International cooperation frameworks to combat cross-border organised crime

أطر التعاون الدولي لمكافحة الجريمة المنظمة العابرة للحدود



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Abstract:

This study seeks to highlight international cooperation frameworks to combat cross-border organised crime, given the seriousness of organised crime, which has many repercussions on various fields and sectors and affects different countries. The inability of any single country to combat it, given its multiple activities and expansion from within the country to other countries, has led the latter to seek cooperation among themselves to combat it with the various tools available to them. Perhaps the most important international agreements are those concerned with combating organised crime, and coordination and exchange of expertise within the framework of what is known as international cooperation has become an absolute necessity. Reducing these forms of crime and increasing effectiveness have been defined in four areas: legislative and judicial, executive, procedural and technical.

In addition, the international community has created a permanent entity with privileges, immunities, and expanded and distinctive powers that ensure effective cooperation in combating crime in general. Through this body, the police and security services of each country cooperate, particularly with regard to the pursuit and arrest of criminals as quickly as possible, given the inadequacy and ineffectiveness of traditional diplomatic methods of extraditing criminals. This international body, known as the International Criminal Police Organisation, was established spontaneously after several stages. In this research paper, we will attempt to divide it into two main themes. The first will be devoted to international cooperation within the framework of the United Nations Convention against Transnational Organised Crime, and the second will be devoted to international cooperation in combating organised crime through the International Criminal Police Organisation (Interpol).

key words: organised crime ; international cooperation ; International Criminal Police Organisation.

الملخص: تسعى هذه الدراسة إلى تسليط الضوء على أطر التعاون الدولي لمكافحة الجريمة المنظمة العابرة للحدود، نظرا لخطورة الجريمة المنظمة، لها العديد من الأثارعلى مختلف المجالات والقطاعات فهي تمس مختلف البلدان ، حيث أن عجز الدولة الواحدة في مكافحتها لتعدد نشاطاتها و توسعها من النطاق الداخلي للدولة إلى دول أخرى، جعلت هذه أخيرة تسعى لتعاون فيما بينها على مكافحتها بمختلف الأدوات المتاحة لها، ولعل أهم الإتفاقيات الدولية تلك التي تعني بالتصدي للجريمة المنظمة، وأن التنسيق و تبادل الخبرات في إطار مايعرف بالتعاون الدولي أصبح ضرورة حتمية،

والتقليل من تللك الأشكال من الجريمة وزيادة الفاعلية، تم تحديدها بالأربعة صور وهي الجانب التشريعي والقضائي، والجانب التنفيذي ، والجانب الإجرائي والفني.

بالإضافة إلى ذلك فقد أوجد المجتمع الدولي كيان دائم يتمتع بإمتيازات وحصانات والإختصاصات موسعة ومتميزة تكفل القيام بالتعاون الفعال في مكافحة الجريمة بصفة عامة،و من خلاله تتعاون مصالح الشرطة والأمن في كل دولة، خاصة فيما يتعلق بمتابعة المجرمين والقبض عليهم بأسرع وقت ممكن، نظرا لقصور وعدم فاعلية الطرق التقليدية الدبلوماسية لتسليم المجرمين، وبالتالي فقد جاء هذا الجهاز الدولي الذي نشأ بصورة تلقائية بعد عدة مراحل ويعرف بإسم المنظمة الدولية للشرطة الجنائية، وعليه سنحاول من خلال هذه الورقة البحثية تقسيمها لمحورين، فالأول نخصصه للتعاون الدولي في إطار الاتفاقية الأمم المتحدة لمكافحة الجريمة المنظمة العابرة للحدود ونخصص الثاني للتعاون الدولي لمكافحة الجريمة المنظمة عن طريق منظمة الشرطة الجنائية الدولية (الأنتربول).

الكلمات المفتاحية : الجريمة المنظمة، التعاون الدول، منظمة الشرطة الجنائية الدولية .

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Introduction:

Due to the serious repercussions of organised crime, which undermines the fundamental aspects of the state, particularly its economic, social and political aspects, and given the inability of the state to combat it on its own due to the diversity of its activities and their expansion from within the state to other countries, the latter have sought to cooperate with each other in order to combat it by various legal means available to them, relying on various bilateral and trilateral agreements. Given the urgent need to strengthen international cooperation in combating and preventing criminal activities and increasing effectiveness, this agreement defined four forms of international cooperation: legislative, judicial, executive, procedural and technical.

In addition, the international community has created a permanent entity with expanded and distinctive privileges, immunities, and powers that ensure effective cooperation in combating crime in general. Through this entity, the police and security services of each country cooperate, especially with regard to tracking down and arresting criminals as quickly as possible. Given the inadequacy and ineffectiveness of traditional diplomatic methods of extraditing criminals, this international entity was created to meet international needs. It arose spontaneously after several stages and is known as the International Criminal Police Organisation.

The study is of great importance as it allows for the identification of legal loopholes that hinder international cooperation frameworks and attempts to find logical solutions that enhance international cooperation in combating transnational organised crime, which has become a threat to the stability of some

countries due to the mafia and international criminals who want to control and dominate the decisions of some countries, especially poor countries or those experiencing internal security tensions. internal security tensions.

This study is also important for joint security coordination with neighbouring countries in the field of transnational organised crime, particularly in the fight against extremist terrorism.

The aim of this study is to clarify the content of the United Nations Convention against Transnational Organised Crime In terms of its legislative and judicial aspects, it highlights the extent to which countries are committed to its legislative and judicial aspects. In return, we show the means of technical and executive cooperation between member states and the mechanisms for monitoring them. We also work to clarify the origins, principles, objectives and competences of the International Criminal Police Organisation (Interpol).

Faced with the failure of individual states to combat this serious crime through their domestic legal provisions, the majority of states have concluded an international convention against transnational organised crime and have researched and established a new international body to combat it, namely Interpol. This leads us to pose the following key question: **How effective are international cooperation mechanisms in combating transnational organised crime?**

In order to answer this question, we have adopted an analytical approach, as we are analysing the provisions of the international convention, as well as a historical approach in examining the period of development and emergence of international criminal police.

We divided the subject of the study into two sections. The first section was devoted to the study of international cooperation within the framework of the United Nations Convention against Transnational Organised Crime, while the second section was devoted to the study of international cooperation in combating organised crime through the methods of the International Criminal Police Organisation (Interpol).

We conclude our study with a summary of the most important findings and recommendations.

The First topic: International cooperation within the framework of the United Nations Convention against Transnational Organised Crime

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Since the emergence of organised crime, countries have sought to combine their efforts to combat it, and to do so as effectively as possible given the serious

consequences of the widespread nature of organised crime. The most important agreement specifying the methods for combating this phenomenon with great seriousness and effectiveness is the United Nations Convention against Transnational Organised Crime, which defines four forms of international cooperation. We will address this topic in two sections, the first of which will focus on the legislative and judicial aspects, and the second on executive cooperation between member states and mechanisms for monitoring the implementation of the convention.

The first requirement: the legislative and judicial aspects

The legislative aspect refers to the entire legal arsenal that respects the provisions of the United Nations Convention against Transnational Organised Crime, with the exception of certain provisions that are not compatible with the nature of the prevailing system of government in each state. The judicial aspect, on the other hand, aims to reinforce the most important principles of criminal law, namely 'no impunity for offenders,' through the adoption of extradition mechanisms, which strengthen judicial cooperation at the international level.

Accordingly, we will examine international cooperation in the legislative sphere, and then discuss international cooperation in the judicial sphere.

First section: International obligations in the legislative sphere.

The provisions of the United Nations Convention against Transnational Organised Crime require states to amend their domestic legislation by criminalising organised crime and affirming their jurisdiction over such crimes. They also require states to determine the appropriate procedures for dealing with such crimes, which we will discuss below.

Firstly: Crimes: This convention emphasises the need for international commitment by its member states to criminalise organised criminal activities and to take the necessary measures to combat this type of organised crime, which targets the sovereignty of many states, especially those suffering from weakness and internal instability.

Crimes covered by the United Nations Convention against Transnational Organised Crime.

The crimes included in this concept are defined as the following acts when committed intentionally with criminal intent:

A)- **Participation in an organised criminal association:** This refers to a prior agreement between several criminals and joint coordination between them to commit a serious crime in order to obtain benefits and privileges for the purpose of expanding the criminal activity of that entity.

It also refers to the perpetrator or instigator committing numerous organised criminal acts to achieve the latter's objectives using various criminal means[1].

B) - **Laundering criminal proceeds from illegal activities:** This refers to the conversion of these illegal acts into legal ones. Article 6 defines the criminalisation of this case as follows:

1)- Converting or transferring property with the aim of concealing or disguising the illegal source of that property, or assisting any person involved in committing the original crime from which it derives to evade legal responsibility.

2)- Concealing the source of such property, its location or method of use, its movement or ownership, knowing that it is the proceeds of organised crime.

3)- The criminalisation section covers participation in any of the acts referred to in this article or conspiracy to commit them, and assistance by any means[2] . The convention explicitly criminalises corruption[3] in two forms:

4)- Promising a public official a gift or granting it directly or indirectly by refraining from performing an act within the scope of his or her duties.

5)- Soliciting or accepting, directly or indirectly, an undue advantage for oneself or for another person or entity in order to perform or refrain from performing an act within the scope of one's duties.

6)- The Convention also criminalises participation in or incitement to commit an act of corruption and defines a public official as any person who provides a public service, whether a foreign public official, a national public official or an international public official.

Obstruction of justice: Article 44 of Law No. 06-01 on the prevention and combating of corruption criminalises obstruction of justice as follows:

- Using physical force or intimidation or promising or offering undue benefits to induce someone to give false testimony or to interfere with the giving of testimony, or to provide certain evidence relating to the commission of serious crimes.

- Using violence to influence justice or law enforcement officials in the performance of their official duties relating to the commission of crimes.

Some states have called for measures to be taken to assert their jurisdiction , which is governed by the following rules:

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[1]See: Decree No. **02/55 of 5 February 2002 ratifying, with reservations, the United Nations Convention against Transnational Organised Crime**, JAR 9, issued on 10 February 2002.

[2] Mohammed Ali Jaafar, **Transnational Organised Crime and Policies to Combat it**, Arab Centre for Security Studies and Training Publishing House, Riyadh, DSN, p. 26.

[3] Mohammed Fathi Eid, **Combating Terrorism in the Arab World**, Naif Academy for Legal Sciences, Riyadh, 1999, p. 39.

* The principle of territoriality of criminal law: this means that national law applies to crimes committed within the territory under the sovereignty of that state, regardless of nationality, and the territory is that part of land, sea or air over which the state exercises all its rights[1].

Thus, States Parties must assert their jurisdiction over crimes committed within their territory, and the jurisdiction of the State whose flag the ship flies and the aircraft registered under the laws of that State at the time of the commission of the crime shall prevail[2]. The prevailing opinion in jurisprudence indicates that the place of the crime is the place where the criminal act was originally or subsequently committed, or where the criminal result occurred. The Convention added to this the case of the perpetrator committing a crime outside the territory of the state by establishing an organised criminal association with the aim of committing a serious crime within the territory of the state.

* Principle of the personal nature of criminal law: This means that national law applies to every crime committed by a person who holds its nationality, such as an Algerian citizen who commits an illegal act in Italy, and it also applies to every attack against a citizen of the state.

* Principle of universality of the law: This means that the law applies to any person outside the territory, such as stateless persons, or if the perpetrator of the crime does not hold the nationality of the state and refuses to be extradited.

* Principle of the specificity of criminal law: This means that it applies to any crime that affects the fundamental rights of the state, regardless of the nationality of the perpetrator and the place where the crime was committed. Although this principle is not explicitly mentioned, it is confirmed that the state party may exercise criminal jurisdiction in accordance with its domestic law.

C)- **Penalties and countermeasures:** We will address the most important penalties and precautionary measures.

Countermeasures: Member states have been required to enact legislation that includes measures to combat crimes, including the following:

In the area of combating money laundering, it is necessary to establish a comprehensive internal system, i.e. a national mechanism for tracking expenses and non-bank financial institutions, in addition to all agencies exposed to money laundering. This involves identifying those who deal with the bank, storing data and reporting suspicious financial transactions.

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[1] Abdullah Suleiman. **Explanation of the Penal Code**. General Section. p. 85.

[2] Decree 02/55, previous reference.

Committees should be established to track the flow of funds, acting as a national centre for monitoring, collecting and disseminating information on potential money laundering.

Legal provisions should be put in place to require individuals and commercial institutions to report the transfer of relevant tradable shares and bonds across borders. In the area of combating corruption, it emphasised the following:

*Promoting integrity through a code of ethics for public officials and establishing strict frameworks.

*Establishing legislation that allows for the investigation and punishment of such acts.

*Granting greater independence to these independent administrative authorities[1].

Secondly: Penalties

Among the most important items is the establishment of legislation that ensures the prosecution of perpetrators, whether in terms of observation, trial, or the duration of these crimes and penalties.

It also decided to enact legislation that includes determining the responsibility of legal entities or corporations by imposing punitive or other administrative penalties, including financial penalties.

It also adopted some measures related to the confiscation of criminal proceeds or other property and instruments used in the commission of organised crimes, as the latter are either of a financial nature or consist of securities and tangible assets in certain companies, because joint coordination allows access to the financial assets held by corrupt individuals, which cannot be claimed as confidential.

These funds can be donated to governments suffering from economic backwardness, by working to establish these economies and accelerate their development.

The Second section: International commitment in the judicial sphere

Judicial cooperation is one of the most important forms of international cooperation in the fight against organised crime, as it reflects the globalisation of criminal and penal law. This judicial cooperation takes two basic forms: the extradition of criminals and mutual legal assistance.

[1] Decree 02/55, previous reference.

Firstly: Extradition

Extradition is based on security coordination in order to achieve justice, ensure that criminals do not escape punishment, and that there is no place for them to hide. Extradition is based on several legal grounds[1], and Article 16 stipulates the extradition of criminals:

Among the conditions for the extradition of criminals are: dual criminality, i.e. the act is a crime in both countries, the requesting and the requested, and it does not need to be of a serious nature, as its scope has been expanded to include serious acts not specified.

In the event that the criminal sought for extradition is a national of the requested State, the Convention specifies three cases:

✓ If the requested State refuses to extradite the offender because he is one of its nationals, in which case it must refer the offender to its competent authorities for prosecution, and the prosecution and punishment shall be carried out in accordance with the domestic law of that State, and the States concerned shall cooperate in this case in procedural aspects and in gathering evidence to ensure the effectiveness of the criminal prosecution.

✓ If the domestic law of the requested State permits the extradition of one of its nationals on condition that the person is returned to the requesting State to serve the sentence imposed as a result of the trials and proceedings for which extradition was requested, in this case, the two States shall agree on the appropriate option and, in the event of agreement, conditional extradition shall be considered sufficient to fulfil the obligation of judicial cooperation in prosecution and punishment.

✓ If the requested State refuses a request for extradition for the purpose of enforcing a judicial sentence against a person on the grounds that the person sought is one of its nationals, the requested State shall, in accordance with its domestic law, consider the possibility of enforcing the sentence in accordance with the domestic law of the requesting State or enforcing the remainder of the sentence imposed.

The Convention emphasises the need to respect human rights, including the enjoyment of all rights and guarantees provided for in the domestic law of the State in whose territory the person sought is present, in all extradition proceedings.

The requested State Party may refuse a request for extradition if it appears to it that the request has been made for the purpose of prosecuting or punishing a

[1] Mohamed Fathy Eid. Previous reference, p. 25.

person on racial, religious, national, ethnic or political grounds, and that granting the request would cause harm to that person. However, it may not refuse a request for extradition on financial grounds. However, before refusing a request for extradition, the requested State shall consult with the requesting State Party in order to provide its views and relevant information on its allegations.

In the case of persons sentenced to custodial sentences and imprisoned in prisons in a State other than their own, Article 17 of this Convention affirms that States Parties may consider concluding bilateral or multilateral agreements or arrangements on the transfer of persons sentenced to custodial sentences for organised crimes to their home countries to complete their sentences in their own correctional institutions. This is to avoid negative psychological effects on the prisoner, as well as to avoid the considerable expense incurred by his family and relatives in visiting him, and to reduce the workload of the consulates of the countries to which the offender belongs[1].

Secondly: Legal assistance

Judicial assistance is considered part of international cooperation between different organisations. It refers to a request by one country to another to obtain certain information on its behalf. Countries act on the basis of reciprocity and the principle of mutual assistance. There is a law that supports this system and defines its limits, based on the following points:

How to submit a request for judicial assistance and the information that must be included in the request: The request must be submitted by a member state and communicated to the Secretary-General of the United Nations, but correspondence must be sent through the consulate and diplomatic mission or in coordination with Interpol in urgent cases.

The request for mutual legal assistance must include the following information:

- The identity of the requesting authority.
- The subject matter of the investigation or judicial proceedings and the functions of the latter.
- A summary of the events and facts constituting the unlawful act.
- The identity and nationality of any persons involved, where possible.
- The reason for gathering evidence, documents and information.
- With regard to requests for the confiscation of proceeds, the formal requirements and inventory of those assets and facts must be respected in order for a confiscation order to be issued.

[1] Mohamed Fathy Eid. Previous reference. p. 40

* Cases in which judicial delegation is permitted for the following purposes:

- Obtaining evidence, such as hearing the statements of witnesses, victims and suspects.

- Serving documents on the competent authorities.

- Carrying out freezing and search operations in order to locate the perpetrators.

- Submitting documents and data to experts.

- Submitting original documents and relevant records, including government, banking or financial records, or company or business records or certified copies.

- Identifying funds acquired by devious means.

- Facilitate the voluntary appearance of persons without resistance.

* Cases in which a request for mutual legal assistance may be refused:

These are:

- If the applicant fails to comply with certain pre-determined conditions.

- If there is a flagrant violation of the sovereignty or system, security or fundamental interests of the requested State.

- If the internal law of the State prohibits such initiatives that encourage cooperation.

- Because the request conflicts with the regulatory framework of that State, or there is a violation of bank secrecy for a customer, or there is no double criminality.

* Provisions for the execution of a request for assistance:

When the central administration of the State Party receives a request for judicial assistance, it shall execute it or refer it to the competent authority for prompt and proper execution.

- Any imprisoned criminal may be transferred from one State to another to give testimony, but with the prior consent of that inmate, in coordination between the competent authorities.

-The entire period spent in police stations or detention centres shall be counted in full towards the sentence, so that the person is not punished twice for the same criminal act.

-To facilitate the procedures, additional data and information may be requested for the implementation of the agreement, which must be kept strictly confidential. If this is not possible, the competent authority shall be notified promptly.

-There are other procedures for transferring an expert or witness or any other person who may be useful to the investigation, and for hearing their testimony. The person shall also be exempt from prosecution and shall not be detained or subjected to any measure restricting their freedom in that country for the offence, and shall be given 15 days to decide whether to stay or leave.

-The material aspect is borne by the recipient of such requests, and it is possible to agree on sharing the costs, all or some of the expenses.

States Parties shall consider, as appropriate, the possibility of concluding agreements or bilateral or multilateral arrangements or multilateral agreements on the exchange of judicial assistance. The Convention also requires States Parties to give consideration to joint investigations and to encourage the establishment of joint investigation teams involving more than one State, while ensuring respect for the sovereignty of the State Party in whose territory the investigation is taking place, in order to comply with the Convention's approach to maintaining legality within the territories of States.

Thirdly - Special measures for investigation and information gathering

The Convention also requires States Parties to take special measures for investigation and information gathering, including electronic surveillance and the delivery of the observer, which refers to the method that allows illegal and suspicious shipments to leave, pass through or enter the territory of one or more States with the knowledge of its specialised authority, and under its control for the purpose of investigating a crime and revealing the identity of the persons involved in its commission. States may resort to concluding multiple bilateral agreements on special investigation methods, as well as on how to bear the costs of these methods[1].

The Convention also addresses previous judgments issued against defendants by courts outside their own country and requires States Parties to include them in their criminal records and take them into account when considering the enforcement of international return orders or in determining the sentence. In the same context, the Convention addresses witnesses and required states to take appropriate measures to provide effective protection against any possible retaliation or intimidation of witnesses, their relatives and other persons closely associated with them, such as allowing them to testify using information and communication technology or relocating them. The Convention also requires States Parties to extend effective protection to victims of transnational organised crime, to facilitate access to compensation and reparation, and to assist them

[1] See : Presidential Decree No. 02/55, op. cit.

during the investigation and trial proceedings in a manner that does not prejudice the rights of the defence.

The Convention also emphasises the need for Member States to take appropriate measures, such as reducing penalties or granting immunity from prosecution to persons who participate in criminal organisations and provide information about the identity of criminal organisations and the crimes committed by them, thereby helping to eliminate them. The state must provide the prescribed protection to such persons from any reprisals by criminal organisations.

The second requirement: Technical cooperation between members

International cooperation between states is an inevitable necessity, especially with the expansion of crime due to the repercussions of globalisation and the development of means of transport. Among other forms of cooperation in the field of combating organised crime are executive and technical cooperation between states and the strengthening of mechanisms for monitoring the implementation of the provisions of the Convention.

Accordingly, we will examine executive and technical cooperation in (Section I), then detail (in Section II) the mechanisms for monitoring the implementation of the Convention.

First section: Executive cooperation

The Convention focused on the importance of cooperation between the executive authorities of states in various areas in the technical field through the exchange of necessary information on organised crime, as well as in the technical field, by cooperating in the development of joint programmes for those working in the field of combating organised crime. The agreements also focused on cooperation in the economic field by assisting member states, especially developing ones, in combating organised crime. The agreement also established a conference of the states parties as a mechanism for conducting international cooperation in various fields in accordance with the provisions of this agreement.

The agreement also emphasised the importance of procedural cooperation between law enforcement agencies and their implementation, and obliged states to cooperate academically and technically to exchange experiences and develop joint training programmes in the fight against organised crime[1].

Firstly: Procedural cooperation

Channels of communication must be opened between authorities and agencies in order to facilitate the exchange of information as required.

This becomes an effective measure when it covers certain points:

[1] Mohamed Fathy Eid, op. cit., p. 42.

-The identity of those involved in the crime, their locations and their criminal activities in various countries around the world.

-The movement of proceeds from crimes or property derived from the commission of serious crimes against the sovereignty of states.

-The movement of property, equipment or other tools used or intended to be used in the commission of such crimes.

-Providing, where necessary, the types or quantities of materials needed for analysis or investigation.

Finally, it can be said that joint coordination and exchange of expertise among all actors can reduce organised crime.

-Exchange of data to uncover the truth early on and thus bring them down.

-The adoption of modern digital technology can bring down all criminal organisations.

The Convention also emphasised the development of national policies aimed at establishing the best means of combating transnational organised crime, particularly in the area of combating the laundering of the proceeds of crime, by preventing their investment in legitimate markets. These policies must include the following measures:

Preventing organised criminal groups from exploiting tenders conducted by public bodies, as well as subsidies and licences granted by public bodies for commercial activities, their management and financing.

Introducing the possibility of revoking, by court order or any other appropriate means, the eligibility of persons convicted of offences covered by this Convention to act as directors of legal entities established within its jurisdiction. Exchange information and records on disqualified directors among the competent authorities of the States Parties to the Convention. The Convention also establishes measures in the area of executive cooperation to reintegrate persons convicted of such offences into society after their rehabilitation and reintegration into society. The Convention also calls on member states to raise public awareness of the seriousness of organised crime through various media outlets, in order to ensure public participation in the prevention and combating of organised crime. The Convention also requires the improvement of the social conditions of individuals and marginalised groups who are vulnerable to transnational organised crime.

Secondly: Technical cooperation

Each State shall consult with scientific and academic circles to prepare studies and research to analyse the prevailing trends of organised crime in its

territory and the conditions in which organised crime operates. These studies shall also address the nature of professional criminal groups involved in organised crime and the technologies used to commit it.

Each State shall evaluate, analyse and enrich its existing expertise on organised criminal activities and then exchange and share this expertise among States Parties through international and regional organisations. To this end, common definitions, standards and methodologies shall be developed and applied as appropriate.

It is also incumbent upon the state to develop effective policies and measures to combat organised crime and to assess the effectiveness of those policies and measures.

The Convention requires member states to establish, develop and improve special training programmes for personnel working in criminal justice agencies concerned with organised crime, in particular police officers, members of the public prosecution service, investigating judges, customs officials and other personnel responsible for preventing, detecting, investigating and prosecuting offences. Such programmes may include, in particular, to the extent permitted by the domestic law of the State:

methods used to prevent, detect and combat organised crime, as well as knowledge of the methods and routes used by persons suspected of committing such crimes, including within transit States, and knowledge of appropriate countermeasures to these methods. The programme shall also include training in the monitoring of the movement of contraband, as well as the detection and monitoring of the movement of proceeds of crime or property or proceeds used in the commission of money laundering offences. The training programme should include how to collect evidence and surveillance techniques in free trade zones and free ports, and how to use modern equipment and techniques for law enforcement, including electronic surveillance, controlled delivery and undercover operations. The programme shall also cover the best methods of protecting witnesses and victims, as well as methods of combating transnational organised crime committed using computerised media, wire and wireless communications and other forms of modern technology. Training may include language training and staff exchanges. Member States shall cooperate in the planning and implementation of training programmes. Regional and international conferences and seminars may be held to promote international cooperation.

The Convention emphasises the importance of economic cooperation between States in implementing the Convention by providing financial and

technical assistance to developing States, especially those whose economies are in transition, in order to assist and encourage them to prevent and combat transnational organised crime and to grant financial assistance to help them implement the Convention. This financial assistance is donated to a United Nations account designated for this purpose, and states may donate all or part of the proceeds of crime, property or equivalent value that has been confiscated to the United Nations account. Financial institutions may provide assistance to developing countries by offering training programmes for their staff and providing modern equipment to help them achieve the objectives of the Convention. To this end, States Parties may enter into bilateral or multilateral agreements on the provision of material and financial assistance.

The Second section: Mechanisms for monitoring the implementation of the Convention

The agreement emphasises the need for each State Party to provide the Secretary-General of the United Nations with copies of its legislation and laws implementing this agreement, as well as any changes it makes to its laws.

Establishment of the conference: 90 days after the date of its deposit or accession, it shall be established after one full year.

Structure of the Conference: It shall be composed of persons from Member States, and there shall be a Secretariat within the United Nations.

As for its functions:

- It shall assist the Parties in achieving the objectives for which it was established.

- It shall make arrangements and organise various meetings.

- Obtains reports, data, information and documents from governmental and non-governmental organisations for implementation.

- Coordinates dialogue with various secretariats at the international level[1]

- Subcommittees may also be established to assist in structuring the conference in the best possible way.

Convening of the conference: One year after its entry into force, it shall be convened at the invitation of the Secretary-General.

-It shall then establish internal rules of procedure setting out the principles, foundations and activities to be addressed, including financial aspects.

Objectives of the conference: It seeks to strengthen mechanisms for joint cooperation in combating all forms of crime.

[1] Decree 02/55.

Tasks of the conference: These tasks can be summarised as follows:

-Facilitating all activities in the areas of technical and professional exchange of expertise in order to combat crime and encourage the collection of financial assistance.

- Adopting successful strategies in the field of combating crime.

- Cooperating with governmental and non-governmental organisations involved in combating dishonest practices.

Considering proposals to amend the Convention by obtaining a majority vote of the States Parties.

Making recommendations to improve this Convention and its implementation.

The Convention included final provisions relating to the following:

-Settling disputes over the implementation of penalties through arbitration or the International Court of Justice in accordance with its statutes. Signing, ratification and accession are open to all states in Palermo, Italy, during 2000 and 2002, and instruments of ratification and accession are submitted to the Secretary-General of the United Nations. Amendments to the Convention may be proposed five years after the entry into force of the Convention. Proposals shall be submitted by a State to the Secretary-General, who shall communicate them to the States Parties and to the Conference of the Parties. A two-thirds majority of the States Parties present and voting at the meeting of the Conference of the Parties shall be required for the adoption of amendments.

The agreement was accompanied by two supplementary protocols, the first relating to combating, preventing, punishing and suppressing trafficking in persons, especially women and children, and the second relating to combating the smuggling of migrants by land, sea and air, and concerns legislative, judicial, technical and professional cooperation on these two protocols.

This agreement has contributed significantly to the coordination of international cooperation in combating organised crime, laying down legal foundations on which member states can base their judicial, procedural and legislative cooperation

in order to achieve the harmonisation of substantive and procedural rules at the international level to combat and eliminate organised crime. It can be said that the fight against organised crime has become a concern for all international organisations, regional groups and all states, given the serious threat it poses in all areas, to the extent that its existence hinders all international efforts to achieve economic progress and impedes efforts related to development, health and

education. Society has therefore recognised the seriousness of organised crime, making it a priority that must be addressed and eradicated.

The second Topic: Interpol

The inability of each country to maintain security and stability within its territory and fight crime has led them to organise themselves into international organisations that coordinate efforts to achieve the collective interests of these countries.

It has been proven that no single country can eradicate crime due to its widespread nature, the issue of criminals fleeing the country, and the traditional methods used to extradite criminals.

Hence, there is an urgent need for an international entity with extensive and distinctive privileges, immunities and powers to ensure international cooperation against crime, particularly in the interests of the police and security forces in each country, especially with regard to tracking down and arresting criminals as quickly as possible, In view of the worsening crime phenomenon and the resort of criminals to other countries without being arrested.

In this section, we will address two requirements. The first requirement is to study the origins and principles of Interpol, while the second requirement is to examine the objectives, powers and activities of Interpol.

The first requirement: The origins and principles of Interpol

The International Criminal Police Organisation, or Interpol, has established itself as an inevitable result of international efforts within the framework of international cooperation to achieve peace, security and the fight against crime. As an international organisation, Interpol operates in accordance with a set of fundamental principles enshrined in the Constitution of the International Criminal Police Organisation, such as the principle of respect for the sovereignty of states and the equality of rights and duties among member states.

Accordingly, in this section, we will examine the origins of Interpol and its legal nature in (Section I), then in (Section II) we will detail the principles on which the International Criminal Police is based.

First section: Origins and legal nature

Every international body or organisation must refer to its source of origin, i.e. the date of its establishment, and its legal nature must be clarified so that researchers can understand its functions and powers.

Firstly: Origin

Some researchers trace the true beginning of the organisation back to 1923, when the Vienna Conference was held between 3 and 7 September at the invitation of Dr. Juha Ner Stöber, Chief of Police in Vienna. This conference brought together police chiefs from 17 European countries and Egypt.

This committee did not reach the stage of internationalising its activities, but it operated effectively until the start of the Second World War.

After the end of World War II, 17 countries met in Brussels at the invitation of the Inspector General of the Belgian Police, Mr Louvage. The aim of the conference was to revive cooperation in the fight against crime. Its headquarters were moved to Paris and the position of Secretary General was created, which was entrusted to Mr Louvage, and an executive committee was formed[1].

The term 'International Criminal Police Organization' was adopted for the first time, and its General Assembly, at its 25th session held in Vienna, drew up the organization's charter between 7 and 13 June 1956, which serves as the organization's constitution.

In October 1977, the number of member states reached 126, and a headquarters agreement was signed between the organisation and France, which included approval for the location of its headquarters.

In 1984, a new headquarters was opened in Lyon on 27 November 1989.

In 1998, the number of member states reached 177 with the accession of the Comoros.

Secondly: The nature of Interpol

There are differing legal opinions on the nature of the organisation. From our review of these opinions, we can see that there are two different schools of thought, which are explained as follows:

The first trend: This trend considers that the organisation is not a person under public international law, but rather a person under private law. Accordingly, this trend considers the organisation to be non-governmental for the following reasons:

01- The 1949 decision of the United Nations Economic and Social Council, which considered the organisation to be a non-governmental organisation of an advisory nature.

02- The organisation is limited to criminal matters only and does not interfere in political, military, religious or ethnic matters, which are the preserve of governments.

[1] **International Journal of Criminal Police**, Issue 267 (April, May), 1976

03- The founding agreement was based on the police authorities in each state, not the governments, which contradicts the resolution of the Economic and Social Council defining non-governmental organisations[1].

The organisation shall determine the penalties to be imposed in the event of a member state's failure to meet its financial obligations, and the Executive Committee of Interpol shall impose the penalty on the state that has failed to meet its financial obligations by temporarily depriving it of its voting rights in the General Assembly.

6-Equality of rights and obligations among all member states, regardless of their size and financial contributions.

- Equality of voting rights within the General Assembly.
- Access to the organisation's services.
- Equal sharing of the obligations[2] arising from membership.

These obligations consist of implementing the decisions of the General Assembly and contributing to the organisation's finances.

The second requirement: Interpol's objectives, competences and activities.

Like other organisations, the International Criminal Police Organisation seeks to achieve many objectives, the most important of which is to strengthen international cooperation between various security and police agencies at the level of all countries of the world. Its primary goal is to combat and counter various forms of organised crime that transcend national borders.

Its competences are numerous and varied, including the exchange of expertise and joint coordination in the field of information, among other competences that we will mention.

Accordingly, in this requirement, we will examine the objectives and competences of Interpol in (Section I), then we will detail the activities of Interpol in (Section II).

First section: The objectives and functions of Interpol

Firstly: The objectives of Interpol

Articles 2 and 3 of the Interpol Constitution set out the objectives that it seeks to achieve:

Article 2 states: "To promote and encourage mutual assistance between criminal police authorities to the greatest extent possible within the limits of the laws of the various countries and to promote the Universal Declaration of Human Rights

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[1] Alaa El-Din Shehata. **International Cooperation in Combating Crime**, Eytrak Publishing and Distribution, Cairo, 2nd edition, 2002, p. 176

[2] Algerian Police Magazine. **Interpol**, Issue 55, June 1997.

To establish and develop systems that will contribute effectively to the detection and prevention of crimes under public law[1].

Finally, it can be said that coordination between the various police agencies in the world is necessary to reduce the danger posed by criminals, especially those who flee to other areas.

Among Interpol's objectives are:

-Expanding areas of cooperation among all members, without artificial boundaries being an obstacle.

- Flexible coordination between national and international Interpol offices established within their territories.

- The sovereignty of states above all other considerations, with respect for human rights in order to preserve human dignity.

- INTERPOL aims to combat serious acts that threaten the security and stability of those states, such as currency counterfeiting, slave trade, and human trafficking.

Therefore, the organisation does not intervene in issues of a military, political, religious, or ethnic nature.

Secondly: The functions of Interpol

1- Collecting and exchanging information and data related to crime and criminals. The organisation receives this data and information and exchanges it with the central criminal police offices in member states, and the organisation collects and organises this data.

2- Interpol coordinates efforts between member states, particularly on the fundamental issue of fugitive criminals. This is one of the oldest forms of cooperation between different countries and is usually regulated by international agreements, whether bilateral or collective.

3- Combating crimes under general law, such as drug crimes, money laundering and even terrorism. Accordingly, Interpol is prohibited from interfering in cases of a military, religious, ethnic or political nature[2].

4-Protecting international security by warning and alerting countries of the possibility of new crimes when information is received or a dangerous criminal is present in that country, so that the police authorities of that country can take the necessary measures to arrest him and prevent him from causing harm.

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[1] Abdelwahab Houmed, **International Cooperation in Combating Crime**, article published in Al-Haqwa Al-Sharia magazine, Issue 01, 1981, p. 146.

[2] Abdul Wahab Homed. Previous reference. p. 146.

The second section: Activities of Interpol

In order to achieve the objectives of international cooperation in the field of policing, Interpol carries out various activities, including, but not limited to, the following.

- Verifying the identities of perpetrators and searching for unidentified bodies through fingerprinting, photographic identification, and technical and scientific police work.

-Holding seminars and conferences, such as seminars on drug-related crimes and regional and provincial conferences to discuss crime in these areas. In 1997, Algeria hosted a regional African seminar for Interpol.

3-Training and educating officers for the benefit of member states through seminars and training courses for police officers from various member states with the aim of developing their skills, updating their information, and informing them of the latest developments in the field of policing as well as the sophisticated methods used by organised crime.

4-Calling on countries to adopt domestic legislation that includes effective means of combating crime. At the 64th General Assembly of Interpol, the Declaration on Combating Money Laundering was adopted.

5-Publishing research and studies through the INTERPOL Library[1].

6-Submitting various reports and criminal statistics on crime rates, activities and trends.

Conclusion :

In summary, it can be said that INTERPOL is one of the most successful and effective international organisations in performing its tasks at the international level, contributing to international cooperation between police forces in various member countries. This is due to the fact that this organisation specialises in combating crimes under general law and stays away from political, military, religious and ethnic issues that involve the interests of states. Interpol signed a cooperation agreement with the United Nations in 1971 and also has relations with specialised international agencies such as the International Civil Aviation Organisation and the International Telecommunication Union. The importance of Interpol is also evident in the assistance it provides to member states by developing advanced programmes to improve police performance. It also

[1] Mohamed Mansour El-Sawy. Previous reference, p. 741.

provides member countries with advanced technological means that contribute to the detection and combating of crime.

Given the seriousness of organised crime, countries have sought to come together and find effective means of combating it, having realised that they cannot tackle it alone. Perhaps the most important international framework for combating organised crime is the United Nations Convention against Transnational Organised Crime, which was a step towards strengthening international cooperation in combating it and which established four pillars of cooperation: legislative cooperation, judicial cooperation, procedural cooperation, and technical cooperation. It also established a mechanism to ensure the implementation of the convention, namely the Conference of the Parties to the Convention.

Hence, we can say that the International Criminal Police Organisation is a key body for achieving international cooperation in combating cross-border organised crime. It was established by police forces from various countries, and has played a major role in combating organised crime by tracking down criminals, arresting them and extraditing them to their countries of origin.

Interpol also plays a role in achieving international cooperation to prevent and combat crime, but this remains dependent on the extent to which countries respond to these efforts and cooperate with international organisations and with each other.

Observation:

1. The provisions of the Convention on Combating Transnational Organised Crime include certain legislative and judicial obligations for member states.

2. The Convention on Combating Transnational Organised Crime includes certain procedures and measures necessary to address various forms of organised crime.

3- Among the measures included in this agreement are the extradition of criminals and judicial assistance between members.

4- There are also other forms of international cooperation, such as executive and technical cooperation through the exchange of experiences and logistical coordination to prevent criminals from escaping, which is being researched on a global scale.

5-The international community has established a specialised body to combat organised crime and maintain security and stability, called the International Criminal Police Organisation (Interpol).

6- One of the most important principles of Interpol is respect for the sovereignty of states, which encourages cooperation between states in combating this type of organised crime.

7- Penalties must be tightened for all those involved in forms of organised crime, given their seriousness and their impact on the interests of the state abroad.

8- Algerian legislators must strengthen Algerian diplomacy with competent experts in order to apprehend criminals who have fled justice and recover criminal proceeds through national reconciliation in economic crimes.

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