

Mafiaround

Fighting Italian mafias outside of Italy

A Conceptual Report for:

MAFIAROUND: The fight against Italian mafias beyond Italy
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RUSI, 61 Whitehall, London, SW1A 2ET

In partnership with the University of Essex and sponsored by the Impact Acceleration Fund – Economic and Social Research Council UK – with the support of the Italian Embassy, Attaché of the Fiscal Police Office and the Strategic Hub for Organised Crime Research at the Royal United Services Institute for Defence and Security Studies (RUSI) - Strategic Hub for Organised Crime Research.

Summary

- In London, on the 29th and 30th November 2018, thanks to funding awarded to Dr Anna Sergi (Senior Lecturer in Criminology, University of Essex) by the Economic and Social Research Council (Impact Acceleration Fund), the University of Essex, together with the Royal United Services Institute (RUSI), Strategic Hub for Organised Crime, and the Attaché of the Guardia di Finanza within the Italian Embassy in London, has organised a workshop for law enforcement to discuss the state of knowledge and the challenges of fighting Italian mafias abroad. Represented were the following countries: Italy, Australia, Canada, USA, Germany, Netherlands, United Kingdom¹.
- Italian mafias, including clans of the Calabrian 'ndrangheta, the Sicilian cosa nostra and the Neapolitan camorra, are present within and outside of Europe where they are associated to a number of criminal activities, mainly drug trafficking as well as legal investments across a number of sectors (e.g. construction and food services).
- In addition to the Italian Antimafia capacities, specialist Antimafia units have been established in countries including, but not limited to, Canada, the United States of America, Germany, the Netherlands, Austria etc. Regional institutions like Europol and Eurojust are taking the lead in coordinating activities across these units, especially in Europe.
- The main challenge in the fight against Italian mafias abroad remains the difficulty to differentiate mafias from other organised crime networks, as groups with specific norms, traditions, rituals and sets of behaviours that criminal law in many countries struggles to target in a single offence.
- Awareness of what mafias are and how they manifest in non-traditional territories is increasing and will bring to more effective policing based on cross-border cooperation as well as increased national attention to the phenomenon.

¹ Delegates were from the following institutions: Guardia di Finanza, Italy; Direzione Distrettuale Antimafia Reggio Calabria, Italy; Federal Bureau of Investigation, New York City, USA; Australian Federal Police, Melbourne, Australia; Royal Canadian Mounted Police, Toronto, Canada; Her Majesty's Revenue and Customs, UK; Liaison Offices in the National Crime Agency, UK; Liaison Offices in Europol; Voorziening Anti-Maffia (VAM), the Netherlands; Polizeipräsidium Duisburg, Germany; Landeskriminalamt, Nordrhein-Westfalen, Germany. Academic participation, apart from the University of Essex, was from Columbia University, USA; University of Turin, Italy; Transcrime, Catholic University of Milan, Italy; University of Bath, UK; Partnership for Conflict, Crime & Security (PaCCS), UK.

Context

On the 5th of December 2018 90 people were arrested in a series of operations targeting suspected mafia members, belonging to clans of the Calabrian 'ndrangheta, across Europe and in Suriname, South America. In Europe, raids - under the codename Operation Pollino - took place in Italy, Germany, Netherlands and Belgium and charges included international drugs trafficking, mafia association and conspiracy, money laundering and real estate fraud.

This was not the first time that anti-mafia raids took place in Europe, thanks to partnerships between Europol and national police forces in different states: Operation Stige, for example, in January 2018, had already led to the arrest of 170 people between Italy and Germany thanks to fruitful international cooperation across Europe. However, Operation Pollino is the first of its kind; not only it involved different countries in Europe –Dutch, Italian, German and Belgian police forces were involved – but also showed the essential nature of the fight against mafias and organised crime networks today, one that cannot dismiss international cooperation under coordinating institutions such as Europol and Eurojust.

This operation stands out also because it confirms, once again, the supremacy of Calabrian 'ndrangheta clans in the cocaine market in Europe, as well as their capacity to infiltrate sectors of the legal economy also outside of Italy. The 'ndrangheta remains the prime focus of law enforcement operations both in Italy and abroad, notwithstanding the ability of other Italian mafia clans - linked to Sicilian cosa nostra, the Neapolitan camorra and other criminal networks from the Apulian region – to exploit business opportunities outside of the country as well.

That the 'ndrangheta is the mafia phenomenon that attracts most of the attention in investigations cross-borders is also confirmed by operations outside of Europe too. In fact, Australia, Canada and more recently the United States, have not only started to investigate the presence of the Calabrian clans in their territories, but also realised that the fight against mafias is one that involves cooperation at all levels.

Institutional focus

Italian mafias, especially but not only the Calabrian 'ndrangheta, are mobile and flourish outside of Italy. This mobility leads to different states now being committed to antimafia strategies, with mixed results. Three main concerns can be identified in the fight against Italian mafias in Europe and outside of Europe: prohibited drugs, illicit capitals and movement of fugitives.

First and foremost, the fight against mafias remains the fight against prohibited drugs, especially (but not only) cocaine, which is considered the main revenue of the 'ndrangheta clans. In Europe, the role of Europol has been crucial in aligning anti-drugs operations with anti-mafia ones. On the 28th of November 2018, in fact, Europol announced a new operational network, which is composed of Italy (Investigative Antimafia Directorate, DIA, as a driver), Belgium (Federal Police), France (National Police and Gendarmerie Nationale), Germany (Federal Criminal Police Office), the Netherlands (National Police) and Spain (National Police and Guardia Civil). This echoes the scope of already existing bodies, such as MAOC, Maritime Analysis and Operations Centre (Narcotics), which collects intelligence on drug trafficking

across European channels since 2007. In fact, when it comes to drug trafficking, especially cocaine, the main European ports – Genova, Antwerp, Rotterdam, Gioia Tauro, Valencia, Barcelona, Lisbon - are all vulnerable to Italian mafias' penetration as different operations in the past decade have shown. It can be concluded that protection of the shores and of water or air entry points is a fundamental vulnerability concern.

The fight against drug trafficking is paired with the fight against illegal capitals and money laundering. In Operation Pollino, for example, Dutch authorities started the investigation after noticing money laundering operations in Italian restaurants and ice cream parlours in the southern Netherlands that had criminal links with Germany and Calabria, home of the 'ndrangheta clans. Family-based networks, typical of the 'ndrangheta clans, were tracked across Europe, with cocaine being trafficked in the ports of Rotterdam and Antwerp.

The identification of illegal capitals is not always linked to drugs, but can be linked to a range of other illegal activities. This is, for example, why in the Netherlands an investigation on the presence of Italian mafias in the country, codenamed 'CercaTrova' (2012-2015) relied heavily on tax authorities to detect activities of suspected 'latitanti' (fugitives) hiding in different towns and often investing in businesses and infrastructures across the country.

Indeed, investigations into money trails can take different directions. For example, in Project Briscola in late 2017, Toronto Police uncovered a criminal enterprise that fraudulently obtained more than \$11.5 million from 16 leasing companies. In this operation, a prominent member of the Canadian/Calabrian mafia was charged with possession of proceeds of crime that were expected to be reinvested in other criminal activities, such as drugs, or legally poured in the family's other (clean) businesses, in construction and in restaurants mainly. Even though charges were dropped afterwards, this investigation, when read in combination with other intelligence analysis run by the RCMP in Toronto, reveals the level of penetration – quite deep – of Calabrian clans in economic sectors across Eastern Canada.

Certainly retrieving (confiscating) proceeds of crime laundered through different channels and across borders, remains the number one priority together with the disruption of drug trafficking networks. Particularly illuminating for law enforcement in 12 different states was Operation Galassia coordinated by Italian authorities in Reggio Calabria, Catania (Sicily) and Bari (Puglia). This operation uncovered groups that had made deals with businesses in the online betting sector, through which they recycled large sums of money through illegal parallel circuits on the betting platforms in exchange for promotion and protection. The sting was carried out in November 2018 with the help of Eurojust as well as police in Britain, the Netherlands, Serbia and Switzerland. Goods and cash were seized in 12 countries: Albania, Austria, Britain, Germany, the Isle of Man, Italy, Luxembourg, Malta, Romania, Serbia, the Seychelles and Switzerland. Among the seized assets were luxury apartments and even a football team for a total value of over one billion euros. This operation showed how difficult confiscation is when it happens cross border in complex criminal cases. It also pointed out to legal asymmetries in criminal procedure across states but, as criminal wealth is mobile as criminal groups, specialised task forces across national law enforcement agencies had to be able to work within common frameworks and towards common goals.

Approaches and challenges

The first set of problems in the fight against mafia groups is the comprehension of differences between mafia and a general concept of organised crime. Ethnicity alone is not a reliable indicator of mafia presence. Various investigations in and outside of Europe, especially those involving the drug trade and money laundering operations, have identified that the very few members of those networks later on identified as Italian mafia networks are indeed Italian, as in Italy as abroad. In the abovementioned Operation Rebuffo, for example, the network involved stable cooperation between individuals of Albanian nationality and Italian individuals, not simply Calabrian. This was secondary to the fact that the cocaine importation in Genoa had been orchestrated thanks to a 'ndrangheta clan's money and arrangements from the Calabrian region. In Operation Pollino too, the diverse ethnicity and nationality of those arrested across Europe does not deny the fact that behind the large trafficking of cocaine and the money laundering operations through restaurants and ice cream parlour was 'ndrangheta money. The difference is in the core of the networks: some individuals, usually those exposed the most, are disposable, and of hybrid nationalities and ethnicities, while the networks behind them, those organising the operation and investing the cash, remain as hidden and detached as possible while trying to legitimise their face. What is visible to the authorities might not be the full account of the criminal network. With Italian mafias, especially with the Calabrian 'ndrangheta, law enforcement agencies have learned that the visibility of criminality is often not be the full story, but nevertheless it remains what sparks criminal investigations.

All countries seem to struggle to understand where exactly mafia networks emerge as something more or different than criminal networks and organised crime groups. This is not only a problem for investigators, but primarily a problem for prosecution. Criminal law in many countries does not operate a distinction between mafias and organised crime groups, thus essentially denying any value – for the purposes of the law – of such a differentiation. As said, and usually pointed out by Italian authorities, investigations abroad usually capture drug trafficking networks, at times connected to operations for the reinvestments of the proceeds of crime. In these cases charges of drug trafficking or money laundering are more likely to be successful across states thanks to joint task forces across national police forces. For example, a joint operation between the American FBI, Homeland Security and the Italian Antimafia forces in Operation Columbus (2015) targeted a cocaine trafficking network operating between Italy and New York in the hands of a 'ndrangheta clan. Thanks to this joint operation, both states have obtained important results but in separate trials. New York Eastern District Court in USA vs Gigliotti et al saw the conviction of the American side of the network in June 2016, while in Italy, Calabrian court in Palmi convicted the five individuals involved in late 2017.

However, as many Italian mafias are polycrime groups, it is not unusual to launch investigations into a suspected criminal activity and then discover other types of crimes committed by the same group. This is for example what happens when a group engaging in drug trafficking, money laundering, murder and/or extortion (serious crimes) is also found to have political connections and thus engaging in political corruption or electoral fraud. This seems to be a lot more complicated to police and prosecute for essentially two reasons. First, not all states have the possibility to join investigations into such diverse areas of criminality, from extortion to murder to drug trafficking to financial crimes and to political corruption. In

many states, for example in Australia, the Australian Federal Police (AFP) which is in charge of large scale drug trafficking operations and cross-state investigations, cannot investigate political corruption and has to defer suspicious links to the Crime Commissions of the different states or other federal authorities. The result is often a split effort that neglects the real nature of the offending. A second set of problems relates to prosecutions. Polycrime groups are more likely to be hit by charges of unlawful association or criminal conspiracy, to absorb the various activities within the criminal nature contested to the group as a whole. Legal asymmetries in this case are huge and severely affect the possibility for a successful operation to end with meaningful sentences. For example, only Italy and the United States have an offence that allows to target mafia associations or mafia enterprises by charging their patterns of criminal activities. On the contrary, other states usually uphold offences of organised crime based on group participation in criminal activities. In the first scenario, prosecutions can be all encompassing of the polycrime activity of mafia clans, in the latter case, instead, a choice is usually made of targeting the criminal activities that carry more evidence and therefore can be successful indictments in court. A promising avenue is a recent development in Canada. In March and April 2018, a court in Toronto held the trial for Project Ophoenix, run under the lead of the Royal Canadian Mounted Police (RCMP) together with local forces in the York region and in Ontario. Since 2015, project OPhoenix targeted 'ndrangheta clans in the Greater Toronto Area (GTA) in a unique operation that led to the arrest and then conviction of apical members of the clans. Interestingly, for the first time outside of Italy, the 'ndrangheta has been targeted as an organised crime group since the offence of criminal organisation came into effect in Canada in 1997. This essentially means that from now on charges can be brought forward against individuals belonging to the 'ndrangheta as a recognised criminal group.

Far from this recognition remains Australia. On one side, research has shown how Australia has a concerning mafia presence ranging from drug trafficking to murder to political corruption; on the other side, even though the AFP does a very thorough job in mapping clans and their interactions and criminal activities in the territory, prosecution struggles to target the whole range of activities due to a faulty criminal law system that only allows unlawful associations to be prosecuted when previously proscribed criminal. Nevertheless, that law enforcement in the country is becoming more and more aware of presence, threats and activities linked to Australian/Italian groups, is demonstrated by the establishment of a liaison officer in Europol, who helps coordinating activities between continents, as well as by growing awareness across law enforcement agencies, including state police and crime commissions, and different types of courts (civil as well as administrative tribunals) when it comes to 'ndrangheta membership and characteristics in Australia.

Towards increased awareness

That Italian mafias today are a priority for law enforcement in different countries is becoming clearer and clearer, especially in the common fight against clans of the Calabrian 'ndrangheta that appear to be able to reproduce structures similar to the original ones abroad, with their rituals and their modus operandi applied in different locations. In view of the peculiarity of these clans - the distance of those in apical roles in the clans from the criminal activities and the importance of clans' socio-cultural traits to understand individual and social

behaviours - countries have established intelligence task forces to better build on the awareness of how these groups operate. Intelligence analysts in different countries (such as Canada or the US) are tasked to build and update profiles not just on Italian mafias, but on regional differences across Italian mafias (clans from Sicily, from Calabria, from other regions) and their diverse traditions and norms. In Europe, specialised units in Germany, the Netherlands, Spain, Austria, Belgium and France have been set up in the past couple of years to support this specialist knowledge and interact faster and better with international partners in coordinated activities cross borders, usually with the support of Europol and Eurojust. Strategies and protocols to recognise and investigate Italian mafias are the next step for different police forces and special units. For example, authorities in Germany and Canada, who have a long history of mafia presence, have been developing sets of indicators that, when combined or cumulated, point agents in the direction of a mafia investigation. These includes an individual's conviction for mafia offence in Italy, the indications of a pentito in Italy or elsewhere, the place of origin as a dense mafia place of one or more individual, and also the commission of a typical mafia offence (according to Italian laws) such as racketeering, extortion, and intimidation for the purposes of generating fear and omertà in others.

Italian mafias are qualified types of organised crime groups that not only seek profit, as every organised crime group does, but also power. It is not uncommon for these groups to establish, or seek to establish, tight links with local politicians, or administrators who can then become influential assets for more lucrative business, legally or illegally. Fighting such groups, therefore, requires a whole-of-government and cross-border approach that does not just look at the criminal side of mafias, but also at their social impact, at their corruptive methods, at their political abilities and at the grey areas – made of contacts with institutions and professions – that enable their activities and foster their growth. The fight against the grey areas of mafia enablers through systemic and high-level corruption is going to be the next challenge for antimafia strategies worldwide.

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