

## Lesson handout on participation in an organized criminal group

### Elements of criminal association in the Convention against Transnational Organized Crime

Organized Crime Convention	Physical elements ( <i>actus reus</i> )	Mental elements ( <i>mens rea</i> )
Article 5, para. 1(a)(ii)a	Through an act or omission, take an active part in criminal activities of the organized criminal group.	The act or omission is intentional and undertaken with knowledge of the criminal nature of the group, or of its criminal activities or objectives.
Article 5, para. 1(a)(ii)b	Through an act or omission, take an active part in other (non-criminal) activities of the organized criminal group.	The act or omission is intentional and undertaken with knowledge that participation will contribute to the achievement of the criminal aim.

### Elements of conspiracy in the Convention against Transnational Organized Crime

Organized Crime Convention	Physical elements ( <i>actus reus</i> )	Mental elements ( <i>mens rea</i> )
Article 5, para. 1(a)(i)	Agreeing with one or more other persons to commit a serious crime (action)	The agreement was entered into intentionally. The agreement was made for a purpose related directly or indirectly to obtaining a financial or other material benefit.