

LLM 8208: ORGANIZED CRIME AND CORRUPTION

LECTURE 1

THE NATURE OF ORGANIZED CRIME

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Introduction

- The nature of organized crime;
- An overview of organized crime and corruption
- Organized criminal activity in practice: the structure and organisation of transnational organized crime syndicates, global patterns and actors in the flow of illicit goods and criminal proceeds;
- Organized crime and corruption in situations of armed conflict;
- Circumstances promoting and associated with their commission;

Introduction

- The impact of organized crime and corruption on developing and transitional societies;
- International, regional and national legal and institutional frameworks on organized crimes;
- Successful prosecutorial strategies to combat these crimes.

The nature of organized crime

1. It allows a methodological focus on trans border offences with a broader lens which ICL does not
- Those work the systems in organisations like US Drug Enforcement Agency, Inter-Pol, EuroPol, ECOWAS, concerned with prosecuting drug trafficking, they don't deem these agencies as dealing with international crimes in the sense of the ICC. Though sociologically these are international crimes in the sense of the offences crossing borders. Legally, they deem themselves as dealing with domestic crimes that has cross border effects

Cont.

2. Offences that are created by treaty law but largely rely on indirect criminalisation in domestic states: for enforcement...common for all organised crimes
 - Domestic crime is created by the local authority/nation states: prescriptive power of the state
 - Kenya retains its prescriptive power over the crime but the crime can be enforced across borders if Kenya has ratified certain international treaties

Cont.

- Transnational organized crime are always defined without the use of these terms i.e refer to Kenyan law
 - Question: Why would this be advantageous in enforcing these crimes?
3. The jurisdiction element: this is no longer just territorial in most of these crimes, almost all have a foreign dimension. Few have a pure domestic element
 4. Enforcement of organized crime: states are obliged to rely on cooperation from other states:

Cont.

- The 3 dimensions of cooperation: formal legal assistance in production of evidence, extradition, direct police cooperation
- What would be the common challenge with this aspect? Trust, legitimacy, ineffectiveness etc
- It difficult to have an international court that prosecutes these crimes?
- What would be the challenge of creating an international criminal court with jurisdiction over transnational organised crime?
- Does this make these organized crimes international crimes?

Class discussion

- Crime control system vs. a justice system of organized crime? What is your take? Who is calling the shots in organized transnational crimes and for what purposes?
- Internationalization, globalization or glocalization?

THE END

THANK YOU!