



Bundeskriminalamt



Ursula Töttel
Heinz Büchler

Research Conferences
on Organised Crime
at the Bundeskriminalamt
in Germany

2008 - 2010

With financial support from the Prevention of and Fight against
Crime Programme of the European Union
European Commission – Directorate-General Home Affairs



Luchterhand

Research Conferences on Organised Crime

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Bundeskriminalamt (BKA)
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Beirat:

Prof. Dr. Johannes Buchmann

Direktor des Center for Advanced Security Research Darmstadt

Wolfgang Gatzke

Direktor des Landeskriminalamtes Nordrhein-Westfalen

Prof. Dr. Manfred Hennecke

Präsident der Bundesanstalt für Materialforschung und -prüfung

Prof. Dr. Hans-Jürgen Kerner

Direktor des Instituts für Kriminologie der Universität Tübingen

Waldemar Kindler

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des Innern

Klaus Neidhardt

Präsident der Deutschen Hochschule der Polizei

Prof. Dr. Peter Wetzels

Professur für Kriminologie an der Rechtswissenschaftlichen
Fakultät der Universität Hamburg



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Projektleitung im BKA:

Ursula Töttel

Dr. Heinz Büchler

Kriminalistisches Institut

KI 14 – Forschungs- und Beratungsstelle

für Organisierte Kriminalität und

Wirtschaftskriminalität

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Foreword

Today organised crime and globalization are inextricably linked. International organised crime benefits from global criminal networks. The perpetrators move effortlessly across national borders in these networks, proving they are highly mobile. Germany is particularly important for the participants of organised crime in Europe because of its central position. The Situation Report on Organised Crime of the Federal Criminal Police Office (BKA) for 2010 recorded 606 cases with 9,632 suspects, more than 60 % of which were of non-German origin. The non-German suspects come from 113 different countries overall. The activities were mainly in the area of drug trafficking and smuggling, followed by economic crime and property crime. The damage in 2009 in Germany was worth around 1.65 billion euros, with the most damage caused by economic crime as well as tax and customs offences. Almost 85 % of the cases had international links.

Organised crime is constantly changing: it is becoming increasingly diversified in terms of its methods and structures. The perpetrators are involved in different fields of crime and make criminal profits with numerous goods. In Europe we have noted increasing cooperation between different organised crime groups. Within this cooperation among different groups and encompassing different types of crime, professional use of the Internet has long since become part of the criminal business model.

It is clear that with such strong networks, crime of this sort cannot be fought exclusively on the national level. Thus, the exchange of information and cooperation between law enforcement authorities beyond national borders has become part of daily life. In addition, the increasing complexity of the illegal activities, which draw on legal economic and communication structures, means that research and science need to be integrated into this cooperation. Scientific research is of great importance for the practical implementation of law enforcement since it can gain new insight through the methodical analysis of central aspects of organised crime and the possibilities of fighting it. Hence, existing contacts in international research should be expanded in a meaningful way. To this end, in 2008 the “International Research Network on Organised Crime” was initiated by the BKA with the aim of intensifying contacts between researchers and practitioners across national borders for the purposes of studying organised crime, and to exchange and discuss research methods and findings. The founding members are the “Crime Research Development Unit” of the Home Office in London, the “Research and Documentation Centre” (WODC) of the Dutch Justice Ministry and the Police Academy of the Netherlands. In 2009 the “Swedish National Council for Crime Prevention” (Brå) joined the network.

In 2008 the BKA also hosted the first research conference on organised crime. This conference, which now takes place every year and focuses on different issues

each year, integrates researchers and practitioners from research institutes and law enforcement authorities into the network. The European Commission has also recognised the importance of the network and the research conference and has been promoting both as part of the programme “ISEC – Prevention of and Fight against Organised Crime” since 2010.

This anthology contains selected contributions from previous conferences and gives a broader circle of professionals insight into the current issues and findings related to organised crime. In publishing these contributions, we also hope to gain the support of other scientists and practitioners committed to the fight against organised crime.

Jörg Ziercke
President of the Federal Criminal Police Office

Vorwort

Organisierte Kriminalität und Globalisierung sind heute untrennbar miteinander verbunden. International Organisierte Kriminalität profitiert dabei von weltweit gebildeten Täternetzwerken. Die Täter bewegen sich in diesen Netzwerken problemlos über Staatsgrenzen hinweg und beweisen ihre hohe Mobilität. Deutschland ist dabei mit seiner zentralen Lage von besonderer Bedeutung für die Akteure der Organisierten Kriminalität in Europa. Für das Jahr 2010 verzeichnet das Bundeslagebild Organisierte Kriminalität des Bundeskriminalamtes 606 Fälle mit 9.632 Tatverdächtigen, mehr als 60 % davon nichtdeutscher Herkunft. Die nicht-deutschen Tatverdächtigen entstammen insgesamt 113 Herkunftsländern. Der Schwerpunkt der Aktivitäten liegt im Rauschgifthandel und -schmuggel, gefolgt von Wirtschaftskriminalität und Eigentumskriminalität. Die Schadenshöhe betrug im Jahr 2009 in Deutschland rund 1,65 Mrd. Euro, wobei die höchsten Schäden durch Wirtschaftskriminalität sowie Steuer- und Zolldelikte verursacht wurden. Nahezu 85 % der Fälle weisen internationale Bezüge auf.

Organisierte Kriminalität befindet sich dabei im ständigen Wandel: Sie diversifiziert sich zunehmend hinsichtlich ihrer Methoden und ihrer Strukturen. Täter agieren in unterschiedlichen Kriminalitätsbereichen und machen mit zahlreichen Gütern kriminelle Profite. In Europa können wir eine zunehmende Kooperation zwischen verschiedenen Gruppen Organisierter Kriminalität feststellen. Im Rahmen dieser delikts- und gruppenübergreifenden Kooperationen gehört die professionelle Nutzung des Internets längst zum kriminellen Geschäftsmodell.

Es ist offensichtlich, dass eine solchermaßen vernetzte Kriminalität nicht ausschließlich auf nationaler Ebene bekämpft werden kann. Daher sind der Informationsaustausch und die Zusammenarbeit zwischen Strafverfolgungsbehörden über Landesgrenzen hinweg alltäglich geworden. Darüber hinaus erfordert die zunehmende Komplexität der illegalen Aktivitäten unter Nutzung legaler Wirtschafts- und Kommunikationsstrukturen die Einbindung von Forschung und Wissenschaft. Die wissenschaftliche Forschung ist für die Praxis der Strafverfolgung von großer Bedeutung, da sie durch die methodisch geleitete Analyse von zentralen Aspekten der Organisierten Kriminalität und ihren Bekämpfungsmöglichkeiten neue Erkenntnisse gewinnen kann. Es gilt daher, bestehende internationale Forschungskontakte zielgerichteter auszubauen. In diesem Sinne wurde im Jahr 2008 auf Initiative des Bundeskriminalamtes das „Internationale OK-Forschungsnetzwerk“ mit dem Ziel gegründet, für den Untersuchungsgegenstand Organisierte Kriminalität den Kontakt von Wissenschaft und Praxis über nationale Grenzen hinweg zu intensivieren sowie Forschungsmethoden und -erkenntnisse auszutauschen und zu diskutieren. Gründungsmitglieder sind die „Crime Research Development Unit“ des Home Office in London, das „Research and Documentation Centre“ (WODC) des niederländischen Justizministeriums und die

niederländische Polizeiakademie. Im Jahr 2009 trat der „Swedish National Council for Crime Prevention“ (Brå) dem Netzwerk bei.

Ebenfalls im Jahr 2008 lud das Bundeskriminalamt zur ersten Forschungskonferenz zur Organisierten Kriminalität ein. Für diese mittlerweile jährlich stattfindende Konferenz mit wechselnden thematischen Schwerpunkten werden Wissenschaftler und Praktiker aus Forschungseinrichtungen und Strafverfolgungsbehörden in das Netz eingebunden. So hat auch die Europäische Kommission die Bedeutung des Netzwerkes und der Forschungskonferenzen anerkannt und fördert seit 2010 beide Institutionen im Rahmen des Programms „ISEC – Kriminalprävention und Kriminalitätsbekämpfung“.

Der vorliegende Sammelband enthält ausgewählte Beiträge aus den bisher stattgefundenen Konferenzen, die einem breiteren Fachpublikum Einblick in aktuelle Fragestellungen und Ergebnisse zur Organisierten Kriminalität geben. Mit dieser Veröffentlichung ist auch die Hoffnung verbunden, weitere engagierte Wissenschaftler und Praktiker für den gemeinsamen Kampf gegen die Organisierte Kriminalität zu gewinnen.

Jörg Ziercke

Präsident des Bundeskriminalamtes

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English Part

Introduction

Organised crime (OC) began crossing national boundaries a long time ago. This development, as well as the growing integration of the political, economic and social systems within the European Union, have thus long since had well-known consequences for the day-to-day activities of law enforcement authorities in Europe. These authorities are working more and more closely together in order to triumph in the fight against crime. National borders traditionally play a secondary role in academic research. However, the trend towards cross-border, continuous and in-depth exchange of information between research institutes at ministries, law enforcement authorities and social sciences institutes dedicated to researching OC is still in its infancy. Against this backdrop, the Federal Criminal Police Office (BKA) came up with the idea of promoting the exchange of phenomena, methodical approaches and research findings across Europe in the area of OC research, too, and to organise conferences regularly.

In 2008, 2009 and 2010 the BKA organised three international OC research conferences in Frankfurt am Main together with the Research and Documentation Centre (WODC), the Police Academy of the Netherlands, the Serious Organised Crime Research Team at the British Home Office and – from 2010 – the Swedish National Council for Crime Prevention (Brå). These conferences gave the participants an excellent overview of the situation regarding OC research in the country concerned, selected and possible field approaches for empirical research projects, the implementation of findings in practice, the target groups of the projects and efforts taken in selected European countries, and offered a forum for a cross-border exchange between researchers and police practitioners. Researchers from Belgium, Bulgaria, France, Germany, Greece, Italy, Poland, the Czech Republic, Sweden, Slovenia, Spain, Turkey, Hungary and the USA reported on their fields of research and the national context. This summary of the conference papers gives the reader an impression of the spectrum of research as well as the main subjects and methodical approaches in Europe.

EU project

Organising international research conferences is just one of two initiatives by the BKA and the other research institutes aimed at promoting the Europe-wide exchange of OC research among researchers and practitioners. Another initiative is the OC research network founded in 2008 to intensify the direct exchange of information among state research institutes and encourage coordinated or joint research.

The network's members include the "Research and Advisory Unit for Organised Crime and Economic Crime" of the Federal Criminal Police Office of Germany, the "Crime Research Development Unit" of the Home Office London, the "Research and Documentation Center" (WODC) at the Justice Ministry in the Hague, the Police Academy of the Netherlands in Apeldoorn and the "Swedish National Council for Crime Prevention" (Brå) in Stockholm. Each year two meetings of the state research institutes as well as the OC research conference are held as part of the network activities. The network meetings of the institutes ensure the continuous exchange of information and findings from research projects, threat analyses, situation assessments and approaches to fighting OC. In addition, new topics for OC research are discussed and carrying out joint OC projects is considered.

Financial support was approved by the European Commission for both initiatives, the OC research conference and the OC research network. The aim of the overall project is to ensure a comprehensive and continuous exchange of information about research programs and individual projects, to identify new research topics, to develop innovative investigation methods for OC research, to initiate and conduct joint OC research projects and to develop research themes for the law enforcement authorities in the field of OC.

The project "International Research Network on Organised Crime" (March 2010 – February 2013) has been co-financed by the European Commission as part of the Internal Security (ISEC) Programme "Prevention of and Fight against Crime" since 2010, with 70 % funding for an overall budget of about 150,000 euros.

Description of the research institutes

The following section offers a brief description of the institutes participating in the EU project.

Research and Advisory Unit for Organised Crime and Economic Crime of the Federal Criminal Police Office (BKA), Wiesbaden, Germany

As part of the criminalistic-criminological research section of the BKA, the research unit is the leading OC research unit of the German police. The criminalistic-criminological research section of the BKA is home to the following research units:

- Terrorism/Extremism Research Unit
- Police Crime Statistics Research Unit (PKS), criminalistic-criminological analyses, dark field research
- Research Unit for Serious Violent Crime and Information and Communications Crime
- Research and Advisory Unit for Organised Crime and Economic Crime
- Legal Policy, Research and Advisory Unit for Law
- Research and Advisory Unit for Crime Prevention

According to § 2 of the Federal Criminal Police Office Act (BKAG) it is the responsibility of the criminalistic-criminological research section to support the federal and state police in researching and answering questions related to police methods and approaches as well as phenomenological questions related to fighting crime.

The Research Unit for Organised Crime and Economic Crime carries out research and advisory tasks in the fields of organised crime, human trafficking and smuggling as well as economic and financial crime. With a background of applied research and the general responsibility for coordination of the central office, the research unit has the task of taking up and analysing new or as yet unresolved police issues and problems in the national and international context, researching and developing solutions and methods of solving the issues and incorporating the results of their research into the work of the criminal police. The solutions and methods are made available to other departments of the BKA, the federal and state police and other authorities in the form of advice and services.

As well as the implementation of research projects and analyses, this task is fulfilled primarily with the help of monitoring, i. e., the systematic observation, iden-

tification and evaluation of relevant developments from the field of this crime spectrum.¹

Serious Organised Crime Research Team, Home Office, Great Britain

The Serious Organised Crime Research Team is a small team that forms part of the Research and Analysis Unit in the Home Office, the UK government department responsible for internal security.

The research team conducts and commissions research that examines the nature, impact and extent of organised crime. The broad overarching themes most the projects focus on are:

- the nature and scale of organised crime activity
- public perception of and concerns about organised crime
- organisation and methods associated with organised criminality
- characteristics, motivation and criminal careers of organised criminals and
- the effectiveness of law enforcement, regulatory and criminal justice responses to organised crime

Examples of recent research include: an analysis of how the postal system is abused for drug smuggling; over undertaking post-conviction interviews to assess the market in people-trafficking, and researching public perceptions of organised crime.

The aim of the research is to inform evidenced-based policy making, primarily through informing the work of two Home Office policy units: the Organised and Financial Crime Unit and the Strategic Centre for Organised Crime. In addition, most of the studies are made available to the public via a report published on our website, after external peer review.²

Research and Documentation Centre (WODC), Ministry of Security and Justice, the Netherlands

WODC is the semi-independent research and knowledge centre belonging to and working for the Netherlands Ministry of Security and Justice and its chain partners. WODC conducts social and behavioural scientific as well as legal research. The institute aims to produce knowledge about current and future phenomena relevant to Safety and Justice, including policy and programme assessments and forecast (models).

1 Further information on the criminalistic-criminological research unit of the BKA: www.bka.de.

2 Published studies are available at: <http://rds.homeoffice.gov.uk/rds/index.html>.

WODC broadly disseminates the knowledge it has acquired. All research results are made available on its own website, while all key and comprehensive research is published in book form. Moreover, on the basis of its research findings, WODC plays an advisory role with regard to the Ministry of Safety and Justice. Finally, WODC acts partly as a granting organisation, since a considerable part of the research portfolio is outsourced to external partners.

The organisation of WODC is made up of the following divisions:

- Crime, Safety, Law Enforcement and Sanctions Research Division
- Justice Administration, Legislation, International and Aliens Affairs Research Division
- Commissioning Research Division
- Statistical Data and Policy Analysis Division
- Documentary Information Division

The Crime, Safety, Law Enforcement and Sanctions Research Division has about 30 staff. It carries out several kinds of research, but an important line of research focuses on organised and economic crime, terrorism, and special investigation methods. WODC cooperates with key external research institutes, including the Centre for Information and Research on Organised Crime (CIROC) (WODC, VU University Amsterdam, Erasmus University Rotterdam, Utrecht University, and Maastricht University) and the International Research Network on Organised Crime.³

Police Academy of the Netherlands

The Police Academy is the centre for education and knowledge of the Dutch police. It is a dynamic organisation which provides knowledge and education of a high standard, which anticipates social developments and can translate these into tailor-made education. In this way the Police Academy cooperates with police forces and other partners in the field of safety and education. The main tasks of the Police Academy are:

- the recruitment and selection for the Dutch police
- to provide education for the Dutch police
- to develop knowledge and increase it for professional practice and to support education.

Making the connection between theory, practice and education, that is the main function of the Chairs at the Police Academy. A Chair is comparable to a Chair

³ For further information please visit the website: <http://english.wodc.nl/>.

at a university. Also, a knowledge circle is usually associated with a Chair. Such a knowledge circle contains members of the teaching staff who conduct research in addition to their teaching duties, internal and external researchers and practical experts. Police Academy had about fourteen Chairs.

The Chair of Investigative Science as part of the Academy is dedicated to conducting research, providing education and consultancy services in the fields of crime prevention and criminal investigations. Gathering, developing and joining knowledge on the field of crime is one of the aims of the Chair. Organisation of investigation, intelligence, prevention strategies and aspects of prosecution are parts of this aim. Collaboration with foreign partners and counterparts in these matters is one of its prime goals.

The Chair distinguishes three research fields:

- Crime science (knowledge about the way crime occurs)
- Human intelligence and behaviour (analysis and information)
- Professional investigation (strategies, management and methods).⁴

The Research into Economic and Organised Crime Division (Brå), Sweden

The Swedish National Council for Crime Prevention (Brottsförebyggande rådet – Brå) functions as the Swedish Government’s body of expertise within the judicial system. The Council works to reduce crime and improve levels of safety in society by producing data and disseminating knowledge on crime and crime prevention work. The Council also produces Sweden’s official crime statistics, evaluates reforms, conducts research to develop new knowledge and provides support to local crime prevention work

The Council maintains a special division for economic and organised crime. The objective is for the Council to maintain a national body of expertise in the area of economic crime and organised crime in a broad sense, to disseminate findings and, not least through external funding, to conduct various research projects. The division also has projects in the fields of environmental crime and cultural heritage crime.

The research is to be closely tied to the research activities of universities and other institutions of higher education. The focus is directed at the area of prevention, and ranges from preventive strategies to methods of prevention. One of the ways in which the division conducts its work is by engaging external researchers to participate in various projects at the Council.⁵

⁴ Website: www.politieacademie.nl/.

⁵ For further information please visit the website: http://www.bra.se/extra/pod/?action=pod_show&id=1&module_instance=11.

Research Conferences

The conferences provided an overview of the status quo of scientific research in the area of organised crime and the science-based criminality analyses in selected countries. The presentations and subsequent discussions, in which researchers and practitioners shared their experiences, focused on the significance of OC research, selected and possible field approaches for empirical research projects, the implementation of the findings in practice, the target groups of the projects and the efforts undertaken. Special emphasis was placed on cross-border research within the realm of EU projects as well as planned research projects. The next section provides a summarized version of the contents of the presentations from the research conferences, publication of the articles of the speakers as well as an overview of the main conclusions.

Overview of the conferences and summary of the individual presentations

The first research conference on organised crime, which was held in November 2008 in Frankfurt/Main, examined the situation in Germany and its neighbouring countries. Speakers from Belgium, Germany, Poland, Sweden and the Czech Republic reported on their research projects and the current state of OC research in their countries.

Professor Hans-Jürgen Kerner has been Director at the Institute of Criminology at the Law Faculty of the University of Tübingen⁶ since 1986. In his presentation **“Organised crime – Opinions and research findings concerning the situation and developments in Germany”** he provided an historical outline of the legal and definitional development of organised crime since the 1970’s in Germany as well as the implementation problems in judicial practice. He then provided an overview of the research on organised crime in Germany, focusing on the research topics and methodical approaches. The central problem of OC research in Germany is the “circular construction of reality” which is formed when the research consistently draws on police information. Kerner proposed longer and theory-based analyses for future OC research in Germany. Major investigations should be re-analysed, whereby the focus should be aimed at the reasons for the success of trials.

Professor Tom Vander Beken, Co-Director at the “Institute for International Research on Criminal Policy” (IRCP)⁷ of the University of Ghent, gave an overview of OC research in Belgium and at European level in his presentation entitled **“Organised crime research in Belgium and beyond”**⁸. The background to the current Belgian OC research is the need of policy-makers to have superior-quality reports on the situation regarding OC in Belgium. They no longer simply need reports on police activities, but information that makes it possible to gauge possible future developments too. It is not the number of criminals, groups or activities that are important, but an understanding of how dangerous the phenomena are. And in this regard, incorporating certain economic and social aspects is critical.

6 Information on the Institute of Criminology at the University of Tübingen at www.ifk.jura.uni-tuebingen.de.

7 Information on the “Institute for International Research on Criminal Policy” at the University of Ghent at www.ircp.org

8 This and the subsequent presentations are published on the English homepage of the BKA www.bka.de.

The phenomenological analysis represents one key area of Belgian OC research. Risk-based methodologies have already been developed, threat and vulnerability analyses were produced and futurology research conducted for this purpose. Vander Beken outlined conceptual models and gave an overview of the numerous research projects carried out by the IRCP – in the national context, but also for international research programmes and organisations. The political reaction to developments in criminality is also the subject of scientific OC research in Belgium, e.g. as part of studies on the legal aspects of human trafficking, sexual exploitation or corruption. The speaker also highlighted a study of the legal consequences of a Belgian strategy on fighting OC based on stricter administrative controls and sanctions (“armed administrative approach”).

Vander Beken also presented a study on East European criminal groups. The project began in 2007 and concentrates on three aspects: the first looks at theory-based findings on perpetrator mobility and information on perpetrator mobility available in the police databases. The speaker outlined the “distance decay theory” and, using an evaluation carried out as part of the research project, proved that the mobile east European perpetrator groups did indeed cover longer distances to the place where the crime is perpetrated. He also referred to methodical problems. Another module analyses information relating to mobility in the case files – especially regarding place of residence and anchor points. According to the study conclusions, the East European perpetrator groups seem to cover greater distances. The final aspect looks at the reasons for and the background to the increased mobility provided by the perpetrators themselves. Evaluations of files of the law enforcement authorities and perpetrator interviews provided the data of this project module.

Dr. Miroslav Scheinost is director of the “Institute of Criminology and Social Prevention” (ICSP)⁹ in Prague. His co-speaker **Dr. Martin Cejp** is a research associate at the ICSP. The Institute is part of the Czech Justice Ministry and focuses mostly on analyses on penal law, the causes and forms of criminality and criminal policy issues.

With his presentation “**Organised crime research in the Czech Republic**” Scheinost gave an outline of the ICSP, which was founded in 1960 and is part of the Justice Ministry. The research activities of the ICSP are based on medium-term research planning for the years 2008–2011. Before 1989 OC was not a subject of major public debate in the Czech Republic. Yet forms of organised crime existed in the CSSR too, the so-called “black economy”, one example being the illegal exchange of currencies. The criminal groups were not operating internationally at this time but things changed after the political upheavals. However, the first manifestations of OC, which initially only became apparent at national level, were vastly underestimated, such as illegal trading of heating oil in the first

9 Information on the “Institut pro kriminologii a sociální prevenci” at www.kriminologie.cz.

half of the 1990's. These activities were obviously highly organised and caused great losses for the state in the form of tax evasion. It wasn't until the middle of the 1990's that OC was perceived as a threat in the Czech Republic. The Czech government responded to this threat in 1995, 1996, 2001 and 2002 with changes to the penal law and criminal procedure law.

Cejp gave an overview of the development of OC research in the Czech Republic, which was carried out in four phases. Czech OC research is carried out primarily by the ICSP research institute. The lack of awareness of the problem of OC among politicians and in society meant that few projects on this subject were carried out until the beginning of the 1990's. Systematic OC research only began during the period from 1993 to 1999. But since then, the characteristics of the group structures and activities of OC have been gathered every year. Research projects were carried out on the manufacture, smuggling and distribution of drugs, on prostitution, on illegal migration, on the theft of art objects, on violent crime and blackmail. From 2000–2003 they concentrated on highlighting the fundamental aspects of the structures and activities of the groups. In terms of content, the research focused on areas of crime such as trafficking in drugs and women, car theft, financial and economic crime. The effectiveness of the legal regulations was examined, compared with those of other countries and changes proposed. In the third phase, from 2004–2007, OC in relation to economic crime, corruption and terrorism was researched. The Czech research institute then concentrated on the threat posed to society by OC and the measures taken by the state to fight it. Since 2008 OC research in the Czech Republic has been in its fourth phase. Research is now being carried out on the international connections, on the effectiveness of the legal instruments, on criminal groups in the area of drug trafficking, on abuse of asylum and migration policies and the commercial sexual exploitation of children. In addition, Cejp looked into the investigation methods. For example, to compile an OC situation report, generally about 30 expert interviews and an expert workshop were carried out. The presentation closed with an overview of the OC situation in the Czech Republic since 1998, which addressed the criminal conviction statistics, the nationalities in OC groups and the salient features of this phenomenon.

Dr. Lars Korsell is director of the research institute of economic and organised crime at the “Swedish National Council for Crime Prevention” (Brå)⁵¹⁰ in Stockholm. The BRA produces crime statistics for the Swedish government, carries out research on crime and is responsible for crime prevention. The co-speakers **Johanna Skinnari** and **Daniel Vesterhav** are colleagues of Dr. Korsell. Korsell opened the joint presentation by the three speakers with “New strategies to combat organised crime in Sweden”. He explained that there had been a “mobilisation of national forces” against OC in Sweden since 2008 in order to overcome the organizational boundaries hindering cooperation among the police authorities

10 Information on “brottsförebyggande rådet” at www.bra.se

and with other authorities. Based on the recognition that OC is always entrenched at the local level too, local working groups were set up to assist the fight against OC. Police and administrative measures are supported scientifically with research projects, for which the research centre for OC and economic crime of the Brå is responsible. An important role is played here in gathering information on the “unlawful influence” of OC groups on representatives of state institutions. A 200-man national steering group was set up at the police, consisting of a national task force and eight regional offices. It is composed of representatives of the police, the “Economic Crime Bureau”, as well as customs and tax authorities. The national task force is responsible for the cooperation with other authorities. In addition, a National Office for the Seizure of the Proceeds of Crime was set up which focuses its attention on legal and illegal flows of money. Local initiatives also make an important contribution to fighting OC in Sweden. Local councils were set up in the communities, for example. The various administrative authorities work together and coordinate administrative measures. The Brå has the responsibility for coordinating these initiatives. Korsell presented the “Gothenburg Project” as an example. This project was initiated in response to the realisation that more or less all public administrative bodies in the Gothenburg area are affected by OC. Another example is a project in Östergötland that began in 2008 to fight criminal motorcycle gangs. The aim of this project was to create a district free of motorcycle gangs by the end of 2009 and thus prevent the recruitment of young people into these OC groups.

Afterwards the representatives of the BRA presented the study “Where did all the money go?” which addressed the financial management of organised drug-related crime. 284 court records and 68 police investigation files were analyzed for this study. The income levels of over 700 people were examined using various data sources, and thirteen expert interviews were conducted. The legal and illegal revenues and expenditure of the perpetrators of OC were analysed. One of the findings of these analyses was that the law enforcement authorities spend a disproportionately higher amount of resources finding people who handle the finances than people who are responsible for the transport and storage. The findings of the research on the perpetrators in the drug business show that they have to struggle with a wide range of constraints imposed on them by the illegality of their activities. For example, they have difficulties finding qualified partners for their illegal business and have limited access to loans. In addition, they have to protect themselves from theft. They often invest in legal companies in parallel to their illegal activities, the preferred sectors being gastronomy and the construction industry. Two main kinds of criminals were identified: the perpetrator who also invests in legal companies and who is established in legal society, and the perpetrator who pursues criminal business in other fields of crime too and maintains a hedonistic lifestyle. Criminal police prevention strategies can be developed based on the results of the study.

Dr. Wojciech Filipkowski carries out research at the “Faculty of Law” at the University of Bialystok/Poland¹¹. In his presentation “**Organised crime in Poland – as a field of research and contemporary situation**” Filipkowski gave an overview of the research carried out in Poland and the situation regarding OC there. The year 1989 plays a particularly important role. The change of the political and economic system had an immense impact on legislation and research because the nature of crime changed at this point. Before 1989 the term OC was not used at all in Poland since the existence of this form of crime was ignored in Poland during the era of socialism. In Poland there was no definition of OC until 1994; the term only existed for offences connected to business. Then in 1994 a working definition was developed for the police which was then basically transferred to the Polish penal code in 1998. One common statutory offence was created for organised crime and terrorism. In 2000 eleven criteria were drawn up, of which at least five had to be met to be considered an OC group. Filipkowski then gave an overview of the development of OC research in Poland and introduced the most important projects. At the beginning of the 1990’s two books were published which deal with fighting OC in Western Europe and the possibilities of preventing money laundering. The publications triggered a public debate. In 2001 a research project on money laundering was carried out. The impetus for this project was the fact that the perpetrators were charged in only three out of 54 cases registered in Poland between 1995 and 1997. Since then money laundering has been a key area of research in Poland and a range of projects have been carried out on the subject. In 2006 two important research projects were published in the area of witness protection and police surveillance. The key subjects of these projects were the threat to security through OC and terrorism. In 2006 a book on Russian OC groups was published investigated the strong influence of these groups on the economy and politics in Poland. In his presentation Filipkowski also presented the “Polish Platform for Homeland Security” (PPHS)¹², which links up more than 600 representatives from research, law, criminology, technology and practice. The goal of the platform is to enhance civil security, and it aims to meet the threats to security posed by OC more effectively and take preventative measures, amongst other things. The project themes include the use of new technologies or Internet crime. A series of analyses were developed to aid the police in its work, especially on the offences forgery crimes, money laundering, terrorism, corruption. The speakers then gave an overview of the situation regarding OC in Poland, during which the key conclusions of the annual reports of the “Central Bureau of Investigation”, the “General Inspection of Financial Information” and the criminal conviction and crime statistics were presented. To conclude Filipkowski outlined the key results of the analyses of OC, especially human trafficking.

11 Information on the Law Faculty at the University of Bialystok at www.prawo.uwb.edu.pl

12 More on the “Polish Platform for Homeland Security” at www.ppbw.pl

Articles 2008 (only in English)

Organised crime in the Czech Republic

Miroslav Scheinost¹³

Institute of Criminology and Social Prevention, Prague, Czech Republic

1. Information on the Institute of Criminology and Social Prevention (ICSP)

The Institute of Criminology and Social Prevention is a research institution under the authority of the Ministry of Justice of the Czech Republic. It was established as an expert body for the former Attorney General's Office and the Ministries of Justice and Interior in 1960. Shortly afterwards it became a research institute of the Attorney General's Office called the Research Institute of Criminology. The present name was accepted in 1990. In 1994 the ICSP passed under the authority of the Ministry of Justice of the Czech Republic. The activities of the ICSP are financed from the state budget after being consulted by the Governmental Council for Science and Research and some research work has been co-financed by grants and by sources from abroad. The research programme is authorised by the Ministry of Justice. ICSP research work is targeted on the problems of crime and crime control, social pathology and criminal policies, justice system, effectiveness of some legal instruments and penology. Research is based on a so-called medium-term plan of research tasks; the current plan covers the period from 2008 to 2011. One of the current research projects deals with serious crime including organised crime. The results of research projects have been published in the printed series of the ICSP and on the respective website.

2. Organised crime in the Czech Republic

2.1 Development and conditions

Under the conditions of the previous regime before the year 1989 the problem of organised crime was not so remarkable in the Czech Republic (or in the Czechoslovak Socialist Republic). The former economic, political and power model and the relative isolation from the free world were not favourable for incidence of classical forms of organised crime on a broader scale. Traditional organised crime activities (racketeering, drug trafficking, trafficking in human beings and arms, thefts of expensive cars, pornobusiness etc.) were too risky due to the totalitarian police regime and not so lucrative because of a very limited market for selling the illegal goods and services. That is why we cannot speak about the classical orga-

¹³ E-Mail: mscheinost@iksp.justice.cz, URL: www.kriminologie.cz

nised crime and about extensive criminal organisations of Mafia-type before 1989, neither domestic nor international ones.

On the other hand, even in the one-time CSSR there were some manifestations of organised criminal activities (as e.g. illegal change of foreign currency, organising of prostitution etc.) including contacts with law enforcement authorities, state and communist party officials. But they were established on a basis not quite comparable with the countries characterised by a different social economic system, their sphere of action was limited and they operated in relative isolation and without the international element. They did not develop into extensive criminal organisations.

The so-called shadow economy in the former CSSR also did not reach the extent comparable e.g. with the former USSR speaking of the level of organisation and the importance of economic and political influence. Under the conditions of an economy in deficit managed by the state the shadow economy got mostly either a form of mutual exchange of advantages, lacking goods and services which were available only for some professions (“networks of mutual favours”) or the misuse of state property for personal purposes. This phenomenon was very common and widespread, but it got rather a form of many minor deeds (yet sometimes resulting in gathering remarkable property which of course could not be manifested) than illegal or semi-legal enterprising on a large scale.

After 1989 our society has undergone a deep conversion. This conversion was “*conditio sine qua non*” to overcome the period of stagnation and isolation and to open up the space for establishing the democratic society and market economy. Nevertheless, this development brought also some risky factors that must be taken into account.

The fundamental economic transformation was connected with the broad privatisation process of the previous state property and subsequently with enormous property shifting, and with a rapid formation of liberal market in the frame of situation of critical lack of capital. The economy broadly opened up. The motto of the transformation process was that it is rather necessary to ensure its speed than to slow it down by excessive control and application of strict legal provisions. It meant that the space for diverse illegal activities opened not only due to the economic transformation itself, due to the objective economic situation and due to missing legislation and unready repressive authorities, but also due to the insufficient control and the underestimation of a strict legal framework for this process.

The open economy and free and open society needs the open borders; therefore the restrictions concerning the movement of people, goods and money had to be abolished. It is obvious that the CSFR or later Czech Republic is conveniently geographically situated between the states of the European Union on the one side and the states of the former socialist block on the other side. The Czech territory is well accessible from the countries of the former Soviet Union and from the Bal-

kans; there is a good possibility for transit, for the mobility of goods, capital and people in the framework of the legal but the illegal economy as well. Consequently there is a good convenience to misuse the territory of our state as a starting or transit point for expanding criminal activities. At the same time the Czech Republic – as well as the whole European continent – have been afflicted by a stream of migration including the illegal one that stimulated the growth of some manifestations of organised crime.

2.2 Basic features

In the Czech Republic (and before that in the former Czech and Slovak Republics) the phenomenon of organised crime has been a topic of discussion since the beginning of the 1990s. This was the time from when the experts, and later also the lay public gradually became aware of the penetration of this manner of committing crime. It was understood as a relatively new phenomenon in the domestic crime scene. At first, organised crime was commonly conceived as something imported from outside and it was thus associated with the influx of criminal groups from abroad, chiefly from the Balkans, the states of the former Soviet Union, Italy, but also from other countries such as China and some of the Arab states. The penetration of foreign organisations undoubtedly existed. But at the same time the first manifestations of “domestic” organised crime were rather underestimated. With regard to “domestic” organised crime, a certain belief prevailed that organised crime is something foreign to the Czech environment, including the criminal environment. The risk that domestic forms of organised crime might imply and their development thus lacked due attention. This was also related to the ambiguous concept of organised crime and the missing legal definition of this phenomenon. In any case, certain criminal activities of Czech offenders, which clearly bore the typical characteristics of organised crime, such as transactions with light heating oils in the first half of the nineties, were not viewed as such. This is despite the fact that this criminal activity showed clear signs of a high degree of organisation: the structure of groups of offenders, including the division of activities; the aim at profit; and the large profits gained by the offenders together with the use of violence. The amount of tax evasion, or the damage caused to the state, was estimated at CZK 3.7 billion. In 1993 and 1994, the press reported 176 investigated firms, 13 murders, and 17 missing persons in connection with this form of criminal activity. Nevertheless, these cases were presented as economic, not as organised crime.¹⁴ Now, it is clear and documented that there are some groups composed of Czech citizens which manifest some features of organised crime (these groups develop a systematic, planned and organised criminal activity

14 Baloun,V., Scheinost,M., Economy and Crime in the Society in Transition: The Czech Republic Case. In: van Duyne,P., von Lampe,K., Passas,N., eds., *Upperworld and Underworld in Cross-Border Crime*, 43–60. Nijmegen: Wolf Legal Publishers 2002, pp. 48–51. Also cf. Lorencová,J., Večeř,J., *Krvavé oleje: Můj přítel vrah* (Bloody Oils: My Friend the Murderer) Brno, Jan Krystek, 2006

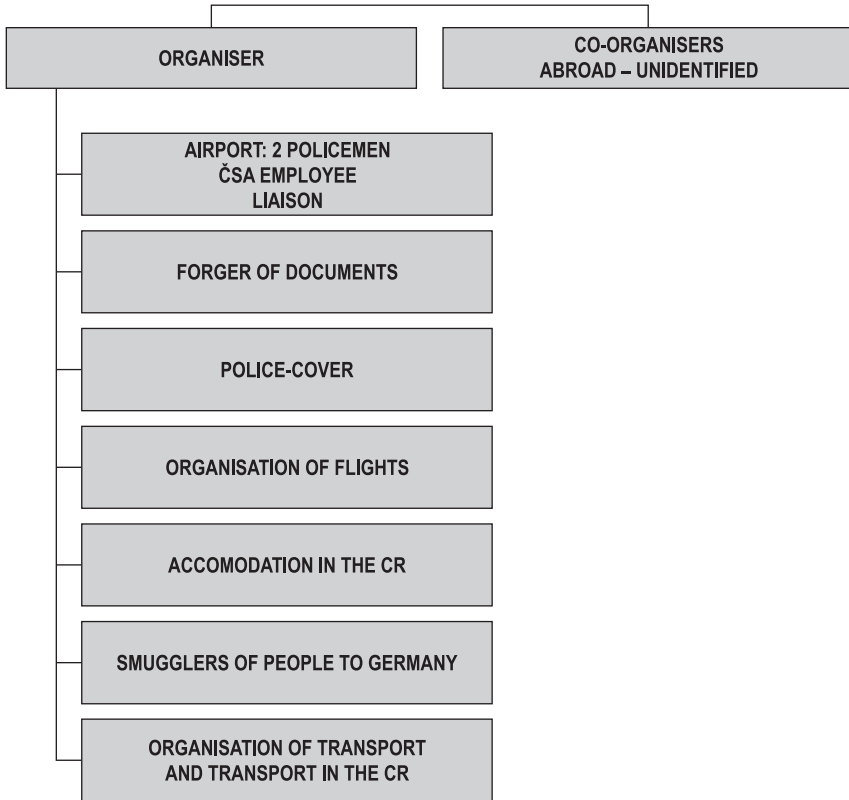
in order to gain maximal profits and we find inside them a certain level of structured and hierarchical organisation). These groups are not very large in size and their criminal activities are rather specialised than versatile. They develop their activities mostly in organising illegal migration, drug trafficking, thefts and smuggling of stolen cars but also violent crime such as robbery. There are also groups that develop activities, which could be classified as economic or financial crime (yet there still remains the definition and conceptual problem whether such activities should be classified as organised crime or as sophisticated form of the so-called white-collar crime). Some Czech organised criminal groups have been organising prostitution, pornography, trafficking in women and some other forms. According to the experts, the members of Czech organised groups originate from two main sources: from people with no previous criminal record, that means from so far blameless and respectable people and from people who were engaged in the so-called shadow economy even before 1989. Younger men prevail among them. These findings correspond to the data on the criminal situation in general. Besides the Czech groups we find of course also groups composed of both Czechs and foreigners (in these groups Czechs have usually not been in leading positions) and groups completely composed of foreigners.

2.3 Example

A relatively developed structure and penetration of law enforcement authorities are evident in the following case. This group provided the illegal entry of migrants to the Czech Republic, forged and fraudulently altered documents and the subsequent illegal transit of migrants across the state border to Germany.

Members of this group were prosecuted pursuant the following articles of the Czech Penal Code:

Section 163a – Participation in criminal conspiracy
Section 171a – Illegal crossing of the state border
Section 158 – Abuse of a public official’s authority
Section 185 – Illegal possession of firearms



In this group the key figure was a foreign national from Libya, who in agreement with foreign unidentified organisers arranged the flights of migrants from Asia to Ruzyně airport. Two other foreigners (both from Syria together with the wife of one of them – a Czech) were in charge of the actual organisation of flights to Prague. Illegal entry to the Czech Republic was handled at the airport by two members of the Foreigners’ Police together with an employee of ČSA (Czech Airlines), while the liaison and hand-over of money (the migrants paid USD 2.000 per person) was arranged by the wife of one of these policemen. A policeman from another department of the Czech Police was responsible for covering up for the group. A Czech national provided the foreigners with forged and fraudulently altered documents. At a lower level of the group operated members that ensured ac-

commodation in the Czech Republic (two members), smuggling of people across the border to Germany (two) and transport carriers together with the transport organiser (five); all of these were Czech citizens. This case demonstrates a highly developed division of labour and comprehensive scale of “services” provided to the migrants. It is necessary to notice a serious fact, i.e. the active involvement of several police officers (one of them was even from a specialised department of the Czech Police), and the division of tasks between them – apart from illegal entry to the Czech Republic there was also covering up for the group at a higher level. Persons with previous convictions in criminal records appeared in five cases in this group, but they always operated at a lower level (transport carriers, accommodation providers, smugglers).

2.4 Response to the problem of organised crime

The risk that organised crime represents came to be understood gradually as more information was brought to the public by law enforcement bodies, as well as by criminological research. Media influence and public concern (even if often provoked by the media through sensational articles and superficial information) also played a role in raising awareness, as did the pressure from the international community, which in the mid-1990s became intensively concerned by organised crime, at that time designated as one of the global threats to the contemporary world. This international effort resulted in the adoption of several important documents (for example the Global Action Plan to Fight International organised crime, adopted at the international conference in Naples in 1994), and their ensuing commitments, which the Czech Republic was obliged to set about fulfilling (for example the Pre-Accession Pact on organised crime between European Union (EU) Member States and the Candidate Countries of Central and Eastern Europe and Cyprus, based on the EU Action Plan to Fight organised crime from 1997 and signed by the Czech Republic in 1998, and also the Council of Europe Convention on the Laundering, Search, Seizure and Confiscation of the Proceeds from Crime signed by the Czech Republic in 1995). The first government concept of fight against organised crime was adopted in 1996 and subsequently updated in 1997 and in 2000. The Czech Government approved the new Concept to Fight Organised Crime in 2008.¹⁵

In its first phase, the approach to organised crime in the Czech Republic focused on formulating the necessary legal instruments and on measures designed to prevent its penetration from abroad. To begin with, criminal sanctions were tightened for crimes committed in an organised group for selected types of crime, and some new types of crime were specified (for example helping people to cross the state

¹⁵ Plan for the fight against organised crime, Czech Government Resolution no. 64/2008 of 23 January 2008

border illegally, the illegal production and possession of radioactive materials, procuring and soliciting prostitution, trafficking in children and the like).

There were also certain options enabling the criminal prosecution of organised crime (the temporary suspension of initiation of criminal prosecution, the replacement of mail consignments, the option in criminal proceedings to request data that are usually subject to banking secrecy, the provisional seizure of assets or their confiscation at the request of a foreign court for legal assistance).

Important changes to the Criminal Code, Criminal Procedure Code and the Czech Police Act were adopted in 1995 under Act No. 152/1995 Coll. Certain new provisions were incorporated in the Criminal Code, for example the crime of participation in a criminal conspiracy, provisions on effective repentance, immunity from prosecution for undercover agents, the possibility of sentencing the perpetrator of a crime committed to the benefit of a criminal conspiracy, and above all, the legal definition of criminal conspiracy (Section 89 paragraph 17 of the Criminal Code). In order to improve protection for persons involved in criminal proceedings against organised crime the Criminal Code was supplemented by the provision on the anonymous witness, thereby making it possible to conceal their actual identity, but without special witness-protection programmes. The possibility of interception of communications had already been incorporated in the Criminal Procedure Code in 1990; in 1995, this provision was partly amended.

The amendment to the Czech Police Act expanded the scope of special police investigation procedures and means by including the use of undercover agents and the pretence transfer of assets.

Act No. 61/1996 Coll., on measures against the legalisation of the proceeds from crime, was also adopted. Two criminal law instruments should be mentioned in connection with this Act: concealing the origin of assets under the Criminal Code and the possibility of freezing funds on a bank account under the Criminal Procedure Code (if evidence indicates that the funds on the account either will or were be used in committing a crime or represent profit from criminal activity).

After some discussion on the effectiveness of these instruments, amendments were made in and after 2001 and new provisions were introduced, namely the special Act No. 137/2001 Coll., on the protection of witnesses. The amendment to the Criminal Procedure Code with effect from 1 January 2002, introduced certain provisions making it possible to use information obtained through police operational means as evidence in criminal proceedings (under regulated conditions).

It is evident that the process of adapting the relevant Czech legal norms has not ended with these latest amendments; nevertheless, it may be stated that Czech legislation has been harmonised in this regard with international standards. Ways

will obviously be sought to improve the effectiveness of the legal measures used to counter organised crime; the remaining task is to ratify the UN Convention on Combating Organised Crime, which the Czech Republic signed and will probably ratify after finalising the issue of criminal or administrative liability of legal entities (administrative liability is the solution most likely to be chosen)¹⁶.

¹⁶ See annex to the Czech Government Resolution no. 64/2008, Plan of tasks to implement the Concept of the fight against organised crime, task no. 8: Submission of the principles of the Act to introduce administrative liability of legal entities

Criminological research into organised crime in the Czech Republic

Martin Cejp¹⁷

Institute of Criminology and Social Prevention, Prague, Czech Republic

1. Introduction – Research into organised crime in the Czech Republic

Criminological research in the Czech Republic began to look at the issue of organised crime at the very beginning of the 1990s. In the Institute for Criminology and Social Prevention we first summarised information from specialised literature, focusing especially on foreign experiences with the possible utilisation of research methods. We attempted to come up with a working definition and to create a probable model of the activities of organised crime which could be taken into consideration. We summarised the preliminary information in a theoretical methodological study (Cejp, 1993).

In 1993 we began with systematic research. We observed both the general characteristics of the structure of groups and of their activities as well as specific issues. We regularly investigated the basic characteristics of groups and activities each year (Cejp, 1996). In the framework of specific themes we focused on the detailed research of those activities which were most widespread or typical for the Czech Republic. We inquired into the involvement of organised crime during the manufacturing, smuggling and distribution of drugs (Gawlik, 1994), during the organisation and operation of prostitution (Trávníčková, 1995), during illegal migration (Scheinost, 1995), during the theft of artistic monuments (Gawlik, 1995), during violent crime (Marešová, 1996) and during extortion (Cejp, 1995).

We gradually attempted to resolve specific themes as well. Seeing that it has been demonstrated that Czech citizens participate in organised crime in almost half the cases in the Czech Republic and that 25 % of the groups operating are purely Czech, we looked in more detail at organised criminal activities of citizens of the Czech Republic (Scheinost, 1999). We also specifically addressed the portion of foreigners in the same way (Scheinost, 1996). We systematically observed the involvement of organised crime in financial areas (Baloun, 1999), we inquired into economic crime, especially money laundering (Kadeřábková, 1999) and the issue of the deliberate evasion of taxes (Marešová, 1999). We are trying to analyse the flow of funds both inside and outside the world of organised crime. Over the last ten years we have judged the effect of specific legal measures that were established and applied for the purpose of the fight against organised crime. (Karabec, 1999) At the end of the 90's we analysed the issue of organised crime in a wider social context. We looked for criminological factors in the life of society

17 E-mail: mcejp@iksp.justice.cz, URL: www.kriminologie.cz

that would enable organised crime to realise its activities and acquire accomplices or clients for illegal goods and services. (Cejp, 1999) In the framework of an attempt at a prognosis of selected kinds of criminality we specified problematic as well as developmental facts that could be effective in the fight against crime in the coming years. (Cejp at al., 2001) Except for particular reports, we presented the research results in comprehensive publications. We always summarised a particular stage in these. (Scheinost at al., 1994, Scheinost at al., 1997, Cejp, M. et al., 1999)

In a concluding report we presented the results of the third stage of this research, carried out in 2000–2003. In this stage we concentrated on monitoring the basic indicators relating to the structures of groups and their activities. We analysed in more detail some of the most common activities in the Czech Republic: drugs, trafficking in women, the theft of motor vehicles, and economic and financial crime. We covered several themes that are common to all these areas: the use of violence, and the movement of funds within the group, within the criminal world, and between the criminal and non-criminal worlds. Last but not least, we evaluated the effectiveness of legal instruments against organised crime, compared Czech legal norms with those in other countries, and proposed some changes (Cejp, M. et al.: 2004).

Between 2004 and 2007 we researched organised crime together with economic crime, corruption and terrorism as serious forms of crime. In addition to regularly monitoring trends and analysing specific cases we focused chiefly on the threat that organised crime poses to society and on the measures that society can employ against organised crime. We wanted to ascertain in what way and why organised crime threatens individual areas of the social system, we researched the factors that may be abused by organised crime in individual areas of social life. In view of defence we analysed the programs and strategies of the individual agencies that act against organised crime. (Cejp, M. et al.: 2009) We also prepared various scenarios for selected types of crime, including organised crime. (Cejp, M. et al.: 2008)

2. Methodology

For research purposes we use the following criminological definition.

We understand organised crime as being the systematic perpetration of purposefully coordinated serious criminal activity and activities that support this activity, the subject of which are criminal groups or organisations and whose main goal is to acquire maximum legal profit while minimising risk.

As concerns the specific research methods and technologies the research used findings from expert publications and sources, reports from conferences, general data from questionnaire-based research of the CE, EU, UN, specific legal measures, data from the Statistical Year-book on Crime of the Czech Ministry of Jus-

tice, statistics of the Ministry of the Interior and relevant departments of the Czech Police, available judicial, as well as investigative files, official documents of international societies and the documents of the Czech government and individual departments. We also used case studies and expert research realised by questionnaires or in the form of controlled interviews with employees of the Czech Police who come into contact with serious crime in the performance of their functions.

This paper presents only part of the research results. These comprise mainly expert opinions testifying to the structure of organised groups active in the Czech Republic and the composition of their criminal, or supporting, activities. As experts we questioned experienced members of Czech Police departments involved in the struggle against organised crime. The number of experts questioned ranges from 12 to 31. Since the verified methodology for expert research gives an optimal number of between 15 and 25 we can consider the number of experts that we addressed to be adequate. Due to the fact that the expert research has been conducted on a yearly basis since 1993 we have fifteen years of experience available for most data. We also state the statistical data on the numbers of persons prosecuted, charged and convicted for taking part in criminal conspiracy under Section 163 a) of the Criminal Code from the Statistical Year-book on Crime of the Czech Ministry of Justice. At the same time we take into consideration the fact that the forms of expertise are generally a qualitative type of research: experts as a rule formulate their own opinions, positions, arguments – and express their subjective opinions verbally. A more objective stance is achieved after this: by summarising how many experts incline to a certain opinion. If the experts express themselves directly in terms of figures or per cent this is always rather an expression of opinions and overall trends, in which the numerical data cannot be understood in absolute terms but rather as a means of capturing the structure and the development trend.

3. Statistics: the numbers of persons prosecuted, charged and convicted

The numbers of those **prosecuted and charged** according to **Section 163 a) of the Criminal Code on criminal conspiracy**, which has applied since 1.1.1995, have increased regularly since 1998.

Table 01

Organised crime, participation in criminal conspiracy (Section 163a of the Criminal Code) – numbers prosecuted

1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
0	0	0	16	36	42	75	97	96	126	181	118	78

Source: Ministry of Justice, department of organisation and supervision, department of information technology, selection from database

Table 02

Organised crime, participation in criminal conspiracy (Section 163a of the Criminal Code) – numbers charged

1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
0	0	0	16	36	40	59	94	96	117	178	116	70

Source: Ministry of Justice, department of organisation and supervision, department of information technology, selection from database

In comparison the numbers of those convicted under Section 163 a) of the Criminal Code were also negligible up to 2003 (inclusive). In 2004 there was a major turnaround – under Section 163a of the Criminal Code 10 persons were convicted, in 2005 9 persons, in 2006 21 persons, and in 2007 15 persons. Compared with the number of persons charged, however, this represents a considerable failing. The vast majority of persons charged was not convicted.

Table 03

Organised crime, participation in criminal conspiracy (Section 163a of the Criminal Code) – numbers of convicted

1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
0	0	0	0	1	0	2	0	0	10	9	21	15

Source: Ministry of Justice, department of organisation and supervision, department of information technology, selection from database

4. Characteristics of groups according to experts

In the 1990s it was possible to characterise only one third of organised criminal groups as fully developed, indicating the existence of senior controlling elements. After 2000 the proportion of developed groups ranged around 40 %, in 2007 it reached one half. This nevertheless means that the area of organised crime includes less developed groups, which do not factually fulfil all the signs of criminal conspiracy and it is thus difficult to prove this fact against them. Overall a slight tendency to the higher level of organisation is evident. Better organised groups have a greater chance of succeeding in a competitive struggle, they can achieve higher profits, they can better ensure immunity from prosecution. It can therefore be expected that in the coming years the proportion of three-tier organised groups will continue to rise.

To a large degree external collaborators are integrated in organised crime. According to the estimates of experts these comprise more than half of all members of criminal groups. External collaborators provide a wide variety of services or gather information, realise contacts with political and economic leaders, offices or with the media. They work in all groups as legal or economic advisors. External

collaborators are often hired to carry out a single relevant specific task. Their use is advantageous for organised crime. They know nothing of the structure of the group or its focus, know almost nobody and generally do not even know the purpose of the operation for which they've been tasked. Upon their eventual arrest they are unable to divulge any details about anyone or anything. The management of the groups uses them unscrupulously and when at risk uses them as puppet "offenders".

Women also play a role in organised crime. Their number represents around 15 %; in 2007 we recorded 12 %, a fall of minor proportions. Women mostly take part in trafficking in women, procuring and soliciting prostitution and human trafficking for the purpose of sexual exploitation, in financial, tax, banking, credit, insurance and customs frauds, in securing the organisational background and management of criminal groups, as well as trading in narcotic and psychotropic substances, in organising illegal migration, and establishing fictitious firms. Sometimes the activities in which women participate include theft, especially the theft of pieces of art.

Since 1993, the time as of which we have regularly ascertained the proportion of domestic and international elements in organised crime groups in the Czech Republic, the international element has registered a slight preponderance over the domestic one. Nevertheless, the participation of Czech citizens is by no means insignificant. After organised crime was established here around one quarter was made up of purely Czech groups. In addition, a number of Czech citizens cooperate with foreign groups, mainly Russian speaking ones.

Precise results and trends are evident from table no. 4.

Table 04

Estimated proportion of international and domestic organised crime groups in the Czech Republic

	1993	1994	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
	N=12	N=17	N=18	N=31	N=20	N=27	N=27	N=31	N=21	N=19	N=24	N=28	N=33	N=17
International	–	30	20	25	27	31	28	24	28	30	30	21	24	30
(Aggregate international.)	(53)	(61)	(47)	(53)	(55)	(60)	(55)	(53)	(54)	(58)	(56)	(46)	(50)	(59)
Mixed (more international.)	–	31	27	28	28	29	27	29	26	28	26	25	26	29
Mixed (more domestic)	–	21	20	24	20	20	21	20	23	18	23	24	26	19
(Aggregate domestic)	(47)	(39)	(53)	(47)	(45)	(40)	(45)	(47)	(46)	(42)	(44)	(54)	(50)	(41)
Domestic	–	18	33	23	25	20	24	27	23	24	21	30	24	22
Total %	100	100	100	100	100	100	100	100	100	100	100	100	100	100

If we consider the offenders in organised crime structures in the Czech Republic according to the individual foreign nationalities, and in view of their long-term development, then the groups, which are consistently most strongly represented are the Ukrainians and the Russians. In the 1990s the Yugoslavians and Chinese also belonged to these, the strongest, groups. With the break-up of Yugoslavia into several smaller states the proportion of Yugoslavs fell sharply around 1999. Since 1998 the proportion of Chinese has also fallen. However, this fall is not pronounced and the Chinese – together with the Vietnamese – retain a strong position behind the Ukrainians and the Russians. Since 2000 the Albanians (mostly Kosovans) have occupied a significant position.

The middle-ranking group has generally a stable composition. It comprises Bulgarians, Serbs, Romanians, Daghestanis. After 2000 Slovaks gradually joined their numbers. The Poles, on the other hand, who towards the end of the 1990s had a relatively strong presence in organised crime, began to appear only sporadically among the nationalities involved in organised crime in the Czech Republic. This group comprises (again a stable presence): Moldavians, Chechens, Turks, Armenians, Nigerians, Croatians, Tunisians, Egyptians, very sporadically Germans and Italians. In 2007 there was an entirely minimal number of Austrians.

Sometimes the following were also represented on the territory of the Czech Republic: Azerbaijanis, Sudanese, Belarussians, Latvians, Moroccans, Lithuanians and Senegalese, although in 2007 they were not recorded. Israelis no longer appear here; they had begun to appear here and there in the Czech Republic after 2000. For now the Indians, Kurds and Pakistanis have also disappeared.

The degree of representation is depicted in Table no. 5.

Table 05
Degree of representation of foreign nationalities in organised crime in the Czech Republic in 2007

Sequence	Nationality	Index
1.	Russians	145
2.	Ukrainians	142
3.	Vietnamese	102
4.	Albanians/Kosovan Albanians	89
5.	Chinese	87
6.	Bulgarians	41
7.	Romanians	40
8.	Daghestanis	30
9.	Serbs	24
10.	Slovaks	20

Sequence	Nationality	Index
11.	Moldavians	16
12.	Chechens	12
13.–15.	Turks	11
	Germans	11
	Austrians	11
16.	Armenians	7
17.–18.	Tunisians	6
	Georgians	6
19.–21.	Arabs	5
	Nigerians	5
	Croats	5
22.	Algerians	2
23.–24.	Egyptians	1
	Italians	1

Note: Experts could state ten possibilities (in research from 1993–2003 six). We stipulated the aggregate index so that the number of respondents who stated the relevant nationality in 1st place was multiplied 10 x, in 2nd place 9 x etc. until 10th place 1 x. The total index is then the total of these multiples.

5. The most widespread activities of organised crime groups according to experts

Since 1993 we have produced annual estimates of the most widespread forms of organised criminal activity. Experts work with a list of approximately 35 activities. For each of them they say whether it occurs in the relevant year in the Czech Republic in a developed or rudimentary form – or whether it doesn't occur at all. We stipulate the incidence of the most widespread activities according to how many respondents stated the relevant activity as widespread. The list is supplemented by new activities. We discard those activities which repeatedly appear to be less significant, or were characteristic only for a certain period. If any of the discarded activities rise again in importance it is possible to place them on the list at any time.

In 2007 the most widespread activities were traditionally: the production, smuggling and distribution of drugs, organising prostitution and trafficking with women, while new appearances were made by: corruption, blackmail and exacting

fees “for protection”, exacting debts to order. Car theft fell slightly; since 1994 this had been one of the traditional trinity of the most widespread, together with drug crime and prostitution; there has also been a slight decline in organising illegal migration, whose rise had begun in 1998; the ten most widespread included the pirating of CDs and illegal video copies and bank robbery.

The second ten include: computer crime, money laundering, tax, credit, insurance and exchange fraud, the establishing of fraudulent and fictitious firms, the illegal production and smuggling of alcohol or cigarettes, customs fraud, receiving and handling stolen goods, the theft of art works, which in 1993 were in second place and thereafter declined gradually, human trafficking for forced labour.

In the third ten we find: theft in the form of burgling apartments, cottages, stores, storehouses, bank frauds, human trafficking for the purpose of forced labour, counterfeiting documents, cheques, banknotes and coinage, illicit gambling, murder, enticing money with the promise of its large appreciation, the international trade in arms, the illegal import and export of toxic waste, the abuse of European Union funds.

Table 06:
Estimated incidence of the most widespread forms of organised crime activities in the Czech Republic 2007

N=17 %

1.	Production, smuggling and distribution of drugs	15	88
2.–5.	Organising prostitution and trafficking in women	14	82
	Corruption	14	82
	Blackmail and exacting fees “for protection”	14	82
	Exacting debts to order	14	82
6.–8	Car theft	13	76
	Organising illegal migration	13	76
	pirating CDs	13	76
9.	Bank robbery	12	71
10.–15.	Computer crime	11	65
	Money laundering	11	65
	Tax, credit, insurance, exchange fraud	11	65
	Establishing fraudulent and fictitious firms	11	65
	Illegal production and smuggling of alcohol or cigarettes	11	65
	Customs fraud	11	65
16.–19.	Receiving and handling stolen goods	10	59

	Theft of art works	10	59
	Theft by burglary (of apartments, cottages, stores, storehouses)	10	59
	Bank frauds	10	59
20.	Human trafficking for the purpose of forced labour	9	53
21.–23.	Counterfeiting documents, cheques, banknotes and coinage	7	41
	Illicit gambling	7	41
	Murder	7	41
24.–25.	Enticing money with the promise of its large appreciation	6	35
	International trade in arms	6	35
26.	Illegal import and export of toxic waste	4	24
27.	Abuse of European Union funds	3	18

The regular discernment of the most widespread activities, conducted since 1993, makes it possible to compare the development between 1993 and 2007. Among widespread activities, i.e. those which more than half the experts gave as widespread, we generally rank around 20 activities.

Among the most widespread activities continue to be car theft, the organising of prostitution, from 1994 the production, smuggling and distribution of drugs. In 2007 we recorded a certain decline in car theft. The aforementioned trinity is sometimes, for a temporary or longer period, accompanied by some of the other, almost forty activities. So from 1993 to 1998 the most widespread activities included the theft of art works, in 1996 and 1997, 2002 and 2005 tax, credit, insurance and exchange fraud; sometimes the markedly fluctuating corruption appeared just behind the most widespread. Between 1998 and 2004 illegal migration leapt among the most widespread activities of organised crime groups. Since 2005 its share has begun to fall. The year 2006 brought certain changes. Money laundering ranked among the most widespread, as did the counterfeiting of documents, money and coinage, and there was a sharp rise in computer crime. Since 2005 the illegal production and smuggling of alcohol or cigarettes has had a major presence. In 2007 the most widespread contained characteristic activities: the distribution of drugs and the organising of prostitution. There was a fall in car theft, the decline in illegal migration continued, as did the theft of art works. We recorded a rise in corruption, blackmail and exacting fees “for protection”, the unlawful exacting of debts, pirating of CDs, bank frauds, and computer crime.

6. The most common activities of foreign groups

Since 2000 we have regularly monitored the activities in which the largest individual foreign groups are involved. Characteristic activities for Ukrainians are blackmail and collecting extortion money, and violent crime, including murder and robbery. The Russians, like Ukrainians, tend towards blackmail, murder and other violent crime. They are also involved in car theft, robberies, and trading in arms and people. Unlike the Ukrainians they also take part in economic crime: money laundering, corruption, establishing fictitious firms and financial fraud. The Vietnamese are involved in drug smuggling, money laundering, human trafficking, customs fraud, illegal migration, the counterfeiting of trade marks, pirating CDs, smuggling cigarettes and tax fraud. The Chinese are involved in illegal migration, counterfeiting, human trafficking, drugs, smuggling goods, customs fraud, violence, the production of spirits, the production and smuggling of cigarettes, tax fraud, blackmail, murder, robbery. Albanian groups take part especially in smuggling and distributing drugs. They are also involved in trading in arms, violent crime, counterfeiting money and its distribution, property crime, trafficking with women. Also murder, money laundering, exacting debts, corruption, smuggling. Bulgarian groups are typical for participating in prostitution and trafficking with women and car theft. They are also involved in counterfeiting credit cards, distributing counterfeit money, bank, tax, credit and insurance fraud, money laundering, distributing drugs, illegal migration, pick-pocketing. For Romanians theft is prevalent. In addition Romanians also take part in car theft and drug crime. Serbs are characterised by counterfeiting money, trade marks, duty stamps and smuggling cigarettes. Slovaks are characterised by their involvement in the arms trade, economic and property crime.

7. Expert estimate of future development

In the future experts predict a further rise in organised crime. In particular there will be a sharp increase in crime supported by computer technology, information technology and the Internet. We can also expect the tunnelling of grants from the state budget and European Union funds, sophisticated fraud will arise in tax crime, fraud with unpaid excise tax for fuels, spirits and cigarettes. We may anticipate speculation by organised crime when it comes to the Czech Republic's joining the Euro zone. Inside the world of crime there will be moves to perfect and create greater organisation for all structures, increased professionalism of persons and the use of technology. The use of Internet communication will be a certainty. Revenues and profits will rise. A characteristic feature will be the further increase of wealth, power and influence of organised crime groups, the attempt to establish themselves in legitimate business; the attempt to grow and penetrate the political, economic and other spheres. An expansion can be expected of the purposeful penetration of state structures, enormous bank fraud transactions; influence on the actions of the judiciary, prosecuting attorneys, the police; on occupying posts in

state administration, the abuse of favouritism, corruption. Organised crime can be expected to expand in the sphere of municipal politics. In the awarding of large public tenders there will be attempts to manipulate them by corrupt behaviour and clientelism. Organised crime groups will also be interested in seeking to hinder the activity of specialised police elements. The internationalisation of organised crime will continue. There will be a dramatic rise in organised crime by the citizens of Romania and Bulgaria. Tension will increase between groups coming from Asia. After 2010 there may be an inflow of persons from China and Africa.

Concluding remarks

One of the subjects that we look at systematically when researching organised crime is the monitoring of data on the structure and activity of organised crime groups in the Czech Republic. We have obtained this data annually since 1993 via qualified estimates, which are disseminated on the basis of anonymous questionnaires by experts from specialised departments of the Czech Police. The fifteenth research took place at the beginning of 2008 and in this experts assessed the situation in 2007. Due to this we can present not only the current results from 2007 but in most monitored situations also the trends for the previous fifteen years. Expert opinions are overwhelmingly of the qualitative type of research: in them experts generally formulate opinions, positions and arguments.

Apart from expert estimates we also have certain statistical data on the numbers of people prosecuted, charged and convicted of criminal conspiracy under Section 163 1a) of the Criminal Code, which has been in force since 1.1.1995. These findings however form only small parts of the overall criminal scene and from the point of view of understanding are only supplementary. After the first three years in which the Code was in force – while, in 1995, 1996 and 1997 not a single person was prosecuted, charged or convicted, – the numbers of persons prosecuted and charged have begun to rise slightly since 1998. First this was a question of a few dozen, from 2000 numbers began to approach a hundred, in 2005 two hundred. After 2006 there was a fall and for 2007 78 persons prosecuted and 70 persons charged were recorded. Participation in criminal conspiracy however has not been easy to prove, and so the numbers of those convicted according to Section 163 a) of the Criminal Code were almost negligible up to 2003. In 2004 it was possible to convict 10, in 2005 only 9, in 2006 21 and in 2007 only 15 persons. Convictions can thus only be gained for a very small percentage of those who were charged.

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The Swedish “national mobilisation” against organised crime

Lars Korsell, Johanna Skinnari and Daniel Vesterhav, The Swedish National Council for Crime Prevention

Background to “national mobilisation”

Organised crime in Sweden is not a new problem. If we look back, we can remember the liquor smuggling from 1917. But a more contemporary start began in the 1960’s:

- 1960’s – organised drug crimes were recognised as a problem. In 1968, the drug penal code came into force.
- 1970’s – organised crime became an issue together with economic crime
- 1980’s – focus on economic crime
1990’s – the return of the organised crime question: intelligence units in the 21 counties and at the national level, situational reports describe the problem with organised crime.
- 2000’s – a national operative council at the police, 3 regional intelligence centres. In 2007, 23 million euros was earmarked to operative projects against organised crime.

The prosecutor’s door

20th November 2007: a bomb exploded outside a terraced house in Trollhättan, an industrial city in the south-western part of Sweden. It is a prosecutor’s house. The outer door was destroyed and wood chips shot into the house. The prosecutor was not at home when the bomb exploded and the police classify the explosion as an attempted murder. The prosecutor is well known for her commitment against organised crime and outlaw motorcycle gangs. At the time of the attack, she was preparing a trial concerning a criminal group.

The political question for a long time is organised crime. Everyone seems to connect the attack to the mob. Suitably enough, a book by two journalists “The Swedish Mafia”, soon a bestseller, is on the bedside table of many politicians and decision-makers.

Gothenburg

There was also trouble in Gothenburg, the second largest city in Sweden. A spectacular coup at the Post Office had paralysed Gothenburg with seven burning cars in the city centre. One car was burning even outside the police headquarters. People had difficulty going to work and school. Earlier this autumn, someone opened

fire at a police helicopter at the airport. Criminal gangs also fired at each other on the streets.

In the light of the dramatic episodes, everything seems clear. Organised crime is striking against the state of law. For the Government and the law enforcement agencies, our task is to strike back.

Beatrice Ask

The Swedish Minister of Justice, Beatrice Ask, took the initiative to task six high-ranking officials each to lead their own working group in order to formulate a proposition about what to do against organised crime according to Governmental directives. They did not have much time. The politicians needed action and they demanded propositions as early as the end of April 2008. What was possible to do in springtime was also done. It was time for results and measures. Other questions and tasks were to be handled by authorities or governmental committees. The enemy is organised crime.

The bomb attack and the attention on organised crime slightly resemble the political consequences after the murder of Veronica Guerin in Ireland, an investigative journalist who died after being shot by a motorcycle pillion passenger in June 1996. The murder led to political action in Ireland, which spread even to the European Union.

The task of the working groups

The Ministry of Justice states in the directives to the working groups that there is a need to intensify the struggle against organised crime. Society must take the power to act and to “break the criminal network establishment”. Of course, the law enforcement agencies have a central function, but that the legal authorities strengthen their efforts is not enough, according to the directives. In addition to that, there must be a “broad mobilisation” above “organisational boundaries” and “decision levels”. In the light of this analysis, the Minister of Justice had decided on “a national mobilisation” against organised crime, or “serious organised crime”, which is the expression used by the Swedish law enforcement agencies and the Ministry of Justice. What is covered in the working group are therefore measures to improve the cooperation between the police and other actors. The possibilities to exchange information, intelligence and experience are central questions for a successful cooperation. The working group should further make proposals on new sorts of cooperation and consultation between actors, both on a local, regional and national level. The other five working groups are dealing with certain matters such as asset recovery, task groups, police organisation and criminal intelligence.

What is the problem?

In the governmental report of 300 pages, it is quite unclear what kind of criminality the society should mobilise against. There is no description of the organised crime problem and there is a lack of analysis about the organised crime situation in Sweden. But several working groups highlight organisational boundaries' and the experience from police cooperation and limitations of different kinds.

Unlawful influence against officials

One of the working groups focused on unlawful influence against officials, politicians and journalists. The Swedish National Council for Crime Prevention has conducted several research projects on unlawful influence against public officials, and one on unlawful influence against witnesses and injured parties. Unlawful influence is a term that we started to use for harassment, threats, violence, vandalism, but also the more "positive form" corruption. These are just different forms to influence the public official's ability to conduct his or her duty. By that definition we try to emphasise the instrumental parts of unlawful influence. Still one should not forget the symbolic function. Our research suggests that youth gangs use influence against public officials and victims of crime as a way to strengthen their criminal identity and gain entry to more criminal established groups or networks. One trademark for organised crime is that they have the means to use all forms of influence. It differentiates them from other kinds of perpetrators. That said, organised crime tends to use mainly subtle threats and harassment, as these are forms of influence that are seldom criminalised. These persons know where the legal limits are, and normally avoid criminal forms of influence. Unlawful influence, especially the case earlier mentioned with the prosecutor, can take the form of a power demonstration. Another aim is to get information on how the agencies work, and what they know about a certain criminal network. That motive is tied to forms such as corruption and extortion. Unlawful influence can also aim to influence a decision and make an official act in certain ways. For example to make sure an individual is not prosecuted. It can also cause passivity, where one example is that police or customs do not control the criminals that they are supposed to control. Finally influence can be about revenge. It becomes unlawful influence if it affects the official in future decisions.

Unlawful influence, Secret Service

The result of the working group headed by the Secret Service is the following. They get a national responsibility for unlawful influence. Another suggestion is that they will work with intelligence to discover unlawful influence. Secret Service will also make a national risk assessment – on an annual basis about organised crime and unlawful influence. Other tasks are security analysis and security advice for the government agencies, politicians and journalists. Finally they will

make training for bodyguards available. As you can see, these are hardly effective measures against the subtle threats that distinguish organised crime.

Problems with the suggestions on unlawful influence

Compared to our research, the Secret Service has a very different picture of organised crime. They predict that organised crime groups will become more powerful and begin to influence politicians. In a sense, they describe organised crime in a Mafia-like way. Our research instead shows quite a messy picture, with relatively independent entrepreneurs who want to gain financial wealth and criminal status rather than political power. As the Secret Service does not discuss this factor, it seems as if they overestimate unlawful influence against politicians. Available research on unlawful influence against politicians, including an analysis made by the Secret Service suggests that organised crime seldom uses such methods against politicians. Organised crime does not use influence against everyone they meet, instead they choose their kind of targets carefully. Many forms of influence mean that they expose themselves to the police, something they avoid unless no other options are available. Therefore they are more likely to target police and customs and other actors who can be a more direct danger to the criminal enterprises. Our opinion is also that they underestimate unlawful influence against journalists. New research suggests that self-censorship is present at some newspapers when it comes to reporting on organised crime.

Finally, it will be difficult to make useful risk assessments, due to the hidden and under-reported nature of the phenomenon.

The police

The working group who looked at getting a more efficient police against organised crime reached the following conclusions: A national steering group will be established at the national police. Today, there is such a group already, but the new group will get a more powerful mandate. There will also be 200 persons in the police who will work only against organised crime. Most of them are going to work in certain task forces, often with officials from other agencies.

The regional intelligence centres

Today, there are three regional intelligence centres where intelligence officers from different agencies are cooperating. These centres are established in the three major cities in Sweden and you could in front of you, see a large room with desks and computers and intelligence officers from the police, the customs, The Swedish Economic Crime Authority, the bailiffs and the tax crime units. They have also access to their own intelligence computer system. Decisions are made in a steering group of what projects the intelligence centres should work with. The new

strategy is to establish another five regional centres, so expand from three to eight centres. The task forces just mentioned will be situated in the same cities as the intelligence centres and also at the National Criminal Police. We believe that, in reality, the intelligence centres are supposed to produce material for the task forces to work with. In that respect, the intelligence centre and the task force in the same city will work closely together. As with unlawful influence, a national situational or risk report will be launched every year. A national council at the police for cooperation with other agencies will be formed. Beside the police, the customs, the prosecutors, The Economic Crime Authority and the tax authority are members of the council. The main task for this council is to come together and formulate “the organised crime problem”. The national criminal police are also being reinforced with 50 new officers. Finally, this working group stresses the importance of international cooperation.

Advantages

The new organisation for combating organised crime can have several advantages:

- Intelligence is important to detect invisible crime.
- Police investigations will get more endurance.
- It will be easier to conduct police investigations across county and administrative borders.
- Different agencies could contribute with their experts.
- It is an appropriate method to combat flexible criminal networks.

Asset recovery

The recovery of criminal assets is a strategy that has had increasing impact on Swedish criminal policy in recent years. The legal authorities have recently started to mobilise in order to take a fuller interest in money and property and the Swedish Economic Crime Authority has established a new unit that will track and recover the proceeds of crime – Asset Recovery Office (ARO) – and, within the framework of the just mentioned Regional Intelligence Centres (RUC), this is an important part in mapping out proceeds of crime. Between 2007 and 2008, the Swedish National Council for Crime Prevention carried out a study of asset recovery in Sweden, where 96 persons affected by the issue, both within public authorities and the private sector, were interviewed. The Assets Recovery Office purpose is to work as a resource in the Economic Crime Authority’s criminal investigations, working to track and recover money and other property from criminal activities. This means that they can only assist in economic crime investigations. According to the Asset Recovery Office’s implementation plan, the overall

goal is that ‘training and operative efforts shall be permeated by work methods that result in legal proceedings that, to a greater extent, also lead to confiscation’. By that definition, the Asset Recovery Office is the clearest step there is towards criminal asset recovery within the Swedish legal system. The Asset Recovery Office comprises a district prosecutor, an economic accountant, an analyst and an investigator from the Enforcement Authority. The Asset Recovery Office does not take part in all preliminary investigations at the Economic Crime Authority, but is first brought in when the leader of a preliminary investigation asks for assistance. This is done formally by summarising the matter in a special form. The Asset Recovery Office then considers the request by evaluating success factors, the size of the criminal proceeds, community interest and other factors. If the Asset Recovery Office concludes that there are reasons to assist in the case, they work together with the investigators and prosecutors. The Asset Recovery Office can assist in mapping the economic flows by, for example, checking bank account withdrawals and the suspect’s assets, and calculating how much money the criminal activity has generated.

The Asset Recovery Office can also assist in tracking the suspect’s assets and ‘initiate and carry out sequestration proceedings with the aim of assuring the execution of a future decision on forfeiture’.

The first year for the Asset Recovery Office can be described as a straight formation phase. Although there is an implementation plan and a general idea of how the Asset Recovery Office will work, clear guidelines are missing at a more detailed level. The explanation for this is that there has never been any collaboration of work in Sweden aimed at criminal assets, and that there is, therefore, a lack of national experience to build on. The result is that the Asset Recovery Office has not been able to act with full operative power during its first year, but the main goal was to build the unit up and get it to work in the cases that the unit became involved in. The development has been characterised by trial and error. The result is that the Asset Recovery Office’s activities are perceived as unclear by a number of prosecutors. They expected there to be elaborate routines and well-developed work methods already when they requested assistance from the Asset Recovery Office. Another factor that affected the work during the first year was the lean flow of cases. Prosecutors were very reserved in requesting formal assistance – there were fewer than ten cases. This meant that, effectively, the Asset Recovery Office could not judge which cases were most appropriate to go ahead with, instead, they had to take the few matters that did come in. That was a great disadvantage, both from an effectiveness point of view and a strategic one. Effectiveness was affected because there was no possibility for prioritising the cases that had the greatest potential for success in securing the proceeds of crime. From a strategic point of view, the Asset Recovery Office could not choose the cases that were most interesting from a method development perspective. An argument presented by some prosecutors is that assistance was not requested because the money has often already disappeared by the time the Economic Crime Authority

are notified of the crime. As a rule, it is the Tax Agency or liquidators who report a suspected crime to the Economic Crime Authority. By the time a report is established, a considerable amount of time may have passed since the crime was committed. When money and property have disappeared, it is viewed as practically impossible to get to them. Other prosecutors say that there is no established routine for prosecutors to request assistance, so there is an impending risk that they think about it too late. As mentioned above, prosecutors request assistance by filling in a special application form; several of the prosecutors interviewed strongly oppose that form, which is seen as too formal, too complicated and having far too many questions. Another explanation that the prosecutors give as to why assistance is requested too late is that, in the initial stages of a preliminary investigation, it is difficult to know if there is any potential for tracking and reclaiming proceeds of crime. Prosecutors do not request assistance because they have doubts that the Asset Recovery Office will find the case of interest, so they wait. When the prosecutors actually begin to form a picture and see that there may be criminal assets, and perhaps request assistance from the Asset Recovery Office, they have very often progressed so far that the preliminary investigation is drawing to a close. At that stage, the suspects have usually already been arrested, and searches and telephone surveillance have been concluded, which causes great difficulties for the Asset Recovery Office to catch up with the information. If assistance is requested when the preliminary investigation is finished, the possibilities for information gathering through searches and telephone surveillance are completely zero, since, by then, it is not possible to carry out measures of enquiry used for a preliminary investigation. In order to have as great a potential as possible for securing the money, it is necessary that information is gathered at the same time as the criminal investigation is carried out. If the Asset Recovery Office can enter the picture while the preliminary investigation is planned, then they can, for example, assure themselves that the police officers record findings that are relevant from a 'criminal proceeds' perspective: this would include photographing and documenting movable and immovable property. Otherwise, there is a great risk that the police officers will make observations only that can incriminate suspects. Among the things needed for the Asset Recovery Office to be able to carry out its work successfully is information on property rights and how the suspect is linked to various activities and property. The very best arrangement is that this is mapped out before any police raid takes place – when there is already a basis for securing money and property.

Looking back at the Asset Recovery Office's first year, it was only in exceptional cases that they were involved early on in the preliminary investigations, which has likely contributed to the difficulties they have had in successfully securing proceeds of crime. It is stressed in the interviews that there is a need to develop routines that make it easier for prosecutors to decide at an early stage if there is good reason to request assistance from the Asset Recovery Office. Several prosecutors think that a solution could be to make it obligatory to send matters to the Asset

Recovery Office for assessment if they match certain basic criteria at an early stage. If the Asset Recovery Office believes, after the assessment, that the matter is appropriate from a criminal assets perspective, they would express their desire to be involved, and then the prosecutor would decide if assistance is requested or not. Today, there are a few prosecutors who compulsorily send their project plan to the Asset Recovery Office when a case comes in, but a more structured system is needed, partly because – due to limited resources – it is not possible for every case to go through the Asset Recovery Office, and also to establish that it is not the individual prosecutor’s opinion that decides whether or not a case is appropriate for the tracking and recovering of proceeds of crime.

At the same time as the Assets Recovery Office’s partners would have loved to see more incoming cases, the resources during the first year were limited. At most, the unit comprised four people, which meant that, if a big case had come in, they would have been occupied with it for several months. However, in reality, the limited resources hardly led to any major problems, since prosecutors did not request assistance to any great extent. If the amount of incoming cases increases, a possibility presented by one interviewee could be for the Asset Recovery Agency to concentrate its efforts on the resource-demanding cases while the more simple, day-to-day cases are seen to by the Prosecutor’s Offices themselves. Some interviewees think that the Asset Recovery Office is much too small, but the predominant opinion is that the advantage of starting small is that they can develop and see what will be involved in work assignments and where the focus should lie. A relatively large amount of interviewees understood that it takes time to develop this kind of operation.

Local initiatives

One of the six reports is about the “civil society’s” engagement in the combat against organised crime. According to the report, it is quite rare with cooperation on a local level against organised crime. Since the middle of the 1990’s, many municipalities have local crime preventive councils, but they are targeting volume crime and only touching organised crime on projects like witness support.

The conclusion is that the police must cooperate with other authorities but also with other parts of the society. The business sector and organisations must be engaged in the cooperation. The existing structures are not efficient enough, according to the working group. First of all, the present forms of cooperation are not directed against organised crime, especially not on the local level.

The working group suggests that local “society councils” should be established all over Sweden in order to combat organised crime.

In July 2008, the Government launched a whole package against organised crime. One of the measures is an assignment to The National Council for Crime Prevention to support local initiatives in municipalities during a period of two years.

Gothenburg

Gothenburg city was the first city in Sweden to initiate a plan against organised crime on the local level. The outline of the plan was prepared already early in 2006 when the city council was commissioned to, together with the local Police, analyze the possibilities to combat organised crime on the local level. The city council and the Police formed a working group and focused their analysis on the responsibilities of the municipality. The working group concluded that there had to be a broad co-operation within the municipality because, at that time, the co-operation was insufficient. They also presented an idea to set up a centre that would gather knowledge about organised crime, spread that knowledge, and facilitate collaboration within the municipality. To be able to establish a centre of knowledge, the working group saw the need to make a pilot study to identify problems and search for solutions.

The results from the pilot study showed that all public administrations in Gothenburg are more or less affected by organised crime. Civil servants are threatened by organised criminals, for example when they consider applications for building permits. Youth gangs threaten school personnel during and after work hours. Members of criminal gangs are using the municipality's premises, for example the leisure centres, without permission. The municipality may also involuntarily engage people that are connected to organised crime. That is especially a risk within the building and cleaning sector.

Gothenburg's four perspectives

The pilot study started to focus onto four perspectives already at an early stage: the employers' perspective, the economic perspective, the crime victims' and defectors' perspective and the democratic perspective. The employers' perspective concentrates on the municipality's role as an employer. It brings up how employers can take action against gangs and organized criminals and how collaboration within the municipality should be established. It also stresses the need for employers to be updated on knowledge about organised crime to be able to evaluate risks and form an opinion of possible threats. The economic perspective is considered important since money is the main motivation for criminals. Also, the Swedish society suffers large-scale tax losses because of organised crime. Three main areas are especially important for joint-action: the leasing of property, service purchasing and licence issuing. The crime victims' and defectors' perspective: Defectors from organised crime or from the black market are often victims of organised crime. For example, businessmen can be threatened by organised criminals and the businessmen can themselves be involved in organised crime. Hence, businessmen working in the municipality need common strategies to confront organised crime. There is not much known specifically about victims of organised crime. Organised crime victims are particularly vulnerable because they are often too afraid to report crimes to the police.

Finally, the democratic perspective was developed because the working group saw a need to tackle the threats against democracy from organised criminals. This perspective especially focused on threats against civil servants and their reactions to those threats.

A centre of knowledge has been established this year and will expand during the following years.

The Östergötland project

Östergötland County is in the South East of Sweden. The police concluded that the counties efforts should focus on combating outlaw motorcycle gangs. The two largest outlaw motorcycle gangs in Sweden are Hells Angels and Bandidos together with their prospect clubs. Currently, two clubs are established in Östergötland. Their main sources of income are black labour, other types of economic crimes, extortion, drug distribution, organised prostitution and handling of illegal weapons. Because of this, the police in Östergötland suggested an action plan in the beginning of the year 2008, aimed at outlaw motorcycle gangs.

Some remarks

One problem with the mobilisation is that organised crime is not defined and therefore it is a risk that the focus of the resources will go to combat less serious problems. The risk is especially relevant for the local societies, which tend to pay too much attention to the most visible side of organised crime, the outlaw motorcycle gangs with their own symbols and premises. Even so, these gangs are important because they make people feel insecure and challenge law and order and the authorities' ability to protect the society from crime.

Organised crime in Poland as a field of research and its contemporary situation

Wojciech Filipkowski¹⁸, University of Białystok, Faculty of Law, Poland

Introduction

The purpose of this paper is to present two aspects of organised crime in Poland: major research which has been done so far and the contemporary situation of the phenomenon itself. It starts with legal aspects of the organised crime. The primary issue is the definition of organised crime in Polish penal law since it gives a framework of the discussed phenomenon. The second part of the paper presents extensively the research projects which have been conducted regarding organised crime. The phenomenon of money laundering has been treated with special regard since there have been done many researches and it is of Author's special interest.

There is a definite time boundary we have to keep in mind – as with many other socio-economic phenomena in Poland – the year of 1989. The change of political and economic system had a strong impact on law and science including the topics for research projects. The criminality has also changed (Michalska-Varias 2006: 146 and ff). The attitudes of the authorities and the academia have changed towards organised crime, too. It has led to discovery of this phenomenon as a field of research. However after a short period when it was interesting and a relatively new topic, the organised crime has become a much more interesting subject for politicians than for scientists. The Author has an impression that the common approach of academia is that everything has been “said and done” so there is nothing more to research. However it is not true since the phenomenon has been changing itself.

1. Organised crime definition

Key issues

First of all it has to be stressed that there is no legal definition of organised crime in Polish legal system. However that expression was used once in one of the early statutes which were supposed to protect the newly established free market economy from pathologies like different types of frauds and money laundering. It was the Protection of Economic Turnover Act of 1994¹⁹. The meaning of that expression was not clear and it was the subject of different interpretations by academia (see i. e. Filipkowski 2004: 41–42). This act is no longer in force due to the introduction of Polish Penal Code of 1997²⁰. On the other hand it has to be stressed that

18 E-Mail: fwojtek@uwb.edu.pl; URL: www.prawo.uwb.edu.pl

19 The Official Journal of 1994, No. 126, Item 615.

20 The Official Journal of 1997, No. 88, Item 553 with subsequent changes.

there is no commonly accepted criminological definition of this phenomenon, either. It seems that criminologists restrict themselves to the description existing in Polish Penal Code of 1997. It describes the crime of being a member of organised criminal group or association in Article 258 which has a goal to commit an offence (including fiscal ones). This type of crime exists in Polish penal law since 1932 almost in unchanged way (Michalska-Varias 2008: s. 156). Maybe this is a reason why there are not too many researches into that topic.

Police definition of 1994

Nevertheless Polish Police has worked out a definition of organised crime on its own in 1994. It is of phenomenological character and it has been used to manage the work of special unit of Polish Police called the Central Bureau of Investigation (CBI) of the Police Main Headquarter. The main aim of this unit is to fight organised crime. It has been described as activities of groups that have been set up for making money with crime (no matter whether it relates to violent or economic offences), use of violence, blackmail and corruption, and aim at introducing illegal revenues into the legitimate economy (Pływaczewski 2000: 99).

At the same time, the following eleven characteristics of OC were identified:

- profit or power as main goal of its activity,
- long-term or unlimited time-frame of its activity,
- division of tasks and powers among its members,
- a special hierarchy,
- taking up different criminal activities in order to make money,
- isolation from the outside world – internal discipline and control of its members,
- committing serious crimes,
- use of violence or other means of intimidation,
- capability of operating internationally,
- taking up money laundering activities, and
- ability to influence politics, state administration, and law enforcement.

At least five of above-mentioned criteria must be met in order to consider a group as serious enough to call it “organised crime”. The more criteria have been met, the more dangerous such a group is for the internal security and order.

Article 258 § 1 of PPC

As it was mentioned above, there is a separate type of crime which is strictly connected to the combating of organised crime. It is described in Article 258 PPC. The same article is used to fight terrorist organizations²¹.

There are four types of crimes associated with organised crime:

- to be a member of such organized group or association,
- to be a member of such armed group or association,
- to set up such group or association, or
- to lead such group or association.

It is not important whether any crimes have been committed by any members of such a group or association. However if it happens this is a separate crime and the case for individual criminal responsibility of offenders. This description is commonly used as a point of reference in almost any type of dogmatic or criminological research into organised crime in Poland. Nevertheless there are some opinions that it does not cover all contemporary forms of the phenomenon (Filipkowski 2006: 74). On the other hand one may say that it is too vague because it does not describe anything specific. It is up to the academia or courts to decide what is the meaning of adjective “organized”, what is the difference between a group and an association? It is a matter of interpretation and circumstances in each case alone. The adjective can refer to the way a crime is committed or to a structure of an organization. It is commonly accepted that the group is much more loosely organized compared to an association. The latter has a much more rigid hierarchical structure (Ćwiąkałski 2008: 1190–1196).

2. Researches into the phenomenon of organised crime

The researches and phenomenon before 1989

The expression organised crime had not been used before 1989 in connection with Polish conditions. There were two reasons for that. Before World War II there were only small and insignificant criminal groups or associations. They did not pose any substantial threat to the state or the whole society. They were known locally, particularly in the biggest cities. However the Polish Penal Code of 1932 treated them in a special way. It was not just like any other situation when a group

21 Article 258§ 1. Whoever participates in an organized group or association having for its purpose the commission of offences shall be subject to the penalty of deprivation of liberty for a term of between 3 months and 5 years. § 2. If the group or association specified in § 1 has the characteristics of an armed organization (. . .), the perpetrator shall be subject to the penalty of deprivation of liberty for a term of between 6 months and 8 years. § 3. Whoever sets up the group or association specified in § 1 or 2 or leads such a group or association shall be subject to the penalty of deprivation of liberty for a term of between 1 month and 10 years (. . .).

of people commit crime together. It was a crime just when somebody was a member of an organized criminal group or association which has a goal to commit a crime (Michalska-Varias 2008: 112). That Penal Code was in force after the world war up until 1969 when new code was enacted. That was a code written especially for the new socio-economic situation in Poland after 1945 when Poland became a part of the socialist Eastern European group of countries. However it retained most of the regulations concerning criminal organizations. At that time it was used mainly in order to fight speculators of regulated goods, black market and other economic crimes typical for socialist economy. Nevertheless it was also used to fight political opponents (Michalska-Varias 2008: 128). At that time organised crime was something which was associated with Western way of life and “corrupted capitalism” not with a socialist regime (Pływaczewski 2004: 467–468)). The officials were denying the existence of organized criminal groups in Poland. That phenomenon was marginalized. It had very negative consequences even after the political change. The newly established democracy was not aware of the threat and therefore exposed to internal and external organised crime activities (Pływaczewski and Filipkowski 2004: 900).

The fields of research after 1989

The socio-economic changes have an influence on scientific researches. There were no longer “forbidden fields” or areas of reality which could not be explored by members of scientific community. The issue of organised crime became also an interesting topic. Taking under consideration all the researches which have been conducted so far they can be divided into several areas. First of all, there are some criminological researches into the phenomena of organised crime and money laundering. There are two research methods which have been commonly used: analysis of criminal cases (at the investigation stage or after lawful conviction) and the surveys among specific groups of respondents (including law enforcement officers, public prosecutors, judges and immunity witness etc. etc.). The second group encompasses dogmatic analysis of regulations concerning prevention and fight against organised crime and money laundering and preventing. Those researches cover not only penal law but also other branches of legal system in Poland and abroad (Pływaczewski, Filipkowski 2004: 901 and ff).

3. Research projects

The issue of organised crime was introduced by E.W. Pływaczewski into Polish literature at the beginning of 90’s. There were two major books on that topic: *Przestępczość zorganizowana i jej zwalczanie w Europie Zachodniej (ze szczególnym uwzględnieniem Republiki Federalnej Niemiec)* [Organized Crime and the Fight against It in Western Europe (with Special Regard to Germany)] (1992) and *Pranie brudnych pieniędzy: możliwości przeciwdziałania z uwzględnieniem roli systemu bankowego* [Money Laundering: the Possibilities of Pre-

vention including the Role of Banking System] (1993). As it was said earlier they were presenting both issues at the time when Poland was in the period of political and socio-economic transitions. From that point of view both of them were very important since they have started the scientific discourse about organised crime and money laundering. They should be considered as sort of warnings of what we could have expected to happen in Poland as new challenge for the society and the authority. There was another book published concerning organised crime issues in 2002. It was a doctoral dissertation written by Z. Rau (Rau 2002) and was comprised of legal and criminological aspects. He conducted comprehensive surveys regarding the phenomenon on representative samples of different social groups. They included: policemen from the Central Bureau of Investigation of the Central Police Command, prosecutors from the Department VI of the District Public Prosecutor's Offices and from the Bureau for Organised Crime of the State Public Prosecutor's Office, judges from Courts of Appeal, District and Regional Courts, and the representative sample of Polish society. On the other hand the surveys were conducted among juvenile delinquents, recidivists and immunity witnesses in order to compare the results. Based upon the results of those surveys Z. Rau described: types of organized criminal groups, their methods and range of activities, structure, mutual relations within those groups and with society and government bodies. It was also a first and unique insight into the motives and characteristics of immunity witnesses, as well as the juvenile delinquents who were recruited by criminal groups. The last part of the book was analysis of efforts made by government bodies as far as fight against organised crime is concerned²².

There was conducted one of the biggest research projects in the field of anti-organised crime regulations in Poland between 2002 and 2006. It was headed by E. W. Pływaczewski. It covered several main aspects of combating threats of homeland security including organised crime, terrorism (Pływaczewski 2005). The research teams explored both legal and criminological aspects of that phenomenon. A new law on immunity witnesses was one of the most significant results of that project. A group of legal scholars and people from law enforcement, prosecution and courts created a bill which was enacted by Polish parliament, signed by Polish president and came into force. It has shown that putting together a multi-disciplinary research team may produce substantial outcomes. The other aspect was the police law and preventive activities of law enforcement outside criminal procedure (i.e. surveillance, eavesdropping communication etc.). The latest published criminological research on organised crime was the one conducted by K. Laskowska. The book was released in 2006 and it was a part of the above mentioned project. K. Laskowska analyzed the phenomenon of Russian-speaking organised crime in Russia and former Soviet Union republics – its etiology, history, phenomenology as well as the legal and organizational instruments to fight it. The second aspect was the presence of that phenomenon in Po-

22 Some of the results were presented in Pływaczewski 2004: 485–488.

land. In that regard she was examining criminal cases of Article 258 Polish Penal Code and looking for foreign members of those groups, especially the ones who speak Russian language. The conclusion was that the popular opinion that Russian-speaking organised crime had a strong presence and influenced all aspects of political and economic life in Poland was not true (Laskowska 2006: 450–451).

4. Researches into money laundering

We can divide all researches about money laundering into two groups. First one encompasses research into the phenomenology itself. They base usually on the review of criminal cases in which there are lawful convictions. Since 2001 there are also annual reports of Polish financial intelligence unit called the General Inspector of Financial Information (GIFI). Those reports describe cases (e.g. suspicious transactions) which were examined by the analysts working for GIFI. However those cases were not judicially verified as crimes of money laundering. They can give an insight into the methods which were used by launderers and sources of “dirty money” in Poland.

The second group of researches is connected with the anti money laundering regime itself. They have been covering following issues:

- the evolution of regulations aimed at combating money laundering and its prevention,
- the level of Polish regulations’ compliance with international standards (especially European Union’s directives).

Those researches have been analyzing regulations of both criminal law and other branches of legal system (e.g. banking, administrative, fiscal law).

4.1 The phenomenology of money laundering in Poland

The first systematic research on money laundering methods and techniques was done by K. Buczkowski and M. Wojtaszek in 2001. The authors analyzed all criminal investigations concerning that phenomenon between January 1st, 1995 and December 31st, 1997 in Poland (Buczkowski, Wojtaszek 2000: 206). They were interested in few issues. They wanted to judge whether Article 5 of the Protection of Economic Turnover Act of 1994 was suiting to fight money laundering, as well as the quality of cooperation between banks (and other institutions) and law enforcement. In the described period there were only 54 cases: 17 of them were dismissed, 20 – the public prosecutors refused to start investigations, 14 – were still underway. Only in 3 cases the public prosecutors prepared indictments and sent them to courts. In two of them the sentences were passed. It wasn’t possible for the researches to analyze all the required criminal cases. The main conclusion of their work was that the criminal regulations are not sufficient to combat money laundering. The research done by the Police Academy in Szczytno focused on the

common characteristics of money laundering methods based on the criminal investigations and the connections between the phenomenon and the tax crimes (Potakowski 2004: 134–142). Most of the cases were in an early stage (investigation). They hadn't reached courts at that time. They analyzed 34 cases which included 18 investigations about VAT fraud and 16 about money laundering. The fraud was about selling oil used to heat houses as propulsive one which is more expensive since it is being taxed higher. The cost of the tax included in the oil's price was not returned to the State Treasury. There were chosen around 200 cases however the researchers had a limited access to the documents due to the ongoing investigations. It has to be mentioned that annually the General Inspector of Financial Information (GIFI) presents a report of its actions²³. It is not really a research but a sort of statement of what has been done so far in money laundering and terrorist financing issues in Poland. A chapter is always dedicated to the description of observed trends and methods. All information is based on the analytical investigations (cases) conducted by the GIFI. If it believes that there is suspicion of money laundering the case will be handed over to the proper public prosecutor's office (Sieńczyło-Chalbiczy, Filipkowski 2001: 154–155). However, the GIFI does not know sometimes, whether the public prosecutor or court consider it a crime since there is no feedback information from them. This is one of those strange aspects of Polish anti-money laundering regime that has to be changed.

4.2 Analyzing anti-money laundering regime

Chronologically the first research into the money laundering phenomenon was conducted by **W. Jasiński** between 1993 and 1996 (Jasiński 1998: 135). He analyzed 35 internal regulations of banks concerning the prudent norms against abusing those institutions by launderers. 25 of them were prepared by commercial banks²⁴, 5 – cooperative banks and 5 – field branches of the National Bank of Poland. There were six fields of interest of which W. Jasiński made comparisons:

- the identification of a client,
- management of records containing information about a client and his transaction,
- reporting to law enforcement about suspicious transactions,
- supervision of the execution of internal regulations,
- staff training and
- coordination of activities regarding fighting money laundering within the bank.

23 For annual reports see official web site of the Ministry of Finance: <http://www.mf.gov.pl>.

24 Including 2 biggest banks in Poland at that time, 5 of them belonged to Polish "Top 10" of biggest banks established after 1989, and one of them had a foreign shareholder.

After the enactment of the Protection of Commercial Turnover Act in October 1994 (which came into force at the beginning of 1995), W. Jasiński also reviewed subsequent changes in those regulations. Those procedures were required by the banking law. There was no special separate statute on fighting money laundering, or the financial intelligence unit at that time. As a result of his research, he proposed complete model of internal regulation for a bank, based on the best-practice experience, since the existing internal regulations were different and not sufficient in the combat against money laundering.

Another field of research was the level of awareness of that phenomenon. The research was conducted in 2001 by J. W. Wójcik among 697 people who worked in banks and other obliged institutions (Wójcik 2004: 413). A year later he wanted to do such survey once more. However, it was not possible since the managers of those institutions were not willing to cooperate, due to the fact that the first results were not very convenient for them. They revealed the lack of knowledge about the phenomenon among respondents (their employees).

All of that has led J. W. Wójcik to the conclusion that there was an insufficient level of knowledge concerning the money laundering regulations, techniques, and the methodology how to spot suspicious transactions among respondents. What is more important, the whole system depends on them. So in fact it was not able to work properly. As a remedy to improve the system he recommended more trainings and education for the personnel of the obliged institutions (Wójcik 2004: 467–8).

There was another research conducted in 2004 regarding the evaluation of anti-money laundering regime in Poland. It was done by E. M. Guzik-Makaruk and W. Filipkowski from April to May of 2004. The surveys were distributed among compliance officers of the companies operated within the Polish capital market subject to the anti-money laundering regulations (such as investment banks, brokerage houses, National Securities Deposit, and investments funds). They covered such fields of interest as: general knowledge, legal regulations, training. That group was questioned for the first time. Only 11 out of 54 institutions returned the surveys which led to the general conclusion that they were not interested in the cooperation as far as the research is concerned. It was not that surprising, if we refer to J. W. Wójcik's experiences (Guzik-Makaruk, Filipkowski 2005: 244–253).

The latest dogmatic research was conducted by J. Długosz. It was a doctoral dissertation published in Germany in 2007. J. Długosz analyzed European Union and German regulations concerning money laundering including not only penal but banking and financial law as well. It was a starting point for the comparison of those regulations with the ones present in Polish legal system. She stressed that implementation of European regulations into national legal system is not an easy task especially in the field of penal law. The German and Polish system of

penal law served as examples. As a result of the research she suggested several changes in Polish anti-money laundering regime (Długosz 2007: 302, 387, 388).

5. The Polish Platform for Homeland Security (PPHS)

5.1 Introduction

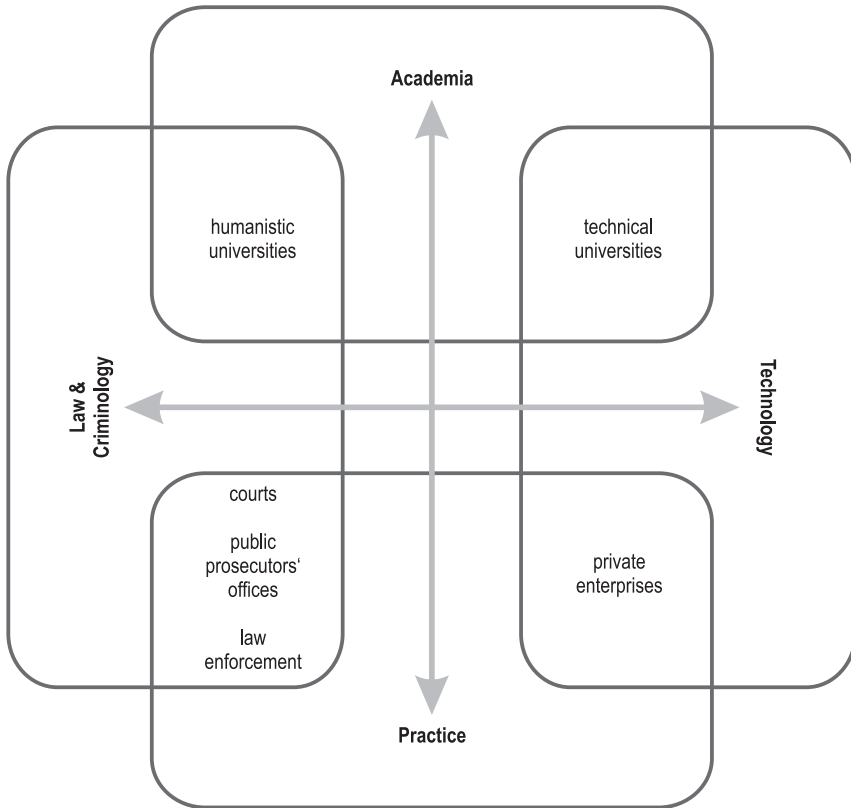
The Polish Platform for Homeland Security is an association which gathers people from different areas of academia and practice. Its mission can be explained by following creed:

“It is impossible to effectively and successfully assure public safety without the involvement and support of highly advanced computer technologies and tools.”²⁵

Combating contemporary threats (including organised crime) creates new challenges for law enforcement, with respect to both preventing and fighting these phenomena. Effectiveness of those governmental organizations which are responsible for security more and more depends on their use of new technology and information based solutions.

The PPHS was established in order to create integrated technology and computer tools to support activities which enhance public security. However in the PPHS opinion it is essential to conduct corresponding legal and criminological analysis regarding newly introduced solutions. At the same time, it fosters cooperation and the exchange of ideas in the area of security among the fields of both: academia and practice in the field of technology and criminology. There are around 600 members of research teams. The list of participants of PPHS includes representatives of the police, law enforcement, and administration of justice.

25 Source: the official web site of The Polish Platform for Homeland Security: <http://www.ppbw.pl>.



Some of the proposals worked out within the PPHS may strengthen the efforts to improve both security and prevention of crimes committed with the use of modern technologies and the ubiquitous Internet. The integrated computer tools that are developed within the PPHS will also increase the effectiveness of government services and institutions responsible for providing citizens and the state with security. The joint performance of projects contributes to strengthening cooperation between the research institutions participating in the projects and the industry represented by commercial companies. Due to the sensitive nature of data and project topics, parts of the works within the PPHS are classified.

The works of the PPHS have enjoyed the approval and assistance of the Polish government, including the Ministry of Interior and Administration, the Ministry of Justice, and the Ministry of Science and Higher Education. Activities of PPHS have been also recognized at the European level as a unique scientific undertaking.

5.2 Latest research projects

There are several research projects being conducted in Poland. They all deal with an issue of providing citizens with security in different aspects. They include:

- using new technologies to support law enforcement and justice system (i.e. biometrics, voice recognition, small unmanned aircrafts, cryptology, agent technologies, artificial intelligence, open source intelligence);
- new regulations concerning police work, financial intelligence unit, forfeiture, surveillance, money laundering, terrorism, corruption;
- crimes in the Internet – different aspects of cybercrimes and cyber terrorism, protection of critical national infrastructure.

The list of research projects conducted under the Auspices of PPHS²⁶:

1. Multimedia system to support identification and combating of criminal activity (to include violence in schools) and terrorism.
2. Application of artificial intelligence methods and agent-based technologies to support investigatory activities and evidence procedures with emphasis on Internet crimes.
3. Mobile, network-centric system to support operational work of the Police.
4. Technologies for processing and distributing verbal information in internal security systems.
5. The tool to support investigative procedures by using automatic inference.
6. Text processing technologies for Polish in application for public security purposes.
7. Managing information and knowledge in services requiring an increased level of security.
8. Biometrics and intelligent methods to extract information from pictures, visual sequences and speech.
9. Monitoring, identification, and countering threats to the security of citizens.
10. “INDECT” – Intelligent information system supporting observation, searching and detection for security of citizens in urban environment.

²⁶ Source: the official web site of The Polish Platform for Homeland Security: <http://www.ppbw.pl>.

6. Contemporary situation

6.1 The Central Bureau of Investigation – annual report of 2007

Each year the CBI issues an annual report of its activities. It gives also an insight into the organised crime since this is specialized institution which is aimed at fighting against this phenomenon. There are presented basic statistics data. However the CBI deals only with most dangerous criminal organizations. There are also some other institutions which deal with it: police, the Internal Security Agency, the Border Guards, etc.

The general view of organised crime is changing. It may result from successful activities of law enforcement.

Table07: The characteristics of organized criminal groups in Poland according to CBI (comparing 2006 and 2007) somewhere around here

	2006	2007
Number of people involved in OC:	2644	3692
Number of organized criminal groups:	246	348
Polish	217	326
International	28	19
Russian-speaking	1	3
Type of criminal activities:		
Economic crimes	88	118
Drug trafficking	85	121
Other	49	74
Diverse activity	24	35
Number of dismantled organized criminal groups	143	179
Number of suspects which activities were restricted	1432	2003

Source: CBI 2008: 2–3.

According to the CBI's report of 2007 the number of people involved in organised crime activities is rising from 2644 in 2006 up to 3692 in 2007 (by around 39 per cent). They are a group which is under constant interest of the law enforcement's agency in connection with criminal investigations or outside those proceedings. The number of criminal organization groups is also rising between 2006 and 2007 by around 41 per cent.

The structure of those groups is relatively constant. The Polish groups predominate over the international and the Russian-speaking ones. They represent 93 per cent of all groups. The data concerning the Russian-speaking groups seem to support the thesis presented by K. Laskowska in her studies. The structure of criminal activities is also stable. However the number of investigations is rising comparing 2006 and 2007. There are two basic types of criminal activity which is handled by the CBI: the economic crimes and drug trafficking (34 per cent each of them). There are also groups which are conducting diverse activities.

As far as activities of the CBI are concerned, there are two basic factors. It has dismantled more organized criminal groups – 179 in 2007 (comparing 143 in 2006). The number of people whose activities were restricted has risen, too. There were 2003 suspects in 2007 who have been arrested or their involvement in organised crime has been revealed and stopped.

Delving deeper into the structure of investigations conducted by the CBI, we can describe the types of criminal activities more precisely.

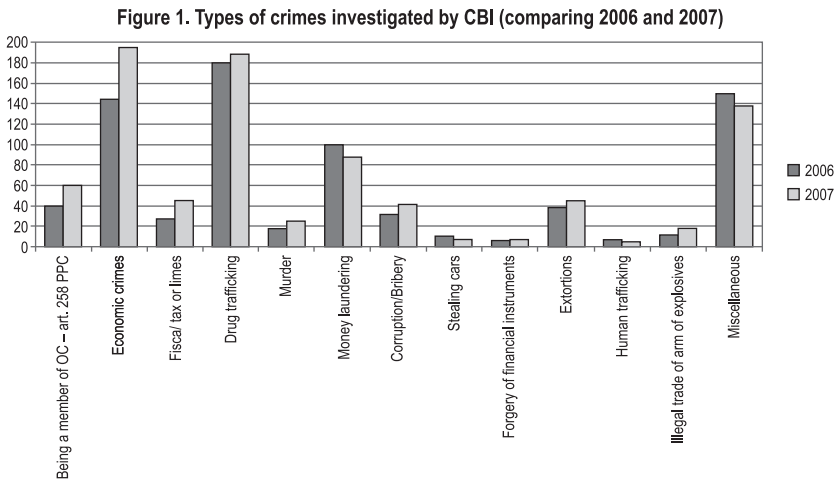
Table 08: Types of crimes investigated by CBI (comparing 2006 and 2007) somewhere around here

Investigated crimes	2006	2007
Being a member of OC – art. 258 PPC	40	60
Economic crimes	144	195
Fiscal/tax crimes	27	45
Drug trafficking	180	189
Murder	18	25
Money laundering	99	88
Corruption/bribery	32	41
Stealing cars	10	7
Forgery of financial instruments	6	7
Extortions	38	45
Human trafficking	7	5
Illegal trade of arms or explosives	11	18
Miscellaneous	149	138

Source: CBI 2008: 3.

Comparing research data from 2007 to 2006, we can see some differences. There is a sharp rise in number of investigations into such crimes like: fiscal/tax crimes, illegal trade of arms or explosives, and being a member of organised crime. We can see also a rise in number of investigations in another group – maybe not so significant like the previous one. It includes: murder, economic crimes, and corruption/bribery. The smallest rise can be observed in the group of investigations concerning: extortions, forgery of financial instruments, and drug trafficking. On the other hand there are also some falls. That group consists of investigations into: stealing cars, human trafficking, money laundering, and miscellaneous types. Nevertheless, there are three major types of crime investigated by the CBI. They are economic crimes, drug trafficking, and other types.

Map 03: Types of crimes investigated by CBI (comparing 2006 and 2007) somewhere around here]



Source: CBI 2007: 3.

6.2 Statistics of lawful convictions – OC

There are also some other factors which can be used to describe the organised crime phenomenon. It is the number of people convicted of being member of organized criminal groups. As it was mentioned above, there are three types of that criminal activity according to Article 258 PPC.

The number of lawful convictions has been changing over the time since the Polish Penal Code came into force in September of 1998. We can observe three periods:

- from 1998 till 2003 – the number of lawful convictions is rising steadily however it was not exceeding 62 convictions per year;

- from 2004 till 2005 – we had a dramatic rise of convictions – more than 200 a year and the highest peak was in 2005 when it hit 337 convictions;
- from 2006 till 2007 – the number of convictions has fallen but it was not lower than 200 convictions.

Table 09: Number of lawful convictions of Article 258 Polish Penal Code (1998–2007) somewhere around here

Lawful convictions: Art. 258 PCC	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
§ 1	7	14	38	39	51	38	148	278	211	166
§ 2	0	2	1	1	4	10	29	20	13	18
§ 3	0	2	5	2	7	9	42	39	39	21
§ 3 and § 1	0	0	0	1	0	1	1	0	0	0
TOTAL:	7	18	44	43	62	58	220	337	263	205

Source: *The Ministry of Justice's web site – www.ms.gov.pl*

There is one possible explanation for the sharp rise in convictions. The criminal proceedings into organised crime take usually some time – few years. It includes investigation and the trial. The criminal cases which were started before the year 2000 were finished in 2005.

While analyzing the structure of those convictions we can come up with following remarks. The crime of being (just) a member of organized criminal group or association which has an aim to commit a crime predominates over other type of crime. It is more than two thirds of all types of crimes included in Article 258 PPC – in some years even more around three fourths (e.g. 1998–2002 and 2005–2007). There has been a sharp rise of convictions connected with setting up or leading an organized criminal group since 2004. At the same time the percentage of convictions for being a member of armed group or association is relatively stable.

6.3 GIFI report on ML of 2008

The GIFI presents annually a report of its activities, methods and techniques used by launderers spotted in Poland. According to the latest one there are several sources of illegal gains of criminal groups (GIFI 2008: 9–12). The list includes following crimes:

We can also learn what types of methods & techniques were used by launderers (GIFI 2008: 12–13). They can be divided into two separate groups: The first one consists of methods or techniques previously noted by the GIFI. It includes:

- setting up a network of shell companies,
- providing transactions with false or fictitious legal title,
- collecting accounts,
- instant cash withdrawal from ATM machines,

The second group comprises:

- abuse of credit cards in order to withdraw large quantities of money abroad by a launderer himself or hired person,
- use of on-line financial services for anonymous, fast, transnational transactions,
- abuse of remittance services (provided by The Western Union or by The PayPal).

6.4 Statistics of criminal cases – ML (1)

First of all in order to understand the tables it is important to present the type of crime itself. There are 6 types of money laundering offences²⁷:

- basic type of money laundering (§ 1),
- a person employed in institution of a financial sector helps (assists) launderer (§ 2)

27 Article 299. § 1. Whoever receives, transfers or transports abroad, assists in its transfer of title or possession of legal tenders, securities or other foreign currency values, property rights or real or movable property obtained from the profits of illegal act, or takes other action which can prevent, or make significantly more difficult, determination of their criminal origin or place of deposition, detection or forfeiture shall be subject to the penalty of deprivation of liberty for a term of between 6 months and 8 years. § 2. The punishment specified in § 1 shall be imposed on anyone who, being an employee of a bank, financial, credit or any other institution obliged to register transactions and identify its clients, unlawfully receives in cash significant amounts of money or foreign currency, transfers or converts them, receives them under other circumstances arousing justifiable suspicion as to their origin from acts specified in § 1, or else provides services to conceal its unlawful origin or in securing them against seizure. § 3. Whoever, being responsible in a bank, financial or credit institution for informing the management or financial supervising authority about undertaking a financial operation, does not do so promptly in the form provided for in law, in spite of the fact that surrounding circumstances of the financial operation are indicative of a justifiable suspicion as to the origin [of the amounts involved], being as specified in § 1 shall be subject to the penalty of deprivation of liberty for up to 3 years. § 4. The punishment specified in § 3 shall be imposed on anyone who, being responsible in a bank, financial or credit institution for appointing a person authorized to receive information specified in § 3, or providing it to an authorized person, does not observe the provisions in force. § 5. If the perpetrator commits the act specified in § 1 or 2 acting in co-operation with other persons, he shall be subject to the penalty of deprivation of liberty for a term of between 1 and 10 years. § 6. The punishment specified in § 5 shall be imposed on a perpetrator who, by committing the act specified in § 1 or 2, gains considerable material benefit.

- not fulfilling obligations regarding anti-money laundering regulations by people working in a financial sector (§§ 3 and 4),
- aggravated types of crime:
 - committing a crime (§ 1 or 2) together with other persons (§ 5)
 - receiving substantial material benefits from a crime specified in § 1 or 2 (§ 6).

Table 10: Number of lawful convictions of Article 299 Polish Penal Code (1998–2007) somewhere

Lawful convictions: Art. 299 PCC	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
§ 1	3	8	4	1	9	3	10	10	11	13
§ 5 and § 1	0	0	0	0	0	0	6	26	108	52
§ 6 and § 1	0	0	0	0	0	0	0	3	2	1
§ 2	0	0	5	0	1	0	1	3	1	0
§ 5 and § 2	0	0	0	0	0	0	1	2	0	1
§ 3	0	0	3	4	1	0	6	1	4	8
TOTAL:	3	8	12	5	11	3	24	45	126	75

Source: *The Ministry of Justice's web site – www.ms.gov.pl*

We have almost similar situation with lawful convictions for money laundering like it was in the case of being a member of organized criminal group or association. After a few years of steady rising in the amount of convictions there was a dramatic rise. It hit 126 lawful convictions in 2006 compared to only 45 in a previous year. And then it has fallen to just 75 convictions.

It can be explained using the same argument as it was in the case of Article 258 PPC. Those types of criminal cases take some time. On the other hand law enforcement, prosecutors and courts have gained some experience how to deal with such cases. The change in the number of convictions was due to the increasing number of qualifications using Article 299 § 5 PPC – laundering together with other persons. It seems that the convictions were mainly related to individuals before 2004. Most of them were persons who had played insignificant roles in the whole scheme. After that year the money laundering has been noticed as a group activity. It has been reflected in the criminal qualification of acts. The rates of crimes connected with the work of people employed in institutions of financial sector are insignificant.

Summary

The studies into organised crime have started relatively recently in Poland. The reason was the socio-economic situation. According to socialist standards there was no place for such informal organizations in a country which was about to build a communist society. Another argument is that Poland was a police state and the government had a strong grip on the whole society regulating all of its aspects.

However after the fall of the socialist state and while establishing democratic system Poland faced some problems which the developed democracies had been already familiar with including organised crime. First of all we had to learn those experiences, especially policies and regulations. The accession to the European Union had also a strong impact on the regulations and other preventive measures. On the other hand we noticed that there are some unique characteristics of Polish organised crime. It has led to the conclusion that we need to choose the instruments most suitable for Polish reality or design them on our own.

Although the topic of organised crime has never been particularly interesting for the scientists: lawyers or criminologists, the researches have to be done. They are very helpful for the law enforcement, prosecutors and the courts which deal with all sorts of crime connected with organised crime. The phenomenon is constantly changing, and so should the instruments used to fight it.

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Overview of the conclusions of the 2008 conference

In summary the following insights into research in Germany's neighbouring countries were gained:

- East European countries began to perceive OC as an issue for policy makers and law enforcement authorities during the political upheavals of 1989. Research began on this subject at the same time. Since then the spectrum of OC crimes in these countries has changed, and the research centres in Poland and the Czech Republic have responded to this by adjusting the focus of their research activities.
- The research activities seem to take various directions: projects were presented which aim to provide scientific support for the implementation of new concepts for fighting OC, strategic criminality analyses, periodic situation reports, field analyses and scenario research.
- It became clear that the spectrum of participants involved in OC (research) projects can be very large: from the implementation of concrete local prevention projects, in which various authorities, stakeholders in society and law enforcement work together, to the "Polish Platform for Homeland Security" (PPHS), in which research, technology and law enforcement are involved, and which carry out joint research projects. Impressive examples of international research cooperation among research institutes – not just of EU-sponsored OC projects – were also presented.
- The results of the research activities are often directed at policy-makers who depend on scientifically-based findings for their legislative plans or the development of strategies for fighting OC.
- Methodically the investigations are mostly based on the analysis of data from law enforcement authorities, but there are also examples of studies using other sources of data, e. g., field analyses or scenario projects. Thus, impressive ways were found of avoiding the problem of circularity in research for security authorities which is based solely on data material from such authorities.

Overview of the conference and summary of the individual presentations

The second international research conference on organised crime took place in September 2009 in Frankfurt/Main. Researchers from Bulgaria, Hungary, Slovenia, Turkey and the USA gave the conference participants insight into the research activities of South East European countries in the field of OC.

Dr. Jana Arsovska is Assistant Professor at the John Jay College of Criminal Justice at the City University of New York. She has in-depth knowledge of OC in the countries of South East Europe where she carried out field research for many years. In her presentation **„The political and organisational dimensions of organised crime in the Western Balkans: Presentation of empirical findings“** she gave an overview of the current OC projects in the West Balkan states.

The main focus accented primarily, but not exclusively, the ethnic Albanian organised crime groups coming from Albania, Kosovo, Macedonia and Bosnia-Herzegovina and their ties to other local and foreign groups. Ethnic Albanian organised crime is a highly publicised topic, but there is a very limited scientific research on it.

Various cases were discussed in order to illustrate the structure, culture and action of Balkan organised crime groups. The presentation also elaborated on the methodology used to collect data in each of the projects as well as on the methodological challenges the researcher faced in investigating (an) irksome topic such as organised crime. The findings are mainly based on interviews with several serious ethnic Albanian offenders, victims of trafficking, law enforcement officials from more than ten countries and NGO representative(s) as well as on public survey results (900 respondents) and investigated police files.

In her presentation Arsovska illustrated the ties between OC and politics with some examples of cases in the West Balkan states. These examples mainly concerned Albania, Macedonia and Kosovo. In Macedonia a series of cases became known in recent years that showed ties between politics and OC. In Macedonia human trafficking was ignored by politicians and judges, which allowed it to spread unhindered. In Kosovo money from drug trafficking made its way into the state coffers in Kosovo, but also to humanitarian organisations. In the case of Albania, there have been signs of positive changes since 2007 when a „zero tolerance“ policy on crime was implemented.

Professor Dr. Bojan Dobovsek is Vice Dean and researcher at the Faculty of Criminal Justice and Security at the University of Maribor in Ljubljana/Slovenia. In his presentation **„Researches versus organised crime“** he talked about his expe-

riences with the in-depth interviews (IDI) analyzing corruption. Furthermore he also talked about methods in analyzing art crime – a contemporary and historical phenomenon – and the risk analysis.

Post-modern society is characterized by unpredictable and explicitly contradictory economic, political and social developments. Capitalist society today is characterized by economic and political globalization, which is supported by the grey economy and tax evasion. One of its effects is the appearance of new and complex forms of extremely intensive and far-reaching threats to individual and collective security. Organised crime in all forms is one of the new complex threats to individual and collective security and is the subject of researches. These discourses therefore highlight issues of security with regard to elites and their members and challenges to security through 'internal' and 'external' threats which are widely held to be rooted in culturally, economically and socially deprived environments especially in countries in transition.

Dobovsek stated that researchers should develop new tools for future researches in the field of organised crime, according to which they can present reliable information for decision makers and politicians. One of tools could be qualitative researches in which through in-depth interviews' with police officers, prosecutors, judges and others, weak points for curbing organised crime will be discovered. Other method is analyzing data (text analyses) for which they have now better tools and modern support.

An example of qualitative method was done by Dobovsek who analysed informal networks which use corruption for influencing on rule of law. The in-depth-interview (IDI) was used and consisted of questions regarding general views on the rule of law, the use of contacts, informal networks, and personal exposure to and use of contacts and informal networks. In addition to eight groups of social, political and economic elites, a group of EU institutions in Slovenia and state officials who are engaged in the field of control and prevention of corruption were selected. Previous studies of corruption based on samples of general public showed no significant findings related to corruptive networks in Slovenia. Therefore, it was assumed that members of the most influential networks are representatives of higher social strata. It is assumed that respondents belong to different competitive networks and are more critical about other networks than their own. It is also assumed that some respondents have been victims of unfair public procurement procedures. Therefore, they are expected to reveal valid information on their perception of the studied problem. The studied respondents have been chosen upon assumption that they have some knowledge on informal networks and have experienced the impact of the networks in everyday life.

Such method is used for analysing problems of investigating art crime. Museums rely increasingly on high-tech, alarm-based security, which has failed to work, or failed to provoke an effective response, in a number of high-profile occasions. Museum security guards around the world were interviewed about their own roles,

their training, and their perception of museum security. The results were processed, and trends were found that suggest a prevalent passivity and resulting ineffectuality on the part of guards in general. Guards from museums with untraditional security directors, who advocate a more active participation from their staff while on duty, felt better prepared to respond to security threats, and felt that they diffused potential security threats by identifying suspicious persons in advance and approaching them in an appropriate manner.

Dr. Bahadır Kücükuyusal was in 2009 chief inspector of the Turkish International Academy against Drugs and Organised Crime (TADOC) in Ankara. In his presentation „**TADOC: A contemporary training and research institution on transnational organised crime – dynamics of the paradigm shift in Turkey in law enforcement training and research**“ he aimed to provide an overview of research studies and activities by the Turkish International Academy against Drugs and Organised Crime (TADOC) on organised and transnational crimes. After a brief introduction of what TADOC is and what TADOC does, the contribution focused on research centres established within the TADOC and studies conducted in these centres. The presentation was concluded with a discussion of the findings of some recent studies and some ongoing research activities.

TADOC has six research centres: organised crime, narcotic crime, trafficking in persons, financial crimes, cyber crimes, and drug demand reduction.

Kücükuyusal presented a research project aimed to the characteristics of victims, the traffickers, and the methods of trafficking of women for sexual exploitation in Turkey. Between January 2004 and July 2007 the Turkish National Police recorded 430 victim interviews.

The project generated the following findings:

The vast majority of trafficking victims come from former Soviet Union countries.

Victims can be characterized as being young, poor, either single or divorced.

Because of acute economic problems, victims are highly motivated by job opportunities offered by recruiters.

Using their prior romantic relationships or prior commercial sex relationships with Turkish middlemen/traffickers, generally female recruiters bring new girls from their countries of origin.

Besides the recruiters, many others play roles in the trafficking business, e.g., middlemen, drivers, guides, owners of hotels, and clubs.

Human trafficking in Turkey is not operated by large organised crime groups; rather, it is operated by a loose web of individuals/groups that are usually known to each other.

A further project was conducted about illegal immigration and trafficking persons. It aimed to formulate strategies and solutions to combat illegal immigration and trafficking of people in Turkey. Furthermore, he presented information about the annual research on methods and trends in drug related crimes in Turkey.

The speaker emphasized the limitations of research in OC in Turkey. They are, e.g., the sensitivity of the research issues (confidentiality & anonymity), the difficulty of obtaining official records, measurement problems (threats to validity and reliability), the lack of well-trained data collectors and interviewers, politic and bureaucratic barriers, the lack of well qualified personnel, the limited funding, and the assessment that research is not a primary work.

Associate Professor Dr. Nina Belova, head of section Crime and Police Counteraction, Research Institute of Forensic Science and Criminology, Ministry of Interior, Sofia, gave the next presentation about **„Problems of Organised Crime in the research work of the Center for Police Researches“**.

Belova has been working from 1998 till now at the Scientific Institute of Criminalistics and Criminology at the Ministry of Interior, Sofia. Since 2007 she's chief of section „Criminality and Police Counteraction“. She's a member of the Bulgarian Union of Scientists and Bulgarian Association of Criminology. The institute's main task is to support the practical work of the police through scientific analysis of current and future trends in the field of crime and in particular with regard to the most dangerous crimes. The perpetrators, the victims as well as the criminogenic und victimogenic factors are at the centre of the institute's work.

The research projects of the section „Crime and Police Counteraction“ focus on organised crime.

The most important research projects in recent years have been: „The Sexual Exploitation of Children and Police Counter Measures“, „Organised Drug Crime – Criminological Characteristics and Police Prevention“, „Corruption and Police Prevention“, „Prevention and Detection of Ecological Crimes“, „Child Crime and Police Counter Measures“, and „Computer Crime“. The members of the institute are currently concentrating their efforts on the following themes: „Crimes committed by the use of electronic means of payment“ and „Prevention and detection of crimes related to the production and circulation of forged means of payment“.

All the projects analysed the link to OC. Some of these themes concentrate exclusively on the problem of organised crime whilst others analyse some problems related to organised crime.

Results of the research in the sexual exploitation of children show that 50 % of the offenses stay in the dark field. The reasons are fear, the adolescence, shame, dependency, the weaknesses of police working, and others more. There are several unfavourable trends related to the sexual exploitation of children: increasing the

relative share of children who are exploited for prostitution, increase in crime quantity, expansion of organization of criminal groups, and strengthening cross-border contacts between the groups. The crimes related to sexual exploitation of children occur most often in the big cities. It also determines the direction of the traffic from small residences to regional centres and especially to the capital. The cross-border traffic of children from Bulgaria is addressed mainly to Western Europe.

The aim of the project „Organised drug crime – criminological characteristics and prevention“, which was conducted from 1998 to 2007, was to analyse the three areas of organised drug-related crime, i. e. the production of, trade in and dissemination of narcotics, as well as the current status and problems encountered in police prevention measures. The two main emphases of this project were the crime associated with the production of, trade in and sale of narcotics as a type of organised crime and the approach used by the law enforcement agencies to combat organised drug-related crime. For the purpose of conducting the project, data from various sources, including police and court statistics, were analysed. 169 investigations were analysed and 116 experts and about 900 schoolchildren were interviewed.

The topic **„Organised Crime in Bulgaria: Major markets and new research“** was presented by **Dr. Philip Gounev**, project manager, „Center for the Study of Democracy“ (CSD), Sofia. Gounev’s projects deal with gun crime in Bulgaria, gun culture in South Eastern Europe, customs control of drug precursors in the EU, the extent of abuse of NGO’s for financial criminal purposes at EU level, and criminal assets. He supervised a study to examine the link between OC and corruption. He oversees concurrent projects with up to 20 researchers and conducts field research and interviews across Europe in various languages.

Since 1999 CSD has been conducting research on cross-border crime: focusing on key issues related to smuggling of Chinese and Turkish consumer goods, as well as excisable goods (cigarettes, oil, and alcohol). Following this ground-breaking research, CSD carried out a number of studies on drugs market, car-theft market, and prostitution. Some key points from these studies will be presented. In addition, CSD has been conducting regular monitoring and analysis of corruption in Bulgaria, and most recently at the EU level, with a particular focus on organised crime.

One reported project dealt with prostitution market segments in Bulgaria. They can divide in the segments street and highway prostitution, brothels, strip-clubs, massage parlors, night clubs in cities, holiday resorts or Southern border towns, luxury prostitution – modeling agencies, but occasionally in advertising and PR firms, and tourist resorts/Greek border markets.

Results from the project, e. g., the models of control of the prostitution market was found, are three different models:

- the „Hierarchical model“: one boss controls a large number of prostitutes through several levels of intermediaries and pimps,
- the „Natural resource model“: a boss who imposes a protection racket on the self-employed, and family businesses and
- the „Entrepreneurial model“, when the criminal bosses act as entrepreneurs.

A study shows the hot spots of sexual exploitation. The commercial sex market in Sofia takes place in 150 brothels, escort agencies, strip bars, elite-agencies, and VIP clubs. The study stated a rotation via holiday resorts and sights outside the country. Five hierarchic control levels of were stated with four leaders on top of the criminal organisations.

Dr. Szilveszter Poczik is project manager at the „National Institute of Criminology (NIC)“ in Budapest. He deals with the crime of social and ethnic minorities and immigration groups, xenophobia, racism, political extremism, terrorism, and organised crime. He reported about **Organised crime and OC research in Hungary – Some special fields and data**. In Hungary the „National Institute of Criminology (NIC)“ is the most significant criminological research institute in Eastern Europe. As the research and higher training centre of the Chief Prosecutor’s Office, it covers all relevant research fields of criminology. NIC focuses on empirical research and plays an active role in the elaboration of criminal policy and of national, governmental and communal strategies of crime prevention.

In the period of the political transition, border opening, reconstruction of the market economy and integration in the European Union of Hungary, OC appeared unexpectedly as a result of external and internal factors. In Hungary ruled earlier a milder variation of the communist dictatorship, it tolerated certain restricted forms of market economy, some grey and black trade areas and corruption of the officials. With opening the borders, smaller and bigger foreign criminal groups appeared and operated partly independently, partly together with Hungarian partners in different areas. The transformation of the economic structure and finance markets offered a wide field for white collar criminals who were active in the whole spectrum of the economic crime. A series of bomb attacks in the last year of the 90s on prominent people of certain OC-related enterprises and on politicians pointed not only to the strong competitions of criminal organizations, but also to the existence of illegal markets of weapons and explosive materials and to the existence of criminal groups, ready and willing to terroristic activity.

In the respects described above Hungary does not differ considerably from other countries of the former Communist Bloc in Eastern Europe. The real difference consists in the fact that in Hungary the formerly ruling communist élite plays the leading role in politics and economy until today and behaves like a – meanwhile post-communist – OC network, and forces other political participants to similar behavioral patterns. After the theoretical model OC tries to corrupt the state administration. However, in this case the conclusion is obvious. The

OC itself took over the governance and organizes the society according to its functional rules, behind a democratic facade. The enforced general corruption, clientism and plundering are the basic roles for all activities in politics, economy, and civil society. This is the most dangerous form of the OC, which represents in its political statements pro-European, in its activities strict counter-European positions, and endangers the basic values and achievements of Europe. Also other states, e. g. Poland and Romania experienced similar periods. Therefore the difference between Hungary and its neighboring states changes gradually only, but the social consequences were nowhere as disastrous as in Hungary. As a result of this development Hungary, as a former forerunner of the transition, became the „sick man“ of Europe and has good chances to become very soon – using the terminology of the political science – the first so-called „failed state“ in Europe, while „state failures“ were known until now in Latin-America and the Third World only.

Organised crime as a state capture problem in countries in transition

Bojan Dobovšek²⁸

Abstract

The aim of this article is to highlight the problems of investigating transnational organised crime which is developing in emerging democracies. For the purpose, the author analyses the development of organised crime and the challenges of criminal investigation trends in Slovenia, Croatia, Bosnia and Herzegovina, Serbia, Albania and Hungary. We found out that criminal organisations have moved in the past period to economy and to strengthening economic power and are able to recognize that pressure is moving on state politic through their networks. In some cases (tycoons in transit countries) it seems that they already have moved into third phase – movements into politics. In this kind of meaning, we could talk about elite organised crime which is appearing like the fifth branch of state authority, because it is influencing with great amount of money, corruption, networking and extortion, on state economy and policy. We also analyse the influence of informal institutions such as corruption, clientelism and informal networks, on law formulation and the rule of law. In the context of security policy and economic crime a phenomenon of state capture, is being analyzed as a situation when someone (or group) uses the state for personal instead of public interests usually connected with economic organised crime. Significant changes in business, civic and political practices that inevitably occurred have impacts on investigating new forms of crime. That why in conclusion, the author examines certain measures, exposes particular failures and suggests some answers to issues in connection with fighting transnational organised crime in emerging democracies.

1. Introduction

Organised crime is in many ways a developmental issue in the countries of the western Balkans, reflecting a lack of adequately protected property rights, a lack of local employment opportunities and the fragility of states. Capacity-building projects within the judicial system are as much a part of the process of dealing with organised crime as legislation. Participating informants and undercover police operations are a critical component in combating organised crime. International assistance and consultation must be coordinated to avoid overburde-

²⁸ Bojan Dobovšek, Ph.D., Faculty of Criminal Justice and Security, University of Maribor, Slovenia, (bojan.dobovsek@fvv.uni-mb.si).

ning local administrations. The countries of the region need to take a more balanced approach to gathering and collating criminal intelligence. Operations should be based on accurate threat assessments, not on political or media priorities. The international community can assist in creating the necessary expertise for this task (Van Duyne, 2002).

The prevention and repression of organised crime is a goal that no one would dare to question. However, we must control and manage crime instead of fight crime. It was always present in history and, it seems, it will always be present, especially on the western Balkans. We must control and manage organised crime to the minimum risk for society because we cannot eliminate it totally, as we experienced in the past. Controlling and managing crime will help make a better society. To do that, we must cooperate and focus on the highest levels of criminals. If there is an absence of commitment at the top, there is a lack of moral authority to enforce laws and punish criminals. Ambitious but unfulfilled promises lead to a loss of public confidence. Uncoordinated reforms mean no one is committed to implementation or kept up to date. Reforms that rely too much on law and enforcement leads to repression, which stimulates crime. Reforms that focus only on the cases of ordinary people in general have no effect on organised crime (Dobovšek, 2004).

Analyses of the previously mentioned international institutions show that the economic integration of Western Europe and the political transformation of Eastern Europe offer new opportunities for economic growth and individual freedom. Unfortunately, these events also provide international drug traffickers with unprecedented opportunities to expand their criminal activities throughout the continent. Cocaine and heroin will continue to permeate the markets of Western Europe. Lax border controls and ineffectual drug law enforcement in Eastern Europe and the countries of the Commonwealth of Independent States will continue to invite smuggling ventures to circumvent tighter customs inspections in Western European ports of entry. Cocaine abuse levels are expected to steadily rise, whereas heroin abuse will remain stable at its current levels. Cannabis, the most widely abused drug throughout Europe, may be procured more easily as governments address the issue of soft drug legalization. Amphetamines will continue to increase in popularity among Europe's youth. There will be an increase in the amount of amphetamines produced in Eastern European countries, not only for Western markets, but for local consumption as well. Reasonably priced amphetamines will continue to attract a user population unable to afford either heroin or cocaine.

Organised crime destroys the potential benefits of introducing democracy and market disciplines. As a result, investors, both domestic and foreign, are less willing to risk their capital. There are also political and social costs as a general public mistrust of politicians, public servants and state institutions reduces citizens' respect for authority and willingness to abide by the rule of law. Higher rates of crime threaten national security, political stability and economic development

(Adamoli, 1998). With that kind of collaborations it has great amount influence on the state business and its conditions in some cases we could discuss about the state capture. In such a manner the organised crime could become the fifth authority branch and with its power (using corruption and extortion) can influence on all other branches. This kind of „organization“ it is independent and impossible to control.

More and more often, we can see beside classic authority branches (legislative, executive and juristic power) also media like fourth and organised crime like fifth branch. Because of different pressures on classic authority, the media stands beside like the most powerful and it is hard to control it. That is why politics wants to regulate media. By the side of media, there is also organised crime that has connections with politics and economy. With that kind of collaborations it has great amount influence on the state business and its conditions in some cases we could discuss about the state capture. In such a manner the organised crime could become the fifth authority branch and with its power (using corruption and extortion) can influence on all other branches. This kind of „organization“ it is independent and impossible to control and that's why crime problems should be closely analysed in Western Balkan.

2. Dilemmas in responding to organised crime in the Western Balkans

While it is very difficult to measure organised crime, the results and data are more or less comparable. From all results, we can see that organised crime is increasing in the western Balkans and in increasingly moving into fields of legitimate business. We are encountering the same problems as in other places in Europe, but of course with some slight deviations. This is dependent on methods of combating organised crime and how institutions process and store information. What matters most in combating crime is accurate, precise and punctual information and cooperation. However, can we say that crime is increasing and that there are differences between East and West? We can answer those questions with comparisons of accessible and reliable data, but even so, we cannot give reliable answers (Lampe in van Duyne, 2004). For the purposes of this article, we analysed the data on organised crime for the countries that are the most interesting for us in the region.

2.1 Slovenia

In Slovenia, the cooperation between law enforcement institutions (police and public prosecutors offices) and the connection between these two institutions and financial institutions were indicated as the main problem. A second problem is weak social development and that is why we should develop conditions for a strengthened civil society. Through NGOs, civil society can influence elected of-

ficials. Crime can be reduced through the influence of independent media, education can influence young people to examine their values and do the right thing. The most important role in combating crime is held by civil society, as it builds a better society. Civil society represents the interests of specific groups and builds partnerships between society and other institutions. In this way, it can develop awareness that organised crime is bad and wrong way of living. In addition to civil society, educational institutions and researching journalism also have major roles in combating organised crime (<http://english.fdvinfo.net/research>), (<http://www.kpk-rs.si>).

The process of connecting the economical and political fields can lead to changes in the comprehension of the role of law enforcement officers in international and national relationships. Currently, organised crime has expanded significantly; that cannot be overlooked and, because, it is skilful in avoiding law enforcement, it represents a serious threat to international security. Interested states are combating these threats with different bilateral and multilateral agreements and in this way, are endeavouring to collectively stop the harmful actions of international criminal organisations. The majority of international police cooperation limits itself to forms of international help and support between police all over the world: collecting, analytically treating, synthesizing and exchanging information about international crime activities. No bilateral or multilateral contracts establish an autonomous supra-national police organisation that could direct states to unite security policies on the fields of interior affairs (Meško, Pagon, Dobovšek, 2004).

Problems in detecting and persecuting organised crime in Slovenia are shown in the low levels of qualification of prosecutors and in unsuitable cooperation between law enforcement officers and other state institutions (tax office, other institutions). There have been multiple instances in which state prosecutors needed additional education for understanding and prosecuting modern forms of organised crimes. In the process of investigation, financial experts and other expert individuals should be introduced. Furthermore, the state should take a more active role in creating better laws. Unsuitable regulations are not the main problem in combating against crime; rather, it is unsuitable execution of regulations. The main problems are in unsuitable execution of procedures, which are uneconomical and unbalanced. Critiques claiming that the laws are bad are not based on any serious analyses. Analyses reveal, in comparison with other European countries, we have legal code that meets EU standards and many specialized institutions for prosecuting crime, but they do not work together in a sufficiently organised fashion. There are findings that this cooperation is not working because of the personal matters of individuals in such institutions. Courts of justice, which have recently been accused of not reducing the levels of crime, do not have political representatives who will speak in favour of independence of courts. It should be more stressed out that courts are the bodies who protect human rights and weigh evidence and not those who should prove the guilt of criminals. State institutions, which should have more power and knowledge, seem to be losing the battle

with crime because they are not connected, not functional and not harmonious (Dobovšek, 2005; Penko, 2005; Kankaraš, 2004).

To meet the changes that are waiting for us, Slovenia should unite more closely with the European Union on economical, political and cultural fields. The European Union should know that Slovenia is a transit state for both illegal and legal migration; not only from the west to the east but also from south to the north. Slovenia, a small south-central European state, is in the area where the main traffic and criminal routes travel between western and south-eastern countries. We could expose this so-called „Balkan road,“ known as path for drugs, weapons and people and connected to the Barcelona and Kiev route. The analyzes of crime cases has shown that we should be more careful and have better control over the poor areas where are lot of young people without education or jobs; they frequently live off of crimes that are under the control of organised crime (Dobovšek, 2005).

2.2 Republic of Croatia

There are problems in the prosecution crime that stem from problems of detecting and citing of proofs of crime and with connection to secrecy and intimidation. Protection of witnesses has been implemented recently, but is still not operating at a satisfactory level. Recently, changes to the law have been made and it is hoped that this will bring some changes to the practice. International analyses have shown that Croatia is very risky country regarding organised crime. The most significant and frequent forms of organised crimes are: illegal migration, drug smuggling, smuggling and illegal selling of weapons, making and distribution of forged currency and money laundering. Regarding trafficking, Croatia is both a transit and destination country for migrants. The majority of migrants come from Romania, Bosnia and Herzegovina, Ukraine, Moldova, Serbia and Montenegro. The main destination countries are Italy and Slovenia (Kregar, 2003).

For Croatia, the expansion of corruption has been critical. It is not a mere construct of the media and public perception is quite high. The expansion of corruption is not expressed by official data, but is reported to be higher by investigatory work and also by public opinion polls. It was indicated that there has been an expansion of corruption, nepotism, patronage and conflicts of interest. The connection between corruption and economic crime is very troubling, especially when the crime is organised and connected to different international networks. The aim of state institutions is to increase levels of reporting, detecting and investigation of corruption and to increase the effectiveness and even-handedness of courts, including the increasing the quantities of seized illegal funds.

Legal regulations are better since the pressure of EU institutions on reforms and laws. The idea of needing prevention regarding corruption, trafficking and money laundering is taking root in institutions and among experts. A lack of skilled wor-

kers, education and inconsistent following of modern principals are the factors that are reducing effectiveness in combating organised crime. Connections between organised crime and politics and legal institutions are not systematic but are present. The most dangerous reports are that organised crime is moving into legal business operations where the danger is not just in money laundering but also in criminal takeovers of the business. The situation is dangerous enough to warrant better mobilization and observation. Organised crime in Croatia is not a system that is built into politics and the economy, but has a much greater influence in the economical and political fields. Croatia needs effective economical and international reforms that will regulate the grey economy, illegal economic procedures and organised crime. Furthermore, research should be made, mostly on field of cross-border cooperation with which we could seek for all forms of organised crime and implement integrated policies that could reduce organised crime, both nationally and internationally. Croatia should collect data about the scale and range of organised crime. Observation and research on the new modern forms of organised crime, activities of organised groups and their connections with international groups are especially important. Of course, this requires the establishment of a unique database (Kregar, Turković, 2006)²⁹.

2.3 Bosnia and Herzegovina

In Bosnia and Herzegovina, international data about the safety of citizens with regards to organised crime is difficult to obtain. When stating this, we think about deficit in the investigation of organised crime, especially in the sight of public opinion. Research regarding public safety – fear of crime – are based on citizens' perception of the threat as well as media reports about organised crime groups. Many of these stories are exaggerated. If we are looking for relevant indicators that show the real conditions of people's fear of crime, then we must mention two research projects. First, research about victimization published in 2002 in which we can find a general questionnaire about victimization. The data shows that citizens of Bosnia and Herzegovina feel safer than the citizens in other European countries. The second research project, a study of the fear of crime, was done in Sarajevo; 1,750 citizens were surveyed. The data show that, in Sarajevo, the fear of

29 Data from documents: Implementation of UN Convention Standards against Transnational Organized Crime in Croatian Legislation, Bangkok, A/conf203/G/Croatia First Evaluation Round Evaluation Report on Croatia (Strasbourg, 13–17 May 2002); GRECO First Evaluation Round Compliance Report on Croatia, (Strasbourg, 29 November – 2 December 2004); Communication from the Commission to the Council and To the European Parliament: Strategy Paper of the European Commission on progress in the enlargement process. Brussels, 6.10.2004; Communication from the Commission: Opinion on Croatia's Application for Membership of the European Union. Brussels, 20 April 2004; 2004 European Union organised crime report EUROPOL.²⁹ Primanje i davanje mita u gospodarskom poslovanju uvedeni su u KZ izmjenama tog zakona 2004 godine (NN 105/04), a stavljena su u nadležnost USKOK-a izmjenama ZUSKOK-a iz 2005. godine (NN 33/05).

crime is present; it is assumed to be a consequence of the war (Muratbegović, 2004).

Everything mentioned above lead us to the conclusion that in Bosnia and Herzegovina there is lack of official data on organised crime. Meanwhile, the newly established state institutions and an increasing number of young criminologists are guaranteed that similar research will be performed in the future. From the perspective of its internal (dys)functioning, Bosnia can be considered to be a state that has far more trouble with organised crime than it should. Bosnian authority is organised in an asymmetrical, dysfunctional way: two entities that are functioning as if they were individual countries; these entities are again organised on three different levels of authority. That would not be a problem in a modern decentralized authority, but there is a different kind of authority in Bosnia – more complicated and branched. Police in Bosnia and Herzegovina are functionally ineffective and there is a lack of good technical equipment and employees have different inappropriate educations and skills (miner, forester, farmer, different technicians, engineers), while educated and trained law enforcement officers remain unemployed (Abazović, 2003).

In Bosnia, there are different institutions that measure organised crime: police, public prosecution offices, the courts and institutes for statistic. Among those, police statistics reflect the great number of criminal acts because they record all reported crimes regardless of whether there has been prosecution or judgment. Furthermore, when examining the statistics data, we should be aware of gray field of crime (the numbers of undetected crime). The biggest problem in prosecuting persons committing organised crime is the collection of evidence. Additionally, we should take into consideration that organised criminal groups influence police, judges and prosecutors. Even more, organised crime has connections in politics, economy, financial institutions and in other places.

In Bosnia, organised crime is undoubtedly present and it is in different forms. To reduce this kind of crime, Bosnia has to activate all responsible bodies, adopt and change important laws. For a long time in Bosnia, people and institutions could not speak about existing organised crime, which badly influenced the work of police, prosecutors and judges; resulting in poor identification of forms of organised crime and in increasing the amount of undetected and unreported crime. Because of that, it would be good to devote extra time to research projects which indicate suspicion of existing organised crime and that the results of these projects could bring positive base for relevant conclusions regarding existing and dimension of organised crime (Petrović, 2000).

2.4 Serbia

The country is changing different laws to adopt the best law for reducing and restricting the different forms of organised crime and for better working of law en-

forcement officers. The main aim is to minimize the level of organised crime. In this aim, we can also find all the main up-to-date laws. According to reports a problem of state capture appears and also involvement of organised crime into politics. The police have been working on different tasks to reduce and to „destroy“ such groups of organised crime, some actions had good results in destroying individual organised crime groups, detecting and prosecuting money laundering and smuggling of different valuables; however, it never caught organised crime active in financial businesses and involvement into politics. It needs to be said that with these actions, the police have done a good job because conditions have stabilized; especially in the field of money laundering and smuggling. Unfortunately, as we can see, these actions work temporarily and organised crime cannot be permanently minimized. For a permanent reduction of the level of organised crime, a country's institutions, law enforcements and others must work continuously together and not just with planned police actions. Meanwhile, the media have been following and presenting everything regarding organised crime, organising meetings, presentations, radio broadcasts etc. Prevention was disregarded because the restriction had the advantage; furthermore, there are no regulations regarding prevention (Nikolić- Ristanović, 2004).

In addition to the previously mentioned proposals for reducing organised crime, Serbia has other options. They must also investigate the influence of the transitions on the appearance and development of organised crime and, in this context, propose activities for prevention and repression. In this, it must be said that organised crime is becoming an international and even global problem that is difficult to solve. Because of that, contemporary models of national security should beside devote special attention to the problem of organised crime. This method is based on preliminary research of etiology of organised crime, its evaluation and prognosis, with which the level of organised crime could be reduced. Law enforcement intelligence service analytical departments should be formed at the Ministry of Interior to collect and analyze the data in one place (Nikolić- Ristanović, 2004).

With the changing of its Code of Criminal Procedure, Serbia could bring investigation and responsibility from the courts to the public prosecutor's offices and the police. This could bring reductions of time before criminal trial procedures, to changing some principals and to effectiveness in the prosecution of the perpetrators of organised crime. Finally, they should establish effective mechanisms of control and supervision over all individuals and bodies working on reducing organised crime and corruption especially politicians.

2.5 Albania

The question of organised crime in the west Balkans, and Albania as part of this region, is considered a serious threat to the safety, stability and economic resuscitation of this region by the European Union. Organised crime is manifested through many different activities: drug trafficking (the strongest and the most pro-

fitable), trafficking of weapons, trafficking of woman and children (mostly for the sexual exploitation), trafficking of human organs, trafficking of nuclear technology, trafficking of other goods (cigarettes, petrol etc.), robberies, theft, collecting of monthly „protection fees“, threats, extortions and abductions, and gambling, corruption and other forms of economic crime (pyramids schemes). Corruption and organised crime are, beside everything else, regular companions of the everyday life and consequences of the last decade. Albania is the largest ‚money-laundry‘ and the centre of the drugs trafficking in the Balkan. Albanian organised crime groups are hybrid organizations. These groups are involved in both crime and politics. Unlike many organised crime groups many of the Albanian organizations do have a political ideology, which governs their actions. The Mafia often helps the individuals to get power, but when they occupy the important positions, which give them power, they have to re-pay their debt to Mafia. (Albanian Organised crime, <http://www.eu-forums.com/political-debates/albanian-organised-crime-in-europe-and-usa-t16.html>).

The report of the European Commission warns to the problems of corruption, organised crime, lack of implementation of law and administrative inefficacy, which all together create very large barrier for the economy and reestablishment of safety (<http://europa.eu.int/>). Articles have highlighted some of the problems caused by the organised crime groups: their crimes are considered to be international, bringing problems in criminal prosecution and penalization (police procedures, extradition, distinctions in criminal and penal proceedings, etc.). Strategies of organised criminal groups are steadily progressing and their working is increasingly sophisticated, but police and other agencies are hardly following their lead. The so-called ‚Balkan Route‘ is a synonym for all forms of international organised crime. Crime prevention within the west Balkan region should become a component part of European safety policy with regional accession and regional safety cooperation and connections on the level of the European Union.

Organised crime and corruption are closely connected and the appearance of the corruption in Albania would not be so astonishing, if its extension would not be so enormous. A study showed that more than half of inhabitants admitted paying bribes and that more than two-thirds of officials admitted that corruption is a completely normal ‚phenomenon‘ in Albania (Wegner, Petrović, Bojanić in Korajlić 2004: 143–156). Undoubtedly, education and training of police the most effective way of fight against organised crime and assurance of safety in Albania and wider region, in the long term. In all of this, the European Union has very important role (Kankaraš, 2005: 3–4).

2.6 Hungary

The last years in Hungary have been characterised by new methods of perpetration of crime, new crimes, technological developments, proliferating violence, and settling accounts among criminals. There are some typical phenomena: the

great proportion of committed crime against property and fortune, the consolidation of organised crime activities and the use modern informational-technology by criminals. Organised crime is threatening society and the economy. In the last few years, in addition to the traditional Italian, Asian and Latin American groups, new international organised criminal groups were formed in the former member states of the Soviet Union, southeaster Europe and in Africa. Another characteristic is that organised crime easily complies with particular social and economical conditions. It is hard to fight against it because of its adaptability. Organised criminal groups would take possession of markets and the economy, as much as it is possible (www.nbh.hu).

The social and economical conditions of the development of organised crime in Hungary appeared in the beginning of the 1980s. Significant changes started in the early 1990s, when the opportunity of these criminal profit-making activities increased after the „opening of the borders,“ privatization of the economy and the liberalization of management. New crimes appeared like drug crime, protection rackets, and the settling accounts by explosives. In the last few years, there have been no significant changes in the composition and power of relations of Hungarian organised crime groups. The division of the territories and the market came to a rest; their activities have become restrained and conspiratorial. Corruption became more important than violent and aggressive acts. However, despite their imitation of Italian, American and Russian groups and suitable funds, because of the lack of necessary knowledge, and aggressive tendencies, they are not so much „good“ as frightful. It can be ascertained that Hungarian organised crime could not develop to higher levels, because of the fast increase of illegal moneymaking activities after the change of regime (www.police.hu).

During police procedures, the main goal is to suppress and restrict the activities of organised crime groups, and to stop the development of new groups. These procedures are mainly secret information gathering. The liquidation of the criminal groups can be solved by starting criminal procedures with appropriate evidence against the leaders and the members. In this way, the other members will stop their organised criminal activities because of the lack of control. Most of the groups use conspiracy to hide their criminal activities making it harder to explore and to stop the activities. Another goal is to weaken the economic background of the most organised groups. It is not easy because they use economic and legal experts to legalize their investments. Additionally, these groups are not yet properly supervised (Guide for Hungarian Organised Crime, 2003).

2.7 Challenges for transit countries

Analysing situations and trends of organised crime in all countries mentioned, we discovered that they all have similar problems and we can all learn from mistakes that were made. The main conclusion is that instead of the rush to privatisation, as was advised, a solid base of legislation should be implemented first. Any situation

without proper laws can be abused by criminal groups or new emerging elites. Criminal groups and new emerging elites used such situations for laundering money and gaining power and property that is now legal. Some groups became legitimate but some are still on the illegal market and we can now focus on that market with measures that should be repressive and preventive. We also discovered that prevention was forgotten during privatisation.

We could say that crime networks could be a master of all state area, that why politologists are also interesting in researching this notion. It is equivalent to the state and it is impossible to control it. So at this moment we can say that organised crime is fifth branch of state authority (Dobovšek, 2008). With the capital (corruption) is controlling all other state organizations and institutions including of course other authority branches and media. In this case the economic and political sector becomes dependent on organised crime. We can not establish normal conditions with repression because to many important people are corruptive or involved into criminal network. The only thing which can be efficient is preventive measures, like controlling financial states of politics and others on positions, transparency of state institutions and citizens, stimulating moral standards and educating about dangerousness of joining criminal activities. The increase of repression will increase breaching of human rights and it is stimulating organised crime to react with more violence.

According to the data, the laundered capital is flowing back to the legal economy. In this way, the criminal groups gain significant financial advantage, social positions and honour. The transformation in the economical relations of the countries also caused permanent economical and financial crisis to some organised crime groups. We can say that the organised criminal groups are the most powerful in the capital cities and larger suburban cities. Most of the organised criminal groups are active in the capital and they arrange their activities from this area. After domestic privatizations, crime organisations will search other financial resources.

During police procedures, the main goal is to suppress and restrict the activities of organised criminal groups and to stop the development of new groups. These procedures are mainly accomplished by secret information gathering. The liquidation of the criminal groups can be solved by starting criminal procedures with appropriate evidence against the leaders and members. A new goal is to weaken the economical background of the most organised groups. It is not easy because criminals use economic and legal experts to legalize their investments. We also discovered that organised criminal groups could not operate without legal and financial experts. Organised criminal groups use financiers, lawyers, accountants and stockbrokers to launder their money. Presumably, the number of the specialists and the technicians who are employed by the crime organisations will increase. It is bound to happen that these organisations will use violence against the employees of the police and the prosecution.

For the sake of legitimacy, the members of the criminal groups want to be similar to political, economical and financial leaders of the elite with their lifestyle. One of the characteristics of organised crime is that it is making efforts to influence the social and economical life, public administration, law enforcement, media and political life. Disclosure of this phenomenon can be helped by the media, which can have a significant role. Organised crime is not a problem unique to the western Balkans but it clearly a major problem, and may represent a barrier to stabilization within the region. Organised crime is in many ways a developmental issue in the region, reflecting the lack of adequately protected property rights, the lack of local economic opportunities and the lack of educating people and rebuilding state institutions which curbing organised crime.

Not enough investment in development and education of the criminal investigators is being done. There is certainly an opinion, which prevails, that good criminal codes and good lawyers are the best guarantee for efficiency in the fight against the organised crime. Less attention is paid to the implementation of laws in practical work, detection, investigation and proving of criminal offences, i. e. training of investigators and judges. Knowledge of criminal law (material and procedural) is of course necessary, but it is not sufficient. Taking into consideration that judging means applying the law to the facts of a certain case, a need for knowledge of law is being ever emphasized, and at the same time, the significance in determination of facts is being completely lost from sight. Determination of facts is actually the most complicated, the most difficult and the most responsible work of the attorney, investigative judge and, of course, the police. This part of their work is, in the same time, the most important for the trial. Proper implementation of criminal law is impossible today without knowledge of criminal investigation and criminology. In such a way, the qualifications of the judges, prosecuting and defence attorneys and police should consider knowledge of the criminal investigation, which is not the case now. In order to achieve that, criminal investigation should be introduced as a regular subject of studies at faculties of law. In the Bologna process, there is an opportunity the criminal investigation to become a regular subject of the law studies; currently it is not considered as such.

3. Organised crime as a fifth branch on power

Organised crime is lately often treated like special type of business organization. Organised crime is defined and explained like „criminal enterprise“ which strives to acquisition of bigger profit (and than it is invested in to legal or illegal business activities). With reference to criminal enterprise and criminal working there are appearing many doubts, mostly regarding with question: in what way does criminal enterprise distinguish from legal enterprise? Criminal enterprise often gains profit on illegal markets – with supplying customers with illegal goods (money, services etc.). However that it is not the only way of criminal accumulation of capital. There are also other – more „primitive“ or less sophisticated – methods:

plundering (thefts, robberies, frauds, kidnapping . . .) and „paratising“ – racketeering – exchanging for safety, security or other service or regularly collecting taxes on the territory which is under the control of criminal group. Organised crime loads its capital of course also in legal companies especial into small or medium big companies (Ruggiero 2001: 65–67). Even more, powerful connections with „innocent companies“ and with politics, members of secret services, media „personalities“, bankers etc. are very important source whit which organised crime is spreading its extent, range, is improving its quality and is enlarging its profit. Rawlinson (1998: 242–246) distinguish four development phases – proportion between organised crime and legal structures. First phase is reactive – organised crime it is just responding on occasions and it is economical-political enough stable that it does not have to negotiate with other gangs. Second phase is passive assimilation. Organised crime here should negotiate with legal structures which need specific services of „black sector“ but are these powerful and they are dictating conditions of collaboration. This phase is also active assimilation: organised crime penetrates into legal structures to the degree where it comes to dangerous balance (difference between admissible and inadmissible activities becomes more and more ambiguous for both „partners“). The last phase is proactive. Organised crime is capable to influence on political process, intimidate anybody and to „chameleonic“ percolate into legal enterprises (banks, political parties, media and other institutions). All that phases are valid also for all legal capital enterprises, which are in relation with official (political and media) structures exactly so relative, passive or active assimilated and proactive. For example: influence on media the corporation can assure in two ways: with money for advertising, secret rewarding „friendly“ journalists etc.; influence on the state organs, organised crime it is creating with lobbying, informal networks, briberies, frightening, blackmails.

Analysis shows that groups of organised crime develop criminal activities in compliance with and parallel with the development of a society. So, in such a manner, we can track down different phases of development of criminal activities and organized groups and their characteristics. In the first place, there are street gangs, which are working on the fix area and doing fix criminal activities. The main characteristic is that one street gang is dominant on one territory. They protect their area with violence and with different eliminations of the enemies. Their actions are momentary and not well organised in advance. In this phase we can control criminal groups with police interventions, cooperation with general prosecution etc. In the next phase (in second phase) the criminal group has monopoly on the whole area and we could talk about economic organised crime. They are trying to connect or are already connected with local economists and politics in some kind of networks and are some kind of service for the economists and politics. In this phase the criminal groups are using corruption in state authority and doing illegal business for the people who need something. Money, won with drugs, prostitution, gambling, is invested over money laundering and corruption into legal state economy. The authority can control criminal groups and their activities using laws (also

financial regulations) together with cooperation with all the rest state institutions. Beside that they must control financial currents, collect taxes, establish more police interventions etc. Just prosecution and police cannot do enough to fight against crime. They must cooperate with financial institutions and other experts.

In the third phase the economic organised crime is transforming through their networks into legal sphere and it is fighting for state authority and we can talk about elite organised crime or crime networks. We could say that crime network is a master of all state area, that why politologists are also interesting in researching this notion³⁰. It is equivalent to the state and it is impossible to control it. So at this moment we can say that organised crime is fifth branch of state authority. With the capital (corruption) is controlling all other state organizations and institutions including of course other authority branches and media. In this phase the economic and political sector become dependent on organised crime³¹. Besides that, for these phase is significant also that politics realize and understand that that kind of organised crime is not just a problem for police but also for policy. We cannot establish normal conditions with repression because too many important people are corruptive or involved into network. The only thing which can be efficient is preventive measures, like controlling financial states of politics and others on positions, transparency of state institutions and citizens, stimulating moral standards and educating about dangerousness of joining criminal activities. The increase of repression will increase breaching of human rights and it is stimulating organised crime to react with more violence (Dobovšek, 2008).

Galeotti (2005; 23) defined Mafia associations as criminal enterprises willing to power. Their true goal is power, as organisation chiefs not thirst only for money, money is the way for power. They have enough money to live luxurious life but they want more. We must not forget that it was Sutherland who warned that the major difference between criminals (organized or not organized) and „white collars“ criminals in formal social reactions on their illegal activities. If we closely analyze relations between individually authority branches, we could point out the about influence of media and especially organised crime like the fifth branch of authority. More and more often, we can see beside classic authority branches (legislative, executive and juristic power) also media like fourth and organised crime like fifth branch. Because of different pressures on classic authority, the media stands beside like the most powerful and it is hard to control it. That is why politics wants to regulate media. By the side of media, there is also organised crime that has connections with politics and economy. With that kind if collaborations it has great amount influence on the state business and its conditions in some cases we could discuss about the state capture. In such a manner the organised crime could becomes the fifth authority branch and with its power (using

30 It was stressed also by Franz Neumann, that politic is battle for power as we can also conclude for transnational organised crime.

31 Example: Cartels in Columbia.

corruption and extortion) can influence on all other branches. This kind of „organization“ it is independent and impossible to control (Dobovšek, 2009).

3.1 Informal networks and state capture

On the other side of Atlantic Ocean in the USA there are three standards regarding structure of organised crime. Cresseys (1969) description based on bureaucratic model: there are existing different Mafia families, which are, under the wings of „commission“ (composed from their representatives), directing and adjusting majority of criminal activities on the field of USA. Second, Albini (1971) is estimating that organised crime it is not „national conspiracy“ but it is composed from along relative independent groups which are loose structured and are informal coordinated. Third, Haller (1992) stressed that in „families“, which are forming organised crime, it should not be seen central regulated business enterprises because family members are doing economical activities in majority independent. Perhaps sometimes they are connecting with other legal and illegal entrepreneurs and are renting occasional criminal working manpower). By his opinion, organized Mafia group it should be understand like group which is separated from its members which are composing the group like membership in legal companies – for example Rotary or other informal networks.

Use of informal networks is phenomenon which can be used by politicians or directors and destroys some democratic principles. Corruptive superiors, directors and politicians could form a network sometimes also with organised crime representatives, which could control the state, and is the main problem in nations in transition to democracy. These networks should have great impact on democratic market development and particular on the spread of corruption and other forms of crime. Informal networks are in themselves neither positive nor negative. They can be used for legitimate or illegitimate purposes. To the extent they are used for legitimate purposes, they may help people gain something to which they are entitled by law – for instance publicly available information, assistance from public offices and the like. Informal networks may also help facilitate trust and professionalism in society, as people linked together in the network know they can rely on each other and as they are often well qualified people. However, they may also be used for more clandestine purposes, such as giving people access to something to which they are not entitled, undermining fair competition and professionalism in society and promoting illegitimate interests, thus facilitating corruption (Grødeland, 2005:5). In this context we can talk about state capture.

A study conducted by Miller, Grødeland and Koshechkina (2000:141–142) revealed that the use of networks and contacts in local government institutions in the former Soviet Union and East Central Europe is widespread. We have no reason to believe that their use is any less common in the judiciary – both at high and low levels. It also seems reasonable to assume that people sharing the same interests join forces to promote these. In West European countries formal networks have

become quite common in recent years. In former communist societies, however, skepticism toward anything formal is (still) widespread. People often seek to do things informally rather than in a formal manner and outcomes are often sought through the circumvention of formal rules and regulations (Miller, Grodeland Berit, Koshechkina, 2000:141–142).

Networking is recognized as a major influence on one's ability to achieve great success, and the most successful people in the world possess the capability to influence and shape the opinions of others. However, there now is a greater emphasis on the type of network one participates in. Informal networks are based on the objective of achieving a reciprocal exchange of information and favors—with no rules—share advice freely, expand the network at will, inspire each other, achieve personal goals, and help each other obtain business and career advantages. The „old boys network“ is based on the informal network system, hence the phrase, „It's a man's world.“ Again, the emphasis is on a one-to-one networking effort, as opposed to an organizational system that characterizes the formal network (Wierzgac, 2006:1–3).

Analyzing Informal networks we should also pointed out the phenomenon of Tycoons in countries in emerging democracies. Oligarchs in Platons „Republic“ and Aristotels „Politic“ means form of government in the hands of few. In modern form it means businessman, which control enough resources that can influence national policy (Guriev in Rachinsky, 2005). Some members of new ruling class in those countries called themselves barons or tsars as in history feudal barons. The notion is common used in Russia³² and some states in Western Balkan (Croatia, Serbia, Montenegro etc.). As they can form a very powerful network which can influence or even rule the state and they are somehow connected to organised crime, we should analyze this phenomenon closer.

Although concept of „state capture“ foresees powerful oligarchs it is interesting that „capture“ companies are found in wide area and in different sectors. It is surprising that these companies are new on the market. „Many countries starts with transition as week countries, which are not able to ensure basic public goods, with many companies (these companies are in majority in property of country), which dominate on their individual market and are not taking or using any bribes (Hellman in Kaufmann, 2000).“ Because of that, new companies (to be competitive) have to use strategy of „state capture“. Individual companies accept this strategy and make zone of relative security and advantage for themselves, on the other side this results in high expenses for other companies.

These findings show that present concept of „state capture“ has defined deficiencies and it should be fulfilled. Especially in transit countries, where it is not often clear set up border between private and public acting, it is hard to find out who „take over“ who. There is also necessary to ask a question whether these acts

32 Russian original: „Царь“.

or abandonments of governments are resulting in „state capture“ or it is unintentional consequence of deficient legislation. And if it comes to „state capture“, next question is who takes over whom? Considering of model of „state capture“, which offered World Bank (Lambsdorff, 2007), we can say that in cases of political planned efforts for support of their allies at „seducing“ the economy holders takeovers or 1) members of government and their servants (which abused their own position for their own benefit on bill of collective interest); or 2) individuals „tycoons“ (which offered provisions to members of government or to public officials for exchange for the influence (power)). At investigating of transit economics it turns out that has the existent model of „state capture“ certain deficiencies. This model insists on clear difference between who „takes over“ and who is „taken over“. In World Bank they overlooked two important factors, which are significant for countries in transit:

- Those who „take over“ and those who are „taken over“ could be derived of the same social network. Civil servants or politicians can offer to their friends different services, which are part of difficult and complex mutual attitudes, but they have no indirect personal benefits.
- Members of government and civil servants rarely differentiate between private and personal.

It turned out that model of „state capture“ is not appropriate for investigating transit processes and freeloading of government allies. There are two factors, which show out that individuals in transit economies did not have to use strategy of „state capture“ or administrative corruption. Firstly, there existed such legal emptiness and vagueness, that some of informal networks could take advantage of them for their own benefit. Secondly, tycoons were not necessary to „take over“ state leaders, because they were interested to help (Barret, 2004).

It should be more time given to study informal networks pressuring on state for explaining negative consequences in post socialists' countries and also the role of organised crime groups in these informal networks. Previous repressive measures of bodies of criminal prosecution did not bear fruit at phenomena of organised crime. That is why it is essential to increase preventive measures in abolishing informal networks and their negative acting. Preventive is lately steering idea up-to-date criminal policy, which endeavors to prevent harmful consequences of crime acting more (Anti-corruption Resource Center, 2003:3).

These findings show that present concept of „state capture“ has defined deficiencies and it should be fulfilled. Especially in emerging democracies, where we have tyconization of countries and where it is not often set up clear border between private and public acting, it is hard to find out who „take over“ who and what is the role of organised crime. When talking about post-social countries we should ask ourselves whether is nontransparent work of governments or countries result of „state capture“ or it is unintentional consequence of deficient legislation. There are two

factors, which show out those individuals in transit economies did not have to use strategy of „state capture“ or administrative corruption. Firstly, there existed such legal emptiness and vagueness, that some of informal networks could take advantage of them for their own benefit. Secondly, tycoons were not necessary to „take over“ state leaders, because they were interested to help (Barret, 2004).

4. Discussion

Why is organised crime so popular among people? Organised crime provides what people want (what is not on the market or is too expensive). Organised crime is also able to provide a local security presence, dealing with petty criminals and street violence with often brutal methods. In many areas, state political structures have found it easier to deal with modern forms organised crime, rather than law enforcement. In return for a blind eye turned to their activities, criminals can mobilise votes and money for politicians and they form a network which operate for their benefit. That's why political will to curb organised crime should be the first step and politicians should be an example how to curb organised crime.

Criminal associations have moved in the past period to economy and to strengthening economic power, but more and more we are able to recognize that pressure is moving on state politic. The main role has informal networks, whose members are influential economists³³, politics and members of criminal organizations. Increasing of criminal activities makes the people being more questionable about members of criminal organizations. The phenomenon of criminal networks is the most urgent problem in the area of public orders, where economy and policy are sticking together. We can not forget that „social gathering“ of economists, politicians and members of criminal organizations is influencing on the state situation and conditions. (Dobovsek, 20009) In this kind of meaning, the elite organised crime is appearing like the fifth branch of state authority, because it is influencing with great amount of money, corruption and extortion, on state economy and policy. That is why all forms of organised crime is present like source of threat in the world. It is like the thread which connects other sources of criminal activities. The experts are trying to solve this problem but they are founding out that organised crime is not a problem of one state but it is a global problem which have roots all over the world.

We should solve problems systematically. We should increase the detection rate with education of law enforcement officers, by increasing cooperation between them and in changing the general attitude that organised crime is untouchable. We should pay attention that usage of undercover actions would not become a threat to democracy. Warnings that undercover action can be used for political matters should be carefully analyzed. Undercover actions are normal procedures in modern states in fighting against bigger crime (organised crime, corruption etc). The problems come in execution these actions and at introduction the new measures.

33 Some of them become reach during transition which is described as tyconization of the countries.

The economic integration of Western Europe and the political transformation of Eastern Europe offer new opportunities for economic growth and individual freedom. Unfortunately, these events also provide international crime groups with unprecedented opportunities to expand their criminal activities throughout the Continent. Organised crime destroys the potential benefits of introducing democracy and market disciplines. As a result, investors, both domestic and foreign, are less willing to risk their capital. There are also political and social costs. General public mistrust of parliamentarians, public servants and state institutions reduce citizens' respect for authority and willingness to abide by the rule of law. Higher rates of crime threaten national security, political stability and economic development.

Curbing economic organised crime requires a multi-disciplinary response and cooperation between different institutions at the national and international levels. The diffuse nature and complexity of the problem should not reduce the will to counter it for that alone would result in failure. Countries in emerging democracies should not lose sight of the fact that gradual improvements in democracy and the market economy will in the longer term go hand in hand with reduced levels of organised crime. It seems that will come to a new authority divisions in some countries and the biggest threat to them will be organised crime. To successful fight against all forms of organised crime we need suitable criminal policy but not just national but also the global one. This is a basis for global security policy. Beside that, public is still unaware of danger of organised crime, so that is why we need to stimulate responsible organization to join at solving this problem.

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Problems of organised crime in research work at the Centre for Police Research

Nina Belova

The Research Institute of Forensic Science and Criminology at the Ministry of the Interior, Sofia, Bulgaria, comprises two departments, the Centre for Expert Forensic Examination and Testing and the Centre for Police Research. Professor Nina Belova heads the Crime and Police Counteraction section, which is part of the Centre for Police Research.

Research projects are carried out on behalf of the law enforcement agencies, the aim being to analyse the main problems encountered in combating crime. A number of different topics are addressed but in recent years the main focus has been on combating organised crime and crime prevention.

The research activity is intended to provide support for the police in combating crime. The current status and new trends in the development of crime therefore need to be analysed. The commission of the crime and factors involved in the incidence of the crimes are examined. The perpetrators are also studied – their age, sex, ethnic background, education, civil status, employment record, particular personality features, alcohol and narcotics abuse, psychological disorders and their motives for committing the crime. Data is compiled on repeated crime, complicity, the time, place, type and frequency of the crimes, the means used and the geographical distribution of the crimes.

Another section deals with the victims and the factors that lead to people becoming victims. The main research task consists of analysing police efforts to combat crime, clarifying the problems with which police officers are confronted and specifying ways in which police work could be improved. Well-established police practices in other countries are collected and examined to see whether they could be adapted to the conditions in Bulgaria. Cooperation by the police force with other institutions and organisations is also analysed. Every project concludes with a forecast of how the type of crime in question will develop over the next few years and with practical suggestions on how to improve the work of the police. Empirical data are gathered by means of written surveys that are sent to all employees at public authorities who deal with the type of crime in question. This means that as many as several hundred people can be surveyed. Surveys are conducted at law enforcement agencies and non-governmental organisations. Police statistics are another source of data, providing information about recorded crimes, as are court statistics with information on convictions. In addition, data are collected from criminal proceedings, forensic reports and police records – informative notes, reports, memoranda, documentation from crisis centres, prisons and reform schools (for children). Interviews are conducted with police officers and, depending on

the topic, also with social workers, probation officers, educationalists and ordinary citizens. We consider the interviews with detectives particularly valuable.

The following research projects were conducted in the field of crime and crime prevention:

1. Police work to curtail the sexual exploitation of children

by N. Belova et al.

The project was conducted from 2000 to 2005. Its objective was to provide support for the police in investigations into the sexual exploitation of children. The issues analysed were the difficulties encountered in police work and cooperation with government institutions, non-governmental organisations and police forces in other countries.

Police statistics provided the basic data. The information was collected as follows:

- Document analysis
Data from criminal proceedings and from police records were used, together with data from written documents from institutions such as the International Organization for Migration and the Nadja Centre, which provide support for the victims of sexual exploitation. Data were compiled on the victims, the type of crime, admission of the victims to the support system and cooperation between aid organisations and the police.
- Written surveys
A total of 296 surveys were conducted among staff working in the field of youth crime, police officers who are in touch with children's homes, agencies combating organised crime and the border police. A further 125 surveys were conducted with representatives of other government institutions and non-governmental organisations.
- Interviews
Senior police officers, operationally active police officers, representatives of the judicial authorities, social workers and educationalists were asked about the status and development of the sexual exploitation of children.
As a further source of information, use was made of materials from conferences and publications in the Bulgarian and foreign press.

This led to the following findings:

- The sexual exploitation of children is considerably more widespread than indicated by police statistics. The data collected confirm that approximately half the crimes are not recorded.

- The reasons for this have to do with the lack of reliable statements owing to the young age of the victims, fear, shame and their dependence on the perpetrator as well as shortcomings in the police work and the judicial system.
- A number of unfavourable factors are connected with the sexual exploitation of children: the increase in the relative share of minors who are forced into prostitution, the growing number of crimes, the greater organisation of criminal groups, and the increase in cross-border contact between the groups.
- The sexual exploitation of children occurs most frequently in the major cities. That also determines the direction of trade – from small places of residence to regional centres and primarily in the direction of the capital. Cross-border trade in children from Bulgaria is primarily directed towards western Europe.
- Sexual exploitation is conducted with the use of force as well as manipulation and deception. Prevention needs to be improved.
- Cross-border child trafficking predominantly makes use of lawful means but the indicated purpose of the journey is false. A far more infrequent occurrence is for the border to be crossed with counterfeit documents or by unlawful means.
- It is primarily men who exploit children sexually. However, women also play an important role.
- Most of the perpetrators are between 18 and 40 years of age.
- The percentage of unemployed persons is high, although most of the perpetrators have a permanent job. The perpetrators often have professions in which they can be presumed to deal with children and have easy access to them, together with experts from the field of information technology and photography, long-distance lorry drivers, etc.
- As most women are recruited from Russia, Ukraine, Bulgaria, Romania, Lithuania and Moldova and as the human traffickers have very good relations in their countries of origin, it can be concluded that the perpetrators are primarily citizens of the aforementioned countries. Furthermore, the data also indicate that citizens from EU countries such as Albania, Romania and Macedonia are involved.
- Human trafficking and the sexual exploitation of Bulgarian children are still primarily carried out by indigenous perpetrators. There is a recognisable trend towards greater internationalisation.
- The data do not support the thesis that the Bulgarian human trafficking networks are highly organised and have a hierarchical structure. The Bulgarian groups of human traffickers have only a low to medium level of organisation. The criminal groups are organised mainly on the basis of ethnic and family-ba-

sed affinities and common nationality. Groups involving the participation of Bulgarian citizens with a Roma background are particularly active.

- International relations are maintained most frequently by human trafficking groups from the regions of Pazardjik, Sliven, Stara Zagora, Burgas, Varna, Dobrich, Targovishte, Russe and Blagoevgrad.
- The perpetrators are primarily acquaintances, fellow citizens, friends and relations of the victim.
- The criminogenic factors are to be found in the social and economic life of the society and are, among other things, connected with globalisation and other changes. Shortcomings and errors at public authorities also provide an incentive for crime. The following points of criticism are raised concerning police activity: the long time taken to solve cases in which children are sexually exploited, the deployment of police staff without any consideration being given to the operational circumstances, inadequate surveillance of mass events, inadequate security measures in places where initial contact can be made with children.
- The victims of sexual exploitation are frequently children from marginal groups and those living with his little parental supervision, particularly if they do not go to school. Groups at risk include children from very poor backgrounds with little education, which reduces their chances of social and personal development, and children who abuse alcohol and are addicted to drugs.
- The risk factors for the sexual exploitation of children are generally socially determined, with poverty and unemployment being predominant. Family crises and the lack of organisation at the institutions working with children also have a negative impact.

The analysis allowed some recommendations to be made regarding police work to combat the sexual exploitation of children.

2. Child crime and police prevention

N. Belova

A book on this project was published in Bulgarian in 2010. It deals with the involvement of children in drug peddling and children who in 2010 were victims of human trafficking for the purpose of sexual exploitation.

3. Organised drug crime – criminological characteristics and prevention

K. Kitanov

The aim of the project, which was conducted from 1998 to 2007, was to analyse the three areas of organised drug-related crime, i. e. the production of, trade in and dissemination of narcotics, as well as the current status and problems encountered in police prevention measures.

The two main emphases of this project were:

- Crime associated with the production of, trade in and sale of narcotics as a type of organised crime
- The approach used by the law enforcement agencies to combat organised drug-related crime

For the purpose of conducting the project, data from various sources, including police and court statistics, were analysed.

Research methods:

- Analysis of 169 crimes
- Conducting interviews

The survey covered 44 staff working in the field of combating organised crime and 72 staff from the narcotics departments. In addition, 917 schoolchildren were asked about their attitude to drugs and interviews were conducted with drug addicts and their parents.

- Analysis of the literature

Analysis of monographs, collections, magazines, documents and reports from non-governmental organisations, scientific notes from round table discussions and conferences.

Overall, an increase in the number of incidences of drug-related crime was observed, particularly in the area of selling and dealing. There is a high level of undetected drugs-related crime. This is attributable to the increasing professionalism of the perpetrators and oversights in criminal prosecution.

There are many different *modi operandi* regarding drug-related crimes, as is shown by relevant examples. The analysis points to mixed and homogeneous Bulgarian narcotics groups, which can usually be classified under transnational organised drug-related crime.

With regard to the age of those involved, most of them fall within the 18–30 age group (approximately 69.3 %). Children ranked second in the field of selling drugs – an average of 15.2 % for the period under review. Particular attention was paid to the analysis of the criminogenic factors – socio-economic, criminal-psychological, behavioural and organisational/institutional factors. The study focused on police prevention activities, particularly on the specific forms of prevention work and the difficulties encountered by the police in carrying them out. The summarised recommendations were intended to improve police work. The need to improve the professional qualifications of the staff working in the field of tracing and prevention was singled out as particularly important.

4. Corruption and police prevention

E. Trajkova

The study, which was published in 2006, was based on the results of the research project conducted by the National Institute of Forensic Science and Criminology at the Ministry of the Interior³⁴ from 2003 to 2005.

There were two parts to the project: first, crimes of corruption, comprising all crimes pursuant to the following articles of the Criminal Code of the Republic of Bulgaria: Articles 224, 225b-c (corruption in the private sector), 282–285 (misdemeanours in office), 301–307a (bribery); and second, the work of the special units to combat organised crime and economic crime as a means of preventing crimes of corruption. Particular attention was paid to the criminological view of corruption in Bulgaria.

On the basis of an analysis of data from various sources (police statistics, regulations on discipline and disciplinary action, released by the Human Resources section at the Ministry of the Interior, archived records of criminal proceedings at the municipal and district courts in Sofia, laws and ordinances, questionnaires addressed to police officers, etc.), the following information on crimes of corruption was obtained:

- **Current situation and trends in crimes of corruption**

In the past decade, on average 2,011 crimes of corruption per annum (approximately one-sixth of all detected economic crimes) were exposed. Most of them were cases of malpractice. The percentage of cases of bribery is insignificant (0.7 % of all detected economic crimes).

On average, the damages caused by corruption amounted to more than BGN 260 million, which is almost one-quarter (23.7 %) of all damages caused by economic

34 The research was conducted on behalf of the Crime and Police Counteraction section in the main Criminal Investigation Department, Ministry of the Interior.

crime. The average damage caused by a case of corruption, approximately BGN 123,000, is far in excess of the average damage caused by an economic crime, BGN 109,000. This demonstrates the considerable social damage caused by corruption.

- Structure of crimes of corruption

According to police statistics, malpractice is, at 96 %, the most widely spread type of crime of corruption. Typical offences committed in office involve violation of or non-compliance with official duties by management and other staff, who have assumed management, organisational and administrative activities. Misdemeanours in office are carried out in self-interest or for the benefit of natural or legal persons with whom the perpetrators are closely connected. The percentage of cases of bribery is, at 4 %, relatively low.

Regarding cases of corruption, industry and agriculture are in the lead with approximately equal shares of 12.6 % and 12.2 % respectively. They are followed by offences in the field of lending (8.8 %), trade (6.5 %), training and health protection (4.6 %), construction (3.7 %), transportation (3.6 %), etc.

- Undetected crimes of corruption

The data from the police and court statistics do not reflect the true extent of crimes of corruption. Various indicators suggest that the extent is far greater.

The results of numerous opinion polls in society about the level of corruption paint another picture. The surveys are conducted by the National Centre for the Study of Social Opinion, the Centre for the Study of Democracy, the sociological agency Vitosha Research and the association Transparency Without Borders.

The surveys showed that in 2004 there were more than 80,000 cases of corruption (bribery) a month in Bulgaria.

- Characterisation of the perpetrators

Among those committing crimes of corruption, men traditionally account for the largest percentage (73.3 % for misdemeanours in office and 81.6 % for bribery). The predominant age group comprises those over 40 years of age (70.9 % for misdemeanours in office and 50.4 % for bribery). That can be explained by what actually occurs in crimes of corruption. Holding certain positions is the criterion for being able to carry out the crimes. Most of the relevant professional positions are not reached until people are more mature in years.

An important criterion for occupying a position which enables misdemeanours in office to be carried out and bribes to be accepted is a high level of education. This explains why a large percentage of the perpetrators have a university education – 48.9 % in the case of misdemeanours in office and 32.2 % in the case of bribery. Most of the perpetrators act alone. Only one case of corruption in ten involves accomplices.

- Criminogenic factors

Crimes of corruption occur as a result of several criminogenic factors. This occurs in part because of the economic and social development of the country in the recent past and the fact that the state monopoly on property has been eliminated. Weaknesses in the organisation and management within the government hierarchy, errors in the control system and personality defects among officials also have an effect. It was noted that crimes of corruption were increasing throughout the hierarchy, as conditions were increasingly conducive to covering up the corruption.

- Spread of corruption within the Ministry of the Interior

For the period from 2001 to 2004, the average annual number of corrupt employees was 300.

The main incidents of bribery of police officers are to be seen as associated with the irresponsible and unprofessional attitude of the law enforcement officers to their obligations. They violate established working rules and standards and, in return for payment of between BGN 20 and BGN 500, they are willing to neglect their control functions. In other cases, in breach of their professional and moral obligations, staff make contact with suspects, unlawfully disclose information and take part in (smuggling) transactions and other illegal goods trading activities.

The figures in the cited quantitative data on the spread of corruption in the structures of the Ministry of the Interior are far lower than the data provided by sociological research carried out in order to survey social opinion. They indicate that offices in the Bulgarian Ministry of the Interior are among those structures with a high number of incidents of corruption. In the course of their research, experts from „Coalition 2000“ came to the conclusion that „the detected cases of corruption can be traced back to information received by chance“, that „their low-status perpetrators include sergeants, non-commissioned officers and other staff with medium to low-ranking positions“ and that „the main and most serious cases of corruption which are carried out in core positions and by management staff at the Ministry of the Interior continue to go undetected because of the staff’s functional and personal dependence“.

- Perpetrators of cases of corruption

The analysis was conducted separately on the basis of positions with the hierarchy and responsibilities at the Ministry of the Interior. The people concerned were men, which can be explained by the fact that the positions from which the offences (acceptance of bribes) were committed are primarily held by men – street patrol police officers (40.5 %), investigation police officers and operational staff (38.1 %), members of the border police (11.6 %), security police (8.1 %). The data confirm the observations of non-governmental organisations that only those in the lowest ranks in the hierarchy are investigated.

- Specific criminogenic factors at the Ministry of the Interior

The main causes of the current corruption at the Ministry of the Interior are related to the democratic shifts in the early 1990s and the subsequent reforms at the Ministry. This explains the criminogenic factors within the 10-year period under observation: no clear reforms, no clear working structure in some departments at the Ministry, staffing problems, the wages of employees at the Ministry of the Interior lagging behind those in other areas, etc.

Some international initiatives to combat corruption are presented as part of the project. The sub-project „Prevention of corruption at the Ministry of the Interior“ is presented separately. The measures taken and the initiatives actually implemented to combat internal corruption are described in detail. This includes the training of specialised corruption prevention groups, the use of established administrative principles, procedures to acquire staff, possible ways of achieving professional fulfilment, drawing on foreign experience with combating corruption, etc.

The various aspects of corruption prevention cooperation are presented, particularly the cooperation of individual authorities within the Ministry of the Interior, cooperation between the police and the courts, other government authorities, non-governmental organisations and the media.

The study concludes with recommendations to enhance the efficacy of police corruption prevention work.

5. Prevention and environmental crime

E. Trajkova, J. Penev and L. Velinova

The 2008 publication was based on the results of a scientific analysis carried out from 2005 to 2007 by staff from various groups at the Ministry of the Interior (Research Institute of Forensic Science and Criminology, Academy of the Ministry of the Interior and the „economic police“ section – police department).

The research project was conducted on behalf of the Crime and Police Counteraction section in the Criminal Investigation Department at the Bulgarian Ministry of the Interior.

The research dealt with environmental crime in Bulgaria and the work of the operational authorities to combat organised crime through the economic and border police in association with the prevention, solving and documentation of environmental crime.

The study deals with the main environmental crimes, i. e. environmental crimes in the forests, hunting and fishery crimes, offences in nature conservation areas and criminal pollution or threats to the environment and human beings. The individual chapters present the police prevention work on environmental crime and the state

of the operational activity to solve this type of crime. Tactical guidelines for operational measures to solve the crimes are formulated.

Extensive empirical data were gathered on the basis of the assessment of Bulgarian and international legal regulations, statistics, criminal records, analyses and information. Interviews were conducted with police officers working in the area of economic crime, the border police and the offices working to combat organised crime and/or questionnaires distributed as a means of gathering qualitative and quantitative data on environmental crime in Bulgaria.

According to police statistics, in the period from 2003 to 2005, 707 breaches of the law were committed on average each year (primarily environmental crimes in the forests, including 86.1 % illegal tree-felling, theft of wood, destruction of woodland plants and arson in forests), which accounts for approximately 4.9 % of all recorded offences.

The figure for undetected crime is high. Considerable damage is caused by environmental crimes.

The results of the research indicate that with regard to development forecasts on the commitment of crimes, negative trends are dominant. Circumstances which encourage crime still prevail and a high number of crimes continue to go undetected. There are new opportunities for crime and the government authorities have a low rate of efficacy, particularly with regard to combating crime by way of environmental crime prevention.

Analysis of the data indicates that, in the past few years, the fields of environmental crime in forest areas and of unlawful pollution or threats to the environment and human beings have shown a tendency for connections to be formed with organised criminal groups, including cross-border groups. Corruption associated with unlawful logging and the destruction of forest resources has become prevalent. The perpetrators of environmental crime are familiar with the working structure of the forestry staff. The forestry staff themselves are often members of the criminal groups. Many of the ways of acquiring wood are associated with participation, tacit approval or at least poor or totally neglected control by the forestry officials. The entire unlawful process from illegal tree-felling through to the sale of wood requires a hierarchically structured criminal organisation, which acts with the knowledge of officials, transport and procurement companies and the wood processing industry. In the case of environmental crime in the forests, this has been the basis of the links with organised crime over the past 5 to 10 years.

The development of organised crime can be explained by the existence of considerable economic interests associated with the revenue from trade in and the export of wood. In the case of unlawful large-scale tree-felling, trade in the unlawfully acquired product is organised in advance. Start-up capital is quickly built up

through unlawful tree-felling and large sums of money can be earned through limited investment, which makes it attractive to criminal circles.

In connection with these observations, measures and recommendations for the prevention of various environmental crimes are planned. Special emphasis is placed on the importance of crime combating activity, particularly work to prevent environmental crimes in forest areas. This refers primarily to prevention measures in the case of „dirty“ production processes associated with waste recycling, the use of chemicals for production purposes, inappropriate storage and the transportation and removal of hazardous waste, particularly poisonous substances and radioactive material which occur on refuse dumps.

Attention is drawn to the need to exchange views with authorities from EU member states with regard to forest protection and the conservation of rare plants and animals. That will lead to matters being brought into line with the European standards and the elimination of the causes and conditions in Bulgaria favouring the commission of environmental crimes.

6. Information technology crime

Y. Bojadjieva

The research project was carried out on behalf of the Organised and Serious Crime and Police Counteraction section in the Criminal Investigation Department at the Ministry of the Interior. The aim was to develop recommendations for the prevention and control of information technology crime in Bulgaria.

The method of gathering empirical data included the following:

- Analysis of the literature on international and national legal regulations and laws, police analysis reports, reports from other sources, documents on expert surveys regarding crimes in the IT sector
- Expert interviews with police officers, representatives of the judiciary and experts in the field of information technology
- Analysis of articles from the print media

Results

- The first information technology crime recorded in Bulgaria was committed in 1982. Since then there has been an increase in the number of crimes, paralleling the increase in computerisation.
- The field of information technology crime is undergoing dynamic change. There has been a marked decline in software piracy, which was very widespread not so long ago. There are a growing number of offences associated

with the manipulation of computer data and the abuse of electronic payment means.

- The structure of the IT environment is also undergoing dynamic change. There is a decline in the share of information technology crime committed via independent computer systems and official networks. Unlawful acts via the internet are increasing: fraud in the field of electronic trade, fraudulently offering services for consumers, illegally accessing credit card data and customer accounts, the dissemination of child pornography, organising games of chance, etc.
- A very negative aspect associated with the possibility for children to access the cyber environment is their early criminalisation through the acceptance of aggressive socially harmful behaviour and the endorsement of violent conduct. Second, this environment provides a considerably higher number of openings for young people to be ill-treated as the subjects of pornographic photographs and through virtual sexual crimes, rape, abduction and other violent acts by people who are contacted via the internet.
- From 2000 to 2005 only a few isolated violations were conducted by organised crime groups in the field of information technology. In recent years electronic payment means have become the target of organised crime groups in Bulgaria and elsewhere.
- Efforts to combat IT crime in Bulgaria are becoming an important part of work to combat crime. Government policy is based on four strategic pillars: guaranteed data security, the introduction of modern legislation to provide protection against information technology crime, efforts to combat information technology crime at the national, regional and public authority levels, and the creation of security measures for children on the internet.
- An important and priority measure is to provide protection for young people against the dangers of the cyber environment by making use of different kinds of initiatives and taking advantage of stronger media backing, e. g. conferences and round table discussions, projects, schoolchildren's competitions, tournaments, seminars, drawing up guidelines for the behaviour of children in the cyber environment, filtering software and hotlines.
- The activities associated with the prevention and monitoring of crime in the cyber environment have the support of a number of institutions, i. e. the judiciary, legal and other government authorities, private institutions, non-governmental organisations and representatives of academic circles.
- The police force has given priority to combating information technology crime. There is a working structure with offices that specialise in crimes committed in the field of information technology. They are, for example, responsible for preparing expert opinions, scientific research into the outward forms of these cri-

mes, and staff training courses and qualification procedures. Many years of experience in investigating and solving crimes associated with computer systems and networks are pooled. Various prevention measures have been implemented to combat software piracy, child pornography and other forms of computer crime.

- Active partnerships exist between offices that are responsible for combating information technology crime: restriction of software and other types of brand piracy, making it more difficult for child pornography sites to be published on the internet, legal ordinances regarding the sphere of computer, information and communication technology, the development of strategies and programmes, the implementation of projects, etc.

7. Electronic payment means

Y. Bojadjeva and E. Trajkova

There are indications that criminal groups which appear in connection with the illegal use of electronic payment means can be classified under organised crime. Typical criminal groups in this field have a set structure, the individual groups are characterised by a strict hierarchy³⁵ and high control standards, i. e. there is a high degree of professionalism in carrying out criminal acts with a clear division³⁶ of the tasks regarding the organisation of data, the scanning of data, the production of counterfeit bank cards, their sale and the conduct of illegal acts with counterfeit cards.

Most crimes connected with electronic payment means can be divided into two groups:

- Breaching the law through the use of (genuine or counterfeit) electronic payment cards and technical means: the use of genuine credit or bank cards without the knowledge and approval of the owner, manipulation of ATMs with the so-called „Lebanese loop“ or „Algerian V“, bank card cloning, sale and use of counterfeit bank cards, etc.
- Breaching the law for the purpose of using data from electronic payment tools through the internet: „phishing“, „spoofing“, cards debited for alleged purchases and sales, bank accounts debited by electronic banking, etc.

35 At the top is a person with a management function regarding the coordination of individual members' journeys, the distribution and transfer of the ready-made facilities for data theft, control of the fulfilment of the task commissioned, etc.

36 For example, the accomplice who develops the technical options for reading devices that can be used to read identification data on bank cards does not take part in the actual production of skimmers. He is often unknown to the other accomplices. For each new design, he is paid a fixed sum or a percentage of the prices of the product if it is sold on the black market.

Various factors facilitate crimes with electronic bank cards in Bulgaria – the cross-border nature of the form of crime, the boom in information technologies, which leads in turn to increased activity by those selling harmful programmes on the internet and to increased opportunities for non-traditional payment processes and the use of electronic payment instruments; the growing number of bank cards; errors by users of electronic payment means because of neglect or ignorance; inadequate regulations under criminal law; insufficient control by the relevant authorities, etc.

At the start of 2000 the organisation of the law enforcement agencies in Bulgaria was enhanced in the area of economic crime and organised crime associated with electronic payment methods. This took place against the background of an increase in activities of criminal groups in Western Europe, the USA and South Africa.

The following offices at the Bulgarian Ministry of the Interior are in charge of combating crime associated with electronic payment instruments:

- The Economic Crime unit in the Combating General Crime section has in total 28 regional units within the Ministry of the Interior which are responsible for crimes involving bank/credit cards. Their activities are coordinated by the Economic Crime unit in the Criminal Investigation department. From there orders are placed for/from investigation proceedings. The regional units report their findings to the Criminal Investigation Department and, where appropriate, request support from head office.
- The Information Office in the Combating General Crime section compiles the data received from the regional units. It receives information from law enforcement agencies abroad and coordinates measures if two or more countries are involved. It summarises the trends and developments in Bulgaria.
- The Counterfeit Crime unit in the Combating Organised and General Crime section deals with combating crimes involving electronic payment means committed by organised crime groups.
- The International Operational Police Cooperation section is in charge of exchanging information on crimes associated with electronic payment instruments.
- The Border Police with its department for the implementation of border controls and data collection.

The aforementioned offices have the following responsibilities:

- Unlawful use of cards, fraud with counterfeit cards at ATMs
- Unlawful use of credit/debit cards when purchasing goods

- Unlawful real-time transactions with electronic payment instruments on the internet
- Theft of data on electronic payment means online and through technical means
- Production of counterfeit credit/debit cards
- Smuggling of counterfeit credit/debit cards and the technical means and information needed for the production of counterfeits

8. Crimes connected with the production and dissemination of counterfeit money

Y. Bojadjeva and B. Gyurov

The research project was conducted on behalf of the Combating Organised and Serious Crime section and the Combating General Crime section in the Criminal Investigation Department at the Bulgarian Ministry of the Interior.

The aim of the study was to provide support for the police in the prevention and combating of crime connected with the production of and trade in counterfeit money. An analysis was made of the current situation and investigative practices and recommendations were formulated.

The following method was used:

- Document analysis: legal regulations, statistical, analytical, operational and court documents and expert reports
- Questionnaires and interviews with leading and other police officers and court authorities and with staff of the national analysis centre at the Bulgarian National Bank

Conclusions

- In the period from 1971 to 1990, there was a limited extent of counterfeiting crime in Bulgaria. The democratic changes of the early 1990s were accompanied by a marked increase in economic crime, including currency counterfeiting. From the mid-1990s until the start of the current decade, there was a sudden marked increase in these crimes. There has been a decrease in recent years, although a generally stable level is maintained.
- The relative percentage of the recorded economic crimes is between 5.1 % and 2.4 %, a sign that counterfeit currency crime is of considerable significance within the field of economic crime.
- Bulgarian counterfeiters were particularly active between 1990 and 2005. In counterfeiting foreign banknotes, Bulgaria ranks third in Europe. Joint opera-

tions by the Bulgarian police, the Secret Service from the USA, the German Federal Criminal Police Office (Bundeskriminalamt) and other foreign authorities such as Europol uncovered printing plants in Bulgaria which were producing large volumes of good quality foreign currency. The banknotes were sold in the USA, the euro-area member states and other countries. Since the middle of the current decade the Bulgarian bands of counterfeiters have ceased to be among the bulk producers of counterfeit currency. Primarily, small volumes of counterfeit money are seized. Although only individual cases are concerned, the large printing plants for counterfeit euro banknotes whose activity has been stopped are indicative of a constant potential counterfeiting risk.

- In the past 20 years Bulgarian banknotes in various denominations and varying in quality were counterfeited continuously. According to the Bulgarian National Bank, the share of counterfeit Bulgarian banknotes and coins is negligible in relation to the total volume of money issued. By international comparison, it is within admissible limits. If, however, account is taken of the considerable volume of undetected crime, the damages to the economy and the citizens should not be ignored.
- The spread of counterfeit money in Bulgaria is influenced both by production within the country, particularly of counterfeit Bulgarian currency, which is intended solely for the internal market, as well as by the activity of criminal groups involved in importing counterfeits produced in other countries.
- In past two decades a few cases of the production of counterfeit Bulgarian coins were recorded. The volume produced and the quality achieved are of no significance. However, the production of counterfeit euro coins must be considered a problem. In 2005 the only workshop for EUR 2 counterfeit coins was uncovered.
- Alongside the tendency to curb trade in counterfeit money in Bulgaria, there is a steady increase in the seizures and convictions associated with the dissemination of counterfeit money from Bulgaria in European and other countries.
- Since 2004 a trend towards a certain shift in the criminal methods of producing and using electronic bank cards has been observed. The share of crimes concerning counterfeit currency fell rapidly from 93.7 % in 2003 to 50 % in 2007 and 63.9 % in 2008. At the same time, there was an increase in the number of crimes involving bank cards.
- Producing and trading in counterfeit currency is one area of organised crime in Bulgaria. Organised criminal groups have numerous printing plants for the production of foreign currency. Some of these printing plants have foreign customers – Bulgarians and foreigners, who are interconnected internationally. The counterfeiting is well organised, with highly productive production processes, and the quality of the counterfeit currency is good. Most of the printing plants seized operate only temporarily.

- Bulgaria has a well-organised and effective system for the prevention and control of counterfeiting crime. This system comprises legislative, economic and financial measures, the technological and technical protection of banknotes against counterfeiting, the use of technical tools to determine whether the currency is genuine, and ongoing data on financial institutions, legal bodies, dealers and citizens in order to determine the features of genuine and counterfeit currency. Essentially, the experience of police prevention has been positive.
- Key successes were achieved in the uncovering of counterfeiting crimes. Arrests were made of a number of people who were producing counterfeit money independently or together with others and passing on the counterfeit money at financial institutions, shops, service stations and bars and among the people. Key experience was gained in the investigation of plants where counterfeit currency was being printed. In combating counterfeit currency crime, there is active international police cooperation.

Monographs or collections on the research project have been published and sent to the police stations and partner organisations.

Crime research, organised crime and social consequences in Hungary³⁷

Dr. Szilveszter Póczik

In the paper below four topics will be presented to draw a picture partly of the development of crime, partly of the social backgrounds of this development in the last two decades in Hungary and, last but not least, connected to these to show some scientific and administrative changes relevant to the understanding of the current situation. First of all I would like to introduce into the development of the science of criminology as a relatively new research field in Hungary then to give a general picture on the situation of organised crime (OC) today based partly on research results, partly on not research-based experiences. I am convinced it is also necessary to expose some social and politics-related backgrounds to the understanding of OC and in the end to show some wider social consequences.

Crime research and criminology in Hungary

Criminology became an independent scientific discipline in Hungary in the 60s. That is why the foundation of the Hungarian National Institute of Criminology (NIC) in 1960 also had a symbolic importance. This happened after a period of ice age for the social sciences up to the end of the 50s, in which the narrow-minded communist governments stamped sociology and its youngest sister, criminology, „imperialistic pseudo-sciences“. In the early 60s, there began a political mitigation period when also the communist rulers recognized the differences and gaps between their declared ideology called „scientific socialism“ and the social realities. They recognized that in spite of the suppression several tendencies and motivations were working in society and these could not be influenced using pure violence only, so they opened a small gate for social sciences, aiming to get a more effective control of the society but at that time they could not foresee that instead of a door fissure they opened Pandora’s box.

My home institution, the National Institute of Criminology was founded in the frame of the Chief Prosecutor’s Office which was and is until today an independent organization subordinated not even to the Ministry of Justice. Despite long discussions on its location in the scientific and administrative system, NIC has remained until now part of the Prosecutor’s Organization and works today as a research, trai-

37 The paper below is based on the same titled presentation in the 2nd Research Conference on Organized Crime: – OC-Research in South-Eastern European States – in Frankfurt/Main on 22 September 2009, and was finished in the late summer of 2010. That is why it also contains references to facts and events which are of a much later date than when the Conference ended. The Author, historian, sociologist and linguist is senior researcher of the Hungarian National Institute for Criminology (abbr.: OKRI/NIC, address: H-1122 Budapest, Maros u. 6/A, Hungary, Phone: +36–1–356.75.66 Fax: +36–1–356.72.19, web: www.okri.hu) in Budapest and coordinator of the frame research project Globalized Crime. Are you interested in the activities of NIC or have any questions to the Author, please, contact him via e-mail to poczik@okri.hu.

ning and advisory center of the Chief Prosecutor's Office. In time it became more and more a recognized actor of the academic world, too. Already in the very early period the researchers utilized modern Western theories and planned its own research based on complex methodologies and produced scientific results corresponding with that of professional colleagues from Western Europe and the USA and exercised strong criticism – even thought not on the communist rulers directly but – on the existing social relations. The Institute contributed to the application of Hungarian crime statistical system, which was the most trustworthy statistical registration database in the former so called Eastern Block. The Hungarian criminologists and sociologists showed that the criminality, contrary to the expectations of communist rulers and their ideology, would not diminish but was growing due to the increasing social inequalities, the formation of subcultures and a widening underclass³⁸ and worked out prognostics³⁹ having a certain relevance until today. Due to this progressive role NIC very soon became a member of international research networks and an appreciated partner of considerable institutions abroad, among which the long lasting close collaboration with the Max Planck Institute for Foreign and International Criminal Law is to be particularly highlighted.

Today the activities of the Institute include researching crime, developing theory and advanced research methods of criminology, criminalistics and penal law, as well as facilitating the exploitation of the research findings in making and using penal law. Today NIC is the most significant criminological research institute in South-Eastern Europe which covers almost all relevant research fields of criminology. The institute is divided in two research departments, the Department for Crime Research and the Department for Criminalistics and Penal Law. In our institute 26 researchers are employed, lawyers, social scientists, psychologists, the most of them have PhD or higher academic degrees. They publish a great number of studies and books every year. NIC focuses on empiric research and plays an active role in the elaboration of criminal policy and national, governmental and communal strategies of crime prevention. It participated for instance in the working out of the concept of National Crime Prevention Program and the National Drug Prevention Program. The researchers are working in seven frame projects: 1) Violent crime, 2) Juvenile criminality and juvenile justice, 3) Protection of society and crime control, 4) Global crime, 5) Risks and prevention, 6) Economic and property crime, 7) State structure, public authorities, regional researches. In the frame of these main research fields 30 subprojects are running. Among others, these concern such topics as examination of imprisonment for life, latency of

38 See f. e. Ferge, Zsuzsa: *A Society in the Making: Hungarian Social and Societal Policy 1945–1975*. Armondsworth, Middlesex, Penguin, 1979. Kolosi, Tamás: *Sozialstruktur und gesellschaftliche Gliederung*. In: Löttsch, M. – Meyer, H. (ed.): *Zur Sozialstruktur der sozialistischen Gesellschaft*. Berlin: Dietz Verlag, 1974. pp. 99–106. Hankiss, Elemér *Hongrie: Diagnostiques. Essai en pathologie sociale*. Geneve: Georg Editeur 1990 (originally Budapest 1977).

39 Diczig, István: *A bűnözés prognózisa és a bűnüldözés távlati tervezése*. [Crime prognostics and long time planning for crime investigation] In: Déri, Pál (ed.): *Kriminálinformatika és prognosztika*. [Criminal informatics and prognostics] Ministry Interior, Budapest, 1976. pp. 177–185.

juvenile deviances and crimes, crime and crime prevention in urban environments, criminality in the internet, corruption, economic crime against financial institutions, trafficking in human beings, female criminals, mediation between offender and victim in certain cases of violent and property crimes, reform of juvenile criminal law, psychological treatment of aggression in detention and so on. Because of the complexity of the structures of the organised crime no independent OC project is running in NIC, but in the single researches dealing with any phenomenon of crime the analysis of its specific relation to OC is anyhow unavoidable, at least on the level of theoretical remarks.

Organised crime yesterday and today

Good conspiracy is invisible – the limits of research

Organised crime is conspiracy and good conspiracy is invisible: it could be even the motto of this part of this paper. It means, well organised crime is invisible, only wrong organised crime is visible. Consequently what we know about OC is not very interesting and the most interesting facts remain unknown. Not the ongoing theoretical discussion on the real existence or nonexistence of OC but the knowledge mentioned above determines the limits of the research. The contradictory positions in the basic discussion on OC can be summarized in the sharp statements: a) OC is the main danger to modern societies and/or b) OC is no independent phenomenon, only a chain of ordinary crimes and the phantom of OC is an ideological construction created by police, justice and media to achieve higher reputation, unlimited finances and a more effective operative power. The great offer of models and theories⁴⁰ coupled with the quite moderate number of empirically founded statistical data demonstrate the almost unbeatable difficulties of OC research worldwide. Klaus Lampe stated in one of his several studies: „Measuring organized crime requires three steps: the specification and definition of key concepts, the operability of these concepts by translating them into variables, and the linking of these variables to empirical data.“⁴¹ Now, at least the last two of the above mentioned three demands are actually not properly fulfilled. Particularly the lack of empirical data in statistical mass hinders the discernment. The majority of the judicial OC procedures are unsuccessful, because in the most cases the satis-

40 See i. a. Halstead, Boronia: The Use of Models in the Analysis of Organized Crime and Development of Policy, *Transnational Organized Crime*, 4(1), 1998, pp. 1–24., Williams, Phil – Godson, Roy: Anticipating organized and transnational crime, *Crime, Law and Social Change*, 37(4), 2002, pp. 311–355, Naim, Moisés: Illicit – How Smugglers, Traffickers, and Copycats are hijacking the Global Economy, Anchor, 2006. Summing up Lampe, Klaus von: The Use of Models in the Study of Organized Crime – Paper presented at the 2003 conference of the European Consortium for Political Research (ECPR) Marburg, Germany, 19 September 2003, <http://www.organized-crime.de/modelsofoc.htm>

41 Lampe, Klaus von: Measuring Organised Crime – A Critique of Current Approaches. In: Duyne, Petrus C. van – Jager, Matjaž – Lampe, Klaus von, – Newell, James L. (eds.) *Threats and Phantoms of Organised Crime, Corruption and Terrorism – Rhetoric and critical perspectives*, Wolf Legal Publishers (WLP) Nijmegen, 2004, pp. 85–116. p. 87.

factory evidence of the OC character of a criminal structure, its members and activities cannot be produced. A further factor rendering the research more difficult is the limited data access complicated by approbation processes, data protection regulations, witness protection measures etc. Only the data of – after many years⁴² – finished criminal procedures are accessible and also these only partly since a great amount of evidence and information is collected by national intelligence agencies or in secret data protection or secret investigation by police⁴³ or get declared as state secrets in the course of the judicial procedure. The last research-limiting factor to be mentioned here is the political sensitivity of this topic since the par excellence OC aims – beyond finances and more and more profits – political and social power on local, regional and, if possible, on country level. OC seeks for itself interest-protectors and alliances among politicians and in political groups in order to influence the democratic institutions and in an extreme case to occupy political positions.

An attempt at a circulation model of organised crime and corruption

Under modern circumstances, OC does not work with the brutal Stone-Age means known from the films of Francis Ford Coppola, but plays much more a bizarre theatre with Janus-faced actors moving or even *circulating* continuously between legality and criminality. The accent is on the term ‚circulation‘ since it is a simplifying mistake to think that OC emerging out of the deep and dark spheres of the society then instrumentates, aspires after and occupies political institutions and power.⁴⁴ A reversed model in which legal political structures and economic subjects make use of OC methods or networks or – horrible dictum – transform themselves into OC organizations, respectively, is not only imaginable but a real experience gained from the recent development of some countries in Latin America and Eastern Europe. Beyond the theoretical critics⁴⁵ this knowledge queries the validity of the classic causal OC model below:

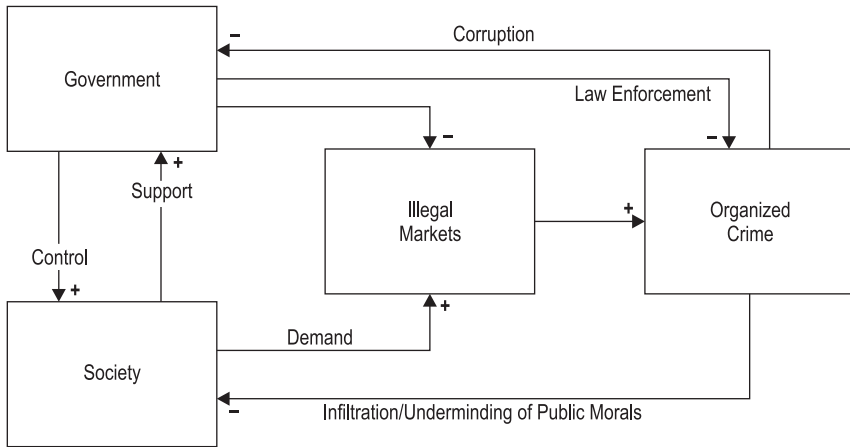
42 The particularly complicated juridical penal procedures especially in case of financial crimes take in average 7–8 years until the legally binding sentence. See Kampfmüller, Sándor: Alkotmányossági kérdések a büntetőeljárásban [Constitutional questions in the penal procedure]. pp. 395–398. <http://www.pecshor.hu/periodika/2008/kampfmuller.pdf>

43 The secret data collection or the secret investigation is two separate phases of the investigation procedure. See Cap. IX title V of the Law Nr. XIX/1998 on the criminal procedure and § 63 and § 69 of the Law Nr. XXXIV/1994 on the Police.

44 Cressey, Donald R.: *Theft of the Nation: The Structure and Operations of Organized Crime in America*, New York: Harper & Row, 1969.

45 „The major shortcoming of causal models is their narrow focus as a consequence of the conceptualization of organized crime, or an essential aspect of it, as a one-dimensional dependent variable. This makes it difficult, if not impossible, to account for variations in the manifestation or for different paths of development of organized crime. Cressey’s model, for example, fails to consider the possibility that despite flourishing illegal markets, criminal groups may not necessarily become ever more powerful, but instead remain in a position of inferiority vis-à-vis corrupt political and business elites who maintain and possibly extend their control over state and economic resources“ – Lampe, Klaus von: *Begriff und Theorie organisierter Kriminalität in den USA* [Organized crime: concept and theory of organized crime in the USA], Frankfurt am Main: Lang, *Frankfurter kriminalwissenschaftliche Studien* Nr. 67, 1999, p. 313.

Map 04: Classic causal OC model



In very close connection with the arguments above the general model of corruption is to be modified, too. Despite the knowledge that „corruption is a variable that cannot be measured directly“ and „... this shortcoming is rooted in the lack of a structural model encompassing the underlying causes of corruption“⁴⁶ the most analyses start from a traditional understanding of corruption as simple bribery whereas the briber as active party offers and gives and the recipient as passive party receives the bribe although more complex models were published at least since the mid-70s.⁴⁷ But not even these sophisticated models describe the gigantic corruption networks existing and acting in some post-communist countries which are organized and led by representatives and organizations of the political class, mostly by the successor parties of the former communist avant-gardes. In these structures the ones – governmental and local officials and party activists – considered in the traditional corruption theory passive party are in a reversed way the very active party forcing other market and administration participants, who this way play a passive role, to offer and give illegal services or bribes in high volume which will be then (mis)used for (seemingly) legal or illegal political or consumption purposes or transformed simply into private fortunes. In this way, every essential economic and social action depends on the benevolence of the corruption networks which operate the society themselves and eat up the social and economic resources, including public money, corporate and private savings.

46 Dreher, Axel – Kotsogiannis, Christos – McCorriston, Steve: Corruption around the world: evidence from a structural model, June 8, 2004, p. 1. <http://129.3.20.41/eps/pe/papers/0406/0406004.pdf>

47 Rose-Ackerman, Susan: The Economics of Corruption, Journal of Political Economy, Vol. IV, 1975, pp. 187–203. To the latest researches see the publications of the Internet Center for Corruption Research: <http://www.icgg.org/>

The fact that the investigators, judges or other professionals, social researchers or investigative journalists attempting to deal with activities of OC in concrete may easily end up in the concrete (of new building's foundations) or play at least with their posts and financial safety is confirmed through many tragic occurrences. Thus the official and self-appointed persecutors of OC often face a gigantic political and financial obstructive power that is using very effective formal and informal tools against them. That is why individuals, professional or civil communities and countries alone are not capable to parry the OC threat: to combat it is possible only based on international democratic control and crime investigation institutions (even so only partly). This is a commonplace per se but particularly true for states having an unstable democratic, fragmented social and vulnerable economic system.

Historically inherited burdens

Because of the similarities with the development of some other countries in Eastern Europe, Hungary has very much in common with the inner relations of these, but at same time it shows several differences to them. Hungary can be compared with the countries which became part of the EU after 2000, e.g. Poland, Czech Republic, Slovak Republic and in some respects with Romania and Bulgaria, too, and had/has to resolve basically very similar administrative, social and economic tasks. The similarity of these countries is a result of their more or less similar historical development and the similar political, economic and social model which was forced on them in the period of the Soviet occupation.

In this kind of communist model of central distribution of the goods and services, without market but with a great unsatisfied consumption need, more or less criminal structures and corruption-based networks came to life very early, profiting from lacks and gaps in distribution.⁴⁸ Middle and low leaders and members of the communist party, officials of the administration, representatives of the monopolized state trade in goods for everyday consumption and luxury products, as well as ordinary criminals were participants of these networks which supplied first of all each other and the whole society with the necessary goods. The communist top leaders, the so called ‚nomenclatura‘ made use of these networks for own goals supporting them through the secret agencies.⁴⁹ After the revolution in 1956 in Hungary a milder variation of communist dictatorship ruled, it tolerated certain restricted forms of market economy, some so called grey and black trade areas,

48 Kornai, János: *Economics of Shortage*. Amsterdam – New York, North-Holland Pub. Co. 1980. Kornai, János: *The Socialist System – The Political Economy of Communism*. Princeton University Press 1992.

49 *Hauszmann, János: Die Ungarische Sozialistische Arbeiterpartei (Magyar Szocialista Munkáspárt/MSZMP) in Ungarn 1956–1997*. Hirscher, Gerhard (Hg.): *Kommunistische und postkommunistische Parteien in Osteuropa – Ausgewählte Fallstudien. Argumente und Materialien zum Zeitgeschehen Nr. 14*. Hanns Seidel Stiftung Akademie für Politik und Zeitgeschehen. Hanns-Seidel-Stiftung e. V. München. 2000. pp.103–133

a certain level of corruption of the officials and some undoubtedly criminal scenes: trade in used cars, foreign currencies, black market of housing real estate and street prostitution belonged to these. In the 1970s the first nuclei of posterior OC structures came to life and in the course of the 1980s their gradual professionalization, segmentation and a purposive accumulation of finances could be observed. At that time in these areas small criminal groups were active and these accumulated the finance resources which became later the base for establishing the internal low and medium level OC and its investments.

Social transition and the levels of organised crime

In the period of Hungary's political transition, border opening, reconstruction of the market economy and integration into the European Union, the low, medium and high level organised crime appeared simultaneously and seemingly unexpectedly as a result of external and internal factors.

The police were not properly prepared for the political changes and to the reconstruction of the constitutional state. The proper laws, regulations and teaching materials were not available, the personnel felt unsure and unsafe regarding their professional future while with the increasing unemployment also the poor people's criminality was increasing rapidly beyond the arising OC. The police had to face criticism by the meanwhile free and pluralistic media, too. In the frame of the so called political „final cleansing“ also several experienced police professionals were dismissed while among the chaotic circumstances some of the former active supporters of the communist regime made fast careers. In the course the deconstruction of the communist Ministry of Interior's III/III Department, which was formerly the Hungarian STASI, the secret information networks working for the ordinary crime investigation were dissolved, too. The respective governing political parties and their interest groups tried to influence the work and hierarchy of police from time to time and to establish departments or sections considered by them trustable and, in a political sense, usable. The continuous changing of high and middle ranking police leaders as well as the high degree of fluctuation of the operative personnel led to considerable disturbances in police work and to widening corruption. Meanwhile, in the course of the 90s, the investigation effectiveness decreased from 32 % to 20 %, while the total number of 185,000 registered crimes of 1988 increased by 1998 to the amount of 600,000.⁵⁰

The old and new groups at the lowest level of OC remained further in the criminal area and dealt with black markets, smuggling of stolen cars and car spare parts, production and smuggling of drugs in small quantities, cigarettes and alcohol smuggling, street prostitution, smuggling of human beings and real estate fraud.

50 Gergely, Attila: A bűnüldözés alakulása a rendszerváltás óta [The development of crime investigation since the political change] *Hadtudomány* Nr. 1/2000. http://www.zmne.hu/kulso/mhht/hadtudomany/2000/1_9.html

But very soon also other, stronger and better organized OC groups intertwined in alliance with various legal interest groups and high ranking officials of the local or regional administration. Also foreign criminal organizations established strong positions in show business, hotel and restaurant industry, gambling casinos, media, real estate trade and in the – meanwhile internationalized – red light environment. Leaning on their finances and links, they became members of the legal society of entrepreneurs.

After the opening of the borders, smaller and bigger foreign criminal groups appeared and operated partly independently, partly together with Hungarian partners in different areas: East Asians, mostly Chinese groups in product piracy and brand piracy, Vietnamese groups in cigarette smuggling, drug production and drug trafficking, Turkish groups in international drug trafficking, Italians and Dutchmen in trafficking in human beings for prostitution and illegal labor markets, Romanians, Slovaks, Serbs in people smuggling, as well as internationally active organized Romanian groups of travelling professional criminals who committed pick-pocketing and burglary of houses and shops in great numbers. The threat and prediction, however, feared at the mid 90s that Hungary could become the base of the Russian-speaking organised crime have not materialized.⁵¹

The transformation of the economic structure and finance markets offered a broad field for white collar criminals – on a high level of organised crime – who were active in the whole spectrum of economic crime: various crimes in the course of the full-scale privatization, money laundering, bankruptcy deception, unlawful dissolving of enterprises with large debts, foundation of companies for investment and credit fraud, mass production of falsified invoices etc.

As an early entrée of international terrorism, the legendary Carlos ‘the Jackal’ attempted to build a terrorist nest in Hungary and led his organization 1979–1983 from his headquarter in Budapest before the eyes of the – at least in the first period – helpless communist secret agencies which were on the other hand very successful in observation, denunciation and extortion of their own citizens. (Regrettably, Hungary’s state authorities – even in the 90s – made internationally bad publicity for themselves through their unwilling cooperation with the international and foreign national investigation services which were working on the exploration of criminal activities of Carlos after his arrest in 1994 and even after his sentencing to life in prison in 1997).

A series of bomb attacks in the late 90s on prominent persons of certain OC-related enterprises and politicians pointed not only to the strong competition of criminal organizations but also to the existence of illegal markets of weapons and explosive materials and to the existence of criminal groups prepared and willing

51 See Póczik, Szilveszter: Sozialer Wandel und grenzüberschreitende Wirtschaftskriminalität in Ungarn. In: Gropp, Walter (Hg.): Wirtschaftskriminalität und Wirtschaftsstrafrecht in einem Europa auf dem Weg zu Demokratie und Privatisierung. Leipzig 1998. S. 233–256.

to get involved in terrorist activity. A bomb attack in 1991 committed by RAF activists Andrea Klump and Horst Ludwig Meyer against the airport bus transporting Russian Jews immigrating to Israel showed that international political terrorism in Hungary was no more an imaginary but a very real threat.

Modern legal and administrative instruments for fight against organised crime

These events and tendencies required amendments in the penal law, penal policy and crime control as well. The necessary legal and police structures and instruments for the investigation and fight against OC have been created – even if somewhat delayed – by the end of the 90s. In reaction to the actual international trends by the second half of the 90s, modern and mature tools were created based to a large extent on the demands of the EU in the course of the preparation of Hungary's EU integration (01 May 2004) on conceptual and legal levels.

The National Strategy for Social Crime Prevention was born in 2003. The National Security Strategy of the Republic of Hungary⁵² released in 2004 stated in its chapter II.3 that:

„... the security situation of ... Hungary is being influenced to a fundamental extent by the negative phenomena accompanying the process of socio-economic transformation ... Organised crime ... constitutes a threat to Hungary's internal security. Organised criminal gangs have established relations with foreign criminal groups, with their activities covering the trafficking in drugs, arms, strategic materials, vehicles and human beings. ... these groups have been trying to assert their interests beyond the economic sphere, as well, and are therefore increasing their legal economic activities ... The system of state control is not adapting to the changes effectively enough. ... The biggest challenge to the market economy and legality, besides the illegal economy and organised crime, is corruption, ... Illegal economy, corruption and organised crime are phenomena mutually reinforcing each other. Corruption is particularly dangerous if it appears in the framework of public life and authorities. ... In the field of illicit drug trafficking, Hungary may traditionally be considered as a transit country ... As a result of the increase of domestic demand, Hungary has also joined the ranks of consumer countries ... Security challenges could also include extremist political and religious groups ...“

52 The National Strategy for Social Crime Prevention – Annex to Parliamentary resolution. no. 115/2003. (X.28.), Ministry of Justice, Budapest, October 2003. www.eukn.org/dsresource?objectid=143419, The National Security Strategy of the Republic of Hungary On the 31st of March 2004 the Government of the Republic of Hungary adopted the new National Security Strategy of the Republic of Hungary (Resolution No. 2073/2004 (III.31.)), it entered into force on the 15th of April and thus replaced the former National Security Strategy (Resolution No. 2144/2002 (V.6.)). http://www.mfa.gov.hu/Kulugyminiszterium/EN/Ministry/Departments/NATO/National_Security_Strategy.htm

A great number of acts, amendments and regulations should be mentioned here which contributed to the modernization of policing in the field of combating OC. The Police Law (no. XXXIV/1994) regulated the legal status, organizational structures and procedures. Based on the European Cooperation in Justice and Home Affairs, the so-called anti-OC law package of 1999 released restrictive regulations for some OC activities. The amendments of the Penal Code by the Acts no. LXXIII/1997, LXXXVII/1998 and CXXI/2001 harmonized the OC-related terminology with the appropriate terms used by CE and EU. The law no. CXXV/1995 on the National Intelligence Services and the new penal procedural law no. XIX/1998 laid down the norms of secret information-collection and secret investigation as well as for its democratic control mechanisms and institutions. The special regulations of the Tax Law and the Penal Code allow the examination of the source of fortunes and the confiscation of criminal profits. The Witness Protection Law no. LXXXV/2001 offers special support to the ‘pentitos’. The Law no. CXXXVI/2007 unified the former scattered regulation serving to prevent money laundering and the financing of terrorism. Criminal Law Convention on Corruption adopted by the council was internalized by the Law no. XLIX/2002. Every agreement, act and regulation cannot be listed here. It is enough to remark that in the course of Hungary’s national preparation to EU integration, the entire legal framework of the EU became internal law.

Based on the Law no. LIV/1999, the intelligence change towards the EU’s crime investigation and information systems was established through the Center for International Crime Investigation Cooperation which was working until 2007 and included the Europol National Bureau, the Interpol National Bureau and the International Information Department as well as the Integration Department.

The special police units against OC were established in more steps. Instead of the Police Service against Organized Crime, in 1996 the Central Crime Investigation Directory was established which gave up its seat to the Organized Crime Investigation Directory. The National Investigation Agency was established in 2004 after the German BKA model and now this is dealing with all international and domestic OC cases of highest importance – white collar crime, drugs, human trafficking, computer and internet crimes, corruption, crimes against natural environment and terrorism – in a centralized frame. As a non-operative organ, the Coordination Center for the Fight against Organised Crime (SZEBEK/OCCC) was established in 2001 based on the Law no. CXXVI/2000. Its members are delegates of the National Police Headquarter, the Internal Defense Service of Police Offices, the Customs and Finance Police, the National Chief Prosecutors’ Office and the national intelligence agencies. At the end of a long preparation process which requested among other things to unite the former Frontier Guard with the Police, Hungary joined the Schengen treaty’s border control and information system (SIS).

The international educational co-operations, e.g. with the International Law Enforcement Academy (ILEA) and Middle European Police Academy offered con-

siderable support to build up an effective Police in Hungary and the surrounding ex-communist countries.

Within the Police the „Protective Bastion Project“ serves the internal safety and prevents policemen from getting involved in criminal and corruptive situations. The aim of the project is to discover risk factors in the case of police candidates and civilian employees and to apply the principle of zero tolerance to illicit activities in the course of professional control and to disclose the environmental and individual factors in corruption cases.

Some results of researches by the NIC related organised crime

According to the criminal statistics, the number of reported crimes perpetrated organized gives about 1–5 % of the total number of crimes, fraud and document forgery are the most often occurring crimes.

Table 11: Number of the assumed organized offences in the penal procedures started

Year	Crimes total	Number assumed organized offences in the penal procedures started	Offences	%
2004	418 883	2 043	Smuggling in humans	2
			Smuggling	11
			Fraud	60
			(Credit card fraud)	(31)
2005	436 522	74	Smuggling in humans	5
			Fraud	70
2006	425 941	831	Smuggling in humans	1
			Forgery of documents	22
			Fraud	75
2007	426 914	122	Smuggling in humans	14
			Money laundering	2
			Fraud	78
2008	408 407	44	Smuggling in humans	14
			Forgery of documents	38
			Fraud	41

* Derived from the Official Criminal Statistics ERUBS by the Author

These relatively small numbers should not make us forget that the damage caused by OC does not depend on the number of offences. The damage of property crime

amounts 40–50 million Euros and that of economic crimes perpetrated almost always in organized frame amounts 150–200 million Euros per year.

Immigrants and refugees in Hungary

In last third of the 1980's years Hungary had to face the administrative tasks related with the transnational migration. From 1987, asylum-seekers of Hungarian ethnicity from Romania and later smaller groups escaping from the German Democratic Republic arrived in Hungary. In the years 1988–1989, 34,000 asylum-seekers arrived from Romania, 67 percent of them illegally. There were 3000 administrative operations started for family reunification. During the civil war in Yugoslavia, 48,000 persons escaped from the ethnic cleansing, mainly from Bosnia-Herzegovina, to Hungary which gave shelter to them. After the beginning of the Kosovo War in 1997 escaping Albanian, Serbian and Hungarian asylum-seekers arrived again. Meanwhile, asylum seekers from outside of Europe also appeared in bigger numbers. According to the experience of the police authorities, the majority of them wished to reach Western states through Hungary. In Hungary, the illegal networks for smuggling in humans were organized in parallel with the immigration waves. Between 1988 and 2007, Hungary offered safe living conditions to almost 200,000 asylum-seekers. In the period 1989–2000 almost 80,000 refugee applications were filed, 33,000 procedures started, but only approx. 10,000 persons received refugee status, while 25,000 rejecting decisions were made. The total number of expelling procedures is around 4–5 thousand yearly. Since the mid 1990's approximately 6,000–12,000 people filed an immigration plea every year, and until today, altogether approx. 45,000 people immigrated legally. More than three-quarters of them are Romanian, Serbian and Ukrainian citizens of Hungarian ethnicity. From 1997, Chinese also turned up in a magnitude of 500–1000 persons yearly. They have found employment in the field of small trade in cheap Eastern Asian mass products.⁵³

Foreign offenders in the criminal statistics

The OC-related researches illuminate the fine structure of these crimes. The migration and travel currents contain important risks for public safety. Based on the criminal statistics, the role of foreigners in the criminality in Hungary is not very considerable. From the mid 1990's until 2000 the foreign criminals represented about 3–4 per cent of the registered offenders and they committed around 2–3 percent of the registered crimes, which meant in terms of numbers

53 Póczik, Szilveszter: Bevándorlás Magyarországon a rendszerváltás tágabb időszakában [Immigration in Hungary in the broader period of the social transition] In: Póczik, Szilveszter – Dunavölgyi Szilveszter (eds): Nemzetközi migráció – nemzetközi kockázatok [International migration – international risks] HVG-ORAC Publisher House, Budapest, 2008. pp. 371–391.

10,000–12,000 crimes yearly. From the beginning of the social and political transformation the total number of the foreign criminals rose by approx. 1000 on annual average until today, but the number of their offences tripled. In 1990, foreign citizens committed 1.8 per cent and in 1993 5.8 per cent of all crimes and this take off caused a panic. The principal sources of this growth were offences against public order and property crimes. The six-fold rise in crime committed by foreigners against public administration from 700 to 4,200 in 2001 does not require further explanation if one knows the effects of the vast social and economic transformations. Such types of offence – for example unauthorized border crossing, smuggling in humans, administrative and corruption crimes, giving misleading information to the authorities, bearing false witness, forgery – are very easily connectable with the social processes taking place. By today, the number of these crimes stabilized at a number of 1000 cases yearly. Compared to the early period of the social transformation and measured by the number of crime offenders, it could be stated that the hierarchy of foreign crime groups changed as well. The Romanian citizens took the leading position from 1991 and they have kept their place until today. About two thousand Romanian offenders commit yearly about 4–5 thousand crimes. Information and data on Chinese offenders are available since 1995. The number of their crimes is slowly rising. In their social circle, criminal acts associated with migration and mercantile activity are typical.⁵⁴

Smuggling of humans

This research gave an overview of the organizational structures of human smuggling in Hungary as a transit country. The empirical results were based upon files of 193 complete court procedures. These cases provided information on 431 human smugglers and approximately 2500 persons having been smuggled. According the findings there are individual local smugglers, small smuggling groups organized on a low level and sophisticated organized transnational smuggling groups active. An important factor is the ethnic one of both the smugglers and the smuggled migrants. Unlike other criminal organizations, in the majority of the human smuggling cases nobody exercises central control over the entire smuggling process. Thus, members of these mono-ethnic smuggling networks operate as residents and coordinators and at the same time principals of the locally active smuggling groups which implement the smuggling actions themselves. The research detected a businesslike, consistent criminal activity; in 50 per cent of the cases studied there was one smuggler only. The foreign offenders, mostly Serb, Ukrainian,

54 Póczik, Szilveszter: Külföldi állampolgárok bűnelkövetése Magyarországon a kriminálstatistika tükrében, 1989–2006 [Criminality of foreign citizens in Hungary based on the criminal statistics 1989–2006]. In: Póczik, Szilveszter – Dunavölgyi Szilveszter (eds): Nemzetközi migráció – nemzetközi kockázatok [International migration – international risks] HVG-ORAC Publisher House, Budapest, 2008. pp. 393–406.

Albanian criminals co-operate with Hungarians and work indirectly for greater international networks.⁵⁵

Trafficking in humans

The Hungarian Law uses the definitions of the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children of the United Nations Convention against Transnational Organized Crime. Based on the analysis of the about 200 studied cases of trafficking in human beings, it could be stated that the so-called, inland⁴ trafficking, which does not involve crossing the borders, occurred as often as its transnational form. On a yearly average, 15–35 criminal procedures are started because of trafficking in humans, one third of the victims are children or juveniles, mostly women, in a high number inhabitants of state educational institutes and shelters (i. e. orphanage) misused as prostitutes. The offenders mostly committed the crime in an organized manner. Most of them had a former criminal record with multiple convictions. The victims were under threat and abuse, moreover pressured by the offenders sometimes even during the criminal procedure, too. As a consequence, the victims and witnesses sometimes change the content of their testimony and this delays the penal procedure and creates difficulties in providing evidence. In the interest of effectiveness in investigation and improvement of the willingness to provide evidences, the assistance, support and protection of victims and witnesses before, during and after the criminal procedure is of cardinal importance.⁵⁶

Real estate Mafia

The real estate market became open wide with the privatization of dwellings following the economic transformation, but also criminals turned their attention to the opportunities of this. The so-called real estate Mafia activity came to the forefront of public attention in connection with the problem of homelessness. In consequence of the changes occurring in the area of the construction credits and energy prices in the past decade, the majority of the poorer households has run into serious debts and become defenseless. The most crimes examined in the research proved to be frauds but also forgery of official and private documents, blackmailing, duress and violation of personal liberty could be detected in high numbers. In the legal and institutional environment, as well as in the behavior

55 Windt, Szandra: Embercsempészek és csempészett személyek Magyarországon [Human smugglers and smuggled human in Hungary]. In: Póczik, Szilveszter – Dunavölgyi Szilveszter (eds): Nemzetközi migráció – nemzetközi kockázatok [International migration – international risks] HVG-ORAC Publisher House, Budapest, 2008. pp. 407–423.

56 Fehér, Lenke: Emberkereskedelem Magyarországon. [Trafficking in human beings in Hungary] In: Póczik, Szilveszter – Dunavölgyi Szilveszter (eds): Nemzetközi migráció – nemzetközi kockázatok [International migration – international risks] HVG-ORAC Publisher House, Budapest, 2008. pp. 425–442.

of the aggrieved persons, a great number of factors could be discovered which supported the work of perpetrators indirectly. In the course of the empirical research 293 case documents were evaluated. It could be stated that this criminal syndrome is limited not merely to the capital city, but can be found in most of the country. The offenders do not create a single polyp-like real estate Mafia encompassing the whole country. The serial and businesslike character of these crimes is undoubtedly present. The most cases have been committed by criminal gangs independent from each other. In judging these often very complex acts the worst problem was caused by the difficulties of proving and the differences in legal evaluation of the crimes. In a great number of cases the often old, mentally handicapped, alcohol- or drug-dependent victims were only partly able to enforce their interests before the judge because of the lack of documentary evidence and false witness testimonies by supporters of the offenders. In such cases, due to the application of the principle in dubio pro reo, the procedures were terminated. The contribution and the role of the corrupt lawyers and notaries public are of outstanding importance among the causal factors. To combat the so-called real estate Mafia a special police unit was founded named ‚Beehive Subsection‘ in the Budapest Police Headquarters and also an ad hoc parliamentary committee was dealing with the problem. In 2006, the NIC organized a workshop which brought together police, local governments, competent authorities (e. g. land registry), civil organizations, certain professional chambers to discuss the possibilities of the social networking against real estate OC. The coordination of forces against the real estate Mafia proved to be a successful model project of the social crime prevention in Hungary.⁵⁷

Money laundering, economic crime

The research into money laundering and other organized economic crimes in the first year of the present decade analyzed the legal and investigation practice but, based on the available statistical and judicial documentation, could not produce tangible empiric results beyond the consequence that the very sophisticated structures and frameworks of economic crimes render the investigation of these more difficult, even often almost impossible, and raised the question if these do not rather represent a „phantom“ since the organized criminal character can be

57 Póczik, Szilveszter: Lakásmaffia jellegű bűncselekmények – Társadalomtörténeti és kriminál-szociológiai áttekintés a rendszerváltást követő időszak egyik jellegzetes szervezett bűnelkövetési formájáról [Crimes of the dwelling estate Mafia – Social historical and criminal-sociological overview on a typical crime in the period of social transition], and Nagy, László Tibor: Ténykutatás a lakásmaffia-bűncselekmények körében [Empiric research of dwelling estate Mafia crimes]. In Póczik, Szilveszter – Dunavölgyi Szilveszter (eds): Társadalmi összefogással a lakásmaffia ellen – Tanulmányok és dokumentumok 2002–2006 [Social networking against the dwelling estate Mafia – Studies and documents 2002–2006], published by BMK – Public Foundation for the safe Hungary, Budapest, 2006. pp. 39–57. resp. pp. 67–86.

proven not even in the case of the 3–8 suspected persons of the 2–15 penal procedures started for economic or financial crimes.⁵⁸

Traps of the social transition

As mentioned above, Hungary does not differ considerably from some other countries of the former Communist Bloc in Eastern Europe. With these countries Hungary, too, accomplished a very fast political and economic modernization under very strict conditions and based on ideal structures which were not rooted organically in the former social development. It meant, on the one hand, the transition to market economy and pluralist democratic constitutional state, on the other hand the acceptance of the post-communist political elites as legally acting players of the newly founded democratic order. In spite of that, the democratic transition seemed to be successful in Hungary, even faster and much more successful than in other neighboring states.⁵⁹ By possessing the key positions in the economy, political operative power and social networks, the post-communist elites and their clienteles, having been transformed themselves to formally legal organizations, arranged to manage the further basic processes of the transition itself. As a result of this trend the constitutional state has been reestablished gradually with their necessary structural levels. These became independent professional structures, particularly the courts of justice, the Prosecutor's organization while the political scene remained dominated by the younger generation of the earlier communist nomenclatura in the 20 years following 1990 – a general model of partial modernization in the early transition period in Eastern Europe. These elites conducted, among other things, the large scale privatization partly to their own benefit, widening their own clienteles with new capitalists, partly – aiming to seek new supporters – to the benefit of multinational mega-enterprises. After finishing the privatization the greater part of the former state-owned economic bases and because of several other external and internal factors, significant financial disturbances appeared as well in the self-sponsoring of politics as in financing the governmental apparatus and tasks. This forced the governing parties in 2006 to reduce public expenses radically at the very time of a parliamentary election won with sonorous welfare promises. Reacting to this and to a

58 Barabás Andrea Tünde – Molnár, Csaba: A pénzmosás fantomja – Tanulmány a pénzmosással kapcsolatos empirikus kutatásról. [The phantom of money laundering – An empiric research study] In: *Kriminológiai Tanulmányok*, Vol. 37/2000, OKRI, Budapest 2000. p. 184. Barabás, Andrea Tünde – Irk, Ferenc: Gazdaság, bűnözés, gazdasági bűnözés, szervezett gazdasági bűnözés [Economy, crime, economic crime, organized economic crime]. *Kriminológiai Tanulmányok*, vol. 38/2001, OKRI, Budapest 2001. p. 60. Barabás, Andrea Tünde: Die Praxis der Gewinnenabschöpfung in Ungarn. In: Kilchling, Michael (ed.): *Die Praxis der Gewinnenabschöpfung in Europa*. Freiburg: Max-Planck-Institut für ausländisches und internationales Strafrecht., 2002. pp. 391–429.

59 Póczik, Szilveszter: Zwischen Hoffnung und Zweifel. Ungarns jüngster Weg in die Demokratie. In: *Ungarn-Jahrbuch, Zeitschrift für Kunde Ungarns und verwandte Gebiete*, Hg: G. Adriányi; H. Glassl; E. Völk; Jg. 1991. Bd 19. Verlag Ungarisches Institut München. 1992. S. 264–285.

secret speech of the prime minister⁶⁰ having been published, spontaneous and violent demonstrations began which were broken by massive police counter-violence followed in many cases by violation of basic human and citizen's rights. This revolt of the youth was utilized by extreme radical rightwing political groups, too.

In the meantime, several corruption networks have been uncovered around and in some political parties, state offices and local governments which were working with unnecessary contracts, inexistent expertise, overpriced services, Potemkin-projects, fictitious invoices, misuse of civilian initiatives and foundations, bribes, blackmailing, i. e. with almost all items of the Penal Code, so that the conclusion seemed to be obvious to the broad social strata that the OC itself has taken over the governance and organizes some segments of the society after its own functional rules behind democratic facades. This belief was mirrored in the sweep of extremist and populist political movements, too. It is unnecessary to explain that OC and corruption activities endanger the basic values and achievements of Europe. Also other states, e. g. Poland and Romania, experienced similar periods and the social consequences were as disastrous there as in Hungary. As a result of this development too, Hungary became from the forerunner of the transition by 2009, the „sick man“ of Europe and, according to some analysts,⁶¹ had good chances to become very soon – using the terminology of political science – the first so-called „failed state“ in Europe, although „state failures“⁶² were known until now only in Latin America and the Third World.

At the same time we can hope that the long lasting period of partial modernization will be finished very soon and 2010 brings a new era in which the deficits of modernization and democracy will be complemented successfully.

60 „We were lying continuously in the last two years . . . lying in the morning, lying at noon and lying in the night.“ Secret statement of the Hungarian Prime Minister before Party leaders on May 26th 2006.

61 Egedy, Gergely: A kormányzás parancsa [The command to govern]. Polgári Szemle, 3/2009. http://www.polgariszemle.hu/app/interface.php?view=v_article&id=331

62 To the problem see Chomsky, Noam: Failed States: The Abuse of Power and the Assault on Democracy, Metropolitan Books 2006.

Overview of the results of the 2009 conference

- The countries in South East Europe rarely conduct their own OC research projects. Studies in these countries are often initiated by other countries and funded by the EU or other international forms of financial assistance. The current status and development of OC in the South East European countries seems to be an important topic of international research. The projects presented received financial support from the EU, UNODC, USAID, the World Bank and the Geneva Centre for the Democratic Control of Armed Forces, amongst others.
- It transpired at the conference that it was not possible to fight OC effectively, especially in Albania, Kosovo, Macedonia, Slovenia and Hungary, since the ties between OC and politics prevented democratic controls. For instance, there are research findings that show the existence of OC networks at the highest level of politics and industry. In addition, several speakers underlined that corruption is a major problem for the countries in South East Europe.
- „OC is able to deliver jobs and infrastructure where government and industry have failed to do so.“ Research findings from the University of Maribor in Slovenia tell of the existence of a so-called „Elite Power Crime“. OC networks established at the highest levels of politics and industry exert an influence primarily on the executive, but also on the legislative and the judiciary and prevent the democratic control of this elite. OC networks can function virtually unchecked at the highest levels („state capture“). Investigative journalists have already uncovered several cases of links between OC and state institutions.
- It was revealed that the former political elite of the communist regime in Hungary still maintains a dominant position in politics and industry and is hampering the democratic transformation of the country. The democratic control of this post-communist elite in top-level positions is limited. This presents a breeding ground for corruption and nepotism in politics, the economy and civil society. Members of criminal organisations are represented in state administrative structures, which deprive state and society of financial resources.
- Fighting child and human trafficking was recognised as a particularly serious problem in South East Europe, and measures aimed at fighting these crimes have been initiated. A project on human trafficking in Turkey revealed that the victims there, most of who come from the former Soviet Union, are mostly recruited by women. Human trafficking is often committed by groups that work in loose networks.

International drug trafficking represents a major problem for the countries in South East Europe. The activities of Turkish OC groups were highlighted, as

well as the structures of the distribution networks in Bulgaria. Regarding the structure of OC groups, it was revealed that in South East Europe the individual groups cooperate very closely with each other and are mostly horizontally linked. This applies most of all to Albanian OC groups.

Overview of the conference and summary of the individual presentations

The 3rd research conference took place in October 2010 in Frankfurt/Main. This conference focused on OC research and the situation regarding OC in South and South West European countries. One of the key themes was the status quo and expected developments of the Italian Mafia groups. The main area of crime examined at the conferences was drug trafficking via the EU gateways Italy and Spain.

As project manager in the „Analysis & Knowledge Unit“ of the „Operations Department“ at Europol, **Roberto Gonella** is responsible for drawing up the annual Organised Crime Threat Analysis (OCTA). In his presentation **„OC Situation in South and South-Western Europe“** he gave an overview of the threats posed by OC. Gonella concentrated on the main crime centres in the South and South West. He presented the types of threat and the current trends in the area of OC and made suggestions as to how the law enforcement authorities might respond to these threats.

The Iberian Peninsula is the main centre of crime in the South West, which is characterised by cultural links to Latin America, geographical proximity to north-west Africa, the Atlantic coast, the presence of foreign OC groups and links to other main crime centres. The main phenomena are trafficking in cocaine and cannabis, human trafficking and facilitating illegal migration.

The South West represents a particular threat for the EU, since criminal developments from Latin America have a direct influence on Europe via this region. It is also a hive of activity for OC groups from other EU countries. West and North West Africa have established themselves as important centres in international drug trafficking. From here, mostly cocaine and cannabis are transported to South West Europe.

Italy is the main centre of crime in the Southern region, which is characterised by violent OC groups that demonstrate a high infiltration capacity and maintain strategic connections in many parts of the world. The main offences are subsidies fraud, cigarette smuggling, product and brand piracy and euro forgeries. The Southern crime centres have links to cocaine producing countries. Overall it is anticipated that relations to OC groups outside the EU will be extended further. South Italian Mafia organisations traditionally control their territory in Italy but strive to gain control of the economic sector in the EU and presumably beyond.

Acts of violence and the infiltration of organised criminal groups to South and South West Africa, especially in the area of human trafficking and illegal migration, can be expected. It is also expected that there will be continued attempts to

get public sector contracts, and EU subsidies. An infiltration of the legal economy by criminal groups has already happened in parts and will continue to be a problem in future.

Dr. Nacer Lalam is a researcher at the „French National Institute for Advanced Studies in Security and Justice (INHESJ)“ at the French Interior Ministry. INHESJ was founded in 1989 as a centre for the various state bodies working in the area of security and justice to develop a common culture to improve the strategies for dealing with risks and threats posed by crime. INHESJ is organised into the departments „Criminal Statistics“, „Crime Monitoring“, „Economic Security and Crisis Management“ and „Training, Studies and Research“. The presentation **„Break and continuity of organised crime: An assessment from French cases“** examined studies on money laundering and drug crimes, cannabis cultivation and the illegal cigarette trade.

Research on OC has met with difficulties in France as there is only limited data material available. This is seen by researchers as a refusal on the part of the law enforcement authorities to provide information. There is still little demand for research projects in the area of OC on the law enforcement side. The project on money laundering and drug trafficking presented is based mainly on qualitative methods. Alongside personal interviews with representatives from the police, customers and the judicial authorities, court documents and reports from law enforcement authorities and international institutions were evaluated.

During the course of the project, calculations revealed that the annual profits from cannabis sales in France amounted to 832 million euros. The illegal income from drug trafficking was invested in casinos, real estate, gastronomy, discos, Internet cafés, hairdressing salons, transport companies, car companies and betting firms. The perpetrators use front companies, alternative payment transfer systems and debt securities.

Lalam presented a project on indoor cannabis plantations. Cannabis production in France is estimated to be about 32 to 50 tonnes a year, although the police only manage to seize three to four tonnes. It has been noted that the number of growshops and websites that deal with growing cannabis in France has been constantly rising. At the same time new methods of indoor cultivation are constantly emerging, and cultivation methods that increase the THC content of cannabis are preferred. The annual revenue was also calculated as part of the project. An indoor plantation with four halls, a total of 720 to 800 plants, and four harvests per year would have a sales value of € 494,000 to € 988,000. If five harvests a year are achieved the figure rises to € 618,000 to € 1,236,000.

Dr. Francesco Calderoni is a researcher at the „Joint Research Center on Transnational Crime (TRANSCRIME)“ founded in 1994. 20 staff from the universities of Milan and Trento are currently working at TRANSCRIME. Since the centre was founded about 90 research projects have been carried out with financial sup-

port from the EU as well as national and international sources. The centre conducts crime and risk analyses, studies on risk management and comparisons of the legal systems. In his presentation **„Researching organised crime in Italy: Present and future research trends“** Calderoni talked about the presence of the Mafia in Italy, the social network analysis on 'Ndrangheta and the investments of Mafia organisations.

There are currently a number of scientific approaches for developing an index with which the presence of the Mafia in the Italian state apparatus can be measured. TRANSCRIME has developed a method with 18 data sources. The so-called „Mafia-Index“ (MI) was created on the basis of four variables. The MI includes information on the structure of the Mafia, the willingness of the OC groups to use violence, whether politicians, public administration and the legal economy are influenced. The advantages of this index are the long run-time and the fact that the various different areas of activity of the Mafia are included. The highest index value was measured in Southern Italy, but some northern provinces also had high values.

Two 'Ndrangheta groups were examined using social network analyses on the basis of two criminal investigations, and the findings on the group structures were compared with studies that had already been published. One of the findings was that people with high standing had little involvement in the network communication.

Previous studies on other non-Mafia networks proved that criminal networks decentralise when arrests are made. This was not the case with the 'Ndrangheta groups; they are extremely stable and resistant to disruptive outside influences.

The aim of the study „Indicators on the Mafia Presence and Investments“ was to determine, for the period 2004 to 2008, whether Mafia organisations prefer to invest in regions which are under their control. The methodology applied is based on three criteria selected for determining Mafia presence: the number of crimes committed by the Mafia, the number of attempted and successful Mafia murders, and the number of Mafia infiltrations (the number of town councils or other public authorities that were dismantled). These three indicators were correlated with the assets seized. A statistical analysis on the distribution of the Mafia presence and the assets seized was presented in graph form.

In another project TRANSCRIME developed the so-called „Mafia and organised crime index“ (MOCI) for crimes committed between 1983 and 2008. As well as Mafia crimes, the MOCI includes other crimes not committed by the Mafia such as blackmail, arson, damage to property, terrorist and other attacks as well as kidnapping with demands for ransom. Most crimes were registered in Southern Italy, mainly in Sicily. Certain regions were afflicted with a particularly high crime rate.

The focus of an analysis on Mafia infiltration in business was on the companies seized. Between 1983 and 2010, 1,256 firms in Italy were confiscated, of which

38.8 % were located in Sicily. The analysis shows that there is a correlation between the number of firms confiscated and registered. This applies particularly to the restaurant and catering business as well as real-estate companies.

The business sectors with the highest rates of confiscation are the construction industry (28.4 %), wholesale and retail (26 %), hotels and restaurants (9.9 %) and real-estate firms (9.4 %).

Another study dealt with the question of how to measure the influence of the Mafia on the local economy. To do so, the relationship between confiscated firms and registered companies was examined in selected provinces for the same time period. According to this study, most confiscations took place in Palermo. 18 % of the construction companies there were seized.

Dr. Antonio Ingroia is Deputy Director of the public prosecution office in Palermo and has been working there since 1992 in the field of Mafia organisations. He described the development of the Italian Mafia using the example of the Sicilian Cosa Nostra. In his presentation „**Mafia and Antimafia in Italy and Europe**“ he provided an overview of the historical development of the Mafia and anti-Mafia.

Italy encountered the Mafia during the violent period in the middle of the 90's with all the legal means available: laws to strengthen the police and judicial authorities were passed and special legislative investigative instruments for Mafia trials were created. As a result, fugitive Mafia members were apprehended, the property of Mafia groups was seized and perpetrators were identified. A series of trials were conducted which revealed the ties between the Mafia, politics and high finance. Success in fighting the Mafia was mostly achieved by telephone surveillance and the use of „Pentiti“⁶³. The virtual impunity that existed for the Mafia until the end of the 1990's was abolished. A huge process of detachment from the Mafia took place in the Italian population and the population's trust in the state grew.

According to Ingroia, Mafia organisations that built their power on violent strategies, i. e. on carrying out murders and massacres, were largely broken up. The Mafia emerged much weakened, and took a break to gather itself again. Now violence is only used as a last resort. This change in strategy was mistakenly seen as the end of the Mafia, but the Mafia is merely in a process of transformation and now operates covertly. Its new aim is to increase the value of its assets by entering the legal and illegal business world, especially the public contracting sector and the retail sector. Cross-border alliances with other OC groups are being established. The Mafia used to control its territory with its illegal activities. Now it is in the process of leaving its territory to carry out illegal activities. This gives it

63 A Pentito (plural: pentiti) is a member of a Mafia organisation who does not comply with Omertà. Omertà is the code of silence Mafia members are obliged to keep on the members and dealings of the Mafia.

greater mobility both nationally and internationally and enhanced competitiveness in the area of international illegal markets. Mafia members are increasingly active as perpetrators of white-collar crime. As financial experts and money laundering advisors they are responsible for investing illegally generated funds. These „financial mafiosi“ are playing an increasingly important role in the global criminal hierarchy. In order to combat this new development, Ingroia considers it necessary to strengthen international instruments in future: a global antimafia to fight the global Mafia.

Francesco Pisano is police chief at the „Direzione Investigativa Antimafia“ (D.I.A.), a law enforcement authority set up to fight organised crime. The team there is made up of members of the Polizia di Stato, the Carabinieri and the Guardia di Finanza. The D.I.A. is authorised to carry out preventative and repressive investigations. In his presentation **„Combating organised Crime in Italy: Perspectives and problems“** Pisano provided an overview of the bodies entrusted with fighting the Mafia in Italy and the situation regarding OC. He also gave the participants insight into the OC groups Cosa Nostra in Sicily, Camorra in Campania, 'Ndrangheta in Calabria and Sacra Corona Unita in Apulia.

In recent years a series of measures were introduced to fight OC in Italy. In 2008 the law enforcement authorities carried out over 200 operations against Mafia organisations, arrested 2,583 people and imprisoned 180 fugitive criminals. An excellent result was achieved in the seizure of proceeds of crime: in 2008, 5.24 billion euros were seized. The fight against OC also means taking action against the infiltration in local authorities and thus against political decision-makers. In 2008 for instance, sixteen town councils were dissolved.

Cosa Nostra in Sicily is in the process of developing a finance-oriented structure that is invisible to the outside world. It is concentrating primarily on drug trafficking, political corruption, trading in military weapons as well as fraud and forgery. It controls the retail sector in various regions of Italy and owns whole shopping centres. There are, however, indications that resistance to the organisation has been offered in recent times: Sicilian business people have joined forces to fend off demands for protection money.

The Camorra is not hierarchal like the Cosa Nostra; it has a more horizontal organisational structure. There is a loose alliance of independent groups or families. The Camorra has specialised in cigarette trading and also offers legal services, which are, however, carried out under illegal conditions. This concerns the transport and disposal of waste, the provision of building materials, counterfeit fuel and products, the billing of services not performed and „supporting“ the administrative processes of local authorities. The Camorra is the leading OC group in the field of forgery. It concentrates mostly on trading in fake leather clothing, although it also cooperates with Chinese groups. The Camorra has also set up logistical and operational bases in cocaine trafficking from South America via Spain and Italy.

The 'Ndrangheta in Calabria is in the middle of expanding its economic influence. It has transformed itself from an organisation that operated on a purely local level to a global criminal enterprise. It is the leading organisation in Europe in cocaine trafficking. The majority of the cocaine is brought to Europe from the Calabrian dealers via the Benelux countries and Germany. This is possible because of the large number of 'Ndrangheta groups in Germany and because operational bases have been set up in Belgium, the Netherlands and in Luxembourg. Connections exist with East Europe, the USA, and Central and South America. The most recent indications that the 'Ndrangheta is working together with Far Eastern OC groups – presumably in the area of product piracy – is a sign of their interest in Asian countries. The 'Ndrangheta has a network of restaurants, hotels and pizzeria in which illegal money is laundered. The relations with OC groups in East European countries are of considerable importance. In particular there are connections to Bulgaria and Albania which have the aim of creating new markets for supplying and distributing drugs.

The Sacra Corona Unita (SCU) has emerged as the fourth Mafia organisation in Apulia. It has specialised in the trafficking of cigarettes, drugs, weapons and humans. The SCU is a sort of service provider for other Mafia organisations. It provides services in illegal labour exploitation, waste disposal, procurement of government contracts, drug trafficking and illegal cigarette trading and illegal immigration.

Pisano gave a detailed description of the activities of Albanian-Kosovo, Rumanian, Chinese, Nigerian, North African, Russian and Columbian OC groups in Italy in his presentation. All these groups work together with Mafia organisations in Italy.

Dr. Georgios A. Antonopoulos is researcher and lecturer at the „School of Social Sciences and Law“ at the University of Teesside in the UK. His main research interest is OC in Greece. In his presentation „**Organised crime and (some) organised crime research in Greece**“ he provided insight into OC in Greece and relevant research projects on illegal cigarette smuggling, car and car parts theft as well as the cocaine market.

Data collection on OC in Greece began in 1998, but has been fraught with difficulties since OC groups in Greece exert an influence on the administrative and tax authorities. Greek business people have a poor attitude towards paying taxes and there are no effective controls. Greece is one of the main legal producers of cigarettes. A 2008 study on cigarette smuggling revealed that 16.9 % of the cigarettes consumed in Greece come from illegal sales. Sections of the legal economy, especially wholesale markets, import and export firms, the shipping industry, logistics companies, airlines, retail and the tobacco industry play a significant role in illegal trading. Corruption is rife, with customs, the police, the coastguard, the army and even judges involved.

Projects from 2007 and 2009 on car and car parts theft indicate a steady increase in stolen cars in Greece in the period from 1981 to 2004. The gross domestic product is lower than the EU average, but Greece is the country with the most expensive new cars and there is a major car parts industry. On the other hand, a fixed OC structure is not apparent, but relations to legal companies are frequent.

Another project from 2010 examined the cocaine market in Greece. There does not appear to be a sophisticated coordination system for cocaine trading in Greece. Rather, it seems to be managed in an improvised manner with decisions being made spontaneously. There are close links between the legal economy in Greece, especially the shipping industry, and the cocaine trade.

Professor Andrea Gimenez-Salinas Framis has been director of the „Research Institute for Forensic Science and Security“ at the Autonomous University of Madrid since 2010. In her presentation **„Drug trafficking and money laundering in Spain: Evidence and political response“** she outlined the findings of her research project on drug trafficking and money laundering which was completed in the middle of 2010.

Gimenez-Salinas Framis began her presentation by discussing the relations between the „Gabinete Estudios de Seguridad Interior“ (GESI), aligned to the Interior Ministry in Madrid and the „Instituto de Ciencias Forenses y de la Seguridad“ at the University of Madrid. Both offices have closed an agreement to cooperate more closely, also in the area of OC research. This includes collecting all the data on OC available in Spain. This was realised in a project by the University of Madrid in which 70 lengthy OC investigations of the Guardia Civil and the Civil Guard between 1999 and 2009 were evaluated. In particular, the organisational structures of the groups, criminal markets, activities and the profiles of the suspects were analysed. The findings were ready in the middle of 2010 and provide a comprehensive overview of OC in Spain. According to the findings, 34 % of all illegal activities in Spain are related to drug trafficking, with cocaine and hashish-related offences making up the biggest part. Since the 80’s, alliances of Spanish and Columbian OC groups have formed in the cocaine trade. The speaker described the current trends in the evolution of the cocaine trade.

In the cocaine trade from South America to Spain the transit routes are shifting to Gabon, Ghana, Gambia and Senegal. Columbian OC groups have the necessary infrastructure in Portuguese and French colonies. Infrastructure and transport routes from the hashish trade are used for the cocaine trade. It emerged that Columbian, Mexican, Venezuelan and Argentinean groups have been entering alliances with Italian, French, British and Portuguese groups. The OC groups use their own import and export companies.

Spain is a destination country for heroin, which is mostly transported over land from Afghanistan via Turkey. Heroin transported by air comes primarily from Pakistan to Catalonia, where a Pakistani community takes over the onward distribu-

tion. The distribution of the heroin in the outskirts of the capital cities is done by Sinti and Roma. Otherwise it is Turkish OC groups who dominate, but also Spanish Roma and Columbian groups who trade heroin for cocaine.

Morocco is the most important hashish production country worldwide, and Spain is the European gateway for hashish from North Africa. 70–80 % of the drugs from Morocco are not destined for Spain, but for other countries in Europe. The Spanish often act as middlemen for the transport of hashish. Gimenez-Salinas Framis talked about the developments of Moroccan OC groups, the composition of the groups and the transport routes.

Moroccan OC groups are moving over to controlling the entire distribution process in the hashish trade. They have infrastructure in Spain and their members take charge of the selling or commission other groups to do so. Spaniards are often members of the OC groups in hashish trading too. The Spanish enclave Ceuta in Morocco plays a central role in the transit. The main route for hashish transport is by sea over the Mediterranean to Spain.

Gimenez-Salinas Framis also addressed the subject of money laundering. Spain, with its strong tourist sector, is a very attractive country for money laundering activities. 75 % of the illegally-obtained money since 1999 has come from drug trafficking, mostly from the cocaine and hashish trade. Investments of foreign capital, especially on the southern coast, receive state funding, but foreign investments and domestic real estate business transactions are barely monitored. In general, there is a lack of political strategies for fighting money laundering and increasing the transparency of financial transactions. The process is aided by the tax havens Gibraltar and Andorra. Members of Italian and Russian organisations often launder their money in Spain. But it is mostly Spaniards who are involved in money laundering activities, partly in cooperation with other foreign groups. Foreign OC groups (from Columbia, Morocco, and Mexico, amongst others) send illegally-obtained money to their countries of origin. Finance experts and lawyers mostly work for more than one illegal organisation. In the past these were mostly Spaniards, but now they are Columbians and Mexicans too.

OC groups operating in Spain set up companies in Gibraltar and the Netherlands for the purpose of laundering money. Hawala⁶⁴ is practiced between Morocco and Spain, but also between China and African countries. In Spain and Morocco money is invested in real-estate. Valuable objects such as art and jewellery are bought up and sent to home countries like Morocco and Romania. Transfers are made via

64 Hawala (of Arabic origin: exchange, hindu: trust; the modern term Avalkredit also refers to this) is a global informal transfer system which has its origins in the early medieval trading society of the Near and Middle East.

MoneyGram⁶⁵, Western Union and public telephone boxes (Columbians and Dominicans). Import and export firms are used for the physical transport of money. The illegal profits are often declared as lottery wins and insurance money.

Consequently the need to step up the fight against money laundering, to monitor import and export activities more closely and to improve the transparency of company ownership, was underlined.

Dr. Alejandra Gomez-Cepedes is project manager and editor at the Andalusian „Institute of Criminology“ at the University of Malaga. The institute was founded in 1990 as an independent research body and has evolved into one of the leading criminological centres in Spain. In her presentation **„Conducting organised crime research in Spain: An appraisal of the pros and cons“** she gave an overview of the research conducted at Spanish universities and presented some of their projects.

Little research has been conducted in Spain into OC, which is why there has only been a small number of publications and studies on the subject so far. Hitherto, OC and economic crime have not been priority fields of research. This situation began to change when new study courses in criminology were established in Spain. The existence of OC has largely been ignored by the Spanish government thus far, although high seizure rates in the cocaine and hashish trade in Spain indicate that OC is widely spread. Fighting terrorism took priority over fighting OC. It wasn't until 2005 that the first measures were taken and special units and investigative teams for fighting OC were set up.

The annual statistics of the Spanish interior ministry do not contain any information on OC; they merely contain figures on crimes like murder, prostitution, car theft etc. It is not possible to tell from these statistics whether the criminal acts were committed by OC groups or individuals. There are no detailed statistics on crime in Catalonia, the Basque Country and Navarra, which together account for 17% of Spanish crime.

The public has no access to the crime statistics of the Spanish interior ministry. Overall there is very limited access to police data. It is therefore necessary to use alternative, publicly available information sources to get an overview of crime in Spain.

The „Malaga“ project concerned the largest corruption scandal in the real-estate sector in 2006 in Malaga on the Costa del Sol. All the political parties were involved in this scandal. For the first time in Spain's history a city council had to be dissolved because its members were arrested.

65 MoneyGram International, Inc. is a US money transfer company with its headquarters in Minneapolis which is represented on the international finance market. A sum of money can be transferred between 2 people by making a desposit in a MoneyGram branch. The person depositing the money receives a reference number. The recipient can collect the money in a branch in the place he/she is located as soon as they are informed of the reference number.

The „Merino“ project dealt with another real-estate scandal in Spain which revealed the corrupt practices of the city council of Ronda that had gone on for more than 20 years. Gross violations of environmental laws were committed, in which water companies were also involved.

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The Mafia Index. A measure of the presence of the Mafia across Italian provinces

Francesco Calderoni

Introduction⁶⁶

The presence of the Mafias in Italy is an irrefutable fact.⁶⁷ Surprisingly, however, a relatively small number of studies and publications have attempted to measure the presence of Mafias on the Italian territory. This is remarkable, because measurements are fundamental in the perspective of supporting the law enforcement activity against the Mafias. Probably, better data and information sharing, and therefore better measurements, could effectively contribute to Italy's efforts to prevent Mafias or to enforce the law against them. The aim of this article is to partially fill this gap and present the Mafia Index (MI hereinafter), a composite index measuring the presence of Mafias at the provincial level in Italy.

The following section (Section 1) discusses the shortcomings of the existing measurements of Mafias in Italy, reviewing the most recent attempts to create indexes of the presence of Mafias and/or organised crime. The article then presents the methodology used to create the Mafia Index (Section 2). The MI is analysed and discussed in Section 3. Section 4 concludes.

66 This contribution is drawn from Francesco Calderoni, 'Where is the Mafia in Italy? Measuring the presence of the Mafias across Italian provinces', *Global Crime*, Vol 12 (1), 2010.

67 For the purpose of this study, 'Mafias' refers not only to the Sicilian Mafia but also to other criminal groups which share some significant features with the latter (although they are not the same phenomenon). Traditionally there are four main Mafias in Italy: besides the Sicilian Mafia, there are the Camorra, the 'Ndrangheta and the Sacra Corona Unita. Some authors talk of a „fifth“ Mafia, referring to criminal phenomena exhibiting some of the significant features of the four main groups. This denomination has been applied to criminal groups in Sicily, Sardinia, Basilicata and Veneto (see for example, Bascietto, Stidda. *La quinta Mafia, i boss, gli affari, i rapporti con la politica; Sergi, Gli anni dei basilischi*. In general, the category 'Mafias' is widely accepted in the Italian literature (where *mafie* is the plural form of the word. See Santino, *Dalla Mafia Alle Mafie; Fiandaca and Costantino, La Mafia, Le Mafie; Sciarrone, Mafie vecchie, mafie nuove; Pezzino, Le mafie.*) and at the international level (usually including other phenomena such as the Yakuza, the Triads and the so-called Russian Mafia. See, for example, Varese, „How Mafias Migrate“; Naylor, „Mafias, Myths, and Markets: On the Theory and Practice of Enterprise Crime.“). Moreover, it is customary to apply the term 'Mafia' (in the singular) to criminal organizations other than the Sicilian Mafia.

In Italy, the allocation of other similar criminal groups to the category 'Mafia' also occurs in criminal law. The last paragraph of Article 416-bis of the Italian Criminal Code (Mafia-type association) explicitly states: „the provisions above apply also to the camorra, the 'ndrangheta and other associations, however known or called, even foreign, which use the intimidatory power of the group to achieve the goals typical of a Mafia-type association“.

1. Problems relating to the existing attempts to measure the presence of Mafias in Italy

Based on the foregoing brief review of existing attempts to measure the presence of Mafia in Italy, this subsection analyses the current state of the art and identifies the problems with such research.

Some of the measurements considered do not allow comparison among different areas. This is the case of the Organised Crime Index (OCI) compiled by ISTAT,⁶⁸ which measures regional trends compared to their level in 1995 (for each region 1995=100). The OCI cannot be used to assess whether there is more organised crime in Sicily than, for example, in Calabria or Veneto.⁶⁹

The measurements reviewed are frequently made at the regional level or do not include all Italian provinces. In the former case, the analysis is limited to regions, which are relatively large areas and may comprise very different socio-economic and criminal contexts. Most of the measurements reviewed above were at regional level. Some studies conducted analysis at the provincial level.⁷⁰ Only the studies by Mennella and Daniele and Marani analysed all the Italian provinces.

Most of the studies reviewed used data covering a limited time span. This may significantly affect the perception and measurement of the Mafia. The latter, in fact, is an enduring and complex system which can hardly be measured with data relative to one or two years. Constructing an index with data limited to only a few years may prove problematic, given that the presence of the Mafia lasts and changes over time periods longer than a calendar year. This problem affects most of the reviewed studies and indexes. The ISTAT OCI, the Eurispes *Indice di penetrazione mafiosa* (IPM, Mafia penetration index),⁷¹ Centorrino and Ofria,⁷² Mennella⁷³ and Lavezzi⁷⁴ used yearly data from one year to construct their indexes. Daniele and Marani⁷⁵ and Censis⁷⁶ used data covering three or four years.

In some cases, the geographical scope and the variables used have changed among different editions of the measurements. This applies especially to the IPM, and it

68 ISTAT, „B. Indicatori di contesto chiave e variabili di rottura.“

69 For example, the OCI for Sicily in 2006 is 48.3 while for Umbria (a small central region) is 304.3.

70 Eurispes, 16° Rapporto Italia 2004; Censis, *Il condizionamento delle mafie sull'economia, sulla società e sulle istituzioni del Mezzogiorno*; Mennella, „Reti sociali, criminalità organizzata e mercati locali del lavoro“; Daniele and Marani, „Organized crime, the quality of local institutions and FDI in Italy“; Calderoni and Caneppele, *La geografia criminale degli appalti*.

71 Eurispes, 16° Rapporto Italia 2004; Eurispes, 17° Rapporto Italia 2005; Eurispes, 19° Rapporto Italia 2007; Eurispes, 20° Rapporto Italia 2008; Eurispes, 22° Rapporto Italia 2010.

72 Centorrino and Ofria, „Criminalità organizzata e produttività del lavoro nel Mezzogiorno.“

73 Mennella, „Reti sociali, criminalità organizzata e mercati locali del lavoro.“

74 Lavezzi, „Economic structure and vulnerability to organised crime.“

75 Daniele and Marani, „Organized crime, the quality of local institutions and FDI in Italy.“

76 Censis, *Il condizionamento delle mafie sull'economia, sulla società e sulle istituzioni del Mezzogiorno*.

affects the possibility of comparing the IPM 2004 with the other editions (2005, 2007, 2008, 2010) in order to analyse the trends of the provinces.⁷⁷

The variable selection is frequently problematic, and there is a significant variety among the measurements reviewed. First, the variables selected do not always directly concern organised crime. For example, data on bomb or fire attacks, usury or money-laundering include crimes not committed by the Mafias. For this reason the use of such data to measure the presence of the Mafia may provide unreliable information. In some cases, moreover, the measurements include indirect crimes and exclude offences more directly related with the Mafia. For example, the IS-TAT OCI includes arsons and serious robberies, but it excludes Mafia-type associations. Second, some specific types of crime suffer from a very high 'dark figure' (i.e. unreported crimes), so that the official statistics are not likely to reflect the actual distribution of crimes, but rather the population's propensity to report them. For this reason these data are extremely unreliable and should be analysed with great caution. Extortion is a typical example. The threat of retaliation for reporting extortion to the police is very serious when it involves a Mafia group, because it is relatively certain, immediate and may imply serious damage, including death. It is consequently likely that, in areas where organised crime exerts strong control over the territory, data on extortion are severely underestimated.⁷⁸ For these reasons, the official data on extortion are probably distorted, underestimating the distribution of the offence in provinces under the close control of Mafia-type associations. Other provinces may have higher rates, although this may be due to a higher propensity to report among victims, perhaps encouraged by less pervasive control of the area by criminal organizations. Despite the importance of extortion in the dynamics of the Mafia, data on extortion should be analysed with extreme care and not be considered as furnishing direct measures of Mafia presence. The above-reviewed attempts to measure the presence of Mafia frequently overlooked the difficulties involved in the use of official crime statistics, and they did not verify whether the variables selected were directly and reliably related to the Mafia. There is no discussion on the selection of the variables and no analysis of the possible problems relative to the use of these data.⁷⁹

The procedures for calculating the measurements exhibit various problems. The IPM by Eurispes included data in absolute values for the number of phone interceptions in the provinces. This severely affected comparability among the provinces, because larger and more densely populated provinces are likely to have more

77 For example, in the ranking of the IPM 2004 Crotona was the last province of Calabria. In 2005 the IPM 2005 Eurispes included Mafia murders in the index. Crotona ranked first in IPM 2005.

78 Daniele, „Organized crime and regional development. A review of the Italian case,“ 227; Asmundo and Lisciandra, „Un tentativo di stima del costo delle estorsioni sulle imprese a livello regionale: il caso Sicilia,“ 117; Caneppele and Calderoni, „Extortion Rackets in Europe: An Exploratory Comparative Study.“

79 In another study, Daniele examines the problems of measuring extortion and Mafia in Italy. See Daniele, „Organized crime and regional development. A review of the Italian case,“ 227.

interceptions than smaller ones. It is widely acknowledged that comparison among variables whose distribution is affected by the size of the population studied is achieved by calculating rates. In this case, the rate per 100,000 inhabitants, or better per phone lines, would have yielded comparable information.

Other measurements sum the different variables and subsequently calculate the rates. This procedure is inevitably affected by the overall values of the summed crimes. For example, in 2008 the police reported to the judicial authorities 104 Mafia murders, 6646 extortions, 10728 cases of damage followed by arson, and 34082 drug offences.⁸⁰ It is clear that the sum of the provincial values will be most influenced by drug and damage followed by arson offences. This implies that very frequent and generic (not directly Mafia-connected) offences are mixed with crimes which are direct signals of Mafia presence, such as Mafia-type murder. In practice, these indexes reflect the distribution of the most numerous crimes, which are frequently the ones more indirectly (if ever) related to the Mafia.

Analysis of the existing attempts to measure the presence of the Mafia in Italy highlights several problems and issues. These relate to the selection of the variables most directly related to the Mafia, to the geographical and chronological scope of the data analysed, and to the procedures used to calculate the index. One of the mentioned scholars, Lavezzi, acknowledged dissatisfaction with the current measurements and argued that ‘the measurement of organised crime would therefore require a specific study’.⁸¹

The present study aims to contribute to this need by creating the Mafia Index (MI), which is designed in particular to:

- accurately select the most directly Mafia-related variables
- cover a prolonged time span
- provide scores at the provincial level
- use a clear calculation procedure accounting for the different values and distributions of the selected variables.

2. The creation of the Mafia Index

A methodology based on three steps was used to create the MI. The first step defined the concept of Mafia and devised an operational definition comprising multiple dimensions (2.1). The second step identified possible indicators for each dimension and operationalized them (2.2). The third step created the MI by combining the variables selected (2.3).

80 Data are available on the ISTAT website „Justice in Figures“: giustiziaincifre.istat.it

81 Lavezzi, „Economic structure and vulnerability to organised crime,“ 206.

2.1 The different dimensions of the Mafia

The concept of Mafia is an extremely complex one, and the literature has offered a number of definitions from different epistemological perspectives. However, defining the Mafia would fall outside the scope of this study, which relies for its purposes on two main definitions of ‚Mafia‘. The first is the well-known legal definition of ‚Mafia-type association‘ provided by Article 416-bis of the Italian Criminal Code. Paragraph 3 of the provision defines the ‚metodo mafioso‘ (Mafia method) and the goals of the Mafia as follows:

„An association is of Mafia-type when its members exploit the potential for intimidation which their membership gives them, and the consequent subjection and *omertà* to commit offences, or to assume, directly or indirectly, the management or control of financial activities, concessions, permissions, enterprises and public services, or for the purpose of deriving profit or wrongful advantages for themselves or others, or to hamper or to prevent during public elections the free exercise of the right to vote or to obtain votes for themselves or for others (author’s translation)“.

The second definition is the ‚paradigm of complexity‘. This is a sociological definition which describes the Mafia as ‚a system of violence and illegality that aims to accumulate wealth and to obtain positions of power; which also uses a cultural code and which enjoys a certain popular support‘.⁸² Some other scholars in Italy and abroad have adopted or aligned with the paradigm of complexity,⁸³ which among its various implications postulates that ‚Mafia‘ is a complex, multifaceted concept.⁸⁴

Based on these two definitions, both of which highlight the complexity of the Mafia and the variety of its activities and functions, this study adopts the following operational definition of Mafia: *a criminal system characterised by the presence of criminal groups providing illicit goods and services, using violence, threat or intimidation, and infiltrating the political and the economic system*. According to this operational definition, the Mafia has four main dimensions:

- presence of criminal groups providing illicit goods and services
- use of violence, threat or intimidation
- infiltration of the political system
- infiltration of the economic system.

82 Santino, „Mafia and Mafia-type organizations in Italy,“ 87; Santino, *Dalla Mafia Alle Mafie*.

83 Armao, *Il Sistema Mafia*; Paoli and Fijnaut, „Introduction to Part I: The History of the Concept,“ 31; Allum and Siebert, „Organized crime: a threat to democracy?,“ 17; Scalia, „From the octopus to the spider?,“ 6.

84 Santino, „Mafia and Mafia-type organizations in Italy,“ 87.

2.2 The selection of the variables

On the basis of a systematic review of the literature of existing attempts to measure the presence of Mafia in Italy, and of available data sources, selection was made of a number of possible indicators and related variables with which to measure the above four dimensions.⁸⁵

Table 1 lists the four dimensions, the indicators identified within each dimension, the variables measuring each indicator and the available years. Two variables („Number of Mafia-type associations identified by the investigative authorities“ and „Offence of Mafia-politics vote-trading reported by the police to the prosecution service“) were not available.

Table 12. Dimensions, indicators and variables for the Mafia Index

Dimension	Indicator	Variable	Period
Presence of criminal groups providing illicit goods and services	Presence of Mafia-type associations	Mafia-type associations ^a	1983–2008
Presence of Mafia-type associations	Offences of Mafia-type associations indicted by the prosecution service ^b	1994–2003	
Presence of Mafia-type associations	Number of Mafia-type associations identified by the investigative authorities ^c	N/a	
Presence of criminal associations	Criminal associations ^a	1983–2008	
Drug trafficking	Drug offences ^a	1983–2008	
Prostitution	Exploitation of prostitution ^a	1983–2008	
Usury	Usury ^a	2004–2007	

85 In Italy, there are no victimization surveys or other periodic surveys measuring the presence or the perception of Mafias (like, for example, the Transparency International’s Corruption Perceptions Index). Such surveys would provide important information with which to complement existing data (See Caneppele and Calderoni, „Extortion Rackets in Europe: An Exploratory Comparative Study.“). Although these sources have problems (sampling, memories of the respondents, costs), they have been used for the analysis of organised crime (see van Dijk, „Mafia Markers: Assessing Organized Crime and its Impact upon Societies.“). The only existing survey is the Italian Business Crime Survey conducted by the Italian Ministry of Interior and Transcrime in 2008 (see Mugellini, „Measuring crime against business in the EU: the problem of comparability.“ 89. This survey has also covered offences related to organised crime (e.g. corruption, extortion), but results are available only at regional level and have not yet been officially published (see Mugellini, „The Victimization of Businesses in Italy: key results.“

Dimension	Indicator	Variable	Period
Counterfeiting	Counterfeiting ^a	2004–2007	
Smuggling	Smuggling ^a	2004–2007	
Trafficking of waste	Organised activity for the illicit trafficking of waste ^a	2002–2009	
Use of violence, threat or intimidation	Homicidal violence	Mafia murders ^a	1983–2008
Homicidal violence	Attempted Mafia murders ^a	2004–2007	
Instrumental violence	Extortions ^a	1983–2008	
Instrumental violence	Kidnappings for ransom ^a	1983–2007	
Instrumental violence	Arsons ^a	1983–2008	
Instrumental violence	Damage followed by arson ^a	1983–2008	
Instrumental violence	Bomb or fire attacks ^a	1983–2008	
Infiltration of the political system	Infiltration of local governments	City councils dissolved for infiltration by organised crime ^d	1991–2009
	Infiltration of elections	Mafia-politics vote-trading ^a	N/a
Infiltration of the economic system	Infiltration of public procurement	Offences related to public procurement ^b	2003–2005
	Money-laundering	Money-laundering ^a	2004–2007
	Investments by the Mafia	Assets confiscated from organised crime ^c	1983–2009

^a Offences reported by the police to the prosecution service. Operational database for Italian law enforcement agencies. Until 2003 this database was known as ‘modello 165’, while since 2004 a new system (‘SDI’ acronym for *Sistema di Indagine*) has replaced the previous one.

^b Territorial Information System on Justice database compiled by ISTAT and Ministry of Justice.

^{c-d} Ministry of Interior data

^e Agenzia del Demanio data

^f data from Legambiente, Rapporto Ecomafia

Source: author’s compilation

Subsequently, the selected and available variables were analysed according to three criteria. Table 2 presents the variables selected according to these criteria.

The first selection criterion was the availability of data for a sufficiently long period of time. This criterion may appear trivial, but it has important implications. As argued above, a Mafia is an established and long lasting criminal system. To measure its presence in the Italian territory it is necessary to take account of this persistent and continuous nature. Therefore, the selection of data for a limited time period may affect the analysis of the phenomenon and distort perception of it. The data collected for the study had different time spans. Long time series were available for 12 variables (at least 19 years available). For 8 variables, data were available for shorter periods (between 3 and 10 years).

The second selection criteria was content validity.⁸⁶ Each identified variable was checked for its content validity, i. e. how it reflected one or more dimensions of the operational definition of Mafia. This criterion paid particular attention to how the variable directly reflected Mafia activities. Some variables were directly and univocally related to the Mafia. This was the case, for example, of Mafia-type associations or Mafia murders. Clearly, these variables measured phenomena which were directly related to the concept of Mafia. By contrast, some of the variables identified were not directly and univocally related to the Mafia: for example, statistics on drug offences, money-laundering and extortion. It was impossible to know from the data available whether the suspects/perpetrators of these offences were related to the Mafia (e.g. as members or other partners) or isolated single criminals. It is legitimate to hypothesize that these offences are frequently committed by criminal organizations, and even by the Mafias. Indeed, most of the studies reviewed earlier did so. However, it is impossible to establish the share of the total offences actually committed within Mafia groups and not by single individuals. Further, the ‚Mafia share‘ may vary from offence to offence. For this reason, variables not directly and univocally related to the Mafia did not pass the test for content validity. The reason for their exclusion was to avoid the use of data whose connection with the Mafia was only partial and unclear. Among the available variables, only six were directly related to the Mafia.⁸⁷ The other variables (n. 14) were not directly and univocally related to the Mafia.

The third selection criterion consisted in criterion validity.⁸⁸ Each identified variable was analysed, verifying its statistical correlation with the other variables. Among the identified variables, 13 variables had a positive (Pearson’s $r > 0.3$)

86 ⁸⁶ Content validity refers to how „the measure covers the full range of the concept’s meaning“. Bachman and Schutt, *The Practice of Research in Criminology and Criminal Justice*, 95.

87 Mafia type associations (reported by the police), Assets confiscated from organised crime, Mafia murders, City councils dissolved for infiltration by organised crime, Mafia type associations (indicted by the prosecution) and attempted Mafia murders.

88 Criterion validity refers to how „the scores obtained on one measure can be compared to those obtained with a more direct or already validated measure of the phenomenon (the criterion)“. Bachman and Schutt, *The Practice of Research in Criminology and Criminal Justice*, 95.

and statistically significant correlation with at least half of the other variables.⁸⁹ Seven variables were not correlated to any other variables (exploitation of prostitution, drug crimes and waste trafficking) or were correlated to between one and four variables (counterfeiting, money-laundering, smuggling and usury).

Table 13. Selection of the variables for the MI

Dimension	Variable	Time period	Content validity	Criterion validity
Presence of criminal groups providing illicit goods and services	Mafia-type associations	26 years	Yes	Yes
Mafia-type associations	10 years	Yes	Yes	
Criminal associations	26 years	No	Yes	
Drug offences	26 years	No	No	
Exploitation of prostitution	26 years	No	No	
Usury	4 years	No	No	
Counterfeiting	4 years	No	No	
Smuggling	4 years	No	No	
Organised activity for the illicit trafficking of waste	8 years	No	No	
Use of violence, threat or intimidation	Mafia murders	26 years	Yes	Yes
Attempted Mafia murders	4 years	Yes	Yes	
Extortions	26 years	No	Yes	
Kidnapping for ransom	25 years	No	Yes	
Arsons	26 years	No	Yes	
Damage followed by arson	26 years	No	Yes	
Bomb or fire attacks	26 years	No	Yes	
Infiltration of the political system	City councils dissolved for infiltration by organised crime	19 years	Yes	Yes

⁸⁹ Criminal association correlated to 16 other variables; extortion and city councils dissolved for organised crime infiltration to 13; Mafia-type association (police reported), Mafia murders, assets confiscated to organised crime, Mafia type association (indicted), attempted Mafia murders, damage followed by arson, bomb or fire attacks, arsons and offences related to public procurement to 12; and kidnapping for ransom to 11.

Dimension	Variable	Time period	Content validity	Criterion validity
Infiltration of the economic system	Offences related to public procurement	3 years	No	Yes
	Money-laundering	4 years	No	No
	Assets confiscated from organised crime	27 years	Yes	Yes

Source: author's compilation

2.3 The creation of the Mafia Index

Based on the above-described selection procedure, only four variables that successfully passed the three selection criteria were included in the Mafia Index. They were:

- Mafia-type associations
- Mafia murders
- city councils dissolved for Mafia infiltration
- assets confiscated from organised crime.

Each of the variables selected covered a different dimension of the operational concept of Mafia identified in 2.1. Consequently, the MI measures all four dimensions of the Mafia.

The literature has frequently adopted one or more of the variables selected as a reliable proxy for the presence of Mafias.⁹⁰ Indeed, the presence of a Mafia-type association (reported by the police to the prosecution service) reflects the actual presence of a criminal group operating in a given province. The commission of a Mafia murder shows that the Mafias have some form of control, or at least are able to reach their targets with relative ease. The dissolution of a city council and the presence of assets confiscated from organised crime are reliable proxies for infiltration of the political and economic systems. Although the four variables satisfied the three selection criteria and are frequently used in studies on the Italian Mafias, they cannot be considered immune to problems. Indeed, it is widely acknowledged that official/administrative crime statistics should be

⁹⁰ Most of the indexes and studies reviewed in section 1 used one or more of the selected variables to measure the presence of Mafias in Italy. Other publications have focused on one specific indicator among those selected. See Chinnici and Santino, *La violenza programmata: omicidi e guerre di Mafia a Palermo dagli anni '60 ad oggi*; Chinnici, „L'omicidio a Palermo“; Mete, *Fuori dal comune*; Trocchia, *Federalismo Criminale: Viaggio nei comuni sciolti per Mafia*; Talamo, „Appendice: Alcuni dati sui patrimoni mafiosi.“

used with great caution, especially for non-conventional crimes such as Mafia-related ones.⁹¹ These, in fact, sources may reflect the efforts and performance of the criminal justice system rather than the actual trends of the crimes. The variables included in the MI are no exception. However, some elements suggest that these variables are sufficiently reliable. For example, Mafia murders should have a limited dark figure. In some cases Mafias may conceal the murders that they commit, for example by resorting to the so called ‚lupara bianca‘, which consists in concealment of the victim’s corpse, thus impeding the detection and investigation of the murder. More frequently, however, Mafias do not conceal their murders. Indeed, the exercise of homicidal violence emits a very strong signal of the power and control exerted by the Mafias. Once the decision to murder has been taken, Mafias may want to maximize its effects, making it generally known that they are capable of killing their enemies. Therefore, this variable does not appear to be excessively influenced by the performance of the criminal justice system; rather, it is likely to reflect the actual distribution of Mafia murders across the national territory. The other variables show an extremely strong correlation with Mafia murders and among them. This very probably confirms that provinces with high values on one variable also have high values on the other three variables. Furthermore, the variables of the MI cover a time span of nearly thirty years (except for city councils dissolved for Mafia infiltration, a variable which covers the 1991–2009 period). In such a (relatively) long time period, it appears difficult to argue that the highest values of a province are due to a systematic outperformance (or underperformance) of the criminal justice system in that province. Obviously, these elements do not completely dispel the risk that the variables depict the performance of the criminal justice system, at least in part. However, it appears justifiable to assume that the values of the variables selected primarily reflect the distribution of Mafia-related phenomena and only marginally the performance of the Italian criminal justice system. The scores of the MI substantially confirm this assumption (see below, Section 3).

Two different procedures were adopted to calculate the MI. The first of them (MI (rate)) calculated the average of the annual rates for each variable and for each province.⁹² It then normalized the rates, attributing the score of 100 to the province with the highest average rate. The average of the scores for each indicator provided the final score for each province (third column in Table 3, ‚Mafia index (rate)‘).

The Mafia Index (rate) measures the presence of Mafia in the Italian provinces, but it is greatly affected by the unequal distribution of the variables analysed.

91 Caneppele and Calderoni, „Extortion Rackets in Europe: An Exploratory Comparative Study.“

92 Rates for Mafia-type associations, murders and for confiscated assets are per 100,000 inhabitants in the province; rates for city councils dissolved for Mafia infiltration are per 100 city councils in the province.

Indeed, all four indicators were extremely concentrated in a limited number of provinces, with the highest rates very distant from the average and median rates.

The concentrated distribution of the selected variables may jeopardise a satisfactory estimation of the actual presence of the Mafia on the Italian territory. In particular, it may overestimate the presence of the Mafia in a few provinces of Southern Italy. These are the original areas of Mafia-type organisations, and it is therefore not surprising that they show high rates on the indicators selected. For this reason, crimes and data may overestimate the presence of the Mafia, while for other provinces it may be more difficult to attribute a crime to a Mafia-type group. Moreover, given the traditional presence of Mafia-type groups, these areas are also the target of extremely intensive law enforcement operations. Consequently, the figures reflecting police reports and other data may be higher owing to better performance by and/or more numerous law enforcement personnel. In general, the variables selected have very low values, since the crimes are relatively rare and complex (compared, for example, with robbery or theft). Hence even a very low rate (compared with other crimes) may still be an important signal of Mafia presence in a given province. To measure the presence of Mafia in Italy better, it may be more useful to focus on each province's rank among all Italian provinces. This approach makes it possible to off-set the problems relating to the distribution of the selected variables.

For these reasons, a second calculation procedure was developed. This was the MI (rank), which was based on the rank of each province among all the Italian provinces for each indicator, instead of the average of the annual rates. For each indicator, the MI (rank) calculated the average of the annual rates for each province. It then ranked all the Italian provinces in decreasing order. It attributed the score of 100 to the province with the highest rank, and proportionally lower scores to the other provinces, according to their rank. The average score for each indicator provided the MI for each province (fourth column in Table 3, 'MI (rank)').

The two procedures yielded very closely correlated provincial scores.⁹³ The provinces with the highest rate (first procedure) ranked high also in the second procedure. However, the impact of the outliers was reduced and the overall distribution of the provinces was less concentrated.

93 Pearson's r was 0.895 and statistically significant at 0.01 level.

Table 14. The Mafia Index

MI Rank	Province	MI (rate) ^a	MI (rank) ^b	MI Rank	Province	MI (rate) ^a	MI (rank) ^b
1	Reggio Calabria	80.58	98.32	53	Genova	1.13	12.67
2	Napoli	47.28	87.03	54	L'aquila	0.88	12.52
3	Caserta	35.33	84.73	55	Bologna	0.91	12.43
4	Caltanissetta	42.20	84.50	56	Lucca	0.96	12.43
5	Palermo	50.37	83.22	57	Trento	0.78	11.66
6	Catania	32.12	82.50	58	Pavia	0.75	11.54
7	Crotone	34.11	81.22	59	Macerata	0.90	10.81
8	Trapani	29.42	77.86	60	Asti	0.88	10.70
9	Catanzaro	32.83	76.97	61	Belluno	0.80	10.48
10	Vibo Valentia	26.08	74.13	62	Ferrara	0.62	10.14
11	Agrigento	23.52	71.75	63	Arezzo	0.86	9.63
12	Ragusa	17.83	61.82	64	Bergamo	0.70	9.18
13	Messina	15.44	60.82	65	Trieste	0.66	9.18
14	Enna	17.21	57.74	66	Pesaro Urbino	0.52	9.16
15	Salerno	12.02	57.65	67	Pistoia	0.58	8.53
16	Bari	12.83	55.72	68	Lodi	0.58	8.21
17	Siracusa	12.74	50.71	69	Nuoro	0.55	7.35
18	Lecce	7.50	48.76	70	Padova	0.70	7.25
19	Brindisi	11.85	47.11	71	Modena	0.92	7.16
20	Avellino	8.06	46.29	72	Udine	0.57	7.03
21	Cosenza	7.22	44.10	73	Livorno	0.86	6.95
22	Matera	6.99	39.75	74	Ravenna	0.59	6.92
23	Foggia	4.56	36.64	75	Cremona	0.61	6.71
24	Taranto	5.91	35.25	76	Pescara	0.62	6.39
25	Benevento	5.16	34.80	77	Parma	0.53	6.17
26	Latina	4.30	34.16	78	Viterbo	0.54	6.17
27	Roma	2.92	27.89	79	Reggio Emilia	0.67	6.07
28	Novara	4.53	25.24	80	Alessandria	0.43	5.94
29	Milano	2.53	24.93	81	Mantova	0.45	5.94

MI Rank	Province	MI (rate) ^a	MI (rank) ^b	MI Rank	Province	MI (rate) ^a	MI (rank) ^b
30	Como	2.16	24.10	82	Grosseto	0.41	5.62
31	Torino	1.71	23.68	83	Isernia	0.49	5.62
32	Sassari	1.54	21.68	84	Sondrio	0.38	5.40
33	Verbano Cusio Oss.	2.05	21.53	85	Ascoli Piceno	0.50	4.87
34	Teramo	1.89	21.08	86	Rovigo	0.43	4.87
35	Lecco	4.05	20.69	87	Ancona	0.54	4.67
36	Brescia	1.92	20.50	88	Massa Carrara	0.56	4.35
37	Potenza	1.98	20.35	89	Vercelli	0.22	4.31
38	Rimini	1.67	19.79	90	Cuneo	0.28	4.10
39	Frosinone	1.74	19.58	91	Siena	0.26	4.10
40	Imperia	1.64	19.04	92	Pisa	0.38	3.90
41	Varese	1.55	18.07	93	Perugia	0.47	3.69
42	Venezia	1.47	17.84	94	Oristano	0.34	3.67
43	Savona	1.44	16.66	95	Vicenza	0.39	3.15
44	Piacenza	1.26	14.60	96	Treviso	0.35	3.04
45	Gorizia	2.37	14.54	97	Rieti	0.39	2.72
46	La Spezia	1.30	14.39	98	Chieti	0.32	2.60
47	Firenze	1.58	14.21	99	Prato	0.15	2.59
48	Cagliari	0.98	13.72	100	Bolzano	0.25	1.63
49	Verona	1.02	13.72	101	Terni	0.25	1.63
50	Aosta	1.26	13.64	102	Pordenone	0.10	0.54
51	Forli'	0.83	13.59	103	Biella	0.00	0.00
52	Campobasso	1.44	12.80				

^a Average of the scores on the four indicators (for each indicator, the max average annual rate=100)

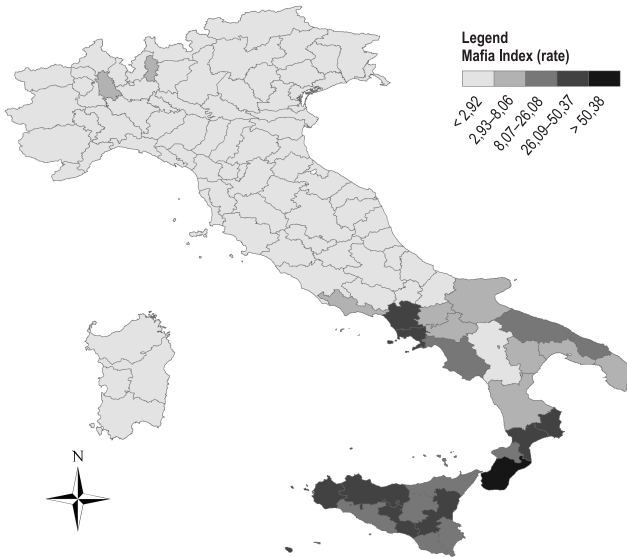
^b Average of the scores on the four indicators (for each indicator, the highest rank=100)

Source: author's calculations

3. Analysis of the Mafia Index

The MI appears to be a reliable index measuring the presence of Mafia at the provincial level. Furthermore, the MI is a relatively simple index, in that it is composed of only four variables. This makes it easier to calculate and update. However, the variables selected satisfy all three selection criteria, namely availability for a prolonged period, direct relation with the Mafia, and criterion validity. The four variables of the MI are strongly correlated with each other (Cronbach's $\alpha=0.908$).⁹⁴

Map 05. Mafia Index (rate) *



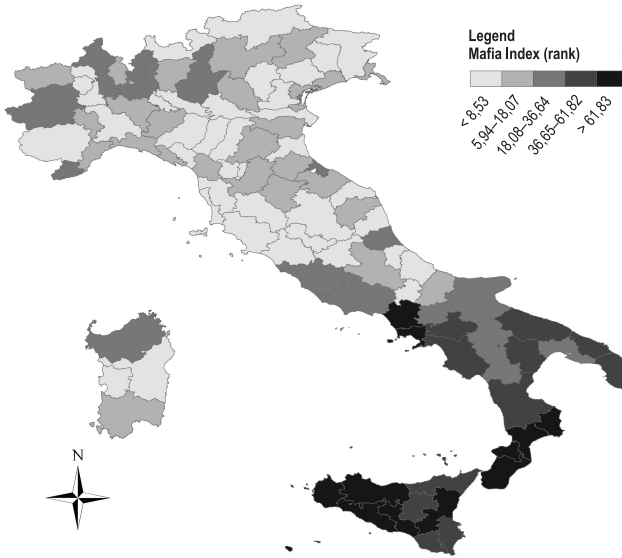
*Classes created through Jenks Natural Breaks Classification
Source: author's calculations

Map 06 shows the distribution of the MI across Italian provinces. The presence of the Mafia appears to be concentrated in some Southern Italian provinces: in particular, the provinces of Naples and Caserta (Campania), Southern Calabria (Reggio Calabria, Vibo Valentia, Crotone and Catanzaro) and Western Sicily (Palermo, Trapani, Agrigento, Caltanissetta) and Catania have high values in the index. These results confirm the extensive literature (both scientific studies and public reports) identifying those areas as most affected by the presence of Mafia-type organisations.⁹⁵ Map

94 van Dijk, „Mafia Markers: Assessing Organized Crime and its Impact upon Societies,” 42.

95 Sciarrone, *Mafie vecchie, mafie nuove*, 155.

Map 06. Mafia Index (rank)*



*Classes created through Jenks Natural Breaks Classification
Source: author's calculations

Indeed, the Camorra concentrates particularly in the provinces of Naples and Caserta (in which is situated the town of Casal di Principe, hometown of the Casalesi clan described in Roberto Saviano's *Gomorra*⁹⁶).⁹⁷ The 'Ndrangheta is historically based in Southern Calabria.⁹⁸ Similarly, the Sicilian Mafia originated in the Western Sicilian provinces.⁹⁹

Notwithstanding the concentration in their original areas of Mafia-type associations, many other Southern provinces record high values in the MI (rate). This is the case of some provinces of Apulia (Bari, Brindisi and Lecce) where the „fourth Mafia“, the *Sacra Corona Unita*, arose in the 1980s.¹⁰⁰

The analysis of the MI (rate) in Map 2 highlights only 3 provinces with low-medium values outside the Southern regions. These are the provinces of Novara (Piedmont), Lecco (Lombardy) and Latina (Lazio). However, when focusing on the MI (rank), new and more interesting patterns emerge. In particular, some large provinces in Central and Northern Italy, such as Rome, Milan, Turin and Brescia, present medium-level scores. Alongside these, some minor provinces in the Cen-

96 Saviano, *Gomorra*.

97 Behan, *The Camorra*; Allum, *Camorristi, Politicians, and Businessmen*.

98 Varese, „How Mafias Migrate,“ 422; Ciconte, 'Ndrangheta, 22–33.

99 Gambetta, *The Sicilian Mafia*, 81–85; Paoli, „Italian Organised Crime,“ 22.

100 Massari, *La sacra corona unità*.

tre-North emerge, such as Verbano-Cusio-Ossola, Novara (Piedmont), Imperia (Liguria), Lecco and Como (Lombardy), Rimini (Emilia-Romagna), Latina and Frosinone (Lazio), Teramo (Abruzzo) and Sassari (Sardinia). Several other central and Northern provinces record values higher than that of the lowest class in Map 2. Although these provinces do not reach the scores of those mentioned above, they further demonstrate that the Mafia is present outside the regions where it originally developed.

In general, several provinces of Central and Northern Italy present non-negligible scores in the MI (rank), which highlights that the Mafia cannot be considered a merely Southern problem affecting only economically and socially underdeveloped provinces; rather, it is a national problem which is significantly present in all the major Italian cities and several other provinces outside the South. These remarks should not be taken as underestimating the critical situation of many Southern regions and provinces. However, although the South has received much attention in the existing literature on the Mafia, the existence of the Mafia in the Centre and North is more disputed, particularly at the institutional level.¹⁰¹

4. Conclusions

The MI is intended to be a reliable tool with which to measure the presence of organised crime among Italian provinces. It seeks to solve the main problems outlined in the review of attempts to measure the Mafia in Italy.

Firstly, the selection of the variables composing the MI followed a detailed procedure which operationalized the concept of Mafia and provided multiple dimensions. Each dimension was associated with more than one possible indicator and variable. The variables finally selected were data available for a prolonged period, and satisfaction of both content and criterion validity. Moreover, they covered all the four dimensions of the operational definition of Mafia.

Secondly, the MI covers the 1983–2008 time period (except for the variable „city councils dissolved for Mafia infiltration“, which refers to the 1991–2008 period). Consequently, the index provides a long-period analysis of the Mafia, avoiding the risks of relying only on data relative to a few years.

Thirdly, the MI is disaggregated at the provincial level. This level is more detailed than the regional one and enables identification of different patterns within the Italian regions, even within those with a traditional Mafia presence.

Fourthly, the MI was calculated using two different procedures. The first (MI(rate)) reflected the actual distribution of the selected variables among Italian provinces. The second (MI(rank)) focused on each province's rank among all the provin-

101 Both the mayor and the prefect of Milan have minimized the threat of the presence of the Mafia in the North. „I soldi son desiderati“; „La Moratti ad Annozero: la Mafia a Milano non esiste“; Galli, „Il prefetto: a Milano la Mafia non esiste – Milano.“

ces, thus highlighting the relative positions instead of the actual rates. This second procedure shed light on the presence of the Mafia outside the regions with a traditional Mafia presence.

The scores of the MI confirm the critical situation of some provinces in Southern Italy where Mafia-type associations have been traditionally present. However, the MI(rank) produces significant scores outside the South of Italy as well, highlighting that the Mafia is a national problem which should not be reduced to a problem specific to the South (implicitly related to underdevelopment and poverty).

In conclusion a few remarks can be outlined about the implications for law enforcement. A first remark is that the approach used in this study provides a reliable assessment of the overall presence of the Mafias in Italy. This kind of measurement can support law enforcement in identifying critical provinces and better concentrate investigative resources. Further, the Mafia Index may be divided in several time periods, allowing to assess the trend and the evolution of the presence of Mafia across the different areas of Italy. This would allow also to assess the impact of law enforcement and prosecution on the recorded levels of Mafia. This index was created with public available data. Law enforcement and prosecution services could integrate the index with confidential (e. g. intelligence, informants, etc.) data, providing more complete picture of the presence of the Mafias. For example, the Italian Ministry of Interior is planning to map the presence of Mafia groups on the Italian territory, on the basis of law enforcement reports, judicial sources and intelligence. Ultimately, this exercise should allow to estimate the number of groups and even of affiliated members for every Italian province. The provincial rate of Mafia groups per province (for example, X Mafia groups per 1 million inhabitants) would be an important variable to be added to the Mafia Index. Further, the Mafia Index can contribute in strategic crime and risk analysis. For example, analyses could study the relation between the presence of Mafias, the prevalence of other crimes (e. g. violent crimes, robberies, money-laundering).

Obviously, the Mafia Index is a measurement strictly connected with the Italian situation and available data. However, similar indexes could be created in other countries, focusing on specific features of organised crime and Mafias. Such attempts could provide important and innovative approaches in the comparative analysis of organised crime.

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Mafia and antimafia in Italy and Europe

Paper by Antonio Ingroia, Assistant Antimafia District Attorney of Palermo

I would like to start by thanking the organizers of this conference for inviting me to participate in this important and prestigious seminar, to which I will try to contribute with my knowledge on Italian organised crime, on the basis of my twenty-year experience as antimafia public prosecutor in Palermo.

I am personally convinced that one of the biggest challenges of the future, entrusted to national states, is setting the prerequisites for the creation and for the functionality of a real European legal, investigative and judicial space. So, a field towards which community commitment should focus on is the updating of penal repressive instruments to fight organised crime whose interests since many decades have reached supranational dimensions, inside and outside the Europe Union.

For example, I remember very well that the fall of the Berlin wall was immediately interpreted by Italian Mafia as an occasion to invest abroad illegally gained money. In fact, phone tapping revealed that, precisely in those days, a mafioso told to another „go in the Eastern countries and try to buy as much as you can!“.

And it is not by chance that in recent years, groups of foreign Mafia settled in Italy on one side (settlements of other Mafias, such as the Russian, Albanian, Nigerian and Chinese one, are growing in Italy) and, on the other side, Italian Mafia has widened its interests to include Northern and Eastern Europe, starting to take root in those territories, putting out challenges and exhibiting extreme acts of violence, such as the Duisburg massacre in 2007.

However, on the European level the sensibility demonstrated towards the topics of the fight to organised crime and money laundering force scholars and operators of various European countries to examine more in depth and to compare the legislations, the criminal phenomenology, the judicial and investigative practices, in order to identify a sort of „common level“, a „minimum common denominator“ of national legislations around which to lay the foundations of a real European organised crime criminal law, constituting (perhaps the most ambitious, but also) the most important goal standing out in the future of fight to organised crime. The European unification process, which inevitably has to undergo the national legislation harmonization phase, cannot help to acknowledge the centrality of the issue of the fight to organised crime that already took advantage of the economic globalisation phenomenon to enlarge its sphere of illegal activities.

But in order to do this, criminal realities of each country must be known and compared to facilitate agreements and practice homogeneity and thus favour the collaboration among national states in the process to harmonization of organised crime criminal law.

What is Mafia today in Sicily, in Italy and in the world? Which are its strategies and goals? Which is the extent of Mafia power in the years 2000? Which is the balance and the perspective of antimafia today? And in particular, which are the results of the contrasting legal action and antimafia policy?

These are the questions I will try to answer, giving a small but reliable picture of recent history and today's condition of the Mafia-antimafia comparison in Italy.

It's not easy to summarize and explain to an audience, that doesn't know directly the phenomenon of Sicilian Mafia, recent history and most recent dynamic strategies of what has certainly been in the past the most terrible and powerful criminal organization of the world.

What is sure is that Italy has a peculiarity which distinguishes it from the other European advanced democracy countries. It is the only country that had and still has to deal with a criminal organization with the following characteristics:

- 1) A centuries-old history: Italian Mafia organizations have a very ancient history, whose origins date back to the origin of the Italian state (so it is a criminal history of at least 150 years);
- 2) Control over the territory: the strength of Italian Mafia organizations is the capacity to control whole areas of the national territory, that are taken away from the state violence monopoly, and thus from the state sovereignty; total control over the areas where Mafia traditionally settled (Sicilian Mafia – Cosa Nostra in Sicily; 'ndrangheta in Calabria; Camorra in Campania) and partial control over other areas of the country, the richest Northern regions, where Mafia launder and reinvest money gained by illegal activities and where it is gradually settling;
- 3) Intimidating apparatus military power of Mafias projecting outside the criminal world: cyclic repetition of massacre and State contrast strategies with murders of magistrates, policemen, journalists, entrepreneurs, clergymen, doctors and any other person countering or not bending to Mafia's power;
- 4) Finally, as a result of the preceding characteristics: capacity to influence politics and economy, local as well as national, to such an extent that the whole history of Italy has been crucially and constantly conditioned by the criminal power of Mafia.

Perhaps it is for this reason that Sicilian Mafia has been for many years a model of criminal organization exported in the rest of the world and seen as a reference point for its results, also considering that in the past Sicilian Cosa Nostra was the leader criminal organization of the world as concerns drug trafficking. When in the 70s-80s the most popular drug was heroin, Mafia imported base morphine from Asia, refined it in Sicilian laboratories and exported it as heroin from Sicily all over Europe and America. It was in those years that Cosa Nostra hoarded money and power that facilitated its influencing power on the country.

It was also the strengthening of its influencing capacity that made Italian Mafia, and Sicilian Mafia in particular, something more of a criminal organization. Much more. It is because of all this that in Italy we talk of a „criminal power system“ rooted in the territory. A criminal power system „integrated“ among the different national Mafias where Cosa Nostra, the Sicilian Mafia, always had a strategic management role, while in recent years the criminal expansion phase of 'Ndrangheta seems to favour the pre-eminence of the latter over the other Mafias, especially in relation to international illicit trafficking, of drugs in particular.

This renders the Italian experience unique in the international framework, but what is also unique is Sicilian antimafia, because this has been a model to contrast Mafia with positive, though not definitive, results. Perhaps for this reason the Italian experience could be interesting also for people living in different realities, either realities facing other criminal organizations, especially involved in drug dealing and often in affairs with Italian Mafias, or realities receiving the flux of laundered money gained from illicit international activities, of a more and more globalised economy.

All this is said in the awareness that other people's experience is useful for the comparison of different criminal politics, legislations and investigative and judicial practices, but that model, from a criminal, social, economical, political point of view, cannot be mechanically exported and transplanted in different realities, and different juridical traditions.

That being stated, the first element to take into account is the following: notwithstanding all the peculiarities of its organised crime, notwithstanding having to deal with a criminal power so strong to put the whole country to fire and sword, as happened in the 90s Mafia massacre and political murders, Italy faced Mafia with ordinary means. Not with special laws, or extraordinary powers of the executive power organisms, police, army, but entrusting contrast activity to penal and judicial repression, therefore using ordinary means of criminal law, in ordinary penal process, and making use of investigative instruments entirely entrusted to the judicial power. And it is important to underline that this choice of the Italian government has been successful. Saying successful I do not mean that Mafia has been finally defeated, because the different Italian Mafia organizations are still active and powerful, but I mean that many successes have been reached. Finally, Mafia has not been defeated, but has had many failures and today it is less powerful than 20 years ago, and this demonstrates that the choice made in Italy was good.

These important preliminary remarks allow to understand why, having Italy chosen the judicial way of ordinary Mafia repression and thus giving up any shortcut of exceptional laws and special powers to police and army (which happened in Italy only a long time ago and with disappointing, sometimes counter-productive, results due to criminal politics choices having criminogenic effects and generating a growth rather than a reduction of the criminal phenomenon to fight), the

„judicial investigation instruments“ had great importance in the judicial history of Mafia fight, those instruments being phone tapping and pentiti.

However, antimafia history is closely linked to „founding“ events, such as the opening of the „Mafia maxi-process“ of the Falcone and Borsellino team, which for the first time put hundreds of accused in the dock and then to conviction for murders, drugs and weapons dealing, and allowed to outline for the first time in a courtroom the dimensions, strategies and activities of an organization that had become over the last decades the leader criminal group in the world for drug dealing and also well-integrated in international cartels of any other illicit traffic.

Another antimafia „founding“ event was the „Sicilian redemption“ of the after massacre period. A terrible period of time followed by an exceptional one. It was a terrible time because it was the massacre time. Firstly the 1992 massacres: on the 23rd May 1992 Giovanni Falcone, the antimafia magistrate symbol, was killed together with his wife and two policemen of his escort, with an explosive device that made the highway where they were travelling on three armoured cars explode, and two months later a car bomb killed Paolo Borsellino and his escort. In 1993 there were more attacks and bombs blew up outside Sicily, in Rome, Florence and Milan, with bombing attacks to the historical beauties of the country such as to the Uffizi gallery in Florence. These bombs brought Italy to its knees, they demonstrated the democratic State powerlessness, a State that was incapable of reacting, a country on the point of collapse, and in the background the threat of a real „Mafia coup“.

Yet, in that year an exceptional period of time began, a redeeming time, what can be defined a „new Sicilian prime“, Sicilian legality revolt. The distain for the ferocious massacres sequence was followed by the indignation at the insufficient antimafia commitment of the establishment, especially political, that had condemned to isolation and death state men and women. These feelings were joined, and later this attitude prevailed, by a positive commitment attitude and request for a collective antimafia commitment that soon yielded benefits. At last, thanks to the growth of a public opinion movement, the State succeeded in making an adequate effort to fight the high challenge issued by Mafia: and results soon arrived. An extraordinary legislative and operative activism grew, materialized in the quick approval of important antimafia reforms, and in the commitment of men and means, helping magistrates to face Mafia emergency.

The most important political and legislative choices are the following:

- 1) Workforce, police and judiciary powers strengthening to contrast the Mafia phenomenon (in police: with the formation of judicial police specialised units and the institution of a police unit specialised in antimafia investigation: DIA (Direzione investigativa Antimafia); in the judiciary, with the attribution of

DIA national coordinating powers and with the specialized action of investigation teams on the territory of Antimafia District Attorney);

- 2) Investigative legislative instruments strengthening: special law for pentiti, and different legislative discipline for Mafia phone tapping and environment interception as compared with ordinary procedures;
- 3) Repression instruments strengthening: art. 41 bis introducing repressive prison regime, meaning differed, for mafiosi in order to cut the bonds with other Mafia detainees and associates inside and outside prison; financial measures: seizure and confiscation on the basis of evidential simplification mechanisms, also presumptive (Mafia affiliation clues, disproportion between apparent income and actual assets also with fictitious holders, burden of proof inversion on lawful origin of wealth), assignment of Mafia confiscated goods to social ends (management of productive goods to local authorities and youth cooperatives).

Following the passing of those measures, some magistrates, which protesting against the insufficient commitment of politics had resigned from Antimafia District Attorney, went back to work and committed themselves more than before to honour the sacrifice of the servants of the State killed (Falcone and Borsellino were the last of a long series: in preceding years a sequence of murders had beheaded institutional antimafia, including the heads of judicial offices, investigative police departments commandants, the president of the Sicilian region, and the leader of the main opposition political party). So the new global strategy, the supportive and collective commitment allowed to reach, in a few years, results never reached in decades: from the capture of Mafia head Salvatore Riina to the capture of nearly all dangerous fugitives; from the dismantling of entire military structures of Cosa Nostra on the territory to the individuation, seizing and confiscation of huge Mafia properties, later managed by youth cooperatives that, working the land and selling the products, helped converting illegal economy goods into productive goods of the legal economy; then the phenomenon of the dissociation of Mafia organizations, such to make the pentiti phenomenon a mass phenomenon; the realization of the differed prison regime for mafiosi, which actually succeeded in cutting any bond with the criminal organization outside prison, so as to prevent bosses to continue directing illicit traffics from inside prison and passing death sentences of their enemies; from identification of perpetrators and organizers of massacres and of the recent ferocious acts of violence to the laying bare of Mafia relationships with Sicilian and national society, at all levels, including relationships with politics and high finance.

This was the qualitative leap which took place in those years, suggesting that, if not the ultimate defeat of Mafia, its drastic and lasting reorganization was approaching. One of the famous statements of Giovanni Falcone was „Mafia is a human phenomenon and as such had its beginning and will have its end“.

Those were tumultuous years when lots of events happened in a sort of frenetic run towards goals that seemed easy to reach: important collaborations, the truth on the 1992–1993 massacres and on the persons behind those murders, on the relationships between Mafia and politics and economics and so on.

But after winning many battles, the war was lost. Suddenly in that swelling river the flowing changed direction and going against the current to reach the source became more and more difficult. As the investigations moved forward, as complicity and contiguity emerged, as the judiciary goal of non-stopping in the verification of truth became clear thus enforcing the principle of equality of all citizens before the law, resistances and obstacles grew. Difficulties grew bigger and bigger and more difficult to ride over. The road became steeper. The difficulties multiplied also because of legislative, operative, environmental resistances: finally the climate and the context changed.

This also occurred to the Falcone and Borsellino team and their isolation took place when the team touched the „sanctuaries“ of collusions between Mafia and politics and between Mafia and economic potentate. In the mid 1980s, once the boost of the maxi process against military Mafia was gone and once the great inquiries on collusions were activated, also Falcone and Borsellino began to be considered as „political opponents“ by some political representatives and part of the national and local ruling class. A disinformation and denigration media campaign was launched: from „antimafia heroes“ Falcone and Borsellino changed in „antimafia professionals“. And the same happened ten years later to the new antimafia team of the Palermo power of attorney, where I worked in the past. It's the story of a missing occasion, the occasion to win definitively the war against Mafia, the same war that the State did not succeed in winning.

What happened was this: Cosa Nostra massacre strategy was defeated and Mafia was forced to retreat renouncing to massacres and murders of well-known people, but acting undercover. The new goal was entering the business world (especially the public contract and commercial retailing sector) in order to gain economic power and bargaining again new power relations with politics. Mafia thus took co-existence agreements with a consistent part of the Sicilian ruling class, of the political class, of the entrepreneur upper middle class. The new criminal strategies were more cautious because Mafia learned from its past. So if in the massacre strategy time Mafia was busy in strengthening its power over the territory and asserting its national predominance, today Mafia uses other strategies aiming chiefly at increasing its wealth. It is in this new context that is to be situated the politic of supranational alliances with other Mafias in order to gain a leading role in great international traffics. This interpretation helps understanding better recent reneuing of alliance relationships of Sicilian Mafia with Italo-American families operating in the US, and the growth of Calabrian 'Ndrangheta in Europe (Germany in particular) and in the world. It is a Mafia taking advantage of the illicit economies of the globalised world, on the one hand, re-entering in the illicit transnational

traffic routes and, on the other hand, diverting its illegally hoarded wealth in the international money-laundering channel, as it has been doing for many years. Mafia is the co-protagonist of its present and future, entering the economy globalising process. A global economy that cannot manage without illegal economy, which since many years has become a structural component of global economy.

Therefore initiatives must be global also because national initiatives are insufficient. It is important to work on a local and regional level in order to have a control over national manifestations of Mafia phenomena and on a global level to eradicate the phenomenon of illegal economies.

In Italy, while Mafia has adapted its strategies taking into consideration past experiences, antimafia risks committing the same mistakes. Falcone said that the main mistake of the approach to Mafia was of a cultural-political nature: facing Mafia as a mere law and order issue is a failure, with great antimafia commitment in the criminal emergency phases and decreasing commitment in lull periods. It seemed like the 92–93 massacre period reaction would have rendered us immune to such mistakes. But it was not like that. Antimafia politics is still a politic of control over the Mafia phenomenon, control over its most violent emergencies which are dangerous for law and order.

Lately in Italy Cosa Nostra has been often defined as „invisible Mafia“ or „black Mafia“. These definitions should be explained in order to avoid any misinterpretation. In fact, these definitions do not mean that Mafia has become inoffensive or even has been definitely defeated. Quite another thing. Mafia today certainly has not the same terrible military efficiency of the early 90s, of the 92–93 massacres. Notwithstanding the defeats it suffered in the years which followed those massacres, today Mafia is not „invisible“ because it has been defeated: its „invisibility“ is also the result of a precise strategic and particularly insidious choice.

In fact Mafia, after implementing and showing its violent and ruthless frontal attack strategy through those massacres, had to undergo an effective State reaction (fugitives arrested as never before, as for number and importance, among them the perpetrators of those massacres, valuable Mafia assets sequestered, weapon armoury confiscated). And it also underwent the trials period which ended mostly with convictions. So Mafia, which had been heavily damaged, chose a „respite strategy“, aiming at making people forget its tremendous dangerousness. No more massacres, no more extraordinary murders, what reigns is the mediation attitude instead of the collision logic. Since many years the new Mafia bosses have adopted the „cone of shadow“ technique with the aim of rendering the organization invisible. And, in order to protect it from the disclosures of eventual new penitenti, they have strengthened the structure dividing it in compartments, so that each member knows only his direct bosses and closest collaborators and not the entire criminal organization chart. Decisions are taken by narrower top management level, a sort of „directorate“ of the most reliable members. Weapons are used just as an extreme remedy and, consequently, the number of murders committed reduced.

And Mafia certainly has not renounced to traditional methods, whose efficiency has been tested, to consolidate its control over the territory and regain approval (also forced approval) or at least tolerance (for example, adopting the „pay less, pay all“ rule in the extortion field, that has thus become wider, but less excessive for the single entrepreneur). But today Mafia finds more difficulties and resistances here. And this happens thanks to associations like „Addio Pizzo“, constituted by young Sicilians, which gave rise to a rebellion movement to the racket and influenced professional associations and more and more wide sectors, even though still monitored, of Sicilian entrepreneurial activity

Someone mistook the strategy change of Mafia for the end of Mafia. And here again are the underestimations, the moving back, the distractions, the carelessness, and even the removal of the issue of Mafia, which unfailingly and inexorably profited of the situation, coming back strong and powerful on the economic, political and military level. The Mafia system has survived to its worst crisis and in the following years strengthened to such an extent so that we can state – no risk of being proven wrong – that today Mafias (non only Sicilian, but also Campanian and most of all Calabrian) are strong as never before in the last decade.

It is difficult to conjecture Mafia future and its strategies and take stock of such an important and complex time. What's sure is that Sicilian Mafia has entered a financialization and outsourcing process. Once it was linked to the territory and the illicit activities that favoured control over the territory, today it is trying to get out of its territory.

It was twenty years ago when a far-sighted and experienced magistrate, Giovanni Falcone, warned „Mafia has entered the stock exchange“. Falcone's statement was based on concrete elements he had personally found in his investigations on Cosa Nostra interests in finance, in fact for a long time already Cosa Nostra had penetrated in the finance and economy sanctuaries of Northern Italy. A long time has passed since then, the economic system has changed, we are now in the globalization era, globalization of legal and illegal economy. And Mafia has changed as well, it is an apparently less bloody Mafia, which seems having abandoned massacre criminal strategies and frontal contrast to institutions, having less bonds with the territory, and this means less investments on lands and buildings, more easily localized by investigating officers and thus more easily subjected to seizures and confiscations. At the same time, it is a Mafia which, under the pressure of the State and of a new civil society awareness, is forced to reduce its control over the territory. But Cosa Nostra, we know, has always being able to adapt to circumstances and therefore its forced „deterritorialization“ makes it less strong and heavy, a Mafia that by dint of being hidden has changed in a structure more and more invisible and light, with a greater camouflage and expansion capacity outside its provenance territories.

In this context the new evolutionary phase of Mafia has developed. This entails at least two consequences. Firstly, Cosa Nostra „delocalization“, thus no more ruler

of the territory, entails a greater mobility nationally and internationally, a greater competitiveness on international illicit markets. It is this awareness that has probably inspired Cosa Nostra greatest recent projects of entering into agreements overseas, especially with Italo-American Mafia, in order to gain a leading role in great illicit traffics, which are today controlled by Calabrese 'Ndrangheta. Secondly, the recent income reduction has contributed to make „white-collar workers“ more and more important in Mafia economy, they are finance professionals and money-laundering consultants responsible for the success of reinvestments and investments of dirty money collected by Mafia in the golden years of great illicit accumulations. This is another change of Cosa Nostra, which has become less popular and rural, more bourgeois and financial. Consequently, this professional Mafiosi in double-breasted suits will inevitably become more important in the criminal universe hierarchy, causing new tensions inside the organization due to possible changes in power relations between the military wing and the political-financial wing in the Mafia power system. The effects are unforeseeable.

The future is partly unforeseeable. But the decisive battle to contrast the globalization phenomenon of Mafia economy is also part of this future. The most important challenge of the future is developing the capability of States and national legislations to renounce to part of their „national sovereignty“ in favour of the strengthening of supranational instruments to contrast transnational organised crime. And each national State should be a motivating force for others. A transnational crime committed in international traffics cannot be fought with national instruments. Hence there is the necessity to intensify meetings and comparisons among legislations, judiciary, different procedures and different cultures.

In occasions of seminars like this, the best wish one could make is to give one's useful contribution for the comparison of different judicial worlds and different legislations in order to increase more and more international cooperation to fight organised crime. And I am convinced that this seminar could be very useful for that. Also for this reason, I would like to thank again for inviting me in this important seminar, which is the occasion for comparing and exchanging experiences.

Combating organised crime in Italy: Perspectives and problems

Francesco Pisano Lieutenant Colonel G. di F.

1. General information on organised crime in Italy, its principal fields of activities, and the main specific anti-Mafia bodies

Italy has historically suffered from a high rate of criminality, organized violence and penetration of political and economic life by organised crime groups like the Mafia in Sicily, in particular the „Cosa Nostra“, the „Camorra“ in Campania, the „Ndrangheta“ in Calabria and the „Sacra Corona Unita“ in the Apulia Region.

Drug trafficking and distribution, loan-sharking, extortion, money laundering, cigarette smuggling, robbery, blackmail, kidnapping, political corruption, counterfeiting, trafficking in human beings and labour racketeering are lucrative activities for these criminal groups.

Moreover, diversion of funds from public contracts by organised crime groups is still a law enforcement concern, because this continues to be a source of income for organised crime.

Italian public Institutions, the Parliament and the Government are well aware of the risks and dangers this poses for public security, economic growth, development and democracy, and over time they have set up various bodies to monitor and combat this phenomenon, such as the Parliamentary Antimafia Commission, the National Antimafia Department, the Antimafia Investigation Department, and numerous others.

The „Antimafia Commission“, is a bicameral commission of the Italian Parliament, that investigates „phenomenon of the Mafia“, in all its aspects, included foreign Mafia groups, and assess the results of the existing legislative and administrative measures.

The „Antimafia Investigation Department“ is a specialized investigative agency set up within the Department of Public Security, with the task of carrying out preventive investigations related to organised crime, as well as criminal investigations related to Mafia association offences or anyway referring to such association.

The DIA's structure works on two levels: central and peripheral level. At a central level the DIA consists of three Branches and various staff Offices. At a local level, the DIA has Field and Resident Offices.

The first Branch, preventive investigations, is a central intelligence unit that collects and analyzes information concerning organised crime in order to develop useful leads in countering Italian criminal organizations in Italy and abroad, as well as foreign organised crime groups operating in Italy. The second Branch, ju-

dicial investigations, plans investigative activities and coordinates police operations. The third Branch is responsible for the relations with foreign counterparts, as well as for bilateral and multilateral agreements designed to successfully fight organised crime at an international level.

The peripheral structure of the DIA includes 12 field offices and 7 resident offices. They have been set up to ensure enhanced operational mobility and flexibility and have no predetermined territorial jurisdiction, even though they are located in certain areas.

The „Direzione Nazionale Antimafia“ (National Antimafia Department) was established by the Law 8/1992, and it is the National Antimafia Attorney's Office. the Antimafia National Prosecutor, according to art. 371 bis of the criminal procedure code, avails himself of the DIA and the Central and Interprovincial Police Departments in order to coordinate and boost the investigations.

These are not the only institutions that the State uses to combat the Mafia-type organizations; the other general police forces (State Police, Carabinieri and Guardia di Finanza), coordinated via the „General Council for the Fight Against Organized Crime“ established with the law no. 410 of 30th December 1991 also contribute a great deal to the fight.

Many efforts have been made in recent years to combat organised crime, and the successful operations carried out by the police and magistrates have caused continuous changes in the organizational structure and the internal dynamics of the Mafia-type criminal organizations.

During 2008 the police forces conducted over 200 operations against Mafia-type organised crime, arresting 2583 people and capturing 180 fugitives (the previous year 98 were captured). 19 of these had been considered particularly dangerous and were included in the special search programs set up by the Ministry of the Interior.

One of the most incisive ways of combating organised crime consists of targeting the wealth acquired as a result of the illicit activities. Assets worth a total of 5 billion 24 million euros were seized (the previous year the sum was 1 billion 500 million euros), and other possessions worth 568, million Euros were confiscated.

But the fight against organised crime is also carried out by combating its infiltration into local authorities and *thus* into politics. This has led to the disbanding by the government of 16 local councils, in particular 3 in Sicily, 5 in Campania and 8 in Calabria.

As far as the foreign Mafia groups are concerned, in 2008, 208 foreigners were reported to the judiciary for Mafia-type criminal conspiracy, 2688 for criminal conspiracy not of the Mafia-type, 4567 for illegal immigration, 1385 for conspiracy with the aim of drug trafficking and 70 for trafficking in human beings.

2. Situation and activities of Italian Mafia groups in Italy:

The roots of the endogenous organised crime groups are in their regions of origin, Sicily, Calabria, Campania and Apulia, but they are constantly looking for new and more remunerative opportunities throughout Italy and abroad.

- As a reaction to the success of the antimafia action the Sicilian Mafia, and in particular the „Cosa Nostra“, is increasingly moving towards an invisible and financial form of crime. It specializes above all in drug trafficking, political corruption, military arms trafficking, fraud, counterfeiting, and other racketeering crimes.

Investigations show that it has chosen to avoid violent actions in order to deflect the attention of the law enforcement agencies, the media and public opinion. Cosa Nostra appears to be in difficulty, partly because of the incisive action taken by the police and magistrates, but also as a result of the strong reaction of Sicilian entrepreneurs to the extortion racket. This has been supported by the entrepreneurs' professional associations („Confindustria“) e by those of traders („Confcommercio“), which has led to the reporting and arrest of numerous extortionists.

However, in the Palermo area and in western Sicily Cosa Nostra, despite the damage done by the successful operations carried out against it, still has a potential offensive power that should not be underestimated, although the recent arrests of important fugitives from justice, have considerably compromised this.

The fugitive boss Matteo Messina Denaro is still at large, even though his protective collusive network has been weakened, and his property and commercial assets and activities have been reduced as a result of hard-hitting confiscations targeting front men.

In eastern Sicily, on the other hand, Cosa Nostra no longer seems to monopolize the criminal activities, and seems to limit itself to strategic interests. In particular, the attempts to infiltrate the most remunerative areas of commercial activity, above all public sector contracts, are still considerable. In Catania, the Cosa Nostra families, though retaining their dominant position, are now obliged to share the territory with other Mafia groups which have developed their own autonomous positions, refusing to become part of a rigidly hierarchic structure that is directed by a single decision-making authority. These groups do make alliances with Cosa Nostra, but have also started bloody feuds.

Recent drugs investigations have confirmed the fact that Cosa Nostra has renewed its interest in drug trafficking, which is more widely developed than previously, including links with other local criminal groups and the attempts to re-establish relationships with organization members who have established themselves in North America.

Moreover the Sicilian Cosa Nostra is reaching out towards other Italian regions and new areas of interest in the economic sector. Numerous investigations carried out in recent years have confirmed the fact that it controls large-scale retail

food trade, running many shopping centres, and that it also has links with business people in this sector in various Italian regions.

The income from illegal activities, a large part of which comes from the influence over works contracts, from drug trafficking and from extortion, is reinvested by purchasing property, companies and commercial businesses in the centre and north of Italy, but also abroad.

This outreaching by Sicilian criminal organizations has been mostly in Lombardy, Tuscany and Lazio in Italy, whereas the foreign countries involved are France, Germany, Spain, Switzerland, Eastern European countries, the United States, Canada, Brazil and Venezuela.

In 2008 the activities carried out to combat Cosa Nostra were concentrated in 44 operations by the judicial police which resulted in the arrest of 612 people, the capture of 20 fugitives from justice, the seizure of 2 billion 421 million euros, and the confiscation of other property worth 392 million Euros.

- **The Camorra** has never been a coherent whole, a centralized organization. It is not organized in a pyramidal structure in the way Cosa Nostra is, but in a horizontal way. Its bosses tend to establish tactical criminal agreements with each other without having one sole strategy. It has always been a loose confederation of different, independent groups or families. Each group is bound by kinship ties and controls the economic activities which take place in its own particular territory. Each family clan takes care of its own business, protects its territory, and sometimes tries to expand at another group's expense. Although not centralized, there is some minimal coordination, in order to avoid mutual interference. The families compete to maintain a system of checks and balances between equal powers.

The Camorra specializes in cigarette smuggling and receives payoffs from other criminal groups for any cigarette traffic through Italy. It carries out money laundering, extortion, *alien* smuggling, robbery, blackmail, kidnapping, political corruption, and counterfeiting.

As a result of police activities in 2008, involving 76 important operations, there were 915 arrests and 54 fugitives were captured. Property to the value of 1 billion 750 million euros was sequestered from members of the Camorra or their front men, and other property worth 111 million Euros was confiscated.

It was found that there are operational links between camorra clans and members of the Calabrian Mafia groups, as well as groups in Sicily concerned with single deals regarding drug trafficking, rubbish disposal and the control of works contracts.

Moreover, regarding businesses and the local economy, the Camorra does not simply operate in an oppressive and parasitical way through extortion and usury, but also by offering legitimate services which are requested with illegal conditions as a result of market conditions and the need for legitimate businesses to reduce service costs, using illicit means. The illegal methods used by the Camorra involve sectors such as the transport and disposal of rubbish, the supply

of construction materials the distribution of transport fuel, the supply of counterfeit industrial products, the invoicing of non-existent transactions, the ‚simplification‘ of administrative procedures through the conditioning of local authorities by the Mafia.

The Camorra has a monopoly of the business surrounding the sale of counterfeit items, sometimes collaborating with Chinese people. Sales abroad of counterfeit leather clothing articles and other counterfeit goods is one of the most important economic resources for criminal groups.

For this reason the organization of the various stages of production, of the distribution and of the way money is brought back into Italy is subject to precise rules, influenced obviously by criminal strategies of progressive expansion, aiming at the realization of a complete commercial monopoly which is able to defeat every market law.

The Camorra is the leader in this sector, not only in Campania, but also beyond the regional and state borders.

In Campania in recent years contacts have been recorded with foreign criminal groups, which usually operate subordinate to the Camorra. In particular, groups from Albania, Nigeria and North Africa operate rackets concerned with prostitution, illegal immigration and drug trafficking. In the Caserta area it is above all Nigerians and Albanians that have set up links with groups from the Camorra for the trafficking of marijuana and heroin. At times this has caused friction leading to acts of intimidation carried out by the Camorra in order to reaffirm its control of the territory, which have taken the form of brutally repressive actions such as the Castelvoturno massacre in the province of Caserta in 2008.

Its transnational expansion enables it to carry on a flourishing illegal trade, also in other sectors apart from drug trafficking, both in alliance with foreign groups and with groups belonging to other Italian Mafia organizations.

This is particularly evident in the drug trafficking routes from South America to Italy and northern Europe via Spain. Here the Camorra organizations have established solid logistical and operational bases not just for drug trafficking but also to be able to give cover to the fugitives from justice.

Investigations by the police which were recently concluded give undoubted confirmation of the strategic importance of Spain to the Camorra.

The logistical system established in Spain by the Camorra clans emerges from the results of an investigation carried out by the Guardia della Finanza in Naples, which led to the seizure of property acquired as a result of importing huge quantities of drugs along the route Morocco-Spain-Italy. This can be traced back to the fugitive Luigi Mocerino, thought to have links with the Contini clan in Naples.

In particular goods and property were seized in Naples, Avellino and in the Barcelona area in Spain: apartments, villas, automobiles, motorbikes, boats, businesses and current accounts, worth ten million Euros in total.

Further proof of the Camorra’s use of logistical bases in Spain as hiding places

for fugitives can be found in the arrest in 2009, near Malaga, of Salvatore Forte and Maurizio Forte, both members of the Neapolitan clan led by the Ricci family that operates in the Spanish Quarter in Naples. They were responsible for the armed raid on 26 May 2009 in Naples that ended with the accidental killing of a Romanian street musician. They benefited from cover provided by other previous offenders present on the Costa del Sol or the Costa Brava. Members of the Camorra are also in the Spanish capital, Madrid, as was shown by the arrest on 14 October 2009 of Vincenzo D'Avino, a prominent member of the well-known Giuliano family from Naples-Forcella, who had been on the run since 2001.

However the presence of members of the Camorra has not only been recorded in Spain, but also in Germany, Eastern Europe, Romania, Hungary and Scotland during 2009.

In Germany, where the interchange of information developed between the Italian-German taskforce works efficiently, the presence of some offshoots of the Camorra has been monitored, and in the second half of 2009 Giuseppe Cipressa, linked to the Scissionisti, was arrested in Monaco di Baviera. In July 2009 the Carabinieri from the Anticrime Section of the ROS in Naples, helped by the German police, carried out a European mandate of arrest against Ettore Sabatino who was accused of murders committed 10 years previously in Campania. Sabatino had been living for many years in Germany, where he ran a commercial business.

- The 'Ndrangheta is widening its economic trafficking, and the Italian Institute of Research Eurispes has estimated the proceeds to be 44 billion a year. The Duisburg massacre in Germany was made possible by the presence of „local“ 'Ndrangheta men. The 'Ndrangheta is composed by „'ndrine“. The 'ndrina is the basic organizational unit and it is the equivalent of the Sicilian Mafia's „family“. Each 'ndrina is „autonomous“ on its territory and no formal authority stands above the „'ndrina boss“, according to the Antimafia Commission. The 'ndrina is usually in control of a small town or a neighborhood. If more than one 'ndrina operates in the same town, they form a locale. In Europe its tactic is to make itself scarcely visible, to try not to get noticed by the police authorities and to operate with a low profile in order not to be recognized as a dangerous criminal organization.

On May 30, 2008, U.S. President George W. Bush imposed sanctions on this Italian organised crime group in an attempt to cut off its access to the U.S. financial system and their funding. Using a U.S. anti-drug trafficking law, Bush designated the 'Ndrangheta Organization to be subject to the sanctions which prevent U.S. companies and individuals from engaging in trade and transactions with them.

This action underscored the president's determination to do everything possible to pursue drug traffickers, undermine their operations and end the suffering that trade in illicit drugs inflicts on Americans and other people around the

world, as well as prevent drug traffickers from supporting terrorists.

From an overall evaluation of the data gathered from the investigations and trials it emerges that the 'Ndrangheta, despite the forceful action taken to combat it, is still very much a presence and continues to expand on both a national and an international level, aiming to reassert its supremacy with unchanging arrogance, above all as far as its financial resources are concerned, which are now very substantial.

The 'Ndrangheta now seems to have transformed itself from being purely a domestic criminal structure into a globalized criminal enterprise, which is so powerful in terms of finance and manpower that it can be considered a major institutional presence in Calabrian society. It has become a necessary contact for every political and administrative authority, a necessary partner for every domestic or multinational business that has been awarded public works contracts in the region.

Within Calabria the 'Ndrangheta today has complete control of the criminal scene, so much so that any other Mafia groups of foreign origin have become more or less insignificant. This is because its control of the territory and its monopoly over every illegal activity is so strong that it does not allow, even hypothetically, any other group in.

Operational collaboration and links with foreign Mafia groups do not go beyond alliances related to single drug trafficking transactions.

The numerous investigations brought to a conclusion, together with those currently proceeding, have increasingly confirmed the role of the 'Ndrangheta as the European leader in the trafficking of cocaine. This pre-eminence is further confirmed by the huge quantities of drugs seized, and by the fact that proof has been found of relations for unlawful negotiations with powerful foreign organizations from Africa, South America and the United States. A careful analysis of the data from trials and investigations shows clearly how the 'Ndrangheta adapts, changes and penetrates worldwide, wherever it finds favourable conditions, and where it does not find them it creates them, slowly but inexorably, thanks to its particular organizational structure.

With regard to the 'Ndrangheta's international links, the most direct ones are those with Germany and the Benelux countries. Many investigations, in particular those concerned with drug trafficking, have shown how those countries are both the entry point for most of the cocaine brought into Europe by Calabrian traffickers, and the operational base for handling and sending the drugs off to Italy and other European countries. This is possible due to the large numbers of 'Ndrangheta gangs in Germany, and to the setting up of operational bases in Belgium, the Netherlands and Luxembourg. Many 'Ndrangheta fugitives have been arrested in these countries in recent years. The 'Ndrangheta's outreaching to foreign countries can be verified in Germany, the Netherlands, France, Belgium, the Iberian Peninsula, Canada and Australia.

Moreover, people who work for the Calabrian Mafia gangs have been traced in Eastern Europe, the USA, Central and South America. The recent willingness

of Calabrian criminal organizations to collaborate with Far Eastern criminal organizations – together running the flourishing market for counterfeit goods – is a further indication of its interest in the criminal world in Asian countries.

The most important captures which have taken place are those of Giovanni Strangio, in the Netherlands, together with that of his brother-in-law Francesco Romeo, who had been on the run for many years, and of Giuseppe Nirta who was wanted because he belonged to the Kaarst group which planned and carried out the Duisburg Massacre in Germany. As the investigations prior to and following that massacre have shown, the 'Ndrangheta has a series of cells, one of which is in Duisburg, and a network of restaurants, hotels and pizzerias, via which it is presumed that the profits from kidnappings, then of drug trafficking have been laundered. The drug trafficking has recently been extended to other European countries.

The relations with Eastern European countries and their Mafia groups are of considerable importance. In particular there are relations with Bulgaria and Albania, with the aim of creating new markets for the supply and distribution of various kinds of drugs. There are continued strongly-rooted links with organised crime families resident in Australia, where it has been ascertained that there are still traditional links with Calabrian gangs, particularly those from Locride, such as Sergi, Barbaro and Papalia.

A further indication of high level international links is in Toronto in Canada, where the fugitive Giuseppe Coluccio was arrested on 8 August 2008 by the Carabinieri of the ROS. He was originally from Gioiosa Ionica, and the mandate for his arrest was for Mafia-type association, extortion, international drug trafficking and other offences.

The trading port Gioia Tauro is of great importance for the development of the illegal trafficking carried out by the 'Ndrangheta. Last year the police and the Customs Agency seized large amounts of drugs there. During the months of October and November 2009 a total of 400 kg of cocaine originating from Ecuador were found hidden in containers for the transport of bananas. The investigations also revealed that there is a new route for the drug, going from Peru to Ecuador, from where it is shipped to Europe.

In Germany, where there are deeply-rooted structures dating back to the 1970s, so much so, that 'cells' have formed, the international channels of cooperation between police forces have shown the existence of important 'Ndrangheta logistical-operational bases in Bavaria, North Rhine-Westphalia and Baden-Württemberg, as well as in the eastern states of Mecklenburg-Western Pomerania, Thuringia and Saxony-Anhalt. People affiliated with gangs from Crotona started to settle in various German cities like Rotenburg, Alsfeld, Backnang, Kassel and Waiblingen, and then moved on to Stuttgart, Frankfurt and other important cities. It would seem that people possibly connected to well-known families from San Luca and Africo could be in the Rhineland, Baden-Württemberg and Thuringia.

In Stuttgart and Mannheim intelligence activities show subjects close to the

'ndrine from Africo, Bova Marina and Marina di Gioiosa Ionica.

The collaboration between the DIA and the BKA dates back to February 1992, on the occasion of the meeting between the Director of the Germany Agency and the Italian Director. The further boost given to the international cooperation made it possible to start up joint work in order to monitor the Italian criminal organizations in Germany.

As a result of this effective cooperation between the two States, and following the massacre which took place in August 2007 in Duisburg, the Italian-German Task Force was set up, the Italian part being co-ordinated by the DCPC (Direzione Centrale di Polizia Criminale). This is a special vehicle to increase the ability to analyse information coming from the police, which is subject to constant examination together with the German investigative bodies.

There is continuous cooperation between the German BKA and Italian investigators who are coordinated by the Central Office of the Criminal Police, concerning the work done by the Italian-German Task Force, and the BKA has recently revealed the existence of new links between the region of Hesse and important factions from Catanzaro.

The arrest on 21 August 2009 in Aalsmeer, near Amsterdam, of the dangerous fugitive Gianluca Racco confirmed the strategic importance of the Benelux countries for the gangs from the area of Reggio Calabria Province looking onto the Ionian Sea.

The action taken to combat the 'Ndrangheta in 2008 took the form of 59 operations by the judicial police which concluded with the arrest of 692 people and the capture of 29 fugitives, the seizure of 324 million euros and the confiscation of other assets valued at 10 million euros.

- The SCU was originally founded in the late 1970s as the Nuova Grande Camorra Pugliese by Camorra boss Raffaele Cutolo who wanted to expand his operations into Puglia. However a few years later with the downfall of Cutolo the organization began operating alone under the leadership of Giuseppe Rogoli.

Under his leadership the SCU mixed Pugliese interests and opportunities with 'Ndrangheta and Camorra traditions. It also started as a prison gang and as its members were released, they settled in the Apulia region and continued to grow and form links with other Mafia-type groups. It was not easy at the time to fully realize that a „fourth Mafia“ had been added to the other three traditional forms of organised crime. The law enforcement authorities became aware of it in the late 1980s.

However, once this had been realized, it was possible to assess their origins, dispositions and overall characteristics, and fully focus on the terms and operational methods of the „Sacra Corona Unita“ and on its position in the context of the older organised crime gangs in Apulia.

The Sacra Corona Unita specializes in smuggling cigarettes, drugs, arms, and people; it collects payoffs from other criminal groups for landing rights on the

southeast coast of Italy. This territory is a natural gateway for smuggling to and from post-Communist countries like Croatia, Serbia, Bosnia, Kosovo, Macedonia, and Albania. With the decreasing importance of the Adriatic corridor as a smuggling canal (thanks to the normalization of the Balkans area) and a series of successful police and judicial operations against it in recent years the Sacra Corona Unita has been reduced to a fraction of its former power, which peaked around the mid-1990s. When compared to the other southern regions, organised crime in Apulia is less dangerous, both because of the numerous arrests which have been made and because of the lack of a solid base of coordination between the various criminal groups in the area. The only exceptions to this trend are the *società foggiana*, a gang in Foggia, and the SCU in Mesagnese, which traditionally have a vertical structure and operate over wide regional areas.

However the situation of criminal instability, together with the strategic importance of Apulia in the criminal economy considered overall facilitates business relations with other Mafia groups. Apulia acts as a bridge between the Balkan countries and Italy for the trafficking of illicit goods, so there are links with other groups both in the south and in other regions of Italy, as well as groups in Albania and the former Yugoslavia, particularly for drugs and the smuggling of cigarettes. The Mafia in Apulia is, at the moment, a Mafia which offers services for criminal activities, a kind of 'service sector Mafia'. It provides services and backing, in particular to the 'Ndrangheta, the Camorra and Cosa Nostra, in the region and also in their outreaching to Lombardy, Piedmont, Emilia Romagna and Tuscany.

The Salento area, however, is still the area in which the so-called fourth Mafia is active. It is able to running a great variety of operations, from the exploitation of immigrant workers in the fields, illicit waste disposal, infiltration into works contracts, to the ever-present drug trafficking, smuggling of cigarettes and illegal immigration.

The action taken to combat organised crime in Apulia was concentrated in 2008 in 38 operations carried out by the judicial police, ending in the arrest of 364 people and the capture of 6 fugitives, the seizure of 47 million Euros and the confiscation of other assets valued at twelve million Euros.

3. Relations of Italian Mafia groups to foreign OC groups, especially to the states of South and South-western Europe and Germany

In Italy for some years the presence of foreign criminal groups which are part of the so-called foreign Mafia has taken on particular importance. Thanks to the law no. 92 of 23 May 2008, it has been possible to combat them even more efficiently, as they now fall into the category of Mafia association as defined by the Italian Penal Code in article 416 bis. The foreign Mafia gangs are characterized by their growing connections with Italian criminal groups, by the alarm they create in so-

ciety because of their particularly aggressive and violent methods when committing crimes, and not least by their growing operational potential with transnational repercussions.

Since the early nineties the D.I.A. has dealt with studies and carried out analysis on foreign organised crime in Italy, focusing on those criminal organizations working like the Italian Mafia, with substantial financial means, controlling a vast number of illegal activities in order to make profits, using violent or in any case coercive methods.

As a result of this activity, the D.I.A. focused on the following main foreign criminal organizations in Italy:

- Albanian – Kosovar OC;
- Nigerian and North- African OC;
- Russian OC;
- Chinese OC;
- Colombian OC;
- Romanian OC;
- Bulgarian OC,

finding for each of them, these common features:

- a) settlement in those Italian areas where Italian organised crime is not present;
- b) no criminal agreements with Italian OC unless there are specific common interests;
- c) drug trafficking, trafficking in human beings and exploitation of prostitution are the most lucrative activities for these criminal groups.

● **Albanian – Kosovar OC**

The Kosovo war played a key role in the rise of the Albanian Mafia throughout Europe. Traditionally, heroin had been transported to Western Europe from Turkey via Serbia, Croatia and Slovenia. This route had closed as a result of the war and Albanian gangs found themselves in an ideal position to guarantee safe routes through the war zone, at first only assisting other criminal groups but eventually growing powerful enough to take over on their own. The Albanians are targeting affluent central and northern areas like Lombardy, Piedmont and Tuscany. The road for arms and people, meaning illegal immigrants destined for Europe, is in Albanian hands. The main areas of activity of Albanian criminal gangs are drug trafficking, aiding and abetting illegal immigration which also involves pimping, trading stolen cars, arms trafficking and all types of predatory crime. Within the organization women are taking on more and more important roles, sometimes

reaching positions of command. In the past the role of Albanian organised crime in the Italian criminal scene was that of organizing services for the local Mafia gangs. Recently, however, this has been changing and Albanian groups are developing in areas away from those where the traditional Mafia gangs have complete control and do not allow any other organised crime groups to grow. It has emerged that some Italian non-Mafia criminal groups have taken on subordinate roles working for Albanian organizations. This ‚up-grading‘ is particularly evident in the international drugs trade, where Albanian gangs have reached positions at the top, getting to the point of having direct contacts with the producers. The „Berat-Dia“ operation, carried out by the Bari DDA revealed the major role held by the Albanian criminal organizations as suppliers of drugs in Apulia. Heroin, hashish and marijuana are brought into Italy from Albania, either produced there or on its journey from Asia. Albanian gangs operate throughout the whole of Italy, in some cases reporting back about their operations to their contacts in their own country. They launder and re-invest huge amounts of proceeds from illicit activities in Albania and Kosovo, and to a lesser extent in Italy, by buying real estate and commercial businesses. Some groups that are mostly involved in pimping and crimes against property have taken root in the north of Italy, while in the south they operate closely with the endogenous organizations. The analysis of recent investigations has been able to show that there are closer and closer links between Albanian criminal groups and Romanians involved in the trafficking of human beings.

• **Romanian OC**

Alongside the Albanian criminal groups, Romanian organised crime is asserting itself and is following the same lines of development that characterized the escalation of Albanian organised crime in Italy. For the moment its main criminal activities are robberies, especially of copper because of its market value, and burglaries, but it is branching out aggressively to the more remunerative crimes such as international drug trafficking and human being trafficking. The investigations would seem to confirm the existence of an out-and-out racket for illegal immigration being run by Romanian criminals, and in Piedmont and Lombardy they seem to be trying to oust the existing Albanian organizations. The execution in October 2009 of pre-trial detention orders issued by the GIP at the Verona Court against 10 Romanians accused of pimping, illegal immigration and cloning credit cards confirms this escalation. The organization which was broken up was able to rely on an extensive criminal network created in Italy, but it also had important connections, apart from in Romania, in Canada, Spain, China, Germany, England, Bulgaria and France.

• **Bulgarian OC**

The development of Bulgarian organised crime has followed a model parallel to the Russian one. Because of its geographical position Bulgaria plays a central role in the so-called „Balkan Route“ for drug dealing. The criminal activities are gradually increasing and mostly regard drug trafficking, due to the above-mentioned

important position on the cross-roads of the route used to import drugs, from Asia, but also cocaine from South America.

In this connection the „Mutri“ operation by the DIA which ended in July 2009 is emblematic. It led to the arrest of seven Bulgarians and a few Moroccans, held responsible for international drug trafficking.

The results of the investigation confirmed that there is a well-grounded criminal organization in Bulgaria, with cells in Italy, Austria, Spain and France, as well as direct contacts with South American drugs cartels.

Apart from drug trafficking, other remunerative criminal activities carried out by Bulgarian criminals are aiding and abetting illegal immigration and cigarette smuggling. As a result large quantities of smuggled cigarettes arrive from Greece, and the ports in Apulia are mainly used to bring them into Italy.

• Chinese OC

The activity of Chinese organised crime is generally concerned with crimes within their own community and transnational ones such as illegal immigration and human being trafficking, particularly for cheap labour and prostitution, smuggling and counterfeiting cigarettes, illegal trafficking of industrial waste and the counterfeiting of commercial products, also in connection with the Camorra and the 'Ndrangheta.

This developed steadily until 2005/2007, then decreased from 2008 to 2009. An analysis of the type of crimes identified in the last seven years shows that the largest number relate to aiding and abetting illegal immigration, closely followed by pimping, crimes against property, counterfeit goods, kidnapping. Then there are the other crimes, with a substantial number related to criminal conspiracy, crimes against individuals, fraud, drugs and smuggling. With reference to the number of people under investigation (arrested or at large) the following trend emerges: before 2004 99; in 2004 5287; in 2005 7821; in 2006 8205; in 2007 8998; in 2008 1368.

As far as the areas where the crimes take place are concerned, the capital Rome seems to be the place where the Chinese have infiltrated the most, followed by Florence, Milan, Bologna and Naples.

The Chinese criminals are not very visible from outside because their victims are reluctant to report the crimes, either because they are afraid or because they distrust the police.

As has happened in other European countries, it is possible that there could be a new escalation of criminal organizations from the Far East. This is because the links with the local Mafia gangs, particularly the Camorra, are becoming closer as the common ground – of counterfeiting and illegal recycling – is already there, and will be in the future, because these are the most profitable areas.

Already Chinese organised crime groups have shown an increasing ability to establish relationships with gangs, in particular the Camorra and the 'Ndrangheta, and becoming progressively involved in more serious crimes with more social impact.

In this regard, during 2008 an important DIA operation took place against the Giuliano clan which operates in Naples, in the Forcella district, but also has connections in Rome. From this it emerged that there is a dense network of relationships and agreements between these Camorra organizations and Chinese criminal groups concerning the real estate market in the Esquilino district of Rome, the sale in Rome of counterfeit clothing items made by the Chinese, as well as the transfer of the proceeds from the organization's activities. The strong point for the Chinese however remains the fact that they are able to carve out for themselves ample spaces in some areas of the legitimate economy, thanks to the use of low cost Chinese labour, often illegal immigrants who are employed without contracts.

● **Nigerian and North African OC**

Nigerian organised crime mainly deals in pimping and drug trafficking. In Italy it often has the same kind of organizational structure as in its own country.

The groups are organized in a hierarchical way and work on an intercontinental scale, helping one another if necessary, dealing with considerable economic interests. As far as prostitution is concerned, in some areas in the south of Italy the Nigerian criminal organizations seem to interact with local criminal gangs, and in some cases, in north-east Italy and in Campania, with Albanian ones.

The proceeds from human trafficking for prostitution are used to finance other types of trafficking, or legitimate business activities, also in Nigeria. Some investigations regarding drug trafficking have shown that payments made from Italy to other countries take place via money transfer agencies, either done directly by the trafficker or more often by using other people who go to the agencies to arrange the payment to the supplier, who is resident in another State or city.

The money transfer system is the main means for laundering the proceeds from illegal activities. Other methods used to a lesser degree are payments from one foreign country to another, arranged directly by the top levels of the organization in Nigeria, and the transport of cash using illicit cash couriers.

The main crimes committed by north African Maghreb criminal groups are human trafficking, aiding and abetting illegal immigration and drug trafficking.

These groups are usually subordinate or adjacent to more powerful Italian or foreign groups. It has emerged in fact that there are contacts between Maghreb groups and Italian ones, particularly the Mafia and the 'Ndrangheta, relating to drug trafficking, as well as collaboration with Albanians for drug pushing. However they do run some activities autonomously. Investigations have shown that,

above all in northern Italy, there are groups who deal with the production of false or counterfeit identity documents, which are used by Nigerian illegal immigrants who have usually arrived by sea. Moreover, recently it has been seen that these criminal organizations are able to reinvest the proceeds from illicit activities in legitimate businesses, both in Italy and in their own countries, such as butcher's shops, internet cafés, phone centres and ethnic business activities.

- **Russian OC**

Russian organised crime in Italy has two main branches of activities: the laundering of proceeds from illicit activities and trafficking of human beings. For some Russian criminal organizations Italy is the favourite place to invest huge amounts of capital in the real estate, financial and business sectors.

A number of investigations have confirmed the infiltration by groups coming from the former Soviet Union countries into various areas in Lombardy, Liguria, the Adriatic coast and the north east. This is above all in the tourist sector – hotels, in import-export agencies and in the merchandising sector – clothing and furniture. It should also be noted that wholesale companies dealing in various types of merchandise have been set up and are directed in Lombardy by people of Russian origin. The creation of these companies, which do very little business, seems to serve the purpose of allowing the directors to obtain residence permits in Italy, and give them an income which enables them to obtain their renewal. The transactions invoiced by these companies and linked to Russian companies have usually been shown to be false as some Russian companies do not exist, or did not acknowledge the existence of these transactions.

On the other hand the directors have considerable financial resources, as has been shown by the purchases of property and automobiles in Italy, funded by bank transfers coming from accounts in Latvia and Cyprus. In Lombardy, moreover, there are some Russian financiers who are carrying on negotiations to buy luxury properties as well as tourist businesses, and they have been shown to have a support network made up not only of fellow countrymen but also of people in contact with Calabrian and Sicilian criminal groups. In Rome it has been found that there are people from countries in the former Soviet Union who evidently have considerable financial resources and have a very luxurious life style. The role of these people is to launder proceeds from crimes committed in the Russian Federation, using complex financial mechanisms carried out via a network of international companies and bank accounts in various countries. Russian organised crime's interest in Italy is also directed towards another particularly lucrative criminal activity which is the trafficking of human beings. An analysis of migrations flows shows a constant increase of young immigrant women coming from former Soviet Union countries.

There are many investigations being made into criminal gangs operating in illegal immigration and the aiding and abetting and exploitation of prostitution, with wo-

men coming from former Soviet Union countries, in particular Russia, Ukraine and Moldavia, who are made to live in almost slave-like conditions.

On their arrival in Italy the victims have their passport taken away, and they are forced, often using violence, to work as prostitutes, and in this way they are trapped and have to pay over most of their earnings to the criminal gangs. Another phenomenon connected with the trafficking of human beings is the racket concerning deaf and dumb people from the former Soviet Union countries.

Once they have entered Italy and have had their passports taken away, the victims are forced to peddle small objects in bars and restaurants and to beg. Most of the money earned goes to the gangs' local representatives. They are kept under strict control, and can even be deprived of their liberty if they disobey.

● **Colombian OC**

South American organised crime, and in particular Colombian, is made up of criminal gangs that over time have not changed their way of behaving, the nature of their interests or the kinds of criminal activities they operate. Their main activity in Italy is undoubtedly drug trafficking. Huge quantities of cocaine are supplied to the traditional large criminal organizations. Otherwise they are concerned with illegal immigration, and pimping, which is carried out in nightclubs run by Italians. The most recent investigations confirm the fact that South American organised crime, in particular from Colombia, deals almost exclusively in the production, export and distribution of huge quantities of drugs, which are refined in Colombia or bought in other countries like Ecuador, Bolivia, Peru, Venezuela, Brazil and Argentina. Generally the Colombian gangs have set up proper logistical bases in Italy in order to deal with the transport of the loads and the sale of the drugs. The proceeds of the trafficking are invested, particularly by the Colombians, in businesses in many European countries, including Italy.

4. Possible development of OC groups in the future

The increased cash flow and the subsequent need to reinvest the proceeds of their illegal activities, as well as the growing globalization of the market, has facilitated the growth in the international dimension of organised crime, resulting in a remarkable number of foreign crime figures being present in Italy too.

Investigations and intelligence activities show the drug trafficking carried out by the 'Ndrangheta, in connection with Albanian – Kosovar and Colombian organized groups will be a law enforcement concern, because it continues to be the major source of criminal income.

The organised crime groups are increasingly becoming transnational entities, so that they can also more easily elude investigations carried out against them by law enforcement agencies and judicial authorities.

In this framework it is necessary to stress the need to improve and strengthen the cooperation at international level both among law enforcement agencies and the investigation sector, with a view to developing the preventive investigation activities and the criminal analysis work.

In this regard, the joint German and Italian task force against the 'Ndrangheta, established in August 2007, immediately after the Duisburg massacre, within the Ministry of Interior – Direzione Centrale della Polizia Criminale, has produced extraordinary results in combating this kind of organised crime. Recently, the Italian and German authorities have implemented the competences of this task force and it hopefully expects to have the same impact in the fight against the other kinds of organised crime groups, such as the Mafia, camorra and Apulian organised crime.

,Organised crime' and (some) ,organised crime' research in Greece

Georgios A. Antonopoulos¹⁰²

Introduction

Although manifestations of what could be termed as ,organised crime' existed in Greece for centuries and could even be defined as part of the cultural heritage of the country, the western world meaning of ,organised crime' was initially (informally) introduced in the 1990s by the media. At the same time, there has been very little empirical research on ,organised crime' in Greece in general and on specific ,organised crime'-related issues in particular. The purpose of this chapter is two-fold: firstly, to provide a brief overview of the general ,organised crime' situation and discourse in the country; secondly, to provide an overview/review of findings of a number of empirical projects on ,organised crime' in Greece with the main focus being primarily its ,entrepreneurial manifestations' (von Lampe, 2008), illegal markets.¹⁰³ These projects are as follows: a) the cigarette black market (Antonopoulos, 2008), b) the stolen car and car parts market (Antonopoulos, 2007; see also Antonopoulos and Papanicolaou, 2009); and c) the cocaine market (Kostakos and Antonopoulos, 2010)¹⁰⁴. The role of the ,upperworld' as variables of ,organised crime' in Greece will also be discussed. At this stage it should be mentioned that this endeavour is based on the assumption that the aforementioned illegal markets are part of the body of knowledge widely defined as ,organised crime' (see von Lampe's, 2001b). I conclude that the ,organised crime' situation as is presented in several official and media sources contradicts the manifestations of ,organised crime' put forward by existing empirical research. Before turning to the social organisation of the aforementioned illegal markets, it would be appropriate to focus on the general ,organised crime' situation in Greece and to briefly touch upon the related definitional, conceptual and methodological issues.

,Organised crime' situation and discourse in Greece

The Hellenic Police started collecting data on ,organised crime' in 1998. According to a high-ranking officer consulted, the initial plan revolving around data collection and analysis left a lot to be desired. From 2004 to 2008 and with the assistance of EUROPOL analysts, the procedure for collection and analysis of relevant data in Greece was more systematic. Since 2008, however, the data collection and analysis process is in a downward spiral due to internal problems such as lack of competent, trained staff, the lack of support for the project on the part of superior

102 Senior lecturer in criminology, School of Social Sciences and Law, Teesside University, UK.

103 The activities that are mostly associated with so called ,organised crime' in Greece are those related to the illegal provision of commodities and services.

104 For a detailed account on each of these research studies please see the original sources.

officers, lack of funds etc. The main sources of *official* information regarding ,organised criminal activities‘ are the (published) Annual Reports on Organised Crime (AROC) of 2004 and 2005 compiled by the Ministry of the Protection of the Citizen (formerly Ministry of Public Order). These reports were based on data and information provided by various law enforcement agencies (Hellenic Police, Hellenic Coast Guard, Customs Authority, Bureau for Special Inspections, Central Anti-drug Coordination Unit — National Intelligence Unit (SODN-EMP), and National Authority Against Money Laundering). The classification of criminal activities as ,organised‘ is based on the eleven criteria described in the document ENFOPOL 35, REV 2 (6204) of the European Council (some of which are mandatory) and the four criteria put forward in the Greek legislation (Law 2928/2001 and section 187(1) of the Greek Penal Code). The four criteria put forward in the Greek legislation are: (1) collaboration of three or more people; (2) commission of felonies, (3) prolonged action, and (4) structure.

The AOCR of 2004 and 2005 provide some very interesting data and information about the ,organised crime‘ situation in Greece. However, they possess a number of limitations that relate to definitional and data collection issues which affect their capacity to present an integrated and valid image of ,organised crime‘ in the country, something that has been the case in other contexts too (see Lambropoulou, 2003; Xenakis, 2004; von Lampe, 2004). One major problem is, for instance, in relation to what ,organised crime‘ *is*. ,Organised crime‘ is a term that encompasses a diverse set of phenomena and carries a heavy emotional load. Several authors (Maltz, 1976; Levi, 1998; von Lampe, 2001a, 2008; Paoli, 2002; van Duyne, 2003; van Duyne & van Dijk, 2007; Vander Beken *et al.*, 2005; van Duyne, 2009a) have suggested that ,organised crime‘ is a sensational political construction that is impossible to define scientifically and to measure effectively. In Greece, there are huge differences in the yearly evaluations of what constitutes ,organised crime‘ and ,organised crime structures‘ (see Lambropoulou, 2003).

Statistics on crime types and rates are readily available, yet analysis of trends, patterns, or contributing factors of ,organised criminal activities‘ have not been regularly produced and publicised. While certainly of some practical use, (non-classified) AOCR offer a description of the variety of OC groups operating in the country, but little insight into causal factors or a long-term vision of countering ,organised criminal activity‘. There is an emphasis on ,organised crime‘ as traditionally construed while simultaneously being presented as an external *threat*, which Greek law enforcement or Greek society have little control over (see Antonopoulos, 2009). For example, the 2005 AOCR identifies the geographic position of Greece, the neighbouring of Greece with „problematic . . . socio-economic and political structures“ (MPO, 2006: 25), and the extended sea borders and mountainous land border (in the north) as major criminogenic factors of ,organised crime‘.

The main illegal activities discussed in the accessible (non-classified) reports, and which are a mixture of market *and* predatory activities, are¹⁰⁵:

- Smuggling of immigrants

Greece, a transit and a destination country for smuggled immigrants, is seen as vulnerable due to its long borders and coastline, which are difficult to patrol. According to the AOCs, there are networks that operate within the Greek sovereignty and have established links with networks operating primarily outside the country (e.g. Turkey, Balkan countries, Eastern Europe and the Middle East). These networks corrupt public officials towards their goal (see MPO, 2005, for instance) Fifty 'criminal organisations' involved in immigrant smuggling were the subject of law enforcement investigations in 2005.

- Trafficking in human beings

(mainly for the financial exploitation of their sexuality but also for labour exploitation, and infant trafficking)

According to the AOCs, Greek, Albanian, Bulgarian, Russian, and Turkish groups are involved in this type of criminal activity. The foreign traffickers usually advertise – via travel agencies in the countries of origin in central and Eastern Europe, the Balkans and the former Soviet Union – seemingly attractive job offers to young women for waitress, babysitter positions, etc. Upon arrival the victims' documents are withheld, they are subjected to psychological and physical violence and are forced into prostitution; Twenty-one 'criminal organisations' involved in trafficking human beings were the subject of law enforcement investigation in 2005.

- Drug trafficking

The Balkan route remains the most popular way for trafficking heroin into Western Europe. The Atlantic route for drugs produced in South and Central America involves links between foreign OC groups (Colombian, Nigerian, Spanish, Belgian, Dutch) and Greek groups having as key members merchants involved in the shipping business with the know-how to transport large quantities of drugs by sea. Thirty-two 'criminal organisations' involved in drug trafficking were the subject of law enforcement investigation in 2005.

- Trafficking in stolen vehicles

According to the AOCR, Greece is a transit point for trafficking in stolen vehicles from Western European countries (particularly Germany, France, Spain and Belgium) to Eastern Europe, the former Soviet Union, Middle East and Asia. Vehicles are also stolen in the interior of the country and resold in the domestic market or are forwarded to Albania. Seven 'criminal organisations' in-

105 It should be mentioned that although the author values some data and information offered in the AOCR, he does not necessarily agree with their representation of 'organised crime' or specific activities put forward in this section.

volved in trafficking in stolen vehicles were the subject of law enforcement investigation in 2005.

- Cigarette smuggling: Greece is seen mainly as a transit country and not the final destination of contraband cigarettes in the AOCR. The smuggled cigarettes are imported illegally and are then forwarded with trucks via the harbours of Piraeus, Patras, Thessaloniki and Igoumenitsa to N. European countries (particularly, according to the AOCR, to the UK). In some cases, cargos of smuggled cigarettes have the domestic market as their final destination. OC groups are facilitated in transporting smuggled cigarettes by the free transport of cargo among EU member states with the only requirement being an accompanying consignment note. The customs authorities only perform occasional checks when there is preliminary information or indications regarding smuggling. Six 'criminal organisations' involved in cigarette smuggling were the subject of law enforcement investigation in 2005;
- Fraud and forgery: Most fraud is committed by OC groups in order to obtain loans or credit cards using false supporting documentation or forged credit cards. In addition to being a secondary crime in cases of fraud, forgery is also connected to illegal immigration, especially relating to the production of false residence documents for economic immigrants, who do not meet the necessary conditions for legal residence in Greece. The false documents are mainly passports, visas, certificates from an employer, international driver licenses and other documents. Three 'criminal organisations' involved in fraud and forgery were the subject of law enforcement investigation in 2005;
- Trafficking in cultural products: the 'criminal organisations' involved in trafficking cultural products (usually of the Classical and Hellenistic period) consist primarily of Greek nationals, who reside in the area where the artifacts are discovered. According to the AOCR, the arrest of individuals involved in trafficking in cultural products sometimes leads to criminal networks exporting the cultural products to Western and Central Europe;
- Extortions: OC groups, also known as 'Godfathers of the Night', mainly try to obtain money from legal business owners (restaurants, cafés, bars and night-clubs owners) under the pretext of providing protection. Extortion takes the form of demands for cash or, sometimes, demands for co-ownership stakes in the businesses. Sometimes OC groups steal cars and then extort their owners in order to pay money towards the return of their cars;
- Robberies and thefts: these include armed robberies in banks, public institutions and shops, and burglaries of houses or shops that trade in objects of high value. Robberies 'with an organised dimension' (MPO, 2006: 18) take place primarily in Athens and Thessaloniki whereas 'criminal organisations' committing thefts do so in other urban centres as well. Three 'criminal organisati-

ons' involved in robberies and thefts were the subject of law enforcement investigation for robbery and another three for theft in 2005;

- Theft of intellectual property: This involves primarily the production (and distribution) of pirated CDs and DVDs. The involvement of Africans in the production and distribution of pirated CDs and DVDs has, according to the AOCR, been stable over the last few years. One 'criminal organisation' involved in the theft of intellectual property was the subject of law enforcement investigation in 2005;
- Child pornography: According to the AOCR, this particular activity has been increasing in the last few years, and „in its organised dimension it takes place exclusively through the use of the internet“ (MPO, 2006: 20). An interesting account from the same report is that an increase in the numbers of individual offenders can be observed in 2005 „without however, being there presence of a criminal organisation“ (MPO, 2006: 20).

According to the AOCR consulted most of the 'criminal organisations' dismantled in 2005 operated primarily in the areas of Athens and Thessaloniki. 'Criminal organisations' involved in drug trafficking, human smuggling, human trafficking, trafficking in stolen vehicles and cigarette smuggling operated also in the border areas as well as in Athens and Thessaloniki.

Ethnicity and immigrant status constitute important explanatory variables of 'organised criminal activities' in Greece, and the AOCR make explicit reference to the 'threat' posed by non-indigenous 'organised crime groups'. The 2004 and 2005 Greek OC reports offer a detailed breakdown of the 'organised criminal activities' which specific immigrant groups are involved in. According to the AOCRs: Albanian groups are mainly involved in drug trafficking, thefts and robberies; Bulgarian groups are mainly involved in counterfeiting and forgery; Middle Eastern and Asian groups (Chinese, Iraqi, Pakistani and Turkish) are involved in smuggling of immigrants; Russian and Ukrainian OC groups are mainly involved in cigarette smuggling; Romanian OC groups are mainly involved in thefts and trafficking. According to the AOCR of 2004 and 2005, out of 317 'criminal organisations', 110 (34.7%) comprised of foreign nationals only, 110 (34.7%) comprised of Greek nationals only, and a further 78 (24.6%) comprised of Greek and foreign nationals although the degree and nature of collaboration among Greek and foreign nationals is unclear (see also Antonopoulos, 2009).

Some information and statistics on 'organised crime' can also be obtained from the Hellenic Coast Guard, the Bureau for Special Inspections and the Central Anti-drug Coordination Unit — National Intelligence Unit (SODN-EMP) websites. The SODN-EMP reports annually published since 2001, for example, offer information and data on drug smuggling, whereas the Hellenic Police website offers data on drug smuggling, and human smuggling and trafficking. In addition, the Hellenic Statistical Authority (EL.STAT) provides some data in relation to the tur-

nover of several illegal markets in Greece. This type of information does not appear in the AOCR. Specifically, according to EL.STAT, the annual turnover of illegal markets in Greece is approximately €2.8 billion. The turnover from cigarette smuggling is estimated at about €78 million a year, whereas the turnover from drug smuggling and alcohol smuggling is estimated at about €234 million a year, and €104 million a year, respectively. Fuel smuggling is also a lucrative business since its annual turnover reaches €400 million. Prostitution turnover is considerably higher than the other markets and is estimated at approximately €2 billion a year, €180 million of which relates to bribes paid to corrupt officials (see Stergiou, 2009). Finally, some information in respect of 'organised criminal activities' can be obtained from commercial bodies (e.g. on illegal markets of legal commodities) and media/journalistic sources. Again, ethnicity and 'importation' of 'organised crime' appear to be a regular -if not a constant- theme in the commercial bodies and media representations of the phenomenon. In an article appearing in the Greek daily *Ethnos*, for instance, the Chair of the Commerce Association of Piraeus, referring to illegal traders, argued that „. . . the illegals have been operating uninterrupted for many years now, without paying taxes, making a profit at the expense of consumers, healthy commerce, the local community, Greek economy and employment. They put small and medium businesses in serious danger, [and] weaken the legal, healthy commerce . . .“ (in Kolonas, 2008: 34). The aforementioned sources often do not provide any evidence that the activities they describe are the work of 'organised criminals'.

Overall, 'organised crime' in Greece has been mythologised and covered with a cloak of mystification. There are a few basic tenets of the conceptualisation of 'organised crime' in Greece. These are as follows: (a) 'Organised crime' is an imported phenomenon and associated with migrant groups; (b) 'organised crime' is the business of hierarchical 'organisations' (see Cressey, 1969); (c) 'organised crime' groups have the objective of monopolising an illegal market and corrupting the financial system; (d) Corruption is an integral feature of 'organised crime' and essential for the smooth running of the business (see Schelling, 1971); (e) Ethnicity is a key variable by which individuals are selected in/,recruited' by 'organised crime organisations' (Cressey, 1969; Potter, 1994). The aforementioned tenets have been integral to the perception of 'organised crime' in Greece since the 1990s. Greece is permeated by perceptions about the 'organised criminal' and particularly the foreign 'organised criminal', who conspires against the Greek state and society, endangers the values of the country, transforms the quality of criminality in the country, and negatively influences the stability of the financial system uses violence and corrupts individuals towards amassing huge amounts of money, which are laundered in various ways (see also Antonopoulos, 2009). I will now turn to the major findings of three empirical studies on illegal markets in Greece.

The illegal markets

3.1 The cigarette black market (Antonopoulos, 2008)

- Despite Euromonitor International (cited in Gounev & Bezlov, 2009: 127) suggesting that the illicit market share in cigarettes in Greece is 16.9%, it is impossible, given the quantity and the quality of the current data and the lack of sophisticated efforts to quantify the phenomenon, to validate or disprove such a claim.
- There seems to be a range of ,entities‘ involved in cigarette smuggling that can be placed on a continuum. The smuggling of cigarettes can be conducted by individuals or by networks that capitalise on price differentials or need for social enhancement.
- There is a number of ,actors‘ in the cigarette smuggling business in Greece. The presentation of the division of labour/,actors‘ does not necessarily mean that these appear in every smuggling network. These ,actors‘ are: the Wholesaler, who buys and assembles quantities of the merchandise, and distributes them in smaller parts to the ,pushers‘. The wholesalers are Greeks and there is evidence of some foreign nationals. There are also the Procurers, who are primarily Greek businessmen, and who buy large quantities of cigarettes from Greek tobacco companies with the intention of exporting them to Balkan countries. Middle-level smugglers include the Pushers, individuals who introduce the smuggled cigarettes onto the street-level market. We came across pushers from the republics of the former Soviet Union, Kurdistan, and Greece. The Street-sellers are primarily drawn from the migrant community of the country and specifically from the community of migrants (including migrant ethnic Greeks) from the former Soviet and Kurdistan, and there is a small number of Albanian, Romanian, and Bulgarian migrants. There is also a small number of Greek Roma involved in the street selling of contraband cigarettes. The Scouters/Look-Outs warn street-sellers about the presence of the police in the area, and specifically known to them non-uniformed officers who exert money from street-sellers, and the Warehouse Guards are responsible for ,guarding‘ the storing places. Scouters/Look-Outs and Warehouse Guards are members of the migrant community in the country with very few exceptions. Legitimate shop and kiosk owners are Greeks, who own a shop or a kiosk in or around the street-selling area and ,operate‘ as a quick ,refuelling‘ point for street sellers, a place for quickly ,hiding‘ the smuggled cigarettes or a distribution point for contraband (as well as legal) cigarettes. An interesting set of actors in the business are the Thieves/Burglars/Robbers, ,professionals‘ who steal from cigarette warehouses destined for the legal market or from kiosks and other retail outlets. They are not an integral part of the cigarette smuggling network and they do not continuously feed the market with merchandise. I have come across thieves/burglars/robbers from countries of the former Soviet Union, Albania and Greece. The transportation of the merchandise is the respon-

sibility of the Drivers/Captains. The majority of truck drivers are Greeks, and there are a number of Bulgarian, FYROM, Italian, Romanian, Turkish, Polish and Irish drivers. Captains, according to the available evidence, tend to be Greeks, Russians, Ukrainians, and Bulgarians. A node of the cigarette smuggling networks are the 'Protectors', who engage in the protection of the interests of cigarette smuggling business from extortion gangs, primarily of Albanian and Russian origin. They are also not an integral part of the smuggling and distribution of contraband cigarettes business. During the research I came across 'protectors' from the former Soviet Union. In addition, there are a number of Greek 'protectors' also selling protection to establishments of the nocturnal economy. Finally, there are the corrupt public officials, who are either actively involved in the cigarette smuggling business or turn a blind eye to the business. Corrupt public officials associated with the cigarette smuggling business in Greece primarily include police officers, customs officers, and coast guards. All corrupt public officials are Greek.

- There are big differences between the socio-economic characteristics of these actors in the three separate levels of cigarette smuggling (upper, middle and street-level, see von Lampe, 2001b). Upper level smugglers include a wide range of individuals who lead respectable lives, and have quite diverse forms of employment and socio-economic backgrounds, whereas the common characteristic of the participants in the street-level is their socio-economic marginalisation.
- The legal sector is heavily involved in the cigarette black market. Similar to other contexts (see, for example, Beare, 2003 and von Lampe, 2005) tobacco manufacturers in Greece in essence support or 'turn a blind eye' to cigarette smuggling for their own reasons. Legitimate businesses such as warehouses, logistics companies and import/export companies are (knowingly or unknowingly) involved along with retail shops that sell contraband cigarettes. The contraband cigarettes are distributed in the open and closed markets. The open market exists in public space in Athens, Thessaloniki and Piraeus and the closed markets in many cities, towns and resorts throughout the country.
- Violence is an extremely rare feature of the cigarette black market in Greece, and this is one of the reasons the market is largely tolerated by the public and the police. Violence jeopardises the market by attracting unnecessary attention on the part of law enforcement agencies, and is therefore „bad for business“ (Pearson and Hobbs, 2001: 42).

3.2 The stolen car and car parts market (Antonopoulos, 2007; Antonopoulos and Papanicolaou, 2009)

- The number of cars that are trafficked is basically the number of cars that are not recovered. However, the available evidence from the Greek Ministry of Pu-

blic Order (MPO) relates to cleared car thefts, which does not automatically mean that the cars are recovered. Nevertheless, according to the police interviewed for this research, the number of cleared thefts and the recovered cars are about the same. Due to the minor differences, the available official statistics on cleared thefts can offer a valid representation of the volume of cars stolen *in* Greece and traded illegally.

- From 1998 to 2007, 63.884 cars were stolen. The majority of these thefts were committed in urban centres and particularly the Greater Athens area. 31.703 car thefts were not cleared (49.6 %). Having the aforementioned data-related issue in mind, we can consider that about 31,703 cars were not recovered and were thus illegally traded.
- There are generally three phases in the car trafficking business. The first phase involves stealing a car. The second phase involves ‚recycling‘ a car by altering the stolen car’s VIN (Vehicle Identification Number), which is unique for every car, with the VIN of a crashed vehicle of the same type and model. The ‚recycling‘ of a stolen car can also be achieved by the production of fraudulent car documents. The final phase involves selling the stolen and ‚recycled‘ car. Moreover, it would be appropriate to add another phase, transportation of stolen cars, for those cases in which cars are imported/exported into/out of Greece. The theft of a car is performed primarily by professional thieves, and in most cases involves either pairs or 3–4 professional thieves. The ‚recycling‘ of the stolen cars is usually performed in garages in various Greek cities and towns many times by individuals who work legally in the field of car repairs.
- Cars or car parts are sold in legally used car and/or car part dealerships below their original prices or their real market value.
- There is a mixture in the patterns of cooperation in the particular trade. Cooperation may be opportunistic between some of the individuals involved in the trade and more durable between others. This depends primarily on pre-established personal/social relationships. The better/lengthier the personal/social relationship between individuals involved in the trade, the more durable the business cooperation. What is also interesting to note here is that the legal businesses (even those that are not directly related to cars) are the setting in which legal business relationships transform into criminal business relationships (von Lampe and Johansen, 2004). For instance, one of the thieves interviewed knew the used car shops he was illegally working with/for from his legal business as a car mechanic. Moreover, an interviewed used car dealer, who sells stolen cars in Greece, established the initial connections with thieves and individuals producing fraudulent documents in his father’s restaurant in Germany.
- From 1998 to 2006, out of the 3.429 offenders known to the police, 1.187 (34.6 %) were foreign nationals. This suggests that there is an over-representa-

tion of foreigners in the known offenders in Greece given that, according to the latest census, registered foreigners constitute 7.3 % of the total population of the country (ESYE, 2001). These figures however, suffer from a major drawback, namely they refer to known offenders for car thefts. In consequence, we cannot be certain about whether the foreign nationals are responsible for stolen cars that are non-recovered, and are, therefore, introduced in the market of stolen cars. The pre-trial reports obtained by the Greek police towards this research suggest that when foreign nationals steal a car, they abandon it shortly after the theft having stolen several articles or after having escaped. In addition, according to evidence from the pre-trial reports, in all cases in which foreign nationals were arrested for car theft, the cars were found and returned to their legal owners immediately, which suggests that the VIN was not altered. According to the Greek legislation when the VIN of a car is altered, the car is forwarded not to its legal owner but to the Public Property Management Organisation for auction. Other evidence such as this provided by interviews with car thieves, however, suggests the participation of foreign nationals in the theft, recycling and transportation phases of the business. We have not come across any evidence of the involvement of foreigners in the sale of stolen cars and car parts in Greece.

- Corruption in the car trafficking business in Greece is not a major theme because instrumental parts of the illegal trade in stolen cars such as the change of VIN, do not need the contribution of public officials to materialise. In addition, the fact that the ‚recycling‘ and the sale of stolen cars (and car parts) usually take place within legal businesses explains further why public officials do not come into frequent adversarial contact with people involved in the trade. Finally, violence is not an integral part of the car trafficking business. There is no monopoly in the illegal trade in stolen cars, and stolen cars or stolen car parts are distributed through numerous legal outlets. There is, therefore, no particular need to control large parts of (stolen) merchandise or segments of the market.

3.3 The cocaine market (Kostakos & Antonopoulos, 2010)

- From 1980 to 2006, 2.582,181 kilos of cocaine were seized by the Greek authorities. Overall, this is a considerably lower quantity than the quantity of cannabis seized and slightly lower than the quantity of seized heroin. For example, after 1999, when the bulk of the cocaine was seized by the Greek authorities, the quantities of cannabis and heroin consistently surpass that of seized cocaine apart from 2004, when a single bust resulted in more than a ton being seized. The overall quantity of cannabis seized from 1999 to 2006, for instance, was more than 97,5 tons (UNODC, 2008).
- The vast majority of cocaine seized in Greek territory is seized in the greater areas of Athens with some exceptions. For instance in 2001, 97 % of cocaine

seized in Greek sovereignty was seized in the prefecture of Attica, and specifically the port of Piraeus, which highlights the port's central role in the cocaine business.

- The structure of the smuggling chains that serve the cocaine market in Greece as well as act as link with other European markets, is comprised of 'actors' from different socio-economic and ethnic backgrounds, and professions, who perform different functions. The 'coordination' of tasks involved in different stages of the smuggling business lacks sophistication, the 'actors' adapt easily to unexpected circumstances and often employ improvisation and spontaneous decision making. Similar to the presence of mono-drug and poly-drug users, there is a distinction between mono-drug and poly-drug entrepreneurs in the country. Mono-drug entrepreneurs deal only in cocaine whereas poly-drug entrepreneurs deal in cocaine and other drugs.
- The cocaine business is a jigsaw of small, flexible, independent and often improvising enterprises, and although large structures may exist by no means are these the norm in the Greek cocaine business.
- The vast bulk of the merchandise intercepted between 2001 and 2006 (78.9%) originates from South America and specifically from Colombia. However, the range of countries cocaine originated from within this period suggests that the cocaine market is not a monopoly of the Colombians. The bulk of cocaine enters the country via the ports of Piraeus, the largest and busiest port of the country, Thessaloniki and Patras, two of the largest ports of the country and emerging important transit points for cocaine.
- In the early 2000s no open, street market in cocaine could be observed in Greece. The reasons for the absence of an 'open' market – apart from the law enforcement stance against illicit drugs in the country – is that cocaine is largely associated with more affluent parts of the Greek population, who demand a more discreet way of being supplied with the merchandise. This is not, of course, to suggest that distribution of cocaine does not occur on the street or other public space but simply that the commercial interactions between the client and the supplier take place after a meeting is arranged.
- Distribution of cocaine takes place at private parties or in glamorous nightclubs throughout the country though primarily in Athens and Thessaloniki as well as cosmopolitan and/or busy islands. How decentralised and fragmented the Greek market is, is also reflected by the fact that cocaine can be also purchased through the internet. In 2005, the tourist police of Chania in Crete identified a website of a company based in San Francisco, on which prospective customers could place their orders for cocaine (among other drugs) and have it delivered within 3–4 hours (Eleftherotyia, 2005).
- Cocaine is one of the most expensive drugs in Greece. The retail price currently ranges from € 75–100/gram (Greek REITOX Focal Point, 2007; UNODC,

2008). Relatively recently, there have been indications that cocaine has been used as currency for other illegal markets. For example, in February 2008, the Greek police pursued an Albanian national who used to exchange cocaine transported from Albania with cannabis produced in Crete (Kathimerini, 2008). There have also been references to Dutch ,entrepreneurs‘ paying in cash and cocaine for large quantities of cannabis produced in Crete (Kambylis, 2007).

- The networks of people, who are directly involved in the operations tend to be linked to the shipping industry. Companies that rent private yachts, marina managers, skippers, maintenance workers, and marina security guards have different roles in the smuggling chains. The role of marinas as an entry point for illegal goods is a point that people interviewed by Kostakos and Antonopoulos (2010) often mentioned. According to the court files reviewed for the current study, these individuals received the drugs on behalf of a third party comprising Greek and Kazakhstani businessmen, whose task was to supervise the operation and facilitate the storage of the drugs in the marina and safe houses. All of the ,actors‘ in the particular group knew each other or had worked jointly in previous legal projects in marinas.
- The middle and retail levels of the cocaine market in Greece appear to be operated by actors, who participate in the night-time economy and are associated with bouncers and legal businessmen. Finally, off-shore companies, tourist agencies, gyms, garment factories, small division football clubs, Greek banks, and legal gambling schemes are used as smokescreens or/and as ways to launder money from cocaine smuggling.

Discussion/conclusion

Unlike some other Balkan and CEE countries, Greece already had a property rights system and an established capitalist market economy in the late 1980s and early 1990s, and as a result there was no need for a redistribution of national wealth after ,democratisation‘ which led to a sudden increase in violent ,organised crime‘ activities. This is not to suggest, of course, that ,organised crime‘ of a predatory nature does not exist (as we saw the AOCR provide some evidence of that) but to emphasise the entrepreneurial nature of the core of what could be defined as ,organised crime‘ today in Greece.

The illegal markets presented in this chapter are pragmatic responses to factors that are introduced or imposed by the authorities. There is no need to discuss the market in cocaine in that respect but the cases of cigarettes and cars are indicative. The periodically rising taxes on tobacco products and the ,luxury tax‘ on new and used cars are standard sources of income for the Greek state however, they provide for additional burdens to customers in a tobacco-friendly and car-friendly context. When this is coupled with the current reduction of the ,buying

power' of the public in Greece one can not only understand why such markets exist but also hypothesise that these particular markets will be even more vibrant, versatile and dynamic in the years to come.

There is a discrepancy between the official and media discourse on 'organised crime' on the one hand and the evidence provided by the empirical research put forward in this chapter on the other. The three markets presented are largely decentralised and no evidence for hierarchical structures is found. There is no 'organisation', which enforces or directs policy and practice to supposed 'members' of such an 'organisation'. Instead what does exist in the described illegal markets are networks of action-oriented individuals, organising criminals (Block and Chambliss, 1981), who in most instances act for their own personal interests and often on improvisation. In a sense illegal markets, and illegal economic activity as a whole, have become increasingly similar in nature to the 'legitimate' capitalism that is characterised by disorganisation and increased flexibility (Lash and Urry, 1987). Given the nature of these markets as well and the need for entrepreneurs to control the flow of information about their activities and ensure a level of secrecy, „dispersed rather than centralised . . . networks may represent the best way criminals have of dealing with law enforcement“ (Levi, 2002). Large structures – at least in the case of forms of 'organised crime' that share entrepreneurial characteristics – add layers of risk to the business.

There is no 'transnational' authority 'coordinating' each of the illegal markets presented in the current chapter, something that detracts from the representation of 'organised crime' as an imported feature that is offered by the annual reports on 'organised crime' and other sources. By focusing on a supposed 'transnational' dimension of the illegal markets (and 'organised crime' in general) we remove the illegal market (or any other manifestation of 'organised crime') „from the originating political, economic and social context within which the criminal activity might be better understood or explained“ (Beare, 2000: 7; see also van Duyne, 2009b) and we ignore activities that may occur in the process.

The networks involved in the illegal markets presented in this chapter are ethnically heterogeneous and by no means confine themselves to specific ethnic groups or 'exclude' specific ethnic groups (although one may observe the absence of specific nationalities from specific parts of an illegal market). Such a practice would provide for an impediment for the business since a number of individuals having the capital, social relations, and the access to merchandise, information, facilitators as well as the abilities to be involved in the business would be displaced at the expense of the (illegal) market.

Greek nationals are heavily involved in different phases and different levels of the illegal markets presented. The heavy involvement of Greeks in illegal markets not only signifies that these illegal markets are not exclusively the business of the 'Other' but also offers a very clear indication of the ways in which the legal and the illegal are increasingly blurred. The illegal markets presented here are not always

antagonistic or injurious (Passas, 2002) to their legitimate counterparts (when there is one) or the legal sector as a whole. Criminality is not completely unknown to legitimate businesses and neither do criminals live off legitimate business in a parasitic way. This also highlights the fact that legal businesses constitute an environment in which legal business relationships easily transform into illegal ones (von Lampe & Johansen, 2004) as well as an environment that – due to travelling, international networking and partners, etc. – offers numerous opportunities for the commission of ‘organised crime’ (van de Bunt & Kleemans, 2007). The case of the shipping industry and other industries adjacent to it is just an example of this feature. The element of ‘threat’ against the legal that lies at the core of the ‘organised crime’ discourse in Greece is largely unfounded.

Actors in the economic nexus are interdependent too. Were we to put aside moral and political sensibilities for a moment, and to realise that the driving logic of the market is essentially amoral, it would appear that illegal markets are the environments in which the demands of customers are met (Ruggiero, 1997; van Duyne, 2003). In this dynamic environment that is illegal markets, transactions and benefits are always multilateral. These realisations, in particular, have an important policing implication: the authorities –rather than having the moral dichotomy legal/illegal as their ‘operational expectation’ (Beare, 2007) can possibly target the legal businesses which facilitate illegal enterprises (see also Kleemans, 2007).

Violence and corruption, two variables that are over-emphasised in ‘organised crime’ discourse, are not indispensable features of illegal markets. Violence is a liability since it attracts unnecessary attention on the part of the authorities and is not in the logic of the market anyway. Corruption, on the other hand, is not always present in illegal transactions; it is generally a business cost that illegal marketers try to avoid and in fact do avoid since in many instances there is either no adversarial contact with public officials or phases of the market can materialise without the contribution of public officials.

The focus on three illegal markets in this chapter highlights the distinct features of their social organisation. These distinct features suggest that generic ‘treatments’ of the phenomena, the illegal markets as a whole, and the actors involved in these markets are to be avoided. Instead what is needed in Greece (and beyond) is a continuous understanding of the nature of illegal markets and the changing context(s) of illegal markets, as well as an understanding of how the authorities’ ‘behaviour’ and actions structure and shape the social organisation of these markets.

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Drug trafficking and money laundering in Spain: Evidences and policies

Andrea Giménez-Salinas Framis, Instituto Ciencias Forenses y de la Seguridad, Universidad Autónoma de Madrid

Introduction

Organised crime is a recent priority in the Spanish political agenda due to the fact that terrorism has been our most significant security threat during the last 40 years. At that period, Spanish organised crime groups have been broaden their illegal business producing strategic alliances with significant foreigner groups. Spanish groups have also increased their illegal activities to a wide variety of illegal markets and, finally, ethnic groups have recently come to our country to carry out their illegal markets by themselves or in collaboration with other European organised crime groups.

The mentioned situation demanded specialized measures to stop and reduce the activity of these organised crime groups with transnational proportions. European and International policies developed since late 90's to fight against organised crime have strained Spanish authorities to fight the phenomena from different sides: economic measures to fight against money laundering; specialization of Spanish forces in charge of criminal investigation leading to a better prosecution and detection of organised crime activities; legal changes in the Penal Code to have updated laws to face new illegal markets developed presently by organised crime groups. A long list of strategies has been implemented to consolidate a security response given the proportion of threat.

The main purpose of this article is to give a general overview of the most significant and traditional organised crime activities conducted in our country: drug trafficking and money laundering. After contextualizing these activities in the Spanish organised crime situation during the last ten years, we will present the antecedents of those activities in our territory as well as recent trends detected by police authorities. Before that, we will describe some research projects in which our Research Institute is involved in collaboration with GESI (Gabinete de Estudios de Seguridad Interior) and organised crime units from the one of the two Spanish national polices (Guardia Civil).

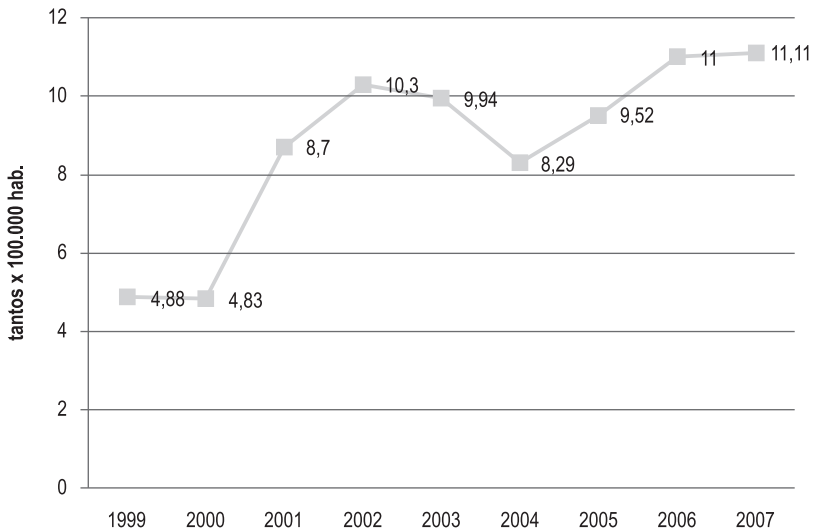
Organised crime in Spain: some data to have a general framework

Present organised crime in Spain face significant differences form activities and organised crime groups form 80's and 90's that were mainly concerned with drug trafficking and money laundering activities. The present situation is characterized by the following particular features: multiple illegal markets conducted by organized groups, multinational composition of the existing groups and coexistence of

groups form many geographical origins. Globalization and increasing mobility of persons and goods have facilitated associations, links and cooperation between local groups promoting its transnational dimension.

Many international and European reports have shown during last years the degree of centrality of Spain in the European organised crime situation. As many OCTAs (2007, 08 and 09) have demonstrated, Spain is the European gate in many illegal markets such as cocaine and hashish trafficking. Spain is also a significant transit country for many activities such as trafficking of stoles vehicles and smuggling of immigrants coming for the North of Africa. It is also a destination country for other illegal markets: trafficking on human beings, trafficking of heroine and synthetic drugs or organized property crimes. Proliferation and intense activity of organised crime conducted in our country disserved the position of Spain as one of the European criminal hub described by Europol (OCTA, 2008 and 2009). However, these assertions hardly find empirical support because of the absence of data coming from non official sources. The only official data provided by Spanish Police statistics, tell us that there has been an increasing number of detentions related to organised crime during the last years. Even though official data could be representative of a more significant repression of this kind of activities by police forces, we cannot underestimate their significance. The following graph describes the increasing trend of the organised crime detention rate by 100.00 inhabitants between 1999 and 2007.

Map 07. Organised crime detention rate 1999–2007



Source: elaborated with data from Ministry of Interior.

National composition of organised crime groups in Spain

Ethnic composition is one of the most significant features of organised crime groups developing their activities in our territory. Traditionally, Spanish organised crime was composed by indigenous organised crime groups that in 80s and 90s created alliances with foreign groups such as Colombians, Italian or Moroccan to promote commercial agreements or share some part of the illegal business. Nowadays, such alliances are still the main pattern since 60 % of the groups detected by the police during the last ten years have a mixed composition of Spanish and foreigners. Nevertheless, we see during the last decade, an increasing significance of groups composed by foreigners (one or more nationalities) which represents 30 %, compared with groups composed only by Spanish which represents 20 % of the groups¹⁰⁶. Those data show an increasing activity of foreigner organised crime in Spain that can be also confirmed by another data showing that 60 % of the detected groups between 1997 and 2007 has an international dimension besides the Spanish one. Transnational dimensions commonly detected in the organised crime groups proceed from: Morocco, Colombia, France, Italy, Netherlands, Portugal, Germany, Venezuela, United Kingdom and Romania.

Even though there has been an increasing flow of foreigners in the Spanish organised crime, indigenous groups are still the most consolidated, those having most complex structures, more social embeddedness (Kleemans, 1999) and additional capacity of infiltrating the local economy. Spanish are also implicated in 80 % of the groups detected by the police during last ten years and especially in 2009¹⁰⁷ in comparison to Colombians who are present in 30 % groups, Moroccans in 20 % and Rumanians in 20 % of the groups. In addition, Spanish have a significant role in many of the organised crime groups and they preferably use experts and contract professionals to develop their activities. Spanish are also more frequently implicated in corruption activities to promote self protection and they preferably use sophisticated security measures to avoid police persecution. Finally, use of violence inside and outside the group, money laundering activities and confusion with legal enterprises are common indicators in groups composed by Spanish members.

Origin of foreign groups

Colombian organised crime groups are the most significant ethnic origin among foreigners. Colombian organizations have important branches in our country since the 80s and they have deeply penetrated our social and economic order. Concerning their organizations, we find that they are complex, characterized by a specialization of their members, they commonly use complex isolation mechanism and security measures to develop their undercover activity, they use sophisticated

106 106 Data coming from Ministry of Interior.

107 Office data presented the the Ministry of Interior about the organized crime report of 2009 (El Pais, June 29th 2010).

technological means to conduct their activities and they use interposed companies and complex financial operations to launder the illegal funds. Regarding their resources and infrastructures, those organized groups are the owners of transport companies, travel agencies, import and export companies, and companies in many other sectors which can be used to undercover the illegal activity.

Moroccan groups are the second ethnic group by their significance in Spain and even though they have lower level of organization in comparison with previous ones, their significance is growing. <These groups are mainly involved in hashish trafficking, illegal immigration or theft of vehicles to sell in other countries. By their geographical proximity to Morocco, have less infiltrated the Spanish economy but it does count money laundering within their activities. Proceeds from the sale of hashish in Spain are sent through various media to their home countries where they are invested and bleached with less control by the authorities of origin. Finally, do not require major infrastructure in the Spanish territory to send the drugs to other countries, our country is used as a transit or transit to send the drug to other European countries through various means of transport: cars, trucks, mules, etc.

From 2001, the police began to remark the presence of organised crime groups from Eastern Europe, especially Romania. In 2002, according to police sources, the Romanian group was the fourth largest group detected after the Spanish, Colombians and Moroccans. These groups are dedicated primarily to crimes against property, trafficking for sexual exploitation and they are expert forgers of identity documents. After this remarkable change, the police forces began to detect groups coming from former Yugoslavia: Albanians, Lithuanians and Bulgarians. These groups hold complex internal structures, high level of internal discipline and tend to use violent methods by use of firearms and weapons. But something clearly differentiates these groups from others; these organizations have large capacity for geographic mobility changing their target depending on the opportunities and surveillance. Finally, they send the earnings and goods obtained from their activities rapidly to their origin country.

The organizations mentioned above represent the most significant medium and high risk organised crime groups acting in Spain. The rest of the organised crime detected in our country is composed by few members of many nationalities, they have great national and international mobility and they develop their activity as small businesses. However, despite its significant low risk, they should not be underestimated because some of them belong to larger transnational groups and its main characteristics are flexibility and adaptation. They have network structures composed by few members but they have great versatility and regenerative capacity in case of the dismantling of any part.

After this brief description of the features of our organised crime groups, we will describe the research project we are developing in collaboration with the Ministry of interior by means of one of the Spanish National police forces (Guardia Civil).

Research project about organised crime groups detected by the police during the last 10 years

This research project is a result of a collaboration between our Research Institute (Instituto de Ciencias Forenses y de Seguridad) in the Autonomous University of Madrid and the Ministry of Interior of Spain through GESI (Gabinete de Estudios sobre la Seguridad Interior). During the last two years, we have been developing several contract researches in the field of violence against women (i. e. implementation of the Spanish police risk assessment instrument) and organised crime (assessment of the statistics and final reports on organised crime and terrorism).

Those projects had two main goals: First, to know the available data and the methodology used to provide reliable data on organised crime in Spain. For that purpose, we have reviewed the organised crime annual reports produced by the Ministry of Interior to carry out a deep analysis about the methodology used in order to suggest recommendations. Second, due the lack of accessible quantitative and qualitative data about organised crime in Spain and the lack of empirical research about that topic, we aimed at having an overview of the organized groups and members detected in Spain during the last 10 years. For that purpose, a template was designed in October 2009 to collect information about police files (Guardia Civil, civil guard), corresponding to operations on Organied Crime performed between 1999 and 2009. At the present time, we have collected information about 65 police operations about organised crime groups implicated in many illegal activities. The following table show the distribution of operations by illegal activities developed.

Table 15. Distribution of operations collected and analyzed from 1999 to 2009

Offences	Percentage
Trafficking Hashish	13 %
Trafficking Cocaine	13 %
Trafficking Ecstasy	1 %
Trafficking Human Beings	6 %
Smuggling immigrants	3 %
Trafficking Weapons	1 %
Trafficking Art	1 %
Trafficking Stolen vehicles	7 %
Smuggling of tobacco	1 %
Counterfeiting money	4 %
Forgery documents	1 %
Robberies	33 %
Money laundering	6 %
Fraud	4 %
Coercion	1 %
Extortion	1 %

A template or questionnaire was designed to collect information about police operations about 74 variables regarding four large areas: features of organizations, illegal markets exploited by the organised crime groups, instrumental activities conducted by the groups (mainly money laundering, violence and corruption) and profile of individual members of each group¹⁰⁸. The following table shows some examples of variables collected in each area. The final goal of the research was to have a complete database of a sample of organizations which could be useful to analyze similarities or differences between groups taking into account variables of multiple dimensions.

Table 16. Research areas and examples of variables collected

Research areas	Variables (i.e)
Features of Organization	Number of persons under arrest (Spain-abroad), Geographical scope Organization task in Spain, Group structure, Location of the main head, Bonds between members, Division of labor Collaboration with other groups (kind, purpose, location, nature of collaboration), Technical means and/or complex means deployed, Use of experts, Security means employed (protections, defenses or countermeasures), Infiltration of police bodies, Legal enterprises (economic sector), etc.
Illegal Markets	Dedication to more than one activity, Main illegal market, second market exploited Revenues, Modus operandi, Geographical location, International activity (name of the countries), etc.

108 Results of this research will be published in forthcoming articles.

Research areas	Variables (i.e)
Instrumental activities	Corruption in Spain and abroad, Obstruction of justice in Spain and abroad, Activities of Money laundering in Spain and abroad, Methods used to launder money Violence inside organization Violence outside organization Homicides committed Other instrumental activities, etc.
Profile of members	Age, Sex, Nationality, Level of education, Marital status, Family, Police records, Legal job, Country/province of residence, Legal status in Spain, etc.

We cannot show the results of the research in the present article because it was not its purpose, information of the results and publications about it will be published in the website of our Institute: www.uam.es/ciforenses¹⁰⁹. The following section of this article will focus the description of the most significant organised crime activities of Spanish groups, at least the oldest ones in terms of organised crime precedents in the Iberian territory: drug trafficking and money laundering. We will begin by drug trafficking.

Drug trafficking in Spain¹¹⁰

Concerning drug illegal markets, Spain has a relevant role in the development of European distribution especially for cocaine and hashish market. Even if certain reports (UNODC, 2010) confirm a displacement of the Spanish relevant position

¹⁰⁹ Information is only available in Spanish.

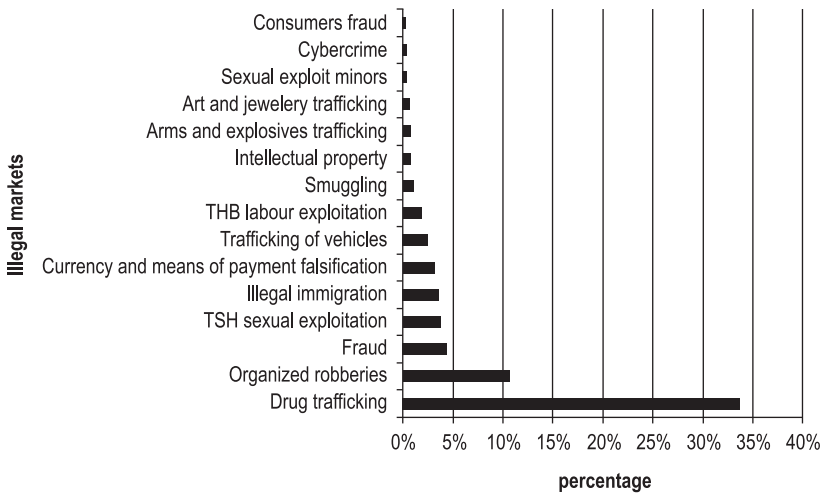
¹¹⁰ The description and information covered in this section is partly the result of the analysis of the national reports on organized crime conducted by the Ministry of Interior and partly information learned from data collected under the development of our research.

to West African countries, Spanish territory still has a key role in the business due to cultural and geographical facilitating factors. In the following paragraphs we will explain the significance of these position and the trends detected by recent police operations.

General overview and precedents

A general overview of the illegal markets most significant in our country could be accessible by the official data gathered by police authorities as a consequence of their investigations. Those data give us a picture about the organised crime activity registered by the police and it could be helpful to analyze the significance of some markets in comparison with the overall organised crime markets. In the following graph (n. 3) we can see the percentage of organised crime groups detected from 1997 to 2009 by the police by organised crime activity. As we see, drug trafficking is the most significant activity, around 35 % of the global organised crime groups detected.

Map 08. Distribution of Organised crime groups detected by illegal markets



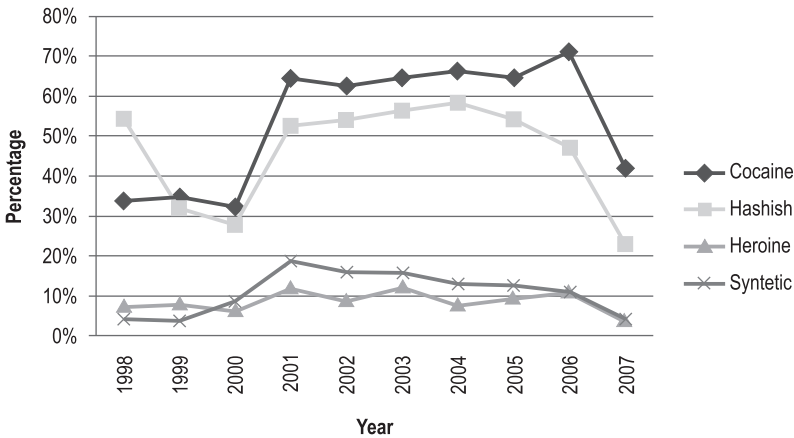
Source: Ministry of Interior

As recent European reports have suggested (OCTA, 2007, 2008), Spain is one of the criminal hubs of European illegal organised activities and a main European gate for many products, especially drug substances. Some general facilitated factors have contributed to generate this concentration and some specific facilitated factors have supported the development and expansion of drug trafficking in our country. Beginning with the general factors, some of them have been considerable over the last decades: the weather and tourism attraction, flow and mo-

vement of people and immigrants during the last years (Albanese, 2000), a repressive system specialized on terrorism instead of organised crime, lack of transparency of the financial system and certain level of corruption accepted in local and regional administrations (De la Corte y Gimenez-Salinas, 2010).

Regarding the significance of drug trafficking market in our country, it could be useful to analyze the drug markets over time to understand their origin and later development. If we choose data coming from the organised crime groups detected by drug trafficking, we can see that while cocaine and hashish are the most significant markets, heroine and synthetics are minor ones. The following graph (n. 4) describes the percentage of groups detected by the police from 1998 to 2007 where we can see the situation mentioned before as well as the increasing significance of cocaine market in that period. Similar patterns follow hashish market while heroine market pursues an opposite trend. Finally, synthetic drug market has suffered an increase until 2001 remaining stable after that period.

Map 09. Distribution of Drug markets between 1998 and 2007

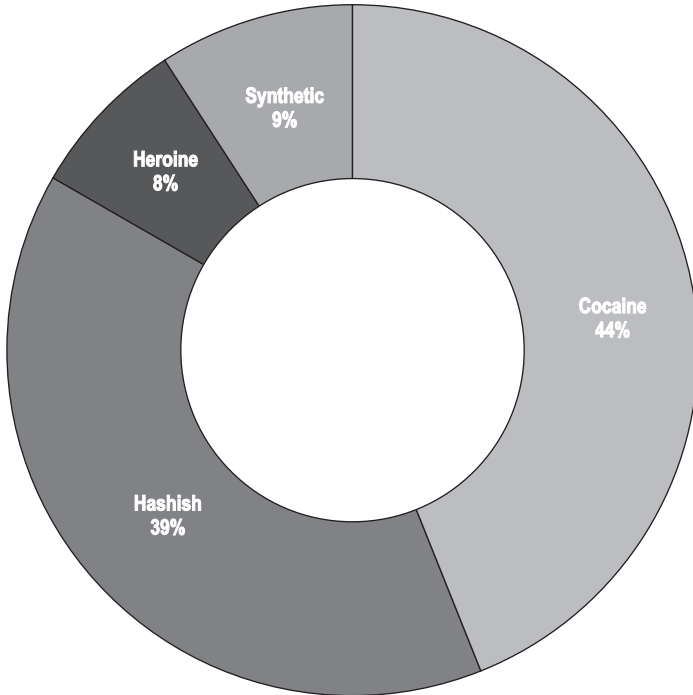


Source: Ministry of Interior

Following qualitative information coming from the police reports, organised crime groups conducting drug trafficking are also the groups that have higher scores in each indicator used by Europol to classify organised crime groups: use of violence, use of legal companies, money laundering activities and use of influence and corruption. In addition, we must say that Spanish organised crime groups are specialized in transportation and storage of drugs, especially hashish and cocaine. They help providers to do the transportation to Spanish locations where they have warehouses in order to store drugs waiting for being sold to other EU or non EU groups.

If we take into account the percentage of groups detected by the police by illegal market conducted in the last decade (graph n. 5) we can see that cocaine is the most significant drug market in Spain followed by hashish, heroine and synthetic drugs.

Map 10. Distribution of Drug markets by means of detected organized groups during last 10 years



Source: Ministry of Interior

Cocaine market

Regarding cocaine market, two factors have promoted Spanish position as the main cocaine entrance into the European market. First, the language and cultural proximity to Colombians, Peruvians and Bolivians as main origin countries. Second, the existence of previous organised crime groups in the Northwest region of Spain (Galicia) with smuggling tradition experience. After Spanish civil war, Galician groups acquired experience with many scant products that were highly demanded by a large part of the population. That experience was used during the 70s to generate a big market with tobacco coming from the United States. This kind of contraband was a productive market until mid 80s that was included as a crime in the Penal Code (law 7/1982) and many big Galician organizations drove their acti-

vities to a more productive and less monitored product such cocaine. Transportation experience of Galician Groups and the geographical possibilities offered by Spain to Colombians to go into the European market were the ingredients for a big alliance between Spanish and Colombian groups. However, inside the relationship between Colombians and Spanish, Colombian have been maintaining monopoly over the product while Galician and Spanish groups were specialized in transporting and distributing the drug to the Spanish and European market.

This situation has slightly changed during last decade. Specialized and strengthen strategies implemented against organised crime in the Spanish territory has moved a big volume of hashish and cocaine trafficking to countries from west and North Africa. Gabon, Ghana, Gambia or Senegal are now territories used as main entrance points to European countries where Colombians have permanent infrastructures. Those African countries present some advantages in comparison with Iberian territory. First, there is still an absence of surveillance and control over illegal smuggling and organised crime. Second, public authorities are more vulnerable for corruption and third, hashish groups can use their infrastructures and routes for smuggling cocaine. Finally, Spanish police authorities have identified some recent trends regarding synergies and collaborations between organised crime groups. There have noticed an increasing level of association between Colombians, Mexicans, Venezuelans or Argentineans with European Union organized groups such as Italians, French, British and Portuguese.

Regarding the activity conducted in Spain which is still very active, police authorities have identify different entries points of cocaine in the country. Big amounts of cocaine are transported in containers by sea using big ships and cargos by means of their own import and export companies. Small amounts of cocaine are carried out by personal couriers from Latin-American countries or Africa to Spanish destinations. Finally, postal courier is also used to send the cocaine abroad.

According to last reports, police have also noticed an increasing employment of new and complex technologies by drug organised crime groups, especially with the aim to evade surveillance and interception from the police.

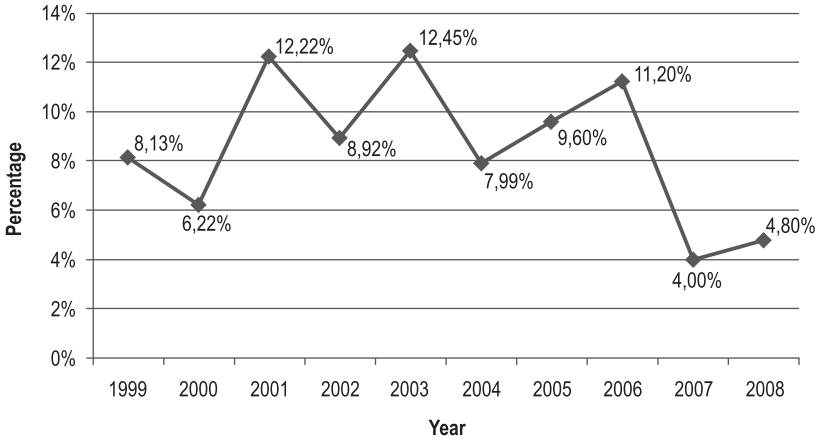
Heroin trafficking

Concerning heroine market, Spanish groups have been also active in distributing this substance in our country as a destination country. Distribution has been traditionally monopolized by gypsy clans that settled in marginal areas of the big city and concentrated distribution for the urban population. The heroine smuggled and distributed in Spain comes mainly from Afghanistan by Turkey as the main entrance.

In the graph number6 we see the evolution of the organized groups detected by the police during the last 10 years. Even if those data represents reported illegal acti-

vities, we can notice a declining evolution of this market if we compare to other illegal markets such as cocaine or hashish.

Map 11. Evolution of heroine organised crime groups detected by the police (1999–2008)



Source: Ministry of Interior

Nowadays Turkish groups are the most significant groups in charge of providing and distributing heroin among local groups such as gipsy or Colombians. Recently, there has been an increasing significance of Pakistan as a country of origin. Heroin is transported from Pakistan by plane mainly to Catalonia (Northeast region of Spain) due to the existence of a big Pakistani community in charge of its distribution in the local market.

Hashish market

Our proximity of the first world provider of hashish has contributed to press on Spain to the pull position as main transit country for all over Europe. Presently, it is estimated by the police authorities that around 70–80 % of drug coming from Morocco have other European destination countries than Spain. This market has suffered an increase over the last years but composition and dynamics of groups have also changed over time due to the progressive specialization of Moroccan organised crime groups. Initially, Spanish groups coming from the south coast of Spain had a key role as intermediaries in the transportation and lodging of hashish in Spain until being sold to other European countries. Nevertheless, the specialization and penetration of Moroccans in our country has motivated some changes and trends. Moroccans rarely use Spanish as intermediaries because they control the entire business: from production to distribution. The acquisition of expertise, contacts gained with European countries and economic benefits of controlling the entire process are the main causes of this trend. In sum, Moroccans

organised crime groups have its own infrastructures in Spain to sell the drug to other countries by themselves or outsourcing it to other groups.

In relation to the composition of the organised crime groups in charge of hashish trafficking we must say that Moroccan and Spanish are the most significant nationalities involved in this kind of market.

Multiple methods are used by organised crime groups to transfer the hashish through Spanish borders. Even if Spanish authorities have strengthening the surveillance of the coast, many different routes and methods of transportation are used to send big amounts of drug to Spain. One of the traditionally most significant places concentrating the arrival of drug from Morocco is the southern coast of Spain (the province of Cadiz). However, the repression and police surveillance suffered by the zone has displaced the transportation to most distant points of arrival (even the North of Spain). Ceuta which is a Spanish autonomous province in Africa is one of the key transit places where organised crime groups have infrastructures to store the hashish before sending it to the Spanish territory.

When the drug is transferred by sea, motorboats or speed boat are the vehicle most commonly used which have capacity to carry 2,000 or 3,000 kg in a 24/48 ride to any coast in Spain. Those boats lack of license plates and are parked in private garages along the coast and they are taken out when it is needed for a ride. Fishing boats are also used to transfer the drug and ferries carry vehicles with drugs from the North of Africa to Spain in order to send the drug to Spanish or French territory

Recently, there have been some seizures conducted in the Guadalquivir River, in the south of the country. Due to the surveillance of the coast, alternatives ways have been designed by organized groups to send the drug. The lack of control and the possibilities of catching the drug in the river-bed have improve the possibilities of this new route. Finally, aircrafts and helicopters are new alternatives used due to the short distance existence between Morocco and Spain. The aircrafts land in private or improvised land strip avoiding border controls.

Once the drug is in Spanish territory, the organised crime groups mainly use high speed vehicles or Lorries which go directly to the destination point (France or other European country) to send the drug to distributors. Sometime, the vehicles are stolen to use them exclusively for the ride.

Money laundering: facilitating factors and trends

The description and explanation of money laundering activities conducted in Spain should go before the information that this is one of the organised crime precedents in our country in addition to cocaine trafficking coming from the Spanish and Colombian alliance. During the 80's, two main organised crime groups members came to our country to launder the money earned in their origin country. Ita-

lian Mafiosi conducted their activity in Italy and came to launder some of the finance in our country by means of individuals who choose our residential areas in the coast to avoid Italian persecution. We have many examples of Italian Mafiosi that fixed its residence in our country: Napolitan Camorra, 'Ndrangheta and clans form different organizations have been detected in Spain as refugee country trying to stay away from Italian justice.

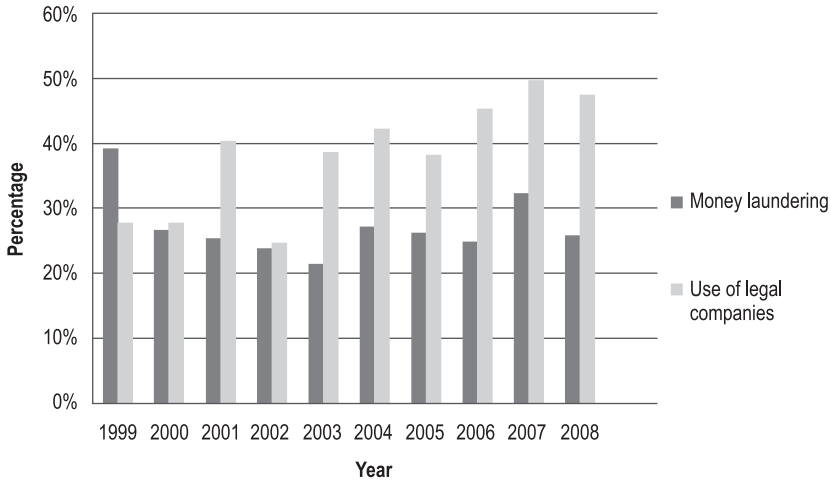
Russians organised crime group members came also in the 90s to our country to launder the illegal earnings during post soviet era. Many members of Russian organised crime groups were installed in the eastern coast of Spain laundering and investing big amounts of money coming from drug trafficking, corruption, kidnappings and many other activities conducted in the former Soviet Union. At that time, Spain was hospitable with foreign investments because its contribution to the promotion of touristic areas. One of the most important operations conducted to Russian organised crime members was the Operacion Avispa in 2005 where 25 people who were vory z konen. The leader was Zakhar Kniezivich Kalashov who went to prison and has recently been detained by the police in Marbella after having been released for his first sentence.

Facilitating factors for money laundering

Along those periods, some facilitating factors contributed to a connivance climate among money laundering activities:

- a) The local authorities from the Spanish Eastern coast have been promoting foreign investment in real estate or third sector without paying attention to the origin of the money.
- b) Last decades have been characterised by a lack of surveillance of foreign investment and local government management of real estate licenses and activities.
- c) Policies fighting against money laundering and promoting financial transparency have not been a priority over years. Policies have changed during last five years following directives and international standards promoting transparency of the financial system.
- d) In Spain we have two tax havens: Gibraltar and Andorra. Gibraltar is a British territory located a in the south of Spain, near the region most affected by organised crime and money laundering coming from organised crime, economic crime and corruption. Andorra is a tax free country between Spain and France that receives also significant amounts of money coming from investments and patrimonies primarily from the North of Spain.

Map 12. Percentage of organised crime groups implicated in money laundering and use of legal companies



Source: Ministry of Interior

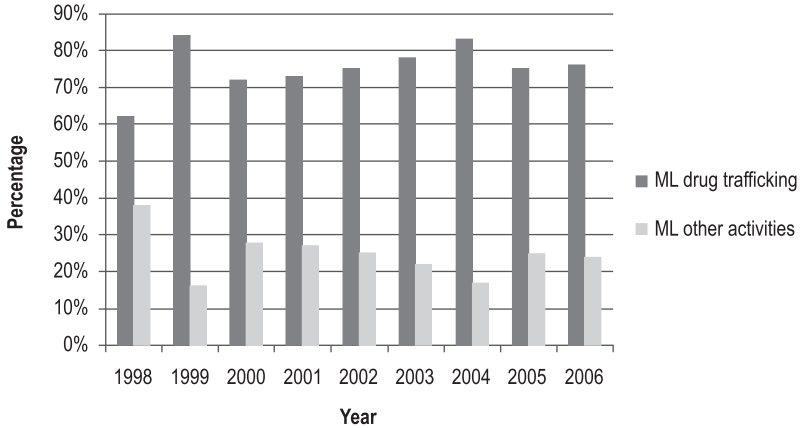
Concerning money laundering activities coming from organised crime conducted in Spain, we can identify three dynamics of flows of money.

- a) As traditionally have been a common practice in our country, we still have many members from big organised crime organizations have chosen Spain as a refuge country carrying on money laundries activities for those organizations.
- b) We find also many Spanish involved in money laundering activities. They carry on activities by themselves or in collaboration with other members and there is a significant number of lawyers and professionals acting as consultants for foreigner and Spanish members of organised crime groups to launder the illegal money.
- c) Many foreign groups, especially from Eastern Europe and Southamerica find too risky to launder the money in Spain and they send their illegal earnings to their countries of origin. Many operations conducted in recent years provide information about significant amounts of money wired to Colombia, Mexico or big amounts of cash sent by ships or cargos in order to be laundered in less restricted countries. According to that, Mexico is a transit country to send money to Colombia as it is the case with cocaine.

Regarding the organised crime activities that provide more money laundering activities, we can see in the graph n. 8 that drug trafficking is the illegal activity that produces more money laundering activities as a collateral consequence. There is a huge difference between drug trafficking (cocaine and hashish) organized groups and organised crime groups conducting other activities. Data about or-

rganised crime groups detected by the police from 1998 to 2006, around 80 % of the organised crime groups identified developed money laundering activities while only around 30 % of the organised crime groups conducting other illegal markets were implicated in money laundering activities.

Map 13. Money laundering and organised crime markets



Source: Ministry of Interior

Spanish, Colombian, Rumanian and Moroccan are the groups more active on those practices because they are also involved in the activities producing more money laundering processes such as drug trafficking. Nevertheless, we have found some differences between the methods used by the ethnic groups over last ten years. Spanish were traditionally in better conditions to conduct those activities. They had significant contacts and possessed the infrastructures to plan more complex money laundering platforms such as interposed companies or complex financial operations; In comparison, Colombians, Rumanian and Mexicans preferably sent their money to their origin countries by different methods. However, those patterns have changed by a progressive integration and penetration of foreigner organised crime groups in Spain. Nowadays is more and more common that big foreigner organised crime groups could have their own national consultants to develop money laundering strategies.

Methods used to launder money from organised crime groups

A wide variety of methods are used by organised crime groups to launder the illegal money from their activities. From the analysis of recent investigations about operations conducted by Spanish Police Forces, we can highlight the most significant trends and practices in the following paragraphs.

- a. Personal couriers are very common methods to transfer the money to Latin-American countries by regular flights directly to Colombia, Mexico, Venezuela, etc. or by other transit airports, especially Amsterdam.
- b. Confusion between illegal and legal activities is also a regular practice in organised crime. In our country, organised crime groups with capacity to build complex strategies to launder the money use legal companies and interposed companies in tax haven such Gibraltar or Netherlands.
- c. Wire transfers are frequently used methods to send the money to origin countries. Companies such Money Gram, Western Union and telephone booths are used to send big amounts of money abroad. Presently, we have a legislation monitoring these transfers but some years before there was no control or identification of the dispatcher. Police have also investigated many telephone boots having proliferated during last ten years that many were owned by organized groups (Colombians and Dominicans) to send the money without letting any trace and avoiding using regular financial system.
- d. Informal value transfer systems such Hawala are also used to wire the money abroad especially with African countries, namely Morocco but also with China and Asian countries.
- e. The intense movement of people and capital from Morocco to and from Spain promotes the real estate investments from organized groups in Spain and also in Morocco.
- f. Acquisition of valuable products is also commonly used method to launder illegal money coming from organised crime activities. The products more usually bought are: art, jewelry, antiquities. They are rapidly transported to origin countries such as Morocco, Rumania, etc.
- g. Export and import companies are now being used by organizations to the physical transportation of money. The lack of surveillance in customs and the possibility of owning companies to underground transportation of capitals make this method a new opportunity to send big amounts of money. In Spain, during a big operation conducted by the Guardia Civil to a Mexican organised crime group implicated in drug trafficking, they discovered that money obtained by the illegal market did the way back with the same method for transferring cocaine: by cargos inside big rubber rollers used for big boats fenders. By means of this method, they could send 340 millions of Euros in 26 months.
- h. Assurances are also used to launder money coming from payments of insurance claims.
- i. Finally, we find another method that comes from lottery prizes. This means that the winner of a lottery price receives an offer to buy the price for a bigger amount of money.

Money laundering activities are rarely undertaken by in-house members of big organizations, they commonly outsource the service of expert and lawyers that usually work for more than one organization and they are familiar with local rules and regulations. In this type of contracts, Spanish have lost their privileged position as main advisers in Spanish investments, now Colombians and Mexicans are also doing the same activities for their ethnic partners.

About Spanish fight against organised crime

Fight against organised crime has been recently a high issue in the Spanish security agenda and significant changes have been done to fight against the phenomena in four main areas: economic fight against money laundering coming from organised crime activities, penal repression of this kind of activity, specialization of police forces and hardening control of borders. Many initiatives have followed European policies and directions to end with a more accurate and specialized police repression of organised crime activities. Nevertheless, there are some areas that need to be addressed to improve inspection capacity of the police forces. Security and Board agencies should undertake surveillance initiatives in relation to import and export activities and companies. This sector is highly used by many foreign organised crime groups to transport goods and money.

Fight against money laundering should be reinforced too. Some significant legal changes have been taken place in Spain in order to strengthen the fight against money laundering as collateral economic activity of organised crime groups¹¹¹. SEPBLAC is the intelligence unit in charge of fighting against money laundering in our country receiving reports form organisms and individuals that have legal obligations to communicate suspected activities. Nevertheless, analyzing data from SEPBLAC¹¹², we can appreciate that big financial institutions collaborate and have monitoring strategies to identify money laundering activities, nevertheless practices from minor and medium institutions are still underreported. Monitoring strategies should be implemented to improve detection independently of the origin.

Policies against a criminal phenomena such organised crime entail a good understanding of the activity of organised crime groups in our country in terms of characteristics, evolution, typologies, emerging, evolving and ending facilitators, collaboration and kind of alliances of organised crime groups, etc. Intelligence police units have elaborated methodologies to improve quantification and understanding of the general features of organized groups that have been helpful. Ne-

111 New laws have been published to enforce fighting against money laundering, i.e. law 10/2010, of April 28th, for money laundering prevention and terrorism financing and new reform of Penal Code proved by Law 5/2010, of June 22th, to reform of the Penal Code.

112 See SEPBLAC data in the following website: www.Sepblac.es

vertheless, there is need to face more complex analysis to have a better assessment of the individual threat of each groups, a better knowledge about mobility and internal dynamics of the groups and improved understanding about criminal profiles of members. The challenge for the near future will be to have a better knowledge of facilitating local factors that promotes the emergence and survival of those organised crime groups.

On the other hand, if the last decade was characterized by the development and implementation of creative measures to control organised crime, the next decade should focus on assessing which measures are most effective in reducing organised crime and modulate particular characteristics of the criminal groups. After the creative phase should come the time to take stock of the effectiveness of such measures and assess what really works reducing the activity of organised crime (Castle, 2008, Von Lampe, 2004). Finally, responses to organised crime have been designed to fight indiscriminately all kinds of organised crime in our country including inside this category dissimilar kind of groups and illegal activities. It is the time to develop methodologies that discriminate between criminal organizations with different levels of threat which can be used to modulate the response. Otherwise, we are proceeding with extremely aggressive policies that undermine the conditions of proportionality.

Conclusions

Organised crime is now a priority in the Spanish agenda and many initiatives have been taken place to fight against these phenomena in Spain. Nevertheless, there is still a lack of coordinated task between the Spanish police forces with competences in this field and a need of common directives based on intelligence gathered information coming from the analysis and assessment of the accumulated knowledge about the organised crime known during last decades. Next steps in the fight against organized in our country should include more capabilities and resources to analyze these information in order to design accurate policies in a short and long term. This is a major subject which could be valuable to decrease illegal markets which are significantly influencing the European organised crime markets.

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Conducting organised crime research in Spain: An appraisal of the pros and cons

Alejandra Gómez-Céspedes¹¹³

Empirical research into economic and organised crime in Spain is unusual. When available, most literature revolves around legal and/or theoretical interpretations as opposed to empirical assessments of the phenomena. This could be explained, on the one hand, by the fact that terrorism has always overshadowed the importance of organised crime in the country in terms of political agenda, social mobilisation, threat awareness and government allocation of resources. And on the other hand, by a very restricted access to official data and crime statistics in general. Although some academics have managed to befriend gatekeepers and overcome some methodological obstacles, the number of studies significantly contrasts from what appears to be a large-scale and severe problem in the country. Identified as one of the five organized-crime hubs in Europe by the 2009 OCTA Report, Spanish organised crime is mainly characterized by the criminal markets of cocaine, cannabis, illegal immigration, trafficking in human beings, fraud and money laundering which in turn have a significant influence over other criminal hubs. While it is true that Spain possesses a number of features that make it an ideal environment for activities of trans-border organised crime networks, Spanish authorities could, if willing, reduce some facilitating factors that could consequently help to disrupt the hub. However, this policy would not eliminate the criminal hub altogether but displace it somewhere else carrying unknown side effects. One of the most worrisome threats posed to the Kingdom of Spain at the moment, is the growing influence that criminal entrepreneurs are beginning to have at the local level and how that influence shapes political and economic decisions at the national level. This article intends to shed some light on how criminologists go around researching this topic and the (many) obstacles they have to face in their endeavour.

1. Background

Organised crime continues to be an under-researched topic in Spain. One thing to bear in mind though, when looking at the Spanish anti-organised crime agenda, its policy evolution and its political endorsement, is that terrorism has always been considered a far more important problem and, the awareness and social construction of 'danger' at the political, police and society levels has, many times, overshadowed the issue of organised crime (Gomez-Céspedes, A. & Stangeland, P. 2004; De la Cuesta, J.L. 2004).

113 Lecturer and researcher at the Andalusian Inter-university Institute of Criminology at the University of Malaga (SPAIN).

This is not surprising if one considers that over one thousand persons have been assassinated by terrorist organizations in the country¹¹⁴. Accordingly, terrorism has dominated the political agenda since the late 1970s and thus, it has also become an essential political tool for the government and for the parties in the opposition.

At the society level, the issue of terrorism has spawned the emergence of over 15 non-governmental organisations associations created for the support of victims of terrorism. These have succeeded in gaining substantial social support in order to either get financial aid from the government and/or have their voices heard out loud. This situation varies significantly from anti-organised crime or anti-corruption associations which, as opposed to Italy, are virtually non-existent in Spain.

In any case, economic crime in general and organised-crime in particular are not part of the mainstream academic crime discourse at this point. This is easy to conclude after a quick review of some of the main academic journals in the country which, in general terms, have not published substantially in terms of organised crime issues:

1. The Electronic Journal of Criminal Science and Criminology (RECPC)¹¹⁵ contains no articles related to the topic of organised crime.
2. The Spanish Journal of Criminological Research (REIC)¹¹⁶ contains two organised-crime related articles: Giménez-Salinas Framis, et al (2009) and Díez Ripollés & Gómez-Céspedes (2008).
3. The Journal of the University of Valencia Institute of Criminological Research and Criminal Sciences (ReCrim)¹¹⁷ contains two organised-crime related articles: Sanso-Rubert Pascual (2010) and Palitot Braga (2009).
4. The Criminological Bulletin of the Andalusian Inter-university Institute of Criminology at the University of Malaga¹¹⁸ contains five organised-crime related reviews: Flores Pérez (2010), Fernández Jurado & Sabariego Rivero (2006), Giménez-Salinas Framis & Rechea Alberola (2005), Díez Ripollés,

114 According to the Ministry of the Interior, the terrorist organisation ETA has killed a total of 829 persons out of which 343 were civilians and 483 belonged to the military and law enforcement bodies. Moreover, the Madrid train bombings on 11 March 2004 left 192 people dead and many more wounded.

115 Revista Electrónica de Ciencia Penal y Criminología (RECPC). Peer reviewed. Published in Spanish. From 1999 to date. <http://criminolnet.urg.es/recpc>

116 Revista Española de Investigación Criminológica (REIC). Peer reviewed. Published in Spanish. From 2003 to date. <http://www.criminologia.net/reic.html>

117 Revista del Instituto Universitario de Investigación en Criminología y Ciencias Penales de la Universidad de Valencia (ReCrim). Peer reviewed. Published in Spanish. From 2009 to date. <http://www.uv.es/reccrim/>

118 Boletín Criminológico. Peer reviewed. Published in Spanish. Publishes reviews of empirical research in Criminology. From 1994 to date. <http://www.uma.es/criminologia/boletin.html>

Gómez-Céspedes, Prieto del Pino, Stangeland & Vera (2003), and Gómez-Céspedes, Prieto del Pino & Stangeland (2003).

Further to works published in academic journals, other empirical studies conducted in Spain into organised crime or organised-crime related issues include the following:

1. The Andalusian Inter-university Institute of Criminology at the University of Seville conducted the Falcone Project JHA/1999/FAL/167 entitled: „Organised crime studies: Means, instruments and strategies of police investigation.“¹¹⁹
2. The Andalusian Inter-university Institute of Criminology at the University of Malaga conducted the Falcone Project JHA/2001/FAL/168 entitled: „Illicit practices in the construction industry: Vulnerability to organised crime and corrupting agents in the planning and development sectors.“¹²⁰
3. The Centre of Research in Criminology at the University of Castilla-La Mancha conducted the STOP Programme MON-EU-TRAF 2000 (15-1-01/31-5-02) entitled: „Pilot Study on three European Union immigration points for monitoring international trafficking of human beings for the purpose of sexual exploitation across the European Union.“ Subsequently, this same Centre of Research in Criminology continued this area of research by conducting the STOP Programme II MON-EU-TRAF II 2002 (01-11-2002/01-11-2003) entitled: „A study for monitoring the international trafficking of human beings for the purpose of sexual exploitation in the EU Member States.“

Also, the book of Fijnaut and Paoli (2004) include a couple of chapters on Spanish organised crime: The first one written by Gomez-Cespedes & Stangeland (2004) and the second one by de la Cuesta (2004). These contributions are perhaps some of the very few sources written in English. In English, one can also find the works of Sands (2007) and Resa-Nestares (1999).

More recently, there have been a couple of interesting contributions to the field in the works of Díez Ripollés & Gómez-Céspedes (2008) and de la Corte Ibañez & Giménez-Salinas Framis (2010). The first one developed an assessment framework for the monitoring of planning and development related corruption. The framework consisted on the identification of a number of crime and socioeconomic indicators present in regions that were perceived to have high levels of corruption. The authors analysed the Spanish province of Malaga and concluded that if local, regional or state governments enforced legislation adequately, then opportunities for corruption and economic crime could decrease considerably. The latter portrays a historical evolution of organised crime in general ranging from Al Capone

119 Published as Aguado Correa, et al (2001).

120 Published as Díez Ripollés, Gómez-Céspedes, Prieto del Pino, Stangeland & Vera Jurado (2004).

to the Juarez Cartel. In strictly Spanish terms it gives an overview of the evolution of organised crime in the country and highlights the fact that Spain has been and continues to be an organised-crime friendly country.

In general terms, the picture of organised crime in Spain is correctly depicted by 2009 Organised Crime Threat Assessment (OCTA) Report which considers the region as one of the five criminal hubs in Europe: the South West criminal hub. Indeed, Spain (and to a lesser degree Portugal) remains the main south west gateway for the importation into Europe of cocaine, hashish and illegal immigration.

But Spain is not only a transit country. In the last decade Spain has become one of the most important distribution centres in the markets of cocaine, cannabis products, illegal immigration, human trafficking, organised fraud and money laundering. And also, Spain holds one of the highest worldwide annual prevalence of cocaine use. According to the 2010 World Drug Report the highest annual prevalence of cocaine use as a percentage of the population aged 15–64 was found in Spain (3,0%)¹²¹. Although the figures of the United Kingdom also showed high percentages: England and Wales (3,0%)¹²² of the population aged 15–64 and Scotland (3,9%) of the population aged 16–59¹²³. These figures leave behind the annual prevalence of cocaine use in other countries such as the United States of America (2,6% in 2008), Argentina (2,6% in 2006), Chile (2,4% in 2008) and Italy (2,2% in 2008).

Following the OCTA typology of organised crime groups (OCGs)¹²⁴, in Spain one will normally find groups that interfere with law enforcement and judicial processes by means of corruptive influence (IN-LE Strategy), groups that influence societies and economies (IN-SO Strategy) and groups that elude law enforcement attention (EL-LE Strategy). Rarely will one find groups using systematic violence or intimidation against local societies (VI-SO Strategy) and hardly ever will one find groups that interfere with law enforcement and judicial processes by means of violence or intimidation (VI-LE Strategy).

121 UNODC World Drug Report. Figures of 2007 provided by Government sources.

122 Idem. Figures of 2009 provided by Government sources, ages 15–64.

123 Idem. Figures of 2009 provided by Government sources, ages 16–59.

124 The 2009 OCTA Report recognises five different typologies of OCGs classified on the basis of the geographic location of their strategic centre of interest and their capabilities and intentions. These include: (1) VI-SO. Systematic use of violence or intimidation against local societies to ensure non-occasional compliance or avoid interferences. (2) IN-LE. Interference of law-enforcement and judicial processes by means of corruptive influence. (3) VI-LE. Interference of law-enforcement and judicial processes by means of violence/intimidation. (4) IN-SO. To influence societies and economies. (5) EL-LE. None of the above mentioned behaviours and focus on eluding law enforcement attention.

2. The Spanish anti-organised crime agenda

The Spanish anti-organised crime agenda has gone through various challenges and mandates, but there is perhaps a major turning point in Spain that made the Spanish anti-organised crime agenda shift from a soft-on-organised-crime approach into a more acutely and in need of intervention one.

As mentioned elsewhere (Díez-Ripollés and Gómez-Céspedes, 2008), on Saturday December 4, 2004 two innocent people were killed in the crossfire of what appeared to be an underworld assassination attempt. The target, said to be a French-Algerian underworld figure, was reported to be inside a hairdresser's at the Hotel Andalucía Plaza in Marbella when the alleged assassins began shooting. He escaped but a 36-year-old Italian male, owner of the salon and a ten-year-old boy from Seville who was on holiday, were killed in the outrage. Also injured in the hail of the bullets were three other people, two of whom were relatives of the boy.

In the following days, the then Minister of the Interior, José Antonio Alonso announced that a special police anti-organised crime unit would be established in the area and the Spanish Attorney General, Cándido Conde Pumpido stated that new anti-Mafia prosecutors would be appointed.¹²⁵ In January 2005, Organised-crime special task groups (GRECOs)¹²⁶ were created within the National Police Corps and later in September Organised-crime investigation groups (ECOs) were created within the Guardia Civil.

Since then, the government of Spain has been making a slow but steady effort in the fight against economic and organised crime, especially in terms of improved resources such as more police staff, better equipment, heightened databases and operations and healthier budgets. Equally important has been the government's recognition and awareness of the problem and, as a consequence of this, the incorporation of serious organised crime into the political agenda. Nevertheless, there is still much about serious organised crime in Spain which is not known or fully understood.

125 Today they are embedded into the Anti-corruption and anti-organised crime Special Prosecutor's Office.

126 The first GRECO was created in the Costa del Sol in January 2005. After that, other GRECOs were established in hot spots in the country: GRECO Valencia (December 2005), GRECO Galicia (February 2006), GRECO Cadiz (June 2006), GRECO Canary Islands (2007), GRECO Balearic Islands (2008) and GRECO Algeciras, in the Gibraltar area.

3. How do we know about organised crime in Spain?

a. Official sources

So far, the Ministry of the Interior acts as the only agency that holds or collects information and intelligence of relevance to organised crime. Unfortunately, public access is restricted. When published, official data is more intended to show raw quantitative data as opposed to serious assessment of the nature of organised crime, its trends, prevention and reduction.

In the last few years, the Ministry of the Interior has blacked out police criminal statistics in general. Since 2007, the Ministry of the Interior publishes annual special reports which group categories of crimes and show most results in percentages and not in absolute figures. As a consequence, several academics and representatives of the main Spanish criminology associations signed a manifesto accusing the Ministry of the Interior of purposefully restricting the access to public data after 2007.¹²⁷ This is not to say that data was easy to access before that but at least it was published, despite its many pitfalls for secondary analysis (Stangeland, 1997; Barberet, 2005). To date, there is no freedom of information regulation comprising laws that guarantee access to data held by the government.

Today, it is well known that the official sources of crime data give us a limited and fragmented view of the general picture of crime (Maguire, 2007). However, in Spain, sources different from the official ones are virtually non-existent and academics are hopelessly forced to rely on official sources. Nevertheless, data had never been as misleading as it is today. Aebi & Linde (2010) revealed that the official crime statistics of the Ministry of the Interior, especially after 2007, are purposefully leaving out crime data collected in the autonomous communities¹²⁸ of Catalonia, the Basque Country and Navarre.¹²⁹ These Communities have their own police force and thereby, their own mandate for collecting crime data. As a consequence, data is processed differently and it does not add up to the total numbers given by the Ministry of the Interior.

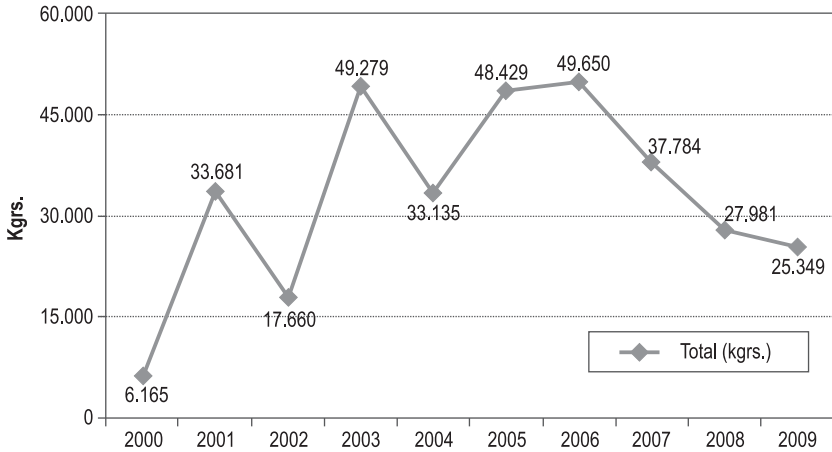
Following this thesis, it made sense that the figures for cocaine and cannabis seizures in Spain had declined so drastically after 2007 (see, Map 14 and Map 15).

127 The manifesto was published in national newspaper *El Imparcial*, online at: <http://www.elimparcial.es/nacional/investigadores-y-academicos-denuncian-el-secretismo-de-interior-sobre-criminalidad-59836.html>

128 An autonomous community (Comunidad autónoma) is the first-level political division of the Kingdom of Spain, established in accordance with the current Spanish Constitution (1978). There are 17 autonomous communities plus Ceuta and Melilla that are considered autonomous cities.

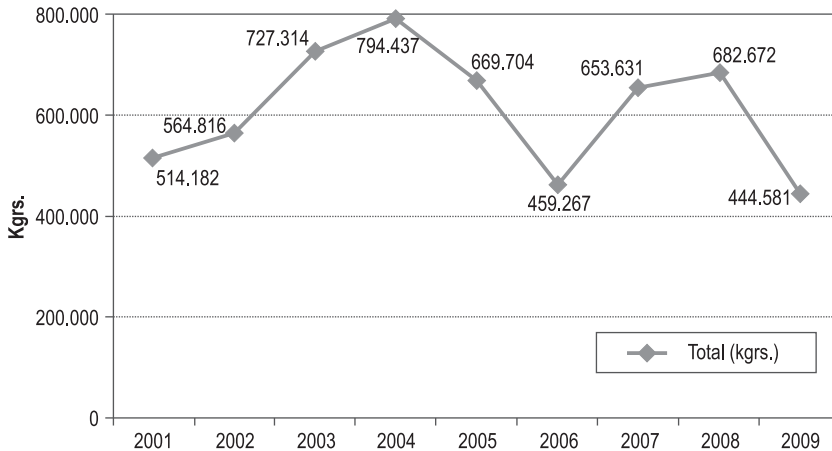
129 According to the figures of the National Institute of Statistics (INE) on 1 January 2010, the total population of the autonomous communities of Catalonia, the Basque Country and Navarre constituted 22 % of the total population of Spain.

Map 14. Cocaine seizures (2000–2009)



Source: Spanish Ministry of the Interior

Map 15. Hashish seizures (2000–2009)



Source: Spanish Ministry of the Interior

However, the decline in drug seizures was not because the Ministry of the Interior was not quantifying cocaine and cannabis seizures in Catalonia, the Basque Country and Navarre. Rather, it responded to an internal policy of the house. With the creation of the Intelligence Centre against Organised Crime (CICO)¹³⁰

130 The Intelligence Centre against Organised Crime, under the Ministry of the Interior, coordinates (with varying degrees of success) counter-narcotics operations among various government agencies, including the National Police, Civil Guard and the Agency of Customs and Excise.

in 2006, it was decided that drugs seized from criminal organizations or for that matter any other crime committed by criminal organisations would be quantified independently from the general statistics. In theory, this would make sense.¹³¹ But in practice crime data, especially the one related to drug seizures is misleading.

Just to give an example, the figures of the CICO for the year 2009¹³² reveal that a total of 16.540 kilograms of cocaine were seized from criminal organisations, but this figure does not add up to the 25.349 kilograms observed in the statistics of the Ministry of the Interior for the year 2009 (Figure 1). If one adds up these two different totals, then one would end up with a total of 41.889 kilograms of seized cocaine. This total would still be less than the 49,6 tonnes of cocaine seized in 2006 but it would definitely make a lot more sense than the alleged decline in cocaine seizures. Certainly, the United Nations Office of Drugs and Crime (UNODC) should pay attention to this correction.

Other official source of organised-crime related data are the figures of the Office of the Prosecutor (Fiscalía General del Estado). These figures tell us the province and the type of crimes for which investigations are started. So, for instance, if one follows money laundering or drug trafficking investigations one can map out which provinces or regions have a concentration of these kinds of crimes, although it is difficult to tell whether crimes have been committed by a criminal organisation or by individuals.

Another good source of data from the Ministry of the Interior is the one related to its press releases¹³³. If one follows up the press releases made by the National Police and/or the Guardia Civil one will normally find good summaries of organised-crime related operations. Most releases refer to the size of OCGs, the criminal market exploited, the size of OCGs, nationality and gender of members of OCGs, the law enforcement agencies involved (national and/or international) or the goods seized.

Additional data sources can be found at registries. This is quite useful if one is looking at OCGs with legal fronts and/or OCGs that rely upon law firms or tax consultants. The Companies Registry (Registro Mercantil) is essential for this matter. There is a Central Companies Registry¹³⁴ in Madrid that centralizes the information provided by all provincial registries in the country.

The Companies Registry provides basic information about companies' constitution, naming of the board of directors and legal representatives, mergers, suspen-

131 Even more sense if the CICO Reports were not restricted from public access or if there could at least be an open version available.

132 See, Ministry of the Interior (2010) which is not exactly a CICO Report but reveals some CICO data.

133 See, for example: http://www.mir.es/DGRIS/Notas_Prensa/Policia/2011/np030110.html

134 <http://www.rmc.es>

sion of payments or dissolution. In order to use the service one has to subscribe and pay for any company information. Alternatively, there are private companies that run the same company information service, also against a payment. Some of the best known ones are Axesor¹³⁵ and einforma¹³⁶.

b. Court files

For a more qualitative source of data one could access the Westlaw database (in Spain previously known as the Aranzadi database) in search of specific cases and court rulings. The service is generally available only through subscription but it usually has free online access in most Spanish universities. The Westlaw database provides in-depth information of events, crime groups, modus operandi or operations.

While it is true that the National Court (Audiencia Nacional) has the jurisdictional competence over cases related to organised crime over the whole Spanish territory, Provincial Courts (Audiencias Provinciales) also try organized-crime related cases (such as money laundering, drug-trafficking, prostitution exploitation, illegal immigration, organized fraud or grand corruption) and hear appeals against sentences and decisions determined by lower Courts such as local Instruction Courts.

Thereby, if one is to undergo court-file research one should look into the National Court but also into Provincial Courts because the latter will provide substantial information of organised crime at the local level.

c. Newspaper sources

Spain has a variety of national newspapers all of which have Internet access and Internet archives. Search tools are quite straightforward although most of them are Spanish based. A good idea before embarking into a newspaper search would be to know the ideological tendency behind each newspaper because news reporting depends very much, although not always, on the political parties in power and parties in the opposition. Main national newspapers include El País (centre-left), El Mundo (centre-right turning right), ABC (right), La Razón (right), Público (left) and Cinco Días (economic liberal).

In most Spanish autonomous communities¹³⁷ or provinces there are main regional/local newspapers which normally outsell the national newspapers in that region. But as national titles are sold across the country, they reach much higher circulation levels than any individual regional title. In the province of Malaga, for

135 <http://www.asexor.es>

136 <http://www.einforma.com>

137 For example, in Catalonia one should refer to La Vaguardia or to El Periódico de Catalunya.

instance, one should look at *Diario Sur*,¹³⁸ *La Opinión de Málaga*,¹³⁹ or *Málaga Hoy*¹⁴⁰. Also, *El País* and *El Mundo* have local sections for Malaga.

d. Other sources

Interviewing is an excellent way to gather information that would not otherwise be available in written form. Interviewing is not only a resourceful way to add to one's own knowledge of a subject but it is also a way to make valuable contacts over time. Usually, responses can include such things as technical information, statistical data, personal information, anecdotes, photographic material, court files or copies of administrative procedures, opinions and/or advice.

The illegal character of organised-crime related topics make it an extremely sensitive topic for research. Normally, the intention of the academic researcher is not to uncover organised crime or economic crime in general, but to investigate why and how particular organised crime activity develops and evolves in certain ways, in certain sectors and in certain regions and not in others.

Of course, researching sensitive topics raises methodological, technical, political, legal or security problems to the researcher (Lee & Renzetti, 1993). Yet, on the whole, when conducting organised crime research in Spain, one has a high perception of safety and also finds a relatively easy access to key people in government and private sectors. A different issue altogether is whether they provide you with written data or agree to their names being disclosed.

e. Challenges ahead

One cannot talk about organised crime in Spain without rendering a substantial importance to the issue of systemic political corruption taking place at the local and regional levels. Large scandals such as Operation Malaya¹⁴¹ or Operation Gürtel¹⁴² seem to be the tip of the iceberg if one considers that over 135 cases of political corruption (involving all political parties) have been made public since 2006 (Fundación Alternativas, 2007a).

It should be borne in mind that criminal organizations enjoy 'systemic corruption' scenarios for they have the capacity to influence policy-makers, civil servants,

138 <http://www.diariosur.es>

139 <http://www.laopiniondemalaga.es>

140 <http://www.malahoy.es>

141 An ongoing maxi-trial of over 95 defendants (including the mayor, town clerks, lawyers, entrepreneurs or bankers) accused of corruption and money laundering within the Marbella Town Hall. It was the first time in the history of democratic Spain that a Town Hall had to be dissolved due to the incarceration of its members.

142 A corruption scandal affecting Spain's main opposition conservative People's Party (PP) where over 35 suspects (including a mayor, a former mayor, a senator and a party treasurer), were detained.

law-enforcement authorities and members of the judiciary „in order to maintain a low-risk environment from which they can operate with a high level of impunity“ (Williams, 2000, p. 198). This, I believe is the scenario in Spain at the moment.

In any case, when looking at organised crime in any given country one should be acquainted with the recent history of the country, its customs and traditions, the organisation of crime control, the organisation and dynamics of the legal entrepreneurial world, the legal framework and the enforcement of legal provisions, the availability and efficacy of anti-organised crime resources and above all, the government's will to fight organised crime.

4. Conclusions

In Spain, neither organised crime nor terrorism is new. Yet, in the last three decades, terrorism has surpassed organised crime in terms of political priorities, social mobilisation or government allocation of resources. This is not entirely surprising if one considers that victims of terrorism in the country can be counted by hundreds. In the academic field, especially from a criminologist perspective, the topic of organised crime is vastly underdeveloped. This could be explained by the number of difficulties encountered in official data and the methodology problems to access it. Or, more simply, it could just respond to a lack of academic interest.

Since the access to the reports of the Intelligence Centre against Organised Crime (CICO) is a tricky and many times an unsuccessful endeavour, one should find creative ways of data collection. These range from all sorts of official registries, passing from court files to expert interviews.

Criminal organisations find in systemic corruption settings an ideal refuge from which they can operate with very minimum levels of risk. Thus widespread corruption at the existent local and regional levels in Spain are encouraging safe havens for transnational criminal organisations. It can only be hoped this trend can be reversed in the near future.

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Overview of the conclusions of the 2010 conference

- The globalisation of the economy is being used increasingly frequently for illegal business operations. Projects to investigate the approaches and international structure of OC groups, as well as law enforcement measures, are necessary to counter this development.
- There are links of varying intensity between the legal economy and organised crime in southern European countries. The legal economy in Greece is strongly intermeshed with the cocaine trade. In Italy the 'Ndrangheta in particular exerts a strong influence on state agencies and the economy. In Spain corruption through OC is prevalent mostly in the real-estate sector.
- OC groups in drug trafficking are organised in different ways in the countries of Europe. In Greece there appears to be no sophisticated coordination system for the drug trade. In Italy the groups have a hierarchal structure. However, there is growing trend towards network structures.
- There is a need to harmonise the legislative frameworks in Europe. This became clear when changes were made to penal law in Italy in order to combat money laundering more effectively, which brought some success. A common platform for seizing illegally-obtained profits in Europe would be a good idea.
- Research on OC is encountering difficulties in some South and South West European countries because only a limited amount of data is provided by the law enforcement authorities. This mainly concerns France and Spain. Little research has been conducted into OC. Conducting research into and fighting terrorism takes precedence over OC in these countries.
- In Greece OC is linked primarily to the legal economy, and legal Greek entrepreneurs can often be seen as „critical players“. The shipping industry plays an important role; large parts of smuggling operations are conducted via marinas. The players have usually already cooperated with each other in the past in legal business. Empirical research on OC in Greece confirms that the illegal markets in Greece are largely decentralised. There were no indications of a hierarchal structure. OC groups tend to improvise instead. The illegal markets are „lubricants“ for the legal economy.
- Italy is the heartland of criminality in Southern Europe. This is based on the central role of Italian OC groups, which maintain strategic connections in many parts of the world. Overall it is expected that relations to OC groups outside the EU will be expanded. It can, however, be noted that the „military“, i. e. the violent Mafia, has been significantly weakened. The Mafia re-emerged after a strategic break with a stronger financial focus and no longer tries to control its territory. It now invests less on the local level, and takes advantage of globalisation for its illegal business operations instead.

- Italy is one of the countries most affected by OC in Europe and as such makes great efforts in the area of law enforcement and research. This has led to considerable success. For example, a series of research projects was carried out to highlight OC structures. An index was developed to measure the presence of the Mafia on Italian territory. The so-called Mafia Index (MI) correlated and compared the number of Mafia-like organisations, the number of Mafia murders and town councils that were dissolved because of Mafia infiltration, as well as goods seized. Other Italian studies use a social network analysis to examine 'Ndrangheta groups, Mafia investments, the signs of a Mafia presence, the so-called „Mafia and OC Index“ (MOCI) and Mafia infiltration in the economy.
- The Italian law enforcement authorities made the following assessment on the possible evolution of Mafia groups in the future: international drug trafficking by 'Ndrangheta in combination with Albanian-Kosovo and Columbian OC groups will continue to spread since it is one of their main sources of income. The Mafia organisations will continue to become more international. This must be combated by improving international cooperation. The D.I.A. and the BKA have been working together since 1992. In the eyes of the Italian law enforcement authorities, the joint German-Italian Task Force has achieved outstanding results and is a good example of this.
- West and North West Africa have established themselves as important bases of international drug trafficking and import primarily cocaine and hashish to South West Europe. The countries in western and central Africa will become increasingly significant for interim storage and transit.
- A Spanish research project on drug trafficking and money laundering revealed that South American criminal groups were forming alliances with British, French, Italian and Portuguese OC groups and were using their own import and export companies. Moroccan OC groups control the distribution process in the hashish trade to South West Europe. OC groups operating in Spain often set up companies in Gibraltar and the Netherlands for money laundering and invest their money in real-estate. Hawala¹⁴³ is practiced between Morocco and Spain, but also with other African countries and China. Valuable objects purchased are sent to the home countries of the criminals.

143 Hawala (of Arabic origin: exchange, hindu: trust; the modern term Avalkredit also refers to this) is a global informal transfer system which has its origins in the early medieval trading society of the Near and Middle East.

Next Steps

In November 2011 the 4th International Research Conference on Organised Crime will be held in Wiesbaden. This event aims to provide insight into research activities and OC in Western Europe, especially in the UK and in the Netherlands. Another OC research conference is planned for 2012 as part of the EU Project and will address the research and situation regarding organised crime in Northern Europe. Another book publication is planned for 2013 with contributions from the conferences in 2011 and 2012.

List of contributors (only in English)

2008

Miroslav Scheinost/Martin Cejp

Institute of Criminology and Social Prevention, Prague, Czech Republic

Lars Korsell/Johanna Skinnari/Daniel Vesterhav

The Swedish National Council for Crime Prevention (Brå), Stockholm, Sweden

Wojciech Filipkowski

University of Bialystok, Poland

2009

Bojan Dobovsek

University of Maribor, Ljubljana, Slovenia

Nina Belova

Research Institute of Forensic Science and Criminology, Ministry of Interior, Sofia, Bulgaria

Szilvester Poczik

National Institute of Criminology (NIC), Budapest, Hungary

2010

Francesco Calderoni

Joint Research Centre on Transnational Crime (TRANSCRIME) Catholic University of Milan and University of Trento, Italy

Antonio Ingroia

Anti-Mafia Prosecutor of Palermo, Italy

Francesco Pisano

Investigation Direction Antimafia (D.I.A.) Rom, Italy

Georgios A. Antonopoulos

Teesside University, United Kingdom

Andrea Gimenez-Salinas Framis

Autonomous University of Madrid, Spain

Alejandra Gomez-Cespedez

Andalusian Institute of Criminology, Malaga, Spain

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Information to the authors (only in English)

Dr. Heinz Büchler

Head of Section at the Federal Criminal Police Office

1976–1981 Studied economics at the University of Giessen

1981–1982 Assistant at the Faculty for Leadership and Organisation at the University of Giessen

1982 Entered the Bundeskriminalamt

Since 1982 Scientific officer in the Institute of Law Enforcement Studies and Training of the Bundeskriminalamt, i. a. occupied in the planning and conducting of research projects on the subjects of bank robbery, false alarms, effectiveness and efficiency of special investigation teams

Since 1992 Head of the Section „Research and Advisory Unit for Organised Crime and Economic Crime“, i. a. occupied in the planning and conducting of research projects on the subjects of organised crime, trafficking in human beings, drugs crime and police working methods

Publications

1994 Effectiveness and efficiency of long-term organisational criminal police structures

1997 „Soko-Leitfaden“ field manual for special inquiry teams

2002 Study on investigation and sanction successes of OC investigations in Baden-Württemberg

2005 „Methodenvergleich Sicherheitstechnik“: Comparative study on methods related to security technology and others

Ursula Töttel

Kriminalhauptkommissarin (CID Officer)

1977 Entered the BKA, Personal Protection Division

1977–1980 Training as a Kriminalkommissarin

1980–1982 Fugitive Searches: Terrorism (RAF)

1982–1984 Surveillance Group: Terrorism

1984–1993 Overseas contacts and coordination in the field of terrorism (RAF), for the countries France, the Netherlands and Belgium

- 1980–1989 Participation in several special inquiry teams following terrorist attacks
- 1999–2007 Analysis and evaluation in the field of organised drug crime, analysis/evaluation and co-ordination of proceedings related to international drugs offences, participation in focal points for analysis and evaluation
- Since 2007 „Research and Advisory Unit for Organised Crime and Economic Crime“, task: strategic analysis, collaboration in research projects and independent organisation of conferences

German Part

Einleitung

Dass Organisierte Kriminalität (OK) schon lange nationalstaatliche Grenzen überschreitet und auch die politischen, wirtschaftlichen und sozialen Systeme innerhalb der Europäischen Union immer enger zusammenwachsen, hat schon längst bekannte Folgen für die Praxis der Strafverfolgungsbehörden in Europa. Diese arbeiten immer enger zusammen, um bei der Kriminalitätsbekämpfung erfolgreich sein zu können. Für die akademische Forschung spielen nationalstaatliche Grenzen traditionell eine untergeordnete Rolle. Hinsichtlich eines kontinuierlichen und vertieften Austauschs von Forschungseinrichtungen bei Ministerien, Strafverfolgungsbehörden sowie wissenschaftlichen Instituten, die sich der Erforschung der OK widmen, ist eine Tendenz zum grenzübergreifenden Austausch jedoch erst in den Anfängen zu beobachten. So entstand bei dem Bundeskriminalamt die Idee, auch im Bereich der OK-Forschung europaweit den Austausch über Phänomene, methodische Zugänge und Forschungsergebnisse zu fördern und regelmäßige Konferenzen zu veranstalten.

In den Jahren 2008, 2009 und 2010 veranstaltete das Bundeskriminalamt zusammen mit dem Research and Documentation Centre (WODC), der Police Academy of the Netherlands, dem Serious Organised Crime Research Team des britischen Home Office sowie – ab 2010 – dem schwedischen National Council for Crime Prevention (Brå) in Frankfurt am Main drei internationale OK-Forschungskonferenzen. Diese Konferenzen ermöglichten einen hervorragenden Überblick über die Situation der OK-Forschung im jeweiligen Land, gewählte und mögliche Feldzugänge bei empirischen Forschungsprojekten, Umsetzung der Erkenntnisse in die Praxis, Zielgruppen der Projekte und betriebenen Aufwand in ausgewählten europäischen Staaten und boten ein Forum für den grenzübergreifenden Austausch zwischen Wissenschaftlern und Polizeipraktikern. Wissenschaftler aus Belgien, Bulgarien, Deutschland, Frankreich, Griechenland, Italien, Polen, Tschechien, Schweden, Slowenien, Spanien, der Türkei, Ungarn und den USA referierten über ihr Forschungsfeld und den nationalen Kontext. Der Leser erhält mit dem vorliegenden Tagungsband einen Eindruck von der Bandbreite der Forschungssituationen sowie den inhaltlichen und methodischen Schwerpunkten in Europa.

EU-Projekt

Die Ausrichtung von internationalen Forschungskonferenzen ist eine von zwei Initiativen von BKA und den weiteren Forschungsstellen zur Förderung des europaweiten Austauschs zur OK-Forschung zwischen Wissenschaftlern und Praktikern. Eine zweite Initiative ist das OK-Forschungsnetzwerk, das im Jahr 2008 gegründet wurde, um den direkten Austausch zwischen behördlichen Forschungsinstituten zu intensivieren und abgestimmte oder gemeinsame Forschung anzuregen.

Mitglieder des Netzwerkes sind die Forschungs- und Beratungsstelle für Organisierte Kriminalität (OK) und Wirtschaftskriminalität des Bundeskriminalamts, die „Crime Research Development Unit“ des Home Office London, das „Research and Documentation Center“ (WODC) beim Justizministerium Den Haag, die niederländische Polizeiakademie in Apeldoorn und die schwedische Forschungsstelle „Swedish National Council for Crime Prevention“ (Brå) in Stockholm. Pro Jahr finden im Rahmen der Netzwerkaktivitäten zwei Treffen der behördlichen Institute sowie die OK-Forschungskonferenz statt. Die Netzwerktreffen der Institute sichern einen kontinuierlichen Austausch von Informationen und Erkenntnissen aus Forschungsprojekten, Bedrohungsanalysen, Lageeinschätzungen und Bekämpfungsansätzen. Darüber hinaus werden neue Themen für die OK-Forschung diskutiert und die Durchführung von gemeinsamen OK-Projekten geprüft.

Für beide Initiativen, OK-Forschungstagung und OK-Forschungsnetzwerk, wurde von der Europäischen Kommission eine Förderung genehmigt. Ziel des geförderten Gesamtprojekts ist es, einen umfassenden und kontinuierlichen Informationsaustausch über Forschungsprogramme und Einzelprojekte sicherzustellen, neue Forschungsthemen zu identifizieren, innovative Untersuchungsmethoden für die OK-Forschung zu entwickeln, gemeinsame OK-Forschungsprojekte zu initiieren und durchzuführen sowie Forschungsthemen für die Strafverfolgungsbehörden im Bereich OK zu erarbeiten.

Das Projekt „International Research Network on Organised Crime“ (March 2010 – February 2013) wird im Rahmen des Internal Security (ISEC) Programms „Prevention of and Fight against Crime“ seit 2010 von der Europäischen Kommission kofinanziert und erhält bei einem Gesamtbudget von rund 150.000 Euro eine Förderung von 70 %.

Beschreibung der Forschungsstellen

Nachfolgend wird eine kurze Beschreibung zu den am EU-Projekt beteiligten Instituten gegeben.

Forschungs- und Beratungsstelle für OK und Wirtschaftskriminalität, Bundeskriminalamt Wiesbaden (BKA), Deutschland

Die Forschungsstelle ist als Teil der kriminalistisch-kriminologischen Forschungsgruppe des BKA die führende OK-Forschungsstelle der deutschen Polizei. Bei der kriminalistisch-kriminologischen Forschungsgruppe des BKA sind folgende Forschungsstellen angesiedelt:

- Forschungsstelle Terrorismus/Extremismus
- Forschungsstelle Polizeiliche Kriminalstatistik (PKS), kriminalstatistisch-kriminologische Analysen, Dunkelfeldforschung
- Forschungsstelle für Schwere Gewaltkriminalität und Informations- und Kommunikations-Kriminalität
- Forschungs- und Beratungsstelle für Organisierte Kriminalität und Wirtschaftskriminalität
- Rechtspolitik, Forschungs- und Beratungsstelle Recht
- Forschungs- und Beratungsstelle Kriminalprävention

Gemäß § 2 des Gesetzes für das Bundeskriminalamt (BKAG) obliegt es der kriminalistisch-kriminologischen Forschungsgruppe, die Polizeien des Bundes und der Länder zu unterstützen, polizeiliche Methoden und Arbeitsweisen sowie phänomenologische Fragestellungen der Kriminalitätsbekämpfung zu erforschen und zu beantworten.

Bei der Forschungsstelle für OK und Wirtschaftskriminalität werden Forschungs- und Beratungsaufgaben auf den Feldern der Organisierten Kriminalität, des Menschenhandels und der Schleusungskriminalität sowie der Wirtschafts- und Finanzkriminalität wahrgenommen. Vor dem Hintergrund einer anwendungsbezogenen Forschung und des generellen Koordinationsauftrages der Zentralstellenfunktion hat die Forschungsstelle die Aufgabe, neue oder noch unbeantwortete polizeiliche Fragestellungen und Problemlagen im nationalen und internationalen Kontext aufzugreifen und zu analysieren, Lösungswege und Lösungsmethoden zu erforschen und zu entwickeln und die Forschungsergebnisse in die kriminalpolizeiliche Arbeit einfließen zu lassen. Die Lösungswege und -methoden werden den anderen Abteilungen des BKA, den Polizeien des Bundes und der Länder und anderen Bedarfsträgern auch in Form von Beratungs- und Serviceleistungen zur Verfügung gestellt.

Neben der Durchführung von Forschungsprojekten und Analysen wird diese Aufgabe primär mit Hilfe des Monitoring, also der systematischen Beobachtung, Identifikation und Bewertung relevanter Geschehnisse aus dem Umfeld der genannten Deliktsspektren, umgesetzt.¹⁴⁴

Forschungsgruppe für Schwere Organisierte Kriminalität (Serious Organised Crime Research Team), Innenministerium, Großbritannien

Die Forschungsgruppe für schwere Organisierte Kriminalität ist eine kleine Gruppe, die zur Forschungs- und Analyse-Einheit (Research and Analysis Unit) des Innenministeriums gehört, dem im Vereinigten Königreich für die innere Sicherheit zuständigen Ministerium.

Diese Forschungsgruppe gibt Forschungsarbeiten in Auftrag und führt diese auch selbst durch, welche das Wesen, die Auswirkungen und das Ausmaß der Organisierten Kriminalität untersuchen. Bei den meisten Projekten werden schwerpunktmäßig folgende sehr komplexe Themen behandelt:

- Wesen und Ausmaß der Organisierten Kriminalität
- öffentliche Wahrnehmung der Organisierten Kriminalität und das Bedrohungsempfinden der Bevölkerung
- Organisation und Methoden in Verbindung mit Organisierter Kriminalität
- Merkmale, Motivation und kriminelle Karrieren
- Effektivität der Strafverfolgung, regulative und strafrechtliche Reaktion auf Organisierte Kriminalität

Jüngste Forschungsarbeiten haben sich beispielsweise mit folgenden Themen befasst: Analyse der Art und Weise, wie das Postsystem für den BtM-Schmuggel missbraucht wird; Vernehmung überführter Straftäter zur Gewinnung von Erkenntnissen über den Markt für Menschenhandel und Untersuchung der öffentlichen Wahrnehmung der Organisierten Kriminalität.

Das Forschungsziel liegt in der Förderung faktengestützter Grundsatzarbeit, insbesondere durch Zulieferung entsprechender Informationen an zwei Stabsabteilungen des Innenministeriums: die „Abteilung für Organisierte und Finanzkriminalität“ (Organised and Financial Crime Unit) und das „Strategische Zentrum für Organisierte Kriminalität“ (Strategic Centre for Organised Crime). Darüber hinaus werden die meisten Studien der Öffentlichkeit durch einen Bericht zugänglich gemacht, der nach Durchsicht durch externe Fachkollegen, auf unserer Website veröffentlicht wird.¹⁴⁵

144 Weitere Informationen zur Kriminalistisch-kriminologischen Forschungsgruppe des Bundeskriminalamtes: www.bka.de.

145 Veröffentlichte Studien stehen zur Verfügung unter: <http://rds.homeoffice.gov.uk/rds/index.html>.

Forschungs- und Dokumentationszentrum (WODC) (Wetenschappelijk Onderzoek- en Documentatiecentrum, Ministerium für Sicherheit und Justiz), Niederlande

Bei dem WODC handelt es sich um ein halbautonomes Forschungs- und Wissenszentrum, das zum niederländischen Ministerium für Sicherheit und Justiz gehört und für dieses Ministerium und verbundene Partner arbeitet. Das WODC führt sozial-, verhaltens- und rechtswissenschaftliche Forschungsarbeiten durch. Das Institut hat sich zum Ziel gesetzt, Wissen über aktuelle und künftige für die Sicherheit und Justiz relevante Phänomene zu erarbeiten; dazu gehören auch die Einschätzung von und Prognosen für Maßnahmen und Programme.

Das WODC macht sein erworbenes Wissen einer breiten Öffentlichkeit zugänglich. Alle Forschungsergebnisse werden auf der eigenen Website zur Verfügung gestellt, und alle wichtigen und umfassenden Forschungen werden in Buchform veröffentlicht. Darüber hinaus übernimmt das WODC auf der Grundlage seiner Forschungsergebnisse eine Beraterrolle für das Ministerium für Sicherheit und Justiz. Schließlich ist das WODC zum Teil für die Vergabe von Aufträgen zuständig, da ein beträchtlicher Teil der Forschungsprojekte externen Partnern zugewiesen wird.

Die Organisation des WODC besteht aus folgenden Bereichen:

- Forschungsbereich Kriminalität, Sicherheit, Strafverfolgung und Strafen
- Forschungsbereich Justizverwaltung, Gesetzgebung, internationale und Ausländerangelegenheiten
- Forschungsbereich Auftragsvergabe
- Bereich Statistische Daten und Methodenanalyse
- Bereich Dokumentation

Der Forschungsbereich „Kriminalität, Sicherheit, Strafverfolgung und Strafen“ hat etwa 30 Mitarbeiter. Er ist in mehreren Forschungsrichtungen tätig, doch ein wichtiger Forschungsbereich befasst sich mit Organisierter und Wirtschaftskriminalität, Terrorismus und besonderen Untersuchungsmethoden. Das WODC kooperiert mit wichtigen externen Forschungsinstituten, auch mit dem „Zentrum für Information und Forschung über Organisierte Kriminalität“ (CIROC) (WODC, Freie Universität Amsterdam, Erasmus-Universität Rotterdam, Universität Utrecht und Universität Maastricht) und dem „International Research Network on Organised Crime“.¹⁴⁶

¹⁴⁶ Weitere Information finden Sie auf der Website: <http://english.wodc.nl/>.

Polizeiakademie der Niederlande

Die „Schule für Polizeiführungskräfte“ (Politieacademie) ist das Zentrum für die Ausbildung der niederländischen Polizei und für die Wissensvermittlung. Sie ist eine dynamische Organisation, die Wissen und Ausbildung auf hohem Niveau vermittelt, gesellschaftliche Entwicklungen voraussieht und diese in eine maßgeschneiderte Ausbildung umsetzt. In diesem Zusammenhang arbeitet die Schule für Polizeiführungskräfte mit Polizeikräften und anderen Partnern im Bereich Sicherheit und Ausbildung zusammen. Die Hauptaufgaben der Schule für Polizeiführungskräfte sind:

- die Anwerbung und Auswahl von Personal für die niederländische Polizei
- Ausbildung der niederländischen Polizei
- Entwicklung und Weiterentwicklung des Wissens für die Berufspraxis und zur Unterstützung der Ausbildung.

Die Hauptaufgabe der insgesamt 14 Lehrstuhlinhaber an der Schule für Polizeiführungskräfte besteht darin, die Verbindung zwischen Theorie, Praxis und Ausbildung zu knüpfen. Ein Lehrstuhl ist mit einem universitären Lehrstuhl vergleichbar. Ebenso ist einem Lehrstuhl üblicherweise ein „Knowledge Circle“ (Diskussionsrunde zum Erfahrungsaustausch) zugeordnet. Zu einem solchen „Knowledge Circle“ gehören Mitglieder des Lehrkörpers, die zusätzlich zu ihren Lehrverpflichtungen Forschung betreiben, interne und externe Forscher und praktisch tätige Fachleute.

Der „Lehrstuhl für Untersuchende Wissenschaft“ (Investigative Science) als Teil der Schule befasst sich mit der Durchführung von Forschungsprojekten, mit Lehre und Ausbildung und Beratungsdienstleistungen in den Bereichen Verbrechenverhütung und kriminalpolizeiliche Ermittlungen. Beschaffung, Entwicklung und Zusammenführung von Wissen im Bereich von Straftaten stellt eines der Ziele des Lehrstuhls dar. Die Organisation von Untersuchungen, geheimdienstlichen Erkenntnissen, Verhütungsstrategien und Aspekten der Strafverfolgung sind Teile dieses Zieles. Die Zusammenarbeit mit ausländischen Partnern und Amtskollegen in diesen Angelegenheiten ist eines der vorrangigsten Ziele.

Der Lehrstuhl teilt sich in drei Forschungsfelder auf:

- Kriminalwissenschaft (Wissen über die Art und Weise, wie Straftaten auftreten)
- Erkenntnisgewinnung aus menschlichen Quellen (human intelligence) und aufgrund menschlichen Verhaltens (Analyse und Information)
- Professionelle Untersuchung (Strategien, Management und Methoden).¹⁴⁷

147 Website: www.politieacademie.nl/.

Forschung im Bereich Wirtschaftskriminalität und Organisierte Kriminalität (Brå), Schweden

Der „Nationale Schwedische Beirat für Kriminalitätsverhütung“ (Brottsförebyggande rådet – Brå) fungiert als Sachverständigenorgan der schwedischen Regierung im Bereich des Rechtswesens. Der Beirat setzt sich für eine Senkung der Kriminalitätsrate und für mehr Sicherheit in der Gesellschaft ein, indem er Fakten über Kriminalität und Kriminalitätsprävention sammelt und entsprechendes Wissen verbreitet. Der Beirat stellt auch die offizielle Kriminalstatistik Schwedens auf, wertet Reformen aus, betreibt Forschung, die zu neuen Erkenntnissen führt, und unterstützt lokale Bemühungen zur Verbrechensvermeidung.

Der Beirat unterhält eine Sonderabteilung für Wirtschaftskriminalität und Organisierte Kriminalität. Der Beirat ist bestrebt, ein nationales Sachverständigenorgan im Bereich der Wirtschaftskriminalität und Organisierten Kriminalität im weiteren Sinne zur Bekanntmachung von Ergebnissen und – nicht zuletzt durch externe Finanzierung – zur Durchführung verschiedener Forschungsprojekte vorzuhalten. Die Abteilung betreibt auch Projekte im Bereich der Umweltkriminalität und Straftaten im Bereich des Kulturerbes.

Die Forschung soll eng mit den Forschungstätigkeiten an Universitäten und anderen Institutionen der höheren Bildung verknüpft sein. Der Fokus liegt auf Prävention und erstreckt sich von Präventionsstrategien bis hin zu Präventionsmaßnahmen. Die Abteilung erfüllt ihre Aufgaben u. a. dadurch, dass sie externe Forscher für die Beteiligung an verschiedenen Projekten im Beirat engagiert.¹⁴⁸

148 Weitere Information finden Sie auf der Website: http://www.bra.se/extra/pod/?action=pod_show&id=1&module_instance=11.

Forschungskonferenzen

Auf den Konferenzen wurde eine Übersicht über den aktuellen Stand der wissenschaftlichen OK-Forschung und der auf wissenschaftlich fundierten Kriminalitätsanalysen in ausgewählten europäischen Staaten gegeben. Die Bedeutung der OK-Forschung im jeweiligen Land, gewählte und mögliche Feldzugänge bei empirischen Forschungsprojekten, Umsetzung der Erkenntnisse in die Praxis, Zielgruppen der Projekte und betriebener Aufwand standen im Zentrum der Vorträge und anschließenden Diskussionen, in denen Wissenschaftler und Praktiker ihre Erfahrungen austauschten. Beispiele grenzübergreifender Forschung im Rahmen von EU-Projekten sowie geplante Forschungsprojekte bildeten einen besonderen Schwerpunkt. Nachfolgend wird der Inhalt der auf den Forschungskonferenzen gehaltenen Präsentationen in zusammengefasst dargestellt, die Artikel der Referenten veröffentlicht und ein Überblick über die wesentlichen Ergebnisse gegeben.

Überblick über die Konferenzen mit Zusammenfassung der Einzelvorträge

Die erste OK-Forschungskonferenz, die im November 2008 in Frankfurt/Main stattfand, befasste sich mit Deutschland und seinen Nachbarländern. Referenten aus Belgien, Polen, Schweden, Tschechien und Deutschland berichteten über ihre Forschungsprojekte und zur Situation der OK-Forschung in ihren Ländern.

Prof. Dr. Hans-Jürgen Kerner ist seit 1986 Direktor des Instituts für Kriminologie an der Juristischen Fakultät der Universität Tübingen¹⁴⁹. In seinem Vortrag **„Organised crime – Opinions and research findings concerning the situation and developments in Germany“** gab er einen historischen Abriss über die rechtliche und definitorische Entwicklung der Organisierten Kriminalität seit den 70er Jahren in Deutschland sowie über die Umsetzungsprobleme in die gerichtliche Praxis. Es folgte ein Überblick über die Forschung zur Organisierten Kriminalität in Deutschland, der den Schwerpunkt auf Forschungsthemen und methodische Ansätze setzte. Zentrales Problem der deutschen OK-Forschung ist die „zirkuläre Konstruktion der Realität“, die entsteht, wenn die Forschung immer wieder auf polizeiliche Informationen zurückgreift. Kerner schlug für die zukünftige OK-Forschung in Deutschland grundsätzlich längerfristige und theoriegeleitete Untersuchungen vor. Große Ermittlungsfälle sollen reanalysiert werden, wobei der Fokus auf die Gründe für den Erfolg von Verfahren gerichtet werden sollte.

Prof. Dr. Tom Vander Beken, Ko-Direktor am „Institute for International Research on Criminal Policy“ (IRCP)¹⁵⁰ der Universität Gent, gab in seiner Präsentation **„Organised crime research in Belgium and beyond“**¹⁵¹ einen Überblick über die OK-Forschung in Belgien und auf europäischer Ebene. Ausgangspunkt für die aktuelle belgische OK-Forschung ist das Bedürfnis der Politik nach qualitativ besseren Berichten zur Lage der OK in Belgien. Nicht mehr nur Berichte polizeilicher Aktivitäten sind gefragt, sondern Informationen, die es ermöglichen mögliche zukünftige Entwicklungen abzuschätzen. Nicht die Anzahl der Kriminellen, Gruppen oder Aktivitäten sind von Bedeutung, sondern ein Verständnis der Gefährlichkeit der Phänomene. Dazu ist auch die Einbeziehung bestimmter wirtschaftlicher oder gesellschaftlicher Bereiche unabdingbar.

149 Informationen zum Institut für Kriminologie der Universität Tübingen unter www.ifk.jura.uni-tuebingen.de.

150 Informationen zum „Institute for International Research on Criminal Policy“ an der Universität Gent unter www.ircp.org

151 Dieser und die folgenden Beiträge sind auf der englischsprachigen Homepage des BKA www.bka.de veröffentlicht

Die phänomenologische Analyse stellt einen Schwerpunkt der belgischen OK-Forschung dar. Hierzu wurden bereits risikobasierte Methodologien entwickelt und Bedrohungs- und Vulnerabilitätsanalysen erstellt sowie Zukunftsforschung betrieben. Vander Beken skizzierte konzeptionelle Modelle und gab einen Überblick über die zahlreichen Forschungsprojekte des IRCP, die im nationalen Kontext, aber auch für europäische und internationale Forschungsprogramme und Organisationen durchgeführt wurden. Die politische Reaktion auf Kriminalitätseentwicklungen ist ebenfalls Gegenstand der wissenschaftlichen OK-Forschung in Belgien, z. B. im Rahmen von Studien zu legalen Aspekten des Menschenhandels, sexueller Ausbeutung oder Korruption. Hervorgehoben wurde hierbei eine Untersuchung der legalen Konsequenzen einer belgischen Strategie zur OK-Bekämpfung, die auf verstärkter administrativer Kontrolle und Sanktionierung beruht („armed administrative approach“).

Vander Beken stellte weiterhin eine Untersuchung zu mobilen osteuropäischen Tätergruppen vor. Das Projekt begann im Jahr 2007 und konzentriert sich auf drei Aspekte: Der erste Untersuchungsschwerpunkt wird gebildet durch theoriebasierte Erkenntnisse über Tätermobilität und Informationen zur Tätermobilität, die in den polizeilichen Datenbanken vorliegen. Der Referent skizzierte die „Distance decay theory“ und belegte anhand einer Auswertung im Rahmen des Forschungsprojektes, dass die mobilen osteuropäischen Tätergruppen tatsächlich längere Wege zur Tatbegehung zurücklegten, wobei er auch auf methodische Probleme hinwies. In einem weiteren Modul werden Informationen in den Falakten zur Mobilität – insbesondere hinsichtlich Wohnort und Ankerpunkten – analysiert. Auch hier scheinen die osteuropäischen Tätergruppen laut Untersuchungsergebnissen größere Strecken zurückzulegen. Schließlich werden Erklärungen und Hintergründe für die erhöhte Mobilität, die von den Tätern selbst geliefert werden, untersucht. Die Datenbasis dieses Projektmoduls bilden Auswertungen von Akten der Strafverfolgungsbehörden und Täterinterviews.

Dr. Miroslav Scheinost ist Direktor des „Institut für Kriminologie und Sozialprävention“ (ICSP)¹⁵² in Prag. Koreferent **Dr. Martin Cejp** ist wissenschaftlicher Mitarbeiter am ICSP. Das Institut ist dem tschechischen Justizministerium angegliedert und befasst sich hauptsächlich mit Analysen zum Strafrecht, Ursachen und Erscheinungsformen von Kriminalität und Fragen der Kriminalpolitik.

Scheinost stellte mit der Präsentation **„Organised crime research in the Czech Republic“** das 1960 gegründete Institut ICSP vor, das dem tschechischen Justizministerium unterstellt ist. Die Forschungstätigkeit des ICSP basiert auf mittelfristiger Forschungsplanung, die für die Jahre 2008–2011 festgelegt wurde. Vor 1989 war OK in Tschechien im öffentlichen Diskurs von untergeordneter Bedeutung. Doch auch in der CSSR hat es Formen von organisierten kriminellen Aktivitäten, der so genannten „Schattenwirtschaft“, gegeben, ein Beispiel ist der illegale De-

152 Informationen zum „Institut pro kriminologii a sociální prevenci“ unter www.kriminologie.cz.

visentausch. Die kriminellen Gruppierungen operierten zu diesem Zeitpunkt noch nicht international. Nach dem politischen Umbruch hat ein Wandel eingesetzt. Die ersten Erscheinungsformen von OK, die sich anfänglich nur auf nationaler Ebene zeigten, wurden jedoch weitgehend unterschätzt, so wie der illegale Handel mit Heizöl in der ersten Hälfte der 90er Jahre. Diese Aktivitäten wiesen einen hohen Organisationsgrad auf und fügten dem Staat durch Steuerhinterziehung große Schäden zu. Erst Mitte der 90er Jahre wurde die OK in Tschechien als Bedrohung wahrgenommen. Die tschechische Regierung reagierte darauf in den Jahren 1995, 1996, 2001 und 2002 mit Änderungen des Straf- und Strafprozessrechts.

Cejp gab einen Überblick über die Entwicklung der OK-Forschung in Tschechien, die in vier Phasen erfolgte. Tschechische OK-Forschung wird hauptsächlich von der Forschungsstelle ICSP durchgeführt. Analog zur fehlenden politischen und gesellschaftlichen Wahrnehmung des Problems der OK wurden bis Anfang der 90er Jahre zu diesem Thema nur einige wenige Projekte durchgeführt. Mit der systematischen OK-Forschung wurde im Zeitraum von 1993–1999 begonnen. Seitdem werden für dieses Phänomen jährlich die Charakteristiken von Gruppenstrukturen und Aktivitäten erhoben. Es wurden Forschungsprojekte zur Herstellung, zum Schmuggel und zur Verbreitung von Drogen, zur Prostitution, zur illegalen Migration, zum Diebstahl von Kunstgegenständen, zur Gewaltkriminalität und Erpressung durchgeführt. Von 2000–2003 hat man sich darauf konzentriert, die grundlegenden Faktoren der Strukturen und der Aktivitäten der Gruppen zu beleuchten. Inhaltlich standen Deliktbereiche wie Drogen- und Frauenhandel, Kfz-Diebstahl, Finanz- und Wirtschaftskriminalität im Fokus der Forschung. Die Effektivität der Rechtsvorschriften wurde überprüft, mit denen anderer Länder verglichen und Änderungsvorschläge unterbreitet. In der dritten Phase, von 2004–2007, wurde OK in Verbindung mit Wirtschaftskriminalität, Korruption und Terrorismus erforscht. Die tschechische Forschungsstelle konzentrierte sich nun auf die Bedrohung der Gesellschaft durch OK und die staatlichen Gegenmaßnahmen. Seit 2008 befindet sich die OK-Forschung in Tschechien in ihrer vierten Phase. Geforscht wird nun zu internationalen Zusammenhängen, zur Effektivität des legalen Instrumentariums, zu Straftätergruppierungen im Bereich des Rauschgifthandels, zum Missbrauch der Asyl- und Migrationspolitik und zur kommerziellen sexuellen Ausbeutung von Kindern. Weiter ging Cejp auf die angewendeten Untersuchungsmethoden ein. In der Regel werden z. B. für die Erstellung eines OK-Lageberichts etwa 30 Experteninterviews und ein Expertenworkshop durchgeführt. Der Vortrag schloss mit einen Überblick über die OK-Lage in Tschechien seit 1998, der auf die Verurteilungstatistik, die Zusammensetzung der Nationalitäten in OK-Gruppen und die herausragenden Phänomenbereiche abhob.

Dr. Lars Korsell ist Direktor der Forschungsstelle für Wirtschafts- und Organisierte Kriminalität beim „Swedish National Council for Crime Prevention“ (Brå)⁵¹⁵³ in Stockholm. Der BRA erstellt im Auftrag der schwedischen Regierung

153 Informationen zum „brottsförebyggande rådet“ unter www.bra.se

die Kriminalstatistik, forscht zur Kriminalität und ist für die Kriminalprävention zuständig. Die Koreferenten **Johanna Skinnari** und **Daniel Vesterhav** sind Mitarbeiter von Dr. Korsell. Korsell eröffnete mit **„New strategies to combat organised crime in Sweden“** den gemeinsamen Vortrag der drei Referenten. Er erklärte, dass in Schweden seit 2008 eine „nationale Mobilisierung“ gegen die OK stattfindet, um die organisatorischen Grenzen bei der Kooperation der Polizeibehörden untereinander und mit anderen Behörden zu überwinden. Ausgehend von der Erkenntnis, dass OK immer auch in die lokale Ebene eingebettet sein muss, wurden lokale Arbeitsgruppen eingerichtet, um die OK-Bekämpfung zu verbessern. Die polizeilichen und administrativen Maßnahmen werden durch Forschungsprojekte wissenschaftlich begleitet, für die die Forschungsstelle für OK und Wirtschaftskriminalität des Brå verantwortlich ist. Eine wichtige Rolle hierbei spielt aktuell die Erhebung des „unlawful influence“ (ungesetzlicher Einfluss) von OK-Gruppierungen auf Vertreter von staatlichen Einrichtungen. Bei der Polizei ist eine 200 Personen starke nationale Steuerungsgruppe eingerichtet worden, bestehend aus einer nationalen Task Force und acht regionalen Dienststellen. Diese ist aus Vertretern von Polizei, dem „Economic Crime Bureau“, Zoll- und Steuerbehörden zusammengesetzt. Die nationale Task Force ist zuständig für die Kooperation mit anderen Behörden. Weiterhin wurde eine nationale Stelle zur Gewinnabschöpfung eingerichtet, die ihr Augenmerk auf die legalen und illegalen Geldflüsse richtet. Einen bedeutenden Beitrag zur OK-Bekämpfung in Schweden leisten die lokalen Initiativen. So wurden bei den Gemeinden lokale Räte eingerichtet. Die verschiedenen Verwaltungsbehörden arbeiten zusammen und sprechen administrative Maßnahmen ab. Dem Brå obliegt die Aufgabe, diese lokalen Initiativen zu koordinieren. Als ein Beispiel stellte Korsell das „Gothenburg Project“ vor. Auslöser für dieses Projekt war die Feststellung, dass alle öffentlichen Verwaltungen im Bereich Gothenburg mehr oder weniger von OK betroffen sind. Ein weiteres Beispiel ist ein Projekt in Östergötland gegen kriminelle Motorradgangs, das 2008 begonnen wurde. Ziel dieses Projekts war es, bis Ende 2009 einen von Motorradgangs freien Bezirk zu schaffen und damit auch die Rekrutierung von Jugendlichen in diese OK-Gruppen zu verhindern.

Im Anschluss wurde von den Vertretern der BRA die Studie „Where did all the money go?“ vorgestellt, die sich mit dem Finanzmanagement der organisierten Rauschgiftkriminalität befasst. Für diese Studie wurden 284 Gerichtsakten und 68 polizeiliche Ermittlungsakten ausgewertet, bei über 700 Personen die Einkommensverhältnisse anhand verschiedener Datenquellen geprüft und dreizehn Experteninterviews geführt. Die legalen und illegalen Einnahmen und Ausgaben der OK-Täter wurden analysiert. Es wurde u. a. festgestellt, dass seitens der Strafverfolgungsbehörden ungleich höherer Aufwand betrieben wird, Personen zu finden, die sich mit den Finanzen befassen als mit den Personen, die für Transport und Lagerung der Drogen verantwortlich sind. Die Forschungsergebnisse hinsichtlich der Täter im Drogengeschäft zeigen, dass diese mit einer Reihe von Einschränkungen zu kämpfen haben, die ihnen durch die Illegalität ihrer Tätigkeit

aufgelegt werden. So haben sie Schwierigkeiten, qualifizierte Partner für ihre illegalen Geschäfte zu finden, und haben nur eingeschränkten Zugang zu Krediten. Darüber hinaus müssen sie sich selbst vor Diebstählen schützen. Häufig wird neben der illegalen Tätigkeit gleichzeitig in legale Unternehmen investiert, bevorzugt Gastronomie und Baugewerbe. Zwei zentrale Typen von Straftätern sind identifiziert worden: Zum Einen der Täter, der parallel auch in legale Unternehmen investiert und in der legalen Gesellschaft etabliert ist, und zum Anderen derjenige, der auch in anderen Kriminalitätsbereichen kriminellen Geschäften nachgeht und einen hedonistischen Lebensstil pflegt. Auf den Ergebnissen der Studie aufbauend können kriminalpolizeiliche Präventionsstrategien entwickelt werden.

Dr. Wojciech Filipkowski forscht an der „Faculty of Law“ an der Universität Białystok/Polen¹⁵⁴. In seinem Vortrag **„Organised crime in Poland – as a field of research and contemporary situation“** gab Filipkowski einen Überblick über Forschung und Lage zur OK in Polen. Für die Betrachtung spielt das Jahr 1989 eine besondere Rolle. Der Wechsel des politischen und wirtschaftlichen Systems hatte immense Auswirkungen auf Gesetzgebung und Forschung, da sich ab diesem Zeitpunkt eine Änderung der Kriminalität vollzog. Vor 1989 wurde der Begriff OK in Polen überhaupt nicht genutzt, da die Existenz dieser Kriminalitätsform zur Zeit des Sozialismus in Polen ignoriert wurde. In Polen gab es bis 1994 keine Definition für OK, der Begriff existierte nur für Delikte im Zusammenhang mit dem Wirtschaftsleben. 1994 wurde eine Arbeitsdefinition für die Polizei entwickelt, die 1998 im Wesentlichen in das polnische Strafgesetzbuch übernommen wurde. Für OK und Terrorismus wurde ein gemeinsamer Straftatbestand geschaffen. Im Jahr 2000 wurden elf Kriterien herausgearbeitet, von denen mindestens fünf zutreffen müssen, um als OK-Gruppierung betrachtet zu werden. Filipkowski gab anschließend einen Überblick über die Entwicklung der OK-Forschung in Polen und stellte die bedeutendsten Projekte dar. Anfang der 90er Jahre erschienen zwei Buchveröffentlichungen, die sich mit der OK-Bekämpfung in Westeuropa und den Präventionsmöglichkeiten im Bereich der Geldwäsche auseinandersetzen, und einen öffentlichen Diskurs in Gang gesetzt haben. Im Jahr 2001 wurde ein Forschungsprojekt im Bereich Geldwäsche durchgeführt. Auslöser für dieses Projekt war, dass von 54 in Polen in den Jahren 1995–1997 erfassten Fällen nur drei angeklagt wurden. Geldwäsche ist seitdem in Polen ein thematischer Forschungsschwerpunkt, zu dem eine Reihe von Projekten durchgeführt wurde. Im Jahr 2006 wurden zwei bedeutende Forschungsprojekte zu den Bereichen Zeugenschutz und polizeiliche Überwachung veröffentlicht. Primäre Aspekte waren die Bedrohung der Sicherheit durch OK und Terrorismus. 2006 erschien ein Buch über russische OK-Gruppierungen, in dem der starke Einfluss dieser Gruppierungen auf Wirtschaft und Politik in Polen

154 Informationen zur Juristischen Fakultät an der Universität Białystok unter www.pravo.uwb.edu.pl

untersucht wurde. Im weiteren Verlauf des Vortrags stellte Filipkowski die „Polish Platform for Homeland Security“ (PPHS)¹⁵⁵ vor, über die mehr als 600 Vertreter aus Wissenschaft, Recht, Kriminologie, Technologie und Praxis vernetzt sind. Ziel der Plattform ist die Erhöhung der zivilen Sicherheit, u. a. sollen den Bedrohungen der Sicherheit durch OK besser begegnet und Maßnahmen zur Vorbeugung getroffen werden können. Projektthemen sind z. B. Einsatz von neuen Technologien oder Internetkriminalität. Auch eine Reihe von Analysen wurde für die Polizeipraxis erarbeitet, insbesondere für die Delikte Fälschungskriminalität, Geldwäsche, Terrorismus, Korruption. Der Referent gab anschließend einen Überblick über die polnische OK-Lage, wobei die wesentlichen Ergebnisse der jährlichen Berichte des „Central Bureau of Investigation“, der „General Inspection of Financial Information“ und der Verurteilungs- und Kriminalstatistik dargestellt wurden. Zum Abschluss zeigte Filipkowski zentrale Ergebnisse der Analysen zur OK-Situation, insbesondere Menschenhandel, auf.

155 Näheres zur „Polish Platform for Homeland Security“ unter www.ppbw.pl

Überblick über die Ergebnisse der Konferenz 2008

Zusammenfassend konnten folgende Erkenntnisse zur Forschungssituation in den Nachbarländern Deutschlands gewonnen werden:

- In den osteuropäischen Ländern begann die Wahrnehmung der OK als Thema der Politik und der Strafverfolgungsbehörden mit den politischen Umwälzungen im Jahr 1989. Synchron dazu begann auch die Forschung sich diesem Gegenstand zu widmen. Seitdem hat sich das Spektrum der OK-Delikte in diesen Ländern gewandelt, worauf die Forschungsstellen in Polen und Tschechien mit einer Anpassung ihrer Schwerpunktsetzung reagiert haben.
- Für die Forschungsaktivitäten sind verschiedene Zielrichtungen erkennbar: Es wurden Projekte vorgestellt, die als wissenschaftliche Begleitung bei der Implementierung neuer Bekämpfungskonzepte dienen, strategische Kriminalitätsanalysen, periodische Lageerhebungen, Umfeldanalysen und Szenarioforschung.
- Es wurde deutlich, dass das Spektrum der Akteure, die an (wissenschaftlichen) OK-Projekten beteiligt sind, sehr groß sein kann: Von der Durchführung konkreter lokaler Präventionsprojekte, in denen verschiedene Behörden, gesellschaftliche Akteure und Strafverfolgung gemeinsam arbeiten, bis hin zur „Polish Platform for Homeland Security“ (PPHS), an der Wissenschaft, Technologie und Strafverfolgung beteiligt sind und gemeinsame Forschungen durchgeführt werden. Auch zur internationalen Forschungskooperation wissenschaftlicher Institute wurden eindrucksvolle Beispiele – nicht nur EU-geförderter OK-Projekte – gegeben.
- Adressat für die Forschungsergebnisse ist oft die Politik, die bei Gesetzesvorhaben oder der Entwicklung von Bekämpfungsstrategien auf wissenschaftlich fundierte Aussagen angewiesen ist.
- Methodisch beruhen die Untersuchungen meist auf der Analyse von Daten der Strafverfolgungsbehörden, aber es gibt auch Beispiele für Studien unter Einbeziehung anderer Datenquellen, z. B. Umfeldanalysen oder Szenarioprojekte. Es wurden somit eindrucksvoll Wege aufgezeigt, das Zirkularitätsproblem einer Forschung für Sicherheitsbehörden, die sich ausschließlich auf Datenmaterial von ebendiesen stützt, zu vermeiden.

Überblick über die Konferenz mit Zusammenfassung der Einzelvorträge

Im September 2009 fand in Frankfurt/Main die 2. Internationale Forschungskonferenz zur OK statt. Auf der Forschungskonferenz wurde von Wissenschaftlern aus Bulgarien, Slowenien, der Türkei, Ungarn und der USA ein Einblick in die Forschungsaktivitäten südosteuropäischer Staaten zur OK gegeben.

Dr. Jana Arsovska ist Assistant Professor am John Jay College of Criminal Justice an der City University of New York. Sie verfügt über detaillierte Kenntnisse der OK in den Staaten Südosteuropas, wo sie über Jahre Feldforschungen betrieben hat. In ihrem Vortrag **„The political and organisational dimensions of organised crime in the Western Balkans: Presentation of empirical findings“** gab sie einen Überblick über aktuelle OK-Projekte in den Westbalkan-Ländern.

Der Fokus lag vorwiegend, aber nicht ausschließlich auf den Gruppen der Organisierten Kriminalität der ethnischen Albaner mit Herkunft aus Albanien, dem Kosovo, Mazedonien und Bosnien-Herzegowina und ihren jeweiligen Verbindungen zu anderen örtlichen und ausländischen Gruppen. Die von ethnischen Albanern Organisierte Kriminalität stellt ein Thema mit hoher Relevanz dar; jedoch gibt es nur sehr begrenzte wissenschaftliche Forschungen darüber.

Verschiedene Fälle wurden dargestellt, um die Struktur, Kultur und Tätigkeit der OK-Gruppen auf dem Balkan zu veranschaulichen. Der Vortrag befasste sich auch mit den Datenerhebungsmethoden bei einem jeden der Projekte sowie mit den methodischen Herausforderungen, die der Forscher bei der Untersuchung eines so bedeutenden Themas wie der Organisierten Kriminalität zu bewältigen hat. Die Ergebnisse beruhen im Wesentlichen auf der Befragung mehrerer ethnischer Albaner, die im Bereich der OK auffällig wurden, von Opfern von Menschenhandel, von Strafverfolgungsbeamten aus mehr als zehn Ländern und von Vertretern von NGOs sowie auf Ergebnissen öffentlicher Erhebungen (900 befragte Personen) und Analysen von Polizeiakten.

Arsovska legte in ihrem Vortrag die Verflechtungen von OK und Politik anhand ausgewählter Einzelfälle in den Westbalkanländern dar. Diese betrafen hauptsächlich Albanien, Mazedonien und den Kosovo. In Mazedonien wurden in den letzten Jahren eine Vielzahl von Fällen bekannt, die eine Verflechtung von Politik und OK aufwiesen. In Mazedonien wurde der Menschenhandel durch Politiker und Richter ignoriert, wodurch dieser sich ungehindert ausbreiten konnte. Im Kosovo fließen Gelder aus dem Bereich des Drogenhandels in die Staatskassen im Kosovo, aber auch an humanitäre Organisationen. Was Albanien betrifft, zeichnet sich dort seit dem Jahr 2007 mit der Durchsetzung einer „Null-Toleranz“-Politik zur Kriminalität ein positiver Wandel ab.

Professor Dr. Bojan Dobovsek ist Prodekan und Forscher an der „Fakultät für Strafrecht und Sicherheit“ an der Universität Maribor in Ljubljana/Slowenien. In seinem Vortrag „**Researches versus organised crime**“ sprach er über seine Erfahrungen mit Intensivinterviews zur Analyse von Korruption. Darüber hinaus sprach er auch über Methoden der Analyse von Kunstdelikten – ein zeitgenössisches und historisches Phänomen – und über die Risikoanalyse.

Die post-moderne Gesellschaft ist durch unvorhersehbare und ausgesprochen widersprüchliche wirtschaftliche, politische und gesellschaftliche Entwicklungen gekennzeichnet. Charakteristisch für die heutige kapitalistische Gesellschaft ist die wirtschaftliche und politische Globalisierung, die durch Schattenwirtschaft und Steuerhinterziehung noch Auftrieb erhält. Daraus ergeben sich u.a. neue und komplexe Formen von überaus intensiver und weit reichender Bedrohung für die individuelle und die kollektive Sicherheit. Die Organisierte Kriminalität in all ihren Erscheinungsformen ist eine der neuen komplexen Bedrohungen für die individuelle und die kollektive Sicherheit und wird daher erforscht. In diesem Diskurs werden deshalb Sicherheitsfragen im Hinblick auf Eliten und ihre Mitglieder hervorgehoben sowie die Herausforderungen an die Sicherheit durch „interne“ und „externe“ Bedrohungen, wobei viele glauben, dass diese ihre Wurzeln in einem kulturell, wirtschaftlich und gesellschaftlich benachteiligten Umfeld haben, insbesondere in Ländern, die sich im Umbruch befinden.

Dobovsek stellte dar, dass Forscher ein neues Instrumentarium für künftige Forschungen im Bereich der Organisierten Kriminalität entwickeln sollten, anhand dessen sie dann belastbare Informationen für Entscheidungsträger und Politiker vorlegen können. Zu diesem Instrumentarium könnte qualitative Forschung gehören, bei der durch Intensivinterviews mit Polizeibeamten, Staatsanwälten, Richtern und anderen Personen Schwachstellen in der Bekämpfung der Organisierten Kriminalität aufgedeckt werden. Eine andere Methode stellt die Analyse von Daten (Textanalysen) dar, für die zwischenzeitlich bessere Auswertetools existieren.

Unter Anwendung der qualitativen Methode analysierte Dobovsek zum Beispiel informelle Netzwerke, die sich zur Manipulation rechtsstaatlicher Prinzipien der Korruption bedienen. Dabei wurde die Technik des Intensivinterviews angewandt. Die Fragen bezogen sich auf allgemeine Ansichten über die Rechtsstaatlichkeit, die Nutzung von Kontakten und informellen Netzwerken und die persönliche Einstellung zu und Nutzung von Kontakten und informellen Netzwerken. Zusätzlich zu acht Gruppen aus der gesellschaftlichen, politischen und wirtschaftlichen Elite wurde eine Gruppe von EU-Einrichtungen in Slowenien und Staatsbeamten ausgewählt, die im Bereich der Kontrolle und Verhütung von Korruption tätig sind. Frühere Studien zu Korruption auf der Grundlage von Beispielen aus der allgemeinen Öffentlichkeit zeigten keine besonderen Erkenntnisse im Hinblick auf Korruptionsnetzwerke in Slowenien. Deshalb wurde davon ausgegangen, dass Mitglieder der einflussreichsten Netzwerke Vertreter aus der höheren gesellschaftlichen Ebene sind. Es wird angenommen, dass die befragten

Personen verschiedenen, miteinander im Wettbewerb stehenden Netzwerken angehören und andere Netzwerke kritischer beurteilen als das jeweilige eigene. Ebenso wird angenommen, dass einige der befragten Personen im Zuge unfairer öffentlicher Ausschreibungsverfahren geschädigt wurden. Deshalb wird angenommen, dass diese Personen wertvolle Informationen zu ihrer Wahrnehmung des untersuchten Problems preisgeben. Die untersuchten befragten Personen wurden unter der Annahme ausgewählt, dass sie einiges an Wissen über informelle Netzwerke besitzen und Erfahrungen mit der Auswirkung der Netzwerke auf das Alltagsleben gemacht haben.

Eine solche Methode wird für die Analyse von Diebstählen von Kunstobjekten aus Museen eingesetzt. Museen verlassen sich zunehmend auf Hochsicherheitsalarmsysteme, die jedoch in einer Reihe hochkarätiger Fälle entweder komplett versagt oder zumindest keine wirksame Reaktion ausgelöst haben. Museumswächter rund um die Welt wurden über ihre jeweilige Aufgabe, Ausbildung und ihre Wahrnehmung der Sicherheit im Museum befragt. Die Auswertung der Ergebnisse führte zu der Feststellung, dass Museumswächter sich tendenziell eher passiv verhalten und damit grundsätzlich ineffizient arbeiten. Wächter mit unkonventionell agierenden Sicherheitsdirektoren, die eine aktivere Beteiligung ihrer Mitarbeiter im Dienst befürworten, fühlten sich auf die Abwehr von Sicherheitsbedrohungen besser vorbereitet und hatten das Gefühl, potenzielle Sicherheitsbedrohungen durch die Identifizierung Verdächtiger und durch entsprechende Ansprache dieser Personen rechtzeitig abwenden zu können.

Dr. Bahadır Küçükuyal war im Jahre 2009 Kriminalhauptkommissar und Wissenschaftler an der „Internationalen Türkischen Akademie gegen Drogen und Organisierte Kriminalität“ (TADOC) in Ankara. Sein Vortrag **„TADOC: A contemporary training and research institution on transnational organised crime – dynamics of the paradigm shift in Turkey in law enforcement training and research“** vermittelte einen Überblick über Forschungsprojekte und Tätigkeiten der „Internationalen Türkischen Akademie gegen Drogen und Organisierte Kriminalität“ (TADOC) über organisierte und transnationale Straftaten. Nach einer kurzen Einführung über die Institution TADOC und ihre Aufgaben lenkte der Beitrag den Fokus auf innerhalb der TADOC eingerichtete Forschungszentren und auf die in diesen Zentren durchgeführten Studien. Der Vortrag schloss mit einer Diskussion über die Ergebnisse einiger jüngerer Studien und über einige laufende Forschungstätigkeiten.

Die TADOC hat sechs Forschungszentren zu folgenden Themen: Organisierte Kriminalität, Rauschgiftkriminalität, Menschenhandel, Finanzkriminalität, Internet-Kriminalität und Nachfragereduzierung Drogen (drug demand reduction).

Küçükuyal stellte ein Forschungsprojekt vor, das sich mit den Merkmalen von Opfern und Menschenhändlern und den Methoden des Frauenhandels zur sexuellen Ausbeutung in der Türkei befasst. Zwischen Januar 2004 und Juli 2007 hat die Nationale Türkische Polizei 430 Geschädigte befragt.

Das Projekt erbrachte folgende Ergebnisse:

Die große Mehrheit der Opfer aus Menschenhandel stammt aus Ländern der ehemaligen Sowjetunion.

Die Opfer können mit den Eigenschaften jung, arm, entweder ledig oder geschieden beschrieben werden.

Aufgrund akuter wirtschaftlicher Probleme finden die Anwerber einen leichten Zugang zu den Opfern.

Bedingt durch frühere Liebesbeziehungen oder kommerzielle Sexualbeziehungen zu türkischen Mittelsmännern/Menschenhändlern sind es in der Regel weibliche Täter, die die Mädchen in ihren jeweiligen Herkunftsländern anwerben.

Neben den Anwerbern spielen noch viele andere Personen bei Menschenhandelsdelikten eine Rolle, z.B.: Mittelsmänner, Fahrer, Reiseleiter, Eigentümer von Hotels und Diskotheken.

Menschenhandel in der Türkei wird nicht von großen OK-Gruppen betrieben; sondern vielmehr von einem losen Netz von Einzelpersonen/kleineren Gruppen, sich in der Regel gegenseitig kennen.

Ein weiteres Projekt wurde zur illegalen Einwanderung und zum Menschenhandel durchgeführt. Das Ziel bestand in der Formulierung von Strategien und Lösungen zur Bekämpfung dieser Deliktsfelder in der Türkei. Kucükuyal informierte darüber hinaus über die jährliche Forschung zu Methoden und Trends im Bereich Rauschgiftkriminalität.

Der Sprecher betonte weiterhin die Grenzen der Forschung zur Organisierten Kriminalität in der Türkei. Dazu gehört z.B. die Sensibilität der Forschungsthemen (Vertraulichkeit und Anonymität), die Schwierigkeit, an öffentliche Daten zu gelangen, Messbarkeitsprobleme (die Gültigkeit und Verlässlichkeit in Frage stellen), der Mangel an gut ausgebildetem Personal zur Datenerhebung und für Befragungen, politische und bürokratische Barrieren, die begrenzten Finanzmittel und die verbreitete Auffassung, dass Forschung nicht relevant ist.

Dr. Nina Belova, außerordentliche Professorin, Leiterin der Gruppe „Kriminalität und Strafverfolgung, Forschungsinstitut für Kriminaltechnik und Kriminologie“, Innenministerium Sofia hielt den nächsten Vortrag zum Thema **„Problems of organised crime in the research work of the Center for Police Researches“**.

Belova ist seit 1998 am „Wissenschaftlichen Institut für Kriminalistik und Kriminologie“ im Innenministerium in Sofia beschäftigt. Seit 2007 ist sie Leiterin der Gruppe „Kriminalität und Strafverfolgung“. Sie ist Mitglied in der Bulgarischen Union der Wissenschaftler und im Bulgarischen Verband für Kriminologie. Die Hauptaufgabe des Instituts besteht in der Unterstützung der praktischen Polizeiarbeit durch eine wissenschaftliche Analyse gegenwärtiger und künftiger Trends auf dem Kriminalitätssektor, insbesondere im Hinblick auf Schwerkriminalität.

Die Straftäter, die Opfer sowie kriminogene und viktimogene Faktoren stehen im Mittelpunkt der Arbeit des Instituts.

Die Forschungsprojekte in der Gruppe „Kriminalität und Strafverfolgung“ legen den Fokus auf die Organisierte Kriminalität.

Die bedeutendsten Forschungsprojekte der letzten Jahre befassten sich mit folgenden Themen: „Sexuelle Ausbeutung von Kindern und polizeiliche Strafverfolgung“, „Organisierte Drogenstraftaten – Kriminologische Merkmale und Präventionsmaßnahmen der Polizei“, „Korruption und Präventionsmaßnahmen der Polizei“, „Prävention und Ermittlung von Umweltstraftaten“, „Kinderkriminalität und Strafverfolgung“ und „Computerstraftaten“. Die Institutsmitglieder konzentrieren ihre Anstrengungen zurzeit auf folgende Themen: „Straftaten mit Einsatz elektronischer Zahlungsmittel“ und „Verhütung und Ermittlung von Straftaten in Verbindung mit der Herstellung und in Umlauf bringen gefälschter Zahlungsmittel“.

Alle diese Projekte analysierten die Verbindung zur OK. Während sich einige dieser Themen ausschließlich auf das Problem der Organisierten Kriminalität konzentrierten, analysierten andere Probleme im Zusammenhang mit der Organisierten Kriminalität.

Ergebnisse der Forschung bei der sexuellen Ausbeutung von Kindern zeigen, dass 50 % der Straftaten unentdeckt bleiben. Die Gründe dafür sind u.a. Angst, die Pubertät, Scham, Abhängigkeit und Schwächen der Polizeiarbeit. Es gibt mehrere ungünstige Trends im Hinblick auf die sexuelle Ausbeutung von Kindern: Anstieg der Anzahl von Kindern, die für die Prostitution ausgebeutet werden, Anstieg der Anzahl der Straftaten, personelle Vergrößerung der kriminellen Gruppen und Ausweitung der grenzüberschreitenden Kontakte. Die Straftaten werden meist in Großstädten durchgeführt. Die Kinder werden von kleineren Orten zu Regionalzentren und von dort in die Großstädte verbracht. Der grenzüberschreitende Schmuggel von Kindern aus Bulgarien richtet sich im Wesentlichen in Richtung Westeuropa aus.

Das Ziel des von 1998 bis 2007 durchgeführten Projektes „Organisierte Rauschgiftkriminalität – Kriminologische Merkmale und Prävention“ bestand in der Analyse der drei Bereiche der organisierten Rauschgiftkriminalität, d.h. der Herstellung von, des Handels mit und der Verbreitung von Betäubungsmitteln sowie des aktuellen Stands und der Probleme, die sich im Rahmen polizeilicher Präventionsmaßnahmen ergeben. Dieses Projekt befasste sich schwerpunktmäßig mit den Themen Produktion, Handel und Verkauf von Betäubungsmitteln als eine Form der Organisierten Kriminalität und der Strategie der Strafverfolgungsbehörden bei der Bekämpfung. Für die Projektdurchführung wurden Daten aus verschiedenen Quellen, einschließlich Polizei- und Gerichtsstatistiken analysiert. 169 Ermittlungsverfahren wurden ausgewertet, und 116 Fachleute und ca. 900 Schulkinder befragt.

Das Thema „**Organised Crime in Bulgaria: Major market and new trends**“ wurde von **Dr. Philip Gounev**, Projektmanager, „Zentrum für Demokratieforschung“ (CSD), Sofia vorgetragen. Gounevs Projekte befassen sich mit Wafenkriminalität in Bulgarien und in Südosteuropa, Zollkontrollen von BtM-Vorläufersubstanzen in der EU, dem Ausmaß des Missbrauchs von NGOs für kriminelle Zwecke auf EU-Ebene und mit Gewinnen aus Straftaten. Er leitete eine Studie zur Untersuchung der Verbindung zwischen OK und Korruption. Er betreut parallele Projekte mit bis zu 20 Forschern und führt europaweit Feldforschungen und Befragungen in verschiedenen Sprachen durch.

Seit 1999 hat das CSD Forschungen zur grenzüberschreitenden Kriminalität betrieben: Der Schwerpunkt lag dabei auf relevanten Themen, wie dem Schmuggel von chinesischen und türkischen Konsumgütern sowie steuerpflichtigen Waren (Zigaretten, Öl und Alkohol). Nach dieser wegweisenden Forschung führte das CSD eine Reihe von Studien zum Rauschgiftmarkt, dem Markt für gestohlene Fahrzeuge und zur Prostitution durch. Einige Schlüsselergebnisse aus diesen Studien wurden vorgestellt. Darüber hinaus beobachtet und analysiert das CSD Korruptionsfälle in Bulgarien und seit kurzem auch auf EU-Ebene, wobei insbesondere OK-relevante Sachverhalte von Interesse sind.

Ein vorgestelltes Projekt befasst sich mit dem Prostitutionsmarkt in Bulgarien. Die Marktsegmente lassen sich wie folgt unterteilen: Straßen- und Autobahnprostitution, Bordelle, Stripper-Clubs, Massage-Salons, Nachtclubs in Städten, Ferienanlagen oder Grenzstädte im Süden, Edelprostitution – Model-Agenturen, aber gelegentlich auch in Werbe- und PR-Unternehmen, Touristenorten/griechischen Grenzmärkten. Im Zuge des Projekts wurde z.B. festgestellt, wie der Prostitutionsmarkt überwacht wird; dafür existieren drei verschiedene Modelle:

- das „hierarchische Modell“: Eine kriminelle Führungsperson kontrolliert eine große Anzahl von Prostituierten über mehrere Ebenen von Mittelsmännern und Zuhältern,
- das „Modell der natürlichen Quelle“: Ein krimineller Unternehmer erpresst Schutzgelder von selbstständigen Klein- und Familienbetrieben und
- das „Unternehmer-Modell“: Eine kriminelle Führungsperson tritt auf einer bestimmten Ebene oder auf allen Ebenen als Unternehmer auf.

Eine Studie zeigt die Brennpunkte der sexuellen Ausbeutung. In Sofia wird käuflicher Sex in 150 Bordellen, Escort-Agenturen, Strip-Bars, Elite-Agenturen und VIP-Clubs angeboten. Die Prostituierten werden nach dem Rotationsprinzip in verschiedenen Ferienorten eingesetzt und unterliegen bei Auslandsaufenthalten der Überwachung. Fünf Kontrollebenen mit vier Führungspersonen an der Spitze der kriminellen Organisationen wurden festgestellt.

Dr. Szilveszter Poczik ist Projektmanager am „Nationalen Kriminologischen Institut“ (OKRI) in Budapest. Er befasst sich mit den Straftaten von gesellschaft-

lichen und ethnischen Minderheiten und Gruppen von Einwanderern, mit Fremdenfeindlichkeit, Rassismus, politischem Extremismus, Terrorismus und Organisierter Kriminalität. Er berichtete über „ **Organised crime and OC research in Hungary – Some spezial fields and data**“. Das „Nationale Kriminologische Institut“ (OKRI) in Ungarn ist das bedeutendste kriminologische Forschungsinstitut in Osteuropa. Als Zentrum für Forschung und höhere Ausbildung der Generalstaatsanwaltschaft deckt es alle relevanten Forschungsbereiche der Kriminologie ab. Das OKRI betreibt schwerpunktmäßig empirische Forschung und spielt eine aktive Rolle bei der Ausgestaltung der Kriminalpolitik und der Entwicklung von Strategien zur Verbrechensbekämpfung auf nationaler und kommunaler Ebene sowie auf Regierungsebene.

Im Zeitraum des politischen Übergangs, der Grenzöffnung, des Wiederaufbaus der Marktwirtschaft und der Integration Ungarns in die Europäische Union, trat die OK unerwartet infolge externer und interner Faktoren auf. Früher herrschte in Ungarn eine mildere Variante der kommunistischen Diktatur; sie tolerierte bestimmte eingeschränkte Formen der Marktwirtschaft, einige Schatten- und Schwarzmarktbereiche sowie Beamtenkorruption: Mit der Öffnung der Grenzen erschienen kleinere und größere ausländische kriminelle Gruppen und operierten zum Teil unabhängig, zum Teil gemeinsam mit ungarischen Partnern in verschiedenen Bereichen. Der Wandel der wirtschaftlichen Struktur und der Finanzmärkte bot ein breites Feld für Straftäter, die im gesamten Spektrum der Wirtschaftskriminalität tätig waren. Eine Reihe von Bombenanschlägen im letzten Jahr der 1990er Jahre auf prominente Führungspersonen bestimmter Unternehmen mit Bezug zur OK und auf Politiker wies nicht nur auf den erbitterten Konkurrenzkampf der kriminellen Organisationen hin, sondern ebenso auf die Existenz illegaler Märkte für Waffen und Sprengstoff und auf die Existenz krimineller Gruppen, die willens und in der Lage waren, zu terroristischen Mitteln zu greifen.

In der oben beschriebenen Hinsicht weicht Ungarn nicht wesentlich von den anderen Ländern des ehemaligen Ostblocks in Osteuropa ab. Der tatsächliche Unterschied besteht in der Tat darin, dass in Ungarn die ehemals regierende kommunistische Elite bis heute eine führende Rolle in Politik und Wirtschaft spielt und sich wie ein – mittlerweile post-kommunistisches – OK-Netzwerk verhält und andere politische Beteiligte zu ähnlichen Verhaltensmustern zwingt. Nach den theoretischen Modellen der Lehrbücher für Kriminologie versucht die OK, die Staatsverwaltung zu korrumpieren. Dies deutet jedoch darauf hin, dass die OK offenbar selbst die Regierungsführung übernommen hat und die Gesellschaft hinter einer demokratischen Fassade nach ihren eigenen Regeln organisiert. Erzwungene allgemeine Korruption und Vetternwirtschaft sind die Grundlage für jegliches Handeln in Politik, Wirtschaft und der Zivilgesellschaft. Am gefährlichsten ist die OK, die in politischen Reden zwar pro-europäische Positionen vertritt, im Handeln aber streng anti-europäisch ist und somit die Grundwerte und Erzungenschaften Europas gefährdet. Andere Staaten, wie z.B. Polen und Rumänien, haben vergleichbare Epochen erlebt. Das ist auch der Grund, warum Ungarn

sich nur moderat von seinen Nachbarstaaten unterscheidet; aber die gesellschaftlichen Folgen waren nirgendwo so katastrophal wie in Ungarn. Als Ergebnis dieser Entwicklung wurde Ungarn von einem Vorreiter des Wandels zum heute „kranken Mann“ Europas und besitzt gute Chancen darauf, schon sehr bald – um es mit einem politologischen Terminus auszudrücken – zum ersten sogenannten „gescheiterten Staat“ in Europa zu werden, während „Staatszerfall“ bislang nur aus Lateinamerika und der Dritten Welt bekannt war.

Überblick über die Ergebnisse der Konferenz 2009

- Die Länder Südosteuropas betreiben selten eigene OK-Forschungsprojekte. Studien in diesen Ländern werden häufig von anderen Staaten initiiert und durch EU-Mittel oder internationale Unterstützung gefördert. Stand und Entwicklung der OK in den südosteuropäischen Staaten scheint ein wichtiges Thema im Bereich der internationalen Forschung zu sein. So wurden die dargestellten Projekte u. a. von der EU, der UNODC, der USAID, der Weltbank und des Genfer Zentrums für die Demokratische Kontrolle der Streitkräfte finanziell unterstützt.
- Es wurde das Bild vermittelt, dass die OK-Bekämpfung insbesondere in Albanien, dem Kosovo, Mazedonien, Slowenien und Ungarn nicht effektiv durchgeführt werden kann, da durch Verflechtungen von OK und Politik eine demokratische Kontrolle unterbunden wird. So liegen Forschungserkenntnisse zu auf höchster Ebene von Politik und Wirtschaft angesiedelten OK-Netzwerken vor. Weiterhin wurde von mehreren Referenten betont, dass die Korruption ein großes Problem für die Staaten Südosteuropas ist.
- „Die OK ist in der Lage, Jobs und Infrastruktur zu liefern, wo Regierung und Wirtschaft versagen.“ Forschungsergebnisse der Universität Maribor in Slowenien sprechen von der Existenz einer sog. „Elite Power Crime“. Auf höchster Ebene in Politik und Wirtschaft angesiedelte OK-Netzwerke üben hauptsächlich Einfluss auf die Exekutive, aber auch auf Legislative und Judikative aus und unterbinden die demokratische Kontrolle dieser Elite. OK-Netzwerke können nahezu unkontrolliert auf höchster Staatsebene agieren („State Capture“). Investigative Journalisten haben bereits einige Fälle von Verflechtungen der OK zu staatlichen Organen in Südosteuropa offengelegt.
- Es wurde dargestellt, dass die ehemalige politische Elite des kommunistischen Regimes in Ungarn auch heute noch eine dominante Stellung in Politik und Wirtschaft innehat und die demokratische Umwandlung behindert. Eine demokratische Kontrolle dieser in herausragenden Positionen angesiedelten postkommunistischen Klasse findet nur begrenzt statt. Dies bildet die Grundlage für Korruption und Vetternwirtschaft in Politik, Wirtschaft und Zivilgesellschaft. Angehörige krimineller Organisationen sind in der staatlichen Verwaltung vertreten, wodurch Staat und Gesellschaft finanzielle Ressourcen entzogen werden.
- Die Bekämpfung des Kinder- und Menschenhandels wurde auch und insbesondere in Südosteuropa als Problem erkannt, und entsprechende Bekämpfungsmaßnahmen wurden eingeleitet. Ein Projekt zum Menschenhandel in der Türkei ergab, dass die dortigen Opfer, die meist aus der ehemaligen Sowjetunion stammen, meist durch Frauen angeworben werden. Der Menschenhandel wird häufig von Gruppen begangen, die in losen Netzwerken agieren.

- Der internationale Rauschgifthandel stellt ein großes Problem für die Staaten Südosteuropas dar. Vor allem die Aktivitäten türkischer OK-Gruppen wurden beleuchtet, aber auch die Strukturen der Verteilungsnetzwerke in Bulgarien. Zur Struktur der OK-Gruppen wurde dargelegt, dass in Südosteuropa die einzelnen Gruppen untereinander stark kooperieren und überwiegend horizontal vernetzt sind. Dies trifft vor allem für albanische OK-Gruppierungen zu.

Überblick über die Konferenz mit Zusammenfassung der Einzelvorträge

Im Oktober 2010 fand in Frankfurt/Main die 3. Forschungskonferenz statt. Der Schwerpunkt dieser Konferenz lag auf der OK-Forschung und -Lage in süd- und südwesteuropäischen Staaten. Besonderes Augenmerk wurde auf die aktuelle Situation und die zu erwartende Entwicklung italienischer Mafia-Gruppierungen gelegt. Als deliktischer Schwerpunkt der Vorträge der Konferenz kristallisierte sich der Rauschgifthandel über die EU-Einfallstore Italien und Spanien heraus.

Roberto Gonella ist als Projektleiter in der „Analysis & Knowledge Unit“ des „Operations Department“ bei Europol verantwortlich für die Erstellung der jährlichen OK-Bedrohungsanalyse (OCTA). Er gab in seinem Vortrag **„OC Situation in South and South-Western Europe“** einen Überblick zur Bedrohungslage der OK. Gonella konzentrierte sich auf die kriminellen Knotenpunkte Süd-West und Süd. Er stellte die Formen der Bedrohung und die aktuellen Trends zur OK dar und machte Vorschläge, in welcher Form die Strafverfolgungsbehörden auf diese Bedrohung reagieren sollten.

Die Iberische Halbinsel ist Zentrum des Knotenpunktes Süd-West, der gekennzeichnet ist durch kulturelle Verbindungen zu Lateinamerika, die geografische Nähe zu Nordwestafrika, die Atlantikküste, die Präsenz von ausländischen OK-Gruppen und die Verbindungen zu anderen Kriminalitätsknotenpunkten. Phänomenologische Schwerpunkte sind der Handel mit Kokain und Cannabis, Menschenhandel und die Förderung illegaler Migration.

Der südwestliche Kriminalitätsknotenpunkt stellt eine besondere Bedrohung für die EU dar, da kriminelle Entwicklungen aus Lateinamerika hierüber direkt auf Europa Einfluss haben. Er ist darüber hinaus ein Aktionszentrum für OK-Gruppen aus anderen EU-Ländern. West- und Nordwestafrika haben sich als bedeutende Zentren im internationalen Rauschgifthandel etabliert. Von dort werden vor allem Kokain und Cannabis nach Südwesteuropa transportiert.

Italien ist Zentrum des kriminellen Knotenpunktes Süd, das charakterisiert ist durch gewalttätige OK-Gruppen, die eine starke Infiltrationskraft aufweisen und in viele Teile der Welt strategische Verbindungen unterhalten. Deliktische Schwerpunkte sind Subventionsbetrug, Zigarettenschmuggel, Produkt- und Markenpiraterie und Eurofälschung. Vom Kriminalitätsknotenpunkt Süd aus bestehen Verbindungen zu Kokainproduktionsländern. Insgesamt ist mit einer Ausweitung der Beziehungen zu OK-Gruppen außerhalb der EU zu rechnen. Süditalienische Mafia-Organisationen kontrollieren traditionell ihr Territorium in

Italien, sie streben jedoch für die EU und vermutlich darüber hinaus die Kontrolle des ökonomischen Sektors an.

Mit Gewalttaten und der Infiltration organisierter krimineller Gruppen nach Süd- und Südwestafrika, insbesondere im Bereich Menschenhandel und illegaler Migration ist zu rechnen. Es wird davon ausgegangen, dass weiterhin versucht wird, an öffentliche Aufträge, auch an EU-Subventionen, zu gelangen. Eine Unterwanderung der legalen Wirtschaft durch kriminelle Gruppierungen ist bereits zum Teil erfolgt und wird auch zukünftig ein Problem sein.

Dr. Nacer Lalam ist Wissenschaftler am „Nationalen Institut für höhere Sicherheitsstudien und Justiz“ (INHESJ) beim Französischen Innenministerium. INHESJ wurde 1989 als Zentrum für die verschiedenen staatlichen Akteure im Bereich Sicherheit und Justiz gegründet, um eine gemeinsame Kultur zur besseren Vorgehensweise gegen Risiken und Bedrohungen durch Kriminalität zu entwickeln. INHESJ ist gegliedert in die Abteilungen „Kriminalstatistik“, „Kriminalitäts-Monitoring“, „Wirtschaftliche Sicherheit und Krisenmanagement“ und „Ausbildung, Studien und Forschung“. Der Vortrag **„Break and continuity of organised crime: An assessment from French cases“** befasst sich mit Studien zu Geldwäsche und Rauschgiftkriminalität, Cannabisanbau und illegalem Zigarettenhandel.

Die Forschung zur OK stößt in Frankreich auf Schwierigkeiten, da nur begrenzt Datenmaterial verfügbar ist. Dies wird von Seiten der Forschung als Verweigerungshaltung der Strafverfolgungsbehörden gewertet, Informationen zur Verfügung zu stellen. Weiterhin gibt es von Seiten der Strafverfolgung wenig Bedarf an Forschungsprojekten im OK-Bereich. Das vorgestellte Projekt zu Geldwäsche und Rauschgifthandel basiert hauptsächlich auf qualitativen Methoden. Neben persönlichen Interviews mit Vertretern aus Polizei, Zoll und Justiz wurden Gerichtsunterlagen und Berichte von Strafverfolgungsbehörden und internationalen Institutionen ausgewertet.

Im Zuge des Projekts wurde errechnet, dass die jährlichen Gewinne aus dem Cannabishandel in Frankreich 832 Millionen Euro betragen sollen. Die illegalen Gelder aus dem Rauschgifthandel fließen in Casinos, Immobilien, die Gastronomie, Diskotheken, Internetcafés, Friseursalons, Transportfirmen, Kfz-Firmen und Wettfirmen. Die Täter nutzen Strohfirmer, alternative Überweisungssysteme und Schuldverschreibungen.

Lalam stellte ein Projekt zu Cannabis-Indoorplantagen vor. Die Cannabisproduktion in Frankreich wird auf jährlich 32 bis 50 Tonnen geschätzt, sichergestellt werden jedoch lediglich drei bis vier Tonnen. In Frankreich wird ein stetiger Anstieg der Anzahl von Growshops und Websites, die sich mit Cannabisanbau befassen, festgestellt. Gleichzeitig werden immer wieder neue Methoden des Indooranbaus bekannt, bevorzugt werden Anbauweisen, die den THC-Gehalt des Cannabis steigern. Im Rahmen des Projekts erfolgte eine Berechnung der jährlichen Einnah-

men. Für eine Indoorplantage mit vier Anbauflächen mit insgesamt 720 bis 800 Pflanzen wurde bei vier jährlichen Ernten ein Verkaufswert von € 494.000 bis € 988.000 errechnet. Werden fünf Ernten jährlich erreicht, steigert sich die Summe auf € 618.000 bis € 1.236.000.

Dr. Francesco Calderoni ist als Wissenschaftler am 1994 gegründeten „Gemeinsamen Forschungszentrum für transnationale Kriminalität“ (TRANSCRIME) tätig. Aktuell arbeiten im TRANSCRIME 20 Mitarbeiter der Universitäten Mailand und Trient. Seit Gründung des Zentrums wurden etwa 90 Forschungsprojekte durchgeführt, die von der EU und nationalen und internationalen Behörden finanziell unterstützt werden. Durchgeführt werden Kriminalitäts- und Risikoanalysen, Untersuchungen zum Risikomanagement und Rechtsvergleiche.

In seinem Vortrag **„Researching organised crime in Italy: Present and future research trends“** machte Calderoni Ausführungen zur Präsenz der Mafia in Italien, der Sozialen Netzwerk Analyse zur 'Ndrangheta und den Investitionen von Mafiaorganisationen.

Bislang existieren etliche wissenschaftliche Ansätze zur Entwicklung eines Index, anhand dessen die Präsenz der Mafia auf italienischem Staatsgebiet gemessen werden kann. TRANSCRIME hat eine Methodik mit 18 Datenquellen entwickelt. Anhand von vier Variablen wurde der so genannte „Mafia-Index“ (MI) erstellt. In den MI fließen Informationen zur Mafiastruktur, Gewaltbereitschaft der OK-Gruppen, ob Politik, öffentliche Verwaltung und legale Wirtschaft beeinflusst werden, ein. Vorteile dieses Index sind die lange Laufzeit und die Einbeziehung der unterschiedlichen Aktivitätsbereiche der Mafia. Der höchste Indexwert wurde in Süditalien gemessen, jedoch weisen auch einige nördliche Provinzen einen hohen Wert auf.

Auf Grundlage von zwei Ermittlungsverfahren wurden mittels sozialer Netzwerkanalyse zwei 'Ndrangheta-Gruppen untersucht und die gewonnenen Erkenntnisse über die Gruppenstrukturen mit bereits veröffentlichten Studien verglichen. Es konnte u. a. festgestellt werden, dass Personen mit hohem Status eine geringe Beteiligung an der Netzwerkkommunikation haben.

Bisherige Studien zu anderen, nicht Mafia-Netzwerken, belegten, dass sich kriminelle Netzwerke bei Festnahmen dezentralisieren. Dies war bei den 'Ndrangheta-Gruppen nicht der Fall, sie sind äußerst stabil und resistent gegen störende äußere Einflüsse.

Anhand der Untersuchung „Indikatoren zur Mafia Präsenz und zu Investitionen der Mafia“ sollte für den Zeitraum von 2004 bis 2008 festgestellt werden, ob Mafia-Organisationen bevorzugt in Regionen investieren, die unter ihrer Kontrolle stehen. Die angewandte Methodik beruhte auf drei ausgewählten Kriterien zur Mafiapräsenz: Einbezogen wurde die Anzahl der von der Mafia begangenen Straftaten, die Anzahl der versuchten und vollendeten Mafia-Morde und die An-

zahl der Mafia-Infiltrierungen (Anzahl der aufgelösten Stadträte oder anderer öffentlicher Behörden). Diese drei Indikatoren wurden zu den beschlagnahmten Vermögenswerten in Beziehung gesetzt. Es wurde eine statistische Analyse zur Verteilung der Mafia-Präsenz und der beschlagnahmten Vermögen in Form einer graphischen Darstellung erstellt.

In einem weiteren Projekt hat TRANSCRIME für Straftaten von 1983 bis 2008 den so genannten „Mafia- und OK-Index“ (MOCI) entwickelt. In den MOCI fließen außer den Straftaten der Mafia weitere, nicht von der Mafia begangene Straftaten wie Erpressungen, Brandstiftungen, Sachbeschädigungen, terroristische und andere Anschläge und Entführungen mit Lösegelderpressungen, ein. In Süditalien, hauptsächlich in Sizilien, wurden die meisten Straftaten registriert. In bestimmten Regionen konnte eine besonders hohe Straftatenbelastung festgestellt werden.

Der Fokus einer Analyse zur Mafia-Infiltration im wirtschaftlichen Sektor liegt auf beschlagnahmten Unternehmen. Zwischen 1983 und 2010 wurden in Italien 1256 Firmen konfisziert, von denen sich 38,8 % in Sizilien befanden. Ergebnis der Analyse ist, dass zwischen der Anzahl der beschlagnahmten und der registrierten Firmen ein Zusammenhang besteht. Diese Beziehung gilt vor allem für Gastronomiebetriebe und Immobilienunternehmen.

Die wirtschaftlichen Bereiche mit der höchsten Beschlagnahmequote sind das Baugewerbe (28,4 %), der Groß- und Einzelhandel (26,0 %), Hotels und Restaurants (9,9 %) und Immobilienfirmen (9,4 %).

Eine weitere Untersuchung befasste sich mit der Frage, wie der Einfluss der Mafia auf die lokale Wirtschaft gemessen werden kann. Hierzu wurde für denselben Zeitraum das Verhältnis zwischen beschlagnahmten Firmen und registrierten Unternehmen in ausgewählten Provinzen untersucht. Die meisten Konfiszierungen fanden demnach in Palermo statt. Dort wurden 18 % der Baufirmen beschlagnahmt.

Dr. Antonio Ingroia ist stellvertretender Leiter der Staatsanwaltschaft in Palermo und befasst sich dort seit 1992 mit Mafia-Organisationen. Er beschrieb die Entwicklung der italienischen Mafia am Beispiel der sizilianischen Cosa Nostra. In seinem Vortrag **„Mafia and Antimafia in Italy and Europe“** gab er einen Überblick über deren geschichtliche Entwicklung bis heute.

Italien begegnete der Mafia während der gewalttätigen Aktionen Mitte der 90er Jahre mit den zur Verfügung stehenden legalen Mitteln: Gesetze zur Stärkung von Polizei und Justiz wurden verabschiedet und besondere legislative Ermittlungsinstrumente für Mafia-Verfahren geschaffen. In der Folge wurden flüchtige Mafia-Mitglieder festgenommen, das Eigentum von Mafiagruppen beschlagnahmt und Straftäter identifiziert. Eine Reihe von Verfahren wurde durchgeführt, anhand derer Beziehungen zwischen Mafia, Politik und Hochfinanz aufgedeckt wurden. Bekämpfungserfolge wurden hauptsächlich durch Telefonüberwachun-

gen und den Einsatz von „Pentiti“¹⁵⁶ erzielt. Die bis Ende der 90er Jahre faktisch bestehende Straflosigkeit für die Mafia wurde abgeschafft. Es fand eine massive Loslösung der italienischen Bevölkerung von der Mafia statt, und das Vertrauen der Bevölkerung in den Staat stieg an.

Laut Ingroia wurden Mafia-Organisationen, die ihre Macht auf eine Gewaltstrategie, d. h. auf die Verübung von Morden und Massakern aufbauten, weitgehend zerschlagen. Da die Mafia stark geschwächt wurde, legte sie eine Ruhepause ein und orientierte sich neu. Gewalt wird nun nur noch als letztes Mittel eingesetzt. Dieser Strategiewechsel wurde fälschlicherweise als das Ende der Mafia gesehen, sie befindet sich aber lediglich in einem Umwandlungsprozess und agiert nun verdeckt. Ihr neues Ziel ist durch einen Eintritt in die legale und illegale Geschäftswelt, insbesondere in den öffentlichen Auftragsbereich und den Einzelhandelssektor, ihre Vermögenswerte zu steigern. Grenzübergreifende Allianzen mit anderen OK-Gruppen werden aufgebaut. Einst hat die Mafia durch ihre illegalen Aktivitäten ihr Territorium kontrolliert. Jetzt ist sie im Begriff, ihr Territorium zur Durchführung von illegalen Aktivitäten zu verlassen. Dies ermöglicht ihr auf nationaler und internationaler Ebene eine größere Mobilität und eine bessere Wettbewerbsfähigkeit im Bereich der internationalen illegalen Märkte. Mafiamitglieder sind vermehrt als Wirtschaftskriminelle aktiv. Sie sind als Finanzexperten und Geldwäsche-Berater verantwortlich für Investitionen illegal erwirtschafteter Gelder. Dieser „Finanz-Mafiosi“ wird immer bedeutender in der weltweiten kriminellen Hierarchie. Für die Bekämpfung dieser neuen Entwicklung sieht Ingroia zukünftig die Notwendigkeit, die internationalen Instrumentarien zu stärken: Eine globale Antimafia gegen eine globale Mafia.

Francesco Pisano ist leitender Polizeibeamter bei der „Direzione Investigativa Antimafia“ (D. I. A.), einer Strafverfolgungsbehörde, die zur Bekämpfung der organisierten Kriminalität eingerichtet wurde. Das Personal setzt sich aus Mitarbeitern der Polizia di Stato, den Carabinieri und der Guardia di Finanza zusammen. Die D. I. A. ist befugt, präventive und repressive Ermittlungen durchzuführen. In seinem Vortrag **„Combating organised crime in Italy: Perspectives and problems“** gab Pisano einen Überblick über die in Italien zuständigen Stellen zur Mafia-Bekämpfung und die OK-Lage. Darüber hinaus gewährte er einen Einblick in die OK-Gruppen Cosa Nostra in Sizilien, Camorra in Kampanien, 'Ndrangheta in Kalabrien und Sacra Corona Unita in Apulien.

In den letzten Jahren wurde eine Reihe von Maßnahmen eingeleitet, um die OK in Italien zu bekämpfen. Im Jahr 2008 führten die Strafverfolgungsbehörden über 200 Operationen gegen Mafia-Organisationen durch, nahmen 2583 Personen fest und inhaftierten 180 flüchtige Straftäter. Bei der Gewinnabschöpfung wurde

156 Als Pentito (Plural: Pentiti) wird ein Mitglied insbesondere von italienischen Mafia-Organisationen genannt, der sich nicht an das Gebot der Omertà hält. Der Begriff Omertà bezeichnet für Mitglieder der Mafia die Pflicht, über die Mitglieder und die Machenschaften der Organisation zu schweigen.

ein herausragendes Ergebnis erzielt: 2008 wurden 5,24 Milliarden Euro beschlagnahmt. Der Kampf gegen die OK bedeutet auch, gegen die Infiltrierung in lokale Behörden und dadurch gegen politische Entscheidungsträger vorzugehen. So wurden 2008 sechzehn Stadträte aufgelöst.

Die Cosa Nostra in Sizilien ist dabei, eine nach außen hin nicht sichtbare und finanzorientierte Organisationsform zu entwickeln. Sie konzentriert sich vor allem auf Rauschgifthandel, politische Korruption, Handel mit Militärwaffen sowie Betrug und Fälschungen. In verschiedenen Regionen Italiens kontrolliert sie den Einzelhandel und besitzt ganze Einkaufszentren. Es liegen allerdings Hinweise vor, dass der Organisation in letzter Zeit Widerstand geleistet wird: sizilianische Geschäftsleute haben sich gemeinsam gegen Schutzgelderpressungen zur Wehr gesetzt.

Die Camorra ist nicht wie die Cosa Nostra hierarchisch, sondern eher horizontal organisiert. Es existiert ein loser Zusammenschluss verschiedener unabhängiger Gruppen oder Familien. Die Camorra hat sich auf den Zigarettenhandel spezialisiert und bietet außerdem legale Dienste an, die jedoch zu illegalen Bedingungen erfolgen. Dies betrifft Transport und Beseitigung von Abfall, Versorgung mit Baumaterialien, Kraftstoff- und Produktfälschungen, Abrechnung nicht durchgeführter Leistungen und „Unterstützung“ bei verwaltungstechnischen Verfahren lokaler Behörden. Die Camorra ist die führende OK-Gruppe im Bereich der Fälschungskriminalität. Sie konzentriert sich hauptsächlich auf den Handel mit gefälschter Lederbekleidung, wobei eine Zusammenarbeit mit chinesischen Gruppen stattfindet. Im Kokainhandel aus Südamerika über Spanien nach Italien und Nordeuropa hat die Camorra logistische und operationelle Stützpunkte aufgebaut.

Die 'Ndrangheta in Kalabrien ist dabei, ihren wirtschaftlichen Einfluss auszubauen. Sie hat sich von einer rein lokal agierenden Organisation in ein globalisiertes kriminelles Unternehmen gewandelt. Sie ist im Bereich des Kokainhandels in Europa führend. Über die Beneluxländer und Deutschland wird der Großteil des Kokains von kalabresischen Händlern nach Europa gebracht. Möglich ist dies durch die große Anzahl von 'Ndrangheta-Gruppen in Deutschland und durch die Einrichtung operationeller Basen in Belgien, den Niederlanden und in Luxemburg. Es bestehen Verbindungen nach Osteuropa, den USA, Zentral- und Südamerika. Die neueste Bekundung der 'Ndrangheta, mit fernöstlichen OK-Gruppen zusammenzuarbeiten – vermutlich im Bereich der Produktfälschungen – ist ein Anzeichen für deren Interessen in asiatischen Ländern. Die 'Ndrangheta verfügt über ein Netzwerk von Restaurants, Hotels und Pizzerien, in denen illegale Gelder gewaschen werden. Die Beziehungen zu OK-Gruppen in osteuropäischen Ländern sind von beträchtlicher Bedeutung. Insbesondere bestehen Verbindungen nach Bulgarien und Albanien mit dem Ziel, neue Märkte für die Versorgung und die Verteilung von Drogen zu schaffen.

Die Sacra Corona Unita (SCU) hat sich als vierte Mafia-Organisation in Apulien entwickelt. Sie hat sich auf den Zigaretten-, Rauschgift-, Waffen- und Menschenhandel spezialisiert. Die SCU ist eine Art Dienstleister für andere Mafia-Organisationen. Sie bietet Dienstleistungen im Bereich der illegalen Arbeitsausbeutung, der Abfallbeseitigung, der Beschaffung von öffentlichen Aufträgen, dem Rauschgift- und illegalen Zigarettenhandel und der illegalen Immigration an.

Pisano ging in seinem Vortrag ausführlich auf die Aktivitäten albanisch-kosovarischer, rumänischer, chinesischer, nigerianischer, nordafrikanischer, russischer und kolumbianischer OK-Gruppen in Italien ein. Alle diese Gruppen arbeiten in Italien mit Mafia-Organisationen zusammen.

Dr. Georgios A. Antonopoulos ist Forschungsleiter am Institut für Sozialwissenschaften und Recht an der Universität Teesside in Großbritannien. Sein Forschungsschwerpunkt ist die OK in Griechenland. In seinem Vortrag „**Organised crime‘ and (some) .organised crime research‘ in Greece**“ gab er einen Überblick über die Phänomenbereiche der OK in Griechenland und entsprechende Forschungsprojekte zum illegalen Zigarettenhandel, zum Diebstahl von Kfz und Kfz-Teilen sowie zum Kokainmarkt.

Die Datenerhebung zur OK in Griechenland begann im Jahr 1998, ist jedoch nicht ohne Schwierigkeiten durchzuführen, da OK-Gruppen in Griechenland Einfluss auf die Verwaltung und Steuerbehörden ausüben. Griechische Geschäftsleute haben eine schlechte Steuermoral und es gibt keine effektiven Kontrollen. Griechenland ist ein legaler Hauptproduzent für Zigaretten. In einer Studie zum illegalen Zigarettenhandel von 2008 wurde dargestellt, dass 16,9 % der konsumierten Zigaretten in Griechenland aus dem illegalen Handel stammen. Eine bedeutende Rolle im illegalen Handel spielen Teile der legalen Wirtschaft, insbesondere Großmärkte, Import- und Exportfirmen, die Schifffahrtsindustrie, Logistikfirmen, Fluggesellschaften, der Einzelhandel und die Tabakindustrie. Die Korruption ist hoch; betroffen sind der Zoll, die Polizei, die Küstenwache, die Armee und auch Richter.

Projekte aus 2007 und 2009 zum Diebstahl von Kraftfahrzeugen und Kraftfahrzeugteilen weisen auf einen ständigen Anstieg von gestohlenen PKW im Zeitraum von 1981 bis 2004 in Griechenland hin. Das Bruttoinlandsprodukt ist niedriger als der Durchschnitt der EU-Länder, doch Griechenland ist das Land mit den teuersten Neuwagen und es gibt eine umfangreiche Kfz-Zulieferungsindustrie. Allerdings ist keine feste OK-Struktur erkennbar, Beziehungen zu legalen Unternehmen sind häufig.

Ein weiteres Projekt aus 2010 befasste sich mit dem Kokainmarkt in Griechenland. Für Griechenland kann keine ausgeklügelte Koordination des Handels festgestellt werden. Es wird eher improvisiert und es werden spontane Entscheidungen getroffen. Die legale Wirtschaft in Griechenland, insbesondere die Schifffahrtsindustrie, ist stark mit dem Kokainhandel verflochten.

Prof. Dr. Andrea Gimenez-Salinas Framis ist seit 2010 Direktorin des Forschungsinstituts für Kriminaltechnik und Sicherheit an der Autonomen Universität Madrid. In ihrem Vortrag **„Drug trafficking and money laundering in Spain: Evidence and political response“** stellte sie die Ergebnisse ihres Mitte 2010 abgeschlossenen Forschungsprojekts zum Drogenhandel und zur Geldwäsche vor.

Gimenez-Salinas Framis ging zu Beginn ihrer Präsentation auf die Beziehungen zwischen dem „Gabinete Estudios de Seguridad Interior (GESI)“, angegliedert beim Innenministerium Madrid und dem „Instituto de Ciencias Forenses y de la Seguridad“ an der Universität Madrid ein. Beide Stellen haben ein Übereinkommen zur engeren Zusammenarbeit u.a. im Bereich der OK-Forschung geschlossen. Dieses beinhaltet die Erhebung aller verfügbaren Daten zur OK in Spanien. Realisiert wurde dies in einem Projekt der Universität Madrid im Rahmen dessen 70 umfangreiche OK Verfahren der Guardia Civil und der Civil Guard zwischen 1999 und 2009 ausgewertet wurden. Es wurden insbesondere Organisationsstrukturen der Gruppierungen, kriminelle Märkte, Aktivitäten sowie die Profile der Tatverdächtigen analysiert. Das Ergebnis liegt seit Mitte 2010 vor und gibt einen umfassenden Überblick über die OK in Spanien. 34 % aller illegalen Aktivitäten in Spanien haben demnach einen Bezug zum Rauschgifthandel, wobei den größten Anteil Verstöße im Bereich des Kokain- und Haschischhandels haben. Seit den 80er Jahren haben sich im Kokainhandel Allianzen von spanischen und kolumbianischen OK-Gruppen gebildet. Die Referentin stellte die aktuellen Trends für die Entwicklung des Kokainhandels dar.

Im Kokainhandel aus Südamerika nach Spanien findet eine Verlagerung des Transits über die Länder Gabun, Ghana, Gambia und dem Senegal statt. Kolumbianische OK-Gruppen haben Infrastrukturen in portugiesischen und französischen Kolonien. Für den Kokainhandel werden Infrastrukturen und Transportrouten aus dem Bereich des Haschischhandels genutzt. Es wurde festgestellt, dass kolumbianische, mexikanische, venezolanische und argentinische Gruppierungen Allianzen mit italienischen, französischen, britischen und portugiesischen Gruppen eingehen. Die OK-Gruppen benutzen eigene Import- und Exportunternehmen.

Spanien ist ein Bestimmungsland für Heroin, das auf dem Landweg meist aus Afghanistan über die Türkei transportiert wird. Auf dem Luftweg wird Heroin aus Pakistan hauptsächlich nach Katalonien verbracht, wo eine pakistanische Gemeinschaft die Weiterverteilung übernimmt. In den Randgebieten der Hauptstädte wird die Verteilung des Heroins durch Sinti und Roma übernommen. Ansonsten dominieren türkische OK-Gruppierungen, aber auch spanische Roma und kolumbianische Gruppen, die mit Heroin im Austausch für Kokain handeln.

Marokko ist das wichtigste Haschischproduktionsland weltweit, und Spanien das europäische Einfallstor für Haschisch aus Nordafrika. 70–80 % der Drogen aus Marokko sind nicht für Spanien bestimmt, sondern haben andere europäische

Zielländer. Spanier treten häufig als Zwischenhändler für den Transport von Haschisch auf. Gimenez-Salinas Framis ging auf die Entwicklungen marokkanischer OK-Gruppen, die Zusammensetzung der Gruppen und auf die Transportrouten ein.

Marokkanische OK-Gruppierungen gehen dazu über, den gesamten Verteilungsprozess im Haschischhandel zu kontrollieren. Sie verfügen über Infrastrukturen in Spanien, und ihre Mitglieder übernehmen den Handel oder beauftragen andere Gruppen. Häufig sind auch Spanier Mitglieder der OK-Gruppierungen im Haschischhandel. Die spanische Enklave Ceuta in Marokko spielt eine zentrale Rolle für den Transit. Der Seeweg über das Mittelmeer nach Spanien ist die Hauptroute für den Haschischtransport.

Gimenez-Salinas Framis befasste sich weiterhin mit dem Thema Geldwäsche. Spanien ist als vom Tourismus geprägtem Land für Geldwäscheaktivitäten besonders attraktiv. 75 % des illegal erworbenen Geldes stammen seit 1999 aus dem Rauschgiftschmuggel, meist aus dem Kokain- und Haschischhandel. Investitionen ausländischen Kapitals, besonders an der Südküste, werden staatlich gefördert, wobei ausländische Investitionen und einheimische Immobiliengeschäfte kaum überwacht werden. Grundsätzlich fehlen politische Ansätze zur Bekämpfung von Geldwäsche und zur Erhöhung der Transparenz bei Finanzaktionen. Begünstigt wird dies durch die Steueroasen Gibraltar und Andorra. Mitglieder italienischer und russischer Organisationen waschen häufig ihr Geld in Spanien. Jedoch sind es meist Spanier, die in Geldwäscheaktivitäten verflochten sind, teils in Zusammenarbeit mit anderen ausländischen Gruppierungen. Ausländische OK-Gruppen (u. a. aus Kolumbien, Marokko, Mexiko) senden illegal erworbenes Geld in ihre Herkunftsländer. Finanzexperten und Anwälte arbeiten meist für mehr als eine illegale Organisation. In der Vergangenheit waren dies meist Spanier, nun sind es Kolumbianer und Mexikaner.

OK-Gruppen, die in Spanien agieren, gründen zur Geldwäsche Firmen in Gibraltar und den Niederlanden. Hawala¹⁵⁷ wird zwischen Marokko und Spanien praktiziert, aber auch zwischen China und afrikanischen Staaten. In Spanien und Marokko wird in Immobilien investiert. Wertgegenstände wie Kunst und Juwelen werden aufgekauft und in Heimatländer wie Marokko und Rumänien geschickt. Überweisungen werden über MoneyGram¹⁵⁸, Western Union und öffentliche Te-

157 Hawala (arabische Herkunft: Wechsel, hindu: Vertrauen; auch der moderne Begriff Avalkredit bezieht sich darauf) ist ein weltweit funktionierendes informelles Überweisungssystem, das seine Wurzeln in der frühmittelalterlichen Handelsgesellschaft des Vorderen und Mittleren Orients hat.

158 MoneyGram International, Inc. ist ein US-amerikanisches Finanzunternehmen mit Sitz in Minneapolis, das international am Finanzmarkt vertreten ist. Über eine MoneyGram-Filiale kann durch Einzahlung in einer Filiale ein Geldbetrag zwischen 2 Personen transferiert werden. Der Einzahler erhält hierbei eine Referenznummer. Der Empfänger kann sich, nachdem er die Referenznummer vom Einzahler übermittelt bekommen hat, den für ihn bestimmten Geldbetrag nahezu verzögerungsfrei in einer Filiale an seinem Aufenthaltsort auszahlen lassen.

lefonzellen in Auftrag gegeben (Kolumbianer und Dominikaner). Import- und Exportfirmen werden für den physischen Geldtransport genutzt. Die illegalen Gewinne werden häufig als Lotteriegewinne und Versicherungsgelder deklariert.

Als Konsequenz wurde die Notwendigkeit ausgesprochen, den Kampf gegen die Geldwäsche zu intensivieren, Import- und Exportaktivitäten verstärkt zu überwachen und die Transparenz bei Firmeneigentum zu verbessern.

Dr. Alejandra Gomez-Cepedes ist Forschungsleiterin und Lektorin am Andalusischen Kriminologischen Institut an der Universität Malaga. Das Institut wurde im Jahr 1990 als unabhängige Forschungsstelle gegründet und hat sich zu einem der führenden kriminologischen Zentren in Spanien entwickelt. Die Referentin gab in ihrem Vortrag **„Conducting Organised crime research in Spain: An appraisal of the pros and cons“** einen Einblick in die Forschungssituation an spanischen Universitäten und stellte einige ihrer Projekte vor.

Die OK in Spanien ist ein wenig erforschtes Thema, weswegen bislang nur eine geringe Anzahl an Veröffentlichungen und Studien zum Thema existiert. Bislang waren OK und Wirtschaftskriminalität keine prioritären Forschungsfelder. Eine Änderung der Situation wurde mit der Einrichtung neuer Studiengänge für Kriminologie in Spanien eingeleitet. Von der spanischen Regierung wurde die Existenz von OK bisher weitgehend ignoriert, obwohl hohe Sicherstellungszahlen im Bereich des Kokain- und Haschischhandels in Spanien für eine weite Verbreitung von OK sprechen. Die Bekämpfung des Terrorismus war gegenüber der OK-Bekämpfung vorrangig. Erst im Jahr 2005 wurden erste Maßnahmen getroffen und Spezialeinheiten und Ermittlungsgruppen zur Bekämpfung der OK eingerichtet.

Die jährliche Statistik des spanischen Innenministeriums enthält keine Angaben zur OK, hier sind lediglich Zahlen zu Delikten wie Morden, Prostitution, Kfz-Diebstahl usw. zu finden. Ob kriminelle Taten durch OK-Gruppen oder Einzelpersonen begangen wurden, geht aus dieser Statistik nicht hervor. Zur Kriminalität in Katalonien, dem Baskenland und Navarra, die zusammen einen Gesamtanteil von 17 % der spanischen Kriminalität aufweisen, liegen keine detaillierten Statistiken vor.

Die Öffentlichkeit hat keinen Zugang zur Kriminalstatistik des spanischen Innenministeriums. Es gibt überhaupt nur einen sehr begrenzten Zugang zu polizeilichen Daten. Deshalb muss auf alternative, öffentlich zugängliche Informationsquellen zurückgegriffen werden, um einen Überblick über die Kriminalität in Spanien zu bekommen.

Das Projekt „Malaga“ befasste sich mit dem größten Korruptionsskandal im Immobilienbereich im Jahr 2006 in Malaga an der Costa del Sol. An diesem Skandal waren alle politischen Parteien beteiligt. Erstmals in der Geschichte Spaniens musste ein Stadtrat aufgrund von Festnahmen seiner Mitglieder aufgelöst werden.

Das Projekt „Merino“ befasste sich mit einem weiteren Immobilienskandal in Spanien anhand dessen über 20 Jahre andauernde korrupte Praktiken des Stadtrats von Ronda offen gelegt wurden. Es wurden massive Verletzungen von Umweltgesetzen begangen, in die auch Wasserunternehmen verwickelt waren.

Überblick über die Ergebnisse der Konferenz 2010

- Die Globalisierung der Wirtschaft wird immer häufiger für illegale Geschäfte genutzt. Projekte zur Untersuchung der Vorgehensweise und der internationalen Struktur der OK-Gruppen sind neben den Maßnahmen der Strafverfolgung notwendig, um dieser Entwicklung entgegenzuwirken.
- Die Verflechtung der legalen Wirtschaft mit der Organisierten Kriminalität in Südeuropa ist unterschiedlich ausgeprägt. Die legale Wirtschaft in Griechenland ist stark mit dem Kokainhandel verflochten. In Italien übt vor allem die 'Ndrangheta starken Einfluss auf staatliche Stellen und Wirtschaft aus. In Spanien sind vor allem im Immobilienbereich Einflüsse durch Korruption zu verzeichnen.
- OK-Gruppen im Rauschgiftbereich sind in den Ländern Europas unterschiedlich organisiert. Für Griechenland kann keine ausgeklügelte Koordination des Handels festgestellt werden. In Italien sind die Gruppen eher hierarchisch organisiert. Jedoch ist eine Tendenz hin zu Netzwerkstrukturen zu beobachten.
- Im Bereich der rechtlichen Vorschriften sind in Europa Harmonisierungen notwendig. Dies wurde deutlich bei Strafrechtsänderungen in Italien zur besseren Bekämpfung der Geldwäsche, wodurch einige Erfolge erzielt wurden. Auch eine gemeinsame Plattform zur Vermögensabschöpfung in Europa wäre sinnvoll.
- Die Forschung zur OK stößt in einigen Ländern Süd- und Südwesteuropas auf Schwierigkeiten, da von Seiten der Strafverfolgung nur begrenzt Datenmaterial zur Verfügung gestellt wird. Dies betrifft vor allem Frankreich und Spanien. Die OK ist daher ein wenig erforschtes Thema. Die Erforschung und Bekämpfung des Terrorismus ist in diesen Ländern gegenüber der OK vorrangig.
- OK steht in Griechenland primär in Verbindung mit der Wirtschaft, und legale griechische Unternehmer können häufig als „kritische Akteure“ betrachtet werden. Eine wichtige Rolle spielt die Schifffahrtindustrie; ein großer Teil des Schmuggels läuft über die Yachthäfen. Die Akteure haben meist bereits in vorangegangenen legalen Geschäften miteinander kooperiert. Die empirische Forschung zur OK in Griechenland bestätigt, dass die illegalen Märkte in Griechenland weitgehend dezentralisiert sind. Es wurden keine Hinweise auf eine hierarchische Struktur festgestellt. OK-Gruppen neigen eher zur Improvisation. Die illegalen Märkte sind „Schmiermittel“ für die legale Wirtschaft.
- Italien ist der Kriminalitätsschwerpunkt im Süden Europas. Dies beruht auf der zentralen Rolle italienischer OK-Gruppen, die in viele Teile der Welt strategische Verbindungen unterhalten. Insgesamt ist mit einer Ausweitung der Bezie-

hungen zu OK-Gruppen außerhalb der EU zu rechnen. Jedoch ist festzustellen, dass die „militärische“, d. h. die gewaltbereite Mafia stark geschwächt wurde. Nach einer strategischen Ruhepause hat sich die Mafia eher finanzorientiert entwickelt und verzichtet auf die Kontrolle ihres Territoriums. Sie investiert nun weniger auf lokaler Ebene, sondern nutzt die Globalisierung für ihre illegalen Geschäftstätigkeiten.

- Italien als eines der von der OK am stärksten betroffenen Länder Europas unternimmt große Anstrengungen im Bereich der Strafverfolgung und der Forschung. Dies führte zu beträchtlichen Erfolgen. So wurde eine Reihe von Forschungsprojekten durchgeführt, um OK-Strukturen zu durchleuchten. Es wurde ein Index entwickelt, anhand dessen die Präsenz der Mafia auf italienischem Staatsgebiet gemessen werden kann. Für den sog. Mafia-Index (MI) wird die Anzahl von Mafia-ähnlichen Organisationen, die Anzahl der Mafia-Morde und der Stadträte, die aufgrund der Infiltration der Mafia aufgelöst wurden und beschlagnahmte Vermögenswerte in Beziehung gesetzt und verglichen. Weitere italienische Studien befassen sich mit einer Sozialen Netzwerkanalyse von 'Ndrangheta-Gruppen, mit Investitionen der Mafia, mit den Anzeichen von Mafia-Präsenz, mit dem sog. „Mafia und OK-Index“ (MOCI) und der Mafia-Infiltration im wirtschaftlichen Sektor.
- Zur möglichen Entwicklung von Mafia-Gruppen in der Zukunft wurde von den italienischen Strafverfolgungsbehörden folgende Einschätzung abgegeben: Der von der 'Ndrangheta in Verbindung mit albanisch-kosovarischen und kolumbianischen OK-Gruppen durchgeführte internationale Rauschgifthandel wird sich weiter ausbreiten, da er eine ihrer Haupteinnahmequellen ist. Die Mafia-Organisationen werden sich weiter internationalisieren. Dem muss durch eine Verbesserung der internationalen Kooperation entgegengetreten werden. Die D.I.A. und das BKA arbeiten seit 1992 zusammen. Die gemeinsame deutsch-italienische Task Force – so die Einschätzung der italienischen Strafverfolgungsbehörden – habe außergewöhnliche Ergebnisse erzielt und sei dafür ein gutes Beispiel.
- West- und Nordwestafrika haben sich als bedeutende Schwerpunkte im internationalen Rauschgifthandel etabliert und importieren vor allem Kokain und Haschisch nach Südwesteuropa. Die Bedeutung der Länder West- und Zentralafrikas für die Zwischenlagerung und den Transit von Rauschgift wird ansteigen.
- Aus einem spanischen Forschungsprojekt zum Rauschgifthandel und zur Geldwäsche wurde festgestellt, dass südamerikanische kriminelle Gruppierungen Allianzen mit britischen, französischen, italienischen und portugiesischen OK-Gruppen eingehen und eigene Import- und Exportunternehmen benutzen. Marokkanische OK-Gruppierungen kontrollieren den Verteilungsprozess im Haschischhandel nach Südwesteuropa. In Spanien agierende OK-Gruppen gründen häufig zur Geldwäsche Firmen in Gibraltar und den Niederlanden

und investieren ihr Geld in Immobilien. Hawala¹⁵⁹ wird zwischen Marokko und Spanien praktiziert, aber auch nach weiteren afrikanischen Staaten und China. Aufgekaufte Wertgegenstände werden in die Herkunftsländer der Straftäter geschickt.

Ausblick

Im November 2011 findet in Wiesbaden die 4. Internationale Forschungskonferenz zur Organisierten Kriminalität statt. Auf dieser Veranstaltung soll ein Einblick in die Forschungsaktivitäten und Lage zur OK in Westeuropa, insbesondere in Großbritannien und in den Niederlanden, gegeben werden. Für 2012 ist im Rahmen des EU-Projekts eine weitere OK-Forschungskonferenz vorgesehen, die sich mit Forschung und Lage zur Organisierten Kriminalität in Nordeuropa befassen soll. Mit den Beiträgen der Konferenzen von 2011 und 2012 soll 2013 eine weitere Buchpublikation erfolgen.

159 Hawala (arabische Herkunft: Wechsel, hindu: Vertrauen; auch der moderne Begriff Avalkredit bezieht sich darauf) ist ein weltweit funktionierendes informelles Überweisungssystem, das seine Wurzeln in der frühmittelalterlichen Handelsgesellschaft des Vorderen und Mittleren Orients hat.

Content

With the goal of acquiring as much up-to-date knowledge of developments and research in the area of organised crime (OC), the Bundeskriminalamt (BKA) has launched an initiative aimed at intensifying the exchange and the links between prestigious national and international participants of scientific research on organised crime: in 2008 the first international symposium on the subject of OC was held, followed by further conferences in 2009 and 2010. The conferences are part of the EU-sponsored project “International Research Network on Organised Crime (2010-2013)” within the framework of the EU Programme “Prevention of and Fight against Crime, Framework Partners”.

The conferences provide an overview of the current state of scientific OC research, of the crime analyses based on scientific methods, and the OC situation in selected European countries. In addition, the conferences also aim to increase the exchange of experience between researchers and practitioners. Participants of the conference include representatives of European research institutes and law enforcement authorities.

Zum Inhalt

Um ein möglichst umfassendes und aktuelles Wissen über Entwicklungen und Forschungen im Bereich der Organisierten Kriminalität (OK) zu gewinnen, hat das Bundeskriminalamt (BKA) eine Initiative ergriffen, die den Austausch und die Verknüpfung mit anderen renommierten nationalen und internationalen Akteuren der wissenschaftlichen Forschung zur Organisierten Kriminalität intensivieren soll: Im Jahr 2008 wurde die erste internationale Fachkonferenz zum Thema OK-Forschung veranstaltet, der 2009 und 2010 weitere Tagungen folgten. Die Tagungen sind Teil des im Rahmen des EU-Programms „Prevention of and Fight against Crime, Framework Partners“ geförderten EU-Projekts „International Research Network on Organised Crime (2010-2013)“.

Auf den Konferenzen wird eine Übersicht über den aktuellen Stand der wissenschaftlichen OK-Forschung, der auf wissenschaftlichen Methoden basierenden Kriminalitätsanalysen und die OK-Lage in ausgewählten europäischen Staaten gegeben. Zudem soll der Erfahrungsaustausch zwischen Wissenschaftlern und Praktikern intensiviert werden. Zum Teilnehmerkreis der Konferenz gehören Vertreter europäischer Forschungsstellen und Strafverfolgungsbehörden.

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