



**Relationship between organized crimes
and corruptions in unstable countries. Ex.
Iraq**

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Abstract

Organized crime and corruption are formed by the weakness of the control mechanisms of governments. This article illustrates the links between the growth of corruption in unstable communities and relationship with organized crimes. The two types of complicated crime strengthen each other. To recognize and separate the significant factors behind the growth of organized crime and corruption in the public sector. This article is examining qualitative and quantitative areas of these crimes in detail and explains Iraqi situation as an example. This research will explain the danger of these kind of crimes and their bad impacts of the public interests. Moreover, this study will provide a set of evidence-based policy recommendations, to prevent corruption and organized crimes according to Iraqi penal code and other international criminal laws

Key words: crime, corruption, organized crimes, law enforcement, public interest, transparency, political parties.

Introduction

Crimes and criminals are threatening a society, it becomes a universal phenomenon. Crime is a primary concern of all countries, law enforcement members and all members of human community. Especially in unstable societies these crimes are major concern for people. Rising crimes in any legal system are an example of a disordered, messy and disturbing situation for the country. Among all crimes, certain crimes are implemented continually by certain criminals, in order to gain profits. Further international and national communities are concerned about Corruption crimes which has been described in various ways and can be defined as the misuse of public office for personal benefits. According to Iraqi penal code to commit a crime there are three stages that needs to be accomplished. First, there should be an intention to commit a crime. Secondly, there should be an attempt, i.e., attendance of some illegal actions being committed. Lastly, the effort should be accomplished for the commission of that crime. This article makes an attempt to identify major aspects of organized crimes and corruptions in unstable communities such as Iraq. The legal agenda surrounding these crimes and the challenges faced by the government to control these crimes. The research will explain a necessary recommendations and suggestions to control organized crimes and corruptions especially in unstable communities, Iraq as an example, as a part of conclusion will be provided.

Organized crimes

Many institutes, researches, international organizations and scholars have been defined organized crimes. There are no specific definitions for it, this article will illustrate main meanings and definitions of organized crimes. During the 1950s and 1960s the terms of organized crimes appeared in media, press and law fields in Germany and USA¹. It is obvious that, organized crimes are historically having a foothold on most countries in EU and USA under various names like Mafia and other criminal groups. According to the UN, organized crimes is a criminal group contains from three or more persons doing illegal activities to obtain a direct or indirect profits, financial or any other elements.² It seems clear that main aspects of organized crimes are, illegal activity, a group of three or more individuals and a purpose of financial profits. Developed and stable countries are working very hard to defeat organized crimes by many plans and various ways such as new powerful legislations especially EU members. Organized crime has always been one of the concerns of the EU members. International agreements against organized crime has always been necessary and highly recommended. According to the Treaty of Amsterdam, organized crime, listed with terrorism and drug-trafficking, as a dangerous criminal action³. It obvious that international communities are concerning about organized crimes because of its bad impacts on public sector, public interests and economic sector which is badly affect stability and governments liability. Especially in unstable countries politicians and other employees have been involved in such a dangerous crime.

Identifying Organizing Criminals

It is significant to recognize organized crimes, how can be these criminals identified and the groups they work with? There are, generally indicating, four ways for recognizing organizing criminals. First, there is the use of recommendations. in the context of organized crime there is something needs to be asked for, such as asking police officers and other law enforcement departments who they think must be on the list of organizing criminals. Police departments and investigators are the main recourses of these information's about suspects in various fields of crimes they can offer valuable information about criminals, groups and illegal activities⁴. They can publish a list of suspected criminals whom involved in

organized crime. Second, authorities can use a crime data to classify organized crime by reference to its significance. Thirdly, Suspicious illegal activities for example suspicious transactions financial businesses can indicate the actions of organizing criminals as they launder their profits. other unusual behavior, for example an increase in what appear to be marriages of convenience can reveal the illegal migration patterns of organizing criminals and people who are clearly living in high class life with a very small legal budget or a small amount of salary, they buy a fancy house and fancy cars with this small amount income this is indicates of illegal income that may be from organized crime. finally, there is the secret policing world, where intelligence on groups and criminals is gathered from a variety of faithful sources, to find out criminal activities and organized crimes in a specific area.⁵ It can be seen that, these crimes can be detected and criminal organizations can be found if police and other related politicians and authorities are work together to defeat them by arresting them and send them to jail.

Organized crimes in Iraq

After 2003, growth and development were expected in Iraq, but because of unstable political and economic status especially in oil field the situations become much more worse. Organized crimes acted illegally to spoil the oil industry in order to get personal benefits. The corruption spoiled the development and many public sectors are involved in bribe and many other crimes that can destroy the stability of Iraq, such as smuggling of oil, theft, killing, kidnapping and the theft of antiquities. Furthermore, along with these crimes corruption has a major role to support organized crimes to grow. Especially, during the elections these groups such as Militia and other groups use to fund their campaigns to obtain more authorities and to control the power.⁶ This can be noticed by any Iraqi citizen the political situation affected badly in economic and social life, that's why some necessary steps must be taken to control these crimes which will be provided in this research later on. On the other hand, civil wars and group conflicts over power or ethnics raised in Iraq that's why the difference between war and crime becomes increasingly unclear, not only because wars are usually started by criminal means, but because the reasons of the participants seem a little different from those of criminal gangs. It can be anticipated that as states lose their control over organized criminals, the established differences among crime and war would break down. Since the attack, Iraq has seen suffering from politically violence by protesters, but also a noticeable increase in organized crime⁷. these forms of violence are linked. Not only because they exist on the same range, but because that much of the organized crimes recently practiced inside Iraq that's why described as dual-purpose serving the criminal organization goals and political goals to fulfil individual desires⁸. It is obvious that, political goals are over people's interest in Iraq, that's why organized criminals are growing. Individual desire of some politicians and employees are much higher than public interests desire. That's the main reason of increasing crimes and corruptions. Some parties believe that nearly any replacement regime would be better than Saddam Husain's regime⁹. However, some people of the southern of Iraq regretting for the change that happened in 2003 despite all crimes that the regime did in the past including Anfal and bombing chemical weapon on Kurds people in Halabja. On the other hand, organized criminals growing by using new technologies such as internet to commit their crimes. The aim of these crimes are to gain profits and to threaten the security and stability of societies. after the discovering new technologies, these crimes increase widely, particularly after 2003, due to the wide spread of mobile phones, laptops and other devices, where these crimes became easier. It requires less cost, time, and effort unlike old-style crimes. Beside the dangerous crimes many other social problems occurred such as family breakdown and the practice of several types of unusual behavior appeared, such as committing electronic crimes like electronic fraud, electronic terrorism and other group crimes have been increased Iraq¹⁰.

Corruption

it is difficult to find a specific definition for this term. Many countries and researchers are defined the corruption in a different way. It is available in many countries and many more countries fighting against corruption. The corruption can be defined as using the power of public service for the personal gain in an illegal way for instance, money laundering, fraud, black market and drug dealing. It is using public power or political power for the personal interests.¹¹ It seems clear, corruption is a disease growing in some countries like Iraq and defeated in other countries like Europe countries. Government must work very hard to defeat this disease in order to save people and to save the Economy¹². Corruption is an old problem. Especially on public management and governments dating back to the 4th century. it believed that it is difficult for a government employees not to take some benefits for themselves. Just as an example it is very hard for a fish probably cannot be prevented from drinking or not drinking water,

same ideas for government employees in the public sector cannot be easily found out while taking money or not. World widely, corruption has always been with us long ago, in different places at different times, with some different crimes will damage communities. In a many cases corruption generally means the use of public office for private benefits, also the use of political power for the benefits group of people.¹³

Identifying Corruption

Corruption can be identified by three elements first, a powerful person, who has an authority in administrations in governmental sector. Second, the power should affect economically. Third, the system of law should offer necessarily low possibility of detection or low penalty for the corruption. Corruption happens when the power is misused especially for the purpose of getting more personal benefits usually for the benefits of criminal organized groups that ruin the society. Three types of powers are necessary in each country. First, political power, second, judiciary power, Third, administrative power. If these three powers have been misused corruption will take place. Employees work for the criminal organizations instead of working for the government or public interest¹⁴. On the other hand, there is another identification of the corruption in Banking sector which is significant governmental sector which is very dangerous for the trust of government nationally and internationally. It is enabled by the attendance of numerous sources at once. The main reason for this crime is low moral education and careless attitude of some employees, also illegal acts of employees are concerning the liability of public sector, also weak control by the government and law enforcement sectors are the major reasons for growing that type of crimes, especially in Banking sector¹⁵. It is obvious, criminals can be identified easily through the investigations, what they own before working in public sector and what they have after that. Especially in banking sector, government must put restricted regulations to prevent employees from taking people's money.

Corruption in Iraq

After 2003 the word corruption became very familiar and famous in Iraq because of organized crimes and frauds which happens in public sector. Iraq is evaluated as a very high in the world in corruption. Iraq, is in the top of corruption countries in the world, after Iraq these countries are listed, North Korea, Venezuela, Yemen, Libya, Sudan, Syria and Afghanistan. Furthermore, corruption has a strong harmful impact on the whole economy, this also had a negative impact on small businesses which affects the economy in a very bad way. There are a lot of factors that stands behind destroying the economy of Iraq such as, politics, weak government, organized crimes, bribe, militias and other illegal activities¹⁶. Iraq has been suffering even before 2003 due to various factors: the invade of Iraq, the government's disability to represent the state's many ethno-religious characteristics, many years of undemocratic rule under Saddam Hussain, and wars, foreign interfering, and UN sanctions. In the result of the unexpected removal of Saddam's regime, the lack of political preparation for the US change in period (2004-2005), the brutal de-Baathifications process and the Iraqi army's dismantling worsened the situation of Iraq. The Shia elected Nouri Al-Maliki to become a prime minister (2006- 2014), he was extremely discriminatory against the Kurds and Sunni-Iraqi, did nothing well but worsened the economic and political situations. Moreover, the Iraqi government after Maliki were the same although Kurds and Iraqi army were busy with war against ISIS, the central government in Bagdad did nothing serious to prevent the corruption.¹⁷

Remedies and solutions to prevent Organized crimes and Corruptions

Most of developed countries are working hard to prevent financial crimes and organized groups behind these crimes by making new legislations and strong rules. A more planned effort to find some useful remedies to the problem of growing corruptions and criminals, countries started to strengthen their laws especially EU countries have a strong plan to prevent these crimes through legislation, by the 'EU Steering Committee on Crime Proofing'. This solution is contained of a formal "legislative crime proofing" procedure, according to a high-level system – so called 'Crime Risk Assessment Mechanism' – this mechanism is providing new legislations to reduce and control these crimes, regularly developed tested in various areas normally associated to financial crimes. The procedure is planned to apply only to policies and legislation¹⁸. On the other hand, USA efforts to prevent corruption is widely growing and has a great impact on reducing these kinds of crimes. The UN Agreement against Corruption establishes as a new source of international law the direct return of illegally gained property or any other illegal profits through a combination of civil activities and international cooperation against these Furthermore, It also requires from members to the Convention create liability, including public liability, for the felonies of corruption established. Additionally, the UN Agreement asks states to guarantee that entitled individuals that have suffered or caused a damage from corruption have a right to pledge legal procedures against those

accountable for that damage in order to gain compensation^{١٦}. It seems clear that all countries are suffering from corruption and organized crimes but un the same time they have a plan to control them by making and applying new regulations for the police and judicial system. This is exactly what must be done in Iraq, with other necessary steps that this work will provide them later on. In addition, other countries were involved in corruption and organized crimes decades ago such as Hong Kong, but they have moved forward with new regulations and new establishments to prevent these crimes, some necessary steps were taken like, strengthen punishments, educations for all, fighting with criminals and catching them. In order to prevent employees from taking or accepting bribes the government payed high salaries for public sector officers to prevent them from committing any illegal activities. Moreover, effective promotion offered for employees, and liability management behavior have been declared for all employees. Also, guidelines and restricted regulations announced for all public-sector employees and government departments. These steps achieved in spreading awareness between government employees One of the most necessary steps is, creating anti-corruption rules, in order enables victims to organized criminals. However, international communities must cooperate against these kinds of crimes to defeat criminals. Fighting crimes such as corruption is not easy task in view of the variety of legal civilizations, different levels of cultural behavior and different political system, economic conditions that describe the international community. Confusing this variety is the absence of a clear connection of traditional behavior and government system to solve and prevent crimes may not fulfill the requirements and necessary steps to provide security. The state must provide the rule of law, to control criminals and employees from involving in illegal activities. Corruption is usually seen as an misuse of power. To prevent misusing power, anti-corruptions rules are necessary needed. This power is mostly connected with the organized crimes working illegally with employees and the violence of the citizen's trust^{١٧} Government must have anti-corruption strategy, one particular idea or one type of remedies are not working in all countries. Each country must have their own planes to reduce and fight corruption. An anti-corruption strategy must be planned with the seeking for specific causes, and reasons behind growing these crimes. To fight against them it is necessary to acknowledge the employee's circumstances and life situations of all public-sector employees in order to support them by government and prevent them from involving with criminal organizations.^{١٨}

The Commission of Integrity

The best anti-corruption institute in Iraq is (C.O.I.), it is claimed as an independent body of Iraq whose main job is fighting corruption. The Coalition Provisional Authority established this institution in 2004. After that, the Iraqi parliament in 2005 gathered and decided the Commission of Integrity as independent institution, accountable only to parliament. The C.O.I. aims to fight against corruption and organized crimes in Iraq according to its functions. The first one is to investigate the corruptions through police and judge; to suggest adapting current laws and asking for new legislations for fighting corruption and encouraging transparency, responsibility and asking ministers and high position employees to reveal their financial status. The second function of the Commission of Integrity is to promote the integrity and ethical values in the society especially in educational field in support with both the Ministry of High Education and Ministry of Education^{١٩}. In addition, a new regulation has been established by Iraqi parliament in 2011, entitled Regulation No. (30.14) about promoting (C.O.I). Furthermore, this new regulation contains important and positive changes in the power and authority of the C.O.I. The rule confirmed that the Commission of Integrity is a completely independent body accountable only to the parliament. However, before passing this new regulation, the head of this institute was appointed by prime minister and he has the authority to dismiss him, but according to the new regulations the head of C.O.I is must be appointed by the Iraqi parliament and only Iraqi parliament has a power to dismiss him^{٢٠}.

Integrity Committee in the Iraqi parliament

This Committee is an important body of anti-corruption in the Iraqi parliament. This significant committee has been established by the various Iraqi parliament members after 2003. The Integrity Committee contains of 21 members of parliament, one of these 21 members will be elected as a chairman of the committee and another member as vice-chairman. Moreover, the role of the committee is to investigate governmental cases and financial corruption in different organizations of the Iraqi government; most important function is monitoring the work of integrity departments for instance, Supreme Auditing Board and the Commission of integrity; in order to suggest draft laws about improving integrity sectors to parliament. The committee must investigate each case referred to it and report the cases to the parliament. To describe the illegal activities, the remedies and punishments also necessary steps that the committee

require to be taken in order to reduce and prevent criminals from doing corruptions by using their power. The Committee has investigated several complex cases of corruption in Iraq which has a great effect on reducing such crimes^{٢٤}. In addition, most of these institutions are established by similar departments in the Kurdistan region Government, and they have a sillier or more powers and areas of work. However, the practices of the staff of anti-corruption in KRG is less than their counterparts in Iraq^{٢٥}. It can be noted that KRG has more transparency and less corruptions than Iraqi Government that's why KRG is economically growing and presents a better service for his people. The Significant and the biggest issue in Iraq is (Muhassasa) and it has a bad effect of preventing corruption it is the influence of power division between some political and ethnic groups on the procedure of responsibility. It is strange that a group of Shia in parliament protected his minister from accountability of his corruption just because he is Shia, when members of parliament questions an official, his background group will defend on him instead of punishing him by being silent and not vote against him. This is also right for Sunni and Kurdish Iraqi officials. In 2008, Iraqi members of parliament asked the minister of oil (Hussein Sharstani), , for questioning on many cases and problems in the oil field in Iraq for instance exporting oil and the metering system, and more other issues, After the procedure of the questioning, most members of parliament realized that his explanations and defenses were not sufficient to convince parliament. So, they recommended to withdraw trust from him. At the beginnings, they have many supporters to resign him, but later on all the Shia groups did not supported to withdraw him^{٢٦}. It seems clear that, the main reason for growing corruption is weak political system, as mentioned above (Muhassasa) is the biggest challenge facing anti-corruption bodies in Iraq. So, in order to defeat corruption, the parliament must work to find out a better governing system to protect the economy and to protect people's interest to achieve this level we need fully independent police, judges and monitoring institutes to monitor anti-corruption bodies and to defeat organized crimes by applying Electronic government and provide more transparency in all governmental departments.

Integrity commission in Kurdistan Region Government

The Kurdistan Commission of integrity has been legislated by the Kurdistan parliament in early 2016. The legislation is considered as one of the important anti-corruption law in the Kurdistan region. Lately, the commission performed significant role in fighting corruption in the Kurdistan region. Numerous corruption cases were recorded in the commission's court rooms and many reports about corruption have been published by the commission of integrity (KCI). Consequently, the integrity law has huge effects on reducing corruption cases. Furthermore, the anticorruption departments of NGOs have been effectively participated in the commission of integrity's law negotiations^{٢٧}. There is a strong relationship between integrity commission in Kurdistan region and judicial authority in order to defeat criminals and prevent employees from doing corruptions. The KCI is completely separated anti body corruption in Kurdistan and it has authority to investigate financial corruption cases I all ministry departments. Furthermore, they can refer the case to the court in order to punish criminals according to laws. In a meeting with head of integrity commission of Kurdistan with a delegation of judicial system to co-operate with each other to strengthen their relationships to apply justice.^{٢٨} It is obvious that, KRG integrity commission is working independently to reduce and to arrest criminals especially those whom involved in financial corruption.

Conclusions

One of the extreme dangers of corruption is a bad intention of some of public sector employs that enables organized crime to get a foothold and grow. When some of the police, legislators, judges are recognized as money takers, criminal's will take advantage of this opportunity in the rule of law, and such illegal activities will increase. Some of their most illegal profitable businesses will grow especially in unstable society, for instance corruption, people and drug trafficking, bribe and many other crimes. It is obvious that, countries who involved in such a crime are usually decreases their economy, nationally and internationally will be affected because criminal activity may become so intertwined with legal business and politics that it will be difficult isolate them. Success in Iraq could be achieved by applying new legislations and changes in different areas of government. The local police, Militias and Organized Crime Task Forces and the change of involved juristic authorities and other governmental departments. In contrast people will get benefits from these changes. Numerous steps can be taken to reduce corruption and organized crimes as we can summarize them here as a recommendations and suggestions to defeat such dangerous crimes

1. Making new legislations or amending existing laws to be stronger.
2. Strengthen the anti-corruption bodies.
3. Improving education system, in order to teach our generations to keep the level of dignity and integrity up, and teach them how to obey the laws.
4. Improving human resources and employee awareness and capability.
5. Improving the ability of police station department.
6. Improving Judicial system to be independent and powerful.
7. Separation of power must be practiced clearly in the Political system.
8. Prevent the Iraqi political and ethnic groups from interfering to public sectors.
9. Applying Electronical government to all public sectors to provide the transparency and to avoid a contact between customers and employees.
10. E-government is useful for Iraq in many fields such as reducing corruptions, presenting better services for people with less time, and less money needed to spend by government and people.
11. Organized crimes and corruption have a strong link with each other, must be disconnect them through laws and new governmental mechanisms.
12. Guns and power must be withdrawn from (Melishia) and other ethnic groups.

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