

ASSESSING THE INVOLVEMENT OF ORGANISED CRIME IN HUMAN SMUGGLING AND TRAFFICKING

*Hamish McCulloch**

I. INTRODUCTION

It is a sad indictment of contemporary society that fighting crime seems to be on the political agenda of virtually every nation throughout the world; dramatically improved, more efficient and easily accessible transport and communication facilities have increasingly brought the international dimension of criminal law enforcement activity under the spotlight as the need for more effective means of co-operation has become indispensable. In that context it will be understood that a structure which enables police and other law enforcement agencies to co-operate on a global basis is essential to the criminal justice system. Interpol fulfils that role and considerable efforts are being made to develop the services that it can offer. One such area is that of illegal immigration and the trafficking of human beings.

Immigration is nothing new, it is a way of life that has been in existence since the beginning of human history. Mankind has from time in memorial moved from home to home to seek a better lifestyle, more fertile land, a better water supply, a warmer or cooler climate. Following the 2nd world war, nations advertised for people and families, encouraging them to migrate to their countries to increase the workforce and fill vacant positions in industry. However, as the world becomes more global, and access to information on living standards and quality of life in parts of the world previously inaccessible, the natural desire by individuals to move to those parts of the world has lead to the inevitable migratory problems that we now face. Currently, economic discomfort appears to be the main reason for the illegal immigration movement throughout the world, and is also a major factor in alien smuggling and the trafficking of people. Many illegal immigrants are initially economic migrants, attracted by the dream of a better life and frequently influenced by television and exaggerated accounts from family members or friends who are already abroad.

On the other hand many immigrants are taken from their homes and villages by force and deception. Large numbers of them are then exploited, either under the direct threat of violence or to pay their alleged debts for smuggling fees. Some are forced into prostitution, others to work long hours in sweatshops, factories and private homes, or an array of other forced activities.

Today smuggling organisations have a leading role in the illegal immigration and trafficking in persons and are supplementing their traditional criminal activities with alien smuggling. Why? Huge profits and the relatively low risk of detection, prosecution and arrest attached to trafficking compared to other activities of transnational organised crime and generally speaking, legislation is still more focused on the migrant than on the trafficker.

In 1999 the Interpol General Secretariat identified an alarming increase in the number of messages received from our member countries regarding illegal immigration investigations. Since then, the number of messages received regarding illegal immigration and trafficking in human beings have more than doubled each subsequent year.

These messages indicated that law enforcement was observing a growing sophistication in the smuggling of persons, including secret compartments and hydraulic lifts in vehicles used to transport illegal immigrants over land, and improved communication systems between the groups in the various countries. Investigations also showed that different methods of transportation were being used to move illegal immigrants through several countries using local criminal groups, which smuggling

* Assistant Director,
Trafficking in Human Beings,
INTERPOL, Lyon, France

organisations often relied upon, as well as individual criminals who could supply passports, visas, escorts, safe houses, accommodation, couriers, drivers and other “support services.”

However, this information did indicate that while countries had been successful in disrupting or eliminating the organisation in one country, or several adjoining countries, the entire organisation was rarely dismantled, particularly in the transit or origin countries. Intelligence also revealed the ability of these smuggling organisations to quickly utilise alternative routes or methods after successful law enforcement interventions or operations, or if necessary, to completely move to another country, or region, and continue operations. Unsurprisingly, the links between ongoing investigations in several countries were not recognised until after the investigations had been completed.

So, having recognised the problem, The Organised Crime Projects Branch initiated Project Bridge to facilitate a more effective and efficient program for the collection of information on organised crime groups involved in illegal immigration and the trafficking of persons. The member countries identified that there is a need not only for Interpol’s communication system, but for timely intelligence and specialised analytical assistance in this field. In a working meeting held at the General Secretariat in June 1999, experts from 10 countries agreed there was a need to focus first on organised crime groups involved in the smuggling of Asian migrants, primarily Chinese. This decision was based upon the highly organised aspect of these groups and the growing number of active investigations in this area. The objectives of this project established at this meeting and a follow up international meeting in September 1999 were to collect information on members of groups involved in illegal immigration; specifically the routes, methods of transportation, safe houses, escorts, forged documents, and visas utilised by these groups. Emphasis was placed on obtaining information from active, ongoing investigations with numerous international connections. It was stressed that if reliable data and information on trafficking routes, the modus operandi of smuggling organisations, local crime groups utilised, and recruiters, passport and visa suppliers, escorts, providers of accommodation, couriers, and handlers in destination countries was received from member countries, then Interpol could conduct a comparative analysis.

Some of this information will be processed as strategic analysis for dissemination to member countries and International Governmental Organisations regarding trends, modus operandi, and statistical information. However, the primary objective of this project remains to collect information that will identify organisations that operate regionally or internationally and alert law enforcement of these links to other countries. By their nature, these organisations must be investigated by co-ordinated activities of law enforcement organisations to successfully dismantle the inter-linked smuggling infrastructure. Analysis will help the target countries, transit countries, and the countries of origin to develop appropriate counter-activities and to undertake adequate measures for the investigation and prevention of illegal immigration.

Exactly a year later, on the 21st and the 22nd of June in Pula, Croatia, Interpol hosted the third such meeting regarding Project Bridge, except this meeting was different in several aspects. Firstly, only three days earlier the horrific discovery of the bodies of 58 Chinese migrants had been discovered in a vehicle in Dover England. This discovery and the resulting media coverage emphasised what investigators attending the meeting from over 20 countries had always known - organised crime was heavily involved in these smuggling operations, but human “cargo” has resulted in new challenges for not only the investigators, but the smugglers. As one investigator from the United States noted in his presentation, unfortunately it often takes a horrible incident to draw the attention of the media and politicians to a problem that law enforcement organisations have been struggling to address with both insufficient resources and laws to combat the crime.

Another difference was that this project was actually working - comparative case analysis is being conducted on this project in order to find links between different investigations and to ensure co-ordinated investigation of related cases in different countries. Intelligence connecting countries and organisations have been found and this information is being provided to members and is assisting in investigations. The comparative case analysis focuses on the phenomenon from various angles, for example, case links can be established when several offenders repeatedly act in various smuggling events in different countries, or when illegal immigrants are in possession of contact addresses and

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telephone numbers which already appeared in other smuggling events. This system of analysis has already proved to be successful, bearing in mind that one of the principles of smuggling organisations is: trial until success. It has happened repeatedly that the same smuggled immigrants were registered and expelled several times at different border posts. Another important focus of the analysis is the modus operandi, including the choice of the routes, the escorting procedures (e.g. escorts meeting the groups in the transit area and change flight tickets) and the way of arranging for the travel documents. The organisations may well use a certain travel agency to book the flight tickets, the visas and passport are obtained, or falsified, in a special way or they might use blank documents originating from thefts. Analysing this type of operational information, case links have been established between organisations acting in several European countries and also between Europe, Asia and the United States and Canada. Results demonstrated at the meeting convinced several countries not previously contributing information to the project to provide valuable intelligence. At the present, contact officers for this project have been established in 43 countries, in all continents.

II. TRENDS IN ILLEGAL IMMIGRATION AND POST-SMUGGLING ACTIVITIES

A. The Relevance: Statistics on Migration

Depending on the different sources, statistics concerning migration vary considerably. According to the International Organization of Migration (IOM), there are currently from 20 million to 40 million irregular migrants in the world of a stock of 130 million international migrants. At any one time, about 4 million illegal migrants are on the move.

An estimated 100,000 Chinese are smuggled abroad every year, mainly from the Fujian province in the south, where in some villages up to 10 % of the population have emigrated over the last years. Some sources describe today's illegal migration as essentially being a Chinese problem and certain authorities in Hong Kong estimate that currently nine out of ten illegal migrants world-wide are ethnic Chinese. According to the U.S. Immigration and Naturalization Service (INS), up to 10,000 Chinese illegal immigrants could have reached American shores in 1999 by boat, five times more than in 1998. INS employees and the Pacific Forum in Hawaii put possible illegal immigration from China to the United States at 100,000 illegal immigrants per year, which, understandably, differs from the official IOM figure as these are all estimates. Even the official INS figure is an estimate and talks about 30,000 illegal Chinese aliens.

What we do know is that in Australia, identified unauthorised arrivals by sea have jumped from 157 in 1998 to 3,700 in 1999, the immigrants mainly being Chinese, and in Japan, 1,209 illegal Chinese migrants were apprehended in 1997. Official figures state that 428 illegal Chinese entered Japan in the first half of 1998, however, police authorities estimate that the overall number of Chinese who entered Japan in those years could possibly be ten times higher and in total, illegal immigration to Western Europe is estimated to be around 400,000 to 500,000 people a year. Britain estimates Chinese illegal entrants to the United Kingdom has risen to over 600 per month.

Chinese migration is stimulated by a strong Chinese overseas population. In the 195's, some 12 million Chinese were living abroad. In 1999, the number had tripled and of those 35 million Chinese abroad in 1999, two thirds live in Southeast Asia. It is estimated that China is currently home to a floating population of 100 million people.

Nevertheless, Asian migration is not exclusively linked to Chinese nationals. Within the continent of Asia, we must recognise Filipino, Indonesian, Bangladesh and Burmese migration as an important issue. Malaysia has a total of about 700,000 illegal immigrants, of which over 500,000 are Indonesian and Thailand is estimated to have 1,000,000 illegal immigrants, over half of which are Burmese.

In a 1999 IOM report, the People's Republic of China, the Philippines, Indonesia and Burma were named as being the top four source countries of irregular migration world-wide, and according to the Filipino Department of Foreign Affairs, of about 7 million Filipinos working abroad in 1999, 3 million were undocumented workers.

B. Profit - The Traffickers and Smugglers 'Raison d'être'

The world-wide profits made by individual smugglers and smuggling networks were placed between US\$ 3 billion and US\$ 10 billion in 1999. A 1996 Thai study reported that migrant trafficking only in Thailand generated US\$ 3.2 billion annually. As far back as 1994, the profits of Chinese trafficking networks were estimated to attain US\$ 2.4 to US\$ 3.5 billion. In 2000, some sources say that the world-wide trade in human trafficking is worth around US\$ 30 billion a year.

C. Migrants - Clients or Victims

I know that this conference is focusing on the specific issue of illegal smuggling and trafficking by air, however, it is important to understand the client or victim perspective, no matter which method is used.

The question of whether the migrants are clients, who want to migrate and create a new life, and who mainly profit personally from the services of groups such as the Chinese "Snakeheads", as the organised crime heads are known, - or victims, subjected to the violence of the trafficking networks, which mainly involves women who are often deceived and then blackmailed or forced into the sex industry, cannot be answered by either opting for one or the other solution. Migrant trafficking is not a criminal activity which is as easy to understand as drug trafficking, it not only concerns the organisation of the smugglers but also the role of the migrants. Their victimisation is mainly due to two factors:

- Very often, the "travelling-conditions are inhumane, the migrants being cramped into trucks or boats and fatal "accidents" occur quite frequently, one only has to remember the incident in Dover, UK where 58 Chinese lost their lives.
- After arrival in the destination country, the migrant is very often forced to work off their debts incurred due to the costs of transportation, by engaging in illegal activities linked to the criminal organisation responsible for the transportation.

In most cases, the migrants do not possess identity documents following their arrival in the destination countries. The documents initially given to them are either confiscated and used again, or destroyed by the trafficking organisation, or it is the migrant who is told to destroy them on arrival. This makes the migrants "non-citizens" in the target countries and puts them at the mercy of the traffickers. Their illegal status prevents them from entering the legal labour market. They are ineligible for social welfare, health insurance and education in the destination country. They are automatically in a situation of social marginality.

The criminal trafficking syndicates, therefore, forces the migrants to work in the illegal labour market to pay off the debts incurred as a result of their transportation. As a result, the migrants are unable to become independent from the smuggling networks.

And believe me, these debts are substantial. A passage to the United States is estimated to cost about US\$ 35,000. Chinese boat people coming to Australia are reported to be charged about US\$ 15,000 each. An illegal immigrant to Europe has to pay some US\$ 25,000 . If a debt is still owed and supposed to be paid directly after arrival, the migrant is frequently taken to a safe house so that he can be controlled until the debt is discharged. There, the migrants are kept as prisoners and even handcuffed in order to make escape impossible. They are tortured, beaten and raped until the debt is paid. "Migrants who cannot deliver the smuggling fee upon arrival are detained. Males have their fingers chopped off and mailed to relatives, females are being raped while their families back in China are on the phone, so that the family would come up with the money in a hurry."

Evidence of this has been found in the United Kingdom where there has been an increase in the number of kidnapping cases related to Chinese illegal immigration with the common features: all kidnapped are Chinese nationals from Fujinam province; all are facilitated by Snakeheads and all are held pending payments to the Snakeheads organisation.

If a migrant escapes from a safe-house or tries to break out of this vicious circle by leaving the area in which he is "employed", and recaptured, he is severely punished or even killed.

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As has been said, many people seek to reside illegally in another country to take advantage of the labour market. However, the demand for illegal labour is no longer as great as it was or is perceived by the immigrant, neither in restaurants, on farms or in factories. As a result many Chinese immigrants detained in the UK in 2000 reported that they were heading for, or were on their way to the United States, Canada or Australia searching for the countries where the market still exist .

Of major concern in the future are the 40,000 Chinese immigrants which were permitted by former Yugoslav president Slobodan Milosevic, to reside and settle in the country close to the Hungarian border. Chinese nationals were provided with Yugoslav citizenship to influence election result in this area. However, the majority of the Chinese immigrants did not want to stay in the region and as holders of Yugoslav passports, these Chinese nationals are allowed to enter the Hungarian territory without visas. I mentioned earlier the deaths of nearly 60 Chinese illegal immigrants in the United Kingdom, they had started the last part of their journey in Yugoslav territory.

In addition to the 40,000 Chinese that were granted citizenship in Yugoslavia, certain International Organizations estimated another 200,000 plus Chinese, residing in Russia awaiting their turn for immigration. We are talking about extremely large numbers of Chinese abandoning their home country, which draws the question what will happen to the Chinese national labour force. The answer is frightening if another 270 million people leave china in the next three years, it will not even effect their agricultural labour force. Where will they go, and what about India, who by 2007 it is estimated will be the most populated country in the world, exceeding China's estimated 1.8 billion.

III. ORGANISED CRIME INVOLVEMENT

When providing operational and analytical assistance to member states' investigations Interpol recognised organised crime groups involvement in every single part of one illegal immigration journey. Today smuggling organisations have a leading role in illegal immigration and trafficking in persons and are supplementing their traditional criminal activities, like drug trafficking, with alien smuggling.

When collecting information and intelligence on criminal organisations involved in illegal immigration some name or phone number, mentioned several years ago in a drug smuggling case very often appears in the illegal immigration case. Links between Chinese and Albanian criminal groups are also seen to exist with Eastern European organised crime groups who facilitate the transportation of immigrants through Russia, Ukraine, the Czech Republic or Hungary. As an example I will once again refer to the Chinese who died attempting to enter the UK. To highlight the interaction between different organised crime groups, there is evidence that Yugoslav, Hungarian, Dutch and Turkish organised crime groups were all involved in transporting these unfortunate individuals. Confirmation of the links between traditional organised crime activity and illegal immigration can be evidenced from the fact that the Dutch lorry driver involved, and the owner of the haulage company, were previously suspected of being involved in drug trafficking.

When considering these factors, alien smuggling is more complex than it first seems to be. It becomes obvious that illegal immigration is not a question of a few isolated cases of border crossing and smuggling of people - it is a serious organised crime problem threatening the majority, if not all, developed countries around the world.