Research Report

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Forum: *Human Rights Council*
Issue: *The issue of human rights and the fight against organized crime*

Position: *Deputy President*

Introduction:

Organized crime threatens peace and human security, violates human rights and undermines economic, social, cultural, political and civil development of societies around the world. Criminal groups undermine state authority and the rule of law by fuelling corruption, compromising elections, and hurting the legitimate economy.
In all cases, criminal influence and money are having a significant impact on the livelihoods and quality of life of citizens, most particularly the poor, women and children. In the Declaration of the High-Level Meeting on the Rule of Law, Member States stressed the importance of strengthened international cooperation in order to dismantle illicit networks, counter the world drug problem and transnational organized crime, including money-laundering, trafficking in persons, trafficking in arms and other forms of organized crime, all of which threaten national security and undermine sustainable development and the rule of law.
Furthermore, the research shown that the most urgent problem with organized crime is in the south of the U.S. border in the nations of Latin America – Mexico, Central and South America. Recently, the Mexico-based Citizens Council for Public Security and Criminal Justice released a study concluding that 43 of the 50 deadliest urban areas in the world are in Latin America, with Caracas, the capital of Venezuela, seen as the most dangerous city with 130 homicides per 100,000 people. Acapulco, Mexico, was second.
Before the last few decades, political violence proved the most significant security risk in Latin America. But, as civil wars ended and insurgencies demobilized, criminal violence took its place. During the transition to democratic governance that swept the region in the 1980s, the security forces of repressive regimes were largely dismantled. Meanwhile, in North America, the cocaine craze was reaching its peak.

Definition of Key Terms:

Organized crime
is any enterprise or group of persons engaged in a continuing illegal activity which has as its primary purpose the generation of profits. Beside the main activities being illegal under various state and federal laws, there are also laws which deal with money laundering from organized crime activities. Criminal organizations keep their illegal dealings secret, and members communicate by word of mouth. Many organized crime operations have profitable legal businesses, such as licensed gambling, building

construction, or trash hauling which operate alongside and provide "cover" for the illegal businesses.

Their main criminal activities are:

- racketeering;
- fraud;
- car theft;
- robbery;
- armed assault;
- drug dealing;
- trafficking in weapons and radioactive material;
- trafficking in human beings and exploitation through prostitution;
- alien smuggling;
- smuggling of precious and antique goods;
- extortion for protection money;
- gambling;
- embezzling from industries and financial institutions up to infiltration and control of private and commercial banks;
- controlling of black markets.

Transnational Organized Crime

Transnational organized crime in particular illicit drug trafficking, relies on highly organized international logistical structures. It trespasses national and regional borders, using well established international criminal networks.
With the increase of technology available around the world, TOC groups are more commonly incorporating cyber techniques into their illicit activities, either committing cyber crimes themselves or using cyber tools to facilitate other unlawful acts. Phishing, Internet auction fraud, and advanced fee fraud schemes allow criminals to target the United States without being present in the country. Technology also enables TOC groups to engage in traditional criminal activity, such as illegal gambling, but with a greater reach through use of the Internet and off-shore servers, thus expanding their global impact.
TOC poses a significant and growing threat to national and international security with dire implications for public safety, public health, democratic institutions, and economic stability across the globe. It jeopardizes our border security, endangers our health through human trafficking and counterfeit pharmaceuticals, and seeks to corrupt officials domestically and abroad. These threats also include criminal penetration of global energy and strategic material markets that are vital to national security interests, and logistical and other support to terrorists and foreign intelligence services

The Drug Enforcement Administration (DEA)
It'is a United States federal law enforcement agency under the U.S. Department of Justice, tasked with combating drug smuggling and use within the United States. The DEA is the lead agency for domestic enforcement of the Controlled Substances Act, sharing concurrent jurisdiction with the Federal Bureau of Investigation (FBI), Immigration and Customs Enforcement (ICE), Homeland Security, and the U.S. Border Patrol. It has sole responsibility for coordinating and pursuing US drug investigations both domestic and abroad.

Jurisdiction
Power or right of a legal or political agency to exercise its authority over a person, subject matter, or territory. Jurisdiction over a person relates to the authority to try him or her as a defendant. Jurisdiction over a subject matter relates to authority derived from the country's constitution or laws to consider a particular case. Jurisdiction over a territory relates to the geographic area over which a court has the authority to decide cases. Concurrent jurisdiction exists where two courts have simultaneous responsibility for the same case.

Background information:

The beginning of the drug war in South America
In the mid 1970's, the recreational drug of choice in the United States was marijuana. Much of this was grown in Mexico or South America and then smuggled into the US, and much of this illegal smuggling was done by Cuban exiles living in Florida. In those times, security at airports was minimal, and it was a fairly simple matter for drug smugglers to hire flight attendants or passengers as "mules", who would travel to Columbia or Bolivia, fill their suitcases with marijuana, and bring it back to the US.
In the late 1970's, however, the rules of the game began to change, as increasing security made it more difficult for the mules to move their product. In 1977, two convicted drug smugglers who had just been released from Federal prison, Colombian Carlos Lehder Rivas and American George Jung, hatched a new plan: instead of relying on mules to spirit in small amounts of pot at a time, they would obtain their own light aircraft, fly them to the production fields in South America, and fly back to the US fully loaded and unsuspected, to land at surreptitious grass airfields in Florida for unloading.
Part of the reason for the Lehder network's success would be its contractual relationship with a pair of Colombian producers, Jorge Luis Ochoa Vasquez and his partner Pablo Emilio Escobar Gaviria, based near the town of Medellin, Colombia. And the network's fortunes increased dramatically when, in the late 1970's, Ochoa and Escobar began to supplement, and then virtually replace, their marijuana with a new product, one that was low-cost, high-profit, and would quickly become enormously popular in the US--cocaine. By 1980, virtually every high society figure in the US, from Hollywood to Wall Street, had his or her own personal cocaine dealer, and most of it was coming from the Medellin Cartel.

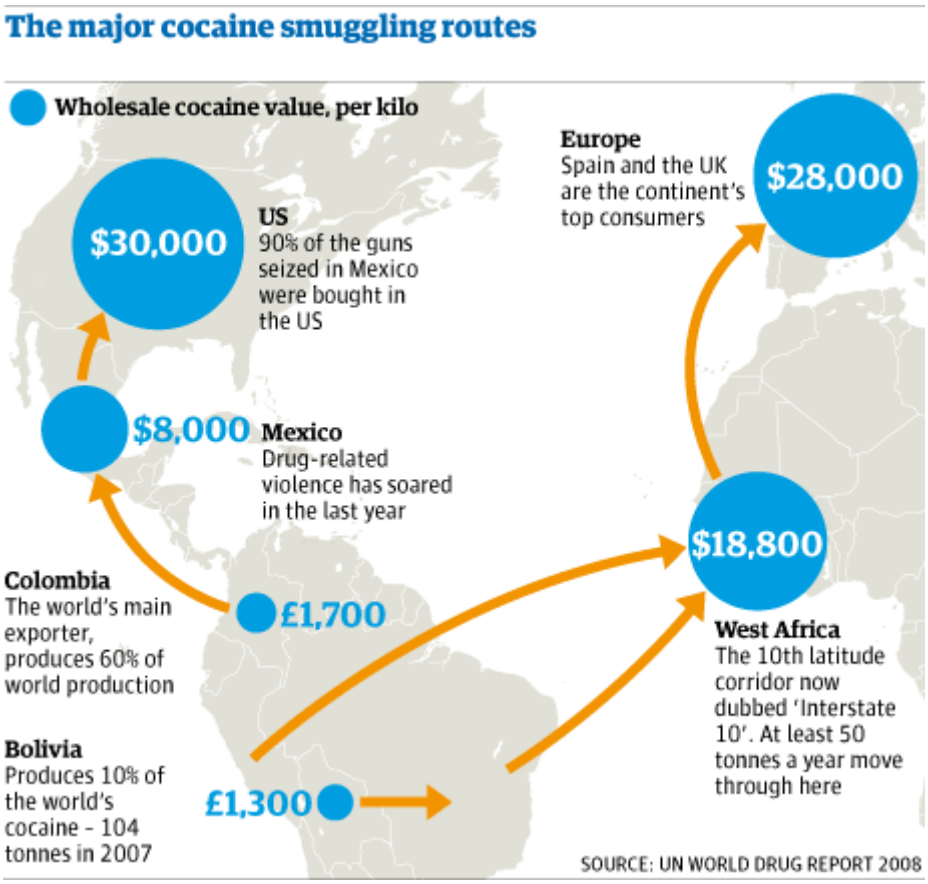
Medellín Cartel

Ruthless, highly organized and much-feared Colombian drug cartel originating in the city of Medellín, Colombia. The drug cartel operated throughout the 1970s and 1980s in Bolivia, Colombia, Central America, Peru, and the United States, as well as in Canada and Europe. It was founded and run by Ochoa Vázquez brothers Jorge Luis, Juan David, and Fabio, together with Pablo Escobar, George Jung, Carlos Lehder and José Gonzalo Rodríguez Gacha. By 1993, the resistance group, Los Pepes (or PEPES), controlled by the Cali Cartel, and the Colombian government, in collaboration with the Cali Cartel, right-wing paramilitary groups, and the United States government, had dismantled the Medellín Cartel by imprisoning or assassinating its members.At the height of its operations, the Medellín Cartel smuggled tons of cocaine each week into countries all over the world and brought in up to $60-$100 million daily in drug profits. For a time, the Medellín Cartel supplied at least 96% of the United States and 90% of the global cocaine market.

Operation Snowcap

was a counter-narcotics operation conducted by the Drug Enforcement Administration (DEA) and military/police forces in nine Latin Americancountries. At an annual cost to the DEA of $80 million, and involving approximately 140 agents at its onset, Snowcap was the largest counter-narcotics operation that had been launched in Latin America. The U.S. Department of Defense leased 6 UH-1 Huey helicopters, and provided flight training to Bolivian air force pilots and Special Forces training for UMOPAR and DEA agents. Operation Snowcap actively recruited U.S. Army Infantry Officers attending the Army Infantry Officer's Advanced Course in the late 1980s. Senior Lieutenants and Captains attending the course were given classified briefings attempting to recruit them from the Army to participate for operations in Bolivia and Peru.
In late 1987, Clandestine Laboratory and Chemical Program Czar, Gene R. Haislip, Deputy Assistant Administrator of DEA and Douglas A. Snyder, frequent SNOWCAP operative, convinced high level DEA officials that change was needed in the SNOWCAP program. They successfully lobbied DEA brass, David Westrate, Terry Burke and Chuck Guttenson, for Frank E. White, Chief of DEA Special Training, to become the new head of SNOWCAP, because of his breadth of military experience and no-nonsense law enforcement perspective. The top brass accepted their recommendations. In one incident in a remote jungle location, DEA Operatives White and Snyder, and Navy Seals R.Gonzales and Red Hernandez were cornered by several dozen local campasinos wielding machetes and the team barely escaped harm by boarding a air transport provided by DEAs Addison Air Wing. In a 1988 memo, White, as new head of SNOWCAP, charged that agents were not being given adequate to support for their mission, warning that without immediate changes, "DEA agents are going to agonize along through an excruciating death on an isolated jungle floor." Fortunately DEA brass supported his request for increase U.S. Military special forces assistance to field DEA agents deployed under SNOWCAP, with the additional deployment of Navy SEALS/medics. However, Frank White never thought the level of support was adequate to protect deployed DEA agents in such remote jungle locations, but trudged forward.

Where are Illicit Substances Coming From



These statistics beg the question, where are these drugs coming from? Especially since these drugs are illegal to grow, sell, and possess in the United States. In 2009, the Guardian Newspaper published a story detailing the cocaine trade. 60% of all cocaine is produced by Columbia, and 10% by neighboring Bolivia. The Columbian cocaine makes its way through Mexico and then into the United States, where the value of a kilo of cocaine rests at approximately $30,000. Likewise, Bolivian cocaine travels through West Africa's infamous "Interstate 10" and up into the UK and Spain—the corridor to Europe. While cocaine mainly flows from South America, heroin's origin can be traced back to Asia. The United Nation's Office on Drugs and Crime reports that Myanmar and Afghanistan are the global centers for opium production.

Teenagers

A startling statistic released by the Wall Street Journal claims that 81% of teens surveyed said they had the opportunity to use illicit substances. Almost half of all teens had tried the drugs, and 16% could be categorized as drug abusers.

Given the fact that 81% of teens replied that they had access to these globally illicit substances, it is extremely important that the United States invest in strategies to educate

and prevent the continued proliferation of these substances. Being Adept, a Marin based drug and alcohol education program, has a proven track record of improving education about drugs and alcohol, and helping prevent teen drug and alcohol abuse. Drug and Alcohol curriculums like Being Adept, ought to be cast under the spotlight as these drugs continue to penetrate the United States' borders.

Major countries and organisations involved:

Italy
(Italian Organized Crime/Mafia)

Since their appearance in the 1800s, the Italian criminal societies known as the Mafia have infiltrated the social and economic fabric of Italy and now impact the world. They are some of the most notorious and widespread of all criminal societies. There are several groups currently active in the United States: the Sicilian Mafia, the Camorra, the 'Ndrangheta, and the Sacra Corona Unita, or United Sacred Crown. We estimate the four groups have approximately 25,000 members total, with 250,000 affiliates in Canada, South America, Australia, and parts of Europe. They are also known to collaborate with other international organized crime groups from all over the world. The Mafia has more than 3,000 members and affiliates in the U.S., scattered mostly throughout the major cities in the Northeast, the Midwest, California, and the South. Their largest presence centers around New York, southern New Jersey, and Philadelphia. The major threats to American society posed by these groups are drug trafficking—heroin, in particular—and money laundering. They also are involved in illegal gambling, political corruption, extortion, kidnapping, fraud, counterfeiting, infiltration of legitimate businesses, murders, bombings, and weapons trafficking.

Mexico

Between 40,000 and 50,000 people have been killed in Mexico as a result of the drug war, drug trafficking, and organized criminal activities since 2006. About 3,000 people were disappeared during Mexico's dirty war (late 1960s – early 1970s), a dark period in Mexican history. While other people have certainly disappeared since then, it is really the last time that "disappearance" was discussed as a phenomena or practice. Today the number is at least three times higher.
The work of human rights groups is based in international human rights law. That law, originating in the Universal Declaration of Human Rights, is focused on the responsibility of the state. It is states that sign and agree to abide by the treaties coming out of the Universal Declaration. Killings, torture, and disappearances carried out by the state are violations of human rights. On the other hand, killings, torture and disappearances carried out by the Zetas and other criminal organizations are crimes.
Yet there is a right to personal security. And even if the state is not directly violating that right, doesn't it have an obligation to protect its citizens? The Mexican state is not fulfilling that mandate, whether by commission or omission; it is not successfully

arresting and prosecuting criminals. So where does the fundamental right of the citizen to security fit into the mandate of human rights organizations?

Brazil
Brazil's efforts are notable, because it seldom dedicates significant attention to affairs in its hinterlands. Recently, though, its drug and crime epidemic and especially the power and ruthlessness of its drug gangs in the favelas of Rio de Janeiro, São Paulo, and other cities have become issues of national frustration and public action. Like the United States before it, this regional power has discovered the importance of trying to stop the entry of drugs at its borders, and the utility of helping its neighbors improve their own law enforcement capabilities. Predictably, however, these initiatives have opened complicated new dimensions in Brazil's relations with its smaller, poorer neighbors.

Bolivia
Half of Bolivia's economic activity is carried out in the informal, and often illegal, sector. Smuggling has long been the lifeblood of communities along Bolivia's five porous borders and this illegal industry employs far more Bolivians than the drug trade. Indeed, smuggling is a tolerated illegal industry. Smuggled cars -- many stolen in Chile -- make up a high percentage of those driving along Bolivia's roads.
The head of Bolivia's migration authority, Cosset Estenssoro, revealed that Boliviadoes not have information on national arrest warrants, only those international warrants registered with Interpol. This means that Colombian drug traffickers with national arrest warrants can enter Bolivia with no fear of detention, something confirmed by underworld sources in Medellin.

Timeline of events:

Date:	Description of event:
November 1975	Colombian police seize 600 kilograms of cocaine — the largest seizure to date — from a small plane. Drug traffickers respond with a vendetta, killing 40 people in one weekend in what's known as the "Medellin Massacre." The event signals the new power of Colombia's cocaine industry, headquartered in Medellin.
1981	The Medellin cartel rises to power. The alliance includes the Ochoa family, Pablo Escobar, Carolos Lehder and Jose Gonzalo Rodriguez Gacha. The drug kingpins work together to manufacture, transport and market cocaine. The United States and Colombia ratify a bilateral extradition treaty.
1984	Nancy Reagan launches her "Just Say No" anti-drug campaign. In July, The Washington Times publishes a story about DEA informant Barry Seal's infiltration of the Medellin cartel's operations in Panama.

	The story shows that Nicaraguan Sandanistas are involved in the drug trade. As a result of Seal's evidence, a Miami federal grand jury indicts Carlos Lehder, Pablo Escobar, Jorge Ochoa and Jose Gonzalo Rodriguez Gacha. (In February 1986, Seal is assassinated in Baton Rouge, La., by gunmen hired by the cartel.)
1988	Carlos Salinas de Gortari is elected president of Mexico, and President-elect George H.W. Bush tells him he must demonstrate to the U.S. Congress that he is cooperating in the drug war. This process is called certification.
November 1993	President Clinton signs the North American Free Trade Agreement (NAFTA), which increases the amount of trade and traffic across the U.S.-Mexican border. This makes it more difficult for U.S. Customs to find narcotics moving across the border.
2004	Along with the State Department and the Department of Defense, the DEA announces its involvement in the U.S. Embassy Kabul Counternarcotics Implementation Plan. It's designed to reduce heroin production in Afghanistan, the world's leading opium producer.

Possible solutions:

Focus on prevention - Prison populations are overflowing, crime is high and violence is a culture in South Africa. The focus needs to be on preventing the conditions that draw people into violent or criminal behaviour. In order to do this we need a systematic, integrated, coordinated approach combining the responsibilities of a wide range of state and non-state actors.

Understand that violence is going virtual - Cyberspace is a new domain for violence. This ranges from the use of social media to project force (videos showing assassinations, torture, threats), to recruit would-be members of extremist groups (digitally savvy marketing campaigns, online chat sites), for selling product (deep web), and also for more banal but no less important forms of intimidation and coercion (bullying).

Learn from history - A lot of human rights violations of massive proportions in Brazil, such as slavery and dictatorship, were never really dealt within a transitional or reconciliation process. At the same time, the security forces are relying on structures that don't make sense and foster competition and corruption.

Keep in mind the impact of drugs - The global "war on drugs" is a massive driver of crime, violence and insecurity, not only in the Americas but increasingly globally. It is time for all international anti-violence development initiatives to take this on board. It still amazes me how much taboo there is around this issue, especially regarding the cocaine industry.

Use non-violent language - In a nation that has a long history of violence, we need to teach non-violence and non-violent communication. In the work I do with young men coming out of gangs, teaching non-violent communication, conflict resolution and basic communication skills has been so powerful.

Create well-targeted programmes - If the goal is to reduce homicides, then programme selection should be located in hotspot areas and focused on the population group most likely to commit violence crimes, often young males between 10-29 years old. The risk factors for why these young men get involved in criminality also needs to be clearly diagnosed and complemented with a treatment plan that involves the family and community.

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