

Introduction

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Welcome to a new edition of the CIROC Newsletter from the Netherlands! As usual, a lot is happening in our country in the area of the study of organized crime in its various forms and manifestations, as you will read in a number of contributions to this issue. Among the more significant consequences of the 2007 enlargement of the European Union has been the influx of criminal organized crime groups from East and Central Europe, as shown in a contribution on mobile banditry in the Netherlands. The subject of human trafficking for the illegal trade in body parts has also become a current priority in Dutch research. A new edition of the Organized Crime Monitor was recently published and a summary of its main findings is presented below. Last but not least, you will be updated on the situation of the Dutch coffee shop policy, with a detailed analysis of a specific case.

In 2012-2013, actual as well as proposed changes in the Dutch prostitution and drug policies have led to some rather dramatic developments in the Netherlands. The considerations of politicians and other moral entrepreneurs to close down brothels and coffee shops and the introduction of new laws and regulations are bound to have an impact on the Netherlands' image of tolerance and liberalism and may lead to negative consequences with regard to opportunities for organized crime. Many Dutch criminologists are curious as well as concerned about these developments. In this edition of the CIROC Newsletter we introduce a new feature called 'Opinion', a place for criminologists to voice their opinion on current affairs. Hopefully some of these opinions will be controversial and we welcome responses, especially from our international readers.

This Newsletter also contains a listing of new publications in English by Dutch organized crime experts, as well as a list of upcoming CIROC events.

Analysis

Mobile banditry in the Netherlands

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In the 2000s the police in the Netherlands have been confronted with itinerant East-European gangs who commit various types of crimes against property. Although the phenomenon mobile banditry has existed for centuries, in recent years great concern has risen about the increase in the number of gangs from East and Central Europe.

Members of the Dutch Parliament had already raised questions in 2005-2006 about the approach to these internationally operating groups of criminals (Second Chamber, 2005/2006, Parliamentary questions and answers, no. 202). Shopkeepers, probably the largest group of potential victims of these gangs, are concerned because violence is used. Theft from supermarkets and cosmetic and electronic shops, home burglaries, car theft, fraud, skimming and pickpocketing are currently being more frequently ascribed to the so-called 'CEE nationals' (Central and Eastern Europeans).

The damage caused by these criminal activities amounts to an estimated cost of about 250 million euros annually (Parliamentary proceedings, 2009-2010, 28648, no. 273). In other European Union countries there is also concern about this form of criminality.

In 2012-2013, mobile banditry was elevated to a priority, also in

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the context of 'criminality by CEE nationals'. After the expansion of the EU in 2004, with the large onrush of primarily Polish economic migrants, the migrants from the East acquired a new name: the 'Poles'. This concept acquired political overtones when a hotline about Poles was initiated by the PVV (Party for Freedom), where citizens were invited to notify it with complaints about troublesome behaviour and criminality committed by CEE nationals. The concept of CEE nationals remains a vague category. Shopkeepers and the police find it difficult to determine whether Poles, Romanians or Georgian criminals are involved on the basis of their appearance or use of language. The use of false passports makes the case even more complicated.

The recent study conducted by criminologists from the Utrecht University focused on four Central and East European countries (Lithuania, Poland, Bulgaria and Romania) because these four countries predominate in the police figures in the Netherlands.

The expansion of the European Union, the disappearance of the borders between West and East Europe and the presence of East European workers are the most important factors which facilitate the activities of these criminal groups and make it difficult to deal with them.

In the 2000s mobile banditry in the Netherlands was associated with CEE gangs consisting of relatively young people (20-30 years) who undertook very concrete preparations in advance for stealing goods with specific brands and visiting specific shops. They usually took the booty back with them to the country of origin, where the stolen goods were sold on the black market or in shops. The size of the gangs varied from 3 to 25 people.

The recent research went a step further than describing the mobile gangs: we were more interested in the socio-economic and cultural background of the offenders, as well as in the organisation and structure of criminal groups.

The media often plays an active role in drawing attention to criminal phenomena and in this way can facilitate the emergence of a 'public problem'. The image is emerging of fast, violent, well-prepared, professional criminals who can break into cars and homes and commit shoplifting in no time. The criminals would not seem to be frightened of prison sentences nor do they recoil from using violence. There are also criminal Roma families coming to the Netherlands who encourage their children to pickpocket. Open borders and no checks provide these mobile bandits with limitless opportunities.

One of the prevalent approaches to the phenomenon mentioned in similar studies (in Belgium) is the *situational prevention model* by Clarke (1999), which consists of elements which can be useful in the approach to and prevention of mobile banditry: reducing the opportunities for

committing crime, install in criminals other ideas about the chance of being caught and making committing crimes more difficult, risky and less worthwhile. In his theory about 'situational crime prevention' Clarke (1999) introduces sixteen 'opportunity-reducing techniques' to prevent certain forms of criminality. When it comes to mobile banditry it is primarily the flexibility and speed with which goods are taken which are striking.

In the present research, however, other approaches are also used; insights from cultural and critical criminology, but also from historical studies, are applied as well. It is important to consult the research in the 'commissioning' countries. In East Europe it has been known for years that some branches are dominated by criminals: the trade in cars and car parts, metals and minerals, oil, flowers, electronics, jewellery and textiles (Siegel, 2005; Siegel, 2011). Phenomena such as the 'oil mafia' or the 'diamond mafia' were able to emerge thanks to the shadow economy of East and Central Europe, within which groups of new business people control complete sectors. Another activity concerns *peragon*, the transportation of stolen cars from West Europe to Poland, the Baltic States, Russia and Kazakhstan. Garage work and the trade in components, navigation systems and audio equipment were to a great extent dominated by criminal groups in the mid-2000s (Siegel, 2005).

The latest research on mobile banditry in the Netherlands

The main value of this research concerns the central 'why question'. Besides the provision of descriptive data about the modus operandi, routes, targets and priorities of the perpetrators, our primary goal is to acquire an answer to the question of why the perpetrators deliberately come to the Netherlands and why the Netherlands is attractive for these itinerant gangs. The other question is: why now? From a historical perspective the 'golden time' for post-socialist criminals (the '90s with its economic chaos and political instability) has already come to an end. Are the criminal organisations expanding their markets to West Europe and if so, is this expansion being facilitated by the expansion of the European Union? In other words, this research is also intended to provide explanations and to analyse the historical, political, economic and cultural backgrounds of the phenomenon 'itinerant criminal gangs'. We do this from three theoretical perspectives: 1) the historical comparison and the lessons learned from comparable situations in the past and the inevitable negative effects of globalisation; 2) the power of attraction of the West in general and of the Netherlands in particular; 3) the gulf between the rich and poor and between West and East Europe.

In November 2013, the report will be published in Dutch and the book in English.

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Human trafficking for the purpose of organ removal

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Introduction

Over the past two decades, human organ transplantation has become a standard medical procedure, prolonging life for people with failing hearts, kidneys, livers and lungs (Rothman, 2002). Due to medical technological innovations, the demand for organs has increased dramatically and organs supplied by donations have not been able to meet the demand (Cho et al., 2009). Tens of thousands of people are currently on national waiting lists in Western Europe and the United States (Bilgil, 2011). The discrepancy between the demand for and the supply of organs has generated a highly profitable black market (United Nations, 2006).

The massive global search for possible organ donors has led to human trafficking for the purpose of organ removal, hereafter 'organ trafficking' (Scheper-Hughes, 2000; Cho et al., 2009). The World Health Organization expects that approximately 10 percent of all transplants worldwide are performed illegally; this equals 10,000 operations every year (Campbell & Davison, 2012). Global Financial Integrity estimates that the organ trade generates illegal profits between US\$600 million and \$1.2 billion per year (Haken, 2011).

Organ trafficking involves various actors, including brokers, transplant professionals, medical staff, hospitals and government officials (Scheper-Hughes, 2000; United Nations, 2006). Due to the extremely complex nature of this business, organ trafficking is said to require globally active and highly organized networks (Bilgil, 2011; Scheper-Hughes, 2011). However, the small number of published studies related to this topic have failed to go into the degree of organization and methods of these networks. In order to raise awareness and increase knowledge, the study discussed here will examine the nature of organ trafficking and the structure and methods of the networks involved – worldwide and specifically in relation to the Netherlands. This study is funded and supported by the Central Division of the National Police of the Netherlands.

Case studies

In order to investigate the structure and methods of organ trafficking networks, this study includes at least six case studies: extensive international police investigations that have taken place in Greece, Romania, Kosovo, Israel, South Africa and the United States. The cases in Kosovo, Israel and South Africa will be studied within the international scientific project 'Combating trafficking in persons for the purpose of organ removal', led by the Erasmus MC University Medical Center Rotterdam. Data will be collected through literature research, desk research and in-depth interviews with investigating officers, prosecutors, lawyers, accused, victims, witnesses and others involved, based upon standard questionnaires. Three of the case studies will be summarized below.

In December 2003, the South African police uncovered an Israeli-led international organ trafficking network, which arranged at least 109 illegal transplants performed in South Africa. The brokers generally set a fee of US\$100,000 to \$120,000 for their Israeli patients. Israeli 'donors' were initially paid up to \$20,000 per kidney, until the brokers discovered that poor Romanians and Brazilians were willing to accept as little as \$3,000 (Allain, 2011; Scheper-Hughes, 2011). In 2013, the trial is still ongoing.

In October 2011, a 60-year-old man pleaded guilty in federal court to three counts of acquiring, brokering and transferring organs for 'valuable consideration' in the first prosecution of organ trafficking that occurred in the United States. He confessed to have been brokering the sale of organs for 10 years and to have arranged 'quite a lot' of transplants in United State hospitals. Through his extensive network he mostly recruited local recipients who paid him up to US\$160,000 for a kidney, acquired from foreign suppliers for \$10,000 each. He was sentenced to 2.5 years in prison (Scheper-Hughes, 2011).

In April 2013, five Kosovars were convicted for participating in an organ trafficking network. Between 20 and 30 impoverished individuals from Russia, Moldova and Turkey had been trafficked into Kosovo with false promises of up to US\$26,000 in exchange for their kidneys, which were subsequently transplanted into foreign patients who paid as much

as \$130,000. The network was led by a highly regarded surgeon and professor at the Pristina University Hospital, and also charged was an official in Kosovo's Health Ministry (Bilefski, 2013).

The Netherlands

Organ trade is illegal in all countries, except for Iran. In the Netherlands, human trafficking for the purpose of organ removal is a criminal offence under article 273f Penal Law since 2005. To date, cases of organ trafficking are hardly known. The Dutch National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children reported five possible cases since 2006, and emphasizes that, partly due to the globalization of society and the internet, a market in organs seems to be emerging (Nationaal Rapporteur Mensenhandel, 2012). The current study will show that the Netherlands dealt with at least 20 possible cases of organ trafficking since 2005; some of them directly related to organized crime groups.

Conclusion

Organ trafficking is a relatively unexplored area in criminology, allegedly thriving because global asymmetries are activating its criminological potential. By analyzing organ trafficking cases worldwide, this study will contribute to a fuller understanding of the characteristics of organ trafficking and organized crime – thereby making use of existing criminological theories, most importantly the theory of neutralization. Moreover, by describing the signals of organ trafficking that emerged in the Netherlands, this study will acquire more knowledge on the position of the Netherlands with regard to the international organ trade. Finally, the fuller understanding of organ trafficking will result in the formulation of indicators and recommendations to recognize and combat organ trafficking more effectively.

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Organized Crime Monitor

Edwin Kruisbergen (WODC/Ministry of Security and Justice), Edward Kleemans (VU University Amsterdam) and Henk van de Bunt (Erasmus University Rotterdam)

In March 2013 the fourth report of the Organized Crime Monitor was published (an English summary of this report can be downloaded at <http://english.wodc.nl>). The purpose of the Organized Crime Monitor is to gain insight into the nature of organized crime in the Netherlands. The main data sources are files of closed Dutch police investigations of criminal groups. Since 1996 up to now, we collected a wide cross-section of 150 cases about various forms of organized crime: several types of drug cases (cocaine, heroin, cannabis, and synthetic drugs), human smuggling, human trafficking, fraud and money laundering, illegal arms trading, stolen cars trading, and extortion. By using investigation methods such as wire tapping, bugging, observation, and undercover policing, these police files offer a unique insight into the nature of the phenomenon of organized crime. These insights are systematically recorded and analysed.

The fourth report covers a range of topics: the role played by violence, the connection with the licit environment, the harm arising from organized crime, and the earning, distribution and spending of criminal income. In this article, we highlight the key findings on several of these topics.

The role played by violence

In numerous definitions of organized crime, the use of violence, or at least the threat of violence, is mentioned as one of the elements of organized crime. However, there is no consensus among criminologists regarding the actual relationship between organized crime and violence. According to one interpretation, although many conflicts may arise, the use of violence is a 'costly asset'. After all, by using violence the offenders draw the attention of the law to themselves. In addition, violent behaviour might provoke acts of revenge and it can harm cooperation. Based on these considerations, the association between organized crime and violence is supposed to be erroneous.

Whoever reads through all 150 cases will be forced to draw another conclusion. In about half the cases, physical violence was used or a threat of (serious) violence was uttered. Both the frequency of expressions of violence and their seriousness varied widely. The majority of the violence focused on a relatively small circle of people: accomplices, illegal business partners, direct victims (victims of human trafficking or extortion, for example), and to a much lesser extent on innocent citizens, legal business partners or service providers and police and judicial functionaries.

Investing criminal earnings

A luxurious spending pattern – as displayed by many offenders – does not appear to be incompatible with making investments. In several cases, offenders spend money on expensive cars, watches, jewels and so on, but at the same time they make investments. In part they invest in the continuation of criminal activities. It seems that investments in criminal activities are primarily financed individually. In general, criminal collaborations do not seem to have collective 'business reserves' or a collective kitty, while both investments and profits are individualized.

Besides investing in criminal activities, offenders may invest in the licit economy. Offenders usually stay close to home with their investments. The distance between the offender and his investment is often small, literally as well as figuratively. Investments are made in an environment familiar to the offender and/or functional to the criminal process.

Most offenders invest in their home country, i.e. the country they live in or their country of origin. To conceal the relationship between him and his investment an offender, however, might make use of foreign, fiscally and legally protected jurisdictions ('tax havens'). Furthermore, offenders invest in goods or sectors they are familiar with in their everyday lives. A frequently occurring investment is in real estate. This often involves a house in which the offender lives, but in a number of cases the investments are more large-scale. 'Proximity' also applies when investments in companies are concerned. Offenders often invest in catering businesses and other (small) shops and services. In many cases the

companies are used for criminal purposes (besides legitimate economic purposes). They may serve three different kind of goals: logistic support, that is, storage, transport or a meeting place; laundering money; and legitimization and concealment, such as the provision of cargo as cover for a drug transport..

Money laundering

The fourth report of the Organized Crime Monitor maps out the different techniques of money laundering that were used in the cases we studied. We have encountered many of the 'classical' techniques, such as loan back, and making up or increasing income from employment or returns of a company. In the literature, laundering money is frequently presented as a process consisting of sophisticated and complex constructions. Yet, an offender can apply a simple and quite direct method to 'safely' use income from crime, too: concealed consumption, a method which has been given little attention in the literature so far. In the case material, we have found examples of facilitators that enable offenders to use vehicles or homes without any risk of these goods being traced back to them. These seemingly licit businesses operate in a criminal niche and provide services that are very useful to offenders in organized crime.

Dispossession of criminal earnings

Finally, for 102 convicted offenders from the first three data sweeps of the Organized Crime Monitor, we have analysed how both the court procedures and the execution of dispossession claims have been developing. The total amount of dispossession claims brought against the 102 convicted offenders by Public Prosecutors was € 62,440,188. The court, however, only imposed € 46,353,192 in verdicts. After the appeals lodged to a higher court, only € 30,471,637 of this amount remained (including the claims that were not taken to a higher court). When the Supreme Court had ruled in 34 cases as well, the total of irrevocable dispossession claims amounted to € 27,463,899. In large part, the reasons why an irrevocable claim turns out lower than the amount claimed for dispossession by the Public Prosecutor can be classified into three categories: 1) the court arrives at a lower total sum of criminal earnings, for instance because it includes fewer drug transports in its calculation than the Public Prosecutor has done; 2) the court decides that an exceeding has occurred of the 'reasonable period of time' within which the dispossession case should have been concluded, which is in violation with article 6 of the European Convention on Human Rights (ECHR), which in turn often results in a reduction of the amount claimed; or 3) the court estimates the payment capacity of the convicted offender to be lower.

Of the € 27,463,899 that was irrevocably claimed of the 102 convicted offenders, 34% has actually been paid at the moment we retrieved the data. Lower claims have been paid to a greater extent than higher claims.

Conclusions

The concluding chapter offers a synthesis of the main research findings of the Organized Crime Monitor. It looks into the social embeddedness of organized crime, among other things. Furthermore, several policy implications are discussed. These implications relate to the situational approach, the financial approach, and the criminal justice approach to organized crime.

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The rise and fall of coffee shop Checkpoint in Terneuzen

Arnt Mein (Verwey-Jonker Institute) and Marianne van Ooyen-Houben (WODC, Ministry of Security and Justice)

Introduction

In June 2007, the police raided the coffee shop Checkpoint in Terneuzen. The coffee shop's owner/operator and his employees were suspected of having violated the conditions for tolerating a coffee shop, in particular the conditions with regard to the available amount of soft drugs in stock (500 gr. max) and sales to foreigners. When the police searched the shop and a number of other buildings, well over 96 kilos of soft drugs were confiscated. During a later search of the coffee shop and several other premises in May 2008, the police confiscated another batch of soft drugs of more than 130 kilos.

The established violations caused the mayor of Terneuzen to close the coffee shop for six months (in July 2008), in accordance with the municipality's policy of tolerance, only to withdraw the shop's exemption licence later on (in December 2008). This action marked the end of a renowned coffee shop, one of the largest in Europe.

What made this coffee shop special was that it was run in a professional way, which made it seem like a regular enterprise. Within the shop, there was a clear division of tasks (purchase, transportation and provisioning, storage and refinement, and sales); the cannabis was of good quality; an effort was made to keep the nuisance within limits; and the shop's owner regularly consulted with the municipality and other bodies such as the tax authorities. The coffee shop appeared to be socially accepted in Terneuzen; the municipality considered Checkpoint a model coffee shop, where it took foreign guests to show them around. The employees, too, saw the coffee shop as a regular enterprise and were proud of their job.

Questions arising from the coffee shop's growth and flourishing

Eventually, the raid resulted in the conviction of the owner and employees by the Middelburg court. Yet, the close involvement of the local authorities in the coffee shop's growth and flourishing gave the court cause to moderate the sentences to be imposed (The court even declared the Public Prosecution Service's appeal to be inadmissible, in view of the role played by the municipality and Public Prosecution Service. The Supreme Court, however, has reversed this judgement). The municipality and the Public Prosecution Service were assumed to have insufficiently checked the growth of the coffee shop and, worse still, to have contributed to its growth, as the court stated.

The court's verdict resulted in an investigation of the question how it had been possible that the coffee shop slowly but surely exceeded the boundaries of the local policy of tolerance. Which mechanisms and dynamics played a role in this process? What part did the municipality and the Public Prosecution Service take in this?

Brief retrospective

To gain a good understanding of the coffee shop's development, we need to go back to the beginning of the 1990s, when Terneuzen had to contend with a considerable illegal drug trade and drug-related nuisance. The local population and the authorities regarded this nuisance as very problematic. They saw a solution in the introduction of a policy of tolerance with regard to the trade in soft drugs and a tough approach to the trade in hard drugs. In the context of this local policy of tolerance, two coffee shops survived: Miami and Checkpoint. The policy seemed to be working: a period of relative peace began, much to the contentment of the local authorities and the people living in the neighbourhood.

With the passage of time, however, the situation around the Checkpoint coffee shop became more and more difficult. The shop developed into a professional and successful enterprise. It attracted thousands of visitors daily, the majority of which came from Belgium and France. This stream of visitors resulted in serious nuisances for the local population. In addition, the police and the Public Prosecution Service grew suspicious of the large amounts of soft drugs that were trucked in and sold every day. They saw the coffee shop as a criminal organization. In short: the solution for the old problem had turned into a new problem.

In vain, the municipality tried different ways to contain the nuisance, for instance by installing signposting, building parking lots and setting

up additional supervision. Finally, it felt forced to relocate the coffee shop outside the municipality, in borderland. They did not get that far, however, because the coffee shop was made to close its doors in 2008. After the shop was closed, peace in large measure returned to Terneuzen, also thanks to additional police supervision. Because of the new situation, among other things, the municipality has adapted its coffee shop policy: the emphasis has now shifted to the sale of small amounts for the local market.

The opportunity-fostering factors

The study has brought to the fore two factors that played a role in the excessive growth of the coffee shop: the attitude of the coffee shop's owner and permanent staff members and that of the local authorities. Yet, these factors should be considered as part of a changing perception and appreciation of the trade in and use of soft drugs, also taking into account the differences in the drug policies of the Netherlands and Belgium.

The coffee shop

The coffee shop's owner and permanent staff members constituted a relatively closed, in large part family-based and well-organized cooperative. They all saw themselves as ordinary entrepreneurs and were actually given the opportunity to feel this way by the practised policy of tolerance. They consciously aimed for growth and profit maximalization, as entrepreneurs usually are in the habit of doing. They had set up a professional organization (well-organized logistics, a suitable premise at a good location, good quality soft drugs) that was a regular commercial enterprise in almost all respects. This applied at least to the 'front door'. At the 'back door', they had set up a large-scale (and, inevitably, illegal) supply to make the aforementioned growth possible. In doing so, however, the people involved deliberately exceeded the legal boundaries and tried to hide this as well.

For this, the owner and staff of the coffee shop could profit from the monopoly position they had obtained in the region, thanks to the policy of tolerance (after all, the second coffee shop did not play a role of any significance). They seemed to justify their behaviour by referring to their good intentions and entrepreneurship (the sale of good quality soft drugs); they could actually legitimize it through their embeddedness in the local policy of tolerance and the open contact with the local authorities and other governmental organizations.

The local authorities

As part of its policy of tolerance, the municipality issued a tolerance order to coffee shop Checkpoint. In doing so, the municipality more or less got stuck with the coffee shop. When the coffee shop had to make way for the urban renewal project Arsenal, the municipality felt forced, in view of its policy of tolerance, to cooperate actively in the search for an alternative location in the town centre. After a short stay in a temporary building, the coffee shop was eventually re-established at a new location that proved to be good for robust further growth. The new location was a prominent one, easily accessible and with ample parking space. In this way, a situation had come about in which the municipality had (unintentionally) facilitated the coffee shop's growth.

The local policy of tolerance had in part been inspired by the desire to curb the illegal drug trade from the past and the nuisance that used to accompany it. In this respect, it fit in with the national policy. Yet, the fear, in itself understandable, that this nuisance might return did determine the municipality's room for manoeuvre in pursuing this policy. When the situation got past bearing, so to speak, the municipality sought the solution of the problem chiefly in controlling the nuisance, not in driving back the supply. The fact that the municipality had limited (legal) means at its disposal to contain the stream of foreign visitors, as insight would have it back then, also played a role. For this reason, the municipality felt forced to facilitate the streams of visitors as best it could. In this context, it created parking facilities and put up road signs. This gave rise to the unfortunate image of the municipality being subservient to the coffee shop.

Thus, the municipality consciously refrained from intervention. The regular supervision of the observance of the conditions for tolerance by the police was no more than a formality and could not be anything more than that, in view of the legal possibilities for such supervision. For

this reason, the coffee shop did not receive any signals that it could not continue in this way. Although the other partners in the three-way consultation did problematize the situation in their meetings, they gave no signals to the coffee shop, either. This is how, in a sense, the local authorities legitimized the (growth of) the coffee shop.

With hindsight, in pursuing its policy of tolerance, the municipality has let itself get too limited by the fear of a return of the illegal drug trade and nuisance. That fear proved unjustified: after the closure, the dreaded illegality and nuisance largely failed to occur, also thanks to intensive police supervision during the period immediately after the closure.

A changing perception of the trade in and use of soft drugs

The Checkpoint coffee shop opened its doors in a time when many tolerated coffee shops came into existence in response to local drug-related problems. In this respect, Terneuzen joined in a national trend. Yet, during the shop's existence, the national policy regarding coffee shops has been made stricter. One of the reasons was that coffee shops caused increased nuisance and crime, which decreased the tolerance for them. More in general, the tolerance in society for nuisance and unsafety decreased as well. After a number of years of stability and peace, the situation in Terneuzen also grew increasingly problematic. The closure of Checkpoint in 2008 seemed to fit in with this national trend, just as its opening did.

Side effects of the Dutch soft drugs policy

The case of the Checkpoint coffee shop shows the perverse effects the soft drugs policy may generate. The system of issuing licenses to a limited number of coffee shops can, under certain circumstances, result in a professional and very lucrative soft drugs enterprise that is difficult to control. At the same time, the professional looking 'front door' of the coffee shop hides an equally professional and large-scale, illegal drug trade going on at the 'back door'.

This article is a brief summary of the administrative Checkpoint report, published in 2013 by the Verwey-Jonker Institute and the Erasmus University Rotterdam and commissioned by the Public Prosecution Service (Mein, A.G. and M.M.J. van Ooyen-Houben (2013). *Bestuurlijke rapportage Checkpoint*. Utrecht/Rotterdam: Verwey-Jonker Instituut/Erasmus Universiteit Rotterdam).

The boomerang effect of lifting the ban on brothels*Henk van de Bunt (Erasmus University Rotterdam/CIROC)*

At the time, it seemed like the liberal and rational thing to do. On October 1, 2000, the ban on brothels was lifted in the Netherlands. This legislation put an end to the practice of turning a blind eye to prostitution and the exploitation of prostitution. The aim of the legislator was to pave the way for regulating the prostitution sector. Lifting the ban on brothels made it possible to improve the working conditions of prostitutes. Under certain conditions, brothel owners (operators) could apply for a license from the city or municipality to exploit a brothel. Under penalty of losing their licence, they would have to make sure that the prostitutes earned their income in a clean and safe working environment. The operators (not to be confused with pimps) owned the premises and boats where the prostitutes were given a place to work. The operators were called sex entrepreneurs and the women were called sex workers. The latter were considered to be independent contractors. Prostitution was now regarded by the legislator as an ordinary profession, with all its corresponding rights and duties. In case of unemployment, a prostitute would now be eligible to apply for Social Security benefits. The relationship between the sex workers and the sex entrepreneurs was supposed to be purely of a business nature, both formally and factually: the sex workers rented their place of work from the sex entrepreneurs.

For all his good intentions, the liberal legislator made a fatal mistake in 2000. He neglected to regulate the position of the pimp by assuming that sex workers, aided by the operators, would be able to develop enough strength to keep pimps and other parasites at bay. What the legislator failed to take into account was the fact that sex work is not an ordinary profession and that many sex workers lack the skills to develop into self-employed entrepreneurs. Many of them are dependent on 'friends' (pimps, loverboys) when they travel to the Netherlands in the hope of carving out a living in the world of prostitution.

Admittedly, it all looked good on paper: the sex workers had passports, VAT-numbers and were registered with the Chamber of Commerce. In the first years of the new policy everything seemed to be going fine. Gradually, however, it became obvious that despite all the stamps, permits, papers and contracts, coercion and exploitation still formed part of the legalised prostitution sector. Harrowing instances of abuse revealed by criminal investigations led, in a relatively short period of time, to a change in attitudes regarding the regulation of prostitution. Instead of 'sex work', the new buzz word became 'human trafficking', or better: 'organised human trafficking'. Prostitution came to be increasingly associated with human trafficking; in other words, with violence and exploitation. In some cities (Amsterdam, Alkmaar, Utrecht), brothel operators were held responsible for not acting more decisively against the abuse allegedly happening right in front of their eyes. Although no clear evidence has been found (in fact, no criminal investigations were ever launched against these sex entrepreneurs), administrative sanctions were nevertheless imposed. All the licences of the largest brothel owner in Amsterdam were revoked. This sex entrepreneur subsequently sold his real estate for 25 million euros to the city of Amsterdam. As a result of this, about a quarter of all prostitution premises in the red light district are now owned by the city, which rents the properties out to shopkeepers and artists.

In Utrecht, in August 2013, the absurd situation has come about that 17 legal premises used for prostitution and 98 prostitution boats have all been shut down because the four operators involved allegedly failed to act sufficiently decisively against human trafficking. They were never named as perpetrators, but merely as 'facilitators' of said crime. Just like in Amsterdam, the licensing system has come back to hit the sex entrepreneurs in Utrecht like a boomerang. The system was designed in 2000 to legalise the exploitation of premises used for prostitution, but it is now being used as a means to close those premises.

Luckily, the mayor of Utrecht, Aleid Wolfsen, has found a way out for all the prostitutes who have suddenly found themselves on the street. The mayor was kind enough to point them into the direction of the only place in Utrecht where prostitution is still allowed: an industrial zone at the edge of the city where drug-addicted prostitutes ply their trade without any protection whatsoever.

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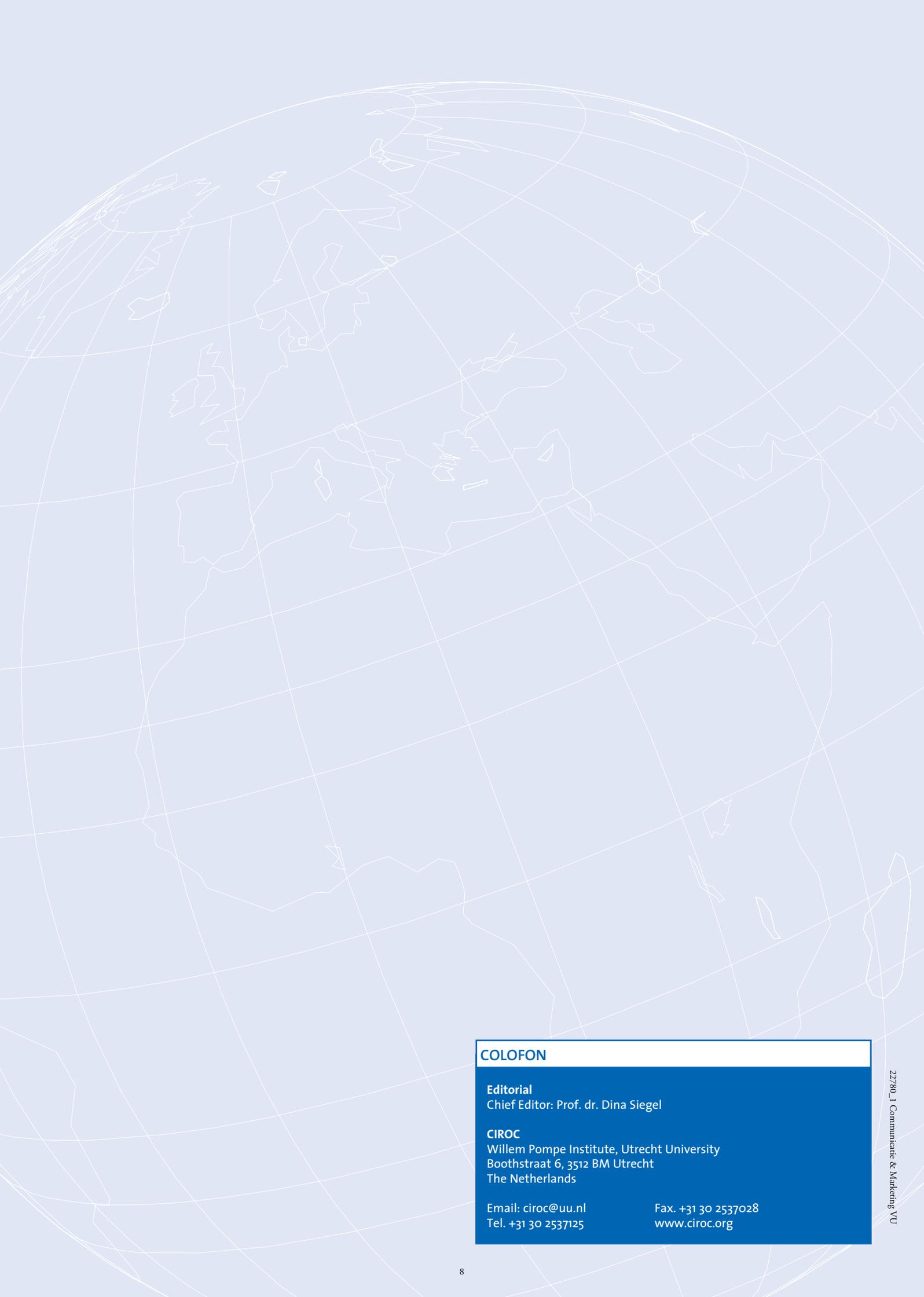
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