

## Introduction

*Dina Siegel, VU University Amsterdam*

CIROC (the Centre for Information and Research on Organized Crime) has been in existence for six years. During this time, it has endeavoured to provide a wide network of academics and practitioners with a steady stream of up-to-date reports on current research on organized crime. Planning every new newsletter in English, the editorial board has been preoccupied with two important questions: how to better inform the international community about our own 'Dutch criminal world' and how to encourage scholars outside of the Netherlands to contribute to our knowledge. Following this CIROC tradition, the present issue again includes a wide range of subjects involving different aspects of organized crime. Annelies Daalder (WODC, Dutch Ministry of Justice) analyses developments in the sex industry after the general ban on brothels was lifted. Edwards Kleemans (WODC, Dutch Ministry of Justice) and Henk van de Bunt (Erasmus University of Rotterdam) present the latest report by the Organized Crime Monitor focusing on criminal careers in organized crime. Toine Spapens, a senior research fellow at the Department of Criminal Law of Tilburg University, discusses the data of his doctoral thesis on the interaction between organized crime and law enforcement with reference to the production and trafficking of ecstasy. My own contribution is based on preliminary data of on-going research on underground banking in Afghan and Nigerian communities in the Netherlands. The international guests in this issue are Georgios Antonopoulos (University of Teesside, UK) and John Winterdyk (Mount Royal College, Canada), with a presentation of official statistics on migrant smuggling in Greece and a discussion of their limitations. Hans Nelen (University of Maastricht) introduces a new CIROC publication: a collection of articles based on presentations by guests to CIROC seminars over the last three years, such as, among other, Letizia Paoli, Jim Jacobs, Cyrille Fijnaut, Sheldon Zhang, and many others. This edition of the newsletter also features a number of other recent Dutch publications.

## Analysis

### **Prostitution in the Netherlands since the lifting of the brothel ban**

*A.L. Daalder, WODC/Ministry of Justice*

Prostitution is an age-old and world-wide phenomenon. Yet, the reality of its long existence and its occurrence almost anywhere in the world has not made prostitution a generally accepted phenomenon internationally. Quite the reverse, in most countries involvement in prostitution has been penalised in some form or other. In many countries, the question of how society should deal with prostitution, prostitutes, owners of sex businesses, and the clients of prostitutes, has been the subject of prolonged discussion.

In the Netherlands, after decades of public debate, the amendment of the law that effected the lifting of the general brothel ban came into effect in October 2000. Internationally, there is much interest in the legalisation in the Netherlands and in the subsequent developments within prostitution. Recently, several countries have made changes in their policy on prostitution, yet the course chosen in the Netherlands is quite unique. In the Netherlands, since the general ban on brothels was lifted, the commercial exploitation of

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prostitution by prostitutes of age is legal, provided that they do their work on a voluntary basis and possess the legal residence permit required for employment. In the eyes of the law, prostitution is interpreted as a (special) form of labour.

### *Evaluation*

Three sub-studies were commissioned by and carried out under the supervision of the Research and Documentation Centre (WODC). The sub-studies have been conducted by the DSP Group, Regioplan Beleidsonderzoek, and IntraVal. The WODC summarised the results of the sub-studies and combined them with relevant information from other studies.

The aim of this evaluation was to provide information on the state of affairs regarding prostitution in the Netherlands in 2006 in the context of the evaluation of the lifting of the brothel ban. For this evaluation hundreds of prostitutes were interviewed, as well as many sex business owners, municipal officials, members of the police force, clients, key informants (like taxi drivers) and other people involved. In addition, a survey was conducted among all Dutch municipalities, available registration data on trafficking in human beings were analysed and observations were carried out.

### *Amendment of the law*

The essence of the amendment of the law is that, under certain conditions, those forms of prostitution in which prostitutes of age are voluntarily engaged are no longer prohibited. At the same time, the legislator intends to crack down forcefully on unacceptable forms of prostitution (in particular various forms of trafficking in human beings).

With the amendment of the law, the general ban on brothels and the ban on pimping were lifted; the relevant sections were removed from the Dutch Penal Code. At the same time, a more severe penalisation of undesirable forms of prostitution and the sexual abuse of minors was introduced. The new section 250a of the Dutch Penal Code penalised all forms of exploitation of people in the prostitution sector. In October 2002, during a partial review of the decency legislation, a number of relevant sections of the law were amended, particularly with a view to a more effective protection of minors. After section 250a was sharpened, extended, and renumbered, it was turned into the current section 273f of the Dutch Penal Code.

The administrative responsibility has been devolved primarily to the local government. The municipalities, therefore, play the most important role in determining the form of their policy regarding prostitution.

### *Results*

In 2006, the issuing of licences has been completed practically everywhere,

and to a greater or lesser extent inspections are being carried out everywhere as well. There are hardly any so-called free zones left. The municipalities have the location-bound prostitution businesses reasonably well under control. Although location-bound prostitution establishments without a licence (where it is required) do exist, their numbers are few. The sub-study on non-legal prostitution reported that the strict enforcement carried out in the in-depth regions does not seem to have resulted in a shift to non-licensed prostitution within the area. At least, no concrete indications of this have been found. Relocations between regions or municipalities occur less frequently than in 2000, although relocations actually were observed to municipalities with a less strict regulation or enforcement. The situation is more complex with regard to the non-location-bound businesses. It is not sufficient for the attainment of regulation to deal with non-location-bound forms of the exploitation of prostitution by means of an exclusively locally-aimed approach. The escort branch, especially, still has the choice to establish its businesses in municipalities which do not require a licence for escort services. Dealing locally with the escort branch can be successful locally, like it is in Eindhoven. But it is very easy for businesses to move on to another municipality or region where no licence is required, or where enforcement is less strict. In this manner, Amsterdam attracts escort agencies from the whole of the surrounding region, because it does not (yet) have a licence system for the escort branch. In the border regions, relocations were observed to neighbouring countries, for example of escort agencies to Belgium.

Both the supply and demand of prostitution seems to have decreased in recent years. The question is, however, to what extent this is the result of the lifting of the brothel ban and the stricter enforcement that goes with it. It is more plausible that the decline in demand has been caused by other factors, such as the economic deterioration, the growth of the Internet (for example webcam sex) and the eroticisation of nightlife.

#### *The position of prostitutes*

During the past years, labour relations in the licensed businesses have scarcely changed; there has been no significant improvement. There still is confusion in the sector about the form which labour relations should take. Towards the Tax Administration, prostitutes and owners maintain that prostitutes are self-employed, but at the same time the involvement of owners in the prostitutes' activities takes on such forms, that these are, in fact, employer-employee relationships. The legal position of prostitutes is bad. Under the current circumstances, despite the factual existence of employer-employee relationships, the risk of being unable to work is completely shifted on to the prostitutes. With regard to working conditions, few real abuses have been observed, yet the conditions under which the prostitutes do their work differ widely. In part, prostitutes react to this

by leaving an establishment for another when conditions are bad.

#### *Involuntary prostitution*

Involuntariness is often very hard to detect. For business owners, prostitute's clients, enforcing authorities, and social workers alike, it is not easy to establish that a prostitute is not doing the work of her own free will. Because of this, it is virtually impossible to pronounce on possible developments in the number of prostitutes working under some degree of coercion. Indications of involuntary prostitution were found during the fieldwork for the sub-study on non-legal prostitution, albeit in small numbers. Of the interviewed prostitutes working in the licensed sector, 8% reports to have started prostituting themselves under some form of coercion.

A complicating factor of the combat against the exploitation of involuntary prostitution is that policy, the issuing of licences, and enforcement alike are all targeting the business owners. Even though it is possible that business owners use coercion, it is mainly used by pimps operating in the background, of whom the business owners need not be aware. Pimps still are a common phenomenon. Prostitutes with pimps are primarily working behind the windows, as escorts, and from home. In those sub-sectors, it is the easiest for pimps to keep an eye on prostitutes, or to commission someone else to do it for them. In the context of the combat against the exploitation of involuntary prostitution, it is worrisome that there seems to be no decrease in the number of prostitutes with pimps.

However, the awareness among business owners and prostitutes about the

prevention of involuntariness and exploitation seems to have grown.

With a view to the problematic character of detecting and dealing with involuntariness, there is a great need for instruments that can help this process. In this context, the campaign "Appearances are deceptive" of Report Crime Anonymously has turned out to be a useful and welcome addition.

#### *Minors*

There seems to be hardly any prostitution by minors in the licensed sector, and there are no indications of a great presence of minors within the non-licensed part of the sector either. During inspections of licensed prostitution businesses, inspectors encounter underage prostitutes only very incidentally. During their observations, the researchers who carried out the sub-study on non-legal prostitution did not encounter underage prostitutes themselves.

However, there are signs of girls who become active as prostitutes from the moment they turn eighteen. The sub-study on the position of prostitutes shows that 5% of the interviewed prostitutes working in the licensed sector once started out when they were younger than eighteen. Young starters are primarily working in the escort branch at the moment.

#### *Illegal foreign nationals*

The number of prostitutes from Russia, Romania, Bulgaria and Latin-American countries (who, as a rule, do not have the documents required for their work) has decreased. In all the sectors in the regions that were investigated in-depth, an increase was found of (legal) prostitutes from East European countries that fall under the EEA. In part, they seem to replace the women from the countries mentioned previously. The number of women who apply for a job at clubs without having the required documents has decreased. The offering of foreign prostitutes to clubs by intermediaries has also decreased. Moreover, the number of violations found during inspections has decreased, in particular with regard to foreign prostitutes working without the required documents. All in all, the conclusion seems justified that the number of foreign prostitutes working without such a valid residence permit has decreased in general. Stricter inspections and enforcement have contributed to this development.

#### *Paradox*

A notable aspect of this amendment of the law is that, on the one hand, a legalisation has taken place (of the exploitation of voluntary prostitution by persons of age in possession of the required documents), while, on the other hand, a sharpening up of the penalisation of unwanted forms of prostitution has occurred. By far the most attention has been focused on the legalisation, nationally as well as internationally. Yet, it is not so much the legalisation, but the stricter enforcement policy for punishable forms of prostitution, which has had the most effect. This is, in fact, a paradoxical situation: while the former prohibition of the exploitation has changed into a legalisation, prostitutes and sex business owners now feel that the regulations have become stricter, whereas in practice it is a matter of stricter enforcement, which has replaced the former policy of tolerance. Internationally, the Netherlands is viewed by some countries as a country where there are no limits with regard to prostitution and where trafficking in human beings is facilitated. However, it is likely trafficking in human beings has become more difficult, because the enforcement of the regulations has increased in comparison to the former situation, when all commercial exploitation of prostitution was prohibited but the level of enforcement was very low.

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### **Organized Crime Monitor research**

*Eduard Kleemans & Henk van de Bunt, WODC & Erasmus University of Rotterdam*

In September 2007, the third report of the Organized Crime Monitor was published and sent to the Dutch Parliament. The report contains the main findings of the third data sweep of the so-called Organized Crime Monitor. The main data sources of this ongoing research project are files of closed Dutch police investigations of criminal groups, often spanning a period of several years. Since 1996 up to now, we and our colleagues have analyzed systematically 120 large-scale investigations (40 case studies per sweep) about various forms of organized crime and various forms of cooperation. The third report - a continuation of the findings from the previous two monitor reports (Kleemans et al., 1998; 2002) - deals with the following topics: trust, mistrust and criminal cooperation; the social embeddedness of organized crime; criminal careers in organized crime; and investigation of organized crime. An English summary of this report can be downloaded at [www.wodc.nl/eng](http://www.wodc.nl/eng) (Van de Bunt & Kleemans, 2007).

In this article, we highlight the key findings on criminal careers in organized crime (Kleemans & De Poot, 2008). In the context of this research project, criminal careers of approximately one thousand offenders - involved in the first eighty cases of the Organized Crime Monitor - have been studied based upon data from the Judicial Documentation System (JDS) and our own analyses of closed investigations, providing us with a unique combination of quantitative and qualitative information on criminal careers.

#### *Criminal careers in organized crime*

In criminology as well as in social debate, rather a lot of attention is paid to young offenders and the risk of young people becoming involved in organized crime through recruitment. Current findings, however, compel us to have a wider take on criminal careers in organized crime.

First, there are no young offenders in the group of suspects: none of the offenders are under 18 at the time of the index case and only 7% are aged between 18 and 24. Older offenders - compared to the total JDS population - are also overrepresented. In total, about three quarters of the offenders are aged thirty or older.

Second, about a third of the offenders are unknown to the criminal justice authorities. It is not until the investigation that these offenders come within the scope of the Dutch criminal justice authorities. These 'unknown offenders' to a large extent are offenders who were born elsewhere and came to live or reside in the Netherlands at a later date. A substantial proportion of the offenders are unknown to the criminal justice authorities due to the very nature of the criminal activities they are involved in. Many organized crime activities boil down to transnational illegal trade and other transnational illegal activities (transit crime) (Kleemans, 2007). With transit crime (import, transit, export) it is usually difficult for the authorities to gain a full picture of all the actors active in these activities, either in the Netherlands or abroad.

Third, there are many 'known offenders': 72% of the offenders have had a brush with the Dutch judicial system. However, a striking fact is that the offenders had little to fear from the Dutch judicial system until the index case. In total, 31 per cent of all offenders had been sentenced to a term of imprisonment, and 15 per cent had served more than 12 months.

On average, offenders are quite old - approximately 27 - when they come into contact with the Dutch judicial system for the first time. Although an early start is fairly standard, particularly for people with a long criminal career, only a quarter of all offenders come into contact with the Dutch judicial system before reaching the age of twenty. On the other hand, 40% of the offenders are aged between 20 and 30 when they first have trouble with the law, and 34% are even older than 30 at the time of their first contact with the judicial system.

#### *Starters in organized crime*

If we want to find out how we could identify in an early stage that someone gets involved in (organized) crime, it is important to establish the ways in which people become involved in organized crime and how people 'make a

career'. An analysis of 92 'starters' shows that people get involved in many different ways: through existing social relationships, work and professional relationships, leisure activities and sidelines, certain life events and recruitment. This also explains the phenomenon of the 'late starters': some opportunities to carry out profitable criminal activities do not arise until later in someone's life. In addition, some opportunities are grasped only later in life, as a consequence of life events such as bankruptcy and serious debts. In other words, there are several roads that lead to involvement in organized crime. These roads cannot be taken until later in life. In many cases, a striking aspect is that starters play an active rather than a passive role.

#### *Ringleaders and nodal offenders*

An analysis of the careers of 66 'ringleaders' or nodal offenders demonstrates that the standard image of 'a life of crime' only is true to some extent. A significant part of the ringleaders switched at a certain point in time to organized crime from their former occupation. Among these 32 offenders a distinction can be made between a group of 19 offenders with a background in legal trade (including import and export) and a group of 13 offenders with other types of occupation, people from the business sector, the construction industry, assembly, hotels and catering, financial services or government. Some offenders carry out criminal activities extending from legal activities. Others clearly switched at some point in time from their lawful occupation to the trade in illegal goods. Apart from opportunity, this switch also involves an element of choice (agency), as a result of which the lives of these offenders change course and increasingly become dominated by organizing criminal activities and shielding these from the criminal justice authorities. Last but not least, life events - also later in life - may bring certain illegal opportunities within reach of people with a negligible criminal career, or may become more appealing compared to other alternatives. It is true for all these offenders with a professional background, of which the majority did not come into contact with the law until after their twentieth birthday, that it is anything but evident that they were already on the 'police radar'. They are 'newcomers' - usually later in life - that take advantage of the opportunities and contacts their jobs offer them.

#### *Lifetime careers in crime?*

In the overall group of ringleaders studied (66), a substantial part of the offenders (30) have already had a brush with the judicial system before they were twenty. Some of them grow, thanks to their local roots, to be versatile 'local heroes'. However, they do not have the necessary contacts to outgrow their region, nor do they have any specific skills that make them interesting for associates from outside their region. Some of them, for example local XTC manufacturers, manage to gain access to interesting export markets via brokers. As a result, these local heroes can develop into big players, at national or, sometimes, even international level. This is also true for other offenders that know how to optimize economies of scale. Thanks to scaling, profitable illegal activities can gradually take over from other illegal activities, which in practice usually results in a sort of specialization. Capital acquired through criminal activities, such as burglaries and robberies, may sometimes also be used to switch to forms of organized crime, in particular the trade in illegal drugs. Capital is an important stepping stone, as it creates opportunities to invest in illegal activities. In addition, it creates opportunities for an increase in scale and limitation of risk. Risks can be limited at a given moment by engaging in less risky, semi-legal or legal activities or by a more 'backstage' involvement in activities. Finally, some criminal careers gain momentum because offenders possess or develop specific expertise which many other offenders depend on: transnational contacts, skills regarding transport or money laundering. These are essential bottlenecks for many offenders that are active in transit crime.

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### Interaction between Organized Crime and Law Enforcement:

#### The Case of Ecstasy Production and Trafficking

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Organised criminals are arguably very aware of the activities of law enforcement agencies. Moreover, policy makers in the field of organised crime believe that these groups are very successful at evading law enforcement agencies, not least because they are quick to adapt to new investigation methods and strategies used by the police and the judiciary. In its 2006 threat assessment, the UK Serious Organised Crime Agency stated that 'serious organised criminals have an excellent and dynamic understanding of criminal markets and are quick to respond to threats from law enforcement measures or rivals and to seize and create money-making opportunities.' Also, a few months ago, Tom Driessen, the head of the Dutch National Investigation Service (*Dienst Nationale Recherche*), stated in an interview that organised criminals seemed to achieve much better results analysing the working methods of the police than vice versa.

The supposed flexibility and excellent learning capacity of organised criminals are brought up to explain the fact that organised crime is very difficult to contain. They are also used to justify the call for the implementation of additional special investigation methods, or the extension of existing ones. However, this may well lead to a downward spiral of action and reaction which, in the end, could diminish the privacy of every citizen. Hence, a very important question is how organised criminals succeed in being such effective learning organizations, even though they operate in a hostile environment where secrecy is always of primary concern. Or is it, in fact, a mistake to assume that criminal groups show a high level of responsiveness to new strategies of law enforcement agencies? But if so, how then should the apparent lack of success in disrupting organised crime be accounted for?

These questions were addressed in empirical research (Spapens 2006) on the methods used by organised criminals in the south of the Netherlands who were involved in the production and trafficking of ecstasy between 1996 and 2004.

#### *Fighting the Production and Trafficking of Ecstasy in the Netherlands*

Ecstasy is a relatively modern synthetic drug. Although the active component, MDMA, was first synthesised in 1913, ecstasy did not become very popular until the latter half of the 1980s. In 1985, the United Nations added MDMA to the list of classified psychotropic substances. In the Netherlands, ecstasy became illegal in 1988. Soon afterwards, Dutch criminal groups started producing ecstasy, and in subsequent years, the product would be exported on a global scale.

Of course, these developments aroused criticism, first from European countries, notably Germany and France, and later also from the United States, which had gradually turned into an important market. In response, from 1996 onwards, the Dutch authorities substantially increased the attention to

the trafficking and production of ecstasy, bringing about a steep rise in the number of criminal investigation cases. Also, the Dutch police developed and employed new investigative strategies and techniques. This could be expected to provoke a reaction from the other side, the organised criminals producing and smuggling ecstasy.

To determine the effects of the increasing pressure exerted by the police and the judiciary on the working methods of these criminal groups, the files of 48 big criminal investigation cases were studied, covering the period from 1996 to 2004. In each of these cases, it took the police approximately one year to collect the necessary evidence. How did the criminals involved try to prevent being apprehended, and which methodological developments can be noticed over the years?

#### *Measures to Evade Apprehension and Prosecution*

Generally, organised criminals can apply three types of measures to evade apprehension and prosecution, or to reduce the effects of enforcement interventions.

Firstly, the illegal activities can be concealed. This is useful to prevent accidental discovery by passers-by, interception by law enforcement agencies, or theft by fellow criminals.

Secondly, compartmentalisation of the logistic process can be used to reduce the effects of enforcement interventions. Consequently, accidental discovery of a small segment of the illegal activity will not directly lead to the apprehension of all members of the criminal group, or the discontinuation of illegal activities. Moreover, if a criminal investigation is launched, it will take the investigating officials much longer to complete the picture. The production of ecstasy requires a complicated logistic process which can be readily compartmentalised. For instance, chemicals and other raw materials can be stored away from the laboratory, and separate locations can be used to synthesise MDMA and manufacture pills.

Thirdly, crime groups can actively try to disrupt the activities of the police and the judiciary. For example, police officers or public prosecution service officials can be threatened, or even murdered, and the same goes for witnesses who are willing to testify. Also, government officials can be bribed to provide information about ongoing criminal investigation cases, or this information can be gathered actively, for instance by means of surveillance.

One of the conclusions of the research is that Dutch criminal groups producing and smuggling ecstasy mainly tried to conceal or compartmentalise their illegal activities. Active disruption of the activities of the police or the judiciary was mostly limited to surveillance and threatening witnesses.

Also, there were marked differences between the researched criminal groups in the extent to which they employed countermeasures. Some criminal entrepreneurs only took rudimentary measures to conceal or compartmentalise their illegal activities, whereas other criminal groups took extensive measures to this end. An important finding is that throughout the entire period from 1996 to 2004 there were relatively careless producers and traffickers of ecstasy, as well as very prudent ones. This divergence, however, did not rule out innovation in the way criminal groups operated during the researched period.

#### *Developments in the Methods of Concealment Used by Organised Criminals*

To begin with, producers and traffickers of ecstasy continually tried to make good use of new developments in the field of information and communication technology. These efforts were mainly aimed at being able to communicate freely without certain conversations being intercepted by the police. Initially, the rate of success left room for improvement, to say the least. For example, at the turn of the century, there was a rumour among Dutch criminals that the police would be unable to intercept telephone calls, if certain types of prepaid cards were used, for example Hungarian cards. This, of course, was nonsense, as several of them would soon find out. Nowadays, criminal groups use large numbers of cellphones to avoid interception by the police, and regularly switch to new ones. So far, the police have been able to respond to new developments effectively.

Technological innovations also meant that special investigation methods, such as investigation of telecommunication, dynamic observation, and camera observation, which were commonly used by the Dutch police, could be applied more easily, and yielded more information. Retro-analysis of cel-

lphone traffic, for instance, provided information about the whereabouts of the person or persons being monitored. In addition, new types of observation cameras as well as GPS tracking devices were smaller and thus easier to hide and to install.

As a result, some Dutch criminal groups reduced telephone communications to an absolute minimum. This meant that other special investigation methods had to be applied more often, for instance undercover purchases by covertly operating police officers, or the use of listening devices in cars. These methods had already been incorporated into the Dutch Special Investigative Powers Act 2000 (*Wet op de bijzondere opsporingsbevoegdheden*), but had thus far only been used infrequently.

Furthermore, members of some crime groups moved to houses that were hard to approach unobserved, for instance in the open countryside. The purpose of this strategy was to hamper police observation activities. Moreover, these crime group members never left their cars out of sight or regularly changed vehicles in order to prevent GPS tracking devices being installed. As a result of this, the police started to use helicopters to aid dynamic observations on the ground.

These examples illustrate that XTC producers and traffickers introduced several new methods to make criminal investigation more difficult. However, these methods did not spread very rapidly, and even today are not employed by every criminal group in the south of the Netherlands. But does this also mean that the illegal activities with regard to synthetic drugs could be halted completely? Clearly, this has not been the case, although a number of important criminal groups were dismantled. To explain this, a socio-economic approach to organised crime was developed.

#### *A Socio-Economic Approach to Organised Crime*

Economic sociologists assert that social relations play a crucial role in economic activities, especially when legal contracts are difficult to enforce. This also applies to situations where the actors cannot fall back on a functioning legal system. In these circumstances, agreements need to be based on mutual trust. Direct personal contacts, or contacts through intermediaries that are known to both parties, are crucial to developing a basic level of trust between potential business partners. If a business partner proves to be trustworthy, for example in low investment, low risk deals, the relationship can be expanded to business agreements on a larger scale. Hence, the quality of an entrepreneur's social network determines his business opportunities.

This model also applies to the production and trafficking of ecstasy. Basically, the production and sale of synthetic drugs can be viewed as an economic activity which requires a number of resources, such as chemicals, hardware, and a suitable location for production. It also requires specific expertise to synthesise MDMA, to produce pills, and to establish and maintain contacts with potential buyers. Some means of production can be bought on the open market, but crucial raw materials, for instance PMK, the main precursor of MDMA, are illegal. To procure these chemicals or to sell large amounts of ecstasy, the right contacts are crucial. It is also vital that these contacts are reliable.

On the basis of the study of 48 criminal investigation cases in the south of the Netherlands, it was concluded that there were connections between all criminal groups involved. Members of different groups had, for instance, jointly undertaken criminal activities, were related, had met in prison, shared mutual friends, participated in the same leisure activities, lived in the same neighbourhood or, especially, in the same trailer park. In other words, the criminal groups involved in the production and trafficking of ecstasy in the south of the Netherlands formed a closely knit social network.

From this network emerged the criminal groups that actually produced and sold ecstasy. If business was good, criminal cooperation would continue over longer periods of time, involving the same persons. However, over time, it became increasingly likely that elements of the illegal activities were accidentally discovered, or that informers tipped off the police. And if a criminal investigation was launched, this would inevitably lead to the apprehension of the group members, and the illegal activities would cease.

Prison sentences differed, in accordance with the suspect's role in the illegal activities. Key members, who played leading roles, faced prison sentences of four to twelve years. Chemists, for instance, who possessed the crucial

knowledge needed for the production of ecstasy, were generally sentenced to four to six years imprisonment. The unskilled criminal group members were, on average, sentenced lightly to a term of imprisonment of up to one year. After regaining their freedom, most persons involved retook their place in the ecstasy network, joined a new criminal group, and things started over again. Very often, new contacts between criminal entrepreneurs were formed in prison.

The overall conclusion is that the interaction between organised crime and law enforcement cannot be explained by studying the behaviour of individual criminal groups. This interaction can only be understood on the level of the basic social network from which these groups, whether loosely knit or tightly organised, emerged. In the end, every criminal group can be stopped, if the proper resources and methods are employed. However, as long as it retains a certain volume and density, the basic criminal network can be highly resistant to actions by the police and the judiciary.

#### **Underground Banking – an ethnographic study in two migrant communities**

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In criminology the Informal Value Transfer System (IVTS) is basically connected to the economic sphere and, after 9/11, to the political sphere. While these two aspects are crucial to our understanding of the informal money transfer system, its socio-cultural aspects are no less important. Although the literature on the informal money/value transfer system in its different forms and variants is flourishing, not much research is done, for example, on the role of informal bankers in the transfers of proceeds from organized crime. Except for several important contributions by Passas (2005) and a report of the Financial Action Task Force (2003), our knowledge of misuse of the informal banking system by organized crime is relatively limited.

A review of anthropological research on this subject, unfortunately also very limited, reveals that there are important cultural dimensions to money transfer networks which could be very useful for our understanding of the phenomenon, such as perceptions of trust and reputation in different ethnic communities.

The on-going ethnographic study of informal value transfer systems in two ethnic communities in the Netherlands, which started in April 2007, is conducted by anthropologists and criminologists from the VU University of Amsterdam in cooperation with the Dutch Ministry of Finance. The idea of this project is to study the phenomenon from inside the two ethnic communities, by analysing how the migrants perceive the informal money exchange and by examining their motives and the ways they use the system, the position of the informal financial agents in the community, and the role of trust and reputation. One of the researchers is a criminologist of Afghan origin and the other is an anthropologist married to a Nigerian immigrant. Both are actively involved in the life and various activities of the communities and have personal contacts with their informants, the so-called 'underground bankers'. Their research methods are participant observation and informal interviews.

The main question of the research is whether there is misuse of the informal money transfer system by organized crime in the Afghan and Nigerian immigrant communities in the Netherlands. The idea is not only to analyse the activities inside the communities mentioned, but also to compare the two. At this early stage of the study there are already major differences observed between the modus operandi, motives and cultural perceptions of the informants.

At this moment, the researchers are still in the phase of gathering information. Therefore, only preliminary data will be discussed here.

#### *Informal bankers and organized crime*

According to a recent estimate by the IMF, migrants transfer 100 billion dollars per annum to family members and relations in their country of origin through the official financial system. In addition, a similar amount of money is transferred in the form of goods, cash, and through underground bankers (IMF 2005). In the Netherlands, the annual amount of money transferred

abroad by migrants through the use of informal banking networks is estimated at 70 million euros. The flows of money created by migrants sending funds to their country of origin to support family members and relations, are known as 'remittance-corridors'. These 'corridors' can also be used for the transfer of criminal money. The question is which formal and informal financial channels are being used for this particular type of transfer. It is not clear to what extent informal bankers are involved in the transfer of criminal funds, but from the present study it looks like informal bankers are regularly used for criminal money transfers in the corridors from the Netherlands to Afghanistan and to Nigeria.

From other publications the same picture emerges. In a recent study based on interviews and case studies, Passas indicated that informal bankers are indeed capable of processing large sums of money for criminal purposes (Passas 2005). A study by the Dutch OCM (Organized Crime Monitor) also established that informal bankers exchanged or transferred substantial amounts of criminal money (Kleemans et al. 2002). Case studies mentioned in a recent FATF report also demonstrate the capability of some groups of informal bankers to transfer large sums of money (FATF 2003).

#### *Trust perceptions*

The uncontrollable transfer of cash and close internal ties among the members of ethnic communities which use *hawala* is often associated with mysterious operations. However, there is nothing unusual about this kind of economy; it is a normal economic exchange on the basis of verbal agreements. Trust between informal financial agents and their clients is the pillar of their success. In this context, Munshani from the Nathanson Centre in Canada observed slight differences in the nature of this trust in three immigrant communities in Canada. Among the Afghans, trust relations are based on strong kinship ties and honour towards the community: the fact that a client and an agent are both from the Afghan community is enough for them to trust each other. In the Pakistani community, the basis of trust was found to be religious obligation, while in the Indian community there were no religious or honour components. (Munshani, 2005:10).

In our own research we also found differences in trust perceptions. In the Nigerian community, for example, the reputation of a potential client can be established through his behaviour and involvement in church activities. In the Afghan community, family relations play an important role in the networks of informal bankers; clients often use bankers from the same ethnic background who live in the same neighbourhood.

#### *Obstacles to regulation*

The question on the minds of decision-makers around the world is how to regulate and control the IVTS. This is one of the aspects we address in the study, namely what do the migrants themselves think about the possibility of regulation. In societies where family links are strong and based on clearly defined moral codes, one cannot expect law enforcers and public employees to apply other principles in these relations. In other words, when discussing the 'problem of underground banking', one should realize that tradition, cultural codes and existing relationships and networks must be carefully analyzed, before irresponsible policies are put into place. The system of informal money transfer has its own morality, at least in the perception of the local people. Therefore, focusing on IVTS as a 'problem' prevents us from understanding that these are practices inside a normative system, similar to any other normative system and that the migrants do not consider underground banking a problem.

On the other hand, when people easily migrate from one part of the world to another and when markets become more and more internationalized, the rules of the game change. The mysterious, secret world of the underground bankers, who operate exclusively according to traditional, generations old ways of trade and commerce, is a myth. In criminology there is a on-going process of demystifying this phenomenon.

Based on the data gathered, we can observe that the informal bankers themselves more and more often use formal ways of banking, either through money transfer institutions such as Money Gram and Western Union or through regular banks. Secondly, the myth that underground banking leaves no trails is disappearing as well. The trails are everywhere, from mobile telephone records to explicit registration books, as we found in our research inside

the Nigerian community. One of the paradoxes is that the lack of record keeping leaves traces, precisely because the absence of written confirmation is often compensated in practice by intensive telephone traffic. Informal bankers are constantly on the phone, discussing who gets paid when, where, and at which exchange rate (transfers are often paid out in another currency). Informal bankers cannot afford to make mistakes as a result of unclear arrangements. To inspire confidence, informal bankers operate punctually and predictably: they will use fixed mobile telephone numbers, and visit regular places at regular hours.

#### *Summary*

Underground banking is an old-new phenomenon which has become a priority on the agenda of banks, law enforcement and scholars in the last ten years. The misuse of informal money transfers by criminals (and terrorists) is studied by scholars from various academic disciplines all around the world. The contribution of the Dutch researchers in this regard is an ethnographic study from inside migrant communities where illegal money transfer is a daily practice. Using participant observation methods the research will hopefully provide some insight into several important criminological and cultural questions in this context and perhaps break down some myths surrounding underground banking.

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#### **The Limitations of the Greek Official Statistics on Migrant Smuggling**

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Since the early 1990s Greece has been one of the most popular destinations for people from the Balkans and Eastern Europe, and in particular Albania. Other popular countries of origin include a number of Asian countries, North African countries and several countries in Latin American. According to the latest Greek census, in 2001 there were 693,837 documented migrants in the country (ESYE, 2001). However, what is not known is the number of undocumented migrants who have been smuggled into Greece. The purpose of this article is to examine the available statistics on the smuggling of migrants into Greece as well as discuss some of the major limitations of these statistics. We conclude by offering a number of recommendations as to how the collection of data on the smuggling of migrants might be improved. The available statistics on migrant smuggling in Greece provide information about the ethnic origin of the smugglers arrested and the means of migrant smuggling seized by the Greek authorities. In relation to the ethnic origin, the vast majority of the arrested migrant smugglers, smuggling migrants into Greece, are Greeks. Specifically, they constituted 58.4% of the arrested smugglers in the first eight months of 2000, and 53.2% in the first eight months of 2001. Albanian nationals are also heavily involved in smuggling of migrants primarily from Albania. In particular they accounted for 16.1% in 2000, and 25.2% of the arrestees in 2001. The third nationality in terms

of arrested migrant smugglers is Turkish since they accounted for 7.4% and 6.9% of the total arrested human smugglers in 2000 and 2001, respectively. The Bulgarians, the Iraqi, the Romanians, the Georgians, and the Russians are also involved, and the rest of the nationalities (Armenians, Bangladeshis, Belgians, British, Czechs, Egyptians, Germans, Dutch, Indians, Iranians, Israelis, Italians, Kazakhstani, Lebanese, Lithuanian, Moroccans, Moldavians, Pakistani, Polish, Serbians, Slovenians, Sudanese, Swedish, Syrians, and Ukrainians) are only cases of involvement into migrant smuggling.

In Greece, there are a variety of means of smuggling used for smuggling over land. They include: private cars, private trucks, public transportation cars, public transportation buses, state owned trucks, tractors, and motorbikes. The means for migrant smuggling by sea is obviously sea vessels, however, no detailed information is provided about the type of the vessel. Sea vessels, and specifically speedboats were used for the smuggling of migrants from Albania to the Greek island of Corfu as well as from the coast of Minor Asia to the islands of the Aegean sea. Land smuggling takes place through the northern borders of Greece with Albania, Former Yugoslav Republic of Macedonia, Bulgaria, and the European part of Turkey. The primary mode of smuggling in 2000 and 2001 was private cars (52.5% and 62%, respectively). Private trucks are the second most popular mean of migrant smuggling as they accounted for 24.7% of the total means of migrant smuggling in the first eight months of 2000, and 18.4% in the first eight months of 2001, followed by public transportation cars, sea vessels, tractors, state owned trucks, buses, and motorbikes (see Table 1).

Table 1. Seized Means of Smuggling, January – August 2000 & January –August 2001

Means of Smuggling	January-August 2000	January-August 2001
Private Cars	250	377
Private Trucks	118	112
Public Transportation-Cars	64	66
Public Transportation-Buses	5	6
State Owned Trucks	6	9
Tractors	7	0
Motorbikes	4	8
Sea Vessels	22	30
<b>Total</b>	<b>476</b>	<b>608</b>

Source: unpublished data obtained from the Greek police in summer 2003

While the official data provide what upon initial reflection may appear to be informative information on the nature, type, and extent of smuggling in Greece, such data is fraught with a number of inadequacies which constitute an obstacle towards a better understanding of the true nature and extent of the phenomenon in the Greek context. Some of the key limitations of the Greek data include:

- Data on smuggling is not available for every year. In this article, for example, we are only able to present data obtained by the police for the years 2000 and 2001. Given that the particular data was obtained in the summer 2003, we are suspicious of the unavailability of data for at least the year 2002. It could be the case that the police had not collected the data for the particular year or that they did not want to provide this information. In either case no such data is readily available.
- The official statistics, as is reflected in the presentation of data in this article, are limited only to the presentation of the nationality of apprehended smugglers as well as on seized means of transportation that were used in smuggling operations. What is not possible to discern from the official data is such important information such as: the nationalities of the smuggled migrants, whose numbers are aggregated with the numbers of undocumented migrants in general. Not being able to obtain such information further hinders any efforts to better articulate and describe the nature and extent of the problem.
- Official statistics on migrant smuggling are available for only eight months per year, namely from January to August. There is no official data/information on/about the nationality of the smugglers and/or means of smuggling from September to December. Yet, based on various research studies, this is

the period when smuggling of migrants is most intense in Greece.

- The official statistics aggregate a number of nationalities, which do not have much – if anything – in common. For example, they aggregate Kurdish smugglers into either Turkish or Iraqi smugglers, which is a limitation of the official statistics in relation to migrants and crime in general. One of the migrant smugglers we interviewed, for instance, and who was smuggling Kurdish migrants from Turkey to Greece was a Kurd; however, if arrested he would be classified as an Iraqi national. Not being able to discern the true nationality hinders any constructive efforts to target specific countries and/or regions.
  - The official statistics are based on arrests of migrant smugglers, and therefore do not reflect the number of smuggling cases. As is well documented in related research, the ‘dark figure’ for migrant smuggling is extensive and the inability to obtain any reasonable approximation likely further undermines any possible rationale to allocate additional resources towards combating the problem. In addition, the unknown number of undocumented migrants in the country, and lack of items/questions about migrant smuggling in self-report and victimization studies do not provide any opportunity for data gathering on the extent of migrant smuggling in Greece. Moreover, official statistics miss out accounting for a large number of persons operating in countries other than Greece, something that completely distorts the image we have for the smuggling networks. Kurdish migrants in Greece as well as the Kurdish migrant smugglers, for instance, suggested that in the groups they were participating there were Pakistani, Syrian and Turkish (as well as Greek) smugglers involved in a well-coordinated effort (see Antonopoulos and Winterdyk, 2006). Thus the fact that most of the individuals arrested for smuggling of migrants in Greece are Greek nationals, may in fact be the result of availability of these individuals to the Greek authorities.
  - Official statistics miss out the patterns of human smuggling in the country as they focus on the smuggling of migrants into Greece, and at the same time neglect the smuggling of migrants from Greece into the neighbouring countries such as Albania and Italy. In interviews with Kurdish migrants in the city of Patras, the third largest port in Greece, and a ‘gate’ to Western Europe, a number of participants suggested that Albanian organised crime groups approach Kurdish and Afghani migrants, who they are smuggled into Italy via Albania. The police at the Police Headquarters of the Prefecture of Achaia who were interviewed during the same period (Summer-Autumn 2002), were either unaware of the human smuggling activities of Albanian organised crime groups in the city or, it is hypothesised, they considered it as a way of diverting a large number of primarily Kurdish and Afghani migrants out of Greece.
  - Official statistics also fail to provide information about arrested migrant smugglers. Furthermore, there is no information on such relevant matters such as: who is being arrested under the suspicion of being involved in migrant smuggling. Although actual migrant smugglers are included, there have been a number of cases reported in which a driver ‘smuggled’ a migrant unknowingly either by not being aware of the presence of the migrant on/in their vehicle/vessel or by not knowing that the migrant they allowed on/in their vehicle/vessel was undocumented. The point we are making is that the nature and context under which migrant smuggling takes place is not well documented or articulated in official statistics. Their limited descriptive nature offers little opportunity to describe and/or recommend sound intervention and prevention – let alone the establishment of effective legislation to address the problem. Hence Greece tends to remain something of a sanctuary for the smuggling of migrants into Greece and most likely as a point of passage to other countries.
- The majority of the people arrested for migrant smuggling by the Greek authorities are Greek, followed by Albanian, and Turkish. Most of the means of transportation used for the smuggling of migrants into Greece are private cars, private trucks, private transportations cars and vessels followed by ‘other means’. The Greek official statistics on migrant smuggling are not able to provide adequate information about migrant smuggling due to a number of limitations from the dark figure of migrant smuggling and the lack of figures from September to December of each year to accounting for arrested individuals who are suspected of migrant smuggling rather than

individuals actually involved in migrant smuggling. Based on a summary of some of the major limitations of the nature of official smuggling data in Greece, we recommend:

- Expanded research be undertaken to describe the social organisation of smuggling of migrants in, through, and out of Greece so as to facilitate prevention initiatives.
- The improvement in the collection and presentation of official statistics in relation to migrant smuggling just as in relation to migrants and crime in general. Specifically, data should be collected in a manner that can be used to better describe, define and articulate the nature, context and extent of the problem.
- If Greece is sincere in curbing migrant smuggling into the country, there should be educational programs designed to inform the public about the extent and the implications of the problem.

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### New CIROC publication

#### New CIROC-book on organized crime to be expected at the end of 2007

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In 2003, the most relevant papers presented at the CIROC-seminars of 2002 and 2003 were published in *Global Organized Crime. Trends and Developments* (Siegel, Van de Bunt, and Zaitch, 2003). This book has been widely used by scholars and students as well as practitioners. Between 2004 and March 2007, twelve new CIROC-seminars on different issues related to organized crime activities were organized. A new book, edited by Dina Siegel and Hans Nelen, contains a selection of sixteen academic papers, based on the presentations during these seminars. The book is published by Springer and is expected to be 'launched' at the end of this year.

The aim of the new volume is to give an overview of contemporary criminological research combining inter-national, national and local dimensions of specific organized crime problems. The central premise is that we need more in-depth and empirically founded knowledge on organized crime in various situational contexts, rather than trying to predict how global organized crime will develop throughout the world. A number of leading academics in the field of organized crime have contributed to the book, including Anton Blok, Letizia Paoli, Sheldon Zhang, Carlo Morselli, Antonio la Spina, Jim Jacobs, Cyrille Fijnaut and others.

The contributions in the first part of this book on historical transformations underline the fact that the nature and volume of organized crime – as well as its containment – depend on the social, economic, and cultural context in which organized crime develops and becomes manifest. The evolution of the Sicilian mafia throughout the twentieth century is described, as well as the fight against organized crime in the southern Italian context. Emanuel Marx analyses how the hashish trade has become a major and seemingly permanent feature of the South Sinai Bedouin economy. In this context, he examines various aspects of daily life in Sinai. The Bedouin not only consider the drugs trade a legitimate economic enterprise, but the requirements for this trade also fit into their social realities and practices.

The second part deals with transnational flows (of both goods and human beings). The articles in this part of the book not only clarify the nature and extent of various markets (human trafficking, prostitution, the vehicle theft market etc.) but also relate changes in society and institutions to the dynamics of these markets.

Many scholars have pointed out that there is a strong symbiotic relationship between organized crime and the legitimate environment in which it flourishes.

The metaphor of a clean, innocent society that is being threatened by the evil of organized crime is definitely out of date. The third part of the book focuses on the intertwining of illegitimate and legitimate activities. The diamond sector, the trade in tropical timber, Hawala bankers, as well as lawyers who facilitate organized crime activities, are highlighted.

The last part of the book is dedicated to the containment and prevention of organized crime. The first two contributions in this part are all related to direct policies which are anchored in criminal and criminal procedural law and primarily implemented by the criminal justice system. The last four contributions take the dual strategy into consideration, i.e. the strategy in which law enforcement powers and administrative powers complement one another. In the last couple of years, this strategy (which originated in New York City) has turned out to be quite influential on developments in various European countries, Italy and the Netherlands in particular.

### New publications

#### New Dutch publications:

Nationale Drug Monitor, 2007. Jaarbericht 2006. Utrecht: Trimbos Institute. (The Netherlands National Drug Monitor. Fact-Sheets). In Dutch, English summary

Vianen, R.T. van, A.E. van Burik, L. Janssen, P. van Amersfort, M. Wijers & M. Goderie, 2006. Monitor over de positie van slachtoffers mensenhandel in Nederland. Den Haag: WODC/Verweij-Jonker Instituut/Adviesbureau Van Montfoort. (Monitor on the position of victims of human trafficking in the Netherlands). In Dutch.

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