

Confronting crime networks in Dakar

Ismaila Diallo and Mamoudou Ndiaye

Recommendations

Based on recent developments, the government of Senegal should:

- 1** Analyse active crime networks in Dakar to identify key actors, how they are connected, and how they interact with one another and with mainstream sectors, including law enforcement.
- 2** Improve law enforcement by building the capacity of the police, gendarmerie, customs departments and the judiciary, improving their working conditions and punishing law enforcement agents who collude with crime networks.
- 3** Adapt relevant laws, such as the Penal Code and the Code of Criminal Procedure, to the challenges presented by crime networks. This should include incorporating the provisions of the United Nations Convention against Transnational Organised Crime into national legislation.
- 4** Adopt a comprehensive approach to organised crime that taps into information sources other than those of law enforcement agencies and public institutions.

Summary

Organised crime is increasing in Dakar, Senegal, involving drug trafficking, illicit pharmaceutical products and cybercrime. The implications for urban governance range from the risk of undermining the rule of law to state governance being weakened and replaced by criminal governance. Solutions that are well informed, comprehensive and sustainable are required. They should also involve subregional and international collaboration. The government needs to identify the actors involved, improve law enforcement, adapt relevant laws to newly emerging needs and adopt a comprehensive approach to the problem, while involving civil society in finding possible solutions.

UNTIL RECENTLY organised crime was not considered to be a serious issue in Dakar. But since 2013 the activities of crime networks have been visible in the city and have been reflected in media reports and judicial records. The criminal activities that have been exposed involve the trafficking of drugs and illicit pharmaceutical products, and cybercrime. There is every indication that these activities result in considerable funds for money laundering. Over the last three years it has emerged that some law enforcement officials or officers have colluded with criminals, which is of considerable concern to the authorities and the public. The transnational character of the crime networks and the growing involvement of women in

these networks are evident. This makes it necessary for the government and the public to review long-held positions regarding organised crime in Dakar to address some of its negative implications for urban governance.

The implications for urban governance range from the risk of undermining (and, hence, reducing trust in) the rule of law to that of seeing criminal governance weaken and replace state governance. Against this background it is necessary to reconsider prevailing attitudes and current approaches to organised crime, and to reflect on the way that such crime may affect governance. Solutions that are well informed, comprehensive and sustainable are needed.

Networked crime threatens governance by either confronting it or corrupting public officials. If crime networks overwhelm the state institutions that should provide governance, the outcome is criminal governance, which can be defined as the existence of sources of authority that are parallel to public institutions and are managed by criminal networks. It does not necessarily mean that criminal networks replace the state, but rather exist alongside state

for drug trafficking. With the possible exception of cyber criminals, Dakar was not considered to host crime networks. Recent developments suggest that this position should be reconsidered, however. These include the escalating incidence and rising volumes of drug and counterfeit pharmaceutical product seizures, the subregional origins of arrested suspects, and the alleged complicity (involvement) of law enforcement agents.

Networked crime threatens governance by either confronting it or corrupting public officials

structures, providing some goods and services (not just illegal or illicit ones) that the state does not or cannot provide – including employment. Core actors in crime networks become sources of authority that provide (and are even asked by community members to provide) dispute resolution mechanisms, social support and protection. The capacity of crime networks to use violence increases their social control and legitimacy.¹ They may even create the impression that they exist for the benefit of the community, which is ultimately not the case. The embeddedness of crime networks, however, means that they cannot be removed from the communities in which they take root by criminal justice measures alone.

Reconsidering the situation: acknowledging the extent of the problem

Until recently, public authorities and the public seem not to have come to terms with the development of structured criminality in Senegal in general, and in Dakar in particular. The crime situation in the city was perceived to be under control. At most, what the police and gendarmerie were prepared to concede was that Dakar was a ‘transit point’

Criminal markets have developed rapidly in Dakar in recent years and law enforcement officers seized significant quantities of cannabis and cocaine between the end of 2013 and May 2014. In recent months hardly a week went by without the seizure of drugs or the arrest of drug traffickers.

In early May 2014 the Investigation Section of the National Gendarmerie, assisted by the navy, seized half a ton of cannabis at the beach at Soumbédioune, a fish market in Dakar. The drugs were carried in a canoe coming from Casamance in southern Senegal and the seven people arrested included a Guinea-Bissau national. With the cooperation of Interpol, in the same month the Investigation Section seized a significant quantity of counterfeit pharmaceuticals in Dakar, Touba (the most famous religious city in the country) and Diabé (the largest weekly marketplace in the subregion).

A few days later a police officer working at the Central Bureau for Combating Illicit Drug Trafficking (OCCRTIS) was arrested as he was about to recycle and sell cocaine pellets to a Nigerian drug trafficker in Dakar.² He accused his colleagues, including his superiors

1 ton

THE AMOUNT OF CANNABIS SEIZED AT POUT, A VILLAGE SOUTH OF DAKAR, IN MAY 2014

at the OCRTIS, of complicity. The case echoed a similar incident in 2013 in which a former head of the OCRTIS was accused by his predecessor of being linked to Nigerian drug traffickers.³ The two instances raised questions about the relationship between criminal networks and state actors, prompting the minister of the interior to promise to act to restore public confidence in the National Police.

The alleged complicity of law enforcement officers with drug dealers is a major concern

In the same month (May 2014) OCRTIS agents seized just over a ton of cannabis at Pout, a small city located about 56 km south of Dakar. The drug trafficker, a Mali national, was arrested and is under investigation.

In view of the above, beyond the volume and recurrence of seizures of illicit products, the involvement of nationals from neighbouring countries has been observed, which gives a subregional dimension to drug trafficking in Senegal.

Implications for urban governance in Dakar

The crime networks that present the most significant threat to governance are probably not those involved in predatory, violent criminality, but those at the centre of market-determined crime, i.e. that depend on developing markets for goods and services. The reason can be better appreciated by considering what Von Lampe has described as the 'social microcosm of illegal entrepreneurship'.⁴ This consists of three components, the first of which is made up of co-offenders, i.e. the collective of wrongdoers who manage the enterprise and are motivated by financial reward/gain to continue with it.

The second dimension is the social network in which such co-offenders are

embedded. This includes the families of co-offenders and business, social or religious relationships they may be involved in. These relationships form the basis on which trust between the offenders and actors who are not necessarily offenders is based. The latter actors may be innocent of any criminality, but can be relied on to provide infrastructural support or

useful information. In the case of some relationships, such actors who are on the periphery of most of the activities of the crime network may provide refuge or patronage to the offender when required, e.g. to undermine an investigation or prevent a prosecution from taking place.

The third dimension of the microcosm, which is just as important, comprises the transactions among the offenders, the legitimate economy and public institutions. It refers more accurately to the facilitators of interactions between criminals and mainstream institutions such as the government and business. These transactions may come about through corruption, collusion or when criminals are assisted to launder the proceeds of crime.

The alleged complicity of law enforcement officers with drug dealers is a major concern for public authorities and the public. Clearly, there is a risk of undermining public trust in the rule of law, which explains the statements by the minister of the interior referred to above.⁵ At the same time, preoccupation with the visible complicity of police officials, which captures media and public attention, can detract from the important task of tracking other aspects of the microcosm in which the implicated criminals operate. The collective of wrongdoers managing

the criminal enterprises, only a part of which is visible, needs to be determined.

From the records of concluded cases, the actors most involved in drug trafficking in Dakar can be identified. This is especially the case with cannabis trafficking, where the commodity originates either in Senegal or Mali. These actors include transport operators, couriers and owners of storage space. The larger the consignment, the wider the circle of actors involved. Larger consignments that have to pass through border control necessitate interaction with customs for their clearance, while customs-clearing agents may be part of the network.

It has been a challenge in some potentially important cases to secure the conviction of large groups.⁶ Various factors may account for this: unsupportive legislation, poor network profiling or inadequate prosecution. There have been instances when the prosecution has found it particularly challenging to establish that the suspects were members of a cartel or criminal association that deals in drugs,⁷ especially in cases involving cocaine or heroin. Visible offenders have tended to be the mules intercepted in Dakar, while their suppliers and contact brokers have remained anonymous.⁸ It is evident that some cocaine is transported by sea to Senegal and landed through uncontrolled entry points south of Dakar.⁹ Many properties that could be used to store the shipments while awaiting onward transportation line some beachfronts. Information deficits have unfortunately resulted in the most basic dimension of the social microcosm of criminal networks being left incomplete.

The growing involvement of women in drug trafficking and cybercrime activities has not been fully studied. Their involvement ranges from active participation as principal actors and complicity (as accomplices), to passively

providing assistance. Such involvement is widely reflected in judicial records and media reports. Women are considered to be key actors in the development process, so this trend is particularly worrying. Media reports indicate that most of the women implicated in drug trafficking are unemployed, living in Dakar and married to Nigerians.¹⁰

The social networks on whose trust offenders thrive have various foundations

people with whom criminals establish social relationships may be oblivious of the crimes these criminals commit.

Senegal's relative political, social and economic tranquillity attracts investors of various kinds, including crime networks intending to launder the proceeds of organised economic crime. For several reasons Dakar's economy is vulnerable. Firstly, as in other cities in the region, cash transactions are common. Cash-intensive

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and assume many forms. An analysis of the recorded cases indicates the following possible foundations:

- **Ethnic.** Perpetrators share the same ethnic background or merely the same nationality.
- **Religious.** A crime network exploits the solidarity in a religious community to conceal nefarious activities, to avoid investigation by state institutions or to escape prosecution altogether. During some religious ceremonies some networks abuse the easy access to the country afforded to pilgrims to smuggle illicit goods
- **Political.** Core actors in crime networks seek the best protection for illicit transactions by establishing or strengthening connections with political parties in government, as well as those with good prospects of coming to power in elections. Ethnic and religious affinity can facilitate this process.
- The **social** networks of criminal organisations are based on ethnic, religious and political foundations.

The utility of these social networks is their potential partly to assist the core criminals to combine their illicit activities with legitimate enterprises and partly to secure impunity from prosecution. The

sectors include retail, real estate and public transport. Particular susceptibility to money laundering stems from unregulated foreign exchange bureaus (forex bureaus), whose numbers have escalated since the mid-1990s. The strategic importance of hard currencies as convenient repositories of value makes forex bureaus important to money laundering. Most transactions are conducted in cash and are invariably undocumented. In addition to formal bureaus, there are an indeterminate number of informal points such as 'Keur Serigne bi' in downtown Dakar, which is also a centre for the trading of counterfeit pharmaceuticals.

Real estate has been identified as attractive to money launderers around the world. In the absence of rigorous regulatory measures, cities experiencing rapid growth can provide a fertile terrain for money laundering through real estate transactions. The Financial Action Task Force has identified key factors that make real estate susceptible to abuse by concealing, facilitating or supporting economic crimes and corruption.¹¹ Key among them are that it:

- Is prestigious
- Has a value that is difficult to objectively quantify, because of



SINCE THE MID-1990s, THE NUMBER OF UNREGULATED FOREIGN EXCHANGE BUREAUS HAS ESCALATED

the impact of speculation, market inefficiencies or inadequate regulation

- Facilitates the concealment of true ownership through the use of anonymous entities, usually trusts
- Creates avenues for the accumulation of 'clean' funds as rental or purchase prices
- Can provide premises on which to conduct further criminality

A survey is needed of all real estate transactions concluded in Dakar over a manageable period

- Creates the façade of prosperity, making it politically unpopular to interfere with its development

Having conducted several studies of the typologies of money laundering in West African countries, the International Action Group against Money Laundering has linked real estate with certain types of economic crime. These include tax evasion, drug trafficking, grand corruption, and the predatory crimes of fraud, robbery and cybercrime.¹²

In a cash-dominated environment, the proceeds of these crimes are known to have been laundered during any one of the three phases of the conventional money-laundering cycle. In the first phase (placement), the proceeds are used to procure land and construction materials, or to purchase property. The proceeds may also be advanced as a 'loan' for the purchase or development of real estate. A loan originating from outside a financial institution in an 'arms-length' transaction can easily enable criminal funds to be redirected into the economy from a tainted source, such as a crime. This is the second phase in the laundering cycle. In the third phase a criminal could also launder the proceeds of crime by using them to acquire real estate after they have been 'separated'

from the crime through a deposit in a financial institution.

At the time of writing, and based on volumes and prices, real estate appeared to be undergoing rapid growth in Dakar and some surrounding towns, notable Saly-Mbour. In isolation, this could not justify a finding that such growth indicated a spike in the incidence of networked economic crime in the city. It does, however, form the basis for

structured scrutiny to establish the financing, taxation and ownership aspects of the real estate concerned.

Some of the indicators to be explored are:

- Was the source of the financing individual or corporate?
- Was the acquisition or development funded with a loan or mortgage?
- Was the funding from an anonymous source?
- Is the beneficial owner involved in a cash-intensive business, such as hotels, restaurants, public transport, and construction, the development of tourist infrastructure or casinos?
- Is the transaction part of a series in which a piece of real estate is involved in multiple transactions?
- Is the purchase price disproportionate to the objective value of the property to an extent that cannot be explained by legitimate speculation?

One of the outcomes of the survey would be a database of all real estate transactions concluded in Dakar over a manageable period – for instance the last 12 months – that contains the following data:¹³

- A description of all property sold and its location
- The purchase price of each piece of property
- The names and dates of birth of seller and purchaser
- The gender of natural persons
- The form of business of legal persons
- The mortgage amount
- The source of the mortgage
- The appraised value of the property
- The income of the purchaser
- The establishment date of the purchaser (in the case of legal persons)

A need for comprehensive responses

A disturbing feature of law enforcement in Dakar is the conditions under which law enforcement officers work. Their ability to provide a service is often limited by a lack of basic resources (vehicles or fuel, for example). At a December 2013 workshop on criminal governance in Dakar the logistical challenges faced in implementing measures against the trafficking of counterfeit commodities were noted. Such challenges demoralise law enforcement agents and undermine their efforts. On the one hand, such challenges make law enforcement agents vulnerable and corruptible; on the other hand, they undermine their image in the eyes of the public. Allegations of their complicity with criminal activities worsen this perception.

Subregional linkages in crime networks active across the region have been noted in successive reports from the United Nations Office on Drugs and Crime. The completed cases indicate that these linkages are reflected in the networks active in Dakar. It has been suggested that the rules of the

Economic Community of West African States permitting the free movement of goods and people may have overwhelmed the capacity of regulatory and law enforcement agencies to detect the cross-border movement of contraband.

The rapid growth of crime networks involving people from the subregion indicates a need for subregional collaboration: because criminals have subregional connections, the strategies

If the state is to deepen its impact on crime networks it has to involve other actors

to combat them should also be subregional, particularly in light of the fact that West Africa is regarded as having porous borders.

If we extend this point further, there is also a need for a global approach to fighting criminal networks in the subregion. Because most of the hard drugs that transit via Dakar come from South America, mostly from Colombia, cooperation should be not only subregional, but also international. To this end, support could be drawn from existing mechanisms, both at the policy and administrative levels (UN treaties, Interpol, etc.). Authors like Gastrow have extensively covered this point of view.¹⁴

The measures that need to be taken should strengthen policies and law enforcement measures, involve actors beyond state institutions, and be comprehensively implemented. In this regard, Senegal and France signed a partnership agreement during the visit to Dakar of Manuel Valls, the French minister of the interior, in November 2013.¹⁵ The objective of this agreement – called ‘Plan Sahel’ – is to strengthen cooperation between the two countries to combat terrorism and drug trafficking

in the context of the war in Mali and the taking of hostages in the region, including foreign nationals.

An analysis of policy and administration measures highlights public governance gaps in Senegal. In principle, there is a good legal and regulatory framework, although it could be improved.¹⁶ For example, the penalties for counterfeiting laid down in the Senegalese Penal Code are very light (a maximum of two to five years’ imprisonment).

Deficits in crime intelligence emphasise the need to rethink the management of this area of police work. Often there are few or no statistics on crime types and the incidence of crime. When they exist, they are difficult for researchers, interested parties outside of law enforcement circles and crime analysts to access. This is a major obstacle to monitoring the trends of criminal activities and conducting research on crime networks. Since these activities affect governance, this is a matter of critical public interest. If the state is to deepen its impact on crime networks it has to involve other actors, both from civil society and the local community.

Notes

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