

Crossing Borders: Organised Crime in the Netherlands

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1. Introduction

In the Netherlands the problem of organised crime was largely ignored until the early 1990s, despite the fact that in the previous two decades the nature of serious crime had substantially changed due to the emergence of the drug trade. It took quite a long time, however, before practitioners and policy makers became fully aware of this gradual transformation of the problem of serious crime caused by the huge quantities of drugs being bought and sold through the Netherlands.

The same holds true for academics. For a long time, many criminologists considered organised crime as a predominantly foreign phenomenon (see e.g. Fijnaut, 1984, 1985). Empirical research was largely non-existent, except for some pioneering work by the Central Criminal Intelligence Service and the Research and Documentation Centre (WODC) of the Ministry of Justice (Van Duyne et al., 1990). Widespread confusion prevailed about the definition of organised crime, corporate crime, professional crime and/or group crime (for an extensive overview of the public, academic and professional debate, see Fijnaut et al., 1998: 7-23).

In this contribution, the next section concentrates on the development of debate and research on organised crime in the Netherlands. The following section relates to the nature of the organised crime problem in the country – what form does it take, and how does it compare with the situation in other countries? The fourth and fifth sections look at the role of organised crime in illegal markets, and its connection with the legitimate economy. Finally, the interactions between the public authorities and organised crime are discussed, particularly in the context of policing.

2. The Development of Debate and Research

A turning point for policy and research was the Dutch-American Conference on Organised Crime in 1990, a meeting of members of the New York State Organised Crime Task Force and Dutch police officials, public prosecutors, and researchers (Fijnaut and Jacobs, 1991). During this conference, several differences between the problem of organised crime in the United States and the situation in the Netherlands were noted and alternative ways of combating organised crime were discussed. Partly as a result of this conference, the police chiefs of Amsterdam, The Hague

and Rotterdam and the director of the Central Criminal Intelligence Service decided to devote further attention to the problem of organised crime.

In 1992 the problem of organised crime reached the national political agenda, in the form of an ambitious memorandum presented to the Dutch Parliament: *Organised Crime in the Netherlands: An Impression of its Threat and a Plan of Action*. With the benefit of hindsight, one may conclude that the problem of organised crime was somewhat overstated – organised crime was on the verge of infiltrating economic sectors and political institutions and was considered to be a major threat to the integrity of Dutch society. Consequently, a firm preventive and repressive approach was promulgated, laying the foundation for a number of changes in legislation in later years, e.g. regarding the confiscation of criminal assets and the reporting of unusual transactions by financial institutions. Furthermore, special (inter-regional) investigation squads were established and new investigation methods were introduced to combat organised crime.

In December 1993, however, the so-called ‘IRT affair’ emerged with the sudden dismantling of the Amsterdam-Utrecht Inter-regional Investigation Squad (IRT). According to the authorities in Amsterdam the IRT had been dismantled because of the use of unacceptable investigation methods. In the media, however, suggestions were made of a dispute regarding the jurisdiction over the team and even accusations of corruption in Amsterdam. The dispute between Amsterdam and Utrecht about the ‘real’ reasons for the dismantling of the IRT escalated further and resulted in a fact-finding committee of independent experts (March 1994), a fact-finding committee of the Dutch Parliament (October 1994), and eventually a full-fledged Parliamentary Inquiry Committee into Criminal Investigation Methods (PEO, December 1994).

One of the conclusions of the PEO was that the IRT had used unacceptable investigation methods – several tons of drugs had been imported under the supervision of the authorities, in the hope that some informers would ‘grow’ to the top of criminal organisations. In the end, it was questioned whether the authorities were ‘running’ the informers, or vice versa (PEO, 1996). According to the committee, this investigation method was unacceptable in a constitutional democracy, as the uncontrollability of the method constituted a serious threat to the integrity of government. Furthermore, the committee made a thorough inquiry into several criminal investigation methods – observation techniques, the use of informers, infiltration and intelligence. The main conclusions were that there was a legal vacuum concerning criminal investigation methods, that the organisation of the criminal justice system was inadequate, and that the command and control of criminal investigations should be enhanced. As a result of the report of the committee in 1996, there have been several reforms of the Dutch criminal justice system, including important legislation concerning the use of criminal investigation methods (see Henk Van de Bunt’s contribution in Part III).