

COUNTERMEASURES AGAINST TRANSNATIONAL ORGANIZED CRIME

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I. INTRODUCTION

It is timely for this initiative, as we are able to share our experiences as they relate to transnational crime in Guyana with member states and vice versa, and with increased collaboration, we would be able to crack down on these criminal rings.

With the emergence of the oil and gas sector in Guyana, there is a strong risk that conventional transnational crimes such as human and cocaine trafficking would become even more prevalent and also new forms of transnational crime emerge. This is as a result of the development of new sectors in the country, higher volumes of investment and there being a large influx of foreigners which include criminal elements who would look for the opportunity to continue their criminal trade.

II. ROLE OF THE GUYANA POLICE FORCE (GPF)

The GPF is the organization in Guyana that is enshrined with the responsibility to enforce its laws, investigate all criminal activities and maintain public safety and security.

III. TRANSNATIONAL CRIMES IN GUYANA

There are two conventional types of transnational crimes in Guyana – human trafficking and narcotics trafficking. Cybercrime has become more prevalent in recent times as well.

IV. HUMAN TRAFFICKING

Foreign nationals who are trafficked in Guyana usually come looking for economic opportunities as a result of hardship in their home country. The majority of them are Venezuelan Nationals.

A. Modus

Human traffickers from Guyana would recruit victims to work in brothels disguised as night clubs from their country on the condition of agreeing to be bonded until a liability is settled and withhold their identification documents in order to restrict their movements in the meanwhile.

Also, there were cases whereby these vulnerable groups were deceived by persons who promised them employment opportunities but instead were exploited for cheap labour when they arrive in Guyana.

B. Trafficking Route

They are usually smuggled into Guyana through our porous borders. The main ports of entry are through Brazil from Bonfin to Lethem border (Region 9), through Venezuela from San Martin/San Felix to Entering bang border (Region 1) then arriving to Essequibo Coast (Region 2) and from Suriname through the Nickerie

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to Moleson Creek border (Region 6).

It is important to note that people smuggling is not criminalized in Guyana; however, Law enforcement utilizes legislation under the immigration act to detain and prosecute persons who enter Guyana illegally (Section 34(1)(c) of the Immigration Act, Chapter 14:02). Venezuelan nationals have refugee status and, therefore, these immigration- related offences are not enforced on them.

C. Identifiable Trends in Human Trafficking

Nationality	2020		2021		2022		Total		
	Sexual	Labour	Sexual	Labour	Sexual	Labour	Sexual	Labour	Sum
Venezuelan	114	7	114	8	139	33	367	48	415
Haitian	2	0	0	0	0	0	2	0	2
Dominican	12	0	0	0	1	0	13	0	13
Jamaican	0	12	4	2	2	0	6	14	20
Cubans	1	0	5	0	10	6	16	6	22
Indian	0	0	0	1	0	0	0	1	1
Brazilian	0	0	2	0	11	4	13	4	17
Total	129	19	125	11	163	43	417	73	490

- Over the last 3 years, 1 January 2020 – 31 December 2022, there were a total of 417 alleged victims of sexual exploitation and 73 alleged victims of labour exploitation.
- There is a clear trend that Venezuelans are systematically trafficked as the majority of the alleged victims were Venezuelan Nationals as they make up 367 of the 417 alleged sexual exploitation victims and 48 of the 73 alleged labour exploitation victims over the said three-year period. This translates to 88.0 per cent and 65.8 per cent, respectively. Further, there has been an increasing trend in the number of alleged victims of human trafficking during the three-year period moving from 121 victims in 2020 to 122 victims in 2021 and 172 victims in 2022.
- There has been a rise in the number of alleged victims for both Brazil and Cuba totalling 15 and 16, respectively, in 2022 as compared to 2 and 6, respectively, for the sum of the two preceding years.

D. Efforts by the Guyana Police Force to Combat Human Trafficking

Given the complexity and lucrativeness of human trafficking, the Guyana Police Force has a Trafficking-in-Persons Unit to deal with these crimes. The unit conducts regular operations in all regions of Guyana to combat human trafficking by enforcing legislation under the Combatting the Trafficking-in-Persons Act 2 of 2005 and other relevant legislation covering trafficking in persons related offences such as Keeping a Brothel and Withholding of Identification Papers.

For the years 2020, 2021 and 2022, there were 39, 37 and 23 reports, respectively, of human trafficking with a total of 490 alleged victims being contacted by the police. However, only a total of 11 cases were made from the total of 99 reports over the 3 years, which is a result of the lack of interest by victims to have their traffickers prosecuted. This is because of factors such as fear of traffickers and economic hardships they face make them feel they have no alternative but to be exploited.

E. Case Study of a Trafficking in Persons Report

On 24 April 2021, a report of an alleged Trafficking in Persons incident was made by R.F., male of African descent, age 28 years, a farmer of A District, PO Jamaica and C.M., male of African descent, age 30 years, a farmer of B District, PA Jamaica, both Jamaican nationals at the M Police Station. They mentioned that they were hired by one T.B., male of African descent, aged 44 years, a farmer of Georgetown, to clean land at K, at a cost of \$5,000.00US. They claimed that arrangements were made for them by T.B. who bought their tickets and on 11 December 2020, they travelled to Guyana. Three days after they arrived in Guyana, T.B. took possession of their passports, which he kept in his possession and escorted them to the area at Kara Kara, Linden, to commence working. At Kara Kara, they were given a makeshift camp and were supplied

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with food items. They stayed at this location for over four months and had no means of communication or transportation except for when T.B. visited. They also claimed that when they completed one plot of land, instead of being paid they were given more land to clean and were told that they needed to work harder, but they were never paid. So, on 24 April 2021, they left the location by begging a passing boat and reported the matter to the police. T.B. was apprehended, investigated, charged and he was sentenced to four years' imprisonment, fined \$200,000 for withholding their passports and to pay restitution in the sum of \$6,300,000. GC to the victims.

1. Challenges Encountered

After this investigation was launched, the challenge encountered was to locate the area since it was in a riverine area and the victims were not familiar so it took hours to locate the scene, and when same was located, it was observed that marijuana plants and compressed marijuana were found at the camp and two marijuana fields were also found about 300 feet away from the camp which was subsequently destroyed. During the trial, there were complaints of the lengthy period the trial was taking and at some stage victims opted not to testify since it was alleged that the suspect would have reached out to them not to testify and they subsequently related that preferred to be paid and return home.

2. Lessons Learned

Based on the statistics of these kinds of matters, not only females are being targeted and if the trial was done in a speedy process it may not have frustrated the victims. Nevertheless, by persuasion the victims testified which resulted in a successful prosecution. Also, apart from the element of force, the element of deception is very effective; it can cause anyone to be a victim even the strongest man, woman or child.

V. NARCOTICS TRAFFICKING

Due to Guyana's strategic geographical location which connects South America to the United States of America and Europe, cocaine traffickers utilize our country as a transit point to reach their final destination.

A. **Modus**

Given the aforementioned, traffickers from Brazil, Colombia and Venezuela load planes from these countries and land in our densely forested regions to offload. Afterwards, local traffickers would then conceal the cocaine in local commodities which are then exported to the US and European markets.

B. **Efforts to Combat Narcotics Trafficking in Guyana**

The Guyana Police Force and the Customs Anti-Narcotics Unit (CANU) are the two agencies in place that investigate and prosecute drug traffickers under the Narcotic Drug and Psychotropic Substances (Control) Act Chapter 10:10

In the year 2020, there were discoveries of shipments from Guyana which were busted in these countries. One of those is a container of scrap metal that was shipped from Guyana which had 11.5 tons of cocaine and was seized in Belgium in November 2020.

Another discovery was in August 2020 when a rice shipment from Guyana with 1.5 tons of cocaine was discovered in Germany.

A discovery was also made in March 2021 totalling 139.4KG of Cocaine which was unearthed in two of six containers at the Kingston Freeport Terminal Limited, Jamaica, which was en route to Haiti and China which left Guyana port.

In 2022, there were no shipments from Guyana in which cocaine was discovered. However, a plane with a large quantity of cocaine was discovered in the years 2020 at Issano, Region 7, 2021 at Orealla, Region 6 and in 2022 at Mahdia, Region 8.

C. **Overview of Report**

On 10 July 2022 at about 14:20 hrs, one white 182 Cessna Skyline Single Engine aircraft, with white and

grey stripes running along the side, landed on the Potaro Airstrip Mahdia, Region # 8, without authorization. Police subsequently intercepted and arrested two foreign nationals, one Colombian and one Brazilian, who were flying the aircraft containing 639.9 lbs. of cocaine and 120.5 lbs. of cannabis. The narcotics along with the airplane were subsequently lodged into joint services custody. The 2 suspects were arrested, and an investigation was launched. They were later charged, pleaded guilty and subsequently sentenced to four years and six months in prison and fined \$449M each.

D. Challenges Encountered and Solutions

In this drug bust involving planes and the other two incidents aforementioned, the language barrier was an issue given that the native language of the traffickers was different from Guyana. This delayed the investigations as a translator was necessary to interpret evidence extracted.

Further, given that the individuals were foreign nationals, the police had no knowledge as to the two suspects' affiliations; therefore, it was difficult to debunk their story that they were kidnapped and forced to traffic the narcotics which would not make them criminally liable based on case law. However, with the aid of the Guyana Defence Force, we were able to extract, translate and transcribe evidence from their digital devices which proved otherwise, and we were able to put this evidence to the perpetrators which led to them confess to doing the act willingly. The Guyana Police Force was unable to make any further dent in this criminal network; however, information obtained was passed to US authorities for them to continue investigations into the criminal network.

VI. CYBERCRIME

Many private and public organizations in Guyana within the last five years have made major strides towards the digitization of their systems and procedures. This is particularly true for the way people do their banking. As a result of this rapid transformation, many persons are not aware of the potential threats, making them easily vulnerable to scams (Infiltrate and manipulate).

A. Modus

In recent times, perpetrators have managed to successfully intercept communication via email between overseas suppliers and local entities and tricked them into wiring payments for outstanding invoices to their accounts instead. The magnitude of these losses has been the in millions of dollars. This is known as Business Email Compromise.

There have also been instances of debit/credit card fraud which arose as a result of e-commerce whereby persons shopped at irreputable merchants, or they may have been tricked into participating in online promotions/winnings which resulted in scammers obtaining card information or personal identifiable information which enabled them to make unauthorized purchases.

B. The Guyana Police Force and Combating Cybercrime

The Guyana Police force has a Cybercrime Unit with ranks that are versed in the field of network control and cybersecurity. However, much headway is not usually made in these cases of BEC and debit/credit card fraud; they usually go unsolved given a number of factors:

- There is no legislation which mandates reporting by companies of a cybersecurity breach in companies in Guyana's legislation. Therefore, it often goes unreported and the police cannot take action.
- It is difficult for law enforcement to obtain information from local commercial banks that have stringent privacy policies.
- Seeking mutual legal assistance from law enforcement in other countries is a time-consuming process which can take several months.
- Guyana is yet to join the Egmont Group which is an international organization of Financial Intelligence Units. This makes it nearly impossible to trace the proceeds of these crimes overseas.

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- Guyana is yet to join the Budapest convention, making it difficult to facilitate cross-border cooperation unlike other member countries.

VII. CONCLUSION

So far in the fight against transnational crime, Guyana has made satisfactory efforts despite the challenge of the shortcomings mentioned. With more collaboration between countries through training, networking, sharing of best practices by experts and joint operations, law enforcement would be able to make significant inroads into the dismantling of criminal organizations that perpetrate these crimes so that economic development, human rights and challenges of combating it are not impacted. Also, it would enhance professional development and understanding of the global impact of transnational crime in our region.