

MODULE 16

LINKAGES BETWEEN
ORGANIZED CRIME
AND TERRORISM

EDUCATION FOR JUSTICE
UNIVERSITY MODULE SERIES

Organized Crime
Counter-Terrorism

Module 16

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ORGANIZED CRIME
AND TERRORISM**



UNITED NATIONS
Vienna, 2019

This Module is a resource for lecturers.

Developed under the Education for Justice (E4J) initiative of the United Nations Office on Drugs and Crime (UNODC), a component of the Global Programme for the Implementation of the Doha Declaration, this Module forms part of the E4J University Module Series on Organized Crime and is accompanied by a Teaching Guide. The full range of E4J materials includes university modules on integrity and ethics, crime prevention and criminal justice, anti-corruption, trafficking in persons / smuggling of migrants, firearms, cybercrime, wildlife, forest and fisheries crime, counter-terrorism as well as organized crime.

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This publication has not been formally edited.

Contents

Introduction	3
Topics Covered.....	3
Learning Outcomes.....	4
Key Issues	4
Definitions and Terminology	4
Terrorism.....	4
Organized Crime	7
Linkages between organized crime and terrorism	9
Organized Crime and Terrorism: International Legal Framework	10
Terrorism International Framework: <i>International Terrorism-related Conventions</i>	10
Civil Aviation.....	10
Protection of Staff.....	11
Taking of Hostages.....	11
Nuclear Material	11
Maritime Threats	12
Explosive Materials	12
Terrorist Bombings	12
Financing of Terrorism.....	13
Nuclear Terrorism.....	14
Terrorism International Framework: <i>General UNSC Resolutions on Terrorism</i>	14
Organized Crime International Framework: <i>The Organized Crime Convention and its Protocols</i>	16
Theoretical Frameworks on the Linkages Between Organized Crime and Terrorism	20
Typologies of Criminal Behaviour Associated with Terrorism	22
Terrorism and Drug Trafficking	23
Key Facts.....	23
Terrorism and Trafficking in Weapons	26

Key Facts.....	26
Links between Terrorism, Crime and Trafficking in Cultural Property/Antiquities	28
Key Facts.....	28
Trafficking in Persons and Terrorism.....	29
Key facts	29
Intellectual Property Crime and Terrorism.....	32
Key facts	32
Kidnapping for Ransom and Terrorism.....	34
Key facts	34
Exploitation of Natural Resources and Terrorism.....	36
Key facts	36
Summary.....	38
References.....	39
Case Studies.....	48
Case Study: Haji Bagcho (terrorism and drug trafficking)	48
Case Study: Illicit arms trafficking from the United Kingdom for use by terrorists in Libya	50
Case Study: ISIS/ISIL’s role in trafficking antiquities/cultural property.....	51
Possible Class Structure	53
Core Reading.....	54
Advanced Reading	55
Students Assessment	61
Review and Assessment Questions	61
Quiz 16.....	62
Research and Independent Study Questions	64
Additional Teaching Tools	65

Introduction

In recent years, the international community has increasingly focused on the existence of linkages between organized crime and terrorism and, reflecting this trend, the United Nations Security Council has adopted various resolutions on this issue (e.g. [resolutions 1373 \(2001\) and 2195 \(2014\)](#); also see the [Presidential Statement S/PRST/2018/9 of 8 May 2018](#)). In doing so, the United Nations acknowledges that any intersection of terrorism and organized crime would represent a significant threat to international security.

While this area is the subject of a growing body of literature from governmental and non-governmental organizations, and is attracting increased academic interest, there is very little agreement on the existence, nature and extent of any linkages between organized crime and terrorism. Nor is there yet any authoritative consensus on which empirically based methodologies should be adopted for the collection, analysis and evaluation of data to identify the nature and extent of any linkages in different regions. These debates and gaps in available information and knowledge are noted in a number of international fora, including discussions held at the United Nations (e.g. see [Security Council Statement 13325 of 8 May 2018](#), in which the Council “encourages Member States and international, regional and subregional organizations and fora to enhance knowledge of and support initiatives to address [...] the linkages between terrorism and transnational organized crime [...]”).

This Module aims to provide lecturers with an overview on the linkages between organized crime and terrorism, as well as available tools to complement further research on this issue at the tertiary level. It is intended, therefore, as a technical assistance tool to help build the knowledge base on this thematic area of growing concern to the international community.

Topics Covered

- Organized crime
- Terrorism
- Linkages between organized crime and terrorism
- Theoretical frameworks on the linkages
- Criminal activities of organized criminal groups and terrorist organizations

Learning Outcomes

This Module will provide lecturers with the necessary guidance and resources to teach their students the following:

- Understand different approaches to defining terrorism, organized crime and transnational organized crime and the linkages between them;
- Improve knowledge of international legal frameworks relating to organized crime and terrorism;
- Understand existing key theoretical frameworks that have been used to explain the linkages between organized crime and terrorism;
- Understand and identify ways in which the linkages between organized crime and terrorism can be located in different typologies of criminal activity;
- Have an improved knowledge of different regional variations of interactions between organized crime and terrorism.

Key Issues

Definitions and Terminology

Terrorism

At the international level, there is no consensus on the definition of terrorism but there are 19 international instruments dealing with terrorism. Indeed, many States have relied on these international instruments, decisions by international courts and existing national legislation to define terrorism within their own borders and regions (see [Module 1](#) of the E4J University Module Series on Counter-Terrorism). Some scholars sustain that the definition of terrorism evolves over time and varies according to country, geographical region and political needs.

At the international level, in addition to the [19 universal legal instruments](#), the United Nations Security Council (UNSC) and General Assembly (UNGA) have issued multiple resolutions in connection with terrorism and developed the [United Nations Global Counter-Terrorism Strategy](#), adopted by Member States in September 2006 and reviewed by the UNGA every two

years. The Global Counter-Terrorism Strategy, the first one to provide a common strategic and operational approach to counter-terrorism, was initially coordinated by the Counter-Terrorism Implementation Task Force (CTITF). The CTITF was organized through Working Groups which provided support to the counter-terrorism efforts of [38 international entities](#). From June 2017, coordination of the international entities is done by the recently created [United Nations Office of Counter-Terrorism \(UNOCT\) through a new arrangement: The United Nations Global Counter-Terrorism Coordination Compact \(UN Global Compact\), signed on 23 February 2018](#). The UNOCT is tasked, inter alia, to provide leadership on the UNGA counter-terrorism mandates. The Strategy is composed of 4 pillars: 1) Addressing the conditions conducive to the spread of terrorism; 2) Measures to prevent and combat terrorism; 3) Measures to build States' capacity to prevent and combat terrorism and to strengthen the role of the United Nations system in that regard; and 4) Measures to ensure respect for human rights for all and the rule of law as the fundamental basis for the fight against terrorism (for a more detailed review of the Strategy, see [Module 3](#) of the E4J University Module Series on Counter-Terrorism). As the legal framework on terrorism is vast and contained in a large number of instruments, the UNGA has explored the adoption of a comprehensive convention on terrorism for some time now.

In the absence of an international definition of terrorism, attempts to define the concept have been made by some scholars and regional and international organizations (see [Module 1](#) of the E4J University Module Series on Counter-Terrorism). For instance, the European Union-funded Counter-Terrorism Monitoring, Reporting and Support Mechanism (CT MORSE) defines terrorism as “the unlawful use of violence and intimidation, especially against civilians, in the pursuit of political aims.” (Reitano, Clarke et al, 2017). Tamara Makarenko's 2012 project on the nexus incorporated the following definition of terrorism: “the conduct of premeditated violent acts or the threat of violence that is perpetrated by members of an organized group, designed to create fear in an adversary or specific segment of society” (Makarenko, 2012).

Bruce Hoffman has defined terrorism as “the deliberate creation and exploitation of fear through violence or the threat of violence in the pursuit of political change” (Hoffman, 1998) and the [Global Terrorism Database](#), which is developed and maintained by the United States National Consortium for the Study of Terrorism and Responses to Terrorism (START), defines a terrorist event as the threatened or actual use of illegal force and violence to attain a political, economic, religious, or social goal through fear, coercion or intimidation. There are also earlier attempts, going back decades, to establish the parameters for a definition of “terrorism” (see Weinberg et al, 2004 and Crenshaw, 2000). A broad definition proposed by Walter Laqueur for example, involved the “illegitimate use of force to achieve a political objective by targeting innocent people” (Laqueur, 1977).

In addition, several regional instruments have adopted a definition of “terrorism” or “terrorist act”, which are analysed in [Module 5](#) on Regional Counter-Terrorism Approaches of the E4J University Module Series on Counter-Terrorism.

In the framework of the United Nations, there are several notions of “terrorism” that provide very useful guidance on its content. One of them is contained in General Assembly [resolution 49/60](#), which aims to criminalize certain armed activities considered to be "terrorist" in nature. In particular, it specifies that “[c]riminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstance unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or any other nature that may be invoked to justify them”. (Para. 3)). For further detail on the United Nations approach to the concept of terrorism, see [Module 4](#) of the E4J University Module Series on Counter-Terrorism.

Despite the lack of an internationally agreed definition, the United Nations recognizes a number of non-State groups as terrorist organizations, on the grounds of their involvement with terrorist acts (e.g. the Taliban were designated as a terrorist group by Security Council [resolution 1267 \(1999\)](#), following their refusal to surrender Osama Bin Laden and his associates for their roles in the August 1998 attacks on the United States Embassies in Kenya and the United Republic of Tanzania). In 2011, under Security Council [resolution 1989 \(2011\)](#), the Council divided the "Consolidated List" of individuals and entities associated with the Taliban and Al-Qaida into two separate lists: the "Al-Qaida, or 1988 List", and the Taliban List. Finally, under [resolution 2253 \(2015\)](#), the Security Council expanded the listing criteria to include in the Al-Qaida List individuals and entities supporting the Islamic State in Iraq and the Levant (ISIL) and Al Nusrah Front (ANF).

Organized Crime

Much like within the terrorism framework, the United Nations oversees a number of treaties that deal with transnational organized crime, notably the [United Nations Convention against Transnational Organized Crime](#) (hereinafter: Organized Crime Convention). The Organized Crime Convention is supplemented by three Protocols on crimes often carried out by organized criminal groups: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking in Persons Protocol); the Protocol against the Smuggling of Migrants by Land, Sea and Air (Smuggling of Migrants Protocol); and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their parts and Components and Ammunition (Firearms Protocol). Furthermore, the [United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988](#) does not address transnational organized crime as such, but the illicit activities commonly carried out by organized criminal groups. Finally, the [United Nations Convention against Corruption](#), adopted in 2003, specifies and recognizes different forms of corruption, and it provides a legal framework to criminalize and combat a crime widely committed by organized criminal groups around the globe (on the topic of corruption, drug trafficking, trafficking in persons, smuggling of migrants and trafficking in firearms, see [Module 3](#) and [Module 14](#) of the E4J University Module Series on Organized Crime, as well as the E4J University [Module Series on Trafficking in Persons and Smuggling of Migrants](#)).

Much like the concept of terrorism, there is no single uniformly accepted definition of organized crime. The Organized Crime Convention does not define organized crime as organized crime's illicit activities are often changing and a definition would quickly become out-dated. Instead, it defines an organized criminal group as:

[A] structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit. (Art. 2 (a))

A *structured group* is broadly defined as one that does not require any formal hierarchy or continuity of its membership. Therefore, loosely affiliated groups without any formally defined roles for its members or any developed structure or hierarchy are also included. A *serious crime* means any offence punishable by at least four years imprisonment (article 2 (b)). The purpose of the organized criminal group *to obtain directly or indirectly, a financial or other material benefit* was included in the Organized Crime Convention to exclude groups with purely political or social motives. At the same time, the other material benefit was intended to include sexual gratification through, for example, the receipt or trade of materials by members of peer-to-peer networks sharing online child exploitation material or cost sharing among the network

members (UNODC, 2006) (on this topic, see [Module 1](#) of the E4J University Module Series on Organized Crime).

The approach adopted in the Convention's definition has been criticized by some scholars (see e.g. Salinas de Frias, 2017 and Fredholm, 2017), who have considered it limited in that States parties have broad discretion as to how organized crime is defined in national legislation, which in turn might lead to disparity in national implementation. On the other hand, like terrorism, organized crime also evolves over time, is not static, and varies from region to region. For that reason, the focus of the Convention is on the actors of organized crime - the organized criminal group - rather than the illicit activities.

The Organized Crime Convention also lays out a definition for the transnational aspect of organized crime. The Convention in its article 3 defines *transnationality*:

[A]n offence is transnational in nature if:

- (a) it is committed in more than one State;
- (b) it is committed in one State but a substantial part of its preparation, planning, direction or control takes place in another State;
- (c) It is committed in one State but involves an organized criminal group that engages in criminal activities in more than one State; or
- (d) It is committed in one State but has substantial effects in another State. (Art. 3 (2))

Although the scope of application of the Convention is limited to crimes that are transnational in nature, it also specifies in article 34.2 that the transnational element and the involvement of an organized criminal group are not to be considered elements of those offences in domestic legislation for criminalization purposes. Therefore, States parties are called to pass legislation which does not include the transnational elements, in order to avoid possible loopholes in domestic systems.

This Module focuses particularly on terrorism and organized crime rather than less serious criminal offences. However, it is necessary to recognize an ongoing trend toward individualized / independent, small-scale criminal acts to fund terrorist activities, rather than large-scale, top-down facilitation of criminal operations by terrorist factions (Oftedal, 2014; Reitano, Clarke, 2017).

Linkages between organized crime and terrorism

The focus of this Module is the linkages between organized crime and terrorism. Some scholars interested in unpacking how, and the extent to which, organized criminal groups and terrorist organizations interact often refer to linkages or links as demonstrating a “nexus” between the different types of groups (see, e.g. Albanese, 2012 and Alda 2014). While there is certainly no one way to define these linkages, some academics contend that a “nexus” is only one of a number of different types of interactions. The theoretical approaches to examining the various types of linkages are considered in a dedicated section of this Module.

Generally, studies of the linkages examine how criminal and terrorist groups engage in mutually beneficial activities and also seek to look more broadly at the larger social environments and networks in which terrorist and organized criminal groups operate (Neuman et al., 2016). In this context, it is relevant also to mention that there are researchers questioning the existence of a *nexus* between organized crime and terrorism and discounting that a cooperation exists between organized criminal groups and terrorist organizations (see Picarelli, 2006). Some of these authors focus on the lack of trust between such groups as a natural barrier to their cooperation; others on the fact that both groups are generally risk-averse and would be reluctant to assume the added risk of collaborating long-term; perhaps the most frequent objection to the existence of a *nexus* is that these groups inherently have different objectives (of a financial nature for organized criminal groups and of a more political nature for terrorist organizations). These authors maintain that this would prevent a stable cooperation (Picarelli, 2006; Shelley et al, 2005).

This Module aims to investigate the existence of any type of linkages between terrorism and organized crime in the broadest sense possible and thus refers to existence of *linkages*, rather than a *nexus*.

The linkages for the purpose of this Module

For the purposes of this Module, any reference to the “linkages” is intended to encompass any interaction between terrorism/terrorist groups and organized crime/organized criminal groups that demonstrates a relationship between them. This includes, though this list is non-exhaustive: terrorist groups involved in organized criminal activity; organized criminal groups committing acts of terrorism; terrorist and organized criminal groups cooperating through their engagement in criminal activity; transformations involving organizational links and similarities, or even convergence; and competition between both types of groups necessitating contact between them.

Organized Crime and Terrorism: International Legal Framework

This section outlines the various international instruments designed to combat terrorism and organized crime. First, this section provides a brief discussion of the international framework on terrorism, which includes the 19 international instruments designed to counter terrorism recognized by the United Nations, as well as a selection of United Nations Security Council resolutions (for further information on this topic, see [Module 4](#) of the E4J University Module Series on Counter-Terrorism). Second, this section examines the international framework on transnational organized crime by discussing the United Nations Convention against Transnational Organized Crime and its three supplementing Protocols against Trafficking in Persons, Smuggling of Migrants and Trafficking in Firearms.

Terrorism International Framework: *International Terrorism-related Conventions*

Civil Aviation

There are seven international legal instruments designed to suppress and protect against offences and unlawful acts related to aircraft and international civil aviation ([1963 Convention on Offences and Certain Other Acts Committed On Board Aircraft](#); [1970 Convention for the Suppression of Unlawful Seizure of Aircraft](#); [1971 Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation](#); [1988 Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation](#); [2010 Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation](#); [2010 Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft](#); [2014 Protocol to Amend the Convention on Offences and Certain Acts Committed on Board Aircraft](#)). These treaties address aviation-related offences such as hijacking, planting of explosive devices and the use of aircraft to cause death or injury and outline the minimum requirements for preventing unlawful acts committed on board aircraft.

Protection of Staff

The [1973 Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, including Diplomatic Agents](#) defines an internationally protected person (diplomats, heads of State, representatives of state or international organizations) and sets out state requirements to criminalize and make punishable the direct or complicit act or threat of intentional murder, kidnapping, or attack on an internationally protected person, their family, their accommodation or means of transport.

Taking of Hostages

The [1979 International Convention against the Taking of Hostages](#) expressly asserts that the taking of hostages is a manifestation of international terrorism. It sets out the minimum state requirements for punishing or extraditing hostage-takers, and defines a hostage taker as “any person who seizes or detains and threatens to kill, to injure or to continue to detain another person in order to compel a third party, namely, a State, an international intergovernmental organization, a natural or juridical person, or group of persons, to do or abstain from doing any act as an explicit or implicit condition for the release of the hostage” (article 1(1)). This treaty is particularly useful as an instrument to define and address acts of terrorism. The definition of hostage-taking outlined in this treaty can be applied to the terrorism - organized crime nexus; hostage-taking is a manifestation of international terrorism and is also a form of criminal activity that may be intended to make a profit and/or force political change.

Nuclear Material

The [1980 Convention on the Physical Protection of Nuclear Material](#), and accompanying 2005 amendments, criminalizes the unlawful possession, use, transfer, theft, or threats of use of nuclear material to cause serious injury or property damage, as well as makes it legally binding for States Parties to protect nuclear facilities and materials for domestic use. The [2005 amendment](#) specifically addresses the need to expand cooperation between and amongst States to rapidly locate and recover stolen or smuggled nuclear material. This treaty may be applicable in instances where terrorist and/or organized criminal groups may be interested in stealing and selling or trading nuclear material.

Maritime Threats

The international instruments regarding maritime navigation make it an offence for a person to unlawfully and intentionally seize or exercise control over a ship or fixed platform located on the continental shelf (“an artificial island or structure permanently attached to the sea-bed for the purpose of exploration or exploitation of resources or for other economic resources” (article 1(3)). Of these treaties, the [2005 Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation](#) most directly draws a relationship between maritime navigation and acts of terrorism. The Protocol criminalizes the use of ships as a means of enacting terrorism; the transport of materials known to cause, or threat to cause, death or serious injury as an act of terrorism; and the transport of persons who have committed acts of terrorism. The maritime navigation treaties can be applied across a wide range of terrorist-organized crime activities, including hostage-taking, human and drug trafficking by ship; where a terrorist group raises funds through criminal activities such as these to carry out terrorist acts.

Explosive Materials

The [1991 Convention on the Marking of Plastic Explosives for the Purpose of Detection](#) is designed to control and limit the use of unmarked and undetectable plastic explosives. States Parties are required to take measures that would, *inter alia*, prohibit and prevent the manufacture of unmarked plastic explosives and ensure that all stocks of unmarked explosives not held by the military or police be destroyed, consumed, or made ineffective within three years. One of the objectives of this treaty is to address terrorist use of these explosive materials to target aircraft and other means of transportation, and other targets. The treaty can be applied in situations where terrorist or organized criminal actors gain possession of such explosives.

Terrorist Bombings

Building on the [Declaration on Measures to Eliminate International Terrorism \(1994\)](#), the [1997 International Convention for the Suppression of Terrorist Bombings](#) requires that States parties adopt national legislation that criminalizes:

[The] intentional delivery, placement, discharge, or detonation (of) an explosive or other lethal device in, into or against a place of public use, a State or government facility, a public transportation system or an infrastructure facility: (a) with the intent to cause death or serious bodily injury; or (b) with the intent to cause extensive

destruction of such a place, facility or system, where such destruction results in or is likely to result in major economic loss (article 2).

The Convention does not apply in instances where the offence is committed in a single State, the alleged offender and victims are nationals of the State and the alleged offender is found in the territory of the State, where no other States can claim jurisdiction over the offence. The usefulness of this treaty for purposes of criminalizing and punishing certain acts of terrorism is clear, but the particular benefit of the treaty is the requirement it places on States to enact domestic legislation and policy to (i) extradite alleged offenders, and (ii) adopt domestic legislation to ensure that criminal acts intended to provoke a state of terror “are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature and are punished by penalties consistent with their grave nature” (article 5).

Financing of Terrorism

The [1999 International Convention for the Suppression of the Financing of Terrorism](#) has far-reaching implications for investigating and punishing criminal financial activities used to fund acts of terrorism. Within the framework of this Convention, a person commits a criminal offence if:

[B]y any means, directly or indirectly, unlawfully and wilfully, provide or collect funds with the intention that they should be used or in the knowledge that they are to be used, in full or in part, in order to carry out: [...]

(b) Any other act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act.

Similar to the above Convention for the Suppression of Terrorist Bombings, this treaty requires that States parties adopt appropriate legislation to ensure that those criminal acts outlined in the Convention are not justified by political, philosophical, ideological, racial, ethnic, or religious considerations.

While this treaty enables a strategic approach for tracking terrorist funding, studies on the crime-terrorism nexus warn against an overemphasis on terrorist financing as a means to track and detect potential terrorists/terrorist groups (Reitano & Clarke, 2017). This is because such a focus obfuscates other potential motivations and indicators for terrorist membership or activity, such as socioeconomic inequalities, criminal background and assimilation challenges.

Nuclear Terrorism

The [2005 International Convention for the Suppression of Acts of Nuclear Terrorism](#) covers threats and attempts to commit or participate in crimes as an accomplice, including possession of radioactive material or devices intended to cause death, serious injury, or damage to property. It requires that States extradite or prosecute offenders and encourages States to collaborate and share information to prevent terrorist attacks. In addition, this treaty notes the importance of investigating criminal activities and sharing knowledge across borders.

Terrorism International Framework: *General UNSC Resolutions on Terrorism*

In addition to the 19 international instruments, the UN Security Council has taken an increasingly active role in countering terrorism since the late 1990s. The Council has adopted a series of counter-terrorism resolutions, some of which are legally binding upon UN Member States as they were adopted under Chapter VII of the UN Charter, and form a core part of the international legal framework to counter terrorism. Below is an overview of some of the principal counter-terrorism resolutions issued by the UN Security Council: 1373 (2001), 1456 (2003), 1566 (2004), and 2178 (2014). Some of the UN Security Council resolutions linking terrorism to specific crime types, such as trafficking in firearms, cultural property, human trafficking and migrants smuggling are also briefly analysed, such as UNSC resolutions 2199 (2015), 2331 (2016) and 2388 (2017).

Following the attacks on the United States in 2001, the UNSC issued [resolution 1373 \(2001\)](#), which requires all States to ensure that terrorism related offences and terrorist financing be treated as serious crimes. UNSC resolution 1373 mandates States to harmonize their national laws with the existing international framework on terrorism. The resolution did not include a definition of terrorism, which some scholars have argued leads to “decentralized and haphazard national implementation” (Saul, 2015).

Subsequently, the Security Council adopted resolutions [1456 \(2003\)](#) and [1566 \(2004\)](#). UNSC 1456 is the first counter-terrorism resolution to mention State responsibility to uphold and protect “human rights” (para. 6). It also notes the relationship between terrorism and criminal activity: “terrorists must also be prevented from making use of other criminal activities such as transnational organized crime, illicit drugs and drug trafficking, money-laundering and illicit arms trafficking.” UNSC resolution 1566 sets out guidelines for improved national implementation of UNSC 1373. UNSC 1566 calls on States to prevent and punish:

(C)riminal acts, including against civilians, committed with the intent to cause death or serious bodily injury, or taking of hostages, with the purpose to provoke a state of terror in the general public or in a group of persons or particular persons, intimidate a population or compel a government or an international organization to do or to abstain from doing an act [...] are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature [...] (para. 3).

In response to the rise of the entity called the Islamic State, the Security Council issued resolution [2178 \(2014\)](#), which requires all States to ensure that travel related to the planning, preparing, or execution of terrorist training, or to participate in terrorist acts, are criminalized under national legislation and be treated as serious offences. This resolution requires that States prohibit individuals believed to be “foreign terrorist fighters” from crossing their borders, ban funding for such individuals; prosecute, rehabilitate and reintegrate “returning foreign fighters”; and stop “recruiting, organising transporting or equipping” anyone going abroad for terrorist acts or training. Subsequently, Security Council resolution [2396 \(2017\)](#) reiterated the importance of adopting strategies in connection with the movement, prosecution, rehabilitation and reintegration of Foreign Terrorist Fighters and Returnees and of strengthening judicial measures and international cooperation.

Furthermore, with the aim of putting an end to the trade with Al-Qaida Associated Groups, the Security Council unanimously adopted resolution [2199 \(2015\)](#), condemning the destruction of cultural heritage in Iraq and Syria and deciding that all Member States should take steps to prevent the trade in items of cultural, scientific and religious importance from either country. The same resolution also reaffirmed, *inter alia*, States’ obligations to prevent the groups from acquiring arms and related material.

Finally, the Security Council has voiced in multiple resolutions its condemnation of the crime of trafficking in persons carried out by terrorist groups (e.g. see: [2331 \(2016\)](#), [2379 \(2017\)](#), [2380 \(2017\)](#) and [2388 \(2017\)](#)). Notably, resolution 2331 (2016) specifically condemned “all acts of trafficking, particularly the sale or trade in persons undertaken by the ‘Islamic State of Iraq and the Levant’ (ISIL, also known as Da’esh), including of Yazidis and other persons belonging to religious and ethnic minorities,” as well as “trafficking in persons and violations and other abuses committed by Boko Haram, Al-Shabaab, the Lord’s Resistance Army, and other terrorist or armed groups for the purpose of sexual slavery, sexual exploitation, and forced labour.” In UNSC resolution 2388 (2017), the Council reiterated such condemnation and stressed that trafficking undermines the rule of law and contributes to other forms of transnational organized crime that could foster insecurity and instability and exacerbate conflict. Lastly, the Council also passed relevant resolutions mentioning potential linkages between trafficking in persons, smuggling of migrants and terrorism, mostly with reference to

the situations in Libya and Mali (e.g. see [2240 \(2015\)](#) and [2380 \(2017\)](#) on Libya, and [2374 \(2017\)](#) on Mali).

Organized Crime International Framework: *The Organized Crime Convention and its Protocols*

The [United Nations Convention against Transnational Organized Crime](#) (2000) was established by United Nations General Assembly resolution 55/25 and came into force in 2003. UNODC acts as the guardian of the Convention and its three supplementing Protocols.

The Organized Crime Convention was the first concerted effort by the international community to confront organized crime on a global level (Betti, 2003). The Convention requires States to enact measures that prevent and combat transnational organized crime and includes a series of provisions aimed at enhancing international cooperation between States, such as those on mutual legal assistance, extradition and law enforcement cooperation, among others.

[General Assembly resolution 55/25 of 15 November 2000](#), adopting the Organized Crime Convention, calls upon all States to recognize the links between transnational organized criminal activities and acts of terrorism in its perambulatory clauses. Nonetheless, the operative text of the Convention makes no reference to the linkage. It needs to be recalled that, during the negotiations of the Convention, some delegations supported the inclusion of terrorist acts in its scope of application (UNODC, 2006). Turkey, for instance, strongly favoured this approach and, together with other States, supported the idea that the scope of the Convention be defined by a list of offences, including terrorist acts. Egypt held a similar view regarding the inclusion of terrorism and put on record its position on the work of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime at its tenth session: “Acting on the principle that, in preparing an international convention, the concerns of some were the concerns of all, Egypt had repeatedly called for including in the convention a clear and express reference to the growing relationship between transnational organized crime and terrorist crimes. [...] Egypt expressed deep regret at the deliberate omission from the text of the convention of a serious dimension of transnational organized crime, represented in the link between such crime and terrorism.” (UNODC, 2006).

The approved text of the Convention does not include a list of offences since such list would have quickly become outdated and would hardly serve the purpose of a legally binding agreement that needs to cover present and future needs in the fight against transnational organized crime. For instance, cybercrime was not a real concern at the time of adoption of

the Convention but, with technological advancements, became widespread around the world. Similarly, it is hard to predict how organized crime evolves in the future. For the above reasons, the negotiators opted for including a reference to *serious crimes*. The links between terrorism and organized crime were taken into consideration in the interpretative notes to article 3 of the Convention, which read:

(a) During the negotiations of the convention, the Ad Hoc Committee noted with deep concern the growing links between transnational organized crime and terrorist crimes, taking into account the Charter of the United Nations and the relevant resolutions of the General Assembly. All States participating in the negotiations expressed their determination to deny safe havens to those who engaged in transnational organized crime by prosecuting their crimes wherever they occurred and by cooperating at the international level. The Ad Hoc Committee was also strongly convinced that the Convention would constitute an effective tool and the necessary legal framework for international cooperation in combating, inter alia, such criminal activities as money-laundering, corruption, illicit trafficking in endangered species of wild flora and fauna, offences against cultural heritage, and the growing links between transnational organized crime and terrorist crimes. Finally, the Ad Hoc Committee was of the view that the Ad Hoc Committee established by the General Assembly in its resolution 51/210 of 17 December 1996, which was then beginning its deliberations with a view to the development of a comprehensive convention on international terrorism, pursuant to Assembly resolution 54/110 of 9 December 1999, should take into consideration the provisions of the Convention. (Interpretative notes, article 3).

Hence, pursuant to the interpretative notes, the Convention provides States with the legal framework for cooperation to counter the links between transnational organized crime and terrorist crimes.

Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000)

The Trafficking in Persons Protocol supplements the Organized Crime Convention and, like the Smuggling of Migrants and Firearms Protocols, is to be interpreted together with the Convention. The objective of the Trafficking in Persons Protocol is three-fold:

- (i) To prevent and combat trafficking in persons, paying particular attention to women and children;
- (ii) To protect and assist victims of such trafficking, with full respect for their human rights; and
- (iii) To promote cooperation among States Parties in order to meet those objectives (article 2).

The Protocol defines “trafficking in persons” in article 3 as: “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.” It goes on to define exploitation as including: “at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”

The Protocol also lays out requirements for States parties to criminalize trafficking in persons through legislative and other measures. It establishes State obligations for the protection of victims of trafficking, including to consider implementing measures to provide for - in cooperation with civil society in appropriate cases - assistance to victims, such as legal and medical assistance, training opportunities, or housing (article 6). The Protocol requires that States “take into account, in applying the provisions [...] the age, gender and special needs of victims of trafficking in persons, in particular the special needs of children, including appropriate housing, education and care” (article 6(4)). Inclusion of a gendered and human rights-based approach to protecting victims is significant and has implications for connecting transnational organized crime to the international human rights’ legal framework. The Protocol also outlines State responsibilities for providing residence rights to victims or safely repatriating them (articles 7 and 8) and establishes measures for States to enact to prevent trafficking in persons, including cooperation among States, information exchange and training and the adoption of border measures intended to prevent and detect trafficking in persons (articles 9-11).

While the Preamble to the Trafficking in Persons Protocol takes into account that its adoption was motivated, inter alia, by the need for a universal instrument addressing *all* aspects of trafficking in persons [emphasis added], the Protocol does not include any references to the relationship between trafficking in persons and terrorism. The literature on the linkages between human trafficking and terrorism is considered later in this Module.

Protocol against the Smuggling of Migrants by Land, Sea and Air (2000)

The Smuggling of Migrants Protocol is the first document to provide an agreed definition of the term “smuggling of migrants”: “the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person in a State Party of which the person is not a national or a permanent resident.” The reference in this definition to “a financial or other material benefit” was included to emphasize that the intention was to include the activities of organized criminal groups acting for profit, but to exclude the activities of those

who provided support to migrants for humanitarian reasons or based on close family ties (UNODC, 2006).

The aims of this Protocol are to prevent and combat smuggling of migrants, promote State party cooperation, and protect rights of smuggled migrants. The Protocol presents similarities to the Trafficking in Persons Protocol. It requires that States criminalize certain conducts, namely the smuggling of migrants and enabling the illegal stay of a migrant for a financial gain and by illegal means; it also requires States to criminalize the production, procurement or possession of fraudulent travel and identity documents when committed to enable migrant smuggling (article 6). The Protocol also establishes States' obligations to prevent the smuggling of migrants and increase cooperation among States, many of which focus on the validation and legitimacy of travel documentation and identification. The Protocol also includes measures protecting smuggled migrants, such as their non-prosecution for the fact of having been smuggled on the basis of the Protocol (article 5), the protection of their rights (article 16), and their return to their countries of origin with due regard for their safety and dignity (article 18 (5)).

The Smuggling of Migrants Protocol, supplementing the Organized Crime Convention, refers to the linkages between organized crime and migrant smuggling (articles 1 & 4). Nonetheless, and much like the Organized Crime Convention and the Trafficking in Persons Protocol, the Smuggling of Migrants Protocol does not specifically address the linkages between terrorist funding/terrorism financing and the smuggling of migrants.

In cases of trafficking in persons and smuggling of migrants, the linkages might result to be particularly relevant given that terrorist actors and groups may engage in these illicit activities, not only as a means to raise funds, but also as a way to (re)enter States through migrant smuggling routes (Europol-INTERPOL, 2016).

Protocol against the Illicit Manufacturing of Trafficking in Firearms, Their Parts and Components and Ammunition (2001)

The Firearms Protocol is the first legally binding instrument on small arms at the global level. The objectives of the Protocol are: to promote, facilitate and strengthen cooperation amongst States Parties and to prevent, combat and eradicate the illicit manufacturing and trafficking in firearms, their parts, components, and ammunition. States parties commit to adopting a series of crime-control measures as required by the Protocol, and also to implement within their domestic legal systems the following: (i) establish criminal offences related to illegal manufacturing of, and trafficking in firearms; (ii) establish a system of government authorizations or licensing intended to ensure the legitimacy of manufacturing of and trafficking in firearms; and (iii) establish authorization to mark and trace firearms.

The Protocol does not mention or examine the illicit manufacturing of and trafficking in firearms in relation to terrorist activity, as it embraces the same broad approach adopted in the Organized Crime Convention and its other two Protocols.

Theoretical Frameworks on the Linkages Between Organized Crime and Terrorism

The linkages between organized crime and terrorism are articulated by some scholars interested in explaining how, and the extent to which, organized criminal groups and terrorists/terrorist groups interact. The following section outlines a number of key theoretical models that have been developed by academics in this field and which have application to the study of linkages between organized crime and terrorism. It should be noted that these are only a few of the theoretical models posited by scholars; other models, such as those developed by Hutchinson and O'Malley (2007) and Ballina (2011), are also worth considering when providing a comprehensive theoretical framework of the linkages between these two phenomena.

Williams developed one of the earliest works on the crime-terror nexus theory and identified three distinct hypothetical models of interaction between organized crime and terrorism (Williams, 1998). The first of these models is the “convergence” thesis, which concerns the amalgamation of organized crime and terrorism into a single phenomenon. This might be illustrated by, for example, terrorist groups engaging in bank robberies and other criminal activities to finance their operations, and terrorist groups becoming closely linked to, and in some cases actually involved in, drug trafficking.

The second model is the “organized crime-terrorism nexus” thesis, which concerns the cooperative collusion between organized crime and terrorism. Williams suggested that this might be illustrated by arms for drug deals and the payment of tribute or taxes to terrorist groups by organized criminal groups for moving contraband through their territory.

Williams' third type of interaction is “transformation”, which concerns the mutation or migration of criminal activities to political terrorism or vice versa. This captures situations where a terrorist group reduces its terrorist activities and increases criminal practices; or a criminal organization becomes highly politicized and radically alters the focus of its activities. For instance, this last instance could be observed in the behaviour of some organized criminal groups who actively target and kill political candidates and members of local and national governments.

Makarenko has identified four types of relationships across a “crime-terror continuum” (Makarenko, 2004). According to Makarenko, a continuum “illustrates the fact that a single group can slide up and down the scale - between what is traditionally referred to as organized crime and terrorism - depending on the environment in which it operates” (Makarenko, 2004). The first type of relationship, *alliance*, occurs when criminal groups form alliances with terrorist organizations and terrorist groups seek alliances with criminal organizations. These relationships can be a one-time occurrence, or they might last for a short or long period of time depending on the reasons for the alliance, such as exchange of expert knowledge (money-laundering, bomb-making, etc.) or operational support (access to smuggling routes, transport of smuggled drugs/arms/people, etc.).

The second relationship Makarenko refers to as *operational motivations*, which are the efforts on the part of criminal and terrorist groups to bring each other’s tactics in-house in order to enhance security and operations. Makarenko posits that criminal use of terrorist tactics can be traced back through the history of organized crime, yet terrorist use of criminal activities is a fairly recent development. Increasingly, criminal groups engage in political activity to alter operational conditions, especially in fragile States; and simultaneously, terrorist groups escalate their focus on criminal activities as a way to compensate for lost financial support from State sponsors. The third relationship, *convergence*, entails the transformation and mixing of tactics and motivations so much so that “criminal and terrorist organizations could converge into a single entity that initially displays characteristics of both groups simultaneously; but has the potential to transform itself into an entity situated at the opposite end of the continuum from which it began” (Makarenko, 2004).

Finally, Makarenko defines the fourth type of relationship across the crime-terror continuum as the *black hole*, which are “situations in which weak or failed states foster the convergence between transnational organized crime and terrorism, and ultimately create a safe haven for the continued operations of convergent groups” (Makarenko, 2004). This “most extreme” relationship on the continuum occurs when groups engaged in civil war change motivation from political to criminal, as well as when a State is effectively taken over by a hybrid group (a group whose political and criminal activities are deeply intertwined) and subsequently becomes a ‘black hole’ State.

The relationships articulated along Makarenko’s crime-terror continuum reveal the flux nature of criminal and terrorist groups and their activities, as well as highlight the fickle nature of interaction between transnational organized criminal groups and terrorist groups which makes it especially difficult to develop law enforcement and counter-terrorism responses to confronting the crime-terror nexus.

Shelley et al. provide another model to examine crime-terrorism linkages (the terror-crime interaction spectrum), and identify five types of interactions: *activity appropriation*, *nexus*,

symbiotic relationship, *hybrid*, and *transformation*. Similar to Makarenko, Shelley et al. contend that movement across the spectrum is possible; groups might move forward, backwards, skip steps, or maintain a consistent form of interaction (Shelley et al, 2005). *Activity appropriation* occurs when terrorist organizations and organized criminal groups adopt the other's methods without actually collaborating or working together. This interaction does not represent a firm linkage between the groups but does highlight how methods can be employed across the groups with relative ease. In some cases, the groups may proceed to form a *nexus* interaction, where terrorist groups come into regular contact with organized criminal groups to fill a need, such as acquire forged documents or launder money. A terrorist group may not engage in a *nexus* interaction because it cannot find a crime group willing to do business with it or because the terrorist group sees no benefit in working with people outside their group. In this case, the terrorist group may engage in *transformation* and fully engage in criminal activities; profits eventually overshadow the old objectives and terrorist methods. The *nexus* interaction is instrumental in developing a *symbiotic relationship* between organized criminal groups and terrorism groups. In fact, Shelley et al. contend that a long-term *nexus* interaction will ultimately result in deeper relations to form a *symbiotic relationship* interaction: a relationship of mutual benefit or dependence. Finally, *hybrid* interaction results when "two groups continue to cooperate over a long period and members of the organized crime group begin to share the ideological goals of the terrorists [...] grow(ing) increasingly alike and finally they merge." A *hybrid* organization engages in criminal activities and also has a political agenda. Shelley et al. note that once two groups reach the point of *hybrid* interaction, there is no reason to assume *transformation* will then occur. Additionally, *appropriation* of activities does not in any way imply future cooperation between groups. Noting this ever-changing landscape, the Shelley et al. study focuses on identifying and examining the political, economic, and social landscape for specific crime-terrorism interactions; with the goal of establishing "watch points" where interactions may occur.

Typologies of Criminal Behaviour Associated with Terrorism

There are a number of typologies of criminal behaviour, which have been associated with terrorism, which will be presented in this section with the support of relevant case studies. The typologies have been chosen for analysis based on existing literature and UN Security Council resolution [2195 \(2014\)](#), which expresses concern:

that terrorists benefit from transnational organized crime in some regions, including from the trafficking of arms, persons, drugs, and artefacts and from the illicit trade in natural resources [...], as well as from kidnapping for ransom and other crimes.

This section examines the crime-terrorism linkages as they play out through the following activities: drug trafficking; weapons trafficking; trafficking in cultural property and antiquities; human trafficking; intellectual property crime; kidnapping for ransom; and exploitation of natural resources. Each typology contains some key facts and at least one case study.

Terrorism and Drug Trafficking

Key Facts

2017 figures available point to the fact that the annual value of the trade in illicit drugs is estimated to be between \$426 and \$652 billion and the proceeds derived from it generates approximately between one fifth and one third of the global revenues of transnational organized criminal groups (UNODC (c), 2017; May, 2017).

As highlighted in UNODC's 2018 World Drug Report, cannabis continues to be the most widely produced and consumed drug around the world, while cultivation of both opium poppy and coca bush show a marked increase: the global area under opium poppy cultivation has doubled since 2006, primarily the result of a marked increase in opium poppy cultivation in Afghanistan which accounted for 86 per cent of global opium production in 2017; concurrently, global coca bush cultivation, which had declined by 45 per cent over the period 2000–2013, increased by 76 per cent over the period 2013–2016 (UNODC (a), 2018). In other words, evidence suggests that the illicit drug trade continues to thrive, with expanding markets in cocaine, heroin as well as synthetic drugs. The same UNODC Report also shows that, while drug trafficking online using the darknet continues to represent only a fraction of drug trafficking as a whole, it is growing rapidly, despite successes in shutting down popular darknet marketplaces.

Several terrorist organizations as well as paramilitary organizations have all been cited in scholarly material as being associated with the drug trade (Dishman, 2001 and 2005).

Examples Box: Cocaine and heroin trafficking by terrorist organizations

In 2013, cocaine to the value of \$1.25 billion was reported to have been trafficked through West Africa to Europe amid rising concern over the possibility of Al-Qaida in the Islamic Maghreb's (AQIM) increased involvement in the drug trade (UNODC, 2013). A 2016 report commissioned by the European Union associated Al-Shabaab with heroin trafficking, transporting it from ports in areas it controls to Europe and also cocaine trafficking into Kenya. It also found AQIM to be involved in drug trafficking and profiting from taxing organized criminal groups trafficking drugs from South America to Europe across territory it controls in Sahel region (Reitano, Clarke & Adal, 2017). In 2017, Boko Haram was reported to be facilitating heroin and cocaine smuggling across West Africa. A 2017 UNODC report refers to the trial of members of the organization in Chad that revealed them to be involved in the trafficking of psychotropic substances (UNODC (c), 2017).

Example Box: The Taliban

Recent reports estimate that approximately 86% of the world's opium cultivation takes place in Afghanistan (UNODC (a), 2018) and that a very large part of opium poppy cultivation in Afghanistan is in regions now under the control of the Taliban (UNODC (c), 2017). The Taliban's association with the opium economy also indicates a correlation between the trade in illicit drugs as a criminal activity and terrorism.

Between 2000 and 2015, when the Taliban was profiteering from the drug trade and assuming greater control over the regions in Afghanistan where opium was cultivated, it was at the same time responsible for 73% of all terrorism-related deaths in Afghanistan and approximately 13% of all terrorism-related deaths worldwide (UNODC (c), 2017).

Case Study: Khan Mohammed

In 2006, Khan Mohammed was a member of the Taliban and was assisting a former Taliban official, Abdul Rahman, with a plot to attack NATO's airfield in Jalalabad. Mohammed intended to use the proceeds of heroin and opium sales to purchase rockets to carry out the attack. Rahman arranged for another man named Jaweed to assist Khan Mohammed with the plot. Jaweed, however, soon turned against Rahman and Mohammed and reported the plot to Afghan authorities that notified the United States Drug Enforcement Administration (DEA). The Afghan police persuaded Jaweed to continue his role in the plot, but to become their informant.

Acting as an agent for the DEA and recording several conversations, Jaweed asked Khan Mohammed to buy opium and heroin and to sell it to him, advising him that it was intended for export to the United States. Khan Mohammed agreed and acquired both opium and two kilos of heroin that he duly sold to Jaweed. On learning that the drugs were intended for sale in the United States, Khan Mohammed referred to a "common goal" of eliminating US citizens either "by opium or by shooting." Khan Mohammed also advised Jaweed of his intention to use the profits from the drug sale to buy a car into which missiles could be loaded, and noted he had the same authority as Rahman and the same purpose in attacking the airfield.

In October 2006, the DEA and Afghan authorities arrested Khan Mohammed and he was transferred to the United States to stand trial on drugs charges. In May 2008, Khan Mohammed was convicted of offences of international drug trafficking and drug trafficking with intent to provide financial support to a terrorist at the criminal courts in Washington D.C. He was sentenced to two concurrent life sentences. The conviction was upheld on appeal in September 2012 (United States v Khan Mohammed, 2012)

Case Study: Ayman Joumaa network

In January 2011, the US Department of the Treasury's Office of Foreign Assets Control designated members of a drug trafficking and money-laundering network led by Ayman Joumaa as Specially Designated Narcotics Traffickers. In 2011, it was alleged that the network coordinated the transportation and distribution of shipments of cocaine originating from South America and sold in Europe and the Middle East and laundered the proceeds, estimated to be as much as \$200 million per month. The proceeds were laundered in various ways, including the purchase of motor vehicles in the United States, which were then shipped to West Africa to be sold, with the proceeds transferred on to Lebanon. The DEA identified over 70 used-car dealerships in the United States strongly suspected of being involved in the conspiracy (Braun, M. 2012).

Example Box: Europe

The annual drug market in the European Union is valued at approximately €24.3 billion, and roughly two-thirds of organized criminal groups in Europe are involved in drug trafficking, which is more widespread than any other illicit activity across organized crime in the European Union (EMCDDA estimate as reported in UNODC (a), 2018).

Reports indicate an emerging new crime-terror nexus in Europe, typified by a merging of terrorist and criminal milieus in Europe with both terrorist and criminal groups recruiting individuals from the same pool of people with similar social networks. According to these researches, up to 40% of terrorist plots in Europe are part-financed by means of “petty crime” involving, in particular, drug-dealing. Between 2011 and 2016, 79 people identified as “European jihadists” with criminal pasts were involved with drug trafficking (Basra, Neumann, & Brunner, 2016). Highlighting this link, it is worth noting that the March 2004 terrorist attacks on the Madrid train system were reportedly financed by sales of hashish and ecstasy. Furthermore, the assailants left 52,000 euros and drugs with a street value of 1.5 million in their apartment after purchasing explosives and materials for the attacks.

Later, in December 2008, Hicham Ahmidan was sentenced to ten years in prison in Morocco for his involvement in the Madrid bombings, where he was already serving a five-year term for international drug trafficking. In a similar vein, Amedy Coulibaly, who carried out a series of terrorist attacks in Paris in January 2015, was previously convicted of drug trafficking offences and had been selling drugs a month before the attacks (Basra, Neumann & Brunner, 2016).

Terrorism and Trafficking in Weapons

Key Facts

The illicit trafficking and use of weapons by organized criminals have been discussed widely in scholarship (e.g. see: Allum and Gilmour, 2012; Feinstein and Holden, 2014; and also: UNODC Study on Firearms, 2015). In recent years, the use of weapons by terrorists gained increasing attention in political debates and regional and international organizations, including the European Union and the United Nations (e.g. see: European Commission, 2014; EUCNP 2016; [UNODC \(a\)](#), 2017). Weapons in general, and firearms in particular, are of vital importance for terrorist groups. In certain areas of the world, where countries impose strict regulations on firearms, terrorists are looking for alternative methods to perpetrate their attacks, such as vehicles and knives. In others, where terrorist organizations need to control people and

territories, firearms are essential to them. Therefore, cutting the flow of firearms and ammunitions will highly reduce the capacity of terrorist groups to exert power and control since the alternative methods to the use of firearms can hardly be applied at large scale.

The relationship and potential links between terrorism and organized crime in respect to the illicit financing, sourcing and trafficking in weapons, and the extent to which terrorists engage in such behaviour directly or work alongside organized criminal groups indirectly, has received a growing attention in recent years (see e.g. Flemish Peace Institute, 2018). Terrorists are increasingly using automatic weapons to perpetrate attacks and there is a growing concern that organized criminal groups are supplying terrorists with weapons (see example boxes below).

Example Box: Europe

The use of weapons by terrorists is evident in several recent attacks and attempted attacks across Europe. For example, in the ISIL inspired terrorist attacks carried out in Paris in November 2015, which resulted in 137 people killed and more than 410 injured, extremists opened fire with Kalashnikov and other types of assault rifles, which ended up in the criminal market as a result of cross-border trafficking (Flemish Peace Institute, 2018).

ISIL's weapon of choice is the AK-47, which is "easy to buy and can usually be acquired in the country where an attack is planned, or in a neighbouring country from where they can be easily transported" (Europol, 2016). Following the terrorist attacks in Belgium and France in 2015, all European Union Member States that are part of the coalition against ISIL are prone to attack by terrorists led or inspired by ISIL. Moreover, according to Europol, "(t)he most probable scenario is the use of the same modus operandi, including the same types of weapons, used in earlier attacks. This is because of the ease of production, acquisition and use of such weapons/explosives, and their proven effectiveness" (Europol, 2016).

Although it is worth reminding that the crime of firearms trafficking is not always or necessarily committed by an organized criminal group, the ability of terrorists to access firearms means that the potential linkage between organized crime and terrorism is crucial. In addition, some of the available research points towards the facts that some individuals linked to terrorist offences are brought up in a criminal environment and retain long term links and associations with criminal contacts following radicalization (Europol, 2016).

Example Box: The Paris Attacks

Information from the investigations into the Paris attacks of November 2015 suggests that some of the attackers might have actively participated in criminal networks, instead of just being their clients (Laville and Burke, 2015). It is also predicted that the current situation concerning the availability of illegal weapons in countries neighbouring the European Union, including current conflict zones, may lead to a significant number of those weapons becoming available to organized criminals and terrorists via the black market, posing a significant threat to European Union member States in the near future (Europol, 2016).

Example Box: The Middle East and North Africa (MENA) Region

Tunisian authorities have seized arms and ammunition caches trafficked from Libya by organized commercial smugglers and financed by terrorist groups linked to Al-Qaida, and they have expressed their concern about the potential development of links between Tunisian radical armed groups and Libyan entities (UNSC (a), 2014). According to the Algerian authorities, some of their small-scale seizures indicate that trafficking by petty criminals is taking place from Libya, while other military operations against convoys and caches indicate that terrorist and criminal networks are engaged in trafficking (UNSC, 2011).

Links between Terrorism, Crime and Trafficking in Cultural Property/Antiquities

Key Facts

Campbell suggests that a four-stage network supply chain model may be broadly applied to the global trafficking of antiquities and is built on an internal structure that varies depending on geography, laws, economy, and cultural views on antiquities (Campbell, 2013). The stages are: (i) the looting occurs, most often in an area where conflict exists or that is economically depressed; (ii) early-stage middlemen/intermediaries specializing in the procurement and transit of illicit antiquities/cultural property work with organized criminal groups to traffic the objects from the source countries; (iii) a late stage intermediary launders the objects after transit, creates export licenses and false provenance and then brings the objects to the legitimate global market; (iv) the objects enter the legal market via international brokers in the transit country, or arrive in the hands of the collector.

Researchers from the University of Glasgow and the Antiquities Coalition developed a model that is more formal and places an emphasis on hierarchies within criminal groups (MacKenzie & Davis, 2014). This model, summarized, includes: (i) a regional broker organizes a looting at a source location and delivers an artefact to a regional trade hub; (ii) organized criminal groups purchase the objects from brokers and deliver them to a border city; (iii) a receiver takes the artefact to a major city; (iv) an “internationally connected dealer” who works in both the illicit and licit antique trades sells the artefact. Illicitly traded antiquities and cultural property have been identified on eBay (Hardy, 2016), in famous museums (Casey, 2017), as well as in private collections (Feuer, 2017).

Terrorist groups seem to have increasingly taken up trafficking in illicit antiquities and cultural property to fund their operations, support recruits and acquire weapons. According to Shelley, antiquities are not only a source of revenue generation for terrorists, but they also have symbolic value (Shelley, 2014). By destroying and/or removing symbolic representations of culture, terrorist groups effectively undermine the State/nationalism and attack the morale of local populations/peoples through a type of “cultural cleansing” (Sridharan, 2014).

Trafficking in Persons and Terrorism

Key facts

Trafficking in persons is a global problem, which concerns every country of the world as a country of origin, transit and/or destination. Although the exact number of victims is difficult to establish due to the often-hidden nature of the crime, UNODC has gathered data on victims of trafficking in persons since 2003, the year of entry into force of the United Nations Trafficking in Persons Protocol. Over this period, UNODC has collected information on about 225,000 victims of trafficking detected worldwide. In 2016, a peak of more than 24,000 detected victims was recorded (UNODC (b), 2018).

Trafficking for sexual exploitation and for forced labour are the most prominently detected forms, but trafficking victims can also be exploited in other ways. Victims are trafficked to be used as beggars, for forced or sham marriages, benefit fraud, production of pornography or for organ removal. The clear majority of the detected victims of trafficking for sexual exploitation (the most commonly detected form of trafficking) are females, while more than half of the victims of trafficking for forced labour are men (UNODC (b), 2018).

2019 accounts show that trafficking in persons is a lucrative business for armed groups around the world (UNCTED, 2019). There is, however, little evidence that this armed groups engage

directly in transnational terrorist activities. More often than not, for instance, the smuggling and tracking routes are taxed by local and regional armed groups, with little evidence that they support, or are affiliated with, terrorist groups (UNCTED, 2019). At the same time, there is little doubt that terrorists systematically carry out acts of violence associated with human trafficking to achieve strategic objectives. Abduction, rape, sexual slavery, enslavement and other such acts have been used by terrorist groups to subjugate populations and advance their ideologies (UNCTED, 2019).

Example Box: ISIS/ISIL, Boko Haram and Al-Shabaab

Recent actions by the Islamic State in Iraq and Syria (ISIS), or Islamic State in the Levant (ISIL), also known as Daesh, and Boko Haram (Jama'atu Ahlis Sunna Lidda'awati Wal-Jahad) in Nigeria have drawn attention to a growing nexus between terrorism and trafficking in persons (see e.g.: [UNSC 2331 \(2016\)](#), [2388 \(2017\)](#) and [remarks of the UN Secretary General, 2017](#)). Terrorist groups engage in the trafficking of persons for three primary reasons: funding, fear, and recruitment (Welch, 2017).

Boko Haram (Nigeria) and Al-Shabaab (Somalia) have been documented trafficking children into soldier/fighter roles, as well as using them to carry out suicide bombings. ISIL recently justified its enslavement of women “as an act of protection” (Otten, 2017). ISIL has been reported as having created a market that both terrorizes women and generates a lucrative profit for the group. Women trafficked through the ISIL market are referred to as “Sabaya” meaning slave and are bought by wholesalers who photograph them and advertise them to potential buyers (Callimachi, 2015).

Direct linkages between these terrorist organizations on one side, and smuggling and trafficking groups on the other, remains uncertain. There is actually some evidence that the profits of smuggling and trafficking groups may suffer from the connections between irregular migration and terrorist organizations. For example, in the coastal town of Sabratha, in Libya, where ISIL took root in the country, smugglers saw the group as a threat to their business model and reportedly, bankrolled the fight against ISIL in 2015 (UNCTED, 2019).

Case Study: ISIS/ISIL Trafficking of Yazidi Women

The Yazidi people in Iraq practice a polytheistic oral religion and have long suffered discrimination. Despite their small size (500,000 of the 37 million people living in Iraq), the Yazidi have drawn the ire of ISIL, which has as one of its objectives the complete elimination of the Yazidi people. On 3 August 2014, ISIL attacked the Sinjar District, home to approximately 300,000 people. As part of this attack, ISIL carried-out a mass abduction of Yazidi women and girls over the age of eight (Otten, 2017). Thousands of Yazidis were executed or left to die, and an estimated 6,383 Yazidis - mostly women and children - were enslaved and transported to ISIL prisons, military training camps, and the homes of fighters across Syria and Iraq. According to Cathy Otten, by mid-2016, 2,590 women and children had escaped or been smuggled out of ISIL. In 2015, Rukmini Callimachi estimated that roughly 3,200 Yazidis were still missing.

Following their enslavement, ISIL sold the women in markets, electronically over a messenger app and in prisons. ISIL members and fighters also provided women and girls to middlemen who would sell them to local brokers. Otten reports the release of a video in late-2014, that shows young, bearded men sitting in a living room, wearing ammunition-vests and joking with one another about buying women.

- "Today is distribution day, God willing."
- "You can sell your slave or give her as a gift [...] You can do whatever you want with your share."

Sareta Ashraph explains that ISIL uses enslavement as a way to bring infidel women to Islam (Ashraph, 2017). Callimachi reports the enslavement and rape of young girls by Islamic fighters is justified as "ibadah," meaning worship. A 15-year old Yazidi girl shared her experience, "He said that raping me is his prayer to God. I said to him, 'What you're doing to me is wrong and it will not bring you closer to God.' And he said, 'No, it's allowed. It's halal'" (Callimachi, 2015).

The institutional use of rape (sexual slavery) as a form of worship is a relatively new development in ISIL practice. It is particularly useful as a recruitment tool because, as Mia Bloom explains, rape as a form of worship is a perfect response to the so-called "marriage crisis" (Bloom, 2015). Marriage is a costly endeavour, which results in more than 50% of men aged 25-29 remaining unmarried because of the prohibitive costs (Otten, 2017). Joining ISIL provides young men with a way to get "married" and have access to women. In addition to theological justification for enslaving and raping women and girls, ISIL uses women and girls as "a reward for carrying out services for the community - slaves are presented as compensation to fighters." In 2014, ISIL published an article entitled "The Revival of Slavery Before the Hour," in its English-language magazine, Dabiq. By making public its intention to

institutionalize slavery and rape, ISIL shocked many of its supporters. To address these concerns, ISIL released a set of best practices, which included rules about how slave/property owners are permitted to sell their slaves to other buyers. It also allowed owners of slaves to set their slaves free, which would result in a heavenly reward. The manual explains that sex (rape) with Christian and Jewish women captured in battle is permissible, as well as explicitly condones child rape: “It is permissible to have intercourse with the female slave who hasn’t reached puberty, if she is fit for intercourse.” It seems that the only prohibition is having sex with (raping) a pregnant slave.

Nadia Murad Basee Taha, survivor of trafficking at the hands of ISIL and [UNODC Goodwill Ambassador since 2016](#), has met with various Heads of State and global leaders to raise the plight of Yazidi victims of trafficking. In 2018 she was a corecipient, with Congolese physician Denis Mukwege, of the Nobel Prize for Peace. The enduring enslavement of Yazidi women and girls indicates ISIL’ continued involvement in the trafficking of persons for purposes of inciting fear, generating revenue and sustaining its membership numbers.

Intellectual Property Crime and Terrorism

Key facts

Intellectual Property Crime (IPC) includes the manufacturing, transporting, storage and sale of counterfeit or pirated goods where the consent of the rights holder has not been obtained. It usually takes the form of trademark, patent, trade dress or copyright infringement, although these are not mutually exclusive. It is estimated that the global trade in counterfeit and pirated products was worth \$461 billion per year in 2016, more than double that of estimates in 2008 (OECD, 2016).

The illicit market in counterfeit and pirated goods has expanded rapidly in recent decades and some scholars consider it to constitute the largest black-market economy, surpassing the global narcotics trade (Lallerstedt and Krassen, 2015). Between 2,000 and 3,000 organized criminal groups in the EU are poly-criminal, generating revenue from multiple criminal activities including IPC (Europol, 2017).

Several terrorist organizations have been identified as participating in the illicit trade of cigarettes in various reports (Shelley & Melzer, 2008). In 2007, the WHO estimated worldwide tax revenue losses from the trade in contraband and counterfeit cigarettes to be between \$40-50 billion annually (WHO, 2017). By 2015 the US State Department reported annual tax losses in the United States alone to be approximately \$3 to \$7 billion. Europe too remains vulnerable

to intellectual property crime. In 2015, customs authorities registered more than 80,000 seizures containing more than 40 million counterfeit articles valued at an estimated €642 million. Cigarettes were the most frequently seized product, accounting for 27% of total seizures (Europol, 2017). In 2016, terrorist organizations in North Africa were allegedly responsible for a contraband tobacco trade valued at \$1 billion (Institute for Economics and Peace, 2016). The smuggling of both cigarettes and counterfeit products is also reported as a significant source of funding for AQIM (Wilson, 2009).

Case Study: Michael Campbell

Michael Campbell (“Campbell”) was investigated by UK’s MI5 in relation to cigarette smuggling in 2007. He was a person of interest to security services because of his connections with the Real IRA. His brother Liam Campbell, who was a prominent member of the organization, had been named by a Belfast High Court Judge as one of four men responsible for the planning and detonation of a car bomb that killed 29 people in Omagh. Campbell had by this time served separate prison sentences in Lithuania and the Netherlands for attempting to procure weapons and explosives as well as for offences related to cigarette smuggling.

In a combined undercover operation involving UK and Lithuanian security services Campbell confirmed to MI5 operatives that he intended to use explosive devices and wished to purchase explosives and weapons. In 2008, he travelled to Lithuania and purchased a rifle, detonators, explosives and rocket propelled grenades, informing agents that he was a member of the IRA. He was later arrested and convicted for 12 years following a two-year trial in Lithuania for offences related to supporting a terrorist group, attempted smuggling and illegal possession of weapons. He claimed unsuccessfully in his defence that he was a cigarette smuggler and not buying arms for the Real IRA (INTERPOL, 2014).

Kidnapping for Ransom and Terrorism

Key facts

Kidnapping-for-ransom, or hostage-taking, is defined in the [International Convention against the Taking of Hostages](#):

Any person who seizes or detains and threatens to kill, to injure or to continue to detain another person in order to compel a third party, namely, a State, an international intergovernmental organization, a natural or juridical person, or a group of persons, to do or abstain from doing any act as an explicit or implicit condition for the release of hostages (article 1).

From 1970-2010, kidnapping incidents represented a small portion of all terrorist attacks (6.9%), however, through 2016 the percentage of kidnappings has jumped significantly to 15.8% of all terrorist attacks (Global Terrorism Database, 2018). In 2017, the total number of terrorist attacks (8,584 worldwide) decreased by 23 percent and the number of casualties due to terrorist attacks decreased by 27 percent, compared to 2016. The number of kidnapping victims and hostages recorded in this year were more than 8,900, which signifies a 43 percent decline from 2016 and a notable shift from previous years, which saw sharp increases in this figure. Globally, bombings and explosions accounted for 47 per cent of attacks in that year. Armed assault was the next most common form of attack in accounting for 22 per cent, followed by facility/infrastructure attacks (12 per cent), hostage taking (10 per cent) and assassinations (8 per cent).

Nasser Al-Wuhayshi, former leader of Yemen-based Al-Qaida in the Arabian Peninsula, called kidnapping “an easy spoil... a profitable trade and a precious treasure” (Rhode, 2014). Oumar Ould Hamaha, commander of the Mali-based Al-Qaida in the Islamic Maghreb (AQIM), noted in a newspaper interview: “lots of Western countries are paying enormous sums to the jihadists. The source of our financing is the Western countries. They are paying for jihad” (Nossiter, 2012).

Between 2008 and 2014, Al-Qaida and its direct affiliates made at least \$125 million in revenue from kidnappings, \$66 million of which was collected in 2013 (Callimachi, 2014). It is estimated that Al-Qaida in the Islamic Maghreb received \$75 million in ransom payments between 2010 and 2014 (UNSC (b), 2014). Abu Sayyaf Group has participated in kidnappings where around \$1.5 million in ransoms were collected by 2014, with approximately half that amount collected in 2012 and 2013. Boko Haram has also been known to raise funds through mass kidnapping

of foreigners and civilians for ransom. According to reports, Boko Haram has a specialized kidnapping task force that sets out to abduct politicians, business people, foreigners, rulers and civil servants with the intention of later trading them back for large sums of money or for the return of other Boko Haram militants (Institute for Economics and Peace, 2017).

Case Study: Abu Sayyaf and the KfR/Crime-Terrorism Nexus

The terrorist organization Abu Sayyaf (ASG) has used kidnapping for ransom as a tactic to fund its activities in the Philippines. ASG's history of engaging in both criminal and terrorist activity makes it an interesting case study to examine the crime-terror linkages as it applies to kidnapping for ransom. According to McKenzie O'Brien's 2012 analysis of ASG, its evolution from terrorist to criminal organization is related to fluctuations in its leadership, membership, structure and relationships with criminal and terrorist organizations. This case study focuses on ASG's two identities as terrorists and kidnapers, and using O'Brien's analysis, draws conclusions about why a terrorist group may transition from its ideological objectives to take up the criminal enterprise's profit-making goals (O'Brien, 2012).

According to the Global Terrorism Database, the number of kidnapping attacks in the Philippines remained consistent over the past couple of years, but the number of victims increased by at least 70% between 2015 and 2016 (127 victims in 2015 to 218 in 2016); the number further increased in 2017, when the total recorded kidnapped/hostages in the country was 408 (of a total of 8,937 victims recorded worldwide). While not all kidnapping for ransom activities are undertaken by ASG in the Philippines, it is believed that the group of less than 500 members is responsible for raising over \$35 million dollars from kidnapping activities between 1992 and 2008.

While ASG was originally founded to achieve political objectives, it increasingly developed a penchant for kidnapping for ransom. Kidnapping is at the centre of ASG's activities, and while throughout its history it has been labelled as terrorist group in the Philippines, it has notably heightened its criminal activity at the expense of its terrorist/political/ideological objectives on numerous occasions. ASG maintains relationships with other terrorist organizations such as the Philippine Islamist separatist group, Moro Islamic Liberation Front (MILF) and the Indonesian-based terrorist group, Jemaah Islamiya (JI).

For a period of time, ASG relied on Al Qaida-provided training and funding but was cut off in the 1990s due to mounting pressure from Philippine authorities. Once this funding source was removed, ASG began engaging in criminal activities to ensure its continued survival, including kidnapping for ransom which accounted for over 90% of its funding. ASG received much of its training in criminal activity from fellow terrorist groups and relied on the profits made from kidnapping to entice new members to join the group.

In the past, under the leadership of charismatic ideologically-driven leaders such as Abdurajak Janjalani, recruitment could be done on the basis of ideology; but now financial reward seems to be the most effective recruitment strategy. ASG tends to kidnap locals at a far greater rate than foreigners. However, higher ransom payments are usually made for foreign kidnap victims. This may be a motivating factor for those incidences in which ASG has attacked resorts frequented by foreign tourists as well as individuals working with non-governmental organizations, such as the International Committee of the Red Cross (2009).

According to O'Brien, ASG fluctuates between years where it is driven by terrorist ideology and subsequently decreases kidnapping for ransom activities, and years where its terrorist objectives take a back seat to the profit-making venture of kidnapping. To examine how ASG traverses the crime-terror nexus, O'Brien provides four frames of analysis that contribute to ASG's identity along the crime-terror continuum: (i) leadership; (ii) structure of the group; (iii) membership of the group; (iv) and external linkages. This analysis as they apply to ASG reveals how the crime-terror nexus plays out through kidnapping for ransom undertaken by terrorist groups.

Exploitation of Natural Resources and Terrorism

Key facts

The Taxation of Illicit Charcoal Trafficking

In 2011, the UN Security Council Monitoring Group on Somalia and Eritrea estimated that between nine and eleven million sacks of charcoal were exported from Somalia, generating annual revenues for Al-Shabaab in excess of \$25 million. The following year, in 2012, the Monitoring Group estimated that the rate of export had risen to 24 million sacks per year, representing an overall international market value of \$360 million to \$384 million. Al-Shabaab benefits from the revenue generated at charcoal production sites, from checkpoints along trucking routes and from exports. Al-Shabaab allegedly uses the taxation of the illicit trafficking of charcoal to fund its daily operations and to pay the salaries of its fighters. There is also evidence to suggest that these revenues are used to purchase weapons.

Case Study: Al-Shabaab's "Charcoal for Sugar" Trade Cycle

Illicit charcoal export trade is closely linked to the importation of sugar to Al-Shabaab-controlled areas. Many vessels discharge sugar before loading charcoal cargoes. The UN Security Council Monitoring Group on Somalia and Eritrea conservatively estimates the total volume of sugar imports in southern Somalia to be between 20,000 and 40,000 metric tons per year. The sugar is smuggled overland to neighbouring countries, particularly Kenya. According to the Monitoring Group, well-organized criminal networks with links to Al-Shabaab take advantage of the porosity of the border with Kenya to smuggle sugar, as well as arms and people. The Kenyan authorities have also discovered light weapons and ammunition concealed in some sugar consignments. Several of the individuals involved are well-established businessmen and real estate investors. Allegedly, an opportunistic and mutually beneficial kind of "pax commercial" has been established between those criminal networks and Al-Shabaab. Import taxes on this trade represent estimated revenues of between \$400,000 and \$800,000 per year for Al-Shabaab, although this estimate is claimed to be conservative. In its 2016 report, the Monitoring Group observed an estimate claiming that the volume of illicit sugar trade may be as much as 230 trucks per week. This could equal as much as \$12 million-\$18 million in revenue per year for Al-Shabaab. Al-Shabaab generates revenue from taxing the illicit sugar trade at checkpoints, ports and border crossings (UNSC, 2016)

The connection between Al-Shabaab and sugar smuggling came to the fore in Kenya in 2014. Following Al-Shabaab's attack at Garissa University College, the Government of Kenya issued a confidential list of 30 individuals who the government claimed were 'engaged in sugar smuggling' and whose accounts had accordingly been frozen. The Kenyan security forces in turn launched a crackdown on the sugar trade in the Dadaab refugee camps, and a 'sugar unit' was created within the Kenya National Intelligence Service for that purpose. In mid-April 2015, the sugar unit arrested six mid-level smugglers in the Dadaab camps.

The profits of the sugar trade can be used to launder voluntary contributions to Al-Shabaab through fraudulent invoicing, overvaluing of import proceeds and undervaluing of exports.

Oil

ISIL is thought to be the richest terrorist group, with a turnover of roughly \$2 billion in 2015, a substantial proportion of which was derived from oil trafficking: ISIL was producing up to 75,000 barrels a day in generating revenues of \$1.3 million per day (Institute for Economics and Peace, 2017). Between 2015 and 2017, however, ISIL suffered territorial losses and therefore obtained lower income and revenue from oil. It is estimated that ISIL's revenue has fallen from \$81 million per month in 2015 to \$16 million per month in 2017. Similarly, it is reported that The Al-Nusra Front generally acquires funds through oil sales, among other methods (Institute for Economics and Peace, 2017).

Summary

This Module provides lecturers with an overview on the linkages between terrorism and organized crime, by examining a range of typologies of criminal activity and referencing, where appropriate, relevant case studies. The reference to linkages between organized crime and terrorism in this analysis is used to indicate any interaction between terrorism/terrorist groups and organized crime/organized criminal groups, thus adopting a broad and encompassing approach.

The Module considers the central themes of the overall analysis, namely organized crime and terrorism, and outlines how they have been conceptualized in literature and by States in international fora. It also analyses the international instruments regulating these phenomena, particularly the 19 international instruments designed to combat terrorism, a selection of United Nations Security Council resolutions and the international framework on transnational organized crime, in particular the United Nations Convention against Transnational Organized Crime and its three supplementing Protocols against Trafficking in Persons, Smuggling of Migrants and Trafficking in Firearms.

Over the past two decades, some scholars have developed several theoretical models to explain and provide insights into the evolution and nature of relationships between terrorism and organized crime, as well as to understand why these relationships occur in various countries and regions around the world. This Module offers an overview of some of the most prominent models, including Williams' "Convergence," "Nexus" and "Transformation"; Makarenko's "Crime-Terror Continuum"; and Shelley's Crime-Terror Interaction Spectrum.

Finally, the analysis identifies evidence of various types of interactions between organized crime and terrorism across a range of criminal activities, including: weapons trafficking, trafficking in counterfeit goods, drug trafficking, trafficking in persons, kidnapping for ransom, exploitation of natural resources and trafficking in cultural property and antiquities. As the cases presented highlight, these linkages are complex, fluid and continually evolving.

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Case Studies

Case Study: Haji Bagcho (terrorism and drug trafficking)

In 2005, Haji Bagcho was investigated by the United States Drug Enforcement Administration, in cooperation with Afghan authorities for narcotics offences in Afghanistan. He was believed to be one of the five founding fathers of the Taliban Ruling Shura in Kabul. With the assistance of justice collaborators, the DEA bought heroin directly from Bagcho’s organization on two occasions, which Bagcho believed was destined for the United States. In 2007, DEA special agents, supported by the Counter Narcotics Police of Afghanistan raided Bagcho’s compound, located in eastern Afghanistan close to the border with Pakistan. Ledgers seized during the raid revealed that Bagcho had trafficked over 123,000 kilos of heroin worth more than \$250 million in 2006. This indicated that his trafficking accounted for approximately 20% of the world’s total heroin production that year. Evidence was also obtained which demonstrated that Bagcho used some of his drug proceeds to supply cash, supplies and weapons to Taliban leaders responsible for the group’s activities in eastern Afghanistan.

Bagcho was extradited to the United States in June 2009, found guilty of narcotics distribution and narcoterrorism offences in 2012 and sentenced to life in prison. According to information presented at his trial, Bagcho had been conducting his heroin trafficking business since the 1990s, had transported the drug to more than 20 countries and had used the proceeds to support high-level members of the Taliban. According to DEA administrator Michele Leonhart, he was an “Afghan drug lord whose drug proceeds financed terror.” Bagcho later filed a motion for a new trial as a result of which his conviction on the narcoterrorism count was vacated, although the court did not disturb the two drug convictions.

Case related files

- United States v Haji Bagcho, United States District Court for the District of Columbia, case 1:06-cr-00334-ESH (2012) <http://legaltimes.typepad.com/files/heroin.pdf>.
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Significant features

- Intersection between illicit drug trafficking and terrorism

Discussion questions

- a) In what way, if at all, does this case demonstrate the existence of linkages between organized crime and terrorism?
- b) With what offences was Bagcho charged and convicted? Which offence in particular links organized crime and terrorism?
- c) For what reasons was the conviction for “drug trafficking while funding terrorism” (or narco-terrorism) vacated by the court in 2015?
- d) What can be learned from this case about the difficulties in securing evidence to demonstrate linkages between organized crime and terrorism?

Case Study: Illicit arms trafficking from the United Kingdom for use by terrorists in Libya

In November 2014, Abdurraouf Eshati was arrested alongside 19 other people in the back of a lorry attempting to enter France at the Port of Dover, United Kingdom. He was accused of attempting to traffic arms into Libya for use by terrorist groups, in violation of an embargo imposed by the UN Security Council in 2011.

Specifically, Eshati's role was to act as a translator of the documents for an arms dealer, who was located in Italy, involving the smuggling of weapons from a warehouse located in Slovenia to terrorist groups in Libya. Eshati's mobile phone contained an electronic copy of an invoice for 1,104 tonnes of arms (including bullets for AK-47 rifles and rounds for anti-aircraft munitions) worth \$28.5 million for delivery to Tobruk, Libya as well as a related document concerning the chartering of a cargo aeroplane at a cost of \$250,000 to transfer arms to Libya.

Eshati was convicted of collecting information for terrorist purposes in respect of the two documents referred to above. During sentencing, Judge John Bevan QC stated that "(i)t's obvious that his involvement means that it was felt he could be trusted as a confidant in relation to large-scale arms supply." According to the Crown Prosecution Service, Eshati's arrest led to Italian police discovering large-scale illegal arms supplies being imported from Eastern Europe to conflict zones in Libya and other places.

Case related files

- BBC News, Wrexham imam Abdurraouf Eshati jailed over Libyan arms plot, 27 October 2015 <http://www.bbc.co.uk/news/uk-wales-north-east-wales-34645263>.
- Royal Court of Justice of England and Wales, Court of Appeal (Criminal Division), Approved Judgement, 17 May 2016. <https://www.judiciary.gov.uk/wp-content/uploads/2016/05/r-v-kahar-and-others.pdf>

Significant features

- Intersection between arms trafficking and a terrorist offence

Discussion questions

- a) What specific crimes did Eshati commit under UK law?

- b) Explain why you think this case demonstrates or fails to demonstrate a link between organized crime and terrorism.

Case Study: ISIS/ISIL's role in trafficking antiquities/cultural property

ISIS/ISIL has become a key player in the illicit trafficking of antiquities and cultural property. In fact, it is estimated that every year Islamic State Militants in Syria and Iraq bring in between \$150 million and \$200 million from illicit trade in plundered antiquities and cultural property (Reuters, 2016). The University of Chicago's MANTIS (Modelling the Antiquities Trade in Iraq and Syria) research team contends that while "everyone seems to agree that the Islamic State is digging up and selling archaeological artefacts to make money, [...] no one seems to agree on how much money it's actually making from its illegal antiquities trade: amounts have ranged from \$4 million to \$7 billion" (Rose-Greenland, 2016). According to certain estimates, more than a third of Iraq's 12,000 important archaeological sites are now under ISIL control. At one point, ISIL involvement in trafficking was limited to taxing the sales of artefacts and charging for digging licenses, but recent reports indicate that the terrorist group has begun hiring its own diggers and establishing its own network of smugglers and middlemen.

While one of the primary motivations for ISIL participation in the trafficking of antiquities and cultural property is certainly money, the group is also known for its destruction of artefacts that represent cultural identity. In 2015, a video of ISIL fighters destroying Assyrian antiquities in the Mosul Museum in Iraq outraged the world. Analysis of the video determined that most of the destroyed artefacts were replicas, but the intention of the destruction was clear. This was an act of iconoclasm; "(the) actions were undertaken in the belief that they (ISIL) had to eradicate the use of idolatry, or representative art, which it claims is forbidden in the 'true' interpretation of Islam" (Asfour & Scott, 2015). Also, in 2015, ISIL destroyed the ancient temple of Baalshamin in the Syrian city of Palmyra, which is a UNESCO World Heritage Site. Again, this act of destruction was an attempt to eradicate the cultural identity of a particular community.

In an effort to counter ISIL destruction of cultural sites and artefacts, UNESCO established in March 2017 the International Alliance for the Protection of Cultural Heritage in Zones of Conflict (ALIPH).

The Council of Europe Convention on Offences relating to Cultural Property outlaws the "blood antiquities" trade. The Convention specifically calls attention to "terrorist groups involved in the deliberate destruction of cultural heritage and use the illicit trade of cultural property as a source of financing." While these attempts to address terrorist engagement in the trafficking and destruction of antiquities and cultural property are essential to developing a

comprehensive global strategy to destroy ISIL, the damage has already been done. As UNESCO Director-General Irina Bokova explained in reference to the mass destruction of cultural sites in Aleppo, “The destruction of one of the greatest and more ancient cities in the world is a tragedy for all Syrians and for all humanity [...] To destroy Syria’s heritage is to kill the Syrian people a second time.”

Case related files

- Asfour, L. and Scott, M. (2015) ISIL and the History of Destroying History, *Al Jazeera* (3 Mar 2015). <http://www.aljazeera.com/indepth/opinion/2015/03/isil-history-destroying-history-150302122351267.html>.
- Rose-Greenland, F. (2016) How Much Money has ISIS Made Selling Antiquities? More than Enough to Fund Its Attacks, *Washington Post* (3 June 2016). <https://www.washingtonpost.com/posteverything/wp/2016/06/03/how-much-money-has-isis-made-selling-antiquities-more-than-enough-to-fund-its-attacks/>
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Significant features

- Linking trafficking in cultural property to terrorism

Discussion questions

- a) How strong do you think the evidence is that terrorist and organized criminal groups are engaging in and profiteering from criminal activities involving destruction and trafficking in cultural property?
- b) Why would these groups engage in destruction and trafficking in cultural property?
- c) What action, if any, would you recommend is taken to prevent further destruction and trafficking in cultural property?
- d) What is the international framework that relates to the prohibition of trafficking in cultural property? Can the Organized Crime Convention be applied – if so, how?

Possible Class Structure

- **Pre-class activity (10 minutes):** ask students to watch the video ‘NATO Review- Organized Crime and Terrorist Groups: Comrades or Chameleons.’
https://www.nato.int/docu/review/2009/organized_crime/Terrorism_Relation_OrganizedCrime/EN/index.htm
[Duration: 11.18 min]
- **(In-class) Ice-breaker (20 minutes):** ask students questions about the video. Consider the following for discussion (with answers in brackets):
 - a) What issues are identified as facilitating a nexus between organized criminal and terrorist groups?
 - b) Might there be clashes between these two types of groups and why?
 - c) What three ‘zones’ are thought to be key for helping to explain organized criminal activity in relation to the illicit trade in narcotics?
- **Give a lecture about the key issues contained in this Module (1 hour):**
 - a) Definitions of organized crime, terrorism and the linkages between them
 - b) International and Regional Frameworks for organized crime and terrorism
 - c) Theoretical frameworks
 - d) Typologies of criminal activity and locating the linkages
- **Break (10 minutes)**
- **Thinking Critically Through Linking Theory to Reality (1.5 hours)**

The course lecture includes an overview of three theoretical approaches for examining the crime-terrorism nexus: (i) Williams; (ii) Makarenko; and (iii) Shelley et al. This activity allows students to apply what they have learned about the theory underpinning the linkages to real-life examples. Select some case studies, possibly from those provided in the Module, to include in this activity.

Dependent on the number of enrolled students, they could work in groups of 2-3 to do the following:

- Review and discuss the case study (studies)
- Develop summaries of the case studies to share in a short presentation
- Draw conclusions about how each specific case study corresponds to the various theoretical approaches

Objective

The objective of this activity is not for students to determine the “right” crime-terrorism interaction/relationship, but rather it is for the students to develop arguments to support why they think the case study represents a type of relationship – or none. Through this activity the students will learn the practical difficulties associated with identifying and tracking relationships between terrorists/terrorist organizations and criminals/organized crime groups.

Core Reading

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Advanced Reading

International and Regional Frameworks

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Typologies

(i) Drug Trafficking

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Students Assessment

Review and Assessment Questions

- a) Are organized crime and terrorism defined in international law? What are the concepts used to frame these concepts? What are the differences between those two?
- b) What similarities are there between organized criminal activity and terrorism that provide explanations as to why there might be linkages between them?
- c) 'There is no reliable and concrete evidence which confirms that there is a nexus between organized crime and terrorism.' Evaluate this statement, noting the nature of the evidence and sources which support and/or contradict it.
- d) What theoretical models have been developed which in your view best explain how and why linkages occur between organized crime and terrorism?

- e) Providing examples of crime types, do you believe linkages between organized crime and terrorism exist?
- f) 'If there is a nexus between organized crime and terrorism we must conclude that it is a global phenomenon.' Critically discuss this statement, providing examples to explain why you agree or disagree with it.

Quiz 16

Instructions: For multiple-choice questions, circle the appropriate letter (e.g., "a", "b", "c", etc.). For true-false questions, circle "True" or "False."

- 1. The purpose of an organized criminal group is:**
 - a) To commit one or more serious crimes
 - b) To obtain directly or indirectly, a financial or other material benefit
 - c) To control territory
 - d) All of the above

- 2. Scholars generally agree that the definition of terrorism evolves over time, is not static, and it varies according to _____.**
 - a) Geographical region and political need
 - b) The nature of activities performed by terrorist groups
 - c) The political goals of terrorist groups
 - d) None of the above

- 3. According to the Organize Crime Convention, an offence is transnational in nature only if the members of the organized criminal group are of different nationalities or commit the crime while crossing an international border.**

True
False

- 4. The United Nations Global Counter-Terrorism Strategy, adopted by Member States in September 2006 and reviewed by the UNGA every two years, is the first one to provide a common strategic and operational approach to fight terrorism.**

True
False

5. Although the scope of application of the Organized Crime Convention is limited to crimes that are a) transnational in nature and b) involve an organized criminal group, these two limitations are not to be considered elements of those offences in domestic legislation for criminalization purposes. What does this mean?

- a) States parties should limit the scope of application of their criminal legislation to offences that are transnational and involve an organized criminal group
- b) States parties are called to pass legislation which does not include the transnational elements or the involvement of organized criminal groups as requirements of applicability, in order to avoid possible loopholes in domestic systems
- c) States parties need to adopt two sets of legislation, at least one of which should not include these two criteria
- d) None of the above

6. For the purpose of this Module, linkages between organized crime and terrorism include:

- a) Terrorists and organized criminal groups cooperating through their engagement in criminal activity
- b) Terrorist groups involved in organized criminal activity
- c) Transformations of the two groups involving organizational links and similarities
- d) Competition between both types of groups necessitating contact between them
- e) Organized criminal groups committing acts of terrorism
- f) All of the above

7. With Security Council resolution 1267 (1999), the United Nations recognized _____ as a terrorist organization.

- a) The Islamic State in Iraq and the Levant (ISIL)
- b) Al-Qaida
- c) The Taliban
- d) Al Nusrah Front (ANF)

8. The 1997 International Convention for the Suppression of Terrorist Bombings requires States parties to adopt national legislation that criminalizes the intentional

delivery, placement, discharge, or detonation of an explosive or other lethal device in, into or against a place of public use, a State or government facility, a public transportation system or an infrastructure facility, with the intent to:

- a) Cause death or serious bodily injury
- b) Cause extensive destruction of such a place, facility or system, where such destruction results in or is likely to result in major economic loss
- c) Cause civil unrest
- d) *A and B
- e) All of the above

9. More than one of the 19 international instruments designed to counter terrorism recognized by the United Nations requires that States parties adopt appropriate legislation to ensure that those criminal acts outlined in those instruments are not justified by political, philosophical, ideological, racial, ethnic, or religious considerations.

True

False

10. William's identified three distinct hypothetical models of interaction between organized crime and terrorism:

- a) Alliance – nexus – transformation
- b) Convergence – nexus – transformation
- c) Convergence – operational motivations – transformation
- d) Convergence – nexus – the *black hole*

[Answer key: 1. b; 2. d; 3. false; 4. true; 5. b; 6. f; 7. c; 8. d; 9. true; 10.b]

Research and Independent Study Questions

a) Please examine the four types of relationships between terrorism and organized crime identified by Makarenko (alliance, operational motivations, convergence, black hole). Examine the different conditions that might lead the two groups to act along this "crime-terror continuum" and, when possible, provide real-life examples.

b) Besides those groups recognized as "terrorist" organizations by the United Nations, States often compile their national lists. Conduct some research on which organizations are included

in the terrorist list of your country - or one of your choosing - and develop a historical timeline of how such list has changed over the years. Which historical event(s) coincided with the inclusion/removal of the organization(s) in the list?

c) Consider the definition of an organized criminal group as provided in the Organized Crime Convention. Reflect on which of the four criteria included in such definition would set terrorist organizations and organized criminal groups apart.

d) Consider one of the linkages between organized crime-terrorism presented in this Module (i.e. drug trafficking and terrorism, kidnapping for ransom and terrorism, trafficking in persons and terrorism, etc.) and conduct research on the linkage between a form of organized crime of your choosing and terrorism in your region/county. What data is available to support the existence of these linkages? What kind of linkages seem to be there? Please elaborate.

e) Conduct research on the involvement of women in terrorist organizations and organized criminal groups. What is their role in these organizations? Can you identify difference and similarity of roles covered by women in terrorist organizations and organized criminal groups? Please elaborate.

Additional Teaching Tools

Documentaries/Films

- Andrew Niccol (2005), [‘Lord of War’](#): Movie highlighting the internal struggle of an arms dealer, who confronts the morality of his work as he is being chased by an Interpol Agent.

[Duration: 2.25 mins.]

- Bombach, A. (2018), [On her shoulders](#): Nadia Murad’s life is a dizzying array of exhausting undertakings—from giving testimony before the U.N. to visiting refugee camps to soul-bearing media interviews and one-on-one meetings with top government officials. Filmmaker Alexandria Bombach follows this strong-willed young woman, who survived in 2014 and escaped the hands of ISIS to become a relentless beacon of hope for her people, even when at times she longs to lay aside this monumental burden and simply have an ordinary life.

[Duration: 2.35 mins.]

- Neumann, P and Basra, R. (2018), '[Organized Crime and Terrorism in the UK and Ireland](#)': Recording of a conference held at the Institute of International and European Affairs on the nexus between crime and terrorism, challenging traditional understandings of national security.
[Duration: 30.42 mins.]

Ted Talks and Conferences

- Alastair Gray (2017), '[How fake handbags fund terrorism and organized crime](#)' Ted Conference: What's the harm in buying a knock-off purse or a fake designer watch? According to counterfeit investigator Alastair Gray, fakes like these fund terrorism and organized crime. "Let's shine a light on the dark forces of counterfeiting that are hiding in plain sight", Gray says.
[Duration: 12.03 mins.]
- Loretta Napoleoni (2009), '[The intricate economics of terrorism](#)' Ted Conference: Loretta Napoleoni details her rare opportunity to talk to the secretive Italian Red Brigades -- an experience that sparked a lifelong interest in terrorism. She gives a behind-the-scenes look at its complex economics, revealing a surprising connection between money laundering and the US Patriot Act.
[Duration: 15.38 mins.]