

## Measures Taken by Iran to Prevent Transnational Organized Crimes and its Estimated Position Compared to the UN Criminal Policy

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**ABSTRACT:** Transnational Organized crimes are being considered as one of the most important problems of the 21st century. These crimes are daily increasing for various reasons. They affect different social, cultural and political structures in transnational as well as international levels. General determination in the international level and required coordination to prevent these crimes is shown by the UN in the form of codification and the enactment of conventions against transnational crimes (Palermo and Merida). Iran, as one of the suitable places for these crimes, is highly affected by them. For this reason, prevention is considered as an undeniable necessity that requires planning and policy making. However, no particular prevention has been done and no independent body of strategies has been designated. So, in order to exit from this situation, different prevention strategies such as pastoral and social preventions have been set each of which can lead to the decreased number of organized crimes or people committing such crimes. Present study having a descriptive-analytical method and gathering data through secondary sources, focuses on UN conventions against Transnational Organized Crimes (Palermo and Merida) and tries to analyze proposed and executed plans and strategies offered by the government of Iran against them. For this purpose, policies and positions taken by the government of Iran against these crimes are compared to international approaches to look for their homogeneity as well as heterogeneity. Research findings show no homogeneity between the taken measures by the government of Iran against Transnational Organized Crimes and UN conventions (Palermo and Merida).

**Key words:** Prevention, Transnational Organized Crimes, Criminal Policy, Position of Iranian government.

ORIGINAL ARTICLE  
Received 14 Feb. 2014  
Accepted 25 Jul. 2014

### INTRODUCTION

Eliminating Transnational Organized Crimes with the help of all governments is a concern of human communities. Increased number of Transnational Organized Crimes proves that no government is safe from the disasters of such crimes and due to complexity in organizing and transnational nature of these crimes, governments can't overcome them alone (Gholami and Pourbakhsh, 2011). Organized Crime is a recent subject introduced into the criminal law during the last few years. It refers to a particular crime that is committed by organized criminal groups for the purpose of gaining monetary benefit and power which is considered as an important threat during the 21st century by the criminologists (Shelly, 1999). As per international documents, organized criminal groups should have at least 3 members, but they are much more than this. These groups usually have a hierarchy, a leader, division of work and extensive discipline along with brutal executions for disobeyers. They will use every possible way to reach their goals and they break all the barriers through the corruption, since they usually penetrate into governmental institutions and offices. In cases of not getting into the state offices by bribery, brutal elimination of officers is common. The ultimate goal of these groups is to get financial benefit and this in fact is their point of difference compared to other terrorist activities. Due to special geographical, political, economical and cultural conditions of Iran, it is one of the most attractive places to commit

organized crimes. Long borders, unstable economy, political and cultural unrest of neighboring countries (such as Afghanistan, Pakistan and Iraq) have offered early stage measures to be developed to confront with these sorts of crimes. In case if no scientific research is done and no prevention policy is codified, a huge irrevocable damage will be imposed on the nation of Iran. Scrutinizing, incorporating and enacting binding international conventions against organized crimes are considered as necessary measures to be taken for efficient codification and resolution of prevention criminal policies.

The objective of this study is to explain and clarify the pros and cons of Iran's criminal policy against organized crimes and to present logical solutions to legislator to codify efficient prevention rules and also to present ways to synchronize existing rules with the international conventions. Considering the newness of the concept of organized crimes in all scientific communities, present study offer a comprehensive and clear definition of organized crimes and its instances. On the other hand, considering late and hasty introduction of this challenge in legislative, executive and judicial powers of Iran and due to lack of a comprehensive attention towards all their aspects, this research can lead to codification of prevention policies by going through all effective factors in spreading such crimes.

### Literature review

A book titled as "Transnational Organized Crimes" by Asadi and another book titled

"Transnational Organized Crimes" by Salimi (2004) are of two most important research works in this area that try to study nature and examples of this crime (such as drug smuggling, financial corruption, women and children trafficking and so on). Another work is thesis of Shams Nateri (2001) titled as "Iran criminal policy against organized crimes with an approach to international criminal law in which the author concludes the major weak points in the economic system of countries provide opportunities for people to make specific organizations to perform such crimes.

Another research paper by Mir Mohammad Sadegi is titled as "Considerations in Prevention of Crimes" in which he points prevention of forgery and abuse as the most important prevention factors against Transnational Organized Crimes. Another paper by Najafi et al. (2009) titled as "Delinquency and Local Police" suggest strategies of "elimination" and "limitation" to manage environmental factors correctly in order to decrease the opportunities for committing such crimes.

Beigi and Hendiani (2011) in a paper titled "Understanding Threats of Transnational Organized Crimes against Social Security of Islamic Republic of Iran" concludes that the UN has codified a convention along with two protocols (UN convention against Transnational Organized Crimes) to combat Transnational Organized Crimes at the end of 20th century, signed by governments at Palermo (Italy) in December 2000. Shams (2004) in a paper has tried to study Transnational Organized Crime on the basis of its definition, feasibility, objectives and examples. So, among all these works and researches done on the Transnational Organized Crimes, there has been not a single paper that particularly studies this topic.

The broad and comprehensive topic of this paper has set some limitations on this study. The present study requires having a research on both the concepts of "Organized Crimes" and "Financial Corruption" and their prevention strategies by two detailed and independent UN conventions and finally evaluating prevention criminal measures of Iran in this regard.

## MATERIAL AND METHODS

1. This research is a descriptive-analytical type. The base on description and analysis is performance of governments and policies set by them to combat Transnational Organized Crimes and also to describe UN conventions against these crimes in the frame of Merida and Palermo. Proposed solutions from the government of the Islamic Republic of Iran to combat Transnational Organized Crimes are analyzed and the measures taken by Iran and UN are compared in this

study. Data is collected through secondary sources. 1. Preventing organized crimes in UN conventions:

The Criminal policy of the UN, in an all-out war against delinquency (particularly transnational crimes) is about to coordinate different countries' criminal policies in order to eliminate judicial and legal gaps. Because of existing major differences in judicial, legal and police system of different countries, it'll be so difficult and complicated to reach to an international agreement.

UN conventions against Transnational Organized Crimes are considered as one of the most recent efforts in the international level which is done to cooperate the criminal policies of different countries against such crimes. Palermo convention, considering these kinds of crimes, attempts to uniform the criminal act of member countries and to force them to contribute in the combat against such crimes by entering above mentioned rules into the criminal act. As already mentioned, international communities were in the middle of UN convention enactment against Transnational Organized Crimes that the member countries claimed an independent rule to be passed to consider financial corruption as an example of Transnational Organized Crimes. At the same time, another independent convention named "UN convention against financial corruption" was enacted by the UN general assembly.

Since the relation between Transnational Organized Crime and financial corruption is clearly denoted in the introduction part of this convention, its codification and enactment can be considered as the result of stop less efforts and contributions of governments to prevent and efficiently combat Transnational Organized Crimes. So, studying prevention strategies designated in the UN conventions against Transnational Organized Crimes and financial corruption will be the main focus of this research work.

UN conventions against Transnational Organized Crimes is the most binding international document including all general measures and strategies for preventing as well as combating Transnational Organized Crimes. General strategies are those strategies that are introduced at the convention having referred to not a particular crime. They can be categorized into the followings:

1. codification of criminal policy to combat Transnational Organized Crimes
2. educational and technical strategies in preventing Transnational Organized Crimes
3. contribution of member countries
- 1-1- Codification of criminal policy to combat Transnational Organized Crimes:

Member countries shall endeavor to develop and evaluate national projects and to establish and promote best practices and policies aimed at the prevention of transnational organized crime. Some of the projects as well as policies in the convention to prevent Transnational Organized Crimes are as follows:

**1-1-1-**Reduction of existing as well as future criminal opportunities available for Transnational Organized Criminals:

States Parties shall endeavor, in accordance with fundamental principles of their domestic law, to reduce existing or future opportunities for organized crime groups to participate in lawful markets with proceeds of crime, through appropriate legislative, administrative or other measures. These measures should focus on:

**a)** The strengthening of cooperation between law enforcement agencies or prosecutors and relevant private entities, including industry.

**b)** The promotion of the development of standards and procedures designed to safeguard the integrity of public and relevant private entities, as well as codes of conduct for relevant professions, in particular lawyers, notaries public, tax consultants and accountants.

**c)** Decreasing the number of reasons which provides more opportunities for Transnational Organized Crimes.

Different types of opportunities are available for transnational organized criminals in both public as well as private sector. Some of these available opportunities are in tenders, subsidization as well as commercial activity permit issuance. In this case it has been decided member countries as per their own internal judicial system and by using judicial strategies try to prevent the Transnational Organized Crimes misuse of the above criteria.

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**1-**Clause 1 of Art  
icle31

**2-**Clause 2 of Article31

**3-**Part A of clause 2 of Article31

**4-**Part B of clause 2 of Article31

**5-**Part C of clause 2 of Article31

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Since majority of Transnational Organized Crime groups are committing their crimes through establishing companies, having supervision on company establishment process and their financing and background can decrease the number of such crimes.

Member countries have started making public records on legal and natural persons involved in the establishment, management and funding of legal persons in order to control and prevent transnational organized crimes abuse of legal entities.

Some other measures designated in the convention to prevent this abuse are: "The introduction of the possibility of disqualifying by court order or any appropriate means for a reasonable period of time persons convicted of offences covered by this Convention from acting as directors of legal persons incorporated within their jurisdiction" and "The establishment of national records of persons disqualified from acting as directors of legal persons.

**1-1-2-**Surveying and identifying the weak and vulnerable points of existing office rules, regulations and procedures:

Organized criminals study the juridical regulation and systems and try to identify their weak points in order to make opportunities to get huge profits. Studying the rules, particularly office rules, while considering the requirements seem to be effective.

**1-1-3-**Enhancing public awareness with respect to the reasons, effects and intensity of organized crimes:

States Parties shall endeavor to promote public awareness regarding the existence, causes and gravity of and the threat posed by transnational organized crime. Information may be disseminated where appropriate through the mass media and shall include measures to promote public participation in preventing and combating such crime.

**1-1-4-** Reintegration into society of persons convicted of offences:

If these convicts are not supported socially and economically, it'll be more probable for them to return to the same issue to satisfy the financial needs.

**6-**clauses 1 and 2 of Article 31

**7-**clauses 2 and 3 of Article 31

**8-**clause 5 of Article 31

Member countries shall endeavor to promote the reintegration into society of persons convicted of offences covered by this Convention.

**1-1-5-** Consultation with the scientific and academic communities:

Since the criminal policy regulating process in opposing against organized crime has got different social, cultural, economic, geographical, scientific, technical, statistical, historical and ... aspects, it has been planned in the convention that each member country shall consider analyzing, in consultation with the scientific and academic communities, trends in organized crime in its territory, the circumstances in which organized crime operates, as well as the professional groups and technologies involved.

**1-1-6-**Monitoring and evaluating criminal policy strategies to prevent organized crimes:

Each member country shall consider monitoring its policies and actual measures to combat organized

crime and making assessments of their effectiveness and efficiency.

**1-2-Political strategies against organized crimes in UN conventions:**

Particular strategies are those which are assigned against Transnational Organized Crimes, financial corruption and their appendant protocols with a clear title in UN conventions.

**1-2-1- Money laundering:** Organized criminals can't spend their huge income earned through criminal acts (such as drugs and firearms trafficking) in a regular way unless through changing it to a legal one through investing in legal markets (Wright, 2006). Criminal organizations' huge interest in money laundering leads them towards establishing their own private banks or to pay huge commissions to the other banks and sometimes to show huge income through business and thereby paying a great deal of tax are trying to show their income as a legal one (Asadi, 2004).

**9-clause 3 of Article 31**

**10-clause 1 of Article 28**

**11-clause 3 of Article 28**

So, preventing money laundering can make the main barricade against their profit making. Money laundering prevention strategies of Palermo and Merida conventions has got a lot of attentions as follows:

**1-1-2-1-Supervision by banking and non-banking financial institutions:**

Creating a systematic and internal supervision and control for the banking as well as non-banking financial institutions and, if possible, other institutions exposed to money laundering is as one of the most important policies of the convention to prevent organized crimes. This system emphasizes on getting sure on the personal identity of clients, keeping their records and reporting their doubtful financial transactions.

Each member country shall institute a comprehensive domestic regulatory and supervisory regime for banking and non-banking financial institutions and, where appropriate, other bodies particularly susceptible to money-laundering, within its competence, in order to deter and detect all forms of money-laundering, which regime shall emphasize requirements for customer identification, record-keeping and the reporting of suspicious transactions.

But the point to be questioned is that getting sure on the personal identity of clients, keeping their records and reporting their doubtful financial transactions are against the internal banking secrecy rule. Banking secrecy rule is followed as per the

internal rules and regulations set by each bank in order to attract as many clients as possible and keep them satisfied at the same time (Salimi, 2003). For this reason, during the negotiations on the codification of these conventions, the emphasize was put on setting some legislation to limit banking secrecy rule. Elimination of this rule was offered as well and finally it got changed as per the modifications prescribed in clause 6 of Article 12.

All countries have to give the courts and respected officials the authority to supervise the banks and all financial and business institutions. Although banking and non-banking financial institutions were the places which used to attract more laundering, but some other ways of laundering got popular due to setting the rules and regulations in the banking systems. Nowadays companies and institutes such as insurance companies, money exchangers, stock market, notary public, traveling agencies,

**12-clause A1 of Article 7 of Palermo and clause A1 of Article ... of Merida convention**

Transportation companies, housing and construction companies and even charities attract money launderers (Mirza Vand, 2003). So, other institutes than banks may be considered as the center for money laundering and this should be notified.

**1-2-1-2-Establishment of a financial intelligence unit:**

Each member country shall ensure that administrative, regulatory, law enforcement and other authorities dedicated to combating money-laundering (including, where appropriate under domestic law, judicial authorities) have the ability to cooperate and exchange information at the national and international levels within the conditions prescribed by its domestic law and, to that end, shall consider the establishment of a financial intelligence unit to serve as a national centre for the collection, analysis and dissemination of information regarding potential money laundering.

**1-2-1-3-Detect and monitor the movement of cash and appropriate negotiable instruments across their borders:**

States Parties shall consider implementing feasible measures to detect and monitor the movement of cash and appropriate negotiable instruments across their borders, subject to safeguards to ensure proper use of information and without impeding in any way the movement of legitimate capital. Such measures may include a requirement that individuals and businesses report the cross-border transfer of substantial quantities of cash and appropriate negotiable instruments.

**1-2-14-Supervising money remitters:**

Member countries shall consider implementing appropriate and feasible measures to require financial institutions, including money remitters:

**a)** To include on the forms for the electronic transfer of funds and related messages accurate and meaningful information on the originator;

**b)** To maintain such information throughout the payment chain; and

**c)** To apply enhanced scrutiny to transfers of funds that don't contain complete information on the originator.

13-clause 1B, Article 7, Palermo convention)

14-clause 2 of Article 7 of Palermo convention and clause 2 of Article 14 of Merida convention)

15-clause 3 of Article 14 of Merida convention)

1-2-1-5-Cooperation between member countries:

In establishing a domestic regulatory and supervisory regime under the terms of this article, and without prejudice to any other article of this Convention, States Parties are called upon to use as a guideline the relevant initiatives of regional, interregional and multilateral organizations against money-laundering.

The purposes, the Convention is asking the member countries: "To promote, facilitate and support international cooperation and technical assistance in the prevention of and fight against Transnational Organized Crimes.

## **2-Prevention of organized crimes in the policies of Iran:**

As per what criminologists believe, if the present situation of Iran can be called as a "Criminal Policy Crisis" since there are lots of problems in the society which are caused by misunderstanding the scientific and industrial changes, ignoring fundamentals and concepts of criminology and existence of harsh, political, cultural and social disorders.

Criminal's willing, undoubtedly is the first and the most important factor in crimes to happen that's started with a motivation, passes through a decision to commit a crime and finally reaches to total realization.

The fact is that, factors causing criminal's willing to commit a crime are of two categories. A First group of factors affects the person from inside just like mental disorders, leading the person to commit the crimes (or micro factors). A Second group of factors includes macro factors like unhealthy environment; cultural, social and educational conditions that provide grounds to a person to commit a crime. By this definition, it is impossible to control crimes, without taking into account factors such as criminal willing and motivation.

Social prevention considers the fact that human being commits a crime by getting affected through some social, biological and etc. factors. So, a group of factors plays a role in a crime to be committed. One of the factors affecting criminal's willing is family condition that consists the base of social prevention of crimes.

16-clause 3 of Article 7 of Palermo convention

17-clause 4 of Article 1 of Merida convention

Generally, it can be claimed that in such as prevention with a macro approach, factors effective in committing crimes such as economic, cultural and social poverty are emphasized; however criminal policies can be eliminated if these factors are developed (Zeinali, 2001). Family dissonance, delinquency of family members, addiction, divorce and etc. are some of factors leading to an increase in delinquency (Mir Khalili, 1999).

Prevention can be defined as social prevention that includes a set of crime preventional measures that seeks to eliminate or deactivate factors effective in committing a crime. This type of prevention is based on finding reasons of crimes and prevents formation of criminal motivations and deactivates causes of crimes by entering into social context (Shakeri, 2003). In social prevention, it is trying to promote potential criminal's condition and to decrease the number of crimes through implementing social, cultural, economic, welfare programs and elimination of social disorders. The main points in this model of prevention are proficiency, thoughtfulness and efforts. Since this issue is so comprehensive and complicated, it is possible that huge investment in this area doesn't lead to a desirable decrease in the number of crimes (Mir Mohammad Sadegi, 2002).

Factors effective in criminals' approach towards organized crimes:

Surveying criminology findings lead us to the fact that factors causing crimes can be divided into two groups: Individual and environmental factors.

Lack or weakness of spiritual beliefs is the main individual factor leading a person towards committing crimes. Social and economic conditions also are considered as effective environmental factors in committing crimes.

### **Cultural and value factors:**

Social effects of organized crimes, that include human and cultural effects has gotten less attention by authors and governors. The most important reflect of these effects may be found in violence, drugs smuggling, gambling, prostitution and spread of HIV; all having direct and undeniable effect on the life quality of people.

International criminal groups not only commence these illegal markets, but also get the women and children to prostitute, prosper their drugs market, and try to spread addiction among millions of people (Salimi, 2004).

From cultural point of view, globalization along with IT and communication changes will cause the appearance of two different trends. Cultural affairs are getting spread quickly in the world and society is not strictly against some acts like before. In many societies, porno industry is an accepted one. Drugs and fun consumption of them gradually is getting increased. From the other side, the reaction of some groups against the global trend leads towards high emphasize in identity issues such as race, religion, bachelorhood and etc. Of course these groups support terrorism as well (Biabani and Mokhtari, 2008). It is natural that powerful countries have got more capability in the process of expanding cultural and value basics. So, it should be notified that existence of western values and bases (particularly American) is more serious cultural factor in globalization process (Sari-ol-galam, 2004).

Widespread use of public communication tools (such as Internet, Computers, and Satellite and...) are important cultural aspects of globalization. By developing technology and communication, crimes and criminals are not enclosed in geographical boundaries limits and have found ways outside to run away from rules and punishment (Zandieh, 2009). Western medias (particularly American ones) having hundreds of TV and satellite channels face an increasing trend in spreading western beliefs and teachings (Shahram Nia, 2007). Consumerism is another aspect of globalization. Increased amount of production of industrial countries along with variety and attractiveness of products beside Medias and advertisement industry growth and dependency of capitalism on sales has led towards consumerism. It can be claimed that citizen's life which used to be very simple in the past, is more complicated and demanding nowadays (Sari-ol-galam, 2005). All these cultural aspects of globalization gradually have created the base of criminal thoughts in the person's personality of making huge profits by committing such crimes.

**Economic and social environments:**

Environment, as an effective factor in committing crimes, has got an important role in the prevention of crimes from a social perspective. As per criminologists, economical and living environments, social class differences, poverty, unemployment, lack of equal educational opportunities, unawareness and illiteracy are some of effective social or environmental

factors on committing a crime (Mir Khalili, 1999). Crime rate and economical condition of a society have a close relation and mutual effects. That's an economy growth rate and unemployment growth rate that affect the amount as well as type of the crimes in a society and vise versa (Lether, 2000).

Committing regular crimes also has got different effects on the society but still they can't be compared to the effects of organized crimes. Organized crimes are often designed in particular places with smart planning and they are performed in a hidden, exact and professional way. These crimes, from the other hand, generally are

Severe and dangerous ones particularly when they are done in transnational level, so they will have severe harmful effects on society. These harmful effects, not only influence social economy, but also the structure of society and social and political security is threatened seriously.

Nuclear material smuggling that threatens humanity (Shelly, 1999) drugs smuggling that threatens social health and etc. are some of crimes committed by these criminal organizations.

Economic crimes (such as tax avoidance, money laundering, trafficking, banknote forgery, etc.) that puts the economy into a real danger. crimes such as passport forgery, human trafficking, terrorist acts in main industries, hijacking, ethical crimes (like women and children trafficking and abusing them by spreading prostitution and their specific centers that threats ethical values of the society), has got harmful effects on culture, ethics, economy and security of society. Besides, bribing employees and managers of state offices and making relations with strategic managers and governors and leading them toward committing white collard's crimes can penetrate into executive and judiciary powers and cause office corruption.

Because of all these negative effects of organized crimes, some phrase like serious threats against basic human rights (Thorne, 1996), threats against democracy, factors affecting social and ethical relations by creating office corruption, factor creating economical dependency and economy destruction (Shelly, 1999), factor weakening governing regimen, threat against national security and global order (Thorne, 1996) and weakening society and human rights (Shelly, 1999) can be used.

- 18-UN.Doc.A/Conf.,1985
- 19- UN.Doc.A/Conf.,1990
- 20-UN.Doc.A/Conf.,2000

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Supervising and control over environmental conditions on organized crimes:

Considering the crimes and their associated statistics in the world reveals the fact that social harms, delinquency and increased number of crimes are global issues and all countries are tackling with them in some ways. So, the present condition needs a strict determination and comprehensive effort to decrease opportunities and motivational factors of committing crimes in order to decrease the number of committed crimes.

Nowadays, the peripheral environment of crime is considered as one of the important factors effective in committing crimes. As per the experts, existence of some conditions, time, place, tools and instruments of committing a crime can facilitate committing crimes and any changes in them can decrease delinquency (Mir Khalili, 1999). These days due to various advanced tools and techniques of committing crimes, easy and fast communication tools, vanishing international borders and nearness of governance of countries, fast growth of open economy market, basic weak points in the rules and structures of human societies and considerable increase in citizen's demand for organized group services are environmental factors that has made lots of organized crimes possible to happen.

The most beneficial point to be mentioned is that the role of governing conditions on a society (cultural, social, economic, political, regional,) and the way they affect the process of a crime to be committed are not merely considered in social

Prevention strategies, but in case-preventions, it can clearly be seen the role and effect of different environments on decrease and increase of organized crimes. The only difference is that in peripheral environment, its role is thought to be in its effect on personality and formation of criminal thoughtfulness; but in the case-prevention, all conditions are considered in which the criminal gets the opportunity to commit the crime and if these conditions are eliminated, then the opportunity to commit a crime will be removed and dangerous effects of crimes also will be decreased (Mir Khalili, 1999).

Supervising and control over organized crimes:

Relations between offenders and victims have caught the attention of researchers and experts have created a branch of science called as "victim ology". This branch of criminology is about studying and giving strategies to decrease victimization of people.

## **RESULTS**

Present study tries to not only explore Transnational Organized Crimes substantially; but also to explain it from a different aspect such as meaning and concept, goals, limits and examples. In spite of

considerable differences in the definitions given to organized, experts of Criminal Law and International Law unanimously agree upon the severity of threats of this kind of crimes, so that majority of law experts and technicians call 21st century as the "century of organized crimes".

What's deduced from the introduced issues in the concept and background of organized crimes is that committing such crimes are for economical purpose and to get political power in order to reach financial benefits. From this aspect, committing such crimes not only causes financial, social and office corruption, but also threatens democracy, national and international security seriously.

Considering the studies of the measures taken by the UN in the form of Palermo and Merida conventions and studying criminal policy measures taken by the government of Iran to prevent organized crimes, assessment and evaluation of performance of legislative as well as executive strategies of the government of Iran is done and finally we have proved the hypotheses.

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Of course there are some particular cases (such as Computer Crimes Act, Human Trafficking Act, Addictive Drugs Act, Merchandize Smuggling Act, Foreign exchange and Weapons Smuggling Act) that can be claimed of proceeding prevention limits and has gone into the range of strategies including suppressing reactions that look for tough punishment of organized crimes. The Money Laundering Act and its bylaws can be considered as one of the few acts including organized crime prevention strategies. Measures and strategies in this act and particularly its bylaws are more harmonized and standardized compared to strategic policies of UN conventions against Transnational Organized Crimes. Although there are few laws having more homogeneity with UN conventions; but still the criminal policy of Iran is considered as an efficient one, having no harmony

with the Palermo convention and all those are because of disapproval of the bill text of Palermo convention and also lack of a collection of strategic and harmonized measures in codifying specific policies in prevention of organized crimes.

Comparing the anti-corruption aspects of Iran criminal policy and UN convention; along with considering all attempts of the Islamic Republic of Iran in ratifying UN anti-corruption convention and incorporating it with a single article, adopting the majority of its criminal policies with those of state institutions referred to in the convention; still it is claimed that the criminal policy of Iran is inconsistent with Merida conventional.

The root of this inconsistency is that Merida convention focuses more on government and state offices to prevent financial corruption and forgets the role of Civil Institutions (such as public media, political parties, common people) in preventing financial corruption.

#### **Suggestions:**

Considering the main goal of the present study and on the basis of proven hypotheses on the inconsistency of the criminal policies of Iran and UN conventions in applying prevention strategies against Transnational Organized Crimes as well as financial corruption, following suggestions are proposed to codify efficient criminal policy which is consistent with latest conventions:

**1.** To propose and communicate instructions including definitions, limits and types of organized crimes: considering the newness of the term "organized Crime" in the international law terminology and different definitions given by experts together with increased sides and complication of organized crime; preparing and communicating instructions that include definitions, limits and types of organized crimes is considered as an important step in preventing such crimes.

**2.** Ratification of UN convention against Transnational Organized Crimes:

As it is pointed before, in spite of severe measures taken by the government of Iran, lack of enough attention towards the concept of criminology along with considerable scientific and industrial changes in organized crimes has caused lack of developing a comprehensive collection of measures and strategic rules of dealing with them. So, making criminal policies of Iran consistent with UN conventions seem to be helpful.

**3.** Identification of legal gaps in the judicial investigation of organized crimes:

Since majority of examples of organized crimes are new and they are not considered as crimes in the

criminal code of many countries, they can be committed with no cost and offenders are committing them easily.

For example acts such as women and children trafficking, body parts trafficking, computer crimes, nuclear material smuggling and the other similar acts are not considered as crimes or their related penal codes (if any) are conventional with no executional penal sanctions that can prevent them.

So, legal gaps in this regard are identified and rules with enough executional sanctions are ratified to make a single common process of combating organized crimes.

**4.** Creating an independent body to combat organized crimes

Increased scope, variety and complexity of organized crimes pose difficulty in dealing with them by a single organization. For this purpose, an independent organization should be created having all possibilities and huge financial and human resources. Of course this organization should have financial as well as political independence to perform its assigned tasks without getting affected by authorities. Some of assumed duties of this organization are as:

-Training and informing citizens about dangers of organized crimes.

-Public cooperation strategies to increase public awareness and authenticity of information received by people.

-Having a proper and comprehensive understanding of the present condition and a capability type of active organizations.

-providing intellectual, legal and organizational grounds for confronting campaign

-Enjoying all powers that could be effective in this regard in the form of a single strategy

-using methods suitable to the increasing and complex nature of organized crimes

-Efforts to ruin the roots and causes of such organizations through different educational programs.

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