ADDITIONAL TEXTS FOR READING

1. DECLARATION OF STATE SOVEREIGNTY OF THE REPUBLUC OF BELARUS of 27 July 1990

The Supreme Soviet of the Republic of Belarus, expressing the will of the people of the Republic of Belarus, aware of its responsibility for the destiny of the Belarussian nation,

reaffirming its respect for the dignity and the rights of the people of all nationalities residing in the Republic of Belarus,

expressing its respect for the sovereign rights of all the peoples of the world,

considering the Republic a full and independent member of the world community,

acting in conformity with the principles of the Universal Declaration of Human Rights and other universally recognised international legal instruments,

hereby solemnly proclaims the full state sovereignty of the Republic of Belarus as the supremacy, the independence and the absolute state power of the Republic within its territory, the competence of its laws, the independence of the Republic in foreign relations, and declares its determination to establish a state, based on laws

Article 1.

The Republic of Belarus is a sovereign state established on the basis of the realization by the Belarussian nation of its inalienable right to self-determination, state-language status of the Belarussian language, and the supremacy of the people in the determination its destiny.

The inalienable rights of the Republic of Belarus as a sovereign state shall be realized in conformity with the universally recognized norms of international 1aw. The Republic of Belarus shall safeguard and protect the right of the Belarussian people to have its own state.

The Republic of Belarus shall have its own emblem, flag and anthem.

Any forcible acts against the national statehood of the Republic of Belarus committed by political parties, public associations or individuate shall be punished by law.

Article 2.

The citizens of the Republic of Belarus of all nationalities constitute the Belarussian people, shall be endowed with sovereignty and shall be the sole source of state power in the Republic. The sovereignty of the people shall be realised both directly and through representative organs of state power.

The right to act in the name of all the people of the Republic shall be vested exclusively in the Supreme Soviet of the Republic of Belarus.

Article 3.

The state sovereignty of the Republic of Belarus shall be proclaimed in the name of the supreme goal - free development and prosperity, a dignified life for every

citizen of the Republic on the basis of ensuring human rights of the individual in conformity with the Constitution of the Republic of Belarus and its international obligations.

Article 4

Citizenship of the Republic of Belarus shall be integral part of its sovereignty. The Republic shall protect the honour, the health, the rights and the legal interests of the citizens, and shall ensure their social protection. They shall enjoy protection of the Republic of Belarus outside its territory. The Republic may confer and terminate citizenship.

Article 5

The land, its mineral wealth, the other natural resources on the territory of the Republic of Belarus, and its air space shall be the property of the Belarussian people who shall have the exclusive rights of their possession, enjoyment and disposal.

The determination of the legal status of all kinds of property shall be within the exclusive competence of the Republic of Belarus.

The Republic of Belarus shall have the right to its portion of the all-Union property according to the contribution of the Belarussian people and, as a founding Republic of the Soviet Union having legal capacity, shall have the right to its portion of the diamond, currency, and gold reserves of the USSR.

The Republic of Belarus shall establish the National Bank, accountable to the Supreme Soviet of the Republic, shall organize its own financial and credit system, shall confirm the right of ownership of specialized banks based on its territory at the time of the adoption of this Declaration, shall organize its own taxation and customs services, and shall have the right to establish its own monetary system.

Article 6.

The territory of the Republic of Belarus shall be indivisible and inviolable and shall not be altered or used without the consent of the Republic of Belarus.

All questions concerning borders shall be decided only on the basis of the mutual consent of the Republic of Belarus and the adjacent sovereign by the conclusion of appropriate agreements, subject to ratification by the Supreme Soviet of the Republic of Belarus.

Article 7.

Within the territory of the Republic of Belarus the Constitution of the Republic of Belarus and laws of the Republic of Belarus shall have supremacy.

All citizens and stateless persons, state organs, enterprises, institutions and organisations based or functioning on the territory of the Republic of Belarus shall obey the laws of the Republic of Belarus.

The delimitation of legislative, executive, and judicial power shall be the most important principle of the functioning of the Republic of Belarus as a state, based on law.

The supreme supervision over the strict and uniform observance of the laws shall be exercised by Procurator-General appointed by the Supreme Soviet of the Republic of Belarus.

Article 8.

The Republic of Belarus shall independently establish a procedure for organizing nature preservation, utilisation of natural resources of the territory of the Republic and shall ensure ecological security for the people of the Republic.

The Republic of Belarus shall have the right to compensation for the damage incurred as a result of activities of all-Union organs, Union republics, and other states.

The Republic of Belarus demands from the Government of the USSR an unconditional and prompt compensation for the damage connected with the elimination of the effects of Chernobyl disaster.

The Republic of Belarus shall use its freedom and sovereignty first and foremost to save the people of the Republic of Belarus from the effects of the Chernobyl disaster.

Article 9.

The Republic of Belarus shall be independent in deciding on the questions of culture and spiritual development of the Belarussian nation, other nation communities of the Republic, and in organizing its own system of information, education, and upbringing.

The Republic of Belarus shall ensure the functioning of the Belarussian language in all spheres of social life, and the preservation of national traditions and historical symbols.

National, cultural, and historical values on the territory of the Republic of Belarus shall be exclusive property of the Republic and its citizens.

Article 10.

The Republic of Belarus shall have the right to its own armed forces, internal security forces, organs of state and public security, which shall be controlled by the Supreme Soviet of the Republic of Belarus.

The Republic of Belarus shall have the sovereign right to determine for its citizens the procedure and conditions of military service, and service in the organs of state and public security, and to decide on questions of deployment of troops and armaments on its territory.

No military units, military bases or installations of other countries shall be deployed on the territory of the Republic of Belarus without the consent of its Supreme Soviet.

The Republic of Belarus sets the aim to make its territory a nuclear-free zone and to become a neutral state.

Article 11.

The Republic of Belarus shall independently exercise the right to enter into voluntary unions with other states and to withdraw freely from these unions.

The Republic of Belarus proposes to commence immediately the elaboration of an agreement on a union of sovereign socialist states.

Article 12.

The provisions of the present Declaration shall be implemented by the Supreme Soviet of the Republic of Belarus through the adoption of a new Constitution (Fundamental Law) of the Republic of Belarus, and laws of the Republic of Belarus.

2. THE CHERNOBYL TRACE IN BELARUS

On Apri1 26, 1986 a major accident took place at the 4th power unit of the Chernobyl Nuclear Power Plant which is situated 12 kilometres off the southern border of the Republic of Be1arus. As a result of the accident, the nuclear reactor block and a part of the building were wrecked.

After the explosion a great amount of radioactive substance was thrown out of the wrecked reactor into the atmosphere. Later the fall-out covered in a few big spots the territory of Belarus, Ukraine and the western part of Russia.

As a result of the disaster 23 per cent of the territory of the Republic of Belarus, where more than 2 million people inhabit 3.668 towns and villages, were radioactively polluted.

After the accident Belarus became the area of ecological disaster. The situation was aggravated by the fact that in some regions of the Republic the areas of radioactive pollution coincided with those of high chemical pollution. The Chernobyl radioactive pollution spread over all the regions of the Republic.

Of more than ten million peop1e in the Republic of Belarus approximately every fifth person lives on the contaminated with radionuclides territory. In accordance with the legislation of the Republic of Belarus the population is subjected to immediate or subsequent resettlement. In Belarus the number of peop1e who have been resettled and are to be resettled amounts to more than 100 thousand. The southern and south-eastern parts of the territory of Belarus were most severely affected by the Chernobyl disaster.

The long-term programme for minimisation of Chernobyl disaster consequences was developed in Belarus. Now this programme is being carried out. A series of laws such as "On Social Protection of Citizens Affected by the Chernobyl Accident", "On Legal Regime of Territories, Affected by Radioactive Contamination As a Result of the Chernobyl Accident", different decisions and standards were adopted in the Republic.

With deep gratitude people of Belarus took the humanitarian aid from different countries: medical equipment, drugs, food stuffs and consumer goods. All this came from Germany, the USA, Holland, Italy, Austria, Poland and other countries, from charitable organisations and private persons. The world community needs the lessons and experience of Chernobyl disaster just as much as Belarus needs concrete assistance in securing healthy future of this and coming generations.

3. SECTION IV. - THE PRESIDENT, PARLIAMENT, GOVERNMENT, THE COURTS

Article 84

The President of the Republic of Belarus shall:

1) call national referenda;

2) call regular and extraordinary elections to the House of Representatives, the Council of the Republic and local representative bodies;

3) dissolve the chambers of the Parliament to the order and instances determined by the Constitution;

4) appoint six members of the Central Commission of the Republic of Belarus on Elections and National Referenda;

5) form, dissolve and reorganize the Administration of the President of the Republic of Belarus, other bodies of state administration, as well as consultative advisory councils, other bodies attached to the Presidency;

6) appoint the Prime Minister of the Republic of Belarus with the consent of the House of Representatives;

7) determine the structure of the Government of the Republic of Belarus, appoint and dismiss the deputy Prime ministers, ministers and other members of the Government, take the decision on the resignation of the Government or any of its members;

8) appoint with the consent of the Council of the Republic the Chairperson of the Constitutional, Supreme and Economic Courts from among the judges of these courts;

9) appoint with the consent of the Council of the Republic the judges of the Supreme and Economic Courts, Chairperson of the Central Commission of the Republic of Belarus on Elections and National Referenda, the Procurator-General the Chairperson and members of the Governing Board of the National Bank;

10) appoint six members of the Constitutional Court, and other judges of the Republic of Belarus;

11) dismiss the Chairperson and judges of the Constitutional, Supreme and Economic Courts, the Chairperson of the Central Commission of the Republic of Belarus on Elections and National Referenda, the Procurator-General, the Chairperson and members of the Board of the National Bank to the order and instances determined by the law and to the notification of the Council of the Republic;

12) appoint and dismiss the Chairperson of the State Supervisory Committee;

13) deliver messages to the people of the Republic of Belarus on the state of the nation and on the guidelines of the domestic and foreign policy;

14) deliver annual messages to the Parliament which are not open to discussion at the sittings of the House of Representatives and Council of the Republic; have the right to participate in the sessions of Parliament and its bodies; deliver speeches and addresses to Parliament at any requested time;

15) have the right to chair the meetings of the Government of the Republic of Belarus;

16) appoint leading officials of bodies of state administration and determine their status; appoint official representatives of the President in the Parliament and other officials whose offices are determined by the law, unless otherwise specified in the Constitution…

4. PROCEDURE OF PASSING BILLS

A law passing through Parliament is called a bill. It becomes a law, an Act of Parliament, when it is passed by Parliament.

Preparing a bill for submission to Parliament may take many months, and it may be preceded by other government publications. Green Paper sets out various alternatives or discussion. Pressure groups make their views known. Government departments concerned are also consulted. The Government then issues a White Paper containing its definite proposals for legislation. Any member of the House of Commons may introduce a bill. When the bill is introduced it receives its formal «first reading" after which it is printed and circulated to members. The first reading of a bill is scarcely objected to as there is no debate or amendment allowed at this stage, but a date is fixed for the second reading.

At the «second reading» the bill is debated. When this second reading takes place, the member who has introduced the bill makes speech explaining the proposed new law and his reasons for bringing it forward. Some members may support the bill, but others may oppose it. There may be a discussion. If the bill passes this stage it is sent to a Committee where details are discussed and amendments generally made.

Finally the bill is given a «third reading». The House of Commons may be unanimous in favour of the bill or not. The speaker must then call for a division. If the bill has a majority of votes it will go before the House of Lords.

The House of Lords can not reject bills passed by the House of Commons. The Lords can merely delay bills which they don't like. A bill becomes an Act of Parliament when the Queen signs it.

5. US CONSTITUTION

The form of the US government is based on the Constitution of 1787, adopted after the War of Independence. A «constitution» in American political language means the set of rules, laws, regulations and customs which together provide the political norms or standards regulating the work of the government. The document known as the Constitution of the United States, though a basic document, is only a part of the body of rules and customs which form the whole of the American Constitution. Supreme Court decisions, interpreting parts of the US Constitution, laws, regulations customs are part of the basic law (the so-called live constitution). Most historians regard the US Constitution as an essentially conservative document.

The US Constitution consists of the Preamble, seven articles and twenty six amendments, the first ten of them called collectively the Bill of Rights were adopted under the popular pressure in 1791. When the Constitution was first proposed in 1787, there was widespread dissatisfaction because it didn't contain guarantees of certain basic freedoms and individual rights. The Constitution consolidated those gains of the revolution that were advantageous for the capitalist class. Significantly, nothing was said about the elementary bourgeois-democratic freedoms. In December, 1791, the Congress adopted ten amendments to the Constitution, known as the Bill of Rights. The Bill enumerated what the government controlled by the oligarchy was not going to be allowed to do. It was, of course, an important

democratic gain for the people at that time. But nowadays some of these ten amendments are relatively unimportant.

6. ELECTIONS IN GREAT BRITAIN

1. The maximum life of the House of Commons has been restricted to five years since the Parliament Act 1911. The franchise (right to vote) became universal for men in the nineteenth century. Women's suffrage came in two stages (1918 and 1928).

2. For parliamentary elections the United Kingdom is divided into 650 constituencies of roughly equal population. The average constituency contains about 60,000 registered votes. Any British citizen from the age of 18 registered as an elector for the constituency elects a single member to the House of Commons.

3. Voting is on the same day (usually on Thursday) in all constituencies, and the voting stations are open from 7 in the morning till 9 at night. Each voter has only one vote, if he knows that he will be unable to vote, because he is ill or has moved away or must be away on business, he advance to be allowed to send his vote by post. Voting is not compulsory. But in the autumn of each year every householder is obliged by law to enter on the register of electors the name of every resident who is entitled to vote. Much work is done to ensure that the register is complete and accurate. It's only possible to vote at the polling station appropriate to one's address.

4. As in Britain the political scene is dominated by the Conservatives and the Labour Party, in every constituency each of these parties has a local organization whose first task is to choose the candidate and which then helps him to conduct his local campaign. Any British subject can be nominated as a candidate, there is no need to live in the area, though peers, clergymen, lunatics and felons in prison are disqualified from sitting in the House of Commons.

5. There are usually more than two candidates for each seat. The candidate who wins the most votes is elected. This practice is known as the majority electoral system.

6. C. JURIES

The use of the jury in English law stretches far into history, the modern English jury now owes its statutory existence due to the Juries Act 1974. To qualify for jury service it is necessary to be a registered elector between the ages of 18 and 65 (the property qualification for jurors was abolished). All those people connected with the law by way of occupation (including ex-prisoners) are ineligible to jury service, as well as the clergy and the mentally ill. Barristers, solicitors and police officers must have retired from that work for a minimum of ten years. The call to jury service is regarded as an obligation.

A jury is normally composed of twelve persons whose names have been selected at random from the list of qualified jurors for the area. Its verdict must be unanimous (it is essentially one of «guilty» or «not guilty») and, in the event of

failure to reach agreement, the case is retried before another jury. Only 6—7% of jury decisions are by a majority verdict.

Juries most frequently appear in criminal cases in the Crown Courts. The function of the jury is to determine the facts, having heard the judge's summing up and his directions on questions of law.

Counsel for the defence or the defendant has the right to object to jurors without giving reasons, the maximum number of peremptory challenging being reduced to three.

8. BARRISTERS AND SOLICITORS

1. Most barristers are professional advocates earning their living by the presentation of civil and criminal cases in court. A barrister must be capable of prosecuting in a criminal case one day, and defending an accused person the next, or of preparing the pleadings and taking the case for a plaintiff in a civil action one day, and doing the same for a defendant to next. Barristers are experts in the interpretation of the law. They are called in to advise on really difficult points.

2. A would-be barrister must first register as a student member of one of the four Inns of Court. A student must pass a group of examinations to obtain a law degree and then proceed to a vocational course, the passing of which will result in his being called to the Bar.

3. All practicing barristers are junior counsels unless they have been designated Queen's Counsels (QC). QC is expected to appear only in the most important cases.

4. If a person has a legal problem he will go and see a solicitor. There is no end to the variety of matters which a solicitor deals with. He does a legal work involved in buying house, he writes legal letters for you and carries legal arguments outside Court, he prepares the case and the evidence. If you want to make a will the best man to advise you is a solicitor.

5. In a civil action solicitors have a right to speak in the County Court, when the case is one of divorce or recovering some debts, and they deal with petty crimes and some matrimonial matters in Magistrates Courts, the lowest Courts.

6. To become a solicitor a young man joins a solicitor as a «clerk» and works for him while studying part time for the Law Society exams. When you have passed all the necessary exams, you may apply to the Law Society to be «admitted». After that you can practise, which means you can start business on your own.

9. THE BUSINESS OF THE STATE COURTS

When state courts came into being in the thirteen former British colonies, each of these judicial systems was autonomous, and there was no coexisting national judiciary spanning the states. After the ratification of the United Constitution and the formation of the federal government in 1789, the state court systems continued as before with all the jurisdiction that they already possessed; the federal courts did not supplant the state courts. As Alexander Hamilton wrote in The Federalist No.

82, according to the federal constitutional scheme the state courts would retain all of their preexisting authority except to the extent that the Constitution or laws of the United States took such authority away from them. The Constitution itself did not expressly deprive state courts of any jurisdiction, and early federal statutes made only minimal exclusions of state jurisdiction. Thus the creation of the Federal Union left state court authority essentially unimpaired. As new states were formed and admitted to the Union, they came with judicial systems of their own, possessing the full of jurisdiction that the older states exercised.

The business of the state courts was and is to a large extent the business of the English common-law courts and the English Court of Chancery.

The entire domain of private rights with which English law and equity were concerned is the province of state courts. New areas of private law (the law concerned with disputes between citizens, as distinguished from disputes between citizens and government) have been developed over the decades through statutes and judicial decisions; these too come within state court authority. For the typical citizen or business entity caught up in a legal controversy, the state courts are likely to be the forms to which recourse will be bad.

Criminal cases constitute the other substantial part of state court business. In the American governmental scheme the maintenance of basic order is a state, not a federal, responsibility.

10. THE BUSINESS OF THE FEDERAL COURTS

The authority of the federal district courts, the major trial courts of the federal judicial system, is defined quite differently from that of the state trial courts. State trial courts of general jurisdiction are open to entertain all types of legal disputes, regardless of the law under which they arise or the identity of the parties, unless they are specially prohibited from doing so. By contrast, the federal district courts are not courts of general jurisdiction. They have authority to adjudicate only those types of cases specified in acts of Congress, and Congress can authorize them to entertain only the nine categories of “cases” and “controversies” listed article III of the Constitution. Taken as a whole, these categories permit the federal in trial court to play an important role in the vindication of federal rights and in the resolution of interstate and international conflicts.

The major category of judicial business handled by the federal district court consists of cases arising under federal law. These are cases in which the plaintiff’s claim is based upon the Constitution or an act of Congress or a treaty. Most of the claims based upon the Constitution rely on the fourteenth amendment’s due process and equal protection clauses. Those cases are typically brought against state officials, state agencies, and city and country officials. Plaintiffs in such cases can seek damages or injunctions or both.

All federal crimes must be prosecuted in the federal district courts. In the United States the basic protection of persons and property is a matter for state criminal law. Federal crimes (i.e. those crimes defined by act of Congress) relate to areas of special federal concern, such as interstate commerce, national security, and the federal

government itself. The reach of federal authority in all of these areas has gradually expanded; federal crimes now include bank robbery, kidnapping, various drug-related activities and fraud.

11. POLICE, PROSECUTION AND HUMAN RIGHTS

Police and human rights are connected subjects. The protection provided by the police of the individual and of the common benefits of society against crime is one of the most significant factors conducive to ensuring that citizens may enjoy the fundamental human rights and civil liberties.

Society must ensure that police do not abuse the special powers and authority vested in them for the purpose of exercising their functions.

Thus, society must ensure that the police fulfil their duties in accordance with the law which in a democracy, governed by the rule of law, incorporates or reflects those fundamental human rights and freedoms, which are enshrined in the international conventions on human rights and other instruments adopted for the protection and promotion of human rights.

Further, society will have to ensure that those who are employed as police officials possess the requisite human and democratic qualities, that they receive an education and training which will enable them to discharge their duties in a lawful, proper and ethically appropriate manner, and not least that superior police officials, besides being of excellent professional standards, shall posses prominent human qualities.

However, occasional abuse of the authority vested in police or breaches of codes of practice that regulate police activities will occur even within police organisations which rank among the most democratic and the best education. Therefore, various possibilities of reaction against such infringements must be available to the organisation. These may include disciplinary actions as well as well as consistent implementation of changes of procedures and control measures which any individual case may occasion. Other control measures may include the fact that police actions and interventions which will especially affect the civil liberties of the citizens must be made subject to decision by the courts of law or by other independent competent bodies. And they must provide for the possibility of bringing complaints against police conduct before special and independent complaints authorities.

The fact that police and human rights are closely related will also appear from the express recognition of the requirement within individual states for police to maintain law and order promulgated "by the United Hations Universal Declaration of Human Rights, the United Nations International Covenant on Civil and Political Rights, the European Convention on Human Rights and Fundamental Freedoms and other international instruments which all, moreover, regulate the access for police to interfere with the civil liberties of citizens.

In addition to the conventions mentioned above, the United Nations has, in its Code of Conduct for Law Enforcement Officials, laid down special guidelines for the performance of police functions. Furthermore, in 1979 the Parliamentary Assembly of the Council of Europe adopted a Declaration on the Police (Resolution

690), which contains a number of guidelines concerning the exercise of police duties the status of the police and so forth. The aim behind a special declaration on police activities has been supported by the Committee of Ministers of the Council of Europe which has promulgated specific Observations on the Declaration, which are seen also to include a number of reservations.

Neither the European Convention on Human Rights nor the other conventions regulate specifically the question of how the police organize their operative duties in order to maintain law and order it is basically left to the discretion of the individual nations. The primary level comprises all activities undertaken within the community for the purpose of preventing the occurrence of crime. On this level the police work in collaboration with other authorities, such as, for instance, educational and social institutions and voluntary organisations. Examples of preventive activities on this level would include technical crime prevention (technical aids required in connection with securing buildings, vehicles and the like), tactical crime prevention activities (behaviour also patterns) and preventive environmental planning (the design of housing areas etc., in a way which will reduce the risk of crime).

The second level of prevention consists of the effect, which results from the mere general presence of police, not least by virtue of police patrolling. The objective of patrolling, however, is not solely preventive; it also provides the police with the opportunity to react to and to investigate offences. By this transition from passive to active policing we move to the third level of preventive policing.

Thus, the third level of preventive policing has a general preventive aim in that it demonstrates that crimes will be investigated and cleared up and that offenders will be brought to justice as well as a special preventive aim in relation to the individual offender concerned.

12. THE SIGNIFICANCE OF HUMAN RIGHTS FOR THE PRISON SYSTEM

In 1952 the Council of Europe established a set of norms regarding human rights. In 1987 the norms regarding imprisonment were elaborated into the European Prison Rules. The Rules consist of several standard minimum regulations for treatment of prisoners

In signing human rights agreements and the subsequent set of Prison Rules, participating countries have agreed to work toward upholding the agreed upon rules and have also accepted that disputes can be brought to the Human Rights Court in Strassbourg.

The prison rules established by the Council of Europe are frameworks which can be fulfilled in quite different ways. If we examine the countries which have signed the accords, their prison systems reveal considerable differences. The different prison systems derive from cultural, economic, educational and social factors. In spite of the differences, however, there exists a common acceptance of the fact that human beings have certain fundamenta1 needs which ought not to be overlooked. One major need is for the maintenance of one's integrity and sense of self-worth. In

other words, the critical point of departure for the understanding of the concept of human rights and its significance lies in a respect for the individual.

The objective of punishment can be divided into two aspects:

1. deprivation of liberty
2. socialisation-resocialization

If we examine the two aspects, it is important to emphasize that both of them are equally important for achieving the main objective of combating crime. We can fight crime in the long to only by helping them back into society in a way that minimises the risk of their committing new crimes.

The European Prison Rules have established certain preconditions for how imprisonment should proceed. Chapter One, which contains the basic principles, states that imprisonment should be carried out under physical and moral conditions which ensure respect for human dignity. Of course, the physical conditions related to imprisonment depend upon the amount of resources the country believes reasonable to use for this task. Articles 14-15 deal with recommendations for the physical conditions.

Respect for human dignity is not economically determined. Article 64 mentions that imprisonment's a punishment in itself. The conditions under which imprisonment occurs must not be worse than what is necessary to maintain discipline. "Discipline" includes both the relation between staff and prisoners and among prisoners themselves.

13. A COMMON DEFINITION OF ORGANISED CRIME

Defining the concept of organised crime has long been a source of controversy and contention, probably because of differences in way different persons and countries approach various aspects of the problem. Nevertheless, there has often been a need for a common definition of organised crime that, due to the cross-border character that this form of crime has assumed, could make co-operation among different countries easier. It is vital for the understanding of the organised crime issue to decide whether or not certain category of crime should be determined to be "organised crime", and to decide how to describe that category, and finally to decide how resources should be allocated and how effectively they have been used in preventing and controlling it.

The essential characteristic of the term "organised crime" is that it denotes a process or method of committing crimes, not a distinct type of crime itself, nor even a distinct type of criminal. This is the reason why a good definition of organised crime should grasp the essential aspects of the "process" whereby certain criminals carry out criminal activity, increasingly within a transnational arena. This "process" is what adds the additional level of danger and social threat. In the following, some definitions are outlined which correspond to different purposes (legislation, law enforcement, research) and therefore focus on different characteristics of organised crime.

In the United States a definition of organised crime to be found in Federal statutes is set out by Public Law: "Organised crime means the unlawful activities of members

of a highly organised, disciplined association engaged in supplying illegal goods and services, including but not limited to gambling, prostitution, loan sharking, narcotics, labour racketeering, and other unlawful activities of members of such associations". This statute defines organised crime less in terms of unlawful activities than in terms of those who commit them. It also lists a number of unlawful activities, but these are not necessarily those that define organised crime.

In Germany the so-called "Organised Crime Law", an amendment to the code of criminal procedure, avoids any definition of the term "organised crime", although the German Bundeskriminalitat (BKA, the Federal Bureau of Investigation) defines organised crime as follows: "organised crime is the planned commission of criminal offences, determined by the pursuit of profit and power , which individually or as a whole, are of considerable importance, whenever more that two persons involved collaborate for a prolonged or indefinite period of time, each with own appointed tasks

- by using commercial or business-like structures, or
- by using violence or other means suitable for intimidation, or
- by exerting influence on politics, the media, public administration, judicial authorities or the economy".

The main components of this definition are planned continuous criminal activities with some sort of organisational division of labour.

At the international level, numerous different approaches have been taken to the need for a common definition of organised crime. These approaches correspond to different perceptions of what organised crime means and to the different purposes to which the definition could be put. Part of the problem for the international community in trying to deal with organised transnational criminal groups is that there is no single organisation that provides a constant and accessible frame of reference. Criminal organisations vary in size, scale, geographical scope, relationship with the power structures in home and states, internal organisation and structures, the combination of instruments that they use to avoid law enforcement and to pursue their criminal enterprises, and the range of their legal and illegal activities. Many transnational criminal organisations resemble major multinational corporations. At the same time, they maintain a flexible structure which enables them to relocate funds or to react quickly to law enforcement efforts or to new opportunities for making illicit profits.

The United Nations Draft Framework Convention Against Organised Crime states that, "organised crime" means group activities of three or more persons, with hierarchical links or personal relationships which enable their leaders to earn profits or to control territories or markets, internal or foreign, by means of violence, intimidation or corruption, in particular by means of:

1. Illicit traffic in narcotic drugs or psychotropic substances, and money-laundering;
2. Traffic in persons;
3. Counterfeiting currency;
4. Illicit traffic in or the theft of cultural objects;
5. The theft of nuclear material;

6. Terrorist acts;
7. Illicit traffic in or the theft of arms and explosive materials or devices;
8. Illicit traffic in or the theft of motor vehicles;
9. The corruption of public officials.

The Draft Convention also states that the term "organised crime" covers commission of an act by a member of a group as a part of the criminal activity of such an organisation.

The Criteria (divided into Mandatory and Optional) defined by the European Commission and adjusted by the Expert Group on Organised Crime of the Council of Europe may also be useful in defining the term 'organised crime'. The Mandatory criteria are:

1. Collaboration of three or more people;
2. For a prolonged or indefinite period of time;
3. Suspected or convicted of committing serious criminal offences;
4. With the objective of pursuing profit and/or power;

The Optional criteria are:

5. Having a specific task or role for each participant;
6. Using some form of internal discipline and control;
7. Using violence or other means suitable for intimidation;
8. Exerting influence on politics, the media, public administration, law enforcement, the administration of justice or the economy by corruption or any other means;
9. Using commercial or business-like structures;
10. Engaged in money laundering;
11. Operating on an international level.

The legal and international definitions of organised crime tend to, denote a method of conducting criminal operations which is distinct from other forms of criminal behaviour. Its salient features are violence, corruption, ongoing criminal activity. Organised criminal groups are characterised by their continuity over time regardless of the mortality of their members. They are dependent on the continued participation of any single individual.

Current understanding of organised crime, at the national and international level, should take account of two significant changes which will have a major impact on law enforcement. First, organised criminal groups have broadened their operational range. Second, they no longer operate wholly in competition with each other but have demonstrated a willingness and an ability to work collaboratively.

14. MONEY LAUNDERING IN WESTERN EUROPE

Money laundering is a very widespread illicit activity in Europe. All criminal activities, in fact, generate huge amounts of illicit proceeds which are to be laundered. In Western Europe there is a number of offshore centers, such as Malta, and very important international banking and financial centres like Luxembourg,

Liechtenstein, Switzerland, Germany and the United Kingdom. In addition, money laundering can be found in other Western European countries.

Since 1988, in an attempt to develop the domestic economy, the government of Malta has turned the country into an off-shore financial centre. As a result, Malta has become an attractive haven for tax evasion and money-laundering practices. Under the off-shore legislation, businesses with an off-shore base in Malta pay only a five per cent tax on declared income; as well as banking, off-shore brokering, general trading companies, holding companies owning trading businesses and insurance are allowed. The Isle of Man, a British Crown's possession, but an independent territory with its own independent Parliament, as well as its own fiscal system distinct from the British one, is also becoming a leading off-shore center. In fact, the island's main economic resource is its banks, trusts, insurance companies, investment funds, etc. The Isle of Man is well placed for local businessmen seeking to avoid UK financial regulations but who want to operate in the European time zone.

Luxembourg is one of the world's most important international banking and financial centres and, as such, risks attracting criminal organisations and illicit assets. This risk increases with the country's specific tax haven legislation regulating the financial sector, consisting of strict bank secrecy laws, absence of exchange controls, and lack of a withholding tax on interests. Numerous international banks are located in Luxembourg, where they operate as "universal banks" pursuing an unrestricted range of activities. This may provide a crucial channel for the transfer of illegal earnings from the country of origin to another destination. Luxembourg's attraction as a center for laundering suspect money has increased in recent years, following introduction of tougher measures against money laundering in neighbouring Switzerland.

Liechtenstein is renowned as a haven for investors seeking to place their money, often by funnelling it through companies set up in Liechtenstein purely to escape tax authorities. In fact, funds deriving from tax evasion, drug trafficking and other illicit activities are believed to pass through Liechtenstein's banks.

The German banking system is one of the largest in the world, and its currency plays a fundamental role in international financial transactions. Money laundering has increased rapidly in recent years, so that Germany is now considered to be one of the most important money-laundering centres.

Switzerland has no major domestic criminal organisation operating on its territory, and criminals come mainly from outside. It is a typical transit country in terms of criminal activities, and the same applies to money laundering. In most of the money-laundering cases investigated in Switzerland, the crime producing the money to be laundered was committed abroad.

Switzerland is, however, an important drug-connecting point for flights from Asia, the Middle East and attracts traffickers from those regions. Most of the drugs transit the country to other European countries. Swiss authorities believe that the distribution of heroin in Switzerland is controlled by Lebanese or Kosovo Albanians who reside in the country illegally or are seeking asylum. Money laundering involves proceeds from all three major smuggled drugs (cocaine, heroin), and illegal

earnings deriving from this traffic are converted in Switzerland. The largest traffickers are generally not present in the country during these transactions. Switzerland's long-established laws on bank secrecy, and its role as leading world financial center, make its banking system a significant target for money-laundering operations. Nevertheless, Switzerland is regarded as more important as tax haven than as a money-laundering center.

Foreign criminal organisations are attracted by the size and sophistication of the financial infrastructure in the United Kingdom. In fact, as one of the world's most important commercial and financial centres, the United Kingdom attracts a high volume of currency transactions, both licit and illicit, through British financial institutions.

15. TRAFFICKING IN WOMEN AND CHILDREN MUST BE COMBATED

Every single year many thousands of women and children, both girls and boys, are taken from one country to another, often to Western Europe, as part of a trade in human beings. Most of them come from or via the Balkan countries, the former Soviet Union, the Baltic countries or other Central and Eastern European countries. The purpose of this trade is primarily sexual exploitation, but also illicit labour. Most of the countries of the world are affected by human trafficking, although in different ways and to different degrees, as countries of origin, transit or destination. The bulk of the trade is in women and minors, who are lured or who flee from a poor to a richer country in the hope of a better future, but who end up victims of prostitution or some other form of exploitation.

An effective strategy against trafficking in human beings calls for broad and co-ordinated co-operation between the authorities, professionals and organisations at local and national level, both in Norway and across national borders. The immigration authorities, the police and judicial system, the health and social services.

The international framework for preventing, combating and prosecuting trafficking in human beings is steadily improving. There is also extensive international co-operation on this problem, for example under the auspices of the UN, the Council of Europe, the EU, the Organisation for Security and co-operation in Europe, the Stability Pact for South Eastern Europe, the Nordic Council of Ministers and the Council of the Baltic Sea States.

Norway will take part in international efforts to prevent and combat this serious form of crime and violation of human rights and play a proactive role in international efforts to develop norms and effectively implement them. Because the fight against trafficking in women and children requires long-term commitment, Norwegian foreign and development co-operation policy will continue to be directed at the root causes of this trade.

The Action Plan comprises measure for:

• protecting and helping women and children who are victims of human trafficking;

• preventing trafficking in women and children;
• detecting and prosecuting the traffickers;
• disseminating information and promoting co-operation that will fulfil the intentions of the plan.

16. INTERPOL AND THE FIGHT AGAINST DRUG TRAFFIC

1. The most serious menace facing society today is the trafficking and abuse of drugs. It could no longer be dealt with by health or welfare agencies. The fight against drug traffic has increasingly become the subject of real anticrime policies implemented at national levels. It is now clear that, since the 1970s, drugs trafficking has become the most organized, most professional and most profitable of all illegal activities. The trafficker of today has nothing in common with typical street-corner pusher, he is ruthless, highly-organized and mobile. It is well known that law enforcement services throughout the world have increased their efforts and manpower in an attempt to contain this growing threat. Nevertheless, drug trafficking continues to gain momentum.

2. Similarly, Interpol has succeeded in drawing the attention of its members to the scale of the hidden economy generated by the financial proceeds of drug trafficking. Interpol has also adapted its structures and working methods to the new situation by setting up a special group at the General Secretariate.

Nowadays, most of the large international trafficking gangs engage in operations involving heroin and/or cocaine as well as cannabis. International cooperation has given an operational aspect to national laws on conspiracy to engage in drug traffic, and the successes achieved have led to the adoption of a similar arsenal of legal weapons in those countries where such laws did not yet exist. Moreover, the results of international police cooperation have induced national authorities to revise their policies and to devote more resources to combating international trafficking.

3. Investigations can no longer be confined to the jurisdiction of the responsible investigating agency due to large-scale drug trafficking. Interpol responds to that need. The Drugs Sub-Division handles those problems. It is currently staffed by 26 police officers and analysts from 18 different countries around the world.

4. The overall aims of the Drugs Sub-Division are to enhance cooperation among national drug law enforcement services and stimulate the exchange of information among all national and international bodies concerned with countering the illicit production, traffic and use of drugs, and to strengthen the ability of national services to combat the illicit traffic.

To accomplish these aims, the Drugs Sub-Division maintains a data bank containing all relevant drug-related information with an index of identified traffickers, coordinates international requests for information and investigations, and complies and disseminates both tactical and strategic intelligence.

The Drugs Sub-Division comprises two groups: the Operations Group and the Intelligence Group.

5. The Operations Group is staffed by 10 Liaison Officers, each of whom are responsible for liaison with police authorities in a specific geographical area or zone.

These Liaison Officers conduct regular visits to national drugs services in their assigned areas, and prepare situation reports, and assessments concerning the extent of the trafficking. On the basis of those reports and assessments specific activities are proposed for each region.

The daily duties of the Liaison Officers consist of receiving and analyzing messages from national Central Bureaus in their geographical areas and zones. These messages, handled by the Interpol radio network, report on drugs seizures or request assistance in on-going investigations.

6. The Intelligence Group has the task assessing the worldwide drug trafficking situation, and collates incoming investigation data with a view to developing strategic intelligence. Since the development of computer services the Intelligence Group has been able to process the data in different ways, to examine the quantities and types of drugs transported from one place to another, and to perform in depth area studies.

7. Intelligence Officers are assigned to deal with information about a particular type of drug or to work on a specific project. At present, officers are assigned to cocaine, opiates, cannabis and psychotropic substances sections. Based on seizure data received daily, the Intelligence Group prepares the publication — the "Weekly Intelligence Message". This bulletin contains several sections: items of special interest, traffic trends, modus operandi and recent seizures of international significance. The last section gives not only the date and place of a seizure and the quantity of the drug confiscated, but also the Interpol file reference number and the identities of those arrested.

8. Special projects of the Intelligence Group are designed to provide a systematic and structured approach to combating a specific aspect of international drug trafficking which has been recognized as particularly serious and widespread.

17. INTERNATIONAL FRAMEWORK OF THE PROBLEM OF TRAFFICKING IN WOMEN

Human trafficking poses a threat to its victims' right to freedom from slavery, to decide over their own bodies, to freedom from degrading, humiliating or inhuman treatment and, ultimately, the right to life.

Protecting the human rights of women and children who are, or are in danger of becoming, victims of human trafficking is a key priority for the Government in its efforts to combat trafficking in women and children. Thus, all the measures implemented in these efforts will be based on the protection of human rights.

A rights-based approach will enable Norway to promote the principle of the State' s responsibility for the protection of all its citizens in our relations with our partner countries.

Thus, a dialogue with the authorities of the various countries on their legal and political responsibility for preventing human trafficking will be an important element in our efforts to prevent trafficking in women and children.

18. TYPES OF CRIMINAL INVESTIGATION

Preliminary investigations are normally done by the first responder, usually the patrol officer, but there may be times when the detective is involved in a preliminary investigation. First responders should rush to the crime scene, and in doing so, should remain vigilant for any getaway vehicle or other suspicious things along the way. "BOLO", or '"Be On the Lookout" orders may be given at this time. The first responder should assist in preservation of the crime scene, separation of witnesses, and requests for warrants. All this is in addition to any crime scene analysis (photographing, sketching, searching) responsibilities that the first responder might have, but generally, these duties are assigned by the superior officer at the scene. The acronym, PRELIMINARY, summarises most of the duties expected at a preliminary investigation:

P - proceed to scene promptly and safely,
R - render assistance to injured,
E - effect arrest of the criminal,
L - locate and identify witnesses,
I – interview complainant and witnesses,
M - maintain integrity of crime scene and protect evidence,
I - interrogate suspects as necessary,
N - note conditions, events, and remark,
A - arrange or evidence collection or collect it yourself,
R - report the entire incident fully and accurately,
Y - yield responsibility to follow-up investigator or superior officer.

Follow-up investigations usually begin by reading over all the original reports and paperwork, and looking for leads. Secondly, the evidence is gene over and subjected to every kind of analysis necessary. Thirdly, victims, witnesses, and suspects are contacted to see if their story changes. Fourthly, a stakeout or surveillance technique may be used on a suspect. Finally, a meeting is schedu1ed with the prosecuting attorney to make sure everybody’s on the same page with this case. If a citizen-initiated case is to be dropped, the investigator is usually the one who calls the citizen. There are at least six major pieces of police paperwork involved in a follow-up investigation:

1. *incident* reports (also called complaint or field reports) that are made available to citizens in copy from for insurance purposes;
2. *warrants* (for search and arrest) which contain the probable cause information;
3. *follow-up* reports (like the example above) which recreate the history of the investigation;
4. *property* reports (cross linked to incident and follow-up reported) which describe where and how found;
5. *lab* reports (requests for and results of) for anything analysed by a criminal;
6. *review* reports (or supervisory review reports) signed by other department personnel.

19. DEFINING, SEARCHING AND DOCUMENTING CRIME SCENE

The purpose of crime scene investigation is to help establish what happened (crime scene reconstruction) and to identify the responsible person. This is done by carefully documenting the conditions at a crime scene and recognizing all relevant physical evidence. The ability to recognize and properly collect physical evidence is oftentimes critical to both solving and prosecuting violent crimes. It is no exaggeration to say that in the majority of cases, the 1aw enforcement of who protects and searches a crime scene plays a critical role in determining whether physical evidence will be used in solving or prosecuting violent crimes. Crime scene investigation is a difficult and time consuming job. There is no substitute for a careful and thoughtful approach. An investigator must not leap to an immediate conclusion as to what happened based upon limited information but must generate several different theories of the crime, keeping the ones that are not eliminated by incoming information at the scene. Reasonable inferences about what happened are produced from the scene appearance and information from witnesses. These theories will help guide the investigator to document specific conditions and recognize valuable evidence.

Documenting crime scene conditions can include immediately recording transit details such as lighting (on/off), drapes (open/closed), weather, or furniture moved by medical teams. The scope of the investigation also extends to considerations of arguments which might be generated in this case (suicide/self defence). In addition, it is important to be able to recognize what should be present at a scene but is (victim's vehicle/wallet) and objects which appear to be out of place (ski mask) and might have been left by the assailant. It is also important to determine the full extent of a crime scene. A crime scene is not merely the immediate area where a body is located or where an assailant concentrated his activities but can also encompass a vehicle and access/escape routes. Although there are common items which are frequently collected as evidence (fingerprints, shoeprints, or bloodstains), literally any object can be physical evidence. Anything which can be used to connect a victim to a suspect or a suspect to a victim or crime scene is relevant physical evidence. Using the "shopping list" approach (collecting all bloodstains, hairs, or shoeprints) will probably not result in recognizing the best evidence. For example, collecting bloodstains under a victim's body or shoeprints from emergency personnel will rarely answer important questions. Conversely, a single matchstick (not usually mentioned as physical evidence) recovered on the floor near a victim's body can be excellent physical evidence since it can be directly tied to a matchbook found in a suspect's pocket. Since a weapon or burglar tool is easi1y recognised as significant physical evidence, it is frequent1y destroyed by the perpetrator. Sometimes the only remaining evidence is microscopic evidence consisting of hairs, fibers, or other small traces the assailant unknowingly leaves behind or takes with him.

20. IDENTIFICATION PROCEDURES

Identification is often the hardest part of a police investigation. In cases where the offender is caught red-handed, there's no identification problem. Nor is there any problem if the suspect confesses. In other cases the police must rely upon eyewitness identification and testimony, arguably the weakest link in the whole criminal justice process. Best guesses are that about half of all wrongful convictions are the result of eyewitness error. Eyewitnesses are necessary because the rules of evidence require circumstantial evidence (such as that which links an offender to the scene of the crime) to be corroborated by testimonial evidence; and also because there's a constitutional right to confrontation by one's accusers - and this means any witnesses at the scene as well as those who helped out the police in an investigation. There are various exceptions to the confrontation right, such as those involving juveniles and confidential informants, but police have historically conducted line-ups or facilitated forms of pre-trial confrontations in order to satisfy constitutional requirements. Such practices are ways to clear possibly innocent people from further suspicion.

There are STANDARD PROCEDURES:

- No line-up should proceed without police first discussing it with the prosecutor.
- Line-ups should be conducted as soon as possible after arrest, before if possible.
- Suspects can only be compelled to exhibit physical characteristics, nothing that might have testimonial significance.
- If a suspect has a right: to counsel at line-up, and waive that right, a careful record should be kept of this, preferably ш writing.
- Attorneys should be allowed to consult with their clients before the line-up, and be present from the beginning of the line-up through every step, especially the moment if and when identification is made.
- Even if an attorney is not required, police should consider allowing some substitute counsel to be present to minimize possible suppression challenges.
- The names of everyone at the line-up should be recorded.
- Police should never even suggest to a witness that the suspect is even in the line-up, and suspects should never be presented in handcuffs or prisoner clothing.
- Witnesses should not be al1owed to view photographs before the line-up.
- Witnesses should be required to give a written description of the perpetrator before the line-up and this should be compared with any line-up identification.
- All persons in the line-up should be of the same general weight, height, age, and race, and all should be dressed similarly.