



Extradition issues of members of criminal groups involved in human trafficking

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Abstract

In this article, widely disclosed extradition issues of criminal groups involved in human trafficking. In particular, the author analyzes the issues in the application of national laws relating to international cooperation in criminal cases. Moreover, it is considered and analyzed the institute of extradition and related to international acts. Author noted the international nature of organized crime requires the urgent conception of new and effective cooperation agreements on a more comprehensive basis.

Keywords: International law, extradition, international cooperation, fight against organized crime, transnational crime, human trafficking

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1. Introduction

Since the late XIX century, international activity of crime has gradually been increasing.

In recent decades, this phenomenon is due to blurring of the boundaries of States and their increasing transparency, extension and interpenetration of the economic markets that were previously closed or tightly controlled by the States. This creates conditions for the emergence of new, previously unknown forms of crime, enhancement of its professionalism. Because of structural changes in trade, finance and information, crime often loses stable connections with particular States and national borders are increasingly losing their character for being obstacles to its spread ^[1]. The world community faced human trafficking crimes as a problem at transnational scale. At the international level it is recognized that the man (his organs, force) became transaction "goods" for the sale and exploitation.

Trafficking as objectively dangerous phenomenon.

Unfortunately, it should be stated that slavery and forced human trafficking remains a pressing agenda for politicians and States, international non-governmental organizations, private individuals and, of course, law enforcement.

According to the UN statistics, human trafficking and labor exploitation has become the third most profitable criminal business after drugs and arms trafficking. Naturally, fighting against these types of criminal attacks demanded the unification of efforts by the international community in general and each country in particular.

International law, and in particular interstate relations, certainly has an impact on national legislation, though it does not determine it. Today each sphere of national legislation reflects the norms determined by international standards, contracts and pacts ratified by the state. However, a country's domestic affairs are nevertheless governed by national legislation. The competent authorities of the state determine standards of national legislation, whereas all states or other subjects of international law through the signing of agreements determine international law, where sovereign states are subject to no uniform system of power or management. In order to ensure

compliance with both norms of international law and national legislation, the state has enacted compulsory execution.

Norms of international law become valid for a state only after adoption of the national legal normative. The state, as the sovereign power, gives validity to norms of international law through its governing bodies. Without ensuring effective interaction between international law and national legislation, it is impossible to solve the most important problems of interstate relations.

Therefore, the main international legal document in this context is undoubtedly the Convention of 2 December 1949 "Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others" ^[2] which is endorsed by the General Assembly of the United Nations and which was ratified by Uzbekistan on 12 December 2003.

International law and human values have priority status at the legislative level in Uzbekistan, thus the Law of the Republic of Uzbekistan "On Countering Human Trafficking" ^[3] was adopted on 17th April, 2008 and the title and content of article 135 of the Criminal Code ^[4] was brought into compliance with the requirements of the international Convention, which contributed to strengthening the fight against this type of crimes at the state level. This is evidenced by the fact that coordination of implementation measures on this issue is performed by the National Interagency Commission on combating human trafficking, chaired by the General Prosecutor of the country ^[5]. The activities of this Commission are carried out in close cooperation with all stakeholders, including the judiciary, law enforcement agencies, health authorities, social protection of population and labor migration and frontier service, the public and representatives of international organizations, as evidenced by its work plan, which includes a variety of tasks for the prevention, detection and suppression of trafficking cases, brings perpetrators to justice, and social and legal rehabilitation of the victims of crime.

In the framework of order implementation the Law "On Countering Human Trafficking", the Cabinet of Ministers of Uzbekistan on November 5, 2008, adopted Decree "On the

formation of the National Rehabilitation Center for assistance and protection of victims of human trafficking" ^[6].

The system of countering human trafficking ^[7] covers state activities, state bodies, state and municipal institutions (state counter), as well as non-governmental organizations and institutions, public and other associations, mass media, civil society for the prevention, detection and suppression of human trafficking crimes, and neutralizes their social impact in order to assist victims of trafficking.

The continuation of planned and coordinated fighting against trafficking in persons implies the need for enhancing interaction between the law enforcement agencies of different States directly involved in combating this type of crimes.

Most countries in the world effectively apply national legislation for prosecuting responsible people for these crimes. However, to ensure the inevitability of perpetrators' responsibility is hampered due to the fact that all actions of recruitment, transportation, transfer, harboring or receipt for the purpose of exploitation of trafficking victims are financed from abroad, and members of criminal syndicates are spread across two or more countries in a given region of our planet.

International tracking and extradition of persons hiding from investigation and trial, to bring to justice, are rightly considered as global problems ^[8]. In turn, international search and extradition of persons accused of committing human trafficking crimes is one of the most important spheres of cooperation of States in combating transnational crime. The efficiency of this activity determines the degree of implementation of such a criminal law principle as inevitability of punishment.

Interstate tracking and extradition represent essentially separate forms of law enforcement activities ^[9], however, in order to enhance international forms and methods of combating crime, there is the need to consider their relationship.

The interaction of States on the interstate tracking and extradition of persons hiding from investigation and trial to bring to justice is characterized by an annual increase in its volume, due to the presence of the objective, including the legal prerequisites.

As a legal basis of extradition, they can be both bilateral and multilateral treaties. In turn, it is appropriate to distinguish the following types of multilateral agreements:

- a) The agreement on the detention of criminals;
- b) The agreement for the provision of comprehensive legal assistance, including rules concerning extradition;
- c) The agreement of an international character and dealing with the general problems of combating international crimes, including extradition treaties of persons accused or convicted of certain crimes.

Thus, based on the study of the historical, legal and other aspects, it is appropriate to consider the legal framework of this institute in the following order:

- 1) A bilateral agreement on detention;
- 2) multilateral extradition agreements;
- 3) A bilateral and multilateral legal assistance treaties, providing for special provisions for the detention;
- 4) regional and universal conventions, declarations against transnational organized crime, contains rules relating to detention;
- 5) A bilateral and multilateral intergovernmental agreement on international tracking and detention of persons.

Currently, the main instruments regulating this activity, are: the United Nations Convention against transnational organized crime ^[11]; the Protocol to prevent, suppress and punish trafficking in persons, especially women and children and punishment ^[12]; the Convention on legal assistance and legal relations in civil, family and criminal matters (Minsk, 22 January 1993) and Protocol (Moscow, 28 March 1997) ^[13]; the new edition of the Convention on legal assistance and legal relations in civil, family and criminal matters (Chisinau, 7 October 2002), entered into force for the ratifying States, as well as bilateral treaties of various countries on matters of legal assistance.

In this regard, the modern experience of the European Union countries concerning the creation and operation of the Schengen information system (Schengen Information System or SIS) and the European information network in the field of justice is of high importance ^[14]. For example, the technical capabilities of the SIS allow giving similar form to a request for information in the system as the arrest warrant ^[15].

The framework decision of the Council of the European Union of 13 June 2002 "On the European arrest warrant and the surrender procedures between member States" (2002/584/JAI) is regarded as one of the most significant achievements of the "legislative activities of the European Union in the sphere of the criminal process", whose appearance was preceded by laborious legislative process in the field of legal regulation of issues of the institution of extradition.

The task of the European arrest warrant, as noted in the above Framework decision, is "the abolition between member States of formal extradition procedures concerning persons trying to evade justice after receiving final convictions regarding these persons and to accelerate extradition procedures of persons suspected of committing crimes."

It should be recognized that the effectiveness of cooperation in the sphere of extradition of persons for bringing to justice is generally low to date. Statistical data confirms this conclusion, which leads to an increase in the number of repeated instructions about the tracking and extradition of the previously detained persons, who are on the international wanted list, but who have been released from custody.

2. Conclusion

It should be noted that the legislation of some States still do not contain any provisions regulating international cooperation in the field of extradition, which complicates its implementation. Therefore, the task to fill such gaps in the legislation is still on the agenda. Therefore, the lack of international and national regulation on the timing of the decision-making procedure of extradition at the legislative level significantly reduces its effectiveness.

The international nature of organized crime requires the urgent conception of new and effective cooperation agreements on a more comprehensive basis. A separate area, in our opinion, should be the strengthening of technical cooperation in its most diverse forms and the extension of advisory services with the aim of sharing experiences and new achievements, as well as assistance to countries in need in this regard.

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