



2528-9705

Örgütsel Davranış Araştırmaları Dergisi
Journal Of Organizational Behavior Research
Cilt / Vol.: 3, Sayı / Is.: S2, Yıl/Year: 2018, Kod/ID: 81S2387



THE ROLE OF INTERNATIONAL POLICE (INTERPOL) IN FIGHTING TRANSNATIONAL ORGANIZED CRIMES

Solaiman KHANJANI¹, Dr. Sayyed SAJJAD KAZEMI^{2*}

¹ MA graduate, criminal law and criminology, Islamic Azad University, Hamadan Branch, Hamadan, Iran

² Faculty member, Malayer University

***Corresponding Author**

ABSTRACT

The progress in science in various fields and the criminals' misuse thereof in perpetrating crimes have given rise to a special and new type of criminal phenomenon in international level called transnational crimes making the global community faced with various challenges in social, legal, political and economic aspects out of its rapid growth. The specific characteristics of these types of crimes, especially of its organized type, and the detrimental effects resulting from the perpetration of such crimes instigated the global community to elevate its cooperations against such crimes in transnational dimensions. Undoubtedly, police organizations are amongst the important and influential institutions fighting and counteracting the occurrence of various kinds of crimes. International criminal police organization known as Interpol is one of the international organizations formed for states' mutual collaboration parallel to fighting against international crimes and establishment of public order and security. The objective in founding this organization is the creation of an international system for controlling and combatting the crimes and cooperation and information exchange between the police of different countries around the globe. The organization has been formed based on the principle of the countries' governance hence it does not intervene in political, racial, religious and military issues.

Holdings regional and international conferences and offering technical aids and instruction, facilitation of information exchange and providing other services, including in regard of fugitives and the wanted and, finally, extradition of the perpetrators of organized crimes, are amongst the activities performed by this organization in its fight against transnational organized crimes.

Keywords: Interpol, transnational organized crimes, confrontation, extradition

INTRODUCTION

The phenomenon "crime" has undergone changes at the same time with the development and evolution of the communities. Internationalization of crime, professionalization of the criminals, use of modern technology in committing crimes and such a phenomenon as organized crimes are amongst the most important manifestations of the novel human civilization. Therefore, it is deemed expedient to develop the communities' responses to the criminal phenomenon parallel to the curbing and controlling of the crimes. In the today's world, one of the most dangerous crimes making the global community's security, particularly in economic, social and political areas, confronted with threats is transnational organized crimes the manifestations of which have appeared in modern forms along with the progresses in science and technology worldwide and the perpetrations of this group of criminals leave devastative effects behind on the international community, especially the states.

Taking advantage of their illegal incomes, organized criminal groups infiltrate into various levels of states and take criminal measures. These groups use any opportunity to have their

ominous and illegal objectives accomplished. They mostly engage in covert transgressive actions disguised by threat, corruption, terror, influence, bribery and so forth.

One of the characteristics of this type of crimes is their transnational nature. Although these groups are seminally formed within the territory of a country, they tend to go beyond borders so as to both benefit from the development of their activities and minimize the crime discovery likelihood to the lowest possible rate.

The term “transnational organized crime” refers to the criminal actions committed by groups of individuals who are formed in a coherent and coordinated manner and begin performing activities in international level and their ultimate goal is usually acquiring financial benefits (Karimi, 2011).

The financial resources of the organized criminal groups are substantially supplied by drug smuggling bands, arms trafficking, smuggling of emigrants, women and children, establishment of gambling houses, prostitution centers, bribery and so forth. This ominous phenomenon endangers the health of the global society as well as the freedom and security of each of the humans’ offspring.

International police has been established to regulate the international cooperations between the countries’ police forces and, in fact, this international organization plays the role of a coordinator and supporter of the police operations in transnational areas. It plays the role via information exchange, offering solutions and identification and extradition of the fugitive criminals to the states’ police forces in line with fighting against transnational crimes, especially transnational organized crimes, terrorism, cybercrimes, international intellectual ownership crimes and so forth.

TOPIC ONE: ELABORATION OF CONCEPTS

• *Chapter One: Conceptualization of Transnational Organized Crimes*

There are many definitions offered for organized crimes that, though being different in some respect, share identical concepts. In one of the shortest of these definitions, organized crimes are “continuous criminal activities perpetrated with coordination”.

The definition has largely expanded the circle of the organized crimes and incorporates all of the crimes committed by the participation or complicity of two or several individuals and, additionally, it is vague in terms of the number of the perpetrators and the type of the perpetrated action and the conditions and characteristics and does not provide a comprehensive and exclusive significations hence cannot be used as a basis in the related discussions. In another definition that is agreed by the entire criminologists, organized crime is specified as a continuous criminal action that is committed for acquiring benefit and interest via performing illegal activities required by the people.

The definition is also found silent in regard of the number of the perpetrators and organized nature of the crime and collusion between the criminals and their special roles hence it is not a comprehensive and thorough definition.

Amongst the other different definitions existent in this regard, one of the most suitable one is the definition based on which organized crime includes a series of illegal transactions by numerous criminals for a continuous period of time for obtaining economic privileges and political power in case it is envisaged necessary for acquiring economic power. The definition is relatively comprehensive and exclusive. Another expanded definition is that organized



crimes are non-ideological criminal interventions perpetrated by a group of individuals who are in close social interactions and its objective is obtaining interest and power. Although the abovementioned definitions relate organized crimes to the criminal activities, there is yet another definition that compromisingly uses organized crime to refer to the criminal groups and organizations perpetrating such crimes .

In the first gathering of Interpol members in Saint Claude in France, transnational organized crimes were defined as follows: “any company or group that is engaged in continuous illegal activities and its objective, disregarding the national borders, is acquiring material interests”. A number of attending states’ police representatives emphasized on the necessity of the existence of violence in the activities and imperative structure of the organization requested the correction of the aforementioned definition as stated in the following words: “a group featuring a coherent structure with the primary objective of acquiring material interest through performing illegal actions using threat and corruption” (Mirza’ei, 2014).

Organized crimes have not been defined in Palermo Convention but some of its attributes have been pointed out: paragraph A of article 2 thereof states that “organized criminal group is a group of three or more individuals existent for a certain period of time with the objective of perpetrating one or several crimes or harsh transgressions as stated in the convention for directly or indirectly acquiring financial interests or other material benefits in a coordinated manner”. And, paragraph B points to “crimes’ severity” and paragraph C highlights the “group’s formation and its performing of its action in an organized manner”.

According to the numerous definitions offered herein for organized crimes, it seems that the last definition is a comprehensive sub-definition drawn on the aforementioned definitions and it can be considered as an appropriate scale for the forthcoming discussions:

Organized crime includes illegal and coordinated activities by a coherent group of individuals who collude for obtaining material interests and power via continuous perpetration of harsh criminal actions and, in doing so, they make use of any type of criminal tools. Such a prerequisite as the “transnational” nature of the crimes that is missing from the writings by the majority of the jurists has been explicitly mentioned in Palermo Convention as the condition for the actualization of organized crimes for such a reason that if a crime is solely designed, organized and perpetrated within the territory of a state and its effects are exclusively directed at the same state, the governance of the state requires the corresponding government to take measures within national strategy format as deemed expedient and such crimes have been excluded from the convention. It is evident that there is no need felt for inserting such a constraint because the majority of the writers consider organized crimes in a general manner and “transnational nature” is deemed as ancillary and secondary, (Salimi, 2003).

Although there is a considerable discrepancy regarding the definition of transnational organized crimes, it can be stated based on the studies performed thereon that transnational organized crimes encompass various criminal actions perpetrated by various criminal groups comprised of more than two persons, one residing abroad, and featuring a special organization aiming at acquisition of financial or material interests.

- *Chapter Two: Interpol Conceptualized*



Interpol is an international organization founded for fighting the international criminals and establishing general security of the member states. Interpol is an acronym for international criminal police that was founded in 1923 in Vienna, Austria. The primary goal of the organization is making cooperation between the police of member states and coordinating the judicial authorities of them for combating the criminals and international crimes. The organization is now based in Leon, France.

Topic Two: UN Conventions, Effects and Difficulties of Police in Transnational Organized Crimes

Chapter One: UN Convention against Transnational Organized Crimes

Organized crime was taken into account for the first time in 1975 in the crime prevention and criminal justice department of the UN and the fifth conference on the crime prevention held in the same year directed its attention to the transformations and sizes of organized crimes and investigated the transnational crimes as a “business” in national and international levels. Afterwards, in the sixth and seventh crime deterrence conferences, i.e. 1980’s meeting in Caracas, Venezuela, and 1985’s summit in Milan, Italy, more emphasis was made on the issue and combating the organized crimes was demanded. Subsequently, UN convention against narcotics and drug smuggling was enacted on 19th of December, 1988. Finally, the eighth conference on crime prevention and corrective way of treating the criminals, in 1990, suggested various interventions for confronting this crime. After that, justice department ministers gathered around in Naples, Italy, during 21st to 23rd of November, 1994, and underlined the fight against transnational organized crimes and more effective international cooperation for combating them. In 1996, the first actual step was taken for enacting an international document regarding transnational organized crimes when Poland came up with a draft of the convention against transnational organized crimes that was presented in the same year in the 51st general assembly’s gathering. Besides defining organized crimes, the text of the 24-item draft stipulates some trial regulations, including extradition, protection of witnesses and so forth. With the member states’ willingness for codifying the convention, the general assembly decided in 1997’s resolution to found a commission composed of interstate expert groups and agreed to Poland’s suggestion for holding a meeting to investigate the aforesaid draft in Poland and it was subsequently held in Warsaw in 1998. Moreover, Max Plan Institute offered a plan giving solutions regarding the codification of the authority-version draft of the international convention against organized crimes. It was with the offering of these two plans and based on two meetings, one informal in 1998 in Buenos Aires and a formal in 1999, that the convention was completed in 2000 and submitted to the 55th gathering of general assembly to be approved by the UN and the codification job of UN convention against transnational organized crime finally reached its termination point in 2000 following the holding of ten consecutive sessions and the representatives of 120 states took part in its codification and it was finally confirmed by the member states in the general assembly of UN in 2000 and was open since 12th of December, 2000, for endorsement by the states in Palermo, Italy. Palermo’s 2000 convention is comprised of 41 articles and contains important regulations about transnational organized crimes (Shokri and Bahmani, 2013).

UN’s 1988 convention (Vienna Convention) on fight against narcotics and psychotropic drugs smuggling was enacted by the general assembly of the UN on 20th of December, 1988. In the convention, perpetration of drug smuggling in an organized manner has been stated to be



sentenced to intensified punishment. Furthermore, the illegal production and services related to narcotics, including cropping and distribution and sales and purchase and transportation and using it for supply of the budget to the perpetration of the aforementioned crimes have also been criminalized. In addition, purification of the incomes resulting from drug smuggling has also been considered as a crime and the member states have been asked to also criminalize such actions. Also, obtainment and possession or use of the properties earned from drug smuggling and public encouragement and incitation for perpetration of the aforementioned crimes and participation and collusion and complicity of drugs and narcotics smuggling have also been criminalized. Some judicial cooperation within the format of “criminals’ extradition”, “judicial assistance” and “judicial deputyship” have also been predicted. Besides these two conventions, there are regional interventions carried out regarding transnational organized crimes. The followings are some of the most important of these interventions:

- 1) Interventions by Economic Cooperation Organization (ECO)
- 2) European Council’s convention on fight against European employees’ bribery
- 3) European Council’s treaties
- 4) European convention on terrorism suppression.

The Economic and Social Effects of Transnational Organized Crimes

Every crime causes the society to be incurred with harmful effects and the premise for criminalizing every crime and the crimes’ existential philosophies, as well, are the detrimental outcomes originating from its perpetration. Transnational organized crimes are accompanied by numerous effects in various dimensions. These crimes disrupt the political structure of the government, democracy and even global order and it is this same issue that provokes civil society and its institutions’ weakness and instability. It has to be said that the perpetration of transnational crimes actually imposes devastating political, economic and social effects in national and transnational dimension on the countries around the globe (Mirza’ei, 2014).

Transnational organized crimes threaten the countries and communities in political, economic and cultural dimensions and make them encounter serious challenges in these respects. The economic characteristic and the ultimate goal that is gaining properties, wealth and power cause serious dangers to the countries more than any other factor because it is via achieving wealth and power, sometimes even exceeding those of the governments, that the governance and lawfulness are exposed to serious risks. For example, Madeline Cartel, in Colombia, managing a large quotient of cocaine smuggling and distribution in universal level possesses so strong an organization possessing an army and a foreign policy like those of the sovereign countries. With its being in possession of billions of dollars, the cartel is capable of buying the governmental agents and forcing them to cooperation. A retired American army general told a secondary committee of the US senate in February, 1988, that “the cartel is so rich and powerful that it practically can buy the government and destabilize the communities” (Mir Muhammad Sadeghi, 1998).

In national and international levels, the organized delinquency exerts abundant effects on politics. It possesses economic power and enjoys invisible influence on the society enabling it to interfere with the elections and get their intended regulations enacted via exercising influence on the legislative assemblies thereby to corrupt the government. Moreover, the organized crime groups make democracy and freedom of expression confronted with the danger of annihilation through threatening the journalists and destroying the political and economic



rivals and clear and hidden suppression of the legitimate people-driven interventions (Najafi Abrand Abadi and et al, 2000). Furthermore, the use of force and violence, as symbols of delinquent organizations, causes instability and shakiness in the countries' governance. For instance, in Colombia, the smugglers supply the guerilla warriors with budgets and instigate them with political motivations to fight with the central government because keeping the central government busy with the counteraction of these rebels makes it negligent of the criminal organizations as a result of which the ground would be set for their easier activities. Due to the same reason, some of the world's criminal organizations, as well, seek making bonds to the organizations that can commit political violence via terrorism for such a purpose as achieving a sort of added power (Mirza'ei, 2014).

The [negative] social and cultural effects stemming from the perpetration of transnational organized crimes have been less attended to by the authors. Perhaps, the most important of the results of these effects, all of which exert direct and undeniable influences on the individuals' life and its quality, can be observed in such violence examples as smuggling, gambling, prostitution and spreading of Aids in the today's community. Sexual exploitation has recently become a globally prosperous industry that is managed by powerful criminal organizations like Colombian cocaine cartels, Yakuza in Japan and Triads and Mafia. These groups earn almost 7 billion dollars by doing so and seek expansion of their networks in developing and developed countries. The women and adolescents are predominantly deceived by advertisements of employment in formal jobs of the foreign countries and they eventually find out that they have been sold and bought by catalogues. As soon as they are enslaved, they would be subjected to battery and rape and then sold by the first owner to the next and from it to the possessors of prostitution houses and they often work for about 18 hours a day (Ashtari, 2001).

It is simply by means of these groups that the dignity, prestige and human right is brutally and wildly breached and this, undoubtedly, demands and necessitates strict and intense fight by the countries within their governance realm and international organizations within their jurisdiction.

Police's Difficulties in Confrontation with Organized Crimes:

In spite of the success the police of the countries have had in fighting against criminal organizations and apprehension of their members in various levels, they have not yet succeeded in complete destruction of these criminal groups. The reasons for such a failure are manifold. The followings are but some of the most important of them:

- 1) The victims and witnesses of these groups are not willing to report the crimes perpetrated by the group members for the fear of being avenged or due to their own weak points for the commitment of some crimes.
- 2) As professional criminals, these groups' members very well know the ways of dodging the law and misuse of the rules' weak points and leaving no trace behind and get away from conviction on the right time using versatile lawyers.
- 3) The solid relations between the leaders and the members makes the group members save the leader and do not disclose his name even at the cost of going to jail and performing dangerous works for the family leader.



- 4) Many criminal groups perpetrate their criminal actions, including narcotics smuggling and arms trafficking, targeting the foreign countries and the fight against them is impossible without effective cooperation of all involved countries (As'adi, 2005).

Organized crimes are enumerated amongst the most important and most dangerous challenges with which the entire international community is faced because all these transgressions threaten the national and international organizations and nations and the states' governance over the assets with the dangers and problems they are followed by. This has frequently caused the creation of negative consequences in social, economic and political areas in such a way that these losses and harms have hindered the growth and promotion of the developing countries to a large extent. That is because the occurrence of crime diverts the government's attentions and efforts to the security issues and doubles the costs and causes the spending of all existent abilities and workforce on the fight against the issue.

International crime bands have always been ahead of crime-fighting forces in acquiring and using advanced technologies with no restriction like the Colombian gangs that have been using a network of global satellites (Shokri and Bahmani, 2013).

The future crimes would be manifested in two levels:

- A) Continuation and perfection of the old and traditional crimes which are more of a physical nature and happen with the presence of an individual in the crime scene;
- B) A new form of electronic crimes.

Based on this report, technology is the most effective factor influencing the method and complexity of crimes' perpetration. Of course, traditional crimes like robbery and fraud would be still continued; but by electronic means and this has been made very much easy via technological instruments. In fact, information technology has made the perpetration of such electronic crimes as credit card misuse, infiltration into information network and disruption of them, money laundry and others possible easily and with the least risk.

According to what has been mentioned so far, several trends have been predicted for the forms and extents of crime growth in the future world. The followings are some of these trends:

At the same time with the crimes' becoming more complex and more international and along with the more accentuated role of technology use in them, the activity method of these crimes would become more organized and more regular. Furthermore, the majority of high-income future crimes would take the form entailing more extensive organizing efforts. Crimes like smuggling of human organs, nuclear materials and humans and emigrants almost entirely need a sort of organization. Of course, such crimes as long distance fraud and forging and misusing of credit cards are to be enumerated amongst economic crimes that need a large deal of organizing effort. Corporate crimes that were once carried out by the recruited workforce would be perpetrated by groups outside the companies. This latter case embraces both groups of moral crimes and network crimes and nontraditional economic groups that are recently emerging.

Organized crime groups of the future would be keeping on proving presence via access to novel technologies and innovation of unique technologies (Biyabani, 2008).

Creation of mass consumption markets augments the growth of organized crimes in several ways: first of all, the new multinational markets have been left open to the criminal organizations; secondly, criminal organizations enjoy greater skill or expertise in acting outside the framework of law, regulations and business or work norms and they are less



concerned regarding the legal details governing the role of international borders. Criminal organizations work outside their existent structures and they have so far created strategies for overcoming the law enforcement in certain nations and in between the international borders.

In a daily increasing manner, the criminal organizations are becoming transnational in nature and this they do by implementing direct operations centrally in the territory of two or several countries, mobilizing the resources and keeping on the adoption of optimization strategies in between the international borders. These organizations are still specialized in practical terms and only look for infiltrating in the markets rather than finding themselves a new realm. Unlike their multinational counterparts that seek for obtaining new lands and markets via negotiating with the states and governments, criminal (felonious) organizations attain such a goal via escaping or fleeing away so as to bypass the governmental control and inspections and this makes it very difficult for the states to control or curb them due to the conditions emerging out of their emergence. Thus, they are always provided with the possibility (of escaping the governmental control) .

Topic Three: Interpol's Interventions against Transnational Organized Crimes

International criminal police organization known as Interpol is amongst the international organizations formed for the mutual cooperation of countries for fighting international crimes and establishing public order and security. The objective in establishing this organization is creation of an international system capable of controlling and fighting crimes and inter-state police information exchange and collaboration. The organization has been formed based on the principle of countries' governance hence it does not intervene in the political, racial, religious and military issues.

Considering the fact that transnational organized crime is a rather expanded concept and incorporates numerous examples of materially-driven crimes, including smuggling, tax evasion, money laundry, injecting illegitimate money into the society, money bill forgery as well as some internet crimes like pornography, it is necessary for the law enforcing institutions to cooperate in an international level. The distinct stance of Interpol in the international community enables this organization to assist the countries for the elimination of criminal networks acting in this area. Interpol has taken measures in line with forming work groups as well as codification of a set of studies regarding the way of performing research on women smuggling for sexual exploitation, forced labor, slavery and body organs' transplantation (Taghizadeh Ansari, 2009).

Incomes obtained from various kinds of smuggling, especially narcotics smuggling, by some of the organized criminal groups are put into other international crimes, particularly terroristic crimes. One resolution approved in this same regard in the UN points to the effective role of Interpol. It is by the force of this resolution that the countries' police authorities have been recommended to use Interpol's communication systems for achieving the convention's objectives. In regard of fighting against various kinds of smuggling, Interpol is working closely with the other international organizations and nongovernmental institutions, including with Europol, European Agency for the management of operational cooperations in the foreign borders, EU's judicial body, international center for the development of emigration policies, economic community of West African countries, organization of American countries, international emigration organization, international labor organization (Zarnegar, Seddigh, 2017).



CHAPTER ONE: THE ROLE OF INTERPOL IN RESPECT TO FUGITIVE CRIMINALS

Interpol's activities in respect to international fugitives constitute part of its activities since the day it has been founded. Upon being requested by the member countries, Interpol takes measures parallel to electronic dispersion of announcements containing the identification specifications of the aforesaid individuals and judicial information regarding the wanted criminals worldwide.

Interpol's red notice has been authenticated in many of the countries as being of legal value for the arrests. The beneficiaries are sued by the national judicial authorities or international courts and the red notice aims at aiding the police for the identification of them or locating them for making the arrest or extradition. Interpol has also created fugitive investigation services to provide help to the member countries. These contributions are outlined below:

- Providing research support to the member states for determining the location and arresting the wanted criminals;
- Making international coordination and providing help in the area of fugitives' investigation
- Collecting all expert information and the best of the procedures-guiding and coordinating the relevant investigations and being turned into the most important reference center for the information on the fugitives (Taghizadeh Ansari, 2009).

CHAPTER TWO: INTERPOL'S ROLE IN RESPECT TO WANTED CRIMINALS

Interpol's red notice is not envisioned as an international arrest warrant. The declaration is issued for the individuals who have escaped to another country after perpetration of a crime of a type. In this declaration, the following information are inserted: the individuals identification information (name and family name, surname, birthdate, parents' names, citizenship), photo and fingerprints, if any, convict's apparent specifications (height, weight and so forth), other information (job, language, identity documents and so forth), judicial information, file summary, crime perpetrated, the amount of punishment or the remaining duration of conviction, statute of sue and verdict enforcement limitations, the arrest warrant paper's number and specifications.

It is also stated in the notice that the Interpol should be immediately informed by the country wherein the sued or wanted individual is found and measures should be taken for his or her extradition .

It is by means of this native that the individuals who perpetrate crimes and escape to the other countries can be sued internationally. It is explicitly stated in the red notice that the police department of the country wherein the wanted person is found should immediately inform the international police administration of the requesting country and the central secretariat. From the perspective of the countries that have authenticated the red notice by their judicial system, it functions as a temporary arrest warrant; therefore, the red notice forms the legal basis of apprehending the sued or wanted individual in this sense. Due to the same reason, it is emphasized in the red notice that the requesting country should make it clear from which countries it demands the convict's extradition .

There is a list of wanted fugitives on Interpol's website and it can be copied and published. However, it has to be noted that the list only contains a small part of a more voluminous whole.



Any unauthorized modification in any part of the wanted fugitives' notice is considered as a crime and the violator can be indicted.

CHAPTER THREE: INTERPOL'S ROLE IN RESPECT TO EXTRADITION

Extradition is the process in the course of which a convict or a criminal who has escaped after perpetrating a crime and before being subjected to trial and punishment enforcement to another country is handed over thereto. The government requesting the handover is called the demanding state and the state in the territory of which the convict or the aforesaid criminal is residing and receives the extradition request is called the extraditing state.

If there is a criminal extradition treaty between the demanding and demanded states, the extradition acceptance is obligatory in respect to the crimes specified in the treaty with the observance of the other conditions. But, in case that a special extradition treaty of any type does not exist between the two states and if the extradition acceptance or rejection has been made optional in respect to the crimes not mentioned in the treaty or suspended on the will and volition of the country to which extradition request or conviction verdict enforcement has been made, the criminals' extradition and/or sentence enforcement usually depend on the mutual relations (Mir Muhammad Sadeghi, 1998).

In other words, in legal terms, extradition is the collection of measures taken for having a criminal returned from a country s/he is residing to the country wherein s/he has committed a crime.

Extradition provides for definite enforcement of criminals' punishment. On the other hand, criminals' extradition can expose the fugitive criminal to trial in the most qualified court, i.e. the court of the country wherein s/he has committed a crime whereas if s/he is decided to be tried in the country s/he has selected a house, the courts thereof would not be able to discover the truth of the incident and the identity of the perpetrator for being away from the scene of the crime. Undoubtedly, the interests of the demanding state make it expedient for it to have in custody the culprit who has abused its justice system. Also, it is deemed expedient by the dwelling country to get rid of the person who might even commit a crime in its territory. According to the aforementioned cases, one of the objectives in punishment is deterring and inducing the feeling that nobody can get away with a crime unpunished and the judicial justice requires that the convicts and fugitive criminals should not feel comfortable and secure in the other countries and in case of missing international cooperations and the free and immune living of the criminals in other countries after perpetrating crimes, justice undergoes chaos. Thus, it is based on feeling such a necessity and need that the criminal extradition has been proposed (Ardabil, 2013, p.26).

Each of the countries enact rules and conditions regarding the criminals' extradition and qualifications for investigating the crimes committed by criminals found in their territories and they accept the criminals' extradition principle in adherence to their own national principles, criteria and governance. Therefore, criminals' extradition is the result of the judicial interventions and international collaborations in fighting against criminality .

In terms of historical background, extradition took a global and international aspect in Europe since 18th century with the daily increasing development in mass media instruments and transportation means. Belgium is the first country that prepared a law on extradition in 1833. The first contract the Iranian government signed in regard of extradition is the one it signed in



1928 with Afghanistan and it has now been expired. Subsequently, the Iranian government signed extradition contracts in 1937 with Republic of Turkey and then with governments in Pakistan and France in 1959 and 1966. Finally, in 1960, criminals' extradition law was enacted as the first comprehensive law in this regard in Iran.

Criminals' extradition issue was discussed in Monaco meeting held in 1914 for the formation of an international association of criminal police by the participants. The states were recommended in this meeting to deal with concluding bilateral and multilateral contracts between themselves regarding extradition. As a subsequence to that, the issue was posited in other international communities and conferences such as in:

- Accepted principles regarding extradition by the international law institute in Oxford (article 26)
- International criminal police conference in Monaco, 1914
- Judicial conference in Moscow in 1914 in which the signing of international extradition contracts was advised
- International conference on criminals' correction and penitentiaries' administration in London, in 1927
- Articles 334-381 of international law regulations enacted by 21 American states (Taghizadeh Ansari, 2009).

In this regard, Interpol acts as an intermediary and linking organization between the judicial authorities of various countries. Having advanced facilities and instruments and information, it, in lieu of the organization, provides assistance to the member states' police and judicial authorities and offers them effective aids. As soon as getting aware of the presence in a member state of a criminal who is sued and wanted by another member state, Interpol assists the local police in arresting the criminal and informs the suing country of the whereabouts so that the it might be able to send the documents and evidence related to extradition to the state wherein apprehension has taken place within 24 hours. These interventions can be done via "Interpol office established in the extradition-requesting state". It is in the light of such cooperations that security is established in the international relations. In fact, Interpol globally acts out the same role that the internal police play in domestic level and that is establishment of security and confrontation with the criminals because the objective in founding this organization has been the creation of an international control and confrontation with crimes and criminals as well as establishment of a center for exchanging information and news between world countries for the accomplishment of the aforementioned goal (Abbasi, 1995).

The preliminary letter-writings for finding the criminals is carried out by national Interpol's central offices existent in all of the member states following which diplomatic measures are taken for the criminals' extradition. The formalities of criminals' extradition are as stated in the following words: after an order is received from a judicial authority, Interpol office investigates the sent document and evidence by the extradition-requesting state. The extradition request should be arranged within a special format existent in the national central offices. In case that the country wherein the criminal is residing is a member to Interpol, the forwarder of the documents (extradition applicant) should immediately send the rest of the documents to Interpol but if it is not clear whereto the criminal has escaped. The necessary information about the criminal is sent to the central Interpol secretariat and all of the other member states so that measures can be taken parallel to search for and locating the criminal. In case that the



accusation cases of the criminals are found pertinent to severe crimes like transnational organized crimes, Interpol intervenes via issuing red native to the entire member states.

When Interpol happens to find traces of the criminals based in the investigation of the histories and the information available on them, it informs the extradition applicant. Then, diplomatic measures are taken by the latter as well as by the country to which the criminal has escaped in such a way that the judicial authorities send within the format of a report the reasons of the individual's criminality along with the other required documents to the legal office of the foreign ministry that subsequently investigates if there is a criminal extradition contract between the parties and, in case of the absence of an extradition treaty, it acts based on mutual exchange and requests the country to which the criminal has escaped to extradite him or her (Taghizadeh Ansari, 2009).

CONCLUSION AND SUGGESTIONS

Along with development and evolution of the communities, crime has also undergone changes. Internationalization of the crime, professionalization of the criminals, use of modern technologies in perpetrating crimes and such a phenomenon as organized crime are amongst the most important manifestations of the novel human civilization. Therefore, it is deemed expedient for the communities' responses to be also developed in the face of criminal actions so that the crimes can be curbed and controlled. In the today's world, transnational organized crimes are amongst the most dangerous crimes threatening the security of the global community, especially in economic, social and political areas. These crimes have taken modern forms with the progresses in science and technology worldwide and the activities of this group of criminals have exerted detrimental effects on the international societies, particularly states.

Although there is a large deal of discrepancy regarding the definition of transnational organized crimes, it can be stated based on the investigations that the transnational organized crimes encompass those of the criminal actions committed by criminal groups comprised of more than two individuals with one residing aboard that feature special organizations aiming at acquiring financial or material benefits.

It has been based on the necessity of adopting a comprehensive and multilateral approach to modern transgressions that the globalization of UN conventions for fighting against organized crimes has been taken into account. In line with this, the codification job of the UN convention against transnational organized crimes reached an end in 2000 following the holding of ten consecutive sessions and the representatives of over 120 countries worldwide participated in its codification and it was eventually approved by the member states on 15th of November, 2000, in the general assembly of UN and it became open to endorsement by the states since 12th of December, 2000, in Palermo. Palermo's 2000 convention is consisted of 41 articles and it puts forth important regulations regarding transnational organized crimes; the UN's 1988 convention (Vienna Convention) on fight against narcotics and psychotropic drugs was also passed in 20th of December, 1988, in Vienna by the UN's general assembly. In this convention, intensified punishments have been stipulated for the perpetration of drug smuggling in organized form.

Transnational organized crimes threaten the countries and communities in political, economic and cultural areas and they can make countries encounter serious challenges in these aspects. The domestic police of the countries have not been able to perform essential confrontation with



transnational organized crimes and its aforesaid threats due to the above-mentioned reasons. It is by the cause of these same shortfalls and deficiencies that the transnational police and, atop of it, Interpol, is to be given a prominent role and position. Interpol can facilitate the exchange of the study findings and offering of other services parallel to the investigation and suing of the crime agents via holding regional and international conferences and supplying the member states with technical and instructional assistance. Equipped with the instruments and means of special type, it can also sue the criminals so as to pave the way for the extradition of this set of criminals and leaving of them unpunished. To accomplish these goals, the following suggestions have been made:

- 1) Holding meetings and exchanging information and findings between the corresponding organizations in fight against these crimes
- 2) Considering the special legal status governing Interpol, it is deemed necessary for it to be introduced as an institution affiliated with the UN. This is emphasized in the sense that many of its decisions lack the sufficiently strong legal mandates.
- 3) Interpol has been prohibited from performing any police operation in the territory of the member states for the preservation of their governance. Thus, preparatory measures should be taken even if entailing charter modifications so that it can directly act in cooperation and coordination with the member states' police, if necessary.

References

- Abbasi, Mahmoud, (1995), "international police", 1st ed., Tehran, Majd
- As'adi, Hassan, (2005), "transnational organized crimes", 1st ed., Tehran, Mizan
- Ashtari, Behnaz, (2001), "women smuggling, contemporary slavery", 1st ed., Tehran, New Thought
- Biyabani, Gholam Hussein, (2008), "organized crimes and future challenges", journal of detectives, 2(5)
- Karimi, Anooshirvan, (2011), "the role of Interpol in offering legal and police assistance in line with criminals' extradition", journal of international police studies, no.6
- Mir Muhammad Sadeghi, Hussein, (1998), "international criminal law (collection of articles)", 1st ed., Tehran, Mizan
- Mirza'ei, Muhammad, (2014), "transnational crimes: concepts, effects and examples", journal of detectives, 2(7), no.28
- Najafi Abrand Abadi, Ali Hussein; Habibzadeh, Muhammad Ja'afar and Shams Nateri, Muhammad Ebrahim, (2000), "organized crime in criminology and criminal law", no.17
- Salimi, Sadegh, (2003), "transnational organized crimes in Palermo Convention and its effect", legal journal of Islamic Republic of Iran's legal services office, no.29
- Shokri, Mahdi and Bahmani, Majid, (2013), "principles of differential trial procedures in investigation of organized crimes", 1st ed., Tehran, Era's Thought Press



Taghizadeh Ansari, Mustafa, (2009), “international criminal police organization”, 1st ed., Tehran, Jungle (Javdaneh)

Zarnegar, Ehsand and Seddigh, Mir Ebrahim, (2017), “the role of Interpol in fighting international crimes and solidification of global security”, seasonal scientific-promotional journal of police, 7(32)

