

INTERNATIONAL ORGANIZED CRIME :
GODFATHERS ON THE RIVIERA : THE
INTERNATIONAL REACH OF THE SICILIAN COSA
NOSTRA AND THE MECHANISM TO COMBAT IT

Mélanie Anne Zimmerman

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INTERNATIONAL ORGANIZED CRIME



Godfathers on the Riviera

The international reach of the Sicilian Cosa Nostra
and the mechanism to combat it.



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Special thanks



I dedicate this research and wish to thank :



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Abstract



The organised crime industry on a whole generates an estimated gross criminal product of \$800 billion USD annually generated from traditional crime industries like money laundering, cigarette and narcotics trafficking and prostitution. As a result of the new, globalised world, organised crime is diversifying its activities, penetrating legal sectors and further corrupting political systems. In general, it has been quick to adjust to the new economic opportunities and new technologies that this global village has to offer, and has been far more efficient in exploiting every available opportunity than its police and justice counterparts in preventing it from doing so.

The face of international organised crime has changed to include new, sometimes smaller, often more dangerous actors, and has seen the traditional crime families metamorphose to keep up with the new environment. Diversification, penetration, legitimisation are the new guiding motto. The Sicilian Cosa Nostra has sought alternative ways to generate additional profits whilst reducing the risk factor. In order to branch-out, escape prosecution and yet remain within a pivotal and strategic position, the Cosa Nostra has chosen, amongst other havens, the French Riviera.

Today, political and popular mobilisation and interest in combating organised crime is minimal, largely relegated to folklore status, crime annals, and the cinema industry. However, no judicial tool or innovation can have concrete and effective applications if the political will is not predominant and if concerted international co-operation is not enforced.

The risk, should this trend continue, is that organised crime will become a dominant and decisive actor in State affairs, may continue to take over unstable micro-states and pervert the democratic process and the rule of law around the world. The threat is not so much to stand by and wait as crime develops further, but how long this lack of reaction can continue before it becomes irreversible.

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Chapter 1



Introduction

**“In the new global age, borders have opened up, trade barriers have
fallen and information speeds around the world
at the touch of a button.
Business is booming... and so is transnational organised crime”.¹**

*Pino Arlacchi
Director General of the United Nations Office Vienna
Executive Director of the ODCCP*

¹ Pino Arlacchi, Director General of the United Nations Office Vienna, Executive Director of the ODCCP: “Fighting Transnational Organised Crime” <http://afa.at/globalview/042000/org.html>

I Introduction

\$800 billion USD²

The United Nations estimates the annual Gross Criminal Product of organised crime, comprised of all criminal activities at \$ 800 billion USD. This alone represents nearly 15% of the world trade.³ To this estimate must also be added \$400 billion USD generated by the drug trade, largely conducted and controlled by organised crime groups, for an overall criminal activity of at least \$1,200 billion USD.⁴ These alarming numbers not only bear witness to the world-wide economic scope of organised crime, but more than ever both justify and demand further research into this phenomenon.

Today, the attention starting to be directed at issues of internal state security, namely organised crime and Mafia activities, has not always been a priority for either states or international organisations. The perception by states in general, and especially France, of organised crime as a concrete, potentially dangerous threat, has slowly evolved. From simple curiosity about a distant Sicilian folklore, organised crime was “discovered” and to a certain extent exploited by the different media: Myth of the Mafia (i.e. Godfather)⁵ and finally began, only very recently to spurn budding interests amongst the political class.⁶ Organised crime is a real threat, not just a myth. Cosa Nostra activities in Sicily and abroad are not imaginary, but rather very real. The death tolls of civilians, mafia soldiers and judges, as well as violence and bullet-ridden Palermo are proof of it. It’s also a threat that will not go away on its own, quite the opposite. The longer states ignore the issue of organised crime, the more it will thrive, the longer it does so, the more difficult it will eventually be to eliminate it.

² According to other sources the figure may be as high as 1 trillion USD. Royce, Ed: US Information Agency: Subcommittee en Africa; “Organised Crime can be devastating to Africa”.

³ de Maillard, Jean. Un monde sans loi. Paris: Stock, 1998, page 48.

⁴ The International Monetary Funds estimates the annual benefits of the world criminal organisations at 5,000 billion French Francs a year (approximately 1,000 billion US dollars). This sum represents more than three times the French annual budget of 1,500 billion French Francs.

⁵ Puso, Mario. The Godfather. London: Mandarin, 1969, or Puso, Mario. The Last Don. London: Mandarin, 1996.

⁶ d'Aubert, Francois. “La criminalite organisee et le blanchiment d'argent.”. Jouy-en-Josas: Hautes Etudes Commerciales et Parquet de Paris, 1998.

A change in mentalities?

No doubt many state actors have at long last, begun to realise the potentially devastating implications of tolerating or harbouring any form of organised crime within its system, but deciding to act, or even being able to act to counter it is sometimes a very different issue. As with anything that touches, far or wide on politics or government, there is always the threat of political liability⁷. In fact, tackling issues linked with organised crime may in fact halt or hinder a re-election prospective. The political uncertainty that plagues the fight against organised crime is also compounded by some very specific short-term benefits obtained through tolerance or blatant co-operation with organised crime. In some instances fighting to eliminate organised crime is no longer even possible such is the extent of the infiltration and domination on the regional and national economies.

Is organised crime really unwanted?

What levels of minimal organised crime presence can be tolerated before real action must be taken to secure the economy and avoid it becoming irremediably penetrated and corrupted by criminal proceeds? Answering, or even attempting to answer some of the essential questions is the aim of this research, while keeping in mind that in some instances no precise, quantitative answer can realistically be given.

Why research organised crime and the Mafia?

Organised crime and Mafia activities are issues that have repercussions not only on the security field, but also on nearly every facet of society and the economy. The ramifications of Mafia presence and activities are eventually felt everywhere, as the very nature and *modus operandi* is to penetrate every sector and every strata of a state. Today no sector, be it economic, justice, police, politics or even arts and culture, can reasonably pretend it is totally immune to Mafia penetration. Organised crime as a "phenomenon is growing in importance but has been subjected to little systematic analysis",⁸ hence the need to research broader aspects of it.

Why research the Sicilian Cosa Nostra specifically?

Not only is the Cosa Nostra one of the most highly structured, most professional and most importantly most dangerous organisation, but it is believed, by experts and legislators

⁷ Political liability, meaning that the political cost, for an elected official, of attempting to fight organised crime may by far outweigh the benefits of being perceived, by the electoral mass, as actively combating it.

⁸Williams, Phil. "Editorial." *Transnational Organised Crime*. Spring (1995), page v.

alike (including the Italian Anti-Mafia Parliamentary Commission) that the “defeat of the Cosa Nostra could cause a decisive weakening of other mafia organisations, while the possible defeat of the ‘Ndrangheta, Camorra, and Sacra Corona Unita would not have the same effect on the Cosa Nostra”⁹. Because many crime families have modelled their own organisations in comparison with, or in reaction to aspects, of the Cosa Nostra’s structure, hierarchy, mode of operation, recruitment procedure or ritual and choice of activities, researching the original source can lead to a better insight understanding of many of these “Mafia inspired” criminal organisations. In addition, not only has the Sicilian Cosa Nostra historically benefited from a profound lack of understanding by the political class and state of its aims and aspirations but also its structure and “*modus operandi*”, and has in fact relied on this misunderstanding to continue relatively unhindered. The strength of the Mafia is that it has traditionally been underestimated throughout history, and to a certain extent continues to remain underestimated.¹⁰ It is possible that by carefully researching the Cosa Nostra, concretely understanding it, and widely diffusing the results in an effort for international co-operation, the Cosa Nostra can finally begin to cease being underestimated and efforts to vanquish it more precisely targeted.

How to research the Mafia?

Prior to the 1980's, practitioners in the police, law and government institutions, theoreticians, and to a certain extent academics had a tendency to focus on a single crime and a single perpetrator, in essence isolating the criminal event from the criminal element.

Today this trend of single focus, has evolved and now tends to encompass the broader criminal context including in the overall analysis the whole organisation: its nature, historical context and precedent, its structure, political alliances, and the financial structures.¹¹ OC issues are not longer really looked at in an isolated fashion, but more generally placed within the broader context of international organised crime. By choosing to research organised crime in this much more global manner a better overall assessment,

⁹ De Gennaro, Giovanni, and Direzione Investigativa Antimafia. Criminal Organisations with Particular Regard to Cosa Nostra: its Influence on Politicians, Media, Economy and Public Administration. Berlin, 1993, page 3.

¹⁰ Falcone, Giovanni, and Marcelle Padovani. Cosa Nostra. Paris: Austral, 1991, page 110.

¹¹ De Gennaro, Giovanni, and Direzione Investigativa Antimafia. Criminal Organisations with Particular Regard to Cosa Nostra: its Influence on POLITICIANS, Media, Economy and Public Administration. Berlin, 1993, page 2.

and no doubt more accurate picture can be drawn than previously. In order to carry out this research on organised crime a rather simple methodology was set up consisting of multiple interviews with experts in the field as well as an extensive research encompassing a variety of diverse sources in English and in French.

II Methodology

The methodology and approach that was drafted to carry out the research was one of extensive overview of sources and interviews, as well as a macro to micro perspective on the subject. Starting from the international organised crime families and focusing inwards on one family the Cosa Nostra, operating within its own borders, and then exporting itself abroad.

Much of the existing literature on organised crime and the Mafia deals with only one specific aspect of the topic, and rarely the phenomenon as a whole. It focuses on one single activity or one single family rarely taking into account the necessity to place it within a larger framework. A multitude of sources are limited to one consequence of OC presence, like the increase in violence, effects on the state system or an overview of a specific activity without looking at organised crime as an issue with multiple roots, multiple aims and multiple repercussions. The aim of this research has been to incorporate many of these different elements into the analysis.

Placing OC within a historical context¹²

Because OC today is a direct result of the historical context from which it originally emerged, and because it has been shaped and moulded by that same historical background, recalling it and placing back into that specific framework can help the analysis. Strongly anchored in history and containing much descriptive elements, this thesis tries to blend essential elements of law, economics, geopolitics and international relations to explain and analyse the topic. Because there exists so many misguided "*a priori*" about the Mafia, much background and highly descriptive information has been included in order to rectify the inaccurate preconceptions:

Men of science and men of action do not dispose of sufficient knowledge on numerous aspects of organised crime, starting at its definition until its manifestations and its dimensions.¹³

The goal is to frame the topic as accurately and specifically as possible, and hence set the record straight, by giving ample historical and operational information. It is already very

¹² It should be mentioned that the author of this thesis has a strong academic history background which may in part explain the natural tendency to always try and refer back issues, actors and events within a historical context in order to better define and analyse them.

¹³ Vasiljevic, Vladan. "Prelables a de meilleures prevention et repression du crime organise." *Revue International de criminologie et de police technique* .4 (1992), page 486.

difficult to establish, not only the existence, but also peculiarities and *modus operandi* of organised crime, and in order to “combat them efficiently, it is essential to better known their functioning.”¹⁴

Breadth of research

Research for this thesis has included academic, and less academic sources, approximately 1,500 different sources were used to draft this thesis. One of the aims of this research was to try and select key sources from as wide a pool of literature as possible in order to obtain as broad a picture of the phenomenon as possible. These sources included academic essays from different academic discipline (economics, law, international relations), conference papers and proceedings, press articles and press flashes, international organisation documents, official government releases, opinion papers and magazine and journal articles. A significant amount of time was spent researching the availability of information on internet sites, but this did not prove to be the most successful endeavour.

Interviews

One of the unique aspects of this research is the variety and nature of the interviews conducted. From the onset, the author set out to obtain high level interviews that would serve to confront information obtained from written sources. The decision to interview a wide variety of people, coming from different institutions, fields of research and professions was also a goal of the research. By broadening the scope of the interviewees, just as by researching literature from a wide variety of sources, the research gained in richness, and was able to take into account a larger spectrum of ideas, opinions and reactions. Interviews were conducted in French and in English, and were carried out in France, the UK, Italy and Belgium. More than thirty interviews were conducted which appears to be quite a unique accomplishment especially since many were at quite high levels such as Pino Arlacchi of the United Nations, Admiral Lacoste former head of the French DGSE and Serge Sabourin of Interpol. It was necessary to travel throughout Europe in order to meet with all the different interlocutors, and overcome significant hurdles to be granted authorisation to speak with them. As can easily be imagined, persons of great responsibility or influence dealing with organised crime are often

¹⁴van der Heijden, Toon. “La definition du crime organisee.”. Strasbourg: Council of Europe, Comite Europeen pour les Problemes Criminels, Comite d'experts sur les aspects de droit penal et aspects criminologiques du crime organisee, 1997.

solicited, by journalists, politicians, law makers and academics and have a limited amount of time to consecrate to interviews so appropriate introductions were essential for each potential interviewee to accept to meet with an academic researcher. The second difficulty encountered in obtaining the interview even after initial interest and subsequent authorisation was granted was more banal in nature but certainly important was finding a time and place where the person could be interviewed. Again because of the important duties, busy schedules, security considerations and out of town status of many important figures, the researcher had to make herself available essentially throughout Europe and had to be very rapidly mobile. Initially based in Scotland, it soon became apparent that to be reactive and obtain interviews, it would be more functional to be centrally based in Paris.

Research Centres

Again, in order to draw information from the largest amount of available literature, research was conducted in a variety of research centres. This tended to avoid single-sided perspectives emanating from a single country as reflected in their purchasing of books or articles. Research was carried out in university libraries, documentation centres for international organisations, national libraries and private personal libraries, in France, the US and the UK.

Language

The strength of this research, it is hoped, will be the variety and richness of the information sources. The ability to consult, read and fully understand sources in French and in English (as well as elementary understanding of Italian sources) meant that a wider spectrum of information could be obtained. This was also beneficial when seeking to secure interviews as all of those contacted spoke French or English fluently.

The drafting process: Macro to micro to macro perspective

The idea when setting out the chapter layout was to begin with "funnel approach" to the problem and explaining the international context within which the Cosa Nostra operates, since it has already been stipulated that no single organised crime family can operate in a vacuum. By setting the scene, describing the main GOC actors, explaining their activities of predilection, as well as demonstrating their need for forging alliances, the research allows for a global understanding of the issues. The research then narrows and focuses on a single family, the Cosa Nostra. It concludes by placing the phenomenon

back into the international context.

Case study

In order to illustrate the OC phenomenon, and in order to avoid conducting the research with too wide of focus, it was decided to focus on a single, yet illustrative case study: the Cosa Nostra. The Cosa Nostra was chosen specifically for several reasons, namely its history and tradition, availability of literature in French and in English¹⁵ focusing on it, as well as personal curiosity.

Again, in order to focus on a specific area of Cosa Nostra activities it became necessary to further delineate and focus the geographical breadth of the research. The presence of Mafia activities in the South of France emerged as a good research choice.

¹⁵ Research for example on the Japanese Yakuas or the Chinese Triads would have been far more limited because of the language constraints.

III Difficulties and obstacles to overcome

Once the researcher had decided on the specific topic she wished to address, it became quickly apparent that many obstacles would have to be overcome in order to carry out the research and draft the dissertation. The nature of these hurdles were very varied, some more easily surmounted than others, but being able to overcome each of them was energy and time consuming. Perhaps one of the most significant accomplishments of this research is not only the variety of sources, approach to subject and analysis, but perhaps also the hidden aspect of this research – the innumerable hurdles that had to be scaled in order for this research to be conducted.

Non-porous structures:

The French police and gendarmerie structures are not easily permeable from the outside, and even between themselves are often not readily open to communication or even introspection. Being able to reach the appropriate interlocutor in order to obtain an interview was often closer to an obstacle course than a simple phone call. Wary of journalists and other press inquiries that tend to denigrate their work and severely criticise their accomplishments or lack of, the researcher found that obtaining the permission and willingness of policemen and gendarmes was a time consuming and difficult process. Surprisingly though, after the initial one on one interview, and having been properly “vetted” by the police officer, obtaining subsequent interviews within the same structure was more easily achieved.

Necessary introductions:

In order to obtain these contact and interviews, that provided the backbone of the research, it was quickly apparent that appropriate introductions were imperative. Being sponsored by a colleague or acquaintance was the best way of opening doors and being granted access to staff and resources. As always obtaining the initial contact and convincing him of the worth and objectivity of the research before he would open up his address book and allow the researcher to penetrate his network became of the most difficult challenges. Each interview was a “test”, and successfully passing each “test” meant obtaining an other contact name and number. Eventually the cascade or pyramidal affect was in place and obtaining new contacts was easier and a little less time consuming.

Little help from the university:

Because the neither the University of St. Andrews nor the International Relations department within it were specialised in organised crime it was impossible to rely on the academic setting to provide introductions and preliminary contacts in this speciality. Eventually, one Wilton Parks conference contact, that happened to be a terrorism contact for the I.R. Department, but also an OC expert, Professor Clutterbuck, provided the initial recommendations and contact information to begin interviews and subsequently start the cascade mechanism for interviews. It also became evident in many cases that persons with potentially interesting contacts were weary of sharing them and preferred to "safeguard them".¹⁶

The gender issue:

Save a few notable exemptions, like Alison Jamieson, the vast majority of actors involved in the fight against organised crime are men (police, military and politicians where men are far more represented than woman) the researcher being a woman initially posed a few problems. Especially in France, with its Latin mentality, where cross gender tolerance and acceptance is not always evident, a female researcher entering into the male dominated arena that organised crime remains to be was not evident at first. Rather than be accepted at face value as a competent researcher well versed and well informed in her field, it was imperative to pass the initial and quite subtle test of "acceptance" as a person first, and then be welcomed as a researcher. Having observed male colleagues in similar settings, the researcher is convinced that such a scenario was not *de rigueur* for male counterparts. Once this initial gender based obstacle was overcome, the very fact of being a woman researcher could then be transformed into an advantage. Having rare and limited contact with women researchers spiked curiosity and probably led to obtaining interviews that might not have been granted otherwise.¹⁷

Geographic proximity:

As mentioned earlier the issue of geographic proximity, or lack there of, to key players

¹⁶ Illustration of this cascade mechanism: Professor Clutterbuck – Alison Jamieson – Stehane Quere – Philippe Madelin – Jean-Michel Colombani.

¹⁷ As an illustration of this "male dominated" arena, the researcher recalls that on several occasions when attending international conferences and symposiums it was immediately assumed that she was accompanying a participant or working for a participant rather than being present in her own right.

and institutions was also problematic. Once the basic theoretical research was conducted and the basic framework was set up, it quickly became apparent that remaining in Scotland might prove to be less advantageous than being more centrally located like Paris for example. Since the case study was determined to be Cosa Nostra in France, it was strategically necessary to have a geographic rapprochement to France.

Sensitive material:

A final consideration worth mentioning and that rendered research difficult was the very topic of the research. Organised crime and the methods to combat it are in some cases considered "sensitive" or sometimes classified and hence sometimes difficult to access. On occasion material was restricted as "eyes only", no photocopies were allowed, and in some instances no notes could be taken either.

Overcoming these various hurdles proved time consuming and required some careful "navigation" in order to be able to pursue the research without too much delay. Once the preliminary difficulties were behind, as a result of negotiation, careful manoeuvring and negotiating, coupled with geographic rapprochement, the research was fruitful.

IV Organisation of the thesis

Organised in six parts and nine chapters this thesis evolves from a macro perspective on organised crime in general, to a much more precise example and case study, and its operations in France.

Part I is a global survey of the crime families in operation today across the world.

Chapter 1 sets the technical framework for the thesis by presenting the methodology, the organisation of the research as well as offering the theoretical framework of analysis. It also evaluates the available literature, looks at the issue of correctly using statistics and debates the accurate use of terminology. This chapter also looks at the field of organised crime, and the difficulties associated with exploring a relatively recent discipline, further compounded by the peculiarity of France¹⁸ as a sphere of interest.

Chapter 2 looks at the different international organised crime actors in operation today, and attempts to demonstrate the reality of the threat they pose, both on an individual operational level, but exponentially so when operating within the framework of a pact or alliance.

Part II places organised crime within the French national context.

Chapter 3 looks at the French institutional framework, and how it can and does impact its ability to combat a new threat. It looks at the specific legislative arsenal, its advantages and downfalls for combating organised crime. It then analyses the complex issue of the French police, how it is structured, how the various forces interact, and how finally this directly impacts the capacity to quickly deal with a threat such as the Mafia

Part III presents the main protagonist of the research, the Sicilian Cosa Nostra and its rapport with the nation state.

Chapter 4 explains and analyses the importance of the organisation by detailing its origins, structure and areas of activities.

¹⁸ France has a history of denying Mafia and organised crime presence within its borders.

Chapter 5 poses the question of beneficial presence within a state of mafia activities and presence. Can the state derive benefits from the Mafia? Does the affect the political will?

Part IV looks at the transnational dimension of organised crime. After assessing how the Cosa Nostra thrives within its own national borders the research looks at the same instance operating transnationally in France.

Chapter 6 is the case study for Cosa Nostra interests and activities outside of Italy. It explores the reasons why the Cosa Nostra (among other organisations) has elected France as a base of activity, and a zone of refuge, and more specifically why it has chosen the French Riviera as its preferred destination.

Part V explores the difficulties in combating such a phenomenon and looks at the role and methods used by Italy to combat organised crime.

Chapter 7 looks at the way in which Italy has attempted to combat the Mafia. It investigates and analyses the original methods used, and what lessons other States may be able to learn from the Italian experience.

Part VI concludes by returning back to a more macro context of the fight against organised crime and the implication of international organisation in this fight.

Chapter 8 sets the issue of organised crime back into the wider international context and looks at the way in which specific international organisations such as Interpol or the UN have dealt with organised crime and what improvements to their structure or operational methods need to be made in order for organised crime evolution to be seriously halted.

Chapter 9 concludes the research and attempts to make a few modest predictions as to the course of evolution of organised crime, as well as the potentiality for effectively combating it.

V Theory

1. Assumptions about Global Organised crime

In order to categorise and identify with relative certitude what theoretical framework of analysis best suits the system within which global organised crime and more specifically the Mafia operates in, it is imperative to begin by enumerating the main assumptions of this thesis concerning GOC.

GOC and the State

- GOC has become an increasingly important threat (nationally & internationally).
- GOC is a non-state actor that can/does influence the State.
- GOC can have positive short term and negative long-term bi-products for the State.
- GOC questions/tests the legitimacy/sovereignty of the State.
- GOC impacts the functioning of the State on many different levels.
- States are not always capable of combating GOC effectively.
- States are not always willing to combat GOC.
- GOC needs the presence of the State.

The theoretical review of existing schools of thought reveals the limits of traditional theories, most notably realism, liberalism, pluralism and globalism, and seems to conclude rather in favour of a more contested approach of new medievalism. Described first by Berdiaev, but more widely diffused though largely discounted by Hedley Bull, the idea of a new medievalism is discussed at length and endorsed by Alain Minc, but also by Guehenno and Bossard. This historical regression, applied to modern times concords almost perfectly with the reality, presence, and activity of GOC and the Mafia today. Finally, another emerging theory throughout which organised crime can be analysed is the theory of predation, and predatory practices.

2. Traditional International Relations theories

The traditional international relations theories have proven to be rather limited in their application to issues concerning GOC. One or even several aspects may in fact be pertinent and concord well with a theory or school of thought, but on the whole each

seems to lack a fundamental attribute in order for it to really suit GOC fully.¹⁹

- Realism

According to realists like Hans Morgenthau, and exponentially so for Classical realists (like Kaplan and Kissinger), the only body to be taken into consideration in international politics is the state. It leaves virtually no room for the growing power and influence of non-state actors like GOC, and essentially relegates them to the backdrop. Because GOC have proven to be significant non-state actors capable of dictating in some cases or at the very least influencing the course of national politics, realism is not a really suitable approach.

- Pluralism

The pluralist theory, sometimes referred to as functionalists (like Ernest Haas), is the "traditional" international relations theory that concords best with GOC because it recognises the importance and considerable influence of non-state actors, takes into account the non-unitary, non-rational reality of the State, and finally makes room for an extensive international agenda. The international presence of groups like the Triads, Yakusas and Mafia, as well as their international activities also concord with the pluralist model. However, the single pluralist assumption that clashes with GOC is the underlying premise that the influential non-state actors are positive for the state and wider state system. The predatory, violent nature of GOC demonstrates just the opposite, as it is pernicious for the state and can actually be very destructive. Additionally, application of the pluralist model to organised crime has come under criticism because of stipulation of one concept: pluralism entails participation in legal markets, but some theorists like Woodliss contend that Mafia participates only in illegal markets²⁰. A more middle of the road approach is to assert that the Mafia fulfils some of the pluralist criteria, but that one of the principle characteristics is that it is involved in licit as well as illicit markets.

- Globalism

The starting point for globalists is the global context within which states operate. It is a macro perspective of the international political system, and contends that in order

¹⁹ Obviously the descriptions of the major international relations theories will be rather succinct, and reductionist as the aim is not to discuss them in great length, but rather to quickly discard them as unsuitable for GOC. It is also understood that each has nuisances which will not be looked out.

²⁰ Woodliss, Michael. Organized Crime – The Dumbing of Discourse. The British Criminology Conference, selected proceedings. Volume 3. Liverpool, July 1999.

to explain behaviour it is imperative to fully understand the global context, and also relies heavily on the historical context. In addition globalists investigate the "mechanisms of domination and dependency" as the primary condition for action. Finally globalist focus on the crucial importance of economic factors.

- Functionalism

In order to achieve any degree of state co-operation, first rivalry and deeply entrenched principles of sovereignty must be "attenuated". This can be achieved by focusing on non-political matters that are less explosive and less threatening. By emphasising co-operation on less sensitive areas first, inroads can slowly be made towards the resolution of political issues. By circumventing the "explosive" inter-state issues, functionalists believe that States will grow accustomed to co-operating and will eventually prove less and less reticent to tackle political questions. However, with an issue like GOC, time is the important decisive factor, and efficient measures have to be taken rapidly to combat it, and cannot wait for states to grow used to the idea of co-operating.

3. Hedley Bull: The Anarchical Society²¹

Although certainly not an advocate of New Medievalism, Hedley Bull lists it as one of many possible scenarios for the future of States. This alternative scenario, in sharp contrast with the contemporary state system, might develop into a modern, secular equivalent of the historical Middle Age state system. This suggestion calls for a disappearance of the sovereign state in favour of a system which Bull qualifies as a kind of "universal political organisation that existed in Western Christendom in the Middle Ages", characterised by an overlapping of authority, and multiple loyalties. In contrast with its historic predecessor this new form of medievalism would not however be based or derived from the Church (and by extension God) but rather be secular. This Medievalism would also see the apparition of non-state actors with which the state would have to compete with, and probably share authority over its citizens, and sovereignty over territory. The notion of total state supremacy over territory and people would likely become obsolete.

According to Bull, in order for the New Medievalist scenario to really become

²¹Bull, Hedley. The Anarchical Society. New York: Columbia University Press, 1977.

probable, five criteria had to be met. They are:

- a. Regional integration of States
- b. Disintegration of States
- c. Restoration of private international violence
- d. Transnational organisations
- e. Technological unification of the world

In 1977, he concluded that this new Medievalist scenario was not a plausible reality. At the time, he felt that non-state actors had not challenged the sovereignty of the state sufficiently to be considered a real threat. He did concede however that in the event that each criteria be met, and that the non-state actors really start to imperil state sovereignty then, and only then, would the classical state survival be menaced by the onslaught of New Medievalism. Bull also believed that this new era would be severely marked by "more ubiquitous and continuous violence and insecurity than in modern states".

More than two decades and a half have elapsed since Bull made his suppositions, and the environment has changed significantly. Keeping within the narrow sphere of GOC (but realising that many other non-GOC examples exist), the Mafia seems to adequately fulfil the majority of elements that Bull set as precursors for a return to Medievalism. The Cosa Nostra in fact competes directly with the State for supremacy over the population, who either have total loyalty to the Mafia meets criteria "c", "d" and "e". The Cosa Nostra for example has more than adequately met the criteria of private international violence (criteria "c"). The bombings of strategic locations, like the Uffizzi Gallery in Rome, dynamiting of armoured car convoys of Judges Falcone and Borsellino, along with the hundreds of murders and executions in Italy and abroad amply satisfy that criteria. In addition, the Cosa Nostra has made strategic, rational choices that has propelled their sphere of activity into the international arena, making it transnationalist in nature (criteria "d"). Finally, the technological unification of the world (criteria "e") is now a given thanks to the improvement and banalisation of the Internet, proliferation of cell phones, and capacity to transfer money around the world in mere seconds. And so, it can be concluded that at least 3 out of 5 of the criteria set out by Bull have indisputably been met, and that the era of New Medievalism which he felt in 1977 to be possible but most likely improbable, may in fact be on its way in with the potential for regional integration (criteria "a") and disintegration of states (criteria "b").

4. Alain Minc: New Medievalism²²

Minc theory on New Medievalism begins by denouncing the historical optimism that is traditionally associated with the evolution of states and state systems whereby history is always evolving towards something better and more orderly. He contends that much to the contrary the “positive modernisation” which lasted more than three centuries has abruptly come to an end. In fact, “Modern Times” have regressed back to a system characterised by a loss of control by the State over certain actors, and certain geographic areas, the supremacy of force as the rule of law, and inadequacies of the existing State structures to combat any or all aspect of this phenomenon. This Medievalism is also plagued by return of violence and uncertainty, and the creation and expansion of “grey zones”.²³ These grey zones represent all the areas, both physical and unpalatable (like the virtual financial circuits and Internet) where the State no longer maintains absolute control, and where its supremacy is routinely contested. He suggests that the primary beneficiaries of this chaotic environment are criminal elements like the Mafia. Where as States since the Renaissance have been conquering zones “void of control”,²⁴ and establishing order around the world by imposing the rule of law,²⁵ setting limits and enforcing interdictions, for the first time today this system has been losing ground. Areas previously considered as “conquered” and hence orderly, have reverted back to chaos, tribalism and in some instance the “rule of the jungle”.²⁶ To Minc all these conditions are testament to the incontestable return of medievalism.

This New Medievalist approach to the study of international relations is in complete accordance with the assumption of this thesis on GOC. In this new, more chaotic environment where the State has lost partial and in some cases nearly total control over its people and territory, GOC has been able to develop rapidly or gain additional momentum and has become a more important threat than ever. GOC influences the decisions and reactions of this weakened State, obviously tests the legitimacy and

²²Minc, Alain. Le Nouveau Moyen Age. Paris: Gallimard, 1993.

²³These grey zones are also referred to as “lawless areas”, or “autonomous micro-societies”.

²⁴Void of Western/Occidental control that is.

²⁵By installing colonial empires and various other protectorates forms of governments.

²⁶For example Sub-Saharan Africa, and certain South/Central American States like Colombia.

sovereignty of the State, and impacts the State by further hindering its capacity to respond. In many instances, not only is the State incapable of effectively combating GOC, but in some cases is no longer willing to even attempt to do so. However GOC can not exist without some semblance of a State presence, and hence tailors its activity to prevent its total demise.

The idea of grey zones out of the reach and control of the State is an essential prerequisite and attribute of/for Mafia presence. Not only can the Mafia and similar organised crime groups take control of and exploit these grey zones to their advantage, but they are also able, in some instances, to actually create the conditions necessary for their development. Minc cites several examples of "confirmed" grey zones, notably Sardinia and Sicily which he estimates have reached a "point of no return", and suggests that Corsica, and the French Riviera are in danger of teetering in the same direction. Minc's idea is that the fragmentation of the State, and its loss of sovereignty creates real extraterritoriality areas where competing authorities such as the Mafia are not dissimilar from Medieval feuding lords taking power and creating their own structures in competition with the King or Crown.

In summary the five basic principles of Minc's New Medievalist theory, as applicable to organised crime are:

- Lack of historical optimism as pertaining to the evolution of states
- Loss of control of state over certain non-state actors
- Rule of force
- Insufficient existing structures
- Grey zones

Minc's theoretical approach (and to an extent Bull's), especially when compared with the other mainstream international relations theories, appears to concord best with the assumptions set out about organised crime in general and the Cosa Nostra in France specifically. After examination, analysis and careful elimination of other more classical theories, the theoretical framework of analysis that best suits this research is Alain Minc's New Medievalism.

5. Other supporting literature

Alain Minc is not the only advocate of New Medievalism. Several others, namely Guehenno, Bossard and Kaplan endorse this approach and contend that crime is one of the manifestations of a return to Medievalism.

- Jean-Marie Guehenno: The end of the Nation-State²⁷

Guehenno uses the term "imperial age" to describe what he believes is the up and coming state system, however his prediction is rather similar to that of new Medievalism. He begins with the assumption that 1989 marked the end of the nation-state that had been institutionalised as a result of the French Revolution. Not only is key nation-state concept of territory dwindling and vowed to disappear, but the world has become more abstract, less tangible and much more immaterial. He asserts that non-state actors, more powerful than the state themselves, will be able to "bypass the states with transnational games". These actors include drug traffickers and crime bosses. Guehenno contends that in the Imperial Age the state will not be an effective opponent of these actors. In addition, an element that in his evaluation will mark the "imperial age" will be the onset of "imperial violence", and with it the blurring of public and private violence. In effect the state will no longer command the monopoly over the use of violence, and private non-state actors, also referred to as "private agents", whose importance and breadth of activity can rise above that of the State can also become "purveyors" of violence, and further muddy the distinction between State and private domain.²⁸

- André Bossard: Carrefour de la Grande Truanderie²⁹

Bossard also believes that today's GOC's state of affairs, and practices strongly resembles Middle-Age society. He stipulates that the protection system, ceremonial, family concept, exemplary punishments, and legitimisation present in modern day criminal organisations like the Cosa Nostra echoes the era of the Middle Ages.

* protection system:

The feudal structures allowed certain persons, notably lords and landowners, to gain

²⁷Guehenno, Jean-Marie. End of the Nation State. Minneapolis: University of Minnesota, 1995.

²⁸ Refer to chart on the State and the Mafia.

²⁹Bossard, Andre. Carrefours de la Grande Truanderie. Paris: Stock, 1998.

power and a support base amongst peasants, in exchange for protection. The Cosa Nostra, in exchange for tacit support, co-operation and subservience, also grants protection.

* ceremonial similarities:

The feudal system called for a physical demonstration of servitude. The vassal placed his hands in the cupped hand of his lord's and promised to obey and respect him. The Cosa Nostra ritual also included paying homage to "lord" in the shape of the godfather, and requires a solemn promise of servitude and loyalty.

* Family concept:

The feudal system, and its concept of loyalty and protection created a family-like rapport: the providing, protecting "father", and the weak son, the vassal. Similarly, the Mafia system also forged artificial family-like links between members (i.e. godfathers, initiation brothers).

* Punishment:

Vassals and peasants that violated their oath of obedience and allegiance to their Lord were mercilessly punished, and displayed as an example to the rest of the population. The type of crime typically determined the nature of the punishment and the cruelty with which it was inflicted. The Mafia uses symbolism-ridden punishments as well. Not only is a traitor, like a justice collaborator immediately and unequivocally sentenced to death, but the manner in which the sentence is carried out serves as a warning and example to others. The family acts as judge and executioner.

* Legitimation of violence:

Within the feudal system, violence amongst the vassals was tolerated, so long as the outcome did not impact in any way the Lord. This same tolerance of violence is also present within the Mafia. Although internal violence is not permitted, unless ordered by the Cupola, violence outside the Family is tolerated, much along the same lines as for the feudal system. If the violence does not negatively impacts the Mafia then it is acceptable, but if it impact in any way the Family then it is admonished.

- Robert Kaplan: "The Coming of Anarchy"³⁰ & Ends of the Earth³¹

³⁰Kaplan, Robert. "The Coming of Anarchy." The Atlantic Monthly .February (1994).

³¹Kaplan, Robert D. The Ends of the Earth: Random House, 1996.

Robert Kaplan in his article and subsequent book uses Africa as a prism through which to see a growing number of problems that he estimates will eventually spill over to other states. He sees "criminal anarchy" as an emerging problem, and qualifies it as a "real strategic danger" that will "soon confront our civilisation". Africa in his opinion is reminiscent of pre-Westphalia (1648) Medieval Europe. Kaplan uses Sierra Leone as an example (that can also be applied to the rest of Africa and the under-developed world) of this likeness to Medieval times. The situation in Sierra Leone today is characterised by five phenomenon all of which seem to validate Kaplan return to pre-Westphalian days: the withering away of the central government, rise of tribal and regional domains, the rampant spread of disease, the growing pervasiveness of war, and the increased violence that reigns.

It can be argued that GOC meets at least three of these criteria: withering away of a strong central government, rise of regional domains and increase in violence. Sierra Leone in his opinion is not an isolated example, but rather a pre-cursor of what may start to happen around the world. This situation is observed and exploited by some dangerous factions, such as international drug cartels. They regard the situation as beneficial for their activities, and have exploited the "weak and financially strapped West African Regimes" for their own seditious purposes. Kaplan imagines the new or impending cartography of the world ("the last map"), as an amalgam of city-states and scant few remaining nations all dominated by the "shadowy tentacles of cartels and mafia". Instead of borders, he envisions only moving centres of power like what was prevalent during the Middle Ages.³² To support his view, Kaplan extensively cites Martin van Creveld of the Hebrew University of Jerusalem (author of the Transformation of War), who also sees a "back to the future" scenario of the states. According to him in order to predict and assess the future:

The first step is to look back on the past immediately prior to the birth of modernism, and the wars in Medieval Europe.

Richard Falk, author of "A new Paradigm for international legal studies" also supports the idea of a return to Medievalism. In his opinion the increased role of non-territorial

³²For a critical review of Kaplan's work refer to: Gourevitch, Philip. "Misfortune Tellers: In a new trend Hell is other peoples." The New Yorker April 8 1996.

actors may lead to the re-establishment of certain features of Medievalism.³³

6. Predation theory³⁴:

The predation theory, through certain specific angles can be applied to organised crime in general, and more specifically to organised crime “business” practices. Predation theories have been very widely criticised and put in question as some experts argue that most instances labelled as predatory practices, are in fact only very aggressive competition³⁵. Taking Boudreaux’s economic definition of predation and predatory pricing³⁶ a clear link between business-type predation practices and organised crime’s classic and common practices can be highlighted. If we consider in turn several key aspects of predation:

- “Predatory pricing is the practice of pricing below cost to achieve market power.” Organised crime traditionally “underbids” potential rivals to ensure that they obtain the market in question. This is especially true for public works contracts, sewage treatment, and various other construction type sectors of activity. Predatory pricing is said to foster market power in three possible ways: by eliminating rivals; by disciplining rivals who otherwise refuse to co-operate in keeping prices at monopoly levels; or by depressing the market value of rivals’ assets so that the predator can purchase these assets at below-market prices. Again, organised crime survives by eliminating rivals, be they other organised crime groups, petty criminals, business rivals, and even in some cases the State. There is an evident contradiction that nonetheless remains quite prominent in organised crime business practices. In some instances organised crime eliminates prospective rivals by artificially lowering the price of the bids, in other cases in chases out a potential rival that refuses to maintain the prices at market value (obviously set by the specific organised

³³Falk, Richard. “A new paradigm for international legal studies.” *Yale Law Journal* 84 (1975).

³⁴ Barbare, Serge: *Les pratiques de la predation dans le domaine des telecommunications*. Ph.D. Thesis Institut d’Etudes Politiques de Paris Paris: 2001.

³⁵ Alvarés, Francisco Javier Soto: Price deprecation as a monopolistic practice
Predation is perhaps the monopolistic practice to have generated the most analyses and it has frequently caused arguments. As will be explained in this paper, the basic problem in analysing cases lies in distinguishing between a situation of ferocious competition and one of abuse by an agent with substantial power. Predation is usually understood as taking place when a company displaces or significantly harms a competitor by selling its products at below cost in order to eventually impose monopolistic prices — very high prices that are only sustainable because of the absence of competitors.

³⁶ Boudreaux, Donald & Kleit Andrew: “Predation: Here, there? Anywhere?”

crime family attempting to conquer or keep the market). The contradiction is in fact possible because at an initial stage, when the organised crime family is attempting to conquer the market they are able to function at a loss, hence competing at a less than economically viable level in order to chase out all legitimate business that cannot obviously operate at below cost. For the organised crime families on the short term, this practice is not problematic as this represents a possible way to launder money, and hence acceptable to "lose" overheads costs. In another way, because of their substantial cash flow and cash deposit organised crime can operate at a loss and reclaim their initial losses on the medium term. On the medium to long term, once the market has been seized, and for the business venture to remain profitable, it is essential to drive away all potential rivals that do not fully co-operate with the pricing practices that have been established. Finally organised crime can also artificially deflate the market in order to force rivals to sell at a loss in order to save what they can, are able to buy up their shares, or take over their sector, and progressively straighten out the market back to its initial stature. This ability to entice or command the market trends to its own advantage is a key element of predation.

Despite very valid aspects and internationally recognised worth of many of the theories mentioned previously, careful analysis appears to lead the researcher to conclude that the single theory that is best suited for, and through which organised crime can be analysed most effectively, is the New Medievalist theory.

V Sources

Researching a topic like organised crime is difficult for several reasons, namely accessibility of information, quality and reliability of the data, a sensitivity of the information, reticence of many public servants to discuss the issue, and the overly media-friendly, "Hollywood-esque" nature of the subject. Research for this thesis was limited to literature primarily in French and English, but also occasionally in Spanish and Italian. In order to produce quality interviews, they were conducted solely in French and English.

1. Literature Review

Although there are some very serious, highly technical sources on Mafia activities, and organised crime issues more generally, there is also a plethora of sources that cannot be considered as academic or even remotely reliable. The problem with a subject like the Mafia, is in fact its very popularity. The Mafia has become a sure-selling topic almost guaranteed to generate attention and/or profits and hence books, movies, press articles have flourished, many of that are much more fictional than professionally researched. Literature pertaining to the Mafia can generally be categorised under five main headings: pure fiction, little research and much fantasy, rehashing of banalities, doom & gloom scenarios and finally the category that concerns this thesis, serious academic or professional sources. The difficulty quite obviously is being able to differentiate between all the categories, a task that can sometimes be quite daunting.

In addition, organised crime experts like Xavier Raufer of the Institut de Criminologie in Paris have purposely written scholastic/professionally researched articles for non-academic journals or magazines in order to mobilise public opinion, and actually provoke public debate about the issue. He contends that in fact, at least in the field of organised crime and terrorism, university-gearred reports or articles in professional journals are largely ignored by the decision makers, hence the necessity to exploit less than academic sources like glossy, mass market, popular magazines as a way to draw attention to the subject.

Because of a genuine lack of very recent and academically sound quantitative information on organised crime, reliance on less traditional sources like press articles, and wireservice information was also useful. However, interviews with different practitioners and public servants were exploited in order to counterbalance this reliance on press and wireservice sources. Also, several books, written not by academics or practitioners, but

rather by journalists have revealed themselves to be not only credible and well researched, but also very much the reference within the field.³⁷

- *Books*³⁸

The series of books on different aspects of organised crime that proved to be the most professionally researched, up to date and well written was *Criminalité Internationale*, directed by Xavier Raufer of the Institut de Criminologie (Universite Pantheon-Assas Paris II). Each book dealt with a specific aspect of organised crime, and in this manner was able to shy away from an enumeration of banalities or over simplification of issues. The series contains, for the moment, a dozen books with many more scheduled to be published.

- *Journals*

Two main quality journals were consulted for this study: Transnational Organised Crime, edited by Phil Williams, and published by Frank Cass since 1995 and Trends in Organised Crime, edited by Roy Godson, and William Olson, and published by Transaction Periodicals Consortium, since 1996. The former contains academic-style analysis of various issues pertaining to organised crime, occasionally regrouped under one single heading (like an issue dedicated exclusively to the study of Russian organised crime), but generally are more a collection of essays and analysis. The latter is more unique in genre because it regroups under one journal articles, declarations, report excerpts published around the world and in different journals, magazines and newspapers about organised crime.

- *Reports and dissertations*

Obviously a variety of government or international organisation reports and documents were consulted, some like those emanating from Interpol or the United Nations proved more useful than others from more generalist organisations that study the subject like the European Union Commission or the European Parliament. Some government reports because of their limited distribution and confidential nature, could be discreetly consulted but not cited as a bibliographical source. In addition, a few student dissertations and

³⁷This is the case with Nice-Matin journalist Roger-Louis Bianchini, and TF1 television news reporter Philippe Madelin.

³⁸The aim of this literature review is not to go over and analyse the usefulness of each book that was consulted but rather point out those that were particularly good and directly relevant to this study.

papers were looked at, but in general were found to either replicate other existing literature, or were plagued with errors and hence not reliable sources.

- *Newspapers*

Because of the “*media-friendly*” (insofar as it attracts readers and hence increases circulation) nature of organised crime, newspapers also proved to be a good source of information, especially *Le Monde* for France.

- *Magazines*

Glossy, mass market magazines proved to be, in some very specific instances, good sources because, as discussed previously, some academic authors contribute serious well researched work to these less “academic” sources. In France these magazines included, *Le Point*, *VSD*, *L’Express*, *Figaro Magazine*, to name only the top few.

- *Internet*

With the reality of globalisation it has become essential to explore and exploit newer forms of data and information collection mediums, namely the Internet. Because of the popularity of a topic like organised crime or the Mafia, the Internet has become host to a deluge of sites, literally thousands and thousands of sites answering to the query “Mafia”. Although some sites have proved very useful because they are well researched, and well documented, and have good links, the vast majority of sites are rather amateurish, and hence not usable at all. Part of the problem associated with the avalanche of sites available is the daunting task of sifting through all of them and eliminating all the sites having nothing to do with organised crime,³⁹ those that are not interesting at all or contain only banalities. After having conducted a systematic elimination of sites, only two or three dozen quality sites remain.⁴⁰

- *Wireservice*

Although wireservices do not generally constitute a sound academic source, they have actually been proven incredibly useful because many events that may not necessarily be considered important enough to be reported in the national newspapers, often appear in these wireservice reports. Because specific wireservices, notably the *Agence France*

³⁹i.e. Music groups like: Three-6-Mafia, Latin American La Mafia, Monkey Mafia, New Wave: Talent Mafia, or support Groups like: Mothers Against Fathers in Arrears, and various other sites like the acronym for a Homosexual Sex group, Juice Mafia or Mando Mafia mandolin string page.

⁴⁰Search words included: Organised crime, Mafia, Cosa Nostra, Italian crime, Sicilian, godfather.

Presse (AFP) offer specific topic related mailings (via e-mail), it is possible to obtain daily bulletins of any news clip containing a pre-determined selection of key words (i.e. Mafia, organised crime). In this manner, even if an event may appear inconsequential to a newspaper editor, it can still be used as a valuable secondary source by researchers. These wireservices include Reuters for English language, but also other much more obscure wireservice.

- *Television*

Television as might be expected proved to be a very poor source of new reliable information on the Mafia and organised crime. A plethora of semi-serious, less than professional documentaries-dramas inundate the airwaves weekly and with a few scant exceptions are more elements of fiction than reality. However one documentary stands out as particularly professional and well researched "A girl against the Mafia"⁴¹. In this case the variety and quality of high-ranking experts and professionals that were interviewed contributed to a refreshingly interesting and useful documentary.

2. Conferences

Surprisingly most conferences yielded very little new information or analytical approach to organised crime or the Mafia. Because of the brevity of the time-allotment granted to speakers (rarely more than 25-30 minutes) the presentations usually remained quite broad and general in content, and rather uninformative on the whole. Even though papers are sometimes made available, in most cases again they are generally quite broad in scope. Perhaps the greatest benefit in attending conferences is the possibility of interacting with experts and practitioners in the field on a one-to-one basis, and the chance to ask very specific questions, and discuss the intricacies of the field. However, the Menaces Criminelles Contemporaines conference series stands out as particularly useful and informative.⁴² Some of the conferences attended although very informative could not be cited, nor quotes taken from them because they were held "confidentially" with a selected audience, "off the record", and information was not to filter from them. Finally on many occasions speakers although representing their specific institution or

⁴¹TEVA. "Une Fille Contre la Mafia: Rita Atria." Partanna (Sicily): Television Documentary, 1999.

⁴²Hosted by the Université Panthéon-Assas (Paris II), and organised by Francois Haut and Xavier Rauffer, the MCC conference series meets once a month on Tuesday.

organisation asked not to be quoted as the opinions expressed were theirs and not those of their organisation.

3. Interviews

This thesis has attempted to integrate both classical academic research using primary and secondary written research sources, but has also attempted to include a wide spectrum of interviews with experts and practitioners who have first hand knowledge of the subject matter. Interviews did not include any members of the Mafia. Two primary issues emerged concerning interviews, the first being the ability to actually obtain them, and the second being the quality and discourse of the interview.

Perhaps true in many other fields but most certainly exponentially so in the field of organised crime, interviews with practitioners and experts emanating from the police, justice or are very difficult to obtain. These experts are wary if not totally reticent to grant interviews because of the sensitive nature of the subject and occasionally for fear of personal security. The most effective method for obtaining an interview was always being presented or recommended by a person recognised as trustworthy, especially true in an environment as insular as the police.⁴³ Obtaining interviews was not always a simple task even when the proper introductions were made. In some instances specific permission and clearance had to be obtained before any interview was granted, in another the police officer that was interviewed wished to remain anonymous for fear of administrative reprisals. Finally, in another interview a third party had to be present to censure and “manage” the interview. Notes taken during the interview were on occasion requested for review and appropriate approval.

Furthermore, the “usability” of elements obtained during an interview was not always evident as two types of discourses were generally used: official and officious. The official discourse although interesting was often rather banal and consistent with the official government policy. However, the officious discourse was almost always much more informative and rich in substance. But as this was an officious position, presented on a personal level, and not within the context of a professional body, these observations often lost their value.

⁴³Interestingly, some practitioners admitted that the two factors that incited them to grant this researcher and interview was the fact that I was a young researcher and not a journalist, and the fact that they rarely encountered women interested in what they considered a male dominated field.

Care must however be taken to discern professional and academically sound material from that of less authoritative sources. Because of the popular interest of the Mafia-type culture as portrayed in book and films, a plethora of information is available. Much of this information is either grossly over-simplified in order to reach out to a wide audience, or in some instance complete wrong. In addition, some authors/researchers have been particularly controversial, either because of the opaque origin of their information, and hence the impossibility to check and confront statistics, information or descriptions, and hence have been the target of substantial attacks. One such researcher is Claire Sterling. Prolific author she has been accused of inventing information, and by others as being the willing, or unwilling CIA "misinformation" point person⁴⁴: "Sterling's sources in 1981 were unwillingly derived from a CIA misinformation campaign in Europe".

⁴⁴ Brandt, Daniel: Organised Crime threatens the New World Order" 01/1995.

VI Statistics

Statistics are quite obviously a very useful, if not essential tool when doing research, but can also be quite problematic. They not only allow the researcher to place his subject within a quantitative perspective, but allow him to set an order of grandeur, and delineate his subject with greater precision. Statistics, however useful they may be, can also pose a serious problem, especially concerning their reliability and discretionary use. Statistics are generally used to prove or validate a statement or observation, and are habitually accused of saying only what is wanted and not depicting the whole picture. A given statistic is often presented as a finished product and rarely explains what elements have been used to calculate it, or what elements have been purposely left out. Not only is the original source of the statistic a good barometer for its reliability, but the purpose and aim it was used to prove or illustrate is also important factor: in effect, what has the researcher wanted his statistic to prove and has he been totally objective when choosing elements to calculate it?

In a field like organised crime, statistics pose an additional problem. Because of the very illicit and hence highly secretive nature of the subject, statistics can only be speculative, gross approximations of the subject matter at hand (i.e. is it nearly impossible to accurately calculate the annual profit margin the Cosa Nostra derives from drug trafficking). Certainly some statistical estimates because they have been corroborated by different trustworthy inside sources (informants or justice collaborators) are quite reliable. Others however are completely subjective estimates that are probably a far cry from reality. In fact, in many instances, statistics from different sources but about the same exact subject matter can vary quite drastically.⁴⁵

The most reliable, consistent statistics are generally those published by the various governments bodies or neutral international organisations, but again, in some instances, a Ministry may chose to significantly downplay a growing phenomenon by choosing a set of statistics that may seem to minimise the reality of this phenomenon or an international organisation seeking to recognition and funds may try and inflate the numbers to serve its purpose. Additionally, some countries may not have the appropriate tools (institutions, manpower or funds) with which to calculate reliable statistics, and hence despite a

⁴⁵Throughout this thesis, and when ever possible, several statistics from different sources will be used to corroborate the estimated order of grandeur, and give a range or scale.

clear/evident desire to provide accurate statistical information, may not actually be capable of doing so. Again, even in cases of relatively objective, straightforward use of a given statistics, it still reflects only a small part of a much larger picture.

Do statistics pertaining to the number of seizures of drug shipments really say anything about the actual overall drug trafficking industry, or do they only reflect the number of seizures without being able to place them within a larger quantitative context. For instance, (this is purely hypothetical), saying that the French Customs Agents intercepted 200 cocaine shipments in 1999, really means nothing at all because it is not placed within a quantitative perspective, 200 shipments out of how many? Does this represents 0.1 % of all shipments successfully smuggled in or 75% of all shipments successfully smuggle in? Hence much caution must be taken when interpreting this type of statistics, to a certain extent they remain completely meaningless when not presented within a greater quantitative context.

Circular validating of information:

Another issue facing researchers regarding their use of statistics and numbers is the phenomenon that can be coined as circular validating of information. This process entails the successive borrowing and citing of a statistics until its has been cited so often it is considered reliable regardless of the reliability of its original source. One good example demonstrating the circular validating of information, as well as the precariousness, and difficulty in correctly using numbers and statistics is a case originating within the Russian Ministry of Interior. Anatoly Ivanovich, a high ranking officials at the Ministry of Interior, was asked by a reporter friend at the Moskovskaya Gazeta for a quote giving the estimated number of people working for the Russian Mafia. Not having the actual information at hand he made up an estimate of 980,000 members in the Russian Mafia. This number was published, clipped, translated and entered into an American newspaper information database, which was in turn consulted by an English professor. He used the statistic in a paper he presented in New York that was in turn published in a trendy American magazine that was bought and repatriated to Moscow by a Russian businessman. This same businessman thought the article quoting:

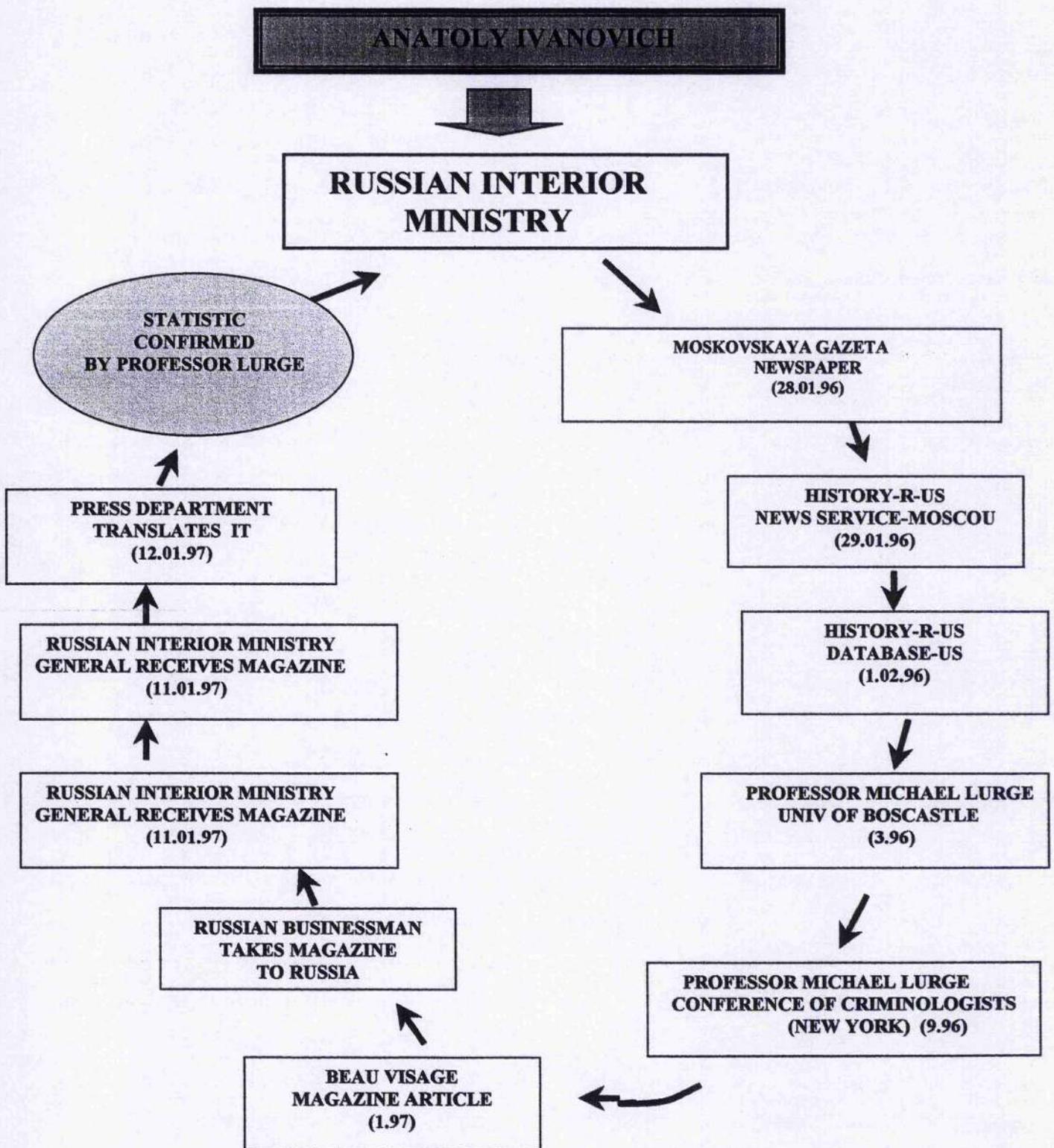
“Professor Michael Lurge, the distinguished expert in the study of Russian organised crime phenomenon, says the Russian Mafia employs 980,000 members”

might interest a friend of his in the Russian Ministry of Interior, who in fact had it

translated back into Russian and transmitted it to Anatoly Ivanovich, whose reaction was:
"Fancy that. I was right all along."⁴⁶

⁴⁶Meek, James. "The circular route to the truth on Russia's Mafia." The Scotsman 24 March 1997.

The circular route to the truth about the Russian Mafia⁴⁷



⁴⁷Meek, James. "The circular route to the truth on Russia's Mafia." The Scotsman 24 March 1997.

VIII Terminology

It seems obvious that accurately defining the terminology used to delineate the research field is primordial, however in the field of organised crime, the terminology itself is problematic. Organised crime, is a word that has a tendency to designate an “undefined general category”⁴⁸ where it is assumed that everyone knows what it is without necessarily being able to really define it. According to Smith, criminologists, academics and policy makers have been trying to come up with a definition for organised crime for more than fifty years without much success⁴⁹: each new definition is riddled with problems and has its clear limits. Researchers must decide whether there is a true need for a universally agreed upon definition, or rather the need for a broader consensus on the definition and true co-operation on action designed to combat it.

If today nearly everyone (States, international organisations, NGO's, etc) that acknowledges organised crime's very existence and its world-wide presence is in agreement about the danger it poses, hardly anyone is in agreement about a universal definition of organised crime or Mafia activities. In fact, no universally accepted definition of organised crime exists. Francois d'Aubert, author of the French Parliamentary report on Mafia penetration contends that if identifying the enemy has become possible, trying to legally define it is quite another issue.⁵⁰

Each country or organisation uses its own variant, and although in most cases they resemble each other quite a bit, the different definitions never seem to quite concord or overlap. In some countries there exists no actual definition as such, but rather a list of characteristics that help define organised crime, and in countries like China or New Zealand,⁵¹ no attempt is made to define or characterise organised crime at all.

- Is there a real need to precisely define organised crime?

Although defining organised crime may seem like a rather trivial exercise, in fact,

⁴⁸Anderson, Malcolm. “Working Paper IX: Control of Organised Crime in the European Community.” . Edinburgh: Project Group on European Police Cooperation, University of Edinburgh, 1993.

⁴⁹Smith, DC. “Wichersham to Sutherland to Katsenbach: evolving and “official definition for Organised Crime.” Crime, Law & Social Change .16 (1991).

⁵⁰d'Aubert, Francois. “La criminalite organisee et le blanchiment d'argent.” . Jouy-en-Josas: Hautes Etudes Commerciales et Parquet de Paris, 1998.

⁵¹Das, Dilip. “Organised Crime a World Perspective.” Transnational Organised Crime 3.3 (1997), page 128.

from a judicial, jurisdictional and financial standpoint it is actually quite crucial. How can specific or even additional resources be allocated to fight organised crime without knowing what organised crime is? Furthermore, how can a specific judicial penalty be attributed to an organised crime member without actually being capable of justifying or demonstrating why he is a member of organised crime group? Finally, how can a state grant specific authority or jurisdiction to a police or court system specialised in organised crime without having the proper justification?⁵² It is clear that most practitioners recognise organised crime when they come across it, and in effect do not really require a universally-recognised definition to combat the phenomenon on a daily basis, but it does become especially necessary during court proceeding and extradition procedures, to name only a few specific instances: from a legal standpoint in order to indict a person of an act which is sanctioned by a specific law [i.e. criminal organisation], it is obligatory to determine what elements or acts constitute violation of that law, and what elements must be presented to prove culpability of the individual.⁵³ In order to go before a tribunal, it is necessary to be able to define what the Mafia actually is.⁵⁴ If the Italian legislative system had not tackled the difficult task of defining organised crime, then it would never have been possible to draft the Rognone-LaTorre Mafia association law, and there would have been no feasible way of indicting a person for being a member of the Mafia.

- Need for action not debate about definition

Other factions involved with the study or curtailing of organised crime contend that time and time again, too much precious time is spent debating the question of "defining organised crime" and not actually combating it. Exasperated by this very same phenomenon, former US Senator Robert Kennedy once said: "don't define it, stop it".⁵⁵ To many police officers, the difficulties surrounding the defining of organised crime is more an academic exercise than a concrete problem. To politicians, the issue is fundamental

⁵²Malts, Michael. "Defining organised crime." *Handbook of Organised Crime in the United States*. Ed. Rob Kelly, Chin Ko-lin and Rufus Schatzberg. Westport: Greenwood Press, 1994.

⁵³van der Heijden, Toon. "La definition du crime organisee." . Strasbourg: Council of Europe, Comite Europeen pour les Problemes Criminels, Comite d'experts sur les aspects de droit penal et aspects criminologiques du crime organisee, 1997.

⁵⁴Rohlen, Celestine. "Le Crime Organise russe n'est pas une Mafia c'est bien pire, meme pour des Siciliens." *Courrier International* 6 February 1999.

⁵⁵Anderson, Malcolm. "Working Paper IX: Control of Organised Crime in the European Community." . Edinburgh: Project Group on European Police Cooperation, University of Edinburgh, 1993, page 10.

Francois d'Aubert, former French minister, and author of the Parliamentary report on Mafia penetration equated the need and drive to accurately define organised crime and the Mafia, as the need to properly identify the enemy.⁵⁶

-A little definition and a lot more action: the middle of the road approach.

A more middle of the road approach agreed that there is a need for a definition, but perhaps not so strict, as one too highly compartmentalised would in fact only distract attention from the practical task of actually dealing with it.⁵⁷

1. Misuse of terminology
- *defining the mafia*

A further issue researchers are faced with when discussing Mafia activities, is the over-generalised use of this actually highly specific term: Mafia. Testament that the term mafia has become over-generalised is the fact that it has evolved from a proper name, to a common name.⁵⁸ The Mafia is a unique organisation, and it actually refers only to the Sicilian Cosa Nostra, and not a plethora of organised crime groups habitually and generically referred to as Mafia. Even within Italy, criminal groups like the 'Ndrangheta, the Camorra or the Sacra Corona Unita, should not be referred to as the Mafia. They are Italian organised crime groups, but only the Sicilian Cosa Nostra is really the true Mafia.

Although again, obsessing over the accurate use and definition of the term Mafia may seem rather trivial, in fact, it becomes incredibly important when trying to pinpoint specific information or statistics about a particular crime family. It is quite difficult to differentiate Sicilian Cosa Nostra activities from more general Italian criminal activities because unfortunately consistent, categorical differentiation is rarely applied. Often statistics will regroup under one heading generically called Mafia, all Italian organised crime activities, and not specific Sicilian Mafia activities. Articles, even in professional reviews will refer to Mafia activities without specifying "which" Mafia/Crime family it is in fact referring to.

Recently there has also a phenomenon of over-generalised use of the term Mafia

⁵⁶d'Aubert, Francois. "La criminalite organisee et le blanchiment d'argent." . Jouy-en-Josas: Hautes Etudes Commerciales et Parquet de Paris, 1998.

⁵⁷Commander Grieve of the NCIS as quoted in Anderson, Malcolm. "Working Paper IX: Control of Organised Crime in the European Community." . Edinburgh: Project Group on European Police Cooperation, University of Edinburgh, 1993.

⁵⁸Bossard, Andre. Carrefours de la Grande Truanderie. Paris: Stock, 1998, page 274.

to refer to issues, events or perpetrators having absolutely no relation with Italian crime groups or even GOC. The term Mafia seems to occasionally have taken on a generic definition pertaining to an organisation that appears to be slightly secretive, less than 100% legal, or very powerful. In France alone in the last year a variety of books have been published using the term Mafia in their title but having nothing to do with crime families originating from Italy.⁵⁹

Mafia is a highly specific term that should only be used in a very specific context and regarding only a single crime family originating from Sicily. However, the over generalised use of this term as a sound-bite, attention-getter, or generic term, has rendered research significantly more difficult as many potential information sources have to be eliminated as they are not specific enough in their use of the terminology.

2. What is Organised Crime?

Because there is no single universally accepted definition of organised crime, there exist a plethora of different definitions, that focus on certain elements, or components of organised crime. Whilst some definitions centre on the social aspect, others focus on the judicial constraints, while others, instead of focusing on a specific definition prefer an enumeration of criteria which must be fulfilled in order to be considered as organised crime.⁶⁰

According to Ziegler, there are three broad defining traits of organised crime: economic organisation, military hierarchy, and parental links with the clan.⁶¹ Organised crime is:

- Economic organisation which is capitalistic in nature and structures in order to maximise and guarantee profit. In effect their organisation is similar to that of any profit seeking multinational corporation.
- Military hierarchy is also present with a clear territorial domination and use of violence, a form of authoritarianism regimented by orders, and also characterised by blindly following orders.

⁵⁹Quemar, Georges. Paris Mafia. Paris: Fayard, 1998, and Gaudino, Antoine. La Mafia des Tribunaux de Commerce. Paris: Alvin Michel, 1998.

⁶⁰Refer to appendix 1 & appendix 2 for listing of different definitions.

⁶¹Ziegler, Jean. Les Seigneurs du Crime: Les nouvelles mafias contre la democratie. Paris: Seuil, 1998, page 22.

- Parental links with the clans, and ethnic appurtenance to the family is also predominant.

For the purpose of this thesis, Interpol's definition that will be used to define organised crime.

[organised crime is...] systematically prepared and planned committing of serious criminal acts with a view to gain profits and power and by more than three accomplices united in a hierarchy and job divisions in which methods of violence, various types of intimidation, corruption's, and other influences are used.

3. What is the Mafia?

According to Xavier Raufer, the Mafia is a criminal society with initiation ritual, conceived to be practically indestructible.⁶² The Mafia is not a few individuals getting together to commit a criminal act, or even a few highly organised individuals who act together to commit a crime, but rather a highly specific unique organisation.

In fact the term Mafia refers to only one organisation, the Sicilian Cosa Nostra. Mafia-type, or Mafia-like structures exist, but the real Mafia is Sicilian, to "purists", it is actually an error to refer to anything else as such.⁶³ Hence, it is important to differentiate a Mafia-like organisation that presents many or even all characteristics associated with the Sicilian Cosa Nostra, and the true Mafia that it replicates.

Criminal associations, organisations and the Mafia⁶⁴

Let's imagine four concentric circles. The outermost is crime in general, the closer to the centre the circles go, the more organised and dangerous the crimes become. The second circle is criminal associations, they can be more or less organised, and their duration in time hardly or non existent. The third circle represents criminal organisations that are highly organised and diversified. The fourth and final circle represents criminal organisations like the Mafia that is stable, organised, durable and very dangerous.

⁶²Raufer, Xavier. "Les Mafias." Cahiers de l'Express 1996.

⁶³Pino Arlacchi in Rohlen, Celestine. "Le Crime Organise russe n'est pas une Mafia c'est bien pire, meme pour des Siciliens." Courrier International 6 February 1999.

⁶⁴Direction des Affaires Strategiques, de Securite et du Desarmement, and Sous Direction de la Securite. "Conference des Ambassadeurs: Table ronde: "les Mafias"." . Paris: Ministeres des Affaires Etrangeres, 1998, page 8.

According to Xavier Raufer, the only two organisations that are sufficiently evolved and durable to qualify for membership at the highest level of “Mafia-type”, are the Sicilian Cosa Nostra and the Chinese Triads.⁶⁵ However, the term “Mafia” should refer only to the Sicilian Cosa Nostra.⁶⁶

⁶⁵Direction des Affaires Strategiques, de Securite et du Desarmement, and Sous Direction de la Securite. “Conference des Ambassadeurs: Table ronde: “les Mafias”.” . Paris: Ministeres des Affaires Etrangeres, 1998, page 9.

⁶⁶To easily differentiate the Mafia-like organisations the world will be not capitalised: “mafia”, and to refer to the Sicilian Cosa Nostra, Mafia will be capitalised “Mafia”.

VIII The Organised Crime Discipline

1. New discipline

Organised crime is by no means a new topic, much the contrary, but organised crime as an actual independent field of research, or discipline in its own right, is in fact rather new. Previously organised crime was dealt with as an offshoot, a bi-product emanating from the study of another older, and more “noble” discipline, today it has become recognised as a full-fledged discipline. Although other disciplines can and do address issues pertaining to organised crime, it has become an independent entity. Instead of seeing organised crime as a result of a phenomenon, or as a bi-product of a situation, academics and experts are finally coming to realise that it has its place, and commands its own sphere of research, complete with its own bi-product and satellite research areas. This change is testament to the maturation of the academic field concerning organised crime.

2. Multi-disciplinary nature

The study of organised crime can be a truly multi disciplinary field of research, requiring ‘Academic border crossing’,⁶⁷ and sometimes involving disciplines as diverse as law, history, economics, geopolitics, international relations, statistics, geography, political science, etc.. Researching this thesis required basic knowledge of French and Italian criminal law as well as international criminal law: why does the absence of an equivalent Rognone-LaTorre law⁶⁸ incite members of the Mafia to seek shelter in France? In addition, significant historical background was useful in order to set the events and developments within their appropriate historical context: how did the Mafia’s tumultuous history affect its current structure and aims? Furthermore, a good grasp of economics, and understanding of market supply and demands was essential, especially when looking into drug trafficking, money laundering and other activities where the Mafia is engaged. Geopolitics and international relations were also essential prerequisites in this field of study, and served as theoretical backgrounds guiding the overall research.

Research in this field could, and often is limited to only one speciality, but as the

⁶⁷MacDonald, William. “Globalisation of Criminology.” *Transnational Organised Crime*. Spring (1995).

⁶⁸ Refer to Italian Lesson chapter for more details on this Mafia specific legislation.

issue is really multidimensional, observations and potential solutions emanating from only one single vantage point, tend to reflect only one side of the reality surrounding this problem. Organised crime is multi-disciplinary in its very nature and so it seems rather appropriate that its academic study also reflect this multi-disciplinary nature and hence take into consideration several fields of research like law, economics, history to name only a few:

[Transnational organised crime] is a subject that requires innovative approaches and both inter-disciplinary and multi-disciplinary perspectives.⁶⁹

3. Few Organised Crime specialists

Perhaps one of the most fundamental discoveries that researching organised crime and Mafia activities for this thesis has enabled to uncover is the fundamental lack of “pure” organised crime experts. There are quite obviously researchers and practitioners that have great expertise in organised crime, but few, if any, have actually been trained from the very beginning as organised crime experts. In effect, it appears that most experts dealing with organised crime today are “converts” emanating originally from another discipline. Although this may appear as a trivial observation, in fact it greatly affects the way in which the subject is broached. For a historian-turned-Mafia expert, the subject remains very rooted in the historical approach. For a terrorist expert the base of comparison and approach will also be tailored by the original field of research. This is a predictable phenomenon as the organised crime field of research has only just recently come to the forefront of national and international security concerns, and hence there is a normal lag in generating experts in that specific field. This is not to say that experts that have originally come from other fields of research are not as competent, quite the contrary, but it is just interesting to note that their approach to the topic of organised crime is certainly “tainted” by the previous field of research.⁷⁰

⁶⁹Williams, Phil. “Editorial.” Transnational Organised Crime .Spring (1995), page vii.

⁷⁰Arlacchi- sociologist / Calvi - terrorism / Raufers- sociology /Jamieson-terrorism / Debaq- Sampieri-Falcone- Borsellino - Magistrates / Bianchini, Madelin - journalists / etc...

4. Criminology and organised crime

Criminologists have quite obviously made a significant contribution to the study of organised crime as a discipline. However, the various sources consulted tended to focus on the behavioural aspects of elements involved in OC and less often on the OC structure in its entirety. The criminologists also appear to have the tendency to dissociate the geopolitical context that affects the state and the international economic trends from the organised criminal and his behaviour. More recently though criminologists have been taking a more “whole” approach to OC. The French Institute for Criminology has become the “lead” academic discipline in France looking at OC issues in innovative ways.

According to the father of American criminology, criminology can be defined as “the scientific study of making laws, breaking laws and reacting towards the breaking of laws” (simplified as lawmaking, lawbreaking and reactions).⁷¹ The three principle areas of criminological theory are those who make the laws or criminology of criminal law, those who specialise in the elements who break the law, or crime causation (also criminogenesis or etiology) and finally those who look at the reasons for law breaking or social response theorists. The two broader criminological theoretical trends can be simplistically summarised as classical criminology theory that tends to explain rather than predict and positivist criminology that leans away from explanation and focuses instead on prediction.

In the case of OC the traditional theoretical models of criminology although interesting and valuable in specific instances and to predict or interpret a specific behaviour again appear to fall short as an adequate theoretical model. It lack the larger perspective that takes into account the historical, social, economic, local, regional national and international and geopolitical context that impacts a crime family like the Cosa Nostra and influences its choice of activity, sphere of action and choice of refuge.

can be said then, that criminology is a valuable tool to look at aspects of OC, that criminology has indisputably contributed to better understanding of the criminal involved in OC, but that it is an incomplete theoretical model for looking at the It complex case of OC and more specifically Cosa Nostra.

⁷¹ Sutherland, Edwin. Principles of Criminology. Philadelphia: Lippencott, 1960.

IX Peculiarity of France

Perhaps the most difficult aspect of researching organised crime in France, is that France as represented by its successive governments has until very recently refused to admit that organised crime was in fact a reality. As such it necessitated, in the very first instance, acknowledgement of its existence, and eventually a reaction to counter it. According to Xavier Raufer, director of the Institut de Criminologie of Paris, France suffers from a very peculiar syndrome he coins the "French exception",⁷² which is a significantly delayed reaction to a growing menace.⁷³ He explains that whereas most developed/Western governments generally need 3-5 years to start reacting to a new or enhanced threat, France often needs twice if not three times as long to even acknowledge it.

Surely not unique to France, but certainly exacerbated in France is the political weight of acknowledging such a dangerous problem like the Mafia. To a certain extent denying its reality, means not actually having to do anything about it, and hence carries very little political liability. Alternatively, admitting to its existence, and having to combat it contains huge political liability. Perhaps this explains in part the political reticence that has plague politicians to tackle the issue of organised crime presence in France. Quite obviously such a situation greatly hinders the capacity to react quickly and effectively.

⁷²Raufer, Xavier. "Menaces Criminelles." Paris: Centre Universitaire Juridique de Recherche sur les Menaces Criminelles Contemporaines : Universite Pantheon-Assas (Paris II), 1998. Raufer, Xavier. "Menaces Terroristes." Institut Francais des Relations Internationales. Paris, 1998.

⁷³Raufer gives another example of France's failure to react in a timely fashion to a threat, new or enhanced. According to the French government, police and justice officials, France does not have any serial killers. People who repeatedly perpetrate murder are not serial killers but rather, only multi-recidivist murderers.

X Conclusion

After having briefly outlined the economic impact that organised crime can, and does have, on the world economy with a gross criminal product estimates to reach \$ 1,200 billion USD a year and having sketched out the concrete threat that inaction can pose it was important to focus on the significant obstacles (geographic, gender-related, impermeable French structures, sensitive topic) that had to be overcome in order to carry out the research.

In order to place the research within a concrete methodological method, the research has sought to summarily look at the main theoretical models that are used for the study of international relations and that might have been applicable to OC. Without attempting to reduce the importance of each model and its obvious contribution to the broader field of international relations and geopolitics, the research has chosen the theoretical framework of analysis that suited this specific research best. After analysis, the model selected is the concept of "New Medievalism", first coined by Hedley Bull and later championed by Alain Minc, Jean-Marie Guehenno and Andre Bossard.

The New Medievalist theoretical model appears best suited as a spectrum through which to research, describe and analyse OC because its five guiding precepts (regional integration of states, disintegration of states, restoration of private international violence, transnational organisations and technological unification of the world) coupled with the idea that non-state actors will gain in important and influence to the detriment of the state (and not necessarily in a positive way) correspond well to today's reality as acted out by OC and more particularly Sicilian Cosa Nostra.

Rather than use the case study of Cosa Nostra activities in Italy, or even in the United States, the research has sought to look at another more recent and less well known international venture: penetration of the French Riviera and France by the Sicilian Cosa Nostra. By analysing the case of France, conclusions as to the motivations, strategic choices and judicial considerations can be inferred.

However because the Cosa Nostra is not the only crime family operating in a globalised way today, it is important to begin by taking the time to briefly look at the other main criminal players around the world, their joint ventures and common operational agreements. The main non-Italian crime families that have exploited and

profited from the globalised world are the Russian Mafiya, Japanese Yakuza, and Chinese Triads. Smaller, yet very potent, crime groups also operate internationally but their interaction and impact on the Cosa Nostra is less significant. These include the Colombian drug cartels, Nigerian crime groups and Turkish criminal enterprises. In order to not “dilute” the subject matter, These groups will not be analysed in this research.

Appendix 1

Definitions of Organised Crime and the Mafia

European Parliament (OC)

Association of two or more people acting with the common aim of committing crimes and infractions, notably drug trafficking, trafficking in humans, money laundering and other forms of financial fraud, notably financial frauds on the Internet system or using menu transfers, financial investments, and exploiting extraterritoriality, fiscal fraud [...], terrorism and having recourse to the protection of persons belonging to important institutions to dissimulate or facilitate the realisation of the infractions⁷⁴.

European Union (OC)

1. Collaboration between two or more people
2. Specific tasks attributed to each person
3. A prolonged or indefinite period of time
4. A form of discipline and control
5. Suspected of having committed serious legal infractions
6. Acting on the international level
7. Recourse to violence or other means of intimidation
8. Utilising commercial or commercial-type structures
9. Recourse to money laundering
10. Exercising influence on politics, the media, public administration, judicial or economic authorities
11. Acting for profit and/or power

A minimum of six of the eleven criteria must be met, and imperatively 1, 5 & 11.

Federal Bureau of Investigation (OC):

Organised enterprise crime is a continuing criminal conspiracy having organised structure, fed by fear and corruption and motivated by greed.⁷⁵

⁷⁴de Saint-Araille, Marie-Christine, and Guy Deregnaucourt. "Le point de la Session Parlementaire: Criminalite organisee: renforcement de la cooperation entre Etats membres." . Strasbourg: European Parliament, 1997, page 24.

⁷⁵Baker, Thomas. "Le FBI et le crime organise: le role du renseignement." La Criminalite Organisee. Ed. Marcel Leclerc. Paris: La Documentation Francaise, 1996.

French Ministry of Finance (OC):

- infraction of an extreme seriousness having repercussions on a person or on human dignity
- criminal activities that reveal by their breadth, a high level or organisation
- activities entailing large sums of money to launder, and hence the necessity to deploy itself internationally to launder money.⁷⁶

French Parliament: (Mafia)

Unitary organisation, doted with a pyramidal and compartmentalised structure founded on a "cell base" (the family), within which authority is exercised by a chief. The Mafia is regimented by a set of inflexible rules and ensures their application with the use of force, and disposes, on its territory of the monopoly over the use of violence.⁷⁷

Germany (OC):

Business or business like structures and exerts influence on politics, media, public administration, judiciary, or the economy

Interpol (OC):

Systematically prepared and planned committing of serious criminal acts with a view to gain profits and power and by more than three accomplices united in a hierarchy and job divisions in which methods of violence, various types of intimidation, corruption, and other influences are used.

Italy: (Mafia)

Those who form it make use of the power of intimidation provided by the associative bond and of the state of subjugation and criminal silence which derives from it to commit crimes, to acquire directly or indirectly the running or control of economics activities, of concessions, grants, contracts and public services in order to realise illicit profits or advantages for themselves or others.⁷⁸

State of California (OC):

Organised crime consists of two or more persons who, with continuity of purpose, engage in one or more of the following activities: the supplying of illegal services, and predatory crimes. Several distinct types of criminal activities fall within this definition of organised

⁷⁶Ministeres des Finances. "Les Notes Bleues de Bercy." . Paris, 1993.

⁷⁷d'Aubert, Francois, and Bertrand Gallet. "Rapport de la Commission d'Enquete sur les Moyens de Lutter Contre les Tentatives de Penetration de la Mafia en France." . Paris: Assemblée Nationale, 1993, page 14.

⁷⁸De Bacq, Michel. "Criminalite Organisee." Criminalite Organisee. Ed. Marcel Leclerc. Paris: La Documentation Francaise, 1996.

crime. The types may be grouped into five general categories: Racketeering, vice-operations, theft/fence rings, gangs, terrorists.⁷⁹

United Nations (former)(OC):

Organisation of groups with criminal intentions and activities, hierarchical links or personal relations that allow certain individuals to direct the group, recourse to violence, intimidation and corruption, and laundering of illegal profits.⁸⁰

United Nations (new definition) :

Organised criminal group shall mean a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit⁸¹.

⁷⁹Abadinsky, Howard. Organised Crime. Chicago: Nelson-Hall, 1990, page 2.

⁸⁰United Nations Conference. "Le Crime Organise et le trafic de drogue." . Naples: United Nations, 1994.

⁸¹ United Nations Convention Against Transnational Organised Crime: Palermo December 2000.

Appendix 2
Defining Mafias⁸²

		Mafia	OC	Criminal Association
1.	Group of several people	Yes	Yes	Yes
2.	Use of violence	Yes	Yes	Yes
3.	Adaptability to circumstances	Yes	Yes	Rarely
4.	Ability to corrupt	Yes	Yes	—
5.	Seeking influence	Yes	Yes	—
6.	International expansion	Yes	Yes	—
7.	Hierarchical structure	Yes	Yes	—
8.	Pre-eminence of organisation (over the individual)	Yes	Yes	—
9.	Duty to obey	Yes	Yes	—
10.	Permanent membership	Yes	Yes	—
11.	Reference to the family	Yes	Yes	—
12.	Permanence of the structures	Yes	Yes	—
13.	Sense of honour	Yes	Sometimes	—
14.	Culture of death	Yes	Sometimes	—
15.	Founding myth	Yes	Sometimes	—
16.	Initiation	Yes	—	—
17.	Example	Triads	Cartels	Gangs

⁸²Cretin, Thierry. Mafias du Monde. Ed Xavier Raufer. Paris: Presses Universitaires de France, 1997, page 158.

Chapter 2



Global Organized Crime

« Crime is no longer a problem that any nation
can consider in isolation.
If we want to understand it, and to combat it,
we must see crime in its global context. »

Pino Arlacchi
« Nations Build Alliances to Stop Organised
Crime »
U.S. Department of State (www.USinfo.state.gov)

I Introduction

In order to fully understand the regionally specific case study of this thesis, the Sicilian Cosa Nostra and its activities in France, it is important to define first and explain the global organised crime activities. The Cosa Nostra does not, and cannot operate in a vacuum and hence the international context is also key in understanding it. By presenting the major actors, their spheres of interest, their members and structures, the global crime problem can be defined and delineated more accurately and more completely. The main axis of this chapter are: The presentation of the major organised crime families, the presentation of the major activities, and the presentation of the strategic alliances they have forged.

Not only is organised crime a concrete threat, but it is further exacerbated by the multiplicity of the different organised crime families. There are five broad "categories" of organised crime families, mainly delineated by their geographic origin: Italian, Russian, Japanese, Chinese and South American cartels. In addition to these traditional GOC families, must also be added smaller crime syndicates, sometimes referred to as criminal upstart groups like the Nigerian and Turkish criminal networks.

Each family is totally separate entity, has its own unique personal history that has shaped its development, encouraged certain types of activities, and tailored its relationship with its "host" state. Even though many of the GOC families have a similar type of background, most notably, the Robin-Hood image with its defence of the oppressed populations, or may even have borrowed a few elements from the structure of one or another organisation, they share the same goal: profit. The only two groups that have identical origins are the Sicilian Cosa Nostra and its independent offshoot the American La Cosa Nostra, but today they are also considered as separate entities.

By looking at each family individually, explaining its origins, analysing its structure and choice of activities, it becomes clear why each on its own already poses a threat to the state within which it operates, impedes fair market practices, hinders healthy economic progression, and corrupts local and national decision makers. By repeating this process for each of the major GOC families, it become obvious that compounded, the threat posed by the multitude of OC families is exponentially menacing.

Despite each family's autonomous standing, and each family's preferred spheres of interest, there are a few activities which are universal to all families, namely: drug trafficking, money laundering, as well as other "popular" activities like human trafficking. Other activities like organ trafficking are newer to the GOC scene but appear to be

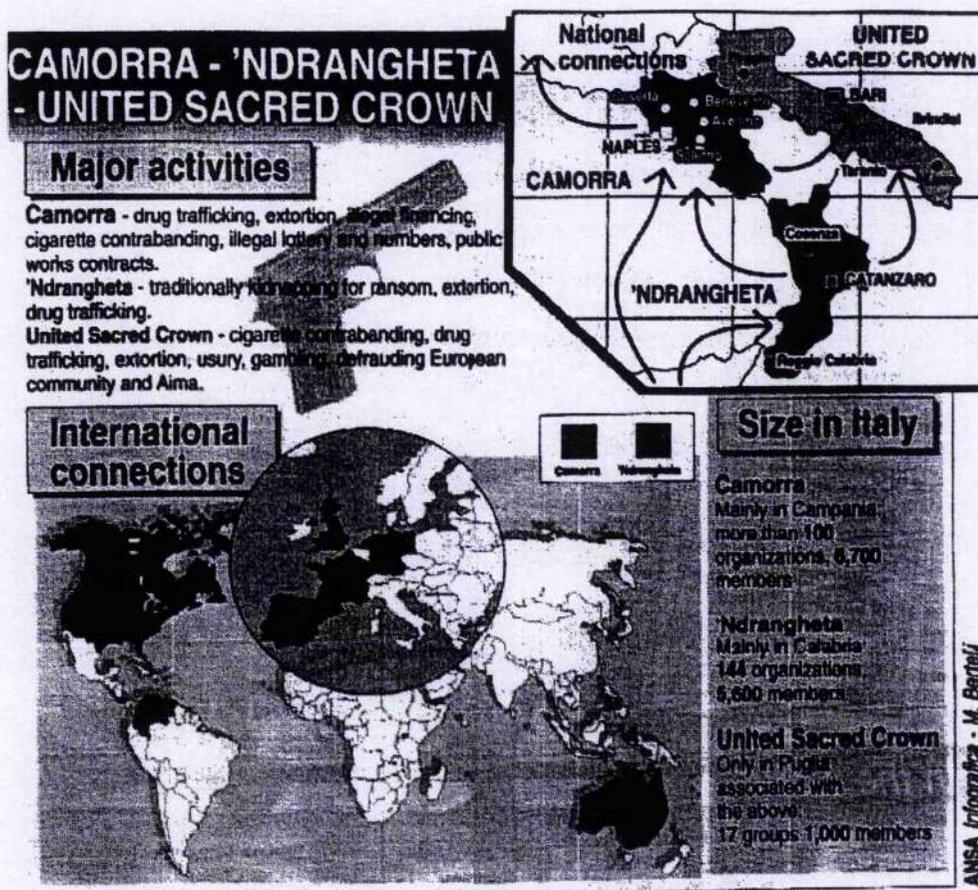
quickly rising as an activity of choice because of its high profit yield.

The GOC have not shied away from the era of globalisation, and much the contrary have embraced it and used it to their advantage. It can be considered that the GOC families, in many ways act like any multinational corporation, and have sought to forge alliances, develop joint ventures, and diversify their activity portfolio in order to profit from the era of globalisation, and ensure their survival. By forging ties with other crime groups, GOC families have specialised, streamlined their activities, exploited their geographic domination, and made themselves even more resilient. This era of inter-GOC activities has especially enabled each family to increase its profit, resulting in further penetration of the global economy.

Several new factors, products of the new global order, have revolutionised the world, and the way business is conducted both for GOC and legitimate business structures. The by-products of this new order include: a communication and transportation revolution, increased migration of people, and permeability of national boundaries. Additionally the end of the Cold War has opened up new markets in the East, and has permitted the former satellite countries to actively participate in the Western markets. Although these new facilities have greatly benefited legitimate business ventures, and have allowed the individual greater access to the world, these same new facilities have also tremendously benefited the criminal organisation who have used and exploited these system to their strategic and financial advantage.

II Multiplicity of Organised crime families: a tangible threat

1. Italian Organised Crime Families¹



There are four major crime families operating in Italy today, each of which is geographically delineated: the *Cosa Nostra* in Sicily, the *Camorra* in Naples, the *'Ndrangheta* in Calabria, and the *Sacra Corona Unita* in Apulia. A fifth major crime group of Italian origin and distant cousin of the Sicilian *Cosa Nostra* operates in the United States and Canada *La Cosa Nostra*. Each crime family is completely independent from the others, but when necessary can chose to co-operate with another family. Generically referred to as a unitary group: the Italian Mafia, each family is in fact very different, possesses a unique structure, individual history, and preferred spheres of interest.

The Gross Criminal product of all Italian crime families confounded is estimated to reach \$20-25 billion USD annually and is roughly broken down in the following

¹All the maps that have been scanned and entered into this chapter come from one source: United Nations Crime Prevention and Criminal Justice. "The World Ministerial Conference on Organised Transnational Crime - Naples Italy 21-23 November 1994." . Vienna: United Nations, 1995.

fashion:²

Drugs trafficking:	20%
Extortion:	20%
Public Works Contracts:	20%
Theft/Robberies:	20%
Other:	20%
(Including fraud, prostitution smuggling)	

Racketeering/extortion, is an easy way for the organised crime families not only to make money, but also an important way to reaffirm their control over a given territory. By systematically calling on the different businesses, shops and factories for "contributions" they are reminding everyone of their permanent presence and reaffirming their control and power. The following table illustrates the number of dynamite explosions, fire bombing attempts and extortion denunciations in Italy in 1990. It can be concluded from this table that not only is a disproportionate number of these bombings (88%) and extortion attempts (60%) occurring in the South, where the Mafia is based, but they are also predominantly occurring in regions controlled by the four Italian organised crime families: Campania: Camorra / Apulia: Sacra Corona Unita / Calabria: 'Ndrangheta / Sicily: Cosa Nostra³.

Racketeering in Italy⁴
(In 1990)

Region	Dynamite explosions Fire-bombings	Extortion Denunciations
Campania	74	341
Apulia	461	437
Calabria	498	136
Sicily	425	468
Total South	1,540	1,589
Total Centre-North	196	1,029
Total Italy	1,736	2,618

The table further illustrates the involvement of the different organised crime families in these bombings and extortion attempts. The Cosa Nostra is the organisation that is most involved in extortion, both in the South and in Italy, while the 'Ndrangheta is responsible for 1/3 of all bombings in the South, slightly less for all of Italy, closely followed by the SCU and the Cosa Nostra. The Camorra is only marginally involved in bombings and

²Sterling, Claire. Crime Without Frontiers: The Worldwide Expansion of Organised Crime and the Pax Mafiosa. London: Little, Brown & Company, 1994, page 94.

³For the clarity of this table, four regions have been left out: Abrusse, Molise, Basilicate, and Sardinia.

⁴Sommier, Isabelle. Les Mafias. Paris: Montchrestien, 1998, page 178.

ranks third in extortion attempts. Interestingly, the SCU despite its small membership size (the smallest amongst the four Italian OC families) is disproportionately involved in violent incidents.⁵

a. Cosa Nostra

The oldest amongst the five Italian crime groups, the Cosa Nostra served as an example for many other crime groups who decided to replicate certain aspects of its structure and organisation into their own organisations. However, as the Cosa Nostra is the case study for this research, it shall be discussed in great detail in a subsequent chapter.

b. Camorra

The word Camorra may have its origins from "*morra*" a game particularly appreciated in the South of Italy.⁶ Two predominant theories exist concerning the origins of the Camorra as a criminal group: the oldest traces it back to a humility society of the XVI century, and the more recent origin traces it back to a XIX century organisation emerging from the popular Naples neighbourhoods. Regardless, the Camorra was born no later than the XIX in Naples, and slowly expanded its control to the surrounding region. Interestingly, it is the only Italian crime family whose origins are urban and not rural.

Membership boasts a total 106 families and 5,000 soldiers. Naples alone harbours 67 families and 3,350 soldiers making it the strategic epicentre of Camorra operations and manpower. Rocked by devastating internal wars in the 1980's (approximately 400 victims) two powerful families emerged from the main the Camorra: the *nuova famiglia* headed by Michele Zaza, and the *nuova camorra organizzata* headed by Rafaele Cutolo.

The Camorra structure, unlike the 'Ndrangheta and Cosa Nostra, is much more horizontal in nature, resembling an informal federation of local organisations, loosely governed by a few dominant clans rather than a strictly pyramidal structure like other crime families.⁷ The godfathers of the Camorra are very young by Italian organised crime standards, the average age is 25-30. Interestingly, the Camorra includes women among

⁵ Historically the Camorra has always tolerated much more violence.

⁶ Bottamedi, Claude. *La Mafia en Belgique*. Ottignies: Quorum, 1997, page 47.

⁷ d'Aubert, Francois, and Bertrand Gallet. "Rapport de la Commission d'Enquete sur les Moyens de Lutter Contre les Tentatives de Penetration de la Mafia en France." . Paris: Assemblée Nationale, 1993, page 30.

its members and in one case permitted the ascension of a woman to the position of godfather: when Rafaele Cutole was arrested, his sister took over his prestigious position before being arrested herself in 1993.

Up until the 1960's the Camorra's main activities included cigarette trafficking, equivalent to 10% of the total Italian national market, extortion and theft. In the 1970's, the Camorra expanded its activities to include cocaine and heroin trafficking, for this purpose, forging links with Italian crime groups already present in the United States. In addition, the Camorra also became involved in money laundering industry, a way of insuring the conversion of their drug and crime profits.⁸ Cigarette trafficking, and clandestine lotteries remain profitable activities even today, estimated to generate \$2 billion USD a year.⁹ Another speciality of the Camorra is the diverting of public money. Following the 1980 earthquake that rocked the region and resulted in 240 victims, the Italian government allocated emergency funds to rescue victims, aid the displaced population and rebuilt housing. It is estimated that as much as 60% of those emergency funds was directly diverted by the Camorra.¹⁰ According to the Italian census, the Camorra is a large employer; it unofficially hires as many as 400,000 of unemployed workers whose primary job is selling contraband cigarettes.¹¹

Internationally the Camorra is especially present in Europe (Germany, Portugal, Great Britain, Switzerland, Monaco, France, Hungary, the Netherlands, and former Yugoslavia), North and South America (the United States, Peru, Bolivia, Brazil, Uruguay, Colombia, Venezuela).

c. Sacra Corona Unita

The Sacra Corona Unita (SCU) is the smallest and youngest of the Italian organised crime families, only dating back to the 1970's, and is in fact an independent offshoot of Rafaele Cutolo's Camorra family. Based in Apulia, is primarily centred around the cities of Bari, Lecce and Brindisi. The SCU is comprised of 32 clans and 2,542 affiliates (or members). The SCU is perceived as the undisciplined element of the Italian organised crime: its word of honour means nothing, and leaders often go back on

⁸Bottamedi, Claude. *La Mafia en Belgique*. Ottignies: Quorum, 1997, page 47.

⁹Cretin, Thierry. *Mafias du Monde*. Ed Xavier Raufier. Paris: Presses Universitaires de France, 1997, page 130.

¹⁰Bottamedi, Claude. *La Mafia en Belgique*. Ottignies: Quorum, 1997, page 49.

¹¹This fact may explain, at least in part, the local and regional governments reticence to tackle the Camorra, as doing so would propel all these Camorra-employees" back into the unemployment sphere.

their promises, or act in complete opposition to what they have agreed on, and hence are considered totally unreliable by the Cosa Nostra, Camorra and 'Ndrangheta. In addition, the SCU is characterised by an incredible level of violence: whereas the other Italian crime families tend to avoid murdering women and children, the SCU sometimes seeks them out as ideal victims, and ideal vectors through which to sow fear and violence. Because of this violence and unreliability the other crime families tend to limit their interaction they have with the SCU.

The SCU rituals and vocabulary are deeply rooted in a fervent religious belief; for example, the initiation ritual is called the baptism, *il battesimo*. To become a member of the SCU, a person must be nominated by a godfather, who in turn becomes guarantor of the recruit's loyalty and answers for his actions. The structure of the SCU is highly hierarchical, comprised fifteen different levels.¹² A member must proceed through every level, to move up an echelon, each member must have committed a criminal act worthy of promotion, and have remained in the previous echelon for a pre-determined period. Each advance is marked by a ceremony, always conducted on a Saturday and an uneven number of members must also be present for the ceremony to be valid.

The SCU engages in traditional criminal activities like extortion, loan-sharking, and public works contracts, but with strategic, and even easy access to the Balkans, they have, like the 'Ndrangheta maximised this advantage to develop various activities. The SCU has forged ties with Albanian, Montenegro and Turkish criminal groups to pursue weapons, drug, contraband and immigrant trafficking across the Adriatic.¹³

Internationally the SCU is present in the United States, South America, Albania, Montenegro and Turkey.

d. 'Ndrangheta

The name 'Ndrangheta, from the Greek "andragathia" or "andraghetos", meaning manliness or man of valour first appeared in the XVIII century.¹⁴ The archives of the Seminara carabinieri made mention of an organisation of thieves that defended the peasants from the Pietmontese invaders. Like the Cosa Nostra, the origin of the

¹²The founder, crimine, crimine distaccato, quartino, tre-quartino, messo-quartino, evangelista, santista, sgarrista, cammorista (full-fledged), cammorista di sangue, cammorista fatto a voce, picciotto (full fledged), picciotto di sangue, picciotto a voce.

¹³Marrusso, Feliciano. "Organisation de type mafieux a l'horizon 2000." *Revue Internationale de Criminologie et de Police Technique* .February (1997).

¹⁴Vulliamy, Ed. "Mafia Strides into Power Vacuum." *The Guardian* 25 May 1992.

'Ndrangheta was noble, defending the oppressed against the invader, and becomes "officially" criminal a century later.

The structure of the 'Ndrangheta is a tree. The trunk, referred to as *capobastone* is the heart of the organisation, comprised of the few key decision-makers. The most important branch, and hence second most important role within the organisation is held by the accountant. The other sturdy branches represent the essential experts that hold the organisation together. The little offshoots, known as *piccioti* are the new recruits. The buds and flowers form the pool of potential recruits. Finally the dead leaves falling from the tree symbolise the traitors that have fallen from grace. Incidentally, it appears that these traitors are actually physically scarred by the organisation to mark them permanently as outcasts.¹⁵

The 'Ndrangheta controls the entire lower boot of Italy, but is chiefly centred in three provinces Reggio, Cosenza and Catansa. Its membership counts approximately 142 families, called *'ndrines* and 5,000 soldiers. The two main factions are controlled by the De Stefano – Tegano – Libri families and the Imerti – Condello – Serraino families. In 1991, the two families met and decided on a strategic split of the region, each keeping control of one specific area, and hence helping to reduce any "territorial" based conflicts between them.¹⁶

To become a member of the 'Ndrangheta a young man must carry out a murder, but must demonstrate agility, intelligence and complete calm when doing so. Recruitment generally takes place within the family, is subject to a democratic vote, and finally is censured by an entrance fee known as the *dritta*. Like the Camorra, women are admitted into the 'Ndrangheta. The 'Ndrangheta is especially known for its section of baby-killers, young men no older than fifteen who have already proven themselves worthy of membership by demonstrating keen skills for executions.

Primarily agrarian, the 1960's mark a turning point for the 'Ndrangheta because they launched into drug trafficking and cigarette contraband. They easily took advantage of their strategic location on the Balkan route and exploited this position to promote illegal activities.¹⁷ The real speciality of the 'Ndrangheta remains kidnapping for ransom, and although they tend to kidnap victims outside of 'Ndrangheta territory, they generally

¹⁵Bottamedi, Claude. *La Mafia en Belgique*. Ottignies: Quorum, 1997, page 45.

¹⁶ Pellegrini, Aneiolo; The "Ndragnetha; Asn account of the situation" D.I.A., Centro Operativo Reggio Calabri (1997).

¹⁷ The Balkan route, jointly exploited by Serbian and Italian organised crime provides the entry point

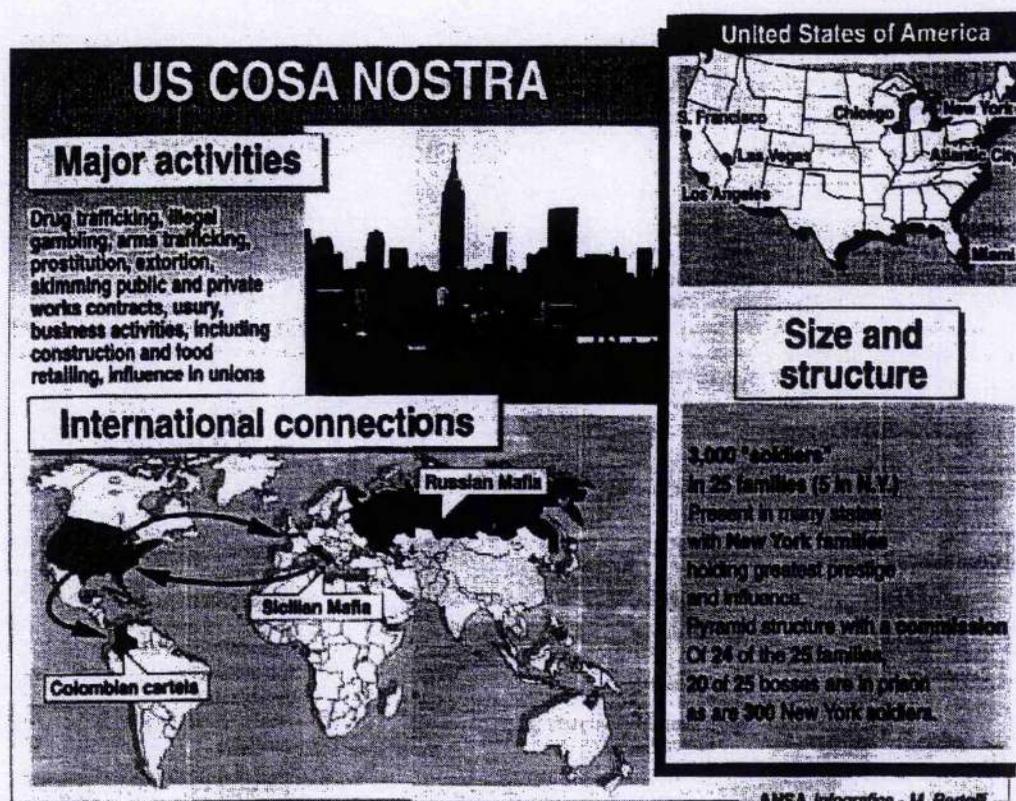
sequester them in the Calabrian country side (Aspromonte), sometimes detaining them there for years.¹⁸ American millionaire Paul Getty's son was a high profile victim of 'Ndrangheta kidnapping. Like the Cosa Nostra, it has managed to instil the rule of *omerta*, the art of not speaking, and thus preventing the villagers, or any eye-witnesses from going to the police. In addition, the 'Ndrangheta favours political penetration to ensure its survival and for this purpose cultivates close ties with the local elected officials: according to Italian Anti-Mafia officials, the 'Ndrangheta controls 15-20% of the local elected officials in Calabria.¹⁹ According to the DIA, the four main activities of the 'Ndrangheta are, drug trafficking, extortion, arms trafficking and money laundering.²⁰ Internationally the 'Ndrangheta is particularly present in Europe (France, Spain, Portugal and the Netherlands), but also Canada and the United States.

into Europe for all forms of trafficking (weapons, immigrant, cigarettes).

¹⁸Cesare Casella was kidnaped, chained in a grotto, and held captive for 742 days despite his mother having paid the ransom demand. Source: de Vericourt, Guilemette. *Les Mafias*. Toulouse: Editions Milan, 1998, page 13.

¹⁹Cretin, Thierry. *Mafias du Monde*. Ed Xavier Raufer. Paris: Presses Universitaires de France, 1997, page 123.

²⁰Pellegrini, Aneiolo; The "Ndrangheta; Asn account of the situation" D.I.A., Centro Operativo Reggio Calabri (1997).



La Cosa Nostra (LCN), distant cousin of the Sicilian Cosa Nostra originated in the American city-ghettos of the XIX th century. With massive immigration from Italy to the United States, (more than 4,000,000 between 1820-1930, nearly 80% of whom were from Southern Italy), these ethnically singular city ghettos (generally little-Italy) replicated the "clan"/family mentality that existed on the Old Continent and brought with them some aspects of the Mafia. Because so many of these immigrants did not speak English, the privileged few who did quickly acquired status and power acting as intermediaries, interpreters and job recruitment specialists for the Italian immigrants. This position known as "*padrone*" began to formalise further and created the precursor to the American-style Mafia "the Black-Hand". The Black Hand not only took interest in finding jobs, and being rewarded for it, but also in organising illegal gambling, trafficking and murder.²¹ In 1919, the Volstead -Prohibition Law was voted and the Black Hand/ Mafia took off, solidifying its power and wealth by importing alcohol, and controlling its sale and distribution, the powerful American La Cosa Nostra emerges from this period.

²¹Cretin, Thierry. *Mafias du Monde*. Ed Xavier Raufer. Paris: Presses Universitaires de France, 1997, page 92.

Today, LCN is estimated to have approximately 3,000 men of honour and 20,000 associates gravitating around 20-25 families. LCN is implanted across the United States but is particularly present in New York/ New Jersey, Chicago, Los Angeles, Las Vegas, Miami and Atlantic City. The five "historic" families are based in New York and include the Bonnano, Colombo, Gambino, Genovese and Lucchese families. Generally one family dominates one city, with the exception of New York which is split between the five historic families.²²

The internal structure of LCN is the same as its Sicilian counterpart and in 1931, Lucky Luciano set up a "commission" as an arbitrating board for the different families to air their grievances against one another, and try and prevent inter-family wars over territorial domination or conflicting activities. The only family that remains completely independent and is not a member of this commission is the New Orleans family.²³ Membership criteria for LCN requires that the father of the prospective member be born in Italy, preferably in Sicily, but at the very least in the South but exceptions, and special derogations can however be made.²⁴

Organised crime in the United States is estimated to gross \$60 billion USD, equivalent to 1.1% of the GNP, and represents more than the metal, copper and steel industries put together.²⁵ LCN is thought to generate 50-80% of that sum, and an estimated \$6.5 billion USD of taxes revenues is lost just on illicit LCN activities.²⁶

LCN activities are varied ranging from drug trafficking, extortion, racketeering, illegal gambling but also activities like prostitution and pornography that are banned in Sicily. One of the peculiarities of LCN is the immense control it had, and still has though to a lesser degree over trade and labour unions. Through this control, and by threatening labour strikes LCN is able to effectively racketeer and extort entire sectors of industries. Trade unions that are particularly prized by LCN are the hotel and restaurant unions,

²²Campagnola, Francois. Crime organise et gansterisme professionnel: experience francaise et analyse comparee. Paris: Institut de Hautes Etudes de la Securite Interieure, 1996, page 18.

²³Raufer, Xavier. Planete Mafieuse: Atlas Pratique de la Grande Criminalite Organisee Internationale. Paris: Institut de Criminologie, 1994, page 50.

²⁴Germani, Gino. "International Organised Crime Groups (Distinguished Lecture Series)." . Rome: Federal Bureau of Investigation, U.S. Department of Justice, 1994.

²⁵Raufer, Xavier. Planete Mafieuse: Atlas Pratique de la Grande Criminalite Organisee Internationale. Paris: Institut de Criminologie, 1994.

²⁶Germani, Gino. "International Organised Crime Groups (Distinguished Lecture Series)." . Rome: Federal Bureau of Investigation, U.S. Department of Justice, 1994.

dockers as well as construction companies, waste disposal, food, water and gasoline distribution unions.

For example, LCN families in New York (mainly Gambino and Genovese) control not only the unions associated with waste removal, but also control the sub-contractors authorised to treat the 25,000 tons of waste produced each day in the city.

For this reason the cost of treating a square meter of waste in New York is significantly higher than in other American cities: \$17.5 in New York, versus \$5 in Chicago and only \$4 in Los Angeles.²⁷

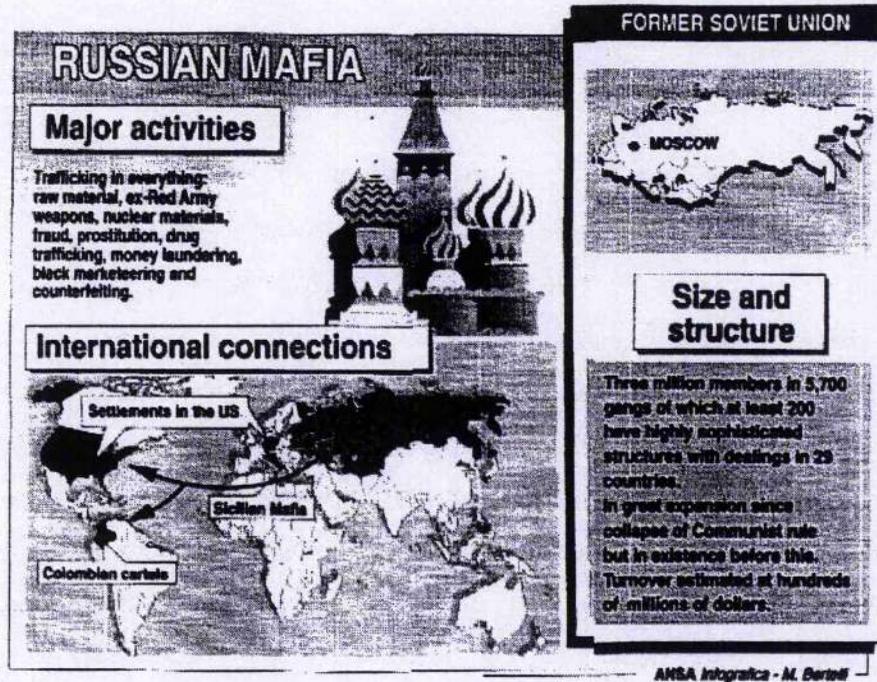
Like all organised crime families that try and create a legal front to their illegal activities, and look for legal ventures through which to either launder their dirty money, or invest in with dirty money, LCN has an extensive portfolio. In 1985, according to the American Presidential Commission on Organised Crime, LCN owned at least 768 "legal" properties/investments. The breakdown was as follows:²⁸

-	Restaurants, grocery stores, liquor stores	253
-	Construction & public works companies	137
-	Legal gambling establishments	78
-	Waste disposal companies	58
-	Clubs, hotels, etc..	47
-	Car dealerships and repair shops	41
-	Various confection shops	34
-	Real estate companies	18
-	Banks	9
-	Other	93

²⁷Raufe, Xavier. Planete Mafieuse: Atlas Pratique de la Grande Criminalite Organisee Internationale. Paris: Institut de Criminologie, 1994, page 53.

²⁸Though this statistic is dated, it can be assumed that today a similar breakdown of areas of interest still exists. Source: Raufe, Xavier. Planete Mafieuse: Atlas Pratique de la Grande Criminalite Organisee Internationale. Paris: Institut de Criminologie, 1994, page 51.

2. Russian: Mafiya



In 1994, Boris Yeltsin called his country the “biggest mafia state in the world...the superpower of crime that is devouring the state from top to bottom”²⁹

Although some organised crime groups existed under the communist system, since its collapse in 1990, the old, in addition to the ever-multiplying new groups have been able to flourish and expand their influence, activities and profits dramatically. The repressive Communist State had been able to keep criminal organisations in check by handing out extremely harsh sentences (up to 17 years in high security Siberian prison-camps for associating with criminals), however it had never set up, developed or reinforced the institutions and tools necessary to combat a potentially growing and highly lethal criminal population.³⁰ Today, Russian organised crime has literally exploded in numbers with as many as 3,000,000 associates, or helpers.³¹ Arguably, the Russian Mafiya is one of the primary enterprises that has benefited from the collapse of the Soviet Union.³² A much more violent and unpredictable New Mafia has outclassed the old Mafia present

²⁹De Borchgrave, Arnaud: Russian Organised Crime, CSIS Panel Report 1997.

³⁰Freeh, Louis. “Russian Organised Crime (Ministry of Internal Affairs Academy).” Moscow: Federal Bureau of Investigation, U.S. Department of Justice, 1994 and Freeh, Louis. “Hearing on Russian Organised Crime (House Committee on International Relations).” Washington D.C.: Federal Bureau of Investigation, U.S. Department of Justice, 1996.

³¹These associates are not confirmed members of a gang, but rather work as “contractors”. They do not benefit from “status” of a Maffiya member, but receive financial compensation for their help and loyalty.

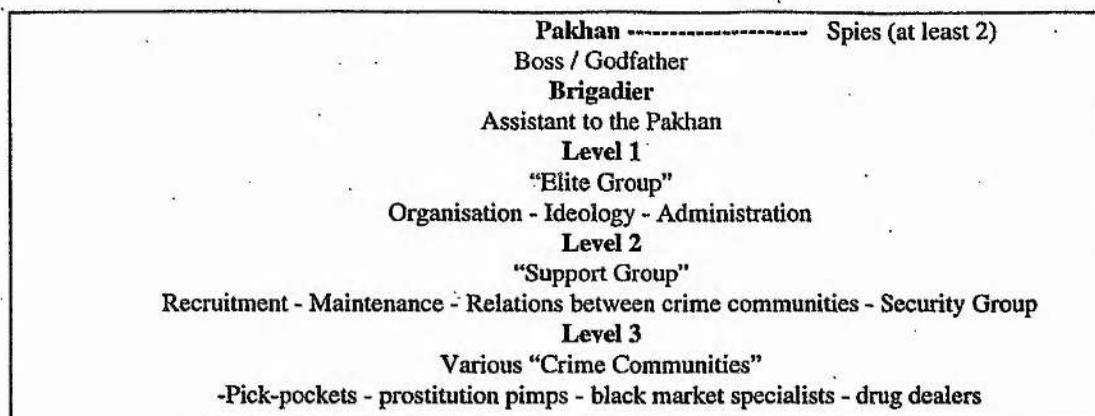
³²Handelman, Stephen. “The Russian Mafiya.” *Foreign Affairs* 73.2 (1994).

under the USSR.

The old system of *Vory V Sakone*, "Thieves professing the code"³³ is slowly being chipped away by the new Mafias. The Sakone's, thought to number 600 at the close of the Soviet Era, originally detained a territorial monopoly in trade, but as they began to weaken, they sought out a partnership with government officials.

The new Russian Mafiya is not a homogeneous entity, much the contrary, it is made up of more than 12,000 gangs regrouping approximately 160,000 "confirmed" men and more than 3,000,000 associates.³⁴ The New Mafiya can broadly be broken down into five main categories:

- *vory v sakone* are the "old style" more traditional criminals
- *avtority* are the new criminals
- ethnic centred gangs that recruit only within their ethnic population
- activity centred gangs that recruit specialists in a particular area
- corrupted government officials.³⁵



The Pakhan, aided by his brigadier, can manage as many as four different crime cells at once. He generally employs at least two spies who report back to him on the loyalty and actions of his brigadier.³⁶

³³Hockstadter, Lee. "Russia's Criminal Condition: A Time of Thieves Series." Washington Post 26 February 1995.

³⁴de Maillard, Jean. Un monde sans loi. Paris: Stock, 1998, page 69.

³⁵Direction des Affaires Strategiques, de Securite et du Desarmement, and Sous Direction de la Securite. "Conference des Ambassadeurs: Table ronde: "les Mafias"." . Paris: Ministeres des Affaires Etrangeres, 1998.

³⁶Blanc, Helene. Le Dossier noir des Mafias Russes. Paris: Balsac-Le Griot, 1998, page 73.

³⁷Serio, Joseph. "Organised Crime in the Soviet Union and Beyond." Low Intensity Conflict and Law Enforcement 1.2 (1992). and Cretin, Thierry. Mafias du Monde. Ed Xavier Rauffer. Paris: Presses Universitaires de France, 1997.

Businesses are the primary targets of the Russian activities as they are forced to pay vast sums of protection money, sometimes to several different families at once.³⁹ The average protection rate is 20% of the businesses overall income.⁴⁰ Failure to pay usually results in immediate use of escalating violence, most often ending with murder. Russian law enforcement officers file up to 700 extortion charges, and 15 kidnapping situations (chiefly aimed at businessmen and their families) each month.⁴¹ In 1994, a record high of 170 of businessmen were assassinated.⁴² Foreign businesses are easy targets for the Mafiya because they are generally not under the protection of any crime group, are perceived to be rich and hence able to pay exorbitant protection money. In addition foreign businessmen are usually ill informed of the Russian crime situation, have little knowledge about how to manage protection demands, and don't know whom to turn to for help. For this reason many national governments (including the United States) have issued strongly worded advisories to businesses seeking to establish themselves in Russia.

The estimated Mafia turnover dramatically illustrates the growth in importance it has experienced since the collapse of the Soviet Union:

	<u>Annual Mafia Turnover:</u> ⁴³
1989	less than 1 billion Rubbles
1991	130 billion Rubbles
1996	70 trillion Rubbles ⁴⁴

By 1991, the Russian Mafia managed a 130 billion rubble turnover, a sum equivalent to the size of the national deficit. Interior Minister Alexander Gurov glumly predicted that in the next few years, the annual turnover would reach 200 billion roubles, which would equate to controlling 30-40% of the GNP. It appears from the latest available statistics that Gurov's estimates were dramatically underestimated as 1996 figures on the annual mafia turnover reached 70 trillion roubles. The criminal world has gained control of as many as: 35,000 economic entities (including 400 banks), 47 exchanges, and 15,000 business and insurance agencies.⁴⁵ An estimated 60-80% of Russian banks have fallen under the control of the Russian Mafiya.^{46/47}

³⁸However, there does not appear to be any real universal consensus on the definition of the Russian crime structure: one Russian official stated, there does not seem to be a head or a tail.

³⁹For a more extensive discussion of the threat posed by OC to foreign businessmen refer to: Serio, Joseph. "Threats to Foreign Business Community in Moscow." Transnational Organised Crime .Special Issue Summer 1996 (1996).

⁴⁰Lewis, Flora. "Long-Armed Russian Mafias Should be Manacled Now." International Herald Tribune 13 October 1994..

⁴¹Wireservice. "Russian: Internal Affairs." BBC Summary 4 September 1996.

⁴²[Wireservice, 1996 #314].

The activity that concerns the international community most is the possibility of theft and trafficking in nuclear weapons, or components. There is great controversy about the reality and extent of the threat posed by the theft and sale by Russian organised crime⁵⁰ of nuclear weapons and weapons grade nuclear material.⁵¹ For the moment it appears that the theft of nuclear material from very poorly guarded nuclear facilities has been limited, confined to a few amateur smugglers, and has not yet become an activity of choice of organised crime and "poses no strategic danger".⁵² The potential for involvement in this activity should not however be totally eliminated as nuclear trafficking could generate immense profits.

A further issue of concern pertaining to the Russian Mafiya is the possibility that former KGB and police agents may have defected into the Mafia. Because of their important contacts and extensive knowledge of criminal and government networks, these former agents can potentially be very dangerous.⁵³

⁴³ Sterling, Claire. Crime Without Frontiers: The Worldwide Expansion of Organised Crime and the Pax Mafiosa. London: Little, Brown & Company, 1994, page 117.

⁴⁴ Blanc, Helene. L Dossier noir des Mafias Russes. Paris: Balsac-Le Griot, 1998, page 11.

⁴⁵ Wireservice. "Russian: Internal Affairs." BBC Summary 4 September 1996.

⁴⁶ de Maillard, Jean. Un monde sans loi. Paris: Stock, 1998, page 72 and Direction des Affaires Strategiques, de Securite et du Desarmement, and Sous Direction de la Securite. "Conference des Ambassadeurs: Table ronde: "les Mafias". Paris: Ministeres des Affaires Etrangeres, 1998.

⁴⁷ De Borchgrave, Arnaud: Russian Organised Crime, CSIS Panel Report 1997.

⁴⁸ No author cited. "Russian Mafia Infiltrates Britain." Sunday Times 3 September, 1995.

⁴⁹ Handelman, Stephen. "The Russian Mafiya." Foreign Affairs 73.2 (1994).

⁵⁰ Blanc, Helene. L Dossier noir des Mafias Russes. Paris: Balsac-Le Griot, 1998, page 78.

⁵¹ Blanc, Helene. L Dossier noir des Mafias Russes. Paris: Balsac-Le Griot, 1998, page 82.

⁵² According to the Albanian minister of interior significant theft/pillaging has taken place in their military depots. The following is a list of weapons that have "disappeared": 2 million light weapons, 3.5 million hand grenades, 1 million mines, 840,000 mortars, 1.5 billion bullets (all calibers) 3,600 metric tons of TNT as well as an unspecified number of canons, rocket launchers, surface to air missiles. Source: Rauffer, Xavier. Dictionnaire technique et critique des nouvelles menaces. Ed Minos. Paris: PUF, 1998, page 37.

⁵³ For more details, refer to: Center for Strategic and International Studies, ed. The Nuclear Black Market. Washington D.C.: CSIS Task Force, 1996.

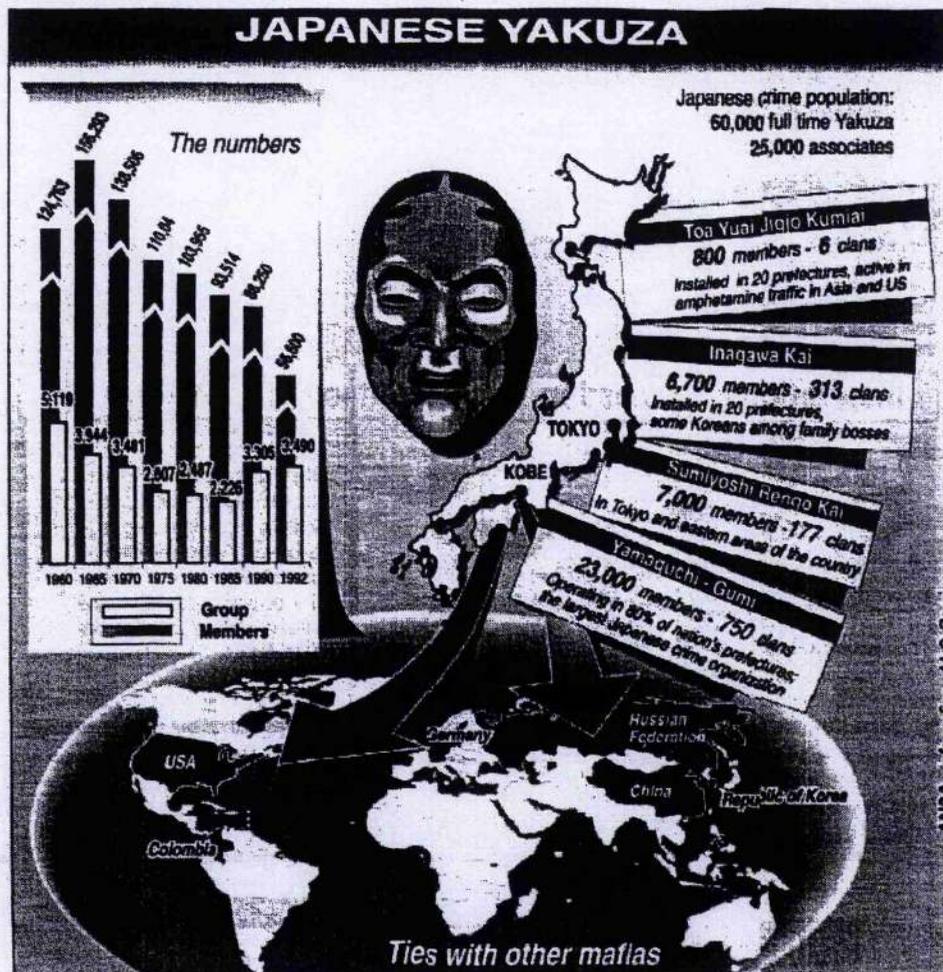
⁵⁴ Lee, Rensselaer. "Recent trends in nuclear smuggling." Transnational Organised Crime .Special Issue Summer (1996).

Internationally the Russian Mafiya is present in Europe (Belgium, Great Britain, France, Germany, Switzerland, Luxembourg and Spain), the United States, Canada and the Middle East, particularly in Israel. In France, the Russian Mafiya is primarily concentrated in two regions, the Paris-Ile de France area, and the Riviera. Smaller Mafiya presence has been sporadically detected in Brittany where real-estate ventures have been traced back to it. Both in Paris and on the Riviera coast the Russians are predominantly present in the trafficking of prostitutes and more generally the sex trade. Whereas up until the early 1990's the prostitution network in Nice and Cannes were run by and supplied either indigenous French women or alternatively by West African girls, since then a prostitution war has opposed these « traditional » prostitutes to the Eastern European and Russian prostitutes trafficked into France by the Mafiya. The Russian controlled girls are young, sometimes far younger than the minimum legal age of 18, beautiful and cheap. To ensure a maximum number of clients "prices" are cut significantly below "market value", and elementary hygiene and health concerns (like safe sex) are ignored. As many as 70% of the non-voluntary prostitutes in France are thought to be controlled by the Russian criminal networks.^{55 bis} The jet-set type life complete with yachts, casinos and luxurious hotels appears to also lure Russian criminal bosses to the Riviera to spend and invest their profits.

⁵⁵Colombani, Jean-Michel. "Commissaire SDAC." Nanterres, France. Ed. Police Judiciaire. OC and the Police Judiciaire, 1997. Farah, Douglas. "FBI Chief: Russian Mafias Pose Growing Threat to US." Washington Post 2 October 1997. Farah, Douglas. "Russian Mob, Drug Cartels Joining Force." Washington Post 29 September 1997.

^{55 bis} Refer to : U.S. Department of State 2002 Trafficking in Persons Report.

3. Japanese: Yakuza



Commonly called Yakuza, the real name for the Japanese criminal organisation is in fact Boryokudan: Yakuza actually refers to the members of the Boryokudan. The etymology of the term Yakuza originates from a card game called Hanafuda. The losing hand in this game is the Ya: 8, Ku: 9 and Sa: 3. The Yakuzas, or losing hand (8-9-3), was the word that was appropriated by the losers or outlaws of society.⁵⁶

Yakuzas came into existence in the 17th century when samurai soldiers, demobilised after the civil war, met and created rituals, codes and a language (dialect). By the beginning of 20th century the Yakuzas had evolved from roving armed bandits that terrorised travellers to a truly organised professional criminal operation. They progressively began to infiltrate and take over unions and syndicates, corrupt law enforcement and buy up key politicians. The Yakuzas were particularly linked with the ultra nationalist factions of the 1920's and 1930's. The strength of the Yakuzas drastically

⁵⁶Interestingly, although the Yakuzas are predominantly ethnic Japanese, they also welcome Koreans into their ranks. Source: Crump, Thomas. The Death of an Emperor: Japan at the Crossroads. Oxford: Oxford University Press, 1991, page 49.

increased during the US occupation of Japan. Just as with the Sicilian Cosa Nostra, the US seeking allies against the growing communist influence, enlisted the aid of the Yakuza. They became increasingly involved in politics, and following a "communist take-over scare", the two main Japanese political parties (one backed by the US, and the other supported by the Yakuza), united to form the Liberal-Democratic Party. The Liberal-Democrats acted as a shield against communism, but also tended to protect organised crime families and the interests that hid behind them, in essence institutionalising the Yakuza within Japanese political society. In fact, today of the 820 political parties registered as extreme, or far right, 350 are directly under Yakuza control.⁵⁷

Since the 1960's Yakuza membership has been steadily on the decline with a 50% drop between 1960-1992.

Despite this apparent decline in numbers, the Yakuza has remained more virulent than ever, primarily because it has managed to infiltrate the economic, real estate and banking sector, and hence has made the overall Japanese economy vulnerable.⁵⁸

During the post World War II era, the "Y Era", the Yakuza profited vastly from the black market trade, and as the economy of Japan began to improve and prosper, so to did Yakuza activities, and began to include gambling, drugs and prostitution. By the 1990's the Yakuza had well penetrated the economic sphere and detained control of more than 26,000 legal business, were present on the Tokyo stock market, held shares in many real-estate companies, and were heavily involved in art dealing.

In 1991, following a severe government crackdown, the Yakuza decided to regroup into two main strategic axis: the Western axis, dominated by the Yamaguchi-Gumi and the Aizu Kototou Kai families, and the Eastern axis and Tokyo, composed of the Sumiyoshi Kai, Inagawakai and Kyokuto Kai families.

The relationship between Yakuza members and the rest of the populations is very compartmentalised, regarded as "us": the Yakuza, and "them", the outside civilian world: the *Katagi*. Yakuza rules require that the *Katagi* (civilian population) remain at all costs outside of Yakuza activity, and in fact murdering or even harming a *Katagi* is not permitted.

⁵⁷ For additional details see: Kaplan, David, and Alec Dubro. *Yakuza*. New York: Macmillan, 1986.

⁵⁸ No author cited. "Shadow run: Yakuza." <http://yayo.cc.monash.edu.au>.

The structure of the Yakuza is not dissimilar to that of the Sicilian Mafia. It is highly hierarchical, demands absolute loyalty and obedience, is governed by the law of omerta, and recognises the position of authority of the Godfather. The Yakuza have extensive rituals and initiation ceremonies. The physical manifestation of belonging to the Yakuza used to be partial amputation of the little finger, and extensive tattooing, but this habit is less prevalent today.

The relationship between members of the Yakuza mirrors the relationship in a traditional between a father and a son. A confirmed member of the Yakuza can recruit new members and becomes their father. If in turn one of his children recruits one or several children, then he becomes big father to his child's children (grandchildren), and his child become "small father".⁵⁹

The overall annual revenue of the Yakuza is estimated to total \$10 billion USD, 80% of which is acquired through illegal activities, and 20% through legal activities. Theft and robbery are considered beneath the Yakuza, instead intimidation and bribery are commonly practised. Gambling, racketeering and drug trafficking comprise the bulk of Yakuza illegal activities, with the amphetamine trade reaching more than 1/3 of all activities.

The Yakuza control a great deal of the Japanese economy, either by directly buying or investing in companies and industries, or by extorting or blackmailing company CEO, which allows them to indirectly control their decision making process: "Japan and its economy have a crime problem".⁶⁰ Japanese financial experts, as well as financial police, now believe that the economic difficulties that have recently plagued the Japanese economy can be attributed in part to Yakuza involvement, and has been labelled by some as the "Yakuza Recession". Japanese crime experts believe that 40% of the banking industry's bad loans, roughly equivalent to \$235 billion USD, are tied to organised crime.⁶¹

Whereas Japanese companies tend to avoid direct confrontation with the Yakuza, and generally choose to meet their demands in order to maintain peaceful operations, foreign companies who are generally less complacent, and unwillingly to pay the protection or extortion fees may clash violently with the Yakuza. Morgan Stanley, an

⁵⁹Amaoua, Frederique. "Japon: mafia et finance font bon menage." *Liberation* 5 July 1997.

⁶⁰Clark, Gregory. "Japan and its economy have crime problem." *International Herald Tribune* 8 October 1997. Saito, Hitoshi. "Des entreprises gangrenees par le racket et la corruption." *Courrier International* 20 November 1997. Jurgenson, Caroline. "L'Economie Japonaise gangrenee par la pegr." *Le Figaro* 12 November 1997.

American firm that investigates the nature and stability of foreign portfolios for US clients estimates that out of the 49 Japanese companies they investigated for clients, at least 40% had direct ties with organised crime.⁶² According to one Japanese newspaper survey (Asatu Shimbun) nearly 70% of the top 45 Japanese companies received racketeering demands from the Yakuza.^{63/64}

Internationally the Yakuza are present mainly in Asia (Japan, Korea and Taiwan), the Pacific Islands (Philippines), Australia, New Zealand and the United States. In France the Yakuza presence is quite limited, primarily focused in Paris. The Yakuza activities in France are mainly based on financial investments and real-estate ventures, and to a lesser degree loan sharking and trafficking amongst the Japanese immigrant community in Paris.

⁶¹Kaplan, David. "Yakuza Inc." U.S. News & World Report 13 April 1998.

⁶²Kaplan, David. "Yakuza Inc." U.S. News & World Report 13 April 1998.

⁶³Bremner, Brian, and Thorton Emily. "Blackmail." Business Week 21 July 1997.

⁶⁴Kaplan, David. "Yakuza Inc." U.S. News & World Report 13 April 1998.

⁶⁵Sommier, Isabelle. Les Mafias. Paris: Montchrestien, 1998, page 105.

4. Chinese: Triads

CHINA: TRIADS

The Chinese Triads

- "Sun Yee On"
Hong Kong
60,000 members
- "14 K"
Hong Kong
30,000 members
- "Wo Federation"
Hong Kong
28,000 members
- "United Bamboo"
Taiwan Province
of China
20,000 members
- "Four Seas Band"
Taiwan Province
of China
5,000 members
- "Great Circle"
China
? members

Traditional structure

- Boss
- Underboss
- Recruiting boss
- "Straw sandals"
(communication links)
- "Red pole"
(security)
- "White paper fan"
(financial administration)
- Base
(soldiers)

ANSA Ingrafica - M. Beretta

In the world

Canada
Drugs, usury, illegal immigration, gambling racketeering, prostitution.

UK
Drug trafficking

Germany
Drug trafficking

Taiwan Province of China
Drugs, usury, illegal immigration, gambling racketeering, prostitution.

Hong Kong
Racketeering, tourism and economic activities (hotel, real estate, restaurants), prostitution, drug trafficking.

United States
"Chinatown" in the major cities
Atlantic City, Boston, Chicago, Denver, Houston, New York, Philadelphia, Phoenix, San Francisco, Los Angeles, Portland.
Drugs, usury, illegal immigration, gambling racketeering, prostitution.

France
Drug trafficking

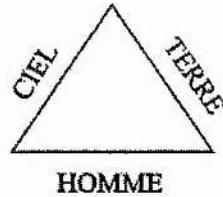
Spain
Drug trafficking

Myanmar
Heroin production
Golden triangle

Malaysia
Drug trafficking
robbery

The Philippines
Money laundering

Australia
Drug trafficking



Triads, means “society of sky and earth”(Tiandihui), or “society of the three unions”(Sanhehui), man is the link between the sky and the earth.⁶⁶

Triads are secret societies formed in the 17 century (1644) by pro-Ming patriotic Chinese Buddhist monks to combat the oppressive and highly corrupted Ch’ing dynasty. They eventually assisted in the overthrow of the Ch’ing dynasty and set-up the Republic (1911), governed by one of their members, Sun Ya Tson.⁶⁷ Originally the Triads were more mutual aid societies, but started to evolve as criminal organisations by 1912. The legitimisation and subsequent institutionalisation of the Triads began under the Japanese-rule. The Triads worked, or were used by the Japanese occupier during World War II to gather intelligence and information on enemies and in exchange for their services their criminal records were destroyed.⁶⁸ By 1949, the Chinese Triads had fully developed into professional criminal organisations, but wishing to escape the Communist rule, exiled themselves to Taiwan and Hong Kong.

Today the triads have settled outside of mainland China,⁶⁹ especially in Hong Kong. There are six major criminal triad groups, ranging in size from 5,000 members to 60,000 members and totally about 125,000 members:⁷⁰

- New Virtue Peace/ Sun Yee On: 50,000
- 14K/Sap Sse Wui: 20,000
- Bamboo United/ Chu Liun Pang: 20,000.
- United Group / Luen Ying Shen: 5,000
- Four Seas/ Si Hai Pang: 5,000
- Grand Circle/ Tai Huen Tsai: 5,000
- Harmony /Federation Wo: 20,000

⁶⁶ Man is the third pillar in the triangle earth and sky. He is the link between the two. Faligot, Roger: *La Mafia Chinoise en Europe*, Calmann-Levy (2001) page 23.

⁶⁷ Chin, Ko-Lin. “Triad Societies In Hong Kong.” *Transnational Organised Crime* .Spring (1995), page 47.

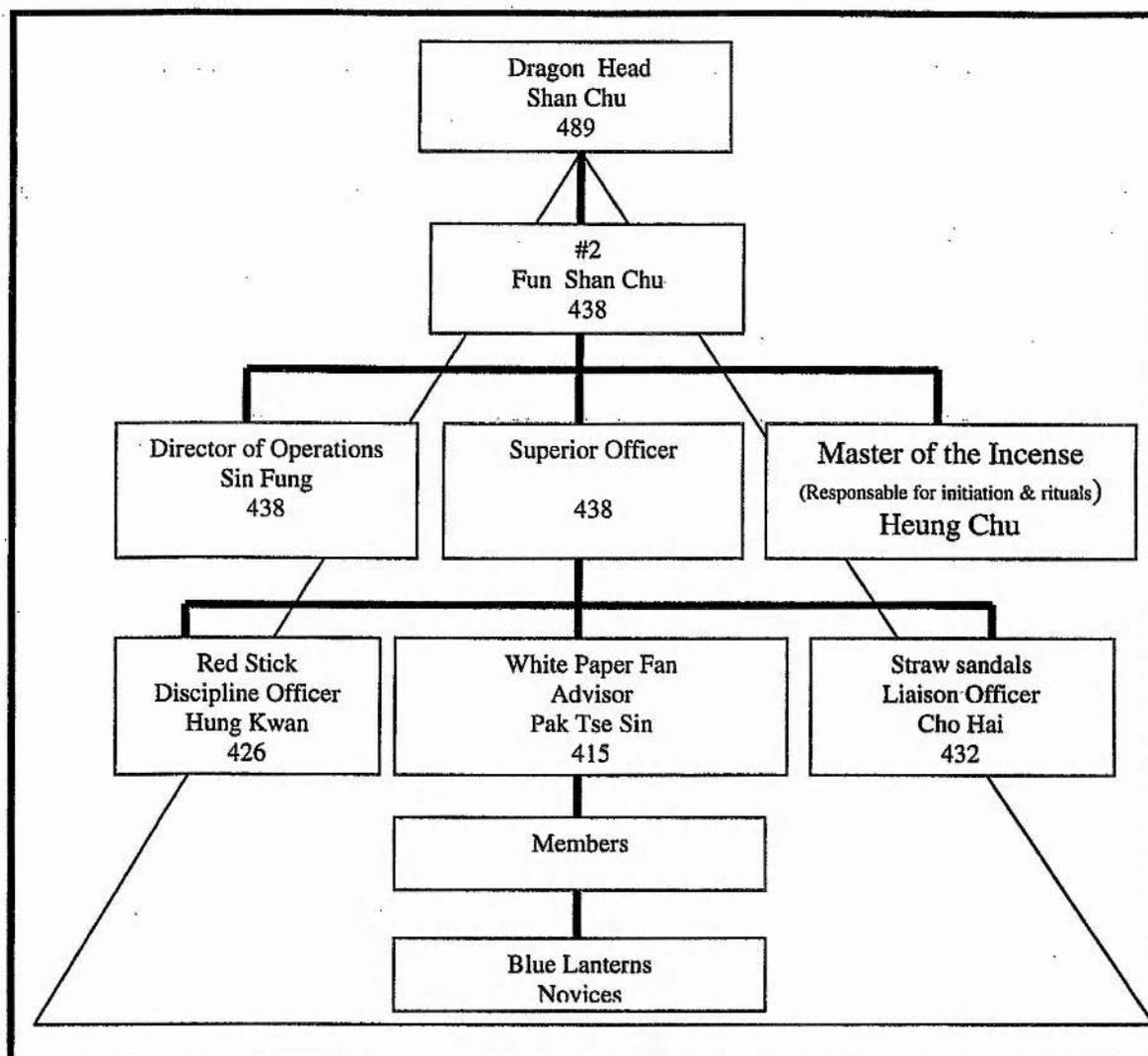
⁶⁸ For additional details see also: Posner, Gerald. *Warlords of Crime: Chinese Secret Societies, the New Mafia*. New York: McGraw-Hill, 1988, and Posner, Gerald. *Triads*. New York: McGraw-Hill.

⁶⁹ Although most have headquarters in Hong Kong the families comes from different geographic areas. Province of Fujian & Jiangxi / Province of Guangdong & Guangxi / Province of Yunnan & Sichuan / Province of Henan & Hebie / Province of Shejiang & Jiangsy.

⁷⁰ Faligot, Roger: *La Mafia Chinoise en Europe*, Calmann-Levy 2001 page 345.

Although their structures vary from family to family, they are engaged in many similar activities. The structure of the Chinese triads is pyramidal, rigid and highly organised. Each level is given a name, but also a symbolic number that identifies its rank within the hierarchy. Each triad is composed of a powerful leader, the dragonhead, shouldered by a second in command Fu chan shu, and six "lieutenants" each responsible for a specific task. Under this "command" structure are all the confirmed members of the triad, and finally the aspiring novices waiting to be confirmed, blue lanterns.

Triad structure⁷¹



The primary activity of the Chinese triads is drug trafficking, amounting to \$200 billion USD (specifically heroin and speed): the Triads have produced and marketed the China White, 99% pure heroin. The Triads are also involved in weapons trade, Chinese

⁷¹Le Corre, Philippe. "La toute puissance des Triades." *Le Point* 21 December 1996 and *Observatoire Geopolitique des Drogues*. *Atlas Mondial des Drogues*. Paris: PUF, 1996, page 98

immigrant trafficking, with more than 100,000 illegal immigrants smuggled into the US in 10 years and credit card fraud as well as counterfeit products and documents.⁷² Internationally the Triads are operating in Europe (France, Spain, Czech Republic, Germany, The Netherlands, Great Britain), North America, the Middle-East (especially Saudi Arabia), South America (Paraguay) and across Asia (Thailand, Malaysia, Japan) as well as Australia and the Philippines. Below is a map of triad presence in Europe in 2000.⁷³



LES GANGS DE LA MAFIA CHINOISE EN EUROPE EN 2000

As is the case for the Japanese Yakusa, the Chinese Triads are present solely amongst the immigrant community and barely impacts the French non-Chinese population. Geographically concentrated in the greater Paris region, within France the main activity for the Triads is migrant trafficking, game rooms, loan sharking, drugs trafficking and to a lesser degree prostitution trade. Again the target population, with the exception of the drug trade, is the resident Chinese population.

⁷²Direction des Affaires Strategiques, de Securite et du Desarmement, and Sous Direction de la Securite. "Conference des Ambassadeurs: Table ronde: "les Mafias"." Paris: Ministeres des Affaires Etrangeres, 1998, page 18.

⁷³ Faligot, Roger: *La mafia chinoise en Europe*. Paris: Clamann-Levy 2001

In addition to the main global organized crime groups, namely the Italian crime groups, Russian, Japanese and Chinese criminal networks, there also exists other criminal groups such as the South American drug cartels, Nigerian and Turkish crime groups. These groups are generally considered to have less sophisticated structures (mainly horizontal) and have single activities like drug trafficking. Although their activities have impacts on societies abroad (like the impact of drug trade on all Western societies) their structures are not adapted to penetrate and permeate state-structures like those of the Italian Mafia or the Yakuza. Because looking at each of these smaller crime families would take a specific analysis, and certainly because it would detract for the primary focus of the Mafia research, they will not be discussed in detail and only mentioned in passing when they cooperate, compete or contrast with the Cosa Nostra.

Please refer to the following sources for additional information on the South American drug cartels, Nigerian crime groups and Turkish criminal gangs.

⁷⁴Clutterbuck, Richard. Drugs, Crime and Corruption. London: Macmillan, 1995.

⁷⁵In addition to their drug trade, these cartels were able to provide the CIA with paramilitary militia to combat the political leftist force in South and Central America.

⁷⁶By the mid-1980's however, the United States under the Reagan administration launched an aggressive "war on drugs". Faced with the threat of extradition towards the US, and very harsh sentences, cornered drug lords often turned themselves into the local authorities in exchange for non-extradition and lighter almost symbolic sentences.

⁷⁷Cretin, Thierry. Mafias du Monde. Ed Xavier Raufer. Paris: Presses Universitaires de France, 1997, page 13.

⁷⁸Cali cartels leaders include: Orejuela, and Santacruz. Medellin leaders include: Ochoa, Gacha and Escobar.

⁷⁹Observatoire Geopolitique des Drogues. Atlas Mondial des Drogues. Paris: PUF, 1996, page 93.

⁸⁰Direction des Affaires Strategiques, de Securite et du Desarmement, and Sous Direction de la Securite. "Conference des Ambassadeurs: Table ronde: "les Mafias"." . Paris: Ministeres des Affaires Etrangeres, 1998, page 14.

⁸¹The Cartels offered to reimburse a significant share of the external debt in exchange for immunity. In addition, current President Ernesto Samper is suspected of having received substantial contributions directly from the Cali cartel for his 1994 electoral campaign.

⁸²Observatoire Geopolitique des Drogues. Atlas Mondial des Drogues. Paris: PUF, 1996.

⁸³Refer to appendix of this chapter for an example of a drug route.

⁸⁴Observatoire Geopolitique des Drogues. Atlas Mondial des Drogues. Paris: PUF, 1996, page 84.

⁸⁵Direction des Affaires Strategiques, de Securite et du Desarmement, and Sous Direction de la Securite. "Conference des Ambassadeurs: Table ronde: "les Mafias"." . Paris: Ministeres des Affaires Etrangeres, 1998, page 16.

⁸⁶The measurement is in metric tons.

⁸⁷Ebbe, Obi N.: "Slicing Nigeria's National Cake"

⁸⁸Direction des Affaires Strategiques, de Securite et du Desarmement, and Sous Direction de la Securite. "Conference des Ambassadeurs: Table ronde: "les Mafias"." . Paris: Ministeres des Affaires Etrangeres, 1998.

⁸⁹Dupuis, Marie Christine, and Gilles Leclair. Stupefiants, prix, profits: l'economie politique du marche des stupefiants industriels. Ed Xavier Raufer. Paris: PUF, 1996, page 120.

⁹⁰Gordon, Marcy. "US Officials Announce Break-up of Nigerian drug Ring." Associated Press 11 October 1996.

⁹¹Anonymous. "Nigerian Drugs: Internal Trade." The Economist 26 August, 1995.

⁹²US Congressman Jim Leach, chairman of the House Banking and Financial Services Committee warned Iowa of these Nigerian frauds. Apparently the same fraud was detected in at least 16 other countries.

⁹³Pope, Nicole. "La multiplication des scandales politico-mafieux menace le premier ministre turc." Le Monde 12 November 1999. Pope, Nicole. "Ses liens avec la mafia contraignent le premier ministre turc a la demission." Le Monde 27 November 1998.

⁹³ There are about ten big families the most important of which are Ayanoglou / Baybasin / Cakili / Heybetli / Karaduman /Ulucan. Marion, William: *Lettre de l'IHESI* numero 15 (9.96)

⁹⁴ Cretin, Thierry. Mafias du Monde. Ed Xavier Raufer. Paris: Presses Universitaires de France, 1997, page 44.

⁹⁵ de Vericourt, Guilemette. Les Mafias. Toulouse: Editions Milan, 1998, page 16.

⁹⁶ van Dyne, Petrus. "Organised Crime Markets in a Turbulent Europe." European Journal on Criminal Policy and Research 1-3.

⁹⁷ Vernet, Daniel. "Les reseaux albanais de l'heroine, pa propagande de Belgrade contre UCK et la realite." Le Monde 5 April 1999.

Global Organised Crime Families Across the World

Group	Country	City/Region	Number of Families/Clans	Number of Members
Cosa Nostra	Italy	Sicily	120-130	40-50,000
'Ndrangheta	Italy	Calabria	150	5,500
Camorra	Italy	Naples	111	6,700-7,200
Sacra Corona U.	Italy	Appulia	32-51	2,500
La Cosa Nostra	United States	scattered	20-25	20,000-40,000
Mafiya	Russia	across FSU	5,000	3,000,000
Triads	China	Hong Kong	50	50,000
Sun Yee On	China	Guandong	?	45,000-60,000
14K	China	South	30	24,000-30,000
Federation Wo	China	Hong Kong	10	29,000-42,000
Bamboo United	Taiwan		13	20,000
Four Seas	Taiwan		?	5,000
Wen Kung Lok	China	Hong Kong		5,000
Federation Tu	China	Hong Kong		3,000
Grand Circle	China			5,000
Yakuza	Japan		3,155	87,000
Yamaguchi Gumi	Japan	Kobe	750	23,000
Inagawa Kai	Japan	Tokyo	313	6,700
Sumiyoshi Kai	Japan	Tokyo	177	7,000
Toa Yuai Jigyō Kum	Japan	n/a	6	800
Cali + Medellin Cartel	Colombia	dispersed	2,500	25,000
Maffya	Turkey	Istanbul	10	n/a
Nigerian	Nigeria	Lagos / Kaduna	n/a	n/a

III Spheres of Interest

By outlining and defining the spheres of interest of the GOC families it quickly becomes evident just how important the scope of the threat is, as well as the large variety of activities they are involved in. By highlighting the breadth of activities it also highlights the subsequent need for action to limit and combat it. This acts as a type of exhibition of the situation, demonstrates the interests, and techniques of OC and proves the problematic is not limited to a few choice areas, but rather that OC tries to always further develop and diversify its activities.

International organised crime is interested in conducting any activity that generates a healthy profit: aside for a few exceptions, GOC has no real "scruples" about the nature of the activity.⁹⁹ As in any business, they take calculated risks, make an informed, rational choice as to their activities of predilection based on two factors: risk and potential profit:¹⁰⁰

Risk

----- *Potential* profits

If a sector of activity is high in risk and low in profit, then it is generally considered unsound, and in the reverse if the risk is low and the yield high, then it makes for a sound investment of resources, time and manpower. Because legislation changes and tighten and market demands fluctuate, the activities that GOC engages in also tend to change¹⁰¹. Because GOC is a dynamic organisation, they are able to adapt quickly to the changing business, consumer and legislative environment.

The main sectors of activity, classified by overall gross profit for organised crime families are: drug trafficking and money laundering. They are also implicated in secondary areas like arms and weapons trafficking, nuclear proliferation, women, children and body parts trafficking, racketeering, extortion, etc... According to Xavier Raufer of the Institut de Criminologie, organised crime, reflecting the profits/risks equation, is slowly turning away from drug trafficking and focusing on lesser high-risk activities that are equally as profitable like subsidy fraud.

⁹⁹Only a few organisations have constraints on certain activities: Cosa Nostra members are forbidden from promoting pornography or prostitution, and Yakuza members may not steal.

¹⁰⁰Raufer, Xavier. *Planete Mafieuse: Atlas Pratique de la Grande Criminalite Organisee Internationale*. Paris: Institut de Criminologie, 1994, page 7.

¹⁰¹This was the case for the Cosa Nostra in Italy. As the state began to crack down on drug trafficking, they switched to other less "risky" activities like money-laundering.

The estimated total sum of organised crime activities around the world is thought to reach between \$1,000-1,500 billion USD annually, roughly divided as 1/3 drug trafficking, and 2/3 various other activities. The following table is a partial breakdown of major criminal activities but does not include several important activities like the pornography trade, extortion, theft, illegal gambling and organ trafficking. Money laundering is not included in the table because it concerns the recycling of criminal proceeds that have already been calculated as a criminal activity.

Breakdown of major world criminal activities¹⁰²

-	Drug trafficking:	\$ 400
-	Human trafficking ¹⁰³	\$ 84
-	Animal trafficking	\$ 100
-	Computer Pirating	\$ 100 +
-	Medicine Counterfeits	\$ 80
-	Commercial Counterfeit/Fraud	\$ 150-470
-	EU subsidy fraud ¹⁰⁴	\$ 53-80

	Total	\$ +/- 100 billion USD

1. *Drug trafficking*¹⁰⁵

The drug trafficking trade represents \$400-500 billion US dollars a year and is estimated to yield \$250 billion US dollars in gross profit alone. This huge profit margin (50%) is partly due to the fact that as an illicit activity it is obviously not subject to tax or duties.¹⁰⁶ When calculated, it averages out to \$100 per year per person in the world.¹⁰⁷ Raymond Kendall, Secretary General of Interpol stated that of the 250,000 major criminals listed and actively pursued by Interpol, 200,000 of them (equivalent 80%) are

¹⁰²de Maillard, Jean. Un monde sans loi. Paris: Stock, 1998.

¹⁰³Human trafficking presumably includes: immigrant trafficking, prostitution and slave labor rings, child and infant trafficking.

¹⁰⁴Ruimschotel, Dick. "Ambiguities between criminal policy and scientific research: the case of fraud against the EC budget." European Journal on Criminal Policy and Research 1-3. Knudsen, Per Brix, and UCLAF. Fraud against the EC budget. Edinburgh, 1997. David Hume Institute. Fraud on the European Budget. Edinburgh: Edinburgh University Press, 1996.

¹⁰⁵The drug production statistics for cocaine, heroin and cannabis, unless otherwise cited come from: Dupuis, Marie Christine, and Gilles Leclair. Stupefiants, prix, profits: l'economie politique du marche des stupefiants industriels. Ed Xavier Raufer. Paris: PUF, 1996, and Observatoire Geopolitique des Drogues. Geopolitique des Drogues. Paris: La Decouverte, 1997.

¹⁰⁶Jamieson, Alison. Terrorism and drug Trafficking in the 1990's. Aldershot: Dartmouth, 1994, page 23.

¹⁰⁷The typical addict spends between \$15,000- \$20,000 a year to feed his habit.

ted, in one way or another to drug trafficking.¹⁰⁸

Large-scale drug trafficking primarily revolves around four major drug categories: cocaine, heroin/opium derivatives, cannabis derivatives and synthetic drugs. There are three primary production centre for drugs: the Golden Triangle (Myanmar/Burma, Thailand, Laos and China), the Golden Crescent (Afghanistan, Pakistan and Iran), and South-Central America (Mexico, Colombia, Bolivia, Peru). Heroin production is limited to South West Asia, the Middle-East and South East Asia. The principal coca-leaf production sites are in Peru, Bolivia and Colombia.¹⁰⁹ According to the United Nations, drug trafficking accounts for 8% of the world trade, and between 3.3 - 4.1% of the world population is a consumer of drugs (roughly 218 million people).¹¹⁰ Drug trafficking in Europe and the United States generates \$122 billion USD annually (61% hashish, 29% cocaine, 10% heroin).¹¹¹

No single criminal organisation has a complete monopoly or control over the entire drug trafficking trade, rather certain groups have a preferred drug trade (i.e. either cocaine or heroin), or specialise in a specific regional distribution network. Drug trafficking is a highly profitable activity which can yield as much as 75% net profits to the cartels drug-lords and for some drugs has a very low interception rate only 15% for heroine which makes it a high yield low risk.¹¹² Organised crime plays a vital link in the "global commodity chain", linking the producers of drug crops to the consumer market that is often thousands of miles away. Because the cultivation sites are generally quite remote and secretive, there needs to be a highly organised structure that controls the transfer and transportation of the drug to the consumer and manages the distribution chain. Organised crime structures and cartels are the "service" providers that guarantee this crucial link.¹¹³

¹⁰⁸Raufer, Xavier. "a Global Perspective." *Security* (1996), page 7.

¹⁰⁹Jamieson, Alison. *Terrorism and drug Trafficking in the 1990's*. Aldershot: Dartmouth, 1994, page 70.

¹¹⁰ 141.2 million consumer of cannabis, 55.7 consumer of chemical/synthetic drugs, 13.3 million consumers of opium derivatives, 8 million consumer of cocaine. *Source*: de Maillard, Jean. *Un monde sans loi*. Paris: Stock, 1998.

¹¹¹Kopp, Pierre. *Economie de la drogue*. Paris: La Decouverte, 1997, page 49.

¹¹²Farrel, Graham. "The Global Rate of Interception of Illicit Opiates and Cocaine, 1980-1994." *Transnational Organised Crime* (1995), page 134.

¹¹³Williams, Phil. "Transnational Criminal Organisations: Strategic Alliances." *Order and Disorder after the Cold War*. Ed. Brad Roberts. Cambridge: MIT Press, 1996, page 238.

The drug industry employs five categories of workers, peasant-farmers, transformers, transporters, whole sellers, and finally drug pushers. To these broad categories must also be added more specialised employees like accountants, scientists, as well as all the corrupted state/government officials that are on the payroll of a cartel or crime group. Once the drugs have penetrated the consumer country, the organisational structure for distribution involves at least three levels: the whole seller that sells in bulk, generally by the kilo, the resale distributor that sells by the ounce, and finally the pusher who sells by the gram.¹¹⁴ The average distribution network, within the consumer country, typically involves 39 drug traffickers for 62 hard core regular users and as many as 150-300 recreational, occasional users.¹¹⁵ The top two drug traffickers at the first tier of the distribution operation can supply several different networks at once.

a. Cocaine

Cocaine, the drug derived from the coca leaf, is produced using a three step process transformation process. The total potential world production of cocaine is estimated to range between 955- 1,170 tons.¹¹⁶

The drug industry in Bolivia is a major "employer", each cocaine production network employs an average of 117,000 people, 68% of which are coca farmers.^{117/119}

The total coca leaf production in South/Central America in 1995 was 319,400 tons, with Peru producing nearly 57.4% of the total production, followed by Bolivia 26.6%, and Colombia 12.7%. After transformation Peru produces 667 tons of cocaine, still followed by Bolivia 335 tons, and Colombia 60.^{120/121}

¹¹⁴Brochu, Serge. Drogue et Criminalite: une relation complexe. Montreal: Presses Universitaires de Montreal, 1995, page 222.

¹¹⁵Whole seller (large scale): 7 / Distributors: 7 / Dealers : 25 / Users: 62 regular - 150-300 recreational. Source: Labrousse, Alain, and Alain Wallon. La Planete des Drogues: Organisations Criminelles, guerres et blanchiment. Paris: Seuil, 1993. Page 27.

¹¹⁶The transformation coefficient ranges between 1:330 in Bolivia to 1:500 in Colombia. Source: Morel and Dupuis use US Department of State's International Narcotics control Strategic Report statistics. Morel, Bernard, and Frederic Rychen. Le Marche des Drogues. Paris: Editions de l'Aube, 1997, page 32.

¹¹⁷For coca leaves with a high alkaloid content 1 ton of leaves = 10 kg of paste.

¹¹⁸Dupuis, Marie Christine, and Gilles Leclair. Stupefiants, prix, profits: l'economie politique du marche des stupefiants industriels. Ed Xavier Raufer. Paris: PUF, 1996, page 47.

¹¹⁹ Cocaine industry in Bolivia

150 leaders of the organisation (see next page)

b. Heroin:¹²²

Heroin, an opium derivative, and the most expensive drug on the market is produced primarily in the Golden Triangle (64.3%), Golden Crescent (30.6%), and more recently South America (6.3%). Burma is the top heroin producing country (2,340 tons) followed by Afghanistan (1,250 tons). In addition to the list of "traditional" producing nations, must also be added Kazakhstan, Turkmenistan, Ousbekhistan, Ukraine and Iran. Heroin transformation requires sixteen separate cycles.¹²³ The potential value of total possible heroin production:

\$962 billion USD.¹²⁴

c. Cannabis and synthetic drugs

- Cannabis the third "natural" drug crop, is the drug most widely cultivated across the world, estimated to be grown in 120 countries. It exists primarily in two forms marijuana and hashish/kif. The consumer market for cannabis products are Europe (19%), United States (80%) and rest of world (1%).¹²⁵ The largest marijuana producer is Mexico (60%) followed by Colombia (11%). The largest hashish producers are Lebanon (48%), and Afghanistan (26.5), Pakistan (17.6) and Morocco (7.5%).

The world cannabis trade is estimated to reach \$7.52 billion USD a year with as much as \$1.56 million USD of profit per ton: the further the cannabis is exported and the more its cost is elevated. The "Dutch cannabis connection" demonstrates an increase in price from \$4.800 USD per ton near the production cite to \$3 million USD when exported to Great Britain or Scandinavia.¹²⁶

-
- 850 professional, salaried employees to supervise the overall cocaine production
 - 5,000 chemists
 - 25,000 *pisacocas* (peasants who mash up coca leaves to make paste)
 - 6,000 coca leaf negotiators
 - 80,000 *cocaleros* (coca farmers)

117,000 people total

¹²⁰Cocaine production tonnage calculated as an average of high and low estimates.

¹²¹Morel, Bernard, and Frederic Rychen. Le Marche des Drogues. Paris: Editions de l'Aube, 1997.

¹²²For a detailed analysis of trafficking in the Golden Triangle and South East Asia, refer to : Ancel, Herve, and Xavier Raufer. Trafics et crimes en Asie du Sud-est: le Triangle d'Or. Paris: PUF, 1998.

¹²³50,000 flowers = 10 kg opium (\$1,000- \$1,500 USD)= 1 kg heroin= street value of \$200,000 - 260,000 USD

¹²⁴Dupuis, Marie Christine, and Gilles Leclair. Stupefiants, prix, profits: l'economie politique du marche des stupefiants industriels. Ed Xavier Raufer. Paris: PUF, 1996 and Morel, Bernard, and Frederic Rychen. Le Marche des Drogues. Paris: Editions de l'Aube, 1997.

¹²⁵Morel, Bernard, and Frederic Rychen. Le Marche des Drogues. Paris: Editions de l'Aube, 1997.

¹²⁶Observatoire Geopolitique des Drogues. Atlas Mondial des Drogues. Paris: PUF, 1996, page 212.

- Synthetic drugs

There are four broad categories of synthetic drugs: designer drugs, opiate derivatives (methadone), amphetamines (Speed), hallucinogens (LSD).

The manufacturing of synthetic drugs by specialised chemists has proven to be a very profitable industry. According to Robert Sager of the US Drug Enforcement Agency, with an investment of \$150 USD and four days of work, a chemist can produce 500 grams of synthetic heroin (3-methyl fentanyl). This is equivalent to 50 million doses, and a theoretical profit margin of \$500 million USD.¹²⁷

The Observatoire Géopolitique des Drogues, published a recent survey revealing the major production sites of synthetic drugs. The three main production sites for LSD are the United States (West Coast), the Netherlands and Great Britain. Ecstasy is manufactured in Canada, the United States (Great Lakes Region), and Europe (UK, France, Netherlands & Eastern Europe). Synthetic Opiates and PCP are only produced in the US, while amphetamines were manufactured in the US, Canada and Mexico, Nigeria, India and South East Asia, as well as Europe and former Soviet Union. Methaqualone derivatives were produced in South Africa, India, The Philippines, and Western Europe. Synthetic drugs are most often manufactured from products readily available on the pharmaceutical market, and are generally produced in the consumer country, and rarely imported for consumption.¹²⁸

Most of the information available about synthetic drugs are estimations and vague approximations, because in reality very little is known about the industry: "their modes of manufacturing and distribution circuits are totally obscure".¹²⁹

Drug trafficking trade routes vary according to the production zone, and consumer nation, but remain as diverse and imaginative as the traffickers allow. They are however a "few" classic trade routes like the Balkan trade route.¹³⁰ The drug interception rates in France are broken down in the following manner: Road (80%), Plane (10.5%) and Train (9.5 %).¹³¹

¹²⁷Observatoire Geopolitique des Drogues. Atlas Mondial des Drogues. Paris: PUF, 1996, page 197.

¹²⁸Brochu, Serge. Drogue et Criminalite: une relation complexe. Montreal: Presses Universitaires de Montreal, 1995.

¹²⁹de Maillard, Jean. Un monde sans loi. Paris: Stock, 1998, page 44.

¹³⁰Refer to section this chapter on Turkish criminal groups.

¹³¹Dupuis, Marie Christine, and Gilles Leclair. Stupefiants, prix, profits: l'economie politique du marche des stupefiants industriels. Ed Xavier Raufer. Paris: PUF, 1996, page 132.

Operation Margarita (1994) demonstrated the resources and logistical possibilities that drug traffickers will resort to, in order to try and guarantee safe arrival of their product into the consumer nation. Operation Margarita tracked the drugs from Colombia to France followed the laundered money to the United States, and counted six separate operational phases. The cocaine was exported out Colombia to Mexico via sailboats that were loaded and unloaded at sea. Small planes then carried the drugs from Mexico to the Antilles, dropping their cargo at sea. Small boats recuperated it and load it on to larger cargo ships. These ships crossed the Atlantic and unloaded the cocaine via small boats onto isolated beaches in France and Spain. The drugs are sold in Europe, the hard currency laundered in Bureau de Change in Marseilles, that transferred the converted cash to banks in Paris. The Parisian banks then transferred the money into the United States.

With the net profit of drug sales and trafficking is estimated to reach 75%, it is not surprising that GOC and cartels continue to focus on this activity, especially since the raw material cost is negligible (evaluated at 0.2%).¹³²

Drug trafficking revolutionised the traditional organised crime structure, and forced GOC families to modernise and to internationalise. Before entering the drug trade, most organised crime families were primarily acting within national boundaries, but with drug trafficking their horizons expanded internationally. In addition, drug trafficking because it generated such significant profits, reinvigorated many crime groups like the Sicilian Cosa Nostra and propelled them into a new era. Former liaison magistrate to Rome, Michel Debacq, echoed the importance of the drug trade to the modification of traditional organised crime: "The exponential development of drug trafficking has profoundly modified the habits of organised crime, and imposed alliances".¹³³

The money generates from the drug trade, upwards of \$500 billion USD annually and its profits nearing half that amount are un-exploitable, unusable if they cannot be inserted, by one method or another, into the legitimate financial circuits. In order to do so narco-traffickers were obliged to devise systems through which to camouflage the illegal origin of their money and converts it into seemingly legitimate currency: the money laundering process.

¹³²Primary material (0.2 %), Manufacturing/Transport. (3.7 %), Passage of contraband (15 %), Transport (5 %) : Total (24%) = Net profit (76%) Dupuis, Marie Christine, and Gilles Leclair. Stupefiants, prix, profits: l'économie politique du marché des stupefiants industriels. Ed Xavier Raufer. Paris: PUF, 1996. From Rand Drug policy Research Center.

¹³³Leauthier, Alain. "Un juge francais." Liberation 29 January 1993.

2. Money Laundering¹³⁴

Money laundering, the parallel activity of drug trafficking and of all criminal activities, accounts for \$300 billion dollars a year, averaged out to approximately \$1 billion dollars a day and is defined as:¹³⁵

[...] the conversion of profits from illegal activities into financial assets which appear to have a legitimate origin.¹³⁶

It is crucial for the conversion of profits, usually in cash form, originating from all types of illegal activities, but especially from drug trafficking into investable currency.¹³⁷ Since most drug transactions incur the exchange of small bills (in the US: \$5, \$10 and \$20's mostly), the drug trafficker is left with huge amounts of paper currency that need to be converted in one way or another into income that can be spent. The paper volume generated by drug sales is generally more voluminous than the actual drug volume. Because of money laundering legislation in North America and Europe it is no longer possible to make cash acquisitions or transaction of more than \$10,000 USD (or equivalent) without a justification of origin and poses a problem for drug traffickers who have to find ways to convert this cash currency into less suspicious, less monitored currency. In fact, \$1 billion USD in \$100 denominations weighs over 11 tons, which makes storing it, and transporting it quite a daunting task. It is more easily hid, and transportable, when it has been transformed into "virtual cash" in the banking system.¹³⁸

Increasingly, money laundering is becoming a professional activity, a totally separate entity from the drug production and distribution, professionals launders are called "financial engineers". Drug cartels advertise a laundering job, accept bids and contract out the job. The money laundering operation generally occurs in three phases:

- pre-washing / or placement: where the money is placed in a financial circuit
- laundering / layering: where the origin is camouflaged with a series of transfer
- recycling / integrating: where the laundered money is integrated into the legitimate economy

¹³⁴ The term: "Money Laundering", originated with the LCN during prohibition. A godfather based in Chicago was looking for a way to dissimulate his profits from the sale of illegal alcohol from the IRS. He decided to buy a large chain of laundromats because there was no possible of control of stock or overhead. He could easily inject his tainted alcohol money into the legitimate laundry front: hence money laundering.

¹³⁵ See also Herail, Jean-Louis, and Patrick Ramael. Blanchiment d'argent et crime organisé. Ed Xavier Rauffer. Paris: PUF, 1996.

¹³⁶ Clutterbuck, Richard. Drugs, Crime and Corruption. London: Macmillan, 1995, page 98.

¹³⁷ For a more complete definition of money-laundering and money-laundering offenses, please refer to: Council of Europe. "Convention on Laundering, Search, Seisure and Confiscation of the Proceeds from Crime."Strasbourg: Council of Europe, 1990.

The drug cartels have developed their own unique and almost impenetrable money laundering system, also known as the "Colombian Hopscotch". It involves five phases of laundering, finally allowing the near-totality of the currency to reappear in Colombian bank accounts in pesos.

For laundered, each step is studied and each location is evaluated in terms of governing legislation, international treaties concerning banking secrecy and finally rapidity with which transfers can be accomplished.¹³⁹ Because the various cartels and OC families want to limit the quantity and value of laundered money being seized by authorities, they hire armada of advisors, specialised accountants and international lawyers, whose task is to study the different legislation and loopholes of the financial circuits, and advise the cartels on how best to recycle their drug money with minimal risk.

However, because of increased global pressure to crackdown on money launderers, and the increased penalties incurred when arrested, the actual cost of a full-service money laundering process has grown exponentially, from 6% to 26% of the overall sum being laundered. Full service laundering usually includes: pickup of the currency, multiple transfers, merging with legal funds, and finally investment.¹⁴⁰

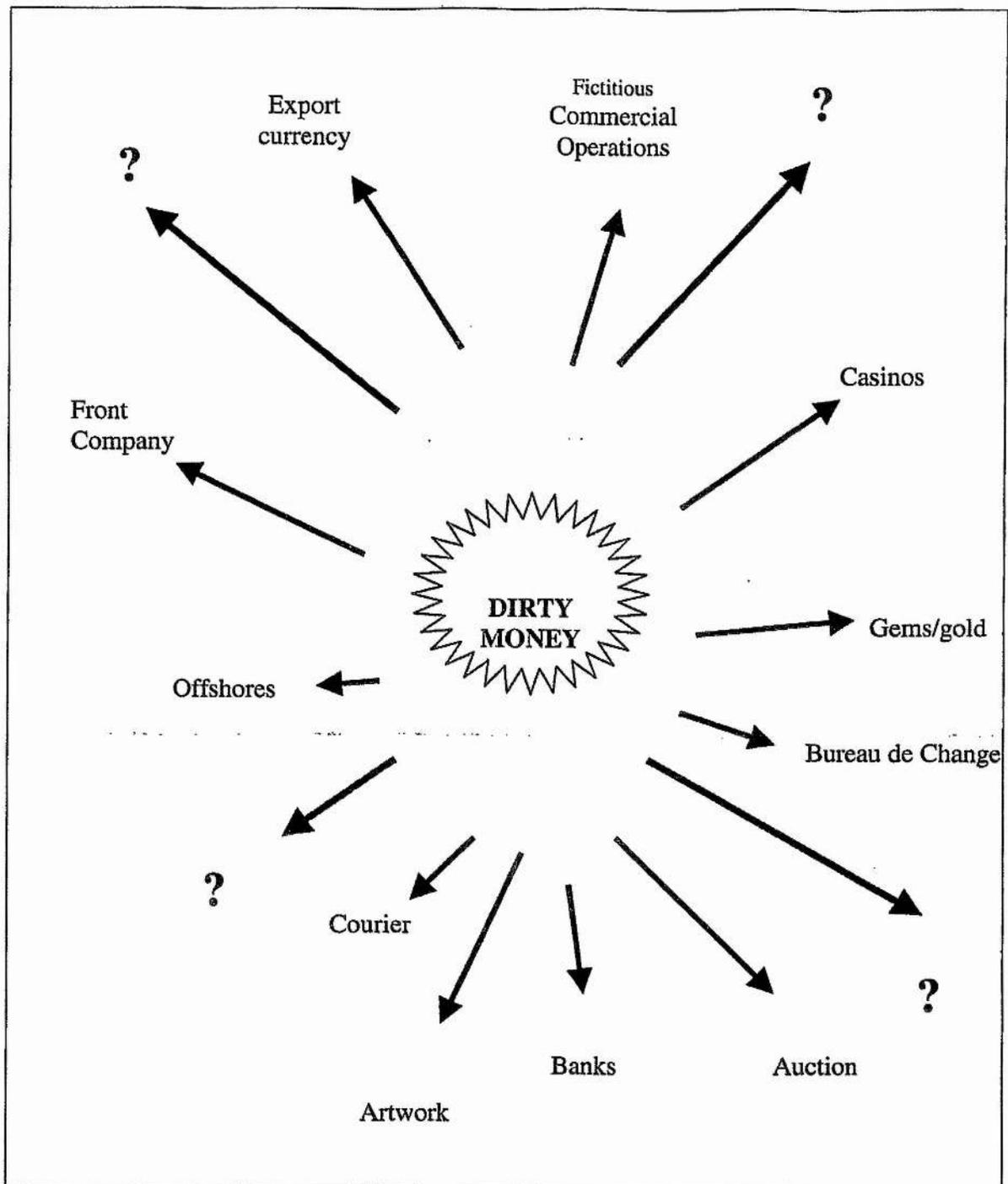
Despite the recent measures to curb money-laundering it nonetheless remains a very low risk activity. Experts in the Larchet Report (French Senate) estimate that only 1 % of money laundered in France is actually confiscated (= 100 million FF out of a possible 14 billion).¹⁴¹

¹³⁸Farah, Douglas. "Russian Crime Finds Haven in Caribbean: Colombian Drug Ties Suspected." Washington Post 7 October 1996.

¹³⁹Andelman, David. "The Drug Money Maze." Foreign Affairs 73.4 (1994), page 99.

¹⁴⁰Andelman, David. "The Drug Money Maze." Foreign Affairs 73.4 (1994), page 98.

¹⁴¹Labrousse, Alain, and Alain Wallon. La Planete des Drogues: Organisations Criminelles, guerres et blanchiment. Paris: Seuil, 1993, page 13.



There are countless ways and methods of money laundering, but a dozen or so methods seem to be the most commonly used. The preceding graph is an attempt to illustrate and summarise some of the ways with which money can be laundered. The flexibility and speed at which GOC adapt to money-laundering legislation means they are always on the lookout for new, less risky routes. The most popular ways of laundering drug money include:¹⁴²

a. Casinos:

There are two main methods to launder cash through casinos. The simplest consists of converting a suitcase full of cash to game tokens, and then converting these tokens back in the form of a certified casino check. The second method consists of voluntarily losing vast sums of cash to a casino run by organised crime. The casino returns the cash (in the form of a certified check), minus a commission. In some instances, casinos accept gambling chips from other "friendly" casinos, and by using this system, the launderer can buy his gambling chips in one casino, and reconvert them into a certified check in another, minimising the risk of being detected.¹⁴³

b. Physical transformation of cash by courier:

A courier, will physically take the tainted money to one or several banking establishments and request a certified bankers check in exchange, or will simply deposit various amounts of cash into different accounts that will eventually be transferred and regrouped: this process is referred to as "*smurfing*". This process can appear quite tedious and cumbersome, but the potential for laundering by one person is surprisingly high. Miami police recently arrested a courier who had deposited \$12.8 million USD in 88 different banks in eighteen months.¹⁴⁴ In order to curb money laundering many states have emulated the US and have enacted legislation that forbids cash deposits in excess of \$10,000 USD (or equivalent). To counter this measure, *smurfers* multiply the number of deposits, always staying just under the \$10,000 limit.

c. National banking systems:¹⁴⁵

With a lack of effective international money laundering legislation, many "lax" banks

¹⁴²Jean-Pierre, Thierry, and Patrice de Meritens. Crime et Blanchiment. Paris: Fixot, 1991, page 193..

¹⁴³Dupuis, Marie-Christine. Finance Criminelle. Ed Xavier Raufer. Paris: PUF, 1998, page 167.

¹⁴⁴Dupuis, Marie-Christine. Finance Criminelle. Ed Xavier Raufer. Paris: PUF, 1998, page 56.

¹⁴⁵The United States government estimates that between \$300-500 billion criminal dollars entered the US banking system in 1995 Raufer, Xavier. "a Global Perspective." Security (1996), page 9.

continue to accept deposits of money with suspect or unknown origins, allow automatic money transfers to transit in anonymous accounts, or certify checks with out proof of legitimate origin of the funds. Dirty money can be deposited in one branch and transferred anywhere else in the world. Additionally, different OC families have begun to buy banks in Russia and around the world to greatly facilitate their laundering transactions. For instance, Jose-Antonio Fernandez, a Colombian drug trafficker, was able to take-over a Florida bank called the Sunshine State Bank, and used it as a gigantic money laundering facility until he was arrested in 1984.¹⁴⁶

d. Fictitious commercial operations:

The accounting of various businesses can be doctored to show much more profit than actually achieved, and hence permit the insertion of the tainted money into its accounts. Fake bills and invoices repaid by tainted money can also be issued. The launderer and his client are protected as each detains a receipt for the superficially legitimate exchange of the money.

e. Export of currency

Currency if exported to a more "lenient" country where it is laundered in any number of ways.

f. Creation of a facade/front company and offshore banking

Facade companies that exist only on paper are one of the most common practices to launder money. Offshore banking establishments, created to facilitate the rapid transmission of money around the world, are used by criminals to transfer and bounce dirty money from one account to another until its original source is untraceable.

h. Foreign exchange bureaux:

The Italian Mafia has been able to buy up many Bureau de Change across the world to facilitate its money laundering transaction. Certified checks, travellers checks or money orders can be issued in the desired currency, in exchange for the cash brought to the Bureau de Change, further facilitated by the fact that transactions are not recorded and remain anonymous.¹⁴⁷ In one instance, Michele Zaza (godfather in both the Camorra and Cosa Nostra), laundered \$300,000 in one transaction.¹⁴⁸ The average laundry commission

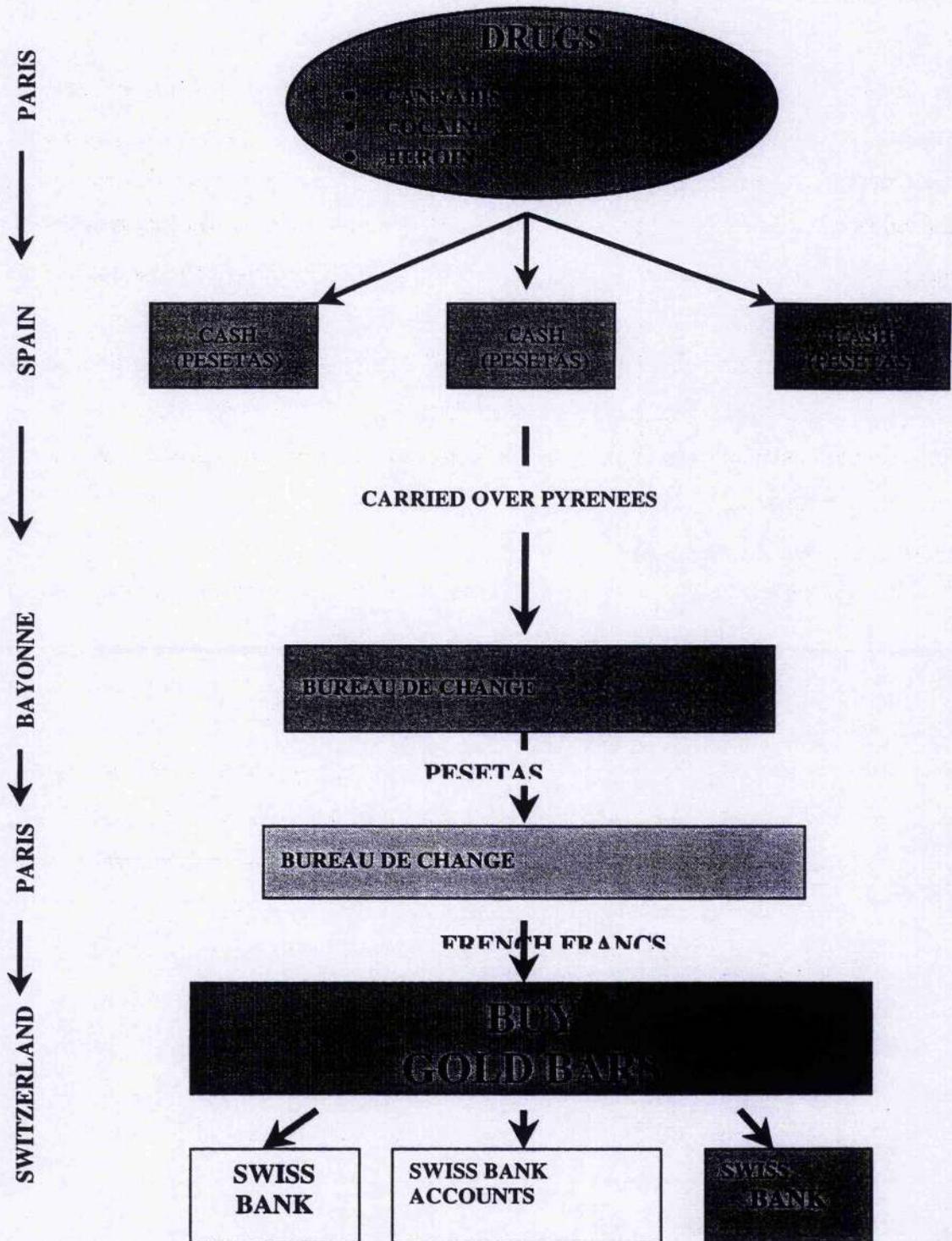
¹⁴⁶Raufier, Xavier. La Maree Noire de l'Argent du Crime. Paris: Institut de Criminologie, 1994, page 115.

¹⁴⁷Financial Action Task Force(FATF). "Annual Report." . Paris: OECD, 1996. Financial Action Task Force (FATF). "Typologies Exercice: Public Report." . Paris: OECD, 1997.

¹⁴⁸Derogy, Jacques, and Jean-Marie Pontaut. Enquete sur les Ripoux de la Cote - de l'affaire Medecin au meurtre de Yann Piat. Paris: Fayard, 1991, page 361.

in Bureau de Change fluctuates between 0.15-0.5% of the total sum converted which is substantially less than in more complicated financial circuits (up to 26%). The example of the "Basque Connection" demonstrates how Bureau de Change can be used to launder money, and eventually convert them into gold bars, either stored directly in Swiss bank vaults, or sold and the money transferred to Swiss bank accounts. The "Basque Connection" was being used by the Chinese Triad members living in Paris to launder more than \$300 million USD, primarily coming from drug trafficking and gold trafficking. Police infiltrated and stopped this connection in 1991.

The Secured Loan System¹⁴⁹: The Basque Connection



¹⁴⁹ L. Bert, Francois, and Bertrand Gallet. "Rapport de la Commission d'Enquete sur les Moyens de lutter contre les Tentatives de Penetration de la Mafia en France." Paris: Assemblee Nationale, 1993.

I. The "Japanese work-ants":

The Yakuza have devised an interesting, but cumbersome system known as the "Japanese Work-ants" to launder money, and make additional profits in the process. Japanese nationals are approached by a Yakuza contact and offered the opportunity to travel to Europe for free and even make a healthy commission in the process. Those that agree are given a plane ticket, a large sums of "dirty" cash and sent to France where they are told to buy luxury items (jewellery, leather goods, perfumes, designer items), and return to Japan laden with these goods. After the work-ants return, they hand over the items to their contact and are paid a set commission for their work. These goods are then sold, at significant profit in luxury boutiques in Japan completing the money is laundering process.

j. Corrupted lawsuits:

Another original method of laundering money and transferring it into an unsuspecting banking system involves setting up a fake lawsuit. The crime group first transfers the sum to be laundered into a protected banking system (i.e. Cayman Islands). Once it has been received an accomplice in the United States then begins a lawsuit procedure against a company or person for a made-up motive. The first method consists of settling out of court, where the "undisclosed" sum is transferred to the "winner" of the lawsuit. The second method consists of going through with the lawsuit and using the dirty money to settle the compensatory fines. Either way, the justice system validates the provenance of the money for the plaintiff and the legitimate origin (proceeds from a lawsuit) can be identified.

k. Lottery tickets

An imaginative and effective way of laundering money involves the national lotteries. A person, not affiliated with OC, wins the national lottery, and before he officially claims his prize is approached by an organised crime member who offers to purchase his ticket for more than the prize value. Once the exchange has taken place, the purchaser (OC contacts) can legitimately claim his prize, and attest to the legitimate origin of his money: winnings from the national lottery.

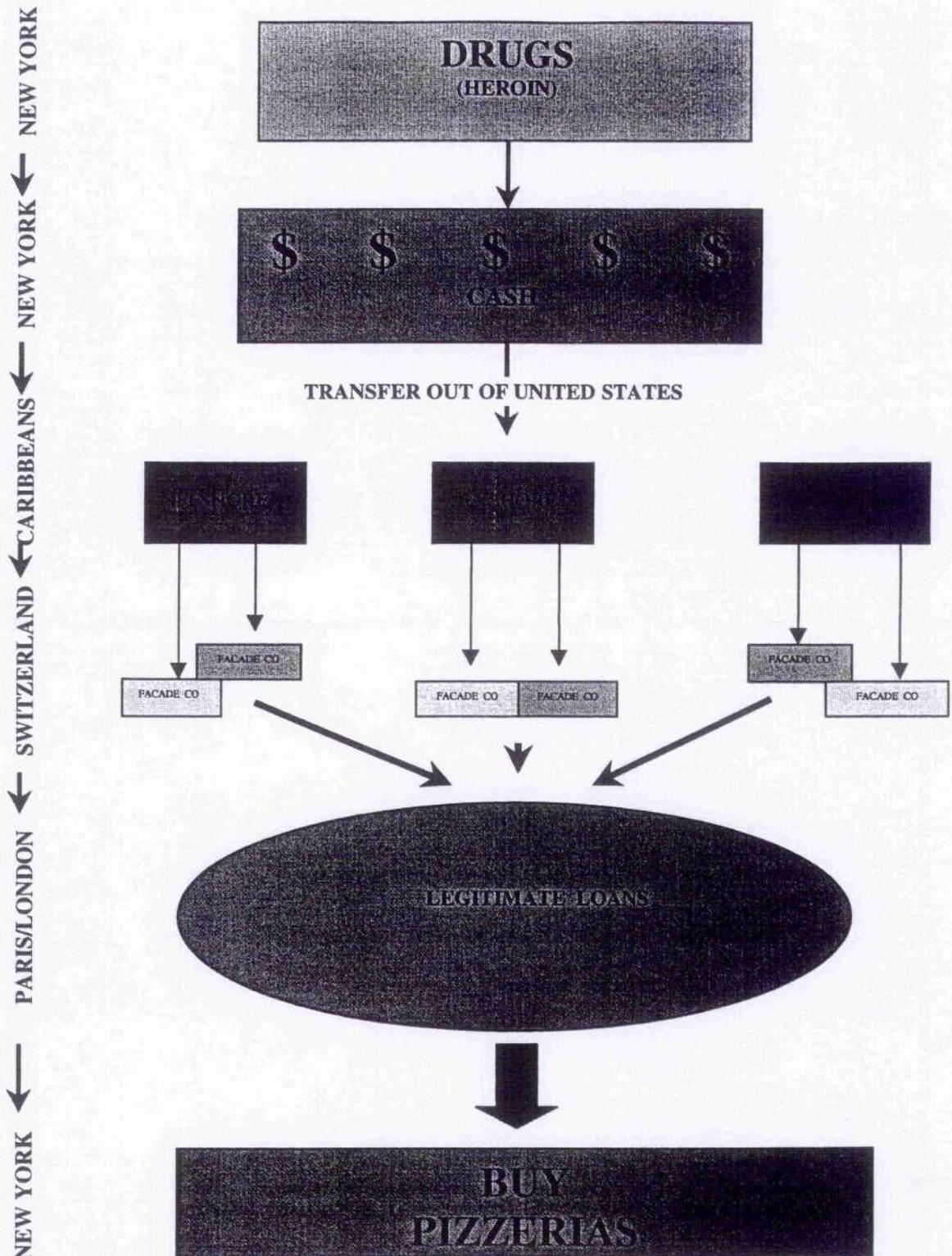
l. Secured Loans

Cartels are able to invest and buy real estate and business ventures across the world through a system of secured, legitimised loans. The drug money is transferred out of the United States to various offshore accounts. These accounts are then transferred to the accounts of facade companies who uses them to secure loans to buy real estate. This

system is sometimes called the "Dutch sandwich" because of one successful Mafia operation conducted by Mafia financier Meyer Lansky. The funds to secure the loan are deposited in a bank in the Dutch Antilles, but the actual loan secured in the Netherlands. Little by little the principle on the loan is reimbursed with dirty money, but the overall operation appears to be legitimate as it is conducted through a legitimate banking establishment (the BCCI also used this system quite effectively)

Loan back money laundering system¹¹⁰

The Pizza Connection



¹¹⁰ Serge, and Jean de Maillard. *Les beaux jours du crime*. Paris: Plon, 1992.

m. Diamond Sales¹⁵¹

The diamond market is estimated to generate \$70 billion USD a year, most of the transaction occurring in cash and leaving the opportunity for criminal money laundering wide open. The Chinese Triads have used the diamond exchange method to launder their drug money. The sale of heroin in the United States generates "dirty" cash that is then used to buy diamonds locally that are then shipped to Hong Kong where no import declaration is required. These diamonds are then sold across Asia, often generating a handsome profit in the process.¹⁵²

n. Fiscal paradises and off shores¹⁵³.

Off shores, and fiscal paradise are not necessarily synonymous, but in most respects carry out same functions.¹⁵⁴ Off shores are centres that offer financial services to individuals and companies that are non-residents.¹⁵⁵ There are three types of fiscal paradises: Anglo-Saxon, where the details of the accounts are kept secret but the identity of the holder can appear, Swiss, where nothing is revealed except at the fiduciary level, and total secrecy where no information is stored about account holders.¹⁵⁶ Off shores and fiscal paradises are not only used by organised crime, and were in fact created and exploited as a method for North American and European companies to legally evade paying part of their taxes or securing contracts through corruption or promises of kick-backs, but organised crime saw the immense benefits they could also derive from this system. Companies and GOC either hold an account at a bank in these offshore/fiscal paradises, or have "letterbox companies"¹⁵⁷ matriculated there.¹⁵⁸ By transferring dirty-money to the off shores,

¹⁵¹Kerry, John (Senator). The New War: the Web of Crime That Threatens America's Security. New York: Simon and Schuster, 1997, page 159.

¹⁵²Some experts believe that this method is not prevalent, because the diamond market is tightly controlled by De Beers and the Antwerp diamond buyers. Source: Dupuis, Marie-Christine. Finance Criminelle. Ed Xavier Raufer. Paris: PUF, 1998.

¹⁵³Refer to annexe for a list of main offshore/fiscal paradises.

¹⁵⁴Refer to the following source for a complete country by country analysis of each fiscal paradise. Beauchamp, Andre. Guide Mondial des Paradis Fiscaux. Paris: Grasset, 1992.

¹⁵⁵FATF definition. Source: Dupuis, Marie-Christine. Finance Criminelle. Ed Xavier Raufer. Paris: PUF, 1998, page 37.

¹⁵⁶Herail, Jean-Louis, and Patrick Ramael. Blanchiment d'argent et crime organise. Ed Xavier Raufer. Paris: PUF, 1996, page 400.

¹⁵⁷These are companies whose headquarters are established in these off shores, but in reality are nothing more than a mailing address or a post office box use to benefit from the offshore status.

¹⁵⁸Beauchamp, Andre. Guide Mondial des Paradis Fiscaux. Paris: Grasset, 1992, page 27.

sometimes transiting in several off shores in succession, the origin of the money is totally hidden and protected by banking secrecy acts. The money can then be easily transferred into a national banking system without fear of discovery.

o. Other forms of money laundering

Many other forms of money laundering exists (stock market, fake certificate attesting to the sale and amount of artwork, jewellery, precious materials). They are only limited to the imagination and resource of the client. Organised crime families take it for granted that they will lose some of their profits during the laundering process, but that amount is negligible in terms of their overall profits and classified as an overhead.

The money-laundering industry appears to always remain one step ahead of the Justice and police organisations committed to tracking them down. They are able to change tactics and techniques, move their operations to a different country, or safe haven faster than the authorities can monitor, and hence have largely been able to evade capture. It takes only a few minutes for money to hopscotch across the globe going from offshore to offshore, and account to account, yet it can take decades for police to retrace the route, punctually impeded by the various banking secrecy acts.

E. *Human trafficking*

Trafficking in humans, amounting to \$84 billion USD, and involving the transfer more than 1 million people a year, can take on many different forms: immigrant trafficking, children trafficking for the purpose of adoption, but also trafficking in women for the sex-slave industry, prostitution or small children for the paedophilia industry.¹⁵⁹

To traffickers this form of trade is non other than another lucrative form of merchandising that yields very high profits, and continues to yield profit for some time.¹⁶⁰

In addition because few countries actually have legislation condemning and punishing this form of trade, traffickers are more apt to engage in people trafficking as the sanctions, are much less harsh, if present at all.

¹⁵⁹Savona, Ernesto, Sabrina Adamoli, and Paola Soffi, eds. Organised Crime Across the Borders. Helsinki: European Institute of Crime Prevention and Control (affiliated with the United Nations), 1995, page 7.

¹⁶⁰ Beurt, Michel: "Traffic d'Etres Humains: les immigrants, nouvelle marchandise des Mafia" *Le nouvel Observateur* 11/05/1995.

Prostitution and sex industry:

Not only does this trade benefit the traffickers themselves as well as the industry they supply, but sadly they also prey on the harsh economic reality prevalent in some countries and encourage parents to sell, or even lease their daughters and small children¹⁶¹ into this form of sexual slavery. For others the prospect of a better life, a well paying job elsewhere is enough to encourage these people, generally young ladies or teenage girls to accept dishonest propositions and leave their homeland. Humans are considered as basic merchandise, a commodity no different really than weapons, or drugs. At the Afghan/Pakistan border women are kidnapped and sold, the price being established based on the weight: 600 rupees per kilo (about \$9.80USD).¹⁶²

A young Nigerian girl of only 15 years old pays up to \$40,000 USD to guarantee safe passage out of Africa and into Europe. In order to pay off this debt she must work as a prostitute for up to four years. In another case, a young Cambodian girl is leased to a brothel for three months by her family. In exchange her father receives \$200 USD. Her proceeds generated by her work are obviously kept from her and given to her "keeper"¹⁶³.

Trafficking in women and young girls is crucial to cheaply supply and replenish the sex-slave industry across the world.¹⁶⁴ The three criminal organisations that are primarily responsible for this type of trade are: the Japanese Yakuza, the Chinese triads and the Russian criminal networks.¹⁶⁵ Many other criminal organisations dabble in this trade, but the preceding three are the largest market providers in this area. The Yakuza and Triads control and supply the brothels and prostitution rings of the Far East, and have been key in developing the concept of sexual tourism.¹⁶⁶ Women are brought in to Asia and the Pacific under false pretences, promised good jobs as part of a housekeeping staff,

¹⁶¹ Child prostitution figures vary substantially but UN estimates that in Asia the child sex trade is comprised of: 300,000 children in India / 200,000 in Thailand / 100,000 in the Philippines / 40,000 in Vietnam. Source: Arlacchi, Pino: MCC conference, 2nd March 2000.

¹⁶² 600 Pakistan Rupee = 9.80873 US Dollar: so a woman is sold for \$9.8 USD to the kilo. Source: <http://www.uri.edu>

¹⁶³ Arlacchi, Pino: MCC conference on 2nd March 2000.

¹⁶⁴ The International Organisation for Migration defines the trafficking of women as: "When a woman in a country other than her own is exploited by another person, against her will and for financial gain." Source: Editorial. "Trafficking in Women." *Trends in Organised Crime*. Summer (1998).

¹⁶⁵ Galdwell, Gillian, Steven Galster, and Nadia Steinsor. Crime & Servitude: and expose of the trafficking of women for prostitution in the NIS. Moscow, 1997.

¹⁶⁶ Castells, Manuel. End of Millennium. Malden: Blackwell, 1998, page 172.

only to discover upon arrival that they are in reality destined to become sex slaves. Others, like many Chinese clandestine immigrants arrive at their destination, and must pay off their travel debt (as much as \$35,000 USD) as sex slaves. Because most of these "immigrants" still have family in their home-country they are easily convinced to pay off their debt, and not escape, because otherwise their "keepers" will take their revenge out on their family members (use of leverage). As their passports are confiscated and are the girls kept under tight surveillance (sometimes chained to their beds) they have no way of escaping. They supply the brothels, massage parlours, strip-clubs and call girl services, and receive little or no salary. Organised crime groups are the intermediaries between the "collection"/recruitment of the girls and the brothel owners, and are key for the smooth operation of the activity and are primarily responsible for corrupting government officials and obtaining fake travel documents, or visa, co-ordinating their travel and supplying the guards that ensure they don't escape.

Children are also sought out for trafficking, kidnapped off the street, lured or bought and forced into sex slavery and they mainly supply the paedophile, and child prostitution trade.¹⁶⁷ The Hong Kong Vice squad reported recently that the average age for prostitution had dropped, forcing girls as young as 13 years old into the trade. Girls who refuse to comply, or are not fully pleasing their customers are beaten and tortured.¹⁶⁸ In Macao a child being sold into prostitution fetches \$100 USD, whilst in India the selling price is \$500 USD.¹⁶⁹ In Thailand, poverty stricken families sell their virgin daughters for H.K. \$1,600. For the brothel owner, his investment is generally returned in one night's work: "girls scarcely weaned are handed over to pimps for the equivalent of a small sum of dollars and soon find themselves shut up in a brothel for life".¹⁷⁰ Across the world more than a million girls are sold into prostitution¹⁷¹: Thailand: 800,000¹⁷² / Taiwan: 40,000-

¹⁶⁷Refer to Sexual Exploitation of Children in: Castells, Manuel. End of Millennium. Malden: Blackwell, 1998, and World Congress Against the Commercial Exploitation of Children (Stockholm) 1996.

¹⁶⁸Chin, Ko-Lin. "Triad Societies In Hong Kong." Transnational Organised Crime .Spring (1995), page 52.

¹⁶⁹Kent, George. Children in the International Political Economy. New York: St. Martin's Press, 1995, page 57.

¹⁷⁰Kent, George. Children in the International Political Economy. New York: St. Martin's Press, 1995, page 61.

¹⁷¹ A problem linked with the sex industry and prostituting of children is the prevalence and spread of disease, most notably AIDS. Many of these child prostitutes end up contaminated with HIV and subsequently AIDS and die in atrocious conditions at a very young age.

60,000 / India:100,000+ / Brasil:600,000¹⁷³ / Peru: 500,000 / Venezuela: 40,000 / Sri Lanka: 20,000+ / US: 200,000 / Philipinnes:100,000.¹⁷⁴

Adoption

Adoptions can also on occasion lead to child prostitution. According to Interpol, there are many cases of people adopting children from underdeveloped countries and forcing them into prostitution.¹⁷⁵

Illegal adoptions also constitute child trade (valued as a million-dollar business),¹⁷⁶ and has been an activity of organised crime. Because the infant adoption market (for white infant babies) in Western Europe and the United States has become so difficult, couples have sought to adopt elsewhere, primarily Central America, Eastern Europe and Asia. Organised crime has set up networks that either kidnap or buy infants and sell them to unsuspecting couples. An infant can cost as much as \$15,000-20,000 USD but can be "delivered" in only a few days time. The Cartels, Russian Mafiya and Chinese Triads and Yakuza are involved in this trade.

Immigrant trafficking

Also implicated in human trafficking is immigrant trafficking.¹⁷⁷ The 1994 United Nations Report estimates that 1,000,000 people a year are illegally smuggled in from poor countries into rich countries, with an estimated 20% of those being Chinese nationals. Again GOC networks are chiefly responsible for this trade charging anywhere from a \$2-3,000 USD to smuggle a Mexican over the American border to \$35-40,000 USD to

¹⁷²According to the Center for the Protection of Children's Rights. Source: Castells, Manuel. End of Millennium. Malden: Blackwell, 1998, page 155.

¹⁷³Not all child-prostitutes are controlled by organised crime, but those that are generally are required to have sex on average 20 times a day.

¹⁷⁴UNICEF statistics. Source:Cretin, Thierry. "Mafias et Jeunesse." Enfance Majuscule .October-November (1997).

¹⁷⁵ Kendall, Raymond. International Symposium on the Traffic of Human Beings, 1988.

¹⁷⁶Savona, Ernesto, Sabrina Adamoli, and Paola Soffi, eds. Organised Crime Across the Borders. Helsinki: European Institute of Crime Prevention and Control (affiliated with the United Nations), 1995.

¹⁷⁷The US dismantled one smuggling ring that had smuggled 12,000 Indians into the US via Russian and Cuba, and was estimated to be worth \$200 million USD, spanned 4 continents, 1,000 job cites in 38 US states and each passage cost \$20-28,000 USD. Source: Branigin, William. "US Dismantles Smuggling Ring that Marketed Indian workers." International Herald Tribune 23 November 1998.

smuggle in a Chinese immigrant into Europe or North America.¹⁷⁸

Alien smuggling sometimes offers different "package-deals". First class smuggling includes good quality fake documents, second class generally includes cargo sea transport with no comfort, or being transported hidden in a truck. Options include safe houses, and relocation assistance, clandestine jobs, and services of a lawyer.¹⁷⁹

Immigrant trafficking necessitates much planning and so most immigrant trafficking "ventures" call for co-operation between GOC families: in August 1997, the prefect of Calabria published a report that highlighted the links between the Russian Mafiya and Italian 'Ndrangheta in immigrant trafficking. For 6,000 Swiss francs Kurdish, Iraqi, Sri Lankan and Egyptian nationals were smuggled into the European Union via Italy. To escape detection from the Italian Coast guard, the boats followed the Albanian coast, descended South, crossed the Aeolian Sea, and unloaded their human cargo onto the beaches of Catansaro. Because the smuggling fee was high, many of the "illegal aliens" were forced to pay off their travel debts by working on regional plantations under 'Ndrangheta control.¹⁸⁰ The Italian crime groups are increasingly involved and directing alien smuggling routes, putting to use the expertise they have accumulated through various other forms of smuggling (like cigarette trafficking), and using the geographic advantage of Italy to land aliens and smuggle them into Europe.

Because France has tightened and severely cut down the attribution of visa to Algerian nationals, a new immigrant trade route has emerged between North Africa and Italy, managed by the Cosa Nostra. Charging between \$900USD and \$3,000USD, Algerian nationals can procure passage from Tunis to Sicily, and on into the European Union.¹⁸¹ Jean-Pierre Garson, expert in immigration at the OECD warns that trafficking in immigrants does not only include clandestine passage, but generally also entails subsequent exploitation in the black-market economy.

¹⁷⁸Winer, Jonathan. "Nature of Alien Smuggling." *Trends in Organised Crime* .Summer (1998).

¹⁷⁹Staff correspondent. "Smuggling of aliens thriving." *Dawn* 21 December 1998.

¹⁸⁰Siegler, Jean. *Les Seigneurs du Crime: Les nouvelles mafias contre la democratie*. Paris: Seuil, 1998, page 127.

¹⁸¹Beuret, Michel. "Trafic d'etres humains." *Le Nouveau Quotidien* 11 May 1995.

F. *Organ Trafficking*¹⁸²

Organ trafficking, also coined New Cannibalism¹⁸³, no doubt the most gruesome activity of organised crime families involves the trafficking human organs and especially kidneys.¹⁸⁴ According to a European Parliament report, organ trafficking and drug trafficking follow the same rational, it just deals with a different commodity.¹⁸⁵ As highlighted in the Sottas Report,¹⁸⁶ this form of trade is rumoured to become increasingly prominent and corresponds perfectly to the risk/profit equation: light penalties and huge profits. Because the recipient list for organs surpasses by far the donor list the possibility for organised crime groups of making profit by coming up with "alternative" sources for organ "donations" is very real.¹⁸⁷ In addition the vast improvements in medicine and transplant technology have made organ transplants more successful than ever, and hence making it a "tradable commodity". Today the transplant success rate for kidneys is 81-92%, and heart transplants 70%.¹⁸⁸

Body parts trafficking, also called organ harvesting, has increasingly become a financially profitable business and an activity of choice for several organised crime family syndicates. It entails the kidnapping and murder of innocent victims for the purpose of extracting various organs and reselling them on the medical, pharmaceutical or organ-recipient market.¹⁸⁹ Because patient awaiting transplants are place on interminable waiting lists, the possibility of circumventing the official pipeline is appealing and creates a "black-market" demand for organs. Additionally, because certain religions (Islam, and Judaism) frown upon the denaturing of the body through organ donation after death, people belonging to those faiths are in need of organ donations outside of their countries.

¹⁸²Refer to : International Conference on the Commerce of Organs, University of California - Berkeley (1996). Rothman, DJ, E Rose, and et al. The Bellagio Task Force Report on Transplantation, Bodily Integrity and International Trafficking in Organs: Transplantation Proceeding, 1997.

¹⁸³This term was coined by Nancy Scheper, member of the Bellagio Report team and prominent researcher and advocate of organ trafficking legislation.

¹⁸⁴Staff Writer. "Kidneys for sale." Turkish Daily News 17 September 1998.

¹⁸⁵Leventhal, Todd. "The Child Organ Trade Rumour." . Washington DC: US Information Agency, 1994.

¹⁸⁶The Sottas Report was commissioned by the international organisation SOS- Torture. Sottas, Eric, and Esther Bron. "Exactions et Enfants (N° 39-40-41)." . Geneva: World Organisation Against Torture, 1993.

¹⁸⁷Rothman, David. "Organes Humains: le Marche Mondial." Courrier International 6 May 1998.

¹⁸⁸Rothman, David. "Organes Humains: le Marche Mondial." Courrier International 6 May 1998.

¹⁸⁹Pinero, Maite. "Enlevements d'enfants et trafic d'organes." Le Monde Diplomatique August 1992.

Although organ harvesting is rarely cited as an industry, it is slowly becoming more documented and further evidence of the extent and profitability of this trade available. A recent Russian investigation found that "organ transplantation is the most profitable business in Russia and it will grow".¹⁹⁰ In Russian organ trafficking is not a crime and so it can develop unhindered. In November 2000, police stopped a Russian grandmother after she sold her five-year-old grandson Andrei for \$90,000USD to an OC group to be used as an organ donation, a type of spare parts person.¹⁹¹ Children, (generally from developing countries)¹⁹² are abducted and killed, or illegally adopted then killed for their organs, and otherwise healthy hospital patients are "euthanised" for corneas, kidneys or hearts.¹⁹³ These organs are either sold to an organ donor bank, to a medical laboratory for experimentation, or finally directly to a client/recipient.^{194/195}

A 1993 European Parliament report on organ trafficking concluded that 3,000 children has been adopted from Brazil, sent to Europe and harvested for organs. As a result of this scandal the Brazilian government temporarily suspended international adoption pending investigations.

The main perpetrators of body parts trafficking are the Mexican drug cartels, namely the Guadalajara and Sinaloa families, the Russian Mafia and the Chinese Triads.¹⁹⁶

Cases of organ trafficking have been reported in Guatemala, Argentina,¹⁹⁷ China, Russia, Mexico, Brazil, Honduras and Peru. The main "buyers" are German, Italian and Swiss patients or donor banks, but increasingly Israelis and Saudis.¹⁹⁸ A healthy kidney can fetch \$30,000 USD on the recipient market.¹⁹⁹ This trade is "helped" by the fact that little or no international agreements exists concerning the trade, trafficking, acquisition and sale of

¹⁹⁰Williams, Phil. "The United Nations and Transnational Organised Crime." Transnational Organised Crime Review (1995), page 27.

¹⁹¹ Franchetti, Mark: "Russian families sell their children to organ traders" Sunday Times, 26 November 2000.

¹⁹²Hassam, Ahmad. "Afghan camps hunting ground for human organs." Dawn 12 November 1998.
Khan, Noushad. "Organised crime focuses on organ theft." Dawn 19 April 1998.

¹⁹³Muntarhorn, Viti. "Sale of children: Report of the special rapporteur." . New York: UN Commission on Human Rights, 1993. Scheper-Hughes, Nancy. "Theft of Life: The globalisation of Organ Stealing." Anthropology Today .June (1996).

¹⁹⁴Sottas, Eric, and Esther Bron. "Exactions et Enfants (N° 39-40-41)." . Geneva: World Organisation Against Torture, 1993.

¹⁹⁵Khan, Naushad. "Asie Rumeur: Quand le crime organise s'empare de vos organes." Courrier International 6 May 1998.

¹⁹⁶Quere, Stephane. "Les Mafias Internationales." Drogues l'Etat de Dependence 21.September (1996), page 13.

G. *Fraud/counterfeits*

Fraud and counterfeits on commercial productions, medicines, patents concern between 3-9% of the items in the world trade, and represent a 60-100 billion USD industry, and \$25 billion USD in loss of profits for the holders of copyrights.²⁰¹ Book publishers are estimated to have lost \$500 million USD in unauthorised copying, computer software companies are thought to have lost \$200 million USD in software counterfeits, and the perfume industry accused losses of \$100 million in counterfeit perfumes sales. Of all the products counterfeited around the world 7 out of 10 are French.²⁰² Counterfeits and product frauds account for 100,000 loss of jobs a year in Europe, and 30,000 a year in France.

The ability to copy luxury, copyright, or patented products cheaply, and make part of the \$60-100 billion profit has obviously lured criminals to this sphere of activity. According to Interpol, organised crime dominates the counterfeit market in specific geographic areas: The Chinese Triads and Japanese Yakuza are the two GOC families with the most interest in this activity.²⁰³

In addition to the activities mentioned above, there are countless others criminal activities that generate profit for organised crime families. They include (but are not limited to), computer crimes,²⁰⁴ endangered species imports, computer crime blackmail and extortion, subsidy fraud. The variety of activities in which organised crime is involved in is limited only to the imagination and resources of these crime groups.²⁰⁵

¹⁹⁷Wireservice. "Organ Trafficking a reality." : Reuters, 1993.

¹⁹⁸ One report found that one company illegally extracted: 700 major organs (kidneys, hearts, lungs) - 1,400 liver sections - 18,000 thymus organs - 2,000 eyes - 3,000 pairs of testicles. Source: Williams, Phil. "The United Nations and Transnational Organised Crime." Transnational Organised Crime Review (1995), page 27.

¹⁹⁹Kerry, John (Senator). The New War: the Web of Crime That Threatens America's Security. New York: Simon and Schuster, 1997.

²⁰⁰The reality of organ trafficking is not unanimously agreed on because of the medical difficulties associated with extracting, transporting and transplanting organs. In addition, random kidnaping and abductions do not make for good organ transplants as organ compatibilities must be ascertained between donor and recipient.

²⁰¹International Federation of Senior Police Officers & UNESCO, ed. Bossard, Andre. Contrefaçons et Crime Internationale. Paris, 1992.

²⁰²Ministere de l'Interieur, ed. Direction Generale de la Police Nationale, and Direction Generale de la Police Judiciaire. Stage de lutte anti-contrefacon. Paris, 1994.

By defining the vast array of sectors in which OC families are pivotal in organising, exploiting and making profit from, it becomes evident that OC is a beneficiary of globalisation. Through diversification it guarantees its survival because even if one market collapsed the livelihood of that family is not necessarily affected. In order to efficiently exploit this globalisation opportunity, GOC has had to export itself, and its crime structures and models around the world in strategic locations to continue and dominate certain activities. Finally, because OC is always seeking high profit yielding opportunities it preys on peoples weaknesses (poverty, ill health addiction) to further develop its current activities or create a new one. In addition, because GOC is perpetually changing, diversifying and branching out, it becomes increasingly difficult to map out, with any exactitude all of its activities. GOC has proven that it has a great capacity to change, adapt and create a market demand or supply.

The following graph is an attempt by Professor Albert Stahel to chart out the GOC alliances around the world. As can easily be noted no single OC operates totally independently, and in fact, for logistical and strategic reasons operate in a vacuum. Every family is linked in one way or another, through an activity like drug trafficking to another and must forge, and cultivate at least one alliance, but often times at least several other OC "colleagues". This chart also demonstrates the pivotal position of two-alliance epicentre, New York and Palermo.

²⁰³Delval, Pierre. Faux et fraudes. Ed Xavier Raufer. Paris: Presses Universitaires de France, 1998.

²⁰⁴Martin, Daniel. La criminalite informatique. Ed Xavier Raufer. Paris: Presses Universitaires de France, 1997. Martin, Daniel, and Thomas Marten. "Cybercrime." Paris: Menaces Criminelles Contemporaines, 1999. Beqai, August. "Computer Fraud and Computer Crime." Strasbourg: Council of Europe, 1990.

²⁰⁵ Environmental crimes, hazardous waste treatment, trafficking in spoiled and re-treated food products, trafficking in endangered species. In fact Interpol estimates that trafficking in endangered species has the second highest profit margin after drugs, and yield at least \$6 billion USD annually. Source: Porteous, Samuel: "Organised Crime impact study – Highlights" Public Works and Government Services of Canada (1998). Page 6-7.

1. The Global Crime Alliance and the Pax Mafiosa²⁰⁷

By focusing on intra or inter family problems and conflicts, competition, territorial disputes, GOC was not only becoming less efficient in their criminal endeavours, but they were also becoming more vulnerable from within and from outside. Denunciations, murder plots, coups and internal treason were increasingly prevalent and obviously detrimental to the business activity and profit yielding ambitions they were seeking. By ending these intestine wars GOC families were able to refocus their attention, time and resources on their criminal activities.

In order to maximise their profits while reducing overall competition, the major organise crime families decided to forge a global alliance and declare a Pax Mafiosa.²⁰⁸ The Pax Mafiosa instated a non-aggression pact between crime families and divided up the world into zone of influence. Each major crime family was attributed a "domain" within which it could operate undisturbed and unchallenged. This Pax Mafiosa amounted to: "carving up the planet into privileged sanctuaries".²⁰⁹ Giovanni Falcone referred to this multilateral agreement as an "operational welding" of the crime families. By drafting this peace treaty, they were minimising the incidence of turf wars, increasing their overall sphere of influence, main streaming their operations and generally revolutionising the criminal enterprise.

The first crime summit was prompted by and economic reality: drug trafficking yielded high profits and so this activity ought to be privileged. In order to do so a division of labour and a separation of tasks needed to be defined to ensure maximum profitability. This was in fact a strategic summit motivated by the prospect and anticipation of an explosion of the drug consumption and demand.

a. *Multilateral Crime Summits*

In order to concretely map-out the new Pax Mafiosa, the crime families had to meet repeatedly to negotiate and finalise each project. The pre-cursor to the global Pax

²⁰⁷See Hedges, Michael. "New Crime Links, Mafia Others Join Forces Worldwide." Washington Times 31 July 1994.

²⁰⁸ Prior to the Pax Mafiosa there had been violent and deadly conflicts between different families as within crime families, usually sparked by "territorial" wars or a desire to monopolize a specific sector of activity.

²⁰⁹Raine, Linnea, and Frank Ciluffo. Global Organised Crime: the new Empire of Evil. Washington DC: Center for Strategic and International Studies, 1994.

Mafiosa,²¹⁰ was an Italian/American Crime Summit that took place in Sicily from the 10-14 October 1957.²¹¹ The Italian and American Cosa Nostra met to discuss a drug strategy aimed at importing drugs to the United States via Sicily. The Hotel des Palmes conference was highly significant in that it was the first crime summit of its kind. The co-operation that was agreed upon laid down the frame for future co-operation.

Chronology of known Crime Summits:

- | | |
|-------------|---|
| 1957 | Hotel des Palmes (Sicily)²¹²
Godfathers Summit Meeting
US Cosa Nostra (Lucky Luciano) - Cosa Nostra |
| 1975 | Turkish- Sicilian Pact²¹³
Informal meeting to discuss drug trade routes through the Balkans |
| 1981 | Negresco Hotel (Nice)²¹⁴
'Ndrangheta - Camorra - Cosa Nostra - US Cosa Nostra - Corsican Mafia |
| 1987 | Aruba²¹⁵
Drug Trade Summit
Colombian Cartels - Sicilian Mafia |
| 1989 | Elysée Palace (Nice)²¹⁶
Italian Godfathers Summit
Cosa Nostra (Zaza) |
| 1989 | Marseilles
Riviera Summit
Cosa Nostra - Camorra - Corsican |
| 1992 | Rome²¹⁷ |

²¹⁰Pax Mafiosa: an agreement to avoid conflict, devise common strategy and work the planet peaceably together. Source: Sterling, Claire. Crime Without Frontiers: The Worldwide Expansion of Organised Crime and the Pax Mafiosa. London: Little, Brown & Company, 1994, page 13.

²¹¹According to government witness and former Cosa Nostra godfather Buscetta, the Hotel de Palme meeting never took place, however an informal meeting between representatives of the LCN and CN may have taken place at the Spano restaurant. Source: Arlacchi, Pino. Buscetta: La Mafia par l'un des Siens. Paris: Felin, 1994, page 72.

²¹²Sterling, Claire. Octopus. New York: Simon & Schuster, 1990, page 81.

²¹³Cretin, Thierry. Mafias du Monde. Ed Xavier Raufert. Paris: Presses Universitaires de France, 1997, page 46.

²¹⁴Bianchini, Roger-Louis. Mafia, Argent et Politique: Enquete sur les Liaisons Dangereuses dans le Midi. Paris: Seuil, 1995, page 21.

²¹⁵Sterling, Claire. Thieve's world. New York: Simon & Schuster, 1994, page 23.

²¹⁶Calvi, Fabrizio. L'Europe des Parrains: La Mafia a l'Assaut de l'Europe. Paris: Grasset, 1993, page 128.

²¹⁷Sterling, Claire. Thieve's world. New York: Simon & Schuster, 1994, page 27.

- Colombian/Italian Summit
- 1992 **Prague**²¹⁸
Russian/Italian Summit
- 1992 **St Jean Cap Ferrat (Riviera)**
Godfather summit meeting
Catagirone's daughters wedding
- 1992 **Rome**²¹⁹
Colombian / Italian Summit
- 1994 **Beaune (France)**²²⁰
Russian/ Yakuza/Triads/Cali cartel

b. *Criminal Alliances*

The chronology of crime summits listed above is no doubt far from complete,²²¹ but it attests to the growing concern of GOC families to concentrate their efforts, cooperate when necessary and feasible, in order to maximise their profits but sharing tasks, and splitting up areas of competence.

In addition to the numerous formal summit meetings repertoried above, that officially allied important criminal families, a multitude of smaller, more informal meetings were held across the world to punctually link specific crime families for a specific operation: Cosa Nostra/Russian,²²² Russian Mafiya/Cartels,²²³ Chinese Triads/Mexican cartels, Nigerian Crime networks/Colombian cartels, Yakuza/Sicilians,²²⁴

²¹⁸Jamieson, Alison. "The Transnational Dimension of Italian Organised Crime." Transnational Organised Crime Review 1.2 (1995).

²¹⁹The five Colombian cartels being represented were: Medellin, Cali, Costa, Calle des Norte and Pereira.

²²⁰de Vericourt, Guilemette. Les Mafias. Toulouse: Editions Milan, 1998, page 53.

²²¹ Obviously many summits went undetected by police authorities and hence cannot be repertoried. To a certain extent those that became known outside of the actual participants in one way or another failed on at least one level; the secrecy of the event was not preserved.

²²²Phillips, John. "Russian Mafia Links up with Cosa Nostra." The Times 14 November 1994. Burns, Jimmy. "Italian Mafia building up criminal links in Russia." Financial Times 22 May 1996.

²²³Freeh, Louis. "Russian Organised Crime (Ministry of Internal Affairs Academy)." . Moscow: Federal Bureau of Investigation, U.S. Department of Justice, 1994, page 3. See also Farah, Douglas. "Russian Mob has Ties in Caribbeans." Washington Post 1 December, 1996, and Farah, Douglas. "Russian Crime Finds Haven in Caribbean: Colombian Drug Ties Suspected." Washington Post 7 October 1996 . Adams, David. "Russian Mafia in Miami: Red fellas linked to plan to smuggle in coke by submarine." San Francisco Examiner 9 March 1997. Farah, Douglas. "Russian Mob, Drug Cartels Joining Force." Washington Post 29 September 1997.

²²⁴Castells, Manuel. End of Millennium. Malden: Blackwell, 1998, page 172.

Turkish Baba/Sicilian, Turkish Baba/SCU, etc... Essentially, every possible contraction of alliances was effectively achieved. These alliances were not necessarily durable, but rather operative for the duration of the joint venture and most often dissolved right after.

2. Aruba the strategic merger: Cosa Nostra and Medellin Joint Ventures²²⁵

An example of a strategic merger, as planned out by the Cosa Nostra and the Medellin Cartel is the overtaking of Aruba. It not only shows the capacity of GOC families to develop a precise goals orientated strategy, but also proves their ability to efficiently collaborate when their shared economic interests converge.

The island of Aruba and the progressive take over of its land and economy by the Cosa Nostra is a good example of the increased co-operation between different GOC families in the era of Pax Mafiosa. The *raison d'être* of Aruba was money laundering and a massive drug deal between the Sicilian clan and the Medellin Cartel chiefly orchestrated by the Cuntrera brothers.

Aruba, a small island off the coast of Venezuela was until 1985 a part of the Dutch Antilles, at which time it gained a quasi-autonomous, but not yet fully independent status. Aruba was scheduled to gain its full independence in 1996, but this motion was postponed due to American and European pressure, and growing concern about its infiltration by organised crime.²²⁶ By 1993, the Sicilian mafia had invested so heavily in the Island's real estate and economy that Aruba became known as the first Mafia owned state. As a former joint French/Dutch islands, Aruba benefits from "border free" access to the European Union, has no police/border checks, criteria that greatly facilitates criminal activities like drug trafficking. Furthermore, until 1992, Aruba was an extradition free State.²²⁷

Officials from Aruba have always been reticent to apply too many stringent controls because they might result in strangling the economy: "We have no resources and we need to survive".²²⁸ The Prime Minister himself was repetitively accused of having financed his campaign with drug money. Not only did the US State Department International Narcotic Control Report move Aruba from a medium risk to a high risk

²²⁵Cole, Rich. "Indictment Show High Level Mafia-Colombia Drug Link." Associated Press Wireservice 3 November 1989, and Wireservice. "U.S. Indictment Links Mafia and Medellin." New York Times 3 November 1989.

²²⁶Beauchamp, Andre. Guide Mondial des Paradis Fiscaux. Paris: Grasset, 1992, page 186-187.

²²⁷Leve, Geoffrey. "How the Mafia Moved to Paradise." Associated Press 13 March 1993.

²²⁸Noblet, Kevin. "Under the Sun-and-Fun: Mafia and Money Laundering." Associated Press 15 May 1993.

country within only three years, but in December 1996, President Clinton put Aruba on the list of major illicit drug transit countries.²²⁹

In 1987, the Sicilian Mafia invited the Colombian Medellin cartel to a strategy meeting. The Aruba Summit, and the subsequent agreement it brought about, made the Cosa Nostra and the Medellin cartel partners in the drug trafficking industry. The agreement they drafted was worth over \$300 billion USD/year.²³⁰ The initial planing was conducted by Sicilian, Francesco Madonia and his lieutenant John Galatolo, and involved the four major Cosa Nostra families: Cuffaro (Palermo), Madonia (Gela), Santapaola (Catania) and Corleone. Before the official meeting, Galatolo flew to New York to meet with the Italian Mafia families who directed the heroin trade there, explained the project and gained their approval, and finally went on to Aruba to meet with the Medellin Cartel representative, Waldo Aponte Romero.²³¹ The strategy of the meeting consisted in shifting the cocaine market to Europe and the heroin market to the United States. The European Market was completely saturated with heroin, where the selling price was \$50,000 per kg, almost four times less than the selling price in the US. To the reverse, the American market was saturated with cocaine with a selling price of 1/5 lower (\$11,000 /kg) than in Europe (\$50,000/kg). The Medellin Cartel and the Cosa Nostra agreed on an exchange of product. The Cosa Nostra would control the European cocaine trade, while the Cartels would retain control of the heroin distribution in the United States. The idea was also to solidify the triangular trade relations between Sicily, New York and Caracas (used as a port through which to massively export cocaine). The first shipment of cocaine (approximately 600 kilos) sailed to Palermo from Aruba on 7 January 1988, aboard a boat called the "Big John". It was unloaded off the boat onto the Sicilian beaches, reloaded with heroin and sailed back to the Caribbean. Experts believe that this Colombian/Italian drug deal may have resuscitated the Cosa Nostra, the Sicilian's influence had been dwindling for a while, mainly because of internal conflicts and power struggles, and this historic agreement propelled them into a new era.

The choice of Aruba as the site for a Colombian/Sicilian strategic merger was not haphazard. Much to the contrary it was a rational, highly strategic choice. Not only was Aruba a very attractive state for investment and money laundering (namely because of its

²²⁹Blickman, Tom. "The Rothschilds of the Mafia on Aruba." *Transnational Organised Crime* 3.2 (1997).

²³⁰Violante, Luciano. *La Mafia dell'Eroina*. Rome: Riuniti, 1987.

²³¹The representatives of five New York LCN families that were consulted were: Gambino brothers, Rosario Naimo, Paolo Loduca, Lorenzo Mannino and Domenico Mannino.

access to the European Union, and its extradition free status), but Aruba has slowly fallen under Mafia control, both political and economic. Because Aruba lacks natural resources, it opted to encourage gambling, created tax shelters for foreign investors, and offered prime real estate for sale as a means of sustaining its economy. The Mafia saw this as a unique opportunity to take control of a state and with the help of the Cuntrera Brothers (Pasquale, Paolo and Gaspare),²³² also known as "the Rothschilds of the Mafia",²³³ began to buy substantial amounts of property and shares in businesses around the island. They invested in casinos and hotels and infiltrated legitimate businesses.²³⁴ Between 1988-1990, the Mafia through the Cuntrera brothers²³⁵ bought up 60% of the total land and businesses on Aruba.²³⁶ In addition to their land and other economic acquisitions, the Cuntrera brothers corrupted many politicians and public servants.

Aruba was not only attractive because of its lax legislation on money laundering, but also provided a key strategic location for the drug trafficking industry in South America. Aruba became the headquarters for international criminal joint ventures involving drug trafficking and money laundering between the Americas and Europe.

The Aruba merger showed how efficient GOC collaboration could be, and how weak a small and complacent island like Aruba could be in the face of this powerful alliance. The Aruba example should not be considered as exceptional, but rather as demonstrative of the reach and power of GOC.

²³²Noblet, Kevin. "Under the Sun-and-Fun: Mafia and Money Laundering." Associated Press 15 May 1993.

²³³Blickman, Tom. "The Rothschilds of the Mafia on Aruba." Transnational Organised Crime 3.2 (1997).

²³⁴Wireservice. "Sicilian Mafia Attempts to Buy Caribbean Island." Sun Sentinel 3 June 1993, Wireservice. "Mafia State Plan Feared on Aruba." Independent 3 May 1993, and Clough, Patricia. "Mafia Family Reported Buying Own Island." Ottawa Citizen 3 May 1993.

²³⁵In September 1992, as a result of American and international pressure, Aruba extradited its first criminals to Italy: the Cuntrera brothers.

²³⁶Blickman, Tom. "The Rothschilds of the Mafia on Aruba." Transnational Organised Crime 3.2 (1997).

V Conclusion

OC preys on the inadequacies or in some cases total absence of laws (for example on organ trafficking) in order to exploit certain types of activities and make profit. Because as a rule, it does not recognise the law as applicable to it, it is not limited in its choice of activity and is therefore free to develop whatever trade or commerce it pleases.

As gruesome as organ trafficking may appear to many people there is a real demand for organs and hence an excellent "business" opportunity to be set up to supply that demand exists. GOC can step in and organise that market. By engaging in certain types of activity, like money laundering, GOC is able to penetrate the legitimate economy and potentially destabilise it. It is able to achieve this by either being able to rapidly inject huge sums of laundered money into it, or withdrawing these same huge amounts of money, but also by seizing control of financial institutions (like regional banks) or creating monopolies in some sectors of activity (like public works or waste management) and hence controlling one aspect of an economy. Whenever vast amounts of GOC activity or profits are present then the local, regional and in some cases national economies are made vulnerable.

This chapter has tried to show that the multiplicity and diversity of the different GOC families poses a concrete and indisputable threat not only state institutions or actors, but also perverts fair market practice and menaces the overall well being of the global economy. No sector of the economy of a state, or local authority, is immune from OC penetration and participation. Because each family has a different structure, hierarchy and operating regime, they have to be looked at individually, not globally, as international organised crime, despite its appellation, is not a homogeneous single entity. The only real point in common to all GOC families is their goal to make money, but the same could be said of legitimate multinational corporation as well.

GOC can also be seen as a "product" capable of easily being exported around the world. Rather than remaining quartered within national boundaries, GOC has expanded by exporting its crime product, way of life and business "ethics" transnationally. The expansionist agenda is not a new phenomenon, it has been occurring ever since massive population migration have happened,²³⁷ but with a new border-less Europe²³⁸, ease of travel,

²³⁷GOC tends to first focus on their ethnic immigrant minorities, and eventually broaden their activities to the rest of the country. According to Freeh, as the Asian-American community increases it will become a choice target for Asian organised crime groups. Freeh, Louis. "Asian Organised Crime (17th Annual International Asian Organised Crime Conference)." . Boston, Massachusetts: Federal Bureau of Investigation, U.S. Department of Justice, 1995.

²³⁸Tendler, Stewart. "East-West Crime Syndicates Exploit Open Frontiers." *The Times* 3 December 1994.

and more generally era of globalisation, this phenomenon has become more accelerated.

One such expansion has been the “trans-alpine” move of the Sicilian Cosa Nostra into France.²³⁹ The research that follows will explore one GOC family, the Sicilian Cosa Nostra, and will look into its expansionist agenda into France by analysing the reasons that motivated its choice, looks at its aims, and operational structure abroad. Because the Cosa Nostra has sought to expand its strategic operational base, and because it considered that the French Riviera presented ample business opportunities, it followed the world expansionist trend and set up a secondary, retreat base there.

Because organized crime, in the “Mafia-sense” of the term, is not indigenous to France it presents an interesting example of an international “venture” for the group. Other organized crime groups are present in France, as well as indigenous crime gangs, but this research stipulates that the single organized crime group that, in addition to presenting the largest threat to the French national, regional and local structures, also has the potential to adversely impact the local economies by gangrening it, is the Sicilian Cosa Nostra, and to a lesser degree its sister Italian crime family the Neapolitan Camorra. Although penetration of state structures is still very much limited to local authorities like on the Riviera, France as an activity base has already undergone several trends of expansions. France has also become reputed for being a zone of refuge for Mafiosi fleeing Italian and international inquiries.

It is therefore interesting, and actually quite important, to look at the French state apparatus, and more specifically the institutions in place that aim to combat these type of non-military threats in order to more fully comprehend the strengths and weaknesses in the French state structures. By identifying potential gaps in authority, or quite the contrary conflicting or overlapping areas, it is then possible to better observe the impact of a menace like the Cosa Nostra and target the inadequacies and eventually suggest possible improvements. Bearing in mind that each national crime fighting or judicial apparatus is unique, a reflection to a certain extent the cultural and historical frame of mind of its population, it is also possible to contrast the French system with the Italian system that has had more concrete experience in combating OC.

²³⁹The Sicilian Cosa Nostra expansion into France is the subject of Chapter IV's case study.

Appendix 1

Offshores²⁴⁰

Offshore countries and islands offer ample opportunities for money laundering generated by criminal activity. They are considered as pivotal in the money laundering process. Despite international sanctions to try and combat this money laundering practice very little is actual done to enforce international agreements because these offshores, just like fiscal paradises, actually survive thanks to this process.²⁴¹

Countries with cities/states having offshore status:

United States:	Colorado, Delaware, Miami, New York
Ireland:	Dublin
Morocco:	Tangier
Great Britain:	London
Taiwan	
Thailand	

Islands with offshore status:

Americas:	Anguilla, Antigua, Dutch Antilles, Aruba, Bahamas, Barbados, Cayman Islands, Montserrat, Nevis & St. Kitts, St. Lucia, St. Vincent, Turks & Caicos, Virgin Islands
Asia/Pacific:	Hong-Kong, Labuan, Macao, Marianne, Marshall Islands, Nauru, Niue, Western Samoa, Singapore, Vanuatu
Europe:	Cyprus, Guernsey, Jersey, Madeira, Malta, Isle of Man
Others:	Bahrain, Mauritius Islands, Seychelles

Non-insular States with offshore status:

Andorra, Belize, Costa Rica, Dubai, Gibraltar, Lebanon, Liberia, Liechtenstein, Luxembourg, Monaco, Panama, Switzerland

²⁴⁰ OECD / FATF: Financial Action Task Force Report on Offshore states and islands.

²⁴¹ It must be noted however that many democratic governments, signatory to international convention to combat money laundering routinely use these same offshore entities to either funnel illegal campaign contributions to political parties or political regimes, or use these offshores to pay "under the table" commissions to intermediaries of big national contracts (ie sale of military planes).

Appendix 2

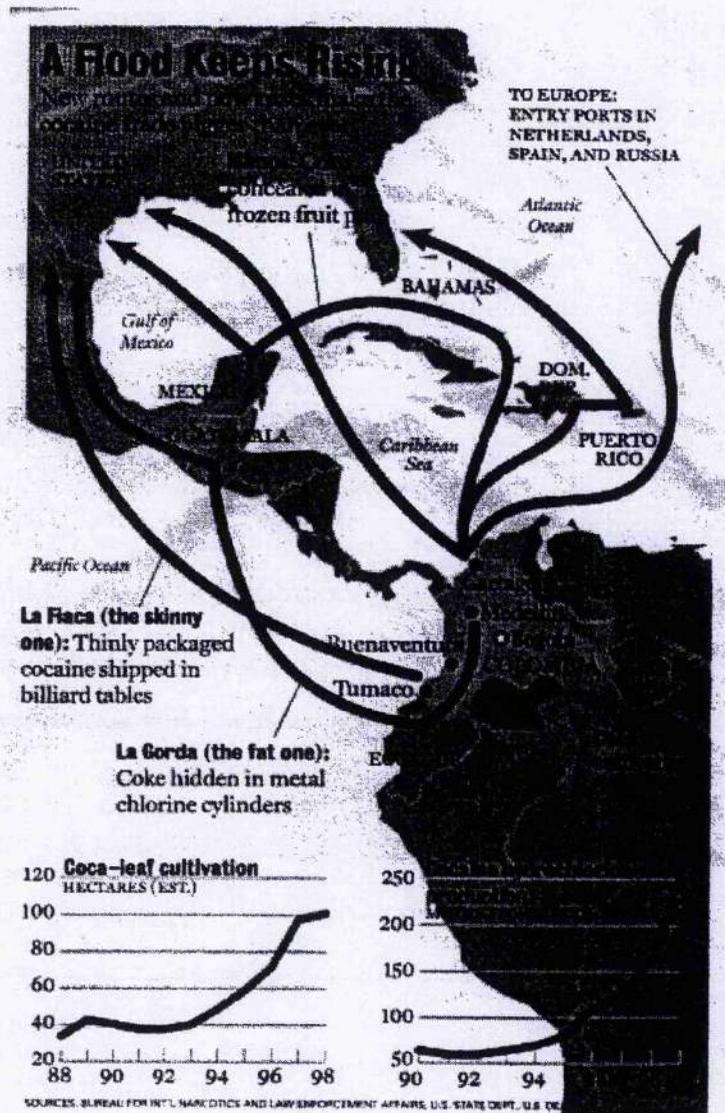
Counterfeit around the world²⁴²

Brazil:	sporting goods, glasses, perfume pharmaceutical
Bulgaria:	alcohol, pharmaceuticals
Canada:	books, electronics
China:	electronics, mechanical pieces, pharmaceuticals
France:	jewellery, perfume, leather, textiles, computer programs
Germany:	mechanical pieces, textiles
Great Britain:	all products
Greece:	luxury items, leather, books, pharmaceuticals
Hong Kong:	computers, games, textiles, clockworks, luxury items, clothing
India:	perfume, pharmaceuticals, sporting-goods, jewellery, sparkling wines, textiles
Italy:	luxury goods, household appliances, books, clockwork, clothing, car-parts
Japan:	computers, games, sporting-goods, electronics
Morocco:	luxury goods, perfume, leather
Mexico:	all products
Netherlands:	distribution hub for all European counterfeits
Pakistan:	pharmaceuticals, perfumes, textiles
Philippines:	luxury items, leather, electronics, leather goods, clothing, car parts
Portugal:	alcohol, sporting-goods, car parts, luxury items
Singapore:	all products
South Korea:	sporting goods, leather, electronics, leather goods, clothing, car parts
Spain:	drinks, games, leather goods, clothing, sporting goods
Switzerland:	clockwork
Taiwan:	all products
Tunisia:	leather, textiles, books, clockwork
United States:	luxury items, perfume, electronics, mechanical spare-parts

²⁴²Ministere de l'Interieur, ed. Direction Generale de la Police Nationale, and Direction Generale de la Police Judiciaire. Stage de lutte anti-contrefaçon. Paris, 1994.

Appendix 3

Colombian Drug Trafficking Routes



NEWSWEEK FEBRUARY 21, 2000

Nigerian business fraud letter scheme

ENGR. KINSLEY NWOKEDI *CHIKE*
TEL/FAX: 234-1-4526188
LAGOS - NIGERIA

RE: TRANSFER OF \$23 MILLION INTO YOUR COMPANY'S ACCOUNT

I GUESS MY LETTER WOULD NOT EMBARRASS YOU SINCE I HAD NO PREVIOUS CORRESPONDENCE WITH YOU. YOUR COMPANY'S DETAIL WAS GIVEN TO ME BY A CLOSE FRIEND WHO HAS LIVED IN YOUR COUNTRY FOR SO MANY YEARS. HE ASSURED ME OF YOUR RELIABILITY AND CAPABILITY TO ASSIST US THOUGH I DID NOT TELL HIM THE NATURE OF THIS TRANSACTION.

HOWEVER, MY REQUEST CENTRES ON MUTUAL COLLABORATION AND YOUR MORAL SUPPORT. MY GETTING YOUR ADDRESS IS THE WORK OF ALMIGHTY GOD AND SINCE THEN I HAVE A STRONG HOPE THAT YOU CAN HELP ME EVEN THOUGH THE PRESENT WORLD IS FULL OF DISHONESTY AND MISTRUST.

I AM THE CHAIRMAN OF THE TASK FORCE THAT REVIEWED ALL PREVIOUS CONTRACTS AWARDED BY VARIOUS MINISTRIES IN THE COUNTRY. THIS APPOINTMENT IS FROM THE OFFICE OF THE PRESIDENT OF THE FEDERAL REPUBLIC OF NIGERIA AND COMPRISES OF A SIX MAN TASK FORCE.

SINCE THAT APPOINTMENT, WE HAVE JOINTLY DISCOVERED SOME IRREGULARITIES WHICH COMPRISES OVER INFLATED CONTRACT VALUES, DUPLICATING AND GROSS FRAUDULENT ACTIVITIES. IN THE MEAN TIME, WE HAVE DISCOVERED ABOUT \$223,000,000.00 (TWO HUNDRED AND TWENTY-THREE MILLION U.S. DOLLARS ONLY) WITH OUR VARIOUS POSITIONS AND STATUS. WE ARE CIVIL SERVANTS, WHO EARN LITTLE OR NO SALARY. AND I CANNOT HESITATE TO COMMENT THAT WE ARE NO ANGELS AS WELL TO BE FRANK WITH YOU. WE HAVE AGREED TO DECLARE ONLY \$200,000,000.00 (TWO HUNDRED MILLION U.S. DOLLARS ONLY) TO THE GOVERNMENT WHILE WE SHALL REMIT THE BALANCE OF \$23,000,000.00 (TWENTY-THREE MILLION U.S. DOLLARS) OUTSIDE THE COUNTRY FOR OUR PERSONAL INTEREST.

WE ARE CONFUSED ON WHO TO APPROACH BECAUSE OF TRUST AND TO BE CANDID THIS IS A LIFE TIME OPPORTUNITY WHICH WE CANNOT MISS. YOUR MAXIMUM CO-OPERATION IS HIGHLY NEEDED. PLEASE FAX THE FOLLOWING INFORMATION TO US FOR IMMEDIATE ACTION. THE NAME AND ADDRESS OF YOUR BANK, THE ACCOUNT NUMBER WHERE WE CAN REMIT THE FUND INTO, AND YOUR TELEPHONE AND FAX NUMBERS.

FOR YOUR ASSISTANCE IN THIS TRANSACTION WE HAVE AGREED TO OFFER YOU 30% OF THE TOTAL FUND AND 10% FOR BOTH LOCAL AND INTERNATIONAL EXPENSES THAT MIGHT BE INCURRED BY BOTH PARTIES WHILE YOU WILL KEEP THE REMAINING 60% FOR US THE OFFICIALS INVOLVED.

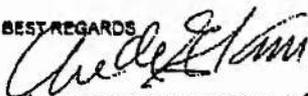
I ASSURE YOU THAT ALL NECESSARY SECURITY ARRANGEMENTS HAVE BEEN PERFECTED IN THE FEDERAL MINISTRY OF FINANCE AND THE CENTRAL BANK OF NIGERIA (CBN) FOR A HITCH FREE TRANSFER OF THIS SUM WITHIN FOURTEEN WORKING DAYS ON RECEIPT OF THE EARLIER MENTIONED INFORMATION.

I AM EXPECTING YOUR IMMEDIATE REPLY BY FAX SO THAT I CAN STOP FURTHER NEGOTIATIONS.

NOTE THAT THIS BUSINESS IS EXTREMELY SENSITIVE AND MUST BE CONFIDENTIAL BECAUSE WE ARE MEN OF PROVEN INTEGRITY AND WOULD NOT WANT ANYTHING CAPABLE OF DENTING OUR GOOD IMAGES IN THE COUNTRY.

LOOKING FORWARD TO A REWARDING RELATIONSHIP IN THIS AND OTHER FUTURE VENTURES.

BEST REGARDS


ENGR. KINSLEY NWOKEDI *CHIKE*

CENTRAL BANK OF NIGERIA



PRESS STATEMENT ON ADVANCE FEE FRAUD SCAM

YOU HAVE BEEN WARNED

1 Since the early 1990s, the Central Bank of Nigeria (CBN) has endeavoured to combat the scourge of Advance Fee Fraud/Scam being perpetrated by fraudsters via letters, telefax, telex, etc., both locally and overseas, through publicity campaigns, seminars, press statements, and co-operation with law enforcement agencies. To date, the CBN has placed advisory advertisements in over 80 newspapers and magazines in 12 languages in 36 countries, in its effort to forewarn all corporations and individuals who are likely to fall prey to the scam and thereby help stamp out the proliferation of Advance Fee Fraud, aka "419". Furthermore, the Bank replies routinely to all enquiries relating to scam letters, telefax, etc., to the effect that the "claims" are bogus and fraudulent and that the claimants are being duped. Appropriate Embassies and High Commissions in Nigeria are also furnished with copies of correspondence emanating from their countries to prevent ruination of their nationals.

2 Unfortunately, the scam has continued unabated, even with increasing sophistication, because of the criminality, avarice and greed of the so-called victims of the scam, who are also villains. The bogus "business" proposals/deals which run into millions of US dollars manifest fraudulent intentions ab initio, which should ordinarily put any responsible and law abiding person on inquiry. However, driven by fraudulent tendency, greed and the urge to make quick and easy money at the expense of Nigeria, many of the so-called victims have continued to ignore the warnings of the Central Bank of Nigeria, to the effect that such transactions are bogus and fraudulent.

3 To recapitulate, an advance fee fraud/scam takes various forms. A typical one starts with a letter of solicitation, followed by telefax or telex messages. The letters often offer to transfer huge amounts of money, usually in US dollars, purported to be part proceeds of certain contracts, to the addressee's bank account, to be shared in some proportion between the writer and the addressee. A favourable response to the letter is followed by excuses why the funds cannot be remitted readily and subsequently by demands for proportionate share of payment of various "taxes" to facilitate the processing and remittance of the funds. The use of fake Government, Central Bank of Nigeria, Nigeria National Petroleum Corporation, etc., documents is a common practice. The fraudsters usually request that the transaction be done under the cover of confidentiality. Sometimes, the "victims" are invited to Nigeria where they would be given red-carpet reception and attended by the fraudsters posing as Nigeria Government or Central Bank officials. To consummate the "transaction", the "victim" would be required to pay advance fees for various reasons, e.g. Processing fees, unforeseen taxes, licence fees, registration fees, signing/lawyers fees, National Economic Recovery Fund fees, insurance coverage release fees, VAT, etc. Collection of these advance fees is actually the real objective of the scam. A recent variant of the scam, directed primarily at charitable organisations and religious bodies overseas, involves bogus inheritance, under a will. Again the sole aim is to collect the advance fees described as one form of inheritance tax or other.

4 The Central Bank of Nigeria has taken this initiative of once again warning the business community and individuals because of its concern to maintain the good name of the Bank and its public

standing as well as those of its Senior Executives. Often the names of the Bank, members of its top management team, including the Governors (past and present) and the Deputy Governors together with those of highly placed Government officials, have been fraudulently used and abused by the fraudsters with reckless abandon, to lend credibility and respectability to the scam. As on previous occasions, the Central Bank of Nigeria wishes through this medium, to warn all and sundry about the existence and the modus operandi of the international criminal syndicates whose nefarious activities have been a source of embarrassment to the Bank and the Nigerian Government.

5 On numerous occasions, the so-called victims of the "419" scam have brought law suits against the Central Bank of Nigeria, all of which the Bank has defended successfully. In a recent landmark judgement on an advance fee scam law suit brought by Larry Sorth and Mr. & Mrs. Tei Vs. The Central Bank of Nigeria, et al, the issues of advance fee fraud, the impostors and Clearing House banks were decided on by Hon. Justice Charles A. Sham of the United States of America District Court (Eastern District of Missouri). The case was ruled in favour of the Central Bank of Nigeria. The Judge ruled that the case of the plaintiffs - Messrs. Sorth and Tei - was not sustainable, because they neither engaged in any commercial transaction with the defendant, nor had contact with genuine Central Bank of Nigeria officials, nor with any official of the Federal Government of Nigeria. The Judge further noted that documents tendered by the plaintiffs as evidence were forgeries and that they were, from the onset, aware that the transactions were bogus, fraudulent, and too good to be true. We hope that this landmark Court decision among many others decided in favour of the Bank would serve as sufficient warning to all those who do not heed our advisory advertisements and who would subsequently like to seek relief from the courts after falling "victim" to advance fee scam transactions.

6 The Central Bank of Nigeria is once again warning all recipients of such fraudulent letters, that there are no contract payments trapped in the Bank. Also, that all documents, appertaining to these "payments", "claims" or "transfers", purportedly issued by the Bank, its Senior Executives or the Government of the Federal Republic of Nigeria are all forgeries, bogus and fraudulent. These documents do not originate from the Bank or the Government. They are not authentic. **YOU ARE THEREFORE, WARNED AND ADVISED, IN YOUR OWN INTEREST, TO IGNORE THE "GET-RICH-QUICK" BUSINESS SOLICITATIONS.** The Central Bank of Nigeria implores you to assist in the fight against these criminal syndicates by reporting any solicitation to your local law enforcement agencies or the local International Police Organization (INTERPOL).

7 For the avoidance of doubt, it should be restated that the Central Bank of Nigeria will not accept responsibility for any loss sustained by any person or corporation that fails to heed our warnings.

8 YOU HAVE BEEN WARNED SEVERAL TIMES BEFORE! YOU HAVE BEEN WARNED AGAIN!!

CENTRAL BANK OF NIGERIA

Samuel Ladoke Akintola Way, P.M.B. 0187, Garki, Abuja, NIGERIA

Chapter 3



French Institutions

List of Acronyms

APJ:	Agent de la Police Judiciaire <i>Agent of the Judicial Police</i>
BAC:	Brigade Anti-Criminalite <i>Crime Brigade</i>
BNEE:	Brigade Nationale d'Enquete Economiques <i>Economic Crimes Investigation Brigade</i>
BR:	Brigade de Recherche <i>Investigation Brigade</i>
BRB:	Brigade de Repression du Banditisme <i>Brigade for the Suppression of Banditry</i>
BRI:	Brigade de Repression et d'Information <i>Brigade for the Suppression and Information</i>
BRI:	Brigade de Recherche et d'Intervention
BSP:	Brigade des Stupefiants et du Proxenetisme <i>Drugs and Prostitution Brigade</i>
CCLPS:	Service Central des Laboratoires de Police Scientifique <i>Central Police Laboratories Service</i>
CNRDF:	Centre Nationale de Recherche, Documentation et de Formation <i>National Center for research, Documentation and Training</i>
CPP:	Code de Procedure Penale <i>Criminal Procedure Code</i>
CRS:	Compagnies Republicaines de Securite <i>Intervention squads</i>
DCGN:	Direction Centrale de la Gendarmerie Nationale <i>Central Directorate of the Gendarmerie</i>
DCPJ:	Direction Centrale de la Police Judiciaire <i>Central Directorate of the Judicial Police</i>
DCPN:	Direction Centrale de la Police Nationale <i>Central Directorate of the National Police</i>
DCSP:	Direction Centrale de la Securite Publique <i>Central Directorate for Public Security</i>

DCT:	Division du Controle Technique <i>Division of Technical Control</i>
DEP:	Division des Etudes et de la Prospective <i>Division of Research/Reports and Prospective</i>
DFC:	Division de Formation et de Communication <i>Division of Training and Communication</i>
DLO:	Division de Logistique Operationelle <i>Division of Logistics and Operations</i>
DPI:	Division de Police Judiciaire <i>Division of the Judicial Police</i>
DRI:	Division des Relations Internationales <i>Division of International Relations</i>
DST:	Direction de la Surveillance du Territoire <i>Territory Surveillance Directorate</i>
FRC:	Fichier des Recherches Criminelles <i>Criminal Investigations Database</i>
GIGN:	Groupement d'Intervention de la Gendarmerie Nationale <i>National Gendarmerie "SWAT" team</i>
GIPN:	Groupement d'Intervention de la Police Nationale <i>National Police "SWAT" team</i>
GN:	Gendarmerie Nationale <i>National Gendarmerie</i>
GRB:	Groupe de Repression du Banditisme <i>Banditry Suppression Group</i>
IGPN:	Inspection Generale de la Police Nationale <i>General Inspection of the National Police</i>
IJ:	Identite Judiciaire <i>Judicial Identity</i>
MO:	Maintien de l'Ordre <i>Maintenance of Order</i>
OCBC:	Office Central de lutte contre le Trafic de Biens Culturels <i>Central Office to combat the trafficking of national cultural treasures</i>

OPJ:	Officier de la Police Judiciaire <i>Officer of the Judicial Police</i>
PAF:	Police de l'Air et des Frontieres <i>Air and Border Police (became DICCILEC)</i>
PJ:	Police Judiciaire <i>Judicial Police</i>
PN:	Police Nationale <i>National Police</i>
PP:	Prefecture de Police de Paris <i>Prefecture Police of Paris</i>
PVM:	Patrouille Volante Motorisee <i>Motorised Flying Squad</i>
RAID:	Recherche Action Information Dissuasion <i>Search Action Information and Dissuasion Unit</i>
RG:	Renseignements Generaux <i>Intelligence Services / Political Information Research Service</i>
SCDC:	Service Central de Documentation Criminelle <i>Centrale Service for Criminal Documentation</i>
SCIJ:	Service Central d'Identite Judiciaire <i>Central Service for Judicial Identity</i>
SCTIP:	Service de Cooperation Technique Internationale de la Police <i>International Technical Cooperation Service of the Police</i>
SR	Section Recherche <i>Research Unit (Gendarmerie)</i>
SRPJ:	Section Regional de la Police Judiciaire <i>Investigations Branch of the Judicial Police</i>

I Introduction

In France four ministries are involved in fighting organised crime, the Interior Ministry, the Justice Ministry as well as the Ministry of Finance and the Ministry of Defence. Each has been equipped with a cell, unit, division or police structure that in one aspect or another is entitled to combat one specific aspect of organised crime. The co-ordination remains very inefficient and limited, the legislative arsenal less than formidable. In France today, despite a rising awareness of crime issues and particularly global organised crime issues, no really specific, highly targeted organised crime legislation really exists, and as a result France continues to remain a place of refuge for Mafia criminals.

On the terrain however, the police institutions are confronted with the reality and repercussions of organised crime. Unfortunately their police structure, having evolved over several centuries and plagued with internal problems and co-ordination impediments can not combat organised crime efficiently either.

The police is the last rampart between crime and violence and the public. It is meant to protect the public from the threat of insecurity. It reassures the public that criminals are eventually caught and held accountable for their actions. The laws and ordinances decreed by the various government institutions and ministries no doubt seem rather foreign, distant and theoretical to the vast majority of the French citizens, yet to the police, as practitioners of these laws, as guarantors of security, they are concrete tools that aid and sometimes hinder the fight against crime. The police represents the final link between the government, the Justice and lawmakers, and the criminals. No matter how good, complex or well intended the laws to curb organised crime are, if the police is incapable, unwilling or ill-equipped to apply them, they remain useless.

Especially in the case of highly organised, transnational and sophisticated crime syndicates like the Mafia, the police needs to operate at its optimum capacity and level, must possess adequate, efficient resources and tools, and needs to intensely co-operate and co-ordinate its actions. However, the French police is not a flawless institution, and is far from operating at its optimum level. It is plagued with historical, legal and structural problems that hinder its work, and foster resentment and rivalries, rather than the much-needed co-operation. Needless to say, the primary beneficiaries of this less than ideal environment are the criminals.

The fight against organised crime, assuredly implicates political will and a strong legal framework, but also the different police institutions. The French, despite their

reputation as Cartesians, did not have a systematic or rational approach to devising their police institutions. In fact the French police model is rather an accumulation of structures, services, and sections that overlap, compete and overstep each other. The principle reason behind this seemingly haphazard model is the fact that most branches and specialised services were created throughout history, as a response to a threat, situation or political climate, and not as a well-thought out preventative structure, clearly delineated and mapped out from the start.¹ This situation has certainly contributed to the difficulty in efficiently combating security threats like organised crime.

In France, civilian security (as opposed to national or military security) is ensured by two different police forces, the Police Nationale (PN), and the Gendarmerie Nationale (GN), respectively under the authority of the Ministry of Interior, and Ministry of Defence. Both services are delineated by their operational field: theoretically, the Police Nationale operates in urban areas and the Gendarmerie Nationale in rural areas. Of all the crimes committed in France 31.3% are reported and dealt with by the Gendarmerie, and 68.7% by the Police Nationale.² The Police Judiciaire (PJ) is a third, highly specialised police unit, sort of offshoot the Police Nationale, but also regroups officers from the Gendarmerie.

The bi-cephal nature of the police in France has contributed to many problems including unhealthy competition between the PN and GN, lack of co-ordination, withholding of crucial information and generally bad morale, all of which have led to botched affairs, and unsolved cases. This unproductive and actually potentially destructive environment has quite obviously, not helped the fight against organised crime, on the contrary it is the villains and criminals who benefit most from this chaotic environment.

There are in fact four factors within the French police institution that contribute negatively to the fight against organised crime. They are organisational problems, internal structural complexities, functional difficulties and political involvement.

¹Madelin, Philippe. "Journalist / Author." Paris, France. Police Rivalries, 1997.

²Cairo, Robert. "Organisation generale et missions de la police en France." Revue Internationale de criminologie et de police technique .4 (1991).

II The French Ministries & the laws

1. The Ministries

In France, four different ministries, theoretically work in conjunction with each other, handle various aspects of organised crime. They are the Interior Ministry, the Ministry of Defence, the Justice Ministry and the Ministry of Finance. In reality though little real, hands-on co-ordination really occurs, as their relationships are generally marred by years of intense competition and aggressive rivalry.

The Ministry of Interior

The Ministère de l'Intérieur, in addition to the various police structures that will be discussed at length below, is also equipped with three specialised organised crime cells.

- The Unité de Coordination et de Recherche Anti-Mafia (UCRAM)^{3/4}.

The UCRAM's aim is to facilitate understanding and co-ordination by bringing together, under one structure ranking members of the Interior/Defence and Finance Ministry to discuss and act on organised crime issues. Created in 1992, the original intent was to prevent and "eventual" penetration of Mafia activities into France. There are three official mandates for the UCRAM, they are to co-ordinate, animate and orient the actions of the different police services with and aim to combat organised crime activity in France.⁵

- The Section Centrale d'Investigation sur le Crime Organisé (SCICO)⁶ and within it the Centrale du Renseignement et de l'Analyse sur le Crime Organisé (CRACO)⁷

- Office Centrale pour la Repression du Banditisme (OCRB)⁸

³ Sister organisation to the UCLAT: Unité de Coordination et de Recherche Anti-Terrorisme.

⁴ Anti Mafia Research and Co-ordination Unit

⁵ Ministry of Interior: [Http://www.interieur.gouv.fr/dcpj/lutte.htm](http://www.interieur.gouv.fr/dcpj/lutte.htm)

⁶ Central Section for Investigation on Organised Crime

⁷ "Centrale" for Information and Analysis on Organised Crime

⁸ Central Office for the Repression of Banditry

The Ministry of Defence

The Ministère de la Défense uses the Gendarmerie Nationale and detaches forces, either Officers of the Judicial police or Agents of the Judicial Police to the Police Judiciaire in order to combat organised crime.⁹

The Ministry of Justice

The Ministère de la Justice, in addition to the court sections that can prosecute organised crime cases brought before them, has two other structures to combat organised crime:

- Direction des Affaires Criminelles et des Graces (DACG) possesses a sub-directorate on Economic and Financial Affairs, that in turn has a unit specialised in organised crime cases, but generally limited to those of a financial nature.¹⁰ This sub-directorate in addition to co-ordinating organised crime actions within the jurisdiction of the Justice Ministry, is also responsible for training magistrates and public servants and making them aware of organised crime issues.

- In addition, in a move to co-ordinate international efforts to combat organised crime the Ministry of Justice detaches liaison magistrates to other European capitals. This Magistrate is supposed to facilitate procedures (for extradition for example), help co-ordination efforts, facilitate communication on a bilateral level, and generally keep his Ministry informed of events pertaining to OC occurring in his host country.

The Ministry of Finance

The Ministère des Finances also has two specialised organised crime structures, the TRACFIN and the DNRED:

- Traitement du Renseignement et Action Contre les Circuits Financiers (TRACFIN)¹¹
Direction Nationale de la Recherche et des Enquetes des Douanes (DNRED)¹² and the parallel Directorate, the Direction Nationale de la Recherche et des Enquetes des Finances

⁹ Please refer to information on the Gendarmerie Nationale later on in the chapter.

¹⁰ Ministry of Justice: <http://www.justice.gouv.fr/minister/mindacg.htm>

¹¹ Treatment, Information and Action Against Financial Circuits

¹² National Directorate for the Research and Investigation of Customs and of Finances

(DNREF)

Created in 1990, TRACFIN has a staff of 35 people, 20 of whom are investigators. The two aims of TRACFIN are to regroup, analyse and diffuse information pertaining to clandestine financial circuits and money laundering operations within the Ministry of Finance and to receive all declarations and reports of suspicious financial transactions in the banking circuit. If TRACFIN finds elements that point to money laundering (drugs and OC) it has the ability to report it with the "procureur" and request the opening of a formal judicial inquiry.¹³ TRACFIN is also able to co-operate, on a bilateral basis with other national banking control mechanism and transmit and receive information from/to them¹⁴.

The structures that were devised in France to help combat organised crime are a good start, but should not be considered as the solution. It is a step in the right direction, but because their scope of action is so limited, and because they are tangled within inter-Ministry rivalries, with no one having the decisive jurisdiction over all aspect of organised crime, they are largely inefficient. Again, France could learn from the Italian example and think about creating a French equivalent to the DNA, or the DNA. For the moment the structures that exist, with the possible exception of TRACFIN, are much more research and information gathering units than really effective anti-mafia mechanisms.

2. The legislative arsenal, or lack thereof

France, unlike Italy has not equipped itself with and arsenal of Mafia specific legislation. It has no specific Mafia incrimination law, no specific judicial procedure, no specialised court,¹⁵ no confiscation of assets, no reversal of the burden of proof, all of which are tools that are available in Italy to combat organised crime.¹⁶ In addition the few legislative tools that could be used to target organised crime are quite limited in their application, and hence in their efficiency because they focus on the infraction, on the actual crime, rather than focusing on the appurtenance to an organised crime network. For

¹³ In 2000, TRACFIN repertoried 2537 declarations of suspicion, 156 of which were brought to the "procureur" for further investigation. Source: Ministry of Finance: <http://www.finances.gouv.fr>

¹⁴ As of 19 December 2000: 19 countries, European and non-European have signed a co-operation agreement with TRACFIN.

¹⁵ In cases involving terrorism however a specialised court "parquet anti-terrorisme" presides.

example, a Mafia boss can be prosecuted for extortion, or fraud, but not for actually being a member of, or running an organised crime network.

- *Law 450-1 NCP - Association de Malfaiteur*

In France the closest law to the Italian Mafia association law is the "Association de Malfaiteur", roughly translated as the Association of "ill-doers".

Constitutes an association of "malfaiteur" all groups formed, or established in view of the preparation of, characterised by one or several material facts, of one or several crimes or infractions punishable by 10 years of imprisonment.

This Association the Malfaiteur is punishable by ten years of prison and 1,000,000 FF of fines.

- *Law 90-614 (of 12 July 1990)*

This law targets money laundering by holding responsible the financial institutions that accepts the proceeds from drug trafficking generated income.

- *Law 132-71 (of 14 May 1993)*

This law introduced for the first time in France the notion of an organised group with the intention to commit one or several infractions. This law can be used as an aggravating circumstance when prosecuting another crime.

Extradition Laws:

The extradition laws in France are such that no person can be extradited abroad, even in the presence of a bilateral extradition treaty, if the offence that he is being charged with in that country does not exist in French law. Hence, when Michele Zaza (Camorra and Cosa Nostra godfather) was arrested on the French Riviera, Italy requested that he be extradited on the grounds of Mafia association. This posed a significant problem for France who could not extradite him on that basis because Mafia association was not a crime in the French Penal Code.¹⁷

The following table, presents the laws in the French "Code Penal" although not Mafia specific that can be used to prosecute the infraction or crime perpetrated by and organised crime member. These laws are not as effective as the Italian Rognone-Latorre laws that

¹⁶ Raufier, Xavier & Quéré, Stéphane: *La Criminalité Organisée*. Que sais-je Paris: 2000.

stipulate that belonging to or participating in an organised crime group is sufficient grounds for prosecution.

The arsenal of laws that Italy devised went after the very nature of organised crime by attacking the profits, freezing assets and requiring that the burden of proof be reversed. In France this is obviously not the case. France limits its laws to the acts and not the cause or the nature of the organisation within which, or for which it was committed. In order for France to really begin to make inroads against organised crime, it is quite probable that it will have to make legislative changes that allow for the belonging of organised crime to become a prosecutable offence.

¹⁷ Zaza was finally extradited on grounds of drug trafficking, cigarette contraband and murder.

French Penal Code

Articles pertaining to activities of Organized crime



<u>Article</u>	<u>Description of Crime</u>	<u>Maximum Encarceration</u>	<u>Maximum Fines</u>
221-1	Murder	30	
221-3	Murder - premeditated	life	
222-17	Threatening to commit a crime	6 months	50,000
	Death threat	3	300,000
222-18	Threat with conditions to be fulfilled	3	300,000
	Death threats with conditions	5	500,000
222-34	Organizing a drug trafficking network	life	50,000,000
222-35	Manufacturing drugs	20	50,000,000
	Manufacturing drugs by organized crime	30	50,000,000
222-36	Importing or exporting drugs	10	50,000,000
	Importing or exporting drugs by organized crime	30	50,000,000
222-37	Possession of drugs	10	50,000,000
222-38	Money Laundering	10	5,000,000
222-39-1	Inability to justify resources with a connection to drugs	5	500,000
224-1	Kidnapping and sequestering	20	
	if freed within a week	5	50,000
224-2	Kidnapping + maiming or mutilation	life	
224-3	Kidnapping by organized crime	30	
225-5	Prostituting another person	5	1,000,000
225-6	Acting as an intermediary to prostitution	5	1,000,000
225-8	Prostitution rings held by organized crime	20	20,000,000
225-10	Running or owning a house of prostitution	10	5,000,000
226-1	Violation of personal privacy (in view of blackmail)	1	300,000
225-13	Exploitation of workers	2	500,000
225-15	Exploitation of many workers	5	1,000,000

227-23	Child pornography	1	300,000
227-25/27	Sex with a consenting minor	2	200,000
311-1/3	Theft	3	300,000
311-4	Aggravated theft	5	500,000
311-8	Armed robbery	20	1,000,000
311-9	Theft by organized crime	15	1,000,000
	Armed robbery by organized crime	30	1,000,000
312-1	Extortion	7	700,000
312-6	Extortion by organized crime	20	1,000,000
312-10	Blackmail	5	500,000
312-11	blackmail when carried out	7	700,000
313-1	Fraud	5	2,500,000
313-2	Fraud by OC	7	5,000,000
432-10	Corruption by a public servant	5	500,000
432-11	Passive corruption	10	1,000,000
432-12	Public Servant abusing his position and financially benefitting from his position	5	500,000
432-14	Obtaining illegal advantages on public works bidding	2	200,000
432-14	Embezzling state-funds	10	1,000,000
433-1	Active corruption	10	1,000,000
433-2	Soliciting favours from a public servant	5	500,000
433-2	Intimidation and threats against a public servant	2	200,000
	Death threats	5	500,000
442-1	Counterfit Currency	30	3,000,000
442-2	Circulating or transporting counterfit currency	10	1,000,000
	when organized crime	30	3,000,000
450-1	Association de Malfaiteurs	10	1,000,000

III The Police Institutions

The police is typically associated with the outward, visible aspect of state control. It tends to symbolise a state's attempt at maintaining public order and guaranteeing public security, and is the obvious, physical manifestation of the State, yet it remains widely misunderstood and its missions and objectives largely unfamiliar to the vast majority of the public.¹⁸

Significantly, very little academic work focusing on the police has been conducted in France. What little research does exist focuses primarily on the history or legal administrative duties of the police, and hardly at all on the sociology, culture or work of the police.¹⁹ More recently (since mid-eighties) more research has been done in France²⁰, but many issues remain untouched, seemingly taboo. Appropriately, one such recent study was entitled "Cops: 120,000 strangers".²¹ The press and media seem to focus on the police mishaps and scandals, and occasionally focus on the rivalries between the different services, but even then it serves more as a newsworthy episode coverage rather than a serious analytical approach to understanding the inner working of the police institution.

Studies have been published on the French police institutions by Anglophone researchers, but the French tend to dismiss their analysis as simplistic and erroneous. The French academics and practitioners²² are extremely skeptical of the Anglo-Saxon work in particular because they attempt to analyse the French police institutions within the context of their own more communitarian police, rather than as a unique and purely French institution, devoid of any correlation or resemblance with any other non-French institution. Much of the terminology is specific to France and cannot be accurately translated and hence it is for this reason that it will appear in its original format and not as mediocre

¹⁸Leclerc, Marcel. Problemes actuels de la police. Conference: Ecole Nationale de l'Administration, 1986.

¹⁹Gleizal, Jean-Jacques. La Police en France. Paris: Presses Universitaires de France, 1993 and Gleizal, G, J Gatti-Domenach, and C Journes. La Police. Paris: PUF, 1993.

²⁰Refer to Cairo, Robert. "Organisation generale et missions de la police en France." Revue Internationale de criminologie et de police technique .4 (1991) and Madelin, Philippe. La Guerre des Police. Paris: Albin Michel, 1989.

²¹Leauthier, Alain, and Frederic Ploquin. Les Flics: 120.000 Inconnus. Paris: Flammarion, 1990.

²²The interviews conducted for this chapter all reflected the same sentiment: the Anglo-Saxon approach to analyzing the French police institutions are considered inaccurate by French practitioners, and hence should be altogether dismissed.

attempts at finding English approximation.²³ According to the French academics, the "raison d'être" of the police is composed of three primary missions and four tasks. The mission of the police contradicts the objectives of organised crime: to protect people and goods, re-establish order when it has been perturbed, and defend the institutions and the state. Its four principle tasks are information gathering, regulation of societal life, participation in the exercise of justice, and maintenance of public order.²⁴ The Revolutionary (1789) definition of the police objectives further reflected aspects of these missions:

Article 16/17 of the Code of offences and infractions (3 Brumaire year IV)
The police is instituted to maintain public order, liberty, propriety and individual security, its main characteristic is vigilance, society considered "en masse" is the object of its solicitude.²⁵

1. Police Nationale

The two main branches of the Police Nationale as it stands today, are the "police judiciaire" (PJ), and "police administrative"(PA). First separated in August 1790 to preserve the autonomy of the judicial from the police, it has largely remained in its original format since then. The primary authority of the PJ comes from judicial tribunals and private law, whilst the PA is governed by the administrative tribunal and administrative law. It is a judge however who decides which branch of the police is competent in what matter. The legal framework of the police nationale is defined by Article I of the Deontological Code.²⁶

To be active on the entirety of the territory, guaranteeing liberties and defending the institutions of the republic, maintaining peace and public

²³For an Anglo-Saxon explanation of the French police structure, which the French experts reject as oversimplified and inaccurate, please refer to the following sources: Anderson, Malcolm. "Working Paper I: The French Police and European Co-Operation." . Edinburgh: Project Group European Police Co-Operation, University of Edinburgh, 1991. Anderson, Malcolm, and Monica den Boer. "European Police Co-Operation: Proceedings of a Seminar." . Edinburgh: Project Group on European Police Co-Operation University of Edinburgh, 1992. Kurian, George Thomas. World Encyclopedia of Police Forces and Police Systems. New York: Facts on File, 1989. Becker, Harold. Police Systems of Europe. Springfield: Charles C Thomas Publisher, 1973. Becker, Harold , and Donna Lee Bercker. Handbook of the World's Police. London: Scarecrow Press, 1986.

²⁴Aubert, Jacques, and Raphael Petit. La Police en France: Service Public. Paris: Berger-Levrault, 1981, page 31.

²⁵Aubert, Jacques, and Raphael Petit. La Police en France: Service Public. Paris: Berger-Levrault, 1981, page 31.

²⁶The French police is subjected to the Republican code and the concept of "Etat de droit".

order and protecting people and property.²⁷

The mission of the Police Nationale is that of an urban police with a generalist mission to prevent disorder and restore order.²⁸ More specifically, its mission is composed of two main objectives: to participate in the protection of the territory, and finally to guard the institutions of the state and ensure their proper functioning. In addition, the law pertaining to the orientation and programming relative to security (Law 95-73), enumerated the PN five main duties: to ensure the security of people and goods, protect the country from terrorist or outside threats, combat organised crime, delinquency and drug trafficking, control migratory fluxes, and guard against clandestine work, and finally maintain public order. Its jurisdiction is urban areas with a population of more than 10,000 population.²⁹

The Police Nationale operates on a budget of \$5.6 billion USD (27.96 billion FF) and employs more than 126,000 people, 90% of which are considered active, and 10% are support/administrative personal, divided into eight broad categories:³⁰

- High ranking functionaries	79
- Directors	9
- Inspector Generals	13
- General Comptrollers	57
- Management corps	2,084
- Commanding corps	17,441
- "Regular police"	94,162
- Administrative personnel	12,463

- Total "active" employees	113,766
- Total employees:	126,229 ³¹

Since September 1, 1995 the ranks and categories within the Police Nationale are divided in three main categories:

²⁷Institut Social de France. "Tout ce que vous devez savoir sur le Ministere de l'Interieur et de la Securite Publique." Paris: Institut Social de France et des Etats de la Communaute Europeenne, 1993.

²⁸Law 3 September 1986 pertaining to ID checks enables the police to carry out verification of individuals disturbing public order or infringing on the security of people or goods.

²⁹Law of 1941.

³⁰Ministere de l'Interieur. "Effectifs de la police nationale." www.interieur.gouv.fr.

³¹ This total does not include the 7,104 police auxiliaries. These auxiliaries will slowly be phased out. It is interesting to note that women comprise only 14.36% of the active police employees and a staggering 76.98% of the administrative personnel.

Corps de Conception et de Direction / Direction Corps

- Inspecteur General / *Inspector General*
- Controlleur General / *General Controller*
- Commissaire Divisionnaire / *Divisional "Commissaire"*
- Commissaire Principal / *Principal "Commissaire"*
- Commissaire de Police / *Police "Commissaire"*

Corps de Commandement et d'Encadrement / Training and Command Corps

- Commandant de Police / *Police Commandant*
- Capitaine de Police / *Police Captain*
- Lieutenant de Police / *Police Lieutenant*

Corps de Maitrise et d'Application

- Brigadier Major / *Brigadier Major*
- Brigadier / *Brigadier*
- Gardien de la Paix / *Guardian of the Peace*

Headed by the director general, the Police Nationale, is divided in three sections, the administrative directorate, the cabinet and the "active" directorate and services, the latter being the most involved in the fight against organised crime.³² There are eight directorates within the "Directions et Services Actifs de la Police" each of which has a number of sub-directorates or specialised sections. The active directorates are:

- High official security department (VO)
- DICCILEC (former Central air and border police administration - PAF)
- International department for technical police co-operation (SCTIP)
- Territorial surveillance administration (DST)
- Central/general information administration (RG)
- Central state security (DCSP) only used for military establishments
- Central judiciary police administration (DCPJ)
- General/national police inspection department (IGPN)

C. Who fights organised crime specifically?

The three specialised units that fight organised crime are the Direction Centrale de la Police Judiciaire (see following section), but also the Renseignements Generaux who gather information and intelligence in France, and the Direction de la Surveillance du Territoire that gathers intelligence outside of France. The Police de l'Air et des Frontieres is also involved in combating specific activities of organised crime, namely immigrant trafficking.

³²Please refer to the organization chart.

The Institut des Hautes Etudes de la Securite Interieur (1989) is the newest branch of PN. It is a research unit on organised crime, and offers classroom teaching for ambassadors, police officer, customs agents, and senior level civil servants, as well as conference/symposium bringing together ranking officers of all the French security services to promote a better understanding and co-operation. The aim of the IHESI is to train practitioners not academics. The three missions of the IHESI are:

- Increase awareness of specialists by offering training
- Animate and co-ordinate study and research programs
- Facilitate access to information

2. The Police Judiciaire

A rather simplistic, but effective differentiation of missions: the police administrative (PA) deals with the prevention of infractions, and the police judiciaire (PJ) deals with offences once they have been perpetrated.³³ As a highly specialised police unit, it has the peculiarity of being subject to a dual supervision, both by a magistrate and its respective administrative superiors. The three main areas the Police Judiciaire operates in are "flagrant delit" (offence in the process of being committed, or having just been committed), preliminary investigation, and commission rogatoire delivered by the Juge d'Instruction.

The Legal Framework that guides the operation and structure of the Police Judiciaire is Article 14 of Code Procedure Penale³⁴

The PJ is instructed with the duty to observe violation to the penal law, to assemble proof and to seek the authors of that infraction, so long as a case is not opened. When a case is officially opened, it shall carry out the orders of the Instructing Judge and defers to his requests.

The mission of the PJ broadly consists of centralising, distributing and exploiting information about criminals. Petty crimes, like theft, burglaries and aggressions are the jurisdiction of the local police. Crimes implicating aspects of organised crime, terrorism, and/or drug trafficking by their seriousness demand the competencies of highly trained and specialised police officers and are the jurisdiction of the Police Judiciaire.³⁵ Former Minister

³³des Saussaies, Bertrand. La Machine Policiere. Paris: Seuil, 1972.

³⁴The new CPP went into effect 1/3/1959 should not be confused with the Penal Code of 1/3/1994 that replaced the 1810 Napoleonic Code.

³⁵Genthial, Jacques. "La Police Judiciaire." ENA Mensuel Special Police: XXVII.April (1985), page 13.

of Justice Briand said that the PJ should only be called upon for infractions that may endanger public security at a high level.³⁶ The official mission is set out in the 31 August 1911 decree (completing the 1908 decree). The Controle General des Recherches is entrusted with the following mission:

- direct the Regional Brigades of the Mobile Police
- search for professional criminals and centralise all information pertaining to them.
- suppress all espionage
- centralise and distribute, by way of a publication called Bulletin Hebdomadaire de la Police Criminelle (Weekly Criminal Police Bulletin), the mandates and warrants sent out by the Ministry of Justice, against criminals at large.³⁷

The four major axes of the Police Judiciaire are the centralisation efforts, the international dimension, specialisation and territorial delineation:³⁸

Employees and Personnel

The Police Judiciaire (PJ), strong of 7,800 employees in twenty different directorates is a highly specialised unit whose central administration, the Direction Central de la Police Judiciaire (DCPJ) falls under the authority of the Police Nationale. However, this directorate possess a very unique status, as its legal authority is determined by the presiding magistrate, and hence the Ministry of Justice. The PJ is in effect a special assistant to the judge. Primarily police commissioners of the Police Nationale and officers from the Gendarmerie Nationale can be entrusted, by the Ministry of Justice as Officers of the PJ, and are authorised to work in a specific domain. This explains why PJ directorate appears both in the PN and GN organisational chart. The legal framework of the PJ is defined by Article 16 of CPP:

The Judicial Police is placed under the supervision of the Prosecutor of the Republic, (*Procureur de la Republique*) the supervision of the General Prosecutor (who attributes the accreditation), and the control of the Chambre d'Accusation (Indictments Chamber).

Several categories of persons can be assigned to the PJ, within two broad profiles: Officers of the PJ (OPJ) and Agents of the PJ, (APJ).

- Members of the OPJ are either officers of the Gendarmerie, Commissioners and Divisional Inspectors of the Police Nationale, Mayors

³⁶Susini, Jean .

³⁷Hreblay, p 19.

³⁸Hreblay, Vendelin. La Police Judiciaire. Paris: Presses Universitaires de France, 1988, page 20-24.

and their adjuncts, and general controllers.

- Members of the APJ, are those who do not respond to the profile of the OPJ, but have at least five years seniority and have passed a special exam.

- Other members of the police force or Gendarmerie can be recruited for a specific PJ mission and are then given the "occasional" PJ accreditation. This allows them to work as an OPJ for a specific mission of a specific duration.

- Finally, as a result of Law 30 of the CPP, prefects are given special OPJ powers when a crime is deemed to put French national security in jeopardy.

In essence the Officers of the Police Judiciaire have several supervisors: for administrative purposes the DCPJ for the Police Nationale, the DCGN for the gendarmes OPJ and for all judicial matters the Ministry of Justice.³⁹ The DCPJ has four sub-directorates (or sub-administrations). They are criminal affairs, economic and financial affairs, technical and scientific police force, and exterior relations.

- Sous Direction des Affaires Criminelles: Criminal affairs

- DLO: *Division Logistique Operationelle*
Operations and Logistics

- SCODCRACO: *Section Centrale Operationnelle de Documentation Centre de Recherche et d'Analyse pour le Crime Organisee*, documentation center for research and analysis of Organised Crime.

- OCRTEH: *Office Central pour la Repression de la Traite des Etres Humains*, which deals with trafficking in human beings (Created 31/10/58)

-OCRB: *Office Central pour la Repression du Banditisme*, which deals with banditry and organised crime. (Created 11/10/73)

-OCRVOOA: *Office Centrale pour la Repression de Vol d'Oeuvres et d'Objets d'Arts*, which deals with theft of artwork. (Created 2/6/75)

- OCBC: *Office Central de Lutte Contre le Trafic de Biens Culturels*, Which deals with trafficking in national cultural treasures.

-OCRTIS: *Office Central pour la Repression du Trafic Illicite de Stupefiants*, which deals with drug trafficking. (Created 21/11/33)

- OCTAEMS: *Office Central pour la Repression du Trafic d'Armes, des Munitions, des Produits Explosifs et des Matieres*

³⁹Davenos, Laurent. "Le Role du Magistrat." *ENA Mensuel* Special Police: XXVII.April (1985).

nucleaires, biologiques et chimiques, which deals with the trafficking of weapons, munitions, and explosives, as well as nuclear, biological and chemical materials trafficking. (Created 13/12/1982)

- Sous Direction des Affaires Economiques et Financieres:

- DLO: *Division Logistique Operationelle*
- BNEE *Brigade Nationale des Enquetes Economiques*
Which deals with economic and financial crimes investigations
- OCRGDF: *Office Central pour la Repression de la Grande Delinquance Financiere,*
Which deals with financial crimes (Created 9/5/90)
- OCRFM: *Office Central National de la Repression du Faux Monnayage et de la Contrefacon des Sceaux de l'Etat,* which deals with counterfeit money and fake state seals.
(Created 11/9/1929)

- Sous Direction de la Police Technique et Scientifique:

- DLO: *Division Logistique Operationelle*
Operations and logistics division
- SCDC: *Service Central de Documentation Criminelle*
Criminal Documentation Center
- SCIJ: *Service Central d'Identite Judiciaire*
Judicial Identity Service
- SCLPS: *Service Central des Laboratoires de Police Scientifique*
Police Laboratories
- CNRDF: *Centre Nationale de Recherche de Documentation er de Formation,*
Which deals with documentation and training.

- Sous Direction des Liaisons Exterieures: external affairs

- DFC: *Division de Formation et de Communication*
Training and Communication
- DCT: *Division du Controle Technique*
Technical control
- DEP: *Division des Etudes et de la Prospective*
Research and prevision
- DRI: *Division des Relations Internationales*
International Relations division

- Regional Services of the PJ (SRPJ)

Today there are 19 regional services of the PJ, plus the Paris PJ. Each that corresponds more or less to the jurisdiction of one or several Court of Appeals, and is responsible for 2-8 different "departments". The SRPJ employs 3,100 people, 2,300 of which are police

officers. Each regional service has a technical section, a criminal section and an economic and financial section. Any regional division can be called upon, by a judge, to investigate a national matter, technically outside its territorial jurisdiction.

The two services of the Police Judiciaire that deal exclusively with organised crime are the Office Centrale pour la Repression du Banditisme, and the Office Centrale pour la Grande Delinquance Financiere. The OCRB handles all mafia association cases, as well as racketeering and premeditated murders, while the OCGDF specialises in money laundering cases. The OCRETH can also handle certain organised crime cases when they involve prostitution and immigrant trafficking cases. The OCRIEST can also be called on when OC networks are involved in clandestine work.

Officers of the PJ have special powers in the investigative phase of a case. These powers are established by Articles D3 and D4 of CPP.⁴⁰

- Right to move across jurisdictions:

Prior to being called the PJ, this police unit had been the Mobile police. It has retained some important elements from its origins, namely retaining the right to move across jurisdictions while investigating or pursuing a criminal. This measure was introduced to combat crime more effectively as the criminals obviously totally disregarding borders and territorial delineation were at a significant advantage over the police that was sequestered to specific areas. The procedure that enables the PJ to move across jurisdictions is set out in Article 18 of CPP. A Commission Rogatoire has to be opened by the Magistrate in the original jurisdiction of the PJ. If the PJ unit finds they need to leave their jurisdiction, the Magistrate heading the Commission Rogatoire has to be warned (Article D18 of CPP), as well as the State Prosecutor of the Jurisdiction in which the PJ is entering (Article D12 of CPP).

- garde a vue (police custody)

Garde a vue is regimented by very strict procedural laws, and can only be ordered by an officer of the Police Judiciaire when pertaining to a crime punishable by imprisonment. Normally the duration of police custody is 24 hours, but with authorisation from the State prosecutor, or presiding magistrate it can be extended a further 24 hours, however in the case of drug trafficking and terrorism, police custody can be prolonged for a total of four

⁴⁰Direction Centrale de la Police Judiciaire. "La Direction Centrale de la Police Judiciaire et la Lutte Contre la Criminalite Organisee." . Paris: Direction Centrale de la Police Nationale, 1997.

days (96 hours).

- searches

Searches may only be conducted by officers of the PJ, and may be assisted by Agents of the PJ, but are subject to specific regulations. In a preliminary investigation written consent from the owner must be obtained in order to conduct a search. A search may be conducted against the will of the owner, only within the context of a Commission Rogatoire, or when caught in the act (flagrant deli). Searches may not be started after 9:00 p.m., or before 6:00 am. However if a search is already in progress it may continue past the 9:00 p.m. deadline.

Some searches are allowed outside the stated hours, but only in cases pertaining to prostitution, drug trafficking, and terrorism. In these instances, the magistrate must also give his written consent and may be present on site during the search.

- seizures

Seizure of evidence may be conducted at the place of the crime, at the residence of the accused, or an individual present at a search. Since seizures in French law are considered an infringement of personal rights, permission from the accused must be obtained during a preliminary investigation. In the case of a crime in the process of being committed (flagrant delit), seizures become the right of the police. All items seized must be inventoried and immediately placed under lock and key.

- piece judiciaire:

The police report ("proces verbal") written by an officer of the PJ has legal authority. In effect, his police report can be introduced as evidence ("piece judiciaire") during the trial, and the officer need not testify before the court. His report is considered as legally binding. This peculiarity of the French Law vis a vis the PJ demonstrates the special relationship between the Judge (representative of the Ministry of Justice) and the PJ.

- first to be called on the scene:

The officer of the Police Judicaire is supposed to be the first policeman called to the scene of a crime, as he is the only one allowed to take down a deposition. If an OPJ is not available immediately, any police officer may take down a report, but it must be authenticated and signed later on in the presence of an OPJ.

- Telephone wiretaps:

Law very strictly protects the privacy of telephone communications in France, and hence police tapping is strictly regimented. The presiding judge can order officers of the police

Judicaire to conduct wire taps, only when the suspected crime carries a sentencing of 2 years imprisonment or more, and the wiretap can not exceed four months. Special allowances are made in cases pertaining to national security, the preservation of French scientific technology or national economic well-being, terrorism and organised crime, when requested by the Prime Minister and when placed under the control of an independent national monitoring commission.

- Reduction or withdrawal of incarceration

Provisions are made within the French Penal Code to reduce or exempt from imprisonment perpetrators of specific crimes (drug trafficking, terrorism and organised crime) that have collaborated with police and justice authorities.

There have been several currents within successive French governments to try and detach the Central Directorate of the PJ from the Police Nationale, and attach instead to the Ministry of Justice, but because the Police Nationale has strongly opposed this move, and so it has remained with the PN. Statistically speaking, the PJ has proven quite successful, it claims that it solves 90% of all its murder cases, and 60% of all its armed robbery cases.⁴¹

3. The Prefecture de Paris⁴²

The Prefecture de Paris (PP) benefits from a particular status. It has its own PJ that although attached to the Central Directorate (DCPJ) benefits from a status of quasi-autonomy. The mission of the Prefecture de Police de Paris is pluralistic as it entails administrative duties that we have seen are normally attributed to the Mayor, as well as security and policing duties. Its main mission is to guarantee order and security and protect the citizens of Paris.

The prefect of Paris is responsible for the protection of 5, 982,000 people in the greater Paris region, 2, 059,700 in actual downtown Paris. The prefecture de Paris counts 39,678 total employees, 32,321 of which are actual police officers, and 7,357 of which are support staff.⁴³

Uniformed police officers	27,037
Non-Uniformed police officers	4,925

⁴¹Ministere de l'Interieur. Gendarmerie Nationale : de la Tradition vers la Modernite. Paris: Service Diffusion Gendarmerie, 1996.

⁴²It is worthwhile mentioning the Prefecture de Police de Paris even though it has limitrophe involvement in the national fight against organized crime, yet not mentioning it at all might be construed as an oversight

⁴³Secretariat General pour l'Administration et la Police (SGAP)

Police Commissioners	359
Support staff	7,357
Total number of employees	39,678

The prefect commands a very large jurisdiction which includes: Paris defence zone (8 departments and Ile de France), 3 surrounding departments (Hauts de Seine, Seine St. Denis and Val de Marne) for police administration. His mandate puts him in charge of municipal police and administrative police, and seats him as the hierarchical Superior of Paris Judicial Police. There are five active, and four administrative directorates within the prefecture de Paris, as well several other specialised units:

- *5 active directorates:*
 - public security
 - Judicial police
 - Political research (RG)
 - Technical Services
 - General inspection of services
- *4 administrative directorates*
 - personnel, budget, equipment
 - general policing
 - traffic, circulation and communication
 - public protection (sanitation field)
- *Inter-departmental unit (6 sub-units + 3 PJ units)*
- *Fire Brigade (actually military but sponsored by Mairie de Paris)*
- *Military Unit*

PREFET DE POLICE

Préfet de la Zone Défense de Paris

PREFET

Secrétaire Général de la Zone de Défense
Informations et mesures non militaires
De défense civile et économique
Comité de Zone pour la région de l'Île de France
Service Interdépartemental de la Protection Civile.

PREFET

Secrétaire Général pour l'Administration de la Police
(S.G.A.P.)
Gestion du personnel et du matériel de la Police Nationale
Dans les départements de Paris, Hauts de Seine, Seine Saint Denis et du Val de Marne

SERVICES ACTIFS

DIRECTION DE LA SÉCURITÉ PUBLIQUE
(Police en tenue)

- Sécurité publique
- Lutte contre la délinquance (voie publique)
- Maintien de l'ordre
- Maintien de l'ordre
- Circulation
- Secours d'urgence E.N.P.P.
- (Ecole nationale de la Police de Paris)
- Formation des personnels en uniforme

DIRECTION DE LA POLICE JUDICIAIRE

- Recherches, poursuite des délits et des crimes
- Police administrative
- Police scientifique
- Instruction des affaires de droit commun et de législation économique et financière

DIRECTION DES RENSEIGNEMENTS GÉNÉRAUX

- Recherche et analyse des informations relatives à la prévention des troubles à l'ordre public et des atteintes au fonctionnement des institutions
- Lutte contre l'immigration irrégulière et le travail clandestin
- Enquêtes

DIRECTION DES SERVICES TECHNIQUES

- Recherche et analyse des informations relatives à la prévention des troubles à l'ordre public et des atteintes au fonctionnement des institutions
- Lutte contre l'immigration irrégulière et le travail clandestin
- Enquêtes

DIRECTION DE L'INSPECTION GÉNÉRALE DES SERVICES

- Inspections des services actifs
- Cabinets d'enquêtes administratives et judiciaires

CABINET

PRÉFET
Directeur du Cabinet

- Sous-direction des services administratifs
- Affaires réservées
- Permanence
- Service de la communication et des relations publiques
- Liaison parlementaire
- Sous-direction des affaires locales
- Service informations et sécurité
- Archives et musées

SERVICES ADMINISTRATIFS

DIRECTION DE LA POLICE GÉNÉRALE

- Nourriture
- Travaux d'entretien
- Affaires
- Recherches dans l'intérêt des Français
- Activités réglementées diverses
- Diverses tâches
- Institut médico-legal

DIRECTION DE LA CIRCULATION DES TRANSPORTS ET DU COMMERCE

- Régularisation de la circulation
- Occupation de la voie publique
- Cartes grises
- Titres de circulation
- Titres paritaires
- Titres touristiques
- Evénements

DIRECTION DE LA PROTECTION DU PUBLIC

- Filles isolées
- Hygiène alimentaire
- Débit de boisson
- Hygiène animale
- Indivisibles
- Psychiatrie
- Nuisances
- Pénalités
- Sécurité des Bâtiments
- Sécurité des Bâtiments de grande hauteur
- Incendies
- Inspection des installations classées
- Inspection générale et laboratoire de la protection des consommateurs

DIRECTION GÉNÉRALE DU PERSONNEL DU BUDGET, DU MATÉRIEL ET DU CONTENANCEUX

- Personnel FN
- Service médical
- Affaires financières
- Affaires immobilières et mobilières
- Contenanceux
- BUDGET ETAT (S.G.A.P.)
- Personnel FN
- Service médical
- Affaires financières
- Affaires immobilières et mobilières
- Contenanceux
- BUDGET VILLE
- Personnel communal
- Service médical
- Affaires financières
- Affaires immobilières et mobilières

MOYENS

- 6 Divisions de police judiciaire composées de : 5 centres de police judiciaire et administrative et de 3 commissariats
- 6 brigades centrales
- Service d'Enquête sur les Fraudes aux Technologies de l'Information
- 10 cabinets de délégation judiciaires
- 1 commissariat des réseaux ferrés parisiens
- 3 services départementaux de police judiciaire

MOYENS

- 20 Commissariats d'arrondissements
- Service de protection et sécurité du métro
- 6 districts
- 6 Cies de district
- Brigade anticriminelle de nuit
- 5 Cies de circulation
- Bureau technique de circulation
- Bureau Central des accidents
- 1 Cie motocycliste
- Cies diverses
- Musique des

- BRIGADE DE SAPEURS-POMPIERS DE PARIS
- CENTRE D'ACCUEIL ET DE SOINS HOSPITALIERS DE NANTERRE
- LABORATOIRE CENTRAL (EXPLOSIFS)
- C.E.G.E.T.I. GESTION
- I.A.H.B.R.A.T.H.I.R.P.

4. The Gendarmerie Nationale⁴⁴ (GN)

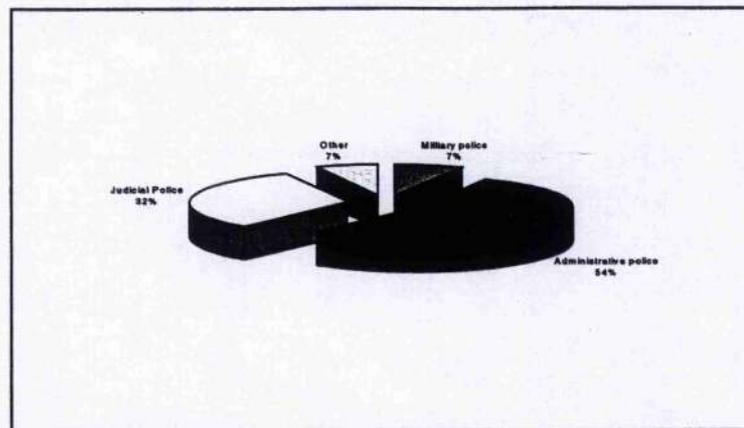
The Gendarmerie Nationale, regimented by the Charter of 20th May, 1903, watches over 95% du territoire and 50% de la population. Reports 1/3 of all crimes, and solves half of all crimes. Its mission is dual as it encompasses both civilian and military tasks⁴⁵.

Napoleon though the Gendarmerie was a very special unit:

It is a special organisation that does not exist anywhere else in Europe. It is the most effective way of guaranteeing the tranquillity of the people. It is half-civilian, half-military surveillance, spread all across the national territory.⁴⁶

The breakdown of duties carried out by the Gendarmerie demonstrates that more than half of its time is dedicated to administrative policing, whilst a third is spent working for the Police Judiciaire.

The Gendarmerie employs nearly 90,000⁴⁷ soldiers, specialised in policing. The breakdown of ranks is as follows:



- Officers	2,549
- Sous-officiers (NCO's)	74,766
- Enlisted	605
- Auxiliaries	10,342

In departmental gendarmerie is divided in OPJ: 17,000, and APJ: 30,000. GN is mainly

⁴⁴Closest translation is the National Constabulary.

⁴⁵The missions and competencies have evolved significantly and progressively broadened in scope since its inception: 1536 - crimes and robberies / 1547 - murders / 1564 - armed mugging / 1670 - robberies that included braking and entering, and riots.

⁴⁶Ministere de la Defense. National Gendarmerie. Paris: Service de diffusion de la gendarmerie nationale, n/a, page 5.

⁴⁷Gleizal, Jean-Jacques. La Police en France. Paris: Presses Universitaires de France, 1993, page 37.

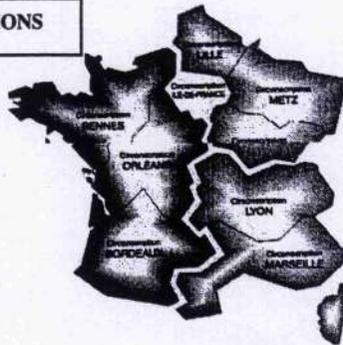
career military recruited directly as Commissioned Officers or Non-Commissioned Officers, 14,000 men chose to do their mandatory military service in the GN, while women represent 7.5% of NCO and CO.

The two main sections of the GN are identifiable by the colours of the epaulettes on their uniform: white epaulettes signify departmental gendarme, and the yellow a mobile gendarme. The gendarmerie is divided into progressively smaller "jurisdictions", starting with three regions, Atlantic, Mediterranean, North-Eastern, down to the basic unit the squad.⁴⁸

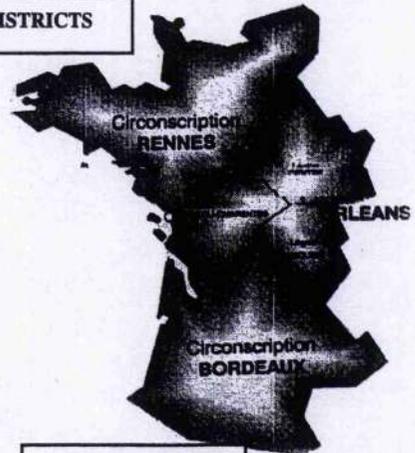
- squads	3, 807
- companies	420
- battalions	97
- legions	31
- districts	9
- regions	3
+1 mobile gendarmerie in each district	

⁴⁸There are 6-15 squads to a company, an 6 companies to a battalion.

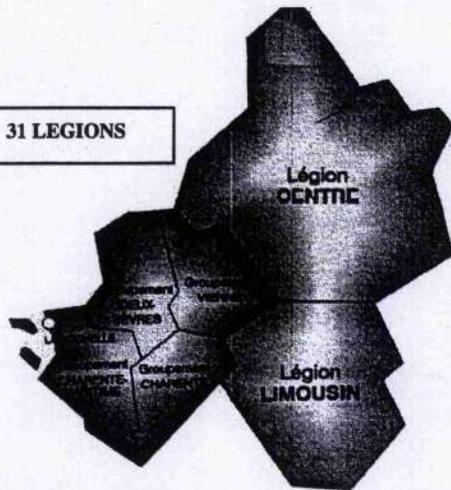
3 REGIONS



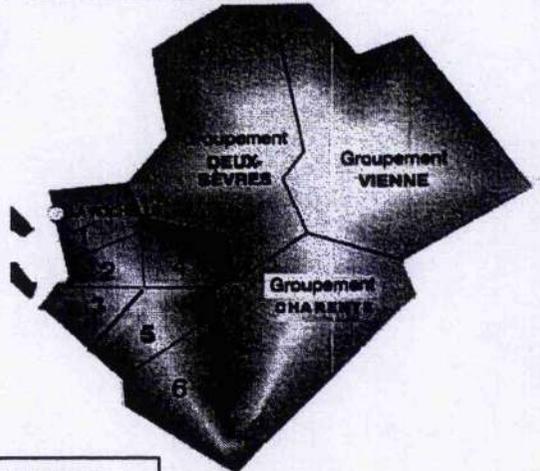
9 DISTRICTS



31 LEGIONS



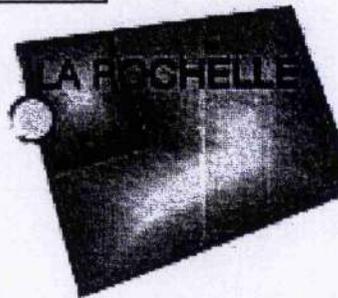
37 BATTALIONS



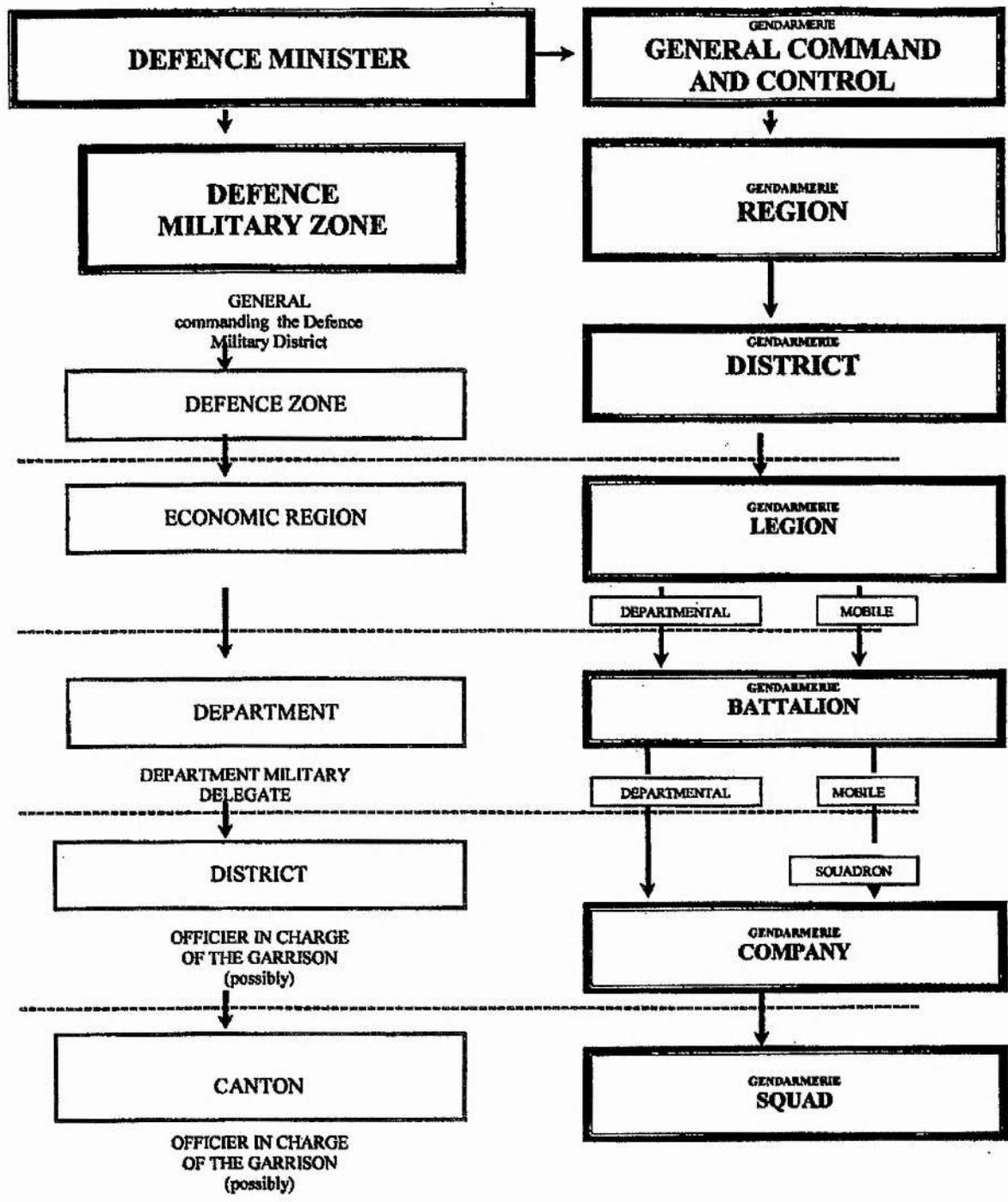
420 COMPANIES



3807 SQUADS



GENDARMERIE
Non Sans Honneur



IV Rivalries between police forces

According to many police and gendarmes, one of the biggest hindrances to combating a phenomenon like organised crime, is the lack of co-operation, and destructive rivalries that exist between the different forces, as well as the rivalries that exist between different ministries. The root of rivalries between and even in some cases within police forces are not a recent phenomenon, but rather the evolution of historical conflicts, set within a modern context. The four main reasons behind these rivalries are organisational complexities, internal-structural problems, functional difficulties, and finally political involvement. There are of course other, more minor reasons that will not be covered here. Each instance alone, would already disrupt the smooth operation of the police, but compounded these difficulties have hindered police work:

These rivalries oppose the different police services like warring tribes: uniformed against non-uniformed, lower-ranks against elite, inspectors against commissioners, Parisians against provincials, the list is long....⁴⁹

Once again, within the context of impending threats, these conflicts can prove disastrous. Rather than co-operate in order to rapidly and efficiently investigate, arrest and prosecute a criminal, the different police forces have been known to quarrel over jurisdiction, withhold valuable information and in some cases voluntarily mislead their colleagues, all of which inevitably lead to botched cases and letting criminals go free.

1. Organisational problems:

The French policing structure, bi-cephal (PN and GN), or even tri-cephal (including the PJ) was never actually planned out to have different services attached to different ministries, but this situation occurred almost accidentally, as an accident or bi-product of French history.⁵⁰ These institutions reflect their haphazard origins, in that they are not properly delineated in terms of scope of activity, jurisdiction, and the rules that govern their rapport vague. The services that eventually evolved into the modern PN, GN and PJ were created as reactions to a threat political climate or situations, rather than as a well thought-out, preventative structure. This system of hindsight rather than foresight meant that in the

⁴⁹Leauthier, Alain, and Frederic Ploquin. *Les Flics: 120.000 Inconnus*. Paris: Flammarion, 1990, page 67.

⁵⁰Erbes, Jean-Marc. "De l'Ordre a la Securite." *L'Ordre Public et les Citoyens* 229.March (1993), page 6.

face of a new menace, a new unit was devised, not always, and in fact rarely, taking into consideration the existence of other services. Predictably, the result was a structure of overlapping, competing and pile-up of services. Few reforms were enacted, and those that were, tinkered⁵¹ with the system rather than giving it a full overhaul. The result is a veritable patchwork of services that often conflict with each other and fight over territorial and jurisdictional authority.

The French State, as is its detestable habit, has multiplied the organisations, and has not forgotten to place them in situations of competition⁵²

2. Internal - Structural Problems

Rivalries exist not only between the different police institutions, but also within the individual institutions. One of the main sources of conflict with the PN, pertains to hiring procedure and the "pernicious system of elitism".⁵³ Candidates with a higher university degree can qualify for the "Commissaire" exam, which if successfully passed, admits them to the "Ecole des Commissaires" (officers training school/police academy), and eventually propels them directly into police leadership.⁵⁴ In practice officers with little or no experience can end up supervising and commanding men with years of field experience. Not only does this contribute to tensions between the "elite" Commissaire, and the "lowly" policemen, but often the elite completely lacks the ground knowledge necessary to properly conduct investigations. The Commissaire end up being perceived as not one of the police who has walked the beat and then risen through the ranks, but as one of "them", the ruling elite with little ties with the common man. This rift within the force is responsible for clashes between the stratum and a genuine lack of understanding of tactics. The Commissaire are more familiar with policing theory than policing reality.⁵⁵ So even within a police organisation, harmony is not always achieved and hence the smooth flow of

⁵¹Monet, Jean-Claude. "Une Administration face a son avenir: police et sciences sociales." Sociologie du Travail Special Police: XXVII.April (1985), page 373.

⁵²Thierry, Jean-Pierre. Le Droit des Plus forts. Paris: Fixot, 1990.

⁵³Diamant, "Commissaire". Les Reseaux Secrets de la Police. Paris: La Decouverte, 1993. (Diamant is a pen-name, and his book is viewed by some as more of a political propaganda pamphlet than a reliable source of information.)

⁵⁴L'Ecole Nationale Superieure de la Police - St. Cyr au Mont d'Or, also known as the Ecole des Commissaires, trains two classes of 70 commissaires a year.

⁵⁵Madelin, Philippe. "Journalist / Author." Paris, France. Police Rivalries, 1997.

operation is hindered. Turmoil within a force certainly cannot help create a propitious environment to co-ordinate with another police force like the Gendarmerie.

3. Functional problems: the role of the Magistrate

Functional problems also plague the various police institutions, harbours rivalries and end in conflicts that impair their ideal operation. The main problems are competition for high profile cases and the unfamiliarity of certain magistrates with the criteria for selection of a specific unit. Although a bit of competition can prove healthy since it can motivate and push the different services to work harder and achieve more, constant, obsessive competition is destructive for the police institutions. Because of the particular legal framework that allows the Judge to decide to whom he wishes to give the case to, the competition is ever present (covered by Article D1 of CPP).⁵⁶ The PJ of the GN, and PJ of PN occasionally enter into open war-like competition for attribution of important cases, each hoping to receive the glory and praise associated with solving it. The higher the profile, the higher the honours and the greater the reward. The different services can attempt to petition the Investigating Judge (Juge d'Instruction) for control of the case, and sometimes get involved in quasi-bidding wars. This competition although officially condemned by the government and the ministries, is secretly encouraged by the police leadership.⁵⁷

A gruesome murder in 1990, of a little boy named Gregory, made these police bidding wars infamous⁵⁸. The inquiry's investigative authority flip-flopped back and forth between the Police and Gendarmerie, making a farce of the whole investigation process, and highlighting the problems surrounding attribution of cases. The case was first entrusted to the Gendarmerie, who were immediately accused (in the hopes of winning the case back), by the Police Nationale of having sabotaged the case by destroying valuable on the scene evidence. The Gendarmerie was dismissed from the case, and the Section Regional

⁵⁶See previous chapter for additional details on attribution of cases.

⁵⁷Leauthier, Alain, and Frederic Ploquin. Les Flics: 120.000 Inconnus. Paris: Flammarion, 1990, page 67.

⁵⁸On October 14, 1990, little Gregory Villemin was found drowned in very suspicious circumstances in a river in the Vosges mountains. The inquiry which captivated France and sent the media into a frenzy, was first given to a young judge from Epinal, Michel Lambert, before being completely canceled and reassigned. During a recreation of the events leading up to the drowning, Gregory's father murdered his brother in law, convinced he was implicated in his son's death.

of the Police Nationale was appointed to investigate. The case, because of additional mistakes, was withdrawn from the Judge and given to a Judge in Dijon, who proceeded to re-entrust it to the Gendarmerie.⁵⁹

Much of this competition could be alleviated and tensions eased if all the magistrates were completely familiar with the competencies of each police service, and used those as the only barometer for attribution of cases. This however is not always the situation, as many magistrates are not wholly familiar with the specificity of each service and can "ill-attribute" a case to the wrong unit and cause strife to the overlooked party.⁶⁰

4. Political Involvement

Perhaps considered by many as dangerous ground to tread on, political involvement and meddling deserves to be mentioned as one of the reasons for continued rivalry between police forces. Had the politicians truly wanted to eliminate competition and encourage coordination, they would have done so, seems to be the sentiment echoed by academics and practitioners alike. France has had a long tradition of political manipulation of police,⁶¹ the idea was to assimilate police to the governing power in order to control it, tame it and appropriate it for its defence.⁶²

A more modern approach to the reasons backing a political involvement in police affairs is that in fact the police wars are deliberately encouraged by politicians, in an attempt to avoid it becoming too powerful. Creating rivalries divides the police and makes it easier to control, and prevents a military or police coup.⁶³ To others, the police has simply become a toy, or in some cases a tool for the politicians.⁶⁴ A way through which to obtain

⁵⁹Madelin, Philippe. La Guerre des Police. Paris: Albin Michel, 1989, page 303.

⁶⁰Hreblay, Vendelin. La Police Judiciaire. Paris: Presses Universitaires de France, 1988, page 34.

⁶¹Louis XIV was a pioneer in this area, and used the police as an army of spies to gather information on his subjects and particularly on his enemies as did his successor, Louis XV. Antoine Sartine, his Lt General of Police used to openly boast: "Sire, when three people are talking in the street, one of them for sure is mine".

⁶²Leauthier, Alain, and Frederic Ploquin. Les Flics: 120.000 Inconnus. Paris: Flammarion, 1990, page 177.

⁶³Madelin, Philippe. La Guerre des Police. Paris: Albin Michel, 1989, page 15.

⁶⁴Leauthier, Alain, and Frederic Ploquin. Les Flics: 120.000 Inconnus. Paris: Flammarion, 1990, page 175.

information on political opponents and a way to "sink" a political foe.⁶⁵

In addition, the prestige of having one police, either PN, GN or PJ crack a case also entails a positive media effect, and brings to the Ministry from which it depends glory and public recognition.

...success and prestige, if it created emulation, it also sharpens appetites, especially in a society where the media coverage is not the least attraction. The consequence is that everyone wants to participate in the grand hunt, and do it, seeks and capture its prey, adopts its structures and its strategies, often in complete contradiction with its original vocation.⁶⁶

5. The Erignac Case⁶⁷

The case concerning the murder of Corsican prefect Claude Erignac (6 January, 1998) illustrates the extent and destructiveness of police rivalries. It shows how these rivalries hinder the investigation process and advantages the culprits. The investigation that looked into his murder, and possible Mafia links between different suspects,⁶⁸ became the subject of violent police wars, political involvement as well as inter-ministry conflict, and brought the investigation to a virtual stand-still, with one of the main suspected culprits having been identified but not arrested. Today more than 3 ½ years later the case is still not solved and one of the main suspects is still not in police custody.

The multiplicity of actors that were involved in one stage or another of the case, SRPJ of Ajaccio, DNAT, Gendarmerie, Ministry of Interior, Ministry of Justice, Prime Minister's Office created an imbroglio that paralysed the police institution for nearly a year.

- From the very beginning of the investigation, two rival services were already facing off: the SRPJ of the Gendarmerie Nationale under the direction of Mr. Dragacci, and the DNAT emanating from the Police Nationale, under the direction of Roger Marion. Where as the SRPJ had excellent knowledge of the local situation, Mr. Marion had

⁶⁵Former French President Francois Mitterand was notorious for misusing the police for political purposes.

⁶⁶Hreblay, Vendelin. *La Police Judiciaire*. Paris: Presses Universitaires de France, 1988, page 28.

⁶⁷Follorou, Jacques. "Rivalites et conflits on retade l'enquete sur l'assassinat de M. Erignac." *Le Monde* 15 January 1999.

⁶⁸DNAT director Marion, and investigating judge Bruigieire, went to Rome to investigate possible links between the prefect murder and a person suspected of having links both to the Mafia and the Corsican separatist movement. Source Ceaux, Pascal. "La police judiciaire soupconne Mathieu Filidori." *Le Monde* 15 January 1999.

excellent support staff and a highly centralised unit.

- 23 February, the DNAT (PN) got sole possession of the case on the recommendation of two investigating judges, Bruiguiere and Le Vert, thus infuriating Mr. Dragacci. The DNAT suspected the SRPJ of not fully co-operating, withholding important information and being at the origin of leaks to the press. However the local police (SRPJ) was unconvinced of the efficacy of the DNAT and eventually as animosities rose, Mr. Dragacci was forced to resign (1 May)

- In June, the DNAT arrested members of Dragacci family and interrogates them on possible links between two potential suspects and the ultra-nationalist Corsican separatist groups

- As the investigation proceeded the local Gendarmerie Nationale become involved, because the gun used to murder the prefect was the same gun that was stolen from their precinct the previous Fall (6 September 1997).

- The new prefect, Mr. Bonnet obtained additional help and special powers from the third investigating magistrate, Mr. Thiel, to solve this murder, and choose to work exclusively, in a covert fashion, with the Gendarmerie Nationale, because he believed that the Police Nationale (DNAT) had too many close political ties that could impede the investigation.

- By this time the separate investigations were taking place, yet the DNAT (PN) was unaware that the Gendarmerie was also on the case. The DNAT and Gendarmerie were without knowing it replicating each others work, requesting identical phone-taps, trailing the same people, etc...

- The DNAT accidentally heard about the involvement of the Gendarmerie Nationale, discovers who it was trailing (Jean Castella) and arrested him without warning the GN. In their defence the DNAT affirm that they already had incriminating evidence against the suspect, and that the information the Gendarmerie had against him had been obtained through DNAT leaks.

- The Gendarmerie is obviously furious and accuses the DNAT of having sabotaged their investigation, by preventing them from arresting the suspect in the act of committing a crime ("flagrant delit").

In addition to the intense rivalries that existed between the DNAT (PN) and Gendarmerie, as well as the lack of consensus between the three presiding judges, the Prime Minister's office also became involved in the Erignac case preferring the Gendarmerie over

the DNAT. The PM's office was supposedly concerned about persons in the Minister of Interior entourage, especially within the Renseignements Generaux, that might be involved in covert networks controlled by former Interior Minister Charles Pasqua. The PM's involvement becomes more intense after the Ministry of Interior is left with no minister.⁶⁹ During his absence Prefect Bonnet had begun to work, confirm and report not to the interim Minister of Interior, but rather directly to the Office of the Prime Minister.

This amalgam of different rivalries benefited the possible suspects of this murder because despite having been pinpointed as the prime-suspect in Erignac's murder, having been cited in the press for more than two weeks, Mathieu Filidori had not yet been arrested and interrogated. As the satiric French newspaper Le Canard Enchaîné stated, the Erignac case could be qualified more of: "Police, gendarmes and magistrate disperse", than any degree of visible essential co-operation between Justice and police forces.⁷⁰

VI Co-ordination efforts

Especially when combating a phenomenon like organised crime, strict compartmentalisation, hoarding of information, and lack of co-ordination is particularly destructive. The very illicit nature of OC, transnational, illicit activity pluralistic, with total disregard for jurisdictions demands intense co-operation and co-ordination of activities amongst the different police forces implicated in a given case. The Erignac case demonstrates that even when, or maybe because of, the rank and importance of the victim, and despite the possible involvement of the Mafia in the murder co-operation was never achieved, much the contrary, everything was done to prevent it.

Two main items have attempted to materialise co-ordination efforts, they are the conclusion of the Rapport Belorgey, that tried to set down the framework establishing a deontological code, and D8 of the Code for Penal Procedure.

Article D8 of CPP:

Within the context of texts and Interministerial agreements in vigour:
The Gendarmerie addresses to the relevant service of the Direction de la Police Judiciaire, or Surete Nationale the information relative to criminality, susceptible of being exploited in the goal to centralise, classify and

⁶⁹Minister of Interior, Jean-Pierre Chevenement fell into a coma after an anesthesiology accident during surgery preparation. He miraculously recovered but was on sick leave from September 1998 to January 1999. During this period police rivalries intensified further.

⁷⁰Angeli, Claude. "Chevenement et la Guerre des Polices." Le Canard Enchaîné 20 January 1999.

distribute (advisories, files and statistics).

The same service of the PJ transmits to the Gendarmerie, by message or circulars, all indications useful in the identification or investigation of criminals. When the distribution of information is done at the request of a service of the Gendarmerie, the latter must appear amongst the list of authorities to contact when the wanted criminal is found.

Today co-ordination, and co-operation between police forces is far from being at optimal level, and in fact there exists a form of parasitising, due to existing rivalries between the diverse services.⁷¹ There is an evident necessity to encourage a minimal level of good will. In this respect, the political leadership has to pave the way, be an example, and show, at the higher echelons, that they are willing and able to work constructively together. It is not by building bridges intended to force co-operation that co-operation will inevitably settle in, but the political will to really believe in this co-operation is probably more important. If Ministers cannot work together, it is unrealistic that police officers operating in rivalry plagued administration will willingly co-operate.

Co-operation starts from the basic issue of information sharing. Making sure that the colleagues in one police force are aware and informed of developments, events, or information that might be pertinent to their investigation. Too often important information is withheld.

Because France's police system is already fashioned by multiple overlapping structures and different legislation, it is - important to ask whether or not the current police institutions actually capable of working together, or if perhaps it might be more useful and efficient to abolish the entire structure and create a new one?⁷² Perhaps legislators could learn from the current situation and strive to build a new police structure that is devoid of such rivalries and that through its very structure encourages and mandates co-operation.

⁷¹Corvalan, Sandrine, and Viviane Du Castel. "Euro-Terrorisme: La Lute Anti-Terroriste en Europe." 3 ieme cycle. Paris V, 1990.

⁷²Erbes, Jean-Marc. "De l'Ordre a la Securite." L'Ordre Public et les Citoyens 229.March (1993), page 415.

brought about a significant hierachalisation as well as bureaucratisation of the police force. Since XIX century the police has become increasingly specialised⁷⁸, and has fractioned off into two main areas, information gathering and judicial policing. The final defining phase for the police really came about only in the XX century, when it finally differentiated itself from the military, and the gendarmerie. From an institutional stand point, the police unit was bounced back and forth between several different ministries, changed names, and finally was formalised in 1966 as the Police Nationale.⁷⁹

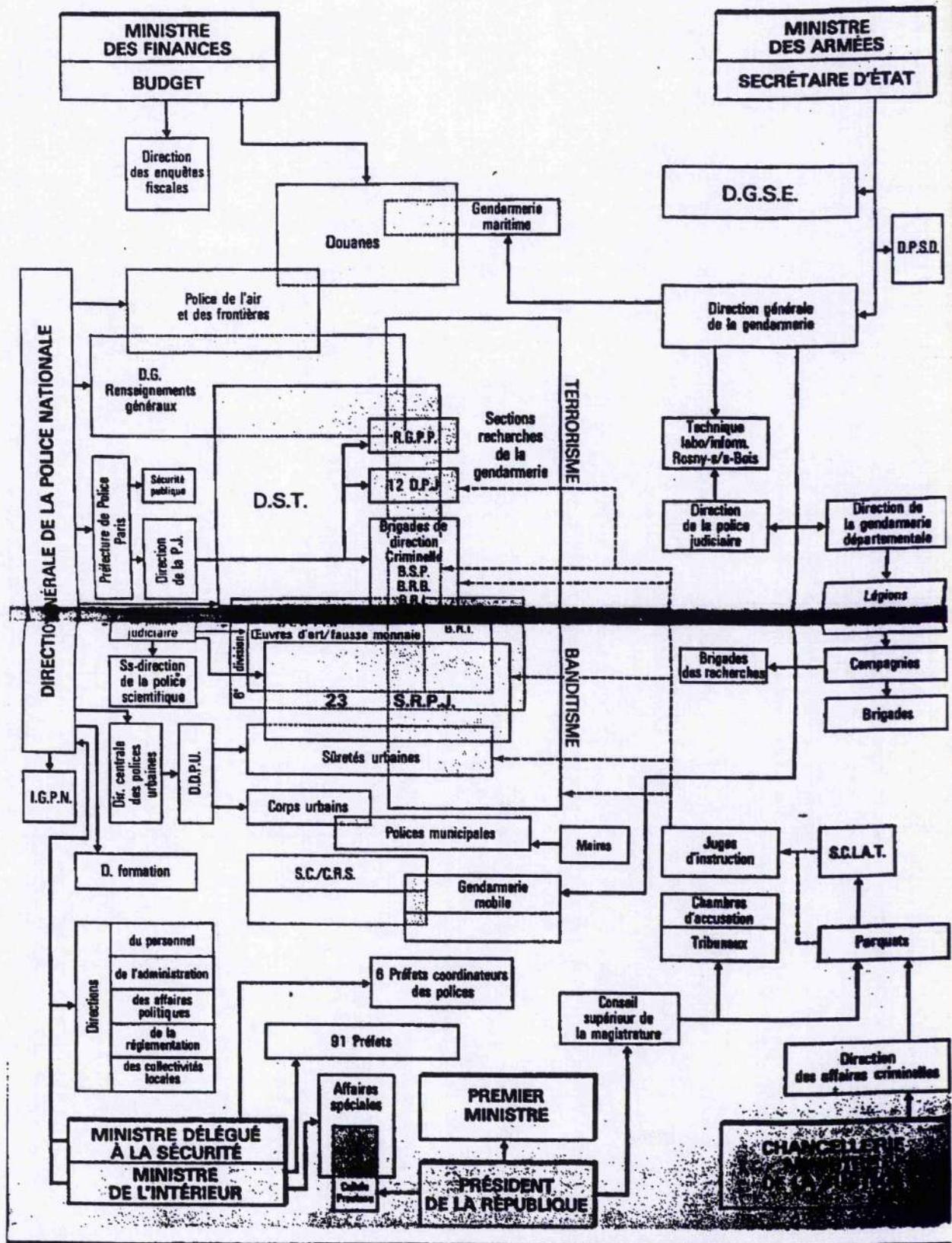
April 1942 for all police in cities of 10,000 or more).

⁷⁸For example, in 1846 the General Commissioner charged with controlling the railroads was created, followed in 1855 by the Railroad police, and finally the Renseignements Generaux.

⁷⁹1796-1818: Ministry of Police / most XIX Century flip-flopped between Surete generale in the Ministry of Interior and the Ministry of Police. In 1887, the Surete General became an autonomous branch of the Ministry of Interior. Law of 28 April 1934 created the Surete Nationale. In 1941 the Surete Nationale was abolished and replaced by the Police Nationale, which in turn abolished and replaced by the Surete Nationale. Law 9 July 1964 gave state control of the Parisian police, and 9 July 1966, formally integrated it to the Police Nationale.

The following page represents an attempts to graph the involvement of police and justice ministries and services, and reveals the complexity of the relations, also demonstrating why co-operation and co-ordination is so essential.⁷³

⁷³Madelin, Philippe. La Guerre des Police. Paris: Albin Michel, 1989.



VII France within the European Union context

Although France maintains much of its national sovereignty, as a member of the European Union it is also bound by certain European treaties and reports back to European institutions such as the Commission. The fight against organized crime is one area where the European Union is actively involved and has signed on to binding treaties that impact its member states, such as France. Part of the difficulty however is that within this same context and European framework the individual member states are often struggling internally to maintain as much sovereign power as possible and in many instances relinquish as little as possible to Europe.

The police matters, judicial issues and cooperation agreements that an active pan-European anti-crime policy requires are particularly sensitive areas for France. However, France has, on the whole, been very willing to cooperate and sign on to European initiatives to counter organized crime. The French government has always prided itself in being a locomotive for Europe and hence has wanted to be perceived, at least by others European states, as responsive, pro-active, participatory in all issues with a Europe-wide effect. Organized crime is no exception. The French parliament that in many cases has to debate and ratify measures that the government has signed on to has not always been as demonstratively enthusiastic, especially when E.U. legal provisions in binding agreements entail modifying French national law or constitution. France in general though is actively involved in, and supportive of E.U. measures and conventions to curb organized crime.

The European Union has drafted a significant amount of treaties and conventions that aim to combat, curb and sanction organized crime and encourage member countries and candidate countries to take measures to fight against it. The Action plan, Joint Actions, Pre-Accession pacts, Tampere conclusions are such anti-O.C. initiatives. The inauguration of Europol is another landmark in Europe's commitment to actively combat OC¹.

^{74 bis} Refer to International and regional organizations chapter for a more detailed discussion of European Union initiatives on combating organized crime.

VIII Conclusion

Again, and it is important to emphasize this point, the French do not so much analyze their own police system as be content to describe it since they argue that there is no rationale as to how it became what it is today. History is the only explanation offered up to simplistically explain the French police model. From the hand of Louis the XIV and with each subsequent king or president, the police structure metamorphosed little by little into the complex entity it is today. According to French police researchers like Philippe Madelin, the Anglo Saxon's perception attempts to place the French police structure within a prism and tries to make it "fit" into a theoretical model, rather than just see it as it is, a system of overlapping, sometimes competing structures.

The overlap of police services and lack of logical structures:

The French police institutions are an amalgam of structures superimposed on each other without ever contemplating a full over-haul and redesign. Rarely have previously existing structures been dissolved to make way for newer, potentially more efficient services. In some areas the overlap is such that not only does it encourage severe and potentially harmful rivalries, but it never allows for a clear perception of who, or what service, is actually responsible for carrying out a specific task. One such flagrant example is the GPP and SPHP rivalry.

The French police has special units that protect important people like terrorism judges, at-risk-foreign ambassador, foreign dignitaries and currently serving French ministers. This "task", as a result of historic occurrences is not carried out by a single specialized police unit, but rather by two rival units that obtain, seemingly on an ad hoc basis, the tasking to protect a person.

The two "rivaling" police units are the Groupe de Protection des Personnalités (GPP) and the Service Protection des Hautes Personnalites (SPHP). In the case of the United States diplomatic representation in France, the confusion and potential for competition is particularly elevated since both the GPP and the SPHP are mandated to protect and accompany the two Chiefs of Mission. In fact, the U.S. Ambassador to the Organization for Economic Cooperation and Development (OECD) is protected by the SPHP whilst the more senior ranking Ambassador of the United States to France is

protected by the SPP. Each unit has different operating tactics and reports to a different hierarchy whilst carrying out the same function. On occasions when both Ambassadors are present on a common event, or when international incidents require a tightening of security, the fact that there are two different police services (who readily admit that they interact as little as possible with each other), with different procedures, different resources and different tactics can be very detrimental. This is just one example among many present, almost "accidentally", within the French police structure because no complete overhaul and redesign of the police structure has been done. The historical pile-ups have so complicated the police structure that it has become opaque and probably less than optimal in terms of its reactivity and capacity to fight effectively against a phenomenon like O.C.

The French police in general is excellent, but the point is that it probably could surpass itself even more if the police structures reflected a logical process aimed at optimizing its capacities. Organized crime is such a fast moving, constantly changing and adaptable entity that any "flaw" in a system can easily be exploited.

Appendix 1
History of the the Police Nationale

1032	Prevot de la Vicomte de Paris
1667	Abolition of Prevot, creation of Lieutenant de Police
1789	Abolition of Lt de Police, replaced by Police Municipale
1796	Ministere de la Police Generale
1800	Prefecture de Police
1887	Surete Generale
1941	Police Nationale then Surete Generale
1966	Police Nationale

The primary mission of the French police today is the maintenance of public order, but this was not always its principle directive. The history of the French police and its institutions has been quite chaotic, and has not followed any sort of rational plan. On the contrary in fact it has evolved throughout the last three centuries according to the whims of the reigning monarch, political climate and succeeding government's expectations or fears. The French police is both highly centralised and state controlled, concepts that have slowly emerged and evolved since the First Empire. Neither one of these concepts, occurred in a systematic or continuous form. Centralisation focused on the powers of the police, whilst "etatisation", or state control, was aimed at the actual police forces.

Although today the primary duty of the police is to protect citizens and guarantee public order, in its origins in the XI century (1032) as the Prevot de la Vicomte de Paris, the civil authority heading the Chatelet, its duties included administration, justice and the military. It continued to increase its powers throughout the Middle-Ages, and was eventually devolved in 1667 by Louis XIV. In its place, the King created a Police Lieutenant⁷⁴. This new job, first held by Gabriel Nicolas de la Reynie, and a result of the March 1667 edict, truly marked the official "beginning" of the police in France. This also formalised the King's attempt to separate powers by disassociating the police from the justice, yet still retaining many administrative duties.. Although first only implanted in

⁷⁴Cairo, Robert. "Organisation generale et missions de la police en France." Revue Internationale de criminologie et de police technique .4 (1991), page 419.

Paris, by 1699, its powers were extended to all cities with a population exceeding 40,000.

Louis the XIV eventually associated the police to his "attendants" already prominent throughout the territory, and managed to create a veritable web of control across his Kingdom.

During the XVI century, and up until the XVIII century the French police, was also responsible for an amalgam of duties including the general protection of people, weights and measures, floods and fire, various administrative duties, maintenance and construction of roads, preservation of morality, and control over the arts⁷⁵. The French Revolution defined its role, and limited its scope of authority, making it one of several administrative services, and not the sole administration. It was to a certain degree a notion of newly expressible liberalism that strove to delineate the police's rôle and sequester its tasks to specific domains.

Two main currents helped mould the shape the modern police force, the centralisation of power into one Ministry, and increased state control ("etatisation"). Etatisation and centralisation were not always synonymous concepts, however in the case of France, centralisation efforts certainly helped the etatisation process along.

In 1789, following the Revolution, the Lt. General of the police position was eliminated and replaced by a municipal police, under the direct jurisdiction of the Mayors, they themselves elected officials. This change meant that the police ceased to be a purely administrative branch. The police system continued to complexity, and by 1796, the Ministry of General Police (Ministere de la Police Generale) was created, followed in the Year VIII (First Empire) by the posts of prefect, prefecture of Paris and police commissioners in cities of 5,000 or more, but did not however eradicate the municipal police⁷⁶.

The logic of centralisation affected the separate logic of "etatisation" primarily on financial grounds. Etatisation of the police forces alleviated the budgetary strain of communes, by redirecting the financial costs implicated in running a police service, away from the locality and placing it rather within the State budget⁷⁷. This etatisation also

⁷⁵Gleizal, Jean-Jacques. *La Police en France*. Paris: Presses Universitaires de France, 1993, page 13.

⁷⁶A series of laws further centralized the police at the municipal level including laws of 6 April, 1884 and 24, April 1941.

⁷⁷Governed by laws "etatizing" the police of major cities (19 June 1851-Lyon / 5 May 1855 cities over 40,000 / 1908-Marseilles / 1918- Toulon&Seynes / 1920- Nice / 1925-Alsace & Lorraine / and finally 24

Appendix 2

History of the Police Judiciaire

1907	Decree creating Controle General des Recherches (4/3/1903)
1907	Clemenceau creates twelve Brigades de Police mobiles (31/12/1907)
1908	Circulary of the Minister of Interior describing mobile functions (4/4/1908)
1928	Creation of the National Central Bureau (18/12/1928)
1941	Law actually creating the Police Judiciaire within the DGPN
1946	Attached to Securite Publique (1/3/1946)

Vichy government law 23/4/1941 established the PJ as one of three active directorates of the Direction Generale de la Police Nationale.

Appendix 3

History of the Prefecture de Paris

The prefecture de Police of Paris was created by Napoleon Bonaparte, and became an organisation with a very unique administration. Until 1967, Paris had two police forces, the Prefecture de Police de Paris and the Surete Nationale. Their jurisdiction covered all of the Seine Department (including the Seine St. Denis, Hauts de Seine and Val de Marne).

Law of 10 July 1966, sponsored by General de Gaulle, and voted through by the Parliament, unified the two forces, and attached them to the Police Nationale.

Prefect of Paris is the chief of the Prefecture de Paris, and benefits from a special. As a result of a much publicised and controversial police affairs, Ben Barka⁸⁰, the authorities decided that the complete autonomy of the Prefecture de Police de Paris was too dangerous and reattached it to the DGPN. Even though the prefect of Paris is supposed to receive his orders from the Director General of the PN, in fact he is consulted and rarely ordered to do anything. In fact the prefect of Paris is widely regarded as the most important prefect of France. Until French President Valery Giscard d'Estaing Paris had no Mayor. This peculiarity arose from the 1870 Commune incident that sparked civil unrest. The Mayor of the capital city was considered too powerful and too dangerous and hence the position was eliminated. Under Giscard d'Estaing the Mayor's position was restored. Many of the Mayoral duties had gone to the prefect after 1870, and were not returned, so in fact the Prefect of Paris, in many regards is as, if not more powerful than the actual elected Mayor⁸¹. The special status of the PP of Paris allowed it to be exempted from the Joxe Police Reforms of 1988.

The Prefecture de Police is widely regarded as being the French origin of Scientific Police work. In 1882, Alphonse Bertillon began measuring individual brought in, and compiling files containing their measurement and physical attributes on each of them. This same system, also referred to as anthropometric would later be perfected and used by the Police Judiciaire Scientific police branch.

⁸⁰Ben Barka was the leader of the Moroccan opposition. He was arrested on October 29, 1965 and taken away by two police officers of the Prefecture de Police of Paris, and was never seen again. This situation was obviously very embarrassing to the Police and especially to the Minister of Interior, Roger Frey, and also reflected badly on the president, General de Gaulle. For more details refer to: Leauthier, Alain, and Frederic Ploquin. *Les Flics: 120.000 Inconnus*. Paris: Flammarion, 1990 and Erbes, J-M, et al. "Polices d'Europees". Paris: Institut de Hautes Etudes de la Securite Interieure, 1992, page 186.

⁸¹Diamant, "Commissaire". *Les Reseaux Secrets de la Police*. Paris: La Decouverte, 1993, page 78-80.

Appendix 4

History of the Gendarmerie Nationale

1190	King Philippe Auguste creates "Sergeants d'Armes"
1501	Compagnie des Marechaussees
1544	Francois I, pioneers dual nature of institution (civilian/military)
1720	Reforms of the Marechaussees (Louis XV)
1791	Statutes set-down by law, officially becomes Gendarmerie Nationale
1798	Charter of Gendarmerie Nationale drafted
1903	Reforms

The Gendarmerie Nationale has a history stretching back more than eight centuries. The more modern origin of this branch of the police came under King Philippe Auguste. In 1190, he created the job of "sergeant d'armes" to maintain peace and tranquillity in the Kingdom while he was away on the Crusades. Under the authority of the "Grand Senechal", the Sergeants specialised in inquiries, arrests and judgements. This position evolved and eventually became the Compagnie des Marechaussees, the oldest branch of the French Army. It survived throughout the centuries because of its capacity to evolve and adapt. The duality of services carried out by the military police came as a result of Francois I who extended its mission to include not only military duties, but also additional civilian duties⁸². Successive Kings used this military police to establish their authority throughout the Kingdom and control the other powers, namely seigniorial, and ecclesiastical, but the actual territorial delineation and break-down of France, still present today occurred only under Charles VII, and was further encouraged by Louis XV in 1720. He divided the territorial units into squadrons, each responsible for supervising 2-5 leagues. Despite the French revolution's keen desire to destroy every institution created by the monarchy, surprisingly the "Gendarmerie Corps" benefited from vast public support⁸³, and hence was maintained. In an effort to separate the different

⁸²Edict of 3 October 1544: Prevots Marechaux competence to report thefts on public thoroughfares or in the countryside, sacrileges and aggressions.

⁸³In fact the Gendarmerie Corps was cited in the "carnets de doléances" (grievances books) as the only useful institution.

powers, it was stripped of its judicial authority. It officially became known as the Gendarmerie Nationale on April 17, 1798, and set out the aims of the modern gendarmerie at that time. The charter passed on that date defined de gendarmerie as follows:

The National Gendarmerie Corps is an institutionalised force that guarantees the maintenance of order and application of laws within the Republic [of France]⁸⁴.

A subsequent charter was passed on May 20th 1903, defining its specific tasks, and its principles of operation, and reaffirm the duality of service, military and civilian of the GN.

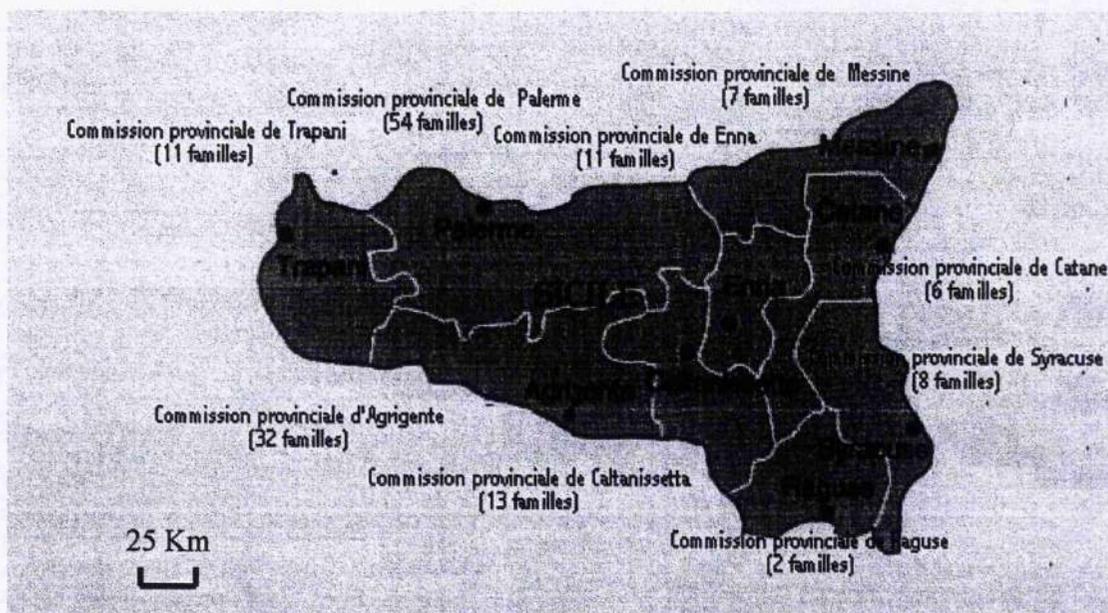
Although some amendments have been made since then, it remains the fundamental backbone of the GN:

⁸⁴Ministere de la Defense. Gendarmerie Nationale de la Tradition vers la Modernite. Paris: Service de Diffusion de la Gendarmerie Nationale, 1996.

Chapter 4



The Sicilian Cosa Nostra



*Cosa Nostra Territories in the 1990's*¹

*“Questo e' la stessa cosa”*²

(He is the same as us)

I Introduction

The term Mafia or its synonym *onorata societa* (honourable society) refers to the Cosa Nostra: a one-of-a-kind organisation equipped with a unique power structures and commanding far-reaching influence. Giovanni Falcone defined the Mafia as an organisation of mutual aid that acts only for the benefit of its own members.³ The Cosa Nostra is not a new, nor volatile, or temporary organisation, but rather a historically rooted organisation, criminal in nature that threatens not only the functioning and democratic process in Italy⁴, but also that of Europe and the world in general. It is solidly anchored and well protected, thanks to its resilient nature, its highly compartmentalised, secret and well-protected structure, weathered the test of time, and though it has undergone periods of weakness and near elimination, it has survived.

The Cosa Nostra's ability to quickly diversify its income grossing activities in order to keep up, if not anticipate the global market demand, has enabled it to stay ahead

¹Observatoire Geopolitique des Drogues. *Atlas Mondial des Drogues*. Paris: PUF, 1996, page 69.

²Many of the terms used are from the Sicilian dialect and not from common Italian usage.

³Falcone, Giovanni, and Marcelle Padovani. *Cosa Nostra*. Paris: Austral, 1991.

⁴Refer to state and the Mafia chapter.

of the financial, and perhaps more importantly the judicial authorities. Through this diversification of income sources the Cosa Nostra avoids being affected to severely if the market crashes, or if State targets one area in particular. Although it is true that nearly every sector of the economy is penetrated at a more or less significant level by the Mafia, however the prime focus and preference given to a specific area at a specific time changes constantly: drug trafficking in the 1980's, today money laundering, as well as legitimate ventures.⁵

Understanding of the organisation and the code of honour that regiments the Cosa Nostra greatly impacts the strategic and judicial decisions that are taken to combat it efficiently and effectively. Judge Falcone firmly believed that understanding the inside, the very core of the Cosa Nostra was essential.⁶ All the specific information about the Cosa Nostra has been obtained since 1984, as a result of co-operation between government turncoats, *pentiti*, namely Tommaso Buschetta and Antonio Calderone and justice officials like Giovanni Falcone and Paolo Borsellino.

Estimates of the actual Cosa Nostra membership vary of course because of the illicit nature of the organisation and the obvious impossibility of obtaining an accurate census, but Michel Debacq, former liaison Magistrate to Rome estimates that there are 143 families⁷, approximately 5,000 men of honour, and as many as 20,000 to 50,000 additional affiliates. The estimated gross annual turnover is \$46 billion USD, equivalent to the annual turnover of Fiat.⁸ In addition the Cosa Nostra also manages or controls as much as 10% of the local electoral votes.⁹

The Mafia although present throughout Sicily and across the world, has its headquarters in the triangle of death: the triangle joining the Sicilian cities of Palermo, Agrigente and Corleone. The Cosa Nostra is characterised by several important criteria,

⁵ This change was sparked by a government crackdown on certain activities (mainly drug trafficking) as well as an evaluation of the risk-profit equation. Because of the crackdown (both nationally and internationally) it became increasingly risky to engage in it. By contrast money laundering legislation was far less harsh and the potential profit yield remarkably good.

⁶ Falcone, Giovanni, and Marcelle Padovani. *Cosa Nostra*. Paris: Austral, 1991, page 43.

⁷ Refer to Appendix 1 for an alphabetic listing of major Cosa Nostra families.

⁸ Cretin, Thierry. *Mafias du Monde*. Paris: Presses Universitaires de France, 1997, page 114.

⁹ Raufier, Xavier. *Planete Mafieuse: Atlas Pratique de la Grande Criminalite Organisee Internationale*. Paris: Institut de Criminologie, 1994, page 14.

including a unique hierarchical structure, the universal "blanket" law of silence, the recruitment of specialists, the use of personal violence and intimidation, and the involvement in every aspect of a "penetrated"¹⁰ society, usually implicated in the politics, economics, and social sectors, preferably at every level¹¹. In addition, the Mafia has the capacity for global activity, through a very sophisticated and complex network of accomplices and "sympathisers" throughout the world. In addition, the Mafia has set up an effective self-defence mechanism to protect it from the police.¹² Its three principle goals are money, power and survival.¹³ According to Giovanni Falcone, the Cosa Nostra is the most dangerous amongst all criminal organisations, not because of the number of recruits, but rather because of its unique structure and strategy, and assuredly because of its capacity to export its crime "model" internationally.¹⁴

The Cosa Nostra is particularly interesting as a case study because much has been written about it, and much has been discovered (largely thanks to justice collaborators), and hence a better understanding of its structure, goals and operations has emerged. Looking at the Cosa Nostra in a more in-depth fashion allows for better insight on its strengths and weaknesses, enables a more accurate evaluation of its threat and can begin to allow for a formulation of strategies to combat it. This case study also enables to answer the question of how one family can operate within a national and international context.

¹⁰ For further discussion on the concept of a penetrated society, see James Rosenau's The Scientific Study of Foreign Policy, Pinter publishers.

¹¹ Lacoste, Pierre. Mafia Contre la Democratie. Paris: JC Lattes, 1992, page 148.

¹² Lacoste, Pierre. Mafia Contre la Democratie. Paris: JC Lattes, 1992, page 145-146.

¹³ Power: the capability or relative capability of actors such as states. The ability to influence the outcomes or the actions of others. Viotti, Paul, and Mark Kauppi. International Relations Theory. New York: Macmillan, 1993, page 591.

¹⁴ Falcone, Giovanni. "La Criminalite organisee: un probleme mondial. La mafia italienne en tant que modele pour la criminalite organisee operant a niveau international." Revue Internationale de criminologie et de police technique .4 (1992).

II History ¹⁵

1282	Beati Paoli societies
1924-1929	Mussolini attempts to eradicate the Mafia
1943	Cupertino with Allies
1957	Palermo Drug Summit
1962-1963	First Mafia War
1970's	Enter the drug trade
1981-1982	Second Mafia War
1982- today	Supremacy of the Corleone Clan

In the beginning:

The Mafia as a structured organisation sprang from a legacy of Sicilian well-intentioned¹⁶ “home grown bandits” that protected their poor fellow peasants from the excesses and abuses of foreign domination (Normans, Arab, Spanish, Bourbon) Slowly these bandits evolved into a secret brotherhood that fought the successive dominating factions that attempted to take control of the island. By the XIII century this secret brotherhood¹⁷ had joined another grouping of secret societies, the *Beati Paoli*, who acted as the mediator between the peasants and the landowners.¹⁸

¹⁵The history of the Mafia will be purposely succinct as it is of interest but not crucial to the understanding of the organisation.

¹⁶Catania, Enzo. Mafia. New York: St. Martin's Press, 1978, in Foreword.

¹⁷A faction of researchers have erroneously stipulated that the Mafia was born out of Free Masonry, but this is not the case. Although the Mafia and Free Masonry may share some ideological and structural similarities, and may have forged links, the Mafia is not an offshoot of Free Masonry. Madelin, Philippe. La France Mafieuse. Paris: Du Rocher, 1994, page 10.

¹⁸Clutterbuck, Richard. Drugs, Crime and Corruption. London: Macmillan, 1995. page 131.

Mussolini

Benito Mussolini took power in 1922 as the Fascist Premier of Italy, and after having been subjected to a humiliating incident, orchestrated by a local Mafia boss, promised to stamp out the Mafia. He sent Cesare Mori, the *Prefetto di ferro* (or "Iron Prefect") to Palermo, who engaged in a violent anti-Mafia campaign, and almost succeeded in stamping out much of the Mafia activity and greatly impaired the organisation. Believing that the Mafia had been eliminated, Mussolini called back his prefect and stopped his "crusade".

Allied landing of World War II

The turning point and resurrection of the Mafia came as a result of its co-operation with the U.S. Army during World War II. In order to plan and carry out the invasion, and subsequent occupation of Sicily, the United States securing the help of jailed American Mafia boss Lucky Luciano¹⁹ who agreed to play a key role in enlisting the co-operation of local Mafia bosses (namely Calogero Vizzini known as Don Calo).²⁰ They agreed to deliver the intelligence and reconnaissance crucial in planning the invasion (Code Name Operation Husky).²¹ The US Army fearful of Communist or Fascist take over after the occupation ended, installed many Mafia bosses in influential position in the island's government, solidifying the Mafia stronghold on important jobs.²²

The two key developments that have most impacted the organisation and strategy of the Cosa Nostra have been the decision to participate in the drug trade and the ascension of the Corleonesi clan to power following the second Mafia war.

¹⁹Lucky Luciano was freed from US jail on January 3 rd, 1946 and "returned", so to speak back to Sicily as his reward for having cooperated with the US Army during the war. For more details of this operation please refer to: Campbell, Rodney. The Luciano Project: the Secret Wartime Collaboration of the Mafia and the U.S. Navy. New York: McGraw-Hill, 1977.

²⁰Don Calo was later rewarded for his cooperation with the Allied Forces by being installed as Mayor, despite his well known track-record as the *capi dei capi* (boss of the bosses). Bottamedi, Claude. La Mafia en Belgique. Ottignies: Quorum, 1997, page 20.

²¹American Army brief concerning the invasion of Sicily: "*To organize and prepare dissident elements for active resistance: Establishment of contact and communications with the leaders of separatist nuclei, disaffected workers and clandestine radical groups e.g. the Maffia [sic] and giving them every possible aid.*" Servadio, Gaia. Mafioso: a History of the Mafia from its Origins to the Present Day. New York: Stein and Day, 1976, page 82.

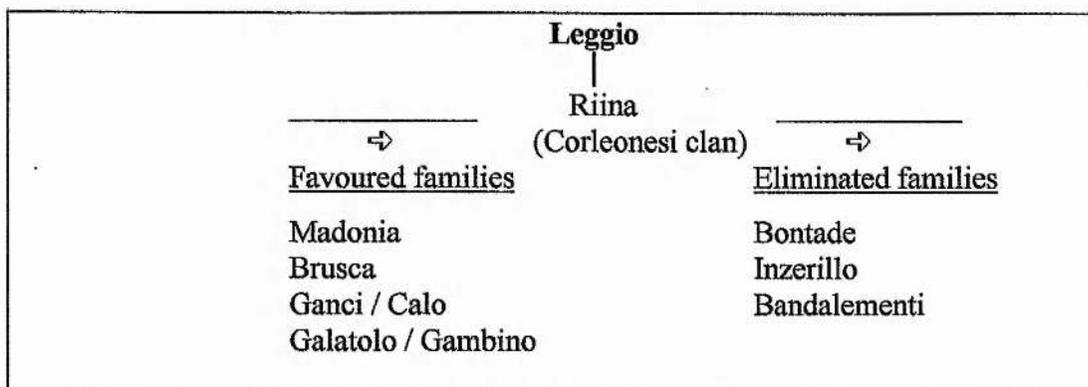
²²"In a secret dispatch to the Foreign Office, Lord Rennell pointed out that many mafiosi had been given responsibility in local administration". Servadio, Gaia. Mafioso: a History of the Mafia from its Origins to the Present Day. New York: Stein and Day, 1976, page 83.

Drugs:

In the early 1970's the Mafia decided to join in the large-scale drug trade as manufacturers, and moved from an urban, racketeering based organisation, to a multi-disciplinary highly organised and efficient international actor. With this significant change in activity came changes in the strategy and recruitment of the organisation. The Mafia began to seek out special skills associated with the drug trade, established significant logistical support, and devised a new criminal strategy that concentrated mainly on internationalisation. With the flourishing of the drug trade came the necessity to devise strategies money launder. This necessity propelled the Mafia further into the business arena, rendering it even more professional.

Corleonesi clan:

The Corleonesi clan took over the leadership of the Cosa Nostra in the early eighties following the blood bath of the second Mafia war. First headed by Luciano Leggio, and after his arrest in 1974 by his lieutenant, Toto Riina, the Corleonesi imposed a tyrannical rule of the family, hunted down and murdered all suspected rivals, and eliminated any potentially unreliable associates.²³ The Family and Commission went from being a relatively democratic "institution" to becoming an absolute monarchy ruled by a single *capi di tutti capi* (boss of all bosses) embodied by Riina.²⁴



²³De Gennaro, Giovanni, and Direzione Investigativa Antimafia. Criminal Organisations with Particular Regard to Cosa Nostra: its Influence on Politicians, Media, Economy and Public Administration. Berlin, 1993.

²⁴Labrousse, Alain, and Alain Wallon. La Planete des Drogues: Organisations Criminelles, guerres et blanchiment. Paris: Seuil, 1993, page 124.

III Organisation

The Mafia is generally considered as the most structured and hierarchical of the Italian organised crime families. It's overall structure is pyramidal and strictly compartmentalised, gravitating around one principal building block: the family unit, and its core element the man of honour. Compartmentalisation is one of the main attributes of the Cosa Nostra, by maintaining it even within the hierarchy, secrecy is preserved.

1. The structure:

The hierarchy is based on the rigorous control of each section, as well as the protection of the upper echelons so that if a man of honour is arrested and interrogated he is unable to divulge and endanger the entire Mafia family structure. Giovanni Falcone was able to discover and subsequently describe the make-up of the hierarchy as a result of the *pentiti* confessions. He proved that, contrary to what was previously believed, the Mafia was not a casual group of individual crime organisations, but rather a very unified and structured organisation, regimented by strict rules and a very specific code of conduct.²⁵

The hierarchy from the ground up is as follows: The *men of honour* or *soldiers* report to the *capo decina*, who in turn report to the *head of family*. Each head of family must report to the *district boss (or representative of the Family Chiefs)*, who are members of the *cupola* (provincial commission). The *provincial representative* finally reports to the *Commission* or regional cupola.²⁶ The cupola resembles a board of directors, in its operation.



²⁵d'Aubert, Francois, and Bertrand Gallet. "Rapport de la Commission d'Enquete sur les Moyens de Lutter Contre les Tentatives de Penetration de la Mafia en France." . Paris: Assemblée Nationale, 1993, page 18.

²⁶Idem, page 172 (annexes)

The *man of honour*: The “*uomo d'onore*”, is the basic foot soldier of the organisation, and is linked to the organisation by a solid bond, and a life-long allegiance. The *family*, referred to as the “*Cosca*”, meaning artichoke leaf, is the central unit, or building block of the Mafia. The average family size is usually about 50 people but has been known to reach 200 to 300. Each family manages a defined territory within which no action may be taken without its prior consent.²⁷ The family is protected by a system of concentric circles. The first circle, or core, regroups only the most trusted men of honour, and very close collaborators. The second, slightly more distant protects the core, and is constituted by men with particularly close ties to the core, either blood relatives or privileged professional ties. The third circle is made up of criminal associates who do work for the family, but are not men of honour.²⁸ The *Family Chiefs*, called the “*Cacocciula*”, or artichoke, and sometimes *capo famiglia*, are the decision makers of the family and are responsible for all activities occurring on their defined territory, but are also principally responsible for overseeing the recruitment and initiation of new “soldiers”. The *Advisor*, or *consiglieri* is the official advisor to the family chief, he is elected by the soldiers and accompanies the chief everywhere and advises him on all affairs.²⁹ The *soldier Chief*, *Capo decina* is the formal and sole link between the soldier and the family chief. Generally in charge of a dozen or do men, he relates the orders of the bosses to his soldiers. The *soldier*, “*soldati*” or “*picciotti*”.³⁰ Has a “contract for life” with the Mafia.³¹ The *affiliates*, are not men of honour, and do not belong to the Mafia, but rather are hired to work for the family on specific contracts. There are two *Commissions*, or *cupolas* within the Cosa Nostra: the provincial commission and the

²⁷Assemblée Nationale: Rapport de la Commission d'Enquete sur les Moyens de Lutter Contre les Tentatives de Penetrations de la Mafia en France, Paris (1993), page 15.

²⁸Raufer, Xavier. Planete Mafieuse: Atlas Pratique de la Grande Criminalite Organisee Internationale. Paris: Institut de Criminologie, 1994, page 16.

²⁹Arlacchi, Pino. Les Hommes du Deshonneur. Paris: Albin Michel, 1992, page 44.

³⁰During the 1985 Manhattan trial of Mafia boss Gaetano Badalamenti, Tommaso Buscetta was asked by the prosecutor about Mafia membership: “When you became a member of the Cosa Nostra [...] did you come to learn whether you were able to leave the Cosa Nostra at any time?”, he answered “I could never leave it!” Source: Lubasch, Arnold. “Drug defendant identified as ex-Mafia 'boss' in Sicily.” New York Times 31 October 1985.

³¹Falcone, Giovanni. Men of Honour: the Truth about the Mafia. London: Fourth Estate, 1992.

regional commission, the latter being the more powerful of the two. The cupola is the governing body for the different families and aims to limit inter-family conflicts and chart out the global strategy of the Cosa Nostra. All important projects and especially key assassinations (called "*cadavere eccellente*")³² are agreed on at the Regional Commission level.

2. Recruitment procedures and indoctrination ritual³³

The "pentiti"³⁴ are largely responsible for shedding light on the recruitment and initiation practices. Although recruitment procedures and rituals may vary from one family to another, they tend to share many characteristics. Men do not 'apply' to join the Cosa Nostra, but rather are 'called upon', recruited and asked to join.³⁵ The cardinal qualifications are that only men are welcome and the recruits must be Sicilian and known to the family.³⁶ There are a few recruitment criteria including a specific "criminal profile".³⁷ Once the recruitment procedure, including observation phase, courage testing and evaluation are accomplished, and the soldier has been deemed worthy to join by the family chief, he must undergo an initiation ceremony, transforming the "lay-man" into a man of honour.³⁸ By becoming a man of honour, the recruit also promises to adhere to

³²Refer to Annex 2: Key Mafia murders

³³For a detailed description of the initiation ritual please refer to Annexe B of: Gambetta, Diego. The Sicilian Mafia: the Business of Private Protection. Cambridge: Harvard University Press, 1993.

³⁴Men of honour who agree to collaborate with the police by speaking up in order to lessen his sentence, hence violating their oath of omerta.

³⁵Lubasch, Arnold. "Drug defendant identified as ex-Mafia 'boss' in Sicily." New York Times 31 October 1985.

³⁶Exceptions to the "home-grown" law have been made for Camorra bosses most notably Michele Zaza, Lorenzo Nuvolletta, and Antonio Bardellino. They were accepted into the ranks of the Cosa Nostra as a business gesture, and so that the Mafia could attempt to better control the Neapolitan drug market. They were invited to set-up a Neapolitan branch, and were subsequently represented in the Cupola.

³⁷Some young men are immediately excluded because of their family ties. No man related to a police man, judge, or magistrate may be accepted. Furthermore, homosexuals, divorcees or illegitimate children are excluded Source: De Gennaro, Giovanni, and Direzione Investigativa Antimafia. Criminal Organisations with Particular Regard to Cosa Nostra: its Influence on Politicians, Media, Economy and Public Administration. Berlin, 1993, page 18.

³⁸For a detailed description of the initiation ritual, please refer to: Gambetta, Diego. The Sicilian Mafia: the Business of Private Protection. Cambridge: Harvard University Press, 1993, Appendix B.

a strict code of honour that dictates almost every sphere of his life, making the Mafiosi extremely disciplined criminals.

3. Territory

The very concept of territory is crucial to understanding the mind-set of the Mafia. Each of the four large Italian organised crime families controls a very precise geographical part of Italy, and within each family, the sub-families are also attributed their own territory. The concept of territory is synonymous to "the monopoly over the exercise of physical violence with almost total impunity".³⁹ Within this defined territory, the family has full jurisdiction; it must be consulted, and must give its approval before any action can be taken. Even the common criminal, must gain approval to operate within the family's territory.

Additionally, territory permits the "ruling" family to levy a tax called the *pizzo*, the physical manifestation of a family or clan's domination and complete control over a defined territory.⁴⁰ It not only legitimises the power of the family, but also represents a substantial source of revenue.⁴¹ Protection of a given territory, as well as desire to maintain domination and supremacy over a given territory are the usual reasons from bloody inter-family wars.

³⁹d'Aubert, Francois, and Bertrand Gallet. "Rapport de la Commission d'Enquete sur les Moyens de Lutter Contre les Tentatives de Penetration de la Mafia en France." . Paris: Assemblée Nationale, 1993, page 22.

⁴⁰ Padovani, Marcelle. Les Dernieres Annees de la Mafia. Paris: Gallimard, 1987, page 43.

⁴¹d'Aubert, Francois, and Bertrand Gallet. "Rapport de la Commission d'Enquete sur les Moyens de Lutter Contre les Tentatives de Penetration de la Mafia en France." . Paris: Assemblée Nationale, 1993, page 22.

IV Mafia Code of Conduct

The Mafia operates with a rigid rules and regulations. The men of honour swear at initiation to obey without fail and without question the strict laws and orders of the family, both in their professional and private lives. Voluntarily disobeying the family means stepping outside of the circle of protection offered by the Mafia in exchange for absolute loyalty and obedience.

Derived from Sicily's tradition of "mutism" towards strangers, *omerta* is the law of silence.⁴² The best word, is that which is not spoken (Old Sicilian Proverb).⁴³ A man of honour does not reveal anything to anyone not in the "family", and most especially not to the police. *Omerta*, 'literally being a man', is an extreme form of loyalty and solidarity in the face of authority.⁴⁴ Within the Mafia family, there is no greater "sin" than violating this oath of silence.

The concept of truth is almost always coupled with silence as a pillar of Mafia belonging because a man of honour can never lie, if he cannot tell the truth, then he must remain silent. Reciprocally, if he remains silent than he can avoid having to tell the truth.⁴⁵ Giovanni Falcone while working with government turncoats discovered that even within the confines of jail and even after having accepted to collaborate, most of the men of honour continued to apply the rule of truth. If they chose to speak, then what they said could be counted on as being truthful. If they could not, or would not speak the truth, then they would remain silent.

Obedience, honour, respect and respectability are also imperative "qualities" for a man of honour. He must, at all times, obey his superior within the command hierarchy, honour his family, and must never bring shame to it by inappropriate public behaviour.

⁴²Allen, Edward. Merchants of Menace - the Mafia: A Study of Organised Crime. Springfield: Charles C. Thomas, 1962, page 15.

⁴³Falcone, Giovanni. Men of Honour: the Truth about the Mafia. London: Fourth Estate, 1992, page 9.

⁴⁴Servadio, Gaia. Mafioso: a History of the Mafia from its Origins to the Present Day. New York: Stein and Day, 1976, page 27.

⁴⁵Giovanni Falcone illustrates this idea with the following example. The son of a man murdered by the Mafia is barred from entering the family, as this would guarantee him the right to know why his father was murdered, and would no doubt lead to many problems. Hence to avoid having to lie to him, he is not accepted into the family preserving both the truth, and keeping silent. d'Aubert, Francois, and Bertrand Gallet. "Rapport de la Commission d' Enquete sur les Moyens de Lutter Contre les Tentatives de Penetration de la Mafia en France." . Paris: Assemblée Nationale, 1993, page 20.

Excessive gambling (other than for money laundering purposes) is frowned upon, as is the solicitation of prostitutes, or keeping of mistresses.

Organised crime and the Mafia are often portrayed by the media as thriving on violence and bloodshed, and even nicknamed the "industry of violence",⁴⁶ but the opposite is actually true. The Mafia uses violence as the last resort, the *ultima ratio*, and the result of a very pragmatic decision.⁴⁷ Only when all other forms of threats, intimidation and scare tactics have been exhausted, is violence authorised. Total obedience, and blind acceptance of orders is imperative for a man of honour to ensure his survival within the Family. Orders from hierarchical superiors are to be followed and never questioned, no hesitation, no matter how brief is acceptable.⁴⁸

⁴⁶Gambetta, Diego. The Sicilian Mafia: the Business of Private Protection. Cambridge: Harvard University Press, 1993, page 2.

⁴⁷Stille, Alexander. Excellent Cadavers. New York: Pantheon Books, 1995, page 119.

⁴⁸According to turncoats Antonio Patti and Carlo Zinichitella two local Marsala bosses, Francesco Caprarotta and Vincenza d'Amica were killed on orders from Toto Riina, because they had hesitated to murder Paolo Borsellino, and had granted him a temporary stay of execution. This hesitation represented a refusal to follow orders and signed their own death warrant. Their deaths were then used as examples to the other men of honour. Source: Bottamedi, Claude. La Mafia en Belgique. Ottignies: Quorum, 1997, page 26.



The Cosa Nostra originally made their money by cattle rustling and controlling water supply and distribution. Times and markets having evolved significantly since then, the Mafia has capitalised on the globalisation process and tailored their activities to the changing environment.⁵⁰ What has made the Cosa Nostra so resilient is its ability to constantly adapt its activities to the emerging markets. Entrepreneurship is prohibited in all aspects of Mafia life; except for business and money making possibilities. The Cosa Nostra does not have any specific activity of choice; the only two restrictions are the prohibition of gambling and prostitution.

Some estimates suggest that out of the Sicilian population of 5 million, as many as 100,000-200,000 families rely on some form of revenue generated by the Cosa Nostra,⁵¹

⁴⁹This section is a survey of the major Cosa Nostra activities, and not a detailed analysis of all the activities it is involved in.

⁵⁰Servadio, Gaia. *Mafioso: a History of the Mafia from its Origins to the Present Day*. New York: Stein and Day, 1976, page 215.

⁵¹Stille, Alexander. *Excellent Cadavers*. New York: Pantheon Books, 1995, page 157.

and that it controls between 1/3 and 1/2 of all criminal activities in Italy, controlling a massive portion of the business and real-estate markets as well as a significant share of the industries. The following statistics are a breakdown of the estimated percent of a given industry control of the Mafia in certain sectors of the economy:⁵²

-Construction companies:	22%
-Commercial enterprises:	19%
-Distribution centre for	24%
-agricultural products	
-Hypermarkets	14%
-Finance companies	50%

According to the Italian Chamber of Commerce, the Mafia controls an estimated 12 % to 15% of the Italian GNP.⁵³ The annual turnover reaches nearly \$70 billion USD,⁵⁴ generated from three principle activities, extortion, public works contracts and drug trafficking,⁵⁵ but recently additional activities have supplemented the Cosa Nostra profits, including money laundering, frauds on the European Union budget, counterfeits and trafficking in illegal immigrants.

One of the secondary goals of the Cosa Nostra is to camouflage the illicit origins of their capital and invest it into legitimate ventures, thus creating a legitimate business structure under their control.⁵⁶ The more capital they can legally generate, the less risk they are actually taking, and the less scrutiny they get from the police and judicial authorities. The following examples of Cosa Nostra activities are but a brief overview of their major centres of interest. Each pole of activity differs from region to region, and country to country, and may either be expanded, curtailed or altogether halted depending

⁵²Italian Federation of Public Enterprises. "Mafia Money Laundering Practices Explained." Trends in Organised Crime 1.4 (1994).

⁵³Arias, Juan. "Aumentan los atentados y las estorsiones." El Pais 29 April 1991 and Waddington, Richard. "Italy's Financial War with Mafia needs Computers Not Guns." Reuters 18 July 1991.

⁵⁴Once again estimates on the annual turnover generated by the mafia vary. According to Xavier Raufert it equates to approximately \$46 billion USD, whilst Michel Debacq places it between \$40-55 billion USD. Source : Raufert, Xavier. "La Mafia: Elle envahit la France et l'Europe." L'Express 26 November 1992: 90-106. De Bacq, Michel. "Criminalite Organisee." Criminalite Organisee. Ed. Marcel Leclerc. Paris: La Documentation Francaise, 1996.

⁵⁵Campagnola, Francois. Crime organise et gangsterisme professionnel: experience francaise et analyse comparee. Paris: Institut de Hautes Etudes de la Securite Interieure, 1996, page 16.

⁵⁶Savona, Ernesto. "European Money Trail." Transnational Organised Crime 2.4 (1996), page 8-10.

on market forces, legislation and profitability. Preference is obviously granted to a sector of activity where the potential profit yield is high, whilst the risk factor is minimal. If for some reason, participation in a particularly risky activity is necessary, then outside help, or affiliates are sometimes used so as to minimise the danger posed to the organisations. By understanding and defining not only the activities the Cosa Nostra is involved in, but how it penetrates and controls these activities, it becomes more evident how to focus counter-OC strategies.

Extortion

The *pizzo* (meaning percentage), or extortion money is the traditional form of "fund-raising" for the Mafia families, and consists mainly in local businesses paying the local Mafia boss a set sum of money for protection, or working tax. It allows a business to operate unhindered within the family's territory,⁵⁷ and contributes to the Cosa Nostra's overall operational costs.⁵⁸ Contribution to the *pizzo* is not voluntary, and if a business refuses to contribute willingly, escalating actions, including casual threats, thefts and arson, bodily harm to employees, friends and eventually relatives, are taken to convince the owner to "rectify" the situation. The *pizzo* is generally well calculated, mathematically sound, based on the estimated annual revenue of the business in question and hence remains reasonable. With the ascension of the Corleonesi clan and the blossoming of the heroin trade, the emphasis on the *pizzo* diminished, but recently, with the loss of interest in the drug trade because of more severe penal legislation, the Cosa Nostra has once again begun to concentrate on extorting businesses, particularly those with construction and real-estate activities. Total *pizzo* revenue collected by organised crime in Italy reaches an estimated \$20-23 billion USD a year.⁵⁹ According to the Anti-Mafia Parliamentary Commission as many as 90% of shops and businesses in Catania pay

⁵⁷Glorieux, Patrick. "Criminalite Organisee et groupes mafieux en Europe." Paris: Institut des Hautes Etudes de la Securite Interieure, 1993, page 8.

⁵⁸Cretin, Thierry. *Mafias du Monde*. Paris: Presses Universitaires de France, 1997, page 116.

⁵⁹The Italian government, in an effort to encourage reporting of extortion attempts, has passed a 1% sur-tax on some forms of insurance policies. This added revenue, coupled with seized Mafia assets are used as a "solidarity fund" for victims of extortion. Source: Follain, John. "Italy creates fund for mob victims." Rome: Reuter, 1991.

extortion money, similar figures have also been suggested for Palermo⁶⁰ even Parish priests are not exempt from paying the pizzo.⁶¹

Public works contracts

Controlling the distribution of public work contracts has long been a profitable activity for the Cosa Nostra. In fact, its involvement dates back to the 1950's rush towards rapid urbanisation throughout Italy, and the subsequent high demand for construction companies and building materials. The Cosa Nostra saw this phenomenon as a golden opportunity to control the industry, at least in Sicily, and make huge profits from it.⁶² Through intimidation and violence it is able to dissuade competitors from bidding for contracts, and through corruption and blackmail it controls the decision-makers and hence the attribution of these contracts. In addition, the Cosa Nostra has power over many of the supply and distribution networks for construction goods and materials, and hence can speed up or slow down the delivery of essential supplies. A public works construction firm, not affiliated with the Cosa Nostra and not contributing to the pizzo will likely encounter severe materials shortages that will halt its progress and eventually may result in termination of the contract, in favour quite obviously of a more "Mafia friendly" company. According to an Italian Parliamentary Report, as many as 80% of all small-medium size construction companies are under Mafia protection.⁶³

Drug trafficking⁶⁴

The Cosa Nostra entered the international drug market in July 1957 following the Palermo Crime Summit that brought together the Italian and American crime families and planned global strategies to develop and maximise the drug trade. The US crime syndicates, under

⁶⁰Follain, John. "Italy's Mafia Rakes in Extortion Money." Rome: Reuter, 1991.

⁶¹One priest explained: "The scoundrel wanted me to give them 500 million liras (= \$400,000 USD). They threatened me on the phone, in booby trapped letters." Source: Follain, John. "Mafia Tames Leopard in Bloody Battle for Sicilian Fiefdom." Rome: Reuter, 1990.

⁶²Clutterbuck, Richard. Drugs, Crime and Corruption. London: Macmillan, 1995, page 134.

⁶³Cretin, Thierry. Mafias du Monde. Paris: Presses Universitaires de France, 1997, page 117.

⁶⁴For specific cases of illicit markets connected to drug trafficking refer to: Zamagni, Stefano, ed. Mercanti Illegale e Mafia: L'Economica Del Crimine Organizzato. Bologna: Il Mulino, 1993.

massive pressure from US justice officials, turned to their Sicilian cousins for help. Acting mainly as middlemen in the 1950's and 60's the bulk of the Mafia's heroin trade passed through the French connection, linking the Turkish suppliers, to the Marseilles and Corsican laboratories and finishing on the streets of the United States⁶⁵. Estimated profits from refined heroin ranged between 1,000-2,000%.⁶⁶ The explosion of drug addiction in the 1970's, especially to mind-expanding drugs in the US, further boosted Cosa Nostra involvement in the trade,⁶⁷ but it was not until the dismantling of the French Connection (1974) that the Sicilians⁶⁸ began to play a much more active role in the heroin trade, edging out the French, and eventually setting up refining laboratories in Sicily, run by a few choice French chemists.⁶⁹ It was estimated that in the 1970's, the Sicilian Connection supplied as much as 80% of the refined heroin consumed in the United States,⁷⁰ and 75% of the world's heroin between 1982-1985.⁷¹ As market demand in the United States changed, requiring less heroin and more cocaine, and the market in Europe required just the opposite, more heroin and less cocaine, the Cosa Nostra set-out to strengthen ties with the other major drug distribution networks (see chapter II). Eventually the Cosa Nostra developed close ties with the Colombian drug cartels, a "joint venture" of sorts, drafting an exclusive distribution deal with the Medellin cartel,⁷² swapping cocaine for heroin⁷³.

⁶⁵Refer to Appendix 3 for illustrations of the Cosa Nostra drug trafficking routes.

⁶⁶Jamieson, Alison. Terrorism and drug Trafficking in the 1990's. Aldershot: Dartmouth, 1994, page 45.

⁶⁷Cretin, Thierry. Mafias du Monde. Paris: Presses Universitaires de France, 1997, page 104.

⁶⁸The drug trade was run mainly by three families: Porta Nueva, Brancaccio and Pagliarelli.

⁶⁹Statistics referring to total production levels differ substantially from source to source. Thierry Cretin, estimates that between 1975 and 1978 the Sicilian heroin industry produced 1/3 of the US consumption, equating to 15 tons. Source: Cretin, Thierry. Mafias du Monde. Paris: Presses Universitaires de France, 1997, page 104. It is not really known why the Sicilians had a preference for French chemist other than they were qualified and willing to engage in this illegal activity all the while respecting the secretive nature of it.

⁷⁰Labrousse, Alain, and Alain Wallon. La Planete des Drogues: Organisations Criminelles, guerres et blanchiment. Paris: Seuil, 1993, page 136.

⁷¹Campagnola, Francois. Crime organise et gangsterisme professionnel: experience francaise et analyse comparee. Paris: Institut de Hautes Etudes de la Securite Interieure, 1996, page 17.

⁷²Staff Writer. "Drug Convictions reveal Medellin link with Mafia." New York Times 6 November 1990.

⁷³1 kilogram of heroin was exchanged for 3 kilograms of cocaine. Falcone, Giovanni, and Marcelle

Despite their status as quasi-exclusive heroin supplier to the US, and the world the Cosa Nostra was never able to monopolise the drug trade as a whole,⁷⁴ and little by little lost their footing in the drug trafficking arena and heroin supply, today producing only 5% of the world's heroin. According to the US Drug Enforcement Agency (DEA) the Cosa Nostra only plays a very minor role in today's drug trade. Family cohesion may have been a casualty of the drug market: the internal wars that rocked the Cosa Nostra may have been derived from their involvement in the drug business. Different faction fought bitter and bloody disputes over distribution networks, territory and even distributors and dealer. Cosa Nostra drug trafficking activities became less prominent not only as a result of much more fierce competition on the international "provider" market, but also because the Cosa Nostra became aware of the increasing risk associated with this trade, and began to look elsewhere for less risky, but equally profitable, activities like money laundering.

Money laundering⁷⁵

In order to conceal, dispose or invest the narco dollars generated from the booming drug trade, the Mafia was obliged to become involved in money laundering. Money laundering became a profitable activity because of the quasi-insignificant risks involved with it, between 1.8-1.9% get intercepted.⁷⁶ Until recently money laundering offences were subject to comparatively minimal sanctions as compared to drug trafficking offences, and despite the enactment of national and international legislation designed to combat this type of activity, money laundering continues to thrive. Ernesto Savona, Italian Mafia expert, agrees that the Mafia's money laundering activity remain profitable because it is

Padovani. *Cosa Nostra*. Paris: Austral, 1991, page 118.

⁷⁴Williams, Phil, and Ernesto Savona. "Problems and Dangers Posed by Organize Transnational Crime in Various Regions of the World." *Transnational Organised Crime* 1.3 (1995). Also refer to : Robinson, Jeffrey. *The Laundrymen: Inside the World's Third Largest Business*. London: Simon & Schuster, 1995.

⁷⁵The IMF estimates that the money laundering industry , the third largest business in the world, accounts for 2% of the world's GDP (\$500 billion USD), \$85 billion of which are generated from the drug trade. IMF Survey. "Tougher Measures Needed to Counter the Macro Effects of Money Laundering." *Trends in Organised Crime* 2.3 (1997), page 5.

⁷⁶Case of the Bank of Ambrosiana that laundered a significant portion of th Cosa Nostra's narco dollars. Paoli, Letizia. "The Bank Ambrosiana Case: An Investigation into Underestimation of Relations between Organised and Economic Crime." *Crime Laws and Social Change* 23.4 (1995).

equipped with the world's best, and most highly paid financial advisors, and experts at concealing the criminal origin of these funds.⁷⁷ In addition to laundering their own narcotics, the Cosa Nostra has also begun to launder money for the drug cartels. The main launderers of the Mafia were the Cuntrera/Caruana brothers of Aruba.⁷⁸

Other activities

Although extortion, public works contracts, drug trafficking and money laundering are the principle activities of the Cosa Nostra, they are also involved in a plethora of other illicit activities like loan sharking (rates varying between 100-200% interest). Murder-for-hire has re-emerged as a quick, money generating activity, with the base cost as low as \$450 USD (500,000 liras).⁷⁹ The smuggling of illegal immigrants is also a popular activity of the Cosa Nostra.⁸⁰ More traditional activities like cigarette trafficking, and manufacturing of counterfeit goods and currency continue to generate healthy profits, but new ventures like frauds⁸¹ are quickly becoming favourites.⁸² The European body for monitoring frauds, the UCLAF estimates that between July 1989 and March 1993 the Italians, presumably led by the Cosa Nostra hijacked \$500 million USD from the agricultural subsidy fund.⁸³ As new profitable markets and opportunities emerge, the Mafia will no doubt begin to partake in them⁸⁴, one such potential for Mafia activity is computer crimes.⁸⁵

⁷⁷In 1993, only 270 suspected transactions were reported by the banking sector, out of a total of 13 billion yearly transactions. Italian Federation of Public Enterprises. "Mafia Money Laundering Practices Explained." Trends in Organised Crime 1.4 (1994).

⁷⁸Blickman, Tom. "The Rothschilds of the Mafia on Aruba." Transnational Organised Crime 3.2 (1997), page 53.

⁷⁹Follain, John. "'Murder for Hire'". Palermo: Reuter, 1990.

⁸⁰Madelin, Philippe. La France Mafieuse. Paris: Du Rocher, 1994, page 45.

⁸¹ Frauds, although very profitable often necessitate less manpower than other traditional criminal activities and most of all are less sanctioned by the law than drug trafficking.

⁸²Also refer to: d'Aubert, Francois. Main Basse Sur l'Europe: Enquete sur les Derives de Bruxelles. Paris: Plon, 1994.

⁸³Bianchini, Roger-Louis. Mafia, Argent et Politique: Enquete sur les Liaisons Dangereuses dans le Midi. Paris: Seuil, 1995, page 62.

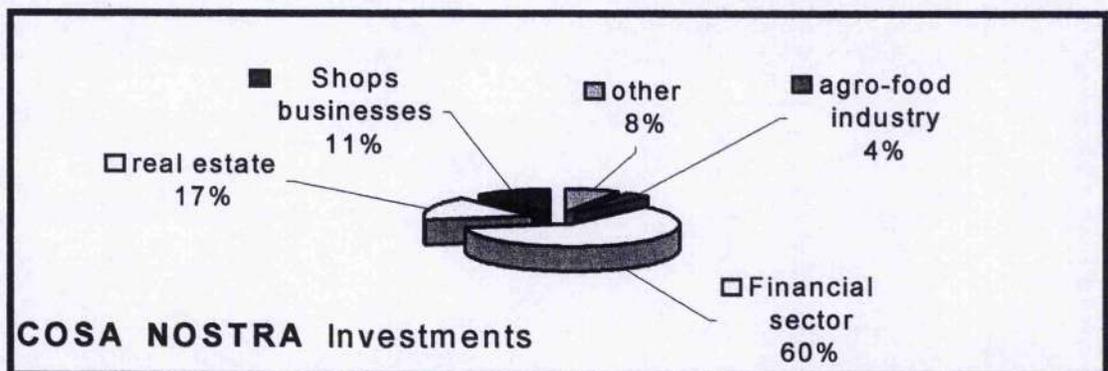
⁸⁴Refer to Chapter II for a full listing of OC activities.

⁸⁵Refer to: Le Doran, Serge, and Philippe Rose. Cyber Mafias. Paris: Denoel, 1998. - Le Doran, Serge,

Legitimate activities

A particularity of the Cosa Nostra is its keen ability to quickly recycle dirty money into legitimate enterprises, thereby laundering it or further hiding it. So legitimate business ventures, with a clean, respectable profile are eagerly sought out to invest previously laundered money. An international target for Cosa Nostra investments is the real-estate ventures on the Riviera. An investigation by the Guardia di Finanza (1993), estimated that Cosa Nostra investments were split up in the following fashion:⁸⁶

In fact, Jean de Maillard, French Magistrate and Substitute of the prosecutor of the Republic estimates that more than 50% of all the Mafia income is generated from one form or another of legal activities.⁸⁷ The Italian CENSIS was more conservative in its 1992 estimates, quoting Mafia overall share of legitimate activities near 19%.⁸⁸



and Jean-Marc Lamere. Menaces sur les autoroutes de l'information. Paris: L'Harmattan, 1996. - Council of Europe. "La Criminalite Informatique." . Strasbourg: Council of Europe, 1990. - Barret, D.J. . Bandits on the Information Superhighway. New York: O'Reilly & Associates, 1996.

⁸⁶Cretin, Thierry. Mafias du Monde. Paris: Presses Universitaires de France, 1997, page 166.

⁸⁷de Maillard, Jean. Un monde sans loi. Paris: Stock, 1998, page 50.

⁸⁸Graham, Robert. "A Message from the Mafia." Financial Times 7 July 1992.

VI The Export of the Cosa Nostra

Traditionally, organised crime groups in general, and the Cosa Nostra specifically, limited their sphere of activities to within a very restrained territory, usually a small regional, or even a local microcosm, yet this phenomenon has dramatically changed, and the Cosa Nostra has grown from a insular organisation, to one with a significant international dimension.⁸⁹ The modern Mafia, according to Italian sociologist Catanzara, is a mixture of traditions and adaptability, mixing old with new in a relatively peaceful cohabitation.⁹⁰ This noticeable trend towards internationalisation has been a result of several factors including, immigration, internal wars, and choice of market activities. This ability to export, with relative ease, its members and criminal activities has dramatically altered the way in which the Cosa Nostra can be addressed from a judicial and law enforcement point of view, and has no doubt significantly contributed to making it increasingly virulent and dangerous.

1. Voluntary Immigration

The first factor that facilitated the Cosa Nostra's move from insularity to internationalisation was the successive immigration waves to the New World: between 1900-1914, more than 780,000 Italians immigrated to the United States (4,000,000 between 1820-1930), obviously amongst those were Sicilians and member of the Cosa Nostra, who maintained contact with their relatives still in the Old Country.

2. Forced Immigration

In addition to "voluntary immigration", there was also forced immigration of Cosa Nostra bosses fleeing the persecution or prosecution of the state. The most significant wave of forced immigration came about in the 1920's, when Prefect Cesare Mori forced many of the members of the Cosa Nostra to flee Sicily and establish themselves elsewhere, notably Tunisia, where Sicilian immigration was already present, and the United States where a

⁸⁹Flosi, Leone. "La Dimensione Internazionale Della Criminalita Organizzata." Trattato di Criminologia, Medicina Criminologica e psichiatria Forense: Forme di organizzazioni criminali e terrorismo. Ed. Franco Ferracuti. Milan: Giuffre, 1988, page 79.

⁹⁰Bottamedi, Claude. La Mafia en Belgique. Ottignies: Quorum, 1997, page 18.

big Italian and Sicilian community was already established. The "victims" of forced immigration continued their activities, liaising with their members, therefore expanding their activities, by their mere presence abroad to an international level. Again in the 1970's, the Ministry of Justice forced "dangerous Mafia elements" to leave Sicily. It was thought that by banning them from living or even visiting Sicily they would cease to be active in the Cosa Nostra. According to Falcone these measures had quite the opposite effect: banished from the islands the members of the Cosa Nostra spread out across the world, continued their criminal activity, and in fact penetrated areas that had up until then been spared: "The mob ran wilder than ever".⁹¹

3. Internal wars

The two bloody internal wars that rocked the Cosa Nostra in the 1960's and again in the 1980's caused many members to flee, seeking to avoid either their elimination by the warring factions, or did not want to work with the victorious clan. These wars entailed systematic execution of the heads of family, hunting each down and murdering him until the entire family was decimated.⁹²

4. Activities with a international sphere

Although immigration, forced or voluntary opened up possibilities and opportunities for the Mafia across the world, this did not represent the sole basis for internationalisation. Rather the most significant factor propelling the Cosa Nostra into the international arena was their firm belief that in order to ensure their viability; they needed a guarantee of financial viability like drug trafficking. As the world demand for drugs began to rise, so too did the interest and involvement of the Cosa Nostra in this area, but it required not only an international dimension, but also the creation and maintenance of global networks for growers, suppliers, purifiers, distributors. Subsequent diversification of activities like

⁹¹Falcone, Giovanni. "Mafia - Trial and Error." *La Stampa* 21 June 1991 and Rome Correspondent. "Italy's ever growing monster." *The Economist* 27 July 1991.

⁹²Tommaso Buschetta, later turned state witness, fled to Brazil to avoid being eliminated by the Corleonesi clan as they gained supremacy in the second Mafia war. Generally as things calm down, and the internal wars end, the dominant factions then seek to contact the members that fled and establish links with them, using them as an antenna of the family wherever they are established.

money laundering and weapons trafficking also implied internationalisation.⁹³

5. Pattern of internationalisation:

The pattern of internationalisation through links forged with other groups outside of the immediate Family was at the very beginning based on geographic proximity, and later based on market activity and nature of the illicit ventures. The Cosa Nostra, once it had truly solidified its stronghold on Sicily sought out temporal alliances with other Italian national crime groups: The Camorra, Sacra Corona Unita and 'Ndrangheta even granting Camorra boss Michele Zaza exceptional status of man of honour in order to facilitate relations between the two crime syndicates. The underlying idea of the Cosa Nostra, was that by allying themselves with the Camorra, they could better control its involvement in the drug trade. As the scope of the market widened and became heavily concentrated on drug trafficking and especially heroin trafficking, the Cosa Nostra began to seek out additional alliances that would facilitate and enhance their approach to global trafficking, "reactivating" criminal elements in the immigrant communities around the world and drafting formal working agreements with other crime groups: like the Colombian drug network. Giovanni Falcone believed that the reason the Cosa Nostra was so dangerous was the fact that it had such an international dimension, and therefore that the Cosa Nostra could not be defined as a purely Italian problem but rather a planetary problem.⁹⁴

⁹³Jamieson, Alison. "The Transnational Dimension of Italian Organised Crime." Transnational Organised Crime Review 1.2 (1995).

⁹⁴Falcone, Giovanni. "Speech before the November 1990 Congress." Revue Internationale de Criminologie et de Police Scientifique .6 (1992).

VII Conclusion

The Cosa Nostra because of its history and structure, as well as its code of conduct and rule of operation is a solid and surprisingly resilient organisation doted with defence mechanism that have withstood successive State crackdowns. The fact that it is secretive, well protected and strictly compartmentalised has made it difficult to penetrate and police/judicial authorities have always found it difficult to dismantle. The violent retaliation that the organisation has orchestrated against persons collaborating has limited the number of prospective collaborators. In the case of justice collaborator Buschetta, 47 members of his family and close friends were assassinated in an effort to silence him and serve as an example to others. For the Cosa Nostra these targeted assassination can continue for seven generations.

Perhaps with the increased information available today as a result of *pentiti* co-operation will help authorities combat the Cosa Nostra more efficiently. Its sphere of interest has shifted over the last two decades from entrance into the drug trafficking arena, to more discreet, less risky operations today like money laundering and subsidy fraud. Because the Cosa Nostra is a rational organisation, it will rarely chose to engage in an activity that is very risky and will chose instead to engage in more "safe" activities, also making it more difficult to catch. The image often used to describe the Mafia is a octopus: with each limb the police or state is able to sever a new one will quickly sprout. Its constantly changing spheres of interest , coupled with its compartmentalised structures and protection of each level, enable it to survive.

The internationalisation of the Cosa Nostra, transforming it from a local/regional entity to a global player has made it not only more dangerous, but has also meant it needed to develop "ex-patriate" operations basis and communications corridors outside of Italy. The European activity hub for the Cosa Nostra, elected in the late 1980's is the French Riviera. By understanding the aims, goals and structure of the Cosa Nostra, it become more evident why it is so dangerous and also why it has chosen to export itself abroad, notably to France.

The Cosa Nostra has always entertained a very special relationship with the Italian state in general or with specific political parties or individuals state actors or influential partners like the Church. These ties have been cultivated over time and have allowed a

very ambiguous and occasionally opaque relationship between the Mafia and the state to emerge. A rather simplistic and controversial assertion is to stipulate that OC activities within a state are detrimental and should be actively combated, but the next chapter will seek to nuance that assertion.

Despite the obvious menace that any degree of OC activity poses, it is still daring to ask the highly explosive question of whether a degree of mafia activity is tolerated within a state, and even more so whether a degree of mafia activity is in some cases encouraged. Only after having looked at these possibilities does it become possible to understand why national and international responses have not always been as quick and as powerful as might be expected in light of the grave threat of OC. The research has sought to enumerate the instances in Italy where Mafia presence was not contested nor combated by the state and the reasons that might be behind that strategic choice.

Appendix 1⁹⁵:

Cosa Nostra Families & Clans⁹⁶

Acquasanta-Arenella-Vergine Alfano Agate Annarolo-Riggi Altofonte

Bagheria Berlmonete-Mezzagno Bontempo-Scavo Borgetto Borgo Vecchio Buccellato
Bolognetta-Marineo Brontesi

Caccamo Cabro'Gicchino Cammarata Camporeale Cappello Cerda
Ciaculli-Crocerverde-Giardini Cimmina Corleone Corso dei Mille
Craparotta Cuntrera-Carauana Cursoti Cariolo Code Piatte Code Strette Caramazza Costa

D'Amico Di Gangi Di Vincenzo Di Salvo

Emanuello Evoca

Gale-Montanti-Sferrezza Galli Giobane-Mafia Gullotti Gullo Gioaculli Greco

Kalsa

Licari Lupitto

Madonia Malpassottu Messina Denaro Milone Minore

Noce Napoli Nardo

Paceco Partania Mondello Passo di Rigano Patti Antonino Pillera Pillera-Cappello-Miano Polara
Porta Nuova Palermo Palermo-Acquasanta

Resuttana Ribera Rimi-Greco Russo

Santapaola Sciacca Schiavone-Aparo-Provenzano Stiddari Stimoli-Morabito-Fiorello
S.Giuseppe Jato-s.Cipirello San Lorenzo S.Maria di Gesu' Santangelo Siculiana San Maura-
Castelverde

Terrasini Tommaso Natale-Cardillo Torretta-Villagrazi di Carni

Villagrazia di Palermo

⁹⁵ The following list regroups the totality of the Cosa Nostra families and clans as repertoried by the Italian police. The ability to even draft such a list shows just how far authorities have come to understanding the organisation and its structure.

⁹⁶Hand-out. "Italian organised crime." . Nanterres: Direction Centrale de la Police Judiciaire, 1997.& Rauffer, Xavier. "La Mafia: Elle envahit la France et l'Europe." L'Express 26 November 1992: 90-106.

Appendix 2

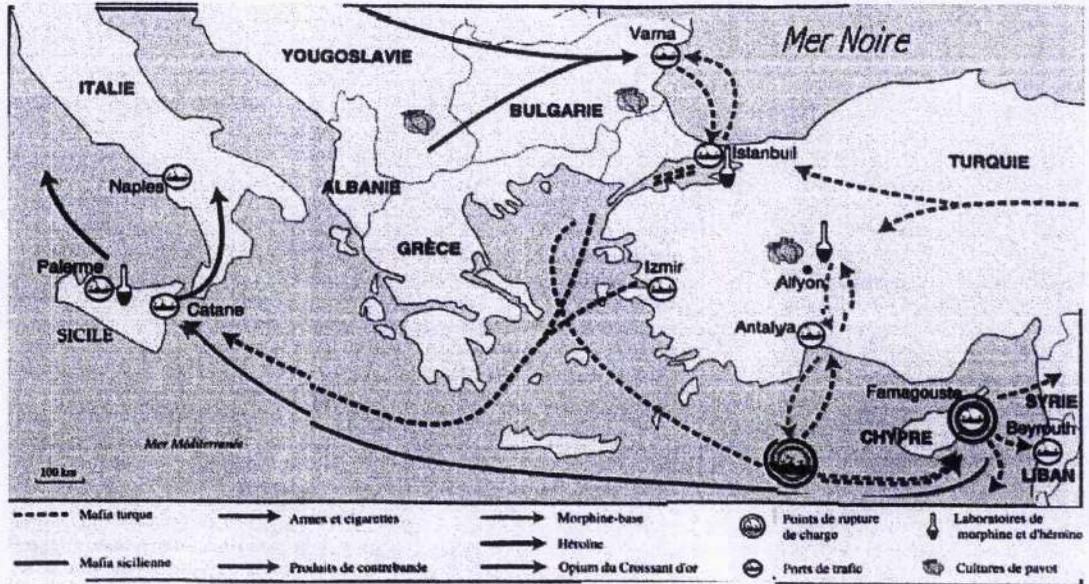
Key Mafia Murders⁹⁷ (*Cadavere eccellente*)

02/08/1958	Navarro, Michele	(Doctor)
03/06/1953	Ciaculli massacre	(7 bomb disposal experts and carabinieri)
10/12/1969	Viale Lazio massacre	(5 dead)
16/09/1970	De Maura, Maura	(Journalist)
05/05/1971	Scaglione, Pietro	(Public Prosecutor of Palermo)
20/07/1977	Russo, Guiseppe	(Colonel of the Carabinieri)
30/05/1978	Di Cristina, Giuseppe	(Mafia Boss)
09/03/1979	Reina, Michele	(Secretary of Palermo DC)
21/07/1979	Guiliano, Boris	(Head of Palermo flying Squad)
25/09/1979	Terranova, Cesare	(Chief examining magistrate)
06/01/1980	Mattarella, Piersanti	(President of Sicilian Region)
03/05/1980	Basile, Emmanuele	(Captain of the Carabinieri)
06/08/1980	Costa, Gaetano	(Palermo Public Prosecutor)
23/04/1981	Bontate, Stefano	(Mafia Boss)
11/05/1981	Inzerillo, Salvatore	(Mafia Boss)
30/08/1982	La Torre, Pio	(National deputy)
16/06/1982	Ring Road Massacre	(4 dead)
03/09/1982	Dalla Chiesa, Carlo Alberto	(General)
25/01/1983	Montalto, Giacomo	(Deputy Prosecutor of Trapani)
28/07/1983	Chinnici, Rocco	(Chief examining magistrate of Palermo +3 men)
05/01/1984	Fava, Giuseppe	(Journalist)
23/02/1985	Parisi, Roberto	(Businessman + driver)
28/07/1985	Montana, Giuseppe	(Police Commissioner)
06/08/1985	Cassara, Antonio	(Deputy Head of Palermo flying squad + escort)
21/01/1988	Insalaco, Giuseppe	(Former mayor of Palermo)
14/01/1988	Mondo, Natale	(Policeman)
25/09/1988	Saetta, Antonio	(President of Palermo Court of Appeals + son)
26/09/1988	Rostagno, Mauro	(Director of drug rehabilitation center of Trapani)
28/09/1988	Bontate, Giovanni	(mafia boss +wife)
14/12/1988	Ranieri, Luigi	(building contractor)
21/09/1990	Livatino, Rosario	(Judge)
09/08/1991	Scopelliti, Antonio	(Appellate Court Counselor)
28/08/1991	Grassi, Libero	(Nationally-known businessman)
12/03/1992	Lima, Salvo	(Member of European Parliament)
23/05/1992	Falcone, Giovanni	(Judge - State Prosecutor + wife + 3 policemen)
08/06/1992	Borsellino, Paolo	(Judge - Anti-Mafia Pool + 5 guards)
27/07/1992	Lizzio, Giovanni	(Anti-extortion Chief)
08/11/1992	Larosa, Salvatore	(Mayor of a Sicilian town)
15/09/1993	Puglisi, Giuseppe	(Anti-Mafia priest)

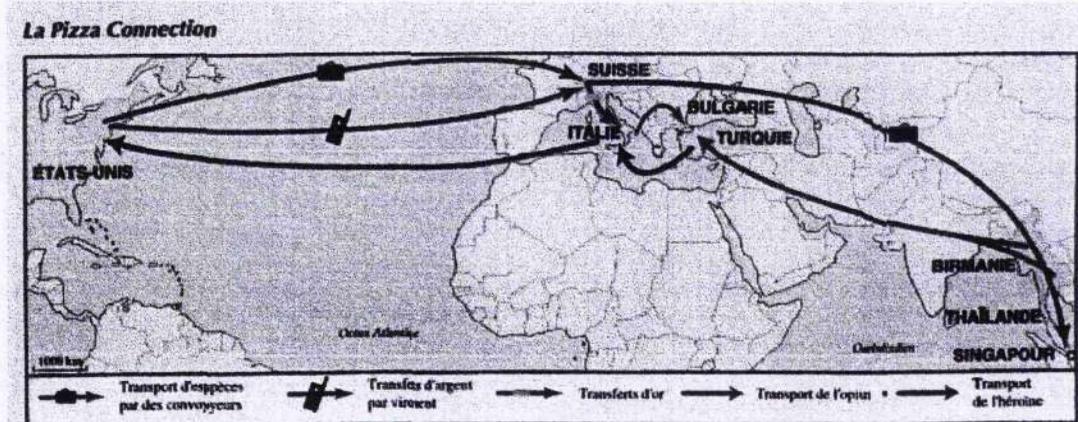
⁹⁷Jamieson, Alison. Terrorism and drug Trafficking in the 1990's. Aldershot: Dartmouth, 1994, page 49 and Richards, Charles. "He was single greatest threat to Cosa Nostra." The Independent 25 May 1992.

Appendix 3
Major Drug trafficking Operations⁹⁸

Drug trafficking and weapons trafficking by Turkish, Italian and Bulgarian organised crime



The Pizza connection route



The Pizza connection route shows how Asian, Italian and American OC families worked in a co-ordinated fashion to ensure safe passage through Europe and the US of heroin. In return, wire transfers and currency shipments were expedited from the US through Switzerland and back to Asia.

⁹⁸Observatoire Geopolitique des Drogues. *Atlas Mondial des Drogues*. Paris: PUF, 1996, page 73 & 77.

Appendix 4

Cosa Nostra code of honour

- never touch another man of honour's wife
- never steal
- always have a serious and correct comporment in public (no excess of any kind).
- always tell the truth to the family
- never kill another man of honour unless ordered to
- deny the existence of the Cosa Nostra
- never speak or divulge information about the family to the police
- obey unconditionally
- never make money off prostitution and gambling⁹⁹
- never shame your wife by having public affairs (discretion is essential)
- never kill women and children
- never use drugs¹⁰⁰

⁹⁹Francesco Rinella, despite being the brother of two men of honour, the son and grandson of men of honour was never asked to join the Cosa Nostra because he made his living from pimping prostitutes. Arlacchi, Pino. Les Hommes du Dishonneur. Paris: Albin Michel, 1992, page 26.

¹⁰⁰Falcone, Giovanni, and Marcelle Padovani. Cosa Nostra. Paris: Austral, 1991, page 104. - and Arlacchi, Pino. Les Hommes du Dishonneur. Paris: Albin Michel, 1992 and Stille, Alexander. Excellent Cadavers. New York: Pantheon Books, 1995 .

Chapter 5



The State and the Mafia

I Introduction

Today the nation-state is faced with the growing complexities of changing world politics. The state is more constrained and the levers of power more difficult to monopolise than ever. The opposite scenario is emerging however for crime groups like the Mafia, for whom the levers of power are become increasingly easy to manipulate and eventually monopolise. States may remain powerful entities, but non-state actors are also gaining strength and are beginning to seriously compete with the state in certain very specific domains. The new international environment and its ramification on the very nature of the nation-state have created new, unprecedented opportunities for non-state actors. These new opportunities have proven in different instances to be both positive and negative for various aspects of the overall state structure and power. Because of this changing environment, transnational organised crime now possesses some of the tools previously available only to legitimate states.¹

Can there really be a concrete political will for the state to aggressively combat the Mafia, and other forms of organised crime when in fact that same state derive some short term benefits from its very presence? What degree of presence and activity is tolerated before a real will to combat it actually emerges? These are just two of the questions that must be explored in order to begin to answer the dilemma of potentially absent political will and degree of political liability that is posed by the presence of the Mafia within a state.

¹Lupsha, Peter. "Transnational Organized Crime Versus the Nation State." Transnational Organized Crime Review (1996), page 23.

II The Mafia and the State²

The four main concepts surrounding Max Weber's definition of the State are monopoly, territory, legitimacy and use of force, however his main emphasis is focused around force. Weber's approach can be qualified as a more functional model of statehood: what does the state actually do and provide? According to Weber, the State's main prerogative is to successfully monopolise violence.³

1. Loss of the monopoly over the use of force and violence : the Mafia as a potential State.⁴

The very need to exercise monopoly of legitimate force arises only because States are challenged by rebels and criminals who themselves resort to force and who contests the legitimacy of the laws they break.⁵

The Mafia's continued monopoly over the use of violence in Sicily and in regions where it is very present, concords with Weber's definition and hence can be said to act like, mimic, if not actually be a state. A rather simplistic, yet illustrative mathematical equation of transitivity can be set up to develop this assertion:

If $A=B$, and $B=C$ then by transitivity $A=C$

If only a State (A) can monopolise the use of violence (B), and the mafia (C) monopolises violence, then the Mafia must be a state $(A) = (C)$. Granted this represents a rather restricted view of this very complex issue, but can at the very least help to place the Mafia relationship with/to the state into perspective. Perhaps Max Weber's definition has become a bit outdated, or is insufficient when trying to apply it to the modern mafia. In Sicily, the Cosa Nostra has managed to gain near total monopoly over the use of force and violence with relative impunity. Until quite recently, many criminal attacks went un-prosecuted and

²Throughout this analysis, the term "state" shall refer to the entity generally called state, and not necessarily to a specific national state. Although most illustrative examples will be derived from the Italian state, mainly because of the prevalence and extent of Mafia penetration in that state, this does not mean to signify that it is the only reference point. This discussion is in fact centered rather around the broader theoretical context of the state.

³Giddens contends that Weber's definition of total monopoly over violence is realistically unachievable.

⁴Also refer to: Giddens, A. The Nation State and Violence. Cambridge: Polity, 1985.

⁵Hoffman, John. Beyond the State. Cambridge: Polity Press, 1995, page 5.

unpunished for various legitimate (prosecution difficulties or technicalities) or more dubious reasons (usually as a result of threats or bribes). Organised crime and domestic battery⁶ are two examples of persisting and chronic violence within contemporary societies that evade effective control by the State.⁷

Cesare Mori, a Sicilian sociologist, rather than go as far as equate the Mafia with an actual State, tempered his analysis by qualifying the Mafia as only a potential state, not yet a full state in its own right.

The Mafia... It is a potential state which normally takes concrete form in a system of local oligarchies closely interwoven, but each autonomous in its own district.⁸

Granted the State no matter how rivalled it might be by actors like the Mafia, still retains, at the very least, from the legal stand-point, the right over the legitimate use of violence. The problem posed with equating the Mafia to a state is then the dual-monopoly incurred over a single prescribed territory. This analysis contends that the State has (voluntarily or not) renounced on a practical (as opposed to legal) level to its dominance over violence, at least in some specific geographical areas, and that the Mafia has hence be allowed to substitute itself for the State. Perhaps this situation can be qualified as a duality of monopoly over violence.

2. The creation of rival structures: the Mafia State within a State?

The Mafia can also be classified as a state within a state based on the idea that it mimics rather effectively structures already existent in a state. The Cosa Nostra for example, just as most states in their own right, has its own army, exercises its (self appointed granted) right to levy taxes, the "pizzo", and judges and prosecutes violators of its own laws (or code of honour), all of which are normally attributed as functions of a State. In addition from a more sociological point of view, the Mafia has a defined territory (Sicily), population (the inhabitants of Sicily), language (dialect), and culture ("la

⁶ In the United States 50% of all women are victims, at least once in their lifetime, of domestic abuse and battery.

⁷ Pierson, Christopher. *The Modern State*. London: Routledge, 1993, page 10.

⁸ Mori, Cesare. *The Last Struggle with the Mafia*. London: Putnam, 1933, page 39.

Sicilianité”), together these form the pillars of a society and state. The Mafia is unique in its determination to establish itself as a state within a state.⁹ A Sicilian scholar wrote the following in 1918:

We know that, under the threat of the State law, there are often shadow associations whose organization could be deemed as analogous, on a small scale, to that of the State. They have legislative and executive authority, courts which settle disputes and mete out punishments, agents who carry them out inexorably, and complex and precise statutes similar to those of States. These associations therefore create their own order, like the State and its legal institutions.¹⁰

According to Phil Williams (editor of the journal *Transnational Organized Crime Review*) the Mafia is truly a state within a State equipped with a rival authority structure, parallel or black market economy, and able to challenge the State’s monopoly of the use of violence.¹¹ The Mafia mirrors the State and its institutions, even running a parallel economy to that of the State’s.

3. Insufficient Infrastructures: The forgetful, distant state

The political history of Sicilian autonomy is that of a State at the same time “impotent and disgraceful”. In 1900, Sicilian scholar Colajanni evaluated the relationship between Sicily/Mafia and the State. He believed that they were products of social oppression and bad central government.¹² Problems of a weak central rule were further accentuated by the outcome of World War II, and the involvement of the Allied Forces in the region. From the period between its liberation until 1944, Sicily was governed by the *Allied Military Government of Occupied Territories (AMGOT)*. Since most of the government officials that had been compromised and involved with the fascist regime fled or went into hiding creating a significant political vacuum as well as severe supplies and food shortage. The AMGOT stepped in and tried to govern. It instilled a system of indirect

⁹No author cited. “The Sicilian Mafia: A State within a State.” *The Economist*. 24 April, 1993.

¹⁰Gambetta, Diego. *The Sicilian Mafia: the Business of Private Protection*. Cambridge: Harvard University Press, 1993, page 5.

¹¹Williams, Phil. “The United Nations and Transnational Organized Crime.” *Transnational Organized Crime Review* (1995), page 34.

¹²Colajanni, Napoleone. *Au Royaume de la Mafia*. Rome, 1900, page 17.

rule which focused on local government yet resulted in further alienating the central Italian government. The legacy and desire for semi-independent rule was resurrected, and when the Allied occupation left on February 11, 1944, Sicily was far from keen on returning to a strong central rule. This period marked the legitimisation of the Sicilian quest for independence from the distant Italian State. The Sicilians felt that since they had been so severely neglected by the State for so many years during the war that they should continue to fend for themselves and no longer count on or, or welcome, the government from Rome. The Mafia was able to exploit this situation, developed a flourishing black-market economy, and ended up acting as a security force attempting, rather successfully at maintaining public order.¹³ Little by little the population came to view the State as "a far off government" that provided little administration or justice and the Mafia as a more present and reliable form of governance.¹⁴

Regardless of the actual definition, or label imposed on the relationship between Mafia and State, it remains essential to emphasise that the Mafia needs a state from which to live off of. It can not survive with out the presence of a state system and structure. The State is the "food source" and main supplier of the Mafia. There are in fact certain other organisations that wish to bring down the State an replace it totally¹⁵, but this is not the goal of the Mafia. It is not dis-integrationalist organisation that seeks to eliminate the State, and but would rather have a weak state from which it can usurp some control. The State may in fact have sporadically or symbolically loss its total monopoly over the use of force in Sicily, and may even have been subjected to the creation of rival structures that inevitably mocked its own, or finally may even be guilty of inadequate infra structural provision in Sicily, but one fact remains: the Mafia has never sought to eliminate the State completely. The Mafia seeks to weaken the State, rival it, and exploit it for maximum profit. A weak central state is well suited for Mafia activities as it represents a penetrable, corruptible structure. The Mafia ultimate aim to achieve maximum financial enrichment, not replace the State. However, the Mafia has been and continues to be present both at the local/regional organisations of the State and progressively more present in the upper

¹³Matar-Bonucci, Marie-Anne. *Histoire de la Mafia*. Brussels: Complexe, 1994, page 178.

¹⁴No author cited. "The Sicilian Mafia: A State within a State." *The Economist* .24 April, 1993.

¹⁵ Bull, Hedley. *The Anarchical Society*. New York: Columbia University Press, 1977.

echelons of the central State system.

IV The State and the Mafia: Parasite of the State or Symbiotic relation with the State?

It is generally assumed by scholars, politicians and justice officials alike, that OC and more specifically the Mafia presence within a State is detrimental, that it is an unwelcomed, undesirable entity: the Mafia is nearly always construed as being a parasite of the state.¹⁶ Coupled with this, is the basic concept that faced with such a threat, States are necessarily willing to effectively combat Mafia presence. This is not always the case however. There are in fact some advantageous bi-products of Mafia presence, that either directly advantage the State as a unitary entity, or advantage specific groups contained within the state like certain political parties, the overall economy, or even the Church. Many Mafia activities have been met with "tolerance and even passive acquiescence by the organs of the State".¹⁷ The State, as a result of mitigating interests, may even become quite reluctant to engage in an active anti-Mafia campaign. This presence, even if it can be beneficial in some domains does come to the expense of some degree of fairness, justice, legitimacy and sovereignty, and entails at least a partial loss of control by the State over local and regional powers like the Mafia. The State and the Mafia, in Italy, appear to have settled for a non-aggression pact, centred around the idea of tentative, sphere-specific cohabitation.¹⁸

1. What are the benefits to the State of Mafia presence?: clientelism

The relationship between the two entities, Mafia and State can, in some certain specific instances, be qualified as, symbiotic.¹⁹ The Mafia and the State appear to live off each other, each reaping benefits from the other's presence. It has been argued by

¹⁶Parasite: Living as an organism (i.e. Mafia), in or upon another (i.e. State) from the body of which it derives its nourishment". Oxford English Dictionary. Oxford: Clarendon Press, 1989, page 207.

¹⁷Giraud, Henri-Christian. Terres de Mafia. Paris: JC Lattes, 1993, page 25.

¹⁸Giraud, Henri-Christian. Terres de Mafia. Paris: JC Lattes, 1993, page 165.

¹⁹Symbiotic: "Association of two different organisms (i.e Mafia and State) which live attached to each other, or one tenant of the other and contribute to each others support". Oxford English Dictionary. Oxford: Clarendon Press, 1989, page 451.

organisations like the Centre for Safer Society that in fact there is very little difference between organised crime and governments. They tend to act in the same way, and seek similar goals through identical means, the main difference being that each stands on the opposite sides of the law. The State has constitutional/legal powers, and OC does not.²⁰ The State can derive benefits from Mafia presence, and in exchange, the Mafia can continue its activities and enrich itself, more or less undisturbed. The two entities can develop a sort of peaceful cohabitation whereby some Mafia presence and some specific activities can be tolerated by the State entities in exchange for certain services or payoffs. The Mafia offers services to its client, the State, and in exchange receives a reward (preferential treatments, immunity, etc.). This phenomenon can be referred to as "clientelism". The State's actions can be perceived as an endorsement, a passive acquiescence, and in some cases an active complicity with OC.

The positive bi-products, or offshoots of Mafia presence can include security sub-contracting, investments and boosts to the regional or local economies, setting up of adequate infrastructures, guarantees of political support and votes, and finally massive contributions to the Church. In these instances the Mafia and the State have reached a form of compromise, or mutual tolerance. The interests of the Mafia and the State converge where the Mafia is able to run things more efficiently than the State.²¹

a. Security

In the domain of security there is a clear collusion of power between the public authority (the State) and organised crime (the Mafia).²² The Mafia serves the State's interests when it acts as a security sub-contractor. It solves many of the law and order problems with which the State is faced with, yet does not always have the mechanisms to actually resolve. This phenomenon can be referred to as the auctioning off of security or the renunciation by the State of its monopoly over the legitimate use of violence.²³ Faced

²⁰Center for Safer Society (CSS). "Organized Crime versus the Government."
[Http://www.alternatives.com/crime/crime3.html](http://www.alternatives.com/crime/crime3.html).

²¹Gambetta, Diego. *The Sicilian Mafia*. Cambridge: Harvard University Press, 1993, page 3.

²²Matar-Bonucci, Marie-Anne. *Histoire de la Mafia*. Brussels: Complexe, 1994, page 71.

²³Matar-Bonucci, Marie-Anne. *Histoire de la Mafia*. Brussels: Complexe, 1994, page 49-50.

with long lasting civil disobedience or disorder (escalation of violence, increase in petty crime, etc...) that persist despite legitimate police or military intervention, the state may be driven to call on (active), or allow (more passive), outside powers to curb the violence: the Mafia.

As small scale violence multiplies at home and abroad, state armies will continue to shrink, being gradually replaced by a booming security business [...] and by urban Mafias [...] who may be better equipped than municipal forces to grant physical protection to local inhabitants.²⁴

This sub-contracting of security has historical roots dating back as far as the Middle Ages, when the feudal authorities first, then the State, preferred to back the "brigandage" to conserve at least a form of public and private order. Even the local barons, instead of calling on the government (whom they despised), for help in restoring or maintaining public order, sought out the "monutengoli" (protector of the brigands) or robber barons.²⁵ The Bourbon rulers of Sicily also relied on armed bandits for enforcement of law and order. Again, in the 1860's in Sicily, the more sophisticated yet equally outlawed Mafia represented the solution to security dilemma posed by an unruly "province".

Crime in Sicily reached such epidemic proportions that in 1874 it became the subject of an enormous national debate. Public order in Sicily was restored through a typical Italian compromise between Mafia and government that set the pattern for the future.²⁶

The historical precedent, set as early as the Middle-Ages, of calling on the robber barons and eventually the Mafia to settle crime problems or civil disorder, has perpetuated itself, and permitted groups like the Mafia to form lasting ties with authorities and really anchor itself within the State's internal security mechanism. The Mafia slowly became to act as a guarantor of public order.

It is not significant that the Mafia had *their* order as long as it represented *an* order. When a Sicilian village was subjected to the rigorous control of the Mafia order, it made governance by the State tremendously easier.²⁷ In this instance the goals of the State

²⁴ Van Creveld, Martin in Kaplan, Robert. "The Coming of Anarchy." The Atlantic Monthly February (1994), page 74.

²⁵ Matar-Bonucci, Marie-Anne. Histoire de la Mafia. Brussels: Complexe, 1994, page 52.

²⁶ Stille, Alexander. Excellent Cadavers. New York: Pantheon Books, 1995, page 15.

²⁷ Padovani, Marcelle. Les Dernieres Annees de la Mafia. Paris: Gallimard, 1987, page 216.

(Monarchy first, then Republic), were by no means contradictory to those sought out by the Mafia: order. The Mafia became and “instrument” of stabilisation for the State that chose to seek the active help of the Sicilian elite, embodied by the Mafia, to ensure stability and order. In fact, the United States²⁸ also relied heavily on the Mafia to restore and maintain order at home in New York and in Sicily after World War II.^{29/30}

Eventually as the States (Italy, France and even the United States) developed and strengthened, zones of insurrection were progressively eliminated, and near total order achieved. However, some areas are still problematic and continue to oppose any semblance of authority, and virtually evade all forms of State order. Many of the areas, have fallen under the control of organised crime and its attempts to foster operational order. This phenomenon, called *grey-zones*³¹ is still evident today, especially in Sicily and Palermo, but also in the inner-city ghettos of France, the “cite-HLM”. The grey zones also known as the “cement” jungles refer to the urban ghettos that the Mafia has moved into and “set-up shop”. These “state-less” zones almost automatically become niches where the Mafia can operate. In some more extreme circumstances they may even become counter-state niches.³² The conditions for Mafia activities are ideal because not only is the population relatively submissive due to their financial capacity (or lack thereof) but the economic and social conditions lend themselves well to Mafia involvement (availability of drug couriers, potential explosion of drug market and trade, possibility of hiring hit-men,

²⁸The US (OSS department) used Lucky Luciano as Cosa Nostra godfather to restore order in the New York docks, used his intelligence and contacts to prepare the Sicily invasion, and finally used his influence to rally the Sicilian Mafia in fighting Communist forces on the Island. In exchange the mafia controlled New York heroin drug trade was restored. Source: Campbell, Rodney. The Luciano Project: the Secret Wartime Collaboration of the Mafia and the U.S. Navy. New York: McGraw-Hill, 1977., and Nell, Edward. Making Sense of a Changing Economy - Technology, Markets and Morals. New York: Routledge, 1996, page 187-188.

²⁹Zemor, Olivia. La Mafia Au-dessus de Tout Soupçon. Paris: Londreys, 1985, page 167.

³⁰Following the Allied invasion of Sicily (Code Name Operation Husky) the US enlisted the help of local Mafia bosses, Don Calo in particular to help in combating guerrilla Communist forces on the Island. In exchange, or rather as a reward, the US Army placed a significant number of Mafiosi in positions of power with the local and regional governing structure, thus solidifying and more importantly legitimizing the Mafia's stronghold on the Island. Source: Servadio, Gaia. Mafioso: a History of the Mafia from its Origins to the Present Day. New York: Stein and Day, 1976, page 82-83.

³¹Also refer to: Raufer, Xavier. Planete Mafieuse: Atlas Pratique de la Grande Criminalite Organisee Internationale. Paris: Institut de Criminologie, 1994.

³²Moreau-Desforges, Philippe. “Criminalite Sans Frontieres.” La Criminalite Organisee. Ed. Marcel Leclerc. Paris: La Documentation Francaise, 1996.

etc...).³³ Interestingly, one author notes, by the mid- 20th century most grey-zones around the world had disappeared as a result of the solidification of government power, but today a resurgence of grey zones is becoming apparent. This is the case for the "cement jungles".³⁴

In many cases the official State police often does not even dare venture in to these grey zones. When police do go into them, they are harassed, verbally abused, and even physically aggressed. Some police units blatantly refuse to patrol these areas or even investigate occurrences as they feel insecure, know they are being watched, and will not, in any case obtain any answers or assistance for them inhabitants. The Mafia by contrast is respected and feared, and through less orthodox methods can substitute for the police.³⁵

In these grey-zones, the State (as represented by the police) can no longer enforce security with the legal mechanisms available to it, but the Mafia, and similar organised crime groups already considered outlaws, hence have more "means available to them". The violence that is used to ensure this form of security is tolerated by the State as a necessary means to achieve a more secure end.³⁶

"The effect [of the Mafia] is to weaken the State, it no longer has a monopoly and violence and force. The police are not masters in their own house, regional governments are not in full control."³⁷

The Mafia can achieve law and order through paralegal, or even illegal means that are not available to the State, and although the State may not endorse or even approve of the means used to achieve this law and order, it welcomes the end results nonetheless.³⁸

The Mafia can of course threaten, intimidate, and even hurt any suspect or informant it

³³Raufier, Xavier. "Desordre Mondial : Nouveaux dangers, Nouvelles figures Criminelles." Criminalite Organisee. Ed. Marcel Leclerc. Paris: La Documentation Francaise, 1996, page 109.

³⁴Gurfinkiel, Michel. "Geopolitique de la Criminalite Organisee." La Criminalite Organisee. Ed. Marcel Leclerc. Paris: La Documentation Francaise, 1996, page 125.

³⁵Madelin, Philippe. La France Mafieuse. Paris: Du Rocher, 1994, page 111.

³⁶Pierson, Christopher. The Modern State. London: Routledge, 1993, page 10.

³⁷Nell, Edward. Making Sense of a Changing Economy - Technology, Markets and Morals. New York: Routledge, 1996, page 188.

³⁸Lacoste, Pierre: Admiral in the French Navy and Former Director of the "Direction Generale de la Securite Exterieur (retired). Interview (25 April, 1996).

iv The Mafia in Clergy's clothes

A very interesting phenomenon has also emerged concerning Church/Mafia relations: Some members of the Clergy are simultaneously members the Church and of the honourable society. Not only has there always been a keen interest on the part of some Catholic groups in the Mafia, but many priest doubled as Mafia bosses (i.e. Don Mariano Ardena).

For some young men it is normal to hesitate between a career in the Clergy and one in the Mafia, since in small villages the two institutions appear to be plausible associative options;⁷⁵

This was the case more recently with Pietro Algieri, number one in the Cosa Nostra (following the arrest of Toto Riina) and simultaneously a "seminarist". Responsible for numerous assassinations including that of Salvo Lima the European Parliamentarian, he was from a very pious family (his sister was a nun), and had studied at the Palermo Seminary.⁷⁶ Today, and especially since the Pope's 1991 speech, the Church's stance against the Mafia seems to have slightly changed. This is in part do to the visible escalation of violent activities conducted by the Mafia. It is increasingly difficult for the Church to maintain its previously ambiguous and pro-Mafia position. Its previous stance has become untenable, uncomfortable and more and more difficult to justify.

f. *Masonic Lodges*

Masonic Lodges have been a central focus of the Italian governments targeted assault Mafia of penetrated institutions. These lodges have allegedly been used as the neutral ground on which all interested parties converged to strike deals and settle disagreements. The State is represented by high ranking government officials, police officers and politicians as influential members of the lodges. The economic interests of the State are met by developers, businessmen and ranking CEO's⁷⁷, and finally and most

⁷⁵Gambetta, Diego. *The Sicilian Mafia: the Business of Private Protection*. Cambridge: Harvard University Press, 1993, page 50-51.

⁷⁶Dunglas, Dominique. "La Piete d'un Parrain." *Le Point* 21 June 1997 1997: 40-41.

⁷⁷ Chief Executive Officer (CEO).

importantly perhaps, the Mafia is also very present. It is in these Masonic lodges that government, businessmen and Mafiosi gather to strike deals and forge alliances. For this reason the Palermo Judicial authority has launched an investigation into allegations of close Mafia government ties sponsored by the Free Masons. Traditionally high ranking Men of Honour from the Cosa Nostra have also been members of the lodges. In April 1993, the Italian Anti-Mafia Parliamentary Commission confirmed that in fact the membership of Men of honour to the Masonic lodges was surely not a recent or sporadic phenomenon, but rather a strategic choice, geared at forging close, secretive ties with various factions in the government and administration, as well as influential members of the community.⁷⁸

2. What risks are there to the State as a result of Mafia presence?

Despite the significant positive bi-products associated with Mafia presence within a country, the State experiences serious risks as a result of that very presence. As with any compromise, there is always a cost associated with every concession granted, the Mafia is no different. In exchange for the services it provides for the State, the Mafia expects, and often demands allowances. These concessions may include, lenient and understanding judges and prosecuting district attorneys, a relative free hand at going about their activities, as well as the possibility for continued and stable, and unhindered economic growth. The Mafia primarily wants to go about its business of making money with limited disturbances from the State.

The [Mafia] phenomenon resembles that of cancer, it is a parasite: the process of Mafia contamination and proliferation, deviates the resources of society to the profit of a few individuals, in the same manner as the virus settles in to the core of living cells to control them.⁷⁹

Some concessions are clearly more important and more risky than others and entail potential risks for the State granting them. The threat that Mafia poses to the State and its citizens are multifaceted. The most visible, outward risk associated with Mafia presence is violence, and the potential for a metamorphosis towards terrorism. Perhaps more costly

⁷⁸Pintacuda, Ennio. Un jesuite contre la Mafia. Paris: Desclee de Brouwer, 1995, page 107-108.

⁷⁹Lacoste, Pierre. Mafia Contre la Democratie. Paris: JC Lattes, 1992, page 27.

however is the potential destabilisation of a national economy through black market and illicit investments. Lastly, but certainly not all inclusively is the threat the Mafia poses to democracy, justice and sovereignty.

a. *Violence: Is Mafia a terrorist threat?*

The most visible risk associated with Mafia presence is some degree of violence. Where as petty violence is lessened through increased Mafia presence and its desire to maintain law and order, other forms of more targeted violence increase. It is evident that in many cases the State no longer has the monopoly of the use of violence, but rather shares it, if not surrenders it to the Mafia.

The Mafia generally approaches a "candidate" with intimidation and threats. If the candidate in question refuses to satisfy the Mafia's request then violence is escalated little by little until he concedes to the demands. There are in fact very few un-foretold murders. The potential victim is usually made aware of his pending execution, and given the chance to attempt to rectify the situation. There are essentially six incremental stages of traditional Mafia associated violence.

- Stage 1: Intimidation and threats (extortion/racketeering/blackmail)
- Stage 2: Physical Assault (beatings)
- Stage 3: Accidental Murders (casualties in an attack)
- Stage 4: Targeted murders
- Stage 5: Reprisals against turncoats
- Stage 6: Reprisals against family and friends- systematic elimination

Theoretically though, violence is only the initial stage of Mafia establishment and involvement, ultimately the necessity for continued use of violence should cease as the institutions, political and judicial systems are sufficiently penetrated and corrupted.⁸⁰ This has rarely been the case however and the threat of renewed violence is always ever present.

The Mafia is not a terrorist organisation. It uses terrorist tactics⁸¹ on occasion, and may even have working relations with various terrorist cells, but legally and strategically

⁸⁰Kelly, Robert, Chin Ko-Lin, and Rufus Schatzberg. *Handbook of Organized Crime in the United States*. Westport: Greenwood Press, 1994, page 28.

⁸¹"The Mafia does not hesitate to use terrorist tactics to cow its opponents, as the murders of Falcone and Borsellino prove." *Source*: No author cited. "The Sicilian Mafia: A State within a State." *The Economist* .24 April, 1993 (1993), page 26.

speaking is not defined as a terrorist organisation.⁸² Terrorism is qualified as the use of violence as the means to a political end⁸³ but organised crime uses violence to permeate the political sphere, yet has financial profits, not politics as an end. OC lacks the political dimension that terrorism strives for. Certainly OC is heavily involved in politics, and always aims to be further implicated in politics, but that represents only an intermediary stage, the final goal being ever increasing financial benefits. Furthermore, the targets of terrorist acts are not necessarily the intended final targets (often chosen randomly), but rather serve as a “message generator”⁸⁴ a means to get the attention of the appropriate truly targeted authority.⁸⁵ OC, by contrast specifically targets its victims, the choice is rarely random.

The United States justice system ran into a “judicial dilemma” when attempting to define and distinguish terrorism and organised crime. The department of Justice ruled that in fact organised crime and related activities could not be prosecuted under terrorism laws as they were separate entities, and hence stipulated the necessity for further, organised crime specific laws. Eventually the RICO⁸⁶ laws were passed permitting the Justice system to prosecute members of organised crime families under a specific set of targeted laws. Furthermore, organised crime can be involved in victimless crimes a concept rarely present amongst terrorist tactics.⁸⁷

Although the Mafia is not classified as a terrorist group, it does on occasion employ

⁸²As with the State, there is no universally accepted definition of terrorism. Some include the element of political goal, others limit themselves to the attainment of power. “Individual or collective coercive conduct employing strategies of terror violence which contain an international element or are directed against internationally protected targets whose aim is to produce a power oriented outcome.” Source: Bassioni, Cherif. International Terrorism and Political Crimes. Springfield: Charles Thomas, 1975, page xiv.

⁸³“Terrorism is violence or the threat of violence calculated to create an atmosphere of fear or alarm, and the really bring about some social or political change”. Source: Kegley, Charles. International Terrorism. New York: St. Martin's Press, 1990, page 28. “The use of violence or putting the public or any section of it in fear for political progress”. Source: Reference, Oxford. Dictionary of Law. Oxford: Oxford University Press, 1994, page 397.

⁸⁴Perhaps with the exception of political assassinations.

⁸⁵Schmid, Alex, and Ronald Crelinsten. Western Responses to Terrorism. London: Franck Cass, 1993, page 8.

⁸⁶Federal Racketeer Influenced and Corrupt Organization. See also: U.S. Bureau of Justice Statistics. “Local Prosecution of Organized Crime: The Use of State RICO Statutes.”. Washington D.C., 1993.

⁸⁷Perhaps with the exception of false alarms aimed at disrupting activities (i.e. IRA bomb scares).

terrorist tactics⁸⁸ to help achieve, or speed up its financial enrichment. A rash of terrorist events in Italy between 1992-1993 demonstrated the Mafia's use of terrorist tactics.

The first time the Mafia, under the alias of the Triangle of Death, actually claimed responsibility for a terrorist attack, and showed a turning point towards the use of terrorist tactics, violence with a terrorist component⁸⁹ was Operation Carlo Alberto. Some authors and analysts argue however that this turn towards the use of terrorist tactics is unnecessary as the Mafia does not need this sort of strategy for the purposes it has.

There are of course documented instances where the Mafia and terrorist groups have worked together to reach a common (sometimes non-violent) goal. This was the case in Italy during the 70's and 80's the Mafia, terrorism and Masonic lodges worked together to prevent the Left from gaining power. Most notably because the rise of the Communist Left (feasibly representing 1/3 of the electorate), would entail massive reforms to the current status quo, position that would greatly impair the Mafia, but also would disturb the current political class.⁹⁰

b. *Potential Destabilisation of the economy*

Parallel or black market economies can pose a substantial danger to the stability of a national economy. Although this phenomenon particularly affects weaker national economies, stronger economies like the United States and Western Europe are affected nonetheless:⁹¹

Once established, organized crime becomes part of the capital - a very special part however, providing important services to other parts of capital

⁸⁸Matar-Bonucci, Marie-Anne. *Histoire de la Mafia*. Brussels: Complexe, 1994, page 218.

⁸⁹The following is a transcript of a telephone conversation between a member of the Mafia to a journalist at the Ora, a Sicilian daily newspaper:

- "We are the killers of the Triangle of Death [Palermo, Trapani, Agrigente]. The operation that we have nicknamed Carlo Alberto, in homage to the prefect, we have almost, I reiterate almost finished it."

The next day, following the death of a general:

- "the operation is finished" Source: Giraud, Henri-Christian. *Terres de Mafia*. Paris: JC Lattes, 1993, page 29.

⁹⁰Padovani, Marcelle. *Les Dernieres Annees de la Mafia*. Paris: Gallimard, 1987, page 251.

⁹¹Lupsha, Peter. "Transnational Organized Crime Versus the Nation State." *Transnational Organized Crime Review* (1996), page 24.

and to the state.⁹²

These parallel economies can attract and channel certain theoretically taxable funds away from legitimate economy. They represent non-controlled, non-accountable entities with significant influence and power over the legitimate economy. Because of the illegal nature of these economies, they are much more volatile. They can disappear anytime without notice or guarantee as to the remaining stability. Unlike legitimate economies that create and leave behind at least a semblance of elementary infrastructures, illicit ones that withdraw suddenly can entail catastrophic (economically speaking) results for the people, businesses and local economies that had progressively grown to depend on it.

c. *Challenge to sovereignty and democracy*

In addition to the threat of violence and economic destabilisation, the Mafia and other powerful organised crime groups represent a threat to the pillars of statehood: sovereignty and democracy,

i. *Sovereignty*^{93/94}

Even though borders have become increasingly porous, (due in part to new technology, increased populations migration, and globalisation) national governments still try and maintain at least elementary control over them. Violation of these national borders by organised crime groups represent a violation of the very corner stone of national sovereignty. Considering that sovereignty entails the right of the State to impose its laws on everyone residing within its territory, the constant challenge by the Mafia of that very right equates a challenge to the very sovereignty of that State.⁹⁵ The Mafia believes, and

⁹²Nell, Edward. *Making Sense of a Changing Economy - Technology, Markets and Morals*. New York: Routledge, 1996, page 187.

⁹³Sovereign: Supreme authority of a state. In a state sovereignty is vested in the institution, person or body having the ultimate authority to impose law on everyone else in the State. Source: Oxford Reference. *Dictionary of Law*. Oxford: Oxford University Press, 1994, page 376.

⁹⁴Sovereignty was officially outlined in the Declaration on Principles of International Law concerning Friendly Relations and Co-Operation Among States in Accordance with the Charter of the United Nations (Resolution 2625 of the U.N. General Assembly- 1970). Source: Brownlie, Ian. *Basic Documents in International Law*. Oxford: Oxford University Press, 1983, page 35.

⁹⁵Lacoste, Pierre. *Mafia Contre la Democratie*. Paris: JC Lattes, 1992, page 33.

certainly acts as though the laws passed by the State are not applicable to them. It purposely tests the will and capacity of the State to impose its sovereign right. More often than not, the State is unwilling or ineffective in imposing that sovereign right, and hence perpetuates the violation of the sanctity of international borders and ceases to uphold the rule of law.

In addition, the police that is supposed to represent an unbiased, fair body, dedicated to preserving the rule of law, can easily be corrupted. The Mafia uses three incremental ways to neutralise or sway a police officer: approaches them and tries to reason with him, has him transferred elsewhere, and finally just eliminates him.⁹⁶

There are essentially two kinds of sovereignty, inward and outward. The Mafia primarily poses a challenge to the inward sovereignty of the State.⁹⁷ Stipulating that sovereignty is "the idea that there is a final and absolute authority in the political community".⁹⁸ True sovereignty is not only the claim to final authority but also the capacity to enforce it. The Mafia impedes the capacity of the State to do. The State hence only possesses a partial sovereignty, the theoretical but not practical sovereignty.

ii. Democracy and the threat of corruption⁹⁹

In addition to the Mafia's challenge of state sovereignty and its violation of the rule of law and its supremacy over all citizens, it also attacks the principle of democracy, and the democratic process through targeted and sometimes massive corruption. It does so in part by falsifying true electoral results, penetrating the judicial and political system. The Mafia's anti-democratic machine is generally comprised of four main stages:

- Stage 1: Votes for sale
- Stage 2: Political Influence
- Stage 3: put up its own Mafia candidates
- Stage 4: Complete penetration of institutions.

⁹⁶Pintacuda, Ennio. *Un jesuite contre la Mafia*. Paris: Desclee de Brouwer, 1995, page 110.

⁹⁷Pierson, Christopher. *The Modern State*. London: Routledge, 1993, page 47-52.

⁹⁸Hinsley, H. *Sovereignty*. Cambridge: Cambridge University Press, 1986, page 101.

⁹⁹For a more complete debate on democracy and its principles, please refer to: Dahl, Robert. *Democracy and its Critics*. New Haven: Yale, 1989.

The first stage, votes for sale, entails the buying of votes by a political candidate from the Mafia.¹⁰⁰ A candidate who is unsure of his re-election can seek out "electoral assistance" from the Mafia families, in exchange for which he becomes a pawn for those families, and carrying out requested favours. The second stage consists of directly approaching political officials and either gently coercing them into accomplishing certain tasks, or simply bribing, blackmailing or physically threatening them. The first two stages take up very little time and effort, and can bring out rather substantial rewards. Stage 3, requires that the Mafia actually run its own candidate first in local and regional elections, and eventually in national or European elections. In this instance, the candidate must appear to distance himself from the "family" in public but continues to work in favour of the Mafia behind the scenes. The last, and ultimate goal of the Mafia is achieved with complete penetration of the system and institutions. It aims to control key power posts in the national government. This was the case with Giulio Andreotti, alleged Mafia godfather, but also with Vito Ciancimini Mayor of Palermo (Christian-Democrat), and Salvatore Lima (Member of the European Parliament). The Mafia become particularly dangerous however when it surpassed the stage of electoral assistance of specific candidates and starts to run its own candidates, pooled from amongst the ranks of the men of honour. At this stage it begins to field Mafiosi as candidates for town councils, provincial councils and eventually at the national level. Former seven-time Italian Prime Minister, and life senator, Andreotti is currently charged with Mafia belonging and is awaiting trial on those grounds.

We see Italian ministers of every party setting the example by engaging in those "interested transactions" that are the ruin of Sicily, by recognizing and negotiating with those local powers they ought to try and destroy in order to get their help at election time.¹⁰¹

This sort of compromise and political pact has been wielded by many in Sicily as the treason of the Christian Democratic Party, and has resulted in the creation of an anti-Mafia Party, the "Rete".^{102/103} Rather ironically though, Gurfunkiel contends that the more and

¹⁰⁰ Please refer to III, Section 1, part d: Votes for sale: the bartering of political clout.

¹⁰¹ Stille, Alexander. *Excellent Cadavers*. New York: Pantheon Books, 1995, page 16.

¹⁰² Pintacuda, Ennio. *Un jesuite contre la Mafia*. Paris: Desclee de Brouwer, 1995, page 151-156.

more the Mafia invades and invests themselves in politics, the more they are in fact condemning themselves to play a politically responsible role and having to eventually give up their criminal activities in order to maintain their claims to legitimacy.¹⁰³ The trade-offs however for Mafia presence in a State are significant. They touch on the very pillars of statehood, sovereignty and democracy.

¹⁰³The Rete won 12 seats in the 1992 Italian general election. Generally the Mafia does not kill within its own territory, however on occasion it bends the rules to its own sacred law. This was the case for Leoluca Orlando, founder of the Rete, and former mayor of Palermo. He was assassinated within Mafia territory which proves the importance of this specific victim. Source: Giraud, Henri-Christian. Terres de Mafia. Paris: JC Lattes, 1993, page 40.

¹⁰⁴Gurfinkiel, Michel. "Geopolitique de la Criminalite Organisee." La Criminalite Organisee. Ed. Marcel Leclerc. Paris: La Documentation Francaise, 1996, page 132.

VI Conclusion

This analysis has attempted to show that although there are warranted concerns about Mafia presence with a State, it should not be immediately assumed that all Mafia activities, at least on a short-term basis, are necessarily detrimental to either the State or actors within the State. There are obvious instances of collusion between the Mafia and State bodies, as well as significant trade-offs for these compromises.

The clearest threat is the escalation of violence through the sporadic use of terrorist tactics, menace to democracy and sovereignty and the potential for economic destabilisation. Individually and even more so collectively, they work to create a climate of instability, insecurity and lawlessness.

Despite the overwhelming menace, States are not always willing to aggressively combat Mafia presence and activity because it has mitigated interests, and may cause severe political liability. For corrupted and corruptible officials, the Mafia represents a source of financial enrichment through bribes as well as a guarantee of political votes and election. For the populations residing in high petty crime zones, the Mafia act as a security and public order guarantor. When combined these different interests may have sufficiently impaired the state's willingness to launch a truly effective anti-Mafia campaign, and not just a symbolic gesture aimed at appeasing the public opinion

Thus, those who exercise violence within the jurisdiction of a state may do so under the express dispensation of that state.¹⁰⁵

Much debate in international relations theory has been centred around the role and place of the State, as well as the role, or lack thereof, of other actors in the decision making and political equation. One clear conclusion exists: the state is in flux, and globalisation may in turn be affecting its effectiveness as a whole. The questions surrounding the very nature of the State, whether it is withering or maintaining its power ought to focus more on the crucial question, for the context of this analysis, of the importance of non-state actors.

¹⁰⁵Pierson, Christopher. The Modern State. London: Routledge, 1993, page 10.

The Mafia is one of these non-State actors, traditionally seen as detrimental but now being re-evaluated in light of its positive bi-products. The State may in fact see Mafia presence and activities as benefiting it, in some circumstances, and may in fact chose to tolerate if not encourage its presence, all the while trying to maintain the outward appearance of cracking down on it. This presence however does entail consequences generally less beneficial to the State. This dichotomy of bonuses versus payoffs of Mafia presence may in part explain the ambiguous situation the State seems to perpetuate when deciding to combat the Mafia effectively: The State is “ as much a fighter than a beneficiary of organised crime”.¹⁰⁶

It has been demonstrated that in certain instances the State is complacent in its tolerance of Mafia activities within its borders – this is the case with Italy and its acceptance of a certain degree of Mafia presence and activity. The case study of Cosa Nostra activities outside of its “traditional” border of Italy, or historic and family ties with the United States, leads the researcher to look at another instance where the Mafia has elected domicile and is slowly growing in influence and importance. France represents this type of opportunity for the Sicilian Cosa Nostra. With a initial reticence to acknowledge Mafia presence in France and even more so to admit possible activities, France may be in danger of “playing the ostrich” and opening itself up to further penetration. Is the French State tolerant of Mafia presence on its territory because of possible derived benefits as is probably the case in Italy, or is France only in a phase of denial before it comes to term with its “problem” and decides to concretely act to combat it.

The next chapter will focus on the Cosa Nostra in France and will seek to analyze the reasons why the Cosa Nostra has elected France as its secondary “European Hub” for refuge, investments and for activities. The impact of geographic and political proximity of Monaco will not be neglected

¹⁰⁶Moreau-Desforges, Philippe. “Criminalite Sans Frontieres.” *La Criminalite Organisee*. Ed. Marcel Leclerc. Paris: La Documentation Francaise, 1996, page 133.

To combat and destroy the Mafia, it is necessary and indispensable for
the Italian government to cease to be the king of the Mafia....¹⁰⁷

¹⁰⁷Mosca, G Uomini e cose di Sicilia, Palermo 1980. page 2.

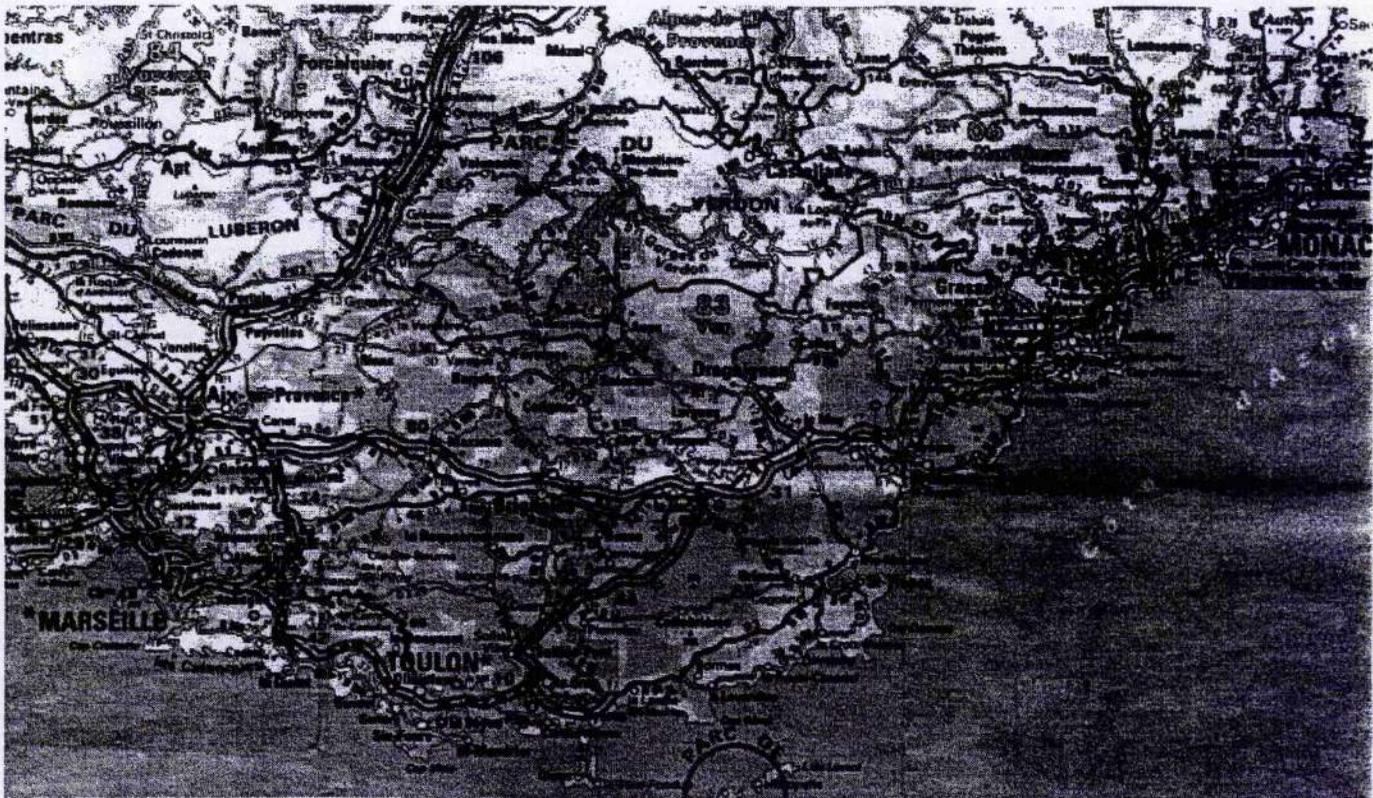
Chapter 6



The Sicilian Cosa Nostra on the
Riviera and in France



Highlighted in the square (lower left hand and top of next page) is the PACA region – Provence Alpes Côte d’Azur, also referred to as the French Riviera



I Introduction

France has no indigenous organised crime. There are French criminal groups, namely the "Milieu" from Marseilles or the Corsican crime networks, but neither can be considered as full-fledged organised crime groups. The GOC groups operating in France are: 'Ndrangheta, Camorra and Cosa Nostra (to lesser degree the Sacra Corona Unita), the Chinese Triads and Japanese Yakuas, and more and more so the Russian Mafiya.'

The necessity for OC to internationalise in order to compete globally has pushed them to establish activity hubs outside of their traditionally territory. Because the Mafia is a rational organisation it carefully studied the prospective terrain, calculated the advantages and inconveniences of settling in a specific region, and evaluated the risks/ benefits linked to that choice. If the Mafia has elected France and the French Riviera as its favoured base of operations in Europe outside of Italy, it can be concluded that there are concrete, rational, and beneficial reasons for doing so.

¹Leclerc, Jean-Marc. "Les Sept Familles de la Mafia." *Valeurs Actuelles* 2 November 1993 - and Leclerc, Jean-Marc. "La France des Mafias." *Valeurs Actuelles* 8 October 1994.

This research will attempt to understand what elements may have convinced the Cosa Nostra to establish in France. The proximity of Monaco should not be underestimated as a key strategic implication. Because Monaco has specific banking legislation that facilitates anonymity and has been accused by France of tolerating money laundering practices.

Conflicting opinions: reality of Mafia penetration in France

Although some French officials like former Interior Minister Charles Pasqua, may persist in denying the reality of Mafia penetration into France, or tend to dramatically under-emphasise its presence, concrete, factual evidence exists to prove that France, and especially the French Riviera, have become a choice location for the Italian Mafia. French prosecutor Sampieri of the Marseilles tribunal stated that he feared a "Sicilianisation" of the hexagon (France), and noted that in recent years too many Italian godfathers' had been arrested in France for it to be a simple coincidence.² Roger-Louis Bianchini journalist specialised in OC went as far as stating that except for Sampieri, the members of the Parliamentary Mafia Commission, and a few other alert authorities, nobody in France had the least idea of what the implantation of the Mafia in France really represented, and spoke of the generalised scepticism surrounding Mafia presence in France:³ "How can we explain that we are so ignorant of this reality nonetheless so close?"⁴ France finally became conscious of the reality and threat posed by OC operating within its borders only as recently as 1993,⁵ and even though many politicians still contest the authenticity of such a claim, the French Assembly report brought proof of this cohabitation: there is a Mafia influx into France.⁷ The experts working for the Investigation Commission of the French National Assembly⁸ attempted to differentiate between the

²Including, Michele Zaza, Antonio Calderone, Pasquale Pergola, Rolando Tortora and Mario Jovine. Also refer to table at end of chapter.

³Calvi, Fabrizio. L'Europe des Parrains: La Mafia a l'Assaut de l'Europe. Paris: Grasset, 1993 page 119.

⁴Bianchini, Roger-Louis. Mafia, Argent et Politique: Enquete sur les Liaisons Dangereuses dans le Midi. Paris: Seuil, 1995, page 18.

⁵Tretiack, Philippe. Vie Blindee: Seul Contre la Mafia. Paris: Editions du Seuil, 1992, page 13.

⁶Dupuy, Gerard. "Prise de Conscience (editorial)." Liberation 3 February 1993.

⁷James, Barry. "Single Market Side Effects: Mafia Influx in France." International Herald Tribune 8 February 1993.

different types or levels of Mafia penetration in France. They determined that there are three distinctive phases: the first characterised by violence and trafficking that ensures control over a given territory and generates revenue, the second includes money laundering, and the third encompasses investments of laundered money in legitimate business deals.⁹ These experts believed, however, that France was experiencing only phase three: although there was substantial Mafia investment deals, the actual money laundering process was being conducted outside of France, but the consensus was however that France was not immune from further penetration.¹⁰

This view of the limited extent of Mafia activities is not echoed by practitioners and justice officials who strongly believe that in fact, Mafia penetration has gone much further, and includes money laundering, as well as criminal activities conducted in France. Paolo De Stephano, head of the *'Ndrangheta* family, told French authorities, when he was arrested, that every Italian Mafia family always seeks to settle abroad, and that France represents the ideal territory¹¹. Two questions must be asked, why the choice of France, and why the French Riviera specifically?

⁸ d'Aubert, Francois, and Bertrand Gallet. "Rapport de la Commission d'Enquete sur les Moyens de Lutter Contre les Tentatives de Penetration de la Mafia en France." . Paris: Assemblée Nationale, 1993.

⁹ d'Aubert, Francois, and Bertrand Gallet. "Rapport de la Commission d'Enquete sur les Moyens de Lutter Contre les Tentatives de Penetration de la Mafia en France." . Paris: Assemblée Nationale, 1993, page 39.

¹⁰ d'Aubert, Francois, and Bertrand Gallet. "Rapport de la Commission d'Enquete sur les Moyens de Lutter Contre les Tentatives de Penetration de la Mafia en France." . Paris: Assemblée Nationale, 1993, page 40.

¹¹ Bianchini, Roger-Louis. *Mafia, Argent et Politique: Enquete sur les Liaisons Dangereuses dans le Midi*. Paris: Seuil, 1995, page 19.

II Why are France and the Riviera so prized by the Mafia?

As European border loosen and Italy increases pressure on the mafia, Southern France is sprouting pizzerias, banks that are winking at money laundering... smuggling is profuse¹².

1. Why is France ideal?

The implantation of the Mafia in France has undergone distinctive phases taking the Mafia presence in France from a simple refuge from judicial prosecution to an operations base for activities in France and abroad. There are many reasons that may have prompted the Mafia to consider France as an ideal setting for refuge, but also as an activity hub outside of Italy.

- *France the safe-haven*: In the mid-1980's, the Italian government began its harshest ever anti-Mafia campaign. This crackdown resulted in massive "migration" for targeted Mafiosi, who fled Italy in search of safer ground. In addition, France, by its geographic proximity, allowed these fugitives from justice to circulate to and from Italy, with little inconvenience. The 1990's European open-border policy and elimination of border checks further facilitated this crossover.¹³

- *France the birth of partnership*: As the Mafia began to settle in France, they started allying themselves, and conducting joint ventures with the local criminal elements: the Milieu, and the Corsicans. This first contact was necessary because the Mafia had little knowledge about the terrain, and had few, if any, contacts. By working with these local groups, they were also working with their expertise. However, these ties were not durable, and quickly evolved into independent professional level Mafia activity, fully disassociated from these local groups.

- *France: prosperous economic zone*: As the extent of Mafia activities and domain grew, France began to be used first as a ideal investment area for pre-recycled funds,¹⁴ and eventually as more contacts were established, as a money-laundering capital. This phase also represented the beginning of the economic penetration of France by the Mafia.

- *France: land of political penetration*. The final phase of Mafia implantation, occurring by the 1990's consisted in corrupting various local and regional political entities to ensure that their

¹² Drozdiak, William : « European-unity... for Organized Crime » The Washington Post, 2 August 1994.

¹³ Refer to the European Union Treaty and the Schengen Agreement.

¹⁴The money is laundered prior to its arrival , and arrives already "cleaned" in France.

power was consolidated, and that their zone of influence was complete.¹⁵

- *France-Geo-strategic location.* The geography of France offers many attractive benefits to any multi-national corporation and by extension to the Mafia. It is centrally located in Western Europe, shares borders with six states, facilitating continental travel and transit, multiple access to the sea, and is served by several large waterways. From a geo-strategic vantage-point, France offers the ideal conditions for transiting, expediting and receiving shipments, and because French national territory extends to its overseas TOM/DOMS,¹⁶ it also has particularly attractive transshipment zones in the Caribbean, like Guadeloupe, Martinique, and St. Martin.

- *Monaco*, although legally classified as an independent state is under French tutelage, and French national law, and offers particularly attractive banking benefits, and possibilities for tax evasion, and money laundering possibilities.

- *France: more lenient legislation.* In addition, French law offers substantial benefits (as compared to Italy) and, often times, immunity from prosecution or extradition to Mafiosi. Unlike Italy, France does not have a law against "Mafia association". The only similar French law is "association de malfaiteur" which is more an association of law-breakers or criminals, which does not carry the same sanctions as the Italian law. This dissimilarity between the Italian and French laws greatly complicates extradition procedures, and sometimes even halts them because in effect the French legal Code prohibits extradition of person if the crime he is charged with in the requesting state (Italy) does not exist in French law and in essence protects many Mafiosi.¹⁷ Such was the case of Michele Zaza who spent three years in French prison, prosecuted on the grounds, not of his association with the Mafia, his murders, or heroin trafficking charges, but rather on the lesser charge of illegal cigarette trafficking.¹⁸

Finally, until very recently, the French legal system only stipulated that money laundering was an offence if the funds were derived from drug trafficking, and altogether ignored funds

¹⁵Bianchini, Roger-Louis. Mafia, Argent et Politique: Enquete sur les Liaisons Dangereuses dans le Midi. Paris: Seuil, 1995, page 45.

¹⁶Territoires Outre Mer/ Department Outre Mer : overseas territories and departments

¹⁷Michele Zaza was tailed for months by the Brigade Anti-gang de Nice, knew the officers by sight, and often stopped to chat with them. He felt sure he was safe from prosecution in France.

¹⁸Calvi, Fabrizio. L'Europe des Parrains: La Mafia a l'Assaut de l'Europe. Paris: Grasset, 1993. page 129.

originating from other criminal activity like contraband, extortion, frauds. It has also been argued that Italian Mafiosi prefer to be tried in France because sentences are more lenient, and prison conditions more pleasant than in Italy.¹⁹

2. Why is the Riviera ideal?

Police Commissaire Guida, explained that the three largest Mafia families in operation in France today, namely the *Camorra*, the *'Ndrangheta*, and the *Cosa Nostra*, used the Provence/Maritime Alps region (PACA region)²⁰ not only as a refuge, but more and more so as a base of operations.²¹ Mafiosi "repenti" Nino Calderone also told police inspectors that "they must realise that Nice is full of roaming Mafiosi".²² Within France, the Riviera offers additional, more regional benefits that can be tentatively divided into seven broad categories, including history, language, geographic proximity, socio-economic level, investment possibility, geo-strategic advantages and money-laundering facilities.

- Italy and the greater Riviera region share a common *history*. Originally part of Northern Italy, the Riviera became French only in 1860 (during the reign of Napoleon III), a gift from the Italian government to thank the French for having helped in the unification of the Italian provinces. This historical element may appear rather trivial, but a common history and similar customs may be important attributes when seeking to expatriate.

- *Linguistically*, many regions within the Riviera still speak Italian, and even the local dialect, the "Patois Nicois", or Provençal is greatly speckled and influenced by Italian. An Italian who does not speak French can operate without problems on the Riviera. In fact many linguistic, historical and by transitivity, cultural characteristics are shared between the Riviera and Italy. An Italian can not only feel close to home but will not seem particularly out of place, and hence able to integrate or hide

¹⁹ In Italy, Mafia criminals are held in special incarceration conditions, banned from direct contact with the outside. Some are held in special fortified prisons, and subjected to solitary confinement. This is not the case in France.

²⁰ Provence Alpes Cote d'Azur region

²¹ Bianchini, Roger-Louis. Mafia, Argent et Politique: Enquete sur les Liaisons Dangereuses dans le Midi. Paris: Seuil, 1995, page 35.

²² Bianchini, Roger-Louis. Mafia, Argent et Politique: Enquete sur les Liaisons Dangereuses dans le Midi. Paris: Seuil, 1995, page 35.

with ease.

- One of the more obvious characteristics is *geographic proximity* of the Riviera to Italy. For a Mafia businessman conducting business in Italy, but hiding in France or for a Mafiosi in Italy conducting business in France the geographic proximity is not a negligible factor. The French/Italian border between Menton and Vintimiglia is less than an hour drive from Nice.

-The general *socio-economic level* and *investment possibilities* of the Riviera also constitute a significant characteristic in the choice of activity center. The economic infrastructure enables many diverse *investment possibilities* like elite golf courses, ski resorts, real-estate ventures, yacht clubs or hotels, or more modest investments like night-clubs, restaurants and even bureau de change. The cities of Nice, Cannes, Juan-les-Pins, Antibes, Beaulieu, St.Jean Cap Ferrat or Marina Baie des Anges have been, and continue to be prime investment locations for Mafia owned properties: villas, equipped with state of the art surveillance and security equipment, armed guards and high powered satellite dishes. Because these areas are in general very affluent, even expensive or luxury real-estate deals are common place, and will not particularly attract attention.

- The *geo-strategic location* of the Riviera also lends it self particularly well to Mafia needs. Centrally located in Europe, and within the Schengen Agreement area,²³ it allows for free movement of people, goods and service across the signatory states. Additionally the Riviera is accessible by water: Marseilles is the largest French commercial port, by air: Nice is host to an international airport, as well as a large tourism port, helipads and a variety of private landing strips, and hence offers options for trafficking. In addition to rail, boat and helicopter services between the Riviera and Italy, three major direct roadways (high, medium and low "corniche"), and one highway links the two countries. Major highways link the Riviera to many major European capitals, and create an essential link for Portugal and Spain to Italy. Finally, the remoteness of the "arriere pays"²⁴ offers excellent

²³ By the Agreement signed at Schengen on 14 June 1985, Belgium, France, Germany, Luxembourg and the Netherlands agreed that they would gradually remove their common frontier controls and introduce freedom of movement for all individuals who were nationals of the signatory Member States, other Member States or third countries. The Schengen Convention was signed by the same five States on 19 June 1990. It lays down the arrangements and guarantees for implementing freedom of movement. It amends the relevant national laws and is subject to parliamentary ratification. Italy (1990), Spain and Portugal (1991), Greece (1992), Austria (1995), Sweden, Finland and Denmark (1996) have since joined the list of signatories, while Iceland and Norway are also parties to the Convention. Source: <http://www.europa.eu.int/scadplus/leg/en/cig/g4000s.htm#s1>

²⁴Back country/rural outback of Nice

hideout possibilities.

- Lastly, the Riviera offers remarkable *money - laundering facilities*, like casinos, bureau de change and Monegasque banks. In fact, the Casino Ruhl, the largest in France, and the Monaco Casino, perhaps the most famous in the world, are preferred gambling locations for Mafia bosses, and the ideal setting for money laundering transactions. Additionally the secretive Monegasque banking policy also ensures that dirty money can be recycled, laundered and reinvested without difficulty.

III Mafia Activities in France

1. Where in France is the Mafia present?

In France since the 1990's, with the opening of the borders and the era of globalisation, the Mafia has been able to develop and exploit their contacts within the local ethnic community already established in France.²⁵ Obviously not all the Italians living in France are members of the Mafia or even have links with the Mafia, but in the Alps-Maritimes department alone, more than 10-12,000 Italian nationals reside.²⁶

According to Michel Debacq, former liaison magistrate to Rome, the Italian/Sicilian ethnic community across France willingly welcomes and hides Mafiosi fleeing Italian Justice, and individual Mafiosi operate in France, but no Mafia family structure is anchored, or operational in France.²⁷ A 1994 Police Judiciaire (PJ) report pointed out the exact opposite, saying that the 'Ndrangheta had a small "*cosca*" structure operating in the South mobilising approximately 100 soldiers.²⁸

The Mafia is present all across France, in major urban centres like Bordeaux and Paris, and even in very rural locations like the country side of Brittany, and Normandy²⁹ but the highest concentration remains between Lyon, Marseilles and Monaco (see map of France at the beginning of this chapter).³⁰ The Assembly report created an up-roar when it mentioned Grenoble as a city with a high Mafia presence, specifically mentioning the Sommatino clan.³¹ This declaration was

²⁵Duroy, Lionel, and Philippe Madelin. "Oui, La mafia a pris pied en France." L'Evenement du Jeudi 22 September 1994.

²⁶Interview with: Kerbeuf. "Director." Nanterres, France. Police Judiciaire. The role of the PJ, 1997.

²⁷De Bacq, Michel. "Technical Counsel to the Minister of Justice, former Liaison Magistrate to Rome." Paris, France. Ed. Ministere de la Justice. Organised Crime in France, 1998.

²⁸Bianchini, Roger-Louis. "Les Habits Neufs de la Mafia." Le Point 15 August 1998.

²⁹Raufar, Xavier. "La Mafia: Elle envahit la France et l'Europe." L'Express 26 November 1992: 90-106.

³⁰Colombani, Jean-Michel. "Commissaire SDAC." Nanterres, France. Ed. Police Judiciaire. OC and the Police Judiciaire, 1997.

³¹d'Aubert, Francois, and Bertrand Gallet. "Rapport de la Commission d'Enquete sur les Moyens de Lutter Contre les Tentatives de Penetration de la Mafia en France." . Paris: Assemblée Nationale, 1993.

prompted by the confession of Mafia turncoat Leonardo Messina, who fingered Giacomo Pagano as a Mafia leader, and the head of the first ever Mafia cell implanted and operational in France. Despite the outcry of politicians and local residents, enough incriminating evidence was collected for Pagano to be eventually arrested in Nice (20 February 1993). Further proof of Mafia activities in Grenoble surfaced when Calogero Pulci, godfather of the Cosa Nostra was spotted in Grenoble, and subsequently arrested (7 June 1994).³²

The reason that Grenoble was elected as a base of activity is the fact that a large Sicilian ethnic community had been residing there since the 1920's, was well established and accepted, and provided cover for any Mafia activities.³³ The Isere Region counts at least 25,000 Italians with as many as 7,000 Sicilians and 1,600 from the Sommatino region.³⁴ Allegedly, as many as 4-4,500 votes from the Sicilian community, are controlled by the Sommatino clan, and can be sold to local elected officials, (obviously at a cost).³⁵

There are many other places in France³⁶ where Mafia activities have been reported, or where the presence of known Mafia bosses has been recorded, but a true long term penetration, is obviously radically different from a temporary, one time only site used for punctual operations.³⁷ The area with the largest most durable implantation, and greatest activity remains the French Riviera³⁸.

2. What type of Mafiosi are in France?

According to Commissaire La Plaque there are three types of Mafiosi living in France: those

³²Y.L. "Ces parrains qui se cachent a Grenoble." Le Monde 8 June 1994.

³³Francillon, Claude. "M. Carignon veut savoir si Grenoble est infiltrée par la Mafia." Le Monde 3 February 1993 1993.

³⁴Mandrine, Erwann. "Grenoble aux Prises avec la "Pieuvre"." L'Evenement du Jeudi 4 February 1993.

³⁵Mandrine, Erwann. "Grenoble aux Prises avec la "Pieuvre"." L'Evenement du Jeudi 4 February 1993. Y.L. "Ces parrains qui se cachent a Grenoble." Le Monde 8 June 1994.

³⁶Areas with documented Mafia presence include: Grenoble, Isere, Paris, Nimes, Alsace, Savoie, Metz, Vichy, Finistere, Paris, Menton, Brittany.

³⁷The French term "plaque tournante" literally rotating surface, clearly denotes the difference with a permanent "fixture".

that are fugitive from the Italian Justice, those that have voluntarily expatriated themselves before they were caught, and finally active Mafiosi who conduct discrete business ventures in France, or continue to either control, or work for a Mafia network.³⁹ Amongst those Mafiosi that are active in France, and still very much involved in daily affairs, there are typically three profiles: the lowest echelon of the family hierarchy, the thugs and killers, the family chiefs still directing activities from France, and the financiers looking to invest in new activities, or launder money.⁴⁰

3. What activities is the Mafia conducting in France?

Italian crime groups (Camorra, 'Ndrangheta and CN) had begun to penetrate the Riviera region as far back as the 1950's by allying themselves with local gangs. By the 1970's the Marseilles gangs and the CN were co-operating for drug trafficking. The 1980's saw the CN and the Marseilles "chemists" work together to refine heroin and operate the French connection, which linked the American LCN to the Sicilian CN via the chemical labs of Marseilles. Later, the CN also engaged in cigarette trafficking, the bulk of the operations being planned and carried out by Zaza.⁴¹

According to turncoat Buscetta the colonisation process of the Mafia in France comports four stages: refuge, traffic, investments./laundering, take-over of local economy.⁴² However, the conclusions of the French Assembly Report on the Extent of Mafia Penetration suggested that the four stages of penetration described by Buscetta had not yet occurred in France:

Assembly Report Conclusions

- There are localised Mafia situations
- The penetration of the Mafia is still very territorially limited
- The Mafia uses France as a communications road
- France is occasionally used as a refuge for the Mafia
- France is vulnerable to second degree activities (money laundering)
- Third level activities have a Mafia "odour" (investments)

According to Aix-en-Provence Procureur Claude Salavagione, the Mafia's activities are much

³⁸ Commercial operations are carried out across France, but because durable ties are not present everywhere then long lasting ventures are established only where a network is already in place, thus largely concentrated in the Grenoble-Marseilles-Nice triangle.

³⁹ La Plaque, Pierre. "Commissaire Principal." Nice. Ed. Antenne de Police Judiciaire de Nice Section Financiere . Mafia activities on the Riviera, 1998.

⁴⁰ Le Maou, Michel. "Commandant." Nice, France. Ed. Antenne de Police Judiciaire de Nice Section Financiere. Mafia activities on the Riviera, 1998.

⁴¹ Madelin, Philippe. "Journalist / Author." Paris, France. Police Rivalries & Mafia activities, 1997.

⁴² Arlacchi, Pino. Buscetta: La Mafia par l'un des Siens. Paris: Felin, 1994.

more extensive that the report concludes: "the Mafia's penetration is not longer confined here just to selling drugs...they have managed to infiltrate themselves into virtually every sector of the economy."⁴³ A 1992 UCLAT brief (Anti-Terrorist Co-ordination Unit) reported that the Mafia was trying to invest in casinos on the coast, in real-estate ventures, and that France was a refuge and a meeting place for the Mafia.

Like in any other country the Mafia in France manages an extensive portfolio of varied activities, that can change repeatedly over time. The activities listed below are but a few of the activities conducted by the Mafia.

- *Public works*: The fifth largest European public works consortium, Italimpresse, is suspected of being under Mafia influence: Italimpresse was a major contractor for Disneyland Paris, for the Chunnel as well as for the Parisian convention center Paris-Bercy- Expo. Its director, Mario Rendo has been under extensive investigations, and was questioned on several occasions by both Judges Falcone and Borsellino about his Mafia associations.⁴⁴

- *Frauds*: According to Anita Gradin, European Commissioner, (in correlation with UCLAF statistics), EU subsidy frauds amounts to 1.4% of the annual subsidy budget, 50% of which occur within only the agricultural subsidies.⁴⁵ To encourage trade with the Third World, the EU offers generous subsidies (otherwise known as agricultural restitution) for export or import to those states. According to French journalist and Mafia expert Philippe Madelin, the Mafia was able to collect huge amounts of these subsidies by double billing and collecting for the same product. Examples of successful EU subsidy frauds include the sugar, butter, and meat trade.

In September 1993, the financial branch of Police Judiciaire of Nice, uncovered a scam involving the brown sugar trade: a ton of sugar sold inside the European Union is valued at \$1,300 US dollars, while its international equivalent selling price is \$2,500 US dollars. With the help of falsified customs documents, the Mafia⁴⁶ was able to make significant profit from the EU restitution

⁴³No author cited. "Italian Mafia Gets a Grip on France, Recycling Criminal Profits Into Legal Activities." Organised Crime Digest .24 August (1994).

⁴⁴Rouard, Danielle. "Les Nouvelles Routes de la Mafia." Le Monde 29 January 1993.

⁴⁵Gradin, Anita. "European Union Fraud." 7 Jours en Europe 13 May 1996.

⁴⁶Mafia activities are specifically referring to Cosa Nostra activities, but also Camorra activities because the two

subsidies for sales outside Europe of \$1,200 USD per ton. The sugar was bought in the Netherlands, and declared to be exported to Croatia, but in fact was sent to Italy via France and sold to winemakers.⁴⁷

- Another example of such fraud involves the French prize-winning Limousin cattle.⁴⁸ A group of Italian [Mafia] cattle buyers survey a given region for potential targets, and approach a farmer, offering to pay for, in cash, cattle for substantially higher than the market price. Phase two, the buyers return again but pay the cattle shipment half in cash half in checks. Having gained the confidence of the farmer, the final and substantially larger shipment is paid in its entirety in checks that bounce because the account has been closed. Because the farmer has omitted to declare a substantial part of his cash revenue to the Internal Revenue Service (French FISC), and hence is in an irregular situation, he is hesitant to contact the police and has to claim bankruptcy. This method has been used without fail all across France.⁴⁹

- As far back as 1985, various other meat schemes have been detected across France, they are as diverse as the Mafia and can be imaginative. They range from having 240 tons of pork delivered to five fictitious Italian companies, the seller of course, going unpaid to the 60,000 tons of veal⁵⁰ that mysteriously make their way to Sicily each year without ever actually being paid for cheating banking establishments and defrauding the EU's agricultural subsidy budget.⁵¹

- *Money Laundering and investments*: Because money laundering legislation has become more strict, the Mafia has tried to limit their detection rate by using French nationals as covers for their money laundering/investment ventures.⁵² By paying a commission fee to the official owner, the

organizations have been linked through Michele Zaza, the "joint" godfather.

⁴⁷ Bianchini, Roger-Louis. *Mafia, Argent et Politique: Enquete sur les Liaisons Dangereuses dans le Midi*. Paris: Seuil, 1995, page 63.

⁴⁸ Duroy, Lionel, and Philippe Madelin. "Oui, La mafia a pris pied en France." *L'Evenement du Jeudi* 22 September 1994: 72. Carvoyeur, Gilles. "Le veau sous la "pieuvre"." 5 April 1994.

⁴⁹ Madelin, Philippe. *La France Mafieuse*. Paris: Du Rocher, 1994, page 48.

⁵⁰ Carvoyeur, Gilles. "Le veau sous la "pieuvre"." 5 April 1994.

⁵¹ Known as Operation Mare Verde. Inciyan, Erich. "Coup Double reussi dans la lutte anti-Mafia sur la Cote d'Azur." *Le Monde* 14 May 1993. Madelin, Philippe. *La France Mafieuse*. Paris: Du Rocher, 1994, page 47.

⁵² Salomon, Jean-Claude. "Researcher / Chief of documentation." *Paris / France*. Ed. Institut de Hautes Etudes de la Securite Interieure. Diverging police discourses on Mafia activities in France, 1997.

Mafia can invest in various ventures with little chance of detection. A preferred investment area appears to be upscale health clinics as well as real estate.⁵³

- *Drug trafficking routes between France and Italy* tend to use old contraband routes that had been used to smuggle cheap olive oil and contraband cigarettes from Italy into France.⁵⁴ Illegal drug and narcotics trafficking currently accounts for no more than 30% of all Mafia activity^{55 / 56} Two key drug operations were dismantled in France, the French Connection (heroin trafficking) and the Pizza Connection, further proof of the Marseilles-Sicily / French-Italian link. The Mafia uses France as a passageway, a communications corridor between the Colombia drug cartel cocaine shipments from South America that are destined for Italy. The traditional shipment route is by boat cargo across the Atlantic, with docking in Spanish ports (Galicia, Catalonia or Basque), then by truck across France to Italy. According to Madelin,⁵⁷ French customs and police officials are far more vigilant concerning drug trafficking than their Spanish or Italian counterparts, and do not hesitate to use all means possible to obtain information and intercept shipments.

- The Mafia has also shown a desire to keep France as a sanctuary from violence and family wars, a sort of neutral zone, where families can live, free from violence.⁵⁸

⁵³Nundy, Julian. "Italian Mobs Buy Their Way into France." _ 3 February 1993.

⁵⁴Rouard, Danielle. "Les Nouvelles Routes de la Mafia." Le Monde 29 January 1993.

⁵⁵Madelin, Philippe. La France Mafieuse. Paris: Du Rocher, 1994, page 45.

⁵⁶ See appendix of Chapter III.

⁵⁷Madelin, Philippe. La France Mafieuse. Paris: Du Rocher, 1994, page 20-23.

⁵⁸Salomon, Jean-Claude. "Researcher / Chief Of documentation." Paris / France. Ed. Institut de Hautes Etudes de la Securite Interieure. Diverging police discourses on Mafia activities in France, 1997.

III Mafia Activities on the Riviera

1. Where on Riviera is the Mafia present?

The Mafia has elected The French Riviera as its privileged sanctuary in France and wider Europe. The Riviera, the coastal section of the PACA (Provence- Alps Côte d'Azur Region) is defined as the zone that spans the coast from the Italian border of Ventimiglia/Menton to Marseilles.

Proof that the Riviera is an area of predilection for the Mafia, as well as other Italian organised groups is the important number of arrests that have been made there in the last ten years. Since the late 1980's until 1999 more than 80 arrests of Mafia and Italian organised crime members have occurred in the Riviera region alone.⁵⁹ It would seem probable that these statistics demonstrate a high level of Mafia presence on the Riviera. The epicentre of Mafia activities on the Riviera appears to be Nice. Former mayor of Nice, Jacques Medecin once said: "The Mafia existed already (in Nice), put marginally, preferring to go elsewhere. Today we offer her a large in road".⁶⁰ Observers satirically believe that the Mafia has made such inroads and developed to such an extent in the region that soon Nice will be paired up with Palermo.⁶¹

-The Mafia feels confident enough about its penetration in France to use the Riviera as a *Meeting place*: The Riviera has hosted many international strategic "Mafia" conferences, or family reunion, the two most important ones were the International Summit of Organised Crime which took place at the Negresco Hotel in Nice which brought together representatives of the three largest Mafia families, and a subsequent Elysée Palace Hotel (also in Nice), conference on February 14, 1989.⁶²

Additional less "formal" events include the July 1993 marriage of Gaetano Catagirone's daughter (Guilio Andreotti was a witness)⁶³ in St.Jean Cap Ferrat and the documented high power meeting that

⁵⁹See appendix.

⁶⁰Rouard, Danielle. "Nice, la peur et les rumeurs." Le Monde 2 February 1993.

⁶¹Aubry, Bruno, and Frederique Lantieri. "La Pieuvre mafieuse etend ses tentacules sur la Cote d'Azur." L'Evenement du Jeudi 13 August 1992.

⁶² Present at the Negresco conference were: for the 'N'Drangheta family- Paolo De Stephano, Domenico Libri and Pepe Morabito; for the Camorra- Michele Zaza and Lorenzo Nuvoletta; for the Cosa Nostra Gaetano Findanzati; also present were representatives of the American Gambino family. The Elysee Palace conference counted among the key participants, Michele Zaza, Gaetano Findanzati and thirteen addition influential and high ranking mafiosi. Source: Bianchini, Roger-Louis. Mafia, Argent et Politique: Enquete sur les Ljaisons Dangereuses dans le Midi. Paris: Seuil, 1995, page 21.

⁶³Andreotti is a very controversial Sicilian politician, former Prime Minister, and President of the Corte de

followed.⁶⁴ The aim of these meetings was to split up the Riviera coast amongst the different Italian crime families, into spheres of influence and zones of activities.⁶⁵

2. What activities is the Mafia conducting on the Riviera?

According to Philippe Madelin, there have been at least four significant offensive tries to penetrate the Riviera and set up an activity center: The first was in Marseilles with Gaetan Zampa, who served as a "pilot fish"⁶⁶ but the town was not wealthy enough, Zampa loyalty began to waiver and he was eliminated on the Mafia's way out. The second attempt took place in Corsica, but again it failed. The third try was in the Var region where the Mafia set up a cement factory, to racketeer construction companies and public works contracts, and co-operated with the local crime gangs led by Jean -Louis Fargette, but he began to operate on his own and was also eventually killed. The fourth and most successful attempt took place via the casinos of the Riviera. The Mafia wanted to take control of a large casino through which they could launder their crime money.⁶⁷

Mafia activities in France and on the Riviera can be broken down into several broad categories that range from "harmless" refuge, to total economic and political penetration of the local system. Each step represents a greater danger for the host country as it represents greater inroads for the Mafia. Although some experts (National Assembly Report Rapporteur) may contend that the Mafia is only involved in level three activities, others argue that Mafia activity is much more extensive. The Assembly report does admit that the Mafia is suspected of operating much more widely, but French officials have not been able to gather concrete evidence of it.

The Italian Mafia families operating in France engage in many illegal or marginally legal sphere of activity, including, but not limited to, drug trafficking, EU subsidies, frauds of all types,

Cassazione Corrado Carnaval, currently under investigation for association with the Mafia and suspected of having very close ties with the Cosa Nostra.

⁶⁴Information obtained from a French police inspector involved in the surveillance.

⁶⁵Raufers, Xavier. "Mafia: le partage du Midi." *L'Express* 8 June 1995. Aubry, Bruno, and Frederique Lantieri. "La Pieuvre mafieuse etend ses tentacules sur la Cote d'Azur." *L'Evenement du Jeudi* 13 August 1992.

⁶⁶Marsat, Alain. "Commandant , Direction Centrale de la Police Judiciaire." *Paris, France*. Ed. Ministere de l'Interieur. Mafia activities in France, 1998.

⁶⁷Madelin, Philippe. "Journalist / Author." *Paris, France*. Police Rivalries & Mafia activities, 1997.

cigarette trafficking and money laundering.

- Refuge

The first level of Mafia activity in France, and particularly on the Riviera is refuge or safe-haven. Mafiosi seeking to flee Italian Justice, or even wishing to remain outside of clan wars have elected the Riviera as their preferred destination zone.⁶⁸

- Investments and money laundering

Investments and money-laundering operations are sometimes barely discernible from each other, as one of the preferred forms of money laundering for the Mafia in France consists of investing the "dirty" money into a legitimate real-estate deals in order to launder it.⁶⁹ To the Mafia, a trip across the Alps is considered like an opportunity to launder money.⁷⁰

Real-estate: Despite serious pan-European economic recession during the 1980's, the Riviera continued to flourish and build extensively. According to Giovanni Falcone as much as 1/3 of all the real estate ventures on the French Riviera were financed by the Mafia.⁷¹ Other real-estate ventures that interested the Mafia are golfs courses, two in particular Pierrevert and the Chateau de Taulanne. The second method particularly prized by the Mafia to launder money consists of recycling money through casinos.

The Casino Route:

France has the most dense casino presence in all of Europe with 153 registered casinos,⁷² 17,000 employees, with an estimated 45 billion players a year generating \$1.2 billion USD, 80% of which

⁶⁸Kerbeuf. "Director." Nanterres, France. Ed. Police Judiciaire. The role of the PJ, 1997. Solomon, Jean-Claude. "Director of International Relations." Paris. Ed. Institut Des Hautes Etudes de la Securite Interieure. Organised crime in France, 1997

⁶⁹Giancarlo Cassacia invested in a 30-storey luxury block of flats in Beausoleil, and a golf course in Pierrevert (Alps). Nundy, Julian. "Italian Mobs Buy Their Way into France." 3 February 1993. Oudin, Christian. "Councilor au Senate." Paris, France. Ed. French Senate. Organised Crime In France, 1997.

⁷⁰Hamel, Ian. "L'Italie traverse les Alps pour blanchir son argent." L'Hebdo 29 October 1992.

⁷¹Aubry, Bruno, and Frederique Lantieri. "La Pieuvre mafieuse etend ses tentacules sur la Cote d'Azur." L'Evenement du Jeudi 13 August 1992.

⁷² Number of registered casinos: Great Britain (130), Germany (38), Spain (40) Holland (12).

is through slot machines. The Riviera has the highest concentration of casinos within France with 11 casinos between only Cannes and Menton, employing 2,000 people and generating \$400 million USD, equivalent to 1/3 of the revenue for only 6% of the casinos.⁷³

Since 1970, Casinos on the Riviera have been used by Cosa Nostra, and Camorra⁷⁴ to recycle money, with an estimated 80-85% of profits coming from Italian origins and considered very suspicious.⁷⁵ In 1970's that 49% of the shareholders of Nice's Casino Ruhl were anonymous Italian investors, whose money had arrived in Nice from a Mafia banking establishment via a Swiss bank known to have ties with the Mafia.⁷⁶

Casino Ruhl⁷⁷

- In February 1989, following the dismantling a cigarette trafficking operation, the Investigating judge Sampieri uncovered possible ties between the cigarette smuggling ring and money laundering at the Ruhl Casino in Nice.

- Preliminary administrative investigation against the Casino was conducted (15-19/01/1990) and reveals the existence of irregularities in the casino's accounts, including the use of Casino capital", and the system by which checks are cashed. Also under investigation was the large quantity of Italian checks for fiscal years 86/87, 87/88 and 88/89, totally \$16 million USD.

-The check recovery circuit revolved around the public relations director, Giulio Gianuzzi and three Italian intermediaries: Remo Donada, Trusfid S.A, and Girolamo Mennoia, as well as two Swiss banking establishments: Rohmer S.A. (in Chiasso) and Migros Bank (in Lugano).

- The checks (used by players to get gambling chips) were cashed in Italy, yet money was received by the Casino via a Swiss bank. The three intermediaries were using a system of false

⁷³The casino industry generates substantial tax revenue for the cities: Nice: \$6 million USD, Cannes \$16 million USD. Source: Tuillon, Carole. "La Criminalite Organisee de Type Mafieux et la Situation en France." DESS. Universite de Nice Sophia-Antipolis, 1996, page 75.

⁷⁴Chabrun, Laurent. "La Mafia voulait racheter le casino de Beaulieu." ? 25 February 1995.

⁷⁵Campagnola, Francois. Crime organise et gansterisme professionnel: experience francaise et analyse comparee. Paris: Institut de Hautes Etudes de la Securite Interieure, 1996.

⁷⁶ Bianchini, Roger-Louis. Mafia, Argent et Politique: Enquete sur les Liaisons Dangereuses dans le Midi. Paris: Seuil, 1995, page 122.

⁷⁷Direction Centrale de la Police Judiciaire. "Note d'intervention sur les casinos de Menton et du Ruhl." (Undated).

billing to funnel money, presumably dirty money, into the casino.

- For example, one Italian player wrote out three checks totalling \$400,000 USD, the intermediary took his 10% commission, but the remaining \$360,000 USD never appeared on the Casino balance books as cash deposits, but rather was written off as exceptional, unrecoverable losses.

- Further background checks revealed that Mr. Donado, another "check negotiator" working with Trustfid S.A. was actually a close friend of Mafia godfather Zaza and had been involved in the operation.

- The investigation concluded that the casino via the different intermediaries and banks was used to launder money for the Mafia.

Menton Casino

The Menton casino also became the target of the Mafia, and an attempted take-over (by Sofextour Corp) was halted at the very last minute when the French Gambling Commission used their right to refuse to issue a buyer certificate (to any individual or organisation) that they evaluate as suspicious because the prospective buyers were anonymous and the guarantor company thought to be a front.

As a result of both the Ruhl and Menton Casino fiasco's the French Minister of Interior demanded more transparency in the acquisition and management of all French casinos; this is an attempt to prevent Mafia interest and take-over. A French police official confirms the importance of the money laundering through casinos scheme:

France should not concentrate on drug trafficking. The real danger is economic. It is the gangrene of the social tissue. [Sic] The recycling of dirty money through the intermediary of casinos.⁷⁸

Because of the increase in Mafia activity in the casinos as players, but also as prime investors, the French Government refused to renew many casinos' gaming license and subsequently shut them down: they included the casinos of Bandol (1988), Menton (1989), Beaulieu (1989) and Chamonix (1991).⁷⁹ In addition to the official government policy, local officials have also taken steps to limit

⁷⁸Calvi, Fabrizio. L'Europe des Parrains: La Mafia a l'Assaut de l'Europe. Paris: Grasset, 1993, page 135.

⁷⁹No author cited. "La France: un terrain attractif pour les capitaux de la Mafia." Nice Matin 4 February 1993.

Mafia involvement in the casino industry by requesting Italian certificates of "non-membership to the Mafia"^{80/81}.

- The Casino Wars: The attempted take over (1977) of the Palais de la Mediterranée Casino in Nice by Jean-Dominique Fratoni⁸² launched the Nice Casino war. Fratoni, a close friend of Nice Mayor Jacques Medecin, but also a close ally of the Italian Mafia tried to gain control of the Palais de la Mediterranee casino owned by the Leroux family. This bitter power struggle ended with the mysterious and highly suspicious disappearance of the youngest Leroux daughter and part owner of the Casino. Although her disappearance has never fully been elucidated, there is evidence that Fratoni and his Italian allies may have had something to do with it. By eliminating the Leroux daughter, Fratoni was able to take control of the Palais casino, presumably to help the Mafia launder money⁸³.

Despite French governmental measures to hinder Mafia involvement in the casino industry, the Mafia has not given up on the idea of buying up casinos of the Riviera in order to launder dirty money.⁸⁴

- Other activities

The Mafia's activities on the Riviera are tailored by their environment and the various market possibilities, but their activity portfolio greatly resembles their traditional activity portfolio in Sicily: racketeering, drug trafficking, contraband, money laundering and frauds of all types.

Francois d'Aubert announced that Mafia presence was also likely in the domain of public work contracts, and offered as evidence the fact that Italian corporation were making unusually low bids (-30%) and obviously winning contracts, a traditional method to eliminate competitors⁸⁵.

- Racketeering

⁸⁰Editorial. "Crime, Prosperity and science." Financial Times 13 May 1993.

⁸¹ These certificates, issued by the Italian Ministry of Interior certify that the bearer is not under investigation for mafia association, not has he/she ever been suspected of Mafia membership.

⁸²Laborde, Jean-Pierre. "Jean-Dominique Fratoni est mort." Le Monde 10 August 1994.

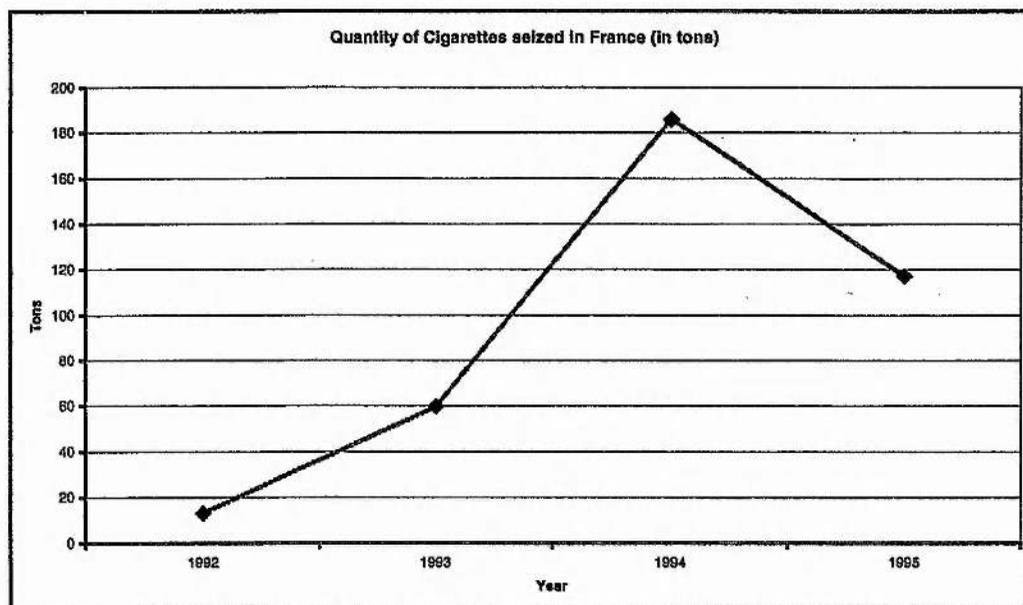
⁸³ Because Fratoni was probably only a business associate of the Mafia, he was not held to the same rules as the « made » men of honour, and hence was « allowed » to kill a woman.

⁸⁴Chabrun, Laurent. "La Mafia voulait racheter le casino de Beaulieu." ? 25 February 1995.

⁸⁵No author cited. "Maastricht une aubaine pour la Mafia." Paris: AFP, 1992.

The Cosa Nostra on the Riviera, just like in Italy, makes substantial profits out of its racketeering/protection industry. It appears that for the moment the targets for protection rackets are only Italian businesses, and has not yet extended to the French business community. The two preferred businesses for CN racketeering are public works contractors and pizzeria/Italian restaurants. Not only must the restaurant industry pay a protection fee, but they are also "encouraged" to buy their supplies from "approved" food whole sellers. In exchange for their full co-operation, these restaurants are given a sticker ("macaroon") to display in their front window that certifies they are protected.⁸⁶

- Cigarette trafficking⁸⁷



Cigarette trafficking is a very profitable trade. A pack of cigarette bought from a US manufacturer outside Europe cost only \$0.40-0.60 USD, and can be sold for \$3.00 - \$4.00 per pack in Europe: this amounts to a net profit of \$1.2-1.4 million USD in profit for a single 15T truck.⁸⁸

⁸⁶Marsat, Alain. "Commandant, Direction Centrale de la Police Judiciaire." Paris, France. Ed. Ministere de l'Interieur. Mafia activities in France, 1998.

⁸⁷Direction Centrale de la Police Judiciaire. "Note d'intervention sur les casinos de Menton et du Ruhl." (Undated).

⁸⁸The amount of contraband cigarettes seized by French police has increased dramatically between 1992-1995: 1992 (13.2 metric tons) - 1993 (60T) - 1994 (185 T) - 1995 (117 T). Valdiguie, Laurent. "Le trafic des blondes fait un tabac." *Le Point* 23 April 1996.

Michele Zaza, jointly godfather of the Cosa Nostra and the Camorra, was been called the Neapolitan Emperor of contraband in light of his extensive and highly profitable cigarette trafficking activities first as a child, and then as an adult. Zaza, operating out of his Riviera home in Villeneuve-Loubet used to plan operations and intercept and re-route Philip Morris shipments of cigarettes intended for sale outside the EU, and hence tax-exempt, and resell them directly to retailers, tobacco shops and wholesalers. His asking price was slightly less than the official factory direct price and hence was advantageous to the buyer. In effect, Zaza was intercepting the cigarette taxation (equivalent to 76% of the sale price) money that under normal circumstances would have gone to the State, and keeping it for his own personal profit. In addition, although never proven in court, Zaza had the uncanny habit, of adding to his cigarette cargo shipments, substantial packages of cocaine or heroin, therefore greatly increasing the street value of the overall shipment.⁸⁹ In March 1997, French customs agents intercepted a truck shipment of 1,660 cartons of cigarettes near Andorra, three Italian nationals were arrested and under interrogation revealed that the contraband cigarette was on its way through France to the Riviera then on to Sicily, once again demonstrating the usefulness of the Riviera as a communications corridor to Italy.⁹⁰ According to François d'Aubert, contraband cigarettes account for 3.5% of the French national cigarette consumption, as opposed to 15-30% of the Italian and German consumption.⁹¹

- Meat frauds:

In May 1993, Operation Mare Verde (Green Sea) allowed police to uncover a fraud set up by Zaza, and run out of his Riviera home, which consisted of buying cheap meat from Eastern Europe and selling it repeatedly in and outside of Europe, each time collecting different EU import and export subsidy with each operation.

- Political corruption:

Political corruption by the Mafia, even at the local or regional level does not seem to be very prevalent yet, but this type of Mafia activity generally represents the last echelon of penetration. Although suspicions of corruption surface occasionally, especially close to or right after local

⁸⁹ Calvi, Fabrizio. L'Europe des Parrains: La Mafia a l'Assaut de l'Europe. Paris: Grasset, 1993, page 80.

⁹⁰No Author Cited. "Trafic des Cigarettes." Perpignan: AFP, 1997.

⁹¹d'Aubert, Francois. Main Basse Sur l'Europe: Enquete sur les Derives de Bruxelles. Paris: Plon, 1994.

elections on the Riviera, no concrete, indictable evidence has surfaced as of yet. Jacques Medecin, former mayor of Nice, was accused repeatedly of collusion with the Mafia because of his ties with school friend Jean-Dominique Fratoni, but appears today that although Medecin may have been aware of Fratoni's ties with the Mafia he was never directly implicated.⁹² Finally, Bernard Tapie, former minister and protégé of former French president Francois Mitterand, and political figure in the South (as well as coach of the O.M. Marseilles football team) was also accused, with little substantiating evidence of collusion with the Mafia.⁹³

- Cells and family structures implanted in France

All the French experts agree that despite Mafia presence in France and especially on the Riviera, no cells or family structures have been established, and France has not yet become a true operational base. However, two Cosa Nostra turncoats, who testified before the French National Assembly's committee on Mafia affairs, addressed this very issue of Mafia cells in France. In opposition with common belief, both agreed that cell structure was limited in France, but nonetheless existed. Leonardo Messina named Grenoble as a cell base for the Mafia, and Antonio Calderone, although remaining quite vague about the precise location, thought that at least one comprised of ten people existed in France.⁹⁴

⁹²The other politicians suspected of having had ties with the Mafia was Maurice Arrexx, arch enemy of Yann Piat, depute from the Var region who was shot, execution style by two motorcyclists as she was driving home from work. Much fabrication and little concrete facts emerged from her death, but again it appears that although her assassins may have executed her in a Mafia style-killing, the Mafia itself was never implicated in her death.

⁹³P.A., and I.H. "Derriere Tapie, une forte odeur Mafieuse." L'Hebdo 12 July 1994.

⁹⁴d'Aubert, Francois, and Bertrand Gallet. "Rapport de la Commission d'Enquete sur les Moyens de Lutter Contre les Tentatives de Penetration de la Mafia en France." Paris: Assemblée Nationale, 1993.

status with France. Although Monaco has always remained "officially" independent" from France (except for a very brief period during the French Revolution), it has always maintained close ties in the economic, judicial and financial spheres. In fact, France recognised Monaco's independence in 1489, and made official its privileged relations with Monaco by signing the Treaty of Peronne⁹⁸. Shortly thereafter, in 1865, France and Monaco signed their first customs union, and finally in 1918 the Treaty of Protective Friendship was also signed, stipulating, and solidifying the nature of French/Monaco relations.

Today

Today Monaco's "policy" is such that both its interior and exterior affairs are strongly influenced by the different treaties and "Conventions" it has signed with France. In fact, from an "exterior" perspective: "Monaco is a sovereign state within the framework of treaties signed with France, and all aspects of its international dealings wish benefit from a French/Monegasque agreement." From an "interior" point of view, the Principality in-trusts its defence to France, and France agrees to defend the sovereign territory of Monaco, as if it were and integral part of France.

As a result of a 1930 "Convention",⁹⁹ most of the important posts in the administration are reserved for French nationals. Today, the head of government, special counsel to the interior government, director of fiscal affairs, director of judicial affairs are French nationals, but, are paid by Monaco, and serve in the interest of Monaco.

Today, obviously the context has vastly changed. Monaco has become an important financial center and now wants to act much more, if not totally, independently from France, especially in its international relations. However, the particularity of France and Monaco's historic relations continues to affect their dealings with each other, as well as Monaco's dealings with international community.

No doubt the turning point in Monaco's recent history comes in 1962, when Prince Rainer

⁹⁸ Treaty of Peronne was signed on the 14th September 1961 between Louis XIII, and Honoré II. It provided for the « lending » of 500 French troops to Monaco to serve and protect Honoré II.

⁹⁹ Originally this Convention was set up because of the lack of qualified personnel in Monaco. It was thought at the time that France was more apt to fill these key posts. Although progressively the situation evolved, and Monaco was able to find highly qualified personnel, the 1930 convention remains in effect, despite occasional, and increasingly frequent contestations by Monegasques. Furthermore, the fact that French nationals were set up in key positions reassured France that in the case that the Monaco dynasty were to come to an end, control of the Principality would automatically revert to France.

of Monaco fired Emile Pelletier, a high-ranking civil servant of French nationality. This incident is viewed by then French president General de Gaulle as a humiliating act, and began what is known as the "Crise". As a result of the ever increasing tensions, and quickly deteriorating relations, Prince Rainer, in a move to increase Monaco's independence declared his Principality a fiscal paradise. This new status marked the beginning of a very peculiar relationship between France and Monaco, but certainly marks the beginning of Monaco's financial prosperity. France continued to "tolerate"¹⁰⁰ Monaco's special financial situation as long as it remained mainly centred around profits emanating from the proceeds of games and tourism. When suspicion of money laundering and harbouring of criminal proceeds began to be expressed by French fiscal authorities this historic tolerance became quickly eroded.

2. Fiscal / Financial matters

France and Monaco have a "practically" unified banking sector. In theory Monaco's banks are supposed to respect and apply all French laws. The custom's union that defines French/Monaco ties also includes key aspects of the banking industry, notably the transfer of funds, and the declaration of origin of transfer amounts superior to 50,000 FF.¹⁰¹ Again, in theory, France is jointly responsible of Monaco's banking industry. Because of the increasing public pressure to curb money-laundering activities and to show "good faith" in 1998, France and Monaco negotiated a reinforcement of the money-laundering program.¹⁰²

Monaco' businesses:

According to Fabienne Reybaud¹⁰³, Monaco's economy has dramatically improved reaching a dizzying +25% in overall economic activity in only the last two years (1998-2000). The breakdown of this remarkable growth in the key sectors is as follows:

¹⁰⁰ France and Monaco are still linked by a treaty governing Monaco' economic and financial dealings.

¹⁰¹ 1963 Fiscal Convention between France and Monaco, defined these transfers as a customs violation if the origin is not ascertained

¹⁰² 31/12/1998

¹⁰³ Reybaud, Fabienne: Le Figaro newspaper 18 April 2000

- Telecommunications: + 50%
- Banking sector: + 29%
- Real-estate: + 22%
- Tourism: + 8%

The banking sector alone employs 1,700 employees (=5% of active population), operates within 70 banking establishments and has an annual turnover 44.6 billion FF, equivalent to about 20% of the annual Monaco turnover for all industries. Because Monaco has a specific fiscal and banking regime it attract a huge amount of non-Monegasque clients. Below is a list of "advantages" for banking clients in Monaco. These advantages are conducive not only to "organised" fiscal evasion, but especially advantageous for criminal investments and proceeds.

Fiscal regime for Monaco citizens, residents and businesses.

- | | | |
|--|---|---|
| • Citizens of Monaco | = | no income taxes |
| • Residents of Monaco | = | no income taxes (except for French nationals) |
| • No inheritance taxes | | |
| • No added value taxes | | |
| • No with-holding of interest (at the banking establishment) | | |
| • No with-holding of dividends (for business) | | |
| • No tax on your fortune(or luxury tax) | | |
| • = great asylum for money fleeing any fiscal authority | | |

Monegasque Banks.

There are approximately 70 banks in Monaco (for a population of 30,000), equally divided between Monegasque establishments, foreign banks, and subsidiaries of French Banks. Between 1993-1995 the quantity of cash deposits increased by nearly 40%, leading financial experts to wonder if Mafia involvement was not to blame for this sudden increase in cash transactions¹⁰⁴. Already in 1992, Monaco receive surprisingly large cash deposits totalling \$12 billion USD.¹⁰⁵ A few interesting figures:

- In 1999, over all deposits into Monaco banks increased by 27%.
- 10 times more bank accounts than residents
- 69.4 % of money managed in Monaco belongs to non-residents

¹⁰⁴Follain, John. Dishonored Society: the Sicilian Mafia's Threat to Europe. London: Warner Books, 1995, page 200.

¹⁰⁵Barry, James. "Single Market Effect: Mafia Influx in France." International Herald Tribune 8 February 1993.

3. Money-Laundering Laws & money laundering practices

Monaco despite its "tolerant" banking practices is in fact equipped with money-laundering laws:

Law 1-161 of 7th July 1993:

-Article 218/1: 5-10 year imprisonment for any person facilitating money laundering

-Article 218/2: provisions for a harsher sentence for a member of an organised crime network

In addition, the banking establishments and banking industry employees are under obligation to report suspicion funds, deposits or transfers. In reality though, very few reports of suspicion are ever filed with the Financial Circuits Information and Control Service (SICCFIN),¹⁰⁶ the entity authorised to investigate claims of suspicions dealings or deposits in the banking industry.¹⁰⁷ During a five-year period between 1994-1999 only 12 of the 299 cases of reported suspicion of money laundering were actually prosecuted. By comparison, the Assembly report rapporteur noted that the Isle of Man which is equipped with similar structures to report and prevent the occurrences of money laundering, in 1998 alone, reported 1,500 cases of possible transgressions to the competent authority.

Declaration of suspicions in Monaco¹⁰⁸

	1994	1995	1996	1997	1998	1999	Total
Declaration of Suspicions	43	37	54	45	37	50	266
Cases brought to the prosecutor	3	0	3	0	2	4	12

Money laundering schemes: the Casino route:

In addition to the "complacent" banking practices, Monaco offers other money laundering advantages, including casinos. The Monaco Casino was founded in 1963 by the Société des Bains de Mer (SBM) was bought out several times¹⁰⁹ before being definitely acquired by Prince Rainier of Monaco in 1966.

¹⁰⁶ SICCFIN : Service d'Information et de Contrôle sur les Circuits Financiers.

¹⁰⁷ On paper this Service is staffed by three people, but the French Assembly Reports estimates that the figure in actuality is closer to one.

¹⁰⁸ as registered by the SICCFIN between 1994-1999.

¹⁰⁹ one time owner was Aristotle Onassis.

The Monaco casino, as most other casinos around the world, functions with the help of agents. These agents are solicited to bring in choice clientele, and are remunerated in various fashions, and according to different criteria. In Monaco, some of the agents are involved in large-scale money laundering operations. The player that has been "lured" to the casino by the agent writes a check to the order of the casino, and is given tokens in exchange. If by the end of the evening he has benefits, then his check is given back to him and his earnings calculated and paid out to him. If, however, the player has suffered losses, his initial check is given back to the agent, who then seeks to cash it in through the player. These agents were reported as having earned as much as 400-500,000 FF a week in commission¹¹⁰.

Monaco's suspicious banking practices are not a new discovery, but the amount of business transiting through its establishments has grown significantly in the last ten years. Already a US Secret service note dating back to 29 March 1945 pointed out that Monaco was the European money laundering capital, used by Nazi to launder and hide their money, and used by French companies to evade high import taxes on foreign goods.¹¹¹

Also under suspicion, are the ties between Monaco and the American La Cosa Nostra via Grace Kelly. Some experts believe that the original connection between the Mafia and Monaco may have begun when Grace Kelly married Prince Rainier on 12 April 1965, and that the negotiator *who* formalised these ties was none other than singer Frank Sinatra.¹¹² Unfounded rumours also circulated shortly after Grace Kelly's fatal car crash that the Mafia was responsible for the accident.¹¹³ Already in 1963 there was a Franco-Monegasque crises which opposed President De Gaulle and Prince Rainier, seemingly on fiscal policy, but more secretly about money-laundering and suspicious Monegasque banking practices.

The official position Monaco is that they do not harbour particular ties with organised crime,

¹¹⁰ Nearly \$80,000 USD.

¹¹¹The French government estimates their war time, tax evasion losses at 800 million FF, with Monaco taking a 3% commission for all the transaction that transited through the Principality..

¹¹²Leauthier, Alain. "Monaco, des traces d'argent sale sur le Rocher." *Liberation* 3 February 1993.

¹¹³Bianchini, Roger-Louis. *Monaco. Une Affaire qui Tourne*. Paris: Seuil, 1992.

and accuse the French government of using them as a scapegoat. However, in the face of an extensive list of operations proven to have Mafia links, and with many other occurrence having a strong Mafia odour, it is unrealistic that Monaco is completely unscathed by Mafia activities.¹¹⁴ But Jean Deflassieux, president of the Association of Monegasque banks denied organised crime's involvement in Monaco stating that the Mafia did not need Monaco to invest money in France.

4. Evidence of organised crime presence and involvement:

- *Casino of Monaco*. The Monaco casino is managed by the SBM, Societe des Bains de Mer, in which Prince Rainier has controlling interests. In June 1994, a letter, signed by six shareholders, was sent to the SBM condemning the actions of various parties in the Casino, and accusing them of having suspicious practices and ties with suspicious Italian loan-sharks agents. At least three of the Italians cited by name have confirmed ties with the Mafia, they were reprimanded and thrown out from Monaco, and their co-ordinator/manager was sentenced to prison time. The Monaco Casino, despite these expulsions, continues to have suspicious links with the Mafia. In November 1997, five Italians, regular and very big players at the casino were arrested while driving their Ferraris and thrown out from Monaco on the grounds that they had mafia ties, evidence that the casinos had once again been gangrened by Mafia.¹¹⁵ Again, according to National Bureau chief at Interpol: it is not possible that the casino be used for money laundering, because the casino is owned by the Societe des Bains de Mer in which the Prince has controlling interests, and it is "unthinkable that we would allow it (Casino) to be used to launder".¹¹⁶

-*Daniel Ducret*, Princess Stephanie's (Rainier youngest daughter) husband also came under suspicion after one of his business associates, Mr. Chiarolanzo was questioned by police about his links to the Mafia. While investigating possible money-laundering operations conducted by Mr. Chiarolanzo, the Asti 'Procureur' discovered that irregularities were also evident in his Ducret's bank accounts, as well as his joint account with the princess.

¹¹⁴First ever case of money laundering against Moshe Binyamin (Drugs T) on 7/7/1995 deposited \$5.5 million USD Inciyan, Erich. "La Justice Monegasque confronte a sa premiere affaire de blanchiment." Le Monde 17 November 1998.

¹¹⁵Roire, Claude. "Rainier oblige de faire le menage dans son casino." Le Canard Enchaîne 7 June 1995 - T.O. "La Mafia aurait investi Monaco." Le Monde 28 January 1993.

¹¹⁶Bresler, Fenton. Interpol. London: Sinclair-Stevenson, 1992.

-*Grand Prix Sponsor.* The Grand Prix race that takes place every year in Monaco is a huge media event that brings attention and international prestige to the city-state. The 1996 event was tainted by allegations that a key Italian sponsor, Ricardo Fanchini was sought-out by Italian and French authorities for Mafia association. Police tried to arrest him on the opening day of the Grand Prix, but he managed to escape aboard his yacht.

-*San Georgi.* Gaetano San Georgi, son in law of Mafia financier Nino Salvo, also came under suspicion for his ties with the Mafia as well as his possible money laundering operation through a Monegasque company. Police suspect he may have laundered as much as \$1 million USD, through funnelling money through off shores, and then onto Monaco.¹¹⁷

- *Stefano Casigheri.* In addition to Princess Stephanie's' relationship with shady, Mafia linked people, her sister Princess Caroline has also been accused of choosing partners with similar suspicious ties. Her second husband Stefano Casigheri was repeatedly suspected of having received bizarre financing by Italian friends, and of having close ties with Mr. Contini, and Italian national known to be close to the Mafia.

-Furthermore, other names closely associated with the Mafia have appeared repetitiously in Monegasque affairs, namely the facade company Societes Civiles Immobiliers (SCI), directed by Roberto Memmo, (Mafia association), Licio Gelli (head of P2 lodge and sought for Mafia association), and Giancarlo Parretti (Mafia Association).¹¹⁸

In the face of so many confirmed examples of Mafia activities in Monaco, or of links between Monegasque affairs and Mafia presence, it seems unlikely that Monaco is not penetrated by the Mafia. Its proximity to Italy and its connection between France and Italy coupled with its banking practices and money-laundering opportunities have made it an attractive terrain for the Mafia.

¹¹⁷Inciyan, Erich. "Differentes Affaires qui ont bien failli ternir la reputation de la principaute." Le Monde 17 November 1998.

¹¹⁸Leauthier, Alain. "Monaco, des traces d'argent sale sur le Rocher." Liberation 3 February 1993.

VI Conclusion

In view of the evidence presented above both in France and in Monaco, and in contrast with the evaluations offered by the various French or Monegasque authorities, it seems unlikely that Mafia involvement in France, the Riviera or Monaco is limited only to refuge, but rather that it has elected France as a base of activities. By infiltrating the banking establishments, investing in property, and laundering in multiple ways, organised crime in general and the Cosa Nostra specifically has established itself and at least a portion of its activities in the region.

Annexe two of this chapter is a table, a compilation of all the organised crime arrests that have occurred on the Riviera during the 1980's and 1990's, more than 80 in all. It is presented as evidence of proven Mafia presence in the South, and leaves little room for argument. In the face of such a list it is henceforth difficult for the local or national authorities of France or Monaco to pretend that organised crime is not present within their border.

If it appears that the preceding research is presented almost like a investment brochure for Mafia activities in France and on the Riviera, it is because a systematic approach and analysis of all the factors potentially attractive for Mafia activities and presence need to be investigated, to explain why it has chosen France and the Riviera as its area of predilection.

Italian organised crime and the Mafia specifically is present in the South, it's a fact. Now French and Monegasque authorities need to develop a plan of action and draft ways in which they can seek to combat it. Italy for obvious reasons has been the pre-cursor in the anti-Mafia campaign. Much can be learned from their fight, and lessons drawn from their experience that can be applied to France.

This chapter has sought to demonstrate the reality of Mafia presence in France and specifically in high concentration on the French Riviera. Once France comes to terms with this reality, it will logically seek ways to curb Mafia activities and limit Mafia presence either in terms of zone of refuge or for investment purposes. Its transalpine neighbor, Italy, has had to equip itself with a unique, Mafia specific legislative arsenal and police procedures in order to try and catch up with these organized criminals. France could probably benefit from bilateral consultations on this topic and could also probably gain time by looking at the Italian experience and learning for its mistakes and successes. The following chapter, entitled "Italian Lesson" will outline the special procedures that Italy has devised in an attempt to curb Mafia activities. Obviously Italy's arsenal is impressive but reflects the extent of Mafia presence within its border -- France's situation is far different in terms of extent of Mafia activity and presence and hence would probably not need, at this stage at least, the totality of the Italian anti-Mafia measures. France could however greatly learn from the Italian lesson.

Organised Crime In France: a few indicative numbers ¹¹⁹

Infractions	1993	1994	1995	Evolution 1995/1994 (in %)
Armed Robbery	11 211	10243	9 147	- 10.7 %
Murders between criminals	105	79	95	+20.3 %
Organising prostitution	679	627	533	- 15 %
Abating illegal immigration	1 271	1 102	1 514	+37,4 %
Infractions to legislation on drugs				
- drug trafficking	9 010	8 714	5 661	- 35%
- seizures (in metric tons)	40	54,5	34,4	- 36.9%
Counterfeit				
- commercial/industrial fraud	4 850	4 916	5 755	+17,1 %
- artistic & literary	1 676	2 132	4 250	+99,3 %
- number of articles seized by customs	63 700	206 183	299 012	+ 45 %
- number of customs infraction	142	741	651	-12,1 %
Counterfeit currency	3 065	5 428	6 568	+21 %
Cigarette contraband (in metric tons)	59,7	185,8	117	-37,1 %

The preceding table is a list of infractions perpetrated by persons recognised as being members of an organised crime group as tabulated by the French Police Judiciaire. Obviously the numbers presented are not necessarily representative of the reality or the volume of OC activity in France, but only represent the number of infractions that were noticed and subsequently compiled as statistics. Increases in seizures may not reflect an increase in trafficking, but may reflect an increase in police vigilance in certain areas. Alternatively decreases in seizures may reflect a decrease in trafficking, but may also reflect a change of tactic or an alternative route or means of trafficking that has not yet been detected by the police.

¹¹⁹Direction Centrale de la Police Judiciaire, DICCILEC et Direction Generale des Douanes et des Droit Indirects. "La Criminalite Organisee en France." . Paris: Ministere de l'Interieur, 1996.

Persons belonging to the Italian Mafia arrested on the Riviera

<u>Last Name</u>	<u>First Name</u>	<u>Alias</u>	<u>Family</u>	<u>Rank</u>	<u>Arrest</u>	<u>Location</u>	<u>Charges</u>	<u>Status</u>	<u>Comments</u>
ABATE	Pasquale		Camorra	Family Chief	8/07/1993	Nice	Drugs/Racketeering	Extradited 9/93	
ALBAMONTE	Francesco		Cosa Nostra	Lt of Riina	10/6/1997	Toulon	Drugs	Prison (4 years)	
BARBAROSSA	Nunzio		Camorra	Chief	15/02/1989	Nice		liberated	died 9/90
BIAGGIO	Grisafulli	"Dentino"	Cam & N'Dra	Capo	16/10/1995	Nice	Drug Trafficking	pending extradition	
BOE	Matteo		Camorra		13/10/1992	Corsica	Kidnapping	Extradited	22 year sentence (It)
CALDERONE	Antonio	"Nino"	Cosa Nostra	Treasurer	9/05/1986	Nice	Mafia Assoc.	Pentiti	
CANALE	Antonio	"Vittorio"	N'Drangheta		10/11/82	Cap d'Antibes	Money laundering	Released	
CANALE	Antonio	"Vittorio"	N'Drangheta		15/4/91	Paris	Racketeering	Served and then released	
CERETTA	Vittorio		N'Drangheta				Money Laundering	sentenced	Grasse 24/5/1994
CONIGLIARO	Giuseppe		N'Drangheta		18/07/1994	Marseilles	Drug		

CONO	Antonio			N'Drangheta			9/08/1994	Antibes	Trafficking	
CORRADI	Walter						11/04/96	Cagnes-s-Mer	Drugs	Extradited
COVALEA	Antonio			N'Drangheta	Scarfo's bodyguard		18/02/96	armed robbery		
CRISAFULLI	Biagio		"Dentino"	N'Drangheta			18/10/1995	Nice	Laundering Drug T.	
CUTULLE	Vincenzo		"the Bald"	N'Drangheta	Head		4/1994	Menton	Fraud	
di MAIO	Antonietta						9/9/1988	Cap d'Antibes		
di STEFANO	Paolo		"Don Paolino"	N'Drangheta	Capo		10/11/1982	Cap d'Antibes	Drugs & weapons	10/85 assasinated
d' AGOSTINO	Alberto			N'Drangheta			4/6/1993	Riviera	Kidnapping	
d' AUZILIO	Domenico			Camorra			13/06/1998	St. Raphael	Murders	
ESPOSITO	Vincenze							Villa-Loubet	Muders	Mudered
FASSANOTTI	Stefano			N'Drangheta					Money Laundering	sentenced
FEDELE	Antonino			N'Drangheta			3/1995	St.Laurent du Var		Grasse 24/5/1994
FERRUA	Giuseppe			Camorra			3/95	Nice		

FLACHI	Giuseppe	"Pepe"	N'Drangheta	Godfather	29/11/1991	Theoule (Cannes)	Murder	Arrest invalidated	
GABETTI	Eduardo				26/04/96	Corsica	Kidnapping	Extradited	
GELLI	Licio		P2 Lodge		10/09/1998	Cannes	Mafia Assoc.		
GRAPPONE									
GUIDA	Nunzio		Camorra	Lt of Zaza	15/02/1989	Nice	Drug trafficking		
IOVINE	Mario	"Marittello"	Camorra	Capo	26/08/1989	Toulouse	Drugs & Murder	released	6/3/91 assassinated
LAMUNDO	Antonino		N'Drangheta		25/10/1994	Menton	Murder		extradited
LIBRI	Domenico	Caracciolo	N'Drangheta	Chief	16/9/1992	Marseilles	Illegal resid. Illegal invst.	Extradited to Italy	5/05/95
LOCATELLI	Pasquale	"Marco"	Cosa Nostra		6/09/1994	Madrid	Drugs	Extradited to France	18 years prison
LOCATELLI	Pasquale	"Marco"	Cosa Nostra		3/88	St. Raphael	Drugs	Escaped	
LOVINO	Marco		Camorra	Capo	8/1989				
MACRI	Renato		Cosa Nostra		28/02/1992	Cagnes		see Le M	29/02/92
MANISCALCO	Guiseppe	"Jo the Sicilian"	Cosa Nostra		Summer 1993	Vintimille		Drugs	died of AIDS
MESSINA	Leonardo								
MIRASOLE	Michele		Saffioti		9/02/96	Nice	Murder and	Prison then	

TORTORA	Rolando		Camorra	Chief	9/9/1988	d'Antibes	Mafia Assoc.	Extradited	10/7/89
VANDELLI	Enrico		Cosa Nostra	Lawyer	21/09/96				
VITALE	Maulio		MaglianRom e		3/8/1995	Corsica	Drugs & Racketeering	pending extradition	
ZAZA	Michele	"o pazzo"	Cosa Nostra	Head	1989	Draguignan	Contraband	Released	died 18/7/94
ZAZA	Michele	"o pazzo"	Cosa Nostra	Head	12/05/1993	Villeneuve	Cigarette Trafficking	Extradited	26/03/94

Chapter 7



The Italian Lesson

*"I don't believe the Italian State really does have
the intention of combating the Mafia"¹*

I Introduction

Being the cradle of Mafia "civilisation", culture, and expansion, Italy has been the first State to have to confront the Mafia head on. For this reason, and as it has been the most profoundly affected, and penetrated country, Italy is the logical choice as a base of comparison for international Mafia combating efforts. The way in which Italy has chosen, or in some cases not, to approach its fight against the Mafia can be used as a reference from which to compare and contrast France's anti-Mafia efforts. During a 1991 French National Assembly hearing on international organised crime², Giovanni Falcone urged France to analyse and evaluate Italy's anti-Mafia experience, and derive from it the positive and negative aspects of this difficult fight. He encouraged the French legislators to draw their own conclusions, based on the trials and tribulations of Italy, and devise their own adapted strategy to combat the Mafia in their own country.³

In Italy, three factors have greatly contributed to fighting the Mafia more aggressively and more effectively, the creation of new institutions designed specifically to combat the Mafia, the drafting of several new laws, including the inauguration of the pentiti (justice collaborators) system for Mafiosi, and the dramatic shift in public opinion away from the Mafia in favour of government action.

The turning point: 1992:

Italy came to a significant turning point in its fight against the Mafia in 1992. The Italian Supreme Court finally made a ruling on the Maxi-Trials of 1987, and upheld the earlier sentences. The Mafia reacted immediately, assassinating Salvo Lima, a popular European Member of Parliament. Violence escalated further, culminating in the Summer 1992 assassinations of both Giovanni Falcone (23/05/92) and Paolo Borsellino (19/07/92). The new parliamentary Anti-Mafia Package was approved less than two weeks after

¹Follain, John. "Can Italy beat the Mafia after the Falcone murder?". Rome: Reuters, 1992.

²d'Aubert, Francois, and Bertrand Gallet. "Rapport de la Commission d'Enquete sur les Moyens de Lutter Contre les Tentatives de Penetration de la Mafia en France." . Paris: Assemble Nationale, 1993.

³This chapter does not aim to be the definitive reference on Mafia specific legislation in Italy, but rather a presentation of a few specific laws that are key in Italy's anti-Mafia campaign.

Falcone's death and more than 700 arrests were conducted that very night (a vast majority were comprised of convicted Mafiosi benefiting from house arrest). Post 1992, the government began to look at winning the war against the Mafia in much the same way that they had dealt with terrorism in the 1970-80's.

II The new institutions

The three Italian structures whose sole aim is to combat the Mafia are the Direzione Investigativa Anti-Mafia (DIA), the Direzione Nazionale Anti-Mafia (DNA), respectively the Anti-Mafia Investigative Directorate, and the National Anti-Mafia Directorate,⁴ as well as the General Council for the Anti-Mafia fight. Originally this task had been the responsibility of the High Commission, but considered ineffective, it was abolished and its place the DIA and DNA were established.

1. Direzione Investigativa Anti-Mafia (DIA)

The DIA, police branch of the Anti-Mafia institutions, was created in October 1991, turned into law 30/12/1992.⁵ It largely inherited the personnel and equipment from the restructured High Commission, but aims to surmount rivalries between the different police forces during the investigation process of cases pertaining to OC, and gives impulse to any inquiries it feels are necessary to combat the Mafia. Falling under the jurisdiction of the Public Security department, it is also dependent on the Ministry of Interior. The central Office of the DIA is in Rome, but also has twelve regional centres and five satellite offices. It is an inter-force structure, regrouping 1,500 administrative agents, and an additional 1,000 civil servants, belonging to the national police, the carabinieri (Ministry of Defence) or the Guardia di Finanza (military branch with fiscal, financial and customs competencies). In addition, it can seek logistic and technical support from all general police forces, the army and the security services.⁶ Placed under the control of the High Commissioner and the Minister of Interior, it is headed on a rotating basis by the head of one of the three sections, police, carabinieri or finanza. In addition the National Anti-Mafia Prosecutor, supervises the judicial section of the DIA. The DIA has regional units, called districts in all appellate jurisdictions. The special mission of the DIA is the protection of justice collaborators.

⁴Shortly following the creation of these two new structures was the passage of decree-law, 367 of 20.11.91, stipulating the coordination of investigations on activities pertaining to large scale banditry, and Mafia activities.

⁵Scotti's initiative was originally entitled: "Disposizioni urgenti per il coordinamento delle attività informative e investigative della lotta contro la criminalità organizzata" or urgent measures for the coordination of intelligence information and investigations of OC.

⁶Different intelligence services, namely the SISDE - Servizio per le Informazioni e la Sicurezza Democratica/ Information and Democratic Security Service (internal) and SISMI- Servizio per le Informazioni e la Sicurezza Militare/ Military Security Information Service (external) are also involved with the DIA.

Direzione Investigativa Anti-Mafia Hierarchical Structure⁷

Minister of Interior

(presides)



Department of Public Security/State Police Service



**General Council for the Fight Against Organized
Crime**

3 police Chiefs - 2 heads of security services - High Commissioner



High Commission

Presided by the High Commissioner



Direzione Investigativa Antimafia (DIA)

Governing body

- 1 Representative of the State Police
- 1 Representative of the Carabinieri
- 1 Representative of the Finance Guard

Composition of the Personnel

- State Police
- Carabinieri
- Finance Guard

Duties and Responsibilities

- Preventive Investigations
- Judicial Investigations
- International Relations

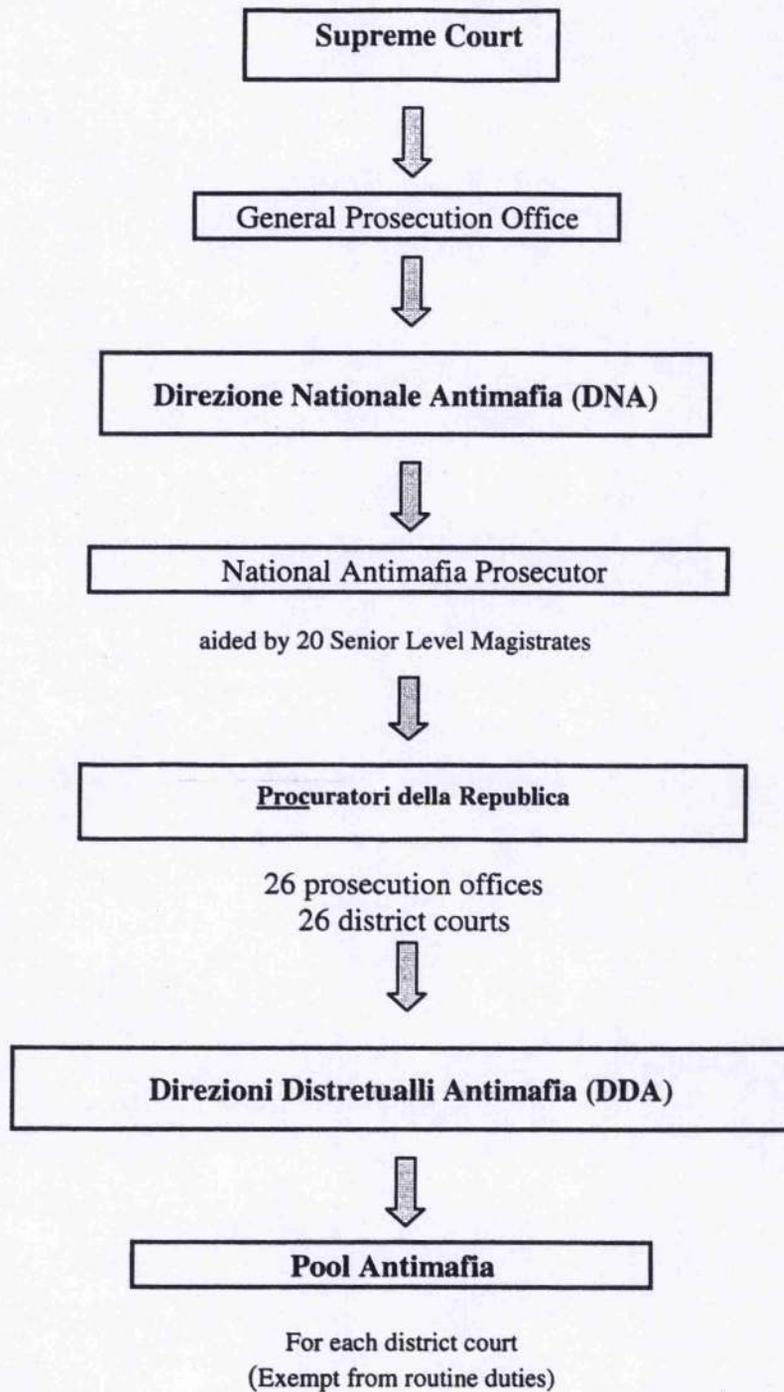
Specialized Structures

- Servizio Centrale Operativo (SCO) of the State Police
- Raggruppamento Operativo Speciale (ROS) Carabinieri
- Gruppo investigativo sulla Criminalita Organizzata (GICO) Finanza

⁷De Bacq, Michel. "Criminalite Organisee." Criminalite Organisee. Ed. Marcel Leclerc. Paris: La Documentation Francaise, 1996, page 208-209.

2. Direzione Nazionale Antimafia (DNA)

Direzione Nazionale Antimafia hierarchical structure



Also known as the “superprocura”, the DNA, the Direzione Nazionale Anti-Mafia created by law 8 of 20 January 1992, is the judicial branch of the Anti-mafia machine.

Based in Rome, the DNA serves as a centralised political/public action forum.⁸ Headed by the National Anti-Mafia Prosecutor (PNA), it sits in the general prosecution office of the Supreme Court (this was to have been Giovanni Falcone's position) and manages twenty senior level magistrates with experience in OC. The DNA can initiate inquiries, in strict collaboration with competent regional authorities. The district subset of the DNA is the Direzioni Distrettuali Anti-Mafia (DDA). The number of members of the DDA, varies according to the size and importance of the penal jurisdictions and the presence of organised crime within it.

3. The General Council for the Anti-Mafia Fight

This council sits in the Ministry of Interior and is presided over by the Minister of Interior. It is composed of the Chief of Police, Commanders of the Carabinieri and the Guardia di Finanza, the Director of the DIA as well as the directors of military and civil intelligence. Its task is to devise strategies to counter organised crime, define objectives for each police force, as well as divide and allocate available resources.

⁸De Bacq, Michel. "Criminalite Organisee." Criminalite Organisee. Ed. Marcel Leclerc. Paris: La Documentation Francaise, 1996, page 204.

IV The New Laws:

In order to combat organised crime and the Mafia effectively, the Italian government underwent legislative, judicial and investigative changes. In addition to the creation of three new structures, DIA, DNA and Council, the Italian Parliament voted into application several fundamental laws that would help the anti-Mafia effort by facilitating investigations, enticing collaboration, and making sentencing more strict. These laws include; Law 416 defining Mafia association, Law 306 reversing the burden of proof, as well as other highly specific laws that together revolutionised the anti-Mafia campaign.

1. Article 416⁹

Originally, Law 646 of 13.09.82, it was voted on in 1982, and was completed by Law 356/82 in August 1992. This law establishes the legal concept of Mafia membership, and became the single most effective tool with which to combat the Mafia. It defines Mafia appurtenance as:

An association of three or more members is of "Mafia kind" when those who form it make use of the power of intimidation provided by the associative bond and the state of subjugation and of criminal silence (omerta) which derives from it to commit crimes, to acquire directly or indirectly the running or control of economic activities of concessions, grants, contracts and public services in order to realise illicit profits or advantages for themselves or for others.¹⁰

Also known as the Rognoni law, it was partially based on the US RICO law, and was designed to compensate for the lack of available incriminating evidence, as well as the reticence of witnesses to give statements against the Mafia (in large part due to fear of reprisals). Because the old penal system did not recognise the traditional scare and intimidation tactics used by the Mafia as indictable offences, it was necessary to develop a definition that would describe one or several of these methods, recognise them as indicative of Mafia association and hence punishable. Originally intended as a way to open an inquiry, the Rognoni-LaTorre law turned out to be grounds for indictment and

⁹Article 416 was originally introduced in the Italian parliament by Communist delegate Pio La Torre (who was murdered by the Mafia on April 30, 1982, and DC Interior Minister Virginio Rognoni following the Mafia commandeered murder of the prefect of Palermo, General Carlo Alberto Della Chiesa.

¹⁰Jamieson, Alison: The Modern Mafia: Its Role and Record, Conflict Studies No.224, London (1989), page 1.

conviction.¹¹ In order to open an investigation the allegations being presented had to constitute an illegal act, and by rendering Mafia association and Mafia tactics illegal, Italy was allowing investigations on suspected Mafia membership to be opened with much more ease. The Rognoni Law was comprise of four essential parts:

- Defining the Mafia and stipulating minimum sentencing
- Permission to conduct investigations into the finances of a suspect
- Baring persons with a criminal record from competing in public contract bidding
- Establishment of anti-mafia certificates.¹²

In addition to legally defining Mafia belonging and Mafia related activities, the 416 bis, established a minimum sentencing requirement based on the exact nature of the Mafia association. The sentencing stipulations ranged from 3-10 year mandatory imprisonment requirement with: 3-6 years imprisonment for Mafia conspiracy and belonging, 4-9 years imprisonment for anyone promoting, managing or organising a Mafia conspiracy and 4-10 years if it is an armed conspiracy.¹³ As a result of this new law, the number of incarcerated Mafiosi has been steadily rising, doubling between 1992 (2,060) and 1994 (4,164).¹⁴

2. Law 306: Reversal of the burden of proof and freezing assets

In order to further facilitate the prosecution and subsequent conviction of suspected Mafiosi, the Italian parliament reversed the burden of proof charge shifting it from the prosecution to the defence in cases of financial dealings suspected of being orchestrated by the Mafia. The suspect is required to prove the legitimate origin of his income and wealth:

Inversion of burden of proof in presence of accusation, assuming a continuous criminal attitude resulting from organised criminal membership.¹⁵

¹¹Padovani, Marcelle. Les Dernieres Annees de la Mafia. Paris: Gallimard, 1987, page 158-159.

¹² Anti-Mafia certificates are official documents obtained from the Italian government that certify that a given person has not been under investigation, nor is currently under investigation on charges of Mafia association. Jamieson, Alison. Terrorism and drug Trafficking in the 1990's. Aldershot: Dartmouth, 1994, page 23.

¹³Servizio per le Informazione e la Sicurezza Democratica. Per Aspera ad Vertitem. Rome, 1995, page 19.

¹⁴De Bacq, Michel. "Criminalite Organisee." Criminalite Organisee. Ed. Marcel Leclerc. Paris: La Documentation Francaise, 1996, page 210-211.

¹⁵Servizio per le Informazione e la Sicurezza Democratica. Per Aspera ad Vertitem. Rome, 1995, page 99.

In addition, the seizures of suspicious assets was also initiated to prevent Mafia them from being transferred or hidden while the investigations were taking place.¹⁶ The innovation of this law, was the possibility to also investigate and freeze the assets of direct family members, and all persons having a direct link with the suspected Mafiosi. This eliminated the possibility of hiding assets with family members or friends, as they were susceptible of also being investigated. If the illegal nature of the assets could be established, the property, bank accounts, and overall assets are sequestered by the State and the inversion clause put into effect.

3. Special penitentiary conditions

In addition to the 416 and 306 laws, a special treatment during incarceration proviso was implemented for convicted high ranking and influential Mafiosi: decree/law 8 June 1992 was enacted principally to prevent the "bosses" and family chiefs from issuing orders, managing their activities or intimidating potential witnesses from jail, and incarcerated them under specific guidelines with limited access to the outside, and little contact with other prisoners (sometimes even held in solitary).¹⁷ There have been 800 special detainees, since 1982, when the special treatment clause was implemented. In 1995, 466 prisoners¹⁸ were being held under this provision, the vast majority of which were members of the Cosa Nostra (269).¹⁹ To further isolate Mafia bosses and limit their potential to continue working while in jail, authorities turned to an ancient solution, incarceration in remote islands.²⁰

¹⁶De Bacq, Michel. "Criminalite Organisee." Criminalite Organisee. Ed. Marcel Leclerc. Paris: La Documentation Francaise, 1996, page 208-212.

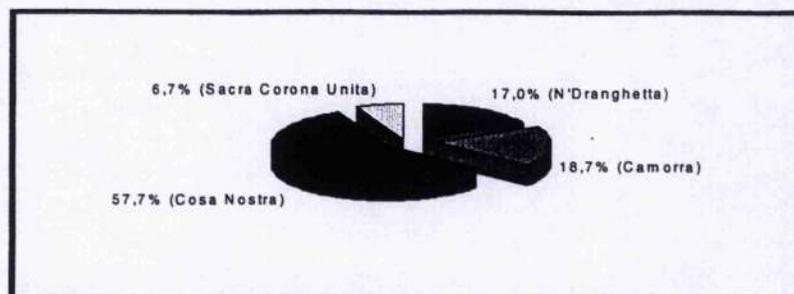
¹⁷Michele Greco, boss of all bosses, and convicted of ordering the murder of at least 78 people was held in solitary confinement for five years, while guards watched him around the clock. Source: Follain, John. "Godfathers Walk-out of Jail, Mafia Fighters See Red." . Rome: Reuter, 1991.

¹⁸Servizio per le Informazione e la Sicurezza Democratica. Per Aspera ad Vertitem. Rome, 1995, page 99.

¹⁹In addition to the new legislation and incarceration proviso, investigative changes were enacted. These included: -Police can seize an inquiry without having to obtain specific authorization from the Magistrate - police can collect spontaneous declaration from the accused - Telephone tapping authorization was extended from 15 to 40 days - autonomous power of searches -permission to use illegal substances to ID members of OC - length/duration of investigation increased.

²⁰In July 1992 more than 100 Mafiosi were exiled to Agrippa prison, one of three incarceration centers on Devil's Island. Follain, John. "Rome ponders exiling Mafia bosses after Falcone murder." . Rome: Reuters, 1992.

Breakdown of special penitentiary conditions by organised crime families



4. Other Mafia specific legislation

- *Money Laundering prevention*: In an effort to curb money laundering, a new law (based on the US law) limited the maximum amount of a single cash transactions, or contents of anonymous bank accounts to 20 million liras (approximately £9,150 UK).²¹

- *Suspension of the Gozzini Law*: The Gozzini law had enabled jailed criminals to obtain partial liberty, in the form of house arrest, after having served a part of their sentence, this law was suspended for Mafiosi who were required to serve the full length of their sentence and could not obtain the privilege of partial liberty.²²

- *Post jail restrictions*: in order to try and curb the number of Mafiosi re-engaging in criminal activity after having been released, or at the very least to curb their capacity for action, a new law established restrictions on their choice of residence, and stipulated that freed Mafia bosses could not live nor even return to Palermo, and rather had to live in a Sicilian town of less than 10,000 people, and in addition, have to report to the police everyday.²³

- *Cash bounties for tips*: In an attempt to break the *Omerta law*, and to encourage witnesses to come forward and testify the Italian Justice passed a law offering "bounty" money for tips on Mafiosi. The cash reward was set up on a grading scale, with a list of Italy's top 20 most wanted Mafiosi, the higher the place on the list the higher the cash reward. The top cash reward was established at \$50,000 USD.²⁴

²¹Waddington, Richard. "Italy's Financial War with Mafia needs Computers Not Guns." Reuter 18 July 1991.

²²Wyles, John. "Italy Introduces New Anti-Mafia Laws." Financial Times 12 November 1990.

²³Follain, John. "Godfathers Walk-out of Jail, Mafia Fighters See Red." . Rome: Reuter, 1991.

²⁴Wireservice. "Italy offers bounty to Mafia informers." . Rome: Reuter, 1992.

The application of these laws finally gave the Italian justice a very slight advantage in their anti-Mafia campaign. Each new law on its own targeted a specific aspect of the Mafia, and together aimed to really impact Mafia activities and homogenise sentencing guidelines. Measures like the special incarceration proviso and post jail restrictions sought to also enact preventative measures, and avoid the easy reintegration of freed Mafiosi back into their criminal system.

V PENTITIS: Reforms in the judicial process

The *pentiti* system, that encouraged criminals to collaborate with justice officials in order to benefit from more lenient sentencing and relocation was first established for terrorist collaborators, but in light of the increasing Mafia related violence was extended to organised crime members. The very first Mafia *pentiti* was Salvatore Contorno in the early 1980's. The special provisions for collaboration enabled prosecutors and police to obtain precious inside information on the Mafia, and resulted not only in a much better understanding of the overall organisation, but also allowed for the arrests of very influential Mafia bosses.²⁵ Contrary to many other countries Italian collaborators of justice are not anonymous but rather afforded alternative protective custody in exchange for their testimony. The pentiti provision was the result of Law 82 of 15.03.1991, finally really activated Summer 1992 and stipulated the following:²⁶

[...] protection and assistance of any individual (and member of family living with this individual) who are exposed to a serious and present threat as a result of co-operating with authorities in relation to matters under investigation concerning crimes for which mandatory arrest is provided when caught in the act of committing the crime²⁷.

Originally managed under the Central Protection Commission, it later became the responsibility of the DIA:



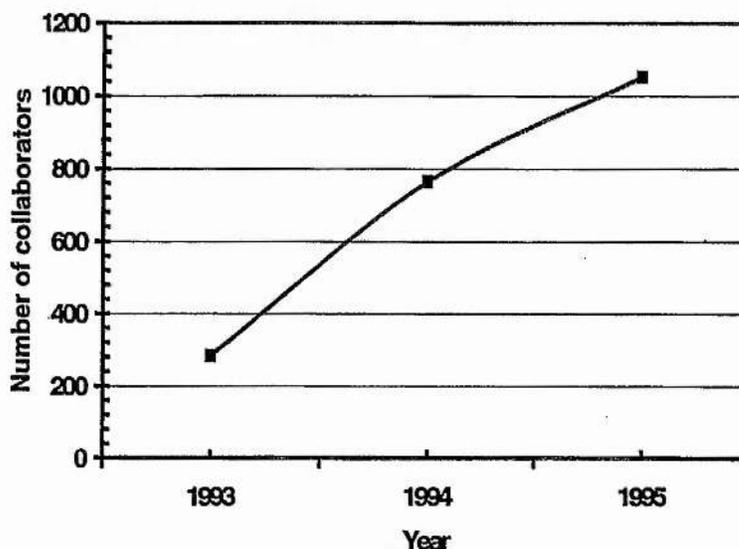
²⁵Law 304, also known as the "Penitence Law" was passed 29 May 1982 to help combat the Red Brigades. It entailed reduced sentences and protection in exchange for full confession and active contribution. The first pentiti under this law were Patrizio Peci (Red Brigades) and Michele Viscardi (Front Line). Source: Jamieson, Alison. *Terrorism and drug Trafficking in the 1990's*. Aldershot: Dartmouth, 1994, page 13.

²⁶The Pentiti law was revised after Falcone's death and converted to Law 356 of 7 August 1992. It gave special stipulations for cases involving grave and urgent reasons of security, and allowed for the relocation of the witness and his family to a destination outside of jail.

²⁷Servizio per le Informazione e la Sicurezza Democratica. Per Aspera ad Vertitem. Rome, 1995, page 25.

Since the 1991 legislation was passed, the number of collaborators has been steadily rising: in 1993, there was a total of 283 pentitis, by 1994 the number has risen to 765, and reached 1,052 by 1995. The rates have tripled in the past two years, with sometimes more than one collaborator a day coming forth to testify.

Increase in number of justice collaborators



- *Cost of Collaboration*: The main problem associated with the popularity and subsequent increase in collaborators has been the soaring costs associated with it popularity:²⁸ on average, the cost of maintaining a collaborator of lesser importance is estimated at 3 million Liras a month (about \$2,000 USD),²⁹ while a collaborator of more importance can easily reach \$20,000 USD a month.³⁰ By 1995, the annual expenditure for justice collaborators reached more than \$21 million USD a year, more than eight times the allotted budget provided for by the 1991 law.³¹ According to Italian Minister Rinaldo Corona, although most judges and government officials concur that the pentiti system has

²⁸In all cases of justice collaboration, the presiding magistrate must evaluate and estimate the potential value of the pentiti, and his confession. Once his value has been established, the State then takes over the responsibility of covering his costs which generally include a new identity, a new bank account and funds, and a new residence for him and his family

²⁹d'Emilio, Francis. "Italy Weary of Keeping Mafia Traitors on Payroll." Detroit News 7 August 1995.

³⁰De Quarto, Aldo. Mafia et Gauche: les Noces Sanglantes. Paris: Editions Premiere Ligne, 1994, page 191.

³¹Jamieson, Alison. Recent Developments in the Italian Anti-Mafia Fight: Speakers Notes, 1995.

been a critical weapon in the war on organised crime, yet as the numbers increase, they become a significant drain on public spending and hence a growing concern for legislators.³² The cost born by the collaborators themselves is also quite high, because in order to dissuade them from speaking out and collaborating any further, the Mafia threatens the collaborator himself, but also his relatives.³³

- *Collaborators and politics:* To Falcone and later Borsellino's surprise, pentiti were very reticent to collaborate on issues concerning political ties with the Mafia. Tommaso Buscetta eventually explained this unwillingness. He believed that Italy was not actually ready to hear the truth about the collusion between Mafia and politics, and he feared that by broaching this sensitive issue he would be coined as crazy, and the rest of his testimony would be considered unreliable. He waited until the judges and the "system" in general were more prepared to receive these damning accusations and take him seriously.³⁴ Furthermore, collaborators were well aware that by accusing high ranking government or justice officials they could well be jeopardising their own personal security even within the confines of jail or even in the witness protection programme. Joacchino Natoli, Palermo Assistant Prosecutor in charge of the Andreotti trial, believed that the pentiti modulated their declarations based on their confidence not in the State but in its will to combat the Mafia.³⁵

- *System under Fire:* The effectiveness of the pentiti system has come under fire however and those who contest the law, as well as some of the collaborators themselves, fear that the Mafia itself may be planting "mole" collaborators that would either purposely mislead the authorities, or might be able to transmit warning and threats to past or potential collaborators.

Obviously persons accused of Mafia collusion by collaborators are not fond of the system, as is the case with former prime minister Andreotti who was accused and indicted, on grounds of Mafia association and collaboration, based on multiple pentiti confessions.³⁶

³²d'Emilio, Francis. "Italy Weary of Keeping Mafia Traitors on Payroll." *Detroit News* 7 August 1995.

³³In an effort to quiet Contorno, the Mafia murdered forty-six of his relatives.

³⁴Arlacchi, Pino. *Buscetta: La Mafia par l'un des Siens*. Paris: Felin, 1994.

³⁵Decamps, Marie-Claude. "Les Repentis de la Mafia." ? 14 June 1995. Jamieson, Alison. *Terrorism and drug Trafficking in the 1990's*. Aldershot: Dartmouth, 1994, page 277.

³⁶It must be noted that all confessions must be corroborated, and that those that remain unsubstantiated are not admissible in court.

He claimed that these sorts of confessions are easily manipulated by political enemies, and that in addition, confessions are not reliable because pentiti are prone to say anything to get protection and money.³⁷ Andreotti also claimed that the Mafia is able to set up pentitis for the sole purpose of bringing down politicians on orders of the Mafia bosses, in revenge for their tough Anti-Mafia stance.³⁸

³⁷Valsecchi, Piero. "Top Mafia Turncoat Testifies That Andreotti Met with Mafiosi." . Padua: Associated Press.

³⁸Giraud, Henri-Christian. Terres de Mafia. Paris: JC Lattes, 1993, page 189.

VI Mobilisation of public opinion

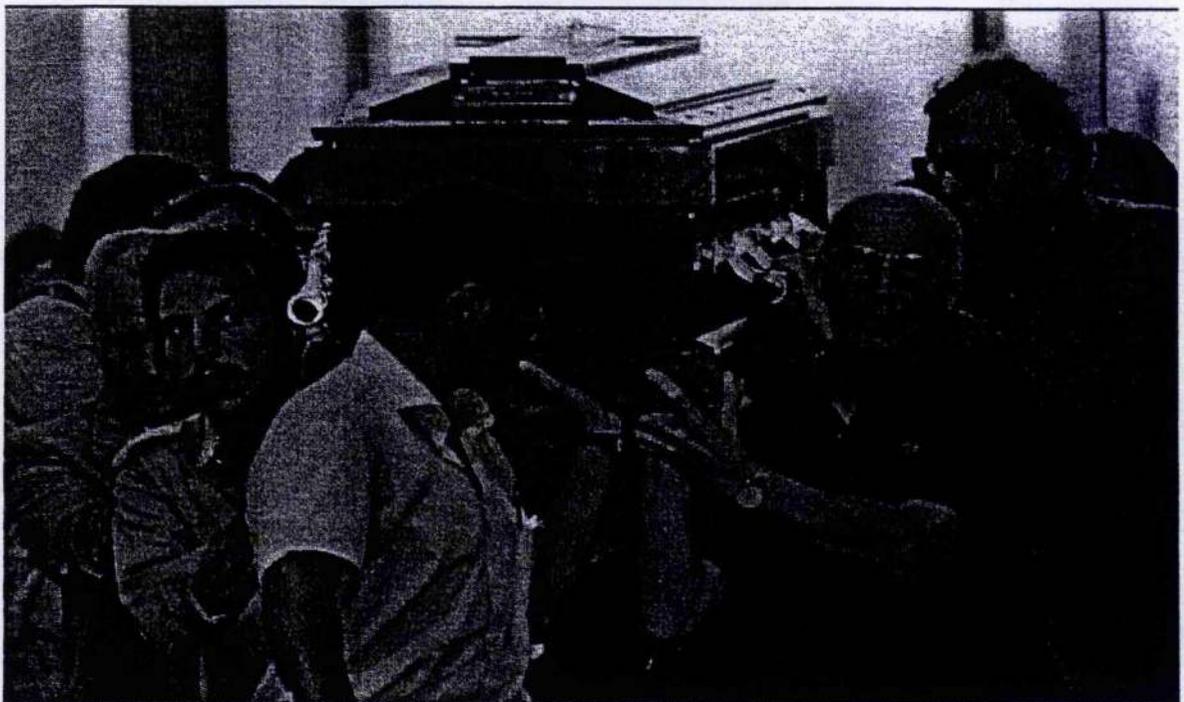
In addition to the changes in Italian legislation that enabled the State to combat the Mafia more effectively, the single other most important change that affected the Mafia position and stature was the dramatic shift in public opinion, and the massive popular mobilisation against the Mafia. Whereas in the past the Sicilian population had adopted either a overtly pro-Mafia position, or at best an ambiguous stance, public opinion shyly started shifting in the 1980's and exploded in 1992 after the assassinations of Falcone and Borsellino.

Several developments helped mobilise public opinion in favour of the fight against the Mafia, notably the Mafia's involvement in the drug trade and a significant increase in violence. Already a subtle shift in public opinion had begun following General Della Chiesa's murder (1982), and grew more perceptible with each subsequent murder. The change in leadership that occurred as the Corleonesi clan took power also brought about a change in tactics and a change in practice as women and children as young as eight were murdered. As a result of these changes public awareness and support began to sway away from the Mafia,³⁹ and for the first time, the impetus for change was given not by the governing class, but rather by the population.⁴⁰ Many different popular manifestations of this rising anti-mafia sentiment emerged in the form of associations, public demonstrations, school projects and even police strikes, newspapers and the creation of political parties.

³⁹Dionne, E.J. "Sicily's Changing Life Turns Against Mafia." *New York Times* 1 January 1985. Johnston, Bruce. "Italian Mafia turns its guns on children." *Sunday Times* 14 October 1990. Pullella, Philip. "Organized Crime Killings of Children Shock Italy." . Palermo: Reuter, 1990. Montalbano, William. "Violating Code, Mafia Takes Aim at Women." *Los Angeles Times* 13 January 1990.

⁴⁰An opinion poll concluded that more than half the Italians, angered by the deaths of Falcone and Borsellino wanted the return of the death penalty to combat organized crime. *Source*: Follain, John. "Palermo police chief sacked after Mafia murder." . Rome: Reuter, 1992.

1. Public Demonstrations



Public demonstration following the murder of Judge Borsellino & Funeral procession for slain judge ⁴¹

⁴¹ Both pictures are taken from: Villeuneuve, Jacques: Chroniques des Sacndales et des Affaires Criminelles. Paris: France Loisirs

"Two Bombs too Far",⁴² was the public outcry that followed Falcone and Borsellino's death, and gave rise to a grassroots movement geared towards denouncing the *omerta*, finally rebelling against the Mafia. Primarily lead by women, widowed or orphaned by Mafia violence, this movement also encompassed students and young people who defied the law of silence and indifference to demonstrate in the streets and voice their discontent and anger:⁴³ "Too much greed and too much bloodshed had argued against honour".⁴⁴ Women hung white sheets out of their apartment windows, scribbled with messages condemning the Mafia. At Falcone's, but even more so at Borsellino's funerals, crowds gathered to pay tribute to the fallen judges, and tried to break through police lines to insult politicians. The fury of the crowd forced politicians to urgently evacuate the Church from the rear in order to avoid confrontations.⁴⁵ To give voice to their anger, members of the Sicilian population established the "Coordinamento Anti-Mafia" a movement run by citizens including the family of Mafia victims. The movement aimed to denounce Mafia activity and force politicians to actually do something about it.⁴⁶

2. Police: Bodyguards

Sicilian police led by the special bodyguard detachment (usually assigned to anti-mafia judges) went on strike after Borsellino's murder, because not only had two popular judges been murdered but their police escorts had also been decimated in the process: the Mafia was not only endangering the lives of high ranking government or justice officials but also that of the bodyguard details assigned to protect them. The police bodyguards concluded that the government was not doing sufficient to protect and preserve the police force and was in fact colluding with the Mafia.⁴⁷

3. Businesses

Business owners and shopkeepers also joined in the anti-mafia mobilisation

⁴²No author cited. "The Sicilian Mafia: A State within a State." The Economist .24 April, 1993.

⁴³Siebert, Renate. Secrets of Life and Death: Women and the Mafia. London: Verso, 1996.

⁴⁴Time Life Books, ed. Mafia. Alexandria, Va: Time Life Books, 1993, page 35-38.

⁴⁵Hillmore, Peter. "Land of Illustrious Corpses." The Observer 26 July 1992.

⁴⁶Leney, Fiona. "Tentacles that tie down the Italian state." Observer 6 August 1992.

⁴⁷Waddington, Richard. "Italy deploys troops after judges murder." . Palermo: Reuter, 1992. Johnston, Bruce. "Violent protest in Italy after bomb death of leading anti-Mafia judge." The Times 21 July 1992. Palermo Correspondent. "Protesters clash with police after Mafia bomb." . Palermo: Reuter, 1992.

process and formed anti-extortion associations.⁴⁸ The head of Palermo's shopkeepers' guild, Constantin Garraffa, launched the first ever Anti-Mafia hotline, called SOS-Business. The operation of the hotline was simple, callers (in order to preserve their anonymity) leave messages explaining their situation, or denouncing someone. The messages are then transcribed and reported to the proper authorities. In its first week SOS-Business recorded more than 200 calls.⁴⁹

Another businessmen initiative called *Associazione Commercianti Imprenditori Orlandini* (ACIO) aimed solely at reporting Mafia extortion was launched by a group of seven businessmen in Capo d'Orlando, they got national attention when together they defied the Mafia and refused to pay the *pizzo* (protection money) demanded of them. In addition, and at great risk to their lives and that of their relatives, they denounced this practice and identified the culprits in court, and became known as the Magnificent Seven.⁵⁰

4. Teachers and Students

Teachers and students also became implicated in this anti-mafia sentiment and took initiatives to denounce the detrimental effects of the Mafia. Teachers finally felt confident enough to talk openly about the Mafia and its impact on their pupils and encouraged discussion. In one school project in Corleone, students were asked to illustrate their sentiments about the Mafia, and their artwork was then exposed. One boy wrote: "Dear men of the Mafia, when we grow big and become magistrates, judges, policeman and journalists, we will defeat you".⁵¹

5. The Rete

Capitalising on the massive public opinion shift, a new political party was created, *the Rete*, (meaning the network) with a charter based on a strict anti-Mafia stance. The Rete, founded by former Palermo mayor, Leoluca Orlando, obtained twelve seats in the lower house of Parliament and three in the senate in 1992, as well as 2% of the national

⁴⁸To encourage business to stand-up to Mafia racketeers, the government created a special fund to reimburse business that suffered for defying racketeers.

⁴⁹Wireservice. "Anti-Mafia hotline in Sicily bring calls flooding in." . Palermo: Reuter, 1990.

⁵⁰Farrell, Nicholas. "Blow to Mafia as Magnificent 7 Ride High." *Sunday Telegraph* 28 February 1993.

⁵¹Pullella, Philip. "Pax Mafiosa reigns in Corleone but children want change." . Palermo: Reuters, 1992.

Italian vote, and 10% of the Sicilian vote in Italian elections.⁵² Orlando was also re-elected as mayor of Palermo by a landslide victory of more than 72% of the votes.⁵³

6. Citta Nuove newspaper

In the wave of massive anti-Mafia manifestations, Dino Paternoster launched and edited a specifically anti-Mafia newspaper. An independent town councillor, he sells average 2,000 copies a week.⁵⁴

7. The Church

The last faction to join the anti-Mafia campaign was the Catholic Church. Country priests who had spoken out against the Mafia in the past had been shunned and reprimanded by the Vatican, but by 1992 the Church finally changed its position.⁵⁵ In a sermon pronounced in Sicily (Agrigento), Pope John Paul II criticised the Mafia calling on his followers to reject the Mafia culture which he qualified as the "culture of death".⁵⁶ Priests who are generally considered as having significant influence over their parishioners, especially over the children also began to speak out publicly against the Mafia. Because the Church had broken the law of *omerta*, it was no longer considered protected by the Mafia and actually became a target, for this reason, particularly outspoken priests were obliged to contract bodyguards.⁵⁷

Not only was the Mafia targeted by the massive population opinion change, but also the political class that was seen as either implicated with it, or ineffective in combating it. The situation was further aggravated by the fact that at the time of the murders, there was a dangerous power vacuum in Italy: there was no president and no government.⁵⁸ Without the backing of public opinion, politicians are not properly

⁵²Giraud, Henri-Christian. Terres de Mafia. Paris: JC Lattes, 1993, page 166.

⁵³Farrell, Nicholas. "Voters reject dons of Corleone." Sunday Telegraph 28 November 1993 and Pulella, Philip. "Anti-Mafia Candidates Triumph in Italian Elections." . Palermo: Reuters, 1992.

⁵⁴Massey, Paul. "The Godfather." Times Saturday Review 22 August 1992.

⁵⁵Bocca, Giorgio. L'enfer: Enquete au Pays de la Mafia. Paris: Documents Payot, 1992, page 154.

⁵⁶Usher, Rod. "Heat on the Mob." Time International 3 June 1996, page 27 and Pulella, Philip. "Pope presses anti-Mafia crusade, experts see hope." . Palermo: Reuters, 1993.

⁵⁷Hooper, John. "Fathers join in battle for soul of Sicily." The Guardian 19 November 1994.

⁵⁸After the resignation of President Francesco Cossiga, it took more than 11 voting days and 15 ballots for the Parliament to finally elect a president.

motivated to constructively work at solving a problem, especially if the situation brings with it potential political liability, this is the case with the Mafia. The massive public opinion change that emerged from the shadows of the Falcone and Borsellino murders not only motivated the politicians, but also rather humiliated them into applying themselves to the Mafia cause. Evidence of the absolute exasperation of the population towards the inefficiency of the political class was evident at the funerals of Della Chiesa, Falcone and Borsellino.⁵⁹ The public masses shouted at, insulted and denounced the politicians, spitting at them and throwing objects as they walked by.

⁵⁹Zemor, Olivia. *La Mafia Au-dessus de Tout Soupçon*. Paris: Londreys, 1985, page 166.

VII Conclusion

This chapter has sought to summarily illustrate some of the changes and pioneering legislation brought forth by the Italian state as a response to a growing problem: the Mafia. Two new institutions, the DIA and DNA, in addition, key laws have been passed and implemented giving more power to the judges and subsequently tilting the scales of justice away from the criminals. Whereas in the past the judicial procedure always favoured the defendant, especially in cases pertaining to the Mafia, with the new legislation, Justice had a better chance at obtaining a conviction. Being a member of the Mafia has become a punishable offence with specific minimum sentencing guidelines and incarceration proviso. The justice system has finally been given the tools that it needs to effectively combat the Mafia and confiscate its assets.

The innovation and popularity of the pentiti project has had clear and significant ramifications on the judicial process and a detrimental effect on the Mafia. The Mafia cannot however be fought solely from a judicial perspective. It must benefit from political, local and popular support.⁶⁰ Measures must be instituted outside of the legal framework to isolate the Mafia from a socio-cultural context, and help the population disassociate itself from it.⁶¹ Already the Mafia has suffered psychological and symbolic blows to its invincibility shield. Not only has the government recently shown a firm commitment at combating it, but also more importantly the Mafia has lost the acquiescence and tacit support of the population. According to the late Judge Borsellino, the very weight and definition that the word "Mafia" bore has begun to change as well. Rather than symbolise power and independence, it has come to be synonymous with criminal, corruption and outcast.⁶²

The war against the Mafia is not a new phenomenon, it stretches back at least a century, yet nothing seems to have successfully eradicated it. For the first time however, public opinion is not only backing legislators and judges, but rather forcing them to forge forward:

⁶⁰Lacoste, Pierre. Mafia Contre la Democratie. Paris: JC Lattes, 1992.

⁶¹Chubb, Judith. The Mafia and Politics: the Italian State Under Siege. Ed Center for International Studies. Ithaca: Cornell University, 1989.

⁶²Bocca, Giorgio. L'enfer: Enquete au Pays de la Mafia. Paris: Documents Payot, 1992, page 117.

The fight against organized crime, or more specifically the Mafia, cannot be viewed in a solely national context. Referring back to the theoretical backbone of this research, the New Medievalist theory accentuates the transnational dimension of these non-state actors. In order to effectively combat these non-state actors who, by the very nature of their criminal activities, disregard national boundaries, the response, at least on one level, must also reflect this international and transnational dimension. The international approach to OC as a threat does not take the place of a national response, but must come in addition. International organizations like the UN, Interpol or regional entities like the European Union provide a forum and mechanism to address these threats.

In the space of a few hours, and greatly facilitated by the Schengen no-border treaty, a Mafiosi can cross several European borders unhindered, and in practice, several judicial spaces. Police authorities on the other hand cannot do the same and must relinquish their chase with each new border. Even following a financial trail as is often the case in money laundering cases is a real judicial obstacle that can take years, or even decades to surmount. If the fight against OC remains quartered in each state, the national borders risk becoming the ally of these criminals. By calling upon international organizations to also address GOC issues, states are acquiescing the reality of the transnational nature and threat and transferring some of their sovereignty to an international level. OC can only be effectively combated when addressed at a national and international.

“When a child has the strength to write “down with the Mafia”
then we are on the right path”.
(Franciscan monk, brother Paternostro in Corleone)⁶³



Giovanni Falcone and Paolo Borsellino

⁶³Pullella, Philip. “Pax Mafiosa reigns in Corleone but children want change.” . Palermo: Reuters, 1992.

- 1943:** 9/10 July
Allied landing in Sicily
Prominent Mafiosi join Sicilian separatist movement and obtain powerful positions.
- 25 July
Mussolini's Regime crumbles
- 1944:** 11 February
End of Allied rule of Sicily
Sicily returns to Italy
- 1945:** 15 May
Autonomy granted to Sicily
- 1945-55:** Consolidation of Mafia
- 1948:** *First bill proposed to create an Mafia Commission (rejected)*
- 1950's:** Mafia clan warfare begins - power struggle between families
Mafia at crossroads: Political alliances are forged with the DC
- 1957:** 1 October
Italian-American Mafia Summit held in Palermo
- 1958:** *Mafia bill presented again (rejected)*
- 1960's:** Corleone clan ascends to power
- 1962:** December
Palermo gang warfare (50 deaths a day)
- 1963** February
*First Anti-Mafia Commission created.
Proposed by Socialists Parri and Gatto, it was presided by Social Democrat Paolo Rossi. It lasted only three months.*
- Second Anti-Mafia Commission, presided by Donato Pafundi*
- July
Special laws passed after deadly car bombing
seven carabinieri killed
- 1970:** 29 August
Mafia Summit (Switzerland)
- 1972:** Parliamentary Report published

- 1973:** Tommaso Buscetta arrested for the first time on charges on heroin possession
- 1976:** January
Anti-Mafia Commission closed down
Had been presided by Senator Luigi Carraro
- 1977:** Pax Mafiosa
- 1980-90's:** Mafia veers towards terrorist tactics
- 1981:** 23 April
"Big" Mafia War begins
- 1982:** 30 April
Pio La Torre Murdered
- 29 May
Law 304: Penitence Laws
- 3 September
Dalla Chiesa murdered
- 9 September
New Commission of Investigation agreed on
- 13 September
Creation of Office of High Commissioner on Mafia Affairs
Law 646 (416 bis Rognoni-La Torre) defining Mafia association
- 1983:** *Palermo Anti-Mafia Pool created: Falcone, Borsellino, Di Lello and Guarnotta*
- May
Buscetta arrested in Sao Paolo (Brazil) on drug trafficking charges
- 17 June
640 Camorra/Mafia suspects arrested in Naples Region
- 1984:** 2 July
Falcone & Greco meet with Buscetta for first time in a Brazilian prison
- 7 July
Buscetta attempts suicide
- 14 July
Buscetta decides he will collaborate with Italian magistrates
- 16 July
Buscetta collaboration begins in secret bunker near Rome. Buscetta speaks

only to Falcone: 366 arrest warrants are issued as a result

29 September

Operation St. Michel- 366 arrests issued - 70 arrests

First Mafia defeat

1985:

4 February

Naples Gang trial (New Camorra)

251 suspects tried

20 February and 15 March 350 more tried

22 June

200 suspects arrested near Messina (Sicily) and 107 in Rome

24 June

165 arrests in/near Naples

9 November

475 suspects arrested in Sicily

1986:

10 February

Maxi Trials begin - 474 defendants

1987:

16 December

Maxi-Trials end - 344 convictions, 114 not-guilty verdicts

1988:

21 July

Dismantling of Palermo Anti-Mafia Pool

1989:

New Legal code

1991:

15 March

Law 82: Pentiti Programme

29 October

Creation of new Anti-Mafia structures: DIA and DNA

20 November

Decree/Law 367: co-ordination of Mafia related investigations

1992:

31 January

Supreme Court Upholds Maxi-Trial sentences

12 March

Salvo Lima murdered

23 May

Falcone murdered

June

Tough new set of anti-Mafia laws including incentives for pentitis

7 June

700 arrests across Italy in Police raid

151 arrests in Sicily

8 June

Law 41 bis: Special incarceration regimes for high ranking Mafiosi

19 July

Borsellino murdered

23 July

7,000 troops sent to Sicily by President Amato

Tough new Crime package adopted

August

Completion of 416 Law

26 August

Liliana Ferraro replaces Falcone as top Mafia Fighter

Summer

Rete founded: first anti-Mafia political group

17 November

Operation Leopard police raid

203 arrest warrants

100 legal warnings of pending investigation

1993:

15 January

Salvatore "Totò" Riina arrested

9 November

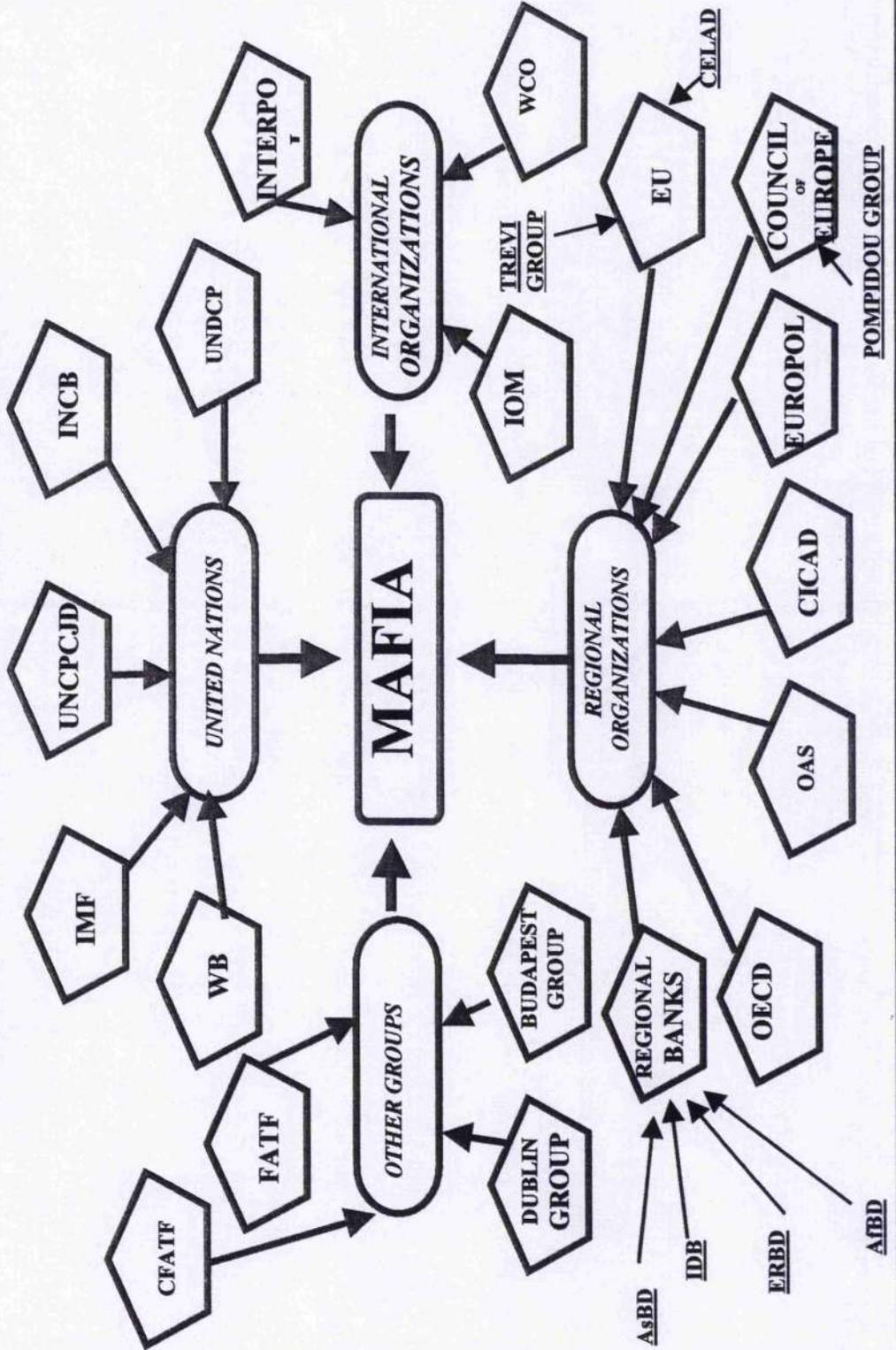
Trial of 450 Mafiosi

Chapter 8



International Organizations

International Bodies Fighting Organized Crime



International bodies fighting Organised Crime

AfBD:	African Development Bank
AsBD:	Asian Development Bank
	Budapest Group
CELAD:	European Commission for Anti-Drug Fight
CFATF:	Caribbean Financial Action Task Force
CICAD:	Inter-American Drug Abuse Control Commission
CITES	Endangered Species
Council of Europe	
Dublin Group	
ERBD:	European Bank for Reconstruction and Development
EU	European Union
EUROPOL:	
FATF:	Financial Action Task Force
IDC:	Inter-American Development Bank
IMF:	International Monetary Fund
INCB:	International Narcotics Control Board
INTERPOL:	
IOM:	International Office for Migration
OAS:	Organisation of American States
OECD:	Organisation for Economic Cooperation & Development
Pompidou Group	
PEEM:	Trafficking in explosives and weapons
Regional Banks:	
TREVI Group	
UNCPCJD:	United Nations Crime Prevention & Criminal Justice Division
UNDCP:	United Nations Drug Control Program
WB:	World Bank
WCO:	World Customs Organisation
WHO:	World Health Organisation (Drugs)

I Introduction

Because organised crime is an international threat that does not recognise national jurisdiction or international boundaries, then it obviously cannot be combated efficiently and realistically using only national or even bilateral mechanisms. The role of international organisations, with international mandates and international treaties is essential¹. In fact, it is probably one of the most crucial elements if the fight against OC is to be successful on a global scale. The problems with international organisations fighting global organised crime however is that too many instances are working to combat the same things, often allocating precious financial resources only to replicate each others work, many times in a less efficient manner. In an era where many states are looking to curb expenditures in international organisations and focus more internally, this can be problematic.

As can be seen on the graph on the previous page, several dozen institutions are involved in fighting organised crime, because the very nature of organised crime is such that it touches on many different spheres of activity. For example the World Patent Organisation based in Geneva, may not appear as an obvious institutions fighting organised crime, but because counterfeits resulting in patent violations are activities of OC, then it also becomes involved in fighting it. Many international organisations comprise a small piece of the larger counter-OC puzzle.

The three international bodies that are best equipped to combat organised crime on a global scale are the United Nations, the European Union and especially Interpol. For the moment, international co-operation is not at its optimal level, and much progress still needs to made, but the instances that can enable the international community to combat organised crime exist and are reasonably well equipped to do so, providing the political will of the different member states is there. There are many other organisations, either regional, or activity specific that strive to combat organised crime, but their influence is limited, either because they are regional entities, or because they are constrained by intergovernmental agreements that limit their sphere of action.

¹Sabourin, Serge. "Le Crime Organise." *Le Monde Economie* August 1997.

II United Nations²

The United Nations crime fighting division, the UN Crime Prevention and Criminal Justice Division, is under the aegis of the Economic and Social Council (EcoSoc), and sits in Vienna. The UN mandate to deal with organised crime come from Article 3 of the Declaration on Human rights that stipulates: "the right to life, liberty and security of the person, as well as Articles 12 and 17 (2). The United Nations has been addressing the problem of organised crime as a business since its fifth Congress in 1975, and continued to address this issue by developing the 1988 convention on drug trafficking, thus attacking one of the main activities of OC³, and more recently the Palermo Declaration of December 2000.

Commission on Crime Prevention and Criminal Justice⁴

The UN section that deals exclusively with organised crime is the Commission on Crime Prevention and Criminal Justice, is composed of 40 representatives and is mandated to develop and monitor all the UN crime programs, as well as inform and seek the support of member states for these programs.⁵ The priorities of the Commission are:

- International action to combat national and transnational crime, including organise crime, economic crime and money-laundering.
- Promoting the role of criminal law in the protection of the environment
- Crime prevention in urban areas, including juvenile and violent criminality
- Improving efficiency and fairness of criminal justice administration systems.⁶

The goal is to prevent crime and criminal behaviour around the world and in member countries by informing, training and encouraging international co-operation. The programme is strongly geared towards research at all levels, local regional and global, and conducting a variety of international survey to learn more about the nature of crime

²Also refer to: Williams, Phil. "The United Nations and Transnational Organised Crime." Transnational Organised Crime Review (1995).

³Department of Public Information. The United Nations and Crime Prevention: Seeking Security and Justice for All. New York: United Nations, 1996.

⁴United Nations Crime Prevention and Criminal Justice. "Double issue on the third and fourth sessions of the Commission on Crime Prevention and Criminal Justice." . Vienna: United Nations, 1995.

⁵The body that applies decisions reached by the Commission is the Crime Prevention and Criminal Justice Division. In addition, it generates two publications, the yearly International Review of Criminal Policy, and the bi-annual Crime Prevention an Criminal Justice Newsletter.

⁶Department of Public Information. The United Nations and Crime Prevention: Seeking Security and Justice for All. New York: United Nations, 1996.

as well as the different methods used to combat it. The conclusion reached as a result of the survey and research are presented every five years at the UN Crime congress.

The aim of the commission is to be a "warehouse" of expert knowledge about crime issues. Not only can member countries send their experts to be more fully trained at the UN, but the UN can also dispatch their in-house experts as crime consultants to the member countries (2-4 year period)⁷ Two Interregional Advisers manage these requests. Technical expertise can also be requested in seven areas: criminal law and procedure, criminal justice management, criminal justice statistics, law enforcement, rehabilitation of offenders, victims of crimes and juvenile justice.

The Commission under its new leadership (Pino Arlacchi) has set three short term aims: to combat corruption, to further technical assistance to member states, and finally to draft a Global Convention Against Organised Crime. This Convention was already under negotiation in Buenos Aires (August 1998) and was up for ratification at the Xth UN Congress in December 2000. This Convention aims to define organised crime, define the field of application of the convention and finally create measures to encourage judicial co-operation and extradition.⁸

In addition to the Commission, the United Nations has a number of "affiliated and associated institutes", generally regionally specific that also study crime issues and try and devise solutions.⁹

The UN hosted two key conferences on OC in 1994, the International Conference on Preventing and Controlling Money Laundering and the Proceeds from Crime (Courmayeur, Italy),¹⁰ and the World Ministerial Conference on Organised Crime¹¹ in

⁷Request for assistance dramatically rose from 40 in 1974 to 200 in 1982-1994.

⁸Direction des Affaires Strategiques, de Securite et du Desarmement, and Sous Direction de la Securite. "Conférence des Ambassadeurs: Table ronde: "les Mafias". . Paris: Ministeres des Affaires Etrangères, 1998.

⁹UNICRI, UNAFEI, ILANUD, UNAFRI, HEUNI, AIC, ISPAC, etc...

¹⁰United Nations Crime Prevention and Criminal Justice. "Special Double Issue on the International Conference on Preventing and Controlling Money-Laundering and the Use of Proceeds of Crime: A Global Approach, Courmayeur, 1994." . Vienna: United Nations, 1996.

¹¹Lallemant, Alain. "Mafia Russe, L'Europe du Crime." Le Figaro 19 December 1998. Heuze, Richard. "Le pacte de Naples contre les Mafias." Le Figaro 24 November 1994. Rioufol, Ivan. "L'Onu et la Mafia." Le Figaro 23 November 1994. Heuze, Richard. "Naples, ephemere capitale antimafias." Le Figaro 22 November 1994. Heuze, Richard. "L'ONU face aux Mafias." Le Figaro 21 November 1994.

Naples which resulted in the Naples Declaration.¹²

Recommendations of the International Conference on Preventing and Controlling Money
Laundering and the Proceeds from Crime - Courmayeur Conference
(20th June 1994)

- an increasingly an undeniable global problem
- global trends in prevention and control policies
- gaps in the anti-money-laundering net: what needs to be done
- Implementation priorities

Naples Political Declaration and Action Plan
(Adopted: 3 November 1994)

Political Declaration:

- Closer alignment of legislative texts concerning organised crime
- Operational matters at the investigative prosecutorial and judicial levels
- Establishing modalities and basic principles for international co-operation at the regional and global levels
- Measures and strategies to prevent and combat money-laundering and to control the use of the proceeds from crime

Global Action Plan:

- Strengthening National legislation
- International Co-operation
- Feasibility of international instruments
- Control of money laundering
- Support for the UN Crime Prevention Programme
- Task Force

¹²United Nations Crime Prevention and Criminal Justice. "The World Ministerial Conference on Organised Transnational Crime - Naples Italy 21-23 November 1994." . Vienna: United Nations, 1995.

The 2000 Palermo Convention on Crime

The UN convention, also referred to as the Palermo Convention, is a 41 article, 34 page document that outlines the methods and measures necessary to combat international organised crime. The convention marks the culmination of more than 2 1/2 years of intense negotiation between UN member states¹³ The Convention also contains two related protocols. The document presented over a three-day summit in December 2000 was signed by 124 nations (out of 148 represented),¹⁴ and is being viewed as a pioneer document in the fight against organised crime. In order for this convention to become effective each signatory nation must follow its own internal legislative process such as ratification for its legitimacy to be recognised internally. France just became the 26th state to ratify the UN Palermo Convention.¹⁵

This Convention which was long awaited by many members of the crime fighting community may prove to be the turning point in the planetary fight against OC if it ever really comes into application. The signatory nations have finally doted themselves with the international tool necessary to efficiently fight back against this form of crime, not only by concretely defining the notion of organised crime and participation in organised crime, but also laying down the ground for real, practical co-operation between states, and hence moving international crime fighting efforts from the current sphere of largely ad hoc bilateral involvement, and occasional sporadic international efforts, to a truly planetary level. Pino Arlacchi, executive director of the UN crime fighting unit (UNODCCP) believes that this Convention is the turning point for the war against organised crime:

Change is in sight [...] the Palermo Convention strikes a chord that echoes throughout the world. The world was ready for concerted action against organised crime¹⁶

The seven main points were outlined in this Convention are as follows:¹⁷

¹³ Arlacchi, Pino : « Conclusions of the UN Crime Convention » 23 January 2001 (Paris, France)

¹⁴ Rouard, Daniel : « L'Onu s'engage fermement dans la lutte contre le crime organisé » Le Monde, 18/12/2000.

¹⁵ French Ministry of Foreign Affairs: Thematic Files "Non-Military Treats".

¹⁶ Arlacchi, Pino : « United Nations Strategies against Transnational Organized Crime » January 30th 2001 (Tokyo, Japan)

¹⁷ Rouard, Daniel : « L'Onu s'engage fermement dans la lutte contre le crime organisé » Le Monde, 18/12/2000.

- Criminalise participation in organised crime activities, and membership in a crime group
- Outline specific measures to criminalise certain behaviours
- Actively fight against money laundering
- Facilitate and speed up extradition
- Guarantee witness protection
- Secure active co-operation
- Allocate appropriate resources

• United Nations Convention Against Transnational Organized Crime

Palermo, December 2000

Article 1	Statement of purpose
Article 2	Use of terms
Article 3	Scope of application
Article 4	Protection of sovereignty
Article 5	Criminalization of participation in an organized criminal group
Article 6	Criminalization of the laundering of proceeds of crime
Article 7	Measures to combat money-laundering
Article 8	Criminalization of corruption
Article 9	Measures against corruption
Article 10	Liability of legal persons
Article 11	Prosecution, adjudication and sanction
Article 12	Confiscation and seizure
Article 13	International cooperation for the purposes of confiscation
Article 14	Disposal of confiscated proceeds of crime or property
Article 15	Jurisdiction
Article 16	Extradition
Article 17	Transfer of sentenced persons
Article 18	Mutual legal assistance
Article 19	Joint investigations
Article 20	Special investigative techniques
Article 21	Transfer of criminal proceedings
Article 22	Establishment of criminal records
Article 23	Criminalization of obstruction of justice
Article 24	Protection of witnesses
Article 25	Assistance to and protection of victims
Article 26	Measures to enhance cooperation with law enforcement authorities
Article 27	Law enforcement cooperation
Article 28	Collection exchange and analysis of information on the nature of organized crime
Article 29	Training and technical assistance
Article 30	Other measures
Article 31	Prevention
Article 32	Conference of the Parties to the Convention
Article 33	Secretariat
Article 34	Implementation of the Convention
Article 35	Settlement of disputes
Article 36	Signature, ratification, acceptance, approval and ascension
Article 37	Relation with protocols
Article 38	Entry into force
Article 39	Amendment
Article 40	Denunciation
Article 41	Depositary and languages

Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention Against Transnational Organized Crime

Protocol against the smuggling of migrants by land, sea and air supplementing the United Nations Convention Against Transnational Organized Crime

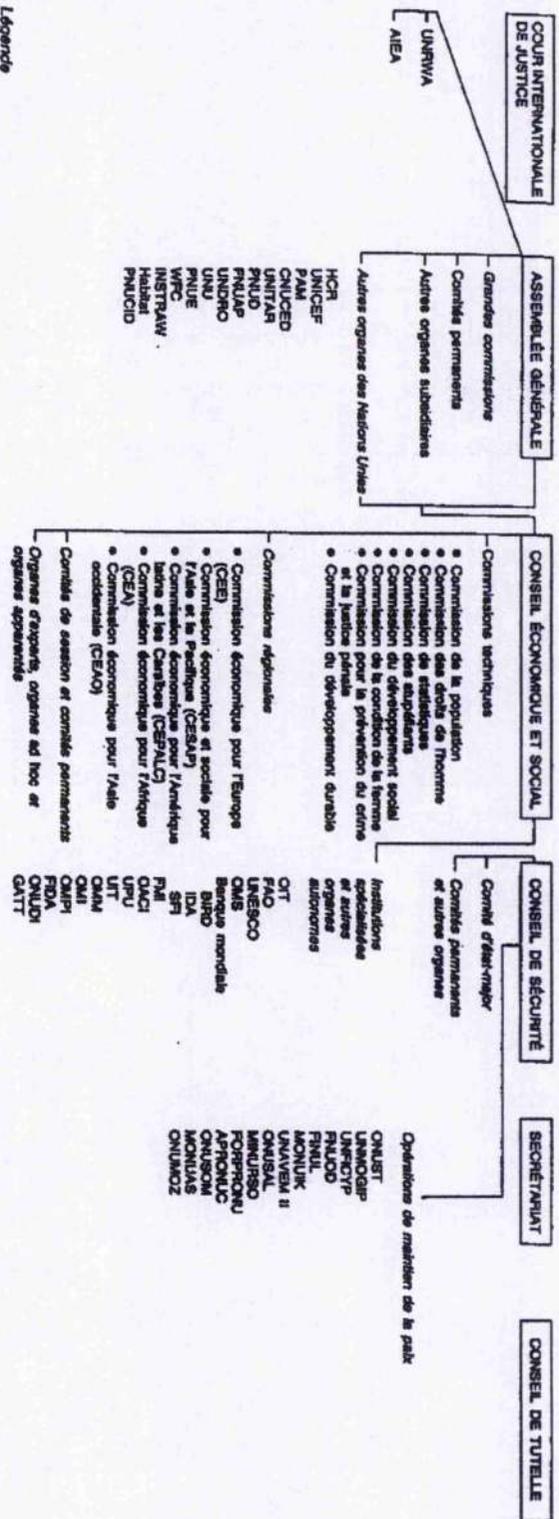
« The purpose of this Convention is to promote cooperation to prevent and combat transnational organized crime more effectively » (Article 1)

The United Nations Commission also works with a large number of non-governmental organisation that are also striving to fight organised crime, and develop prevention programmes.¹⁸

The following chart represents the United Nations System.

¹⁸Asia Crime Prevention Foundation, Defence for Children, European Forum for Urban Security, Friends World Committee for Consultation, Henry-Downwind Institute, Howard League for Penal Reform, Human Rights Watch International Bar Association, International Center of Sociological, Penal and Penitentiary Research and Studies, International Institute for Higher Studies in Criminal Science, Prison Fellowship International, Society for the Reform of Criminal Law, Street Kids International and World Society of Victimology. Source: United Nations Crime Prevention and Criminal Justice. "Special Double Issue on the Community of non-governmental organisations working in the filed of crime prevention, criminal justice, human rights and the treatment of offenders." . Vienna: United Nations, 1997.

Principaux organes du système des Nations Unies



- Légende**
- Organes des Nations Unies**
- CHULCED Conférence des Nations Unies sur le commerce et le développement
 - FNULAP Fonds des Nations Unies pour la population
 - Habitat Centre des Nations Unies pour les établissements humains
 - HCR Haut Commissariat des Nations Unies pour les réfugiés
 - INSTRAW Institut International de recherche et de formation pour la promotion de la femme
 - PAM Programme des Nations Unies pour le contrôle international des drogues
 - PRU/CIID Programme des Nations Unies pour le développement
 - PRUID Programme des Nations Unies pour l'environnement
 - UNDCO Bureau du Coordonnateur des Nations Unies pour les secours en cas de catastrophe
 - UNCEP Fonds des Nations Unies pour l'assistance technique
 - UNCTAD Institut des Nations Unies pour la formation et la recherche
 - UNRWA Office de secours et de travaux des Nations Unies pour les réfugiés de Palestine dans le Moyen-Orient
 - UNU Universités des Nations Unies
 - WPC Conseil mondial de l'enseignement

- Institutions spécialisées**
- AIEA Agence Internationale de l'énergie atomique
 - FAO Organisation des Nations Unies pour l'alimentation et l'agriculture
 - FIDA Fonds International de développement agricole
 - FAI Accord général sur les droits douaniers et la commerce
 - GATT Organisation de l'aviation civile internationale
 - OACI Organisation internationale du Travail
 - OIT Organisation météorologique mondiale
 - OAI Organisation mondiale de la propriété intellectuelle
 - OAPI Organisation mondiale de la santé
 - OMS Organisation des Nations Unies pour le développement industriel
 - ONUOI Union Internationale des télécommunications
 - UIT Union Internationale des Nations Unies pour l'éducation, la science et la culture
 - UPU Union postale universelle

- Banque mondiale**
- BIRD Banque Internationale pour la reconstruction et le développement
 - IDA Association Internationale de développement
 - SFI Sociétés Financières Internationales
- Opérations de maintien de la paix**
- APRONUC Autorité provisoire des Nations Unies au Cambodge
 - FNUIL Force Interarmées des Nations Unies au Liban
 - FNUOD Force des Nations Unies chargée d'observer le désarmement
 - MORILAS Mission de protection des Nations Unies au Sahara occidental
 - MURUBOU Mission d'observation des Nations Unies au Tchad et au Soudan
 - FORPROBU Mission d'observation des Nations Unies au Kazakhstan
 - ONUSAL Mission d'observation des Nations Unies en Espagne
 - ONUSOM Organisation des Nations Unies en Somalie
 - ONUSOL Mission de vérification des Nations Unies en Angola II
 - UNAVEM II Force des Nations Unies chargée du maintien de la paix à Chypre
 - UNFICYP Groupe d'observateurs militaires des Nations Unies dans l'Irlande et le Pakistan
 - UNMOGIP

III Interpol¹⁹

With the international headquarters based in Lyon (France), and with 177 country members, the International Criminal Police Organisation (ICPO), more commonly known as Interpol, has an exclusive mandate to combat all forms of organised crime by assisting states in the transmitting of information concerning criminals or crimes, and provide a forum for mutual assistance between member countries. Interpol's constitution prohibits it from interfering or even addressing matters dealing with political, racial or religious beliefs (Article 3), and hence does not act on international war crimes, genocide or other non-common law crimes.²⁰ Interpol employs 320 officials of 50 nationalities, has four official languages, French, English, Spanish and Arabic, and operates on a modest annual budget of \$30.6 million USD.²¹ It diffuses as many as 6,000 messages per day concerning criminals, on their special computer messaging system.²²

Interpol Constitution: Article 2:

1. To ensure and promote the widest possible assistance between all criminal police authorities within the limits of the laws existing in the different countries and in spirit of the Universal Declaration of Human Rights.

2. To establish and develop all institutions likely to contribute effectively to the prevention and suppression of ordinary law crime.

Membership:

Membership is open to all countries, providing they meet the entrance criteria, and obtain a 2/3 majority vote in the General Assembly which meets once a year.²³

¹⁹Interpol was created as a result of two international criminal Congresses, the first in Monaco (1914), and the second in Vienna (1923). First called the International Criminal Police Commission (ICPC) it was first referred to as Interpol in 1946, its name was officially modified in 1953. France (Paris-St. Cloud) became its permanent headquarters in 1984, before being transferred to Lyon in 1989. Source: Secretariat, Geneva. The International Criminal Police Organisation Brochure. Lyon: Interpol, 1996.

²⁰Krishna, Murali T. "A Global Police Service to Combat Rising International Crime." CBI Bulletin .September (1995).

²¹All members contribute to the operating budget according to their GNP. The minimum contribution is two "units" of \$14,600 USD each, and the maximum contribution is 100 units. \$24 million USD are contributed to the budget in this manner, the remaining \$16 million USD are obtained through sub-contracting, sale of reports and documents, etc... Source: Sabourin, Serge. "Assistant Director, Head of Communication." Lyon, France. Interpol. the role of Interpol, 1997.

²²Interpol. Un monde plus sur. (Video) Lyon: Interpol, 1997.

²³Membership and arrests:

Article 4 states:

Any country may delegate as a member to the Organisation any official police body whose functions come within the framework of activities of the Organisation.

Interpol operates on the basis of six co-operation principles. They are: respect for national sovereignty, enforcement of ordinary criminal law, universality, equality of all member states, co-operation with other agencies and flexibility of working methods.²⁴

Functioning: Interpol operates on the basis of National Country Bureau, (one for each member state), Regional Stations (total of seven),²⁵ and the Central Station (Lyon headquarters). Each is linked by a network messaging service (X.400) that enables rapid and safe transmission of information pertaining to criminals and crimes.²⁶

Information database: Interpol's primary asset is the information database it maintains on crimes and criminal around the world. This database is accessible from all NCB's of country members (providing the information has not been expressly kept confidential).²⁷ There are six types of computer information: record of names and alias of criminals, record of offences (classified by nature, place and modus operandi) record of drug and counterfeit currency seizures, record of theft of art works, and record of all identification numbers noted during the course of police investigations. In addition, the information database includes a fingerprint file, a photograph file (for offenders and missing persons)

<u>Year</u>	<u>Number of Members</u>	<u>Number of arrests</u>
1947	24	n/a
1972	116	1,177
1996	177	906

²⁴General Reference Department. ICPO - Interpol General Information. Lyon: Interpol, 1995.

²⁵Lyon (Europe/Mediterranean/North America / Middle-East), Nairobi (East Africa), Abidjan (West Africa), Buenos Aires (South America), Tokyo (Asia), Puerto Rico (Caribbean/Central America) and Canberra (Pacific).

²⁶In theory each NCB is able to receive the X.400 system, but some have not yet requested it, or have not been able to provide the environment within which Interpol can install it.

²⁷A country may request that certain highly sensitive information may have a restrained diffusion, and not be made available to all member. The General Secretariat ensure this information is kept confidential
Source: Gibbons, Sarah. "The IPR Interview: Raymond Kendall." International Police Review .June (1997).

Notices: The principle method for information transmission is the circulation of notices, via the X.400 system to all the NCBs. Notices are categorised as individual notices, stolen property, modus operandi, and general information. The individual notices are also subdivided into five sections: wanted notices, enquiry, warning, missing person and unidentified body. For faster recognition notices are colour coded:

- | | | |
|---|-----------------|--|
| - | blue notices: | request for information |
| - | green notices: | request for surveillance of a known criminal |
| - | yellow notices: | missing person |
| - | black notices: | information pertaining to a corpse |
| - | red notices: | international arrest warrant. |

Activities²⁸ Interpol's activities are divided into four categories or divisions: General administration, liaison and criminal intelligence, legal matters and technical support. Within each division are more specialised fields (refer to structure).

Contrary to common public belief, Interpol is not a super-police force mandated to police across the world. Much the opposite, it is not even considered a police force, but rather an institution composed of member police officers who facilitate contacts and information-sharing, and who can only act within the context of the national laws. Interpol has no power of arrest, or search/seizures, tasks that have to be carried out by the national police within which the case is being conducted. By courtesy Interpol officers are allowed to be present during interrogation, but this is a privilege and not a right.

Specific Organised crime activity:

Although all Interpol activities are geared towards fighting organised crime activity and members, two subdivisions in particular have an exclusive mission that concerns OC: the Organised Crime Group and the FOPAC groups.

- *Developing a definition for OC*: one of the important obstacles Interpol surmounted was the various problems surrounding the international adoption of a

²⁸Other Interpol activities include: international symposiums, training for police personnel, staff training, technical training and cooperation.

definition on organised crime. During its first Internal Conference on Organised Crime (May 1988) members were able to agree on a single definition of organised crime.²⁹

- *Arrests made thanks to Interpol information:* In 1996, a total of 1130 notices were issued, 739 of which were red. The same year 206 red-notice arrests were made, and a further 710 arrests were conducted because of Interpol broadcasts for a total of 916 arrest in 1996.³⁰

- *Organised Crime Group (1/1/90)* The Organised Crime group was created in January 1990, as a subsection of Division II (Liaison and Criminal Intelligence). It categorised three types of crime groups: traditional groups (Mafia), professionals (smuggling rings, but not durable), and ethnic groups .

The OC Group has several essential mission that aim to repertory OC groups and activities and diffuse this information to all NCBs. The main functions are:

- create and maintain an information database on international criminals
- centralisation and analysis of information sent in by members
- circulate important information to the NCB's
- organise workshops and information exchange opportunities for police officers and NCB representatives.
- publish a detailed organised crime bulletin and encourage country feedback

- *FOPAC* The FOPAC groups specialised in money-laundering issues was devised at Cannes General Assembly in 1983.³¹ It's main missions are:

- publishes a monthly money laundering bulletin
- holds working meetings for Interpol on money laundering
- holds joint meeting with Customs Cooperation Council
- attends international law enforcement seminar on money laundering
- liaises with the Federal bank of EU
- builds a financial information database
- publishes Financial Assets Encyclopedia³²

²⁹See appendix for the Interpol definition..

³⁰Communication and Press Division. *Criminalite Organisee et Actions Terroristes*. Lyon: Interpol, 1997.

³¹Callamand, Damien. "Criminal Funds Investigation Branch (FOPAC)." *Lyon, France*. Ed. Interpol. Money Laundering, 1997.

³²Bresler, Fenton. *Interpol*. London: Sinclair-Stevenson, 1992, page 253.

The first money laundering case, Interpol and FOPAC was involved in was the Pizza Connection (1984).

Efficacy of Interpol: As with any international organisation, Interpol has come under scrutiny, and has received much international criticism. Interpol can only be as effective as the member states are willing to be.

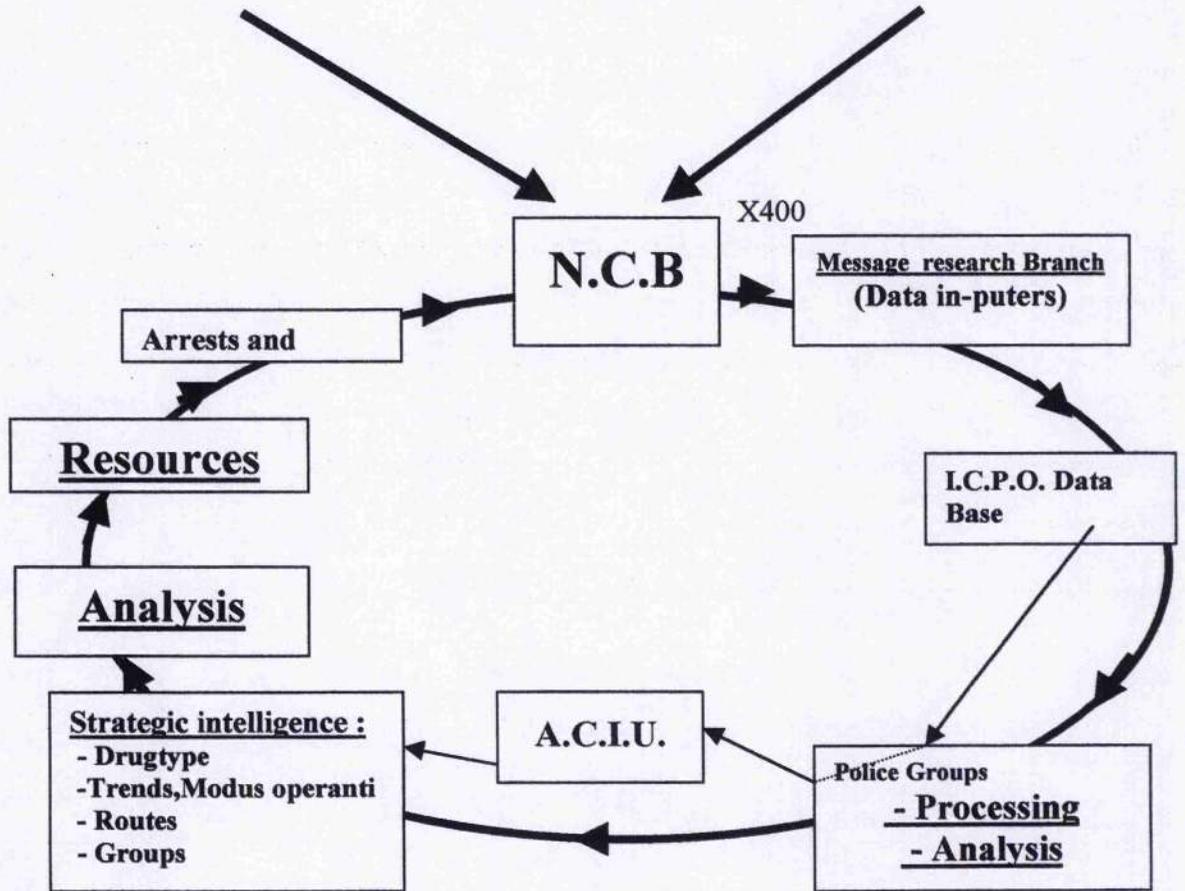
A questionnaire was sent out to 45 member states about the occurrences of auto-thefts in their country, only 11 responses were mailed back.... The main "glitch" in Interpol's system is the reporting by countries. With all the input, Interpol can digest and analyse it, and make predictions and recommendations, but without the information its not possible.

Paul Higdon gave the analogy between Interpol and a bakers oven. The baker is ready, the mixing bowl is out, and the oven is hot, but there is no flour so there will never be any bread.... Information from member states is like the flour, without it the baker cannot work³³. Additionally, even if Interpol deals with States at a police level, the reality is that there is always and will always be political involvement.

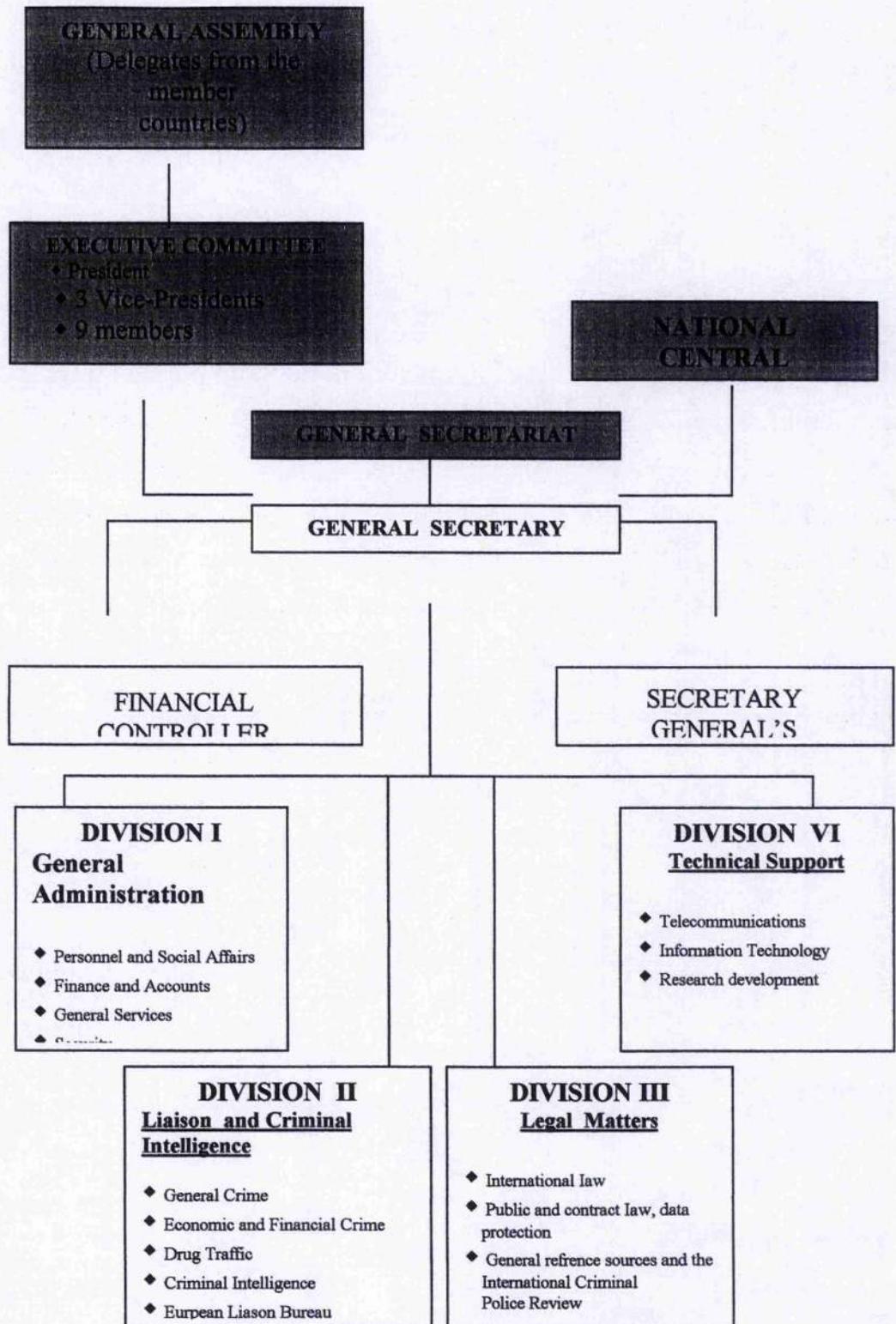
³³Higdon, Paul. "Director of Criminal Funds Investigation Branch." Lyon, France. Ed. Interpol. The functioning and role of Interpol, 1997.

ICPO INTELLIGENCE PROCESS
(STRATEGIC)

*MEMBER COUNTRY REPORTS OF
INTERNATIONAL CRIMES AND
CRIMINALS*



STRUCTURE OF INTERPOL



IV The European Union:

- *European Union:* Issues of international organised crime have only recently begun to interest the European Union, who created the Trevi Group (1975) as an informal police co-operation structure. Although at first predominantly focused on terrorism issues, by 1986 it began to also look at drug and organised crime issues.³⁴ The ratification of the Maastricht Treaty and its provision as to Justice and Home Affairs (Pillar III) further propelled the European Union in the crime prevention arena. The Schengen Agreement, although limited in its membership also addressed issues of cross-border police co-operation, and created the Schengen Information System to facilitate information exchanges.³⁵ More recently the Amsterdam Treaty, signed in 1997 also made provision for a pan-European police co-operation in criminal matters (Third Pillar); as well as a unification of national legislation.

Within the European Union the structural branch geared towards addressing issues of security including organised crime is Justice and Home Affairs (JHA). Known as the third pillar of the EU it seeks create an area of "freedom, security and justice"³⁶ and has three principal aims³⁷:

- to facilitate and strengthen police and judicial co-operation within the EU area.
- To evaluate national implementation of members of the European Union with regards to organised crime.
- More generally to improve knowledge and recognition of OC as a reality and threat.

JHA ensures a number of different privileges to EU members national including protection of EU citizens against serious crime such as OC. It stipulates that in order to counter such a serious crime a common effort must be initiated as well as the joint mobilisation of police and judicial efforts.³⁸ OC has been labelled as one of the sixteen

³⁴Trevi working groups are: I- combat terrorism, II-police training, public order & football hooliganism, III-organised crime & drug trafficking, IV- safety & security of nuclear installations, V - emergency disaster relief.

³⁵Schengen Agreement Title III deals specifically with police and security matters: Chapter I- Police cooperation, Chapter II - mutual assistance in criminal matters, Chapter IV- extradition, Chapter VI - drugs.

³⁶ Treaty of Amsterdam on the European Union, 1 May 1999.

³⁷ JHA bring together, under one structure representatives for the Ministries of Justice and Interior of the European Union member countries. Europa: JHA: "Cooperation in the field of Justice and Home Affairs" www.ue.eu.int

³⁸ Europa: Justice and Home Affairs – Freedom, Security and Justice.

policies where JHA is involved³⁹.

The European Union has focused and emphasised the drafting of additional legislation designed to halt corruption and fraud like the General Convention against Frauds (26 May 1997).⁴⁰

The main texts that outline and guide the European Union's counter OC policy are as follows.

- *Treaty of the European Union* (Title VI): Article 30 that enunciates the basis for police and judicial co-operation
- *Vienna Action Plan* (1999) on OC that identifies the need for an integrated approach to the fight against organised crime from its prevention, to repression and prosecution.
- *Feria European Council* held in Portugal in June 2000. The Feria Council sought to demonstrate the necessity for "political and security related dialogue".⁴¹
- *Tampere European Summit*⁴² organised in Finland in October 1999 was specifically dedicated to the establishment of an "Area of Freedom, Security and Justice" as well as Eurojust⁴³ and a bi-annually updated "scoreboard" to track the implementation of the Tampere conclusions.⁴⁴

In addition to these binding texts and conventions the European Union through its Commission also finance a number of other projects that aim to inform, curb or combat

³⁹ Other policy areas include, for example, visa policy, Schengen area, asylum, EU citizenship, police and customs cooperation.

⁴⁰ Malingre, Virginie. "Une loi pour interdire la corruption de fonctionnaires a l'etranger." *Le Monde* 28 January 1999.

⁴¹ EUROPE, JHA Documentation Center: A common EU approach to the fight against organized transnational crime.

⁴² European Parliament: Tampere European Council 15 and 16 October 1999. Presidency Conclusions. www.europarl.eu.int

⁴³ Eurojust is tasked with doing the following :

- issue a Member State with a (non-binding) request to undertake an investigation or institute proceedings in a specific case, or request several Member States to coordinate their investigations and prosecutions. Member States which refuse to comply will be required to state the reasons for their decision;
- help the Member States, at their request, to coordinate investigations and prosecutions, for example by inviting their judicial authorities to meet;
- ensure that the Member States are kept informed of investigations and prosecutions pending;
- in cooperation with the European Judicial Network , set up a database enabling Member States to obtain legal and practical information;
- assist Europol on request;
- take the necessary measures to simplify the execution of international letters rogatory. (www.europa.eu)

⁴⁴ Main points discussed at the Tampere Summit were: A common asylum and migration policy, a

OC. These include the STOP II project, OCTOPUS 2001, FALCONE Programme as well as the Forum on the prevention of OC.

- *Council of Europe*: In 1990 the European Council decided to tackle the problems of OC by agreeing on an important treaty: the Convention on Laundering, Search, Seizure and Confiscation of Proceeds from Crime. The European Union Council, along side the head of state and head of government, decided in October 1996 (Dublin Conference) to focus more on organised crime than in the past, and created a multi-disciplinary group to develop and apply recommendations drafted on organised crime. The four aims developed by the group included: a better understanding of the phenomenon with a particular emphasis on prevention, encouraging of rapid application of recommendations into national law, reinforcement of police co-operation. The 1999 Tampere meeting of the European Council also marked an important milestone in Europe's regional fight against organised crime. More recently, in 2001, a convention aimed at curbing and punishing cyber crime was also signed by twenty six countries.⁴⁵ Established in 1949, the Council of Europe operates within an inter-governmental framework. It seeks to "protect human rights, pluralist democracy as well as the rule of law". It also seeks to find answers to important issues facing Europe. These issues can include OC, but also drug use, AIDS, intolerance and xenophobia to name only a few. There are two specialised expert groups, the first deals with money laundering issues (1990 convention on money laundering) and the second organised crime. The Council of Europe attempts to bring about legal reforms and legal initiatives to curb money laundering and organised crime, but has also specialised in Cybercrime:

Considering that the fight against serious crime, which has become an increasingly international problem, calls for the use of modern and effective methods on an international scale. (Preamble)

During France's rotating European Union presidency, it "encouraged strengthening the provisions in the 1990 European Council text on Laundering". Subsequently it also enlarged its field of application with a political agreement signed in September 2001.⁴⁶

In the next few years, Europol, the European Police Office, will also become a more important, and play a bigger role in combating organised crime. It has been dotted

genuine European area of justice, a union-wide fight against crime and a stronger external action.

⁴⁵ Signed on 23 November 2001.

⁴⁶ French Ministry of Foreign Affairs Thematic files: "money laundering"

with operational powers as well as specific missions⁴⁷. Integrated in title VI of Treaty of Maastricht:

[...] a commitment to fully establish a Central European Criminal Investigation Office (Europol) to cover drug trafficking and organised crime.

Based in The Hague, Europol⁴⁸ and its fifteen European Union member countries seeks to provide a structure conducive to information exchange, experts meetings and prevention efforts in the areas of non military security threats. It also aims to provide support for national law enforcement entities faced with serious trans-border crime problems⁴⁹. Organised crime is one of Europol's main preoccupation. One of the focal points of Europol anti-OC activities is asset seizure in cases of suspected money-laundering. As a result of the 1999 Tampere conclusions Europol members are tasked with setting up a central body that would trace, seize and confiscate assets from money laundering, advice law enforcement and prosecutors in matters of seized assets and facilitate international and judicial co-operation in money laundering cases⁵⁰. Europol is also mandated by the European Council to publish an annual Organised Crime Situation Report (OCSR) "a mechanism for the collection and systematic analysis of information on international organised crime". This report, based on voluntary contributions and reporting from member countries seeks to disseminate information about OC in Europe, and aims at "supporting policy makers and law enforcement decision makers in their fight against OC".⁵¹ In May 2001 the OCSR was amended to reflect a change in perception concerning OC, the new appellation escalated the concern on OC in Europe and became Threat Assessment on OC. Europol is not however a crime fighting organisation in the active, on the street sense, but rather acts as a formal information warehouse on crime.

Europol and its international homologue Interpol have signed a "joint-venture" type agreement that outlines the fact that both organisations combat the same threat and that because crime sees no boundaries they need to interact and rely on each other to exchange information. This agreement was signed in December 2001 between ICPO's

⁴⁷ France was a member of the Multi-disciplinary working group on Europol (MDW).

⁴⁸ Europol entered into force on 1 October 1998 but its implementation started 1 July 1999.

⁴⁹ German Foreign Policy. International cooperation in combating organised crime (March 2002). www.auswaertiges-amt.de.

⁵⁰ Europol: Asset Seizure, a special focal point for Europol. www.europol.eu.int

⁵¹ EUROPOL : 2002 EU Organised Crime Report www.europol.eu.int

V Other multilateral institutions

- *Lyon Group*: The G8 group has only recently begun to address issues pertaining to organised crime. The Halifax Summit (1995) empowered an expert group to look at the possibilities of reaching a common approach to dealing with organised crime. In 1996, this expert group drafted 40 recommendations, divided in two major axis, law enforcement project and judicial co-operation. These recommendations were adopted at the following Lyon Summit, and the expert group received the nickname of Lyon group. Today the Lyon group is also looking at the possibility of drafting an international convention on organised crime, but has begun to look at money laundering cyber-crime as well as large scale trafficking of all kind.

- *FATF/GAFI group* was the result of the G7 heads of state conference, Sommet de l'Arche, that took place in France in July 1989. France initiated the idea and was then mandated to manage the Financial Action Task Force against money laundering. Now composed of 130 experts from 15 countries, it has 29 member countries (mainly OECD members with a few exceptions). It is headquartered at the OECD in Paris. In 1990 the FATF group published its report as well as its 40 recommendations on money laundering prevention. The three main actions of FAFT are:

- To spread the message about fighting money laundering, uncover the various methods used to launder and encourage the building of networks and systems to counter them.
- To develop policy recommendations
- To oversee the implementation of FATF recommendations.

In July 1990 FATF member countries adopted the 40 recommendations against money-laundering which included a list of Non Co-operating Countries or Territories (NCTT).

The NCTT list is in reality a "black list" of countries who do not meet the minimum standard for actions to counter money laundering. This list is debated and updated regularly. Sanctions can be imposed if minimum measures are not implemented when NCTT identified countries do not work toward meeting these 40 recommendations.

- *OECD* The OECD, an international organisation not immediately thought

⁵² EUROPOL : 2002 EU Organised Crime Report www.europol.eu.int

of as implicated in the fight against organised crime, has drafted a Convention on Corruption. Officially in effect on 15 February 1999, it has been in discussion for ten years (1989). This Convention binds 34 countries, and vows to attack an industry that generates on average \$84 billion USD (\$64 billion according to the World Bank), mainly in the energy, armament, oil and construction of infrastructure. Its aim is to prevent the corruption of public agents in international negotiations, sanctions corruption at its base, (the one who attempts to corrupt), and can impose a 10 years jail, as well as up to \$200,000 USD fines, but the biggest limitation of the Convention, is that it does not address the issue of offshores, which are the heavens and traditional route for corruption.

Ed Yardeni (Chief economist at the Deutsche Bank in New York) stated that: "Now that communism is dead the biggest enemy of capitalism is corruption".⁵³ The Convention is not unanimously welcomed, and industry leaders fear that this Convention will put Western businesses at a disadvantage, because other countries may not report corruption as vigilantly as others.^{54/55}

⁵³Delattre, Lucas. "La Lutte anticorruption devient un objectif international de premier plan." Le Monde 16 February 1999.

⁵⁴Orange, Martine. "Les entreprises craignent les effets pervers de la convention de l'OCDE." Le Monde 1999: 16 February.

⁵⁵ The international criminal court (ICC) will not be mentioned here as it deals mainly with genocide, crimes against humanity and massive killings, and so organised crime does not readily figure into its jurisdiction.

VI Conclusion

Because of the rising awareness of issues pertaining to organised crime, there has also been an increase in international conferences linked to this topic, and although the efficacy of such conferences as a vector for legislative change is not necessarily proven, it has at least the merit of bringing public attention to these pressing matters.

Leaders of the fight against organised crime: Amongst the organisations fighting organised crime Interpol and the United Nations seem to be the organisation that have the ability and possibility to most impact the progression of organised crime. Interpol is best adapted to fight organised crime on a daily basis, because not only does it have an infrastructure created only for this sole purpose, but it is present through NCB bureaux around the world, and manages to also respect the sovereignty of the States, and acts only in accordance to the national legislation. By contrast the United Nations is the organisation most qualified to propose and enact legislation and international convention at the global level, but not necessarily involved in the day to day implications of organised crime.

Co-operation is the key: Judicial and police co-operation on bilateral as well as international basis are essential tools to combat organised crime. Today, although steps are being taken to ameliorate these types of co-operation, much still needs to be achieved before reaching optimal levels of co-operation and mutual assistance. Frustrated by the current situation, the "Appel de Geneve" was launched by six European magistrates who challenged the European states to increase co-operation, and improve the working relationships between European magistrates, especially in cases pertaining to money laundering, and specifically called for the creation of a European judicial space (refer to appendix). Without this judicial co-operation magistrates are faced with the impossibility of fighting organised crime, because they usually are required to wait months to obtain an international "commission rogatoires", and by then, they suspect have moved on. The slow and heavy justice machinery greatly impairs anti-Mafia efforts.

Uneven chances: For the moment both justice and police are faced with an uneven battle, and do not have the tools necessary to even out the odds. Europe has made a few timid steps to counter-balance this situation and has created the European Group of Anti-Mafia experts⁵⁶, composed of police officers and magistrates.⁵⁷

The hurdle of ratification of international conventions: A further problem is that States despite having signed onto international conventions are not always willing, not capable of ensuring that their national governments officially ratify those conventions. In October 1998, Elizabeth Guigou, French Minister of Justice organised a conference in Avignon, where 100 specialists, magistrates and government representatives adopted a common declaration for more justice co-operation in view of working together to eliminate organised crime. Jack Straw, Minister of Justice, and Home Affairs of the UK attended this conference:

Europe is functioning with co-operation mechanisms of the XX century while to the goal is to fight against organised crime of the XXI century⁵⁸

Liliana Ferrano, Palermo Judge who succeeded both Falcone and Borsellino at Italy anti-Mafia judge, was also quite pessimistic about the capacity to combat OC:

We have realised that the rhythm of international organisation is ill adapted to this type of combat (organised crime)⁵⁹

Political will—the changing tide? The institution necessary to combat organised crime, and with a few rare exceptions the legislative tool exist but the political will to really apply them is sometimes still lacking. Rather than continue to create and duplicate more and more institutions, working groups or study cells, the international community should focus on the co-operation hindrances that can be surmounted by existing legislation.

Reason for optimism? However, on a much more positive and optimistic note, Palermo 2000 may prove to be the turning point in the fight against the Mafia and other

⁵⁶Inciyan, Erich. "Les Douze vont cree un groupe anti-Mafia." *Le Monde* 20 September 1992.

⁵⁷Leauthier, Alain. "A Arles, l'Europe fait table ronde contre la Mafia." *Liberation* 19 January 1993.

⁵⁸Prieur, Cecile. "En Avignon, les premiers pas de la lutte europeenne contre la delinquance financiere." *Le Monde* 19 October 1998.

⁵⁹Leauthier, Alain. "La France a une place essentielle." *Liberation* 19 January 1993.

organised crime groups. Because of its worldwide support, scope of activity and reinforcement and creation of basic, practical and efficient co-operation mechanisms, it may be the most important tool ever, with which to combat organised crime on a planetary level.

Je soutiens l'appel
lancé à Genève
le 1^{er} octobre 1996
par sept magistrats
européens

C

onseil de l'Europe, traité de Rome, accords de Schengen, traité de Maastricht l'ombre de cette Europe en construction visible, officielle et respectable, se cache une autre Europe, plus discrète, moins avouable. C'est l'Europe des paradis fiscaux prospère sans vergogne grâce aux capitaux auxquels elle prête un refuge complaisant. C'est aussi l'Europe des places financières et des établissements bancaires, où le secret est trop souvent un alibi et un paravent. Cette Europe des comptes à numéros des lessiveuses à billets est utilisée pour recycler l'argent de la drogue, du terrorisme des sectes, de la corruption et des activités mafieuses.

Les circuits occultes empruntés par les organisations délinquantes, voire dans de nombreux cas criminelles, se développent en même temps qu'explorent les échanges financiers internationaux et que les entreprises multiplient leurs activités, transfèrent leurs sièges au-delà des frontières nationales. Certaines personnalités, certains partis politiques ont eux-mêmes, à diverses occasions, profité de ces circuits. Par ailleurs, les autorités politiques, tous pays confondus, se révèlent aujourd'hui incapables de s'attaquer, clairement et efficacement, à cette Europe de l'ombre.

A l'heure des réseaux informatiques d'Internet, du modem et du fax, l'argent d'origine frauduleuse peut circuler à grande vitesse d'un compte à l'autre, d'un paradis fiscal à l'autre, sous couvert de sociétés *off shore*, anonymes, contrôlées par de respectables fiduciaires généreusement appointées. Cet argent est ensuite placé ou investi hors tout contrôle. L'impunité est aujourd'hui quasi assurée aux fraudeurs. Des années seront en effet nécessaires à la Justice de chacun des pays européens pour retrouver

la trace de cet argent, mais cela ne s'avèrera pas impossible dans le cadre légal actuel hérité d'une époque où les frontières avaient encore un sens pour les personnes, les biens et les capitaux.

Pour avoir une chance de lutt

L'appel de Genève

contre une criminalité qui profite largement des réglementations en vigueur dans les différents pays européens, il est urgent d'abolir les protectionnismes dépassés en matières policières et judiciaires.

Il devient nécessaire d'instaurer un véritable espace judiciaire européen au sein duquel les magistrats pourront, sans entraves autres que celles de l'État de droit, rechercher et échanger les informations utiles aux enquêtes en cours.

Nous demandons la mise en application effective des accords de Schengen prévoyant la transmission directe de commissions rogatoires internationales et du résultat des investigations aux juges, sans interférences du pouvoir exécutif et sans recours à la voie diplomatique.

Nous souhaitons, au nom de l'égalité de tous les citoyens devant la loi, la signature de conventions internationales entre pays européens:

- garantissant la levée du secret bancaire lors de demandes d'entraide internationale en matière pénale émanant des autorités judiciaires des différents pays signataires, là où ce secret pourrait encore être invoqué.

- permettant à tout juge européen de s'adresser directement à tout autre juge européen.

- prévoyant la transmission immédiate et directe du résultat des investigations demandées par commissions rogatoires internationales nonobstant tout recours interne au sein de l'État requis.

- incluant le renforcement de l'assistance mutuelle administrative en matière fiscale. A ce propos dans les pays qui ne le connaissent pas, nous proposons la création d'une nouvelle incrimination "d'escroquerie fiscale" pour les cas où la fraude porte sur un montant significatif.

A cette fin, nous appelons les parlements et gouvernements nationaux concernés:

- à ratifier la Convention de Strasbourg du 8 novembre 1990 relative au blanchiment, au dépistage, la saisie et à la confiscation des produits du crime.

- à réviser la Convention européenne d'entraide judiciaire en matière pénale, signée à Strasbourg le 20 avril 1959.

- à prendre les mesures utiles à la mise en œuvre effective des dispositions du titre VI du Traité de l'Union européenne du 7 février 1992 et de l'article 209 A du même traité.

- à conclure une convention prévoyant la possibilité de poursuivre pénalement les nationaux coupables d'actes de corruption à l'égard d'autorités étrangères

Par cet appel, nous désirons contribuer à construire, dans l'intérêt même de notre communauté, une Europe plus juste et plus sûre, où la fraude et le crime ne bénéficient plus d'une large impunité et d'où la corruption sera réellement éradiquée.

Il en va de l'avenir de la démocratie en Europe et la véritable garantie des droits du citoyen est à ce prix

NOM _____

PRÉNOM _____

VILLE _____

PROFESSION _____

SIGNATURE _____

Renaud Van Ruymbeke (France)
Edmondo Bruti Liberati (Italie)
Bernard Bartossa (Suisse)
Gherardo Colombo (Italie)
Carlos Jimenez Villarejo (Espagne)
Baltasar Garçon (Espagne)
Benoît Dejemeppe (Belgique)

A retourner à Égalité devant la loi 7, rue des Arènes 75005 Paris

**International Treaties Pertaining to One Aspect or Another
of Organised Crime Activities or Nature**

<u>Name</u>	<u>Date</u>	<u>Institution</u>	<u>Subject</u>
European Convention on Extradition	13/12/1957	Council of Europe	Extradition
European Convention on Mutual Legal Assistance	20/04/1959	Council of Europe	Co-operation between states
European Convention for the Repression of Terrorism	27/01/1977	Council of Europe	Terrorism
Recommendation pertaining to the transfer and hiding of money originating from crime	27/06/1980	Council of Europe	Money Laundering
Recommendation Pertaining to the Crime in business	25/06/1981	Council of Europe	Business crimes
European Convention on Money Laundering	08/11/1990	Council of Europe	Money Laundering
European Convention sur la valeur internationale des jugements repressifs	28/05/1970	Council of Europe	Mutual recognition of judgments
Vienna Convention Against Drug Trafficking	20/12/1988	United Nations	Drug Trafficking Money Laundering (art 3)
Convention on Insider Trading	20/04/1989	International	Insider Trading
Schengen Accords	24/06/1985	European states	Open border
Convention for the application of the Schengen Accords	19/06/1990	European states	Open border
Treaty of Maastricht	07/02/1992	European states	European integration
Europol Convention	07/02/92	European states	Organised crime
Interpol Convention	1956	International	Organised crime and drugs
Directive on Money Laundering	10/06/1991	European Union	Money Laundering (art 1)
Basel Declaration	12/12/1988	Groupe of Six	Banking Control
Convention on Drugs	30/03/1961	United Nations	Drugs

Convention on Psychotropic Substances	21/02/1971	United Nations	Drugs
Convention on the Trafficking of Human Beings	1949	International	Trafficking in humans
Convention on Currency Counterfeit	1929	International	Counterfeit
TREVI		European Union	

Chapter 9



Conclusion

I Introduction

International organised crime is a veritable international industry that generate as much as \$1,200 billion USD in turnover a year, boasts at least 4,112,002¹ active members and many more who gravitate and are employed by various factions within the crime sphere. The five major crime families each have their own characteristics, their own history and structure and own choices of preferred activity. In order to be more efficient or in order to exploit new markets these crime families joined together and created world criminal alliances, thus making themselves even more powerful and even more resilient, but also much more financially well off.

The Cosa Nostra, originating in Sicily is one such organisation. Powerful, diverse and entrenched in the local and regional culture it has survived a multitude of assaults from the central state against it. Doted with highly compartmentalised structure, a code of conduct and predilection for penetration of the political sphere it has reaped huge benefits and has sought to export itself to further escape prosecution and engage in other activities.

The usual, it is almost to say natural premise is to assume that organised crime is always bad and undesirable, but this is not always the case. The State and the Mafia re able to co-habitate if and when they each find their advantages in the situation. The state and individual state actors can reap specific benefits from co-operating with the Mafia. The political willingness to aggressively combat it obviously dwindles as a result. Public opinion must then surface and force the legislator and the state to take notice and be held accountable for their actions, or in this case lack thereof.

In France, a state where the Mafia has decided to settle, both as a place of refuge, but more and more so as a secondary activity hub, the willingness to admit the presence of organised crime and more specifically the Mafia within their borders, and the desire to do something about it is totally absent. The Mafia has settled on the Riviera, has used the local banking infrastructure of Monaco as well as the various real-estate and investment opportunities to launder their money, yet the French administration persists on denying its existence.

¹The number was found by adding up all the estimated membership statistic as presented in chapter two.

Italy for obvious reasons is the pioneer in Mafia specific legislation and has developed an arsenal of legislative and punitive tools designed to efficiently combat the Mafia. From devising a Mafia specific appurtenance law, to defining incarceration conditions and devising a certificate of non-membership to the Mafia it has sought ways to alleviate the problem and tilt Justice in the favour of the state. It appears that these fundamental and pioneering changes have had their impact.

The French state is faced with a strange dilemma: it persists in denying the existence of the Mafia and hence is quite limited in its scope of action to combat it. The current anti-Mafia/OC structures in France are highly inadequate and more often resemble an arena for competition than a forum for co-operation. The police structures are so complex, intertwined and overlapping that they are rendered highly inefficient, plagued by internal wars, rivalries and in some instances sabotaging of cases. This chaos obviously benefits the criminals.

Because organised crime does not recognise nor respect national boundaries and because organised crime is a global problem, international co-operation must be achieved in order to combat it. The plethora of international organisations and treaties that seek in one way or another to combat organised crime testify to a growing "prise de conscience" on the subject but are themselves rarely efficient or rapid in containing the problem. Because international treaties and conventions, even when signed by a state generally require ratification by the legislative authority, they are not always applied not applicable. Again, political will is a dominant, if not sole, deciding factor. Palermo 2000 may be the landmark convention and mark a change in tactics to combat organised crime on a really planetary level, providing of course that the signatory states ensure the ratification and application in their own countries.

II France and organised crime -- Is its response proportionate to its problem?

Perhaps it is important in this conclusion to take the time to look at the reasons that France has had a weak response to organised crime especially in light of the considerable efforts of its transalpine neighbour Italy. Without attempting to disculpate France, the critique of its response should be examined in light of the French specific O.C. situation and not be automatically contrasted with Italy's.

- As was mentioned in the introduction to the research, France does not have an indigenous organised crime group and so may have lacked the experience and practical knowledge necessary to identify the threat and quickly react to it. As O.C. presence and activity began to grow, France was not prepared to react and subsequently placed itself in a position to play catch up rather than be proactive.

III New medievalism: is it an applicable theory after all?

It has been demonstrated and supported early on in this research that organised crime in general and the Sicilian Cosa Nostra in particular thrive within a sphere than can be coined as New medievalist. Looking back at the basic principles of New Medievalism it is evident that although France is not necessarily the perfect terrain for Cosa Nostra penetration it does offer some of the conditions necessary for O.C. to operate. The five criteria that Hedley Bull had outlined as necessary to fulfill the medievalist theoretical model are:

- a. Regional integration of States
- b. Disintegration of States
- c. Restoration of private international violence
- d. Transnational organisations
- e. Technological unification of the world

The researcher had argued that in the case of the Cosa Nostra criteria "c", "d" and "e" had been fulfilled.

Alain Minc also argued for consideration of the New Medievalism theory. He enumerated four basic principles that were:

- Loss of control of state over certain non-state actors
- Rule of force
- Insufficient existing structures
- Grey zones

It should be noted though that the condition of New Medievalism is not irreversible nor is it a condemnation to perpetuity. Specifically if France can overturn the trend that was set up in the South and attempt to eradicate the factors and actors that encourage it and thrive on it: organised crime.

- In order to do so however the French government would have to really come to terms with its organised crime problem and determine whether it wants to address this situation or not, and if so how to most effectively do so. Subsequently allocation of resources, both in terms of budgetary effort and manpower would have to be determined and followed through. The driving force for this change would have to be political will. Political will in Paris where the legislation is drafted and from where the directives are applied, but also political will from the elected officials and legislators from the South.

A lack of clear determination on the part of the regional and local leaders and decision makers would largely leave Parisian impetus inefficient.

- The French legislative arsenal is currently not optimally adapted to counter organised crime efforts across the board, however if the judicial authorities were to start systematically applying the legal provisions that already exist, while taking the time to study and propose new laws would probably already be making an effort in the right decisions. The current arsenal is most likely not capable of eradicating organised crime, but could probably curb its growth significantly and send a clear signal that France has the will to exploit all its legislative resources to counter O.C.

- French authorities could probably benefit from fostering professional and helpful co-operation not between the different branches of the government implicated in the fight against OC, but also paving the way for intra ministry co-operation such as in the Police. Any system that is divided is more easily penetrable by an outside entity, exponentially so when that entity is the Mafia.

- It would be unfair to say that France has not been co-operating with international institutions, but perhaps France could still make a further effort to more readily exchange information on a bilateral and international basis. Full co-operation between with foreign judicial and investigative authorities can only benefit the fight against organised crime. Granted every nation is reticent to relinquish what each perceives as domains of national sovereignty, but compartmentalisation in an effort to protect the idea of national sovereignty can only help transnational crime to prosper and spread. Full cooperation, exchanging intelligence and sharing is no doubt the only method to limit the scope of activity of OC and eventually curb it.

The French Riviera has always been considered as being more lax than other regions of France, more tolerant of "alternative" systems that do not always correspond to the highly centralised French state system.

IV Organised crime today and the reality of political will. What can be done? What solutions for the future?

By first asking important relevant questions about the climate today, the reality today of OC presence and activity and trying to draft practical measures and solutions to help eradicate it, OC can potentially be, at the very least contained. The three deciding factors in the fight against organised crime are: the cultivation of a true political will, an implementation of national co-ordination, and international co-operation that can aid the harmonisation of national laws.

Questions:

Three main questions can be raised as a conclusion to this research and that may help project towards the future are:

- Does organised crime continue to progress on a planetary level or is it stagnating?
- Is there a true political will to combat organised crime in France or around the world ?
- Should the future be held as optimistic or pessimistic concerning the capacity to eradicate or at the very least contain organised crime?

In order to attempt to answer these questions, six people were asked these three questions: a police commissaire, a police inspector, a UN ranking administrator, a criminologist, a university researcher and an author/journalist. The aim was to obtain answers and reflections from experts emanating from different disciplines. The results are compiled in the table below, the full answers in written form are included in the appendix of this chapter.

Conclusions:

- Everyone agrees that organised crime is still progressing today despite, attempted, national and international crackdown on activities and increased legislative and judicial tools to combat it.
- Everyone agrees that there is a lack on concrete political will to fight organised crime. This answer may in large part explain why organised crime continues to progress.
- The way in which the future is perceived varies according to the profession. Those in the police are optimistic and explain that they have to be in their line of work. The academics and journalist are less certain that the future looks good and are in fact more pessimistic.

It appears that the only thing that may brighten the future is the concrete application of the Palermo Convention, but that would also necessitate political will to do so, and because they have already stipulated that it is non-existent today, then Palermo will most likely not be applied in a timely manner.

	Martin	Peroz	Arlacchi	Raufer	Quéré	Madelin	Total
Is OC progressing?	Yes	Yes	-	Yes	Yes	Yes	5/5
Is there a political will?	No	No	No	No	No	No	6/6
Are you optimistic?	Yes	Yes	Yes	-	No	No	Yes: 3/5 No: 2/5

What is the Mafia up to these days? Since the capture of Toto Riina, the boss of all bosses, the Mafia seems to have quieted down a little, and generally appears less active. Is this really the case however? The Mafia is nearly always most violent when it feels threatened, so perhaps the current tranquility which Sicily is permeating is not as many believe the sign that the Mafia has been "beat" into submission, but the exact contrary, the proof that the Mafia is operating undisturbed. According to Italian Anti-Mafia magistrate Guido Lo Forte, the fact that there have been no killings in Palermo for the last year means that the Mafia's stability is on the rise: So for now at least, its mostly briefcases instead of bullets and balance sheets instead of bombs. The Cosa Nostra has returned to what it likes most--- making money, preferably without getting its hands too bloody²

1. Political³

If there is no true political will to deal with a problem, it won't happen. We need this political will and we need resources behind us.⁴

²*Conflicting opinions:* Not everyone agrees that political will is lacking, in fact Raymond Kendall the Secretary General of Interpol believes that the political will is evolving:

No serious problem of criminality will be resolved simply by police action. That is obvious. But at least, what we are seeing now is a political will to do something about drugs, and the moment that happens, there is a good chance you will achieve a certain amount of success. So I suppose there is some real hope. [...] At times, I get depressed and think we are trying to catch up with a battle that is, to a large degree, lost. And I do not mean us, but all the national law enforcement agencies and customs people as well. But we still cannot give up the fight, and we are having some major success; Source: Pullela, Philip. "What is the enemy up to these days." . Palermo: Reuters.

³Bresler, Fenton. Interpol. London: Sinclair-Stevenson, 1992, page 226.

⁴ Raymond Kendall, Secretary General of Interpol in Gibbons, Sarah. "The IPR Interview: Raymond Kendall." International Police Review .June (1997).

The biggest impediment to combating the Mafia is in the lack of concrete political will. Without political will neither legislative changes nor the re-organisation of structures, nor aims to improve national or international co-operation mechanisms can even aspire to be achieved. Political will is the sole driving force for change, and its only motivator seems to be political gain or political liability.

- ***Admit the existence of the Mafia:*** The first step in combating the Mafia is for the States and governments to actually admit that the Mafia and organised crime in general actually exist. In France for example, Minister of Interior Charles Pasqua denied the presence of organised crime in France despite evidence to the contrary. Nothing can hope to be achieved if the problem does not yet exist in the eyes of the political class.

- ***Admit the reality of the threat:*** The second logical step, is admitting that not only does the Mafia actually exist, but that its presence is actually a threat to the State, to its democracy, to its economy. By admitting this potentiality for problems, the political class is admitting it may actually have to devise a strategy to counter it.

- ***Admit the state is at risk:*** The third step consists in realising that the not only is organised crime a threat, but that the State in which it exists can actually be at risk for massive destabilisation, clandestine economy and perhaps even and escalation of violence. By becoming conscious of this risk, the political class is preparing to confront it and combat it within its own borders.

- ***Be willing to do really do something about it:*** Finally with the awareness of the reality, threat and potential risks, the political class also has to want to actually do something about it rather than ignore the information. Obviously the issue of political liability is not negligible. Is publicly broaching the issue of organised crime going to help or hinder a politicians position? What is the political liability associated with addressing or ignoring the issue? Because politicians often weight issues they address based on their importance, not in an objective rational way, but rather importance in a personal "political re-election" point of view, issue that can be rationally be classified as pressing, urgent and even crucial to address may remain unaccounted for because the political will is lacking.

2. National Co-ordination

Once the political will of the governing class has been firmly established, and the State is willing to actively combat organised crime, a certain number of measures

must be taken nationally to efficiently campaign against the Mafia, notably eliminate, inter-force rivalries

re-haul organisations, and stream-line investigative process .

- *eliminate inter-force rivalries.* By concretely working to eliminate inter-force rivalries like that present between the Gendarmerie Nationale and Police Nationale, the State can make each service not only more efficient and productive, but by further encouraging co-operation and mutual assistance, these services can finally disadvantage the criminals like the Mafia who had traditionally benefited and counted on the chaos and evident lack of co-operation.

- *re-haul organisations.* As we have seen the French institutions are characterised by a lack of clear conceptual logic that has been achieved by centuries of creating new institutions and services, without eliminating any preceding ones, resulting in a pile-up of over lapping, competing structures that are not tailored to combat a quick and potent menace like organised crime. The current institutions are loaded down, and slow to respond and in fact need to be urgently stream-lined in order for them to become efficient.

3. Harmonisation of national laws and international co-operation

- *international definition of organised crime:* To combat organised crime on an international scale, a common, universal definition of what organised crime actually is should be addressed. Several international organisations are currently debating this issue and it is possible that such a globally approved definition will soon emerge. However, ratifying an international convention does not suffice, and national governments also need to strive to ensure ratification within their own governments of these treaties and conventions.

- *harmonise national laws:* By striving to harmonise national laws, States would be greatly reducing the capacity and will for organised crime members to move across national boundaries to benefit from more lenient legislation, or less strict policies. The discrepancies that exist today between all the different national legislation mean that criminals can pick and chose which country to settle in, or which country to operate out of in terms of its legislation. Up until very recently France was a country very propitious to laundering criminal profits because national law only recognised money laundering as a crime if it involved money originating from the trafficking of

narcotic substances. Hence Mafiosi seeking to launder extortion profits were largely immune from prosecution in France. Since France has altered its definition to include all proceeds from crime, money laundering has become a more risky activity and hence probably less prevalent than before. If all countries applied a stricter money laundering policy, it would increase the cost and risk associated with money laundering and make it a lot less interesting as an activity to organised crime.

Harmonisation of national laws, and universal definition of organised crime would also facilitate extradition procedures as the crimes would exist in both countries and not hinder extradition.

- *eliminate safe-havens and fiscal paradises:* Furthermore, in order to really combat organised crime, and attack the money from which they benefit, it is essential for the international community to work towards eliminating fiscal paradises. These paradises although created in their very beginning for legitimate, legal tax evasion purposes, are now used at international money laundering hubs by cartels and organised crime families. By disposing of this special status, money laundering investigations would not only proceed much more fast, but many more money-laundering rings could probably be halted.

III Conclusion to the Conclusion

It is highly unlikely that one day, despite the applications of the measures suggested above, that organised crime will ever completely disappear. As grim as a prospect as that may seem, these measures would however severally curb the extent of Mafia penetration into a state, as well as significantly reduce or impede its sphere of activities. Crime has always existed, and no doubt always will, that's a historic reality, however by applying certain measures, but encouraging co-operation and co-ordination at the national and international level, the scope of action, the breadth if activity that organised crime can engage in will be, at the very least limited.

Slain Palermo judge, Giovanni Falcone was more optimistic and thought that as all things human, the mafia (and by extension global organised crime) had a beginning and would have an end... someday! Perhaps this was a bit overly optimistic, containing organised crime by motivating political and popular will would already be a significant step in the fight against this powerful scourge.

Daniel Martin⁵

Commissaire Divisionnaire Honoraire & Special Councillor to the Executive Director of the Organization for Economic Co-operation and Development (OECD)

- Organised crime continues to progress, I would say at the same rhythm as globalisation. Criminals have easily understood all the tools as their disposal to escape prosecution in countries still very much attached to their notion of territoriality and sovereignty. The new technologies are a chose vector for OC operations, their arena is the entire world. The complexities of legislation and rules that aimed to combat OC are a considerable advantage (to these organised crime groups)
- We can only reach the conclusion that there must be a lack of political will to combat OC. Today, satellites allow us to have a very precise idea on the cultivation of heroin around the world, yet this information is not exploited. Drug trafficking is on the rise. Corruption and money laundering no doubt pollute the decision-making circles. Mafia-like behaviours, passive complicity to corruption, [...] jealousy are behaviours as old as the world and that are still very much current today. The human factor constitutes the weak link...
- We must however remain optimistic. Protection services, deontology, ethics are marking points every day. But the octopus is difficult to kill off. Of severed arms, new one grow out of, in different forms and it becomes necessary to constantly adapt are defence shield to protect ourselves from the wounds inflicted by the criminals. IT is a combat that never ceases to be relived and that never has an end. The fight remains uncertain, but we can say that « Faith is the Strength » The pride of democratic nations is to respect the Law. SO even if sometimes it can be perceived as a handicap, it is more importantly an ideal that cannot be beaten. In fact, it is Man who is at the heart of the system, with his contradictions. You have to leave it a she is. Believing or wanting to change him would be illusory.

⁵ Martin, Daniel : Interview on 23rd April 2001. (Paris, France)

Maurice Peroz⁶:

Inspecteur de Police, Officier de Police Judiciaire

(the following commentaries are his personal opinion and do not necessarily reflect those of the Police Nationale or the Police Judiciaire)

- In my opinion, organised crime continues to progress for several reasons :
It is not easy to combat because legislation is so different. There is not enough collaboration between the different police forces (problem that exists at the national scale, so we can easily imagine conflicts between police services of other countries)
New forms of more modern organised crime are emerging (cybercrime) and reactions to combat them are not organised in these new spheres. The judicial processes are too constraining and put off the actors that fight against this form of crime. To summarise, there is no reason to believe that organised crime is stagnating or regressing.
- All « politicians » are unanimous in saying that organised crime must be fought. Very few however actually given themselves the means, financial, legal and even less so in terms of structures services and centralised units around this issue.
- A police officer is always optimistic, otherwise he stops working. From a philosophical point of view it's a another story. Public opinion is not sensitive to this form of crime, and is not preoccupied by it. Mafia governs countries, politicians are part of those, money has replaces God, etc... In my opinion organised crime still has beautiful days ahead of it.

⁶ Peroz, Maurice : Interview on 24th April 2001. (Paris, France)

Pino Arlacchi⁷:

Director General of the United Nations Office in Vienna

Executive Director of the United Nations Office for Drug Control and Crime Prevention (ODCCP)

MZ: Are you optimistic that some day OC can be eradicated?

PA: I remain optimistic. Catastrophic scenarios and exaggerations do not help. By using only a small percent of resources we can win. The problem is that we don't use these resources.

MZ: Why? Is there a lack of political will?

PA: Yes, to an extent. There is no social awareness because its not a highly visible threat. Political will is mobilised for highly visible threats, so there is no political awareness for organised crime. Without political awareness and subsequent political will there is no mobilisation of resources. So you see, it's a vicious circle, but I remain optimistic nonetheless.

In another interview, conducted more than a year later, Mr Arlacchi was asked again about political will. He answered that the idea of fighting against OC is still a relatively young subject and hence does not have the benefit of vast support. He added that OC is also perceived as uncontroversial by contrast to terrorism⁸.

⁷ Arlacchi, Pino : Interview on 2nd March 2000 (Paris, France)

⁸ Arlacchi, Pino : Interview on 23rd January 2001 (Paris, France)

Xavier Raufer⁹

Directeur des études au centre de recherches sur les menaces criminelles contemporaines, Université Paris II Panthéon-Assas, Directeur de la collection Criminalité Internationale aux Presses Universitaires de France

- As long as the world protocol on organised crime, drafted in Palermo in December 2000 is not effectively implemented on a planetary level, but also ratified, etc... transnational organised crime can only progress, because there is a lack of efficient instruments to combat it.
- In France, the political class could not care less about organised crime [...] and does nothing except make empty media-friendly declarations. The police does not have the means to adequately do its job, the justice even less so.
- When Palermo will CONCRETELY be put in place, then life will be more difficult for Transnational Organised Crime... Before that they wander about [without any really obstacles]

⁹ Raufer, Xavier : Interview on 24th April 2001 (Paris, France)

Stéphane Quéré¹⁰

University researcher, author and co-author of articles and books analysing OC activities, Hell Angels and Gangs, editor in Chief of "Drogues Etats de Dépendance"

- In terms of criminal activity, the fall of the Berlin wall in 1989 was a breath of fresh air. Criminal organisations were able to invest in new territories in Eastern Europe. Additionally criminal groups that were kept in check by the dictatorships were able to make contacts with other mafia-like groups abroad. Vast geographic areas thus became « grey zones », uncontrollable by the State structures (former Soviet Union, Balkans, etc...) The collapse of the bipolar system also made armed groups « orphans », and these groups turned towards alternative sources of financing (Colombian guerilla groups, African rebel groups, Asian rebel groups)

In addition new geopolitical realities, the development of international trade have rendered it possible for new forms of criminal activities. The opening up of borders and the increased mobility of people facilitate all types of trafficking. The quasi total liberalisation of the economy (including the financial sector) is a benefit for money laundered and white collar criminals (infiltration of the Cosa Nostra into Wall Street, SWIFT money transfers).

- After these few observations, it appears to me that OC continues to develop, but more than anything adapts itself to the world today. No doubt in a more insidious and discrete manner, OC money infiltrates, every day more and more in the economic sector (and hence political sector as well). OC also knows how to adapt itself to new sectors of activity (waste disposal, trafficking in migrants, frauds, new technologies) or knows how to create new activities, like « marketing » (explosion of synthetic drug trade).
- We can observe a tremor on the subject. It is mainly linked to punctual events that mobilise public opinion (murders of the Italian judges Falcone, Borsellino in 1992 leading to a toughening of anti-mafia legislation) International mobilisation is long and difficult (ex Palermo Convention). This Convention constitutes a first step, but remains suspended to its concrete application at the level of the States. However, on

¹⁰ Quéré, Stéphane : Interview on 25th April 2001 (Paris, France)

the national level, the question of OC is very little if not at all broached. Becomes it normally entails a crime "without victim" (most notably in money laundering) the question does not carry much electoral weight because it does not find rooted interest in public opinion. Aside from this, some politicians (and in some cases some political state systems) are implicated in criminal activities and especially narcotics trafficking. The public declarations concerning "the war against drugs" or OC can risk becoming only media friendly (ex Andreotti was able to help pass the anti-mafia laws). Lets remember also the existence of "pirate-states" that exist only because of money laundering and hence have no reason to combat it. In addition these states are used by the economy ("grey money" used to fund commission on the international markets, intelligence services, or illegal political campaign financing of other states that have no interest in seeing the disappearance of the fiscal paradise

- In France, some scandals have shown that politicians were linked to "grand-banditisme" (like Bernard Tapie or more recently Charles Pasqua and his Corsican financing of his political party the RPF). The questions relative to OC do not interest the politicians until the time where public opinion has been mobilised (media effect). Hence there are not pro-active decisions to make, and this represents a very precious loss of time in terms of the anti-mafia fight. Finally, there is no long term vision of the problem: politicians globally believe and focus more on their next electoral campaign than on organised crime groups that have been around for more than a century.
- I am more pessimistic than optimistic because the reality is alarming: OC has rooted itself in the legitimate economy of the United States, first financial power of the world (syndicates, pleasure and games industry, waste management) the new countries or "anarchic countries " are also controlled by OC (diamond trade in Africa, core materials like oil and aluminium in Russia), in some instance OC is actually at the origin of the creation of new States (like Kosovo). Despite this threat, the global and co-ordinated response is still being waited on, and is variable, largely dependant on the specific interests of States: Despite this pessimism, I keep in mind

the analysis of Judge Falcone who observed that OC is a human activity, and like all human activity, it has a beginning and will have an end.

Philippe Madelin¹¹

Journalist, author and specialist on organised crime. France Mafieuse, Filiere cocaïne en France, Les Gaullistes et l'Argent.

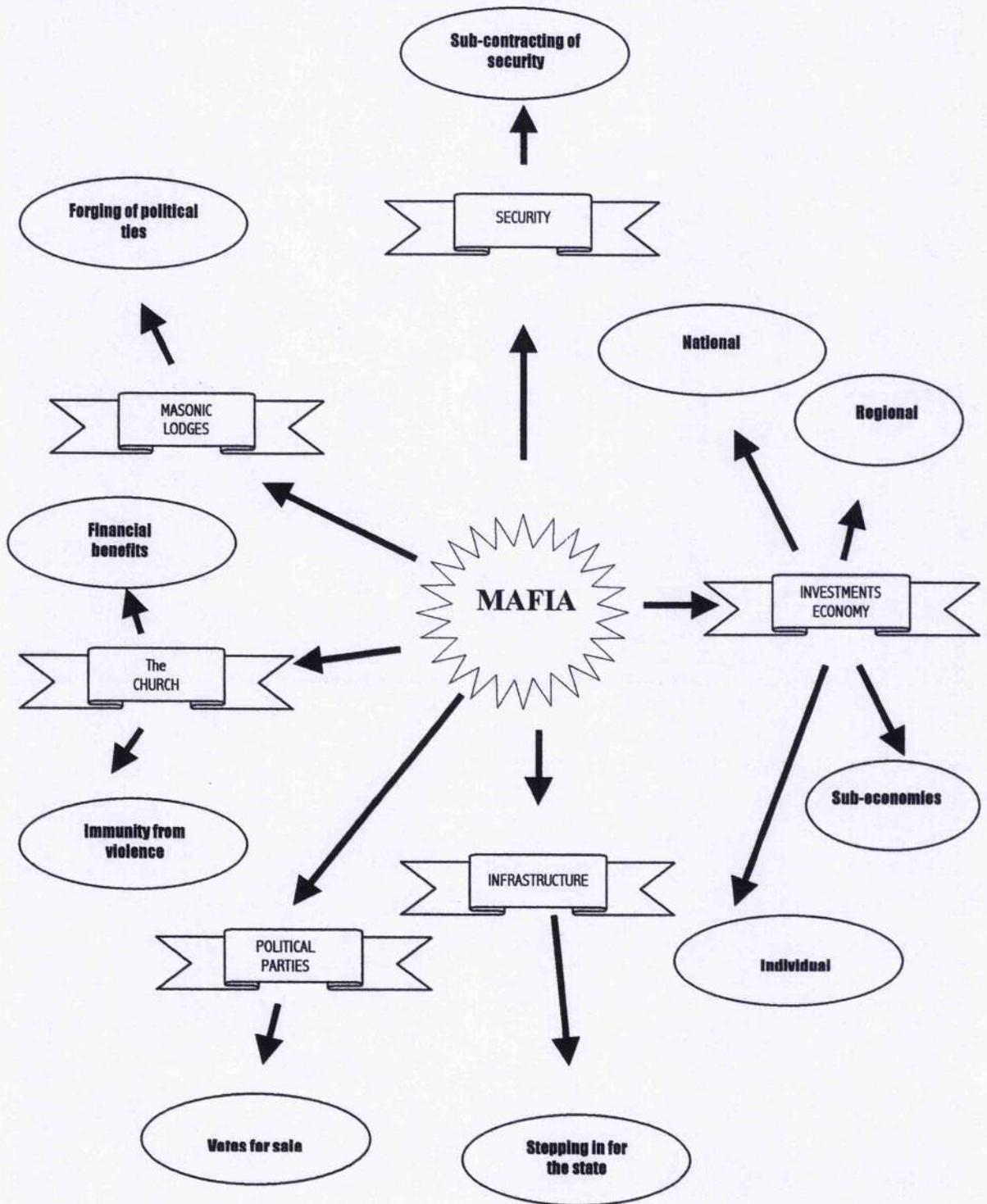
- On a planetary level and even European level, OC continues to progress, even in region up until now that had been spared. The reason for this worsening is the weakening of the public authority in many states. This is particularly the case in former Soviet block countries, responsible not only for the massive flow of criminal proceeds coming from fiscal fraud, as well as the organisation of human exploitation routes, prostitution, illegal immigrant workers. This phenomenon has also been observed in the Balkans where they also act as weapons and cigarette trafficking of a Mafia-like nature. We can also note that agricultural frauds and frauds on food subsidies coming from the European Union are a great financial resource for organised crime. The most recent affair of this nature (25 April) is the identification of a trafficking route, organised by a Lebanese businessman, of trafficking in animal-based feed products so heavily implicated in the mad cow disease. This Lebanese man was living in France and operating out of France and Belgium and the feed was exported to France and developing countries.
- At the very least in the discourse, there is a real will to fight organised crime. France is currently applying very rigorous criteria. However the partial dismantling of the Directorate of organised crime affairs within the Justice Ministry, coupled with the limited number of investigators dedicated to fighting OC, leave us asking further questions.
- Even on the world level; The Anti-Organised crime Summit held in Palermo opened up some interesting avenues, but with little concrete practical applications. The "Colombia" project, destined to eradicate drug trafficking in Colombia is in reality much more geared towards combating leftist communist guerilla groups rather than the real trafficking. For the moment the fight against organised crime is unfortunately much more present in books or at the cinema: the movie "Traffic" is brilliant but shows the limits of the fight against organised crime in the real world.

¹¹ Madelin, Philippe : Interview 25th April 2001 (Paris, France)

However the awakening to the risks and dangers represented the offshore financing platforms is an important step.

However, we can still estimate that the actions taken today have helped slow down the progression of OC. In order for there to be really efficient means, it appears necessary to work on the great inequality between the North and the South. (...) We must also bear in mind the persistent menace of State with no rule of law dominated by Mafiosi groups. It would be more useful and efficient to help them resolve their fundamental problems like corruption rather than take only a repressive approach. What is being attempted by the UN in Kosovo demonstrates that a certain form of improvement is possible.

Benefits derived from Mafia presence within a State



Research on mafia criminality still needs to continue for a long time before we can conclude anything about the nature of the modifications, and the expansion of mafia groups.¹²

... it is hoped that in its own modest way, this research will help bring better understanding of organised crime in general and the Mafia specifically ... one step closer to that goal.

¹²Catanzaro, Raimondo. "La Mafia et les recherches sur la Mafia en Italie." Deviance et Societe June (1995).

List of Interviews





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Commandant **Michel LEMAOU**, *Section Financière, Police Judiciaire, Antenne de
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List of Research Centers





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