

PANEL II:

**ARE CRIME AND CORRUPTION
JEOPARDIZING POLITICAL REFORM AND
DEMOCRATISATION IN SOUTH EAST
EUROPE? – SELECTED COUNTRY STUDIES.**

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THE CURRENT SECURITY SITUATION IN SERBIA AND THE AFTERMATH OF THE ASSASSINATION OF THE PRIME MINISTER

As you are well aware, the situation in Serbia in recent months was marred by the tragic murder of the Prime Minister, Zoran Djindjic.

I will be direct - the shot at Prime Minister Dr Zoran Djindjic was at the same time aimed at the young democracy, at our state Serbia.

This assassination was organised and perpetrated by a criminal organization – the so-called “Zemun band”, which represents the residue of the criminal heritage from the Milosevic period and which worked in the past for the leadership of the former State Security Service and former commander of the Special Operations Unit of that Service.

The goal of their conspiracy, that they called “Stop to The Hague”, was to use the assassination of the Prime Minister in order to provoke chaos in the country. They thought that such an act would prevent the election of the Council of ministers in the common state of Serbia and Montenegro. The assassination was performed at the time when this country was without a minister of defense. They also hoped that it would not be possible to elect the new Serbian Government. All this was supposed to trigger the fall of the administration and return of hostile forces to the same positions that they enjoyed under Milosevic.

The political background and platform of the conspirators was gathering the so-called “healthy patriotic forces”, while in reality it was a joint attempt of all those who rose to protect Milosevic’s criminal heritage.

Their plan had a boomerang effect. They got clear answers.

First of all, the citizens of Serbia, with their magnificent farewell to Dr. Djindjic during his funeral, which was attended by more than half a million citizens, clearly demonstrated that all the plans of these criminals had failed and that there were no chance of a return to the past.

The ruling coalition had not fallen apart. On the contrary, this tragedy unified it. The coalition understood the importance of this historical moment and it was aware of the responsibility that it had towards the citizens and the State. Elections for the Council of Ministers and the Government went on without a hitch.

Instead of disunity on which the terrorist were counting and instead of the disharmony between the Republican and Federal authorities that used to be the main problem in our fight against organised crime in the period after the democratic changes, we had full unity between the Government of Serbia and the Council of Ministers of the State Community.

At the urging of the Government of Serbia, the acting president of Serbia, Mrs. Natasa Micic, declared the state of emergency. The Supreme Defense Council passed a decision and ordered to the Yugoslav Army to provide full assistance to the Police of Serbia in the investigation and arrest of the perpetrators of this assassination and in the removal of all the conditions that caused the introduction of the state of emergency. So, for the first time we found ourselves in the position where the Army, the Police and security agencies were working together, with the same goal. The results are obvious.

The state of emergency was introduced in order to facilitate rapid arrest of the perpetrators, organizers, financial supporters and those who inspired the assassination of Prime Minister Djindjic, in order to fight organised crime throughout the country, as well as to fight against the individuals who used to be, for various reasons, untouchable by the law and who already had thick criminal records.

I want to clearly stress that the state of emergency was not imposed against the citizens, against their freedoms or rights and that it was not used in an abusive way. This was in general terms confirmed by the

delegation of the OSCE Mission in SAM that visited detained persons, although certain irregularities were noted with regard to the state of our prisons.

We enjoyed full understanding of the citizens and we had very good cooperation with them, in a way that by providing the public with certain information we located some members of this criminal organization or obtained other data relevant for the investigation.

When we talk about organised crime, I would like to use this opportunity just to repeat what Mr. Mihajlovic, Serbian Minister of Interior, said at the London Conference, whose conclusions are very good. Their relevance and significance, unfortunately, are confirmed also by this tragic event and enormous loss of our Prime Minister.

Organised crime gains its power from the ability to respond flexibly to every change in the environment in which it acts, as well as to adapt itself to all the repressive measures that the society is undertaking against it.

The existence of the “Zemun clan” is just another proof of this stand. This gang was, in reality, the biggest narcotics cartel in Serbia, and had exclusive rights for the distribution of cocaine and, connected with its partners throughout the world, a major supplier of heroin in the Serbian market. From Columbia and other countries whence the heroin was coming, up to the European countries where their bank accounts were.

All these activities significantly trespass national boundaries, so that the fight against them cannot be imagined exclusively within national jurisdictions. The organised crime that is today affecting both developed and underdeveloped countries has become international long ago and its actors, from different countries and regions, have been uniting and now act on a global scale. Arms dealers and drug traffickers, mercenaries and organised pirates, are laundering their profits through the well-established channels of financial crime, which is also taking its own part of the profits.

After coming to power Serbian authorities realized quickly how big and serious the criminal heritage of the Milosevic regime was. That criminal pyramid, at whose tip were the individuals from the state administration, had two faces. One face are war atrocities and the other is organised crime. We saw that terrorism is just a political aspect of organised crime and that it is financed from the revenues of criminal activities.

From these revenues the security details of some war criminals are also financed.

Also, we saw that criminals were behaving like real globalists as they established a real Balkan criminal brotherhood during the times of conflict and war in the area of the former Yugoslavia, while politicians and statesmen were divided and were trying to erect Berlin walls between new Balkan States.

But, after these wars the Balkans are again becoming a transit area, not only when we are talking about the Balkan heroin route, through which most of the heroin that is reaching the European Union's narcotics market is passing.

That is the reason why the countries of the European Union, if they want less drugs on the streets of their cities, if they want less false asylum seekers and less uncontrolled migrations, have to aid police, customs, tax and judiciary systems in the countries of South Eastern Europe. Such an orientation is also cheaper for the taxpayers of the countries of the European Union, than the expenses needed for the elimination of all these drugs and migrants from the streets of European capitals.

High level of violence in the previous regime in Serbia represented the main weapon of organised crime. Partners of organised crime were not protected from this violence even if they had high positions in the legal world. However, the consequences of this violence were not felt exclusively by partners of organised crime, but they were also felt by all citizens, who were victims of a feeling of personal insecurity and endangerment of life and property.

The Ministry of Internal Affairs of the Republic of Serbia has undertaken very clear and concrete measures in fighting organised crime.

The first step was a public recognition that organised crime does exist in Serbia, followed by the establishment, two years ago, of the Directorate for fight against organised crime, as a specialized organizational unit in the Ministry.

Unfortunately, too late, we got the Law on the fight against organised crime, which introduced in our legal system the necessary institutions - i.e. witness protection, etc. – so that we could reach the very core of the problem and to secure evidences on the activities of these criminal organizations. Up to then, police information did not have value.

Thanks to the moles in our own ranks and in the very system of prosecution – now we know that it was the deputy State Prosecutor, who was to be arrested – but there was a leak which reached this criminal group and they committed their desperate move by shooting the Prime Minister just days before we wanted to arrest them. The results are well known.

The killers of Prime Minister Djindjic are now in prison. The result of the undertaken police measures will be Serbia without unsolved crimes that used to disturb the public, without killers on the loose, without organised criminal groups and without war criminals.

Each one of the 105 criminal groups, which were detected at the beginning of 2001, was attacked. Each person with a personal criminal record with the Police was submitted for interrogation. Over 11600 persons were interviewed. The measure of detention lasted just for the period of time that was necessary to gather information and secure material evidences. As of last Monday (May 12), 3560 criminal charges were filed against 3946 persons, for 5671 crimes.

Although the biggest burden of this action lays upon the Belgrade Police and Directorate for fight against organised crime, it is important to note that this action is undertaken throughout Serbia. That was a chance for

the citizens throughout Serbia to be rid of the fear of local bands. Local police branches solved numerous killings, located big printing premises for counterfeiting money, seized significant quantities of narcotics, weapons and found many stolen vehicles.

Now we are witnessing the real effects of our decision to establish a Gendarmerie. This unit is providing strong support to the implementation of emergency measures and in providing security in Southern Serbia. With their assistance the assassin was arrested, and the decision on dismembering of Special Operations Unit was implemented peacefully. With that action the last contaminated part of the Serbian Police was removed.

The general state of security has improved, and the number of crimes has significantly dropped compared with the same period last year. So for the first time in recent history we had days in Belgrade when more cars were recovered than were stolen.

Simultaneously with the seizure of illegal weapons and explosive devices from the criminals, the voluntarily surrender of weapons and of legalization was underway. For example, the following quantities of weapons were seized from criminals: 593 pistols, 235 automatic rifles, 463 rifles, 14 machine guns, 347 hand grenades, 7 bazookas, 10 rocket launchers and great quantities of explosives.

During this action 73.5 kg of drugs were seized, out of which 28.2 kg of heroin, 463.5 grams of cocaine and 44.8 kg of marijuana, as well as 4960 tablets of synthetic drug Ecstasy. Also 688 stolen vehicles were recovered.

Citizens surrendered to the Police and to the Army 40438 parts of weapons and mine devices as well as 2 million pieces of ammunition. Also, 27392 applications for the legalization of weapons were submitted.

We are not living in the illusion that organised crime can be completely eradicated, but we do think that we can exterminate it and that we can reduce it to a tolerable level, from which it will not represent danger for the institutions of society and for the values that our citizens cherish.

We wanted to achieve this goal through the complete reform of our Ministry, and the conclusions of the London conference, as well as the readiness of the European Union and its member States to help not only us but also to the whole region in fighting this global evil, significantly encouraged us in our endeavor.

The tragedy of Dr. Zoran Djindjic on March 12 has its security, political and historical dimensions. From the security point of view these events have the same significance for Serbia as the events of September 11th have for the United States. In the political sense, March 12th is for us October 6th as it gave us a chance for a successful completion of political changes, which were late due to the impermissible divisions within the political forces that led to October 5th. But these divisions are over.

From the historical angle, this horrible tragedy is a unique chance for a historical change of the way of thinking, and I believe that this is the last attempt, in a long string of events, to change power violently in Serbia.

The EU and the US offered support to Serbia and Montenegro, which was manifested by pledging assistance for the elimination of the budget deficit, by admitting us in the Council of Europe, and by a chance to define, on the occasion of the forthcoming Thessaloniki Summit, our process of stabilization and association.

By finishing the tasks already undertaken in implementing the necessary reforms, we will provide citizens with a better living standard, and to our people and state it will facilitate becoming full members of the family of European peoples and states.

The end of the state of emergency was the end of the extraordinary authority of the police, but that was not the end of our decisive fight against organised crime in Serbia.

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TERRORISM, VIOLENCE AND ORGANISED CRIME IN SANDZAK

During the last twelve years, the republics of Serbia and Montenegro gained a rich common experience with terrorism, violence and organised crime, whose emergence could be connected with radical nationalism there and with the wars of conquest in Croatia and Bosnia and Herzegovina. That fact undoubtedly determined the nature and character of terrorism and organised crime on their territories.

At the very beginning of the disintegration of Yugoslavia, authorities in Serbia and Montenegro formed special police, military and paramilitary forces. They have been trained by secret police and military services, composed of people with a rich criminal background, in some cases people released from prison.

Following the example of State institutions, most national political parties formed paramilitary forces that have also performed with military and even civil authorities' structures.⁵ These forces have been used on foreign battlefields and in their countries as well, producing terror over the non-Serbian population with the aim of creating an homogeneous, ethnically clean space not only in Croatia and Bosnia-Herzegovina

⁵ The public knows of 4 political opposition parties who used to have strong and very well organized paramilitary forces. The first, so-called Serbian Guard, was formed by that Srpski Pokret Obnove Party (Serbian Movement of Restoration, or SPO), led by Vuk Draskovic. The second, White Eagles, was formed by the Serbian National Restoration Party (SNO), led by Mirko Jovic. Two paramilitary organizations bearing the names of their leaders but whose participation in politics is undeniable were the Seselj Men, an ethnic paramilitary formation created by the Serbian Radical Party (SRS) and Vjislav Seselj. The fourth paramilitary organization were the Tigers or Arkan's Guards, commanded by the leader of Serbian Unity Party (SSJ), Zeljko Arkan. Of the four, two were elected to Parliament (SNO and SSJ) while the two others had important roles in the structures of Serbian civil power. These are the most notorious of many other paramilitary organizaons, with the latter three infamous for their crims in Croatia and Bosnia-Herzegovina.

where most of the action took place, but also in the areas where the population was non-Serbian.

In keeping with the aforementioned aims, the authorities tolerated and supported the formation of rival police, military and paramilitary forces. The main characteristics of terrorism, violence and organised crime in Serbia and Montenegro between 1991 and 1995 was ethnically and politically motivated. Most victims of terrorism and violence, including also organised crime, were members of non-Serbian nationalities, concretely Bosniaks in Sandzak, Croats in Vojvodina, and Albanians in Kosovo. There are many examples of all this.

According to the evidence and statistics of violations of human rights in Sandzak between 1991 and 1995 done by the Helsinki Committee for Human Rights in Sandzak, members of the police, army, paramilitary forces and organised groups of citizens of Serbian nationality committed 36 murders. The citizens were killed in their homes, working places and other public places. 51 were kidnapped from their homes, trains and buses, of whom 43 were killed. There were 18 conventional attacks on villages by members of the police, army and paramilitary forces. Those actions have been followed by the burning of houses, murders and expulsion of citizens. In separate attacks 52 domestic and commercial buildings and 11 religious sites were booby-trapped or burned, and many private and commercial vehicles were destroyed. 279 citizens were injured, 291 citizens were mistreated individually or in groups in public places or in the streets.⁶

There is evidence that those criminal acts were supported and sometimes organised by official authorities. At the trial of one of the perpetrators of the kidnapping of 19 Bosniaks from a train station in Strpce on the 27th of February 1993, documentation provided by the State railways undoubtedly confirm that the abduction required participation of State railway employees as well as high ranking police officers, the State Security of the Ministry of Defence and senior members of the security

⁶ The data refers only to the cases recorded and examined by the Helsinki Committee. In that sense they can't be considered correct, since they didn't involve all the cases. According to the information of political parties and their committees for human rights and other NGOs, we can say that the Helsinki Committee gives 40-50% of the total number of cases.

apparatus. Also, the trial of the perpetrators of another kidnapping of 17 Bosniaks which took place in Sjeverin on the 22nd of October 1992, showed that representatives of police, army and civil authorities were to blame, together with directors of public enterprises in Priboj. There are also some clues indicating that top State echelons were involved in abductions and other forms of violence, leading the president of the Helsinki Committee, Mr. Alomerovic, to press criminal charges against the president of the Serb Former Republic of Yugoslavia (SFRY), Dobrica Cosic. Mr. Alomerovic practically won the case, but Cosic wasn't sentenced.⁷

Besides individual and collective suffering, terrorism and violence in Sandzak consequently led to the emigration of great numbers of citizens. They, being afraid of violence, left their homes, moving to West European countries or Turkey. That way, the whole territory of Bukovica near Pljevlja (Montenegro) was ethnically cleansed. It used to have 28 villages with mainly Bosniak populations. The same happened to 31 villages of the region of Priboj (Serbia) and part of (30-80%) of the few hundreds of villages on the territory of Pester (Serbia) and Bihor (Montenegro).⁸ So the aim of those paramilitary and terrorist groups is obvious.

⁷ Dobrica Cosic and the Minister of Interior brought criminal charges against Mr. Alomerovic in mid 1996, but the charges were dropped when they discovered that Mr. Alomerovic indeed had incriminating evidence.

⁸ According to the statements of the leader of the Bosniak National Party, 90 000 citizens from Sandzak emigrated. According to the rare statements of the authorities of the time, that number was never bigger than 40 000 and of course according to them, these people had not been pressured or expelled, they left on their own accord. The report of Elizabeth Rehn, special reporter on human rights, dated 25 October 1996, stated that as a result of violence 60 000 to 80 000 Muslims left the region of Sandzak since 1992, finding shelter in different countries of West Europe. The International Crisis Group (ICG) estimated that 80 000 Bosniaks left Sandzak because since the beginning of the war in 1992, until the end of 1993, the Milosevic regime performed an official policy of expulsion of Muslims in this region. Considering the total number of Bosniaks in Sandzak (244 446), whatever figure is right represents a big percentage of the population to emigrate. This very fact shows the dimensions and aims of terror and violence that has been used to trigger emigration. Anyway, there is a big number of people who experienced the tragedy of asylum seekers, beginning with losing members of their families, burning of property, the expulsion whether by escape or voluntary departure from their homes, to the problems faced as refugees, and the impossibility of returning home.

There is no doubt that the creation of those extremist groups had their political and national motives, but there was also the desire to get rich by robbing and plundering the conflict region including Sandzak. There are many such examples, beginning with robbery, confiscation by force to more subtle forms of pressure like ransom.

Those groups had been used by Serbian and Montenegrin authorities for illegal trading with foreign countries as means to overcome sanctions applied since 1991. That situation strengthened the connections between organised crime and State organs and politicians. Those connections still exist.

The Post Dayton Period

The separate and completely different experience with organised crime of Serbia and Montenegro could be related to the post-Dayton period, especially after the frictions and complete separation between Serbian and Montenegrin authorities in mid 1997. According to analysts there is a significant difference between organised crime in Serbia and in Montenegro. In Serbia, especially during the Milosevic regime, organised criminal groups were made of former “patriot” members of paramilitary formations, who were using the State as an instrument, but some individuals from the top echelons of the State participated in racketing with these groups (Milosevic did it through his son Marko who at the time was Prime Minister of Serbia).

However, in Montenegro, organised crime was a function of the State and it facilitated trading and other forms of organised crime, like contraband of cigarettes, laundering money, etc. From the profits of such business the Montenegrin State also took money from “taxes” for using the port of Bar.⁹

⁹ Forum, #2 and #3, Forum for Ethnical Relations, Belgrade

Bosnian organised crime in Sandzak

Sandzak differs from other regions in Serbia and Montenegro because of the ethnic structure organised crime. During the war in Bosnia-Herzegovina, the population of Sandzak, or the majority of it, was victim of terrorism and police violence, as well as victim of military and paramilitary units and some militant citizens of Serbian or Montenegrin origin who were affiliated to structures of authority.¹⁰

There is other evidence confirming the link between this form of crime and official authorities. Besides, the institutional, systematic political, economic, social, cultural and other discrimination against Bosniaks could be taken as a proof. The Helsinki Committee did a detailed analysis of 4 laws, 1 regulation and 1 legal surrogate according to which discrimination is being performed at a national level in territories with major Bosniak populations.¹¹ Such a relation to authorities in Sandzak prevented the development of terrorism and organised crime in extreme forms. On the other hand, the difficult economic and social position caused by national discrimination of Bosniak citizens caused the development of some types of organised crime involving Bosniaks.

One of the most frequent forms of organised crime in Sandzak is informal trading, or in slang, the “grey economy”. The beginning of this form of organised crime in Sandzak can also be connected to the

¹⁰ According to incomplete statistics and partial evidence of human rights violations in Sandzak between 1991 and 1995, Serbian and Montenegrin nationals performed 98 acts of extreme violence in Serbia in general and in Sandzak. There were 9 murders and 17 wounded. The rest refers to booby-trapping and bombing of businesses or appartments owned by Bosniaks. The Helsinki Committee also has date on big number of other forms of violence (general mistreatment, ransoming and confiscation of property) committed by Serbian and Montenegrin nationals. Those forms of violations couldn't be examined because of the mistrust of the victims.

¹¹ Law on Territorial Organization of the Republic of Serbia pertaining to Local Autonomy, Law on Special Conditions of Real Estate Turnover, Law on Area Plans of Serbia until 2010, and the Law on naming Undeveloped Regions of Serbia until 2005, as well as the regulation Program of Tasks and Measures for Faster Development and Making Slow Migration Movements in the Towns of Novi Pazar, Sjenica, Tutin and Prijepolje. See also instructions of the Federal Ministry for Traffic and Connections, which forbids return of refugees from asylum in a European country.

appearance of extreme nationalist policies of the Serbian and Montenegrin regimes.

The forms of organised crime involving Bosniaks in Sandzak

The first form of organised crime is informal trading and the counterfeiting of brand name clothing and footwear. Informal trading in Sandzak began to grow with the imposition of sanctions against the Federal Republic of Yugoslavia. Bosniaks organised a wide network to import all kinds of goods. They avoid paying taxes, customs duties and all other obligations. Another form of informal economy in Sandzak that spread quickly is the production of jeans, counterfeiting of brand names like Levi's, Diesel, Legend and Calvin Klein.

There is also a developed white slavery trade. Young girls are taken mainly from developed centres of Serbia or other Eastern European countries. Sandzak became a transit centre for white slave trading, but also the ultimate destination for owners of night clubs dealing with prostitution. There is a belief that young girls prostitute themselves willingly, but there is no doubt that some of them fall in the spider's web of white slave traders unwittingly. In Tutin and Novi Pazar, two girls had to murder their pimps to escape slavery.

The Sandzak population faced drug problems after the war in Bosnia. Informal traders began trafficking drugs, making connections with criminal groups in Belgrade, Kosovo and Podgorica, but it is a public secret that drugs come from Turkey, through Kosovo to Sandzak. However, the number of users is low, especially for strong drugs. So we can suppose that the drug is distributed further in great quantities. Unfortunately, policing in Sandzak towns is inefficient, which is a great advantage for organizing these groups better.

By definition, informal trade and manufacture as well as white slavery is followed by street corruption (of municipal service clerks, medical doctors, traffic police, etc.), commercial corruption (of customs officers, tax collectors, high ranking politicians and judges from lower and higher court) with the aim of maintaining illegal trading and avoiding sanctions.

Both forms of corruption are extremely well-developed in Sandzak among the Bosniak population.

Some analysts think there is a danger of terrorism by some Bosniak extremists to support secessionist trends, as well as from those who lean towards a radical interpretation of Islam. But we think there is no possibility of either of these two extremes developing.

First, among Bosniaks in Sandzak, secessionist trends do not exist. They are legal and legitimate demands for equal status and democratization of society. Second, there is indeed a group gathered around the Sandzak mufti who has a radical perception of Islam, but they perform this radicalism through the strict observance of Islamic rites and dress codes. Nevertheless, Serbian authorities tried to use the terrorist attack on New York on September 11th and the anti-terrorism campaign led by the USA against them.

11th September and the anti-terrorist campaign in Serbia was used for implementation of nationalistic aims directed against Muslims in Bosnia-Herzegovina, Sandzak and Albanians in Kosovo who are mainly of Islamic faith. The authorities in Belgrade even tried to justify crimes committed by Milosevic against Bosniaks and Kosovo Albanians, finding connections between Bosniak authorities and Al-Qaida and the so-called presence of Al-Qaida in Bosnian and Albanian armies.

What differs organised crime in Sandzak from other regions is that no organised crime here practices violence, which is undoubtedly a structural part of terrorism and means of organised crime in Serbia and Montenegro. Regardless, organised crime in Sandzak, like elsewhere in the world, represents a serious threat to democracy and prosperity.

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ORGANISED CRIME IN ALBANIA: AN UNCONVENTIONAL SECURITY THREAT

The end of the Cold War brought about a period of insecurity throughout South East Europe. The quick and unexpected collapse of communist regimes brought to the surface a long list of new challenges that the societies of SE Europe were ill-equipped to deal with. Poverty, the absence of rule of law, weak judicial systems and, in some places, open warfare and the collapse of community ties opened up plenty of opportunities for the birth and consolidation of organised crime. This paper will look at organised crime in Albania, one of the main links in a chain of Balkan states that are having a difficult time coping with the problem. However, it is not directly concerned with evidence of or reasons for the existence of organised crime in Albania. Rather, it will investigate the organised crime phenomenon from a security perspective. Traditionally, security threats in Albania have been viewed in terms of hard security. Political actors in the Albanian political scene still define their security problematic in terms of ethnic, religious and cultural cleavages within the state, or security threats from neighboring states or ethnic groups.¹² While these threats continue to be present, it has become necessary to reevaluate the security problematic definition in order to include organised crime. The strengthening of organised crime groups in Albania has increased the possibility of a permanent distortion of the local political system. With regard to Albania, the present definition of the security dilemma is particularly problematic. A cursory look at post-Cold War developments in Albania shows that Albanian

¹² Security Strategy of the Republic of Albania, Law number 8572, 27.01.2000. While organized crime is mentioned as a security threat, it is lumped together with terrorism, westward migration, public misinformation and the environment. The Security Strategy mentions the growing professionalism and strength of criminal groups in Albania, without differentiating between "crime groups" and "organized crime groups". Hence, the fight against crime is seen simply in terms of strengthening those state institutions that are directly concerned with the fight against crime such as police and the judiciary while there is no discussion of the threat of state capture.

security has not been undermined so much by hard security but rather by soft security threats. The weakness of state institutions and the ingraining of non-democratic norms within the democratic polity have opened the way to serious security threats to Albanian citizens in the long-term.¹³ Moreover, the lack of awareness from local and international actors of the ability of organised crime groups to penetrate the Albanian state, the so-called *state capture* process, means that the basic tools to combat this dangerous phenomenon are not being put in place.

Growth of Organised Crime: The Social and Political Climate

In order to support our thesis that organised crime must be viewed as a security threat that cannot be dealt with simply by strengthening policing and judicial institutions, we must look at the environment in which organised crime has evolved in Albania. In a famous 1979 article, Jeanne Kirkpatrick analyzed the distinctions between authoritarian regimes of the Right and totalitarian regimes of the Left. While the former "leave in place existing allocations of wealth, power, status" and "worship traditional gods and observe traditional taboos," radical totalitarianisms of the Left seek to "claim jurisdiction over the whole of society" and violate "internalized values and habits."¹⁴

Albania entered the post Cold War era with the baggage of 45 years of the most repressive totalitarian regime in Europe. In order to understand the weaknesses inherent in Albanian society today, weaknesses that range from weak state institutions to the erosion of the basic norms and values that make up organised community life, we have to investigate the dynamics of social and political life in communist Albania as the longest period of continuity in the existence of independent Albania.

¹³ Blendi Kajsu, Aldo Bumçi, Albert Rakipi, Albania - A Weak Democracy, A Weak State, AIIS Report 2002, in *The Inflexibility Trap: Frustrated Societies, Weak States And Democracy*, Centre for Liberal Strategies and Institute for Market Economics, Sofia, 2003.

¹⁴ Jeanne Kirkpatrick, "Dictatorships and Double Standards," *Commentary* 68 (November 1979): 34-45.

While it is true that from an outsider's perspective the Albanian communist state did exhibit features of a strong state (strong, palpable state presence from the center to the periphery, state penetration in society, citizens' observation of state laws and some improvement in public goods delivery), it is also true that state-exercised violence was the primary reason for its "strength".¹⁵ Direct or indirect, physical, moral or psychological, violence was sanctioned by constitutional law¹⁶ and if the constitutionally permissible degree of repression and terror was not enough, the arbitrary use of power was used by the authorities to carry out their will.

The complete isolation of the country, the extreme economic backwardness, the absence of cultural and scientific opportunities that were inherited by post-Cold War Albania are well-documented and there is no need to look at them in detail. However, what is of importance here is the *social engineering* project in which the Albanian regime engaged and which, in turn, destroyed much of the age-old moral values and norms that provide the basis for community life. The regime tried to build a new type of citizen which official propaganda named "the New Man" and which is not very different from the *Homo Sovieticus* that many Cold War academics are familiar with. What was different about the Albanian New Man, was the degree of ferocity in which the regime engaged to bring about this new reality. Religion was outlawed in 1967 and the 1974 Constitution declared Albania the first atheist state in the world. The New Man was supposed to be free of religious superstitions, material or carnal desires and all other 'vices' of the capitalist world.¹⁷ Through sheer terror, the regime slowly but surely undermined the moral principles built by tradition, national pride and self-respect. Communist propaganda extolled the creation of a Communist *gemeinschaft* which was supposed to be based on selflessness and a willingness to sacrifice one's interests for the greater good of the community. However, in reality the threads that bound individuals together were the result of terror and fear. Once the regime was swept away due to its economic

¹⁵ Albert Rakipi, *Weak States and International Institutions*, Ph.D. Thesis, NATO Defense College, Rome 2002.

¹⁶ Hall, J., John, *The Return of the State*, at <http://www.ssrc.orgsept11/essays/hall>.

¹⁷ Blendi Kajsiu, Aldo Bumçi, Albert Rakipi, *Albania - A Weak Democracy, A Weak State*, Albanian Institute for International Studies, 2002.

inefficiency and political inflexibility, the idea of a *community* was swept away with it. Ferdinand Toennies drew the distinction between local community, *gemeinschaft*, and larger society, *gesellschaft*. He saw as stronger the bonds of local community since they were based on kinship, locality, and a shared culture. *Gesellschaft*, on the other hand, was more impersonal and goal-oriented, prescribed by contractual relationships.¹⁸ In the case of Albania, the pre-WWII *gemeinschaft* in the name of a new ideology, which failed to replace it with its own self-sustaining bonds. Today, modern Albania finds itself in the peculiar situation of having imported a democratic system based on the principles of political rights and freedoms and a market economy without however being able to create the necessary *gesellschaft* in which the new polity can function. Given its historical political and economic backwardness and its relatively recent communist past, Albanian society has been unable to create the necessary values conducive to a well-functioning democracy. On the other hand, the assumption that a “top-down” approach in the establishment of the rule of law would prove effective has not been vindicated. Consistent enforcement of the law remains hampered by serious deficiencies in the judicial system.¹⁹ Since Albanian society lacks the values and the efficient institutional arrangements to combat organised crime, state capture has become a real threat that may result in a long-term distortion of the Albanian political system.

The Current Situation

Organised crime in Albania today has become closely interconnected with politics. A number of publications in the local and international press have documented that some of the smuggling channels have functioned as government-run businesses.²⁰ However, the real focus of

¹⁸ Community and Technology, Classic Ways of Looking at Community, http://www.sccs.swarthmore.edu/users/02/allan/community_technology/classic_comm.html.

¹⁹ Commission of the European Communities, Albania: Stabilisation and Association Report 2003, Commission Staff Working Paper, Brussels, 26 March 2003, p. 2.

²⁰ Ivan Krastev, The Inflexibility Trap: Frustrated Societies, Weak States And Democracy, Centre fo Liberal Strategies and Institute for Market Economics, Sofia, Bulgaria, January 2003, p. 18.

this paper is not to interpret organised crime in cultural terms, in terms of weak institutional environments, communist legacies and so on. Neither is it to give evidence of the existence of organised crime and the economic wasteland which provides the fertile soil for its growth and consolidation. Our thesis states that organised crime is deforming permanently the political structure of the Albanian democratic polity. Given the dangers posed by this deformation to the future of Albania, and many other countries in the region, it has become imperative that regional and international actors enlarge the scope of their focus in the war against organised crime.

We will use Ivan Krastev's model in order to analyze the penetration of organised crime in Albanian politics.²¹ While the organised crime epidemic is closely related to Albania's communist legacy, economic backwardness and the quality of its legal environment, the international community and local actors have been well-aware of these causes and steps are being taken to help reshape the structural tools needed to fight it. Although actual results have been almost impalpable, it is safe to state that the focus on these issues does exist. On the other hand, there has been little effort to explain the increasingly well-established links between organised crime revenues and the increasing cost of politics in Albania and the Balkans.²² In the early years of transition, there was public resentment over the extreme levels of political confrontation. However, persistent accusations of corruption were absent. As the struggle against communism abated and politics lost its attractive dynamic as an idealistic exertion for the public good, there was a resultant deficit in interest in politics and an outflow of militants out of the political parties. The present 'reduction' of politics to a quarrel over minor differences in such a short period of time, has brought about a relative alienation of the electorate from local political parties and growing numbers of absentee voters from the electoral process. The absence of alternative institutions for citizen participation in decision-making and governance has made this problem even more serious for Albania.

²¹ Ibid., pp. 6-23.

²² Ibid., p. 21.

This situation has opened the road for organised crime penetration into politics. The massive withdrawal of motivated citizens from political activities has suddenly made political communication much more expensive. In 1991 enthusiastic young people were actively involved in political demonstrations and other political activities. Now, youngsters have become alienated from the political process. In order to have their posters disseminated, and their political meetings well-attended for media purposes, political parties have to pay.²³ In 1991, with citizens on the streets eager to participate in the political process, it was easy and cheap for politicians to get their message across. Today they have to pay for expensive media commercials, and rock-concert type electoral meetings. The result is that parties are selling their influence over the decision-making process to the highest bidder. According to Krastev, the increased cost of politics and the effort to pay the price result in four major consequences. First, people become even more disgusted with politics, so the cost of politics goes up. Second, the new way of making politics leads to the promotion of new politicians, that Della Porta calls "business politicians." Third, the increased price of politics undermines the morality of individual politicians within political parties. Those who start taking money for the party through unofficial channels find it a great deal easier from a moral standpoint to start taking money for themselves. Fourth, political parties create a class of donors close to them. A mutually advantageous relationship is established whereupon a business gives funds to a political party in exchange for favorable policy or administrative decisions. One of the main tools with which political parties assure their revenues is the privatization process. Privatization is not any more about what to sell, but to whom to sell. Only recently, allegations sprung up quite openly that the Albanian government was buying the media through companies considered 'friendly' to the Socialist Party (SP) in power.²⁴

²³ Interview with Drini Skënderi and Anisa Tabaku. Many young Albanians are paid to become 'members' of a political parties and to attend their meetings or distribute their literature.

²⁴ Interview with Fatos Lubonja on KLAN TV, Opinion, 13 April 2003. He accused the owner of one of the main independent newspapers, Shekulli, for profiting through illegal auctions of public property. The government uses paid Job Advertisements and commercials to fund media close to it and bleed financially those media that do not support its point of view.

A New Approach to Organised Crime

Richard Rose has shown that the real danger to democracy does not come from the poor or ex-communist party members. Instead, it comes from those that are convinced that their party is wholly corrupt.²⁵ While this 'nightmare scenario' need not be the case in Albania, it is painfully obvious that the *modus vivendi* reached between politics and organised crime is causing a permanent deformation of the democratic system. It has become essential to grasp that a transformation in the process of governance, be it negative or positive, that persists over time solidifies and becomes the norm. While the political rhetoric pays lip-service to the fight against organised crime, results have been meager at best.

As a matter of fact, there have been a number of initiatives to combat organised crime, but their outcomes have shown few tangible results. An international anti-trafficking centre was set up in the southern city of Vlore jointly run with Italy, Greece and Germany.²⁶ However, the centre's work has been marred by allegations of idleness that reached a fever pitch when the German officer assigned to the centre resigned since the centre had been *de facto* by-passed by local police structures and had become redundant. Another well publicized action was Operation "Labour" that aimed to interrupt the flow of human and drug smuggling to Italy. Officially, the operation ended successfully with the Prime Minister symbolically burning a number of confiscated speedboats in front of the media. However, of the seventeen people arrested in the operation, today only one, a simple policeman, is still in prison. The others were allowed to go free by the courts.

Given the fact that at present the political dynamic in Albania is such that the lines between organised crime and the political class have become very blurry indeed, a new approach to the fight is needed. At present, the debate and measures that have been taken by the international community in cooperation with local actors, while

²⁵ Richard Rose, A Diverging Europe, Journal of Democracy, Vol 12, No. 1, p. 93-106.

²⁶ International Crisis Group, Albania: State of the Nation 2003, 11 March 2003, <http://www.intl-crisis-group.org>.

commendable and necessary, must be improved upon. Some measures have been undertaken in regard to the institutionalization of the fight against organised crime. With international help, those state institutions that are designed to fight directly against organised crime are being strengthened and regional cooperation is being reinforced. Thus, there seems to be some awareness, at least on the level of political rhetoric, of the need to fight organised crime and increasing political will to project an image of fighting this phenomenon head-on. While results have been poor, work must continue to strengthen those state institutions that are confronting organised crime. Some of the practical areas where tangible progress must be made are:

1. strengthening the institutional structures necessary for implementing the Law on Money Laundering;
2. establishing a fully financed and well-publicized witness protection system
3. making serious efforts to control border crossings;²⁷
4. begin prosecutions of corrupt judges and prosecutors; and
5. strengthen cooperation between state police, the judicial police, and the prosecutor's office.²⁸

Nevertheless, the debate on organised crime in Albania is found wanting on a very important dimension. While anecdotal evidence abounds, there exist no models or studies to measure the extent of state capture by organised crime syndicates. As a matter of fact, not only does organised crime distort the Albanian political system, it also imposes conditions on the systemic structure of the state, and therefore it makes the implementation of structural reforms very difficult. For example, interviews with Albanian political leaders by Albanian Institute of International Studies researchers on electoral system reform in local

²⁷ Ibid.

²⁸ Commission Staff Working Paper, Albania: Stabilisation and Association Report 2003, Commission of the European Communities, Brussels, 26 March 2003.

government elections produced valuable insights on the way organised crime limits the available choices in electoral reform discussions. At present, municipal councilors in Albania are elected through a proportional system. Different analysts have raised concerns about the lack of representation in municipal councils and are advocating a majoritarian system. However, given the strong presence of organised crime in Albania, there exists a justifiable fear that it would be easier for criminal structures to get their representatives elected in municipal councils. Yet, this argument would be valid if we assume that organised crime has not captured Albanian political parties which is a very daring assumption indeed. While the present dimension of the war on organised crime may strengthen the state in the short-term, it also has the unfortunate side-effect of consolidating criminal structures within the hierarchy of power. In a country with a democratic system of governance where the relationship between citizens and their elected representatives is as weak as in Albania, the alienation of voters from the political process is facilitated considerably by the perceptions of corruption and state capture. In turn, this increases the cost of politics and, according to Krastev's model, it facilitates even further the penetration of organised crime in the body politic.

Hence, investing time, effort and money only in the institutions that are directly concerned with the fight against organised crime ought to be only part of the general effort to cleanse our political and social lives from this phenomenon. The time has come to enlarge the concept of security in order to include organised crime as one of the "security threats" faced by our society. While traditional security threats remain relevant, it has become obvious that the old definition of "security" is becoming obsolete. Transition societies, such as the societies of South East Europe, are in the midst of the state-building process. If that process becomes deformed due to the presence of organised crime, it will be very difficult to undo the damage. In Albania, little if anything is being done to create favourable socio-economic conditions that may help arrest the growth of organised crime. Policy formulation and implementation does not factor in the real and present danger of "state capture" as one of the greatest threats facing Balkan societies today. Often, local elites speak in terms of "us" (the law-makers and law-enforcers) against "them" (the law-breakers) while, in fact, the border-

lines between the two groups seems to be a great deal more blurry than that. In Albania, the lack of long-term development policies coupled with the lack of awareness about the deformation that organised crime will quite probably cause to the local political system make the victory of the fight against organised crime quite questionable in the long term. Given the present situation, it will be no surprise if the state may be captured by organised crime through free and fair elections. We run the danger of having the appearance of a democratic state while the inside structure is controlled by criminal organizations. The complete absence of transparency of electoral funds by Albanian political parties cannot but raise questions about their ability to clearly position themselves on the opposite side of the barricades in the war on crime.

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HUMAN SMUGGLING AND MIGRATION OF ILLEGAL LABOUR TO TURKEY

Illegal Human Mobility and Security in South East Europe

South Eastern Europe is a region of critical geopolitical importance in the post-Cold War landscape and it is important for the future of European stability. The analysis of a region must integrate all security-relevant data, whether military, economic or political, or related to transnational risks and threats. Otherwise, strategic analysis and political action will proceed on incoherent paths, ensuring that the efforts of the international community will be far less effective than desired.

Among the security issues, two major transnational security threats that have an impact on Southeastern Europe (SEE) and Black Sea countries are transnational organised crime and drug trafficking. There is a relationship between the organised crime and illegal human mobility, including illegal migration of labour, illegal immigrant smuggling, human smuggling and women trafficking since the organised crime organises human trafficking and illegal employment. The response of the states and NGOs, if there is any, to the illegal migration of labour need special attention to improve security in the SEE. Illegal human mobility in the forms described above de-stabilise many countries and causes violation of human rights, along with treating security in the region and in the European Union. Smuggling networks coexist with criminal organisations, exerting a crime multiplier for them and for militias, guerrillas and terrorists.

The paper recognises the need to have an extensive study of human smuggling and various movements of illegal human mobility in the region. It focuses on human smuggling in Turkey and transit migration via Turkey through illegal channels.

Transit Migration: Flows of Migrants Arriving in Turkey between 1980-2002

Until the 1980s, Turkey had been recognised as a "sending" country in terms of international migratory flows. Since then, Turkey has changed to become both a "receiving" and a "transit" country, and a major country for asylum. More than two million of people²⁹ have sought refuge in Turkey in one form or another. It has also become a major hub for illegal immigration thanks to its geography and poorly enforced immigration laws (as explained below). There are two factors explaining the reasons why Turkey has increasingly become a transit zone for large numbers of people who enter Turkey legally or illegally, from the South and East since the beginning of 1980s. First, political turmoil and regime changes (e.g., the Iranian Islamic Revolution in 1979), wars and civil wars, and the numerous conflicts in the Middle East (e.g., the Gulf War), the Balkans (Bosnia and Kosovo conflicts) and the Caucasus (e.g., armed conflict in Chechnia) have forced refugees³⁰, transients and all types of migrants into the country in the hope of security, protection from persecution and a better life. Turkey not only shares borders with many of the countries in the Middle East, the Caucasus and the Balkans, but also has cultural and ethnic ties with many of them. These ties generate human channels for illegal migrants who already have geographical access to Turkey. Second, Turkey's geographical location between the East and West, and the South and North has made the country a transit zone for many migrants intending to reach western and northern countries. Consequently, Turkey has received migration from the Middle East, the former Soviet Union and the Balkans, and Africa. Some of these people enter the country without legal documents seeking shelter on a temporary basis and then moving to another country. Others arrive in Turkey with the aim of working for a short period of time.

²⁹ The International Organization for Migration (IOM). 1995. Transit Migration in Turkey. Study Completed in December 1995. Migration Information Programme. (Hereafter IOM 1995).

³⁰ For detailed information on the refugee flows into Turkey since 1979, see Kemal Kirisci. 1994. Refugees and Turkey Since 1945. Boagzici Research Papers, 155/AOLS 94-3, Istanbul.

Some of the illegal migrants choose Turkey as transit zone to work and survive. This workforce is in addition to a huge number of illegal migrant workers³¹ who entered Turkey with the aim of working. During field work in 1994-1995, we met Sudanese and Algerians who fled from the country because of the civil war; we encountered Afghans who had abandoned the country which had been in turmoil since the beginning of 1980s; we came across a large number of Iranians who had been in Turkey without any legal status for many years. Turkey applies the 1951 Geneva Convention with a geographical limitation. Accordingly, legal obligations applied only to persons who are seeking asylum as a result of the events in Europe, so there is no obligation regarding non-European refugees. Partly as a consequence of anti-Communist policy during the Cold War, this meant that Turkey could grant refugee status only to people coming from Eastern Europe and Soviet Union. Iranians were non-European asylum seekers. Therefore they were not recognised as asylum seekers under the terms of the Geneva Convention, but have been allowed to remain as tourists for a certain period of time subject to regular extension. Many Iranians who entered Turkey without any legal documentation frequently transited Turkey, but some of them stayed and continued to live without any legal documents or identity.

Turkey hosted around 3 million Iranians who left Iran after the Revolution in 1979. Some of them entered Turkey illegally by the assistance of human smugglers. The majority of them left Turkey after obtaining a visa for the Western Europe, the USA, Australia, and Canada. However, there are still a large number of Iranians (the estimations range from 200 000 – 500 000) living in Turkey.³² Legal and illegal entries from Iran have continued, with many Iranians who felt persecuted by the regime continue to leave their country. Among them

³¹ My former research on the migration of illegal labor to Turkey in 1994-1995 revealed that there were around 3.5-4 million people (including the Iranians) who lived and worked in Turkey illegally. See Nilufer Narli.1995. Migration of Labor and Capital to Turkey", research report submitted to Center for Turkish Studies at Essen University, Germany. (Hereafter Narli 1995). According to the estimates by TURKIS in 2001, the number of illegal workers was around 4.5 million. However, the then Minister of Work, Ya_ar Okuyan gave a different figure: 1 million. Speaking at a meeting in Konya, Okuyan underlined the treat posed by illegal foreign workers to Turkish labor force by saying: "Ivan is steeling the bread of worker Mehmet" (quoted in Medyakronik on July 25, 2001; www.medyakronik.com).

³² Narli 1995.

we met Bahais in 2002 who were staying with their relatives in Istanbul. We learned that there are also many of them staying in the Anatolian town of Kayseri and waiting for a visa to leave for the US and Canada. A few of them are planning to go to France and Belgium. The field work and interviews with 50 Bahais in Kayseri show that the majority of them are in the age group of 26-40, the age of economically active population. Their level of education is higher, the majority of them with a high school diploma, but few reached the level of tertiary education because of the blocked social mobility of the Bahais, as they explained.³³

Approximately 600 000 Iraqis between 1988-1991, mostly the Kurds, poured into Turkey. Despite the fact that a large number of them returned home, as explained below, they left a residual population in Turkey. They also caused a chain reaction in which many more left Iraq for Turkey with the aim of settling there or transiting Turkey to reach the West. As the social and economic situation deteriorated in Iraq, numerous Iraqis have entered Turkey with valid documents and obtained residence permits. Many more have been also brought by human smugglers who have benefited from this illicit trade.

The first flow arrived in 1988 when the Iran-Iraq War ended. Due to the allegations of betraying the state, the Iraqi army pushed more than “50 000 Kurdish guerrillas and their families” who poured into Turkey during the last week of August 1988.³⁴ Like the situation of many Iranians fleeing from the country, due to Turkey's geographical reservation on the Geneva Convention, the arriving Iraqis were considered ‘temporary guests’ rather than asylum seekers.³⁵ Consequently, they were expected to leave. According to the International Organisation for Migration (IMO) study completed in 1995, a large number of these people had returned to the zone of Northern Iraq outside Baghdad’ s control between 1991-1995; nearly 2500 had left for Iran and Syria, and approximately 3000 were accepted

³³ Mr. Turan Avsar, a graduate student in the Institute of Middle East Studies, is doing his thesis on the Bahai Refugees in Kayseri, under the supervision of Prof. Dr. Nilufer Narli.

³⁴ International Organization for Migration (IMO). 1995. Transit Migration in Turkey. Study Completed in December 1995. Migration Information Programme, p.6.

³⁵ Ibid., p.6.

as refugees in the West.³⁶ The second flow of people who arrived between August 1990 and April 1991 were foreign workers who had been in Iraq or Kuwait and who had wanted to leave during the Gulf Crisis. Nearly 60 000 foreign workers and their dependants were temporarily housed at a camp near the Iraqi-Turkish border. They left Turkey soon after their arrival once transport arrangements had been made by their governments or by international agencies (e.g., The International Organization for Migration the IMO).³⁷

The third mass flow of people from Iraq to Turkey took place in early April 1991 when half a million Kurds, escaping the Iraqi military, poured into the mountainous region separating Turkey and Iraq. As a response, Turkey advocated the idea of creating a safe zone in Northern Iraq and initiated a voluntary and safe repatriation programme. The close co-operation of the Turkish authorities with the IOM, UN agencies and Allied Forces present at the time generated a solution to the unprecedented influx of nearly half a million Kurdish men, women and children stranded on the mountainous sides at the Turkish/Iraqi border. They returned either to their home villages, to camp shelters in Zakho, or to a tent camp set up in the Turkish towns of Silopi located near the border with Iraq.³⁸

In addition to the flows of Iraqis, approximately 25 000 Bosnians have sought refuge in Turkey from 1992 to 1994³⁹, while the majority of them considered Turkey as a transit country, some of them stayed and started business. During field work in April and May 2002, we encountered Bosnians running shops in Laleli, where people from Russia and the Balkan countries visit and buy huge quantities of textile and leather products to and sell them in their countries. Some of them arrived as tourists with a former Yugoslavian passport⁴⁰, but many of them entered without legal documents. Approximately 350 000 (or, according to

³⁶ Ibid., p.6.

³⁷ Ibid., p.6.

³⁸ Ibid., p.6.

³⁹ Ibid., p.7.

⁴⁰ As seen in Table 1, every year there is a visible difference between the number of foreigners entering Turkey and exiting Turkey.

Nurcan Özgür 250 000)⁴¹ ethnic Turks of Bulgarian citizenship entered Turkey as a result of deportation under President Todor Jivkov and Jivkov's policy of changing Turkish names to Bulgarian ones in 1989. 100 000 of them returned home, but the rest are still living and working in Turkey (mainly in Bursa and Istanbul). The majority of them have obtained residence permits and they have been neutralised. In addition to the 1989 migration flow, around 150 000 Bulgarians, the majority of whom are ethnic Turks, have entered Turkey since 1993.⁴² While some of them work here legally, others stay as tourists and work illegally. Among them there are hundreds of non-Turkish Bulgarians who have found a job and a place to stay with the help of the ethnic Turkish Bulgarians living in Turkey. The field-work data shows that the non-Turkish Bulgarians in Istanbul work in Ataturk Sanayi Sitesi (Ataturk Industrial Site) and in other workshops. Some of them reside in Gaziosmanpa_a.

The other flow of migration from the Balkans is the migration of Albanians caused by the Kosovo Crisis in 1999. They entered Turkey with valid passports and visa. It was not hard for them to find lodging and jobs since they had many relatives and primordial networks in Istanbul and the Marmara regions.

Since the late 1980s, thousands of transit migrants have also arrived from African and Asian countries such as Ghana, Tanzania, Nigeria, Ethiopia, Sudan, Algeria, Tunisia, the Philippines, Indonesia, Sri Lanka, Bangladesh, and Pakistan. In Istanbul, Tarlaba_1, Taksim, Laleli, Aksaray, Suleymaniye, Vefa and the areas in the vicinity of the Manifaturacılar Bazaar and Eminonu are the places to encounter transit migrants coming from these countries. Since 2001, they have been less visible due to the increased measures taken by the police to prevent illegal migration.

Turkey does not define itself as a country of immigration, but the absence of effective immigration controls has made the country

⁴¹ Nurcan Özgür. 2002. "Bulgaristan'dan Türkiye'ye Göçlerin Yaratıkları Mülkiyet, Vatandaşlık ve Sosyal Güvenlik Sorunları" paper presented at Panel Bulgaristan Türklerinin Dünü ve Bugünü, June 16, 2002. Also find Nurcan Özgür's paper published in www.deliormanturkleri.com on June 21, 2002.

⁴² Özgür, Op. Cit.

vulnerable for various types of easy entries and stays. In response to becoming a *de facto* country of first asylum and to the mass influxes of people from the Middle East during and after the Gulf War, Turkey implemented a new regulation on asylum seekers effective since 30 November 1994. It is entitled, "Regulations on the Procedures and the Principles Related to Mass Influx and the Foreigners Arriving in Turkey or Requesting Residence Permits with Intention of Seeking Asylum from A Third Country".

Human Smuggling

A definition of human smuggling, including its social organisation and political and economic significance, is still very much a work in progress. People smuggling is procuring the illegal entry of a person into a state, of which the person is not a national or permanent resident, in order to obtain a financial or other material benefit.⁴³ It is estimated that more than 50 percent of illegal immigrants are now being assisted globally by smugglers.⁴⁴ People trafficking is the recruiting, transporting, transferring, harbouring or reception of persons for the purpose of exploitation; by using or threatening force, coercion, abduction, fraud, deception, or abuse of power against them; or by giving or receiving a payment or a benefit to those who control them.⁴⁵ IOM statistics indicate that an estimated 700 000 to 2 million women and children are trafficked globally each year. The IOM (2001) estimates that the world-wide proceeds of people trafficking to be 10 billion USD a year. According to the U.S. State Department figures, the largest number of trafficked people are from Asia, with 225 000 victims each year from the Southeast Asia and over 150 000 from the South Asia.⁴⁶

⁴³ Article 3 of the Protocol against the Smuggling of Migrants by Land, Sea and Air, U.N. Convention Against Transnational Organized Crime).

⁴⁴ See CNN "Human Smuggling Definition and Statistics."
<http://asia.cnn.com/2002/WORLD/asiapcf/auspac/03/01/smuggling.stats/>

⁴⁵ Article 3 of the Protocol to Prevent Suppress and Punish Trafficking in Persons, U.N. Convention Against Transnational Organized Crime.

⁴⁶ The IOM. 2001. Trafficking in Migrants, Quarterly Bulletin , no. 23 (April).

People smuggling has become the preferred trade of a growing number of criminal networks world-wide. Transnational human smuggling, hardly a global issue in the 1980s, is a continuously growing phenomenon and is now a multibillion-dollar trade world-wide. Hard facts about human smuggling and trafficking are difficult to obtain because of the illicit nature of the trade. The International Organisation of Migration makes some estimates. The number of people trafficked or smuggled across borders on an annual basis is four million people. The annual revenue generated by smuggling is 5-7 billion USD. The IOM estimated total global revenues in 1997 to be up to 7 billion USD.⁴⁷ It is a crime that is organised⁴⁸ and linked to other criminal activities.⁴⁹ It is an issue of global nature, not only as a “transnational crime”⁵⁰ but also as an enormous violation of human rights,⁵¹ and a contemporary form of slavery. After their arrival in the country of destination, the illegal status of the migrants puts them into the mercy of their smugglers, often

⁴⁷ The IOM. 1997. "Trafficking in Migrants: IOM Policy and Activities" http://www.iom.ch/IOM/Trafficking/IOM_Policy.html. Also see BBC News. 2001. The Road to Refuge. " The Journey: A Smuggler's Story" in BBC News, 2001; http://news.bbc.uk/1/hi/english/statistic/in-depth/world/2001/road_to_refuge/journey/default.stm.

⁴⁸ See James Finckenauer and Elin Waring. 1996. "Russian Émigré Crime in the United States: Organised Crime or Crime That is Organised?" *Transnational Organised Crime* 2 (2/3):139-155.

⁴⁹ The connection between human smuggling and other types of organised crime was mentioned in a draft statement issued by participants at an international conference on illegal immigration. It warned that people smuggling is increasingly linked to other criminal activities. "Many smuggling activities are being organized by criminal networks also involved in trafficking of narcotics, document fraud, money laundering, arms smuggling and other transnational crimes," a draft statement said. The statement was drawn up by Australia and Indonesia, who were co-hosting the conference being held in Bali, Indonesia. See "Ministers from Asian and Pacific Nations Confer on Ways to End People Smuggling" By Slobodan Lekic, *The Associated Press*, February 27, 2002.

⁵⁰ Transnational Organized Crime is crime committed by an organized criminal group, which is planned or committed in more than one state, or has substantial effects on more than one state, or is committed by a group which commits crimes in more than one state. An organized criminal group is a structured group existing for a period of time and acting in concert, with the aim of committing one or more crimes for financial or other material benefit. (UN Convention Against Transnational Organised Crime, 2000)

⁵¹ For the cases of human rights' violation of the illegal transit migrants and the smuggled migrants detained in Turkey, see Bülent Peker (ed). 2001. *Sığınma Hakkı ve Mülteciler: İltica ve Mültecilik Atelyesi*. Anakar 24-26 March 2001. Ankara: İnsan Hakları Derneği, Chapters 5, 6 and 8.

forcing them for years to work in the illegal labour market to pay off the debts incurred as a result of their transportation.

This highly profitable trade poses a relatively low risk compared with trades in drugs or arms. Unlike drug trafficking, the principal investors do not have to accompany the commodity (the smuggled people) physically across the border. The low risk and high profit do not explain why the volume of human smuggling has increased since the early 1990s. The causes, social organisation, and proposed solutions are much more historically and politically complex than they may at first seem. As human smuggling has a global nature, it requires us to consider the wider social and economic context in which it is flourishing, rather than to simply demonise the smugglers and to ask the transit countries to tighten border control.

Thus, this paper which aims to present a mix of descriptive empirical evidence from the field work in Istanbul and a conceptual analysis providing a perspective of human smuggling via Turkey, first attempts to understand this phenomenon in the larger context of the processes of globalisation. The globalisation of economic activities and technological advances have increased the mobility of people in various forms ranging from the migration of documented labour to the illegal flow of labour including illegal migrant smuggling and expanded transitional crime. The excessive supply of labour in economically disadvantaged countries, where the size of the unemployed young population has expanded, is an important factor in the increased number of illegal migrant workers attempting to enter Western European countries and the USA. In the 1960s and 1970s the surplus labour supply in Middle Eastern, Asian and Mediterranean countries was largely absorbed by Western Europe through documented migration of labour. There was a sizeable proportion of illegal entry, but its volume has expanded in the 1990s. Its geography has changed too, as a result of the collapse of the Soviet Union and the spread of the capitalist economic systems throughout the so-called Second and Third Worlds. Unemployment and economic discomfort appear to be the main reasons of illegal migration movement. Migrants, however, are often driven to become professional smugglers by blocked social mobility, pre-existing corruption, uneven development (not necessarily poverty), persecution, racism and sexism. Studies show

that many illegal migrants who choose a clandestine route to work abroad feel compelled to leave their home communities because of unemployment, the risk of hunger (cited by more than 50 per cent of the African migrants in Turkey⁵²), economic crisis, political conflict, ethnic persecution, and the “fear of rape at home in the case of many ethnic minority women.”⁵³

Therefore, political, sociological, and psychological factors are likely to be as important as economic factors that affect the causes of illegal migration movements and human smuggling. The liberalisation of international markets and investment in developing countries has not decreased migration, as predicted by neo-classical theory.⁵⁴ Increased investment and trade in developing countries is associated with an expansion in the illegal migration of labour from these countries to the advanced countries in the form of human smuggling. Although increase in investment may raise the number of available jobs and decrease the wage differentials among the developed and the developing countries, surplus disposable income often becomes "migration capital" used to pay for international travel and to pay for smugglers.⁵⁵ A study on China⁵⁶ shows that a large proportion of the Chinese who are smuggled to the United States are from Fujian Province, a coastal province with one of China's fastest-growing regional economies. Smuggled Chinese are often from the middle class families that can afford cash down payments (approximately 1500 USD required by smugglers before embarkation).⁵⁷

⁵² International Organization for Migration (IMO). 1995. Transit Migration in Turkey. Study Completed in December 1995. Migration Information Programme. P. 17.

⁵³ See David Kyle and Rey Koslowski (eds). 2001. Global Human Smuggling: Comparative Perspective.. Baltimore: The John Hopkins University Press, "Introduction", pp. 1-25. P. 9.

⁵⁴ For the discussion on foreign investment in developing countries and migration see, Richard Layard, Oliver Blanchard, Rudiger Dornbusch and Paul Krugman. 1992. East-West Migration: The Alternative. Cambridge: MIT Press, chap. 1.

⁵⁵ See David Kyle. 1996. "The Transnational Peasant: The Social Construction of Transnational Migration from the Ecuadorian Andes." Ph.D. diss., John Hopkins University; and David Spener. 2001. "Smuggling Migrants through South Texas: Challenges Posed by Operation Rio Grande " in Global Human Smuggling: Comparative Perspective, David Kyle and Rey Koslowski (eds). Baltimore: The John Hopkins University Press. pp. 129-165.

⁵⁶ Zai Liang and Wenzhen Ye. 2001. "From Fujian to New York: Understanding the New Chiense Immigration" in Global Human Smuggling: Comparative Perspective, David Kyle and Rey Koslowski (eds). Baltimore: The John Hopkins University Press. pp. 187-215.

⁵⁷ For the amount of money given to smugglers see, Peter Hessler. 2002. "It's the Rich Chinese Who Flee to US", Seattle Post Intelligence, February 10, 2000.

The IOM's study⁵⁸ also reveals that Kurds from Northern Iraq paid smugglers a generous amount of money, 2000 USD to 8000 USD, for passage to Italy by boat between July 1997 and January 1998.

Economic development, rapidly advancing information, communication and transportation technologies raise the expectations of new middle classes whose members have recently gained social mobility. This is more likely to motivate people to look for higher living standards and “better future” for their children in the advanced countries. The smuggled people from Iraq detained in Turkey on August 9, 2002 said: “We left our country because we desire a bright future for our children and it is important to guarantee it.”⁵⁹ Political instability and a constant worry about one's own and family's future also drive people to migrate through legal or clandestine routes to search for security.

Turkey as a Transit Country in Human Smuggling

Turkey has become an international centre and a staging area for human smuggling because of its porous eastern borders and its geographical position on the edge of the Western Europe. It has not only become a transit country, but also a destination country for numbers of Iraqi, Iranian and Afghani migrants. A large number of Iraqis with ethnic identities, e.g., Kurd, Chaldean/Assyrian and Turkomans, Iranians, Afghanis, Pakistanis, Bengalis are smuggled to Europe via Turkey.

The IOM report of 1995 showed that 40 percent of the transit migrants interviewed entered Turkey without valid document such as passport or a refugee document⁶⁰; and more than two-thirds of those who entered Turkey without valid documents were Iraqis.⁶¹

Turkey received a warning from the European Union leaders who placed illegal immigration atop the agenda for the EU Council summit in Seville, Spain on June 24. One of the reasons for this is the recent

⁵⁸ The IOM. 1998. Trafficking in Migrants, Quarterly Bulletin , no. 17 (January).

⁵⁹ Reported by SKYTURK TV on August 9, 2002.

⁶⁰ International Organization for Migration (IMO). 1995. Transit Migration in Turkey. Study Completed in December 1995. Migration Information Programme, p.20.

⁶¹ Ibid., p.20.

upsurge in right-wing electoral support across Europe. The inability of the EU leaders to manage the complex mix of migrants and asylum seekers converging on their borders is causing them major political headaches and making daily headlines across Europe. Voters are expressing the people's frustration over what they perceive to be weak and ineffective government policies. They want action and governments appear to be listening. The public anger is complicated by the anxiety that the population increase in the EU countries is mainly generated by two non-European population sources: the higher rate of birth among the Middle Eastern and Asian migrants who have either become citizens of the EU countries or who are staying in the country with a residence and work permit, and, secondly, the ever increasing number of illegal migrant workers.⁶²

Before the Seville Summit, Turkey, a southeast European country connecting Europe to Asia, received warnings from the EU countries to tighten its border control and to prevent human trafficking and the flow of illegal migrant workers via Turkey to Europe. For example, in early 2002 Italian Prime Minister and Foreign Minister, Silvio Berlusconi called upon Turkey to intensify its measures to prevent illegal human smuggling. Meeting with the Turkish Ambassador to Italy, Necati Utkan (on February 1), Berlusconi conveyed Italy's "serious unease" over the Turkish ship *Engin* that came to Italy's Gallipoli port three days earlier carrying illegal immigrants.⁶³ This was not the first time that Ankara received a warning from Italy. In the year 2000, the Italian authorities accused Turkey of doing too little to prevent illegal migrants reaching Europe.⁶⁴

⁶² According to EUROSTATD data, the EU population is 379,4 million. In 2000 the number of people increased had been 1 070 000 and, in 2001, the same figure was 1 050 00. In 2002, it was 1 460 000, that meant 3.9 percent increase. According to the same source, 70 percent of the population increase was generated by the migration, both legal and illegal and the relatively higher birth rate of the "foreigners" residing in the EU countries.

⁶³ "Italian Premier Tells Turkish Envoy of Concern Over Immigrant Ship", BBC Monitoring International Reports, February 2, 2002, from text of report in English by Turkish news agency Anatolia.

⁶⁴ See Chris Morris. 2000. "Turkey Detains illegal Migrants", BBC News, August 6, 2000; <http://news.bbc.uk/1/hi/world/from/europe/868687.stm>. Morris also reporting of the police operations to detain smugglers following the week when Italian authorities accused Turkey of failing to take measures to prevent illegal migration to Europe via Turkey. Morris wrote: "A ship carrying more than 4000 Kurds arrived in southern Italy just over a week ago [July

What are the routes and networks of human smuggling? What are the causes of human smuggling? Is there anti human smuggling legislation? How is the situation and daily life of smuggled migrants in Turkey? How do Turkish people react to "shadow" society of smuggled migrants? Does ethnicity and religion make a difference in responding to them? The article aims to answer these question and identify the types of human smuggling ranging from profit-oriented operations to humanitarian smuggling.

In order to answer these questions, the researchers collected data from various sources: security departments in Istanbul and Ankara; local and international daily and weekly publications and reports from major TV channels; field work (in 1994-95 and in 2002) in various sections of Istanbul where the smugglers used to lodge the illegal migrants. They interviewed those who rent rooms for illegal migrant workers and smuggled migrants transiting Turkey, and people running shops, laundries in the region.

Routes, destination, networks and methods of human smuggling

A large number of migrants from the Middle East, Asia and Africa use the route via Turkey and from there via the Balkans to Western Europe. Human trafficking is executed via a number of land and water routes described below. Destination countries are Germany, England and other European Union countries. The following origin countries supply the human stock for the smugglers: Middle East Countries including Iraq, Iran and many Palestinians; Black African countries including Ethiopia;

30, 2000], prompting the Italian Government protest to Ankara." As a response, the police tightened border control. On August 5, the Turkish police in the city of Erzurum detained 109 Afghans and Iraqis who were hoping to be smuggled into Europe. They were discovered in the back of a lorry, whose driver was also taken in custody. The would-be migrants had paid him 2000 USD each to deliver them to Istanbul. For the information on the migrant detained on July 30, 2000 in Italy, also see the BBC story: "Italians Halt Migrant Boat" in BBC News, July 31, 2000; <http://news.bbc.uk/1/hi/world/europe/858946.stm>. This story reports: Italian coastguards detained 418 people on July 30 for illegally entering the country on a ship. The ship, named Kalsit, carrying mostly men from Northern Iraq, Afghanistan, Sri Lanka, Nigeria and Sierra Leone, "was believed to have begun its journey at a Turkish port four days ago, stopping at a Greek port to pick up food, officials said".

and Asian countries including Bangladesh, Pakistan and Afghanistan. They first transit Turkey from where they move to transit Southeast European and Eastern European countries to reach the final destination in Western Europe.

The major land routes of human trafficking via Turkey are as follows:

- Iran, Iraq or Syria-Turkey-Bulgaria-Romania-Hungary-Austria-Czech Republic or Slovakia-Germany;
- Iran, Iraq or Syria-Turkey-Bulgaria or Greece-Macedonia-Albania-Italy-Western European countries; and
- Iran, Iraq or Syria-Turkey-Southeast Europe countries-Western Europe countries.⁶⁵

According to a report released by the Security Department Directorate's Smuggling and Organised Crime Unit in 2000, there are 13 points of entry or official and illegal crossings along the country's border with Iran, Iraq, Syria, Georgia and Armenia. And there are 10 points of exit on the Aegean and Mediterranean Sea coasts.

- *Armenia-Georgian Border*
Iğdır/Diluca, Kars/Digor-Tuzluca, Ardahan/Posof, Artvin/Sarp
- *Iranian Border*
Küçük Açı Dağı/Doğubeyazıt, Van/Özalp-Bakale, Hakkari/Yüksekova
- *Iraq Border*
Hakkari/Şemdinli-Cukurca, Erzurum/Uludere
- *Syrian Border*

⁶⁵ See Tolga Şardan, "Satılık Hayat Var" ("Life for Sale"), Milliyet, July 17, 2000.

_anlıurfa/Suruç-Mert Village-Akçakale Village Hatay/Yaylada_1-Güveççi Köyü, Altunözü-Turfanda-Avuttepe villages, Hatay/Karbeyaz Village, Hatay/Reyhanlı, Hatay/Samanda_1, Hatay/_skenderun-Arsus section, Adana/Karata_ section, the zone where Seyhan and Ceyhan rivers merge with the Mediterranean Sea, Gaziantep/İslahiye-Karababa area.

Zones from which to exit Turkey, located in the Aegean and Mediterranean Sea regions:

Antalya/Ka_-Meis Island, Mu_la/Datça-Simi Island, Bodrum-Kos Island, Aydın/Didim-Ku_adası coast, Sisam Island, Edirne/Pazarkule-Karaa_aç, Trakya/Meriç-Sufli, Trakya/Kumdere-Pa_aköy-Karpuzlu_psala Enez sector, Istanbul Airport.⁶⁶

The Balkan routes, which are connected to Turkey, are well utilized in reaching Western Europe. Along with the land routes, air route is also utilized in the Balkans. Sarajevo airport is a key point in transiting to Western Europe, as Amra Kebo reports: "Minutes after a flight from Tehran or Istanbul touches down, an exotic mix of Turkish, Arabic and Farsi reverberates around Sarajevo airport's arrival terminal. Once some of these arrivals pass customs control, they will simply disappear, hooking up with criminals who will attempt to smuggle them into Western Europe."⁶⁷ The force is pitifully inadequate given that there are 426 different official and illegal crossings along the country's 1616 km border.

There are four basic Balkan routes according to the UN and IOM. Three involve smuggling the immigrants across the Croatian border - at Bihac, Srebrenica and Brcko. A fourth ferries them from the Adriatic coast to Italy. The head of the UN mission in Bosnia, Jacques Klein said that immigrants pay smugglers between 2000 and 10 000 German marks, depending on their country of origin.⁶⁸ In Klein's opinion, as a part of the deal, there's an unwritten rule that, if captured, the traffickers will

⁶⁶ See Tolga_ardan, "Satılık Hayat Var" (Life for Sale), Milliyet, July 17, 2000.

⁶⁷ See article "Illegal immigrants flock to Bosnia in the hope of being smuggled into Western Europe". By Amra Kebo in Sarajevo (BCR No. 213, 29-Jan-2001).

⁶⁸ Ibid.

help immigrants twice more. Those who fail on the third attempt are left to try and make it across the frontier by themselves. The smuggling operation is fraught with danger. The immigrants are often duped by the smugglers and many are supposed to drown while they are trying to cross the Sava river into Croatia. the UN figures show that over the last year (2000-2001), 35 793 Iranians, Tunisians, Iraqis, Turks and Chinese entered Bosnia through Sarajevo airport alone - well over half of that are thought to have subsequently tried to sneak across the Croatian border. The lack of visa requirements means that most immigrants in possession of a valid passport can enter the country without having any problem. In an attempt to address the migrant problem, the authorities introduced visa restrictions for Iranians, the largest number of immigrants entering the country. As a result, their number dropped dramatically. But just as this hole was plugged, another has opened up. The UN says there has been a growth of migrants from China and Tunisia.⁶⁹

The increased security measures, taken by the police and gendarmaria in Turkey within the last two years (2000-2002), have affected the smugglers' choice of routes. According to Ankara Security Chief Feyzullah Arslan, there has been a decrease in the usage of Turkish routes in the four regions identified above. Now the most frequently used routes by human smugglers are the South Route: Iraq-Syria-Lebanon and the North Route: Iran-Caucasus-Ukraine.⁷⁰

The changing of routes and of the methods of the people smuggling networks as a response to legislative and law enforcement activities is necessary for the survival of this network. Flexibility is one of main characteristics of transportation and choice of routes. While the routes used by people may sometimes be simple and direct, at other times it may be circuitous. The time between departure and arrival may vary from a few days to several months or even years. For example, the smuggled Iraqis were observed (by the people interviewed in Istanbul) spending several weeks in the Vefa (Istanbul) area where they stayed in "rooms rent to singles" (*bekar odası*) before they left for Greece by ship. These rooms are utilised as transitional shelters for the smuggled people

⁶⁹ Ibid.

⁷⁰ Hurriyet 28 June, 2002

and the smugglers wait to form a complete crossing group. One of the informants told us: “ several groups of Iraqis used to arrive at different time intervals and to stay in the rooms for a short period of time. Then, they disappeared overnight. I observed many of them having been loaded into minibuses before they disappeared. Since the last six months, I have not been seeing illegal Iraqis and Iranians. As far as I have heard, the Police collected and expelled them.”

How do they arrive in Turkey and depart from the country? Various methods are utilised by the smuggling networks. The Turkish authorities identified five methods:⁷¹

Land-to harbor crossing:

- Illegal migrants are first loaded into buses or minibuses and driven to cities or districts with harbors where they are put on small boats carrying them to ships to Greece or Italy. The next stage is their transfer to small boats again and their transportation to the coast in the destination country.
- River crossing. Crossing the Meriç by small boats;
- Crossing the borders hiding in lorries and trucks;
- Crossing the borders with fraudulent documents;
- Crossing the borders on foot or riding donkey and horse.

Human smuggling in the region is coordinated by the organised crime networks operating in Turkey and in the Balkan countries, and secondly by the terrorist groups who need money to finance their activities. Organised crime and drug trafficking co-exist and exert a crime multiplier for militias, guerrillas and terrorists.

Causes of Human Smuggling

⁷¹ For the information on the methods, see Cumhuriyet, July 1, 2002 article titled "Goc, Umut Yolu" ("Immigration, Way of Hope").

The causes of human smuggling from the viewpoints of those who are smuggled vary from one to another. Economic discomfort and political persecution are the most important reasons. Holding higher aspirations for social mobility and a perception of blocked social mobility in the home communities are important push factors driving people to move to developed countries through the use of clandestine routes and illegal methods when legal means and entries are unavailable. Political persecution and escape from real or potential disaster are also significant factors that compel people to flee their home country.

The IOM study showed that more than half (56 percent) of the migrants referred to political or politically motivated push factors as being their reason for departure. The most often stated were armed conflicts, ethnic intolerance, religious fundamentalism, and political tension. The proportion of the migrants who cited political push factors was the highest for the Iraqis: 75 percent of the Iraqi transit migrants interviewed in 1995 mentioned political problems as the major motive for migration.⁷² In addition to political motives, as the IOM survey on transit migrants in Turkey showed,⁷³ transients from Iran and Iraq gave a number of reasons for the migration process: education, family, social/cultural/religious considerations, war and military service. Transients from Bosnia also mentioned political problems as push factors, but Africans and other Asians gave mainly economically-oriented reasons.

A large number of Iranians left home through clandestine routes to avoid persecution under the new regime established after the Iranian Islamic Revolution in 1979. Similarly, numerous Iraqis left home because of persecution and problems generated by the political turmoil in Iraq. The Chaldean/Assyrian Iraqis, who were smuggled to Turkey with the help of *kacakci* (smugglers), mentioned political persecution and military service as the most important reasons for leaving Iraq in an interview I

⁷² International Organization for Migration (IMO). 1995. Transit Migration in Turkey. Study Completed in December 1995. Migration Information Programme.

⁷³ Ibid. pp.17-19.

led in 1994. I met one of them through a friend⁷⁴ after gaining his confidence. We met at night, as he was afraid of going out during the day time. For him, the constant fear of getting arrested and killed in Iraq made life unbearable and he left the country. He was not free of dread in Turkey either, as he was afraid of being detained by the Turkish police and getting deported.

From the smugglers perspective, despite being a highly profitable trade, there are humanitarian reasons for organising human smuggling. For example a former Iranian people-smuggler, who called himself Hamid, explained his reason: "I was very young and believed that people should have the right to leave their country if they wanted to."⁷⁵ Then he told his story: "It was three years after the 1979 Iranian revolution, the country was at war with Iraq, and the borders were closed." Hamid said "I began smuggling people over the border to fund my own passage to the West." Despite having started this business for money, Hamid "saw himself as a Robin Hood character who, far from harming anyone, allowed people a safe passage to opportunities they would never otherwise have been able to enjoy." He launched this business with the aim of helping friends who could not afford what he described as an "expensive deal" through existing smugglers. Then using some of the connections he had made in his own journey, Hamid developed a system for smuggling people to Pakistan, and from there to Europe. He provided his clients with "European Passports stolen from tourists, and would bribe the passport control officials not to raise any objection."⁷⁶

Human Smuggling Statistics from Turkish Sources

The Ankara Chief of Security provides hard data on human smuggling at press conferences on regular intervals. The Human Rights Association

⁷⁴ When I was doing field work to collect data on illegal migrant workforce, I learned about the presence of Iraqis who were smuggled to Turkey. A friend whose neighbour was hosting such persons helped me to meet one of them at a café in Taksim and we talked about their journey and their life in Turkey.

⁷⁵ This was reported by John Tincey, the spokesman for British immigration officers, talking about the smuggling scheme. BBC News. 2001. The Road to Refuge. " The Journey: A Smuggler's Story" in BBC News, 2001; http://news.bbc.uk/1/hi/english/statistic/in-depth/world/2001/road_to_refuge/journey/default.stm

⁷⁶ Ibid.

and Foundation, which obtains information from the police and gendarmeria, also publishes reports offering hard data on the number of illegal migrants and those charged with human smuggling and their nationalities. According to the Ankara Security Chief Feyzullah Arslan, between 1995-2002, 346 940 illegal migrants were detained. Between 1999 and 2002 45 779 illegal migrants' transit were precluded and 2520 smugglers were arrested.⁷⁷ Table 1 shows the figures on the number of illegal migrants captured each year. The origin countries are Afghanistan, Pakistan, Iran, Iraq and Bangladesh.

Table 1: Number of illegal migrants captured annually⁷⁸

1995	11 362	
1996	18 804	
1997	28 439	
1998	29 426	
1999	47 529	
2000	94 514	
2001	92 362	
2002 (to April)	16 545 ⁷⁹	<u>Total:338,984</u>

⁷⁷ Hurriyet 28 June, 2002.

⁷⁸ Source: Report 2002 by the General Directorate on Security, Unit of Foreigners, Refugees Department (Emniyet Genel Müdürlü_ü, Yabancılar _ubesi _ltica Dairesi Ba_kanlı_ı).

⁷⁹ For example, security forces in southwestern Turkey detained about 400 would-be illegal immigrants based on a word to the paramilitary police in the province of Mugla. Asian and African illegal migrants hoping to reach Europe are apprehended daily in Turkey. "Turkey Stops Some 400 Would-Be Immigrants", Agence France Presse, quoting the Anatolia News Agency, February 3, 2002. In August (2002) the Coast Guards in the province of Izmir's Cesme district detained 1300 would-be illegal immigrants and nine human smugglers (two of whom are Turkish citizens) in the ship flying Moroccan flag. The captain was Ukrainian, who indicated taking the illegal immigrants to Italy. See "1300 Ki_iyi Kaciracaklardı" (They were near to Smuggle 1,300 persons"), in Milliyet, August 15, 2002, p.13.

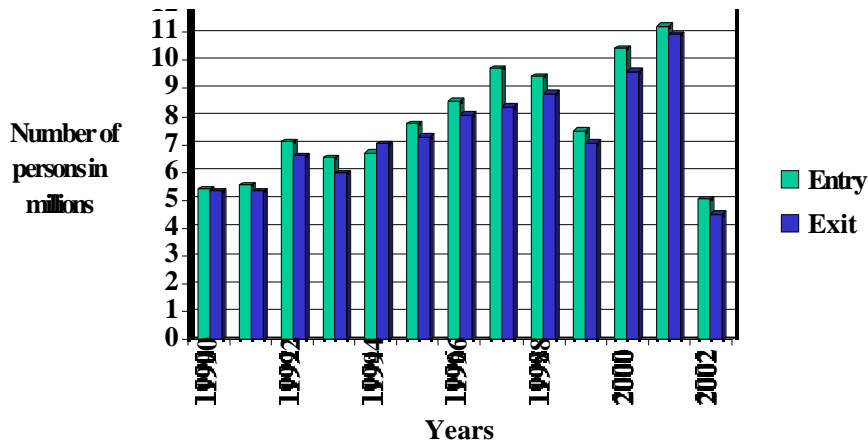


Figure 1: Foreigners entering and leaving Turkey

The illegal migrants detained were from various countries: In 2000, out of a total number of 94 514 "illegal migrants" who entered Turkey without valid documents through "illegal means and ways", 17 280 were from Iraq; 8746 from Afghanistan; 8 290 from Moldavia; 6825 from Iran; 5027 from Pakistan; 4554 Russia; 4527 from Ukraine; 4500 from Romania; and 3300 from Georgia. There was not any information on the number of those who were permitted to make legitimate claims to apply for political asylum, but it was certain that all of them were expelled.⁸⁰

The number of human smugglers arrested through the operations of the police and the gendarmaria has systematically increased since 1998 as a result of measures taken by the Ministry of Interior in response to the warnings received from the EU countries to prevent illegal migration to Europe via Turkey.

⁸⁰ TÜRK_YE _NSAN HAKLARI VAKFI. Report published in 2001.

In 1998, only 98 organizers of trafficking in migrants were detained; in 2000 the number of detained human smugglers was 850; and in 2001, it was 1115.⁸¹ By April 1st of the year 2002 only 280 human smugglers were detained. Similarly, the number of the ship carrying smuggled migrants has decreased. Accordingly, in 2000 a total number of 19 ships were reported to be going to Italy and Greece by passing Turkish water territories; the number was nine in 2001, and only two in 2002.⁸² Moreover, the number of ships carrying smuggled migrants stopped by the Turkish authorities since 2000 has increased: while 17 ships were halted in 2000, in 2001 that number was nineteen; in the year 2002 by April merely 9 ships were prevented to transit Turkish waters.⁸³

The field work data also shows that the number of smuggled migrants has decreased within the last two years, and dropped dramatically since the beginning of 2002. All the interviewed people renting rooms to the smuggled Iraqis and Iranians and those running laundry shops in the Vefa area, mentioned a decrease in the number of smuggled Iranians and Iraqis residing in the area during different time arrival intervals. They underlined the increased police control and operations in the regions. They observed the police collecting the illegal Iranian and Iraqi migrants, and believed that these illegal migrants have been deported. One of the room-renters (interviewed in July, 2002) said: “the illegal migrants who were smuggled and loaded in the area have diminished six months ago” (January 2002).

The nationalities of the smugglers vary, according to the information of the police: Out of the total number of 850 smugglers arrested in 2000, the nationalities were as follows: 701 Turks, 48 Iraqis, 19 Iranians, 14 Afghanis, 11 Bengalis, 10 Greeks, 9 Moroccans, and 8 Pakistanis; and . 30 of them were classified as from “other nationalities.”⁸⁴

⁸¹ The Ministry of Interior Report (2002) shows that Turkey is a transit and destination country, and an origin country supplying migrants. It provides information on both the number of illegal migrants and smugglers detained. See Adnan Gerger NTV/Ankara. <http://www.ntvmsnbc.com/news/161081.asp#BODY>. Also see Emniyet Genel Müdürlüğü, Yabancılar _ubesi _ltica Dairesi Ba_kanlı_1 Report 2002. P.6.

⁸² Emniyet Genel Müdürlüğü, Yabancılar _ubesi _ltica Dairesi Ba_kanlı_1 Report 2002, p. 6.

⁸³ Ibid., p. 6.

⁸⁴ TÜRK_YE _NSAN HAKLARI VAKFI. Op. Cit.

According to the Ministry of Interior, dealing with illegal migrants who have entered Turkey through clandestine routes is very costly. Since 1999, the total cost for their lodging and deportation has been 1014 trillion. A significant proportion of this money, 600 billion TL has been spent for deporting the migrant workers who were illegally employed in the sex industry.⁸⁵

The Shadow Society of Transit Migrants and Smuggled People in Turkey

Transit migrants who use Turkey as a transit zone to enter the West constitute a dynamic but also an isolated group of people living in metropolitan areas such as Istanbul and Ankara. They struggle for the dynamics of a migratory process by getting involved in a very costly, long and uncertain mobility process. Several Iranians, interviewed in 1994, emphasized their feeling of isolation. Like Iranians, many other immigrants relied on informal, and often illegal, networks for support, money transactions, and information. They had difficulties with living at income levels much below those which they used to have in their homeland. Some of them who entered Turkey with false papers with the help of the smugglers got stuck, were forced to eek out a life outside the system in grinding poverty.

Nashmi Rashidi (interviewed by Chris Morris)⁸⁶ entered Turkey with her husband and two children. They paid thousands of pounds to buy false Iranian passports and to bribe their way across international borders via Iraq and Syria."⁸⁷ When interviewed in 2001, they were living in a rented room with no source of income and no means of escape. They were afraid to go back to Iran. Nashmi Rashidi explained the reason for their fear: "My husband could face the death penalty." There are many other Iranians who have also gone through the same experience since the Iranian Islamic Revolution. Some of them have managed to leave with refugee documents, some have succeeded with the assistance of smugglers, and numerous have stayed in Turkey and become immobilized.

⁸⁵ See Adnan Gerger NTV/Ankara. <http://www.ntvmsnbc.com/news/161081.asp#BODY>.

⁸⁶ See Chris Morris. 2001. "Turkey's Human Traffic" BBC News, January 6, 2001; http://news.bbc.uk/1/hi/world/from_our_correspondent/1100986.stm.

⁸⁷ Ibid.

Ethnic and religious identities are factors that affect the response of the Turkish society to the illegal migrants. Being an ethnic Turk, relating to those from Northern Iraq (Turkomans) and Afghanistan (Ozbeks), is important in being well received by the society and provides an easy access to “Turkish networks” including associations. It is much easier for them to obtain residence permits and jobs if they need to work. Likewise, a Muslim identity brings many advantages in receiving a warm welcome by the society and in having access to solidarity networks. In general the Turkish society tends to be tolerant and helpful to the Turkic and Muslim illegal migrants and transit migrants who have entered with valid documents.⁸⁸ The IOM survey on transients in Turkey shows that Arabs and Turkomans received help from their Turkish homeland friends.⁸⁹

Balkan Muslims including Bulgarians, Bosnians and Kosovo Albanians, who have religious and ethnic ties with many people in Turkey, received a lot of attention and support from Turkish society. The Muslims from the Middle East, Asia and Africa easily contact “pious” Turkish Muslims in the mosques, who do not hesitate to host them on a temporary basis and to find jobs. An Algerian interviewed explained how he broke into the culture by using his Islamic identity. “The day after my arrival in Turkey, I went to a mosque in a non-tourist area. There, I met Muslim brothers who made inquiries about my situation and well-being. When they learned that I had just arrived and needed work and lodging, they invited me to their house. They hosted me and my family for a few weeks until I began to work as a translator in a company whose owner had contacted my host. Later, I found a place to stay, and still I live in Istanbul.” There are many foreign men from Muslim countries who benefit from Muslim solidarity and hospitality in Turkey.

⁸⁸ Similar observation was done by Sema Erder. See Sema Erder. 2000. "Uluslararası Göçte Yeni E_ilmiler: Türkiye "Göç Alan" Ülke mi? in Mübeccel Kıray için Yazılar. Fulya Atacan, et al. Istanbul: Ba_lam Yayınları. pp. 235-359.

⁸⁹ IOM 1995, Op. Cit.

Anti Human-Smuggling Legislation

There are no specific pieces of legislation concerning human trafficking and there is no definition of trafficking in human beings in the Penal Code or any other legal acts. Legal measures prioritise law enforcement, investigation into, and the prosecution of, organised crime. Human trafficking is addressed as a component of organised crime activities, while little attention is given to the victims exposed (if they are foreigners) to expedite deportation procedures, and there is no specific legal provision or measure addressing their human rights.

The new law passed on August 3, 2002 does not depart fundamentally from this approach, although it does reflect an increased awareness of the human trafficking phenomenon, particularly that of women trafficking. While the emphasis is on smuggling, tougher penalties and more accurately defined grounds for prosecution are imposed on traffickers of humans or human organs.

The new law toughens penalties related to migrant smuggling and trafficking. This law has two facets. First, it incorporates in the penal code an article defining and criminalizing migrant smuggling and foresees penalties from two to five years imprisonment and fines of no less than 1 billion Turkish Liras. Should a victim die as a result of the transportation conditions, smugglers might be sentenced to 10 years imprisonment. Second, five to ten years imprisonment (ten to twenty years, if part of an organised crime network) shall be imposed on traffickers who confiscate passports from their victims with the purpose of trafficking them or selling human organs.

Law no. 5682, on passports, and Law no. 5683, on residency and travelling for foreigners in Turkey, both enacted in 1950, contain particular articles addressing trafficking in women. According to the Passport Law, if a prostitute or a trafficker is a foreigner, he or she is immediately deported upon seizure. Article 8 of the same Law states that "those who are engaged in prostitution, make a living by inciting women to prostitution, and those trafficking in women are prohibited to enter the country". Therefore, their testimony is not sought. Similarly, Article 19 of Law no 5683 states that the Ministry of Interior, governors and sub-

governors have the authorization to deport those foreigners who are involved in trafficking and in prostitution 15 days after the notice is issued for this purpose. Should the same person be reported once again for the same offence, no further notice is made, and the person is deported immediately after capture by police.

There are not any specific units established solely for this purpose within the General Directorate on Security. Yet there are some departments, such as the departments of general security of children, etc, that are involved in the issues concerning trafficking in women and children.

As far as the women trafficking is concerned, the most legal measures relate to sexual exploitation. While prostitution is legal - under certain conditions and for legal residents and natives, incitement to prostitution and sexual exploitation are described as crimes and are punishable through the Penal Code and the Law on Combating Benefit-Oriented Criminal Organizations. Additionally, the Passport Law and the Law on the Prevention of Money Laundering in Turkey, as well as certain administrative decrees and regulations contain provisions that may apply to the trafficking cases. Penalty for incitement to prostitution is specified under Articles 435-436 of the Penal Code (Law no. 765 enacted in 1926).⁹⁰

Major Industries Employing illegal Immigrant Work Force

In Turkey, the illegal migrant workforce concentrates in production with a sizable proportion in sale. Most of the labor-intensive industries like garment-making industries including textile and leather workshops and

⁹⁰ If the persons incited are under age 15, penalty is not less than 2 years. If the inciter is a relative of the victim, the penalty is not less than 3 years. For persons incited in the age range 15-21, the penalty for the inciter is from 6 months to 2 years, and if the inciter is a relative of the victim, the penalty is not less than 2. For persons incited above the age 21, the penalty is between 6 months to 2 years. As is stated in Article 436 of the Penal Code, those who force women (21 years old or younger) into prostitution by any means (power abuse, threat, beating and etc.) will be penalized with one to three years sentences in prison. If the inciter is a relative of the victim, penalty is in the 2-5 years range. These penalties may be toughened by virtue of Article 313 of the Penal Code, should the trafficker be involved in, or leading an organized crime network.

factories, other manufacturing industries, such as metal, plastic, chemicals, and agriculture (tea plantation, nut harvesting in the Black Sea), and construction sector hire immigrant work force. In the textile, metal and construction industries the rapid growth of subcontracting in the 1990s played a role in employing illegal migrant workforce.

Second, illegal migrant workforce concentrates in personal and domestic services industries. These sectors also used to exploit undocumented workforce. They generally have low profit margins. Before exploiting vulnerable immigrant workers, they used child labor or employed workers without social security insurance.

In sale, the increase of shops in Istanbul selling textile and leather goods to the Polish, Russian, Ukrainian customers has created a demand for Russian-speaking sales personnel from the early 1990s onwards. With the decline of the suitcase trade in the late 1990s, which worsened in the year 2000, the number of illegally employed sales people from Russia, Ukrainian and Azerbaijan decreased.

Conclusion

Economic globalisation fosters both migration and transnational crime. These two aspects of globalisation intersect in the phenomenon of human smuggling, which has in turn drawn the attention of immigration, law enforcement, and foreign ministry officials. Turkey is a major transit zone for the smugglers and their customers. Turkey has received migrant workforce from the Southeast European countries, Russia, Ukraine, the Caucasus region as well as from the Middle East and sub-continent. Insufficient inspection staff, inadequate penalties for violations, weak labor law, flexibility on the part of the authorities and the failure of trade unions to bring the issue of immigrant labor force sustained the illegal migrant workforce despite the complaints of the local workers. The AKP government drafted a new bill that brings severe penalties to those who employ illegal migrant workforce.

The European Union countries and North America have initiated campaigns to combat human smuggling and various forms of illegal

labour movements. In finding a solution to human trafficking and the smuggling of migrant workers, two inter-related security problems, it is essential to make studies on the definition of human smuggling, its social organisation, political and economic significance, and the political ramification of human smuggling across national borders. One should also understand that smugglers and traffickers in the Middle East, the Balkans, and the former Soviet Union are deeply integrated into the social fabric of indigenous settings, though not uniformly, and are facilitated by a loose network of recruiters, middlemen, actual smugglers, local and foreign financiers, and government officials and police on the take. Increasing the awareness of the general public on the issues of human trafficking and smuggling illegal workers and mobilising civil society to organise seminar and activities to prevent human trafficking are also important.

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TRAFFICKING IN WOMEN AND CHILDREN: MOLODVA: MYTHS AND REALITY

Moldova is a very small country; its population is 4.3 million people. According to some unofficial statistics – it is very difficult to estimate and to give formal statistics on the number of people who go abroad every year – the accumulated figure would be 1 million Moldovan citizens who are currently working abroad, some 90% of them illegally.

About 800 000 are minors and children. About 1 million are senior citizens, and 600 000 are *officially* unemployed. So basically that leaves no one. And if we add to that the political situation... I don't know if you are aware, but we have a Communist government now with 90% of the voices in Parliament, so it's basically a drawback for the country and it's really discouraging for me to give you this information. Moldova is struggling through the most severe crisis in its history.

On this foundation the phenomenon of massive migration is born. The people are just massively leaving the country. If you come across any man or woman of any age and ask “would you like to go work abroad?” you will immediately get yes as an answer. Young people especially are looking for the opportunities to go and earn their living abroad. And on this foundation Moldova has been particularly victimized by the traffic in human beings. And the primary categories that would fall under this would be women and children with an emphasis on minor girls.

If we talk about trafficking of course all of you are aware of the gravity of the issue. My colleagues have been mentioning in their presentations the trafficking and drug problems, trafficking in weapons, trafficking in human beings... For Moldova, the latter comes at the very top. And here we talk about trafficking in women and children for sexual exploitation, but not only that. We are talking about trafficking for forced labour slavery in a lot of Western European and other countries. We are talking

about the pornographic industry, many children are trafficked for this industry. Children are also trafficked to big Russian cities like Moscow and St. Petersburg where children are forced to beg in the streets. There is also the extraction of organs. There is a very famous village of Mindjire in Moldova where half of the population have basically sold their kidneys and got some very small sums for that. I think most of you must be aware of this. This also refers to human trafficking.

To a certain extent there has also been in recent years trafficking in men for military conflicts in Chechnya. Of course I will not refer to all that. This is just to give an impression of what the situation in Moldova is like.

We will focus more on the problem of trafficking for which Moldova has been often mentioned in the international media: trafficking in women. Unfortunately, the Moldovan Government's response to that has been very limited and focuses on the creation of the National Committee to Combat Trafficking in 2001. But most of all this can be attributed to the lobbying by civil society and international organizations together. The Government has adopted a plan of action to combat trafficking, but it has no budget support whatsoever, and right now the anti-trafficking program that have been running in the country have been able to be implemented only through the assistance of international donors.

If you come to Moldova, you come across this image, because it is in the streets, on billboards, on TV, everywhere. It is quite shocking, but the reality called for such an image and the slogan we are using says "You are not for sale!" The International Organization for Migration has adopted a trilateral approach to at least partially resolve the gravity of the phenomenon and we try to address the issue from this trilateral perspective.

The first area is of course prevention and awareness. It would not sound realistic if we tried to take the approach of stopping the girls from leaving the country, because it is not real; most of the women would still take the risk and look for the opportunity to work abroad. Together with other NGOs we have been trying to introduce the issue of trafficking as a subject in the school curriculum, as an optional course. All the young

girls that graduate from high school have to be aware at least of what kind of traps might await them if they decide to go abroad. We use a comic strip in the schools for the young girls to describe a very typical story of what might happen to a girl and explain the mechanism of the process of trafficking which is very easy and not sophisticated at all. In the first place, it doesn't cost anything for a woman to go abroad. She doesn't have to pay anything. Most victims come from rural areas of Moldova, which are even less developed than the capital. Most of them are not educated enough and so they would fall easily in the trap of the recruiters. Recruiting in Moldova is done in a very easy way, by people, friends, acquaintances and by employment ads in the newspapers. The advantage of that is that the girls don't have to pay anything. The travel expenses are basically covered by the traffickers.

And of course we would be naive to suggest that the process is only limited to Moldova geographically. It is very regional at least if not international, because the destinations to which the Moldovan women travel to vary a lot. Starting from the Western European countries, the Balkans and even there is a channel through to Moscow and to Israel and Arab countries. Geographically, it is very widespread. The easy trap that the women fall into really deals with the possibility to get a job for free, not having to pay for the passport, visa, travel expenses, and this applies all over the country. And of course there are logistical details set up in each country; the recruiters would usually transport the girls in small groups of three or four.

For the Balkans, they would usually travel through Romania, because there is easy access to Romania for Moldovan citizens, where they would be taken over by their Romanian counterparts. The town of Timisoara has been recognized as a very famous market place for women. This is where the transaction takes place, where the girls are taken over by the persons coming from Former Yugoslavia, from Serbia and from Albania. They are transported and distributed to bars in the Balkans, and they circulate around. The mechanics works in such a way that the victims are sold and resold multiple times. They tell us their story sometimes, and the maximum times a woman has been sold and resold is believed to be fifty times. She has been basically recirculated in the Balkan area.

The profile is quite clear. I don't have to expand on that. These are usually very young women and 85% come from rural areas of Moldova and they have experience of a certain degree of domestic violence in their families that is also a push factor to be trafficked. This is also a fact because a patriarchal society like Moldova tends to push women away from the country.

In terms of what kinds of methods are being used by the traffickers, I think that everybody knows and I don't have to explain, that many women who manage to come back to Moldova with the facilitation of Interpol, IOM or some other organization, have experienced some very high degree of violence, stress and abuse, both sexual and physical.

The medical issues are also quite serious. Out of the more than 1000 women brought back to Moldova, none was healthy, not a single case was not infected with STDs. That means that there is a 100% infection rate, along with an HIV/AIDS amongst them. So it requires a very systematic, comprehensive approach, including rehabilitation and reintegration assistance for them. The consequences are quite clear.

The rehabilitation centres that we have opened with the assistance of international donors in Chisinau offer quite comprehensive assistance in terms of the rehabilitation and reintegration of women, which is quite a problem at this stage because if we talk about reintegration in the classic sense of the word, it is very difficult for an ordinary well-educated citizen to find a decent job and decent living in the country.

Prosecution and criminalization still remains a very big issue for us for various reasons. The first one is the corruption within Moldova. This is the corruption we talked about, the corruption with law enforcement or with higher ranking officials which stops the issue from being addressed properly. Out of the 500 cases that have been opened in the recent two years since the legislation was introduced in Moldova, only two cases of successful prosecution took place. One got 2 years and the other got 10 years. This is but a drop in the ocean. It requires a very systematic regional approach because otherwise Moldova alone can solve the problem on its territory, but all the chains, all the trafficking rings

require very comprehensive police cooperation, a law-enforcement cooperation, because this leads to successful prosecution which is not currently happening in Moldova.

What kind of services do we offer to the women who come back to Moldova? We offer a lot of vocational training within the very limited resources that we have. And now we are currently implementing a very comprehensive EU assistance project.

We see that the Balkan countries are in first place when it comes to repatriation of women to Moldova, but this is not an indicator. There are seemingly only few Western European countries mentioned, it is not due to the fact Moldovan women are not being trafficked to Western European countries, but because most EU countries just deport them despite the fact of them being signatories to the Palermo Protocol. The voluntary repatriation mechanisms should really be well developed if we are talking about regional cooperation, because for us, for the country of origin, the victims become invisible and we can't really provide assistance.

There is finally an issue for the destination countries. Temporary residence for the victims permits them to testify against the perpetrators. This temporary residence privilege should happen independently of whether or not the victim wants to testify. I think she should be offered a chance for a temporary residence permit anyway. This is an issue which is widely discussed now and I would like to attract your attention to it as well.

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