

The development of organized crime in Italy and its impact on Transnational Crime.

Organized crime has always been a serious issue in almost every country all over the world. But Italian organized crime is the “One” known by most, to the point that the term ‘Mafia’ is now understood across the globe as referring to the organized criminal underworld.

In my work I tried to show an evolution of the best know Italian organized crime groups (Mafia, Sacra Corona Unita, Camorra ‘Ndrangheta) from “mobsters” collecting “Pizzo” (extortion) of honest men - as shown in the film of Francis Ford Coppola “The God Father”, through entrepreneurs participating in Italian public procurement auctions and owners of not 100% legal limited liability companies, to finally international businessman participating in an international organized crime groups dealing with money laundering, corruption, economical crime, human traffic, exotic animal traffic and many other. I also tried to show the evolution of an organization member, from the fusty uneducated proud of his membership in an organized group full of despise for people even just knowing how to write, to an intelligent well educated entrepreneur often a member of a political party that works hard to keep his secret life well hidden.

The literature about the Italian organized crime is abundant. The “Mafiosi” have been described, analyzed and explained making everybody familiar with Italian organized crime. My work is much different from everything written so far. It is based on materials collected from the University of Catania, Italian Embassy of Warsaw, Italian Institute of Culture, Italian Ministry of the Interior and on interviews with convicts found guilty of organized crime. It defines the recent organized crime as the planned project to gain belongings of great value as well as high profit with minimum risk. Today legal companies are being used for the purpose of money laundering, all types of economic crimes, smuggling and worst of all - human trafficking. The work focuses on international groups run by Italians. I have proved that groups run by Italians were among all, the best organized and with a potential to adapt to a variety of different legal conditions.

But what is transnational organized crime?

By the year 2000 there was no such definition and countries had to deal with organized crime on their own. The United Nations Convention against Transnational Organized Crime, adopted by General Assembly resolution 55/25 of 15 November 2000, is the main international instrument in the fight against transnational organized crime. Even though it was signed by a broad number of states it does not contain a precise definition of organized crime. This lack of definition was intended to allow for a broader applicability of the Organized Crime Convention to new types of crime that emerge constantly as global, regional and local conditions changing over time.

There is though a definition of a organized criminal group. It is a group of three or more persons that was not randomly formed, existing for a certain period of time acting in concert with the aim of committing at least one crime punishable by at least four year's incarceration in order to obtain, directly or indirectly, a financial or other material benefit. As the convention held place in Palermo the definition is a copy of the art 416 bis of the Italian Penal Code.

Italian Mafia sometimes used to be run from inside the prison. Mafia lords used to commit crimes punishable by maximum 2-3 years of incarceration. Then they could run the organization by giving orders during visiting hours. For that reason Italians introduced art 41 of the Italian Penal Code. It states that people convicted of rug-trafficking; homicide; aggravated robbery and extortion; kidnapping; importation, buying, possession or cession of huge amounts of drugs; and crimes committed for terrorism or for subversion of the constitutional system may be treated as a threat to the society and be held with extra caution. They are banned on:

- 1.the use of the telephone;
2. interaction in any way with any other prisoners;
3. meeting with third party members during the visitation;
4. receiving parcels;
5. organizing cultural, recreational or sporting activities;
6. voting or standing in elections for prisoner representatives;
7. taking part in arts-and-crafts activities,

Even with such sever laws Italian criminal groups remain active. The one that is considered the most dangerous is the 'Ndrangheta. It is a Calabrian organization that holds a dominant position in the cocaine market in Europe, and is involved in many other criminal fields, including weapon trafficking, fraud, corruption, intimidation and environmental crime. The clever use of the legitimate businesses structures created by the Clans permits them to hide the criminal nature of their profits and, combined with corruption to infiltrate the economic and political environments in which they operate. According to the studies of Interpol 'Ndrangheta besides Italy remains active in Spain, France, the Netherlands, Germany, Switzerland and Eastern Europe. It is powerful in Canada, the United States and Australia as well.

In my work I have shown that the Polish legal system may learn from the Italian legal solutions and may benefit from a closer cooperation. Many investigations are successfully conducted in Italy against Mafias every year. Many of them contain links to groups, clans, fugitives, straw men, professionals and companies located abroad. These links should be systematically exploited in a coordinated way through Europol's dedicated projects.