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## **Obrana proti ohrožení společnosti závažnými formami trestné činnosti Society Defence Against the Threat of Serious Criminal Activity Forms**

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### ***Summary***

Some forms of serious crime – particularly terrorism, organized crime and economic crime – belong at present to the world greatest security risks. Particularly International Community, United Nations, the Council of Europe and European Union respond to this type of threat and initiate a number of countermeasures. In accordance with them basic organizational and legislative changes were gradually performed in the Czech Republic after 1990.

By detecting possible sources of crime in concrete social conditions criminological research provides criminal and security policy conception and at the same time it monitors provision effectiveness focused on crime and suggests possible changes. If really effective provision was suggested it was necessary to be based on profound causes analysis; we should know why a certain crime activity was committed, why offenders focus on this activity, why they commit it the way they do, why crime victims are certain people under certain conditions.

Criminological research in the Czech Republic has focused on organized crime problems since the ninetieth. Since 1992 The Institute of Criminology and Social Prevention has been analysing annually basic characteristics concerning criminal groups and their activities. In the framework of special themes the research concentrated on drug production, smuggling and distribution, organizing and practising prostitution, illegal migration, thefts of art, violent crime, and racketeering. Analysis of organized crime activity not only of the Czech Republic nationals but also foreigners has been investigated in detail. Organized crime activities in the field of economics, money laundering and intentional tax evasion have systematically been observed. We have regularly evaluated the effectiveness of legal measures applied in combating organized crime. In the end of the ninetieth we analysed organized crime problems in the Czech Republic in a wider social context. In the framework of selected crime prognosis we defined problematic and developmental facts which can be effective in the field of combating organized crime in coming years.

In the research realized **during 2004 – 2007** we focused on some serious forms of criminal activity: organized crime, economic crime, terrorism and corruption. We have also dealt with migration processes abuse and threats to institutions. **The goal** was firstly to analyse threatening factors in society development – and the possible causes and consequences of serious crime activity to society structures – and then to search for effective measures against serious crime activity.

In concrete **research methods and techniques** were used data from professional publications and sources, collections from conferences, data from questionnaires conducted by Council of Europe, European Union and United Nations, specific legal measures, the Czech Republic Ministry of Justice Statistical Yearbook data, statistics of the Ministry of Interior and respective department of the Police of the Czech Republic, available legal and investigative records, official documents of international communities and the Czech Republic government and individual ministries documents. We have also used case studies and expert investigation carried out by questionnaires or by directed interviews with Czech Republic Police workers who were in contact with serious criminal activity in executing their duty.

In the framework of our task the great attention was focused on **organized crime** problems. We have dealt with this subject systematically since 1993. Apart from regular monitoring of tendencies and analyses of concrete cases we focused during 2004-2007 mainly on organized crime threats and on possible measures society can use to combat it. We wanted to find out how and why individual parts of social system are threatened by organized crime, we searched factors abusable by organized crime in individual areas of society life and possibilities of defending against their activity.

**Organized crime** can be understood as systematic committing of serious criminal activity and related supporting activities whose subject are criminal groups or organizations, whose main goal is to obtain maximum illegal profit while minimising the risk.

According to security situation report in the Czech Republic territory there operate about **75** groups having **2000** members. Further data concerning groups and their activities are based on experts estimates. From the organizational structure point of view **not quite a half of the groups were fully developed**. It means that more than a half of considered organized crime activity is created by less organized groups. They are organized on a horizontal level and mostly do not fulfil features of criminal conspiracy. Within organized crime there are involved a lot of **external co-workers**. According to the experts' estimate they create more than a half of all conspiracy groups members. External co-workers provide all kinds of different services including searching information, making contacts with political and economic representatives, offices or media. In bigger groups they work as legal or economic advisers.

Participation of **women** in organized crime also plays a significant role. The estimate of women's engagement in groups during 2000 – 2006 was about 15%. The highest involvement of women is in the field of procuring and trafficking in people for the purpose of sexual exploitation and trafficking in the field of narcotics and psychotropic substances where women mostly operate as dealers. Among significant activities committed by women in the framework of organized crime belong organizational and management background of conspirative groups. Women often participate in financial crime : money laundering, corruption, tax, bank, loan, insurance and customs fraud and in establishing of fraudulent companies. Quite important is women's share in illegal migration. Other criminal activities committed by women are thefts, specially works of art thefts.

Since 1993 in respect of **the share of involvement of Czech and foreign elements** in organized crime groups in the territory of the Czech Republic there is prevailing foreign element. The percentage of Czech nationals is also quite significant. In fact immediately after establishing organized crime in our country about a quarter of the groups were Czech. Apart from that a number of Czech nationals cooperate with foreign groups, specially Russian ones. Foreigners share in organized crime is mostly by Ukrainians, Vietnamese, Albanians, Russians and Chinese. Further there are Bulgarians - whose share decreases – and Romanians – whose share increases. Further there are Serbs and behind them Slovaks who appeared sporadically on the bottom rung of the ladder during the nineties in the framework of organized crime in the Czech Republic and started gradually increase after 2000. Further down there are Turks, Nigerians, Moldavians, Dagestanis, Macedonians, Lithuanians, Israelis, and to limited degree Chechnians, Belorussians, Indians. Even Poles who until the end of the ninetieth used to be represented quite strongly on the scene of organized crime gradually decreased. Among the less frequently represented nationalities belong : Montenegrins, Iraqis, Croats, Senegalese, Egyptians, Italians, Pakistanis, Georgians, and Germans.

During 1993 – 2006 **the most widest forms of criminal groups activities** belong to car thefts, organized prostitution, since 1994 production, smuggling and distribution of drugs. Occasionally there occur other forms from almost forty other activities. During 1993 – 1998 thefts of art works belonged among most widely expanded activities. In 1997, 2002 and 2005 tax, loan, insurance and exchange fraud and corruption increased. During 1998 – 2004 among the most wide spread activities of organized criminal groups belonged illegal migration. Since 2005 its share started to decrease. In 2006 money laundering, forgery and cyber crime became wide spread. Since 2005 there has been a significant appearance of the illegal production and smuggling of alcohol and cigarettes.

Since 1990 the character of organized crime in the territory of the Czech Republic went through not only quantitative but also **qualitative changes**. According to experts' point of view organized crime has increased, stabilized and institutionalized. Management has increased, there are less evident violent manifestations, more economic criminal activity, frauds, more corruption. Wealth of groups has considerably increased and the market has been divided. Organized crime has more sophisticated technical tools such as using internet. Profits are legalized in legal business. In relation to these facts organized crime causes greater losses and has more demaging influence on economy. At present organized crime has sufficient contacts, it penetrates into the state administration, it develops more activities in economic spheres, it develops contacts in justice, it influences media.

**In the future** according to experts opinion it is possible to expect further increase of organized crime activities. A considerable increase of criminal activity will be related to computer technology, information technology and internet. Further it is possible to expect 'tunnelling' of state budget and European Union grants, there will be sophisticated frauds in the field of tax crime, frauds connected to consumer tax of fuel, alcohol and cigarettes. It is possible to expect speculations of organized crime when the Czech Republic joins the euro currency. The world of crime will improve in its structures, persons' professionalism and the use of technologies such as internet communication. Typical features will be increasing profits, wealth, power and influence of organized crime groups, who will endeavour to be established in legitimate business, endeavour to penetrate into the area of politics, economics and other areas. It is possible to expect expansion of purposeful penetration into the state structures and great bank fraudulent transactions; influencing courts, public prosecutor's departments, police; influencing appointments in state administration, abuse of favouritism, and corruption. Organized crime is also expected to have a widening influence on municipal level policy. In allocating greater public orders there will be attempts to manipulate them by corruption and favouritism. Organized crime groups will also attempt to reduce the activity of specialized sections of the police. Internationalisation of organized crime will develop. There will be dramatic increase in organized crime activity of Rumanian and Bulgarian nationals. The tension between Asian groups will increase. After 2010 there may increase a substantial increase in the number of Chinese and African persons.

Experts estimate that in the territory of the Czech Republic between 2010 – 2015 after years of an increasing share of organized crime the trend may change and may even stagnate. Apart from possible move of criminal activities to more developed countries of European Union another reason to stagnate the increase of organized crime could be the generation change in the society : people with higher education either citizens or representatives of state administration will be able to combat organized crime more effectively.

The part of organized crime research was also accusations analysis and case studies processing. By means of analysing of all accusations regarding **criminal conspiracy cases** submitted by the public prosecutor's department between the years 1999 – 2004 we wanted to deepen the information we acquired concerning all aspects of character, manifestations, structures and offenders

of organized crime in the Czech Republic. Apart from that we focused on enforcement regulations concerning criminal conspiracy participation. The analysis showed indisputable organization of a certain part of criminal activity in the Czech Republic. Some cases show a higher level of organization, more extended work division and in some cases even the mark of middle links of management. The international involvement of criminal activities is quite widespread, also covering up a legal help use and cooperation with official structures, communication by mobile phones using covering names and nicknames, changing of mobiles and its numbers, making stories for captured migrants, etc. There is a high number of foreigners among defendants of criminal conspiracy. Offenders are mostly younger people but in the management and group centres we find people above 30 years of age. Often there are persons with former criminal records who appear on a lower, executive level in the organizational structure. Criminal conspiracy is often created by people who are connected by family relations supported by wider family clans.

On the basis of analysis results focused on **enforcement of regulation concerning criminal conspiracy participation**, it is possible to say that the frequency of enforcement of regulation concerning criminal conspiracy provision gradually increases. But it is used with evident simpler criminal cases having a lower level of organizational structure and lower level of criminal activity where it is relatively easier to identify this criminal conspiracy legal features. Surprisingly low is the number of cases of prosecuted traffickers in drugs. There is relatively high share of offenders in custody (more than  $\frac{3}{4}$ ) which testifies of legitimate fears of witness influencing, avoiding prosecution or continuing of criminal activity of prosecuted offenders. On the other side not quite 50% of persons taken into custody are sued which does not testify of effective prosecution. There are almost no cases where confession of defendant subsequent proof of his/her involvement in the crime exists which results from organizational norms of organized crime groups.

To analyse the **threat to society by organized crime** was the main purpose of the research. Organized criminal groups have a paralysing impact on both public and private sectors of the society, it brings direct security threats to citizens. Organized crime threats do not concern only the Czech Republic but in a globalized world transnational organized crime threatens in fact the whole world. On one side transnational organized crime presents outside threats to the Czech Republic, on the other side it becomes a threat to inner security. From the global point of view the inner situation in the area of organized crime in the Czech Republic can be a threatening factor for other countries. Transnational criminal groups can for instance use our territory as a transit country, they can create a forefield for expansion to other countries, they can try to legalize here profits from criminal activity, etc.

According to the experts' opinion organized crime in 2007 mainly penetrated the area of state administration, economics and politics, to certain extend also police and justice, less media and the least local authorities.

The damage in economics is caused by introducing illegal practice into the economic system. It creates illegal services and goods market. Introducing criminal practice to the economic system leads to creating of unstable and unconfidential backgrounds which can devaluate efforts of legal businesses or discourage foreign investors.

Organized crime tries to penetrate into the state administration system because of the need of information, of providing documents, and support or protect its own activities. Organized crime and corruption compromises and reduces authority of official institutions.

Organized crime bosses strive for abusing of political representatives – on international, state and regional level – for either politicians' conscious or unconscious support of organized crime bosses

activities, for influencing strategic decisions which could be profitable to them, for acquiring information, and for impunity from prosecution. People in important political and decision making positions can be jeopardized by aggressive attempts of corruption, compromising and blackmail, due to this activity they lose community confidence.

Organized crime strives to penetrate into the justice system namely to eliminate its risks. It tries to influence the legislative process striving to adjust laws to prevent risks at all or to minimize them. To lower the risks it strives to frustrate criminal proceedings, influence witnesses or to enable escape of prosecuted or convicted persons. Imperfect protection of a witness well suits to organized crime groups.

Organized crime directly threatens some groups of citizens namely those in authority whom organized crime tries to abuse. Organized crime attempts to regularly secure enormous profits from illegal goods and services and thus shares in creating, disseminating and developing of a number of pathological elements in the society.

Organized crime tries to abuse the media. Criminal groups can strive for public opinion to influence their interests, what is advantageous for them, they want to support opinions which question and distract the honest labour of legislators, public prosecutors, policemen and judges. Media can unknowingly glorify evil, support the lifestyle bordering on unethical and often illegal practices.

On the basis of contacts in all crucial areas of society life, organized crime gains information or support from official circles without necessarily using corruption or even violence. Offenders of organized crime activity have the feeling of certain superiority. They rely on their inviolability due to their position on a social ladder, support of influential persons and due to low efficiency of criminal proceedings bodies.

In cooperation with international community efforts in the Czech Republic during 1995 – 2005 there were activated numerous measures directed against transnational organized crime activities. Apart from threat factors analysis, the other main research goal during 2004 – 2007 was the endeavour to analyze **prevention possibilities against the threat to society by organized crime**. According to experts questioned during 2006 – 2007 it is possible to summarize measures eliminating this possible threat to Czech society by organized crime in a following way.

The basic solution for all further measures of combatting organized crime is based on the analysis and on a clear vision of a required goal. In this conception there are designed individual strategic steps, persons involved and their tasks are allocated. The activity is co-ordinated, and successes and faults regularly analysed. The important condition is to clearly declare and realize political, material and media support of criminal proceedings bodies in combating organized crime – including specialized police units. Essential to this aim is adoption of measures against the penetration of organized crime into the social system, namely to justice, police and media. At the same time there must be defined mechanisms safe-guarding the system and its workers, and defined rules how to act in corruption or racketeering cases. The important step is to strengthen moral consciousness and ethical values. It should be clearly distinguished where are public and common interests and which are sectional and personal interests. Personal responsibility of politicians, appointed officials, and leading persons has to grow. It is fundamental to separate police and justice from political influences.

The essential step is the criminal law and criminal code amendment, legal modification to corruption, stricter conflict of interests legal modification, member of parliament immunity limitation, higher penalties for organized racketeering and murders, prevention of transfer of property acquired by criminal activity on family members, and the establishment of a crown witness institute. Penalties for

proven organized crime activities should be stricter. It is necessary to punish co-workers of organized crime groups. High punishments should be for public officials who consciously co-operate with organized crime. Prosecution should mean suspension of public office employment until a competent end of a legal case. At the highest prosecution offices the specialized departments focused on organized crime problems must be strengthened. For organized crime cases there should be imposed specialized legal proceedings managed by judges with a higher qualification in this area, sufficiently protected against „outward“ influences and threats. It is fundamental to secure law retrievability.

In the field of economics there must be adopted such legal and administrative provisions to prevent merging individual persons, relations and interests between areas of politics and economics into others. Legal economics must be prevented from finances originated from criminal activity. Effective means of combatting organized crime is to siphon off illegal profits. Possibilities of property confiscation of convicted organized activity offenders should be simplified and present possibilities should be used more effectively in this area.

Abuse of migration and refugee policies should be prevented from penetrating foreigners involved in criminal activities in our territory. Namely it is necessary to infringe the influence of foreign structures of organized crime in the territory of the Czech Republic by new effective legal ways in all areas.

In respect of the fact that corruption is the main form of organized crime penetrating into the state administration, it is necessary to impose system changes in connection with the allocation both of public orders and public budgets.

In the framework of the Police of the Czech Republic it is necessary to secure optimal number and to improve material equipment in specialized police departments. In big cities it is necessary to improve camera systems and to establish DNA evidence. More use should be made of phone tapping as an effective tool to detect and document criminal activity committed in the framework of criminal conspiracy. Greater effectivity should lead to closer co-operation between individual departments of the Police of the Czech Republic, its participating in combatting organized crime, systematic co-operation on an international level, information systems interconnection, and the establishment of international teams.

An equally important provision relates to the work and relationships with the community. The community has to be informed that organized crime damages the whole society – it disturbs political, economic, and legal systems, it violates ethical standards, it can destroy everything people created by their own efforts. At the same time citizens in the democratic society have to be aware of not only rights but also responsibilities. School and family should warn about risks connected with pathological forms of lifestyle and offer possibilities of active use of leisure time. Mass media should inform the public not only about organized crime risks but also how it was possible to effectively act against it. At the same time it is necessary to look for mechanisms which can be used to prevent mass media abuse to misshaping or manipulating reality.

In recognition to the fact, that a significant feature of contemporary crime is its internationalization, it is possible to expect that the world of crime will use globalization processes in whose framework are inter-connected political conceptions, economic, financial and communication networks. It is easier to penetrate state borders, when information technologies are developed. For that reason we dealt in detail with problems of migration and foreigners' criminal activity.

**Illegal migration** has been understood as an illegal state border crossing without a valid passport or entrance or residence visa, or having a forged or changed travel documents. The travel documents can even be valid but the intention of either to settle in the territory of a given country contravening immigration and other legal rules of this country or to use it as a transit country for illegal crossing into another country.

In this respect the most serious security risk for the Czech Republic is a contingent of illegal migrants in the territory of our country. Most of this contingent is created by illegal migrants from the former Soviet Union countries. The Czech Republic is also a transit country. The threat comes out of the fact that most of the former states of the USSR are at present lacking well secured and strictly demarcated state borders. The territory of these countries is easily transited especially for Asian transit migrants.

In respect to illegal migrants it is possible to proclaim „single general pardon“ for illegals who did not commit any serious crime in the territory of the CR. For instance Italy, Poland, Portugal, etc. have recently decided to solve these problems by this procedure. Our neighbours, Germany and Austria whose migration policy the CR has to take in account have never yet in their history been solving the question of „illegals“ in this way. From the internal measures point of view it is necessary to strengthen preventive control by the Police of the CR, from the external measures point of view then to monitor migration situation in Ukraine where most of illegal migrants come from. In respect to the fact that migration from Ukraine is specially of economic nature it is necessary to observe developmental tendencies on Ukrainian labour market and in Russian Federation which is able to absorb a considerable part of migration potential in this region in favourable economic situations.

Apart from the contingent of illegal migrants, the other considerable migrants group from the former Soviet Union represents Russian speaking businessman – the majority of whom come from Ukraine and the Russian Federation. This group of migrants – businessman, often includes criminal offenders in the territory of the CR. Some characteristics of their criminal activities are being reproduced which typify the development and nature of contemporary crime in their mother country where massive increase of crime is accompanied by unprecedented redistribution of social wealth due to uncontrollable privatisation. According to experts' estimation 90 – 100% of Russian banking and 60 – 80% of other areas of business in Russia – are governed and controlled by domestic organized crime structures. Organized crime structures are closely connected to wide ranging corruption networks in Russia, they penetrate into the state administration, security sections, prosecutor's offices and they try to gain political “cover” and impunity for their unlawful activity. In Russia the number of serious crimes – motivated murders, grievous bodily injuries and robberies with violence grows. Apart from that, since the second half of the ninetieth of the last century there are 25 000 missing citizens every year. It is possible to assume that a number of them were most probably murdered. At the same time there is evidence that the police and state justice departments seek to conceal and deregister the growth of criminal activity. The most serious is a discovery of a fast growth of tolerance of the Russian public to corruption.

The third factor is that the organization of illegal migration by Ukrainian criminal groups has certainly become a profitable business. As a result of this fact “illegals” are often seen in a role of blackmailed and easily manipulated victims, so called ‘clients’ recruited from their own countrymen often connected to Russian speaking organized crime representatives operating in the territory of the CR. These “clients” are able to secure the entrance and activity of Ukrainian illegals on the attractive Czech market. Apart from that the client's structures in whose framework migrants work activities are

developing, they often appropriate unlawfully finances like tax collecting, social and health insurance payments, all of which should be an income to the state budget of the CR.

From the criminology point of view we understand **economic crime** as a criminal activity committed in a framework of abusing business systems in favour of offenders and that makes it risky for this system. **Financial crime** is a criminal activity directed against financial institutions /banks, investment funds, insurance companies, etc./ including criminal activity directed against state finances /tax system, etc./

Economic crime is undoubtedly falling behind its peak reached in the nineties, and cannot be repeated because transformation has already been finished. In our research we have concentrated on tenders and settlements problems because it is a long-term and quite risky matter for legal awareness in the CR.

Tenders certainly belong to the market economy – they are considered as a recovery provision. But in the Czech Republic due to the connection with an extremely bad legal modification of this phenomenon the bankruptcy proceedings became an opportunity for enrichment of individuals. The problem and the risk needs to be seen so that tenders give opportunity for legal power (one pillar of democracy) to be transparent when engaging in economic relations. In the case of absence of professional and moral values in legal power it leads to be undermining of the legal awareness. A number of tender conflicts and malpractices highlight the unpreparedness of judges, showing quite significant benevolence towards trustees in bankruptcy “selection”. Tender procedure gives a chance to dishonest trustees in bankruptcy cases to make a lot of money at the expense of creditors. There is a significant risk in it : it does not relate only to companies where creditors are businessmen, whose business risks belong to their business, but also to firms from the financial sector (firms of brokers, insurance companies, mortgage institutions) where creditors are individuals of the community and not in business. Experiences of solving bankruptcies in similar institutions show that a certain financial influence of the state could be required which would mean that all taxpayers became victims.

**The defence against this threat** can be effective only in adjusting of conditions preventing the use of dishonestly acquired property. Appeal to moral aspects, tightened selection of persons (in justice as well as trustees in bankruptcy), etc. are not very effective in the Czech Republic.

In the nearest future in the field of economic crime the most problematic area is connected with prepared health service reform where businessmen who had nothing in common with health service reform in the past, now direct here their activities. It is possible to expect due to a significant increase in finance coming into the health service that this area can be assaulted by criminal practices similar to privatization in the nineties.

**Terrorism** according to our understanding is using a purposeful organized violence against disinterested persons for the purpose of gaining political, criminal or other goals. Terrorism can be either political or criminal, we can also talk about psychopathological terrorism. Political terrorism involves four different forms: revolutionary (leftwing or rightwing); separatist; rightwing and religious.



Roots of terrorism are in existence of national entity which either is or feels to be humiliated by another national entity. The feeling of national humiliation can be strengthened by the feeling of religious humiliation. Another factor for dangerous situation development is either real or imaginary economic humiliation and the existence of self-appointed little group taking revenge on behalf of humiliated and oppressed crowds. Another factor appears to be a catalyst moving this crowd into action. The third factor of the development of terrorism is the situation where the decision to rectify some former historical injustice (which is not possible to blame on concrete persons), is taken by some higher power and is carried out at the expense of somebody.

No terrorist action, identified as when violence becomes a tool to reach certain political goals under certain conditions has not yet been noticed in the territory of the CR. We have not met yet any violent action or international terrorist's assault. Potential risk certainly exists : apart from political and economic integration of the CR directed towards European Union and NATO, and recently in relation to our interconnection of our foreign policy directed towards the US, the risk also relates to pre-velvet revolution regime contacts with the Near and Middle East.

Considering above mentioned risk factors we can say that no ethnic group creates a considerable community in our territory. The biggest groups are from former socialistic countries including Vietnam and former USSR countries. They can influence organized crime (Russian speaking "mafias") or economic crime (marketers, specially from Vietnamese nationals), but should not influence terrorism. The Czech Republic is nationally homogeneous country (Czech-Moravian-Silesian nationalities include approx. 94% of the inhabitants). Concerning the degree of poverty in the country, the existing social network (at present in connection with quite limited public finances reform) slows down massive decline of households into poverty. The social problem – in longer perspective - could be a class of unemployed who are children of unemployed therefore a generation of unemployed who would lose their work habits entirely and who would be opened to extreme solutions.

Terrorism is a threat for the CR namely in connection with foreign subjects operating in the territory of the CR, who are selected and proclaimed goals from the side of terrorists. They are specially USA and Israel for their political and religious opinions. Even abroad the CR institutions are threatened where according to their possibilities support international political, economic and military measures for risks elimination specially in the Arab world and in Balkans. Further threats are connected with the danger of local conflicts transfer (Turkey, Egypt) abroad.

The forms of terrorism threatening the CR to be taken into consideration are firstly information terrorism when a certain militant group is able to get inside important computer military or police networks and at least partly limit their operation. The other form is media terrorism which is able to blackmail governments of some countries by too much attention of mass-media to civil victims of terrorists' retaliation attacks, for the third it is armed terrorism using new generation intelligent weapons which are not too big and too expensive but can cause great damage, as controlled guided missiles, weapons of mass destruction, radiation material, chemical or biological weapons (lethal bacteria and viruses), the forth form is the psychopathic terrorism without any political demands.

In the CR there are manifestations of **extremism** which can get close to right-wing terrorism : open racism manifestations or civilizational threats (the feeling of threats by Islamic fundamentalists can turn into attacks on Arabs and coloured people where race does not play any essential role).

**Defence possibilities against terrorism risks** are complicated. It is not possible due to several psychopathic individuals (suicide certainly belongs to psychopathic expressions) to bomb

other national representatives official residences or to kill representatives of other nations extreme groups and so further multiply the violence. It is not possible to defeat terrorism by bombing territory of the state where these several groups operate. These actions can easily provoke a feeling that there is a war of the West against religion and by that these groups gain prestige, reputation and authority. Most probably the most feasible way is to infiltrate into these groups, target and liquidate their leaders. Similarly problematic is a total blockade of the territory (apart from humanitarian aid of food, water and medicaments) so, that this territory could not be supplied by weapons, chemicals, dangerous material including fissionable equipment, machinery etc.

For the Czech Republic the only real way of defence against terrorism risks is to participate in international structures both political and defensive (and espionage, of course). Another option should be the Czech active participation on international platform which would (in the above mentioned sense) eliminate the feeling of national, ethnic and religion humiliation.

Serious forms of **corruption** disturb existing economic background in a sense of inappropriate providing of economic advantages. Mostly it is present at so called state public tenders. The state still seems to be the most reliable client and in the given territory even the greatest customer. Above all the state provides all kinds of different guarantees for export and it also grants licences for export, relating mainly to military materials. The existence of transparent and equal economic background for individual market subjects is inevitable.

**Political corruption** which indisputably existed in the nineties is declining and was changed to lobbying. The members of parliament try to gain advantages for their regions, enterprises they are connected to.

Corruption is undoubtedly **economic corruption**. It relates namely to grants granting system, subventions and state orders. Sale contracts (or other similar contracts) in this area always include a buyer and a seller. They both have a number of opportunities to corrupt the process in any part of the agreement. It is either arranged that a contract to state order was granted to the required party on the basis of direct negotiation without any competition, or public competition or advertising is known to only a limited number of people and a selected applicant is informed directly; so competition can be limited by creating of incorrect and unnecessary criteria for the preliminary qualification. The most serious and most extended corruption can take place after the contract conclusion which means that during the process the buyer can purposely ignore all regulations concerning quality standards, quantity or other standards defined by contract; and can take away delivered goods for repeated sale purposes and can require other 'perks' for example, trips, tuition fees for children, presents etc.

There are various **tools and measures to be used against corruption practice cases**. They relate mainly to the law of conflict of interests, publicising of tenders results and similar business competitions, direct debits, property declarations of interest of elected representatives and state administrators of all levels (namely with the authority to decide), property declarations by family members of the above mentioned categories, and the establishing of different anti-corruption measures.

Governmental orders should be economical: the goal should be the highest quality, or amount for a given price or the lowest price for a good quality of goods and services. The decision to award contracts should be fair and objective : public funds should not be used to provide advantages, standards and specifications must not be discriminating, suppliers should be selected on basis of their

qualifications and on advantages of their offers; terms of offers deserve the same attention, confidentiality of information, etc. The whole process should be transparent – requirements, rules and decision criteria should be easily accessible to all potential suppliers, by informing through public competition announcements. They should be announced publicly and all decisions should be recorded.

The starting point should be strengthening of **legal framework**, starting by the change of anticorruption law so that it would provide real authority and effective sanctions. Another legal demand is a reasonable and consistent framework specifying basic principles and procedures which have to be kept when orders are being granted. The best way is to accept more detailed rules and regulations for state orders conclusions. Apart from the legal framework another possible defence against corruption is the system of open transparent procedures and ways of regulating the order process.

The significant part of the analysis concerning the threat to society by serious forms of criminal activity and concerning the defence against these threats were **institutions as victims of serious criminal activity** problems. Institutions in a widest sense can refer to organizations (profit and non profit organizations) providing their activity for the public or at the public having a character of legal person. They can also be professional groups or civic societies. Institutions of their kind are legal social structures, (government as a whole and individual ministries), municipal representations (county, town and local authorities), political parties and by their mediation institutions representing democracy (parliament and senate), courts and other bodies of criminal procedure (police, state prosecutions, legal chamber), public institutions. In special cases it is possible to weight up other institutions, as sport clubs and associations, trade unions, professional associations, public interest associations, non-profitable organizations developing socially profitable activities, etc.

For the institutions to be regarded as victims of serious criminal activity the damage extends to a wider circle or higher level of involvement. For example reality of a branch bank robbery or 'tunneling' of a branch bank represents security threat not only to the bank itself and its system but also to its clients. Damage of institutions by serious criminal activity can be direct (damage caused on property or to the continued functioning of the institution, etc.) or it could result in the loss of confidence in the institution, and the disintegration of its structures, resulting in its downfall. Institutions are damaged by tolerating criminal tendencies in their legal structures. The main threat is an attack into other segments of society and bringing about social insecurity and lawlessness by extending illegal activities.

Effective **defence against these threats** is possible to establish by eliminating and preventing realization of three typical factors influencing criminal acts connected with institution attack from the inside, by firstly opportunity, secondly by motive and thirdly by rationalization. A defence barrier does not provide opportunity, it builds a healthy motivation, and clearly defines demaging activities. The use of complicated data analysis is able to identify illegal transactions, for example the transferring and legalization of addressed funds or the earnings from criminal activities, out of a great number of transactions.

An essential part of serious criminal activity defence is based on **utilization of legal tools** available. In the research we have summarized rules concerning all monitored areas including actual international patterns.

**Globalization and migration** problems in the Czech Republic are influenced by a number of other legal regulations apart from the law number 325/1999 of Criminal Code on asylum and the law number 326/1999 of Criminal Code on foreigners temporary residence. These standards either directly

regulate certain specific migration aspects or directly or indirectly determine wider economic and social conditions of foreigners' life conditions in the territory of the CR. The first category of laws relates to foreigners' entrance conditions on the Czech labour market, the other is on eg. health insurance, social allowance and care or the law concerning gaining and losing state citizenship.

The law number 1/1991 of Criminal Code concerning employment is also essential. Apart from intrastate legal regulations is the area of labour migration modified even by international treaties modifying social insurance and employment area and also multilateral treaties of human rights area, migrants conditions and social rights the Czech Republic is obliged to offer.

Visa policy problems are modified by Regulation of the Committee (ES) number 539/2001. The Czech Republic strategy was defined in main features by the CR Positional document to the chapter 24 on "Co-operation in the Area of Justice and Inner Affairs – Schengen Acquis" and further developed by the Czech Republic government Resolution from July 25, 2001 number 768/D and the CR government Resolution from November 7, 2001 number 1167D.

International document in **combating terrorism** is an International Convention on suppressing terrorism financing concluded in the United Nations territory (2000). This Convention introduces new facts of the case of financing terrorism. Nine multilateral treaties concluded as Measures combating terrorism are part of this convention. Relating to the European measures against terrorism they are adopted on the ground of Council of Europe as well as European Union. Out of regional conventions focused on combating terrorism the most significant for the Czech Republic is European Convention on suppressing terrorism (1977) accepted by the Council of Europe. Significant provisions in combating terrorism are Directions of United Nations Ministers' Committee on Human Rights and Combating Terrorism. Out of court provision against financing terrorism is the law number 98/2000 of Criminal Code concerning international sanctions to international peace and security maintenance implementation and the law number 48/2000 of Criminal Code concerning provision in relation to Afghan movement 'Taliban'.

The most significant international documents **against corruption** are documents of UN and Council of Europe. United Nations organization adopted Convention against corruption, Council of Europe adopted Criminal-law convention on corruption. Other significant international documents are the Convention OECD against international public representatives bribery in international business transactions. Our Criminal Code comprehends corruption in chapter 3, section 3 which is called bribery. It concerns 5 regulations : the first regulation comprehends accepting bribes, the second one comprehends offering a bribe, the third regulation criminalizes indirect bribery. The fourth regulation defines bribery and presents who is considered as public representative. The last regulation relates to effective regret. There are two international criminal law conventions concerning corruption : Convention on combating offering bribes to foreign public representatives in international business transactions and Criminal-law convention against corruption.

In the field of **organized crime** there were adopted several international instruments. The Czech Republic signed and ratified UN Convention against illegal business with narcotics (1988), Convention on laundering, searching, holding up and confiscation of crime profits (1990), UN action plan in combating organized crime (1998), Council of Europe convention on laundering, searching, holding up and crime profits confiscation (1995). There are three Statements as supplementary international legal instruments to UN Convention against trans-national organized crime : Statement against trafficking in people, particularly in women and children, Statement against immigrants smuggling, Statement against illegal gun production and trading.

In the field of **economic crime** we focused on financial crime research as illegal operations on financial and capital market with specific concentration on public budget attacks, further we concentrated on the Czech criminal-law modification analysis of economic criminal activity including description of economic interests securing the state by criminal law and finally on international regulations and recommendations outline processing or other recourses concerning economic – financial crime (United Nations Directions and Recommendations, recourses of UN and European Union or other international organizations whose activity is concentrated on combating economic and financial crime).

Some of the European Union, Council of Europe and United Nations authorities significant documents concentrated on criminal-law protection of economy, combating economic crime and problems connected to economy are following: EU Convention concerning European Union financial interests protection, EU Council Framework decision on fraud and transfer payments forgery combat, EU Council Framework decision on environment preservation money laundering, identification, tracing, freezing, detention and confiscation of criminal activities profits, Convention on laundering, searching, detention and confiscation of crime profits (1990).

Our conclusion on our research basis considers as necessary not only criminal-law but also non-judicial legal modification in this area. It showed up that penal code amendments responded to actual changes caused by economic crime dynamics. Another factor of effective combating these criminal activities is the definite need of professional knowledge of economic climates, it is also necessary to improve specialization and professional knowledge of bodies involved in criminal proceedings. From the criminal proceedings point of view the prosecuted cases analysis showed the significant role of court-appointed experts who play a crucial role even in complicated economic crime cases who are qualified and responsible to decide whether these cases can at all be qualified as criminal activity. The difficulty in this area is possible to see in frequent carelessness and inconsistency of firms in employing persons and insufficient control in a number of institutions and organizations which enables dissemination of these activities. Also the possibility of limited companies to establish new companies without clearing previous company obligations is incorrect.

It was generally confirmed that a violation of non-criminal regulations modifying economic life rules is relatively frequent and at the same time not sufficiently controlled and sanctioned and it is necessary to stimulate further effort in combating economic crime not only on national level but also to more efficient recourse on international level.

In respect of the expectation that organized crime in the territory of the Czech Republic will continue to be effective and that it will be changing together with living conditions it will be essential **in future years** to give our attention to research in this area. The main goal of the further research will be theoretical analysis, conceptual and clear definition, typical features determination, finding of organized crime origins and dissemination causes, tracing of development trends concerning organized criminal groups character and prevalence of illegal activities' forms in the Czech Republic territory, the analysis of organized crime activities in contemporary society including effects these activities have, and the prediction of main quantitative and qualitative changes and possible further development.

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