

# المواجهة القانونية الدولية والوطنية في مكافحة الجريمة المنظمة

## International and National Legal Responses to Combating Organized Crime

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### الملخص:

تشكل الجريمة المنظمة بشكل عام تهديداً عالمياً، وتأتي في مقدمتها غسل الأموال وتمويل الارهاب، والمخدرات، والاتجار بالبشر، وهذه جميعها ذات خطر كبير ومتزايد على الأمن العام للدولة، نتيجة الانفتاح الكبير بين دول العالم عبر التبادل التجاري ونقل البضائع الإستهلاكية، وما أدى إليه، من هجرة وتجارة غير شرعية، وغسل الأموال، ونقل للمواد المخدرة والمؤثرات العقلية، فضلاً عن، الثورة العلمية الهائلة التي شهدتها العالم في كافة الأصعدة والمستويات، أثرت بشكل مباشر في مجتمعات جميع الدول، من الناحية الاجتماعية، والأقتصادية، والأمنية، الأمر الذي نتج عنه الجريمة المنظمة في الواقع، والتي تعد أكثر تحدياً أمنياً تواجهه دول العالم، على المستويين الداخلي والخارجي، لذا أجهت جميعها إلى تجريم هذه الأفعال المنظمة، وذلك أما بواسطة قوانينها العقابية، أو بإصدار قوانين خاصة، وفي الواقع، فإن مكافحة الجريمة المنظمة، تتطلب جهود إستراتيجية مكثفة، وتعاوناً دولياً لمكافحتها عبر أطر قانونية مشتركة، كالإنتربول، والاتفاقيات الدولية، مثل اتفاقية الأمم المتحدة لمكافحة الجريمة المنظمة (UNTOC)، هذا من جانب، ومن جانب آخر، وعلى المستوى الوطني، تتطلب الجريمة المنظمة مواجهة تشريعية فعالة لأجل مكافحتها، وتعزيز التشريع من قبل المؤسسات الحكومية الأمنية، والإجتماعية، والتعليمية، ومنظمات المجتمع المدني، وذلك من خلال الحث على تطبيق التشريعات الخاصة بمكافحة الجريمة المنظمة، ونشر التوعية بمخاطرها في أمن الدولة والفرد والمجتمع.

**الكلمات المفتاحية:** الجريمة المنظمة، الأمن الدولي، الأمن الوطني، الحماية القانونية، الآليات الدولية، الآليات الوطنية.

### Abstract:

Organized crime poses a serious global threat, with its most prominent forms including money laundering, terrorism financing, drug trafficking, and human trafficking. These crimes have increasingly endangered national public security due to intensified global interconnectedness, facilitated by international trade, the movement of consumer goods, and the rise of illicit migration and commerce. This has also led to the widespread circulation of narcotics and psychotropic substances.



Moreover, the massive scientific and technological advancements witnessed worldwide have had a direct impact on societies at all levels, socially, economically, and in terms of security, ultimately contributing to the rise of organized crime. It is considered one of the most complex security challenges facing countries both domestically and internationally.

As a result, states have moved to criminalize such acts either through their penal codes or by enacting specialized legislation. In practice, combating organized crime requires extensive intelligence efforts and robust international cooperation, achieved through shared legal frameworks such as Interpol and international connections, notably, the United Nations Convention against Transnational Organized Crime (UNTOC).

On the national level, effective countermeasures must include comprehensive legislative frameworks, alongside the empowerment of government institutions, including security, social, and educational bodies as well as civil society organizations. These entities must work together to enforce anti-organized crime laws and raise awareness of the grave threats such crimes pose to state security, individuals, and communities alike.

**Keywords:** Organized Crime, International Security, National Security, Legal Protection, International Mechanisms, National Mechanisms

**1. Introduction:** Organized crime represents one of the most serious challenges facing modern societies, as it poses a direct threat to the security, stability, and wealth of nations. Due to its transnational nature, this form of crime has evolved into a complex and structured activity carried out by criminal groups with established hierarchies. These groups aim to generate illicit profits or gain control over unlawful markets or territories using illegal means. Organized crime is distinct from conventional crime in several key ways: it involves systematic organization, continuity, detailed planning, financial motivation, secrecy, and often the use of violence to achieve its goals. Moreover, it frequently operates across national borders.

Recent studies have highlighted a noticeable increase in organized criminal activities, particularly in the context of globalization. The growing interconnectedness between nations has facilitated the expansion of criminal networks that seek financial gain through illicit activities. This has undermined personal security and social stability, making it increasingly difficult for states to fulfill their commitment to building safe, sustainable communities. These developments call for intensified academic and practical efforts to understand the root causes of organized crime and to develop effective strategies for combating it. Especially since there is a lack of scientific work on how Iraqi courts interpret organized crime laws, as well as, There is also a specific enforcement challenge (such as corruption, lack of resources, and institutional overlap).

This research aims to provide a comprehensive framework for addressing organized crime by analyzing the factors contributing to its spread and evaluating existing policies designed to counter it. The importance of this study lies in its focus on safeguarding both human and economic resources within society. Protecting individuals from the dangers of organized crime is essential to preserving national wealth and sustaining the qualified human capital needed for long-term development.

The study adopts an integrated research methodology, combining theoretical analysis of existing literature with practical recommendations for mitigating the risks posed by organized crime and strengthening national and international responses to it.

**2. Methods:** This study relies on a descriptive and analytical approach, focusing on identifying the underlying causes of organized crime and analyzing the current policies in place to combat it at both the international and national levels.

**3. Results and Discussion:** Organized crime represents a complex form of criminal activity carried out by highly structured groups seeking material or non-material gains through illegal means. It is characterized by essential elements for its establishment, including the legal element: embodied in domestic legislation implementing the United Nations Convention against Transnational Organized Crime, as well as the material and moral elements<sup>1</sup>.

This type of crime is defined by meticulous planning, specialization in illicit activities, and long-term operations. What sets organized crime apart from conventional crimes is its scale and level of organization. It often involves large networks, significant funding, and cross-border operations, whereas ordinary crimes may be committed by individuals or small, loosely connected groups. Consequently, organized crime poses a more serious threat due to its potential to destabilize states, undermine economies, and jeopardize national security<sup>2</sup>. The 2000 United Nations Convention against Transnational Organized Crime, known as the Palermo Convention, provides a comprehensive framework for combating such crimes. Adopted by the UN General Assembly on November 15, 2000, under resolution U.N.DOC.A/RES/55/25 2000, the Convention defines organized crime as criminal activity committed by a structured group, not formed randomly, for the purpose of committing serious crimes over an extended period, with the intention of gaining financial or other material benefits. The group must consist of at least three persons, but it is not required to have clearly defined roles or a permanent structure.

Similarly, the European Union's Drug and Organized Crime Task Force defined organized crime in 1993 as a group of more than two individuals engaging in criminal activity over a specific or indefinite period, with assigned roles within a



criminal framework. Their operations aim at gaining power or profits, often using violence, intimidation, and influence over political, media, economic, and judicial institutions.

An earlier definition provided by the African Regional Seminar of the International Criminal Police Organization (INTERPOL) in 1962 describes organized crime as criminal acts committed by a hierarchically structured group seeking profits through both legal and illegal activities, often relying on violence, threats, and bribery. These groups frequently extend their influence beyond national borders<sup>3</sup>. It is worth noting that Article 2 of the United Nations Convention against Organized Crime defines the activities of organized crime as follows: For the purposes of the treaty, organized crime means the activities of a group consisting of two or more persons that has a hierarchical structure or personal relationships allowing its leaders to generate profits or control territories or domestic or foreign markets through violence, intimidation, or corruption. This applies whether for carrying out their criminal activities or infiltrating the legitimate economy, particularly through illegal drug trafficking and money laundering, as defined by the 1988 United Nations Drug Convention; human trafficking, as defined by the 1949 Convention against Human Trafficking; counterfeiting currency, as defined by the 1929 International Convention on Counterfeiting Currency; illicit trafficking or theft of cultural property, as defined by the 1970 UNESCO Convention; theft, misuse, or threat of nuclear materials, as defined by the 1980 Convention on the Physical Protection of Nuclear Material; acts of terrorism; illegal trafficking or theft of weapons and explosives; illegal trafficking or theft of motor vehicles; and corruption of public officials.

Article 3 of the Convention further states that transnational organized crime refers to serious crimes meeting the criteria of Article 2 when committed by an organized criminal group in more than one country, or committed in one country but involving substantial preparation, planning, direction, or supervision in another country; or when committed in one country by an organized criminal group operating in multiple countries; or when the crime in one country has significant effects in another.

Some define organized crime as criminal groups committing serious offenses through coordinated actions across multiple countries, using intimidation, violence, corruption, or other means, to obtain direct or indirect financial or material gains or any unlawful objective.

From the foregoing, organized crime can be defined as a criminal activity based on careful planning, carried out by a group of highly skilled and experienced individuals aiming to achieve financial gain through the use of advanced and diverse

methods and techniques. In reality, organized crime has a profoundly negative impact on public security because it directly undermines societal safety and stability. It distorts the economy through unfair competition, spreads corruption, erodes trust in institutions, and exploits vulnerable individuals, such as victims of human trafficking<sup>4</sup>.

With the increasing openness and interconnectedness among countries, organized criminal operations primarily focused on illegal financial gain have proliferated, destabilizing individuals' security and making it harder for states to achieve the fundamental human goals of safety and sustainable societies. For these reasons, organized crime is considered one of the most serious threats to a state's public security, due to the following:

1. Organized crime transcends national borders and operates secretly, planned by qualified and highly experienced individuals.
2. Its primary objective is unlawful financial profit, and its members adopt a professional, complex criminal behavior characterized by extortion and exploitation, often buying individuals' compliance with money.
3. It is difficult to prove criminally because of sophisticated, cross-border planning, which makes gathering evidence and apprehending perpetrators challenging for the state's criminal justice system.
4. It causes serious social, economic, and political risks that directly threaten individual security and societal stability.

Given these grave dangers posed by organized crime, the question arises: What are the effective legal responses and protection mechanisms currently in place to combat it?

It is clear that general criminal law provisions may not adequately address the distinctive features and elements of organized crime due to its nature differing significantly from traditional crimes<sup>5</sup>. Organized crime is characterized by specific elements that distinguish it from other offenses, including organization, continuity, careful prior planning and preparation to commit crimes, pursuit of financial gain, secrecy, and use of violence to achieve its objectives. Furthermore, it is a transnational crime with various forms, such as maritime piracy, organized theft, counterfeiting currency, human trafficking, drug trafficking, illicit arms and ammunition trade, corruption, money laundering, and terrorist financing. These are all covered under Articles 5, 6, 8, and 23 of the United Nations Convention against Transnational Organized Crime and its supplementary protocols, including: The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, the Protocol against the Smuggling of Migrants by Land, Sea, and Air, and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition.





The following sections detail these crimes according to their threat level to human security and the legislative responses in Iraq.

### **First: Money Laundering, Terrorism Financing, and Legislative Response**

Money laundering is defined as the attempt to give illicitly obtained money a false appearance of legitimacy. Terrorism financing, on the other hand, is defined as the direct or indirect provision or collection of funds with the intent to use them to facilitate or carry out terrorist acts <sup>6</sup>

The Iraqi legislator addressed both crimes in Articles 3 and 4 of the repealed Anti-Money Laundering Law No. 93 of 2004, issued by the dissolved Coalition Provisional Authority by Order No. 93 of 2004, and Articles 1 and 2 of the current Anti-Money Laundering and Terrorism Financing Law No. 39 of 2015, issued by the Iraqi legislative authority under No. 4387 on November 16, 2015.

The risks posed by these crimes to human security are direct and severe. Committing such offenses results in significant negative economic impacts, such as the depletion of national income through the draining of stolen capital (foreign currency) from banks and its transfer to investments abroad <sup>7</sup> Additionally, these crimes disrupt national industrial projects and cause instability in the state's currency exchange rate (fluctuations compared to foreign currencies, especially the US dollar). Furthermore, they lead to the introduction of poor-quality or counterfeit goods into the local market, which ultimately weakens national industries and burdens the consumer.

### **Second: Drugs and Legislative Response**

Drugs refer to a group of substances that cause addiction and poison the nervous system. Their circulation, cultivation, or manufacture is prohibited except for purposes defined by law and only by authorized individuals<sup>8</sup>. When trafficked, distributed, or consumed, these substances become a social plague that harms the economic, social, cultural, and moral foundations of society.

This is reflected in the preamble of the Iraqi Drug and Psychotropic Substances Law No. 50 of 2017, published in the Iraqi Official Gazette No. 4446 on May 8, 2017. The law was enacted in light of Iraq's ratification and accession to several international treaties related to drugs and psychotropic substances. It aims to combat the spread of illicit trafficking of drugs and psychotropic substances in Iraq, suppress criminal gangs that mislead certain segments of the population, and encourage them to use these substances, which pose a serious threat to human health and welfare.

The law also seeks to protect the economic, social, cultural, and moral foundations of society and to adopt scientific standards for treating drug addicts. Furthermore, it promotes Arab and international cooperation to prevent or reduce the cultivation of drugs or plants from which psychotropic substances are extracted, considering them a dangerous plague threatening the fabric of society. The law establishes deterrent penalties for cultivators and traffickers.

However, despite the law's effectiveness, a notable criticism is that Article 33 criminalizes addiction, punishing it with imprisonment for up to three years. Since addicts are fundamentally sick individuals, incarcerating them alongside drug traffickers for this period will undoubtedly worsen their criminal behavior and deepen their addiction due to lack of treatment. Moreover, this increases the prison population, resulting in significant financial burdens on the state and inflating the public budget expenditures. The Iraqi legislator can reinforce this, and demonstrate alternative paths that Iraq can adopt by drawing on comparative experiences (for example, the decriminalization of drug use in Portugal and its rehabilitation model).

### **Third: Human Trafficking and Legislative Response:**

Human trafficking is defined in the Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which supplements the United Nations Convention against Transnational Organized Crime (the Trafficking Protocol). Article 3 of this protocol defines "trafficking in persons" as recruiting, transporting, transferring, harboring, or receiving persons by means of threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability, or giving/receiving payments or benefits to obtain consent of a person having control over another person, for the purpose of exploitation. Exploitation includes, at minimum, the exploitation of prostitution or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude, or removal of organs.

The Iraqi legislator criminalized human trafficking in the Anti-Human Trafficking Law No. 28 of 2012, published in the Iraqi Official Gazette No. 4236 on April 23, 2012. The dangers of human trafficking extend beyond individuals to threaten society and the state, and can be summarized as follows:

- 1. Undermining State Security:** Trafficking networks often operate across international borders, complicating government efforts to combat organized crime and posing a serious threat to national security.
- 2. Spread of Organized Crime:** Human trafficking finances criminal networks that also engage in other illegal activities such as drug trafficking and money laundering.
- 3. Economic and Social Harm:** Trafficking weakens the legitimate workforce and supports the informal economy, damaging the national economy.
- 4. Violation of Human Rights:** Victims are deprived of fundamental rights such as freedom, dignity, and personal security.
- 5. Psychological and Social Damage:** Victims suffer deep psychological trauma including depression, anxiety, and post-traumatic stress disorder, which can lead to social isolation and loss of trust in society.



**6. Physical and Health Exploitation:** Victims endure physical exhaustion from harsh working conditions or sexual exploitation, resulting in deteriorating health and diseases such as sexually transmitted infections.

A criticism of the Iraqi Anti-Human Trafficking Law is the absence of effective specialized mechanisms to combat this crime. To address this, the Iraqi legislator could adopt a cooperative and participatory policy involving: National collaboration between government institutions, non-governmental organizations, and academic circles. Relying on scientific research by involving universities and research centers to study trafficking patterns and propose solutions. Engaging civil society, including associations and organizations that support victims and raise awareness about the risks of human trafficking. Coordinating among government bodies such as judicial authorities, ministries of justice, labor, interior, police, intelligence agencies, national security, and counter-terrorism units to monitor and follow up on trafficking cases. Disseminating awareness programs through Iraqi media networks, satellite channels, newspapers, and local radio to alert society to the dangers of trafficking and educate on prevention methods. Regional cooperation through agreements establishing joint mechanisms for information exchange and tracking criminal networks. Security coordination through data sharing on suspects and activating training programs for security and judicial personnel. Harmonizing legal efforts by enacting unified legislation criminalizing human trafficking in line with international standards.

**International Cooperation:** This includes global programs such as the Palermo Protocol to Combat Trafficking in Persons and the activation of mechanisms to protect victims. It also involves bilateral and multilateral partnerships between countries to coordinate efforts and exchange expertise in investigating and prosecuting perpetrators of this crime. Support is provided to international organizations like the United Nations, the International Organization for Migration, and the United Nations Office on Drugs and Crime, which offer technical and financial assistance to combat human trafficking. Collaboration with Interpol is essential for tracking, apprehending, and extraditing human trafficking offenders to the competent courts. Efforts are underway to classify human trafficking as an international crime under the jurisdiction of the International Criminal Court by including specific provisions within the Rome Statute of 1998, similar to the other four core international crimes.

**Information and Expertise Exchange:** This is achieved through academic cooperation by sharing studies and scientific research to identify emerging trends in human trafficking. It also involves developing a shared database to track victims, perpetrators, and trafficking routes. Public awareness is raised through international and regional campaigns to highlight the dangers of trafficking and to support victims.



**Victim Protection Measures:** These include establishing specialized units to address the health, psychological, and social effects experienced by trafficking victims, as well as compensating them financially in amounts proportional to the harm they suffered as a result of being trafficked. Of note in the context of combating human trafficking are institutional weaknesses in Iraq (for example, the lack of victim shelters and underfunded investigation units). These are two critical and interconnected institutional challenges in Iraq's efforts to combat human trafficking: the lack of victim shelters and the weak funding of investigation units. These two factors represent fundamental weaknesses that hinder the entire system, as follows:

**1. Lack of victim shelters:** a waste of protection and rehabilitation. The shelter's role is not limited to providing housing only, but it is the nucleus of the victim protection system. Its absence or inadequacy leads to a series of failures, the most important of which is the lack of safety for the rescued victim. She is in a difficult psychological and physical state, and often faces threats from the network of traffickers. Returning her to her previous environment or leaving her unprotected makes her vulnerable to revenge or being trafficked again it also leads to impunity for perpetrators. A victim who does not feel safe will not cooperate with the judicial authorities. Fear prevents her from testifying or providing information for conviction. Without the victim's testimony, the case is greatly weakened or completely collapsed. It provides not only food and shelter, but also psychological and social support to overcome trauma, as well as medical care to treat physical injuries and illnesses, and legal assistance to understand her rights and how to proceed with the case. The opportunities for reintegration are through vocational training or education, because the absence of these services turns "rescue" into a mere transfer from one place to another without radically addressing the damage<sup>9</sup>. Moreover, there is limited dependency on international organizations, as our country, Iraq, relies largely on organizations such as the United Nations High Commissioner for Refugees or the International Organization for Migration to provide shelter and support, while this support is valuable. However, it is unsustainable and insufficient to cover needs nationwide, and is subject to shrinking funding and international priorities.

**2. Underfunded investigation units:** Paralysis in the prosecution process, as the lack of funding paralyzes anti-human trafficking units in several aspects, including a lack of trained and specialized personnel. Human trafficking is a complex crime that requires investigators trained to deal with victims in a psychologically sensitive manner, understand the mechanisms of organized crime, and collect digital and financial evidence. The lack of funding means the inability to organize specialized training courses or appoint experts. Weak logistical and technical capabilities. Investigators need transportation, communication devices, surveillance technologies, and tools to collect evidence. Lack of funding leads investigators to work with



primitive and inappropriate tools to confront organized criminal networks that may be well equipped. In addition, investigations are slow and evidence is lost. Due to lack of resources, investigations may take a long time, allowing trafficker's time to destroy evidence, escape, or intimidate witnesses. Lack of incentives and protection for investigators working to combat human trafficking is dangerous and arduous, and a lack of funding can mean low salaries, lack of adequate health insurance, or protection for investigators and their families from gang threats, affecting morale and leading to the displacement or lack of attraction of talent. And the destructive intersection, when the lack of shelters meets the lack of funding, these two factors do not work in isolation from each other; rather, their impact is exacerbated when they meet, by turning the victim into a problem for the investigation unit that succeeds in identifying and freeing a victim who faces a dilemma, where do you put her? In the absence of shelters, the victim may have to be detained in a police station or prison for protection, confusing the victim with the criminal and causing her a second trauma, or she may have to be released because there is no alternative. In both cases, the victim's trust in the official institution is broken, as well as the cycle of failure: the absence of a shelter leads to the victim's lack of cooperation, which leads to a weak case and impunity for the perpetrators. The impunity of perpetrators sends a message that crime is profitable and low-risk, increasing its spread. The spread of crime increases the burden on investigative units that are essentially underfunded, failing to achieve results, undermining credibility and reducing the incentive to allocate larger budgets, and so the cycle turns, and these weaknesses reflect a broader challenge in the priority of public policies, combating trafficking. It does not receive sufficient funding and attention compared to other security challenges in Iraq. To address these gaps, there is a need for: political will, by making combating human trafficking a national priority, translating this into increasing financial allocations in federal and local budgets directly to the protection (shelters) and justice (investigation units) sectors, and building effective partnerships through real cooperation between the government, international organizations and civil society to establish and manage specialized shelters and train personnel. Adopting a victim rights-based approach, placing the victim's needs and protection at the heart of the fight, rather than viewing them merely as a tool of proof. Consequently, the lack of shelters wastes opportunities to protect victims and achieve justice, and the lack of funding for investigation units paralyzes accountability mechanisms. Addressing these two weaknesses together is a crucial step toward breaking the cycle of impunity and rehabilitation in Iraq.

#### Fourth: Currency Crimes and Legislative Response

Currency refers to money, which is any tool of payment and a measure of value issued by the state or authorized by it, and widely circulated in society<sup>10</sup>. Currency or money is the primary means individuals use in their transactions based on trust. However, with the expansion of technological development, the techniques used to counterfeit currency have advanced to a degree that makes it difficult to distinguish fake from genuine notes with the naked eye.

Although the Iraqi legislator criminalizes acts such as imitation, forgery, and counterfeiting explicitly under Articles 280 and 281 of the current Iraqi Penal Code, Iraqi citizens continue to lose confidence in the circulated currency due to the frequent occurrence of these crimes, of which they are often victims. To achieve effective combat against currency crimes, it is necessary to amend the legal provisions and align their penalties with the severity and ongoing evolution of these offenses. It is worth noting that among the existing protective measures in Iraq against organized crime is the Organized Crime Directorate, a vital and effective formation within the Iraqi Ministry of Interior. Since its establishment, it operates around the clock to investigate, pursue, and arrest anyone proven to be involved in organized crime within Iraq. This role of the Ministry of Interior is pivotal and multidimensional in combating organized crime, which one of the most prominent security challenges is in the post-2003 era in Iraq. This role can be detailed as follows:

**First:** Operational and field roles, investigation and information gathering (intelligence), as the Ministry relies on the police and national security agencies to collect intelligence information about organized criminal networks through covert work, informants and communications monitoring, and to create advanced databases to store and share information about criminals, their activities and methods of work, field security operations, and to carry out targeted raids based on accurate intelligence information to dismantle criminal cells and arrest their main elements. As well as establishing fixed and mobile security barriers (cars) to combat the smuggling of prohibited materials (such as drugs and weapons) and human trafficking, and tracking and pursuing organized armed kidnapping and theft gangs, which specialize in combating specific crimes, such as combating drugs, as the Ministry has the Anti-Narcotics Directorate, whose efforts focus on detecting and dismantling drug smuggling, manufacturing and abuse networks, which have witnessed significant expansion in recent years, and combating human trafficking, as the Anti-Human Trafficking Directorate works to protect victims. Prosecuting those involved in exploiting people, especially in light of conditions of displacement and social fragility, and combating financial crimes and corruption, and the Ministry cooperates with the Integrity Commission and other institutions to combat money laundering crimes and financial and administrative corruption that finance organized crime.



**Second:** Institutional and structural roles, training and qualification, as the Ministry seeks to develop the capabilities of its members by holding specialized training courses in cooperation with other countries, focusing on advanced investigative methods, forensic medicine, combating cybercrime, border protection, internal cooperation and coordination, and coordination with other vital ministries such as the Ministry of Defense (Army) to protect land and sea borders, the Ministry of Justice and Judiciary to bring criminals to justice, and the National Intelligence Service to exchange strategic information, as well as regional and international information. By cooperating with international organizations such as Interpol, UNAML (United Nations Assistance Mission for Iraq) and neighboring countries to combat cross-border networks, especially in the areas of drug and arms smuggling.

It is worth noting here that the Ministry is submitting proposals to develop Iraqi laws to make them more effective in confronting the evolving nature of organized crime, such as tightening penalties for drug crimes and human trafficking. Despite the great efforts, the Ministry faces serious challenges that sometimes hinder its effectiveness, including weak capabilities and technologies, compared to criminal networks that use advanced technologies (such as encryption and the dark web). Some departments of the Ministry may suffer from a lack of modern technical equipment, as well as long and open borders, as Iraq has long borders with countries experiencing unrest, which makes the process of border control and preventing smuggling a very difficult task, as well as social and economic weakness, as well as the spread of unemployment and poverty that creates a fertile environment for recruiting individuals into criminal networks. Therefore, the role of the Ministry of Interior in combating organized crime in Iraq is a strategic and central role. Combining direct field security work with long-term intelligence planning and local and international cooperation, its successes are demonstrated in dismantling many networks and seizing large quantities of drugs and weapons, however, the battle remains ongoing and requires continuous political, financial and societal support, a radical fight against corruption, and continuous development of capabilities to keep pace with the changing challenges of cross-border organized crime<sup>11</sup>.

It is worth noting that the Iraqi judiciary has a prominent role in overcoming the difficulties in implementing organized crime laws and strengthening the role of the security services in combating them, as the Federal Supreme Court in Iraq and the Federal Court of Cassation issued rulings related to issues of equality, property and security that can be linked to organized crime or counter-terrorism measures, in addition to the efforts made to strengthen the role of the judiciary, including trying major cases and issuing important judicial rulings in major corruption cases. Such as the theft of the century and large-scale drug trafficking cases, which demonstrates the

existence of judicial will, as well as international cooperation, as the Iraqi judiciary cooperates with neighboring countries and international organizations (such as the United Nations and Interpol) in the areas of information exchange, extradition, and capacity building<sup>12</sup>.

**Conclusions:** Organized crime is among the most dangerous threats to global and national security. This is due to its distinctive characteristics that set it apart from other crimes. These include hierarchical organization, which refers to the structured coordination and gathering of members within a comprehensive and integrated framework aimed at

Carrying out criminal activities. Organization is the fundamental and defining feature of organized crime.

Another characteristic is continuity and stability, as these crimes operate continuously rather than as isolated incidents. Additionally, organized crime pursues economic goals achieved through illegal activities such as arms trafficking, drug trafficking, human trafficking, kidnapping, and cybercrime. Its operations are also marked by violence and intimidation, used to control and eliminate competitors.

Furthermore, organized crime leads to corruption and infiltration, as it penetrates state institutions through bribery and influence over officials. Its severity is increased by its transnational nature, with networks often extending beyond borders. The risks are not confined to one country but affect others, making combating organized crime more complex.

Therefore, addressing organized crime is crucial for ensuring security at both global and national levels and for promoting human and economic development.

**Summary:** The spread of organized crime poses a serious threat both globally and nationally. Successfully combating the severe risks of this crime requires an integrated approach that combines prevention and intervention, along with continuous implementation of programs, monitoring, and periodic evaluation. It also demands financial and moral support, development of interactive awareness programs such as workshops, seminars, and media campaigns, and activation of guidance and advisory roles through media channels.

Countries that have ratified the United Nations Convention against Transnational Organized Crime, including Iraq, must fully implement its provisions. This includes combating money laundering and terrorism financing by strengthening intelligence efforts across nations and establishing effective mechanisms for extradition of criminals.

Regarding drug trafficking, effective global and national mechanisms should be introduced, successful international experiences documented, and specialized scientific conferences held annually. Families should be involved in prevention





programs, partnerships with civil society institutions strengthened, and business leaders engaged to support treatment initiatives. Continuous awareness through media is essential to prevent the worsening of this dangerous phenomenon.

To combat human trafficking, policies must emphasize national, regional, and international cooperation, with efforts to classify trafficking as an international crime under the jurisdiction of the International Criminal Court by including specific provisions in the 1998 Rome Statute alongside other major crimes.

Concerning currency-related crimes, international collaboration is necessary to recover and protect smuggled funds. At the national level, real combat against currency crimes requires amending Articles 280 and 281 of the Iraqi Penal Code to ensure penalties reflect the seriousness and evolving nature of these offenses, following the principle of proportional punishment.

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- (<sup>10</sup>) Mahmoud Najib Hosni, Explanation of the Penal Code: Special Section, Cairo, 1972, p.163.

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- (<sup>12</sup>) The Federal Supreme Court, in its decision No. 224/Federal/2023 dated 2/21/2024, affirmed that Article 14 of the Iraqi Constitution requires achieving effective equality between employees, retirees, and citizens throughout Iraq, and that their treatment in the Kurdistan Region must be unified with their peers in the federal authorities, while emphasizing that granting loans to the regional government did not aim to pay citizens' salaries as required by constitutional principles.

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