



Free Your Ideas

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Perception of organized crime and corruption in an European perspective with cross-national highlights. Roles, functions and vulnerability of Institutions, Civil society and the Media.

Umberto Di Maggio
Giulia Baruzzo
Francesca Rispoli

Introduction of
Nando Dalla Chiesa



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INTRODUCTION

by Nando dalla Chiesa

What is the perception of the presence of organized crime and corruption in individual European countries. How to assess the enforcement role played by the institutions. Finally, what is the role played by civil society and information. These are all primary issues for those who want to start defining the coordinates of a European public opinion awareness strategy on two of the great evils that encumber the civil and social quality of the continent. It is useless to deny that, in this field, we are still carrying out first explorations. The debate on corruption has acquired an important extension and cyclicity, but it has not been reflected in effective intervention campaigns and not even in important innovations at the educational level, save the exemplary specificity in Italy and the significant evolution of the prevention perspective recently drawn by the United Nations. As for the Mafia phenomenon, it is clear to everyone that a denial approach still largely dominates the ruling classes, as well as the European people. Even countries that are highly infiltrated, starting from Germany, keep it strictly outside the political agenda, following a *worst practice* that the Italian experience knows very well. Only the glare of sudden dramas, as in Slovakia, or in Malta, attracts attention here and there into individual states. Such attention is far from being continuous.

Therefore, working on perception, as this research does, does not only respond to a compensatory or fallback strategy. That is, it does not serve the purpose (as usual) to set up material that can be quantified in the absence of objective information, which is always very problematic to find when it comes to illegal phenomena. Instead, it serves to head towards the root of the problem. European delays in building adequate policies to combat organized crime, and the corruption that feeds it, in fact, depend exactly on the perception that individual countries have on the problem, with their parliaments, their universities and their newspapers. The same identify so quickly the historical vices of southern Italy with a phenomenon that is making its way, unfortunately also quickly, in every State of the European Union. If the European Parliament immediately terminated the experience of its first Anti-Mafia Committee, driven and led by a patrol of particularly sensitive Italian MEPs, this happened exactly because of the widespread sharing of a low perception of the problem. In this context, terrorism and migrants have ended up creating, in obviously different forms, two great alibis for delimiting the great (and very sincere) theme of legality in such a way as to exclude precisely the two issues we are talking about.

In other words, intervening means having new framework perspectives, at least on a par

with, in terms of orientation capacity and operating speed, criminal groups. However, for this to happen, the phenomenon must be perceived as important. In short, the laws, the actual investigations, follow the mental and cultural processes that develop at the social level. Moreover, in this sense, institutions and civil society - and information within the latter - play a decisive role. Such role is one of the matters of study of this research project. If the Italian society has found itself playing a dramatically pioneering role in the fight against organised crime with respect to European society, then it is useful to recall the decisive function that in its experience was carried out by some great magistrates and investigators in building adequate awareness in a resigned or dormant country; or the function performed by an important association like *Libera* in permanently mobilizing consciences and generating a higher perception of the organized crime phenomenon.

The research rightly gives space to members of the police and the judiciary, who together provide one third of the so-called "privileged witnesses", as well as intellectuals and journalists, who make up 50 %. It is probably through them that one is in fact better able to monitor the large area of overlap and exchange between *perception* and *knowledge*. At the same time, the audience of witnesses has an eloquence of its own. The issue does not lie much in their reduced number, since especially in exploratory studies, few well-chosen witnesses are in any case able to manage, offer cognitive maps, outline issues and establish comparisons. The problem seems to lie rather in their professions, in their social identities, especially if they refer to those that any researcher would have proposed as "natural" in Italy: a teacher, for example, or a student, an entrepreneur, a local administrator, maybe even a churchman. Knowing the social and civil commitment of the interviewers, the deduction is made immediately: these figures are not abundant or incisive in the investigated national or municipal panoramas, and therefore, the same social corpus capable of offering indications and reflections is still lacking significant articulations.

While trying to explore four national realities among the many European ones, this research has the merit - not irrelevant - of having decided to take a first step in Europe, as an important complement to the - very broad - "excavation" work carried out almost simultaneously on the Italian reality. Above all, it has the merit of having doing so by involving some important local social networks in the elaboration of semi-structured interviews as well as in their realization. *Basta!* in Belgium, *Mafia? Nein Danke!* in Germany, *Demains Libres* in France, *Funky Citizens* in Romania, all components of the European network "CHANCE" promoted by *Libera*, are the protagonists of a difficult path. A path that is now marked by success and significant results, as happens especially in the German case. The result was, as in Italy, an action-research that has the creative

merit of creating basic scientific skills for the activists or sympathizers of the respective movements and of absorbing (and enhancing) the knowledge gained in the field; to promote a creative dialectical relationship between action and knowledge, of which I was able to see the potential simply by closely following the German case.¹

It is to be hoped that in the future, even more extensive research or a different level of systems will be encouraged and financed by the great European institutional subjects. Nevertheless, at the same time, there is hope that the exploratory spirit does not weaken and that this action-research mode will be able to grow and continue to act as a torch, a tread. Both for the benefit of the scientific community and the political community.

¹ I refer in particular to the works by Verena Zoppei, *La disciplina anti-riciclaggio in Germania*, in "Rivista di Studi e Ricerche sulla criminalità organizzata", V. 2, N. 3 (2016), pp. 63-77, and *Anti-money Laundering Law: Socio-legal Perspectives on the Effectiveness of German Practices*, T.M.C. Asser Press, Den Haag, 2017; or to the works by Giulia Norberti, among which *Anti-mafia initiatives in Germany*, in "Rivista di Studi e Ricerche sulla criminalità organizzata", V. 3, N. 3, 2017, pp. 52-78

FREE YOUR IDEAS

Perception of organized crime and corruption in an Europeanperspective with cross-national highlights. Roles, functions and vulnerability of Institutions, Civil society and the Media.

"Free Your Ideas in Europe" is an exploratory research on the perception of Organized Crime and corruption phenomena at a continental level, carried out within the project "Idee in viaggio contro mafie e corruzione" (Travelling Ideas Against Organised Crime and Corruption, TN), funded by the Ministry of Labour and Social Policies. Notice n. 1/2017

METHODOLOGICAL NOTE

Consistent with the "LiberaIdee" research on the perception and presence of organized crime and corruption in Italy, carried out thanks to the support of a scientific committee² supervised by prof. Nando Dalla Chiesa, "Free Your Ideas In Europe" is an exploratory research on the perception of organized crime and corruption in Europe with cross national evidence where roles, functions and vulnerabilities of institutions, civil society and the media are reported at continental level.

This report was produced as part of the project "Idee in viaggio contro mafie e corruzione" (Travelling Ideas Against Organized Crime and Corruption, TN) funded by the Ministry of Labour and Social Policies. Notice n. 1/2017.

The data was collected between the end of 2018 and 2019 by activists belonging to associations involved in law enforcement and awareness-raising activities on organized crime in Europe. Specifically, the organizations are: Basta! in Belgium, Mafia Nein Danke in Germany, Demains Libre in France, Funky Citizens in Romania, who make part of collaborate with the European network "CHANCE - Civil Hub Against OrgaNized Crime in Europe" promoted by the association "Libera - associations, names and numbers against Mafias".

Specifically, research work in Europe was initiated by prof. Nando dalla Chiesa (University of Milan), who is also the author of the introduction to this report, and has also been enriched by the contribution of prof. Luca Storti (University of Turin).

The overall drafting of the research report, which includes this methodological note, as well as the chapters concerning individual countries and the analysis of the interviews is by Umberto Di Maggio, who has also drafted the conclusions and the bibliography with references to specialised scientific literature on the research topics.

In particular, the following were involved in the realization of the interviews in each country: Ludovica Aquino, Giulia Bordin, Bert de Bruyne, Stella Di Vincenzo, Arvin Eslami, Marcella Militello, Roberto Odisseo, Tania Portuesi, Sarah Vantorre in Belgium; Stefania Carminati, Francesca Del Bianchi, Marino Ficco, Tommaso Giuriati, Monica Grassi, Benjamin Jeanroy, Concetta Savarise, Chiara Zappalà in France; Gabriele Fantoni, Luigino Giustozzi, Ivano Rigamonti in Germany; Alis Socea in Romania.

The interviewers have been supervised, prepared for the survey and extensively informed on the subject of the research. Through a semi-structured audio-recorded interview with privileged observers identified with a reasoned non-probabilistic

² The scientific committee is composed of Nando Dalla Chiesa (Statale University of Milan), Alessandra Dino (University of Palermo), Ludovica Ioppolo (Istat), Monica Massari (Federico II University Naples), Stefania Pellegrini (Alma Mater University of Bologna), Marcello Ravveduto (University of Salerno), Giuseppe Ricotta (La Sapienza University of Rome), Rocco Sciarrone (University of Turin), Alberto Vannucci (University of Pisa)

sampling (Corbetta, 1999) of an average duration of ninety minutes, typed out in the original language and then translated into Italian, they have detected the perception of criminal phenomena and corruption in individual countries.

The reference sample can be classified into three main categories: Scholars (economic or sociological profile), Journalists and Jurists (judge or magistrate). In some cases, the sample has also extended to trade union representatives, activists and members of civil society associations, representatives of the Police.

No general trends and statistics on the phenomena object of the survey were represented.

	Belgium	France	Germany	Romania
	<i>B Brussels</i>	<i>M Marseille P Paris</i>	<i>B Berlin L Leipzig S Stuttgart</i>	<i>B Bucharest</i>
Scholar, Researcher	1 B	2 P + 1 M	2 B + 1 L	1 B
Journalist	1 B	1 M + 1 P		2 B
Judge/Magistrate	2 B	1 P + 1 M	1 B	1 B
Police	1 B	1 P		
Association activist	1 B			
Trade Unionist			1 B	
Lawyer			1 S	
TOTAL (24) of which	6	8	6	4

The survey tool is a semi-structured interview. The concept and realization of the latter is the result of the research group consisting of: Giulia Baruzzo, Stefania Carminati, Vania Facchinelli, Gabriele Fantoni, Tommaso Giuriati, Luigino Giustozzi, Marcella Militello, Giulia Norberti, Maurizio Spallaccini, and Orsetta Spinola.

The interview consisted of 19 questions listed as follows:

1. *Please introduce yourself and tell us about your professional and personal background³*

2. *What is your area of competence? Can you give us an overview of the situation of organized crime phenomena in your area of competence?⁴ (Town, region, area)*

³ The first questions make feel comfortable the interviewee: you can tell us how to classify this phenomenon (ex. due to migrants / due to white collars)

⁴ Make clear the territory of competence or let the interviewee define it. It could be an administrative issue (for example a tribunal/prefecture not acting on the same territory) or a social issue (depending on the professional/social category). Theoretically, the territory of competence is the city where the association of our network is located, but if there is an interesting interviewee in another territory of the same country, it is possible to make an exception.

2a. Could you give us any concrete example that you consider significant in relation to question Nr.2?

3. Which are the existing illegal markets on your territory?⁵

4. Which criminal organizations are present in the territory that you indicated and in which ways are they visible?⁶

5. How do criminal organizations operate and how do they operate in your territory?⁷

6. For each individual criminal market, is there any specific organization that is more dominant or influential than the others?

7. According to you, who could be the external actors/agents that collaborate with the most dominant/influential criminal organizations?⁸

8. What kind of white-collar crime do you think are more present on your territory?

9. About corruption: in which areas and in which forms it is more present? Which actors are involved in it? In what kind of business (exchanges or trades) are they involved? At what levels and to what extent are they involved? What is the extent of the phenomenon (local/national/international)?

10. Recent evolution: Tell us what are the most recent developments regarding structured criminal phenomena (mafias, corruption, economic crime), possibly with specific temporal references. Are they growing, stable, or decreasing (in the different sectors)?

11. At the regulatory level: what is [your] evaluation of the current legislation [on the issue] and what are its main strengths and weaknesses?

11a. In terms of institutional action for countering the phenomenon: please briefly describe the type of activity carried out, the adopted strategies, the results achieved, the strengths, weaknesses and critical points, as well as the tools and resources to make the contrast on the territory more effective.

11b. Let's talk about the role of the civil society: what is the level of awareness, what kind of activities is civil society carrying out, what are the adopted strategies, the achieved results, the strengths, weaknesses and critical points, as well as tools and resources to make the fight against organized crime more effective.

⁵ For "illegal markets" we mean all the illicit and frequent exchanges of goods and services, whether lawful or unlawful (ex. in Italy and France the exchange of drugs is illegal - but it is not like that in other countries; an illicit exchange of lawful goods could be the sale "in black" of goods or services).

⁶ Tips: what kind, which groups, what kind of organization? How they manifest their-self in the local public life? (ex. In Paris, and in particular at Barbés, there are cigarette dealers, who control all the territory, dealers who have adapted the context to their trade...)

⁷ Analysis of the different activities developed in the various criminal markets, with the different actors and how these markets work. "Criminal markets" mean those legal or illegal markets where wide circuits of external complicity are exploited, with a certain camouflage and low social attention. In the criminal markets, "the economic crime express itself in close connection with a cloud of enterprises not of direct criminal expression but prone to undeclared and illegal practices". (definition extrapolated from Professor Vittorio Martone)

⁸ Economic, political and public administration constraints.

12. *Who are the victims of organized crime and / or corruption phenomena?*

13. *How are law enforcement agencies in your territory informed about organized crime phenomena? (Whistleblowing, cooperating witness, wiretaps, control of bank transfers, etc...)*

13a. *What is the role and importance of collaborators and judicial witnesses in the fight against mafias and corruption in the territory and/or in specific affairs?*

14. *What is the perception the law enforcement agencies have of the criminal phenomena in your territory?*

14a. *In terms of social perception: what do you think is the social perception of organized crime phenomena in your territory?*

15. *What role do the media play in informing and supporting the activities of the judiciary and law enforcement agencies?*

16. *What is the role played by associations and citizens in supporting the activities of the judicial and law enforcement agencies?*

17. *What are the scenarios and risks in transnational terms and in relation to migration problems and terrorist phenomena?*

18. *Please give us a definition of 'mafia' in your own terms.*

18a. *In the light of the above, do you think there are mafias on your territory?⁹*

19. *Is there anything you would like to add?*

The aforementioned 19 questions were then summarized in the data processing phase in 4 **thematic areas** as follows:

1. personal and collective phenomenal perception (activity, organization, change, perspectives);
2. specific actions (corruption and financial crimes, terrorism and migration, gangs, ...);
3. tools, legislation and law enforcement agencies;
4. role of civil society and the Media.

The evidence was analysed with reference to the extensive international sociological literature on mafia-like phenomena, organized crime and corruption. The reflections are often based on the considerations that the interviewees gave us on the socio-economic peculiarities within the national territorial context. Often, as has been pointed out, these

⁹ We would like you to give us your opinion about this definition: " an organisation whose members use the power of intimidation deriving from the bonds of membership, the state of subjugation and conspiracy of silence that it engenders to commit offences, to acquire direct or indirect control of economic activities, licences, authorisations, public procurement contracts and services or to obtain unjust profits or advantages for themselves or others, or to prevent or obstruct the free exercise of vote, or to procure votes for themselves or others at elections"

peculiarities have determined the extension and relevance of the phenomena of deviance, organised and non-organised crime, of banditry and more generally on issues related to urban security. In some cases, like in France, the geographical reference was at the municipal level. Indeed, the latter country provided references for the two geographical areas of Paris and Marseille. The topics dealt with can specifically refer to the exercise and management of violence, to deviance and crime, to banditry, to gangsterism, to mafia specifics, to organized crime, to the economy and to the criminal enterprise, to the criminality of the powerful, to white-collar crimes, to the globalization of crime and mafia establishment in non-traditional areas, to law enforcing processes and instruments, to crimes against public administration, to money laundering and corruption. Other important references concern the re-use of confiscated assets, the exploitation of migratory phenomena, connections with radicalism, cybercrime, reporting tools such as whistle blowing and the role of civil society, of networks of associative trusts and of the media with particular reference to investigative journalism.

BELGIUM

**A criminal junction for old
and new traffics in the centre of Europe**

General Data

Population: 11,403,000 (2018)

Form of government: federal constitutional monarchy with two legislative houses

Per capita GNI: 41,790 \$ (2017)

CRIMINAL ORGANIZATIONS IN BELGIUM: FROM GANGS TO HIGH FINANCE

Different kinds of **criminal organizations** operate in Belgium. The prevalent form is that of **organized crime** (Kefauver 1953; Schelling, 1984; Albanese, 2007; Von Lampe, 2008; Abadinsky, 2009; Lyman 2015) consistent with international references (Council of Europe, 2005; Europol, 2007; Serious Organized Crime Agency, 2006). The associations of this type would therefore be characterized by: a) formally defined activities; b) non-extemporaneousness; c) use of violence and intimidation; d) use of economic structures; e) exercise of influence over politics, the Public Administration, judicial authorities and the Media; f) international and transnational dimension; g) joint motivation of research and exercise of power and profit. These features are complemented by, as provided for in the Palermo United Nations Convention against Transnational Organized Crime of 2000 (UNODC, 2004): a) specialized organization of the activities; b) criminal monopoly of the market space; c) use of corruption; d) hierarchical character and non-ideological references; e) therefore profit-driven.

In this geographic context, the organizations that manage criminal activities are configured particularly as "criminal enterprises" and are responsible for the management of the *underworld* (Becchi, Rey, 1994) and of trafficking. However, they fail to qualify as "criminal institutions", dedicated to the ruling of territories through the exercise of power and the pursuit of profit (Dalla Chiesa, 2012).

With reference to the stories of our privileged witnesses, more generally, the following organizational listing emerges.

a) Biker gangster groups. The reference is to the bikers (Wright, 2006) of the Motards, Hell's Angels, and Bandidos who count hundreds of members. These forms of crime also take the form, in some cases, of social banditry (Hobsbawn, 2002) and aim to control the territory (*power syndicate*) (Block, 1980) through the physical and violent show of power. They combine the use of pseudo-mafia methods of intimidation (e.g. extortion, racketeering) to the simultaneous offer of private protection and guarantee of security (Gambetta, 1992). They have, within them, imitative processes and organizational isomorphism (Powell, DiMaggio, 1991), even multiple, which develop in an environmental niche intended as a cultivation area where different organizational species move (Lo Verde, 2009). Sometimes, they also borrow the affiliation rituals of criminal organisations attributable to the most famous historical criminal organizations. This type of criminals deliberately violate laws because they belong to an alternative subculture/counterculture (Akers, 1973, 1996; Agnew, 1992) incompatible with the rule of law. They share a lifestyle, a jargon, a conduct code with the cult of violence, of corporate and clan spirit and the rejection of common rules.

b) Classical Mafia-like organizations. There are also references to traditional Italian mafia-type organizations related with the Sicilian Cosa Nostra, the Calabrese

'Ndrangheta, the Campania Camorra. Some groups are related to the Albanian, Kosovar, Russian and Chechen mafia. The latter, unlike the first category of bikers, fear repercussions on the level of judicial repression and are mindful of repressive action against them in other contexts (e.g. Italy after the 1990s massacre season), so they choose a strategy of invisibility and submersion (Dino, 2004). Rather than focusing on territorial control and cultural domination, they prefer to exercise the power of market control through *enterprise syndicate* actions (Block, 1980). Such organizations thus prefer, for the purpose by the cooperative and collaborative division of the markets, to implement alliances and expand the corporate assets that mutually link the organizations to business (Sciarrone, 1998a, 1998b, 2011) through a hybridization between legal and illegal economy, use of illegal assets, entrepreneurial *expertise* and leadership in economic exchanges (Fantò, 1999) based on the accumulated trust in the market. In this sense, there is no evidence of wars and conflicts at macro level between the different crime groups and organizations. Some conflicts arise only at the micro level, between single units or cells and in order to conquer dominant positions. The classic crime carried out by these types of organizations is drug trafficking. In this context, for example, there are well-established organizations in the sale of cannabis and its derivatives, as well as other drugs. Another common area of crime is the laundering of illicit proceeds through a compensation system based on the issue of false invoices among companies based in different countries or the use of broker companies that through transactions among EU and non-EU companies serve to evade VAT and therefore generate considerable profits. Other similar activities involve the commercialization of works of art, which, given the extreme variability of their value and the special tax schemes they are subject to, are a good means for the transfer of illicit money. The same can be said for real estate speculations, investments in gambling halls, casinos and anything else that can be used to launder large amounts of illicit cash. Drug trafficking, gambling management and all those activities that can be included in the vice market and which are typically ascribable to crimes without victims and therefore managed without seeking to establish monopoly of the illicit (Buchanan, 1960) but within the liberalist scheme that balances supply and demand for goods and services, including illegal ones.

c) Indigenous organized crime. This is the case of the band of assassins of the Walloon Brabant region,¹⁰ south of Brussels, which in the 1980s carried out heinous crimes in supermarkets and whose criminal rationale remained unexplained till date.

d) Financial crime. This fourth group is made up of criminal organizations dedicated to "financial crimes", which are characterized by business-oriented *structures*. In this sense, it is important to highlight a link with corruption, which is not systematic and

¹⁰ Ed note: in French "Tuers du Brabant-Wallon", in Flemish "Bende van Nijvel"

therefore organized and stable, yet it creates criminal alliances between some institutional representatives, including Public Administration officials (Sciarrone, 2011). At the federal-regional level, this involves officials and entrepreneurs interested in various types of speculation, such as the construction sector. Once the European level is reached, according to our respondents, we find cases of illicit lobbying with negative repercussions especially in some sectors such as arms or pharmaceutical industries. Waste disposal is another interesting business. According to our sources, a conspicuous traffic would start from the port of Antwerp to reach Ghana and other African countries and South America. This type of crime and their close relationship with corruption allows an interpretation of this last criminal phenomenon as a further lever exercised by organized crime (Gambetta, 1992), which is used functionally to achieve its objectives. Specifically, financial crime would be divided into levels.

d1) The first, of a low profile, concerns crimes such as simple tax evasion carried out even in unorganized form.

d2) The second level concerns more complex tax frauds that require a more complex degree of organization and structure.

d3) A third level concerns what has been defined as the "interest taking", resulting in corruption in public procurement, companies and politics. It is patent how corporate crimes of the so-called "cash companies" otherwise known as "société de liquidité" are perpetrated through companies that are deliberately deprived of financial resources in order to evade taxation. Added to this we find abuse of privileged information such as insider trading.

d4) The fourth level is composed of crime-facilitating professional figures such as bankers, lawyers, accountants who provide their specific skills to achieve criminal objectives. This level includes the phenomenon of "revolving doors" of people especially employed in the Public Administration who, passing from one job to another, bring with them all their experience, their knowledge and their conditioning and guiding even criminal actions. This also translates into forms of political or bureaucratic corruption and in the so-called hidden trade (Vannucci, Della Porta, 1995).

d5) The last level consists of the mafia-bandits who occupy the lowest step in relation to the activities to be carried out, and who are subordinated to the previous ones by relevance, within the more general organizational chart of organized crime.

e) Cyber-crime. Illegal activities can be conducted against end users (Raymond, Grabosky, 2013). The victims (individuals or companies) are connected to the internet and suffer hacking, phishing, ransomware exposure and extortion. This phenomenon, we are told, has a "colossal" scope (about 350 billion € a year) and is carried out by organized gangs from different countries, especially from, but not limited to, Eastern Europe. These activities also take place in the *dark* and *deepweb* and through cryptocurrencies alternative to traditional ones. Bitcoins are often used by organized crime to

mobilize the exchange of services and illicit capital. It should be noted that, in February 2019, crypto-money funds (Bitcoin, Bitcoin Gold and Bitcoin Cash) were auctioned and confiscated by the Belgian police from drug traffickers who used Darknet.

f) Exploitation of migration. This type of crime, according to the witnesses interviewed, is facilitated by the geographical location of the Belgian area, within which it is easy to bring the flows of migrants and then exploit them in the criminal chain of organizations. Trafficking in human beings is linked to prostitution, but also to specific forms of exploitation, such as young soccer players' exploitation, child trafficking and illegal work and labour exploitation in the form of illegal hiring. You find in the news between the 90s and the first decade of the 2000s, the phenomenon of the so-called building *slavers* (*négrier de la construction*) who took over bankrupt construction companies and then employed black workers thus defrauding the tax department. Criminal organizations are mainly from Eastern Europe, that is Balkan, Roma, Kurd, Iraqi, but also coming from the Horn of Africa. In addition to drug and arms trafficking and the reselling of stolen goods, they deal with false documents and the exploitation of people in the building, clothing, textile industry, car wash, cleaning companies, collection of agricultural products and in all those sectors where a large amount of workforce is needed. Apartment theft involving boys, especially young/teenager Roma, is a noteworthy phenomenon. With special reference to children, we were told that in Belgium every year there are about 2,500 unaccompanied foreign minors (the so-called UAMs) who seek asylum precisely because they are victims of a criminal organization. These are assisted by the protection system, but there are many others that are co-opted by criminal organizations, which then exploit them in prostitution, drug trafficking and organized begging. We must also highlight that the migration phenomenon, social unease and criminal interests are intertwined in a complex plot to the issue of **terrorism**, which in Belgium, as in other contexts, shows important phenomena. Especially in degraded and disadvantaged urban contexts, there are important cells of radicalized extremists composed also and above all of Belgian natives that the interviewees defined as "people from our family". This confirms that it is not immigration itself that swells the ranks of terrorism, and it is therefore short-sighted by those who would like to tighten the regulation against accesses precisely to remedy the problem. On the contrary, there is a sort of cultural colonization of radicalism by, for example, the Salafi movement, precisely in marginalized contexts, where social, intellectual and cultural misery are associated with school, family, professional and identity failure. In this sense, terrorism can overlap *with organized crime* only in its economic dimension and must be separated from it with respect to the ideological and political dimension that is almost absent in the mind-set of criminal organizations. We have been reported, regarding this issue, that it is no coincidence that the Abdeslam brothers - authors of the 2015 Paris terrorist attacks - are originally from Molenbeek, which is a municipality in Brussels. Unfortunately, this is

not the only example. They also told us that the same Imams in the neighbourhood try to draw the attention of public authorities to radicalization in their community by highlighting how Daesh has perhaps lost militarily in the battlefield, but its ideology still survives. The fascination of criminal organizations concerns everything that has to do with their ability to recognize the needs of belonging, of social recognition, etc., to the outcasts of society.

More generally, the processes of spatial, social and economic appropriation of the criminal gangs of these territories forces us to ecologically consider the *slums* (Zorbaugh, 1929) and the *delinquencies areas* (Shaw, MacKay, 1929) as a *habitat* (Park, 1950) and then as a multidimensional space. It is not only a physical or architectural space, but above all a social and relational one, where deviance is the cause and consequence of the ghettoization processes that produce spatial isolation and contextual mutation of the mind-set of their inhabitants (Wirth, 1968). These contexts show a clear need to fill an existential gap, to achieve social and relational recognition. This clearly does not exclusively refer to economic motivations. The phenomenon of gangs (Decker, Pyrooz, 2013) and street crime can be read, in fact, according to the social disorganization present at the level of neighbourhood, banlieu, urban area. These places, according to established international sociological literature, can be understood as places of contention, conflict and friction between differently positioned classes, which have different access to public resources such as employment or education and so on. There, the mobility factor between the same classes plays a fundamental role to the extent that it fuels feelings of injustice, hostility, and social frustration (Whyte, 1943; Sampson & Groves 1989). The inhabitants of these spatial contexts, in Belgium as in other countries, learn anti-social behaviours there and reciprocally influencing each other, allow social disorganisation. Such disorganisation is the cause for the persistence of the crime in those contexts, becomes the generating and maintaining ratio of the structure organization within which they exercise their criminal experience.

PUBLIC CONDEMNATION AND AWARENESS RAISING OF A VERSATILE PHENOMENON

Crime in organized form in Belgium sprung following the migratory presence of people from territories in historic areas. This is the case, for example, of Wallonia, a region that is affected by the substantial presence of the Italian-speaking community where, as reported by the interviewees, it is easier to find the Italian mafia-type criminal organizations that recreate the same systems in that territory. This phenomenon can be understood as the consequence of the expansion of illicit trafficking and of the crime industry, what led to overcoming the main territorial area by stimulating mafia settlements in the so-called non-traditional areas (Massari, 1998). In addition to Northern Italy, where infiltration has become rooted, we can certainly consider, more generally, the European context intended as a very broad "market".

More generally the geographical position of the entire Belgian area favours the trafficking of drugs, arms, migrants and therefore of human beings also by criminal organizations (Schloenhardt, 1999). Not forgetting the traffic of works of art and archaeological heritage as well as the traffic of counterfeited goods and diamonds.

We have been told that **drug trafficking** must be read in relation to the strategic importance of the port of Antwerp where, according to our interviewees and institutional sources, huge quantities of drugs, in particular cocaine, transit. We have been told that criminal organizations based in the Netherlands have used Belgium to establish synthetic drug labs or home cultivation of cannabis plantations. This phenomenon is increasingly widespread. The phenomenon is so important that in Tilburg the cannabis market is estimated to be around 750 million euros: a turnover equal to that of the entire city.

The area of Brussels, in particular, presents different types. Crime is linked to high finance, therefore to the so-called "**white collar crime**" (Sutherland, 1940). Among the main crime types, we can consider the so-called VAT carousel, tax fraud, the reversal of funds, false accounting and the misappropriation of European subsidies.

Corruption, although present and widespread, is however poorly perceived in its danger level. It is considered as a cause and consequence of inertia, inefficiency and irrationality of political decisions and planning (Myrdal, 1968). The phenomenon, according to a part of the scientific literature proposed here, can be read as a "rational" response to the effective and efficient management of public resources otherwise slowed down by bureaucracy (Nye, 1967; Rose Ackerman, 1978; Andvig, 1986) and therefore it is considered endemic and probably also inevitable. Press reports take account of wrongdoings, matched with relatively low penalties if compared to examples from other countries. However, this phenomenon is not less important and worrying. There are

many cases of offenders and accomplices of crimes of forgery of identity documents or activities carried out in the customs. In general, there are no up-to-date observations and statistics on the phenomenon that allow mapping in its widest dimension. Regarding the relations between the position of public opinion and the corrupt political and bureaucratic class, a type of "blurred corruption" seems to emerge. This is explicit in vote trading, in party transformism, in politicking, in clientelism and also in the illegal management of public affairs (Bobbio, 1980). It turns out to be disliked by the general public that suffers it, but it is accepted and used functionally by the corrupt counterpart (Heidenheimer, 1970) which makes unprejudiced and sometimes unpunished use of it.

Given the flexibility, elasticity and organizational and active fluidity of criminal organizations, the need to explore new and therefore not standard criminal activities was highlighted. This creates the need for both the acquisition of legislative instruments that allow prosecutions, investigations and consequently arrests, trials and convictions, and cultural instruments that allow the general public to understand the social danger of criminal organizations, both emerging (and therefore endowed with such potentials as to set up a structure similar to that of the most traditional mafia organizations), and established (and equipped with all the structures required to be defined as such). The activities related to financial crimes can be intercepted by the CTIF [Cellule de Traitement des Informations Financières] also called FIU [Financial Intelligence Unit] which identifies irregular movements on current accounts. Thanks to these tools, it is possible to process financial information and then compile statistics on reports, suspected and overt cases. These activities that use digital tools, as has been reported, do not have a specific territorial link and therefore do not affect individual countries but do simultaneously hit several countries. Fighting them requires the collaboration with international institutions. Our respondents mentioned the following bodies: the FATF, the financial action group that verifies the effectiveness of the States in the fight against corruption, EUROPOL, the European police coordination agency, EUROJUST, the EU cooperation unit, and finally the Europe Prosecutor's Office to be activated in 2020.

Our interviewees were asked about the victimization and **therefore** the personal and collective consequences related to the presence of organized crime and corruption. The reference is to the physical, psychological, economic and social repercussions from crimes and criminals on the members of the community and to the perception that the community gives of these same. This inevitably means understanding the presence, organization and consistency of criminal organizations and the effects of their presence in society. The answers given mainly included the more general level concerning the State and the institutions, the economy and therefore the condition of the free market. No reference was made to precise references to certain characters and pantheons of "civil heroes", because in Belgium there is no evidence of excellent murderers nor of slaughters which, instead, in other contexts, favoured the rituality of memory

(Ravveduto, 2017), which has fed law enforcement activities, including social ones, against the same criminal organizations. In general, the main "victims" were certainly the individual citizens forced to suffer the presence of criminal organizations. The most explicit example was to the most marginalized subjects, that is the victims of social distress. This was more true for organized crime, also due to its pseudo-mafia-like expression, which is widely condemned. As mentioned above, corruption does not seem to raise much public blame. Otherwise, it would trigger some degree of self-awareness also of the corrupt, who considers the conduct as a weight in public opinion (Pizzorno, 1993).

The **social perception** of the criminal phenomenon, we have been told, is related to spaces and also to the capacity of information to bring out the drama of evidence. The need therefore arises for an investigative journalism capable of presenting corruption and organized crime to the general public, of contextualizing it and knowing how to interpret it beyond the ethnic connotation that would ascribe crimes to the so-called folkloristic typicality of certain communities such as the Italian, Albanian, Russian and so on. The need therefore arises for awareness to be associated with a cultural and collective awareness of the multi-dimensionality of the criminal phenomenon and its possible solutions in order to enrich public debate, political action and consequently preventive, repressive and compensatory actions against the local communities.

According to our interviewees, the **perception of organized crime** in general, and therefore not necessarily in reference to the possible Belgian evidence, is of a criminal organization that has had and continues to have the ability to restructure itself innovatively, combining alternatively the use of violence and money (Arlacchi, 1983; Catanzaro, 1988; Dalla Chiesa, 2012) in order to achieve his goals. The latter are oriented to the enrichment of its members and of the organization itself as well as to the self-maintenance of the structure for its maintenance and expansion. The criminal tools available to this association are varied and range from the exercise of violence, to intimidation, to pressure and those of a purely economic nature such as extortion, financial crimes and of course corruption (public, political, private, etc.) as well as the conditioning and influence of private and public decision-making on a regional, national, and often also international and transnational scale.

The characteristics indicated for this type of mafia are: a) the multifaceted character, which is changeable and adaptable to the changing temporal and contextual conditions; b) organized and bureaucratic rational structuring; c) the emancipation of the organization from the territorial constraint and therefore the impression of geographical lordship. In this sense, the territorial constraint is no longer as marked as in the past, because organizations are concerned with controlling and influencing economic (even virtual) and political areas rather than just physical ones.

The mafia would differ from the small criminal organizations due to the breadth, scope

and organizational efficiency that, even through the intertwining of alliances with other criminal networks - not necessarily of mafia type, translates into positive economic performance for the organization itself.

STRENGTHS AND WEAKNESSES OF A SEGMENTED READING OF THE CRIMINAL PHENOMENON

On the front of the effectiveness of the Belgian **regulatory system**, we see a general difficulty in reading, interpreting and therefore attacking the criminal phenomena and the mafia associations as they occur in specific territories. This also relates to the number of migratory flows, even of communities coming from countries with historic Mafia settlements, which in Belgium have followed one another for decades and which continuously redesign and restructure the social composition and economic dynamics of vast areas of the country. This has important consequences also in relation to the application and transfer of criminal knowledge and expertise that are implemented in those same contexts. According to our interviewees, at present, there is no law in the Belgian code that accurately expresses the **crime of mafia-like association**, at least as understood in the Italian regulatory framework. The difficulty of identifying the anthropological and cultural origin of these phenomena and therefore the typical and geographical matrix of mafia crimes that are relegated to common forms of crime is to be found more generally.

Although there is extensive legislation regarding criminal organizations and financial crimes, **there are no application tools** to make the law enforcement action concrete. This depends on the fact that above all economic and personal resources are sized to that historical period where particular attention was not yet paid to organized crime as it has manifested itself above all in recent years. To this we must add the general difficulties relating to collaborators of justice, to the protection and safeguard of victims and that relating to the social re-use of confiscated assets that are currently sold by auction, therefore not allowing social restitution through, for example, projects of welfare and social cohesion that would allow, instead, a greater public echo and a compensatory action towards the community. Added to these types of problems is the now widespread Anglo-Saxon tendency to judge the **performance** and therefore the efficiency and effectiveness of the judges' action by the number of sentences resolved and not by the quality of the cases they work on. This determines the predilection of cases of relative simple solutions instead of those of extreme complexity such as the mafia ones. Another difficulty is the circulation and **exchange of information** between the various investigative and judging subjects on crimes.

As regards **corruption**, the figure of the mediator (ombudsman) was established, which facilitates the reporting by whistle-blowers working in the public administration. Through the Integrity Centres, at the federal civic mediator's department, state

employees can use the whistleblowing tool since 2014 (Frazzica, 2018; Gandini, 2010; Gargano, 2016; Ingrassia, 2009; La Spina, Scaglione, 2015; Perrone, 2017; Romano, 2006) to report alleged illicit events in their administration. Having assessed the importance of information, it is possible to proceed with the initiation of a possible investigation. This institution is federal and serves to protect whistle-blowers from the federal public administration. Unfortunately, municipal or regional employees cannot make use of it. There are "pilot projects" in some areas such as Limburg in Flanders where a similar tool is yielding appreciable results. However, protection is required for those who report these types of crimes to the press or to administrative bodies. In this sense, the so-called "Integrity Program" within the Public Administration appears, despite the deontological codes and the regulations that allow the action of reporting, still very limited in terms of application and above all awareness among the general public.

In Belgium there is also a recent law on **collaborators of justice** (the so-called "repentants" used as State evidence, used for the first time in 2018 in the scandals of the Belgian Jupiler football League) which together with the conventional and codified informants, and also the witnesses, constitute the primary sources of information for the Police and the Judiciary on organized crime. However, there is a need for a **pool of investigation** to understand the phenomena in a much less segmented and compartmentalized way. This would allow a general view on the same level as the one we are trying to achieve with the fight against terrorism, for which special methods of investigation are used which concern, for example, particular procedures on wiretapping and searches using new technologies.

Another major issue is the lack of a **shared international strategy** to combat criminal organizations. With the exception of some important directives, some of which are aimed at favouring free trade and the movement of money and people, no regulatory action has been taken for an effective and organic fight to mafias and corruption, including on the international level.

ROLE OF CIVIL SOCIETY AND JOURNALISM BETWEEN SYNERGY AND INDEPENDENCE

The action of **social fight** to organized crime by civil society is diversified by subject and sector and is often carried out in synergy and cooperation with institutional law enforcement agencies. There are organizations like "Basta! Belgian Anti-Mafia: Steps Towards Awareness" started by the experience of the Libera in Belgio association, others involved in raising awareness on the issue of financial crimes and against white-collar crimes such as "Réseau Financité" and organizations dealing with the issue of Camorra

infiltration and rooting as "Cultura contro Camorra". You should also add, due to the obvious links that exist with the criminal issues, the pacifist movements and committees that report and raise awareness among the general public on arms trafficking, environmental conservation, free information and the human rights of vulnerable people, such as asylum seekers, and more generally migrants, who also appear to be victims of criminal organizations.

As regards the **role of the media and journalism** in general it should be highlighted, as some interviewees recall, that the relationship between journalists, police forces and the judiciary requires a constant reminder of the independence of the parties, and therefore of the need of their relative independence above all regarding the release of information in respect of the confidentiality of the sources and the consequent investigations. Journalists must not be seen as auxiliaries, police, or judicial informants. They must be ensured their freedom in their profession, or the risk arises of breaking trust and consequently the relationship established between journalists and the community. Moreover, we have been reported, there is a need to consider the phenomena in the complexity to make the "general public" understand the general scope of the criminal phenomena rather than considering only single facts and therefore individual issues and individual offenders. "Investigative journalism" should be considered separately from "revelation journalism". The first, which has a specific fund of 250,000 euros a year in the French-speaking area, also with scholarships and research, has priority over the latter because, as mentioned above, it manages to capture the complexity of criminal phenomena and links between the various crimes and the ties and intermingling of the organizations involved in them. The evidence of these phenomena becomes even more important to the extent that it is able to catalyse the interest of the community, which requests the action of investigation and repression of police forces and judicial bodies as well as the political action of the bodies appointed, to launch action against criminal phenomena.

FRANCE

Banditry in the shadow of the 21st Century République. From the cités' organized crime to hidden trading

General Data

Population: 65.097.000 (2018)

Form of government: semi-presidential republic with 2 parliamentary houses
(Senate-Assemblée Nationale)

Per capita GNI: 37,970 \$ (2017)

THE INVISIBILITY-VISIBILITY OF THE PARIS-LYON-MARSEILLE-CORSICA CRIMINAL AXIS

In the view of the so-called insiders, therefore among the privileged witnesses interviewed by us, the common perception of organized crime is of a complex phenomenon, which is not comparable, for its dangerousness, to that of the historical and traditional mafias, at least for those that were constituted in Italy and from there spread throughout the world. The issue of perception per se is very interesting, given the historical evidence and as opposed to a part of the scientific literature (Lalam, 2004). *The latter would recognize the presence of organizations that would rather belong to the typology of the Mobs*, within which organized crime groups are supposed to organize themselves as corporations. This would approximate them, in a way, for mind-set and purpose, also to the Sicilian Cosa Nostra and other similar organizations. In the case of France, these groups are present above all in large cities like Marseille, Lyon, Paris, Grenoble, Nice, but also in Corsica.

Apparently, the main axis of organized crime shows in the Paris-Lyon-Marseille-Corsica line.

The **reluctance to use the term "mafia"**, as interviewees told us, is also linked to the awareness that the tools to effectively combat this type of complex phenomenon are lacking. There is therefore a general difficulty in using the term mafia in its very specific connotation. Nevertheless, there is some degree of coincidence and common understanding on the acknowledgment of the presence of a **varied form of banditry**, adaptive and changeable, and of **opportunistic crime** operating above all in the so-called "vice market". This operates in drug trafficking, exploitation of prostitution and illegal betting management. More generally, the phenomenon of delinquency (Mucchielli, 2014) should be read in the context of deviance, anomie, social disorder and therefore in the social processes of criminalization, judicialisation and ghettoization.

These forms of **organized crime** (Kefauver 1953; Schelling, 1984; Albanese, 2007; Abadinsky, 2009; Lyman 2015) surface in a relatively prosperous economic market and depend on the commercial circumstances that are alive therein. These criminal activities, which also provide for a relative **control of the territory**, although carried out in a consortium form, are not founded on the presence of structured networks and are not organized in monopolies (Buchanan, 1960), as has happened in other contexts where they evolved in real national mafias.

The **activities of the French banditry** organized in this way would be divided into:

a) totally illegal and therefore eminently and blatantly criminal activities (racketeering, kidnappings, robberies, assaults, etc.);

- b) crimes of association nature such as corruption of public officials, fraud, etc.;
- c) legal activities used for money laundering such as gambling halls, restaurants, etc. (Fijnaut, Paoli 2004).

The practice of intimidation and therefore of physical violence is much less apparent. This, as the interviewees told us, is probably part of a strategy, also borrowed from the mafia organizations in other contexts of rooted settlement like Italy. Such strategy would aim at decreasing the use of violence in order to reduce their visibility (Dino, 2004) and consequently the attention of investigating and judging forces. What is evident and clear, on the other hand, is the **financial violence** perpetrated, for example, through the increasingly complex use of tools for money laundering through corruption at all levels and in all forms (Meny, 1992, 1995). It should be specified, that there is no *tout-court* rejection of violence in its multiple expressions. Its ostentation and use is currently being reduced in consideration of the current situation. The capacity to exercise violence is in fact still considered a distinctive and characterizing factor of the "criminal braveness", so much so that the contextual weakening of a recognized criminal fallen into disgrace is shown by his marginalisation and inability to exercise physical intimidation and to use financial assets. In some contexts such as Marseille, violence is still used for settling accounts between rival gangs. It is common in this sense between the Maghreb, nomadic (*Gitans* and *Manouches*) and African Comorian clans.

More generally, and therefore beyond the French specificities, according to our interviewees, the criminal organizations (even the pseudo-mafia ones) would seem to be characterized by a lower territorial-geographical link and by a more marked sectorial control that translates into the capacity of the criminal organization to enter different legal and illegal sectors and markets. This also applies to traditional mafias in historically settled contexts that seem to be crossed on the same level by these trends that are closely linked to the need for expansion of the criminal business in a globalized context increasingly characterized also in times of crisis (ed. like the financial crisis of 2008), at least from the point of view of trade, by the disappearance of borders.

FRENCH CRIMINAL GANGS BETWEEN POWER AND WEAK TIES

Organized crime in France, our interviewees testify, is relatively **ethnicized**. A confirmation of this is given by the varied presence of foreign groups such as the *Vor y Zakone* (Varese, 2001), an extremely structured criminal organization that operates all over Europe. There are also Georgian and other Russian-speaking mafias that can be included in the group of the RSOCG (Russian Speaking Organized Crime Groups), joined by the Nigerian organizations (Alemika, 2005, 2014; Williams, 2013), operating in the sex slave sector especially in the Paris and Marseilles areas. Then, there are also nomad gangs (*Gitans* and *Manouches*), others that come from the rest of Eastern Europe

especially from Romania (*Brigade*) but also from Lithuania, which specialize in raids, highly specialized thefts - such as phytosanitary products or domestic appliances. There are also Chinese clans that manage part of the illegal prostitution market. Another relevant business is drug trafficking. Traffickers are often organized on an ethnic basis and often come from North Africa. Respondents told us about big scams perpetrated also by the Jewish communities. Finally, there is the nomad organized crime. In general, these organizations act **without a central control room**. In fact, there is not a central hub of criminal power, but many small, medium and large organizations operating in their field of competence and with their own *modus operandi*. No one holds the lead of or dominates **organized crime at national level**. These are mainly "boxed **organizations**" that regenerate and develop like tentacles, gradually involving a growing number of criminals.

A **classification of the definition of crime** would present this list of criminal types in France:

- a) The first type of organized crime that is mainly dealt with by prosecutors (30% - 40% of cases) concerns **drug trafficking**. It is the most important area of organized crime that generates more profits especially with the illegal marketing of cocaine and cannabis.
- b) The second type is the settling of accounts, which is the **internal clashes for predominance among the** same organizations especially in the Marseilles area, where there is a significant reporting by the Media, but also the Paris crime scene, less covered by the Media.
- c) The third type concerns **money-laundering** cases. Especially in recent years, the phenomenon of transfer "collectors" has emerged, taking the form of a shared money laundering of cash coming from the illegal activity of various criminal groups to send them mainly towards North Africa, where they can be laundered. These items are extremely interesting because they allow us to have a holistic view of the way in which different types of crime are entangled together, implementing forms of criminal hybridization and cooperative collaboration. Money laundering is also implemented through restaurants, fast food restaurants, pizzerias & kebab restaurants, bars that lend themselves to this practice, but also by couriers that move funds towards North Africa (Algeria, Morocco, and Tunisia) and bring them back to France through the extensive laundering chain relying on the collaboration of a wide network of accomplices.
- d) The **organized crime of the cités** (peripheral districts of the great French city centres), which is more focused on drug trafficking. The traffickers who operate in this context increases, over the years, their availability of weapons and therefore of violent exercise of power. The criminal rationale is devoid of any code of honour and any "ideal" of social banditry. Criminals act in an opportunistic way, sometimes succeeding in overthrowing organizations such as those present in Marseilles in various ways. The ones that existed

before would adhere, albeit not strictly, to the conduct of honour of the gangs and families of Italian and similar historical mafias (e.g. accepting the arrests head up and not confronting the Police with shootings and gunfights). The phenomenon of crime in the *cités* is especially rooted in the Paris region. From the registry point of view, crime recruits mainly young people aged 20 to 40 who show in their conduct a certainly more advanced criminal determination, in terms of willingness to use violent and illegal methods, compared to that of the elderly who however, for the most part provide crime with the skills and expertise accumulated during their criminal career. Communications between the fellows occur with messaging tools such as WhatsApp or Telegram, with PGP laptops, through encrypted tools that are purchased in the legal market for 1000-2000 euros. This leads to further difficulties for the investigating forces in intercepting criminal communications, including data in 4G, which include much more than the classic voice calls. The problem is even more evident because of the scarcity of available means and the obsolescence of the software available to the intelligence services committed against crime - and even terrorism. The area in question, the Ile de France, presents high demand patterns with certain purchase availability for the customers. This sets the prices higher than in the rest of the national territory. Here, crime mostly links with foreign groups. Most of them are from Eastern Europe. Unorganized crime is also exploited with small retailers who enter the market, under free competition, thanks to the high demand for drugs. Seizures by the Police Forces, as we have been told, amount to just over 4% of total traffic. This is illustrative of the complexity of the phenomenon and the related difficulty in resolving the problem. Specifically, the traffic intercepted also through the OCTRIS, the central Office for the fight against drug trafficking, concerns 5 types of drugs: a) Cannabis: carried out by French people of foreign origin with connections with the countries of Maghreb and in particular Morocco. On this type of consumption, ever wider, there is the disappearance of the taboo of its use, which has favoured its popular diffusion; b) Cocaine: a substance produced in South America that arrives at the ports of Marseille, Le Havre, Antwerp, Amsterdam and Rotterdam or through the "drug couriers" that run routes other than the maritime ones. These arrivals, which do not necessarily operate on behalf of large criminal organizations, originate from French Guiana, Guadeloupe, Martinique and the Antilles and are transported especially by plane. The couriers (mules) who manage to ingest up to two kilos of substances have been quantified in about 40 every day solely in the Paris airports. This drug is 85% pure and can easily be mixed and processed to be multiplied into numerous retail doses; c) Ecstasy and MDMA: psychotropic substances produced in the Dutch laboratories, also marketed in the Darknet through the illegal networks of digital traffickers through which substances of this type arrive from all over the world; d) Crack: narcotic substance produced at home and consumed mainly in the north of Paris by poor people; e) Heroin: substance that comes from Turkey, Afghanistan and Pakistan.

e) then there is also the **Marseilles and Corsican banditry**, which cannot be considered a "mafia" - at least as understood in the Italian experience. In this case, it must be said that, although there is a semantic problem such as there is no equivalent French term for defining the mafia structure and organization in the territory, we see it is a phenomenon of considerable criminal importance given its social and economic consequences on contexts like Marseilles and beyond. It is possible to take a picture of this criminal phenomenon by separating it from that of drugs and smuggling, which are increasingly widespread and developed by many unorganized gangs. The recipients of the distributed goods are people living in great insecurity; without housing, without resources, who consume large amounts of processed medicines. The largest market is found above all in Noailles, in the historic centre of Marseille, where there is a resale of psychotropic medicines that have often been prescribed under false referrals and then turned into drugs. The sale takes place through criminals not organized into a structured network. It takes place preferring the local reference and rejecting the pyramidal organizational scheme, so preferring a scheme of networks of acquaintance. The sale is not hierarchical and is not based on violence or threats. These transformed medicines are called *mercuration*. They are consumed on the street and used to alleviate the mainly social suffering linked to exclusion, marginalization and isolation. As for the illegal market of processed medicines, even in the case of the illegal sale of cigarettes we find a large workforce of unaccompanied and foreign minors, mainly from Eastern Europe and Algeria. This dealing organization on the street is also defined as "capitalism of the parias". Its economic operators are people on the margins of society, who live in conditions of extreme danger and in impossible sanitary conditions. They are dominated by cognitive references where mental, physical and social violence is essential. Another important issue concerns the home delivery of cannabis, cocaine and ketamine and other substances especially for those *chic* and middle-class customers who do not intend to compromise themselves with purchases in the street, under observation by the police. There is a general quantitative expansion of the phenomenon due to the contextual increase in the demand for substances of this type and the diversification of the consumption models. Use itself has expanded its cultural and social network paradigms. You can find cocaine in the cités but also on the Internet via purchase, also with Bitcoin, by mail order or in the traditional social places. We were also told of an increase in the purity of all drugs without a simultaneous price increase. The average price on the cocaine market ranges from 80 to 100 euros per dose, with a purity almost double compared to the same product 10 years ago. The substances - to which also cannabis and synthetic such as ecstasy and cathinone are added - would also be more powerful because they are mixed less. This proves a contextual need for producers and distributors to know how to respond, within the mechanisms of competition, to the needs of an increasingly demanding, broad and diversified market. The phenomenon of

drug consumption is therefore strongly linked to the social and cultural context and is closely connected to the alleged ability to resolve the strong existential, professional and financial psychological pressures to which people are subject. Referring to cocaine, some interviewees reported that its effects are emblematic of social desirability: reactivity and performance.

According to one of our interviewees, the **points of difference with the historical mafias and banditry** are:

- a) Banditry does not create value autonomously but benefits from it in a parasitic and subordinate way through the collection of "fees" and protection money.
- b) The French state still reacts with force. In this sense, the real mafia has managed to proceed in those areas that are politically abandoned by the legal state, as it manages to wedge into "fractures". In France, where the State relies on strong Institutions, this has happened much less. In this sense, the French average politician is, for example, ultra-powerful, *super-powerful*, opinated, omnipresent.
- c) The Mafia sports a recognition and popular reverence for its ability to offer social protection services. Banditry, while remaining fascinating for its folkloristic characters, is not appreciated because the population does not benefit from it.
- d) The Mafia, unlike the criminal gangs, is a perennial organization because over time, despite the imprisonment of its members, it knows how to regenerate itself. It knows how to keep the governance and ruling structure of the territory relatively unchanged, also through family succession.

The **levels of banditry** are 5:

- a) Survival banditry. It is characterized by muggings and petty theft: it is mainly made up of small-time criminals with more complex crime.
- b) Zone banditry. It consists of small local networks, also hyper-local. The crimes committed are frauds, thefts, public procurement corruption, and clientelism through contacts with local administrators.
- c) Entrepreneurial banditry. It is typically constituted by the separation of roles and the enhancement of specific criminal skills.
- d) International banditry. Composed of people specialized above all in drug trafficking.
- e) Financial banditry. Composed of a few subjects (especially Corsicans, Parisians and Jews), specialized in money laundering and speculation with the proceeds of drug trafficking.

The **structure of French banditry**, according to the interviewees, consists of 6 territorial areas:

- a) The Marseille area, where organizations, although they cannot be defined as mafias,

give life to a criminal phenomenon of considerable criminal importance with significant social, economic and political consequences.

b) The region of Corsica for international contacts, also in Africa. They use offshore companies for illicit trafficking, so much so that we would talk about the so-called "France-Afrique" and "Cors-Afrique".

c) Grenoble and Lyon, which are characterized by financial banditry and in particular used for money laundering with Switzerland. The activities are carried out in conjunction with some Geneva bankers and Corsican families, who have specific skills and abilities in terms of money laundering in Africa.

d) Paris, which is the central hub where often all banditry converges above all with gambling circuits and the laundering of drug profits;

e) Toulouse, where there are criminal bandits of Marseilles origin who fled from Marseille in the 1980s because they were threatened with death. They created new local criminal networks in the city;

f) Bordeaux, where there is an "old" banditry linked to the Antillean colonies of Guadalupe with links also to Spain.

Banditry manifests itself, as in the case of the allocation of public works, in **its clientelism and hidden trade** (Bobbio, 1980; Vannucci, Della Porta, 1995). In some contexts such as Marseilles, it is more manifest. In others, less so. It takes the form of mutual services, through the mutual exchange of influence between local politics and local businesses through the rigged management of tenders and corruption, but also among administrators offering services to criminals, who guarantee "social peace" and therefore security conditions in the form of private protection industry (Gambetta, 1992) - which prevents urban violence. Sometimes banditry, like other criminal organizations, dresses as social banditry (Hobsbawm, 2002) and stands between the unheard-of widespread social needs of welfare and security and the incapacity of the democratic organs of the State. Some of the interviewees recall the swimming pools set up in summer in the *banlieues* to make up for the lack of institutional services and how this accredits the gangs as social peacemakers, thus increasing their social consensus and the lower collective rejection. The motivation that drives a criminal to carry out crimes also in an organized banditry situation is the general improvement of his economic condition. The interviews show how criminals of this type come from lower classes and, once affiliated, yearn for the economic wealth that allows them to solve their general condition of poverty. For this reason, it is necessary to distinguish the readings of the phenomenon of banditry and to contextualize it to the territories where it occurs. As far as Corsica is concerned, for example, this is read as a spontaneous response to the condition of economic poverty and social and geographical isolation of the island, which has favoured the rooting of forms of pseudo-mafias, given also the relative proximity to

the Italian context. Therefore, their organization of crime is structured and based on association with strong family and traditional references.

Banditry also contains "electoral agents", who act as Sherpas of political *sentiment*, capable also of influencing and directing consensus. Therefore, more generally, this form of organized crime is characterized by its ability to balance the grey area between administrative irregularity and criminal offense. It is a cunning form of criminal violence management. The perception of banditry is often a caricature. In the collective imagination, the symbolic and folkloristic dimension of crime and its pseudo-government structures prevails. This is especially true in the suburbs (*cités*) where often banditry is associated with the mafia (ed: we speak specifically of the mafia of the *banlieu*) in the equivalence that is given to both as structures capable of manifesting and representing identifying and distinctive traits especially from the cultural point of view. Since it mainly uses the people of the suburbs (*cités*), local banditry does not need further migrant labour. These, as reported to us by our interviewees for example in Marseille, are often helped and supported by humanitarian associations. This makes it harder for them to be recruited. At the same time, however, the presence of probable bases for international terrorism emerges and there is an exchange of reciprocity between criminal organizations and terrorist organizations in general, also with reference to the issue of illegal immigration. For example, according to reports, the mafias would organize the border crossing point for migrants, as well in France as in Germany, Italy, Greece and even other countries.

In France, **counterfeiting** and related traffic concern many categories of goods and not just luxury goods. Drug trafficking, toxic waste trafficking, gambling management, prostitution, money laundering are the **main criminal activities** carried out even in a relatively structured way. These in some cases, as in Corsica (Briquet, 2009) with the criminal bands "Bris de Mer" and "Petit Bar", for example, are associated with a massive use of violence and approach - without reaching it - the importance of great traditional Italian mafias. The criminal phenomenon on the island, initially read in its eminently ideological specificity and therefore understood as a **great banditry**, has proven to be particularly relevant for the underground economy. So much so, that the political claims have then been interpreted in their instrumental function of concealing economic interests of enrichment of the association through collusion, business networks and political illegalities. The Corsican banditry and its branching out also in Marseilles has been able to develop, as we have been told, during the expansion of the heroin market. Our interviewees link the phenomenon of the *French Connection*¹¹ - and therefore of that

¹¹ See "SINTESI DELLE CONCLUSIONI CUI ERA PERVENUTO NEL CORSO DEL- LA V LEGISLATURA IL COMITATO PER LE INDAGINI SUI CASI DI SINGOLI MAFIOSI, SUL TRAFFICO DI STUPEFACENTI E SUL LEGAME TRA FENOMENO MAFIOSO E GANGSTERISMO AMERICANO"

vast phenomenon of heroin trafficking to the USA since the 1940s and that deployed by Corsican and Marseilles gangsters - also to the specificity and conduct of some sailors and military men, who, at the time of the French occupation of Indochina (which lasted from the end of the nineteenth century to the end of the second world war), learned the technical expertise linked to the specific knowledge about drugs as well as the interweaving of contacts on site for the production and transformation of substances. Some of our interviewees have told us that some Corsican soldiers, along with Italians and Maghrebians, have been employed in the transport of raw morphine towards Marseille. To this, we should add that since the beginning of the 20th century, Corsica has become an area of great poverty, so much so that we can speak of a phenomenon of massive emigration towards the city of Marseille, transforming the Corsican-Marseilles geographical context into a single *milieu*.

Organizations also come from Eastern Europe but there is also an interest in organized crime of Italian origin, mostly in the south of France, through fraudulent investments to execute **money laundering**. There are also criminals of Asian origin interested above all in the market of prostitution, in the Paris region but also elsewhere. Violence is not that widespread, as is, instead, money laundering. Moreover, organized crime is not very visible and it is precisely this that makes it hard to combat it in France. The police and the Judiciary not always are aware that they are dealing with very structured organizations. Certainly, we observe loose **alliances, weak ties** (Granovetter, 1973) **of provisional scope**, which dissolve into a monopoly of the ethnic typicality of the relative criminal business.

Regarding the **trafficking of human beings**, the French geographical specificity must be considered, being on the border with England, which is considered a popular destination for many immigrants. There is evidence, as reported by some of our interviewees, of illegal passage by complacent smugglers, who, at an estimated price of 10,000 euros per person, are willing to offer seats in their vessels to cross the Channel.

Corruption translates both into phenomena of small size such as patronage, bureaucratic leg-ups, individual behaviour of small local administrators, and of higher level. The latter is less evidenced and would obviously concern the institutions (including police forces, customs officers, and dockworkers), banks, professionals and large companies. Corruption - which is one of **the "crimes against probity"** - is also the privileged way to carry out the laundering of illicit capital, to facilitate the entry and trade of drugs and illegal goods, to score scams and important frauds (e.g. the tax on

carbon emissions which has generated a loss of one billion five hundred million euros in six months).

According to our interviewees, there is no precise link between **organized crime and terrorism**, since the former responds to a criminal ratio exclusively related to the achievement of business results, and the latter, instead, is centred on a more ideological matrix.

Furthermore, there is not enough information to give an overview of the criminal phenomena in France. The only precise source in this regard would be the SIRASCO reports (Service d'information, de renseignement et d'analyse stratégique sur la criminalité organisée, Information service and strategic analysis on organized crime) which are not public.

THE NEW FRENCH STRATEGY BETWEEN REGULATORY EMPHASIS, FRAGMENTATION OF SERVICES AND THE POSSIBLE SOCIAL REUSE OF CONFISCATED ASSETS

In relation to their structuring and organization, the interviews show a constant relationship between criminal organizations and some representatives of official institutions. These increasingly solid and lasting "alliances" take the form of multiple connections and therefore interpenetrations as well as reciprocal exchanges that make the analysis of the criminal issue increasingly complex. This is no longer confined to the margins of traditional banditry and the practice of violence. In this sense, given the need to distinguish and emancipate the real explanation of the criminal phenomenon from a mere judicial reconstruction, the need to tackle the Mafia issue in France as well as in other countries that have rightly considered it not to be an emergency is highlighted. The benchmark is Italy, where the public debate on the subject was fuelled by the ideological influence of some parties and movements that made the relentless fight against the gangs and mafia clans the original reason for their very existence. This heritage has accumulated over the years and has become a real political resource even for subjects (political and otherwise) of heterogeneous origin who have found a common denominator around the topic. This also allowed the substantial modification of the Criminal Code and special provisions for the specific attack on these criminal groups. These successes have also been achieved due to the recrudescence of criminal organizations that have imposed a kamikaze strategy on public opinion with hundreds of killings of innocent victims, thus fuelling insecurity and widespread fears that needed immediate and substantial answers. In Italy the mafia problem, in substance, has been dealt with in a structured way since there was the inquisitorial interest of the Judiciary and of the Institutions to verify the hypothesis, then ascertained, of the structuring and

organization of the mafia organization. Consequently, equally structured and coordinated actions were required to combat it.

In France, as seen from our respondents' reports, the judiciary's **dependence on** the Executive - and specifically on the Minister of Justice - does not entail mandatory prosecution. As a result, some crimes such as corruption and organized crime do not seem to be pursued in the same way as in other contexts, where these phenomena appear with the same visibility.

In this regard, it should however be specified that the investigating magistrate is often in charge of the most delicate investigations on the most serious crimes, including those relating to organized crime. This allows him greater independence with respect to the public prosecutor thanks to the broader space he can move into. The investigating magistrate is an independent magistrate like the other judges of the Courts. Nevertheless, his extensive investigative powers are limited to the facts described in the prosecutor's indictment, which primarily decides whether there are sufficient elements to prosecute organized crime offenses and then appointing an investigating judge, thus opening a judicial enquiry.

Moreover, it must be said that there is no **legal definition** of organized crime. This derives first of all from the **incapacity to identify** and classify these phenomena, but also, according to the reports, from a probably **strategic perspective** that - in terms of enforcement - could allow a broad prosecution of a series of phenomena that would otherwise be confined to too narrow a definition.

A greater and more precise definition of the crime, and of the connected penalties, would not allow, at least in this initial phase, the attainment of those results that instead require amplitude and depth of enforcement, as well as to obtain tangible results.

Thus, the need to contextually **define** the mafia **method** of more structured organizations emerges along with the identification of the field and the specificity of the crimes committed by more **flexible** organizations. Against organised crime, there is no instrument that allows the fight against more precisely marked organizations in terms of criminal governance. The proposal of some of our interviewees is to resume the definition of the European Union Council of "**serious and organized crime**" and to apply it also to French cases in order to favour as much as possible **international cooperation** on the front of a common fight to organized crime. This can be achieved, for example, with easier procedures for extradition and for the exchange of information - also those obtained through telephone interception or data traffic from devices such as smartphones, for which the collaboration of the authorities must be matched with the collaboration of the service providers (e.g. WhatsApp, Facebook, Snapchat, etc.) and telephone operators through which criminals communicate.

There is a general difficulty in attacking the organized crime, especially the economic

and financial one. This thanks to its ability to submerge and make alliance with the tentacles of the **capitalist system**, which in itself facilitates the circulation of capital by dissolving borders and making the global market a single large business space, even for delinquent enterprises. This space would facilitate the violent exercise of capital (Dalla Chiesa, 2012) and therefore those criminal organizations that jointly pursue power and profit.

However, the other side of the coin of this phenomenal complexity, in France, is an **excessive emphasis on regulation** with a flourishing production of laws that have the intent to punish deviance and do not instead educate the offender. One of our interviewees told us that we must consider deviance as an endemic accident in society and therefore as a non-exceptional fact. The same respondent pointed out, though, that organized crime - the normal banditry, for example - is surprisingly active in terms of form. Such an extraordinary and innovative evolution is not matched in the regulatory framework, which struggles to reverse the engineering of the former.

There is also the need for a system capable of hitting organized crime, especially in economic interests, without leading to a totalitarian society that denies the essential rights even of perpetrators of crimes. There is **a need for pragmatism** in the fight against crime, but in respect of the law and freedoms. A strategy aimed exclusively at policing the territory is considered ineffective. On the contrary, as interviewees have told us, it is very important to have an innovative strategy able above all to read the multi-dimensionality and the fleetingness of the criminal phenomenon. This implies a general reform that allows the organization of multidisciplinary law enforcement structures with specializations on international finance. In this sense, it is considered essential to strengthen the **JIRS** (Juridictions Inter-régionales Spécialisées) which are sometimes criticized for their too aggressive investigation practices. They are interregional courts, created by the law of 9 March 2004 and established in October 2004, which bring together ministries and investigating magistrates with experience in the fight against organized crime and financial crime in extremely complex cases. They are particularly busy in the south of France but also in Paris, Lyon, Marseille, Lille, Rennes, Bordeaux, Nancy and Fort de France. They specialize in these technical issues, benefit from the support of specialized assistants (customs, revenue agency, etc.) and benefit from innovative investigative mechanisms (infiltration, reliable systems, and joint investigation teams between different countries).

Collaboration is very important, but requires resources to be applied. At the same time, the institution of the People's **Jury should be reformed**, as jurors are considered to be relatively weak and therefore more manageable, attackable and threatenable than professionals.

The instrument of **collaborators** of justice (created by the Perben Law of 2004 and applied with the 2014 decree) is considered, quite rightly, very important together with

that of informers and infiltrators through the **SIAT** service (Interministerial Technical Assistance Service); according to our sources, it is not well managed mainly due to poor funding. The numbers of collaborations are still too small also because the witness protection system is still considered weak and therefore there is a reluctance to cooperate.

It is assumed that the fight against organized crime has changed methods, resources and tools already used on the front of **the judicial fight against terrorism**, which has reached important milestones especially in relation to the use of technological means for espionage, surveillance and interception.

Although it is possible to **seize and confiscate** criminal property, the re-use of the same through public reuse for social purposes to civil society still appears complex and difficult. In this sense, it is clear from the interviews, the extreme positive action concerning the institution of the **AGRASC** (Agence de gestion et de recouvrement des avoirs saisis et confisqués¹²) and therefore of the possibility of public reuse of criminal assets. The institutions, however, still consider the lack of competence on a relatively new topic and on which in France experiences capable of becoming a common asset have not yet been settled. Beyond the legislative texts and their possible simplification, there is an extreme need for improvement in all spheres. We have been told of a draft law by a member of the current majority of the Modem party (Mouvement démocrate) that goes in the direction of **strengthening the activities of the associations involved in the re-use of these properties**, because they carry out social activities consistent with the principles and aims of the public service. These are considered to be at the centre of the social and solidarity economy and therefore worthy of support in their activities. Another peculiarity refers to the procedure for the sale of assets and the return of proceeds. Any seized asset becomes property of the State, which then allocates it to the territorial bodies of the Municipalities and Departments. The idea put forward by some is to provide for the inclusion of associations or other bodies entitled and capable of implementing activities of re-use of this type of assets among the eligible beneficiaries. The institutional interest in organized crime is generally considered to be of secondary importance, since terrorism and traditional delinquency, which are primarily found guilty of the insecurity, prevail. The trend is reversed where the presence of structured criminal organizations undermines peaceful coexistence, therefore when a **public order** issue emerges.

In terms of **judicial action performance**, we were told that there is a **fragmentation** of services within the Directorate of the National Judicial Police. As an example, it must be said that there is a Central Office for Combating Organized Crime and also we have an Office for Combating Drug Trafficking (OCRTIS). All their activities could involve the

¹² <http://www.justice.gouv.fr/justice-penale-11330/agrasc-12207/>

Office for Combating Organized Crime, which depends on the National Sub-Directorate Against Organized Crime. Again, there we have Office for Combating Organized Crime that coexists alongside other services dealing with crimes involving organizations. Added to all this we also see the action, often in competition, of the police forces and the Gendarmerie. This mechanism undoubtedly fuels **competition between services** and can weaken the fight against organized crime, adding more generally to **the extended time delay of the action of justice**.

INFORMATION AND CIVIC ACTIVISM BETWEEN THE AVAILABILITY OF SOURCES AND THE CLAIM OF POLICIES

Our interviewees reported that in France the issue of organized crime, including of mafia type, tended to be confined to an elite audience. Interest is confined to a few specialists and therefore to a small minority of magistrates, police officers, scholars, journalists. The latter in particular, as has been pointed out to us, denounce the lack of systematic access to judicial sources, which, for example in Italy, are made publicly possible through the establishment and work of the anti-mafia parliamentary committees. What has emerged from many quarters is the need for updated information, as historical information is relatively infrequently available. An informative break between investigative structures and the world of research, information and more generally with public opinion thus emerges.

The impact of the social action of civil society organizations is considered important in terms of raising awareness among the general public on the subject of crime but limited with respect to the results obtained in terms of **advocacy**.

More advanced in terms of results is the activity against corruption, both through **whistleblowing** and through the possibility of taking party in trials for corruption. Corruption is considered a further lever available to criminal associations that adds to the exercise of violence. The phenomenon appears more present in the public debate than the mafia or organized crime issue. The cases of the 1990s - though not in such a size as to be comparable to other contexts (e.g. the Italian one) - emerged in relation to illegal agreements between colluding politicians and entrepreneurs as well as consulting companies and complicit intermediaries. From that moment on, legislative measures were implemented, such as the law on the financing of parties, which directly or indirectly aim to combat this phenomenon. With the exception of the elusion of this provision, such as of others regarding transparency in procurement, the phenomenon seems to have been attacked even with control bodies and alert systems also in coordination with European legislation. This has led to an increase in the perception of the risk linked to unlawful behaviour by potential offenders. Moreover, the so-called "cost of corruption" has given a positive impact on collective behaviour by decreasing

practices of this type.

More generally, the action of the different associations is considered, although worthy, as very fragmented. The Italian case is recognized as having the ability to translate the **claims** in **policies** through relational social assets that link civil society to politicians sensitive to the issues. Therefore, the need arises to make public decision-makers more aware of the need to gain visibility and recognition with regard to public opinion, which is sometimes distracted or inadequately informed and involved in specific topics such as mafia, corruption, organized crime and various illegalities. Social reaction, according to the interviewees, must be made to be associated to the institutional fight to organized crime. This means giving value and recognition to the emerging forms of associations against crime and for legality just as it did in other geographical contexts with particular reference to those in the historic mafia settlement such as Italy.

There is also the need, in the field of **studies and research**, for more information to be disseminated in France on criminology, deviance - especially in the social, juridical and economic sciences - so that we can deal with mafia, corruption and criminal issues in a more extensive and thorough way. We urgently need to question the political interaction and the grey areas that link Mafias, corruption and institutional powers.

The significant **problem concerning the availability of official sources** and their public dissemination emerges powerfully. In France, as in Italy, investigative documents are classified information. What is missing in France, however, is the access even to the minutes of public trials and sentences. The need arises for documentation that can become the information base for studies, reports and further surveys to be publicly disclosed to stimulate public opinion. In this sense, see the importance of the work carried out by the Parliamentary Committee, which in 1992 was responsible for verifying the infiltration and penetration attempts of the Italian Mafia in France after the 1992 Capaci and Via d'Amelio massacres, as highlighted in the report "Report of the commission d'enquête sur les moyens de combattre les tentatives de pénétration de la Mafia en France" of the MP François D'Aubert, where the danger of the Corsican issue and the crime of the Cités and of great urban centres like Marseille, Grenoble, Lyon and obviously Paris emerges.

The description and collective vision of organized crime is therefore exclusively derived from official sources and judicial documents. There is a need for other sources that can observe the phenomenon from other points of view.

The role of the **Media** is considered a priority in terms of its ability to bring issues to the attention and to inspire policy makers. The focus on organized crime, also in relation to the difficulty of journalists to obtain information from police forces and investigative bodies, is greater on drug trafficking and much less on other aspects and is still considered a risk activity in personal safety terms.

GERMANY

Recycling and illegal markets in the "black forest" of organized crime

General Data

Population: 84,156,000 (2018)

Form of government: federal multiparty republic with two legislative houses

Per capita GNI: 43,490 \$ (2019)

CRIMINAL ECONOMY: FROM ETHNIC CLANS TO WHITE-COLLAR CRIME

The presence of organized crime in Germany, also as mafia-like organisations, as reported by our respondents, shows evidence in the news. An example is the August 2007 **Massacre of Duisburg** by members of the 'Ndranghetist 'ndrina of the Nirta-Strangio family against the Pelle-Vottari clan in the context of the San Luca feud. From the testimonies gathered, it is clear that despite this occurrence, like others not necessarily connected to Italian mafias and alike crime, the problem still is not fully **socially recognized**.

Despite the tendency to think otherwise, and therefore to deny the problem of rooting, there are studies that refer to criminal groups called "Ringverein" (Hartmann & Von Lampe, 2008), present in Germany since the nineteenth century up to the early 30's of the 20th century. **Historical research** reports that even between 1790 and 1810, **banditry** was widespread and dedicated to the smuggling of goods subject to high duties and the perpetration of robberies. However, these local criminal groups have disappeared in the nineteenth century following the state monopolization of violence. The German state-building route, in fact, has not left room for the evolution of these criminal gangs in centres of power alternative to the public ones. Between the mid-1970s and the end of the 1980s, the Police tried to elaborate a definition of "organized crime" independent of that of "mafia" by identifying three **constituent elements**: a) professional skills, leadership quality and financial soundness of the actors; b) the kind of links between the same actors and in particular the trust that facilitates criminal cooperation; c) finally, the hierarchical organization and therefore the stratification and positioning within the criminal structures.

Since the 1990s, the debate has addressed and focused mainly on foreign organizations present in Germany and on transnational crime. In 1993, we can observe some criminal groups coming from Turkey, Poland, the former Yugoslavia and Italy. It is noted that these retain their ethnic roots by denying any link with other organizations and massively using violence to override other local groups.

The **definition** of "**organized crime**" (OC) currently in use was developed by the Ministry of the Interior and Justice in 1996. According to this specification: "organized crime is the planned perpetration, aimed at the attainment of profit or power, of crimes which, alone or together with others, are of considerable importance, when more than two persons for a lasting or indefinite period, each with his task, take part in it: a) using industrial, commercial or similar structures; b) using violence or other intimidating means; c) making use of manipulation of politics, mass media, public administration, justice or the economy". Referring to this definition, OC caused a total value of losses estimated at 209 million euros in 2017. The proceeds of crime are quantified in 145 million euros and the assets confiscated are worth 24 million euros. (Federal Criminal Police Office -

Bundeskriminalamt - BKA 2018)¹³.

Germany is a country in which many **illegal markets** are active: trafficking of drugs, human beings and weapons. It is also a country used to launder money and invest the proceeds of crime in the legal economy. According to BKA data for 2017, 36.2% of OC cases refer to drug trafficking, 16.4% to property crimes such as car theft, 11% are financial crimes. The total number of crimes related to the trafficking of human beings is on the rise with 8.9%, and a growing professionalization in the management of activities is observed. 8.4% is represented by tax and customs offenses and specifically refers to the smuggling of cigarettes and piracy of products and brands.

The German specificity, also considering what we have been told by our interviewees, would provide for this classification of criminal phenomena.

a) Crimes by ethnic clans. Crime by large families and clans. The most common ethnic groups are those of Montenegrins, Albanians and Poles of Eastern Europe. In addition, there are also Sinti and Roma groups. Their recognisability is immediate through the regularity of the succession of the surname, the dynasty system, the frequent interfamily marriages and therefore the hierarchy and the strong ties between the members and with the families of origin in their native homeland. Then, there is the full-blown presence of the Italian mafia (to which is attributed the criminal intelligence of acting quietly and in a concealed way), especially that of Calabrian origin. In addition, Eurasian groups play an important role in counterfeiting food and in food fraud of Italian products widely sold in Germany, as well as in medical care. It is estimated to be carried out mainly by Russian organizations, which create care centres that account for non-existent services. Mainly the organizations are not detected but what is highlighted are the criminal groups, as in the case of the South American groups that import narcotics such as cocaine from Spain or Holland and introduce them to Germany. The presence of Russian-speaking clans is relevant, such as the *well-known Vory v zakone*, the so-called "thieves in the law" from the former USSR, who bear symbolic tattoos of recognition. Also standing out are cases of fraud committed against the national and private health system. Taking advantage of a network of corruption and falsification of medical certificates, the groups managed to cause damages for several million euros, money reinvested in the health sector or used to buy luxury items. There are also Arab clans, known as family-based clans, consisting mostly of people from Lebanon who immigrated to Germany since the 1970's. They are often Palestinians, immigrated first to Lebanon and then arrived in Germany as stateless persons and therefore excluded for a long time from the German welfare system. They are currently dealing with extortion,

¹³<https://www.bka.de/SharedDocs/Downloads/EN/Publications/AnnualReportsAndSituationAssessments/OrganisedCrime/organisedCrimeSituationReport2017.html>

drug trafficking, theft - also of valuable items - violent crimes of various kinds, and are increasingly involved in the exploitation of immigration, offering document forgery services and thus recruiting new members among new arrivals. Moreover, we find Balkan, Vietnamese and Nigerian clans and - not least - Italian mafia families, especially belonging to 'Ndrangheta, Camorra and Cosa Nostra. According to reports, criminal groups tend to specialize and divide the sectors of the criminal economy and the territories, so as to act in a kind of monopoly. These organizations seem to borrow from the traditional mafia organizations the model of the criminal enterprise (Dalla Chiesa, 2012) and jointly pursue power and profit, even and sometimes more in favour of the latter. Business examples are: a) cigarette trafficking: Vietnamese groups; b) exploitation of prostitution: Balkan groups; c) activities related to nightlife, such as infiltration in the security of clubs and in the control of tattoo studios: rockers; d) investments in the real estate sector: Italian and Russian mafias; e) human trafficking: widespread; - extortion: Arab clans; - drug trafficking: widespread.

b) White collar crimes (Sutherland, 1940). These types of crime are submerged and non-violent. For example, they are realized in the real estate sector with the purchase through the proceeds of theft, through money laundering and with the use of nominees, usually individuals undergoing financial hardship, with low schooling and therefore probably without the economic prerequisites to purchase real estate if not even to set up companies in series. This activity is also carried out with the use of the force of intimidation to the owners who - confronted with various influences - then sell, through the work of various professionals employed in the criminal chain, their property. The interviews reveal that this mechanism has been amplified by the refugee issue and therefore by the need for hospitality for asylum seekers, whose exploitation falls into the category of crimes related to the trafficking of human beings and therefore to a separate category from that of White collar crime. These types of activities are complemented by the counterfeiting of documents (also linked to the trafficking of human beings), the corrupting influence on officials in foreign embassies, and the revelation of data from judicial investigations against them - through fraudulent access to information systems. Then, there is the influence of commercial partners also in the legal field. From a general perspective, crimes of this kind are intertwined with the financial crimes of large companies. On a statistical level, economic crimes seem to be increasing, but this evidence should also be considered in relation to the growth of investigations in this sector and the performance of the repressive apparatus. This kind of crimes are identified and judged more often also because, unlike around 25-30 years ago, when most of the prosecutors had no specific competences on commercial law, there are now - even if we note that the Courts lack personnel - more highly skilled professionals expert in commercial crimes that are appointed to investigate. Criminal organisations in Germany act professionally and in networks. For example, the

laundering of illegal money is made available by groups that operate using a network of professionals who offer - through hidden exchanges (Vannucci, Della Porta, 1995) - their services to multiple subjects, withholding a percentage (5% to 7%) on income. Money laundering is a particularly prominent criminal phenomenon, so much so that, as we have been told, large German banks are involved in most of the scandals of recent years. The European Parliament has even organized a special session to analyse the situation of Deutsche Bank and its involvement in various cases of money laundering. The last one involved Danske Bank. We are told that it is known that German banks, despite being obliged as all European banks to prevent money laundering through a complex compliance system, fail to do so efficiently. Emblematic is the case of Bafin, the German supervisory authority that, as reported by our interviewees, had difficulty in recognizing and fighting against this type of infiltration.

In Germany, the offence of money laundering was introduced in 1992 under the law on the fight against drug trafficking and other forms of crime (Zoppei, 2016). This law, despite the important new legislation and the numerous amendments received, does not seem to have had the expected result on the fight against the phenomenon. The scandals that hit important German banks such as Commerzbank, Deutsche Bank and Hypovereinsbank and the seventh place in the Financial Secrecy ranking¹⁴ on the secrecy of the financial system testify to the relevance and danger of the phenomenon. This is amplified more in view of the congenital transnational nature of the phenomenon, which necessarily happens outside the national boundaries and requires coordination between different countries for an effective fight. This action appears to be particularly complex, even more so given the lack of data and poor sharing of those data available. The charge for money laundering, which is very complex to prove, is sometimes left aside to prefer "gross negligence" that has more severe penalties and is more easily recognizable. The phenomenon becomes even more complex given the general lack of interest on the part of the banks to highlight suspicious transactions and therefore to indicate capital transfers of dubious origin, due to the reputational consequences that could arise. Another hurdle to the fight to money laundering is represented by the limitations to the use of telephone interceptions, the reversal of the burden of proof and the use of confiscation of the proceeds for this type of crime. In general, there is a substantial shortage of resources to be used against this type of crime and in the trials against the offenders. Moreover, combating the crime of money laundering requires a continuous updating of the skills of the investigators who must be able to intercept the changing

¹⁴ "The German government has achieved mixed results regarding the assumption of financial secrecy. In recent years, Germany has adopted important measures to combat tax evasion and money laundering both internationally and nationally. However, serious loopholes remain in national legislation and in the negligent application of tax laws and a regulation on money laundering will pose a threat to their economy" (Source: <https://www.financialsecrecyindex.com/>)

facets of criminal conduct who continually refine their methods in order to hide themselves from the eyes of the investigators.

c) Rocker crime. These are the so-called "*one-percenters*" or those biker rocker clubs (Wright, 2006) such as the Bandidos, the Hells Angels, the Gremium and the Osmanen that the police authorities and the Federal Office of Criminal Police (BKA) perceive as significant groups in the crime scene. These types of groups, very visible and recognizable also by the codes of clothing and public behaviour shown proudly and conspicuously in a distinctive sense in public (e.g. tattoos), and which also have special initiatory and behavioural codes, are related to crimes such as trafficking in drugs and arms, violent crimes, illegal betting, trade in illegal goods and even trafficking and exploitation of human beings. These rocker groups have long been excluded from organized crime statistics because they are considered gangsters. These have tripled since 2006, so that the German Federal Police reported the existence of 700 groups in 2017, with a total of 10,000 affiliates. The activities carried out mainly concern drug trafficking, in particular cocaine and cannabis, and recently their range of action has also extended to outside Germany, to Switzerland, the Netherlands and Austria. Composed primarily of people of German nationality, they are characterized by the use of violence, exercised both against their own members and members of rival clans, and towards third parties - as in cases of extortion. Their strength lies in the determination not to collaborate with the police forces and in the strong group identity, characterized by solid and visible symbols, linked to the use of powerful motorcycles. Despite the tightening of the current legislation on the subject in March 2017, the political debate on the law against organized crime remains.

d) Online crime (Raymond, Grabosky, 2013). The illegal activities that can be implemented through the Internet (both in its "clear" and visible version, and in the hidden case of the "deep" and "dark" web) are varied and range from the dissemination of child pornography, to phishing through which it is possible to defraud, arms and drug trafficking, identity theft, attacks and intrusions as well as other fraudulent actions. These activities make use of the clearnet / visible web, underground economy, deep web and dark web forums. According to the BKA (Bundeskriminalamt - Federal Office for Criminal Police), cyber crime is constantly increasing, so much so that it emerges - from a survey published in 2017 by the German digital industry association Bitkom - that every second a German internet user is apparently the victim of cybercrime. A further 2017 survey, published by the US IT security company Norton by Symantec¹⁵, confirms the high number of German Internet users affected by cybercrime (38%); and declares that losses in Germany amounted to 2.2 billion euros.

¹⁵ <https://www.symantec.com/content/dam/symantec/docs/about/2017-ncsir-global-results-en.pdf>

ALIEN CONSPIRACY AND PRE-INITIAL VIEW OF THE CRIMINAL PHENOMENON

In Germany, given the investigations of the judiciary and as reported by the media, we find offshoots of the most important mafia-like organizations, in particular of Italian origin. This evidence, in terms of analysis and understanding of the phenomenon in its territorial specificity, could certainly be of interest not only for the local judiciary, but also the international and in particular the Italian judiciary (specifically for the issue concerning 'Ndrangheta, Camorra and Cosa Nostra), which has specific expertise on the subject

The important results produced by the Italian repressive apparatus then determine the collective perception of the organized criminal phenomenon that too often is confined, wrongly, as a cause and consequence of marginalization and social exclusion and therefore as an ethnic phenomenon (Becucci & Massari, 2001; Lupo, 2002; Varese, 2011; Sergi, 2016).

From the interviews carried out it emerges how the **stigmatization of the criminal subject** refers mainly to the immigrant, to those belonging to groups with low income and education levels and not sufficiently socialized with the German culture. This is also linked to the mystified representation (Smith, 1975) offered on mafia as *alien conspiracy*, which is often fuelled by the incomplete representation offered on the phenomenon also at the media level along with the substantial changes in terms of the spectacularization of crime and the transfiguration of criminal conduct (D'Amato, 2013). The **labelling operation**, therefore, would converge in the definition of a sort of "parallel society" by which, for example, the immigrant communities would be accused of having a culture completely impervious to the socialization efforts proposed by German society. This is a **pre-initial view** of the issue and does not take into account the fact that the crime, particularly mafia-like, is much more complex, so much so that there also appears to be an autochthonous organized German crime, not dealt with properly.

Organizations of this type, especially the most visible, are those with a **family structure** and a migration **background**. They are understood as aid, support and "pensions" parallel institutions, able to offer also forms of welfare and social protection. The word "mafia" seems, by the words of some interviewees, obsolete with respect to the complexity of the international criminal phenomenon. It is much more than symbolic representation, and at times folkloristic, of its leaders and their habits. What appears evident, according to many interviewees, is the **cooperative capacity** of criminal networks, which, as **syndicates**, come together to share the cost of a specific commercial operation for which a large amount of money is needed and whose proceeds are distributed among them.

For example, in the sale of drugs, the African component of recent migration is very visible while other organizations are present, but much less visible, also because they adopt strategies aimed at reducing visibility. The interviews also highlight the infiltration of mafia-type organizations, which, in addition to the extortion of commercial activities, directly manage "legal" companies such as those related to real estate businesses. In some specific areas, such as the city of Berlin, according to what disclosed to us by our interviewees, there is a mapping with the zones of influence between various subjects of foreign origin. There are interests of the Russian and Italian mafias, of the Arab-Turkish ones, to which are added also those of the native Germans.

The **mixing** of the traditional criminal *core business*, like the more traditional drug dealing with financial crimes such as real estate speculations - along with much else - characterize the changing and adaptive nature of the mafias in the German context. In particular, the extreme efficiency and capacity of organizations to infiltrate also the public institutions has been revealed. The contact and access to the same also translates into the mixing with them. The phenomenon is therefore complex and has a classic basis of organized crime made up of the management of a series of economic activities that are not legal: from smuggling to the illegal management of prostitution and drugs. To these activities, we must add the function of ensuring social peace through the management of the legitimate monopoly of violence and the administration of justice, precisely where these functions are not ensured by public entities.

The **social awareness** of the criminal and mafia phenomenon is too low because the problem is understood as being imported and linked to the existence of particular ethnic community guests who do not intend to integrate into German society. According to our interviewees, the issue is also strange because there does not seem to be any existence of phenomena of strong exclusion and ghettoization of immigrant communities, as there may have been in France and Belgium, where terrorist radicalization phenomena have also occurred. According to the interviewees, the inclusion of migrant communities in the last 40-50 years seems to have taken place in a more efficient and less conflictive way than other European areas. This makes less likely the generation of political, religious radicalization phenomena that could create conditions for the birth of terrorist groups in Germany.

More generally, the field of contention is that of **security and social protection**. This theme concerns criminal organizations, which on the one hand exercise violence, while on the other (as in the case of rocker bands) exercise control by guaranteeing protection; it concerns the legitimate state which has the duty to ensure the security of its citizens by democratic means and is the only rightful subject entitled to the use of violence; it also attains to civil society - in its organized form - in a subsidiary manner to the organs of the state to take care of and care for the victims of criminal violence through planning for employment, education and social inclusion.

This perspective is also common to the more complex issue of the migration **phenomenon**, which, according to many interviewees, requires supranational and transnational action, and cannot be addressed only politically at the level of individual countries.

JUDICIAL PERFORMANCE BETWEEN FINANCIAL SCANDALS AND SOCIAL CONTROL

The sixteen federal states are, according to the Constitution, responsible for managing most of the German police forces: each Land has its own police force known as Landespolizei, with a code that determines its organization and tasks. Following the abuses of power carried out by the police authority during Nazism, West Germany preferred to decentralize its competence, and the partition system remained the same even after reunification. The BKA is responsible for relations with foreign and international authorities, assistance to state police forces to prevent and prosecute federal or international crimes, to protect members of institutions, and to protect witnesses. With regard to organized crime, given the federal structure of the German legal system, several actors are involved: the BKA, the Federal Police, and the police of the sixteen Länder (LKA); there is a working group that coordinates the top management of the BKA (AG OK) with those of the different LKAs; at an immediately lower level in the form of committees working on specific topics, such as the Committee for organized crime (KOK, Kommission für Organisierte Kriminalität), in which Public Prosecutors also participate; finally there is an associated work group, in which the Länder Police and Internal Affairs Authorities, the BKA and the Minister of the Interior cooperate. The work of the BKA was strictly separated from that of the German Secret Services (BND, Bundesnachdienst), following the Nazi dictatorship; currently, exceptionally, a cooperation in the fight against terrorism is allowed, and there is discussion about providing the BND with competence in the field of organized crime.

The action, according to some of the interviewees, is considered wavy. According to our respondents, a hard strategy has been implemented. Deterrence is carried out by increasing the penalties against offences. Sometimes such action is linked to ideological - and political - issues, as in the case of the political debate occupied by the populist forces, thrown upon the general public, against the criminal clans of Arab families. The combating activity is therefore not continuous, also due to a poor capacity to analyse organized crime phenomena. Moreover, there is a general **weakness of national legislation** which lacks specific rules to prosecute organized crime activities. Despite important improvements, such as the reversal of the burden of proof that has shifted to the defence part the duty to prove their non-involvement with the association, the magistrates still have a hard life in proving that the individual is responsible for a

particular action carried out in the interest of the criminal association to which it belongs.

Another important topic concerns the role of **collaborators and witnesses of justice**. According to paragraph 46b of the Criminal Code, collaboration could theoretically lead to complete impunity. On the subject, according to the interviewees, there is a large public on-going debate, especially in relation to the cases of young members of criminal organizations. These are often co-opted because of their age, when punishment for certain crimes is lighter. In the interviews, it is reported that when they manage to report the bosses and get out of the affiliation, they need a cordon of security and complex protection measures so that the realization is sometimes ineffective. This is also valid for the crimes of the "rockers" and for all those who - having lived for a long time in a criminal organization and having also knowingly internalized the codes of conduct, lifestyle and relative morality - need strong support to get out of it, to report the leaders and associates, and therefore to take up an alternative lifestyle.

Telephone interceptions are widely used.

From 01.07.2018, in Germany applies the new regulation for the **mandatory confiscation of assets**. The difference with the past is that first, there was ample discretion on the part of the judge, while now it can only be rejected on exceptional cases. There is also the possibility of extended confiscation whereby once a crime has been judged, which does not necessarily have to be of financial nature, confiscation is possible in case someone could not possibly have obtained a specific amount of money that is seized in a legal way. There is also the extreme possibility and therefore the so-called "independent confiscation" for specific accusations or evidences of money laundering.

Another novelty concerns the acceleration of **international mutual judicial assistance**, through the European Investigation Order. It establishes timelines (three months) within which the foreign country must report on what is asked. This is written in simplified form and provides for the immediate obligation of mutual information between states.

There is a very strict social control on the subject of **corruption** and this is fuelled by the multiplication of information on major financial scandals involving institutions, companies and large industries (e.g. the case of exhaust gases controls of important car companies). From 9 February 2015, there is an anonymous web-based reporting system and a dedicated telephone line for corruption offences led by the Criminal Police Office of the State of Berlin. Reflection on the work of the review groups is also being prepared in relation to the growing demands of the anti-corruption working group at the General Prosecutor's Office and - at the suggestion of the anti-corruption working group - the introduction of forensic data analysis to discover more corruption practices in administrations like in Berlin.

Several respondents report the need for a **federal financial police** that could be affiliated to the Customs Criminal Investigation Bureau. The FIU (Financial Intelligent Unit) responsible for the investigation of financial transactions could also be equipped with executive powers. This requires close cooperation with the Federal Financial Police. Some laws also need to be modified. Tax secrecy, pursuant to § 30 AO, and social secrecy, pursuant to § 68 SGB X, must be reformed in order to effectively combat financial and economic crime, as well as smuggling and **money laundering**. The existing criteria to intervene are not sufficient to effectively combat this crime. Despite money laundering being linked to the knowledge of an alleged crime, it has become an independent and autonomous service. Therefore, some interviewees suggest a new version of § 261 StGB (German Criminal Code), in order to make the independent alleged crime a punishable offence. Since money laundering is often done via cash, a legal maximum limit for banknote payments should be introduced. The violation of this principle must become a punishable offense. However, this must be well thought out, because some consider the maximum limit for legal cash payments as an important step towards a state of surveillance and the abolition of democracy.

The absence of a **register on the lobbies** at both state and federal level is reported.

Regarding **the performance of the judicial action**, the perception is that more restrictive penalties and shorter timeframes are needed to reach a sentence. There is a substantial shortage of staff in the prosecution offices and in the courts, which has repercussions already in the investigation phases.

CIVIL AWARENESS AND SENSATIONALIST NEED IN THE LAND OF INTEGRATION

The expansion of criminal organizations in Germany, and in particular the mafia ones, should also be read in relation to the ability to respond by different groups of civil society activists, who, through their public reporting action, succeed in achieving important results - although not breaking the news (Norberti, 2017).

At the same time, a very intense activity on the border between **civil society** associations and public bodies responsible for integration, education and assistance should be emphasized. On that *limen*, there is a strong enough commitment to work at the roots of the phenomenon of distress. This translates into educational paths in primary and secondary education that determine a relative resilience of the social fabric and therefore also awareness of the criminal problem. This commitment is also and above all carried out by associations of the various ethnic communities and not of the German-speaking natives. The latter consider crime based on stigma and bias, and, as we are told, **with an underlying racism**. Indeed, the general idea is that illegality is a phenomenon imported by foreign communities. This makes it possible, for example, that

the very strong tendency to white-collar illegality in the banking sector in recent years is seen only as an exception. Therefore, since these crimes are understood as exceptional, there is a lack of willingness to probe the motivations and illegal practices in their development to try to solve the problem at its roots.

The role of the **mass media** is considered important and positively judged to the extent that it succeeds in capturing and raising the general public interest in the criminal phenomenon.

There are, in this sense, newspapers and other media that deal with the subject in a very thorough and continuous way, while others obviously - which respond only to sensational events - stop following the theme as soon as it no longer attracts the public attention. The sector problems therefore concern the substantial presence of tabloid media, which based on "sensational need" construct a distorted image of the problem that does not allow an objective evaluation of the phenomenon.

ROMANIA

Criminal tradition and innovation of a country in transition

General Data

Population: 19,438,000 (2018)

Form of government: unitary republic with two legislative houses

Per capita GNI: 9,970 \$ (2017)

ENDEMIC TRAFFICKING AND CORRUPTION OF A BORDER COUNTRY

Romania is a border country between East and West of Europe. This specific feature makes it possible to profit from the enhancement of the country's central position, so much so that we can speak of **transit crime with infrastructural service functions**. This is observed in various fields: from financial crimes with front companies, to trafficking and the exploitation of human beings, to smuggling, sophistication and counterfeiting up to the trafficking of drugs, pharmaceutical products and weapons.

The theme of crime, deviant behaviour and violence in contemporary Romanian society, more generally, is linked to the **difficult transition** that took place over the last 30 years from a communist system that lasted about half a century to a liberal one from which great upheavals have taken place in terms of social and institutional relations. This specifically reflects the new cultural models proposed by capitalist consumer society, which then entailed a series of socio-economic pressures that substantially changed lifestyles. This resulted in an increase in income inequality, which determined a strong and robust effect on the increase in crime rates specifically in urban settlements that are characterized, more than rural ones, as criminal aggregators and multipliers (Lobont, Nicolescu, Moldovan & Kuloğlu, 2017).

With the exception of a short period in the first decade of the 2000s, upon to the entry of Romania into the European Union with the necessary institutional reforms such as those aimed at establishing and guaranteeing the independence of the judiciary, our interviewees reveal that the fight against crime, money laundering, and corruption has recently suffered a significant **setback**. **Nepotism, political influence and conditioning** (La Porta, Vannucci, 1995) and **familism** seem to have increased again, to which is added also a general **lack of competence** and unpreparedness by the ruling class.

According to several reports from the **RISE Project**, which is a Romanian non-profit press organization founded in 2012 by a group of investigative journalists, activists, programmers and graphic designers and which is part of the Organized Crime and Corruption Reporting Project (OCCRP)¹⁶ and of the Global Investigative Journalism Network¹⁷, we can also find in Romania criminal activities of mafia type. The documentation specifically refers to **waste disposal**, but also to other areas. The RISE project uses research and technology techniques to generate complex investigative reports on local and cross-border organized crime and corruption networks. It produces investigative articles and visual databases and develops data search and visualization tools such as the Visual Investigative Scenarios (VIS) platform¹⁸. In 2012 and 2013, RISE exposed several national and international cases of organized crime and corruption with

¹⁶ <https://www.occrp.org>

¹⁷ <https://gijn.org>

¹⁸ <https://vis.occrp.org>

serious social, economic and political consequences. Cases related to the so-called "crimes of the powerful" have been highlighted: large money transactions between international companies and public institutions, fraudulent exports of food products, fraud, exploitation of gold mines and so on.

Our interviewees reported that more generally the phenomenon of organized **mafia-type** crime refers to a structured organization; to a "corporate" organization chart (Catanzaro, 1988) prepared by objectives and skills; to multi-purpose criminal activities and also with commingling between the legal and illegal spheres; to an activity that is as hidden as possible and, in order to obtain and manage consent, artificially pretends to act respectably and for the collective interest. Organized crime would be characterized by stability and persistence, in time and space. This characteristic, which is linked to hierarchical structured organization, as we have been told, drives the external recognition of the value and the internal trust of its members. In Romania, criminal groups do not seem to be based on such feature, but this does not mean that the current organisations are not adopting strategies to make this organisational strategy their own.

Focusing on its specific features, the spectrum of crimes and traffics is broad and varied. The **smuggling of cigarettes** (Nagy, 2012; Calderoni, Brener, Karayotova, Rotondi, Zorč, 2016) plays a key role, where the margin is - considering Romania's central location - between the Ukrainian market, whose the cost per package is few euro, to the European average, where it costs around 7 euros. Another important issue is the **trafficking of human beings** (Leman & Janssens, 2018) and specifically of young women and beggars who are employed in Europe for the exploitation of prostitution and begging. This phenomenon has grown further after the conflict in Syria and more generally in the Middle East and Africa. This territory is, as stated above, a transit point for both exploited and exploiting subjects. There are several arrivals from neighbouring countries with higher poverty and even more dramatic levels of poverty, such as Moldova, who are then exploited and trafficked in Romania. We were told of a study by the European Commission that indicated this territory as the centre of the phenomenon¹⁹. It is important to highlight the extent of the influence that traffickers are able to exercise on all levels, gaining the complicity of institutional and administrative representatives. Prices, as shown by our interviewees, would vary from around 5,000 euros a month for judges and never less than 20,000 euros a month for members of law enforcement agencies. The phenomenon also extends to the financing of the activities of political parties, so much so that a special law has become necessary, which in any case cannot solve the issue. The Courts, in fact, are also subject to a sort of indirect pressure that is caused, for example, in the form of scarcity of the economic resources destined to them.

¹⁹ https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-security/20181204_data-collection-study.pdf

This effectively prevents the efficient conduction of investigations and any other action required to eliminate these types of crimes.

Exploitation also affects **children**. The Tandarei case is famous, a town 150 km from Bucharest, which represents an emblematic case of trafficking on a European basis. Allegedly, over a thousand children fell victim of trafficking from a criminal organization based in Romania with ties also in the United Kingdom, Italy and Spain that bought children from their parents or recruited young people between 7 and 15 years old from the orphanages and rural areas of Romania. The business was particularly prosperous, so much that it made millions of pounds. Any minor, trained to steal and beg, was estimated to be able to make over 10,000 euros a month. 26 people have been arrested in Romania and they were acquitted after 53 hearing, all postponed without a clear reason but only the need to reach the status of limitation. Border control officers, police officers and public notaries, as well as other Romanian officials were found to be involved in the illegal smuggling of children from Romania.

Minors are also specifically used for trafficking **drugs**. This arrives from Latin America through the port of Constance, even with the complicity of some local politicians involved. Romania plays a very important role as a gateway for cocaine. We have been told that this port city, together with Rotterdam, is one of the main entry points through which large quantities of drugs, mainly cocaine, enter the territory of the European Union. **Minors** are also exploited for prostitution and sold to organizations in other countries. The relations between these gangs, although of general cooperation, are not always peaceful. In fact, we have been told that there has been a conflict between some of these networks at European level with reference to an overcoming of competition in sectors that were the direct prerogative of one or the other.

We were also reported about the **phenomenon of arms trafficking** (Savona, Mancuso, 2017). Large quantities of weapons are stored in Transnistria - which has no border controls - and at the borders with Moldova. The criminal networks coming from that eastern part of Romania are very well connected with European networks and are able to smuggle weapons, but also pharmaceuticals and cigarettes. These three types of products are smuggled into this region and, according to our sources, pose a threat to safety and health in Europe.

The phenomenon of **cybercrime** (Lusthaus & Varese, 2017; Lusthaus, 2018) linked to computer fraud and the use of cryptographic currencies is very relevant.

The Worldwide Web is also used for the **illicit trafficking of human organs and tissues**²⁰ where biological data, blood type, age of the person and other donor data are catalogued to facilitate illegal sales. The crossing of data regarding transplants and the

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http://www.europarl.europa.eu/RegData/etudes/STUD/2015/549055/EXPO_STU%282015%29549055_EN.pdf

number of donors reveals the extent of the problem. As far as kidneys, for example, are concerned one of our respondents told us that by 2009, the number of kidneys reported by Romania to the World Health Organisation as legally removed is 26% lower than the number of transplants declared.

Turning to **corruption** (Heidenheimer, 1970; Bobbio, 1980; Vannucci, Della Porta, 1995; Vannucci, 2012) our interviewees reported the presence of a **small corruption** phenomenon, meaning a series of widespread immoral behaviours, widely accepted and not opposed (Heidenheimer, 1970) and a **large corruption** phenomenon, attributable to the so-called "**white-collar crimes**" (Sutherland, 1940) and therefore involving public officials, members of the police force, politicians, professionals, entrepreneurs and so on. The first form is very difficult to map and consequently to investigate because the reports to these fraudulent phenomena, in addition to ethical appeals, must also be linked to the dissatisfaction with the services received. This discontent seems to be missing so much so that the phenomenon is widespread and considered a tool to facilitate bureaucratic activities, from the Public Administration to other sectors. Activities of this type therefore refer to **financial crimes**. Specifically, we were told of **accounting crimes**, including those illegal economic-financial behaviour and operations, such as tax evasion - through offshore companies, or even the fraudulent use of EU funds - of different size, which are widespread and difficult to counter also due to the use of crypto-currencies and digital instruments that make the investigations even more complex.

There is a link between Italian and Romanian criminal organizations, to the extent that several members of Italian "mafias" have been identified and captured by Europol and Interpol in Romania²¹ after being searched internationally.

JUDICIAL AND CULTURAL COOPERATION FOR AN INTERNATIONAL AND CROSS-BORDER FIGHT OF CRIME

Legislation is judged by our respondents as **chaotic, cumbersome, weak, evasive** and sometimes - as in the case of money laundering - **outdated** and therefore needs to be updated. It also **allegedly presents gaps** where forms of corruption and illegality can find ample opportunities to go unpunished.

Without prejudice to the formal transposition of international conventions and EU directives, there are important difficulties regarding substantive law and therefore procedural law. The standards, according to the respondents, are unclear and do not allow enforcement authorities to follow regulated crimes and take further action any regulated activity at national level.

Our interviewees evoked the metaphor of "corridors" and "holes", giving a glimpse of a

²¹ <http://www.interno.gov.it/it/notizie/estradata-italia-vito-bigione>

system that, although formally endowed with contrasting tools, struggles to find a systemic and integrated solution to issues related to crime and corruption.

In addition to **the limited resources** available for investigation, the law enforcement action also suffers from the weaknesses associated with the training, in terms of **expertise** of the investigative bodies on issues that are broad and complex. These require specific handling and constant updating. According to what our interviewees reported, the Judiciary lacks the relevant skills and is, especially in this last period, particularly involved in the action of contrasting transnational and financial crimes centred in Romania.

The intelligence gathering activity suffers from a substantial **incapacity of coordination and cooperation** both internally among the relevant offices and institutions, and internationally with other national intelligence. This is shown, for example, in the inability of police forces, the judiciary and financial institutions to collaborate regarding *money transfers* through dedicated companies allowing the laundering of money coming from illicit traffic and that, substantially, as reported, are not tackled by the legal system.

Kidnappings are **frequent** and also in this case the intervention of local authorities is not timely, also due to possible retaliation by traffickers on local families. Emblematic of this kind is an event in Brăila that required, according to our sources, turning to the authorities of the other country to investigate the facts.

Another important difficulty of is linked to the lack of digitalisation of the information of the judicial system that still, too often, uses paper tools and technologies that are not adequate to effectively investigate criminal phenomena. The need for computer-cyber **forensics** is clear, which is an application of investigation techniques for the collection, processing and conservation of evidence from a particular IT device for later use in trials. In addition, it is very hard to make use of special investigative methods such as interceptions or current account monitoring. Finally, the need emerges for a system of digital collection and cataloguing of data collected during the investigations and the judicial results that could be used in coordination with the prosecutor's offices of other countries for a coordinated action to combat organized crime on an international basis.

It should be specified that the reporting of crimes concerning corruption is closely tied to the **effectiveness of the pact** that binds the corrupting and corrupt parties. This means that, apparently, often the latter denounces the first if he does not receive the services he hoped to obtain from the transaction organized with illegal methods. This is the typical case of public procurement where cases of this kind are recurrent.

In 2016, the **judicial system was reformed** to attach, as we were told, police officers attached to the Courts. All this is linked to the need also in the fight to organized crime - and not only corruption - of bodies that can rely on **financial investigators** and procedures that allow the **confiscation of the accumulated proceeds and assets**. On this

issue, the Romanian Parliament has passed a bill in 2018 and national and international advocacy work is underway to urge political forces at all levels to recognizing the appropriateness and importance of the issue in order to have more effective anti-mafia investigations in Romania.

Romania has an anti-fraud department for EU funds and state agencies that deal with the preventive evaluation of corruption phenomena. Moreover, also a special Office combats the laundering of illegal money and several tax authorities deal with financial crimes such as evasion. However, at present, the enforcement activity seems to have stalled, also due to the growing complexity of the phenomenon, so much so that the fraudulent misappropriation of public funds, even European ones, is constant and does not decrease. A system of incentives for both reporting and actions focused on ethical fairness could be useful to discourage illegal actions as well as to repress and punish these.

With regard to the organized crime front, it must be specified that the issue was not addressed with the same strength as regarding corruption. The latter was used as an argument to convey the need for Romania to enter the EU and therefore requiring a shift, at the national level, towards transparent and legal behaviour. In the last few years, a **more general need for a civic and therefore educational sensibility** emerged for the whole population, which, in our interviewees' words, requires a continuous prompting on issues of broad ethical and moral value such as conduct based on respect for the democratic legal rules. Above all, the younger generations, although fairly well trained on other levels, must necessarily be educated on problems relating to crime and corruption, and more generally on peaceful and civil coexistence.

FIGHT AGAINST CRIME AND CORRUPTION BETWEEN MORAL PERSUASION AND CIVIC ENGAGEMENT

Our interviews stress the great relevance of the **role of civil society** in the action of social fight to crime and corruption. Information and education for the community on the dangers of the phenomenon is crucial. Society should understand that solutions are available if based on a widespread ethical approach and behaviour compliant with the principles of law.

The stressing of civic education and lifelong learning are also essential pillars in this sense, as is spreading awareness among the population of the entire set of rights and duties that trigger individual actions by citizens.

Specifically the role of associations and non-governmental organizations is considered fundamental also for their **advocacy** and **moral persuasion** towards Lawmakers to receive input by the civil society on the fight against criminality and illegality.

In this sense, the period between 2004 and 2008 is remembered as particularly

important for all what has been done by civil society and therefore, for example, civic committees and large NGOs that jointly worked both at the local micro level and at a national macro level, urging public opinion on major issues concerning above all the **moralization** of individual and collective conduct. Nowadays, this commitment has been substantially reduced to independent micro-actions, moving substantially from the physical agora to the virtual agora governed by **social networks**. The latter, we were told, also undeniably contribute to the dissemination of information that mainstream information does not convey through traditional media and also to awareness of the phenomena of corruption and crime both in **rural** contexts - where there is still no **collective conscience developed** on the danger of this behaviour and of their consequences in terms of denial of democratic rights - and in **urban** areas, where the problems reach different and wider amplification.

Specifically, our interviewees told us of the extreme praiseworthiness of the action of many NGOs working on the theme of **human trafficking**. The reporting activity to the Public Prosecutor's Office and the assistance and support to people is considered very important, yet it is not sufficient to counter the phenomenon that turns out to be very complex and multifaceted, in a way that goes beyond the commendable commitment of organized civil society. **Corruption** is tackled with likewise effectiveness. The emphasis on the work of civil society goes in the direction of the necessary support to the Institutions, and therefore above all to the Judiciary and Police Forces, to offer them good practices and application tools for the understanding of the criminal phenomena from the bottom and in order to reach therefore a broader contrast action and simultaneous psychological, physical, economic and social support for the victims of these criminal activities.

Moreover, according to our respondents, the function of the **Media** should be enhanced, supported and professionalized in order to guarantee a high quality public information service for the benefit of all citizens. Regarding **investigative journalism** in particular (Stetka, Örnebring, 2013) we were told how it played an essential role in the opening of important criminal cases and how synergies between whistle-blowers, magistrates and prosecutors, law enforcement and reporters are important for highlighting commingling, connivance and dynamics that concern both crime and corruption in general and the myriad of widespread illegalities that are translated, above all, in the *bad management* of public affairs and in the representation of collective conduct. In this sense, this kind of journalism has been indicated to us in its reflective function. It is therefore understood as the "mirror" - for the Romanians - of individual and collective attitudes and behaviour in terms of illegality, corruption and criminality and as the "photograph" for the outside world of what happens in the country in the broadest dynamics concerning institutional, political, social and economic development.

The **integrated approach** between the prerogatives and the activities carried out by

NGOs and investigative journalism was then indicated as impossible not to target. This would contribute to widening the audience and therefore the scope of the verified and quality information also for making people responsible and active and consequently actively engage public decision makers.

CONCLUSION

THE FUTURE OF EUROPE: BETWEEN THE PROMOTIO OF SOCIAL COHESION AND THE FIGHT TO OLD AND NEW CRIMINAL PHENOMENA

A COMMON FEELING

The analysis of the interviews carried out in Belgium, France, Germany and Romania, as can be seen from the individual area chapters, gives us an updated snapshot of the perception of the phenomenon of organized crime and corruption in the individual countries. This *instant picture* on the widespread feeling about these phenomena is pigeonholed, without claiming to be complete and exhaustive, in the already wide international debate on the presence and danger of mafia-like and other criminal organizations in Europe, as well as in the rest of the world.

This work constitutes, with its limitations and the need for further investigation in the future, a comparative fresco of criminal phenomena from an "expert" point of view, for further dissemination. This means that, although it does not trace connection points or highlight phenomenal convergence and diversity in the four countries, it seeks to stimulate the reader to further analyse social, political and economic peculiarities of the individual contexts.

The interviews collected with this research confirm the studies conducted at an international level: organized crime goes beyond territorial boundaries and moves in search of new markets, in order to colonize them and expand their range of action and therefore business.

This document is therefore a humble addition to the work that many researchers, scholars and activists have been doing on this front for years, insisting on the need for an active attack, which refers to good and clear rules (for example, to effective enforcement instruments) and at the same time promotes "community" thinking, which calls for the need for interpretative tools capable of combating organized crime by promoting development, cohesion and social justice.

Here one sees the importance given to "perception" and therefore to the analysis of *feelings*. This implies the need to give value, as mentioned in the methodological note in the introduction, to the primary information sources. From this exploratory report

emerges the perception of magistrates, judges, police forces, journalists, scholars and researchers. To these were added also activists from non-governmental organizations and local administrators who were able to expand the range of subjects entitled to provide indications on complex questions difficult to interpret.

Literature elements have been reported, where possible, to expand our horizons and insert the items gathered in the broader panorama of acquired knowledge.

ORGANIZED CRIME & UNDERWORLD MANAGEMENT. TWO MODES, MULTIPLE RATIONALITIES

If we wanted to categorize the perception of criminal phenomena, as we were told by interviews with our privileged witnesses in Belgium, Germany, France and Romania, but freeing the field from those of mere delinquency, we could categorize them into two representative containers: *criminal organization* and *underworld management*.

In the first container, we can ascribe all those practices, widespread in the countries involved, which refer to white-collar crimes, and therefore to those that primarily involve finance. These also take into account the so-called "hidden trades" involving local administrators, politicians and officials. It has been reported in some interviews that what unites the improper management of public offices, illegal lobbying and money laundering to all other forms of economic violence, is the rationality inherent in their economic action that uses crime as an additional lever for obtaining more effective results than expected. The inclination to *enterprise syndicate* makes the criminal rationale *profit driven*. This unites all those organizations that appear to increasingly want to emancipate themselves from the territorial lordship and the geographical proximity constraint. It binds gangs or more complex organizations that try to implement an invisibility strategy that enhances loose and weak ties, thus becoming rationally more effective in obtaining economic performance. The container of criminal *organization*, in which we ascribed some behaviours referred to by our interviewees, would certainly take into account most of those minimum criteria considered in the literature and in the international debate shared on the topic. Therefore, first of all the inclination towards formally defined and specialized activities and the non-extemporaneous nature of the conduct. To these would be added the use of violence and intimidation also in its economic form and therefore, we could say, not necessarily linked to the threat of physical safety. Then again, we see the use of "boxed" economic structures and therefore equipped with innovative and adaptive capacity to which is added the interference on the Institutions, the Political world, the sources of information. Last, but not least, the great attention to the international and transnational dimension - which would be necessary for the management of these types of organizations - and the quest

for and maintenance of power to obtain profit. The result of this violent exercise of capital would sometimes lead to a sort of criminal monopoly of market space.

In the second container, instead, we can ascribe all those activities - we could say - of *underworld management* and that see the great protagonism above all of gangs and criminal groups. The examples of the German and Belgian *bikers*, of French banlieues bands are an example. In general, these forms of criminal aggregation make the ostentation of violence, even in dialectical opposition to the legal and democratic one, the very essence of its genesis and persistence. Especially in the first case, we often find pseudo-ideological references to a counterculture fuelled by economic and social marginality. Here the territorial bond and the claim of lordship by these organizations is essential. The fight for the dominance of the space-neighbourhood also becomes the reason for clashes and conflicts. The clans - sometimes ethnically and culturally marked and above all specialized in terms of criminal activities - do not disdain functional and temporally limited alliances, oriented to the achievement of business results. These forms of banditry - to which are added, as in the French case, also other more complex and structured types, appear to be the most recognized and perceived form of organized crime in France and Belgium. In general, banditry is the mode closest to the concept of organized crime. Although it can be partially linked to it in some aspects, we have to categorically make a distinction between them. First of all, this distinction is due to organizational fragility, inability to regenerate and therefore territorial and temporal persistence of the alliance. Relevant attention must be given to the nature with which the Institutions show their enforcement action, which also contributes to the perception by the public opinion of the phenomena themselves. The strong character of the Institutions, as has been reported in some interviews in France and Germany, would motivate a greater awareness of the capacity to win from organized crime in the public opinion. The result is that in these contexts, there could be an exclusive delegation to law enforcement action on the part of the institutions, but it is important to underline the need for a parallel involvement of civil society, to carry out the action on different levels, not least the cultural level.

MAFIAS AND ORGANIZED CRIME: BETWEEN ALIEN CONSPIRACY AND LABELLING

Any reference to the mafias, and more specifically to their methods, must be further specified. Given that it is clear that it is not possible to consider all organized crime as mafia-like crime and given that there is still a substantial difference between the two types, although there are many points of convergence, it is important to highlight how, where the presence of the mafia in the individual countries is overt, this cannot be said of the general perception in the public opinion of its dangerousness and pervasiveness.

Permeation, settlements, rooting and even alliances between local clans and the most important historical criminal organizations, such as the Italian ones for example, are still read with a viewpoint that does not account for what judicial reports, journalistic inquiries and international scientific studies strive to testify. This appreciation of the changing and highly adaptive nature of organizations of this type is unambiguous. It is well known that they are no longer exclusively linked to the territory that generated them, although they still refer to it. Moreover, it is equally well known that there is no longer a properly so-called "mafia", which can be found only in the folklore of the rituals that unite its associates or in the sometimes farcical representation of the pact that binds the adepts. The shared perception, however, dangerously continues to oscillate from *alien conspiracy* to the racist stigmatization of the problem. Both, as reported in the interviews, would dismiss the criminal problem, above all the organized one, to "cultural" and/or "business" determinants of immigrants. The problem would be ascribed to the perimeter of social unease, to the condition of exclusion and marginalization. Any criminal gesture would be nothing more than a manifestation of deviance and therefore justified (though not accepted for that) as a form of subculture. In short, this type of crime, even more so that of the clans and therefore also the mafia, is read as a further illustrative factor distinguishing the ethnicity of the immigrants themselves. Too often then, crimes of this kind are framed in public opinion as matters that concern Russians, Africans, nomads and so on. This operation of stigmatization, of cultural and territorial *labelling*, which includes a radical reluctance to use the term "mafia" and a contemporary inability to define such phenomena, however, does not do justice to the fact that a good part of the members of the criminal organizations themselves are nationals resident in the countries under investigation and therefore French, Germans, Belgians and Romanians.

ENFORCEMENT ACTIONS BETWEEN INSTITUTIONAL COMMITMENT AND CIVIL ACTIVATION

The public perception of criminal phenomena, their emergence and the effective possibility of their solution is closely linked to the quality of information and above all to the ability of training agencies to educate on the importance of the civil values of peaceful and democratic coexistence. The activation of civil society depends largely on education and information, and the influence to the activation of political processes capable of providing the State with legal instruments to fight them is also undoubted. Among the available tools, to be deepened and in some cases enhanced, it is useful to recall the confiscation of organized crime assets (Directive 2014/42/EU) and the use of the testimony of justice collaborators.

More generally, returning to the importance of information and thus stressing the role of the Media, it was reported that the contribution offered by investigative journalism is

fundamental. In all the contexts analysed and therefore in Belgium, France, Germany and Romania these have reached peaks of extraordinary importance as regards the highlighting of corruption in the public and private sectors, of bank scandals, of large-scale trafficking and also new phenomena such as cybercrime, which certainly represents one of the many new tools that organized crime uses for its activities. It has clearly been reported that it was also from these inquiries, and therefore from their public discussion, that there originated also less reluctance and civic apathy on the part of the community, which later became involved in initiatives and mobilizations on the subject of corruption. More generally, associative activism is considered a priority if it manages to link advocacy and civic engagement, therefore if it is primarily able to translate reports, protests and projects. The implementation of *policies* capable of enhancing those sentiments of sensitiveness and the need to protect democratic values based on respect for the common good becomes fundamental.

PROLOGUE

FROM THE "VENTOTENE MANIFESTO" TO A NEW "CHANCE" FOR EUROPE

"Modern civilization has as its foundation the principle of freedom, according to which man must not be a mere instrument of others, but an autonomous centre of life". This is the opening statement of the Ventotene Manifesto of 1944 signed by the European Union constituent Altiero Spinelli, and by Ernesto Rossi and Eugenio Colorni. It is worth recalling it because, starting from this statement, a need to guarantee the great value of peaceful coexistence, the recognition of differences, the feeding of vital spaces is clear. Around these principles, the radical rejection of every attempt at domination, authoritarian dogmatism, regimes and totalitarianisms is cemented. While it is possible to associate criminal phenomena in many contexts and in different seasons, especially those of the Mafia type, to forms of anti-State and therefore of illegal rule over the legal one - whilst not wishing to reduce the issue to this aspect alone - it is important to recall the values of that Manifesto which is one of the inspiring documents of the unity of the Old Continent. This is done because the scope of this report is European and concerns four countries that have had and will have a major role in Europe. Belgium, France and Germany are among the founding countries. Romania is among the new entries that can represent the standard of the countries in transition and that sees in cooperation among the States and in the European perspective the only way to guarantee authentic and lasting social and economic progress for its people.

It seems that today those "immense masses of men and wealth, are already lined up against the totalitarian powers", as reported by the Ventotene Manifesto, which we still like to quote, and that we can also take into account that all those people - individually or in an organized way - are taking action, even reaping unexpected successes, against corruption and crime. From each according to their own capabilities, to each for their own aspirations.

All this certainly fits into the need for a new communitarian political agenda that must be able to lay new foundations and promote new proposals, to give new impetus to social prevention and the fight against organized crime and corruption.

We hope that this report, then, with its small and large findings and all its limitations, serves to widen the audience of those who want a new, freer Europe.

On the eve of the ninth round of the European elections of 26 May 2019, Libera and the new European network CHANCE - Civil Hub Against orgaNised Crime in Europe, presented a new Political Agenda for the prevention and fight against organized crime and corruption, to

elaborate on the analysis of the social and cultural context in Europe and discuss new proposals to be built on a transnational level in terms of security and social justice.

The 15 proposals contained in the CHANCE Agenda are designed to draw attention from the candidates to the European elections - but above all of those who will be elected in the next legislature - to **the promotion of social justice for a more united and secure Europe**. "Each proposal is directed towards a concrete action or legislative initiative on a European scale to emphasize the need to bring the fight against criminal and corrupt phenomena back to the centre of the European debate. It is essential to seize this historic moment as a new opportunity for Europe to build a new common language based on shared **responsibility**."

Among the points brought to the attention of candidates, institutions, agencies and civil society: to develop a **new common definition of "organized crime"**, the re-launch of **direct collaboration between civil society and European institutions**, the promotion of **public use and of confiscated assets**, the strengthening of the **protection of victims**, and the **fight against corruption** through widespread participation practices. Furthermore, on the political agenda a specific point is dedicated to **strengthening the role of whistle-blowers, witnesses and collaborators of justice**, which contribution has already proven crucial in the past.

In a complex European context, where the free movement of goods allows money laundering and illicit investments, the agenda also points to strengthening the **proof standards** of origin of criminal assets. Particular attention is then paid to taking **specific actions against the major criminal traffic** present in the European and global context, in line with what has already been done; but bringing to the attention of the European Union the economic and social weight of these phenomena, which are to the detriment of human rights and dignity.

Finally, bearing in mind the importance of promoting common and innovative tools to "keep up" with new technologies and the continuous flow of information, the CHANCE network focuses on the **fight against cybercrime and the desire to strengthen the protection of journalists and the independence of the judiciary**. Only through real transnational cooperation is it possible to build a truly united Europe, aware of the strength of the cultural - as well as repressive - fight to criminal phenomena.

Libera, thanks to the support of the European CHANCE network and through the dissemination of this report even during the stages of the "Idee in Viaggio" (Free Your Ideas) project, aims to vitalize the social debate on the topic of organized crime at international level and to activate actions before the competent institutions so that the proposals are transformed into projects and good practices, finally reaching implementation as shared standards.

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MINISTERO del LAVORO
e delle POLITICHE SOCIALI

DIREZIONE GENERALE DEL TERZO SETTORE
E DELLA RESPONSABILITÀ SOCIALE DELLE IMPRESE

Progetto Idee in viaggio, contro mafie e corruzione
Finanziato dal Ministero del Lavoro e delle Politiche Sociali
Avviso n. 1/2017

FREE YOUR IDEAS | REPORT

FREE YOUR IDEAS is the European dimension of LiberalDee: a transnational project that aims to offer a current and shared rereading of the criminal phenomenon and corruption outside the Italian borders.

FREE YOUR IDEAS is a European path of qualitative research on the presence and perception of organized crime and corruption conducted with an innovative approach, aimed not only to describe criminal actions, but also to investigate the perception of the phenomenon in different European contexts, putting together the perceptive and qualitative view of those who do work from an academic and investigative point of view in context context where there is not traditional mafia.

The data were collected by activists belonging to the associations involved in the fight against organized crime in Europe but also to raise awareness in Europe. These associations are part of the European network **CHANCE - Civil Hub Against Organized Crime in Europe**, promoted by Libera:

Basta! in Belgium, Mafia Nein Danke in Germany, Demains Libres in France and Funky Citizens in Romania.

The analysis presented in this report is a starting point, not a point of arrival. It is a priceless wealth of knowledge, a comprehensive look at the continuation of the journey which, as a network of associations and together with those who wish to unite, we intend to carry forward.



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