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# Measuring Organized Crime in the Western Balkans



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IN THE WESTERN BALKANS

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## EXECUTIVE SUMMARY

The findings of this report are based on a statistical and analytical framework to measure and assess organized crime in the Western Balkans. Six countries and territories are included: Albania, Bosnia and Herzegovina, Montenegro, North Macedonia, Serbia and Kosovo under UNSCR 1244 (1999). The framework takes a holistic approach in gathering quantitative data from administrative sources as well as qualitative data from court verdicts and interviews with experts, victims and convicted offenders.

*MACRO framework including offences where organized crime typically operates*



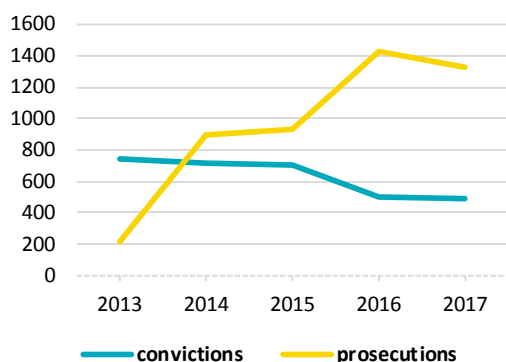
A focus on offences where organized crime typically operates: 12 per cent of all persons convicted for crimes included in this analysis were also convicted for being part of an organized crime group

This report focuses on selected crimes typically operated by organized crime groups and included in the MACRO framework. When assessing how much of these crimes are actually linked to organized crime - meaning that the convicted persons were found to be part of an organized crime group - the study suggests that 12 per cent of persons convicted for these selected crimes participated in the operations of a criminal group in the Western Balkans. This may not represent the overall volume of offenders undertaking organized crime related activities may be convicted for offences of a minor nature. The bulk of illegal market activity - in terms of quantities of illicit goods or services - may still be managed by organized criminal groups, resulting in greater detrimental impact to society.

The number of persons prosecuted for committing an offence as part of an organized crime group is increasing, while the number of persons convicted is on the decline, suggesting a gap in evidence gathering, constructing successful prosecutions and properly adjudicating organized crime cases

Focusing on only the 12 per cent of convictions linked to organized criminal groups shows that the number of persons prosecuted for such offences has increased from 217 in 2013 to 1,328 in 2017, by more than six-fold. This indicates a growing capacity in identifying possible persons responsible for organized crime activities.

Number of persons prosecuted and convicted for crimes linked to organized criminal groups<sup>1</sup> in the Western Balkans, 2013-2017



Source: UNODC elaboration of national criminal justice data

However, this increase has not translated into more persons convicted for offences related to organized crime. Convictions are steadily declining in the region from a peak of 744 in 2013 to 491 in 2017. The decline is mainly due to fewer convictions for participation in an organized criminal group, particularly when linked to drug production and trafficking, and migrant smuggling. The conflicting trends suggest deficiencies in the criminal justice response to organized crime, whether it is a lack of capacity to gather evidence, construct successful prosecutions or adjudicate organized crime cases properly.

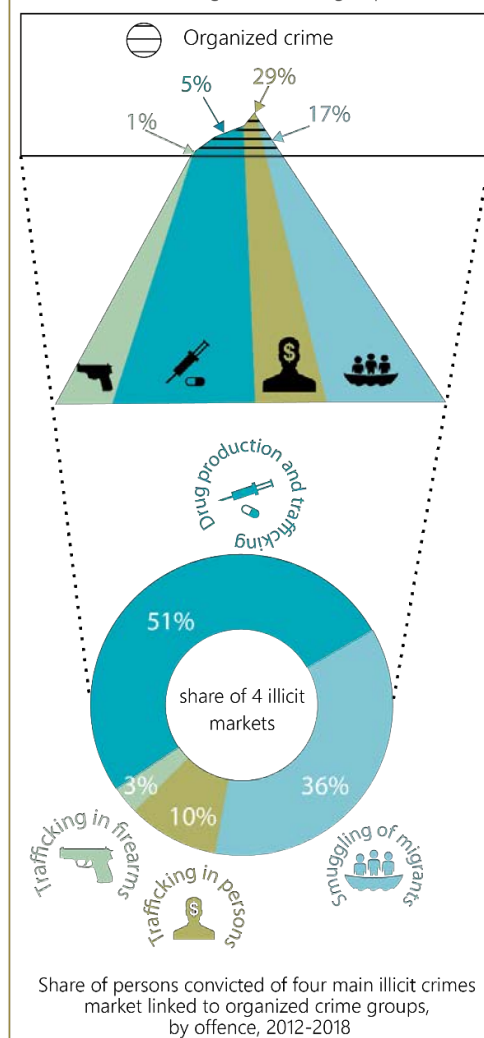
### Trafficking in persons is the offence with the highest share of persons convicted that are linked to organized crime groups in the Western Balkans

While the four main illicit markets of organized crime: drug production and trafficking, trafficking in persons, smuggling of migrants and trafficking in firearms constitute the bulk of organized crime activity, organized crime does not constitute the core of these crimes. In fact, trafficking in persons is the offence with the highest share of persons convicted that are linked to organized crime groups, at 29 per cent. However, the overall trend in the number of persons convicted for trafficking in persons is decreasing, meaning that there are fewer cases of trafficking in persons in the criminal justice systems.

A further focus on the main 4 illicit markets where organized crime operates: drugs, trafficking in persons, firearms and smuggling of migrants



Percentage of persons convicted that are linked to organized crime groups



<sup>1</sup> Crimes included participation in an organized criminal group, homicide, money laundering, trafficking in persons, smuggling of migrants, firearms related crime, drug production and trafficking,

smuggling of goods, counterfeiting, cybercrime, fraud and financial crimes, corruption, obstruction of justice and technology-facilitated crime.

This suggests that trafficking in persons is a crime that, compared to others, more often relies on organized crime groups. Interview data indicate that trafficking in persons flows often cross international borders, suggesting a high level of organization in this region. But the larger percentage may also indicate that prosecutors and investigators are identifying and successfully pursuing cases of trafficking in persons committed by groups more frequently than for other crimes.

The majority of persons convicted for participation in an organized criminal group are linked to drug production and trafficking

Focusing on four selected markets (see infographic above) and convicted persons who were part of an organized crime group, the analysis shows that 51 per cent of these offenders were convicted for drug production and trafficking<sup>2</sup> in the Western Balkans. In fact, crimes linked to drug production and trafficking are the most commonly convicted among the offences where organized crime groups typically operate. Opiate trafficking and production of cannabis herb are both significant markets in the region. Although drug production and trafficking represent the majority of all convictions linked to criminal groups in the Western Balkans, due to the high number of convictions (groups and individuals), the share of criminal group involvement in all drug production and trafficking convictions is only 5 per cent.

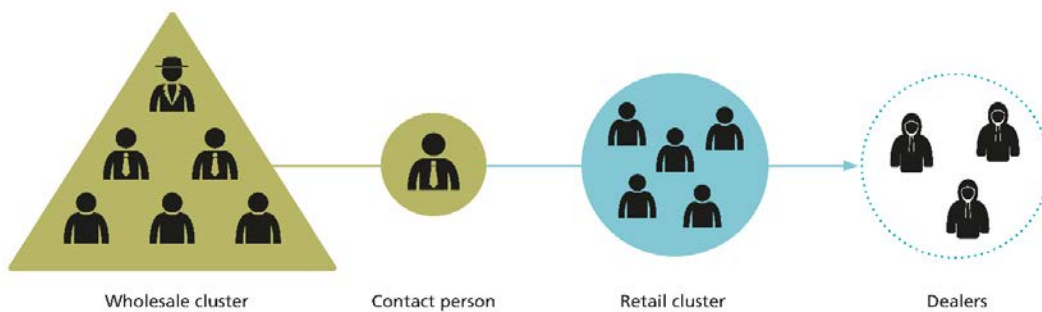
Marked discrepancies between recorded statistics and qualitative interviews suggest that data on convictions related to organized crime groups underestimate their role in illegal markets

Qualitative data from interviews with perpetrators and victims indicate a ubiquity of organized criminal group involvement in illegal markets, in contrast to quantitative data that depict a low percentage of persons convicted for offences linked to organized crime groups (12%). In the words of one interviewee, *“If they say they work alone, they are lying, because these things cannot be done singlehandedly or without the support of other persons.”*

However, when offences are committed by organized crime groups, it is hard to prove, and the collected evidence may not be enough for a successful prosecution. Statistics from two jurisdictions in Bosnia and Herzegovina illustrate that the development of databases on organized criminal groups, their activities, and the identified individuals involved appears to result in substantially higher rates of arrests for participation in an organized criminal group.<sup>3</sup>

It is also difficult to successfully prosecute organized criminal groups because the structures and modus operandi, as well as the codes of conduct, are designed to obfuscate the nature of the group.

Example of a multi-layer drug trafficking group in the Western Balkans



Source: Data from interviews with prisoners conducted under the MACRO project

<sup>2</sup> Some of the domestic legal provisions proscribing drug production and trafficking in the Western Balkans jurisdictions cover both offences in one paragraph, so analysis has been combined for consistency.

<sup>3</sup> See further details in Country and Territory Profiles, Bosnia and Herzegovina.

Convictions for organized crime often result in stricter sentencing, so prosecuted individuals typically deny association with such organizations even in cases where they confess to committing a crime.

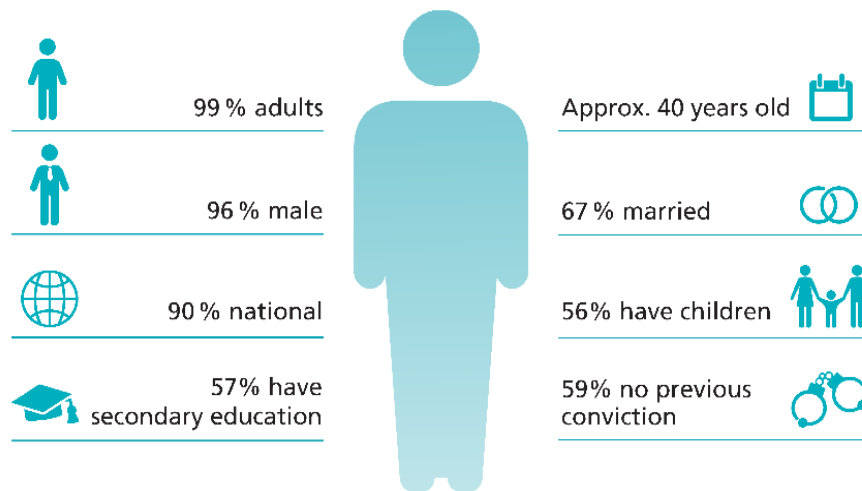
Qualitative data suggest that prosecutions and convictions focus on low ranks of criminal organizations with group leaders more often enjoying impunity in the Western Balkans

Interviews with experts, victims and prisoners suggest that usually lower-level members of organized criminal groups are prosecuted and convicted, and that organizers and leaders evade accountability for their crimes. Higher echelons of the hierarchy are more sophisticated in their modus operandi and are more likely to avoid law enforcement detection. Those in charge control the finances, supply of drugs and communications. Codes of conduct, violence and the common interest to consume (in groups involving drug-dependent persons) ensure cohesion and loyalty within groups.

Organized criminal groups in the Western Balkans have structures that are informal, ad-hoc and opportunistic

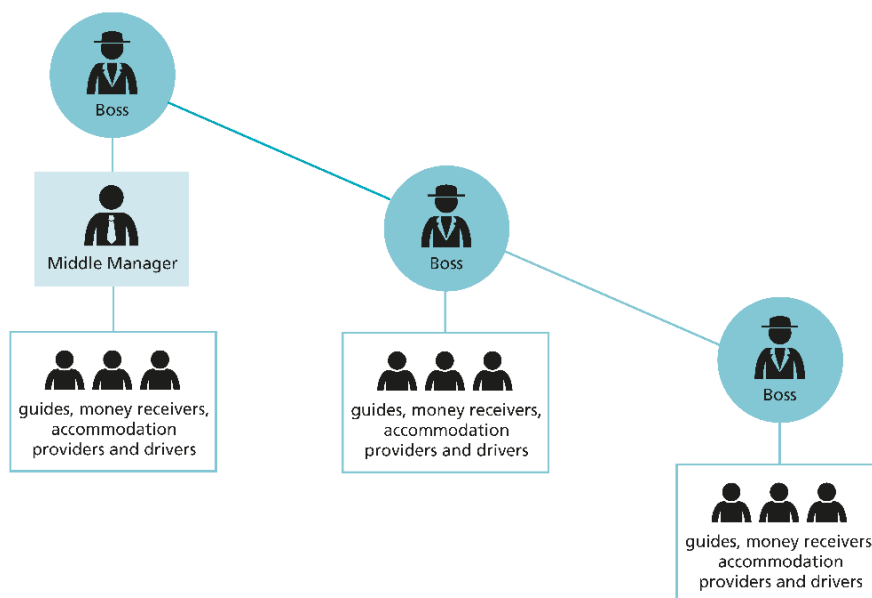
Evidence on the structure, operations and membership of organized crime groups collected from prisoners and court verdicts show that they tend to operate in a loose, spontaneous, and time-limited way, particularly those involved in drug trafficking and migrant smuggling. Recruitment into groups is done mainly through the existing familial and social circle and motivated by financial interests. Crime groups tend to have simple financial structures, investing any profits back into the business or in luxury lifestyle amenities. Based on an analysis of court verdicts, the typical profile of a member of an organized criminal group operating in the Western Balkans is male (96 per cent), around 40 years of age, with a secondary-level education, married, with no prior criminal convictions, and operating in the country in which he lives. He is part of a mid-size group (from 6-20 persons) and has been involved in organized crime for less than one year.

Typical profile of an organized criminal group member in the Western Balkans



Source: Data from court verdicts analysed for the MACRO project

## Structure of migrant smuggling groups with rigid and devolved hierarchies in the Western Balkans



Source: Data from interviews with migrants and prisoners conducted under the MACRO project

The structures of the criminal groups often depend on the prominent criminal activity in which they are engaged

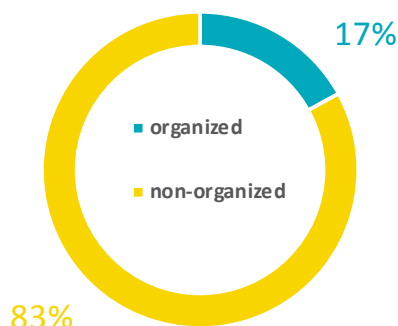
The internal structures of organized criminal groups in the Western Balkans are built around their prominent criminal activity. Migrant smuggling groups are loosely connected with one boss or a simple hierarchy and sophisticated modes of cooperation between groups. Collaborators have specific roles such as guides, drivers, accommodation providers or money receivers. Drug trafficking groups are more flexible and less hierarchical in structure, with clusters specialized in certain services (wholesale, retail) and with limited links between them (generally via one contact person). Groups engaged in human trafficking are not cohesive networks, but chain-like, arranged with small clusters at both origin and destination locations, the latter being the location at which they engage in the exploitation of victims.

While conviction data suggest that migrant smugglers often operate alone, qualitative data indicate that migrant smuggling is usually conducted by an organized criminal group

Data on persons convicted for migrant smuggling in the Western Balkans show that 17 per cent are linked to organized criminal groups. However, there are very few cases of smugglers who act alone

without being part of a larger, well-structured organization found in the qualitative data. Prisoners convicted of migrant smuggling have disclosed the method by which migrants are handed over from one group to another at certain parts of the route, indicating a highly structured and organized modus operandi. This work is well defined and territorial – each smuggler is in charge of a certain part of the border and the handover of the migrant group to the next “leg” is done at fixed points. Many migrants make several legs of the journey through the Western Balkans towards Western Europe, either by choice or necessity, and for a variety of different reasons. Migrants report paying multiple times to different smugglers for attempts to cross the same border. The overall cost of the smuggling operations reported by migrants averages US \$7,188 from the surveyed countries of origin, which includes those in Southern and Western Asia, the Middle East and North Africa, to the Western Balkans. Smuggled migrants from the Middle East tend to pay more for the journey while those from North Africa seem to pay significantly less.

Share of persons convicted for migrant smuggling in the Western Balkans, by links to organized crime groups, 2012-2018 (n= 3069)

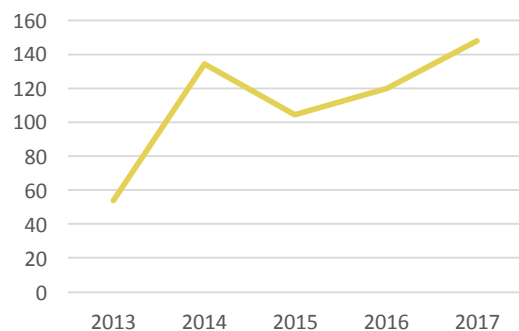


Source: UNODC elaboration of national criminal justice data

Drug trafficking is the most lucrative illegal market, with profits managed by group leaders

Expert interviews suggest that profits made from transnational drug trafficking are managed by group leaders and laundered and invested in legal businesses such as construction or import/export firms outside the Balkan region, typically in Western Europe. However, lower-level traffickers, such as the ones interviewed in prison for this report, typically spend their illegal income on affluent lifestyle items such as cars, alcohol, illicit drugs and exotic vacations, or in supporting family members. Usually, remuneration is based on the specific activities a group member has performed. Depending on the task, this could be a fixed amount - such as for transporting a package with illicit drugs - or a share of the retail price.

*Number of detected victims of trafficking in persons in the Western Balkans, 2012-2017*



Source: UNODC elaboration of national criminal justice data

While persons convicted for trafficking in persons are decreasing, the number of identified victims is steadily increasing

The Western Balkans is both an origin and destination for trafficking in persons and involves almost entirely women and girls trafficked for sexual exploitation. Most detected victims of trafficking in persons in the region (96 per cent) come from three countries: Albania, Bosnia and Herzegovina, and Serbia. Qualitative information gathered from experts, victims of trafficking and convicted traffickers indicate a changing nature of the commercial sex market in the region. Due to the increased number of women seeking income in the commercial sex market, there is less need for coercion or violence to recruit victims of trafficking which may have an impact on the detection and prosecution of trafficking crimes. However, brutal control tactics are still reported by victims of trafficking, which may be used by traffickers when women decide to stop their engagement in commercial sex.

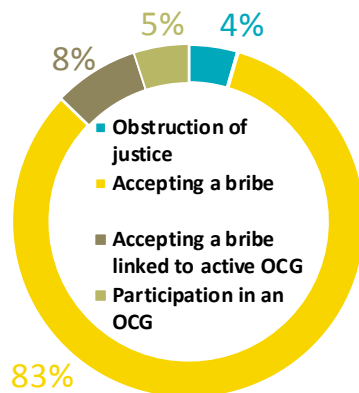
For organized crime groups in the Western Balkans, firearms trafficking is typically complementary to other criminal activities

Firearms trafficking in the Western Balkans is mostly intra-regional, although the high price of weapons in the markets outside of the region also trigger firearms trafficking from the Western Balkans to other parts of Europe, Western Asia and North America. While the bulk of convictions for firearms trafficking involve small-scale trafficking, organized criminal groups traffic firearms within the region to enforce discipline, to intimidate rival groups, or to ensure the protection of a group's own activities and members. Anecdotal evidence shows linkages between arms and drug markets, theft and petty crime.

Corruption and organized crime are mutually reinforcing, leading to systemic weaknesses in the rule of law

Corruption emerged as a crucial enabler of organized crime in the region, whereas the use of violence or sophisticated information and communication technologies (ICTs) are minimal in facilitating organized crime operations.

Share of cases of corruption in the Western Balkans, by crime type, 2012-2017 (n=399)



Source: UNODC elaboration of national criminal justice data

Forms of corruption include graft or bribery, with examples of law enforcement having direct involvement in criminal activity or control of local markets and even playing a conscious role in the elimination of rival groups. Both violence and use of advanced technology are considered too conspicuous, thus low-tech options are preferred to avoid detection.

## Policy and operational implications

Increasing the ability to produce and share data specific to organized crime within the region is a crucial step to enhance the response

The framework to measure organized crime presented in this report represents by itself an important outcome. It is a rare example of a comprehensive measurement of the level, structure and markets of organized crime and the effort to develop an evidence base to guide policy interventions and operational activities. It can serve as a model for other countries and regions seeking to improve responses to organized crime. Contributing to its solidity and applicability is the participatory data and knowledge exchange on which the research is based, which is dependent on the expertise and commitment of all of the national institutions and individuals involved. The abundant findings in this report are due to this commitment and sense of ownership, which now places these

institutions in the best position to act upon these findings.

A sustainable application of this measurement framework over time and the extension of the regional partnership could better equip the region to understand the threats posed by organized crime. Political will and sustainable resources will be key to achieve these objectives that involve the modernization of crime statistics systems, including the digitization of records and the implementation of the International Classification of Crime for Statistical Purposes (ICCS), exchange of data across countries and the production of regular analyses that combine qualitative and quantitative information.

Successfully making the link between criminal groups and criminal activities is essential for an efficient criminal justice response

Although it is more complicated to build successful criminal cases against organized crime groups, and in particular to prove links between perpetrators and activities, correctly identifying and properly investigating criminal activity as “organized” is crucial to the criminal justice response. Prosecutors can issue indictments that include the offence of participation in an organized criminal group in conjunction with crimes that typically profit organized crime. There is also evidence that references to organized forms of specific crimes in provisions of the criminal code, such as the one in North Macedonia for smuggling of migrants,<sup>4</sup> aids in efficiently prosecuting organized criminal groups.

Enhancing the use and strengthening the protection of criminal informants and whistle-blowers can increase the capacity to dismantle organized criminal groups

The possibility of organized criminal groups to limit risks of detection by obfuscating links between higher and lower levels of organizations and severing the specific segments in order to protect the bigger organizational structure should be reduced. Advancement of informant handling procedures and a well-developed structure of benefits offered to confidential criminal informants across the region would help to break the codes of silence protecting the upper hierarchy of organized

<sup>4</sup> Article 418-c of the North Macedonian Criminal Code entitled “Organizing a group and instigating performance of crimes of human trafficking, trafficking in juveniles and migrants.”

criminal groups in the Western Balkans and assist in gathering evidence to pursue convictions of higher-level offenders.

#### Addressing systemic corruption at the borders will help address transnational illegal trade

While it is clear that corruption at borders and within consular and migration authorities is one of the enablers of all forms of transnational organized crime in the Western Balkans, there is not enough evidence to identify clear patterns. More research is needed to understand both the prevalence and role of corruption in organized crime and how it introduces obstacles to a decisive and efficient criminal justice response.

#### The establishment of national interagency bodies dedicated to organized crime can better monitor new threats and offer a more efficient and coordinated response

Organized crime has an “identity crisis” in the sense that its applicability to almost unlimited criminal activities can render the state response to it disjointed and inefficient. Interagency bodies to coordinate the national response to organized crime, including harmonization of data collection and analysis procedures, could assist in efforts to focus and align the response. These coordination bodies could consist of law enforcement agencies, prosecutors, judges, prison administrations, labour inspectorates as well as other relevant officials and members of civil society. Their task would be to mainstream anti-organized crime efforts and successfully capture group involvement in the state response to relevant crimes.





## INTRODUCTION

Organized crime (OC) is not a new phenomenon. In all likelihood, the existence of people cooperating to reach malevolent means for profit predates the categorization of crime as “organized” by thousands of years. However, despite the international community’s growing awareness of the range of organized crime’s impact on lives, communities, and institutions, along with the development of legal frameworks and operational structures to counter it, a systematic measurement of the levels of organized crime at global, regional and national levels has been rarely conducted. What usually exists are analyses of intelligence information from law enforcement agencies or examinations of trends and patterns of crimes most often associated with organized crime, such as drug trafficking or trafficking in persons, that are based on administrative data, in which the level of direct organized crime involvement is anecdotal and unclear. The lack of a comprehensive evidence base for directed policy and operational interventions runs the risk of rendering efforts to tackle organized crime unfocused and inefficient. Within this context, UNODC has developed a comprehensive and replicable framework<sup>1</sup> to measure and monitor organized crime. The implementation of such framework at the regional level in the Western Balkans is presented in this report.<sup>2</sup>

### Regional background

Historically, the Balkan peninsula served as a transit area for trafficking and smuggling people and goods by criminal groups from Asia to Western Europe.<sup>3</sup>

Social, economic and political factors in the last decades of the twentieth century played an important role in the rise of organized crime in the area.<sup>4</sup> An economic crisis in the early 1980s resulted in increased inflation and unemployment, and at the same time, organized groups began to get involved in new activities such as human trafficking, smuggling of drugs, counterfeiting of official documents and financial fraud.<sup>5</sup> In addition, a series of events have had a direct or indirect destabilizing impact on the Balkan countries, their governments, institutions and people: the wars accompanying the dissolution of the former Yugoslavia, the United Nations sanctions<sup>6</sup> against the Federal Republic of Yugoslavia (at that time consisting of Serbia and Montenegro), various embargoes on Serbia and (at the time) former Yugoslav Republic of Macedonia respectively, the collapse of the financial pyramid schemes that obliterated citizens’ savings in Albania in 1997 and the subsequent riots in the country, the inter-ethnic conflict in Kosovo UNSCR 1244 in 1999, the NATO bombing of Serbian and Montenegrin targets, and the inter-ethnic conflict in North Macedonia in 2001.<sup>7</sup> These events also led to an environment which nurtured the demand for illegal goods and services and generated incentives to engage in illegal practices, thereby reducing the efficacy of authorities in controlling crime.<sup>8</sup> Illegal markets (tolerated or in some cases politically sponsored) became the norm, whereby “distinctions between licit and illicit commodities became increasingly academic.”<sup>9</sup>

The above-mentioned political and economic conditions have had a serious impact on the establishment and consolidation of illegal markets in the area,

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<sup>1</sup> INEGI-UNODC Centre of Excellence on Statistics on government, crime, victimisation and justice “A framework for the quantification of organised crime and assessment of availability and quality of relevant data in three selected countries of Latin America and the Caribbean.” (2012).

<sup>2</sup> The jurisdictions covered by this research are Albania, Bosnia and Herzegovina, Montenegro, North Macedonia, Serbia and Kosovo UNSCR 1244.

<sup>3</sup> Krasniqi, K. (2016). Organized Crime in the Balkans. *European Scientific Journal*, 12(19), 204-220.

<sup>4</sup> Stojarova, V. (2007). Organized crime in the Western Balkans. *HUMSEC Journal*, 1(1), 91-114.

<sup>5</sup> Krasniqi, K. (2016). Organized Crime in the Balkans. *European Scientific Journal*, 12(19), 204-220.

<sup>6</sup> Under UNSCR 757 of 1992.

<sup>7</sup> Antonopoulos, G.A. (2008). The Balkans as a ‘laboratory (for the study) of illegal markets’: introduction to the special issue on ‘Illegal Markets in the Balkans’. *Trends in Organized Crime*, 11, 315-325.

<sup>8</sup> Passas, N. (1999). Globalisation, Criminogenic Asymmetries, and Economic Crime. *European Journal of Law Reform*, 1(4), 399-424.

<sup>9</sup> Lewis, R. (1998). Drugs, War and Crime in the Post-Soviet Balkans. In V. Ruggiero, N. South, & I. Taylor (Eds.), *The New European Criminology: Crime and Social Order in Europe* (pp.216-229). London: Routledge.

where entrepreneurs emerged as ‘service providers’,<sup>10</sup> and allowed the legitimization of activities that existed in the pre-transition period. The combination of weak institutions and Western demand for illicit goods made the Balkans the path of least resistance for organized criminal groups. In addition, its geographic location along major drug trafficking and migration routes at the edge of Western Europe provides an ideal opportunity for criminals and corrupt officials.

Against this background, Western Balkans criminal groups have in recent years increased their capacity and reach, becoming heavily involved in transnational trafficking of cocaine from Latin America to Europe, for instance. Violent clashes between prominent rival gangs has been highlighted in the media resulting in several high-profile murders and other violence in the region and beyond.<sup>11</sup>

The corrosive effects of organized crime and corruption on state institutions is a matter of great concern to all the Western Balkan countries and territories.<sup>12</sup> Corruption is a crucial facilitator for organized crime and a preeminent factor explaining the inefficiency of policy interventions. Organized crime is facilitated by corruption at several stages of the criminal process. Corrupt officials can assist organized criminal groups in carrying out their activities, maximising profit and evading detection by the criminal justice system. For example, bribery at the borders of the Western Balkans is a critical enabler for many organized criminal activities, including drug trafficking, migrant smuggling and trafficking in persons. Customs officers have the highest prevalence of bribery among any other government sector included in a

UNODC survey in the Western Balkans conducted in 2013.<sup>13</sup> Further, if the criminal justice system attempts to effectively respond to organized criminal activities, corruptive, interfering parties can help crime groups evade justice by tampering with investigations, inhibiting criminal proceedings or delivering outright impunity. Economically, structural issues in the region affect labour markets and employment opportunities, making persons, and particularly young persons vulnerable to engagement in illicit activities. In 2019, youth unemployment rates were at an average of 34.6 per cent in the region, with the highest rate in Kosovo UNSCR 1244, 55 per cent.<sup>14</sup>

The prospect of EU membership for the Western Balkans is a key driver of reforms in the region, including in areas related to organized crime. Each of the countries and territories are at different stages in the accession process, with Albania and North Macedonia leading the group at the time of writing, and Bosnia and Herzegovina and Kosovo UNSCR 1244 bringing up the rear.<sup>15</sup> Recent progress reports on rule of law issues - an area of urgent priority for the EU in the region - show that most countries score an average of 2 out of 5 in their readiness for EU accession.<sup>16</sup> Efforts to tackle organized crime is included as an indicator of progress within the rule of law area. The limited advances made so far demonstrate the pressing need to better understand the scope and parameters of organized crime and corruption in the region.

<sup>10</sup> Ruggiero, V. (1997). Criminals and Service Providers: Cross-National Dirty Economies. *Crime, Law and Social Change*, 28(1), 27-38.

<sup>11</sup> Balkan insight, Montenegrin Gangs Blamed for Killing in Serbia, January 3, 2018. Available at <https://balkaninsight.com/2018/01/03/montenegrin-crime-gangs-wage-war-in-serbia-01-03-2018/>

<sup>12</sup> Balkans in Europe Policy Advisory Group (BIEPAG) (2019). *Strengthening the Rule of Law in the Western Balkans: Call for a Revolution against Particularism*. Policy Study. Available at <http://biepag.eu/wp-content/uploads/2019/03/Strengthening-the-Rule-of-Law.pdf>

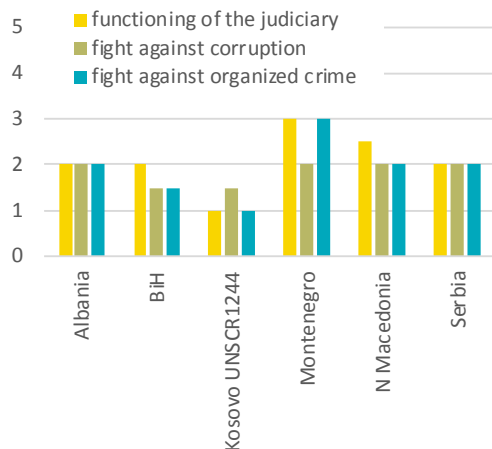
<sup>13</sup> United Nations Office on Drugs and Crime (UNODC) (2013). *Business, corruption and crime in the Western Balkans: The impact of bribery and other crime on private enterprise*. Vienna: UNODC.

<sup>14</sup> World Bank Group (2019). *Western Balkans Labor Market Trends 2019*. Available at <http://documents.worldbank.org/curated/en/351461552915471917/pdf/135370-Western-Balkans-Labor-Market-Trends-2019.pdf>

<sup>15</sup> Montenegro opened EU Accession negotiations in 2012 and has opened 32 out of 35 chapters as of May 2019, with three provisionally closed. Serbia began the process of EU accession in 2014 and has opened 17 chapters, of which two are provisionally closed. North Macedonia has been a candidate country since 2005, but accession negotiations had been stalled due to the country’s name dispute with Greece. In May 2019, after this matter was resolved, the Commission recommended opening of negotiations. Albania became a candidate country in 2014, and is waiting for the opening of accession negotiations, which were recommended in May 2019. Bosnia and Herzegovina applied for membership in 2016 and has a Stabilisation and Association Agreement with the EU. The Commission issued an Opinion on the application in May 2019 in which it noted that the country “needs to dedicate considerable efforts to sufficiently fulfil such criteria by strengthening its institutions in order to guarantee democracy, the rule of law, human rights and respect for and protection of minorities.” Kosovo UNSCR 1244 has a Stabilisation and Association Agreement, which entered into force in April 2016.

<sup>16</sup> The scores are based on the following designations of readiness: (1) at an early stage, (2) some level of preparation, (3) moderately prepared, (4) good level of preparation, and (5) well advanced.

FIG. 1 EU accession state of progress in the area of rule of law, 2019



Source: European Commission, Country Progress Reports 2019

At the time of writing, initial evidence indicates that although the region has not yet been as severely affected by the ongoing COVID-19 pandemic as others, the economic crisis that will follow will intensify the region's vulnerability to organized crime and corruption. Initial data showed little disruption to drug trafficking activity and experts warned that diversion of law enforcement to slow the spread of the pandemic may embolden traffickers.<sup>17</sup> Preliminary analysis indicated that the intensification of measures to limit cross-border travel as a measure to prevent the spread of COVID-19 likely increased the demand for, and the difficulty of providing, migrant smuggling services, making them more expensive and risky and thereby ultimately making people more vulnerable to human trafficking, as well as to other abuses.<sup>18</sup>

With regard to the procurement of medical equipment and supplies, the role of corruption has been highlighted in the Western Balkans. Millions of dollars in contracts to supply medical equipment and supplies have been awarded to companies with little

expertise in this area, resulting in waste of government resources and products that could not be used.<sup>19</sup>

## Conceptual background

Data are the basis of measuring any phenomenon. When it comes to organized crime, definitional questions make the task of identifying the relevant data particularly challenging. The fact that there is no universally accepted definition of "organized crime" further complicates the issue. The main international instrument to prevent and combat transnational organized crime is the United Nations Convention against Transnational Organized Crime (UNTOC) and its three Protocols.<sup>20</sup> The Convention signifies the seriousness of organized crime and emphasizes the need for international cooperation in order to counter this global phenomenon. By its ratification, states commit themselves to adopt legal provisions criminalizing offences such as participation in an organized criminal group, money laundering, corruption and obstruction of justice.

The UNTOC offers a definition of "organized criminal group", which sets the parameters of the group, requiring an aim to commit "serious crime"<sup>21</sup> and an intent to obtain a financial or other material benefit.<sup>22</sup> The sometimes competing, often interchangeably used concepts of "organized crime" and "organized criminal group" have led to a discourse that is incomplete, sometimes focusing on criminal organizations ("who") and sometimes on criminal activities or markets ("what").<sup>23</sup> Both of these approaches have strengths and weaknesses in terms of establishing a sustainable and systematic framework for measuring organized crime. The approach focusing on crime activities or markets can rapidly become outdated as organized criminals adapt quickly to fluctuating supply and demand for new services or

<sup>17</sup> "Economy, freedoms shrink in vulnerable Western Balkans," 20 May, 2020, Global Initiative against Transnational Organized Crime.

<sup>18</sup> See United Nations Office on Drugs and Crime (UNODC) (2020). *Research Brief: How COVID-19 restrictions and the economic consequences are likely to impact migrant smuggling and cross-border trafficking in persons to Europe and North America*. Vienna: UNODC.

<sup>19</sup> Economy, freedoms shrink in vulnerable Western Balkans," 20 May, 2020, Global Initiative against Transnational Organized Crime.

<sup>20</sup> The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, The Protocol against the Smuggling of Migrants by Land, Sea and Air, The Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition.

<sup>21</sup> Article 2(b) of UNTOC: "Serious crime" shall mean conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years or a more serious penalty.

<sup>22</sup> Article 2(a) of UNTOC: "Organized criminal group" shall mean a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit.

<sup>23</sup> Paoli, L. (2014). Organized Crime. Introduction. In L. Paoli (Ed.), *The Oxford Handbook of Organized Crime* (pp. 1-10). New York: Oxford University Press.

products. The approach focusing on criminal organizations is also problematic since groups change their structure to adapt to new markets and national control policies.<sup>24</sup> Problems also arise if criminal justice statistical records are used as the only basis of this measurement. Administrative data reflect the state response to organized crime, where the unit of measurement is the person, and therefore, have difficulties capturing whole group activity.<sup>25</sup> Without extensive time and human resource investment to locate, review and triangulate official records, it is very difficult to analyse the level of organized criminal group involvement even in forms of crime which are traditionally assumed to be “organized.” Over the last two decades, academia, law enforcement agencies, other government institutions, private sector entities and international organizations have all attempted to devise approaches and methodologies to measure and assess OC and shed light on this phenomenon, beyond episodic or anecdotal information.

Since the early 2000s, various stakeholders have been producing organized crime threat assessments based on differing methodologies. Some use available quantitative data, in the form of illicit seizures, to analyse different markets of organized crime and assess activity within those markets, as well as transnational flows of illicit goods or services.<sup>26</sup> Some gather and analyse qualitative data in the form of questionnaire responses from law enforcement agencies regarding the presence, make-up and activities of organized criminal groups in the country or region under consideration.<sup>27</sup> All aim to assess the magnitude of criminal activity and potential drivers of organized crime to identify the crime areas that pose threats now and in the future.<sup>28</sup>

There has also been progress on developing frameworks for quantifying organized crime and assessing the availability and quality of relevant data. In 2012, UNODC-INEGI Centre of Excellence on Crime Statistics developed a framework that deconstructed organized crime into simpler, directly measurable elements.<sup>29</sup> With a mix of top-down and bottom-up methodologies,<sup>30</sup> this framework identified the main dimensions that are useful for understanding organized crime and the indicators intended to analyse the specificities. One of the conclusions of this initiative highlighted the benefit of having a comprehensive framework, but noted that the data available to populate it were generally scarce.

### Scope and general methodology of this study<sup>31</sup>

On the basis of the 2012 UNODC-INEGI Centre of Excellence framework, UNODC set out to develop a statistical and analytical framework to measure and assess organized crime in the Western Balkans. Six countries and territories were included, namely Albania, Bosnia and Herzegovina, Montenegro, North Macedonia, Serbia and Kosovo under UNSCR 1244 (1999). The framework took a holistic approach in measuring both the “who” and the “what” of organized crime, dividing the concept into five dimensions: state response, enablers, OC activities, organized criminal groups (OCGs), and economic value of illicit markets of organized crime. Within those five dimensions, 19 sub-dimensions and 377 unique indicators were identified that could contribute to measuring OC. These 377 indicators became a “wish list” against which availability of data was assessed at the country level.

<sup>24</sup> See United Nations Office on Drugs and Crime (UNODC) (2019). *Global Study on Homicide 2019*. Vienna: UNODC.

<sup>25</sup> See United Nations Office on Drugs and Crime (UNODC) (2019). *Research Brief: Measuring Organized Crime: Assessment of data in the Western Balkans*. Available at [https://www.unodc.org/documents/data-and-analysis/Macro/Research\\_brief.pdf](https://www.unodc.org/documents/data-and-analysis/Macro/Research_brief.pdf)

<sup>26</sup> For example, United Nations Office on Drugs and Crime (2010). *The Globalization of Crime: A Transnational Organized Crime Threat Assessment*. United Nations Publications.

<sup>27</sup> For example, Southeast European Law Enforcement Center (SELEC) (2018). *Organized Crime Threat Assessment for Southeast Europe*. Available at <https://www.selec.org/wp-content/uploads/2019/02/OCTA-SEE.pdf>

<sup>28</sup> For example, see the EUROPOL SOCTA methodology available at <https://www.europol.europa.eu/socta/2017/introduction.html>

<sup>29</sup> Savona, E. U., Dugato, M., & Garofalo, L. (2012). *A framework for the quantification of organized crime and assessment of availability*

*a quality of relevant data in three selected countries of Latin America and the Caribbean*. Available at [http://www.transcrime.it/wp-content/uploads/2014/05/CoE\\_MOC-in-Latin-America-and-the-Caribbean-Sept-2012.pdf](http://www.transcrime.it/wp-content/uploads/2014/05/CoE_MOC-in-Latin-America-and-the-Caribbean-Sept-2012.pdf)

<sup>30</sup> According to Transcrime (above report, page 7): “The top-down methodology is adopted whenever the aim is to break down the whole complex phenomenon and have a more specific and in-depth view, analyzing its sub-components. This methodology focuses on macro units of analysis and tries to move from the general view to the smallest and more specific sub-components. The bottom-up methodology focuses on the smallest unit of analysis or few single cases. It is adopted whenever the aim is to reconstruct the general view of the problem and assess it (in this case, organized crime). This methodology analyzes micro data with the purpose of evaluating the extent of organized crime within the considered area (macro level).”

<sup>31</sup> A full description of the methodologies used to collect and analyse all the data gathered for the MACRO framework will be included in Annex XX to this report.

In order to more accurately capture instances of crime linked to organized crime, a number of indicators required disaggregation between total number of persons/cases regarding a particular criminal activity and the same criminal activity that involved organized criminal groups. For this reason, indicators within the framework often appear in pairs, such as, “total number of cases of trafficking in persons” as well as “total number of cases of trafficking in persons involving an organized criminal group”.

The data availability assessment undertaken at the start of the initiative produced, for the first time, a detailed mapping of OC-related administrative data at the national and regional levels in the Western Balkans. It also clarified which dimensions of the framework could be analysed using only quantitative data, those that required a mix of quantitative and qualitative data, and those for which only qualitative data would need to be collected.

The quantitative data collection was structured to maximise the participation of local partners through National Technical Groups in each country and territory of the project. The national statistical offices, various law enforcement agencies, ministries of interior and justice, prison administrations and many other offices were involved at every level in this work. The data collection was greatly facilitated by the active engagement and coordination of focal points in each of the countries and territories under the project. In addition, the integration of online forms to the data collection tool eased the ability to contribute large amounts of data efficiently. The design of a secure web-based data portal also standardized the data as there were not any unstructured data sources (e.g., pdf or word documents) to inhibit the acquisition of information. This not only expedited data entry into the system but diminished the fatigue of data entry and reduced the likelihood of human error. Overall, the quantitative data collection resulted in over 7,000 observations on 14

crimes<sup>32</sup> spanning the time period from 2012 to 2018.

Regarding the qualitative data collection, a case law analysis of 127 court judgements on organized crime and field interviews with experts,<sup>33</sup> victims of trafficking in persons, smuggled migrants and perpetrators<sup>34</sup> were undertaken. The analysis of information from both perpetrators and affected populations on the same issues (modus operandi on migrant smuggling and trafficking in persons as well as structures of OCGs) shed important light and helped to triangulate and confirm information about the methods and operations of OCGs. In total, over 250 interviews were conducted resulting in over 1,000 pages of translated transcripts.<sup>35</sup> Together with the administrative statistics, this is the most comprehensive data ever collected on organized crime in the Western Balkans.<sup>36</sup>

This report will present the analysis of this vast amount of data and information to provide clarity on the nature and characteristics of organized crime in the Western Balkans. Chapter one will analyse the attributes of organized crime from a regional perspective in order to draw out the links and intersections between the countries and examine themes which characterise OC in the Western Balkans, such as composition and structure of OCGs and how these structural differences manifest according to crime. Chapter two will present the most prevalent forms of organized crime through an in-depth analysis of the patterns and trends for each of the Western Balkans jurisdictions. Chapter three will conclude with evidence-based recommendations in order to support future operational and policy interventions tackling organized crime as well as strategies catering to the specificity of the Western Balkans.

<sup>32</sup> The selection of the crimes is detailed in the UNODC Research Brief *Measuring Organized Crime: Assessment of data in the Western Balkans*, 2019, pp 8-9. Crimes included participation in an organized criminal group, homicide, money laundering, trafficking in persons, smuggling of migrants, firearms related crime, drug production and trafficking, smuggling of goods, counterfeiting, cyber-crime, fraud and financial crimes, corruption, obstruction of justice and technology-facilitated crime.

<sup>33</sup> Interviewed experts included: law enforcement officers, including border police; prosecutors; judges; prison officials; customs and tax authorities; academics; journalists; and government officials from the ministries of interior, security, and justice.

<sup>34</sup> Prisoners were interviewed in each of the jurisdictions participating in the project, except for Serbia due to lack of permission. In total, 127 prisoners from 23 prisons were interviewed. These prisoners were convicted of seven crimes: participation in an organized criminal group (14), drug trafficking and drug production (58), trafficking in persons (20), trafficking in firearms (5), migrant smuggling (17), and trafficking in counterfeit goods (3).

<sup>35</sup> For more information on the interviews conducted under the MACRO project, see the Methodological Annex.

<sup>36</sup> Please see the Statistical Annex for complete statistical data collected under the MACRO project.

FIG. 2 Dimensions and sub-dimensions of the framework to measure organized crime

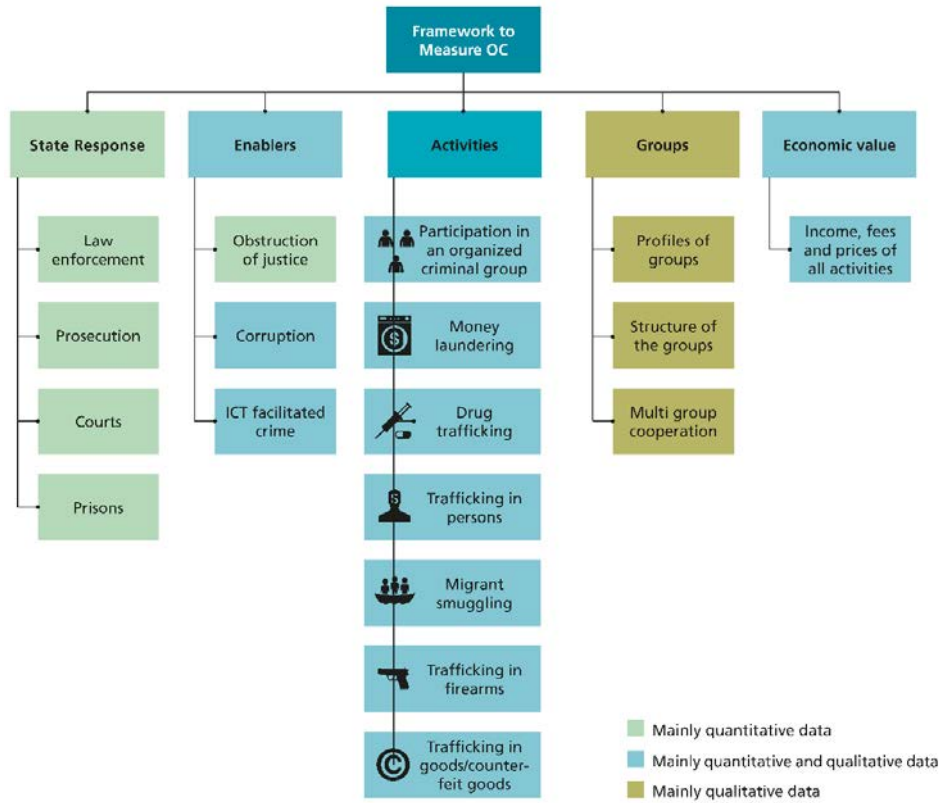
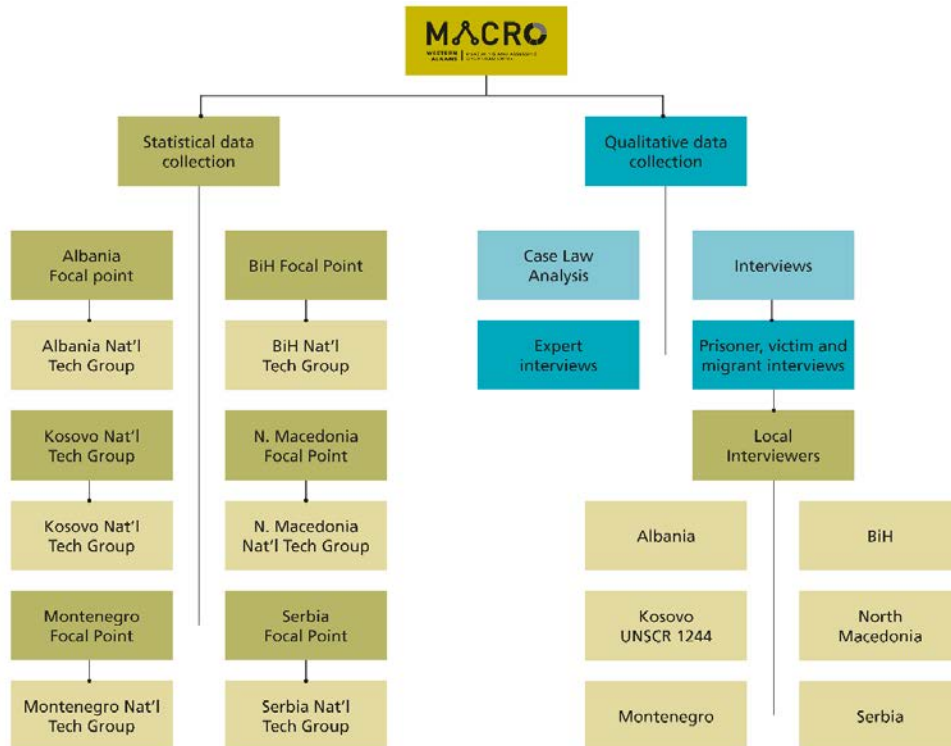


FIG. 3 Data collection structure under the MACRO project









# CHAPTER 1: REGIONAL OVERVIEW

## Introduction

This chapter will present a regional analysis of key trends and patterns with regard to organized crime in the Western Balkans and show the full results of the MACRO framework in combining information from different sources to produce a clearer picture of organized crime. In particular, the chapter will analyze how much crime is actually organized and present the main detected forms of organized crime in the region. Information from in-depth interviews with prisoners convicted of organized crimes,<sup>37</sup> victims of trafficking in persons, smuggled migrants and expert practitioners will add qualitative data to deepen the analysis. The quantitative measurement of the organized aspect of crimes included in the framework, as demonstrated in conviction levels, when triangulated with information from qualitative interviews, will also shed light on the capacity of the criminal justice system to appropriately capture and identify such links. In addition, a detailed analysis of organized criminal groups' modus operandi and structures, including use of corruption and management of finances, will be presented. This information, combined with a wealth of administrative statistics, provides rare comprehensive knowledge on the inner workings of organized criminal groups.

The low number of convictions of organized crime cases within this subset could be the result of many factors. Most obviously is that the great majority of these crimes did not happen in the context of organized crime, as previous research has indicated regarding for example, drug trafficking and trafficking in persons.<sup>38</sup> But there could also be the possibility that actual OC cases might have been mis-categorized and mis-recorded as non-organized crime related because of a variety of reasons.



When organized crime is involved, it may be hard to prove, and the collected evidence may not be enough for a successful prosecution. Connection to OC often leads to stricter sentencing, so prosecuted individuals typically deny association with such organizations even in cases where they confess committing a crime.

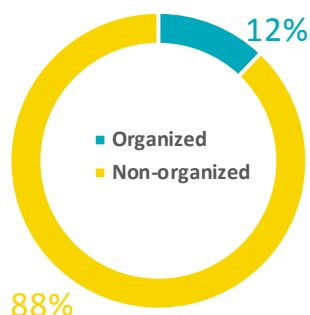
<sup>37</sup> Interviewed prisoners were convicted of participation in an organized criminal group, drug manufacturing and trafficking, trafficking in persons, migrant smuggling, firearms trafficking and trafficking in counterfeit goods.

<sup>38</sup> See for example, UNODC Global Report on Trafficking in Persons, 2018 (showing that a large portion of trafficking in persons is done domestically and not in the context of organized crime); UNODC

Global Study Smuggling of Migrants, 2018 (showing that many typologies of smugglers are not related to organized crime); UNODC Global Study on Firearms Trafficking, 2020 (showing that the majority of seizures related to 1-2 firearms); UNODC World Drug Report, 2017 (showing that fragmentation and the changing nature of organized crime groups).

As will be discussed in detail in other sections, the structures and modus operandi, as well as the codes of conduct of organized criminal groups are designed to obfuscate these links. Information gathered from prisoners indicate that often, low-level couriers and guides only have contact with one person whose name they may not even know.

**FIG. 4** Share of persons convicted of typically organized crimes<sup>39</sup>, by links to organized crime, in the Western Balkans as recorded in the statistical records, 2013-2018 (n=30,814)

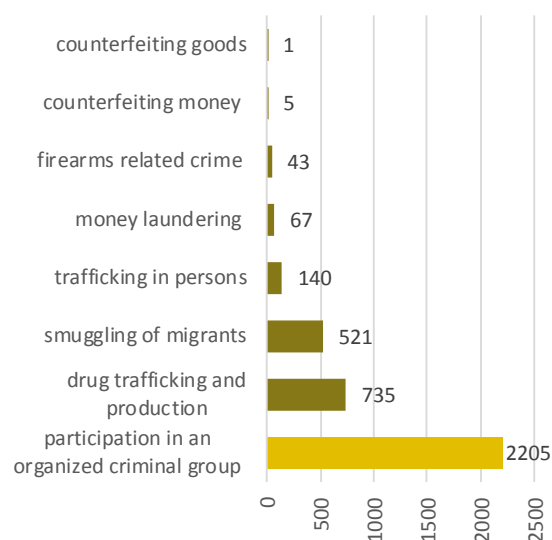


Source: UNODC elaboration of national criminal justice data

Although it is more complicated to investigate organized crime, and in particular to prove links between perpetrators and activities, correctly identifying criminal activity as “organized” is crucial to the criminal justice response. It aids in pinpointing criminal networks and triangulating criminal intelligence information in confirming or disproving that such links between operations or people exist. In many countries and jurisdictions of the Western Balkans, sentences for organized forms of crime are longer than for conventional crime, reflecting the seriousness of these crimes and addressing their harm on society.<sup>40</sup>

When looking at those crimes with group involvement, not surprisingly the highest number share of convictions in the Western Balkans during the period 2012-2018 was for participation in an organized criminal group (66 per cent of the total).

**FIG. 5** Total number of persons convicted for selected crimes linked to organized crime in the Western Balkans, by crime type, 2012-2018 (n= 3,717)



Source: UNODC elaboration of national criminal justice data

Participation in an organized criminal group is distinct from the other forms of crime included in the subset as it simply proscribes, depending on the jurisdiction, the formation of a criminal group, the preparation or agreement to commit a serious crime, or conduct that supports the activities of a criminal group.<sup>41</sup> The actual commission of a crime in the context of this group setting is not always necessary for a conviction.

Convictions for participation in an organized criminal group reflect the measures that Western Balkans, and possibly other, countries and territories are placing on criminalizing involvement in criminal groups *per se*. It also shows that the links between criminals and criminal activities are investigated, even if it is more challenging than investigating crimes committed by individuals.<sup>42</sup> In addition, participation can readily be included in an indictment in conjunction with any number of other crimes, such as drug trafficking or migrant smuggling, or it can be

<sup>39</sup> Crimes include participation in an organized criminal group, drug trafficking, drug production and cultivation, human trafficking, smuggling of migrants, firearms manufacturing and trafficking, money laundering, homicide, obstruction of justice, counterfeiting money, counterfeiting official documents, counterfeiting other goods, producing fraudulent travel or identity documents, and cybercrime.

<sup>40</sup> Paoli, L and Greenfield, V; Harm: A Neglected Concept in Criminology, A Necessary Benchmark in Crime Policy: European Journal of Crime, Criminal Law and Criminal Justice; 2013.

<sup>41</sup> See Annex (1) of this report for the laws criminalizing organized crime in all the jurisdictions included in this report.

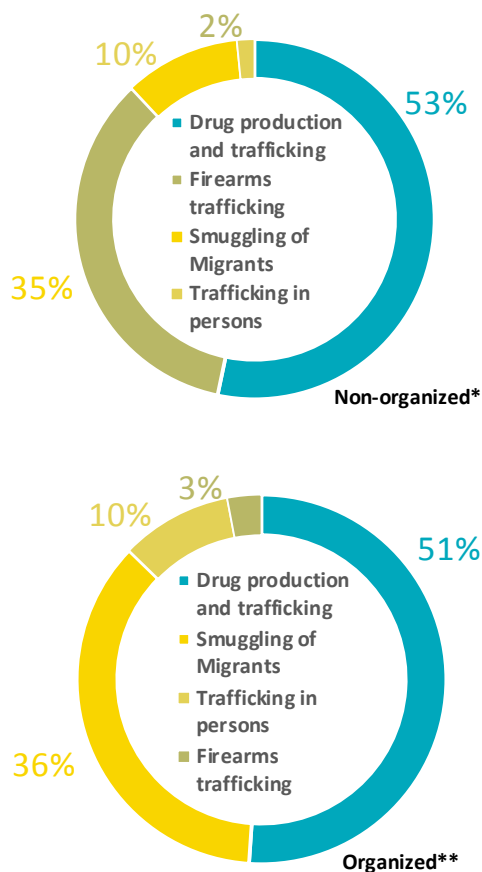
<sup>42</sup> Albanese, J., The Prediction and Control of Organized Crime: A Risk Assessment Instrument for Targeting Law Enforcement Efforts, 2004, available at <https://www.ncjrs.gov/pdffiles1/pr/204370.pdf>

the sole crime in the indictment. This possibility could result in larger numbers of convictions for participation. Depending on the jurisdiction and the relevant criminal code, prosecutors may have different options for formally pursuing organized forms of crime in the context of a criminal case. Some criminal provisions include a subparagraph specifying aggravated sentences for crimes committed in the context of a group.<sup>43</sup>

In order to more closely examine the four main illegal markets<sup>44</sup> of OC (drugs, trafficking in persons, smuggling of migrants and firearms trafficking) in the Western Balkans from 2012-2018, convictions of these four crimes were separated from the rest of the subset. When comparing distributions of these crimes in relation to each other, the shares of non-organized and organized drug production and trafficking are almost identical. Drug production and trafficking constituted 53 per cent of non-organized convictions and 51 per cent of the convictions linked to organized criminal groups. Firearms trafficking (which includes possession in some jurisdictions) constituted 35 per cent of non-organized convictions, but only 3 per cent of crimes linked to organized criminal groups. Migrant smuggling constituted 10 per cent of non-organized convictions but 36 per cent of convictions linked to organized criminal groups. Trafficking in persons constituted 10 per cent of the convictions linked to organized crime but only 2 per cent of non-organized convictions.

Drug production and trafficking seem to be the most prominent markets for organized crime in terms of persons involved (not profits). Despite research indicating an expanding portfolio of organized criminal groups globally,<sup>45</sup> the high incidence of drug production and trafficking convictions linked to organized crime is further evidence that organized crime is still more heavily involved in supplying drug markets than in other markets, at least in the Western Balkans.

FIG. 6 Share of persons convicted of drug production and trafficking, trafficking in persons, smuggling of migrants and firearms-related crimes in the Western Balkans, by links to organized crime, 2012-2018



\*Number of convictions: 24,475

\*\*Number of convictions: 1439

Source: UNODC elaboration of national criminal justice data

Smuggling of migrants was the second most often convicted crime linked to organized crime. In the 2018 UNODC Global Study on Smuggling of Migrants, the business model of smugglers included smuggling operations which were both well-organized but also those which were carried out by individual opportunists. The qualitative information gathered from interviews with smugglers and smuggled migrants

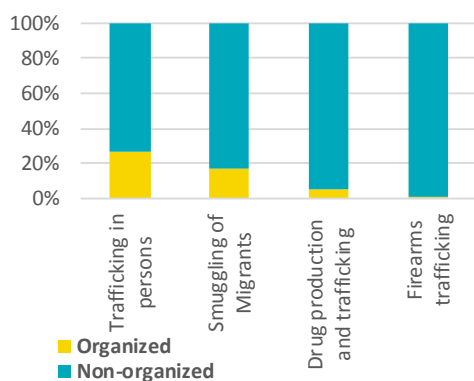
<sup>43</sup> An example from North Macedonia's Criminal Code: Art 418/c *Organizing a group and instigating performance of crimes of human trafficking, trafficking in juveniles and migrants*: Proscribes a sentence of imprisonment of at least eight years for the leader or at least one year for a member of a group that engages in *human trafficking, trafficking of migrants, trafficking juveniles and abuse of visa-free regime*. The provision also stipulates acquittal for those who denounce the group before the commission of a crime.

<sup>44</sup> Williams, P. (2001). *Crime, Illicit Markets and Money Laundering*. "Illegal markets involve at least four separate categories of commodities and services: (1) prohibited goods or services, such as drugs or commercial sex; (2) regulated commodities, such as antiquities or fauna and flora; (3) differentially taxed commodities, such as cigarettes; and (4) stolen goods, such as cars."

<sup>45</sup> United Nations Office on Drugs and Crime (UNODC) (2017). *World Drug Report 2018*. United Nations publication.

also emphasized the organized nature of migrant smuggling in this region. The Western Balkan Route has for several years been one of the main migratory pathways into Western Europe particularly for those entering through the Eastern Mediterranean Route.<sup>46</sup> There was a record number of arrivals through the Western Balkan Route in 2015 which is reflected as a peak in the number of detected smuggled migrants in the region as presented later in this report. This might have created opportunities for organized crime groups to benefit from such migratory flows.

**FIG. 7** Share of persons convicted of trafficking in persons (n= 526), smuggling of migrants (n= 3069), drug production and trafficking (n=13,379) and firearms-related crimes (n=8540) in the Western Balkans, by links to organized crime, 2012-2018



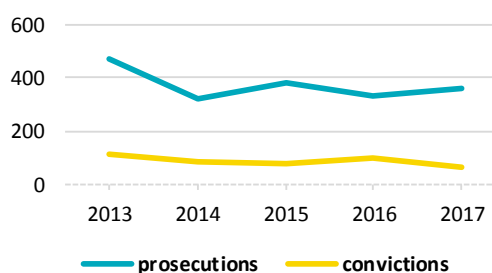
Also, for trafficking in persons, the involvement of organized crime seems to be relatively important in the light of convictions. While the absolute number of convictions, both organized and non-organized, seem to be in decline regionally, the share of convictions linked to organized trafficking in persons is significantly higher than the other main illegal markets. Each of these crimes will be discussed in subsequent sections.

Firearms trafficking represented a large portion (35 per cent) of the total number of convictions among the four main illegal market crimes. However, the

level of recorded links to organized firearms trafficking, as shown in the convictions, is the least. This could reflect that the majority of persons convicted for this crime relate to small level of trafficking with limited involvement of organized crime. These statistics could also reflect the limited law enforcement success in detecting such crime in relation to organized crime or a legal framework that includes possession, manufacturing and trafficking in the same provision or article, that makes precise analysis impossible. This will be discussed in more detail later in this chapter.

Looking more closely at the 12 per cent of crimes linked to group involvement above,<sup>47</sup> in the period 2013-2017, convictions showed a steady declining trend in the Western Balkans. A peak of organized crime convictions in 2013 was followed by a continuous decline until 2017, when convictions were at their lowest point for the period under consideration. The decline is mainly due to fewer convictions for participation in an organized criminal group, as well as for crimes linked to organized crime, such as drug production and trafficking, and migrant smuggling. Unlike other countries and territories included in this research, North Macedonia and Montenegro were particularly effective at convicting organized forms of crime early in the period (2013). However, for reasons not clear at this time, this rate was not sustained, and the numbers of convictions declined.

**FIG. 8** Number of persons prosecuted and convicted for selected organized crimes<sup>48</sup> in the Western Balkans, 2013-2017



Source: UNODC elaboration of national criminal justice data

<sup>46</sup> European Border and Coast Guard Agency (FRONTEx). *Migratory Routes*. Available at <https://frontex.europa.eu/along-eu-borders/migratory-routes/western-balkan-route/>

<sup>47</sup> These included participation in an organized criminal group, as well as the following when linked to organized crime: drug production, drug trafficking, trafficking in persons, smuggling of migrants, facilitating illegal migration, firearms trafficking, vehicles theft, counterfeiting industrial goods/commodities/food/pharmaceutical items, counterfeiting money, counterfeiting official documents, cybercrime, fraud and financial crimes, and money laundering.

<sup>48</sup> These included participation in an organized criminal group, as well as the following when linked to organized crime: drug production, drug trafficking, trafficking in persons, smuggling of migrants, facilitating illegal migration, firearms trafficking, vehicles theft, counterfeiting industrial goods/commodities/food/pharmaceutical items, counterfeiting money, counterfeiting official documents, cybercrime, fraud and financial crimes, and money laundering.

In addition, data on prosecutions of the same crimes showed a steadily rising trend. From the years 2012-2017, prosecutions rose from 217 to just over 1400 in 2016, increasing seven-fold. This difference in the trends between rising levels of prosecutions and decreasing convictions indicates that while law enforcement and prosecutorial services are preparing cases that link criminal activities to group involvement, these cases are not leading to convictions. This could be because the case is dismissed or the case is acquitted (ie, the defendant is found not guilty).

As noted previously, the low numbers of organized crime related convictions do not, however, mean that organized crime is not active in the region. Convictions only represent the end of a criminal justice process that is initiated when crimes come to the attention of the authorities. Many forms of organized crime do not come to the attention of the authorities, and among those that do, there are still cases that are unidentified as being connected to organized crime. Information gathered from over 250 interviews conducted in the region in late 2018 and early 2019 with prisoners convicted of organized crimes, victims of trafficking in persons, smuggled migrants and expert practitioners indicates that the level of organized crime involvement in the crimes included in this analysis may largely go undetected and unrecorded. In the words of one interviewee, an organized criminal convicted for drug crimes, *“If they say they work alone, they are lying, because these things cannot be done singlehandedly or without the support of other persons.”*

### General structure and modus operandi

Contrary to anecdotes about large and complex OC organizations, the majority of groups operating in the Western Balkans seem to be rather medium or small in size and fragmented. In 1999, it was argued that small size groups in the Balkans fit the purpose of limiting operation costs, exposure and particularly the flow of information.<sup>49</sup> In the absence of large, hierarchical OC organizations, especially in the drug trafficking business, smaller OC groups control only segments of territories and work with each other. Networking and working together combined with an

ability to easily adapt to new situations are among the key factors of OC groups in the region.<sup>50</sup>

Interviewed prisoners who were convicted of migrant smuggling were predominantly members of smaller OC groups rather than large organizations, although some discussed the existence of “big and more complex organizations” – for example, in North Macedonia – with about 150-200 members. Prisoners in Montenegro also mentioned a large, cross-national migrant smuggling “organization” referred to as “Monika” which reportedly operated in Turkey, Greece, Albania and Bosnia and Herzegovina, under a different name in each country. Yet the majority of the interviews confirmed the general trend of the rise of smaller OC clusters in the region in all markets. As one respondent said: *“Previously there were a lot of organized groups that worked as one big network... now there are multiple groups providing the same service, planning and organizing transport of drugs”*. Interviewed criminal justice experts expressed concern over this trend. One respondent highlighted that dismantling larger criminal organizations had led to fragmentation into numerous smaller groups, causing the market to be scattered and resulting in the need for criminal groups to exert stronger control measures to protect their businesses, leading to an increase in violence in the region.

The size and structure of OC groups vary by crime type. Interviews confirm that a typical migrant smuggling group consists of 5 people, while groups involved in drug trafficking are a little larger, including about 5 to 10 people. These specificities will be described in subsequent sections for each main crime type in the Western Balkans below. There are also different market dynamics in different types of OC activities. While drug traffickers compete for control over territories, migrant smuggling groups compete for customers. This suggests that drug trafficking groups may have higher levels of control over the territories where they operate than migrant smuggling groups. This may affect prices as well. For instance, drug trafficking markets are more entrenched, requiring a well-established, long-term network of suppliers, wholesale distributors, retailers, and local dealers. Therefore, prices depend more on external circumstances and may be less negotiable. On the other hand, the more opportunistic

<sup>49</sup> Liddick, D. (1999). The enterprise “model” of organized crime: Assessing theoretical propositions. *Justice Quarterly*, 16(2), 403-430.

<sup>50</sup> Krasniqi, K. (2016). Organized Crime in the Balkans. *European Scientific Journal*, 12(19), 204-220.

market of migrant smuggling, partially created in response to the peak of irregular movements in recent years, seems to have more flexible pricing systems, based on factors such as age of the migrant or country of origin.

### Membership

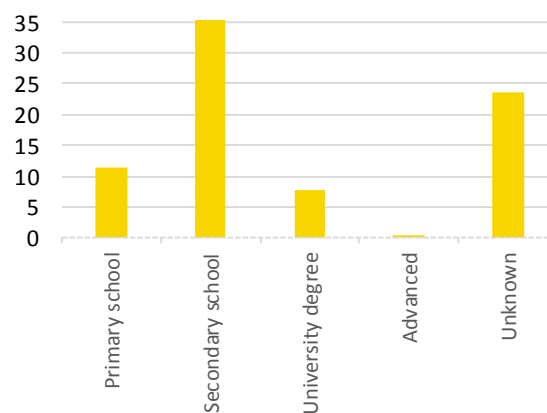
According to court verdict data on 323 persons prosecuted for participation in an organized criminal group from the years 2003-2017,<sup>51</sup> organized criminal group members in the Western Balkans are almost exclusively adults, primarily males, and 90 per cent are citizens of the country in which they were prosecuted. Although OC groups are not gender-exclusive, the small proportion of females (4 per cent of prosecuted persons)<sup>52</sup> indicates that women’s membership in OC groups in the Western Balkans is comparable to global trends.<sup>53</sup>

Both the average life span of an OC group and the length of an individual’s membership in a group are relatively short. About two thirds of the groups in the 127 cases (68 per cent) examined existed for up to one year, while only 4.5 per cent of them lasted longer than five years. Prisoner interviews confirmed a similar pattern. Respondents who had been convicted of migrant smuggling reported 11 months’ average involvement in the group and its criminal activities. The data do not indicate what happened after these 11 months; whether these individuals

later joined another group, stopped engaging in criminal activity, or whether they were then apprehended by law enforcement.

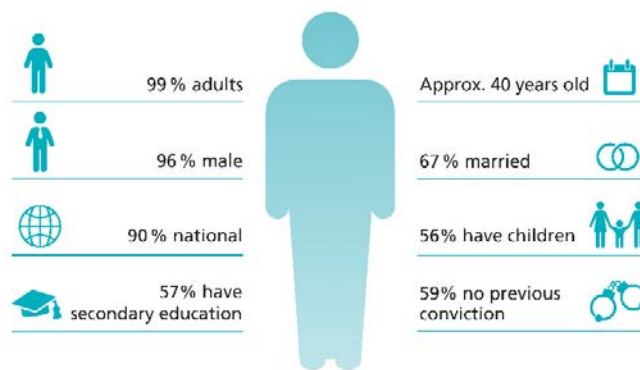
The court verdict analysis provides some information about the educational background of an organized criminal in the Western Balkans. More than two thirds (70 per cent) of the prosecuted individuals completed only primary or secondary school and about 8 per cent had a university degree.

**FIG. 9** Percentage of members of organized crime groups in the Western Balkans, by highest level of education, as reported in 127 organized crime-related cases covering the period 2003-2017



Source: Data from court verdicts analysed for the MACRO project

### Typical profile of an organized criminal group member in the Western Balkans



Source: Data from court verdicts analysed for the MACRO project

<sup>51</sup> A court verdict analysis was undertaken on the basis of concluded judgments of cases of participation in an organized criminal group in conjunction with other crimes in all jurisdictions of the Western Balkans from the years 2003-2017. Cases were chosen in consultation with criminal justice experts, in order to determine which were the most prominent in the years under consideration. In total, 127 cases concerning 323 persons were analyzed with a questionnaire composed of 5 sections on the perpetrator, the group and the offences, the criminal proceedings, the sanctions and any appellate proceedings.

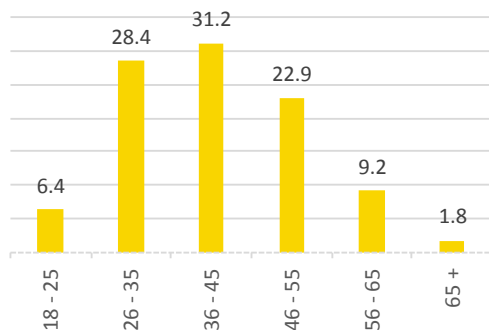
<sup>52</sup> This is distinct from the analysis of administrative data on the percentage of women convicted of participation in an organized criminal group from 2012-2018, which showed women’s share of convictions at 7 per cent.

<sup>53</sup> Pizzini-Gambetta, V. (2014). Organized crime: The gender constraints of illegal markets. In R. Gartner & B. McCarthy (Eds.), *The Oxford handbook of gender, sex, and crime* (pp. 448-467). Oxford University Press.

With regard to the average age of members of organized criminal groups in the Western Balkans, information from the court verdict analysis elicited interesting findings. Although the data do not constitute a representative sample of OC actors in the region and should therefore be interpreted with caution, demographic data from the court verdict analysis showed that the average age of a member of an organized criminal group was 40.8 years old, and the vast majority of the members were also between 30 and 50 years old. In addition, 59 percent of organized crime group members had not been previously convicted of any criminal offence before the organized crime case that was the subject of the research.

Despite the relatively small sample and resulting weakness of the external validity (generalizability) of the data, this late age of offending confirms a phenomenon known as “adult onset offending” in academic literature.<sup>54</sup> According to this theory, organized criminal groups do not primarily involve young people but people in their 30s, 40s, 50s, and 60s. It is very hard to definitively pinpoint an average age of onset of general criminal offending, due to gender, race, offence type, and other region-specific variations. Some studies have estimated an average age of first conviction between the ages of 10 and 20.<sup>55</sup>

**FIG. 10** Percentage of members of organized crime groups in the Western Balkans, by age, as reported in 127 organized crime-related cases covering the period 2003-2017



With regard to entry into the organized criminal group, prisoners that did discuss the initiation of

their association with the organized criminal group revealed two main factors that influenced their involvement, particularly in drug-related crime: (1) social ties and (2) life events (or a combination of the two). Having friends or relatives who were already members of a criminal group was noted as a powerful pull factor among the interviewed prisoners that reported participation in organized criminal groups. In these cases, entrance into the organized criminal group was noted as “quite spontaneous” by many respondents. Interviews confirmed the phenomenon that preexisting close-knit social networks -- relationships often dating back to early school years -- were important recruiting factors, especially within a small-town cultural context.<sup>56</sup> Moreover, the prisoner respondents who were drug users and were convicted for drug production or trafficking, noted that the social ties they had made to the illicit drug market facilitated their entry into organized groups as drug dealers in order to finance their consumption. They reported that their need for drugs also ensured long-term involvement and fidelity to the criminal group.

Although some respondents had long criminal careers, especially in the illicit drug business, many of the 127 interviewed prisoners led law-abiding lives with jobs or legal businesses before they got involved in the criminal activities for which they were convicted. In these cases, negative life events such as debts, supporting family members, business crises, or cash shortages were important recruiting factors. For example, a respondent found himself in a financially dire position and got involved in the drug business after fathering four children in a relatively short period of time. Another example of a negative life event was provided by a male restaurant owner in his 60s who tried to solve the collapse of his business by getting involved in drug trafficking. In a few other cases, it was the combination of the two factors -- social ties and life events -- which pushed otherwise law-abiding people to engage in criminal activities. For example, a female respondent who was in her late 40s needed to repay a loan, so her cousin introduced her to drug traffickers. Another person got involved in drug trafficking because of a serious illness in his family: “My mom suffered from diabetes

<sup>54</sup> Van Koppen, M. V., De Poot, C. J., Kleemans, E. R., & Nieuwbeerta, P. (2010). Criminal trajectories in organized crime. *The British Journal of Criminology*, 50(1), 102-123. Also, Campedelli, G. M., Calderoni, F., Comunale, T., & Meneghini, C. (2019). Life-Course Criminal Trajectories of Mafia Members. *Crime & Delinquency*, 0011128719860834.

<sup>55</sup> Farrington, D. P. (1986a). Age and Crime. In M. Tonry and N. Morris (eds.), *Crime and Justice*, Vol. 7. Chicago: University of Chicago

Press. Also, Farrington, D. P., Piquero, A. R., & Jennings, W. G. (2013). *Offending from childhood to late middle age: Recent results from the Cambridge study in delinquent development*. Springer Science & Business Media.

<sup>56</sup> Albanese, J. S. (2010). Transnational Organized Crime. In M. Natarajan (Ed.), *International Crime and Justice* (pp. 231-238). Cambridge: Cambridge University Press.

and she lost her sight. She had to undergo surgery in Italy but the intervention cost a lot and we did not have all the money. We tried to borrow from various people but we could not come up with the entire amount. We were short of EUR 3,000. I wanted to get the money for the surgery as soon as possible to save Mom. We never got to collect the entire amount, and the surgery never happened. My mom died, and I have been in prison for six years.”

In the case of entry into migrant smuggling groups, many interviewed prisoners spoke of having themselves been smuggled in the past. Most of the migrant smugglers who were interviewed claimed that their involvement lasted several months, rather than years. There were some exceptions; a few respondents reported having been involved for up to four years, and a few reported that their participation dated back to the mid-1990s.

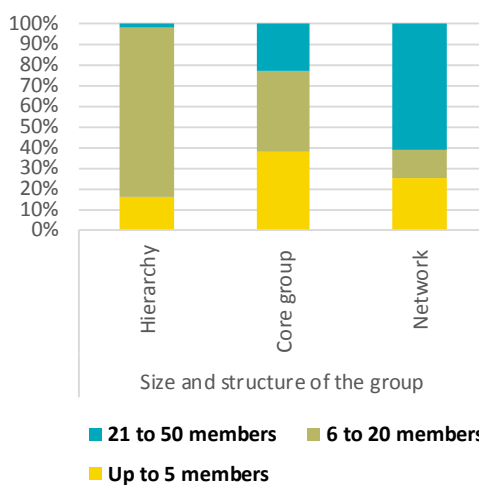
### Hierarchy

Three main types of OC groups emerged from the expert interviews:<sup>57</sup> small ad-hoc groups without an established structure, medium-sized groups with a hierarchical structure, and large groups resembling the structure of a network. Prisoner and victim interviews confirmed the existence of these latter two forms; they also provided more details about the actors’ specific roles and responsibilities within such structures. These OC groups involved multiple actors carrying out a set of interdependent actions to achieve a common goal, yet the nature of the tasks, the actors’ social relationships, cohesion, and frequency of contacts varied across different types of criminal activities. In line with global OC trends, most cases did not corroborate the popular image of highly structured high-profile hierarchies.<sup>58</sup>

Analyzed organized crime court cases in terms of size and internal structure<sup>59</sup> showed that larger groups (21+ members) tended to have the network

type of structure.<sup>60</sup> Exceptionally, like in the case of the clans in Montenegro that operated internationally in drug-related crime, the structure tended to be hierarchical,<sup>61</sup> with clearly defined roles and responsibilities. At the same time, medium sized groups, which were the most frequent size category in the sample, tended to display hierarchical structures. Small size groups (up to 5 members) seemed to prefer core group<sup>62</sup> or network-like structures.

FIG. 11 Share of convicted OCG members by group size, by structure type in the Western Balkans, 2003-2017 (n=323)



Source: Data on persons from court verdicts analysed for the MACRO project

Expert interviews indicated that small groups operated on an ad-hoc basis. Groups got together when there was a job to be done and later, they ceased to exist as a group. Large groups, resembling the structure of a network, included loosely associated collectives of a number of small groups and individuals who joined together only for the purpose of executing a particular operation. As one interviewee stated: “...some members are involved in temporary activities and they are ‘informal’ group members. On the

<sup>57</sup> Interviewed experts included: law enforcement officers, including border police; prosecutors; judges; prison officials; customs and tax authorities; academics; journalists; and government officials from the ministries of interior, security, and justice.

<sup>58</sup> UNODC, E4J University Module Series: Organized Crime: Module 7, Models of Organized Criminal Groups available at <https://www.unodc.org/e4j/en/organized-crime/module-7/key-issues/models-and-structure.html> See also, Bouchard, M., & Morselli, C. (2014). Opportunistic Structures of Organized Crime. In L. Paoli (Ed.), *The Oxford Handbook of Organized Crime*. Oxford University Press.

<sup>59</sup> In ca 86% of cases it was possible to establish internal structure from the narrative of the court verdict. Internal structures of the group were categorized into hierarchical, core group and network-like structures, based on the categories put forward in United Na-

tions Office on Drugs and Crime (UNODC) (2002). Global Programme against Transnational Organised Crime: results of a pilot survey of forty selected organized criminal groups in sixteen countries. UNODC.

<sup>60</sup> Defined by the activities of key individuals who engage in illicit activity together in often shifting alliances. They do not necessarily regard themselves as an organized criminal entity. Individuals are active in the network through the skills and capital that they may bring.

<sup>61</sup> Single boss. Organization or division into several cells reporting to the centre. Strong internal systems of discipline.

<sup>62</sup> Ranging from relatively loose to cohesive group of core individuals who generally regard themselves as working for the same organization. Horizontal rather than vertical structure.



other side there are permanent members, who are there for a long term...”.

Medium sized groups, on the other hand, had just enough members that a certain level of additional internal organization was needed. In the words of one expert: “In case of the drug trafficking they approximately had fifteen members per group... The(se) criminal groups are reflecting hierarchical structure. There are three levels of decision making. The first ones are the people on the top who are heads of the group, afterwards the next one(s) are intermediate level and the last level belong to ordinary executors. It is very important to respect that hierarchy and serious conflict could be created if someone will try to overtake the reign inside the groups. Also, it is possible for group members to change their roles in the groups. There were cases where offenders who are the members of the group advanced from drivers to executors.”

### Transborder operations

Due to their complex nature, transnational crimes often require more organization and the participation of actors in different countries. Therefore, organized criminal groups operate not only in the territory of their own country but cooperate with groups both in neighboring and other countries as well. Additionally, the growing transnational cooperation, as with legitimate international businesses and conglomerates, lead to an increasing number of criminal groups with heterogeneous, multi-ethnic composition, and an intensified cooperation between criminal organizations from different countries.

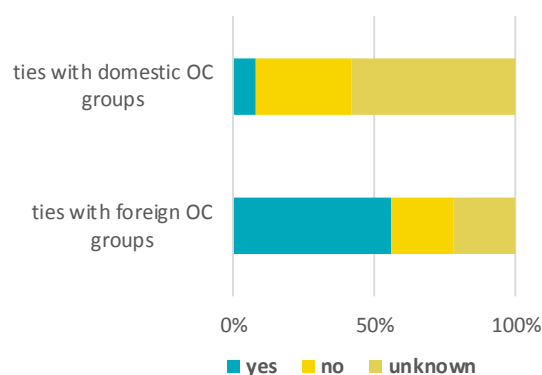
Illicit cross border operations require some level of cooperation with organized groups in different countries. Information from the case law analysis showed that the majority of groups had ties to groups outside the country of primary operation. This was primarily related to the need, either due to an increasing demand or due to the desire to increase profit, to move illicit goods or provide illicit services across borders. Furthermore, it may have been the result of utilizing existing criminal connections in different countries, as well as a reaction to

countermeasures taken against these groups on a national level.

### Enablers

Organized crime enablers protect and support activities of groups and help them to avoid detection and accountability for their crimes.<sup>63</sup> The enablers considered in the framework to measure and assess organized crime in the Western Balkans were corruption,<sup>64</sup> obstruction of justice, violence and technology-facilitated crime (although no jurisdiction reported data for the latter indicator).

FIG. 12 Share of convicted OCG members that had ties to other groups 2003-2017 (n=323 persons involved in 127 cases)



Source: Data on persons from court verdicts analysed for the MACRO project

### Obstruction of justice

One of the ways that organized criminal groups attempt to protect themselves from prosecution and other state responses to organized crime is through obstruction of justice. Members of criminal groups eliminate witnesses, tamper with evidence, or threaten judges and prosecutors.<sup>65</sup> Measuring obstruction of justice is incredibly challenging as much of it remains undetected. The data reported here are partial as they represent the cases that not only come to the attention of the authorities but also successfully pass through the system as convictions. It is very often the situation with criminal justice data that increasing trends in the numbers of cases or

<sup>63</sup> On organized crime enablers see, for example, Iffat Idris, 2019; Australian Criminal Intelligence Commission, 2017. Idris, I. (2019). *Drivers and enablers of serious organised crime in Southeast Asia*. GSDRC, University of Birmingham; Australian Criminal Intelligence Commission (2017). *Key Enablers. Organised Crime in Australia 2017*, available at [https://www.acic.gov.au/sites/default/files/oca\\_2017\\_key\\_enablers.pdf?acsf\\_files\\_redirect](https://www.acic.gov.au/sites/default/files/oca_2017_key_enablers.pdf?acsf_files_redirect)

<sup>64</sup> Relevant indicators under corruption included total number of public officials arrested, prosecuted and convicted for accepting a

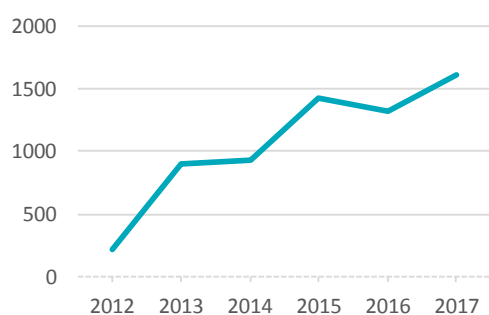
bribe, alone and linked to OCGs; and total number of members of active organized criminal groups arrested, prosecuted and convicted for offering public officials a bribe.

<sup>65</sup> UNODC, Education for Justice University Module Series: Organized Crime, available at <https://www.unodc.org/e4j/en/organized-crime/module-2/key-issues/enabling-offence.html>

persons prosecuted or convicted can be an indication of more obstruction but also of increased priorities by authorities.

Over the period 2012-2017, the number of prosecuted cases of obstruction of justice in the region more than tripled from 51 to 182. Obstruction of justice is defined as ‘the use of force, threats or intimidation or the offering of an undue advantage to induce false testimony or to interfere in the giving of testimony or the production of evidence’. It can also include similar types of interference with the exercise of official duties by a justice or law enforcement official.<sup>66</sup> Although the cases of obstruction of justice reported by jurisdictions in the Western Balkans were not disaggregated by links to organized crime, this increase in cases shows the vulnerability of the criminal justice system and of the rule of law in the region. There has been a lot of attention and resources invested in supporting the rule of law by international donors, particularly in ensuring the integrity of public institutions and an independent judiciary. However, according to some, these reforms have had limited impact and systemic problems with corruption and rule of law persist.<sup>67</sup>

**FIG. 13** *Number of persons prosecuted for obstruction of justice in the Western Balkans, 2012-2017 (n= 739)*



Source: UNODC elaboration of national criminal justice data

### Corruption

National surveys conducted with UNODC support on bribery of public officials in the Western Balkans in 2011 and 2013 showed that there were certain

types of public officials that sought bribes more often than others, such as medical doctors and police officers, and that often, public officials with a high level of interaction with the public also received the largest number of bribes.<sup>68</sup> In addition, the surveys found that a significant percentage of businesses pay bribes to public officials repeatedly over the course of the year, hindering private enterprise and foreign investment in the region.<sup>69</sup> However, there has not been any information collected on corruption as a facilitator of organized crime activities in the region. There are signs, however, that corruption is prevalent in the region. In May 2018, an investigative journalist from Montenegro, was wounded by a gunman after investigating the role of senior Montenegrin law enforcement officials in a counterfeit cigarette smuggling ring.<sup>70</sup> As a sign of rising public awareness about the problem of corruption, in early 2019, multiple large-scale demonstrations took place in Montenegro, Serbia and Albania, in which protestors expressed their anger at corrupt government officials.

Crime records collected for this report on convicted officials from 2012-2017 provide information on the distribution of different corruption-related offences, but they represent only a fraction of those who come to the attention of the authorities and for which a process is initiated. Administrative data collected on public officials that were convicted for corruption in the Western Balkans from the years 2012-2017 showed that 83 per cent were convicted of accepting a bribe and 8 per cent had accepted a bribe linked to organized crime. A small minority had also been convicted of participating in organized criminal groups and obstructing justice, 5 and 4 per cent respectively.

<sup>66</sup> As defined in the UN Convention against Transnational Organized Crime, article 23.

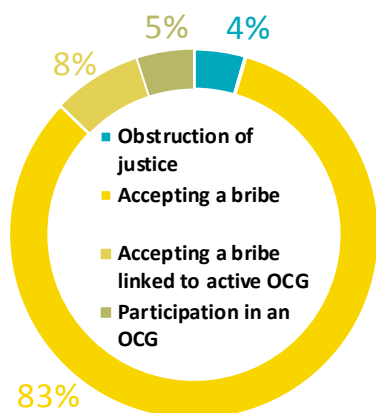
<sup>67</sup> Marović, J. (2018). *Western Balkans and the Rule of Law: How to solve a catch-22*. Skopje: Institute for Democracy “Societas Civilis”.

<sup>68</sup> United Nations Office on Drugs and Crime (UNODC) (2011). *Corruption in the Western Balkans. Bribery as Experienced by the population*. UNODC.

<sup>69</sup> United Nations Office on Drugs and Crime (UNODC) (2013). *Business, Corruption and Crime in the Western Balkans: The impact of bribery and other crime on private enterprise*. UNODC.

<sup>70</sup> Global Initiative Against Transnational Organized Crime (2019). *Hotspots of Organized Crime in the Western Balkans: Local vulnerabilities in a regional context*. Geneva, Switzerland.

FIG. 14 Share of cases of corruption in the Western Balkans, by crime type, 2012-2017 (n=399)



Source: UNODC elaboration of national criminal justice data

During in-depth interviews, some prisoners and smuggled migrants mentioned instances in which local law enforcement officers were bribed, yet there was not enough empirical material to identify clear patterns. Although the respondents were reluctant to talk about police involvement in OC, they noted that corruption was a serious social problem and a key enabler of OC in the region. As one prisoner put it: *“This activity would not be possible if the police at the borders did not allow themselves to be corrupted”*.

Information from the interviews indicated that there were different forms of police service provided in return for bribery. In one instance, a North Macedonian cannabis herb trafficker mentioned that his group received names of police officials they could call for help in case they were stopped by police. A human trafficker mentioned that although police regularly checked the identities of women involved in commercial sex, they were bribed and thus didn't arrest them.<sup>71</sup> In addition, in one reported case, police officers were their clients. A smuggled migrant also reported direct police involvement: *“The smugglers cooperated with the police, so we crossed that border easily. They transported us by using police and ambulance cars to the Serbian border where another car waited and took us directly to the Brankov Bridge in Belgrade.”* A prisoner claimed that police

officers were directly involved in the migrant smuggling business in one country where, for example, an organizer of a smuggling group worked in the Directorate for Security and Counterintelligence. Another prisoner stated that police officers in one region had been controlling the heroin market for years and that arrests were orchestrated against all those who were not cooperating with them. The involvement of police in influencing group competition through arrests and detentions has also been discussed in the academic literature.<sup>72</sup>

### Violence

Violence was often regarded as a key enabler used to maintain control of the territory, operations and the ranks in OC groups, yet this strategy seemed to be losing significance in the region. Although traditionally OC groups in the Western Balkans had a reputation for being particularly violent,<sup>73</sup> quantitative and qualitative data indicated a relatively low frequency of the use of violence. Most reported violent actions were related to the failure to pay for goods or services by one party in an illegal transaction. Contributing to the violence, a number of interviewed trafficked women engaged in commercial sex reported the existence of threats and violence by traffickers as a control method. They also occasionally faced drunk and violent clients. Although explicit physical violence by smugglers against smuggled migrants was rather rare, there were instances in which respondents reported maltreatment. As one of them put it: *“They [smugglers] did not treat us like human beings, but like animals.”*

### Communication

Threat assessments of organized crime very often refer to the sophisticated communication technology used by OCGs.<sup>74</sup> Although administrative data did not reveal anything about organized criminal groups' use of technology as an enabler of crime, interview data shed some important light on the topic. Information gathered from expert and prisoner interviews suggested that the use of these technologies was not common in the Western Balkans and that organized criminals avoided new technologies as a form of protection. Interviewed OC members in

<sup>71</sup> In the Western Balkans, the following jurisdictions proscribe prostitution: Albania, Kosovo UNSCR 1244, Montenegro and Serbia. In Bosnia and Herzegovina and North Macedonia, prostitution is legal but regulated. See the Map of Sex Work Law at <http://spl.ids.ac.uk/sexworklaw/countries>

<sup>72</sup> Liddick, D. (1999). The enterprise “model” of organized crime: Assessing theoretical propositions. *Justice Quarterly*, 16(2), 403-430.

<sup>73</sup> Arsovska, J. (2011). The rise of Balkan organized crime groups. In M. Natarajan (Ed.), *Introduction to international criminal justice* (pp. 239-247). New York: Cambridge University Press.

<sup>74</sup> European Police Office (Europol) (2016). *Internet Organised Crime Threat Assessment*. Available at [https://www.europol.europa.eu/sites/default/files/documents/euro-pol\\_iocta\\_web\\_2016.pdf](https://www.europol.europa.eu/sites/default/files/documents/euro-pol_iocta_web_2016.pdf)

prison were typically aware of the interceptability of mobile communications and thus tend to use pre-paid or burner phones, or alternatively, encrypted PGP phones that sometimes have the microphone or camera removed for security reasons. The use of certain software applications that encrypt messages were also believed to be more secure. One expert mentioned that group members would often share an email account and leave communications in the draft folder. In this way, the messages **were** not sent and could not be intercepted, however the messages were received.

Interviewed prisoners and experts noted that there were different patterns of use between different types of OC groups. As mentioned above, drug traffickers preferred face-to-face communication and were more reluctant to use mobile phones and internet-based apps due to the risk of being monitored by police. A drug trafficker mentioned: *“We used foreign, Canadian or English, numbers, and used those countries’ roaming service. At times the phone was not used at all. We sent away a boy and told him to go to a specific bar and tell some person to get ready to set off the following day. So, the person knew the meeting place, and in the morning the people who would carry the drugs convened there.”* In contrast, migrant smugglers had to rely on technology at multiple stages of their operations which required real-time information about the positions of multiple migrant groups, guides, drivers, other smugglers and law enforcement. Smugglers used multiple tools, phone calls, text messages and online applications such as Facebook and WhatsApp to communicate. They also extensively used GPS technology on their smart phones or other devices in order to coordinate border crossings or meet-ups with smugglers on the other side of the border. Moreover, scouting cars were in direct phone connection with the smugglers’ car to inform them about police roadblock locations. Smugglers also often took photographs of migrants which were then used by the organizer to assign migrants to individual guides. This technique is explained in more detail in the following section.

### Smuggling of migrants

The United Nations Protocol against Smuggling of Migrants defines the crime as “the procurement, in order to obtain, directly or indirectly, a financial or

other material benefit, of the illegal entry of a person in a State Party of which the person is not a national or permanent resident.”<sup>75</sup> The stated intention of the Protocol is to criminalize and prosecute those who smuggle others for gain, and not the smuggled migrants themselves.

Two main flows of irregular migration were discussed most frequently in the interviews with migrants in the region. One originated in the Balkans intended for Western Europe. This mainly included Albanian migrants whose journey was predominantly organized by networks of Albanian smugglers. The other flow came from countries in North Africa (Morocco, Algeria) as well as the Middle East (Syria, Jordan, Iraq) and Western Asia (Afghanistan, Iran, Pakistan) and transited through the Western Balkans. This route was one branch of the well-known Eastern Mediterranean route and has seen large numbers of arrivals bound for destinations in Western Europe, particularly in 2015.

Not all migrants involved in these irregular migration flows used the services of smugglers and some used smugglers’ services for only a part or parts of their journey. The 2018 UNODC *Global Study on Smuggling of Migrants* identified several different ways to organize migrant smuggling based on, inter alia, needs, geographical conditions and levels of border control.<sup>76</sup>

In terms of identifying the use of the services of smugglers at some point along the entire Eastern Mediterranean route, data collected from interviews with migrants conducted in the Western Balkans showed that the large majority transited through Turkey and used the smuggling services available in Istanbul to arrange further travels, usually to Greece. From Turkey, with a few exceptions, respondents entered Greece irregularly on foot, by inflatable boat across the border river or by boat to one of the Greek islands. The exception to this was Iranians who noted that they enjoyed visa-free travel to Serbia for a time, and therefore, there was no need for smugglers’ services.

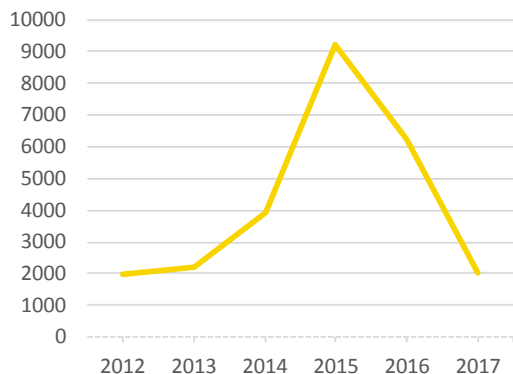
Although many interviewed migrants attempted to enter multiple Balkan countries independently without the use of smugglers’ services from Greece, the transfer between Turkey and Greece was almost exclusively made with the help of smugglers. The Western Balkans is a region used as transit by many

<sup>75</sup> Article 3, para (a), *Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime*.

<sup>76</sup> UNODC *Global Study on Smuggling of Migrants*, 2018, identified seven different possible ways to organize migrant smuggling, including offering a comprehensive package, “Hop on, Hop off” along the smuggling route, and journeys from one leg to another.

irregular migrants for example from Syrian Arab Republic and Afghanistan whose journey would have been almost impossible without assistance from smugglers. It is probable, therefore, that the vast majority of those transiting through the Western Balkans used the services of smugglers somewhere along their journeys, although they may not have paid a smuggler in the Western Balkans.

**FIG. 15** Number of detected smuggled migrants in selected Western Balkans countries,<sup>77</sup> 2012-2017



Source: UNODC elaboration of national criminal justice data UNODC from Albania, Montenegro, North Macedonia, and Serbia.

A total of 9,000 smuggled migrants were identified by the national authorities between 2012 and 2017. This represents only around 1 per cent of the approximately 880,000 irregular migrants registered in 2015 in the Western Balkans.<sup>78</sup> However, other sources of data indicated that the real proportion of migrants who were smuggled was much higher. While not specific to the Western Balkan transit area, in 2016, Europol estimated that 90 per cent of migrants traveling to the EU used the services of smugglers.<sup>79</sup>

In the 120 interviews with both migrants and prisoners convicted of migrant smuggling, it was possible to collect information regarding the organized migrant smuggling business, its modus operandi and finances. Migrants often noted the necessity of turning to smugglers at one or more points of their journey to overcome legal migration restrictions. For citizens of some countries (notably Iranians, Iraqis, Syrians and Afghans) legal authorization was needed to leave their origin country and some had been explicitly banned from leaving. Many respondents (mostly

from Iraq, the State of Palestine, Afghanistan and Pakistan) reported that asking smugglers to procure fraudulent documents was very expensive and that smugglers' assistance to migrate using covert methods, such as hiding in cars or trucks or otherwise attempting to cross borders undetected, was cheaper. Respondents noted that occasionally prices could be negotiated. Some migrants stated that they used the services of smugglers on the advice of family and friends, and because of the success of others before them. As one interviewee noted, he engaged the services of smugglers "because everyone does it like that." Some smugglers were personal acquaintances of the travellers and were therefore trusted. Several respondents had made repeated unsuccessful attempts at irregular border crossing on their own and had decided that smugglers remained the only other option. Finally, a few respondents noted that they had to leave their countries of origin immediately, due to security reasons, and had no time to wait for a visa and attempt a regular migration.

While a few migrants claimed that it was possible to enter North Macedonia from Greece unaccompanied by smugglers, others claimed to be certain that crossing the border alone without somebody who knew the terrain well would likely be unsuccessful. According to one respondent, in some cases, smugglers facilitating the irregular border crossing would give instructions regarding when and where to cross, while in other cases, one of the smugglers would cross the border with the group and then cross back alone.

Other respondents noted that they wished they could have used the services of smugglers but did not have the money. One migrant travelling with 10 other immediate family members and relatives reported that because they couldn't pay smugglers the fee from the Syrian Arab Republic to Germany of US\$5,600 per person, the journey they took was "more difficult and more dangerous than it would have been had we used smugglers. It's just like lottery, we thought either we'd go through or we wouldn't. If we had some help, then it was God's help, that's how we made it." These testimonies pointed to a systematic and high level of smuggling activity

<sup>77</sup> Albania, Montenegro, North Macedonia, and Serbia.

<sup>78</sup> International Organization for Migration (2017, February 21). *New Data on Population Movements in the Western Balkans*. Available at <https://rovienna.iom.int/story/new-data-population-movements-western-balkans>

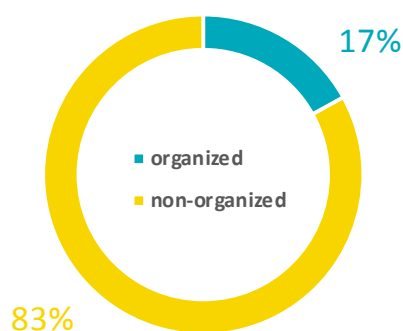
<sup>79</sup> European Police Office (Europol) (2016). *Migrant smuggling in the EU*. Available at [https://www.europol.europa.eu/sites/default/files/documents/migrant\\_smuggling\\_\\_europol\\_report\\_2016.pdf](https://www.europol.europa.eu/sites/default/files/documents/migrant_smuggling__europol_report_2016.pdf)

where migrants were inclined to use the services of smugglers if they were able.

### Organized Crime Involvement

In order to measure how much migrant smuggling is organized, it is necessary to determine how many migrant smugglers are operating in the context of a criminal group. Data on convictions for migrant smuggling from the Western Balkans countries and territories from 2012-2018 showed that 17 per cent of convictions for migrant smuggling were linked to organized criminal groups, which was higher than the share of all selected crimes linked to organized crime (12 per cent).

**FIG. 16** Share of persons convicted for migrant smuggling in the Western Balkans, by links to organized crime, 2012-2018 (n=3069)



Source: UNODC elaboration of national criminal justice data

While it would appear from the conviction data that much migrant smuggling took place in a non-organized way, qualitative data support the idea that when smuggling was conducted, it was usually conducted as part of an organized criminal group. In the words of one migrant, *“It is organized crime – the main smuggler organizes everything... and divides tasks on who leads whom and where.”*

In fact, there was minimal qualitative evidence of smugglers who acted alone and were not part of larger, well-structured organizations. When migrants mentioned smugglers who did seem to act alone, it was limited to anecdotes of a few persons present in border areas that used their knowledge and skills to smuggle migrants in the easiest way. There were smugglers, for example, who offered only individual border crossings and no further services. However, interviewees noted that even these operators sometimes cooperated with groups systematically.

The level of organization of smuggling operations in the Western Balkans was described well by prisoners convicted of migrant smuggling who disclosed the method by which migrants were handed over

from one group to another at certain parts of the route. The work and handover of the migrants across the borders were well defined and territorial – each smuggler was in charge of a certain part of the border and the handover of the migrant group to the next “leg” was done at fixed points.

There seemed to be some level of flexibility in smuggling operations, which suggested a form of organization. For instance, if a smuggler received information that a certain well-known route was being monitored or otherwise presented too much of a risk, he or she would send the group to another smuggler who would use a different route. Migrant smugglers interviewed in prison often mentioned knowledge of other groups operating on the same routes. There seemed to be limited collaboration between the groups, but also no conflict. In the words of one interviewed prisoner: *“...A couple of different groups work and cooperate among one another. There is a group composed of Pakistanis and Afghans that were located in Lojane [Macedonia] that worked with the migrants and were part of the organised network for smuggling migrants.”* A convicted member of an organized smuggling group who was a driver from Macedonia mentioned *“Every time we would go to Gevgelija [to pick up the migrants] we would be met by a person who accompanies the group of migrants, gives us instructions and pays me.”*

The presence of well-organized smuggling operations was also evident in the fact that some groups were referred to by name. One respondent testified to the existence of “Monika” – an organization of smugglers that transferred migrants from Montenegro to Bosnia and Herzegovina. The respondent believed “Monika” cooperated with border police because of evidence of migrants having been turned back from the border and told to try again at a different time as well as having been given drivers’ phone numbers by the police. This entity allegedly operated in Turkey, Greece, Albania and Bosnia and Herzegovina, under a different name in each country (the respondent noted it was referred to as “Maria” in Bosnia and Herzegovina).

### Structure of groups

As noted above, in the Western Balkans, domestic transfers of migrants and management of their border crossings were sometimes separate activities requiring different skills, often conducted by different actors. Groups organizing domestic transfers usually worked on a contractual basis with other groups or individuals providing the green, or land, border-crossing service. In many instances, migrants were

handed over multiple times through different, loosely connected smuggler groups. A smuggler operating in North Macedonia suggested that typically around 20 persons were transferred – both cross-border and domestically – with 6-9 persons per vehicle. Respondents noted that each smuggling group was in charge of a certain part of the border and handed over the migrants to the next group at agreed locations. Main organizers or middle managers of different groups were connected to each other and organized the handovers.

Most groups in the region had an ethnically homogeneous make-up. For example, most of the interviewed migrant smugglers in North Macedonia were ethnic Roma or ethnic Albanians and the groups they described were also composed of members with these ethnicities. Another interviewee mentioned: *“Afghans are the ones who control the largest part of the smuggling network in Serbia, followed by Iraqis and Kurds”*. Smugglers and smuggled migrants also often shared the same ethnic background or nationality.<sup>80</sup> For example, in the case of Albanian migrants, their smugglers - even abroad - were exclusively Albanians. Another example related to smugglers from Pakistan: *“Everyone in this group [of smuggled migrants] was also Pakistani. Everyone in the boat was Pakistani...The group of smugglers were Pakistani. And they only smuggled Pakistani people.”* On the other hand, migrants reported frequent cooperation between groups with various nationalities and ethnicities such as Afghan, Greek, Albanian, Montenegrin, Pakistani and Bangladeshi.

Based on the collected data, the core of a smuggling group was usually relatively small, including only 5-6 smugglers, although migrants and smugglers interviewed noted that the groups ranged from 4-14 members.

In general, migrant smuggling groups may be rigid or devolved hierarchies.<sup>81</sup> In rigid hierarchies, one person, often called the organizer, had authority over the others. In these groups, information and decisions flowed from the top. Group members offered information to and communicated primarily with the leader rather than with one another. For

example, prisoner respondents mentioned that in migrant smuggling groups, even when individual participants did not know each other, the organizer seemed to know all of them and gave them instructions.

Smuggled migrant interviewees also confirmed this structure, claiming that groups had a “standard hierarchy” with one organizer and “strong internal discipline.” Other smuggled migrants defined the structure of the criminal group as a “pyramid” with the organizer on top, and lower down, people who drove, guided migrants and found accommodation.

In some interview responses, prisoners explained that their boss lived in a country different from the location of the operation and organized group activities remotely. This suggests a devolved hierarchy which is an extended version of a rigid hierarchy. As described in interviews, it was a structure with a middle manager who reported to the boss and, in turn, supervised and communicated with others locally. This type of hierarchy limited access of lower-level members to the top and therefore protected the top layers in case of law enforcement detection.

Several interviewees mentioned migrant smuggling groups that operated in the Western Balkans with their leaders living in the United Kingdom, France, Belgium, Greece or Turkey. Other interviewees reported Pakistani migrants smuggled by an Afghan-run network whose organizer was located in either Afghanistan or Pakistan and used local collaborators in the Balkans.

Migrants also noted that assistance was available from smugglers in roles such as guides, drivers, accommodation providers and money receivers who seemed to be loosely connected to groups on an ad hoc basis. Such semi-independent criminals often teamed up with several different groups instead of belonging to only one, based specifically on their particular expertise.<sup>82</sup> Helping smuggled migrants with the actual border crossing seemed to be such a separate activity as smuggler guides used their knowledge and know-how about the border area to facilitate cross-border travel.

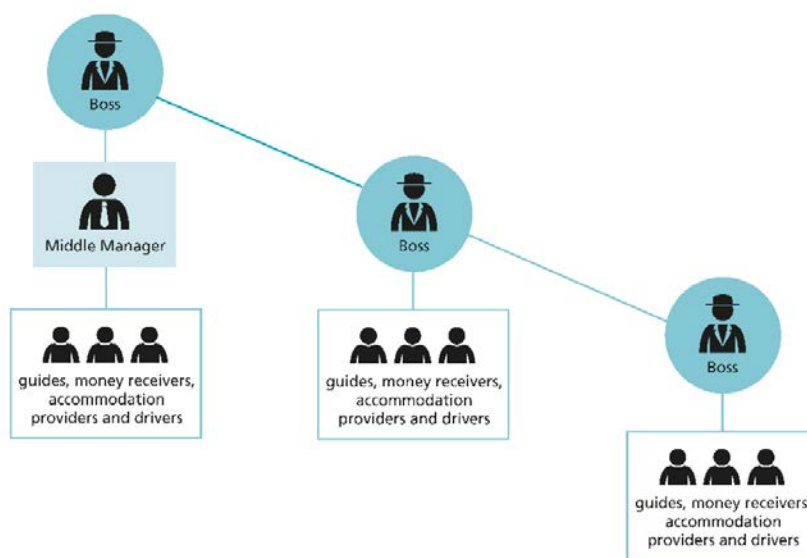
<sup>80</sup> Kleemans, E. R., & Smit, M. (2014). Human Smuggling, Human Trafficking, and Exploitation in the Sex Industry. In L. Paoli (Ed.), *The Oxford Handbook of Organized Crime* (pp. 381-401). New York: Oxford University Press.

<sup>81</sup> United Nations Office on Drugs and Crime (UNODC) (2002). *Global Programme against Transnational Organised Crime: results*

of a pilot survey of forty selected organized criminal groups in sixteen countries. UNODC.

<sup>82</sup> Klerks, P. (2001). The Network Paradigm Applied to Criminal Organisations: Theoretical nitpicking or a relevant doctrine for investigators? Recent developments in the Netherlands. *Connections* 24(3), 53-65.

### Structure of migrant smuggling groups with rigid and devolved hierarchies in the Western Balkans



Source: Data from interviews with migrants and prisoners conducted under the MACRO project

The presence of a subordination chain of decision-making was evident in the way the recruitment of migrants was done. Many migrants referred to being told to contact others, presumably those higher in the decision-making chain, to obtain further information. For example, one interviewee reported that when he landed in Turkey, smugglers approached him and gave him the phone number of their bosses who were in charge of making arrangements regarding the route and price.

Albania was the only country in this research in which in-depth interviews with migrants who originated from the Balkan region took place. Albanian smuggled migrants who were forced to return to Albania were interviewed in Albania; no other returned migrants from the Western Balkans were identified during the interviews. These interviewees noted that despite the repeated failed attempts at irregular entry to their chosen destination, they would take the next opportunity to migrate again.

Albanian human smuggling groups were also organized differently. They were more tightly structured, with smoother operations and better integration among group members. Albanian smuggled migrants almost exclusively aimed to get to the United Kingdom or the United States. Their smugglers were also Albanians and the groups had three main hierarchical levels. Firstly, there was the leader of the group who also received the greatest profit. Secondly, there were the individual smugglers who helped with settlement in the United Kingdom and later smuggled new migrants. The lowest level in the

hierarchy were the brokers who got paid a certain, smaller sum for every person they referred to the smuggler group.

While the routes of migrants whose origin countries lie outside the Western Balkans varied greatly in terms of prices, process and pace of migration, it seemed that smuggling of Albanian migrants was a well-established operation, planned and organized from the beginning to the end. Moreover, Albanians attempting to enter the United Kingdom had much more positive attitudes towards their smugglers than migrants smuggled from other countries: *“They are not doing any crime like those drug traffickers, they [are] just giving you an opportunity to have a better life, which you could never have while in Albania.”*

### Modus operandi

#### Connecting to migrants

Interviewees with migrants and smugglers suggested that the initial contact between these parties often happened in the immediate social milieu in the origin country of the migrant. Family and friends seemed to play key roles in accessing smuggler services.

Among those interviewed that described a contact with smugglers en route, Turkey was mentioned as the typical place where it happened. Many described the ease with which smugglers could be accessed in Istanbul, as well as the active promotion of



services by smugglers. Many migrants reported almost ubiquitous solicitation of migrants in Istanbul quarters known as ‘smuggler hotspots’ which would be done directly by smugglers or by intermediaries.

Respondents also reported that smugglers were widely present in refugee – or migrant - camps (such as the Adasevci camp in Serbia).<sup>83</sup> One migrant claimed that if he decided to go to Germany, he could walk into the camp, announce his plans and expect that hundreds of people would approach him, offering assistance in exchange for money. There seemed to be strong competition among migrant smugglers in the Western Balkans. Many smuggled migrants reported that they could choose a smuggling service based on the price or quality of the traveling conditions.

Often OC groups did not operate within a social vacuum and they were embedded in their social environment.<sup>84</sup> OC networks were shaped by social, ethnic and geographical factors.<sup>85</sup> Local communities, acquaintances, friends and family members often witnessed or actively participated in OC activities as **could** be seen in the case of smuggling of migrants where smuggling services were often advertised by friends and relatives.

Local residents offered accommodation for smuggled migrants or channelled funds for OC groups using their own bank accounts. A North Macedonian interviewee claimed that everyone in his village – near the border with Serbia – was in one way or another involved with the smuggled migrants, selling them food or water, providing transport, or offering accommodation. This was not necessarily meant to be a service to organized crime and could have been just be simply charitable acts carried out by concerned individuals, however it did provide an enabling environment to the actions of organized criminal groups.

Some occupations provided a special opportunity for collaboration with organized migrant smuggling groups.<sup>86</sup> Taxi and truck drivers frequently transported smuggled migrants with their vehicles, particularly within a given country. A member of a

group involved in migrant smuggling also mentioned a possibly beneficial friendship with a police officer: *“They [operational forces] arrested us while we were having lunch...they had decided to not involve the police from \*\*\* city. One reason could be that I had a friend within the traffic police there, and they could have been worried that he would inform us.”* Another respondent mentioned a clerk at an international money transfer service as a contact to transfer profits to migrant smugglers. Such occupations knowingly or unknowingly enabled the activities of organized crime.

### *Arranging the travel and border transfer*

All smugglers in the region seemed to work in a “relay system” where migrants were guided by different smugglers in each phase of the journey and were continuously handed over to the next smuggler group. However, there were different levels of provision of smuggling services, which were, in part, dependent on the organization of the smuggling group.

As noted previously, many smuggling groups operating in the Western Balkans typically included an “organizer” located either in Istanbul or in the country of origin who worked together with local collaborators/guides. The groups often provided accommodation (usually in facilities they owned), phone cards and transport included in the smuggling fee; food was sometimes charged extra. One respondent reported having been charged US\$45 for a sandwich and a SIM card in Turkey. This arrangement was most often reported by migrants smuggled by an Afghan-run network to Serbia. One migrant recalled *“The journey was arranged by a smuggler and carried out by his ‘guides’ on the ground. They would take over from one another based on provided photos of migrants. With every new guide, the migrants were provided with food for the next three-five days and with clothes.”*

Smaller-scale criminal entrepreneurs (who potentially collaborated with each other on both sides of a border) typically provided either transport or personal guidance over green borders. A common service would be for smugglers to take the migrant(s)

<sup>83</sup> “Refugee camps are temporary facilities built to provide immediate protection and assistance to people who have been forced to flee due to conflict, violence or persecution. While camps are not intended to provide permanent sustainable solutions, they offer a safe haven for refugees where they receive medical treatment, food, shelter, and other basic services during emergencies.” USA for United Nations Refugee Agency. Available at: <https://www.unrefugees.org/refugee-facts/camps/>

<sup>84</sup> Kleemans, E. R. (2014). Theoretical Perspectives on Organized Crime. In L. Paoli (Ed.), *The Oxford Handbook of Organized Crime* (pp. 32-52). New York: Oxford University Press.

<sup>85</sup> Duijn, P.A.C. (2016.) *Detecting and Disrupting Criminal Networks: A data driven approach*. University of Amsterdam.

<sup>86</sup> van de Bunt, H., Siegel, D., & Zaitch, D. (2014). The Social Embeddedness of Organized Crime. In L. Paoli (Ed.), *The Oxford Handbook of Organized Crime*. Oxford University Press.

by car to the green border, describe the route to be taken and provide a phone number of another driver who would wait at a specified location across the border.

Border crossings by foot, as described above, would usually happen at night and respondents noted that they seemed to have the highest rate of success. In some cases, smugglers would accompany the smuggled migrants across the border – especially when general directions would not suffice, such as in one case where the smuggler knew which part of the barbed wire at the border was not taut enough, so they could cross underneath.

Many migrants described crossing international borders by boat. In the experience of the respondents in the study, this was done in three main locations:

- across a river at the border between Turkey and Greece (assumed to be the Maritsa/Meriç/Evros river). This seems to be a widely used method, and one migrant testified to seeing *“a lot of boats there, and they [the migrants] were all helping each other using boats and ropes to get to the other side of the river.”*
- across a river between Serbia and Bosnia and Herzegovina (presumably the Drina);
- across the sea between Turkey and the Greek islands;
- across a lake between Albania and Montenegro (presumably across Lake Skadar/Scutari).

Boat crossing could be particularly risky for migrants as smugglers often abandoned the vessel. As one smuggled migrant explained: *“They found one migrant, quickly explained how to use motorized boat and where to go. This was irresponsible as there were children and women [aboard]”*. Sometimes the smuggler would travel for a portion of the journey and then abandon the boat: *“As we approached the border with Greece, the Turkish trafficker steering the boat handed it over to the Egyptian [presumably a migrant] and left with another boat.”* One respondent reported the offer of a special service –crossing the Islamic Republic of Iran-Turkey border on horseback for an extra US\$23. Those who could not afford this ended up crossing the border by walking and running alongside the smuggler who rode a horse.

Combined methods of transportation were also reported. A small group of Iraqi migrants drove in a box truck (where there were 73 persons) to the Turkey–Greece border. The box truck had compartments with false floors, made by using boards and styrofoam, and they travelled underneath these. A smaller group of 21 persons came to Albania from Greece and they drove in cars through Albania. In Albania, a boat took eight of them across the water border between Albania and Montenegro. When they entered Montenegro, a large taxi picked them up and brought them to the migrant center in Spuž.

A term indicative of the nature of the irregular border crossing experiences of migrants was “game.” It was a byword for a border crossing attempt – “I went for a game” or “going on games.” It reflected the multiple attempts many make to cross. Many respondents described multiple unsuccessful attempts because of interception by the police – one interviewee tried crossing from the Syrian Arab Republic into Turkey eight times. Another smuggled migrant, travelling with his wife and two children, reported having tried to cross the border with Serbia 19 times. A number of migrants described attempts at crossing the Albania – Montenegro border along railway tracks (presumably at the Bozhaj border crossing) which they reported to be riskier due to frequent interception by border patrols. These migrants then reportedly tried another route, as they described it, “over the hills,” probably around the Prokletije mountain range, where crossing appeared easier. After inception, migrants reported trying again typically within a short period of time – as little as a few hours or up to one week.

FIG. 17 Examples of number of border crossings attempted by smuggled migrants interviewed in the Western Balkans

RESPONDENT AGE AND COUNTRY OF ORIGIN	# OF SELF-REPORTED ATTEMPTS
33, Syrian Arab Republic	3
33, Islamic Republic of Iran	19
26, Iraq	5
23, Afghanistan	4
33, Syrian Arab Republic	4
29, Algeria	10
31, Pakistan	7
49, Islamic Republic of Iran	many
26, Algeria	2
30, Islamic Republic of Iran	several
23, Afghanistan	2

Source: Data from interviews with migrants conducted under the MACRO project

Migrant smuggling groups often use counter-surveillance methods to detect police activities. For example, a group in North Macedonia used two types of vehicles – one with migrants, and two pilot cars scouting for police - driving 1-2 kilometers in front of and behind the vehicle with the smuggled migrants. These were called “clean” cars and their drivers were the “cleaners.” Apparently, driving a car with smuggled migrants carries a longer sentence than driving a ‘scouting’ car. One interviewee explained: “I knew that if I would be the driver of the vehicle with migrants in it, the risk would be much higher. That’s why I didn’t want to be directly involved with the migrants and worked as a driver or spotter in the clean car.” If the ‘cleaner’ warned of police checks ahead, smugglers would have to improvise, finding a way to stop the car and get the smuggled migrants out of the vehicle. In the case of one group in North Macedonia, the typical size of the group of migrants transferred – both cross-border and domestically – was around 20 persons. The route the group operated was from around Gevgelija in the southeast to Vaksince or Kumanovo in the north. The guides and drivers would decide on the actual roads to be taken en route. The organizer would provide everything needed for the road trip and would give the drivers several hours’ advance warning.

The interviews with migrants and smugglers were not statistically representative but the sample size was large enough to identify patterns with certain aspects of smuggling. While no clear patterns

emerged regarding the time it had taken them to reach the country where they were interviewed, the longest journeys were reported by persons from Afghanistan; between one and three years. Journeys seemed to be frequently delayed by apprehension by law enforcement and stay in migrant camps. Stop-overs of their own choice (when not detained in a state-run facility or otherwise having freedom of movement restricted) for longer periods happened either when the person had family/friends to stay with or managed to find a job.<sup>87</sup>

As mentioned above, Albanian interviewees’ destinations, travel arrangements and smuggling services were different from those provided to migrants from other origin countries outside the region. In the transfer, they were not accompanied by a smuggler, but instructed on travel arrangements and given all the necessary information before departing.

Albanian migrants reported traveling almost exclusively by trailer truck. The arrangement involved migrants transferred – commonly by regular travel with fraudulent travel or identity documents– to France or Belgium where they boarded a trailer truck heading for the United Kingdom. The boarding was typically without the knowledge of the driver. One migrant reported that his group had to switch lorries along the way since they were discovered by the driver. Other Albanian respondents also reported having to board lorries incognito in Belgium. One migrant even detailed the method: the migrant

<sup>87</sup> See Kogovšek Šalamon, N. (2016). Asylum systems in the Western Balkan countries: current issues. *International Migration*, 54(6), 151-163.

group would use a knife to make an opening in the trailers' top layer of cloth and enter the trailer from there. Others reported a different arrangement – they would board the vehicle (in this case a barge) with the skipper's knowledge but if intercepted, the skipper would claim ignorance of their presence. Some migrants reportedly paid an extra fee to travel alongside the truck drivers, behaving as if they were the drivers' helpers. This method of transport was reported to be safer and more comfortable, but very risky since the police could often detect the smuggled migrants.

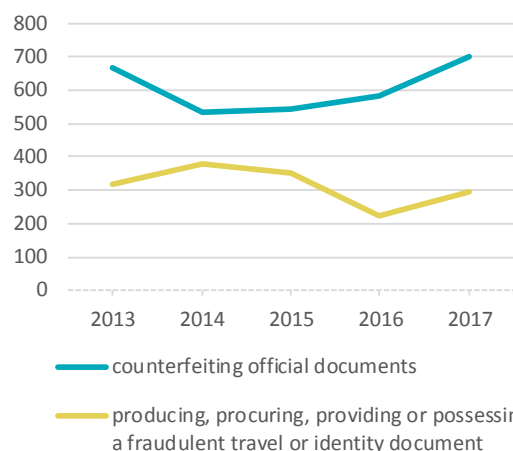
The journeys of Albanian respondents to their destinations were much shorter compared to those from North Africa and the Middle East – days, rather than weeks. In addition, the migrant smuggling flow of Albanians into Western Europe was distinguished by the number of entry attempts over many years, even decades, despite being deported, imprisoned, having their passports confiscated and being declared personas non grata in the Schengen region.

### Fraudulent documents

As Turkey was the main travel hub used by most smuggled migrants transiting the Western Balkans, it was also the place where most migrants stated that they were advised by smugglers and other migrants to dispose of their original documents in order to avoid being identified and repatriated. Some left their documents with friends or relatives or hid them. Many smuggled migrants described that a typical method of hiding original, legal identification documents was to bury passports in Turkey. One migrant recounted that he had made a video in order to find his buried documents later. Some migrants reported leaving their documents with the smugglers, as collateral. Others chose to destroy their documents.

Once original documents were disposed of, smuggled migrants faced a choice of continuing with no documents or buying fraudulent documents or identification cards. The majority of those interviewed chose the former option. While around a fifth of the respondents reported having bought or using a fraudulent document, there were only a few reported instances of successful border crossings with the help of fraudulent documents. Given that migrants seemed to share information freely among themselves about the success of certain methods of migration, this begs the question of why a market for fraudulent documents still existed.

FIG. 18 Number of persons convicted for production and use of fraudulent documents in the Western Balkans, 2013-2017



Source: UNODC elaboration of national criminal justice data.

There is evidence that at least some smuggled migrants knew of the risks associated with fraudulent documents. One migrant claimed he would not have used fraudulent documents even if he could afford them because of friends who ended up in prison in Turkey and Greece. Some respondents reported not having had the option to use fraudulent documents because they could not afford them. Still others reported having been offered false documents but refusing because of their low quality.

Greece was most frequently mentioned during the interviews as a country where fraudulent documents could be bought. A detailed account by an interviewed migrant is provided below:

*The smuggler had a special room with professional, high-quality printers, which he used for document falsification, like passports, ID cards and seals. The smuggler would often go in the black market and buy stolen passports and ID cards. He already had some providers, who would steal these documents in the street and sell them to him for a few euro. [The respondent reports] that there is a special place in Athens where people knew what they were looking for, so he knew the providers. There were two kinds of passports: a passport that was reported as stolen and an unreported passport. So, there were people who were willing to sell their passport to [the smuggler] and then report it as stolen after 10 days, from the moment he sells it. In other cases, he would sell the Greek or Italian ID card for \$113, but it could not be returned and have one's money back.*

### Communication

The most commonly used means to communicate with smugglers, reported by around half of interviewed migrants, was mobile phones. GPS capability in smart phones was a reason for their widespread use. It was frequently noted that the smuggling arrangement could be initially agreed by phone with the organizer/boss, after which follow-up communication was maintained only with the guides.

The most popular social media reported by around a fifth of interviewed migrants was WhatsApp. One migrant reported that smugglers in the Syrian Arab Republic used a certain app that allowed them to change the appearance of their number on WhatsApp, possibly in order to avoid being identified by their phone number. There is some evidence that this platform may be the smugglers' choice.

Some respondents noted that a specific Facebook group, called "Ahmad Younes", could be used to provide initial information about smuggling routes and ways to get in touch. Anyone who wanted additional information could contact a group administrator. Facebook was also reported as means to contact document forgers.

A number of respondents reported difficulties in communicating with smugglers – specifically guides – because "guides were too busy speaking with others on the phone." This was reported for both the recruitment phase and during the journey. This might be indicative of the guide's "workload," or the demand for their services.

### Finances

According to interviewed experts,<sup>88</sup> the margin of profit<sup>89</sup> on migrant smuggling at the time interviewed (early 2019) was somewhere between 20-30 per cent of the costs. As noted before, many migrants were able to bargain price and quality of service between different smugglers. Border crossing fees paid by smuggled migrants varied significantly depending on the mode and length of the transfer and the possible extra services (e.g., riding on a horse instead of walking). There were also examples of migrants who paid different amounts for the same boat ride or same hotel accommodation. Based on migrants' interviews, a journey cost anywhere from \$170-\$500 for a short distance from

Greece to Albania, to \$500-\$1,500 from Turkey to Greece, to around \$6,000 from a country in the Western Balkan region to a Western European country such as Austria, Denmark or Germany, and around \$15,000 from a country in the Western Balkan region to the United Kingdom.

As previously noted, many migrants spoke of several legs of the irregular journey towards Western Europe, and of having to pay multiple times to different smugglers for attempts to cross the same border. The overall cost of the journey reported by the 81 interviewed migrants that provided financial information had a right-skewed distribution with \$7,188 mean and \$5,085 median. The minimum amount was \$565 while the maximum amount was \$59,664 (for the interviewed migrant and 7 family members). There were also different methods of payment for smuggling services.

Sometimes smugglers required either the full amount or half of it in advance, yet there were several examples when money for the transport was transferred – via intermediaries or international money transfer services – only after migrants were delivered to the agreed location. For example, an interviewed migrant explained the process of making his payment: *"I pay when the service is provided, afterwards. I paid 300 EUR in cash in Turkey and in Greece 400 USD. As for Greece, it was through a financial insurance agency. You give the amount and whoever gives the code gets the money. When he [the smuggler] takes me to the island, I let him know the code and he takes out the money."*

There was significant variation between payment for smugglers' services based on their roles in the smuggling process. Smugglers who only drove the "clean" car typically received between \$56 and \$113 per tour. Other smugglers' monthly incomes for transporting migrants varied between \$1,700 and \$2,260 and for arranging cross-border smuggling, it varied between \$3,760 and \$4,700.

Consistent with what was reported by migrants above, prisoners convicted of migrant smuggling claimed to have been used to channel wire transfers, which was presumably organized in such a way so as to circumvent the limits for daily withdrawals. The roles of "money receiver" and "driver/scout," would

<sup>88</sup> Interviewed experts included: law enforcement officers, including border police; prosecutors; judges; prison officials; customs and tax authorities; academics; journalists; and government officials from the ministries of interior, security, and justice.

<sup>89</sup> The amount by which revenue from sales exceeds costs in a business, *Oxford English Dictionary*.

often be combined. Some respondents were surprised by the long prison sentences they received for their crimes (8-13 years). These sentences were due to the fact that – in addition to migrant smuggling – their wire transfer involvement was considered money-laundering and they were convicted of two offenses. As one interviewee noted, “[The organizer] asked for permission to use my personal information so they can receive money. I agreed and personally went and received money on my name two times. After that I asked the organizer not to use my name anymore. When I received the formal indictment while in custody, I learned that a lot more times money was transferred and picked up on my name, without me knowing this.”

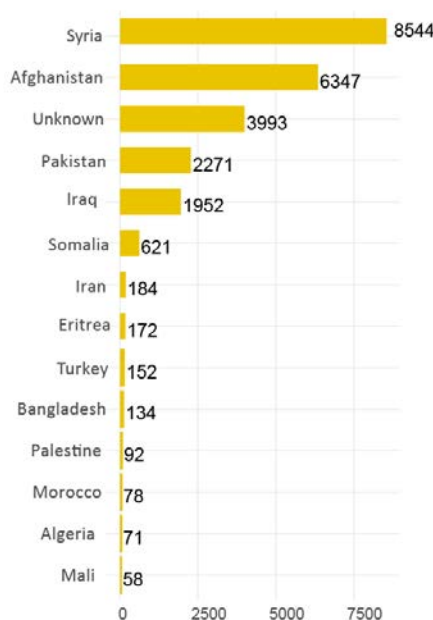
### Migrants’ profiles

There was a wide variation in smuggled migrants’ citizenship, gender, age, and motivation to reach their destinations. Among those interviewed, they reported political, economic, religious and security-related reasons for leaving their countries of origin.

Among the many reasons, safety from war and conflict dominated among interviewed migrants coming from the Syrian Arab Republic and Afghanistan. Political reasons were quoted by respondents from the Islamic Republic of Iran and the Syrian Arab Republic. For instance, publishing papers against the sharia law and being jailed for that in Iran or campaigning for democracy in Syria had put some respondents in danger, motivating them to escape. With regard to economic reasons, job opportunities and better education were often quoted, especially by Albanian interviewees: “...[my] main motivation was to have a better life and much more opportunities. The situation here is getting worse, day by day and that is the reason I want to escape this miserable situation without future. I believe that that’s the dream of every person living here, to move and have a better life abroad.”

A number of migrants noted sectarian reasons for migrating. For some, these were interethnic and religious conflicts and disputes (such as in Iraq); for others - persecution by the authorities for religious reasons. The latter was typical for migrants from the Islamic Republic of Iran. Several Iranian respondents had converted from Islam to Christianity which had placed them in danger of persecution. The few Kurds among the respondents testified that being a Kurd in the Middle East entails rejection, discrimination and insecurity.

FIG. 19 Number of detected smuggled migrants in the Western Balkans by country of origin (2012-2017)

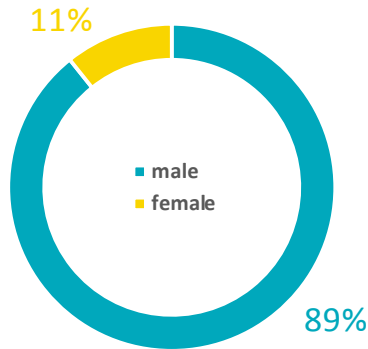


Source: UNODC elaboration of national criminal justice data

Beyond the reasons given above, many migrants wished to escape from threats or violence based on cultural, ethnic, clan, religious, and other characteristics. Many of the reasons cited by migrants could potentially amount to grounds for granting of asylum in third countries, if the evidentiary basis was proven. In theory, going through the process of applying and receiving asylum status would most likely minimize migrants need to use the services of smugglers. However, when asked whether legal forms of migration were considered, migrants often noted that these options were not open to them. There were also a multitude of family and personal reasons for migrating: escaping forced marriage, seeking family reunion, fleeing compulsory armed service, even love stories, as well as fugitives attempting to escape criminal prosecution.

According to administrative data for the years 2012-2017, 89 per cent of the 25,544 detected smuggled migrants in the Western Balkans were male and 11 per cent were female. This is consistent with the results from the migrant interviews for the qualitative data collection; 90 per cent of the 81 interviewed migrants were males.

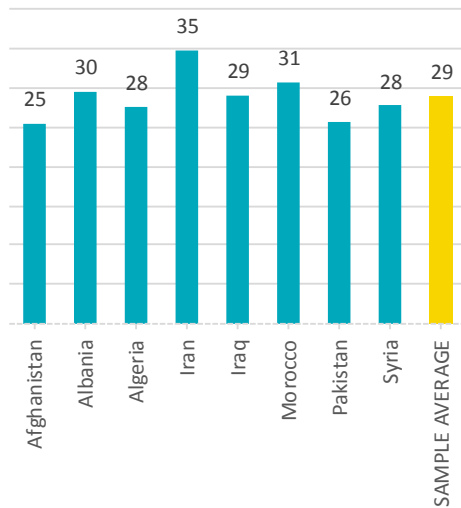
**FIG. 20** Percentage of detected smuggled migrants in the Western Balkans, by sex, 2012-2017 (n=25,544)



Source: UNODC elaboration of national criminal justice data

Most of the interviewed smuggled migrants were in their late 20s or early 30s. People from Afghanistan or Pakistan were somewhat younger and migrants from the Islamic Republic of Iran were somewhat older than the average.

**FIG. 21** Average age of interviewed smuggled migrants, by country of origin<sup>90</sup>



Source: Data from interviews with migrants conducted under the MACRO project

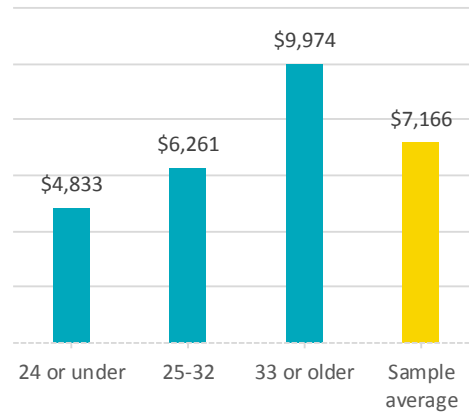
Many interviewed migrants started their journeys without any specific planning or research. Some left their country of origin with the vague intention to reach another country somewhere in the west. One of the interviewed migrants said: “I do not have any specific destination country... I want to go to Europe. Anywhere they take me, I go—it would be nice to go

<sup>90</sup> Afghanistan (n=13), Albania (n=13), Algeria (n=7), Iran (n=17), Iraq (n=13), Morocco (n=10), Pakistan (n=6), Syria (12).

to Germany or Sweden. I do not have a favourite country, but I want to go somewhere where I can work because I want to work for my family and myself.”

It seemed that the sophistication of the migrants’ planning may have influenced the price they paid to smugglers. Sometimes migrants travelled independently and crossed multiple international borders until they realized they needed the assistance of an experienced smuggler. Information from interviews indicated that younger migrants planned more carefully before starting the trip. They had computer literacy and did online research about smuggling opportunities and other elements of the journey.

**FIG. 22** Average overall cost of smuggling journey (in US\$) as reported by smuggled migrants, by age group<sup>91</sup>

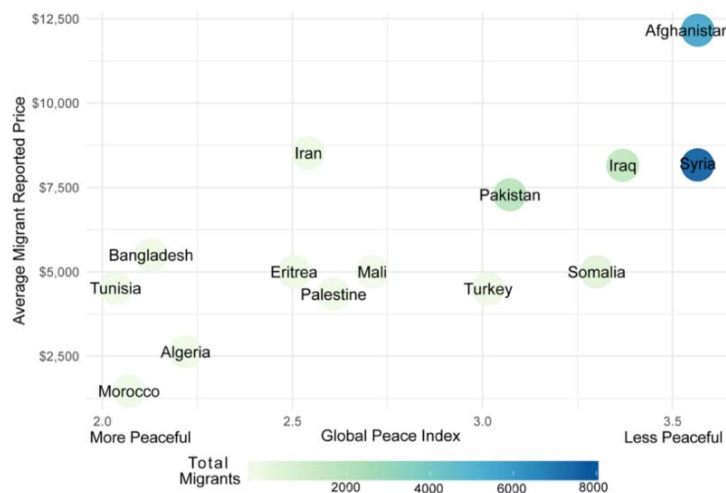


Source: Data from interviews with migrants conducted under the MACRO project

Smuggled migrants from the Middle East tended to pay more for the journey while people from two North African countries that were represented in the sample, Morocco and Algeria, had significantly lower average overall costs. According to 17 migrants interviewed from this region, they travelled from hub to hub, many times by plane, and sometimes made their own arrangements for bus or taxi travel when not crossing borders. They may have minimized the use of services of smugglers only to the necessary border crossings. Migrants from other origins were more likely to buy “comprehensive

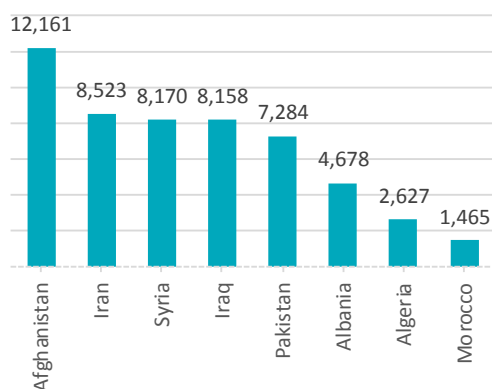
<sup>91</sup> Under 24 (n = 21), 25-33 for (n=35), over 33 (n=20).

**FIG. 1** Relationship between average price paid by smuggled migrants and level of violence<sup>1</sup> in the country of origin



Source: Data from interviews with migrants and prisoners conducted under the MACRO project and Global Peace Index (2019)

packages,”<sup>92</sup> especially those from Syria or Iran, where even leaving the country of origin required facilitation. These comprehensive packages required the organization of travel from origin to destination and often the price of such packages was rather high. Average overall cost of smuggling journey (in US\$) as reported by smuggled migrants, by country of origin<sup>93</sup>



<sup>92</sup> See UNODC Global Study on Smuggling of Migrants, 2018. The comprehensive package model is suitable for reaching faraway destinations in a short time. The whole travel from origin to destination is organized, including all transportation and border crossings. The selection of routes and methods of travel and decisions on how to organize irregular border crossings are usually made by the smugglers. There are no long waiting times at the borders. This model requires that smugglers have a good reputation in order to build trust among those considering making use of their services. Comprehensive packages can be advertised through different media. Smugglers need to have good organizational skills and efficient networks to ar-

Source: Data from interviews with migrants conducted under the MACRO project

It is also possible that the level of conflict in the origin country may have had an impact on the overall prices migrants were willing to or were forced to pay for smugglers’ services. Data collected from interviews showed that migrants from conflict-affected areas paid substantially more for their overall journeys than migrants from more peaceful areas. Such a relationship has also been indicated by previous studies, showing that this pricing advantage is known by smugglers.<sup>94</sup>

For many migrants, the journey included numerous attempts at border crossings in different countries which might take several months or even years. Migrants also reported spending some time in migrant or refugee camps. As one interviewed migrant put it: *“The journey took over two years, I can’t remember the date exactly, but I know it’s over two years. The route was Syria – Turkey, Turkey – Greece, then Albania, then Montenegro. We stayed the longest in Greece, we were in a refugee camp. We were also in a camp in Albania. In Turkey we rented a flat, and my*

range the different border crossings, bribe officials and secure delivery to the desired destination; all skills possessed by organized crime groups. The price of such packages is often rather high.

<sup>93</sup> Afghanistan (n=13), Albania (n=13), Algeria (n=7), Iran (n=17), Iraq (n=13), Morocco (n=10), Pakistan (n=6), Syria (12).

<sup>94</sup> Antonopoulos, G. A., & Winterdyk, J. (2006). The Smuggling of Migrants in Greece: An Examination of its Social Organization. *European Journal of Criminology*, 3(4); also United Nations Office on Drugs and Crime (UNODC) (2018). *Global Study on Smuggling of Migrants 2018*. United Nations publication.



husband worked from morning till dark and he was paid for it.” Some migrants started their journeys by taking regular migration routes but continued with smugglers for various reasons. One respondent decided to use smugglers in Serbia because he saw it as the only way to continue travelling: “I would go to the European Union but I could not because I need a Schengen visa, which I cannot get because I have problems with the government of Iran.” One female smuggled migrant who was traveling from Asia with the intention to reach Austria had to resort to providing sexual services to smugglers as she ran out of money to pay their fees.

Migrants’ opinions about their smugglers varied greatly. Many described smugglers as hard-hearted criminals, reporting several instances of abuse due to the migrants’ irregular status and their dependency on the smugglers. In the words of one interviewee: “Whoever does this job, he does not have family and does not care for anything. That’s the worst about the smugglers – they do not have a problem to pull the trigger. They have nothing to lose.” However, others viewed smugglers as “overall good people” or even “superhuman” or “super saviours”. Those with negative feelings were typically unsatisfied with the service because smugglers had not honoured their original agreement, overcharged and extorted the migrants, or simply cheated them and did not provide the service.

## Drug production and trafficking

In some jurisdictions of the Western Balkans, drug production and trafficking are proscribed in the same criminal offence.<sup>95</sup> For that reason, statistics on drug trafficking at the regional level include both production and trafficking.

The drugs that were trafficked in the region during the period covered by this report included all major types: cannabis herb, heroin and increasingly cocaine as well as synthetic drugs. The Balkan route continued to dominate the trafficking of opiates to Western Europe.<sup>96</sup> Opiates were mostly trafficked

from Afghanistan, where in recent years opium production considerably increased,<sup>97</sup> via the Islamic Republic of Iran and through Turkey and then through the Balkan countries to Western Europe. From Bulgaria, the Balkan route seemed to branch out into one of several sub routes, either through Serbia, Croatia and Slovenia; or Romania and Hungary; or North Macedonia and Albania to Italy and/or other countries in the Western Balkans such as Montenegro or Croatia; or North Macedonia, Kosovo UNSCR 1244 and from there either to Albania or to Serbia for onward trafficking to Western Europe.<sup>98</sup> In addition, heroin trafficking was also reported from Turkey to Greece and from there either to Bulgaria or to North Macedonia over the 2014-2018 period. Albania reported North Macedonia as the main departure country and Kosovo UNSCR 1244 as the main transit country. Despite a notable decline in heroin shipments from Albania to Italy in recent years, Albania reported Italy as the main destination country for heroin transiting its territory until 2016.<sup>99</sup>

The heroin along the Balkan route was usually transported by road.<sup>100</sup> The only exception were shipments of heroin from Albania to Italy for which boats were used to cross the sea. At the peak of these trafficking activities in 2013, Italy reported that 50 per cent of all heroin detected by the Italian authorities was seized at sea and around 20 per cent of this heroin could be linked to heroin shipments via Albania. However, this particular route has declined in recent years in favour of the “southern route” to Italy, including shipments via Qatar and the United Arab Emirates in 2016, via Qatar and Oman in 2017 and via Qatar and South Africa in 2018.<sup>101</sup>

Expert<sup>102</sup> interviews corroborated data collected by UNODC through its annual report questionnaire that suggested that cocaine arrives from Latin America (from the two producing countries of Colombia and Peru, and through Ecuador, Brazil and Panama)<sup>103</sup> mainly by sea routes. Cannabis herb was produced in the region and distributed primarily from Albania. Regarding synthetic drugs, law enforcement experts interviewed in the Western Balkans noted that they

<sup>95</sup> Montenegro, North Macedonia, and Serbia.

<sup>96</sup> United Nations Office on Drugs and Crime (UNODC) (2018). *World Drug Report 2018*. United Nations publication.

<sup>97</sup> UNODC 2019. Afghanistan opium survey 2018. United Nations Office on Drugs and Crime.

<sup>98</sup> UNODC, responses to the annual report questionnaire.

<sup>99</sup> UNODC, responses to the annual report questionnaire.

<sup>100</sup> Expert interview, MACRO project.

<sup>101</sup> UNODC, responses to the annual report questionnaire.

<sup>102</sup> Interviewed experts included: law enforcement officers, including border police; prosecutors; judges; prison officials; customs and tax authorities; academics; journalists; and government officials from the ministries of interior, security, and justice.

<sup>103</sup> UNODC, responses to the annual report questionnaire.

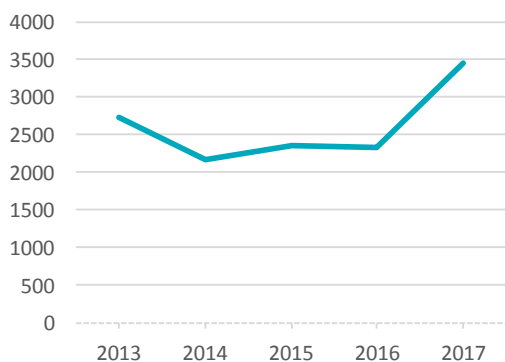
had been detected in waves, more often during vacation periods in summer when many tourists come to the region (Montenegro and Albania) and when music festivals, concerts and other events were organized.

The ‘reverse Balkan route’ had been used for precursors from West and Central Europe via the Balkan countries through Turkey to Afghanistan and for synthetic drugs from Western Europe (often the Netherlands or Belgium) via the Balkan countries to Turkey.<sup>104</sup>

The Western Balkans was not only a transit route for drug trafficking but also a place where illicit drugs were produced. Cannabis herb was the most produced drug in the region, notably in Albania, designated for both local markets and markets in West and Central Europe. Law enforcement experts interviewed in the Western Balkans also reported the establishment of local labs where synthetic drugs, such as “ecstasy”, amphetamines, and methamphetamines were produced.

Convictions for drug production and trafficking in the Western Balkans have generally seen a slightly rising trend over the years from 2013-2017, from just over 2,700 in 2013 to almost 3,500 cases in 2017.

**FIG. 23** Number of persons convicted for drug production and trafficking in the Western Balkans, 2013-2017

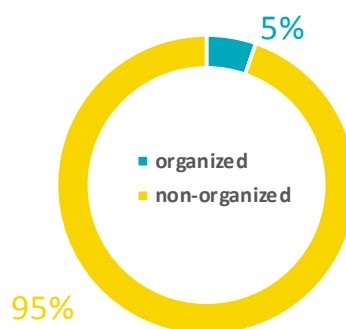


Source: UNODC elaboration of national criminal justice data

Drugs typically represented the major activity of organized criminal groups and criminal justice data confirm this pattern for organized criminal groups in the Western Balkans. Yet, when one looks at the levels of criminal involvement in drug trafficking and drug production, a small percentage of these criminal activities were conducted in the context of a

criminal group. From 2013-2017, only 5 per cent of convictions for drug production and trafficking were linked to organized criminal groups. This low percentage may be explained by the large number of micro-trafficking cases involving unconnected retail traffickers that may constitute the great majority in terms of convictions but not in terms of quantities of drugs involved. But it cannot be excluded that the low percentage of convictions reflect an under-reporting of drug trafficking associated to organized crime. Large drug trafficking organizations may enjoy protection from the authorities, operating with great impunity and thus do not show up in conviction statistics.

**FIG. 24** Percentage of persons convicted for drug production and trafficking in the Western Balkans, by links to organized crime, 2013-2017 (n=13779)



Source: UNODC elaboration of national criminal justice data

Some interviewed traffickers reported that their involvement in drug trafficking was the result of a personal relationship with someone who had already been involved in the drug trafficking business but had tried to keep it secret, as in the following interview response:

Interviewee said he was introduced to this activity by a friend from his hometown. They had known each other for a long time, the interviewee even worked for him when the latter owned a fast food restaurant. There wasn't any specific reason to engage in this activity, he just wanted to help his friend who needed his car. At first, he thought that they were supposed to transport contraband cigarettes. As it turned out, it was 10 kg of cannabis herb.

<sup>104</sup> UNODC, responses to the annual report questionnaire.

Respondents also claimed that they had been deceived or led into drug-related activities or alternatively, deceived about the magnitude of the activity as in the following scenario:

Interviewee had to find a job because her husband had been lied to by a friend and took a loan, which added to the burden of their other problems. Her cousin told her about a man who owned a shop. She met that man and he told her that she was to take \$5,700 to someone in Thessaloniki, as he was not allowed to carry much money across the border. After a couple of days, a young woman called her on the phone and told her to get ready to go to Thessaloniki. They went there, and she met with that man and gave him the money. He gave her a small parcel to bring to Albania for him. He told her that it was just some fertilizer for the pot plants for the young lady who gave her the money for him.

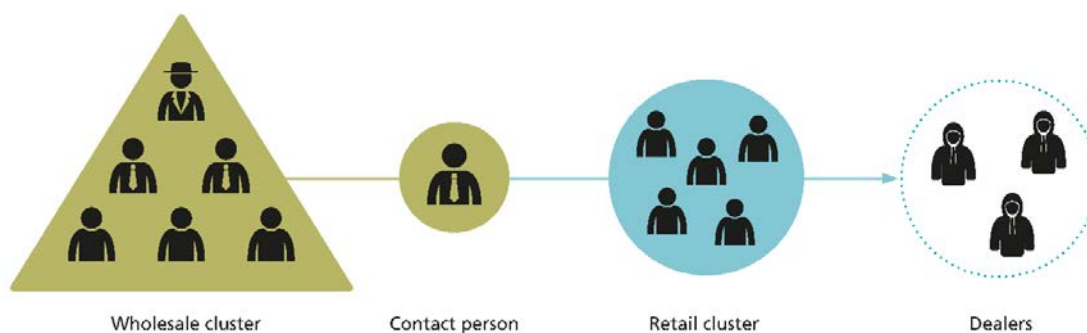
A few respondents also claimed to be lone drug traffickers. For example, a respondent from North Macedonia claimed that he ran his drug transportation business alone and cooperated with only one person above him for instruction and orders. Another interviewee transported drugs from Albania on his own via the highway to Mitrovica (Kosovo UNSCR 1244) and changed cars at certain predetermined locations, eventually arriving in Mitrovica. His final des-

tinuation was Serbia, where he was paid for his service by a Serbian person after delivering the shipment.

Among the prisoners interviewed who were serving sentences for drug trafficking, long-term involvement with drug-related crime was more prevalent than the types of unknowing or deceptive involvement referred to above. The main motives of such engagement were usually financial gain, drug dependency or the criminal lifestyle, such as in the following case:

Throughout the course of his life, interviewee had been convicted of theft, infliction of serious bodily injuries, robbery and weapon trafficking, before being convicted of manufacturing and trafficking of drugs. He had been consuming drugs for over 20 years. The most difficult circumstance for him was that he could not get a job because of his criminal past. Everything started in Bar, a Montenegrin coastal town, where the respondent first got involved in the weapon trafficking business, and some years after that in the drug trafficking business.

FIG. 25 Example of a multi-layer drug trafficking group in the Western Balkans



Source: Data from interviews with prisoners conducted under the MACRO project

### Structure of groups

Some of the interviewed drug traffickers revealed the functioning of the business was based on a certain level of organization and coordination: “there

are a number of roles available when joining a criminal group with the main ones being the furnisher,<sup>105</sup> the transporter and the seller.”

The majority of drug trafficking groups described by prisoners interviewed served local or regional mar-

<sup>105</sup> Presumably, this refers to the wholesale supplier.

kets and did not link with groups in Western European markets. Persons involved in trans-regional groups were not included in the interviews in prisons.

The most common size of the groups known to the interviewed inmates was between 5-10 persons, depending on the operations involved. Small groups (5-10) tended to engage in a limited number of operations which eventually sold drugs to customers. These would include procurement and transport from a different location of relatively small quantities of drugs, storage, selling and handling of the finances (distributed among group members). Some smaller groups also engaged in transport when drugs needed to be transferred from one country to another. Flexible and loosely hierarchical arrangements were reported by some traffickers. For example, a 60-year-old male respondent who had been involved in drug trafficking in Montenegro claimed: *“This group did not function through strict rules and hierarchy, but through agreements and the principle of ‘fair share,’”* presumably referring to splitting of the profits. As a member of a smaller criminal group, he cooperated with a circle that consisted of his best friends, one drug provider, and a few intermediates. The group worked without a centralized leadership. Another example comes from an Albanian drug trafficker who mentioned that in drug trafficking, the roles are not stable and may change according to the situation. Most groups described by the interviewed traffickers operated closely to their respective towns, where street-level single retail operators were linked to them. Such individual dealers were often drug users as well.

There is evidence in the academic literature that more fluid and decentralized chain-like structure of organized drug trafficking groups in the Western Balkans resulted in groups with several clusters that specialized in certain services, like wholesale and retail, and no clearly defined roles or command channels within those clusters.<sup>106</sup> Those involved in retail-level clusters often had much in common, such as age, education (same elementary or high school), or residence in the same town, and clusters were linked to larger drug-trafficking arrangements via “thin” lines.<sup>107</sup> This means that the retail group usually knew only one contact person from the higher-

level cluster. This was a limited and mostly instrumental social relationship, a chain of bilateral contracts.<sup>108</sup> Often, retail group members did not even know the name of that contact person. As noted previously, such structures minimized the risk of exposure of the higher levels in cases of arrests of lower-level actors.<sup>109</sup> For example, one respondent who was a retail level trafficker was aware of and described to interviewers a big and complex organization (a network) that consisted of 150 to 200 people with each one of them having a specific task just like him. This organization was responsible for the whole process – from producing the drugs, transporting them to the final destination, and selling them at the retail level.

Several additional aspects regarding hierarchy and organization emerged from the interviews. First, in cases where there was more explicit organization of the groups, those in charge controlled the supply of drugs and handled communications. Second, a loose organization was more associated with groups involving drug-dependent persons where cohesion was ensured by the common interest to consume. Third, in cases where drug trafficking groups were connected to bigger multilayer groups, hierarchy was strict and links between members were limited – usually, the connection was only with the person with which the member communicated directly. The overall coordination was ensured by the higher levels of the hierarchy, which in most cases, could be easily isolated from the lower-level members. Fourth, as noted above, loosely organized groups were also the preferred option for local-level retail operations when group members were recruited based on personal connections (friends, kin, classmates, etc.). Due to these personal connections, the use of mobile communications, as opposed to in-person meetings, was seen as a greater risk as it would easily expose all ties and lead to arrests.

The loose association between low-level operators and the higher level of hierarchy may explain the small percentage of drug trafficking convictions that are linked to OC. The great majority of convictions may deal with the low-level trafficking where traffickers do not formally associate with the larger group.

<sup>106</sup> Benson, J. S., & Decker, S. H. (2010). The organizational structure of international drug smuggling. *Journal of Criminal Justice*, 38(2), 130-138.

<sup>107</sup> Bruinsma, G., & Bernasco, W. (2004). Criminal groups and transnational illegal markets. *Crime, Law and Social Change*, 41(1), 79-94.

<sup>108</sup> Raab, J., & Milward, H. B. (2003). Dark networks as problems. *Journal of public administration research and theory*, 13(4), 413-439.

<sup>109</sup> Reuter, P. (2014). Drug Markets and Organized Crime. In L. Paoli (Ed.), *The Oxford Handbook of Organized Crime* (pp. 359-381). New York: Oxford University Press.

## Modus operandi

Prisoner interviews described the transfer of smaller quantities of illicit drugs within or between countries and territories in the region, mainly for local consumption, by a large number of small-size actors or solo operators. This was the lower end of the lengthy international distribution chain and respondents seemed to have limited knowledge about the phases before the drugs entered the Balkans. Transport routes tended to vary depending on the drugs being transferred and the country of destination. Respondents referred to traffickers in Albania and Kosovo UNSCR 1244 being instrumental in cocaine trafficking in the region. Shipments of cocaine were reported to arrive in Kosovo UNSCR 1244 mainly from Turkey, while there was no information about how the drugs were being transported to Albania. However, interviewed law enforcement experts disclosed that cocaine was usually transported from Colombia and Ecuador by sea. Regarding cannabis, one important emerging source location was the south of Albania where smaller shipments were transferred to all countries in the region. Local production of cannabis in places other than Albania did not seem to satisfy current local demand.

According to the prisoners' accounts, the operations of procurement, transport/supply and retail trade were often separated because they involved different types of risks and contacts. Decisions about procurement were most frequently made by the leader of the group and were not discussed within the group. The choice of supplier depended on security and practicality. Using the same supplier and transporting over short distances was the ideal option satisfying both criteria. The main method to transfer drugs between countries in the region was usually road transport (car, taxi, bus); more infrequently, it was done by foot/animal, crossing the green border in mountainous regions. Members who transferred drugs in this way were called "mules".<sup>110</sup> An interviewed prisoner described a case in which a specific transport ploy was used. Details regarding smaller transport operations were leaked to law enforcement to distract them from noticing larger operations.

On the drug-dealing side, some interviewed traffickers described the strategy of renting an apartment where the transactions were conducted. In order to

minimize the risk of detection, methods ensuring higher levels of trust were used, such as working with people who were known, proven and trustworthy, including relatives, friends and those with whom one had previous experience of common drug use. Furthermore, suppliers at the retail level generally dealt with customers they knew and refrained from engaging in random contacts "*Clients were 'chosen for business' on the basis of trust, mainly through the personal contacts and recommendations of other drug users and/or traffickers, as well as based on their payment capacities. The clients' profiles were diverse without any preferences based on nationality, special status, etc.*". Regular clients also presented the opportunity to expand sales by deferred payments, which created dependency between the dealer and the client and made the relationship more trustworthy.

## Finances

Expert interviews<sup>111</sup> revealed that profits from drug trafficking were consciously managed by group leaders. Profits were reportedly laundered and invested in legal businesses such as construction or export/import firms. Most of this investment happened in Western Europe, not in the region. Leaders and organizers had even hired professionals such as bankers, notaries and lawyers for consultation. Yet these patterns were more typical in groups situated at higher echelons of the organized crime food chain. Prisoner interviews that captured rather low-level retail group activities demonstrated that OC group members would not invest in legal sectors at all. They typically spent their illegal income on affluent lifestyle items such as cars, alcohol, illicit drugs, partying and exotic vacations, or in supporting family members. Of all types of criminal activities, drug trafficking was reported in prisoner and expert interviews to be the most lucrative. Most of the information shared by respondents about prices of different types of drugs at the retail and wholesale level was relatively vague. Nevertheless, price levels seemed to converge for certain types of drugs. Variation in this respect is relatively large as it depends on the quantities purchased, the specific product, the location of the purchase and the purity of the product.

Based on the information from prisoners, the wholesale price of heroin varied between US\$22,000 and

<sup>110</sup> Reuter, P. (2014). Drug Markets and Organized Crime. In L. Paoli (Ed.), *The Oxford Handbook of Organized Crime* (pp. 359-381). New York: Oxford University Press.

<sup>111</sup> Interviewed experts included: law enforcement officers, including border police; prosecutors; judges; prison officials; customs and tax authorities; academics; journalists; and government officials from the ministries of interior, security, and justice.

\$25,000 per kilogram and the retail prices from US\$ 16-90 per gram in 2018/2019. This is basically in line with officially reported heroin wholesale prices for North Macedonia (US\$15,000–20,000) and Serbia (US\$19,000–26,000) for the year 2018 as well as for wholesale prices reported for Montenegro (US\$ 21,000–28,000) and Bosnia and Herzegovina (US\$23,000–US\$ 34,000) for the year 2017. Official heroin retail prices reported from North Macedonia (around US\$ 24 per gram), and Serbia (US\$ 18-24 per gram) in 2018 and retail prices in Bosnia and Herzegovina (around US\$ 29 per gram) in 2017 also tallied with the prisoners’ reports. Only officially reported heroin prices in Albania were lower (US\$ 6-12 per gram in 2018) than the prisoners’ reports.<sup>112</sup>

FIG. 26 Infograph on seized and confiscated assets.



Prices for a kilogram of cannabis were reported by the prison inmates to range from US\$ 447 to US\$ 3,000 in the wholesale market with retail prices for cannabis herb ranging from US\$ 4 to US\$ 22 per gram. This was again similar to officially reported cannabis herb wholesale prices, ranging from US\$ 236-826 per kilogram in Albania and US\$ 590-826 per kilogram in North Macedonia to US\$ 1,180-2,361 per kilogram in Serbia in 2018. They were also similar to cannabis herb wholesale prices reported a year earlier for Montenegro (US\$ 842-1,347 per kilogram) and those reported by Bosnia and Herze-

govina (US\$ 2,295-3,442 per kilogram) in 2017. Officially reported retail cannabis herb prices in 2018, however, turned out to have been lower in Albania (US\$ 1.2-1.8 per gram) than the prices quoted by the prisoners. Other cannabis herb retail prices, such as those officially reported by North Macedonia (around US\$ 12 per gram) or Serbia (US\$ 12-18 per gram)<sup>113</sup> fell again into the range reported by the prisoners. The retail price of cocaine varied, according to the prisoners’ interviews between US\$ 56 and US\$ 134 per gram. Again, this turned out to be in line with official reports received from North Macedonia (US\$ 59-71 per gram), Albania (US\$ 71-105) and Serbia (US\$ 71-118) in 2018.<sup>114</sup>

The most common response in the interviews to the question about salary is that there was no salary. Rather, remuneration was based on the specific activities performed, on a “per job” basis. Depending on the job, this could be a fixed amount, such as for illicitly transporting a package with drugs or a share of the selling price. The remuneration accounted for the risk and reward involved (transport of heroin was more valuable than transport of cannabis) and expenses were covered by the transporter.

In terms of thinking about profits, drug traffickers usually spoke in terms of how much money they could make per month. Of course, this varied by type of activity and level of involvement. Few respondents shared information about the monthly income they were able to generate. Monthly income mentioned in interviews for selling heroin were about US\$ 11,200–US\$ 16,800 and US\$ 3,360–US\$ 4,480 in cases where people worked on their own. The monthly profits of the individual drug traffickers interviewed varied between US\$ 3,360 and US\$ 17,190 per month, with one outlier who claimed to receive between US\$ 546 and US\$ 637 per month for selling cannabis.

Securing and managing the financial resources necessary to maintain a stake in the OC market in the region were only vaguely discussed in the prisoner interviews. Although some retail-level drug trafficking groups reportedly did some financial planning and allocated money for future purchases, these were relatively basic, ad-hoc attempts. It seemed many interviewed OC groups at this level relied on the reinvestment of profits in order to continue their

<sup>112</sup> UNODC, responses to the annual report questionnaire.

<sup>113</sup> UNODC, responses to the annual report questionnaire.

<sup>114</sup> UNODC, responses to the annual report questionnaire.

activity. In contrast to the prisoner accounts, expert<sup>115</sup> interviews suggested overlaps between legitimate and criminal entrepreneurship where OC groups moved between illegal and legal businesses; yet financiers of their illegal activities were not specified.

The price of transport depended on drug type, quantity, destination, and mode of transport. Prices of heroin and marijuana transported from Albania or Turkey to North Macedonia were relatively low but increased if the transport route extended to northern parts of the region and were significantly higher for transports to Europe. For example, a prisoner who was convicted for transporting eight kilograms of heroin from North Macedonia to Europe expected to receive \$1,700 per kilogram for the job. Another case suggested that road transport of cannabis from Albania to Montenegro would cost a buyer around US\$ 145 per kilogram, while the slower, by-foot option through the mountains would be only US\$ 28-34 per kilogram.

### Trafficking in persons

Based on the statistics on identified victims and qualitative information collected for this study, trafficking in persons in the Western Balkans involves almost entirely trafficking in women and girls for sexual exploitation. This is in line with the data collected by UNODC for the Global Report on Trafficking in Persons showing that the most detected form of trafficking in persons in the Western Balkans affects women trafficked for sexual exploitation, with destinations within the region or in Eastern and Western Europe.<sup>116</sup>

According to the Global report, in 2016 56 per cent of detected victims from the subregion of Central and Southeastern Europe were trafficked within the region and 33 percent to Western and Southern Europe which shows that the region is both an origin and destination for human trafficking. In Western Europe, Albanian victims were more often detected than victims from other Balkan countries, with 533

total victims detected during the years 2013-2018. Of this number, 304 Albanian victims were detected in the UK, with a large spike in numbers of detected Albanian victims in 2018, in particular. During the same period, Serbian victims were detected globally in increasingly larger numbers, from 4 in 2013 with a steadily rising trend to 55 in 2018. Serbian victims are detected mainly domestically and within the region of South Eastern Europe. Many victims detected within this region are trafficked domestically within the borders of their country of citizenship.<sup>117</sup> This is for example, the case for Bosnian victims, who were detected in relatively high numbers within Bosnia and Herzegovina (88 per cent of total victims in 2017).<sup>118</sup>

While trafficking for sexual exploitation appeared to be the main form of trafficking that came to the attention of the authorities in the Western Balkans, it should be kept in mind that a large part of human trafficking is hidden. A study on the total number of trafficking victims in Serbia showed that for one detected victim there were up to nine non-detected victims. Most of the total victims (detected and undetected) were women and girls who are trafficked for sexual exploitation and forced labour.<sup>119</sup> A large majority of the estimated victims were Serbian nationals.

Between the years 2013-2017, the number of persons prosecuted and convicted in the Western Balkans for trafficking in persons has decreased, with convictions dropping by almost 50 per cent.

Despite the decreasing accountability in the justice system for perpetrators of trafficking in persons, the number of identified victims has increased by almost three-fold from 2013 to 2017.

<sup>115</sup> Interviewed experts included: law enforcement officers, including border police; prosecutors; judges; prison officials; customs and tax authorities; academics; journalists; and government officials from the ministries of interior, security, and justice.

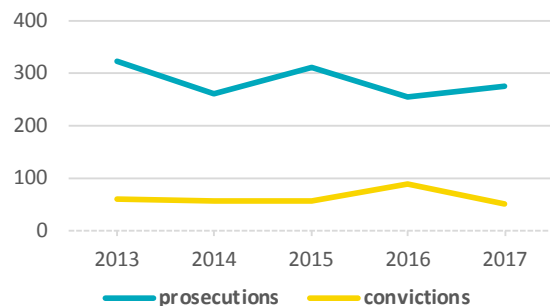
<sup>116</sup> Other forms of exploitation detected in the countries of the Western Balkans included forced labour, forced marriage, illegal adoption, forced criminal activity and forced begging. United Nations Office on Drugs and Crime (UNODC) (2018). *Global Report on Trafficking in Persons 2018*. United Nations publication.

<sup>117</sup> Ibid.

<sup>118</sup> In 2017, 88 Bosnian victims of trafficking in persons were detected, of which 78 were detected in Bosnia and Herzegovina. UNODC Trafficking in Persons database.

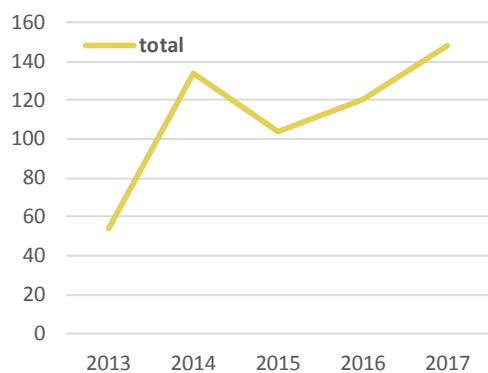
<sup>119</sup> United Nations Office on Drugs and Crime (UNODC) (2018). *Monitoring Target 16.2 of the United Nations Sustainable Development Goals: multiple systems estimation of the numbers of presumed victims of trafficking in persons, Serbia. Research Brief*. Available at [https://www.unodc.org/documents/data-and-analysis/glotip/MSE\\_Research\\_Brief\\_Serbia.pdf](https://www.unodc.org/documents/data-and-analysis/glotip/MSE_Research_Brief_Serbia.pdf)

**FIG. 27** Number of persons prosecuted and convicted for trafficking in persons in the Western Balkans, 2013-2017



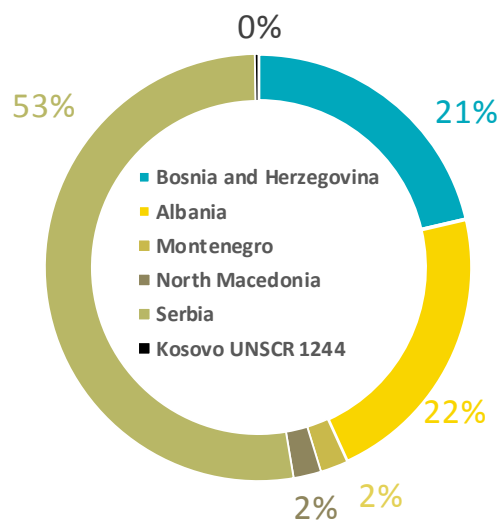
Source: UNODC elaboration of national criminal justice data

**FIG. 28** Number of detected victims of trafficking in persons in the Western Balkans, 2012-2017



Source: UNODC elaboration of national criminal justice data

**FIG. 29** Share of detected victims of trafficking in persons from the Western Balkans, by country of origin, 2012-2017 (n=1100)



Source: UNODC elaboration of national criminal justice data

Qualitative information gathered from experts, victims of trafficking and convicted traffickers indicated a changing nature of the commercial sex market in

the region. Respondents stated that, due to the increased supply of women voluntarily entering the commercial sex market, there was less need for the coercion or violence which is usually connected to trafficking in persons. For example, one identified victim reported that “there is less violence now, but before, violence was used to keep a woman in the job by threatening her. Nowadays no such violence is used, as there are much more women and they are willing to do that kind of work.” As an Albanian victim put it: “So, one could find as many women for this kind of thing as one wanted. If I go out there now, there will be over a hundred women who will offer themselves to work abroad, because there is no future here. That is the easiest thing... Austria is full of our women.”

Although typical methods to control victims such as debt bondage, confiscation of documents, lack of freedom of movement, or threats of violence were still being used in some human trafficking schemes, the commercial sex market seemed to function more through partnerships between the woman providing sexual services and her madam or other organizer. One interviewed expert noted that the relationship of partnership can quickly disintegrate when there is a disagreement within the group, for example, when the woman decides to end her involvement. In this context, madams or other organizers can quickly resort to coercion and violence to continue the working arrangements and maintain their access to profits. In response to this, the women threatened may denounce the group to law enforcement.

In several cases, victim and prisoner interviews also confirmed a cooperative structure in which those involved (commercial sex workers, madams, organizers, etc) operated in a collegial manner and shared the profit. However, there were observable contradictions in some accounts. A victim who claimed to have herself been forced and raped alleged that “half of the girls in Albania are willing to do such things. No one forces them. Half of the girls establish relations on Facebook.” Nevertheless, identified victims continue to rise, indicating that exploitation and trafficking in persons are still occurring.

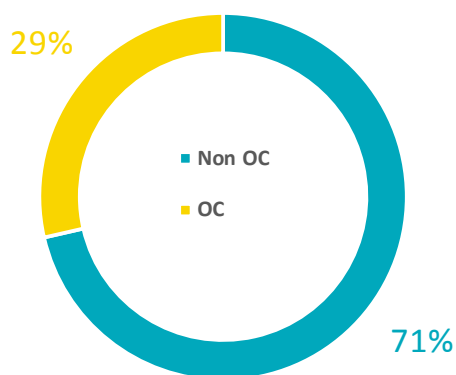
### Organized crime involvement

Compared to other crimes considered in this report, the proportion of organized crime involvement recorded in the convictions for trafficking in persons is comparatively high. Between 2013-2018, the percentage of organized criminal involvement in convicted persons for trafficking in persons was 29 per



cent, making it the crime with the strongest reported links in the framework. Interview data indicated that trafficking flows often crossed borders, suggesting a need for a high level of organization.

**FIG. 30** Share of persons convicted for trafficking in persons in the Western Balkans, by links to organized crime, 2013-2018 (n=490)



Source: UNODC elaboration of national criminal justice data.

### Structure of groups

Those involved in perpetrating human trafficking did not seem to form cohesive networks. Previous studies have confirmed that trafficking in persons in Albania, for example, was not carried out as a well-organized criminal network.<sup>120</sup> The form of arrangement can be typified as a “chain” with some small clusters at both origin and destination locations.<sup>121</sup> Trafficking victims as well as perpetrators that were interviewed for the MACRO project spoke most frequently of a particular modus operandi for trafficking for sexual exploitation in the Western Balkans. Within this scheme, clusters of perpetrators in the countries of origin recruited victims and convinced

them to travel abroad, while perpetrators in the destination countries waited for them, provided accommodation, and acted as madams or panderers procuring clients. Sometimes, someone escorted the victim across multiple countries, but in many cases, the victim travelled alone.

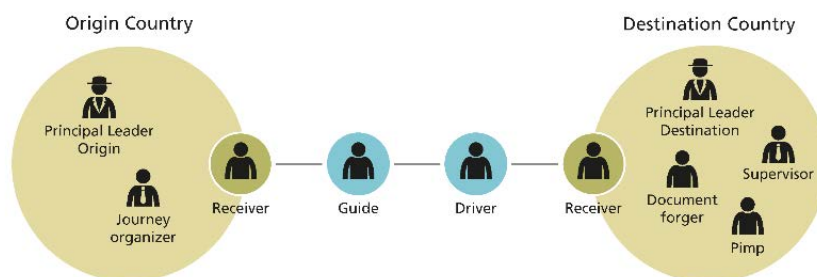
Based on the accounts of trafficking victims, it can be concluded that the mode of border crossing depended on a number of factors, but mainly on the age and the legal status of the victim in both transit and destination countries. Underage female victims and those who could only work and travel irregularly would either be smuggled covertly across green borders or cross borders overtly using fraudulent documents. Traffickers bought either fraudulent or stolen passports for the trafficked women.

Very limited information could be collected on the financial aspects of sexual exploitation of the trafficked persons. Interviewees noted that often revenues were split 50/50 between the victim and the trafficker. Information from interviews indicated that in a typical case, women charged around 40 euros per service, but further information about the total number of services during a certain time frame and how much total revenue was made was not reported. One respondent mentioned that victims were often allowed to determine the price of their services: “The girls set the prices themselves. I do not know what basis they used to determine their prices. I know that they always got over 50 euros per person.”

### Modus operandi

For cross-border human trafficking, the typical structure was a network, whereby perpetrators in

Structure of organized trafficking in persons groups in the Western Balkans



<sup>120</sup> Zhilla, F., & Lamallari, B. (2015). *Organized Crime Threat Assessment in Albania*. Tirana: Open Society Foundation for Albania.

<sup>121</sup> Bruinsma, G., & Bernasco, W. (2004). Criminal groups and transnational illegal markets. *Crime, Law and Social Change*, 41 (1), 79-94.

the countries of origin and destination collaborated on a permanent basis and there was some degree of division of labour. In this kind of organization, some group members recruited potential victims and most often coerced them into travelling abroad,

while the others would receive them at the destination and arrange the exploitation. In the case of an Albanian victim, for example, her initial trafficker had connections in Italy, France and Kosovo UNSCR 1244, indicating that he had access to a large market for trafficked victims. An example of cross-border

## Counterfeit goods

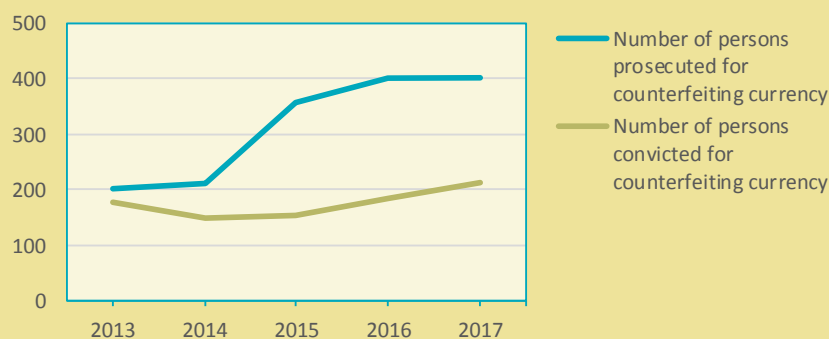
The trade in counterfeit goods is an attractive avenue for organized criminal groups due to its low risk, high profitability and minimal penalties. Counterfeit goods cause losses in unpaid duties and taxes as well as reductions in the sales volume and profits of legitimate business. Furthermore, consumers are exposed not only to sub-standard and poorly made products, but also their health and safety may be potentially compromised.

Data collected by UNODC from customs and border officials under the MACRO project on approximately 180 seizures of counterfeit goods from two reporting jurisdictions in the Western Balkans from 2012-2017 indicated that they ranged from cigarettes, clothing, footwear, watches, sunglasses, handbags, toys, mobile phone accessories to industrial commodities and falsified medical products. Seizure data indicated main source countries as China, Turkey or United Arab Emirates, and final destinations as mainly Kosovo UNSCR 1244, North Macedonia, Serbia and Albania. North Macedonia's Serious and Organized Crime Threat Assessment reported that in the period 2013-2014, 220,000 pieces of textile, mostly originating from China, were seized on the borders with Bulgaria and Greece with transit or final destination to Kosovo UNSCR 1244. Similarly, Kosovo UNSCR 1244 Customs in 2014 and 2015 confiscated in total 277,776 counterfeit goods (mainly shoes, cosmetics products, mobile phones accessories).

## Counterfeit currencies

Based on data collected by UNODC under the MACRO project, it seems currency counterfeiting is a matter that authorities in all countries and territories of the Western Balkans are facing. Although only a few (5 of 213 total over the period 2013-2017) convictions of currency counterfeiting were linked to organized criminal groups, according to Southeast European Law Enforcement Center counterfeiting currency is conducted by both individuals without a link to organized crime and organized criminal groups. While the former is involved mostly in the production process, the latter engages predominantly in smuggling and distribution. Data on seizures of counterfeit currencies collected under the MACRO project from three reporting jurisdictions suggest that this crime is very much oriented towards the euro (97% of 26 seizures), while other currencies such as US Dollar, Swiss Franc or Bosnian Mark are also appealing. For example, media reports have explored a case in which Kosovar Police discovered more than 2 million euros in counterfeit banknotes. According to data from the European Central Bank, around 563,000 counterfeit euro banknotes in total were withdrawn from circulation in 2018. Counterfeiters of euro banknotes increasingly rely on prefabricated elements such as holograms or metallic strips which are sold online (surface web and Darknet). Also, digital template files for printing of counterfeit euro banknotes are offered online, but specialist printing equipment and raw materials are needed.

Number of persons prosecuted and convicted for counterfeiting currency in the Western Balkans, 2013-2017



Source: UNODC elaboration of national criminal justice data

horizontal collaboration among a four-person human trafficking organization exploiting victims in prostitution was described by one prisoner: an organizer/recruiter in Albania, a person escorting the victim across the Greek border, a host providing accommodation, and a madam or panderer procuring clients. These arrangements were also reported by a victim who recounted that a group of 3-4 persons, in which the organizer/leader would perform key tasks such as making payments at hotels and bars, collecting payments from clients, arranging transportation and recruiting victims. He would also assign the roles and give specific tasks to the others.

Even if not strictly hierarchical, these structures seemed to require a leader, whose role was more akin to a manager or an organizer. This role was especially required when the operation involved division of labour. For example, in a typical scenario of cross border trafficking of a woman for sexual exploitation, one person would recruit the victim, another would take her over the border when the crossing was irregular, another would meet her on the other side of the border taking her to yet another person who would take care of placement, documents, etc. One interviewee described six types of roles in one group that trafficked women abroad for sexual exploitation:

- woman facilitating the introduction of the victim to the principal man in the group in Albania;
- the principal man organizing the journey and leading the group;
- a man facilitating the journey over the mountains to Greece;
- a taxi driver giving the victim a ride to Thessaloniki;
- a man arranging false documents; and
- a woman procuring customers.

This more elaborate mechanism of recruitment and transfer to destination countries, with division of responsibilities of perpetrators at the various stages/tasks, also corresponded to a broader geographical outreach. Albanian victims of trafficking for sexual exploitation testified to having been sent to various Italian cities, where the local associates of the network would find clients for them. Destination countries were typically those which were geo-

graphically close and where there was already an expatriate diaspora. In the case of Albanian perpetrators, these included Italy, France and Kosovo UNSCR 1244.

In some cases, women had a role as traffickers. Multiple victims mentioned that middle-aged or older women had roles in trafficking for sexual exploitation, particularly in recruiting, supervising and making arrangements with customers. One victim explained sections of her journey, *“The journey was eight hours. I set off alone from Thessaloniki. A woman was waiting for me in Athens. She was about 40. She was one of them, related to them. And the woman took me to a house. The principal man did not arrive yet.”*

In a minority of cases involving trafficking for sexual exploitation, the scheme was operated primarily by a single individual, usually a male. When women were involved as perpetrators, they were usually part of a more elaborate organization. For example, procuring clients for sexual exploitation would be done in the perpetrator’s social circle – he would connect those he knew with the victims and later receive money from them. This type of organization, however, seemed to apply mostly to domestic sexual exploitation. Single perpetrators of trafficking in persons often followed a well-known approach in which they tried to make the victim fall in love with them. Once they had victims under their influence, these perpetrators exploited them.

### Trafficking in firearms

The UNODC Global Study on Firearms Trafficking 2020 noted a link between the level of certain crimes registered by countries and the share of firearms that were seized in those criminal contexts.<sup>122</sup> In particular, data on firearms seizures corroborated a strong link between drug trafficking and seized weapons. Over the period 2016-2017, Albania reported three seizures of large quantities of cannabis in conjunction with several rifles. In addition, North Macedonia reported a significant seizure of 13 weapons, including 3 rifles as well as a hand grenade and two chemical bombs, which was linked to an organized crime group connected to migrant smuggling and drug trafficking.

It is estimated that the Western Balkans region is home to 3.6–6.2 million registered and unregistered

<sup>122</sup> UNODC Global Study on Firearms 2020, pg 77.

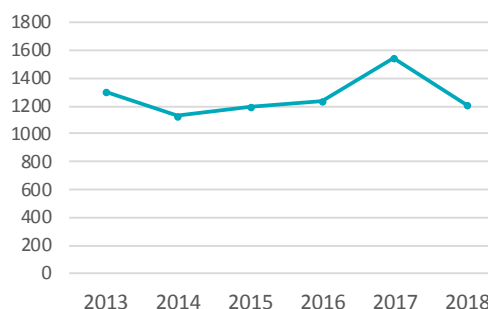
firearms.<sup>123</sup> Before the breakup of Yugoslavia, it maintained the fourth largest army in Europe.<sup>124</sup> During the war years from 1991-2001, in order to build up their military capacities, smuggling channels within the Western Balkans to territories that did not inherit the Yugoslav People's Army weapons stockpiles were developed. For example, the weapons for Croatia and Bosnia and Herzegovina were partially provided by Serbian counterparts.<sup>125</sup> The war conflicts, international sanctions and an arms embargo followed by the development of smuggling channels, and rising economic and social instability, had an impact on the proliferation of firearms in the region. The Western Balkans is a significant source of firearms traded in international weapons markets.<sup>126</sup>

The UNODC Global Study on Firearms indicated that firearms trafficking in the Western Balkans has a mostly intra-regional character, although the high price of weapons in the markets outside of the region also triggers firearms trafficking from the Western Balkans to other parts of Europe, Western Asia and North America.<sup>127</sup> Interviews with prisoners conducted in 2018 and 2019 and case law analysis suggested that firearms were also trafficked within the region by organized criminal groups to enforce discipline, to intimidate competing groups, or to ensure the protection of a group's own activities and members. In Montenegro for example, there have been cases of criminal groups planting explosive devices on vehicles and other property of members of opposing criminal groups.<sup>128</sup> Interviews with prisoners revealed that illegally acquired firearms are also used in various petty crimes, mostly theft.

Although the prisoner interviews did not provide rich information on firearms trafficking, they confirmed the existence of linkages between the arms and drug markets, theft or petty crime. Respondents disclosed that firearms trafficking was complementary to other criminal activities. A court case described the involvement of international groups operating in the region smuggling firearms to Western

Europe with the intention of exchanging them for cocaine and synthetic drugs.<sup>129</sup>

FIG. 31 Number of persons convicted for firearms trafficking in the Western Balkans, 2013-2018



Source: UNODC elaboration of national criminal justice data

Statistical data on persons convicted for firearms trafficking in 2013 – 2018 showed a relatively stable trend with some changes. In the peak in 2017, 1543 persons were convicted for this criminal activity.

Comparing convictions for firearms trafficking with and without a link to organized crime, it is noticeable that the number of persons convicted for firearms trafficking linked to organized criminal groups was significantly low. Many of the convictions related to firearms trafficking may have involved single persons rather than organized groups as there is evidence that legal gun owners sell weapons on the illegal market to avoid paying tax on the sale of their property.<sup>130</sup> But each of these single cases may have involved just one or a few firearms, while the small number of cases linked to organized crime may have each related to a larger number of trafficked firearms.

<sup>123</sup> Small Arms Survey. (2014). *Handgun Ownership and Armed Violence in the Western Balkans*. Armed Violence Issue Brief No. 4.

<sup>124</sup> Anastasijevic, D. (2006). Organized crime in the Western Balkans. In *First annual conference on human security, Terrorism and Organised crime in the Western Balkan Region* (pp. 23-25).

<sup>125</sup> Small Arms Survey. (2014). *Handgun Ownership and Armed Violence in the Western Balkans*. Armed Violence Issue Brief No. 4.

<sup>126</sup> Ibid.

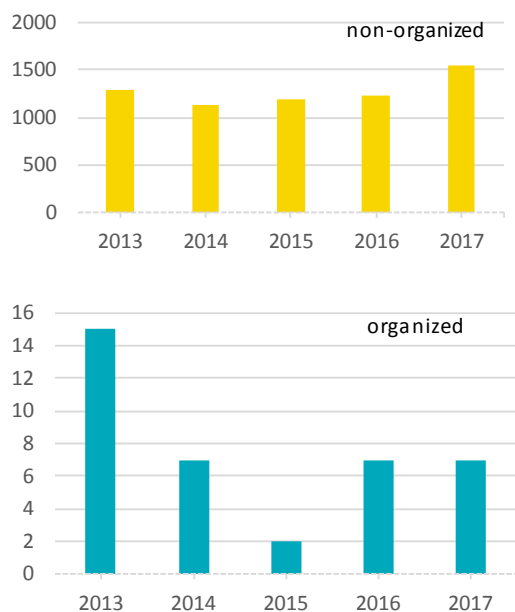
<sup>127</sup> United Nations Office on Drugs and Crime (UNODC) (2020). *Global Study on Firearms Trafficking 2020*. UNODC.

<sup>128</sup> Police Directorate of Montenegro (2013). *Serious and Organised Crime Threat Assessment of Montenegro*. Available at <http://www.mup.gov.me/ResourceManager/FileDownload.aspx?rId=162628&rType=2>

<sup>129</sup> Ibid.

<sup>130</sup> Republic of Serbia, Ministry of Interior (2015). *Serious and Organised Crime Threat Assessment*. Belgrade: Ministry of Interior of the Republic of Serbia.

**FIG. 32** Number of persons convicted for firearms related crimes in the Western Balkans, by links to organized crime, 2013-2017



Source: UNODC elaboration of national criminal justice data

According to Serbia’s 2015 *Serious and Organized Crime Threat Assessment*, published by the Ministry of the Interior, criminal groups involved in firearms trafficking were often created *ad hoc* focusing on procurement and smuggling for a known buyer who ordered a specific type and quantity of firearm. Criminal groups in the country and the region cooperated often using family and friendship links across shared language groups. The firearms were usually dismantled and hidden in passenger or freight vehicles with altered or built-in compartments or hidden in luggage on international bus and railway lines. They were also transferred on foot or by boat during irregular border crossings.<sup>131</sup>

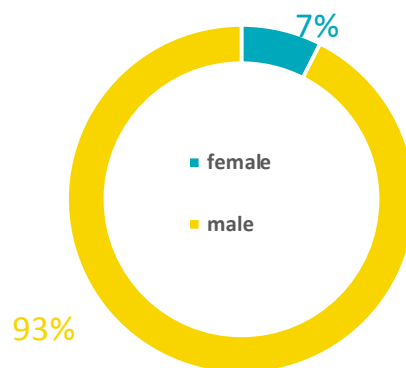
### Women in Organized Crime in the Western Balkans

Women’s roles in various aspects of organized crime is a topic that is often discussed, yet rarely researched. Data on convictions disaggregated by sex enabled the examination of the role of women in organized criminal groups in the Western Balkans as well as the types of organized crime that women

<sup>131</sup> Ibid.

most frequently engaged in. During the period 2012-2018, 7 per cent of the persons who were convicted of participation in an organized criminal group in the Western Balkans were women.<sup>132</sup>

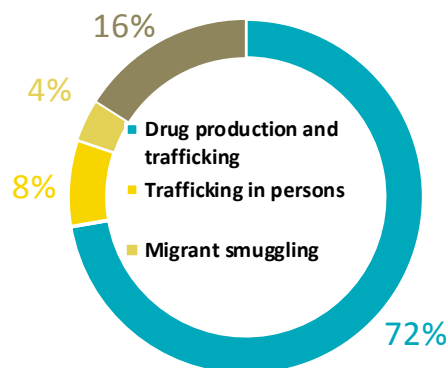
**FIG. 33** Percentage of convictions for participation in an organized criminal group in the Western Balkans, by sex, 2012-2018 (n=1960)



Source: UNODC elaboration of national criminal justice data

Among all women convicted for drug production and trafficking, trafficking in persons, migrant smuggling and firearms trafficking, 72 per cent were convicted of drug production or trafficking. Some 16 per cent of the convictions of women were for firearms trafficking, while trafficking in persons and migrant smuggling accounted each for 8 per cent and 4 per cent of persons convicted.

**FIG. 34** Share of convicted women in the Western Balkans, by selected crimes, 2012-2018 (n=419)



Source: UNODC elaboration of national criminal justice data

Source: UNODC, World Drug Report 2018

<sup>132</sup> This analysis is distinct from the one presented in the section on structures of organized criminal groups, where a court verdict analysis showed that membership in prosecuted criminal groups from 2003-2017 was 4 per cent female.

## A higher proportion of women than men are in prison for drug-related offences



Source: UNODC, World Drug Report 2018

### Drug trafficking

Globally, the UNODC *World Drug Report 2018* highlights that although the overall number of men detained for drug-related offences is higher than that of women, the proportion of women in prison for drug-related convictions is higher. This general pattern is also reflected in the Balkan region.

Interviews with female prisoners in this region depict a general pattern in which women had a voluntary long-term association with drug related crime, although there were examples of women who claimed to have been deceived by others into drug trafficking activities. For example, a female prisoner convicted of drug trafficking claimed that she unknowingly transported a small quantity of heroin across an international border. Due to her difficult financial situation and lack of income opportunities, she accepted an offer from her cousin to help supply goods for a store, under the impression that she would later be employed there. Eventually, she was used as a “mule” to transport drugs in a car across the border between Greece and Albania, which is a common strategy: *“a police officer asked me if I had anything in my bag that I should declare. I said I had nothing, since I thought that it was plant fertilizer (...) In the investigation I learned it was heroin.”* The prisoner claimed to have had limited knowledge about the group structure and cooperated with the police

in an effort to arrest the five other people whom she knew were involved.

### Firearms trafficking

Quantitative data on convictions of women for crimes often associated with organized crime showed that 16 per cent were for firearms-related crime in the Western Balkans. Interviews did not provide information about the roles of women in this criminal activity, but case law analysis suggested that groups engaged in drug trafficking may occasionally use women to traffic firearms.

### Trafficking in persons

Historically, larger shares of women have been convicted of trafficking in persons than for other forms of crime. For most crimes, the share of females among the total number of convicted persons is in the range of 10-15 per cent,<sup>133</sup> while according to the 2018 *UNODC Global Report on Trafficking in Persons*, globally, 38 per cent of persons convicted of human trafficking were women.<sup>134</sup> It is possible that this high percentage reflect a strategy to place women in more public or exposed roles in order to avoid raising suspicion of law enforcement, or to protect the higher ranks of trafficking groups. Most countries are only able to successfully prosecute the lower ranks, resulting in conviction of those who normally control or recruit the victims.<sup>135</sup> Research

<sup>133</sup> United Nations Survey of Crime Trends and Operations of Criminal Justice Systems on convictions for all crimes in 66 countries during the period 2006-2009.

<sup>134</sup> United Nations Office on Drugs and Crime (UNODC) (2018). *Global Report on Trafficking in Persons 2018*. United Nations publication.

<sup>135</sup> The Inter-Agency Coordination Group against Trafficking in Persons (ICAT), A Toolkit for guidance in designing and evaluating

suggests that some women traffickers were previously victims and may have been promoted to the next step of the criminal hierarchy where they are given roles in recruiting or controlling other victims.<sup>136</sup>

Victims interviewed in the Balkan region described the role of female traffickers mainly as recruiters. For example, one victim was contacted by an older woman after both her parents had passed away. One interviewed female trafficker described her role as a key organizer: *“only the two of us were leaders, that’s me and my stepmother’s sister.”* Accounts of victims spoke about ‘privileged females’ that had gained a relatively high status and occupied dual or flexible roles with some of them *“collaborating with [the perpetrators]. They were not compelled to work, but they wanted to earn money. These girls were also responsible for recruiting other girls in this kind of business”*. Some women were reported to have ancillary roles as victim supervisors: *“a woman was waiting for me in Athens. She was about 40. She was one of them, related to them. And the woman took me to a house.”* One victim described an older woman who was both the recruiter (a neighbour who approached the victim when she had just lost her family) and chaperoned the victim during the transfer. She claimed to have accepted becoming involved with commercial sex voluntarily but to have subsequently been subjected to harsh conditions (e.g. locked in a room which she could not leave).

As a reason for engaging in trafficking in persons, prisoner interviews suggested a difficult childhood, lack of employment opportunities and a desire for financial profit *“I started doing it as a kid, because I lost my mother as a child, my father was an alcoholic, I had a younger brother, my father remarried, then got divorced, so I had a one-year old child, half-brother, and I didn’t go to school (...) I decided because I knew some much older persons than me, and I saw what they were doing, and I said – what, I’ll try too. And that’s how I started working in human trafficking.”* The respondent also claimed to have been engaged in this crime for a long time: *“I gave it up three months before the arrest, I was doing it from when I was 12 until I was 21. Some eight years.”*

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counter-trafficking programmes, 2016 available at [http://icat.network/sites/default/files/publications/documents/16-10273\\_ICAT\\_toolkit.pdf](http://icat.network/sites/default/files/publications/documents/16-10273_ICAT_toolkit.pdf)

<sup>136</sup> Kangaspunta, K. (2011). Trafficking in Persons. In C. Smith, S. Zhang and R. Barberet (Eds.) Routledge Handbook of International Criminology. Oxon: Routledge.

## Smuggling of migrants

A global analysis of nearly 100 criminal cases of migrant smuggling has shown that some smuggling-related tasks were performed mostly by women.<sup>137</sup> Women were more often involved in the provision of room and board as well as caring for sick or vulnerable migrants (children and elderly people) while en route to their destination. Women were less likely to drive motor vehicles or work as guides, however, they sometimes accompanied male smugglers during transits, posing as companions to avoid unwanted attention from law enforcement.<sup>138</sup> Interviews with smuggled migrants described the role of a woman in the process of migrant smuggling as a “sales representative.” For example, a migrant was in contact with a woman who spoke Persian/Farsi and worked as a smugglers’ broker. Her responsibility was to recommend a smuggler and make a connection. The woman also told the migrant that the only way to leave Turkey was with smugglers’ assistance and provided the migrant with relevant contact numbers.

<sup>137</sup> United Nations Office on Drugs and Crime (UNODC) (2018). *Global Study on Smuggling of Migrants 2018*. United Nations publication.

<sup>138</sup> Ibid.









## CHAPTER 2: COUNTRY AND TERRITORY PROFILES

### Introduction

This chapter will present the patterns and trends of the most prevalent forms of organized crime for each country and territory of the Western Balkans. It will provide an overview of countries' efforts that are publicly available to counter organized crime and their response to the phenomenon on various levels such as national and international legal framework, institutional framework, national strategies and action plans. In order to capture trends and patterns of organized crime activities, administrative data on arrests,<sup>1</sup> prosecutions and convictions for criminal activities were used based on the data collected for this study.<sup>2</sup> When available, crimes committed in the context of a criminal group were analysed. In some countries and territories, it was not possible to disaggregate crime by group involvement, and therefore, the level of group involvement in those crimes is not available.

### Albania

Albania is a State Party to the UN Convention against Transnational Organized Crime, and all three of its Protocols. In addition to the changes of the criminal legislation in 2017 introducing new offences and special investigative techniques,<sup>3</sup> other relevant new laws have been adopted. Most notably, the Law on Whistleblowing and the Protection of Whistleblowers (2016) and the Law on the Protection of Witnesses and Justice Collaborators<sup>4</sup> (2009). On the institutional level, there are specialized entities geared to the fight against organized crime, such as

the Department of Organized and Serious Crimes within the police. Organized crime investigations are supervised by the Special Prosecution Office. Regarding judicial institutions, there is an Anti-Corruption and Organized Crime Specialized Court of first instance and an Anti-Corruption and Organized Crime Specialized Court of Appeals. In December 2018, a High Prosecutorial Council and High Judicial Council were established, which has led to initial steps towards the establishment of the Special Prosecution Office and Special Court against Corruption (SPAK), tasked with investigating and adjudicating high-level cases of corruption and organized crime. Despite this, at the time of writing, no national serious and/or organized crime threat assessments had been conducted in Albania by the government<sup>5</sup> and no national action plans or national strategies to address the fight against organized crime were found. On trafficking in persons, Albania does have a robust framework, including strategies, coordination groups at the government level and participation in international capacity building programs and trainings.

### Patterns and trends of organized crime in Albania

Albanian authorities have not provided data on convictions for criminal activities linked to organized criminal groups. Nevertheless, the majority of convictions for crimes included in this analysis from 2013-2018 in Albania were for drug production, followed by drug trafficking and money laundering,

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<sup>1</sup> The term arrest used in the report implies to any formal contact with the police and/or criminal justice system which according to Crime Trend Survey may include persons suspected, arrested, or cautioned for a criminal offence. According to officials (in the region?), arrested are those for whom an arrest warrant has been issued by the prosecutor, or they are arrested for committing a crime. Each arrest is assessed within 48 hours. The prosecutor can release the detainee when the conditions of the crime have not been met. In the case of an arrest warrant, the court may release the person under investigation if evidence of the crime is not forthcoming. Prosecuted are those whom the prosecution services are investigating. They may be arrested or, if already arrested, released, following the conclusion of the investigation, or if there is enough evidence, become the subject of court proceedings.

<sup>2</sup> A short data collection at the end of 2019 was done in order to collect additional data mainly on numbers of persons convicted in 2018. Submitted data was used for analysis in this report.

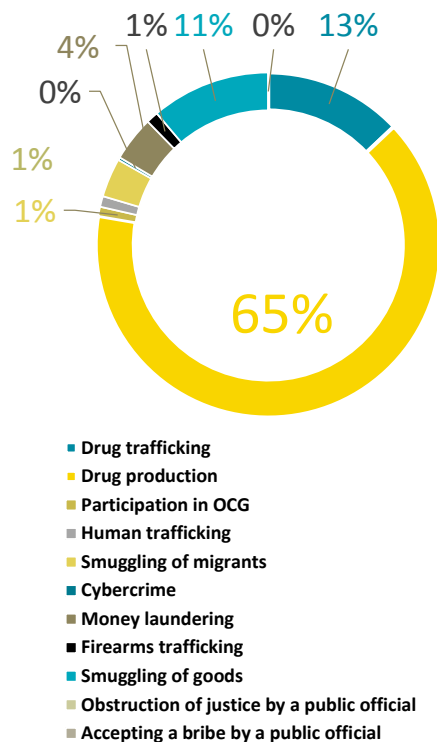
<sup>3</sup> Law no. 7895 Criminal Code of the Republic of Albania amended by law no. 36/2017 and no. 89/2017.

<sup>4</sup> Law no. 9205 of 2004 on Justice Collaborators and Witness Protection.

<sup>5</sup> The following has been produced by the civil society. Zhilla, F., & Lamallari, B. (2015). *Organized Crime Threat Assessment in Albania*. Tirana: Open Society Foundation for Albania.

however with far fewer convictions compared to drug production.

**FIG. 1** Share of persons convicted for selected<sup>6</sup> criminal activities in Albania, by crime type, 2013-2018 (n= 5,775)



Source: UNODC elaboration of national criminal justice data.

### Participation in an organized criminal group

Based on interviews, drug trafficking and production seem very often to be associated with organized crime yet, participation in an organized criminal group has very low levels of conviction in Albania. The conviction of 17 persons in 2016 (14 males and three females) for organized crime was followed by a dip to only 9 persons in 2017. Data for 2018 show a recovery, with convictions for participation doubling. This may indicate a renewed effort by the criminal justice system to affiliate crimes like drug production and trafficking with organized crime.

<sup>6</sup> Recorded criminal activities included in the framework with percentage higher than 1% from data provided for MACRO.

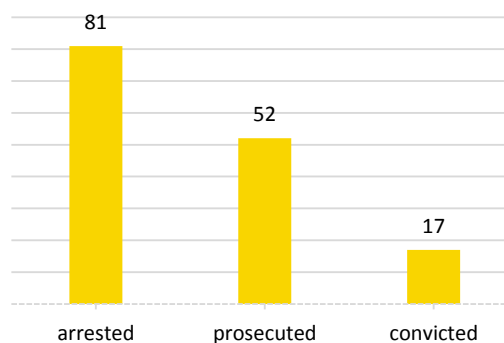
**FIG. 2** Number of persons prosecuted and convicted for participation in an organized criminal group in Albania, 2015-2018<sup>7</sup>



Source: UNODC elaboration of national criminal justice data

When observing the attrition of cases through the criminal justice process it can be seen that in 2016, only 20 per cent of arrests resulted in a conviction for participation in an organized criminal group. This points to a need to more closely examine at which stage cases are failing to proceed and analyze the reasons for these failures.

**FIG. 3** Number of persons arrested, prosecuted and convicted for participation in an organized criminal group in Albania, 2016



Source: UNODC elaboration of national criminal justice data.

<sup>7</sup> For 2018, only conviction data was requested from the beneficiaries under the MACRO project.

## Drug production and trafficking

By far, the majority of the recorded criminal activities included in this analysis<sup>8</sup> in Albania concern (i) the domestic production of cannabis, mostly cannabis herb (marijuana) as well as (ii) drug trafficking. In this case Albania acts primarily as a transit country, notably for trafficking heroin along the Balkan route, i.e., via Turkey, Bulgaria, Northern Macedonia to Italy and other markets in West and Central Europe and for trafficking cocaine from South America, notably Colombia, to West and Central Europe. While the involvement of Albanian groups in such trafficking activities appears to have declined in recent years, production of cannabis and related trafficking of cannabis products to other countries have increased – though these activities have been fluctuating strongly in individual years. Cannabis is the most widely produced and widely seized drug worldwide.<sup>9</sup> Although cannabis is produced in almost all countries across the world, Albania has been repeatedly noted as an extremely important source country for cannabis herb found in Europe.<sup>10</sup> Over the 2014-2018 period Albania was mentioned by other European countries as the main „country of origin“ of cannabis herb found on their markets, closely followed by the Netherlands.<sup>11</sup> This ranking applied to both countries in South Eastern Europe and countries in West and Central Europe. In West and Central Europe, 24 per cent of all mentions of the main countries of origin of cannabis herb concerned Albania while in South Eastern Europe this proportion rose to 61 per cent over the 2014-2018 period.<sup>12</sup>

In contrast to other European countries, cannabis herb production in Albania is still predominantly outdoors, though indoor cannabis cultivation was reported in Albania in 2017. Over the 2017-2018 period around 91 per cent of all cannabis plants eradicated in Albania were outdoors and 9 per cent in-

doors.<sup>13</sup> Despite the still large proportion of outdoor production of cannabis, the overall reported potency of cannabis origination in Albania is rather high, amounting to, on average, 15 per cent in 2017, up from 10 per cent in 2012, with peak levels found to have gone up to 18 per cent in 2016, 20 per cent in 2017 and 21 per cent in 2018.<sup>14</sup>

Albanian cannabis plays a major role in several countries in the region, notably in Montenegro (reported origin of close to 100 per cent of all cannabis herb seized there in 2017), Croatia (origin of 90 per cent of all cannabis herb seized in 2018), North Macedonia (70 per cent of all cannabis herb seized in 2018), Bosnia and Herzegovina (70 per cent in 2017), Greece (61 per cent in 2018), Hungary (50 per cent in 2017), Austria (50 per cent in 2017), Italy (16 per cent in 2018), Switzerland (15 per cent in 2018) and Romania (13 per cent in 2017). Moreover, Sweden repeatedly reported cannabis herb found on its territory to have mainly originated in the Netherlands and in Albania.<sup>15</sup> Nonetheless, the proportion of cannabis herb originating in Albania seems to have declined in 2018: North Macedonia reported a decline from 95 per cent of all cannabis herb seized on its territory in 2017 to 70 per cent in 2018; Greece saw a decline from 71 per cent in 2017 to 62 per cent in 2018 and Italy reported a decline from 34 per cent in 2017 to 16 per cent in 2018.<sup>16</sup>

Albanian cannabis herb seizures peaked in 2014 at 102 tons, the largest such seizures reported by any European country in that year, accounting for 29 per cent of the European total. This reflected, in particular, a successful police operation in Lazarat, a village in southern Albania.<sup>17</sup>

The successful operation, however, resulted in increased cannabis prices (from €200-300 per kg in 2014 to €1,300 - €2.000 per kg in 2015). This law enforcement success also led to a massive spread of cannabis cultivation across the country in subsequent years, notably in 2016. Thus, a second peak

<sup>8</sup> Crimes included in the framework were participation in an organized criminal group, drug trafficking, drug production and cultivation, human trafficking, smuggling of migrants, firearms manufacturing and trafficking, money laundering, counterfeiting money, counterfeiting official documents, counterfeiting other goods, producing fraudulent travel or identity documents, and cybercrime.

<sup>9</sup> United Nations Office on Drugs and Crime (UNODC) (2018). *World Drug Report 2018*. United Nations publication.

<sup>10</sup> United Nations Office on Drugs and Crime (UNODC) (2019). *World Drug Report 2019*. United Nations publication.

<sup>11</sup> UNODC, responses to the annual report questionnaire.

<sup>12</sup> UNODC, responses to the annual report questionnaire.

<sup>13</sup> UNODC, responses to the annual report questionnaire.

<sup>14</sup> UNODC, responses to the annual report questionnaire.

<sup>15</sup> UNODC, responses to the annual report questionnaire.

<sup>16</sup> UNODC, responses to the annual report questionnaire.

<sup>17</sup> UNODC, responses to the annual report questionnaire.

in cannabis herb seizures occurred a year later (78 tons in 2017). For 2017, Albania seized the third largest amount of cannabis herb in Europe with 19 per cent of the European total. In contrast, Albanian cannabis herb seizures fell to 20 tons in 2018 (though this was still the 7<sup>th</sup> largest such seizures reported by any European country in that year). Though seizures of cannabis resin also take place in Albania, they are still comparatively small (363 kg in 2018, up from 6 kg in 2015),<sup>18</sup> reflecting a far lower importance of cannabis resin as compared to cannabis herb production in Albania.

Most indicators suggest that Albania's record harvest of cannabis herb took place in 2016. For that year, Albania reported the eradication of 5,205 sites of clandestine cannabis production across the country, equivalent to 46 per cent of all such eradication of sites reported from European countries, leading to the eradication of 2.5 million cannabis plants, equivalent to almost 90 per cent of all such eradications reported from Europe in that year.<sup>19</sup> Such figures may also explain the large numbers of arrests and prosecutions regarding drug production<sup>20</sup> as well as a shift away from the trafficking of other drugs towards the trafficking in cannabis.

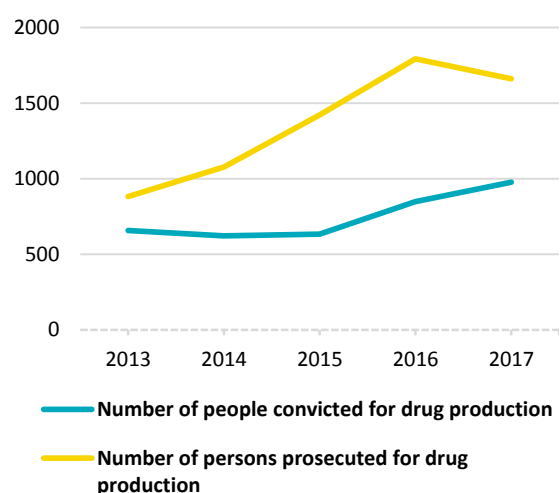
Despite such large-scale eradications, cannabis herb prices fell to €100-400 per kg in 2016 and to €150-250 kg in 2017<sup>21</sup> indicating that actual cannabis production exceeded these eradications.

A positive consequence of lower cannabis prices was that the incentives for cannabis cultivation declined. This was indirectly confirmed in far less cannabis cultivations identified by the authorities in Albania in both 2017 and 2018 - despite ongoing law enforcement efforts by the Albanian authorities to detect such sites. The number of detected cannabis cultivation sites declined to 500 in 2017 and 379 in 2018; the number of eradicated cannabis plants fell to 76,000 in 2017 and to 36,000 in 2018. However, the apparently far lower production of cannabis in parallel to ongoing demand for cannabis originating in Albania has started to impact cannabis prices, which have started to rise again in Albania to €200-700 per kg in 2018.<sup>22</sup> Most of the cannabis identified (and

eradicated) in Albania in 2018 was in southern Albania in the region of Gjirokastra (30 per cent), in central Albania in the region of Durrës bordering the sea (26 per cent), in northern Albania in Shkoder (11 per cent) and in Vlora, one of the regions in southern Albania bordering the sea (10 per cent).<sup>23</sup>

Although prosecutions doubled between 2013 and 2016 for drug production, before falling slightly in 2017, convictions have steadily increased over the entire period, albeit at a slower rate.

**FIG. 4** Number of persons prosecuted and convicted for drug production in Albania, 2013-2017



Source: UNODC elaboration of national criminal justice data

Based on data collected through UNODC's annual report questionnaire,<sup>24</sup> the other most commonly seized drug in Albania over the period 2012-2017 was heroin, though in 2018 this changed to cocaine.

For several years, Albania has been an important transit country along the world's busiest heroin trafficking route, the Balkan route, which originates in Afghanistan with Western Europe as its final destination. Trafficking of heroin via Albania (either via Northern Macedonia or via the Kosovo under UNSCR 1244), however, appears to have declined in recent years. Albanian heroin seizures fell from a peak of 88 kg in 2012 to 24 kg in 2018. In parallel, Greece reported that the importance of Albania as a heroin

<sup>18</sup> UNODC, responses to the annual report questionnaire.

<sup>19</sup> UNODC, responses to the annual report questionnaire.

<sup>20</sup> United Nations Office on Drugs and Crime (UNODC) (2019). *World Drug Report 2019*. United Nations publication.

<sup>21</sup> UNODC, responses to the annual report questionnaire.

<sup>22</sup> UNODC, responses to the annual report questionnaire.

<sup>23</sup> UNODC, responses to the annual report questionnaire.

<sup>24</sup> Available at: <https://www.unodc.org/arq/>

transit country declined from 19 per cent of the total in 2017 to 5 per cent in 2018 while Italy, which still reported that Albania was among the three most important transit countries for heroin arriving on its shores in 2013 (10 per cent of the total), has not mentioned Albania in subsequent years.<sup>25</sup> Similarly, the French authorities, which reported Albania to have been among the three most important heroin departure countries in 2013, did not report Albania thereafter as a main heroin departure country. In contrast, Switzerland continues to report Albanian groups to be involved in the smuggling of heroin via Albania to Switzerland and for Montenegro the importance of Albania as a heroin transit country seems to have increased (from 20 per cent of the total of identified transit countries in 2015 to 90 per cent in 2017).<sup>26</sup>

The importance of Albania as a transit country for Latin American cocaine to Western Europe, however, seems to be on the rise. Seizures of cocaine made by the Albanian authorities rose from 4 kg in 2012 to a peak of 631 kg in 2018, the 10<sup>th</sup> largest seizures reported by any European country in that year, and the second largest in South Eastern Europe (after Turkey).<sup>27</sup>

In addition, criminal groups of Albanian citizens have gained in importance in international cocaine trafficking in a number of other European countries in recent years, including (in terms of the total numbers arrested in 2018) in Italy, Germany, Greece, Switzerland, Belgium and Austria.<sup>28</sup> The total number of persons holding Albanian citizenship arrested for cocaine trafficking in continental Europe outside of Albania rose – as reported by member states to UNDOC in the annual report questionnaire – from 115 in 1998 to 1,935 in 2018. In many cases, cocaine shipments organized by Albanian organized crime groups now completely circumvent the territory of Albania.<sup>29</sup>

In parallel, activities of Albanian organized crime groups in overall drug trafficking outside of Albania

significantly increased as well, with arrests of persons holding Albanian citizenship in Europe outside of Albania rising from 992 in 1998 to 9,357 in 2018.<sup>30</sup>

The activities of Albanian organized crime groups are not limited to continental Europe. Albanian crime groups located in the United Kingdom, e.g., have established control and influence across the drug trafficking market there, particularly the cocaine market. These organized criminals are increasingly forming relationships with cocaine suppliers in Latin America to exert more control over the markets.<sup>31</sup>

While criminal justice data indicates an increase in drug production in Albania, convictions for drug trafficking have shown a declining trend in recent years, continuing into 2018. Criminal justice data as well as reported arrests in the responses to the annual report questionnaire point in the same direction.

This may well reflect overall declines in trafficking of drugs other than cannabis from and via the Albanian territory in recent years as Albanian organized crime groups appear to have become increasingly involved in drug trafficking activities outside of Albania—and thus beyond the reach of the Albanian authorities. At the same time, it cannot be excluded that some of this decline may also reflect the challenge of disrupting a drug trafficking infrastructure that has taken deep roots in some communities. There are some indications that Albania is interested in justice reform(s) that use organized crime affiliation in conjunction with drug trafficking prosecutions in order to increase penalties and provide a stronger deterrent.<sup>32</sup>

Persons arrested for drug trafficking within Albania continue to be predominantly Albanian citizens, accounting for 96 percent of all persons arrested for drug trafficking over the 2012-2017 period. The largest groups of non-nationals have been ethnically Albanians from Kosovo under UNSCR 1244, followed by citizens from North Macedonia (again mostly ethnic Albanians). In addition, small numbers of citizens

<sup>25</sup> UNODC, responses to the annual report questionnaire.

<sup>26</sup> UNODC, responses to the annual report questionnaire.

<sup>27</sup> UNODC, responses to the annual report questionnaire.

<sup>28</sup> UNODC, responses to the annual report questionnaire.

<sup>29</sup> UNODC, responses to the annual report questionnaire.

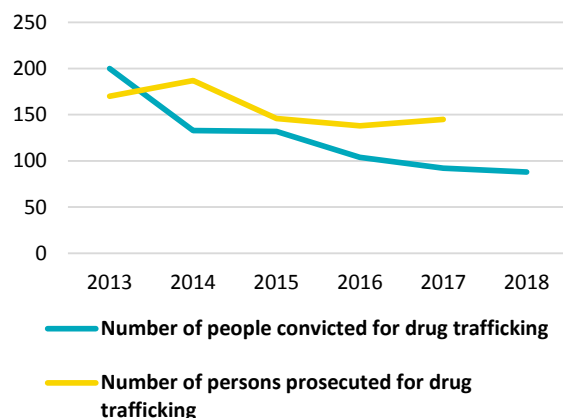
<sup>30</sup> UNODC, responses to the annual report questionnaire.

<sup>31</sup> National Crime Agency. (2017). *National Strategic Assessment of Serious and Organised crime 2017*. Available at <https://www.nationalcrimeagency.gov.uk/who-we-are/publications/32-national-strategic-assessment-of-serious-and-organised-crime-2017/file>

<sup>32</sup> United States Department of State, Bureau for International Narcotics and Law Enforcement Affairs (2019). *2019 International Narcotics Control Strategy Report*. Available at <https://www.state.gov/2019-international-narcotics-control-strategy-report/>

from other countries were arrested as well, including—in descending order— passport holders from Romania, Germany (often born in Albania), Greece, Italy, Bulgaria, Montenegro and Turkey.<sup>33</sup>

**FIG. 5** Number of persons prosecuted and convicted for drug trafficking in Albania, 2013-2018



Source: UNODC elaboration of national criminal justice data.

### Smuggling of migrants

Interviews with migrants in Albania conducted for this study<sup>34</sup> indicate that Albania is affected by two distinct smuggling routes: one originating in the country, in which nationals of Albania attempt to migrate to destinations such as the United Kingdom or other Western European countries and another distinct route that transits the region from West Asia and North Africa en route to Western Europe. The latter route - part of the Eastern Mediterranean route - is made up of two major sub-routes: a sea route departing from Turkey and landing in one of the Aegean islands of Greece and a land route that crosses from Turkey into Greece or Bulgaria, often including facilitated border crossings over the Evros river. The migrants who reach Europe through these routes often cross through Albania as they travel northwards. Despite this, administrative data from Albania showed that smuggling of migrants as well as prosecutions of migrant smuggling peaked in 2014, somewhat earlier than in other countries along this route. The number of detected smuggled migrants was lower (77), than other countries of the region, such as Serbia or North Macedonia, which have also been affected by the same migration patterns. According to the police, the number of people

who were prosecuted in 2014 for migrant smuggling (93) was higher than the number of detected migrants in the same year.

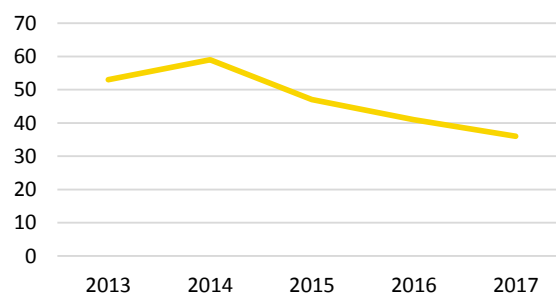
**FIG. 6** Number of persons prosecuted and convicted for smuggling of migrants in Albania, 2013-2017



Source: UNODC elaboration of national criminal justice data

When the statistics on smuggled migrants detected in Albania are broken down by age and sex, a more complex picture starts to emerge. In 2014, predominantly adult males were recorded as smuggled into Albania, but as soon as the following year, along with sharply decreasing numbers, migrants diversified both in terms of age and gender. This could suggest an increase in the number of families with children smuggled into Albania.

**FIG. 7** Number of detected smuggled migrants in Albania, by sex and age, 2013-2017



Source: UNODC elaboration of national criminal justice data.

In the context of the MACRO project, Albania was the only country in which in-depth interviews with migrants from an origin country in the region took

<sup>33</sup> UNODC, responses to the annual report questionnaire.

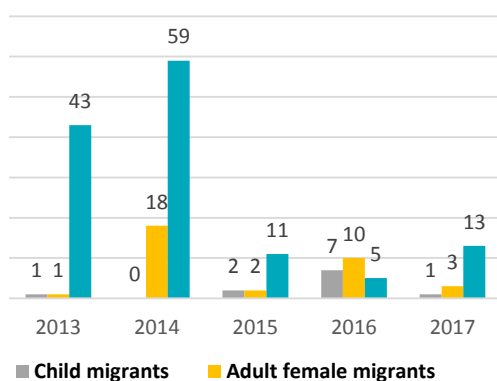
<sup>34</sup> For more information on the interviews conducted under the MACRO project, see the Methodological Annex.

place. In other words, Albanian migrants were interviewed in Albania; no other migrants from the Western Balkans were identified during the project interviews, let alone interviewed in their origin country. The interviewed migrants pointed to a smuggling flow from Albania mainly to the United Kingdom through other Western European countries, such as Italy, Greece, France and Belgium. There seem to be some distinctive characteristics of this flow, such as the presence of persons who have made repeated entry attempts over many years, even decades, despite being deported, imprisoned, having their passports confiscated and being declared *personas non grata* in the Schengen region. These interviewees noted that they relied on smugglers as there were no legal pathways to immigrate to their chosen destinations, and that they would take the next opportunity to migrate again. A deeper analysis of the modus operandi of the OCGs and the motivations of migrants along this route are presented in the regional chapter of this report.

### Trafficking in persons

National institutions in Albania recorded fewer victims of trafficking in recent years (from 59 in 2014 to 36 in 2017). This could be because of the reduced number of trafficking incidents, the changing nature of human trafficking particularly related to the commercial sex industry, which is discussed in detail in the regional section of this report, or the fact that Albanian victims of human trafficking are exploited and detected mainly in Western Europe.

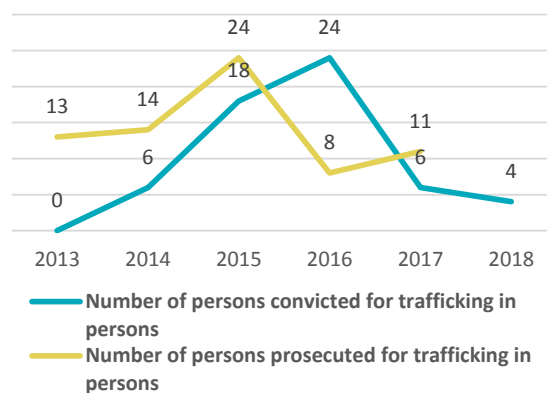
**FIG. 8** Number of detected adult victims of trafficking in persons in Albania, 2013-2017



Source: UNODC elaboration of national criminal justice data.

Convictions reflect this downward trend as well, having hit their peak in 2016 with 24, and then dropping considerably, to 4 in 2018. Interviews with human traffickers, victims and expert practitioners undertaken for the MACRO project have indicated that this seeming decrease in the incidence of human trafficking may have to do with an evolving modus operandi, particularly with regard to trafficking for sexual exploitation.

**FIG. 9** Number of persons prosecuted and convicted for trafficking in persons in Albania, 2013-2018<sup>35</sup>

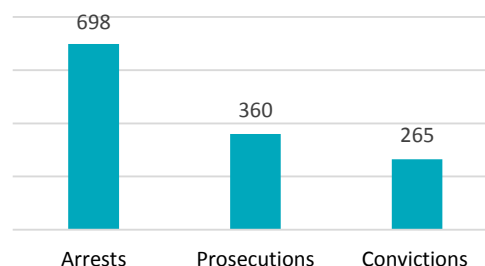


Source: UNODC elaboration of national criminal justice data.

### Manufacturing and possession of firearms

Under the Albanian criminal code, manufacturing and possession of firearms are dealt with by the same criminal provision, so it is likely that the high numbers of arrests in this area are due to illicit possession of firearms and ammunition, as there is no evidence of active manufacturing of firearms in Albania at the reported levels.

**FIG. 10** Number of persons arrested, prosecuted and convicted for manufacturing and possession of firearms in Albania, 2017



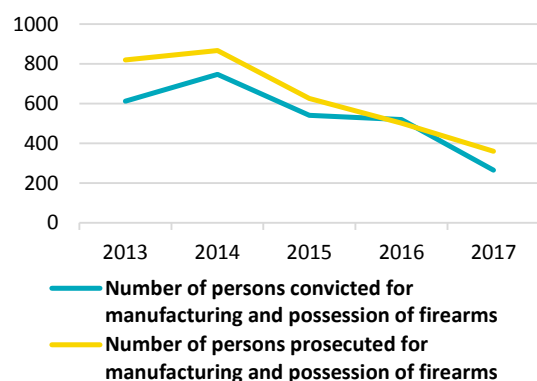
Source: UNODC elaboration of national criminal justice data

<sup>35</sup> For 2018, only conviction data was requested from the beneficiaries under the MACRO project.



In the 1960s and 70s, Albania put in place a rearmament program with the goal of increasing the stockpile of small arms and light weapons as well as ammunition. The results of this program have reverberated through the decades, reaching a peak during the Civil Unrest in 1997 when looting of weapons depots resulted in about 550,000 firearms being seized by the general public.<sup>36</sup> Several initiatives by the government and the international community over the years have been undertaken to repossess and destroy these stockpiles, but some weapons remain in circulation. In addition, customary law in Albania contains numerous references to guns, in which they figure prominently as a form of protection and as a means of meting out justice.<sup>37</sup> However, rather than representing a rigid set of regulations, this customary law provides a justification for social behaviour and most importantly, an enabling environment for organized criminals.

**FIG. 11** Number of persons prosecuted and convicted for manufacturing and possession of firearms in Albania, 2013-2017



Source: UNODC elaboration of national criminal justice data.

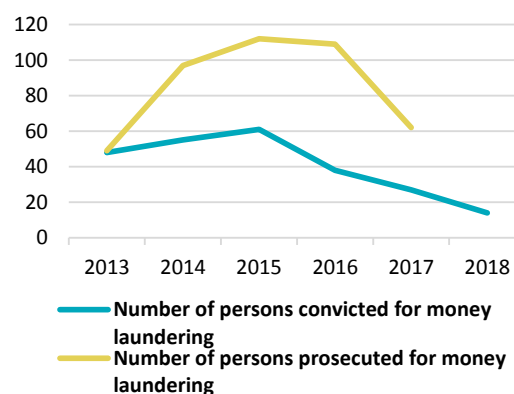
### Money laundering

In 2020, the Financial Action Task Force on Money Laundering (FATF) included Albania in its greylist. The FATF greylist includes the regimes with the worst legal framework and agencies to counter money laundering, terrorist financing, and proliferation financing. Since then, Albania has made a high-level political commitment to working with the FATF

and MONEYVAL to strengthen the effectiveness of its AML/CFT regime.

Prosecutions for money laundering in Albania have fluctuated, from 49 in 2013 to 112 in 2015 before declining to 62 in 2017. Convictions for money laundering remain at very low levels, however, and even declined from 27 in 2017 to 14 in 2018. Inefficient anti-money laundering efforts in the past could be one of the possible explanations of low conviction rates. The Council of Europe stated that the level of evidence required in order to predicate the crime is not always clear for practitioners in Albania and money laundering proceedings are mostly suspended or dismissed by the prosecution.<sup>38</sup> In 2018, males and females were convicted in equal numbers: 7 males and 7 females, which is an unusually large share of female involvement in this crime. However, conclusions are difficult to draw because of the low numbers of convictions. Also, 2018 was the only year included in this research in which there were any convictions of females for money laundering in Albania.

**FIG. 12** Number of persons prosecuted and convicted for money laundering in Albania, 2013-2018<sup>39</sup>



Source: UNODC elaboration of national criminal justice data

### Cybercrime

Albanian hackers have become members of forums or blogs, run by international criminal groups, and have been 'subcontracted' to carry out attacks

<sup>36</sup> South Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC) (2003). *You Have Removed the Devil from Our Door: An Assessment of the UNDP Small Arms and Light Weapons Control (SALWC) project in Albania.*

<sup>37</sup> Khakee, A., & Florquin, N. (2003). *Kosovo UNSCR 1244 and the gun: A baseline assessment of small arms and light weapons in Kosovo UNSCR 1244.* Geneva: Small Arms Survey.

<sup>38</sup> Council of Europe (2018). *Anti-money laundering and counter-terrorist financing measures: The fifth round mutual evaluations report on Albania.* Available at <https://rm.coe.int/committee-of-experts-on-the-evaluation-of-anti-money-laundering-measur/16808ff138>

<sup>39</sup> For 2018, only conviction data was requested from the beneficiaries under the MACRO project.

against banks or public institutions.<sup>40</sup> Besides crimes such as credit card fraud, dissemination of child sexual abuse material or audiovisual pirating, the internet also facilitates trafficking and distribution of drugs, recruitment of victims of trafficking, the distribution of counterfeit goods and many other criminal activities, such as trafficking of drugs and human beings.<sup>41</sup>

Over the last few years, more efforts are being made to investigate and prosecute cybercrime. As a result, the number of persons convicted reached a peak of 72 in 2016.

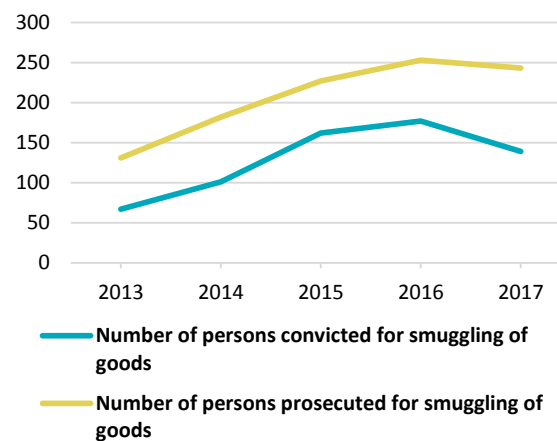
In 2014, special structures focusing on cybercrime were established locally within prosecution offices and police, as well as at the national level, including the National Agency for Cyber Security (ALCIRT). Furthermore, with the support of UNODC, a detailed manual for cybercrime investigators including procedures, methods of action of investigators at the crime scene, types of evidence, and the handling of electronic evidence, has been created.<sup>42</sup> Recent institutional and procedural development in the investigation and prosecution of cybercrime may have helped detect and convict more cases of this type of crime.

### Smuggling of goods

Smuggling of goods in Albania seems to be a relatively common organized crime activity and the number of convictions for smuggling of goods in Albania almost tripled from 67 in 2013 to 177 in 2016. Albania did not supply any information about the types of goods seized but other countries and territories in this research reported seizing cigarettes and other tobacco products, fireworks, gold and silver jewelry, medicines and medical supplies, clothes and textiles, products of „cultural heritage,“ and auto parts. In particular, other sources report that Albanian organized criminal groups are involved in illegal production of counterfeit cigarettes intended for sale throughout the European Union. Counterfeit cigarettes are smuggled through the same well-

established routes as cannabis herb and heroin. Demand for counterfeit cigarettes is high, and further intensified by low production costs and high retail prices.<sup>43</sup>

**FIG. 13** Number of persons prosecuted and convicted for smuggling of goods in Albania, 2013-2017



Source: UNODC elaboration of national criminal justice data.

### Enablers

Enablers can be defined as “individuals, mechanisms and situations that play an important role in facilitating organized crime activities – whether intentionally or inadvertently – increasing its benefits and scale while reducing its risks.”<sup>44</sup> Bribery, corruption, and obstruction of justice are some of the means that facilitate organized crime.

Corruption is a serious problem in Albania, particularly within the police and law enforcement agencies.<sup>45</sup> The government introduced judiciary reforms and amendments to laws on police personnel and vetting. However, despite existing arrests and prosecutions of public officials for accepting a bribe, there were no convictions during the observed period.

<sup>40</sup> Zhilla, F., & Lamallari, B. (2015). *Organized Crime Threat Assessment in Albania*. Tirana: Open Society Foundation for Albania

<sup>41</sup> Council of Europe (2007). Trafficking in Human Beings: Internet recruitment. In Zhilla, F., & Lamallari, B. (2015). *Organized Crime Threat Assessment in Albania*. Tirana: Open Society Foundation for Albania

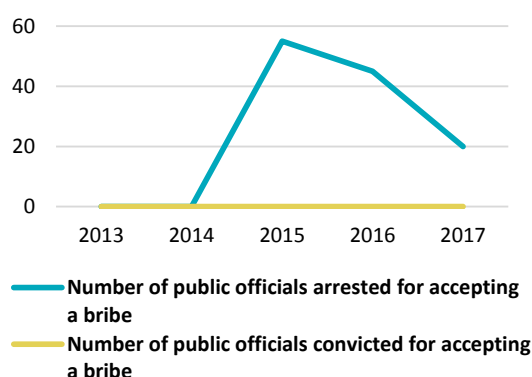
<sup>42</sup> Dushi, D. and Bërdufi, N., ‘Law Enforcement and Investigation of Cybercrime in Albania’, *European Scientific Journal*, 13(12), 2017.

<sup>43</sup> European Police Office (Europol) (2015). *Situation report on counterfeiting in the European Union*. Available at [https://www.europol.europa.eu/sites/default/files/documents/2015\\_situation\\_report\\_on\\_counterfeiting\\_in\\_the\\_eu.pdf](https://www.europol.europa.eu/sites/default/files/documents/2015_situation_report_on_counterfeiting_in_the_eu.pdf)

<sup>44</sup> Global Agenda Council on Organized Crime (2012). *Organized Crime Enablers*. Available at <http://reports.weforum.org/organized-crime-enablers-2012/#>

<sup>45</sup> Zhilla, F., & Lamallari, B. (2015). *Organized Crime Threat Assessment in Albania*. Tirana: Open Society Foundation for Albania

**FIG. 14** *Number of public officials prosecuted and convicted for accepting a bribe in Albania, 2013-2017*



Source: UNODC elaboration of national criminal justice data

## Bosnia and Herzegovina

Bosnia and Herzegovina is a State Party to the United Nations Convention against Transnational Organized Crime, and all three of its Protocols. The governing bodies of Bosnia and Herzegovina, its District (Brčko),<sup>46</sup> and its entities (Federation of Bosnia and Herzegovina and Republika Srpska) have a systematic approach to the fight against organized crime. Criminal legislation on all administrative levels and within the four separate criminal justice systems, has been aligned with the requirements of the United Nations Convention against Transnational Organized Crime. A Special Department for Organized Crime, Economic Crime and Corruption was established at the same time as the forming of the Prosecutor's Office of Bosnia and Herzegovina in 2003. The jurisdiction of the Special Department includes corruption crimes related to employees in the institutions of Bosnia and Herzegovina; economic and financial crime, including tax evasion, goods smuggling, customs fraud and money laundering as well as organized crime, which include but are not limited to international drug trafficking, trafficking in persons and similar criminal offences stipulated by the Criminal Code of Bosnia and Herzegovina.

In 2004, the Task Force for the Fight Against Trafficking in Human Beings and Organized Illegal Immigration as a form of crime was established. The Task

Force works on the territory of the whole of Bosnia and Herzegovina and consists of representatives of prosecutor's offices, authorities of internal affairs, taxation bodies, financial police and the State Border Services, thus involving all those who could contribute to the fight against trafficking in persons and facilitated irregular immigration. Bosnia and Herzegovina developed a Strategy to Counter Trafficking in Human Beings and a related Action Plan 2013-2015, which included an analysis of the current situation, as well as an elaboration of strategic issues and objectives. It also developed a Strategy in the Area of Migration and Asylum and a related Action Plan for the Period 2016-2020, which includes a section on the fight against human trafficking of foreign victims.

The country has initiated an Organized Crime Threat Assessment in Bosnia and Herzegovina (2017-2020) and several strategies to combat OC.

### Patterns and trends of organized crime in Bosnia and Herzegovina

Data collected from Bosnia and Herzegovina during the time period 2012-2017 showed that the majority of convictions for crimes included in this analysis<sup>47</sup> are related to firearms<sup>48</sup> with 76 per cent of the total convictions during the reporting period. The crime with the second largest number of convictions was drug trafficking, with 17 per cent of the convictions from 2012-2017. Data on proven organized criminal involvement in these crimes were unavailable at the time of data collection. However, the stand-alone crime of participation in an organized criminal group made up 6 per cent of convictions during the period in question.

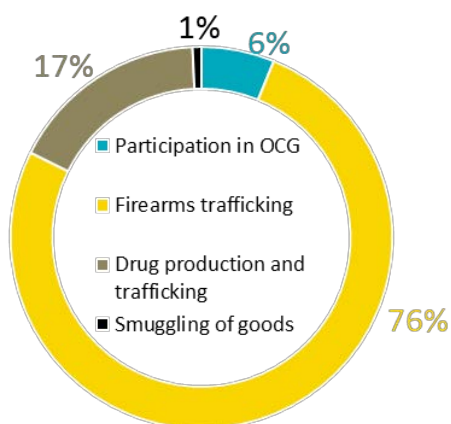
<sup>46</sup> Brčko District is a self-governing administrative unit in north-eastern Bosnia and Herzegovina.

<sup>47</sup> Crimes included in the framework were participation in an organized criminal group, drug trafficking, drug production and cultivation, human trafficking, smuggling of migrants, firearms manufacturing and trafficking, money laundering, counterfeiting money,

counterfeiting official documents, counterfeiting other goods, producing fraudulent travel or identity documents, and cybercrime.

<sup>48</sup> Firearms trafficking and illegal possession of firearms are punishable under the same provision of Criminal Code of Bosnia and Herzegovina (article 193).

**FIG. 15** Share of persons convicted for selected<sup>49</sup> criminal activities in Bosnia and Herzegovina, by crime type, 2012-2017 (n=2408)



Source: UNODC elaboration of national criminal justice data

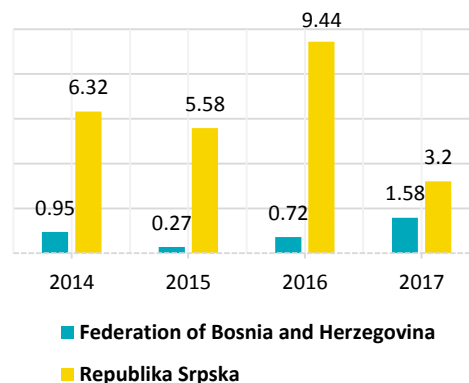
### Participation in an organized criminal group

Due to the unique governmental structure of Bosnia and Herzegovina, some data have been broken down by entity for closer analysis. Regarding the number of people arrested for participating in an organized criminal group, Republika Srpska requires careful examination. The Ministry of Interior's Registry on activities of fighting organized crime was the only database found of its kind in the region and is very sophisticated. This database serves as a 'good practice' and contains information on the groups themselves, their activities, and the identified individuals involved. The registry also contains information on law enforcement operations to combat organized criminal groups, including the date and time of operation, location, who submitted the initial information about the suspicious activity, types of criminal offences the group is involved in, the name and structure of the group, its propensity to use violence, level of expertise, use of corruption, use of technology, links to and relationships with other groups (supervisory role, or dependent on others, etc.), international links, status of the law enforcement operation, domestic or international, financial investigation, number of members of the group, detailed information about the members of the group including place of residence, as well as for which criminal offences the group is being investi-

<sup>49</sup> Criminal activities included in the framework recorded with percentage higher than 1% from data provided for MACRO.

gated. The maintenance and use of this database appear to be reflected in the high rates of arrests for participation in an organized criminal group, as evidenced by comparing arrest rates in Republika Srpska with the Federation of Bosnia and Herzegovina.

**FIG. 16** Rate of persons arrested for participation in an organized criminal group per 100,000 population in Federation of Bosnia and Herzegovina and Republika Srpska, 2014-2017

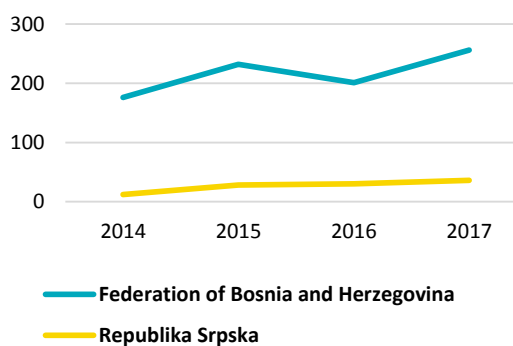


Source: UNODC elaboration of national criminal justice data

### Drug production and trafficking

In terms of drug cultivation and production in Bosnia and Herzegovina, cannabis plantations and labs for cannabis herb production have been discovered.<sup>50</sup>

**FIG. 17** Number of persons arrested for drug production in Bosnia and Herzegovina, 2014-2017



Source: UNODC elaboration of national criminal justice data.

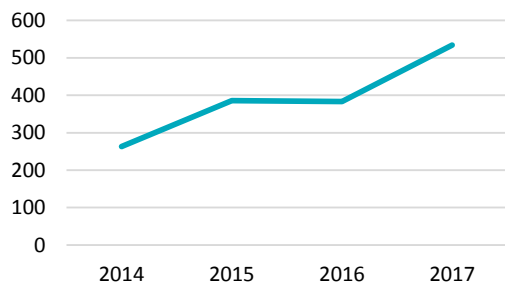
With regard to drug trafficking, seizures by police and law enforcement agencies in the territory of Bosnia and Herzegovina show a preponderance of

<sup>50</sup> Bosnia and Herzegovina, Council of Ministers (2016). *Organized Crime Threat Assessment in Bosnia and Herzegovina*. Sarajevo.

cannabis herb, cannabis plants, amphetamine and heroin.<sup>51</sup> Despite the overall low levels of drug trafficking, arrests have doubled during the period from 2014-2017, indicating either increased activity or intensified efforts of law enforcement to detect this crime.

Seizure cases reported by Bosnia and Herzegovina for 2018, however, showed a decline by 26 per cent on a year earlier, suggesting that the upward trend in the number of persons arrested for drug trafficking may not have continued in 2018. The quantities seized of heroin, cocaine and ecstasy declined in 2018 while those of cannabis and amphetamine increased.<sup>52</sup>

**FIG. 18** Number of persons arrested for drug trafficking in Republika Srpska, Bosnia and Herzegovina, 2014-2017



Source: UNODC elaboration of national criminal justice data.

### Smuggling of migrants

Since 2015 and 2016, when other countries along the Balkan route closed their borders, migrants and refugees have been transiting through Bosnia and Herzegovina in great numbers, mainly from Syria, Afghanistan and Iraq on their way to Western European destinations. According to data gathered by the national authorities of Bosnia and Herzegovina and the International Organization for Migration, in 2018, there were a total of 23,848 migrants registered, which was a 20-fold increase from 2017, when the number of registered migrants was 1,116. As of 22 September, there were a total of 21,029 registered migrants in Bosnia and Herzegovina in 2019. The country's inability to cope with such a massive influx and the migration bottleneck, as a consequence of increased security along the border with Croatia, created a breeding ground for organized migrant smuggling. That was reflected in the

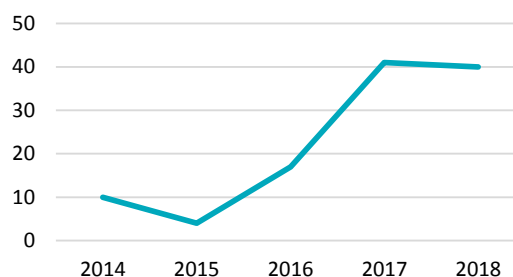
<sup>51</sup> Ibid.

<sup>52</sup> UNODC, responses to the annual report questionnaire.

increasing numbers of arrests for migrant smuggling in Republika Srpska, which more than doubled from 2016 to 2017.

The COVID-19 pandemic and the travel restrictions seem to have had an impact on the arrivals in Bosnia and Herzegovina: where there were around 2000 arrivals in February 2020, the number dropped to 112 in March the same year.<sup>53</sup>

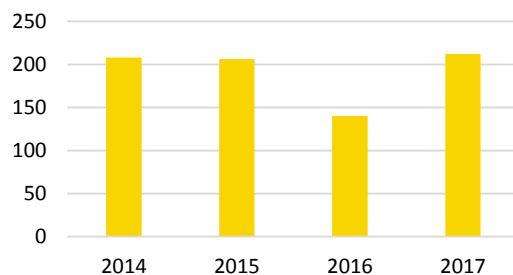
**FIG. 19** Number of persons arrested for smuggling of migrants in Republika Srpska, Bosnia and Herzegovina, 2014-2018



Source: UNODC elaboration of national criminal justice data

The production of fraudulent travel and identity documents is a key criminal activity linked to migrant smuggling and is of great financial benefit to smugglers. Migrants interviewed along the Balkan route in 2018 reported paying US\$283 for a counterfeit passport to US\$7,000 for a fake Italian identity card. More information on the financial aspects related to smuggling of migrants in the Western Balkans are presented in the regional chapter of this report.

**FIG. 20** Number of persons convicted for producing, procuring, providing or possessing fraudulent travel or identity documents in Republika Srpska, Bosnia and Herzegovina, 2014-2017



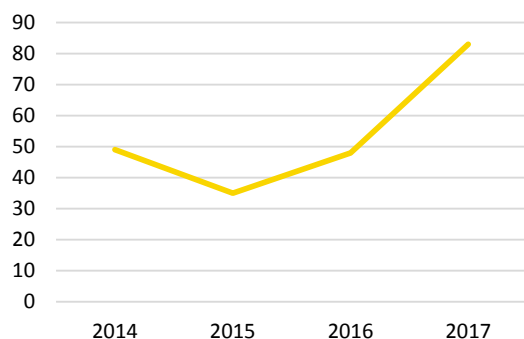
Source: UNODC elaboration of national criminal justice data

<sup>53</sup> International Organization for Migration. *Flow Monitoring Europe*. Available at <https://migration.iom.int/europe?type=arrivals>

### Trafficking in persons

Due to scarcity of provided data on trafficking in persons in Bosnia and Herzegovina, presented trends are based on data collected for UNODC's 2018 Global Report on Trafficking in Persons.<sup>54</sup> Despite a declining trend in number of detected victims of trafficking in persons in the region, the number of detected victims in Bosnia and Herzegovina shows an increasing trend. According to the national Serious and Organized Crime Threat Assessment,<sup>55</sup> Bosnia and Herzegovina has transformed from a transit and destination country to a country of origin for trafficking in persons. This is supported by the fact that all of the detected victims in Bosnia and Herzegovina were nationals of the country and were trafficked domestically.<sup>56</sup> Victims were exploited mainly for the purposes of forced begging, sexual exploitation and forced labour.<sup>57</sup>

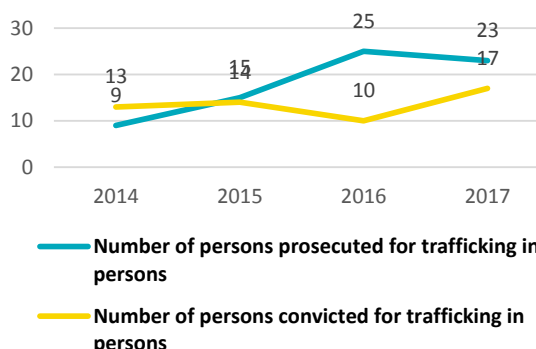
**FIG. 21** Number of detected victims of trafficking in persons in Bosnia and Herzegovina, 2014-2017



Source: UNODC Global Report on Trafficking in Persons, 2018

Data on the criminal justice response to this crime however do not reflect the upward trend. The number of persons convicted for trafficking in persons remained low over the course of the years 2014-2017, between 13 to 17 persons each year.

**FIG. 22** Number of persons prosecuted and convicted for trafficking in persons in Bosnia and Herzegovina, 2014-2017

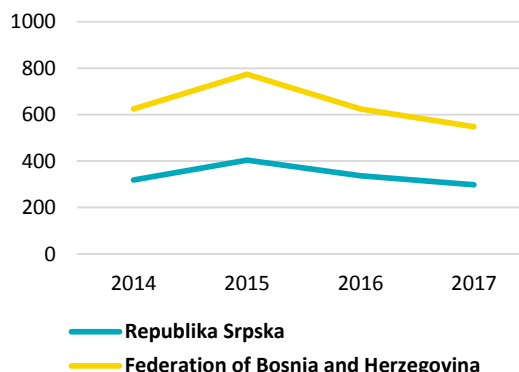


Source: UNODC Global Report on Trafficking in Persons, 2018

### Firearms trafficking<sup>58</sup>

Both seizures of illegal firearms and convictions for firearms possession and trafficking over the period 2014-2017 in Republika Srpska and Federation of Bosnia and Herzegovina indicate a stable trend.

**FIG. 23** Number of seizures of illegal firearms in Bosnia and Herzegovina, 2014-2017



Source: UNODC elaboration of national criminal justice data

There is some indication that poly-criminal groups that engage in drug trafficking are also smuggling weapons. For instance, one detected case confirmed that an international criminal group was involved in weapons and explosives smuggling from

<sup>54</sup> United Nations Office on Drugs and Crime (2018). *Global Report on Trafficking in Persons 2018*. United Nations Publication.

<sup>55</sup> Bosnia and Herzegovina, Council of Ministers (2016). *Organized Crime Threat Assessment in Bosnia and Herzegovina*. Sarajevo.

<sup>56</sup> United Nations on Drugs and Crime (UNODC) (2018). *Global Report on Trafficking in Persons 2018: Central and South-Eastern Europe*. Available at [https://www.unodc.org/documents/data-and-](https://www.unodc.org/documents/data-and-analysis/glotip/2018/GLOTIP_2018_CENTRAL_AND_SOUTH_EASTERN_EUROPE.pdf)

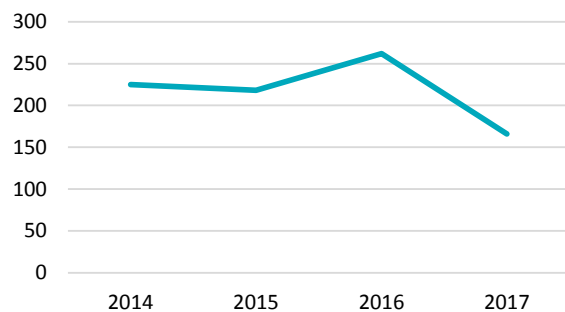
[analysis/glotip/2018/GLOTIP\\_2018\\_CENTRAL\\_AND\\_SOUTH\\_EASTERN\\_EUROPE.pdf](https://www.unodc.org/documents/data-and-analysis/glotip/2018/GLOTIP_2018_CENTRAL_AND_SOUTH_EASTERN_EUROPE.pdf)

<sup>57</sup> Ibid.

<sup>58</sup> Firearms trafficking and illegal possession of firearms are punishable under the same provision of Criminal Code of Bosnia and Herzegovina (article 193).

Bosnia and Herzegovina to France and the Netherlands with the intention of exchanging the weapons for cocaine and synthetic drugs.<sup>59</sup>

**FIG. 24** Number of persons convicted for firearms possession and trafficking in Republika Srpska, Bosnia and Herzegovina, 2014-2017



Source: UNODC elaboration of national criminal justice data.

### Money laundering

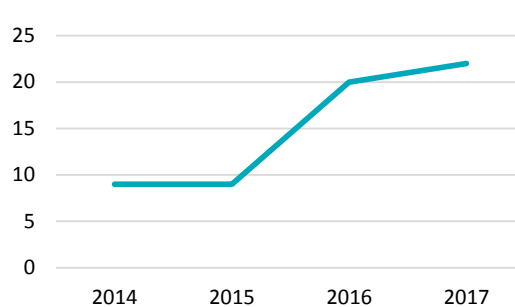
In 2018, after three years of intensive work to improve its AML/CFT regime, Bosnia and Herzegovina was officially removed from the FATF list of deficient jurisdictions. According to FATF, since June 2015, Bosnia and Herzegovina has substantially addressed its action plan at a technical level, including by: (1) completing the criminalisation of terrorist financing; (2) establishing an adequate legal framework for freezing terrorist assets; (3) developing an adequate AML/CFT supervisory framework; (4) developing adequate measures for the non-profit sector; (5) establishing adequate cross-border currency controls; (6) harmonising criminalisation of money laundering in all criminal codes; and (7) ensuring adequate procedures for the confiscation of assets. Unfortunately, no data were received to be able to analyse the state response to money laundering in any of the jurisdictions of Bosnia and Herzegovina for the current report.

### Cybercrime

Data from the authorities of the Republika Srpska show an increasing number of arrests for cyber-related crime which more than doubled from 2015 to 2017. The two most common forms of cybercrime in Bosnia and Herzegovina both relate to the security of computer data: 1)unauthorised possession and

usage of passwords with the aim of obtaining financial or other benefit; and 2)unauthorised obstruction and disruption of access to a public network.<sup>60</sup>

**FIG. 25** Number of persons arrested for cyber-crime, Republika Srpska, Bosnia and Herzegovina, 2014-2017

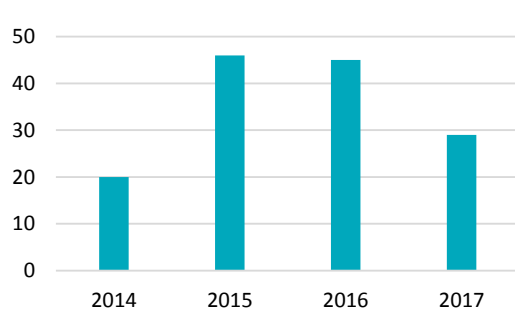


Source: UNODC elaboration of national criminal justice data

### Enablers

In Republika Srpska, obstruction of justice is more commonly prosecuted than in other parts of the Western Balkan region. This may reflect the actual prevalence of the crime or the enhanced ability of authorities to counter this crime in Bosnia and Herzegovina.

**FIG. 26** Total cases of obstruction of justice, Republika Srpska, Bosnia and Herzegovina, 2014-2017



Source: UNODC elaboration of national criminal justice data

### Montenegro

Montenegro is a State Party to the UN Convention against Transnational Organized Crime, and all three of its Protocols. It has introduced a number of legislative and institutional measures to meet the challenges posed by organized crime. Within the police,

<sup>59</sup> Police Directorate of Montenegro (2013). *Serious and Organised Crime Threat Assessment of Montenegro*. Available at <http://www.mup.gov.me/ResourceManager/FileDownload.aspx?rId=162628&rType=2>

<sup>60</sup> Bosnia and Herzegovina Council of Ministers (2016). *Organized Crime Threat Assessment in Bosnia and Herzegovina*. Sarajevo.

the Department for the Fight against Organized Crime and Corruption has been established. At the same time, the Special State Prosecutor's Office has taken over investigations of organized crime cases that are later brought for hearing to the Higher Court of Podgorica, as the court in charge of such cases. From the legal point of view, either new laws have been created (for example, on witness protection)<sup>61</sup> or appropriate amendments have been introduced in order to define organized crime-related criminal activities, as requested by the United Nations Convention against Transnational Organized Crime. In order to fight organized crime in a coordinated and comprehensive fashion, strategies and action plans<sup>62</sup> have been developed and implemented over the last decades.

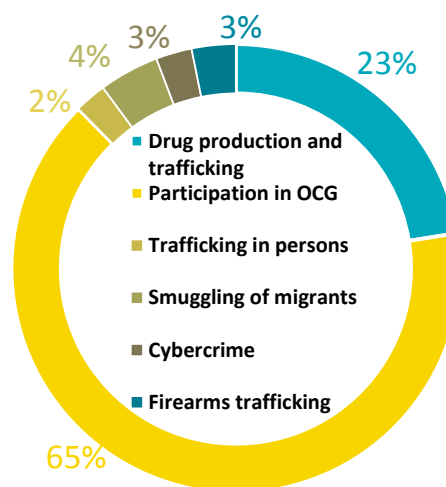
### Patterns and trends of organized crime in Montenegro

Montenegrin transnational organized criminal groups, mainly engaged in trafficking of cocaine from Latin America to Europe, are notorious for violent inter-gang wars with shootings all over the Europe and extensive violence in the region.<sup>63</sup>

Based on an analysis of conviction data, the criminal activities most often linked to active organized criminal groups in Montenegro were money laundering, drug trafficking and drug production. Participation in an organized criminal group had the highest number of prosecutions (104) overall, with 65 per cent of the total.

The Criminal Code of Montenegro<sup>64</sup> criminalizes conspiracy to commit a crime (art. 400), as well as criminal association (art. 401) and establishment of criminal organization (art. 401a).

FIG. 27 Share of persons convicted for selected<sup>65</sup> criminal activities linked to organized criminal groups in Montenegro, by crime type, 2013-2018 (n=347)



Source: UNODC elaboration of national criminal justice data.

### Participation in an organized criminal group

The Serious and Organized Crime Threat Assessment (SOCTA) conducted in Montenegro in 2013 by Police Directorate of Montenegro identified 20 active organized criminal groups. These groups usually consisted of a stable core of key individuals, linked by family or long-term friendly relations, and of permanent or temporary members who are specialists in various areas, as well as a wider range of available temporary associates.

Analysis of the data provided by the authorities of Montenegro give some insight into the situation of organized crime in the country. Looking at the number of convictions, the peak occurred in 2013 with 67 convictions, followed by the steep decline in 2014 with 7 convictions. This low trend continued throughout years until 2018 when the number of convictions significantly increased to 65.

<sup>61</sup> Law on Witness Protection (Official Gazette of the Republic of Montenegro, no. 65/04).

<sup>62</sup> Serious and Organized Crime Threat Assessment of Montenegro 2013, Regional Serious and Organized Crime Threat Assessment 2016, Strategy of National Security of Montenegro (includes a focus on all forms of organized crime and corruption), Strategy for the Fight against Corruption and Organized Crime 2010-2014, Action Plan for the Implementation of the Strategy for the Fight against Corruption and Organized Crime in the Period 2010-2012.

<sup>63</sup> Global Initiative against Transnational Organized Crime, *Making a Killing: What Assassinations Reveal about the Montenegrin drug*

*war*, July 2020 available at <https://globalinitiative.net/wp-content/uploads/2020/07/Making-a-killing-What-assassinations-reveal-about-the-Montenegrin-drug-war.pdf>

<sup>64</sup> Criminal Code "Official Gazette of the Republic of Montenegro" No. 70/2003 article 401, 401a, 404.

<sup>65</sup> Criminal activities included in the framework recorded with percentage higher than 1% from data provided for MACRO.



**FIG. 28** *Number of persons prosecuted and convicted for participation in an organized criminal group in Montenegro, 2013-2018*<sup>66</sup>



### *Drug production and trafficking*

Besides participation in an organized criminal group, the most commonly convicted organized criminal activities in Montenegro are drug-related, ie production (cannabis) and trafficking of various drugs, notably cannabis and cocaine. The importance of heroin trafficking has declined in recent years. Drug production and drug trafficking are both punishable under the same article in the criminal code.<sup>67</sup>

The number of drug-related seizure cases shows a rapidly ascending trend. In 2016, seizure cases more than doubled (815) compared to the previous year (383) and the reported seizure cases grew further in 2017.

These data are in line with information gathered through interviews with expert practitioners in Montenegro.<sup>68</sup> They also pointed out that most of the leaders of organized criminal groups in the country involved in drug-related criminal activities came from Montenegro. There are two main categories of drug trafficking observed in the country: 1. smuggling through the territory of Montenegro and local distribution of drugs; 2. transcontinental smuggling and smuggling via the Balkan route, as well as distri-

bution in the European countries. The most common types of drugs smuggled through the territory are cannabis herb, cocaine and heroin.

According to responses to UNODC's annual report questionnaire as well as according to Montenegro's Serious and Organized Crime Threat Assessment (SOCTA), the latest seizures in the country of heroin intended for street sale (and some seizures in surrounding countries) indicate that Montenegro is used less and less as a smuggling channel for this type of drug. The quantities of heroin seized in Montenegro declined from 34 kg in 2016 to 18 kg in 2017 and 2 kg in 2018.<sup>69</sup>

With regard to cocaine, criminals from Montenegro who are engaged in cocaine smuggling cooperate closely with organized crime groups from Serbia and Croatia and are sometimes also members of international criminal groups. One characteristic of Montenegrin groups involved in cocaine trafficking has been a high degree of violence, resulting in a number of killings of competitors (including the planting of car bombs), both in Montenegro and abroad in recent years.<sup>70</sup> Seizures of cocaine showed a peak in 2014 (228 kg), before falling in 2016 (0.3 kg) and then rising again to 35 kg in 2018.<sup>71</sup> Far more important, however, have been seizures made outside of Montenegro, involving organized crime groups from Montenegro. In March 2020, Europol reported seizing a catamaran in Portugal, transporting 850 kg of cocaine from the Caribbean to Europe. The complex international investigation, starting in 2017, was led by Montenegro, in cooperation with law enforcement authorities from Austria, Croatia, France, Portugal, Serbia and Slovenia, supported by Europol.<sup>72</sup>

As for cannabis herb, the easy availability and profits motivate local groups to engage in its smuggling. Most of the cannabis herb seized in Montenegro originates in Albania.<sup>73</sup> Usually, it is smuggled into the country from Albania to Podgorica, Niksic or Herceg Novi and often onwards to Bosnia and Herzegovina and Croatia.<sup>74</sup> In line with the expansion of

<sup>66</sup> For 2018, only conviction data was requested from the beneficiaries under the MACRO project.

<sup>67</sup> Criminal Code "Official Gazette of the Republic of Montenegro" No. 70/2003 article 300.

<sup>68</sup> For more information on the interviews conducted under the MACRO project, see the Methodological Annex .

<sup>69</sup> UNODC, responses to the annual report questionnaire.

<sup>70</sup> UNODC, response to the annual report questionnaire.

<sup>71</sup> UNODC, response to the annual report questionnaire.

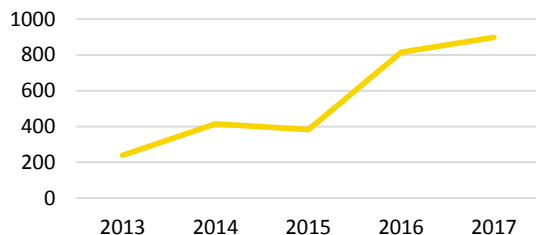
<sup>72</sup> Europol, "Balkan Cocaine Cartel taken down in Montenegro", Press Release, 11 March 2020.

<sup>73</sup> UNODC, responses to the annual report questionnaire.

<sup>74</sup> Criminal Investigation Directorates of the Serbian, Montenegrin and the former Yugoslav Republic of Macedonia Ministries of Inte-

cannabis production in Albania, cannabis herb seizures in Montenegro rose significantly from 0.2 tons in 2015 to 2.8 tons in 2016 and 3.3 tons in 2018.<sup>75</sup>

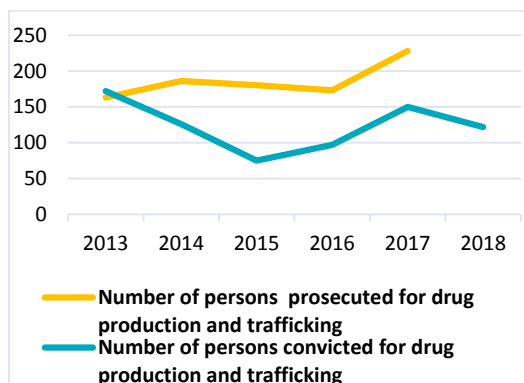
**FIG. 29** Number of seizures of drugs in Montenegro, 2013-2017



Source: UNODC elaboration of national criminal justice data.

The territory of Montenegro is used for drug trafficking, rather than drug production. Nonetheless, cannabis herb is produced in the country to meet local demand.<sup>76</sup> The number of convictions for drug-related crimes declined from 2013 to 2018, though with significant year-on-year fluctuations.

**FIG. 30** Number of persons prosecuted and convicted for drug production and trafficking in Montenegro, 2013-2018<sup>77</sup>



Source: UNODC elaboration of national criminal justice data.

rior (2016). *Regional Serious and Organized Crime Threat Assessment*. Available at [http://www.mvr.gov.mk/Upload/Editor\\_Upload/analizi-statistiki/Soceta%20izvestaj%202016%20ENG.pdf](http://www.mvr.gov.mk/Upload/Editor_Upload/analizi-statistiki/Soceta%20izvestaj%202016%20ENG.pdf)

<sup>75</sup> UNODC, responses to the annual report questionnaire.

<sup>76</sup> Criminal Investigation Directorates of the Serbian, Montenegrin and the former Yugoslav Republic of Macedonia Ministries of Interior. *Regional Serious and Organized Crime Threat Assessment*, 2016

<sup>77</sup> For 2018, only conviction data was requested from the beneficiaries under the MACRO project.

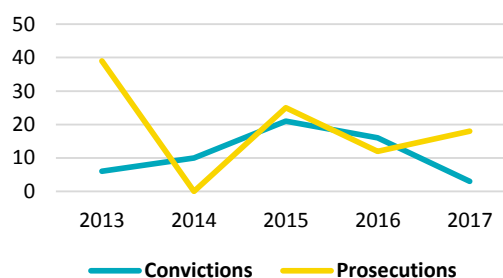
<sup>78</sup> Criminal Investigation Directorates of the Serbian, Montenegrin and the former Yugoslav Republic of Macedonia Ministries of Inte-

### Smuggling of migrants

According to the 2016 Regional SOCTA,<sup>78</sup> Montenegro due to its geographic position, is less affected by migrant smuggling than Serbia or North Macedonia. Still, it is used as a transit country for irregular migration from Albania and Kosovo UNSCR 1244 towards Croatia, Bosnia and Herzegovina and Serbia and onwards to destinations in Western Europe.<sup>79</sup>

The number of convictions during the 2013-2017 period peaked in 2015 (21), most likely caused by the increased number of migrants and refugees transiting the region. A revised asylum law<sup>80</sup> adopted in 2016 may have reduced opportunities for criminal activities and led to a decline in 2016, a trend which continued into 2017.

**FIG. 31** Number of persons prosecuted and convicted for smuggling of migrants in Montenegro, 2013-2017



Source: UNODC elaboration of national criminal justice data.

### Firearms trafficking

Although recorded seizures of firearms in Montenegro significantly declined after 2000,<sup>81</sup> they are still taking place. Easy availability of firearms which are not under the control of the authorities, good international connections between organized criminal groups, developed drug and goods smuggling routes,

rior (2016). *Regional Serious and Organized Crime Threat Assessment*. Available at [http://www.mvr.gov.mk/Upload/Editor\\_Upload/analizi-statistiki/Soceta%20izvestaj%202016%20ENG.pdf](http://www.mvr.gov.mk/Upload/Editor_Upload/analizi-statistiki/Soceta%20izvestaj%202016%20ENG.pdf)

<sup>79</sup> Police Directorate of Montenegro (2013). *Serious and Organised Crime Threat Assessment of Montenegro*. Available at <http://www.mup.gov.me/ResourceManager/FileDownload.aspx?rid=162628&rType=2>

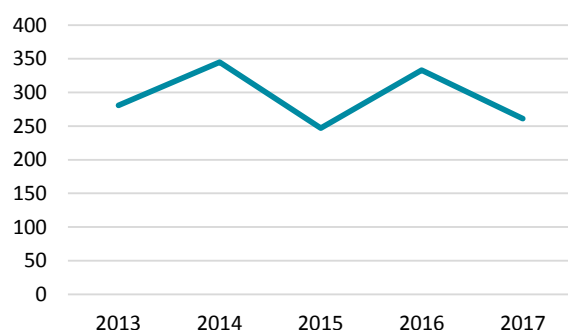
<sup>80</sup> Law on international and temporary protection of foreigners "Asylum law"

<sup>81</sup> Florquin, N., & Stoneman, S. O. N. (2004). *A house isn't a home without a gun: SALW Survey, Republic of Montenegro*. Belgrade: South Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC).

and potentially large profits are the main factors motivating this crime. There have been several high-profile cases involving Montenegrins in firearms trafficking. For example, criminals from Montenegro were part of several international groups that organized smuggling of firearms and explosives from Bosnia and Herzegovina to France and the Netherlands with the intention of exchanging them for drugs. Also, cases of firearms trafficked from Belgium to Montenegro for further sale on the black market have been recorded. There is reasonable belief that a significant number of explosives stolen from a factory in Berane, one of the largest towns in northeastern Montenegro, ended up being sold on the black market not only domestically but also in the region. This is also supported by cases in which explosive devices were planted on vehicles or other property in order to intimidate members of rival organized criminal groups.<sup>82</sup>

The number of seizures of illegal firearms and ammunitions fluctuated throughout the observed period with the highest number of 345 in 2014, and the lowest number of 247 in 2015.

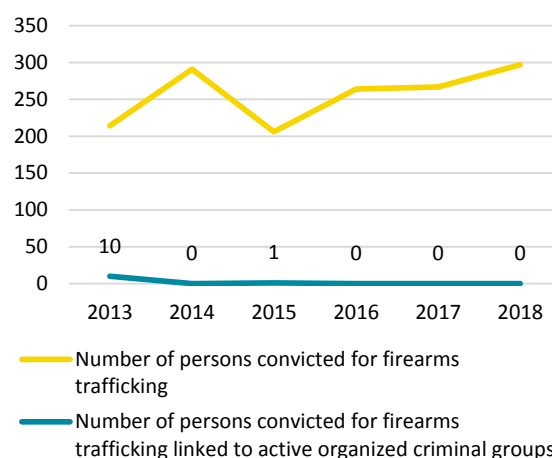
**FIG. 32** Number of seizures of illegal firearms and ammunitions in Montenegro, 2013-2017



Source: UNODC elaboration of national criminal justice data.

The number of people convicted for firearms trafficking during the 2013-2018 period remained stable, except for a decrease in 2015.

**FIG. 33** Number of persons convicted for firearms trafficking in Montenegro, by links to organized crime,<sup>83</sup> 2013-2018<sup>84</sup>



Source: UNODC elaboration of national criminal justice data.

### Money laundering

Montenegro's use of the euro as its currency makes it an attractive location for money laundering. There are indications that illicit proceeds from organized criminal activities, such as cigarette and cocaine trafficking, are being laundered through privatized banks and placed into licit financial streams in Montenegro, such as construction, buying of shares of publicly traded companies, and real estate, which is often not registered under the name of the true owner.<sup>85</sup> Although the number of prosecutions for money laundering is generally low, as in the other countries and territories, data show an increasing trend from 2014. In 2017, there was a significant increase in convictions of money laundering most of which were linked to organized criminal groups. According to a 2017 report<sup>86</sup> of the Administration for Prevention of Money Laundering and Terrorist Financing, a joint investigation by the Police Directorate and the Financial Intelligence Unit (FIU) led to the conclusion that a number of persons, nationals of Montenegro and North Macedonia, committed criminal acts of tax evasion and money laundering in

<sup>82</sup> Police Directorate of Montenegro (2013). *Serious and Organised Crime Threat Assessment of Montenegro*. Available at <http://www.mup.gov.me/ResourceManager/FileDownload.aspx?rId=162628&rType=2>

<sup>83</sup> A link to organized crime was established by examining data on criminal convictions disaggregated by criminal group involvement.

<sup>84</sup> For 2018, only conviction data was requested from the beneficiaries under the MACRO project.

<sup>85</sup> Police Directorate of Montenegro (2013). *Serious and Organised Crime Threat Assessment of Montenegro*. Available at

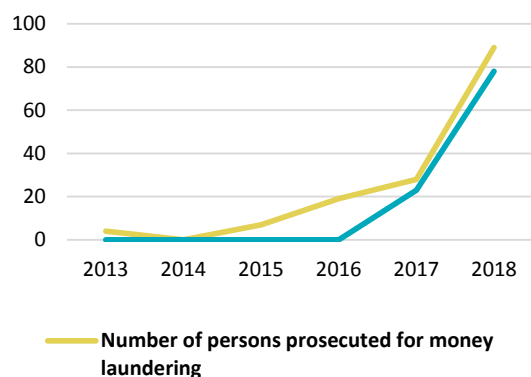
<http://www.mup.gov.me/ResourceManager/FileDownload.aspx?rId=162628&rType=2>

<sup>86</sup> Government of Montenegro (2018). *Uprave za sprječavanje pranja novca*

*i finansiranja terorizma za 2017. godinu*. Podgorica. Available at [www.aspn.gov.me/vijesti/185602/lzvjestaj-o-radu-Uprave-za-sprjecavanje-pranja-novca-i-finansiranja-terorizma-za-2017-godinu.html](http://www.aspn.gov.me/vijesti/185602/lzvjestaj-o-radu-Uprave-za-sprjecavanje-pranja-novca-i-finansiranja-terorizma-za-2017-godinu.html)

an organized manner by setting up a number of legal entities in Montenegro, using the bank accounts of these firms for circulation of money and making invoices for fictitious services and goods. The value of the financial transactions was several million euros. The members of this group would then withdraw cash from those accounts in a number of banks in Montenegro. Furthermore, in the course of 2017, the FIU filed a substantially increased number of reports of suspicious transactions with the authorities. The number of such reports submitted to the law enforcement in 2017 (103 reports) was 60 per cent higher than those of the previous year (64 reports).

**FIG. 34** Number of persons prosecuted for money laundering in Montenegro, by links to organized crime, 2013-2018<sup>87</sup>

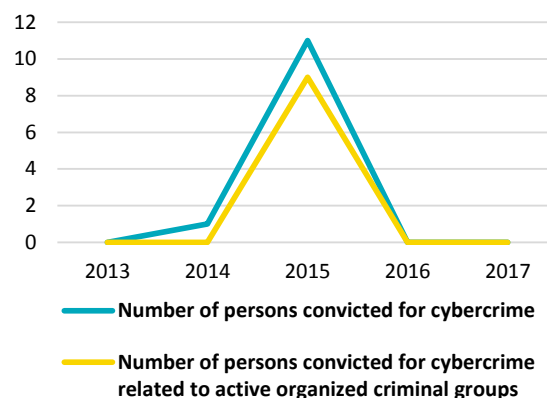


Source: UNODC elaboration of national criminal justice data.

### Cybercrime

The number of individuals convicted for cybercrime linked to criminal groups is low. In 2015, the year representing the peak for the period under consideration, 9 convicted persons were linked to organized criminal groups. In 2013, Montenegro strengthened their capacity in the fight against cybercrime and adopted the National Cyber Security Strategy for Montenegro 2013-2017. This may have led to the increased number of convicted persons in 2015.

Number of persons convicted for cybercrime in Montenegro, by links to organized crime, 2013-2017

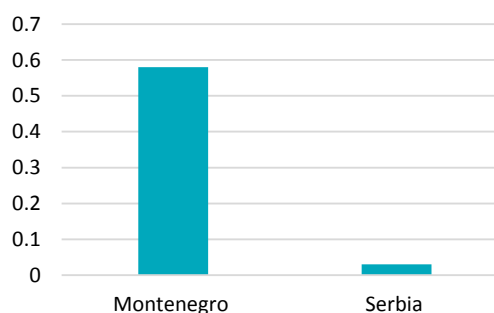


Source: UNODC elaboration of national criminal justice data.

### Enablers

Discussion about enablers of organized crime activities usually revolves around cases of obstruction of justice and corruption. However, no such cases were recorded in Montenegro. That does not mean organized criminals are not utilizing these or other 'shielding' practices. For example, violence is used to secure loyalty within and around criminal groups. Furthermore, intentional homicide may be used if a vital interest or the very existence of the group is threatened. The numbers are low, yet due to the size of the country and the small population, even a few homicides can have a significant impact.

**FIG. 35** Number of persons prosecuted for homicide linked to organized criminal groups in Serbia and Montenegro,<sup>88</sup> per 100,000 population, 2012-2017



Source: UNODC elaboration of national criminal justice data.

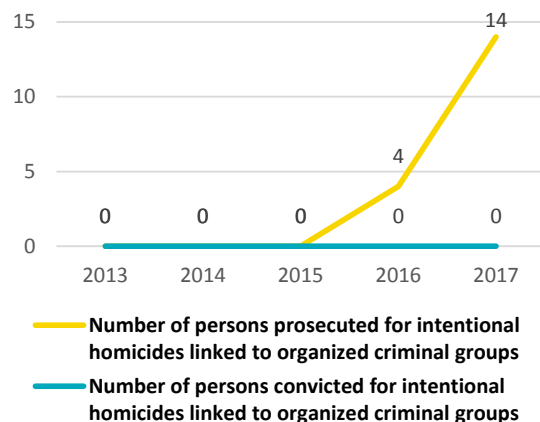
<sup>87</sup> For 2018, only conviction data was requested from the beneficiaries under the MACRO project.

<sup>88</sup> Serbia and Montenegro were the only jurisdictions that submitted data for this indicator. According to the UNODC Global Study on

Homicide database, from 2013-2016 Montenegro had a total homicide count of 75 and an average rate of 3 per 100,000 population. During the same period, Serbia had a total homicide count of 489 and an average rate of 1.4 per 100,000 population. At the time of writing, 2017 data was not available.

According to prosecution data, the number of persons prosecuted for intentional homicide linked to organized criminal groups increased from 0 in 2015 to 14 in 2017.

**FIG. 36** Number of persons prosecuted and convicted for intentional homicides linked to organized criminal groups in Montenegro, 2013-2017



Source: UNODC elaboration of national criminal justice data.

### North Macedonia

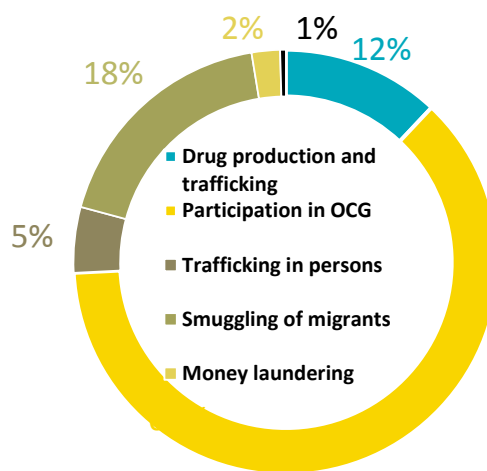
North Macedonia is a State Party to the United Nations Convention against Transnational Organized Crime, and all three of its Protocols. It has implemented several activities and measures against organized crime. Within the Ministry of Interior, a separate section for Organized Crime and Corruption under the Sector for Internal Control and Professional Standards has been established. Cases of organized crime are usually investigated and prosecuted by the Specialized Prosecutor’s Office for Fighting Organized Crime and Corruption and adjudicated by a designated department for cases of organized crime and corruption. This court, organizationally a part of the Criminal Court in Skopje, has jurisdiction over the entire country. From the legal point of view, the criminal legislation includes both the conspiracy and criminal association elements of the crime of participation in an organized criminal group, providing more flexible options to prosecutors when choosing how to develop cases. Furthermore, the country has also introduced a new law, providing additional protection to witnesses. North Macedonia has conducted a series of national organized crime threat assessments and participated in

similar exercises at the regional level. However, to date no national action plans or strategies to address the fight against organized crime have been developed.

### Patterns and trends of organized crime in North Macedonia

According to data on convictions, the criminal activities most often linked to organized criminal groups were smuggling of migrants (18 per cent) and drug production and trafficking (12 per cent).

**FIG. 37** Share of persons convicted for selected<sup>89</sup> criminal activities linked to organized criminal groups in North Macedonia, by crime type, 2013-2018 (n=2504)



Source: UNODC elaboration of national criminal justice data

### Participation in an organized criminal group

The last Serious and Organized Crime Threat Assessment conducted in North Macedonia for the period 2013- 2015, identified 46 active organized criminal groups (OCGs).<sup>90</sup> In terms of membership of the groups, North Macedonians made up a majority with just over 50 per cent, followed closely by Albanians, with 43 per cent of the members of OCGs. It is estimated that about 63 per cent of the OCGs are composed of five to 14 members, 22 per cent have 15 members or more, whereas 15 per cent are small, consisting of three or four members.

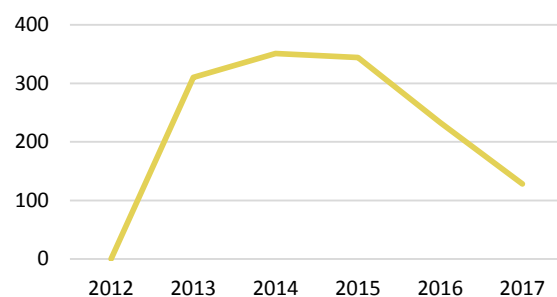
North Macedonia has a significant number of convictions for participation in an organized criminal group, which could reflect the high priority the

<sup>89</sup> Criminal activities included in the framework recorded with percentage higher than 1% from data provided for MACRO. Numbers of convictions for cybercrime and goods trafficking linked to organized crime were not available.

<sup>90</sup> Ministry of Interior North Macedonia (2016). *Serious and Organized Crime Threat Assessment*. Skopje.

country places on countering this crime. North Macedonia is the only country covered by this research that seems to be efficiently linking organized crime to other crimes within its criminal justice system. This will be further discussed in the sections on trafficking in persons, smuggling of migrants and drug trafficking below. From 2015 to 2017, convictions for participation in an organized criminal group declined. Prosecutions for organized crime have followed a similar declining trend over the same years. In addition, as will be discussed further in this section, similar trends were observed for organized drug production and trafficking crimes, trafficking in persons, and migrant smuggling.

**FIG. 38** *Number of persons convicted for participation in an organized criminal group in North Macedonia, 2012-2017*



Source: UNODC elaboration of national criminal justice data.

#### *Drug production and trafficking*

North Macedonia is both a transit and origin country of illicit drugs. It is a low-level producer of cannabis herb, and since the amendment of its Law on Control of Opioid Drugs and Psychotropic Substances in 2016, it is one of a few countries that produces and exports cannabis for medical use. Although industrial cannabis cultivation is legal - permission is granted after a rigorous licensing process - selling it for recreational purposes is prohibited and punished with up to ten years in prison.<sup>91</sup> At the end of 2017, the largest laboratory for producing synthetic drugs in South Eastern Europe was discovered by the Prosecution for Organized Crime and Corruption and the Ministry of the Interior of North Macedonia. The laboratory was operated by an organized criminal

group with Serbian and North Macedonian leadership.<sup>92</sup>

Like most other Western Balkan countries, North Macedonia is a transit country on the heroin route from Afghanistan to Western Europe, which crosses from Greece and Bulgaria on its way to Serbia. Seizures of heroin made in North Macedonia, however, have been rather low and decreasing in recent years, from 24 kg in 2014 to 2 kg in 2018.<sup>93</sup>

The drug with the highest volume of seizures by far is cannabis (herb and plants). In 2017, 1.8 tons of cannabis herb were seized in North Macedonia, the highest level ever reported in this county, up from 0.7 tons in 2014. Cannabis herb seizures also remained high in 2018 (1.5 tons). The year 2017 also saw record high seizures of amphetamines in North Macedonia, when 365 kg were reported seized.<sup>94</sup> This represented the 10<sup>th</sup> largest amphetamine seizures in Europe and the third largest amphetamine seizures in South Eastern Europe (after Turkey and Bulgaria). Amphetamine seizures in 2018, however, fell again back to 0.3 kg in 2018 and thus to the levels reported in previous years.<sup>95</sup>

Drug production and trafficking are criminalized under the same provision of the criminal code. Therefore, analyzed data on convictions include both criminal activities – production and trafficking. Data on convictions in North Macedonia showed a declining trend over the 2014-2017 period for the number of persons convicted in the first instance. This changed, however, again in 2018. What may be rather unusual in North Macedonia is the large proportion of convictions of these crimes linked to organized crime. The linking of crimes with organized crime increases the penalties for offenders and serves as a potential added deterrence.

For some years in the new millennium, organized crime groups from North Macedonia played a key role in heroin trafficking in Austria and other European countries, introducing a corporate style sales management with fixed trafficking times and a planned rotation policy. However, following intensified cooperation with the authorities in North Mac-

<sup>91</sup> Health Europa (2019, Apr 1). *Medical cannabis in the Republic of North Macedonia*. Congleton: Pan European Networks Ltd. Available at <https://www.healtheuropa.eu/medical-cannabis-in-the-republic-of-north-macedonia/90983/>

<sup>92</sup> Ministry of Interior North Macedonia (2017, Dec 1). *Largest Southeast European Drug Laboratory Discovered*. Available at <https://mvr.gov.mk/vest/5415>

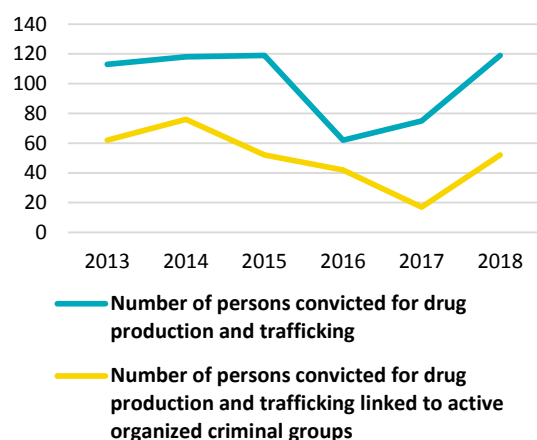
<sup>93</sup> UNODC, responses to the annual report questionnaire.

<sup>94</sup> United Nations Office on Drugs and Crime (UNODC) (2019). *World Drug Report 2019*. United Nations publication.

<sup>95</sup> UNODC, responses to the annual report questionnaire.

edonia, most of these groups were successfully dismantled. The total number of North Macedonians arrested for drug trafficking outside of North Macedonia declined from 140 in 2012 to 78 in 2018.<sup>96</sup> Most of the North Macedonians arrested for drug trafficking abroad over the 2012-2018 period were arrested in Austria (36 per cent) and Switzerland (33 per cent), followed by Czechia (8 per cent), Hungary (7 per cent), Albania and Bulgaria (4 per cent each), Serbia and Slovenia (2 per cent each).<sup>97</sup>

**FIG. 39** Number of persons convicted for drug production and trafficking in North Macedonia, by links to organized crime, 2013-2018



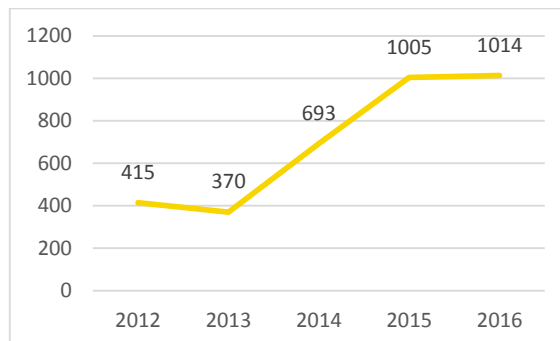
Source: UNODC elaboration of national criminal justice data

### Smuggling of migrants

North Macedonia is a transit country for migration flows from North Africa and the Middle East. Migrants often enter North Macedonia from Greece and exit through Serbia towards the European Union. In 2015, the country adopted a “Law on Asylum and Temporary Protection”. The law required migrants to submit an asylum claim or to leave the country within 72 hours, and also enabled North Macedonia’s authorities to control the migrant flow. This reduced the demand for services provided by organized criminal groups. However, because a selective approach in allowing migrants to enter the country was introduced (only refugees from war zones), criminal groups resumed the provision of services to other migrants.<sup>98</sup>

Based on the data, numbers of detected smuggled migrants increased after 2013 and peaked in 2016 in North Macedonia (1,014).

**FIG. 40** Number of detected smuggled migrants in North Macedonia, 2012-2016



Source: UNODC elaboration of national criminal justice data.

The number of persons arrested for migrant smuggling increased from 2013, peaking in 2015, like elsewhere in the region. Analysis of the data on prosecuted and convicted individuals for smuggling of migrants with links to organized criminal groups shows that a significant portion of the persons prosecuted end up being convicted in the first instance.

**FIG. 41** Number of persons prosecuted and convicted for smuggling of migrants linked to organized criminal groups in North Macedonia, 2012-2017



Source: UNODC elaboration of national criminal justice data

It is interesting to note that in North Macedonia, while a relatively low proportion of individuals are arrested for organized migrant smuggling, a significant portion of those who are prosecuted and all of those convicted have links to organized crime. This

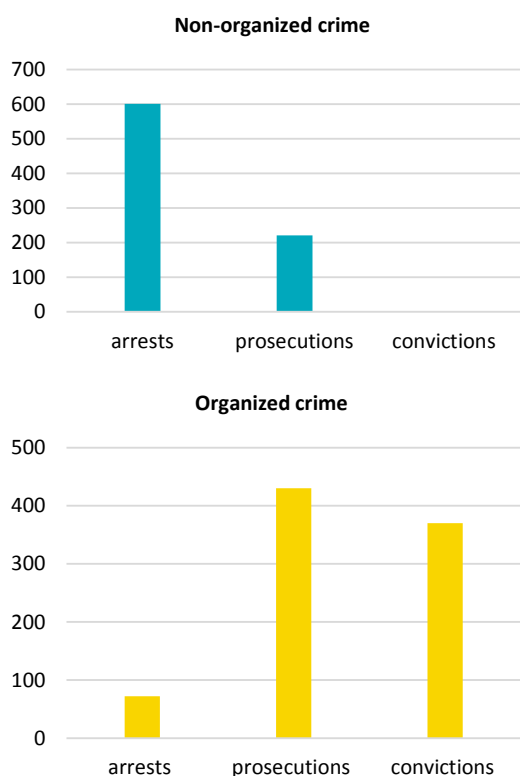
<sup>96</sup> UNODC, responses to the annual report questionnaire.

<sup>97</sup> UNODC, responses to the annual report questionnaire

<sup>98</sup> Ministry of Interior North Macedonia (2016). *Serious and Organized Crime Threat Assessment*. Skopje.

indicates that during the investigation, links with organized crime became apparent or enter into the evidence of many cases so that prosecutors are able to link migrant smuggling with organized crime with great success in North Macedonia. This seems to be happening exclusively, as there are no convictions of non-organized migrant smuggling.

**FIG. 42** Number of persons arrested, prosecuted and convicted for smuggling of migrants in North Macedonia, by links to organized crime, 2013-2016



Source: UNODC elaboration of national criminal justice data.

### Trafficking in persons

Data collected on trafficking in persons in North Macedonia from 2013-2018 suggest that, like elsewhere in the region, prosecutions and convictions, as well as detected victims of trafficking in persons, are on the decline. North Macedonia does not report any convictions of trafficking in persons that are

not linked to organized crime, indicating that for this crime, the organized crime link is strenuously pursued by the criminal justice system. The North Macedonian criminal code has a special provision entitled „Organizing a group and instigating performance of crimes of human trafficking, trafficking in juveniles and migrants“ which seems to make capturing organized crime links to trafficking in persons and smuggling of migrants much easier.

**FIG. 43** Number of persons prosecuted and convicted for trafficking in persons linked to organized criminal groups in North Macedonia, 2013-2018<sup>99</sup>



Source: UNODC elaboration of national criminal justice data

### Money laundering

In general, in South Eastern Europe, threat assessments have noted that money laundering can be conducted either directly by individuals or groups engaged in the predicate crime (for example, drug trafficking or migrant smuggling) in order to conceal the illicit origins of their income. Alternatively, money laundering can be conducted by specialized groups and individuals such as experts in law, finance or computer technology, who specialize in providing such services.<sup>100</sup> This is reflected in the legislation of North Macedonia, which specifically targets groups that deal with money laundering in an aggravated version of the crime, with an increased minimum penalty five times longer than the simple, non-aggravated version.<sup>101</sup>

<sup>99</sup> For 2018, only conviction data was requested from the beneficiaries under the MACRO project.

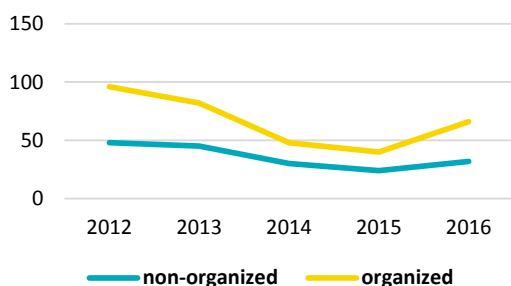
<sup>100</sup> Southeast European Law Enforcement Center (SELEC) (2018). *Organized Crime Threat Assessment for Southeast Europe*. Available at <https://www.selec.org/wp-content/uploads/2019/02/OCTA-SEE.pdf>

<sup>101</sup> Article 273(5) of the Criminal Code of North Macedonia: “Whoever commits the crime stipulated in paragraphs 1, 2 and 3 as a member of a group or other association that is dealing with money laundering, illegal obtaining of property or other incomes from a



According to the United States Department of State, money laundering in North Macedonia is most often linked to financial crimes such as tax evasion, smuggling, financial fraud, insurance fraud and corruption.<sup>102</sup>Data indicate that the links between money laundering and organized crime are very strong in North Macedonia. In fact, over the years 2013-2016, arrests for money laundering in its organized and non-organized forms seemed to fluctuate in a related pattern, rising and falling in parallel.

**FIG. 44** Number of persons arrested for money laundering in North Macedonia, by links to organized crime, 2012-2017



Source: UNODC elaboration of national criminal justice data

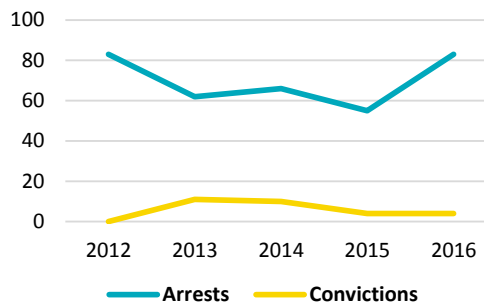
### Cybercrime

As in the other countries of the region, increases in the use of and access to the Internet have created opportunities for new kinds of criminal activity in North Macedonia. The most common forms of cybercrime in the country are activities regarding online payment with fraudulent payment cards. Also, internet frauds prevail using “phishing” and “social engineering” methods. North Macedonian crime groups connect their Internet activities with international organized crime groups who deal with obtaining information regarding payment cards of non-North Macedonian citizens and selling this information online. The role of the North Macedonian participants is to create fake web sites through which the information from the payment cards are obtained and joining forums where this information is offered.<sup>103</sup>

punishable act, or with the assistance of foreign banks, financial institutions or persons, shall be sentenced to imprisonment of at least five years.”

<sup>102</sup> United States Department of State, Bureau for International Narcotics and Law Enforcement Affairs (2015). *Money Laundering and Financial Crimes Country Database*. Available at <https://2009-2017.state.gov/documents/organization/239329.pdf>

**FIG. 45** Number of persons arrested and convicted for cybercrime in North Macedonia, 2012-2016



Source: UNODC elaboration of national criminal justice data.

Contrary to money laundering, where some conclusions could be drawn regarding the links with organized criminal groups, such connections cannot be established for those persons who have been arrested or convicted for cybercrime in North Macedonia. In addition, while there are a lot of arrests for cybercrime, hitting a peak of 83 two times during the reporting period (in 2012 and 2016) convictions remain very low in comparison.

### Serbia

Serbia has ratified The United Nations Convention against Transnational Organized Crime and its three Protocols and included responses to organized crime in its criminal code accordingly. In addition, institutional structures have been established, meaning that there are specialized units within the law enforcement and the Prosecutor's office, as well as a specialized court dealing with organized crime cases. Cooperation with other countries and international agencies (bilateral and multilateral) is very well developed. An Assistance and Support Unit for injured parties and witnesses within the Higher Court in Belgrade and a Witness Protection Unit within the Ministry of the Interior comprise the basic measures for witness protection. Furthermore, the government is active in assessing organized crime threats and developing strategies to combat organized crime at the national, regional and international levels.<sup>104</sup>

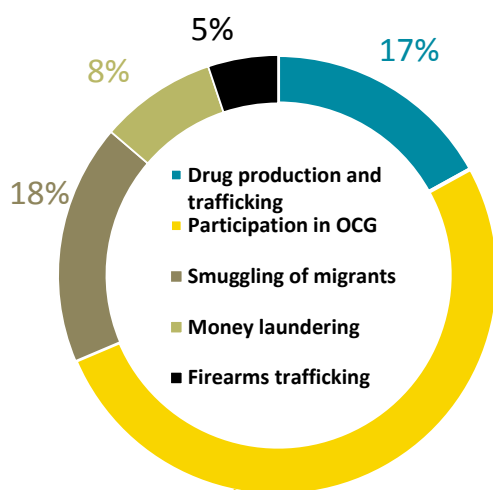
<sup>103</sup> Ministry of Interior North Macedonia (2016). *Serious and Organized Crime Threat Assessment*. Skopje.

<sup>104</sup> Serbia's Serious and Organized Crime Threat Assessment 2015 Regional Serious and Organized Crime Threat Assessment 2016, Strategy on Fight against Organized Crime.

### Trends and patterns of organized crime in Serbia

Due to better availability, analysis of data on persons prosecuted has been prioritized over data on persons convicted in Serbia. Data collected in Serbia from 2012-2017 show participation in organized criminal group had the highest number of prosecutions. It was followed by smuggling of migrants and drug production and trafficking as criminal activities most often linked to organized criminal groups.

**FIG. 46** Share of persons prosecuted for selected<sup>105</sup> criminal activities linked to organized criminal groups in Serbia, by crime type, 2012-2017, (n=1167)



Source: UNODC elaboration of national criminal justice data.

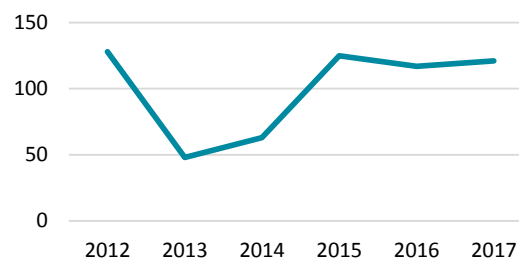
#### Participation in an organized criminal group

The Criminal Code of Serbia<sup>106</sup> proscribes the conspiracy model of participation in an organized criminal group. In addition, simply forming or participating in a group that aims to commit criminal offences is criminalized, with the ringleader receiving an enhanced penalty.

The Serious and Organized Crime Threat Assessment conducted in Serbia in 2015 identified 46 active organized crime groups, of which 9 per cent had a high level of organization, 45 per cent had a medium level of organization and 47 per cent had a low level of organization.<sup>107</sup> Members of groups with a

high level of organization are mainly Serbians (80 per cent), men, and around 40 years old, on average. The main criminal activities for these groups are trafficking and production of drugs. The medium-level organized criminal groups are similar, consisting of members who are on average 38 years old, with 3 per cent women members and 17 per cent foreign nationals. These groups engage in a broad variety of criminal activities such as drug trafficking, migrant smuggling and smuggling of goods. Organized crime groups with a low level of organization operate locally and their dominant criminal activity (82 per cent) is trafficking and production of drugs, smuggling and trade in firearms, smuggling and distribution of counterfeit money and forgery of documents. They are also characterized by violent crime. Early in the period under consideration for this report (2012-2015), Serbia reported zero convictions for participation in an organized criminal group. However, the number of persons convicted for participation in an organized criminal group has almost tripled over the last 3 years. While in 2016, 49 persons were convicted, in 2018 the number had increased to 133. During the period from 2012-2017, prosecutions for participation in an organized criminal group remained over 100 a year, except for a dip from 2013-2014.

**FIG. 47** Number of persons prosecuted for participation in an organized criminal group in Serbia, 2012-2017



Source: UNODC elaboration of national criminal justice data.

#### Drug production and trafficking

The Criminal Code of Serbia does not include separate articles for drug production and drug trafficking so they have been analyzed together in this report.<sup>108</sup> These criminal activities appear to be on the

<sup>105</sup> Criminal activities included in the framework recorded with percentage higher than 1% from data provided for MACRO.

<sup>106</sup> Criminal Code of Serbia "Official Gazette" No. 85/2005, 88/2005, 107/2005.

<sup>107</sup> According to SOCTA of Serbia, high-level organized criminal groups operate on both national and international level; medium-level organized criminal groups operate on national level and in the

neighbouring countries; low-level organized criminal groups operate mostly locally and they are much less present at the national level.

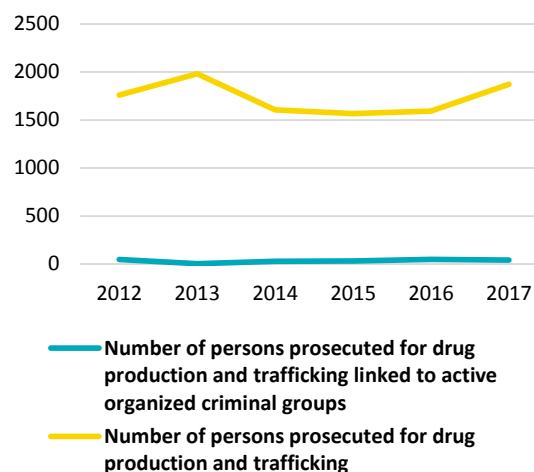
<sup>108</sup> Criminal Code of Serbia "Official Gazette" No. 85/2005, 88/2005, 107/2005 article 246.

rise in Serbia. The number of drug seizure cases reported to UNODC rose from 128 in 2015 to 223 in 2018. The increase was due to cannabis (mostly cannabis herb), amphetamine-type stimulants (ATS) (notably ecstasy) and cocaine, while seizure cases of heroin declined marginally. In terms of quantities seized, heroin seizures fell from 193 kg in 2014 to 17 kg in 2017 before partly recovering to 36 kg in 2018. ATS seizures rose from 63 kg in 2014 to 115 kg in 2018 – with most of this increase linked to amphetamine; cocaine seizures rose from 4 kg in 2014 to 13 kg in 2018.<sup>109</sup>

Organized criminal groups in Serbia mostly focus on the production of cannabis herb and selectively bred cannabis ('skunk')<sup>110</sup> for the local market. Seizures of cannabis herb increased from 2.8 tons in 2014 to 3.9 tons in Serbia in 2017 and declined only slightly to 3.6 tons 2018.<sup>111</sup> Criminal groups produce cannabis herb cheaply in deserted rural areas of Serbia. Cultivation of selectively bred cannabis herb in order to maximise potency is done in illegal laboratories using modern, imported equipment.<sup>112</sup> Furthermore, synthetic drugs, such as amphetamine-type stimulants (captagon) and new psychoactive stimulants (methaqualone), are produced and sold on the local market. Serbia is mostly a transit country and to lesser extent a destination country located on the central Balkan route through which cocaine, heroin, cannabis herb and synthetic drugs are trafficked.<sup>113</sup>

A sudden drop in the number of persons prosecuted for drug production and trafficking linked to organized criminal groups was observed in 2013, when only 3 persons were recorded. According to information provided by the Prosecutor's Office for Organized Crime in Serbia, the detected decline might have been the result of competing priorities of the prosecutor's office to focus on processing economic crime related to privatization. Since 2013, the number of persons prosecuted for drug production and trafficking linked to organized criminal groups has been increasing, reaching a peak in 2016 with 48 prosecuted persons.

FIG. 48 Number of persons prosecuted for drug production and trafficking in Serbia, by links to organized crime, 2012-2017



Source: UNODC elaboration of national criminal justice data.

The number of Serbian passport holders arrested abroad for drug trafficking (and reported to UNODC) increased from 220 in 2014 to 518 in 2018. Most of them were arrested in Austria (65 per cent) and Switzerland (22 per cent) over the 2014-2018 period. Following the dismantling of the North Macedonian organized crime groups in Austria, a number of Serbian trafficking groups have taken over the heroin business in Austria's capital, Vienna. This has prompted a close cooperation between the Austrian and Serbian authorities to dismantle these groups in recent years. Other countries reporting arrests of Serbian nationals for drug trafficking to UNODC include the various countries of the former Yugoslavia, Hungary, Bulgaria as well as Ecuador and Malta.<sup>114</sup>

Arrested Serbian citizens outside of Serbia were mostly involved in trafficking opioids, followed by trafficking cocaine, cannabis and ATS. Notably their involvement in trafficking cocaine has, however, strongly increased in recent years.<sup>115</sup> In fact, Serbian nationals have been strongly involved in what Euro-pol coined the "Balkan Cartels", i.e. organized criminal groups of citizens of various Balkan countries

<sup>109</sup> UNODC, responses to the annual report questionnaire.

<sup>110</sup> Genetically modified type of marijuana with an increased level of THC.

<sup>111</sup> UNODC, responses to the annual report questionnaire.

<sup>112</sup> Republic of Serbia, Ministry of Interior (2015). *Serious and Organised Crime Threat Assessment*. Belgrade: Ministry of Interior of the Republic of Serbia.

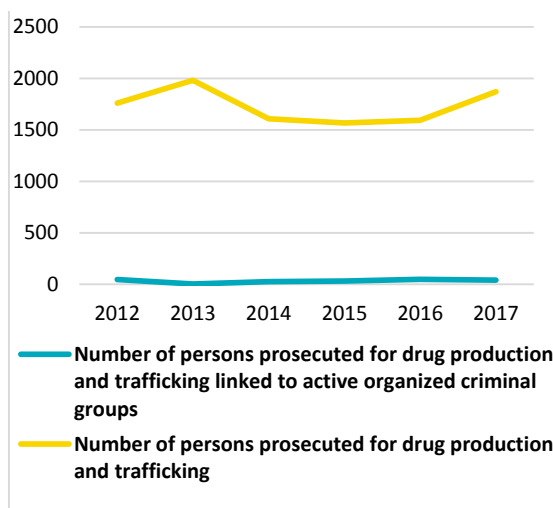
<sup>113</sup> Criminal Investigation Directorates of the Serbian, Montenegrin and the former Yugoslav Republic of Macedonia Ministries of Interior (2016). *Regional Serious and Organized Crime Threat Assessment*. Available at [http://www.mvr.gov.mk/Upload/Editor\\_Upload/analizi-statistiki/Socta%20izvestaj%202016%20ENG.pdf](http://www.mvr.gov.mk/Upload/Editor_Upload/analizi-statistiki/Socta%20izvestaj%202016%20ENG.pdf)

<sup>114</sup> UNODC, responses to the annual report questionnaire

<sup>115</sup> UNODC, responses to the annual report questionnaire.

(notably from Serbia, Croatia and Montenegro) cooperating closely with each other in organising the trafficking of cocaine from Latin America to Europe.<sup>116</sup>

**FIG. 49** Number of persons prosecuted for drug production and trafficking in Serbia, by links to organized crime, 2012-2017

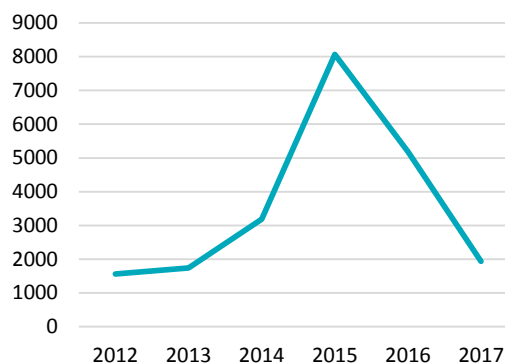


Source: UNODC elaboration of national criminal justice data.

### Smuggling of migrants

In recent years, Serbia has served as a transit country for migrants who aim to enter the European Union countries through Greece and the Western Balkans.<sup>117</sup> Serbia's dominant position on the eastern Mediterranean route for migration and its common border with EU member state Hungary<sup>118</sup> is reflected in a large increase in the number of detected smuggled migrants in 2015. Since then, the detection of smuggled migrants has been declining.

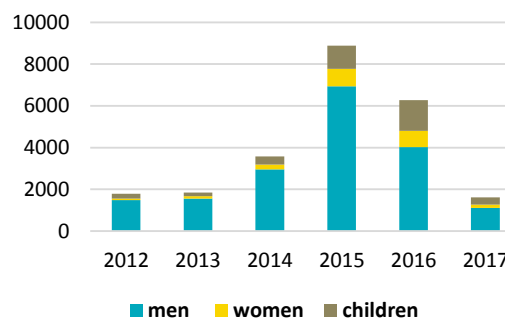
**FIG. 50** Number of detected smuggled migrants in Serbia, 2012-2017



Source: UNODC elaboration of national criminal justice data.

Smuggled migrants detected in Serbia were predominantly adults (male and female). As the total number of detected smuggled migrants declined in 2016, the number of detected child migrants who were smuggled increased and represented roughly 30 per cent of the total observed in Serbia that year. Like in Albania, an increasing number of child migrants identified after 2015 may suggest that more families originating from conflict areas are being smuggled.

**FIG. 51** Number of detected smuggled children, adult women and adult men in Serbia, 2012-2017



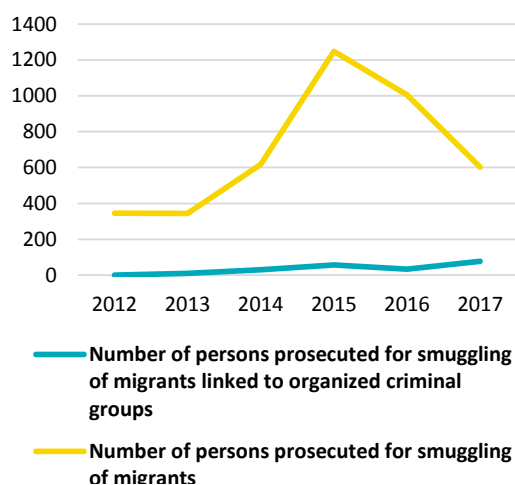
Source: UNODC elaboration of national criminal justice data. The data on the number of persons for whom prosecution has commenced for smuggling of migrants linked to active organized criminal groups in the reporting period (2012-2017) show an upward trend. Although the number of smuggled migrants has declined in recent years, the increasing number of prosecutions could be the result of migrant smuggling-related investigations from the period prior to 2016.

<sup>116</sup> UNODC, responses to the annual report questionnaire.

<sup>117</sup> Criminal Investigation Directorates of the Serbian, Montenegrin and the former Yugoslav Republic of Macedonia Ministries of Interior (2016). *Regional Serious and Organized Crime Threat Assessment*. Available at [http://www.mvr.gov.mk/Upload/Editor\\_Upload/analizi-statistiki/Socna%20izvestaj%202016%20ENG.pdf](http://www.mvr.gov.mk/Upload/Editor_Upload/analizi-statistiki/Socna%20izvestaj%202016%20ENG.pdf)

<sup>118</sup> Republic of Serbia, Ministry of Interior (2015). *Serious and Organised Crime Threat Assessment*. Belgrade: Ministry of Interior of the Republic of Serbia.

**FIG. 52** Number of persons prosecuted for smuggling of migrants in Serbia, by links to organized crime, 2012-2017



Source: UNODC elaboration of national criminal justice data.

### Trafficking in persons

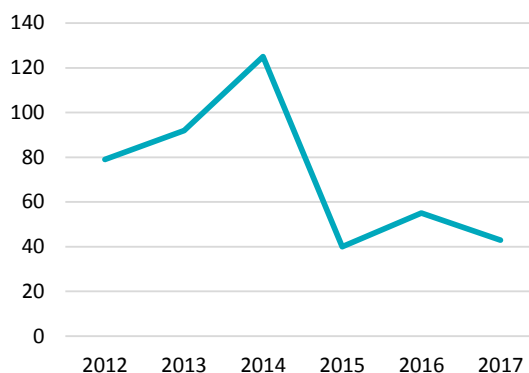
Domestic human trafficking, where both victims and perpetrators are citizens of Serbia, is the dominant form of human trafficking in the country. Over 95 per cent of detected human traffickers and victims are Serbian nationals. Victims are predominantly exploited for the purposes of sexual exploitation and forced labour.<sup>119</sup>

In Serbia, the number of identified victims of trafficking in persons is on the decline. In the observed period (2012-2017), the highest number of detected victims was reported in 2014 (125). However, the following year, the number of victims rapidly decreased to 40. A slight increase in the number of human trafficking victims in 2016 may be a consequence of increased irregular migration through Serbia as migrants transited the Balkans to reach Western Europe. Some irregular migrants and refugees may be vulnerable with a higher risk of becoming victims of human trafficking due to their uncertain legal status or economic situation.<sup>120</sup>

<sup>119</sup> Republic of Serbia, Ministry of Interior (2015). *Serious and Organized Crime Threat Assessment*. Belgrade: Ministry of Interior of the Republic of Serbia.

<sup>120</sup> Criminal Investigation Directorates of the Serbian, Montenegrin and the former Yugoslav Republic of Macedonia Ministries of Interior (2016). *Regional Serious and Organized Crime Threat Assessment*. Available at [http://www.mvr.gov.mk/Upload/Editor\\_Upload/analizi-statistiki/Socta%20izvestaj%202016%20ENG.pdf](http://www.mvr.gov.mk/Upload/Editor_Upload/analizi-statistiki/Socta%20izvestaj%202016%20ENG.pdf)

**FIG. 53** Number of identified victims of human trafficking in Serbia, 2012-2017



Source: UNODC elaboration of national criminal justice data.

Findings of a UNODC/Center for Human Trafficking Victims Protection study using the multiple systems estimation methodology to estimate the number of presumed victims of trafficking in persons in Serbia indicate that in the period between 2013 and 2016, the estimated total victim numbers were four to nine times higher than the recorded numbers of identified victims. Of all recorded trafficking cases, 40 per cent were related to victimization on Serbian territory and most of the victims were Serbian citizens. The majority of the cases related to female victims trafficked for sexual exploitation.<sup>121</sup>

The decreasing trend in identified victims of trafficking is also reflected in data on convictions for human trafficking. While in 2013, 45 persons were convicted, the following year this had decreased to 18. In subsequent years, there were only marginal changes in the number of convicted persons for this crime.

<sup>121</sup> United Nations Office on Drugs and Crime (UNODC) (2018). Research Brief: Monitoring Target 16.2 of the United Nations Sustainable Development Goals: multiple systems estimation of the numbers of presumed victims of trafficking in persons: Serbia. Available at [https://www.unodc.org/documents/research/UNODC-DNR\\_research\\_brief.pdf](https://www.unodc.org/documents/research/UNODC-DNR_research_brief.pdf)

**FIG. 54** Number of persons prosecuted and convicted for trafficking in persons in Serbia, 2012-2018<sup>122</sup>



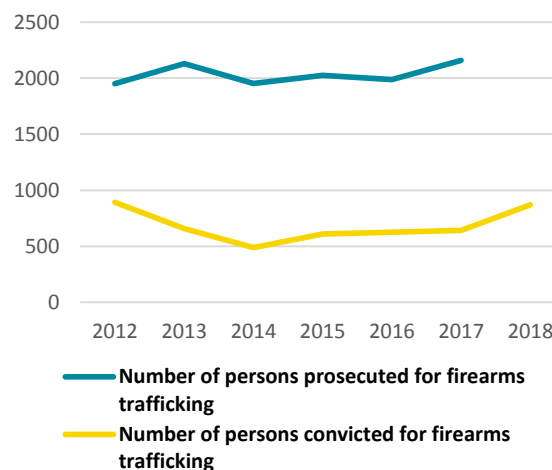
Source: UNODC elaboration of national criminal justice data

### Firearms trafficking

Serbia is primarily a country of transit for firearms trafficking. Prices of firearms in the region are much lower than in Western Europe which triggers trafficking activity. Firearms are smuggled to the country mostly from Bosnia and Herzegovina. Gas weapons, which are recast into firearms and then further distributed to Western Europe, are usually smuggled from Turkey to Serbia through Bulgaria, Greece and North Macedonia.<sup>123</sup> The firearms originating from Serbia are often smuggled towards Hungary or Croatia and then further towards Western and Northern Europe. Also, firearms flows towards Greece, Turkey and the Near East have been observed.<sup>124</sup>

During the reporting period, firearms-related convictions held to a steady trend in Serbia. After a sudden decrease in 2014 to 488, the number of persons convicted for firearms trafficking increased almost double in 2018 to 869.

**FIG. 55** Number of persons prosecuted and convicted for firearms trafficking in Serbia, 2012-2018<sup>125</sup>



Source: UNODC elaboration of national criminal justice data.

### Money laundering

In 2018, Serbia was added to the list of jurisdictions with strategic AML/CFT deficiencies. As a result of the adoption of 12 laws and numerous by-laws relevant to this area, Serbia was dropped from the list in 2019. In response to requests to submit data on the state response to money laundering for analysis in this report, Serbia unfortunately did not provide anything.

### Enablers

‘Shielding’ practices such as violence, bribery and obstruction of justice make investigations of organized crime and organized criminal groups more difficult. The European Commission in its annual report on Serbia for 2019 concluded that limited progress has been made with regard to the fight against corruption and there is no measurable impact of corruption prevention reforms. Although a law on the prevention of corruption has been adopted, there is still need for strong efforts to address this issue. Specifically, Serbia should improve its track record on investigations, indictments and convictions in high-

<sup>122</sup> For 2018, only conviction data was requested from the beneficiaries under the MACRO project.

<sup>123</sup> “These are imitation firearms that are classified as toys or sporting goods in many countries. Airsoft guns fire small plastic pellets using compressed air, gas, or a spring drive as the propellant. They are more-or-less realistic imitations of firearms and are used for games and training exercises.” From Florquin, N., & King, B. (2018). *From Legal to Lethal: Converted Firearms in Europe*. Geneva: Small Arms Survey.

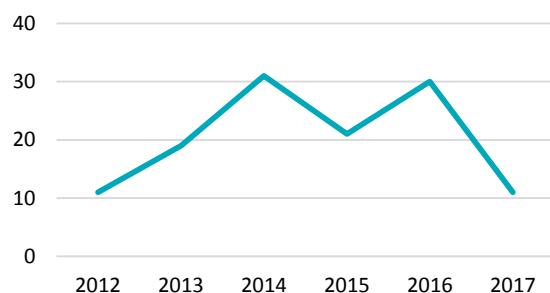
<sup>124</sup> Republic of Serbia, Ministry of Interior (2015). *Serious and Organised Crime Threat Assessment*. Belgrade: Ministry of Interior of the Republic of Serbia.

<sup>125</sup> For 2018, only conviction data was requested from the beneficiaries under the MACRO project.

level corruption cases; strengthen the role of key institutions such as the Anti-Corruption Agency in the fight against corruption; and adopt a new strategy and action plan.<sup>126</sup>

The scarcity of data makes it difficult to determine whether, and to what extent, organized criminal groups in Serbia are inclined to use shielding practices. For example, data are available for the total number of cases for obstruction of justice, yet it is unclear what proportion of these is related to organized crime.

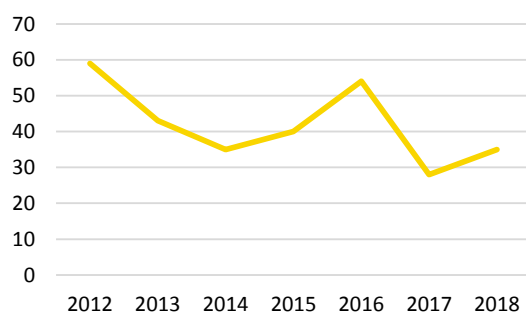
**FIG. 56** *Number of recorded cases of obstruction of justice in Serbia, 2012-2017*



Source: UNODC elaboration of national criminal justice data.

At the same time, the total number of public officials convicted of accepting a bribe has decreased during the period under consideration in this report. However, from the available data, it is impossible to say what proportion of those convictions is linked to organized criminal groups.

**FIG. 57** *Number of public officials convicted for accepting a bribe in Serbia, 2012-2018*



Source: UNODC elaboration of national criminal justice data.

<sup>126</sup> European Commission (2019). *Serbia 2019 Report*. Available at <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-serbia-report.pdf>

<sup>127</sup> United Nations Security Council resolution 1244 (1999).

## Kosovo UNSCR 1244<sup>127</sup>

Currently, Kosovo UNSCR 1244’s territory is under a provisional administration of the United Nations Interim Administration Mission in Kosovo under the terms of United Nations Security Council Resolution 1244. Kosovo UNSCR 1244’s effort to counter organized crime is reflected in recent changes made to existing legislation and the introduction of new laws. Although Kosovo UNSCR 1244 is not a state party to the relevant UN conventions, in the Declaration of Independence it agrees “to undertake the international obligations of Kosovo, including those concluded on our behalf by the United Nations Interim Administration in Kosovo (UNMIK) and treaty and other obligations of the former Socialist Federal Republic of Yugoslavia to which we are bound.” Kosovo UNSCR 1244’s criminal code<sup>128</sup> contains provisions addressing participation in an organized criminal group. Furthermore, a witness protection law was introduced in 2011.<sup>129</sup> From the institutional point of view, there is a specialized Division against Organized Crime within the police. This is divided into four Directorates: Directorate for Investigation of Organized Crime; Directorate for Investigation of Trafficking in Narcotics; Directorate for Investigation of Trafficking in Human Beings; and Directorate for Investigation Support. The prosecutor’s office also has a specialized unit to deal with organized crime and the Appellate Prosecutor’s Office is established to act before the Court of Appeals. This office consists of the General Department in charge of litigating appealed cases, and the Department for Serious Crimes, in charge of prosecuting organized crime cases in front of all courts on the territory of Kosovo UNSCR 1244. The National Strategy and Action Plan against Organized Crime 2012 – 2017 and the Serious and Organised Crime Threat Assessment 2014-2015 demonstrate the government’s effort to combat organized crime on a strategic level.

### Patterns and trends of organized crime in Kosovo UNSCR 1244

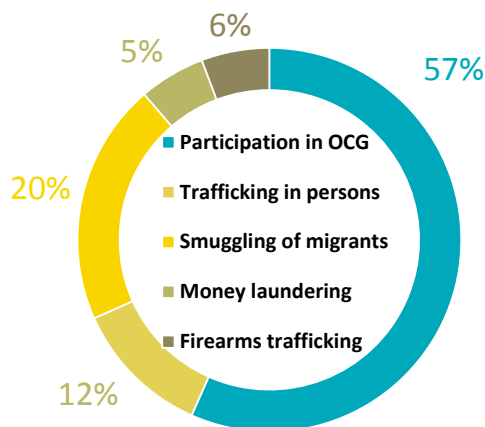
According to data collected in Kosovo UNSCR 1244 during the time period 2013-2017, participation in an organized criminal group was the crime with the

<sup>128</sup> Criminal Code of the Republic Kosovo 04/L-082.

<sup>129</sup> Law on Witness Protection No. 04/L-015.

most prosecutions included in this analysis<sup>130</sup> (57 per cent). Other often prosecuted crimes linked to organized criminal groups included smuggling of migrants (20 per cent), human trafficking (12 per cent), firearms trafficking (6 per cent) and money laundering (5 per cent).

**FIG. 58** Share of persons prosecuted for selected<sup>131</sup> criminal activities linked to organized crime groups in Kosovo UNSCR 1244, by crime type, 2013-2017 (n=3602)



Source: UNODC elaboration of national criminal justice data.

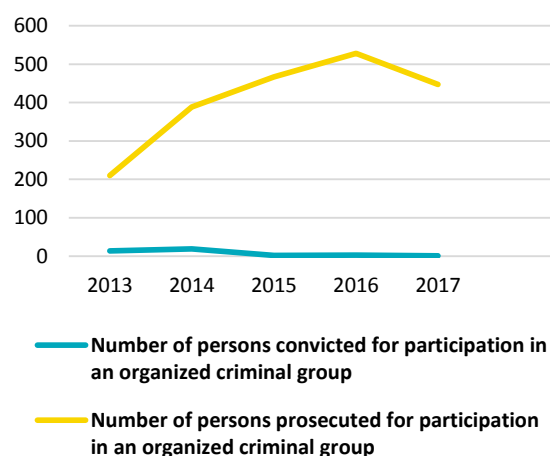
### Participation in an organized criminal group

The Criminal Code of Kosovo UNSCR 1244 specifies two different types of the “conspiracy plus” model of participation in an organized criminal group. These models require the agreement to commit a criminal offence plus an action towards the commission of the offence.<sup>132</sup> Article 34 “Criminal association” proscribes the agreement and a preparatory act towards the fulfilment of the agreement. The article also includes mitigating factors for those who renounce the agreement or disclose the agreement to the police. Article 35 “Agreement to commit criminal offence” proscribes the agreement and any substantial act of one or more of such persons towards the commission of the offence. The term “substantial act towards the commission of a crime” is explicitly interpreted as any preparatory act, not necessarily of a criminal nature. Looking at the formula-

<sup>130</sup> Crimes included in the framework were participation in an organized criminal group, drug trafficking, drug production and cultivation, human trafficking, smuggling of migrants, firearms manufacturing and trafficking, money laundering, homicide, obstruction of justice, counterfeiting money, counterfeiting official documents, counterfeiting other goods, producing fraudulent travel or identity documents, and cybercrime.

tion, the difference between a preparatory act in article 34 and the substantial act in article 35 is quite unclear. However, more apparent is the distinction in the persons addressed by the two criminal provisions. In the article on criminal association, it appears that a person can be held criminally liable only if the preparatory act towards commission of offence was undertaken by that person. In the article on agreement to commit a criminal offence, it would seem that a person is criminally liable when anybody who was part of the agreement undertakes an action towards the commission of the crime.

**FIG. 59** Number of persons prosecuted and convicted for participation in an organized criminal group in Kosovo UNSCR 1244, 2013-2017



Source: UNODC elaboration of national criminal justice data.

During the observed period, the number of prosecutions increased, peaking in 2016 (528), with a decline in 2017 (447). However, despite the large number of prosecutions, only a few individuals were convicted. In total, only 39 out of the 2,040 prosecuted persons were convicted. Further research would be necessary to identify reasons for this low conviction rate. It could be a combination of several factors – ineffective investigations and/or prosecutions, lack of evidence to prove linkages to organized criminal groups, obstruction of justice, or corruption are some possible explanations.

<sup>131</sup> Criminal activities included in the framework recorded with percentage higher than 1% from data provided for MACRO.

<sup>132</sup> Criminal Code of the Republic of Kosovo 04/L-082, article 34 and 35.

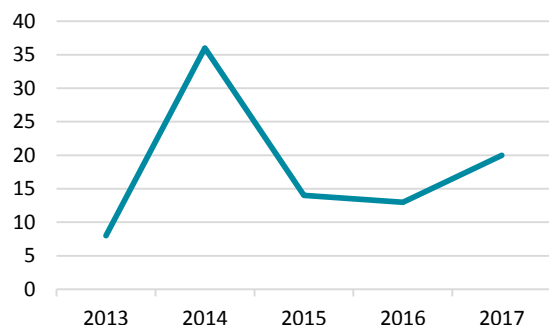


### Drug production and trafficking

Trafficking in illicit drugs is the most recorded organized criminal activity and it dominates the illicit market in the territory. Kosovo UNSCR 1244 is located on the western branch of the drug smuggling route from Afghanistan to other European countries, one of three main routes in the Balkan region.<sup>133</sup> It is a part of the international drug trafficking routes predominantly used for trafficking heroin, cannabis herb and cocaine.<sup>134</sup>

Some law enforcement data suggest that drug production and trafficking may have been increasing in recent years. The number of persons holding a passport from Kosovo UNSCR 1244 arrested for drug trafficking in Europe outside of the territory increased from 102 in 2014 to 269 in 2016 before falling back to 139 in 2017 and 61 in 2018. Most persons holding a passport of Kosovo UNSCR 1244 were arrested over the 2012-2018 period in Switzerland (460), followed by Austria (96), Slovenia (61), Germany (56) and Albania (50) as well as, to a lesser degree, in North Macedonia, Hungary, Bosnia and Herzegovina and Bulgaria.<sup>135</sup>

**FIG. 60** Number of persons convicted for drug production in Kosovo UNSCR 1244, 2013-2017



Source: UNODC elaboration of national criminal justice data.

The number of arrests for drug production has been increasing since 2015, after a slight fall in 2014. Kosovo UNSCR 1244's police registered cultivation of cannabis herb in rural areas of Mitrovica and Peja regions. In 2014 "19 cases of wild or spontaneous sprouting have been encountered, with a total of

<sup>133</sup> United Nations Office on Drugs and Crime (UNODC) (2015). *Drug Money: The Illicit Proceeds of Opiates Trafficked on the Balkan Route*. UNODC.

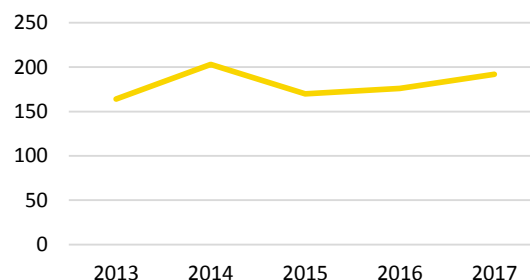
<sup>134</sup> Kosovo Police (2016). *Serious and Organised Crime Threat Assessment (SOCTA) 2014-2015*. Pristina.

<sup>135</sup> UNODC, responses to the annual report questionnaire.

<sup>136</sup> Kosovo Police (2016). *Serious and Organised Crime Threat Assessment (SOCTA) 2014-2015*. Pristina.

3,724 cannabis sativa plants, and 39 cases of cannabis cultivation by suspicious people with 3,206 plants in total."<sup>136</sup> In the local market, cannabis herb is mostly sold in areas frequented by young people - near high schools, cafeterias and night clubs.<sup>137</sup>

**FIG. 61** Number of persons convicted for drug trafficking in Kosovo UNSCR 1244, 2013-2017



Source: UNODC elaboration of national criminal justice data.

Cannabis herb, heroin and cocaine make up the majority of the trafficked narcotics that transit through Kosovo UNSCR 1244 en route to Western Europe. A majority of cannabis herb enters Kosovo UNSCR 1244 from Albania, smaller quantities come from North Macedonia, Serbia and Montenegro and a portion of it is kept for the local market.<sup>138</sup>

Heroin trafficking declined after 2014. Traditionally, heroin has been trafficked from Afghanistan via the Islamic Republic of Iran and further via Turkey and the Balkan route to final destinations in Western Europe. Given improved border controls between the Islamic Republic of Iran and Turkey, some organized crime groups tried to circumvent this border by shipping drugs to Iraq and Syria, and then further transporting the heroin overland via Turkey along the Balkan route, including via Kosovo UNSCR 1244, to Western Europe. Due to conflicts in Syria and Iraq, however, organized criminal groups were again forced to find alternative routes which included – inter alia – trafficking via the Caucasus countries and the Black Sea. The territory of the Kosovo UNSCR 1244 was not located on this trafficking route which resulted in a decline of heroin trafficking via Kosovo UNSCR 1244 after 2014.<sup>139</sup>

<sup>137</sup> Ibid.

<sup>138</sup> Ibid.

<sup>139</sup> UNODC, responses to the annual report questionnaire.

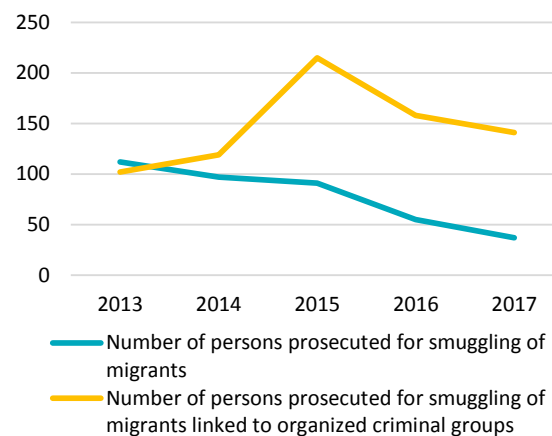
### Smuggling of migrants

Similar to other jurisdictions of the region, Kosovo UNSCR 1244 is an origin and transit territory for migrant smuggling bound for Western Europe. According to Kosovo UNSCR 1244's Serious and Organized Crime Threat Assessment 2014-2015, there are three main routes leading from the territory. First, Kosovo UNSCR 1244 – Serbia – Hungary, is the shortest and easiest to reach EU countries. The second route, Kosovo UNSCR 1244 – Montenegro – Bosnia and Herzegovina – Croatia – Hungary, is less used due to the numerous border crossings. However, it is still used as cooperation between smuggling groups along this route from neighbouring countries is very well developed. The third option, Kosovo UNSCR 1244 – North Macedonia – Greece – Italy, is used mainly for migrants whose destination is Italy, France or Belgium.<sup>140</sup>

According to the data collected, prosecution for smuggling of migrants in Kosovo UNSCR 1244 has been declining since 2015. This is in line with the overall trend in the region.

Prosecution data suggest that the number of persons against whom prosecution has commenced for smuggling of migrants linked to organized criminal groups is higher than the total number of persons prosecuted for this crime without an organized crime link. During the peak in 2015, prosecution commenced against 91 persons, compared to 215 prosecutions of persons linked to organized criminal groups. This is contrary to most other crimes, where prosecutions linked to organized involvement are far lower than their non-organized counterpart, but follows trends in other countries of the region, such as North Macedonia. Considering that the spike in prosecution of migrant smuggling occurred during the migrant crisis in 2015, it is fair to assume that the increase in prosecutions related to organized crime reflects a priority placed on countering this crime in a serious and systematic way that accounted for the links between criminals in orchestrating activities.

FIG. 62 Number of persons prosecuted for smuggling of migrants in Kosovo UNSCR 1244, by links to organized crime, 2013-2017



Source: UNODC elaboration of national criminal justice data.

### Trafficking in persons

In the post-war period (early 2000s), the legislation adopted by the administration of UNMIK did not foresee human trafficking as a criminal act. This impunity brought traffickers to recruit a considerable number of victims from Romania, Republic of Moldova, Ukraine and Bulgaria for the purpose of sexual exploitation in Kosovo UNSCR 1244. The lack of legislation and presence of an affluent international clientele with the means to pay high prices created opportunities for organized criminal groups.<sup>141</sup> In response, Kosovo UNSCR 1244 took legal and other action against trafficking in persons. Foremost, Kosovo UNSCR 1244's current criminal code adopted in 2012 criminalizes trafficking in human beings. Furthermore, several National Strategies and Action Plans against Trafficking in Human Beings have been implemented (2008-2011, 2011-2014, 2015-2019).<sup>142</sup>

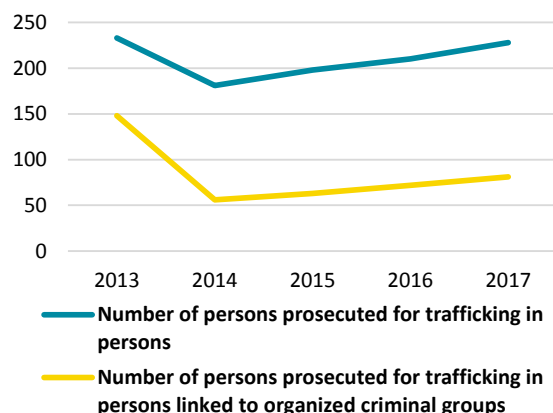
An analysis of prosecution data from Kosovo UNSCR 1244 indicates an increasing trend from a drop in 2014 when in both instances, persons prosecuted in general and persons prosecuted with a link to organized criminal groups, hit their lowest point – 181 and 56, respectively.

<sup>140</sup> Kosovo Police (2016). *Serious and Organised Crime Threat Assessment (SOCTA) 2014-2015*. Pristina.

<sup>141</sup> Ibid.

<sup>142</sup> Council of Europe, Group of Experts on Action against Trafficking in Human Beings (2016). *Report on the compliance of Kosovo\* with the standards of the Council of Europe Convention on Action against Trafficking in Human Beings*. Available at <https://rm.coe.int/16806454cc>.

**FIG. 63** Number of persons prosecuted for trafficking in persons in Kosovo UNSCR 1244, by links to organized crime, 2013–2017

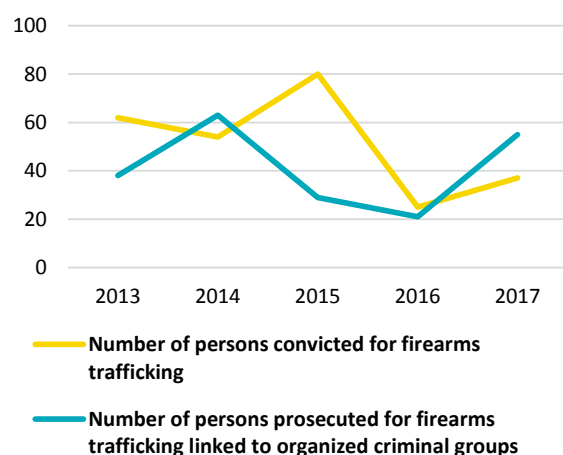


Source: UNODC elaboration of national criminal justice data.

#### Firearms trafficking

The second most commonly recorded criminal activity in Kosovo UNSCR 1244 included in this data collection was firearms trafficking. It is estimated that there are about 350,000 weapons in the possessions of citizens in the territory. They are mostly remaining weapons from the last war in Kosovo UNSCR 1244 found in abandoned military depots. Smugglers take advantage of these weapons in citizens' possession by selling them in the region and in conflict zones of distant countries.<sup>143</sup>

**FIG. 64** Number of persons prosecuted and convicted for firearms trafficking linked to organized criminal groups in Kosovo UNSCR 1244, 2013–2017



Source: UNODC elaboration of national criminal justice data.

<sup>143</sup> Kosovo Police (2016). *Serious and Organised Crime Threat Assessment (SOCTA) 2014-2015*. Pristina.

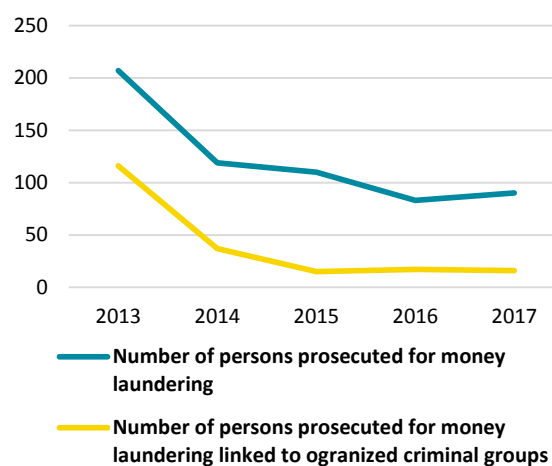
<sup>144</sup> Ibid.

#### Money laundering

Laundered money coming into Kosovo UNSCR 1244 usually ends up in investments in real estate, construction, hotels, vehicles or various business activities. To combat money laundering in Kosovo UNSCR 1244, the Financial Intelligence Unit was established to monitor and analyse suspicious bank transactions. Moreover, Kosovo Police within the Directorate on Corruption and Economic Crime established a Unit against Money Laundering focusing exclusively on this criminal activity.<sup>144</sup>

According to data from the administrative sources, the number of prosecuted persons for money laundering is declining. The same trend is observed for prosecution of persons for money laundering linked with organized criminal groups.

**FIG. 65** Number of persons prosecuted for money laundering in Kosovo UNSCR 1244, by links to organized crime, 2013–2017



Source: UNODC elaboration of national criminal justice data.

#### Cybercrime

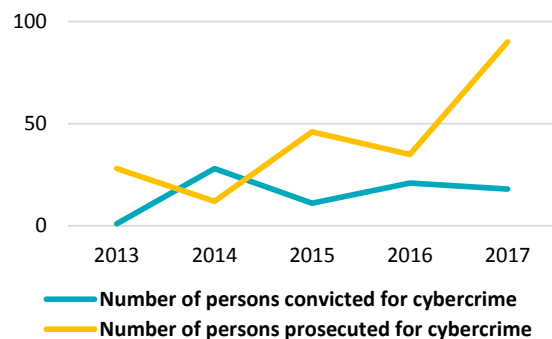
The significant increase in the number of Internet users in Kosovo UNSCR 1244 has brought an increased risk of cybercrime and cyber-attacks.<sup>145</sup> The forms of cybercrime registered by Kosovo Police are mainly related to child sexual abuse material, unauthorized access to computers and computer systems (stealing passwords, attacks against government websites, public institutions and private businesses), threats and blackmailing via e-mail. Moreover, the business of fake news is flourishing in which custom-made false stories and misinformation are published

<sup>145</sup> Ibid.

and distributed throughout pages on social media.<sup>146</sup> To prevent this type of criminal activity, the Department for Investigation of Cyber Crimes was established within the Kosovo Police.<sup>147</sup>

In recent years, prosecutions for cybercrime have been increasing. Especially in 2017, there was a significant jump in the number of people prosecuted for cybercrime (90), compared to 2016 (35). Kosovo UNSCR 1244 has undertaken steps to establish the legislative<sup>148</sup> and institutional framework to combat this criminal activity. However, during the reporting period, there were no convictions for cybercrime with links to organized crime in Kosovo UNSCR 1244.

**FIG. 66** Number of persons prosecuted and convicted for cybercrime in Kosovo UNSCR 1244, 2013-2017



Source: UNODC elaboration of national criminal justice data.

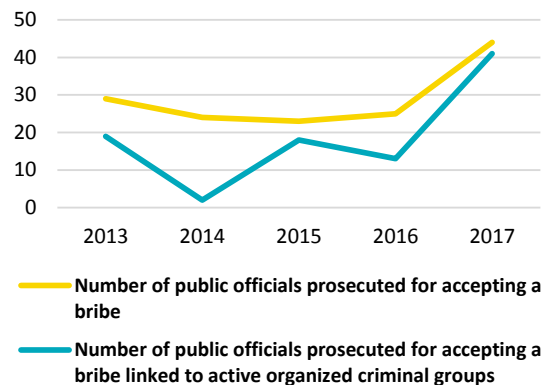
### Enablers

Kosovo UNSCR 1244 has made an effort to align its legislation with the international anti-corruption legal framework.<sup>149</sup> The corruption provisions under the criminal code<sup>150</sup> are in line with the requirements under the UN Conventions against Corruption and Transnational Organized Crime.

According to prosecution data, it seems that public officials are being prosecuted for both bribery offences in general and those linked with organized crime. Possible purposes for seeking corrupt means might be to obtain protection from prosecution, to

influence bureaucratic processes, to win public procurement contracts and to make quick profits.<sup>151</sup>

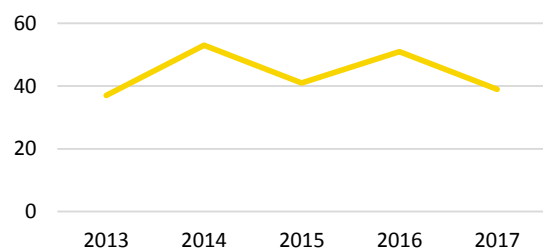
**FIG. 67** Number of public officials prosecuted for accepting a bribe in Kosovo UNSCR 1244, by links to organized crime, 2013-2017



Source: UNODC elaboration of national criminal justice data.

Looking at bribery linked to members of organized criminal groups, no significant changes were observed over the reporting period. Ideally, the number of prosecuted public officials for accepting a bribe linked to organized criminal groups should broadly correspond to the number of prosecuted members of organized criminal groups for offering public officials a bribe. However, data show that there are more members of organized criminal groups that were prosecuted for offering bribes.

**FIG. 68** Number of members of organized criminal groups prosecuted for offering public officials a bribe in Kosovo UNSCR 1244, 2013-2017



Source: UNODC elaboration of national criminal justice data.

<sup>146</sup> Mavriqi, G. (2019, Feb 20). Fake news dealers in Kosovo UNSCR 1244: lots of money and few concerns. *Prishtina Insight*. Available at <https://prishtinainsight.com/fake-news-dealers-in-Kosovo-UNSCR-1244-lots-of-money-and-few-concerns/>

<sup>147</sup> Kosovo UNSCR 1244 Police (2016). *Serious and Organised Crime Threat Assessment (SOCTA) 2014-2015*. Pristina.

<sup>148</sup> Law on Preventing and Combating Cyber Crimes, National Cyber Security Strategy 2015-2018

<sup>149</sup> European Commission (2019). *Kosovo UNSCR 1244 2019 Report*. Available at <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-Kosovo-UNSCR-1244-report.pdf>

<sup>150</sup> Criminal Code of the Republic Kosovo UNSCR 1244 04/L-082 art. 428 – 431.

<sup>151</sup> Corruption and Organized Crime Threat Monitoring Report, Macedonian Center for International Cooperation, 2015

## CONCLUSIONS

The analysis contained in this report was designed to comprehensively and systematically measure organized crime in the Western Balkans, to identify trends and to build an evidence base for more efficient policy interventions and operational activities to prevent and combat organized crime. The research showed that through examination and analysis of quantitative and qualitative evidence, it is possible to unravel involvement of organized criminal groups in criminal activities.

The administrative data showed that from 2012-2018, 12 per cent of convictions for crimes that typically profit organized crime,<sup>152</sup> like drug and firearms trafficking, smuggling of migrants and trafficking in persons, had links to criminal groups in the Western Balkans. The percentage confirmed that while these crimes represent the core of organized crime activities, organized crime doesn't necessarily represent the core of these crimes in terms of criminal offences. According to convictions, single events related to typical illegal markets are more often perpetrated by a single or a few individuals rather than organized criminal groups. This is unlikely to reflect the extent of organized crime, though. The bulk of illegal market activity (in terms of quantities of drugs, firearms and persons trafficked or smuggled) may still be managed by organized criminal groups.

Efforts have been undertaken to fight organized crime in countries and territories in the Western Balkans, particularly through legislation, development of governmental coordination mechanisms and special courts and law enforcement units to adjudicate cases of organized crime. This was reflected in the relatively high number of convictions of participation in an organized criminal group (66 per cent of convictions that involve criminal groups) which showed that the criminal justice system was linking criminals to each other and formally pursuing that engagement. However, the decrease in convictions of organized criminal groups over the reporting period, coupled with the rising number of prosecutions points to deficiencies in the criminal justice response to organized crime, whether it is a lack of capacity to gather evidence, construct successful cases or adjudicate organized crime cases properly.

Qualitative information from interviews with experts, prisoners and victims suggested that prosecutions and convictions focused on low ranks of criminal organizations with group leaders more often enjoying impunity in the Western Balkans. Interviews with drug traffickers and experts suggested that usually lower-level members of organized criminal groups were prosecuted and convicted, and that organizers and leaders evaded accountability for their crimes. Higher echelons of the hierarchy were more sophisticated in their modus operandi and were more likely to avoid law enforcement detection. The structure of organized drug trafficking groups in the Western Balkans was constructed in order to obfuscate links between higher and lower levels of the organization and to sever the specific segments relatively easily in order to protect the bigger organizational structure. Those in charge controlled the finances, supply of drugs and communications. Codes of conduct, violence and the common interest to consume (in groups involving drug-dependent persons) ensured cohesion and loyalty within groups.

The structure, operations and membership of organized crime groups were also studied. The data collected showed that organized criminal groups in the Western Balkans have structures that are informal, ad-hoc and opportunistic. Evidence on the structure, operations and membership of organized crime groups collected from prisoners and court verdicts show that they tend to operate in a loose, spontaneous, and time-limited way, particularly those involved in drug trafficking and migrant smuggling. Recruitment into groups is done mainly through the existing familial and social circle and motivated by financial interests. Crime groups tend to have simple financial structures, investing any profits back into the business or in luxury lifestyle amenities. Based on an analysis of court verdicts, the typical profile of a member of an organized criminal group, operating in the Western Balkans is male (96 per cent), around 40 years of age, with a secondary-level education, married, with no prior criminal convictions, and operating in the country in which he lives. He is part of a mid-size group (from 6-20 persons) and has been involved in organized crime for less than one year.

Despite the above, evidence indicated that the structures of the criminal groups often depended on the prominent criminal activity in which they were

<sup>152</sup> Crimes included participation in an organized criminal group, drug trafficking, drug production and cultivation, human trafficking, smuggling of migrants, firearms manufacturing and trafficking, money laundering, homicide, obstruction of justice, counterfeiting money, counterfeiting official documents, counterfeiting other

goods, producing fraudulent travel or identity documents, and cybercrime.

engaged. Migrant smuggling groups were loosely connected with one-boss or a simple hierarchy and sophisticated modes of cooperation between groups. Collaborators had specific roles such as guides, drivers, accommodation providers or money receivers. Drug trafficking groups were more flexible and less hierarchical in structure, with clusters specialized in certain services (wholesale, retail) and with limited links between them (generally via one contact person). Groups engaged in human trafficking were not cohesive networks, but chain-like, arranged with small clusters at both origin and destination locations, the latter being the location at which they engaged in the exploitation of victims.

When studying the crimes traditionally connected to organized crime, it was found that drug production and trafficking had the highest share of criminal group involvement during the period 2012-2018. In fact, drug production and trafficking were the most commonly convicted crimes included in the framework in both their organized and non-organized form with opiate trafficking through the region and production of cannabis herb being markets of significant concern. Although organized drug production and trafficking represented 51 per cent of this subset of convictions in the Western Balkans, the share of criminal group involvement within all drug production and trafficking convictions was only 5 per cent.

Expert interviews suggested that profits made from transnational drug trafficking were managed by group leaders and laundered and invested in legal businesses such as construction or import/export firms outside the Balkan region, typically in Western Europe. However, lower-level traffickers, such as the ones interviewed in prison for this report, typically spent their illegal income on affluent lifestyle items such as cars, alcohol, illicit drugs and exotic vacations, or in supporting family members. Usually, remuneration was based on the specific activities a group member had performed. Depending on the task, this could be a fixed amount - such as for illicitly transporting a package with illicit drugs - or a share of the retail price.

Migrant smuggling had the second highest number of convictions linked to organized crime from 2012-2018 with 36 per cent of the total. This may reflect the priority put on this crime in response to the mixed migration waves experienced by the region in 2015. However, of all the convictions of migrant smuggling during the same period, only 17 per cent were linked to criminal groups. Nevertheless, there is minimal qualitative evidence of smugglers who

acted alone without being part of a larger, well-structured organization. Prisoners convicted of migrant smuggling have disclosed the method by which migrants were handed over from one group to another at certain parts of the route, indicating a highly structured and organized *modus operandi*.

The percentage of organized criminal involvement in convictions for trafficking in persons was 29 per cent, making it the crime included in this analysis with the highest proportional share of links to organized crime. This suggests that trafficking in persons is a crime that, compared to others, more often relies on organized crime. Interview data indicated that trafficking in persons flows often cross international borders, suggesting a high level of organization in this region. But the larger percentage may also indicate that prosecutors and investigators are identifying and successfully pursuing links with organized crime in the context of trafficking in persons more frequently than for other crimes. It should be noted that the overall trend in the number of convictions for this crime is decreasing, meaning that there are fewer cases of trafficking in persons cases in the criminal justice systems.

While convictions for trafficking in persons nearly halved from 2012 to 2017, the number of identified victims almost tripled. The Western Balkans is both an origin and destination for trafficking in persons and involves almost entirely women and girls trafficked for sexual exploitation. Most detected victims of trafficking in persons in the region (91 per cent) came from three countries: Albania, Bosnia and Herzegovina, and Serbia. Qualitative information gathered from experts, victims of trafficking and convicted traffickers indicated a changing nature of the commercial sex market in the region. Due to the increased number of women seeking income in the commercial sex market, there was less need for coercion or violence to recruit victims of trafficking which may have had an impact on the detection and prosecution of trafficking crimes. This was reflected in the rising numbers of identified victims, while numbers of convictions decreased. However, brutal control tactics were still reported by victims of trafficking, which may have been used by traffickers when women decided to stop their engagement in commercial sex.

Firearms trafficking in the Western Balkans was mostly intra-regional, although the high price of weapons in the markets outside of the region also triggered firearms trafficking from the Western Balkans to other parts of Europe, Western Asia and North America. Even though firearms trafficking is

often viewed as a criminal activity in which organized crime is very engaged, less than 1 per cent of firearms trafficking convictions were linked with organized criminal groups in the Western Balkans between 2013 and 2017. While the bulk of convictions for firearms trafficking involved small-scale trafficking, organized criminal groups trafficked firearms within the region to enforce discipline, to intimidate rival groups, or to ensure the protection of a group's own activities and members. Anecdotal evidence showed linkages between arms and drug markets, theft and petty crime.

This research presented analysis of the types of enablers organized criminal groups use to facilitate their activities. Corruption emerged as a crucial enabler of organized crime in the region, whereas the use of violence or sophisticated information and communication technologies (ICTs) are minimal in facilitating organized crime. Forms of corruption include graft or bribery, with examples of law enforcement having direct involvement in criminal activity or control of local markets and even playing a conscious role in the elimination of rival groups. Both violence and use of advanced technology are considered too conspicuous, thus low-tech options are preferred to avoid detection.

## POLICY IMPLICATIONS

### Increasing availability and quality of data on OC

The framework to measure organized crime presented in this report represents by itself an important outcome. It is a rare example of a comprehensive measurement of the level, structure and markets of organized crime and the effort to develop an evidence base to guide policy interventions and operational activities and can serve as a model for other countries and regions seeking to improve responses to organized crime. Contributing to its solidity and applicability is the participatory data and knowledge exchange on which the research was based, which was dependent on the expertise and commitment of all of the national institutions and individuals involved. The abundant findings in this report are due to this commitment and sense of ownership, which now places these institutions in the best position to act upon these findings.

Looking forward, a sustainable application of this measurement framework over time and the extension of the regional partnership could better equip the region to understand the threats posed by organized crime. The findings of this study indicate that there is a need for sustained quantitative and qualitative collection and analysis of information to compare against the baseline data presented in this report and to measure the efficacy of policy interventions.

Political will and sustainable resources will be key to achieve these objectives that involve the modernization of crime statistics systems, including the digitization of records and the implementation of the International Classification of Crime for Statistical Purposes (ICCS), exchange of data across countries and the production of regular analyses that combine qualitative and quantitative information.

Some targeted areas for policy enhancement are suggested below.

- Increasing the understanding of organized crime would be greatly facilitated through enhanced national capacities to collect and store reliable data on organized crime. In particular, disaggregating crime by group involvement using electronic databases and data collection systems rather than hard copy forms would significantly reduce the human resources burden. Implementation of the International Classification of Crime for Statistical Purposes

(ICCS) and its event disaggregation tags would also make identifying criminal group involvement in all forms of crime easier and more efficient. Implementation of new statistical systems, such as registries on activities of fighting organized crime, would greatly assist collection, storing and analysis of data on organized criminal groups' structures and profiles, as well as on the economic value of their activities.

- In order to limit gaps in communication and to enable tracking of organized crime cases through the criminal justice system, a Case Management and Monitoring System (CMMS) to link the police, prosecution, courts and everyone else in the criminal justice sector would be beneficial.
- In terms of long term capacities to assess organized crime at the national and regional levels, and to produce analytical documents, triangulating information from quantitative and qualitative sources to develop periodic national reports will help to build an evidence base for measuring and assessing organized crime and addressing the inadequacies in the current response.

### Trends and patterns of organized crime

- Although it is more complicated to build successful criminal cases against organized crime groups, and in particular to prove links between perpetrators and activities, correctly identifying and properly investigating criminal activity as "organized" is crucial to the criminal justice response. Prosecutors are encouraged to build capacity to issue indictments that include participation in an organized criminal group in conjunction with crimes that typically profit organized crime. There is also evidence that references to organized forms of specific crimes in provisions of the criminal code, such as the one in North Macedonia for



smuggling of migrants,<sup>153</sup> aids in efficiently prosecuting organized criminal groups.

- A range of actors at the national level, including those involved in intelligence gathering, are encouraged to work closely with prosecutors to harmonize the understanding of phenomenon and manifestations of organized crime on the ground with the priorities of the state response to increase the capacity and efficiency of the latter.
- A closer analysis of cases of organized crime and corruption that are not progressing successfully through the system, particularly high-profile cases, and the reasons behind this, is warranted.
- Information about the classical profile of a group member, particularly regarding previous convictions, can inform decisions about crime prevention priorities. Details about the longevity of a typical group and the relationship between size and structure of criminal groups can aid in creating more specific strategies to counter types of groups and their illicit activities.
- The possibility of organized criminal groups to limit risks of detection by obfuscating links between higher and lower levels of organizations and severing the specific segments in order to protect the bigger organizational structure should be reduced. Advancement of informant handling procedures and a well-developed structure of benefits offered to confidential criminal informants across the region would help to break the codes of silence protecting the upper hierarchy of organized criminal groups in the Western Balkans and assist in gathering evidence to pursue convictions of higher-level offenders.

### Smuggling of migrants and trafficking in persons

- A holistic approach to counter smuggling of migrants and trafficking in persons is recommended that takes into account not only the geography of the crime, but also its different contributing factors. Smuggling of migrants and trafficking in persons are determined by a

mix of demand and supply elements and require a comprehensive strategy which recognizes the complexity of these factors and is guided by a knowledge-based approach. In terms of addressing demand involving trans-border movements, legal and safe migration options should be prioritized.

- The changing nature of the commercial sex market, and the decreasing numbers of persons convicted of trafficking in persons in the region points to the need to adapt indicators for identification and investigation of such cases. Situations of exploitation arise in a variety of ways and consent is not a static concept, given once and forever valid, but an ongoing exchange. Initial apparent consent to engage in commercial sex does not constitute a material defence against a charge of trafficking in persons.
- Addressing the supply of migrant smuggling services requires different approaches for different profiles of smugglers. The provision of alternative livelihood programmes to communities that rely on income from migrant smuggling activity can reduce the economic drivers that attract small-scale smugglers to engage in the smuggling business. Prevention efforts should be locally conducted and based on a systematic risk assessment.
- The fact that a large portion of profit from migrant smuggling comes from exorbitant fees paid by migrants fleeing conflict areas underlines the need to broaden the possibilities for regular migration and increase the accessibility of regular travel documents and procedures. Making regular migration opportunities more accessible in origin countries and refugee camps, including the expansion of migration and asylum bureaux in origin areas, would decrease the opportunities for smugglers to exploit the vulnerabilities of refugees fleeing conflict areas by charging exorbitant fees.
- While it is clear that corruption at borders and within consular and migration authorities is one of the enablers of all forms of transnational organized crime in the Western Balkans, there is not enough evidence to identify

<sup>153</sup> Article 418-c of the North Macedonian Criminal Code entitled “Organizing a group and instigating performance of crimes of human trafficking, trafficking in juveniles and migrants.”

clear patterns. More research is needed to understand both the prevalence and role of corruption in organized crime and how it introduces obstacles to a decisive and efficient criminal justice response.

### *Drug trafficking*

- In order to detect changes in cross-border drug trafficking, law enforcement authorities may need to monitor drug supply trafficking in near real-time. UNODC's Drug Monitoring Platform (DMP) is one option to do this.
- Drug trafficking on the Balkan route works as a system exploiting the vulnerabilities of the countries composing the network and therefore, cooperation is needed, particularly in law enforcement counteractions and data collection, to eliminate the criminal opportunities that facilitate trafficking. More international cooperation is needed to counter this intrinsically transnational crime.
- The calculation of the scale of money laundering as well as illicit monetary flows originating from this market would be a necessary next step in advancing solutions to tip the risk/reward equation away from illicit traffickers.

### National coordination

- Organized crime has an "identity crisis" in the sense that its applicability to almost unlimited criminal activities can render the state response to it disjointed and inefficient. Inter-agency bodies to coordinate the national response to organized crime, including harmonization of data collection and analysis procedures, could assist in efforts to focus and align the response. These coordination bodies could consist of law enforcement agencies, prosecutors, judges, prison administrations, labour inspectorates as well as other relevant officials and members of civil society. Their task would be to mainstream anti-organized crime efforts and successfully capture group involvement in relevant crimes.
- National coordination bodies should develop strategic and policy documents to guide the national response to organized crime, set priorities and establish goals which should be monitored using SMART criteria: specific,

measurable, achievable and attributable, relevant and timely.

### International and regional cooperation

- Ensuring full implementation of the United Nations Convention against Transnational Organized Crime, not just in terms of legislative provisions on paper, but also in how effectively those provisions are applied, is a vital step in addressing the involvement of criminal groups in a range of crimes.
- Particularly with regard to collection, exchange and analysis of information on the nature of organized crime, State Parties are encouraged under Article 28 of the Convention to analyze trends of organized crime, the circumstances in which it operates and the professional groups and technologies it involves.
- The evidence included in this report can support the monitoring and achievement of the 2030 Agenda for Sustainable Development, and in particular Sustainable Development Goal 16, which promotes peaceful and inclusive societies for sustainable development, provides access to justice for all and builds effective, accountable and inclusive institutions at all levels. Target 3 of SDG 16 calls for the promotion of the rule of law at the national and international levels and to ensure access to justice for all. Target 4 of the goal calls for a significant reduction of illicit financial and arms flows, strengthening the recovery and return of stolen assets and combating all forms of organized crime as well as substantially reducing corruption and bribery in all their forms. If something can't be measured, it is very hard to reduce it, or at least to show progress in its reduction. Measuring the prevalence of group activity in different forms of crime, as it is presented in this report, is necessary for Member States to progress towards fulfilling SDG 16.

# ANNEX I: LEGAL PROVISIONS ON ORGANIZED CRIME IN THE WESTERN BALKANS

## Albania

### Definitions

#### Art 28. Special forms of collaboration

1. The criminal organization is the highest form of cooperation that is composed of three or more persons being distinguished by the specific level of organization, structure, stability, duration, as well as by the purpose of committing one or more criminal offences to gain material or non-material benefits

4. The structured criminal group is a special form of cooperation, composed of three or more persons, which have the purpose of committing one or more criminal offences, and which aim at achieving material and non-material benefits.

The structured criminal group for the commission of a criminal offence is not established spontaneously and it is not necessary to distinguish it for consistent membership, assignment of duties, elaborated structure and organization.

5. The creation and participation in a criminal organization, terrorist organization, armed gang, or structured criminal group constitute criminal offences and are punished according to the provisions of the special part of this Code or other special criminal provisions.

6. Members of the criminal organization, terrorist organization, armed gang, or structured criminal group are liable for all the criminal offences committed by them in fulfilling the aims of their criminal activity.

7. The member of the criminal organization, terrorist organization, armed gang, or structured criminal group benefits exemption from sentencing or a reduction of the sentence, as long as he makes a contribution that is deemed as decisive for obtaining information on their activity, other accomplices, on properties possessed directly or not directly by them, as well as on the investigative activities, conducted on the criminal organizations, terrorist organizations, armed gangs and structured criminal groups.

### Criminalization

#### Art 333. Criminal organizations

The establishment, organization or leading of the criminal organizations is sentenced with imprisonment of five to fifteen years.

Participation in a criminal organization is punished with imprisonment for a term of from four to eight years

If the criminal organization is armed and its members possess weapons, explosive materials for the purpose of fulfilling its criminal activity, even if they are hidden or kept in special places, the imprisonment sentence is added with one third.

When the economic activities undertaken or controlled by the members of the criminal organization are fully or partially financed by proceeds of criminal acts, the sentence according to the above-mentioned paragraphs in this article is increased by one third to one half.

#### Art 333/a. The structured criminal group

The establishment, the organization or the leading of a structured criminal group with the purpose of committing crimes, is sentenced with imprisonment for a term of from three to eight years.

Participation in the structured criminal group is punished with imprisonment for a term of from two to five years. Art 334. Commission of criminal offences by criminal organization and structured criminal groups

I. Commission of criminal offences by the members of the criminal organization and structured criminal group is sentenced according to the respective criminal provisions by augmenting the sentence for the offence committed with five years of imprisonment, as well as the fine in the measure of one third but without exceeding the maximum limit of the imprisonment sentence.

II. When the respective referring criminal provision contains imprisonment or life imprisonment, it is punishable by twenty-five years of imprisonment or to life imprisonment.

III. When the respective referring criminal provision contains only life imprisonment, it is punishable by life imprisonment.

#### Art 284/a Organizing and leading criminal organizations

Organizing, leading and financing criminal organizations with the goal of cultivating, producing, fabricating or illegal trafficking of the narcotics is punishable by imprisonment of ten up to twenty years.

Creation of conditions or facilities for such activities by persons holding state functions is punishable by imprisonment from five to fifteen years.

## Bosnia and Herzegovina

### *Definitions*

**Organised criminal group** is a group of three or more persons, existing over a certain period of time and acting in concert with the aim of perpetrating one or more criminal offences which carry punishment of imprisonment of over three years or more severe punishment, for the purpose of material gain.

### *Criminalization*

#### Art 247 Conspiracy to Perpetrate a Criminal Offence

Whoever agrees with another to perpetrate a criminal offence prescribed by the law of Bosnia and Herzegovina, for which a punishment of imprisonment of three years or a more severe punishment may be imposed, unless a heavier punishment is foreseen for conspiracy of a particular criminal offence, shall be punished by a fine or imprisonment for a term not exceeding one year.

#### Art 248 Preparation of a Criminal Offence

Whoever procures or prepares means or removes obstacles or engages in any other activity that creates conditions for a direct perpetration, but is not a substantive part of the act of perpetration, of a criminal offence prescribed by the law of Bosnia and Herzegovina, for which a punishment of imprisonment of three years or a more severe punishment may be imposed, unless a heavier punishment is foreseen for preparation of a particular criminal offence, shall be punished by a fine or imprisonment for a term not exceeding three years.

#### Art 249 Associating for the Purpose of Perpetrating Criminal Offences

(1) Whoever organises or directs at any level a group of people or otherwise associates three or more persons with an aim of perpetrating criminal offences prescribed by the law of Bosnia and Herzegovina, for which a punishment of imprisonment of three years or a more severe punishment may be imposed, unless a heavier punishment is foreseen for such organising or associating for the purpose of perpetrating a particular criminal offence, shall be punished by imprisonment for a term between one and ten years

(2) Whoever becomes a member of the group of people or an association referred to in paragraph 1

of this Article, shall be punished by a fine or imprisonment for a term not exceeding three years.

(3) A member of the group who exposes such a group or a member of the association who exposes such an association prior to his having perpetrated criminal offence within its ranks or for its sake, may be released from punishment.

(4) The organiser who prevents the perpetration of the criminal offences referred to in paragraph 1 of this Article by exposing the group or association or otherwise, shall be punished by a fine or imprisonment for a term not exceeding one year, but may be released from punishment.

#### Art 250 Organised crime

(1) Whoever perpetrates a criminal offence prescribed by the law of Bosnia and Herzegovina as a member of an organised crime group, unless a heavier punishment is foreseen for a particular criminal offence, shall be punished by imprisonment for a term not less than three years.

(2) Whoever as a member of an organised crime group perpetrates a criminal offence prescribed by the law of Bosnia and Herzegovina, for which a punishment of imprisonment of three years or a more severe punishment may be imposed, unless a heavier punishment is foreseen for a particular criminal offence, shall be punished by imprisonment for a term not less than five years.

(3) Whoever organises or directs at any level an organised crime group which by joint action perpetrates or attempts to perpetrate criminal offence prescribed by the law of Bosnia and Herzegovina, shall be punished by imprisonment for a term not less than ten years or a long-term imprisonment.

(4) Whoever becomes a member of an organised crime group which by joint action perpetrates or attempts to perpetrate criminal offence prescribed by the law of Bosnia and Herzegovina, unless a heavier punishment is foreseen for a particular criminal offence, shall be punished by imprisonment for a term not less than one year.

(5) A member of an organised crime group referred to in paragraph 1 through 4 of this Article, who exposes that group, may be released from punishment.

#### Art 186a Organized International Human trafficking

(1) Whoever organised or directs the group or another association that by acting together perpetrates the criminal offense referred to in article 186,

shall be punished by imprisonment for a term of not less than ten years or long-term imprisonment

(2) Whoever perpetrates the criminal offense within the group or another association referred to in paragraph (1) of this article or in other way helps the group or association, shall be punished by imprisonment for a term of not less than ten years

(3) the provisions set forth in article 250, paragraphs (4) and (5) of this code shall apply to members of the organized group or another association that have perpetrated the criminal offenses referred to in paragraph (1) of this article

Art 189a Organising a group or association for the purpose of perpetrating the criminal offences of smuggling of persons

(1) whoever organised a group or another association for the purpose of perpetrating the criminal offenses referred to in articles 189 of this code, shall be punished by imprisonment for a term of not less than three years

(2) Whoever becomes a member of the group or another association referred to in paragraph (1) of this article or in any other way assists the group or the association, shall be punished by imprisonment for a term of not less than one year

(3) the provisions set forth in article 250 of this code shall apply to organisers or leaders and members of the organised group or another association that have perpetrated the criminal offenses referred to in paragraph (1) of this article.

Art 195. Illicit trafficking in narcotic drugs

(2) Whoever organizes a group of people with an aim of perpetrating the criminal offence referred to in paragraph 1 of this Article, or whoever becomes a member of such a group of people, shall be punished by imprisonment for a term not less than five years.

Art 215. Organising a group or association for smuggling or distribution on which duties were not paid

(1) Whoever organizes a group or other association for organized smuggling or a network or middleman or mediators for the sale or distribution of goods, on which the duties were not paid, shall be punished by imprisonment for a term not less than three years.

(2) Whoever becomes a member of the group or association from the previous paragraph, shall be punished by imprisonment for a term not less than one year.

## Montenegro

### Definitions

Art 401. Criminal association

An **organization** is composed of three or more persons which has as its objective the commission of criminal offences for the purpose of obtaining unlawful gain or power, provided that minimum three of the following conditions are met:

1) that each member of the criminal organization had a predefined or obviously definable task or role;

2) that activities of the criminal organization have been planned for a longer period of time or for an unlimited period;

3) that the activities of the criminal organization are based on the application of certain rules of internal control and member discipline;

4) that the activities of the criminal organization are planned and implemented in international proportions;

5) that activities of the criminal organization include the application of violence or intimidation or that there is readiness for their application;

6) that activities of the criminal organization include the use of economic or business structures;

7) that activities of the criminal organization include laundering of money or illicit proceeds or

8) that there is an influence of the criminal organization or its part upon the political authority, media, legislative, executive or judicial powers or other important social or economic factors.

### Criminalization

Art 401 Criminal association

(1) Anyone who organizes a group or other association with a view to commit criminal offences punishable by a prison term of one year or longer shall be punished by a prison term up to three years.

(2) Where the offence under para. 1 above refers to an association that aims to commit criminal offences punishable by a prison term of five years or longer, the mastermind of the association shall be punished by a prison term from one to eight years, and a member of the association by a prison term up to two years.

(3) Where the offence under para. 1 above refers to an association that aims to commit criminal offences

punishable by a fifteen year prison term, the mastermind of the association shall be punished by a prison term from two to twelve years, and a member of the association by a prison term up to three years.

(4) Where the offence under para. 1 above refers to an association that aims to commit criminal offences punishable by a twenty year prison term or a forty year prison term, the mastermind of the association shall be punished by a prison term not shorter than ten years or a thirty year prison term, and a member of the association by a prison term from six months to five years.

(5) The mastermind of the association referred to in paras 1 to 4 above who reveals the association or otherwise prevents the commission of criminal offences for which the association was founded shall be punished by a prison term up to three years, and his punishment may also be remitted.

(6) Punishment may also be remitted where a member of the association referred to in paras 2, 3 and 4 above reveals the association and contributes to its revelation.

(7) The organizer and a member of the association who commits a criminal offence as a member of association shall be punished for that criminal offence as well.

#### Art 401/a Establishment of a criminal association

(1) Whoever organizes a criminal organization aimed at committing criminal offences punishable by law by a prison term of four years or a more severe punishment shall be punished by a prison term from three to fifteen years.

(2) A member of the criminal organization referred to in para. 1 above shall be punished by a prison term from one to eight years.

(3) The mastermind of a criminal organization who prevents the commission of criminal offences for the purpose of which the organization was created by revealing the criminal organization or otherwise shall be punished by a prison term from three months to three years and his punishment may also be remitted.

(4) A member of a criminal organization who reveals the criminal organization or contributes to it being revealed shall be punished by a prison term up to one year, and his punishment may also be remitted.

(5) The mastermind and a member of a criminal organization who commits a criminal offence as a

member of criminal organization shall be punished for that offence as well.

(6) The criminal organization referred to in para. 1 above shall be considered to include the organization composed of three or more persons which has as its objective the commission of criminal offences punishable by law by a four year prison term or a more severe punishment for the purpose of obtaining unlawful gain or power, provided that minimum three of the following conditions are met:

1) that each member of the criminal organization had a predefined or obviously definable task or role;

2) that activities of the criminal organization have been planned for a longer period of time or for an unlimited period;

3) that the activities of the criminal organization are based on the application of certain rules of internal control and member discipline;

4) that the activities of the criminal organization are planned and implemented in international proportions;

5) that activities of the criminal organization include the application of violence or intimidation or that there is readiness for their application;

6) that activities of the criminal organization include the use of economic or business structures;

7) that activities of the criminal organization include laundering of money or illicit proceeds or

8) that there is an influence of the criminal organization or its part upon the political authority, media, legislative, executive or judicial powers or other important social or economic factors.

#### Art 404. Participation in a group committing a criminal offence

(1) Anyone who participates in a group that conspires and kills another person, or inflicts to another person a serious bodily injury, commits arson, significantly damages property the value of which exceeds twenty thousand euros or commits other criminal offence punishable by a prison term of five years or longer, or attempts to commit one of these offences shall be punished for participation itself by a prison term from three months to five years.

(2) The mastermind of the group committing any of the crimes under para. 1 above shall be punished by a prison term from one to eight years.

## North Macedonia

### *Definitions*

(28) A **group, gang or other criminal association** or an organization shall refer to at least three persons forming an association for the purpose of committing crimes, including the organizer of the association.

#### *Criminalization*

##### Art 393. Conspiracy to commit a crime

(1) Whosoever conspires with another to commit a crime, which can be subject to imposed sentence imprisonment of up to three years or more, shall be fined or imprisoned up to one year.

(2) The sentence stipulated in paragraph 1 shall also be imposed to whosoever agrees to a crime for which imprisonment of four years or more severe sentence is prescribed.

##### Art 394. Criminal association

(1) Whosoever creates a group or gang that aims to commission of crimes which can be subject to ordered imprisonment of three years or more shall be sentenced to imprisonment of one to five years.

(2) The member of the group or gang shall be sentenced to imprisonment of three months to three years.

(3) If the group or the gang intends to perform crimes for which sentence of imprisonment of at least eight years can be imposed, the organizer shall be sentenced to imprisonment of at least four years, and the member of the group or the gang shall be sentenced to imprisonment of one to five years.

(4) The member of the group or gang, who discloses the group, i.e. the gang, prior to committing the crime within it or for it, shall be acquitted for punishment.

(5) The objects and the means that were used by the group or the gang for preparation of the crimes, as well as their finances shall be seized.

##### Art 418/c Organizing a group and instigating performance of crimes of human trafficking, trafficking in juveniles and migrants

(1) Whosoever organizes a group, gang or other association for committing the crimes from Articles 418-a, 418-b, 418-d and 418-e, shall be sentenced to imprisonment of at least eight years.

(2) Whosoever becomes member of the group, gang or other association from paragraph 1, or in some other way helps the group, the gang or the association, shall be sentenced to imprisonment of at least one year.

(3) A member of the group from paragraph 1, who reveals the group before it commits the crime within it or on its behalf, shall be acquitted from the sentence.

(4) Whosoever calls for, instigates or supports the commission of the crimes referred to in Articles 418-a, 418-b, 418-d and 418-e, shall be sentenced to imprisonment of one to ten years.

## Serbia

#### *Definitions*

##### Article 3 of The Law on Organisation and Jurisdiction of Government Authorities in Suppression of Organised Crime, Corruption and Other Severe Criminal Offences

The organised crime within the meaning of this Law represents committing criminal offences by the organised criminal group or its members.

(35) An **organized crime group** shall mean a group comprising three or more persons, existing a certain amount of time, and acting in concert with the aim of committing one or more criminal offences punishable with a term of imprisonment of four years or more the purpose of which is acquiring direct or indirect financial or other type of gain.

#### *Criminalization*

##### Art 346. Forming a group for the purpose of committing criminal offences

(1) Whoever organizes a group whose purpose is to commit criminal offences which are punishable by imprisonment of three years or more, unless the law provides a more severe punishment for such organizing,

shall be punished with imprisonment of six months to five years.

(2) Whoever organizes an organized crime group, unless the law provides a more severe punishment for such organizing, shall be punished with imprisonment of one year to eight years.

(3) A member of the group referred to in paragraph 1 hereof shall be punished with imprisonment of three months to three years.

(4) A member of the organized crime group referred to in paragraph 2 hereof shall be punished with imprisonment of six months to five years.

(5) If the offence referred to in paragraphs 1 and 2 hereof is related to a group or an organized crime group whose objective is to commit criminal offences punishable with imprisonment of twenty years or imprisonment of thirty to forty years, the organizer of the group or organized crime group shall be punished with imprisonment of minimum ten years or imprisonment of thirty to forty years, while a member thereof shall be punished with imprisonment of six months to five years.

(6) The organizer of the group or organized crime group referred to in paragraphs 1, 2, and 5 hereof who reveals his group and thus or otherwise prevents commission of criminal offences for the purpose of which the group was formed

shall be punished with imprisonment of maximum three years and his punishment may be remitted.

(7) The member of the group or organized crime group referred to in paragraphs 3 through 5 hereof who reveals the group prior to having committed as part or on behalf of the group a criminal offence specified in paragraph 3 through 5 hereof for the purpose of whose commission the group was formed

shall be punished with a fine or imprisonment of up to one year or may be acquitted

Art 345. Conspiracy to commit a crime

Whoever conspires with another to commit a particular offence punishable by imprisonment of five or more years, shall be punished by fine or imprisonment up to one year.

Art 349. Participation in a group committing an offence

(1) Whoever participates in a group that by joint action kills a person or inflicts grave bodily harm, damages property to large extent or commits other criminal offence punishable by imprisonment of five or more years or attempts to commit one of these offences, shall be punished for participation by imprisonment of three months to five years.

(2) The ringleader of the group committing the offence specified in paragraph 1 of this Article, shall be punished by imprisonment of one to eight years.

**Kosovo UNSCR 1244**

*Definitions*

13. Organized criminal group - a structured association, established over a period of time, of three or more persons for the commission of a certain criminal offense that acts in concert with the aim of committing one or more serious criminal offenses in order to obtain, directly or indirectly, a financial or other material benefit.

14. Structured association - an association that is not randomly formed for the immediate commission of an offense, but it does not need to have formally defined roles for its members, continuity of its membership, or a developed structure.

*Criminalization*

Art 283. Participation in or organization of an organized criminal group

1. Whoever, with the intent and with knowledge of either the aim and general activity of the organized criminal group or its intention to commit one or more criminal offenses which are punishable by imprisonment of at least four (4) years, actively takes part in the group's criminal activities knowing that such participation will contribute to the achievement of the group's criminal activities, shall be punished by a fine of up to two hundred fifty thousand (250,000) EUR and imprisonment of at least seven (7) years.

2. Whoever organizes, establishes, supervises, manages or directs the activities of an organized criminal group shall be punished by a fine of up to five hundred thousand (500,000) EUR and by imprisonment of at least ten (10) years.

3. When the activities of the organized criminal group provided for in paragraph 1 or 2 of this Article result in death, the perpetrator shall be punished by a fine of up to five hundred thousand (500,000) EUR and by imprisonment of at least ten (10) years or life long imprisonment.

4. The court may reduce the punishment of a member of an organized criminal group who, before the organized criminal group has committed a criminal offense reports to the police or prosecutor the existence, formation and information of the organized criminal group in sufficient detail to allow the arrest or the prosecution of such group.

5. For the purposes of Article, **"actively takes part"** includes, but is not limited to, the provision of information or material means, the recruitment of new members and all forms of financing of the group's activities.