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THE LINK BETWEEN ORGANIZED CRIME AND TERRORISM

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Abstract. *The heightened control of financial transactions in the post 9/11 society significantly curbed the fund-raising activities aimed at financing terrorism. Terrorist groups were forced to evolve and find new ways of financing their activities, while transnational criminal organizations adapted to the new circumstances by turning into powerful hybrid criminal-terrorist entities. These traditionally separate phenomena have begun to reveal many operational and organizational similarities. Globalization of the economy has created favorable conditions for terrorist organizations and criminal groups to coordinate their activities, to cooperate and share their resources, whereas both national and international legislation have unfortunately failed to keep pace with the evolving development of crime and terrorism. This article aims to examine the individual characteristics of organized crime and terrorism by pointing out to their similarities and differences, and to analyze the complexity of the crime-terror nexus. Adequate anti-terrorist and anti-criminal policy at the national level as well as globally rests on understanding each problem separately as well as their versatile correlations. Otherwise, there is a risk of a theoretical "fusion" of one problem into another which may generate problems in combating organized crime and terrorism. The author highlights the importance of acknowledging and understanding the link between crime and terror groups as the first step towards formulating an effective state response to this evolving threat.*

Key words: *organized crime, terrorism, narco-terrorism, money laundering, human trafficking, crime-terror nexus.*

1. INTRODUCTION

During the Cold War period, organized crime and terrorism were viewed as separate phenomena that did not constitute a threat to the world order. After this period, the situation changed drastically and the new global trends started affecting the nature of these phenomena, as well as financing of terrorism (Makarenko, 2004). In the post 9/11 environment, the United States of America played a dominant role in combating the

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financing of terrorism, by announcing a "war on terror", which included freezing the assets and blocking the financial transactions for individuals, charities and associations associated with terrorists. As their fund-raising activities were substantially curtailed, terrorist groups were forced to evolve and find new ways of financing their terrorist activities, such as involvement in drug-trafficking and other illegal activities and forms of organized crime. On the other hand, transnational criminal organizations adapted to the new circumstances, by turning into powerful hybrid criminal/terrorist entities with an internal system of funding, which enabled them to engage in terrorist activities in order to increase their profits. The connection between organized crime and terrorism is, as vividly described by some authors, "a marriage of convenience" (Directorate General for Internal Policies, 2012: 24). Today, that nexus between organized crime and terrorism is much more complex and sophisticated, and can be viewed from different aspects. This bond directly affects the security of the country and poses a serious threat, both at national and international level. An essential precondition to understanding the link between organized crime and terrorism is to understand them separately. Despite many operational and organizational similarities, they are still separate phenomena, and examining their characteristic, similarities and differences, is the first step in combating them.

2. DEFINING TERRORISM

Etymologically, the word *terrorism* comes from the Latin word *terror*, which means fear, fright, intimidation. Terrorism is a particularly complex issue which requires a multidisciplinary approach in studying it. Due to the escalation of terrorist attacks in recent years, as well as the growing number of innocent victims and the consequences it causes in international relations, it has become a sphere of interest more than ever before.

When it comes to defining terrorism, authors and experts agree on one thing: there is no universally accepted definition of terrorism. A comprehensive definition of terrorism has not been developed even at the United Nations level, although certain behaviors of individuals and groups have been labeled as terrorism in a number of resolutions, conventions and protocols. Defining terrorism in a way that would be accepted by all the countries is almost impossible but crucial for successfully combating it at an international level. The difficulty that arises in defining terrorism is that actions taken by certain countries, under a different name, may fall under the definition of international terrorism according to their essence, but they nevertheless receive political support of individual governments, which view them as means of state policy or as a legitimate method (Kovačević, 1992: 31).

The literature considers that infusing fear is the highest, ultimate goal of terrorism; it is therefore said that the instant victim has no importance for terrorists. Terrorism is aimed at the general public, which is precisely the element that differentiates terrorism from a single violent crime. Some authors (such as Lemkin) define terrorism as intentional use of any means that could create general (transnational) danger, which threatens the interests of several countries, pointing out that terrorism in the broadest sense consists of intimidating people by carrying out violent acts (Konstantinović-Vilić, Nikolić-Ristanović, Kostić, 2009: 169)

Identifying elements that constantly appear in terrorist acts can contribute to defining terrorism more precisely. Dutch academic researchers, Alex Schmid and Albert Jongman, performed a quantitative analysis of 109 definitions of terrorism and concluded that 22 elements were constantly repeated. Each element in the definitions was expressed in

percentages, as follows: 1) Use of force or violence 83.5%; 2) Political character 65%; 3) Inducing fear and horror 51%; 4) Threat 47%; 5) Psychological effect 41.5%; 6) Difference between the victim and wider target of attack 37.5%; 7) Goal oriented, planned and organized action 32%; 8) Method, strategy, tactics of fighting 30.5%; 9) Violation of accepted rules, lack of humanitarian grounds 30%; 10) Blackmail, coercion and obedience 28%; 11) Desire for publicity 21.5%; 12) Arbitrariness, impersonality, randomness, non-discrimination 21%; 13) Civilian casualties 17%; 14) Intimidation 17%; 15) Innocence of the victims 15, 5%; 16) The perpetrator is a group, movement or organization 14%; 17) Symbolic nature 13.5%; 18) Unpredictability and unexpectedness 9%; 19) Secrecy, concealment 9%; 20) Repetition 7%; 21) Criminal character 6%; 22) Requests to third parties 4% (Schmid, Jongman, 1988: 5).

Explaining terrorism by dissolving it to elements helps notice the similarities with organized crime, but in no case should terrorism be reduced to a mere sum of these elements. Some authors argue that defining terrorism is illusory, comparing it to pornography and stating that "we know very well what it is when we see it" (Cooper, 2001: 883), while others, somewhat morbidly, point out that theoreticians have spilled as much ink trying to define terrorism as terrorists have spilled blood with their attacks (Schmid, Jongman, 1988: 28)

3. DEFINING ORGANISED CRIME

Transnational organized crime is undoubtedly perceived as a dangerous threat. However, the political and academic consensus stops here, as the way towards a common definition seems to be very long and troubled. Organized crime, along with terrorism, represents the greatest non-military threat to humanity, and no country today is "immune to this menace." In a broader sense, organized crime is constituted of various forms of criminal activity, which are characterized by the existence of criminal organizations and organized approach to committing offenses, with the aim of obtaining illegal profit (Mijalković, 2009: 119).

Organized crime is a complex phenomenon which, like terrorism, can be regarded and studied from various aspects. The period of its actual existence is much longer than the period it has been criminalized in state legislations. One of the main characteristics is that it does not remain within the borders of one state, but rather develops on an international scale (transnational organized crime). Organized crime is not only difficult to define but also difficult to recognize, due to the overlapping of illegal activities with completely legal ones. In an effort to prevent detection, almost the entire material gain acquired by organized crime is invested in companies, institutions or humanitarian actions. Organized crime is distinguished by its secrecy (confidentiality); in contrast to traditional crime, it strives to take over the power over the society, thus competing with the official institutions of state authority (Konstantinović-Vilić, et al., 2009: 194).

It therefore represents a continuing criminal enterprise that is being undertaken rationally, for the purpose of obtaining profit from illegal activities, and its continued existence is maintained by using force, threats, monopoly, and corruption of public officials (Albanese, 2004: 4). The main elements are the existence of a secret organization, rational criminal operations, obtaining profit as the ultimate goal, the use of force or threats, and resorting to corruption in order to achieve the objectives and preserve immunity from the law.

The phrase "fight against organized crime", seems to be used way to often by state officials in Serbia, given the disproportion between what is promised and what is

implemented. The fight against organized crime in Serbia depends to a large extent on the implementation of criminal legislation, which seems to be failing to appropriately respond to the challenges of organized crime. After the 1990s, which were considered the "golden age of organized crime," the state tolerated groups that were involved in illegal activities for a long time. Those groups even experienced full social recognition, enabling the link between the state and the criminal establishment to become very strong.

4. SIMILARITIES BETWEEN ORGANISED CRIME AND TERRORISM

"The instant which creates confusion between the concept of organized crime and that of terrorism is the instant in which the pursuit of political power is presented as one of the determining characteristics of organized crime in the sense which is irrelevant of the capacity of the potential political power to contribute to the enrichment of the group, that is the gain of criminal profit" (Fatić, 2005: 82).

The aforementioned definition clearly states that it is very easy to cross the thin line which differentiates terrorist groups from those of organized crime. Moreover, these two entities are characterized with significant similarities, which are one of the main factors that contribute to their being regarded as mutually interchangeable and intertwined. Thus, the criminal activities committed by certain terrorist organizations are financed by organized crime, whereas some criminal organizations, having acquired financial power, exhibit political ambitions which they endeavor to realize with the help of terrorism (Mijakovski, 2003: 50). Some authors, such as Makarenko and Thamm, interpret the similarities between terrorism and organized crime in a peculiarly simplified manner, emphasizing the fact these two groups have one common "enemy": the State.

A detailed analysis of this issue shows another striking similarity: a similar personality profile of members belonging to a terrorist or an organized crime group. Both entities seem to be recruiting their members from the marginal social groups exposed to and burdened by social or political frustrations. They are the persons attracted by excitement, thrill and risk-taking, who despise socially accepted norms (UN Office on Drugs and Crime, 2005: 9).

The analysis of the fundamental characteristics of terrorism and organized crime reveals a great number of similarities. They are both punishable by law. Their illegal activities often involve the abuse of the latest technological developments and entail novel high-tech forms of criminal activity. Another common characteristic is a detailed planning and preparation of their illegal activities. Both criminal groups display a respect of strict discipline, which includes rigorous rules of behavior and an internal system of punishment for any form of disobedience. Organized crime and terrorism are also characterized by secrecy and confidentiality of their activities, use of violence for the purpose of accomplishing certain goals or interests and intimidating the surroundings.

5. DIFFERENCES BETWEEN ORGANISED CRIME AND TERRORISM

Criminology traditionally defines that the basic difference between organized crime and terrorism lies in different motives of perpetrators. Terrorists are supposed to act out of idealistic goals aimed at reforming social reality, immaterial of a particular terrorist organization's vision of that reform and transformation. On the other hand, members of organized crime are believed to act with the aim of gaining personal criminal profit (Berdal, Serano (eds), 2002).

This rather simple interpretation, though helpful in drawing a line between organized crime and terrorism, represents too naïve an opinion to define the actual situation. According to this definition, terrorists want their activities to be in accordance with their “morally superior and pure” ideals, while in reality they are actually quite the opposite. Almost none of the active terrorist organizations considers the method of “clean hands” as an option. Furthermore, their connection with illicit trade of drug or human trafficking is more than obvious.

Therefore, it is not possible to differentiate organized crime from terrorism on the basis of motivation. Reference materials emphasize that this criminological point of view originated from the careful observation of the “Islamic terrorism”, which partially satisfies the criteria of “clean hands” since the Islamic terrorists avoid activities related to drug and human trafficking for purely religious reasons.

One of the most obvious differences between organized crime and terrorism might be found in their ultimate goals. Terrorist acts are aimed at accomplishing particular political goals with the help of forbidden and socially unacceptable means. On the other hand, the goals of organized crime are predominantly economical, devoid of any political dimension, aimed at gaining and enlarging their own profit. Their goal is the ultimate economic power followed by the legalization of the acquired profit. Other goals, especially the political ones, which relate organized crime to terrorism, are only side effects of organized crime activities.

These two entities differ regarding the “visibility” of their activities. Organized crime groups do not reveal their goals publicly, never show their political aspirations openly and aspire to keep their activities fairly “invisible”. Terrorists, on the other hand, not only declare their goals openly but they do that in order to gain support from particular target groups of people so that their determination in accomplishing their goal becomes clear to everyone. Terrorist organizations claim responsibility for terrorist attacks, whereas members of the organized crime groups never assume any responsibility for their criminal acts.

Although it is frequently said that terrorism and organized crime have the same enemy: the state, their relationship towards the state is another distinctive feature. While terrorism is characterized by a constant confrontation with the existing establishment and an attempt to change the government, organized crime is known for its infiltration, bribery of state officials and a selective antagonism towards certain levels of government (Mijalković, Bajagić, 2012: 521). The connection between organized crime and government officials appears to be more striking and fundamental than that between terrorists and governments in most countries.

6. THE COMPLEXITY OF THE LINK BETWEEN TERRORISM AND ORGANISED CRIME

The importance of examining the connection between these two phenomena coincides with the importance of the fight against terrorism and organized crime. Adequate anti-terrorist and anti-criminal policy at the national and international level largely depends on understanding each problem separately as well as on understanding their versatile correlations. Otherwise, there is a risk of a theoretical “fusion” of one problem into another which may, in practice, lead to problems in combating these crimes. By considering them a single phenomenon, important separate aspect of terrorism or organized crime can be disregarded.

Although many theorists argue that terrorism is a form of organized crime, others point out that their relations can only exist at the level of interconnection, rather than overlapping features. While it is clear that certain activities and methods that are common

for terrorist groups and organized crime groups may lead to a conclusion that they represent the same phenomenon, the differences between them indicate the sustainability of another interpretation. Despite the obvious organizational and operational characteristics common to both actors, who thereby acquire similar methods as well, they have divergent ultimate goals. For terrorist organizations, engaging in criminal activity is a means for achieving politically motivated and ideological goals. On the other hand, organized crime groups lack ideology; they are representatives of a purely material, lucrative crime, with the ultimate aim of making profit (Shelley, Piccarelli, 2013).

The link between terrorism and organized crime has been widely analyzed and a growing body of scholarly literature suggests that the connection may exist as an association, union, cooperation, symbiosis, convergence and metamorphosis. One of the most obvious aspects of their interrelatedness is the functional one, which implies putting organized crime in service of terrorism by engaging in criminal activity and financing terrorism from the proceeds of organized crime. Hence, when talking about the link between organized crime and terrorism, it usually implies the straightforward use of crime by terrorist groups as a source of funding, such as taxing the drug trade or engaging in credit card fraud (Makarenko, 2004).

6.1. Financing terrorism

After the terrorist attacks on September 11, 2001, the United States adopted a very strict approach in the fight against financing terrorism, as part of the "war on terror". Under the auspices of this campaign, numerous aggressive measures have been undertaken, and bank accounts of Islamic charities, individuals and companies have been blocked or put under surveillance, due to suspected links with Al Qaeda and other terrorist organizations. According to some estimates, a sum of around 100 million dollars associated with Al Qaeda and other groups was blocked (Meyer, Williams, 2001). Following this stance, many international and national documents were adopted, such as UN Security Council Resolutions and the International Convention for the Suppression of the Financing of Terrorism.

The global war on terrorism constricted the flow of financial support to terror groups and, in order to circumvent these measures, transnational terrorist organizations moved deeper into the sphere of organized crime. The link that was created between terrorists and organized crime groups indicates their awareness that they had to become "self-sufficient", to survive in a society that was formed after the September 11 attacks, particularly bearing in mind that more than 165 countries adopted national measures to combat terrorism and blocked the assets of individuals and organizations suspected to have links with terrorism (Wannenburg, 2003). The logical next step was to find alternative funding. Somewhat ironically, the state response to the threat of terrorism has led to creating a far more treacherous "association" and "networking", which have yet to be adequately addressed.

The mentioned national measures, however, did not have the same effect on all of the entities within the organized crime networks. Transnational organized crime groups like the Sicilian Mafia, the Chinese Triads and the Russian Mafia are still refusing to cooperate with terrorist groups because of their long-term and stable financial strategies. The only possible way for this situation to change is for these "traditional" groups to be threatened by government authorities to the extent that they are forced to cooperate with terrorist groups, for their own survival. In contrast, the recently formed criminal groups that do not have the stability in terms of cash flow see cooperating with terrorist groups as a way of achieving high profits.

The link between terrorism and organized crime is thoroughly analyzed and monitored by the UN Office on Drugs and Crime (UNODC), which has pointed out that the profit from criminal activity is increasingly used to finance terrorist acts, and that the arms trade and money laundering, as forms of organized crime, have become an integral part of terrorism. Some of the commonly used examples would be the financing of the Taliban through opium production in Afghanistan and trafficking in cocaine, kidnapping and extortion to finance activities of the Revolutionary Armed Forces of Colombia (FARC).

Although the operations of organized criminal groups and terrorists are more noticeable in certain countries, the threat stemming from the integration of these actors extends to the entire international community. Due to the development of technology, communications, transport and finance, networks of terrorists and organized criminal groups operating at the international level can now connect with each other more easily. By joining resources and expertise, they significantly increase their capacity to inflict harm (Yury Fedotov, 2011). The process of globalization, which proved to be a double-edged sword, contributes to this situation. Open borders, the single market, as well as the ease of travel and communication are, to a large extent, being used by terrorist organizations and organized criminal groups.

6.2. “Narco-terrorism”

It has been over 30 years since the former Peruvian president Fernando Terry first used the term "narco-terrorism", thereby describing the terrorist attacks on Government's drug enforcement agencies (Holmberg, 2006). Yet, the meaning of this concept has changed, especially given the detailed analysis of the forms of terrorism after the September 11 events.

Even though a unique and comprehensive definition of narco-terrorism has never been adopted, the term is nowadays mostly used to describe the activities of certain groups that use drug trafficking to finance terrorism. According to the US Drug Enforcement Administration (DEA), narco-terrorism is “a subset of terrorism,” where groups or individuals participate directly or indirectly in the cultivation, manufacture, transportation or distribution of controlled substances and the money derived from these activities (Wagley, 2006). Certain authors believe that there are various definitions of narco-terrorism, and that the very concept is of a dual nature, depending on whether the emphasis is put on drug trafficking or on terrorism. However, it might be argued that the difference in emphasis matters little since the concept of narco-terrorism can be seen as a mid-way convergence of two phenomena: drug trafficking and terrorism, with organizations doing a bit of both (Bjornehed, 2004:306).

Drug trafficking is one of the most common and most profitable ways to finance the activities of groups such as the Revolutionary Armed Forces of Colombia (FARC), which has an annual revenue of hundreds of millions of dollars from the cocaine trade, which is used to finance terrorist attacks in this country. It is believed that the terrorist attack in Madrid in 2004 was also funded by profits made from drug trafficking. This example is often used when trying to illustrate how low the cost of terrorist actions could be, which in turn cause huge material destruction and take a large number of human lives. In the terrorist attack in Madrid, when public trains were targeted, the number of casualties amounted to 200 people; during the investigation, it was also discovered that the direct costs of the entire operation could not have been over €10,000. According to the opinion of the former president of Colombia, Andres Pastrana, "only two kilograms of hashish had to be sold to finance the attack."

6.3. Financing terrorism through money laundering

The term "money laundering" is a generic term used to describe any technique of converting unfairly and illegally acquired wealth into a lawful income (by placing the illicit proceeds into legal financial flows). The primary objective of money laundering is to conceal the illegally acquired income, considering that the process implies the laundered money becomes part of the legal payment system (Petrović, Dobovšek, 2007: 44). Financing terrorism through money laundering is a very complex process involving various relations that are aimed at attempting or a successful ensuring or collecting funds or property, with the intention of using it, in whole or in part, for carrying out a terrorist act (Sandić, 2012: 380).

Money is the oxygen of terrorism and terrorists, as well as other interest groups, have to provide the necessary funds to finance their ventures. They also need to find methods of laundering these funds and, eventually, a secure way to use them for terrorist activities. Apart from the banking systems, financial supporters of terrorist activities use various forms of transfer of assets, such as: physical transfer of cash across the state border, alternative systems of transport, humanitarian and non-profit organizations that serve as fronts for money laundering and financing terrorism, etc. (Bolta, 2011: 423). There are quite a number of individual donors in Saudi Arabia who finance the activity of Islamic terrorists, mostly because they believe in the goals of these terrorist groups; thus, in order to support the cause, they are ready to write huge amount checks. Besides individuals, there are even countries that are "sponsors" of terrorism, which represents an even greater problem since they provide not only financial support but also the infrastructure through which money is laundered.

It is evident that, both individually and through interconnection, money laundering and financing of terrorism pose a huge challenge for all countries. In modern theory and practice, the most significant consequences of money laundering and terrorist financing are: undermining stability and transparency of the financial system of the state, economic instability, reducing the number of investments, undermining the reputation of the state and endangering national security (Sandić, 2012: 392).

In 2009, the Republic of Serbia adopted the Act on the Prevention of Money Laundering and Financing Terrorism, as an instrument for combating these crimes and an attempt to harmonize domestic legislation and international standards in this field. Although it represents the first step towards eradication of these problems, the adoption of this Act is not sufficient to terminate the circle of money laundering and terrorist financing, given the fact that the financial supporters of terrorism efficiently use all legal gaps, loopholes in the implementation of regulations and ambiguities of legal regimes in order to put their criminal plans into action.

6.4. Human trafficking and terrorism

The link between terrorism and drug trafficking has been the matter of analysis for a long time, but only recent activities by ISIS and Boko Haram have drawn the attention of the international community to human trafficking. This problem cannot be expected to be resolved if all the attention is still directed towards narco-terrorism, thereby ignoring the role that human trafficking plays in the financing of terrorist organizations (Shelley, 2014). Currently, human trafficking is not only a method of collecting revenue for terrorist organizations but also a way to achieve other objectives, such as: increase of manpower, sexual abuse, intimidation/harassment, etc. The cases of Nigeria and Iraq demonstrate that kidnapping and human trafficking provoke fear and eliminate any kind of resistance from the local population. Human trafficking is also used to form military units that serve

terrorist organizations. According to the UN reports, in the last decade, there has been an increase in the number of recruited child soldiers and girls who were subsequently sexually exploited and/or used as logistic support or informants.

Just as weapons and narcotics, women and children are sold as commodities on the black market. Human trafficking has developed into a complex industry that annually makes a profit which can be measured in billions of dollars. The proceeds from this lucrative industry are used for financing the operations of terrorist organizations and organized crime groups. Despite the fact that the international community has given more attention to the links between terrorism and drug trafficking, human trafficking ensures a far greater income to these entities.

7. CONCLUDING REMARKS

A lot of effort has been exerted in legal theory to examine, understand and explain the connection between terrorism and organized crime, but the fact remains that the link is still insufficiently explored in practice. The globalization of the economy has created favorable conditions for terrorist organizations and criminal groups to coordinate their activities, cooperate and share their resources, whereas the national and international legislation have unfortunately failed to keep pace with the evolving development of organized crime and terrorism. It is clear that the only way to combat these phenomena is mutual cooperation, which must include data exchange, a common/unified approach to "tear" the links between terrorism and crime, and joint action of relevant national and international institutions. In addressing the Security Council, UN Secretary General at the time, Ban Ki Moon, stressed that the international community's response to this problem must be coordinated and global, such as the one taken so far to combat trafficking in human beings and drugs, or in the so-called "Kimberley Process", in order to prevent smuggling of natural resources to finance armed conflicts. Despite the views of some authors about the absence of any clear link between organized criminal groups and terrorist organizations, and claims that their relationship is considerably less frequent than the one between criminals and politicians (UNODC, 2005), there is no doubt that organized crime and terrorism, their versatile connections and hybrid entities that are constantly evolving and adapting to new circumstances, require full attention of the entire international community.

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POVEZANOST ORGANIZOVANOG KRIMINALA I TERORIZMA

Smanjenje mogućnosti za finansiranje terorizma nakon 11.septembra 2001. godine dovelo je do evolucije terorističkih grupa koje su pronašle nove načine za finansiranje svojih aktivnosti, dok su se s druge strane transnacionalne kriminalne organizacije adaptirale na novonastale okolnosti transformišući se u moćne, hibridne krimogeno-terorističke entitete. Ove tradicionalno odvojene pojave počele su pokazivati brojne operacione i organizacione sličnosti. Globalizacija je takođe pogodovala stvaranju uslova u kojima terorističke organizacije i organizovane kriminalne grupe mogu koordinisati svoje aktivnosti, sarađivati i deliti sredstva, dok nažalost, nacionalna i međunarodna legislativa ne uspevaju da održe korak sa evolucijom kriminala i terorizma. Članak je usmeren ka ispitivanju individualnih karakteristika obe pojave, kroz ukazivanje na njihove sličnosti i razlike, kao i ka analizi njihove kompleksne povezanosti. Adekvatna antiteroristička i antikriminalna politika, kako na nivou jedne države, tako i globalno, zavisi od razumevanja oba problema zasebno, a zatim i od razumevanja njihove povezanosti. U suprotnom, postoji rizik od teorijskog „stapanja“ jednog problema u drugi, što u praksi dovodi do problema u njihovom iskorenjavanju. Autor takođe naglašava značaj razumevanja veze između kriminala i terorizma, što čini prvi korak ka formulisanju efikasnog odgovora države na ovu pretnju.

Ključne reči: organizovani kriminal, terorizam, narko-terorizam, pranje novca, trgovina ljudima, veza kriminal-teror.