

### Renewing our Team

We would like to announce that the Newsletter has renewed its editorial team. We thank Anna Sergi and Falko Ernst for their wonderful job on ensuring the quality of the newsletter during the last couple of years, and we would like to introduce Pamela Ruiz and Diorella Islas as the new managing editors.

Pamela is at the Criminal Justice Doctoral Program at John Jay College of Criminal Justice, focusing her research on Central American gangs and Mexican Drug Cartels.

Diorella is at the University of Bath, her research analyses the impact of security policies on the transnationalization of drug trafficking organizations.

During this new year, we would like to provide our readers with unique and rigorous studies influencing policy and inform students of upcoming opportunities in the field of organized crime.

### Editors Note



source: <https://ecpr.eu/Events/EventDetails.aspx?EventID=95>

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# First General Conference of the ECPR Standing Group on Organised Crime - Old and new forms of organised and serious crime between the local and the global

11-12 December, 2015, Naples, Italy.

by Panos Kostakos



First General Conference of the ECPR Standing Group on Organised Crime at Naples, Italy 2015.

The First General Conference of the ECPR Standing Group on Organised Crime was greeted with great enthusiasm by our community. The SGOC launched two satisfaction surveys during and after the Conference to collect participants' feedback and check the quality and relevance of the event (N=65). We would like to thank you for your participation; your impressions, information and insights will help us improve our next Conference.

So, what are the main findings of the survey?

**The Conference attracted both experienced researchers and first-timers.** Over 10% of respondents attend 6 or more academic conferences annually; about 60% attend between 3-6 conferences; and 30% between 1-2. We are pleased to have attracted such a diverse mixture group of academics from all over the world. And, it comes to no surprise that 80% of the respondents feel that the SGOC Conference

fulfilled their expectation as a networking event. Finally, we are thrilled that a great number of conference first-timers have entered into the organised crime learning community through our event.

**Academic and professional quality is nearly outstanding.** Further information that testifies to the high quality of our Conference is that nearly 80% of survey respondents ranked the academic and professional content of the Conference as being very good or Excellent. Similarly, when asked 'How would you rate this Conference compared to other Conferences of this type that you have attended?', 60% of the respondents rated our Conference as being either very good or Excellent.

**Participants are happy to recommend this event to their colleagues.** Finally, the respondents were asked to say if they would recommend this Conference to their colleagues. The SGOC Conference is the organised crime Conference 90%

of participants would recommend to their colleagues.

And, what did participants liked most about the Conference?

*"Wonderful colleagues, great discussions and a very friendly atmosphere."*

*"Great location in Naples. A fantastic hosting institution as well, beautiful building and place. Many interesting people and lots to learn about Italian experiences."*

*"New ideas, new knowledge, networking."*

*"Great location and local assistance"*

*"It was in Napoli! You people did a really good job, were very friendly and supportive and did good communications all along the way"*

*"The inclusive element and the lack of academic snobbery. It was brilliant. The best Conference I have been to - ever!"*

*"The quality of participants, discussions, presentations were all outstanding. The venue was great and the staff was very helpful."*

*"Networking opportunities."*

*"The roundtable on the Grey zone was very good!"*

*"Opportunity to hear research from researchers in many other countries other than only from Italy. Opportunity to discuss and network with persons face-to-face. To share similar research interests."*

*"Spot-on topic, great location and some great names."*

# Decoding Organised Crime in Albania

by *Jana Arsovska*

Jana Arsovska, Ph.D., is an Assistant Professor at John Jay College, City University of New York and the Director for the Master of Arts Degree in International Crime and Justice Program at John Jay College. Her book *Decoding Albanian Organized Crime* has been awarded the 2015 Outstanding Book Award for the Division of International Criminology at the American Society of Criminology (ASC), 2015 Best Publication Award for the International Association for the Study of Organized Crime (IASOC), and the 2016 Outstanding Book Award for the International Section of the Academy of Criminal Justice Sciences (ACJS).



Jana Arsovska

I was eleven years old when the Socialist Federal Republic of Yugoslavia was drawn into a highly destructive conflict. In 1991 the collapse of the federal state culminated in the secession of its more developed republics, Slovenia and Croatia. By 1992 the struggle had shifted to Bosnia-Herzegovina, and Europe experienced the bloodiest war on its territory since World War II. Once the conflict spread to Kosovo, however, it became clear that regional conflict would have serious consequences for Macedonia, my native country, as well. By the late 2000, the local Macedonian newspapers were writing about the spread of interethnic violence in the country. These were terrible times for both ethnic Albanian and ethnic Macedonian people who were trapped in a world full of silent laws, deception, political manipulations, and crime. These were also horrible times for most small businesses in the Balkan region.

There are many myths about the rise of the “Albanian mafia” in Europe and beyond. For various reasons, often political, these myths developed over the years. Therefore my book attempts to make sense of the mythology surrounding the topic of ethnic Albanian organized crime, although its implications are much wider. For example, some of the most widespread myths about the so-called Albanian mafia are that the traditional Albanian “culture of violence” and the customary Kanun laws have

led to a drastic increase in organized crime in Albania; that the Albanian mafia is the new Sicilian mafia; that there is one nationwide Albanian mafia; that this Albanian mafia is hierarchically structured, with families, bosses, and underbosses; that this organization adheres to the ancient Albanian customary Kanun laws (code of conduct); that the Albanian mafia is able to move easily across territories and gain control of foreign territories; that politicians in the countries of origin (Albania and Kosovo) control the Albanian mafia, and so on. One challenge for scholars and law enforcement officials is understanding the nature of “transnational” organized crime groups as well as the relation between organized crime and international migration. The administrators of justice must be aware of the invisible lines that separate perception and reality, legitimate anger and ignorance-inspired bitterness. This book challenges various assumptions made about the rise and expansion of Albanian organized crime groups in the Balkans and the West. It is important for governments to develop politically acceptable solutions to issues related to international migration and transnational organized crime while separating these two phenomena.

My decade-long research project indicates that there is no single, ethnically homogeneous Albanian or Balkan “mafia,” structured hierarchically like the traditional LCN or the Sicilian mafia. Contrary to common belief, no strict hierarchy exists within ethnic Albanian criminal groups, and there are no “Kanun-based” godfathers.

Rather, Albanian organized crime groups, for practical reasons of language and culture, are organized around ethnic groups and friendship ties. practical reasons of language and culture, are organized around ethnic groups and friendship ties. Often, family ties play a role, but the membership of a group is rarely exclusively Albanian. Although organized crime figures maintain ties to the Balkan region and their countries of origin, this does not mean that groups in the Balkan region control Albanian criminal organizations abroad. The Balkan region remains a safe haven for some of these groups, but one should bear in mind that some Albanian groups established themselves abroad after escaping justice in Albania or Kosovo. There is little evidence that Albanian organized crime is a strategically transplanted entity or a rational bureaucracy that has been able to move its “business” successfully to foreign territories. It does not appear that these criminal groups resemble multinational corporations, or that there is a nationwide Albanian mafia. On the contrary, the mobility of the groups seems to be functional and project-based, and there is no “one size fits all” explanation of criminal mobility. In general this book is skeptical both of theories that deny the importance of structural constraints on individual decisions, and of structural theories that deny agency to individuals and families. In fact, it proposes its own multi-level theory of organized crime offender’s decision-making.

## About the book:

*Decoding Albanian Organized Crime* is an empirically based and theoretically founded book about the causes, culture, structure, politics, action, and migration of ethnic Albanian organized crime groups operating in Western societies and the Balkan region. It attempts to make sense of the mythology surrounding the topic of ethnic Albanian organized crime, although its implications are much wider. To that end, I examine some of the most widespread myths about the so-called Albanian mafia.

# Street Gangs a Social Movement

by David Brotherton

David Brotherton, Ph.D. is a Professor at John Jay College, City University of New York. In November of 2015, Dr. Brotherton was awarded with the DCC Praxis Award from the American Society of Criminology Division of Critical Criminology. His book with Luis Barrios *The Almighty Latin King and Queen Nation: Street Politics and the Transformation of a New York City Gang* has been translated into Spanish (*Las pandillas como movimiento social: La historia de los Latin King y Queens en la ciudad de Nueva York*) and will be published in May from the University of Central America, San Salvador.

From Los Angeles and New York to Tegucigalpa and San Salvador, street gangs are regarded as one of the most intractable, socio-pathological crime problems facing cities and entire nations, with a vast array of resources being deployed globally to combat them. This book chronicles the self-transformation of one of the most feared gangs in the United States into a quasi-social movement defined as a "street organization." The book chronicles the reformist journey of this group as it builds a formidable cultural and street political movement championing the demands of disenfranchised youth in multiple domains and acting on behalf of the urban Latino/a dispossessed. This journey, nota bene, took place during the late 1990s Giuliani era of New York City, when the city was the testing ground for the infamous mayor's policies of "zero tolerance" and "breaking windows." Through a collaborative ethnographic project worked out with the leaders of the group, the book's authors gained unparalleled access to the daily life activities of members and recorded of 100 life history interviews with males and females from every aspect of the organization as well observations of the group's practices over three years. Based on these data the book contains detailed accounts of the group's efforts to renounce violence and the seductions of the underground economy while requiring its members to take responsibility for their



David Brotherton

families and communities. Using both sociological and criminological theory we argue that through a complex construction of new identity formation and a recognition of the significance of resistance that was always a part of Latino settlement in the U.S. the group provided the basis for a new meaning-system and identity for thousands of marginalized yet aspiring Latinos and Latinas resulting in a highly innovative subculture of empowerment at the social, political and cultural level.

What was unique about the group was that the transformation took place at a time when the group was under enormous pressure from city, state and federal law enforcement agencies that had joined forces to eradicate the organization. Normally, such groups collapse under such pressures with many members agreeing to cooperate under the threat of conspiracy laws and specialized anti-gang sanctions but this group decided to resist and create an entirely new leadership structure that transformed the group into a highly combative subculture of resistance, which confounded New York's establishment at the time. As the group gained traction among the city's marginalized it became a symbol of resistance to many youth who were tired of the authoritarian practices of the Giuliani regime, which had been so dismissive of

the conditions of poverty and structural violence that were characteristics of daily life in the city's ghettos and barrios. The group was the other side of the governing through crime paradigm that exemplified so many city governments during the 1990s and which enabled the prison industrial complex to develop. This was a period when Riker's Island, New York City's main jail, had become the world's largest penal colony and the city was developing into gilded enclaves for the rich amid rampant real estate development while levels of poverty and incarceration were reaching new highs. The group perfectly articulated the racial, class and gendered frustrations that so many youth felt at the time and gave them a means to talk back and act in their own interests. No other social movement was reaching out to these youth and so they built their own out of the only resources they had. It was not so dissimilar from the innovative use of subcultures during the gestation of hip-hop, which came out of the ruins of the South Bronx a couple of decades before.

The lessons for Central America are many. First, it is possible to think of these subcultures as empowering organizations not simply as pathological ones. Second, the state must play find a way to communicate with these groups and not simply lock into a one size fits all approach that stereotypes these groups as incorrigible gangs that simply exist through crime. Third, if there is no recognition of the root causes that give rise to these groups, especially recognition of community history then no amount of repression will suffice. Fourth, it is important to recognize that these groups now have a global reach and as long as youth are marginalized at the extent that is developing in the new global economy under the aegis of new-liberalism these groups will simply proliferate.

# Trafficking in Persons: A glimpse on the Uganda Context

by *Christabella J. Aceng*

LLM Transnational Criminal Justice and Crime Prevention (UWC-DAAD); Founder and Executive Director Action; Trans-Crime; Lecturer in Law-Uganda Christian University. jacengc@gmail.com.

## Introduction

Uganda has increasingly become a subject of human trafficking as a source/supply, transit and destination. Women, children and men alike are all objects of this trade at both internal and transnational levels. The Annual Report on the Trend of Trafficking in Persons in Uganda, 2013 produced by the Coordination Office to combat trafficking in persons indicates that, approximately 837 victims of trafficking out of which 429 were victims of transnational trafficking and 408 were trafficked internally. The report lists 24 transnational trafficking destinations with the main destination in the Middle East and South East countries. 28 districts cutting across the country are listed as a source and destination districts for victims of internal trafficking.

The article underscores both international and national measures in place to tackle the crime and draws the progress made by Uganda. Highlights of security concerns that trafficking in persons presents are also drawn for Uganda and the region.

## Highlight of International and Regional Control Measures

Trafficking in persons is an act that has gained international condemnation. A number of International Labour Organisation (ILO) conventions and optional protocols attempt to contain the vice by discouraging forms of child labour, sale of children, child prostitution, child pornography, use of children in armed conflict and forced labour. However, the international instrument meant to specifically address the concern is the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children; adopted on 23 September 2003 also referred to as the "Palermo Protocol". This protocol



Christabella J. Aceng

supplements the United Nations Convention against Transnational Organized Crime. The preamble to the protocol, paragraph 3 recognises that despite the existence of a variety of international instruments containing rules and practical measures to combat the exploitation of persons, especially women and children, there is no universal instrument that addresses all aspects of trafficking in persons. As such, paragraph 4, further recognises that in the absence of such an instrument, persons who are vulnerable to trafficking will not be sufficiently protected.

The Protocol in tackling trafficking in persons requires that its provisions be domesticated by national systems. According to the protocol, countries have to adopt measures to:

- a) Prosecute and punish international traffickers;
- b) Boost co-operation among countries to combat trafficking more effectively;
- c) Protect the victims of trafficking and help them return safely to their own country or another country;
- d) Inform the public about trafficking and to make it aware of its negative consequences for both traffickers and victims.

Regionally, in place is the Ouagadougou Action Plan to combat trafficking in Human Beings, especially women and Children of 2006. Member states of the African Union commit to implement the Palermo Protocol.

Further, following the increased concern to end human trafficking, the world began to mark the world day against trafficking in persons on 30th July since 2014.

## Trafficking in Persons-The Uganda in Context

Increasingly, media reports are frequently filled with concerns and grave cases on trafficking in persons. If it is not about the illegal movement of children in large numbers from one part of the country to another, it has to do with testimonies of survivors who have suffered the wrath of being trafficked as such seeking justice. Women and girls have expressed being subjected to sexual abuse despite being held against their will. Men and boys have not been spared of this.

The United States, Department of State report on trafficking in persons for the year 2015 identifies Uganda as being vulnerable to human trafficking as a source, transit and destination for local, regional and international markets. Although the report indicates that Uganda is fairing better than her East African counter parts, being positioned at Tier 2 is interpreted that the Uganda government does not fully comply with the Trafficking in Victims Protection Acts (TVPA's) minimum standards, but is making significant efforts to comply with the minimum standards.

Uganda has ratified the United Nations Convention against Transnational Organised Crime, but Uganda has not ratified the supplementing Protocol to Prevent, Suppress and Punish Trafficking in Persons especially women and children. One could perhaps vote that Uganda commitment towards this protocol can be implied through the Ouagadougou Action Plan against Human Trafficking

as a committed African Union member state. Nevertheless, further, it should be noted that Uganda is State Party to ILO Conventions and Optional Protocols against forms of child labour, sale of children, child prostitution, child pornography, use of children in armed conflict and forced labour respectively.

The government of Uganda has established and exercised a number of protection and preventive measures. Uganda enacted the Prevention of Trafficking in Persons Act 2009. Part II of the Act provides for offences related to trafficking in persons. Part II provides for Protection of victims of trafficking in persons, Part IV provides for jurisdiction and Part V provides for the prevention of trafficking in Persons office. However, it is important to note that to date, the line Minister has not put into effect regulations to support the effective implementation of the law. Among others, it is important to harmonise offences under the Act with similar offences in other penal enactments.

In 2011, the Chief Justice by the mandate given under Article 133 of the Constitution of the Republic of Uganda, 1995, issued Legal Notice 10/2011

The High Court (International Crimes Division) Practice Directions, 2011 under paragraph 3 re-designated the "War Crimes Division" to "International Crimes Division". Paragraph 6 of the Practice Directions mandates the Division to have jurisdiction to try international offences to include trafficking in persons. Accordingly, as of 2015 out of 23 prosecutions, four convictions were secured in 2014.

The Minister of Internal Affairs designated the Anti-Human Trafficking National Task Force coordinated at Ministry of internal Affairs. It is responsible for coordination, monitoring and overseeing the implementation of the Trafficking in Persons Act. The membership of the task force consists of respective government institutions and civil society organisations. The Task Force's operation is guided by Standard Operating Procedures of May 2013, which spells out the duties and functions of the respective offices of the

Task Force's membership.

### Security Concerns for Uganda and the Region

The nexus between trafficking in persons and security concerns on the state as well as the communities and the individual is evident. This inevitably impacts on governance and development. Notably, with the global era on terrorism and constantly emerging insurgency groups, trafficking in persons makes it lucrative for the dealers in the trade to recruit by whatever means individuals capable of facilitating these illegal actions.

The Lord's Resistance Army (LRA) conflict that lasted for almost two decades in Uganda was characterised *inter alia* with kidnap and abductions of individuals to be used sustain the rebel force majorly as fighters, porters and sex slaves among others. This same trend was maintained by the rebel group in all the other neighbouring



source: www.monitor.co.ug

countries in which they operated; similar patterns were applied by the Allied Democratic Forces (ADF). The numbers of those abducted and recruited undeniably sustains the existence of these groups characterised by gross acts of human rights violations. Other jurisdictions where there is armed conflict marred with abductions among others share similar experiences. The neighbouring Democratic Republic of Congo (DRC) that has suffered from a number sprouting insurgents groups presents as a case study for external jurisdictions. For example at sentencing in the case of the *Prosecutor vs. Thomas Lubanga Dyilo No.: ICC-01/04-01/06* before the International Criminal Court, the accused was convicted for conscripting and enlisting child soldiers under the age of 15 years and using them to actively participate in hostilities. The Uganda Prevention of Trafficking in Persons Act recognises such eventualities; section 5 (b) creates the offence of aggravated trafficking in children for one who uses a child in armed conflict.

Other illegal activities associated with threat to security in which victims of human trafficking are involved include: drug

trafficking, prostitution, pornography and petty theft.

### Conclusion and recommendations

Trafficking in persons is a phenomenon that touches us all. It is a factor that affects sustainable human and state existence. It undermines rule of law and the fundamental principles of international human rights. Posing a security threat, strict consideration for a united agenda by stakeholders in respective jurisdictions must be put in place to urgently tackle this increasingly biting vice. It is therefore pertinent that Government and Development Partners commit to already existing structures through supporting initiatives by the respective stakeholders in this realm to counter trafficking in persons.

In addition to streamlining the legal and institutional framework, efforts should be made to address concerns that make individuals vulnerable to being trafficked. Utmost, it is imperative that stringent control measures be accorded to effectively monitor recruitment by employment agencies.

The Prevention of Trafficking in Persons Act though victim centred, does not provide for the how part in terms of victim/witness protection and reparations. There is need to plan for witness protection before and after court processes. Also a reparations fund is necessary as many are times that the suspect may not be in position to compensate the victim.

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## CONTRIBUTIONS!

For the newsletter we are looking for short original articles (1000 - 15000 words) on different organised crime related themes. These contributions can stem from your on-going research or from summaries of published material, which you might wish to circulate among the organised crime research community.

You may also contribute to the content of the newsletter by sending us any announcement of conferences/ workshops/ literature references you could be of interest to this field.

The Next Issue of the ECPR Standing Group on Organised Crime Newsletter will be published May 2016.

*Deadline for articles and contributions is 25th April 2016*

We always welcome new ideas, contributions and comments on the Newsletter.

Please send your contributions to:

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The ECPR Standing Group on Organised Crime has been successfully running for over 10 years a triannual Newsletter, covering issues related to organised crime. The Steering Committee of the Standing Group now requires six additional motivated volunteers to join the editorial team of the Newsletter.

More specifically, we are looking for:

Assistant Editor - Latin America

Assistant Editor - Oceania

Assistant Editor - Eastern Europe

Assistant Editor - Africa

Assistant Editor - Surveillance, policing & technology

Social Media Editor

For an informal discussion about the roles please contact:

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**SUGGESTIONS AND COMMENTS**

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