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OUTCOME OF PROCEEDINGS

from: Presidency
to: Delegations
Subject: Conclusions of the meeting of Liaison Officers of the European Union, held in Bogota, Colombia, 23-24 March 2010

As provided for in the Spanish Presidency's agenda, the first meeting of Liaison Officers from the EU Member States for the LAC region was held in Bogota, Colombia, on 23 and 24 March 2010. The meeting was divided into two parts: a first part, which took place behind closed doors on 23 March, and a second part on 24 March, attended by all the participants from the first day, as well as the Colombian police authorities (National Police, DAS, DIJIN **DELETED**), representatives from the Public Prosecutor's Office, and officials from US agencies (DEA) and international bodies (EUROPOL and Interpol).

A range of issues were discussed at the meeting (EU priorities in the fight against organised crime in accordance with ROCTA and OCTA 2009, organised crime in the LAC region, illegal immigration, trafficking in human beings for the purposes of sexual exploitation, clinical analyses of cocaine, new routes for smuggling cocaine to Europe, INTERPOL projects in the LAC region, a ballistics identification project, kidnappings of European citizens, the future EUROPOL-Colombia operating agreement, euro counterfeiting, and Europol analysis files); there were also working groups on the priorities in the fight against organised crime in Colombia for both the police organisations and the Colombian public prosecutors (police cooperation within the framework of intelligence work, cooperation with the prosecutor's office, the fight against drug crops and trafficking, the fight against money laundering from the legal and police standpoints, the Colombian INTERPOL office).

The meeting was attended by representatives of various EU Member States (Spain, Poland, the Netherlands, Portugal, Germany, Italy, France, Belgium, Sweden and the United Kingdom) and the United States, as well as representatives of European and international agencies and of certain American agencies (EUROPOL, INTERPOL, DEA, DIJIN, DAS, the Colombian National Police and the Colombian prosecution service).

1. Background and current situation with regard to crime in the region

In the sphere of security and public health, Latin America and the Caribbean is a region of particular interest for the European Union by reason of its specific characteristics and, in particular, the presence of drug-producing countries. The criminal groups involved in drug trafficking view Europe as one of the most profitable markets for the sale of narcotic drugs. The profits from drug trafficking are invested both in South America and in Europe, making money laundering another of the major concerns of the States affected. As a result of their investments, criminal organisations are penetrating to an increasing extent the social, economic and financial fabric of society, sometimes undermining political structures. In fact, the estimated value of the assets of certain drug cartels is greater than the GDP of some South American countries.

The methods and techniques of the criminal organisations are becoming increasingly sophisticated in response to their changing needs. The Iberian Peninsula is one of the main gateways into Europe for cocaine, with most of the drugs passing through the Iberian Peninsula intended for third countries. The geographical location of the Iberian Peninsula and its cultural, linguistic and commercial links with the areas in which the drugs are produced, which generate significant flows of goods and travellers, puts Spain and Portugal in a "special" position with regard to the other EU Member States.

The main problem faced by South American criminal organisations in their attempts to smuggle cocaine into Europe is transport from the places where the cocaine is produced to the final markets. They therefore resort to European criminal organisations to carry out this task, and have found Spanish groups to provide the infrastructure and logistical support necessary to transport the drugs from their source to the final consumers, mainly by sea, air or in containers. Other European ports are also used. They also continue to use human drug couriers to smuggle drugs through the main airports of EU Member States (Netherlands, United Kingdom, Germany, France, Portugal, Italy, Belgium, etc.).

The pressure brought to bear in Europe in the fight against drugs trafficking from Latin America and the Caribbean has forced drug traffickers to seek alternative routes and, in the last decade, some South American criminal organisations have established a presence in Africa, using it for storage and subsequent distribution throughout Europe (the so-called "African route").

The support provided by African organisations is paid for in cocaine, which is smuggled into Europe by African groups, mainly human couriers travelling from African airports to the main international airports of EU Member States.

In recent years, drug traffickers are increasingly using Africa as a place of transit and storage for drugs intended for Europe (the central route from South America to Cape Verde or Madeira and then on to Europe, and the African route, from the coasts of South America to the coasts of western African countries, where they unload their merchandise, leave it in storage for a certain time to avoid arousing suspicions, before smuggling it into Europe using different means of transport (air, sea or overland)).

It should be noted that, although the African cocaine-trafficking route is important, it is not the only route and the current indicators, based mainly on drug seizures, are inadequate as a means of evaluating its share as a proportion of the total. There is no objective database, since the information provided by the African countries is not very reliable – the African authorities do not have the resources available to the South American authorities, much less those available to the European authorities. It is impossible to accurately estimate the volume of cocaine accounted for by the African route. Owing to the absence of police checks, the permeability of borders, and the difficulties of cooperation with African countries, there is no objective instrument for evaluating, in a reliable and detailed way, the quantity of drugs passing through Africa to Europe. From Europe's standpoint, a good indicator would be the number of drugs investigations with an African connection. One thing that is clear, however, is that South America remains the world's leading producer of cocaine and the main supplier of Europe and North America, and we therefore need to focus particular attention on that region in the fight against drug trafficking and related crimes.

A significant number of Latin American and Caribbean countries, like most EU Member States, suffer from the scourge of organised crime. Some of the criminal organisations have links outside Latin America, specifically in the EU, and are engaged not only in cocaine trafficking, but also in the trafficking of amphetamines, money laundering, illegal electronic transactions, new counterfeiting techniques, kidnappings, etc. The national authorities of Latin American and Caribbean countries are aware that closer international cooperation, at both judicial and police levels, is necessary in order to combat specialised organised crime, which is increasingly cross-border in nature.

General Oscar Raúl NARANJO TORRIJOS, Director General of the Colombian National Police, went so far as to claim that any State which did not cooperate with, or facilitate, other States in the fight against organised crime was an accomplice in their activities, given that any circumstance or action that facilitated criminal activity could be used by criminal groups or organisations for their own purposes (basically their own enrichment) and could undermine the rule of law.

The last decade has also seen very rapid growth in illegal immigration from Latin America to Europe, particularly Spain, owing to the close historical links between South America and Spain and their shared language.

The growth and development of criminal youth gangs ("maras") from Central America, with links to drug trafficking, arms trafficking, extortion, etc. will also need to be carefully monitored. Although these groups are a problem in the United States, they have not yet been identified as a significant threat in Europe.

In the light of the above, the different forms of organised crime carried out by South American criminal groups could also be classified by country of origin.

COLOMBIA

Organised gangs focus their criminal activities on robberies of jewellers' shops involving violence (directed at members of the Association of Jewellers), attacks at people's homes, bank robberies, attacks on drug traffickers and possession of fraudulent documents from Mexico, Venezuela, Guatemala and Costa Rica (genuine documents obtained by fraud, which not only incorporate all security devices but also give the identities of real people) for the purpose of using stolen or hired vehicles.

In fact the stepping up of United States border controls in recent years has led to most of these criminal organisations making Europe their theatre of operations. They establish themselves both in Spain and in other European countries, mainly France, the Netherlands, the United Kingdom, Belgium and Germany, as well as in third countries such as Japan, Malaysia and Australia.

There is also a considerable degree of interpenetration among gangs based in all countries, so that when a convention of jewellers is to be held in any of the world's cities there is evidence of massive movement of Colombian gangs to the city concerned for the purpose of carrying out robberies, as happened in Basle.

CHILE

Preference is given to crimes involving financial assets, with criminal activities focusing mainly on thefts from bank customers, who are attacked after withdrawing large amounts of money.

Gangs' other activities take the form of "hit-and-run" burglaries at people's homes and thefts from hotels. These occur chiefly in Spain, France, Italy, Germany and Austria, with the criminals arriving in Europe mainly via Madrid, Paris and Frankfurt Airports.

PERU

Criminal gangs focus on robberies of banks and jewellers' shops, thefts from tourists (while pretending to be policemen) and vehicle thefts. They operate above all in Spain, Italy and France.

ARGENTINA

Given the degree of violence used, they specialise in robberies of banks and jewellers' shops, street thefts of luxury watches and attacks on armoured cars.

Investigations are rendered difficult by the geographical mobility of such criminal groups, their dynamic nature and their ability to adapt to the specific situation in each of the countries where they operate: these groups change their patterns of behaviour in response to the greater or lesser severity of the penal systems (one and the same group when operating in Spain uses firearms to carry out robberies of jewellers' shops involving violence but when it moves to other European countries tends to exploit negligence to carry out robberies of jewellers or breaks open the jewellery display cases, or when transferring its operations to Japan or Malaysia will focus on using force to burgle people's homes).

In most cases members of such gangs, once they have carried out their criminal activities, withdraw to another country to sell their booty and sometimes deliver to their countries of origin the goods and items which are the fruit of their crimes.

As for trafficking in human beings, the migratory flow from Latin America to Europe is very considerable. Migrants come predominantly from South America and inevitably have to fly to Spain directly or via other airports of the Schengen States. There are currently signs of a decrease in the flow of such arrivals, prompted mainly by the global economic situation, and an increase in the voluntary return of some of these migrants, who avail themselves of the various official aid programmes and the assistance provided by certain non-governmental organisations, e.g. the International Organisation for Migration.

The European Union is one of the preferred destinations as a place of transit and destination of persons who have been seized and transported with a view to their subsequent exploitation for sexual or labour purposes. This is demonstrated by the huge number of women identified as potential victims of trafficking in human beings for the purpose of sexual exploitation, all of whom come from South America. As can be seen, Latin America is the principal place of origin of women who are exploited by criminal organisations devoted to trafficking in human beings, with Brazil, Colombia and the Caribbean countries being the chief places of origin of such women. As for those who run such organisations, they are for the most part Spanish or Portuguese even though persons of the same nationality as the victims are usually involved in various tasks such as seizure, transport and exploitation.

In order to enter the EU, they use false documents, above all those of Portuguese nationals in the case of Brazilians or those entering the Schengen area in the guise of tourists, and false documents from American countries whose nationals are not required to have a visa in order to enter the Schengen area. The fact that there is no harmonisation of the laws in the European Union regarding the penalties for such activities means that the organised groups choose those countries where the penalties are least severe. The collaboration and protection of victims is of great importance in combating this particular crime against human dignity.

2. Measures adopted

In general, the authorities react some time after the existence of new problems is firmly established and they do so by implementing police and judicial solutions designed to limit their further development. Even though it is necessary to find the tools to counteract new forms of crime, it is far more important to adopt a proactive approach which enables us to detect such crime early on so that its subsequent development or spread can be avoided. It is therefore necessary to assess the threat posed by such crime using trend-and-forecast based methodologies in order to draw up policies which can help us to take strategic and operational decisions.

To that end, the South American countries are following the European Union's lead in working to establish cooperation bodies similar to Europol, e.g. CLACIP¹ and AMERIPOL².

Thus there must not only be collaboration in combating organised crime within European territory but the same effort must also be made outside where cooperation becomes ever more necessary to ensure collaboration with the Latin American and Caribbean countries and support for establishing and developing the organisations for cooperation and information exchange established on the American continent.

1 *Comunidad Latinoamericana y del Caribe de Inteligencia Policial* (Latin American and Caribbean [Police] Intelligence Community). Through its cooperation model, its policy of globalisation of the cooperation of the transatlantic regional alliances (SECI, EUROPOL, INTERPOL, AMERIPOL, the African police confederations and the *Centro de América y el Caribe* ([Latin]american and Caribbean Centre)), and its more traditional tasks (publications such as the report on drug trafficking and organised crime, and the planned cocaine logotypes for America).

2 *Comunidad de Policía de America* (American Police Community).

The national authorities in both regions, proceeding on the principle of "shared responsibility" and aware that only through close cooperation is it possible to defeat organised crime, have drawn up important agreements in this area, both bilateral and multi-regional (inter alia the 10-fingerprint requirement (Colombia) for confirming the identity of the offender, or agreements (Chile) on collaboration with European countries to combat national offenders operating in Europe, and the funding of an automated ballistic identification system).

The high level of activity by organised groups has made it necessary to define different strategies in response to this crime phenomenon, in particular the creation of operational teams dealing exclusively with the investigation of crimes committed by Latin American offenders as well as the building up of criminal intelligence archives designed to assist the activities of such investigation units.

All of which makes this continent, by its nature and the particular circumstances of crime there, something which really merits study by the European Community. What is of great value is the use and application of products that are specific and adapted to this crime context, e.g. assessment of the crime threat originating in Latin America and the Caribbean, specific training projects and joint operational teams.

3. Focus of crime

Within the LAC region there are a large number of criminal activities, even if cocaine trafficking is regarded as the most significant. Colombia is the main but not the sole producer since various surrounding countries such as Ecuador, Peru and Bolivia produce cocaine and the points of departure for Europe have been shown to include places such as Venezuela, Caribbean marinas, Suriname, Bolivia¹ and Guyana. The chief means of transport are small craft and containers, although air couriers and more recently cargo aircraft are also used.

¹ 5031/10 CORDROGUE 3 AMLAT 1.

Other criminal activities carried out by organised groups are kidnapping, trafficking in human beings, counterfeiting, intellectual-property crimes (agri-chemicals, foodstuffs, medicinal products, toys, brand-name clothes, software, music, etc.), property crimes, etc.

Conclusions drawn up by the Chairman of the meeting

- ✓ Bearing in mind that the meeting of liaison officers for the LAC region in Bogota (Colombia) is an ideal forum and ought to be held on a regular basis in the future to achieve tangible results,

- ✓ Promote and develop a cooperation framework for a crime prevention and suppression strategy based on the Treaty of Lisbon, the EU's Internal Security Strategy and the Stockholm Programme, by gathering intelligence on:
Typical activities, trends, tools and criminal practice specific to organised crime groups established in countries in the LAC region which could be exported to EU Member States;
 - Promote coordination and cooperation between the EU Member States' liaison officers in the LAC region¹;
 - Step up cooperation with liaison officers from the member countries of the Latin America and Caribbean Group posted to the European Union and with the police authorities of the countries in that region;
 - Promote and step up cooperation by liaison officers from the member countries of the Latin America and Caribbean Group with police authorities in third countries and international agencies (INTERPOL and US)²;
 - Use intelligence processed by other liaison officers and set up further data exchange networks with neighbouring regions or regions where crime is prevalent (Africa, Russia, Belarus or Ukraine).

¹ 5099/1/10 REV 1 ENFOCUSTOM 3.

² Through the contacts via INTERPOL in recent years, it has been found that a large proportion of the violent crime perpetrated by these organisations has passed unnoticed by European police, with criminals from the Maghreb or Asian countries being blamed.

- ✓ Support the *Operating Agreement between EUROPOL and Colombia*, with due regard for the protection of personal data and secure use of them;
- ✓ The importance of the LAC region¹ in international drug trafficking and related crime. It should be noted that gang members move around, not only from Africa to the LAC, but also from other organised gangs, such as the Russian gangs.
- ✓ Set priorities in the fight against crime committed by the various groups in order to be able to anticipate different "modus operandi" in order to prevent crime, thereby helping to improve the response at European level by setting homogeneous guidelines for investigating crime, including:
 - Monitoring messages sent out by prisoners;
 - Drafting common legislation authorising intervention on the high seas;
 - Controlling money transfers (almost all of which are handled by Western Union);
 - Drawing up recommendations for systems to detect criminal activities such as the methods of concealment used throughout Europe:
 - **DELETED**.

¹ 5645/10 JAIEX 12 RELEX 82 ASIM 14 CATS 10 JUSTICIV 19.

- Avoiding loopholes in Community law such as the opportunity to conceal genuine documents (e.g. persons detained who claim to come from countries which have no readmission agreement (for instance, Cuba), in order to avoid expulsion or persons sentenced to several years in prison, who claim to come from a particular country (for instance, Peru) and afterwards produce their papers in order to get their sentence reduced);
 - Feeding information concerning such occurrences into databases and coordinating ongoing investigations.
- ✓ Coordination¹ between agencies and platforms operating in the LAC region (FRONTEX, EUROPOL, INTERPOL, UNDOC, Drugs Observatory) in order to avoid duplication and work out a matrix of ongoing training activities and projects in that region. Coordination and cooperation using the means provided by the Treaty of Lisbon help to build up capacity in neighbouring countries regarding all matters and are the key to stability, requiring a sustained effort².
 - ✓ Keep up the bilateral training effort through the intermediary of European and international agencies, while ensuring that the resulting training network (designed to support bodies responsible for anti-drug trafficking measures, border control, tightening of anti-corruption measures and the legal system)³ can be monitored using an instrument to avoid duplication of training courses and can be relied on, at each seminar, to provide training for several officials in charge of the units concerned.
 - ✓ Establish a network of national contacts.

¹ 5099/1/10 REV 1 ENFOCUSTOM 3.

² 5153/10 JAI 13 CORDROGUE 7.

³ 5031/10 CORDROGUE 3 AMLAT 1.

- ✓ In cooperation with the authorities of the LAC States, set up a system to facilitate cooperation with the Financial Intelligence Units (FIUs) and the FFCCs, through which optimum use can be made of any legal instruments available to carry out asset investigations and to block, embargo or even confiscate assets and proceeds¹ from crimes committed by the criminals at issue which in most cases remain out of reach of the European judicial authorities. To this end:
 - step up cooperation with Asset Recovery Agencies;
 - activate the fifth round of mutual evaluation;
 - increase protection for witnesses in financial crime cases;
 - encourage forfeiture of property (under the Colombian Law on *Extinción del dominio*"), which is essential to recover assets.

- ✓ Establish an early-warning network focusing on movements by criminal groups attending fairs or conferences, as a first stage in any joint operations or investigations.

- ✓ Set up a system to house video or photographic records of banks and jewellers' shops and unidentified fingerprints taken at crime scenes. And establish procedures for centralising requests and seeking cooperation from the various South American countries' authorities in comparing arrested persons' fingerprints in their respective national records, so as to try and speed up response and channel all available information.

- ✓ Introduce abduction arrangements² for each South American country, reflecting prevention policies, victim awareness and local authorities' role.

¹ 5031/10 CORDROGUE 3 AMLAT 1.

² This offence in some cases makes up 10 % of all crime and involves common criminals, paramilitary groups, members of the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN), extortionists and even some local police.

- ✓ As most women trafficked from Latin America and the Caribbean are not minors and, being aware of the traffic, do not regard themselves as victims, EU-LAC arrangements should be established, including a variety of measures:
 - victim protection programmes;
 - adjustment of the law on both sides;
 - training of both police and those looking after victims;
 - action plans;
 - involving civil society, conducting campaigns etc.;
 - establishing profiles (of victims and recruiters) and databases.

- ✓ Establish databases, for future inclusion in common records held by Europol, to contain images, unidentified fingerprints etc.

- ✓ Introduce intelligence tools¹, especially an LAC threat assessment, to identify priorities and any action entailed, in order to agree on a common strategic approach to crime, so as to:
 - give greater priority to investigations, with South American countries' assistance, to prevent systematic use of fraudulent passports issued in those countries;
 - bring to light relationships between American groups and African gangs;
 - give greater priority to offences tending to go unnoticed, which may even make up a large proportion of crime, such as trafficking in species threatened with extinction, the third most profitable business in the world, where the continent is the leading exporter;
 - establish profiles for money transfers from Europe to South America, in order to uncover gangs;
 - identify FARC involvement in drug trafficking: crop growing, airstrips, transport and laboratories.

¹ 5842/10 JAI 90.

- ✓ Supply regular information (in particular to Europol and Interpol) on organised crime groups dismantled or under investigation (including statistical data) for drug trafficking and other offences committed by criminal groups in connection with LAC countries (specifying type of drug, degree of purity, modus operandi and origin of organised crime groups involved).
- ✓ On the basis of risk assessments, step up and improve security checks (on individuals, luggage etc.) at small ports or airports not normally supervised by the relevant authorities, focusing particularly on locations used by small boats¹ or aircraft.
- ✓ Production conditions vary nowadays, as a result of many factors, and LAC countries' forensic studies should therefore make more accurate forecasts, especially as most forensic laboratories basically examine cocaine for the purpose of identifying the product, without going into quantitative details². Since we need more information on cocaine production, we should thus establish an official laboratory for each region or country.
- ✓ As many killings in the continent (over 80 %) are carried out using firearms, with a low proportion of cases being cleared up, owing to decentralised ballistic laboratories, a lack of electronic systems for comparing cartridge cases and projectiles and, above all, inadequate coordination between the main law enforcement agencies, there is a need to establish a national ballistic evidence centre:

¹ 14470/1/09 ENFOCUSTOM 102 REV 1, action point 8.

² Whether for seizures (purity varies from one shipment to another), for coca leaves (content depends on environmental conditions) or for crops (whereas several years ago the same plant would produce only two crops a year, it may now produce as many as five); nor do they ascertain the chemical form of coca (what is thought to be the end product (cocaine hydrochloride) is sometimes actually an intermediate stage).

- housing all ballistic evidence;
 - providing approved electronic systems for the various types of comparison (Ibis, Condor, Tais, Balscan or Evofinder);
 - taking samples from all arms seized.
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- ✓ Promote and develop Interpol databases (MIND/FIND) as an integrated arrangement.
 - ✓ Promote, within the LAC area, a networked database having access to all bodies, for the purpose of obtaining documents, and providing a source of information on real estate, vehicles, ships and aircraft, companies, businesses, financial products and livestock.
 - ✓ Promote and participate in joint investigation teams and report their findings to Europol/Eurojust.
 - ✓ Promote and encourage implementation of the Presidency conclusions on strengthening protection of EU external borders in combating illegal immigration¹.
 - ✓ Promote and implement the mini-Dublin group recommendations of 19 January 2010 for LAC countries².
 - ✓ Implement the measures suggested for Central America³.
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¹ 6435/1/10 ASIM 27 FRONT 18 COMIX 131 REV 1.

² 6207/10 CORDROGUE 23.

³ 5451/1/10 CORDROGUE 14 AMLAT 6 REV 1.