

# **Smuggling as a Threat to National and International Security: Slovenia and the Balkan Route**

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# INTRODUCTION

Smuggling has represented a threat to national and international security ever since national borders emerged and the international system was established. It is the resort of those who want to evade existing national and international controls and limitations on commerce and criminal behavior, and it encompasses various subjects, activities, and objects. No country in the world is immune to such illegal activity. Perhaps the main reasons for its existence and persistence are in the ineradicable human greed for money, and the impossibility of establishing airtight borders in increasingly open societies. Actually, contemporary smuggling activities result from a paradox in the development of human society, which wants to be open and closed at the same time or, more accurately, open to some transfers and closed to other exchanges. It would be impossible to create hermetically sealed borders, both due to financial and technical limitations and also due to the basic rule of international cooperation and development: the openness of societies. Smugglers actually exploit the gap between border openness and the impossibility of perfect border control.

However, smuggling is a threat to the security of individuals, states, and the international community, and must be minimized to the greatest extent possible. States and international organizations try to reduce it using a variety of preventive and repressive measures. In order to be efficient in our approach to reducing smuggling activities, we need to understand the motives, practices, methods, and trends that currently characterize smuggling in the world today. This work is a step in this direction. It offers an example of a country that is facing the problem mentioned above. Slovenia is positioned at the margin of the EU, and on the edge of the Balkans, where several wars have taken place in the past fifteen years. The Balkan route is a historically proven channel for smuggling goods, drugs, weapons, and people to Europe and the EU itself from Eastern Europe and Asia. The book also offers an example of how Slovenia is coping with this threat as a new member of the EU. By joining the EU, Slovenia became a doorkeeper of the EU, and is trying to raise its standard of border protection to the “European level.” Our purpose was not to write a textbook for smugglers but rather a scientific reference work for the national and international security communities, especially law enforcement and intelligence services. This study should serve as a textbook for all practi-

tioners and students who are interested in learning how smugglers operate and how a small state reacts to this problem.

The general aim of this book is to analyze the threat of smuggling in general and in the particular context of the Republic of Slovenia, as well as the countermeasures that Slovenia is taking. We will primarily focus on the three most prevalent and dangerous types of smuggling: the smuggling of people, drugs, and weapons. Specifically, we will analyze:

- The international and Slovenian understanding of the term *smuggling*;
- The Balkan smuggling route (what it means, what channels exist, etc.);
- National statistics on smuggling people, drugs and weapons to or through Slovenia;
- The organization of groups responsible for smuggling people, drugs, and weapons to or through Slovenia (the organization of smugglers, division of labor, methods of concealment, ways of crossing the border, means of communication, indices and indicators of smuggling, frequency of smuggling for particular groups, prices and methods of payment, motivation and profile of smugglers, etc.);
- The Slovenian response to the threat of smuggling, with a focus on key police and customs measures.

The latter goal includes an analysis of the systemic measures that are being taken by the police and customs agencies, and several examples of how the police have uncovered and investigated criminal groups that smuggled people, weapons, or drugs. As supporting evidence in the section dealing with the organization of smuggling activities, we also have included many examples from real cases in order to specify how smugglers communicate, what methods and techniques they use, etc.

From the goals just mentioned and the table of contents, it is obvious that we have tried to distinguish between our analysis of the threat and of the reaction of Slovenian governmental institutions. However, this distinction is not entirely possible, since any analysis of the threat rests in large part on data acquired by governmental institutions. For example, the statistics on the smuggling of people, drugs, or weapons fundamentally reflect the effectiveness of the police and customs authorities; only to a certain extent are they an index of the real magnitude of the threat. In analyzing the statistics, we also indirectly analyzed the capacity of the government to fight this type of crime.

By taking a national approach, we would like to stress our view that states are the key actors in the fight to minimize smuggling activities. However, transnational threats must be addressed through structures of international se-

curity cooperation, which will be also addressed from a conceptual, legal, and operational perspective in the second part of the book.

Studying and researching smuggling is a delicate task. Given the highly sensitive and complex nature of smuggling, there is no simple research approach that suggests itself. Accordingly, a variety of different sources needed to be consulted before it was possible to give an overview of the issue. The literature on smuggling tends to be either extremely descriptive, specific, and narrow or very loose and broad. Most existing studies focus on specific national experiences or on sweeping global trends. A few very rare studies focus on the organization of smuggling, but first-hand knowledge on this topic is obviously largely confined to narrow professional circles. Illegal immigrants who have been largely caught by the police do not talk much about the organizers of their journeys, because they simply do not know much or they wish to protect the smugglers who provide them with a valuable service. The smugglers speak about such matters in court, but only if their confession is traded for more lenient sentences. We can also clearly ascertain that smuggling is an underreported form of crime. One of the reasons for this is the low priority placed on smuggling in countries of origin, which in many cases have to deal with other, more serious existential problems. The lack of sufficient and reliable data on smuggling is also due to its illicit nature. Only a small percentage of the smuggling transactions that take place around the world are uncovered, and not all of these are reported and analyzed.

In our collection of empirical data on Slovenia, we gathered official documents on smuggling from the Slovenian police (General Police Directorate – Criminal Police Directorate, and the Regional Police Directorate in Koper), the Customs Administration, and also the Slovenian courts. We primarily relied on the verdicts of district and higher courts on finished cases (eight cases on the illegal smuggling of people, and six cases on drug smuggling).<sup>1</sup> We were also in position to review transcripts of hearings, charges, and other related documents. Interviews with police and customs officials were used to clarify the issues and problems regarding the threat of smuggling and the countermeasures that are being taken. Media records were also used for broadening the picture of the issue at hand. However, journalistic reports on smuggling tend to be sensationalistic to some extent. Based on all mentioned sources, it was possible to obtain an overview of what is happening in the area of smuggling in Slovenia as well as in its immediate international environment.





## CHAPTER 1

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# SMUGGLING AS A THREAT TO SECURITY

Smuggling refers to the secret or illegal import and export of goods, or the organization of human crossing of a border from countries of origin (for goods and immigrants), through transit countries, to countries of destination. Smuggling is sophisticated and complex in nature, involving a wide variety of objects and subjects. The subjects of smuggling are always people, who play a variety of different roles: drivers, organizers, middlemen, etc. They are citizens of one or more states, and some of them may even possess diplomatic immunity, which slightly changes the perspective on how best to deal with them. Smuggling also involves a wide variety of objects, such as drugs; weapons; immigrants; stolen vehicles; spare parts; chemical, nuclear, biological, and radiological substances; human and animal organs; cigarettes; and money. National and international law regulates how these objects can be legally transferred across borders, but criminal groups do not deal with legal transfers.

At this point, it is important to distinguish between *smuggling* and *illicit trafficking*. Illicit trafficking generally refers to illegal trade in goods and people, which might encompass trans-border activity (smuggling). Smuggling can therefore be interpreted as the subset of illegal trafficking that takes place across national borders. If illicit trafficking is conducted only within a nation's borders, then this is not considered smuggling.

Smuggling is a multibillion-dollar industry, consisting of networks, groups of people, smuggling channels, and specialized methods or techniques. Smuggling is generally a business of globally articulated networks made up of locally operating groups. These groups use modern technology for communication and concealment, sometimes even more advanced technology than that possessed by national police and customs authorities. This is possible because of the extremely high revenues that are earned from the smuggling business.

It is not sufficient only to state that smuggling is a threat to national and international security; we also need to elaborate why smuggling represents such a threat. Smuggling is in fact a type of transnational organized crime, and organized crime is a threat to national and international security. Crime undermines and subverts the government's authority within its borders. It denies and destabilizes the existing national legal and social order. If smuggling is or-

ganized, then the above-mentioned consequences are brought about in a structured, planned, and long-term manner. Organized criminal groups are formed with the intent to smuggle on an ongoing basis as a scheme of revenue generation, not only as a one-off occurrence. The transnational aspect of smuggling subverts the existing borders between nations and the territorial integrity of states and, as such, the existing international legal order. Such a phenomenon develops without respect for the structure of international relations.

The large amount of smuggling that exists as a form of organized crime creates an atmosphere of public mistrust in the government and the institutions that are responsible for providing public security and safety. At the personal level, it can offer a false path in life, offering fast earnings with dishonest methods. It also hinders the process of democratization and the development of legal market economies. Smugglers generally do not have permanent job, and the widespread use of drugs minimizes the chances for living a productive, stable, and responsible adult life. Illegal immigrants who enter a country with the help of the smugglers are unable to find legal employment. They must look for illegal employment (often being forced into lives of prostitution or crime), and consequently contribute to development of the black labor market. As a result, states lose tax revenues that are particularly critical to emerging and transitional societies.

Smuggling is very strongly connected with other types of crime, such as tax and import duty evasion; bribery and corruption of public officials; prostitution; trafficking of people and organs; terrorism; and money laundering. Drugs are often used to finance the purchase of weapons, which means that internationally smuggled weapons are paid for with smuggled drugs. The same channels have been frequently used in both directions: drugs are smuggled in one direction, and money or weapons go back; people are smuggled in one direction, and drugs or money go back, etc. In practice, this means that specialized criminal groups cooperate with other specialists in the field, or that some criminal groups have become multifunctional, incorporating several types of criminal (smuggling) activities (human smuggling, drug smuggling, weapons smuggling, and money laundering).

## **Human or Immigrant Smuggling**

Human migration is not a new phenomenon. For centuries, people have left their home regions in search of a better life elsewhere. In the last decade, the process of globalization has enhanced the “push” and “pull” factors that drive migrants’ desires to seek more lucrative employment abroad. This has caused an unprecedented amount of migration from the least developed countries of Asia, Africa, South America, and Eastern Europe to Western Europe, Austra-

lia, and North America. Most of the international migration is legal, but illegal or irregular migration is also on the rise. It seems that illegal migration is one of the inevitable consequences of the process of globalization. The problem of immigration has therefore become a prominent concern in Europe over the past two decades. This is due to the opening of the borders between Eastern and Western Europe following the end of the Cold War.

In order to clarify the terms, we need to stress that human smuggling differs from human trafficking (the twenty-first century's slave trade) mainly in its purpose. The United Nations *Convention against Transnational Organized Crime* explains the distinction in two supplementary protocols. The Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children defines trafficking in persons as

the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.<sup>1</sup>

The basic purpose of human smuggling, on the other hand, is not exploitation. The *Protocol against the Smuggling of Migrants by Land, Sea and Air* defines smuggling as the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a state of which the person is not a national or a permanent resident.<sup>2</sup>

Human trafficking does not necessarily involve a trans-border transfer of the victims. On the other hand, human smuggling is actually defined by the illegal trans-border transportation of immigrants. This means that human smuggling might be only one element of a broader human trafficking chain, which ends in one or another form of modern human slavery. What begins as smuggling—transportation to another country with the consent of the persons being smuggled, for instance—may end up as trafficking, if the smuggled people are subsequently denied their freedom and held hostage in some form of debt bondage or other enforced servitude. While both human smuggling and human trafficking involve men, women, and children as the objects, trafficking tends to focus on the latter two groups. The profit in smuggling comes mainly from fees paid for illegal cross-border transportation, while in trafficking the profit mainly derives from the sale of a trafficked person's sexual services or labor. After their arrival in their destination country, the illegal status of the migrants puts them at the mercy of their smugglers, who often force them for years to work in the illegal labor market to pay off the debts incurred as a result of their transportation. If the migrants are not able to pay, often their relatives in their home countries are forced to pay the debts, or the syndicates threaten to torture

or kill the family member who has gone abroad. Brokerage of illegal immigrants into the labor markets obviously concentrated on the construction business, domestic labor, sweatshops, and agriculture. An estimate for Germany puts the number of illegal immigrants working in the construction business at approximately 500,000.<sup>3</sup>

Perhaps the most important achievement of the convention, next to the definition of the terms *trafficking* and *smuggling*, is the achievement of a consensus on the requirement that the parties criminalize the smuggling of immigrants as well as related offenses, including the production, provision, and possession of fraudulent travel or identity documents. It is also very important that it includes provisions on protecting the basic rights of smuggled immigrants and preventing the worst forms of exploitation, which often accompany the smuggling process.<sup>4</sup>

Each year, an unknown number of people are smuggled across international borders. According to estimates, some four million people are being smuggled and trafficked every year. It has been estimated that 60 to 90 percent of illegal immigrants have been supported by organized criminal groups (smugglers) in traveling to Europe and crossing European borders. Researchers have also ascertained that an additional reason for the global increase in human smuggling is the fact that the penalties are less severe than for smuggling drugs.<sup>5</sup> A growing number of criminal networks are becoming involved in human smuggling, and a growing number of illegal immigrants enter or try to enter the destination countries.

Smugglers provide a service for migrating illegally. They are simply an illicit business response to a perceived demand. The global profit margin in human smuggling is, according to some estimates, between five and ten billion U.S. dollars per year. This estimation is based on the presumption that at least one million migrants a year pay an average \$5,000 to \$10,000 each to be unlawfully transported across national borders.<sup>6</sup>

### ***Smuggling Routes***

Human smuggling flows are almost always directed from poor to wealthy countries. Key pull factors are economic welfare and freedom in the developed world, while key push factors are economic underdevelopment, unstable political situations, and low levels of democracy. Developed countries have tried to protect themselves by tightening their immigration policies, which in turn has further increased the incidence of illegal migration, since more migrations can now be considered illegal.

For the networks responsible for human smuggling, changing their methods as a response to legislative changes and law enforcement activities is necessary for their survival. Flexibility is thus one of the main characteristics of trans-

portation methods and the choice of routes. This means that the routes used by human smugglers may sometimes be simple and direct, and at other times circuitous. The time between departure and arrival may thus vary from some days to several months, or even years. Smuggling is carried out either by land, air, or sea.

Interpol has identified the following frequent human smuggling routes:<sup>7</sup>

- Migrants from the Asian region mainly use the route via Kazakhstan, Kyrgyzstan, Uzbekistan, Tajikistan, and Turkmenistan to Russia, and from there via Ukraine, Slovakia, and the Czech Republic to Western Europe or, even further, to the United States and Canada;
- At the same time, the classical Balkan route from Asian countries via Iran and Turkey and from there via the Balkan states to Western Europe is used for the smuggling of migrants, as well as for the smuggling of all other kind of illegal goods like drugs, firearms, etc;
- Especially during summer months, Spain has to face the arrival of thousands of illegal immigrants originating from sub-Saharan Africa. These willing immigrants undertake the hazardous trip to travel from Morocco to southern Spain by using the narrow Straits of Gibraltar, where only twenty-one kilometers separate Europe and Africa. Many people traveling in small, overcrowded boats have already drowned in their desperate attempt to reach Europe;
- Australia is also facing a growing number of illegal immigrants—mostly from the Middle East and southern Asia—landing on its western coasts, and especially on Christmas Island, which is located relatively close to the Indonesian archipelago. Most of the refugees originating from the Near East first enter Malaysia, where they are taken to the south before making a short ferry crossing to the Indonesian island of Batam. From there it is not difficult to reach Jakarta and travel on to the southern Indonesian islands of Bali, Flores, or Lombok, where they embark for Australia;
- Smuggling migrants to the United States from Europe or Asia is mostly achieved by putting them on planes. Ships with migrants on board are mainly bound for the West Coast, but the use of this route has dropped considerably. Smuggling networks seem to focus more and more on Central and South America, where they maintain the necessary links to Mexican people smugglers (known as *coyotes*) in order to move the illegal migrants via Mexico to North America;
- Africa is increasingly becoming a transit area for Asian migrants, particularly for Chinese nationals. Much of this migration seems to be connected

to South East Asian smuggling networks. A large number of Chinese nationals travel to Africa with fraudulent documents or make questionable journeys to contact countries like Swaziland, Lesotho, or Mozambique. From South and East Africa, the willing immigrants often continue their journey to the United States by plane, but also to European countries as well.

### **Smuggling of Drugs**<sup>8</sup>

Heroin, cocaine, cannabis, and synthetic drugs are the key products of the global narcotics industry. They are constantly being smuggled from the known production areas to the consumption areas, along many of the same routes traveled by smugglers of humans.

Southwest Asia (the Golden Crescent – Afghanistan and Pakistan) and Southeast Asia (the Golden Triangle – Myanmar, Thailand, and Laos) remain the principal regions of illicit opium poppy cultivation, despite eradication and crop substitution programs that have been carried out in these regions. If the poppy cultivation in Afghanistan were to actually be stopped by the international community, then the country's economy would collapse, which would lead to the failure of international effort there. The majority of heroin comes to Europe through Iran, Turkey, and the Balkan route or Russia. Large quantities are also channeled through Pakistan and India for transit to the European market by ship and plane.

The bulk of cocaine produced in the world comes from Colombia, Bolivia, and Peru. It is difficult to make an accurate estimate about production figures, but it is believed that Colombian drug syndicates are responsible for refining 80 percent of the world's cocaine. Trafficking organizations have targeted countries in Eastern and Southern Europe as intermediary stopovers for both sea and air freight consignments filled with large quantities of cocaine, which are ultimately destined for Western Europe. This area is increasingly becoming both a consumption and storage center for cocaine. The criminal organizations must continue to supply the previously established markets as well as the new ones by using new smuggling routes, such as the Balkan Route and its various channels. Analysis suggests an increasing presence of transnational criminal groups controlling each step in the cocaine trade, such as Nigerian and Albanian trafficking organizations, which are becoming increasingly active in the importation and distribution of cocaine in Europe. Africa continues to be an important transit point for cocaine from South America destined for both domestic and European consumption, mainly through the postal service, but also increasingly by sea containers.

Europe is the world's second-largest cocaine market (after North America). Demand is estimated at between 120 and 150 tons per year and is on the increase. The countries of the European Union seized around 56 tons of cocaine in 2001. Spain seized 33 tons of cocaine in 2001, which is more than was seized in Mexico, and represents almost 60 percent of the total quantity seized in Western Europe. Seizures on the open sea of several tons largely account for this percentage and an increase in the amount seized compared with 2000 of over 500 percent in Spain and over 120 percent in Western Europe.

Cannabis (marijuana, hashish) is the most frequently consumed illegal drug in the world, and therefore the subject of the most traffic. Cannabis is native to the mountainous areas of Central and South Asia. Man has used the plant for over 6,000 years. Cannabis grows over a wide variety of geographic terrains, altitudes, and latitudes. It is grown in many countries, on all continents. Cannabis trafficking has been increasing in response to a high and rising demand. The indoor cultivation of cannabis has also continued to develop in Europe.

Synthetic drugs are artificially produced substances for the illicit market that are almost wholly manufactured from chemical compounds in clandestine laboratories.<sup>9</sup> Designer drugs are substances whose molecular structure has been modified in order to optimize their effect on the one hand, and in order to bypass laws and regulations governing the control of substances on the other. Globally there has been a dramatic upsurge in the abuse, trafficking, and smuggling of synthetic drugs.<sup>10</sup>

The return path along the world's drug routes may carry millions of dollars in funds back to the countries of production that may be laundered or made legitimate by banking institutions and financial corporations. In the early 1990s, however, it was ascertained by the UN that drugs were increasingly being used as a medium of exchange in lieu of money.<sup>11</sup> Why is this so? The answer is probably hidden in the multifunctional nature of transnational criminal groups, which might find it easier to trade with drugs than with dirty or laundered money earned from drugs. Selling drugs and laundering the money involves many risks. It is therefore safer and more practical to pay with drugs.

## **Smuggling of Weapons**

Arms and weapons are used in armed conflicts, to commit crimes, and in terrorist acts. According to the OSCE, the illicit international trade in weapons is deadly because it is a source of the majority of civilian casualties in conflicts throughout the world.<sup>12</sup> Especially problematic are small arms and light weapons, because it is much easier to smuggle small portable pieces than larger field guns or other heavy weapons. The OSCE defines small arms as revolvers and self-loading pistols; rifles and carbines; sub-machine guns; assault rifles;

and light machine guns. Light weapons are broadly categorized as those weapons intended for use by several people serving as a crew. They include heavy machine guns, hand-held under-barrel and mounted grenade launchers, portable anti-aircraft guns, portable anti-tank guns, recoilless rifles, portable launchers of antitank missile and rocket systems, portable launchers of anti-aircraft missile systems, and mortars of calibers less than 100 mm.<sup>13</sup>

Experts estimate military equipment worth several hundred million dollars is sold annually in the illegal arms market to countries under UN arms embargoes. Most illegal arms sales are conducted through the so-called gray arms markets (also weapons supermarkets or arms bazaars), which have been dominated by individual brokers and their firms. Gray market firms are often legitimate companies operating illegitimately by providing false paperwork to disguise the buyer and the military characteristics of the goods involved. Obtaining licenses, even fraudulently, allows gray market players to make deals that seem legitimate and in compliance with export regulations in international arms purchase protocols. Weapons have sometimes even been disguised as humanitarian aid. Weapons might be sold for cash, exchanged for hostages, bartered for heroin, cocaine, stolen art, and precious stones, or traded for grain or oil. The deals may be handled by middlemen, with transportation entrusted to phony corporations registered in the Cayman Islands, and moved on ships that are registered to one of many states that ignore arms trade embargoes. The rights of seamen may be hired, and payments may be moved clandestinely through coded bank accounts in networks of shell companies protected by the banking and corporate secrecy laws of financial safe havens scattered throughout the world.

It is generally accepted by international authorities that the demand for weapons is high and unlikely to diminish in the immediate future. The downward trend in prices is very worrying. For example, the AK-47 automatic, which is considered one of the best weapons ever made, used to cost about 125 dollars straight from the factory in the USSR. Now, it can be purchased for 30 to 40 dollars at Russian flea markets. Its price in Africa is about the same as the price of a live chicken or a pair of a fake designer jeans. We can say that, despite numerous constraints, weapons are available to all those who can pay, whether they are ordinary criminals, terrorists, or guerrilla fighters. In fact, many armed conflicts would not be possible without the international networks of smugglers of weapons.<sup>14</sup> It is very difficult to trace small arms and light weapons, as some of them are not properly marked and their manufacture might not be controlled in the country of origin. Their uncontrolled spread and accumulation has proven to be politically destabilizing.



Not only small arms and light weapons are illegally trafficked; nuclear materials have also been smuggled. Criminal groups created a nuclear black market where highly enriched uranium and plutonium, beryllium, radium, palladium, and lithium can be purchased. Past experience shows that such substances were sold and also that there are state and non-state actors interested in buying them (supply and demand therefore exist). The interest in acquiring such substances is especially high in some terrorist groups, as these weapons would help them to achieve their goals. In this regard, the security of nuclear facilities is of high importance.



## CHAPTER 2

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### THE BALKAN SMUGGLING ROUTE

The term *Balkan* has both political and geographical connotations. The term embraces the countries on the Balkan Peninsula (Greece, Albania, Macedonia, Serbia and Montenegro, Bosnia, Bulgaria, Romania, and Croatia). Hungary and Slovenia are not considered to belong to this region.<sup>1</sup> The term also denotes an area of continuous instability, wars, ethnic hatreds, and frustrated nationalism. After all, two Balkan wars, two World wars, and wars in Bosnia, Macedonia, and Kosovo took place in the region. This area—with the notable exception of Greece—represents the least stable region of Europe in political terms. It is therefore not surprising that this area represents an environment where criminal groups have operated effectively, both within and across national borders.

The Balkan smuggling route is actually a complex network of criminals, organized criminal groups, and their mutual channels for illegally transferring people and goods—including drugs, cigarettes, stolen cars, textiles, human organs, and weapons—in the area of the Balkans as defined above. In practice, this means that global or regional criminal organizations rely on locally operating criminal units or groups, which create a network along the route. Long-term cooperation among criminal groups in this area has resulted in the formation of interconnected and flexible international criminal networks. There is also some overlap among different types of smuggling. The same routes or channels within the region are used for smuggling different objects by the same or different criminal groups. Interpol has warned of the general importance of the Balkan route in smuggling of all kinds since 1988.

The Balkan route is mostly used to smuggle goods and people in direction of the EU. This means from the poorer south to the richer north, and from east to west, on land and sea as well as in the air. However, this route has also occasionally been used in opposite direction, from the EU to the Balkan countries – for instance, for smuggling or diversion of precursors, for smuggling weapons in wartime, or for smuggling criminals out of the EU.

If we take drugs as an example to illustrate the importance of this route, it should suffice to say that the Balkan route transferred drugs valued at USD 400 billion a year, and handled 80 percent of the heroin destined for sale in

Europe at the end of the previous century.<sup>2</sup> More than 382 tons of cocaine, 324 tons of opium, and 591 tons of amphetamine-type stimulants (excluding Ecstasy) were seized in the region in 2003.<sup>3</sup>

The relationship between smuggling on this route and wars has been reciprocal. The traditional Balkan route has been both interrupted and also stimulated by the wars in the former Yugoslavia (Bosnia and Herzegovina, Kosovo, Macedonia). This means that old routes were interrupted and new ones created, which in fact means that criminal groups more or less adapted to and exploited the unstable security circumstances in the region. Balkan wars actually created both the demand and the opportunity for the smuggling of weapons, drugs, people, and stolen goods. Criminal groups profited from this instability. In fact, smuggling became the fastest growing business in the Balkans during the war years.

Nationals of all countries from the region are involved in smuggling. However, the extreme strength of the Albanian criminal groups is worthy of special mention. Some experts even claim that the real winner of the war in Kosovo was the Albanian mafia. Albanian criminal gangs known as *fares* profited from war and grew in breadth, depth, size, and influence. Smuggling (of stolen goods, drugs, people, fuel, weapons, etc.) is their core competence, and over the past fifteen years they have steadily come to dominate smuggling to and within Europe, even overshadowing their erstwhile mentors, the Italian mafia. During the war in Kosovo, the Albanian mafia was smuggling more than 10,000 Kosovar refugees per month. The price to get to Western Europe was from USD 250 for children to USD 900 for adults, depending on the final destination. Many ethnic Albanians who claimed to be refugees and sought assistance from European states were not Kosovars at all; they were actually illegal Albanian immigrants, reciting rehearsed, false alibis to immigration and police officers.<sup>4</sup>

Organized Albanian criminal groups were also smuggling weapons, which was actually a major logistical endeavor of the Kosovo Liberation Army (UCK). Despite strong denials by the UCK, many foreign intelligence, police, and media sources reported that drug money has financed the army's activities as well.<sup>5</sup> As regards the organization of heroin traffic and smuggling in Europe, it still remains to a large extent in the hands of Turkish criminal syndicates, but ethnic Albanians are not far behind them. The latter are particularly active in Switzerland, Norway, Sweden, and the Balkan countries, and accounted for over 15 percent of the drug traffickers arrested in Europe in 1998. Paradoxically, although there has been since 1999 a drop in the number of Albanian traffickers arrested, their networks are becoming increasingly influential. The reason behind this is that, to avoid arousing suspicion, Albanian

organizations are employing increasing numbers of couriers mainly from Central or Western Europe (Bulgarians, Poles, Germans, and Czechs).<sup>6</sup> In the recent past, many reports have confirmed that the Albanian and Kosovar criminal groups have been on an exponential rise in countries from the region, and also in Italy, France, Germany, and the United Kingdom. The criminal underground in these countries has become increasingly dominated by these Balkan groups.

It is not only the wars in the Balkan region that influenced the development of smuggling along the Balkan route; wars elsewhere have had an impact as well. This was especially the case of increased involvement by Afghan citizens as a result of the war in Afghanistan at the end of 2001, and by Iraqi Kurds during the recent war in Iraq.

The partial collapse of the Albanian state also fuelled the smuggling of weapons in the area. Reportedly, some 650,000 weapons have been taken from the government depots, and about 30 percent of this number have made their way to the other parts of the former Yugoslavia.<sup>7</sup>

In addition, the so-called state-building processes in Kosovo and Bosnia and Herzegovina, which commenced after the wars, reflect the difficulties in curbing this form of crime. This is an especially difficult job in an environment where the state institutions—e.g. police, custom service, court systems—are not developed, organized, and funded. For example, the National Border Service in Bosnia was established only on 1 June 2000. It started to gradually take over the responsibility for state border control and surveillance from the police forces of the two entities. In 2000, the service controlled about 12 percent of the state border and one international airport; by the end of 2002, the nation's entire border was controlled by the service. It is quite evident from the data that illegal migrations in Bosnia decreased, and the decrease was proportional to the amount of the state border that came under the control of the Border Service.

The problem of corruption has also exacerbated the governmental fight against smuggling. Corrupted governments cannot fight smuggling efficiently. The corruption perception index, developed by the NGO Transparency International, shows that a reasonably high level of corruption exists in countries from the Balkan region. The index values for the surveys conducted in 2004 show that the level of perceived corruption (on a scale from 1 to 10, with 1 representing the highest and 10 the lowest level of corruption) was 2.5 in Albania, 2.7 in Serbia and Montenegro, 3.1 in Bosnia and Herzegovina, 3.2 in Turkey, 3.5 in Croatia, and 4.3 in Greece. Meanwhile, the index value for Slovenia was 6.0.<sup>8</sup> Results for previous years do not much differ from these. There are many specific examples of corruption in the region that support

these claims. Perhaps the most telling example was the car accident in November 1996 in Turkey, in the village of Susurluk, which revealed that a mafia boss working for the Turkish intelligence service, a Kurdish politician, and a high-ranking police official were traveling together in a car full of arms and drugs. An investigation ordered by the then-premier concluded that organized criminal groups trafficking in drugs and connected with certain sectors of the government were responsible for some 2,000 deaths per year. Another scandal some years later showed that one of the most wanted Turkish criminals, Mahmud Yesil Yildirim, had regular phone contact with the secretaries of the premier, the president of the Republic, the secretary-general of the National Security Council, the military academy, and the police intelligence service.<sup>9</sup>

Smuggling channels along the Balkan route have been intercepted regularly, but for every channel that is interrupted, new channels are formed. For example, the Serbian and Montenegrin authorities reported intercepting the following routes for smuggling human beings:

- A channel from Bulgaria, over the territory of Serbia and its border with Hungary (mostly for Iraqi and Afghan citizens);
- A channel for the transfer of Turkish citizens, mainly Kurds, via the Slatina airport to Pristina, Montenegro, and Belgrade, where they were handed over to people involved in illegal transport to places near the Serbian border with Croatia. Turkish citizens were traveling under arrangements made by tourist agencies from Kosovo and Metohija, which were tolerated by the UNMIK border services;
- A channel for the illegal transfer of foreigners, involving two freight trucks loaded with wooden timber that were intercepted in Ljubicevo, in Pozarevac municipality; forty-three persons were discovered (twenty-one Afghan citizens, nineteen Tunisian citizens, and three Iranian citizens);
- Four channels through which the organized illegal transfer of foreign citizens was conducted from Romania, Bulgaria, Ukraine, and Moldova;
- A channel for the smuggling of foreigners from the area of Subotica municipality, where a group of ten Chinese citizens with no travel documents were supposed to be illegally transferred to Hungary by Serbian citizens;
- A channel for smuggling Indian citizens from Dubai using forged travel documents that ran through the Belgrade airport;
- A channel for the organized transfer of Pakistani citizens;
- In the area of Vranje, a group of twenty-one Turkish citizens of Kurdish nationality was discovered. They entered Serbian and Montenegrin terri-

tory via the airport in Pristina, and then went to Bujanovac, avoiding controls at checkpoints, intending to get to Belgrade and then to the EU using other illegal channels. Since this group did not possess any entrance visas, and entered the country illegally, all members were returned to the territory of Kosovo and Metohija over the border crossing at Konculj.<sup>10</sup>

We can clearly see that many channels for smuggling have been intercepted by the Serbian and Montenegrin authorities, but the smuggling of people through this country has not stopped, as will be discussed later in this work.

Slovenia has been exposed to the threat of smuggling since the beginning of its existence, but this book will only focus on smuggling in recent years. Slovenia has been under strong pressure from illegal immigrants and their smugglers. An analysis of statistics from 2002 to 2005 provided by the Customs Administration of Slovenia shows that, along with people, the following goods have been regularly smuggled through or to Slovenia:

- Commercial goods (clothes, shoes, meat, audio and video material, technical devices, etc.);
- Cigarettes;
- Drugs (heroin, cocaine, hashish, marijuana, synthetic drugs);
- Weapons (knives, pistols, revolvers, semiautomatic and automatic weapons, ammunition, bombs, etc.);
- Money;
- Animal species or parts (corals, snails, shells, tusks, etc.);
- Steroids;
- Works of art.<sup>11</sup>

In the following three chapters, we will focus on the smuggling of illegal immigrants, drugs, and weapons through or to Slovenia.





## CHAPTER 3

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# SMUGGLING OF ILLEGAL IMMIGRANTS THROUGH SLOVENIA

In general, Slovenian people do not immigrate illegally to foreign countries. Accordingly, Slovenia is not a significant country of origin for illegal immigrants. To a large extent, it is also not a destination country. It is mostly a transit country for illegal immigrants. This actually means that migrants perceive Slovenia as a transit country on the way to more attractive European countries. Their final destination mostly depends on their existing family contacts with the immigrant communities in Western Europe.

### **Criminalization in the Penal Code**

Unlawful crossing of the borders or territory of Slovenia is criminalized in the Article 311 of the Slovenian Penal Code:

- (1) Whoever crosses the state border of the Republic of Slovenia or unlawfully enters the territory of the Republic of Slovenia, forcibly or armed, shall be given a prison sentence of between three months and three years, or a fine.
- (2) A foreign person who does not have a permit to reside in the Republic of Slovenia shall be subject to the same penalty if they remain on the territory of the Republic of Slovenia or resist lawful removal from said territory in the manner specified in the preceding paragraph.
- (3) Whoever is engaged in unlawfully bringing foreign persons who do not have permits to enter or reside in the Republic of Slovenia to the Republic of Slovenia, transporting them to said territory, helping them to hide or unlawfully bringing a group of such foreign persons over the border or territory of the state for payment shall be given a prison sentence of up to five years and a fine.
- (4) An official who abuses their official position or rights by enabling a foreign person to unlawfully enter the territory of the Republic of Slovenia or unlawfully reside in said territory shall be subject to the same penalty specified in the preceding paragraph.

(5) If by committing the offenses from the third or fourth paragraphs of this article the perpetrator obtains, for themselves or for another, a disproportionate pecuniary advantage, procures a workforce, endangers human life or health, supports terrorist activities, or commits such offenses as a member of a criminal association, they shall be given a prison sentence of between one and eight years, as well as a fine.

(6) The provisions of the preceding paragraphs shall also be used for criminal offenses committed abroad if the country in which they were committed has, like the Republic of Slovenia, adopted the common international law obligation to prevent such criminal offenses, regardless of where they were committed, and the offenses under that country's law are prescribed as criminal offenses in the same way. If the criminal offense was committed on the territory of the European Union, citizens of member states shall not be regarded as foreign persons in the application of the provisions of the second, third, fourth and fifth paragraphs of this article.

It is obvious that illegal crossing of the border, organizing illegal crossings, helping illegal immigrants, and corruption on the part of state officials are all criminalized in the above article.

According to our Penal Code, the term *smuggling* is officially reserved for smuggling goods and not people. In cases of illegal immigration, the term *unlawful transport of foreign persons across the border* is used in the code. However, the term *smuggling* in practical use by police and other actors encompasses also the human dimension.<sup>1</sup>

## **Statistics on Illegal Immigration and Related Smuggling**

### ***Statistics for the First Quarter of 2005***

In the period from January to the end of March 2005, exactly 1,480 illegal border crossings were reported by the Slovenian police. This is 23 percent higher than in the same period in 2004 (1,207). The most porous border in this period was Slovenia's border with Croatia, as shown in the next graph. Three-quarters of the illegal immigrants were caught at the border with Croatia, and 18 percent at the border with Italy. At the borders with Hungary and Austria, only a small number of illegal immigrants were apprehended by the Slovenian police.

Illegal immigrants who were apprehended were citizens of Serbia and Montenegro, Albania, Turkey, Bosnia and Herzegovina, Macedonia, Romania, Croatia, Bangladesh, Georgia, and Pakistan.<sup>2</sup>

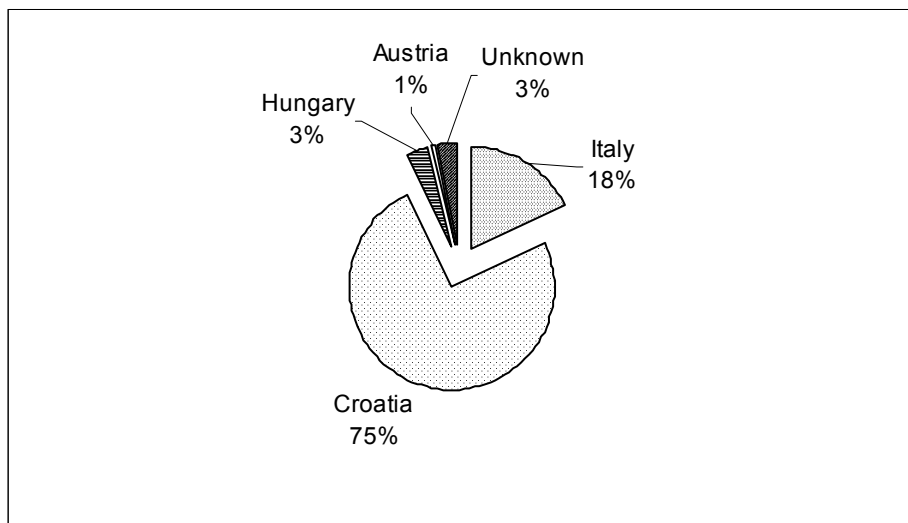


Figure 1: Number of illegal border crossings by border in the period from January to March 2005 (in percentage terms).<sup>3</sup>

### ***Trends from 1997 to 2004***

The total number of illegal immigrants to Slovenia in the period from 1997 to 2004 varied significantly. This number grew from 7,093 in 1997 to 35,892 in 2000, which was a large number for a small country like Slovenia. The Slovenian government even stated in one of its sessions that illegal immigration posed a threat to stability in Slovenia and, if it increased, might threaten Slovenian national security.<sup>4</sup> After this peak in 2000, the numbers gradually started to decline and stabilize. The trend downwards stopped at 5,018 in 2003. In 2004, Slovenia faced a small increase in terms of the number of illegal immigrants detected (see next figure). For an understanding and interpretation of the number of detected illegal immigrants, we will simply offer the assessment of a police expert that only around 40 percent of the illegal immigrants that cross Slovenia's borders are detected.<sup>5</sup>

The question is, what are the reasons for the increase and decrease of these numbers? Perhaps the key reasons for the increase of the number of apprehended immigrants lie in the gradual cessation of armed conflicts in the region, which has brought about a gradual normalization of relations among the Balkan states and an opening of the post-conflict countries toward the world. It has also led to a gradual strengthening of Slovenian border control. This

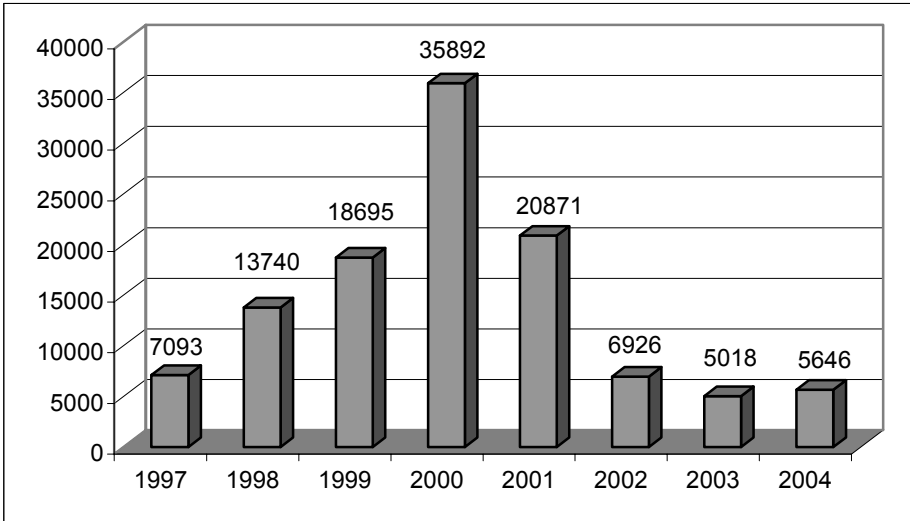


Figure 2: Aliens dealt with on account of illegal crossing of the Slovenian border 1997–2004.<sup>6</sup>

strengthening has been positively correlated with the process of EU accession.<sup>7</sup> The augmentation of border controls is probably another reason for the recent shifts in the smuggling trend. An additional reason is to be found in the changes in visa policies of the countries in the region. For example, Bosnia represented one of the main transit areas for Iranians to enter the EU until the beginning of 2001, when a visa requirement for Iranians entering Bosnia was introduced. After 2001, the flow of illegal Iranian immigrants through the Balkan route towards the EU member countries drastically decreased. Also, the number of Chinese illegal immigrants was reduced to a certain extent due to increasing stringency in the visa regime in Serbia and Montenegro, and the termination of direct JAT flights to Beijing.

An overview of illegal border crossings in Slovenia shows that the region that has been most affected is the southern border with Croatia. Several times more illegal immigrants have been caught near or at this border than any other. The importance of this border is even greater if we take into account the fact that most of the illegal immigrants apprehended in the vicinity of other borders entered the country from Croatia.

The rather high numbers of illegal immigrants caught at the Italian border suggests that most of them enter Slovenia from Croatia and exit to Italy, which is actually the shortest route through Slovenia to other countries. Consequen-

Table 1: Illegal border crossings divided by bordering nation.<sup>8</sup>

Border with	Austria	Italy	Hungary	Croatia	Total
<b>1999</b>	1,060	4,160	4,200	8,212	18,695
<b>2000</b>	578	3,574	4,799	25,809	35,892
<b>2001</b>	252	4,815	2,180	12,687	20,871
<b>2002</b>	302	1,402	233	4,828	6,926
<b>2003</b>	73	976	218	3,516	5,018
<b>2004</b>	74	853	197	4,323	5,646

tly, the regions of Koper and Nova Gorica are the most affected by illegal immigration.

Illegal immigrants generally try to cross Slovenia in groups—either small or large—under the direction of smugglers. Statistics on the apprehended smugglers are shown in the next figure.

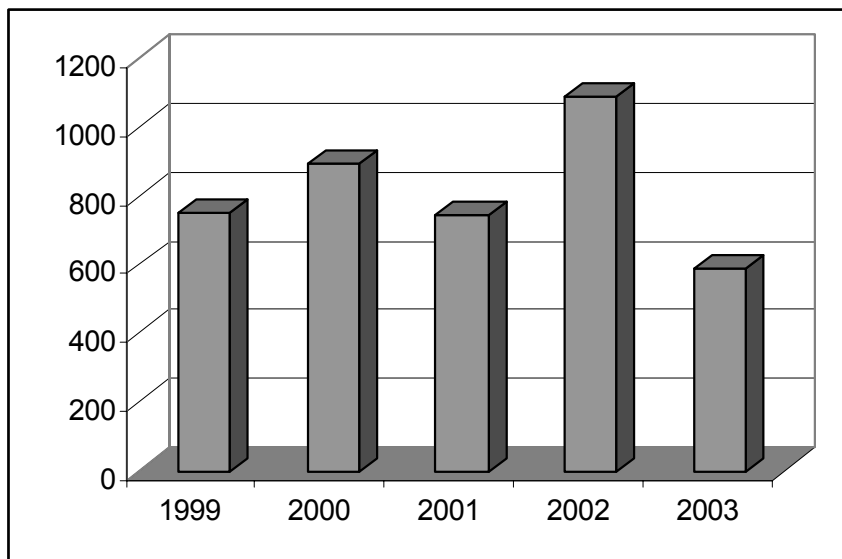


Figure 3: Data on confirmed facilitators of illegal crossings (leaders, smugglers, assistants, transporters, organizers).<sup>9</sup>

The next table shows that the majority of people who illegally cross Slovenia's borders hold the citizenship from Serbia and Montenegro. This is to some extent misleading, as the majority of these citizens are actually Albanians from Kosovo. Despite the special international arrangement in Kosovo, the citizenship of its population is still as written in the official records. The number of Albanian illegal immigrants has increased since 2001, while the numbers of all other nationalities have decreased significantly.

Other nationalities represented among apprehended immigrants are Iranians, Chinese, Afghans, and Bangladeshis.<sup>10</sup>

Table 2: Citizenship of persons who illegally crossed the Slovenian border, 2001–2004 (sorted by the number of immigrants in 2004).<sup>11</sup>

Country	2001	2002	2003	2004
Serbia and Montenegro	2,785	2,015	1,500	1,324
Albania	22	142	180	1,153
Turkey	3,159	820	428	734
Bosnia and Herzegovina	405	425	288	470
Macedonia	1,728	1,221	496	412
Moldova	748	295	420	269
Croatia	511	328	255	194
Romania	3,844	178	181	192
Iraq	3,219	586	240	89
Other	4,450	916	803	1,105

## **Analysis of the Smugglers and Their Methods**

In the following section, we will analyze the organization of criminal groups, typical ways of crossing the border, the ways in which tourism is misused for human smuggling, the means of communication among smugglers, prices and methods of payment for smuggling, profiles of human smugglers, the motivation for smuggling, and the misuse of asylum for further human smuggling. Such an analysis draws on a generalization of many researched cases and interviews with police professionals.

### ***Organization of Criminal Groups***

Nationals of countries that are geographically close to the country of destination frequently decide to illegally cross borders individually, using the means of public transport, often relying on forged documents, and without any help from local inhabitants. Most often, nationals of Serbia and Montenegro, Macedonia, Romania and to a lesser extent Moldavia and Albania decide on such a method of migration. This form of breaking the law only in rare cases surpasses the category of misdemeanor.<sup>12</sup> However, a certain percentage of human smuggling is arranged by organized criminal groups. The roles in such groups are strictly defined; it is clearly known who is responsible for what. The literature on human smuggling offers a good classification of the possible roles for smugglers within a criminal network. Each role has specific characteristics:

1. *Local initiating smuggler*: organizes the departures of irregular immigrants from their localities and takes them from the previous smuggler and hands them over to another one in order to facilitate the illegal border crossing;
2. *Cashier*: is a trusted person who receives and pays out money between the migrants and smugglers in the smuggling operation;
3. *Guide*: knows the region or the borders very well, and accompanies the migrants according to the agreement between the smuggler and the migrant;
4. *Local transiting smuggler*: takes the migrants from border areas in the transit country and moves them to departure areas in the transit country;
5. *Middleman*: takes the migrants from the person who brought them to the departure point to the next smuggler in the chain (usually landman, shipman, or airman) who arranges the final trip to the point of destination;
6. *Landman, shipman, or airman*: arranges the irregular border crossings, sea, or air passages; organizes the port from which the migrants will depart; manages the bribing of port employees at the point of exit;
7. *Other intermediaries, handymen, and other helpers*: involved in diverse activities that help all other smugglers; perform secondary roles in human smuggling but not included in above-mentioned categories.<sup>13</sup>

Part of the smuggling chain might also include corrupt public officials.

An analysis of criminal groups in Slovenia and the region shows a similar structure, with certain simplifications. At the top of organization is the *organizer*. Slovenian organizers are mostly responsible for transport over Slovenia's

borders. Their role starts when they are contacted by an organizer from Croatia, Bosnia, Serbia, or elsewhere. These communications mostly concern the number of migrants, their destination, and the time and place of their departure from Croatia (usually an area at or near the border). The Slovenian organizer then manages the smuggling process inside Slovenia, and makes contact most often with organizers in Italy, with a similar message. Our analysis of several cases has shown that organizers from different countries are sometimes exposed to mutual pressure regarding taking over groups of immigrants. It is to be stressed that organizers normally do not deal with immigrants directly. Their risk is therefore much lower than the risk that is borne by others lower in the hierarchy, such as guides, drivers, forerunners, and caretakers.

*Guides* are locals who directly lead immigrants over the border (this is only the case when immigrants actually walk over the border). Guides are people who have an excellent knowledge of local geographic and security conditions.

*Drivers* are people who transport immigrants over the border, or only within Slovenia. These are drivers of personal cars, taxis and cargo vehicles. These vehicles might be their own, rented, borrowed from friends, or stolen. They pick up the immigrants at a certain assembly point, and take them to another predetermined location. In one case, the driver arrived at an assembly point where twenty to thirty immigrants were waiting; other cars were also picking them up. Later, police found a great deal of evidence that this location was frequently used as a transfer point, such as dropped bags, boxes of foreign cigarettes, parts of clothes, wallets, etc.<sup>14</sup> Drivers may also take the immigrants to a certain location near the border, show them the direction to crossing the border, and give them instructions on where to wait after crossing. The drivers then cross the border legally, find the group, and give them further directions—e.g., to a certain landmark, taxi service, train, or bus station, etc.—or even drive them further. We can say that the normal procedure of the drivers, in order to avoid being traced by the police, is to throw the immigrants out of the vehicle and drive or run away. Later, they come back and search for the immigrants.<sup>15</sup> There are some cases where drug addicts have been used as drivers; they are paid in heroin instead of cash.

Our selection of cases shows that some drivers participate in smuggling only occasionally. However, quite a number of taxi drivers frequently transport illegal immigrants. They normally do not cross the border; rather, their job is to take illegal immigrants from one border to another, or to a large city (in this case, Ljubljana). Analysis of the court documents has shown that sometimes taxi drivers work in organized groups, and sometimes on their own initiative. Transportation of migrants is conducted with the taxi insignia either



on or off the roof of the car, but it is very difficult to prove their involvement in illegal smuggling if their taxi meter is on.

It might be possible that one or more of the taxi companies was established expressly for the purpose of smuggling. The court material reveals a case where a driver continuously transported illegal immigrants upon the orders of the same person. Passengers were always escorted to the taxi by the woman who paid for the trips. The driver's passengers were mostly Kurds, and the money from these trips was regularly delivered to the boss of the company.<sup>16</sup>

Our analysis of cases has also shown that some drivers take illegal immigrants on their own initiative (not working as a members of criminal groups). These people know approximately where illegal immigrants are waiting or crossing the border. They drive to these locations, ask the illegal immigrants where they want to go, and simply offer transport in exchange for payment.

Smugglers have developed a precautionary mechanism on the basis of their experiences with police ambushes and patrols. The so-called *controllers* or *forerunners* are responsible for clearing the route. They drive the car in front of the vehicle carrying the immigrants and check for police patrols and ambushes. In case of danger, they immediately inform the smugglers via mobile telephone or wireless radio. After such notification, the car with the smugglers changes direction or hides until the coast is clear. In some cases, the forerunners' duty is to confuse the police patrol. The logic behind this is quite simple: if one vehicle is stopped or followed by one patrol, the other can calmly continue on its way.

*Safe houses* are various locations (e.g. industrial sites, private houses, huts, basements, etc.) where illegal immigrants can find shelter and food. Immigrants also wait in safe houses for further transport. *Caretakers* are responsible for accommodating and feeding immigrants. The caretakers are in many cases actually the owners of the safe house.

Some cases reveal that people can also change their roles according to the needs of the moment, or they can even be promoted if they are found to be trustworthy by the organizer. In some cases, groups also split up and specialize. Our analysis of cases shows that some are specialized along border lines—that is, they work only the Croatian-Slovenian, the Slovenian-Italian, or the Slovenian-Austrian border. They can also specialize in certain parts of the mentioned borders, such as mountainous regions. Regional specialization usually depends on the living areas of the organizers. Analysis of the court documentation also shows that larger groups tend to be responsible for human smuggling over long distances, and smaller groups for shorter distances. Larger criminal organizations also smuggle greater numbers of immigrants.

The level of acquaintance among the smugglers in the group is low. People know only those next to them in the chain – for example, those from whom they receive immigrants or those to whom they hand over immigrants. Police disruption of a single element in such a chain is quite harmless, as new members soon join the business and fill in the gap. Such networks are very adaptable and flexible.

Professional smugglers plan their actions carefully. They are especially concerned with operational protection. For example, they might collect “intelligence” about the border institutions: their organization, efficiency, technical equipment, the efficiency of interagency relations, the efficiency of international contacts, and even the qualities of a particular individual (customs officer or police officer).

A division of labor exists among the criminal groups involved in smuggling. However, some competition between them has also been observed. For example, one criminal group took over the immigrants of another group. They found a safe house, entered it, collected money from the immigrants, and transported them to a drop-off point in the vicinity of the border. The immigrants actually hired one group of smugglers, and were exploited by another.

A question emerges here on how active these criminal organizations are. What is their operational frequency? Criminal groups that smuggle immigrants are obviously quite active. Frequency analysis of the court materials on certain cases shows that smuggling represents in some cases a weekly activity on the part of the whole group. For example, one criminal group carried out twenty-five separate criminal acts of smuggling in three months; another group twenty-six acts in one month and a half; and a third group, fifteen acts in five months. Another group smuggled at least 111 immigrants over the border in five months.<sup>17</sup> In most criminal acts, more than one person was involved. It should be noted that this is information only on the acts that were proven by the prosecutors; undoubtedly, many more took place that went undetected.

### ***Ways of Crossing the Border Illegally***

Illegal immigrants can cross the border in many ways, but the most common ways are by land (either on foot, or by some form of motorized transport) or by sea (from large ships to small boats). Most immigrants walk across the border, regardless of how they are transported to the border. Illegal crossing of the border by foot actually starts at the point where the drivers drop off the immigrants, and ends on the other side of the border when a new transport is acquired. Conditions are sometimes very difficult, as immigrants travel in cold, windy, or snowy weather. Pregnant women and children also use this method of crossing. Self-organized crossings are mostly carried out this way. Such migrants come legally to Croatia via public transportation (usually a bus) and

continue walking from there to Slovenia, following maps and sketches. Yet many organized criminal groups use this method for smuggling people as well. Police identified several groups of immigrants (from fifteen to thirty people) that were brought to a neighboring Croatian city (e.g., Rijeka) and then walked through Slovenia (the Karst region) to Italy. In most such cases, the immigrants are transported to a certain point near the border, walk over the border, and are then transported to the next border. In some instances, migrants also cross rivers on foot. What is most important to the migrants is that the act of crossing is concealed by forests, hills, bushes, or other terrain.

Road tankers, trucks, and campers have many potential places to hide people. Motor caravans have been sometimes used as well. Several cases have occurred where smugglers drove immigrants over the border one by one on motorbikes. The immigrants simply waited at a certain location until the smuggler arrived on motorbike. After the immigrant put on a helmet (usually with a full visor, to conceal the migrant's face), he or she was taken over the border. In one case, immigrants were put into the tank of a tanker truck, which was full of fuel vapors. In another case, the immigrants were rolled into rugs. There is one known instance of immigrants crossing the Kolpa river in vehicles floated on rafts.

The sea route is used for human smuggling to Slovenia in direct proportion to the short length of its coastline. Our analysis has shown that there are cases where immigrants are taken by motorboats or rubber dinghies from the Croatian coast via the Slovenian sea to Italy. Sometimes, the smugglers avoid Slovenian waters altogether and go directly from Croatia to Italian waters. In the port of Koper, many stowaways have been identified. They hide inside large ships (probably with some help from the crew), and leave the ship when anchored in or near the port. Port authorities have also reported cases where the crews of certain ships illegally abandoned their vessels to enter Slovenia and Italy.<sup>18</sup>

Some years ago, many smugglers were trying to smuggle larger groups of people (thirty or forty people) in trucks or road tankers. The present trend is to disperse the bigger groups into small groups of two to three persons just before crossing the Slovenian border. In cases where the police detected a large group, the smugglers suffered a substantial financial loss. By using the method of dispersion into small groups in vehicles with forerunners, they actually dispersed their risk.

Trains are used in smuggling only in rare cases. Examples include immigrants hidden under a train, on or in the roof, in the toilet, or under the seats.<sup>19</sup> In one particular case, the illegal immigrants were marked with fingernail polish. Croatian smugglers marked them with green, blue, or silver in order that

they would be recognized by the smugglers meeting the group in Italy. Slovenian smugglers organized their illegal crossing to Italy, at which point different smugglers took over differently marked immigrants (one took the green ones, the other took the blue ones, etc.). This system of color marking was also important from a financial perspective, since it established who paid whom: those marked in silver paid the “silver” smuggler.

### ***Misuse of Tourism for Human Smuggling***

Experiences from the region show that the tourist business can also in essence be the smuggling business in disguise. Smugglers have engaged in the misuse of tourist arrangements in many ways. Typical cases include using legal travel arrangements for tourism as a cover for getting illegal immigrants into a country. For example, Chinese nationals traveled to Serbia and Montenegro, and Turkish nationals to Bosnia and Croatia in the guise of tourists. They had tourist arrangements in place, and hotels reserved, but after their arrival they simply disappeared. Nationals of Albania and Moldova have also been known to use such a system.

This path to the West has also been advertised in the newspapers. For example, an advertisement was published in the Romanian press offering a tourist package to Croatia. Tourists were legally transported by bus to one of the hotels in Zagreb, where they had a reservation for one night. They were transported the next day by hired vehicles or taxis to the Slovenian border, where the Romanian guides waited and escorted them over the border.<sup>20</sup>

### ***Means of Communication among Smugglers***

Our analysis of the court material shows that the organizers of transport during the smuggling operations regularly communicate with their subordinate drivers, forerunners, and others. They give instructions and receive feedback and reports on the status of the operation. Mobile telephones have been used for such purposes, as well as (occasionally) wireless radio communications. Mobile telephones have proved to be an especially efficient means of communication due to the ability to retain anonymity by purchasing a pre-paid telephone card.

These telephone cards have greatly facilitated the smuggling business. Police are unable to identify the owner of mobile phones used in smuggling. The phones can be tapped, but the telecommunication company cannot provide the name and address of the owners to the authorities. This is why phone tapping many times needs to be supplemented with other special investigative measures, such as covert observation or the use of covert police informants.

The security of their operations is very important to smugglers. This is why they sometimes use a large number of mobile telephones. For example, the or-

ganizer might use one telephone for contacting the Croatian smugglers, another for his Italian contact, and several for his own drivers. As many as twenty phones have been found in some cases.<sup>21</sup> The criminal group normally changes phone numbers in case of partial disclosure of their activities, or suspicion of being traced by the police. We could clearly observe this by analyzing several cases. Smugglers often also use codes for communicating. Different groups have developed different codes. Mostly, the smugglers use nicknames. One of the organizers apprehended in one case even had three complete separate identities.<sup>22</sup> In another case, only the initial letters of locations were used in communications—e.g., first you go to F, then to P and G. An analysis of several cases has shown that some codes used for illegal immigrants were “fish,” “lemons,” “chickens,” “wood,” “rice,” “indi,” “firewood,” “stuff,” “packets,” “square stones,” “tires,” and “cubic meters of sand.” Many groups used *lemons* and *rice* for Chinese and *chickens* for Albanian immigrants; “I have just bought 2 lemons and 1 chicken” would mean that two Chinese and one Albanian have been taken into the car.<sup>23</sup> In one case, if the immigrants had money to pay, then the smugglers talked about the “turnip,” as in “They have a lot of turnip.”<sup>24</sup> Frequently, they also communicate colloquially, and in anecdotes from their daily lives or work in order not to raise suspicion. However, in some cases very complex codes and even basic military cryptographic skills were used.

It is obvious that the more organized and “professional” groups go to greater lengths to conceal their communications. Only some very “unprofessional” offenders use plain language. Phone messages tend to be short. We can also say that more organized groups communicate less by telephone than less organized ones do. It is, however, noticeable that smugglers have started to use more physical methods of communication due to negative experiences with the police tapping their phones or the phones of their colleagues. This reflects a kind of learning process, which will be discussed again later. The exchange of e-mails from anonymous accounts (such as Yahoo or Hotmail) is increasingly common as well.

### ***Prices and Payments***

Prices for smuggling services are driven by supply and demand, but earnings are assumed to be high, as demand is virtually infinite. Longer routes cost more than shorter ones. A normal price to be smuggled from Turkey to any part of Europe is, according to our information, anywhere from 4,000 to 5,000 Euros. Kosovo Albanians charge 2,500 Euros, and Macedonian Albanians around 1,500 Euros.<sup>25</sup> Prices charged by Turkish smugglers are USD 8,000 to get to the U.K., from USD 4,000 to 6,000 to any other part of Europe, USD 15,000 to get to the U.S., and USD 12,000 to be smuggled to Australia.<sup>26</sup> Chi-

nese illegal immigrants pay anywhere from USD 10,000 to 30,000 to get to Europe.<sup>27</sup>

These prices may include transport, food, visas, forged passports and other documents, bribes and, of course, profit for the smugglers. The overall price generally includes profit for all smugglers in the chain or hierarchy. Distribution of money in the criminal hierarchy or chain naturally depends on the person's position. It is obvious that the price charged does not change in case he or she gets caught, but organizers do try to smuggle the same people again at their own expense. Smugglers know exactly where the apprehended illegal immigrants will be staying for a given period of time. In the meantime, they can organize further transport.

In most cases, the immigrants pay one half of the total amount before they leave the country of origin, and the other half after they arrive at the final destination. This system of payment has developed after many negative experiences with smugglers on the part of immigrants. For example, many times immigrants were simply left by the smugglers on their own, near the border instead of across it. Such a system of payment guarantees the immigrants that smugglers will be motivated to their mission, because their payment comes at the end. Cash on hand is frequently used to pay for the transfer, but the Western Union money transfer system is also frequently used for wire transfers. After the illegal immigrants arrive at their final destination, they can call a relative or a trustee in their home country who transfers the rest of the money to certain account.

Only occasionally do the organizers demand payment in full before the immigrants reach the country of destination. There have been cases when smugglers locked people in certain houses until they had paid the whole sum.<sup>28</sup> In some cases, certain smugglers requested additional money for their own needs. For example, the local guide might determine that conditions created a higher risk of crossing the border, and could demand additional money from the immigrants. Occasionally, the caretakers charge for accommodation and food; in one case, USD 10 for food per day.

We have found out that a small minority of human smugglers do not require immigrants to pay a significant amount of money. This is only in cases where the illegal border crossing is made possible by relatives or acquaintances of the immigrants. Such crossings are possible if these smugglers have arranged documents in the transit country. Most of these crossings took place during the years of the Balkan wars, when families sent their youngsters out of the country in order to avoid military service. For example, one boy escaped from Bosnia when all three militaries wanted to enlist him. Helping immigrants to cross the border illegally was considered only a minor offense in Slo-

venia until 1999. On the basis of experience, Article 311 of the penal code was changed, so that helping immigrants to cross the border illegally, even if it were not done in exchange for payment (no self-interest), was criminalized.

### ***Profile of Human Smugglers***

It is impossible to create a profile of a typical human smuggler. The key reasons are the variety of the people involved and the clandestine nature of their activity. On the basis of the court materials, we have managed to extract a general impression of the human smugglers working in Slovenia. Generally, those participating in human smuggling are unemployed people with an elementary or high-school education. Only some people are fully employed (e.g., taxi drivers). Some of the smugglers have already been sentenced for the same or similar criminal acts, either in Slovenia or abroad. Most of them own little or no private property. The ethnic composition of the criminal groups is very mixed; the networks are made up of Slovenians, Croats, Bosnians, Serbs, and Albanians. Sometimes, people from other countries, who speak the language of the immigrants, cooperate in the smuggling business (e.g., Romanians, Iraqis). Some members of criminal groups are also asylum seekers, who either live or lived in the Asylum Center.

Women actively participate in the smuggling hierarchy, some of them as guides and drivers, but also as organizers. The Slovenian police dealt with a case where an Albanian woman from Croatia took over the business of her imprisoned husband. In another example, a woman was the second organizer for transports through Slovenia.

### ***Motivation for Smuggling Illegal Immigrants***

Only a minority of human smugglers smuggle on the basis of kinship relations and for free. It is clear that most human smugglers smuggle out of financial motives. Very telling is a statement of a smuggler about his beginning in the business:

The whole thing started in 1994. Bad job and no salary for three months. During a meeting with my former classmates, somebody said: You know, I know somebody. Would you drive? I did not understand immediately, what this means, but I soon realized. This way, I became the ambassador for foreigners.<sup>29</sup>

Court records reveal the same story. People start out driving immigrants because of their personal financial problems; most of the criminals are unemployed. In some cases, people become involved because of financial problems with their businesses.<sup>30</sup> The financial motivation is obviously so strong that, only several months after a criminal group has been uncovered and disabled, a

new organization takes over the business. The demand for such illegal work is obviously high enough for rapid accommodation in the criminal underground.

Experts from Slovenia claim that the country is facing an increase in the level of organization of human smuggling in recent years. Another explanation for this, along with the financial motive, is the less severe penal policy in the area of human smuggling in comparison with drug smuggling. The Slovenian criminal underground considers smuggling people to be less risky than other types of smuggling due to the lower penalties that the crime carries. For this reason, some criminal groups that were specializing in drug smuggling have reoriented their activities to human smuggling.

### ***Misuse of Asylum for Further Human Smuggling***

The institution of political asylum has often been exploited as a cover for the real reasons for immigration. It is almost paradoxical that the Aliens Center and Asylum Center in the capital of Slovenia, Ljubljana, were used by smugglers as a safe house for the accommodation and feeding of “their” immigrants. This means that some of the groups deliberately tried to fail in their smuggling efforts, or else simply transported illegal immigrants to the doors of the centers. The immigrants were told the story that they should tell in the centers or to the police in order to be sent to the Asylum Center. In some cases, sheets of paper with written statements have been found. Once the asylum procedure or the procedure for determining their identity was initiated, they had several months—and in some cases more than a year—to plan their further route. In the meantime, the smugglers arranged everything necessary to organize further transport from Slovenia to Western Europe. In many cases, the criminal groups engaged specific people from the Asylum Center and from the city government to show immigrants the location of the center and assist in organizing their further transport. It is also obvious that some criminal groups were responsible for organizing transports directly to the center, while other groups arranged transportation from the center to Italy.

One criminal group used the Asylum Center in combination with other safe houses. This actually depended on the hour of arrival of a group of immigrants, vacancy of the center, etc.<sup>31</sup> The role of Ljubljana is therefore very important in the structure of human smuggling within Slovenia. According to one illegal immigrant, the Asylum Center in Ljubljana was called “Camp Ljubljana.”

Slovenian police have realized that the organizers of smuggling have developed a network linking almost all the European alien or asylum centers. In this way, they can obtain information on the names of immigrants, their demands regarding final destinations, etc. This demonstrates the intelligence potential of large criminal networks in the field of human smuggling.



## **Additional Remarks**

The topic of human smuggling deserves some additional comment.

First is the question of how immigrants find smugglers. It is a public secret in the underground world along the Balkan route that certain places exist where smugglers can be contacted. Some train and bus stations, pubs, Chinese restaurants, fast food establishments, confectioner's shops (especially Albanian ones), and even hotels have such a reputation. Accordingly, it is quite easy for potential or "lost" immigrants to find a link to a criminal group. The smugglers also use the method of public advertisement in the media of countries of origin; they post ads offering a good job or tourist package in Europe.

Another tactical element of the transport of illegal immigrants must be revealed. It seems that smugglers use highways, if they can, rather than local roads to transport illegal immigrants. One of the reasons for this is their belief (which is quite true) that highways are safer in terms of police road controls – that is, police normally do not control and stop vehicles on the highways.

The illegal trade in babies and children has also been detected in Slovenia. The problem here is that this type of trade is very difficult to detect and prove, especially if the parents are involved. More and more information on this trade is being sent from Italy to the Slovenian police authorities. One of the extreme examples that has been discovered includes pregnant Bulgarian women giving birth in Italian hospital, selling the baby, and leaving to go back home. In this case, the hospital staff was involved in the business.<sup>32</sup> Slovenia is mostly a transit country for the smuggling of women for the purposes of prostitution and night club dancing in Italy. Such women come mainly from Ukraine and Moldova. They obviously use the same smuggling routes and methods as other illegal immigrants, but with a different goal. They are also being smuggled from Italy back to their home countries, especially when they take "vacations" from their labor.<sup>33</sup>

Slovenian police have detected cases of smuggling criminals fleeing prosecution or sentencing from Germany, Italy, and Spain to Slovenia and other countries in the region (e.g., Bosnia), and in the opposite direction. For example, an Algerian citizen who was sentenced in France as a terrorist tried to travel through Slovenia to Bosnia, where his wife lived.<sup>34</sup>

We also have to stress that the received image of smuggled immigrants as victims must be put into perspective. The illegal immigrants actually use criminal services to achieve their own needs and goals. The immigrants are therefore mostly not victims, as they consciously initiate the entire process.



## CHAPTER 4

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# SMUGGLING OF DRUGS TO OR THROUGH SLOVENIA

Slovenia belongs among the countries plagued by a high presence of drugs and related criminal activities. Slovenia is both a transit and destination country for drug shipments. Most of the shipments, however, pass through Slovenia on their way to larger markets. Drugs are shipped in two directions. Large quantities regularly come from Turkey, Albania, Macedonia, and Bosnia. Croatia is known to be a transit country as well, where the drug shipments are stored and partitioned into smaller shipments. Smaller quantities come from the opposite direction – that is, from the Netherlands, Belgium, Germany, and Italy (cocaine, ecstasy, heroin).<sup>1</sup> In the following chapter, we will focus on the criminalization of drug smuggling in the Slovenian Penal Code. In addition, we will offer a statistical analysis of drug seizures, the organization of the smugglers and their methods, and two typical cases of drug smuggling.

### **Criminalization in the Penal Code**

The unlawful manufacturing, trading, and smuggling of drugs is criminalized in Article 196 of the Slovenian Penal Code:

- (1) Whoever unlawfully manufactures, processes, sells or offers for sale substances and preparations recognized to be narcotic drugs, or whoever purchases, keeps or transports such substances or preparations with a view to reselling them, or whoever serves as an agent in the sale or purchase of the above shall be sentenced to imprisonment for not less than one and not more than ten years.
- (2) If the offense under the preceding paragraph has been committed by at least two persons who colluded with the intention of committing such offences, or if the perpetrator has established a network of dealers and middlemen, the perpetrator shall be sentenced to imprisonment for not less than five years.
- (3) Whoever manufactures, purchases, possesses or furnishes other persons with the equipment, material, or precursors which are, to his knowledge, intended for the manufacture of drugs shall be sentenced to imprisonment for not less than six months and not more than five years.

(4) Narcotics and the means of their manufacture and means of transport with a specially-adapted space for the transport and storage of drugs shall be seized.

## Statistics on Drugs and Related Smuggling

There is no need to point out that illicit drug trafficking is one of the primary activities of organized criminal groups in Slovenia. As a rule, substantial quantities of illegal drugs are seized by police or customs officers on a regular basis (see the table).

The table shows that the quantity of drugs seized in Slovenia is generally increasing. The quantities of seized heroin, cocaine, amphetamines, marijuana, hashish, and methamphetamines have increased dramatically since 2001. The number of detected criminal activities related to illicit drugs is also on the rise.

Table 3: Quantities of illicit drugs seized by Slovenian police, 2001–2004 (total quantity of seized drugs in the proceedings due to criminal offenses and misdemeanors is shown).<sup>2</sup>

Type of seized illegal drug	Unit of measure	2001	2002	2003	2004
Heroin	(kg)	89	69	89	144
Cocaine	(kg)	1	55	1,661	106,699
Amphetamine	(g)	61	33	45	203
	(tablets)	89	256	218	2
Ecstasy	(tablets)	1,852	7,876	2,831	874
	(g)	70	359	44	17
Cannabis – plant	(kg)	3	28	45	22
	(pieces)	1,925	9,425	3,662	5,329
Cannabis (marijuana)	(kg)	175	1,099	220	85
Hashish	(g)	2,361	119	589	8,094
Methamphetamines	(g)	3	4	18	529
	(tablets)	9	390	155	207
Methadone	(g)	6	184	226	0,4
	(ml)	3,347	3,408	2,904	4,121
	(tablets)	382	16	80	104
Benzodiazepine	(ml)	0	26	0	24
	(tablets)	460	8	145	1,620

Taking a longer view, the number of detected criminal offenses related to illegal drugs increased more than seven-fold (from 281 in 1993 to 1,534 in 2002, after which a fall in the number of detected criminal offenses was recorded).<sup>3</sup>

It can be estimated that the problem of illegal drugs in Slovenia is increasing in the long term. This situation results from the increased demand for illegal drugs, as well as the increased supply of drugs on the Slovenian market. It is estimated that the relative number of persons addicted to illegal drugs, particularly heroin, is relatively high. As for the prevalence of drug use, Slovenia is at the level of the European average, but the problems are growing. It has been estimated that at least 5000 people addicted to heroin live in Slovenia.<sup>4</sup> If each of them needs 1 gram of heroin per day,<sup>5</sup> then all the addicts in the country would need 5 kg of heroin per day. The annual sum would therefore be 1,825 kg of heroin for the whole country. If this is the demand on the Slovenian market alone, then somebody must supply this demand and actually smuggle at least 1,825 kg of heroin per year to Slovenia, not to mention the quantities for other countries, which only go through Slovenia.

It should be noted that the Slovenian public perceives the threat posed by drugs as the greatest threat to Slovenian security. According to public opinion polls conducted by the Defense Research Center at the University of Ljubljana, the threat of drugs was perceived to be the most pressing threat facing Slovenia in 2001 and 2003.<sup>6</sup> The perception in 2005 has not changed much, as this threat took second place.

## **Analysis of the Smugglers and Their Methods**

Essentially, smuggling drugs is not much different from other types of smuggling activities. One of the important differences, however, is to be found in its robust, tested, and harmonized organization. Drug smuggling organizations have at their disposal large amounts of money. Sometimes, the annual amount of drugs confiscated equals the annual budget of some smaller states. The structure of one smuggling channel looks like a spy network, where an individual knows only two partners within the system; thus, the apprehension of one person will not threaten the entire structure. The smuggling channels connect many actors. The line starts with the cultivators of poppies, marijuana, or coca plants, moves on to the pickers, and continues to their processors (who often work in full-fledged laboratories), transporters, wholesale distributors, and ends with street sellers. Each actor knows his or her own role perfectly, making their mutual contacts minimal. In Slovenia, a criminal group in the field of drug smuggling frequently consists of the chief organizer, the organizer(s) of transport, and drivers. Organizers of transport are frequently owners of transport companies. The organizers maintain contacts with organizers from

other countries, and take over and control the shipments while they are in Slovenia. Our analysis of court material shows that most of the direct drug smugglers are professional drivers or unemployed persons. These people are risking much more than the organizers themselves.

Before the general use of mobile telephones, the smugglers used telephone booths for communicating, to give instructions and report back. In the second half of the 1990s, the smugglers started to use mobile telephones with pre-paid cards in order to disguise their real identity. In the case of one criminal group, the organizers and transporters of the drug shipments combined the use of multiple mobile telephones (with pre-paid cards) and regular telephone booths.<sup>7</sup> Drug smugglers often use nicknames and codes as well. In one particular case, the term “flour” was used instead of drugs.<sup>8</sup> Our analysis of cases also shows that in some cases domestic and—even more common—foreign pre-paid telephones had been used. One of the reasons was that the foreign telephones were cheaper to use abroad or more difficult to trace.<sup>9</sup>

In a country like Slovenia that serves mostly as a transit route rather than a destination, drug shipments sometimes need to be stored. It is obvious that smugglers need warehouses in Slovenia, Croatia, and Bosnia to hold larger quantities of drugs (e.g., from five to fifteen kilograms). These warehouses represent key logistical sites for further transport or distribution and partition.<sup>10</sup>

### ***Methods of Drug Smuggling***

Drugs can be smuggled in or on any moving person or object. This section represents an introduction into the intricacies of the methods of drug smuggling. Drugs have been smuggled on or in many parts of human body. Couriers, who are in practice sometimes called “mules,” carry drugs on or in their bodies. The most frequent methods of concealing drugs are:

- Attaching to the body (e.g., under the armpit, breast, or feet; between the toes, etc.);
- Under the foreskin;
- In the anal and vaginal openings;
- In a fake belly (of a male or a “pregnant” female);
- Inside the seams of underwear, shirts, coats, trousers, etc.;
- In the mouth (under the tongue);
- Inside a dental prosthesis, an artificial eye, or artificial limbs;
- In the throat (fastened by a thread to a tooth);
- In the hair (especially in long hair and pony tails);
- In the ears;

- Inside jewelry;
- Inside crutches and other walking sticks;
- Inside hearing aids;
- In shoes (under the insole, in the heel, in the sole);
- In belts;
- In or under watches;
- In corsets and brassieres;
- Inside apparently legitimate medicines;
- In bottles (e.g., bottled liquefied cocaine);
- Inside books;
- In the digestive tract (e.g., swallowing condoms filled with cocaine).

The last method is very difficult to uncover, and is very dangerous for the smugglers. The so-called “swallowers” sometimes swallow more capsules filled with drugs than their system can tolerate, and sometimes a capsule or condom will burst, killing the smuggler. In some cases, people have been found to have over 250 grams of drugs in their digestive tract. Nigerian smugglers have used this method extensively; they travel via public modes of transportation, and with forged British passports. One of the main police methods to test for this mode of smuggling is the food test. These people refuse to eat when food is offered. By eating, they would risk the dissolution of the capsules, which could result in their death.<sup>11</sup>

Drugs are also frequently smuggled in:

- Luggage with a false bottom;
- Videocameras and cameras;
- Artificial buttons;
- Umbrellas;
- Cigarette boxes, cigarette filters, tobacco, and pipes;
- Pens;
- Glasses cases;
- Wallets or pocketbooks;
- Tie knots, etc.

Some smugglers arrive at the Slovenian border by car and then cross it on foot, but most drugs are smuggled inside vehicles. Drugs are smuggled literally in every possible part of a vehicle. Trunks sometimes contain special

compartments, which can be opened only with great effort, or even with hydraulic mechanisms. Spare tires can be filled with drugs, which happens frequently. Parts of engines have been used as well (e.g., filters, ventilating tubes, reservoirs, accumulators). The exterior of a vehicle offers several opportunities for smuggling drugs, such as behind the registration plate, bumpers, side mirrors, and inside the lights and mudflaps. The interior of a vehicle is even more helpful to smugglers. Inside double floors, under the dashboard, inside the seats, in the roof, by the speakers – all hollow parts of a vehicle are potential storage sites from the perspective of drug smugglers. The problem is only how to get to them, how to cover the traces, and how to get the drugs out again. The underside of vehicles has also been used as a place to adhere, fasten, or weld packets of drugs. Frequently, the fuel tanks have been adapted as well, or packets of drugs are simply floating in the gasoline. Bigger vehicles offer more hiding spaces to smuggle drugs: their ventilating systems are longer, they have more insulation material, etc. It is a known fact that some bus companies that drive on south-to-north routes have been involved in smuggling drugs. If border authorities found drugs in the luggage under a bus, nobody claimed or admitted ownership. Nobody's luggage means nobody's guilt, if there is no other evidence against a specific person. Many truck smugglers have mastered the method of confusing the drug-sniffing patrol dogs by disguising the smell of the smuggled drugs by loading vehicles with meat, pet food, fresh flowers, coffee, etc. In one case, the smugglers used the waterproofing/leather impregnation spray for this purpose.<sup>12</sup>



Hiding place in the fuel tank (access under the back seats)





Hiding place under the driver's legs



Common hiding place in the floor of a truck

Some cases have been known in which smugglers have attached drugs to a vehicle that regularly drives the same route. The drugs were concealed on the vehicle when the owner was not present. Then the vehicle is followed across the border and unloaded at night. If the driver were to be detected, he would be

the last person to have a clue about the provenance of the drugs.<sup>13</sup> This is a very safe method for the smugglers.

In most cases where smuggling has been detected in a personal vehicle, it has been a medium-priced, older personal vehicle (five to ten years) that was used. The common characteristic of most recorded cases was the time when the vehicle was registered in the name of the driver. In most cases, the vehicle was registered in the driver's name immediately before departure or travel to the territory of the former Yugoslavia, which is evident from checking the certificates of registration. The same pattern was also established for many persons of Yugoslav nationality who were traveling (smuggling) on their way from the former Yugoslavia towards the EU.<sup>14</sup>

In last several years, smugglers have increasingly used "clean" couriers, who drive their own or rented cars to a country in the south, such as Kosovo. They arrive at a hotel, and give the car keys to a certain person. The car is taken away, and drugs are hidden in special places in the car. The courier takes the car in the morning and drives back to or through Slovenia. The instructions regarding the destination are given during his drive. After he arrives at the destination, the car is unloaded, and the business for the courier is completed. By "clean courier," we mean that they have no criminal record, their travel documents are valid, and the car is technically faultless. Drug addicts are not being used as couriers much anymore, as they are too suspicious and unreliable. It should be stressed that many couriers do not know for whom they are driving the drugs, or what quantity of drugs they are carrying.

### ***Routes***

The transit routes used in the heroin trade in particular place Slovenia in the top tier of transit countries. Despite its small size, Slovenia represents a significant link among the producing states and destination states. All relevant activities for the success of the international drug trade take place in Slovenia. Drugs generally come through three channels: land, sea, and air. The usual direction of the drug shipments would be from, for example, Bosnia to Croatia, then to Slovenia, then on to Italy and other European countries. Our analysis of available cases has shown that destinations like the United Kingdom and the Netherlands are quite frequent. The port of Koper represents the main entry point for sea shipments from Turkey and Albania. The airport of Brnik (the main Slovenian airport), on the other hand, represents the main entry point for air shipments. Most of the time, a relatively small quantity is separated from the whole shipment in Slovenia before the drugs are transported to the final destination country.

Smugglers generally seek routes going through the countries, border crossings, and ports that offer the fewest obstacles to crossing national borders

without scrutiny. The route of a drug shipment is sometimes unusually long and illogical if one considers its final destination. It is obvious that the members of criminal groups know the security procedures at national borders. This is evident from their rapid adaptation to changes in police and customs checkpoint procedures. Also, their routes have changed frequently. For example, in the past, drivers who had spent only one or two days in the states of the former Yugoslavia (which was evident from entry and exit stamps in their passports) were more often subjected to checks at the border crossing. Consequently, they changed the route that they followed. Many drivers, after they load their drugs, do not take the shortest way from the Balkans through Slovenia. Many of them drive around Slovenia, through Hungary or Italy.<sup>15</sup>

Slovenian authorities have also ascertained that very often the drug money goes back with the smugglers, using the same concealment techniques that are used to hide the drugs. In one case, a driver smuggled drugs from Croatia (Virovitica) to Germany (Hamburg), received payment, and drove to Munich and Stuttgart, where he paid money to the organizers. He received DM 30,000 in Hamburg, and paid DM 24,000 in Munich and Stuttgart, leaving DM 6,000 as his payment for the transport. On his next trip, he smuggled drugs (54.3 kilograms) from Virovitica to England, where he received GBP 50,000. He was told to bring most of this money to Milan, Italy.<sup>16</sup> Smuggling routes and channels can be therefore used in both directions, for different objects.

### ***Motivation for Smuggling Drugs***

The key motive for smuggling drugs is the same as for most other smugglers: money. Smuggling is considered an easy and fast way to earn a lot of money. The price for transporting one kilo of heroin is, according to police information, anywhere from 1,000 to 2,000 Euros. This is why indebted people are prone to be involved in such illegal business. Analysis of our cases also reflects the involvement of people whose companies are in financial trouble. Indebted gamblers were sometimes threatened by criminal groups, which in fact lent them money or bought the debt from somebody else; to pay off the debt, the gamblers agreed to transport drugs.

In one case, the person who was asked to drive drugs over the border came to the police because he did not want to commit a crime. However, he was also afraid to say no to a very well-known criminal group, which would be in a position to harm him or his relatives. Police asked him to take part in the transfer as a secret police informant.<sup>17</sup>

### ***Nationality of Smugglers***

Our analysis of known cases of smuggling has shown that there are some similarities among the smugglers in terms of national origin. In most cases, the

persons involved in smuggling drugs have been foreign citizens, namely citizens of Serbia and Montenegro, Croatia, Austria, Germany, and Bosnia. The involved citizens of Serbia and Montenegro are in most cases ethnic Albanians with temporary or permanent residence in the EU. It has also been noticed that Germans and Austrians are frequently hired by Albanian criminal groups, since police officers at border crossings do not pay as much attention to them.

On the other hand, more and more Slovenes are taking part in transporting and smuggling illegal drugs, which reflects unfavorably on all the citizens. Slovenian passports allow holders to cross almost all national borders easily – for example, Slovenians do not need a visa to enter the United States. At the same time, Slovenian citizens tend not to take sufficient care of their identity and travel documents, and as a result thefts of personal documents are not very difficult. The documents are then altered and given to foreigners, who commit different criminal offenses abroad. Slovenian citizens in some cases have even sold their passports and other documents to get money or to buy illegal drugs.<sup>18</sup>

## **Some Examples of Drug Smuggling**

### ***Example of Drug Smuggling from Slovenia to London***

This criminal group included three persons: the organizer (L.S.), the person responsible for transport (S.K.), and the driver (K.H.). The organizer was the owner of a restaurant that was (according to our opinion) not very frequently visited by the public. S.K. was driven into drug smuggling because of his debts after an unsuccessful attempt to run a student service with a colleague. L.S. did not get the lent money back from S.K., and asked him if he would drive a truck, or if he knew somebody who did. S.K. found K.H., who was willing to drive a truck with 36 kilos of heroin to London. The drugs were loaded on the truck near Ljubljana, and driven to the United Kingdom via Italy, Austria, Germany, France, and Belgium. The driver was told exactly where to drive and where to cross the borders. S.K. was given money for an airplane ticket, hotel, mobile phone, and taxi by L.S, the organizer. S.K. flew to London and met the driver at a parking lot on the London bypass M20 (near Maidstone), where he handed over the drugs to three Turkish citizens. After the exchange, the Slovenians went to the hotel, and the next day attempted to return to Slovenia. However, the Turks and S.K. were arrested by the British authorities, and charged for selling illicit drugs and smuggling. An analysis of conversations on the mobile phones (with pre-paid cards) between the perpetrators has shown that they used nicknames (Fadil and Mark) and spoke in Serbo-Croatian so as to disguise their real identity.<sup>19</sup>

### ***Example of Smuggling Drugs in a Container through the Port of Koper***

The port of Koper was a free trade zone for a long time. Customs and police control was consequently not very strong. It became evident over time that the port was one of the main entry points for drug shipments from Latin America (cocaine), Albania (heroin and marijuana), and Turkey (heroin). The latter two routes are still being used today. There have always been large quantities of drug shipments uncovered in the port. Drugs were mostly smuggled in the cargo holds, and not in other places on the ships. Containers are the most critical form of cargo. Drugs have also been found inside trucks arriving on ferry-boats.

On 20 July 2000, a Bosnian citizen (H.K.) tried to cross the border from Croatia to Slovenia in his car. He wanted to go to the port in Koper to arrange some documents regarding the container his own company from Bosnia was importing from Turkey via Slovenia. The police officer checked his documents, and observed that an Interpol arrest warrant had been issued against this person at the request of the Interpol office in Belgrade. H.K. was immediately taken into custody, but was released on the same day on the order of the investigative judge from the District Court of Koper. The stated reason for his release was simply the fact that Slovenia did not have a bilateral agreement on the return of aliens with Yugoslavia (today Serbia and Montenegro). Police found several documents related to the transport of the mentioned container in the suspect's possession, including an invoice issued by a Turkish fruit company for H.K.'s firm, a certificate of origin, a phytopathologic certificate, etc.). The next day, after he was released, the customs administration checked the port shipments and found the container of dried fruit, which had arrived from Istanbul and was supposed to go to Bosnia. The container was inspected with X-ray devices, and heroin was found in twenty-six boxes. The overall weight of all 230 packets of heroin was 164.4 kilograms. The presence of drugs was confirmed by the preliminary and laboratory tests.

During this procedure, the shipping agent from Slovenia received several telephone calls from two persons, one a Slovenian citizen (using the false name Miran) calling to check on the status of the shipment to Bosnia, and another a Bosnian citizen, who introduced himself as H.K., demanding immediate continuation of the shipment to Bosnia. The Slovenian shipping agent identified some problems with the documents related to the shipment. Because of this, H.K. needed to supplement the documentation, which he tried to do via the aforementioned Slovenian citizen and a taxi driver hired in the Croatian city of Opatija. Both visited the Slovenian shipping agent and were arrested immediately. Interrogation of Miran showed that he met H.K. in Sarajevo one year before, when he was working as a truck driver. They became friends and

met a couple of times. Then H.K. called Miran and asked him to help to arrange some documentation for his shipment of fruit, which was actually a drug shipment. Half a month later, another container arrived in the port of Koper with identical contents and destination. Police and customs officers checked the container, and found ten packets of heroin with a total weight of 212 kilograms.<sup>20</sup>

## CHAPTER 5

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# SMUGGLING OF WEAPONS AND SLOVENIA

The following chapter will focus on the criminalization of weapons smuggling in the Slovenian Penal Code. We will also include a statistical analysis of cases, as well as a discussion of the methods of smuggling weapons, and a detailed analysis of one extremely painful case of weapons smuggling.

### **Criminalization in the Penal Code**

The unlawful production, sale, and smuggling of weapons, explosives, and their parts is criminalized in Article 310 of the Slovenian Penal Code:

(1) Whoever unlawfully manufactures, obtains, supplies, sells, stores, exchanges, brings into the country or takes out of the country firearms, chemical, biological or nuclear weapons, ammunition, explosives, military weapons or equipment whose sale to individuals is not permitted or is restricted, or acts as an intermediary in such operations, shall be given a prison sentence of between six months and five years.

(2) If the offense under the preceding paragraph involves a large quantity of or very valuable or dangerous firearms, ammunition, explosive substances or other means of combat which represent a danger, or if the offense was committed as part of a criminal association, the perpetrator shall be sentenced to imprisonment for not less than one year and not more than ten years.

(3) Whoever unlawfully manufactures, obtains, stores, sells, exchanges, brings into the country or takes out of the country component or spare weapons parts, ammunition, explosives, military weapons or equipment, materials or components they know will be used for the production or operation of items from the preceding paragraphs, or acts as an intermediary in such operations, shall be given a prison sentence of up to five years.

In addition, mediation, or so-called “illegal brokering” in the smuggling of weapons, is criminalized by the above article. Mediators could be individual persons or corporations that serve as agents between salesmen and buyers or salesmen and other mediators. Such participation is normally charged according to the relevant percentage of the entire transaction for which the person or business is responsible. Without such mediation, there would be no business transaction. The role of mediators, salesmen, and buyers can generally be de-

terminated on the basis of exchanged documents (business documents, letters, etc.). It should be noted that chemical, biological, nuclear, and radiological weapons or explosive devices are also covered by the above paragraphs. The manipulation (import, export, production, etc.) of dual-use technology, however, is regulated by other laws.

## **Statistics on Weapons Smuggling**

In investigating violations of the National Border Control Act and Firearms Act in 2004, Slovenian police officers seized 2,276 weapons of various kinds, which is almost five times more than the previous year's total. The majority of these weapons were seized at the border with Austria (2,224 pieces). The predominant types of weapons seized in 2004 were explosives (2,104) pieces (the most part being detonators), non-ballistic weapons such as clubs, knives, and brass knuckles<sup>1</sup> (118), and gas weapons pieces (34). In addition, 1,910 pieces of ammunition were seized at Slovenian border crossings. Police uncovered nine large shipments of weapons and explosives at the nation's border crossings in 2004.<sup>2</sup> A comparison with the seizures made by the Custom Administration shows that the latter agency seized much smaller quantities of weapons in 2004 (248 pieces of ammunition and 24 pieces of various weapons).<sup>3</sup>

In 2003, Slovenian police officers seized 457 pieces of various weapons, which is a 10.9 percent increase over the previous year. The majority of these weapons were seized at the border with Austria (308 pieces). The prevalent types of seized weapons were explosives (300 pieces), cold weapons (70 pieces), and gas weapons (49 pieces). In seven cases, the police found substantial quantities of weapons and explosives. All the suspects were charged with the criminal offense of illegal manufacture and trafficking of weapons or explosives. In addition, the police seized 13,833 pieces of ammunition of varying calibers, which was a 12 percent drop from the year before.<sup>4</sup>

The following table shows statistics on the seizure of weapons and ammunition by the Slovenian police at the nation's border crossings between 2001 and 2004. It is clearly observable that the amount of seized ammunition has been decreasing since 2001. The same trend is observable from the statistics of the Custom Administration. The number of weapons seized by the police varies so much in this period that no clear trend can be identified.

The trend regarding criminal offenses of the unlawful manufacture and trade in weapons and explosives (Article 310 of the Penal Code) is also in decline (see Table 5). In 2004, the police dealt with 143 fewer (a decrease of 3.4 percent) criminal offenses of the unlawful manufacture and trade in weapons and explosives than in the year before, of which four were the result of orga-



Table 4: Seized weapons and ammunition by the Slovenian police on the border crossings.<sup>5</sup>

Year	2001	2002	2003	2004
Number of seized pieces of weapons	660	412	457	2,276
Number of seized pieces of ammunition	30,348	15,725	13,833	1,910

Table 5: Number of criminal offenses of unlawful manufacture and trade in weapons and explosives (Article 310 of the Penal Code).<sup>6</sup>

Year	2000	2001	2002	2003	2004
Number of criminal offences of unlawful manufacture and trade in weapons and explosives	199	173	175	148	143

nized criminal activity. The lower number of criminal offenses was partly the result of stricter legal criteria for ordering investigative actions, and partly from less intensive investigation of criminal offenses at the borders and less proactive work in uncovering involvement by organized criminal groups.

It should be also noted that between 2000 and 2004 only a small percent of these criminal offenses were committed by organized criminal groups (4 of 143 in 2004, and 6 of 148 in 2003).

It is a statistical fact that almost all illegal shipments of weapons through Slovenia in the past five years have gone from the Balkans to the EU (mainly Western European states). However, during the war in Bosnia, some shipments were discovered going in the opposite direction. The situation regarding smuggling has been improving since then in a positive correlation with the improving security circumstances in South Eastern Europe.

### Methods of Weapons Smuggling

In April 2005, the Slovenian police ascertained that Croatian and Bosnian citizens have been the most frequent smugglers of weapons through or to Slovenia. Criminal groups from post-conflict countries play a large role, especially those from the neighboring Croatian region of Zagorje, which are involved in the trafficking, smuggling, and production of weapons for the European black market. Most of the time they use the route from the border crossing at Gruskovje (with Croatia) to the border crossing at Sentilj (with Austria).



Agram 2000, produced in the area of Croatian Zagorje. A typical example of a weapon available on the Slovenian black market.

Slovenian authorities have identified many methods of hiding weapons and their components. Smaller weapons have frequently been hidden in the bigger objects, such as televisions, radios, shoeboxes, and books. Another regular hiding place is in large piles of material—such as sand, dog food, paper, etc.—in the trunk of a vehicle, which discourages the custom or police officer from examining it closely. Explosives and smaller weapons have also been smuggled in various packets, such as food bags containing sandwiches, tin cans, coffee packs, chocolate bars, and tubes with various crèmes. Boots, heels, walking sticks or golf clubs, and umbrellas have been used for smuggling weapons as well. Sometimes a loaf of bread, chocolate bar, or sandwich is much too heavy, indicating that something could be hidden inside.

It is evident that couriers regularly transport weapons on a route that runs from Croatia to Slovenia, Germany, or the Netherlands. On their way back, they transport drugs or money. Couriers also drive stolen vehicles (mostly from Spain, Italy, and France) to Bosnia and Herzegovina, and transport weapons from Bosnia, Croatia, Serbia, and Montenegro back to the EU. Smugglers sometimes cross the border legally on foot, carrying weapons in handbags or suitcases. It was ascertained that drug addicts and prostitutes have been used for such purposes as well. Frequently, the smugglers misuse police (International Police Association) and diplomatic vehicle stickers or registration plates. First aid and funeral vehicles have also been used for smuggling.

The smugglers probably assume (correctly) that these types of vehicles are less likely to be examined.<sup>7</sup>

Slovenian authorities have identified typical methods of smuggling weapons in personal vehicles, vans and campers, buses, trucks, and aircraft. In the category of personal vehicles, vans, and campers, the weapons are frequently hidden in the fuel tanks, double floors in the trunk, tied under the vehicle, in personal luggage, in technical goods (e.g., TV sets or washing machines), and in women's handbags. Vehicles used in smuggling weapons tend to have a foreign (not Slovenian) registration plate. Registration plates from the EU countries are particularly popular, such as French or Swiss plates. Skinheads from Germany and Austria frequently use Volkswagen transporters for smuggling weapons from the south. Most often, the drivers of these vehicles travel alone.

Methods of smuggling in buses are substantially more advanced. Buses are larger than private vehicles, and contain more luggage, passengers, and places to hide. Frequently, weapons have been smuggled in the locked compartments in the trunk and in the "driver's part" of the trunk, within the driver's door, in the ventilation system of the bus, or in the rubbish bin in the passengers' part of the bus.<sup>8</sup> Occasionally, drivers and conductors hide weapons in their hanging clothes. More and more often, packages or pieces of luggage that carry no identifying marks contain weapons. In such cases, it is very difficult to identify the real owner of the package on the bus. The attention of Slovenian authorities is also attracted by foreigners traveling alone from distant non-Balkan countries who use the bus to enter the EU. One exception to this rule are the larger organized travel groups.<sup>9</sup>

The most frequent method of smuggling on trucks represents the use of double floors in the cargo bed and hidden compartments in the cabins. Cargo traffic from Croatia, Bosnia and Herzegovina, and Serbia and Montenegro to the Netherlands is particularly critical, as such shipments frequently have inadequate documentation. This means that weapons shipments are declared as some other form of cargo. It was also ascertained that the same vehicles are used for smuggling drugs from the EU back to the Balkan countries. Of particular concern are also civilian cargo vehicles that provide logistical support for international peacekeeping and humanitarian forces in the area (especially Bosnia and Herzegovina and Kosovo). It is important to stress that the civilian transport firms with concessions for logistic support are the main source of the problem, not military transports. Most discovered cases of such smuggling involved Spanish, British, and French trucks.

Smuggling weapons on aircraft most frequently includes dismantling weapons down to small pieces and hiding them in luggage or in mobile



Frequent hiding place in three-door vehicles is within the rear mudguards



Hiding place in a compartment for electrical equipment under a passenger seat



Hiding place in a special compartment in the trunk of the bus (access possible only with the driver's key)



Mobile phone NOKITEL, a covert 22 mm weapon

phones, key chains, pens, etc. Cellophane and lead paper have been used for hiding weapons and explosives from x-ray examination. In the cargo hold, the goods are falsely declared or distributed to unusual destination addresses.<sup>10</sup>

As with drug smuggling, the behavior pattern of the weapons smugglers might change in response to changes in conditions or investigative practices. Careful retroactive investigation of cases in this field shows that drivers are often too friendly and solicitous or unusually arrogant in cases of the misuse of IPA or CD stickers. The smugglers' documents may reflect frequent travel on the same route (especially to Germany, the Netherlands, and the United Kingdom), or the route for a particular cargo might have been unusually long and

illogical. All these are indications to the police and customs officers that something might be wrong with the cargo or the vehicle.

## **Some Examples of Weapons Smuggling**

### ***A Case of Wartime Smuggling to Bosnia and Herzegovina: The Maribor Case***

A very complex case of weapons smuggling took place shortly after Slovenia gained independence in 1991. This case supports the thesis regarding the connection between the increase of weapons smuggling and countries in military conflict. In the following section, we will present a simplified version of the story of this unfortunate case.

In July 1993, a large shipment of weapons (120 tons of small arms) was uncovered at the Maribor airport in Slovenia. Officially, many containers of humanitarian aid were thought to have been at the airport for several months, waiting to be transported to Bosnia and Herzegovina. In fact, it was a weapon shipment that came from Khartoum in Sudan through Vienna to the Maribor airport in Slovenia, and was to be sent to Tuzla and Zenica in Bosnia. The shipment was officially discovered in an inspection by the Director of the Customs Administration and the Minister of Defense, which was very unusual. Actually, the minister was informed about this shipment, and sent a detachment of special forces, which first quarantined part of the airfield and then turned the case over to civilian authorities. The weapons were distributed under the guise of humanitarian aid through an agency based in Vienna, the TWRA.

Elfaith Hasanein and his brother Sukarno founded the TWRA (Third World Relief Agency) in 1987. Its key missions were to stimulate the proliferation of Islam in Eastern Europe and the Soviet Union and to provide financial and humanitarian aid to Muslims in the region. In an article in the *Washington Post* from 22 September 1996, John Pomfret wrote that it is not altogether clear whether the organization was formally backed by Sudan, but the informants felt that it was Hasanein who was responsible for the creation of front organizations to pursue Sudanese Islamist policy in Bosnia, Afghanistan, and Pakistan. In 1992, he opened TWRA offices in Sarajevo, Budapest, Moscow, and Istanbul – that is, in critical locations for weapons trafficking. According to Austrian investigators, USD 350 million was funneled to Bosnia alone. The sources of this money were Muslim governments and extremist Islamic movements. The article cites Sudan, Saudi Arabia, Pakistan, Turkey, Brunei, and Malaysia, and specifically mentions the financial assistance of the wealthy Osama bin Laden, who at the time lived in Sudan.

Hasanein knew the territory of the former Yugoslavia rather well. According to Western informants, he studied medicine in Belgrade, where in 1970 he met Alija Izetbegovic, who later became President of Bosnia. Libya's leader Muammar Gadhafi also studied in Sarajevo. In March 1992, Hasanein became Sudan's cultural attaché in Austria. In the opinion of the informants this position was very useful to him, because he could carry large quantities of money across borders without being challenged by the police.

In September 1992, an airplane from Russia landed in Maribor, Slovenia, ostensibly carrying containers of humanitarian aid. After the shipment was discovered, an investigation showed that this shipment was supposed to be transferred to Bosnia by MI-26 helicopters chartered by an enterprise called Eco-Trends. However, the shipment did not leave the airport, for two reasons. The first reason was that the Austrian middleman, identified here only as D.H., was arrested in December 1992 in Austria. The second reason was that Croatia sealed the smuggling route through its territory in September 1992 due to its political dispute with Muslims in Bosnia. It was simply too risky to transfer these weapons across Croatian territory. The tracks led to H.C., a one-time Muslim imam in Zagreb, Croatia, who was responsible for the illegal import of weapons to the Bosnian Muslim community. H.C. was a member of the managing board of TWRA and a close collaborator of Alija Izetbegovic. He had a diplomatic passport, and visited Slovenia several times.<sup>11</sup>

In Slovenia, a political dispute erupted which shook the nation's political scene to its foundations. It was obvious that some people from Slovenia's governmental structure were involved in this shipment. At that time, Slovenia unofficially supported the arming of the Muslim community in Bosnia, as they were literally unarmed in comparison with the Serbian-dominated Federal Yugoslav Army. The ultimate fate of the Bosnian Muslims was an open question if they did not somehow get weapons in order to protect themselves. Changing national and international political circumstances altered this policy. The rest of the 1990s were marked by the investigative work of two parliamentary commissions. One commission did not finish its work, while the other finished a report on this issue.

## CHAPTER 6

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# SLOVENIAN COUNTER-MEASURES AGAINST SMUGGLING

The Republic of Slovenia is bound by national and international law to prevent and punish all the types of smuggling discussed above. It is also in Slovenia's national interest to reduce the level of smuggling, as it undermines state authority and represents a threat to security. The fight against smuggling is a multidisciplinary activity, involving many national agencies. It is also an activity that encompasses many preventive and repressive measures. The need for interagency coordination among the responsible agencies in Slovenia, and for international cooperation with agencies from other states, is increasing. The diffuse nature and complexity of the problem should not reduce the will to counter it, for that alone would result in failure. In this chapter, we will analyze the system and practice for preventing, uncovering and investigating, smuggling of people, drugs, and weapons in Slovenia. This is a very broad topic, which cannot be addressed in its entirety in such a small space. Nevertheless we have tried to provide an analytical overview of key police and customs measures in these fields.

### **Police Measures Against Smuggling**

The Slovenian police carry out numerous preventive and repressive measures regarding all three types of smuggling. This chapter mostly focuses on preventive measures directed against human trafficking and smuggling, some aspects of operational police measures, international police cooperation, implementation of the Schengen border control standards, and procedures for the detention, repatriation and readmission of aliens.

#### ***Preventive Police Measures***

Preventive police measures are intended mainly to raise awareness of smuggling as a problem, both within the target group and the wider population. In the area of human trafficking and smuggling, for example, the following preventive measures have been used:

- A videotape of victims of human trafficking, produced by the UNDCPI, was televised with Slovene subtitles.
- Activities directed at the target groups of potential victims of trafficking in human beings, such as the distribution of leaflets, were initiated by the Ministry of the Interior, the General Police Directorate, and the Criminal Investigation Police, as well as by the non-governmental organization *Drustvo KLJUC* (The Key Association). *Drustvo KLJUC* has organized lectures in primary and secondary schools under the rubric of “Project Violet,” and has furthermore published a brochure on the phenomenon of trafficking in human beings.
- A campaign with the title “What’s the matter, girl?” was coordinated by a non-governmental organization called *SOS Telephone*. The raising of awareness on violence and modern slavery was directed especially at the target group of young women.
- The International Organization for Migration (IOM) published a regional study on “The Victims of Trafficking in Human Beings in The Balkans (ARTB)” in 2001. Experts from twenty-eight European countries, including Slovenia, participated. The study was initiated by the Stability Pact’s Working Group for Prevention of Trafficking in Human Beings, and it was financially supported by the OSCE.

In spite of the decreasing number of illegal border crossings in Slovenia, the police have paid special attention to the prevention of illegal migration, which has been one of the priorities of the police in many EU member states, as well as in other states in the region. There have been numerous initiatives in Europe dedicated to more efficient discovery and prevention of illegal migration.

Preventive activity in the area of border control was performed mainly by the heads of the police in the border districts. They attended “local community co-council” meetings and public meetings, and cooperated with local communities, societies, and associations, such as hunters’ associations and fishermen’s associations near the border, thus contributing to a greater response rate from residents in the border area, who notified the police of suspicious characters in the vicinity. In local community councils, the Slovenian police works to inform the local community about the safety situation in the area. These councils also organize lectures and round tables for the local community. Police officers also informed residents living near the Croatian border about the provisions of the Schengen Agreement and the provisions of the new National Border Control Act, as well as the provisions of the agreement on frontier-zone traffic and cooperation with Croatia.<sup>1</sup> The police also familiarized the



foremen of construction sites and other employers with the statutory provisions regarding aliens. The police familiarized individuals and companies, as well as persons in charge of receiving and accommodating aliens, with the obligations regarding keeping records on guests, as well as the procedures regarding the registering and checking out of foreign nationals.<sup>2</sup> In order to be efficient in combating international crime—which includes the trafficking and smuggling of human beings, arms, and drugs—the police have also used the media, and have participated at various conferences to raise public awareness about the dangers of international organized crime.

### ***Operational Police Measures***

In 2000 and 2001, when Slovenia was overrun by illegal immigrants and their smugglers, police officers stepped up all forms of operational border protection, with police dog units, mounted police units, and the flight police unit commonly involved. Equipment from less over-burdened units was assigned to several police units near the border, and several police directorates also temporarily reassigned police officers from the interior of the country to border areas. The detection of illegal immigrants also took place in the interior of the country, particularly as they made their way to Italy.<sup>3</sup>

The Slovenian police established a specialized unit for state border surveillance in the State Border Department within the Sector of Border Police in March 2002. The unit covers the whole area of the Republic of Slovenia, but focuses mostly on the external border with the European Union. In accordance with Article 35 of the Law on State Border Surveillance, this unit provides control at certain road checkpoints, rest stops, and on international routes in Slovenia. In 2003, the unit worked on detecting and apprehending migrants and their guides who had crossed the border illegally, and on detecting the transport of illicit drugs, weapons, forged documents, stolen vehicles, etc. Police officers of this unit took part in 592 operations and apprehended 379 persons who had crossed the border illegally, as well as 54 guides or other smugglers. On six occasions the police officers justifiably used coercive means, namely physical force and means of restraint.

In the near future, within all police directorates that have internal EU borders in their territory (i.e., borders with other EU members), a special police unit for compensatory measures is to be established to perform checks at those borders. Specially trained police officers will work in these units, and will perform tasks concerning mainly the detection and prevention of illegal immigration and cross-border crime.

In investigating criminal acts related to smuggling people, drugs, and weapons, the police can use special covert investigative measures, which include surveillance and recording of telecommunications, preservation of evi-

dence of all forms of communication that are transmitted over the telecommunication network, covert observation and investigation, interception of mail and other deliveries, “sting” purchases of smuggled goods, and access to the computer systems of banks or other legal entities engaging in financial or commercial activity. Out of 786 covert investigative measures approved against 328 persons in 2004, most were approved for the investigation of criminal offenses related to the illegal manufacture and trade in drugs (67.9 percent), the illegal manufacture of and trade in weapons or explosive materials (7.3 percent), and illegal crossing of the state border (7 percent).

The use of special covert investigative measures constantly needs to be adapted to the methods used by the smugglers. If, for example, the smugglers begin to use more mobile telephones, then the police need to be able (and have permission) to tap all of them. If the smugglers change telephone numbers in the process of smuggling, then the police need to be able to quickly get permission to tap the new numbers.

Cooperating with informants and conducting undercover operations are a critical component in combating organized crime, one of the main forms of which is smuggling. Several cases of smuggling were investigated by a combination of tapping of telephones and using covert police informants. A general observation here would be that it is very difficult to penetrate the ex-Yugoslav criminal groups and networks, especially Albanian criminal groups (from Kosovo, Macedonia, and Albania). These groups are highly organized, and are connected by their common language and culture. Albanian groups have great advantages in this area, as their language is not spoken in most of the other countries in the region. Each investigation of Albanian criminal groups in Slovenia therefore requires the help of interpreters. These interpreters normally work on a contract basis.

### ***International Police Cooperation***

The Slovenian police are becoming increasingly integrated into the international environment, and the extent of international bilateral and multilateral cooperation has been on the rise.

#### ***Bilateral Agreements on Police Cooperation***

The increasing number of working meetings with the representatives of police forces from all neighboring countries reflects the importance and necessity of bilateral cooperation. For improved state border surveillance, and to better prevent, restrict, or detect international criminal activity, including smuggling, the Republic of Slovenia has concluded bilateral agreements with neighboring countries as follows:

- The contract between the Republic of Slovenia and Austria on police cooperation, in which they engage themselves to work together against threats to public safety and order; to cooperate in the prevention, detection, and suppression of criminal activity; to officially help in cases of emergency, i.e. preserving evidence, performing body searches, personal and house searches, or preliminary detention; and to forward information.<sup>4</sup> They also agreed on special forms of police cooperation, including cross-border covert surveillance and tailing; cross-border pursuit; controlled deliveries; covert work for the purpose of investigation and prevention of criminal acts (national legislation permitting); the formation of joint control teams; covert surveillance and investigation; and implementation of mixed patrols along the common state border. All of these steps are extremely significant in the prevention, detection, and investigation of criminal activity connected with the smuggling of human beings, weapons, and drugs.
- The agreement between the government of the Republic of Slovenia and the government of the Republic of Croatia on cross-border police cooperation, in which the countries agreed to strengthen cooperation—based on this agreement and on their respective national legislation—in preventing danger and ensuring public safety (particularly in ensuring public order) and in the field of preventing, detecting, and investigating criminal activities in the areas near borders in accordance with the regulations on data protection.<sup>5</sup> Cross-border police cooperation under this agreement is carried out through information exchange between the countries, mutual communication and telecommunication connections, harmonization of police activities, mixed patrols along the common border, mutual contact services, and regular meetings of working groups. Related to this agreement, several implementation acts were signed in June 2004:
  - The protocol between the Ministry of the Interior of the Republic of Slovenia and the Ministry of Interior of the Republic of Croatia on the transfer of police liaison officers;
  - The protocol between the Ministry of Interior of the Republic of Slovenia and the Ministry of Interior of the Republic of Croatia on the implementation of bilateral police controls along the interstate border between Slovenia and Croatia, which determines the tasks of mixed patrols to be: protecting the common state border in the area over which they have jurisdiction; arresting offenders of misdemeanors and felonies; and exchange of experience and knowledge on safety circumstances on the common state border;

- The protocol between the Ministry of Interior of the Republic of Slovenia and the Ministry of Interior of the Republic of Croatia on the ability of police officers to cross the state territory of the other contracting party for the purpose of doing business on one's own state territory.
- The memorandum on cooperation between the respective police forces of the Republic of Slovenia and the Republic of Italy,<sup>6</sup> and the agreement between the government of the Republic of Slovenia and the government of the Republic of Italy on police cooperation,<sup>7</sup> in which the countries agree (among other forms of cooperation) on establishing mixed patrols. In congruence with these goals, in December 2000 a memorandum on cooperation in determining operative forms of joint surveillance in the Slovene-Italian border area was signed.

Many positive operational outcomes stem from the mentioned bilateral agreements. The fact is that Slovenia is a relatively small country—the driving time between the border with Croatia and Italy in the western part of the country and Croatia and Austria in the eastern part of the country is about one hour. This means that the police need to be extremely responsive, both nationally and internationally. This would not be possible without the existence of bilateral agreements with Croatia, Italy, and Austria on police cooperation. Some police practitioners from the western part of the country claim that 99 percent of operational police measures against smugglers are carried out jointly with the Croatian and Italian police. For example, Slovenian police authorities might be informed by the Croatian police of a shipment moving from Croatia to Slovenia. The Slovenian police continues tracking the shipment after the smugglers leave Croatia; the Italian police do so as well after the smugglers leave Slovenia.

#### *The example of mixed police border patrols*

Pursuant to Article 16 of the contract between the Slovenia and Austria on police cooperation, on 4 July 2005 police units of both countries began mixed police patrols along the common state border to prevent illegal migration, to protect the state border, and to detect and prevent cross-border crime. Slovene and Austrian police agreed on the implementation and the form of the mixed patrols, while detailed arrangements were made on the local level. Mixed patrols on the border with Italy have been in force since 2002, and since June 2004 on the border with Croatia.

Mixed patrols work along the state border with the neighboring countries, covering a zone of 10 kilometers inside the territory of both countries (except with Hungary, with which an agreement on mixed patrols has not yet been

concluded). The work area of these patrols alternates between the territories of Slovenia and that of the neighboring country, depending on the agreement. The patrols are made up of two Slovene and one foreign policeman when working on Slovene territory, or two foreign and one Slovene policeman when working on the territory of the neighboring country. Their main task is preventing and detecting illegal crossing of the state border and cross-border crime; apart from that, they also perform other police tasks. Mixed patrols last six hours, and the frequency of such patrols is agreed upon by the two police forces, depending on the security circumstances and other particularities of the area. While working in mixed patrols, policemen also face some obstacles that result from the text of the agreements, such as the fact that the precise points where the patrols are allowed to cross the border have been pre-determined; the problem of carrying long-barrel weapons across the border; and the limits on police jurisdiction in the area of the neighboring country.

### *Europol and Interpol*

International cooperation and information exchange with Europol (the European police association within the third pillar of the European Union) and with Interpol (the international police association) are vitally important when investigating these transnational criminal offenses. At the state level, within the Criminal Investigation Police Directorate of the General Police Directorate, there are departments aligned to both Europol and Interpol. Besides that, a Sirene structure is also taking shape, which will be in charge of receiving information from the Schengen Information System (SIS), through which policemen will be able to find European arrest and extradition warrants for suspects and convicts.

### *Police Participation in the Adriatic-Ionian Initiative*

At the plenary meeting of foreign and prime ministers on 13 May 2003 in Bari, Slovenia took over the presidency of the Adriatic-Ionian Initiative (AII) from Italy, for a term that last until June 2004. The AII combines the endeavors of Albania, Bosnia and Herzegovina, Greece, Croatia, Italy, Slovenia, and Serbia and Montenegro towards making the entire region along the Adriatic and Ionian Seas (or along the Balkan smuggling route) a zone of stability and greater prosperity. The basic goal of participation within the AII is the joint resolution of specific regional issues that threaten the security and prosperity of the region's population and the creation of better opportunities for their common resolution. Such forms of cooperation also contribute to the improved preparedness of non-EU member states for eventual accession into the EU, enabling them to draw closer to its standards more quickly. By creating an adequate framework for enhanced cooperation, and in order to achieve com-

mon European goals, the AII strives to make cooperation between the member states along both seas as widespread as possible in accelerating economic development, strengthening security, and developing and reinforcing democratization in the entire region. Taking into account the specific character of the sea and the coastal area, the countries participate in the fields of economy, tourism and small/medium-sized enterprises (SMEs), environmental protection, culture, transport, education, and—last but not least—the fight against organized crime.<sup>8</sup>

Many important projects have been carried out within the framework of the Initiative. Perhaps most deserving of mention here are the processes dealing with information exchange and controlled delivery.

Information exchange within the Early Warning and Reaction Plan in the AII region represents an important and necessary instrument in the field of preventing and combating illegal migration even more successfully, and shall therefore be carried out as events warrant and with reference to the modalities agreed to by the member states of the Adriatic-Ionian Initiative. The national contact points responsible for the exchange of information within the framework of the above-mentioned plan have been identified, and a standard form for information exchange within the AII has been introduced.

#### *Controlled delivery as an efficient investigative technique in fighting smuggling*

The law enforcement technique of controlled delivery, defined by the UN Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, is an effective investigative tool in combating drug trafficking and smuggling. The controlled delivery is a technique of allowing illicit or suspect consignments of narcotic drugs, psychotropic substances, or substances substituted for them, to pass out of, through, or into the territory of one or more countries, with the knowledge and under the supervision of their competent authorities, with a view to identifying persons involved in the commission of offenses established in accordance with Article 3, Paragraph 1 of the Convention. This means that commission of the crime is intentionally allowed and controlled in order to gather enough evidence against the smuggling and trafficking suspects. More specifically, this means that police authorities clandestinely monitor the transport of the shipment, and identify the transporters or couriers, buyers, organizers, and those who provide the finances.

Successful experiences with Operation Mrak (an operation of controlled delivery from Macedonia through Serbia and Montenegro, Croatia, and Slovenia to Italy—see next chapter for an example) influenced international cooperation within the Adriatic-Ionian region. At the round-table meeting on organized crime at the end of 2003 in Ljubljana, two conclusions were adopted. The first was that controlled delivery represented an effective law enforcement

technique for dismantling criminal organizations involved in the trafficking and smuggling of illicit drugs in the region. The second conclusion was that it was necessary to intensify the exchange of intelligence regarding international drug trafficking. To facilitate such an exchange, all countries should use the Interpol communication system or another appropriate law enforcement communication channel. Also, a manual on the practice of controlled delivery in the Adriatic and Ionian region was prepared. The manual lists the legal grounds, methods of mutual communication, institutions competent to receive requests for controlled deliveries, and describes the implementation of these steps. All countries in the Adriatic and Ionian region and international organizations such as Interpol, WCO, EUROPOL, and SECI were supplied with the manual issued on a CD-ROM.

### ***Toward Achieving the Schengen Border Control Standards***

Having become a member of the European Union on 1 May 2004, the Republic of Slovenia will fully apply the “Schengen acquis” in 2007, and will commit to respecting the Convention on Implementing the Schengen Agreement of 14 June 1985 (hereinafter referred to in this section as the “Convention”). With the Schengen Agreement, Slovenia has committed to gradually abolish police and customs checks at internal borders with European Union member states, so as to ensure the free flow of persons, products, or services across the border. This of course should not in any way influence the prevention, detection, and investigation of criminal acts in these border areas. We should mention here the provisions of Articles 39 to 91 of the Convention. The contracting parties have undertaken to ensure that their police authorities shall—in compliance with national law, and within the scope of their powers—assist each other for the purposes of preventing and detecting criminal offenses, in so far as national law does not stipulate that the request has to be made and channeled via the judicial authorities, and provided that the request or the implementation thereof does not involve the application of measures of constraint by the requested state. In accordance with Article 40 of the Convention, officers of one of the states who, as part of a criminal investigation, are keeping under surveillance in their country a person who is presumed to have participated in an extraditable criminal offense, shall be authorized to continue their surveillance on the territory of another state if the latter has authorized cross-border surveillance in response to a request for assistance made in advance. Entering a request in advance is not necessary when this is not possible for particularly urgent reasons (i.e., having caught the suspect red-handed, or in cases of hot pursuit). It is necessary to highlight Articles 70 to 76 of the Convention as well, referring to narcotic drugs, and to Articles 77 to 91, referring to weapons and ammunition.

As part of the harmonization of the work of the Slovenian police with the Schengen standards, the twinning project of establishing an effective system of state border control II was successfully completed. The police gradually began at the beginning of this millennium to introduce these standards into the protection of the future external border of the European Union, i.e., Slovenia's border with Croatia.

The Slovenian police cooperated in the preparation of the documentation on the construction of border crossings on the future external border of the European Union with representatives of other relevant state institutions. It was also identified that a massive increase in the number of border police at the external borders of the Schengen space will be needed. Slovenia predicted that, instead of the 700 policemen serving on the nation's southern border with Croatia, 3000 police officers would be necessary in order to comply with Schengen border standards. In order to reach this number, some policemen were moved to new places of work, and around 180 customs officers needed to be retrained for new jobs as policemen.

### ***Detention, Repatriation, and Readmission of Aliens***

Slovenia has concluded several bilateral readmission agreements. The procedures and methods of returning aliens are set forth similarly in the various agreements. Provided that an alien is apprehended immediately upon illegally crossing the state border or on the territory specified in the agreement, the state from which the alien entered Slovenia shall be informed of the suspect's detention within seventy-two hours. Upon such informal notification, the police units of the respective country shall carry out the readmission of the alien within the agreed period. In order to carry out readmission, the country into which the alien entered must obtain and present to the country that is going to take back the alien evidence of his/her actual arrival from the country to which he/she is being returned. The latter shall also check the evidence presented before it agrees to take back the alien.

In cases where the immediate return of aliens cannot be accomplished, the alien will be transferred to the Aliens Center within the General Police Directorate. Information and evidence are then collected so that a formal request can be made, and the alien is returned to the country from which they entered Slovenia. The process for establishing evidence as part of the formal return is the same as that used in carrying out an informal return.

If it is not possible to return the alien to the country from which they entered Slovenia, the alien shall be sent back to his or her country of origin. The return to the country of origin depends on the conditions set forth in the bilateral readmission agreements concluded between Slovenia and other countries. Recipient countries without such agreements simply cannot return appre-



hended illegal immigrants to the countries of origin, even if they have enough evidence that the migration was illegal. Consequently, a certain proportion of aliens cannot be sent back to their country of origin. If so, they are housed in the Alien Center. Below are some practical examples of possible return of aliens.

#### *Immediate Return of Aliens*

Illegal migrants, who were being transported by two drivers, were apprehended in Slovenia a few kilometers away from the border with Croatia. Evidence was collected and secured upon apprehension with a view to prove the criminal offense of illegal crossing of the state border. Also, a procedure was initiated against the aliens who entered Slovenia irregularly, and thus committed a misdemeanor. The collected proof confirmed that the aliens entered Slovenia from Croatia. Croatia was informed that the aliens would be returned within seventy-two hours. The Croatian border police verified the evidence, and took back the aliens.

#### *Accommodation of Aliens in the Aliens Center and Their Return*

Near the border with Italy, the Slovene police apprehended a group of aliens and a guide who was leading an illegal crossing to Italy. Further collection of evidence revealed that the aliens came to Slovenia from Croatia, which was also confirmed by the results of covert police measures. An immediate return of the aliens was not possible, so they were housed in the Aliens Center in Ljubljana. The Croatian law enforcement authorities were then officially notified, and took back the aliens on the basis of the evidence obtained.

#### *Accommodation in the Aliens Center and Return to the Country of Origin*

A group of illegal migrants and a driver in charge of transporting them from the border further into the interior were apprehended by Italian law enforcement officers a few kilometers from the Italian-Slovene border. Inquiry and covert police measures confirmed that the aliens were being led to Italy by a guide from Slovenia. Italian law enforcement then informed the Slovene authorities about the return of the aliens to Slovenia. The aliens were taken over and admitted to Slovenia at a border crossing point, and transferred to the Aliens Center. Later they were repatriated in compliance with the bilateral readmission agreements concluded between Slovenia and Serbia and Montenegro, and Macedonia.

The Slovenian police have devoted considerable effort to sending aliens back to the country from which they entered Slovenia, notably because the costs of housing in the Aliens Center and return to the country of origin are

high. In recent months, over 50 percent of apprehended aliens have been returned immediately.

### **Customs Measures Against Smuggling**

Traditional customs measures include the gathering of information and characteristics on persons who might be involved in smuggling, uncovering the smugglers and the smuggled goods, and identifying the origin and route of the confiscated smuggled goods. The customs officers focus more on goods, such as drugs and weapons, than on people. The majority of the customs work is carried out at the border crossings. However, the Slovenian Customs Administration has been forced to broaden its focus in the past several years. Analyzing the profile of companies and trade practices has also become part of regular customs work. In addition, the customs checks are carried out over the whole territory of the country, or even of the EU. The processing of personal information also became a necessary competency of the Customs Administration in order for it to work efficiently in its area of responsibility. All this became possible in 1999, when the new Law on the Customs Service was adopted. The Customs Administration has therefore become a guardian of Slovenia's economic and security interests.<sup>9</sup>

The operating formula of the Customs Administration in Slovenia includes reorganization; education and training efforts, including seminars, workshops, and study of new methods of smuggling; the purchase of new technical equipment; increased international cooperation, including the conclusion of bilateral agreements with the customs services of twenty-three states; and interagency cooperation at the national level. An information system was created within the administration in order to receive and send information on smuggling from abroad. Much technical equipment was additionally provided to the main border crossings, especially at the border with Croatia, within the framework of preparation for the Schengen standards. Technical equipment—especially X-ray devices, endoscopes, drug testing kits, and CO<sub>2</sub>-tests—is a critical tool for the work of the customs officers.

The Slovenian Customs Administration is in a constant process of adaptation to the demands from the environment. Changes in smuggling methods affect the methods of the customs authorities. In the following section, we give a selection of some key changes. At the end of this chapter, we also analyze some typical indices of smuggling that are used by the agencies responsible for combating it.

### ***Establishment of the Investigation Division and Investigation Sections***

With the growing threat posed by smuggling in the 1990s, the Customs Administration in Slovenia was reformed in order to increase its operational abilities and efficiency. The Investigation Division was established in 1997 at the General Customs Directorate, and the Investigation Sections were organized at nine regional Customs Directorates Investigation Sections.

The Investigation Division was established on the model of other EU countries. Its key task has been planning and performing the operational measures for uncovering all forms of customs and excise violations. The division consists of the Investigation Section, the Operational Section, and the Analytical-Information Section.

### ***Computer-Supported Risk Analysis System***

The Customs Administration works with a computer program for risk analysis, which helps in determining the risk levels regarding shipments across the border. This program was built around a risk management model that consists of the following phases: assessment of information, risk determination, risk analysis, assessment of risk factors, determination of response (action), and monitoring of response. This program attributes the risk level on a scale from one to five for every cross-border transaction of goods. The risk level is determined through a complex set of calculations. Basically, the risk level is determined according to the indicators of irregularity (risk indicators) regarding the:

- Sender of goods;
- Receiver of goods;
- Type of goods shipped;
- Mode of transport;
- Vehicle used;
- Passengers;
- Driver;
- Customs documents.<sup>10</sup>

The operational output of this system that is received by regular customs officers in the field comes in the form of a warning regarding the shipment at hand. The customs officers check the shipment on the basis of the risk level attributed to it. However, random checks are also conducted on the border crossings.

### ***Establishment of Units for the Fight against Smuggling***

The so-called “fight against smuggling” Units were established within the Investigation Sections at the regional customs directorates. These are mobile units, consisting of five experienced and highly trained officers and a drug detection dog with its handler. These units and sections are directly subordinated to the General Customs Directorate, but in performing their tasks they cooperate with all officers of the regional customs directorates. The mobile units are equipped with the most modern equipment for uncovering all types of customs violations. When they arrive at a particular border crossing, more rigorous check procedures are put in place that draw on their special skills and abilities.

### ***“Customs Confidential”***

Due to the importance of all potential information on smuggling, the Customs Administration decided to initiate a campaign called “Customs Confidential.” Since the end of 2000, a toll-free telephone hotline has been available to receive anonymous and confidential information from Slovenian residents about smuggling violations. The number is accessible twenty-four hours a day. The introduction of this telephone number was supported by a special public relations campaign. Many printed ads were published, placards were posted, a smaller information card was issued, and a web site was initiated (see <http://carina.gov.si/slov/zaupno/carina1.htm>).

This campaign was implemented to make clear to the public which information is most useful in uncovering smuggling and smugglers. This includes information on suspicious persons, vehicles, goods, and also businesses that may be involved in smuggling. Some examples were given, such as tips regarding specially rearranged vehicles for smuggling, clandestine loading and purchasing of goods, shipment of forged goods, and the sale of goods of lower quality than the trademark would require. The residents are instructed to report information on these suspicious activities, and to make special note of the location and time of the event, the names and description of the people and companies involved, the quantity and type of goods, registration plates and types of involved vehicles, etc.

This campaign represents a method of collecting information on smuggling in Slovenia that did not exist before 2000. The response of the media and citizens alike shows that the decision to introduce this number was a good one.<sup>11</sup> However, it is interesting that on many occasions jealous residents report their neighbors.

### ***Typical Indices of Smuggling***

For the Customs Administration, it is very important to assess various indices of smuggling, such as psychological, audio-visual, and tactical indices, in or-

der to more accurately gauge the likelihood that a given individual or vehicle might be involved in smuggling, and thus should be searched more rigorously. These indices are mutually supporting and should be considered as an indistinguishable whole.

Psychological indices are a group of indicators of a person's behavior. People facing an obstacle behave differently from normal, and show different behavior patterns. Smugglers being spoken to by police or customs officers are in a stressful situation, and therefore feel very uncomfortable, which is reflected in increased heart rate and blood pressure, paleness, shaking of the chin, forced smiling, sweating, frequent swallowing, avoiding eye contact, and other physical manifestations. Women tend to speak much more than is necessary, more rapidly and less logically. Men tend to stammer or stress certain words. Body language is also one of the key indicators, especially if it reflects depression, anxiety, and timidity. Uncontrolled body movements also reflect unusual brain processes. All these indicators can be observed mostly in the behavior of amateur smugglers.

Professional smugglers have built up a psychological defense system. Audio-visual and tactical indices represent better indicators for these more seasoned smugglers. The former reflect discrepancies between the driver and the vehicle (young person driving a family car, modestly dressed person driving a luxurious car and vice versa), inconsistencies in the vehicle's appearance (registration plate more clean than the car and vice versa, tires more clean than the vehicle and vice versa, very asymmetrically loaded vehicle, fresh handprints on the car), and mismatches between the passenger's clothes and the luggage, the luggage and the vehicle, the age of driver and the fellow passengers, clothes and season of the year, etc. Tactical indices reflect special techniques often used by smugglers to be more persuasive. Such techniques include posing irrelevant questions to the border officer, unusual kindness and cooperation, simulation of drunkenness and sleepiness, excessively friendly manner on the part of passengers, referring to somebody in a high position in the government or to an acquaintance with certain individual border officers, or stressing their lack of time for border control procedures.

It is impossible to inspect all vehicles as they cross the Slovenian border. Vehicles are monitored for unusual characteristics even when waiting in the line in front of the border crossing. After identifying certain indices, the customs officers start by inspecting suspicious vehicles. A certain number of vehicles are also inspected randomly. The focus of this inspection is on identifying deviations from the factory standards; the concurrent behavior of the driver is observed as well. The driver might:

- Be nervous before opening certain parts of the vehicle;

- Skip some parts of the vehicle or intentionally show only some spots that were not required by the customs officer;
- Repeatedly ask to speak to a certain person.

### **Coordination of Police and Customs Activities against Smuggling**

All aspects of counter-smuggling activity should be coordinated in Slovenia. Much has been already done, but much still needs to be done. To increase inter-agency efficiency, the Customs Administration has signed memoranda of understanding with the Slovenian police, Slovenian Railways, the Slovenian Postal Service, and DHL. Cooperation between the police and customs agencies is especially important for the detection of the smuggling of drugs, weapons, and other dangerous substances. The division of labor is such that the police in general are responsible for criminal prosecution and further investigation of cases, while the customs agency is responsible for the examination of goods, passengers, vehicles, documents, and premises, both on Slovenia's borders and in the interior.<sup>12</sup>

Between the police and the customs agency there is an inter-agency commission for preventing trafficking in illegal drugs, which consists of representatives of the criminal police and customs as well as an appointed representative of the uniformed police. The tasks of this commission include:

- Harmonization of activities between the General Police Directorate and the Customs Administration in the field of preventing trafficking in illegal drugs;
- Harmonization of international projects for the prevention of illegal drug shipments and the implementation of those projects;
- Harmonization of educational programs and training activities with a view to improving the operational skills of the agencies in preventing trafficking in illegal drugs;
- Supplying operative-technical equipment to the agencies;
- Providing cooperation with international institutions and services of other countries involved in preventing international trafficking in illegal drugs;
- Cooperating with agencies and working bodies of the Slovenian government with responsibilities in the field of drugs, and other ministries.

## CHAPTER 7

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# SOME EXEMPLARY CASES OF SMUGGLING AND SUCCESSFUL COUNTERMEASURES

### **Operation Mrak as an Example of Successful Controlled Delivery**

The Slovenian Criminal Police in the second half of 2001 identified an organized criminal group in Slovenia with strong connections with the Albanian underground in Macedonia. Police ascertained that the main activity of this group was smuggling drugs and weapons on the Balkan route from Macedonia to Italy. It was clear that this qualified as organized criminal activity according to the Europol criteria:

- The organization involves the cooperation of at least three people;
- The group is engaged in long-term activity;
- The activities are done for financial profit;
- The acts of the group include criminal offenses;
- The members engage in international cooperation;
- The group is characterized by an internal division of roles.

Under the guidance of the group of state prosecutors for special tasks, the police started to collect evidence, also employing covert investigative measures, including clandestine surveillance and telephone tapping. It was ascertained that the use of controlled delivery was the appropriate technique for breaking down the existing heroin smuggling channel. In February 2002, the Slovenian police sent via Interpol to the Italian Central Anti-Drug Directorate in Rome an initiative regarding a controlled delivery operation against the mentioned channel. GOA (Operative Group for the Fight against Drugs) from the financial police in Trieste started to cooperate on a joint Slovenian-Italian controlled delivery operation under the name Operation Mrak. In the preparation phase, the police services in Macedonia, Serbia and Montenegro, and Croatia were asked for cooperation and assistance. After authorization was received from all participating states, the conditions for starting the operation were met.

In the meantime, two undercover agents (one Slovenian and one Italian) successfully infiltrated the criminal group in Slovenia. They were soon accepted as couriers for the possible transport of heroin from Macedonia to Italy. Both couriers drove by car to Macedonia to load 26 kilograms of heroin with the help of the Macedonian suppliers. The shipment was dispatched in the first half of May 2002, and was escorted by a member of the Slovenian criminal organization (two undercover agents and the latter). The shipment went on its way from Macedonia to Italy under surveillance by police forces in all countries whose territory it crossed. All relevant customs authorities were also informed, so that they would not discover the drugs in their border inspections. The shipment arrived in Slovenia on 14 May 2002, where one kilo was separated out for the Slovenian market. The shipment continued towards Florence, where 25 kilos were handed over to the buyers.

The Slovenian organizer and two buyers were arrested in Italy, and the 25 kilos of heroin were seized. In Slovenia, the other members of the criminal group were arrested, and several house searches were carried out. 1,020 pills of Ecstasy, 100 grams of cocaine, 1.5 kilos of cannabis, and a large sum of money were seized.<sup>1</sup>



The route of the controlled delivery (Operation Mrak)



Operation Mrak was a success because the entire network of smugglers and traffickers (suppliers, buyers, and smugglers) was exposed. Three perpetrators were sentenced in Italy to six years of prison and had to pay a fine of 18,000 Euros. The operation also reflected a high level of professional police cooperation and trust. Many new tactical and technical law enforcement skills were acquired in the joint police planning and execution of the controlled delivery. The positive experience of this operation has influenced the further development of police cooperation in the region, such as under the Adriatic-Ionian Initiative.

### **International Cooperation in Combating Irregular Migration: Joint Operation between Croatia, Slovenia, and Italy**

Upon the apprehension of a group of illegal migrants, the criminal police of the Koper Police Directorate, which is one of the eleven police directorates in Slovenia, conducted operational activities and collected information which helped them identify members of an international criminal group engaged in smuggling people from Bosnia and Herzegovina via Croatia across the state border to Slovenia and on to Italy. The police obtained telephone numbers of members of the criminal group and confirmed their involvement in organizing and facilitating crossings of the Slovenian border by analyzing lists of telephone calls. Members of the criminal group came from Bosnia and Herzegovina, Croatia, Slovenia, and Italy. In early October 2002, the following covert police measures were proposed and authorized:

- Covert surveillance and tailing, with the use of technical devices for documenting;
- Surveillance of telecommunications, including wiretapping and recording.

Soon after the measures were implemented, the police apprehended a driver and two migrants en route to Italy. One of the organizers of the transport was identified. A motion was filed with the state prosecutor to temporarily postpone prosecution against this particular organizer as long as was legally possible. The Slovenian Criminal Procedure Act sets forth that legal measures against a person can be suspended with a view to dismantling an organized criminal group, and provided that human life and health are not threatened.

Soon after this, the Italian law enforcement authorities in Trieste—in compliance with the agreements on police cooperation and local border police collaboration—notification the police in Koper of their findings (which were obtained through the use of covert measures) that the smuggling of three migrants apprehended upon their arrival in Italy had been organized by individu-

als located on the territory of Slovenia and Croatia. The persons identified by the Italian police had already been monitored using covert police measures in Slovenia. The Slovenian and Italian police then made a concerted effort, and collaborated closely in gathering and securing evidence proving that the criminal association had been engaged in smuggling people from Slovenia to Italy.

A few days later, Croatian law enforcement authorities in Pula established contact and advised that a driver was being processed for the attempted smuggling of nine migrants to Slovenia. Further collection of information helped reveal the identity of two organizers, who were Slovene nationals. It was confirmed that the organizers were closely connected with the criminal group members who had already been subjected to covert police measures. Therefore, the covert police operation was extended to cover the newly identified members of the criminal group, and the Croatian law enforcement authorities remained in close contact as well. (Cooperation with Croatian law enforcement is established in a bilateral police agreement on cooperation in the fight against organized crime.) Croatia also approved and introduced covert police measures with respect to the members of the criminal group operating on its territory.

Given the aforementioned facts, it was obvious that the criminal group operated in the area of Istra-Rijeka (Croatia), Koper (Slovenia), and Trieste (Italy). The illegal migrants—mostly Serbian, Montenegrin, and Albanian nationals—came from Bosnia and Herzegovina and traveled further to their countries of destination (Italy, Germany, or France).

As the nature of operation was international, Slovenia appointed a group of state prosecutors for special affairs to take over this particular case. They established contact with the responsible Croatian and Italian prosecution authorities, and the evidence was exchanged on the basis of the UN Convention on International Legal Assistance.

Within the framework of this cooperation, several jointly coordinated operations were conducted with a view to apprehending illegal migrants and drivers and identifying the organizers of illegal crossings. The prosecution authority proposed and authorized suspension of prosecution for organizers. The covert measure of telephone wiretapping was used, and the police were able to pinpoint the exact time when an illegal border crossing was to take place. The police forces of the countries involved were also able to coordinate their actions because undercover surveillance was conducted in tandem with the abovementioned measure.

It was established during the exercise of covert police measures that drivers were receiving illicit drugs as payment for the service of transporting migrants via Slovenia. The providers of the illicit drugs were identified as residing in

Slovenia and Croatia. This initiated the introduction of an undercover police operation in Croatia. It was detected that the group was likely in the possession of large amounts of illicit drugs, including heroin and cocaine. The police engaged in a pseudo purchase of some articles and a small amount of heroin from the group.

In late April, the final operation took place simultaneously in all three countries. The closing operation was to take place on the day of the pseudo purchase of the large quantity of heroin. However, the deal did not go ahead, because the drug supplier had problems concerning delivery. Nevertheless, the suspects were apprehended, as the evidence against them was sufficient.

The main characteristic of the group was the division of tasks within a particular state. There were two leaders in each state, with each enjoying the same status. The leaders were in charge of organizing border crossings and accommodating the customers. They were also responsible for payments made to drivers and guides. They communicated almost strictly via mobile phones. The migrants were mainly from Bosnia and Herzegovina. Criminal group members had contacts with Bosnian smugglers and organizers of illegal crossings. They had arrangements in place regarding the number of arrivals that had to be realized, and the appropriate price for the “service.”

The case was processed from October 2002 to April 2003, during which period thirty-seven charges against fifty-five suspects were filed with the competent prosecution office. Twenty-five persons were detained. Of these, fifteen were detained in Croatia, three in Italy, and seven in Slovenia. Another seven members of the group were detained in Italy, but they were only indirectly cooperating with the aforementioned criminal group.

Based on the evidence presented, the criminal group was charged with engaging in facilitating the illegal smuggling of persons across state borders and gaining proceeds from the crime in the amount of 113,000 Euros. Of this, 35,000 Euros were gained by criminal group members in Slovenia. Confiscation orders for claiming the proceeds of crime were issued for members of the criminal group, and a financial investigation was initiated.

Seventy-five illegal migrants were processed. Of these, the majority were nationals of Serbia and Montenegro and Albania, but they were returned on the basis of readmission agreements to the countries from which they attempted to enter Slovenia illegally, or to their country of origin.

Cases like this one are the most common form of international police cooperation in suppressing illegal migration and help set a good example, in particular because the apprehension took place simultaneously in three countries where the criminal group was active, and because large numbers of people

were detained. However, the coordinated work of state prosecutors of the three countries involved also contributed to the success of the operation.<sup>2</sup>

### **Case of Weapons Smuggling by a Citizen of Morocco**

A citizen of Morocco arrived at Obrezje, a border crossing with Croatia, in a Mercedes-Benz 300 SL on the afternoon of 8 December 2004. He had a Moroccan passport. Police officers performed a thorough border check, and found out the following:

- The folding roof of the vehicle could not be operated, since the folding roof's safety mechanism had been meddled with, which aroused the policeman's suspicion.
- In the space in the rear of the vehicle where the folding roof retracts, a white plastic bag and a gray tin box were found. In the bag there were five pieces of a Kalashnikov 7.62 mm M70 assault rifle, while in the tin box there were 1120 pieces of 7.62 mm ammunition.
- The Moroccan suspect was carrying a French identity card, flight coupons, a few white pieces of paper with text written in Arabic, a description of the journey on a checked piece of paper, two cell phones, over 200 Euros, and receipts for accommodation in a hotel in Sarajevo. The suspect's passport and identity card were not forged.

After inspecting the scene, collecting information, and conferring with foreign law enforcement authorities, the following was established:

- French law enforcement authorities confirmed that the identity documents of the suspect were genuine—that is, that the suspect, a Moroccan citizen, had also been a French citizen since 1998. The French authorities informed Slovenian police that the suspect was known to the police, and had already been convicted of premeditated assault with a weapon.
- Through German law enforcement authorities it was learned that the license plates did not belong to the vehicle the suspect was using at the time: the Mercedes 300 SL. The plates belonged to a Mercedes 500 SL, which had been listed in the records of stolen vehicles since the vehicle was rented and then stolen by a Bosnian citizen. Furthermore, the German authorities informed the Slovenian police, based on the chassis number of the Mercedes 300 SL, that the latter had also been listed as a stolen vehicle since 28 August 2004, having been stolen on 21 August 2004 in Croatia. At the time of the theft, the vehicle had German license plates. The German authorities also stated that the suspect had been in the Ger-

man criminal records since 2002 for offenses involving weapons. The German registration card the suspect had on him was also forged.

- Law enforcement agencies of other EU and non-EU countries had no data on the suspect in their criminal and other records. The search was run through Interpol and Europol, as well as through the PWGT (Police Working Group on Terrorism) system.

Further gathering of information revealed that the suspect flew from Paris to Budapest, and from there to Sarajevo. In cooperation with the Bosnian law enforcement authorities, the Slovenian police found out that the suspect had stayed in the Banana City hotel in Sarajevo. While there he made contact with two people who provided the Mercedes 300SL, and most likely the weapons as well. On a piece of paper found on the suspect, the detailed route from Sarajevo to France was described as follows:

- Bosnia, Slavonski Brod;
- Croatia, Zagreb;
- Slovenia, Ljubljana;
- Austria, Villach, Salzburg;
- Germany, Munich, Stuttgart, Karlsruhe;
- France, Mulhse.

The suspect was detained on 8 December 2004, forty-five minutes after his car was first searched, and was brought to the investigation judge of the district court in Krsko. The judge ordered that the suspect be kept in custody on the basis of suspicion of having committed the criminal offenses of the unlawful production and sale of weapons or explosives under Article 310/1 of the Slovenian Penal Code, and forgery under Article 256/1, as well as concealment, under Article 221/1.

Between the law enforcement authorities of Bosnia and the Slovenian police, a “bridge of cooperation” was built. Due to an effective exchange of data, the Bosnian law enforcement authorities were able to arrest two people who had been involved with the suspect and had provided him with the stolen vehicle, and probably the firearms as well. Criminal proceedings have been instituted against these two people.

In the court’s investigation, the Slovenian judicial authorities fully cooperated with the judicial authorities of Bosnia within the frameworks of international legal assistance. All documents that were important and relevant in the criminal proceeding against the suspect in Slovenia, and in the proceedings against his accomplices in Bosnia, were exchanged. Of extreme importance

were the interrogations of the suspects before the investigating judge, since the two men detained in Bosnia confessed to the offense and testified against the suspect detained in the Slovenia. The Bosnian law enforcement authorities also revealed out the groundwork that had been laid for this criminal offense, starting with preparing the stolen vehicle and with removing part of the folding roof's safety mechanism in order to hide the firearms in that trunk space. The two people jailed in Bosnia prepared the vehicle and the firearms for the suspect; the latter was supposed to bring it to France via Croatia, Slovenia, Austria, and Germany.

Based on the additional gathering of information and on the exchange of the data, the law enforcement authorities of Bosnia and Herzegovina carried out a house search at three different locations in the town of Ilidza near Sarajevo in February. 308 pieces of Kalashnikov M70 assault rifles were seized. Because of the way these were packaged (similar to those obtained from the suspect at Obrezje), and because of the connection of the two persons, it is suspected that the weapons seized at the border crossing in Obrezje came from that arsenal. However, the investigation by the Bosnian law enforcement authorities was still ongoing in mid-2005, and the fingerprints are still being verified. The suspect against whom the criminal proceedings were launched in Slovenia was ultimately convicted to four years and eight months of imprisonment.

## CHAPTER 8

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# A SHORT ANALYSIS OF TRIALS AGAINST SMUGGLERS

Trials in the cases we have examined mostly include proceedings only against members of the criminal groups who come from lower levels of the hierarchy. The police tend to wait on making arrests until the moment when the whole criminal network will be uncovered with enough proof to arrest both small and big players. However, this is not always possible. The key problem is that people in lower positions do not know much about the organization as a whole. They surely have some relevant telephone numbers, but they know their colleagues in many cases only by nickname or first name. Their mental map of the organization is, in simplified form, as follows: person A tells me where to go and pick up the immigrants and where to take them; person B pays me; person C is the controller; and perhaps person D is the caretaker. Information about the chief organizer is in many cases not known.

The accused plead not guilty in many cases. Some organizers who have been covertly followed by the police and apprehended have no idea what the charge is all about: they do not know the drivers, did not receive or pay any money, the voice on the tapes is not theirs, etc.<sup>1</sup> Drivers are very good at excusing themselves, and telling stories that they only coincidentally saw hitchhikers or people who needed a ride – how were they to know they were illegal migrants?<sup>2</sup> Many of the drivers, of course, demanded money for the transport, or were paid later by the organizers. Some of them were asked by a friend for a special favor, and they thought that the transported people had valid documents.<sup>3</sup> Some drivers charged in drug smuggling cases did not know that they were driving drugs, and did not in fact have any knowledge whatsoever about the real nature of their cargo. Sometimes, they claim that the entire charge is a construct of the police or their colleagues, who want to save themselves by accusing them. Some claim to be against drugs, and others say that they are very afraid that their children might start taking drugs.

Court procedures normally take some time. The illegal immigrants often serve as witnesses, but an analysis of some verdicts shows that the invitation to testify did not reach them at the Asylum Center, as they had already illegally left the country.<sup>4</sup>

In addition to this, there are many capable lawyers in Slovenia. Many times, the smugglers are sentenced only for some of the criminal acts or misdemeanors listed in the bill of indictment. One of the reasons might perhaps lie in the fact that most capable law school graduates tend to work as defense lawyers, not prosecutors. We could add also some systemic reasons, such as different financial motivations. So it might happen, for instance, that a criminal group had already smuggled some 500 kilograms of drugs before the police uncovered their activities. Then the police begin to follow the suspects, using special covert investigation techniques, which help them gather evidence that the group had smuggled, say, some 700 kilograms of drugs. The suspects are arrested and charged for smuggling 700 kilograms of drugs, and then the trial starts. Defense lawyers for the accused smugglers might undermine the evidence supporting charges relating to 600 kilograms of the amount of smuggled drugs, and the smugglers then are sentenced only for 100 kilograms.



## CONCLUSION

This book is a case study of how smuggling threatens a specific country, and how this country deals with it. Slovenia is clearly primarily a transit country for illegal immigrants, drugs, and weapons. Nevertheless, it is a good case study, as it represents one of the gateways to the European Union. It is also obvious that no country in the world is immune from smuggling. In this interconnected world, it is both impossible and irrational to seal off a nation's borders. These borders are more or less porous (especially coastlines), and they are guarded by human beings, who can sometimes be corrupted; there is also often a shortage of funds for technical and human border control measures. Geographically "impassable" areas are also, to a certain extent, uncontrollable. Letting people leave the country might also be seen as solving some social problems in the countries that produce many illegal immigrants.

All this forces us to conclude that smuggling is an inevitable systemic phenomenon of the modern world. It would be impossible to eradicate and eliminate this type of crime. Moving goods and people legally and illegally is a constant fact of history. Legal international transfers of goods and migrants will probably always coexist alongside illegal transfers. However, we can minimize these illegal transfers by having a realistic and accurate perception of their nature and extent, and by adopting numerous systemic measures, preventive steps, and severe repressive countermeasures.

We hope that this book proves that smuggling represents a threat to both national and international security. Smuggling is in fact a type of transnational organized crime and organized crime is clearly a threat to national and international security. Smuggling undermines and subverts the government's authority within its borders; denies and destabilizes the existing national, legal, and social order; subverts the existing borders among countries and their territorial integrity; and, as such, the existing international legal order. The correlation of smuggling with other negative social phenomena is so strong that it should not be reduced in priority on the national and international agenda.

The Balkan smuggling route is a complex network of criminals, organized criminal groups, and their mutual channels for illegally transferring people, drugs, and weapons across national borders, mostly in the direction of the EU. However, this route has also been occasionally used in the opposite direction, from the EU to the Balkan countries – e.g., for smuggling weapons in wartime,

for smuggling criminals out of the EU, or for returning payment for drugs or weapons. Along this route, global, regional, and local criminal groups have created clandestine networks, which generally specialize in one type of smuggling. However, the same routes and channels have been also used for smuggling different objects (people, weapons, drugs, goods), by the same or different criminal groups. This means that there is some overlap between different types of smuggling on the Balkan route. For example, the Slovenian sea route has been used for the smuggling of goods (clothing, coffee, cigarettes) to the south during the war in the Balkans. The same route was used later for smuggling people and drugs to Slovenia from the south.

The relationship between smuggling on this route and wars has been reciprocal. The Balkan smuggling route has been both disrupted and stimulated by the wars in the former Yugoslavia. This means that old routes were interrupted and new ones created, which in fact means that criminal groups were able to adapt to and exploit changing security circumstances. The Balkan wars actually created a demand and an opportunity for smuggling weapons, drugs, people, and stolen goods. Criminal groups profited greatly from this trade during the years of war in the Balkans. In fact, smuggling became the fastest growing business in the Balkans during the 1990s.

The problem of corruption exacerbates the governmental fight against smuggling. Corrupt governments are unable to fight smuggling efficiently. The corruption perception index, developed by the NGO Transparency International, shows that a reasonably high level of corruption exists in countries from the Balkan region. Slovenia is the least problematic country in the region in this regard, but it too suffers from incidences of corruption in its governmental structures, particularly the police and customs agencies. For example, in one case a customs officer smuggled a pistol from Croatia to Slovenia for a criminal group. He was not controlled as strictly as other passengers due to his good personal relations with the customs and police officers on duty.<sup>1</sup>

The criminal groups dealing with smuggling along the Balkan route have turned out to be very flexible. Changes in the methods used by the smuggling networks in response to legislative and law enforcement activities are extremely rapid, which is necessary for their survival. The intelligence activities carried out by these networks are more efficient than one would think. They obviously possess information on visa policies, asylum practices, national legislation, control practices at specific border crossings, corrupt or potentially corrupt individuals in governmental structures, technical equipment, the efficiency of interagency relations, and the efficiency of international contacts. Perhaps the most telling example of their flexibility appears every time the law enforcement authorities close off an existing smuggling channel. It takes only

two to five months from that moment until a new group takes the place of the dissolved criminal organization and starts smuggling through the same or different channels.

During the course of our research, it became obvious that, simultaneously with the Slovenian authorities' learning how to adapt to the threat of smuggling, the smugglers are also learning and adapting. The court trials we have studied, for example, expose the details of police methods, which is necessary for prosecutors to be successful. Defense lawyers are normally trying to undermine and shake evidence gathered by the police, as well as their methods of gathering it. Professional laboratory methods are questioned, and experts who participate in the trials are impugned. The only defense to this is to fully explain the investigative methods and tactics used by the police. In the meanwhile, the court gallery is full of people listening to these tactical details, including the accused, their family and friends, and even other criminals. Prison sentences in most cases contribute additionally to the tactical and technical skills of the criminals, acting as a sort of secondary school. It also represents an excellent way to network and plan future smuggling or other criminal activities. Eventually, the criminal groups learn the methods of the police, know the law—especially the holes in the legal system—and use smart tactics and master intelligent methods. It remains open to debate how this paradox can best be solved.

We have also identified a paradox of human smuggling, which springs from the increasing opposition between the growing restrictions on immigration in wealthy nations and the growing wish to migrate from poor ones. There is a growing body of evidence that severe restrictive immigration and visa policies actually serve to fuel organized irregular migration. Tighter law enforcement controls on smuggling obviously push many individuals out of the market, helping to create opportunities for the criminal networks. The tighter the controls, the higher the prices, and the greater the potential profits. A reactive measure actually contributes to a certain extent to aggravating the situation. The solution of this difficult equation lies in addressing the root causes of immigration.

A general analysis of the organized smuggling groups and cells in Slovenia shows that they have elements of hierarchical organization and simultaneously belong to loosely organized criminal networks. They have precisely defined systems of smuggling and crossing borders, and employ a broad spectrum of techniques. The level of acquaintance among the organizers and the field people, such as drivers and mules, is relatively low. They communicate mostly using mobile telephones with pre-paid cards; such phones can be tapped, but the telecommunication companies cannot provide the name and address of the

owner to the authorities. This is why phone tapping many times needs to be supplemented with other special investigative measures, such as covert observation or police informants. Members of the criminal groups frequently use multiple mobile telephones. The whole organization will normally change phone numbers in cases of partial disclosure of their activity, or when they suspect that they are being traced by the police. Smugglers also often communicate in code, often using terms that make it sound as though they are engaged in legitimate businesses. It is clear, however, that regardless of how many evasive tactics are used, the most risky position in the smuggling hierarchy is the lowest one—driver, courier, etc.—which is also the lowest-paid position.

The common motivation of smugglers of people, drugs, and weapons is money. The smuggling business is considered an easy way to get a lot of money. People smuggle because of financial problems, or simply because of greed. The financial motivation is obviously so strong that, only several months after a criminal group has been uncovered and disabled, a new organization takes over the business, despite the risks of exposure. The Slovenian criminal underground considers smuggling of people as less risky than other types of smuggling, largely due to the lower penalties for this offense. For this reason, some criminal groups that used to specialize in drug smuggling have reoriented themselves to focus on human smuggling. However, their basic motives have remained the same.

It also became clear in our research that the Slovenian authorities have been competing with very rich criminal groups. This is so due to the high revenues that are derived from the smuggling business. In some cases, the smugglers use the best and most expensive technical equipment in their operations. All this makes the fight against smuggling even more difficult.

The suppression of smuggling is the responsibility of a wide range of state institutions and agencies. Interagency or interministerial cooperation is a necessary precondition of effective national countermeasures. Smuggling activities take advantage of low or non-existent interagency cooperation; in fact, they flourish in states characterized by vague interagency relations. The chances for success in the fight against smuggling increase as the number of cooperating agencies increases. Such networks of cooperation have been developed in Slovenia, but there is plenty of room for improvement. It is important that the agencies concerned—especially the police and customs agencies—are aware of this fact.

The phenomenon of smuggling is a complex fact of modern life, strongly interrelated with other forms of crime, as well as with uncertainties in the economic, security, and political situation within a nation or a region. An effective

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national and international strategy must combine and balance many different soft and hard tools for fighting smuggling. The Slovenian police and customs authorities use many preventive as well as reactive techniques. They have informed the public, developed special information systems, and supplemented their existing operational methods and techniques. They increasingly cooperate internationally, which reflects the need for an international response to the transnational threat posed by smuggling. International cooperation of both agencies is focused on cooperating with partners in the EU and the Balkans. Fulfilling the Schengen border standards has been perhaps the most important system-building project of both agencies in Slovenia in the past several years. Both agencies established specialized units, which are now operational on the whole territory of Slovenia. This represents a substantial step in Slovenia's capacity to fight smuggling, but, as this work shows, it is a struggle that will likely never end.



# MAP OF REPUBLIC OF SLOVENIA



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# NOTES

## Introduction

<sup>1</sup> We used court material from the district courts of Kranj, Ljubljana, Novo mesto, and Koper.

## Chapter 1. Smuggling as a Threat to Security

<sup>1</sup> The United Nations Convention Against Transnational Organized Crime, The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Article 3(a), 29 September 2003.

<sup>2</sup> The United Nations Convention Against Transnational Organized Crime, The Protocol against the Smuggling of Migrants by Land, Sea and Air, Article 3(a), 29 September 2003.

<sup>3</sup> For estimate on Germany, see Hans-Jörg Albrecht, "Fortress Europe? Controlling Illegal Immigration," *European Journal of Crime, Criminal Law and Criminal Justice* 10:1 (2002): 5.

<sup>4</sup> Anne Gallagher, "Trafficking, Smuggling and Human Rights: Tricks and Treaties," *Forced Migration Review* 1:12 (2002).

<sup>5</sup> Philip Martin and Mark Miller, "Smuggling and Trafficking: A Conference Report," *International Migration Review* 34:3 (2000), 969.

<sup>6</sup> Di Nicola, in Ahmet İçduygu and Sule Toktas, "How Do Smuggling and Trafficking Operate via Irregular Border Crossings in the Middle East?" *International Migration* 40:6 (2002): 30; Martin and Miller, "Smuggling and Trafficking," 969.

<sup>7</sup> See <http://www.interpol.int>, accessed 10 July 2005.

<sup>8</sup> It is to be stressed that international conventions and national law use a number of terms for such forbidden substances. These include: narcotics, narcotic drugs, illicit drugs, illegal drugs, drugs and psychotropic substances, and narcotics and psychotropic substances. To simplify this terminological inconsistency, we simply use the term drugs for labeling all substances forbidden by international conventions and national law.

<sup>9</sup> Synthetic drugs include amphetamines and amphetamine-type stimulants (ATS), non-ring substituted amphetamine derivatives (Methylenedioxy), ring and side-chain substituted amphetamines, Ecstasy (the special manifestation of

ATS), Tryptamines, Lysergic Acid Diethylamide (LSD), Dimethyltryptamine (DMT), synthetic opioids, semi-synthetic opioids, Benzodiazepines, Phencyclidine and analogues, Methaqualone and its analogs, and Gamma-hydroxybutyric acid (GHB).

<sup>10</sup> See [www.interpol.int/Public/Drugs/](http://www.interpol.int/Public/Drugs/), accessed 11 July 2005.

<sup>11</sup> *The United Nations and Drug Abuse Control* (Vienna: UN International Drug Control Program, 1992), 32.

<sup>12</sup> See “OSCE Feature: The Blight of Trafficking,” at [www.osce.org/item/145.html](http://www.osce.org/item/145.html), accessed 2 July 2005.

<sup>13</sup> *OSCE Document on Small Arms and Light Weapons* (Vienna: OSCE, 24 November 2000).

<sup>14</sup> Kelly Robert, Maghan Jess and Serio Joseph, *Illicit Trafficking – A Reference Handbook*, ABC-CLIO (Santa Barbara, 2005), 70-76.

## Chapter 2. The Balkan Smuggling Route

<sup>1</sup> See Radovan Vukadinovic, *Varnost v Jugovzhodni Evropi, Fakulteta za družbene vede* (Ljubljana, 2002), 10–17.

<sup>2</sup> İçduygu and Toktas, “How Do Smuggling and Trafficking Operate via Irregular Border Crossings in the Middle East?” *International Migration* 40:6 (2002), 31; [www.interpol.int/Public/Drugs/](http://www.interpol.int/Public/Drugs/), 11; accessed July 2005.

<sup>3</sup> UN Office for Drug Control and Crime Prevention, *World Drug Report 2005* (Oxford: Oxford University Press, 2005), 253, 281, 315.

<sup>4</sup> Frank Ciluffo and George Salmoiraghi, “And the Real Winner is the Albanian Mafia,” *The Washington Quarterly* 22:4 (1999): 21–22.

<sup>5</sup> See Alessandro Politi, “The Threat of Organized Crime in the Balkans,” *Southeast European and Black Sea Studies* 1:2 (2001): 55.

<sup>6</sup> See [www.interpol.int/Public/Drugs/](http://www.interpol.int/Public/Drugs/), accessed 11 July 2005.

<sup>7</sup> “Albania,” *UN Chronicle* 35:3 (1998): 48.

<sup>8</sup> See [www.transparency.org](http://www.transparency.org), accessed 2 July 2005.

<sup>9</sup> Alessandro Politi, “The Threat of Organized Crime in the Balkans,” *Southeast European and Black Sea Studies* 1:2 (2001): 49.

<sup>10</sup> Bojan Dobovsek, Tomo Hasovic, Lea Pec, and Dejan Garbajs, eds., *Round Table on Organised Crime* (Ljubljana: Slovenian Presidency of the Adriatic Ionian Initiative, Republic of Slovenia, Ministry of the Interior – Police, 2004), 56.

<sup>11</sup> Statistics on the uncovered smuggled goods, 2002, 2003, 2004 and 2005, Custom Administration of Slovenia.

### Chapter 3. Smuggling of Illegal Immigrants Through Slovenia

- <sup>1</sup> The Penal Code also contains an article on trafficking in human beings, which will not be analyzed in this text, as its scope goes beyond the problem of smuggling.
- <sup>2</sup> See [www.policija.si/si/statistika/meja/il-prehodi2005.html](http://www.policija.si/si/statistika/meja/il-prehodi2005.html), accessed 10 May 2005.
- <sup>3</sup> Ibid.
- <sup>4</sup> Press Release, Government of the Republic of Slovenia, 12 January 2001.
- <sup>5</sup> Interview with Apollonio Damjan, head of the team on organized crime, Police Directorate in Koper, 7 July 2005.
- <sup>6</sup> *Porocilo o delu policije za leto 2004* (Ljubljana: Republic of Slovenia, Ministry of the Interior, Police, 2005), 37; *Annual Report on the Work of the Police 2003* (Ljubljana: Republic of Slovenia, Ministry of the Interior, Police, 2004); *Annual Report on the Work of the Police 2002* (Ljubljana: Republic of Slovenia, Ministry of the Interior, Police, 2003); *Annual Report on the Work of the Police 2001* (Ljubljana: Republic of Slovenia, Ministry of the Interior, Police, 2002).
- <sup>7</sup> Slovenia became a full member of the EU in March 2004.
- <sup>8</sup> See police reports cited in note 6 of this chapter. We should note here that for a small percent of immigrants each year, the police could not ascertain where (i.e., from which country) they crossed the border. This happens due to the lack of evidence as well as silence on the part of the detained illegal immigrants. Accordingly, the sum of illegal border crossings in each year is not equal to the total number of illegal crossings in that year (last column). The difference illustrates the aforementioned cases.
- <sup>9</sup> Dobovsek, et al., *Round Table on Organised Crime*, 13.
- <sup>10</sup> International reports support the thesis that Chinese Triads have been involved in the human trafficking and smuggling of Chinese nationals via Slovenia, Bulgaria, and Romania. See Politi, "The Threat of Organized Crime in the Balkans," 49–50.
- <sup>11</sup> *Porocilo o delu policije za leto 2004* (Ljubljana: Republic of Slovenia, Ministry of the Interior, Police, 2005); *Annual Report on the Work of the Police 2002* (Ljubljana: Republic of Slovenia, Ministry of the Interior, Police, 2003).
- <sup>12</sup> Dobovsek, et al., *Round Table on Organised Crime*, 27.
- <sup>13</sup> İçduygu and Toktas, "How Do Smuggling and Trafficking Operate via Irregular Border Crossings," 36.
- <sup>14</sup> Verdict by the District Court of Novo Mesto, K 132/2004-99, 15 November 2004.

- <sup>15</sup> See Verdict by the District Court of Koper, K 206/2002, 4 April 2003, 45.
- <sup>16</sup> Borja Mocnik, Neca Mrevlje, and Sara Pistotnik, “Sodobni tihotapci: Raziskava nezakonitega prevoznistva prebeznikov v Sloveniji,” in *V zoni prebeznistva – Antropoloske raziskave prebeznikov v Sloveniji*, ed. Ursula Lipovec Cebron (Ljubljana: Filozofska fakuteta, 2002), 209.
- <sup>17</sup> Charge by the Group of state prosecutors for special tasks, Kt-S-5/04-JBB, sd, 31 May 2004; Verdict by the District Court of Kranj, K 91/2003, 9 October 2003; Verdict by the District Court of Koper, K 206/2002, 4 April 2003; Verdict by the District Court of Kranj, K 91/2003, 19 October 2003, 2.
- <sup>18</sup> Interview with Apollonio Damjan, head of the team on organized crime, Police Directorate in Koper, 7 July 2005.
- <sup>19</sup> Mocnik, et al., *Sodobni tihotapci*, 214.
- <sup>20</sup> Mocnik, et al., *Sodobni tihotapci*, 209.
- <sup>21</sup> Interview with Apollonio Damjan, 7 July 2005.
- <sup>22</sup> See Verdict by the District Court of Koper, K 206/2002, 4 April 2003.
- <sup>23</sup> See Verdict by the District Court of Kranj, K 91/2003, 9 October 2003; Interview with Apollonio Damjan, 7 July 2005; see also Mocnik, *Sodobni tihotapci*, 200.
- <sup>24</sup> See Verdict by the District Court of Koper, K 206/2002, 4 April 2003, 29.
- <sup>25</sup> Interview with Apollonio Damjan, 7 July 2005.
- <sup>26</sup> İçduygu and Toktas, “How Do Smuggling and Trafficking Operate via Irregular Border Crossings,” 42.
- <sup>27</sup> Martin and Miller, “Smuggling and Trafficking,” 971.
- <sup>28</sup> Interview with Apollonio Damjan, 7 July 2005.
- <sup>29</sup> See Mocnik, et al., *Sodobni tihotapci*, 183.
- <sup>30</sup> See, for example, Verdict by the District Court of Kranj, K 91/2003, 9 October 2003, 10.
- <sup>31</sup> Charge by the group of state prosecutors for special tasks, Kt-S-5/04-JBB, sd, 31 May 2004.
- <sup>32</sup> Interview with Apollonio Damjan, 7 July 2005.
- <sup>33</sup> Ibid.
- <sup>34</sup> Ibid.

#### Chapter 4. Smuggling of Drugs to or Through Slovenia

- <sup>1</sup> Interview with Ribas Dusan, head of the investigation group for drugs, Police Directorate in Koper, 7 July 2005.

- <sup>2</sup> *Annual Report on the Work of the Police 2001–2004* (Ljubljana: Republic of Slovenia, Ministry of the Interior – Police, 2002–2005).
- <sup>3</sup> See Dobovsek, et al., *Round Table on Organised Crime*, 64.
- <sup>4</sup> This number is high because Slovenia is a small country of 2 million people.
- <sup>5</sup> For this theoretical calculation, we assumed that one heroin addict on average needs 1 gram heroin per day. These assumptions differ in the European professional community. Some professionals assume smaller and others higher numbers. On the basis of consultation (interview with Hasovic Tomo, Head of Organized Crime Section, Criminal Police Directorate, General Police Directorate, Ljubljana, September 8, 2005), we used 1 gram per person for our calculations.
- <sup>6</sup> See Iztok Prezelj, “Slovenian National Security and South-Eastern Europe: a Public Opinion Perspective,” in *Security and Cooperation in South-Eastern Europe*, ed. Anton Grizold and Iztok Prezelj (Ljubljana: FDV, 2003).
- <sup>7</sup> See the Verdict by the District Court of Kranj, K 237/2000-92, 20 November 2001, 11.
- <sup>8</sup> See the Verdict by the District Court of Kranj, K 136/2002, 19 June 2003, 5.
- <sup>9</sup> See the Verdict by the District Court of Kranj, K 53/98, 15 March 2000, 12.
- <sup>10</sup> Interview with Hasovic Tomo, Head of Organized Crime Section, Criminal Police Directorate, General Police Directorate, Ljubljana, 8 September 2005; Interview with Ribas Dusan, head of the investigation group for drugs, Police Directorate in Koper, 7 July 2005.
- <sup>11</sup> Interview with Ribas Dusan, head of the investigation group for drugs, Police Directorate in Koper, 7 July 2005.
- <sup>12</sup> For information on the use of such spray, see Verdict by the District Court of Kranj, K 36/2000, 31 May 2000, 8.
- <sup>13</sup> Interview with Ribas Dusan, head of the investigation group for drugs, Police Directorate in Koper, 7 July 2005.
- <sup>14</sup> Dobovsek, *Round Table on Organised Crime*, 67–68.
- <sup>15</sup> See Dobovsek, *Round Table on Organised Crime*, 67–68.
- <sup>16</sup> See Verdict by the District Court of Kranj, K 36/2000, 31 May 2000, 9.
- <sup>17</sup> See the Verdict by the District Court of Kranj, K 237/2000-92, 20 November 2001, 11; Verdict by the District Court of Kranj, K 53/98, 15 March 2000.
- <sup>18</sup> Dobovsek, *Round Table on Organised Crime*, 67–73.
- <sup>19</sup> See the Verdict by the District Court of Kranj, K93/2002, 15 May 2003.
- <sup>20</sup> Documentation on the case 303/1080730/0102016/K54998, Police Directorate Koper, 21 July 2000, 23 July 2000.

## Chapter 5. Smuggling of Weapons and Slovenia

- <sup>1</sup> These are called “cold weapons” by police and security authorities in many regions of Europe.
- <sup>2</sup> *Annual Report on the Work of the Police 2004* (Ljubljana: Republic of Slovenia, Ministry of the Interior, Police, 2005), 37.
- <sup>3</sup> *Statistics on uncovered smuggled goods* (Ljubljana: Customs Administration of Slovenia, 2004).
- <sup>4</sup> *Annual Report on the Work of the Police 2003* (Ljubljana: Republic of Slovenia, Ministry of the Interior, Police, 2004), 31.
- <sup>5</sup> *Porocilo o delu policije za leto 2004* (Ljubljana: Republic of Slovenia, Ministry of the Interior, Police, 2005); *Annual Report on the Work of the Police 2003* (Ljubljana: Republic of Slovenia, Ministry of the Interior, Police, 2004); *Annual Report on the Work of the Police 2002* (Ljubljana: Republic of Slovenia, Ministry of the Interior, Police, 2003); *Annual Report on the Work of the Police 2001* (Ljubljana: Republic of Slovenia, Ministry of the Interior, Police, 2002).
- <sup>6</sup> Ibid.
- <sup>7</sup> Opomnik za preiskovanje kaznivih dejanj nedovoljene proizvodnje in prometa orožja ali eksplozivov, 310. člen KZ, ter drugih kaznivih dejanj, povezanih z orožjem (Ljubljana: Ministry of Internal Affairs, General Police Administration, April 2005), 25, 31.
- <sup>8</sup> Bus drivers use a special part of the trunk for sleeping. Only they possess a key to this compartment.
- <sup>9</sup> “Opomnik za preiskovanje,” 34.
- <sup>10</sup> Ibid., 37.
- <sup>11</sup> See “Samopostrezna trgovina z orožjem,” *Mladina*, 5 January 2004; “Bin Laden’s Slovenian Connection,” *Mag*, 3 October 2001.

## Chapter 6. Slovenian Counter-Measures against Smuggling

- <sup>1</sup> *Annual Report on the Work of the Police 2003* (Ljubljana: Republic of Slovenia, Ministry of the Interior, Police, 2004), 43.
- <sup>2</sup> *Annual Report on the Work of the Police 2002* (Ljubljana: Republic of Slovenia, Ministry of the Interior, Police, 2003), 44.
- <sup>3</sup> *Annual Report on the Work of the Police 2001* (Ljubljana: Republic of Slovenia, Ministry of the Interior, Police, 2002), 33.
- <sup>4</sup> Contract between the Republic of Slovenia and the Republic of Austria on police cooperation, Official Journal of RS, Nr. 48/04.

- <sup>5</sup> The agreement between the government of the Republic of Slovenia and the government of the Republic of Croatia on cross-border police cooperation, Official Journal of RS, Nr. 6/03.
- <sup>6</sup> Memorandum on cooperation between the police forces of the Republic of Slovenia and the Republic of Italy, Official Journal of RS, Nr. 22/97.
- <sup>7</sup> Agreement between the government of the Republic of Slovenia and the government of the Republic of Italy on police cooperation, Official Journal of RS, Nr. 30/99.
- <sup>8</sup> Dobovsek, *Round Table on Organised Crime*, 9.
- <sup>9</sup> “Vloga carine pri odkrivanju drog,” Customs Administration, Ministry of Finance, Slovenia, 21 June 2005.
- <sup>10</sup> “Indikatorji tveganja za tihotapljenje blaga,” Customs Administration of RS, 20 July 2005, 462-04/34-1/2005/930-001; Interview with Mirko Bacac, head of investigation division, Customs Administration of RS, 21 June 2005.
- <sup>11</sup> “Vloga carine pri odkrivanju drog,” Customs Administration, Ministry of Finance, 21 June 2005.
- <sup>12</sup> “Actual Situation at Border Crossing Points,” Customs Administration of Slovenia, Ljubljana, 21 June 2005.

## **Chapter 7. Some Exemplary Cases of Smuggling and Successful Countermeasures**

- <sup>1</sup> “Controlled Delivery,” presentation by the Slovenian Criminal Police Directorate to the round table on organized crime, Adriatic and Ionian Initiative, Ljubljana, 27 November 2003; “Slovene and Italian Police Arrest 17 Persons Involved in Drug Trafficking,” *STA*, 18 July 2002; Operazione MRAK – PENOMBRA, Comunicato stampa, Guardia di Finanza, Comando Nucleo Regionale Polizia Tributaria Friuli Venezia Giulia, Gruppo Operativo Antidroga, Trieste, July 2002.
- <sup>2</sup> “International cooperation in combating irregular migration – joint operation between Croatia, Slovenia and Italy,” General Police Administration, Criminal Police Directorate, 23 May 2005.

## **Chapter 8. A Short Analysis of Trials Against Smugglers**

- <sup>1</sup> See Verdict by the District Court of Koper, K 206/2002, 4 April 2003, 31.
- <sup>2</sup> See Verdict by the District Court of Ljubljana, I K 34/2001, 27 February 2001.
- <sup>3</sup> See Verdict by the District Court Novo Mesto, K 132/2004-99, 15 November 2004.

- <sup>4</sup> See Verdict by the District Court of Ljubljana, I K 34/2001, 27 February 2001.

### **Conclusion**

- <sup>1</sup> See Charge by the group of state prosecutors for special tasks, Kt-S-27/00-JB, vp, 9 September 2000, 7.