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(CDPC)

Committee of Experts on Criminal law and
criminological aspects of organised crime
(PC-CO)

Report on the Organised Crime Situation
in Council of Europe Member States - 1996

Document prepared by
members and scientific experts of Committee PC-CO¹

and presented to the
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1 For the list of authors, please refer to Appendix 1.

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CHAPTER I

Introduction

By a decision of the Committee of Ministers of the Council of Europe (587th meeting, 1 April 1997), the Committee of experts on criminological and criminal law aspects of organised crime (PC-CO) was set up. The purpose of this Committee is to analyse, under the authority of the European Committee on Crime Problems (CDPC), the characteristics of organised crime in the member States of the Council of Europe, to assess the counter-measures adopted (including legislation), and to identify means of improving the effectiveness of both national responses and international co-operation in this respect.

In August 1997, all 40 member States received a questionnaire, which had been specially designed for this project. They were requested to provide accurate and detailed responses to the questionnaire before the 15 November 1997. The questionnaire was divided into the following eight parts: I Introduction; II Organised crime situation; III Factors that influence the extent and/or growth of organised crime; V Conclusions; VI Measures against organised crime; VII Methodological annexe; VIII Data of the person(s) providing the answers.

By 8 May 1998, 34 of the member States had replied (see list in Appendix 2). No replies were received from Albania, Ireland, Liechtenstein, the Russian Federation, San Marino and the United Kingdom. (Though Ireland did respond in June.) Some replies were not used for the analysis of the organised crime situation, because they did not provide information on this subject (e.g. Switzerland) or referred to the 1997 situation while most of the questions referred to the organised crime situation until or in 1996 (Ukraine). The replies from 31 member States are used for the compilation of this report. To a limited extent, other sources were used (see section 9 of Chapter I and the bibliography for details).

To facilitate the description of geographical aspects of organised crime the member States were grouped into nine geographic areas. Apart from geographical criteria, the distinction is based upon historical and criminological similarities (e.g. transit countries for heroin transported over the so called Balkan route). The grouping is purely for analytical reasons and does not refer to any political viewpoint. The nine areas and the respective member States are:

- | | |
|------------------------|---|
| 1. Scandinavia | Denmark (DK), Finland (FIN), Iceland (IS), Norway (N), Sweden (S) |
| 2. West Europe | Belgium (B), Ireland (IRL), Luxembourg (L), the Netherlands (NL), United Kingdom (GB) |
| 3. West Central Europe | Austria (A), Germany (D), Liechtenstein (FL), Switzerland (CH) |
| 4. South West Europe | Andorra (AND), France (F), Italy (I), Malta (MLT), Portugal (P), San Marino (SM), Spain (E) |

- | | |
|------------------------|--|
| 5. The Balkans | Albania (ALB), Bulgaria (BG), Croatia (HR), Hungary (H), "the Former Yugoslav Republic of Macedonia" ("FYROM"), Romania (RO), Slovenia (SLO) |
| 6. East Central Europe | Czech Republic (CZ), Poland (PL), Slovakia (SK) |
| 7. South East Europe | Cyprus (CY), Greece (GR), Turkey (TR) |
| 8. Baltic States | Estonia (EE), Latvia (LV), Lithuania (LT) |
| 9. East Europe | Moldova (MD), Russian Federation (RU), Ukraine (UA) |

Section 1. Characteristics of groups involved in Organised Crime

1.1 Structure of the groups

The descriptions of organised criminal groups show that these groups can be divided into different categories. These categories are disputable. Whether one agrees with this categorisation depends on the theoretical viewpoint one has towards organised crime.

The first category consists of groups, which are very strictly organised and based on a hierarchical structure. Group solidarity is very strong. In these descriptions one finds that these groups often have different organisational levels. There is a structure in which (the) "bosses" and "permanent members" form the core of such a group. Besides these, the membership can fluctuate.

The boss heads the entire structure and decides the main strategy. It is unlikely that he himself takes part in the actual physical commission of criminal offences, at least at this stage of his career. The groups have their own advisers, lawyers, economists and bodyguards, who may or may not work for the group full-time. The permanent members form a sort of middle layer. In some cases (as for example the Czech Republic reports) they are chief of a sort of department, in which case they are relatively autonomous. Nevertheless they do not decide on questions of strategy or money. The tasks of ordinary members vary. Some of them only work for the group externally. They provide services such as giving information, arranging accommodation etc. Others are actually involved in committing criminal offences.

In Italy, there are for example four organised criminal groups, traditionally described as Mafia-type criminal organisations. Only two of them have hierarchy as a characteristic feature. They are characterised by differences in origin, organisation and ways of operating. The Mafia, originating in Sicily, is made up of numerous criminal groups, called families or clans. This "Cosa Nostra" is characterised by a hierarchical structure. In Sicily there are more than 180 groups, counting more than 6000 affiliates. The criminal groups of Apulia, originating in Apulia. Most important is the "Nuova Sacra Corona Unita". Here are about 50 Mafia-type families, counting some 2,000 affiliates.

Another example form the motor cycle gangs, like the "Hells Angels" and the "Bandidos" in Scandinavia. The Hells Angels have "chapters" in a number of countries. There is very close co-operation between some of the groups within the Nordic countries. The chapters have a clear and very strong hierarchy. Group solidarity is very strong, and they present a compact common front to the authorities. The gangs' activities are characterised by being extremely organised and are carried out within an international (including an inter Nordic) framework. Scandinavia is an attractive area for criminal groups since the iron curtain fell, there is vivid drug trading with the former Soviet Union and Eastern Europe. The police know that MC gangs are

trading drugs, but there is little they can do². Infiltration into these gangs is difficult and very dangerous. For the small criminal jobs, outsiders, who can hardly be traced, are used. The MC gangs have their own laws. Loyalty between the members is the most important treasure they have. They are involved in drug trafficking, firearms trade, extortion and prostitution. Whoever wants to become a member will be screened and tested on their capability of committing crimes.

The second category consists of groups using different kinds of more fluid structures. In some cases these groups are based on a family structure, with very strong loyalty. They are generally small, and flexible. Personal contacts are often used on an ad hoc basis. Even in Italy where one might think that the Mafia-type organisations all seem to be hierarchical, there are groups using other structures. One example is the Camorra, originating in Campania and operating mostly at a local level. It is a prevalingly non-hierarchical organisation, which operates on a national and international level. In Campania there are 114 groups, counting some 6000 affiliates.

The *'Ndrangheta*, originating in Calabria, is endowed with a non-hierarchical structure and is made up of various groups called "*ndrine*". Members are mostly selected on the basis of blood ties, to ensure the groups closed nature. In Calabria, there are about 160 groups with 5600 affiliates.

However one must realise that some of the Italian criminal organisations are changing. There are signs that for example the *'Ndrangheta* is restructuring and moving towards a federal model, with an autonomous decision-making body on the top tier. It was the hierarchical organisation structure that enabled the Italian authorities to strike a blow against the Mafia. The *'Ndrangheta* knows what happened to the Mafia, so they were able to create a different, more compartmentalised, form of organisation, emphasising the family character of their organisation.

The third category consists of groups operating in loose networks of individuals. For instance, in the Netherlands the composition of organised groups is seldom rigid in its structure.

From the 21 countries of which data on this topic is available, 15 member States (B, BG, CY, CZ, DK, EE, FIN, H, I, LT, LV, PL, S, SLO, TR) reported that they mainly had hierarchical organised criminal groups. In 6 member States (AND, GB, IRL, IS, N, NL) the criminal groups are mainly organised in a different way. It seems that especially in Scandinavia, the Baltic States, East Central Europe and SouthEast Europe, organised criminal groups have a hierarchical structure.

² Hooghiemstra, D., "*Bandidos en Hells Angels voeren oorlog in Scandinavië*", NRC Handelsblad, 22 maar 1996.

1.2 Composition of the groups

It seems that organised crime is more or less the (exclusive) realm of relatively young people. The age of the ordinary members is between 20 and 25 years. The ages of the bosses are estimated at around 35 years.

Most often group members are men. The participation of women is rare. In the Czech Republic they seem to have roles of "negotiators" in extortion cases. An exception is also the large participation of women in Sardinian criminal groups. This however can be explained by the Italian concept of traditional organised crime, in which family relations play an important role.

Little can be said about the participation of the family, i.e. relatives. One can assume that in traditional Italian Mafia-type organisations more members of a family are involved. Mainly. Between members of a criminal group, family connections are more common. Various members of criminal groups belonging to a certain family can have very strong relations and connections with each other. Loyalty between them is very important.

There are groups in which all members share the same ethnic background. This feature can be important in keeping a group closed to other people. These groups operate in their own country, but also in foreign countries. The traditional Italian Mafia can be described as a very closed and homogeneous group; some members do, however, have relations with groups of the Russian Mafia. The character of some groups in Belgium is dominated by ethnic origin. National and international co-operation is mainly analysed on the basis of ethnic origin of the contact organisation, the sort of contacts and the geographical zone in which the organisations operate. About half of the organisations maintain contacts with other organisations. Some member States report intensifying contacts on an international level between organised criminal groups, although the exact number of contacts is unknown.

1.3 Origin of the group

In almost every country there are domestic groups whose members are mainly nationals (including second and third generation immigrants); foreign groups whose members are mainly foreigners; and mixed groups. In some countries like the Netherlands, the United Kingdom, Italy, but also Poland, the Czech Republic, Iceland and Moldova the vast majority of the domestic criminal groups consist of nationals. Sweden, Germany, Belgium, Croatia, Greece and Romania report that the majority of criminal groups have a foreign origin. Spain reports that the majority of their criminal groups have a mixed composition.

From the 31 countries of which data on this topic is available, the majority of criminal groups in 19 member States have a domestic nature, in 11 member States most groups have a foreign origin and 1 country reported a predominantly mixed composition (see table 1).

Table 1. Origin of the majority of organised criminal groups

Country	Domestic origin ³	Foreign origin
Andorra		X
Austria		X
Belgium		X
Bulgaria	X	
Croatia		X
Cyprus	X	
Czech Republic	X	
Denmark	X	
Estonia		X
Finland	X	
France	X	
“the former Yugoslav Republic of Macedonia”	X	
Germany		X
Greece		X
Hungary	X	
Iceland	X	
Ireland	X	
Italy	X	
Luxembourg		X
Moldova	X	
Netherlands	X	
Norway		X
Poland	X	
Portugal	X	
Romania		X
Russian Federation	X	
Slovenia		X
Spain ⁴	X	X

³ In general, criminal groups consisting of individuals of the second (and third) generation of immigrants are considered as domestic groups.

⁴ Spain reports a mixed origin of most of the organised criminal groups. Therefore they have been categorised as both domestic and foreign.

Country	Domestic origin ³	Foreign origin
Sweden		X
Turkey	X	
United Kingdom	X	

It is hypothesised that there might be some kind of relationship between certain criminal activities and the nationality of the people committing these crimes. Most States describe, for instance, the involvement of Turks (including Kurds) in drug related crimes. This can be explained by the long history of Turkish involvement in drug smuggling through the Balkan route.

One must also bear in mind that it is quite usual for both domestic and foreign groups to have contacts with other criminal groups of domestic and foreign nationality. In the majority of member States, co-operation at national and international level has been found between fellow nationals.

Most States have experienced the existence and criminal activities of groups originating in Central Europe and East Europe. The most reported countries of origin are Albania, the former Soviet Union, “the former Yugoslav Republic of Macedonia” and Poland. The involvement of individuals from countries like the Netherlands, Italy and Turkey was already known. Also nationals from countries in the Far East, like Pakistan, Vietnam and China have established activities in member States. Some of these groups still have their home basis in the country from where they originate. Fewer have found a new basis in a member State.

It seems that there are fewer groups originating in the western part of the world that operate at an international level. Some exceptions have to be made for countries that are (traditionally) involved in drug related crime. These are (non-exhaustive) Columbia, Argentina, Venezuela, Peru, Surinam, and the Netherlands Antilles. Also some African countries like Nigeria, Guinea Bissau, Benin etc. were mentioned. Some of these countries have historic and cultural links with each other, as Spain and Portugal have with Colombia and Argentina, and the Netherlands has with Surinam and the Netherlands Antilles. These links can be a part of the reason for intensive smuggling of cocaine into and/or via these countries.

Sometimes an ethnic community in a member State is used as a bridgehead by a foreign criminal organisation. Some groups of ethnic minorities seem to use this feature, like the Colombians in the United Kingdom, the Turks in France (*inter alia*), Russians in Germany and individuals originating from Surinam and the Netherlands Antilles in the Netherlands. The Colombian community in the United Kingdom is relatively large and well established. Given the necessity of trust and/or threat of violence to underlie high-risk international crimes, such ethnic contacts may provide the necessary infrastructure for Colombians to distribute narcotics.

Often organised criminal groups seem to choose a busy, urbanised environment. This will further be described in Section 3. A few remarks about geographical elements can already be made here. Some member States, for example Cyprus, Andorra, Turkey and Malta and also Denmark, Estonia and Luxembourg have reported that they are attractive to organised criminal groups. This is partly because of their geographic position, but also for other reasons like their well-developed financial systems and investment opportunities.

Organised criminal groups like the “*Hells Angels*” and “*Bandidos*” are mainly active in Scandinavia. The *Hells Angels* were founded in 1948 in California. When they started their expansion, they first came to Canada and Europe. Hell Angels can be found in almost every western European country. Nevertheless, they concentrate their activities in Scandinavia, partly because there is a traditional motor culture in Scandinavia. The *Bandidos* were founded in 1966 and originate in Texas. Their expansion started much later, by the end of the eighties. France, United Kingdom, Denmark, Sweden and recently also Finland are the European countries where the *Bandidos* settled down⁵.

1.4 Number of organised groups

On the basis of the replies and other available sources it is possible to estimate roughly the number of organised criminal groups active in each of the member States⁶. In table 2 only four categories are distinguished. A more refined distinction is not possible due to the lack of precise data.

Table 2 . Estimated number of organised criminal groups

< 25	Andorra, Austria, Croatia, Cyprus, Denmark, Estonia, Finland, Greece, Iceland, Luxembourg, Malta, Norway, Portugal, Turkey ⁷
25-100	Ireland, Lithuania, Moldova, Netherlands, Slovenia, Sweden
100-200	Belgium, Czech Republic, "the former Yugoslav Republic of Macedonia", Hungary, Latvia, Romania, Spain
> 200	France, Germany, Italy, Poland, Russian Federation, Ukraine, United Kingdom

⁵ Hooghiemstra, D., "Bandidos en Hells Angels voeren oorlog in Scandinavie", NRC Handelsblad, 22 maart 1996.

⁶ Heijden, Toon van der,: *Assessing the nature and extent of organised crime in the European Union*. Paper presented at the UN expert meeting on national capabilities for the collection of criminal justice information and statistics, Veldhoven, the Netherlands, 17-20 March, 1998.

⁷ In Turkey only Mafia type organisations are counted.

The conclusion can be drawn from this table that some countries are plagued by much higher numbers of criminal organisations than others. Another more tentative conclusion that can be drawn is that member States with larger populations tend to have more organised criminal groups. A third conclusion is, that member States in Scandinavia and SouthEast Europe appear to have less groups than member States in the Balkan and East Central Europe.

1.5 Total number of participants

It is even more difficult to make an estimation of the total number of participants of organised criminal groups. Not all members of the groups are known and organisation structures are not always clear. This can explain why less than half of the member States replied to this question. From the answers one can say that the numbers of participants among criminal groups vary highly. Organisations might vary the number of participants, depending on their way of operating but also the intensity of criminal activity. Co-operation between large networks that operate at international level makes it rather hazardous to estimate the total number of participants. Because of these reasons, only a rough classification has been developed. The results are presented in table 3. From this data, one can draw some tentative conclusions. The lowest numbers are found in countries which are relatively small in size, while the member States with the largest numbers of participants are (with the exception of the Czech Republic) countries that are big and have a history of organised crime.

Table 3. Estimated total number of participants of organised criminal groups

< 500	Estonia, Finland, Greece, Iceland, Norway, Portugal, Slovenia
500-2500	Belgium, Hungary, Moldova, Netherlands, Spain, Turkey
2500-5000	Bulgaria, Poland
> 5000	Czech Republic, Germany, Italy, Russian Federation, United Kingdom

Section 2. Criminal activities of the groups

Table 4 shows the main organised criminal activities, which have been reported, and the countries in which they occur. One must keep in mind however that this list is not exhaustive. It shows only the significant criminal activities.

Table 4. Criminal activities of organised criminal groups

Type of crime ⁸	Member States
Drugs	A, ALB, AND, B, BG, CZ, CY, D, DK, E, EE, F, FIN, GR, GB, H, HR, I, IS, IRL, LV, "FYROM", MLT, N, NL, P, PL, RO, RU, S, SLO, TR, UA
Fraud	A, B, CZ, D, DK, FIN, HR, IS, LT, NL, MLT, "FYROM", RU, TR, UA
Counterfeiting/ forgery	A, B, F, FIN, GB, IS, "FYROM", NL, P, PL, RO, TR
Armed robberies	A, DK, IRL, EE, F, I, IS, LV, NL, P, PL
Kidnapping	BG, F, GB, H, TR
Extortion	A, DK, B, E, EE, F, HR, I, IS, L, LT, LV, NL, PL, SLO, RU
Vehicle theft	AND, B, BG, CZ, DK, E, EE, F, FIN, GB, GR, H, HR, L, LT, N, NL, P, PL, RO, TR
Hit-and-run burglaries	DK, SLO
Theft of artifacts, antiques/jewelry	BG, CZ, F, GR, IS, P
Other theft	EE, GR, H, IS, LV
Illegal fire-arms trading	B, CZ, DK, F, H, HR, IS, LT, LV, NL, PL, TR
Illegal production-/ Smuggling of goods	ALB, AND, BG, CZ, F, FIN, H, HR, I, IS, LT, LV, P, PL, SLO, UA
Traffic in human beings (incl. illegal immigration)	ALB, B, BG, L, NL, H, HR, RO, PL, TR, LT, RU
Prostitution	A, BG, CZ, F, H, HR, I, LT, NL, PL, RO, RU
Environmental crime	DK, F, NL
Illegal gambling	ALB, BG, CY

Almost all member States experience drug trafficking as the most important area in which organised criminal groups are involved. Related to this field and other profitable forms of crime are the laundering of illicit funds: section 7 is dedicated to this subject. A third very "popular" criminal activity is motor vehicle theft and trade.

No member State reported that organised criminal groups specialise in only one sort of criminal activity: rather, taken as a whole, their activities typically were diversified. Because most member States only reported the range of activities in which organised criminal groups were involved, but not how they operate or how various criminal acts are carried out, it is not possible at this stage to give a detailed description of all the activities mentioned above. The description therefore concentrates on the most important criminal activities.

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Money laundering is dealt with in chapter 7.

2.1 Narcotic drugs

The vast majority of organised criminal groups – domestic and international - are involved in trafficking and selling drugs. The extent to which groups are involved in importation and distribution depends on where groups are located and on the sort of drugs.

Heroin trafficking and refining for the European market, for example, is dominated by Turkish groups who mainly use various branches of the Balkan routes. It is estimated that during 1996 almost 80% of the heroin seized in Europe transited the Balkan route and were destined for West and West Central European member States. Between 1992 and 1995, the "traditional" Balkan route through the former Yugoslavia had to be changed because of the civil war. Nowadays one branch goes through Bulgaria, Romania, Hungary, and Czech Republic onwards to Germany, Netherlands, United Kingdom, etc. A second branch goes through Ukraine towards Hungary and from there into the western countries. Still another branch goes via Slovenia to Italy. A fourth branch involving Greek and Italian seaports was also frequently used in 1996. But the original former Yugoslavian branch was apparently reopened for drug traffic during 1996. TIR trucks continued to be involved in the transportation of heroin. However their use relatively declined and instead, tourist buses, minibuses and private cars were increasingly utilised.

From seizure data one can deduce that the European market for heroin has almost doubled since 1990⁹. In that year, 6.2 tons were confiscated, while in 1996 11.2 tons were seized. A large part of the heroin was seized in Turkey (4.4 tons). Other member States where large amounts of heroin were found are (in order of decreasing amounts) Italy, Germany, the United Kingdom, France, Spain and the Netherlands (see Appendix 4).

Considering cocaine, historic and linguistic ties between Spain and Portugal on one side and Latin- and South America on the other play an important role. In Spain, nationals from Colombia, but also from Argentina, Brazil and Venezuela are involved in drug trafficking. In recent years Colombian drug cartels were put under serious pressure by law enforcement, with the consequence that they have not disappeared, but they are operating more discretely. Based on the analysis of seizure data one must conclude that the supply of cocaine destined for Europe remains high. In 1996 seizures totalling more than 1 ton of cocaine were made in each of the following member States: (in order of decreasing amounts) Spain, the Netherlands, Italy, France, Germany and the United Kingdom¹⁰ (see Appendix 4).

Consignments of cannabis being smuggled and intercepted are getting bigger and bigger, which denotes a greater availability of this drug on the European market. The total amount of cannabis seized in Europe probably represents over 50% of the total quantity of cannabis seized throughout the world. The (provisional) statistics on seizures reveal that in 1996 massive amounts of cannabis were found in Spain, Belgium, the Netherlands and the United Kingdom (see Appendix 4). These considerations show that Europe, as a whole is an extremely lucrative market for the traffickers. Morocco is still an important supplier of cannabis products. Nonetheless large amounts of herbal cannabis that have been seized in recent years originated from Colombia and Asian countries like Thailand and Cambodia. The Netherlands used to play a prominent role in growing and trade was artificially cultivated cannabis (called *Nederweed*). This role has partially been taken

⁹ European heroin scene. Balkans - the focus 1996-1997. International Criminal Police Organization Interpol, Lyons, 1997.

¹⁰ 1996 *European cocaine situation report*. International Criminal Police Organization Interpol, Lyons, March 1997.

over by the United Kingdom and Germany.

Since the middle of the 1980's, the Netherlands has been known for the production of synthetic drugs, like amphetamine and ecstasy. Nowadays more and more member States are reporting involvement in the production of synthetic drugs. For instance clandestine laboratories have been dismantled in Germany, Poland, the Czech Republic, Estonia and Spain. These laboratories range from simple kitchen-type to professional laboratories, with a production capacity of being up to one million pills a day. Another interesting development is that the Balkan route is being used more frequently for the transportation of synthetic drugs from the West European countries towards Central and South East European member States.

Criminal organisations involved in drug related crimes are also changing through the years. In the 1980's drugs related crime was mainly in the hands of major criminal organisations; the Italian criminal organisations, the Colombian cartels, the Turkish Mafia and the Chinese triads. These organisations monopolised a substantial part of the market and maintained relations with each other. By the end of the 1980's the prominent role of the Chinese triads in the trade of heroin in Europe was taken over by large Turkish organisations.

During the last two or three years, the drugs trade has taken a noticeably different approach. Of course some large organisations continue to exist, but also a great number of small businesses have appeared besides them. This was necessary because various (international) anti drugs organisations have been focusing on the most visible forms of drug related crimes and the organisations involved. This has had two results:

- the disruption of criminal organisations, like the Medellin cartel (after the death of Pablo Escobar)
- restructuring of the criminal organisation, like in case of the Cosa Nostra and the Camorra.

Another possible result of this development is that new drugs trading groups emerged especially domestic groups in member States and African groups.

So although there is no clear consensus about precisely how "organised" the organised crime groups were initially, it appears that in reaction to repression by anti-drugs organisations, the level of organisation diminished. Once this happened, the organisations realised that decentralised structures are much less vulnerable and so they continued to transform their organisations accordingly.

2.2 Fraud

Little is known about the extent of fraud in member States of the Council of Europe. This is partly because of methodological problems. Sometimes fraud, counterfeiting, money laundering or other economic crimes are described together. Another aspect is that individual evaders operating alone or in small groups, as opposed to criminal organisations, may be responsible for a high proportion of cases. But whatever the number of frauds that they commit, the proportion of fraud losses caused by these opportunists could be relatively small compared to major frauds committed by international organised criminal groups. According to one source, about 50% of all major frauds (those involving \$ 1.4 million or more) involve a significant international

aspect.¹¹ The European Commission's anti-fraud unit, Unité Contre la Lutte Anti-Fraude (UCLAF), believes that major frauds against the European Community budget are committed by the same organised crime groups as those involved in drug trafficking, money laundering, smuggling and perhaps even terrorism.¹² Logically, the groups would go for what, given their skills and contacts, appear to them to be the softest and most profitable targets. The Italian Mafia and the Irish Republican Army are mentioned in this respect.

2.3 Counterfeiting/forgery

Not only money is counterfeited, but increasingly also counterfeited phone chip cards and various documents, like passports and other identity cards have been discovered.

Croatia reported that almost daily cases of counterfeited money are discovered. Most frequent are the counterfeits of DM and USD. The counterfeited money is most of the time smuggled into the country from abroad.

2.4 Extortion

It is well known that traditional Italian criminal organisations are involved in extortion practices. In recent years the number of extortion cases in Italy has decreased. Frequently, extortion seems to be related to criminal groups originating in the transforming eastern European countries. The involved organised criminal groups also carry out their activities in western countries.

Offender and victim often share the same nationality. Extortion of protection money is the most common form, especially in the hotel and catering industry. Many victims are threatened with death, arson and property damage. Because most victims have a huge fear of reprisals, they do not report being a victim to the police.

Also businessmen (from western countries) are quite often the victims of extortion in the transforming countries, especially in the Russian Federation. In St. Petersburg it seems rather to be the rule than the exception that a company sooner or later becomes the victim of some sort of extortion. The most immediate contact that was reported took place within two weeks after a company had opened its office in the city. On the other hand, some companies have been able to operate in peace for more than a year. Businessmen or companies are also forced to pay protection money. In some cases they were forced to make a choice; paying protection money to (Russian) Mafia-type organisations hire a protection company or worse stop all business activities and leave the country.

In Croatia a special type of extortion appeared, so called "interesteering". The diminished purchasing power of the citizens and the lack of money caused by the economic situation

¹¹ *Fraud without frontiers. A study for the European Commission of international fraud within the European Union.* DeloitteTouche Tohmatsu International, 1997, p. 26.

¹² Tupman, W.A., *Fraud. The search for supra-national solutions: Investigating fraud against the European budget.* Journal of Financial Crime, vol. 5 no. 2, p. 152.

enabled some citizens to lend money to other people with enormous high interest, obtaining in such a way great profits with no effort in collecting the debts because they use the services of professional extortionists.

2.5 Vehicle theft

It is not self-evident that vehicle theft has to be considered an organised criminal activity. Many cars are stolen every year throughout the member States, but many of them are recovered, which indicates that the original motive could be a temporary desire for the car. Nevertheless, for decades, car theft has been closely linked with "insurance fraud". The owner gets his car stolen, or sells it to criminals in neighbouring countries. Afterwards he reports his car being stolen and claims the insurance money. Between 30 - 50 % of the cars reported stolen in Austria are assumed to have been taken out of the country with the help of the owner. Regardless of that, international car theft involves many criminal groups, especially from the Balkans and East Europe.

Organised vehicle theft contains mainly new and expensive cars from high standard vehicle marks like VW, Audi, BMW and Mercedes Benz. Different highly specialised criminals like scouts, experienced burglars, technicians and couriers are involved. The recovery rate for these makes is much lower than average. According to some member States, about 50 % of the stolen cars are brought to East European countries like the Russian Federation and Ukraine, where they are sold at huge profits.

2.6 Traffic in human beings (including illegal immigration)

European countries experience increasing numbers of illegal immigrants, especially from regions and countries in conflict such as Iraq, Iran, Somalia, and Sri Lanka. In many cases so called travel agencies act as an intermediate organisation. They earn lots of money by organising transport for the immigrants and supplying them with falsified travel and identity documents. The fact that many of these travel agencies are located in specific cities (most of the time outside Europe) might form an indication that they have to be considered as well organised criminal groups.

Organised criminal groups from East and East Central European member States are increasingly involved in traffic in human beings for sexual exploitation. They infiltrate in prostitution in western countries. More and more women from countries like the Czech Republic, Slovakia, the Russian Federation, Hungary and the Baltic States are forced to prostitute themselves.

Many of these women are brought to West and West Central European countries on the pretext of a marriage to a western man or of legal employment, like a job in the catering business. During the trip these women often are grossly abused. Passports or identity cards are taken away and after their arrival these women are strictly limited in their movement. Unworthy work- and living conditions are no exception. After a few weeks or months these women are often sold to the owner of a club or brothel. Prices vary between USD 1,000 and USD 5,000.

In the transforming countries some new trends have appeared with respect to prostitution, sometimes within legal jobs; erotic dance in night clubs, services of the erotic massage parlour, phone hot lines, special escorts etc. Such services are advertised in ambiguous advertisements in daily papers and magazines.

Section 3. Places and regions of criminal activity

3.1 Within national borders

The vast majority of member States reported that if there are organised criminal groups operating within their own country, most of the time it is in the busy, urbanised areas. In Finland there is a concentration in southern Finland, the capital area, Turku, Tampere and Lahti. By looking around in Ireland one can learn that the majority of groups are based in the Dublin area, where 33% of the Irish population lives. In Iceland most crimes are committed in the capital area as well. The same experience is shared by the Netherlands (western part of the country), Germany (where most of the groups are located in the industrial areas of Hessen, Nordrhein-Westfalen, Bavaria and Berlin) and Spain (most important are Madrid, Catalone, "Levant" and Costa del Sol).

This is not restricted to Western Europe. Croatia, Latvia, Hungary, Romania and the Czech Republic reported that the greatest number of groups are operating in big urban areas in which their members live and where the most lucrative victims are to be found. The anonymity offered by urban environments is helpful for the development of organised crime activities, though many illustrations show that urbanisation is not necessary for organised crime to flourish.

3.2 In other European countries

In almost every member State organised criminal groups do have contacts with groups in other European countries.¹³ The sort of contact and the intensity is related to, sometimes even dependent on, the sort of criminal activity. So one can find that contacts relating to drugs trafficking are different from contacts relating to trade in firearms, stolen cars or human beings. Most of the contacts with groups in other countries are connected with drugs. This can be explained by the fact that most types of drugs come from outside Europe and are transported through several countries before reaching their final destination.

¹³ A few exceptions have to be made: Slovenia reports that the activities of most of the Slovenian organisations are limited to the territory of Slovenia.

Many organised groups not only have contacts in other member States, but also perpetrate criminal activities abroad. Appendix 4 provides an overview of the countries of origin of European groups that operate in each of the member States of the Council of Europe.

In relation to drugs trafficking, an important transportation route has traditionally been the so-called "Balkan Route", from Turkey, through SouthEast Europe to Western Europe. Important therefore are the destinations where a large Turkish and Kurdish community is established, for example Germany. Other important destinations are countries where an interesting market is available¹⁴. For illegal drugs the West and West Central European countries are important consumer markets. For stolen vehicles East and East Central European countries are relevant in this respect.

The majority of heroin available on the European market is produced from Afghan opium. Through countries like Pakistan, Iran and Turkey heroin reaches the European market. Although this route still remains important, routes have changed in recent years due to the war in the former Yugoslavia and the political changes in Eastern Europe. Another reason for changing to alternative routes is that the Balkan route attracted too much attention from the media and border guards.¹⁵ Therefore routes have been opened through CIS territory in order to run drugs into Europe across eastern and northern borders. Ukraine and Poland have now become the favourite transit countries for Turkish traffickers. Other routes go through the Mediterranean area.

In Italy one finds that the four major Mafia-type organisations have consolidated their presence not only in their regions of origin and the other Italian regions, but also in geographical areas outside Italy, e.g. Albania and Montenegro. One finds in Italy rather specific relations and contacts with other groups.

Criminals coming from Brazil, Egypt, the former Yugoslavia, and Tunisia have links with all the major Italian Mafia-type organisations. Those originating from other developing countries only have contacts with some of them, e.g. criminals coming from:

- the Czech Republic, Romania, Turkey only have links with 'Ndrangheta;
- no links have been found between groups from the transforming countries and the Apulian groups operating within the Sacra Corona Unita
- the Former Soviet Union and Albania were not found to be operationally linked on Italian territory with Italian Mafia-type organisations. This could mean that the less visible Russian and Albanian organisations aim at developing autonomously on Italian territory, or that they try to handle certain fields of crime (like prostitution, smuggling of human beings) in agreement with the Italian locally dominant criminal organisations.

¹⁴ Boekhout Van Solinge, T., *"Heroine, Cocaine and Crack in France"*, Amsterdam, 1996.

¹⁵ Geopolitical Drugs Dispatch, Nov. 1996.

In Croatia, connections with groups in other European countries are mainly found in connection with theft of motor vehicles and traffic of human beings.

Poland seems to have strong connections with groups in the former Soviet Union. Reasons for this can be the big financial resources of these organisations and their connections with authorities and secret services.

3.3 In countries outside Europe

Only 8 member States provided information on contacts between groups in their country and organised criminal groups outside Europe. In all these cases the reported contacts are related to drugs trafficking. Important contacts are established with:

- Colombia, Venezuela, Argentina, Brazil, the Dominican Republic and Chile (cocaine);
- Morocco, Nigeria and Uganda (cannabis);
- China (heroin).

Section 4. Resources

Obviously it has been very difficult to establish the extent to which business-like, commercial or other structures are used by organised criminal groups. Less than half of the member States reported that they had noticed the use of such structures.

In countries where these structures are reported, the impression exists that organised criminal groups make increasing use of various sorts of company structures. Sweden reports that because of the development and internationalisation of society, it is necessary for organised criminal groups to use enterprises as a front and hide behind the legal activities of these enterprises.

Complicated legislation, like in Denmark, can even help organised criminal groups to camouflage not only their criminal activities but also the entire enterprises. The purpose of using commercial or business like structures is obvious. Pretending they are taking part in legal business, organised criminal groups have found a way to facilitate money laundering, VAT fraud, smuggling goods and other activities. Through mixing up legal with illegal activities, organised criminal groups succeed in hiding themselves. One should distinguish between different kinds of enterprises as there are:

- already existing legal companies, from which only one or a few employees are collaborating with organised criminal groups
- the use of a company by groups for mixing up legal and illegal activities
- the use of front stores, without further commercial activities. These companies are exclusively set up by people related to/connected with organised criminal groups. The use of legal structures is preferable over setting up front stores.

Not only do traditional organised criminal groups like the Italian Mafia-type organisations and Colombian drug cartels almost always use commercial structures, but also (other) organisations related to drug trafficking and the stolen car trade do so.

A few member States were able to estimate the illegal gains that organised criminal groups generated (table 5).

Table 5. Estimated profits of organised criminal groups in 1996

Finland	\$	18.2	million
France ¹⁶	\$	75.5	million
Germany	\$	549.1	million
Greece	\$	0.5	million
Portugal	\$	5.5	million
Spain	\$	326.2	million

Section 5. Use of violence

There is little use of violence reported by Finland, Luxembourg, and Hungary. Andorra and Greece reported that they do not have any indications on the use of violence related to organised crime in their countries.

¹⁶ This amount refers to the losses due to armed robberies and the value of stolen goods and objects of art that were recovered.

The majority of member States report that organised criminal groups uses different forms of violence. The use of violence takes place both inside and outside the criminal world. All member States that reported on violence against individuals outside the criminal world also noted violence by organised criminal groups within the criminal fraternity. Violence within the criminal world can be further distinguished into intra group violence and inter group violence (table 6).

5.1 Violence within the criminal world

Intra group violence is used by and against the members within the group in order to maintain internal discipline and the submission of the members to the group or organisation. It is used as punishment against members who break the rules, especially those who go and talk to the police. Sometimes internal discipline is based solely on the threat of violence, which can have the effect that the actual use of violence is seldom necessary. In other cases, the use of violence ranges from direct threats to bodily assault, injury, and torture, culminating in homicide.

Inter group violence is used by one group against another group, arising from disputes. This type of violence is mostly used to maintain the position of a group in a certain market or in a particular geographical area.

In Scandinavia, motor cycle gangs are surrounded by an aura of violence, using it regularly as a form of punishment or intimidation against their members: this fact alone suggests a tendency towards organisational fracture, for otherwise, violence would be unnecessary.

Germany reports that increasingly subtle methods of intimidation can be observed as the degree of organisation of a group increases. It can be assumed that in relation to established organisations with a highly developed structure, violence rarely comes to light because more subtle forms of pressure suffice. Nevertheless the more traditional methods of intimidation and the use of force still play a large role as well. In Romania extreme violence has been reported, involving mainly Chinese groups.

Table 6. Use of violence by organised criminal groups

Member State	Intra-group	Inter-group	Extra-group
Albania			
Andorra			
Austria		X	
Belgium	X	X	X
Bulgaria			X
Croatia			
Cyprus	X	X	X
Czech Republic		X	X
Denmark	X	X	
Estonia	X	X	X
Finland	X	X	X
France		X	
Germany	X		
Greece			
Hungary	X	X	
Iceland	X		
Ireland	X	X	
Italy	X	X	
Latvia	X	X	X
Liechtenstein			
Lithuania	X	X	X
Luxembourg	X	X	
Malta			
Moldova			
Netherlands	X	X	
Norway	X	X	
Poland	X	X	X
Portugal	X	X	X
Romania	X		
Russian Federation	X	X	X
Slovakia			
Slovenia	X	X	X
Spain	X	X	X
Sweden	X	X	X
“the former Yugoslav Republic of Macedonia”			

Member State	Intra-group	Inter-group	Extra-group
Turkey	X	X	
Ukraine			
United Kingdom			

The use of violence described in Italy corroborates the German argument. The traditional organised criminal groups in Italy are well known for the use of physical violence. Many people were killed as a result of intra group violence as punishment for harmful behaviour to the organisation. In Sicily the number of homicides was reduced from 108 in 1995 to 95 in 1996, apparently as a result of greater stability in the western areas of the island, where the pyramid authority structure has been retained.

While violence is subsiding in the three other regions of Southern Italy (Apulia, Calabria and Sicily), it is escalating dramatically in the Naples region. This can be explained by four developments.¹⁷ First of all because political protection of the Camorra no longer exists, due to the operation "clean hands". The second development is the disappearance from the scene of many "historic" leaders who were arrested or died. The power vacuum thus created has led to a fierce battle for control of the most profitable criminal activities. The third development is the fact that many of those arrested have since turned State's evidence, thereby leading to a further decimation of the most important crime families. Attempts to punish and deter the so-called "pentiti" have led to revenge attacks on their families and associates. Fourth is the emergence of smaller gangs who are engaged in local feuds for territory in areas where the Camorra has lost control.

The use of violence is not an exclusive feature of domestic groups. Violence is also used by ethnic organised criminal groups. The Turkish, former Yugoslavian and Chinese are the most notorious.

5.2 Violence against individuals outside the criminal world

This type of violence can be referred to as extra group violence. It is directed against persons (e.g. witnesses) or property. Only 13 member States report the use of this type of violence. One does not know however whether extra group violence is often used in these countries, nor does one have specific information on how it is used.

5.3 Number of people killed

Only ten member States gave data on the number of people killed by organised criminal groups in 1996. It was not possible always to specify this data as victims within/outside the criminal world.

¹⁷

The Geopolitical Drugs Dispatch Nr. 73, November 1997, p. 6/7.

Table 7. Number of people killed in 1996 by organised criminal groups

Belgium	± 15
Denmark	3
Finland	1
Germany	70
Hungary ¹⁸	10
Italy	± 300
The Netherlands	± 20
Norway	1
Slovenia	8
Spain	10

Section 6. Use of influence

Attempts to exert some kind of influence towards different areas of society, by organised criminal groups are indicated by 15 member States. In most cases organised criminal groups try to safeguard their position of power, by using influence. There are different methods (bribery, extortion, coercion) to exert influence, but in most cases people receive personal profits as money, gifts or other material advantages. In some cases one could talk about corruption. In other cases the character of the attempts to exercise influence are much less clear.

In Belgium, 46 cases of influence were judged, of which 25 cases concerned police officers and magistrates. In the Netherlands, attempts to influence individuals in legitimate business, law and accountancy firms, public authorities, judiciary and law enforcement agencies are known.

The Hungarian report describes 20 cases of influence in which 3 groups seem to be involved. Almost every group has at least one supporting member inside the influenced areas; public administration, business circles and police forces. These inside members assist the activities of the group, without actually being engaged in crimes.

Organised criminal groups in Slovenia are methodically trying to acquire as many connections as possible in all areas where this is useful to them.

In Ukraine, economic reforms in recent years seem to have worsened organised crime and corruption. The division and redistribution of state assets through privatisation have represented a golden opportunity to purchase respectability for the illicitly gained capital of organised crime groups. The Ukrainian "mafia" and state bureaucracy seem to feed off each other. In October 1997 the head of the State security service acknowledged that criminality started to directly influence the macro-economic processes and the political and social situation. The deputy chairman of the same service admitted that "the fusion of corrupt state officials with criminal formations runs so deep that the measures taken against them frequently encounter resistance on the part of the violators and

¹⁸ Only victims of inter group violence.

their highly placed protectors." ¹⁹

Section 7. Money Laundering

Less than half of the member States gave any information at all about this subject. Several countries amongst the member States have only very recently adopted anti-money-laundering laws (e.g. Bulgaria, Croatia, Cyprus, and Czech Republic, Estonia) which makes it difficult to report on this topic. Nevertheless, money laundering is internationally considered to be a very important crime against which serious measures have to be taken. Therefore in this first situation report some remarks will be made.

By committing crimes, huge sums of money can be and are earned. Except for that which is spent directly on conspicuous consumption, the legal origin of this money must be disguised before the criminal can use it. This need is the basis for all money laundering activities. It makes no difference whether the disguised money comes from a drugs trafficker, an organised criminal, a terrorist or a blackmailer. However, most countries report however that laundered money comes mainly from drug related crimes. Tax and other fraud, prostitution, illegal firearms trading are also important sources with respect to money laundering. Through money laundering, the illegally obtained money is transformed into funds from an apparently legal source.

Money laundering has devastating social consequences and is a threat to national security, because it enables all sorts of criminals to operate and expand their criminal enterprises. Money laundering can also erode the integrity of a nation's financial (and some of the non-financial) institutions. Due to rapid advances in technology and internationalisation of financial services, crime has become more international in scope.

Not every country is attractive for money laundering. Besides attractive geographical surroundings, criminals search for countries with weak anti-money laundering legal systems, and lax enforcement, including weak mutual assistance.

Although no specific data are currently available on the use of certain financial routes, relatively large amounts of Russian money of obscure origin seem to be involved in a laundering process. Amongst others, Scandinavia, the Netherlands and Hungary are reporting this.

On the subject of money laundering, one must realise that there are three elements to the complete laundering of funds. It begins with the placement of the money into some sort of financial service institution. Then the funds will be moved through different institutions, the purpose of which is to hide the source and the ownership of the funds. The laundering is concluded with reinvestment in an obviously legitimate form of business.

¹⁹ Kuzio, T., Crime still Ukraine 's greatest enemy. Jane ' s Intelligence Review, vol. 9, no. 1, January 1997: 10-13, reprinted in Trends in Organized Crime, Fall 1997, p. 27-30.

The highest risk of the discovery of laundered money exists at the placement stage. Therefore international regulatory and law enforcement efforts have concentrated especially on developing methods which make it difficult to place illicit funds without detection. One can think of measures like suspicious transaction reporting requirements, cross-border monetary declaration requirements and "know your customer" rules for those accepting cash deposits.

In order to avoid the movement of illicit money through different bank accounts - also called "layering" - as much as possible, it is necessary that bank secrecy rules give way to permit law enforcement agencies to review financial records in cases where there is an active criminal investigation into the source of the funds. Criminal organisations seem (already) to make less use of official channels to launder their illegal assets. Underground banking and other methods, which leave no paper trails, are becoming more and more popular. Different laundering methods are used, i.e. laundering abroad, investing in legal enterprises, investing in real estate, and investing in movables.

By improving the laws by which governments are able to seize or confiscate the proceeds of criminal activity, the integration of these illicit proceeds can be fought.

Most of the member States nowadays have anti-money-laundering legislation. In most States a special organisation exists to which suspicious transactions must be reported. For example, in Sweden this is the Financial Intelligence Service; in the Netherlands, the Dutch Office for the Disclosure of Unusual Transactions (MOT). Also in most States it is compulsory for banks to report suspicious transactions, increasingly for all serious crimes, not just suspected drugs trafficking.

Data on the reported number of suspicious transactions in 21 member States are available.²⁰ The numbers of reported transactions show huge variations, as one can see in table 8. There might be various explanations for the great differences in the number of reports. For instance strict bank secrecy, no separate paragraph in legislation, in which money laundering is incriminated, new legislation, and a lack of organised crime *et cetera*.

²⁰ Table 8 is partly reproduced from: *Second report on the implementation of the directive of 1991 on money laundering*. Financial Action Task Force, 1998, Annexe 8.

Table 8. Number of reports on suspicious transactions in 1994, 1995 and 1996

	1994	1995	1996
Andorra			3
Austria	346	310	301
Belgium	2 183	3 926	5771
Cyprus			55
Czech Republic			103
Denmark	200	174	254
Finland	233	190	232
France	684	866	902
Germany	3 282	2 935	3 289
Iceland			< 10
Ireland		199 (part)	378
Italy	1 034	2 961	3 218
Luxembourg	75	77	
Malta		11	
Netherlands	3 546	2 994	2 572
Poland			8
Slovenia			53
Spain			42
Sweden	429	391	502
Turkey			10
United Kingdom	15 007	13 170	16 125

Only a few member States provided data on the value of confiscation and seizures (see table 9). The data presented in this table is not easy to interpret, since it may refer to different stages of the process. For example, the value mentioned for the Netherlands refers to the estimated value of assets that are "frozen". At a later stage, the judge may decide that the (convicted) criminal has to pay a lower sum of money, for instance because he is allowed to subtract the expenditure that he has incurred from the proceeds of crime. The value of confiscated goods and other assets varies, but in 1996, the Netherlands actually confiscated \$ 2.7 million.

Table 9. Value of confiscation and seizures in 1996

Andorra	\$ 5.1 million
Belgium	\$ 0.1 million
Germany	\$ 20.5 million
Luxembourg	\$ 9.6 million
Netherlands	\$ 60.3 million
Portugal	\$ 2.3 million
Sweden	\$ 0.7 million
United Kingdom	\$ 23.8 million

Section 8. Major trends in organised crime in Europe

8.1 Introduction

Member States mention quite a number of trends in the nature and extent of organised crime. In this chapter the most important ones are discussed. They concern changes in the number of active criminal organisations, the characteristics of groups, their working area, the types of crime that are perpetrated, the professionalism, the violence that is used and the links between the underworld and the upper world.

8.2 The extent of organised crime

Nine member States (AND, CY, DK, FIN, GR, IS, "the former Yugoslav Republic of Macedonia", MLT & P) reported that the number of criminal organisations is low, compared to other European countries. These countries have a relatively small population in common. At national level organised crime is not regarded as a very significant problem, at least not yet.

A number of member States have indications on qualitative (ALB, SLO) or quantitative (A, GR, CZ) growth or both (EE, FIN, N). Others, especially western European countries, (D, E, F, NL, GB) report that the situation in 1996 is more or less the same as in previous years. These countries experienced the biggest increases in organised criminal activity in the second half of the eighties and the first years of this decade. Nowadays, the situation seems to be stabilising. Still, these countries regard organised crime as a serious problem. Only one member State (I) reported that as a result of law enforcement efforts, criminal activities of organised crime groups have decreased in 1996.

8.3 Types of crime

Many types of crime are expected to grow both in numbers and in seriousness by one or more member States. Nevertheless some types are mentioned more frequently than others are. Drugs trafficking is seen by a great number of sources (CZ, D, E, EE, FIN, GB, LV, N, NL) as the

primary type of organised criminal activity that will continue to grow in the near future. Some member States mention particular types of drugs in this respect. For instance the GB states that the likely emergence of new classes of synthetic drugs will increase interest in synthetic drug production and use. Spain as well fears a growth in the production of synthetic drugs, which is hard to detect because of the dispersion of laboratories. Belgium sees a growing involvement of Turkish criminal organisations in the cocaine trade. Spain expects a continuing increase in the cocaine traffic and also strong growth in the smuggling of cannabis resin, together with a decrease in the trafficking of heroin.

Other types of organised crime that several member States expect to increase are fraud and money laundering (S, GB). According to the United Kingdom, the use of electronic payment systems for money laundering purposes constitutes potential threats that are contingent upon a number of variables. The Internet offers new opportunities for organised crime, not only in the areas of fraud, the distribution of goods such as child pornography, illegally copied software and the seeds for home grown cannabis, but also for encrypted communication between groups operating at an international level.

8.4 Internationalisation of organised crime

Some member States (I, NL, GB) report that domestic organised groups continue to hold strong positions. But a higher number of member States (A, B, D, E, F, S) have indications that a growing number of foreign groups are active within their national borders. Most frequently mentioned, as the origin of emerging criminal groups are Eastern and SouthEastern European countries. The major role played by Turkish and Kurdish groups in the smuggling of heroin is well known. According to several sources ethnic Albanian groups (from Albania, Kosovo and "the former Yugoslav Republic of Macedonia") have, in the past five to ten years established a network throughout Western Europe.²¹ They seem to collaborate with Italian, Turkish and other criminal organisations, especially in the drugs trade. The political and economic changes in Central and Eastern Europe are mentioned as possible criminogenic factors.

Another possible causal factor for the trend towards internationalisation is brought forward by Italy. It reports that the achievements of law enforcement against the Camorra have obliged the Neapolitan criminal organisations to relocate part of their activities outside Italy. The regions affected by such redeployment include France, Germany, Spain and Eastern Europe. Also the Mafia's and 'Ndrangheta's presence at international level is said to be increasing. These organisations tend to function as entrepreneurs operating beyond national boundaries.

Poland expects domestic groups obtain closer links with other organised groups and also that Poland will be subject to increased penetration by international structures. Germany observes connections between organised crime groups active in Germany and established organisations in foreign countries, for example the traditional Italian groups, the Colombian cartels and the Russian Mafia. Romania reports that domestic groups are becoming more and more integrated into criminal organisations that operate within the European area. Spain observes a growing number of criminal groups composed of suspects from different nationalities. Internationalisation as a trend is also mentioned by other sources (e.g. HR, EE, and DK). One

²¹ For example: Xhudo, G., *"Men of Purpose: The Growth of Albanian Criminal Activity"*, Transnational Organised Crime, Vol. 2, No.1, Spring 1996, pp.1-20.

author expects that if Estonia's law and order bodies do not take major steps, the degree of organisation will accelerate and its links with international organised crime will intensify.²²

The increasing international proportions of organised crime in Europe is apparently reflected in three different ways: firstly, the growing number of criminal groups that operate at international level, secondly the increasing number of groups with heterogeneous composition as regards ethnic origin of members; and thirdly the increasing collaboration between criminal organisations from different countries. The German report states: "Evidently national borders do not represent an insurmountable obstacle for them". On the contrary, it is often the cross-border co-operation of such perpetrators that makes it possible for them to succeed in the first place. Several sources note that there are indications for long term strategic collaboration agreements on a global level between criminal organisations like the Colombian drug cartels, traditional organised crime groups in Italy, Turkish criminal organisations and groups from the former Soviet Union.²³ Strategic alliances can be an important means to distribute, share or reduce risks and to enter new markets. The fact is that nowadays several types of drugs that originate from different parts of the world, especially cocaine and heroin, are sometimes found together in one seizure. However, this could be the result of ad hoc arrangements or one-time deals. Since this trend was first described, several years ago, no other hard indications have been found. Therefore it is doubtful whether such strategic alliances exist.

8.5 Increasing professionalism

Many sources report that criminal organisations seem to have improved their working methods. This is explicitly said of groups operating in Albania, Croatia, Romania, Estonia, Norway, Sweden and Denmark. Several member States point out that the increasing professionalism makes it extremely difficult for the police to uncover the activities of the criminals. Evidently this imposes more demands on law enforcement. Criminal groups in Belgium and Denmark appear to deploy a defensive strategy to camouflage criminal activities or even actively fight against law enforcement. All criminal organisations operating in Italy are going through a modernisation process, in which they are working to mingle the criminal economy with the lawful one. Of growing concern to German law enforcement authorities is the ever-improving sophistication with which organised criminal groups exploit flexible economic and legal structures. According to Norway, authorities must be prepared to deal with a more complicated criminal situation with a great number of organised groups that use professional methods, and who have substantial resources at their disposal. Of course these resources stem from the enormous profits made with organised criminal activities.

²² Leps, A., "*Organized crime in Estonia, its historical preconditions*", European Journal on Criminal Policy and Research, Vol. 5-1, 1996, pp. 82-87.

²³ See for example: Selvaggi, E.: *Borderless Crimes and Criminal Organisations. Guidelines for an intervention*. Strasbourg, Council of Europe, PC-CO (97) 23, and: United Nations Commission on Crime Prevention and Criminal Justice: *Review of priority themes. Implementation of the Naples declaration and global action plan against organized transnational crime*. Vienna, May 1996.

The illegal drugs trade is extremely profitable. It is likely that the increase in drugs seizures in Europe over the years is effectively neutralised by increased illicit production, so the gains from the illegal drugs trade did not decrease substantially.²⁴ Because smuggling techniques are virtually endless and concealment methods have become increasingly ingenious, enough drugs reach the consumer markets to keep street level prices more or less stable or even falling.

As has been mentioned before, not all criminal groups are becoming more and more professional. On the one hand, organisations spread their risks by transporting drugs in smaller consignments. On the other hand, new groups using less sophisticated *modus operandi* are emerging.

8.6 Linkages between the licit and the illicit

A lot of member States observe an increasing mingling of legal and illegal activities. Organised crime would be far less threatening if it were not linked to the licit economy and society and its institutions. In reality, however, there are all sorts of linkages and points of convergence between the licit and the illicit. In Hungary it is a regular phenomenon that elements becoming rich and emerging from the spheres of organised crime are seeking the opportunity of their legitimisation: there are more and more signs indicating the interconnection of the social elite and organised crime.

Latvia reports: "The tendencies of organised criminal groups is involvement in legal companies". Andorra expresses the fear that domestic companies are established as an instrument to perpetrate crimes abroad or to launder money. Small countries like Andorra or Slovenia even have a risk of becoming the target of a coherent strategy of a criminal group that tries to gain control over its financial or commercial structures, multiplying the illegal profits and gaining a legitimate economic identity through the use of corrupt agents.

Another important area where member States could face serious problems also for the economy of the country, is the prevention of money laundering that takes the form of participation of suspicious capital in various forms of economic integration. The economic power of companies in small member States seldom reaches the level of multinational criminal associations, and for this reason the latter can with, for their standards, minimal contribution into companies become their majority owners. But also larger countries find it very difficult to obtain reliable information on the legality of the origin of the financial resources available for investment in order to avoid the possibility of injecting into the economy capital stemming from organised crime. In general, often-illicit trade is mixed with licit trade, producing significant grey areas where it is difficult to identify illicit activities.

²⁴ See *The 1996 European cocaine situation report*, International Criminal Police Organisation (Interpol), Lyons, March 1997.

Not only the licit economy is in danger. State institutions also have a risk of becoming influenced by organised crime. To secure continuation of present activity and ensure increased profits, organised crime will attempt to extend its activity both horizontally and vertically in state structures, particularly as regards bribery, or in other ways criminally involving employees of law and order bodies and representatives of state power. For example in Italy the membership of the 'Ndrangheta has increased in recent years, and so too has its ability to infiltrate government institutions, its economic influence, and its territorial reach.²⁵ According to Romania, the fusion between the criminal and the political world reflects the tendency of a developing political parasitism, which refers to commercial use of the political structure.

8.7 Use of violence

A number of member States (B, D, DK, NL, P, PL, and RO) express concern over the growing use of violence by organised criminal groups. Sometimes specific types of groups are mentioned, such as drugs trafficking organisations (P, RO), groups from the Balkan region (A, D) or motor cycle gangs (B, DK). Finland expects that because of the increasing level of organisation of criminal groups, more drugs, alcohol and spirits will be supplied, which in turn will increase other violence and basic crime. Only one member State, Italy, mentions a recent decline in the violence used by criminal organisations in southern regions, with the exception of the Naples area. In Germany the actual number of violent incidents connected to organised criminal groups decreased slightly in 1996. However, part of that decrease may be due to unwillingness on the part of victims to report to the police for fear of reprisals. It is paradoxical that the stronger the reputation of a criminal organisation becomes, the less need it has for overt displays of violence.

8.8 Assessment

International organised crime in Europe has undergone a significant evolution. Ten years ago, organised crime was recognised only by some member States as an important social phenomenon. At that time, there was almost no registration of criminal groups that were active in the field. A lot has changed during the last ten years. More and more countries have experienced that there are criminal organisations active within their borders. Nowadays only a number of relatively small member States still hold the position that organised crime is not a big issue, at least not yet. Nevertheless these member States acknowledge, as well as the larger member States, the threat posed by international organised crime. Increasingly, criminal groups will seek opportunities wherever they can, in the country where they have their home base as well as in other countries. Criminal organisations operate across borders to such an extent that all European countries experience the burden of organised crime in one way or another.

²⁵ Pellegrini, A.: *La 'Ndrangheta: Spunti di Situazione* {*The 'Ndrangheta: An Account of the Situation*}, Direzione Investigativa AntiMafia, Centro Operativo Reggio Calabria, 1997, published in: "Trends in organised crime", winter 1997.

In member States where organised crime was recognised as an important issue years ago, legislative and other measures have been taken. Many successes have been highlighted: high numbers of seizures of large consignments of goods smuggled across European borders (especially illegal drugs), numerous arrests of big bosses and the dismantling of many criminal organisations. Not only repressive but also preventive measures were taken, for instance to lower the risk of criminal organisations successfully corrupting government officials. Italy can be mentioned as an example of a country that has taken innovative and sometimes far reaching measures to fight organised crime effectively. It is interesting to note that several member States, especially some that have dealt with the phenomenon for more than five years (Italy, Germany and the Netherlands) report that the extent of organised crime seems to be stabilising whereas many of the member States where the phenomenon was more recently discovered expect an increase. This indicates that organised criminals can be combated and perhaps even controlled with success.

But not all measures taken appear to be effective in the long run. The diversity of organised crime is so enormous that measures that work effectively against one criminal group, for example, may prove far less effective against others, or may even reduce criminal competition. And even where law enforcement instruments are in place and have proved their effectiveness, the international nature has rendered them less effective. The progressive globalisation of national economies and the gradual opening of national borders, especially in Europe, creates a favourable environment not only for legal but also for illegal organisations operating at an international level. And criminal organisations learn more and more how to overcome the barriers built by governments. In consequence, the combating of organised crime is less and less a matter that can be handled at a national level. The expansion, internationalisation and increasing professionalism are major trends that urge member States to work more closely together to combat international organised crime. Effective international law enforcement has become essential in creating a global response to the threat of international organised crime.

Section 9. Methodological aspects

9.1 Sources

For this first situation report, the replies to the questionnaire have been used extensively. Further use has been made of various literature sources, which are mentioned in the bibliography. Most of these sources are articles in criminological periodicals and reports from international organisations such as the United Nations, the International Criminal Police Organisation (Interpol) and the Geopolitical Drugs Watch. Also some contributions to the 1996 European Union organised crime situation report were used.

Because of a lack of data, it was very difficult to derive trends from the available material. Other sources than the replies to the questionnaires also mention many trends in organised crime. Sometimes different sources arrive at contradictory conclusions. Because there are almost no ways to test the reliability of these statements, they are used with great caution. When statements were predominantly based upon sources other than the reports from the member States, these sources are explicitly mentioned in a footnote.

9.2 Definitions

In the questionnaire the description that is given concerning organised crime or an organised criminal group differs from definitions used in the legislation that most of the member States have. This might have caused serious problems in using official criminal statistics as sources, because these are usually built according to the structure of the national penal code.

For the same reason there are no information systems in most member States for systematic storage of data on organised crime. As organised crime is not easily identifiable, only a small part of it will be analysed and described in national situation reports. Most member States used all available information but many were not able to provide comparative data on the organised crime situation previous to 1996. Therefore this report deals with the organised crime situation for roughly the period 1990-1996, with an emphasis on 1996.

CHAPTER II

The causes of organised crime

Ideas and evidence about ‘the causes of crime’ can seem unduly abstract or vague. However, our objective in this section of the enquiry was to look for policy-relevant continuities and dissimilarities in the factors that appear to exacerbate organised problems, to examine what opportunities for intervention/prevention there might be and what form they might take. The analysis therefore has a strategic purpose in planning action at a higher level, with an opportunity for other States to learn lessons also for the unintended consequences of socio-economic and legal change. It should be noted that globalisation, and in particular the spread of financial services centres within Council of Europe countries and elsewhere, has had an effect on organised crime of creating more opportunities for the laundering of money, whether at the placement, layering and/or integration stages, and the competition between such centres for business has enhanced the lack of transparency which several international organisations, including the Council of Europe, are struggling to counteract. Economic liberalisation, combined with the falling cost of electronic communications which mean that there are fewer ‘sunk costs’ in investment in any one country, has given the First World less control over the banking as well as other industries, which therefore can locate their ‘homes’ anywhere, including Eastern Europe. At the same time, the absence of a regulatory history in many former Communist countries (and in many Third World islands that are not Council of Europe members) makes it easier for organised criminals – including money launderers and fraudsters – to exploit the citizens of those countries and/or the citizens of other countries, whether intentionally or as ‘no questions asked’ self-proclaimed ‘innocent intermediaries’ who are not members of ‘criminal associations’ but who perform essential services for them. The net effect of this is to present many opportunities for jurisdiction-shopping among organised criminals at the more sophisticated end of the spectrum that falls within the definition used in this study for the Council of Europe.

“Organised crime” can be said to have many sorts of causes, some of them fairly universal – the necessity of corrupting enforcement authorities in order to permit the long-term supply of illegal goods and services – and others particularistic, relating for example to the unique political history and geography of a country, such as

- (i) its rapid transition from centrally planned socialism to *laissez-faire* capitalism;
- (ii) its location as a buffer zone between East and West; and
- (iii) the presence of particular groups in the country, such as the ‘biker’ groups stressed by the Scandinavian countries but by no others.

Geographical and historical links are also very important, as in the links between Irish criminals and their compatriots in the UK. Some organised crime activities may be viewed as consensual, though generating collateral consequences such as health problems, violent crime, or property crimes – examples include trafficking in various illegal drugs, illegal immigration, etc; others are entirely predatory, for example extortion; while others, for example illegal immigration and prostitution, can be mixed consensual and exploitative. It is helpful when planning intervention to distinguish between domestically generated organised crime and that which arises from location as a criminal *entrepot*, whether engaged in the smuggling of goods and people or in the provision of financial services to criminals. One can also distinguish broadly between the experiences of the developed (e.g. EU) countries and those of the less affluent emerging countries of Northern, Central and Eastern Europe, partly because greater profits are to be made from crime in supplying the more affluent countries with illegal goods and services.

As many of the respondents noted, social changes may generate the preconditions of organised crime that were not previously present. Illustrations include:

1. the way that the opening of the borders following the collapse of communism generated new opportunities for criminal mobility without the need for corruption or state connivance (mentioned by almost all the former Communist countries, who dated the origins of organised crime in their countries at around 1990-91);
2. the way that reductions in security personnel – whether at customs or internally – diminished the resources available for tracking and dealing with offenders;
3. the way that because of the speed and largely unregulated nature of the privatisation process, both financial institutions and industrial firms were able to be bought up cheaply and easily by those with access to (often illegal) capital, sometimes at prices made artificially low by insider manipulation of sales and asset figures. (Though if money laundering was the motivation for investment, the cost could well have been higher to enable more money to be ‘cleansed’.);
4. and, related to the above, the general absence of ‘fit and proper person’ controls over participation in private enterprise, which enables ‘serial fraudsters’ to continue unchecked, especially given the inadequacies of the new criminal justice systems and absence of preventative mechanisms for vetting those who are able to act as directors of financial services or other forms of business enterprise. (Though outside financial services personnel, who have to be vetted to some degree, this absence of business entry controls also applies elsewhere in the West and is not simply a feature of ‘new capitalist’ economies.)

Feelings of relative deprivation due to rising social inequality were felt by many to be important in encouraging police corruption and a drift of the public towards participation in organised crime to gain status and money (i.e. they stimulated greed); in some countries, social tensions generated by the appearance for the first time of significant unemployment were also important. The Czech Republic, for example, pointed out that the causes of organised economic crime lay mainly in the upper middle class who had not suffered any poverty, while both it and several other countries observed that poor pay for public officials increased the risk of corruption without being a sufficient explanation for it, since many ill-paid officials did not succumb to temptation. Nevertheless, the import of the above factors is that rather than there being some deep sociological, cultural or psychological causes of organised crime, a significant part of the explanation for the rise in racketeering and economic crime in Europe as a whole could be described as situational. Whether these situational factors will become embedded and higher crime levels become permanent depends on what one can do and actually does about them. It should also be understood that the process of 'becoming organised' is developmental, with some developments being contingent on others and with the relationships that they entail: the sequencing of this process is not fully understood on a global basis, but it was clear from many of the Central European and Baltic responses that they saw economic liberalisation as the first step towards their (mis) use as a staging post in an international process as well as in enhancing their own internal risk from fraud. In Italy, protection from the (former) political system was seen as an integral part of the historic strength of mafia-type associations. Ethnic connections also play an important role in national and international organised crime, not least because of the greater trust and personal 'manageability' (e.g. through potential threats to relatives) that often accompanies ethnicity.

It is helpful to divide causes into 'supply-side' and "demand-side" factors. The demand-side of organised crime includes the demand for (a) legal-source and (b) illegal-source goods and services. Legal goods include motor vehicles and other heavily taxed and high priced commodities stolen from overseas, while illegal goods and services include narcotics and (depending on legislation) prostitution, which tend to have a heavier (and higher-priced) demand in wealthier countries, though prostitution and gambling exist in most countries, rich and poor. The 'supply-side' factors that stimulate organised crime referred to by the member States tended to consist of 'absences', such as inability to sustain border controls, to provide an efficient court system and witness protection, to regulate capital flows or financial institutions: what might be described as social capital or 'infrastructure capacity', which may need to be strengthened if measures are to be effective. Some of these changes – easing the flow of persons across borders – are deliberate policy choices that have been taken despite awareness of the criminogenic consequences; others, such as issues of economic deregulation and privatisation, were taken as policy choices without sufficient awareness of criminogenic risks and without adequate legal infrastructure being in place to deal with the consequences of abuses. The common lament might be summarised as 'privatisation does not mean destruction of regulation': the effectiveness of measures to regulate such abuses will be examined in later reports.

Former communist member States generally stressed the importance of economic crime and extortion rather than merely drugs trafficking as manifestations of 'organised crime': but the extent of these, as indicated elsewhere in the report, varied considerably. 'Vulnerability' of the economic system to organised crime was seen by almost all countries as an important source of problems, and the majority of former Communist countries expressed concern about the contribution made to organised crime by the poor pay and morale of the police, though it was not clear whether this led to passive inadequacies in combating the well-resourced criminals or also to active complicity with them in some instances. Analysis of causes likewise reflects the extent to which member States (a) had financial services industries appropriate to carry out money-laundering; (b) had investment outlets for laundered money; and (c) were transit countries for drugs and other saleable commodity (people, arms) shipments. Although war brings its own stimulus to black-markets and to demand-side crime pressures, an illustration of the impact of transition follows (in edited form) from Croatia, illustrating the criminogenic nature of improved communications (as well as, paradoxically, the dark side of the 'peace dividend'):

Completion of the process of peaceful reintegration of Croatian Podunavlje and opening of road and railway routes toward FR Yugoslavia will enable new strengthening of links between domestic criminal groups and individuals and foreign criminal groups. It can be expected that the old international trafficking routes which connect Western and Eastern Europe and Asia across Croatian territory (Balkan route) will be used again. This supposition can be substantiated by the fact that since the highway towards FR Yugoslavia has been opened, at the international border crossing Bajakovo at the exit from Croatia, several dozens of motor vehicles stolen in Western Europe and Croatia, which were intended for sale on the illegal market of East European countries, have been detected. Bearing in mind the tourist and maritime orientation of Croatia, trafficking of larger quantities of drugs, mainly cocaine, as well as other goods into Croatian maritime ports can also be expected.

A good illustration of the interplay of history, geography and political economy in the development of patterns of organised crime is the situation in Latvia, described below (in edited form):

From time immemorial in Russia, there operated so-called "thieves in law", unions of professional criminals with their rules and codes of behaviour, whose violations were punishable by death. The main operational principles were no work or military service, no help from the state or co-operation with police, and unquestioning obedience to state laws... In the Baltic, these traditions had developed after World War II, because convicts had met others from other republics of Soviet Union.

The “Iron Curtain” eliminated contacts with Western organised criminality. For this reason, the former did not directly influence the development of crime in Latvia. “Thieves at law” adapted quickly to the new situation and its action areas were traditional – drugs, arms, illegal gambling, theft of luxury cars, pornography business – although under socialism, these had not generated sufficient profits and had been very risky. Under socialism, currency dealing was very popular because of high margins, as was prostitution of ‘Inter’ girls. In all Baltic States, these girls served foreign seamen, got currency and delivered it to currency dealers for use on the black market. Import controls led to “blats” or ‘under the counter’ distribution. The counterfeiting of Western goods led to criminal violations in all stages of production (such as bribery, fraud, inclusion in benefit schemes). The concentration of wealth led to further criminal investment and money lending. Illegal millionaires had their own systems of security and protection, to enforce payment of debts, using people from the underworld, boxing, karate and wrestling. They developed close relations with officers, especially with corrupted military officers. In the end, the new rich paid into a common fund to guarantee the safety of their illegal businesses.

The post-Gorbachev movement of co-operatives let the new rich of the underground start legal business. Former inferiors (guards) went out and started their own rackets, using their prison contacts such as offenders. Old offences such as currency dealing disappeared while extortion, prostitution, contraband and financial fraud expanded greatly.

Many countries without a significant internal narcotics or extortion problem – Luxembourg, Andorra and Cyprus, for example – nevertheless may unwittingly facilitate organised crime via their financial systems: this is the rationale for international efforts to create a level playing field in anti-laundering measures by requiring ‘third party’ countries to exercise social responsibility to the global community. But almost all former communist countries stressed not just the problems of controlling money laundering – a problem shared in the EU country responses also - but also the problems of regulating commercial businesses (and the entry of ‘suspected persons’ into those businesses) as being an important feature of organised crime. This demonstrates the extent to which they are not acting simply as ‘third country’ conduits for organised crime groups – with the ambiguous ‘costs’ this imposes, since there is at least a short-term capital flow benefit for them - but are also the predatory victims of those groups.

Organised crime groups differ in their entrepreneurial skills and motivation, but as new opportunities and patterns of social life and exchange come into being – for example, the Internet, digital communications systems, expansion of credit card and other credit facilities – new situational ‘causes’ of crime come into existence. The extent to which criminals – and especially organised groups that are the object of this study – actually exploit these opportunities depends upon their own skills, their social networks and access to criminal ‘investment capital’, and/or access to intimidation and bribery: these phenomena are affected by cultural values as well as by objective opportunities.

CHAPTER III

Implemented and envisaged measures against organised crime (excluding legislation)

In all national reports provided by the Member States as a response to the PC-CO 1996 questionnaire on the organised crime, the measures against organised crime discussed are legislative in character, and are mainly provisions of a penal, repressive character. This situation may also result from the fact that recent years brought about important changes to criminal law in many countries, changes stimulated exclusively by the special needs to find new, more effective means to fight organised crime. As these measures are sometimes also quite controversial and meet some resistance (because of variety of reasons), it is somehow natural to focus national reports on them. It is also necessary to stress that many reports were, in this respect, rather incomplete. Many of them did not contain information on non-legislative measures against organised crime, but rather information on legislative and criminal law measures. Nevertheless, although sometimes very scarce, there is also some information available referring to non-legislative and non-penal measures.

First of all, one should mention measures, which are somehow strictly connected with penal measures, which should make law enforcement and the application of penal sanctions easier and more effective. Such measures themselves however are not necessarily of legislative character. It seems that here, measures of an organisational character play the most important role. In many reports there are references to special units within police forces and public prosecutors' offices, which have the sole task of investigating organised crime. These units consist of the more experienced police officers or prosecutors who sometimes receive, it seems, some sort of special training. Such organisational arrangements will enable a concentrated and most efficient use of human and material resources to fight organised crime. Such measures are mentioned directly in reports from Belgium (special prosecutors), Croatia (special police teams), Cyprus (special crime intelligence office), Hungary (special national and local police units), the Netherlands (special police investigative units), Norway (special co-ordinating national police unit), Poland (special national and local police units), Slovenia (special police unit and special public prosecutor). The report from "the former Yugoslav Republic of Macedonia" also mentions reorganisation of the police force as a measure against organised crime without however, specifying details. It probably does not mean that such arrangements do not exist in other countries. It seems however that they are especially important in Eastern Europe, where – as mentioned in the previous section - organised crime was rather unknown before 1990. The emergence of this form of criminality also resulted in the emergence of new organisational responses within the criminal justice system. Such organisational responses may also have a broader character and take the form of a special body or committee on a national level, having the task of organising and co-ordinating the fight against organised crime. Such a special committee is only mentioned explicitly in the Moldovan report (special council to the Ministry of the Interior), but it is probable that they also exist in many other countries.

An important element of organisational measures aimed at fighting organised crime constitutes witness protection programmes. Such programmes not only require a legislative background, e.g. legal concepts like crown witness or anonymous witness have to be authorised and regulated by law, but they also have an important organisational component, namely providing protection and security for such witnesses. Such protection requires, especially in European conditions, and because of the dimensions of European countries, particular effort and cost of implementation, which may be difficult to afford. Only the Dutch report mentions the existence of a special police unit dealing exclusively with the problems of protecting witnesses.

Many reports also mention special systems of gathering and processing information and intelligence as specific measures against organised crime. Such measures are referred to specifically in reports from Croatia, Cyprus, Estonia, Germany and Norway. It is again obvious that probably every national police force in Europe and in the world has such intelligence units and databases and they were not mentioned in reports, because they were considered to be obvious. Nevertheless, intelligence seems to play a crucial role in fighting organised crime, far more important than in fighting "normal" criminality. It is important not only by repression of organised crime, but first of all by prevention and disruption of criminal activities by organised criminal groups. Because of this, the development of such systems seems to be of great importance. Such measures are first of all, of an organisational character, although in some countries, due to the legal aspects of data-protection, they may also require legislative action (this seems to be the case in Germany for example). From this point of view an important problem may constitute the screening of security and police officials or employees of state agencies for eventual links with organised crime. This is again something, which probably happens routinely in any country. However, such a measure is only mentioned specifically in the Croatian report, without elaborating details: is it just routine or a special programme?

Strictly connected with the last type of measures are a variety of forms of international co-operation in fighting organised crime. Again this co-operation nowadays constitutes something obvious because organised crime has a notoriously cross-border character which is impossible to fight effectively without regional, global, bilateral or multilateral international co-operation. In that case co-operation means of course, not only legal co-operation and mutual assistance, but day to day co-operation between police forces, prosecutors' offices etc, which means that such measures are again, primarily organisational aspects. This seems for example to constitute a particular matter of concern in local Scandinavian co-operation, as it is mentioned in the Finnish and Norwegian reports. The latter refers to a special system of Nordic liaison officers. Problems in the organisation of international co-operation are also stressed in the reports by Romania, "the former Yugoslav Republic of Macedonia" and Turkey. Here also access to the experiences of western countries through training local specialists by western experts seems to be of great importance.

It is interesting that all available reports pay almost no attention to any measures aimed at preventing organised crime by other means than those connected with the functioning of police and other criminal justice agencies. This fact may be considered to be quite symptomatic, as prevention of crime plays an increasingly important role in contemporary criminological theory and practice. Does it mean however that preventive philosophy applies only to "traditional" crime, like street crime? It is true that known programmes of criminal prevention are aimed first of all at street crimes of a violent or predatory nature and property crime. Such programmes may also prevent a certain amount of criminal activities by organised criminal groups. It is clear however that they are usually not able to prevent organised economic criminal activities, drug trafficking on a grand scale, etc. On the other hand there must be in many countries a variety of programmes and activities aimed

at making illegal operations, transactions and similar activities difficult. This may mean special internal regulations, rules and organisational measures for banks, businesses and public administration. They probably exist in most countries. None of the reports mentions them however. Only the Moldavian report mentions preparation by the special council to the Ministry of the Interior of a programme aimed at preventing organised crime, without however specifying any details. It may be interesting to try to obtain some information on this topic in the future.

From the perspective of preventing organised crime and preventing people joining organised criminal groups or supporting the activities of such groups in any way, it may be very important to try to influence public opinion and to create and support anti-organised-crime attitudes. Here two reports, namely Croatian and Turkish, specifically stress the role and importance of mass media in this area. Neither of them however, gives any details of this role, i.e. whether there is some organised campaign using the media or just routine activity by journalists.

CHAPTER IV

Implemented and envisaged legislation regarding organised crime

The questionnaire that has been distributed (doc. PC-CO (97) 25) did not include a specific question on "implemented and envisaged legislation regarding organised crime", as it focused mainly on the analysis of the characteristics of organised crime. The second questionnaire will include specific questions on that issue.

The question under para. VI of the first questionnaire was rather a request for "a short description of the manner in which the fight against organised crime has taken form in the year under review". To that extent the answers did not allow for a complete and exhaustive report on legislative measures against organised crime. Nevertheless, they seem to provide a good basis to define the general picture of the present situations, trends and expectations.

The first point that should be outlined is that the distinction between legislative and non-legislative measures seems to be difficult or uncertain, as it also depends on the national legal systems. In some countries such measures have to be adopted by Parliament, whereas in others they can be left to administrative decisions. Most countries have pointed out the advantages of having centralised units, mainly as regards police forces and investigative agencies. In some countries (I) this was achieved by law, while in others it seems to have been a matter of mere administrative re-organisation, which means that the distinction between legislative, organisational and operational levels must be interpreted in a broad sense.

Another introductory statement relates to the concept/definition of organised crime. In the questionnaire it was clearly stated that the Committee decided not to seek, at this stage, to define organised crime. Hence, member States seem to have referred in their answers to phenomena, which are either not completely clear or not entirely similar to one another. For instance: Denmark has referred to Hells Angels and Bandidos gangs; Andorra, Finland and Cyprus have stated that organised crime does not exist (AND, FIN) or is in its infancy (CY). Such answers might refer to possible national organised crime shaped in the form of existing organisations in other countries, like Mafia-type organised crime association, either for their characteristics or their modus operandi and activities. Since (by definition) organised crime groups are profit-oriented and one of the major activities seems to be the laundering of proceeds of crimes by means of apparently legal business, national responses shall be reviewed later on, once the international aspects of organised crime are clarified.

It may be useful to note that all countries have shown in their answers to be familiar with what is meant by "organised crime", either in those cases where the existence of organised crime at national level has been denied (A) or where the only phenomena of organised crime at national level have been identified in gangs such as Hells Angels (DK). This means that the concept is clear as far as law enforcement actions are concerned. For instance, since 1995 the Slovenian police have adopted the definition of organised crime used by INTERPOL, BKA and FBI as a working tool: "Organised crime is any activity which is carried out by a criminal association in an entrepreneurial manner, by using violence and/or corruption to reach property benefits or social power".

In Recommendation No. R (96) 8 on crime policy in Europe in a time of change (para. 21 of the explanatory memorandum) it is said that "the term "organised crime" is widely used without hesitation. It corresponds to something meaningful. It appears therefore possible to define "organised crime" and legal definitions of, or references to, organised crime can be found in the legislation of various countries. Questionnaire responses indicate that the number of countries that have used the term or its equivalent in their legislation has grown, particularly in those countries that have adopted new laws, as is the case of most Eastern countries after the collapse of the Soviet Union. For instance, a bill drawn up by the Romanian judicial authorities to combat organised crime states that "organised crime includes any activity performed by a group of at least three persons linked by hierarchical or personal relationships, through which it enriches itself or gains control over the territory, markets or sectors of the national or international life through the use of blackmail, threat, violence or corruption and which is responsible for the commission of crimes or infiltration into the national economy". By contrast, the amendment of existing legislation appears to be more difficult and slower in other European countries, although the definition of Action Plans and Multi-annual work programmes aimed at combating organised crime is a very significant feature. During the 1990s, especially since 1993, the number of countries taking the trans-national character of organised crime seriously has increased substantially. This trend is illustrated with some examples, which are far from exhaustive.

On 28th June 1996, the Belgian Government approved a comprehensive action plan to combat organised crime, thus demonstrating that the challenge must be met at different levels: through education, also at academic level, the study of the phenomenon, the organisation of the various agencies involved, such as police forces, judicial authorities and banks, and the review of criminal and procedural legislation. In the Action Plan of the Belgian Government the following issues have been highlighted:

1. The analysis of the phenomenon of organised crime to enable decision-making authorities to set priorities, take suitable measures and monitor their implementation;
2. The definition or special investigative strategies;
3. Criminal liability for members of a criminal organisation;
4. Centralised organisation of the Public Prosecutor's Office;
5. The introduction of new criminal provisions such as criminal liability for legal persons or more effective provisions in the field of corruption;
6. Amendments to the burden of proof in specific sectors;
7. Proactive research;
8. The role of justice collaborators under specific law provisions;
9. More effective forms of international co-operation.

Spain too has adopted a Global Plan for the Fight against Drug and Organised Crime (1997). In the Netherlands a Plan of action to intensify the fight against organised crime was submitted to Parliament in 1996. It includes measures that provide broader legal possibilities to prevent and discover the infiltration of criminal groups in the upperworld, and to establish a proper legal basis for the use of certain methods of investigation. At the other geographical end of the Council of Europe, Romania has adopted a National Plan for the fight against corruption and organised crime.

It must be stressed that Action Plans to combat organised crime have been decided at various international levels, such as the EU (approved by the Amsterdam Summit in June 1997), or the Council of Europe (adopted in the 2nd Summit of Heads of State and Governments in October 1997). The UN too has given a precise follow up to the Naples Political Declaration on organised crime with a Global Action Plan against Organised Transnational Crime, which is expected to result in a draft convention for the suppression of transnational organised crime.

With regards to implemented and/or envisaged legislation on organised crime the following can be stated:

A. As mentioned before, it is not always easy or possible to distinguish between legislative and non-legislative measures. This is particularly true for the measures on the setting up or re-organisation of bodies or agencies involved in the struggle against organised crime. That might also be true, for instance, for the treatment of persons sentenced for having committed offences related to organised crime. Specific measures, in fact, might be either decided at an administrative level or on the basis of legal provisions. They might be based on the need to consider the danger of certain criminals or on the necessity to break the links and contacts that convicted members of criminal associations may still maintain with members outside the prison. In Italy, for instance, a law allows the Minister of Justice, on the basis of a legal procedure, to subject persons convicted of Mafia offences to a more restrictive and severe treatment in prison. Experience has in fact shown that Mafia bosses continue to run their criminal organisation from the prison and to order the murder or frightening of the witnesses or persons intending to co-operate with justice. Article 41bis of the Italian Prisons Law makes it possible to strongly restrict the contacts of these prisoners with other inmates, the outside world and even their families.

B. In the answers to the questionnaire given by many countries it emerges that one of the main obstacles to the fight against organised crime is indeed national legislation.

This has been clearly stated by a certain number of States: Cyprus, Czech Republic, Estonia, Latvia, and Lithuania. Traditional legislation was said to be too general and riddled with imperfections to cope with the problem; trials were generally too slow; sentences were often not severe enough.

The "obstacle" of legislation in the fight against organised crime can be summarised in:

a) the fact that traditional criminal legislation does not easily apply to organised crime (it has been noted that also police forces are traditionally trained to face street crime rather than organised crime);

b) the fact that the laws and regulations in business, commercial and financial areas are inadequate to prevent, detect and actually prosecute and punish the activity of investing the proceeds of crimes.

That means that the legislation meant to cope with the organised crime problem should give special attention both to the criminal aspects *strictu sensu* (substantive criminal law and rules of procedures; methods of investigation) and to the regulation of financial markets, which are used by organised crime.

Certain States (e.g. Romania) have outlined the necessity for a co-ordination (harmonisation) with the various legal instruments of the EU.

As to the legislative measures against organised crime it has to be highlighted that some of them appear to have already been implemented in some countries while they are on the way to being adopted or merely envisaged as useful in other countries.

For classification purposes the legislative measures may be divided in:

A) criminal substantive measures, such as: criminalisation of membership in organised crime groups, criminalisation of drug offences, money laundering offences, confiscation and asset-forfeiture provisions, corporate liability;

B) criminal non-substantive measures, which may be distinguished in:

B.1. Procedural measures, i.e. measures/provisions affecting the rules of procedure; these provisions would both refer to trials or pre-trial phases and to investigation phases where decisions are taken by judges or magistrates (the example of interception of telephone communications may be taken; in that case the measure might fall both under B1 and/or B2);

B.2. Measures that consist mainly in specific methods of investigation; these measures are generally performed entirely by police agencies, though they may require some involvement of judicial authorities such as prosecutors or investigating judges.

As far as the centralisation of authorities dealing with organised crime cases is concerned, it is a widely shared opinion that this should be the goal to be achieved in order to have a more effective fight against organised crime. A certain number of States have introduced centralised police Units and the others are on the way of doing so. Some States also have provisions or drafts laws or studies on a specific centralised organisation regarding the judiciary (I, NL, B). For the time being such centralisation is limited to prosecution offices and police agencies, nevertheless some States believe that it should also be extended to the courts dealing with this matter.

A.1. *Criminalisation of membership in organised crime groups*

Almost all member States share the opinion that participation in an organised crime group should be considered to be a separate offence.

In some States such a provision is seen as an envisaged measure to be taken; in others it is already contained in the law, though it is not always clear whether it is the mere participation in the association to be punished or any concrete act is necessary, be it a criminal offence or the attempt to commit a crime. Some States do have provisions on "association de malfaiteurs" or conspiracy but it is doubtful whether they can be applied to organised crime; some States do limit such substantive provision to drug offences or have such a specific provision also for drug offences.

For these reasons the Committee has decided to devote specific questions on the item of the membership of a criminal organisation or association to be launched in the second questionnaire (1997).

"Conspiracy" or "association de malfaiteurs" in general are provided by the law of a certain number of States; the wording, generally speaking, is the following: "L'association de deux (ou trois) personnes ou plus dans le but de préparer et de commettre un délit est passible d'une peine". Such a provision is contained for instance in the law of Andorra (Article 100 of the Penal Code, in general; Article 162 with reference to drug offences);

The membership or the participation in a criminal organisation is envisaged in a number of countries, like Belgium (draft law).

The mere participation in an organised crime association is provided by the law as a separate offence in some States: Italy since 1982 with amendments made in 1992 (article 416 bis, Participation in a Mafia-type association: when three or more people form a permanent association and avail themselves of the power of intimidation and omertà (conspiracy of silence) derived from the association to commit crimes, to control financial activities, to obtain unlawful profits or to prevent or hamper the free exercise of the right to vote; it must be noted that the Italian Penal Code also has a provision which is very similar to the "association de malfaiteurs" that other States have); the Czech Republic since 1992; Estonia since 1992, with amendments dated 1996 (article 1961; it must be noted that para 3 reads as follows: "A member of a criminal association, who does not take part in preparing, attempting or accomplishing crimes will be released from penalty if he voluntarily informs about his participation in the criminal association"); Lithuania since 1993 (Article 227 of the Penal Code; there is a similar provision to Article 1961 para. 3 of the Estonian Code); Moldova; Poland since January 1998 (new Code, but similar provision before 1990).

A.2. Criminalisation of drug offences (drug-trafficking)

One point that is to be underlined is that all States that have provisions on drug offences do also criminalise the association of persons to commit drug offences, generally drug-trafficking. The reason for that appears to be referred to the Vienna Convention, but also based on the assumption that drug trafficking is generally performed in an organised manner, both as far the main activity and the general environment (for instance the unavoidable complicity of drug addicts) are concerned.

A.3. Money laundering legislation

Most States have money-laundering legislation. Differences though are to be noticed as far as predicate offences are concerned. Answers to the questionnaire are to be considered insufficient to give a complete panorama of the present and implemented or envisaged measures.

A.4. Confiscation and asset-forfeiture legislation

A number of States do have such legislative measures, but once again the answers to the questionnaire are not complete. Generally speaking such measures are deemed to be useful or necessary in order to effectively fight against organised crime. It has been noted (B) that because of the international character of organised crime, police and judges are often given a difficult task in order to demonstrate the criminal origin of illegal enrichments, so that a reversal of the burden of proof to that extent should be examined.

A.5. Corporate liability

The principle "societas delinquere non potest" does not seem to be a relevant obstacle, due to some recent international instruments (for instance the convention on the protection of the financial interests of the European communities). In some States draft laws have been presented (B) or are under study.

A.6. Making punishments more severe

A number of States have reported that recent legislation or that in progress seeks to make punishments for organised crime offences more severe.

B. Criminal non-substantive measures

It is to be noted that nearly all States have recognised the need for implementing specific measures in order to face the high professional and sophisticated nature and performances of organised crime, including new and more effective methods of investigation and measures concerning criminal proceedings. The latter should be regulated by law, as they do (or may) affect the rights of individuals and do impinge on the criminal justice system (fair trial). It is also to be noted that a number of States have included new techniques that are related to investigations in draft laws; that is the case, for instance, of undercover agents/operations the reason being that of giving a proper legal basis for the use of certain methods of investigation (NL). The usefulness of legal basis should be regarded also in the light of more effective international judicial co-operation. Generally speaking the starting point is the consciousness that organised crime does not operate in the open (G) and that measures to enable the police to penetrate into criminal association should

therefore be implemented (HR).

B.1.1. *Interception of communications*

Where interception have already a legal basis (like in B, since 1994) amendments, which tend to simplify the relevant procedure and to expand its application have been proposed or are under consideration. Generally speaking it is for a judicial authority (for instance the court or the investigating judge) to authorise interceptions. Where no legislation exists draft laws have been submitted or are under study (HR) or are envisaged (TR). Because of the incomplete answers to the questionnaire it is not possible to understand whether the wording "interception of communications" was meant only for telephone communications or also to intercettazioni ambientali (*écoutes d'ambiance*, bugging).

B.1.2. *Use of video-conferences*

No States have reported the existence of provisions that allow for the taking of testimonies by neither video-links nor draft laws on that point. It is known though that such a provision exists in the Italian criminal procedure law, which was restricted till February 1998 to persons under the witness protection programme; in February 1998 a new law came into force providing for defendants members of the Mafia-type associations to participate in their trial by means of video-links. The reason for such provision is to avoid the costly and dangerous transfer of the persons concerned.

B.1.3. Co-operating criminals (Crown witnesses)

Assuming that organised crime associations do not operate in the open, a large number of States have reported legislative initiatives or studies aimed at introducing provisions on persons (criminals) who co-operate with justice, also in accordance with a resolution of the EU of 1996 and Recommendation No. R (97) 13 of the Council of Europe. Such measures seem to be related to penal substantive aspects (for instance the exemption from prosecution or punishment, reduction of penalties) and/or criminal procedure aspects and/or special prison treatment. Italy appears to be the only State, which has introduced specific provisions in all of the said fields.

B.2.1. *Electronic surveillance, observation, use of informants, cross-border pursuits*

No States have reported measures concerning these issues, but most States have underlined the necessity to have new and more sophisticated methods of investigation, aimed in particular at penetrating the criminal organisations.

B2. 2. *Witness-protection measures*

A certain number of States have reported that such measures had been implemented or, at least, were being seriously contemplated.

B.2.3. *Controlled delivery, pseudo-purchase*

Most States do have such provisions in relation to drug offences.

B.2.4. Financial investigations

All States share the opinion that financial investigations are extremely useful in the fight against organised crime. Money laundering legislation seems to be adequate to that extent, but considerable progress in implementation needs to be made.

In conclusion, the responses to the questionnaire highlight the importance of harmonised legislation to combat the international dimensions of organised crime, and the need for dynamic up dating of changes both in legislation and in practice.

CHAPTER V

International co-operation

As has been clearly brought out above, it is difficult to pin down what is meant by organised crime - particularly because the phenomenon has not been formally defined, and also because of differences in basic rules on the definition of conspiracy.

The difficulties encountered have certain consequences for international co-operation, specifically in the areas of mutual legal assistance and extradition, particularly because it is still rare for multilateral - or even bilateral - agreements to refer explicitly to organised crime.

The member States of the Council of Europe, for their part, have a number of basic instruments that address the areas mentioned above, namely:

- the European Convention on Extradition of 13 December 1957;
- the European Convention on Mutual Assistance in Criminal Matters, of 20 April 1959, Article 1 of which reads: "The Contracting Parties undertake to afford each other, in accordance with the provisions of this Convention, the widest measure of mutual assistance in proceedings in respect of offences the punishment of which, at the time of the request for assistance, falls within the jurisdiction of the judicial authorities of the requesting Party."

Although these two conventions serve to ensure high-quality legal co-operation between the States that have ratified them, they may still have a number of shortcomings with regard to combating organised crime.

In two more specific areas, multilateral instruments (albeit recent ones) - namely, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, of 19 December 1988, and the Council of Europe's Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, of 8 November 1990 - serve to consolidate the legal basis for co-operation between the States where they are in force.

Governments today are very aware of the importance of combating organised crime and it is a priority for the Council of Europe, the European Union and the OECD, as well as the United Nations. The fact is that governments must mobilise and co-operate if effective measures to tackle international organised crime are to be developed.

Concerned to avoid duplication in their work - which would make it less useful as well as wasting effort" - the different bodies involved have chosen either to explore particular new areas of crime or to consider all aspects of the fight against organised crime from a wider perspective. Collectively, all this varied work is helping to reinforce the legal arsenal, which will be at governments' disposal for effectively countering what is a growing threat.

The work currently in progress breaks down as follows:

- at the United Nations, negotiation of a draft convention against organised crime;
- at the Council of Europe:
 - * efforts to tackle corruption, through a number of draft conventions, one of which relates to the criminal field;
 - * negotiation of a draft convention on crime in cyberspace;
 - * negotiation of a draft additional protocol to the Convention of 20 April 1959;
 - * work on the problem of organised crime;
- at the OECD, efforts to tackle the problem of corruption;
- at the European Union, work on the implementation of a detailed action plan adopted by the Amsterdam Council in June 1997 and including 30 recommendations.

The diversity of the work reflects the complex nature of the task faced by governments in combating organised crime.

Basically, however, the reinforcement of international co-operation necessarily involves both a legislative aspect and a practical aspect.

There would seem to be no question about the need for new legislative provisions in a situation where excessive disparities in the way that offences are defined constitute an obstacle to international legal co-operation.

This is apparent when countries refuse to extradite if the requirement of dual criminal liability is not met, but also in cases where one country refuses to assist another, either for the same reason or because governments can make some forms of mutual assistance - such as requests for search and seizure - subject to specific conditions, e.g. that the action requested should be compatible with the domestic law of the country to whom the request is addressed.

There is the same sort of disparity between different sets of procedural regulations, making co-operation difficult and even uncertain. This is particularly so when the assistance requested by one country from another involves taking measures not recognised under the law of the second country, or when the domestic law of the country making the request requires that evidence should be presented in a specific form in order to be admissible.

The legislative approach is also justified by a further major difficulty: the remarkable dexterity displayed by organised criminals in exploiting modern resources, both technological and economic, and using them to commit or camouflage crime.

Because there is normally a foreign dimension to this type of criminal activity - and because action to curb it is lacking or insufficient - governments are trying to produce common, basic legislative responses to such situations at international, regional or bilateral level.

Aside from this law-making aspect, there is also a need to pursue improved legal co-operation at a practical level, through efforts to enhance existing mechanisms, co-operation between prosecuting authorities, and better knowledge of the legislation and legal systems of other countries.

Identifying particular problems or specific types of criminal activity helps to strengthen co-operation between the countries concerned and, at the same time, improves the effectiveness of their efforts to combat organised crime, once their respective authorities are pursuing a common objective.

It should be pointed out that, although the concerns discussed above relate exclusively to international legal co-operation, there is undoubtedly a multi-disciplinary aspect to the fight against organised crime, in the sense that it involves not only legal authorities and law enforcement agencies (police and customs), but also all those authorities responsible for crime prevention.

COMMENTS ON THE ANSWERS TO THE QUESTIONNAIRE
Contribution by Mr Eugenio Selvaggi
Chairman of Committee PC-CO

Here are some observations on the answers to the questionnaire and information on some provisions of law in force in Italy that were not mentioned in the Italian answer to the questionnaire:

1. The globalisation ("global village") of many sectors of social life is one of the characteristics of our modern world. Considering that this globalisation concerns many sectors of our economic and social life, it is evident that it also affects the world of crime. In the Central European and Mediterranean areas (but this phenomenon concerns the whole world), criminal organisations are joining to do businesses in the field of drugs, arms, prostitution, trafficking in stolen cars, and traffic in human beings and to invest the proceeds of crime where it is more convenient. Hence, the extreme danger of a global criminal system for the economic systems, the financial markets, our public institutions and the people.

2. If this is true, then no one can say that organised crime does not exist in one's country. Modern organised crime is present everywhere, although under different forms, according to the traditions, social, economic and political circles and type of business handled. One must not confuse the presence of criminal organisations with the manifestation of serious crimes against assets (burglaries and extortion) or against individuals (murders, kidnappings); consequently, it is wrong to say that organised crime does not exist in a country when no Mafia-style murders are committed there. Many crimes committed by organised crime are in fact committed for the survival itself of criminal organisations (intimidation, corruption, money laundering, and investment of criminal profits), and many of these crimes are not "visible". I would like to make it clear that this is not solely an Italian point of view but it is shared by many States who are in the forefront in the fight against organised crime or in the development of appropriate instruments to combat it (as is the case of the United States, Germany, the Netherlands, Belgium and Spain). I would also like to remind you that in 1993 the French National Assembly approved a report stating that: " Three levels of activities in the Mafia industry have been established by the experts: the first concerns violent exactions and traffics that ensure the Mafia's control over a territory and the production of proceeds; the second is constituted by money laundering; the third is the investment of laundered capitals in legal activities".

3. The main instrument through which organised crime associations and Mafia-type organisations operate is not violence but corruption and intimidation. Corruption and intimidation are directed towards individuals and both private and public institutions. Criminal organisations resort to violence only as a last resort, because through violence they make themselves visible, they show their danger, they generate concern within the public opinion, and oblige the public authorities to counteract. Corruption, instead, creates a sort of complicity and enables to accomplish the same results with less risk, and it threatens the public institutions from within.

4. Today, organised crime tends to expand at an international level and engages in any traffic or business that can boost its profits. The main objective of organised crime is to reap profits

and to acquire as much power as possible.

5. It should be underscored that the internationalisation of the major criminal organisations has come about regardless of the treaties on the free movement of goods and persons. They have been helped in this internationalisation process by the gaps in, and inadequacy of, international treaty rules and by the difference in national legislation and by the gaps in, and incompleteness of, the criminal laws of many countries. Europe is fighting against a unified organised crime in its objectives and modus operandi with forty different criminal codes, and as many police and judicial authorities as there are countries. And it is this difference which nurtures organised crime. Experience, in fact, has shown that organised crime is attracted both by countries where investments are convenient, those that lack or do not have strong rules regarding the financial world, and by countries lacking strict laws against organised crime.

6. In the answers to the Questionnaire a Country (Turkey) wrote that consciousness must be implemented about the danger created by the activity of organised crime and by money laundering and that to that extent the public at large should be enlightened. This opinion has to be shared. The Italian experience in the fight against the Mafia has shown that the chances of success in large part depend on the consent of public opinion and on a far-reaching rejection of organised crime. From this point of view, legislative measures may be useful but they are not sufficient.

7. Assuming that with regard to extortion and usury, unlike other crimes, the outcome of our counter efforts are directly proportional to the quantity and quality of the co-operation given by the victims of such crimes, a law was introduced in Italy in 1991 establishing a Fund for supporting the victims of extortion; then in 1996 a law was introduced establishing a Fund for the victims of usury. These laws protect and compensate the victims co-operating with the judicial authorities in pursuing the offenders.

8. Laws were introduced in Italy as from 1982 prescribing preventive instruments to combat the assets Mafia-type organised crime gain from their criminal activities. These criminal assets and property may be seized and confiscated regardless of whether the commission of specific crimes has been ascertained. The aforesaid provisions, from a technical point of view, may be applied without instituting criminal proceedings (as the European Court of Human Rights has acknowledged), although, in order to better guarantee rights of individuals they are applied by a judge, and not at an administrative level. This is a way of ensuring the impoverishment of Mafia-type criminal organisations. It is important to note that as from the Amendment law of 1996, the seized and confiscated assets and property are forfeited to the State. It is interesting to note that over the last two years the equivalent of more than thirty million U.S. dollars has been confiscated; a large part of these assets have been allocated to the Municipalities to be used for institutional purposes (e.g. for schools, social centres, etc.). However, I would like to underscore the disproportion between what is seized and organised crime's business turnover.

Appendix 1

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Appendix 2**Replies to the 1996 Questionnaire received from:**

	State	Document reference:
1.	Albania.....	(MISSING)
2.	Andorra.....	PC-CO (97) 46 + PC-CO (97) 46 Add
3.	Austria.....	PC-CO (98) 15
4.	Belgium.....	PC-CO (98) 1
5.	Bulgaria.....	PC-CO (98) 24
6.	Croatia.....	PC-CO (97) 47
7.	Cyprus.....	PC-CO (97) 33 + PC-CO (97) 33 Add
8.	Czech Republic.....	PC-CO (97) 43
9.	Denmark.....	PC-CO (97) 37
10.	Estonia.....	PC-CO (97) 26
11.	Finland.....	PC-CO (97) 27
12.	France.....	PC-CO (98) 12
13.	Germany.....	PC-CO (98) 3
14.	Greece.....	PC-CO (98) 21
15.	Hungary.....	PC-CO (97) 34
16.	Iceland.....	PC-CO (98) 13
17.	Ireland.....	(MISSING)
18.	Italy.....	PC-CO (97) 38
19.	Latvia.....	PC-CO (97) 36
20.	Liechtenstein.....	(MISSING)
21.	Lithuania.....	PC-CO (97) 35
22.	Luxembourg.....	PC-CO (97) 28
23.	Malta.....	PC-CO (97) 45
24.	Moldova.....	PC-CO (98) 7
25.	The Netherlands.....	PC-CO (97) 39 + PC-CO (97) 39 Add + PC-CO (97) 39 Add.2
26.	Norway.....	PC-CO (97) 29
27.	Poland.....	PC-CO (97) 40 + PC-CO (97) 40 Add
28.	Portugal.....	PC-CO (98) 2
29.	Romania.....	PC-CO (97) 44
30.	Russian Federation.....	(MISSING)
31.	San Marino.....	(MISSING)
32.	Slovakia.....	(MISSING)
33.	Slovenia.....	PC-CO (97) 41
34.	Spain.....	PC-CO (97) 30
35.	Sweden.....	PC-CO (97) 31
36.	Switzerland.....	PC-CO (98) 11
37.	"the former Yugoslav Republic of Macedonia".....	PC-CO (97) 32
38.	Turkey.....	PC-CO (97) 42 + PC-CO (97) 42 Add
39.	Ukraine.....	PC-CO (98) 16
40.	United Kingdom.....	(MISSING)

Location	Origin	E	EE	F	FL	FIN	GB	GR	H	HR	I
Slovenia										X	X
Spain				X			X				X
Sweden		X									
Switzerland											
Turkey											
Ukraine						X				X	
United Kingdom											

Location	Origin	IRL	IS	L	LT	LV	MD	FYROM **	Mlt	N	NL
Albania											
Andorra											
Austria								X			
Belgium							X			X	
Bulgaria											
Croatia							X				
Cyprus											
Czech Republic							X				
Denmark				X	X		X			X	
Estonia											
Finland										X	X
France								X			X
“the former Yugoslav Republic of Macedonia”							X				
Germany				X			X				
Greece											
Hungary							X				
Iceland			X								
Ireland		X									X
Italy								X			X
Latvia											
Liechtenstein											
Lithuania											
Luxembourg								X			X
Malta											
Moldova											
Netherlands											X
Norway						X	X		X		
Poland											
Portugal								X			X
Romania						X				X	

Location	Origin	P	PL	RO	RU ***	S	SK	Slo	SM	TR	UA
Norway											
Poland			X		X						
Portugal		X	X							X	
Romanian				X		X				X	
Russian Federation											
San Marino											
Slovakia											
Slovenia				X	X			X			X
Spain											
Sweden		X		X	X				X		
Switzerland											
Turkey										X	
Ukraine										X	
United Kingdom				X					X		

*** Although the abbreviation RU refers to the Russian Federation, almost all replies referred to the former Soviet Union.

Appendix 4**Heroin, cocaine and cannabis seized in member States in 1996²⁶**

Member States	Heroin	Cocaine	Cannabis
Albania			
Andorra		< 1	2
Austria	72	68	238
Belgium	140	838	94 000
Bulgaria	195	11	13 067
Croatia	2	2	43
Cyprus	1	< 1	36
Czech Republic	12	27	11 852
Denmark	58	32	1 698
Estonia			
Finland	6	1	103
France	612	1 742	33
"the former Yugoslav Republic of Macedonia"	29	14	130
Germany	900	1 373	1 986
Greece	190	156	3 423
Hungary	316	4	815
Iceland		< 1	
Ireland	2	642	1 640
Italy	1 251	2 316	11 663
Latvia			
Liechtenstein	8	< 1	25
Lithuania			
Luxembourg	6	16	25
Malta	2		7 217
Moldova			
Netherlands	360	8 067	93 620

²⁶ These are provisional statistics. Sources: "European heroin scene. Balkans - the focus 1996-1997", International Criminal Police Organisation-Interpol, Lyons, 1997, "Cannabis trends in Europe 1996", International Criminal Police Organisation-Interpol, Lyons, March 1997, "1996 European cocaine situation report", International Criminal Police Organisation-Interpol, Lyons, 1997.

Member States	Heroin	Cocaine	Cannabis
Norway	74	33	711
Poland	37	25	2 808
Portugal	47	673	5 360
Romania	112	4	4 535
Russian Federation	14	74	1 822
San Marino			
Slovakia	11		15
Slovenia	18	1	40
Spain	533	13 743	256 562
Sweden	26	20	258
Switzerland	405	256	4 236
Turkey	4 422	7	18
Ukraine		< 1	
United Kingdom	780	1 157	77 000

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