Policy implications of the phenomenon of illicit firearms trafficking through the hidden web

Side Event
“Web-based Arms Trafficking: Investigating the illegal trade of firearms through the hidden web”

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Arms trafficking on the hidden web seems to have the following key features:

- **Scope**
  - Includes cases of domestic and international trafficking
  - Relates to transfers of firearms, parts and components and ammunition

- **Actors involved**
  - Owner of the item/ Vendor
  - Host of the crypto-market (Broker)
  - Buyer
  - Dark web seems to be used by individuals and organized criminal groups
Narrowing down the problem

- **Personal Anonymity**
  - Undermines all national efforts to control access to firearms, parts and components and ammunition
  - Impedes law enforcement from identifying suspects and charging individuals

- **Geographical Anonymity**
  Increases risks of law enforcement action in foreign territory (ð‘: Competency, different criminal and investigative rules and procedures)
Are existing international tools useful in addressing the problem?

- **UN Convention against Transnational Organized Crime (UNTOC)**
  - Adopted in November 2000, entry into force in September 2003
  - Objective: “To promote cooperation to prevent and combat transnational organized crime more effectively”
  - Adherence status: 187 State Parties

- **UN Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, supplementing UNTOC**
  - Adopted in May 2001, entry into force in July 2005
  - Objective: “To promote, facilitate and strengthen cooperation among States Parties in order to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition”
  - Adherence status: 114 State Parties
Are existing international tools useful in addressing the problem?

The Firearms Protocol:

- Covers *firearms, their parts and components* (Art. 4)
- **Criminalizes** transnational transfers without authorization (Art. 5 FP, Art. 34 II UNTOC)
- **Criminalizes** manufacture of weapons from parts and components illicitly trafficked (Art. 5)
- Requires State Parties to take appropriate measures to increase effectiveness of import, export and transit controls, including, where appropriate, *border controls*, and of *police and customs trans-border cooperation* (⇒ Art. 11 b)
Are existing international tools useful in addressing the problem?

- Requires State Parties to **share information** on, among others, **means of concealment** used in the illicit firearms trafficking, **methods and means** used by organized criminal groups, relevant **scientific and technological information** to mutually enhance law enforcement authorities abilities to prevent, detect and investigate cases of trafficking in firearms (Art. 12)

- Requires **cooperation** among State Parties at **bilateral, regional and international level** to address firearms trafficking (Art. 13)

- Requires **cooperation with**, among others, **carriers** of firearms and other items to prevent and detect illicit trafficking thereof (Art. 13)

- Suggests establishment of **brokering control system** (Art. 15)
Are existing international tools useful in addressing the problem?

The UNTOC:

- Applicable to **offences** established by the **Convention** and supplementing **Protocols**, as well as other ‘**serious crimes**’ under conditions of **transnational nature** and **involvement of an organized criminal group**
- Provides for establishment of **jurisdiction** (Art. 15)
- Provides for tools for **judicial cooperation** (Extradition and MLA, Art. 16, 18 – Consider: MLA request on basis of suspicion)
- Encourages States to conclude bilateral or multilateral agreements that facilitate **joint investigations** in multiple territories (Art. 19) Requests States to allow for **special investigative techniques** such as controlled deliveries and undercover operations (Art. 20)
- Requests strengthened law enforcement cooperation that facilitates **information exchange** (Art. 27)
Are existing international tools useful in addressing the problem?

**Conclusion:**

→ Firearms Protocol and UNTOC **applicable** as regards transnational cases of trafficking in firearms, their parts and components and ammunition

→ Firearms Protocol requests **criminalization** of these acts

→ Provisions on **cooperation** generally applicable when organized criminal group is involved

→ Firearms Protocol provides framework to regulate **arms brokers**

→ UNTOC provides framework to engage in **joint investigations** and to use **special investigative techniques**

→ Firearms Protocol and UNTOC and provide framework for **information exchange and police and judicial cooperation** at bilateral, regional and international levels
Are existing international tools useful in addressing the problem?

→ **Legal basis** to address the phenomenon seems to exist, when transnational nature and involvement of organized criminal group is at least suspected.

→ Need to **apply** the existing tools to support investigations and prosecutions and international cooperation **to the changing criminal environment**.

→ Enforcement potentially hindered by bureaucratic and organisational challenges linked to involvement of multiple actors based in multiple jurisdiction: Strong focus should be placed on **swift information exchange and cooperation**.
Thank you!

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