://fmso.leavenworth.army.mil/documents/mafia.htm>)
- 6 Viktor Baranets, Sergey Gerasimenko, and Mikhail Falaleyev, "Not Only Force Required to Fight Bandits," *Komsomolskaya Pravda*, 27 October 2004.
- 7 Peter Baker and Susan B. Glasser, "Russian Plane Bombers Exploited Corrupt System," *Washington Post*, 18 September 2004.
- 8 Baranets, Sergey Gerasimenko, and Mikhail Falaleyev, "Not Only Force Required." As one Western assessment echoed Russian officials, "President Vladimir Putin's failure to curb corruption in the security system, according to analysts and law enforcement veterans, has left the country vulnerable to more attacks and handicapped in its fight against the bombers and hostage takers who often slip someone a few rubles so they can operate with impunity." See Baker and Glasser, "Russian Plane Bombers."
- 9 RFE/RL, "Russian Interior Ministry Officials Arrested for Selling Fake Travel Documents," *RFE/RL Newslines*, Vol. 8, No. 133, Part I, 15 July 2004.
- 10 Andrey Soldatov and Irina Boroga, "Terrorism Specialists," *Versiya*, 22 December 2003.
- 11 Yulia Latynina, "Better a Dead Terrorist Than Live Hostages," *Moscow Times*, 28 March 2005.
- 12 "Letter to Yuriy Shchekochikhin From Al'fa Group (FSB Department for Combating Terrorism) Fighters," *Novaya Gazeta*, 28 July 2003.
- 13 Oleg Kashin, "Basman Court Knows Regiment Indeed," *Kommersant*, 8 February 2005. A regimental spokesman claimed that the only means available for suing under the legal code was that of damage to business reputation.
- 14 Georgiy Rozhnov, "A War with Home Delivery," *Novaya Gazeta*, 17 June 2004.
- 15 For details of these transactions see Turbiville, "Mafia in Uniform."
- 16 Unhelpful actions – like the possible Russian sale of some 100,000 assault rifles to Venezuela reported in late March 2005 – were judged to be destabilizing for the region by Secretary Defense Rumsfeld and other U.S. officials. It was feared that these weapons would find their way to the hands of militias, guerrillas and criminal groups. Whatever the case, these issues of international relations will be decided and resolved by the national leadership in accord with US policies defines by interests and values. See John J. Lumpkin, "Rumsfeld Questions Venezuela on Rifles," *Associated Press*, 23 March 2005, received via Internet.
- 17 Achalov also served as a Deputy Defense Minister.
- 18 He followed up his advice – unproductive for Iraq as it turned out – with a series of anti-Coalition and mostly wrong predictions and commentary on the course of operations.
- 19 "OSCE Studies Possible Russian, Belorussian Arms Deal With Iraq," *Analisi Difesa*, No. 35/36, June-July 2003, received via Internet at <http://www.analisedifesa.it/articolo.shtm/id/3125/ver/EN>; and Ron Synovitz, "Iraq: Desert Dispatch – Republican Guard Compound Shows Efforts To Rebuild Military," *RFE/RL Report*, 9 April 2003, received via Internet.
- 20 *Izvestiya* Analytical Center, "Ubiystvo po preyskurantu" (Murder by price list) *Izvestiya*, 20 October 1994. This is part three of an *Izvestiya* series on "Ugolovnaya Rossiya" (Criminal Russia). See also in this series, "Ot gorodskoy ulitsy do Kremlevskogo kabineta" (From city streets to a Kremlin office), *Izvestiya*, 18 October 1994 (Part I); and "Vory v zakone zanimayut ofisy" (Thieves in law occupy offices), *Izvestiya*, 19 October 1994.
- 21 Penny Morvant, "Crime Fighter Expect Increase in Contract Killing," *OMRI Daily Digest*, No. 72, Part I, 11 April 1995. According to official Russian Ministry of Internal Affairs (MVD) figures, there were some 65 contract killings of various types in Moscow in 1993. In the first eight months of 1994, some 50 Russian businessmen had been killed in Moscow alone. For 1994 overall, the new Federal Security Service (FSB) reported that 562 contract killings had taken place in Russia compared to 102 in 1992.
- 22 Penny Morvant, "Another Businessman Killed," *OMRI Daily Digest*, No. 73, Part I, 12 April 1995.

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- 23 Oleg Vishnyakov and Konstantin Isakov, "When the Day of the Jackal Comes," *New Times*, No. 16, 1993, p. 17; "Boksery s ekipirovkoj ubiytsy" (Boxers equipped for murder), *Pravda*, 6 January 1993.
- 24 Igor Baranovsky, "Professional Killers," *Moscow News*, No. 52, 31 December 1993.
- 25 Ibid.
- 26 Despite the lack of identification, Russian commentators emphasize the great skill required by some the sniper assassination in particular, suggesting to them the perpetrators had intensive military or security service training and thus were "taught by the state." See Aleksandr Budberg, "Detective Story – 'Taught' Murders," *Moskovskiy Komsomolets*, 7 April 2005.
- 27 Interview with Pavel Grachev by Nikolay Burbyga and Valeriy Yakov, "Pavel Grachev: Ya podam v otstavku, yesli pochuvstvuyu nedoveriye prezidenta" (Pavel Grachev: I will retire if I sense the president's distrust), *Izvestiya*, 25 October 1995.
- 28 Liz Fuller, "FSK Knows Name of Kholodov's Killer," *OMRI Daily Digest*, No. 5, 6 January 1995.
- 29 Viktor Baranets, "Desantniki na 'Tropy Voiny,'" (Paratroopers on 'War Path') *Komsomolskaya Pravda*, 23 April 2005. The existing 218th Airborne Battalion was used as the base upon which the regiment was built.
- 30 Agentstvo Voenennykh Novostey, 14 March 2005.
- 31 General Trofimov was affiliated with a company that refused to acknowledge the relationship in the wake of his death. Ivan Sas, "Chubays, Zaostrovtshev, Trofimov...Three sensational Murder Attempts Within a Month Attest to a Catastrophic Crime Situation in this Country," *Nezavisimaya Gazeta*, 12 April 2005.
- 32 Baranets, "Paratroopers on 'War Path'."
- 33 Aleksandr Andryukhin, "Levin's Attorney Abandons," *Izvestiya*, 19 May 2005.
- 34 Interview with Pavel Grachev by Nikolay Burbyga and Valeriy Yakov, "Pavel Grachev: Ya podam v otstavku, yesli pochuvstvuyu nedoveriye prezidenta" (Pavel Grachev: I will retire if I sense the president's distrust), *Izvestiya*, 25 October 1995. See also a Russian article that was probably unsigned for good reason, "Who's Behind Kholodov's Assassination?" *Moscow News*, No. 43, 28 October-3 November 1994.
- 35 Anatoliy Baranov and Aleksandr Lyashko, "'Kill Chernomyrdin!' – That Is One Scenario for Operations by Secret Organization of Former Special Services Officers Who Have Adopted the Weapon of Terror" *Komsomolskaya Pravda*, 7 July 1995.
- 36 See the monograph (with pseudonymous author) Ivan Ivankov, *Mezhdunarodnaya kontrabanda narkotikov i byvshiy SSSR* (International narcotics contraband and the former USSR), (Moscow: Research Group 'Feliks,' February 1995).
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- 38 Yulia Kalina, "All Hands for the Generals. Reserve Officers Create People's Volunteer Militia," *Moskovskiy Komsomolets*, 24 March 2005.
- 39 See the Chechen account posted under Chechen news at <http://www.kavkazcenter.com/>, and a Western overview at "Basayev claims Moscow power cut," *BBC World News*, 27 May, 2005, received via Internet.
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Should the International Criminal Court also be a Development Agency?

by Philip Veerman

Special to CJI

A proposed visit to the Democratic Republic of the Congo (DRC) by the Altus Global Alliance to encourage police reform there is a starting point for reflection on, respectively, the issue of *complementarity*, the situation of the police in the DRC and the work of Altus.

The principle underlying the concept of *complementarity* is, according to "Paper on Some Policy Issues Before the Office of the Prosecutor of the International Criminal Court," promoting the idea "that States remain responsible and accountable for investigating and prosecuting crimes committed under their



will be to encourage and facilitate States to carry out their primary responsibility of investigating and prosecuting crimes."²

It is interesting how Mr. Moreno Ocampo has given an innovative interpretation to the concept of *complementarity*, which was probably introduced to be a tool to protect State sovereignty.³ Instead of letting it be an obstacle, it has been introduced by the Prosecutor as a principle to enable the International Criminal Court (ICC) to help States to bring to trial in their own countries some war criminals and in general reinforce the rule of law. And this is another issue where the ICC is being confronted with its limits. The ICC might bring to trial in The Hague "only the high-ranking officers of the highest in the chain of command"⁴ accused of crimes against humanity

or war crimes, although investigations against those lower in the chain of command might be opened, "if such investigations of a certain type of crimes are needed for the whole case." And the Prosecutor writes that "for other officers, alternative means for resolving the situation may be necessary whether by encouraging and facilitating national prosecutions by strengthening or rebuilding national justice systems, by providing international assistance to those systems or by some other means."⁵

jurisdiction and that national systems are expected to maintain and enforce adherence to international standards."¹ This article looks at how the noble aim to facilitate or provide international assistance can be implemented by the International Criminal Court (ICC) in The Hague. It also looks at the proposed mission to Congo (DRC) to encourage police reform as well as the work of the new Altus Global Alliance.

In trying to answer what the issue of *complementarity* implies for the Office of the Prosecutor of the ICC, the Prosecutor, Mr. Moreno Ocampo, wrote that "a major part of the external relations and outreach strategy of the Office of the Prosecutor

Obviously the ICC may only be able to provide international assistance in a very limited way. This is because the ICC is and will stay a Court and is not an International Development Agency like the United Nations Development Programme (UNDP). Not being a Development Agency, the ICC needs to mobilize the help of others, in particular NGOs which can respond faster to

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the needs discovered by the ICC's Prosecutor, in order to provide international assistance. Only by mobilizing many agencies and NGOs will the ICC be able to realize a fragment of its aim that – in the words of Mr. Moreno Ocampo – “the absence of trials before the ICC as consequence of the regular functioning of the National institutions would be a major success.”⁶

The international community has formulated a Plan of Action to improve the justice sector in Congo with short term and long term goals. And the proposals have been discussed with the government in Kishasa. The International Criminal Court is investigating at present crimes against humanity and war crimes committed in the DRC. Improving justice for ordinary citizens in the DRC will reinforce the rule of law that the ICC is meant to uphold.

The director of RCN Network-Justice and Democracy in Brussels published an observation, which he had written down as a kind of poem: “the judges in the court had no toga's, no paper, no typewriters, no courtrooms, nothing really.” An unpublished yet now widely circulated⁷ “audit” of the justice sector of the DRC describes the sad situation: the Congolese justice system and its personnel suffers from a total lack of credibility, not only clearly observed by outside observers, but recognized by Congolese authorities themselves.

Let's look at the Human Rights Watch (HRW) Briefing-Paper “Confronting Impunity.”⁸ HRW concludes that the DRC's national justice system is in a state of disarray; it will likely take years to establish a functioning, independent, impartial and fair judiciary.⁹ In January 2004, HRW wrote, “The DRC's judicial system has had little investment over the past decade. Most of the courts do not function. Personnel has not been paid for years and magistrates are badly trained and unsupported. Mismanagement or corruption often characterize cases that are heard sometimes fueling community grievance and furthering conflict.... Lack of confidence in the judiciary's administration of justice is widespread....”

A recent report on the DRC from the International Center for Transitional Justice (ICTJ)¹⁰ noted that “despite some initial progress, a lack of security, fear of destabilization, limited political will, and scarce resources have thwarted the development of effective transitional justice policies.” The ICTJ notes also that “domestic prosecutions face numerous challenges in the DRC, not least of which is the determination of applicable law and the lack of independence and capacity of the Congolese judiciary.”

According to an official of the EU in Brussels, one of the four Vice Presidents has declared in March of 2004 that in the year 2004 policemen and judges were paid. Even if policemen got their \$3 per month, the low pay forced them to “supplement” their income, thus continuing the practice of demanding money from the population, or taking it by force, which has been widely reported. Human Rights First, formerly called the Lawyers Committee for Human Rights, concluded that “impunity has

become the norm, a situation which local human rights groups say has helped to fuel the conflict.”¹¹ Human Rights First also reports about the “intermittent and very poor pay of officials in the justice system.” Corruption remains pervasive in the courts, according to Human Rights First,¹² and victims often have to bribe the judge if they want prosecution of a case to go ahead.” Policemen often are seen by the population more as predators than as those who want to give protection and work for public safety. Local human rights organizations, such as ACIDH (*Action Contre l'Impunité pour les Droits Humains*), have only recently started to document police brutality and torture.¹³ The director of ACIDH told me that¹⁴ there is in the DRC also a significant need for improvement of the police, because of the urgency to deal with illegal exploitation of resources. The civilian police component of MONUC (the Agency working in the DRC), CIVPOL, conducted assessments of police instructions in key areas, finding police institutions throughout the DRC in dire need of material, financial and technical assistance.¹⁵

In December 2004, the European Union launched a police mission to the Democratic Republic of the Congo in order to “monitor, mentor, and advise on setting-up and the initial running of an Integrated Police Unit in the capital Kinshasa... and to insure that this unit acts according to international best practices in this field” (decision of the Council of the European Union to support an Integrated Police unit in the Democratic Republic of the Congo, Joint Action 2004/494/CFSP). An EU advisor on police will be stationed in Kinshasa to advise the government of the DRC. Already in November 2004, the European Union, the Belgian, British and French governments and the UN organized workshops and a seminar to discuss a possible way forward for the justice system in the DRC and to discuss the “stock taking” (*l'Audit du Systeme Judiciaire*) by the European Union of the justice system in the DRC.

In 2004, the Prosecutor of the ICC approached several NGOs to help to maximize the impact in the DRC and assist to improve the justice system there. Mr. Luis Moreno Ocampo asked the newly created Altus Global Alliance if it could help. In the discussions which followed, it was decided by Altus to undertake a diagnostic visit to the DRC to encourage foundations to invest in police and justice reform in the DRC.

Altus Global Alliance

Altus Global Alliance is an alliance of six NGOs and academic centers in Brazil, Chile, India, Nigeria, Russia and the United States. There are also two associate members: Penal Reform International and the Open Society Justice Initiative (OSJI). OSJI and Altus Nigerian member, the Cleen Foundation for Justice Sector Reform, became the lead agencies of the proposed diagnostic visit.

After having reviewed material from Lawyers Without Borders in Brussels, RCN Network-Justice and Democracy, Human Rights Watch, and Human Rights First, and most of all the local

partner ACIDH and information by a Dutch consultant (Hans Romkema), the board of Altus decided to focus on the police in the city of Lumumbashi and the Police Judiciaire du Parquet (which in the DRC operates next to the Police Nationale) and which has the power to make arrest and undertake criminal investigations. The choice was made to work in the Lumumbashi because that area (the copper belt) seemed to be relatively quiet and less dependent on the national government. If an intervention worked there, it could serve as a role model for other areas, including in the Ituri region where the ICC seems to concentrate its investigations.



The International Criminal Court

The Altus members, unlike many other NGOs, all work “in the supply line of justice” and work often together with governments. They try to work with authorities to start oversight mechanisms of the police, and if oversight mechanisms exist, they try to ascertain how they might be more effective. The introduction of oversight mechanisms of the police is likely an area in which Altus will concentrate its efforts in the DRC. In the process of preparing for the diagnostic visit, we have already learned how many colleagues try with modest means and under very difficult circumstances to improve the situation of the judicial system in the DRC. We will report on the results of that visit.

Conclusion

The Prosecutor of the ICC has not been discouraged by the concept of *complementarity* which could have paralyzed him. Instead he has interpreted it as an opportunity to help States and facilitate changes in national judicial systems. This approach deserves admiration.

The International Criminal Court should not be a development agency. However, it can serve as a prod and provide moral support to development agencies and NGOs willing to undertake work in post-conflict situations. Since the ICC is not a United Nations Development Programme (UNDP) or an International

Development Agency, it is the right approach of the Prosecutor to encourage as many NGOs as possible to get involved in work it can not do itself. To involve as many agencies as possible in a country like the DRC might maximize the impact of an intervention there of the International Criminal Court, since it can only bring a few accused of war crimes or crimes against humanity to The Hague.

Bringing a few accused of war crimes and crimes against humanity to The Hague might also create a new momentum to help a country like Congo where others have already given up because of the corruption, the lack of integrity, and the lack of infrastructure in such a vast country (32 times as big as Belgium). The bringing of accused from Congo to The Hague might be such a momentum which can mobilize help for the DRC and its malfunctioning justice and police system. According to the Prosecutor, dealing with the impunity-gap “calls for urgent and high-level discussion on methods to deal with the problem generally.”¹⁶

The diagnostic visit of Altus to the DRC might not only help a bit to improve the situation of the *police judiciaire* there, but might also contribute to the discussion how the International Criminal Court can facilitate and encourage change in the national judicial systems and how NGOs can be mobilized by the Court.

Efforts by the International Criminal Court or NGOs to facilitate change might all be in vain if at the top of the State where changes are initiated the politicians will stay corrupt. Working in such countries will be like mission impossible. This calls for tackling forcefully the issue of corruption by all governments involved in trying to help that country. And if security for the citizens is not improved, the context of the judicial system will remain problematic.

Another issue which should be reviewed is that helping some States like the DRC to improve the justice system and the police is often connected with nation-building. The case of the DRC might be interesting to study further since, in the Inter-Congolese dialogue in Sun-City, some parties saw regionalization as an option to fighting poor governance. In fact what is happening now is the contrary, especially financially: if local jurisdictions in the past could keep 40% of its revenue, it is now only about 10%.¹⁷ A side effect of strengthening police forces is that it could strengthen centralization. And it has been shown in the past that centralization can not be implemented with much success in the DRC.

A process of strengthening the judicial system in a State where centralization was something from the (Belgian) colonial past should look at if it indirectly does not strengthen a process which has shown already many years that it can end in failure.

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Hopefully, the opening of investigations in The Hague and the bringing of accused to The Hague can be a catalyst to bring support and help the country from which the accused is brought to the ICC.

It is my opinion that the Prosecutor's approach to mobilize assistance can help States to take their responsibility more seriously and is by no means an encouragement to escape their responsibilities.

Notes

The author likes to thank Dr. Karin Arts of the *Institute of Social Studies (ISS)* in The Hague, the Netherlands, Prof. Christopher Stone of the *Kennedy School of Government* of Harvard University in Boston, USA (and chair of Altus Global Alliance) and Mr. Hans Romkema of *Conflict and Transition Consultancies* in Groningen, the Netherlands, and an expert on the DRC, for their comments. 

1 L. Moreno Ocampo, Paper on some policy issues before the Office of the Prosecutor, ICC, OTP, The Hague, 2003, p.5; for a definition of complementary see art. 17 of the Rome Statute of the ICC.

2 Idem, p.5.

3 See UN Doc. A/49/10,1994, p.29 and UN Doc. A/CONF.1983/2/Add.1.

4 Moreno Ocampo, 2003. op. cit.

5 Idem.

6 L. Moreno Ocampo, Statement in the Ceremony for the Solemn Undertaking of the Chief Prosecutor, The Hague, June 16, 2003.

7 Mission conjointe multibailleurs, Audit organisationel du secteur de la justice en Republique Democratique du Congo, Rapport D'Etat des Lieux, Synthese, Altit, Emmaneul, Et.Ai, Brussels, 2004.

I thank Ms. J. Godin of the Directorate on Development of the European Union in Brussels for her approval to quote from the report.

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8 Democratic Republic of the Congo: confronting Impunity, HRW briefing Paper New York, January 2004.

9 Idem, p.4

10 International Center for Transitional Justice, The Democratic Republic of the Congo, The long road to a Just Peace, Nov. 2004

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The Offending of Minority Ethnic Groups in Britain: An Examination of Self-Report Studies

by Georgios A. Antonopoulos¹

Special to CJI

Minority ethnic groups throughout the industrially advanced world have been the cause of a ubiquitous moral panic by being identified with criminality and with problems of social order, a situation that led to their over-policing. Britain has been a very good example of this situation. After the media established a 'deterministic' link between Afro-Caribbeans and 'mugging', 'hard policing' activities were directed towards unemployed Afro-Caribbean youth in order to turn them into 'productive individuals',² and stop 'giving the area a bad name'.³ This link between minority ethnic people, and specifically minority ethnic youth, and criminality was made after the publication of police statistics. Apart from official statistics on crime, two more sources of information on the criminality of minority offenders exist: victimisation studies and self-report studies on offending. The purpose of this article is to present recent self-report studies on the offending of minority

ethnic groups to demonstrate, once again, that minority ethnic criminality is such a complex issue that accurate conclusions are difficult, if not impossible, to make.

Issues Relating to Self-Report Studies

Although some self-report studies are believed to be valid⁴ and to provide an alternative to official crime statistics, they possess several disadvantages. First, they are largely used for the detection of petty activities such as drug or other substance abuse and small-scale theft; they completely ignore serious and organised criminal activities, and usually ignore the frequency of the admitted offences⁵. Second, they very often focus on just high school students⁶, who may not have previous contacts with the police, calling into question the validity of a given self-report study⁷. Third, the items included in self-report studies sometimes overlap or coincide. For example, as Elliott and Ageton (1980) suggest, "many self-reported data measures include a

“shoplifting” item, a “theft under \$5” item, and a “theft from \$5-\$50” item. A single theft event could logically be reported on two of these items”.⁸ Fourth, and this applies more to continental Europe, they largely exclude minority ethnic groups because of methodological and technical problems such as limited knowledge of the language.⁹ Fifth, when minority ethnic youths are included, self-report measures vary considerably among the different ethnic groups. Junger (1989), for example, found that the admissions from the Turk and Moroccan youngsters were less valid than those from their indigenous Dutch and Surinamese counterparts, something that the author attributed to cultural and religious variables.¹⁰ Finally, there is always the danger of exaggeration or concealment of offending behaviour on the part of the respondents.¹¹

Self-Report Studies among Offending Minority Ethnic Youth in Britain

Self-report studies generally show that minority ethnic groups are either equally or less deviant than the majority youth. Graham and Bowling (1995) in their remarkable and widely cited study found that the participation of white and Afro-Caribbean respondents in criminal activities were similar, 44% and 43%, respectively, whereas the participation of the Asian groups was much lower, 30%, 28%, and 13% for Indians, Pakistanis and Bangladeshis, respectively.¹² In respect to drug use, this study showed that minority ethnic youth were significantly less likely to have used drugs of any kind than white respondents. The percentages of respondents who admitted having used a drug were 37%, 24%, 20%, 14%, and 6% for whites, Afro-Caribbeans, Indians, Pakistanis, and Bangladeshis, respectively.¹³

In another British investigation, the Keighley survey, white youth admitted having committed several types of offences to a higher extent than Asian youth in the year prior to the survey, apart from the offences of graffiti/vandalism/arson (See Table 1).¹⁴

Table 1: Offences Committed in Year Prior to Survey

Offence	White %	Asian %	All %
Property offences	58	36	47
Graffiti/vandalism/arson	39	41	35
Violence against person	37	26	32
Violent offences	50	38	44
Drug offences	53	14	33
Fare/licence/insurance			
Evasion	36	29	33
All offences	74	53	36
Unweighted n	195	214	409

More recently, Bennett (2000), after analysing the results of the survey of the New English and Welsh Arrestee Drug Abuse Monitoring (NEW-ADAM) in Sunderland, South Norwood (London), Liverpool, and Nottingham, found insignificant differences in the reporting of property crimes between white and non-white arrestees aged 17-59 in the 12 months prior to the survey. The biggest difference between the two groups was in the offence of ‘theft from a shop’ (29 and 25%, respectively), which, however, was still insignificant (See Table 2).¹⁵

Table 2. Arrestees aged 17-59 Reporting on Property Crimes in Year Prior to Survey

	White %	Non-White %
Theft of/taking a motor vehicle	13	12
Theft from a motor vehicle	11	11
Theft from a shop	29	25
Burglary dwelling	6	5
Burglary non dwelling	8	6
Robbery	2	4
Theft from a person	1	2
Fraud/deception	11	10
Handling of stolen goods	27	29
Drug supply	12	10

Similar findings were produced by the 1998-1999 Youth Lifestyles Survey for young people aged 14 to 25.¹⁶ White males, Afro-Caribbean females, and ‘other’ females were more likely to report their offending in the 12 months prior to the survey than their Afro-Caribbean and white counterparts, respectively. What the survey also showed was the extremely low (admitted) offending rate for Bangladeshi males and females, Indian females, and Pakistani females (See Table 3).¹⁷

Table 3. Prevalence of Offending among 14-25 year-olds in Year Prior to Survey

	Males % any offence in the last 12 months	Females % any offence in the last 12 months
White	26	12
Afro-Caribbean	22	17
Indian	22	0
Pakistani	20	7
Bangladeshi	6	0
Other	19	17

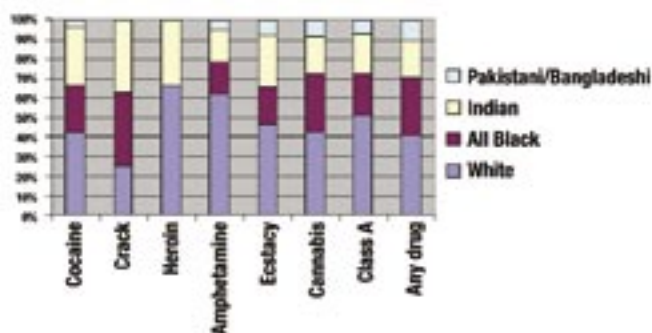
A more recent survey, which was carried out by Market and Opinion Research International (MORI) on behalf of the Youth Justice Board in 2001, provided evidence showing that shoplifting is carried out primarily by white pupils (37%), and secondarily by Asian pupils (26%).¹⁸ The equivalent percentage for Afro-Caribbean pupils was 20%. The offences in which Afro-Caribbean and Asian pupils were involved to a higher extent were fare dodging and assault, and carrying a weapon other than a knife and receiving stolen goods, respectively.¹⁹

With respect to drug use, an offence that is almost always asked in self-reported studies on offending, the findings are quite similar to other offences. Ramsay et al. (2001) found that the percentage of white respondents aged 16-59 admitted having used some type of drug was higher than that of Afro-Caribbean, Indian, and Pakistani and Bangladeshi respondents. The use of crack was slightly more popular for Afro-Caribbeans, however, this difference was insignificant. For the younger segment of the population studied, aged 16-29, there were significant differences between the whites, and all other groups studied, apart from the use of crack, which was more popular among Afro-Caribbeans and Indians than whites (Graph 1).²⁰

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Graph 1. Respondents aged 16-29 Using Various Drugs in their Lifetime



Note: For Amphetamine, Ecstasy, Cannabis, Class A, and Any Drug use, there were significant differences between white, and Afro-Caribbean, Indian, and Pakistani/Bangladeshi at $p < 0.01$.

In their recently published article, Bennett and Holloway (2004), who analysed the data from the NEW-ADAM programmes that was mentioned earlier, in 16 localities in England and Wales, suggested that the differences among ethnic groups in respect to gun possession and use in either the participants' whole life or in the previous twelve months was statistically non-significant.²¹ Finally, an analysis of the data on anti-social behaviour that were collected by the 2003 Crime and Justice Survey, and which was published in January 2005, showed that young Asians were less likely to commit several anti-social activities such as public disturbances and graffiti than white, black or 'mixed' youth.²²

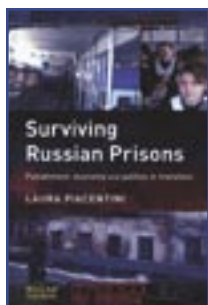
Summary

Official statistics generally reveal a higher offending rate for minorities, and specifically minority ethnic youth in the industrially advanced world including. In contrast, in Britain self-report studies generally show either that minority youth commit less crime than their majority counterparts or that the differences in offending are insignificant. For some offences, however, the admitted offending was higher for some minority ethnic youth. What is also prevalent is a generally low offending for Asians, which is consistent with the international literature on the subject. No matter how important the evidence that was presented in this article is, it has to be treated cautiously as self-report studies on offending exhibit methodological problems and other issues regarding their production. The minorities, migrants and crime nexus is so complex that clear answers about it are, as Bowling and Phillips (2002: 216) note, "difficult to reach".²³

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SURVIVING RUSSIAN PRISONS: PUNISHMENT, ECONOMY AND POLITICS IN TRADITION

by Laura Piacentini

Willan Publishing — Portland, OR
2004 — ISBN: 1-84392-103-0 — www.isbs.com

Russian Prisons after the USSR: Turmoil and the Penal System

...The demise of the Soviet Union in 1991 triggered the collapse of Soviet penal identity and its connection to the larger structures of ideology and political economy. With the exception of contemporary China where some features of Stalinist orientation and function have been maintained (thought reform through labour), the centrally managed system with its integrated ideology and command economy has fragmented in all the former Soviet satellites.

In June 1992, the first post-Soviet penal code was signed following three draft versions that either did not go far enough to reduce the human rights abuses (the first version) or were too radical in vision (the second version), or raised expectations too quickly (the third version led to riots in several penal colonies and riot police were sent in). The 1992 code led to improvements in entitlement

visits, and the practice of feeding prisoners on punishment a reduced diet was abolished along with the practice of keeping punished prisoners in cold cells without bedding. Prisoners were now entitled to food parcels and the right to use a telephone.

In 1991, the prison system was found to be massively overcrowded, particularly the pre-trial prisons. King notes that remand cells intended for 20-25 persons slept 60 with less than one square metre of space each. Penal reformers often talk about how in Russian prisons one has to queue to obtain a bed to sleep. Kalinin (the then Director of the prison system) when he gave parliamentary evidence in a hearing in October 1995 noted that deaths in custody: 'due to a lack of oxygen took place in almost all large pre-trial detention centres in Russia'. Up to 8,000 prisoners could languish in the pre-trial prisons for many months, sometimes for years, before they heard of the outcome of their cases. Consequently, with worldwide attention focused on these violations it is not surprising to find that improving human rights has emerged as a forceful impetus for directing reform.

Conditions in the colonies were marginally better. I have already described the dilapidated industrial zones. The living zones fared no better. Posters of Western rock bands from the 1980s held up peeling paint and meeting rooms would be furnished by old pieces of school furniture, donated by local schools through a barter exchange. Large dormitories housed up to 100 prisoners whose bunkbeds were separated by less than 1 foot of space. A very unhealthy prison system, marked by disease and poverty - the inevitable consequences of overcrowding and poor medical provision - was recorded

by human rights campaigners. Critics have argued that TB in the early 1990s was 17 times higher in Russian prisons than in wider society.

Torture was widespread and the violation of human rights was the norm. Prison officials argued that the insufficient funds from Moscow (60% of a colony's needs were allocated between 1991 and 1996) coupled with an antiquated system and a massive population were leaving the prison in a scandalous state. When funds were allocated the amount was insufficient even to meet the costs of staff wages. Many staff, therefore, worked without pay at various periods until as recently as 2001.

While it was not clear what direction the prison system would take in terms of ideology, alternatives to political correction did emerge in the form of evangelical literature and an embryonic psychology service. I describe these developments in more detail in the chapter following. Suffice to say that the enormous captive population was facing what could

"Due to a lack of oxygen, deaths took place in almost all large pre-trial detention centres in Russia."

be construed as an imperialistic invasion from Western ideologies. For example, it is somewhat ironic that religion, once described by Marx as the opiate of the masses, was flooding in to fill the void left by the collapse of Soviet communism.

Forced Labour

The 1992 code did not resolve the issue of forced labour and officials were unclear and nervous over whether prisoners were required to work. But there were some assurances. First, there was reassurance...that as prison labour had become more or less voluntary around the world due to an overall decline in work, so prisoners would readily volunteer, as is the case in Western prisons. Secondly, it must also have come as a small comfort that not only is it a disciplinary offence to refuse work in Western prisons, but also, that the punitive mentality of compulsory labour was not in breach of international norms and that international norms prohibiting the practice are vague and contradictory, leaving considerable latitude for debate as to whether prisoners had any rights in this regard. I believe that these debates highlight something interesting that I explore later on in the book about why officials attended so swiftly to the business of ensuring that Western penal norms (that were flagrantly ignored for nearly 100 years) were met, whereas the US, has until very recently, resisted recognising the UNSMR as a body of principles that penal institutions must be aware of.

Changes in Management Structure

Following the new code of 1992, a concept paper was produced: *A Concept Paper for the Reorganisation of the Penal System of the Ministry of the Interior of Russia*. The paper envis-

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aged how places of custody would administer criminal justice in their own territory. It mapped out how a devolved prison system might operate and the paper set out plans for a more individuated prison service where psychological and social programmes would concentrate work on pedagogical diagnosis. Russia joined the Council of Europe in 1996 which necessitated further change in how the prison system was to be managed. In 1997, Yeltsin announced that there was to be a moratorium on the death penalty. In order to ensure that the prison system could perform effectively within an international context, the following reforms were outlined: independent and well remunerated judges who presided over independent courts; the establishment of legal representation for defendants; speedy trials and the utilisation of bail over custody; and many more amendments.

Although a regional system was created with each of the regions being affiliated to the central prison authority in Moscow, the impact of the reform was minimal as the majority of the penal colonies were located in the north and to the east while the majority of the population lived in the west. The reforms were disabled further because the prison system remained under the jurisdiction of the Ministry of the Interior, which represents one of the last vestiges of the Soviet Union. Its uniform continues to bring benefits and allowances. But there was often talk of corruption among high-ranking officials and it was this reputation, coupled with the fact that, under the ministry, the vast penal Gulag was created, that led to calls for a transfer of management of the penal system to a European-friendly, justice-oriented framework. The transfer took place in August 1998. The nostalgia for the past, coupled with frustration that the movement to reform the prison system was *external*, led some senior officials to reject the move. The transfer also led to further problems. Kalinin notes that in the immediate three months following the transfer (late 1998 and into 1999), no funds were made available for the prison system and with only 60% of the total budget coming from central funds anyway, the system was in an acute crisis. Since that crisis, the Federal Budget to the prisons has increased to four times the level of funding under the Ministry of the Interior so that the ministry can get on with the much-needed business of maintaining the dilapidated prison system.

International Treaties

It is undoubtedly the case that the main impetus for reform came from Russia's accession into the Council of Europe in February 1996. Russia ratified a number of conventions including *The European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment*, *The Convention on the Protection of Human Rights and Basic Freedoms* and several others. There have been over 2,000 legislative Acts or amendments in the years since accession. It is worth mentioning the recently created Federal Law of 9 March 2001 No. 25-FZ which aimed to restrict the use of custody for those convicted of more serious offences, and which tried to ensure that those guilty of lesser offences would only be imprisoned in exceptional circumstances. This law created the provision for yet another new criminal procedure code that was introduced in 2002 which brings much of Russian criminal procedure broadly into line with other countries of the Council of Europe. A new Human Rights Department was established in 2002 at central and regional levels that is overseen by Russia's first Prison Ombuds-

man. An Assistant for Human Rights was established in each prison region in 2002. The assistant has the power to visit each institution, report to the regional offices and liaise with bodies to ensure better human rights practice.

In many respects the movement to reform the prison system into one that is based on human rights highlights some of the reasons why we expect modern prisons to be more humane. Institutional practices do vary from society to society, and there remains a vigorous debate about what prisons 'do' in terms of their own work (at the most basic level, prison is about ensuring that prisons work both as punitive sanctions and mechanisms that can rehabilitate). We know more, however, about what prisons should 'not do', that is, perform additional punishment that subjugates the rights of inmates. Anyone who is familiar with the process of reforming criminal justice understands that instituting reform in a particular society is not solely about having the structures in place. It is also about locating change within a wider sensibility and cultural context....

Bartering for Survival in Non-Prison and in Prison Life

Barter is commonly associated with less developed countries where economies can hover between collapse and stability on a daily basis (although in America, organised barter through exchanges is a regular and growing practice not only among individuals but also corporations, regardless of their size). Russia is no exception and barter is used as a resource provider between families, at the market, in hospitals and now in prison colonies. There is little question that barter transactions reduce some of the basic problems (the inefficiencies) to do with the poor state subsidy of the prison system and as will be shown, in some settings it is an innovative enterprise. However, barter is notoriously inefficient and outmoded because it depends on a coincidence of needs. While the regular and growing practice of barter is an inevitable development in the current economic and social transition in Russia, in the context of prisons, barter is symbolic. The blurring of the boundary between the 'inside' world of the prison and the 'outside' world has, to some degree, been maintained in the post-Soviet period where the economic conditions necessitate a symbiotic relationship between the prison and the community because the local communities thrive off prisoners' work. Barter, therefore, offers much more than the means for survival and has become massively important for maintaining the social welfare of prisoners and staff for without it, the prisons might destabilise. The local community also benefits from barter as it contributes to the sustainability of local economies such as farming, retail and light industry.

Basic Prison Barter

Different barter arrangements were operating in all the prison colonies visited. The most basic system was called *Tovarii na Tovarii* (goods for goods). In this type of exchange the customer, for example, a local farmer, would make an appointment to meet the director of prison industries in the reception area of the colony and the goods that the farmer offers would be assessed for quality and usefulness. Russia's conjugal visit programme, whereby the married partners of inmates to spend up to five days in the colony in specially designed accommodation, provided families with the best opportunity to barter. The local farmer in this example brought foodstuffs (meat, bread and dairy goods) and other products (bedding, soap and furniture), and exchanged them for furniture and metal goods. Alternative examples include the following: on regular occasions, the wife of one prisoner brought eggs and potatoes from the family

farm and exchanged these goods for agricultural machinery parts. In a more formal arrangement, the wife of a prisoner operated a business trading in preserves and marmalades in exchange for repairs to farming equipment. In the latter example, staff also purchased the woman's home baking and would trade in products that they had prepared at home (knitting winter jumpers and sewing dishcloths, for example).

Where both parties reached an agreement an 'exchange contract' was established. Every type of product (combine harvesters, tractors, police boxes, farming equipment, prisoner training and children's toys, for example) was exchanged using this type of barter transaction. Barter was used to manage a whole range of relationships, both legal and illegal, and between all kinds of customers (mainly the local community but local businesses and commercial businesses were also involved) and the prison colony. In the more formal processes - the legal exchanges - a cash value was calculated and then exchanged for goods to the value of the amount determined by the director. The director, who submits the amounts exchanged into a log-book that is audited by regional headquarters, records the transaction. Good community relations were fostered as a result; local traders came to know who the key staff were whom they could rely on to wheel and deal an exchange. I witnessed barter negotiations that were informal, unregulated and certainly not scrutinised or audited. None of the prison-produced goods was taxed and the majority of goods that were traded between the prisons and the communities were well targeted. I judged that the utilisation of prison barter resembles a small and thriving market economy.

The majority of the exchanges that were observed during the period of study were officially recorded. Other exchanges observed were weekly exchanges of 20 dozen eggs from a farm for repairs on dairy farming equipment (Omsk strict regime), the purchase of meat from local farmers in exchange for holiday cottages (*dacha*) (Smolensk general regime) and the more macabre example of the exchange of mattresses from local hospitals for prison-produced coffins (Omsk general regime). In 1997, Omsk general regime opened a shop selling funeral paraphernalia and products (ornate headstones, artificial flower arrangements) that could be purchased using barter. When I returned to Omsk general regime in 2003, the shop was still trading.

A first-hand experience of a barter exchange brings to light how the successful utilisation of barter depends as much on the drive and quickwitted thinking of staff as it did on matching colony needs with consumer wants. A travelling circus that had broken down near one colony had received repairs to its small fleet of lorries in exchange for a circus performance, after a prison officer noticed the breakdown of the lorry fleet on his way to work. The prison officer involved had negotiated, at the lay-by where the fleet of three large trucks had been stranded, a barter contract to provide entertainment for staff and prisoners. This exchange was recorded as a 'primary exchange' because it met one of the requirements of the articles contained in the 1997 Corrective Labour Code (CLC) 'To provide cultural activities for prisoners' (*Ugolovnie Ispolnitelnie Prava* 1997). The role of the prison officer in this situation is a somewhat

mutated version of what Ledeneva describes as the *blatmeister*, a person who administers exchange networks and arranges barter between friends and acquaintances. Rather than having to locate the elusive someone who could produce the good or service needed by the friend (of a friend), the prison officer can have the prisoner make the goods.

There were unrecorded barter transactions that were used to provide certain prisoners with privileges. Senior officials overlooked these exchanges, regarding them as 'entirely normal'; they also stood to benefit from the illegal exchanges by keeping goods for personal use. One such exchange that I observed involved a *mafija* gang bartering an agreement that one of its members receive privileges during custody in exchange for televisions provided by the *mafija*. The director of prison industries for that colony told me: 'Where else are we to purchase

goods? The region certainly does not have the funds, so we negotiate with prisoners.'

Barter was used at the most basic level, but it none the less provided the colonies with essential items ranging from pork to cleaning materials. In each colony I visited, approximately 70% of all barter

exchanges were between the colony and the local community and the majority of products were light-assembly goods. With prices 250% cheaper compared with retail prices it is hardly surprising that local people purchased prison-produced goods. The chief of Smolensk prison region commented: 'Most of our customers are from the villages surrounding the colonies. They exchange eggs, cheese, bread, anything really, for items like kitchen furniture and chopping boards.' Despite providing for a proportion of essential resources, barter did not compensate fully for the shortfall of funds.

Innovative Prison Barter

The 'goods for goods exchange' was in operation in all four colonies. In Omsk region three additional methods were used to provide resources: cash, barter between the client and the central government on the colony's behalf and Community Liaison Partnerships (CLPs). All the types of transaction in Omsk could be used concurrently.

Omsk regional managers used cash (or 'real money' as it was humorously referred to) to pay staff and for purchasing specialist or heavy machinery. This type of transaction was called a 'colony to bank transfer' (*Peredacha Cherez Bank*) because it was supervised by a regional bank and it involved each party paying a deposit to the bank to protect the sale against collapse. The arrangement was used the least often because many banks have become unstable after the collapse of the Russian economy in 1998.

The second alternative method is non-monetary and involved the client paying some of the colony's debts or land taxes directly to the Moscow government. This arrangement has arisen because sometimes there are situations where the colony offers products for exchange but does not need the products being offered in return. This agreement is called 'customer-Moscow exchange' (*Zachiot k Moskvu ot Klienta*). The use of this method was restricted to exchanges with large companies such as Omsk Gas, a multinational gas company

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"Posters of Western rock bands from the 1980s held up peeling paint and meeting rooms would be furnished by old pieces of school furniture".

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providing gas services throughout Siberia. The contract for transactions between the prison establishments and the sponsor was presented to the parties in the form of a flow-chart that outlined how goods, services and costs are transferred from three different groups.

In the first instance Omsk strict regime provided some labour and gas piping equipment. However, the colony did not specify goods in return even though goods were very much needed. Instead, the colony governor would negotiate with Omsk Gas and requested that it pay some of the colony's overdue land tax to the central prison authority in Moscow. In this instance Omsk Gas acted as the colony's 'Official Penal Sponsor' by liaising directly with the central prison authority. The outcome was that the central prison authority received the tax it was owed, the client received gas piping and manual labour, and the colony was relieved of some of the debt that it had accumulated - everyone was happy.

The arrangement is interesting because it reveals a process of reciprocal penal trade that does not follow the typical 'two-way relationship' or quid pro quo that characterises most barter agreements. Instead services or goods were exchanged through a process of transferring the product (or a virtual product) from one group to another. While none of the groups involved had exchanged a service or product with the group from whom they received a service, the arrangement was accepted by Moscow officials because all parties received some kind of payment. The arrangement was popular with the director of prison industries for Omsk region who stated: 'I favour extending this method of providing goods and services. We could get involved with other companies in agriculture, manufacturing and commerce based in the Western Siberian region.' The arrangement also ensured that a federal connection between the colonies and the Moscow government was maintained, although this was somewhat questionable by the involvement of the private sector as the colonies' 'Official Penal Sponsor'.

A third non-monetary method that was used to provide resources was the exchange of prisoner training and prison merchandise from the colony for the secondment of experts (training managers, industrial staff, engineers and business experts) into the colony CLPs. This was a new initiative at the pilot stage until 2002 and I discussed these partnerships in detail in Chapter 3. Rather than confine prisoners to incarceration until the release date, the regional managers in Omsk instead selected a group of prisoners who were approaching the end of their sentence and who might have qualifications in a range of employment to participate in programmes part-funded by the private sector. Prisoners would not be paid additional wages for work training as it was part of the barter exchange that they gain 'voluntary work experience'. It was common in Omsk to hear about the private sector's involvement in the prison realm as something that was 'innovative' because it enabled the prisoners to gain some work experience - to see the outside world, up close. The prison colonies benefited because the private sector provided essential resources to the colony. A related point is that the public-private partnerships in Omsk's prisons were intended to lead to increased awareness of the benefits of employment that can also lead to improved levels of behaviour during custody as well as rehabilitation in the community. The sources of knowledge of these through-care-type

programmes - where the ideas came from - were never made clear to me, although one Omsk manager did state that the region no longer sought to 'insulate itself against' new forms of information and instead opted to modify Soviet practices into a more coherent approach that reflected the employment situation outside and the 'local mood' (as he called it). Accordingly, these through-care programmes were seen as a reworked version of Soviet penal ideology rather than as an outcome of Russia's movement towards European integration whereby the institutions are embracing Western ideas:


We implement procedures because we know what will work for us. I believe in forced labour. It's not a popular view to you maybe, but I do. So my solution is to temper my thinking about forced labour. But the prisoners know the score, they know they must work to get fed. Yes, I too believe in human rights (chief of Omsk prison region).

This comment serves well as an illustration of the confused and muddled thinking of prison officers as to the modernisation of the prison system, and also is an indication of how prison officers view the movement to humanise the prison system. This is an important conclusion because it tells us something about how European or international values are being understood in Russia prisons, particularly in remote areas.

There were remnants of Soviet penal thinking that have been retained in the prison colonies in Omsk through the economic uses of prison labour, yet none of the resource provisions outlined above is stemming the shortfall in funds entirely and this was confirmed on the trip to Russia in 2003. The chief of Omsk region stated to me in an interview in 2003:

Things are much better now and the state funds have improved. However, we still rely on barter. I really can't see how we can live without it. We use it everywhere so to have it in the colonies seemed perfectly natural. I will always support barter because we need it to survive. Things are far from being stable in Russia. Will the state resume full funding? I think not.

This view was common. Barter is supported widely among prison officers and senior officials whose view overall was that in order to survive, supplement incomes and provide for the odd 'extra' for prisoners, alternative means of purchasing goods would be utilised. At all the prisons I visited in Smolensk, Omsk and in Kemerovo in eastern Siberia, barter was providing between 50 and 70% of the absent funds. Where barter could not make up the shortfall, staff worked without pay for up to eight months at a time. Meanwhile, conditions would continue to deteriorate, workshops close down, treatment programmes start and end within months and prisoners continue to face degrading prison conditions.

The central government continues to provide different levels of support to the regions based on information about prison industries. Yet to suppose a correlation between better industries and self-sufficiency, as is assumed about Omsk region, is a falsehood because all sorts of factors affect the successful functioning of a prison (the local and wider market; unemployment; sentencing; staff; expertise and numbers, to name a few). It is also incorrect to assume that a wide range of industries can produce a good many types of merchandise, or that this necessarily guarantees that the prison colonies will cope in the absence of state funds.... 

Moscow Journal

Blurring the Lines

by Joseph D. Serio
CJI Editor-in-Chief

One theme that emerges when we look at Graham Turbiville's article on the Russian military's involvement in crime, corruption, and murder (p. 4), and at Laura Piacentini's *Surviving Russian Prisons* in The Publisher's Pullout (p. 23), is the vast interaction between the upperworld and the underworld. It is not unusual to find officials that are members of crime groups and gangsters who hold office, prison officials who negotiate with gangsters for assistance, military officials involved in trafficking and murder. Comrades have become criminals and criminals have become comrades.

Reading these pieces reminded me of an investigation we conducted in Moscow. It was a long, drawn out affair looking into a single individual on behalf of a European client. When we conducted an investigation of an individual, it often led to a network of interrelationships among criminals, officials, and businesspeople.

The individual in this case, "Ivan," emerged as one of the main players in a vast network of people engaged in a power play to control a major Russian oil port. The oil game is a separate story for another time, but the interesting aspect of Ivan, in light of the Turbiville and Piacentini articles, is the network he developed and how he did it. It's a fairly typical account of how new businessmen were created in the former Soviet Union.

After serving a three-year stint as a low-ranking officer in the Soviet Navy in the mid-1970s, Ivan took a job as a janitor in a bar and then bartender. By the end of the decade, he was the manager of several bars and restaurants, and was in the process of developing close contacts with neighborhood bar clientele who would go on to become the leaders of several area criminal groups.

In the early 1980s, Ivan convinced the director of the government agency supervising restaurants in the city to create a special unit that would oversee all waiters and bartenders. (Remember that at this time all restaurants and bars were still state-owned enterprises.) Not surprisingly, Ivan himself was put in charge of the unit. He saw in his authority an op-

portunity to build financial resources for himself, and wasted no time becoming an extortionist.

Every waiter had to pay Ivan 500 rubles per month which, at the time, was more than the average Soviet monthly salary. Ivan used his local contacts, primarily young boxers and martial arts trainees, to enforce his demands. In essence, he created his own criminal group. And we can make the assumption that he had good contacts in local political and law enforcement circles to whom he kicked back part of his profits. *This was a given in the Soviet Union.* Someone engaging in these kinds of activities could not have survived without sharing profits or equity with his protectors.

According to Soviet law enforcement documents, by the mid-1980s, Ivan was also involved in black market smuggling of antiques out of the Soviet Union. A preliminary conclusion that can be drawn from this simple fact is that he likely had good contacts with the KGB. Numerous black marketeers involved in smuggling antiques, especially those who were moving in and out of the country, were protected by state security and have gone on to become some of the top businessmen in the post-Soviet world today.

In the early 1990s, when the state no longer had a monopoly on the sale of alcoholic beverages, Ivan used his contacts in city restaurants and bars to set up a beer distribution network. Margins were excellent as demand far outstripped supply. At the time, many Western trading companies were more likely to deal with Soviets who had funding rather than extend credit to those without money. Thanks to his contacts, Ivan secured financing for his operations from the state-owned public food service agency as well as from criminal groups. Business, bureaucracy, and criminal groups had become co-investors in the late Soviet and new post-Soviet business environment.

By the time privatization was picking up steam around 1992, Ivan already had good contacts in the mayor's office and in city government agencies including the State Property Committee, law enforcement and security agencies. He made his move into the oil business, teaming up with some of the top criminals in the city. The first two board meetings for Ivan's new company were attended by a rather eclectic group including major oil company executives, representatives of a leading insurance company, and local crime figures.



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the red square

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Generally speaking, there is no such thing as a 'self-made man' in business. And this is no less true in the former Soviet Union. Building an enterprise, accessing financial resources, and creating networks all requires a stable of contacts. In the former Soviet Union it's not merely part of building a business but an integral part of circumventing the law, protecting oneself from competition, identifying not only appropriate decision makers but those who are willing to take bribes, and so on. Part of Ivan's success is quite clearly due to the contacts he managed to collect over the years.

Ivan had five contacts in particular who are worth mentioning.

1) One of Ivan's closest associates was a former KGB officer from the foreign intelligence department who had become a senior officer in Ivan's oil company. He used his active contacts in the KGB and MVD to protect the oil company and Ivan's other companies from investigation.

2) Another associate had been sentenced to five years in prison in December 1974. He was released from prison in April 1978 under a government amnesty. In December 1987, he was convicted of fraud, speculation, and forgery, and sentenced to six years in prison. In 1988, a city court reduced the sentence to four years on the basis of the removal of the speculation article from the criminal code. In September 1989 he was released.

3) One close associate was a boxer who had committed a string of petty offenses but was never convicted of a crime. In 1978, he and his brother opened several black market factories producing counterfeit foreign brand-name shoes and clothing. By the mid-1980s, they had formed a stable criminal enterprise involved in illegal foreign currency trading, protection rackets, running prostitutes and games of chance, and committing fraud in second-hand car sales.

By the mid-1990s, the brothers were investing in banks and large trading companies.

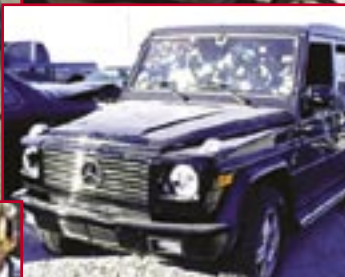
4) Ivan had a close associate who had been the head of investigations in the local procurator's office. The official was given a chance to resign following accusations of bribery and official corruption. (It was common practice that an official against whom there was substantial evidence of corruption would resign voluntarily or be transferred to another government agency. If a suspected official did not resign, he and

his superiors would be subject to an official investigation which could have led to serious sanctions. During my time at the Ministry of Internal Affairs, I met several such people in the dining room of the Ministry leadership. Most had come from the procurator's office and were waiting out the days until retirement. Obviously this kind of protection from prosecution

is not unique to the former Soviet Union.) After leaving the procurator's office, he worked as deputy chairman of the city arbitration court from 1985-1990. After resigning from this position, he used his contacts in the arbitration court to assist Ivan's companies win legal disputes.

5) The father-in-law of one of Ivan's contacts was a senior officer in the local police department. Through the father-in-law Ivan gained access to the chief of police. In the early 1990s, the chief and Ivan shared an interest in antiques, mostly their theft and smuggling. The chief provided protection to, and on occasion attacked the rivals of, Ivan's companies.

Taken alone, Ivan's activities are not particularly shocking: extortion, corruption, smuggling, collaboration of criminals, businesspeople, and state officials, and so on. Unfortunately, it's a familiar story all around the world. One of the factors, however, that makes post-Soviet criminality dangerous is the scale on which it has been occurring for more than fifteen years. Reaching across 11 time zones in virtually all parts of the country and at all levels of public and private life, these forces continue to undermine institutional integrity, perpetuate chronic poverty, and dash hopes for the development of a government that serves the people. 🌐



Identity Theft and SLIT Rings: An Unrecognized Yet Growing Cancer

by Bruno Pavlicek

Special to CJI

Many of us have become aware of the exponential growth of identity theft, either through personal experiences as victims or awareness of the plight of others. Law enforcement agencies nationwide, from local to state police departments, as well as federal agencies, are inundated with reports from victims on a daily basis. Recent statistics, for instance, show that, in 2004, 9.3 million people were reported as having suffered from identity theft (Sullivan 2005). Despite our awareness of this ever growing problem, identity theft continues to remain the "silent" and almost perfect crime.

While many articles and books have focused on preventive measures, there exists little literature or true discussion centered on the source of the problem. In other words, we know that identity theft exists. We know that we can fall victim to it. We also know the general profile of the potential identity theft victim (anyone with a social security number and credit history). But what do we know about the identity thief?

The media has drawn the impression that the modern day identity thief is a computer-savvy hacker and that the country is besieged by hackers. It is, of course, true that hackers do pose an obvious societal threat. Because of the tremendous technological advancements that our society has undergone, computer

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hacking has become a prevalent new type of crime. One only has to examine the

recent events with Choice Point and Lexis Nexis to appreciate that. Nevertheless, recent studies have shown that much of the identity theft is actually committed off line, thereby dispelling the modern day myth that exemplifies today's identity thief as some type of reclusive sheltered computer whiz, or an international organized criminal hacker extraordinaire.

A study conducted by Judith Collins, Professor and Director of Michigan State's Identity Theft program, revealed that as much as 70 percent of all identity theft starts with theft of personal data from a company by an employee (Sullivan 2004). Another study, sponsored by CheckFree Services Corp., Visa USA, and Wells Fargo Bank, also showed similar findings, in that only 12 percent of the identity theft victims surveyed believed their information was actually stolen electronically. The study, instead, revealed that more traditional methods of theft, such as stolen wallets, checkbooks, and mail, remain the most common (Sullivan 2005).

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The Profile of an Urban Identity Thief

In profiling the identity thief of today, one need only speak to a banker, a retailer, or law enforcement officer to realize that on the domestic front, typical urban street criminals pose one of the biggest identity theft threats to our nation's financial institutions and citizens. In many cities, street level criminals traditionally associated with burglary, robberies, and drug deals, have rapidly transformed into wide-ranging opportunists, engaging in crimes that have proven over time to be safer and more lucrative than their more traditional crimes. With the failure of law enforcement to recognize and take steps against this transformation over the past decade, street level identity theft rings (SLIT rings) have grown by leaps and bounds. Countless pockets of SLIT rings victimize people and financial institutions regularly and they operate with virtual impunity.



The operational impunity of the average SLIT ring is created through its mobility and cross jurisdictional activities, along with the extensive – and ultimately confusing – paper trail that it leaves behind. Additionally, due to lack of law enforcement manpower and proper training, many reported cases get placed on the back shelf, while more traditional crimes are taken on. To make matters worse, many local law enforcement executives look upon identity theft as a crime lacking sex appeal, unlike, for instance, homicide or narcotics trafficking, which traditionally attract media headlines.

Another prevailing thought which disengages many law enforcement officers from pursuing these cases vigorously is that the victimized financial institutions conceive of identity theft losses from a business perspective, as just the “cost of doing business.” Many retail institutions, for instance, fail to employ proper preventative security measures, which only allows criminals greater ease in opening fraudulent credit accounts or compromising existing victims' accounts. As a result, many officers inevitably ask themselves, “Why bother?” This frustration, too often, is evident throughout all levels of law enforcement.

With all the aforementioned challenges before us, identity theft criminals have quickly begun to realize how their crimes are perceived. They recognize only too well how little attention is devoted to their activities. Much of this recognition, from their perspective, is also derived from the light sentences handed down by the judicial system. They understand that law enforcement's ability to legally prove their crimes is often limited to the scope of one or several incidents.

Defining SLIT Rings

A working definition of SLIT rings must be established and understood at this point. This definition is derived from the author's previous experience as a County Prosecutor's detective who has previously investigated identity theft rings. The term can be defined as:

Associations of common street level criminals from the inner cities, generally from lower socioeconomic and minority backgrounds. These criminals conspire and loosely organize together for the purposes of illegally acquiring and compromising victims' identities. They have the intent and means to impersonate victims in the course of conducting fraudulent financial transactions for purposes of financial gain against various financial and retail institutions.

SLIT rings possess a number of attributes which we can enumerate to add to our understanding of the definition:

1. SLIT rings function as loose cells with informal internal and external organizational structure. At the same time, they operate free of any stereotypical confining and rigidly structured hierarchical parameters, more commonly reserved for ethnic criminal groups such as the Italian Mafia or, from a street level perspective, the Hell's Angels.
2. SLIT rings cultivate a certain type of subculture of criminals. Ring leaders, for instance, make a concerted effort to recruit certain types of people to operate within their rings. These people pose very little if any threat to the leader, unlike the violent rivalry that exists among street level drug dealers. Many functions of a SLIT ring are outsourced, as in the corporate world.
3. Through their organizational actions, SLIT rings have shown overall success in infiltrating American corporations, particularly with respect to their efforts to recruit corrupt corporate employees, for the sole purpose of acquiring confidential information of corporate customers.

Although SLIT rings are unlike the traditional form of mobsters our society is accustomed to (e.g. La Cosa Nostra, Hell's Angels, etc.), they are nevertheless “loosely” organized, with the criminal intent and means to create large scale financial havoc and emotional hardship to individual victims all on a national and or global level.

Various critics would possibly argue with this assessment, in that the term “organized crime” has presented a lack of consensus as to its meaning. The term and meaning behind “organized crime” must be expanded.

In a 1998 study, Samuel Porteous of the Ministry of the Solicitor General of Canada attempted to achieve this objective by broadly defining organized crime groups free from any confining organizational structure descriptions. Porteous also contextualized modern day organized crime groups from an economic crime perspective, recognizing that in Canada, just as in the U.S., economic crime is a low priority for law enforcement. His working definition of organized crime groups is as follows (Porteous, 1998):

Economically motivated illicit activity undertaken by any group, association or other body consisting of two or more individuals, whether formally or informally organized, where the negative impact of said activity could be considered significant from an economic, social, violence generation, health and safety and/or environmental perspective.

To expound upon this definition even further, as related to the traits and characteristics of SLIT rings, we can examine the

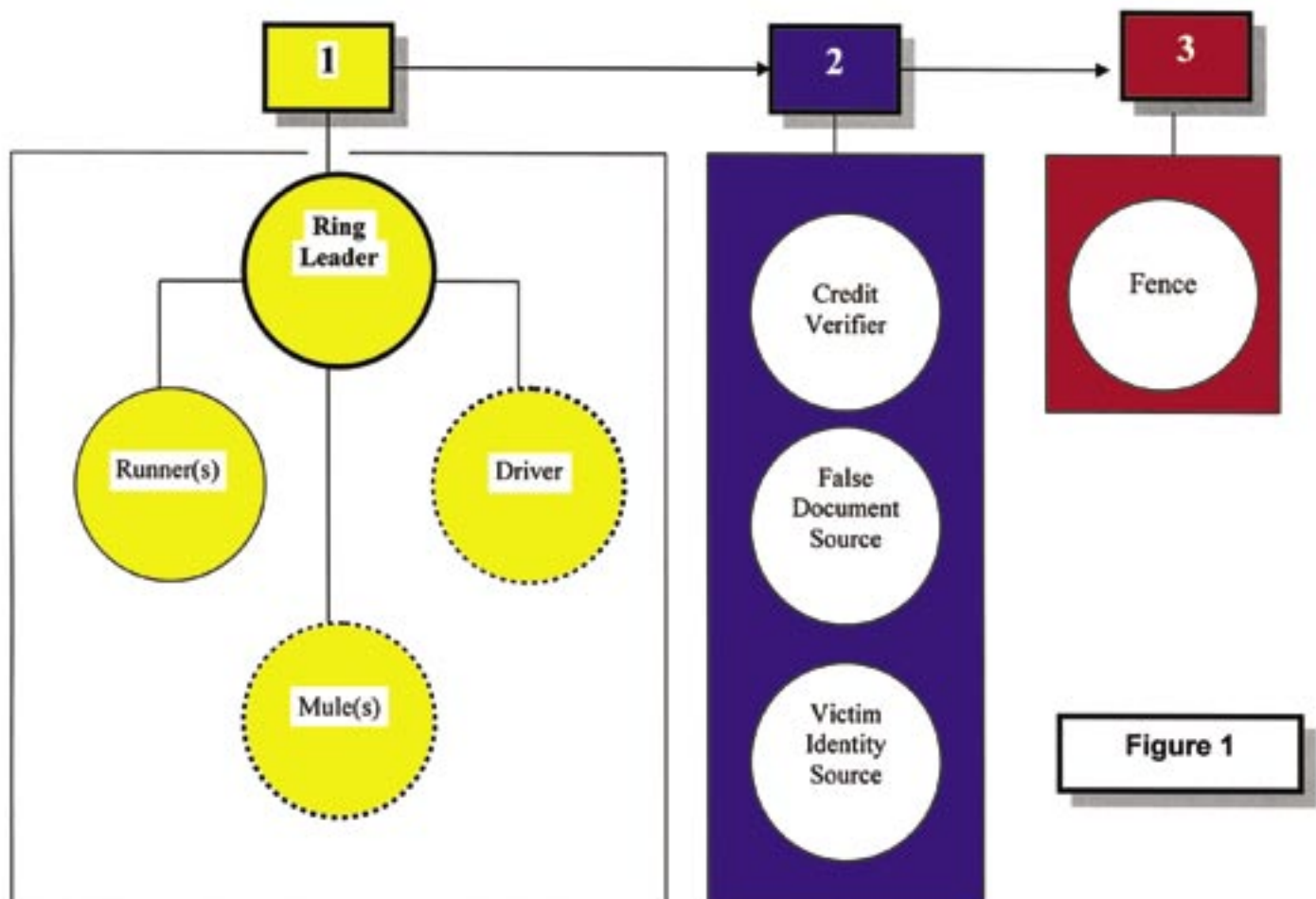
characteristics of Triad Societies, and correlate them to identity theft rings.

A review was conducted of a 1999 publication proceeding, prepared by Karen Joe Laidler, Associate Professor and Research Fellow at the Centre for Criminology. This review consisted of lecture comments from Mr. Ip Pau-Fuk, Chief Inspector for the Hong Kong Police and a renowned expert in the field of Triads. During a seminar on organized crime sponsored by the Centre for Criminology held at the University of Hong Kong, Mr. Ip noted the traits and characteristics of Triads and other organized crime groups such as the Mafia and Boryokudan. He argued that the former represents a collection of loose knit groups or gangs, rather than a giant criminal enterprise, as the latter group. The Triads, for purposes of this article, bear characteristics that may also be correlated to characteristics shared by SLIT rings, such as (Laidler, 1999):

- Collection of loose-knit groups (gangs)
- Independent power base
- Full autonomy
- Profit belongs to individual gangs

continued on page 32

Figure 1: SLIT Ring Division of Labor Chart



continued from page 31

All of these aforementioned characteristics are shared by SLIT rings in that they are comprised of loose knit cells of people that have full autonomy and a "power base" free from any large criminal enterprise. The profits, in as much as they are divided among cell members, belong to the ring as a whole.

Mobility serves as yet another major component or trait of an identity theft ring. On a small scale, these rings travel from town to town or county to county. On a larger scale, they travel from state to state, all for the purpose of evading law enforcement and physically distancing themselves from the retail stores they victimize (the scenes of the crime), thereby affording themselves an increased level of anonymity.

Divisions of labor, one of the final traits of a SLIT ring, are also observed and signified through the segregation of roles that the subjects or co-conspirators within a ring take on. Every subject or suspect serves an integral role within the ring. These roles are further noted and defined as follows:

Ring Leader/Boss – The main member of a ring who recruits and out-sources any and all subjects relevant to the commission and continued facilitation of his and the other members' illicit actions.

Runner – directly connected to the ring leader on a daily basis and is the person who actually engages in identity impersonation against financial and retail institutions at the direction of the ring leader.

Credit Verifier – usually contracted by the ring leader to cross-reference victims' names and identifiers via credit databases to determine credit worthiness (e.g. employees who have such access are in mortgage companies, car dealerships, etc.). This responsibility is crucial for the SLIT ring in that it seeks to impersonate only victims who have good credit. This is particularly important in reducing risk as the criminal is in the midst of conducting a fraudulent transaction.

Fences – an individual to whom the SLIT ring leader sells off fraudulently purchased items that have been obtained by the ring's runners (e.g. laptop computers, televisions, cameras, etc.).

False Identity Document Source – a subject who is able to provide members of a SLIT ring counterfeit documents (e.g. photo driver's licenses, work IDs, etc.) to assist them in facilitating their impersonation activities.

Victim Identity Source – this is the ring leader's initial point of contact. This individual is employed by a company (usually a financial or retail company) and has access to numerous

names and identifiers of company clients who he/she then sells or provides to the ring leader.

Mule – a street level criminal that represents the lowest level of a SLIT ring. This individual, who may be a drug addict or a street-level amateur criminal, conducts low level crimes of deception or physical theft such as the interception of mailed letters and or packages. The mule may also receive packages containing fraudulently purchased items by a ring. Hence, the mule's physical address serves as a mail drop location.

Mules may also serve as thieves who are employed by a ring leader to physically steal boxes of blank bank checks from peoples' residential mailboxes for the purposes of perpetrating identity theft by way of a check fraud medium.

Mules may or may not be used by a SLIT ring depending upon the needs and desires of the ring leader, as well as their specific method of operation in conducting their identity theft crimes (e.g. check fraud, credit card fraud, internet fraud, new account fraud, etc.).

Driver – another low level member of a SLIT ring whose sole purpose is to drive a runner or runners from one destination to another (generally

retail stores, banks, shopping malls) as they perpetrate their identity theft crimes. The driver also serves as a lookout and getaway driver as he/she waits for the runner to leave the retail/banking establishment so that he/she can then pick up the runner and flee the scene. Drivers may or may not be utilized by a SLIT ring. Sometimes the ring leader serves as the driver. In one interview with a confidential informant, the driver was referred to as the "shotgun."

The Levels of a SLIT Ring

When observing a SLIT ring as a whole, it should be noted that there are generally three levels to most rings. The first level is one which reflects some level of hierarchy and close association between the members. Levels two and three generally involve relations between the ring leader and his contracted sources, who provide the leader and the ring with various levels of services. These secondary members may come and go, or be replaced by another source. Additionally, at times, the ring leader, in an effort to save money and cut down on the division of labor, may replace one of these sources by conducting the service on his own (e.g. manufacturing counterfeit identifications).

Figure 1 reflects the general organization of a SLIT ring. It illustrates the division of labor among members of a SLIT ring and shows that the rings are loosely structured. Some of the relationships are direct while others are indirect.



For instance, in Level 1, the only members that can be considered direct members in connection to the ring leader are the runners and the driver (when utilized). These members remain as constant figures that participate and continue to propagate the day to day activities of the ring. Even mules, who are categorized as such in Level 1, serve as indirect members in that they may be called upon depending on the needs and activities of the ring. Runners, one may say, serve as the functional core of the ring.

For purposes of Figure 1, the circles that are outlined in dotted lines represent tenuous connections or levels of activity of the members. One aspect, however, that is constant is that the ring leader generally develops and maintains contacts with all of the direct and indirect members from all three levels.

Conclusion

With the recent events concerning Choice Point and Lexis Nexis, much attention has been directed towards the identity theft problem in our country. But from a legislative standpoint, the end result from these debacles will be reactive legislation that will be instituted for purposes of increasing regulatory control over information brokers and data warehouses. Pressure will be directed towards such companies to tighten their security controls concerning the dissemination of sensitive information. What, if any, change will be focused on expending law enforcement resources in combating the identity theft criminals?

When a body is infested with cancer, eradicating the tumors requires drastic action, be it surgery or chemotherapy. Otherwise, instituting preventive measures is useless. Much in the same light, identity theft must be combated on both planes, through eradication by way of expending more law enforcement resources, and general prevention measures. One without the other will only be a half measure, which will never effectively address the problem. In order to achieve this, analysts, researchers, and law enforcement officers on every level have to begin to recognize that SLIT rings resemble a multitude of domestic organized crime clusters to be reckoned with. Once recognition and appreciation is established, we then can attempt to turn towards more proactive action with measurable results. 🌐

Notes

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In Memoriam



**Paul K. Clare
(1939-2005)**

It is with sadness that we announce the passing of our friend and colleague, Paul Clare. Paul was professor emeritus of Sociology and Criminal Justice at the State University of New York at Plattsburgh. He died suddenly at his home in Bradenton, Florida, on May 13th at the age of 66.

Paul was an authority on organized crime and international terrorism. The Office of International Criminal Justice is proud to have published his most important work, *Racketeering in Northern Ireland: A New Version of the Patriot Game* (1988). Shunning what he called "guided tours" for naïve visitors provided by political wings of the Republican paramilitary organizations, Paul conducted hundreds of hours of taped interviews on the streets of Belfast and Derry, talking to those with direct knowledge of, or directly involved in, the violence. He spent many nights sleeping on the couches of friends and research "contacts." The information that Paul obtained is testimony to the trust his contacts had in his discretion, as some of them were subjects of prior assassination attempts.

Paul served on the Executive Board of the International Association for the Study of Organized Crime (IASOC) and was the 1996 recipient of IASOC's Founders Award. He also co-authored (with John Kramer), *Introduction to American Corrections* (Allyn & Bacon, 1976), as well as numerous articles and reviews. He spent his last 26 years of teaching at Plattsburgh, where he was instrumental in establishing a program in Criminal Justice.

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Organized Crime and Its Control in Central Asia

By Slawomir Redo

In the world of criminology in general, and the study of organized crime in particular, Central Asia was like America in the geographical world before Columbus: it had always been there but only the locals knew about it. Dr. Redo's study has filled a criminological void with a dramatic discovery. Having been posted in Central Asia by the United Nations to assist Governments with their crime problems, he had first hand and on-site opportunity to assess the crime situation in that part of the world. Using the sophisticated tools of his profession - sociology/criminology - his research presents to us a rich and detailed account of Central Asian crime in which traditions and modern geo-political stresses play equally significant roles. Perhaps to his own surprise, but certainly to ours, what emerged is a global crime picture in which Central Asia does not just exist, nor does it merely play a peripheral role, but it uncomfortably rests in the virtual centre of the world of drugs and crime. His criminological colleagues will surely congratulate Dr. Redo for an outstanding scholarly achievement.

— G.O.W. Mueller, J.D., LL.M., Dr. Jur (h.c.)

Distinguished Professor of Criminal Justice

Chief (Ret.) U.N. Crime Prevention and Criminal Justice Branch

- ☐ Organized Crime and Its Control in Central Asia by Slawomir Redo (ISBN: 0-942511-44-1) at \$25.00 each.
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Leadership in Blue

by Kathleen Kiernan
Special to CJI

Consistent with the theme of finding what is not always readily apparent, it occurs to me that examining law enforcement leadership requires an ability to look beyond title, rank, and authority for the less obvious indicators and when discovered, to mine the inherent talent resident within the ranks of policing as the profession continues to change in the post-9/11 world. Law enforcement officers represent not only the extended reach of homeland security but in fact embody the core principals of the safety and security of this country.

Gladwell described the aptitude of code breakers during the Second World War who could with unassailable accuracy identify the signal transmissions of the enemy without ever once hearing their physical voices or observing their behavior beyond the rhythm of their communications, which were a convergence of speed, pattern, and personality, forming a signature unique to



individuals. He called that union of factors a “fist” and the capability to identify the actions and intentions of the adversary in advance proved to be both a tactical and strategic advantage.

While the parlance may be new, the skill of identifying asymmetric behavior has been honed over time by law enforcement officers to identify activities associated with deceit, manipulation, violence, and criminal behavior. Criminals do have a signature which is readily identifiable to the practiced eye with identifiable patterns, styles, and modes of communication. I suggest terror-

Dr. Kathleen L. Kiernan, a 29-year veteran of federal law enforcement, served as the Assistant Director for the Office of Strategic Intelligence and Information for the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). She is currently Senior Executive Vice President for International Law Enforcement with MZM, Inc. located in Washington, D.C.



Kathleen Kiernan

ists also have a unique signature that includes some of the very same kind of behavior, with the additional dynamics of self-sacrifice fueled by a deep abhorrence of American values. Learning to identify that signature enhanced with credible intelligence is integral to officer safety, and will in fact exponentially increase the capability and impact of the Department of Homeland Security.

I believe that leadership also has a “fist” and further, that we have an obligation as educators to understand how to identify its component parts and translate those factors into a curriculum that is relevant to practitioners. Undergirding the program with academic rigor and discipline is axiomatic. Examples abound of failed leadership as we approach a fatigue factor with the multitude of after-action 9/11 oversight commissions, reports, and reorganizations, yet little attention has been focused on leadership development.

Consider the actions of Ben Sliney, the national operations manager at FAA, who took the unprecedented action of ordering nearly 4,500 commercial aircraft to land without incident as the nation was scrambling to react and respond; those of Todd Beamer who not only took decisive action on United Airlines flight 93 but also inspired others to do so; or those of Port Authority Officer Kathy Mazza who utilized her service weapon to shoot out the windows in the lobby of Tower One in the World Trade Center, allowing innumerable individuals to escape when revolving doors became hopelessly clogged. Officer Mazza had the opportunity to escape as well but chose instead to return into the building to assist others and sacrificed her life. She was not following orders, she was doing her job as she saw it and had she survived I would wager that she would have trouble articulating the elements of her own leadership.

Police officers as a whole are altruistic individuals who do not dwell on self promotion yet instinctively exhibit leadership in daily activities and seamlessly rise to the occasion when routine circumstances escalate to extraordinary ones. This is particularly important in those critical situations which defy the bounds of standardized academy training and exceed any accumulated street experience.

First identifying and then unraveling that “fist” which is likely comprised of instinct, passion, drive, and the willingness to take risks would yield invaluable lessons for leadership development – in the academy and in the classroom. It is an appropriate challenge for universities to undertake. It is past time to assess blame and rehash what was missed and instead focus on what we have in abundant supply within the ranks of law enforcement. 🌐

the webb file

by David Webb

The subject of terrorism and its effect on community relations is one that the United States is fast coming to grips with. There have been many changes to our lives these past years. Most of all we have personally witnessed the changes that have affected our traveling routine. After all, who would have thought that the American public would have so readily submitted to quite intrusive searching methods at airports, all in the name of the prevention of terrorism. Communities are resilient, but would they be so resilient if they had suffered sustained terrorist attacks – fifty, sixty or seventy – over a number of years? This is the test.

The May 2005 *Centrex Digest*¹ carries a story about the report that has been published by the House of Commons Home Affairs Committee on how the threat of international terrorism has affected relations between communities in the United Kingdom. It would be interesting to undertake a comparative study in the USA, where "...white supremacists, Christian Identity adherents, neo-Nazis, conspiracy theorists, skinhead groups, and other extremists are citing the events of Sept. 11 (and since) to recruit new members - especially young people²".

The UK story says "the Committee looked at several areas and the report comments on and makes numerous recommendations in relation to:

- Community relations: existing problems and policies.
- Developments since 9/11.
- Britain's communities and community relations.
- Central and local Government.
- Use of the anti-terrorism powers.
- Tackling international terrorism, building cohesive communities.
- The media.

The report concludes that:

- Community relations have deteriorated, although the picture is by no means uniform, and that there are many positive examples to set against this overall assessment.
- The analysis in the Cattle report remains valid. [The main Cattle report (2001), commissioned by the Home Office, said people in Britain were leading "parallel" and "polarized" lives where people from different backgrounds did not mix and called for a meaningful concept of citizenship which could include an oath of allegiance setting out "a clear primary loyalty to this nation".]
- The Asian community is not being unreasonably targeted by the police in their application of Section 44 of the Terrorism Act or of the other legislation enabling stops and searches.

David Webb is the Assistant Director of the Law Enforcement Management Institute of Texas (LEMET). He was formerly a Chief Superintendent of Police in the United Kingdom with a career spanning over 30 years.

- That the police, and particularly the Metropolitan Police Service, have made significant efforts to overcome the institutionalized racism criticized in the Stephen Lawrence inquiry. However, there are continuing gaps between the police and minority communities in perceptions of police work and there is still much work on diversity to be done in the police.



Webb

- It is unfortunate that there is as yet no reliable central collection of data on Islamophobia. [However, "a nationwide survey discovers that nearly one-half of all Americans believe the U.S. government should restrict the civil liberties of Muslim-Americans. The growing new phenomenon labeled "Islamophobia"—the paranoid fear of Muslims—is fast spreading, both in the United States and in Western Europe, warn academics, Middle East experts and senior U.N. officials".³]
- The rise in anti-Semitic incidents since September 2001 is extremely disturbing and should be acknowledged as such by all.

The report calls for Government proposals for action on community cohesion to be implemented with vigor. It also recommends that the Home Office review the links between its work on community cohesion and anti-terrorism. It stresses that Government must engage British Muslims in its anti-terrorist strategy.

In an attempt to maintain public trust, the report states that it is vital that statistics about arrests, charges and convictions under the counter-terrorism legislation be as detailed and reliable as possible. In particular, it advises that cases involving domestic terrorism should be clearly distinguished from those arising from international terrorism.

The report recommends that the loose use of terms like "Islamic terrorism" should be discouraged, and care should be taken, particularly by the press, to distinguish between the claims made by the terrorist groups and the faith of the vast majority of Muslims".

If a similar report were to be commissioned in the United States, would the findings be the same? The question is more than an academic one. The negative impact of terrorism on our communities can act as a catalyst, and create chasms between different sections within those communities. If we allow that to happen through fear or ignorance, then the terrorists have won. 🌐

Notes

¹ See *Digest May 2005*, p17-18 Centrex(Central Police Training and Development Authority) 2005:Harrogate, UK.

² See Knickerbocker B., November 21 2001 Ed. *Christian Science Monitor* on <http://www.csmonitor.com/2001/1121/p2s1-ussc.html>. Last visited on May 31st 2005.

³ See Deen, Thalif, (2004) 'Islamophobia' Spreading Far and Wide on http://www.amperspective.com/html/islamophobia_spreading.html, last visited on May 31st 2005.

PAKISTAN

The BLA

Some of the world's most deadly militants, connected to al-Qaeda and the attacks of 9/11, have come from the Baluchistan region of Pakistan. Among the most sinister of these individuals are Khalid Sheikh Mohamed and Ramzi Yousef. Both are currently in U.S. custody. This region is also home to one of Pakistan's most militant and well-armed terrorist groups, the Baluchistan Liberation Army.

The Baluchistan region is located deep within southern Pakistan. This region consists of extremely rugged and sparsely populated terrain. The primary inhabitants have a long and controversial history, beginning with the establishment of the Durand Line in 1893. The Durand Line divided Pashtun and Baluch tribes that were living in what was Afghan territory at the time and what later became a part of Pakistan. The Baluch tribe, divided among Iran, Afghanistan, and British India, found traditional nomadic life threatened by national borders which resulted in animosity toward governing bodies.

During the 1970s, armed revolts spread in the Baluchistan region near the borders of Afghanistan and Iran. Tensions developed between Pakistan and Afghanistan as a result, and resistance fighters from both the Pashtun and Baluch tribes supported Afghanistan. In retaliation, Pakistan provided funds, weapons, and materials to Islamist organizations for the purpose of conducting raids and sabotage inside Afghanistan. During the 1980s and 1990s, small attacks within Pakistan occurred sporadically. But in 1999, an increase in the number of attacks began, targeting primarily government buildings, power lines, electricity towers, railway tracks, ports, highways, and, more recently, the Iran-Pakistan-India gas pipeline which is currently under construction. All of these attacks are being claimed by the Baluchistan Liberation Army.

The Baluchistan Liberation Army (BLA) developed out of pockets of tribal resistance to central rule from Pakistan. In tribal areas, where the BLA receives assistance in the form of recruits and financing, support for the Pakistani government is low. There has been a lack of economic development and no royalties have been paid to the tribes in the Baluchistan region despite the fact that the gas fields within the area are a major source of revenue for the country. Also, the newly built Gwadar port on the coast was



Baluchistan Liberation Army

built with Chinese assistance, and the additional contracts went to non-Baluch workers. The BLA was initially treated as a myth by security forces. But the group's recent activities have forced the government to face the reality that Baluchistan's terrorists are serious about their push for freedom from Pakistan. The BLA is currently considered the most aggressive and militant of all groups within Pakistan.

The current head of the BLA is Balach Marri, a native of the Baluchistan region. Since January 2002, Marri's group has established an estimated 55 training camps for new recruits. Each camp has the capacity to train between 300 and 500 militants. BLA camps focus on recruiting youths and instilling in them Baluchistan's right to independence. Training includes sabotage techniques and instruction in the use of automatic weapons and rocket-propelled grenade launchers (RPGs). The BLA is also focused on acquiring a wide range of small arms and explosive ordnance including machine guns, grenades, and land mines.

The BLA has taken responsibility for a number of terrorist attacks including a bombing at a market in Quetta that killed 11 people, an explosion in Gwadar in May 2004 that killed three Chinese engineers, and an explosion in Khuzdar last August that killed six people. BLA members regularly conduct sabotage missions against government entities in the region.

Further complicating the situation in Baluchistan is the presence of other terrorist groups with possible links to the BLA. The province remains notorious for border smuggling and passage of terrorist operatives. Rivalries between tribes also make a volatile region even more violent. Travel to this region is highly restricted because of the presence of violence by the Baluchistan Liberation Army and the lack of control by the Pakistani government to prevent such events.

Prepared by Mike Van Aelstyn for the Institute for the Study of Violent Groups

homeland security tracker

More than a dozen border patrol agents claimed supervisors at the Naco, Arizona, station ordered them *not* to arrest illegal aliens along a 23-mile section of the U.S.-Mexican border. The area had recently been the site of a protest by the controversial Minuteman group, which claims the government's lax immigration enforcement policies open the country to future terror attacks. More than 850 Minuteman volunteers patrolled the area and notified Border Patrol agents as they saw illegals crossing the border, lowering the number of illegal crossings from about 500 a day to 15 a day, according to several agents. The order not to increase apprehension of illegals was allegedly issued to prove

the Minutemen were ineffective. According to one of the agents, they were told the "apprehensions were not to increase after the Minuteman volunteers left." Border Patrol Chief David V. Aguilar denied the accusations, calling them "outright wrong." But Rep. Tom Tancredo of Colorado said he had also been informed by "credible sources" within the Border Patrol of the order to keep arrests to a minimum, adding: "It's like telling a cop to stand by and watch burglars loot a store but don't arrest any of them."



Are We Having Fun Yet?

by Robert H. Stern

Last time, I asked you to stay tuned in as things were going to get interesting; that was an understatement. We do have an interim transitional government in Iraq. There was an election and a coalition of the winners has, at last, selected officers and a cabinet. Their next task is to establish an actual parliament so that it can get down to the task of drafting a constitution, which will lead to elections for a formal government. This is where push comes to shove in that to form a transitional government so many compromises were made and so many groups offended that it will take a minor miracle for the coalition to hold together long enough to govern.

Sunni Arabs, the most dissatisfied of all Iraqi groups and the biggest losers in the overthrow of Saddam continue to be the source of most insurgency in the streets and are the most difficult to deal with in forming a government. At the moment, they have one cabinet member, the Minister of Interior; they thought they 'deserved' at least three or four and now think they were outmaneuvered by their nominal Shia and Kurdish coalition partners (the other two major religious-ethnic players in Iraq). This might not be so bad if the Shia and Kurds were united – wishful thinking. The Kurds have two main groups, the Kurdish Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK). Together, they have a militia – all Kurdish – called the Peshmerga, which is the *de facto* Iraqi Army of the northern provinces. The Peshmerga does not take orders from Baghdad but from its own Kurdish leadership. The Shia, the largest group of which is the Supreme Council for the Islamic Revolution in Iraq (SCIRI), also has a militia, called the Badr Corps. They are the big guns – no pun intended – in the south. SCIRI has close ties to Iran although they claim to be nationalists, i.e., Iraqis first and Shia second and not eager to emulate Teheran or become an Iranian protectorate. Nevertheless, it is difficult to envision a "National" army when its constituent building blocks are confessional militia.

A wild card in this deck of jokers is the militia of Moqtada al-Sadr, the renegade Shia leader whose Mahdi Militia (MM) answers only to him and has been consistently anti-Coalition. In recent weeks there has, however, been some talk that the MM may be willing to play in the national arena and that Moqtada himself might be interested in a government position. Talk is, of course, the primary currency of the Arab street and changing sides is a way of life. Color me skeptical that this lion is willing to lay down with the lambs. Parenthetically, if the lion does lie down with the lambs, which one gets the better night's sleep? All of this is to say, of course, that it is still very early days and which way the political process will play out is anyone's guess.

The allegations in the *NEWSWEEK* article regarding U.S. guards at Guantanamo and elsewhere desecrating the Koran are not new; similar incidents have been reported for over two years. The real point is that our actions in places like Abu Ghraib give the radicals a terrific stick to beat us with. Anyone who saw any of those pictures is prepared to believe the worst about us.

Arabs and non-Arabs alike who read how the Attorney General wrote opinions on getting around the Geneva Convention and when torture isn't really torture are also unlikely to give us the benefit of the doubt.

At a time when our credibility is critical if the new government is to have any chance, we have dug ourselves a pretty deep hole and now we have to figure out how to get out of it. Our well-demonstrated ineptitude in international public relations does not fill me with confidence.

A significant part of this specific problem, I believe, comes out of our decision, back in the Nixon days, to go to an all-volunteer military. Naturally enough, commanders, faced with limited manpower, chose to put their "teeth" in the active units and the "tail" in the Reserves and Guard. Civil Affairs, an extraordinarily critical component in today's world is an all-Reserve affair. Military Police, including detention facility management, is largely a Reserve or Guard responsibility. As dedicated as these folks are – I am not a Reserve or Guard basher – they have neither the training nor the resources nor the clout to do what needs to be done. Abu Ghraib was the epitome, the non-shining example of amateur night and the failure of the professional leadership to recognize that management of detention facilities is right up there in importance with mounting infantry patrols. To no one's surprise, the lower one's rank, the more likely the court-martial and a prison sentence. Officers, whether Reserve or Regular, were let off with admonitions, the occasional reduction in rank (Reserves only), and fines. Regulars, the ones with the most real responsibility, got the mildest of wrist slaps. This ex-enlisted man expected no less.

We have before us an experiment in political science; can a semi-secular democracy be created where one never existed before and all players have been taught from birth that life is a zero-sum game? To me this seems almost like trying to fill an inside straight in a pot limit game. The potential is vast but the odds are staggering. Meanwhile, our other little experiment in Afghanistan is not all that wonderful, either. The Taliban, those nasty guys who gave bin Laden and company refuge, are gone, but in their place we are seeing the return of the warlords and our pro-American government has little power outside of Kabul, the capital, and not all that much there, either. Oh yes, with those primitive moralists the Taliban gone, the opium growers are back – big time. Afghanistan has, for the past two years been the world's largest supplier of opium. We, of course, are the world's largest consumer. It almost makes you nostalgic for the good old days. 🌐

Robert Stern, a retired foreign service officer, was Associate Director of the U.S. State Department's Office of Counter-Terrorism and Emergency Planning. He is currently a consultant on terrorism and security issues. Bob welcomes comments on his columns, he can be reached at rhstern@cox.net.



Stern

LAW ENFORCEMENT

Electronic Citations: The New Method of Writing Tickets

by Virginia Wilson
Special to CJI

Enforcing laws by writing tickets and citations has always been a main function of a law enforcement officer's duties. Traditionally, this was done by writing paper citations that was very time consuming and produced a lot of paperwork. Technology has helped develop a program that removes much of the frustration associated with the traditional paper citations.

Electronic Citations

Using recent technology, police officers have the option of using a handheld device or Personal Digital Assistant (PDA) to write electronic citations instead of paper citations. Traditional paper citations can cause many frustrations to law enforcement officers, and using electronic citations can alleviate some of these frustrations. Electronic citations, also called e-cites, remove the paper and hassle associated with the traditional method of writing tickets.

The ability to use a handheld device to write an electronic citation, print out the citation, and send an electronic version of the ticket directly to a courthouse began as a pilot program in North Carolina in 2002. After seeing the program's benefits, other departments around the country chose to implement similar programs.

Paper Citations v. Electronic Citations

Paper citations have many disadvantages compared to using electronic citations. Some of these disadvantages include lack of accuracy and inefficiency of both the citation and the department. The lack of accuracy comes mainly from errors in the actual citation, such as misspellings, inconsistencies with violation codes and their descriptions, scheduling wrong court dates, and illegible carbon copies. The use of paper citations also produces time consuming tasks such as the amount of paperwork for officers and personnel inputting the information on the ticket into computers and databases for later analysis. Another concern with using paper citations is that any



misinformation on the citation has to be corrected by a citation amendment process, which can produce more paperwork and additional entries into databases.

Features of Electronic Citations

Many features that improve the accuracy and efficiency of ticket writing are available with using electronic citations. Some of the multi-function forms available on the handheld include forms to report citations, misdemeanors, traffic citations, DUI reports, and juvenile citations. The electronic citation program on the handheld includes numerous drop-down menus to help write the citation, including:

- Location of the occurrence, including the address, street, and cross-street. A "master street" list can be used to match utilities and streets to improve accuracy of the address;
- Information about the offender, including name, address and a physical description;
- Vehicle information including the year, model, type, make, color, license plate number, and Vehicle Identification Number (VIN);
- Administrative codes and descriptions of violations and offenses, including vehicle codes, municipal codes, and violation descriptions;
- Court appearance dates that are accurate and updated;
- Bail, court, and state assessment fees that are automatically added when the specific codes are selected;
- Notes section for any additional information about the offense, including the roadway or vehicle conditions.

Once the citation and information are inputted into the handheld, an offender can sign the electronic citation on the handheld device by writing on the touch screen. Worries about carbon copies and writing going through to the bottom copy are no longer necessary with this system.

continued on page 40

continued from page 39

The handheld can be synchronized with computers and connected to records management systems, databases, and analysis systems. Analyses can be made with regard to Geographic Information Systems (GIS) mapping, queries, reports, and traffic reports. The electronic citation program allows all of the information to be directly inputted into different computers and databases without the need of further input.

One of the most beneficial features of using electronic citations is the ability to change any incorrect information directly on the handheld device without any additional paperwork or amendment process. The corrected information can then be synchronized with a database and all of the new information is automatically changed and stored.

Additional Features

The recent technology of putting an individual's vital information on the back of their driver's license or identification card in the form of a magnetic strip or barcode can be easily used with the handheld system. All of the information stored on the magnetic strip or barcode can be read by using an integrated or connected barcode or magnetic strip reader. With the data stored on the barcode, information such as the validity of the license and contact information can be retrieved. After the license is scanned, any additions or edits can be made to ensure that the correct information is stored and saved onto the license strip or barcode and in databases.

Fingerprints can be scanned into the handheld using a 500 dpi bitmap image. This feature is especially useful to police officers who have a suspect or offender without any identification

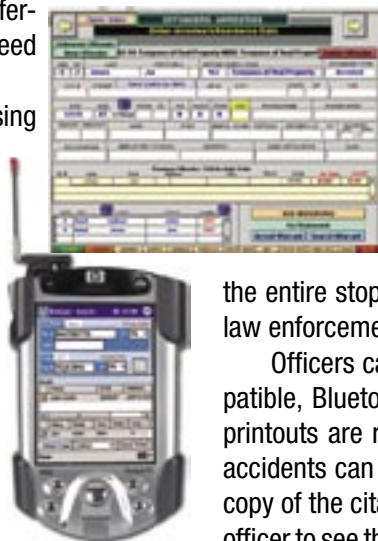
on their person. Eventually, with added technology, this can help augment the size of the fingerprint database used in counties, states, and the country as a whole.

A transcriber system, in which a person is able to write directly on the touch screen and the characters can be recognized by the system, is also a feature of the handheld. This provides extra space for the officer to record any other information, such as additional suspect description, location description, or verbal statements made by the suspect. A tape recorder and camera accessory allow officers to have audio and visual recordings of all conversations and confrontations that occur during the stop. Some officers have used these accessories to record the entire stop, much like cameras currently installed in many law enforcement vehicles do.

Officers can print out a citation at the scene using a compatible, Bluetooth™ interface, portable printer to ensure that printouts are readable and accurate. Forms needed for traffic accidents can also be printed in the field; a soft, or electronic, copy of the citation is stored. A print preview screen allows the officer to see the electronic citation exactly as it will print out. Any information that needs to be changed, according to the officer or offender, can be corrected before the citation is printed on the device and a hard, or physical, copy of the citation is given to the offender.

Benefits of Electronic Citations

The small size of the handheld device used with electronic citations is also beneficial to many officers. The mode of transportation for officers on horseback or on motorcycles makes carrying a laptop impossible, but the electronic citation handheld devices' compact size and efficiency make them ideal for these officers.

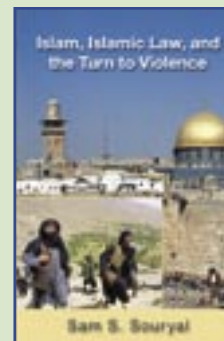


From OICJ Press

Islam, Islamic Law, and the Turn to Violence

by Sam S. Souryal

Islam, Islamic Law, and the Turn to Violence, by Dr. Sam Souryal, is a brief but detailed overview of the history of Islam, from its meager beginnings to its rise as a major world religion. The book gives an in-depth analysis of Islamic law, explaining the historical context of what many Westerners see as the most severe restrictions and punishments. This book also details how political circumstances over the last fifty years have created an environment that breeds contempt for Western government, resulting in the reactionary philosophy behind fundamentalist terrorism. Dr. Souryal provides a clear understanding of the current and historical Islamic perspective and offers solutions to ending the hostility that drives many Moslems to violence.



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One of the most positive features of electronic citations is the time that it saves by recording all of the information electronically. In a study by the Washoe County Sheriff's Office in Reno, Nevada, it was found that the average time it took to write one paper citation was 29 minutes. Using electronic citations, the average time of one citation was 8 minutes, a 72% difference. Those extra 21 minutes saved can be used in the other important functions of being an officer and increase the efficiency of departments.

With wireless capabilities, the possibilities are endless for the electronic citations. All files and databases that are accessible to officers and personnel at the actual department can also be accessible to officers in the field. Files such as contact information, updated information, and correct court dates can all be available to the officer in the field with this system.

The cost of implementing electronic citations is usually a main concern to police departments. To remedy this concern, many departments use funds from traffic grants to help sponsor and pay the costs of the devices. There are numerous options for the software and hardware of electronic citations. Many

companies now offer different systems that meet the specific needs of departments. The following software companies offer software solutions for electronic citations: Advanced Public Safety, Bio-key International, Copperfire, Crossroads Software, Custody, Data Driven, Digital FTO, Hunt Computer Design, LLC, Infokall, Information Technologies, Inc., NETdelivery, Presync Technologies, and Technology Alternatives. Compatible handheld devices are available from many companies including Hewlett-Packard, IBM, Microsoft, and Nextel.

Electronic citations provide a technological solution to many problems that law enforcement officers face, especially in regard to efficiency and accuracy. Concerns associated with paper citations such as legibility and lack of information are no longer worries with electronic citations. The handheld device needed to do electronic citations provides officers with many more options and information than paper citations have the capacity to do, and the handheld devices provide many options that officers only recently obtained in their car laptops or computers at the station. 🌐



Intelligence in Plain View: Symbols, Logos, Markings, and Non-Verbal Clues Suggesting Involvement in Domestic Extremism, Illegal Gangs, and Illegal Drug Activities

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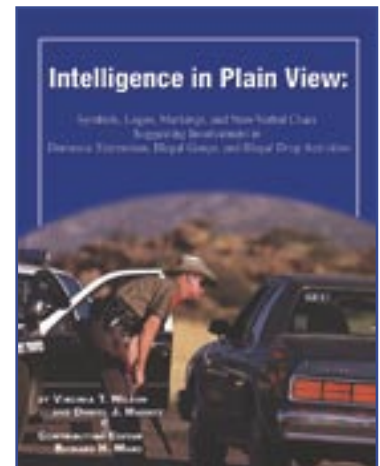
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BRAZIL

Piracy of **music, movies, and software** in Brazil costs U.S. companies an estimated \$1 billion each year. Piracy criminals view trafficking these items as less risky and even **more profitable than drug trafficking**. Interpol reports that the piracy operations in Brazil, as well as Paraguay and Argentina, **help fund Hezbollah**. The International Intellectual Property Alliance estimates that **less than 1%** of piracy raids in the last seven years have lead to convictions. In response to this growing problem, the U.S. Trade Representative's office has **threatened future sanctions** against Brazil.



GREECE

In its efforts to combat cross-border organized crime, Greece held talks with Albania and Pakistan. With Albania, Greece plans to develop **stronger measures of policing borders**, as well as **training Albanian officers** in Greece. Pakistan and Greece have signed a Memorandum of Understanding (MoU) based on **curbing transnational crime**. Both countries plan to hold talks with Turkey and Iran in the hopes that they will sign the MoU. Greece has also organized a meeting with Bulgaria to discuss cross-border organized crime.



IRAQ

According to Iraqi Minister for National Security Affairs, Abd-al-Karim al-Anzi, "Iraq has become a center for terrorism and drug-trafficking networks." Drug traffickers use Iraq as a **passage for transporting drugs** from nearby Iran, Pakistan, and Afghanistan. The escalating problem is believed to be fueled by **cooperation between the drug traffickers and Iraq's terrorists and insurgents**. Hamid Ghodse, the President of the International Narcotics Control Board, warns, "You cannot have peace, security and development without attending to drug control."



JAMAICA

Commercial banks and business organizations **suspended commercial activity** for one afternoon in protest of Jamaica's **high crime rate**. Jamaica's Prime Minister, PJ Patterson, supported the initiative, which was headed by the Private Sector Organization of Jamaica (PSOJ). Patterson has appealed to all Jamaican citizens to aid in the "difficult, dangerous and long-term fight against crime and violence." More than **1,400 people were killed in Jamaica in 2004**, and more than **630 people have been killed this year**.



KUWAIT

Kuwait's Interior Minister, Sheikh Nawaf Al-Ahmad Al-Sabah, and German Interior Minister, Otto Schily, reached an agreement



that will establish a **system of exchange for intelligence** in the fight against global terrorism. Schily announced that both countries "agreed that **terrorism is a threat to the whole world...** and that it **cannot be defeated without international cooperation** in combating terror and organized crime." Kuwait and Germany also plan to exchange visits by security experts.

MONGOLIA

The overall number of crimes committed in Mongolia has **decreased by 13%** in the first four months of this year, compared to the first four months of 2004. The three greatest decreases were in **crimes against social safety** (-25.8%), crimes involving **theft of property** (-22.9%), and **occupational related crime** (-19%). The three greatest increases in crime were crimes against human freedom, rights, and reputation (75%), crimes against military service (63.6%), and crimes against environmental protection (44.4%).



SOUTH KOREA

In 2004, **foreign residents** in South Korea committed **over 12,800 crimes**. **Chinese citizens**, living in South Korea, **accounted for 45%** of those crimes and **U.S. citizens accounted for 11%**. While the number of foreign nationals has drastically increased in recent years, the per-capita crime rate has decreased. In order to more effectively combat transnational crime, drug-related crime, and international terrorism, South Korea's Head of the National Police Agency, Huh Joon-young, met with Vietnam's Minister of Public Security, Gen. Le Hong Anh.



TURKEY

Turkey officials met with Iraqi Prime Minister, Ibrahim al-Jaafari, to **strengthen cooperation** against the **terrorist group PKK**. The U.S. State Department estimates that there are **500 terrorist PKK militants** in Turkey and **3,500 to 4,000 armed militants** in Northern Iraq. The PKK reportedly desires to establish an independent state in southeastern Turkey, northern Iraq, and parts of Iran and Syria.



UNITED STATES

Continuing the India-U.S. Global Issues Forum, established in 2002, U.S. Under Secretary for Global Affairs, Paula J. Dobriansky, met with Indian Foreign Secretary, Shyam Saran, to discuss mutual concerns surrounding **organized crime and terrorism**. According to a joint statement, "The two governments **reaffirmed their determination** to enhance collaborative efforts in these areas" as they acknowledged "the **global ramifications** of trafficking in illegal narcotics and persons, and their nexus with international terrorism and illegal arms trade." 



— compiled by Brett Finn

PAKISTAN

Where Crime, Nukes, and Terror Meet

In 1947, British India was separated into the Muslim state of Pakistan (with two sections, East and West Pakistan) and Hindu India. Independent Pakistan became a federal republic divided into four provinces, one territory, and one capital territory. Wars have marred Pakistan-India relations since the two countries were created. The first two wars were in 1947-48 and in 1965. In 1971, the third war with India resulted in the transformation of East Pakistan into the country of Bangladesh.

The Legal System

The legal system in Pakistan is based on English common law, but with provisions to accommodate the country's Islamic foundation. In some parts of the country, such as the tribal dominated Northwest Frontier province, residents are imposing Islamic law (Sharia). In contrast to common law, advocates of Sharia would require schools to teach in Arabic (as opposed to Urdu, Pakistan's official language), and require women to wear burqas (a garment that covers the entire body). The executive branch is led by the current president, General Pervez Musharraf, who gained his position following a military coup on October 12, 1999, and was quickly granted executive and legislative authority. On April 30, 2002, Musharraf's presidency was extended for an additional five years. The legislative branch is a bicameral Parliament consisting of the Senate (100 seats) and the National Assembly (342 seats). The Judicial branch has a Supreme Court in which the justices are appointed by the president.

Nuclear Weapons

Pakistan's nuclear program is based on highly enriched uranium (HEU), and it is estimated that the country has built between 24 and 48 HEU-based nuclear warheads. Pakistan has also produced small quantities of weapons grade plutonium, enough for 3-5 nuclear weapons. However, Pakistani officials claim that the nuclear weapons are not assembled and that components for the device are not housed in the same locations as the warheads. Pakistan, like the U.S. and India, has not signed the Comprehensive Test Ban Treaty (CTBT) or the Non-Proliferation Treaty (NPT). In addition, not all of

Pakistan's nuclear facilities conform to International Atomic Energy Agency (IAEA) safeguards.

Crime Rates

Pakistan currently ranks 12th in the world in prison population, with roughly 87,000 inmates currently serving prison sentences. Crimes that are raising the most official concern are illicit drug trafficking, terrorism, corruption, and money laundering. Drugs enter the country through the federally administered tribal areas, Baluchistan Province, and Karachi, from Afghanistan. In addition, organized crime has become a problem in the capital city of Islamabad. Frequently, the organized crime rings within Pakistan are teaming up with terrorists to further increase their economic gains. One particular figure who has worked between Pakistan and India is Dawood Ibrahim, who has helped to build one of the most powerful organized crime syndicates in the region.

Terrorism

Terrorism has plagued Pakistan since its independence in 1947. As in other countries, it is often difficult to distinguish between terrorist and socio-political groups as their interests and activities often intersect. Most Pakistani terrorist groups are also active on the political stage. Pakistani terrorist groups can be divided into two categories, ethnic and sectarian. The sectarian violence is centered on the Shia-Sunni struggle to obtain political power, a struggle that has pitted armed groups against one another since 1974. The targets have been opposing sectarian workers, worshipers, and politicians. Much of the rise in ethnic terrorism owes in part to the newly formed Baluchistan Liberation Army and its fight for political and geographic freedom.

Prepared by Mike Van Aelstyn for the Institute for the Study of Violent Groups



at a glance - contract killing in russia

- Number of contract killings annually (official): 500-700
- Number of murders in 2003 believed to be contract killings: 5,000 (approx.)
- Cost of hiring a killer: anywhere between \$200 and \$200,000.
- Hits take place in the victim's home (17%), office (14%), car (14%), or a street or stairwell (8.6%).
- Russian contract killers may be highly-trained ex-KGB agents, former military or police, or petty criminals desperate for money.



Most contract killings in Russia appear to be related to organized crime and private business. When a business partner fails to meet his financial obligations, his associates are often reluctant to rely on a weak judicial system, which may hold the case for years before getting to it. This, combined with the cost of hiring a killer—often lower than court costs—makes murder a faster and cheaper solution to resolving financial disputes.

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OLET, founded in 2000, continues the lengthy tradition of quality law enforcement training provided by the Criminal Justice Center. From the CJC Police Academy in the 1980s to the Bill Blackwood Law Enforcement Management Institute of Texas in the 1990s, and now OLET in this century, timely and relevant law enforcement training continues to be the hallmark of the new millennium. Thousands of law enforcement officers have attended courses at the Criminal Justice Center. OLET courses focus on specialized and advanced topic areas and are instructed by nationally-selected trainers.

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Accommodations

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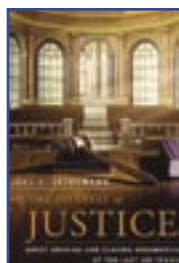
The Mythology of Crime and Criminal Justice (Waveland Press Inc, 2004), by **Victor E. Kappeler** and **Gary W. Potter**, aims to debunk the myths cited in well-known literature, regarding criminality in the United States. Readers have the chance to dig beneath the popular notions of crime, criminals, and crime control. The book's 15 chapters explore misconceptions about specific crimes, along with particular aspects of the system. The authors confront misleading statistics and fears that form the foundation of myths, tracing the social construction of each issue. This book is a perfect complement or alternative to traditional textbooks used in CJ classes and an interesting read by itself.



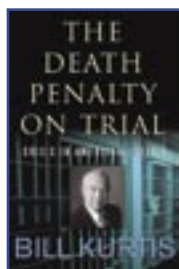
Visions for Change: Crime and Justice in the Twenty-First Century (Prentice Hall, 2004), by **Roslyn Muraskin** and **Albert R. Roberts**, is a college-level text that examines the policies and practices used by criminal justice agencies all over the United States. The book argues that locking up criminals is just not enough. Something else must be done to prevent juveniles from committing crimes and becoming repeat offenders. The chapters cover crime challenges such as police, courts, corrections, technology and gender issues that are currently impacting the system, and how these issues should be handled in the upcoming century. From the back cover, "This book is essential to both university students and criminal justice practitioners as it addresses many of the critical issues in the field of criminal justice."



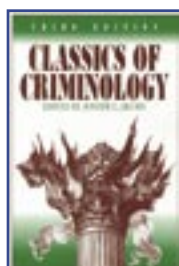
The Will to Kill: Making Sense of Senseless Murder (Allyn & Bacon, 2004), by **James Alan Fox**, **Jack Levin**, & **Kenna Quinet**, explores the desire for power and control as a motive that leads some people to kill. The authors present a classification of homicide theories that examine "the will to kill" from different perspectives. Chapters include several case studies and well-known examples drawn from recent headlines. Discussions also address how politicians use high-profile cases to change criminal law or secure funding for programs and policies to reduce violence, and how high-profile cases form public opinion about homicide. The information provided is of great value to criminology professionals as well as students in the criminal justice field.



In the Interest of Justice: Great Opening and Closing Arguments of the Last 100 Years (Regan Books, 2004), by **Joel Seidemann**, introduces readers to more than two dozen of the most memorable opening and closing arguments of the last quarter century, such as Johnnie Cochran and his summation in the O.J. Simpson criminal trial and the opening statements made by the prosecutors in the Timothy McVeigh case. The book also details three cases in which defendants represented themselves, such as the accused al-Qaeda conspirator, Zacarias Moussaoui. Seidemann was an assistant DA in NYC for over twenty years. His goal with this book is to entertain the reader with legal drama and to remind the reader of some important recent events in the American court system.



In ***The Death Penalty on Trial: Crisis in American Justice*** (Public Affairs, 2004), author **Bill Kurtis**, the host of A&E's *American Justice*, re-evaluates his earlier views in support of the death penalty. The book begins with Illinois governor George Ryan's sudden mass emptying of the state's death row due to DNA testing, and moves on to two cases—one involving a brutal rape/murder, and another involving the stabbing of a mother, her two children, and another child—in which the wrong men were convicted then later exonerated. Though Kurtis includes graphic, deeply disturbing descriptions of these murders to show how an emotional response leads some people to justify the death penalty, he argues that the risk of executing the wrongfully accused is too great to let capital punishment stand.



Classics of Criminology (Waveland Press, 2004), by **Joseph E. Jacoby**, is a compilation of writings produced over the last 240 years. The writings represent influential approaches to describing and explaining crime and the social responses to crime. Readers are able to follow the development and application of key ideas presented by each major author. The book is organized in sections on classic descriptions of crime and theories of causation of crime. This edition offers sixty-five selections; seventeen of them are new and include environmental criminology, criminal careers, general strain theory, self-control theory, feminist theory, women's prison culture, and the effectiveness of correctional treatment. This book is intended for advanced undergraduates and graduate students.

— compiled by Gillian Dickenson

crime&justice

INTERNATIONAL

Worldwide News and Trends

CJI Peer-Review Submission Guidelines

In the two and a half years since I became Editor-in-Chief of *Crime and Justice International*, our team has met its goal to improve the quality, print original material, and expand the readership. Frankly, we didn't anticipate all the unsolicited manuscripts we have received. We thank all our contributors for their assistance in improving *CJI* and maintaining the high quality.

In order to move to the next level, beginning in January 2006, the scholarly articles appearing in the Academic's Arena of *CJI* will be peer-reviewed.

What you should know about *CJI*:

- *CJI* is distributed to all attendees of the American Society of Criminology (ASC) and the Academy of Criminal Justice Sciences (ACJS) annual conferences
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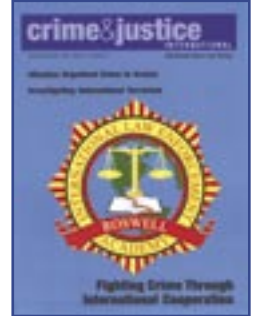
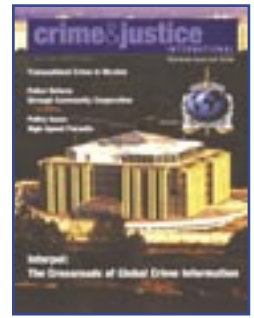
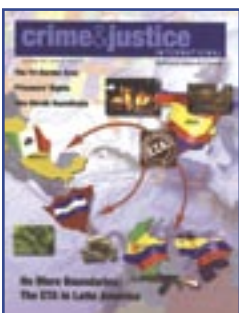
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- Double-spaced, Times New Roman font, 12-point
- APA style of citation
- Brief author bio and mailing address
- One copy submitted electronically to jdserio@shsu.edu
- Topics may focus on the United States or the international community. Keep in mind that the international audience is interested in what is happening in the U.S.

All contributors will receive three complimentary copies of *CJI* upon publication.

We look forward to counting you among our contributors. If you have any questions, please do not hesitate to contact me at jdserio@shsu.edu or 936-294-3634.

All the best,

Joseph Serio



Democracy and the International Criminal Court

by Renad Haj Yahya

The ongoing reports about war crimes in Iraq emphasize more than ever that the U.S. must ratify the 1998 Rome Statute which established the International Criminal Court. Those reported crimes would have been amongst the crimes that the Court would have prosecuted and punished since they are considered to be war crimes according to the Court Statute.

The U.S. rejection of the International Criminal Court encourages a culture of impunity for human rights violations and war crimes among the U.S. troops but more importantly proves that the U.S. claims about promoting international democracy are empty of content or real intentions. The U.S. opposition to the Court is one of the strongest oppositions to multilateral treaties that had been ratified in the last few decades.

The U.S. claimed that the Court violates basic principles of international law such as sovereign equality and democracy. However, despite the U.S. opposition and the painstaking efforts of the U.S. delegation to Rome in 1998, the Court Statute was adopted by 120 States and the Court started working in July 2001. If Iraq was a party to the International Criminal Court, the Court would have assumed jurisdiction over the crimes committed in Iraq nowadays. This is due to the fact that the Court can assume both territorial jurisdiction and national jurisdiction. The former is assuming jurisdiction over the crime committed in the territory of the state party and in that case the state party would have been Iraq; the latter is assuming jurisdiction over the crime committed by the nation of the state party regardless of the place it was committed at and in that case the U.S. would have to be party for the Court to assume jurisdiction over the crimes in question. The U.S., by not ratifying the Court Treaty, avoided prosecution of cases such as Abu Ghraib prison, where the reported crimes are considered to be war crimes under the Court jurisdiction.


The U.S. claimed, among other things, that it would bring peace to the Iraqi people through their liberation from the rouge regime of Saddam Hussein. It is well established that respect for human rights is the corner stone for democratization and civilization. Again, the experience with the International Criminal Court is the ultimate evidence that the U.S. claims are merely a lobbying tool for it to get legitimacy for the war.

The International Criminal Court represents the dream of every liberal theorist and believer in human rights. It guarantees that abuses of power no longer enjoy impunity. Through a process of international criminal justice, which is not threatened by the classic claims of sovereignty or sovereign immunity of heads of states, criminals would be brought to the justice-making machinery of the international legal order. Naturally, the man in the street would expect the U.S., a liberal democracy, to be mutually connected with the Court and, even more, he would expect it to

act actively to ensure its ratification by all world States as it did in other instances where its interests were at stake.

In contrast to this rational expectation, the U.S. opposition did not end with solely remaining outside the realm of the Court. Instead, the U.S. worked actively to ensure that American nationals won't arrive to the court no matter how grave their crimes were when committing a crime on the soil of a state party. It had done so by signing non-extradition bilateral agreements and by negotiating and adopting Security Council Resolution 1422, which exempts from the jurisdiction of the Court the nationals of the UN forces who are nationals of non-contracting party to the Court. Bearing in mind the recent Security Council Resolution 1546 which provides that the Multinational force will provide security to the UN forces, it may mean that the U.S. troops will continue to enjoy impunity from international criminal justice.

The International Criminal Court seems to provide cosmopolitan notions of international democracy to the international justice-making system. It suggests that justice can be made quickly and independently. Needless of waiting for the Security Council to act, the Court can assume jurisdiction over the crimes in question and punish the perpetrators. The gates of the Court are open to individuals and NGOs and not merely to States.

Therefore, the American rejection of the Court proves that the American understanding of democracy is different. The democracy in the eyes of the American administration is the democracy that does not threaten the American hegemony. That is why the American promotion of democracy is only through regional State democracy which ends in the territorial boundaries of the State and which does not pose any real challenge to the American interests. Additionally, this promotion of democracy is not concerned with promoting American ideas abroad but with defending the interior democratic identity the U.S. had long sought to establish, even through the so-called democratizing wars. Therefore, even if the war in Iraq is a democratizing war as the U.S. claims, the Abu Ghraib scandals and the reports about the legalization of torture methods by the Pentagon and the CIA in contrast to the Prevention of Torture Convention and the International Convention for Political and Civil Rights to which the U.S. is a party, prove that democratization ends where the U.S. interest starts. If the U.S. wants to prove that it wants to provide democracy for the Iraqis, it has first to ratify the Court treaty, announce all legalized torture reports and authorizations as illegal and respect all human rights international treaties in its dealing with occupation of Iraq and not merely announcing that the occupation has ended. 

This opinion originally appeared in *Electronic Iraq* on July 7, 2004. The views expressed here do not necessarily represent the perspective of *Crime and Justice International*.



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