

The SHERLOC Newsletter is pleased to share with you our recent efforts to facilitate the dissemination of information regarding the implementation of the [UN Convention against Transnational Organized Crime and its three Protocols](#).

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Spotlight – UNODC Launches Global Database on Migrant Smuggling Cases



<https://www.unodc.org/cld/en/v3/som/>

More than a decade after the adoption of the Protocol Against the Smuggling of Migrants by land, Sea and Air supplementing the United Nations Convention against Transnational Organized Crime, yet in most countries, evidence of prosecution and conviction of profit seeking smugglers remains limited.

The way migrant smuggling is addressed through national legislation varies, showing a potential lack of common understanding of this crime, as a form of transnational organized crime. In those cases in which prosecutions have been undertaken, very little is currently known about them internationally.

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This often leaves open questions as to how practitioners use their domestic laws to tackle migrant smuggling and what, if any, the characteristics of successful prosecutions are.

In a bid to answer these questions, UNODC has launched the Smuggling of Migrant (SOM) Knowledge Portal aimed at improving the knowledge-base on global prosecution practices and anti-migrant smuggling legislation.

A key aim of the portal is to promote the sharing of knowledge on the criminal justice response to migrant smuggling by collecting and disseminating information and analyses on the characteristics and prosecution of this crime-type, the operation of related domestic offences and the effective implementation of the Smuggling of Migrants Protocol. It is expected that this endeavour will assist in better addressing the complex aspects of smuggling as a form of organized crime and eventually in increasing the number of prosecutions in a manner that matches the prevalence of this crime.

In addition to broadening the knowledge of the crime of migrant smuggling, information from cases contained in the portal will be referred to by the UNODC for technical assistance and policy work aimed at assisting States in bringing their legislation in line with the Smuggling of Migrants Protocol and developing effective criminal justice responses to combatting migrant smuggling.

The UNODC Smuggling of Migrant (SOM) Knowledge Portal is available online through the new [Smuggling of Migrants Portal](#). An example of a migrant smuggling case available on the portal is discussed on the next page.



Case Commentary - Operation GLAUCO

The Glauco case focuses on the dismantling of a large transnational migrant smuggling criminal network operating on the North Africa to Italy routes. The criminal network stretched across 12 countries and two continents and was responsible for the deaths of over 300 migrants. Police investigations, led by Italian authorities, resulted in the identification, arrest and eventual convictions of several high-level migrant smugglers based in Sudan, Eritrea and Libya. In a landmark case for migrant smuggling, police and prosecutors extensively made use of the legal tools provided by the UN Convention against Transnational Organized Crime (UNTOC) and Smuggling of Migrants Protocol including, special investigative techniques, protection of witnesses and strong international cooperation to discover and disrupt illicit financial flows.



Items from Migrant Boat Abandoned at Lampedusa port. UN Photo/UNHCR/Phil Behan

Operation Glauco began in October 2013 following two separate tragic events involving the rescue of migrants off the Italian coast. On October 3 2013, an overcrowded fishing boat that had set out from Libya developed engine problems just short of Lampedusa, the Italian island located between Tunisia and Sicily. The boat burned when the migrants on board set fire to a blanket to attract attention from the Italian coast guard. It capsized when passengers moved en masse to one side.

No fewer than 366 of the migrants died, mostly Eritreans and Somalis. On 25 October 2013, a new group of migrants was rescued off the Italian coast and led to a reception centre in Lampedusa. Survivors from the earlier vessel recognized one of the new arrivals as a Somali leader that facilitated their disastrous trip. The survivors proceeded to attack the Somali, leading to a criminal investigation of those involved.

Much of the operation focused on establishing the *modus operandi* of the smuggling network. Italian authorities uncovered a structured, systematic and well-organized smuggling operation by relying extensively on phone tapping, surveillance techniques, witness-protection programs for informants and

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interviews with the survivors of the smuggling voyages. Using these methods it was established that migrants were kidnapped and held against their will in a house in Libya where armed associates used violence to demand ransoms of 3300 USD for their release. Relatives of the migrants paid the ransoms either directly to the armed associates or via money transfer. The migrants were then directed in groups of approximately 20-30 people to 'collection camps' in Libya where up to 600 persons were held and of whom 1600 euro per person were demanded for the trip to Lampedusa. After approximately one month, the migrants were transported to a large boat off the coast of Libya, in which they travelled towards Lampedusa.

Also critical to securing convictions was the effective cooperation between police forces in different countries that allowed, in some instances, the identification of suspects. International law enforcement cooperation (including INTERPOL) between police forces of Italy and Sweden was used in order to identify suspects and gather identity data. A request of extradition was also made by Italy and accepted by Sudan. The request was based on Article 16 of the UNTOC, recalling rules of international courtesy and guarantee of reciprocity.

You can find more information about this case on the [SOM Knowledge Portal](#).

Meet a SHERLOC Contributor!



Judy Mionki has been a legal consultant at the United Nations Office on Drugs and Crime (UNODC) since August 2015. Judy's work at the UNODC centers around legal knowledge management where she is the focal point for substantive and technical issues related to the SHERLOC knowledge management portal. On the substantive side, she performs legal research on national legislation and case law pertaining to transnational organized crime, while on the technical side, she liaises with the information technology unit on the creation of the various databases attached to the SHERLOC portal.

Judy graduated from the University of Kent with an LL.M in International Law with International Relations and has extensive work experience in the legal and information management fields at the International Criminal Court, the International Criminal Tribunal for Rwanda, the International Centre for War Crimes Trials and the University of California Berkeley War Crimes Studies Center. She has published various articles related to international criminal law and procedure.

SHERLOC is always looking for contributors who support us in collecting and summarizing legislation, case law and bibliographic data. Contact us at sherloc@unodc.org



Upcoming Events



8 – 10 May – Working Group on Firearms, 5th Session

6 – 9 June – EGM for the Elaboration of a Tool on New Forms and Dimensions of Emerging Crimes

4 – 6 September - Working Group on Trafficking in Persons

6 – 8 September - Working Group on the Smuggling of Migrants

9 – 11 October - Working Group of Government Experts on Technical Assistance, 10th Session

11 – 13 October – Working Group on International Cooperation, 8th Session

For further information, please
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Conference Support Section
Organized Crime and Illicit
Trafficking Branch/Division for
Treaty Affairs

