STUDENTS JOURNAL ON TRANSNATIONAL ORGANIZED CRIME

FACULTY OF LAW
UNIVERSITY OF TRENTO

Introduction and Acknowledgments

Gabriele Baratto

It is with great pleasure that I present the first volume of the *Students Journal on Transnational Organized Crime*, developed within the framework of the course *Transnational Organized Crime* offered at the Faculty of Law of the University of Trento (Bachelor's Degree in Comparative, European and International Legal Studies).

The course is designed to provide students with the knowledge and tools needed to:

1. understand the key concepts related to transnational organized crime, specifically: identify the main transnational criminal organizations and understand their structure (highlighting similarities and differences); analyze the transnational activities they are primarily engaged in; apply criminological theories to explain transnational organized crime; understand the functioning of prevention and enforcement tools and institutions;

2. apply the acquired knowledge to interpret the scientific literature and sources related to transnational organized crime, and evaluate recent trends in transnational organized crime;

3. independently develop criminological analyses on the topic and present them both in written and oral form.

As part of the course, attending students selected a topic of interest and developed a short academic paper. The writing process included the submission of a first draft, followed by a double-blind peer-review phase, and the preparation of a final version of the paper accompanied by a rebuttal letter. These papers were then presented during the first *Transnational Organized Crime Student Conference*, held at the Faculty of Law of the University of Trento on 20–21 May 2025.

A few acknowledgements are in order, and while not in hierarchical order, they are all heartfelt.

First, I wish to thank the team at FormID – Teaching and Learning Center of the University of Trento – for their unwavering support in promoting innovative teaching practices, which inspired the very design and structure of the course *Transnational Organized Crime*. Without their pedagogical guidance, this course simply would not have been possible. Furthermore, their financial support, awarded through the Didactic Innovation Project (Call for Proposals, Second Semester 2024/25 – First Semester 2025/26), made it possible to organize the final conference.

Second, I extend my sincere thanks to the Faculty of Law and its Dean, for their openness and constant encouragement toward new teaching approaches. Their support has been invaluable in integrating this course into the academic offering.

Third, I warmly thank the CSSC – Centre for Security and Crime Sciences of the University of Trento and the University of Verona – for the opportunity to publish this journal online. Their interest in supporting student-led academic initiatives provides meaningful visibility and further motivation to those engaging in research at the undergraduate level.

Lastly, and most importantly, my heartfelt thanks go to all the students who participated in this first edition of the course. I am grateful for the seriousness with which they engaged in the activities, for their encouraging feedback, and for the critical (but always constructive) comments that will help improve future editions. I especially appreciate the patience they showed toward the inevitable imperfections of any first-time initiative.

Table of Contents

NARCO-BUSINESS AND CAMORRA - THE CASE OF RAFFAELE IMPERIALE 7
Flavia Balletta

THE ROLE OF DARKNET IN GLOBAL DRUG TRAFFICKING 11
Chiara Belfiore

TECHNOLOGY'S ROLE IN EMPOWERING TRANSNATIONAL ORGANIZED CRIME 15
Alice Bertoni

THE PALERMO CONVENTION VS EU FRAMEWORK DECISION AGAINST TRANSNATIONAL ORGANIZED CRIME - ARE THEY ACTUALLY EFFECTIVE? 19
Aurora Boscolo

"A CITY IN THE HANDS OF THE MAFIA" - THE ROLE OF POLITICS AND ORGANIZED CRIME IN THE SACK OF PALERMO 23
Sara Maria Caviglia

TRANSNATIONAL ORGANIZED CRIME PREVENTION - KEY PRINCIPLES IN PLANNING STRATEGIES AND THE CASE OF THE EUROPEAN UNION 27
Anita Compagnoni

THE "PIZZA CONNECTION" BETWEEN PALERMO AND NEW YORK - ITALY AND THE U.S. AGAINST "COSA NOSTRA" 31
Clara Cordasco

TACKLING HUMAN TRAFFICKING AT THE U.S.-MEXICO BORDER - LEGAL FRAMEWORKS AND THE NEED FOR ENHANCED COOPERATION 35
Giulia Crestani

SEX TRAFFICKING FROM NIGERIA TO ITALY - A CYCLE OF VIOLENCE 41
Giulia Claudia Cuozzo

LATIN AMERICAN DRUG-TRAFFICKING AND ITS IMPACT - ANALYSING THE IMPACT FROM LATIN AMERICAN DRUG-TRAFFICKING ON ITS COMMUNITIE 47
Hannah Da'Val

ANALYZING THE INTERSECTION OF ORGANIZED CRIME AND FOOTBALL HOOLIGANISM IN POLAND 51
Mateusz Doniec

CHINESE MAFIA AND ITS ROLE IN HUMAN TRAFFICKING - A RESEARCH ON CHILD TRAFFICKING IN THE CHINESE PROVINCES AND THE GOVERNMENT RESPONSE 55
Vittoria Dragoni

CYBERCRIME AND CRYPTOCURRENCIES - HOW DO CRYPTOCURRENCIES ENABLE CYBERCRIME? 59
Greta Ferrante

CRIMINAL ACTIVITIES ALONG THE BALKAN ROUTE - THE ROLE OF ALBANIAN MAFIA AND THE BALKAN SITUATION 63
Francesco Furlan

ILLICIT ARMS TRAFFICKING IN AFRICA - WHO FINANCES AFRICAN WARS? 67
Lara Giamberardino

DOMESTIC, SUPRANATIONAL AND INTERNATIONAL REGULATORY FRAMEWORK AGAINST MONEY LAUNDERING - ITALIAN MAFIA-TYPE ORGANISATIONS AS MODEL CASE 71
Arianna Giassi

TRANSNATIONAL GANGS AND THEIR INFLUENCE ON GLOBAL CRIME 75
Cristina Gordillo Castaño

THE ROLE OF CRIMINAL ORGANIZATIONS ON THE BALKAN ROUTE - HOW CRIMINAL ORGANIZATIONS USED THE POLITICAL INSTABILITY IN BALKAN STATES TO EXPLOIT MIGRANTS 79
Lorenzo Grotto

RUSSIAN CYBERCRIMINAL GROUPS - RANSOMWARE ATTACKS AND THEIR LINKS TO THE RUSSIAN STATE 83
Jakob Koerner

CRIMINAL PARTNERSHIPS - THE INTERNATIONAL COCAINE TRAFFICKING NETWORK TOWARD EUROPE 89
Martina Lain

CHINESE TRIADS IN THE GLOBAL ERA - FROM BLOOD OATHS TO TRANSNATIONAL CRIME 93
Nadia Lanero Lanero

"THIEVES IN LAW" AS A CRIMINAL SUBCULTURE - LEGAL CHALLENGES IN COMBATING RUSSIAN MAFIA HIERARCHIES 97
Alisa Liven

THE ROLE OF TRANSNATIONAL ORGANIZED CRIME IN THE GLOBAL TRADE OF ENDANGERED SPECIES - UNMASKING THE CRIMINAL NETWORKS THREATENING BIODIVERSITY AND GOVERNANCE 101
Valerio Lombardi

YAKUZA - A CRITICAL ANALYSIS OF JAPANESE UNDERWORLD 105
Gaia Mannato

POPULAR CULTURE AND THE PERCEPTION OF ORGANIZED CRIME 109
Samuel Markuš

UNDERCOVER TRUTHS - DONNIE BRASCO INFILTRATED THE MAFIA 113
Greta Migliore

THE ILLEGAL INTERCOUNTRY ADOPTION MARKET - TRENDS IN CHILD TRAFFICKING AND REGULATORY CHALLENGES 117
Lucia Milan

FOREIGN GOVERNMENTS LEVERAGING ORGANISED CRIME GROUPS FOR THEIR AGENDA - AN OVERVIEW 121
Justus Müller

HUMAN TRAFFICKING IN SOUTH ASIA AND SOUTHEAST ASIA 125
Eleonora Niccoli

WOMEN IN MALE-DOMINATED FIELDS - EXPLORING THE EFFECTS OF PATRIARCHY ON FEMALE OFFENDERS OF TRANSNATIONAL ORGANISED CRIME 129
Eunice Ayen Ondo

SCAFISTI - PART OF CRIMINAL ORGANIZED CRIME OR SCAPEGOATS? 135
Gaia Orlando

THE CRIME-TERROR NEXUS ORGANIZED CRIME, SECURITY, AND SURVEILLANCE 139
Anabel Osarume Osagiede

INTERNATIONAL EFFORTS TO COMBAT ILLICIT ARMS TRAFFICKING - A COMPARISON BETWEEN THE YUGOSLAV WARS AND THE RUSSO-UKRAINIAN WAR 143
Karl Joel Påhlman

GROOMED AND EXPLOITED - THE ROLE OF SOCIAL MEDIA IN RECRUITING AND EXPLOITING TRAFFICKING VICTIMS 147
Beatrice Pattaro

THE DIGITAL FRONTIER OF CRIME - HOW CHINESE TRIADS BUILT MYANMAR'S SCAM KINGDOMS 151
Margherita Pavan

EUROPE'S GATEWAY OF COCAINE - HISTORY OF GALICIAN DRUG LORDS AND HOW THEY MADE SPAIN THE MAIN ENTRANCE OF COLOMBIAN COCAINE 155
Martin Anton Perez Vicandi

THE GOOD, THE BAD AND THE DIRTY COP - BALTIMORE'S GUN TRACE TASK FORCE SCANDAL 159
Nicola Pesce

ORGANISED CRIMES AND CULTS - A COMPARATIVE ANALYSIS 163
Juna Pojani

ILLEGAL GOLD MINING IN AFRICA - ITS EFFECTS AND THE INVOLVEMENT OF UNCONVENTIONAL TRANSNATIONAL ORGANISATIONS 167
Eleonora Rambelli

A BRIEF EXCURSUS IN THE INDIAN ORGANIZED CRIME - ORIGINS, DEVELOPMENT AND MAIN ACTORS 171
Izzah Sajjad

FROM A UNIVERSITY CONFRATERNITY TO A NIGERIAN MAFIA-TYPE CRIMINAL ORGANIZATION - THE ORIGINS, THE STRUCTURE AND THE ACTIVITIES OF THE BLACK AXE 175
Martina Salvadore

UNDERSTANDING TRANSNATIONAL ENVIRONMENTAL CRIME AND CRIMINAL CONVERGENCE 179
Daria-Christiana Sava

ALBANIAN ORGANIZED CRIME - THE NEW MASTERS OF COCAINE TRAFFICKING 183
Elisa Lara Sbirnea

IS ORGANIZED CRIME STILL A MALE-CENTRIC WORLD 187
Sara Setten

WEB AND SNS, THE DIGITAL EVOLUTION OF ORGANIZED CRIMES - HOW THE DIGITALIZATION HAS VARIOUSLY AFFECTED MAFIA-STYLE ORGANIZATIONS 191
Giulia Sguotti

STATE-SANCTIONED ORGAN TRAFFICKING IN CHINA - A CASE OF TRANSNATIONAL ORGANIZED CRIME? 195
Rebecca Soncin

AI-GENERATED CSAM - A CRIME WITH NO VICTIMS AND NO PERPETRATORS 201
Marina Toffalori

SOLNTSEVSKAYA BRATVA AND SEMION MOGILEVICH - A SURVEY ON RUSSIAN ORGANIZED CRIME 205
Lucia Vecchi

COLOMBIAN ORGANISED CRIME - THE DEVELOPMENT AND THE IMPACT ON THE COUNTRY 209
Elisa Vesentini

MS-13 AND INTERSTATE CRIMINAL LAW - THE SECURITY AND JUSTICE DILEMMA 213
Francesca Visentin

RICO ACT - UNDERSTANDING THE STATUTE REGULATING ORGANIZED CRIME IN THE UNITED STATES 219
Manuela Zanella Lopes

Narco-Business and Camorra
The Case of Raffaele Imperiale

Flavia Balletta

Abstract — **The essay itself focuses on the functioning and the effects of drug-trafficking at international level, with particular attention to the contribution given by Camorra clans. In order to have a clear and precise understanding, the specific case of Raffaele Imperiale and his collaboration with the Amato-Pagano clan will be analyzed. Imperiale, who quickly became one of the most influential figures in the field, embodied in his life and actions all aspects typical of the functioning of the international drug market. From the very beginning of his career, Imperiale has proven himself to be careful with his connections, showing remarkable skills in creating and maintaining trust with his clients, rarely making a false step. With his arrest, a whole world of criminality and incredible wealth was uncovered, revealing his unbelievable story and providing entrance into this secret world.**

I. INTRODUCTION

Drug-trafficking is a type of crime often connected to organized groups, and in fact it appears to be one of the main sources of economic income for these organizations (Paoli, 2018). When dealing with this matter, though, it becomes essential to highlight its definition, often ambiguous. Academically, it refers to the middle segment of the drug supply chain, leaving out the production and retail part. Analyzing the legal framework, consisting in the most recent convention regarding this topic, the 1988 Convention against Illicit Affairs, it is actually possible to find a broader meaning of the word 'trafficking', not simply referring to the import/export but including numerous types of drug-related offences (Paoli, 2018).

It would be interesting to analyze drug-trafficking committed by members of Camorra clans and people in their circles, as they incorporate most aspects related to the drug market, and in particular the capability of managing to keep a strong control over their own territory (which is one of the main characteristics of Camorra clans) whilst organizing and overseeing the continuous flow of drugs coming from abroad (Allum, 2014).

This aspect of the activity actually brought issues in the past, in particular for the clan Di Lauro. As stated by Brancaccio in his article, it is important to highlight that "Paolo Di Lauro was the first to introduce a network model of business, active in drug dealing, later on repeated by other groups", and that the clan member Raffaele Amato was the one responsible for the import of drugs, coming from South America through Spain into Naples (Brancaccio, 2014). The matter is wide and complicated, but it is sufficient to state that, following internal problems, a group of members, led by the very same Amato, began to sell drugs independently and in secret. They became known as "Gli Scissionisti", or as the Amato-Pagano clan. This division caused a feud to begin, "la faida di Scampia". Needless to say, this brought all kinds of violence and death to the neighborhoods of Scampia and Secondigliano. As stated, the split within the clan was caused by internal issues, but it would be inaccurate to say that drugs didn't play a role: they brought high sums of money into the pockets of the Amato-Pagano clan, who then had the possibility to re-invest them into this ongoing conflict (De Crescenzo & Montanino, 2024).

It would be correct to affirm that Raffaele Imperiale, the one supplying the Amato-Pagano clan, basically chose the fate of the feud: without his supply (of both drugs and weapons), the Amato-Pagano clan would have not been able to survive this division. This is one of the many reasons why Raffaele Imperiale is the perfect individual to look at when analyzing drug-trafficking and drug-traffickers.

It would be accurate to analyze his full story, in order to have a complete understanding, but given the practical impossibility, it will have to be sufficient to present his character and highlight the most representative aspects of his criminal life.

II. THE FOUNDATIONS OF DRUG-TRAFFICKING

It should be understood, as a base for everything that is going to be said, that the traffic of drugs follows the formation of drug routes through certain regions. There can be of many kinds, and the reasons for their formation are numerous. One of the reasons why these routes are formed in a certain way is migration patterns (Paoli & Reuter, 2008), giving practical evidence of the exploitation of humanitarian crisis by organized criminal groups (Zvekic & Colletta, 2024). This explains why, after Camorra had gotten into the drug business in the 80s, it created and maintained work relations, mainly for the trafficking of heroine, with the OCGs coming from the Balkans, in particular from Montenegro, Albania and Serbia, following the waves of refugees caused by the Yugoslavian War (Zvekic & Colletta, 2024). The primary route exploited by the Amato-Pagano clan for the trafficking of cocaine goes from South America, where Camorra heavily collaborates with drug cartels, through Spain, being of strategic position, into Naples (Cocaine-Insights-1.Pdr, n.d.).

Another fundamental aspect that must be analyzed is intrinsic in the Camorra organization, namely the importance of territorial control. This is an important aspect of each and every clan, and it leads to the question of how a clan deals with the area abroad where certain activities are being carried out. As explained by many authors, such as Sciarrone and Gambetta, the concept of being in charge of their home territory is of incredible importance to traditional mafias. Camorra clans, specifically, are actually powerful once they have

© 2025 Flavia Balletta. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

"territorial seigniory", as defined by Santino. It makes it logical, then, that when Camorra clans move abroad, they do not try to control the new territory, but rather to use it as a way to infiltrate the new market and economy, and to take part in business activities, aiming always at financing their territory in Naples (Allum, 2014). This is not something that only happens in cases of drug-trafficking, but also regarding other sectors where Camorra is active; an example would be the criminal activity of producing counterfeited goods, perpetrated by the Secondigliano Alliance in Germany, or money laundering, carried out by the Polverino clan in Spain (Allum, 2014).

For the Amato-Pagano clan, their foreign territory, in this case Spain, played a double role. It was in fact home to a series of illegal activities, but also to many members of the clan itself. Amato, who already had important knowledge regarding this geographical area given the work that he had done on behalf of the Di Lauro clan, found Spain to be the perfect place to use as a sort of "refuge", to get safely away from the violence unleashed by the feud between the two clans. In Spain, the members of the clan not only had the possibility to hide out from the opposition and discuss war strategies, but also to be in constant control of the importation of weapons coming from Spain to Naples, where they were received by the members of the Scissionisti still in the city, to conduct the war. Moreover, it was the perfect place to reinvest the illegally made money, given the many connections made by the clan (Allum, 2014).

All of the information above will be of help when analyzing and understanding the decisions taken by the Amato-Pagano clan and, more importantly, by Raffaele Imperiale.

III. CONTEXTUALISING THE DYNAMICS WITHIN THE CITY AND IMPERIALE'S LIFE

Raffaele Imperiale, born in 1974 in Castellammare di Stabia, a town situated in Campania, near Naples, comes from a wealthy family. Ludovico Imperiale, Raffaele's father, had always worked in the construction industry, as an entrepreneur, with great success (De Crescenzo & Montanino, 2024).

I believe it is impossible to continue analyzing the situation and context of Imperiale's family without initiating an excursus regarding the condition of Campania throughout those years. In fact, among the many different areas in which Camorra had shown interest during its time, the construction sector can be found. Following the 1980's earthquake, billions of lire were invested by the State in this field, which was a driving force for the struggling southern economy. Unfortunately, this meant that all those working within this area had to deal with and work alongside Camorra clans, who had completely infiltrated this proficient economy sector, trying to gain as many procurements as possible (Barbagallo, 2014).

Having highlighted this aspect, it becomes more easily understandable how and why Imperiale's father created and maintained relations with certain Camorra members. This had an effect on Raffaele, as he began to idolize this type of life and its people.

At a young age, Imperiale saw in drugs the opportunity of a lifetime: he saw the potential that they hold, and he believed that he would have been able to exploit this occasion in order to gain entrance into the lifestyle that he had always admired. And he was not wrong at all: he immediately began selling to his closest friends, and it did not take him long to widen his circle of clients, reaching nearby towns and earning around 3 billion lire a day. What he did not understand, though, was that, at that time at least, Camorra was maintaining a certain honor code and to them it was a reason of pride not to let drugs into their territory, even if it meant renouncing a good portion of money. The Cesarano clan, the main of the area, had close relations with Ludovico Imperiale, and so they decided to only issue a warning: it was now time for Raffaele Imperiale to stop causing trouble and get away from their town. This will be the reason why Imperiale will then go to Amsterdam, staying with his half-brother (De Crescenzo & Montanino, 2024).

No one could have predicted that the path Imperiale was embarking on would have led him to indulge even more in his criminal tendencies and become the notorious drug trafficker that he is to this day. It would be accurate, now, to highlight the most illustrative and remarkable moments of his life, while keeping in mind that, from his days in Amsterdam until his arrest, Imperiale kept on moving between different places, mainly Spain, Dubai and Italy.

IV. THE POWERS OF CONNECTIONS

There is a specific event, representative of the criminal world of drugs and in particular of the success that Imperiale reached throughout his career, that happened in May 2017. It is the wedding of Daniel Kinahan, son of Christopher Kinahan, one of the most important drug traffickers and the boss of the most powerful organized criminal group of Ireland. The event was held in Dubai, specifically at the hotel Burj al-Arab. After the wedding, a picture started to circulate. The photo immortalized the bride and groom alongside the most worldwide famous drug-traffickers: Raffaele Imperiale, Ridouan Taghi, Richard Riquelme Vega, Edin Gačanin Tito (boss of the Tito and Dino clan). The only one missing was Martin Meech, commonly known as Billy, who had been killed two months prior. The picture was taken by undercover agents of the DEA (*Presadiretta 2024/25 - La mafia dei soldi - 13/10/2024 - Video*, n.d.). After all, it should not come as a surprise that Daniel Kinahan was being watched by the federal agency, given his profile. Likewise, it should not be surprising to see these criminals all together, and still this picture can be regarded as the perfect synthesis of the approach used by Imperiale and, evidently, by his colleagues. Raffaele worked hard ever since he was young and new to Amsterdam in order to create trust and maintain connections, and he made sure to collaborate with those just as powerful and resourceful as him, thus preventing potential conflicts over full market control.

It is important to state that Imperiale, throughout his criminal life, created many affiliations with extremely high-powered criminals. Given the impossibility to discuss the entirety of them, I believe it to be sufficient, in order to have a clear understanding of how this underground

criminal world works, to discuss the associations established among these four criminals.

Ridouan Taghi, one of the four notorious drug-traffickers, was the leader of the Mocro Mafia, an international organized crime organization mostly rooted in the Netherlands. The main characteristic of Taghi and his group was the extreme use of violence, used mainly to intimidate enemies and members he thought had become police informant. He caused the deaths of many citizens and perpetrated terror in the whole country (*Six-Year Dutch Trial Ends in Life Sentence for Cocaine Cartel Leader,* n.d.). Imperiale himself believed that his way of behaving was too extreme, especially for the drug-trafficking sector, where it is vital not to draw the police's attention. The two criminals met in Dubai, through their kids attending the same school, and this gave Imperiale the opportunity to establish and maintain a business relation with Taghi. Imperiale, who was extremely critical of his violent attitude, did not run into any problems during his many collaborations with Ridouan (De Crescenzo & Montanino, 2024).

The work relation with the Chilean Riquelme began in 2012, in a very peculiar way. Imperiale, in fact, warned him of a death warrant mandated by the criminals Billy (Martin Meech) and Scarface (Samir Bouyakhrichan). It later on turned out that the favor that the Neapolitan did for Riquelme became advantageous for Imperiale himself. Truth be told, the two did not collaborate until 2017, when Raffaele was facing a problematic situation. The drug-trafficker, while still staying in Dubai, had received in October 2016 an arrest warrant, for having procured and imported cocaine from Spain, the Netherland and other international areas and introduced in Italy, later on commercialized in Naples and provinces by criminal organizations, and for having gone into partnership with the clan Amato. As advised by his lawyer Maurizio Frizzi, Imperiale decided to admit his faults and hand over his goods, in order to receive a reduction in penalty. By the end of the trial, because of a series of procedural rules and errors, the drug-trafficker received a penalty of five years, ten months and twenty days of reclusion, which can be defined as a light sentence given the crimes committed. This was his occasion to go back to Italy and come clean once and for all, but there was one detail that could not be overlooked: within his organization, too many people were involved, mostly of which were related to him, who would have been left without support had the trafficking operations ceased, and so the final decision was to keep the company running. Now, Riquelme's role comes into play: to return the favour and to give Imperiale the opportunity to start working again, Rico gave him three hundred kgs of cocaine, telling him to pay once he was completely settled. This small favor will get Imperiale back into business (De Crescenzo & Montanino, 2024).

The last of the "fantastic four", nickname given to the four drug-traffickers by the press, is Tito, a Bosnian criminal that often collaborated with the others. Proofs of such collaborations were found once the secret software PCP (Pretty Good Privacy) was hacked into in October 2017 by a specialized task force. It did not take long for other secret software, such as EncroChat and Sky Ecc, to get hacked into as well, giving to the police a great number of proofs and showing in practice the interconnected world of drug-trafficking (De Crescenzo & Montanino, 2024).

V. ASTUTENESS AND CLEVERNESS

As stated previously, in 2016 Imperiale decided to hand over his goods to the police, in order to receive a more magnanimous sentence. Among the many goods, it is important to highlight the presence of two Van Gogh paintings, stolen in 2002 by two independent criminals and bought by Imperiale shortly after. This is a sui generis case, because the drug-trafficker, after having spent around 100 million euros for the artworks, decided to keep them hidden in a country house in Castellammare di Stabia. There are two main reasons why such decisions were taken. Firstly, it is believed that the pieces were meant to be used as a sort of guarantee for the South American drug-traffickers he often worked with. Moreover, the paintings stolen were notoriously famous and the theft itself drew considerable media attention, meaning that the one in possess would symbolically hold authority and power (Ceschi, 2019). This is one of the many aspects showing Imperiale's cleverness, and I would like to point out another one.

In this type of business, it is fundamental to be completely aware of the situation in different locations of import/export, or any possible new location. Having this type of astuteness is what eventually makes someone a drug lord. It can be said that Imperiale was completely in control of the different territories. In fact, in 2006, once he realized that Africa was a place with few controls, low prices for tangents and a series of other characteristics that essentially made it the perfect place for the transit of illegal goods, he established an operational headquarter in Abidjan (De Crescenzo & Montanino, 2024). In places like this, where corruption has infiltrated the justice apparatus, even a less sophisticated trafficker would be able to exploit the system and make good money, as long as they managed to establish connections. Cote d'Ivoire specifically, after being a major country for the transit of heroine, saw a short-lived decrease of this type of operations, unfortunately followed by a subsequent increase (UNODC, 2008). More importantly, though, around 2007/2008, Imperiale was quick to realize that the route had fallen under the DEA surveillance, and immediately mobilized himself and his circle in order to find new paths. This discretion, though, is not characteristic of all drug-traffickers, and others, like Scarface, made the decision to keep investing in the African route. This choice had later on caused trouble for Samir (De Crescenzo & Montanino, 2024).

VI. CONCLUSIONS

The main intention of the paper was to highlight the core dynamics of international drug-trafficking, which is something that cannot be done without devoting a few words to organized criminal groups, given the underlying connection. Imperiale was the perfect synthesis of the two worlds and, moreover, it is undeniable that he is someone who strategically surpassed many counterparts in the field. The influence of his upbringing on his criminal development is both logical and deeply concerning, and it

may be what led him to desire that type of life, but the achievement of said goal was simply the result of cleverness and business acumen, namely the capacity of exploiting the world of organized crime.

I believe that there is one aspect of the entire matter that deserves to be emphasized, and that is the balance of roles. Imperiale, as a drug-trafficker, holds a level of power that depends merely on the continuous request, which is unfortunately never lacking. It is a continuous flow of money, which renders traffickers like him economically powerful and gives them a pivotal role within the criminal organization. This financial strength ensures them a level of importance that is not so easily given to Camorra members, who must also deal with matters of hierarchies, internal/external conflicts and territorial control. To top it off, drug-traffickers often collaborate with numerous clans, securing several sources of income.

Overall, analyzing these affairs is merely a matter of realizing that organized criminal groups have infiltrated various sectors of society and governance, and that their activities are the result of internal issues often overlooked. As long as those structural issues remain unaddressed, the situation will not change. When dealing with these types of dynamics, it is not enough to pursue criminal accountability; the socio-economic conditions must be taken into account and dealt with and, unfortunately, until that happens, the situation at hand will not see any drastic improvements.

REFERENCES

Allum, F. (2014). Understanding criminal mobility: The case of the Neapolitan Camorra. *Journal of Modern Italian Studies*, *19*(5), 583–602. https://doi.org/10.1080/1354571X.2014.962257

Barbagallo, F. (2014). *Storia della camorra*. Gius.Laterza & Figli Spa.

Ceschi, G. (2019). Il ruolo della criminalità organizzata nel traffico illecito di opere d'arte. *Rivista di Studi e Ricerche sulla criminalità organizzata*, *5*(3), Article 3. https://doi.org/10.13130/cross-12561

Cocaine-insights-1.pdf. (n.d.). Retrieved 11 April 2025, from https://www.europol.europa.eu/cms/sites/default/files/documents/cocaine-insights-1.pdf

De Crescenzo, D & Montanino, T (2024). *Il Narcos. La storia di Raffaele Imperiale da Scampia a Dubai, dal contante alle criptovalute fino al mercato globale della cocaina.* PaperFirst.

Paoli, L. (2018). *What is the link between organized crime and drug trafficking?* https://doi.org/10.13140/RG.2.2.18035.43048

Paoli, L., & Reuter, P. (2008). Drug Trafficking and Ethnic Minorities in Western Europe. *European Journal of Criminology*, *5*(1), 13–37. https://doi.org/10.1177/1477370807084223

Presadiretta 2024/25—La mafia dei soldi—13/10/2024—Video. (n.d.). RaiPlay. Retrieved 8 April 2025, from https://www.raiplay.it/video/2024/10/La-mafia-dei-soldi---PresaDiretta---Puntata-del-13102024-6329efc6-8c51-41c9-aec2-4d511c4773b6.html

Six-year Dutch trial ends in life sentence for cocaine cartel leader. (n.d.). Retrieved 11 April 2025, from https://advance-lexis-com.ezp.biblio.unitn.it/document/?pdmfid=1519360&crid=24316dde-4ab3-4277-a837-dea0bb34f682&pddocfullpath=%2Fshared%2Fdocument%2Fnews%2Furn%3AcontentItem%3A6BF1-43P1-JBNF-W35Y-00000-00&pdcontentcomponentid=138620&pdteaserkey=sr0&pditab=allpods&ecomp=hc-yk&earg=sr0&prid=5589113f-2afc-4031-b723-791d38d9deb1

UNODC, N. (2008). Drug trafficking as a security threat in West Africa. *Vienna: UNODC*.

Zvekic, U. U., & Colletta, A. (2024). *Joint Master in Global Economic Governance and Public Affairs*.

The Role of Darknet in Global Drug Trafficking

Chiara Belfiore

Abstract — **This paper explores the world of darknet markets and their growing influence on global drug trafficking, as the development of technologies has introduced many legal and ethical issues. After a brief overview of the Internet and its hidden layers, it examines the main reasons behind the attractiveness of these markets both to buyers and sellers, and thus, on which digital tools they rely. Case studies, such as Silk Road and subsequent digital platforms, provide a better understanding about the resilience and dynamism of the overall darknet market system. Furthermore, the constant efforts made by law enforcement agencies are analysed, highlighting the points of strength and the challenges faced in operations aimed at shutting down these markets, and collecting more information about users and this dynamic reality.**

I. INTRODUCTION

The development of technologies has shaped the world over the last decades. It profoundly impacted our lives, offering answers to daily life issues and more complex challenges. However, all of these developments, particularly Internet, are double-sided coins, as the market digitalisation has laid the foundation for new avenues, in which it is possible to carry out illicit activities, especially drug trafficking, with a high level of anonymity and profits guaranteed. In the light of these developments, this paper examines how these online drug markets operate, attracting a broad and global user base, and the challenges faced by law enforcement to effectively respond to such expansion of drug trafficking.

II. INTERNET AND DARKNET

Firstly, it is essential to distinguish between the two layers that constitute Internet: the clear web and the deep web. The former can be considered as "the surface" of Internet, encompassing mostly licit activities. It is characterised by a high level of accessibility to any person who has an Internet connection, and the content available ranges from social networks to public pages and profiles.

Under this surface, there is the deep web. Contrary to common beliefs, the deep web usage is frequent in daily life, as it primarily deals with web mail, online banking services, private profiles and contents. The reason why the deep web is distinct from the clear web is the fact that its accessibility is more restricted, mainly due to privacy reasons; even though the vast majority of Internet connections take place here. Whereas the deep web offers a wide range of lawful uses as the clear web, it is also the host of darknets (United Nations Office On Drugs And Crime [UNODC], 2023).

Darknets are overlay networks which require specific configurations, authorizations and software to adopt, in order to guarantee anonymity and not be traced and caught by authorities (EMCDDA, 2016). Indeed, darknets are where most of the illicit activities are carried out, bringing together anonymous sellers and anonymous buyers, with a high degree of protection ensured (UNODC, 2020).

III. THE DIGITAL EVOLUTION OF DRUG TRAFFICKING

Historically, the drug market has always operated in physical spaces as it was the only available method. Nowadays the digitalisation of the market has shifted the focus toward the increasing use of online platforms – particularly in darknets – for drug trades (UNODC, 2020). The significant decentralisation provided by these online marketplaces makes law enforcement more challenging than ever; as it is shown by the UNODC World Drug Report 2024 (UNODC, 2024), which highlights that the estimated number of people who use drugs has reached 292 million, increasing by 20% over the past 10 years, with a strong probability that it is related to the expansion of darknet markets.

Online drug trafficking has gained traction due to its high degree of anonymity. According to the European Monitoring Centre For Drug And Drug Addiction (EMCDDA, 2016), although some aspects of drug markets, such as the production chain, still take place in the tangible world, the sense of security perceived by the consumer is much higher than in face-to-face encounters for drug transactions. Not only can the danger of being identified be effectively diminished, but also the physical threats associated with tangible drug dealing are all extinguished. The buyer's behaviour is driven by these factors, the promise of a discreet purchase with no legal repercussions due to easily accessible digital tools. Indeed, online anonymity is usually ensured by instruments such as The Onion Router (Tor), which is a browsing software able to obscure the IP address of a computer. Even though it was born to carry out US military operations, now it is widely known for its use in illegal activities.

The core of online drug sales takes place on the deep web, either within a marketplace or between individuals. Nowadays, researchers have shifted the focus toward cryptomarkets. Cryptomarkets have become so prominent for the same reason as that of online drug trafficking itself: anonymity. As a matter of fact, these markets facilitate the exchange of goods and services, and they are accessed through platforms such as Tor, combined with digital encrypted communication to enhance identity protection. The main characteristic of cryptomarkets is the fact that parties use cryptocurrencies - especially bitcoin - to perform transactions in order to further obscure their real identities. While bitcoin and other cryptocurrencies are not inherently anonymous and were originally created to ensure transparency and security, they can be anonymised through laundering mechanisms, such as the website "Bitcoin Fog", to make them suitable for darknet markets. Therefore, cryptomarkets can be defined as a mixture of digital tools – Tor, cryptocurrencies and encryption –

© 2025 Chiara Belfiore. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

which all aim at creating a decentralised and almost untraceable system (EMCDDA, 2016).

It is essential to emphasize that these tools should not be labelled solely as "illegal", since they were not originally designated to facilitate illegal activities, but to protect privacy and ensure secure communications. Nonetheless, they are an indispensable part of darknets and drug trafficking, as recent research has shown that one in four bitcoin users engage in illegal activities, with approximately $76 billion produced each year, which corresponds to 46% of bitcoin transactions (Foley, Karlsen, & Putnins, 2019).

Their legitimate uses imply that a complete ban would be time consuming and counterproductive, as the existing demand for illegal products would lead to find alternative solutions. Analysing the demand side and its tendencies, while raising awareness about drug risks, would be a more effective approach.

IV. A CASE STUDY: SILK ROAD

To fully understand how digital drug trafficking works in practice, Silk Road serves as a landmark example.

Silk Road was the first cryptomarket mainly dedicated to the sale of drugs, and it was run since February 2011 by Ross William Ulbricht, known as "Dread Pirate Roberts". In just three years, Ulbricht was capable to make Silk Road more and more popular, expanding the types of drugs available on this platform (Chawki, 2022), ranging from prescribed medicines to recreational drugs (EMCDDA, 2016).

The reason Silk Road became so attractive stems largely from the protection provided. Silk Road relied on bitcoin as trading currency and on Tor to conceal identities (Tsuchiya & Hiramoto, 2021). In addition, it applied a system of escrow to protect buyers; i.e., until the order is finalised, bitcoins are held in escrow, after which Silk Road gains a part of the bitcoin as commission while the seller received the rest of the amount, thus making profit (Chawki, 2022).

Furthermore, Silk Road, similarly to other darknet markets, resembled legal e-commerce platforms, such as eBay and Amazon. A wide range of products was advertised, consumers could search and compare different products, and they left feedback and ratings regarding both the product and the delivery (EMCDDA, 2016).. The system managed to operate steadily, with an estimated sellers' total revenue of over $1.2 million per month, which corresponds to $92.000 in commission per month for Silk Road operators (Christin, 2013). The FBI evaluated that this case was worth over 1 billion dollars (FBI, n.d.).

Every aspect of Silk Road was conceived to increase the perception of trust, both by sellers and buyers, as trust was one of the pillars for the smooth functioning of the system. Nonetheless, once Silk Road became popular, many competitors, hackers and scams undermined the trust built on reputation and the reliability of the overall platform. Eventually, Silk Road was closed by the Federal Bureau of Investigation (FBI) in 2013 due to under covered agents and cooperation between experts, and Ulbricht was arrested.

In the interview with Forbes in 2013, Ulbricht was positive about a "next phase of the site", because where there is a demand, there will always be a supply. Moreover, he expressed his opposition to governments, asserting that they undermine individual freedom by continuously implementing rules to control citizens' lives and violating privacy with ease. Therefore, Ulbricht stressed the need to implement end-to-end encryption and Tor as standard communication, adding "if Silk Road can play a role in this transition, I am more than happy to help" (Forbes, 2013).

V. THE RESILIENT AND DYNAMIC ECOSYSTEM OF DARKNET MARKETS

The termination of Silk Road did not discourage the creation of new digital markets to sell illicit products. On the contrary, other crypto markets were launched using similar anonymity and security measures.

In just few weeks, Silk Road 2.0 was opened by Blake Benthall, and rival marketplaces grew in size, such as Sheep, Agora and Alphabay. To contrast this growing phenomenon, the need to take immediate actions became fundamental. Law enforcement agencies had to quickly analyse the trends of darknet markets, in order to focus on the most critical vulnerabilities and adopt effective methods.

In November 2014, law enforcement in the United States and in Europe – FBI and Europol - responded to the growth of online illicit activities with Operation Onymous. Although this policing effort managed to take down large cryptomarkets such as Silk Road 2.0, Cloud 9 and Hydra, only the responsible behind Silk Road 2.0 and a relatively small number of vendors have been arrested (EMCDDA, 2016).

Also, despite these strong actions, users have not stopped to seek other available markets. Even shortly after this operation, their buying and selling habits didn't change at all and other cryptomarkets were opened to satisfy the demand. As a matter of fact, while darknet markets have a relatively short lifespan, the resilience of the overall system is almost undefeatable. The crash of one cryptomarket will still inevitably lead to the creation and growth of another one within weeks, with users migrating from a platform to another (Chawki, 2022).

Yet, Operation Onymous remains a crucial effort to consider for how it was executed. Law enforcement actors took advantage of identity protection measures, such as Tor, with undercover agents acting as administrators from the very beginning. This has clearly shown that the anonymity used by criminals to conceal their identities to engage in illicit drug sales, can be also leveraged by authorities as well (EMCDDA, 2016).

While Operation Onymous can be considered partially successful, the evolving nature of these markets required a more coordinate effort. Given that online drug trafficking allows to expand markets globally without boundaries, international cooperation between enforcement bodies becomes indispensable. This was demonstrated in 2017, when authorities succeeded in taking down Alphabay and Hansa, the largest criminal darknet markets at that time. This operation, known as "Operation Bayonet", was the result of a joint effort led by the FBI, the US Drug Enforcement Agencies (DEA) and the Dutch National Police, with the support of Europol. As with Operation Onymous, the execution of Operation Bayonet is still remarkable. It was developed in two major steps: first, the closure of Alphabay, which inevitably caused the migration of users to the other biggest market available, Hansa. However, authorities had foreseen such move, and when Alphabay was closed Dutch police was already running Hansa and monitoring its activities. This strategic

manoeuvre allowed them to gather valuable information about goods sold and users, before shutting down Hansa as well (Europol, 2017).

Despite the success of operations like Operation Bayonet, the termination of darknet market is still heavily influenced by internal mechanisms within the system itself. In the case of digital markets, exit scams are one of the reasons behind the closure of many important cryptomarkets, with administrator taking the bitcoin held in escrow and close the website to not be traced by vendors and customers. Gwern Branwen estimated that 43 new markets opened in 2014 and 46 closed mainly due to scams, usually operated by administrators, and external hacks. In fact, only six out of these closures can be attributed to enforcement efforts (EMCDDA, 2016).

For instance, Evolution and Agora were the biggest darknet markets after Silk Road, and they were not shut down by law enforcement, but as a result of internal decisions. In the case of Agora, it was a decision made by administrators who no longer considered Tor browser safe (Rawlinson, 2015). On the other hand, Evolution was closed due to an exit scam by its administrators, who disappeared with millions of dollars in users' bitcoins (Europol, 2018, p. 47).

However, after a short period of time both Evolution and Agora were replaced by other markets. In fact, the presence of such strong competition is also one of the key factors behind the resilience of darknets. Ulbricht himself, along with many economists, believed that competition is always a positive factor: when one of the markets crashes, others emerge almost immediately to catch its former users. So, even though law enforcement may take down the biggest markets, the void would be filled promptly, as it was demonstrated in the previous cases. The challenge lies in the predictability of the migration flow, as competent authorities must be able to always foresee the shift of users from one cryptomarket to another; a challenge further complicated by the anonymity measures enacted and the ongoing development of new technology.

VI. CONCLUSIONS

In conclusion, the evolution of Internet and the growth of darknets have revolutionised the path of drug trafficking. Innovations such as Tor, cryptocurrencies and encryption were initially created to serve legitimate purposes; but at the same time, they have enabled new and broader avenues for carrying out unlawful activities. As illustrated by Silk Road and subsequent cryptomarkets, the great decentralisation and mechanisms implemented - such as payments in escrow – allow digital markets to be attractive and trustworthy, despite their relatively short lifespan. Indeed, mainly due to exit scams and hack attacks, cryptomarkets close after just a few years. Nonetheless, the fierce competition immediately fills the gap left by the closure of one market, with users migrating from a platform to another, empowering the overall system to be resilient to any turn of events. In this scenario, law enforcement not only must trace down the transactions and profiles of vendors and buyers, but also predict the migration flow of users, as was done in Operation Bayonet. Authorities frequently take advantage from the very same instruments used by cybercriminals to execute operations successfully. Ultimately, international cooperation between agencies and a dynamic understanding of evolving technologies are vital to continuously attempt to narrow the scope of online drug trafficking.

REFERENCES

Chawki, Mohamed. (2022). The Dark Web and the future of illicit drug markets. Journal of Transportation Security, 15(1), 1-19. 10.1007/s12198-022-00252-y

Christin N. (2013). Traveling the silk road: a measurement analysis of a large anonymous online marketplace. In Proceedings of the 22nd international conference on World Wide Web (WWW '13) (pp. 213–224). Association for Computing Machinery, New York, NY, USA. https://dl.acm.org/doi/10.1145/2488388.2488408

European Monitoring Centre For Drugs And Drug Addiction. (2016). The internet and drug markets, EMCDDA Insights 21. Publications Office of the European Union, Luxembourg. https://eprints.soton.ac.uk/388522/1/TDXD16001ENN_FINAL.pdf

Europol. (2017, July 20). Massive blow to criminal Dark Web activities after globally coordinated operation. https://www.europol.europa.eu/media-press/newsroom/news/massive-blow-to-criminal-dark-web-activities-after-globally-coordinated-operation

Europol. (2018). Internet organised crime threat assessment (IOCTA) 2018. European Union Agency for Law Enforcement Cooperation. https://www.europol.europa.eu/cms/sites/default/files/documents/iocta2018.pdf

Federal Bureau of Investigation. (n.d.). Ross William Ulbricht's Laptop. https://www.fbi.gov/history/artifacts/ross-william-ulbrichts-laptop

Foley, Sean & Karlsen, Jonathan & Putnins, Talis. (2019). Sex, Drugs, and Bitcoin: How Much Illegal Activity Is Financed through Cryptocurrencies?. Review of Financial Studies. 32. 1798-1853. 10.1093/rfs/hhz015

Greenberg, A. (Aug 14, 2013). An Interview With A Digital Drug Lord: The Silk Road's Dread Pirate Roberts (Q&A) Forbes. https://www.forbes.com/sites/andygreenberg/2013/08/14/an-interview-with-a-digital-drug-lord-the-silk-roads-dread-pirate-roberts-qa/

Rawlinson, K. (2015, August 26). Dark web marketplace shuts down over security concerns. BBC News. https://www.bbc.com/news/technology-34062381

Tsuchiya, Yoichi & Hiramoto, Naoki. (2021). Dark web in the dark: Investigating when transactions take place on cryptomarkets. Forensic Science International: Digital Investigation. 36. 301093. 10.1016/j.fsidi.2020.301093

United Nations Office on Drugs and Crime. (2020). In focus: Trafficking over the Darknet – World Drug Report 2020. https://www.unodc.org/documents/Focus/WDR20_Booklet_4_Darknet_web.pdf

United Nations Office on Drugs and Crime. (2023). Use of the dark web and social media for drug supply - World Drug Report 2023. https://www.unodc.org/res/WDR-2023/WDR23_B3_CH7_darkweb.pdf

United Nations Office on Drugs and Crime. (2024). Special Points of Interest – World Drug Report 2024. https://www.unodc.org/documents/data-and-analysis/WDR_2024/WDR_2024_SPI.pdf

Technology's Role in Empowering Transnational Organized Crime

Alice Bertoni

Abstract — **This paper explores how advancements in technology have transformed transnational organized crime (TOC), giving rise to cybercrime as a major branch of crime. It explores how technology tools, such as cryptocurrencies, encrypted websites, and dark web platforms, have enabled criminal networks to expand their scope while staying hidden from the law. Cybercrime networks are now similar to traditional crime networks in structure but benefit from global reach and computer anonymity. It highlights key mechanisms, including money laundering through virtual currencies and dark web commerce for selling illicit goods and services. Law enforcement agencies face a lot of challenges like jurisdictional boundaries, limited technological resources, and outdated instruments of law. Despite efforts like international treaties and platform takedowns, online criminal networks are found to be resilient. The paper underlines the urgent necessity of stronger international collaboration and technologically innovative policies to effectively manage the evolving threat of cyber organized crime.**

I. INTRODUCTION

Transnational organized crime (TOC) is no longer confined to borders, as criminal networks move across continents, running complex operations, all for the purpose of money. What makes these groups especially dangerous is their ability to operate in the spaces between national laws and also exploiting legal gaps in international cooperation (Golubovskii et al., 2022). Technology has completely revolutionized the activities of these organized crime groups in the last few years. Encrypted messaging apps, cryptocurrencies, anonymity tools and encrypted networks have given TOC groups powerful new tools to hide their identities, move money, and manage their operations with precision and speed. The same technology that allows global businesses to grow, now allows criminals to conduct multi-jurisdictional enterprises easily (Rider, 2001).

This paper focuses on three main ways through which modern technology makes transnational crime possible: cybercrime, money laundering through cryptocurrency, and the use of dark web markets. These developments not only show how organized crime is adapting, but also reveal how vulnerable our digital systems are.

By examining how criminal groups exploit technology, this paper also looks at what that means for law enforcement today. In the online world, anonymity, encryption, and jurisdictional confusion make it harder than ever to track and stop these operations. Understanding how these groups operate online is the first step towards finding more effective ways to fight back (Tung, 2021).

© 2025 Alice Bertoni. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

II. THE RISE OF CYBERCRIME AS A MAJOR BRANCH OF ORGANIZED CRIME

Today, cybercrime is one of the biggest and most advanced branches of organized crime and refers to illegal activities performed by using digital technologies, like hacking, data theft, spreading malware, or stealing money through phishing scams. What was once the activity of lone hackers has now become a highly organized, global phenomenon. As digital tools have become more powerful, cybercriminals have learned to use them in ways that challenge traditional criminal networks (Shanti, 2020).

One of the signs of this evolution is how these groups are organized. Many of these cybercrime groups now conduct organized operations with well-defined roles, chains of command, and long-term plans like those of professional businesses. They have administrators, trusted members, and specialists in everything from writing malware to handling stolen data. Online forums where these groups are found often mirror real criminal hierarchies, as people being more reliable and skilled can acquire more power and respect. At the same time, the virtual world gives these groups some flexibility that traditional criminal organizations don't have. If a marketplace is shut down or a leader is arrested, the group can easily reconstitute under different names and continue operating. This makes them hard to track and even harder to eliminate completely (Shanti, 2020).

Being profitable and relatively risk-free is what makes cybercrime so tempting. With just a laptop and some digital skills, a cybercriminal can steal data, commit frauds, or infect thousands of devices. Attacks like these don't require large teams or violent behaviours, they just require skills, planning, and access to the right online spaces. Cybercriminals make money by selling stolen credit card details, private data, fake documents, illegal drugs, and even cyberattack services. These crimes are getting more advanced over time as cybercriminals learn to get around security measures (Shanti, 2020).

The rise of cryptocurrencies made things easier for these groups. Digital currencies help cybercriminals into hiding where money is going and who is behind it. With tools like mixers and anonymous wallets, criminals are able to move the illicit funds in ways that are almost impossible to trace. This makes it much easier to launder money and avoid detection by authorities. In this way it is possible to buy and sell almost everything on dark web marketplaces: from stolen data to illegal services, allowing organized cybercrime to operate globally (Rider, 2001).

Another important aspect to consider is the question of violence. Traditional organized crime is often associated with physical violence and coercion, but cybercrime works

differently. In fact most cybercriminals aren't interested in physical attacks, but the damage they can cause with their actions is still very real. Cyber-attacks like shutting down infrastructure, stealing private information, or spreading harmful propaganda can be said to be a "non-kinetic" form of violence (Shanti, 2020). These attacks might not leave visible wounds, but they can ruin economies, reputations, and even political institutions.

Overall, cybercrime has changed the way organized crime works in the modern world. These groups no longer depend on specific places or on physical force, allowing them to attack rapidly without being found. With such groups growing in sophistication, the boundaries between online world and reality become ever more unclear, leading the police and legislatures to reconsider how to respond to such crime.

III. THE USE OF CRYPTOCURRENCIES FOR MONEY LAUNDERING

Cryptocurrencies are used in many ways but have particularly two features that make them an innovative tool to use in money laundering: their availability worldwide and decentralized nature. As defined in Article 3(18) of the Fifth Anti-Money Laundering Directive (European Union, 2015), "virtual currencies means a digital representation of value that is not issued or guaranteed by a central bank or a public authority, is not necessarily attached to a legally established currency and does not possess a legal status of currency or money, but is accepted by natural or legal persons as a means of exchange and which can be transferred, stored and traded electronically".

Due to the anonymity they offer, they are really appealing to criminals having the need to move large sums of money across borders without detection, therefore their use on the dark web is increasing (Wronka, 2021). Unlike traditional currencies, which use financial institutions and central banks to verify and monitor transactions, cryptocurrencies are based on technologies like blockchain that allows users to operate without intermediaries by storing transactions in a decentralized way. Moreover, although Bitcoin transactions are publicly recorded, tracing users is still extremely difficult as often it is impossible to link a wallet address to a real individual (Albrecht et al., 2019).

These traits make cryptocurrencies ideal for laundering illicit funds acquired through activities such as drug trafficking, fraud, and corruption (Albrecht et al., 2019), especially when used in combination with darknet markets or in jurisdictions with weak regulatory controls (Wronka, 2021).

From the organization's perspective, which is committing money laundering, the primary goal is to channel funds that originate from illicit means into the legitimate economy such that they become 'clean' and are fit for investment or business transactions that support the criminal enterprise. Additionally, it enables the parties to make personal lifestyle expenditures with illegal revenues, without drawing suspicion (Albrecht et al., 2019).

The laundering process involving cryptocurrencies generally follows three stages: placement, layering, and integration. In the placement phase, illicit funds are exchanged for cryptocurrencies. This is commonly achieved using fake online stores or with the help of third parties, so-called financial agents, who open wallets on behalf of criminal networks (Wronka, 2021). During the layering phase, criminals which want to hide the source of their funds, use mixer or tumbler services that combine different transactions by mixing multiple transfers together (Wronka, 2021). Finally, in the integration phase, the cleaned cryptocurrencies are either converted back into fiat money or used to acquire legitimate assets, in this way the laundering cycle is completed (Wronka, 2021).

These steps take place without the involvement of financial institutions, meaning that there are no intermediaries to identify or report suspicious activity, as usually the exchange partner is found privately (Wronka, 2021). Because of this, transactions across borders, which do not require transport or regulatory approval, demand minimal effort as all that is needed is an internet connection, enabling criminals to transfer large sums of money instantly. One of the most frequently used techniques to facilitate money laundering under these conditions is tax evasion, which involves generating income beyond the reach of national tax authorities or transferring funds to 'tax havens' with little or no taxation. This practice has significantly undermined public revenue, costing governments billions in untaxed income. The emergence of cryptocurrency has further complicated this issue, effectively serving as a modern tax haven that enables even greater concealment of illicit financial flows (Albrecht et al., 2019).

The combination of these features makes cryptocurrency-based money laundering particularly challenging for law enforcement to detect and prosecute as investigations require technical expertise and resources (Wronka, 2021).

Understanding the vulnerabilities of virtual currencies is critical for developing effective prevention strategies. Without stronger international cooperation and regulatory tools, the abuse of cryptocurrency for money laundering will likely continue to grow in the years to come (Albrecht et al., 2019).

IV. DARK WEB MARKETS AND THEIR ROLE IN CYBERCRIME

The dark web is a hidden part of the internet which cannot be accessed through the normal Internet. Users rely on tools like TOR (The Onion Router), which directs internet traffic through layers of encrypted servers in order to hide identities and locations of users. While it has legitimate uses, such as providing safe communication for journalists and activists in repressive regimes, it is also a centre for criminality, especially drug trafficking and cybercrime (Chawki, 2022).

These marketplaces operate through two main structures: forums and online shops. What makes them so successful is how much they mirror regular web shops. Sellers advertise their products and services, then transactions are completed through private chats, in order to maintain high levels of security, and finally buyers leave their reviews (Liggett et al., 2020). Many of these markets use moderators in order to increase trust and

ensure quality control among buyers and sellers. Cybercrime-as-a-service (CaaS) also has emerged, allowing less technically skilled individuals to purchase pre-made malware or rent hacking. Bulletproof hosting services are also offered, giving criminals additional protection from law enforcement by hiding their activities and keeping them active if discovered (Liggett et al., 2020).

One of the most famous examples was Silk Road, launched in 2011 by Ross Ulbricht under the alias "Dread Pirate Roberts". Thanks to the use of Bitcoin, used to keep the sales anonymous, Silk Road recorded over one million transactions and generated an estimated $1.2 billion in revenue before it was shut down by the FBI in 2013 (Chawki, 2022). This was not the end of dark web markets as, just one month later, Silk Road 2.0 by Blake Benthall emerged. Although it was also eventually taken offline, the continuous reappearance of such platforms shows how cybercriminal groups are able to adapt quickly and the difficulties law enforcement agencies face in trying to take down these digital platforms (Chawki, 2022). Even the FBI and Europol admit that these takedowns only have short-term effects. And even while some countries have started updating their laws to respond to this new form of crime, many still lack the legal tools needed to investigate and prosecute these illicit platforms, especially when they originate cross borders (Chawki, 2022). Today, dark web marketplaces continue to facilitate the anonymous sale and distribution of a wide range of illegal products, mainly narcotics. As of 2020, approximately 15% of respondents to the Global Drug Survey (Fig.1) reported having purchased drugs through these online websites.

Fig.1 % Respondents reporting drug purchases from dark web Markets in the last 12 Months (GDS Core Research Team, 2021).

Drugs are often shipped through private or public postal services in hidden packages, with instructions for recovery sent only to the buyer.

The use of cryptocurrencies, which allow for secure and untraceable payments, has enabled criminal actors to conduct transactions without triggering financial monitoring systems, helping them to expand their markets (Chawki, 2022). In fact criminal organizations also exploit the dark web to sell malware, phishing kits, hacking tools and stolen data, such as credit card numbers, credentials and bank account information. (Liggett et al., 2020).

As a result these markets create cross-border criminal activities that are resilient, profitable, and difficult to fight. The takedown of major platforms may temporarily stop the services, but without harmonized international laws and efficient cooperation, dark web markets will continue to evolve, expanding their role in global illicit trade.

V. LAW ENFORCEMENT CHALLENGES AND COUNTERMEASURES

Both at international and national level, investigation of cybercrime has many problems, the majority of which are not similar to those faced by traditional criminal investigations. The most critical one, however, is that cybercrime is borderless, and therefore it is difficult to locate, track, and prosecute criminals who may be located anywhere in different jurisdictions. As opposed to conventional crimes in which the actor and crime location tend to share a common place, cybercrime can have perpetrators and victims based across different continents, requiring a strong intercontinental cooperation. Nevertheless, in most cases, such cooperation leads to challenging obstacles such as legal and jurisdictional constraints represented by inconstant laws, minimal evidence-sharing procedures, as well as territorial limitations in exercising authority by local agencies (Billow, 2024). At the international level, there are persistent global efforts at addressing these issues through means like the UN's Ad Hoc Committee and the newly ratified UN Convention against Cybercrime (General Assembly, 2024), aimed at aligning criminalization standards, cooperation, and supporting cross-border law enforcement. The Council of Europe's Budapest Convention is yet another useful tool, establishing rules for international cooperation and 24/7 contact networks to facilitate data exchange and joint investigations (Billow, 2024).

These challenges are higher at the national level where investigators of cybercrime face both socio-technical as well as digital-technical difficulties. These findings are from a UK research in which interviews were carried out with those working both from government and private agencies on their experience in managing different cases of cybercrime and gathering intelligence (Nouh et al., 2019). With such conditions, conventional methods of policing prove to be inadequate in the modern digital era where the perpetrators have greater technical expertise and adapting tactics. UK detectives have stated that methods like Action Fraud (AF), the UK's national fraud and cybercrime reporting centre, are not able to handle cyber-specific cases. The system, which was designed for frauds, leads to confusion among officers and victims, misclassifications, and delays that directly affect the quality of investigations. Furthermore, the lack of standardised tools, inconsistent IT infrastructure, and limited cyber skills among staff further reduces the effectiveness of policing efforts (Nouh et al., 2019). Budget cuts have worsened the situation, making it difficult to invest in advanced technologies or automation tools that could help in data analysis tasks. Many investigators come from a traditional crime background and are now transitioning into cyber roles without sufficient technical training. The result is a workforce with strong investigative instincts but often lacking the digital competence needed for modern cybercrime cases. The UK case also underlines the consequences of poor intelligence-sharing between different agencies and forces. Without centralised coordination, important links between cyber incidents go unnoticed, reducing the possibilities of solving the cases (Nouh et al., 2019).

This makes clear that to address these challenges we need a dual approach. Nationally, law enforcement authorities need better tools, infrastructure, and training, making them able to adapt to the evolutions of cybercrime. Internationally, cooperation must be strengthened not just through new treaties but by fully using existing platforms like Interpol, Europol, and regional contact networks (Billow, 2024).

Global collaboration is essential as no country can effectively fight cybercrime in isolation. The sooner international cooperation is fully effective, the better it will be to prevent and respond to cyber threats in a rapidly evolving digital world.

VI. CONCLUSIONS

Technology has completely transformed the way transnational organized crime operates. Physical exchanges have moved into the digital world, where deals are made over encrypted apps, money is laundered through cryptocurrencies, and illegal goods are traded on dark web marketplaces. Technology is no longer just a tool but a core part of organized crime itself.

Criminals rely on virtual currencies, mixing services, and anonymous platforms to move money and avoid detection. These transformations reveal a tendency: crime is no longer limited to the physical space but prospers in cyberspace, where global connectivity and weak controls create opportunities for criminal activity.

Criminals exploit legal gaps between jurisdictions, while law enforcement remains restricted by national laws and outdated infrastructures. Investigators generally lack digital capabilities, training and access across borders, which is necessary to combat cybercrime effectively (Nouh et al., 2019). As the infamous Silk Road case has shown, even when platforms are taken down, new ones quickly emerge, showing the adaptability and resilience of these networks (Chawki, 2022).

The problem is now no longer just technical but strategic. Countering these challenges requires aligning national efforts with international coordination, building cyber competencies and reforming the legal frameworks to ensure that they more closely reflect the borderless online environment (Billow, 2024). Otherwise, organized crime will grow ahead of our ability to keep it under control.

Understanding this evolution is essential in the fight against organized crime, as smarter strategies and better coordination can help close the gap.

REFERENCES

Albrecht, C., Duffin, K. M., Hawkins, S., & Rocha, V. M. M. (2019). The use of cryptocurrencies in the money laundering process. *Journal of Money Laundering Control*, *22*(2), 210–216. https://doi.org/10.1108/JMLC-12-2017-0074

Billow, J. (2024). No country is an island: Embracing international law enforcement cooperation to reduce the impact of cybercrime. *Journal of Cyber Policy*, *9*(2), 149–158. https://doi.org/10.1080/23738871.2023.2245417

Chawki, M. (2022). The Dark Web and the future of illicit drug markets. *Journal of Transportation Security*, *15*(3), 173–191. https://doi.org/10.1007/s12198-022-00252-y

European Union (2015). Article 3(18) of the Fifth Anti-Money Laundering Directive (2015/849).

Golubovskii, V., Kostyuk, M., & Kunts, E. (2022). The Current State of Transnational Organized Crime. *International Journal of Criminology and Sociology*, *9*, 797–802. https://doi.org/10.6000/1929-4409.2020.09.75

Liggett, R., Lee, J. R., Roddy, A. L., & Wallin, M. A. (2020). The Dark Web as a Platform for Crime: An Exploration of Illicit Drug, Firearm, CSAM, and Cybercrime Markets. In T. J. Holt & A. M. Bossler (A c. Di), *The Palgrave Handbook of International Cybercrime and Cyberdeviance* (pp. 91–116). Springer International Publishing. https://doi.org/10.1007/978-3-319-78440-3_17

Nouh, M., Nurse, J. R. C., Webb, H., & Goldsmith, M. (2019). Cybercrime Investigators are Users Too! Understanding the Socio-Technical Challenges Faced by Law Enforcement. *Proceedings 2019 Workshop on Usable Security*. https://doi.org/10.14722/usec.2019.23032

Rider, B. A. K. (2001). Cyber-Organised Crime—The Impact of Information Technology on Organised Crime. *Journal of Financial Crime*, *8*(4), 332–346. https://doi.org/10.1108/eb025998

Shanti, D. (2020). A New State of Organized Crime: An Analysis of Cybercrime Networks, Activities, and Emerging Threats. *The Journal of Intelligence, Conflict, and Warfare*, *3*(1), Articolo 1. https://doi.org/10.21810/jicw.v3i1.2359

Tung, G. (2021). Technology as a Tool for Transnational Organized Crime: Networking and Money Laundering. *The Journal of Intelligence, Conflict, and Warfare*, *4*(1), Articolo 1. https://doi.org/10.21810/jicw.v4i1.2820

UN Convention against Cybercrime (2024). Resolution adopted by the General Assembly n°79/243.

Winstock, R.A. on behalf of the GDS Core Research Team (2021).GDS2020 Key Findings Report | Executive Summary: https://www.globaldrugsurvey.com/wp-content/uploads/2021/01/GDS2020-Executive-Summary.pdf

Wronka, C. (2021). Money laundering through cryptocurrencies—Analysis of the phenomenon and appropriate prevention measures. *Journal of Money Laundering Control*, *25*(1), 79–94. https://doi.org/10.1108/JMLC-02-2021-0017

The Palermo Convention vs EU Framework Decision Against Transnational Organized Crime

Are they Actually Effective?

Aurora Boscolo

Abstract — **This paper provides a comparative analysis of two of the major legal instruments created with the purpose of combating transnational organized crime: the United Nations Convention against Transnational organized Crime and the EU Council Framework Decision 2008/841/JHA. Despite the broad adoption, both instruments face significant challenges in achieving effective implementation: the main issues include vague and inconsistent definitions of organized crime, a weak enforcement mechanism and lack of approximation of legislation among member states. This paper focuses on how political motivation, varying national priorities and a dynamic evolution of the phenomenon limit the impact of such acts. Even if both instruments provide frameworks aimed at cooperation and legislative alignment, their actual effectiveness remains limited. The study concludes that, in order to improve the response to organized crime, stronger political will, better data sharing and a more coordinated global effort are needed.blandit felis.**

I. INTRODUCTION

Transnational organized crime is a significant issue in society, but it has always been fought at the national level. Starting from the last two decades of the 20th century and during the 21st century, States acknowledged the need to combat this issue at the international and regional level, as it became obvious to them that such a vast problem could not be addressed by individual states alone. They tried to create a common ground in order to contrast transnational organized crime and to harmonise the existing legislation. Within this context two of the main provisions for the fight against organized crime were drafted: The United Nation Convention against Transnational Organized Crime (also known as the Palermo Convention) and the Council Framework Decision 2008/841/JHA (hereafter addressed as 'The Framework') on the fight against transnational organized crime. It has now been, respectively, twenty-two and seventeen years since the entry into force of these two provisions, but scholars suggest that more can be done to reach full effectiveness.

This paper aims to answer the question: *To what extent have the Palermo Convention and the EU Framework Decision been effective in combating transnational organized crime?* To do so, it compares the two instruments (Section II), evaluates their strengths and weaknesses (Section III), and examines their practical implementation (Section IV).

© 2025 Aurora Boscolo. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

II. GENERAL OVERVIEW OF THE PROVISIONS

A. The UNTOC

The UNTOC was adopted by the General Assembly resolution 55/25 of November 15th 2000; it was opened for signature at the conference of Palermo in December of the same year and it then entered into force on the 29th September 2003. 192 parties are members to this convention, making it one of the most comprehensive ones in the history of UN legislation. The European Union itself is party to the convention: this is also reflected in the Framework adopted by the union in the same matters (Allum, 2011).

The purpose of this convention, as stated in article 1, is *'to promote cooperation to prevent and combat transnational organized crime more efficiently*'. Members that ratify the Convention commit themselves to take measures against TOC, such as legal assistance and law enforcement cooperation. The importance that the adoption of this convention has had lies in a phrase written by the former United Nations Secretary-General, Kofi Annan, in the foreword of the convention: *"If crime crosses borders, so must law enforcement. If the rule of law is undermined not only in one country, but in many, then those who defend it cannot limit themselves to purely national means."* (Annan, 2004).

The Convention is supplemented by three Protocols which target specific areas of transnational organized crime: the first is called: "Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children"; the second one focuses on the "Smuggling of Migrants by Land, Sea and Air"; and the third highlights some measures that could be taken against the "Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition".

B. The EU Framework Decision

The Council Framework Decision 2008/841/JHA was adopted by the Council of the European Union on October 24th 2008 and is today the main EU instrument in fighting against transnational organized crime. It was created with the purpose of approximating legislation among Members and reaching the objective of working at Union level, since it became clear that transnational organized crime is a matter present in every country. In the preamble of the framework, one can read: *"Since the objectives of this Framework Decision cannot be sufficiently achieved by the Member States, and can therefore, by reason of the scale of the action, be better achieved at Union level [...] closer cooperation between the Member States of the European Union is needed in order to counter the dangers and*

proliferation of criminal organisations and to respond effectively to citizens' expectations and Member States' own requirements" (Allum, 2011).

C. Comparative considerations

Both pieces of legislation became official after a long process of meeting and confrontation among member states. In the case of the Palermo convention, it was the first international multilateral agreement in the field of transnational organized crime; however, it was not the first time the UN talked about it. Originally, it was proposed to create a convention in the 1970s, but it became a much more relevant topic only in the 1990s, when - especially in Italy and in the USA - organized groups started to act in 'revolution' against the new national legislations (Allum, 2011). Meanwhile, for the EU, the framework decision replaced the already existing European Joint Action *'On making it a criminal offence to participate in a criminal organisation in the Member States of the European Union*' and transnational organized crime was already a much debated topic (Calderoni, 2008).

The Framework was explicitly inspired by the UNTOC, as it can be seen from the similarities that they present. Both are instruments that use intergovernmental cooperation and aim at giving a common definition and perspective on TOC. The foundation of both lies in the need for a more efficient and stronger response to transnational organized crime, and in the recognition that this phenomenon cannot be regarded as a strictly national - let alone solely Italian - problem (Allum, 2011).

III. The Problem of Definitions

This paragraph will take into consideration article 1 of the EU Framework and article 2 of the Palermo Convention about the definitions of "organized crime" and "criminal organisation". One of the main problems underlined by scholars is that both provisions include very broad and general definitions, leaving much space for interpretation, and consequently, limit the effectiveness of the two means.

A. Definition of Criminal Organisation/Organized Criminal Group

In UNTOC, article 2(a) we find that:

> *"Organized criminal group" shall mean a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit"* (General Assembly, 2000).

The Convention also specifies that a serious crime is a conduct punishable with at least four years of detention and that a 'structured group' shall be a group that is not randomly formed for a specific offence, but it also does not need to have a defined hierarchy or continuity of membership.

Meanwhile in the Framework we find, in Article 1(1) that:

> *"criminal organisation means a structured association, established over a period of time, of more than two persons acting in concert with a view to committing offences which are punishable by deprivation of liberty or a detention order of a maximum of at least four years or a more serious penalty, to obtain, directly or indirectly, a financial or other material benefit"* (Council of the European Union, 2008).

The Framework goes on specifying what a "structure group" is, taking the definition directly from the Convention. Comparing these two definitions, it is shown that they are pretty similar; this is because, as already mentioned in the previous paragraph, the Framework is deeply inspired by the Palermo Convention (Calderoni, 2008).

B. Critical Comparison of the Instruments

It can be seen that these are quite broad provisions; one of the main arguments in this sense is that, since the definitions are still very ambiguous, there is a possibility that they could only apply to types of conduct that have much less gravity than the ones actually committed by criminal organisations (Symeonidou-Kastanidou, 2007).

Another argument brought against the definition of the Palermo Convention (that also applies to the Framework) is that these documents only describe what organized crime is, without actually defining it and leaving this concept very vague, to the point that an effective application remains limited (Gastrow, 2018).

According to the UNTOC, an 'organized group' is a structured group; this term is negatively used, because it only specifies what cannot be considered as such. Looking at the *travaux préparatoires*, it can be understood that the term is to be interpreted very broadly and that such negative consideration is due to the large variety of organized groups that exist. Also, the convention leaves space for states to enact national provisions that better define what 'structured groups' are. This may frustrate the Convention's purpose of international cooperation and harmonisation. A similar problem can be found in the Framework: 'structured association' is negatively defined, only providing what a 'structured association' is not. This, as in the case of the Convention, leaves autonomy to the Member states to decide when to apply this definition and to enact different national legislations, which can vary from one state to another, limiting the purpose of approximation across member states (Allum, 2011).

Another common ambiguity to both the Convention and the Framework is that a "structured group" is considered of illegal nature because it carries out criminal offences, punishable with at least four years of imprisonment. The instruments fail to enlist a group of crimes that should be considered equal in all member states: this still frustrates the purposes of the provisions, because member states may punish the same crimes with a different amount of years of detention, and therefore - among different states - the activities which fall under criminal organisation offences may differ (Allum, 2011).

Each of the provisions have articles about the criminalization of participation in an organized criminal group; however, they give a vague definition of the "act of participating" itself. To be considered a participant in an organized group, a person has to: agree with at least another person to commit a serious crime with the aim of obtaining benefits, or with a person that is consciously participating in activities carried out by criminal organisations. The problem found in these provisions is that, as seen in the previous cases, both the UN and the EU give the freedom to states to decide which legislative measures to adopt. This still takes the Convention and the Framework a step away from reaching the goal of approximating legislation (Allum, 2011).

In the end, finding a common definition of organized crime is not so easy and, thus, definitions are usually avoided, rather than describing offences or types of offences; instead, these provisions give states a large degree of flexibility to apply to their own settings and legislations (Tennant, 2020).

C. *Double Jurisdiction and Legal Traditions*

Another argument that is brought up when analysing these instruments is that they allow both common- and civil law jurisdiction to apply the same provisions. They comprehend both conspiracy-type offences, typical of the common law system, and association offences, from the civil law system (Tennant, 2020). The availability of these two types of offences raise concerns among scholars, because the resulting legislation may differ enough to frustrate the purpose of cooperation.

IV. Evaluating Effectiveness

Many scholars are working on the question: are these instruments actually working? The prevailing academic consensus suggests that, while these instruments have made progress, substantial gaps remain; in this paragraph, the most relevant ones will be examined (Standing, 2010).

A. *National Freedom*

When addressing the Framework, it is found that having vague definitions and giving so much space to states to enact domestic laws is not helping the actual effectiveness of the provisions. Moreover, it seems that the instruments created to fight against organized crime are actually driven by political and formal decisions, rather than by the actual willingness of approximation of legislation. Another aspect that emerges in both provisions is that there is a lack of cooperation and approximation of legislation, even if they should be the scope of both legislations. Member states have the freedom to enact legislation on the matter and it can vary from one state to another (Shaw et al., 2024).

B. *Weak Implementation System*

The UNTOC also has a limited impact on the international community, despite the near-global ratification; this is mainly because the implementation review mechanism took 20 years to be created, meaning that there has been no effective way of measuring and improving the implementation of the Convention. The reasons for this are many, one in particular is that the UNTOC was opened for signatures in 2000, one year before the twin towers attack, and its relevance declined as global focus shifted to counter-terrorism measures (Standing, 2010). This is also due to the lack of centralised information about the implementation of the Convention: in 2020, it was found that only 19 out of the 157 states parties have used the Convention to facilitate cooperation in fighting against transnational organized crime (Tennant, 2020).

Also at the EU level, the implementation of the Framework is still very vague and there is no official data. This is mainly because the provisions are still very broad and do not give a specific definition or explain exactly which measures to take.

C. *The Reluctance to Share Data and the Ever-Changing Nature of the Phenomenon*

Another reason, that has brought to the reduction of the effectiveness of these provisions, is that TOC is an ever-changing phenomenon that keeps evolving with the development of society and the Convention is not fast enough to keep up with these changes. The Convention's scope - focused on facilitating legislative harmonization and cooperation - is not operational in nature, meaning it lacks direct mechanisms for enforcing crime-fighting action. In addition, the Convention has a nearly global ratification, but this does not mean that states have created effective legislation to fight transnational organized crime (Standing, 2010).

Another problem is that both systems lack an expert or governing body that could direct evaluations mostly because decisions in this field are still driven by politics. In order to help these provisions become more effective, there should be deeper and more specific studies of the phenomenon and a larger cooperation among member states. Unfortunately, still many states, especially from the Global South, are reluctant to share their data with the international or regional organisations and, in general, there is no global body/association in charge of analysing data and trying to find a common solution (Standing, 2010).

V. Conclusions

By analysing the Palermo Convention and the EU Framework Decision 2008/841/JHA, it has been understood that both instruments represent very important steps forward in international and regional fight against transnational organized crime. They share a common purpose of approximation of legislation, the ambition of finding comprehensive and shared definitions and promote cooperation; they also reflect the growing broader understanding that no country alone can combat organized crime.

While the Palermo Convention has succeeded in establishing a near-universal legal framework and raised global awareness of the ever-developing problem of transnational organized crime, it still has limitations, such as vague definitions and lack of an effective enforcement or monitoring body, that keep it from complete effectiveness. Similarly, the Framework, though born with a deep will of finding a common solution and the willingness of cooperation, allows much flexibility to national implementation, which leads to fragmentation rather than harmonization of legal systems among Member States.

Both provisions are very similar, created in a period in which organized crime had started to become a much debated problem, but destined to be soon overtaken by more imminent problems; they still share many ambiguities. Mainly, they struggle in properly defining key concepts and the overly broad and interpretative nature of these definitions undermines the goal of legal clarity and uniformity. In addition, the strong political nature of these legislations, combined with the insufficient flexibility to the evolving nature of organized crime, has prevented either framework from being as effective as initially hoped.

In conclusion, while both the EU Framework Decision and the UNTOC have brought new and essential legal and institutional foundations, they remain more symbolical than transformative. For these tools to reach their full potential, there is the need for a stronger oversight mechanism, clearer legal definitions, better information sharing and more willingness for a genuine international and regional cooperation that transcend the single national interest. Only then can the international community hope to keep pace with the increasingly sophisticated, borderless nature of transnational organized crime.

REFERENCES

Allum, F. (2011). *Routledge handbook of Transnational Organized Crime, pp. 107-126*

Calderoni, F. (2008) A Definition that Could not Work: the EU Framework Decision on the Fight against Organized Crime. *European Journal of Crime, Criminal Law and Criminal Justice*, 16(3), 265–282. https://doi.org/10.1163/157181708X333346

Council of the European Union. (2008). *Council Framework Decision 2008/841/JHA*. EUR-Lex: https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32008F0841

Gastrow P. (2018, March 20). *Adopted 18 years ago, why has the UNTOC still not achieved its aim?* Global Initiative Against Transnational Organized Crime. *https://globalinitiative.net/analysis/adopted-18-years-ago-why-has-the-untoc-still-not-achieved-its-aim/*

General Assembly (2000, November 15). *United Nations Convention Against Transnational Organized Crime and the Protocols Thereto.* https://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf

Shaw, M., Tennant I., Oliveira, A.,P., & Bookbanks, D. (2024, October). *Is the UNTOC working? An Assessment of the implementation and impact of the Palermo Convention.* Global Initiative Against Transnational Organized Crime https://globalinitiative.net/wp-content/uploads/2024/10/Is-the-UNTOC-working_-An-assessment-of-the-implementation-and-impact-of-the-Palermo-Convention-GI-TOC-October-2024.v3.pdf

Standing, A. (2010, December). *Transnational Organized Crime and the Palermo Convention: A Reality Check.* International Peace Institution. https://www.ipinst.org/wp-content/uploads/publications/e_pub_palermo_convention.pdf

Symeonidou-Kastanidou E., Towards a New Definition of organized Crime in the European Union. *European Journal of Crime, Criminal Law and Criminal Justice (2007), 15(1),* pp. 83–103. https://doi.org/10.1163/157181707781005407

Tennant I. (2020, October). *The promise of Palermo. A political history of the UN Convention against Transnational Organized Crime.* Global Initiative Against Transnational Organized Crime https://globalinitiative.net/wp-content/uploads/2020/10/The-promise-of-Palermo-GI-TOC-Tennant.pdf

"A City in the Hands of the Mafia"
The Role of Politics and Organized Crime in the Sack of Palermo

Sara Maria Caviglia

Abstract — **In the aftermath of WWII, during the reconstruction of Palermo, the southern Italian city was subject to a real estate speculative boom. The event, occurring in the 1950s and 1960s, permanently altered the landscape: as irreplaceable greenery and historical palaces were destroyed, building sites appeared at worrying frequencies. Unrestrained and uncontrolled construction characterized the Sicilian capital in this period, called "Sack of Palermo". This paper will analyze such a phenomenon, focusing on its central actors. In particular, the present work will address the roles played by politics and by the Mafia. Both pursued and enabled private speculation in building development, instead of longing for the public interest of future generations of citizens. The legacy of what happened during the Sack is still visible, and it is the current hyper-urbanized scenery of Palermo.**

I. INTRODUCTION

After WWII, Palermo was in a condition of fundamental lack of housing infrastructure for several reasons. First and foremost, Palermo's city center had been carpet-bombed heavily by the Allies during the War: 70,000 rooms were lost, with the result that nearly 150,000 people were deprived of their home and forced to live in crowded slums, shantytowns, and even caves (Schneider & Schneider, 2003). Simultaneously, Palermo saw a significant wave of bourgeoisie immigration arriving from the neighboring provinces and the rest of Sicily. For one, the living conditions of the countryside were poor, and mechanization had started to leap onto the Sicilian agricultural sector, displacing peasant labour. Secondly, Sicily was the first Italian region to receive the status of autonomous region, following the approval of the Royal Legislative Decree n. 455 of 15 May 1946. Consequently, the island could establish its own separate parliament and government, both to be seated in Palermo, the new capital of Sicily. The novelty attracted a new generation of local politicians as well as bureaucrats who aspired to work for the regional administration.

In essence, after WWII Palermo acquired a large number of new residents: between 1939 and 1956 an increase of 11.747 new residents was registered. Overall, the population grew by 176,106 persons, from 1936 to 1961 (Cassarà, 2024).

However, the housing facilities of that time, coupled with the destroyed dwellings of the city center, were simply not sufficient to host the arriving population. The demand for housing led the city administration to enact a policy of extreme urban development. The restoration of the old city, in this political decision, was completely ignored, because the focus shifted rather on the construction of a "new Palermo". But instead of completing the development of areas adjacent to the city, the new housing facilities were built in peripheral zones, at the very ends of the basin. The housing projects were at first in the northern areas, beyond the Art Nouveau neighborhood, then in other peripheral spaces towards the west and south (Schneider & Schneider, 2003). Such a criterion of development was aimed at pushing up the price of the estates lying between them and the city. This was "the new Palermo", which increased the housing density in urban areas rapidly and recklessly. In a span of ten years 190,087 dwellings were built, with an average production rate of 17,280 per year (Cassarà, 2024). The criterion for real estate development was not common sense, but mere speculation.

This phenomenon of massive and unrestrained urban development that the city underwent from the 1950s to 1960s is defined as the Sack of Palermo. The outcomes were disastrous, as the morphology of the city was permanently changed. Palermo, from a pastoral idyll, was turned into two separate cities, socially and urbanistically in dramatic contrast (Schneider & Schneider, 2003). In the words of the urbanist Rosario La Duca, one city was a ghost town of war, wounds and degradation, because the old city center was not rebuilt, rather it was left in decay. The other city was "monstrous for its abnormal volume of construction and lack of necessary green" (La Duca, 1975). As a matter of fact, during the Sack, the Golden Shell or *Conca D'Oro* (the fertile plain of Palermo full of citrus groves and orchards), was completely engulfed by cement, with thousands of grey and anonymous city flats taking its place. The new buildings filled the urban space available in the area of Palermo. Natural barriers impose on the city restraints of urban expansion: Palermo lies in a basin where it is surrounded by mountains on one side (the mountain range of Palermo), and on the other, it faces the Tyrrhenian Sea. The Sack made the city overflow with residential buildings, erasing the greenery that had developed in the Golden Shell plain in centuries.

Moreover, the Sack of Palermo resulted in most of the historical 18th and 19th century villas of Palermo being either razed to the ground (such as the famous Villa Deliella) or abandoned, depriving the citizens of their cultural and artistic heritage.

Without any doubt, the Looting scarred Palermo. This work explores the dynamics that made it possible. It will be shown how the interaction between different classes of Palermitan society was the foundation of the 1950s and 1960s urban boom we call Sack of Palermo. In such a network of relationships, the focus will be on the role played by local politicians and on Cosa Nostra. Without either, the Sack would not have occurred. On one hand, not only did politicians allow outstanding urban speculation to take place, but they also actively promoted it. On the other, Sicilian organized crime had capital importance in the development of the phenomenon. This paper will illustrate how from rural origins Cosa Nostra shifted to the very profitable reconstruction of Palermo. Further, particular

attention will be devoted to the multifaceted functions the mafiosi played in the phenomenon.

II. The Actors of the Sack of Palermo

A peculiarity of the Sack of Palermo was that by large it did not occur by virtue of coercion: it was indeed a phenomenon which the broad society had agreed to. Several actors, both from the illegal and the legal spheres, led the Sack. It was in this network of relations that the speculative sack ("*sacco*" or "*scempio*" in Italian) was allowed to grow. The dots in such a web were politicians, aristocratic landowners, real estate professionals, and Cosa Nostra members. The latter operated as mediators among all the others, they were the connecting link between the different facets of Sicilian society. The project was also supported by a new middle class looking to climb the social ladder, and accepted by the underclasses in need of jobs and housing.

For Scalia (2018), no imposition took place. One potential explanation could be that, viewed from the perspective of the market, the Sack was the perfect match between demand and supply. The former can be identified in the necessity of housing, arising from the displaced inhabitants of Palermo following WWII and from the huge wave of immigration to the city. In addition, Sicilian land aristocrats were immersed in debts due to their no-longer-affordable lavish lifestyle. Thus, they were eager to sell their properties to pay off their debts. On the other hand, construction entrepreneurs and the Mafia were eager to build, as they cherished the possibility of massive profits coming from the reconstruction of the city (Scalia, 2024). It was this convergence of interests between such economic and social actors to trigger the Sack of Palermo. Simultaneously, without politicians in support of the *Sacco*, none of this would have been possible. Undoubtedly, the ruling class was the catalyst for the Sack of Palermo.

III. The function of politicians in the Sack of Palermo

Between 1946 and 1964, Palermo politicians laid the foundations for free speculative urban expansion. Two phases may be distinguished: one spanning from 1946 to 1956, and the other lasting up until 1964. Before 1956, since no comprehensive city plan existed, the local administration would just provide speedy building licenses to anyone having minimal financial means – regardless of whether they were real contractors or not – in exchange for a "contribution". As a result, the social elite of entrepreneurs who could get close to the members of the city administration were able to speculate on the reconstruction of Palermo in a quite unrestrained way (Chubb, 1982).

However, when in 1956 the Christian Democrat Salvo Lima took over the Office of Public Works, the situation drastically changed. Lima, with his associate Vito Ciancimino, gave legitimization to a form of speculation that was structured and organized. In essence, Lima transformed the episodic operations of favoritism of the notables, undertaken without any broader strategic vision and limited to a restricted social elite, into a comprehensive strategy of urban expansion and of Christian Democratic power, managed directly from the key posts of power within the city administration (Chubb, 1982). Three versions of the General Regulatory Plan were enacted (1957, 1959, 1962) by Lima's administration. They were the foundation on which the Sack occurred between 1956 and 1964. The plans legalized the private speculation which had taken place spontaneously in the years prior. Oftentimes the "*Piano Regolatore Generale*" violated national building standards. For instance, in Palermo's new expansion areas, building densities reached 21 cubic meters/square meter, with an average of 2,000 inhabitants/hectare (Chubb, 1982). It suffices to think of the national norm of only 3.5 cubic meters/square meter in urban areas, to understand the sheer level of speculation allowed in those years (Chubb, 1982).

The master plans showed a lack of long-term strategic planning, because they responded exclusively to needs of the moment, ignoring the economic and social structure the city would have in the future. The planning of amenities such as schools, libraries, community centres and medical care clinics, vital for a modern city, were neglected, as areas set aside for public use were bit by bit eliminated to make way for private development (Chubb, 1982; Scalia, 2024).

Basically politicians gave the basis for developers to destroy Palermo, to build thousands of flats. Nonetheless, politicians, landowners and real estate developers were not the only actors in the Sack. Already in the 1964 issue of «Avanti!», the journalist Vittorio Lo Bianco defined Palermo as "a city in the hands of the Mafia", highlighting the infiltration of organized crime in the real estate boom. It is not possible to analyse the Sack of Palermo without considering the capital role the Cosa Nostra played within its dynamics.

IV. The role of Cosa Nostra in the "scempio"

The origins of the Sicilian criminal organization of Cosa Nostra are rural. This is true also for the latter's cells in the city of Palermo. The reason why is that the orchards of the Golden Shell surrounding Palermo were administered by members of the Mafia, on behalf of the noblemen, owners of the lands. The mafiosi were divided into small hierarchically-organized groups called "*cosche*", or Mafia families. Each *cosca* controlled a "*borgata*", or suburban borough of the city. In essence, the mafiosi had full hegemony over the territory, as they recruited cheap labour, oversaw agricultural production and guaranteed public order through the political and para-military control they exercised on the local unit they were based in (Scalia, 2018). On one side, they were tied to the local population through familial, kinship and friendly relationships. And on the other, mafiosi had strong connections with the local ruling class, formed of landlords, politicians and entrepreneurs. While the *cosche* could be the de facto leaders of their suburb, entrepreneurs were satisfied with massive production at a cheap price, and the politicians were spared the efforts to maintain public order, as well as enjoying the *cosche*'s intermediation during the elections (Scalia, 2018).

Thanks to this complex web of relationships mafiosi had with the inhabitants of the *borgate*, as well with different sectors of society, Cosa Nostra played a crucial

role when Palermo's urban development began to take shape. At the end of the War, mafiosi foresaw huge economic gains deriving from the reconstruction of the city, and directed their focus towards real estate, instead of the agricultural sector. Cosa Nostra's intervention in the Sack of Palermo turned out to be fundamental. The *cosche* performed multifaceted tasks.

Firstly, they provided construction entrepreneurs private protection or surveillance services (the so-called "*guardiania*") on the building sites, in exchange for a contribution. But no real dangers were hanging over the building sites, except for the mafiosi themselves, who would commit theft or charge the place with dynamite if the entrepreneur refused to be protected by the *cosche* (Chubb, 1982). Therefore, the builders could either seek out such a form of surveillance voluntarily, or be forced to request it after an attack against their building sites by members of organized crime. The first case was the most frequent: entrepreneurs lacked the paramilitary organization of Cosa Nostra. Moreover, they could not find adequate means of protection from the State, because the Italian government would recognize the existence of organized crime only in 1992, with the Italian Supreme Court confirming the AntiMafia trial sentences of 1986. But most importantly, for the building professionals having Mafia men in the building sites was convenient because they regulated competition for the estates and reduced the risks of crime (Scalia, 2018).

Secondly, Cosa Nostra took part in the building boom of the 50s and 60s directly as construction professionals, or as partners of other entrepreneurs. The second case constituted a money laundering scheme, because mafiosi lent capital (either partly or totally gained by illegal means) to real estate developers who could invest it in the construction market. This allowed them not only to dispose of more resources for investment in their activities but also to benefit from Mafia intermediation in order to obtain 'permission' to build in areas controlled by rival Mafia groups (Scalia, 2018).

In third place, mafiosi ruled the construction-related market. They imposed, on a favoritism basis, who would be suppliers for the building materials and the professionals to be employed for the planning and building stages. The construction developers who did not follow such orders were simply excluded from business, as nobody would work with them. The mafiosi could then keep the prices of materials under control and regulate competition: they favoured all those construction entrepreneurs who accepted to be within their influence.

Fourth, the control of the Mafia was strong also on the labour market: the so-called "men of honor" managed the recruitment of construction workers, just as they had always done with the workforce in the citruses of the Golden Shell. Their ties with their *borgata* were crucial in that context, because they hired only on the basis of the following criteria. Either the person was resident in the *borgata* where the building site was located, being tied to the *cosca* by obligation and gratitude, or he was associated as a friend or a relative with those reliable workers already hired. Through this Mafia-led patronage, Cosa Nostra was able to provide employment to the masses, fulfilling the will of *borgate* inhabitants of reaching better living conditions (Scalia, 2018). As a consequence, Cosa Nostra wielded even more power and was able to mobilize voters to elect specific candidates inclined to further its interests (Scalia, 2018).

Lastly, Cosa Nostra acted as mediator between different sectors of society. Mafiosi linked politicians with the local population and construction entrepreneurs: they could ask politicians to change the master plans in exchange for votes. As a matter of fact, politicians were largely colluded with Mafia and promoted a very aggressive policy of urban expansion pursuing the interests of real estate developers, with the Mafia as an intermediary.

Mafiosi were also able to connect the land aristocracy with constructors, to obtain in return flats that they would reserve for themselves or as an investment. Furthermore, mafiosi asked for loans on behalf of entrepreneurs to the banks in exchange of investing money. The members of the Mafia additionally lent money to entrepreneurs or became their partners, so that illegal money was laundered.

As all these factors show, the Sack of Palermo could not occur without Cosa Nostra at its center: in other words it was the essential knot in this network of legal and illegal activities.

V. CONCLUSIONS

The Sack was an unprecedented phenomenon in the history of urban development of Palermo, which left irreparable harm. For starters, such real estate expansion did not aim at the reconstruction of the city center, damaged during WWII. Abandoned for several decades, only in recent times has the old Palermo been slowly revamped, but large parts of it have been left in decay, and half of the buildings are empty (Scalia, 2024).

The *Sacco* also led to the destruction of the centuries-old citruses of the Golden Shell. The greenery was not replaced (Cassarà, 2024), instead tons of cement occupied what had been previously a rich environment. Secondly, Art Nouveau villas were erased or left in ruins as well, depriving the citizens of their historical, cultural and artistic heritage. Anonymous city flats replaced the greenery and architectural treasures, changing forever the appearance of Palermo. The planning of such flats did not follow any long-term vision development. As a matter of fact, Palermo nowadays cannot physically expand anymore. Between the mountains and the sea, where Palermo lies, there is not much room left to build large greenery areas for each neighborhood, or a central business district, a bio-technological park, a container terminal in the harbor (Scalia, 2018). In simple terms, during the "*scempio*" every area of the city was exploited.

This paper showed that the exploitation of Palermo was not a simple phenomenon, but instead that it was caused by several actors. They tapped into the market of construction and speculated on the housing emergency arising in the Sicilian capital after WWII. In other words, such persons gathered their private interests and set aside the public good. Aristocratic landowners needed to sell their properties to fund their wealthy lifestyles. Real estate professionals, who often coincided or partnered with Cosa Nostra members, were eager to build, with no regard whatsoever to urban sustainability.

Politicians enabled the speculation of the real estate developers: in the first period between 1946 and 1956, by

occasionally granting speedy building licenses to a social elite, and then until 1964, through the different versions of the General Regulatory Plan. In the latter case, councilmen like Lima and Ciancimino systematized construction speculation, with a lack of consideration of the urban development of Palermo and of the necessities of its citizens. Their policies ignored the building plans of facilities essential for Palermo, such as schools, libraries, community centers and medical clinics. Private interests prevailed in the actions of the administration of the city of those times.

Cosa Nostra played a pivotal role as well. After abandoning the agricultural sector, the *cosche* of Palermo moved to the exploitation of the construction boom in numerous ways. They benefited from their connections to the ruling class and to building professionals, as well as to the residents of their township. Mafiosi linked construction entrepreneurs with politicians, allowing the latter to pursue the interests of the former. Furthermore, they mediated the land aristocracy with constructors. Then, members of Cosa Nostra, thanks to their hegemony on local communities, were able to provide labor force to builders. The Mafia, moreover, imposed services of private protection (the *guardiania*) on construction entrepreneurs and regulated the construction-related market. At the same time, Cosa Nostra used the building boom to launder money obtained from illegal activities, either by using mail-box companies to do so, or by becoming construction developers themselves. Indeed, mafiosi took part in the building boom also in this way.

In conclusion, political power, economic interests and organized crime merged in the 1950s-1960s and gave birth to the current urban asset of the city. Today, what one can see from the mountains of Palermo is quite a bleak and gray landscape. The bitter final observation is that it is not very likely to imagine a future where the Sicilian capital has a better appearance. Firstly, because it will never recover the greenery of the *Conca D'Oro*, built in hundreds of years and destroyed in less than two decades. Then, the villas of the 18th and 19th century cannot be rebuilt. Perhaps, those which have been left in decay may be revamped. However, the destroyed historical buildings are simply lost forever. Third, the exploitation of the city rendered any reorganization of the city practically impossible: it would be necessary to displace hundreds of thousands of residents, and to invest unimaginable amounts of capital. Taking into consideration the public expenditure cuts of the last years, it is even harder to think of that solution. What is left is to hope that what happened during the Sack of Palermo will be remembered. Retaining the memory of the old city is important for the citizens of Palermo, especially for younger generations who were not able to see the pre-sack version of their city. A next step could be research into the real-world strategies that might have prevented the Sack from happening in the first place.

This analysis could target one of the measures of prevention developed by the Italian legislator: the anti-mafia documentation ("*documentazione antimafia*"), introduced through the Antimafia Code in 2011 (D.Lgs. n. 159/11).

The antimafia documentation is a set of administrative documents through which the involvement of enterprises with organized crime is assessed. If the answer is positive, the Public Administration must exclude the company in question from public contracts (for building public infrastructures, for instance). Not only is the anti-mafia documentation a disqualifying measure in public law settings, but it also has interdictory value in private law relationships. The recent case law of the Regional Tribunal of Naples affirmed that the antimafia documentation justifies the denial or revocation of an authorization issued by the public administration, even when it concerns a building permit and there are no direct relations with the Public Administration. In essence, the aim of the antimafia documentation is to restrain potential infiltration by organized crime in the exercise of various legal economic activities, both of public and of private nature, including those connected to the building construction sector.

Empirical research on that context may provide interesting insights on the effectiveness of the antimafia documentation, to prevent mafia infiltration and to ensure transparency and fairness from the Public Administration. These goals are of utmost importance, because as the Sack of Palermo demonstrates, if politics serve private interests and organized crime is allowed to pollute the legal economy, the consequences may be extremely serious and irreprehensible for generations and generations of citizens.

REFERENCES

Cassarà, V. (2024). Urban Planning, Mafia and Politics. The Post-WWII Reconstruction of Palermo. *Annali dell'Istituto storico italo-germanico in Trento*, *2*, 83–104. https://doi.org/10.7387/115710

Chubb, J. (1982). *Patronage, power, and poverty in southern Italy: A tale of two cities*. Cambridge university press.

Decreto Legislativo 6 September 2011, n. 159, "Codice delle leggi antimafia e delle misure di prevenzione, nonche' nuove disposizioni in materia di documentazione antimafia" (2011, 28 September) (Italy). *Gazzetta Ufficiale*, (226). https://www.gazzettaufficiale.it/atto/serie_generale/caricaDettaglioAtto/originario?atto.dataPubblicazioneGazzetta=2011-0928&atto.codiceRedazionale=011G0201

La Duca, R. (1975). *La Città Perduta—Cronache Palermitane Di Ieri E Di Oggi*. Edizioni Scientifiche Italiane.

Scalia, V. (2018). Mobs, sucanchiuostru, anti-communists. Global and local actors in the Sack of Palermo. In F. Chiodelli, T. Hall, & R. Hudson (A c. Di), *The Illicit and Illegal in Regional and Urban Governance and Development: Corrupt Places*. Routledge. https://doi.org/10.4324/9781315317663

Scalia, V. (2024). Progress, employment and profit: The construction of the mafioso social capital and the Sack of Palermo. *International Social Science Journal*, *74*(252), 381–397. https://doi.org/10.1111/issj.12464

Schneider, J., & Schneider, P. (2003). *Reversible destiny: Mafia, antimafia, and the struggle for Palermo*. University of California press.

TAR Naples Campania, Section II, judgment 18 September 2024, n. 5036, in *Bollettino di Legislazione Tecnica.* https://www.legislazionetecnica.it/12052248/normativa-edilizia-appalti-professioni-tecniche-sicurezza-ambiente/sent-tar-campania-napoli-18-09-2024-n-5036/interdittiva-antimafia-annullamento-del-permesso-costruire

Transnational Organized Crime Prevention

Key Principles in Planning Strategies and the Case of the European Union

Anita Compagnoni

Abstract — **Transnational organized crime (TOC) is a widespread phenomenon that affects the world. The adoption of a shared definition is the base for building a strategy to face organized crime. Each criminal group has a different background and operates on a certain space in a particular way, so it's important that the application of this strategy will be based on the understanding of the phenomenon and the individual group. The threat assessment is the key tool to understand the phenomenon, but also for developing a crime prevention program that aims to reduce criminal occasions. There is the need for an international response to a global threat such as organised crime, so crime prevention can be more incisive if it's shared by different countries. This also gives rise to the importance of cooperation between states at different levels. At the end of the paper, the Hague Programme, will show how the European Union faces the problem of TOC.**

I. INTRODUCTION

Organized crime is a widespread phenomenon throughout the world and dealing with it is not an easy task for the different States. The world is changing, it is evolving and organized crime with it, in fact organized crime is a dynamic phenomenon, which renews and models itself based on changes in society and increasingly acquires a transnational component. The most incisive way to combat this problem is prevention, because through planned actions and organized procedures it attempts to counteract the emergence of new problems by acting at their root.

II. ORGANIZED CRIME DEFINITION

There is a multitude of approaches and definitions of organized crime, this is given by the different history and culture of the individual States that have adopted them. These definitions are different based on the existence, extension, relevance, forms and degree of dangerousness of the phenomenon perceived in the individual legal systems, as well as the establishment of an adequate and legitimate social reaction.

Organized crime is a complex and changing phenomenon, therefore, in order to react to this threat of international scope, it is necessary to have a clear understanding of the phenomenon. The first step in this direction is to adopt a clear and uniform definition of organized crime, which is shared by the different States in order to adopt a common response on a global scale.

One of the most important steps in the common fight against all forms of organized crime is made by the adoption of the UN Convention Against Transnational Organized Crime[1] (UN CATOC, also called the Palermo Convention). The Palermo Convention entered into force in 2003 and is further supplemented by three Protocols, which target specific areas and manifestations of organized crime: (I) the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; (II) the Protocol against the Smuggling of Migrants by Land, Sea and Air; (III) and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition.

The Convention represents the fact that the States recognized the seriousness of the problem posted by organized crime and as well as the need to foster and enhance close international cooperation in order to tackle those problems. "*The purpose of this Convention is to promote cooperation to prevent and combat transnational organized crime more effectively*." (article 1).

State Parties have to take a series of measures against TOC, including the creation of domestic criminal offences (participation in an organized criminal group, money laundering, corruption and obstruction of justice); the adoption of new and sweeping frameworks for extradition, mutual legal assistance and law enforcement cooperation; and the promotion of training and technical assistance for building or upgrading the necessary capacity of national authorities (UN General Assembly, 2000).

The Palermo Convention focuses on crimes of a transnational nature and carried out by organized criminal groups and it defines an "*organized criminal group*" (article 2, point a) as: "*a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit*".

The transnational component of the crime is defined in the item 2 of article 3 of the UN CATOC: "*2. For the purpose of paragraph 1 of this article, an offence is transnational in nature if:*

a) It is committed in more than one State;

b) It is committed in one State but a substantial part of its preparation, planning, direction or control takes place in another State;

c) It is committed in one State but involves an organized criminal group that engages in criminal activities in more than one State; or

d) It is committed in one State but has substantial effects in another State."

This definition focuses on the international character of TOC, but also on the size of criminal groups and the prolonged nature of their activities.

© 2025 Anita Compagnoni. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

[1] Adopted by the UN General Assembly: 15 November 2000, by resolution 55/25.

The universal nature is the strongest aspect of international legislation and the participation of both developed and developing countries is of fundamental importance. Nowadays the Convention has 193 parties. The signatory states have incorporated and accepted into their national legislation criminal offences that criminalize the most severe forms of organized crime and that is possible because of the harmonization of national criminal laws that is provided by the Palermo Convention.

III. THE THREAT ASSESSMENT

Threat assessment is crucial to have a rapid and effective response to the problem of organised crime, but it is also the base to develop a strategy of prevention. Each criminal group has a cultural and historical background and is connected to a geographical position. These are the most important factors to be taken into account while developing a strategy to prevent and fight against this type of crime, or while planning new laws or regulations in order to oppose organized crime.

These factors are fundamental because with the analysis of them, the state authorities can monitor the trends of organized crime within the state territory and predict the future manifestation of this phenomenon in order to take adequate measures. Historical and cultural factors are also connected to the social tolerance to that type of crime, so a strategic approach is required in promoting new social values in a certain space.

The threat assessment can be used by the state authorities as a key tool to organize and choose the priorities, in the decisions making, prioritization and resource allocation, but it's also a tool for crime prevention, because the understanding of the threat points to the new tendencies of organized crime and can predict their movements and through this can be found the best ways to oppose this problem.

When a state decides to prioritize the fight against organized crime it can lead to the adoption of a mechanism of cooperation within different states that have the same priorities and this cooperation can develop in a common and transnational prevention to this type of crime.

Criminal groups are able to infiltrate into society and act on state structures through various types of threats and corruption is the most dangerous. In order to oppose this type of crime, there is the necessity of having a successful functioning of the legal state with an efficient implementation of laws. To face corruption a state needs independent and impartial courts and justice has to be regulated and be capable of achieving equal justice. It's also fundamental to train the competences of the police and other authorities in opposing organized crime. Corruption is also a problem that affects the police departments, so it is important to encourage loyalty to the profession and train the agents how to face corruption in the police that can also lead to interference in the investigations.

IV. THE ADOPTION OF A CRIME PREVENTION PROGRAM

The complete elimination of organized crime is unrealistic and impossible to achieve, that type of goal can lead to a massive threat to citizens' rights, that can be caused by the creation of an oversized system of organs of formal social control. The biggest problem related to the adoption of a system like this can be data protection, that is linked to the collection and storage of information perpetrated by the state authorities. Instead of the goal of eliminating all forms of organized crime, different states should try to reduce this crime to a level that can be tolerate within the society.

Even if the results are not visible in a short period of time, the best way to reach the goal of reducing TOC, is through prevention. Prevention is the planned reaction disposed before the manifestation of a certain adverse event, is disposed for the complete or partial elimination of the impact produced by adverse events. From the perspective of organized crime, prevention is primarily aimed at neutralizing the causes and conditions that create and encourage the manifestation of organized crime.

Several categories acknowledged in crime prevention theory can be applied also in the field of TOC prevention. The most important element that needs to be present in a criminal prevention strategy is the reduction of criminal occasions: States should adopt policies aimed at reducing the potential, provocations and causes of crime, but also increasing the risks to create deterrence for criminal action.

The identification of the most effective tools and methods in preventing criminal offences is the base for the adoption of a strategic approach against TOC. Organized crime is a dynamic phenomenon that develops new trends and directions within the changes of society, so is fundamental the adoption of a long-time strategy. The crime prevention programme should be dynamic, there is the need to set up appropriate basic goals related to the possibility of the state, but, after that, the definition of different policies, the directions and methodologies adopted by the state authorities should adapt and change with the evolution of organized crime.

Repression is much more popular than prevention, but, in its scope, prevention is wider and more comprehensive. As seen, the idea of prevention is the base for developing a strategy of opposing organized crime, but can also be a starting point to develop a common reaction to the problem of TOC based on the creation of a mechanism of cooperation within different states.

V. THE IMPORTANCE OF COOPERATION

Organized crime is a dangerous phenomenon, capable of adapting to evolution and changes in society and is increasingly reaching a transnational dimension. To counter a threat of this magnitude, a common international response based on cooperation is needed. The base for opposing all forms of crime (also organized crimes) is the legislative framework and an international cooperation in the fight against organized crime can be made by states or international organizations on a multilateral, bilateral or regional level.

The Palermo Convention is a UN multilateral convention that requires the harmonization of national legislation of the State Parties, provides for special investigative techniques and specialized institutional bodies for the suppression of organized crime. Not only is the establishment of mutual criminal justice cooperation important, but it's also fundamental to the operational

aspect which includes measures and actions conducted by police and judicial bodies in order to fight against organized crime.

The collection and exchange of operational information and joint police operations and investigations are the most important mechanisms of cooperation that can be made by police from different countries in order to develop a common reaction in the fight against organized crime. Another operational aspect that should be implemented at an international level is a common training programme, because starting from the same base can lead to a most effective response.

On a multilateral level there is INTERPOL, which is a specialized inter-governmental organization of criminal police. This organization helps the member countries to work together in the fight against all types of crimes, but it also enables them to share and access data on crimes and criminals and offer a range of technical and operational support. Interpol can be seen as a global platform for cooperation in investigation and criminal analysis (INTERPOL, 2025).

An example of cooperation at a regional level is the European Union, in which there is cooperation of judicial (Eurojust) and police (Europol) bodies.

VI. TOC PREVENTION IN EUROPEAN UNION: THE HAGUE PROGRAMME

Due to the process of globalization, TOC has transformed into more sophisticated and transnational business enterprises. EU territories, thanks to the principles of free movements of goods, people and capitals, are easy targets for criminal activities, these principles also make EU territories key destinations for illicit goods and services. An effective strategy to prevent and suppress organised crime must include the demand reduction through supply and demand analysis, taking into account that the demand for illicit goods is high.

The EU doesn't have a directive about organised crime, but with the adoption of the Hague Programme (EU, 2005) has defined some key principles in response to this phenomenon. The multiannual Hague Programme, adopted at the European Council in 2004, sets out 10 priorities for the Union with a view to strengthening the area of freedom, security and justice in the next five years.

Some of the key points that are present in the Hague Programme under the principle of *developing a strategic concept on tackling organized crime*:

A. The Adoption of a Shared Definition

The first fact to address is that the EU is a Party to the Palermo Convention in addition to its Member States, this means that the principles contained in the Convention are applicable throughout the EU territories. In addition, the EU adopted the *Framework Decision on the Fight against Organized Crime*, in which is defined the term "criminal organization" in conformity with the one adopted by the UN CATOC.

B. Approximation of National Laws

Member States are characterized by the presence of a multitude of different national criminal laws and justice systems, so the EU promotes the approximation and harmonization of criminal laws among Member States. The EU also adopted framework decisions to fight against organized crime, but reaching the goal of harmonization is difficult in practice because of the presence of the principle of State sovereignty.

How a State considers organized crime is connected to his history and to the relevance is given to this phenomenon, and that results from the differences within law enforcement systems and inconsistency of penalties against organized crime.

C. Mutual Recognition of Judicial Decisions

Mutual recognition is that a judicial decision made by one Member State takes effect in the legal system of another Member State (EU, 2005); this principle is affirmed in the Hague Programme and also recognized under the TFUE, article 81.1: "*The Union shall develop judicial cooperation in civil matters having cross-border implications, based on the principle of mutual recognition of judgments and of decisions in extrajudicial cases. Such cooperation may include the adoption of measures for the approximation of the laws and regulations of the Member States*.".

Some examples of measures adopted to promoted mutual recognition:

- The European Arrest Warrant ("EAW") is a simplified cross-border judicial surrender procedure for the purpose of prosecution or executing a custodial sentence or detention order (EU Council, 2004).
- The European Evidence Warrant (EEW) replaces the system of mutual assistance in criminal matters between Member States for obtaining objects, documents and data for use in criminal proceedings. This framework decision establishes the procedures and safeguards for Member States, whereby EEWs are to be issued and executed (EU Council, 2008).

Is crucial to notify the role of specialized bodies in promoting the principle of mutual recognition, these bodies promoted cooperation within law enforcement authorities with the simplification of mutual assistance in criminal matters.

The most important specialized bodies in the EU that coordinate mutual legal assistance is Eurojust (*European Union Agency for Criminal Justice Cooperation*). Eurojust has the role to help make Europe a safer place by coordinating the work of national authorities - from the EU Member States as well as third States - in investigating and prosecuting transnational crime (Eurojust, 2025).

D. The Principle of Availability

The principle of availability is identified in the Hague Programme as a way of facilitating exchange of information and intelligence among law enforcement authorities of Member States (EU, 2005). This principle is important while considering the role of police cooperation in criminal matters.

In the application of the principle of availability Europol (*European Union Agency for Law Enforcement Cooperation*) plays a very important role, because its mission is to support its Member States in preventing and combating all forms of serious international and organised

crime, cybercrime and terrorism. Europol also works with many non-EU partner states and international organisations (Europol, 2025).

VII. CONCLUSIONS

Organized crime is a complex and changing phenomenon and opposing it is not an easy task. As explained, the first step to be made to react to this problem is to understand the phenomenon, in order to be able to adopt a common and shared definition. In this sense was crucial the adoption of the Palermo Convention, which defines organized crime also in relation to its transnational component.

Once the phenomenon has been defined, the threats to society arising from the actions of different criminal groups must be analysed and evaluated. The threat assessment is based on understanding how organized crime evolves and operates across the country.

Understanding and defining threats can be the starting point for adopting an organized crime prevention program that aims to reduce criminal occasions. It is crucial to adopt a long-term strategy: the prevention program, for being efficient, should be dynamic; in this way it can be possible to modify it during the process to shape and adapt it around the evolution of the criminal phenomenon. A prevention program is more incisive if adopted by a plurality of States, this highlights the importance of establishing cooperation mechanisms.

Cooperation, to be effective, must be developed in different areas, such as the legislative level, the administration of justice and between police forces. This also derives the importance of adopting mechanisms of joint investigations based on the sharing of information. In this sense are relevant the work of Interpol at a multilateral level and Europol at a regional level.

As seen, the Hague Programme resumes the most important key principles adopted by the EU to prevent and fight against transnational organized crime. The issue of this Program is that it doesn't consider the fact that EU territories are key destinations for illicit goods and services and it doesn't mention the reduction of the illicit demand within its principles, so the suggestion is to consider this aspect while planning the next prevention program.

Investing in prevention is what a state should do to face transnational organized crime. To do this, it should look at the measures adopted by other countries to be able to take inspiration from what actually works. The problem is that the measures that are adopted are not then evaluated, so it is difficult to establish whether they have produced effects (positive or negative) and whether these effects depend on the measures adopted or on other factors.

The advice is to adopt a preventive measure and then evaluate the effects it produces in order to establish whether it is the right way to deal with transnational organized crime.

REFERENCES

Aromaa, K. & European Institute for Crime Prevention and Control (Eds.). (2006). *International key issues in crime prevention and criminal justice: Papers in celebration of 25 years of HEUNI*. European Institute for Crime Prevention and Control affiliated with the United Nations.

Asymmetry and strategy: *Thematic collection of articles* (with Stojanović, S., & Marković, D.). (2018). University of Defence, Strategic Research Institute et National Defence School Media center 'Odbrana'. (See pages: from 322 to 336 and from 340 to 354).

Chitadze, N. (2016). *Global Dimensions of Organized Crime and Ways of Preventing Threats at International Level. Connections: The Quarterly Journal*, 15(3), 17–32. https://doi.org/10.11610/Connections.15.3.02 (See pages from 92 to 107)

European Union (n.d.) *European Arrest Warrant*. Council Framework Decision on the European arrest warrant and the surrender procedures between Member States (2004). https://commission.europa.eu/law/cross-border-cases/judicial-cooperation/types-judicial-cooperation/european-arrest-warrant_en

European Union (2009, May) *European Evidence Warrant*. Council Framework Decision 2008/978/JHA of 18 December 2008. https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM:jl0015

European Union (2009, November) *The Hague Programme: 10 priorities for the next five years.* Communication from the Commission to the Council and the European Parliament of 10 May 2005 (Official Journal C 236 of 24.9.2005). https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM%3Al16002

European Union (2024, July) *About Europol*. Europol. https://www.europol.europa.eu/about-europol

European Union (2025, April) *Who we are*. European Union Agency for Criminal Justice Cooperation. https://www.eurojust.europa.eu/about-us/who-we-are

INTERPOL. (2025, April) *What is INTERPOL?*. INTERPOL. https://www.interpol.int/Who-we-are/What-is-INTERPOL2

Leppä, S. (n.d.). *Anticipating instead of Preventing: Using the Potential of Crime Risk Assessment in Order to Minimize the Risks of Organized and Other Types of Crime*.

Obokata, T. (2011). *Key EU principles to combat transnational organized crime*. Common Market Law Review, 48(Issue 3), 801–828. https://doi.org/10.54648/COLA2011033

European Union (2016, June) *Treaty on the Functioning of the European Union, TFUE*. European Union (Official Journal of the European Union, C 202/1 of 7.6.2016, EN). https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12016ME%2FTXT

United Nations. (n.d.) *UN Convention Against Transnational Organized Crime and the Protocols thereto*. United Nations Offices on Drugs and Crime. https://www.unodc.org/unodc/en/organized-crime/intro/UNTOC.html

The "Pizza Connection" Between Palermo and New York

Italy and the U.S. against "Cosa Nostra": a Comparative Perspective

Clara Cordasco

Abstract — **This paper explores the consequences of Cosa Nostra's activities on the social, legislative and judiciary level in Italy and the USA by critically comparing the two states' efforts in the legal, historical and investigative domain. The timeframe examined—spanning the 1980s and 1990s—centers two landmark cases, the Maxi Trial of Palermo and the Pizza Connection case in New York, and the legal instruments those trials relied heavily on: the RICO act signed by the American Congress and the law of the Italian Penal Code "art.416- bis". Key to the development of both trials, the confessions of the pentito (a former mafioso who decided to collaborate with justice) Tommaso Buscetta revealed the complex and precise hierarchical architecture of Cosa Nostra.The study concludes that notwithstanding the vast institutional efforts, the ties which between the mafia and state mechanisms until this very day continue to inhibit the fight against this form of organised crime.**

I. INTRODUCTION

Cosa Nostra is the most customary, prevalent and widespread expression of the Mafia-type Italian organised crime located in the Sicilian territory, whose roots have protracted in the foreign sphere towards North America: it is based on the code of omertà (silence) and its activities are carried out by several secretive cosche (families), which, acting like alternative governments, demand taxes from the people.

The Mafia's social influence goes beyond merely acting as an alternative government; it deeply infiltrates, manipulates, and controls political, administrative, and economic processes within Italy's institutions, governance, and financial system.

The afore-mentioned "mafia" refers to the concept which started to be applied from the mid-nineteenth century by government officials in Sicily when the need to express the offences of territorial criminal organisation was born: it is the synonym of the Italian expression "associazione di malfattori".

It later muted into the token of the conceptualisation of different phenomena: the well-known "traditional" representation of the mafia as a criminal organisation, the "mafia" presented to us by the media of semeticulously structured secret societies and at last the mafia as seen by the "Sicilianist" movement: the response of the Sicilian inhabitants to the hegemony of foreign and poorly-executed national central powers on the island.

"Cosa Nostra" flourished, expanded its criminal activities and grossly enriched itself for decades and then came to a (temporary) halt in the Eighties and Nineties: it is the decade which will be closely analysed in this paper by viewing how the Italian and American counterparts of both jurists and the mafiosi acted when both the longest criminal jury trial of the FBI, "The Pizza Connection" and the biggest trial in Italy, the "Maxi-Trial" situated in Palermo (the geographical and economic nexus of Cosa Nostra's crimes) began their prosecution, with the discoveries and investigative methods of Giovanni Falcone and Paolo Borsellino, themost acclimated "anti-mafia" magistrates in history, and the peculiar help of the most famous pentito Tommaso Buscetta.

These acclaimed judicial phenomena could have not happened without the creation of RICO Acts in America and the "416bis" law in the Italian Penal Code: two intertwined legal instruments which influenced each other and still today, after more than forty years from their enactment, continue their legacy.

The objective of this paper is to examine the key aspects of the Italian and American responses to Cosa Nostra, by continuously comparing the efforts of those countries firstly in their judicial proceedings (the two already-mentioned seminal trials), secondly through the examination of the figure of Tommaso Buscetta and his role in both proceedings, and finally by comparing legislative instruments enacted side-by-side, in order to comprehend their effectiveness in the eradication of Cosa Nostra in the decades under analysis and their legacy in the ongoing fight against transnational organised crime nowadays.

II. "COSA NOSTRA" IN THE COURTROOM

The Pizza Connection case and the Maxi Trial of Palermo represent seminal legal proceedings in the fight against transnational organized crime. (Federal Bureau of Investigation, 2019; Kelly, 1999)

The origins of these landmark trials can be traced back to April 1984, when the Federal Bureau of Investigation (FBI), following a five- year investigation in collaboration with the Drug Enforcement Administration (DEA), Judge Giovanni Falcone, and Italian authorities, conducted a series of coordinated raids across the United States—from New York to small towns in the Midwest—resulting in the arrest of 22 suspects.

The impetus for these operations was the exposure of a vast narcotics trafficking network valued at approximately $1.65 billion. This criminal enterprise had been smuggling heroin into the United States for over a decade. A significant proportion of the heroin entering the country originated in Turkey, was refined in Sicily, and subsequently distributed across the United States via a network of pizzerias and cafés spanning from New York to Illinois and Wisconsin—an operational strategy that gave the case its distinctive name. (Federal Bureau of Investigation, 2019)

At the head of this illicit operation was Gaetano Badalamenti, a former high-ranking boss of Cosa Nostra, who orchestrated the smuggling activities in collaboration

© 2025 Clara Cordasco. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

with key mafiosi in New York and a cohort of recently immigrated Sicilian associates, colloquially referred to as "zips," who played a pivotal role in managing the logistical aspects of the operation.

Through the concerted efforts of undercover FBI agents and a multi- agency, multinational task force, an extensive body of documentary evidence was amassed over the course of four years. This rigorous investigative process culminated in a decisive legal outcome on March 2, 1987, when 18 of the 19 remaining defendants were convicted, many receiving substantial prison sentences.

The Pizza Connection investigation not only expanded the FBI's capabilities in combating transnational organized crime but also set a precedent for future cases, reinforcing the use of the Falcone Method—an investigative approach that remains integral to FBI operations. Furthermore, the case played a crucial role in strengthening the enforcement of the Racketeer Influenced and Corrupt Organizations (RICO) Act. As the FBI's first major transnational criminal enterprise prosecution, the Pizza Connection case represents a watershed moment in law enforcement history, with a legacy that continues to shape contemporary strategies against organized crime.

The Pizza Connection case can be regarded, from both a chronological and logical perspective, as a fundamental precursor to the Maxi Trial of Palermo. This connection is explicitly reflected in its inclusion within the ordinary judgment Abbate Giovanni +706, an extensive, eight-thousand-page ruling compiled by the leading magistrates of the anti-mafia pool, Giovanni Falcone and Paolo Borsellino.

The compilation of this extraordinary judicial document was made possible primarily through the revelations of Tommaso Buscetta, whose testimony provided unprecedented insight into Cosa Nostra's organizational structure, internal moral codes, and the rationale behind numerous criminal acts. Over the course of two months of intensive interrogations with Judge Falcone, Buscetta disclosed crucial intelligence that ultimately led to the highly secretive Blitz of Saint Michael, an operation that resulted in the identification and apprehension of hundreds of mafia suspects.

This judicial milestone emerged in the aftermath of a brutal and protracted internal conflict within Cosa Nostra, pitting the mafia clans of Palermo against the Corleonesi faction. The latter, after years of indiscriminate violence, massacres, and targeted assassinations—including those of legislators, magistrates, and law enforcement officials, collectively known as the cadaveri eccellenti (excellent cadavers)—consolidated their dominance over the organization.

During this period, while the cities of Sicily were effectively transformed into battlegrounds of mafia warfare, the Italian legislature enacted 114 laws related to organized crime between 1982 and 1992. Among these, the most significant was the Rognoni- La Torre law, which introduced the legal recognition of the crime of mafia-type association and authorized the confiscation of assets belonging to individuals convicted of mafia-related offenses. The Maxi Trial itself was held between 1986 and 1987 within a specially constructed courtroom adjacent to the Ucciardone prison in Palermo. This aula bunker was a fortified, bomb-proof structure equipped with high-security features, including a dedicated garage and thirty steel-barred enclosures in which the defendants were held during proceedings.

Following a series of high-profile confrontations—including the dramatic face-off between Stefano Bontade and Pippo Calò—the trial concluded with an unprecedented verdict: Cosa Nostra was dealt the most severe judicial ruling in its history. A total of 342 individuals were convicted, collectively receiving 2,665 years of imprisonment.

Although the Court of Appeal later reduced several sentences, hopes of further leniency were ultimately dashed when the Supreme Court of Cassation upheld the majority of the convictions. In doing so, for the first time in history, the Italian judiciary formally recognized Cosa Nostra as a structured, hierarchical criminal organization governed by a central Commissione (Commission), whose authority represented a direct challenge to the sovereignty of the Italian state.

The mafia's response to this judicial triumph was swift and brutal. Within the span of four months, Cosa Nostra orchestrated the assassinations of Salvatore Lima, Giovanni Falcone, and Paolo Borsellino through meticulously planned and shockingly violent executions. By carrying out these attacks, the organization sought to assert that, despite the court's rulings, it remained the ultimate power in Sicily.

The repercussions of these assassinations can be examined along two principal trajectories. On the institutional level, the Italian government enacted substantial legislative reforms, introducing significant modifications to the Code of Criminal Procedure, particularly in relation to the acquisition and admissibility of evidence in mafia-related trials—changes that were both necessary and long overdue.

More profoundly, however, the societal impact of these events marked a turning point in Italy's collective consciousness. For the first time, the mafia was unequivocally recognized as a malignant force, and its crimes—long embedded in the social fabric of Sicily—were met with firm legal retribution. The Sicilian people, increasingly aware of the necessity to reject the omertà (code of silence), began to mobilize in opposition to Cosa Nostra. This shift in public perception and civic engagement remains a defining aspect of the ongoing fight against organized crime in Italy.

III. BUSCETTA'S ROLE

Q. Mr. Buscetta, you said that you had to be silent, is that correct?
A. Yes.
Q. Is there a particular word that was used by the organization to describe that concept?
A. Omertà.
Q. Can you tell us whether omertà applied within the organization or as to people outside the organization?
A. Mainly within the organization, but it can be applied also outside the organization.
Q. What would happen so far as you know, Mr. Buscetta, so far as you were told, if you violated one of those principles that you just described?
A. Death.
(*Buscetta*, T. (n.d.). Testimony of Tommaso Buscetta [Court transcript excerpt].)

When Tommaso Buscetta is mentioned, we must proceed carefully and unravel the numerous threads that the media, through films, books and newspaper articles, paint the story of history's most famous pentito. (Bush, 2019)

When Buscetta is flown in utmost secrecy from the US to sit as the accuser of men which, prior to his fall from glory, were conducting his same lifestyle and criminal activities, his identity switches to the "saviour" of the Maxi Trial.

We mustn't forget that his collaboration with justice was the result of a long process of personal agony on one hand, and incommensurable reputational losses in the enviroment of Cosa Nostra: when the second mafia war struck and left thousands of casualties throughout the Sicilian territory in the early Eighties, Buscetta was already hidden with his family in Brazil, escaping the death sentence that his opponents (and winners of the "conflict") already put on his head.

His escape didn't stop the Corleonesi clan from their vengeance: two of his kids, his brother, brother-in-law, son-in-law and many other members of his family were coldly killed.

When the Brazilian police located his hiding place and arrested him in October of 1983, he vehemently and aggressively denied the possibility of extradition in both Italy and Brazil. In July of 1984 Giovanni Falcone steps foot in Brasilia with the intention of asking him to collaborate and Buscetta leads him to understand his positive answer.

This controversial decision is not an admission of culpabilities or the conversion to goodness and justice to the life-long mafioso: rather, after the attempted suicide during the extradition of Italy, Buscetta understood that the only thing which remained in his life, after the massacre committed to his family by the Corleonesi, was breaking the never-before contested rule of omertà.

> *"I've rendered these declarations spontaneously and with full possession of my mental faculties. In this, I have been inspired only by my conscience, not by a desire for revenge or vendetta; the latter, in fact, has never brought back that which has been lost forever. My choice, therefor, ripened over time, is not conditioned by personal resentments and, even less, by the aspiration to be able to make use of the potential resources for the so-called 'pentiti'. In truth, I've realized that the era in which we live is incompatible with the traditional values of Cosa nostra, which has transformed into a mob of ferocious assassins inspired exclusively by goals of personal profit."*
> *(Buscetta, T. (n.d.). Testimony of Tommaso Buscetta [Court transcript excerpt])*

He will never consider himself an infame: his objective behind the accusations and testimonies in the aula bunker, and later before the Federal Judges of New York, was of "not supporting the new identity of Cosa Nostra, which had lost its original identity".

In four months of interrogations, Buscetta unveils decade-long hidden secrets: he enlists the architecture,the geography, the roles and the hierarchies of Cosa Nostra. He also explains how many of the homicides committed in the italian island were to be reconducted to "Cosa Nostra". For the first time, the Italian State has a clear and precise way of the actions, motifs and dynamics of "Cosa Nostra": the famous "Buscetta Theorem" is the mold on which the Italian anti- mafia pool will plan the Maxi Trial.

Choosing to collaborate with Falcone had two important consequences for the pentito: firstly, by confessing personally to the magistrate he was assured that his declarations would be treated with utmost seriousness; and secondly it gave him a relative safety, because when Buscetta turned into a state's witness, the Italian legislature couldn't guarantee any protection.

The latter didn't happen when Buscetta stepped foot in New York and was asked to testify in the Pizza Connection Trial: he was put in the American Witness Program. His task before the American authorities was quite different from his previous judicial experiences: he was asked to reveal the protagonists of the massive heroine ring unveiled by the Federal Bureau, which he claimed was under the power of the members of the Corleonesi clan which resided in the USA.

Throughout Buscetta's declarations we can see his insistence on putting on a pedestal the mythic mafia of the past, the betrayal of the new Cosa Nostra and the idea of a valorous mafioso, his personal image told throughout hundreds of hours of interrogations: a man whose illegal activities were a mere attempt to provide for his family, a man which can provide for his clan while also protecting the downtrodden in society.

IV. RICO ACTS VS. 416 BIS

After analysing the figure of Buscetta, we must return our focus on the other side of the fight against organised crime: the judicial institutions and more importantly the legal instruments created ad- hoc in both Italy and America, used in the already-mentioned trials.

During the Eighties and Nineties, tasked with the dismantlement of La Cosa Nostra's presence in the USA, which infamously had the position of its principal organised crime group, the American law enforcement successfully demolished the Sicilian mafia's power in its major cities.

This enormous mission was successful mostly because of a new legal instrument which expanded law enforcement's ability to attack organised crimes: the RICO (Racketeer Influenced and Corrupt Organisation) Acts. (Scotti, 2002)

The US Congress' aim, by signing it into law on the October 15 of 1970, was to use RICO in order to strike down organised crime groups and at the same time expand the scope of Cosa Nostra's prosecutions by allowing prosecutors to present the numerous acts committed by multiple mafiosi in the same trial.

RICO embodies in its statute multiple laws which attack organise crime: numerous Supreme Court ruling applied this complex and broad collection of acts.

On the other side of the world, the Italian government reactions to Cosa Nostra's criminal dominion was to implement Article 416-bis in 1982 which states how persons belonging to a Mafia-type organisation of three or more persons shall be liable to imprisonment for a term of between three and six years.

This law not only was needed in order to successfully prosecute all the suspects in the Maxi Trial, cornered in the bunker courtroom only a few years later, but it also was the

first sign of a concrete legislative reaction from Italy towards Cosa Nostra.

When put in comparison, those instruments share the same need to combat organised crime, but their characteristics and judicial effects are quite different : while RICO is praised for its efficacy, it is also widely critiqued for its potential overreach in its application; on the other hand, art.416-bis' precision in the criminalisation of mafia- type association had revealed to be effective when there was the possibility to be applied in the courtroom, however the intricate ties between the mafia and the Italian State, its influence over the peninsula's legal and political systems hinders an effective and strong fight against organised crime until this very day.

V. CONCLUSIONS

The fight against Cosa Nostra in both Italy and the United States during the 1980s and 1990s symbolised legislative and institutional innovation. The landmark cases analysed in this paper show the confrontation between the rule of law and radicated criminal organisations. The role of Tommaso Buscetta shed light on the complexity of Cosa Nostra and the side-by-side analysis of RICO and 416-bis illustrate how, despite the difference in social, economic and political backgrounds, the national legislative responses vary in form but coincide in function.

However, those victories were glorious only relatively: in the present day, the Mafia transformed and adapted itself to the needs of today's society: it continues to assert control in the Italian context and it threatens the progress made, requiring a continuous innovation and civic resistance.

REFERENCES

Paoli (Ed.) - The Oxford Handbook of Organized Crime (2014), Oxford University Press

Europol. (2013). Italian organised crime threat assessment. The Hague, Netherlands. https://www.europol.europa.eu

Balsamo, A. (2006), "Organised crime today: the evolution of the Sicilian mafia", Journal of Money Laundering Control, Vol. 9 No. 4, pp. 373-378.

Benjamin Scotti, Rico vs. 416-bis: A Comparison of U.S. and Italian Anti-Or ganized Crime Legislation, 25

Loy. L.A. Int'l & Comp. L. Rev. 143 (2002).

Kelly, R.J. (1999). The Pizza Connection: Selling Dough and Dope. In: The Upperworld and the Underworld. Criminal Justice and Public Safety. Springer, Boston, MA. https://doi.org/10.1007/978-1-4615-4883-6_6

Federal Bureau of Investigation. (2019, 5 aprile). The Pizza Connection: 35th anniversary. FBI. https://www.fbi.gov/news/stories/the-pizza-connection-35th- anniversary-040519

Kelly, R. J. (1999). The upperworld and the underworld (pp. 119-120). Kluwer Academic/Plenum Publishers.

Ayala, G., & Fitzjohn, M. (2013). The archaeology of the mafia: A material investigation of extortion, justice and reprisal in Palermo, Sicily (1982– 2012). World Archaeology, 45(5), 816-831. https://www.jstor.org/stable/26160146

Buscetta, T. (n.d.). Testimony of Tommaso Buscetta [Court transcript excerpt]. Retrieved from https://uplopen.com/chapters/1857/files/85b6c90c-b6f4-4094-bd19-d4f65c5e83d9.pdf

Bush, A. R. (2019). Self-presentation, representation, and a reconsideration of Cosa Nostra through the expanding narratives of Tommaso (Doctoral dissertation). The University of Texas at Austin.

Tackling Human Trafficking at the U.S.-Mexico Border

Legal Frameworks and the Need for Enhanced Cooperation

Giulia Crestani

Abstract — **Human trafficking is a growing criminal enterprise affecting numerous countries around the world. However, this paper focuses on two states severely affected by the issue, namely Mexico and the United States. This study will analyze the legislative measures they adopted, highlighting the lack of direct criminalization of the matter before the 2000s. The paper also examines how legislation has evolved, becoming more detailed and incorporating further victim assistance measures. Nevertheless, deficiencies still exist, and this study aims to illustrate them. Moreover, there will be a focus on the cooperation projects developed by these two countries to tackle human trafficking cases in the region of the border. However, findings suggest that the legislative efforts made over the past decades have been insufficient in reducing the phenomenon, mostly because the number of collaborative initiatives has been extremely low. Thus, much work remains, and the paper emphasizes the need for more intensive cooperation.**

I. INTRODUCTION

Human trafficking is a form of organized crime that has developed in a disproportionate and unforeseeable way over the past decades (Cicero-Domínguez, 2005). Often referred to as a "form of modern slavery", it is estimated that around 20.9 million people all over the world have been deprived of their freedom because of it (Chacón, 2016). However, due to its resemblance with the crime of "migrant smuggling", there might be some confusion around its definition. For this reason, first and foremost, it is essential to understand what we mean by the term "human trafficking" to address its status quo in the territory of the border between the United States and Mexico. This highly affected region is the focal point of this paper, which seeks to determine whether domestic legislation is sufficient or if stronger cross-border cooperation is necessary to effectively combat human trafficking.

II. EXAMINING THE DEFINITION OF HUMAN TRAFFICKING

Article 3 of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children ("Trafficking Protocol", 2000), which supplements the United Nations Convention against Transnational Organized Crime ("Palermo Convention", 2000), provides us a definition for human trafficking (Cicero-Domínguez, 2005). It determines that a crime is labeled as such when it includes at the same time three elements: acts, means, and purpose (Correa-Cabrera & Sanders Montandon, 2018).

Firstly, the acts correspond to what happened and are listed as "the recruitment, transportation, transfer, harbouring or receipt of persons" (Correa-Cabrera & Sanders Montandon, 2018; United Nations Protocol to Prevent Suppress and Punish Trafficking in Persons, especially Women and Children, 2000).

Secondly, these acts have to be carried out through specific means, which are set out as "the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person" (Correa-Cabrera & Sanders Montandon, 2018; United Nations Protocol to Prevent Suppress and Punish Trafficking in Persons, especially Women and Children, 2000).

Thirdly, the purpose of traffickers is the exploitation of their victims to earn illicit revenues (Cicero-Domínguez, 2005; Correa-Cabrera & Sanders Montandon, 2018; United Nations Protocol to Prevent Suppress and Punish Trafficking in Persons, especially Women and Children, 2000). Exploitation includes "at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs" (Cicero-Domínguez, 2005; United Nations Protocol to Prevent Suppress and Punish Trafficking in Persons, especially Women and Children, 2000). Thus, we can conclude that a trafficking victim, to be qualified as such, does not need to be physically moved from one location to another (Cicero-Domínguez, 2005).

In the case in which one of these three elements is absent, we are facing a different crime, an administrative fault, or a violation of labor rights (Correa-Cabrera & Sanders Montandon, 2018). Nevertheless, there is an exception to this rule in the case of "the recruitment, transportation, transfer, harbour or receipt of a child for the purpose of exploitation", which is considered "trafficking in persons" even if it is not performed according to the means set out in the Protocol (Cicero-Domínguez, 2005; Correa-Cabrera & Sanders Montandon, 2018; United Nations Protocol to Prevent Suppress and Punish Trafficking in Persons, especially Women and Children, 2000).

Furthermore, the consent of a victim of human trafficking to the intended exploitation is irrelevant because, even in the case in which it was expressed, it has been made insignificant by "the coercive, deceptive or abusive actions of the traffickers" (Cicero-Domínguez, 2005, p. 305). Contrary to human trafficking, migrant smuggling occurs where consent has been expressed to the criminal activity, which ends once migrants arrive at their destination. Besides, they tend to be less in need of protection from re-victimization and other sorts of additional abuse (Cicero-Domínguez, 2005).

© 2025 Giulia Crestani. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

III. THE BORDER CRISIS

Focusing on the trafficking of humans in the region of the border between the U.S. and Mexico, it is significant to underline that it has witnessed an increase since the adoption of more restrictive immigration rules on criminal deportation in the United States. Indeed, organized crime networks and gangs are able in this way to exploit the vulnerability of migratory workers and their families with special regard for women and children (Cicero-Domínguez, 2005; Still, 2017).

Several key statistics illustrate the scale of the issue:

- the CIA estimates that 45.000 to 50.000 persons are trafficked each year into the United States and that many of them pass through the San Diego County-Tijuana Region (Bilateral Safety Corridor Coalition, 2016).
- Polaris, which runs the National Human Trafficking Hotline in the U.S., declared that, just in 2023, 7.380 human trafficking cases were reported to them from victims or survivors of human trafficking (National Human Trafficking Hotline, 2023).
- California has been identified as one of the U.S.'s top destination states for human trafficking by the San Diego County District Attorney's Office, based on estimates that 3.400 survivors of human trafficking live in or traverse through San Diego County every year (Bilateral Safety Corridor Coalition, 2016).

Notwithstanding the fact that human trafficking cases continue to occur, Mexico and the U.S. have made remarkable progress in tackling the situation by adopting several legislative measures. Therefore, it is relevant to analyze the legal framework they have in place.

IV. MEXICO'S ANTI-TRAFFICKING LEGAL FRAMEWORK

Mexico's legal framework to fight against human trafficking has improved considerably since 2007, when the first anti-trafficking national law was passed (Rietig, 2015). As a matter of fact, before then, Mexican legislation did not provide for a distinct definition of trafficking, which was punished in article 206 and former article 207 of the Federal Penal Code under the name of « Trafficking in People and Sexual Pandering or « Pimping ». However, the lack of a clear distinction between the two crimes and restricting its definition to sexual exploitation did not acknowledge that trafficking could lead to different forms of exploitation. Thus, a person could only be considered a victim of trafficking and sexual procurement when a situation of sexual exploitation existed (Cicero-Domínguez, 2005; Código Penal Federal, Cámara de Diputados del H. Congreso de la Unión, 2024).

Nevertheless, as a result of the 2003 ratification of the Palermo Convention, which is not a self-executing treaty, the Mexican government had the duty to take proper steps to harmonize its internal legislation with the Convention. Besides, an act of the federal Congress was required for the Convention to become effective, as no federal law or code was instructing local and state authorities to observe the provisions contained in the treaty, which also created new categories of crime then absent in the national legislation (Cicero-Domínguez, 2005). To do so, the project Programa de Apoyo a Victimas de Trata de Personas began its work in 2006, which was concluded with the enactment in 2007 of the Law to Prevent and Punish Trafficking in Persons (Ley para Prevenir y Sancionar la Trata de Personas). Although the text was relatively short, Article 5 provided a definition of human trafficking that followed the one present in the Palermo Protocol. In addition, Article 10 postulated that the federal government would establish a permanent interagency commission to study the phenomenon of trafficking in persons and which would be responsible for formulating a national program to prevent and combat human trafficking, for fostering cooperation between the federal and state governments, and for coordinating anti-trafficking efforts.

Since then, all Mexican states have adopted some form of legislation to address this crime in their territory. Nevertheless, the 2007 federal law made it extremely difficult to prove that trafficking occurred, and it did not sufficiently ensure the victim's safety. Therefore, in 2011, a process of reform started, which led to the classification of human trafficking as a serious felony, thus allowing judges to issue preventive arrest warrants against suspected traffickers.

On June 14, 2012, the General Law to Prevent, Sanction, and Eradicate Crimes Related to Trafficking in Persons was published in the Official Gazette. Its goal was to better articulate and define how federal, state, and municipal authorities should act and cooperate in their anti-trafficking efforts. Moreover, the new anti-trafficking legislation was accompanied by constitutional reforms. Taking an example, Article 20 of the Mexican Constitution was modified so that human trafficking victims could have their identities and personal information kept secret. Besides, the new law framed human trafficking as a domestic crime in contrast to the 2007 law, which understood human trafficking as an international crime and allowed states to use discretion on how they would prosecute traffickers. Thus, the current law understands that if someone was misled or abducted and brought from one Mexican state to another, that constitutes trafficking. For this reason, it should be pointed out that the number of people the government has identified as traffickers has increased considerably.

In addition, contrary to the definition of human trafficking outlined in the Trafficking Protocol, Article 10 of the General law considers the means as aggravating factors and not as constitutive elements of human trafficking, which is to say that it does not matter how the acts are performed but what is relevant is that a set of acts is carried out to benefit from exploiting people. For this reason, we can argue that the General Law is more complex and comprehensive than the 2007 law. What is more, this little but major change enlarged the scope of the Mexican definition of human trafficking, which is broader than the one set forth in the Palermo Protocol and the U.S. anti-trafficking legislation. Indeed, it constitutes further progress, as out of 188 countries with human trafficking laws and a specific anti-trafficking institutional framework, less than a dozen have removed means as an essential provision for the occurrence of trafficking in persons.

Moreover, the broader scope of application of the law has had a direct impact on the prosecution of human trafficking cases. Taking an example, the number of convictions for this crime at the federal level increased from 0 in 2009 to 8 in 2014, and at the state level, it increased from 22 in 2009 to 154 in 2013 (Correa-Cabrera & Sanders Montandon, 2018; Secretaría de Gobernación, Informe Anual de la Comisión Intersecretarial para Prevenir, Sancionar y Erradicar los Delitos en Materia de Trata de Personas 2015, 2016). Nevertheless, one of the flaws of this broader scope of application is that it has led to the misidentification of victims and traffickers, alongside contributing to the phenomenon of re-victimization. Indeed, "many other offenses that are not trafficking, but are related to it, are now punishable alongside trafficking. These include: purchasing sex while being aware that the person is trafficked, renting a building knowing it will be utilized for trafficking, and posting advertisements with trafficking ends" (Correa-Cabrera & Bryson Clark, 2016, p. 61). Thus, if a person benefits from the exploitation or is aware of the exploitation of a person, they can be considered a trafficker (Correa-Cabrera & Sanders Montandon, 2018). However, "these two conditions constitute a different phenomenon and should not be equated to trafficking in persons as they currently are" (Correa-Cabrera & Sanders Montandon, 2018, p. 19).

Like Mexico, the United States has developed a legal framework to combat human trafficking. However, it employs distinct approaches in legal structure, enforcement, and victim protection, offering valuable insights for comparison.

V. THE UNITED STATES ANTI-TRAFFICKING LEGAL FRAMEWORK

The fight against human trafficking in the United States is rooted in the 13th Amendment to the U.S. Constitution, which prohibits slavery and involuntary servitude. Indeed, before 2000, the Department of Justice filed human trafficking cases under several federal statutes related to involuntary servitude slavery. Nevertheless, the criminal laws were narrow and fragmented.

Since then, though, the situation has evolved, and Congress has passed several comprehensive bills designed to empower and bring attention to the federal government in the fight against human trafficking (U.S. Department of Justice, 2023).

In 2000, the U.S. implemented one of the most comprehensive pieces of domestic anti-trafficking legislation in the world which is called the Trafficking Victims Protection Act (TVPA), and has been reauthorized several times, the last one being in 2018 (Chacón, 2016; Chuang, 2006; U.S. Department of Justice, 2023). To address problems of human trafficking, a department within the U.S. Government was established and equipped with new tools and resources to carry out an exhaustive and up-to-date campaign to abolish modern forms of slavery domestically and internationally. In particular, the TVPA set up the framework for the "3 P's": protection, prevention, and prosecution.

Firstly, it increased protections for trafficking victims in different ways. Indeed, it made foreign victims eligible for federally funded or administered health and other benefits and services, regardless of the victim's immigration status (U.S. Department of Justice, 2023). Moreover, foreign national victims of human trafficking are safe from removal because they are granted the T-Visa, which is a long-term visa that can also include access to social services, healthcare, and medical programs (Still, 2017).

Secondly, the TVPA strengthened the U.S. Government's prevention efforts by providing for measures to be established at the international level and carried out to improve economic opportunity for potential victims. In addition, it created the Office to Monitor and Combat Trafficking in Persons in the State Department which is responsible for publishing an annual Trafficking In Persons (TIP) report that is the U.S. Government's main diplomatic tool to engage foreign governments on human trafficking. On top of that, it describes and ranks into three tiers the efforts of countries to comply with the TVPA's minimum standards (Chuang, 2006; U.S. Department of Justice, 2023). Taking an example, the Report indicates that Mexico is "a source, transit, and destination country for persons trafficked for sexual exploitation and labor" (Cicero-Domínguez, 2005, p. 314).

Moreover, the TVPA required the President to establish an Interagency Task Force to Monitor and Combat Trafficking (PITF) with the task of measuring and evaluating the progress of the U.S. and other countries in preventing human trafficking, protecting its victims, and prosecuting its perpetrators. To do so, the TVPA established a sanctions regime under which the U.S. Government may deny non-humanitarian, non-trade-related foreign assistance to any government not making significant efforts to comply with U.S.-defined "minimum standards for eliminating trafficking" (Chuang, 2006).

Thirdly, the TVPA improved the prosecution against human traffickers by strengthening penalties for existing trafficking crimes, but also adding new criminal provisions prohibiting forced labor, trafficking with respect to peonage, slavery, involuntary servitude, or forced labor, and sex trafficking of children or by force, fraud, or coercion, as well as attempts to engage in these crimes (U.S. Department of Justice, 2023).

Throughout the years, the TVPA's reauthorization acts have refined federal criminal provisions against trafficking, they have created new related crimes, they have strengthened the tools that law enforcement authorities use to prosecute traffickers, and have enhanced assistance to victims of trafficking (Cicero-Domínguez, 2005; U.S. Department of Justice, 2023).

In addition to the TVPA, other acts were adopted such as the Justice for Victims of Trafficking Act of 2015, increasing the number of tools to address human trafficking, and the Trafficking Victims Protection Act of 2017, which provided additional funding and mandates to support victims of trafficking, and to increase transparency of the federal government's anti-trafficking work (U.S. Department of Justice, 2023).

However, despite the endeavors made at the federal level, deficiencies within the system still exist. Indeed, at present, each state of the United States has adopted its anti-trafficking legislation, implying that the laws vary in form and content from one state to another (Chacón, 2016).

VI. U.S.-MEXICO COOPERATION IN THE FIGHT AGAINST HUMAN TRAFFICKING

Despite recognizing the efforts made singularly by Mexico and the United States, what is relevant now is to address the number of joint ventures undertaken to decrease the number of trafficking cases that occur in the region of the border. Unfortunately, though, the number of coalitions is low. Indeed, one of the very few examples is the "Merida Initiative", which is a bilateral partnership between Mexico and the U.S. to improve the rule of law and fight crime networks in Mexico, preventing spillover into the U.S. Even though this measure focuses on the war on drugs, it also addresses the protection of human rights, and, to some extent, it works towards reducing human trafficking between the two countries (Still, 2017; U.S. Department of State, 2009-2017).

Furthermore, a second example of substantial cooperation, which could be expanded or replicated, is the "Bilateral Safety Corridor Coalition" (BSCC) in San Diego, which was founded by Marisa Ugarte (Carpenter, 2018; Still 2017). The BSCC has pioneered anti-human trafficking efforts throughout the US-Mexican border region since 1997 through a joined network of collaborators, government, and non-profit agencies in the United States and Latin America (Bilateral Safety Corridor Coalition, 2016). Indeed, it is a coalition among the U.S. and Mexican organizations, especially those based in Southern California and near Tijuana, which focuses on different branches coming together to protect and support human trafficking victims, but also to educate communities on this criminal phenomenon and to advocate for vulnerable persons (Still, 2017). Moreover, the "goals of BSCC are to identify prostituted or trafficked children and adolescents, to establish liaisons between border regions, and to analyze the regional extent of trafficking to establish a network of services aimed at stopping trafficking" (Ugarte, Zarate, Farley, 2004, p. 160). In addition, it should be noted that since it was launched, thanks to its work it has provided direct services to more than 1,700 survivors of human trafficking, including survivors of both sex and labor trafficking (Bilateral Safety Corridor Coalition, 2016).

Following the lead of the BSCC, other enforcement networks were established in San Diego County, such as The ACTION (Against Child Trafficking and the Prostitution of Teens In Our Neighborhoods) Network, the San Diego Innocence Lost Task Force (SDILTF), the San Diego Anti-Human Trafficking Task Force, and the North County Regional Anti-Human Trafficking Task Force. Besides, several churches jointly formed Churches Against Trafficking. Nevertheless, all these initiatives do not entail any kind of collaboration with the Mexican government or Mexican cities, and their work is limited to the County of San Diego (Carpenter, 2018).

VII. CONCLUSIONS

Even though both the United States and Mexico have enacted laws and have adopted measures addressing the situation of human trafficking in their territory, what is lacking is a more integrated form of cooperation between the two countries in the region of the border, even for example when it comes to sharing certain types of information. Consequently, "with the combination of new laws requiring and expanding the deportation of criminal aliens and the toughening of border security" in the U.S., the border has become more and more a dangerous region for both countries (Cicero-Domínguez, 2005, p. 317). Besides, the increased enforcement presence on the border has led traffickers to take riskier methods to introduce their victims to the American territory, often leading to unfortunate events such as loss of life (Cicero-Domínguez, 2005). Thus, if the status quo is kept, it would imply that each country could continue dealing with this issue on its own and the extent of human trafficking between the two countries would likely remain unchanged (Still, 2017). Even though individual developments within each country should still be accomplished, I consider that improving the coordination and communication between them would represent the winning solution. Indeed, both countries are affected by the issue, as problems exist on each side of the border. For this reason, it is more likely that, by combining their forces, trafficking will substantially decrease (Still, 2017). Thus, they should work together by bolstering the currently existing coalitions, such as the Merida Initiative, and establishing new partnerships between cities on the opposite side of the border (Still, 2017).

REFERENCES

Bilateral Safety Corridor Coalition. (2016). https://bsccoalition.org/m/our-impact/human-trafficking

Carpenter, A. C. (2019). The role of conflict resolution in a major urban partnership to fight human trafficking. *Conflict Resolution Quarterly*, *36*(4), 311–327. https://doi.org/10.1002/crq.21247

Chacón, J. M. (2017). Human Trafficking, Immigration Regulation, and Subfederal Criminalization. *New Criminal Law Review*, *20*(1), 96–129. https://doi.org/10.1525/nclr.2017.20.1.96

Chuang, J. (2006). The United States as Global Sheriff: Using Unilateral Sanctions to Combat Human Trafficking Combat Human Trafficking. *Michigan Journal of International Law*, *27*(2). https://repository.law.umich.edu/mjil/vol27/iss2/2

Cicero-Domínguez, S. A. (2005). Assessing the U.S.-Mexico fight against human trafficking and smuggling: Unintended Results of U.S. Immigration Policy. *Northwestern Journal of International Human Rights* *4*(2), 303-330 http://scholarlycommons.law.northwestern.edu/njihr/vol4/iss2/2

Código Penal Federal, 2024, Mexico https://www.gob.mx/senasica/documentos/codigo-penal-federal-298851?state=published

Correa-Cabrera, G., & Bryson, J. (2016). Re-victimizing Trafficked Migrant Women: The Southern Border Plan and Mexico's Anti-trafficking Legislation. *Eurasia Border Review*, *7*(1), 55–70. https://doi.org/10.14943/ebr.7.1.55, as cited in Correa-Cabrera, G., & Sanders Montandon, A. (2018). Reforming Mexico's anti-trafficking in persons legislation. *Mexican Law Review, 11*(1), 3–30. https://doi.org/10.22201/iij.24485306e.2018.1.12509

Correa-Cabrera, G., & Sanders Montandon, A. (2018). Reforming Mexico's Anti-Trafficking in Persons Legislation. *Mexican Law Review*, *11*(1), 3–30. https://doi.org/10.22201/iij.24485306e.2018.1.12509

Merida Initiative, https://2009-2017.state.gov/j/inl/merida/

National Human Trafficking Hotline. (2023) https://humantraffickinghotline.org/en/statistics

Rietig, V. (2014). Prevent, Protect, and Prosecute Human Trafficking in Mexico: Policy and Practical Recommendations. *International Migration*, *53*(4), 9–24. https://doi.org/10.1111/imig.12179

Still, A. (2017). Solving Human Trafficking Between Mexico and the United States. *Pepperdine Policy Review*, *9*(4). https://digitalcommons.pepperdine.edu/ppr/vol9/iss1/4

Ugarte, M. B., Zarate, L., & Farley, M. (2004). Prostitution and Trafficking of Women and Children From Mexico to the United States. *Journal of Trauma Practice*, *2*(3-4), 147–165 https://doi.org/10.1300/J189v02n03_08

United Nations. (2000). *Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime* https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-prevent-suppress-and-punish-trafficking-persons

United States Department of Justice. (2023, August 23). Human Trafficking: Key Legislation. https://www.justice.gov/humantrafficking/key-legislation

Sex Trafficking from Nigeria to Italy
A Cycle of Violence

Giulia Claudia Cuozzo

Abstract — **This paper will analyze the different steps of the phenomenon of human trafficking of Nigerian girls for the purpose of sexual exploitation, from the process of recruitment to their arrival in Italy. It aims at understanding the manipulation techniques through which perpetrators take advantage of their victims' vulnerability. Focus on the cultural practices like juju or other rituals through which girls and women are subjected to a position of debt bondage and forced into silence. Taking into account different stories of the victims, a recurrent path is identified: the victims are led into thinking they are going to take a normal job in Italy, when, in reality, they are obliged to become prostitutes and they cannot refuse because of the oath they have taken. In the end, the paper explores also what happens after the arrival into the country of exploitation, starting from the asylum centers. Furthermore, there is an insight into the role of the local organized crime in enhancing this criminal activity together with the Nigerian mafia, with a particular example of Castel Volturno. The position of abandonment of many illegal immigrants living in this area opens a reflection on the crimonegic effect caused by the environment in enhancing sex trafficking along with other crimes..**

I. INTRODUCTION

Sex trafficking is one of the most alarming manifestations of modern slavery.

Nigerian girls and women are particularly affected by this issue: they are often enslaved through subjugation methods that, as we are going to see, are both physical, mental, cultural, and economical.

In fact, according to the Global Slavery Index (2023), within the African region, Nigeria is ranked fifth out of 51 countries for prevalence of modern slavery, and 38 out of 160 countries globally.

In 2017, the IOM estimated that as many as 80% of Nigerian immigrant women were destined for the prostitution market (IOM, 2017).

Furthermore, the IOM 2023 report on Nigeria finds that 98% of victims, mostly women, were exploited through the sex trade (IOM, 2023). When considering Non-EU nationals, Nigerians are indeed the most trafficked within the European Union (Papadopoulos, 2020).

Italy is often a destination country, as it is reported in the 2021 trafficking in persons profile of the country from the US Department of State, which identifies a majority of Nigerians women among sex trafficking victims, with a decreasing number due to the pandemic. According to last year's report, Nigerian gangs linked to the Black Axe are expanding their trafficking network, while using more and more violence. They also infiltrate the asylum system and "exploit migrant women in sex trafficking in and around migration centers" (US Department of State, 2024).

© 2025 Giulia Claudia Cuozzo. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

This paper aims at exploring the different steps through which sex trafficking happens, from the recruitment of victims in Nigeria, to their arrival in Italy, where very often there is a fertile ground to continue the exploitation, especially in places where the local organized crime substitutes the absence of the state.

II. THE RECRUITMENT PROCESS

There is a recurrent path that can be identified in the process of recruitment of the victims: it is almost casual, involving a familiar person that acts as a mediator between the perpetrator and the women. "It is usually like a chain, most women are recruited from people who know them, it could be a friend, a friend's friend, an uncle, a cousin, or somebody that knows somebody within the chain" (Massey and Coluccello, 2015).

The common approach involves offering an employment opportunity in Italy, usually a job that does not require particular skills, like a hairdresser or babysitter, as reported in the actual real stories of victims we are going to take into account. There is often "a facade of authenticity", "the signing of legal agreements drafted by genuine solicitors; Italy is often described eloquently as "an Eldorado" where the streets are paved with gold" (Massey and Coluccello, 2015).

Blindfolded by these promises, the victims basically agree to an exploitation contract. They often agree to pay an exaggerated amount of money assigned as a debt by their traffickers who rely on their ignorance or lead them into thinking they will earn back the money in a short period of time (Ikeora, 2016).

The apparent friendly nature through which the recruitment takes place is epitomized by the role of the madam and the brothers, perpetrators hiding behind fake benefactors' names. The madams have a central function: often formerly trafficked women remaining in the network, they "organize victims' recruitment, they collude with government officials and smugglers to secure passage for victims" (Carling, 2005). According to the UNICRI report about trafficking of Nigerian girls in Italy, the brother is the person responsible for escorting the victims in Italy after the recruitment phase; he often leaves them in the hands of Libyan exploiters (UNICRI, 2010).

The report also reveals another form of brutality used to inject fear in many women: rape as "initiation" before embarking. This was the case for Loveth, 21, who, from a shelter for victims, speaks on how her virginity was brutally broken before she was taken to Libya, where, once arrived, she was raped by many men. She just thought she was going to work as a childminder in Italy (The Guardian, 2016).

Violence is used as a means to open ways to another cycle of violence and ending it can be very difficult. This cycle starts from the very beginning and also takes

advantage of cultural beliefs embedded in Nigerian culture, a true "abuse of the African traditional religious beliefs as a control mechanism"(Ikeora, 2016).

III. THE MANIPULATION TECHNIQUES

Economic manipulation relies on forms of psychological abuse. One of the most common methods used in Nigeria to subjugate women is the use of juju rituals. According to the definition used by the scholar Sarah Adeyinka, juju is "a ritual that is practiced in many West African countries and involves the conjugation of spirits and deities to get involved in the affair of the men" for good and for evil.

The purpose of the ritual used in case of trafficking is in nature evil because it is meant to inject fears in the victim taking the oath; the women maintain the promise because it is believed that diseases, calamities or suffering to their family will arise if they do not respect it. The job of the ritualist/doctor who performs a juju rite is to ensure the victims' silence and the repayment of the debt (Adeyinka, 2023). The study on participants from the Adeyinka paper detects that the traffickers often use threats of suffering to the family members of the victim as a way to continue the coercion.

This statement from a former victim reveals this pattern: "When I refused to go to my madam, she warned me that my mum's sickness would only get worse, but I kept praying, and my mum seemed to be recovering, then, all of a sudden, she died" (Adeynka, 2023). A common aspect of the rituals highlights how from the very beginning the women's body are subjected to control from the traffickers: personal objects are often requested, "including items such as underpants, saliva, menstrual blood, public hair or fingernails" (Hashim Msuya, 2019). Furthermore, many times women are forced to eat things like the raw heart of a chicken or other unknown items as part of the oath-taking (Adeyinka, 2023).

As Massari emphasizes, the juju ritual is just the beginning of strategies of subjugation and discipline to which the woman's body is subjected (Massari in Cabras, 2020). From the very start they lose their bodily autonomy: their lives become "on loan"(Solinas, 2007). This generates fear and silence between the victims and makes it difficult to hold the criminal organizations responsible and to prosecute them; the writer Chima Agazue claims that women that have taken part in these rituals become "mentally enslaved" (Agazue in Ikeora, 2016).

The message of all the manipulation techniques used by the traffickers and other perpetrators, from rape used as initiation to the use of juju rituals, is always the same: to implicitly make the woman aware that her body is becoming a "living pledge" (Taliani in Cabras, 2020).

IV. V.REAL STORIES OF SEX TRAFFICKING

It is important to hear the voices of former victims to underline some key aspects of the trafficking previously discussed: the promise for a job opportunity in the recruitment, the violence used by the traffickers to create fear and the impact of juju rituals in coercing the woman to respect the agreement of exploitation.

Case studies from the UNICRI report on human trafficking (UNICRI, 2010):

- G.A, had run away from her arranged marriage with an older and abusive man. Once she ran, she met her partner in Benin City, where a Nigerian boy promised them that he could help her find a job in Italy through his sister. They paid him and he made G.A participate in a juju ritual, in which she says that she felt better: "I felt that the migrants' good spirits were protecting me". This statement shows how the mechanism of cultural subjugation works in the mind of the victims, who often feel protected by the performance of rituals. Once arrived in Italy, however, G.A discovered the truth: she was forced into prostitution in Bari by a woman who, knowing she was pregnant, said that men like pregnant women a lot and that she would give her condoms. This woman was in touch with the sister of the Nigerian boy who first recruited her. Thankfully she managed to escape.
- M.M, a 17 year old orphan girl, was a hairdresser in Benin City. She was recruited by a customer that started bribing her by saying that in Italy she could have been successful as a hairdresser for the movie stars or she could have been a movie star herself. She believed her lies and also went through a voodoo rite, not questioning it because "voodoo is the religion of many Nigerians and even my parents followed it". She paid 40000 euros for the agreement. Once she arrived in Italy in Piacenza, where she thought she was going to start her new job, she was forced into prostitution by a woman in contact with the client who first organized her trip. This woman beat M.M up and starved her for days and her fiancé, an Italian retired man, asked her to have sex with him free of charge. After a year, she managed to escape with the help of a family that lived near the place she worked.

Case study from abc network Australia (Alberici and Sirignani, 2020):

- Joy was promised a job as a hairdresser and a place to live by her female pastor who regularly visited her home. She was forced to perform a juju ceremony, in which her forehead was marked with the blood of a slaughtered chicken and she had to promise not to misbehave for her hosts in Italy. After a long and very difficult journey, when she finally arrived in Italy, in Castel Volturno, Joy was pregnant from rape. She still trusted in the help from her pastor's mother, who was supposed to host her. Instead, this woman organized a home abortion and while she was still bleeding and traumatized, Joy was forced to prostitute herself in the Via Domiziana the very same day. She was told that the price to pay for her freedom was 35000 euros.

V. THE EXPLOITATION CONTRACTS

As it emerges from these stories, the women tend to adhere strongly to the oath that they have taken because of the strength coming from Nigerian traditional cultural beliefs and the trust they give to the person that recruits them. However, even if it may seem obvious, it is important to underline the true character of this "sham contracts between traffickers and victims" (Opara in Ikeora, 2016). In fact, even if technically the victims

consent to the agreement, both Kant and international law would deem a contract to be void if one party would completely renounce its freedom for another's advantage (Ikeora, 2016).

Despite fake appearances of legality, these pacts have no founding nature beside exploitation; the Edo State Criminal code (Section 233) criminalizes these types of oaths (Ikeora, 2016).

In conclusion, we have explored how all the different steps of the trafficking of these women from Nigeria to Italy happen; they have to face a cycle of brutalities that is not only physical but also psychological, encompassing every aspect of the individual: her body, her mind, her family, her religion.

VI. FACTORS ENHANCING THE CRIMINAL ACTIVITY IN ITALY

What happens when the victims get to Italy?

We are going to discuss the fate of these women once they are forced into prostitution in Italy and the factors enhancing the prosecution of this crime in our territory.

A reference to local realities, like Castel Volturno, where there is a big market for sex work mostly involving Nigerian girls, will help us understand the situation of the criminogenic environment behind this crime, with a broader focus on the abandonment of illegal immigrants by legal authorities and its implications.

VII. INFILTRATION INTO THE ASYLUM SYSTEM

The exploitation often starts from the very beginning of the arrival, even in asylum centres. An example is the asylum centre in Cara di Mineo in Sicily, an "hunting ground for traffickers" (The Guardian, 2018), who recruit women directly from the centre, with the excuse of taking them to shopping trips or other excursions and then deliver them to the madam. The article reports the complaint made by Francesco Verzera, a prosecutor with jurisdiction over the centre who explains why this is the situation in Cara di Mineo and in other asylum centres in Italy: it is because of the overcrowding of the camp and the absence of legal authorities, which creates a perfect scenario for Italia's various mafia organizations and Nigerian gangs to profit from the vulnerability of migrants. In 2017, the law enforcement officers arrested 68 people after that found out that a clan part of the 'Ndrangheta mafia was controlling for 10 years the Sant'Anna migrant center in the Capo Rizzuto island, in Calabria and stealing public funds (Spagnolo, 2017): Prosecutor Nicola Gratteri denounced that they were literally starving the migrants (The Guardian, 2018).

The condition of poverty and isolation, combined with the strong presence of criminal organizations, opens ways to continue the enslavement of the trafficked women even when they are under international protection and asking for asylum.

In a situation in which the chain of abuse could end, because the migrant women are supposedly under the protection of the state, in reality the deplorable situation of these centres makes it sometimes even easier for the perpetrators to further commit the crime of sexual exploitation.

VIII. CASTEL VOLTURNO: WHEN THE STATE IS ABSENT

According to the ISTAT data from the year 2019, the percentage of foreigners residing in Castel Volturno is 15% and the majority of foreigners is formed by Nigerians, who make up 29.3% of foreigners in this area (ISTAT, 2019).

Indeed, according to the words of Roberto Saviano, Castel Volturno is "an African city in Europe, culturally African" (Alberici and Sirignani, 2020).

The scholar Maia Sacchetto underlines how this location of the Domitian coast that used to be popular for weddings and vacations, counts more than 40 thousand crumbling abusive homes, a residence of illegal migrants, especially since 2010 (Sacchetto, 2021). After the first wild speculation started by the camorra in the 1970s (Mosca, 2012), the territory and its urban structure was completely abandoned after the 1980s Irpinia earthquake. From the 90s the Nigerians started settling in this area, but only from the 2000s they started striking deals with the Camorra until they had a direct clash in September 2008, the so-called "San Gennaro Massacre" (Baratto, 2008). The tensions had started months before over the Fernandes Centre, a reception center for 7000 immigrants, mostly from Nigeria (Mosca, 2012), where there were several infiltrations of the Nigerians clans for the recruitment of women destined to the sex markets (Sacchetto, 2021).

There is a perfect criminal environment for the perpetration of the crime of sex trafficking: the migrants are completely isolated, abandoned.

As Sacchetto highlights, it is easier for them to reside in Castel Volturno undocumented but also to be involved in criminal activities. Enslavement in relation to forced prostitution is the most profitable business for the Nigerian Mafia according to the 2008 Operation Viola investigation: it earns more than 150 million a year, a share that is also taken by the Camorra that provides the territories to the African mafia asking them money for "rent on the streets" (Sacchetto, 2021).

According to the scholar Cabras, Castel Volturno is the main place of residence for Nigerian migrants and one of the main sorting houses for sex trafficked women that from there are brought into other places in Italy (Cabras, 2020, p.169).

Along the Domitian road, one of the major streets of Castel Volturno, "men can buy sex from Nigerian girls, some as young as 12, for $8" (Alberici and Sirignani, 2020).

There is a true criminogenic effect in this environment: no state, no rights, no law.

Sacchetto, reporting the words of Borrelli, assistant prosecutor of the Anti-Mafia District Directorate of Naples, underlines the sui generis condition of the area: "the lack of aggregation structures for foreigners and above all of a legal system", makes it possible for girls to be sexually exploited just metres from the Caritas.

To deal with this issue, according to Saviano's words, it is necessary to intervene in the environment that has made migrants so vulnerable to exploitation by criminal organizations: "you can only resolve the problem of

Castel Volturno by giving people rights" (Alberici and Sirignani, 2020).

Legalizing the situation of African workers and giving them citizenship could in fact be a good strategy to try to abolish the hegemony held by organized crime in the territory.

Castel Volturno, as we have seen, is a perfect example of the criminogenic effect that can be observed in a territory abandoned by public authorities: the isolation leads to the abusive presence of criminal organizations. Here, sex trafficked girls often end up in modern slavery, with no escape and no choice: it is truly a segregated and locked system.

The way out is definitely not simple, because the chain of abuses these women are subjected to is very long and difficult to dismantle, but intervening in the context that makes the exploitation continue also in Italy is crucial.

IX. CONCLUSIONS

This paper covers the major aspects of the trafficking of Nigerian women and girls from Nigeria to Italy.

Referencing real stories and different sources, a particular path is identified in the process of trafficking of victims.

Many of the times the recruitment happens through a trusted person who promises a better life in Italy and a well- paid job. The manipulation strategies often make use of cultural beliefs deeply ingrained in the Nigerian society: ritual oaths and juju rites are used by traffickers to basically coerce the victims to willingly agree to a contract of slavery. In these "contracts" a debt bondage is created and the aura of sanctity among the ritual and the fear that bad things will happen force the women to respect the pact and to never reveal its conditions. Other forms of manipulation include the use of rape used as "initiation" to scare off women and to warn them, as also the rituals often do, that their body is becoming a property of someone else.

In Italy, the exploitation continues: the paper points out that from the very beginning of their arrival women are unsafe and abandoned, because often they are directly recruited from asylum centres, like in Cara di Mineo, and sold for sex work.

A focus on the local reality of Castel Volturno, one of the major hubs in Italy where Nigerian girls are sexually exploited, will bring us to a final reflection: the situation of migrants cannot improve in Italy if they find themselves locked in an isolated and impoverished area as they did in Nigeria, where the way out is always crime.

The state cannot be a ghost and completely leave territories like Castel Volturno to themselves, otherwise the chain of abuses will never stop. If these places are the first one being abused with illegal construction and criminal activities, their residents will be subjected to the same treatment.

REFERENCES

ADEYINKA S.(2023). The role of juju rituals in human trafficking of Nigerians: a tool of enslavement , but also escape. https://journals.sagepub.com/doi/full/10.1177/21582440231210474

ALBERICI AND SIRIGNANI, AUSTRALIAN BROADCASTING CORPORATION NETWORK (2020) . https://www.abc.net.au/news/2020-03-17/castel-volturno-is-headquarters-for-nigerian-mafia-i n-italy/12033684

BARATTO L. (2008). Invisibili alla Luce del sole, Confronti: mensile di fede, politica, vita quotidiana. Anno XXXV, numero 11/novembre 2008. https://www.torrossa.com/en/catalog/preview/2211456

CABRAS F. (2020). Riti religiosi e pratiche di sfruttamento il caso del sistema criminale nigeriano in Italia. https://air.unimi.it/handle/2434/932507

CARLING J. (2005). Gender Dimensions of International Migration. https://d1wqtxts1xzle7.cloudfront.net/3272925/Carling_Gender_dimensions_of_international _migration-libre.pdf?1390831219=&response-content-disposition=inline%3B+filename%3DGender_dimensions_of_international_migra.pdf&Expires=1744450076&Signature=Gaxj9P6a~ k2TSawvbEAw1a6Jd~C7H3Gk1ScT2-iBt5ITfkd3Ao6ezLGkKkYQ2Ma2LDWFSxq-F4Hyho6I YhvGh5eeb17hl~jBseqSGqoZW5v6UALJIYN~mW64dQb3b7-yszWownF-Zh4f4eAsJXrLgJW8~2Cx5A9ni4tY3zofBpYsPGp9SeoLvwWxcLePavYpn~Y2yUSH9M1UIwcjCCBFvPprVdMDA FMojrYwPaQKZf5P5fgSdaZKpNyELQ9GsuQPpZ-QFKlkgPwNXEqgPA3MIxavX2LOQawOLr ihqDtxXPSjpb6RpwQTol5I26tqsUr55npIlMK5hH7o5D~70eocwg__&Key-Pair-Id=APKAJLOHF5GGSLRBV4ZA

GLOBAL SLAVERY INDEX (2023). https://www.walkfree.org/global-slavery-index/map/

https://www.theguardian.com/news/2018/feb/01/migrants-more-profitable-than-drugs-how-m afia-infiltrated-italy-asylum-system

IKEORA M. (2017). The role of African traditional religion and "juju" in human trafficking: implications for anti- trafficking, "Journal of International Women's Studies": Volume 17, Issue 1, Article 1. https://vc.bridgew.edu/jiws/vol17/iss1/1/

IOM (2017), UN Migration Agency Issues Report on Arrivals of Sexually Exploited Migrants, Chiefly from Nigeria. https://www.iom.int/news/un-migration-agency-issues-report-arrivals-sexually-exploited-migr ants-chiefly-nigeria

IOM (2023), Annual report 2023. https://www.iom.int/msite/annual-report-2023/

ISTAT (2019). https://www.istat.it/it/files/2020/10/REPORT_CITTADINI_NON_COMUNITARI_2019.p df

MASSEY AND COLUCCELLO R. (2015). Eurafrican Migration: legal economic and Social responses to Irregular Migration. http://ndl.ethernet.edu.et/bitstream/123456789/63762/1/Simon%20Massey.pdf#page=85

MOSCA L. (2012). Migrazione, Stato, Camorra. Diritti Di Cittadinanza E Politiche Di Sicurezza Nella Provincia Di Caserta. AM 2012, 14. https://www.amantropologiamedica.unipg.it/index.php/am/article/view/296

MSUYA N.H. (2019). Traditional "juju oath" and human trafficking in Nigeria: A human rights perspective, "De Jure Law Journal". https://journals.co.za/doi/epdf/10.17159/2225-7160/2019/v52a9

PAPADOPOULOS S. (2020). Human Trafficking for sexual exploitation purposes : a gender- based approach to the Nigerian- Italian route. https://repository.gchumanrights.org/items/d246af3f-4439-4349-a5b4-a0bafcbffdec

SACCHETTO M. (2021). Nigerian Mafia in Italy: the associations with the local organized crime in the migrant trafficking management. https://tesi.luiss.it/34346/1/644832_SACCHETTO_MAIA.pdf

SOLINAS P.G (2007). La vita in prestito: debito, lavoro, dipendenza. https://drive.google.com/file/d/1zXVJi3M_Ednpxkep9bUWl92GM-tiaW7y/view?usp=drivesdk

SPAGNOLO M.E (2017), LA STAMPA . https://www.lastampa.it/esteri/la-stampa-in-english/2017/05/15/news/mafia-clan-controlled-is ola-di-capo-rizzuto-migrant-center-investigators-say-1.34600595/

THE GUARDIAN (2016) https://www.theguardian.com/global-development/gallery/2016/aug/07/escaping-the-sex-trad e-the-stories-of-nigerian-women-lured-to-italy

THE GUARDIAN (2018)

UNICRI (2010). Trafficking of Nigerian girls in Italy: the data, the stories, the social services. https://unicri.org/sites/default/files/2019-10/trafficking_nigeria-italy.pdf

US DEPARTMENT OF STATE (2021), 2021 Trafficking in Persons Report: Italy. https://www.state.gov/reports/2021-trafficking-in-persons-report/italy/

US DEPARTMENT OF STATE (2024), 2024 Trafficking in Persons Report: Italy. www.state.gov/reports/2024-trafficking-in-persons-report/italy/

Latin American Drug-Trafficking and its Impact

Analysing the Impact from Latin American Drug-Trafficking on its Communitie

Hannah Da'Val

***Abstract* — Colombia's cocaine trade impacts the Colombians through constant relocation of indigenous communities due to cocaine labs. Peruvian women are more vulnerable to the impacts of drug-trafficking, leading to situations that are considered inescapable. Young people in Mexico face difficulties in mental health due to increasing violence making them fear for their safety. This paper discusses the Latin American drug-trade in Colombia, Mexico and Peru. It considers the establishment of the drug trade in each country and their impact on communities. This paper argues that in order to tackle the Latin American drug problem, public policies should be put in place to help society at large with drugs instead of targeting cartels.**

I. INTRODUCTION

Drugs are not a new concept to Latin America. It was not until the colonial era that drug-trafficking became prominent. While there are many types of trafficked drugs, this paper's focus will be on cocaine. Cocaine is derived from the coca plant. The leaf is dried and chemically processed which creates a white powder (Brienen & Rosen, 2015). It has gained popularity due to its long shelf life, high quality and low price, it is favoured amongst cartels and traffickers due to its high profit margin and substantial market (Brienen & Rosen, 2015). Despite the overwhelming demand for cocaine, the impact on Latin American communities are overlooked. The countries that will be considered in this paper will be Colombia, Mexico and Peru. These countries are home to some major leaders in the Latin American drug trade. The impacts that are considered will be from a societal perspective and how drug-trafficking impacts the daily lives of Colombian, Mexican and Peruvian citizens. This paper will initially discuss drug-trafficking in Colombia, the attempts by the Colombian government, with US support, to tackle the drug-trafficking problem and conclude on how this impacts the community. Next, there will be a brief discussion on the Mexican and Peruvian drug trade, following the same format. This paper argues that governments must take a wider, societal approach of public policies compared to the narrower, offensive one they have chosen to adopt.

II. COLOMBIA

In the Pre-colonial era, psychotropic plants, like coca leaves, were used for religious, medicinal and social practices (Belskiy, 2024). In the colonisation of the New World, Spanish conquerors took an interest in psychoactive substances and imported them to Europe (Belskiy, 2024). 16th century Colombia is one of the most notable periods for the Latin American drug trade due to the establishment of European importation becoming the starting point for the formation of the international drug trade (Belskiy, 2024). This led to an increase in coca leaf harvest from 1-2 thousand tons to 5-6 thousand during the 16th-18th century (Belskiy, 2024). This rise in popularity for European importation quickly made coca one of Colombia's most important economic assets (Belskiy, 2024).

The most notable cartels within Colombia during the 1970s were the Medellín and the Cali cartels (Bagley, 2013). The fall of the cartels came in the late 1990s when the US implemented the "Kingpin strategy"(Bagley & Rosen, 2015). This strategy involved the Colombian government, with Washington assistance, arresting and killing the major leaders of the Colombian drug cartels (Bagley & Rosen, 2015). However, this was a temporary solution because the position of drug-traffickers was displaced by the Revolutionary Armed Forces of Colombia (FARC).

FARC was a left wing paramilitary militia who became heavily involved in the Colombian drug trade, aiming to secure alternative income sources for coca cultivators when they were in peace negotiations with the Pastrana administration in the late 1990s (Jonsson et al., 2016). Rather than promoting peace, FARC's involvement intensified drug-related conflict between rival illegally armed groups, each aiming to assert dominance over peasant cultivators and their cultivating regions (Jonsson et al., 2016) . These levels of violence spiraled out of control in 2000, making Colombia the most dangerous and violent country in the world (Bagley, 2013). Consequently, FARC was labelled as a terrorist actor (Tickner & Cepeda, 2015), which led to the establishment of narco-terrorism (Restrepo, 2015). Narco-terrorism was prominent in 1988-1991 where a consolidated alliance between the right-wing paramilitary and the drug-traffickers was evident. This alliance proved noteworthy due to the paralysis of the legal system. This was accomplished through the assassination of more than 100 judges between 1979-1991 (Restrepo, 2015). This intimidated judges which prevented the prosecution of drug-traffickers, causing a loss in judicial confidence.

FARC and the Cartels established a popular trade of selling black market narcotics to the US. By 2000, 45% of the US's consumption of cocaine came from Colombia (Bagley, 2013). Due to this rise in narcotic use in the US, in 1971, President Nixon declared an all-out offensive war on drugs (Tickner & Cepeda, 2015). This led to a collaboration between the US and Colombian governments launching initiatives such as Plan Colombia (PC) and aerial spraying.

PC was a 2000 initiative aimed at demobilizing many of the country's paramilitary bands to reduce drug-related violence within Colombia (Bagley, 2013). To achieve this, PC gave 80% of its resources to the military and police so

© 2025 Hannah Da'Val. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

they had the ability to take the paramilitary bands down (Restrepo, 2015). The increase in military funding was partially successful since it weakened the influence of illegal armed groups and increased security in Colombia (Tickner & Cepeda, 2015). However, PC did not succeed in the reduction of coca crops being trafficked to the US. Rather than eliminating the problem, attacks on drug traffickers often lead to their dispersal, creating a power vacuum that is quickly filled by other actors in the illicit market; this is the balloon effect (Restrepo, 2015). Another important principle is the cockroach effect which is when drug-traffickers are close to discovery by the authorities and abandon their operations; like cockroaches scattering when a light is turned on (Bagley & Rosen, 2015).

Another proposal introduced was aerial spraying. This was initiated to target coca plants by spraying herbicide to destroy the coca plant and reduce cocaine production (Brienen & Rosen, 2015). While this initially appeared effective, it transpired that the aerial spraying harmed Colombian landscapes more than the coca plant since the spray drifted which caused the herbicide to miss and damage legitimate crops (Brienen & Rosen, 2015). This initiative was considered counterproductive and unconstitutional as it violated every Colombian's basic constitutional right to a healthy living environment (Brienen & Rosen, 2015). Overall, the attempts to tackle drug-trafficking was a mixed success, weighing more towards failure. While there was a partial success in controlling the FARC through demilitarisation, all of these initiatives combined did not prove useful against the war against drugs.

Drug-trafficking has had a significant impact on Colombian indigenous communities. The current issues that these tribes face is drug-trafficking devastating the indigenous population by cocaine production taking place in remote, isolated mountain and jungle areas where indigenous people survive (Bagley, 1985). By placing more cocaine production labs in areas where indigenous people live, it displaces tribes and forces them to move so drug-traffickers can create their product. This is an issue because with more cartelitos establishing themselves in the cocaine market, more space will be occupied in those regions where indigenous tribes live. Furthermore, if the only places that cartel cocaine labs are in areas where indigenous Colombian people reside, they are likely to be forced out of their homes through violent methods for the cartelitos' interest. This creates the potential danger of ruining their cultural identity through the gradual extinction of those indigenous people. This is due to indigenous Colombians maintaining ancient traditions, if they were eradicated by violence these traditions would be lost. Overall, the impact that drug-trafficking has on Colombia is an internal one. From citizens feeling displaced to being exposed to violence, When tackling the issues of drug-trafficking, the Colombian government must consider a societal approach by creating protections that aim to safeguard indigenous communities by prohibiting anyone else from using that land. This deals with the impact of drug-trafficking instead of targeting the drug-traffickers themselves.

III. PERU

The drug activity in Peru mainly focuses on coca cultivation. The coca cultivation in Peru saw a significant increase in production and exportation due to the vacuum the PC created. In 2005, a recording of 48,200 hectares of coca was cultivated and, in 2010, saw a significant increase to 61,200 hectares (Brienen & Rosen, 2019). Similarly to Colombia, there have been attempts to combat the drug trade in Peru. The most mentionable attempt was the Airbridge Denial Program (ADP). This US program focuses on targeting illicit traffickers in the air by bringing down any suspicious aircrafts with occasional lethal force. ADP focused on targeting planes coming from Peru flying to Colombia, in an attempt to prevent the coca leaves being turned into products by stopping the initial transportation (Restrepo, 2015). ADP was considered a partial success since it halted the transport and production of illegal drugs (Restrepo, 2015), however, many of the seizures did not result in drug confiscation. This is evident by 48 out of 390 suspicious aircrafts being halted and only 1 resulted in a drug seizure (GAO, 2005).

The main consequence of Peruvian drug-trafficking is the increase in women's involvement in the drugs industry. A woman's involvement in drug-trafficking is a submissive one. Due to male domination in the industry, they are limited to collector or mule positions (Gondezi et al., 2023). One reason for an increase in involvement is a lack of economic resources and opportunities for women. Poverty is 12.7% higher among women than men, and as a result, women enter drug-trafficking to relieve the economic pressure that they face due to being single mothers or having negligent or violent partners (Godenzi et al., 2023). Peruvian women escaping violent partners highlights a similar relationship that indigenous colombians experience with new drug cartels. Both Peruvian women and indigenous Colombians are prone to violence either in the form of cartels or individuals. Despite being in different forms, they both fear the threat of violence as they are highly targeted and many are victims of the violence.

Furthermore, the increase in female involvement can also be due to deception with their partner tricking them into involving themselves in the crime the partner was already involved with. Deception can be demonstrated by Godenzi et al. (2023)'s study, which identified that the most common method of deception was transferring the possession of a drug-filled bag to the female partner to take through customs without the woman's knowledge. According to Godenzi et al.'s study this was the most common reason why women were arrested.

Peruvian drug-trafficking impacts women, due to the small role that women play, they are considered more disposable. This disposable mentality means more women than men are subjected to the judicial system. This creates a gendered bias within drug-trafficking since more women are being prosecuted for a crime. This forces a stereotype upon women that they are highly involved in drugs, when in reality it is men who create the initial involvement. The reliance on women and the consequent stereotypes, reinforces patriarchal notions within Peruvian communities, forcing women to rely on men to further their positions within society. This impacts women in

communities with high levels of crime as women are targeted more by cartels to engage in crime. They are targeted more in recruitment than men which makes women more likely to fall victim to the criminal justice system and reinforces the gender bias. To tackle this efficiently, the Peruvian government must consider why women are subjecting themselves to such lengths and find ways to help them which prevents further involvement and reduces the crime rate.

IV. MEXICO

The most prominent cartels in Mexico were the Tijuana and the Juarez cartel. They were the two largest and most dominant drug-trafficking organisations in 2000 who filled the vacuum when Colombia withdrew (Bagley, 2013). Following the crackdown on both cartels by the Fox administration, at least five major trafficking organizations emerged in Mexico, the: Sinaloa, Gulf, Familia Michoacana, Beltrán-Leyva, and Zetas cartels (Bagley, 2013). The emergence of smaller groups caused an increase in drug-related violence, deriving from cocaine smuggling becoming so desirable that criminal organisations sought to strengthen and consolidate their control of key smuggling routes (Bagley, 2013). The violence emerged from the desire to protect cartel profits and to eliminate any threats to it.

Similar to Peru and Colombia, there have been attempts by the Mexican government to prevent drug-trafficking. Firstly there have been attempts of legal reform through legislation prohibiting narcotics in the Opium Prohibition Act 1909, the Harrison Narcotics Act 1914 and the Narcotic Import and Export Act 1922 (Bagley, 2013). These legislative Acts all attempt to restrict or prohibit the selling or trafficking drugs to other states. However none of these legislative acts were overly successful as they only increased the demand in the illicit drug trade.

Furthermore, in 2006, President Calderon waged a military campaign against drugs (Bagley, 2013). This war was declared with limited resources and tools to counter the economic and military strength of the drug cartels (Bagley, 2013). The Mexican government was at a disadvantage since the cartels benefitted from the free flow of illegal weapons coming through the Northern Mexican border (FRIDE, 2012). The police were originally deployed to fight the drug-traffickers but due to a significant hamper on their efforts stemming from police corruption, Calderon had to deploy 45,000 military troops instead (Gutiérrez-Romero, 2016). This was initially successful as it led to the capture/ killing of 28 cartel kingpins as well as 36,332 arrests were made for drug-related offences. However, this offensive stance only provoked the cartels which caused a spike in drug-related homicides to 1,624 citizens during Calderon's Presidency (Arzt, 2015). The aim of this policy was to reduce drug-trafficker influence in society, however, conflicts still impacted communities, which meant that the target of the policy became void.

The group of people that were impacted the worst by drug-related violence were young people. The increase in violence has multiple consequences but the two most significant is: the deterioration of mental health in young people and the increase in insecurity (Almanza et al., 2025). The deterioration of mental health in young people is highlighted in drug users who become problematic when they experience withdrawal symptoms. When users experience withdrawal symptoms, their behaviour becomes erratic and unpredictable. Due to this unpredictability, it increases crime like theft from residents' homes so the users can afford drugs through selling items (Almanza et al., 2025). This increase in crime impacts the mental health of young people since it intensifies the insecurity that they face.

The main consequence of drug-trafficking in neighbourhoods is the risk that it brings to residents. The main risks identified are highlighted in high impact crimes such as homicides or forced disappearances (Almanza et al., 2025). These crimes are not evenly distributed across cities, they are concentrated in particular areas (Almanza et al., 2025). This concentration creates paranoia and fear within communities, preventing them from feeling safe in their own neighborhoods. This has a negative effect on young people because the increase in paranoia and fear creates a deterioration in the mental states of young people and can lead to higher susceptibility to crime involvement. This is due to the fact that if young people do not feel safe outside crime, they are more likely to participate in crime so they feel safer and protected. The exposure of young Mexicans to violence also shares similarities with Peruvian women. Both categories involve themselves in crime due to the need for safety. Peruvian women participate in crime to give themselves security, whether it is financial or emotional, and improve their current situation by, for example, obtaining enough money to financially support themselves . Similarly, young Mexicans involve themselves in criminal activity to feel safe from their situations, so they do not become victims of the concentrated violence. In both countries, there is evidence of categories of people that become vulnerable to drug-trafficking from their need to feel safe. Indigenous Colombians also share a similarity regarding the violence aspect of drug-trafficking. While they do not participate in crime, indigenous Colombians face the consequence of the violence in the form of potential eradication. They are made vulnerable as they are victims of the violence, unlike Peruvian women and young Mexicans who participate in crime as a product of violence. Drug-trafficking placing these people into vulnerable positions is a failure of Latin American government policies. To tackle this effectively, the Mexican government needs to address the issue of violence by identifying how it impacts communities and then introducing public policies that will protect the vulnerable people, such as a community outreach program that will target those affected the most to understand their needs. By identifying this, the Mexican government can improve the mental states of Young people so they are less inclined to participate in crime.

V. CONCLUSIONS

The overall impact that Latin America faces through drug-trafficking is vast. Ranging from the lack of cultural identity to mental health problems, these issues have escalated in a way that extends beyond the original issue. All 3 countries face extreme and significant societal issues

as a consequence of drug-trafficking, highlighting how the chosen Latin American approach lacks focus on societal needs. By choosing personal glory when hunting cartels down, Latin American governments have neglected the importance of citizen safety. This is most evident in the significant violence that is displayed in Colombia, Peru and Mexico. This violence has become a widespread problem in Latin American countries where drug-trafficking is most evident with the issue only getting temporarily solved by the capture of drug cartels. Public policies will allow Latin American governments to safeguard the vulnerable people that drug-trafficking and drug cartel violence impact the most and prevent further harm from happening to them. This will permit governments to defend their communities from cartel violence by creating protections and solutions to the violence that communities face. This will prevent people from engaging in crime and will allow the governments the ability to deal with drug cartels with less worries that crime rates will increase. In order to effectively and thoroughly address the issue of drug-trafficking within Latin America, Latin American Governments need a unified and collaborative approach in their public policies. This would create an effective and permanent policy that will eventually end the increase in violence that created these societal issues and will allow society to heal from the scars it has caused.

REFERENCES

Almanza. A, Ariagor. M ; Romero-Mendoza. M ; Gómez. S, Anel. H (2025) Talk About Crime Among Young People in Northern Mexico: The Impact of Drug Trafficking in the Neighborhood, Societies (Basel, Switzerland), 15(1), p.16. https://doi.org/10.3390/soc15010016

Arzt. S (2015) Police reform in Mexico: A never ending story In Bagley. B & Rosen J (Eds)Drug Trafficking, Organized Crime, and Violence in the Americas Today (pp257-275) University Press of Florida. https://doi.org/10.2307/j.ctvx06wbh.20

Bagley, B., Pacini, D., & Franquemont, C. (1986). The Colombian connection: the impact of drug traffic on Colombia. Cultural Survival Report, 23, 89-101.

Bagley. B (2013) The evolution of drug trafficking and organised crime in Latin America, Sociologia 71(71), 99-123. https://doi.org/10.7458/SPP2013712333

Belskiy. V (2024) Drug trafficking in Latin America: from the colonial period to the emergence of transnational organized crime, Russian Academy of Science (43), 180-19. https://doi.org/10.32608/2305-8773-2024-43-1-180-198

Brienen. M and Rosen. J (2015) The Vicious Cycle The Resurgence of Drug Production and Drug Trafficking in Peru In Bagley. B & Rosen J (Eds)Drug Trafficking, Organized Crime, and Violence in the Americas Today, (pp 223-238) University Press of Florida. https://doi.org/10.2307/j.ctvx06wbh.18

FRIDE, (2012) Europe and Latin America: Combating drugs and drug trafficking, FRIDE: Fundación para las Relaciones Internacionales y el Diálogo Exterior. , 1-27.

GAO (2005). Air Bridge Denial Program in Colombia Has Implemented New Safeguards, but Its Effect on Drug Trafficking Is Not Clear. https://www.gao.gov/assets/gao-05-970.pdf

Gutiérrez-Romero.R (2016) Estimating the impact of Mexican drug cartels and drug-related homicides on crime and perceptions of safety, Journal of Economic geography , Journal of economic geography,16(4), p.941-973. https://doi.org/10.1093/jeg/lbv023

Godenzi. A, Llanos. V, Espinosa. M, Risco. A (2023) Women and illicit drug trafficking in Peru: Trajectories to crime between violence and resistance, Antropología y Etnografía 8(2), 1-22. https://doi.org/10.29112/ruae.v8i2.1893

Jonsson. M, Elliot. B ; O'Hara . C (2016) Financing War or Facilitating Peace? The Impact of Rebel Drug Trafficking on Peace Negotiations in Colombia and Myanmar, Studies in conflict and terrorism 39(6), 542-559. https://doi.org/10.1080/1057610X.2015.1124628

Tickener. A, Cepeda. C (2015) Illicit drugs in the Colombia-US relationship: Review and Prospects In Bagley. B & Rosen J (Eds)Drug Trafficking, Organized Crime, and Violence in the Americas Today (pp 161-184) University Press of Florida. https://doi.org/10.2307/j.ctvx06wbh.15

Restrepo. E (2015), Colombia and its wars against drug trafficking 1970-2010 In Bagley. B & Rosen J (Eds)Drug Trafficking, Organized Crime, and Violence in the Americas Today (pp 139-160) University Press of Florida. https://doi.org/10.2307/j.ctvx06wbh.14

Analyzing the Intersection of Organized Crime and Football Hooliganism in Poland

Mateusz Doniec

Abstract — **This paper explores the intersection of football hooliganism and organized crime in Kraków, Poland, with a focus on its evolution from subcultural rivalry to criminal enterprise. Historically rooted in the fierce local football rivalry between heritage clubs such as Wisła Kraków and Cracovia, hooligan groups gradually transformed from loosely organized factions engaging in random acts of violence into structured criminal networks. Drawing on media investigations, law enforcement reports, and academic studies, this research explores how the economic situation, social marginalization, and weak policing enabled hooligan groups to engage in drug trafficking, extortion, and violent crime. The study highlights the unique context of Kraków's urban landscape, where local identity, territorial control, and football allegiances fuel the local gang culture. It also examines the challenges faced by authorities in dismantling these criminal networks, due to their deep entrenchment in both the sporting industry and the criminal sphere. The study's findings contribute to a broader discussion on football-related violence and organized criminal networks in post-socialist Europe. s.**

I. INTRODUCTION

While Kraków ranks second to Warsaw in terms of administrative, political, and economic significance, it arguably occupies a preeminent position as the cultural and historical heart of Poland. The city stands as a heritage capital in many senses of the word—including in the realm of sports. Football, in particular, occupies a prominent place in the city's identity, as it was here that the country's two oldest still-existing football clubs - TS Wisła Kraków and KS Cracovia—were established (Sochacki, 2024) Their founding gave rise to a rivalry that has endured over a century, extending far beyond the boundaries of the pitch. This rivalry evolved into a violent and deeply entrenched conflict enacted not by the players, but by their supporters. While early-2000s hooliganism—marked by spontaneous, brutal clashes between Cracovia supporters clad in their red and white stripes and Wisła fans bearing the iconic white star—was largely rooted in club allegiance, such disorganized violence forms only the backdrop to a broader, more complex phenomenon. Over time, these loosely organized hooligan groups underwent a significant transformation. A transformation in which certain factions, most notably among Wisła Kraków supporters, evolved into highly structured criminal organizations, with club allegiance serving as a mere façade. The purpose of this paper is to examine this transformation from fan-based hooliganism to organized crime, exploring how these groups capitalized on existing social conditions to develop into powerful criminal networks.

© 2025 Mateusz Doniec. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

II. HOOLIGANISM IN POLAND

As mentioned above, violent hooliganism based on club allegiance serves merely as a backdrop to the wider story of organized criminal enterprises. Nevertheless, those initial groups served as a basis for what would later become some of the most powerful criminal organizations in the country. In order to fully understand the transformation of loose hooligan firms into organized criminal networks, it is necessary that the prior be examined. By the early 1990s, football hooliganism was hardly a novelty in Poland, although it had yet to take its most violent, sinister form. Violent clashes between the supporters of opposing clubs occurred already before the Second World War. Stadiums of the Second Polish Republic were notoriously unsafe, although the violence was based on the political allegiance of the given club, rather than simple allegiance to the colors. Already then, supporters of multi-ethnic, leftist Cracovia would frequently clash with the fans of Wisła, which maintained strong ties with the nationalist far-right (Tycner, 2019) While football hooliganism did not disappear entirely during the time of the Polish People's Republic, opposing factions were largely held in check by the iron yoke of the communist apparatus, rendering violent clashes a rare occurrence. It was due to the weakened position of the state and law enforcement, as well as the economic hardships of the 1990s that hooliganism gained prominence in post-communist Poland (Jadczak, 2019, p.8) A rather unobvious development, seeing as by the 1990s, football-related violence was largely on the decline in the West, due to effective policing after the events of the 1970s and 1980s (Piotrowski, 2011) As most international trends and phenomenons at that time, modern hooliganism reached Poland with a delay, but when it did, it manifested in its most violent form. The country entered a new era with a multitude of problems. In 1990, unemployment rates rose from 0.3% of the population in January to 6.5% in December. Next year the numbers doubled and kept growing throughout the decade, reaching an astonishing 20.6% in 2003 (Główny Urząd Statystyczny, 2025) Skyrocketing unemployment gave birth to widespread poverty and social marginalization, a fertile ground for pathology and antisocial behavior such as violent hooliganism to take root, and eventually flourish due to ineffective law enforcement crippled by corruption and lack of funding. For young, disillusioned men, coming from marginalized communities, hooliganism became the only form of escape from harsh reality (Piotrowski, 2011). In his 2019 book, Wisła w ogniu (Wisła on Fire), a source of great importance for this work, Szymon Jadczak highlights the origins of what is arguably the most notorious hooligan gang in Polish history. "The steps and the low wall, which was still flat back then, were occupied by guys from the nearby apartment blocks. Beer, joints,

loud laughter, vulgar language, hassling pedestrians. A classic scene from the housing estates in the early days of the Third Polish Republic" (Jadczak, 2019, p.5) One of the 'guys' mentioned in the quote is Paweł Michalski, commonly known by his alias "Misiek" ("Teddy Bear"), a man who would ascend from a hooligan and a ferocious street fighter to the leader of Wisła Sharks, a criminal organization ran by hooligans of TS Wisła, who would eventually take control of the club (Drożdżak, 2018) In the 1990s however, nothing would indicate their eventual rise to prominence. Although displays of extreme violence are commonly attributed to the most extreme supporters of Wisła, at that time it was Cracovia hooligans who ruled the streets. It was from the bloody clashes with their opponents, that Paweł M. And his environment would learn brutal methods employed in their ascent to the top. It was hooligans supporting Cracovia who first utilized baseball bats, knives, and the infamous machetes in street fighting. They also employed random displays of lethal force before their counterparts. In a tragic event in May 1993, shortly before the Poland-England match, hooligans displaying the colors of Cracovia stabbed a supporter of Pogoń Szczecin, resulting in his death. The murder took place in a tram, not even in their native Kraków, but in the city of Chorzów, almost a hundred kilometers away (Jadczak 2019, p. 9) It took the charismatic, ruthless leader the likes of "Misiek" for the Wisła hooligans to emerge superior.

At the time "Misiek" emerged on the hooligan scene, the violence was still strictly based on rivalry and club allegiance. In Kraków, support for a given club is warranted by topography. To this day, parts of the city are dominated either by Wisła or Cracovia, which can easily be identified by the graffiti that covers the walls of apartment blocks or even some buildings in the old town. This comes as no surprise, as one's support of a given club is usually due to environmental influence, be it on the side of friends or family (Kliber, 2019) Therefore forming clusters of allegiance to the clubs in the quarters. Jadczak aptly portrays this territorial division, based on a story of one of Misiek's associates; "Kazimierz was ruled by Cracovia. 'Ząbek' had been beaten up multiple times by the local crews. One day, he made a bet that he would walk into a store wearing a Wisła scarf — a store where a Cracovia hooligan worked. 'You must be out of your mind', the guy said when he saw 'Ząbek'. And once again, he got beaten up. No wonder 'Ząbek' would rather go to the North of Kraków and sit under the block with 'Misiek'" (Jadczak 2019, p. 6) Seeing the methods utilized by the hooligans to inflict pain and terror on their opponents, a beating should not be of much concern. Wisła Sharks, a hooligan gang formed by 'Misiek' and his associates, became particularly known for their violent excesses. During brutal street fights, their members would use any tool available. Starting from leather belts and forks, moving onto knives, hatchets, and machetes. Even pitchforks, which served as a perfect countermeasure against combat dogs used by hooligans from Cracovia (Jadczak 2019, p. 7) Until law enforcement began employing serious measures against football-related violence, fighting would take place virtually everywhere. From stadiums and surrounding areas and socialist housing estates on which most of the hooligans lived, to squares in the historic quarters of the old town, like the aforementioned Kazimierz. It is there, that a historic event, that marked the ascent of 'Misiek' and his associates from hooligans to criminal kingpins.

III. TRANSFORMATION TO ORGANIZED GROUPS

Two events of great importance to an ascent of hooligan gangs, most importantly Wisła Sharks, to organized criminal groups occurred on October 22, 1998. It was then, during the deciding match against Italian Parma Calcio, that Paweł M. Launched a pocket knife onto the pitch, hitting Parma's Dino Baggio in the back of the head (Kmita, 2020). Then, in the evening of the same day, two hooligan groups clashed violently in one of the squares in the Kazimierz quarter. The clash was not another display of random allegiance-based violence, but rather an orchestrated attempt to even out the score between two competing criminal groups who ruled the Kraków underworld at the time. The participants were footsoldiers, utilized by the criminal groups to settle disputes. That was their entry point into the world of organized crime. As per 'Misiek', he would be apprehended shortly after the match, and subsequently sentenced to over six years of incarceration. It was in prison that he would overcome his reservations based on loyalty to the club, and form another criminal group, along with a fellow inmate and Cracovia hooligan, nicknamed "Master"(Jadczak 2019, p. 15-20) The time spent in penitentiary allowed him to forge connections that would prove crucial in his future criminal career. By the time 'Misiek' would be discharged from prison, criminal groups that previously ran the underworld and employed hooligans in their service would no longer exist. The most powerful, run by Jacek M., known under the alias 'Pyza' would be dismantled due to successful law enforcement operations, resulting in a lawsuit that would last until 2022 (Sidorowicz, 2022). Former hooligan gangs eagerly filled the power vacuum. The beginnings weren't easy, as the Sharks had to compete with many other rival groups that emerged alongside them. Eventually, all of them, the Devils, the Tigers, and the White Bears were either extinguished or incorporated into the Sharks, due to 'Misiek''s skillful leadership and ruthless measures. In addition, two of his former associates were removed from the group's structure, due to their neglectful handling of the gang during the leader's incarceration (Jadczak, p. 24) Around this time, a similar process of advancing organization occurred within other hooligan firms in Poland, including those under the sign of Cracovia. 'Jude Gang' established by 'Master', Paweł M.'s associate from the times of incarceration in Strzelce Opolskie, emerged as the most powerful of the gangs who recruited their members among Cracovia hooligans. However, his group — or any other significant organization with hooligan origins, aside from Wisła Sharks — did not manage to assert absolute domination within the criminal circles surrounding the club. As mentioned before, club allegiance in Kraków is of primarily territorial nature, with particular quarters and housing estates dominated by supporters of Wisła, Cracovia, or exceptionally Hutnik Kraków in some small clusters in the East of the city. Asserting a monopoly on power within the hooligan circles of a given club translates to taking control of these territories. This, however, is something only the 'Sharks' under Misiek's leadership managed to achieve. Other groups, even if they

adhered to the same club colors were plagued by constant in-fighting and fragmentation, granting significant advantage to the unified and well-organized Wisła hooligans. Securing the territories created readily-made, enclosed markets for running criminal enterprises, of which drug trafficking emerged as the most profitable. Territories that were entirely devoid of internal competition. Again, this is an enterprise in which all significant hooligan firms-turned-gangs would engage, but due to their superior organizational structure, the 'Sharks' would manage to turn the most profit. They would even benefit from the fragmentation within other hooligan circles, openly cooperating with 'Master' and his 'Jude Gang', who supplied 'Misiek's' group with drugs for sale in the controlled parts of the city. In the meantime, even though unaffiliated hooligans would still regularly clash based on club allegiance, the leadership of 'Jude Gang' was more concerned with directing their actions against other groups within Cracovia circles, rather than combat the growing power of 'Sharks' with whom they shared a profitable business relationship (Jadczak 2019, p. 28)

Despite the 'Shark's' unquestionable domination, all the major hooligan-related groups in Kraków, including the 'Jude Gang' would employ a similar chain of command. Illicit substances, from light drugs the likes of marijuana, to the heaviest, chemical substances such as amphetamine, mephedrone, or cocaine, would be brought in from external suppliers. In the case of 'Wisła Sharks', those would primarily include associates from criminal organizations under the colors of other clubs, such as Lechia Gdańsk or the aforementioned Cracovia. The leadership would monitor the operation, ensure its security, and take commissions from the 'Captains', who managed the dealers in their prescribed area. (Jadczak 2019, p.28-29) The growing wealth and influence of the Shark's leadership, obtained mainly through large-scale drug trafficking operations, would lead them to eventually gain influence within the club itself. TS Wisła was infiltrated by criminal groups long before hooligans emerged on the scene, with powerful mobsters the likes of 'Pyza' managing the distribution of tickets on match days, etc. None of them, however, managed to obtain the level of control over the club, that 'Misiek' and the rest of the leadership did. 'Trenuj Sporty Walki' ('Train Martial Arts') was created as an organization that ensured their entry into the club structure, more specifically to the Wisła Kraków Sports Association, which at the time managed the entire club property, aside from those related to football. The hooligans managed to secure the largest number of delegates on the Association's management board. Eventually, through intimidation and harassment of the members of the board, in 2016, Wisła Kraków Sports Association purchased all the shares of the Wisła SA, the company managing the football club itself. Marzena Sarapata, Paweł M's former lawyer would be put in charge of both enterprises, effectively putting the club under his control (Janiszewski, 2018)

This situation, however, would not last forever. Despite the initial helplessness of law enforcement in dealing with the hooligans and the organized criminal groups that emerged afterward, the state prosecutor would eventually press charges against numerous members of 'Wisła Sharks'. Those include accusations of drug trafficking, battery, violent assault, and corruption, and although the process is still ongoing, criminals and all those complicit were virtually eliminated from the club managment. (Prokuratura Krajowa, 2021)

IV. CONCLUSIONS

The evolution of Kraków's hooligan groups, particularly the 'Wisła Sharks', from disorganized street gangs into highly structured criminal enterprises represents a cautionary tale about the intersection of sport, society, and organized crime. Rooted in the turbulent social and economic landscape of post-communist Poland, these groups capitalized on weak institutional oversight, fractured law enforcement institutions, and football rivalries, so deeply embedded in Poland's, and particularly Kraków's cultural identity. As this paper has demonstrated, the transformation of the 'Wisła Sharks' and affiliated groups, was not a sudden phenomenon, but rather a gradual process marked by strategic organization and clear hierarchy, praying on the institutional vulnerability of the club itself. Their eventual takeover of TS Wisła Kraków marks a disturbing chapter in Poland's history, one that is deeply shameful from both sporting and institutional perspectives. The mentioned cases underscore broader implications for how vulnerable football culture may be to criminal factors when regulatory, legal, and civic safeguards fail. Ultimately, the story of Kraków's hooligan gangs serves as a stark reminder that without intervention, be it legal or societal, the sports industry and the passion it invokes can be easily weaponized to serve the interests of organized criminal ventures.

REFERENCES

Jadczak, S. (2019). Wisła w ogniu: Jak bandyci ukradli Wisłę Kraków (1st ed.). Wydawnictwo Otwarte.

Piotrowski, P. (2011). Debate on Football Hooliganism in Poland: The Myths, Facts and Psychological Benefits of Social Exclusion. Internal Security. https://doi.org/10.5604/20805268.1157160

Janiszewski, B. (2018, September 15). Szymon Jadczak: Nie mogę zrozumieć, dlaczego ludzie z gangu rządzą dzisiaj w Wiśle Kraków. Gazeta.pl. https://weekend.gazeta.pl/weekend/7,177333,23910021,szymon-jadczak-nie-moge-zrozumiec-dlaczego-ludzie-z-gangu.html

Tycner, A. (2019, February 21). Wojsko, szable i pistolety na boiskach - wojny kiboli w II RP. Historia do Rzeczy. https://historia.dorzeczy.pl/dwudziestolecie-miedzywojenne/94328/przedwojenni-polscy-kibice-pilka-nozna-w-ii-rp.html

Kliber, F. (2019, August 10). 198. Derby Krakowa. Gdzie kibicują Wiśle? A gdzie Cracovii? Gol 24. https://gol24.pl/198-derby-krakowa-gdzie-kibicuja-wisle-a-gdzie-cracovii-mapa/ar/c2-11559529

Drożdżak, A. (2019, September 17). "Misiek", czyli Paweł Michalski. Kim jest lider kiboli Wisły Kraków [KALENDARIUM]. Gazeta Krakowska. https://gazetakrakowska.pl/misiek-czyli-pawel-michalski-kim-jest-lider-kiboli-wisly-krakow-kalendarium/ar/c1-13499373

Kmita, M. (2020, October 20). 22 lata temu "Misiek" rzucił nożem w Dino Baggio. "Żałoba, Cupiał chciał wycofać się z Wisły". WP Sportowe Fakty. https://sportowefakty.wp.pl/pilka-nozna/905681/22-lata-temu-misiek-rzucil-nozem-w-dino-baggio-zaloba-cupial-chcial-wycofac-sie-

Prokuratura Krajowa. (2021, March 19) Akt oskarżenia przeciwko członkom zorganizowanej grupy przestępczej "Wisła Sharks". https://www.gov.pl/web/prokuratura-krajowa/akt-oskarzenia-przeciwko-czlonkom-zorganizowanej-grupy-przestepczej-wisla-sharks

Sidorowicz, J. (2022, September 16). Finał procesu krakowskiego gangu Pyzy. Ta grupa trzęsła Krakowem, ale po latach z zarzutów niewiele zostało. Gazeta Wyborcza. https://krakow.wyborcza.pl/krakow/7,44425,28921164,final-procesu-krakowskiego-gangu-pyzy-ta-grupa-trzesla-krakowem.html

Sochacki, W. (2024, December 10). Najstarsze kluby piłkarskie w Polsce – historia piłki nożnej. Agencja Piłkarska "WS FC7".

https://wsfc7.pl/artykuly/najstarsze-kluby-pilkarskie-w-polsce-historia-pilki-noznej/

Główny Urząd Statystyczny. (2025, April 24). Unemployment rate 1990-2025. https://stat.gov.pl/en/topics/labour-market/registered-unemployment/unemployment-rate-1990-2025,3,1.html

Chinese Mafia and its Role in Human Trafficking

A Research on Child Trafficking in the Chinese Provinces and the Government Response

Vittoria Dragoni

Abstract — **This paper will open with a focus on the general structure of the Chinese Mafia and how it is organized, analysing also the structure of the Hong Kong triads organization. After the general overview and after having mentioned briefly the main fields of interest of the organizations, it will analyse more in depth one of these fields, which is the one dealing with the traffic of humans and of children in particular, in the various provinces of China. Moreover, it will try to show how the system works, the various roles present in criminal organizations, and the different destinies of the children after being taken away from their family and their native place. In the conclusion of this paper, it is also going to be mentioned how the Chinese government takes action in order to try to combat this phenomenon, as well as the various Protocols issued by international organizations.**

I. INTRODUCTION

Human trafficking is still one of the worst crimes at global level, often having children at its core.

In this field there is a domination of some organized crime groups, and one of the most important is the Chinese mafia. This paper aims to analyse how this criminal organization is connected to the phenomenon of trafficking and the internal structure of it.

The Chinese Mafia is mainly divided into the so-called 'Triads'.

To explain the origin of this name there is a 'traditional' explanation and a more 'modern' and 'historical' one.

According to the traditional explanation and the legends, the society of the triad was firstly founded, in 1674 by the monks of the Shaolin Temple.

They founded the triad in order to restore the Ming dynasty in China.

According to the modern – and more historical – version, the name of the triad symbolizes the elements of the universe: Earth, Heaven and Man (Chu, 2005).

The word 'triad' nowadays shows the three forces of society.

The three main triad societies present in Hong Kong are Sun Yee On, Wo Shing Wo and the 14K.

Hong Kong Triads – also known as the 'Chinese Mafia' – are present in illegal businesses but they do not have the monopoly of the illegal market.

It is important to underline the fact that, even if a member of one of the triads participates in an illegal business, this does not mean that the business in question pertains to the whole society. In this case it can be seen as a private investment of

the single individual. Another important characteristic of the Hong Kong Triads is the fact that they are able to adapt themselves according to the changes in the environment in which they are immersed. It can be said that the main activities conducted by the organized groups are smuggling goods and people, swindles, counterfeiting, organized illegal immigration and money laundering.

© 2025 Vittoria Dragoni. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

II. HONG KONG TRIADS ORGANISATION

Today in Hong Kong there still exist around 50 triads, but the main ones are the ones already mentioned in the introduction: Sun Yee ON, 14K and Wo Shing Wo. In terms of numbers the largest is the 14K one.

In respect to the beginning and to the origin of the Triads, the structure of the power within the criminal society has become less united and it has lost some degree of its older rigidity.

Also, the ceremony for the initiation has been modified and simplified. Can the Hong Kong Mafia (also called 'Chinese Mafia') replace the weakened Italian Mafia in the international underworld as the most powerful criminal organisation?

This is one of the main worries of Western law enforcers. According to their predictions, some members would emigrate to their origin countries, however no data indicates that the targets of the triads have some kind of will of leaving Hong Kong. Moreover, it is interesting to notice that not all the organised crime organisations in China are Triads.

The 'gang boundary' (Smith et al., 2011) is not so strong or so present in every kind of organised crime present in China.

How did the 3 Hong Kong Triads develop? Starting from the Sun Yee On, at first it was formed by a minority group; today the members of this triad come from different Chinese groups. There is the possibility that Sun Yee On was found in the US, UK, Australia and Canada.

The connections with other criminal organisations, also overseas, are based not on the Society per se, as an organism, but on the personal connections and networks of its members.

Nowadays, Sun Yee On members are more inclined to participate in non-violent business, operating in the black market or in the gambling world, for example.

Wo Shing Wo became an independent triad society after having separated from the original Wo Hop To triad society.

Compared with other triads and with other organised crime groups, and differently from the Sun yee On triad, the Wo Shing Wo members tend to be more violent, and they tried to dominate the organized crime of the streets in the last few years.

Lastly, the 14K triad was created in the Guangdong Province in China in 1950. The particular feature of the 14K triad is the fact that, compared to the other triads, it is slightly disorganised, and it is disaggregated in different

subgroups; this is the reason why the fights between different subgroups are pretty common in this type of triad. It is possible to find members of this organisation also in the UK, US, Holland, Canada and Australia; but they could also have connections with the Yakuza and the United Bamboo Gang in Japan and in Taiwan (Chu, 2005).

III. CHILD TRAFFICKING IN CHINA

As already mentioned, one of the fields of interest of the Chinese mafia and criminal organisations is the phenomenon of human trafficking in general, and of child trafficking in particular; and it is becoming a problem in China because of its frequent presence.

According to Art. 240 and 241 of the People's Republic of China Criminal Code, '*abduction and trafficking in a woman or a child refers to any act of abducting, kidnapping, buying, trafficking in, fetching or sending, or transferring a woman or a child for the purpose of selling the victim*'. These articles give the definition of what is intended with the term 'child (and human) trafficking' and also give the fixed years of sanction that can be applied depending on the type of crime the offender commits.

The phenomenon of child trafficking in China is quietly spread because of the membership structure of the gangs and also because of the fact that children are an important resource for gangs both for the profit they receive once sold (30 000 yuan for male infants and 20 000 yuan for female infants) and for the fact that they could become members of the gang themselves, or they are obliged to do other illegal activities such as prostitution, theft and robbery, that enrich the gangs.

When it comes to children trafficking, there are 5 main reasons that try to explain it: the first reason is poverty, in fact many children are sold by their parents because they are in need of money and, as already cited previously in the paper, the price for the children varies from 20 000 yuan to 30 000/40 000 yuan per child (Jiang & Sanchez-Barricarte, s.d.).

The second reason that needs to be mentioned is China's One Child Policy. This kind of policy was introduced in 1979 and it ended in 2015; at first it was intended as a social policy, but in reality it was more about the economic aspect (Cai & Feng, 2021). This policy has influenced the children's traffic because parents' fear of being caught and punished by the government if they have more than one child was in favour of the traffickers because they could use their fear to take away their children and to sell them for the best price. As already mentioned, the third reason behind child trafficking is the fact that it is a low-risk activity with a possibility for the gangs and the criminal organisations behind it to have high returns from the children, either from their selling or from their help in illegal activities. The fourth reason is the fact that it is quite easy to abduct and kidnap children because of the lack of supervision and attention of the parents.

The last reason is the fact that in China, in order to adopt a child from an orphanage, there is a long, expensive and complicated procedure to follow, hence some people are more inclined to purchase children directly from the traffickers (Jiang & Sanchez-Barricarte, s.d.).

Once a family has bought a child, it has three different ways to have the child officially registered: the first method is to buy a Birth Certificate form a local health care and obtain a Single Child Family Certificate; the second way is to buy some documents to achieve the status of adoptive parents; and the third path that the adoptive family can follow is to pay an administrative fee and fine. In this case the purchase of the trafficked child is dealt with as an unauthorised birth (Shen et al., 2013).

This is an important aspect also because of the fact that it is mentioned in Art.7 paragraph 1 of the Convention on the Rights of the Child as well: '*The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents*'.

Migrants' children and the so-called 'left-behind children' are the ones who are more likely to be kidnapped because they are the easiest targets. In the first case, the one of the migrants' children, this happens because of the fact that migrants are busier at work and they are paid lower so sometimes they do not have enough money to maintain the children; in the case of the left-behind children, the parents usually have gone to town to work and have left their children in their homes in the countryside where there is less supervision (they are usually left with some relatives such as their grandparents or their parents' friends).

At this point, there is the need to make a distinction between the provincial-level trafficking network and the city-level trafficking network. In the province-level, the most popular and diffused form of trafficking is the short distance; it was in fact found that the 66.3% of the origins and the 52.9% of the destinations were all in 8 provinces of China. Within these provinces, the main ones were the provinces of Guangdong, Fujian, Henan and Anhui because of the preference of the clan for male heir (Wang et al., 2018) .

Talking about the city-level trafficking network, the main cities involved were Putian, Xuzhou, Chongqing and Handan with more than 544 cases each (Wang et al., 2018).

A third level can be added, and it is the district/county level trafficking network, and this third level focuses on a narrower portion of territory. From the results, it can be observed that the phenomenon of child-trafficking is developing towards trans-provincial and trans-regional crime (Huang & Weng, 2019).

More generally, it can be said that Eastern China is the part of the country with more child trafficking.

A. How are Children Abducted and Sold

When it comes to the abduction of a child, organised gangs have different methods to gain the trust of the children or to kidnap them. One of the main methods is trying to trick the child into moving away from his home, when he is unsupervised or home alone, by offering food, toys or clothes.

The second common method used is not to go directly to the child but try to become friends with the parents and try to gain the parents' trust. In this way it is easier to get close to the child or the kidnappers try to take away the

children by offering the parents a better life for their children.

The third method is to steal the children directly from the hospitals (Jiang & Sanchez-Barricarte, s.d.).

Within the organisations, there are different types of traffickers: the first type of trafficker is the one who is typically a first-time offender and this kind of trafficker is called 'individual entrepreneur' (Jiang & Sanchez-Barricarte, s.d.).

Then the second type of traffickers is the so-called 'guerilla' which are not individuals but they associate in groups of three, or five individuals (Jiang & Sanchez-Barricarte, s.d.).

Lastly, we have the so-called 'large military corps' within which there are precise roles and duties to be carried out.

Human trafficking and children's trafficking is a phenomenon that did not remain at local level, but that has also spread to some external areas (Jiang & Sanchez-Barricarte, s.d.).

Another important aspect is the process of the traffic, its phases and how it is organised.

Child trafficking can be divided into 3 different phases: downstream, midstream and upstream (Jiang & Sanchez-Barricarte, s.d.). The downstream level is composed of peasants, the middle stream instead is made of traffickers who are located in the same areas and lastly, the upstream is the more 'external level' because it is composed of men whose role is to find possible adoptive families.

Once they have identified a possible buyer, they usually conclude an agreement which includes even some warranty clauses such as the possibility for the buyer to exchange the baby if unhealthy, or the possibility of refund within 3 days after the purchase.

Normally an advanced payment is required (Zang & He, 2008).

Women have an active role in the traffic of children because of different factors such as the fact that they are 'less likely to be suspected' (Tang 1999: 11)

There are also cases in which the women who had been previously kidnapped and trafficked become traffickers themselves and they deal with young women in the field of prostitution for example (this can also happen because sometimes girls who are rescued are rejected by the society).

Girls, besides entering the world of prostitution, are also sold as child brides, other children can be sold abroad, or they can also become street children.

B. The Role of the Government and International Instruments

The Chinese Government has played an active role in trying to contrast the phenomenon of women and children trafficking.

In 1990 the Ministry of Public Security gave its contribution by establishing a special office against the trafficking and kidnapping of women and children (Li, 2023).

In addition to the actions of the Chinese Government (mentioned above), there are also some important actions at international level, such as the ratification of various international agreements and treaties like the Optional Protocol to the Convention on the Rights of the Child on the Sale of the Children, Child Prostitution and Child Pornography and the Protocol to Prevent, Suppress and Punish Trafficking in Person, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime.

The Chinese Government has also implemented some plans at national level to combat and contrast the phenomenon of the trafficking of children, and it has also implemented some tools and procedures, using for example AI, thanks to which it is easier to reach the goal.

One of these national plans of action, for example, has developed from the implementation of the Palermo Protocol and it is based on the so-called '3Ps' paradigm which is articulated into 3 pillars: prevention, protection and prosecution, in coordination and cooperation with other national and international tools.

There is, however, a problem to be mentioned in the Chinese Criminal Law system, and the problem consists in the fact that in the Chinese Criminal Law, there is a lack of comprehensiveness because all the provisions concerning the trafficking and kidnapping of children are a bit dispersed in the Criminal Code. (Han, L. 2019).

This lack of unification and comprehensiveness penalises mainly the victims of these kinds of crimes. The Chinese Government has issued some protocols and tools against the trafficking of children and of human beings, and in particular, in April 2009, it established a national DNA databank specifically to contrast the traffic of the children because it is able to trace the original family of the child who has been abducted, thanks to the analysis made on his DNA and genetic (Han, 2019). In the field of the '3Ps' paradigm, even if this tool is useful for prevention, the same cannot be said about the other 2 uses, prosecution and prevention (Han, 2019).

Besides the Chinese Government, there are also some organisations that deal with child trafficking, one of the most important ones is the so-called 'Baby Coming Back Home'.

These kinds of websites and organisations provide large baskets of data that can be used by the government or by the specific bodies to analyse child trafficking and they are also able to identify the key cities of this kind of trafficking.

IV. CONCLUSIONS

The main topic of this paper is the children trafficking in China and its link with the Chinese organised crime and mafia.

After having analysed all the various aspects and steps that compose this phenomenon, it can be said, in conclusion, that unfortunately the trafficking of children (and of human beings more in general) is a phenomenon that is still largely diffused in China, especially in some particular regions, for various reasons and that, despite the attempts, the Chinese Government and some other international organisations are not yet at the point of succeeding in the defeat of this phenomenon and of the criminal organisations behind it.
In this paper are summarised the main components and it is described the rationale behind the complex apparatus of

this kind of trafficking. I think that this description is important and useful in order to understand how it works.

In my opinion, in order to eliminate something in an efficient way, it is essential, at least, to observe it, to study it and to know it and its mechanisms very well, and I think it would be interesting to analyse more in depth the connections between various organised crime groups and the Chinese government, and also the impact that this kind of business has on the children and the victims more in general.

REFERENCES

Cai, Y., & Feng, W. (2021). *The Social and Sociological Consequences of China's One Child Policy*.

Chu, Y. K. (2005). Hong Kong triads after 1997. *Trends in Organized Crime*, *8*(3), 5–12. https://doi.org/10.1007/s12117-005-1033-9

Han, L. (2019). *New technologies in Combating Child Trafficking in China: New Opportunities and Challenges for Children's Rights*. *3*, 389–414. https://doi.org/10.14658/PUPJ-PHRG-2019-3-5

Huang, Z., & Weng, W. (2019). Analysis on geographical migration networks of child trafficking crime for illegal adoption from 2008 to 2017 in China. *Physica A: Statistical Mechanics and its Applications*, *528*, 121404. https://doi.org/10.1016/j.physa.2019.121404

Jiang, Q., & Sanchez-Barricarte, J. J. (s.d.). *Child Trafficking in China*. *Volume 43*.

Li, R. (2023). *Study on Controversial Issues of Abduction and Trafficking of Women and Children Crime: Legislative and Judicial Strategy Adjustments to Combat Crimes of Abduction and Trafficking*. https://doi.org/10.23977/law.2023.020310

Shen, A., Antonopoulos, G. A., & Papanicolaou, G. (2013). China's stolen children: Internal child trafficking in the People's Republic of China. *Trends in Organized Crime*, *16*(1), 31–48. https://doi.org/10.1007/s12117-012-9167-z

Smith, C. J., Zhang, S. X., & Barberet, R. (2011). *Routledge Handbook of International Criminology*.

Wang, Z., Wei, L., Peng, S., Deng, L., & Niu, B. (2018). Child-trafficking networks of illegal adoption in China. *Nature Sustainability*, *1*(5), 254–260. https://doi.org/10.1038/s41893-018-0065-5

Zang, D., & He, L. (2008). The groom's father rescued the trafficked teenage girl. *Contemporary Family Education*, *8*.

Cybercrime and Cryptocurrencies

How do Cryptocurrencies Enable Cybercrime?

Greta Ferrante

Abstract — **The technological development of the cyberworld is evolving at a scary pace. The blockchain technology which has only made its first steps in the public world in 2009 has grown massively in the last 15 years. What could have been a great advancement in technology has instead posed a substantial risk. The potential abuse of cryptocurrencies in cybercrime is a problematic issue that must be addressed.**

I. INTRODUCTION

We live in the digital era and with the evolution of new technologies, also criminals and organized crime have moved to the cyber world where they can exploit the advancements made to commit illicit acts. Technology plays a major role in the definition of cybercrimes, depending on the role that it plays (Finklea and Thehoary 2015:3).

The emerging technology of blockchains, and their association with cryptocurrencies, is used by perpetrators in various criminal activities, both in traditional crimes and cybercrimes.

Cryptocurrencies have changed cybercrime and because of their nature, organized crime is attracted to them, as they are e.g. a means of payment, a target of attack, or a bait for phishing data. Since they are also very popular among individuals of society, criminals can conceal easier their criminal activities and their assets.

Blockchains operate globally, their impact, especially the economic component, as much as beneficial, it is also a threat to society, especially for cybersecurity.

In this paper we will first see what cybercrime is and the differences organized cybercrime has compared to the traditional organized crime. Then it will explain what a cryptocurrency is and how it is used to enable cybercrime. In conclusion it will briefly discuss the ways to deter crypto cybercrime.

II. WHAT IS CYBERCRIME?

Cybercrimes can be related to organized criminal groups. Financial motivation can be the main cause of what drives cyber groups. The types of illicit activities conducted by organized cybercrime groups tend to have the unique characteristic of operating in an online space, they can even be more complex than activities associated with traditional organized crime groups. Activities of cybercrime groups include hacking, distributing malware (malicious software), stealing personal data, piracy, phishing, botnets, carding, distributing illicit drugs, and online sexual offending (Broadhurst et al., 2014, p. 5-6).

Some cybercrimes demand more technological know-how, e.g. identity theft, than others, such as cyber stalking or cyber-pornography, which are categorized as “point and click” crimes.

There are different theories and definitions of cybercrime. Cybercrimes can happen both in the physical and digital domain. Brenner (2007) offers a more traditional view and distinguishes between specifically defined cyber offences and migration of real-world crime into cyberspace. Wall (2007) instead distinguishes between crimes with the use of the machine and crimes against or in the machine. Furthermore, the Council of Europe distinguishes between offences against the confidentiality, integrity, and availability of computer data and systems; computer-related offences; content-related offences; offences related to infringements of copyright and related rights and acts of a racist and xenophobic nature committed through computer systems, this distinction by the Council is inspired by a political and moral agenda.

Cybercrime has an extremely fast changing nature; cybercriminals can increase their knowledge and improve their skillset to manipulate systems already existing and adapt to changes as new protective measures against cybercrime emerge.

III. ORGANIZED CYBERCRIME AND TRADITIONAL ORGANIZED CRIME

Organized cybercrime and traditional organized crime have many similarities in the operational structure, network, and range of involvement in illicit activities. Cybercriminal groups are not only capable of providing illicit products and services on the dark web but are also able to conduct damaging attacks against vital industries and government agencies. Their dynamic nature allows them to adapt quickly to avoid detection from law enforcement. The degree of sophistication suggests that cybercriminals are capable of being highly organized and should be considered to be an organized crime group. Some crimes need more skilled individuals and usually they are the ones to coordinate attacks and provide direction. As traditional organized groups, cyber groups vary in structure and chain of command. However, Lusthaus (2013) argues that cybercrime still lacks formal hierarchy, and individuals work together to share information and collaborate, but not to delegate orders.

Networks of cybercriminals are similar to traditional ones, offline ties are important, core members are usually family or close friends. Online connections are made as well, through online discussion forums and online meetings. This, in theory makes the structure decentralized and flexible, there are groups made both only online and others only offline. Cybercriminals networks have a certain degree of hierarchy not as much as traditional ones, but they have some layers. There are the core members, working closely, then there are facilitators providing

© 2025 Greta Ferrante. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

specific criminal services, and at the bottom money mules, to avoid detection from law enforcement.

Cybercrime is difficult to combat because, just like traditional organized crime, it occurs simultaneously in many jurisdictions, and attackers are able to change their location to avoid detection. The transnational nature of cybercrime is like the traditional transnational organized crime one, but it is harder to detect and regulate. Cyberattacks can take place anywhere in the world and do not have to be commanded by an individual in the same place as the attack.

Violence in cybercrime groups may be seen difficult since they cannot cause physical harm working in cyberspace. Violence is usually a component of organized crime groups, and also cybercriminals are capable of it, in a form different than physically. Therefore, it can be argued that cyberattacks, in the form of hacking, espionage, botnets, malware, and ransomware, may be classified as forms of non-kinetic violence.

Additionally to hide and launder criminal earnings we can see differences between traditional and cybercrime groups. The main difference is that in cybercrime, it is usually done digitally, and with cryptocurrencies, that is also one of the reasons why crypto are cybercrime enablers.

IV. CRYPTOCURRENCIES

Cryptocurrencies are digital currencies; they are based on blockchain technology, and because of this they are decentralized and non-materialized.

Blockchains are digital infrastructures designed to facilitate transactions of digital currencies, there are several types, but most blockchains are decentralized (operates without a central authority) and open source, free to access. Most work on a peer-to-peer basis. They use digitalized ledger technology where transactions are recorded and cryptographed (similar to encryption). Transactions are made in blocks, are unique and cannot be modified or copied.

Their emergence was brought by a general wish for quicker transactions with less steps and no intermediaries. Usually, traditional transactions are made through trusted intermediaries such as banks or companies like PayPal or credit/debit card issuers. Nevertheless, with crypto mining, the system does not operate entirely without intermediaries. Miners, who are computer experts, confirm transactions and are remunerated for their work with a commission on the transaction.

The crypto market investments are quite speculative, since the beginning value has grown massively, but also losses are high if there are any sudden crashes in the market. Crypto are not only very popular among ordinary private citizens, but they also attract cybercriminals, because of the level of anonymity posing a challenge for law enforcement to detect illicit activities and therefore abuse of technology.

Crypto wallets are where clients store their cryptocurrencies, and they are often offered by leading exchange services. The crypto wallet stores your crypto funds in the blockchain, it acts as a safeguard as you need to prove ownership before being able to spend your funds. Although having your funds in a wallet means it can be subject to the threat of being hacked. There are various types of wallets with different levels of security, and some are applicable only to some types of cryptocurrencies.

Crypto mixers are services that move and mix cryptocurrencies to improve the anonymity of transactions, to avoid traceability and so enable crime, such as tax avoidance, money laundering and hiding crime profits.

There is a substantial number of cryptocurrencies in circulation but only few have significant investment returns. The most performing coins are Bitcoin, Ripple, Ether, Monero, Litecoin and Tether, representing a significant market share and being highly speculative investments. Many cryptocurrencies were created for the sole purpose of fraud, scams and for speculative investments.

V. CRYPTO AS CYBERCRIME ENABLER

For cybercriminals the emergence of crypto was perfect to avoid intermediaries, who must make regulatory controls and report any suspicious transactions to the authorities, they can also block access to funds. Avoiding intermediaries means they can conceal their criminal activities, earnings and assets; and so, increase the level of anonymity. The speed of transactions, the factor of decentralization and public access means that there are a lot of users lacking expertise, which also confers greater anonymity for cybercriminals.

Money laundering through crypto is possible exactly because of this decentralization component and furthermore because of the lack of regulations. Governments are trying to introduce anti-money laundering regulations with cryptocurrencies. Proceeds of crime, funding of illicit activities, purchase of illicit materials and the increased possibility of fraud have all been a confirmed side effect to the circumvention of regulatory controls (Middlebrook and Hughes, 2014).

We know of two categories of cryptocurrencies crimes. Firstly crypto-enabled crimes where the offender uses crypto to commit traditional crimes, secondly crypto-dependent where the crypto is the specific target or plays an essential role in the crime, like being a payment method in criminal activities, for example on the dark web or when a victim must pay for extortion (blackmail) or other investments scams. Firms are also victims of ransomware but tend to stay silent to avoid scaring investors. Private exchanges of cryptocurrencies are also a target for cybercriminals. Crypto cybercrimes, cyberattacks such as frauds and ransomware are a serious threat to the global economy.

To know more about this crypto-enabled crime, studies have analyzed reports on the Bitcoin Abuse platform, crypto-crime reports and investigations from forensic firms, so to look at the most impactful trends in cybercrime, help law enforcement and enhance cybersecurity.

As we saw in the previous parts of the paper some cybercrimes require more technological knowledge, the role of facilitators is very important in cybercriminal networks. Facilitators are recruited both online and offline. There are professional criminal facilitators, who are recruited by a specific network to write malware, hackers or people having access to money mules in different countries to launder money. Then there are recruited

criminal facilitators, like employees of legitimate companies, who help in different ways, for example bank employees sharing information about bank accounts or modify withdrawal or credit limits. Finally, this also relates to financial infrastructures that can be abused, for example, for making mutual payments using e-currencies, such as bitcoins, or the use of exchangers converting e-currencies into euros or US dollars (Odinot et al. 2017; Leukfeldt et al. 2017 b, c, d, e).

Already mentioned before, the most common crypto crimes are investment frauds and ransomware. There are common and legitimate cryptocurrencies capable of investment, but also less legitimate and probably fraudulent cryptocurrencies, with no real market value. For example, through Initial Coin Offerings, 'pump and dump' schemes (used by fake traders), Ponzi schemes (pyramid investment scheme) and hackers changing the wallet address for investor payments. Ransomware or cyber extortion, where criminals or facilitators write malware that encrypts data or files and demanding victims to pay a ransom fee for a decryption key. Blockchain facilitates both the attack and the payment, often using cryptocurrencies as the instructed payment method. There are two most common types of ransomwares, CryptoLocker (for files on devices with Windows) and Doxware (the threat is typically the public release of sensitive information, personal data). In some countries it is illegal to pay the ransom, Italy being one of them.

VI. BITCOIN AS AN EXAMPLE

Bitcoin is the largest and first blockchain, introduced by Nakamoto in 2009 as the first open virtual cryptocurrency. It is the one with the most reported cybercrimes. Cybercriminals' perpetual use of Bitcoin, even if it is the most popular and it is also relatively traceable, raised the focus on combating crypto cybercrime. Still, they persist in using it for its convenience and likelihood of receiving funds with scams. The same goes for ransomware, which is the most significant organized crypto-enabled cybercrime.

Although bitcoin transactions are not regulated and they are highly anonymous, some larger exchange services have implemented an identification customer policy, some jurisdictions (e.g. US) even put these exchange services under supervision. All bitcoin transactions are logged in the blockchain, and they are public, so transparent. The transaction from one bitcoin address to another could be traced back to its origin (transaction history), but the identity of the user is not available in the blockchain. Because of lack of regulation, users are not protected from losses caused by fraud or other cybercrimes.

Several types of service providers, such as bitcoin exchangers services are willingly or unwillingly used by cybercriminals to conceal criminal proceeds. Other services can be e-wallet services obscuring the link between a bitcoin address and a transaction, mixers services or money mules, all diminish traceability of bitcoins. Also, the possibility of acquiring multiple addresses and wallets contributes to this problem.

There is also the need to mention other cryptocurrencies that are increasing in importance in cybercrimes such as Ethereum and Monero.

VII. HOW TO DETER CRYPTO-RELATED CYBERCRIME ?

The economic component of blockchains and the fact that cybercriminal groups could advance in expertise, is a high threat for a continuous increase in cybercrimes.

To prevent and combat cybercrime regulators around the world can either take extreme measures, like a blanket ban on cryptocurrency usage, or monitor and supervise it. The first option could be problematic because blockchains operate globally so a ban in one jurisdiction could not be effective in another one and shift back to just cash that could even be less traceable. It could also reduce innovation and competitiveness. The second option could reduce the probability of illicit activities in a more effective way. For law enforcement the blockchain's public feature allows for an open-source monitoring and investigation, potentially facilitating traceability. There are tools such as Chainalysis, CipherTrace or Eliptic created by private companies that by using the public component of blockchains establish patterns and labels assigned to crypto wallets to trace certain funds and de-anonymize them.

Strengthening cybersecurity in general, such as preventing disinformation, for example by certifying the authenticity and reliability of information to avoid fake news; optimizing and managing the forensic evidence of blockchains is in my opinion the best option.

Studies on this matter are giving solutions not only with regulatory measures, but also technical based solutions. For example, blocking fraudulent content, browser extensions that detect potential scams and fraud. The legal approach to regulation that some countries took is to either implement regulations that legalize cryptocurrencies, such as the case of Malta or ban them such as in Egypt, Iraq and Vietnam.

VIII. CONCLUSIONS

The paper analyzed first the aspects of cybercrimes in general and then the focus shifted on cryptocurrencies as enablers of cybercrime. The most important factors are that cryptocurrencies will and have already changed the way criminal groups act, and in some way facilitated some illicit activities. Blockchain technology is a serious threat that maybe was unforeseen by its creators and then exploited by criminals by creating fraudulent or fake cryptocurrencies, other than using the existing ones to cover and commit crimes.

Cryptocurrencies are increasing and changing day by day, and other than the legal and economic aspects,k which in my opinion are already causing very serious risks to global legal and economic security, the criminal aspect which I have researched on for this paper is even more preoccupying.

REFERENCES

Viano, Emilio C. "Cybercrime: Definition, Typology, and Criminalization." *Cybercrime, Organized Crime, and Societal Responses*, 13 Dec. 2016, pp. 3–22, https://doi.org/10.1007/978-3-319-44501-4_1.

Shanti, Davina. “A New State of Organized Crime.” The Journal of Intelligence, Conflict, and Warfare, vol. 3, no. 1, 30 May 2020, p. 13, https://doi.org/10.21810/jicw.v3i1.2359.

Cong, Will; Campbell, Harvey; Rabetti, Daniel; Zong-Yu, Wu. et al. “An Anatomy of Crypto-Enabled Cybercrimes.” Management Science, 18 Feb. 2025, https://doi.org/10.1287/mnsc.2023.03691.

ROTUNDU, Vlad-Andrei. “Impact of Blockchain Technology: Benefits and Security Risk and Threats.” Informatica Economica, vol. 26, no. 2/2022, 30 June 2022, pp. 37–45, https://doi.org/10.24818/issn14531305/26.2.2022.04.

E. R. (Rutger) Leukfeldt; E.W. (Edwin) Kruisbergen; E.R. (Edward) Kleemans; R.A. (Robert) Roks. et al. “Organized Financial Cybercrime: Criminal Cooperation, Logistic Bottlenecks, and Money Flows.” Springer EBooks, 1 Jan. 2020, pp. 961–980, https://doi.org/10.1007/978-3-319-78440-3_65.

Lapuh Bele, Julija. “Cryptocurrencies as Facilitators of Cybercrime.” SHS Web of Conferences, vol. 111, 2021, p. 01005, https://doi.org/10.1051/shsconf/202111101005.

Reynolds, Perri, and Angela S.M. Irwin. “Tracking Digital Footprints: Anonymity within the Bitcoin System.” Journal of Money Laundering Control, vol. 20, no. 2, 2 May 2017, pp. 172–189, https://doi.org/10.1108/jmlc-07-2016-0027.

Maurushat, Alana, and Dan Halpin. “Investigation of Cryptocurrency Enabled and Dependent Crimes.” *Financial Technology and the Law*, 2022, pp. 235–267, https://doi.org/10.1007/978-3-030-88036-1_10.

Criminal Activities along the Balkan Route

The Role of Albanian Mafia and the Balkan Situation

Francesco Furlan

Abstract — **The war in the Balkans ended in 2001, but its consequences are still there. Many of the different problems that arose from the fall of Yugoslavia are visible still today. The Albanian criminal groups are more powerful than ever and even other states, such as Serbia, Croatia and Kosovo are having huge troubles with corruption. Moreover, from 2015 on this region has become a sort of obligatory path for many migrants coming from the Middle-East. The establishment of the humanitarian corridors for the "Balkan Route" has proved that even the Schengen Regime might have its limits. The main aims of this paper will be: to analyze today's situation of the Balkan Route, to explain the Albanian mafia subculture underlining why it is that difficult to actually put an end to this phenomenon and understand which are the most profitable activities for the criminal groups of the area. Eventually, conclusions and recommendations for the future will be given., blandit felis.**

I. INTRODUCTION

The Balkan region is in the middle between eastern and the western Europe and from 2015 on it became also the principal way for migrants to enter within the European Union borders. The establishing of the Balkan route corridors created different controversies, some called this phenomenon "migrant crisis" (Soledad Álvarez-Velasco (SAV) Nicholas De Genova (NDG) Elena Fontanari (EF), et al., 2015), some others "the great summer of migration" (Bernd Kasparek and Marc Speer, 2015). Despite the political view on this matter, what must be underlined in any case is the fact that this enormous flow of migrants coming from middle east countries created enormous opportunities for the criminal organized groups. This paper's aim is to try to underline the main problems of today's situation of the humanitarian corridors along the Balkan route, then the story and the subculture of the most important criminal group of the region: the Albanian Mafia will be presented. Eventually the most profitable criminal activities in the region will be taken into consideration.

II. THE BALKAN ROUTE

2015 was a year of changes: it is the year in which for the first time we assist at the migratory routes in the Balkans entering the spotlight for the European Countries (Marijana Hameršak, Sabine Hess, Marc Speer, Marta Stojic Mitrovic, 2020).

This migratory movement has been defined by many European states as a crisis that possibly showed all the problems that could arise because of the Dublin Protocol (Consolidated text: Regulation (EU) No 604/2013) and the Schengen Area (Consolidated version of the Treaty on the European Union, 2016). There are of course cases in which this phenomenon is perceived positively as the "Summer of Migration" (Bernd Kasparek and Marc Speer, 2015). Still, these are minority opinions.

Gradually, corridors for this "disobedient mass" (Soledad Álvarez-Velasco (SAV), Nicholas De Genova (NDG) Elena Fontanari (EF), et al., 2015) were formed going from North Macedonia, all the way up to Slovenia. It is pretty obvious that the route does not start there, but it starts in the Middle east. Particularly important countries in this respect are Afghanistan, Pakistan and Syria.

The creation of these corridors has led to different controversies, especially due to the position of Hungary which is now the southernmost Schengen and Dublin state in Southeast Europe, making it theoretically responsible for the condition of the asylum seekers (Bernd Kasparek and Marc Speer, 2015).

The conditions of the refugees are extremely poor and this makes them susceptible to becoming victims of criminal organizations, in this respect the example of human smuggling in Vienna on the 27th of August 2015 is a clear example (Marijana Hameršak, Sabine Hess, Marc Speer, Marta Stojic Mitrovic, 2020).

III. THE ALBANIAN MAFIA

During the Albanian Socialist period we have the first contacts between Albanian criminal groups and some Italian ones (especially the Sacra Corona Unita), but these contacts were relatively circumscribed and the activities were small, also due to the Isolation of Yugoslavia (Óscar Méndez Pérez, 2020).

Everything changed with the fall of socialism in the '90. The borders were opened and many were those that migrated to Italy, Greece, and the US, still we also had some migration flows towards other European states, such as Belgium and Germany (ibid.).

The privatization process after the socialist regime caused many problems to the population too. Not only by disrupting the already fragile social assistance network but also, de facto, plunging many families to absolute poverty. Moreover, employment did not improve either (ibid.).

As the different wars of independence broke out in different Yugoslavia countries during the nineties and the UN imposed different embargos on Yugoslavia, the Albanians saw an opportunity for the smuggling of illicit goods to the neighbouring countries (ibid).

In those years many were those that fled the country. In the ten years of the war and of migration a criminal network was established. The true turning point was the Kosovo war (1998-1999). In fact, thanks to the support given to Kosovo during the war with the trafficking of weapons and other goods, many individuals involved in the Albanian organized crime created bonds and

© 2025 Francesco Furlan. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

established contacts with politicians of the freshly created Kosovo state (ibid.).

Albanian groups, despite having well respected men that may as well work as coordinators within the group, do not have actual leaders. So, getting rid of these "chiefs" does not mean to put an end to the whole group. Furthermore, infiltrating inside the ranks of the Albanian mafia is practically impossible: only Albanians with references from family members and place of origin are accepted. They organize themselves and act on the basis of family and ethnicity (ibid).

After the fall of Socialism and the failure of the state in 1997 the regime of the Kanun became relevant once again, especially in the north of the country (ibid.). The code of Kanun is a sort of primitive constitution of the fifteenth century, that regulated both public and private matters. The norms were originally passed on orally from generation to generation and were decreed by a council of elders (Tanya Mangalakova, 2004).

For the matter of this paper the two main Kanun norms that will be analyzed are the *Besa* and the *Gjakmarrya*.

These two norms are particularly important as they are at the basis of the Albanian mafia subculture (the creation of bonds with a territorial past, rules and tradition is typical of the mafia type associations, let's just think about the presumed ties between the today's Cosa Nostra and the sect of Beati Paolo) (Francesco Benigno, 2015).

The *Gjakmarrya*, on the one hand, is a system of reciprocal "honour killing", meaning that when a man has been deeply dishonoured by another, the family of the former has the right of reestablishing his honour by killing the person that offended him. Women and children are not taken into the equation. Still, this obviously creates a series of murders justified by the will of violent revenge, as the victim's closest male relative is obliged to murder the murderer of his family member. After all "Blood is never lost" (Tanya Mangalakova, 2004).

The *Besa*, on the other hand, are vows of not hurting and not being hurt usually proclaimed in front of a mediator. In the past they were used as a way of obtaining protection against the *Gjakmarrya* (ibid.). Now these norms about Besa are used to create a "honour" code of silence (literally omertà) that substantially makes it harder to have actual witnesses and makes police operations much more difficult to carry on. In fact, dishonor falls on those who do not respect their vows (Óscar Méndez Pérez, 2020).

Ergo, it is observable that: vows, violent revenge, honour, family and ethnic homogeneity are key features of the Albanian Mafia (ibid.).

IV. THE MAIN CRIMINAL ACTIVITIES

A. Drug Trafficking

When dealing with drug smuggling it is important to underline that the Central Balkan countries, including the Republic of Macedonia, are first of all transit countries (Walter Kemp, 2017). Recently, the Balkan region became particularly important also for the transit of synthetic drugs and for the production of amphetamines and cannabis (Biljana Bogdanova-Smilevska, Dr.Sc, 2018).

The "Balkan route" is still a fundamental epicentrum for the commerce of heroin, cocaine and cannabis (Walter Kemp, 2017).

The main route for heroin trafficking comes directly from Afghanistan, where labs that can satisfy the European and Western Asia demand can be found (Wacław Dobrowolski, 2024).

There are now three branches of the Balkan route: Southern, Central and Northern. The Southern one goes from Turkey to Greece and Albania. The central one covers Turkey, Bulgaria, Serbia, Hungary, Kosovo, Bosnia and Herzegovina, Macedonia, Montenegro, Croatia and Slovenia. The northern branch includes Bulgaria, Romania and Hungary (Biljana Bogdanova-Smilevska, Dr.Sc, 2018).

The market of heroin is almost completely in the hands of the Albanian criminal organized groups (Walter Kemp, 2017) and, as the seizure of heroin happens mostly in Turkey and Western Europe, it can be said that drug trafficking in the Balkans is pretty well organized and that the Organized Criminal Groups are becoming more and more flexible and adaptable to international cooperation (Biljana Bogdanova-Smilevska, Dr.Sc, 2018).

In recent years there were different assertions claiming the presence of cocaine hubs inside harbors of Albania, Croatia, Montenegro and Slovenia for the trafficking in Western Europe. Despite the small seizure data, this claim isn't hard to believe. On the contrary, it is highly probable due to the contacts of Balkan criminal organized groups with Italian ones operating in the Adriatic sea, the drug related warfare in Montenegro and the easy access offered by Balkan ports to enter the European Union (Walter Kemp, 2017).

As stated previously the Balkan region is also fairly important for the production of cannabis, Albania especially important in this respect. Most of it is destined for Italy, Greece and Western Europe (ibid.).

B. Human Trafficking and Migrant Smuggling

Aside from drug trafficking, the *Balkan Route* made human trafficking and migrant smuggling come back as some of the main types of organized crimes in the region. The popularity of the former was actually decreasing, but it is slowly returning as one of the most profitable crimes in the area. The most endangered are women and children, as well as Roma. Women are usually trafficked for sex work. Over the last years this phenomenon became more localized within the area, as the victims are now trafficked for sex work within the same state (ibid.).

The number of migrants and asylum seekers has increased since 2015, thanks to the creation of the corridors running from Serbia and North Macedonia to Western European countries.

Migrants are the perfect victims for human trafficking, due to their reluctance to appeal to police officers for fear of being returned as illegal migrants (ibid.).

Smuggling migrants is now an extremely lucrative criminal activity. Because of the war in Syria in the past years and the haphazard EU strategy when dealing with migrants traversing the Balkan Route, the issue worsened much. The majority of migrants come from countries such as Syria, Afghanistan and Iraq, essentially fleeing from war scenarios, poverty or disrespect of human rights. The

typical way migrants try to use to get in the EU is going through Macedonia and Hungary in order to enter EU member states (ibid.).

There are also some migration movements coming from within some Balkan countries, such as Kosovo and Albania (ibid.).

The main routes used for smuggling are those used for other forms of trafficking: the border region between Kosovo, Northern Macedonia and Southern Serbia; the Border of Bulgaria, Serbia, Macedonia and Turkey. Moreover some cities, such as Belgrade and Budapest have become fairly important epicenters (ibid.).

Many are the vulnerabilities faced by migrants and refugees who have to travel the Balkan Route:

- Lack of legal status;
- Language barriers;
- Lack of resources;
- Lack of knowledge of their rights;
- Lack of humanitarian aids for some categories of migrants;
- Risk of exploitation and abuse in workplaces (after all a scared workforce is an obedient workforce).

And so on (Anette Brunovskis and Rebecca Surtees, 2017).

Initially the demand for facilitators was relatively low. But now, due to the closure of some corridors, of the route the demand has increased. In fact, on the 9th of March 2016, the Western Balkan transit corridor was completely closed because of the fear, by the European government, of being completely overwhelmed by migrants (Walter Kemp, 2017).

Even if, on the one hand, the number of illegal border crossings in the region between Macedonia and Greece and then Serbia and Hungary decreased drastically, on the other hand this gave the facilitators -traffickers- the chance of earning even more. As we know, the higher the risk, the higher the price desperate people are willing to pay, and therefore the higher the profits for criminal groups engaging in these activities. The only winner of the refugee crisis is organized crime (ibid.).

V. CONCLUSIONS

As stated at the beginning of this paper, what greatly favours the proliferation of criminal organized crime in the region is the lack of common policy at the European level and the poor border control in the region (Soledad Álvarez-Velasco (SAV) Nicholas De Genova (NDG) Elena Fontanari (EF) et al. 2015). Moreover, as already underlined previously, the role and collaboration of Hungary is of vital importance for safeguarding the lives of numerous migrants trying to reach the heart of Europe (Bernd Kasparek and Marc Speer, 2015). In 2025, in an always more fragmented European Union, there is not a need for more severe punishments or the closure of borders and humanitarian corridors. On the contrary, the real need is for collaboration, harmonization and faith in the Schengen area.

The history of the Balkan region should not be taken lightly. Many ex-military leaders used their influence in order to climb the ranks and become political leaders, and at this very moment many Balkan countries have extremely high levels of corruption: a symptom of an organized crime that has reached its goal of successfully penetrating even the political institutions and creating, de facto, mafia states (Walter Kemp, 2017)

The ongoing anti-corruption protests in Serbia might bring a light of hope to the today's Balkan situation, but in order to truly reach the goal of improving the situation of the Balkans and consequently of the Balkan route there is truly the need for a common stance of not only the European Union member states, but also of the many other Balkan non-EU states.

REFERENCES

Anette Brunovskis and Rebecca Surtees (2017), Vulnerability and exploitation along the Balkan route: Identifying victims of human trafficking in Serbia.

Bernd Kasparek and Marc Speer. Translation: Elena Buck (2015) Of Hope. Hungary and the long Summer of Migration, bordermonitoring.eu.

Biljana Bogdanova-Smilevska, Dr.Sc (2018) DRUG TRAFFICKING THREAT ASSESSMENT IN THE BALKAN REGION.

Consolidated text: Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast).

Consolidated version of the Treaty on the European Union (2016), Art 3 (2).

Francesco Benigno, La mala setta. Alle origini di mafia e camorra. 1859-1878, Torino, Einaudi, 2015.

MARIJANA HAMERŠAK, SABINE HESS, MARC SPEER, MARTA STOJIC´ MITROVIC (Vol. 5, Issue 1/2020) The Forging of the Balkan Route Contextualizing the Border Regime in the EU Periphery, www.movements-journal.org.

Óscar Méndez Pérez (2020), Albanian Mafia in Western Europe.

Soledad Álvarez-Velasco (SAV) Nicholas De Genova (NDG) Elena Fontanari (EF) Charles Heller (CH) Yolande Jansen (YJ) Irene Peano (IP) Fiorenza Picozza (FP) Lisa Riedner (LR) Laia Soto Bermant (LSB) Aila Spathopoulou (AS) Maurice Stierl (MS) Zakeera Suffee (ZS) Martina Tazzioli (MT) Huub van Baar (HvB) Can Yildiz (CY) (2015), Europe/Crisis: New Keywords of "the Crisis" in and of "Europe", EUROPE AT A CROSSROADS : MANAGED INHOSPITALITY.

Wacław DOBROWOLSKI (2024) DETERMINANTS AND PROSPECTS FOR THE DEVELOPMENT OF THE OPIATE ECONOMY IN AFGHANISTAN.

Walter Kemp (2017) Crooked Kaleidoscope, Organized Crime in the Balkans, The Global Initiative, Against Transnational Organized Crime.

Illicit Arms Trafficking in Africa

Who Finances African Wars?

Lara Giamberardino

Abstract — **This paper will deal with the dynamics of arms trafficking, focusing, after a general introduction, on that phenomenon in the African continent. We will begin by considering the African socio-political situation, with the areas of greatest conflict and the factors that foment violence, leading to the proliferation of weapons. Furthermore, we will see how the latter are present in the territory in very varied contexts and how their traffic is more present in areas of poverty and social exclusion. We will then ask how this market works in practice on the territory, taking into account the routes and methods used by the traffickers for the import and redistribution of weapons. The weapons present certainly vary from place, their use and especially the way in which they are introduced: we see more use of small arms, but also assault rifles and other more advanced weapons often belonging to old conflicts in the European and Asian continent. As a last notion, the role of some states in this market will be taken into account and how their presence on the territory and financing of assets, often just illegal, is one of the main reasons for the propagation and prolongation of some conflicts.**

I. INTRODUCTION

Illegal firearms foment much of today's organized crime, since, whether they are illegally produced, or recycled from past conflict, or diverted from government stocks or even smuggled across borders, these weapons emphasize the black market and the conflict around the world, mainly in third world countries.

The illicit trafficking of weapons constitutes one of the most uncontrolled and unmonitored transnational organized crime. This is primarily due to the fact that, in many countries, there is no system to ensure a systematic collection and analysis of the data belonging to the movement of arms within states. Another point that makes this illegal trade difficult to detect is the existence of criteria for classifying weapons seized by police forces which often vary greatly from country to country and which make comparative analysis between countries of the world very difficult. Finally, a further factor that makes it difficult to detect and analyse illicit arms trafficking is related to the fact that areas of overlap and continuity between legal and illicit arms trade are very extensive and deep; and therefore, it is not always easy to identify the exact border line between legal and illegal market.

In terms of the consistency of this market, data, released by UNODC in 2010 in the report entitled "The Globalization of Crime. A Transnational Organized Crime Threat Assessment", points out that the illicit arms market is quite limited compared to other illicit markets from an economic point of view, in terms of market value and profits.

© 2025 Lara Giamberardino. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

II. ARMED CONFLICTS IN AFRICA

Armed conflict and violence in parts of Africa have deep and complicated roots, based on weak and failing national left over from colonial dominance, as well as dealing with post - Cold War political, economic, and cultural changes. Generally speaking, Africa's 54 countries are by far the least documented area in terms of data collection on crimes, violence and small arms trading. Research on armed conflict and violence has focused on the interplay of various factors including widespread extreme poverty and marginalization, patrimonial governance by elites, ethnic, and religious factionalism, the high dependency on natural resource extraction, and the use of excessive force to address dissent.

Arms trafficking is one of the problems that has plagued the African continent for decades and which, in contrast to many other phenomena such as poverty, underdevelopment, violations of fundamental rights, etc., has never been adequately addressed by the international community, that is to say there is no clear and truly binding regulatory framework specifically aimed at regulating the matter.

Arms trafficking is not an isolated issue, but rather one of the primary drivers of instability, underdevelopment, and violations of basic rights, as well as a pervasive sense of impunity and the widespread use of armed violence to resolve crises.

Most African states have not developed sufficient capacity to successfully prevent and eliminate armed conflicts and recurring patterns of gun violence and criminality. This is evident in the high prevalence of internal and regional armed conflicts, as well as patterns of other recurring armed violence in Africa. The World Bank listed 39 fragile situations and armed conflict affected situations globally of which 21 were in Africa.

Another indication of armed risks to world peace and security is the fact that out of 13 UN peacekeeping operations in 2020, seven were in Africa: among world regions over the past three decades, Africa has consistently suffered the largest burden of non-state armed conflict globally.

According to UCDP data (Uppsala Conflict Data Program) , there were 32 cases of one-sided violence worldwide during

2018, of which 24 were recorded in Africa. The term 'one-sided violence' is defined by UCDP as "the deliberate use of armed force by the government of a state or by a formally organized group against civilians

which results in at least 25 deaths in a year" (Uppsala University, n.d.).

Briefly, it is important to mention the principal active conflicts in the continent, each influenced by complex political, ethnic, and economic factors.

In the Democratic Republic of the Congo (DRC), the conflict, fuelled by the struggle for control of mineral resources, such as coltan, from the rebel militia M23, sees massive population displacements and human rights violations.

Meanwhile, Islamist insurgencies are on the rise in the Sahel area, which includes Mali, Burkina Faso and Niger. These organizations take advantage of political instability and porous borders, resulting in significant civilian fatalities and displacement. In response, these countries' military governments formed a combined army to combat the insurgents, with Russia's support.

Russian Wagner mercenaries in the Central African Republic have contributed to President Touadera's consolidation of power. However, their presence has caused extensive instability, with widespread allegations of human rights violations such as murder and sexual assault.

South Sudan is on the edge of civil war again, as the 2018 peace agreement continues to unravel. Military conflicts and political arrests are increasing, and ethnic tensions are intensifying, creating fears of further violence and relocation.

III. THE PROBLEM OF SMALL ARMS AND ILLEGAL TRAFFICKING

Significant variables influencing the demand for small arms among civilians in African countries vary considerably. These factors include a profound lack of trust in the security sector, the judiciary and rule of law. It appears that the security forces play a weak role in providing security and protection to the population.

Additional factors such as corrupt and undemocratic government authorities, the presence of gang cultures, civil conflict, racial and ethnic tensions, and the glorified status of firearms in popular culture can exacerbate demands for weapons, particularly among those who are afraid of attacks or have deeply rooted and unresolved disputes.

Research in South Africa on violence shows that socioeconomic inequality, unfulfilled masculinity, and lack of social cohesion connect to drive violence, particularly when combined with alcohol and weapons. The factors favourable to aggression include the inequalities indicated by displays or riches despite poverty and high

unemployment, as well as the widespread prevalence of gender norms of 'masculinity' that are difficult to live up to in the absence of resources and life opportunities.

Light weapons promote armed conflict and violence, including between criminal groups, because of their ease of use, long life and low cost. This can also be seen from the fact that, in African conflicts, even children are recruited and forced to fight, both by rebels and regular armies.

Due to their small size, these weapons are easy to hide and transport, facilitating illegal trafficking between countries and conflicts. Their durability and low maintenance make them accessible even to the poorest nations, who can easily stock up before and during conflicts.

An estimated 100 million uncontrolled small arms exist in Africa, contributing to widespread instability. Cross-border trafficking is a major issue, involving terrorist networks, criminal organizations, corrupt officials, and even returning peacekeepers. In some African border regions, armed groups have set up illicit arms markets, with terrorist organizations taking advantage of pre-existing smuggling networks.

IV. HOW ARE THE WEAPONS SMUGGLED - METHODS

Illegal firearms trafficking promotes organized crime, violence, and terrorism, mainly across Central and Western Africa. Weapons circulate through violent robberies, kidnappings, and human and drug trafficking.

Weapon trafficking in Africa is driven by a complex web of individuals at all levels, ranging from highly organized criminal networks to individual smugglers. Armed organizations and militias in dangerous areas rely on illicit weapons to sustain their insurgencies and control territory. These organizations are frequently linked to larger networks of criminal gangs that smuggle not just guns but also narcotics, persons, and precious metals.

Armed groups often turn to criminal activities, like resource exploitation, to sustain themselves. Their presence can lead to the formation of government-backed militias, increasing demand for weapons. In countries like Mali, Mauritania, and Niger, the rise of armed extremist groups has triggered the formation of self-defense groups, which has further intensified violence.

Many weapons date back to the Cold War era, when military imports flooded the region. After the Cold War, state stockpiles were looted and firearms were distributed to civilians and armed groups, increasing violence, especially in regions like Karamoja (Uganda, Kenya, Ethiopia).

Weapons are trafficked across borders using cars, motorcycles ("boda bodas)", and even on foot. A common method is the "ant-trade", where small quantities of

weapons, parts, and ammunition are smuggled piece by piece, accumulating into large stockpiles over time.

Another method is large international shipments via air or sea routes. Some weapons are legally exported but then diverted with falsified documents to conflict zones. The Eastern African coastline, from Eritrea to Mozambique, is a major route for maritime trafficking, where skilled smugglers move weapons through legal and illegal seaports.

Many African states lack the resources to detect and stop trafficking, making it hard to track the full scale of the problem. Without stronger border controls and international cooperation, illicit firearms will continue to fuel violence and instability across the continent.

Corruption within security services exacerbates the situation, as certain police and military officers use their positions to funnel state-owned firearms into criminal

markets. At the local level, citizens living near porous borders may engage in small-scale trafficking to obtain firearms for self-defense or criminal reasons, adding to the widespread availability of weaponry and the continuation of violence throughout the continent.

V. TYPES OF WEAPON AND ROUTES

The types of firearms trafficked in Eastern Africa vary, but common patterns emerge. Availability depends on what traffickers can access. In some areas, like the Ilemi Triangle (bordering Kenya, Ethiopia, and South Sudan), weapons are so widespread that buyers can request specific types. Many of these are cheap, durable legacy weapons from the 1970s and 80s, still in circulation.

The majority of weapons traded are of the typology of rifle, in particular the AK - 47 and its variants are among the most trafficked weapons, known for their low cost, widespread availability and great reliability, making them popular for both rebel groups and criminal networks. Other weapons that have been employed in various African wars are the FN FAL, a battle rifle, and the G3 rifle, widely available in the black market. The M16, an assault rifle, is mostly sourced from expired US military shipment or seized stockpiles, and is also illicitly traded in the continent. Because of their small size and ability to shoot quickly, sub-machine guns such as the Uzi are popular among politicians and gangs. Lastly, handguns like the Makarov PM and Tokarev TT-33, both of Soviet provenance, are still being smuggled from old military stockpiles, increasing violence in both rural and urban regions.

However, more advanced weapons are also available—in Turkana, Kenya, belt-fed PK machine guns are highly present.

Some weapons also come from Yemen, transported by speedboats to Somalia and then smuggled into Ethiopia, Kenya, Mozambique, Tanzania, South Sudan, and the Central African Republic. As these weapons move farther from Yemen, their price increases significantly. For example, a Saudi-made G3 rifle, which sells for $500 in Yemen, can cost $1,500 or more in Somalia.

The widespread availability of firearms in the region fuels conflicts and insecurity, making arms trafficking a persistent and dangerous problem.

The same routes used to smuggle migrants across the Red Sea are also used for weapons trafficking. Boats carrying migrants from Bosaso (Somalia) to Yemen often return with smuggled goods, including firearms, which are sold to armed groups, weapons traders, or fighters linked to Al-Shabaab and Da'esh. Many boat operators work for both migrant smugglers and arms traffickers.

Weapons are significantly more expensive in the Horn of Africa than in Yemen, making smuggling highly profitable. Traffickers move weapons to Ethiopia, Tanzania, and Mozambique, where black-market prices can be five to ten times higher than in Yemen. For example, a Saudi-made G3 rifle that costs $500 in Yemen can sell for thousands of dollars in Ethiopia. Rocket-propelled grenades also see huge price increases.

Additionally, craft-made firearms—locally produced, simple weapons—are manufactured in Burundi, Kenya, Tanzania, Mozambique, and other African countries, using materials that are readily available.

VI. THE ROLE OF STATES IN FINANCING AFRICAN CONFLICTS THROUGH ARMS TRAFFICKING AND SUPPLY

In the last decades, Africa has been the scenario of numerous violents conflicts, raised not just by internal tensions, ethnic strife, or administrative instability, but also by external interests, particularly foreign countries that directly or indirectly fund military operations. Many states are key suppliers of small arms to Africa but show little support for strict international regulations. Weapons and ammunition circulate through both legal and illegal channels, including state-approved sales, unauthorized transfers, black-market trafficking, and exchanges between armed groups.

Russia has significantly strengthened its presence on the African continent in recent years, becoming a major military supplier and increasing its political and economic influence in the region. According to SIPRI (Stockholm International Peace Research Institute), Russia accounted for around 44% of African weapon imports from 2017 to 2021, delivering light weapons, combat helicopters, and anti-aircraft systems

to countries such as Algeria, Egypt, Sudan, Angola, and Mali. In addition to formal sales, paramilitary groups, such as the Wagner group, have played a crucial role in supplying arms to governments and militias in unstable countries. It offers not only security but also serves as an intermediary to exploit resources: these weapons are often provided in exchange for access to natural resources like gold, diamonds, and uranium.

China plays a crucial role in Africa's arms trade, despite its official stance of "no intervention", supplying a range of light and heavy weaponry to African regimes, often without the human rights considerations. Chinese military exports to countries like Sudan, Zimbabwe, Nigeria, and the Democratic Republic of the Congo include assault rifles, ammunition, military vehicles, unmanned aircraft, and surveillance equipment. The selling of these armaments allow China to establish commercial ties and secure access to vital natural resources across the continent.

France has long maintained a significant military and political presence in Africa, providing governments with armaments and direct assistance. Countries such as Cameroon, Chad, Mali, and Côte d'Ivoire have received French weaponry as part of bilateral cooperation or counterterrorism operations. However, France has been frequently accused of supporting authoritarian governments and tolerating the use of weapons against civilians and political opponents.

The United States is largely involved in security aid programs for African countries that are considered partners in the fight against terrorism. Kenya, Nigeria, Niger, and Somalia all get weapons, training, and logistics assistance. However, there have been allegations that US-supplied weapons are being dispersed and falling into the hands of abusive militias or rebel groups,

especially in places where government control is restricted.

VII. CONCLUSION

Summing up, the trafficking of arms in the African continent is a phenomenon that is poorly controlled and little circumscribed, which sees the fomentation of violence in environments of poverty and social exclusion. The culture of weapons increases their use not only in militias but also in civilians, even children.

The weapons present in the territory, and consequently the active wars, internal and inter-state, are mostly financed by first world states, but also by traffic covered by other crimes, such as the smuggling of migrants.

The weapons present in the territory come from various parts of the world, and through local channels or international trafficking manage to cross borders and, in a hidden way, and help the continuation of these bloody battles.

REFERENCES

Addis Ababa, Ethiopia, AFRICAN UNION STRATEGY on the CONTROL of ILLICIT PROLIFERATION, CIRCULATION and TRAFFICKING of SMALL ARMS and LIGHT WEAPONS AFRICAN UNION UNION AFRICAINE UNIÃO AFRICANA.
2013, au-strategy-en.pdf.

Fiona Mangan and Matthias Nowak, "The West Africa–Sahel Connection: Mapping Cross-Border Arms Trafficking." *Smallarmssurvey.org*, 8 Dec. 2019,
SAS-BP-West-Africa-Sahel-Connection.pdf

Florquin, Nicolas, et al. "Weapons Compass: Mapping Illicit Small Arms Flows in Africa – Africa Center." *Africa Center*, Jan 2029 SAS-AU-Weapons-Compass.pdf, Accessed 9 Apr. 2025.

Gavino Maciocco. "La Russia in Africa. Le Armi | SaluteInternazionale." *SaluteInternazionale*, 10 Apr. 2022, www.saluteinternazionale.info/2022/04/la-russia-in-africa-le-ar mi/.

Guardian Nigeria. "How Illicit Arms Is Aiding Insecurity in Nigeria." *YouTube*, 2 Feb. 2021, www.youtube.com/watch?v=4Khsattf9N8. Accessed 8 Apr. 2025.

Insider. "How Arms Trafficking Actually Works — from the "War Dogs" Arms Dealer | How Crime Works | Insider." *YouTube*, 5 Dec. 2024, www.youtube.com/watch?v=x6N_M4P3Ihg. Accessed 8
Apr. 2025.

ISSAfricaTV. "Part 2: Africa's Successes and Challenges in Controlling Illicit Arms Flows." *YouTube*, 18 July 2018, www.youtube.com/watch?v=tSsEQr5XYKg. Accessed 8 Apr. 2025

INTERPOL, "Firearms Trafficking in Central and Western Africa | ENACT Africa." *ENACT Africa*, 2024, Firearms trafficking in Central and Western Africa, Accessed 9 Apr. 2025.

Jedidah Tabalia. "African Weapons and Armor - History and Facts with Pics." *Briefly*, 10 Jan. 2020, African weapons and armor - History and facts with pics - Briefly.co.za

Kester Kenn Klomegah. "Understanding What Russia Trades with Africa." *Modern Diplomacy*, 21 Sept. 2024, moderndiplomacy.eu/2024/09/21/understanding-what-russia-trad es-with-africa/

"Trafficking in the Sahel: Muzzling the Illicit Arms Trade | UN News." *News.un.org*, 10 June 2023, news.un.org/en/story/2023/06/1137542.

UNODC, *DISRUPT Disrupting Firearms Trafficking Flows*, 2024
DISRUPT_publication.pdf

UNODC, Vienna, et al. *Transnational Organized Crime in West Africa*.
2013, West_Africa_TOCTA_2013_EN.pdf

UNODC, Vienna, *FIREARMS TRAFFICKING in the SAHEL*, 2022
TOCTA_Sahel_firearms_2023.pdf

Vincenzo Gallo. *Sistema Informativo a Schede -2011 Istituto Di Ricerche Internazionali ARMI per L'AFRICA - IL TRAFFICO DI ARMI E LA VIOLAZIONE DI DIRITTI UMANI NELLE AREE DI CRISI AFRICANE,* 2011, UNIVERSITA DI ROMA

Domestic, Supranational and International Regulatory Framework against Money Laundering

Italian Mafia-type Organisations as Model Case

Arianna Giassi

Abstract — **Money is an essential element to the functioning of a criminal organisation and its achievement is also the ultimate purpose of organised crime in general. As a consequence there are lots of techniques employed by criminals to hide their illegal use and attainment of dirty money that fall under the category of "money laundering". This trend has been put into practice especially by mafia-type organisations and Italian mafia is a model case. The aim of this paper is to discuss money laundering activities with a specific insight in those carried out by Italian mafia and the efforts put into place both at the national level and the supranational one (EU directives; FATF).**

I. INTRODUCTION

According to the definition provided by the United Nations Office on Drugs and Crime money laundering is « the processing of criminal proceeds to disguise their illegal origin ». Money is the lifeblood of any illegal activity across the world, therefore a cooperation between the domestic level and the international one is absolutely necessary in the fight against it. Many actions have been taken by the EU setting a minimum level of harmonisation through its directives and all the international documents on this issue underline the need to have a strong internal anti-money laundering system and institutions aimed at safeguarding the integrity of the international financial system have been funded, such as the Financial Action Task Force (FATF). Due to the strong establishment of mafia groups in Italy, we have a perfect example of legislative plans and actions adopted at the domestic level, especially in the field of money laundering, thus our analysis will start from this exemplary case, moving on to the implications of international law.

II. MONEY LAUNDERING AND ITALIAN MAFIA

Money laundering is the activity aimed at disguising the illegal origin of money, allowing criminals to move and use their money freely. The International Monetary Fund (IMF) estimates that the amount of money laundered globally in one year is between 2 and 5 per cent of global GDP. Traditionally three steps have been identified in the money laundering process: in the initial one, also called "placement", criminals introduce their illegal revenues into the financial system through deposits; in the second stage, also referred to as "layering", money launderers move those funds around the world to disguise their origin; finally in the third phase, also called "integration", they reenter funds into the legitimate economy by investing them in real estate or other businesses (Reganati & Oliva, 2018). Clearly money laundering has grave financial consequences apart from being a mere criminal activity: it may distort competition among businesses by creating front companies and, since its aim is to give a legal appearance to dirty money, criminals usually make low-quality investments that are not economically beneficial to the country. There are many techniques to launder money, for example: "smurfing", which consists of making a variety of deposits, over different periods of time and through different banking institutions, with the aim of not reaching the threshold of the minimum reporting requirement; the "barter", an international barter of stolen property often belonging to the luxury market (Oliva, 2021). Since 1991, the European Union has adopted five directives in this field (I Directive – 91/ 308/EEC, II Directive – 2001/97/EC, III Directive – 2005/60/EC, IV Directive – 2015/849/EC, V Directive – 2018/843) and the Italian legislation follows the model set out by the European Union.

The Third Anti-Money Laundering European Directive was implemented in Italy with the D.lgs. 231/2007 : this law has bound not only the credit institutions and the financial institutions but also several legal or natural persons acting in the exercise of their professional activities, with obligations such as adequate customer due diligence, registration, and reporting. This law has led to the cooperation of the Italian Financial Intelligence Unit (FIU) with domestic counterparts (i.e. the magistracy, Bureau of Anti-Mafia Investigation and other authorities) and other foreign FIUs, as well as international organizations such as the Financial Action Task Force (FATF). The exchange of information between authorities has helped in drafting a clear framework of the money laundering activities in the different regions, as a matter of fact the analysis has highlighted that those activities are higher especially in Lombardia (Lombardy), Piemonte (Piedmont) and Liguria for the North of Italy; Toscana (Tuscany) and Lazio for the Center of Italy; and Campania, Sicilia (Sicily) and Puglia (Apulia) for the South of Italy (Reganati & Oliva, 2018).

The fourth Directive was implemented by the Italian Parliament with the D.lgs 90/2017 introducing many structural novelties, that's why lots of money laundering activities were discovered during that period. The last two directives have extended the number of subjects required to comply with anti-money laundering obligations including the exchange of virtual currencies and the use of cash and these laws also have a more rigid sanctioning scheme with regard to both criminal and administrative irregularities (Oliva, 2021). In relation to the use of cash the last European directive imposed a ceiling of €1.000, whereas the ceiling provided in the first directive (1991) was of €12.500. According to the most prominent scholar in money laundering literature, Masciandaro, criminals commit crime when the expected benefits of offending are

© 2025 Arianna Giassi. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

greater than the expected costs of compliance. As a consequence nowadays a risk-approach to this illegal activity is preferred since the element of risk is central to the analysis. Risk is defined as the combination of two factors: the probability that a money laundering event will occur and the indirect and direct consequences of this event. This approach is contemplated by the IV European directive that requires the risk assessment to be performed at three levels: at the supranational level, at the national one and by each obliged entity (Riccardi, Milani & Camerini, 2018).

Italy was one of the first European Union Member States to conduct a national risk assessment: the Financial Security Committee was set up to cooperate with the Ministry of Economy and Finance to investigate the threats and vulnerabilities of the Italian social and economic framework and draft a plan of action to mitigate the risk exposure of the country to money laundering activities. This evaluation has highlighted three main risk factors in Italy: the high level of organised crime (especially mafia-type), the high level of tax crimes and the cash-intensive nature of the economy. According to ISTAT each year in Italy illegal activities have huge revenues but the distribution of the illicit proceeds is uneven in the territory: Lombardy is the region with the highest revenues and Campania is the one with the highest percentage in terms of GDP. Infiltrating legal activities for mafia-type organisations has various benefits: first of all they manage to conceal the dirty money generated through illicit activities and they also expand their power and territorial control. In this context, the cash-intensive nature of the Italian system plays a crucial role, because illegal proceeds can be easily integrated into the legal economy without engaging in sophisticated layering strategies. The high use of cash in Italy is determined by several factors: cultural habits, elderly people as the biggest part of the Italian population, lack of financial infrastructures especially in the southern regions, the need for some companies and entrepreneurs to spend revenues and cash not reported to tax agencies. Closely linked to money laundering is the activity of usury. Due to the high interest rates attached to loans, usury is a very profitable activity, but it is also useful to disseminate dirty money, making it less traceable (Riccardi, Milani & Camerini, 2018).

The most targeted economic activities for money laundering by mafias are real estate, mining and construction, waste management, public procurement, bars and restaurants, since they are cash-intensive or because they offer mafia organisations the possibility to exploit their connections with the public administration. Other fields exploited by mafias are gambling and game activities, especially in areas where there's a low industrial development, such as Southern Italy (El Siwi, 2018). The ratio of confiscated companies is highest in southern regions but also in northern regions the involvement of mafia is progressively increasing with a key role played by local entrepreneurs and professionals. As a consequence we can affirm that mafia's activities in the North of Italy are more hidden and mainly consist in infiltrating the social and economic network through money laundering activities in the construction industry or waste management, whereas in the South of Italy, there's an overall bigger influence and control of the society and money laundering activities are mainly conducted in the gambling sector : this shows a regional dualism (Riccardi, Milani & Camerini, 2018).

Various analyses conducted on money laundering activities in Italy have highlighted the fact that sanctions have a deterrent effect only if they exceed a high threshold, furthermore education plays an important role, because educated people will unlikely engage in criminal activities (Oliva, 2021). A uniform approach is usually adopted to the analysis of money laundering but that wouldn't be correct nor useful for the Italian case due to the high heterogeneity of Italian regions.

III. EUROPEAN UNION AND INTERNATIONAL ANTI-MONEY LAUNDERING SYSTEMS

As discussed in the previous paragraph the anti-money laundering system of Italy is largely based on the one designed by the European Union. As a matter of fact nowadays money laundering is an international phenomenon that provides for cross-border situations and therefore international cooperation is necessary to fight against this criminal activity. One of the pillars of the European Directives is the action of reporting suspicious transactions, especially in fields considered to be quite appealing to money-laundering activities. However this can also represent a weakness of the approach: over-reporting can result in having such a variety of reports also of poor quality among which the ones that are relevant could be disregarded. Therefore we must keep in mind that information comes not only from data but also from the quality of the data. It is then important to have a good cooperation between governments and intermediaries within the anti-money laundering dynamics, so that the valuable information can be discerned from poor-quality one (Mitsilegas & Vavoula, 2016). The international anti-money laundering regime has gone through different stages and it consists of both preventive and repressive measures, which are : criminalization of money laundering, strengthening of the methods of tracing, freezing and confiscating the proceeds of illegal, implementation of regulatory tools to prevent the exploitation of the financial system, improvement of international cooperation and the introduction of soft law measures meaning the 40 Recommendations drafted by the FATF (Valvi, 2022).

The Financial Action Task Force (FATF) is an ad hoc body, which was founded by the G7 countries in 1989 under the direction of the OECD, and it requires member states to create specialised financial intelligence units (FIUs) to investigate suspicious transactions reports (STRs) drafted by banks and other financial institutions. Another requirement set out by the FATF is the cooperation between FIUs of other countries. Therefore, Italy created the Unità d'Informazione Finanziaria as an autonomous part of Italy's central bank. Its main function is to acquire information on suspicious transactions that may constitute cases of money laundering, assess their relevance and decide whether to transmit these cases to investigative bodies (the DIA and the Guardia di Finanza) and to judicial authorities. Membership of FATF is selective and not all EU Member States are part of it, but all 15 funding ones took part, which means that the EU has the possibility to influence the standards of that institution and align them to their interests in that field (Mitsilegas & Vavoula, 2016).

The main normative documents of the FATF are recommendations: the 40 FATF Recommendations were first drafted in 1990 and revised in 1996, 2003 and 2012. The revision of the recommendations is a consequence of the expansion of the mandate of the FATF in fields such as money-laundering and financing of terrorism. The expansion of the mandate was possible thanks to the flexible and adaptable nature of the organisation. Even though recommendations are soft law instruments, they still influence the drafting of legislation at the international level. For instance, EU directives were implemented with the excuse of complying with the FATF regime but at the same time they broadened the scope of competences of the EU. The first EU anti-money laundering directive was adopted with the aim of implementing the system of FATF Recommendations in the EU legal system, whereas the second one was justified as necessary to implement and go beyond the amended FATF Recommendations of 1996. Based on the findings and recommendations of the FATF the EU extended the list of subjects bound by the obligations of the directives. The third directive broadened the scope of the EU in the fight against terrorist finance, introducing the concept of a risk-based approach to customer identification. This trend of compliance with the FATF by the EU can raise concerns to the rule of law principle. FATF standards have been developed by an ad hoc body with selective membership having little transparency and accountability. The European Commission has complied with the recommendations without complaining or questioning those documents, in this manner a specific agenda drafted by a restricted number of experts has been internationally legitimized. Following the principle of the rule of law a key question that emerged regarded the legal basis of the EU anti-money laundering directives, since this field clearly pertains to criminal law which is not expressly competence of the EU. The solution found was that the adoption of the EU AML directives was done to ensure the integrity of the Community financial system and the internal market, which are areas directly regulated by the EU. As a consequence the EU Member States implemented the directives through domestic means of criminal law nature, this way the EU indirectly influenced the criminalization of this activity. Even if after the adoption of the Treaty of Lisbon and that art. 83 of the TFEU provided that "The European Parliament and the Council may, by means of directives adopted in accordance with the ordinary legislative procedure, establish minimum rules concerning the definition of criminal offences and sanctions in the areas of particularly serious crime with a cross-border dimension resulting from the nature or impact of such offences or from a special need to combat them on a common basis.", the fourth AML directive still found its legitimacy in the same source provided for the previous directives. The decision to choose as legal basis the exclusive competence of the Union regarding the internal market and the Community financial system ensures the support of all Member States since it does not touch upon a field related to the sovereign dimension of each state (Mitsilegas & Vavoula, 2016).

FATF does not have coercive powers as such but there are some mechanisms put in place by the organisation to ensure compliance. For example if a member state fails to comply with the system, the FATF will issue a press statement condemning that specific state making it difficult for them to enter economic and financial relations with other states (blacklisting strategy). As a matter of fact compliance with FATF recommendation has become an essential requirement for countries that seek financial support from the International Monetary Fund (IMF) and the World Bank (WB), thus FATF guidelines are impacting and shaping financial systems in countries globally. Thanks to these coercive mechanisms and the growing popularity of FATF after having taken part to international committees (G7/G20, United Nations bodies), the level of compliance to the regime has remarkably increased (Nanyun & Nasiri, 2020).

IV. CONCLUSIONS

Considering all the points discussed, money laundering is a worldwide spread criminal activity exploited by criminals to launder the dirty proceedings obtained in illicit ways. The case of Italy is exemplary and it highlights how organised crime thrives off it, especially mafia-type organisations that use it also as a means to obtain territorial control. A regional dualism has emerged from the study of Italy: different applications of money laundering are set up to meet the need and development of the social and economic dimension of the various Italian regions. Therefore a unified and coherent approach can not be used to deter criminals from engaging in this activity, but each situation must be assessed and studied to find the most suitable method of intervention. The Italian anti-money laundering regime is based on EU directives. At the same time the Union has shaped its regime on the basis of the 40 FATF Recommendations that manage the AML regime at the international level. Nowadays due to the strong international dimension of economy cooperation between FIUs of all States and the international institutions is necessary to tackle this criminal activity. There are still some difficulties in the compliance with the international standards since States are keen on retaining their own sovereignty but there's an increasing recognition of the need to act jointly in this fight.

REFERENCES

Reganati, F., & Oliva, M. (2018). Determinants of money laundering: evidence from Italian regions. Journal of Money Laundering Control, 21(3), 402–413. https://doi.org/10.1108/jmlc-09-2017-0052

Riccardi, M., Milani, R., & Camerini, D. (2018). Assessing Money Laundering Risk across Regions. An Application in Italy. European Journal on Criminal Policy and Research, 25(1), 21–43. https://doi.org/10.1007/s10610-018-9399-9

Oliva, M. (2021). Money laundering, food activities and mafia: evidences from the Italian provinces. Journal of Money Laundering Control. https://doi.org/10.1108/jmlc-08-2021-0085

El Siwi, Y. (2018). Mafia, money-laundering and the battle against criminal capital: the Italian case. Journal of Money Laundering Control, 21(2), 124–133. https://doi.org/10.1108/jmlc-02-2017-0009

Mitsilegas, Valsamis, and Niovi Vavoula. THE EVOLVING EU ANTI-MONEY LAUNDERING REGIME Challenges for Fundamental Rights and the Rule of Law. 2016

Valvi, E.-A. (2022). The role of legal professionals in the European and international legal and regulatory framework against money laundering. Journal of Money Laundering Control, 26(7). https://doi.org/10.1108/jmlc-12-2021-0139

Nanyun, N. M., & Nasiri, A. (2020). Role of FATF on financial systems of countries: successes and challenges. Journal of Money Laundering Control, 24(2). https://doi.org/10.1108/jmlc-06-2020-0070

Consolidated version of the Treaty on the Functioning of the European Union. (2012). Official Journal of the European Union, C 326(47-390). https://eur-lex.europa.eu/eli/treaty/tfeu_2012/oj/eng.

Transnational Gangs and Their Influence on Global Crime

Cristina Gordillo Castaño

Abstract — **In recent years, many countries have seen a wave of violence. This violence has been caused by several groups, some of them operate at a transnational level. Some of these groups are gangs that have been able to establish cells in North and Central America, but there are gangs all around the world. These groups have evolved dramatically, and some have established sophisticated and organized networks. These have been the cause of social disruption on a large scale and many governments, including the United States, are concerned that the gangs could become a threat to their national security; in some countries they are seen as a threat. Combinations of measures have been taken to address the problem and have taken the form of zero tolerance policies, rehabilitation programs, and in extreme cases, extrajudicial executions. This paper analyses the evolution of such gangs, how they operate, who they work with and how they operate without a defined hierarchy. Part of this work will be devoted to the movement of transnational gangs. (Vista de PANDILLAS TRANSNACIONALES: SEGURIDAD A TRAVÉS DE LAS FRONTERAS, s. f.)**

I. INTRODUCTION

Criminal gangs as a global phenomenon have been the object of investigation in numerous studies in various parts of the world. This paper discusses four aspects of the global gangs: first, the evolution of gangs across generations; second the international cooperation across borders; third how they are structured and their modus operandi, and finally, motivation for members to join gangs

The chapter begins with the evolution of the gangs across the 3 different generations and the changes that have taken place in each of them. Subsequently, the paper talks about the various measures taken internationally to solve this problem and the international cooperation that exists to this end. Moreover, after taking conscience of the activities organized groups typically engage in and the requirements they have to join the gang, it explains how they are structured and the way that the members of the group use to operate. Finally, it provides the motivations of the members of the gang to join that, and a clear definition of the word “gang”.

Some of the objectives of this paper are: to know some of the characteristics of the members of the gangs, to explore the structure and internal functioning of the gangs as well as to discover their dynamics and finally to explore the different responses that are implemented to this problem

II. GANG EVOLUTION

Over the years, some gangs have been involved into international criminal organizations. This international expansion is an evolutionary process that transforms an ordinary gang into a transnational gang. This progression is made up of three separate phases that ultimately lead to the creation of a transnational gang.

1. First-generation gangs: these are street gangs that are organized with a very poorly defined leadership, usually occupy a small neighbourhood and are dedicated to protecting their territory to obtain money and ensure the loyalty of their members
2. Second-generation gangs: are more entrepreneurial and more focused on drugs, they seek to receive income through the sale of drugs using violence, thus recruiting members and expanding their territory in other cities and states.
3. Third-generation gangs: these operate in larger geographical parameters, beginning to acquire political power in poorly controlled spaces. They are a serious threat to the national security of some countries. In addition, if they are linked to transnational criminal organizations, they reduce the power of the police to exercise their authority. Most of these are located in Central América (*Vista de PANDILLASTRANSNACIONALES: SEGURIDAD A TRAVÉS DE LAS FRONTERAS*, s. f.)

III. INTERNATIONAL COOPERATION ACROSS BORDERS

Transnational gangs have caused fear in many countries because they have no respect for human life. Those criminal groups are known to use lethal force against perceived obstacles. Many of its members have avoided arrest because they escape across international borders. As these gangs cross borders, cross-border cooperation is critical to solving the problem.

Some governments have resorted to harsh anti-gang laws to combat this. These laws carry more severe penalties and allow for the arrest of a person who may be associated with a gang. The country with the toughest anti-gang laws is El Salvador, which developed a national strategy called "super mano dura." This has led to overcrowded prisions.

Some governments have used anti-gang squads to put an end to this problem on the streets. They target and execute young individuals suspected of gang affiliation, often based solely on the presence of tattoos or other superficial indicators, in addition, these countries have high levels of crime, so they see the murder of these people as something positive.

Some governments have made agreements to facilitate the creation of cross-border programs to prevent and stop the rise of transnational gangs, most of them initiated by the U.S. to help Central America. The FBI has been one of the agencies that has been most involved in this matter. (Detectives, 2024)

Governments in the Western Hemisphere are realizing the seriousness of the growth of transnational gangs in their territories. The enactment of the Merida Initiative takes into account the threats these gangs create to national security across borders.

Johnson (2009) stipulates that the success of this initiative is based on the cooperation of the "governments in Mexico, the nations of Central America, and the Dominican Republic." Although the initiative is not specifically aimed at transnational gangs, part of its purpose is to provide funding for the implementation of the U.S. strategy to combat criminal gangs. This strategy will include "specialized anti-gang units" in several Central American countries that will help local authorities "investigate and bring to justice the most dangerous gang members. Various social and community programs will seek to help young people refrain from joining gangs and will also help improve the "social conditions that contribute to crime.

© 2025 Cristina Gordillo Castano. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

IV. GANGS STRUCTURE

For instance, according to a classic definition of gang, it must be a group of youngsters, that they must have been involved in a sufficient number of delinquent incidents to call forth a consistent negative response from neighbourhood residents. Generally, juvenile crimes are usually committed in groups or gangs made up of two or more people, it is less common for a minor to act alone when committing a criminal act.

To better understand the functioning of street gangs, it is considered very relevant to address their structure and their internal functioning. It is essential to point out that not all gangs are necessarily the same or follow the same pattern. First of all, it should be noted that they are groups with an organized and pyramidal structure, that is, they have different levels of subordination depending on the responsibility and power of each of the members. At the top apex we find the leader, who is chosen for having a series of abilities related to his intellectual faculties, his leadership capacity or his street fighting skills. Below them, there are a small number of members (4 or 5) with defined functions. Finally, at the base of the structure are the rest of the members of the band, who do not always have certain functions. All of them are subject to the leader and must follow his orders. («Las Bandas Callejeras: Perfiles y Características, Estructura y Funcionamiento Interno, Afiliación A las Bandas, Formación y Desarrollo, Abordaje», 2023)

Sometimes, members of these groups must make a financial contribution, weekly or monthly, in order to be able to cover certain expenses of the band. Some examples for which this are the planning and organization of parties or others. It is also worth noting the importance of the level of discipline that exists within the group for the maintenance of internal cohesion. To achieve this cohesion, punishments are used for the idea or belief that the interests of the group interests are above individual interests. In cases where the internal rules are not complied with, punishment is used such as a dismissal from the position that is occupied, physical punishment or even expulsion from the group, all with the aim of to maintain cohesion and group unity events, or the help to any member who encounters financial problems or problems with the law.

Those with a large number of members are called “a nation”, and those with fewer members are called “a family”. The objective of these groups is to replace the person's social environment with the "family" or the "nation”. They seek to make the person feel excluded from their social environment. To do this, they observe and monitor the needs that a person has, both affective and relational, in order to try to cover them. For example, if that person has a need for protection, they will seek offer you specifically that.

They also use the free time that person has to make them see that they are available to meet their needs while other people around him such as his family are not present.(«Las Bandas Callejeras: Perfiles Características, Estructura y Funcionamiento Interno, Afiliación A las Bandas, Formación y Desarrollo, Abordaje», 2023)

V. MOTIVATIONS FOR JOIN GANGS

This chapter proposes a typology that distinguishes between four subtypes of gangs, which are characterized by differing motivations. The first subtype is youth gangs, which are conventionally associated with a subculture of juvenile delinquency rather than with for- profit organized criminality, and the members of which are expected to grow out of deviant behaviours when reaching maturity. The second subtype is the more organized and institutionalized criminal gangs, which include members of various age cohorts and are committed to profit- generating criminal activity. The third subtype, politicized gangs, present themselves as ideologically motivated street organizations. The fourth subtype is gangs who have been pulled into power politics by political patrons who hire them as goons to provide protection or intimidate and attack opponents.

There is some manipulation by those who are already members so that the new people decide to join. The method they use is to point out the differences between the population, generating a vision of inequality. Once this difference is generated, they give them the opportunity to be part of the band, this being the only possibility they have of protection.

Likewise, there is also the possibility that young people themselves seek to train part of this type of group. They themselves seek contact with people belonging to the gangs and create bonds of friendship, to later have the opportunity to join the gang.

They are usually people who feel marginalized and with a distorted and disadvantaged image of the society that rejects them. Therefore, they look for relationships where they feel protected, accepted, and that can give them an identity with which they feel comfortable. This feeling can be found in the gangs, which promises them that refuge that protects them from society. («Gangs In Global Perspective», 2014)

One such case is that of a 17-year-old girl from El Salvador who fled to the United States after being assaulted by members of the 18th Street gang. Upon arriving in Long Island, New York, she reunited with her mother but found herself in a school environment where both MS-13 and 18th Street gangs were present. Feeling unsafe and seeking protection, she joined MS-13, believing it was the only way to shield herself from further harm. (Blitzer, 2018)

VI. CONCLUSIONS

In conclusion, considering the objectives that were foreseen in the introduction of the work, it can be said that they have been achieved. The first of the objectives was to know some of the characteristics of the members of the gangs, which are described in part D of the paper, which explains that they are usually problems of insecurity with themselves. The second objective was to know the structure of the gangs and the internal workings, which would be described in section C, which explains that each gang is different, but that they usually have a pyramidal structure, with a leader on whom everything is based.

Finally, the last objective was to learn about the different alternatives used to deal with this problem, which is resolved in section B, which explains the international cooperation between states that exists to be able to deal with these gangs, as well as the different national strategies that exist to try to dissolve them.

My personal opinion about this is that gangs are a problem that has been around for many years and that they are very difficult to eliminate. A possible solution to reduce the number of people who join the band would be to increase education and make young people aware of what is really done in the gangs before they can join, as well as to teach them the opinion of former members of the band who are now in jail regretting what they did, and now they can't do anything anymore.

REFERENCES

Bandas callejeras juveniles. (s. f.). https://www.saludemia.com/delincuencia-juvenil/bandas-callejeras#:~:text=La%20estructura%20de%20las%20bandas%20juveniles%20actuales%20es,con%20car%C3%A1cter%20estable%20y%20de%20otros%20miembros%20variables.

Criminal Gangs in Global Perspective: Motivations, Transformations and Functions. (2020, enero). *ResearchGate*. https://www.researchgate.net/publication/370048395_Criminal_Gangs_in_Global_Perspective_Motivations_Transformations_and_Functions

Detectives, G. A. (2024, 27 marzo). Banda organizada: desentrañando el crimen organizado. *Grupo Arga Detectives Privados*. https://argadetectives.com/banda-organizada-desentranando-el-enigma-del-crimen-

organizado/#El_Modus_Operandi_Como_Funciona_una_Organizacion_Criminal

DSpace. (s. f.). https://repositori.upf.edu/bitstream/handle/10230/42337/feixa_omnia_investigando.pdf?sequence=1

Gangs in global perspective. (2014). *ResearchGate*. https://www.researchgate.net/publication/270620323_Gangs_in_global_perspective/citation/download

Las bandas callejeras: perfiles y características, estructura y funcionamiento interno, afiliación a las bandas, formación y desarrollo, abordaje. (2023). En *repositorio.comillas.edu*. Laura Navas Cort. https://repositorio.comillas.edu/xmlui/bitstream/handle/11531/69383/TFG%20%28c%29-Navas%20Cort%20Laura.%20pdf.pdf?sequence=1&isAllowed=y

Luis, D. S. Q., & De Ciencias Humanas y Sociales, U. P. C. F. (2023). Las bandas callejeras: perfiles y características, estructura y funcionamiento interno, afiliación a las bandas, formación y desarrollo, abordaje.

Martínez, G. (2021, 11 abril). Bandas urbanas: La verdadera lucha de las bandas callejeras: integrarse en el mercado laboral como solución a la violencia. Display Connectors, SL. https://www.publico.es/sociedad/verdadera-lucha-bandas-callejeras-integrarse-mercado-laboral-solucion-violencia.html#:~:text=Contin%C3%BAa%20Oliver:%20%22Consideramos

Vista de PANDILLAS TRANSNACIONALES: SEGURIDAD a TRAVÉS DE LAS FRONTERAS. (s. f.). https://sisomosamericanos.cl/index.php/sisomosamericanos/article/view/8/9

The Role of Criminal Organizations on the Balkan Route

How Criminal Organizations Used the Political Instability in Balkan States to Exploit Migrants

Lorenzo Grotto

Abstract — **This paper has the goal of giving the reader a general starting analysis of the role of organized criminal organizations and the networks they uphold operating along the Balkan Route. A focus is put on how they took advantage of political instability in the region and the migration flows stemming from the Baltic States. The information is collected from academic research and institutional reports. This paper looks at both recent and historical reasons for the development and transformation of the Balkan Route and highlights the connections between law uncertainty, corruption and (criminal) market opportunity.**

I. INTRODUCTION

The Balkan Route has become a fundamental pathway for irregular migration into Europe. It has evolved from a drug trafficking route into a hotspot for migrant smuggling and human trafficking. This paper examines how organized criminal groups exploit political instability, weak (and corrupt) institutions and loose borders in Balkan states to gain a profit from migration. Referring to academic and institutional sources, the analysis goes over the historical origin of the phenomenon, transformation of smuggling networks and its impact on migrants. The paper looks at local and EU responses as well. A focus is put on the challenges in countering transnational crime and protecting vulnerable individuals.

II. HISTORICAL AND POLITICAL CONTEXT OF THE BALKAN ROUTE

The Balkans have been a politically complex zone long before recent times, Yugoslavia and the 1990s wars. This because of their position as "middleman" between continental Asia and Southern Europe, which has brought them to face many similar challenges since Roman times, at least.

The breakup of Yugoslavia in the early 1990s, followed by the Yugoslav Wars, left behind a region filled with economic distress, weak state institutions, and corruption (Tarantini, 2016). The wars gave lawbreakers the opportunity to build smuggling channels and take advantage of the economic collapse. The result was that the deep political instability in the post-war era created a fertile environment for organized crime to grow in.

During the 1990s, the fall of the socialist system and the transition to capitalist economies in former Yugoslav republics brought to light the weaknesses of state institutions. This instability created an unregulated flow of illicit goods, including drugs, weaponry, and human beings, parallel to the legal, normal economy. This way, south-east Europe became not only a source of illegal commodities, but also a transit zone for them (Krasniqi, 2016). The region had already witnessed this phenomenon, more than once, as even under Ottoman rule, illegal trade networks were well-functioning (Tarantini, 2016). However, the modern shift towards a global black-market network began almost immediately after the fall of the Berlin Wall in 1989 and the Yugoslav Wars, since criminal organisations saw and took the opportunity of a newly created field of possible economic gains. The geopolitical situation of the Balkans as a crossroad between East and West parts of the world could only be a bait to every criminal, smuggler or illicit trader in the area.

III. ORGANIZED CRIME AND THE BALKAN ROUTE

Criminal groups operating along the Balkan Route have benefitted from both geographical proximity and weak governance structures. The region serves as a transit zone connecting drug-producing countries in Asia to big European markets, mostly used for heroin, cocaine, and, quite recently, migrants (Tarantini, 2016). As political instability found fertile ground in the post-Yugoslav area, organizations like Albanian, Serbian, and Kosovo-based mafias saw an opportunity to exploit the lack of border controls, corruption, and the unstable economic situation to establish smuggling routes for these "goods".

In terms of the smuggling of drugs, the Balkan Route has been central to the heroin trade from Afghanistan. Outlaws have historically used this route to transport heroin from Afghanistan through Turkey and into Western Europe, where the demand for the drug remains high (Tarantini, 2016). According to Europol, the Balkan corridor is critical to the transit of opioids substances into Europe, generating billions in illegal profits each year (Europol, 2011). Though, in recent years, the migrant crisis in Europe has moved the focus from drugs to the smuggling and trafficking of people.

European migration crisis was exacerbated by the development of many migrant smuggling networks within the Balkans. This crisis saw millions of refugees and migrants looking for a safe passage from conflict zones in the Middle East and North Africa to the EU. Previously involved in the drug smuggling, many criminal groups quickly moved focus and resources to adapt to this new business opportunity. These groups, operating across permeable borders, facilitated the movement of migrants through Greece, North Macedonia, Serbia, and Hungary, charging huge fees for the transport provided (Shelley & Pardo, 2016).

© 2025 Lorenzo Grotto. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

IV. THE DYNAMICS OF MIGRANT SMUGGLING IN THE BALKANS

Migrant smuggling along the Balkan Route has become one of the most profitable criminal activities globally. Just in 2015, the EU reported over one million migrant arrivals, with a significant percentage of people passing through the Balkans. According to Europol and Interpol, migrant smuggling networks generated revenues as big as $6 billion USD during that year alone, with the Balkans being both transit route and destination for smuggled people (Europol & Interpol, 2016).

The Balkan mafia-type organizations involved loosely connected networks, often collaborating transnationally. These networks use different methods to grease the skids of the smuggling process, including the use of safehouses, illegal transportation methods (such as trucks and trains), and falsified documents (Shelley & Pardo, 2016). The modus operandi typically involves local agents (acting as drivers, guides, or collectors) and larger transnational organizations that fund the operations and provide logistic support.

Crime organizations involved in smuggling migrants are often transnational, meaning that Albanian, Serbian, and Turkish groups work together to move people across the region, crossing borders multiple times. Abductions are often supported by local authorities and law enforcement officers who are bribed to ignore the illegal activities happening in their jurisdictions (Tarantini, 2016). Corruption and the lack of effective law enforcement are critical elements for these criminal networks.

V. EXPLOITATION OF MIGRANTS: HUMAN TRAFFICKING AND ABUSE

As the entity of migrant smuggling got bigger and bigger along the Balkan Route, the line between smuggling and trafficking began to blur. Many migrants, initially transported for a fee, soon found themselves exploited by organized criminal groups once they arrived at their intended destination. Migrants often are victim of human trafficking as they end up in debt, abused, or forced into exploitative labour or sexual slavery, all because of the same people who were meant to bring them to a better place, or, allegedly, to help them.

This dynamic has been noted by Europol, which reported that criminal groups often force migrants into conditions of being taken advantage of, after they have paid for their journey, further increasing the profits they can gain from victims (Europol, 2016).

Moreover, the gender-dependent dimension of trafficking cannot be ignored. Women and children, particularly from war-torn regions, are disproportionately vulnerable to sexual exploitation and forced marriages. A study by Shelley highlighted how women are often pushed into prostitution or into working in forced domestic servitude in EU countries, while children are at risk of illegal adoption or sexual abuse (Shelley, 2015). These forms of exploitation are particularly diffused along the Balkan Route, where criminal networks act without control, or punishments, due to the weaknesses of state institutions, and of the international efforts to combat these dynamics.

VI. PREVALENCE AND FORMS OF EXPLOITATION

Between 2017 and 2018, over 14,000 victims of human trafficking were registered within the EU. The real number is likely higher due to many, many people not reporting the crime and the clandestine nature of the crime itself. Many people who fall victim to these schemes often find themselves trafficked. They start from a position of illicit activity, probably for a good reason, like illegally crossing a border to escape from an economically broken state, but a reason still not good enough to report the crime suffered. A significant majority of these victims were trafficked for sexual purposes, with women and girls being the largest portion of them. Notably, nearly one-fourth of the victims were children, highlighting the vulnerability of minors to trafficking networks.

VII. STRATEGIC PRIORITIES AND ACTIONS

In response to these challenges, the EU has delineated key priorities focused at eliminating human trafficking:

1. Reducing Demand: Implementing measures to lower the demand that fuels all forms of exploitation linkable to trafficking.
2. Breaking the Criminal Model: Enhancing law enforcement and judicial responses to break down trafficking networks and make sure that the criminals, or all the ones involved, are brought before a court.
3. Protecting and Empowering Victims: Providing completef support to victims, ensuring their rights are upheld, and easing their reintegration into society.
4. International Cooperation: Strengthening partnerships with non-EU countries and international organizations to tackle the transnational dimensions of trafficking. Combating organized crime, transnational or not, is not a one man's job. It is heavy, difficult and vast. It requires joint efforts.

VIII. REGIONAL AND INTERNATIONAL RESPONSES TO ORGANIZED CRIME

Efforts to combat organized crime and migrant smuggling in the Balkans have had mixed success, not always the one hoped for. Many regional cooperation initiatives have been implemented, including the Southeast European Law Enforcement Centre (SELEC), and the Southeast European Cooperation Process (SEECP), which have helped improve cross-border coordination (Tarantini, 2016). Moreover, Europol and Frontex have made efforts to increase border security and data-sharing between EU and Balkan states.

However, fragmented responses and insufficient resources continue to hamper these initiatives. Countries like Kosovo and Bosnia and Herzegovina, where the political situation remains precarious, are often excluded from key international crime-fighting bodies, making it

difficult to coordinate enforcement across the region (Tarantini, 2016).

At the EU level, various initiatives such as the Stabilization and Association Agreements have brought incentives to work on reforms, but the regional political challenges remain unvaried (sign of the high complexity represented by the geopolitical situation, both past and present). For instance, the EU enlargement process has encouraged countries like Croatia and Serbia to enact important reforms in their judicial systems, yet corruption remains present, at different levels, in many of the countries involved (Tarantini, 2016).

Additionally, there is an issue in the enactment of measures of contrast to illicit activities. That is, even if they have helped prevent the free flow of illegal goods, new challenges arise, as smugglers, and criminal organizations in general, will try and adapt their channels to avoid detection.

A. European Union's strategic measures against human trafficking

The European Union has recognized the continuous and evolving challenges posed by human trafficking and has undertaken all round strategies to combat this heavy violation of human rights. The *Fifth Report on the Progress Made in the European Union in Combating Trafficking in Human Beings* describes thoroughly the complicated, but on point, approach adopted by the EU to address this issue.

IX. ADDRESSING EMERGING CHALLENGES

The report also highlights the impact of the COVID-19 pandemic on trafficking dynamics. Traffickers have adapted by increasing the use of online platforms for the recruitment and exploitation process, making detection and intervention efforts harder. The pandemic has further worsened vulnerabilities, making individuals easier to coerce and exploit.

X. FINANCIAL IMPLICATIONS

Human trafficking means significant economic costs for society. The EU estimates these costs to be up to 2.7 billion euros in a single year, mirroring the huge resources required for prevention, law enforcement, victim support, and the fixing of any societal impact the phenomenon has, which is a long list.

Through these strategic measures, the EU aims to transform human trafficking from a high-profit, low-risk endeavour for criminals into a high-risk, low-return crime, thereby safeguarding individuals' rights and promoting societal well-being. This all ends up not in straight up banning human trafficking altogether, it is clear that it would not work. Just like other types of criminal enterprises, human trafficking is to be rendered unappealing for criminals and wrongdoers.

XI. CONCLUSIONS

The Balkan Route still is a critical axis for transnational criminal activity, particularly migrant smuggling and human trafficking, and so will be in the near future. Organized crime in the Balkans is a phenomenon deeply rooted in the region's historical, political, and economic context, making it a challenging issue to address. It is needed though to note that this phenomenon is rooted in the regions challenges of geopolitical nature, that need to be assessed and not put in some ethereal cultural or ethnic inferiority, but as a simple reaction to the socio-economic environment. This is something that some people might be brought to think, also because of political propaganda. While regional and international efforts have seen progress in dismantling organized crime, significant challenges persist due to weak governance, corruption, and the adaptive nature of humankind, which goes both ways, in the good and in the bad.

This paper has explored how criminal groups exploit the Balkan Route to profit from both the smuggling of migrants and drug trafficking. The complexity of the region's political landscape, combined with the porous nature of its borders, allows criminal organizations to thrive. Continuous efforts to combat these networks must be faceted, implying regional cooperation, stronger legal frameworks, and more effective enforcement. Until then, the Balkans will remain a hub for organized crime, further exacerbating the humanitarian crisis faced by migrants seeking refuge in Europe.

REFERENCES

European Commission. (2021). *Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the progress made in the European Union in combating trafficking in human beings (Fifth Report).* https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52021DC0171

Europol & Interpol. (2016). *Migrant smuggling networks: Joint Europol-Interpol report.*
https://www.europol.europa.eu/cms/sites/default/files/documents/ep-ip_report_executive_summary.pdf

Europol. (2011). *EU organised crime threat assessment (OCTA) 2011.* Europeal Police Office.
https://www.europol.europa.eu/sites/default/files/documents/octa_2011_1.pdf

Krasniqi, K. (2016). Organized crime in the Balkans. *European Scientific Journal, ESJ, 12*(11), 69-84.
https://eujournal.org/index.php/esj/article/view/7727/7448

Shelley, L., & Pardo, C. (2016). *Human smuggling and trafficking into Europe: A comparative perspective*. Global Initiative against Transnational Organized Crime.
https://traccc.gmu.edu/wp-content/uploads/2022/09/Shelley-Pardo_human-smuggling-and-trafficking-into-europe.pdf

Tarantini, G. (2016). *The Balkan Route: Organized crime in South-East Europe – Root causes, current developments and future prospects*. United Nations University Institute on Comparative Regional Integration Studies (UNU-CRIS).
https://cris.unu.edu/sites/cris.unu.edu/files/W-2016-4.pdf

Friman, H. Richard, Reich, Simon (2007). *Human trafficking, human security, and the Balkans*. University of Pittsburgh Press.

Russian Cybercriminal Groups

Ransomware Attacks and Their Links to the Russian State

Jakob Koerner

Abstract — **This paper examines the relations between Russian cybercriminals and Russia's government, arguing that ransomware groups have become informal instruments of the Kremlin's foreign policy. Russian authorities do not punish these groups but rather permit them to operate, so long as their activities align with national interests. Using case studies and internal communications leaked from these groups, this paper demonstrates how cybercriminals can operate against foreign targets with minimal risk of prosecution. In some cases, evidence even points to direct collaboration with state agencies. The paper also looks at the legal framework in Russia, their technical heritage, and a culture of impunity as factors that help this system work. Many ransomware actors operate in a legal gray area between state-sponsored cyberattacks and criminal cybercrime. This hybrid threat raises new challenges for international security, law enforcement, and cross-border cooperation.**

I. INTRODUCTION

Russian cybercriminal groups are among the most effective and harmful actors in the international cybercrime world. The World Cybercrime Index ranks Russia as the number one cyber threat nation in the world (Bruce et al., 2024). These groups, most of them using the Ransomware-as-a-service (RaaS) model, have launched significant attacks on businesses, hospitals, and key infrastructure around the world. Their capability to generate millions and escape law enforcement agencies raises questions about a possible connection with the Russian government. This paper discusses the characteristics of Russian cybercriminal groups and their ransomware activities. A major issue is whether these groups are mere criminals who are in it for the money or if they have the blessing, protection, or even support of the state. The Russian government has been seen to accept, and in some cases, reap benefits from these cybercrime groups, especially when they serve the interests of the state. This paper aims to identify the tactics, major attacks and possible state involvement of Russian ransomware groups in the larger context of transnational organized crime. It also reviews the measures being taken by international actors to address this threat.

II. RUSSIAN CYBERCRIMINAL GROUPS

A. Historical Context

The rise of Russian cybercriminal groups has its roots in the social and economic disorder that erupted in Russia after the Soviet Union disintegrated in 1991. The breakdown of state institutions left a power void that undermined law and order and allowed cybercrime to gain strength (Kadlecová, 2015). Following the collapse of the Soviet Union, research funding plummeted by 90% between 1991 and 1999, which meant that many highly trained programmers and engineers were left jobless (Jackson, 2024).

Many IT-proficient individuals turned to illegal cyber activities as a survival method when the country experienced economic instability alongside lax internet regulations during the 1990s and early 2000s (Kadlecová, 2015; Jackson, 2024).

Another factor was Russia's inheritance of the Soviet Union's education system, which strongly emphasized STEM education. Russian students graduated from higher education institutions at a high rate (63% of 25-34-year-olds in 2019 held degrees while the OECD average stood at 44%) yet the labor market struggled to place well-educated workers in their fields of study (Jackson, 2024). Cybercrime became an attractive way for graduates to boost their earnings since legitimate tech employment paid them very little (Jackson, 2024). The lack of adequate state supervision and the established presence of organized crime created an environment of relative impunity. This climate encouraged thousands of technically skilled individuals to participate in cybercriminal operations during the late 1990s and early 2000s (Kadlecová, 2015).

The combination of economic desperation, technical expertise, weak law enforcement and established organized crime laid the base for Russia's extensive cybercriminal system.

B. Structure and Methods

Ransomware is a form of malware that locks down user data through encryption until the attacker receives a ransom payment, which is typically done using cryptocurrency. This malicious software is installed unknowingly when users open deceptive email messages or when hackers exploit software bugs and steal passwords. Attackers gain network access by elevating their privileges and moving from system to system before deploying the ransomware payload to lock users out of their data (Zuber, 2023).

The ransomware effects extend beyond encryption because many cybercriminal groups employ a "double extortion" tactic, stealing sensitive data before encryption. Victims face maximum pressure to pay the ransom when attackers implement this double extortion scheme that results in both lost data access and stolen information being released into the market (Zuber, 2023). This method has been particularly effective, with ransomware attacks targeted at individuals, critical infrastructure such as hospitals and even government agencies.

Ransomware victims decide to pay the ransom to restore their locked files hoping their data will stay intact, unreleased and unsold. Attackers frequently send emails to their victims, assuring them that all encrypted files will be

© 2025 Jakob Koerner. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

restored and even offering supposed "protection" against future attacks. These messages are made to appear professional, with some even explicitly stating that the attack is "just business" to build trust (Zuber, 2023).

The financial scale of ransomware payments demonstrates how successful these methods have become. Americans reportedly pay their ransom in 64% of cases while worldwide payment rates reach above 33% (Zuber, 2023). The U.S. Department of Justice analyzed LockBit ransomware operations and found this ransomware group demanded $100 million from 1,000 victims obtaining tens of millions from many of them. The Colonial Pipeline attackers DarkSide managed to extract $5 million in Bitcoin from their target through extortion. Ransomware attacks continue to expand as a criminal enterprise with the average ransom demand reaching $6 million in 2022 (Zuber 2023).

The Ransomware-as-a-Service (RaaS) model expanded ransomware attacks because it enables less technical personnel to participate in ransomware operations. In this model, developers create and maintain the ransomware, leasing it to affiliates who execute the attacks in exchange for a share of the profits. This structure mirrors legitimate Software-as-a-Service (SaaS) businesses, with some RaaS groups offering customer support, user-friendly dashboards, and regular software updates (Holdsworth & Kosinski, 2024). Russian cybercriminal groups, such as LockBit and Conti have demonstrated the profitability and resilience of the RaaS model despite international law enforcement efforts (NCA, 2024).

Ransomware attacks have spread throughout different industries and their implementation has resulted in operational disruption across all affected sectors. Ransomware attacks forced police departments to switch to manual operations and disabled public transportation fare collection and imposed serious healthcare challenges in hospitals (Zuber, 2023; Cook, 2024). Russian cybercriminal groups have achieved large-scale global effects through their sophisticated attacks enabled by their RaaS model.

C. *Major Cybercriminal Groups*

Several prominent ransomware groups have been linked to Russia. Some of the most notorious include:

Evil Corp :
Led by Maksim Yakubets, Evil Corp has operated as one of Russia's most prominent cybercriminal organizations since at least 2014. The group specializes in financial cybercrime through malware. Security analysts have documented ties between Evil Corp and Russian state interests, including alleged operations against NATO member states (NCA, 2024).

Conti:
Conti ransomware group functioned as a major threat to organizations worldwide during its active period from 2020 until its apparent end. The organization operated under the RaaS model targeting healthcare providers, educational institutions and critical infrastructure. The group employed a dual extortion strategy, combining data theft with system encryption to pressure victims into paying ransoms. (Akamai, n.d. -a; CISA, 2022).

LockBit:
Another Russian group that functions under the RaaS model. By 2022, it had become the most widely deployed ransomware globally, having compromised over 2,000 victims by 2024, extorting more than $120 million in ransom payments. The targets spanned multiple sectors including healthcare systems, educational institutions financial services government agencies and technology firms. LockBit attacks occurred worldwide with major effects observed in the United States, Canada, India, Brazil and numerous other nations (Akamai, n.d. -b; U.S. Department of Justice, 2024).

REvil (Sodinokibi):
This Russia-based or Russian-speaking group operated under the RaaS model from 2019 until 2022. Multiple large corporate entities have experienced REvil ransomware attacks including meat processor JBS, software developer Kaseya, as well as an Apple supplier (Sayegh, 2023; Akamai, n.d. -c).

DarkSide:
Since its emergence in August 2020 this Russia-linked ransomware group targeted major corporations and essential infrastructure, most notably disrupting Colonial Pipeline operations in 2021. Operating a Ransomware-as-a-service model, DarkSide is known for publicly stating they would avoid healthcare, educational, and government targets (Akamai, n.d. -d). Analysis of its code revealed possible REvil connections with some proposing it may have rebranded as BlackCat after its claimed 2021 shutdown (Kramer et al., 2021, 2021; Akamai, n.d. -d). The group extracted more than $90 million before its dissolution which demonstrated how effective the RaaS model can be.

These groups typically operate as decentralized networks, which include core developers who create ransomware strains while affiliates conduct attack operations. The structure makes it hard for authorities to eliminate operations because shutting down an affiliate does not automatically stop the entire organization.

III. Connections to the Russian State

The relationship between Russian cybercriminal groups and the state is one of mutual benefit, where private actors, tolerated and sometimes even protected by the government, advance state interests while maintaining plausible deniability. This section demonstrates how Russia systematically cultivates cybercriminal networks as instruments of state power.

A. *Strategic Tolerance*

The Russian government has consistently tolerated cybercriminal activities which target foreign organizations. According to Ortner (2015) and Gately (2022) Russia has an unspoken "safe haven" policy which lets cybercriminals continue their operations so long as they refrain from attacking Russian domestic targets and do not draw too much international attention. The unwritten rules of Carding World and other Russian-language cybercriminal marketplaces demonstrate this

informal agreement through their moderation policies which ban attacks on domestic targets but allow operations against Western governments and corporations (Schwirtz & Goldstein, 2017, Gately, 2022).

The case of Evgeniy Bogachev further demonstrates state complicity as his GameOver ZeuS malware infected millions of computers worldwide but conspicuously skipped Russian computer systems. Despite being on the FBI's Most Wanted list, Bogachev remains free in Russia, with Ukrainian intelligence even alleging that he operates under the supervision of a special FSB unit (Schwirtz & Goldstein, 2017). This suggests an active policy of strategic tolerance, where cybercriminals are shielded by the state in exchange for operational utility.

Kadlecová (2015) argues that this tolerance is reinforced by Russia's legal system, which criminalizes cybercrime domestically but fails to prosecute foreign-targeting cybercriminals. This is underlined by the absence of extradition agreements for cybercriminals.

B. Plausible Deniability and Hybrid Warfare

Through cybercriminal group integration Russia achieves hybrid warfare capabilities which let the country perform geopolitical cyber operations without taking responsibility for them. The Kremlin maintains a strategic partnership with these groups, which function as unofficial proxies to conduct destabilizing attacks on adversaries while keeping the state's involvement unclear and deniable. These private actors operate outside official state frameworks yet frequently follow objectives which match state interests through voluntary agreements or political sympathies.

This strategy is exemplified by ransomware groups like Wizard Spider (TrickBot) and Conti, which have faced no prosecution in Russia, despite their major attacks on Western targets. In February 2022 Conti announced its support for the Russian government through an official statement while promising to attack enemies of Russia (Gately, 2022; Zuber, 2023). The group's political declaration made it vulnerable to destruction as more than 60,000 of their internal communications were leaked which showed both internal conflicts and political ties. The organization's logs contained anti-Semitic propaganda together with nationalistic statements while members debated the legitimacy of Russian actions in Ukraine. Some members, including Ukrainians, objected to the group's support for the Kremlin, which contributed to its demise (Zuber, 2023; Burgess, 2022).

The leaked documents presented the first recorded evidence of Russian government involvement in cyberattacks when authorities requested Conti to conduct hacking operations (Zuber, 2023). However, most group members are unlikely to have established ties to official state organizations. As experts note, only a limited subset of senior actors would maintain such ties (Burgess, 2022). Still, the strategic alignment between Conti's leadership and the Russian government remains significant.

Another strong example is Evil Corp, which occupies a unique position among cybercriminal groups. According to the UK's National Crime Agency (2024), Evil Corp was not only protected by the Russian state but was also used to conduct espionage and cyberattacks on NATO countries. Its leader, Maksim Yakubets, reportedly maintained direct ties with Russian intelligence (FSB and GRU), and his father-in-law, Eduard Benderskiy, a former high ranking FSB official, acted as a key facilitator of this relationship (NCA, 2024; Gately, 2022; Grzegorzewski, 2020). Despite US sanctions and arrest warrants, Yakubets continues to live freely in Russia, showing the state's unwillingness to prosecute loyal cybercriminals who avoid going against Russian interests.

Beyond merely tolerating cybercriminal groups, the Russian state has also integrated criminally developed malware into its state-sponsored cyber warfare operations. This was demonstrated in the 2015 and 2016 cyberattacks on Ukraine's power grid, which were attributed to Sandworm (Unit 74455 of the GRU). The BlackEnergy malware, which was originally developed by criminals for financial gain, was later weaponized by Sandworm to disrupt Ukraine's critical infrastructure. This repurposing of criminal malware, transforming it into state-operational tools, illustrates how Russia cultivates cybercriminal ecosystems as a resource for cyber warfare and blurs the lines between criminal activity and state cyber operations, reinforcing the Kremlin's hybrid warfare strategy (Park & Walstrom, 2024).

Similarly, the abrupt shutdown of DarkSide after the Colonial Pipeline attack in 2021 illustrates how groups that attract too much political attention may be quietly "retired" by the state. While the group denied links to the Kremlin, the speech given by President Biden shortly after the attack suggested that, while there was no evidence of collusion with the Russian state, the attack was from Russia and that the Russian government has an obligation to take care of the cybercriminals. The group's sudden disappearance may have been arranged by the Russian state to reduce political exposure (Zuber, 2023).

A similar case unfolded with REvil. Russian authorities arrested 14 members of REvil in an FSB operation during January 2022. The group had been inactive for months, which led some to believe this was not a sincere crackdown, but rather a strategic distraction in response to Western pressure amid rising tensions over Ukraine (Burgess, 2022; Zuber, 2023).

This is a fate that other groups may face as well. Analysts predict that if Conti's leaders ever "outlive their usefulness," they too may face performative arrests followed by quiet releases weeks later (Burgess, 2022).

Taken together, these examples support the view that Russia uses cybercriminals as "semi-autonomous strategic assets": tolerated, sometimes supported, and occasionally dismantled when the political cost becomes too high. This model enables hybrid warfare at low cost and high deniability while complicating attribution and international accountability.

IV. International Response and Challenges

The international community continues to struggle in countering Russian cybercriminal groups, largely due to their entanglement with state actors and the wider tech ecosystem. According to Jackson (2024), Russia's cyber power is based on a particular architecture that has organized crime groups, state structures and IT specialists in a beneficial relationship for all parties involved, making it difficult to counter or even assign responsibility.

Western responses have focused heavily on financial disruption. For example, targeted sanctions such as the U.S. Treasury's action against cryptocurrency exchanges like SUEX that were facilitating ransomware payments, are aimed at disrupting the critical infrastructure (Feiner, 2021). However, such efforts remain limited as long as the hosting providers and technology firms that enable operations like those of Evil Corp are not addressed.

One possible opportunity lies in accelerating the exodus of IT professionals from Russia. According to Jackson (2024), tens of thousands of skilled workers left Russia after the invasion of Ukraine and moved to countries such as Georgia, thus weakening Russia's domestic cyber power. This brain drain could be encouraged through visa fast tracking and tech sector incentives which at the same time would enhance Western defenses. Georgia's new task force to assist Russian companies and entrepreneurs in relocation could be a model for Western governments (Jackson, 2024).

Still, multilateral cooperation remains difficult. Russia's Sovereign Internet Law (2019) and refusal to join instruments like the Budapest Convention impede cross-border investigations (Dremliuga & Kuznetsov, 2020; Grzegorzewski, 2020). Law enforcement actions in operations like the 2022 takedown of REvil also shows that such coordinated actions are possible, but they are rare and are often politically timed (Zuber, 2023). Major barriers include Russia's blanket refusal to extradite cybercriminals and the state's strategic use of criminal actors.

Ultimately, an effective long-term response requires a comprehensive strategy: one that targets the financial pipelines, technical infrastructure, and political support that enable Russian cybercrime Given the nature of the problem, it is clear that no single solution can eliminate the problem, but sustained international cooperation presents the best chance of countering Russian cybercrime.

V. Conclusion

Russian cybercriminal groups operate within a unique ecosystem of state tolerance and strategic collaboration. They blur the lines between organized crime and geopolitical instruments. Groups like Conti and Evil Corp profit from ransomware attacks, inflicting global harm, while enjoying protection from Russian authorities, at least as long as their activities are beneficial to the state.
This situation is exploited by the Kremlin in its hybrid warfare approach through the use of cybercriminals to launch deniable attacks on critical infrastructure (e.g. Colonial Pipeline) and on geopolitical rivals (NATO states).

The International responses are still limited by the jurisdictional protection of Russia and the lack of transparency of darknet markets. Although sanctions and law enforcement efforts have managed to disrupt some of these networks, the long-term impact of these measures is doubtful. The exodus of Russian tech professionals presents an opportunity to weaken this ecosystem, but it requires coordinated Western policies to redirect this human capital away from criminal organizations.

Researching this topic revealed to me how sophisticated these groups are. I had never encountered the RaaS model before and was surprised how closely they mirror legitimate businesses. And while I was already familiar with state operated hacker groups like Cozy Bear and Fancy Bear, I wasn't aware of the role profit-driven cybercriminal groups play in Russia's hybrid warfare strategy and how deeply cybercrime is institutionalized within Russia's power structures. This underscores that the fight against Russian cybercriminal groups has a political dimension and requires methods that go beyond the usual fight against crime.

REFERENCES

Akamai. (n.d.). What is Conti ransomware? Retrieved April 10, 2025, from https://www.akamai.com/glossary/what-is-conti-ransomware

Akamai. (n.d.). What is DarkSide ransomware? Retrieved April 10, 2025, from https://www.akamai.com/glossary/what-is-darkside-ransomware

Akamai. (n.d.). What is LockBit ransomware? Retrieved April 10, 2025, from https://www.akamai.com/glossary/what-is-lockbit-ransomware

Akamai. (n.d.). What is REvil? Retrieved April 10, 2025, from https://www.akamai.com/glossary/what-is-revil

Baker, K. (2023, January 30). Ransomware as a service (RaaS) explained: How it works & examples. CrowdStrike. https://www.crowdstrike.com/en-us/cybersecurity-101/ransomware/ransomware-as-a-service-raas/

Bruce, M., Lusthaus, J., Kashyap, R., Phair, N., & Varese, F. (2024). Mapping the global geography of cybercrime with the World Cybercrime Index. PLoS ONE 19(4): e0297312. https://doi.org/10.1371/journal.pone.0297312

Bruce, T. (2025, February 11). Sanctioning key infrastructure enabling Russia-based ransomware attacks [Press statement]. U.S. Department of State. https://www.state.gov/sanctioning-key-infrastructure-enabling-russia-based-ransomware-attacks/

Burgess, M. (2022, March 18). Leaked ransomware docs show Conti helping Putin from the shadows. Wired. https://www.wired.com/story/conti-ransomware-russia/

Cook, V. (2024, June 5). Russian criminals behind hospitals cyber attack. BBC News. https://www.bbc.com/news/articles/cxee7317kgmo

Cybersecurity and Infrastructure Security Agency. (2022, March 9). Conti ransomware [Alert]. https://www.cisa.gov/news-events/alerts/2021/09/22/conti-ransomware

Dremliuga, R., & Kuznetsov, P. (2020). Combating the threats of cybercrimes in Russia: Evolution of the cybercrime laws and social concern. Communist and Post-Communist Studies, 53(3), 123–136. https://doi.org/10.1525/cpcs.2020.53.3.123

Feiner, L. (2021, September 21). U.S. Treasury sanctions cryptocurrency exchange for alleged role in ransomware attacks. CNBC. https://www.cnbc.com/2021/09/21/us-treasury-sanctions-cryptocurrency-exchange-suex.html

Gately, H. (2022). Russian organised crime and ransomware as a service: State cultivated cybercrime (Master's thesis, Macquarie University). Macquarie University. https://doi.org/10.25949/23692932.v1

Grzegorzewski, M. (2020). Russian cyber operations: The relationship between the state and cybercriminals. In D. Čaleta & J. F. Powers (Eds.), Cyber terrorism and extremism as threat to critical infrastructure protection (pp. 53–64). Ministry of Defense, Republic of Slovenia; Institute for Corporative Security Studies; Joint Special Operations University. https://eprints.ugd.edu.mk/26686/1/Cyber%20terrorism%202020%20Chapter%20of%20Monograph.pdf

Holdsworth, J., & Kosinski, M. (2024, September 5). What is ransomware as a service (RaaS)? IBM. https://www.ibm.com/think/topics/ransomware-as-a-service

Jackson, A. (2024). How the collapse of the Soviet Union made Russia a great cyber power. The Cyber Defense Review, 9(1), 99–112. https://www.jstor.org/stable/48770667

Kadlecová, L. (2015). Russian-speaking cyber crime: Reasons behind its success. The European Review of Organised Crime, 2(2), 104–121. https://standinggroups.ecpr.eu/sgoc/wp-content/uploads/sites/51/2020/01/kadlecova.pdf

Kramer, A. E., Schwirtz, M., & Troianovski, A. (2021, May 29). Secret chats show how cybergang became a ransomware powerhouse. The New York Times.

https://www.nytimes.com/2021/05/29/world/europe/ransomware-russia-darkside.html

National Crime Agency. (2024, October). Evil Corp: Behind the screens. https://www.nationalcrimeagency.gov.uk/who-we-are/publications/732-evil-corp-behind-the-screens/file

Ortner, D. (2015). Cybercrime and punishment: The Russian mafia and Russian responsibility to exercise due diligence to prevent transboundary cybercrime. BYU Law Review, 2015(1), 177–211. https://digitalcommons.law.byu.edu/lawreview/vol2015/iss1/7

Park, D., & Walstrom, M. (2017, October 11). Cyberattack on critical infrastructure: Russia and the Ukrainian power grid attacks. The Henry M. Jackson School of International Studies. https://jsis.washington.edu/news/cyberattack-critical-infrastructure-russia-ukrainian-power-grid-attacks/

Sayegh, E. (2023, March 22). The REvil gang story: The "good guys" can still prevail. Forbes. https://www.forbes.com/sites/emilsayegh/2023/03/22/the-revil-gang-story-the-good-guys-can-still-prevail/

Schwirtz, M., & Goldstein, J. (2017, March 12). Russian espionage piggybacks on a cybercriminal's hacking. The New York Times. https://www.nytimes.com/2017/03/12/world/europe/russia-hacker-evgeniy-bogachev.html

U.S. Department of Justice. (2024, February 20). U.S. and U.K. disrupt LockBit ransomware variant [Press release]. https://www.justice.gov/archives/opa/pr/us-and-uk-disrupt-lockbit-ransomware-variant

Zuber, M. (2023, October 16). Explaining organizational instability in Russian ransomware gangs. The Henry M. Jackson School of International Studies. https://jsis.washington.edu/news/explaining-organizational-instability-in-russian-ransomware-gangs/#top

.

Criminal Partnerships

The International Cocaine Trafficking Network Toward Europe

Martina Lain

Abstract — **Globalization enhanced internationalization and interdependence of economy, opening the door for cross-border markets and the global supply chain. Transnational criminal organizations act as enterprises, and as such they have exploited these new opportunities expanding their criminal activities and their networks. This paper aims to present the types of criminal collaborations that exist between groups, analyzing the cocaine supply chain toward Europe and the international criminal networks involved. It will also consider the nature of the social ties bringing together culturally and geographically distant groups operating in the trafficking of cocaine. The main criminal groups involved will be listed, together with examples of fruitful cooperations. The social embeddedness theory and the criminal network approach will be explained because they help clarify the complexity of this sort of international network, and they help law enforcement authorities to maximize group disruption by targeting the more central actors in the network.**

I. INTRODUCTION

Globalization and new technologies have provided new opportunities for criminal networks, which have adapted to the new global scenario, diversifying their activities and going global (UNODC, 2010). European integration, permeability of national borders, interdependence of economies, migration flows and advances in transport and communications had a pivotal impact on criminal groups and activities. Transnational organized crime has responded by expanding its network and by forming strategic alliances worldwide. A relevant example is that of the drug market, which has taken a broad cross-continental scale, with various criminal organizations cooperating along the supply chain. The development of more expansive networks enables criminals to base their management and production facilities in low-risk countries, while targeting markets with a high demand, maximizing their profits and minimizing the potential risks (Hignett, 2022). This paper aims to analyze social ties and collaborations among different criminal organizations, mainly focusing on groups operating throughout Europe in the cocaine business. The drug market is one of the most profitable ones, therefore attracting numerous criminal enterprises. Despite the general secrecy and independence of criminal organizations, there is a general trend toward cooperation rather than competition in this sector, as indicated by the Europol report (2021), describing a fragmented landscape of different networks interacting with each other as autonomous partners in the pursuit of common criminal objectives. Some current criminal cooperations will be briefly illustrated, considering the ties that certain European criminal groups have with Latin American cocaine producers. Furthermore, when discussing interactions among various criminal groups, it is essential to consider the role that brokers play in bridging different organizations and in pooling information. For a better understanding of the criminal networks and of their key players, social network analysis and social embeddedness come to hand.

© 2025 Martina Lain. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

II. THE STRUCTURE OF COOPERATIONS

Cross-group collaborations are risky and difficult; thus, they take place mostly among small and transient groups. The main problems encountered regard trust, communication, and bargaining and the lack of overarching institutions enabling the peaceful coexistence of competing organizations. Nonetheless, intergroup collaboration does occur, and it is essential to understand the resilience of illicit markets. The inter-relational pattern among criminal groups is an important feature of the international drug market, in particular that of cocaine, whose chain cannot be entirely controlled by one single organization, but rather it is a network of criminal organizations cooperating and assuming specific functions along the supply chain (such as shipment, distribution, money laundering).

Traditionally, there are three types of collaborations. The first one is the international criminal network established by groups of single ethnic backgrounds. In this case, a key role is played by ethnicity and migrations flows, which amount to an opportunity for criminals to exploit the blood relationships and the shared culture they have with the migrants, in order to establish connections abroad, based on trust and kinship. A relevant example of this kind of cooperation is that between the ‘Ndrangheta in Calabria and the numerous *locales* which established themselves in certain countries, such as Germany and Australia, as the result of the ethnic diasporas during the last decades of the past century. In this way, Italian mafia has been able to establish long lasting links with many countries and to create criminal cooperations with organizations from production, transit and destination areas.

The second form of collaboration consists of ad hoc arrangements between sellers and buyers, where deals are negotiated through recognized intermediaries. This type of cooperation is also a common feature of agreements between organized crime groups and terrorist organizations, who barter drugs for arms or for money to buy arms -as happened in the cases of Peru and Colombia-
.

A third form of international cooperation derives from chance contacts or meetings between individual criminals and organized crime groups which lead on to a more stable relationship. In many cases, the first contact is in prison, where individuals meet and discuss possible deals; once

they are released, they use the connections there to expand their business.

The profound economic and geo-political changes which have taken place over the last decade fostered new opportunities and resulted in the development of a new type of alliance among criminal groups: the strategic partnership. The new configuration of the world encouraged the internationalization of legal, commercial and financial markets as well as the internationalization and progressive integration of criminal markets, resulting in a sort of regulation by consent through a division of sectoral and geographical areas of competence among different criminal organizations.

One of the first proven cases of this strategic partnership is that between the Medellin cartel and Cosa Nostra. Representatives of both organizations met in Aruba in 1988 to seal an agreement for the import of large quantities of cocaine in Europe. Using the words of Judge Falcone, "the Colombian-Sicilian deal provided the proof of the beginning of direct contacts, which are extremely dangerous for the possible risk of operational fusion between criminal organizations of considerable economic power and great operational capacity. [...] These links are indicative of a trend that may lead to an increase in the dangerousness of these organizations through the development of a common strategy" (Conference "Drugs, the New Evil Empire", 1992).

Police and intelligence reports provide proof of the growth of strategic partnerships between representatives of the principal organized crime groups. According to French sources, a high-level business meeting took place in 1994 in France between representatives of the Italo-American Gambino family, the Japanese Yakuza and Colombian, Russian and Chinese crime bosses. The purpose was to subdivide Western Europe for drugs, prostitution, smuggling and extortion rackets and to ensure that individual drug routes were not over-utilized, to agree on the amounts of drugs that each organization could bring into different countries and to discuss the sharing of equipment such as boats and arms and the hiring of specialists in technologically sophisticated areas such as cybercrime (Jamieson, 1999). The consequences of these types of partnerships and coordination meetings are evident in the arrests carried out by European national law enforcement authorities: a high number of those arrested are non-nationals and come from countries such as Turkey, Brazil, Colombia, Albany, Vietnam. According to the Europol report 2021, more than 50% of organized criminals operating in the EU are non-EU nationals and 65% of the criminal networks active in the EU are composed of members of multiple nationalities. Considering the strong grip that certain European "autochthonous" organizations have on the territory, it is highly unlikely that a deal and a partnership with foreign criminal groups does not exist, because in that case there would be conflicts between competing organizations for control over profitable trafficking routes and market dominance. However, in most cases, this doesn't occur; the apparent quietness of the criminal underground operating in Europe is thus indicative of deals and collaborations among criminal groups, who have divided their areas of activity, influence and operation, in order to avoid fights for control and to better carry out their illegal ventures. An example is the partnership between Nigerian groups and Cosa Nostra in Sicily. The presence of Nigerian gangs in Palermo doesn't indicate a weakening of Cosa Nostra, but rather that the former acts under the license of the latter, which is focusing more on operations in licit activities, delegating others -among which drug trafficking- to different groups, who operate subject to Cosa Nostra authority (Sergi, 2016).

III. COCAINE TRAFFICKING IN EUROPE

The organizations involved in narcotic drugs trafficking are, for the nature of their businesses, multinational enterprises in crime. With the saturation of the American drug market, the migration flows from Latin America and the European integration -rendering Europe a single market with no internal barriers-, Colombian drug cartels have expanded their business accessing a new profitable market. In fact, with a rising demand for cocaine, Europe represents an attractive and highly profitable area for criminal networks. While traditionally the US is the biggest cocaine market thanks to the proximity to producer countries, the route to export cocaine from Latin America to Europe is long and full of impediments. It is because of the connections that European-based criminal groups have been able to create with drug cartels that this criminal activity has spread so much on the continent. Therefore, it can be said that the cocaine market is an international network, with criminal groups originating from all over the world.

The main production site is still Colombia, but after the '90, the landscape has fragmented into a multitude of suppliers, opening possibilities for more partnerships. Moreover, the demand for cocaine has increased worldwide and so has the production, with Peru and Bolivia as new production countries.

Venezuela and Brazil are the main transit countries for criminal exports to Europe, with Brazilian criminal groups in charge of the shipments from the Brazilian ports.

Mexican cartels are mainly involved in the cocaine market toward the US, but they have also started to play a role in the supply of methamphetamine and cocaine to Europe, developing new routes and performing feasibility tests thanks to the partnership with 'Ndrangheta and Cosa Nostra.

Of the European criminal groups, some became important brokers (British, Italians, Dutch, Spanish and Western Balkans networks), cooperating directly with Latin American producers.

British and Irish criminal networks store significant quantities of cocaine in EU distribution hubs to assure the supply of the UK. They work in small networks of 4-5 people (Pearson and Hobbs, 2001), tied by strong kindship or ethnic ties. One of the main reasons for the involvement of the UK in the cocaine market are the migration flows from Colombia and Albania in the 1990s.

Dutch and Belgian criminal networks control the second most prominent cocaine route in Europe: the Northwestern route through the Netherlands, Belgium and Germany. As Saviano (2019) said, 'whoever controls the Netherlands has one of the arteries of the global drug market'. These groups collaborate with the cartels to organize large shipments via their ports, in particular Rotterdam and Antwerp.

In the Netherlands, another organization operates: the "Mocro mafia". Its members originate from Morocco and

are mainly stationed in Amsterdam and Utrecht. They engage in shipments of cocaine to Spain and Portugal.

Nigerian criminal groups are part of this international drug network too, maintaining direct connections to Europe through the use of air couriers; they are also in charge of distributing the imported drug in members states. They are mainly stationed in Amsterdam and in France.

Spanish groups, mainly from Galicia, in the northwest of Spain, control the most prominent cocaine route in Europe: the Southwester route. Ties with Colombia are primarily cultural and linguistic; members of the two networks often meet in prison and then again when they come out. This cooperation between Spanish and Colombian traffickers was also favored by the migration of half a million Colombians to Spain in the 90s, who imported cocaine from their homeland.

Of the Italian mafias, 'Ndrangheta is the most important cocaine network internationally, being responsible for 80% of the European drug trade. It is a broker-based resilient organization, made up of a coalition of hundreds of families, many of which have emigrated. This is the key to its success: it kept relations with the immigrants, using those family ties to spread its criminal network to all over the world (Calandra, 2017). In particular, it made strong business relations with Colombian paramilitaries, who hold control over coca production areas in the past decades. Another reason for its success is the control of the main European ports - Gioia Tauro, Rotterdam and Antwerp - through which cocaine arrives in Europe, making alliances to share the costs and risks for a shipment with other criminal organizations.

Western Balkan networks have assumed a key role as global organizers of cocaine smuggling. Albanian-speaking and Serbian groups have emerged and are now relevant actors in the global drug trafficking. The Albanian mafia has direct connections with Colombian producers, allowing its members to trade high-quality cocaine at lower prices. These groups also cooperate with Italian mafia, in particular 'Ndrangheta, which guarantees them access to the main European ports. Around 1.4 million Albanians are living abroad across Europe, which is about one fourth of the Albanian population; because of this large diaspora, Albanian criminal groups are spread all over Europe with a strong network linked by blood ties. Serbian and Montenegrin networks have also emerged in the last decades, opening a new route to import cocaine in Europe: the Balkan route, already in use to traffic heroin. The Serbian network assumed a particular importance thanks to one of its members, Saric, who was the broker bridging his clan with the Colombian cartels, therefore gaining a direct connection with the suppliers. After his arrest in 2014, the connections he built were redirected and taken up by another clan from Montenegro, which assumed the control of the network. This shift in power shows how flexible and decentralized criminal networks are, which also indicates the inefficiency of the "Mr. Big" strategy, targeting only the mastermind behind the organization.

A. Social Ties

The social ties between the main criminal networks involved in cocaine trafficking are highly resilient and "internationalized", with cells or representatives operating across several continents, especially in key locations in South America, to maintain direct contacts with suppliers and to arrange and supervise the shipments. With regard to EU-based networks, the majority have been active for more than 10 years, but there are also new actors competing for a share of the market, such as Belgian, Albanians and Serbian groups.

Through social embeddedness theory and the criminal network approach we can understand better the interconnections between and the importance of different components of the network. The former accentuates the role of personal relationships and the structure of those relationships in building trust: this plays a vital role when it comes to international drug trafficking networks (Kleemans and van de Bunt, 1999). Since there are no legal institutions -no banks to transfer money, no judiciary to settle disputes-, criminal networks operate in an uncertain world, with many impediments in the drug distribution from the starting point (production sites) to the final one (consumers). Therefore, it is crucial for the criminal players to build relationships based on strong bonds and trust between the members. The strongest ties are grounded on kinship and family ties; social ties can also be predetermined by social and geographic closeness. At international level, the situation is much more complex, with geographic distance and cultural and linguistic differences. Kleemans (2012) called these barriers "structure holes" that need to be bridged so that international actors can operated efficiently. It is here that brokers act. Drug brokers are service providers connecting criminals and organized criminal networks with different expertise, acting as intermediaries between the field operators, other brokers and high-level criminals (European Union Drug Agency, 2022). They may be working for large criminal organizations; however, they mostly operate independently. They are involved in every step of the supply chain, connecting suppliers in Latin America to traffickers in the EU and traffickers to other service providers giving logistical support to the organization. Drug brokers are mainly based in South America, since there, they have the possibility to establish direct connections with cocaine producers. They either concentrate on a specific stage of the overall cocaine chain or they control several steps, holding more crucial positions within the network.

The main purpose of every organized criminal group is to maximize the profits. Since the cocaine supply chain is so long and full of obstacles, it is essential for criminals to ensure that the drug safely arrives at destination, because all parts of the network depend on the others (if a container is confiscated by the LEA in the port of Rotterdam, European criminal distributors and retailers won't receive the product and they won't pay the suppliers). Therefore, because of the multiple risks of prosecution, arrest, drug seizures and gang violence, secrecy and mutual trust between the criminal members is a crucial feature.

The criminal network theory emphasizes the "group" element of TOC, examining the connections between the units, which are called "nodes". The links or ties between the units represent the multitude of relationships among them. This approach is particularly useful in light of the dynamic and adaptive nature of criminal networks, since actors can join or leave the network and each of them has a different role and a different importance in it. Moreover, the network analysis allows us to include in the picture brokers and facilitators (chemists, lawyers, bankers, …), who are not part of the criminal organization, but they play a key role either in connecting the nodes, which would otherwise be disconnected, or in providing specialized skills and knowledge.

When it comes to TOC, the complexity of the crime script rises, and the range of participants is wider than in local contexts. The single nodes are connected to larger international drug networks, with ties mostly based on economic and strategic interests. Network centralization measures the extent to which one node is highly central in the network, meaning how well connected to the other nodes it is. This is useful to identify the most influential actors within the network, facilitating LEA to target whose nodes with a higher positional importance, considering the number of ties an actor has with the other nodes (degree centrality), the extent to which an actor acts as a bridge between otherwise disconnected nodes (betweenness centrality) or the connections an actor has with other high-degree centrality actors (eigenvector centrality).

IV. CONCLUSIONS

Crime has become borderless, with the majority (68 %) of the most threatening criminal networks having activities and presence in both EU and non-EU countries (Europol, 2024). Networks operating transnationally in drug trafficking have established connections and partnerships with other groups, often thanks to brokers, who bridge criminal groups and are the link permitting distant and different organizations to build strategic alliances. This paper has analyzed some of the main networks involved in the cocaine traffic from Latin America to Europe, which is one of the most profitable criminal markets, attracting a multitude of criminal organizations. The route for drug to arrive in Europe is long and full of impediments, with different criminal groups engaged in specific stages of the supply chain, requiring a certain degree of expertise and collaboration for the drug to arrive safely at its destination. The risks and costs are high, and there is not one single organization in charge of the whole supply. The international cocaine traffic is not a monopoly, but rather a multinational and multipartisan business worth billions. Understanding the complexity of the networks involved in cocaine trafficking is, thus, key to addressing them: due to the number of criminal groups involved and their international reach, LEAs shall collaborate to fight them through joint actions and investigations. As criminal groups became transnational and began to collaborate with each other, so should the efforts to investigate and prosecute them, otherwise risking creating a situation of "jurisdictional shopping" and impunity.

REFERENCES

Bright, D., & Leiva, A. (2021). Transnational criminal networks. In *Routledge handbook of transnational organized crime* (pp. 35-50). Routledge.

Campana, P., & Giovannetti, A. (2025). The structure of cooperation among organized crime groups: A network study of Merseyside, UK. *Journal of Criminal Justice*, *96*.

Conference (1992). 'Drugs, the New Evil Empire'. RISCT (London) and news agency adn kronos (Rome).

Coutinho, J. A., Diviák, T., Bright, D., & Koskinen, J. (2020). Multilevel determinants of collaboration between organised criminal groups. *Social Networks*, *63*, 56-69.

Europol & EUDA (2022). EU Drug Markets: In-depth analysis - EU Drug Market: Cocaine. https://www.euda.europa.eu/publications/eu-drug-markets/cocaine_en

Europol (2024), Decoding the EU's most threatening criminal networks. *Publications Office of the European Union, Luxembourg*. DOI: 10.2813/811566

Europol (2025), European Union Serious and Organised Crime Threat Assessment - The changing DNA of serious and organised crime. *Publications Office of the European Union, Luxembourg.* DOI: 10.2813/0758057

Hignett, K. (2021). Transnational organized crime and the global village. In *Routledge handbook of transnational organized crime* (pp. 305-317). Routledge.

InSight Crime (2022). Cocaine Brokers: The 'Ndrangheta in South America. https://insightcrime.org/investigations/cocaine-brokers-ndrangheta-south-america/

Jamieson, A. (1999). Cooperation between organized crime groups around the world. *Jahrbuch für internationale Sicherheitspolitik*, 64-76.

Sergi, A. (2016). Nigerian gangs partner with the Sicilian mafia. *Jane's Intelligence Review*, 1-5.

Stevanović, K. (2020). Social ties between criminal networks in cocaine trafficking in Europe. *CRIMEN-časopis za krivične nauke*, *11*(3), 326-345.

Van Doorn, J. (1993). Drug trafficking networks in Europe. *European Journal on Criminal Policy and Research*, *1*(2), 96-104.

Von Lampe, K. (2021). The practice of transnational organized crime. In *Routledge handbook of transnational organized crime* (pp. 200-214). Routledge.

Chinese Triads in the Global Era
From Blood Oaths to Transnational Crime

Nadia Lanero Lanero

Abstract — **This study examines the evolution and expansion of Chinese triads, from their origins as secret societies in the 17th century to their transformation into transnational criminal organizations. Through a historical and contemporary analysis, it explores their illicit activities, such as drug trafficking, cybercrime, and money laundering, as well as their ability to adapt to globalization and use emerging technologies. The paper highlights the role of triads in the global illicit economy, their alliances with other criminal groups, and the challenges they pose to international security. Finally, recommendations are proposed to enhance international cooperation, modernize legal frameworks, and employ advanced technologies to more effectively combat global organized crime., blandit felis.**

I. INTRODUCTION

Blood pacts, ritual sacrifices, and oaths reduced to ashes. Beyond the cinematic aesthetic, these practices have been a fundamental part of the structure of Chinese triads for centuries—organizations that have evolved from secret societies with strict codes of honor to becoming key actors in transnational organized crime. Their adaptability has allowed them to expand beyond China, consolidating their influence in global illicit markets and diversifying their operations in response to the dynamics of globalization. (Bermejo Marcos, 2009)

This paper will analyze the transformation of the triads throughout history, from their origins to their current role in activities such as cybercrime, synthetic drug trafficking, and money laundering. The expansion of these organizations into North America, Europe, and Southeast Asia will be examined, along with their relationship with the Chinese diaspora and their impact on international security. Furthermore, the challenges these organizations pose to governments and global efforts to combat their influence will be discussed. (Bermejo Marcos, 2009)

Through a comprehensive approach, this study will provide insight into how the triads have managed to consolidate themselves in an interconnected world and the strategies required to confront their growing power.

II. ORIGIN, HISTORICAL EVOLUTION, GEOGRAPHICAL REACH AND ACTIVITIES.

Chinese triads trace their origin to ancient secret societies that emerged in the context of deep cultural beliefs and oppression. Initially, ancestor worship occupied a central place in Chinese culture, based on the idea that the spirits of the ancestors influenced the lives of the living. This system of veneration, along with Taoist influences, especially during the Han dynasty, gave rise to secret fraternities that sought to preserve ancestral traditions and resist the corruption and abuse of imperial power. (Booth, 2019)

Later, in the 17th century, during the final years of the Qing dynasty, these groups took on a political dimension. From this emerged the Society of Heaven and Earth, a clandestine organization that fought to restore the Ming dynasty, which had been overthrown by the Qing. Supported by martial arts practitioners in southern China, these societies became involved in revolutionary activities, although their consolidation was also favored by structural causes: during the 18th century, demographic pressure and the marginalization of immigrants and ethnic minorities in southern China led to the proliferation of groups that, excluded from the system, sought protection and well-being through these organizations. The secret societies, by meeting needs unmet by the state and offering collective identity, gained strength and legitimacy among the excluded sectors. (Las sociedades secretas de China, n.d.)

Over time, these groups transformed into structured criminal organizations: the triads. Today (since the 20th century), they operate both within and outside of China and are dedicated to organized crime. Although their main bases remain in Hong Kong, Taiwan, and mainland China, their international expansion has been remarkable, with a presence in countries such as Spain, the Philippines, Thailand, Malaysia, the United States, Canada, Australia, New Zealand, the United Kingdom, Italy, France, Belgium, the Netherlands, South Africa, Russia, Argentina, Chile, Mexico, Peru, Venezuela, Japan, Korea, and Germany. (Booth, 2019).

It is important to highlight their organizational structure, which is unique and distinguishes them from Western mafias. Chinese triads operate through a hierarchical, highly secretive structure that is difficult to infiltrate. Their model is based on cells of three members, where only one maintains contact with other groups, ensuring anonymity, limiting shared information, and complicating police efforts. This unique organization sets them apart from other mafias and enhances their operational efficiency and discretion. (Las sociedades secretas de China, n.d.).

The leaders, known as "snakeheads," oversee criminal activities and human trafficking routes, maintaining an apparently normal life and avoiding any distinctive traits that could reveal their identity. Internal communication relies on a coded language and subtle gestures — such as the way chopsticks are placed or how a glass is held — which reinforces their secrecy. (Las sociedades secretas de China, n.d.)

Admission to the organization is reserved for men of Chinese nationality, with purely Chinese ancestry, under the belief that “pure blood does not betray.” Loyalty is absolute, and any betrayal is punished by death. This rigid structure and internal control make triads one of the most impenetrable criminal networks in the world.

Furthermore, the illicit activities of the triads include drug, arms, and human trafficking, counterfeiting products and documents, extortion, contract killings, cybercrime, and money laundering. Their global expansion has led to conflicts with other criminal groups, including the Yakuza, the Mexican Mafia, Korean Pride, Crips, and Mara Salvatrucha, as well as with the governments of China and Japan, who are trying to combat their influence. (Bermejo Marcos, 2009)

The primary strategy of the triads is to recruit people in their home country, promising them a better life abroad. However, upon arrival at their destination, these individuals are bound for life to the organization, working in exploitative conditions in various sectors.

The combination of their secretive structure, extreme loyalty code, and adaptability has allowed them to consolidate as one of

© 2025 Nadia Lanero Lanero. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

the most powerful and discreet criminal networks in the world. (Las sociedades secretas de China, n.d.)

III. DEFINITION OF THEIR PRINCIPLES, OBJECTIVES, MOTIVATIONS AND VALUES

As mentioned, Chinese triads originate from secret societies that, in the 17th century, pursued political and cultural goals. They emerged as a resistance movement against the Qing dynasty (of Tartarian origin), with the objective of restoring the power of the Ming (who were Chinese), a symbol of Chinese legitimacy. Tradition states that the defenders of the Ming swore to continue fighting in the shadows. This origin provided them with an ideological foundation based on loyalty, personal sacrifice, defense of the homeland, and fraternity among their members. Thus, in this foundational stage, the triads objectives were primarily political, cultural, and patriotic, and the common cause took precedence even over life itself, giving their members a strong sense of belonging and transcendence. (Booth, 2019)

Over time, however, these organizations degenerated into criminal networks. While some of the old principles survive symbolically, in practice the triads have reconfigured as criminal groups with primarily economic motivations. They are no longer driven by patriotic ideals or the defense of ancestral traditions: their current motivations are marked by the pursuit of material gain. As such, the triad societies today are involved in almost all aspects of organized crime, both inside and outside China. (Lau & Iles, 2024)

Despite this evolution, their logic still includes a concept of power that goes beyond mere enrichment. Their disdain for money as a symbol of state sovereignty is revealing: counterfeiting currency is not only an economic strategy but an action with ideological weight. By undermining the value of money, they not only challenge the state by eroding its control over the tangible, but they also aim to collapse the foundations of the system that supports it. In this sense, the triads are not just interested in accumulating wealth, but in imposing an alternative order governed by their own rules, internal loyalty structures, and collective identity outside the law. (Riera, 2014)

However, the newer generations are moving away from the noble ideals behind some versions of the triad origin legend, and this is precisely what causes their current objectives to be unclear. In other words, even this ideological dimension seems to be fading, and today their real objectives are more diffuse, with a clear predominance of the interest in informal power and control over illegal markets. (Riera, 2014).

IV. INDICATION OF THEIR FIELD OF ACTIVITY

Chinese organized crime groups evolve rapidly and form alliances quickly, making them extraordinarily difficult to investigate. Like large criminal organizations, they engage in any activity that generates money.

They control the illegal trafficking of people, drugs, and weapons, and are involved in counterfeiting and distributing products, prostitution, extortion, kidnapping, money laundering, and financial fraud. They also play a key role in drug trafficking, especially in the heroin trade from Southeast Asia and the production of synthetic drugs. Additionally, their influence in strategic ports facilitates arms smuggling and human trafficking, while their involvement in cyber piracy and illegal e-waste recycling generates significant income.

V. THE TRIADS IN THE ERA OF GLOBALIZATION

Chinese Triads, which originated in the 17th century as secret societies with political and cultural purposes, have significantly evolved in the era of globalization, expanding their influence beyond the borders of mainland China. Currently, these criminal organizations have a notable presence in North America, Europe, and Southeast Asia, adapting to the economic and technological dynamics of each region. (Bermejo Marcos, 2009) (Lau & Iles, 2024).

A. Expansion Outside of China

The Chinese Triads have used the Chinese diaspora to facilitate their proliferation and global expansion, establishing themselves in various parts of the world. In North America, groups like the "Big Circle Boys" settled in Canadian cities in the 1990s, diversifying their illicit activities and forming strategic alliances with key players in global organized crime, such as Mexican cartels in fentanyl distribution. In Europe, the growing Chinese community has coincided with an increase in Triad activity, which has led to agreements with Italian mafias to manage counterfeiting and smuggling networks. Furthermore, in Southeast Asia, these organizations have taken advantage of lax law enforcement to expand their operations in gambling and online scams. These collaborations not only strengthen the Triads' power but also allow them to diversify their sources of income while reinforcing transnational illegal economies. (Bermejo Marcos, 2009).

B. Illicit Activities: from Opium Trafficking to Financial Crimes and Cybercrime

Today, Chinese Triads, traditionally linked to opium trafficking, have significantly diversified their activities toward cybercrime and financial crimes. They use technologies such as cryptocurrencies and clandestine banks to launder money from illicit activities like drug sales, especially fentanyl, in collaboration with Mexican cartels. They have also adapted to the use of encrypted platforms to coordinate their operations and carry out hard-to-trace transactions. Among their new practices are ransomware, hacking, data theft, and online scams known as "pig butchering," in which they deceive victims into investing in fraudulent schemes, allowing them to generate multimillion-dollar losses and further diversify their sources of income while operating with greater anonymity.

C. Relations with other Criminal Groups and their Impact on the Global Illegal Economy

The Triads have established strategic alliances with other criminal organizations, such as Mexican cartels, facilitating money laundering and international drug trafficking. These collaborations have strengthened global illegal economies, challenging authorities' efforts to dismantle these networks. The Triads' ability to adapt and exploit the opportunities presented by globalization makes them key players in the landscape of transnational organized crime.

VI. CHALLENGES AND COMBAT STRATEGIES

Chinese Triads have established themselves as an "International Threat" due to their ability to form global connections and alliances with other criminal organizations. This transnational expansion has allowed the Triads to develop both illicit and legitimate activities across various countries. (Lau & Iles, 2024) What distinguishes these organizations from common crime is their highly specialized and structured modus operandi, enabling them to operate with great discretion and efficiency.

Globalization has played a key role in the expansion of the Triads, shortening distances and facilitating global interconnection across various economic, technological, and social sectors. This has enabled them to take advantage of technological advances, such as modern communication systems and digital networks, to streamline their structures, maximize profits, and make it harder for authorities to intervene. By operating in decentralized networks, the Triads minimize the

accumulation of evidence, complicating investigations and enforcement actions. (Lau & Iles, 2024)

The impact of the Triads on international security is significant, as the threat is no longer solely based on controlling resources and territory, but on gaining access to and controlling information. (Lau & Iles, 2024) This transformation in the nature of threats has created new vulnerabilities in the security systems of countries, given the immense economic power and the Triads' ability to access and use confidential information to expand their businesses.

Despite international cooperation efforts, combating the Triads remains a complex task. Examples like the 'Dragon' operation in New York, in which human trafficking networks were dismantled, show significant progress, but the lack of consistent cooperation between countries remains a challenge. Disparate legal systems and restrictions on extradition laws between countries like China and others make implementing effective dismantling measures difficult.

The fight against these organizations requires a global and coordinated approach. (Broadhurst & Wang, 2016) Governments have implemented international cooperation strategies, but difficulties persist. Lack of resources, corruption in some countries, and the sophistication of criminal networks complicate the effectiveness of responses. Additionally, the business structures and high financial capacity of the Triads allow them to operate resiliently and durably, presenting a constant challenge for authorities. (Broadhurst & Wang, 2016)

VII. CONCLUSIONS

Chinese Triads, originating from ancient secret societies, have proven to be one of the most resilient and adaptable criminal organizations in the world, navigating the shifting tides of history and, above all, capitalizing on the opportunities globalization has offered them. Their evolution and the continuity of their practices over the centuries underscore their resistance to eradication efforts, as they adapt to political, economic, and social changes without losing sight of their core goals: power, control, and economic gain. One could say that the traditions and practices of Chinese secret societies have left an indelible mark on the cultural and social landscape, reminding us that history and tradition continue to shape our present. As a Chinese proverb says, “The past is a prologue.”

Despite international and governmental efforts to curb their expansion, the Triads have continued to grow, pushing organized crime beyond national borders and into a truly global dimension. Globalization has allowed the Triads to exploit digital systems and encrypted platforms to carry out illegal activities with unprecedented efficiency and discretion. At the same time, their ability to forge strategic alliances with other criminal groups—such as Mexican cartels and European mafias—has cemented their position in a transnational network that challenges the capabilities of law enforcement authorities. (Broadhurst & Wang, 2016).

Moreover, as national borders blur and illegal markets become increasingly globalized, criminal models are growing ever more sophisticated and difficult to dismantle. International authorities are beginning to respond, but efforts remain insufficient, and numerous obstacles continue to allow these organizations to thrive.

It is also important to emphasize that the future of transnational organized crime is not defined by the Triads alone. Other criminal organizations are beginning to imitate this transnational model, leveraging global interconnectivity to expand their illicit activities. (Las sociedades secretas de China, n.d.).

To confront this challenge, it is crucial that governments and international bodies collaborate more effectively, implementing preventive strategies and strengthening shared intelligence. Legal frameworks must be modernized to adapt to new threats such as cybercrime and cryptocurrency use, while international cooperation should be reinforced through transnational agreements. Additionally, investing in advanced tracking technologies—such as artificial intelligence to identify illicit activity patterns on digital platforms—could be key to fighting global organized crime more effectively. (Bermejo Marcos, 2009).

Unless deep reforms are made in cooperation and security approaches, the Triads will remain a significant threat to global security.

REFERENCES

Bermejo Marcos, F. (2009, diciembre). La globalización del crimen organizado. Eguzkilore, (23), 99–115. http://www.elmayorportaldegerencia.com/Documentos/Crimen%20Organizado/[PD]%20Documentos%20-%20La%20globalizacion%20del%20crimen%20organizado.pdf

Booth, M. (2019). Patriotic Chinese Triads and Secret Societies. Asian Affairs, 50(4), 537–553. https://doi.org/10.1080/03068374.2019.1636515

Broadhurst, R., & Wang, P. (2016). Traditional organized crime in the modern world: How Triad societies respond to socioeconomic change. International Journal of Law, Crime and Justice, 44, 103–122. https://www.researchgate.net/publication/302455451_Traditional_Organized_Crime_in_the_Modern_World_How_Triad_Societies_Respond_to_Socioeconomic_Change

Chin, K.-L., & Zhang, S. X. (2002). Black societies and triad-like organized crime in China. Trends in Organized Crime, 7(3), 40–47. https://www.researchgate.net/publication/256032254_Black_Societies_and_Triad-Like_Organised_Crime_in_China

FBI. (2007). Chinese transnational organized crime: The Fuk Ching. National Institute of Justice. https://www.ojp.gov/pdffiles1/nij/218463.pdf

Kaplan, D. E., & Dubro, A. (2003). The evolution of Chinese Triads: From religious cult to criminal gang (Part 1). Office of Justice Programs, U.S. Department of Justice. https://www.ojp.gov/ncjrs/virtual-library/abstracts/religious-cult-criminal-gang-evolution-chinese-triads-part-1

Las sociedades secretas de China: Del culto de los ancestros a los Triadas. (n.d.). SenderosCultos. https://senderoscultos.net/perspectivas-globales/sociedades-secretas-china-culto-ancestros-triadas/

Lau, S. S. Y., & Iles, C. (2024). Chinese triads and the notion of territory. Criminology & Criminal Justice. https://doi.org/10.1177/17488958241301947

Riera, A. (2014). La mafia china: Las tríadas. Editorial Almuzara.

Triadas: historia real del crimen organizado. (2020). Basadoenhechosreales. https://basadoenhechosreales.com.ar/proyecto-triada-historia-real/?shared=false#origen_y_evolucion_de_las_triadas

"Thieves in Law" as a Criminal Subculture

Legal Challenges in Combating Russian Mafia Hierarchies

Alisa Liven

Abstract — **This article explores the notion of elite violence in Russia in the face of so called "thieves in law", the authorities of the criminal underworld. Paper aims to analyze how this subculture influenced the development and resilience of the Russian mafia. The first part of the paper focuses on the historical and sociocultural foundations of this criminal fraternity, focusing on its rituals, values, symbols, and hierarchical structure, with particular attention to its activity during the collapse of the Soviet Union and a shift to the market economy. The second part of the paper examines how legislator addresses organized crime, tracing the evolution of legal reforms aimed to dismantle criminal hierarchies.**

I. INTRODUCTION

Organized crime in Russia has developed along a distinctive historical path: fully emerging in the early 20th century, the Russian mafia expanded rapidly and reached its most influential and visible phase during the 1990s. In recent years, however, it has adapted to increased state pressure by retreating into a more subtle and decentralized form. Some scholars argue that it turned out to be the "one generation phenomena" (Paoli, 2014). But in fact organized crime in Russia is still a pressing issue, as evidenced by recent legislative attempts to criminalize participation and increase penalties for members of criminal fraternities, which will be discussed later in the paper.

To start, it is necessary to grasp general idea of how Russian organized crime emerged. There is evidence that banditry already existed during Tsarists Russia (Cheloukhine, 2008). Nevertheless, the true formation of the Russian mafia began in the aftermath of World War I, the Russian Revolutions, and the subsequent civil war. Main cause of growth of the organized criminal activity in Russia was political instability and crisis. Its origins can be traced to the GULAG—the vast Soviet system of nearly 500 forced labor camps—which housed approximately 18 million prisoners between the 1920s and 1950s (Lonsky, 2020). It was within this brutal and highly controlled settings where foundations of organized criminal networks were laid. Within this environment, the criminal class began to self-organize, developing a strict set of rules and a distinct code of behavior among inmates. It was under these conditions the criminal elite emerged—those who upheld and enforced this code—ultimately becoming known as the 'Thieves in Law' (Vory v Zakone) or also referred as "Thieves Professing the Code (Serio & Razinkin, 1995).

© 2025 Alisa Liven. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

II. SUBCULTURE AND STRUCTURE OF RUSSIAN MAFIA

An understanding of the subculture of Thieves is essential to fully grasp the nature and structure of the Russian mafia, as they are the main reason of Russian mafia's success and worldwide recognition. The status of vor (thief) is the highest rank within the criminal hierarchy. Vory v zakone are mediators, moral authorities and enforcers at the same time (Galeotti, 2018). They held significant power within criminal organizations, in addition they held control over the obshchak—a communal fund used to support imprisoned members, finance bribes, and sustain operations. Holder of the Vor title is a criminal who has been admitted into the ranks of the leadership within organized criminal groups and who adheres strictly to the unwritten laws governing the criminal underworld – Code of Honor (Vorovskoy zakon) (Varese et al., 2021).

The Code itself is very particular and strict: Thieves do not acknowledge state laws and it is forbidden to communicate with authorities. Before it was disputed whether it was allowed to serve military service in war; traditionalist approach argued against it. According to the Code, all the vory who fought for their country during the war stepped outside the "law". (Varese et al., 2021) That argument caused so called "Bitches war", one of the first major conflicts within criminal fraternity. Those who joined Soviet Army, upon the return were labeled as bitches (suki). Government authorities tried to use this as an instrument to exterminate criminals at the hands of their own colleagues. (Varese et al., 2021). Subculture of the thieves is very strong and distinctive, it's attributive elements constitute special language, tattoos, nicknames, gestures, and a collection of "folklore" containing underworld songs and lyrics. (Pareniuc & Nastas, 2025). Religious and quasi-religious symbolism played a significant role within the subculture. Since the formation of the Code occurred primarily in prisons, where criminals often shared cells with priests convicted for their faith—due to the Soviet Union's policy of state atheism—religious imagery became a prominent feature. One such symbol is the tattoo of a church, where the number of domes represents the number of prison terms served. (Galeotti, 2018). Another distinctive symbolic tattoo is the depiction of epaulets, which serves as a rejection of state authority and a declaration of loyalty solely to the Code of Honor.

In order to be crowned Thief in law, candidate must have spent considerable time in prison. Usually to deserve this status a candidate must have the support of key criminal authorities, including at least two other holders of the title. While the process can vary by country and leader, common elements include the necessity of backing from criminal authorities in Moscow. The crowning is typically performed by 2-3 individuals who hold the title, and the news are then communicated to all underworld leaders,

either verbally or in writing, and relayed to criminal authorities both in the region and in places of detention. It is important to note that thieves are very determinate to follow their code of honor. The most severe violation of the Code included: murdering or insulting another thief; stabbing, strangling, generally killing a prisoner just because the killer wanted it or out of boredom; stealing from other inmates; causing scandals with comrades or members of the prison leadership etc. (Pareniuc & Nastas, 2025). Thieves were required to follow a certain lifestyle: they weren't allowed to have a job or work for the benefit of the society, to have a family, to take drugs or consume alcohol. Nevertheless, since the Code is an unwritten body of law, the content is subject to a change. It is also evident that with the passage of time strict rules of the Code are being neglected. It had become a widespread practice to buy titles even without serving a term in prison, or marrying, or collaborating with authorities. This led to even more fragmentation and conflicts within and among fraternities.

The most active and prosperous period for the Russian mafia—and for the vory in particular—was the 1990s, marked by political instability and the chaotic transition to capitalism. Collapse of USSR followed by the absence of legislative regulations of newly emerging institutions of market economy created ideal conditions for the rapid expansion of organized crime and banditry. Launched privatization was not backed up with protection of property rights, or adequate business and tax regulation. State was not able to protect its own citizens, thus there was a demand for protection by non-state actors which Vory were ready to provide. Thus, they served as a sort of substitute for weak state institutions. (Varese, 2004; Varese et al., 2021). Vory succeeded in the integrating and controlling market economy by 3 main means: protection rackets, enforcement partnership, and stock ownership (corporate control). (Paoli, 2014). The Russian mafia was primarily organized along geographical lines. As a result, some of the most prominent criminal fraternities were named after specific areas, such as the Izmailyovskaya criminal group, which took its name from the district in East Moscow. Another example is Solntsevskaya Bratva one of the largest clans operating in Moscow had approximately 9,000 members. However, only 12 of them were vory. In the 1990s Mafia's presence was vast. Between 1994-97, 290 subregions (10%) had mafia presence, including ten most populous cities in Russia (Lonsky, 2020).

III. MEANS OF COMBATING MAFIA HIERARCHIES IN RUSSIA

After the "wild nineties" there was a need for restoring social security and strengthening of law enforcement. Since taking office in 2000, Vladimir Putin's presidency has been characterized by an authoritarian policy. As a former KGB officer he made fight against organized crime one of his main priorities as indicated by the Russian National Security Strategy approved by the President (Varese et al., 2021).

Initially, Russian criminal code of 1996 defined a criminal organization rather vaguely, emphasizing characteristics such as cohesiveness and stability without clearly outlining structural elements. This often led to confusion in law enforcement and legal practice, particularly regarding how to distinguish between organized groups and full-fledged criminal communities.

However, the legal definition was significantly clarified in the 2009 reform (Federal Law No. 245-FZ), signed by the President. The revised Article 35, Part 4 of the Criminal Code stated that a criminal community (or criminal organization) is a structured organized group or an association of organized groups acting under unified leadership, with the intent to commit one or more serious or especially serious crimes for financial or other material gain. Importantly, the reform replaced the ambiguous concept of "cohesiveness" with clearer criteria like structuring, centralized leadership, and material motivation. It also introduced the requirement of structural subdivisions within the group—though the law still lacked a precise definition for this term. As a result, an organized group without internal subdivisions may no longer meet the threshold for being classified as a criminal organization under those legal standards (Mondokhonov, 2009). Changes were also made in Article 210, which plays a significant role in law enforcement practice. According to Part 1, criminal liability applies not only to the creation and leadership of a criminal organization but also to broader coordinating activities—such as organizing links between separate criminal groups, planning crimes, dividing territories and profits, or influencing members of organized groups. A key change is the criminalization of coordinating and influencing by individuals with authority in the criminal underworld. The law focused more precisely on the role of such coordinators, which has helped bring clarity to legal enforcement. Additionally, the law replaces the older term "association of leaders" with "gathering of organizers or leaders," making it easier to prosecute participants in mafia-style meetings without needing to prove a formal structure. The goal of such gatherings is now considered to be the commission of serious crimes, not merely planning or preparation. Finally, Part 4, introduced in this reform, for the first time defines and criminalizes the role of a person holding the highest position in the criminal hierarchy. Nevertheless, the mere fact of holding the top position in the criminal hierarchy was not enough to convict them. In this case, the status serves as an aggravating factor that enhances criminal liability; however, proving active organizational involvement—such as planning, coordinating, or structuring the criminal group—remains a necessary legal requirement. It is also evident that it is quite challenging to invoke that norm, since it is hard to prove all of those factors.

In order to address that gap, legislator introduced a new reform to the Criminal Code in 2019 (Federal Law No. 18-FZ of 1 April 2019). New article 210.1 establishes criminal liability solely for occupying the highest position in the criminal hierarchy, without linking it to the commission of any specific crimes or participation in organized criminal activity. This norm explicitly targets figures like Thieves in law. It is sufficient to establish the status of a person as a criminal authority with recognition within the criminal environment and influence on its functioning. Thus, this norm criminalizes the status itself, which raises justified criticism from the position of the theory of criminal law and its compliance with

presumption of innocence.(Karmanovsky & Kosyanenko, 2019). Hence, Article 210.1 reflects a preventive approach aimed at neutralizing criminal influence even before the commission of specific crimes, while Part 4 of Article 210 applies to realized forms of criminal organizational activity burdened with a high position in the hierarchy. Taken together, these norms demonstrate the legislator's desire for a differentiated response to varying levels of organized crime, but at the same time create a tension between the preventive objectives of criminal law and the principle of guilt for the act committed. The paradox is that by attempting to make the prosecution of organized criminal groups more effective, the legislator risks undermining one of the main principles of criminal law – the presumption of innocence. This is particularly noticeable in cases where the focus is not placed on a person's actions, but on their identity and role they hold. Such logic contradicts the basis of criminal responsibility, which should be based on the proven fact of a criminal act.

As a result, although Article 210.1 is formally aimed at combating crime, it's application without strict adherence to the presumption of innocence may lead to arbitrary punishment for 'criminal status' alone. It is therefore particularly important that courts and investigators approach such cases with special care, assessing not status but actual actions and evidence.

Thus, modern Russian criminal legislation demonstrates a desire for a comprehensive and multi-level regulation of organized crime. The transition from the classical model of 'organized group' to the recognition of criminal hierarchy and criminal authority as independent objects of criminal law impact represents a qualitative shift in the paradigm of the fight against the mafia. It demonstrates the recognition by the legislature of the social danger not only of criminal acts, but also of the mechanisms of criminal self-governance, including the status of the Thief in law as a destructive element of society.

IV. CONCLUSIONS

The phenomenon of "Thieves in Law" represents a complex intersection of criminal culture and hierarchical power within the Russian mafia. The deep-rooted subculture of the "vory" with its strict code of conduct, rituals, and symbols has been a key element in shaping criminal landscape in Russia as well as the resilience and global prominence of criminal organizations. Russian experience demonstrates a continuous struggle to balance effective law enforcement with the fundamental principles of justice. While legislative reforms have made strides in targeting the organizational structure of the mafia, the fight against entrenched criminal hierarchies remains a challenging and important issue. The "Thieves in Law" continue to represent a symbol of opposition against state authority, and their influence in shaping both criminal activity and the legal system itself remains profound. As such, the evolution of Russian criminal law will need to remain adaptable to the ever-changing nature of organized crime while safeguarding fundamental rights and principles of justice.

REFERENCES

Alexandru PARENIUC & Andrei NASTAS. (2025). A History of the "Thieves in Law." ACROSS Journal of Interdisciplinary Cross-Border Studies, 8(4). https://doi.org/10.35219/across.2024.4.03

Cheloukhine, S. The roots of Russian organized crime: from old-fashioned professionals to the organized criminal groups of today. Crime Law Soc Change 50, 353–374 (2008). https://doi.org/10.1007/s10611-008-9117-5

Galeotti, M. (2018). The Vory: Russia's super mafia. Yale University Press.

Karmanovsky, M., & Kosyanenko, E. (2019). Responsibility for crimes under the articles 210 and 210.1 of the Criminal Code of the Russian Federation. Vestnik of the St. Petersburg University of the Ministry of Internal Affairs of Russia, 2019(2), 147–152. https://doi.org/10.35750/2071-8284-2019-2-147-152

Lonsky, J. (2020). Gulags, Crime, and Elite Violence: Origins and Consequences of the Russian Mafia. SSRN Electronic Journal. https://doi.org/10.2139/ssrn.3726319

Mondokhonov A., 2009. Organizing an Criminal Society (Criminal Organization): New Wording of articles 210 and 35 of the Criminal Code of the Russian Federation. Siberian Legal Bulletin, (4), 45-48.

Paoli, L. (Ed.). (2014). The Oxford handbook of organized crime. Oxford University Press.

Serio, J. and V. Razinkin. (1995), 'Thieves Professing the Code: The Traditional Role of Vory v Zakone in Russia's Criminal World', Low Intensity Conflict and Law Enforcement, 4: 72–88.

Varese, F. (2004). The Russian mafia: Private protection in a new market economy (Nachdr). Oxford Univ. Press.

Varese, F., Lonsky, J., & Podvysotskiy, Y. (2021). The Resilience of the Russian mafia: An Empirical Study. The British Journal of Criminology, 61(1), 143–166. https://doi.org/10.1093/bjc/azaa053

The Role of Transnational Organized Crime in the Global Trade of Endangered Species

Unmasking the Criminal Networks threatening Biodiversity and Governance

Valerio Lombardi

Abstract — **This paper illustrates the global issue of illegal wildlife trade, a multi-billion-dollar criminal enterprise conducted by TOC groups. The research highlights the devastating consequences on biodiversity, local economies and governance structures, by focusing on the operational techniques of this criminal activity and the drivers behind each step of it, for the sake of investigating an efficient long-term solution to this issue. Notwithstanding the efforts made, like international enforcement operations and CITES, in fact, the challenge against corruption, weak governance and market demand is still problematic. Therefore, this paper holds that combating IWT requires a stronger and more comprehensive tactic in order to strengthen enforcement, international cooperation and community engagement, while reducing demand.**

I. INTRODUCTION

The loss of biodiversity is one of the main environmental issues the world is facing nowadays and a key aspect of it is the poaching and trafficking of wildlife. In the past, the latter was portrayed as a small-scale and local activity, illegally conducted by collectors or opportunists. However, today, this image has changed: the illegal wildlife trade, or IWT, is one of the most profitable criminal enterprises in the world, in which transnational organized crime groups are heavily involved through the activities of poaching, trafficking and smuggling endangered species (United Nations Office on Drugs and Crime, 2024). This trade of animal parts, such as ivory, pelts and rhino horns, has devastating ecological consequences, leading to the decline of vulnerable species, while financing criminal activities. In fact, according to the UNEP-INTERPOL reports conducted in 2016, the illegal trade in wildlife is estimated to have a value up to USD 20 billion per year, making it the fourth biggest illegal trade in the world. Additionally, other unlawful activities, including money laundering, corruption and fraud, are often associated with this kind of crime. Consequently, the scale of this phenomenon has drawn the attention both from a scientific-scholar perspective and from the legislative one, bringing to the development of discussions about the most efficient countermeasures to be taken in order to combat illegal wildlife trade.

This paper aims, therefore, at exploring how organized crime networks operate to supply this illicit trade, the environmental, economic and social consequences of this phenomenon and the global efforts to combat this threat. This analysis is, moreover, sustained by some real cases serving as examples and by some challenges to combat TOC and wildlife trafficking.

© 2025 Valerio Lombardi. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

II. TOC METHODS BEHIND WILDLIFE TRAFFICKING

The illegal wildlife trade is a global industry that involves the poaching, trade, sale and use of a wide range of animals and plants or of their parts for different purposes. Specifically, IWT is characterized by the fact that it is conducted in violation of environmental regulations, being governmental legislation or international agreements, such as the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). This trade affects thousands of species, but some of the most high-profile ones include elephants, tigers and rhinos due their specific products, like ivory, pelts and horns, that are demanded for their rarity. However, this illicit activity is also driven by the supposed medicinal and status-enhancing properties of some items coming from these endangered species. Additionally, the increasing consumption of wildlife products in countries like China and Thailand is playing a big role in the expansion of this market (Phelps et al., 2016).

The result of this is an illegal market worth around USD 20 billions per year, that is controlled by transnational organized crime groups through cross-continental operations. These criminal networks are able to manage every step of these operations, from poaching and selling to laundering money through legitimate business activities thanks to their complex and hierarchical structures (Masterson, 2023).

The activity of TOC groups in this field is, in fact, based on international cooperation between criminal syndicates, which allows them to exploit weak governance, tense political climates and corruption. A typical scenario in regions under conflict, such as some African countries, is the formation of alliances between the criminals and militant groups. In fact, the first tend to fund illegal operations, including wildlife trafficking, to fuel conflicts and generate income for weapons purchases (Wyatt et al., 2020) . According to a 2020 report by the UNODC, corruption is a feature in nearly every wildlife trafficking scenario, as it allows organized crime to exploit countries with weak institutions. Some of the most common forms of corruption are the bribery of border officials to ignore illegal cargo; the complicity of law enforcement, which can take place actively or not; political protection; and manipulation of environmental regulations through lobbying or false licensing (Wyatt, 2017).

Furthermore, IWT is often related to other crimes, such as arms trafficking, corruption, money laundering and the use of falsified documents or encrypted communications to avoid detection. The latter, together with the fact that these groups are deeply embedded in

local power architectures, hugely complicate the efforts to combat IWT.

One of the most significant examples of IWT is elephant poaching, as these animals are often targeted for their tusks, used in ornamental jewelry; it's estimated that, on average, 20.000 elephants are illegally killed every year in Africa. TOC groups rely on a network of local poachers, corrupted officials and traffickers to transport ivory from killing fields to consumer markets, which, usually, are located in Asia (Bennett, 2015). These networks are, however, hardly detectable because of their high adaptability and complex mechanism, such as hidden spaces in shipping containers and false documents. Moreover, TOC groups behave opportunistically and are able to change strategies and routes according to the enforcement situations in the countries. All this makes elephant poaching not only a conservation issue, but a serious security and governance problem.

This example is useful to understand the mechanism and methods used by organized crime in IWT. In fact, generally speaking, from an organizational perspective, these networks are decentralized and flexible in order to reduce vulnerability to detection; moreover, they are marked by specialized roles among all the individuals involved in the chain.

The most common routes mirror those exploited in other illicit trades and include mainly Africa to Asia for products like ivory, horns and pangolins; Southeast Asia to Europe and North America for exotic pelts and birds; and Latin America to Asia or Europe for tropical timber and exotic species.

Referring to the smuggling techniques, they include: concealment in legal goods, use of forged CITES permits, small-scale smuggling by air passengers and the dark web or encrypted channels.

A. Environmental, Socio-Economic and Governance Consequences of IWT

Illegal wildlife trade produces several grave harms, covering a range of negative environmental, social, economic and governance consequences. Some of these are direct and can be assessed straightforwardly, as it can be noticed in the case of environmental defender casualties in the fight against poachers, which are estimated to be up to 100 rangers a year according to INTERPOL (n.d.); however, often, it is hard to draw a direct causal link between the criminal activity and the harms, such as for the estimation of government revenues that are lost due to this crime or for the impact of IWT on the ecosystem.

Generally speaking, we can identify three main areas of impacts, namely environmental, socio-economic and governance harms (United Nations Office on Drugs and Crime, 2024).

Starting from the first ones, the major environmental harm caused by IWT is the threat to biodiversity; in fact, by targeting specific animals for their commercial value, criminal organizations accelerate the decline in the population of species that are often already vulnerable and endangered due to other climatic factors. Moreover, IWT reduces genetic diversity, weakening species' ability to adapt according to environmental changes, which increases the risk of their extinction. Beyond this immediate decrease in the population of targeted species, there are cascading effects for the entire ecosystems. For instance, since every organism plays a relevant role in the ecological balance, the removal of certain ones represents an often irreversible harm for the ecosystem (Hughes et al., 2023). Finally, smuggling live animals is likely to increase the risk of spreading invasive species; in fact, non-native animals can prey on native ones, destabilizing, thus, ecological balances. In addition, poorly regulated wildlife trade has been associated with zoonotic disease outbreaks, such as SARS and COVID-19, which marked the beginning of environmental crises.

Moving to the economic and social consequences of this phenomenon, it is important to notice that it undermines sustainable development and economic opportunities, which is translated into destabilization of communities, especially for those that rely on biodiversity as a crucial resource. Specifically, IWT reduces ecotourism revenues, which are essential in areas like Southern Africa and Southeast Asia; moreover, as natural populations fall down, so do jobs related to sectors linked to wildlife. Furthermore, in fishing communities, the illegal trade of marine species means loss of market revenues and long-term food instability (Wyatt, 2021).

Another relevant issue refers to the fact that this kind of trade, as the majority of illegal activities, is a source of poverty and inequality; profits are, indeed, accumulated at the top of the supply chain; while, once enforcement becomes stricter, local communities are criminalized, whereas the "big fish" often escape justice through corruption. It is, then, relevant to consider that wildlife is often also a cultural asset, forming part of the identity of an indigenous group; thus, IWT might be a source of tension between different groups, which can result in potential harm, both from a physical and cultural perspective for those who try to protect natural resources.

In conclusion, illegal wildlife trade represents a great concern also for the robustness of governmental structures. First of all, because, as with other forms of crime, it threatens the rule of law through corruption, money laundering and investments between various crime activities. This issue was recognized, for instance, as a priority to create peaceful societies in the 2030 Agenda for Sustainable Development. Furthermore, wildlife crime causes, also, the potential loss of government revenues, especially for source countries. This is represented by the lack of money flowing to the government in the form of legal harvest, license fees and taxation. To this purpose, a 2019 World Bank report held that governments lose from USD 7 to 12 billion per year from illegal wildlife trade. This was estimated on direct taxation and fees that would have been paid if those activities occurred legally; plus, it also encompasses some estimation of lost revenues from tourism. A last point, that must not to be underestimated though, are the financial costs of enforcement. In fact, the proliferation of this kind of crime has made it necessary to increase investments into conservation and legislative enforcement, potentially diverting resources from other sectors. An evidence of this is a study in Namibia, according to which in 2021 the expenses needed to fight IWT was around 250 million Namibian dollars per year, the equivalent of USD 17 million (Conservation Strategy Fund & Namibia Nature Foundation, 2021). The burden of the expenditures related to such an issue tackles, however,

not only government funds; in fact, significant investments from foundations, partner governments and NGOs are constantly made. For instance, a World Bank review about the resources implied to fight IWT during 2010-2016 calculated annual investments by these agencies of about USD 190 million a year in the world (World Bank, 2019).

B. The Drivers of Wildlife Illegal Trade

For the sake of combating efficiently against IWT, a better understanding of the driving forces behind this phenomenon is crucial. Specifically, the drivers of this crime are represented by complex motivations, based on economic and socio-cultural dynamics.

We can identify three stages of the market chain, each one with its own, yet interconnected, grounds; namely, the sourcing, the illegal trading and the demand in the final market (United Nations Office on Drugs and Crime, 2024).

In the source country, the first step of the process is in the hands of those who collect the wildlife. Obviously, there are professionals that deliberately poach for profit, who usually are not from the local area; but, sometimes, this criminal activity may be conducted by locals that live in communities far away from city centers and, so, with limited state control. Especially in these scenarios, poverty might be a driving factor, as these poachers could decide to exploit the opportunity to draw their livelihood in this way (Wyatt, 2021). However, this is not necessarily the case, as it was demonstrated by a study of 116 prisoners in Nepal, who were convicted due to crimes related to IWT; in fact, most of them argued that poaching was merely an easier way to get extra incomes. This study, therefore, proved that IWT in Nepal was not a primary livelihood necessity.

Moreover, engagement in such activities has historically been observed in situations of human-wildlife conflicts. A UNODC survey, for example, reported the interview of a prisoner in Indonesia, who admitted to having helped a friend poison an elephant, who was ruining crops, and then to have taken and sold the ivory (UNODC, n.d.). In addition, especially opportunistic criminals in this field are often blinded in acknowledging the illegality of their actions by their ignorance of the law. This is due both to the poverty in which they live in and to the complexity and quick developments of legal provisions in some countries. However, this lack of perception of illegality in such subjects is used by TOC groups to capitalize through the fruits of the poaching.

Occasionally, involvement in IWT can also be linked to cultural traditions; to cite an example, in the periphery of Chinko reserve, in the east of the Central African Republic, the hunting of elephants is a radical component of the cultural identity of those peoples, being a sign of bravery.

The following stage is trading, where the majority of illegal traders are, instead, fully aware of the crimes they are committing. However, there might be exceptions, such as tourists buying exotic products, who may contribute unintentionally to the phenomenon.

The main driver behind IWT is, obviously, profit coming from the demand of specific products. However, traffickers don't simply meet the demand, they manipulate the market, trying to rebrand products, as it occurred with rhinoceros horns, which were at first sold as daggers, then as cancer remedies and finally as pieces of collection (United Nations Office on Drugs and Crime, 2014). Moreover, some illegal trades take place due to the slowness and the high costs of legal compliance; as a response to this, traders tend to skip taxes and licenses recurring to illegality.

Finally, the engine of the entire activity is demand. This is driven by different sources; the first of which is the consumption of wildlife meat, such as that of turtles, sharks and pangolins, as a delicacy or cultural tradition, especially in Asia and Central Africa. Another common use of animal parts is destined to medicinal practices, among which, especially, the Traditional Chinese Medicine, that employs rhino horns, tiger bones and other products to treat conditions such as fever and cancer.

Furthermore, items such as ivory carvings, mounted trophies and tiger skins are bought as collectibles to symbolize wealth and social status.

Other drivers behind the demand that fuel IWT are the use of some animal products in luxury fashion and the desire to have exotic pets.

C. Efforts and Challenges in Combating IWT

The fight against IWT is based on a multilayered strategy that encompasses international treaties, national legislation and institutional coordination. A key international agreement is CITES, which regulates trade through a system of permits and divides species in three appendices, according to their level of threat. The treaty has been signed by 183 states so far, making it one of the most important environmental agreements globally.

Moreover, countries are acting against IWT through national policies and law enforcement actions; for instance, many countries decided to strengthen the penalties and to establish dedicated wildlife law enforcement agencies, such as the NWCU in the UK, but also to make use of advanced technologies, like drones and satellite monitoring in order to track illegal wildlife trade routes (World Wide Fund for Nature, n.d.).

Additionally, INTERPOL and UNODC play crucial roles in combating this crime, as they facilitate international cooperation between governments and NGOs for the purpose of law enforcement. Specifically, INTERPOL manages a platform for sharing intelligence globally and organizes joint operations, such as Operation Thunderstorm; the latter targeted criminals behind the illegal trade and involved police, customs, border, environment and wildlife agencies in 93 states, which brought to almost 2000 seizures and the identification of 1400 suspects worldwide (INTERPOL, n.d.). Moreover, UNODC assists countries to build their legislative battle against IWT, also implementing international agreements, among which we find CITES.

Nevertheless, TOC poses great challenges in the fight against this crime, starting from the problems related to law enforcement in this field. These are due to corruption among government officials, but also to the lack of resources in many countries, which are, therefore, not able to monitor and prosecute trafficking cases effectively. Moreover, in some cases governments may not prioritize IWT due to competing national interests, especially where wildlife trafficking is closely related to local economies.

To worsen the situation there are the vast networks TOC groups have built, especially in politically unstable countries (Wellsmith, 2011).

So, notwithstanding the increasing efforts made globally, international cooperation and national enforcement need to be strengthened, but at the same time it's essential to intervene in tackling the demand by promoting sustainable alternatives and to support local communities, offering them alternative livelihoods and trying to engage them in conservation efforts, in order to shift locals from trafficking toward protection of wildlife (Cooney et al., 2017).

III. CONCLUSIONS

The illegal wildlife trade has evolved from a small-scale crime to a global criminal activity intricately related to transnational organized crime, corruption and many other illegal activities. TOC groups, in fact, have built an industry worth billions through the exploitation of weak governance, corruption and the growing demand for wildlife products. This threatens both biodiversity and socio-economic stability, as, on the one hand, it contributes to the decline of endangered species, which devastates ecological systems; and, on the other, it destabilizes local communities, creating inequality, while hindering sustainable development, as it can be seen in the loss of eco-tourism revenues and job opportunities. Furthermore, this trade menaces public trust in institutions and diverts resources away from other social fields.

Despite global efforts, including the CITES agreement and the projects by INTERPOL and UNODC, the fight against IWT remains highly problematic, especially in countries with political instability, where limited resources and competing national interests tend to undermine enforcement.

Thus, it is evident that the battle against IWT requires a more convinced and multifaceted approach; this calls for stronger international cooperation and national enforcement, but also for the need of tackling root causes, such as poverty and consumer demand. Therefore, IWT can be efficiently defeated if faced both from a high and a low level, meaning that it is necessary to have strong cooperation among states, but also new opportunities and awareness for inhabitants of the regions where this crime occurs.

REFERENCES

Bennett, E. L. (2015). Legal ivory trade in a corrupt world and its impact on African elephant populations. Conservation Biology, 29(1), 54–60.

Cooney, R., Roe, D., Dublin, H., Phelps, J., Wilkie, D., Keane, A., ... & Biggs, D. (2017). From poachers to protectors: Engaging local communities in solutions to illegal wildlife trade. Conservation Letters, 10(3), 367–374.

Conservation Strategy Fund, & Namibia Nature Foundation. (2021). The costs and benefits of curbing illegal wildlife trade in southern Africa: Results for Namibia. Conservation Strategy Fund. https://www.conservation-strategy.org/publication/costs-and-benefits-curbing-illegal-wildlife-trade-southern-africa-results-namibia

Hughes, L. J., Morton, O., Scheffers, B. R., & Edwards, D. P. (2023). The ecological drivers and consequences of wildlife trade. Biological Reviews, 98(3), 775–791.

INTERPOL. (n.d.). Wildlife crime. https://www.interpol.int/Crimes/Environmental-crime/Wildlife-crime

Masterson, V. (2023, December 5). Illegal wildlife trade is a top global crime, INTERPOL says. World Economic Forum. https://www.weforum.org/stories/2023/12/interpol-combats-illegal-wildlife-trade/

Phelps, J., Biggs, D., & Webb, E. L. (2016). Tools and terms for understanding illegal wildlife trade. Frontiers in Ecology and the Environment, 14(9), 479–489.

United Nations Office on Drugs and Crime. (2024). World wildlife crime report 2024: Trafficking in protected species (3rd ed.). United Nations. https://doi.org/10.18356/9789211064582

Wellsmith, M. (2011). Wildlife crime: The problems of enforcement. European Journal on Criminal Policy and Research, 17, 125–148.

World Bank. (2019). The economic cost of wildlife crime: Estimating lost revenues from illegal wildlife trade. World Bank. https://www.worldbank.org/en/topic/environment/overview

World Wide Fund for Nature. (n.d.). Stopping the illegal wildlife trade. https://www.wwf.org.uk/what-we-do/stopping-illegal-wildlife-trade

Wyatt, T. (2017). How corruption enables wildlife trafficking. In Corruption, natural resources and development (pp. 154–162). Edward Elgar Publishing.

Wyatt, T. (2021). Wildlife trafficking: A deconstruction of the crime, victims and offenders. Springer Nature.

Wyatt, T., van Uhm, D., & Nurse, A. (2020). Differentiating criminal networks in the illegal wildlife trade: Organized, corporate and disorganized crime. Trends in Organized Crime, 23(3), 350–366. https://doi.org/10.1007/s12117-020-09385-9

Yakuza
A Critical Analysis of Japanese Underworld

Gaia Mannato

Abstract — **This paper explores the Yakuza, Japan's most prominent organized crime syndicate, by analyzing its historical roots, organizational structure, economic activities, and its evolving relationship with law enforcement and government. It begins by tracing the Yakuza's origins to the bakuto (gamblers) and tekiya (peddlers), detailing their evolution from marginal figures to powerful post-war syndicates. The paper then outlines the internal structure of Yakuza groups, emphasizing their complex hierarchies and rituals that reinforce loyalty and cohesion. Economic analysis highlights the shift from traditional revenue streams such as gambling and protection rackets to modern activities like drug trafficking and corporate infiltration. Lastly, the paper investigates the changing legal and regulatory responses from Japanese authorities, including recent legislative reforms and the increasing criminalization of Yakuza activity. Through the synthesis of various studies, this work provides a comprehensive understanding of the role the Yakuza plays within Japan's socio-economic fabric and the state's efforts to suppress its influence.**

I. INTRODUCTION

This paper aims at critically analyzing the Yakuza, the most famous Japanese Organized Crime Organization.

First of all, I will briefly outline the history of the Yakuza, why was it born and its historical evolution; then, I will analyse the general structure and organization of Yakuza groups. Furthermore, there will be an insight on the main activities (legal and illegal) carried on by Yakuza along with an analysis of the relationship between the Yakuza and the government/ police over the years, including the explanation of the legislation enforced against Yakuza gangs.

The purpose of this paper is to conduct an analysis of various studies on the environment surrounding Yakuza gangs and understand the importance of this OC in Japan and over the world.

II. HISTORICAL DEVELOPMENTS

Historically, scholars have come to the conclusion that modern Yakuza has two well defined antecedents: *bakuto* (gamblers) and *tekiya* (itinerant peddlers) (Paoli, 2014).

Nowadays, these activities perform a marginalized economical income compared to the early days.

At the beginning, *ninkyō* (chivalry) was one of the fundamental characteristics of new-formed gangs which had

the aim to supervise their neighborhoods from samurai, earning the reputation for "protecting the weak and crushing the strong." (Paoli, 2014). This principle still remains at the basis of the rationale of the modern Yakuza.

© 2025 Gaia Mannato. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

In the *Meiji* period (first half of the 19th century), these gangs strengthened themselves, becoming well-armed groups thanks to the flourishing income coming from gambling and to prominent figures which, during the years, have been called "bosses". However, anti-gambling rules were enacted to suppress Yakuza gangs.

The flourishing period for the Yakuza was the aftermath of the war, where scarcity of resources and the collapse of the state capacity created ideal conditions for black markets (Paoli, 2014), over which Yakuza established its control. Another important reason for which Yakuza groups gained such power was the impotence of the Japanese police at the time, and by 1946 *tekiya* bosses were granted jurisdiction over the black markets of Tokyo.

With the Korean War, Yakuza gangs secured their power thanks to the rising demand for military equipment, which boosted Japan's economy recovery. In addition, Yakuza established their power in legal and illegal activities, such as bars, restaurants, sexual services, *pachinko*, etc.

Due to the growing numbers of people joining Yakuza groups, violence between gangs started to rise to gain control over entrainment districts. These conflicts brought the police to start targeting gangs' members and the government to adopt legal ways to diminish Yakuza's powers. These actions were moderately efficient towards those groups in which gambling was the main economic income as gangs' members diminished and large syndicates were disbanded. However, groups with different incomes survived and started to reconstruct the gangs in order to adapt to the changes made by the government.

For this reason, the most innovative gangs started to expand themselves by englobing weakened small groups taking over disbanded groups (Hill, 2003). After the oil shock, Yakuza's groups suffered an economic recession, after which they switched to drug dealing as the main source of income, which generated the expansion of the main Yakuza's groups, including Yamaguchi-Gumi.

III. GENERAL STRUCTURE AND ORGANIZATION

In 1988, Japan counted 3,197 *bōryokudan* (violence gangs), with a total of 86,552 men recognized by the police (Hill, 2003).

These syndicates are composed of *ikka*, also known as (fictive) families. Stark (Stark, 1981) identifies three internal structures within the *ikka*:

(1) a formal administrative hierarchy;

(2) a hierarchy based on the traditional Japanese model of the household (ie);

and (3) the hierarchy within internal groups (Hill, 2003).

For what concerns the first internal structure, so the administrative branch, (also known as "rank and duty") it

is the most distinguishable characteristic of Yakuza groups as they resemble the one of legitimate corporate or military organizations. Within the *ikka*, businesses activities are dealt by the *kumi-chō*, which can employ *kumi-in*, persons of lower grade.

In this type of structure, bonds are based solely on familiar relationships of father-son (*oyabun–kobun*) and brother–brother (*kyō daibun*) (Hill, 2003)). These links are essential for the survival of the groups as they create a cohesion which is both vertical (with *oyabun–kobun*) and horizontal (with *kyō daibun*). To formally create these relationships a ceremony must take place: *sakazuki* ceremony. In this kind of ceremony, an exchange of sake happens through a meritocratic process.

The last hierarchy within the *ikka* is the internal group, which is created when an executive takes on his own the *kobun*. These internal groups result to be the most cohesive and close ones within the Yakuza structure.

An important reason which brought the expansion of large areas syndicates, such as Yamaguchi-Gumi, is the submission of weaker groups by violent or non-violent means, which results in a more complex organization (resembling a pyramidal arrangement) as control of the embodied group, or sub-gangs, will be confined to major decisions creating ramifications. In addition, every sub-gang is required to send payments each month to the syndicate, following the rules (Breuer, Baradel, 2025). In order to keep control of every sub-gang and their territory the *Kantō Hatsuka-kai* has been created. This assembly derives its name from its habitual meeting on the twentieth day of every month (Hill, 2003). Scholars and researchers point out that the *Kantō Hatsuka-kai* has been useful to keep under control any adversity in the Tokyo area. To maximize the chances that a cessation of hostilities between two parties take place, a ceremony will be held at which a trusted and respected third party will act as guarantor. These ceremonies are known as *teuchi* (which means 'hand-striking') (Hill, 2003). In these ceremonies the parties meet in neutral territory and make a public and formal agreement to end the dispute (Breuer, Baradel, 2025).

As for every organization, there must be rules to follow. In this case, Yakuza groups follow five cardinal rules:

(1) do not disobey or cause nuisance to your superiors; (2) do not betray your gang;
(3) do not fight with fellow members;
(4) do not embezzle gang funds;
(5) do not touch the woman of a fellow gang member (Hill, 2003).

As in ever OC organization, the most important virtue within the Yakuza code is the unquestionable obedience. An example can be found in the *Migawari*, low-ranking members taking the blame for crimes committed by higher-ranking members. This action is rewarded with promotion and money in a ceremony. On the other hand, those who don't follow the rules are subjected to punishments, such as confinements, fines, etc.

The most important punishment known to Yakuza's culture is *Yubitsume,* the amputation of a finger in order to avoid harsher punishments. The missing finger is one of the signs through which is possible to recognize a Yakuza member along with tattoos (*irezumi*). In the Japanese culture, tattoos are linked to Yakuza as they symbolize toughness, wealth and rejection of the mainstream society.

Very recruit undergoes a sort of "training", called *minarai'*, trainees live in gangs' buildings or bosses' homes and bring one menial tasks (Hill, 2003).

After this training, the *Girikake* takes place. *Girikake* is a ceremony celebrated for initiation, but also for funerals or jail releases. However, every Yakuza must pledge loyalty to the organization through the *Koto Hajime*, in which the members receive their annual goals.

Before attending the training and becoming a Yakuza member, recruitment must be made. New members are always welcomed as gangs are constantly losing members due to imprisonments, retirement or other reasons. Recruitments are mostly from marginalized groups: ethnic Koreans, school dropouts or people who have nothing to lose.

However, scholars tend to underline the fact that violence is a core characteristics of OC organizations, including Yakuza. As a matter of facts Yakuza gangs and sub-gangs are most likely to commit acts of violence towards groups of other opponent's syndicates other than attacking sub-groups within the same syndicate. Violence between two different syndicates, in most of the cases, happens due to conflicts on local market considerations.

IV. YAKUZA INCOME SOURCES AND ECONOMIC IMPACT

Yakuza income activities, known as *Shinogi*, started to create wealth in the aftermath of the II WW. These activities involve precarious existence for low- rated members. Over the years, some activities gained and lost importance due to the economic trend; however, gambling, protection and drug dealing remained the dominant Yakuza's fields during economic diversification.

Between the traditional sources of income, protection (*Mikajimeryō*) is a fundamental business model within Japan's mizushōbai (entertainment) sector (Hill, 2003) as bars, clubs and pachinko pay fees to gain protection and security from Yakuza. Another field which seeks protection from Yakuza gangs is the construction industry, where gangs ensure trouble-free operation for billions. Lastly, street taxes ensure Yakuza's control over traders and sex workers by creating a system of coercive protection. Important firms

can be found between those who seek protection from Yakuza groups.

A second important field of income is the drug market. Yakuza monopolize the *shabu* (methamphetamine) distribution. By the late 1980s, nearly 100,000 dealers operated, serving an estimated 550,000 users (Hill, 2003). Drugs are mostly imported from Taiwan and Korea through trade involving Taiwanese and Chinese triads. Nonetheless, in the last couple of years, Meth sales account for roughly one-third of Yakuza income, fueling the growth of their national networks. Japan is described as "the meth capital of the world," with up to 2.2 million users by 1998 (Kaplan, Dubro, 2003).

Despite the numerous attempts from the government to suppress the gambling market, it remains one of the main traditional activities implemented by Yakuza. These activity spaces from dice games to international gambling

trips, to illegal bookmaking and telephone betting. Also, the pachinko industry flourished ì, especially in the area of Tokyo.

In most of the modern analyses *Tekiya* (Festival Vendors) is an ignored factor of income for Yakuza's groups. In this field, *tekiya* festival pay fees to local Yakuza members for territory rights and supplies. The reason why it is an underestimated source of income by researchers is because it's strictly inked to Japanese culture.

An interesting field in which Yakuza operates is also the labour-broking context, in which they maintain order (in this filed the police actually tolerate their presence as they stabilize the environment). In the construction field, even after the 70s crisis, their presence always remained.

Yakuza is also in the prostitution industry, in which they run clubs. However, after the 1956 Prostitution Prevention Law, legal loopholes allowed a flourishing sex industry, largely beyond Yakuza control due to police regulation (Hill, 2003). The trafficking of women became a central component of the Yakuza's operations. Women were promised jobs but ended up in sexual slavery under brutal conditions (Kaplan, Dubro, 2003).

One last field in which Yakuza holds its presence is Minji Kainyū Bōryoku (Civil Disruption for Profit). In this field, Yakuza exploit civil gray areas which are not regulated by specific regulations, such as shareholders intimidations, debt collections, etc. It is a difficult area for the police to investigate due to the illegal nature of this field.

V. GOVERNAMENT, POLICE AND YAKUZA: AN INSIGHT IN THEIR RELATIONSHIP AND LEGISLATION ADOPTED

The negligence of the government in the aftermath of the II WW in enforcing legislation against Yakuza's groups has created a conducive environment.

The Yakuza police relationship prior to 1964 was an indifferent relationship. However, after 1964, the relationship worsened. The criminal investigation bureau of NPA had the desire to diminish their economic and social power. Despite all the attempt to suppress Yakuza groups, they had the ability to adopt to every restriction adopted by the government. The police have an autonomous regulatory power, called *Btaih*, over the Yakuza by acting in a semi-judicial capacity and make law. The Public Safety Commission system serves to mask the total independence of the police and the almost complete lack of formal checks on the power and operation of the police establishment. Thanks to its independence, the police have regulatory powers over some social and economic fields extending their administrative control. In the last years, police also gained important power within the government.

Yakuza sees the police as a threat in the protection industry as the law emanated by the police aim at providing protection over the public safety. was partially amended to provide for greater oversight by the public safety.

In 1999, the Japanese authorities adopted an American-style organised-crime control with the passage of three laws, starting a sentencing pattern against Yakuza's members. In addition, there was an increasement of range of assets seized from the Yakuza by the police. An important factor in sentences against Yakuza's members are the growing civil suits against them (*Ichiriki-ikka)* thanks to the increased reliance against them. As crime sentences have become less efficacious, the demand for more formal legalistic remedies has increased.

Regarding the legislation, Japan has started to adopt harsher punitive sentences towards Yakuza's members. Japan remains one of only two democracies to adopt the death penalty. Between 2000 and 2003, more people were sentenced to death than in the previous eleven years combined, increasing by 70% between 1990 and 2006 (Johnson, 2007). For what concerns imprisonment, Japan's prison population rose from 48,243 in 1990 to 75,289 in 2005, marking a 56% increase with a trend of age varying from 60 years-old to older people (Johnson, 2007). The severity of sentencing also increased. By 2005, 42% of criminal sentences were two years or longer. The average sentence length rose from 22.7 months in 1992 to 27 months in 2001(Johnson, 2007).

During the last decade, the Japanese government passed several reforms to harshed the penalties. An example is the 2004 Penal Code reform, which raised penalties for crimes such as murder and rape, and the introduction of a conspiracy law. Other legislative changes criminalized domestic violence, stalking, child pornography, reckless driving, and more. Surveillance tools such as wiretapping, DNA databases, and internet monitoring were implemented. Additionally, the age of criminal responsibility was lowered from 16 to 14 (Johnson, 2007).

VI. CONCLUSION

The Yakuza remains a unique case in the global landscape of organized crime, not only because of its deeply ingrained cultural and historical roots, but also due to its long-standing semi-tolerated status within Japanese society. While post-war conditions and state inefficiency allowed the Yakuza to thrive and embed itself in both legal and illegal economies, contemporary efforts by the government and police have significantly curtailed its public presence and financial power. Through stricter legislation, increased police autonomy, and harsher sentencing, Japan has shown an evolving commitment to dismantling Yakuza networks. However, the Yakuza's adaptability, hierarchical organization, and influence in gray areas of the economy suggest that its complete eradication remains a complex challenge; while the Yakuza's visibility and influence in Japan have declined, they continue to adapt and survive. Their future is marked by increasing legal pressure, a shrinking domestic base, and the need to operate in more hostile environments, including overseas markets.

As such, a nuanced understanding of the Yakuza is essential to grasp its enduring relevance and the dynamics of state-crime relationships in modern Japan.

REFERENCES

Paoli, L. (2014). The Oxford Handbook of Organized Crime. In Oxford University Press eBooks. https://doi.org/10.1093/oxfordhb/9780199730445.001.0001

Hill, P. B. E. (2003c). The Japanese mafia. In Oxford University Press eBooks. https://doi.org/10.1093/0199257523.001.0001

Kaplan, D. E., & Dubro, A. (2003). Yakuza: Japan's Criminal Underworld. Univ of California Press.

Johnson, D. T. (2007). Crime and punishment in contemporary Japan. Crime and Justice, 36(1), 371–423. https://doi.org/10.1086/592808

Breuer, N., & Baradel, M. (2025). Investigating the dynamics of Yakuza violence using multilevel network analysis. Social Networks, 82, 14-26. https://doi.org/10.1016/j.socnet.2025.03.001

Stark, David. 1981. "The Yakuza: Japanese Crime Incorporated." Ph.D. dissertation, University of Michigan, Department of Anthropology.

Popular Culture and the Perception of Organized Crime

Samuel Markuš

Abstract — **This paper examines the portrayal of organized crime in popular culture, with a focus on The Godfather trilogy, Peaky Blinders, and Narcos. These works, while distinct in style and historical context, share recurring themes of anti-hero protagonists, criminal empires, and moral ambiguity. Through the use of stylized cinematography, mythic narratives, and charismatic criminal figures, they often romanticize illicit activities and obscure its real-world consequences. The analysis also considers the role of social media in reinforcing these portrayals by circulating decontextualized images and narratives that further glamorize criminal identities. The paper concludes there exists a gap between fictional representations and the complex realities of organized crime, particularly its systemic harm and social impact. (*This abstract was made with AI), blandit felis.**

I. INTRODUCTION

Criminal organizations have captured the imagination of both film directors and audiences for decades, being repeatedly depicted in books, movies, and television series with a dichotomy of aversion and admiration.

As members of a digitalized society undergoing rapid changes in the field of criminology, we are exposed to new notions about crime and justice. The assertion that societal perceptions of crime are modelled by the exposure to various forms of media, including television, news outlets, and social media platforms, is a core assumption in criminology. This presumption is based on the fact that our acquisition of knowledge concerning crime has changed significantly in the past 200 years, from first-hand accounts of crime in rural communities and towns to a society in which it is increasingly difficult to identify the specific impact media have on our understanding of criminal behaviour. *(Dowler et al., 2006)*.

Therefore, the focus of this paper is on the perception of organized criminal groups, as this type of crime becomes generally misinterpreted through enticing narratives and charismatic anti-heroes. While these portrayals may serve to reflect historical or modern reality, they often omit certain elements to maintain their appeal to the broad audience. It is necessary to grasp the difference between the depiction of criminal organizations and real organized crime, especially in the current sociopolitical climate.

This paper explores how organized crime is portrayed in popular films and television series, focusing on *The Godfather* trilogy, *Peaky Blinders*, and *Narcos*. These pieces of popular culture share motifs of anti-hero protagonists, establishment of criminal empires, and routine violence. By comparing their narratives, characters, and cinematic techniques, this paper examines how media shape audience perceptions of criminality. In addition, the role of social media platforms such as Instagram, Twitter, and YouTube is considered since social media play an increasingly important role in shaping public opinion.

Ultimately, this paper argues that popular media depictions tend to idolize the criminal, downplay the brutish violence, and romanticize the lifestyle, while ignoring or excluding deeper systemic damage caused by organized crime groups operating in various regions, countries and jurisdictions.

II. THE GODFATHER

Arguably one of the most significant pieces of cinematography depicting the Italian mafia is Coppola's trilogy *The Godfather*. The trilogy presents the Corleone family as bound by a criminal code of conduct, making them seem almost honourable or noble. For Don Vito Corleone, nothing is more important than family, loyalty, and tradition. *"A man who doesn't spend time with his family can never be a real man" (Corleone, 1972).* Traditional values are shown as the good old moral order that survived in long-established Italian crime families. Mafia type organizations often rely on blood relations among its members. Criminal codes serve these organizations as a form of protection from authorities, which are portrayed in the movies as either weak or corrupt. This puts the code of conduct in perspective with the state authority as a seemingly legitimate way of life.

"The Godfather paradox" (Maranzana, 2019) describes the phenomenon where the depiction of the *"dark side"* of Italian Americans helped to form a better image within American society owing to the commercial success of gangster movies, namely *The Godfather* trilogy. People in the US did not stop associating Italians with criminal organizations, but the view of the sinister nature of mafia has changed. The talent of actors and directors such as Pacino, Brando, and Coppola loved by the American audience for their movies had a significant impact in steering the public image. The other half of the success is the story itself. Vito Corleone builds an empire from nothing, manifesting the American dream. Achieving success by criminal means, when legitimate paths are blocked due to discrimination, effectively romanticizes the immigrant experience and life of crime.

The Corleone family is rich and influential although no scenes illustrate racketeering, prostitution, or gambling; illicit activities often conducted by the mafia and other criminal organizations. The use of violence and exploitation is downplayed to make the characters more appealing and relatable. Violence in the movies is calculated, often serving a goal. It is a sign of masculine power, strategic and rational, once again displayed as being desirable and legitimate. It is essential to remember that *The Godfather* is still regarded as one of the most influential movies ever made.

© 2025 Samuel Markuš. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

III. PEAKY BLINDERS

Crime dramas are certainly not losing appeal in contemporary production; a prominent example is the television series *Peaky Blinders*. The plot is centred around a Birmingham street gang formed after the First World War. The series is loosely based on a real gang from the 1880s.

Similarly to *The Godfather*, themes like family dynamics, power struggles, violence, and success play an important role in *Peaky Blinders*. The head of the family, Tommy Shelby, is leading the family with ambition and grit. The Shelby family, same as the Corleone family, views crime as their business. Tommy builds a criminal empire as a venture; making deals, expanding operations, creating structure. Legitimacy is his goal however he never escapes from violence and corruption. In the show, crime becomes indistinguishable from legitimate power structures blurring lines between politics, capitalism, and illicit activity. The Shelbys rise to the top from nothing, through class struggle and unfavourable environment. The British establishment is portrayed as corrupt and dysfunctional, showing organized crime as a path to power in a rigged system. Analogous with *The Godfather* is also the family setting and the importance of the criminal code among family members, because loyalty is everything to the Shelbys.

Tommy Shelby is a typical example of a criminal anti-hero protagonist, a concept becoming increasingly popular in recent crime television production *(Long, 2019)*. In *Peaky Blinders*, Tommy is often compared with worse criminals so that the audience views him in a better light. *"In order to make the anti-hero morally preferable, there are always proper villains who are perceived as morally worse" (Vaage, 2015)*. This effect distorts the perception of criminal behaviour. As a result, young men on social media dress up as characters from *Peaky Blinders* and imitate behaviour and mannerisms of gang members.

IV. NARCOS

Narcos offers a new angle on the portrayal of organized crime, with its focus on Latin America, the drug trade, and real-life figures like the infamous Pablo Escobar. The drug lord is portrayed as a complex anti-hero with two sides. Firstly as a man of the people and a father, secondly as a brutal killer and a drug lord. His portrayal as a charismatic criminal is problematic since the global fascination with Escobar due to series like *Narcos* does not let his bloody memory disappear. For foreigners it is more difficult to understand that in Colombia, the Escobar era represents *"Real pain, suffering, and lost lives" (Ruiz, 2020)*.

The portrayal of criminal organizations in *Narcos* is more sophisticated. Aspects of international organized crime are depicted through cross-border money laundering, moving of product, and the manipulation of foreign politics. There are many parties, agencies, networks, and governments involved. Organized crime is not solely local, it can be a transnational criminal structure. American interference plays a significant role as it undermines the state's authority and is portrayed as excessive, potentially violating international law. In terms of violence, it is not stylized like in *The Godfather* or *Peaky Blinders*. It is chaotic, senseless, and constant, showing the real cost of drug wars. *Narcos* takes a more realistic approach showing crime as an ecosystem from various perspectives – criminals, law enforcement, civilians. It mostly displays the devastating social impact on anyone involved in the international drug trade.

V. FACT VERSUS FICTION

The paradoxical relationship between the portrayal of Italian mafia and the likability of Italian Americans is a prime example how the use of cinematic technique can shape perceptions. The use of tone and style in movies and television series mentioned before varies greatly, each using a unique approach, appealing to the viewer.

The Godfather trilogy is famous for elevating the mafia narrative in order for it to feel timeless rather than modern. Coppola achieves this through the use of light, with rich shadows and warm tones. He is creating a world which is akin to an epic tale, tragedy, or myth. Furthermore, in comparison to more modern production, it stands out musically as well, using a classical soundtrack to set the scene. *Peaky Blinders* uses an alternative rock soundtrack more suitable for stylish scenes and captivating shots. The series is very modern, with gritty aesthetics, particularly in the fashion design and character image-building. Differently, *Narcos'* allure lies in its raw and erratic story development mixed with elements of realism. Use of voiceover, historical footage, and photo archives blurs the lines of fiction and fact. This creates an impression of a documentary, adding weight to the story.

The gap between fictional portrayals and reality broadens. Audiences feel better about the characters even if they are morally rotten as seen in the anti-hero roles. Criminals turn into icons when taken out of context. The use of elegant clothes, slow-motion, and rich visuals contribute to the glamorization of criminal life. Expensive sets build a visual culture of power and wealth which is attainable through illegal activity. The form affects the content; beautiful cinematic world of crime leads to romanticization.

What is omitted? The wider impact of criminal activity. Organized crime often impacts vulnerable communities and has a broader scope of victims than what is portrayed in popular culture. Criminal organizations often operate in a broad range of illicit activities. Human trafficking, exploitation of children, or abuse of women are rarely shown or underplayed. The drug trade seldom depicts the addiction rates, the toll on local healthcare system, and the general devastation connected to drug abuse in society. Linked mental health issues like PTSD and depression are prevalent but not the long-term effects and psychological deterioration of victims – all common symptoms of organized crime. The media's focus is on the higher echelons, not on the expendable "soldiers" in mafia and gang criminal structures. Particularly those criminals face the most danger, yet they are not romanticized.

In a broader scope, the illustration of corruption is limited to money laundering and bribes, not exploring its far-reaching consequences and systemic damage especially affecting poor communities. Poverty, lack of opportunity, distrust in authorities, or inequality are not

presented as a manifested symptom of organized crime but rather as a driving factor. Crime is shown as being outside of the system, rather than being intertwined, infesting the system. To some extent, *Narcos* does depict an expanded outlook on organized crime, however it is nonetheless constrained and incomplete.

VI. THE ROLE OF SOCIAL MEDIA

Social media completely revolutionized the way information is shared among people. Increasingly, they have become a relevant part of life for people, as well as companies and government agencies. For this reason data collected could serve as valuable input in the analysis of the perception of crime in the general population. A study from Latin America found that roughly 1.5% of the tweets were related to crime. Based on a 70-day period, with 32 million tweets collected, 501,057 were deemed to be crime-related *(Curiel et al., 2020)*. Thus, 15.41 tweets out of 1000 tweets posted in the major Spanish-speaking countries in Latin America are considered to be related to crime. The study concludes that social media are not shown to be a highly useful tool for predicting criminal trends but rather a reflection on the type of crime which instils the most fear in people.

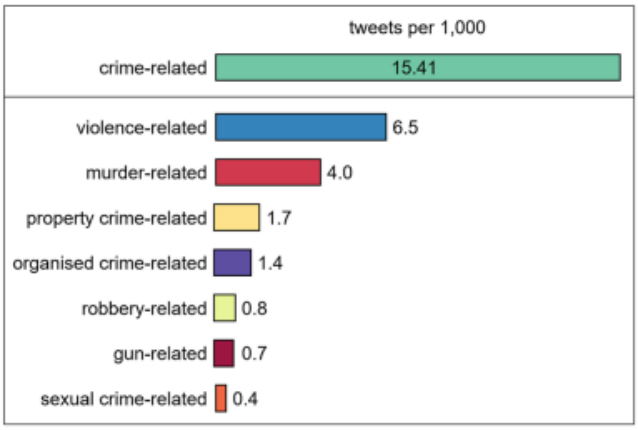

Figure 1. Crime-related tweets per 1000 posts in Latin America. The most frequent crime-related tweet is related to violence, forming more than 40% of the crime-related tweets collected. (Curiel et al., 2020)

There is a clear distortion between reality and the portrayal of crime on social media seen in the crime statistics from Latin American countries collected in the said study. Especially considering organized crime, which surfaced in 0.17% of the tweets collected. It shows a real bias, further affecting the image of criminal organizations.

How are social media connected to the three case studies from popular cinematography observed above? People, particularly younger generations, consume information through social media, and movie production is no exception. The way how these movies and television shows are portrayed on platforms such as Instagram, Twitter, or YouTube, influences their opinions as well. Even if a person did not watch the movie *The Godfather*, possibly they could be familiar with it solely through the exposure on social media. The gap between fictional and real understanding of crime widens when criminal characters are taken out of context with altered meaning to fit a certain aesthetic or a trend. Iconography of criminals removes the critique of their deplorable character traits and instead, romanticizes them.

The decentralization of information and news media outlets aided formation of many subcultures on the internet which, with the use of visual metaphors and allegories, transform original content to entertain their followers. This happens without the consent of the original authors and thus altering their initial intent. Many social media platforms incorporated a short-form video concept to keep users captivated, not suited to convey meaningful and complex ideas. It is therefore easier to get a misconception about the nature of organized crime if not studied properly.

VII. CONCLUSION

Popular culture often romanticizes organized crime by portraying charismatic anti-heroes and exciting world-building. While these portrayals may reflect certain realities, they often blur the line between criticism and idolization, possibly distorting public understanding.

The Godfather romanticizes the mafia with lavish criminal lifestyle and the appeal for tradition contributing to *"The Godfather paradox,"* while *Peaky Blinders* idolizes the image of the gangster through stylish cinematography and epic illegal escapades. *Narcos* offers more realism but still contributes to the mythical allure of figures like Pablo Escobar. In all cases, organized crime is presented through the lens of moral relativism, romanticizing illicit activities whilst omitting the portrayal of multifaceted social destruction stemming from organized crime.

As social media transform these movie characters into icons and narratives into trends, the pressing need for internet and moral literacy becomes apparent.

REFERENCES

Dowler, K., Fleming, T., Muzzatti, S. L. (2006). *Constructing Crime: Media, Crime, and Popular Culture.* Canadian Journal of Criminology and Criminal Justice.

Ruiz, J. (2020). *The Problem of Popularity: Transforming Pablo Escobar in US Media*. J Pop Cult. https://doi.org/10.1111/jpcu.12957

Maranzana, S. (2019). *Italian Americans and the Mythology of Crime: "The Godfather Paradox*."

Long, A. (2019). *Modern Company, Postmodern Crisis: Representing Moral Ambiguity and Class Warfare in Peaky Blinders.* Studies in Popular Culture. https://www.jstor.org/stable/26644419

Curiel, R. P., Cresci, S., Muntean, C. I., Bishop, S. R. (2020). *Crime and its fear in social media.* Palgrave Commun. https://doi.org/10.1057/s41599-020-0430-7

Vaage, M. B. (2015). *The Antihero in American Television*. https://doi.org/10.4324/9781315715162

Coppola, F. F. (1972). *The Godfather*.

OTHER SOURCES

Thompson, C. Y., Young, R. L., Burns, R. (2000). *Representing gangs in the news: media constructions of criminal gangs*. Sociological Spectrum, https://doi.org/10.1080/02732170050122620

Stritzel, H. (2014). *Aspects of the imagery of organized crime*. In Palgrave Macmillan UK eBooks (p. 67–79).

Undercover Truths
Donnie Brasco Infiltrated the Mafia

Greta Migliore

Abstract — **This paper will explore the undercover FBI mission conducted by agent Joseph D. Pistone under the alias of Donnie Brasco, which played a pivotal role in the destabilization of the Italian American Mafia during the 70's and the 80's. The operation's success not only unveiled the internal structure and mechanism to the law enforcement but also contributed to landmark legal actions, such as the famous "Pizza Connection" trial of 1985. It examines the impact of the RICO Act, of 1970, which enabled the prosecution of an entire criminal enterprise; a real innovation in legislation to combatting organised crime, which became a model worldwide. This analysis also touches the ethical and moral dilemma of an undercover operation; the blurred lines between legality and criminal complicity of covert investigations, the potential for moral compromise and the legal safeguards to prevent abuse.**

I. INTRODUCTION

Though pop culture, with movies and books, sometimes romanticises the Mob, it masks the immense legal complexity and moral dilemma of such investigations - where justice relies on deception, identity blurs, and law enforcement operates in the shadow. Throughout this analysis two important questions will be addressed: What was known about the Mafia before and after Donnie Brasco? And why is this operation so important in the history of fight against organised crime? But before going into the depth of these matters, a hint of biography.

Joe Dominick Pistone was born in 1939 in Pennsylvania, but grew up in New Jersey, in an Italian neighbourhood: his family was of Sicilian and Calabrian origins. From an early age, despite the influence of the neighbourhood mobsters, he was determined to join the police forces, becoming a special agent of the FBI in 1969. He was the first FBI agent to actively infiltrate the Mafia, and he was also the one who initiated its period of downfall.

II. SECTION 1

A. Operation Sun-Apple

The operation "Sun-Apple" began in 1976 when Joseph D. Pistone, an FBI agent with 15 years of experience, was chosen to carry out an undercover operation to infiltrate individuals that were selling stolen goods to the Mafia. (Pistone, 2022) It started in a small scale, as a six-month operation but soon turned one of the FBI's priorities. He had previously worked undercover to stem the tide of truck hijackings in New York, during which he acquired street smartness and thieving skills. He infiltrated under the alias of Donnie Brasco, a southern-Italian orphan and expert jewel thief. His false identity was carefully studied: the name Donnie was chosen as his middle name was Dominick and he would answer to it; he was made orphan to avoid involving his family, and a thief because it is a crime with a low violence rate.(Saviano Roberto, s.d.) Brasco carefully studied for months the habits of the members and gradually understood how to gain the trust of two key members of the Bonanno Family: Lefty Ruggiero and Sonny Black Napolitano, the boss. This family was involved in many illicit acts: from extortion, gambling, corruption to drug trafficking and counterfeiting. At first Pistone became an associate through Tony Mirra, a Bonanno member, by helping him in businesses, manly robberies. The position now gained by the undercover agent became an unmissable opportunity for the FBI. A turning point in the operation was in 1978 that through a bait club in Florida known as 'King's Court', Pistone and the FBI succeeded in uniting the business and families interests of New York and Florida, important harbour for the drug trafficking. The club became a beacon for the organisation as very profitable: obviously, the building was full of microphone bugs and cameras. This move was crucial because now Donnie Brasco would become partner of Lefty Ruggiero, as an official abducted member of the organization, answering directly to Sonny Napolitano, as a trusted friend. At this close contact he will collect major information for the FBI: it is 1981. It was possible to discover, not yet well known, the structure and the ties of the Mafia families and their network of illegal activities in depth. In 1982, after a big police raid at the club, a rumour of a spy within the organisation grew louder and louder.

Meanwhile, a war within the Bonanno family broke out leading to the death of many capos; one of the killings was assigned to Donnie (as an FBI agent he could not get involved in violent crimes). The situation became too dangerous to continue, so Pistone was withdrawn from the operation. It was later revealed to the Bonanno family that Donnie was an FBI agent; they alone would pay the consequence. Lefty Ruggiero was arrested, Tony Mirra was killed, Sonny Black was killed and his hands were chopped off.

Joe Pistone undercover work led at the end to gain enough information to conclude a total of 235 convictions.

B. The Italian American Mafia, the Mob

To better understand the context in which J. Pistone conducted his undercover work, it is necessary to shed light on the Italo-American mafia and its growth.

Structurally speaking, the central institution, the Family, is hierarchically the same as Cosa Nostra in Sicily: the boss, the vice-boss, the consigliere, capos, soldiers and the associates, known as 'civil' members; the representation and moderation of the families is entrusted

© 2025 Greta Migliore. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

in the Commission of NY. Everyone working under the code of "*omertà*". (Raab, 2016).

Unlike the Sicilians, that maintained a rigid adherence to the code of honour and operated largely within the regional context. The American counterpart evolved soon in a profit-driven, transnational enterprise that already in the late 50's and early 60s managed transnational criminal activities This rapid expansion was due to the vast network of corruption of police and politicians, gained through a solid control of the Unions in all parts of the City.

In the USA there were the nation's five most powerful Cosa Nostra gangs or 'families', all based in New York: Bonanno, Colombo, Gambino, Genovese e Lucchese. These families collectively created a vast domain throughout the nation, from the Eastern to the Western coast and had established almost total control over a variety of criminal activities.

Contrary to popular belief, little account was given to the Mafia and their activities until the 60s. Despite the famous cases of the past, such as the ones of Al Capone or Lucky Luciano, in the US as in Italy, people would deny that Cosa Nostra ever existed, was considered more of a folkloristic legend and not that economically significant. (Saviano Roberto, s.d.) Even at the legislative and prosecutorial level it was not treated as a dangerous criminal organisation and disregarded for individual crimes investigations. These taboos however changed when R. Kennedy became attorney general from 1961 to 1964, that breathed life into a drive against the mob and labour racketeering, emphasizing the need for more effective laws; setting in motion a process that would lead to the RICO Act.

In a parallel motion, in the 70's and the 80's the Mafia was at the height of its power led by a new generation of mobsters who were more aggressive and focused on quick profits, particularly through drug trafficking.

These families evolved in 'men of honour' with a business logic, where power, profit and violence were intricately linked.

C. *The Pizza Connection Case*

Undercover agent Joe Pistone crucial intelligence strategy and hints in affiliating New York and Florida in the drug traffic, helped the FBI set in motion one of the major international operations against the Mafia and one of the longest trials in the American history, from 1984 to 1987. (FBI, Federal Bureau Investigation, s.d.)

One of the sicilian factions of the Bonanno and Gambino families of New York, known as the Zips, were big drug importers and mercenaries. Thanks to the connection with Gaetano Badalamenti and Santo Trafficante, they managed to get involved in the criminal network of trafficking of heroin and cocaine between Sicily and the United States; estimated $1.6 billion worth. They ran many pizzerias from New York to the mid-west, that they used as a front for drug sales; this so why the case was known by the media the 'Pizza Connection'.

The organisation operated transnationally, purchasing morphine in Middle East, turning it into heroin in Sicily, and then smuggling it back into the United States, with branches also involving the production of cocaine in South America. The years-long investigation involved numerous agencies, including the FBI, DEA, international police, and authorities from all over the world, mainly from Italy.

The trial began in 1985, where 22 defendants were accused of being part of the drug trafficking network and 19 defendants were convicted thanks to the evidence and testimony of Pistone on the New York bosses. It was the biggest sweep in leadership in any criminal organisation in 30 years, the greatest knock out of Mob at almost all levels.

III. SECTION 2

A. *The RICO Act*

A key breakthrough against organised crime was the introduction of RICO legislation that paved the way for investigations such as the one of Donnie Brasco.

The RICO Act (Racketeer Influenced and Corrupt Organisations Act) or also known as Title III, was introduced in 1970 thanks to the long work of G.R Blakey, a university law professor and researcher specialising in organised crime, and Senator J. McClellan. (Raab, 2016, pp. 171–183) As Selwyn Raab tells us, is that like all lawyers, Blakey had been instructed to concentrate on an individual prosecution for a specific act or crime, but given the structured family-system of the Mafia, it was necessary to think in a larger dimension: a law or series of statutes that could destroy in a mass conviction an entire organisation.

Before RICO was conceived, most Mafia members were effectively insulated from arrest; once in command position, they gave orders but never personally committed crimes. Proving in court that these leaders were implicated in acts conducted by their underlings was virtually impossible under existing federal and state conspiracy statutes and with the code of omertà inviolable, successful prosecutions of high- ranking mafiosi was a daunting if not possible to undertake. The thrust of the RICO law centred on two words: pattern (of racketeering) and enterprise. A "pattern" was defined as two or more specified federal or state offences related to the "enterprise" and committed over a substantial period. "Enterprise" was broadly defined to include illicit association, like Mafia families or crews, as well as corrupt unions and corporations. Under RICO for the first time a boss could be convicted if it was proved that he was linked to the criminal enterprise; evidence that a capo was heard arranging the enterprise activity was sufficient for conviction and anyone planning or receiving information about a crime involving the enterprise was guilty as the perpetrator. The crime categories covered involvement in every conceivable illegal infraction or conspiracy. RICO expanded the five-year statute of limitations indefinitely, depending on when the last crimes were committed for the enterprise. It also gave a boost for prosecutors was the authorization to use previous convictions in state courts as part of federal charges against a defendant. To destroy the mafia's economic foundations, the RICO arm reached civil and antitrust areas; the law allowed the government to seize loot and assets squirreled away by gangsters and obtain their homes, property and bank accounts if they were fruit of crimes; therefore, the aim was to take the profits out of

organized crime. And ultimately to crack the code of omertà, McClellan and Blakey, designed a witness-protection program that offered immunity from prosecution for cooperating witnesses. Potential defectors would be more likely to change sides and testify for the prosecution once the threat of the Mafia retaliation was removed or at least diminished.

Nevertheless, Raab mentions that RICO encountered many resistances in the US at the beginning by prosecutors. None of them wanted to give up easy cases and almost certain guilty verdicts under existing laws by experimenting with RICO's criminal provisions. It was also opposed by the American Civil Liberties Union as a violation of the Bill of Rights and portrayed as an Orwellian Big Brother expansion of government's police powers. The irony of RICO's is that it's first triumph was the one that brought down Richard Nixon and Jhon N. Mitchell with the Watergate scandal.

B. The Ethical and Moral Implications of Undercover Action

Undercover operations, such as the one carried out by FBI agent Joseph D. Pistone, highlight the ethical complexity of covert tactics.

Infiltrating the mafia, Pistone became deeply embedded in a criminal world where deception was the norm. Deception represents a form of lying, since it violates the central trust in relationships and civil society, and its presence in undercover work might raise numerous ethical and moral questions. (Marx, 1988) The mob operated by a code where lying, killing, and stealing were not only accepted but expected—if you were a "wise guy," it was all considered legitimate. Sit-downs, or mob trials, illustrated this twisted moral order, where justice was served according to criminal rules, not legal ones.

As explained by G.T. Marx, covert and deceptive (undercover) techniques aim at overcoming the limitations of conventional means with which sufficient evidence cannot be gathered. Is an opportunity for state to observe directly actual or planned criminal activity. "Undercover work is ethical when there are reasonable grounds for suspicion". (Marx, 1988). Yet, in the history of undercover work there have been some occasions where an operation aimed at framing suspects by inducing to break the law, for example: by pretending to be a seller or a customer to catch drug dealers. And this is the case where the interpretation of valuable grounds for suspicion is distorted. Undercover work allows the state to witness criminal planning and activity firsthand, but it also forces the agent to lie, manipulate, and often participate in morally grey behaviour.

6 years undercover had a psychological and personal impact for Joe; forced to stay away from family and friends, whom he could see once every six months, and even in difficult times for his relatives, he could not afford to blow his cover. (Pistone, 2022) He had to deal with the pressure of not only having to do his job as an agent and report valuable information, but also live the life of Donnie, as a member of the Mob. Despite his many years of experience and strong nerves, even he admits that the longer he played the role, the more he feared losing touch with his true self; in fact, he used his wedding ring as a reminder of his true identity. It shows that while the ends may justify the means, the cost is deeply personal. However, Joe admits that has never felt remorse or guilt for deceiving; he states "they chose to be criminals, just as I chose to be a police officer; you pay the consequences"(Saviano Roberto, s.d.)

C. The Impact on Criminal Justice and Criminal Responsibility

Undercover action can also raise questions of responsibility, as the agent must choose between following the law and not compromising his or her position or deciding to perform acts against the law to gain the trust of the other members of the organization. During the operation Pistone had, for example, to be involved in low violent rate criminal activities, such as robberies or beatings, but he never directly participated in violent crimes.

As the author of "Le indagini sotto copertura" Giovanni Barrocu assess, American jurisdiction recognises the existence of a 'public authority' exemption, applicable to both private individuals and public officials acting lawfully with the state authorisation regulating their conduct. (Barrocu, 2011) An agent may thus 'violate the explicit provision of certain criminal laws' (Barrocu, 2011)but it is also considered that 'the simulation of participation in a criminal episode attains such a resemblance to the crime itself as to be intolerable to society'(Barrocu, 2011). The question is how far can police and prosecutors get involved in otherwise illegal conduct?

An answer can be found in the decisions of American Courts, where a careful distinction has been made between illegal and legal violations.

In the American legal system, there are three types: principal, ancillary and directed to private ends.

Principal: the agent, to prevent a particular crime, may need to participate in the conduct being investigated.

Ancillary offences: those that the officer commits, or allows others to commit, in order to investigate the principal offence, while maintaining his cover.

Private purpose offences: those that the officer commits not for purposes strictly related to the investigation or protecting his or her cover, but for exclusively personal reasons.

In the US, police officers may commit both major and ancillary offences, always according to the rules of their agency. The agent may not commit acts of violence, except in self-defence, the authorisation may have as its objective the commission of certain crimes (interception of stolen goods, false statements, etc.).

"No official shall recommend or approve participation by undercover employee in otherwise illegal activity unless the participation is justified: (Barrocu, 2011)

a. to obtain information or evidence necessary for the success of the investigation and not the reasonably available without participation in the otherwise illegal activity
b. to establish or maintain credibility of a cover identity, or
c. to prevent death or serious bodily injury"

Offences committed for exclusively personal purposes are always considered punishable.

The FBI rules impose limits on the possibility of committing major or ancillary crimes and are intended both to ensure full control by the federal bureau and to prevent abuses and to prevent possible crimes by undercover agents. Those who deviate from these rules and commit crimes incur disciplinary sanctions, but criminal liability is rarely ever established.

From another perspective, police officers and undercover agents can be accused of provocation or inducement to commit a crime - that does not constitute a form of criminal liability - but a cause of justification in favour of those subjects who can prove that they have suffered at the hands of the infiltrating agent. The theory of inducement to commit a crime is aimed at redirecting the target of the images of the merely corruptible to the corrupted. It is called "Entrapment defence" and consists in the opportunity to plead the non-punishability of the accused arising from the 'creation of the crime by law enforcement officers and their agents' (Barrocu, 2011). Entrapment defence lives in a grey area between the conflicting desires of society to live in safety and the need to limit the power of the police to act arbitrarily.

IV. CONCLUSION

Donnie Brasco's undercover work not only brought down major Mafia figures but also exposed deep ethical tensions within criminal justice. The success of RICO legislation and international cooperation revealed the scope of transnational crime, yet undercover operations raised uncomfortable questions: How far can justice bend the law? Can deception serve truth? The psychological toll on agents, the blurred line between loyalty and betrayal, and the risk of entrapment remain unresolved issues. In the end, the cost of infiltration lies not only into the conviction won, but in the moral ambiguities carried by those who lived among criminals to bring them down.

Operation Donnie Brasco marked a defining chapter in the history of American law enforcement, a radical shift of approach towards organised crime.

REFERENCES

Barrocu, G. (2011). *Le indagini sotto copertura*. Jovene.

FBI, Federal Bureau Investigation. (s.d.). *The Pizza Connection. U.S. Federal Bureau of Investigation(2019, April).* https://www.fbi.gov/news/stories/the-pizza-connection- 35th-anniversary-040519

Marx, G. T. (1988). *Undercover: Police Surveillance in America* (1st ed). University of California Press.

Pistone, J. D. (2022). *Donnie Brasco: La mia battaglia contro la mafia americana* (M. Lunari, Trad.). Mondadori.

Raab, S. (2016). *Five families: The rise, decline, and resurgence of America's most powerful mafia empires* (Second St.

Martin's Griffin edition, 10th anniversary edition). St Martin's Griffin.

Saviano Roberto. (s.d.). *Il vero Donnie Brasco. L'agent FBI infiltrato 6 anni nella mafia italoamericana* [Intervista]. https://www.youtube.com/watch?v=C8UqyQiKanU&t=3 850s

The Illegal Intercountry Adoption Market
Trends in Child Trafficking and Regulatory Challenges

Lucia Milan

Abstract — **This paper examines the intersection of organized criminal groups and the intercountry adoption system, focusing on how legal loopholes and socio-political dynamics facilitate the rise of an illegal adoption market. By analyzing the historical evolution of intercountry adoptions, the motivations behind Western demand, and the regulatory failures of international instruments such as the 1993 Hague Convention and the Convention on the Rights of the Child, this study highlights how criminal organizations exploit systemic weaknesses. Using the routine activity theory, it identifies the roles of adoptive parents, children, and institutions within this exploitative framework. Ultimately, the paper argues for strengthened legal enforcement, better oversight mechanisms, and transitional justice as crucial strategies to address the harm inflicted on affected children and their families.**

I. INTRODUCTION

Criminal organizations infiltrate virtually every market that offers socio-economic or political gain, and the adoption market is no exception. This is particularly evident in the realm of intercountry adoptions (ICAs), which present a unique blend of humanitarian need and bureaucratic complexity—making them vulnerable to exploitation. As defined by the 2000 Palermo Convention, "organized criminal groups" aim to "obtain, directly or indirectly, a financial or other material benefit." In this context, the international adoption system provides an ideal legal structure through which illicit operations can be conducted, especially when multiple jurisdictions and agencies are involved.

Despite a significant decline in international adoptions in recent decades (Selman, 2012; Selman, 2024), the illegal market persists, underscoring the inadequacy of current legal frameworks. Although international conventions, most notably the 1993 Hague Convention, attempt to safeguard children's rights, implementation at the domestic level often suffers from corruption and procedural failures. This paper aims to investigate the systemic flaws within the adoption process, the socio-political factors sustaining the illicit market, and propose mechanisms to strengthen the legal framework and mitigate organized crime's influence.

II. WESTERN ADOPTION DEMAND AND "THIRD COUNTRY" SUPPLY

The modern-day intercountry adoptions (ICAs) emerged particularly in the second half of the twentieth century, as a reflection of the consequences after the end of the World War II and the Korean and Vietnam Wars, furthermore developed later on due to the end of the communist regime in Eastern Europe (King, n.d.; E. Loibl, 2020). Facing this humanitarian crisis, as in any atrocious situation in which children are involved (e.g., wars, environmental disasters, poverty, etc.), the altruistic animus of the Western and wealthier part of the world, become the sufficient motivation pushing childless couples, but also adopters already with biological children, to try to rescue compassionately children living in poverty and neglect.

As in the 1970s the use of contraception methods spread widely and more liberal abortion politics were implemented in the Western countries, the number of available children for domestic adoptions vertiginously decreased, while the demand remained stable, incentivizing the openness to the attractive option of intercountry adoptions seen as a "remedy for involuntary childness" (E. Loibl, 2020). The historical narrative placing the "Third World" countries as in desperate need for the help of the richer ones, defined by S. King (n.d.) as "*MonoHumanism*", helped in incrementing the demand for foreign children to adopt, shifting the focus from the children in need to the families wanting to adopt. This change in the social perspective, begun in the 1980s and alimented with numerous myths believing that "there are millions of babies waiting to be adopted" (Monthly Review N°10/2008 October 2008, ISS/IRC), lead to the much higher demand than the actual available number of adoptable foreign children, offering an incredible opportunity for the organized criminal groups to insert themselves in the market.

These groups found their purpose thanks to two main factors which influence the equilibrium among demand and supply.

The first can be found in the 1993 Hague Convention because, in describing when an adoption shall take place, it restricts the number of adoptable children. The adoption procedure comprehends, among other things, the free consent of the persons, of institutions and authorities involved in the procedure and, if required, of the child himself, and the right to be counselled and informed properly on the effects of the adoption and of the consent (*Actes et Documents de La Dix-Septième Session / Conférence de LaHaye de Droit International Privé. 2*, 1994). These international norms, applicable to the Contracting States, leave out many children living in deprived situations, which do not meet the requirements, reducing the effective legal supply.

Moreover, the second factor reducing the number of adopted children is the Western demand for children with specific characteristics. The majority of potential adopters

© 2025 Lucia Milan. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

set out preferences, looking for healthy babies younger than two years old, but institutions and orphanages in the "Third World" countries present another reality, with many older and ill orphans ((E. Loibl, 2020).

These two factors combined generate a disequilibrium in the market of adoption, a gap that organized crime groups aim at filling with illicit purposes, but through the legal procedure of the adoption market.

III. The Illegal Intercountry Adoption Market

By applying the routine activity theory, studied and developed by Cohen and Felson, it is easier to better understand the structure underneath the illegal intercountry adoption at the social level, because it concentrates on the characteristics of the crime. The theory describes crimes as based on three main elements converging in people's "routine activities", so in activities that individuals carry on in the everyday life (Cohen & Felson, n.d.). Cohen and Felson combine respectively motivated offenders, suitable targets and the absence of capable guardians as the path for the installment of criminal behaviors. This theory can precisely describe the phenomenon of illegal intercountry adoptions since it focuses on the three main subjects of the adoption procedure: the adopters as the motivated offenders, the adoptees as the suitable targets, and the central authorities and institutions establishing and controlling the procedure as the incapable guardians (E. Loibl, 2020).

Within this structure, criminal organizations operate particularly on the supply and on the guardians.

On the former, criminal groups can be found in the "rescuing" of adoptable children. Since the supply cannot fulfill the demand of the Western countries, illegal and illicit means are adopted by the criminal organizations in order to find suitable children.

The Hague Conference on Private International Law (HCCH), in its Draft Toolkit for Preventing and Addressing Illicit Practices in Intercountry Adoption, establishes abduction, sale of, and traffic in children for the purpose in intercountry adoption as the macro illegal activities carried on in order to obtain adoptable child, followed by all the illicit practices circumventing application of the 1993 Hague Convention, such as the lack of, or deficient, consent (Sims, n.d.).

Then, according to the research paper developed at the request of the UN Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography, Maud de Boer Buquicchio, the principal methods used to procure children for intercountry adoption are: abduction, in various forms, such as organized kidnapping; remunerated pregnancy; falsely informing the mother that her baby was stillborn or died shortly after birth; providing misleading information to the biological parent(s) on the consequences of adoption to obtain their consent; fraud; forgery and falsification of documents (Defence for Children International, 2017). These actions of active and passive recruitment of adoptable children are usually featured with psychological and physical pressure, together with material and financial rewards.

Here lay the cruelest, and therefore illegal, actions, since children and their parents are deprived of their rights, established by different international organizations, such as the 1989 United Nations Convention for the Rights of the child.

On the other hand, the guardians of the adoption procedure play a crucial role in this scenario, since they are the connection between the demand and the supply. Moreover, they ensure the "legality" of the operations. In fact, differently from the other forms of human trafficking, which usually pursue the purpose of exploitation of the children, here the whole adoption phenomenon is legal since it transfers a child from a family to another in which she could be taken care of and loved. The trigger in this is the fact that children are obtained illegally, because the adoption is not illegal per se. In order to maintain the status of legality of the procedure, children must be purified through a laundering process.

This operation, typical of every organized criminal group, can be carried in two ways (E. Loibl, 2020). In the first one, forgery and falsification of documents are key, since children are passed as the biological ones of the adopters, which try to bypass the legal and standard adoption procedure, through falsified birth certificates. The second one passes by the regular adoption system, but still with all the documents falsified (e.g., death certificates of the birth parents), which can be confirmed by an illegal decision of a court of law.

In both cases of laundering, corruption is a very strong means through which the guardians can be convinced to act, especially because of the poor conditions in which they usually operate.

Therefore, in all the stages of the adoption process criminal organizations can impose their power, especially when the demand meets the offer in the adoption institutions, either private or public, bypassing and violating the legal and social norms and the procedure.

IV. International Insturments and Regualtory Challenges

The persistence of illegal intercountry adoptions highlights the need for stronger international cooperation and enforcement. The 1993 Hague Convention remains the cornerstone of international adoption law, mandating that contracting states implement domestic oversight mechanisms and ensure that intercountry adoptions prioritize the child's welfare from beginning to end (Loibl, 2024). The Hague Toolkit also outlines illicit practices and proposes institutional safeguards (Sims, 2022).

Complementing this, the Convention on the Rights of the Child establishes the foundational principle that adoption should serve the best interests of the child. Article 20 specifies that a child without a family environment is entitled to state-provided protection. Article 21 insists that ICAs occur only when no suitable domestic alternatives exist, and that improper financial gain must be prohibited (Defence for Children International, 2017).

However, despite this normative framework, gaps in implementation remain. Corruption, inadequate training, and lack of international coordination undermine enforcement. Therefore, legal remedies must be paired with transitional justice mechanisms aimed at redressing past violations. Loibl (2021) calls for integrating

retributive and reparative strategies to compensate victims and hold perpetrators accountable.

V. CONCLUSIONS

The illegal market for intercountry adoption exploits the vulnerabilities of both people and institutions. Although prospective adoptive parents are often motivated by altruism, their desires sit at the intersection of systemic inequalities and regulatory failures that enable criminal organizations to exploit children and their families. Even though comprehensive legal frameworks such as the 1993 Hague Convention or the Convention on the Rights of the Child exist, the patchy implementation fosters continuing abuse.

In order to combat this phenomenon, a comprehensive response is needed to this multifaceted challenge: one that is aimed at building the strongest possible domestic capacity to implement IHL (international humanitarian law), that improves international oversight, and that provides justice and reparation for victims.

Only through coordinated legal, political, and ethical efforts our society may close the regulatory gaps that allow such grave violations to persist under the guise of humanitarianism.

REFERENCES

Actes et documents de la dix-septième session / Conférence de LaHaye de Droit International Privé. 2: Adoption - coopération. (1994). Ed. SDU.

Cohen, L. E., & Felson, M. (s.d.). SOCIAL CHANGE AND CRIME RATE TRENDS: A ROUTINE ACTIVITY APPROACH.

Defence for Children International. (2017). The sale of children and illegal

adoption: Background paper.

King, S. (s.d.). CHALLENGING MONOHUMANISM: AN ARGUMENT FOR CHANGING THE WAY WE THINK ABOUT INTERCOUNTRY ADOPTION.

Monthly Review N°10/2008 October 2008. ISS/IRC

Loibl, E. (n.d.). 10 Receiving States' Obligations in the Aftermath of Illegal Intercountry Adoptions as Enforced Disappearances.

Loibl, E. (2020). Child Trafficking for Adoption Purposes: A Criminological Analysis of the Illegal Adoption Market. In J. Winterdyk & J. Jones (Eds.), The Palgrave International Handbook of Human Trafficking (pp. 401–417). Springer International Publishing. https://doi.org/10.1007/978-3-319-63058-8_97

Loibl, E. C. (2021). The aftermath of transnational illegal adoptions: Redressing human rights violations in the intercountry adoption system with instruments of transitional justice. Childhood, 28(4), 477–491. https://doi.org/10.1177/09075682211064430

Selman, P. (2012). The Global Decline of Intercountry Adoption: What Lies Ahead? Social Policy and Society, 11(3), 381–397. https://doi.org/10.1017/S1474746412000085

Selman, P. (2024). Global Statistics for Intercountry Adoption: Receiving States and States of origin 2004-2022

Sims, N. (s.d.). Draft Toolkit for Preventing and Addressing Illicit Practices in Intercountry Adoption PART II – FACT SHEETS ON ILLICIT PRACTICES.

Foreign Governments leveraging Organised Crime Groups for their Agenda

An Overview

Justus Müller

Abstract — **In an era of blurred geopolitical boundaries, foreign governments increasingly exploit organized crime groups to advance strategic objectives abroad. This paper explores how these covert alliances form, what characterizes their interactions, and the implications for international security and sovereignty. Using Iran and Turkey as comparative case studies, the research highlights distinct motivations—monetary gain in Iran's case, ideological alignment in Turkey's—yet reveals converging methods such as proxy violence, suppression of dissent, and plausible deniability. Through qualitative analysis and open-source intelligence, the paper finds that these partnerships not only empower criminal networks but also erode the authority of host states, destabilize communities, and challenge traditional legal responses. The findings underscore the urgent need for cross-sector and international cooperation to counter this growing threat..**

I. INTRODUCTION

In this increasingly globalised world new challenges arise. This is also true regarding the issue of Transnational Organized Crime (TOC) as borders have become more permeable. While not being an entirely new phenomenon, some Foreign Governments (FGs) have found that by aligning with or leveraging these illicit networks for their strategic advantage beyond their own borders, they gain deniable means to advance their strategic goals. These means range from suppressing political dissent to influence the Diaspora or others, securing diplomatic and economic advantages for their country to disrupting the political system and outright assassinating people that don't fit their agenda.

This paper addresses how and why the relationship between these Governments and criminal networks forms, what characterizes their relationship on either part and the implications stemming from this for State sovereignity and International security

II. METHODOLOGY AND LITERARY CONSTRAINTS

Before any sort of advance towards tackling these questions is to be made it is imparative to first outline the methodology used in this paper and some constraints.

To highlight the different relationship dynamics that exist between FGs and Organized Crime Networks (OCNs) and how these differ in motive, modus operandi and results for the involved parties and the consequences for the sovereignty of States a look at the theoretical foundation of the politics-organized crime-nexus is necessary and then a comparative case study will be conducted. For this purpose, two cases have been selected: the Iranian-influenced external operations and those directed by Turkey.

For this analysis it is important to recognise that, due to the inherent secret nature of the topic, not a lot of data is available because all actors involved have a vested interest in keeping it that way for different reasons.

III. THEORETICAL FOUNDATION

The first question that one must pose to them is what is to be understood under OC. For the means of this paper it refers to a continuing criminal enterprise with several important elements (Albanese, 2021). According to Albanese, one of these elements is the pursuit of financial gain as the sole objective, which leaves no space for ideology or political objectives, which would make OC as a whole non-ideological. This view has slightly changed over time and the lines between ideological and non-ideological motivations for OC have become more and more blurred (Finckenauer, 2005). Throughout the case study it will also become clear that these two are not mutually non-exclusive.

IV. CASE STUDIES

A. Iran

After the Iranian Revolution in 1978-79 (Afary &Jenet, 2025), which resulted in the toppling of the monarchy under Reza Shah Pahlavi, a new Islamic republic under the leadership of a religious leader in the Ayatollah Ruhollah Khomeini was established. Such a young State is quite brittle and especially seeing who else in the world this revolution had angered, it is safe to say that there were immense security concerns plaguing the new leadership in the country. Although revenge for the Shah's actions in the later years of his reign might have also been far up the list.

And so the newly founded Iranian Revolutionary Guard Corps (IRGC) embarked on a campaign to assassinate Iranian dissidents and former Iranian officials who had served under the old regime (Levitt, 2024). Most of these targeted people had fled to Europe for a few different reasons, like the fact that the certain European countries had been quite friendly with the Shah and so a Diaspora had already formed where these people could seek connection to. So most of the Iranian external operations happened in Europe, while other continents were not spared entirely.

This influence campaign has been going on since 1979 but according to the databank by the International Centre for Counter-Terrorism and the Washington Institute for Near East Policy (Levitt & Boches, 2024) 54% of all Iranian external operations since then occurred between 2019 and 2024 and all but one of these events attributed to

© 2025 Justus Müller. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

OC happening in the last decade as well, so quite recently. And it is also quite recently that a new modus operandi for these operations can be identified and this that while before the IRGC or Iran's secret police force, the Ministry of Intelligence and Security (MOIS), would conduct these operations abroad using their own operatives, they are now more increasingly utilising OCNs and members thereof for this. Especially in European countries, as will be demonstrated next.

To see the developments in this subject, Sweden can be an interesting place to look at. Sweden has been a hotbed for OC for a long time with the landscape of OC going through a steady transformation since the turn of the millennium (Persson, 2025). While originally motorcycle gangs like the Hells Angels dominated the scene, they are being replaced by "loosely organised, territory-based networks, often led by second-generation immigrants". And according to Persson, that is a great benefit because the chance of dual-citizenship there is higher and this opens up new possibilities for international drug trade routes facilitation. And especially the Iranian citizenship comes in handy here as will shortly be laid out.

Some of the groups that fit the above mentioned characteristics are the Sweden-based Foxtrot gang under the leadership of Rawa "Kurdish Fox" Majid, an Iranian-born Kurdish-Swedish underground boss (Munsi et al., 2025). According to a U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) press release the organisation was set up in 2015 in Sweden (OFAC, 2025). The OCN is reportedly prominent in the regional drugs and arms trade and can also be linked to several gang-land shootings. Majid currently has an Interpol Red Notice poached on him which wants him for "exceptionally gross narcotics offences" among various other crimes. The Swedish OC scene became very active in the last couple of years, which can be in an extend attributed to the brewing feud between the Foxtrot gang and the Rumba gang, which, according to CNN made Majid leave Sweden for Sulaymaniyah, a Kurdish city in northern Iraq, in 2019. He did this while still holding the reins over his organisation and keeping in close contact with his subordinates in Sweden via encrypted chats, often under the alias "Foxkurdish", a play on his nickname, Kurdish fox. The IRGC is rumoured to have a strong basis in this area so it is not unreasonable to assume that the contact to Majid was made there first, after he was reportedly arrested by Iranian authorities in 2023 but swiftly let go again (Forsberg et al., 2024).

According to the United Nations Office on Drugs and Crime (Pishehvar, n.d.), Iran is a major transit country for illicit drugs, including opium and heroin coming mostly from Afghanistan and increasingly more Amphetamine-Type Stimulants (ATS). So having good relations to authorities in the region, who often have leniency towards corruption, could be very beneficial for a European OC because these potential routes through Iranian and Iranian-influenced territory can be used to traffic drugs for the gain of these OCs.

So it is not unrealistic to come to the conclusion that this sort of arrangement, cooperation with Iranian agencies in exchange for profit through the drug trade, was struck between Majid and the Foxtrot network and Iranian operatives. The Swedish security Service SÄPO and the U.S. Department of State seem to think so. SÄPO released a statement in May of 2024, stating that Iran "uses criminal networks in Sweden to carry out violent acts against other states, groups or individuals in Sweden that Iran regards as threats."(SÄPO, 2024). The report further lays out that these activities had been going on for several years and identified mainly Iranian dissident groups and individuals from the Iranian Diaspora, but also representatives from other States, namely Israel, as targets.

One of the operations carried out allegedly by the Foxtrot network was an attempted attack on the Israeli embassy in Stockholm in 2024 using an explosive device, which was defused in time (Munsi et al., 2025). Then there was an incident on the 16th of May, where a 15-year old, who was recruited and coached over social media, was sent in a taxi to pick up a gun and then to take a second taxi to the Israeli embassy. He never arrived because Swedish police intercepted and arrested him before he could get there.

But shots were still fired near the embassy on the 17th of May, this time by a 14-year old armed with a handgun. While Swedish police attribute the first two attacks to the Foxtrot network, the shooting on the embassy was reportedly committed by a boy that was recruited for the job by the Rumba gang, so the rivals of the Foxtrot network, since their feud started in 2023. So in Sweden, where under 15-year olds cannot be held criminally liable, Iran is hedging their bets and has apparently developed a relationship with both groups (Munsi et al., 2025). This has also led to the U.S. Department of State to sanction the Foxtrot Network and Majid (Rubio, 2025).

Another group in other European countries that Iran has apparently established ties with is with the so-called "Mocro Mafia" in the Netherlands and Belgium. A misleading name, since it is not one organisation, but "... a nebulous aggregation of individuals with Moroccan decent specialising in trafficking of cocaine and other narcotics." (Eski & Sergi, 2023, p. 121). One of these aggregations is the network around Ridouan Taghi, one of the Netherlands biggest drug cartels (Holligan, 2024). Naoufal Fassih, because of his statute called "the Belly", was reportedly his right-hand man and tasked with violent part of their operation (Sherry, 2025). In this pursuit he made his way to Ireland, where he fostered the relationship between the Taghi network and the Kinahan cartel, at that time Irlands biggest player in trafficking of narcotics and with a big presence also in the UK and Spain.

Those two groups, alongside others, like the Chilean trafficker Ricardo "el Rico" Vega and Raffaele Imperiale of the Italian Camorra mafia, formed a loose cooperative network, which was dubbed the "Super Cartel" (Den Held, 2022).

After being arrested in a Kinahan safe house in Dublin in 2016 and being extradited back to the Netherlands, Fassih was finally arrested in the Netherlands in 2019 for the 2015 murder of Mohammed Reza Kolahi Samadi, who was an Iranian dissident living in the Netherlands where he hid from the Regime in Teheran, which convicted him in absentia for a bombing in 1981 in Iran that claimed 73 lives. He sought political refuge in the Netherlands and was living in Almere under a false identity until he was shot in the head outside his house there. Apparently he was on an Iranian "death list" (Boffey & Chulov, 2019). Dutch police authorities soon linked the shooting to Fassih, who was known in the onderwereld (underworld) for facilitating hits.

The Dutch Court of Appeals then held that while Fassih had certainly been an "intermediary and conduit" (Sherry, 2025) in facilitating the murder, there was not enough evidence to convict him of the actual murder, only the solicitation thereof.

After a combined efforts of Europol, the U.S. Drug Enforcement Administration (DEA) and domestic law enforcement of the Netherlands, France and Belgium, such as with Operation DESERT Light (Europol, 2022), significant pressure was put on these networks, in Europe and abroad. Especially in Dubai, which had become a safe haven for the "management" of these networks. They felt safe there for a long time because they basically were. This changed rapidly and these networks had to adapt. This includes Daniel Kinahan, leader of the Kinahan cartel, allegedly fleeing to Iran and shifting the money-laundering operation partly to an Iranian island called Kish (Kierans, 2024). According to the DEA, the Kinahans had already laundered money there in the past and simply stepped up their operation.

B. Turkey

While the primary motivation in the Iran-influenced cases for the OC seems to be money, being either directly paid or allowed to profit through drug trafficking like in the Foxtrot case or money laundering in the "super cartel" case, this is not entirely true in the example of the Turkish-influenced OC activity abroad, mainly in Germany. While there are certainly also alleged efforts by the Turkish government to utilise OCs in a manner like the Iranian government is doing, for example regarding surveillance in Greece through OCNs (Turkish Minute, 2024), the focus of this section will be on a particular group in Germany, which will show the governments approach and how it differs from the Iranian.

Because here, Turkey's influence through OC can mostly be boiled down to one organisation, the Osmanen Germania.

Founded in 2015 in Frankfurt as a boxing club (Fishhaber & Klasen, 2018) it became a club for "martial artists, bouncers and pimps" (Diehl & Siemens, 2018). But unlike other "outlaw motorcycle clubs" or rockerähnliche Gruppierungen (outlaw motorcycle-adjacent groups) , like the Osmanen Germania are classified by German police that are ethnically diverse, the Osmanen Germania, as their name suggests, are a Turkish-nationalistic club and only people of Turkish descent are members. This can be seen from their own online presence, videos that they record and release themselves, where there is talk of "ottoman blood", the number 1453, the date of the conquest of Constantinople, being prominently shown, and members in shirts of the club being pictured at Turkish-nationalistic demonstrations in Germany (Diestenbühl, 2016).

So in comparison with the OC that Iran is linked to there is a clear ideological component to be observed and less a monetary motivation.

The nationalistic aspect can also be directly seen in their relationship with the Turkish government. The club has reportedly good connections to the "Union Europäischer Türkischer Demokraten (UETD)", a Turkish lobbyist group in the EU, that is financed by the Turkish State and in turn allegedly fiances the club and gives it orders. In 2016, a direct advisor to the President Erdogan met with a delegation of the club in Ankara, wore a shirt of the club and posted a picture with it on Facebook, where he commented, that "one would always be behind Turkish citizens, that are fighting terrorism abroad", with which he alludes to Osmanen Germania's several violent attacks on people with Kurdish origin in Germany, like in Ludwigsburg in 2016, where a group of club members chased a group of Kurds and beat them with blunt objects (Diehl &Siemens). This is only one of several attacks of this nature against people of Kurdish, Alevit and Turkish origin, which have openly voiced criticism of the Turkish government. The club was ultimately forbidden by the German Ministry of the Interior, which also acknowledged this relationship (Stoltenberg, 2018).

C. Comparative Analysis

So where the Iranian and Turkish approach to using OC for their agenda differs in the motivation of the OC, mostly monetary motivation for Iran and mostly ideological motivation for Turkey, there is some overlap in other areas.

Both utilise violence, in the Iranian case also deadly violence, which results in a sort of "chilling effect", which is meant to stop individuals and groups from expressing themselves or continuing their activities out of fear.

Both countries also get plausible deniability from working with OCs, because in the case that the individuals are caught and stay silent, the activity can just be chalked up to domestic criminal activity, which the group is already involved in. It also allows the States to rely on pre-existing networks, which they don't have to establish by themselves. Iran has taken advantage of this more then Turkey, which allegedly helped with the establishment and funding of the Osmanen Germania from a very early point and therefore could not rely on pre-existing networks in this instance. There is of course also a downside to this, as working with individuals, that have not had training in covert operations do not have the same capabilities as those that were, potentially decreasing the operational security of the operation (Forsberg et al, 2024).

Both countries aim the action against dissidents in the Diaspora of their own country and against those who voice criticism, but also against actors that they are in active conflict with, so Iran against Israeli institutions and Turkey against Kurdish institutions.

But there are also differences in the benefits that the States get from these actions. Iran is a country under heavy international sanctions and they rely on the black market for some trade. For this they need internationally accepted currencies, namely U.S. Dollars, which they get by letting OC, like the Kinahan cartel, launder money in their borders.

This is not the case for Turkey.

V. CONCLUSION

This development has significant implications for all actors involved, the States leveraging the OCs, the OCs themselves and the States in which these activities happen.

For States that engage in these activities can have big payoffs in achieving their agenda, suppression of dissent and sowing chaos abroad, but there can be negative consequences, like increased sanctions, if the other State actor catches on.

For the OC scene in this country it means that with this powerful relationship they have more financial support or more ways in continuing their operations like drug trafficking. It also means that other criminal actors, in a pursuit to keep up, might proactively reach out to these States and try to establish a relationship of their own, like with the Foxtrot and Rumba networks, where Iran backs both, irrespective of their feud in Sweden. This may lead to an increase in violence between groups which could lead to an overall increase in threat levels for the general public.

For the States, on whose territory these activities happen, it is a big security threat and it undermines the State's sovereignty to an absolute extreme. Those States need to find a balance between a criminal justice and a diplomatic response. To achieve this cross-sector cooperation within the State, between law enforcement and the Secret Service agencies, but also social services working with youths, needs to be promoted. Also a cross-border response by the competent authorities in the affected countries is necessary, information sharing needs to happen.

It is also important to address the social factors, like OCs primarily using minors as shooters, who get influenced from an early age. Preventive measures, like more education specific to this topic, need to be established in collaboration with community leaders, teachers and parents to work towards a better future because in these internationally unstable times, this phenomenon is more likely to increase then to decrease.

REFERENCES

Afary, J. (2025, March 25). Iranian Revolution | Summary, Causes, Effects, & facts. Encyclopedia Britannica. https://www.britannica.com/event/Iranian-Revolution

Albanese, J. S. (2021). Organized crime as financial crime: The nature of organized crime as reflected in prosecutions and research. Victims & Offenders, 16(3), 431–443. https://doi.org/ 10.1080/15564886.2020.1823543

Boffey, D. (2024, July 10). Death of an electrician: How luck ran out for dissident who fled Iran in 1981. The Guardian. https://www.theguardian.com/world/2019/jan/14/a-dutch-electricians-raises issues-of-trust-in-iran

Diehl, J., & Siemens, A. (2018, March 24). Osmanen Germania und ihre Connection zu Recep Tayyip Erdogan. DER SPIEGEL. https://www.spiegel.de/spiegel/osmanen-germania-und-ihre conncetion-zu-recep-tayyip-erdogan-a-1199613.html

Diestenbühl, D. (2016). Osmanen Germania: Rockerkriminalität und türkischer Rechtsextremismus. PUBLICUS. https://publicus.boorberg.de/osmanen-germania/

Eski, Y., & Sergi, A. (2023). Ethnic profiling of organised crime? A tendency of mafia-cation in the Netherlands. Trends in Organized Crime, 27(2), 120–139. https://doi.org/10.1007/ s12117-023-09502-4

Finckenauer, J. O. (2005). Problems of definition: What is organized crime? Trends in Organized Crime, 8(3), 63–83. https://doi.org/10.1007/s12117-005-1038-4

Fischhaber, A., & Klasen, O. (2018, October 31). Osmanen Germania – Das steckt hinter der Rockergruppe. Süddeutsche Zeitung. https://www.sueddeutsche.de/panorama/osmanen-germania portraet-1.4047892

Forsberg, I. H., Rossetti, E. A., Gallina, F., & Tissine, V. (2024, June 10). PSA: Iran using organized criminal gangs in Sweden as proxies to attack Israeli and Jewish targets poses multi. Counterterrorism Group (CTG). https://www.counterterrorismgroup.com/post/psa-iran-using organized-criminal-gangs-in-sweden-as-proxies-to-attack-israeli-and-jewish-targets-p

Held, D. D., & Held, D. D. (2022, March 1). Was a super cartel really controlling Europe's drug trade? InSight Crime. https://insightcrime.org/news/super-cartel-controlling-europe-drug-trade/

Kierans, J. (2024, June 10). 'Done a runner' – Kinahan mobsters flee Dubai bolthole for Iran as net closes in & drug lords pay millions. The Irish Sun. https://www.thesun.ie/news/13133252/kinahan mobsters-flee-dubai-iran-runner-govt-deal/

Levitt, M. (n.d.). Iranian external operations in Europe: The criminal connection. International Centre for Counter-Terrorism (ICCT). https://icct.nl/publication/iranian-external-operations-europe criminal-connection

Levitt, M., & Boches, D. (n.d.). Iranian external operations in Europe: The criminal connection. The Washington Institute. https://www.washingtoninstitute.org/policy-analysis/iranian-external operations-europe-criminal-connection

Munsi, P., Polgalse, K., & Stubbs, E. (2025, April 8). Iran's shadow war with Israel is ensnaring Swedish teens, security services say. CNN. https://edition.cnn.com/interactive/2025/world/iran israel-swedish-teenagers-shadow-war-intl-invs/

Office of Foreign Assets Control. (2024, March 12). Transnational criminal organizations designations. U.S. Department of the Treasury. https://ofac.treasury.gov/recent-actions/20250312

Pishehvar, P. (n.d.). Drug trafficking and border control. United Nations Office on Drugs and Crime (UNODC). https://www.unodc.org/islamicrepublicofiran/drug-trafficking-and-border-control.html

Persson, K. (2025, February 17). The rise of organised crime in Sweden. Bloomsbury Intelligence & Security Institute (BISI). https://bisi.org.uk/reports/the-rise-of-organised-crime-in-sweden

Sherry, A. (2025, January 31). Kinahan criminal caught in Dublin safehouse is cleared of murdering Iranian dissident. Sunday World. https://www.sundayworld.com/crime/irish-crime/kinahan criminal-caught-in-dublin-safehouse-is-cleared-of-murdering-iranian-dissident/a473666915.html

Stoltenberg, H. (2018). 'Osmanen Germania'-Verbot rechtskräftig. Deutscher Bundestag. https:// www.bundestag.de/webarchiv/presse/hib/2018_11/579770-579770

Turkish Minute. (2024, September 17). Greek report warns of risk of Turkish mafia being used for espionage activities in country. Turkish Minute. https://www.turkishminute.com/2024/09/16/greek-report-warn-risk-turkish-mafia-being-used-for-espionage-activities-in-country/

Human Trafficking in South Asia and Southeast Asia

Eleonora Niccoli

Abstract — **Millions of individuals in South Asia and Southeast Asia continue to be trafficked for enslavement, sexual assault, domestic slavery which makes human trafficking a serious problem. The area is susceptible to trafficking networks because of its high rates of poverty, the lack of a strong judicial system, and slow economic development. The main victims are frequently women and children who are forced into illegal industries, slavery, or trafficked across international borders. Despite the attempts from governments and non-governmental organisations to address this issue, the complexity of the problems on human trafficking, which has worsened by the corruption and lack of funds or even the proper educational system making effective action difficult. Enhancing security forces and regional contributions are crucial in order to dismantle the trafficking organisations. To address this major violation of human rights, a comprehensive approach must be taken.**

I. INTRODUCTION

What does Human trafficking mean? According to the dictionary it is the "unlawful act of transporting or coercing people in order to benefit from their work or service, typically in the form of forced labour or sexual exploitation" This serious violation of human rights in South Asia affects millions of individuals in the region such as sexual exploitation, forced labor, and many types of modern slavery which involve the exploitation of men, women, and children. These are all just examples of this unlawful behaviour. South Asia's diverse cultures, complex social and economic environment make it both a source and a destination for human trafficking. For hundreds of years the cycle of kidnapping or forced labour has taken place and for most countries in South Asia, it may be the source of sole income beyond their country's agricultural profits.

II. HUMAN TRAFFICKING AND MIGRATION

Why does Human trafficking frequently occur in the context of significant population migration, and especially involving undocumented people who are primarily motivated by the desire for better living conditions and economic possibilities? With a sizeable percentage of incidents taking place there, Southeast Asia is acknowledged as a prominent supply region for victims of human trafficking. But Asia is also a major starting point for people who are trafficked to places all around the world, including Australia. Southeast Asia has seen significant intraregional migration since the 1980s, driven by a variety of socioeconomic and political push-and-pull forces that continue to impact regional mobility. In nations like Thailand, Cambodia, Vietnam, Myanmar, and the Philippines, human trafficking has grown to be a significant issue. In order to lure victims into their traps, traffickers usually offer them better jobs, a better life through present encounter or social media platforms. This could be done through series of events such as fake accounts, catfishing or even through mutual connections.

III. GENDERED DIMENSIONS AND COMPLEXITIES OF HUMAN TRAFFICKING IN SOUTH ASIA

Gendered dimensions of human trafficking in South Asia and Southeast Asia becomes also one of the main concerns for their high risk of exploitation. In accordance with data gathered by the UN Office on Drugs and Crime (UNODC), more than 25% of trafficked girls and more than 60% of trafficked women are exploited into gender-specific jobs such as sex work, domestic work, and child care as of 2021. In 2023, around 45% of child brides, forced marriages were witnessed and trafficked. Gender differentiation in human trafficking still happens now more than ever especially to woman and younger girls. Women and younger children have a higher risk of being exposed to exploitations by men and their own parents especially in countries that the limitations on educational system is present. This could lead to problems that may occur as a result of their ignorance to understand when they are offered an opportunity or if they are taken advantage of. Women's rights, especially the reproductive ones are till this day being neglected

Children are among the most vulnerable victims when it comes to human trafficking, not only in South Asia but around the world. Every year, an estimation of one million children in India are lured into the cruel world of prostitution.

Child trafficking for the purpose of labor exploitation is pervasive in countries such as Bangladesh which unfortunately happens both domestically and internationally through established routes that are planned out by the organisation. Prostitution, forced labour, forced marriage, and organ trafficking are just a few of the exploitative uses for which Bangladeshi children are trafficked. Girls are frequently trafficked into commercial sex work or domestic servitude, while boys are usually compelled to labor in sweatshops and manufacturing enterprises, especially in Pakistan and India. Unfortunately most of Bangladeshi children who are trafficked wind up in India, although some are taken to Pakistan and other Middle Eastern countries. While the region shares common challenges and similarities when it comes to trafficking, the responses to trafficking differs in different countries in South Asia. Countries like India, Nepal, Bangladesh, Thailand, each forms unique routes and ways when it comes to trafficking people in and out of their country.

When talking about human trafficking, the question that commonly arises is what activities are portrayed to the victims, how and why are these people being trafficked and how are trafficking organisation operating. Women,

© 2025 Eleonora Niccoli. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

men, and children in South Asia are exploited in many cruel ways. Through forced labour, forced into prostitution, children forced to serve in the nation's armed conflicts without their parent's permission or their own.

Forced labour, tends to come in many forms such as, household chores, construction, agriculture and also in entertainment, these are typically the sectors that uses forced labour most frequently. Widespread financial distress often leads to people taking on really risky jobs or falling for predatory lenders, which often leads to debts accumulation and maltreatment in jobs requiring a lot of physical effort. In particular, Thailand's fishing industry has drawn international attention due to its use of slave labor. Many fishermen who are trafficked suffer from severe abuse, including physical torture, forced labor, and even death; these fishermen are primarily from Cambodia and Myanmar. People from South and Southeast Asian countries like as Vietnam, Myanmar, Indonesia, the Philippines, Cambodia, Taiwanese, and Korean ships have been linked to similar tendencies of forced labor and trafficking. Another example and case of forced labour is shown in Thailand's fishing and seafood sectors and has drawn a lot of criticisms. In an infamous incident from September 2007, a police raid in the province of Samut Sakhon revealed that more than 800 Burmese men, women, and children were working in terrible conditions at a fishing business. Many additional investigations have documented the severe exploitation of Burmese labourers, many of whom are young people and teenagers, at seafood processing factories. There have also been worries regarding the trafficking of Cambodian men into Thailand's fishing business. These events highlight the vulnerable status of migrant workers, especially those without the necessary documentation, who are often forced into fields with few protections and loose regulations. Many people live in abusive situations with no safe way out because they fear deportation.

In addition, in China, a huge majority of minors are sold into South Asian countries like Thailand for sex trade. These victims are usually transported from the southern regions of China into northern Thailand through Myanmar. Although the official Chinese government data on trafficking does not break down victims by age, the officials do keep track of how many children were rescued from these trafficking networks; in 1995 and 1996 alone, over 3,200 cases were documented. But China is involved in more than just outbound trafficking. The trafficking of women and girls from Vietnam and other nearby nations into China for forced marriages has been exacerbated by this demographic disparity

Children are also trafficked within Laos, from remote villages to metropolitan areas, as well as across the Thai-Lao border, frequently for bonded labor or prostitution. Many Laotians who are trafficked into Thailand are reportedly sent to other nations, according to recent reports. Stories of Laotian girls being smuggled into China for forced marriages are also becoming more prevalent. Furthermore, there is an informal evidence that Vietnamese girls are trafficked into Thailand through Laos.

The factors impacting on trafficking victims comes in many ways. Children are more prone and vulnerable to trafficking for labour, sex exploitation are usually divided into several categories, those include individual level and family level.

The first initial cause could be poverty. The region's drastic rate of poverty and food insecurity have made children far more vulnerable to human trafficking. Poverty is cited in almost all of the research on the subject as a major factor in human trafficking in each of the impacted nations. This will likely get worse due to the ongoing Asian economic crisis. Economic hardship is not the only issue that might lead children to become involved in trafficking networks. A significant part is also played by other stresses such personal trauma, unstable families, or general social dysfunction.

Children who have lost one or both of their parents to divorce or death are often considered to be more vulnerable to human trafficking. A large number of prostitution-related children originated from dysfunctional households with drug-using parents, remarriages, and frequent domestic disputes. Another significant risk factor is neglect; children who do not receive the care and attention of their parents are frequently more vulnerable to the influence of human traffickers. The problem is made worse by the expense of education, which prevents many families from sending their children to school and drives more kids to choose risky options.

A more common drive to people exposing themselves are also the idea of "easy money". The attraction of making quick money is one huge factor contributing to some children's desire to relocate willingly and their vulnerability to traffickers' deceptive claims of "good" occupations. children may get lured into prostitution because of its seeming easiness and high returns. Furthermore, a number of studies indicate that increasing consumerism and the growing demand for material goods re important factors that can lead to children joining trafficking networks

Who and how are the people involved in the trafficking system? In South Asia, trafficking networks are becoming more complex and well-organized. In order to maintain both domestic and cross-border trafficking pathways, recruiters, transporters, employers, and even some law enforcement officers frequently collaborate. Regardless of the kind of exploitation, trafficking mechanics follow a similar pattern. Usually carried out by established networks, cross-border trafficking frequently starts in the child's hometown. Traffickers are frequently women who have been victims themselves. These kind of activities frequently increase during festival seasons when women go back to their villages and enlist others under false pretences.

Although air and sea routes are occasionally used, children are typically transported by land. Sometimes traffickers pay parents in advance, leaving the children in debt and requiring them to work exploitatively to pay back the money. Many children find that the promised marriage or job was a lie when they reach their destination, and those who refuse to cooperate are often abused and subjected to violence.

The majority of minors who engage in prostitution are first motivated or convinced by friends or members of their local communities, according to numerous studies. For example, many children in Bangladesh were lured to the city by a villager, usually a woman, promising them a

job, and then forced them to join the commercial sex traffic. The same person usually returned and guided the children into commercial sex work after leaving them to survive for themselves on the streets for a few weeks.

In the most rural parts of these countries, when parents have to leave for work, some children are left with the responsibility to try to find extra incomes for the family's economic survival. This could lead to the trap of getting badly influenced by the people they are exposed to without parental supervision. The weaknesses in state law enforcement capacity are also one of the main reasons why human trafficking till this day is still an ongoing problem. Despite the political will to stop human trafficking, law enforcement organizations frequently lack the resources, knowledge, and abilities needed to handle the increasingly complicated issue. Many aspects of both smuggling and trafficking remain hidden due to ongoing gaps in documentation, research, and analysis. In addition, the lack of a unified system for documenting court cases and investigations leads to disjointed and insufficient law enforcement data.

Thailand, for instance, has shown improved efforts to combat human trafficking but has not yet fully met the minimum standards for its elimination. There are still many issues, especially with the uneven identification of victims during labor inspections, which frequently leaves many victims especially those engaged in forced labor unidentified. In addition, the government has come under fire for failing to adequately safeguard victims of international cyber-scams, often detaining them rather than identifying them as victims of human trafficking. Furthermore, whereas training programs on labor rights and trafficking prevention reached more than 48,000 fishermen, employers in high-risk industries did not get enough educational outreach.

The continuation of human trafficking is also influenced by numbers of other factors that comes from within states. People are far more vulnerable to human trafficking when they are underemployed, poor, or have limited access to education. Children from low-income families who depend on low-yield land in places like Vietnam have a difficult time leaving poverty because they lack the necessary skills and other work options, which puts them at danger of being trafficked. In nations like Thailand and India, where it is socially acceptable to utilise prostitutes or keep mistresses as minor spouses, it is also imperative to confront cultural norms. The sex industry's ongoing need for women and children is fueled by these societal beliefs.

The extreme trauma that trafficking victims experience has a significant effect on their mental health and frequently results in symptoms including anxiety, estrangement, and post-traumatic stress disorder (PTSD). Extreme grief, hopelessness, suicidal thoughts, memory loss, and cognitive impairment are common symptoms among victims. Increased hostility and rage, along with trouble focusing, are also typical. If victims do not receive proper care and therapy, the trauma they endure during the trafficking experience can worsen and have lasting consequences. Getting hit and abused by strangulations, assaults with belts, wires, or bricks, and even stabbings are common forms of physical abuse committed by both employers and clients. Usually committed by several offenders, rape is the first step in sex trafficking.

Some global measures and regional actions in dealing with human trafficking worldwide and South Asia includes operations against cross-border smuggling and human trafficking, the United Nations Office on Drugs and Crime (UNODC) is creating training materials for law enforcement. These resources stress the value of global collaboration and all-inclusive tactics to stop solutions from unintentionally opening up new channels for illegal activity. With the idea to emphasise on establishing sustainable livelihoods and expanding access to infrastructure, healthcare, and education, UNODC has helped South Asian rural and isolated populations impacted by illegal trafficking. The goal of a collaborative platform created with funders, governments, and civil society is to draw attention to the significance of combating human trafficking and to cultivate collaborations for coordinated funding and programming. In addition, UNODC works on a number of anti-trafficking projects in partnership with the International Organization for Migration and the European Union.

Apart from international legal frameworks, the ASEAN Convention Against Trafficking of Persons, Especially Women and Children was ratified by Southeast Asia in 2015. The Bali Process was introduced in 2002 and offers a forum for Asia-Pacific nations to discuss, increase awareness, and strengthen their ability to fight transnational crime, human trafficking, and smuggling outside of Southeast Asia. International and regional frameworks acknowledge the transnational character of human trafficking and encourage information exchange, policy coordination, criminalization of trafficking, reciprocal legal aid, victim protection, and criminal prosecution.

In order to support regional and national initiatives that addressing human trafficking or "modern slavery" the European Union collaborates with groups like the United Nations Development Programme, the International Labour Organization, the Organization for Economic Co-operation and Development, UN Women, and the International Organization for Migration. By addressing the unique needs of women, lowering the risk of violence, and preventing the trafficking of female migrant workers through better information access and integrated, gender-responsive services, initiatives such as the EU Gender Action Plan seek to boost migration governance.

IV. CONCLUSIONS

In conclusion, the issue in South Asia and Southeast Asia on human trafficking is still a complicated and pervasive problem that migrates across countries borders, requiring coordinated national, regional, and international solutions. In most areas, women and children are disproportionately impacted and are the most vulnerable and primary targets. Alongside sexual exploitation, forced labor, which is acknowledged as the second most prevalent type of contemporary slavery often takes place, exposing victims to cruel, inhumane conditions that cause long-lasting bodily and mental suffering. The issue not only still existing but also seems to be getting worse in some places despite a lot of initiatives and persistent

attempts. It is difficult to successfully address the issue because the core causes of human trafficking are poverty, lack of awareness, armed conflict, globalization, climate change, and restricted employment opportunities are still being tackled till today.

REFERENCES

Caouette, T. M. (1998). Needs assessment on cross-border trafficking in women and children: The Mekong sub-region.Prepared for the UN Working Group on Trafficking in the Mekong Sub-region

Chutikul, S. (1999). Exploitative commercial sex, cross-border trafficking, sexual abuses, and violence against children and women. ESCAP International Labour Organization (ILO)-International Programme on the Elimination of Child Labour (IPEC). (1998). Combating trafficking in children for labour exploitation in South Asia: Reports on South Asian consultation. ILO-IPEC. Le, D. B. (2000). Children in prostitution in Viet Nam: Rapid assessment findings. Reported to ILO-IPEC SEA. Forthcoming ILO publication. United Nations Economic and Social Commission for Asia and the Pacific (ESCAP). (2000). Sexually abused and sexually exploited children and youth in South Asia: A qualitative assessment of their health needs and available services. ESCAP

International Labour Organization (ILO), & Organization of Petroleum Exporting Countries (OPEC). (2000). Trafficking in children in Asia: A regional overview. International Labour Organization. https://www.ilo.org/wcmsp5/groups/public/—asia/—ro-bangkok/documents/publication/wcms_bk_pb_7_en.pdf

IOM. (2016). Report on human trafficking, forced labour, and fisheries crime in the Indonesian fishing industry.International Organization for Migration. https://www.iom.int/sites/g/files/tmzbdl486/files/country/docs/indonesia/Human-Trafficking-Forced-Labour-and-Fisheries-Crime-in-the-Indonesian-Fishing-Industry-IOM.pdf

Joudo Larsen, J. (2010). Migration and people trafficking in Southeast Asia (Trends & issues in crime and criminal justice no. 401). Australian Institute of Criminology. https://doi.org/10.52922/ti281080

Kelly, P. F., & Le, D. B. (1999). Trafficking in humans from and within Vietnam: The known from a literature review, key informant interviews, and analysis. Prepared for the International Organization for Migration (IOM), Radda Barnen, Save the Children (United Kingdom), and UNICEF.

Hugot, L. (2024, May). *Human trafficking in Asia: A Hidden Scourge. Generation for rights over the world. https://growthinktank.org/*

Oxford Languages. (n.d.). Human trafficking. Oxford University Press. Retrieved April 10, 2025, from https://languages.oup.com/google-dictionary-en/

U.S. Department of State. (2023). 2023 Trafficking in persons: Thailand. Office to Monitor and Combat Trafficking in Persons. https://www.state.gov/reports/2023-trafficking-in-persons-report/thailand

UNICEF. (2023, May 5). A profile of child marriage in South Asia. United Nations Children's Fund. https://data.unicef.org/resources/a-profile-of-child-marriage-in-south-asia/

UNODC. (2022). Global report on trafficking in persons 2022. United Nations Office on Drugs and Crime. https://www.unodc.org/unodc/en/

United Nations Economic and Social Commission for Asia and the Pacific (ESCAP). (2000). Sexually abused and sexually exploited children and youth in South Asia: A qualitative assessment of their health needs and available services. ESCAP

Women in Male-Dominated Fields

Exploring the Effects of Patriarchy on Female Offenders of Transnational Organised Crime

Eunice Ayen Ondo

Abstract — **This paper explores the role of women in transnational organised crime (TOC), focusing on how patriarchy shapes their recruitment, involvement, and further victimisation in the society. Using a feminist criminology framework, it demonstrates how women's participation is shaped by gendered structures that marginalise them socially, politically, and economically. The paper argues that women offenders are often driven by survival and societal stereotypes that subordinate them to their male counterparts. However, reducing women to passive victims only reinforces patriarchal norms and worsens their marginalisation. It henceforth calls for a more nuanced understanding of women's agency, recognising both their involvement in TOC and the structural constraints they face. By challenging traditional categories of victim and perpetrator, this paper advocates for gender-sensitive criminal justice responses that break cycles of structural discrimination and more effectively address women's unique experiences within TOC.**

I. INTRODUCTION

Historically, as Siegel (2013) explained, women have not been regarded as having significant roles or being substantially involved in the violent actions of criminal groups. Criticised for (1) overlooked female perpetuation and victimisation, as well as (2) "historically theorising criminology based on male delinquency and crime" (Hübschle, 2013, p.34), the emergence of feminist criminology in TOC became inevitable, their passive role, reexamined. Feminist theory challenges criminology to pursue new avenues for analysis of criminal misconducts and victimisation (Flavin, 2001) and focuses on intersectional perspectives that take gender, race, sexual orientation, and social class into account (Potter, 2013). It contends that all female voices are significant yet reflect various perspectives of identical marginalisations (Cook, 2016). Such studies become crucial not only in recognising women offenders' experiences (Guerreiro, Gomes & Sousa, 2022) but also in determining the reason for their engagement, as well as whether and why their roles and functions differ to men's (Selmini, 2020).

In this paper, I explore the role of women in TOC, aiming to uncover their disproportionate dealings in contrast to men due to patriarchy, defined by Arsovska and Begum (2013, p.90) as "a form of social organization in which men dominate women". Institutionalised patriarchy, encompassing masculinity and gender stereotypes, affect women in a way that although they may assume leadership roles in criminal activities, they are still shaped by said structures that perceive them as having traditional roles which are completely dependent on their male counterparts, and analogically, on the criminal organisation they are part of (Falanga, 2023). Hence, by imploring the feminist criminology perspective, it becomes clear that the power dynamics between men and women, particularly seen through women's economic marginalisation and role entrapment due to survival necessities, victimise them into committing TOC and suffering far more prejudice as a result.

Part 1 explores the heightened vulnerability to recruitment that women face, while Part 2 discusses their involvement in multifaceted, objectified positions that represent their structuralised expendability. Lastly, as shown in Part 3, upon leaving the criminal environment, they face worse stigmatisation and discrimination than men, owing to the standards established by the said patriarchal structures in place. Ultimately, I highlight that TOC committed by women, once looked upon closely, can be determined as crimes due to crimes done against women, especially in light of victimisation, exploitation, and discrimination caused and continuously empowered by patriarchy.

It would be misleading, however, to portray women as mere victims and not perpetrators of TOC, thereby framing them simply as subjects of male agency. This paper is part of an ongoing effort to centralise women in the contemporary criminological discourse. That is, not to merely examine them as passive victims but as active agents whose roles are shaped by and are in response to structural inequalities. Depicting women exclusively through a victimhood lens risks reinforcing the very patriarchal assumptions that sustain their marginalisation and contribute to the existing gaps within criminal justice responses. A more nuanced understanding is therefore necessary to develop effective and equitable approaches to TOC.

II. EXPLORING THE EFFECTS OF PATRIARCHY

A. Joining TOC: Women's Pathways & Pressures

Several studies have taken into account how gender stereotypes impact the process of recruitment, revealing that "female outsiders are recruited and targeted because they are viewed as "clean skins" who are less likely to be identified by the police as [organised crime group] members or actors" (Organization for Security and Co-Operation in Europe, 2023, p.29). Most men who are employed must first demonstrate a skill set that is deemed useful to the criminal group. Women, on the other hand, are simply selected based on the perception that police authorities often assume that they have little to no power within the group, which would allow them to act with no suspicion and repercussions, thereby making them more appealing for recruitment for illegal activities. This invisibility often explains why women are selectively targeted, and is further amplified with the larger structural

© 2025 Ondo Eunice Ayen. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

gendered imbalances that shape women's experiences in vulnerable contexts.

The systematic gender inequality found in the society has exposed women to vulnerabilities and violences that in turn prompt them to resort to crime as a remedy (Falanga, 2023). In an interview with women who were involved in gangs in Cape Town, South Africa, Shaw and Skywalker (2017) have identified multiple drivers of women's recruitment into organised crime: (1) feeling of belonging and family, (2) protection, (3) resources, (4) "the path of least resistance", (5) under- and unemployment in the licit economy, and (6) substance abuse. Majority of these often have the same underlying cause: many participate in unlawful activities for their survival and that of their children amid a broader structural lack of opportunities, particularly in the areas of work, education, and societal mobility (United Nations Office on Drugs and Crime, 2019). Thus, the economic marginalisation theory, which links patriarchy to the economic disadvantage that women face in comparison to men, is frequently used to study crimes committed by women (Heimer, 2000). Their socioeconomic position in relation to men is taken into account, which includes the extent to which the disparities in their income and employment differ. Even if governments and agencies, in the course of history, as Stanojoska (2015) narrates, have worked to ensure equal working conditions for all individuals, regardless of gender, it remains true that domestic differences exist that limit women's chances of equal success as men. Despite a number preferring not to have children, most women who are employed are nonetheless responsible for parental and household duties, creating a double-headed burden that prevents them to entirely focus on their success. As a result of this confinement, women become socialised and are subjected to experiences that limit their activities and reinforce their dependent role, while men remain in charge of economic resources and maintain their dominance and authority over women (Parker & Reckdenwald, 2007).

Although some scholars contend that the contemporary expansion of women's rights and freedoms have enriched them with more autonomy and independence in the society, Babatunde (2014) adds that this reduced perception of women as economic burdens, combined with the consequent scarce amount of employment opportunities, might propel them into committing crimes as such may be their best and only opportunity to get by or flee difficult situations. For example, in Guatemala, characterised by its impoverished neighbourhoods and lack of career opportunities, extortion markets have become a major provider of informal employment for women (InSight Crime and Global Initiative against Transnational Organized Crime, 2019). Similarly, as Siegel (2013, p.60) points out, the emergence of "women traffickers" might be also explained by an opportunity for quick money. Some lure victims with misleading offers for employment, while others, pursuing better opportunities, may voluntarily choose to leave their native country, following a deceptive promise (Brennan, 2001). Ultimately, as Fleetwood (2014) gathered, these trafficked women refer to their participation only as upholding or achieving gender stereotypes while facing such economic difficulties. They are motivated by their own duties and obligations as daughters, wives or mothers rather than their own ambitions, as men did when discussing entrepreneurial activities. This is also signalled by the participation of women in illegal drug trade and production, serving as an alternative for the lack and restricted access of conventional economic pursuits (Sommers, Baskin, & Fagan, 2001). In an interview conducted by Castillo-Algarra and Ruiz-Garcia (2022) with Latin American women incarcerated for drug trafficking, the participants refer to cocaine trafficking as a realistic and attainable option to fulfil their responsibilities as heads of their families. This simply demonstrates that, while women have progressively gained agency to pursue their own goals, it is nevertheless still heavily influenced by other individuals and the social structures that surround them. Referencing the work of many feminist scholars, Rettinger and Don (2009, p.31) go on to argue that the inequality of power in the society as well as the socialisation gaps experienced by both men and women are important to consider in understanding the risks and prevalence of crimes committed by women, as they further influence factors like "victimization, parenting and family obligations, economic marginalization, and substance abuse", which contribute to their involvement.

B. Navigating TOC: Women's Involvement & Agency

Historically, examinations on the participation of female offenders have focused mainly on prostitution and violent aggression, with women portrayed as inactive subjects or as victims of mental illness (Moon, Blurton & McCluskey, 2008). Perceived through gendered lenses, they are generally glanced at as mere supporting characters, having no faces and histories within the organisation. For instance, in the case of the Italian mafia, they had long been considered as caretakers or middlemen with insignificant tasks of carrying messages or supplies. This resulted in a gender-based stratification within earlier studies of criminology, limiting women into traditional roles and further reinforcing such expectations, especially as risks and stakes grow for the transnational crime group (TCG). This is not the case, however, as even in the context of criminal behaviour, the persistence of "doing gender" among women offenders exists: femininity is not simply inherent, but is something that must be actively performed and achieved within specific situations (Arsovska & Begum, 2013, p.90). Hence, the emergence of feminist criminology played a pivotal role in the development of attempts to recognise and address this gender gap.

As time progressed, so too are the studies that investigate the roles women play and the level of participation they have within TCG. Yet, while women have now expanded their roles and have actively participated in criminal activities within the group, this does not imply that they are treated equally with males (Falanga, 2023). As such, understanding that these roles contain a myriad of complex interplay with their rational choice, as well as capabilities and restrictions that come along their image and characteristics as women, is crucial. Particularly, it is important to signal the danger of simplifying and generalising their roles as consequences of being victims due to their social contexts. Restricting women into victim roles further overlook their complex

situation and experiences, which in turn impact the creation of an effective political strategy against the gendered-nature of TOC.

The contribution of women in TOC can be explored in many ways depending on their roles and agency. In the data compiled by Hicks (2021), based on the work of Siegel and de Blank (2010), women primarily play supportive roles, alongside a number of leadership positions. These roles are categorised into three types, as shown in Table 1:

Table *1*	**Women's Role in TOC Networks**	
	Role	***Description***
	Supporters	"Subordinate to the leading traffickers and, either under threat or 'voluntarily', executed orders of the leader or other members of the human trafficking networks."
	Partners-in-Crime	"Women who have a relationship with a man and cooperate with him, in principle on the basis of equality, in conducting tasks and activities."
	Madams	"Female offenders who play a central role, lead criminal organisations, and coordinate human trafficking activities."

Note: Role descriptions are quoted directly from Hicks (2021, p.5)

Though these succinctly apply to human trafficking, these substantive roles are also applicable to other organised crimes, such as sex trade and exploitation, drug production and smuggling, fraud and money laundering, and may be referenced differently depending on the nature of the illicit activity performed and the extent of autonomy in their work. In the case of drug production and smuggling, for example, women who disguise to play a familial role to the so-called mule can be seen equivalent to that of a supporter, or that of a partner-in-crime that help organise the activity hand-in-hand with their male counterparts. Another way to classify the role of women within TCG is based on the perception of the performance of their roles: first, sexualised and objectified as a precious piece of possession, and finally, perceived as a feminine figure that plays the role of a caregiver. This approach underlines the possible overlap of women's responsibilities in crimes. More specifically, in the context of human trafficking, women may also be compelled to engage in illicit sexual activities. Accordingly, there may be instances where they may operate as supporters within a male-dominated TCG while being leaders of their own women networks (Falanga, 2023). This further challenges the conventional notion of TOC as solely male-perpetrated violence against women.

Ultimately, it is the socially constructed gender stereotypes and role expectations that patriarchy has built around the society that shape the extent and nature of women's involvement in TOC. Societal norms often position men as dominant figures of power and authority, contributing to the exclusion of women from taking significant roles even within criminal networks. Diviák, Coutinho, and Stivala (2020) also concluded that male offenders frequently regard women to be unfit and inadequate for positions of responsibility, which makes it more difficult for women to advance within structures of TOC. These inherent patriarchal biases further affect women by seeing them as mere expendable assets in criminal operations, often left without any safeguards and abandoned to face consequences alone once apprehended (Navarrete, 2019). As stated by Capp and Wiebe (2023, p.49), criminal organisations assign them to "high-risk, low-rank tasks" that hold little to no strategic importance. In fact, Fernández, in a 2019 Connectas article, discussed how women involved in gang operations are employed deliberately as diversion for law enforcement to catch while larger amounts of drug shipments are transported elsewhere. Carrión, in the same article, further observed how this tactic impacts the criminal justice system, notably in Chile, where laws tend to target low-level operatives rather than those who lead the drug trade and prosecutors focus on individuals employed to smuggle the drugs who have minimal influence and limited value to the TOC. Their imprisonment holds minimal effect within the activities of the TCG, yet provides severe repercussions for them, their families, and their communities, reinforcing cycles of social exclusion, marginalisation and repeat incarceration (Pieris, 2014; Giacomello & Youngers, 2020; Youngers, Castro, & Manzur, 2020; WOLA, 2016).

C. Leaving TOC: Women's Further Marginalisation

It is crucial to see beyond women's criminal roles within the TCG and recognise their victimisation within a highly patriarchal societal structure that not only confines them in a cycle of exploitation, but also severely hampers their capacity for escape. Those who succeed nonetheless in escaping such environments suffer significant challenges upon reintegration, highlighted in the lack and limited access to support systems, stigmatisation, and institutional neglect (Hicks, 2021). Brunovskis and Surtees (2008) critically examined these reintegration policies, noting that such approaches are often framed punitively. That is, rather than focusing on systemic transformation or support, these policies tend to emphasise the need for victims to change to be deemed suitable for reintegration in the society. Houge, Lohne and Skilbrei (2015, p.165) highlighted the problematic nature of this approach, arguing that this implicitly suggests victims were inherently "out of place in the society to begin with" and reinforces the notion that they consist of a deficiency that must be corrected in order to function normally, thereby aggravating the existing marginalisation rather than fostering genuine inclusion. Hale (2005) further adds that the criminal justice system functions within a male-centric framework that exposes women to standards and procedures inherently created for male offenders, consequently perpetuating a systemic injustice in how female offenders are assessed and managed. This systemic bias is further intensified by the framing of TOC, positioning offenders, in particular, women, as threats to national security and public order rather than victims of structural vulnerabilities (Simmons, Lloyd & Steward, 2018). Such portrayals enable states to legitimise repressive measures with little regard for underlying gendered injustices. As a result, while women are indeed recognised perpetrators, this framing often disregards the structural patriarchal conditions that shape their pathways into crime, denying them a more nuanced recognition as

both agents and subjects of broader social inequalities. On top of that, Pieris (2014, p.29) describes a phenomenon of "double punishment", referring to the stigma encountered by women who have served within prison systems that is shaped and is continuously reinforced by patriarchal norms. This is not only exacerbated through societal rejection and alienation, but is also institutionalised through state policies and reintegration programmes. Subjected to both legal and societal condemnation that further marginalise women, this stigma henceforth increases their risk of reoffending and reentry into transnational criminal activity.

Therefore, as Erez (2001) asserts, a thorough understanding of women's victimisation needs to begin with the need to safeguard women from all types of victimisation. Yet, this cannot be attained without confronting the invisible structural and cultural barriers that limit their freedom from victimisation and without understanding how there are interconnected needs, causes, and effects associated with these different types of victimisation. Overlooking these connections in policymaking and institutional interventions leads to missed opportunities for sustained and systemic change.

III. CONCLUSIONS

This paper has examined the role of women in TOC, revealing how patriarchy disproportionately impacts them in both involvement and further victimisation. Women's participation is not only shaped by their agency but also by gendered structures that marginalise them economically and socially. Their involvement often results from survival pressures and societal stereotypes that deem them secondary to their male counterparts and upon leaving the criminal environment, they face intensified stigma and discrimination that further perpetuate the cycle of marginalisation.

To recognise the lived experiences of women within TOC and the impacts on them, it is essential to interrogate the gendered assumptions that shape both public discourse and institutional responses. Since society is structured around concepts rooted in masculinity, reducing women's roles to passive victimhood only reinforces the very patriarchal norms that sustain such structural inequalities. Acknowledging women's agency, while recognising the structural constraints they face, is therefore crucial in developing contextualised criminal justice responses. Only by dismantling these reductive stereotypes can we begin to reshape policy and practice in ways that support equitable reintegration, disrupt cycles of marginalisation, and create a justice framework that addresses the realities of both women and men.

Hence, it is equally imperative to examine how contemporary policy frameworks contrive categories like victim and perpetrator. As Hogue et al. (2015, p.170) argue, deconstructing these categories is vital to developing a more responsive and equitable approach to international and transnational criminal justice, further cautioning that the "universal juridification" promoted by international legal frameworks risks suppressing significant sociopolitical and cultural differences, shifting attention away from more nuanced and locally grounded responses to structural pressures and inequalities that shape women's experiences of victimhood and offending.

REFERENCES

Arsovska, J., & Begum, P. (2013). From West Africa to the Balkans: exploring women's roles in transnational organized crime. *Trends in Organized Crime*, *17*(1–2), 89–109. https://doi.org/10.1007/s12117-013-9209-1

Babatunde, A. O. (2014). Human trafficking and Transnational Organized Crime: implications for security in Nigeria. *Peace Research*, *46*(1), 61–84. https://www.jstor.org/stable/24896053

Brennan, N. (Ed.). (2001). Framing Statement. In *Women in the Criminal Justice System: International examples & National responses* (36th ed., pp. 69–75). European Institute for Crime Prevention and Control Affiliated with the United Nations (HEUNI). https://doi.org/10.15496/PUBLIKATION-23611

Brunovskis, A., & Surtees, R. (2008). Agency or Illness—The conceptualization of trafficking: Victims' choices and behaviors in the assistance system. *Gender Technology and Development*, *12*(1), 53–76. https://doi.org/10.1177/097185240701200105

Capp, M., & Wiebe, C. (2023). Chapter 2: Children of Incarcerated Parents: The Impact of Criminalization for Drug Offenses in Latin America. In *Global Approaches on State Fragility & Organized Crime* (1st ed.). UPEACE Press. https://upeace.org/wp-content/uploads/2024/04/Vieira-Global-Approaches-on-State-Fragility-and-Organized-Crime.pdf

Castillo-Algarra, J., & Ruiz-García, M. (2022). From housewives and mothers to mules: The case of Latin American women prisoners in Spain. *Journal of International Women's Studies*, *24*(1), 5. https://vc.bridgew.edu/jiws/vol24/iss1/5/

Connectas. (2024). *The Expendables: the weakest links in the drug trafficking chain*. InSight Crime. https://insightcrime.org/news/expendables-weakest-link/

Cook, K. J. (2016). Has criminology awakened from its "Androcentric slumber"? *Feminist Criminology*, *11*(4), 334–353. https://doi.org/10.1177/1557085116660437

Diviák, T., Coutinho, J. A., & Stivala, A. D. (2020). A Man's world? Comparing the structural positions of men and women in an organized criminal network. *Crime Law and Social Change*, *74*(5), 547–569. https://doi.org/10.1007/s10611-020-09910-5

Erez, E. (Ed.). (2001). Module 2: Women as Victims and Survivors - Women as Victims and Survivors in the Context of Transnational Crime. In *Women in the Criminal Justice System: International examples & National responses* (36th ed., pp. 136–146). European Institute for Crime Prevention and Control Affiliated with the United Nations (HEUNI). https://doi.org/10.15496/PUBLIKATION-23611

Falanga, F. (2023). *Women's Role in Transnational Criminal Organizations from a Gender Perspective* [MA thesis, Università degli Studi di Padova]. https://hdl.handle.net/20.500.12608/67922

Flavin, J. (2001). Feminism for the mainstream criminologist. *Journal of Criminal Justice*, *29*(4), 271–285. https://doi.org/10.1016/s0047-2352(01)00093-9

Fleetwood, J. (2014). Drug mules. In *Palgrave Macmillan UK eBooks*. https://doi.org/10.1057/9781137271907

Giacomello, C., & Youngers, C. A. (2020). Women incarcerated for drug-related offences: a Latin American perspective. In *Emerald Publishing Limited eBooks* (pp. 103–111). https://doi.org/10.1108/978-1-83982-882-920200016

Guerreiro, A., Gomes, S., & Sousa, P. (2022). Feminist Criminology and Women in Organized Crime: A Theoretical exercise. *Ex Aequo - Revista Da Associação Portuguesa De Estudos Sobre as Mulheres*, *45*. https://doi.org/10.22355/exaequo.2022.45.05

Hale, B. (2005). *The Sinners and the Sinned Against, Women in the Criminal Justice System*. The Longford Trust. https://www.longfordtrust.org/longford-lecture/past-lectures/brenda-hale-the-sinners-and-the-sinned-against-women-in-the-criminal-justice-system/

Heimer, K. (2000). Changes in the gender gap in crime and women's economic marginalization. *Criminal Justice*, *1*. https://www.ojp.gov/criminal_justice2000/vol_1/02i.pdf

Hicks, J. (2021). *The role of Gender in Serious and Organised/Transnational Crime*. https://doi.org/10.19088/k4d.2021.059

Houge, A. B., Lohne, K., & Skilbrei, M. (2015). Gender and crime revisited: criminological gender research on international and transnational crime and crime control. *Journal of Scandinavian Studies*

in Criminology and Crime Prevention, *16*(2), 160–174. https://doi.org/10.1080/14043858.2015.1045730

Hübschle, A. (2013). Of bogus hunters, queenpins and mules: the varied roles of women in transnational organized crime in Southern Africa. *Trends in Organized Crime*, *17*(1–2), 31–51. https://doi.org/10.1007/s12117-013-9202-8

InSight Crime & Global Initiative against Transnational Organized Crime. (2019). *A Criminal Culture | Extortion in Central America*. Global Initiative Against Transnational Organized Crime. https://globalinitiative.net/wp-content/uploads/2019/05/Central-American-Extortion-Report-English-03May1400-WEB.pdf

Moon, B., Blurton, D., & McCluskey, J. D. (2007). General Strain Theory and Delinquency. *Crime & Delinquency*, *54*(4), 582–613. https://doi.org/10.1177/0011128707301627

Navarrete, M. A. (2023). *Women Taking On More Roles Within Colombia's Drug Trade*. InSight Crime. https://www.insightcrime.org/news/brief/women-roles-colombia-drug-trade

Organization for Security and Co-operation in Europe. (2023). *Understanding the role of women in organized crime*. Organization for Security and Co-operation in Europe (OSCE). https://www.osce.org/secretariat/560049

Parker, K. F., & Reckdenwald, A. (2007). Women and crime in context. *Feminist Criminology*, *3*(1), 5–24. https://doi.org/10.1177/1557085107308456

Pieris, N. J. (2014). *Women and drugs in the Americas*. https://www.oas.org/en/cim/docs/WomenDrugsAmericas-EN.pdf

Potter, H. (2013). Intersectional Criminology: Interrogating Identity and power in criminological Research and theory. *Critical Criminology*, *21*(3), 305–318. https://doi.org/10.1007/s10612-013-9203-6

Rettinger, L. J., & Andrews, D. A. (2009). General risk and need, gender specificity, and the recidivism of female offenders. *Criminal Justice and Behavior*, *37*(1), 29–46. https://doi.org/10.1177/0093854809349438

Selmini, R. (2020). Women in organized crime. *Crime and Justice*, *49*, 339–383. https://doi.org/10.1086/708622

Shaw, M., & Skywalker, L. L. (2017). *Gangs, violence and the role of women and girls: Cape Town*. Global Initiative Against Transnational Organized Crime. https://globalinitiative.net/analysis/gangs-violence-and-the-role-of-women-and-girls-cape-town/

Siegel, D. (2013). Women in transnational organized crime. *Trends in Organized Crime*, *17*(1–2), 52–65. https://doi.org/10.1007/s12117-013-9206-4

Siegel, D., & De Blank, S. (2010). Women who traffic women: the role of women in human trafficking networks – Dutch cases. *Global Crime*, *11*(4), 436–447. https://doi.org/10.1080/17440572.2010.519528

Simmons, B. A., Lloyd, P., & Stewart, B. M. (2018). The global diffusion of Law: transnational crime and the case of human trafficking. *International Organization*, *72*(2), 249–281. https://doi.org/10.1017/s0020818318000036

Sommers, I. B., Baskin, D. R., & Fagan, J. (2001). Workin' hard for the money: the social and economic lives of women drug sellers. *Choice Reviews Online*, *38*(10), 38–5879. https://doi.org/10.5860/choice.38-5879

Stanojoska, A. (2015). *Women and Organized Crime: Myth or Reality (Current Situation)* [Conference Paper]. Countering Contemporary Forms of Crime – Analysis of the Current Situation, European Standards and Measures for Improvement, Serbia. https://www.researchgate.net/publication/283121654_WOMEN_AND_ORGANIZED_CRIME_MYTH_OR_REALITY_CURRENT_SITUATION

United Nations Office on Drugs and Crime. (2019). *Module 15: Gender and Organized Crime*. Education for Justice University Module Series. https://www.unodc.org/documents/e4j/FINAL_Module_15_Gender_and_Organized_Crime_25_Apr_2019.pdf

Washington Office in Latin America (WOLA). (2016). Women, Drug Policies, and Incarceration: A Guide for Policy Reform in Latin America and the Caribbean. In *Washington Office in Latin America (WOLA) Advocacy for Human Rights in the Americas*. https://www.oas.org/es/cim/docs/womendrugsincarceration-en.pdf

Youngers, C., Castro, T. G., & M., Manzur. (2020). *Women Behind Bars for Drug Offenses in Latin America: What the Numbers make clear*. Washington Office in Latin America (WOLA) Advocacy for Human Rights in the Americas. https://www.wola.org/wp-content/uploads/2020/11/Final-Women-Behind-Bars-Report.pdf

Scafisti: Part of Criminal Organized Crime or Scapegoats?

Gaia Orlando

***Abstract — Scafista* is the term used in Italy to describe those who drive boats in the "Central Mediterranean Route". The role of the *scafista* is complex and often misunderstood. This paper aims to firstly understand the role of the *scafista* between organised crime and immigration in Italy and secondly to understand whether the *scafista* is a scapegoat. Three points of view are used: historical, factual and legislative. The historical point of view explores the evolution of the role of those who drive the boats, from being part of organised crime to no longer being so. The factual point of view depicts the figure of the *scafista*, a figure increasingly criminalised despite often being a migrant. Lastly, from a legislative point of view, the paper reveals how Italy's approach, supported by the European Union, has shifted towards prosecuting *scafisti* rather than dismantling criminal organisations. Ultimately, the analysis concludes that the *scafista* has become a scapegoat, a symbol upon whom responsibility for migration crises is projected.**

I. INTRODUCTION

Scafista, literally "boat driver", is a term used to define those who drive the boats or dinghies carrying migrants across the Mediterranean. According to the Italian legal system, to tackle human smuggling operated by organized crime, one approach could be criminalizing the *scafista*. However, is criminalization of the *scafisti* really effective or even accurate?

The position of the *scafista* is complex. In recent years, the comprehension of the identity of these "captains" has been subject of growing attention (ARCI Porco Rosso and Alarm Phone, 2021). The central question of such a debate is the following: are *scafisti* genuine members of criminal networks, or are they simply scapegoats in broader issues related to migration and border control?

In this paper, we will explore these questions and examine whether criminalising *scafisti* actually targets organized crime or merely punishes vulnerable individuals. We will discover that while smugglers, the organisers of these journeys, are not caught since they are often difficult to identify and prosecute, every year in Italy dozens of so-called *scafisti* are arrested, who in reality are none other than the migrants themselves (Il Post, 2023).

A. A premise to understand the concept from a broader perspective, from the international point of view.

The problem of human smuggling is not only Italian but rather global. In 2000 the UN decided to tackle the issue of organised crime through a convention, the United Nations Convention against Organised Crime (UNTOC). The UNTOC created three supplementary protocols among which is the Protocol against the Smuggling of Migrants by Land, Sea and Air, in which Article 3 universally defines the concept of smuggling as *"the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident"* (United Nations, 2000).

Since the Protocol came into force, single States have tried to find solutions to combat irregular migration and human smuggling. Many policies have been adopted as a consequence. Some States, such as Italy, have chosen an approach that is not limited to targeting organised crime groups but is also aimed at holding irregular migrants criminally responsible for "smuggling" themselves and/or other irregular migrants during their migration journey (Aziz, N.A., & Monzini, P., 2015). This action from a strictly legal point of view goes against two articles. Article 5 of the 2000 Smuggling Protocol, which states that the objects of human smuggling shall not be criminalised, and Article 31(1) of the 1951 Refugee Convention, which contains the fundamental principle of non-criminalisation and prohibits the prosecution of refugees "coming directly from a territory where their life or freedom has been threatened within the meaning of Article 1". This practice, which does not only exist in Italy, has led to the prosecution of the *scafisti*, who in most cases are actually asylum-seekers (Patanè, F., Bolhuis, M. P., Van Wijk, J., & Kreiensiek, H., 2020).

II. HISTORICAL PERSPECTIVE

The reason why Italy has decided to adopt particular measures lies in the uniqueness of its case. To better understand why Italy started to criminalize the figure of the *scafista* and how today's *scafisti* differ from those in the past, it is necessary to examine how their role has evolved within the Italian context.

First cases of detected smuggled migrants arriving in southern Italy by sea took place in the mid-1990s. These landings were isolated cases, as criminal investigations into human smuggling in Sicily were not organised systematically, and case law on smuggling was negligible. Usually none of the migrants was detained after the arrival; they would just be free to go after the landing. Things changed in 2011, in the aftermath of the Arab Spring and especially after the start of the Syrian civil war, when the migratory pressure increased and migrants came through what is now commonly called the "Central Mediterranean route". The characteristics of this route have changed over the years, in terms of points of departure, nationalities of migrants and, especially important for our thesis, the modus operandi of the smugglers involved (Patanè, F. et. al., 2020).

In the years 2011 and 2012 the smugglers, coming mainly from Egypt, were organised in criminal groups that adopted a two vessel system. They used a larger boat (the so-called "mother-vessel") to transport migrants across international waters. Once near their destination, migrants were transferred to smaller, often unseaworthy boats to continue their journey to shore. Soon the Italian

© 2025 Gaia Orlando. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

prosecutors discovered that this tactic was deliberately employed to evade Italian jurisdiction, as the mother vessels remained in international waters, beyond the legal reach of Italian authorities (Patanè, F. et. al., 2020).

This modus operandi led to a pivotal ruling by the Italian Court of Cassation in 2014 which established that the act of bringing irregular migrants to Italy, even when carried out under the guise of rescue operations, established a sufficient jurisdictional link for Italian authorities to prosecute the conduct of smugglers (Manacorda, 2018). The court recognised these individuals as the "mediated author" of the crime. This case-law was a turning point in the fight against migrant smuggling in Italy, as it opened the way to more systematic and organised investigations. Italian prosecutors were subsequently able to target and prosecute crew members operating on the so-called "mother vessels", securing convictions not only of migrant smuggling but also for participation in a criminal organization as medium- to low-rank members (Tribunale di Catania v Haji Hassan, 2014).

However, it did not take long for migrant smugglers' networks to develop new methods that would minimise both the costs of their activities and the risks of being apprehended or having their ships seized. Starting from 2015, Italian prosecutors noted that smuggling activities were transferred to Libya (Patanè, F. et. al., 2020). In addition, smugglers' modus operandi shifted: they started putting migrants directly on a small boat, already at the point of departure. Moreover, criminal organisations stopped making use of their own members as professional crew on boats. As a consequence, the nature of the *scafisti* rapidly changed: they were no longer "professional transporters", but migrants themselves (Borghi and Biondo, 2017). In the context of the hundreds of cases initiated in recent years in the Sicilian courts, there have been very few cases that have managed to find any connection between the *scafisti* and the criminal organizations that manage human trafficking and smuggling (Borghi and Biondo, 2017; Patanè, F. et. al., 2020).

From a historical point of view, we can therefore see how in the past, especially before 2015, the criminalisation of the *scafista* as part of organised crime had a precise task, to combat human smuggling. We must now understand, however, whether criminalisation today has a different objective from that of stopping organised crime.

III. FACTUAL PERSPECTIVE

A. *But first, who really is the scafista today?*

What we do know now is that, the modus operandi of human smugglers has changed, and this change has also been acknowledged by Italian practitioners who generally agree that, *"Those who drive the boats, who depart from Libya, are forced migrants, not scafisti. None of them is a smuggler"* (Papadouka, M.E., Montagna, N. & Serrantino, G. 2024).

From a practical point of view, Italian prosecutors actually divide smugglers into two categories: "professional *scafisti*" and "occasional *scafisti*" (ARCI Porco Rosso et. al., 2021; Aziani, 2023; Patanè, F. et. al. 2020).

The *professional scafista* (or "*scafista di professione*" in Italian) is considered to be a fully fledged member of the criminal group organising the smuggling of migrants or otherwise linked to such organisations; on the other hand, the category of *occasional scafisti* includes those migrants who are not recurring aiders or members of a criminal smuggling group, but rather passengers who by chance participate in the smuggling activities without any prior, intent of becoming structurally involved in the commission of crimes (Patanè, F. et. al. 2020).

The characteristic that distinguishes the two groups is that professional *scafisti* would be prosecuted and/or expelled by Italian authorities and later come back to Italy as drivers of another boat with migrants, under a new identity. This doesn't happen for occasional *scafisti*, since their main aim is to migrate and not to obtain material gains (ARCI Porco Rosso et. al., 2021; Patanè, F. et. al., 2020).

Occasional scafisti are then divided into two subcategories: a first subcategory consists of those who opportunistically accept to steer or navigate the boat in exchange for a free ride to Italy. They are usually people who do not have the financial means to pay for their travel to Europe; we refer to them here as *opportunistic scafisti* (Patanè, F. et. al. 2020; ARCI Porco Rosso et. al., 2021; Borghi and Biondo, 2017). A second subcategory of occasional *scafisti* consists of migrants who drive the boat or hold a compass or GPS device during the journey because they are forced by duress or necessity to do so: we refer to them as *forced scafisti* (Bellezza & Calandrino, 2017). Usually occasional *scafisti* are "chosen" by the smugglers for casual reasons, often because the migrants come from specific regional groups, especially Gambia and Senegal, who are considered to be good fishermens and particularly skilled at steering boats (Borghi and Biondo, 2017). Or, according to the interviews held by Patanè, F. et. al. (2020), sub-Saharan migrants are often given the task of steering the boat because their lives are meaningless to the organisers of the journeys, who treat them as an "expendable crew".

Finally, it should be emphasized that, of course, it is not possible to have absolute certainty about how many of the boat drivers are professional *scafisti* or occasional *scafisti*. However, considering that most of them do not return to Libya and in light of the numerous testimonies collected (ARCI Porco Rosso et. al., 2021; Borghi and Biondo, 2017), it can be said with some reliability that most are occasional *scafisti*. In this sense, participants in Patanè *et al.*'s research also indicated that from 2015 approximately 80 percent of the *scafisti* are occasional.

IV. LEGAL PERSPECTIVE

Both Italian and European laws are key elements in the criminalisation not only of the *scafista* but of all migrants who have taken whatever action in facilitating their entry into Italy.

A. *Europe*

Starting from the European discipline on the fight against migrant smuggling, this was introduced with the so-called Facilitation package, adopted in implementation of the Smuggling Protocol. It is essentially composed of a directive, 2002/90/EC, and a framework decision, 2002/946/JHA.

On one hand, the directive was adopted with the aim of harmonising national legislation on the subject, and established a common definition on the facilitation of unauthorised entry, transit and residence (Rolando, 2024). This definition, however, contrary to the UN convention, is much broader and incriminates aiding and abetting illegal entry, transit and residence even when there is no profit motive (Pistoia, 2024).

The Directive states in art. 1 that:

each Member State shall adopt appropriate sanctions on:

(a) any person who intentionally assists a person who is not a national of a Member State to enter, or transit across, the territory of a Member State in breach of the laws of the State concerned on the entry or transit of aliens;

On the other hand, the Framework Decision 2002/946/JHA was adopted with the aim to strengthen the penal framework on the facilitation of unauthorised entry within the European Union's external borders (Minetti, 2020).

It is important to provide all this information about the legislation of the EU because of two reasons:

Firstly, we have to understand what is the role of the European Union in the criminalization of the *scafista* or "crimmigration" (Papadouka, Montagna, & Serrantino, 2024). The European Union has always relied on the implementation of security-based policies (Achilli, 2015). A decisive role is played by frontline interventions at sea led by Frontex, the European Border and Coastguard Agency, which has been in charge of the control and management of European borders since 2004 and which, among others, has the task of obtaining information on smugglers through landed persons (Alagna, 2024; Stanziola, 2023). But now, with the change of the modus operandi of the criminal organized groups, the strengthening of Frontex's role suggests that state authorities seem to be increasingly in search of a culprit to blame for the conduct of these *"ruthless criminal networks"* (European Commission, 2015). In this context, both people on the move and alleged smugglers are systematically criminalized and portrayed as the perfect scapegoat (Alagna, 2024).

The second reason why we have to speak about the European Union law is because the Italian anti-smuggling law and the facilitation package are obviously linked.

B. Italy

In Italy the key element in the criminalisation of alleged smugglers is the anti-smuggling law, Article 12 of the Consolidated Text on Migration (*Testo unico sull'immigrazione, TUI,d.l. 1998*) which, in line with the EU facilitation package, criminalises for aiding and abetting illegal immigration anyone who "*promotes, directs or organises, finances or transports foreigners into the territory of the State or performs other acts aimed at their illegal entry into the territory of the State*" regardless of the motivations and the existence of an economic or material advantage. This is done in order to deter, punish, and repress entry in violation of the rules regulating legal admission in Italy and, in this way, protect the state's borders. According to ARCI Porco Rosso and Alarm Phone (2021), it is clear that this crime is not intended to punish only the members of the organisation that control and manage the smuggling of migrants, but anyone who takes on a role, even a minimal and insignificant one, that favours and aids the access of migrants into national territory. Thus, the members of the smuggling organisation are placed on the same level as the person who drives the boat, or holds the route, regardless of the circumstances and the way the person was led to "contribute" to the entry of migrants into Italian territory. Thus, it is clear that what interests the Italian government is to do everything to prevent people without visas from entering Italy and it does so by punishing anyone who contributes, voluntarily or not, to the migrants' journey to its territory.

However, other scholars (Papadouka, Montagna, & Serrantino, 2024) believe that there could be an additional explanation: because of the difficulties faced by the governments in dismantling human smuggling networks, the EU border control crisis and ungovernable flows across the Mediterranean, governments are attempting to shift responsibility for the shipwrecks from the National Coast Guard to those in charge of steering the boat and carrying migrants. This not only enhances an anti-migration narrative but also reinforces the notion of criminalising those identified in this role.

These two theories seem to be reaffirmed by the events following the Cutro massacre, (in Italian, *strage di Cutro*). On 26 February 2023, one of Italy's worst migrant boat disasters occurred in the region of Calabria. On the 10th of March, the Italian government introduced a law decree, *Decreto Cutro*, aimed to combat irregular immigration and manage the entry of foreign workers, which would confirm ARCI Porco rosso's theory, but also the theory of the other scholars (Papadouka, Montagna, & Serrantino, 2024). The reason is that after journalists asked for an explanation for the failure to rescue the migrant boat in Cutro, the government replied that they would have searched for the *scafisti*, according to them the real criminals and the cause of the disaster, all over the globe (La Repubblica, 2023; Papadouka et. al., 2024).

V. CONCLUSIONS

This paper sought to analyse the role of the *scafista* within organised crime from three perspectives: historical, factual and legal. The role of the *scafista* is complex and much debated. In essence, in Italy the *scafista* is defined as the person who drives the boats in which migrants arrive. Criminalising smugglers, those who facilitate a person's entry into a state for financial gain, is internationally recognised, but criminalising instead the object of smuggling (the migrants themselves) is contrary to international law. This distinction is crucial to understand the ambiguous role of *scafisti*.

From a historical perspective, there has been a change in the organisation of criminal groups: in the past it could be said with greater certainty that those who piloted the boats were to all intents and purposes part of organised crime, whereas now this is less and less the case as often the *scafisti* are actually asylum seekers. In the paragraph addressing the factual perspective, a clearer picture emerges of who the *scafista* really is. While no single definition can fully capture the complexity of this role, given that motivations vary widely from necessity to coercion by organized crime, empirical evidence from

various studies suggest that the majority of *scafisti* are not part of organized criminal networks, as highlited in Patanè, F. et. al. (2020): "*The majority of smugglers are not organised criminals. Various respondents reported that in their assessment approximately 80 per cent are occasional scafisti*."

Finally, we analysed European and Italian legislation and answered our very first questions: does it make sense to criminalise the figure of the *scafista*? The answer is twofold and depends on the objective: if the main objective is to protect the national territory from new arrivals, then yes, criminalising the *scafista* is optimal. But if, on the other hand, the objective is to stop human smuggling, criminalising the figure of the *scafista* is not only counterproductive but also against international law. This analysis leads us to answer the second question: if we know that those who drive the boats are actually migrants and not part of organised crime, can we say that the *scafista* is actually a scapegoat? It is possible to provide a positive answer: the *scafista* is a scapegoat, used by Italy and the European Union to deal with problems for which no alternative solutions have yet been found, such as human smuggling, combating the border crisis and the uncontrollable arrival of migrants.

REFERENCES

Achilli, L. (2015). The smuggler: Hero or felon?.

Alagna, F. (2024) From smuggled migrants to 'alleged smugglers': Empirical evidence and policy perspectives on the criminalization of people on the move in Italy. *International Migration*, 62, 215–231. Available from: https://doi.org/10.1111/imig.13242

ARCI Porco Rosso & Alarm Phone. (2021). *From sea to prison: The criminalization of boat drivers in Italy*. Available from https://dal-mare-al-carcere.info/2-quadro-normativo

Aziani A (2023) The heterogeneity of human smugglers: a reflection on the use of concepts in studies on the smuggling of migrants. Trends Organ Crim 26:80–106. https://doi.org/10.1007/s12117-021-09435-w

Aziz, N. A., & Monzini, P. (2015). The Changing Dynamics of Cross-border Human Smuggling and Traicking in the Mediterranean.

Bellezza, S. & Calandrino, T. (Eds.). (2017) Criminalization of flight and escape aid. Berlin: Borderline- europe. Available from: https:// www.borderline-europe.de/sites/default/files/readingtips/Kidem%20final%20report%20052017.pdf

Borghi, L. & Biondo, A. (2017) Country report Italy. In: Bellezza, S. & Calandrino, T. (Eds.) Criminalization of flight andescape aid. Berlin: Borderline-europe, pp. 168–201 Available from: https://www.borderline-europe.de/sites/default/files/readingtips/Kidem%20final%20report%2002017.pdf

Covella, A. (2022, February). Melting Pot Europa: *I cosiddetti "scafisti" e il processo di criminalizzazione della migrazione*. Available from https://www.meltingpot.org/2022/02/i-cosiddetti-scafisti-e-il-processo-di-criminalizzazione-della-migrazione/#easy-footnote-bottom-1-487692

Decreto Cutro, Decreto-Legge n. 20 (2023) (Italia). https://www.gazzettaufficiale.it/eli/id/2023/05/05/23A02665/sg

European Commission. (2015) Communication from the Commission to the European Parliament, the Council, theEuropean Economic and Social Committee and the Committee of the Regions – EU Action Plan against migrant smuggling (2015–2020), COM (2015) 285 final, Brussels, 27.5.2015

Gornati, B. (2018). *Il contrasto al traffico di migranti nel diritto internazionale ed europeo l'operazione eunavfor med nel mar Mediterraneo* (tesi in diritto internazionale, Università di Milano).

Il Post. (2023, March 6). *Chi sono davvero gli "scafisti" arrestati in Italia*. Il Post. https://www.ilpost.it/2023/03/06/scafisti-migranti/

La Repubblica. (2023, 9 marzo). *Cutro, ok del Cdm al nuovo decreto migranti. Meloni: "Piantedosi non poteva fare di più, cercheremo gli scafisti in tutto il mondo". Tensione tra la premier e i giornalisti*. https://www.repubblica.it/politica/2023/03/09/diretta/cutro_meloni_oggi_cdm_naufragio_migranti-391249265/

Latino, A. (2015). Le operazioni navali nel Mediterraneo fra rispetto della dignità umana e difesa delle frontiere. processi di pace e dignità umana, 1(1), 1-41.

Manacorda, S. (2018). Tratta e traffico di migranti: il nodo della giurisdizione tra territorialità ed extraterritorialità. Diritto Penale Contemporaneo, (3), 35-44.

Minetti, M. (2020). The Facilitators Package, penal populism and the Rule of Law: Lessons from Italy. *New Journal of European Criminal Law, 11*(3), 335-350. https://doi.org/10.1177/2032284420946837 (Original work published 2020)

Papadouka, M.E., Montagna, N. & Serrantino, G. Human smugglers or criminalised migrants? Securitarian bordering and the criminalisation of 'captains' in the Mediterranean. *Trends Organ Crim* (2024). https://doi.org/10.1007/s12117-024-09553-1

Patanè, F., Bolhuis, M. P., Van Wijk, J., & Kreiensiek, H. (2020). Asylum-seekers prosecuted for human smuggling: A case study of Scafisti in Italy. Refugee Survey Quarterly, 39(2), 123-152. Available from https://doi.org/10.1093/rsq/hdaa008

Pistoia, E. (2024). *La facoltà di non incriminare il favoreggiamento umanitario al confronto con alcuni diritti di cittadini di Stati terzi sanciti nella Carta*. Sistema Penale. Retrieved from https://www.sistemapenale.it/it/scheda/pistoia-la-facolta-di-non-incriminare-il-favoreggiamento-umanitario-al-confronto-con-alcuni-diritti-di-cittadini-di-stati-terzi-sanciti-nella-carta

Rolando, F. (2024). L'evoluzione della normativa dell'Unione europea sulla tratta degli esseri umani e sul favoreggiamento dell'immigrazione illegale, tra lotta al crimine internazionale e tutela dei migranti. QUADERNI AISDUE, (4/2024).

Stanziola, F. (2023, 22 aprile). *La criminalizzazione degli scafisti*. Mondo Internazionale. Recuperato da https://mondointernazionale.org/post/la-criminalizzazione-degli-scafisti

Tribunale di Catania v Haji Hassan, No. 14510 (Court of Cassation 27 marzo 2014).

United Nations. (2000). *Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime.*

United Nations. (2000). *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.*

The Crime-Terror Nexus
Organized Crime, Security, and Surveillance

Anabel Osarume Osagiede

Abstract — **This paper focuses on the established link between transnational organised crime and terrorism and explores how this nexus has shaped modern security measures and policies, particularly the increased employ of mass surveillance as a countermeasure. A brief historical background will be provided in order to contextualise and offer motivations in support of such nexus. Real-world cases will be analysed in order to offer evidence on how, and through which means, organised crime groups and terrorist organizations collaborate in order to perpetrate illicit activities. Furthermore, the paper aims at assessing the ways in which this connection has, through time, incentivised the use of more invasive security measures, such as mass surveillance, and the threat this may represent to modern democracies. Lastly some future implications will be discussed stemming from how the crime-terror nexus might evolve in light of emerging security challenges and new technological developments in intelligence.**

I. INTRODUCTION

The post–Cold War environment has ushered in a new wave of security threats, stemming from terrorism, organized crime, and their intersection – giving rise to a growing body of literature on the so-called crime–terror nexus (Omelicheva & Markowitz, 2021).

This convergence has encouraged states to reconsider traditional security policies and implement surveillance-heavy countermeasures, particularly in response to event such as 9/11.

The present paper aims to examine how this nexus has shaped modern approaches to security, with a distinctive focus on the rise of mass surveillance and the implications for democratic societies.

II. DEFINITIONS AND FRAMEWORKS

In order to approach the topic discussed, some basic definitions are needed.

According to the definition adopted by the United Nations Convention on Transnational Organized Crime of 2000–also known as "Palermo Convention"–and adopted in the same year by the General Assembly, we define an organized criminal group as a "structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit" (United Nations, 2004).

In contrast, the term terrorism lacks a universally shared definition and to some extent the concept is left by legislatures and governments necessarily vague (Douglas, 2014). However, for the purpose of our discussion the terminology used aligns with the broad UN definitions within resolutions. An example can be taken from a section of resolution 1566 (2004), which aimed to assist States in meeting their obligations under Security Council Resolution 1373 (2001) to take domestic legislative action.

It refers to "terrorism" as: "criminal acts, including against civilians, committed with intent to cause death or serious bodily injury, or taking of hostages, with the purpose to provoke a state of terror in the general public or in a group of persons or particular persons, intimidate a population or compel a government or an international organization to do or to abstain from doing any act, which constitute offences within the scope of and as defined in the international conventions and protocols relating to terrorism, are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature, and calls upon all States to prevent such acts and, if not prevented, to ensure that such acts are punished by penalties consistent with their grave nature" (Azevedo, 2024).

Additionally, the word "nexus" is used to describe an existing or assumed intersection between two relevant concepts and in this case specifically, between transnational organized crime and terrorism in general. This connection arises within a context of controversial and intense discussion about the emergence of new phenomena and parallel changes occurring in conflicts, insurgencies and, more generally, security dynamics. As Helena Carrapico, author of the editorial "Transnational organised crime and terrorism: different peas, same pod?" argued, "The ability of criminals and terrorists to cooperate to enhance their performance at all levels, to learn from each other, to strategically within failed and weak states and to challenge established democracies, as well as to interact with other groups that violently oppose the state, required a broader and more diversified discussion, starting from a comprehensive theoretical framework and producing practical implications." (Carrapico et al., 2014).

III. HISTORICAL CONTEXT AND DRIVING FORCES

The concept of the crime-terror nexus arose firstly during the Cold war even if it already existed as a phenomenon per se. The reasons behind this emergence are various but more relevantly the gradual lack of state funded terrorism through traditional streams of revenue – e.g. state sponsorship and charitable donations -, tensions, regional wars, and advances in globalization, exacerbated conditions that boosted the increasing convergence of terrorist and criminal groups (Azevedo, 2024), incentivized illicit criminal organisations and terrorist groups to resort to other types of illegal funding such as drug trafficking and human smuggling (Omelicheva & Markowitz, 2021).

© 2025 Anabel Osagiede. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

Many states have in fact cooperated with terrorist groups in order to achieve their own ideological/political goals, for their own safeguard or even to resolve some "dirty matters " not appealing to the general public (Cantemir, 2016).

This overlap is fueled by mutual exchange of benefits: terrorist groups gain access to steady funding and resources through criminal organizations while the latter exploit terrorist methodologies in order to destabilize governments and rivals.

More interestingly, following the 9/11 attacks many policy experts, scholars and researchers intensified their studies on this evolving field, constructing a wide and extensive literature on the subject. The growing awareness regarding the interconnection between crime and terrorism induced states to seek effective alternatives to address the nexus.

Another defining element of this connection is the phenomenon of globalization, in this context it shows its dark side because it represented an important aid to the proliferation of organized crime groups and terrorists by opening new pathways to the development of the nexus.

Tamara Makarenko was the first scholar to describe the environment in which such a threat emerged, describing it for the first time as a "crime–terror nexus". In particular, according to her - in relation to theme of globalization – it's proven that it highly contributed towards "blurring the two phenomena and exacerbating the existing operational and organisational similarities" by permitting these two entities to share methods, insights and resources.

Makarenko conceptualised such process as a "continuum" composed of distinct phases including:

a. the development of tactical alliances between organised crime and terrorist groups;
b. the appropriation of each other's methods;
c. the merging of criminal and terrorist groups, resulting in a functional alliance and
d. the transformation of one entity into a different one. (Carrapico et al., 2014)

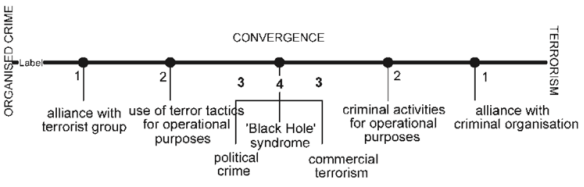

Figure 1 The Crime Terror Continuum

As portrayed in figure 1, organized crime and terrorism exist at the opposite sides of the same spectrum, meaning that convergence is nothing but a natural development of their individual evolution. As Makarenko states "At the fulcrum of the continuum lies the point of 'convergence', where a single entity simultaneously exhibits criminal and terrorist characteristics" (Makarenko, 2004).

So according to her theory, the core concepts that characterize this nexus are cooperation, convergence and transformation.

By cooperation we refer to the fact that criminal and terrorist groups form alliances that substantially translate into a trade-off between the two, where criminal groups use terrorism as an operational tool, and terrorist groups take part in criminal activities as an operational tool.

Consequently, as previously stated, convergence is a natural consequence and refers to the situation in which "terrorist group recognizes the distinct advantages and opportunities of operating as a hybrid organization, where both terror and crime play a central role." Some scholars sustain that when this convergence takes place the primary focus, for terrorist groups, loses its ideological/political component settling for criminal endeavours often strictly related to an economic profit.

This shift in objectives represents the last core concept of the nexus, transformation. This gradual transition could then result in a total conversion of the terrorist group into a criminal organized group or vice versa (Azevedo, 2024).

Understanding the historical development, motivations and defining characteristics of the crime-terror nexus is essential in order to analyse how governments and states decide to face them.

This outline helps in understanding how security policies are shaped by these developments, how they can be interpreted and lastly how to make critical assessment in their regards.

IV. The Crime Terror Nexus: the Italian case

In order to comprehend how the crime-terror nexus concretely realizes itself, an examination of the Italian case might come in handy.

By the end of the 19th century, Italy had become the birthplace of numerous mafias - different in size and organization but nonetheless detrimental to the country.

One of the key factors that nurtured this development actually lies on the geographical composition of the country: Italy in fact possesses almost 8000 km of coast and it's located close to the Balkans and the African continent, representing the ideal hub for many (often illicit) trades.

Interestingly, as Noemi Maria Rocca emphasizes, "the Italian ports are key-points of COs' controlled drug trade coming through the so-called "Eastern route" – from Afghanistan through the Balkan peninsula – as well as the "Southern" one departing from Latin and Central America through Africa, and then to Europe" (Rocca, 2020).

This highlights the focal role that ports play in COs' activities due to their chaotic nature, their huge extension and the number of people and goods that are processed daily.

So, Italy undoubtedly has a long lasting history of judiciary competence in the field and, unlike many other European countries, it does not underestimate the threat that the crime-terror nexus poses; as a leading specialist of the nexus, Louise Shelley stated, during a testimony at the U.S. Homeland Security's Subcommittee on Counterterrorism and Intelligence: "Italians are aware of it because they have observed these links between crime and terrorism for over three decades" (Shelley, 2016).

The interconnection of different criminal organizations and terrorism in Italy, is now widely recognized thanks to numerous investigations and discoveries.

In 1994, for example, at the eve of the G7 summit in Naples, the Italian and U.S. intelligence dug deeply into

Naples' underground environment controlled by the Camorra. This research resulted in the discovery of a deep network of connections between some Camorra people and Algerian terrorist cells (De Simone, 2015).

A strong cooperation has thus been proven to exist in Italy, we could go so far and argue that we are at the point of Makarenko's continuum where the two parties converge and create a florid space for transactions of all kinds; as the "Direzione Anzionale Antimafia E Antiterrorismo (2016)" stated in fact that :

"the evolution of international terrorism and the enquiries done so far about the criminal activities of the Islamic State and its affiliates (or aspirant "martyrs") in our country, confirm the interplay between criminal organizations like mafias and international terrorism. Actually, a total interpenetration more than a simple interplay" (Relazione-DNA, 2016)

There is strong evidence of this ongoing exchange between criminal organizations and terrorist groups in Italy, ranging from oil smuggling and human trafficking to arms and drugs supply.

A striking example was the discovery of a highly lucrative business centred on the creation and distribution of false documents originated from the Camorra.

Already deeply engaged, for the most part at least, in the trade of large quantity of drugs – hashish and cocaine in particular – the Camorra seized the very profitable opportunity given by the increasing demand, arriving from north Africa and the Middle East, for false documents, be them driving licenses, ID cards or even passports.

All this was highlighted by an inquiry conducted by the online newspaper "Il tempo", which included reports filed by law enforcement. These reports emphasized how this relationship is not primarily ideological or religious but entirely driven by profit.

One might wonder what motivates these seemingly different realities – criminal organizations and terrorist groups – to collaborate and, once again, I find that the reason can be somehow traced back to geography: for a terrorist group to operate efficiently in a foreign country, some critical informations are needed, such as territory constitution, knowledge of the most profitable areas or even reliable sources of supplies.

Who better than a criminal organization that has been operating for decades in said country can provide that type of support? Italian mafias aren't some isolated realities, they are deeply rooted in their territory and possess a strong and widespread control of it, offering their knowledge in exchange with whatever resources terrorist groups can bring to the table, represent nothing more but another business transaction.

With this in mind, I return to Rocca, who quoted the forecast made by the former DNAA's head, Federico Cafiero de Raho, formulated already in 2015:

"The 'Ndrangheta needs arms and drugs; terrorists, for operating on the territory, need secret and safe logistic bases, and need also places and people able to offer hospitality and cover. 'Ndrangheta doesn't lack of such a feature: it owns a widespread control of the territory and is a transnational organization, it engages with actors in the Middle and the Far East [...]. All these elements lead to think that if ISIS would look for solid points of support, it could find them here, in Calabria" (Loira, 2015).

Intelligence activity is fundamental in tackling not only the nexus itself but also the broader context that allows it to thrive.

This brief analysis sheds light on why Italy remains particularly vulnerable in this respect but also highlights how an awareness of the nexus represents a great starting point in creating and implementing efficient policies and counterterrorism measures – ones that encompass a needed balance between public safety and privacy, a balance that remains a central issue in contemporary policy making.

V. Surveillance and Security: Policy Responses

The history of the crime-terror nexus – its underlying motives, infrastructure and real-life implications – should by now be evident. What remains crucial to examine, however, is how the nexus continues to shape modern policy responses and the unique social dangers it poses.

In the aftermath of the 9/11 terrorist attacks, policymaking around terrorism and national security, increased exponentially. Kevin D. Haggerty highlights in "Seeing beyond the Ruins: Surveillance as a Response to Terrorist Threats" that immediately after the attacks an "intense surveillance infrastructure is being assembled piece by piece in the United States (U.S.) and other Western nations in response to those events." (Haggerty, 2005).

This resulted in a deep reliance of counterterrorism and crime prevention upon surveillance – often perceived as the only logical solution.

This fusion of crime and terror has led to a normalization of mass surveillance, which the general public mostly associates with visible and more tangible elements such as CCTV cameras. Yet Haggerty identifies four broad categories of surveillance: documentation, visualization, integration (cooperation) and other.

Among these, visualization and integration appear to be the most significant. Visualization represents the natural progression of documentation, aiming to monitor individual behaviours through recording devices – in this respect, it is particularly important to note the impact that digitalisation of photography and the advent of the internet have had on the realm of surveillance.

Integration, on the other hand, involves all the efforts made in order to organize and categorize already existing visualization tools.

In the context of the crime-terror nexus, this cooperation is key. This link has allowed governments to repurpose tools of counterterrorism for more comprehensive law enforcement. Predictive algorithms, facial recognition technologies, and biometric databases now go beyond their original scope – high level threats such as terrorist attacks – and are now regularly employed in policing urban crime.

However, taken together, these tools offer immense potential in creating a strong net for public safety, but at the same time represent a risk to individual privacy.

This raises two critical questions: to what extent are citizens willing to accept a diminished right to privacy in favour of heightened surveillance, which would presumably translate into a more secure state? And more importantly, how can such invasive anti-terrorism

measures be justified when the justifications themselves rest on ambiguous and often politicized fusion of crime and terrorism?

Haggerty invokes a powerful warning from Benjamin Franklin "Those people who are willing to trade their essential freedom for the sake of temporary security deserve and shall have neither and will lose." This quote digs deep into the heart of the issue. The crime terror nexus, while useful for policy makers, can erode citizens' liberties behind the façade of necessity.

Scholars and researchers have offered various perspectives on this trade off, Haggerty in particular argues that different justifications by policymakers can be found. Surveillance can provide information that can then be analysed in order to gain more insight on terrorist behaviour and operations; it can act as a deterrent to future terrorist attacks; and finally, it could allow authorities to intervene in real-time in situations of crisis. (Haggerty, 2005)

However, these justifications are incredibly tenuous: the ambiguity of interpretation, the vast volume of information produced, and possible cognitive biases - that often come into play - are only some of their limits.

Perhaps the most concerning topic is the durability of these systems. Once implemented they are rarely dismantled, they persist beyond life cycles of specific political arrangements and in that sense, they outlive the governments that created them – becoming instruments that can be reappropriated by future administrations, regardless of ideological orientation.

In the hands of democracy-threatening actors this system could easily become a weapon.

VI. Conclusion

The crime-terror nexus has become a key driver of modern security policies, prompting states to redirect their efforts and regard this convergence as a serious and immediate threat.

Through the display of its historical context, scholarly theories and real-life implications, it has become clear that the nexus isn't casual but strategic and in continuous development.

While surveillance has become one of the main instruments through which our policymakers intervene in light of these "not-so-new" concerns, many of these measures - often justified as necessary for counterterrorism – carry significant risks, particularly for democratic institutions and individual privacy.

The immortality of these surveillance infrastructures poses a serious challenge to the rule of law, as they remain vulnerable against future political arrangements.

Finally, the nexus isn't merely a security concern, but also a political and ethical one. States must guarantee a fair and proportionate balance between safety and freedom.

The true test of a democracy is not how it responds to fear, but how it protects liberties in the face of it.

References

Cantemir, D. (2016). *Money laundering – the link between international organised crime and global terrorism* Knowledge Horizons—Economics. *8*(1), 186-191.

Carrapico, H., Irrera, D., & Tupman, B. (2014). Transnational organised crime and terrorism: Different peas, same pod? *Global Crime*, *15*(3–4), 213–218. https://doi.org/10.1080/17440572.2014.939882

De Simone, A. (2015). Terrorists' papers forged in Naples. *Corriere della sera [online]*.

Douglas, R. (2014). What Is Terrorism? In *Law, Liberty, and the Pursuit of Terrorism* (pp. 46–61). University of Michigan Press. https://doi.org/10.2307/j.ctt1gk08gq.8

Haggerty, K. D. (2005). *Seeing beyond the Ruins: Surveillance as a Response to Terrorist Threats*. Canadian Journal of Sociology, 30(2) 151-168. https://doi.org/10.2307/4146131

Loira, D. (2015). *Cafiero de Raho insiste: 'Ndrangheta-ISIS legami concreti: Il terrorismo cova in Calabria.* http://www.strettoweb.com/2015/02/reggio-cafiero-de-raho-insiste-ndrangheta-isis-legami-concreti-terrorismo-cova-in-calabria/250329/

Makarenko, T. (2004). The Crime-Terror Continuum: Tracing the Interplay between Transnational Organised Crime and Terrorism. *Global Crime*, *6*(1), 129–145. https://doi.org/10.1080/1744057042000297025

Omelicheva, M. Y., & Markowitz, L. P. (2021). Rethinking Intersections of Crime and Terrorism: Insights from Political Economies of Violence. *International Studies Review*, *23*(4), 1541–1565. https://doi.org/10.1093/isr/viab025

Direzione Nazionale Antimafia e Antiterrorismo (2016).

Rocca, N. M. (2020). *The Evolution of the Crime-Terror Nexus in Europe*.

Shelley, L. (2016). "Following the Money: Examining Current Terrorist Financing Trends and the Threat to the Homeland," Homeland Security's Subcommittee on Counterterrorism and Intelligence, May 12, 2016: Nouvelles menaces, hybrides, etc., une vision américaine (texte en anglais). *Sécurité Globale*, *N° 7*(3), 153–159. https://doi.org/10.3917/secug.163.0153

Azevedo, C. V. (2024). *The nexus between transnational organized crime and terrorism in Latin America*. United Nations Interregional Crime and Justice Research Institute (UNICRI).

United Nations Office on Drugs and Crime. (2004). *United Nations Convention against Transnational Organized Crime and the Protocols thereto*. https://www.unodc.org/unodc/en/organized-crime/intro/UNTOC.html

International Efforts to Combat Illicit Arms Trafficking

A Comparison Between the Yugoslav Wars and the Russo-Ukrainian War

Karl Joel Påhlman

Abstract — **Illegally trafficked military grade weapons continue to pose a threat to European security in the hands of organised criminal groups. As explored in this paper, most military grade weapons held by organised criminal groups today originate from the Western Balkan and are in circulation due to the diversion of many of the weapons used during the Yugoslav Wars from 1991-2001. Since the Russian invasion of Ukraine in February 2022, many have raised concerns over such a crisis in arms trafficking emerging again, out of Ukraine. The fear, as will be explored, is not unfounded. This paper aims to highlight key aspects, of both the case of the Yugoslav Wars and the Russo-Ukrainian War, that enabled or may enable illicit arms trafficking. Common characteristics of the different cases, that create the opportunity of illegal trafficking, will be explored, as well as important differences, that may be the reason that there has not been as great an outpour of weapons from Ukraine as during and after the Yugoslav Wars.**

I. INTRODUCTION

A. Background

The Yugoslav Wars in the 1990s and early 2000s were a series of conflicts in the region that since the end of The Second World War had been Yugoslavia, and that resulted in the breakup of said state. The memory of the conflict is still very much alive and tensions between the parties involved are strongly affecting the region to this day (European parliament, 2011; Rankin, 2023). Effects of the wars are, however, also felt outside the Balkan peninsula, more than 20 years later, but in another way. A large number of firearms used in criminal activity and by organised criminal groups can be traced back to the Yugoslav Wars, arming groups such as the Italian 'Ndrangheta and Swedish gangs, for example. It is well documented that the international community stood practically defenseless against the stream of small firearms flooding out of the former Yugoslav states following the wars, and countries such as Sweden are still very much combating the use of illicit small arms (Grip, 2025; GI-TOC, 2020).

The Russo-Ukrainian War is, as the above mentioned conflicts, a complicated matter that cannot be extensively described in this paper. In short, the conflict began in 2014 with the Maidan revolution, a protest against the pro-Russian president Yukachencko, with the Russian response being the annexation of Crimea (Budjeryn, 2024). On February 24th 2022, Russia announced a special military operation in Ukraine, with the stated aim of demilitarising and denazifying the country, starting what would become the largest military conflict in Europe after The Second World War (Pifer, 2025). The European Union, several NATO-members, as well as other states, are supporting the Ukrainian efforts with both military- and humanitarian aid (Hamilton, 2022; Pifer, 2025; Trebesch, Irto, & Nishikawa, 2025). While the main focus of the aiding states remains to be the military success of Ukraine, the question of how to prevent weapons used in the war, often provided for by the aiding states, from being used for unintended purposes is being raised (Hamilton, 2022; GI-TOC, 2024).

Following the problems of illicit arms trafficking after the Yugoslav Wars, the EU is now taking measures to prevent a similar situation arising out of Ukraine (Council of the European Union, 2024). The aim of this paper is to examine the triggering factors in both cases, what measures were taken to prevent illicit arms trafficking in connection with the Yugoslav Wars, what measures are being taken in connection with the Russo-Ukrainian War and what differences can be seen from the circumstances in each case and between the two approaches.

B. Objective

The objective of this paper is to examine the prevalence of international arms trafficking following the Yugoslav wars during the 1990s and early 2000s and compare it to the trends seen today in connection with the Russo-Ukrainian war starting in 2022. The hope is that the paper will highlight key similarities and differences that may impact the risk at hand, assisting in the work to prevent weapons being illegally diverted from conflict-zones to organised criminal groups. To fulfil this objective, the following question will be answered:

– What are the key similarities and key differences between the factors affecting illicit arms trafficking in the case of the Yugoslav Wars and the Russo-Ukrainian War?

II. THE YUGOSLAV WARS (1991-2001)

A. Outcome

"[M]illions of light weapons circulating in the Western Balkans pose a great threat to European security". This was stated in 2018, almost 20 years after the Yugoslav Wars had definitively ended, by the French foreign minister at the time, Jean-Yves Le Drien (European Western Balkans, 2018). The statement highlights the fact that the diversion of arms from the wars in the 1990s and early 2000s is an issue that still greatly impacts European security.

The Yugoslav Wars, taking place between 1991-2001, are infamous for many reasons. One reason, and the focus of this review, is the prevalence of illicit arms trafficking taking place during and after the conflicts. Most military grade firearms held by organised criminal groups in Europe today originate from the Western Balkans (Grip, 2025). Criminals in former Yugoslav states are well connected with organised criminal gangs in Croatia and Slovenia, for example, and weapons are later smuggled across Europe, reaching destinations such as Austria, France, Germany, Italy, the Netherlands, Spain, Sweden and the United Kingdom (GI-TOC 2020). The diversion of weapons from

© 2025 Karl Joel Påhlman. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

former Yugoslavia has taken place incrementally since the 1990s, and the weapons have remained in circulation for more than 30 years, either in Western Europe or the Balkan region (Grip, 2025). In the six Western Balkan-states and Croatia alone, the conservative estimate from the UN and Europol is that there are more than 3 million illicit weapons left (GI-TOC, 2020).

To summarize the outcome of the Yugoslav Wars in the perspective of illicit arms trafficking, the consequences were dire. The International community failed to prevent arms trafficking in connection with the conflicts. Certain measures were taken, like for example the UN initiative SEESAC, which began in 2002. The initiative was partially successful, but did not fundamentally stop the outpour of arms from the region. The focus of the international community was at first to prevent arms from being diverted to other conflict zones outside of Europe, and it was first in the early 2000s that the focus shifted to prevent trafficking within Europe. This may have been a major contributing factor in the ultimate failure to prevent the flood of illicit military weapons from arming organised criminals in Europe (Grip, 2025).

B. Enabling Factors

There are many triggering factors that enabled the diversion of conflict-weapons from the former Yugoslav states after the wars. We will discuss three of these in the following. The first important factor enabling the arms trafficking is the fact that Yugoslavia was a heavily armed territory. The nation had stockpiled weapons all throughout the cold war, and was a prominent military power at the time. These weapons were then, during the conflicts, handed out to military personnel or civilians (Grip, 2025). There are also examples of militias looting stockpiled weapons, with 600 000 being looted in the 1997 Albanian Civil War alone (although not part of the Yugoslav Wars, this civil unrest was in great part enabled by the instability in the region) (Galeotti & Arutunyan, 2023).

A second important factor is the instability caused by being in the state of war. In combination with the above mentioned fact that the region was heavily armed, the instability of being at war creates golden opportunities for those willing to illicitly divert weapons. Once the weapons were handed out to either conscripts or civilians, there was little control of what happened with them. Many of the guns were kept by civilians after the war, for fear of future conflicts. Others were sold for trafficking by either conscripts, civilians or directly by criminal organisations (GI-TOC, 2020). In short, the state of war contributed to many of the stockpiled weapons "disappearing".

The third factor that will be examined is that of the corruption in Yugoslavia. The country was heavily burdened by corruption, only reaching the 89th place in Transparency International's Corruption Perceptions Index for the year 2000 (Transparency International, 2000). Combined with the other mentioned factors – the supply of weapons and state of instability due to war – corruption is an important enabler of illicit trafficking of weapons.

III. THE RUSSO-UKRAINIAN WAR (2022-)

A. Prevalence

The risk of illicit arms trafficking in connection with the Russo-Ukrainian War has been taken seriously since the start of the war in 2022, partially due to the failure to prevent the issue following the Yugoslav Wars (Hamilton, 2022; GI-TOC, 2024; Galeotti & Arutunyan, 2023). Now, more than three years later, to what extent has this fear been realised?

At this stage in the war, the available data seems to show that the degree of illegal diversion, out of Ukraine, of military weapons from the war has been low (Racoveanu, 2024; GI-TOC, 2024). To the degree illicit trafficking is taking place, this seems to be done in an unorganised manner, and mainly regarding so-called "trophy weapons". These are weapons either found or taken from the enemy side in the conflict zones (GI-TOC, 2024).

There are a few reasons that may explain the seemingly low degree of trafficking taking place. Firstly, the International Community has been wary of and focused on the risks from the start of the war in 2022. Already in 2022 a support hub in Moldova was set up to prevent diversion through the Moldovan border, which did see an increase in arms trafficking from the start of the war (Racoveanu, 2024; European Commission, 2022). In 2024, the EU adopted a decision to prevent arms trafficking in Ukraine, with a budget of 5 000 000 Euros (Council of the European Union, 2024). Secondly, Ukraine has been willing and able to cooperate in the prevention efforts. This has had a great impact on the success of the measures taken. One major factor enabling the International Community to cooperate with Ukraine is that Ukraine is a relatively well-established state, with clear leadership and control over its military (GI-TOC, 2024).

B. Risk-Factors

The concern from the International Community that the Russo-Ukrainian War will bring about a new wave of illicit arms trafficking in Europe is not unfounded. There are several key factors that provide organised criminals with opportunities to divert weapons from the conflict zone to other parts of Europe. Firstly, Ukraine is a heavily armed country. The influx of weapons has been large going back to 2014, but has skyrocketed in the 2020s and the full-scale Russian invasion (GI-TOC, 2024). SIPRI-data shows that between 2020-2024, Ukraine was the world's largest importer of major arms, importing an 8,8 per cent share of global arms imports (SIPRI, 2025)

Secondly, Ukraine is, and has been since 2022, in a state of war. Being at war may cause difficulties in tracking weapons, since they are distributed amongst conscripts, volunteer fighters and in many cases civilians. To add to this, as noted above, we have seen some trafficking of trophy weapons, taken from the enemy in the conflict zones. The tracking of trophy weapons is, as one can imagine, even more difficult to manage, compared to domestically issued arms (GI-TOC, 2024).

Thirdly, it must be noted that Ukraine is a country scoring poorly in corruption-indexes. In Transparency International's Corruption Perceptions Index of 2024, Ukraine placed 105th, at the same score as Serbia (Transparency International, 2025). Corruption is an obvious risk factor, that together with other factors can enable trafficking of any sort. Luckily, it seems that by their cooperation with the International Community and by their own efforts, Ukraine has been able to manage the other factors, thereby keeping corruption from engaging with and enhancing them. It is also important to note that Ukraine, since the annexation of Crimea in 2014, has

worked, succesfully, towards preventing corruption; in 2014, the country ranked 142nd in the world – a worse placing than Russia, who ranked 136th (Transparency International, 2014).

IV. CONCLUSIONS

What are the key similarities and the key differences between the factors affecting illicit arms trafficking in the case of the Yugoslav wars and the Russo-Ukrainian war? Three key similarities, as well as two key differences, between the case of the former Yugoslav states and the case of Ukraine has been explored. Firstly, it has been observed that the former Yugoslav states were filled with military weapons, stockpiled during the Cold War in the prominent military power of Yugoslavia (Grip, 2025). The case in Ukraine is similar; Ukraine was already in 2014 a heavily armed country, and during the time between 2020-2024 Ukraine was the world's largest importer of major arms, importing an 8,8 per cent share of global arms imports (GI-TOC, 2024; SIPRI, 2025). This factor is a major one enabling the illicit trafficking.

Secondly, one other major similarity between the two cases is quite obvious; being at war. The war tearing up Yugoslavia was indisputably a major factor in the arms trafficking-crisis that arose after the separation of the state, and that still continues to this day. The wars in former Yugoslavia resulted in much of the stockpiled weapons being distributed to military personnel as well as civilians (Grip, 2025). After the wars, the governmental control over what happened with these weapons was managed poorly. The result was that large numbers of weapons "disappeared". These weapons were either kept by civilians for security purposes, would further conflicts arise, or, as in many cases, were sold for monetary profits to more or less organised criminals (GI-TOC, 2020). Focusing on the case of Ukraine, this is a nation which is right now at war. This means that large amounts of weapons are in use by conscripts and volunteering soldiers, making it difficult to keep track of possible diversions of weapons. Add to this the aspects of trophy weapons taken in the war, and the problem is even greater (GI-TOC, 2024).

Thirdly, the last key similarity we have discovered is the case of corruption in the regions studied. Both Yugoslavia, when it still existed, and Ukraine, today, were and are countries with great problems of corruption. This is a major factor creating opportunities for arms traffickers and organised criminal groups. In the year 2000, Yugoslavia placed 89th on Transparency International's Corruption Perceptions Index (Transparency International, 2000). Ukraine, in 2024, placed 105th (Transparency International, 2025). The two placings cannot, however, be compared directly to each other, due to the fact that the number of countries examined has increased since the year 2000, but the data shows that during the time examined in each country, corruption was a major issue. Lastly, it should be noted that the fact that Ukraine has successfully worked against corruption and improved it's status may be a factor that has helped prevent illicit arms trafficking.

Explored above are two major differences between the case of the former Yugoslav states and the case of Ukraine, which may be the factors that has kept outflux of weapons from the region at a relatively low level during the war. The first major difference is the swiftness of response of the international community to prevent illicit arms trafficking in connection with the wars. This thesis is supported by the fact that during the Yugoslav Wars, it took until 2002 for the UN to adopt any measure for preventing the issue (Grip, 2025). Efforts were – and maybe rightly so – concentrated on ensuring regional stability, ending tensions and managing the risks of genocide and other humanitarian crimes. Studying the case of Ukraine, it has been shown that the issue of preventing illicit arms trafficking was raised already in 2022 (European Commission, 2022; Galeotti & Arutunyan, 2023), giving the international community an important head start, compared to the case two decades ago.

The second important difference between the cases is the cooperation between the fighting parties and the international community. In the case of the Yugoslav wars, the possibility of cooperating with any of the parties engaged was made very difficult, mainly due to the fact that they were all from Yugoslavia newly emerged states. Examining the case of Ukraine, it has been observed that the EU is very much cooperating with the Ukrainian government in taking measures in preventing illicit trafficking of arms (Council of the European Union, 2024; European Commission, 2022).

In conclusion, the two cases share three key similarities that, given the problems of illicit arms trafficking stemming from the Yugoslav wars, gives good reason for being cautious about the case of Ukraine. A similar situation has the opportunities to arise in Europe yet again, would the international community and Ukraine fail to prevent the risks at hand. However, the paper has also explored some important differences between the two cases. Firstly, the international community is now very much aware of the risk, something that cannot be said about the case of former Yugoslavia. Secondly, the Ukrainian government is cooperating with the international community in the prevention efforts, enabling key measures being taken. These two differentiating factors may be the reason that we have not seen a major rise in arms trafficking arising out of Ukraine during the war. In the end, it is up to posterity to evaluate if the differences in circumstances and in the efforts being taken was enough to stop a new wave of illicit arms trafficking in Europe, however, in my opinion, the prospects look bright.

REFERENCES

Budjeryn, M. (2024, December 14). *When Ukraine set course for Europe*. The Brookings Institution. https://www.brookings.edu/articles/when-ukraine-set-course-for-europe/

Council of the European Union. (2024, December 2). *Council Decision (CFSP) 2024/3003 in support of strengthening the capacities of the Ukrainian authorities to prevent and combat illicit trafficking in weapons, ammunition and explosives, in cooperation with the OSCE*. Official Journal of the European Union. https://eur-lex.europa.eu/eli/dec/2024/3003/oj

European Commission. (2020). *EU action plan on firearms trafficking 2020–2025*. https://eur-lex.europa.eu/resource.html?uri=cellar:65f0454e-cfef-11ea-adf7-01aa75ed71a1.0003.02/DOC_1&format=PDF

European Commission. (2022, July 11). *Informal Home Affairs Council: EU launches the Support Hub for Internal Security and Border Management in Moldova*. https://ec.europa.eu/commission/presscorner/detail/en/ip_22_4462

European Parliament. (2011, July 19). *History: The Yugoslav wars* [Video]. European Parliament. https://multimedia.europarl.europa.eu/en/video/history-the-yugoslav-wars_V001-0015

European Western Balkans. (2018, December 11). *French foreign minister: Small arms from the Western Balkans are a threat to European security*.

https://europeanwesternbalkans.com/2018/12/11/french-foreign-minister-small-arms-western-balkans-threat-european-security/

Galeotti, M., & Arutunyan, A. (2023, March). *Peace and proliferation: The Russo-Ukrainian war and the illegal arms trade*. Global Initiative Against Transnational Organized Crime. https://globalinitiative.net/wp-content/uploads/2023/03/Mark-Galeotti-and-Anna-Arutunyan-Peace-and-proliferation-The-Russo-Ukrainian-war-and-the-illegal-arms-trade-GI-TOC-March-2023.pdf

Global Initiative Against Transnational Organized Crime (GI-TOC). (2020, October–November). Illicit weapons in the Western Balkans: A threat to Europe. In *Risk Bulletin: Observatory of Illicit Economies in South Eastern Europe* (Issue 2). https://riskbulletins.globalinitiative.net/download/see-obs-002-screen-pdf.pdf

Global Initiative Against Transnational Organized Crime (GI-TOC). (2024, June). *Smoke on the horizon: Trends in arms trafficking from the conflict in Ukraine*. https://globalinitiative.net/wp-content/uploads/2024/06/Smoke-on-the-horizon-trends-in-arms-trafficking-from-the-conflict-in-Ukraine-GI-TOC-June-2024.v3.pdf

Global Initiative Against Transnational Organized Crime (GI-TOC). (2025). *Tomorrow's fire: Anticipating the organized crime fallout of the war in Ukraine*. https://globalinitiative.net/wp-content/uploads/2025/02/Tomorrows-Fire_conference-report.v1-MR-PB-MR-18-Feb-PB-PG-MR-PB2.pdf

Grip, L. (2025). Organized crime and illicit firearms in Europe. In *D. Bright (Ed.), Illicit firearms markets and organized crime (pp. 47–71)*. Oxford University Press.

Hamilton, T. (2022). Defending Ukraine with EU weapons: arms control law in times of crisis. *European Law Open* (2022), 1, 635–659.

Mpoke Bigg, M. (2025, February 13). *Ukraine's Borders in Maps: Pre-2014 Invasion to Now. The New York Times*. https://www.nytimes.com/2025/02/13/world/europe/ukraine-borders-pre-2014-map-war.html

Pifer, S. (2025, February 19). *Russia-Ukraine after three years of large-scale war*. The Brookings Institution. https://www.brookings.edu/articles/russia-ukraine-after-three-years-of-large-scale-war/

Racoveanu, C. (2024). War in Ukraine and European Security. The Re-Organization of Crime. *Perspective Politice (pp. 163-176).*

Rankin, J. (2023, November 23). *Former Yugoslavia countries that failed to face war crimes risk return to conflict, says Council of Europe official. The Guardian*. https://www.theguardian.com/law/2023/nov/23/former-yugoslavia-countries-war-crimes-past-risk-return-conflict-council-of-europe-official-says

Stockholm International Peace Research Institute. (2025). *Trends in International Arms Transfers, 2024*. https://www.sipri.org/sites/default/files/2025-03/fs_2503_at_2024_0.pdf

Transparency International. (2000). *Corruption Perceptions Index 2000*. https://www.transparency.org/en/cpi/2000

Transparency International. (2014). *Corruption Perceptions Index 2014*. https://www.transparency.org/en/cpi/2014

Transparency International. (2025, February 11). *Corruption Perceptions Index 2024*. https://www.transparency.org/en/cpi/2024

Trebesch, C., Irto, G., & Nishikawa, T. (2025, February 14). *Ukraine Support Tracker*. Kiel Institute for the World Economy. https://www.ifw-kiel.de/topics/war-against-ukraine/ukraine-support-tracker/

Groomed and Exploited

The Role of Social Media in Recruiting and Exploiting Trafficking Victims

Beatrice Pattaro

Abstract — **The rapid development of digital technologies has transformed human trafficking, providing traffickers with new tools for recruiting and exploiting victims. This paper examines the role of social media and other online platforms in facilitating trafficking for sexual exploitation. It focuses on the recruitment techniques and cyber-enabled exploitation. Through a brief analysis of the "lover boy" method, sextortion and the use of fraudulent job advertisements to recruit victims, the aim is to provide an overview of how traffickers manipulate vulnerable individuals and abuse their position of power in order to increase the efficiency of the process. Additionally, it offers an insight into the emergence of "cyber-trafficking" where victims are exploited remotely through live streaming platforms or are advertised on social media (adult service websites) as if they were regular sex workers. This research seeks to encourage reflection on the importance of identifying risk indicators in order to build prevention strategies.**

I. INTRODUCTION

Although traditional methods of human trafficking persist, technology has provided traffickers new avenues for recruitment, transportation and exploitation of their victims (Greiman & Bain, 2025). A definition of the phenomenon is provided by Article 3(a)[2] of the 2000 United Nations Convention against Transnational Organized Crime (The Palermo Convention) and Protocols of Thereto, in particular the so-called *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children*. This kind of definition, even if still widely accepted (Raets & Jansssens, 2019), is considered to be insufficient given the expansion of the phenomenon in relation to the use of new technological tools. In fact, trafficking in human being manifests in two forms online: technology-facilitated trafficking and technology-enabled trafficking, or "cyber-trafficking" (OSCE, 2023). The first one is a more traditional form of trafficking, wherein each phase is facilitated by the interconnectivity and service provided by online platforms. The latter, on the other hand, involves the exploitation of victims through online means without the necessity of the victim's physical presence: it is still considered a transnational crime defined as trafficking in some jurisdictions (OSCE, 2023).

[2] "Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

© 2025 Beatrice Pattaro. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

The illegal business of trafficking in persons entails three main phases: (1) recruitment, (2) transportation, (3) exploitation (Moyo et al., 2024). With regard to digitalization, literature has emphasized recruitment and exploitation as the moments in which technology has played the bigger role in changing, or at least facilitating, the process. As far as the transport phase is concerned, the few studies that have dealt with it have limited themselves to general considerations on how technology has facilitated the organization and the logistics of the journey (Baratto & Rigon, 2024).

This paper focuses on trafficking for sexual exploitation and aims to analyze how technologies have changed the recruitment phase of victims, with a particular focus on the techniques. With respect to cyber-trafficking, this paper aims to give a brief outline into how digital technologies have expanded the range of possibilities for traffickers to reach a larger clientele during the exploitation stage.

II. THE RECRUITMENT TECHNIQUES

Recruitment is the first stage of the trafficking process and it is a crucial stage for the traffickers because they need to identify the victims and lure them in. During this phase, traffickers employ various tactics to target vulnerable victims such as coercion, fraud or force. In recent years, the role of online platforms in the recruitment of victims has become increasingly strategic. This is due to the fact that such platforms allow traffickers to maintain anonymity while looking for their victims, thereby posing a challenge to law enforcement agencies and other stakeholders in identifying them, particularly with regard to their location (Moyo et al., 2024). Furthermore, the recruitment phase through the use of Internet and online platforms allows the process to be more efficient, easier and cheaper: it is noted that the cost of this process has been reduced to 20-30% of the total takings (Di Nicola et al., 2017).

Online recruiting is primarily carried out through three distinct techniques that vary in their approach and interaction with the potential victims. These three methodologies are categorized as the so-called "lover boy" method, "sextortion" and the dissemination of fraudulent employment opportunities through online channels.

A. Lover boy

The "lover boy" method is one of the most common techniques employed by traffickers to recruit their victims (Antonopoulos et al., 2020). This tactic involves a typical scheme that aims to gain the victim's trust in order to abuse them. The trafficker, whether operating alone or as a part of a larger group, initiates contact with the potential victim with the purpose of establishing a romantic relationship. By faking romantic interest, the trafficker is

able to create an emotional bond with the victim and to manipulate them to the point of abusing of their vulnerable position (Johansson, 2022). As the relationship goes on, the victims are increasingly controlled and willing to be sexually exploited, finding themselves in a vulnerable position. This trend and scheme is far from being a recent development, as can be seen from some case studies (Johansson, 2022; Omer Demir, 2010; Poelmans et al., 2011) but it has been facilitated by social media websites.

Usually, after carefully selecting profiles of potential victims according to certain criteria (e.g. age, vulnerability and physical appearance), the recruiters contact the victims, generally women, requesting to be admitted to their virtual friend group. They establish a relationship through Facebook's private chat (Messenger) to gain the victim's trust and continue communicating with them either by messaging apps (e.g. WhatsApp, Telegram, Viber), phone calls or face-to-face (Di Nicola et al., 2017). Free access to posts and information that are recklessly spread on social networks allow recruiters to carefully select their potential victims and convince them that they share common interests and values. This makes the traffickers the perfect match for the victim, ensuring the success of the recruitment process (Di Nicola et al., 2017).

B. Sextortion

Sexual extortion, also referred to as "sextortion", is a form of coercion that has become increasingly prevalent in recent years. It involves the use of threats to disseminate intimate images of a sexual nature in order to coerce the victim into complying with various demands, both behavioral and financial (Ray & Henry, 2025). This kind of coercion is both a form of image-based sexual abuse and technology-facilitated sexual violence involving ICT tools in communicating the threat (Powell & Henry, 2017). The practice of sextortion involves the exploitation of individuals by traffickers who, in order to gain compliance from their victims, initially coerce them into producing further sexual images. These images are then threatened to be shared with the victim's family members or within the community or nation of origin of the victim (Powell & Henry, 2017). The victims' compliance is generally reached under the pretext of engaging intimate activities and the request for compromising photographs, which are subsequently used as a mean of coercion and blackmail. Consequently, the victims will be forced to submit to the demands of the traffickers (Di Nicola et al., 2017). Furthermore, the sense of shame and the hope that the threats will stop are often the reasons why victims produce and share this self-generated explicit material. (EUROPOL, 2024).

Studies and reviews have shown that sextortion is a multifaceted phenomenon that not only functions as a recruitment tool for trafficking, but is also able to induce significant psychological, physical and social consequences for its victims. Furthermore, there happens to be a critical gap in awareness, understanding and prevention strategies regarding sextortion (Ray & Henry, 2025).

Moreover, artificial intelligence can be employed to manipulate images recreating sexual aggressions. Such technologies are proven to be largely used as a threat mechanism. These models have developed very quickly and consistently produce material that increasingly resembles the reality, thereby making it challenging to understand whether it is artificially generated or not. Consequently, law enforcement agencies face the challenge of identifying the actual victim of the offence, as well as the legal framework within the offence should fall (EUROPOL, 2024).

C. Fake job advertisement online

Promoting illegal content on social networks is becoming common nowadays and perpetrators of human trafficking view this as a means of expanding their business. Fraudulent job advertisement are generally posted on most commonly used social networks, such as Facebook, Twitter, Instagram and LinkedIn (Burbano & Hernandez-Alvarez, 2018). These "hidden advertisements" employ persuasive language, promising a better lifestyle, and appear to offer a genuine, life-changing opportunity. However, upon responding to these seemingly unmissable and misleading job offers, victims are sexually exploited by traffickers who arrange their transportation (Moyo et al., 2024). Indeed, it has been demonstrated that are frequent job advertisements that are found to be non-existent in reality (Antonopoulos et al., 2020). Consequently, individuals are misled into pursuing conventional employment opportunities, despite being subjected to trafficking with the intent of sexually exploiting them. The range of job offers is diverse, encompassing roles such as administration, cleaning, home assistance, childcare, waitressing, hostessing, pole dancing, transportation, collection and delivery of charity bags, agricultural work and construction, as well as educational courses or work in the tourism sector among others (Antonopoulos et al., 2020). It is worth mentioning that sites where such job offers appear are often marriage agency sites, escort service sites, dating clubs and employment sites (Sarkar, 2015). Victims are normally, but not always, recruited in their country of origin. Recruiters from the employment agencies persuade them to sign an incomprehensible or incomplete contract, provide them with all the necessary documents and cover the transportation costs (Sarkar, 2015). This kind of activity leads traffickers to be even more invisible, as the *modus operandi* just described evades attention and creates the appearance of legitimacy (EUROPOL, 2025).

Research has identified common elements within these "hidden advertisements" which, to the most attentive observer, reveal their illicit nature. These elements consist of the language of the advertisement, the destination country, the industry of the job offered, along with gender and age requirements. With regard to language use, it was found that the victims' language of origin was mainly used, offering jobs abroad, or poorly written English with several grammatical errors (Di Nicola et al., 2017; Volodko, 2020). Other studies revealed that there are no clear words relating to the services offered by human traffickers, even if some possible words, in particular hashtags, have been identified as eventually related to human trafficking activities (Burbano & Hernandez-Alvarez, 2018). Concerning the structure of the announcement, it was frequently observed that only a mobile phone number or a general e-mail address was provided for further information. Additionally, there was a

prevalence of inaccuracies in the description of work-related responsibilities, and the dissemination of such offers occurred across multiple platforms (Antonopoulos et al., 2020).

III. ONLINE MARKETPLACES FOR EXPLOITATION

Following the recruitment stage, in order for the crime of human trafficking to be fully integrated, there has to be some kind of exploitation. The present paper focuses on sexual exploitation of victims, which also involves exploitation of the victims through online platforms, sometimes without the need for a transportation phase: as previously mentioned, the crime in question can be referred to as "cyber-trafficking" (EUROPOL, 2024; OSCE, 2023). Consumers are able to connect to live image or real-time video production of victims being sexually abused through the availability of video conferencing and webcams. Viewers can even make requests and purchase instant gratification related to specific sexual fetishes as the abuse is being broadcast. This emerging trend has been termed "molestation-on-demand" (Farley et al., 2014; Fox et al., 2020). The practice of live streaming is considered to be a method of exploitation of human trafficking victims, in particular with regard to livestreaming of child sexual abuse (Drejer et al., 2024). There has been the trace of "cybersex dens" in which several children are either hired or trafficked and kept against their will in a location to perform sexual acts on camera (Drejer et al., 2024).

In contrast, the advertisement of services offered by traffickers through exploitation of victims utilizes online platforms, particularly Adult Service Websites, as a marketplace to reach a broader client base. These websites facilitate the promotion of sexual services by users, who create profiles that contain photographs, contact information, a detailed description of the services offered, and their respective costs. These websites are commonly used by sex-workers not involved in trafficking because they provide a safer environment in which to operate avoiding the risks of street-based sex work, such as violence and other harmful experiences (L'Hoiry et al., 2024a). The practice of camouflaging victims as consenting people that offer their services with the other sex workers, allows traffickers to use those platforms as a "primary venue for commercial sexual exploitation and trafficking" (OSCE, 2023). Besides, advertising sexual services online, as opposed to the traditional provision on the streets, engenders a greater degree of anonymity for pimps, traffickers and sex buyers. This development gives rise to the establishment of a virtual red-light district, which facilitates uncomplicated and readily accessible connections between purchasers and vendors of sexual services. (L'Hoiry et al., 2024b). Following the initial contact on adult service websites, appointments are arranged through online messaging applications that are characterized by their expediency, simplicity and encryption (e.g. WhatsApp, Telegram and Viber) (Baratto & Rigon, 2024).

However, a significant challenge lies in differentiating between the profiles of consenting and independent sex workers and those of trafficking victims.

Information displayed on Adult Social Websites profiles, including the services offered, the use of language and the explicit nature of photographs, have been identified as potential indicators that may suggest a profile has been posted by traffickers rather than independent sex workers (Antonopoulos et al., 2020). Those indicators, or "risk markers", could be applied to detect and even predict human trafficking, thereby potentially assisting law enforcement interventions. More specifically, the risk indicators can lie in the use of a third-party language used in posted ads, the reference to ethnicity/nationality, the reference to the youthfulness or vulnerability of the victim, the presence of pimp. It is necessary to underline that not all of these indicators provide an unequivocal evidence of sex trafficking, but they rather identify possible red flags for human trafficking (Bounds et al., 2020). Indeed, evidence suggests that the use of these indicators for the purpose of highlighting posts by victims of human trafficking that have been sexually exploited is not always working as an effective strategy, as it has the capacity to generate false positives (Baratto & Rigon, 2024).

IV. CONCLUSIONS

The digital era has reshaped the way of recruiting and exploiting victims. While traditional means have not been set aside, they have undergone significant technological upgrades, developing new tools designed to streamline the process. Indeed, the integration of digital tools allows the entire system to be more efficient, anonymous and far-reaching. With particular regard to social media platforms, they allowed traffickers to expand their business with different consequences. During the recruitment phase, traffickers have been able to expand their possibilities to analyze and select their own victims, thanks to the number of interconnections that the Internet enables. The same reasoning applies to the exploitation phase: traffickers can sell sexual services to a larger clientele, guaranteeing the physical presence or just providing sexually explicit live content. Moreover, the anonymity provided by social networks plays an important role both in the recruitment and in the exploitation stage. During the recruitment phase traffickers can make themselves less recognizable, for example when faking a job offer abroad or pretending to have an emotional relationship with the person they intend to groom. During the last phase of human trafficking, instead, clients can assure themselves not being identified in sexually exploiting the victims.

As this process becomes more sophisticated thanks to the use of digital technologies, law enforcement agencies and policymakers ought to adopt equally advanced countermeasures, such as proactive digital investigations, monitoring suspicious online activities and stronger collaborations between social media platforms and law enforcement in assessing and detecting trafficking operations. Preventive measures in social and educational fields are essential to help avoid circumstances of necessity that can push anyone to extreme gestures. Ultimately, public awareness of the phenomenon and improved victim identification strategies can help mitigate the risks posed by online recruitment.

REFERENCES

Antonopoulos, G. A., Baratto, G., Di Nicola, A., Diba, P., Martini, E., Papanicolaou, G., & Terenghi, F. (2020). *Technology in Human Smuggling and Trafficking: Case Studies from Italy and the United Kingdom*. Springer International Publishing. https://doi.org/10.1007/978-3-030-42768-9

Baratto, G., & Rigon, B. (2024). *Human trafficking in the digital society: State of the art, theoretical perspectives and future directions*.

Bounds, D., Delaney, K. R., Julion, W., & Breitenstein, S. (2020). Uncovering Indicators of Commercial Sexual Exploitation. *Journal of Interpersonal Violence*, *35*(23–24), 5607–5623. https://doi.org/10.1177/0886260517723141

Burbano, D., & Hernandez-Alvarez, M. (2018). Illicit, Hidden Advertisements on Twitter. *2018 International Conference on eDemocracy & eGovernment (ICEDEG)*, 317–321. https://doi.org/10.1109/ICEDEG.2018.8372370

Di Nicola, A., Martini, E., & Baratto, G. (2017). *Surf and sound. The role of Internet in people smuggling and human trafficking.*

Drejer, C., Riegler, M. A., Halvorsen, P., Johnson, M. S., & Baugerud, G. A. (2024). Livestreaming Technology and Online Child Sexual Exploitation and Abuse: A Scoping Review. *Trauma, Violence, & Abuse*, *25*(1), 260–274. https://doi.org/10.1177/15248380221147564

EUROPOL. (2024). *IOCTA, internet organised crime threat assessment 2024.* Publications Office. https://data.europa.eu/doi/10.2813/442713

EUROPOL. (2025). *SOCTA, Serious and organised crime threat assesment 2025*. EUROPOL.

Farley, M., Franzblau, K., & Kennedy, M. A. (2014). ONLINE PROSTITUTION AND TRAFFICKING. *Albany Law Review*, *77*.

Fox, B., Reid, J. A., & Masys, A. J. (Eds.). (2020). *Science Informed Policing*. Springer International Publishing. https://doi.org/10.1007/978-3-030-41287-6

Greiman, V., & Bain, C. (2025). *The Emergence of Cyber Activity as a Gateway to Human Trafficking*.

Johansson, M. C. (2022). 'Love is in the Air' Exploring recruitment into prostitution by abuse of a position of vulnerability as human trafficking. *Bergen Journal of Criminal Law & Criminal Justice*, *9*(2), 41. https://doi.org/10.15845/bjclcj.v9i2.3523

L'Hoiry, X., Moretti, A., & Antonopoulos, G. A. (2024a). Human trafficking, sexual exploitation and digital technologies. *Trends in Organized Crime*.

L'Hoiry, X., Moretti, A., & Antonopoulos, G. A. (2024b). Identifying sex trafficking in Adult Services Websites: An exploratory study with a British police force. *Trends in Organized Crime*, *27*(1), 34–55. https://doi.org/10.1007/s12117-021-09414-1

Moyo, Gunes, & Jirotka. (2024). *Investigating Human Trafficking Recruitment Online: A Study of Fraudulent Job Offers on Social Media Platforms*.

Omer Demir, O. (2010). Methods of sex trafficking: Findings of a case study in Turkey. *Global Crime*, *11*(3), 314–335. https://doi.org/10.1080/17440572.2010.490636

OSCE (Ed.). (2023). *Mapping the online landscape of risks of trafficking in human beings on sexual services websites across the OSCE region*. OSCE.

Poelmans, J., Elzinga, P., Dedene, G., Viaene, S., & Kuznetsov, S. O. (2011). A Concept Discovery Approach for Fighting Human Trafficking and Forced Prostitution. In S. Andrews, S. Polovina, R. Hill, & B. Akhgar (Eds.), *Conceptual Structures for Discovering Knowledge* (Vol. 6828, pp. 201–214). Springer Berlin Heidelberg. https://doi.org/10.1007/978-3-642-22688-5_15

Powell, A., & Henry, N. (2017). *Sexual Violence in a Digital Age*. Palgrave Macmillan UK. https://doi.org/10.1057/978-1-137-58047-4

Raets, S., & Jansssens, J. (2019). The economics of human trafficking in a digitised age. *Financing of Organised Crime - Human Trafficking in Focus*.

Ray, A., & Henry, N. (2025). Sextortion: A Scoping Review. *Trauma, Violence, & Abuse*, *26*(1), 138–155. https://doi.org/10.1177/15248380241277271

Sarkar, S. (2015). Use of technology in human trafficking networks and sexual exploitation: A cross-sectional multi-country study. *Transnational Social Review*, *5*(1), 55–68. https://doi.org/10.1080/21931674.2014.991184

Volodko, A. (2020). "Spotting the signs" of trafficking recruitment online: Exploring the characteristics of advertisements targeted at migrant job-seekers. *Trends in Organized Crime*.

The Digital Frontier of Crime

How Chinese Triads Built Myanmar's Scam Kingdoms

Margherita Pavan

Abstract — **This work critically examines how Chinese organised crime has exploited technological advancements to transform Myanmar, already marked by political instability, into a hub for cyber fraud. The study investigates the evolution of these criminal networks from their historical roots in the opium trade and gambling to their current, highly sophisticated operations. It aims to identify the deficiencies in both national and international legal frameworks. Furthermore, the paper stresses the urgent need for the adoption of comprehensive strategies to dismantle these organised criminal groups and address their institutionalised corruption and technological vulnerabilities.**

I. INTRODUCTION

It is estimated that online scams in East and Southeast Asia generated severe losses, between $18 and 37 billion, with Myanmar's unregulated Special Economic Zones (SEZs) serving as the logistical pillar of the cyber fraud empires run by Chinese triads (Lin, n.d.; Tower & Clapp, 2020; UNODC, 2024). Due to the persistence of instability in the country, marked by a military regime and widespread corruption, illicit businesses have long been able to flourish. Over the past 30 years, Chinese organised crime has established itself across the border territories of Myanmar, at first making a profit from opium and gambling. As a result of digital advancements, these criminal organisations have managed to turn their attention to massive cybercrime operations and human trafficking networks, taking advantage of both technological progress and institutional deficiencies of Myanmar (Kennedy & Southern, 2022; Tower & Clapp, 2020). The main objective of this paper is to investigate how such groups adapt to changing geopolitical and technological settings, exploiting state fragility to avoid accountability. The wide reach of their operations demonstrates the integration of conventional criminal expertise with emerging tools such as encrypted platforms and blockchain systems (Lo & Kwok, 2017; van Uhm, D.P., Wong, R.W.Y., 2021). Considering how these networks undermine regional security and aggravate humanitarian crises, it is essential to understand their adaptive nature to dismantle their resilience, an effort that requires coordinated international action.

II. THE HISTORICAL AND POLITICAL CONTEXT

A. Historical Background: Triads' Enrichment from Opium Trade to Cybercrime

A key factor in the development of Chinese triads in Myanmar is their historical influence over the Golden Triangle's opium trade. Through the 1980s, organisations such as the 14K triad dominated heroin trafficking channels across Myanmar's Shan State, working alongside ethnic militias like the United Wa State Army (UWSA) (Lin, n.d.; Clapp & Tower, 2022; UNODC, 2023). Under their leaders (including Wan Kuok-koi, better known as "Broken Tooth"), the 14K earned a reputation for violence and territorial control. Eventually, Myanmar's Kokang region saw organised crime diversify into gambling and human trafficking by the 2010s, where the Bai and Wei families operated freely under the cover of local businesses (Head, 2023; Tower & Clapp, 2020).

The crackdown on organised crime by the Chinese government forced triads to seek new territories. Considering Myanmar's uncontrolled borders, ethnic conflicts and weak state control, the country was a perfect refuge (Lin, n.d.). It is reasonable to assume that the ban on online gambling in the Philippines and Cambodia in 2016 accelerated this shift, causing triad-linked businessmen like She Zhijiang to settle in Karen State in Myanmar. It was there that he partnered with the Karen Border Guard Force (BGF) to create Yatai New City, a huge project disguised as a tourism hub, but only serving as an enclave for cyber fraud (Tower & Clapp, 2020). It is assessed that by 2020 these bases had developed into fortified "scam cities", embedding call centres, dormitories, and cryptocurrency systems (e.g. Fincy) to industrialise fraud (Franceschini et al., 2024).

It is evident from this historical progression that triads are capable of strategic adaptation. For instance, the Bai and Wei families switched from opium trade to digital fraud by aligning with local power dynamics. In Laukkaiing, they operated illegal compounds disguised as industrial parks, illustrating the evolution of criminal enterprises *in tandem* with geopolitical change (Head, 2023; Tower & Clapp, 2020). As a result of these alliances, Myanmar's border regions have been transformed into hybrid economies in which legitimate infrastructure projects – many of them linked to China's Belt and Road Initiative[3] – act as a shield for money laundering and human trafficking.

Although historical alliances, such as the 14K Triad's collaboration with the United Wa State Army (UWSA), provided a solid foundation, Myanmar's political collapse following the 2021 coup created unprecedented opportunities for organised crime.

B. Catalyst For Crime: The Intitutional Collapse After the 2021 Coup

A military coup in 2021 destabilised Myanmar's already delicate government, leading to a lack of control that triads and ethnic armed organisations (EAOs) quickly exploited. In an effort to suppress dissent, the junta drained law enforcement resources, leaving border regions

© 2025 Margherita Pavan. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

[3] BRI: a global infrastructure development strategy launched in 2013

under the control of militias. It is alleged, for example, that 50% of the income from Shwe Kokko's scam operations is collected by the Tatmadaw[4], which demonstrates a direct state-criminal collusion (Tower & Clapp, 2024). A similar collective income-sharing approach is employed in other SEZs, such as Mong La, where militias loyal to the junta profit from illegal casinos and brothels (Kennedy & Southern, 2022). In the aftermath of the coup, approximately 1.7 million individuals were displaced, resulting in an enhanced vulnerability to traffickers, who offered false job prospects to the dislocated population. In a report by the United Nations Office of the High Commissioner for Human Rights (OHCHR) for 2023, the 80% of trafficking victims recovered from war zones was associated with fraud compounds as those in Shan and Karen State (OHCHR, 2023). Due to inadequate funding and politicisation, Myanmar's Anti-Trafficking Task Force was able to prosecute only 15% of recorded instances in 2023, leaving victims without judicial remedy (Franceschini et al., 2024).

In this context of near-total impunity, transnational criminal networks continued to operate without any restraint. For instance, until China's 2023 enforcement action, the Ming family's Crouching Tiger Villa in Laukkaing, where over 100,000 victims were constrained to work as scammers, operated under the protection of the Kokang Border Guard Force[5] (Head, 2023). Consequently, Myanmar has become a "shadow state", where legality is sacrificed in the name of profit, and corruption pervades all levels of government.

Amid political instability, triads were given tools to expand their operations and elude detection as technology advanced.

III. THE DIGITAL EVOLUTION OF CRIME

A. Digital Transformation: Cybercrime, Cryptocurrency and Satellite Infrastructure

Through the use of digital technologies, triad operations have been revolutionised. This has enabled organised crime to exploit victims worldwide while eluding law-enforcement agencies and bypassing financial-regulatory controls. There was an increase in cryptocurrency transactions related to Southeast Asian scams between 2019 and 2023, with Myanmar functioning as a crucial link for laundering money via platforms such as Tether (USDT) (UNODC, 2023). AI-driven deepfakes are used in scam compounds to manipulate authority systems, encrypted messaging apps like Telegram are used for organisation and blockchain tools are used to hide money transactions.

Furthermore, the Starlink satellite system is an essential element of these digital operations, which triads rely on to bypass government-imposed internet shutdowns. It is estimated that over 40,000 connections were made between November 2024 and February 2025 from Myanmar's "scam cities", assuring continuous communication (Burgess, 2025). This could be seen when Thailand's National Broadcasting and Telecommunications Commission (NBTC) cut power supplies to Shwe Kokko in 2025, and both backup generators and Starlink-based networks were able to keep operations running, demonstrating the ineffectiveness of local enforcement (Olarn & Adkin, 2025).

Likewise, the use of unregistered SIM cards and fibre-optic networks in borderlands has already been shown to support large-scale cyber fraud (Tower & Clapp, 2020). It is important to note that these developments are part of a larger trend toward hybrid criminal organisations that combine physical coercion with digital anonymity, allowing triads to operate with relative impunity.

B. The Changing Framework of Technology: Ai, Deepfakes And Encrypted Ecosystems

Cyber fraud tactics have been refined by Chinese criminal organisations by integrating artificial intelligence (AI) and deepfake tools. Examples are the scam hubs in Myawaddy and Shwe Kokko, where Chinese organised crime uses AI algorithms to make synthetic voices resembling family members or authorities, coercing victims into transferring funds (Lin, n.d.). INTERPOL observed an increase in deepfake romance fraud schemes in 2023, through which exploited workers impersonated victims' contacts using stolen social media data (UNODC, 2023).

Moreover, *Spinach Circle* (bcquan.com), an illegal gambling and fraud website, is an example of the triads' technological expertise. By employing machine learning, these forums detect at-risk targets, such as elderly investors and socially isolated individuals, and automate phishing attacks on a large scale (Tower & Clapp, 2020).

This is exemplified in Myanmar's scam centres, where they organise transnational operations through Telegram's encrypted channels, and administrators use temporary accounts to maintain anonymity (Franceschini et al. 2024).

IV. THE OPERATIONAL DYNAMICS OF CRIMINAL NETWORKS

A. "Scam Cities" Operational Core: Human Trafficking and Forced Labour

The criminal economy of Myanmar relies heavily on human trafficking, with more than 120,000 individuals trapped in a cycle of cybercrime, sexual abuse or casino labour (OHCHR, 2023). Often tricked by fraudulent job offers on WeChat and Facebook, these victims are forced into conditions of debt bondage, torture, and imprisonment. The UN Special Rapporteur on Myanmar in 2022 reported that 73 Indonesians had been rescued from Shan State compounds where they were threatened with electrocution if they failed to meet daily fraud quotas. This brutality is evident in the Ming family's operations at Laukkaiing: captives were executed for attempting to escape, while women were sold into prostitution networks (Head, 2023). Contrary to popular belief, many victims hold advanced degrees, such as a Chinese PhD who was scammed after responding to a false job offer online (Zhao, 2022).

It is worth noting that the COVID-19 pandemic further intensified the recruitment process, as triads embraced the chance to expand operations by profiting from economic desperation. An example of this is the case of a Thai teenager lured into a scam compound in 2022: her family

[4] Armed forces of Myanmar
[5] BGF: subdivision of the Tatmadaw

paid $1,080 to release her, while 20-30 others died under similar circumstances (Kennedy & Southern, 2022). Taken together, these chilling reports uncover the scale of the humanitarian crisis at the core of Myanmar's criminal network, where victims are treated like mere commodities, discarded after use.

B. Psychological Manipulation and Trafficking Recruitment Tactics

"Wealth baiting", a practice in which recruiters display fake luxury lifestyles on social media, has grown popular. A case in point is the story of Hao, a former owner of a gaming company, who was manipulated by his uncle using photos of luxury cars and villas to lure him into a fraud compound (Franceschini et al., 2024). In a similar manner, Vietnamese citizens have been recruited through TikTok ads offering high-paying jobs in Thailand's hospitality sector, only for them to be trafficked into Myanmar's KK Park (OHCHR, 2023). The methods used in these strategies take advantage of ambitions for economic mobility, especially after the pandemic situation, where Southeast Asia saw a spike in unemployment rates (Franceschini et al., 2024).

However, coercion is not limited to recruitment. It is common for human trafficking victims in compounds like Crouching Tiger Villa to face deliberate gaslighting, in which traffickers separate them from their family and threaten to harm them (Head, 2023). By employing such tactics, a cycle of fear is created that fuels the scam centres. One example of this extreme cruelty can be seen in the case of a Malaysian engineer smuggled into Shan State in 2023: he was coerced to write fraudulent code under the threat of organ trafficking (Franceschini et al., 2024).

V. MONEY LAUNDERING: CASINO, CRYPTOCURRENCY AND TRADE

Casinos, cryptocurrencies and trade-based schemes are all used by Chinese organised crime to disguise the origins of scam profits. In Shwe Kokko's resort infrastructures, illicit funds are converted into gambling chips and then redistributed as legitimate earnings (Tower & Clapp, 2020). The UNODC reported that blockchain analytics tracked $320 million in USDT from pig-butchering frauds to Hong Kong exchanges in 2023, demonstrating how crypto can obscure financial trails (UNODC, 2023). Additionally, shell companies distort the real value of jade and timber exports from Myanmar, which generate $2.4 billion in revenue each year (Tower & Clapp, 2020; UNODC, 2023). One case in point is the Ming family, which employed 300 shell companies in Laukkaiing to launder fraudulent earnings (Head, 2023).

Most importantly, the deficient institutional control in Myanmar makes these operations possible. There is no policy measure addressing virtual assets in the 2014 Anti-Money Laundering Law, whereas the "grey list" status of the Financial Action Task Force (FATF) indicates extensive failure in applying the law. There is an enduring criminal system formed by the combination of scam profits and drug trafficking, such as UWSA methamphetamine manufacture in Shan State. Wang Yi Cheng, for instance, laundered millions through the Hongmen Culture Exchange Centre, raided as part of an enforcement action in 2023 for illegal financial operations (Bayer et al., 2025).

To remain undetected, triads are more frequently using crypto mixing services such as Wasabi Wallet and ChipMixers, which blend payments from different sources to cover up transaction trails. During 2023, blockchain experts identified $150 million in cash used in Myanmar's scams to ChipMixer, which distributed funds over 12,000 wallets linked to offshore trading platforms in Dubai and Singapore (Bayer et al., 2025). Triads also use decentralised finance (DeFi) platforms to convert illegal crypto holdings into stable, untraceable assets such as Tether (USDT), which is then used to purchase luxury items and real estate (Bayer et al., 2025). This is exemplified in an investigation in 2024, which led to the confiscation of $50 million in crypto transactions (Burgess, 2025). In light of the worldwide reach of these networks, international legal frameworks need to be reevaluated, particularly in regions where criminal and political interests overlap.

VI. THE LEGAL AND POLICY RESPONSES

A. Failures in Fighting Against Transnational Crime: Legal Challenges

It remains difficult for the legal system of Myanmar to deal with transnational crime due to outdated laws and widespread corruption. Since the coup, the junta has assigned only 3% of the Central Committee for Drug Abuse Control's (CCDAC) 2023 budget to anti-trafficking initiatives (Tower & Clapp, 2020). China's Cybersecurity Law (2016), which allows legal proceedings against citizens for offences in foreign territories, is hindered by Myanmar's rejection of an extradition request for figures like Brother Bao, a triad leader who is being sought for human trafficking (Tower & Clapp, 2024).

Additionally, there is no enforcement mechanism for ASEAN's 2023 Cybercrime Initiative, and Myanmar is excluded from INTERPOL, interfering with cross-border cooperation (Franceschini et al., 2024).

Triads can take advantage of fragmented jurisdictions to bypass governance structures. For instance, despite She Zhijiang's arrest, Shwe Kokko operations continued, protected by the militia (Clapp & Tower, 2022). As a result of converging economic interests, the Myanmar junta has opposed the implementation of United Nations Convention Against Transnational Organised Crime (UNTOC) protocols, and China's Belt and Road Initiative hinders joint enforcement efforts (UNODC, 2021). To dismantle these networks, legal reforms, such as regional anti-money laundering rules and amended extradition treaties, are needed.

B. Toward Solutions: Reforming International Frameworks

International collaboration is required to combat Myanmar's organized crime groups. Among the solutions proposed are:

- Improving ASEAN's anti-money laundering system: formulating uniform cryptocurrency rules and intelligence-sharing procedures, with a focus on hubs such as Singapore and Thailand;

- Amending extradition treaties: Myanmar's armed forces can be prompted to follow China's extradition requests through directed punitive measures on entities related to the junta;
- Targeting financial infrastructure: identifying and sanctioning financial infrastructure associated with proceeds of fraud, such as Singaporean banks that enabled the concealment of illicit financial flows (Tower & Clapp, 2020);
- Humanitarian intervention: assistance to victims of trafficking by ensuring access to shelters and legal assistance across borders, as demonstrated by activists like Ekapop Lueangprasert, who rescued 140 victims from Myawaddy (Kennedy & Southern, 2022).

A lack of action results in costs for both the individuals and the economy, as indicated by the 120,000 people assumed to be still locked in scam compounds.

VII. CONCLUSIONS

The conclusions drawn in this paper are that state failure, technological integration and regional collusion combine to build a cycle of perpetuating criminality. Myanmar's "scam cities" serve as a clear admonition for Southeast Asia as it struggles with losses exceeding $37 billion annually: unaddressed governance failures and evolving criminal tactics threaten global security. To solve this crisis, it is essential to not only break down the networks, but also to address the root causes, namely corruption and unregulated digital economies. Efforts should be made to explore how cryptocurrency regulation and cross-border intelligence sharing may affect these hybrid criminal enterprises to outline a strategy for reversing Myanmar's position as a global crime hub.

REFERENCES

Akartuna, E. A., Yeung, F. S., Manning, M., & Bish, A. (2025). Shifting routines and the industrialisation of scams: The impact of covid-19 on Deception Crimes in Hong Kong. *Trends in Organized Crime*. https://doi.org/10.1007/s12117-025-09557-5

Bayer, J., Pineda, J., & Li, Y. (2025, February 27). How Chinese mafia are running a scam factory in Myanmar. *DM*. https://www.dw.com/en/how-chinese-mafia-are-running-a-scam-factory-in-myanmar/a-68113480

Burgess, M. (2025, February 27). Elon Musk's Starlink is keeping modern slavery compounds online. *Wired*. https://www.wired.com/story/starlink-scam-compounds/

Clapp, P., & Tower, J. (2022). Myanmar's criminal zones: A growing threat to global security. *US Institute of Peace*, 9. https://www.usip.org/publications/2022/11/myanmars-criminal-zones-growing-threat-global-security

Franceschini, I., Li, L., Hu, Y., & Bo, M. (2024). A new type of victim? profiling survivors of modern slavery in the online scam industry in Southeast Asia. *Trends in Organized Crime*. https://doi.org/10.1007/s12117-024-09552-2

Head, J. (2023, November 23). *The Chinese Mafia's downfall in a lawless casino town*. BBC News. https://www.bbc.com/news/world-asia-67471138

Kennedy, L., & Southern, N. (2022). Inside Southeast Asia's casino scam archipelago'. *The Diplomat, 2*. https://www.vietstudies.net/kinhte/SEACasinoScams_Diplomat.pdf

Lin, B. D. L. S. (n.d.). Business as usual? Chinese organised crime in Southeast Asia. *Australian Institute of International Affairs*. https://www.internationalaffairs.org.au/australianoutlook/business-as-usual-chinese-organised-crime-in-southeast-asia/

Lo, T. W., & Kwok, S. I. (2017). Triad organized crime in Macau casinos: Extra-legal governance and entrepreneurship. *British journal of Criminology*, 57(3), 589-607

OHCHR (2023) Online scam operations and trafficking into forced criminality in Southeast Asia: recommendations for a human rights response. *OHCHR Bangkok Office*. https://bangkok.ohchr.org/wp-content/uploads/2023/08/ONLINE-SCAM-OPERATIONS-2582023.pdf.

Olarn, K., & Adkin, R. (2025, February 6). Power cut to site of global, billion-dollar scam industry. But will it halt the swindling? *CNN*. https://edition.cnn.com/2025/02/05/asia/myanmar-thailand-scam-power-cuts-intl-hnk/index.html

Tower, J., & Clapp, P. (2020). Myanmar's Casino Cities: The Role of China and Transnational Criminal Networks. *JSTOR*. https://www.jstor.org/stable/pdf/resrep25403.pdf

Tower, J., & Clapp, P. (2024). China Forces Myanmar Scam Syndicates to Move to Thai Border. *United States Institute of Peace*. https://www.usip.org/publications/2024/04/china-forces-myanmar-scam-syndicates-move-thai-border

UNODC (2021) Global report on trafficking in persons 2020. *United Nations Office on Drugs and Crime*. https://www.unodc.org/documents/data-and-analysis/tip/2021/GLOTiP_2020_15jan_web.pdf

UNODC (2024) Transnational Organized Crime and the Convergence of Cyber-Enabled Fraud, Underground Banking and Technological Innovation in Southeast Asia: A Shifting Threat Landscape. *United Nations Office on Drugs and Crime*. https://www.unodc.org/roseap/uploads/documents/Publications/2024/TOC_Convergence_Report_2024.pdf

UNODC (2023) Advancing justice, health and security in a time of global need. *United Nations Office on Drugs and Crime*. https://www.unodc.org/documents/AnnualReport/UNODC_REPORT_2023-WEB.pdf

UNODC (2023) Casinos, cyber fraud, and trafficking in persons for forced criminality in Southeast Asia. *United Nations Office on Drugs and Crime*. https://www.unodc.org/roseap/uploads/documents/Publications/2023/TiP_for_FC_Policy_Report.pdf.

van Uhm, D.P., Wong, R.W.Y. (2021) Chinese organized crime and the illegal wildlife trade: diversification and outsourcing in the Golden Triangle. *Trends in Organized Crime* https://doi.org/10.1007/s12117-021-09408-z

Zhao M (2023). A doctor from the Chinese Academy of Sciences tells how he was deceived from Myanmar and was imprisoned in a private prison for 'leaking secrets'. *Beijing News*. https://finance.sina.cn/2023-09-12/detail-imzmmtsn5191857.d.html.

Europe's Gateway of Cocaine

History of Galician Drug Lords and How they Made Spain the Main Entrance of Colombian Cocaine

Martin Anton Perez Vicandi

Abstract — **Criminal groups in the cocaine market through time and explore the reasons and consequences of the establishment of such a drug market in Spain. This work will examine the evolution of Galician clans, from their beginning as small-scale smugglers to their golden period as international drug traffickers, to understand how they took advantage of the socioeconomic issues of a State weakened by a change of regime and an ethnic conflict to expand their power. Finally, will be explored their decadence and their adaptation to a scenario ruled by international mafias.**

I. INTRODUCTION

Spain is traditionally the second cocaine consumer in Europe, after the UK, and a crucial point in European cocaine trade routes: the Iberian Peninsula is historically the main entering point of Colombian cocaine in the Old World and nowadays is still contending the first place with Belgium and the Netherlands. Spain is the link between Latin American cartels and the European most notorious mafias, like the Italian and the Balkan ones, which nowadays rule the international drug trafficking theatre.

The first to establish that link were some groups of smugglers from the region of Galicia, in Northwest Spain. These smugglers were expert sailors and shipbuilders who used their abilities to first smuggle tobacco and then traffic cocaine and hashish, expanding their business and power until they became real mafias, infiltrating legal economy and administration and using violence to expand their power. For decades they dominated the Atlantic routes of cocaine trade taking advantage of a weakened and negligent State, which was facing instability, economic crisis and violence caused by the so-called Democratic Transition and ETA's terrorism, to act with impunity. Nowadays the circumstances have changed, and these smooth criminals had to adapt to a new different scenario ruled by foreign mafias.

II. THE ORIGINS OF GALICIAN SMUGGLERS

The history of Galician criminality is highly connected with the geography of the region: its jagged coast and the irregular shape of the inland has always undermined the communication between its main cities and between Galicia and the rest of Spain. Its position constitutes a further element of isolation, since Galicia's only land borders are the Cantabrian mountains in the east and Portugal in the south.

From one side, this isolation has always undermined the economic development of the region. From the other side, its inaccessibility made this region a heaven for smugglers, considering also that it is a frontier land inhabited by expert sailors: traditionally Galician people have lived thanks to the fishing industry. After the Spanish Civil War (1936-1939) and a subsequent crisis in the fishing industry, some families decided to start smuggling to increase revenues from fishing and escape poverty. At the very beginning, these families started importing from Portugal- which at the time was a relatively prosperous country- food and penicillin, to provide a poor population with the most basic needs that the new Francoist government could not provide, and later tobacco.

Illegal tobacco became soon a very prosperous business, as Portugal underwent a crisis due to the loss of its African colonies, and Galicians started to purchase cigarettes directly from the American producers: R.J. Reynolds Tobacco Co. and Philip Morris. These two companies gave to mafias all the defective cigarettes or those they could not sell in the legal market. In the 1960s, one third of all the illegal tobacco in Europe was imported by Galicians. The tobacco market became so profitable that several families gave up the fishing activity to dedicate exclusively to smuggling.

Smugglers enjoyed a good reputation in Galician society, as they were seen as a sort of 'Robin Hoods'. The business of the 'Rubia Americana' (the American blond), as Galicians call tobacco, brought to Galicia more wealth than any other activity, creating job opportunities (even if illegal) and bringing money for the whole neighbourhood. The patriarchs of those families invested the revenues on legal activities, like housing and restoration, and to improve the welfare of their hometowns, in some cases even distributing money directly among the people. The smuggling activity involved all levels of society, from the laymen to the authorities, and even the Church, which lend its properties to store the products.

Spanish central power was too weak there, and local authorities saw no reason to stop a business which was beneficial to the whole society. Thus, no serious attempt was made to persecute Galician smugglers until the Felipe Gonzalez government (1982-1996). When that happened, Galician clans were already too powerful and had infiltrated local administration and economy. Furthermore, they had established a strong link with the 'Alianza Popular', today's Partido Popular, historically the most important political party in Galicia and one the most influential in Spain.

III. THE GOLDEN AGE OF GALICIAN PATRIARCHS

Tobacco smuggling was very profitable, but the best for Galician clans had to come. During Gonzalez administration Spanish authorities did some successful operations that ended with the arrest of some of the most

© 2025 Martin Anton Perez Vicandi. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

important Galician patriarchs. Authorities could not foresee, though, that in jail Galician prisoners would have met some Colombian Narcos who were trying to expand their narcotics' market in Europe, as the American market was saturated. This was the beginning of a long and solid cooperation. Colombians until that moment had been landing cocaine in the Andalusian coast, but in Galicia they found a better option: its coast is wider and its 'rías', long sea inlets similar to Scandinavian fiords, are ideal to land the cocaine far from the eyes of justice. Then, its inhabitants are expert smugglers and sailors.

Galician families only had to do what they were already doing, but with a more profitable product. They used the same structures, techniques and strategies, but substituted tobacco with cocaine. At the time smuggling and trafficking were the same crime under Spanish law, therefore the risks were the same.

It is important to say that the reliability of Galicians stands in their skills as shipbuilders and sailors. They build the ships, and they use them to take drugs in Colombia and ship them to Europe, where other mafias deal with the distribution. It seems that still nowadays they are the only ones Colombians trust for shipments, as the chief of the Spanish Central Narcotics Brigade confirms. They did not control only the entrance of cocaine in Galicia, but in whole Europe. The arrival point of their shipments is not only Galica, but also other important European ports, such as Rotterdam, Valencia or Algeciras. And there they also introduce hashish they take from some storing countries in Western Africa, like Mauritania, Morocco, Nigeria or Guinea.

During this period emerged the most notorious clans and drug lords, such as Manuel Charlín Gama, patriarch of the Charlines clan; Manuel Prado Bugallo, known as Sito Miñaco; and Laureano Oubiña. Most of them started behaving like real mafia capos, doing everything to expand their influence and the use of violence became more frequent.

The end of this Golden Age can be considered the 'Operación Necora': after almost a year of investigation led by the judge Gaspar Garzon, a spectacular raid in the island of Arousa- homeland of most of Galician drug lords-, resulted in the arrest of 16 men, among them the patriarch Laureano Oubiña; two more men were arrested in Madrid. In the following months other important bosses were caught. Between them Manuel Charlín, Sito Miñaco and Vicente Otero Pérez, better known as Terito, and considered the first grate Galician patriarch.

However, the Operación Necora did not end with drug trafficking in Galicia. Some of those patriarchs continued coordinating operations from the jail and in some cases their sons took their place at the head of their clans. Yet, that operation ended with their impunity and now they have to keep lower profiles and act with discretion.

IV. DECADENCE AND NEW ROLE OF GALICIAN CLANS

The struggle with justice is not the only reason of Galician drug trafficking decadence. We can mention two more reasons: one is purely biological, as Galician mafia families consist in actual families (father, mother, sons, daughters...), thus if a patriarch dies, his activity dies with him or is inhered by his sons, who not always are capable to reach their fathers' standards. Today all the patriarchs of the 'golden generation' are very old or even dead. The other reason is the irruption of more globalized mafias, especially Albanian ones. Before their arrival, different criminal groups dealt with the different tasks of transportation and distribution, but now the Albanians perform, directly or indirectly, both tasks. They have established contacts directly with the Colombians and even physical presence in Latin America.

Galician clans had to adapt to this new scenario, and today most of them work on commission for the Albanians and act with more discretion. Anyway, they still perform the same role as before, even if on commission, and still move a large quantity of money. We are possibly talking about €75 billion a year (El País, 2019).

Yolanda Charlín, Manuel's daughter, who was arrested for running what at the time was the biggest laboratory of heroin in Europe (El Confidencial, 2013), can be exemplary to understand the capacity of adaptation of these clans. It was the first time the Charlines clan dealt with heroin. In 2020, Maria Charlín, Yolanda's cousin, was arrested for the purchasing of 7kg of heroin, to later resell them. Heroin consumption is increasing, but by now very low in Spain. However, Yolanda knew that this drug is widely used by heavy cocaine consumers when they want to sleep.

V. ROUTES AND STRATEGIES

As said, Galician clans' reliability lies in their ability as sailors and shipbuilders. They build the ships and drive them throughout the Atlantic Ocean. The route includes some countries in Northwestern Africa, such as Mauritania, Guinea, Cabo Verde, Nigeria, Guinea and Morocco, where they store their products and purchase hashish. Usually, they take the product directly from the producers in Latin America, who pay them with a part of the cargo.

In front of the Galician coast, they throw the product into the sea, which later is picked up on speedboats and landed. The plan changes while approaching big harbours, where they usually use merchant ships.

Sito Miñanco when caught described his last operation, in which he used three different types of ships: a merchant one to enter Rotterdam, speedboats to move along the Galician coast, and a fishing ship as a cover.

The routes and strategies did not change so much along the time. The most relevant change is the chain, as in the past, once in Europe, Colombians received back the drugs and distributed them, while today Albanians took their place in the distribution. That means that now Galician traffickers negotiate with the Albanians and not anymore directly with the Colombians, even if there are some exceptions of independent Galician traffickers.

VI. DEMOCRATIC TRANSITION AND ECONOMIC CRISIS: CAUSES OF THE PROSPERITY OF THE SPANISH DRUG MARKET

When Galicians started to import cocaine, Spain was undergoing a period of instability, due to the end of the Francoist regime (1939-1975) and the subsequent Democratic Transition (1975-1982), and economic depression due to a crisis in the industrial sector. As a result, in the country there was widespread unemployment

and poverty, and institutions were almost in an anarchical situation.

For that reason, the authorities had limited resources to fight criminality and had to give priority to what were considered more serious problems. Drugs were a relatively new phenomenon and there was not the appropriate awareness of their risks among the population. Furthermore, because of the crisis there was a widespread drug abuse. Even security forces agents were frequently involved in drug trafficking, as they were not in a better position than the rest of society and saw in that activity an easy way to escape poverty. Laureano Oubiña himself declared to have bought cocaine from the Guardia Civil.

A further issue was social instability, which not rarely included violence. The most extreme case was the Basque Conflict (1968-2011) and ETA, a separatist terrorist organization, seeking the independence of the Basque Country. The State prioritized these issues, investing efforts and resources on them and neglecting narcotraffic.

VII. ETA AND THE 'DIRTY WAR': DID THE AUTHORITIES INCENTIVIZED THE DRUG MARKET?

Before the arrival of cocaine, in Spain the scenario was dominated by the heroin. There was a normalized abuse of this substance that was making more victims than in any other country in Europe: in Spain they talk about the 'Heroin Epidemy' and 'The Lost Generation'. Indeed, there is a common belief that heroin killed or ruined a whole generation. Nowadays we know that this statement is exaggerated, but still the numbers are frightening: more than a thousand deaths per year from 1980 to the mid-1990s, excluding from the count those who died of AIDS and other related deaths.

The Basque-speaking provinces were the most affected by the heroin epidemic. The Basque government declared that there were around 10.000 heroin addicts in the region, approximately 1 every 200 people, in a population of 2,5 million (EITB 2019). In 1984 ETA launched the so-called 'Teoria de la Cospiración' (theory of the conspiracy), accusing the Spanish State to distribute heroin into the Basque Country to weaken the Basque youth and prevent them to join the fight for independence. From 1984 to 1996 ETA started a 'war on drugs', which resulted in 44 murders (most of them unjustified). However, the theory of the conspiracy has a ground of truth. Although there is not any proof of a direct involvement of the Central Government, it is true that members of the security forces were involved directly or indirectly in drug trafficking. As said, it was an attitude present also in other parts of Spain, but in the Basque Country security forces, from one side, were in a poorer situation compared to their colleagues in other parts of Spain; from the other side, they were given more powers and freedom due to the presence of ETA.

Therefore, they used narcotraffic to finance counterterrorist operations. In those provinces, traffickers where often protected by the police in exchange of a part of the revenues and it was also common to find police agents out of office selling drugs on the streets. There are cases of Guardia Civil agents escorting criminals and distributing drugs for them —such as, for example, the case of the Turkish trafficker Vedant Çiçek—.

The passivity of the security forces on this matter, and often even their collaboration, incentivized drug traffickers to move to Northern Spain, where they could act freely and avoid punishment. A 1992 report says that in the Basque region, there were 0,7 sentences each 10.000 inhabitants, compared to the 27 sentences in the Valencian Community (EITB, 2019). Furthermore, it is important to consider that Euskadi has a border with France crossed by important roads.

The situation degenerated when Galicians came with large quantities of cocaine, and several police officers started to act independently. At the time was not possible to take a serious action against it because of the involvement of some high-ranked officials, like coronel Enrique Rodriguez Galindo, leader of the war against ETA, who had implication with the GALs (Grupos Antiterroristas de Liberación). Drug trafficking itself seems to have been important in financing the 'Dirty War'.

Some members of the GALs, death squads composed by security forces agents and mercenaries established by the Gonzalez' government, were involved in drug trafficking, most notably Rafael Ocaña, Luis Morcillo and Rafael Masa, all three sentenced for the GAL related murder of Santiago Brouard and all three involved in narcotraffic. Ocaña, according to his testimonial, was arrested in the border and obliged to work for the Guardia Civil. Luis Morcillo was first collaborating with Ocaña in small-scale trafficking on behalf of the Guardia Civil and later was sent to Colombia to work for Orejuela, leader of the Cali Cartel. The Guardia Civil Rafael Masa, instead, was caught for buying weapons for the GALs in Andorra and later sent to the embassy in Bolivia as assessor in matters of narcotraffic. There, through the intermediation of Morcillo, he took advantage of his diplomatic passport to introduce cocaine to the US on behalf of the Cali Cartel. He was sentenced in 2002 to 11 years of prison for bringing 188kg of cocaine in the port of Santurce, in Biscay (El Mundo, 2004).

VIII. THE HEROIN EPIDEMIC AND ITS EFFECTS ON GALICIAN CLANS

The heroin epidemic had a strong impact on Spanish society. For the first time, there started to be a growing awareness of the effects of drugs among Spanish people, especially among the parents of the victims. This had an impact on Galician mafias, even though they did not traffic heroin at the time, as the push of the public opinion obliged the authorities to act. Nonetheless, they were so well established in Galician society that was impossible to eradicate them.

In the national scenario, a few investigations and operations could not compensate three decades of police inactivity. Furthermore, the involvement of the authorities and their implication in the state terrorism is an obstacle to the investigations, since most of them could start only very recently and often lack of transparency. However, it was possible to almost extinguish heroin consumption, at least for a few years.

IX. CONCLUSIONS

This study clearly shows the importance of the social and historical background in the evolution of a criminal

network. The history of Galician mafia is more circumstantial compared to the one of other criminal groups with more than a century-long history, and thus the link between a specific historical situation and the evolution of the criminal group is particularly evident, considering also how quickly these criminal groups raised and how quickly they felt.

Finally, emerged the responsibility of the authorities in the creation and development of this illegal market, both with their passivity and activity (in this specific case particularly significant) and even undermining subsequent investigations that could have had a more decisive effect.

REFERENCES

Bàrbulo, T. (2019, april 12). *The new cocaine lords of Galicia*. El Paìs https://english.elpais.com/elpais/2019/04/10/inenglish/1554879472_974974.html

Carretero, N. (2015, october 11). *Así entró el 'narco' en Galicia.* El Español https://www.elespanol.com/espana/20151008/69993005_0.html

Equipo de Investigaciòn (2016). Como entran los narcos gallegos en contacto con los clanes colombianos? La Sexta https://www.lasexta.com/programas/equipo-investigacion/como-entran-narcos-gallegos-contacto-clanes-colombianos_2024012065ac26c9e584300001157767.html

El informe 'Navajas', caso "maldito", El País, 1993https://elpais.com/diario/1993/04/09/espana/734306406_850215.html

EUDA (2024). *Cocaine-increasingly attractive for a wider range of criminal networks.* https://www.euda.europa.eu/publications/eu-drug-markets/cocaine/criminal-networks_en

EUDA (2024). *Cocaine-the current situation in Europe.* https://www.euda.europa.eu/publications/european-drug-report/2024/cocaine_en

EUDA (2024). *EU drug market- cocaine.* https://www.euda.europa.eu/publications/eu-drug-markets/cocaine_en#section6

EUDA (2024). *Europe and the global cocaine trade.* https://www.euda.europa.eu/publications/eu-drug-markets/cocaine/europe-and-global-cocaine-trade_en

Equipo de Investigaciòn (2016). *Como entran los narcos gallegos en contacto con los clanes colombianos?* La Sexta https://www.lasexta.com/programas/equipo-investigacion/como-entran-narcos-gallegos-contacto-clanes-colombianos_2024012065ac26c9e584300001157767.html

Euskadi, a la cabeza del consumo de heroina en España, El Paìs, 1984

Malvar, A. (2013, dicember, 14). *Yolanda, la última heroína en el póker de drogas del clan gallego de los Charlines.* https://www.elconfidencial.com/sociedad/2013-12-14/yolanda-la-ultima-heroina-en-el-poker-de-drogas-del-clan-gallego-de-los-charlines_66385/

Narcos y guerra sucia- Euskadi. Atin, B., & Ibàñez, M., Spain, 2019, EITB https://www.bing.com/ck/a?!&&p=16f8dcd0d37ca7671b1b293af6a73af25bbaf7c07c9bc8a6652dd5d413b9d382JmltdHM9MTc0NDUwMjQwMA&ptn=3&ver=2&hsh=4&fclid=29fda990-2d55-692c-03cc-bdcd2c626857&u=a1L3ZpZGVvcy9yaXZlcnZpZXcvcmVsYXRlZHZpZGVvP3E9ZXVza2FkaStoZXJvaW5hJm1pZD0zN0ZBNzJCQ0I3MjQyMTg3NTU0ODM3RkE3MkJDQjcyNDIxODc1NTQ4JkZPUk09VklSRQ&ntb=1

El supremo confirma la pena de 11 años de prision impuesta al teniente coronel Rafael Masa por narcotrafico. El Mundo, 2004 https://www.elmundo.es/elmundo/2004/05/04/espana/1083677789.html

Mercado, F., & Carcar, S. (1995, may 12). *El 'informe Navajas' sobre supuesta corrupción de guardias civiles de Intxaurrondo, nunca fue investigado por los jueces.* El País https://elpais.com/diario/1995/05/21/espana/801007237_850215.html

Rodriguez, E. (2023, july 20). *Los clanes gallegos: estraperlo, contrabando y narcotrafico.* El Orden Mundial https://elordenmundial.com/los-clanes-gallegos-estraperlo-contrabando-narcotrafico/

Serra Fernandiz, J. (2023). *Analysis of strategies used to smuggle illicit drugs into europe via shipping containers, current and future trends, and what counter-measures are being implemented in ports to seize them* https://upcommons.upc.edu/bitstream/handle/2117/392133/181021_TFG_final.pdf?sequence=2&isAllowed=y

The Good, the Bad and the Dirty Cop

Baltimore's Gun Trace Task Force Scandal

Nicola Pesce

Abstract **— The present paper deals with the Gun Trace Task Force of the Baltimore Police Department incredible, and scandalous, trial involving eight police officers (the entire unit at the time) directly; a second separate case regarding a federal conspiracy to possess narcotics to distribute them and with the environment that allowed such actions to take place. The sources of the paper are a mixture of the Department of Justice's transcripts and sentences of the trial, the FBI and DEA investigation and the book "We own this city" by Baltimore Banner Post's reporter Justin Fenton, a Pulitzer prize finalist for the coverage of the Freddie Gray's uprising in Baltimore.**

I. ORIGINS OF THE INVESTIGATION

The investigation started with the retrieval of a GPS tracker issued by the DEA under the car of a suspect. This retrieval brought to the discovery of a second tracker, not mentioned in the "deconfliction" databases (a shared informative system that allows law enforcement agencies to check if a suspect is already in another agency's investigation), privately bought by John Clewell, at the time an active BPD officer in October 2015. *(Fenton, J. (2022)*

This was surely something that Harford County officer Corporal David McDougal deemed suspect, there was no reason for which an active BPD officer would have to use their funds to acquire a GPS tracker; the department provided the officer with far better technology than the one registered under Clewell's name. The only explanation seemed to be that Clewell used it for other reasons. Still, the fact that it was planted on a suspect of McDougal's investigation (suspected drug dealer Aaron Anderson) was puzzling. *(Fenton, J. (2022)*

If the BPD was not investigating the suspect, then why would Clewell have placed or allowed his tracker to be placed under Anderson's vehicle? This was only the beginning, as in the following years, this seemingly odd situation would spiral into a federal investigation that to this day has not answered all of the interrogatives that had been discovered. McDougal handed the case to the FBI as Anderson's car was tracked outside state lines. As the case was built, evidence was as such to star issuing warrants (at this stage there were complaints and contradicting reports of arrests) and when a series of victims were again interviewed then the case acquired the now known proportions, as the victims' testimonies lead to other warrants against the officer who then started to confess their and their unit member's crimes.

The investigative team that brought this case to the US Attorney's office was composed by a mixture of FBI(with Special Agent Erika Jensen as lead investigator), the Baltimore County Police (with Detective Scott Killpatrick and Corporal David McDougal); with the main prosecuting team being composed by Assistant US Attorney Leo Wise and Assistant US Attorney Derek Hines, with the third involved US Attorney's Assistant Andrea Smith being the main coordinator of the internal communication while the investigation and the following trial.

© 2025 Nicola Pesce. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

II. THE GUN TRACE TASK FORCE

The GTTF was created in 2007 to actively pursue illegally acquired firearms and narcotics on a city-wide scale; as a plainclothes unit, they were known as an elite force to combat the rampant drug problem in the city. *(Fenton, J. (2022)*

Since its inception the unit had been moved to more of an assisting role; they usually were called as backup when other units found or suspected individuals to possess illegal guns or narcotics, or both; as such they were much more used to take down the targets that they originally were not supposed to arrest; small criminals and drug dealers. With this, the unit started to have access to more illegal guns and drugs than before. And a significant amount of money. *(Fenton, J. (2022)*

III. WAYNE JENKINS, SARGEANT

Sergeant Wayne Jenkins was a lifelong police officer. Born near Baltimore, in one of the many suburban areas that were built to accommodate those who did want to escape Baltimore, in 1980; after high school, he enrolled in the Marine Corps, and later on the 20th February 2002 he started working for the city of Baltimore as a police officer.

After seven years of service, he was selected in a plain clothes unit under the CID (Crimes Investigative Department) and later in 2013 was promoted to Sergeant and in 2016 became the senior and commanding officer of the GTTF. *(Fenton, J. (2022)*

In his indictment, he is charged with conspiracy to racketeer, two counts of robbery, alteration, falsification, and destruction of evidence in a federal investigation, and four counts of deprivation under the color of the law and overtime fraud; he did not cooperate and declared himself guilty.

IV. THE WILD BUNCH

The other seven officers involved were Sergeants Thomas Allers and Marcus Taylor, and Detectives Daniel Hersl, Momodou Gondo, Jermell Rayam, Maurice Ward, and Evodio Hendrix, all charged with similar charges and sentenced to serve between seven and twenty-five years of imprisonment.

He admitted in court that he schemed to steal money, property, and narcotics by detaining victims, entering residences, conducting road stops, and swearing false search warrant affidavits.

(Former GTTF Baltimore City Sergeant Sentenced to 25 Years in Prison, 2018)

Jenkins confirmed that he once supplied 12 pounds of high-grade marijuana to be sold illegally and procured it from the BPS evidence locker to a bail bondsman named in the transcript of the court as D.S. to sell illegally, partaking in the economic profit of the operation, earning between 200 and 250,000 US Dollars.

(Former GTTF Baltimore City Sergeant Sentenced to 25 Years in Prison, 2018)

For his plea agreement, he pled guilty to also: stealing money from the victims, swearing false affidavits, and submitting official incident reports containing false information.

(Former GTTF Baltimore City Sergeant Sentenced to 25 Years in Prison, 2018)

V. COPS AND ROBBERS

The majority of the testimonies in this case are sealed legally, the accessible information is one of the published indictments, guilty pleas of the defendants, and the final sentencing. Still, what has emerged is enough to understand how they operated.

Of all of the robberies committed by this unit, three are the perfect examples to understand how they operated criminally under the protection of the Police Department.

The first robbery was committed of April 28th 2016 as Allers and some of the co defendants of the trial arrested an individual and upon entering his house and robbed him of 10000 dollars and submitting a report of the arrest not mentioning the seizing of the money; in response to this the inhabitant was later killed as he could not pay a narcotics relate debt. *(Baltimore City Police sergeant sentenced to 15 years in prison. (2018)*

All of the members of BPD involved in the trial have admitted to preparing and submitting false incident reports, arrest reports, reports of seized property from the arrestees, and manipulating documents to conceal and hide their criminal activities.

The second robbery occurred on March 22nd of 2016 as Hendrix, Ward, and two other co-defendants (one of them being Jenkins) opened a safe and stole a significant amount of money, according to the legal documents, over two hundred thousand Dollars, while searching a house. The officers were informed that a hundred thousand Dollars was contained in the safe; they purposely left the disclosed amount in the safe and filmed themselves while they pretended to open the safe, found the disclosed amount, and alerted the competent authorities. Ward and Hendrix earned twenty thousand Dollars from the robbery.

Two Baltimore police detectives pleaded guilty to committing armed robbery. (2017, July 24)

Another eye robbery happened on the fifth of October 2016, as Rayam, and a non-participant of the trial, robbed a drug dealer to whom Gondo had attached a GPS tracker to his car in his house with the use of their BPD-issued handguns and black ski masks. The result of the robbery was 12 to 14 thousand US Dollars and 800 grams of heroin, worth roughly 24560 dollars (considering the average prices at the time in the USA, data coming from UNODC reports). *(Former Baltimore City Police Gun Trace Task Force detective sentenced (2019, May 28) (Heroin and cocaine prices in Europe and USA | dataUNODC)*

All of the officers used their BPD-issued firearms during the robberies their BPD-issued firearms, acting by using their role as police officers to coerce, entrap, harass, and infringe civil and political rights of the arrested, to illegally enter private residences to steal or rob the inhabitants of money, jewels, narcotics, and firearms.

VI. OLD FRIENDS

The second separate federal indictment regards Antonio Shropshire, a known drug dealer operating in the area of the Alameda Shopping Centre, six other defendants and Detective Momodou Gondo, on charges of conspiracy to distribute and possession with intent to distribute with US District Court Judge Blake sentenced Shropshire to 25 years of imprisonment, on the 12th of February 2019 for conspiracy to distribute and possession with the intent to distribute heroin and cocaine relating to the organized drug traffic operation in North Baltimore now sentenced to 25 years of imprisonment for conspiracy to distribute and distribute and possession with intent to distribute at least one kilogram of cocaine and heroin. It is important to remember that Shropshire and Gondo were childhood friends and that, at least on one occasion, on March 31st, 2016, he alerted Shropshire that the DEA had installed a GPS tracker on his vehicle, later instructing him on how to remove it and placing it on another vehicle. *(Five defendants convicted of operating a heroin trafficking ring. (2017, October 31)*

VII. BUSINESS OPPORTUNITIES

Jenkins did the same with bail bondsman Daniel Stepp, with whom he had a friendship, selling the seized narcotics obtained from legal and illegal policing activities. Stepp was sentenced to five years of imprisonment and five of supervised release for possession with intent to distribute cocaine through his activity (Double D Bail Bonds) as he was found with approximately 423 grams of crack cocaine, 262 grams of cocaine, 14 grams of heroin, 28 grams of MDMA, digital scales, packaging material, a large sum of cash, and several high-value watches on the day in which a search warrant was served at his house the 14th of December 2017. *(Bail Bondsman that Assisted Former Baltimore Police Department. (2018, August 3)*

During the trial proceedings, it emerged that Jenkins was also in contact with Shropshire to sell the seized narcotics; however, there is no physical evidence of the act, while both Shropshire and Gondo confirmed this claim on various occasions.

VIII. ANATOMY OF A PROBLEMATIC DEPARTMENT

This situation is not only related to a corruption problem in the city's police force, but of something more

serious. Daniel Hersl, sentenced to 18 years of imprisonment and three of supervised release by District Judge Catherine C. Blake (the same judge for all of the other indictments as they were tried as co defendants) as he was found guilty of racketeering, conspiracy to racketeer, fraud and robbery in June of 2018 after being declared guilty in February of the same year. *(Former Baltimore Police Department Detective Sentenced to 18 Years in. (2018, June 22).*

Hersl has earned an infamous reputation as one of the most troublesome officers of the BPD, having collected at least thirty individual complaints by the arrestees of his operations; the majority were related to clear and exemplar cases of racial profiling; not a single time in his career he was confronted for his complaints by any supervisor; on the contrary most of the time he had been protected by the Departement. *(Fenton, J. (2022)*

These operations could have not been as successful as they were without an internal organization between the officers and a level of complacency of the higher ranks.

This collaboration between officers is best represented by the enormous amount of money they stole from the overtime budget of the police department. Fenton reports that the value of the bye weekly check of the members of the GTTF being higher than any officer in any other unit and of some higher officers; with Jenkins earning up to eight thousand Dollars every fifteen days, and yearly netting up to and over two hundred thousand Dollars, not considering all of his criminal acts. At times, rather frequently, the GTTF officers would deposit overtime slips while they were on vacation; this meant that someone else did that for them and this lead to the discovery of the fact that many sergeants would deposit other units' overtime slips if the unit's sergeant asked them to; this lead to constant abuse of the overtime budget, leading to funding problems for the Departement. (*Fenton, J. (2022)*

Jenkins had a peculiar relationship with one of his supervisors, the later Commissioner Darryl DeSousa. It was not common for Jenkins to boast about his unit's actions, especially by emailing the reports to other police officers. *(Fenton, J. (2022)*

The response was mainly positive, as the unit factually seized guns and narcotics for millions of dollars every year; the same DeSousa often praised the abrasiveness of the unit's seizures and personally to Jenkins, saying that he was a leading figure of the police force. Also, DeSousa at least once worked to help Jenkins with a complaint for the illegal arrest of Walter Price in 2014; records show that DeSousa lowered the disciplinary measures to verbal counseling, and when he reentered active service on November 25, 2015, the decision was approved by DeSousa.*(Fenton, J. (2022)*

IX. THE LEARNING PROCESS

Jenkins' mentor in his first years of activity as a police officer, Keith Gladstone, had a long story of executing drug related warrants of high caliber, and a longer history of overtime fraud, polluting the evidence when in risk of suspension and of disparities between the reported quantities of narcotics seized and the quantity reported. In one such case, as reported by Fenton, he seized forty-one kilograms of cocaine in a legal and lawful operation with Jenkins in his unit in 2009; he then transported it to the evidence deposit in a SWAT truck and reported the forty-one kilograms as the entirety of the seized narcotics. Three other kilograms of cocaine were left on the floor of the truck as Gladstone and two others with a connection to a drug dealer sold the reported kilograms; the full amount of the earnings was not disclosed during the prosecution. *(Fenton, J. (2022)*

On another occasionJenkins has pursued a fleeing suspect and struck him with his car; after this, he found that Demetric Simon, the suspect, had neither a gun nor narcotics in his possession. After Gladstone arrived, a BB gun was found on the scene by federal authorities, and during the trial, the co-defendant asserted that Jenkins told them of this course of action to make it seem like a good arrest gone wrong. Evidence planting has been a historic problem in the BPD, and Keith Gladstone was one of the officers most known for it. *(Fenton, J. (2022)*

This highlights how the tactics of the GTTF's criminal acts were not an overnight case, rather this has been a problem in Baltimore at least since the declaring of the "war on drugs" as more units were tasked to seize more and more drugs and arrest more individuals related to the crimes; when in a city there are more the three hundred homicides and various gangs dealing heavy narcotics the first, and most politically viable, reaction is to attack the symptoms of the problems (the street level drug dealers) rather then on the virus itself; especially with arrests and seized contraband being the major statistical analysis for promotions.

Wayne Jenkins is not a rotten apple or a bad wolf, he is one of the many police officers who abuse their position for personal gains, protected and at times rewarded for the results of his illegal acts.

X. A COMPLEX TOWN, DIRTY COPS, AND THE CONSEQUENCES OF IT

Baltimore is historically one of the most complex cities to police as between 2014, the year before the Freddie Gray homicide and the start of the investigation of the case and 2019, the year in which the verdicts and the sentences were finalized, the murder cases was: 211-342-318-342-309-348, with a spike in the use of firearms for homicides that jumped from 160 in 2014 to 299 in 2015 to 309 in 2019, in this period the year with less use of guns in murders being 2018 with 274. This statistics have to be considered with the population of Baltimore City, a city that has been depopulating since the end of the 1950's, of 623 833 individuals in 2014, 622 831 in 2015, 616 542 in 2017, in 2017 the city had 610 853 inhabitants, 603 421 in 2018 and 2019 declined to 594 601; one of the highest murder rates in the United States. Baltimore also has one of the highest rates of unsolved murders. *(Sun, B. (2025), Baltimore City homicides. The Baltimore Sun)*

It is no easy city to keep safe, the consent decree passed after the Freddie Gray homicide is surely a positive outcome, relatively considering what happened that caused its application, but the true problem lies with the foundational idea of the police force being "wolves among sheeps" or "shepherd dogs", that in the name of protecting the community can act as it pleases; the point is that a police officer can uphold the law only if he bounds itself

to the rule of law in the first place; all of these robberies, illegal arrest, deaths, wrongful arrests (the Burley case) could have been avoided if Jenkins, Hersl, Taylor, Allers, Gondo, Rayam, Ward and Hendrix had been properly investigated for their wrongdoings by any supervisor. That did not happen, and for that, kilograms of narcotics including cocaine, heroine, MDMA, crystal meth re entered the illegal market, citizens were robbed, beaten, harassed and intimidated; hundred of thousand of Dollars were stolen and at least four people were killed as direct consequences of their actions. This was done by police officers. The city of Baltimore is slowly moving forward, but there is no guarantee that this will not happen again if measures are not taken quickly and properly.

XI. THE BALTIMORE EIGHT: THE FINAL SENTENCES OF THE GTTF TRIAL

Thomas Allers was sentenced to 15 years and three years of supervised release.

Daniel Hersl was sentenced to 18 years and three years of supervised release.

Maurice Ward was sentenced to 7 years and three years of supervised release.

Marcus Taylor was sentenced to 18 years and three years of supervised release.

Momodu Gondo was sentenced to 10 years and five years of supervised release.

Jermell Rayam was sentenced to 12 years and three years of supervised release.

Evodio Hendrix was sentenced to 7 years and three years of supervised release.

Wayne Jenkins was sentenced to 25 years and three years of supervised release.

Second District Judge Catherine C. Blake sentenced the GTTF unit as eight co-defendants.

REFERENCES

Fenton, J. (2022). *We Own This City: A True Story of Crime, Cops, and Corruption*. Random House Trade Paperbacks.

Heroin and cocaine prices in Europe and USA | dataUNODC. (n.d.). https://dataunodc.un.org/drugs/heroin_and_cocaine_prices_in_eu_and_usa-2017

Sun, B. (2025, May 9). *Baltimore City homicides*. The Baltimore Sun. https://homicides.news.baltimoresun.com/

Marcus Taylor Trial

Former Baltimore City GTTF police officer sentenced to 18 years in. (2018, June 7). https://www.justice.gov/usao-md/pr/former-baltimore-city-gttf-police-officer-sentenced-18-years-prison-racketeering

Antonio Shropshire trial

Five defendants convicted of operating a heroin trafficking ring. (2017, October 31). https://www.justice.gov/usao-md/pr/five-defendants-convicted-operating-heroin-trafficking-ring-protected-corrupt-former

Wayne Jenkins trial

Former GTTF Baltimore City sergeant sentenced to 25 years in prison. (2018, June 7). https://www.justice.gov/usao-md/pr/former-gttf-baltimore-city-sergeant-sentenced-25-years-prison-racketeering-robberies

Daniel Hersl trial

Former Baltimore Police Department Detective Sentenced to 18 Years in. (2018, June 22). https://www.justice.gov/usao-md/pr/former-baltimore-police-department-detective-sentenced-18-years-federal-prison

Momodou Gondo trial

Former Baltimore City Police Gun Trace Task Force detective sentenced. (2019a, February 12). https://www.justice.gov/usao-md/pr/former-baltimore-city-police-gun-trace-task-force-detective-sentenced-10-years-federal

Evodio Hendrix and Maurice Ward trials

Two Baltimore police detectives plead guilty to committing armed. (2017, July 24). https://www.justice.gov/usao-md/pr/two-baltimore-police-detectives-plead-guilty-committing-armed-robberies-racketeering-case

Thomas Allers trial

Baltimore City Police sergeant sentenced to 15 years in prison. (2018, May 11). https://www.justice.gov/usao-md/pr/baltimore-city-police-sergeant-sentenced-15-years-prison

Daniel Stepp trial

Bail Bondsman that Assisted Former Baltimore Police Department. (2018, August 3). https://www.justice.gov/usao-md/pr/bail-bondsman-assisted-former-baltimore-police-department-sergeant-sell-drugs-and-rob

Jermall Ryam Trial

Former Baltimore City Police Gun Trace Task Force detective sentenced. (2019, May 28) https://www.justice.gov/usao-md/pr/former-baltimore-city-police-gun-trace-task-force-detective-sentenced-12-years-federal

Organised Crimes and Cults

A Comparative Analysis

Juna Pojani

Abstract — **This paper explores the similarities and differences between cults and organized crime groups, arguing that the two are not to be legally conflated. While both may exhibit hierarchical structures and coercive tactics, their core motivations and operations diverge. The paper also highlights how social stigma impacts the public view of cults and underlines how organised crime groups prioritise profit and territorial control unlike cults, which, while being potentially coercive, are ideologically or religiously dependent on a central figure.**

I. INTRODUCTION

Due to several shared characteristics cults are often mistakenly associated with organised crime groups in the public imagination. Media has often portrayed "cults" as an evil and overly religious organization of people whose association has often been centered around the use of "evil acts" which are, of course, illegitimate. These acts, in the mind of the general public, are completed with the intention of creating sacrificial rites in the name of a twisted ideological belief, and in the attempt to garner power (Ogloff & Pfeifer, 1992). Legally speaking, there is no clear definition of cults and due to their recent negative connotation, only general sociological definitions can be used. As defined by Richardson, cults are small and informal associations which lack structure and are somewhat led by a single authoritative or charismatic leader which inspires followers through ideology and religious belief. This definition raises the question of whether cults despite lacking formal structure can be still classified as criminal organisations. The Jonestown case of mass suicide, encouraged by the charismatic figure of Jim Jones, is one of the biggest examples of the severity of the organised harm that can be perpetuated under the name of religious ideology. It is still crucial to examine however why, despite the employment of coercive methods, cults cannot be classified as organised crime under legal definitions due to their ideological rather than profit-driven nature, lack of adaptability and dependance on a central leader.

II. SIMILARITIES BETWEEN CULTS AND ORGANISED CRIME GROUPS

Organised crime groups (henceforward abbreviated to OCGs) are defined by the UN Convention on Transnational Organised Crime as a group of three or more people who undertake serious criminal activities in somewhat coordination to obtain financial advantages, power or other advantages. (Nicaso & Danesi, 2021) Under this broad definition, cults whose main purpose is to comply with its belief system rather than commit criminal acts, could not be considered OCGs. Those claiming the opposite would use the manipulation Jones inflicted on his followers as listened to in the so-called "death-tape" as an example. Assuming, for argument's sake, that cults undertake criminal behavior to obtain an advantage, one might argue that in the tape, Jones appealed to a sense of resigned desperation in his followers, pushing them into killing their own children and then themselves to pursue their ideal of a perfect communist utopia, in order not to fall prey to the "evil" American capitalist society, which was coming to get them. (Durrheim & Blackwood, 2024). The appeal brough the entirety of the remaining cult members in Jonestown to suicide with no survivers, including the children killed by their own parents. However, the crime was not committed in an attempt to gain an advantage but rather to comply with ideological belief. In another sense, OCGs could almost be considered cults themselves: due to their highly culture-related natures, OCGs often perform rituals, such as initiation rites, impose a particular code of conduct applicable to other members, tattoos and ethnic exclusivity, that in a way are all paralleled to cult-like activities: cults are aimed at specific groups of people with specific beliefs, who are willing to perform certain rituals to fit in these ideologies.

To better define these similarities, a comparison is in order. Jones's cult, despite him himself being a white preacher, attracted mostly Black Americans, who revelled in the positive environment created by Jones's socialist views of equality. Jones and his following travelled all the way to Guyana to create their own communist utopia and founded Jonestown, where life for all the cult members was characterised on hard work, human rights violations, and ceremonial instances several times throughout the day, such as campfire singing. Through slow and constant indoctrination, Jones was able to utilize his charisma to manipulate his followers in a situation of de-individualisation, becoming subject to his emergent norms and also to the pressure of the group into following their leader (Durrheim & Blackwood,

© 2025 Juna Pojani. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

2024). This is a form of collective action, which in this case had taken the form of violence, as also apparent in the murder of Congressman Ryan, who was seen by the leader, Jones, and his community as a necessary evil to disallow capitalist interference with their safe haven in Guyana in Jonestown.

Similarly, the Cosa Nostra in Sicily has a motto that propels its member not to be mixed with outsiders, in a way that it renders the sense of excludìsivity of the organisation, only aimed at "men of honor" who are Sicilian, attracting a mostly male Sicilian following, with very few exception (Nicaso & Danesi, 2021). Just like Jones attracted socialist Black Americans, Cosa Nostra hardly ever accepts in its ranks someone outside these criteria, and enlarges its territorial power and financial status through corruption of government or police officials and attacks any form of interference from outsiders, mainly through violent actions. Cosa Nostra is also well known for having its particular brand of interaction, such as a certain way of dressing and a certain way of communicating between them.

Both the Jonestown cult and the Cosa Nostra exhibit similar behavioural patterns when concerned with questions of culture: both impose a certain standard of living and several very specific criteria for participation in the aforementioned communities. Violence is used strategically by both groups to keep members from spreading information to outsiders and, by vast majority in the case of OCGs but rarely also in the case of cults, as an act of power or act of gaining power (Nicaso & Danesi, 2021). It is expected that the situation involving violence with OCGs to deteriorate, which is why more steps by international agencies to stop the spread and the evolution of transnational organized crime, especially due to the recent advent of the Internet making it even easier, especially for vulnerable people with limited media literacy to fall victim to frauds. For the moment being, the situation is still however somewhat marginalized from social interaction, and the fight involves national systems and their agencies rather than ordinary citizens (Nicaso & Danesi, 2021). In a similar manner, it is much easier through the Internet to come in contact with cults, as recruitment to the cult of Scientology nowadays mainly happens through their official website, in which they ask for the contact information of the visitors.

Returning to the topic of similarities between cults and OCGs, both exhibit highly exclusive memberships, structured rituals and an internal culture that discourages if not punishes contact with outsiders. In both cases of the Jones cult and Cosa Nostra, the groups build identity and loyalty through shared ideology and culture.

III. DIFFERENCES BETWEEN CULTS AND ORGANISED CRIME GROUPS

The definition of OCGs also includes other key aspects necessary for a criminal group to be considered a criminal organization are perpetuity and adaptability, therefore a so-called organizational history, that permits them to adapt and change leaders and keep up with technological advantages (Nicaso & Danesi, 2021). They embedded members deep within society, from politicians to the police to the judiciary, forging their own communities based on almost *sui generis* cultures. The OCGs exchange allegiance of every member by unconditional group protection, especially regarding the leader. However the death or arrest of a leader, especially OCGs which a succession system built generations prior, does not destroy the organisation which regroups around a new system and leader.

This category is where the cults fail to emerge as OCGs. Often enough, cults do not last, unable to survive the loss of the leader due to its high reliance on the leader and the general lack of structure in their organisation (Richardson, 1993). The cultural elements based on ideology and mysticism as well as religion are often not important enough to call the building of tradition a *sui generis* culture, as it only affects behaviours and not necessarily clothing, language and bodily autonomy (like imposing tattoos). Adaptability also is an element which lacks. For example, a study led by Ogloff and Pfeifer in the early 90s showed that part of the participants, young American and Canadian college students with various religious backgrounds, identified Mormons as a cult (Ogloff & Pfeifer, 1992). The example of Mormonism, often mischaracterized as a cult by the public, illustrates how public perception can blur the lines between new religious movement and so-called cults and it demonstrates how long-standing religious movements can be longstanding. Unlike traditional cults, Mormonism has endured leadership changes and established an ideological base. Its adaptability is however challenged as despite its long life as a group, Mormonism has failed to adapt to modern ideals, instead always following the same traditional rules enshrined in a religious book.

However, this comparison also underlines the main issue between OCGs and cults: what is a cult? As aforementioned, there is no clear legal definition of what this group comprises, if not a general one. Both the paper by Richardson and the one by Orgloff and Pfeifer somewhat demonstrate reluctance in providing a definition, instead leaving it up for individual interpretation of the word. Nonetheless, Richardson has particularly appreciated a more popular definition of the word provided by other authors (Robbins & Anthony, 1982, as cited in Richardson, 1993) in which cults are certain

authoritative and manipulative groups aimed at creating a totalistic, aggressive and systematic indoctrination of its members, mostly directed at the middle class (Richardson, 1993). This definition also seems to be the one applicable to the cult of Jim Jones, which led to the Jonestown massacre, due to devotion and collective action (Durrheim & Blackwood, 2024). This also poses the issue of which groups could be considered cults: alternative religions and new religious groups often face this kind of discrimination due to not being popular and well spread, in the same way Christianism faced the same accusations in Ancient Rome which is why cults are not technically illegal. There is reluctance by courts and judicial systems to criminalise cults since the line between an alternative emerging religion and a cult is often blurred, undefined. Due to the lack of proper definition of cults, there is a tendency to prefer protection of the freedom of religion and not defining possible religions as cults as it would affiliate them to a bad public perception (Ogloff & Pfeifer, 1992).

IV. TERRITORIAL CONTROL

A crucial distinction between OCGs and cults is the exercise of territorial control, especially in a transnational setting, almost completely lacking in cults which are deeply national groups, due to their small size.

OCGs are inherently transnational due to their collaborations. OCGs have presented themselves on each continent but vary in structure, organisations and field of activity (Pankratz & Matiasek, 2012). Organised crime has increasingly gained importance and influence due to high profit rates in transnational crime, almost reaching earnings equal to seven percent of the world's GDP, increasing both criminal rates and the industry, creating mirated groups dedicated especially to one area of crime like the Albanian mafia whose most important role is drug traffic, within its national territory and the European continent (Pankratz & Matiasek, 2012). The effect that this phenomena has attracted more attention internationally is violence, which in the worst case can lead to warlike scenarios but that typically does not happen, since the OCGs are very well organized, especially in transnational scenarios(Pankratz & Matiasek 2012). This is clearly because OCGs actively seek to expand their exercise of territorial control. According to Varese (2011), OCGs actively seek to expand their domination to new territories through a combination of coercion, corruption and infiltration of local governments and institutions.

The global fight against transnational OCGs engaged entire legal systems and different initiatives of nations to join forces against them, unlike cults which in the transnational aspect are not even a factor. As aforementioned, cults are mainly isolationist national, if not local, groups of elected few. They lack both the capacity and intent to conquer or control territory. They do not pursue the strategic goal OCGs seek in manipulating markets, offering illicit services such as drugs and substituting the government (Varese, 2011). Even cults that are highly visible such as Scientology prefer to stick to maintaining control through persuasion and coercion rather than territorial control: in this aspect, cults generally focus more on the small local area or spread their ideology through the Internet which again, reinforces the idea that they maintain control through manipulation vehicle OCGs challenge state sovereignty by merging themselves in geographic regions (Varese, 2011). Cults do not remotely pose the same level of institutional or spatial threat.

V. THE MASSACRE OF JONESTOWN

On November 18th, 1978 the 909 members of the People's Temple of the Disciples of Christ committed a mass murder/suicide in the settlement they had build by themselves in Jonestown in Guyana, denominating the event as the terrible massacre of Jonestown. This horrible event has characterised the negative view of the public towards cults as the "absolute pinnacle of irrationality", brought by what at the time was perceived as "brainwashing" by the charismatic and controversial figure of Jim Jones, head of the small settlement (Durrheim & Blackwood, 2024). The Jonestown massacre dramatically altered public understanding of cults, shifting them from eccentric religious outliers to perceived threats and cemented the perception of cults as inherently irrational and violent groups. This singular event entrenched the myth of cults as inherently violent, reinforcing public fear and conflating religious extremism with organized crime.

An audio recording which recorded the conversation between the adults of the Jonestown and their last moments, known as the "death tape" due to its terrifying content, documents the final conversation between Jones and his disciples, in which he uses persuasive tactics to coerce them into committing suicide as as act of revolution against the tyranny of capitalism (Durrheim & Blackwood, 2024). The recording of the tape is 45 minutes long, and Jones manages to persuade his followers, helped by the support of unidentified women and men speaking in his favour, to sacrifice the children first, since in the event that they would be taken they would forget the values their parents taught them and grow up to be complacent members of a capitalistic society (Durrheim & Blackwood, 2024).

This action, so extreme and shocking, has somewhat tinged the perception of the general public regarding cults, especially in the following years in

which the difference between cults and OCGs became more and more blurred, due to the general belief cults employ illegal means such as brainwashing and illegal acts such as murder and sacrifice to be able to appeal and subjugate their participants (Ogloff & Pfeifer, 1992), wrongfully categorising cults and criminal organizations together, without actually taking into consideration the role of criminal enterprises, the differences between cults and OCGs and the danger they pose. Manipulative tactics and illegal means may be used by cults to reinforce power on their members, but such limits are prohibited by the law, and, if employed, shall be prosecuted by legal authorities. Several acts, which are generally seen as "evil" like speaking out against Christ or disrespecting the religious symbol of others, or even spreading their doctrine like the Jehovah Witnesses who often go on so-called "missions" to spread the word about their belief system might not actually be illegal, simply perceived as distasteful by the general public. The myth of Satan lover cults which perform sacrifices, cannibalise humans and drink blood is a widespread idea of the public of what happens in such cults, which could even have no actual legitimacy. Instead, OCG actions are confirmed, at a transnational level even, not to be confused with factual evidence and opinion-based biases, which could be harmful to the public itself, especially in its belief that cults are the same thing as organised crime.

VI. CONCLUSION

Cults cannot be considered in the same legal standing as OCGs. To resume the arguments explored in the paper, this is mainly due to their controversial ties to religion: even if not considered official religions by legislation, the freedom of religion stops official means from banning their existence. Rather, judicial means are more concentrated in limiting illegitimate activities in cults. Legally speaking, even courts have been extremely careful in treading in this territory, almost refusing to name associations considered by the general public "cults" as such since it would threaten the right to exercise religious freedom outside the predefined social norms and vilify these groups. (Nicaso & Danesi, 2021). Generally, cults also do not commit criminal acts in the general intention of accumulating power or financial benefits but do so to express their own loyalty to their ideological belief and their religious culture. The tradition derives from a place of devotion rather than cultural and territorial control, which is the main characteristic of OCGs.

OCGs instead are much more dangerous criminal enterprises, capable of extreme violence and very well organised action against authorities, undermining national security, state unity and de facto sovereignty of a state on its own territory. They are built following a specific criteria, in which the most important point is the protection of the organisation as a whole and its survival to disruptive circumstances such as the arrest and death of their leaders. OCGs integrate well in their surroundings, creating allies through corruption rather than through shows of violence, creating multi-crime associations and blending in with the local population to make it almost impossible to distinguish their members at first look, unlike cults which tend to isolate from society and live in their own bubble. The point of an OCG is territorial control: the more territory is controlled, the more power can extend, the extend, the easier it is to get money, the more money, the easier it is to gain territorial control and so on and so forth in a vicious circle (Nicaso & Danesi, 2021). This essential distinction, between ideological devotion and systemic criminal enterprise, is why cults, however harmful, cannot be classified as organized crime groups.

REFERENCES

Durrheim, K., & Blackwood, L. (2024). Leadership and discursive mobilizing of collective action in the Jonestown mass killing. British Journal of Social Psychology, 63, 2121–2134. https://doi.org/10.1111/bjso.12772

Nicaso, A., & Danesi, M. (2021). Organized crime: A cultural introduction (Chapter 1: What is organized crime?). Routledge.

Ogloff, J. R. P., & Pfeifer, J. E. (1992). Cults and the law: A discussion of the legality of alleged cult activities. Behavioural Sciences & the Law, 10(1), 117–140. https://doi.org/10.1002/bsl.2370100111

Pankratz, T., & Matiasek, H. (2012). Understanding transnational organised crime: A constructivist approach towards a growing phenomenon. SIAK-Journal − Journal for Police Science and Practice, 2, 41–50. https://doi.org/10.7396/IE_2012_D

Richardson, J. T. (1993). Definitions of cult: From sociological-technical to popular-negative. Review of Religious Research, 34(4), 348–356. https://doi.org/10.2307/3511972

Varese, F. (2011). Mafias on the move: How organized crime conquers new territories. Princeton University Press.

Illegal Gold mining in Africa

Its Effects and the Involvement of Unconventional Transnational Organisations

Eleonora Rambelli

Abstract — **This paper analyses the illicit extraction of gold in Africa, a criminal activity which remains vastly unknown to the majority of the public. Its repercussions range from environmental degradation to the funding of transnational criminal organisations and its activities. Such groups are not just domestic, instead there is a large involvement of foreign organisations, whose nature is often difficult to classify. Behind this work there is a qualitative study sourcing from authoritative literature, UN reports and investigative journalism. The findings illustrate that illegal gold mining is deeply embedded in regional conflict economies and calls for progressive international cooperation and legal enforcement.**

I. INTRODUCTION

Illegal mining is one of the most pervasive criminal acts at transnational level and yet, one of the least addressed.

Unfortunately, it is particularly prosperous in countries with rampant political instability (oftentimes because of a history involving military coups). An ensuing issue is that states falling into this description are often criticised for not following sustainable development precepts. This paper aims at analysing some of the organisations pursuing illegal gold mining in the African continent. The main objective is to show how an often ignored phenomenon can fund operations of major concern and have consequences in a great variety of fields.

II. ILLEGAL MINING V. INFORMAL MINING

Mining activities are typically subdivided into three categories: legal, illegal and informal (usually as Artisanal and Small-scale Mining, ASM) (Zabyelina, 2020). From a purely legal perspective it would be convenient to only consider the first two, but that would result in a simplistic, inaccurate assessment of the actual situation occurring in mining territories. At the basis of ASM is the absence of formal oversight, but that does not necessarily mean it occurs in breach of the law. ASM tends to be exercised in hard-to-reach territories, even for policing forces, and the agents are normally unprofessional miners labouring for subsistence, utilising non mechanised tools. Nevertheless, it is important to understand that ASM is not to be automatically designated as illegal: it may go against certain pieces of legislation whilst following some others, but it does not have the intentionality of deliberately committing a crime. In fact, it may represent a transitional phase from a situation at the edge of legality to one of perfect lawfulness.

© 2025 Eleonora Rambelli. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

For the sake of the people working within ASM, state officials should engage in constructive dialogue, react with the appropriate means and bring them under safety and health control; but a marginalised community should not be treated the same way as a criminal organisation. Failing to find a compromise in this sort of situation may end up with the informal miners seeking (their interpretation of) justice elsewhere. In this type of scenario, ASM may become a lucrative target for organised criminal groups (OCGs), to exploit, harm and traffic. (Grynberg, 2021)

Illegal mining is characterised by a convergence of crimes. By this it is intended that the OCGs involved operate across multiple illicit business tracks. As mentioned above, illegal mining is usually the "means to an end" rather than the ultimate objective. This also signifies that the core principles and intentions of the OCGs involved can be very distant from one another, making it rather difficult to spot a trend of criminal structures pursuing illegal mining.

Illegal mining is carried out in blatant violation of the law and, and it is an environmental crime, which is a collective term describing any illegal activity carried out by an entity, mainly to generate financial or material gains, which results in the harm of the ecosystem by damaging environmental quality, driving biodiversity loss or overexploiting natural resources (INTERPOL, 2021). By way of illustration, Mali is currently facing a huge mercury contamination of the rivers of its Western territories, as this metal is employed to extract gold in illegal mines. But the threats posed by Illegal mining are not limited to the environmental dimension, in fact this phenomenon is able to jeopardise the socio- economic development of a country, its peace and stability, as well as the human rights of the vulnerable communities. involved (especially women and children, who are preferred to carry out the labour as they can usually get into narrower tunnels).

A. Why Gold?

In an age when the trafficking of humans, drugs, as well as medicines and works of art is so omnipresent all over the world, it may seem that the illegal extraction and trade of gold should not deserve much consideration from those who want to study Transnational Organised Crime. Perhaps some other natural resources such as Uranium or alternative minerals would seem of greater interest (INTERPOL, 2022).

Gold trafficking may appear to hint only at luxury items, but actually, its liquidity can be used to provide financial support to terrorist organisations, aggression missions among organised criminal groups and so on. Most people would probably be familiar with the expression "blood

diamonds" but less-so with "blood gold". The concept is the same: they both fall under the umbrella term "conflict mineral", which is generally understood as the extraction of a mineral occurring in an area undergoing armed conflict, traded to finance further fighting (although not necessarily in the same context). Illegal gold mining has severe long term impacts. Because of its inherent features, gold is sought by criminals. Gold has a high and predictable value, it is easy to smuggle, can be used as a currency or in gold-for-goods swaps, and can be traded almost anonymously. It also generates cash useful to evade banking controls and hinder law enforcement investigations. Criminal groups involved in illegal gold mining resort to human trafficking and migrant smuggling to maximise their profits, using coercive and violent techniques. Once again, women and children are the most vulnerable to exploitation. Illegal gold mining can fuel insecurity and the presence of arms on mining sites posing serious security threats to law enforcement.

III. TERRITORIES & COs INVOLVED IN AFRICA

Illegal gold mining is believed to take place in the majority of the African continent, employing millions of people; most active sites being within the Sahel Region and some Central African countries, such as the Democratic Republic of Congo (DRC) and the Central African Republic (CAR). Criminal actors and groups manipulate the illegally extracted gold across the continent for political purposes at the expense of vulnerable populations (Grynberg, 2021).

Some groups facilitate human trafficking and use it to deliver workers to the mines. It is important to mention that the victims are not always lured into these activities: trafficking does not mean that the individuals concerned are completely unaware of what is happening, sometimes impoverished people will join these activities in order to flee other difficult situations. It can also occur that some workers take jobs in the illegal mines to pay off debts or under a contract where they exchange their labour for something else.

Illegal Gold Mining is a peculiar illicit activity: it involves a level of exploitation of people and resources, a monopoly of forces and frequently a *modus operandi* that also involves the use of militarised violence. All of these elements lead to warlords and militias that are often excluded from the landscape of Transnational Organised Crime due to the general opinion that views these groups as "insurgents" or "war profiteers", alien to the typical attributes of criminal organisations.

Still, in very specific circumstances, these groups act just like criminal organisations, and fund their more violent objectives with the criminal wealth obtained. What is more, in the territories under their control they act as a governing power completely subverting that of the state. This is not done through opposition only, but also through corruption of state officials. The corrupt bureaucrats become expert operators, finding lucrative advantages by teaming up with the local warlords. Additionally, in exchange for regular pecuniary blandishments, the state official may abuse their power. These combinations of unsustainable power dynamics have robbed entire countries of natural resources and precious funds.

Militias are not the only ones involved. Military forces (eg. the Armed Forces of the Democratic Republic of Congo, FARDC, in the DRC); non-state armed groups (the Mai- Mai in the DRC, the FDLR, M23 offshoots) and members of other non-identified transnational organised crime groups (Chinese triads, groups from the Middle East, Europe and the USA) are also present. Some further networks, namely the Trans-Sahel one and ensembles of Tuareg-Arab traffickers can also be identified. Perhaps, in the future a bigger number of organisations will be included in TOC discussions, as new means of committing crimes internationally emerge, and long established distinctions become less and less obvious.

A. Wagner: a Strange Presence in African Illegal Gold Mining

In the most recent years, among other foreign groups, the Wagner Private Military Company makes its specific mention necessary as it has been raising concerns internationally for its presence in a variety of sub-state territories, especially within the Central African Republic (Social Media Monitoring, 2023). This situation has been in place for about a decade so far, but since 2022 it has alarmed the international community as clear links emerged between Wagner's activities in Africa and its military operations in Ukraine. The nature of the Wagner Group has always been quite ambiguous: it is mostly perceived as a private military company although Russian legislation formally prohibits the establishment of this sort of organisation. Also, over the years some politicians have tried to render private military companies legal in the Russian Federation, probably also because of the proximity between the (no longer alive) founder of Wagner, Yevgeny Prigozhin, and the president Vladimir Putin, but again, these attempts led to nothing.

Mercenary work is technically illegal in Russia as well, and it is punishable with a prison term up to 15 years (Article 359 of the Russian Criminal Code, 1996); but there are important loopholes in the Russian legislative system (Social Media Monitoring, 2023). For instance, while individuals are not allowed to serve as mercenaries, state-run enterprises are allowed to have private armed forces and security foundations. In 2022, the Wagner Group was registered as a legal entity in Russia, listing itself as a management consultant company. Additionally, in November 2022, Wagner opened an office building in St. Petersburg. All of this is to convene the message that uncertainty is part of the Wagner Group's very nature. For this reason, even though the Wagner Group's classification is quite debated at the international level, its actions probably speak for it more than its labels.

Still, following some of Wagner's atrocities and crimes committed in Ukraine, in the Sahel, in Libya and Syria, a growing number of states have felt the necessity of categorising it in some way. In January 2023, the U.S. National Security Council Spokesman, John Kirby, announced that the Treasury Department would have designated the Group as a transnational criminal organization (Pokalova, 2023). At the time of writing, the U.S. seems to be the only sovereign state that deliberately categorised Wagner Group as a TCO. According to the Parliamentary Assembly of the Mediterranean (PAM), the

Wagner Group has extended its influence globally, interfering in internal affairs and fuelling violence within the countries. For the sake of this paper only the countries within the African continent and involved in gold mining will be mentioned. In the Sahel region, proof showed that the Wagner Group was providing Russia with financial support, coming from the revenues of gold mines and trafficking of natural resources, to sustain the invasion of Ukraine. In Sudan, Wagner operatives were sent to Sudan to support the Army against attacks from South Sudan, and defend gold, uranium and diamond mines in the country (Pokalova, 2023). Between 2019 and 2021, Wagner operatives were reported to have played an important role in the political turmoil within the country, supporting the military in its path towards power. The Wagner Group was also accused of the killings of many civilians in protests. In exchange for the services of Wagner, over the years, the Sudanese authorities have ceded to the Russian government rights over lucrative gold mines all around the country. In the Central African Republic, according to international reports, the Wagner Group has become one of the dominant agents of political violence in CAR (Pokalova, 2023). Over the years, multiple UN bodies have tabled concerns or opened investigations into alleged abuses perpetrated by Wagner mercenaries. In June 2021, the UN Panel of Experts on CAR reported to the UN Security Council cases of "indiscriminate killings" and violence against civilians at the hands of "Russian instructors". In this regard, in May 2022, Human Rights Watch called on national authorities, the CAR Special Criminal Court (SCC) and the International Criminal Court (ICC) to investigate these incidents and other credible allegations of abuse by Russia-linked forces with a view to possible prosecution. In Mali, the Wagner Group arrived in 2021. According to some sources, at least 1,000 mercenaries were deployed in the country, with a financial reward for the Group of approximately 10,8 million U.S. dollars per month. (Parliamentary Assembly of the Mediterranean, 2025). At its arrival, the Group had the objectives of training the Malian military and providing protection for government officials.

On 16 June 2023, the Minister of Foreign Affairs of Mali requested the UN Security Council for the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) to leave the country, due to a crisis of confidence.

Most states so far have preferred either declaring Wagner as a terrorist group or practically treating it as such. This allowed the imposition of multiple sanctioning mechanisms against the Wagner Group, which in the understanding of many experts and academics is an appropriate measure against the Group. Most of the Governments involved are unwilling to adopt a stronger stance and come across a diplomatic risk.

IV. LEGAL ASSESSMENT & SOLUTIONS

Having identified the issue of illegal gold mining in Africa and the way that it is perpetrated by a number of COs recognised in different measures at the transnational level, time has come to sort out some solutions. For the purposes of this paper, such conclusions will be of legal nature. Two of the instruments proposed are the E/RES/2013/38 and the E/RES/2019/23, both designed by the Economic and Social Council of the United Nations. The first set out a substantive agenda to combat TOC in its relation with the trafficking of precious metals. The second, reinforced the message of the previous resolution and included the notion of "illegal mining", fully acknowledging it as a serious crime possibly performed by transnational criminal organisations. E/RES/2019/23 also endorsed the commitment of improving the overall security of supply chains of precious metals at global level. Perhaps most legal scholars would concur that illegal mining is not sufficiently opposed in the framework of international law however progressive development is in motion. In that regard, it is crucial to stress that transnational (organised) crimes must be addressed in international law in order to add a proper prosecutorial dimension.

REFERENCES

Grynberg, R., & Singogo, F. K. (2021). African gold (1st ed.). Palgrave Macmillan Cham. https://doi.org/10.1007/978-3-030-65995-0

INTERPOL. (2021). Illegal gold mining in Central Africa.

INTERPOL. (2022). Illegal mining and associated crimes: A law enforcement perspective on one of the most lucrative crimes.

Parliamentary Assembly of the Mediterranean. (2025). The Wagner Group and other mercenaries in the PAM regions and the Sahel. https://pam.int/wp- content/uploads/2025/01/PAM-EN-Background-Note-on- Wagner-Group-in-the-PAM-Regions-and-Sahel.pdf

Pokalova, E. (2023). The Wagner Group in Africa: Russia's quasi-state agent of influence. Studies in Conflict & Terrorism. https://doi.org/10.1080/1057610X.2023.2231642

Social Media Monitoring. (2023). Wagner mercenaries in Eastern DR Congo? [White paper]. https://insecurityinsight.org/wp-content/uploads/2023/02/Wagner-Mercenaries-in-Eastern- DRC-Social-Media-Monitoring-February-2023.pdf

United Nations Economic and Social Council. (2013). Resolution 2013/38: Civil society participation in the work of the United Nations Office on Drugs and Crime. https://www.unodc.org/documents/commissions/ECOSOC- Res-2013-38.pdf

United Nations Economic and Social Council. (2019). Resolution 2019/23: Implementation of the United Nations Global Plan of Action to Combat Trafficking in Persons. https://undocs.org/en/E/RES/2019/23

Zabyelina, Y., & van Uhm, D. (Eds.). (2020). Illegal mining: Organized crime, corruption, and ecocide in a resource- scarce world (1st ed.). Palgrave Macmillan Cham. https://doi.org/10.1007/978-3-030-46327-4

A Brief Excursus in the Indian Organized Crime

Origins, Development and Main Actors

Izzah Sajjad

Abstract —**India is one of the most populated countries in the world. A country rich in traditions, different religions, cultures, and endless opportunities, is also the biggest representation of administrative and judicial fragility that have led to the flourishing of criminal syndicates. India's underworld began with illegal liquor production, smuggling, gambling and drug dealing. Initially, the crimes were petty, but over time they have grown to be more organized, reaching the transnational dimension as well, and broadening their scope to other illegal activities such as human trafficking, prostitution, extortion, supari killings, and even Bollywood, which is the Indian film industry located in Mumbai. This paper aims at individuating the main roots underlying the Indian mafia, with a special focus on poverty, communal riots caused by inter-faith fights, corruption, and judicial and legislative inefficiency.**

I. INTRODUCTION

Organised gangs of criminals in India have been operating for centuries, but it is in the 50s that they gained their corporative structure, when crime, business, and politics started to mingle together (Kumar, 2013). Specifically, the journey of organised crime in India started with some State Governments, such as that of Maharashtra, imposing prohibitions on the production and consumption of alcohol. At the same time, because of the exploitation of resources during colonial times, post-independence India lacked the capital for the creation of basic services and infrastructures. For this reason, it was deemed necessary to limit consumption in order to create savings in such a poverty-stricken country. These restrictions were created through taxation, limitations on production of goods, and imports of luxury goods. This is how the business of smuggling took off, also incentivized by the growth of the middle class, which lacked basic goods such as telephones, televisions, and scooters (Kumar, 2013). All this led to the creation of the black markets.

The main objective through this paper is to understand the causes underlying the Indian criminality, the main actors and the possible solutions.

II. THE "TRIAD", THE BACKBONE OF CRIMINALITY

The systematic illegal activities in the country can be attributed to four key factors.

First, there is the nexus between businessmen, politics and crime. As mentioned before, various limitations were put on businesses post-independence. This is why the Indian capitalists tried to circumvent the policies through illegality. They started to bribe authorities in order to receive licenses and to create monopolies. Obviously, this could not be done without the collaboration of the executive and of politicians. In exchange, capitalists would provide funds to political candidates and heavy bribes to police officers. Eventually, India changed its policies in the 90s, moving from the old regime of state control towards the laissez faire of liberalisation in an attempt to develop the economy and to combat the mafias as well. In this context, the modus operandi started to be different, and many politicians turned into businessmen, while many businessmen entered politics. Moreover, privatization gave rise to public-private partnerships, and illegal gains were made by appropriating resources such as land, forests and mines. Besides, criminals were often relied upon for contract killings in order to eliminate business opponents. As crimes grew, criminals started to invest accumulated wealth in legitimate businesses, turning into respectable men, cultivating politicians, and the bureaucracy (Kumar, 2013).

Another reason is political patronage. Everywhere, politicians are willing to go to any length to get votes, because their whole persona depends on winning elections. In India an easy way to do that is by buying votes or by terrorizing voters. This is achieved by organised gangs, and in exchange, politicians provide them protection from the police. The latter, in fact, are subordinated to the political will, which determines their postings, transfers, suspensions, promotions etc. Gradually, criminals started to become politicians, and this is why the underground can still continue its activities while being immune to the laws. As they became part of the legislative bodies, they started to distort the policies in their favor and to influence, through their money, the bureaucracy and the judiciary. This way, they enjoyed the perks of both worlds (V.K. Deuskar, 1999) .

Then there is the connection between politics and criminality, which is well known to every Indian. Yet, Indian voters still vote for them! Actually, this is a result of their state of helplessness due to their daily needs. In addition, when deciding whom to vote, voters don't look at the ideologies or moral background, but rather the immediate benefits and reliefs that the candidates promise to deliver (Banerjee, 1996).

Last but not least, there is the issue of non accountability of the police and of the judges. The judiciary which should be the ultimate protector of the law, has not been able to provide a safeguard to victims, and it has demonstrated to be inefficient in enforcing the rule of law (V.K. Deuskar, 1999). There are several reasons why:

To begin with, bosses have enough money to provide the best legal defense to their gang members, and they are able to manipulate the court records easily.

In addition, bails are granted easily and cases remain pending for years. As time passes, it becomes easy for criminals to hide evidence, make the victims disappear, to terrorize them, or to bribe them.

© 2025 Izzah Sajjad This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

Next, the work of the courts costs a lot: filing cases is expensive and the laws are too complicated to be understood by the poor or the illiterate, so they just give up.

Furthermore, the burden of proof is too high: what matters is not the actual truth, but the procedural truth, which is often distorted because of the reasons above mentioned.

Then, finally, there is the police. There is no way that a criminal gang would survive without anyone in the police force collaborating with them. Even though not every policeman is dishonest, at the same time the hafta system operating in India is well known to everyone. Hafta is the amount of money that officials require to turn a blind eye to the illegal activities happening in front of them (Kumar 2013). Furthermore, they mostly depend on the political will, which may be favoring criminal groups for one reason or another. Even if the police were to be honest, there are other problems that can't be overlooked. As a matter of fact, often they are not equipped neither tactically nor logistically to tackle this issue: they lack funds, means of transport, technology, and, actually, even motivation, as they are not paid enough to risk their lives in encounters with criminals.

III. Poverty and religious discrimination as triggering factors

If we take a look at the lives of the biggest criminal dons of India, we will notice that they all come from humble backgrounds (V.K Deuskar, 1999):

1. Vardhabhai started his career as a coolie at a train station in Mumbai, and then, eventually, he became a smuggler by selling imported goods he used to steal from tourists.
2. Haji Mastan worked as a small operator at a dockyard, yet he became one of the biggest names of the Mumbai Mafia.
3. Chota Rajan used to sell cinema tickets in the black market.
4. Abdul Latif started as a daily wage worker.
5. Dawood Ibrahim was initially just a petty goon, who later started working with Karim Lala, tasked with escorting smuggled goods to their destination. He went on and became one of the most successful criminal bosses that the Indian underground has ever seen. He became the founder of the "D Company" with several investments in every area: shipping, real estate, construction, restaurants, hotels and so on. Thus, according to Forbes, in 2015 his net worth was estimated to be 6.7 billion dollars, which corresponded to nearly 700 crores in Indian rupees.

Moreover, despite being one of the biggest world economies in the world, India is also one of the poorest countries.

As a matter of fact, nearly 250 million Indians survive on less than 2 dollars per day, which is below the median poverty line established by the World Bank (Basu, 2017).

Besides, Mumbai alone is home to the largest slum in the world, Dharavi, with an estimated population of nearly 1 million.

This is exactly the reason why it is so easy for criminal groups to carry out recruitments, and make crime flourish even more.

Organised crime is an easy way out of poverty, especially for those people who do not have an education or money as their foundation (Jha, 2024). Even if they get arrested or die, the best legal aid is provided to them, and their family is sustained for the rest of their lives.

In a societal context in which the socio-economic disparities are normalized, resources are limited while the population is growing, unemployment is at its peak, and illiteracy is common, the frustrated youth sees no other way out.

The sense of deprivation and marginalization results in the engagement in criminal activities, especially in those areas where poverty rate is the highest (Sarma & Palit, 2016).

Furthermore, the lack of action and inefficiency of the government to tackle these serious issues creates frustration among the society. Unfortunately, Indian history is full of instances in which the governments, rather than taking accountability, have tried to distort the attention of the common man by putting forward the communal ideology.

The origin of the communal ideology goes back to the era of colonization when the policy of "divide and rule" was implemented by the British colonizers (Bipan Chandra, 2011).

According to Bipan Chandra, an Indian historian, even before the English came, religion was an important part of people's lives, but it is with the modern socio-economic and political structure created by the colonizers that communal politics emerged. Indeed, on the basis of the "divide and rule" policy they used to treat people according to their religion and caste.

Moreover, in 1947 the partition between Pakistan and India took place. Violence emerged on both sides, with people belonging to different faiths being killed (Bipan Chandra, 2011).

This left a scar that is still there, and the seed of hatred they planted has been growing: the sense of antagonism between Hindus and Muslims never went away. It is this sense of suspicion towards each other that has been manipulated by the politicians.

The biggest example of this is the BJP-Shiv Sena (extremist right wing Hindutva political parties) alliance, which attempted to expand its vote bank by seducing the Hindu electorate by spreading the Hindutva ideology (Banerjee, 1996). The politics of this alliance was based on violence and communalism, reaching the peak of their hate-based ideology in 1992. In that year 150.000 people participated in a rally organized by the BJP and the Vishwa Hindu Parishad, an organization based on Hindu nationalism, to tear down Babri Masjid, a 16th century mosque (HW Desk, 2018). As a consequence, this gave rise to riots that lasted for months, and resulted in 2000 deaths, the majority of whom were Muslims.

In 1993 the Srikrishna Commission was established in order to investigate the causes of the Mumbai riots. In his report, justice Srikrishna stated in relation to Bal Thackeray, the leader of the Shiv Sena at that time: "like a veteran general, he commanded his loyal Shiv Sainiks to retaliate by organised attacks against Muslims" (Punwani,

2012). These attacks were not limited to looting: homes were burnt, Muslim women were stripped, burned and mutilated, and unarmed Muslim men were stoned to death and then their bodies were burnt while the Sainiks chanted "Jai Sri Ram". Furthermore, local mosques were burned down or turned into warehouses (Punwani, 2012).

These communal upheavals left a deep scar, and the religious insecurity has remained.

Moreover, ever since these riots happened, the "ghettoization" (Sarma & Palit, 2016) of Muslims took place. In Mumbai, for example, the traumatized Muslim population started to move from the city center to peripheral areas. In this way proper Muslim enclaves were born with a stark separation between the outside world and the ghettos. Besides, there was a common feeling of resentment towards the outside world because of the absence of justice, as the perpetrators of the riots were still roaming freely, and also a sense of alienation became common (Dalvi, 2013).

Within these enclaves, Muslims created their own common law and socio-economic structure, becoming self-sufficient, and isolating themselves even more than they already were.

The world outside the ghetto started to be seen as "bad", and as a place where the laws of the ghetto did not apply any longer (Dalvi, 2013).

In this context, many Muslim dons started to be perceived as "Messiahs" (V.K Deuskar, 1999).

The biggest example of the romanticization and glorification of criminal leaders in India is without any doubt Dawood Ibrahim. Dawood became successful because of his leadership qualities and also because of his dual personality. He was cruel and ruthless towards those who were dishonest and disloyal with him, while also creating the self-image of the "devout Muslim". He also claimed to be patriotic towards India, but this feeling changed after the demolition of the Babri Masjid. Indeed, according to some theories, he played an active role in the 1993 Mumbai blasts properly because he wanted to retaliate the demolition and the injustices committed towards the Muslim community. However, these are just speculations, and no actual concrete proof has been found. India has a pattern of blaming local Muslims or external countries, such as the neighbouring country Pakistan, for its internal problems and security lapses. Finding an escapegoat is easier than asking accountability and questions to their own government.

Then there was Abdul Latif, one of the most prominent criminals in Ahmedabad, who was arrested in 1986. While in jail, he won the Municipal elections in the area in which Muslims were in majority. He went on and became a hero for the Muslim community, while also developing strong ties with Dawood.

At the same time, Hindu dons arose as well. Examples are Arun Gawli, who was backed by Hindu supremacists and extremists. He was the main opponent of Dawood.

Nowadays, decades after the decline of mafia, a new Hindu don has emerged: Lawrence Bishnoi. He has been considered responsible for high profile murders such as the one of the famous Sikh singer Sidhu Moose Wala, or the one of Hardeep Singh Nijjar, a Sikh activist in Canada (Evan Dyer, 2024). Following this, diplomatic tensions arose between Canada and India, with the former accusing the governemnt of the latter of cross border criminal activities.

The demolition of the Babri Masjid and the violence that followed were a turning point in the arena of organised crime in India. Hindus were becoming aggressive, and Muslims in India, especially in Gujarat, did not feel safe anymore. As a result, they started to gather arms with the aim of self defense. Thus, illegal arms and explosives started to be smuggled within the borders of the country (Kumar, 2013).

In this way, a business around illegal arms took off and they started to be smuggled in North India, specifically to the separatists movements in Punjab where the Sikh Khalistanis were advocating for a separate nation, and in the Indian administered Jammu and Kashmir where the Muslim majority wanted independence. This is how a nexus with terrorism was born.

In order to transfer large sums of money, organized criminal gangs in India have been relying on the Hawala system, an Islamic informal way of transferring funds that dates back to the 8th century (Redìn, Calderòn, & Ferrero, 2014).

After 9/11, a greater emphasis started to be put on this mode of transaction, and greater efforts were put forward by the legislators of the Western countries in trying to regulate this practice (Keene, 2007).

IV. HAWALA, THE MECCANISM OF FINANCIAL FLOWS

Hawala derives from Arabic, and it means "transfer". In Urdu and Hindi, on the other hand, it means "trust". This is because it is a system built upon the trust between the hawaladars, who are the hawala operators.

The way in which it operates is quite simple: the client goes with his money to the operator in country A, who charges him a small commission. Then the operator calls the hawala operator in country B where the client wants to send the money. The operator in country B contacts the person to whom the client wanted to give the money and hands him the amount. De facto, there is no real transfer of money. This is why it is built upon trust. Moreover, for the system to be able to work in an efficient way, there must be a cash pool at both ends.

In this case, the operator in country A is indebted to the one in country B. However, with the passing of time, reciprocal transactions between the operators in the two countries take place, and the debts they have towards each other are nullified each time. Besides, the operation is always made with the faith that the debt will be paid off. Good faith plays a vital role in these operations (Keene, 2007).

The hawala system was originally used by the Muslim merchants, as a way to avoid theft, especially in those contexts in which there were no formal ways of transferring money.

In Afghanistan, for example, it is still used for necessity: there is no efficient and reliable modern central bank system, and this is why people, especially in the remote areas, rely on it (Keene, 2007).

Furthermore, it is used by many immigrants as well in order to send money back home, as it is fast and does not cost much in terms of remittance costs.

The hawala, in its nature, was not supposed to be an illegitimate system.

The reliability, low transaction costs, and speed are characteristics that have rendered it popular. Nevertheless, although the vast majority of transactions are legitimate, it has also been manipulated by a small percentage of people in order to carry out illicit activities (Dow Jones Risk & Compliance, n.d.).

The difference between the hawala and regular banks that follow formal procedures is that, in the latter, transactions can be carried only with individuals that fulfill certain requirements. Banks, in fact, have the duty to carry out a due diligence: they ask questions about the sources of money, the identity of the client, the purpose of the transaction, and they can also put limitations on the amount of money that can be delivered. Instead, all this can be avoided through hawala (Keene, 2007)

In the context of Indian organized crime, this system is used even today to flow money from the criminals to the politicians, and vice-versa, for purposes such as money laundering, and, eventually, for transnational transactions as well when crimes started to extend and spraed abroad.

The hawala channels are currently used to flow money both within and outside the country, and authorities, regardless of being aware of this, keep an eye shut because of the protection granted to these channels by high-level politicians (Kumar, 2013).

V. Conclusions

To sum up, the Indian mafia is primarily made up of politicians, by the police and then by the dons, who are able to prey on the drastic socio-economic situation of India, and on the hopelessness of the Indian youth that sees no way out of their misery, in order to enlarge their gangs.

The combination of poverty, illiteracy, corruption, communal riots, and the failure of the judiciaries to uphold justice, as well as of the police in granting protection to the poor and weak, has led towards the increase and the glorification of the crime.

Is there a way out? Yes, but the problem with India is that people are unable to go beyond ideologies, and propaganda fed by the politicians, to discuss concrete issues. The first step towards solving this issue would be the creation of a political will to address real problems, and to have that, there is the necessity of creating a mechanism of accountability for political figures: too many dirty hands have been left unpunished. Bal Thackeray and many other exponents of the BJP-Shiv Sena alliance are the prime example of this. Only breaking the "triad" will anything ever change.

References

Banerjee, S. (1996). Skin-deep politics and thick-skinned politicians. Economic and Political Weekly, 31(10), 582–584. http://www.jstor.org/stable/4403883

Dalvi, M. (2013). Mumbai two decades after: Landscapes of exclusion, mindscapes of denial. Economic and Political Weekly, 48(7), 24–26. http://www.jstor.org/stable/23391301

Deuskar, V. K. (n.d.). Organised crime in India. Sardar Vallabhbhai Patel National Police Academy. https://www.svpnpa.gov.in/static/gallery/docs/22_organizedcrimeindia.pdf

Desai, R. D. (2016, March 3). Bollywood's affair with the Indian mafia. The Belfer Center for Science and International Affairs. https://www.belfercenter.org/publication/bollywoods-affair-indian-mafia

Desk, H. (2021, July 4). Babri demolition: From LK Advani to Bal Thackeray, here are the key players. Hindutva Watch. https://www.hindutvawatch.org/babri-demolition-from-lk-advani-to-bal-thackeray-here-are-the-key-players/

Dow Jones. (n.d.). Hawala: Ancient money transfer system poses modern risk. Dow Jones. https://www.dowjones.com/professional/risk/resources/risk-blog/hawala-risks

Duggal, H., & Chughtai, A. (2023, September 27). What is the Khalistan movement? How is it linked to India-Canada tensions? Al Jazeera. https://www.aljazeera.com/news/2023/9/27/what-is-the-khalistan-movement-how-is-it-linked-to-india-canada-tensions

Dyer, E. (2024, October 15). Nijjar, Brar, Singh, Bishnoi: How a Sikh separatist assassination escalated India–Canada tensions. CBC News. https://www.cbc.ca/news/politics/nijjar-brar-singh-bishnoi-sikh-india-1.7197121

Financial Express. (2024, January 28). Encounter the gangster who surpassed Dawood Ibrahim in wealth, constructed his own prison, and his net worth was... Financial Express. https://www.financialexpress.com/life/lifestyle-encounter-the-gangster-who-surpassed-dawood-ibrahim-in-wealth-constructed-his-own-prison-and-his-net-worth-was-3369742/

Jha, R. (2024, May 16). Crime in India: A critical review of data collection and analysis. ORF. https://www.orfonline.org/research/crime-in-india-a-critical-review-of-data-collection-and-analysis

Keene, S. (2007). Hawala and related informal value transfer systems – An assessment in the context of organized crime and terrorist finance: Is there cause for concern? Security Journal, 20, 185–196. https://doi.org/10.1057/palgrave.sj.8350060

Kumar, A. (2013). India. In Heinrich-Böll-Stiftung & R. Schönenberg (Eds.), Transnational organized crime: Analyses of a global challenge to democracy (pp. 115–126). transcript Verlag. http://www.jstor.org/stable/j.ctv1fxh0d.12

Punwani, J. (2012). Bal Thackeray: A politics of violence. Economic and Political Weekly, 47(47/48), 12–15. http://www.jstor.org/stable/41720399

Punwani, J. (2012). Mumbai's Muslims and "friends." Economic and Political Weekly, 47(34), 16–18. http://www.jstor.org/stable/41720054

Redín, D. M., Calderón, R., & Ferrero, I. (2014). Exploring the ethical dimension of "hawala." Journal of Business Ethics, 124(2), 327–337. http://www.jstor.org/stable/24033272

Sarma, C., & Palit, A. (2016). Mumbai: The city that never sleeps. In F. Mancini & A. Ó Súilleabháin (Eds.), Building resilience in cities under stress (pp. 24–37). International Peace Institute. http://www.jstor.org/stable/resrep09526.7

Scott, N., & Mendys, J. (2017). This is what it means to be poor in India today. CNN. https://edition.cnn.com/interactive/2017/10/world/i-on-india-income-gap/

Talawar, N. (2023). Unmasking India's underworld: Vohra Committee's insights on mafia, corruption, and nexus between criminals and politicians. SSRN Electronic Journal. https://doi.org/10.2139/ssrn.4542687

Thakur, J. (2022, February 2). Explained: How the word "supari" came to be used in the Mumbai underworld. IndiaTimes. https://www.indiatimes.com/explainers/news/mumbai-underworld-supari-560999.html

Hindutva Harassment Field Manual. (2021). What is Hindutva? https://www.hindutvaharassmentfieldmanual.org/defininghindutva

From a University Confraternity to a Nigerian Mafia-type Criminal Organization

The Origins, the Structure and the Activities of the Black Axe

Martina Salvadore

Abstract — **This paper will discuss the origins and the growth of the Neo Black Movement of Africa (NBM), with a particular focus on the peculiar structure and the features of this cult-like criminal organization. There will also be a short analysis on the expansion of the Black Axe outside the borders of Nigeria, with a particular focus on its operating activities in Italy during 2013-2015.**

I. . INTRODUCTION

The main objective of this paper is to present a humble, but accurate, analysis of the characteristics and the evolution through time of one of the most — sadly — known Nigerian criminal groups, the Black Axe. This paper seeks to explore the origins of the crime group, tracing its roots from a student confraternity with political initiatives to its current status as an extremely violent criminal cult-like group. In relation to this latter aspect, there will also be a short paragraph which tries to shed light on the confusing relationship between the NBM and the Black Axe, assuming there is one. Additionally, it will analyze two elements which are strictly interdependent, meaning the structure and the main illicit activities pursued by the Black Axe. Finally, the paper will discuss the expansion of the criminal group in many countries, with a particular focus on its establishment in the Italian peninsula in the last 10 years. By discussing all this, this paper aims to bring clarity on the broader issues of organized crime and cultism in Nigeria and their global implications.

II. THE ORIGINS

The Black Axe criminal organization, also known as Neo-Black Movement of Africa, originated in Nigeria during the late 1970s. However, for many Nigerian confraternities, it is difficult to trace the actual originating process back to a specific date. What we do know for certain is that it was initially formed as a student cult group at the University of Benin. "This confraternity was highly ideological and based upon Pan-Africanism and Black rights ideals borrowed from the anti-apartheid movement" (Bergman, 2016, p. 15), but it quickly evolved into a violent, criminal syndicate, while still being characterized by a typical feature of a cult-like movement, namely secrecy. As evidence of the fact that, by the beginning of the 1980s, almost all of the confraternities in Nigeria, including the Black Axe, started to be involved in criminal activities, the initiation rituals, which have always been one of the elements that distinguishes African criminal confraternities from western crime groups, became increasingly intense: anyone who was willing or forcefully chosen to enter the confraternity was subjected to violent beatings, forced to drink a mixture of blood from all the members, or, in some instances, participate in the assault of the well-known female students (Rotimi, 2005). This secret initiation process, known as "bamming", was considered to be fundamental by the members of the cult in order to "purificate" the person entering the group and let him be reborn as what they call an 'Aye Axeman'. As reported in many studies, the process of documenting, in a rather accurate manner, the amount of criminal activities in which secret cult groups were engaged is a complex one and the same could be said about the Black Axe, at least before its transformation into a notorious criminal group and, more specifically, before the expansion of its operations outside of Nigerian borders. The Black Axe has in fact been linked to a network of international criminal activities, particularly in the United States, Europe, South America and Asia.

© 2025 Martina Salvadore. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

III. IIS THERE A DIFFERENCE BETWEEN THE NBM AND THE BLACK AXE?

As previously said, and as reported by the BBC two-year investigations into the Black Axe (BBC World Service, 2021), the criminal group was born out of a student confraternity called the Neo-Black Movement of Africa (NBM). NMB's ideology must be found in Neo-Blackism, which is "the burning desire to liberate all humans from the shackles of oppression" (NBM of Africa's official website). The logo of this student confraternity, which represents a chain that holds someone's hands in cuffs, perfectly embodies the NBM's ideals and values, while its motto — "Social Justice and Equality/Equity for all" — reflects its objectives and purposes. Or, at least, so it seems. In Nigeria, the Black Axe is often seen as closely linked to its legal parent organization, the Neo-Black Movement of Africa. Despite it being legally registered company with the Nigerian Corporate Affairs Commission, several sources point out that both the Black Axe criminal group and the NBM of Africa have been banned under the Secret Cult and Similar Activities (Prohibition) Law enacted by the Rivers State of Nigeria in 2004. The NBM's members — said to be over one million around the world (La Lime, 2024) — and leaders regularly publicize charitable activities both in Nigeria and abroad and hold annual conferences at which many prominent politicians and celebrities are present (BBC World Service, 2021). Although the current president of the NBM of Africa, Olorogun Ese Kakor, in an interview with the BBC in July 2021, delivered many statements ensuring the organization's distance from the Black Axe, the law enforcement authorities of US and Canada share another view. They claim that the NBM is just a facade for the criminal activities committed by the Black Axe, thus highlighting the connections between the two.

IV. THE STRUCTURE

An element that brings together all of the Nigerian criminal organizations that have existed to this day is certainly "flexibility". Many studies, in fact, highlight how the majority of Nigerian organized groups is "highly fluid in personnel and in methods of operations", being able to shape their structure depending on which criminal activities they are focused on pursuing or even on the "forces" that are available in order to actually concretize their involvements in illegal markets and more generally illicit activities (Williams, 2014). This flexibility allows crime groups to reduce the possibility of becoming a target for police forces, institutions and governments or any other law enforcement officer. When addressing the structural nature of Nigerian criminal organizations, a classification in which the Black Axe would fall certainly without mistake, a general distinction can be drawn between, on the one hand, the internal hierarchical organization that many groups give themselves if and whenever they are involved in drug trafficking

and, on the other hand, a more stereotypical structure: the "original mafia" one, "based around bonds created by family membership, tribal affinity, or personal friendship", but with a turn, in that they operate within a wide net of connections rather than a within close system (Williams, 2014). In the first scenario, the pyramidal structure is often distributed on two main levels: at the basis we would typically find the 'strikers', which have logistic and negotiating skills and, most importantly, have connections with many couriers — often unaware of what they are actually transporting and for which final purpose — (Ellis, 2009); at the second level, there are 'barons', a category which includes people in government and politicians that are able to hide the drug trafficking operations which they personally coordinate and from which they take great advantage. According to Ellis, in order to operate successfully, crime barons need to acquire drugs at a low cost from the source, establish strong networks in the destination country and have access to significant financial resources. While, in the first case, Nigerian criminal groups whose main activity is drug trafficking do give themselves a sort of "order", in the second scenario, these group's glimpse of structural organization is rather a bundle of "connections that can be activated when it is convenient or beneficial to those involved" (Williams, 2014, p. 259). Normally, these groups operate in a project-based way, meaning that there are not "members" but rather individuals who are recruited, chosen or show willingness to participate in the pursuit of illicit activities with clear economic purposes. (UNODC, 2005). Despite the dissolution of such project-based groups, during which only short-term relationships can be built, security, loyalty or trust are not undermined: on the contrary, such values are enhanced by common elements, like religious or black magic rituals, which characterize many villages from which the individuals involved in such projects come from. (Williams, 2014, p. 259). As for many other foundational elements of the Black Axe (its origins, its expansion, its activities and operations, especially in the past), we have little information and evidence of its organizational structure. Black Axe is "led by a president who oversees its hierarchy with a high council of elders" (La Lime, 2024). The criminal group is then controlled and managed by a national body, which consists of a zonal elder council and a zonal executive council, headed by a leader called the 'Oga'; consequently, in every geographic area in which Black Axe operates there is a zone leader managing such activities. Finally, there are different specialized rules that help run the organizations: the chief priests who are in charge of creating initials and making protective amulets for the members; the butchers whose role is to lead attacks against rival groups and to maintain order and discipline within theirs; the criers who are in charge of spreading information and messages within the members of the group and of announcing the meetings; the 'ihaze', they are the treasurers of the criminal organization, handling money that needs to be sent to the higher leaders; finally, the soldiers, also known as the streets, who are the people actually carrying out the group's criminal activities. (La Lime, 2024)

V. V. MAIN ILLEGAL ACTIVITIES

Nigerian criminal organizations are normally involved in a wide range of illegal activities, both within its states' territories and abroad. The most typical crimes in which they engage are drug trafficking, extortion and corruption, prostitution and smuggling of migrants. Regarding drug trafficking, based on what was stated by UNODC in its report of 2005, "there is overwhelming evidence to support the view that the drug trade remains one of the specialities of Nigerian criminal groups". (UNODC, 2005, p. 21). Furthermore, it is almost everyone's knowledge that Nigerian crime groups collaborated - and may continue to do so - with important Mexican, Colombian and Italian groups for the transportation and the trafficking of drugs (UNODC, 2005). Probably in virtue of their innovative operational methods in this criminal area, which consist of having a wide net of contacts at the expense of transporting small quantities of narcotics, Nigerian criminal organizations have been able to improve their position in the illegal market in a quick and almost "undisturbed" way. Despite its notoriety for being a criminal group characterized by brutality and violence, Black Axe's most profitable activity is linked to the area of cybercrime: its members "have grown into shrewd cybercriminals who specialize in defrauding businesses out of thousands if not millions of dollars" (La Lime, 2024). Through Operation Jackal III, INTERPOL has recognized Black Axe as one of the top criminal organizations involved in cyber-enabled financial fraud on a global scale. The group initially transitioned the classic '419' cash-advance scams — the label coming from the article of the Nigerian criminal code that punishes this type of fraud. In this scenario, the victims are tricked by invented stories, for instance involving a stranger that pretends to be a famous public person and is in need of a frontman (the victim) to access a bank account containing millions of dollars. By the 2010s, Black Axe members had expanded into more sophisticated online fraud schemes, such as business email compromise, known as BEC (La Lime, 2024). This scam involved deceiving victims into transferring money or revealing confidential corporate information.

VI. VI. THE GLOBAL EMPIRE OF BLACK AXE: ITALY AS THE JEWEL OF THE CROWN

Nigerian criminal syndicates, known for their power and organization, operate through vast networks that span across the Western Hemisphere, Europe, Russia and former Soviet states, Southeast and Southwest Asia, Australia, and other African nations. These groups are considered among the most globally widespread, with reports suggesting that Nigerians are involved in criminal activities in approximately 60 countries — more than any other national group — and, eventually, "this presence seems to be expanding further than diminishing" (Williams, 2014, p. 254). Most of the information and knowledge which is available nowadays and which many scholars and academics write about comes from law enforcement agencies and legal institutions of the various countries in which these Nigerian confraternities are highly present. However, the approaches taken by various actors are very different from one another, depending on the cultural, imperial and political history of those states (Cohen, 2021). In Italy, the presence of Nigerian criminal groups was questioned, based on reports of the DIA, in the first years of 1990s, with regard to the presumed involvement of these confraternities in illicit activities such as prostitution and drug trafficking (Cohen, 2021). As with concern, specifically, to the Black Axe's presence in Italy, it is reported that this criminal organization is the second most numerous cult-like Nigerian organization operating in the Italian peninsula, with significant operative bases in two regions: Piedmont and Sicily (Camera dei Deputati, 2018). Law enforcement agencies have conducted manifold investigations, moving from the Northern to the Southern regions, with the aid and the assistance of collaborators, in order to acquire information about the structure and the operational modalities of the Black Axe crime group in Italy; eventually, the police officers of Palermo conducted an investigation in 2016, through which they found out the existence of a forum (an operative base) of the Black Axe confraternity in Palermo, more specifically in the market district of Ballarò, which has always been under the control of Cosa Nostra (Camera dei Deputati, 2018).

> La relativa sentenza di condanna 1463 emessa il 21 maggio 2018 dal GUP del Tribunale di Palermo, ha evidenziato le straordinaria affinità tra il cult in argomento ed il modello mafioso tradizionale di Cosa nostra, condannando gli imputati nigeriani per associazione di tipo mafioso, atteso che alla BLACK AXE si può attribuire "…la 'qualifica' di associazione mafiosa poiché la differenza tra la norma di cui all'art. 416 c.p. e la norma di cui all'art. 416 bis sta

> proprio nel fatto che, nel primo caso, l'associazione deve essere finalizzata alla commissione di delitti, mentre l'associazione di tipo mafioso è caratterizzata, tra l'altro, dalla condizione di assoggettamento ed omertà che ne deriva, in dipendenza della sua capacità di incutere timore e subordinazione psicologica" (Camera dei Deputati, 2018, p. 1051).
>
> The relevant sentence of conviction 1463 issued on May 21, 2018 by the GUP of the Court of Palermo highlighted the extraordinary affinities between the cult in question and the traditional mafia model of Cosa Nostra, convicting the Nigerian defendants for mafia-type association, given that the BLACK AXE can be attributed "...the 'qualification' of mafia-type association since the difference between the norm of art. 416 c.p. and the norm in art. 416 bis lies precisely in the fact that, in the first case, the association must be aimed at the commission of crimes, while the mafia-type association is characterized, among other things, by the condition of subjugation and code of silence ('omertà') that derives from it, depending on its ability to instill fear and psychological subordination" (my translation).

This event is significant from an ontological point of view, in that it was the first time that the court recognized the operational activities and modalities of a Nigerian criminal group as falling under the classification of "mafia-type methods", as provided for by Italian legislation. Nonetheless, the surprising side of the event concerns more the geographical area in which the Black Axe conducted such illegal activities, namely the city of Palermo, which has always been characterized, as previously stated, by the historical dominance of the Sicilian mafia. As opposed to what a person leaping to hasty conclusions would imagine, evidence of increased activity by Nigerian criminal groups in Sicily does not necessarily imply the decline of Cosa Nostra (Sergi, 2016). Subsequently to the 'submersion' phase it went through in 2007 — as reported by the DIA — Cosa Nostra "has effectively been able to delight activities to the Nigerian gangs that the Sicilian mafia has historically never fully engaged in, such as human trafficking for sexual exploitation, but also activities, such as drug trafficking, that were the foundation of Cosa Nostra's power" (Sergi, 2016, p. 3). Consequently, the two criminal entities, the Black Axe or, more generally, Nigerian criminal gangs and Cosa Nostra established a sort of relationship (a collaboration?) from which they can both benefit: the former representing a source of manual labor and the latter representing a source of "institutional support" (Sergi, 2016).

VII. VII. FINAL REMARKS

By drawing some conclusions, the Black Axe's structured hierarchy, ritualistic culture, and global reach have enabled it to operate effectively across multiple continents, engaging in a wide range of illegal activities including drug trafficking, human trafficking, cybercrime and violent extortion. The group's infiltration into legal structures and its association with political and social organizations, such as the Neo-Black Movement, further complicate efforts to dismantle it. Understanding the origins, internal structure, and criminal operations of Black Axe is essential for developing effective legal and policy responses — both within Nigeria and internationally. As the group continues to adapt and expand, a coordinated global strategy will be necessary to address the threats it poses to public safety, economic stability, and the rule of law.

REFERENCES

Bergman, B. (2016). From fraternal brotherhood to murderous cult: The origins and mutations of Southern Nigeria's Confraternities from 1953 onwards. *Pursuit-The Journal of Undergraduate Research at The University of Tennessee*, *7*(1), 5.

Camera dei deputati, *Relazione del Ministro dell'Interno al Parlamento sull'attività svolta e sui risultati conseguiti dalla Direzione Investigative Antimafia.* XVIII legislatura. https://documenti.camera.it/_dati/leg18/lavori/documentiparlamentari/indiceetesti/074/003_RS/00000034.pdf

Cohen, C. (2021). Nigerian confraternities to conquer the world?

Ellis, S. (2009). "West Africa's International Drug Trade." African Affairs, 108(431): 171–196.

La Lime, M. (2024, October 29). Black Axe—Nigeria's Most Notorious Transnational Criminal Organization.

NBM of Africa Website (https://nbmofafrica.org)

Northcott C., Judah S., Macjob P. (2021, December 13). *The ultra-violent cult that became a global mafia.*

BBC News. https://www.bbc.com/news/world-africa-59614595

Rotimi, A. (2005). Violence in the citadel: The menace of secret cults in the Nigerian universities. *Nordic journal of African studies*, *14*(1), 20-20.

Sergi, A. (2016). Nigerian gangs partner with the Sicilian mafia. *Jane's Intelligence Review*, 1-5.

UNODC. (2005). Transnational Organized Crime in the West African Region. http://www.unodc.org/pdf/transnational_crime_west-africa-05.pdf.

Williams, P. (2014). Nigerian criminal organizations. In *The Oxford handbook of organized crime* (pp. 254-269). Oxford: Oxford University Press.

Understanding Transnational Environmental Crime and Criminal Convergence

Daria-Christiana Sava

Abstract — **Transnational organised crime poses a serious threat to the environment, often causing damage that cannot be undone. This paper explores the main environmental crimes connected to organized crime groups, using case studies from China and Italy. It also looks at how weak governance and poor management of natural resources in these regions contribute to the rise of corruption and allow these crimes to flourish. Apart from the economic perspective, we will focus on international regulations and law enforcement enacted throughout the years, legal authorities, and institutions facing environmental criminality. Criminal organizations engage in a vast area of competence, starting from several illicit activities such as improper collection, transport, recovery, or disposal of waste, the illegal emission or discharge of harmful substances into the air, water, or soil, the poaching, destruction, possession, or trade of protected wildlife species, and the illegal trade of ozone-depleting substances, all of which contribute to significant ecological damage and biodiversity loss.**

I. INTRODUCTION

Historically, national authorities have treated environmental crimes as a low-priority environmental management issue.

What comes to mind when discussing organized environmental crime? There is no universally agreed-upon definition. Additionally, environmental crimes have been seen as "victimless" because of their lack of direct individual targeting and seemingly immediate consequences.

Superficial responses to widespread eco-crime led to increased corruption, ecological damage, and biodiversity loss.

Criminal networks exploit natural resources through activities such as illegal trafficking, deforestation, and illicit mining, operating across multiple jurisdictional gaps, including governance issues. In 2022, the EU's anti-organized crime efforts, using case studies and data analysis, led to 507 arrests and roughly 11,500 seizures worth over €54 billion.

These crimes also serve as an economic driver, generating billions of dollars in income each year. According to a recent study, three of the twelve most profitable transnational criminal activities have been linked to environmental crime. The illegal trafficking of wildlife, timber, and hazardous waste, which includes ivory, rhino horns, and exotic animal parts, is valued at USD 70-213 billion yearly.

Following there will be the impact of transnational organized crime on the environment, with a focus on case studies from Africa, Latin America, and Southeast Asia.

© 2025 Daria-Christiana Sava. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

However, before examining specific cases, it is essential to analyse the current regulations in force from a transnational perspective.

II. REGULATIONS

Several international organizations combated transnational environmental crime. One of the first attempts at prevention can be found in Directive 2008/99/EC and Directive 2009/123/EC.

These directives addressed ship-source pollution and criminal penalties. However, these directives were partially superseded by a more comprehensive Directive (EU) 2024/1203.

This new directive replaces both the 2008 and 2009 directives and introduces stricter and more comprehensive measures to combat environmental crime. This directive defines environmental offenses to include illegal ship recycling, unlawful water abstraction, serious breaches of EU chemical regulations, and major habitat destruction.

The authorities implemented stronger penalties, charging individuals up to 10 years in prison for the most serious offenses and fining legal persons (companies) up to 5% of global turnover or €40 million. For all other offenses, the maximum fine will be at least 3% of turnover or €24 million.

Furthermore, lawmakers introduced a new category for offenses causing particularly severe and widespread environmental damage.

III. CRIMINAL NETWORKS

Individual states should not solely control responses to environmentally organized crime. Given that such crimes often arise from weak or inadequate governance, several regional and international organizations have taken on the responsibility of protecting the planet and safeguarding public health.

Among these, the European Multidisciplinary Platform Against Criminal Threats (EMPACT) and the United Nations Environment Programme (UNEP) play a central role in addressing environmental criminality. Another key actor is Earth League International (ELI), which employs professional intelligence strategies to combat the global proliferation of environmental crime.

ELI processes and analyses data and evidence regarding environmental crimes and illegal wildlife product supply chains, resulting in the identification of 40 criminal networks.

The concept of "convergence" refers to the merging and interaction of multiple criminal activities and markets within a single organizational or operational framework and the increasing overlapping of actors, methods, and infrastructures. According to Micklaucic and Brewer

(2013), convergence signifies the erosion of the traditional boundaries between crime and categories and reflects the dynamic nature of global illicit economies.

ELI's 4-type convergence paradigm involving environmental crime is based on extensive intelligence work and real-world cases: multiple species convergence, multiple environmental crime convergence, serious crime convergence, and transnational network convergence.

These typologies guide the analysis presented in this paper. The research methodology adopts a qualitative, document-based research relying on primary data from ELI's intelligence reports. In 2023, relevant secondary literature and policy documents from international institutions complemented the Environmental Crime Convergence Report.

The analytical tools adopted were social network analysis (SNA), which maps relationships and hierarchies within criminal groups; geospatial intelligence (GEOINT), which locates trafficking routes and convergence zones; and the Convergence typology framework, which applies ELI's four-type model to analyze patterns. The only limitation is confidentiality, which limits full public access to specific names, companies, or geographic coordinates.

IV. CASE STUDIES

A. NETWORK M2 (México-China-USA)

M2 is an organized Chinese trafficking network operating across North America and East Asia. This network focused on totoaba maw smuggling, an endangered fish species whose dried swim bladders are sold on the black market in China. This market's value can be compared to that of narcotics or gold.

Over the years, M2 has expanded its commodity base to include multiple species, converging on sharks' fins and abalone, trafficking various marine species provided both economic resilience and logistical cover. Beyond environmental crimes, M2 plays an active role in several serious transnational crimes: human smuggling, drug cultivation, and money laundering.

First, the human smuggling network facilitates the movement of Chinese nationals from China to the U.S. via Mexico as a transit hub. Migrants enter Mexico with valid visas from Japan or Europe and are then provided with Mexican residency cards. These cards are used to legitimize smuggled individuals before crossing the U.S. border, hidden in car trunks or marching through desert routes. The approximate cost of this illegal migration service exceeds $20,000 per person.

Regarding drug cultivation, the focus of M2 is on marijuana cultivation operations in the U.S. These are known as "garden houses" and are staffed by undocumented Chinese workers smuggled in by M2, serving as production sites for domestic distribution. This activity is widespread throughout California, involving contributions from the Vietnamese and Chinese mafias.

The financial dimension of M2's operations is sophisticated; Through a mechanism called the "shadow banking system" and trade-based money laundering, it is possible for this organized crime to enable Chinese nationals in Mexico and the U.S. to move huge sums of money across borders. M2 uses a Hawala-like mechanism: funds are first sent in RMB to Chinese accounts. Then, the equivalent amount in USD or Mexican pesos is returned to clients through M2's currency exchange business or via cash couriers. Profits are invested in real estate and fake companies.

All illegal operations conducted by M2 collaborate with two major criminal structures: Mexican cartels, regarding the supply chain of wildlife products and the smuggling routes for narcotics, and the Fujian Mafia, which plays a significant role in human smuggling and illicit financial flows.

Institutional corruption at multiple levels upholds the effectiveness and longevity of M2's operations: Mexican immigration officials accepted bribes to issue residency cards to undocumented Chinese nationals, while corrupt or intimidated customs agents overlooked illicit shipments.

Transport companies and logistics handlers cooperate to create false documentation and provide cover to move illegal goods.

An intercepted conversation reveals the network's complexity: a source said that Chinese smugglers feign arrest by the immigration department to escape through a secret door.

M2's operational model displays an understanding of risk management in illicit trade, characterized by the use of small, frequent shipments via courier services, mules traveling through transit countries, legal trade routes used as a cover for illicit goods, and payments processed through WeChat Pay, cash, or offshore accounts.

B. ENVIRONMENTAL CRISIS IN THE "LAND OF FIRES"

The area referred to as Terra dei Fuochi, or the "Land of Fires," encompasses a significant region situated between the provinces of Naples and Caserta in the southern Italian region of Campania. Since the 1980s, this area has been at the forefront of one of Europe's most severe environmental degradation crises, primarily associated with organized crime.

This crisis originates from the unlawful disposal and incineration of industrial and toxic waste, resulting in far-reaching consequences for public health, environmental sustainability, and the frameworks of criminal justice policy, both in Italy and internationally.

This scenario serves as a paradigmatic illustration of the convergence of environmental crime, characterized by the entanglement of mafia-operated waste trafficking and the legitimate waste management sector, facilitated by systemic corruption, regulatory inadequacies, and insufficient enforcement measures. This situation has prompted the enactment of national emergency laws and has significantly influenced the formulation of European environmental crime legislation.

Central to the Terra dei Fuochi crisis is the Camorra, specifically the Casalesi clan—an influential mafia-like organization based in the town of Casal di Principe.

Beginning in the 1980s, this clan orchestrated a parallel waste management economy, taking advantage of the region's inadequately regulated landfills and deserted quarries for the illicit burial of hazardous materials. The clan functioned as an intermediary linking industrial producers, including multinational corporations from northern Italy and other European regions to illegal waste

disposal sites, offering substantially lower prices compared to legal waste management competitors.

According to the findings of Italy's Parliamentary Commission on Waste (Commissione parlamentare sul ciclo dei rifiuti), industrial waste, which includes heavy metals, solvents, sludge, asbestos, and, alarmingly, even radioactive substances, was routinely transported to Campania and dumped in farmlands and aquifers under the guise of falsified documentation (Camera dei Deputati, 2011).

The environmental damage wrought by decades of illicit dumping and incineration is catastrophic and of a long-term nature. Research conducted by the Italian Ministry of the Environment and the Istituto Superiore di Sanità (ISS) has revealed extensive soil and groundwater contamination with arsenic, lead, cadmium, dioxins, PCBs, and other persistent pollutants.

Furthermore, there is a significant bioaccumulation of toxic substances in crops, livestock, and dairy products, particularly buffalo mozzarella, in addition to notable increases in childhood cancers, congenital anomalies, and respiratory diseases among affected populations (ISS, 2014).

A joint report published in 2013 by the World Health Organization and the Italian National Health Institute concluded that mortality and hospitalization rates within the Terra dei Fuochi region were markedly higher than national averages for various diseases associated with environmental exposure.

This case has initiated extensive criminal investigations, arrests, and reforms in public policy.

High-profile prosecutions have targeted both prominent criminal figures and their business associates. Notable instances include Gaetano Vassallo, a state witness, who provided critical insights regarding waste trafficking routes.

Numerous members of the Casalesi have been convicted of offenses related to criminal association, illegal waste trafficking, and environmental disaster.

Additionally, several operations—such as Cassiopea, Madre Terra, and Adelphi—resulted in asset seizures amounting to hundreds of millions of euros.

V. DIRECTIVES AND REGULATIONS

The Italian government has responded with a series of urgent measures: Law Decree 136/2013 (Decreto Terra dei Fuochi) introduced new criminal provisions targeting illegal waste combustion, authorized military and police oversight of the sites in question, and mandated soil testing for agricultural usage.

Moreover, Law 68/2015 amended the criminal code to encompass specific ecological crimes, including environmental disaster, unauthorized pollution, and damage to natural habitats.

The disaster has resonated across the European Union, furthering the cause for Directive 2008/99/EC on environmental protection through criminal law, which mandates member states to legislate against serious environmental offenses, including illegal waste trafficking and pollution. The European Environment Agency (EEA) and Interpol have cited the case as a prominent example of eco-mafia activities and pressed the need for a transnational enforcement collaboration.

Furthermore, the EU's Green Deal and Circular Economy Action Plan incorporate provisions aimed at preventing illegal waste flows and enhancing traceability, in part inspired by insights gained from Italian cases.

Currently, environmental crime operates as a strategic component within the broader ecosystem of global illicit activities. Frequently perceived as a preliminary offense, it poses relatively minimal risks to criminal entities while yielding substantial profits, thus serving as an ideal launchpad for more sophisticated illegal undertakings.

Once these networks entrench themselves through environmental exploitation, such as wildlife trafficking or illicit logging, they swiftly expand and diversify, utilizing the logistical and financial frameworks established for environmental offenses to facilitate human smuggling, narcotics distribution, and money laundering. These operations cannot be viewed in isolation; rather, they are intricately interconnected, mutually reinforcing each other both operationally and financially. Among the most significant findings of this analysis is the identification of substantial institutional gaps and governance failures. Numerous national authorities often perceive environmental crime as a specialized or peripheral issue, typically categorized under conservation or environmental ministries, rather than as a critical component of organized crime or national security. This sectoral fragmentation enables criminal actors to exploit jurisdictional blind spots, evade regulatory oversight, and operate across borders with a degree of impunity. The lack of coordination among environmental, financial, and security agencies significantly undermines enforcement capabilities.

Compounding this challenge is the digitalization of transnational criminal coordination. The networks analyzed in this study extensively utilize digital communication platforms, including WeChat, Telegram, and encrypted messaging services, as well as online payment and banking systems. These tools facilitate real-time coordination of logistics, financial transfers, and trafficking routes. Traditional surveillance and interdiction models—designed for analog or localized crime—are increasingly ineffective in this digital environment,

highlighting the urgent need for cyber-integrated enforcement mechanisms.

In response to these complex dynamics, several policy recommendations are proposed. First, environmental crime must be integrated into national security frameworks. It should no longer be addressed exclusively through environmental protection policies but rather incorporated into strategies against organized crime, anti-corruption initiatives, and geopolitical security agendas. Acknowledging environmental crime as a threat multiplier—not merely to ecosystems but also to economic stability and the integrity of governance—is paramount.

Secondly, in circumstances where prosecuting environmental crime is impeded by insufficient evidence or inadequately robust legislative frameworks, authorities should prioritize addressing converging crimes such as human trafficking, narcotics smuggling, customs fraud, and financial offenses. These illicit activities often provide clearer legal foundations for prosecution and can lead to more substantial penalties, thereby effectively disrupting criminal networks. Thirdly, institutionalizing multilateral intelligence sharing is essential. Governments should invest in interoperable databases, develop cross-border investigative task forces, and actively support non-state intelligence organizations, such as Earth League International (ELI), which play a crucial role in bridging significant information gaps across various sectors and jurisdictions. Such collaborations can enable more agile and informed responses to converging criminal threats.

Finally, a comprehensive overhaul of legal and regulatory frameworks is critical. This approach entails harmonizing wildlife trafficking legislation across borders to deter jurisdiction shopping by offenders; establishing liability for intermediary entities—such as shipping companies, online marketplaces, and financial institutions—that either knowingly or unknowingly facilitate environmental crime; and criminalizing acts of facilitation and preparation, which include document forgery, false labeling, and the operation of illegal supply chains.

VI. CONCLUSIONS

In conclusion, transnational environmental crime constitutes a critical issue rather than a marginal one; it represents a pivotal component of the contemporary illicit global economy. its intertwining with narcotrafficking, corruption, cybercrime, and money laundering signifies a substantial transformation in the dynamics of organized criminal activities.

As evidenced by the case studies presented in this paper, these networks exhibit strategic adaptability and are firmly entrenched within both formal and informal global frameworks. to effectively address this threat, the domains of policy, enforcement, and academia must undergo adaptation. environmental crime should not be perceived solely through the conservation lens; it embodies a complex and multifaceted challenge that significantly impacts economic growth, public governance, and international security.

A coordinated response that is driven by intelligence and spans multiple sectors on a global scale is not merely advantageous; it is indispensable.

REFERENCES

Abdenur, A., Ferguson, B., de Carvalho, I. S., Risso, M., & Muggah, R. (2020). Environmental crime in the Amazon Basin: A typology for research, policy and action (pp. 9–15). Igarapé Institute. https://www.jstor.org/stable/resrep25410.6

Ayling, J. (2017). Prevention of transnational environmental crime and regulatory pluralism. In P. Drahos (Ed.), Regulatory theory (pp. 499–516). ANU Press. https://www.jstor.org/stable/j.ctt1q1crtm.40

Camera dei Deputati. (2011). Relazione sulla gestione illecita dei rifiuti [Parliamentary Commission on Waste Report]. https://documenti.camera.it/_dati/leg16/lavori/documentiparlamentari/IndiceETesti/022/023/INTERO.pdf

Directive (EU) 2024/1203 of the European Parliament and of the Council of 11 April 2024 on the protection of the environment through criminal law and replacing Directives 2008/99/EC and 2009/123/EC. (2024). Official Journal of the European Union. https://eur-lex.europa.eu

Elliott, L. (2012). Fighting transnational environmental crime. Journal of International Affairs, 66(1), 87–104.

Environmental Crime Case Studies | EFFACE. (n.d.). European Union Project on Environmental Crime. Retrieved March 21, 2025, from https://efface.eu/case-studies/index.html

European Commission. (2008). Directive 2008/98/EC on waste (Waste Framework Directive). EUR-Lex. https://eur-lex.europa.eu/eli/dir/2008/98/oj/eng

European Union Council. (2024, March 26). Environmental crime: Council clears new EU law with tougher sanctions and extended list of offences. https://www.consilium.europa.eu/en/press/press-releases/2024/03/26/environmental-crime-council-clears-new-eu-law-with-tougher-sanctions-and-extended-list-of-offences/

Global Initiative Against Transnational Organized Crime. (n.d.). TOCLaw Environment: Deconstructing the laws on environmental crime into data. Retrieved March 22, 2025, from https://globalinitiative.net/announcements/toclaw-environment-deconstructing-the-laws-on-environmental-crime-into-data/

Intergovernmental Panel on Environmental Crime. (2025). EU Green Deal and Circular Economy Action Plan Highlights. https://www.interpol.int

Legge 22 maggio 2015, n. 68. Disposizioni in materia di delitti contro l'ambiente. (2015). Normattiva. https://www.normattiva.it/urires/N2Ls?urn:nir:stato:legge:2015;68!vig=

Shover, N., & Routhe, A. S. (2005). Environmental crime. Crime and Justice, 32, 321–371.

Simpson, S. S., Gibbs, C., Rorie, M., Slocum, L. A., Cohen, M. A., & Vandenbergh, M. P. (2013). An empirical assessment of corporate environmental crime-control strategies. The Journal of Criminal Law and Criminology, 103(1), 231–278.

Van Uhm, D. P., & Nijman, R. C. C. (2022). The convergence of environmental crime with other serious crimes: Subtypes within the environmental crime continuum. European Journal of Criminology, 19(4), 542–561. https://doi.org/10.1177/1477370820904585

Wildlife Justice Commission. (2022, October 26). Rhino horn trafficking is a form of transnational organised crime. https://wildlifejustice.org/global-threat-assessment-on-rhino-horn-trafficking-offers-unique-insight-into-the-criminal-dynamics-of-the-illegal-trade-and-how-to-fight-it/

Albanian Organized Crime
The New Masters of Cocaine Trafficking

Elisa Lara Sbirnea

Abstract — **The paper explores the emergence and expansion of Albanian organized criminal groups, focusing on their growing control of cocaine trafficking in Western Europe. It investigates their origins, tracing them back to the economic collapse and political instability of post-socialist Albania. Then, it describes their mafia-type structure, which is based on clan ties and a specific subculture, emphasizing values such as loyalty, secrecy and violence. The main section deals with their modus operandi in transnational criminal operations, in particular cocaine trafficking. The case of Kompania Bello highlights that cooperation with Italian Mafias, strategic partnership with Latin American cartels and control over the most important ports in Europe are essential aspects of their activity. Their success is attributed to diaspora networks, structural flexibility, market strategies and a reputation for ruthlessness and reliability. The conclusion stresses the need for systemic reforms and international cooperation to combat this threat., blandit felis.**

I. INTRODUCTION

In the last decades, as data collected by law enforcement authorities can confirm, Albanian organized criminal groups are progressively gaining more and more power in Western Europe, especially in the field of drug trafficking. They are threatening to monopolize the market and become "a Colombia at the heart of Europe" (Raufer, 2019, p. 62). This paper contextualizes the emergence of such criminal organizations through a brief historical analysis, and describes their structure and modus operandi, focusing primarily on cocaine trafficking. The main objective is to better understand the position of Albanian criminal organizations in today's transitional criminal scene and justify their ever-growing success.

II. HISTORICAL CONTEXT

During the socialist regime, the scale of Albanian illegal activities, especially transnationally speaking, was limited, mainly due to the isolation of the country imposed by the government. However, relations with Italian organized criminal groups were already in place, thanks to the strategic position of Albania in the Balkans, linking Asia and Europe (Pérez, 2020).

After the fall of the socialist government in 1991, the country was left to deal with several problems, such as poverty, absence of social assistance and unemployment. All these issues resulted in a huge instability. This situation was worsened by the outbreak of the wars of independence in Yugoslavia: the direct consequence of these events was the migration of thousands of Albanians towards Western Europe (Pérez, 2020). Furthermore, these conflicts provided the Albanians with the opportunity to start engaging more and more in criminal activities such as trafficking of fuel and weapons, but also of cigarettes, coffee, aluminum profiles and livestock, especially to Greece and North Macedonia (Zhilla & Lamallari, 2016).

Other decisive dates are years 1997 and 1998, when the pyramid scheme on which many Albanians had invested their money collapsed: this led to further misery, thus providing an additional reason for a general uprising, more arms smuggling and emigration (Pérez, 2020). In February 1998 the war in Kosovo begun and many Albanians sought asylum in the EU pretending to be Kosovan refugees. This is why, when dealing with organized criminal groups in this region, it is better to refer to Albanian ethnicity and Albanian language, rather than Albanian nationality, which instead might become a tricky aspect (Saggers, 2019).

This economic precariousness favored criminal activities as a means to improve financial conditions, while the political instability and the weakness of law enforcement authorities allowed criminal organizations to flourish without impediments. Often corrupted officials and politicians encouraged the development of these organizations, ensuring them impunity or even taking actively part in the business. Then, the establishment of a new diaspora in Western Europe facilitated the expansion and exportation of illegal activities, exploiting the connections with co-nationals abroad (Zhilla & Lamallari, 2016).

III. STRUCTURE AND SUBCULTURE

The engagement in multi-criminal activities, the high level of criminal sophistication, a refined organizational model and the existence of a clan society at the basis, are all elements which allow us to consider the Albanian criminal groups as having a mafia-type structure (Raufer, 2018).

A. Structure

The basic unit of the organization is a group of a few men (from four to ten), belonging to the same clan, village or family. Each team is hierarchically organized, with a boss at the top, who, assisted by a directing council, takes the major decisions and defines the main policy of the group (Raufer, 2018). These cells are very much dependent on their leaders: if the boss is arrested or captured, usually the group is dissolved or it merges with another team. For these reasons, the leaders are kept out of the spotlight (Gjoni, 2004). The second-in-command within the hierarchy are responsible for a certain branch of the criminal organization or for a certain geographical area (Raufer, 2018).

Different crews operating in a particular sector or region are then coordinated by a liaison coordination officer (Raufer, 2018). At this level the chain of command becomes decentralized, allowing for adaptability and

© 2025 Elisa Lara Sbirnea. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

flexibility among the cells, which carry out their own activity quite independently (collaborating only occasionally), with general directives coming from the coordination body. Given their decentralized nature, even if one of the crews is dismantled, this does not threaten the whole regional operation. As the organization becomes larger and it starts operating at a transnational level, family ties become less relevant and roles and tasks are precisely distributed among the members. This results in a much more dangerous organization, as the Italian Anti mafia Investigation Directorate has highlighted. In general, businesses are concluded from Albania, where the leaders reside and benefit from weak and corrupted authorities, while the criminal activities are carried out in the European Union and overseas by the cells and representatives of the heads of the group (Gjoni, 2004).

B. *Subculture*

Especially at the stage of the single units, the concept of belonging to a clan society is crucial: blood ties, geographical proximity and observance of certain rules of conduct are considered essential requirements for membership. Biological relations prevail over those of marriage, hence major decision-making positions are covered by relatives only (Raufer, 2018). The group identity is built on ancestral traditions and rules of conduct that are strict, ritualized and codified in a code of honor, the *Kanun*. It consists of a series of medieval rules which were established in the Northern part of the country and were revitalized in the 90s, after the attempt made by the communist regime to erase them. The Albanian criminal groups follow mainly two of these rules: the *Besa* and blood feuds. The *Besa* is the obligation to maintain the given word, including the promise not to betray other members, hence the reluctance of collaborating with the authorities. Blood feuds, instead, are chains of potentially endless retaliatory murders between families, aimed at avenging some previous form of dishonor (Pérez, 2020). These are the basic elements of their subculture, founded on the values of revenge, violence, secrecy and loyalty.

IV. DRUG TRAFFICKING

Albanian criminal organizations engage in several illegal activities, such as arms trafficking, migrant smuggling, cigarettes and alcohol contraband, but drug trafficking remains their primary source of income (Raufer, 2018). "They are dominant in cocaine trafficking, highly active in cannabis distribution and play supporting roles in long-established Turkish heroin activity" (Saggers, 2019, p. 4).

A. *Heroin*

As for heroin, the Balkans have always been a key area for trafficking, since it links Turkey, the well-established trafficker of heroin coming from Afghanistan and Pakistan, to European markets. Furthermore, in this region heroin has also been processed in smaller amounts. (Valero, 2022)

Generally, Albanian organized criminal groups are involved in the lower level of the supply chain of heroin, acting as transporters for Turkish traffickers, who are the leaders in this market. For doing so, Albanians exploit the routes and the areas where they already dominate the cannabis and cocaine business. Even if there is evidence of Albanian criminals organizations also purchasing heroin from the Turks and reselling it independently, this is limited to small amounts of drug. It seems that they do not intend to compete with Turkish criminal organizations, expanding their business in this area, since their primary interest remains cocaine and marijuana. However, collaborations with Iraqi organized criminal groups in the trade of heroin are growing (Saggers, 2019).

B. *Cannabis*

Albania is the main producer and exporter of marijuana to the European Union: the village of Lazaret in southern Albania has been named by experts "*Marijuana Mecca* or Europe's cannabis capital" (Valero, 2022, p. 84). Also, they are involved in the trade of cannabis resin (hashish) coming from Afghanistan. Albanians control land routes as well as sea ones in the Adriatic, which have been the main focus of Italian and Albanian law enforcement authorities. Notwithstanding the lower unit value of cannabis if compared with cocaine and heroin, the large quantity trafficked makes this business very lucrative, with the potential to generate earnings of about 3 500 euros per kilogram in many states of Western Europe. As Europol highlighted, violence, including kidnapping, torture and murder, is a distinctive feature of their way of conducting business in this sector (Saggers, 2019).

C. *Cocaine*

However, cocaine remains the most profitable market for these criminal organized groups. Albanian criminals have been having contact with Latin American cartels for a long time, providing them with transportation for cocaine to Europe since the early 2000s. They also established a solid collaboration with the Italian Mafia, in particular with 'Ndrangheta. In fact, originally Albanians were part of the criminal workforce of other criminal organizations, such as the Italian or Turkish one (Saggers, 2019). This provided them with many connections and access to sea ports, thus, "having learned the trade of cocaine smuggling from others, Albanian-speaking OCGs developed the capability and investment potential to become independent" (Saggers, 2019, p. 12). Their success in establishing themselves quickly in the market is attributed to their capacity of guaranteeing delivery of loads and of maintaining high quality (which means pure cocaine), while lowering prices. How it often happens in such multi-criminal organizations, the profits obtained from cocaine trade have been then reinvested to finance other criminal activities, increasing revenues and constantly empowering the whole organization. In this way they managed to cover high transport costs (which included the ones to corrupt security and port workers), and to overcome competition, especially with Moroccan organized criminal groups (Saggers, 2019).

Between 2012 and 2018, Albanians gradually established direct contacts with cocaine suppliers in Latin America and took control of the most important ports both on the other side of the ocean, such as in Brazil, Colombia, Ecuadorian Venezuela, and in Europe, especially in Antwerp (Belgium) and Rotterdam (the Netherlands) (Saggers, 2019). Hegemony of the ports was achieved thanks to the collaboration, if not alliance, with 'Ndrangheta, which is said to consider them as equals

because "they are sophisticated, professional and they do what they promise" (Townsend, 2019). Rapidly, Albanian cocaine market expanded also to Nordic countries, where the price of cocaine is still very high since its access is more limited, and even to Australia, using the bases they created in the ports on the west coast of Latin America. Albanian criminal organizations are today a serious threat because they have managed to influence even the most well-established cocaine markets in Europe, such as those in the Netherlands, key point for distribution and transit, and in the UK, mostly relevant for supply and consumption, where cocaine has started to be sold by Albanians also to bars and clubs (Saggers, 2019).

V. KOMPANIA BELLO: AN EMBLEMATIC CASE

One of the many examples that could be taken into consideration to show how Albanian organized crime works is that of the so-called Kompania Bello. It has been considered "a perfect Albanian crime syndicate" (Valero, 2022, p. 88), against which the police operation "Los Blancos", coordinated by Europol, has been conducted in 2020.

This organization is one of the most sophisticated and dangerous ones, built on a solid hierarchy, having Dritan Rexhepi at the top. It comprised fourteen different Albanian criminal groups, whose members were recruited from the Albanian-speaking diaspora spread all over Europe, while the boss was managing the business from a prison in Ecuador. They controlled the entire chain of cocaine trafficking between Latin American drug cartels (especially the Ecuadorian one ruled by Don Monti, the Colombian Norte del Valle Cartel and the Mexican Sinaloa Cartel) and Europe. The cocaine arrived in the ports of the Netherlands and Belgium and then was distributed to Germany, Italy and Albania (Valero, 2022). The organization relied on corruption of officials at cargo ports and on nicknames, codes and encrypted networks to exchange information about police investigations (Qyno, 2021). Furthermore, as Europol reported, they used a Chinese organizational system for managing payments, which allowed to avoid carrying cash (Valero, 2022).

The modus operandi of the Kompania Bello, characterized by high levels of expertise and sophistication, is emblematic of the power that Albanian organized criminal groups have acquired in the cocaine market. The failure in dismantling completely these groups also shows how much Albanian mafia is difficult to combat, representing a real threat to Europe (Valero, 2022).

VI. THE REASONS BEHIND SUCCESS

Having ascertained the primary role that Albanian criminal organizations have obtained in Western Europe, it is important to highlight the factors that allowed them to reach and maintain such a status.

First of all there is a geographical motivation behind their success. Not only Albania in itself has a strategic position, but also the global spread of the Albanian diaspora helped in creating connections all over the world. For example, transatlantic relations with Latin American cartels were established by Albanian criminals personally going there (Pérez, 2020). The circulation of people helped spreading the criminal organization and enlarging their illegal markets.

Another reason is to be found in the structural elements of the organization: the flexibility of their network organization allows them to adapt to variable circumstances (Valero, 2022). At the same time, the clan structure implies strict loyalty and a solid code of silence which compromise collaboration with police forces. Moreover, these organizations are characterized by a high degree of secrecy, contributing to further hinder investigations. This is achieved by using pseudonyms, nicknames, false identities, slang words, as well as technological, encrypted devices for communication (Raufer, 2018). However, a recent phenomenon might weaken their ability in maintaining a low profile: younger generations, like the Albanian gang known as the "Hellbanianz", are showing off money, luxury cars, designer clothes, as well as drugs and firearms on social media. This "gangster" lifestyle might threaten the stability of the whole organization as well (Townsend, 2019).

Finally, an important aspect which has contributed to the success of Albanian Mafia is reputation. Given the values on which their group identity is built, such as loyalty and revenge, Albanians are known to be violent and ruthless. This intimidates those who conduct business with them as well as potential competitors. However, they have proved to have a quite friendly initial approach with them: these two aspects combined allow them to develop new relationships, while still being authoritative and in control (Saggers, 2019). Conflict did not arise with pre-existing criminal organizations because Albanians "have always a friendly tone and a threatening undertone when they talk business" (Poltronieri, Franco & Holgado, 2022). Throughout time, Albanian criminal organized groups have also built another kind of reputation that has consolidated their status within the market. In fact, they are considered to be very reliable: they gained the trust of their consumers and partners by providing timely, top-quality services and insurance against loss. Nonetheless, their products, especially cocaine, are still generally cheaper than those provided by other traffickers (Saggers, 2019). "The Albanian criminal groups have enriched themselves patiently" (Poltronieri, Franco & Holgado, 2022), having learned that, given the very high profits, they can halve the prices of the drug without altering its quality.

VII. CONCLUSIONS

Albanian organized criminal groups are clearly not only a regional problem anymore, but they have turned into a concrete transnational threat. They have firmly established themselves in the West thanks to their sophisticated market strategies, the flexibility of their overall structure combined with solid internal ties, and their openness to international collaborations, where a reputation for being violent still safeguards their respectability.

Since these criminal organizations were built and continue to thrive on the fragilities of the economic and political systems, such as corrupted officials, a weak government and an unstable economy, structural reforms in these areas are necessary to combat this threat. Moreover, cooperation between police and security agencies should be strengthened, as well as intelligence efforts in following the

developments of such ever-changing criminal organizations (Valero, 2022).

REFERENCES

Gjoni, I. (2004). Organized crime and national security: the Albanian case. [Master thesis, Naval postgraduate school. Monterey California.]. NPS Institutional Archive DSpace Repository.

Poltronieri, F., Holgado, Y.H. and Franco, M. (2022) How the Albanian Mafia conquered the cocaine market in UK, IrpiMedia. Available at: https://irpimedia.irpi.eu/en-albanian-mafia-uk-cocaine-supply/.

Pérez, Ó. M. (2020). Albanian Mafia in Western Europe. Master in Geopolitics and Strategic Studies.

Qyno, E. (2021) 'Undisputed Capo': The Albanian Behind a Cocaine Pipeline to Europe. Balkan Insight.

Raufer, X. (2018). A neglected dimension of conflict: the Albanian mafia. In Potentials of disorder (pp. 62-74). Manchester University Press.

Saggers, T. (2019) An assessment of the extent of Albanian (-speaking) organised crime groups involved in drug supply in the European Union: characteristics, role and the level of influence. Lisbon, European Monitoring Centre for Drugs and Drug Addiction EMCDDA.

Townsend, M., 2019. Kings of Cocaine: Albanian Mafia in UK Drugs Crime. The Guardian. Available at: https://www.theguardian.com/world/2019/jan/13/kings-of-cocaine-albanian- mafia-uk-drugs-crime.

Valero, J. L. G. (2022). The Western Balkan Organised Crime at European Union: The Albanian Mafia-Does It Pose a Real Threat?. European Law Enforcement Research Bulletin, 22, p.79.

Zhilla, F. and Lamallari, B. (2016) Evolution of Albanian Organized Crime Groups. Open Society Fundation.

Is Organized Crime Still a Male-centric World

Sara Setten

Abstract — **With the term "crime gender gap," scholars have come to indicate the different levels of involvement in crime of men and women. Without specifically referring to organized crime but rather focusing on crime in general, studies show that men are responsible for 80% of crimes. Findings demonstrate that the entire criminal subject is a male world, including the field of law enforcement. Still, recent evidence shows that this so-called "crime gender gap" is narrowing. In this light, it is necessary to stress the difference between crime and organized crime; in the latter case, in fact, the higher involvement of women does not actually point to their occupying leading or influential positions, thus making them able to access resources necessary for the commission of an organized crime.**

I. INTRODUCTION

For decades, women were thought to hold no place within criminal organizations, especially in mafia-type organizations. This is also evidenced by the lack of activation of penal law for women in 1980s Italy; at the time, indeed, women were thought of as incapable of acting with complete autonomy (Fiandaca, 2007). It wasn't until the 1990s that scholars and international agencies (among which Europol and Interpol) started to recognize the role of women not only in organized crime but also in transnational organized crime (Arsovska & Allum, 2014). Whether referencing emancipation or the outcome of socio-cultural development, the reasons behind the increasing role of women remain rather enigmatic. In order to shed light on whether organized crime can still be considered a male-centric world, this paper aims to analyze criminal organizations' structure using a gender perspective.

II. HISTORICAL PERSPECTIVE ON THE STUDY OF WOMEN IN CRIME

It is undeniable that the redaction of empirical studies regarding organized crime and transnational organized crime is extremely challenging. This is primarily because of the nature of this kind of crime itself. Indeed, the main reason behind the scarcity of studies on this topic is the difficulty in investigating the internal dynamics of any given criminal organization, including its underground movements, activities, and security measures. These factors not only make scholarly research more complex but also complicate police investigations (Arsovska & Allum, 2014).

If we consider existing studies, the majority of them attempt to investigate organized crime and understand its internal dynamics. Still, they hardly encompass the gender perspective, both with regard to the hierarchy of power (thereby the structure) and the criminal activities in which the organizations are involved.

© 2025 Sara Setten. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

Until recent years, women were studied as the victims of crimes in need of protection rather than agents fully involved in unlawful activities. For this reason, the study of crime generally focused on men's (and in particular young men's) proximity to organized crime (Requena et al., 2014). However, since the first years of this century, there has been a trend in the creation of studies on the role of women and the reasons that drove them to join criminal organizations as their main target.

One of the earliest works concerning female criminology is Lombroso and Ferrero's "The Female Offender," first published in 1893. According to the two scholars, not only is the female anatomy inferior to the male one, but women are generally less evolved, resembling the status of savages or children. It is because of this latter fact that, as per the authors, most women are prevented from committing illicit acts. Furthermore, women who do fall into criminal activities are considered "unnatural " and deviate from the typical feminine ideals; for this reason, according to Lombroso, female offenders are "more like men" (Lombroso & Ferrero, 1894).

Even moving on to the second post-war, studies concerning the role of women in crime always referred to their biological nature — consider, for instance, Pollak's work demonstrating a different nature in male and female offending, with the latter being more concealed and fraudulent than the former (Pollak, 1950).

This changed with the emergence of "feminist criminology." From this moment onwards, criminologists begin to address the fact that if there were a biological rationale behind the gender crime gap, then it would not vary with time (Estrada et al., 2019). Because of this, a new line of reasoning started to develop, according to which the increase in the role of women in criminal fields was due, instead, to the advance of gender equality. According to criminologists of this time, with the social role of men and women evolving towards convergence, the crime level amongst women would increase so as to match that of men.

During the 1990s, the first studies on the role of women in organized crime started to emerge. The main issue incurred by the scholars of this subject area was particularly the inconsistent evidence of women in criminal organizations. This was primarily attributed to two reasons: on the one hand, the limited presence of empirical studies on the topic of criminal organizations, and on the other, the ongoing conception of women in criminal organizations as mere appendices to their male equivalent. With regard to this last issue, women were only considered as mistresses or sex objects, and even when holding leading positions, they were still perceived as mere assistants (Arsovska & Allum, 2014).

Lastly, more recent studies show that growing importance is given to the symbolic and active power of women within criminal organizations. Most notably, a wide interest is given to women's transition from workers

to leadership positions (with reference to the structure of the specific criminal organization in which they operate).

III. WOMEN IN ORGANIZED CRIME: GENERAL OVERVIEW

Historically speaking, the main roles played by women within criminal organizations were relegated to that of victims (namely of human trafficking for sexual exploitation) or as peripheral witnesses to the actions of their husbands or loved ones. According to this traditional narrative, their female characteristics prevented women from engaging in criminal activities. Nowadays, emerging studies prove a more complex and active involvement of women in both organized and transnational criminal networks, meaning that their engagement can present different patterns.

Recent studies, such as that conducted by James Calder analyzing the lives of "mafia women," highlight the depth of the role of women within criminal organizations (Albanese, 2011).

According to Calder's findings, while most of them were wives, mothers, sisters, daughters, or nieces of mafia personalities, they were nothing like the ignorant and herdlike women often depicted in fiction. Instead, they do have a significant insight into the illegal activities carried out by their male counterparts. As confirmed by a Dutch investigation, women not only appear as informed spectators but also serve a specific function as "shields" against authorities (Calder, as cited in Albanese, 2011).

Despite these findings, accurate data both at the national and global levels is remarkably scarce, but with some exceptions. Reports in Italy, the Netherlands, and the UK show that, respectively, 9%, 2%, and 5% of those involved in organized criminal groups (OCGs) are women (UNODC, 2022). Yet, it is essential to observe that the number of people persecuted does not equal the number of those involved in criminal organizations. Indeed, this estimate is limited to those who were prosecuted by the criminal justice system, thus not taking into account the actual number of women involved in criminal activities.

A key contributor to the marginalization of women in transnational organized crime is the implicit association of these criminal organizations with violence, viewed exclusively as a masculine trait. Accordingly, women who participate in criminal organizations are framed as anomalies. Nevertheless, evidence shows that women do indeed engage in violence, albeit it generally results in less severe injuries than those committed by males.

The gender crime gap is further reflected in the recruitment patterns. According to a report provided by the OSCE (the Organization for Security and Co-operation in Europe), women are recruited predominantly for their unlikelihood of being identified by law enforcement as agents of a specific criminal organization. Unlike men, who tend to be recruited only upon proof of their usefulness and based on a strong feeling of brotherhood and comradeship (namely because of a shared criminal past or childhood experiences), women are usually recruited because of already-existing links (namely either the affiliation to a criminal family or any relationship with male members) (OSCE, 2023). Therefore, while the presence of women within criminal organizations is not only a mere consequence of their circumstances, it still remains representative of most cases.

The conception of both civil society and law enforcement continues to cast women's presence in criminal hierarchies as exceptional and marginal. Reflecting the gender stereotypes, women are mostly thought of as helpers, having a supportive role (never in relevant positions) and holding roles that are diametrically opposed to those held by men. Yet, this superficial view ignores their deeper influence. In fact, women represent the main source of influence and transmission of organized crime's ideology and culture, as well as providing the upbringing of the next generation of criminals (OSCE, 2023).

Even within those criminal organized groups that exclude women from recruitment, studies show that they may still be involved in criminal activities — even if holding an informal position. This is the case of the Japanese Yakuza, in which women married to the leaders, even as informal members, have been essential for group cohesion and operational continuity (UNODC, 2022).

Lastly, it is important to note that there are specific activities pursued by criminal organizations in which the role of women is considered paramount. An example of such crimes is the trafficking of persons. Indeed, according to the United Nations Office on Drugs and Crime (UNODC), in 2016, 31% of people investigated or arrested for trafficking people were women, while those persecuted represented 35%, and those convicted reached 38% (UNODC, 2018).

IV. WOMEN IN THE ITALIAN MAFIAS

Italy is home to four main mafia-type groups, namely: Cosa Nostra in Sicily, Camorra in Campania, 'Ndrangheta in Calabria, and Sacra Corona Unita in Puglia. When analyzing the role that women play within this kind of criminal organization, there are two main schools of thought. The first one recognizes, to some extent, the active role of women and is followed mainly by scholars such as Renate Siebert and Alessandra Dino. The second school of thought, followed mainly by Valeria Pizzini-Gambetta, argues that, with particular regard to the Sicilian Cosa Nostra, since women cannot officially join the criminal organization, they cannot occupy any prominent or influential position (Arsovska & Allum, 2014).

As per the first view, while scholars recognize mafia-type organizations as a secret society that, by definition, excludes women, they still find in women an important element necessary for the continuum of the same organization. Mafia women, indeed, have historically been considered mothers, with the main task of educating children in light of the code of honor and with the specific aim of ensuring the continuation of the mafia (this being a paramount role, especially when the father was away). It is, therefore, possible to identify a duality when it comes to the female condition within the mafia. If, on the one hand, they are both ignored and adored for their educational role, on the other, they represent a full support system for the daily survival of the clan. For this reason, Alessandra Dino speaks of a "submerged centrality" of the female figure ever since the beginning of the mafia.

Pizzini-Gambetta, conversely, analyzed the various activities carried out by these criminal groups, enquiring whether women could still take part in them, even without being official members of the mafia. With specific reference to the Sicilian Cosa Nostra, Pizzini-Gambetta states that women do not participate in the operational activities of the mafia since, as an organization, membership is not something that is merely granted by birth, but rather something that must be actively attained. She further argues that it is not women's engagement in unlawful activities that is rising, but it is their immunity that is in decline: they are indeed becoming more visible while maintaining the same roles they previously held. In a following article, Pizzini-Gambetta affirms that "as long as women need to delegate violence, I doubt that matriarchy will replace patriarchy in mafia or Camorra groups since violence and command cannot be parted in that industry" (Pizzini-Gambetta, 2009, pp. 270–271).

If we consider the historical evolution of mafia-type organizations, it is apparent that there have been women who had exercised active, if not prominent, roles within the organization. The earliest documented female engagement in the mafia dates back to the 1920s when women started to participate not only in the administration of the pizzo but also in the orchestration of violent acts and drug trafficking. Subsequently, during the 1970s, when drug consumption increased significantly, women became the main drug transporters because of their improbability of being detected by authorities. By the 1980s, women had a prominent role also in the context of money laundering, particularly because of the enactment of the "Rognoni-La Torre" law, which led many mafia bosses to register their legal companies under their wives' names. The 1990s marked the beginning of a significant fight of the Italian state against the mafia. During this time, women not only served as messengers for their husbands in prison but also assumed delegated and temporary powers. It is, thus, as a response to troublesome and turbulent times that women are handed leading positions (Falanga, 2023). Despite this conception of women as valuable tools, it is important to note that the authority they are granted is temporary in its nature and will ultimately revert to its legitimate owner. This particular observation leads us to believe that in periods of instability, women are preferred not only because of their insight but also because of their loyalty to their male counterparts. Indeed, the rationale seems to be that, were the powers be conferred upon another male figure, then there would be a substantial risk of losing the power completely, thus implying a change of hierarchy (Fiandaca, 2007).

V. WOMEN IN HUMAN TRAFFICK: THE PARTICULAR CASE OF NIGERIAN MADAMS

According to the UNODC, while women continue to represent the minority of the offenders in the realm of human trafficking, they are acquiring increasing importance (UNODC, 2018). This is particularly true if we turn to specific organized criminal groups. We must, in particular, refer to the Nigerian Mafia, born during the second post-war (following Nigeria's independence from British rule) from politicized groups of university students. Within the Nigerian mafia, the predominant role of women is embodied in the figure of the Madam, involved specifically in human trafficking.

Generally speaking, a Madam is a former trafficking victim who, after paying her debt, managed to engage in the organization of human trafficking. Within the organization, the Madams, who make up half of the human traffickers, are mostly tasked with the recruitment of new girls (Mancuso, 2014).

According to reports published by both the UNODC and UNICRI, within all the stages of human trafficking, namely from recruitment to exploitation, we find confirmation that the trafficking from Nigeria is a real "women's business" (Lo Iacono, 2014). Indeed, while men are mostly relegated to supporting roles (essentially those of surveillance and control), it is undeniable that the key role in these organizations is played by the Madams. In this field, women are often present in leading positions, even as past victims of human trafficking and sexual exploitation, as a result of an extremely flexible vertical mobility. A further difference found in Nigerian human trafficking has to do with the origin of the offenders: while the women are all Nigerian, the men's nationalities are more diverse (including Nigerians, Italians, and others).

As for how this specific crime functions, the victim is usually approached in her country of origin by someone within her circle and then put in contact with the Madam. At this point, it is the Madam who pays in advance for all the travel expenses needed to transfer the girl to her final destination. Nonetheless, all these expenses must be eventually refunded by the victim through sexual exploitation, as provided in a previously signed "contract" (Siegel & de Blank, 2010). This way, the Madams not only ensure the repayment of their debt but also the full obedience of the victim. What is interesting to note is that most of these victims have full knowledge of what will happen to them once their destination is reached (inter alia, prostitution), but they accept their fate in the name of an easier life for themselves and their families (Mancuso, 2014). Once the victim repays the debt she has with the Madam, she is, at least conceptually, free; in reality, the victim has slim to no chance of escaping her condition. This is a direct consequence of the state of vulnerability that characterizes the victim's experience in human trafficking: the women are usually socially isolated and deprived of those elements necessary to live a normal life (such as identity documents or a stable job). For this reason, most of the victims decide to become voluntary prostitutes, marking the first step towards the vertical mobility process (Lo Iacono, 2014).

In the specific case of human trafficking, it is possible to observe a specific element that often characterizes transnational organized crime: the so-called "victim-offender overlap" (OSCE, 2023). This phenomenon is particularly evident when analyzing the role of the Nigerian Madams. As stated, the shift from victim to perpetrator is often necessary and indispensable to the same victim's survival. According to different testimonies of former Madams/victims, the process is gradual and driven by the trust that these girls reserve for their Madams, viewed not only as exploiters but also as a direct link to Nigeria and their families. Therefore, because the Madams usually have a strong bond with their victims and because they are seen as successful role models (having not only a recognized

social position and power but also a relative economic independence), the transition from victim to offender is extremely easy. This way, an almost female-only business is ensured.

VI. CONCLUSIONS

The evolution of women's roles within transnational criminal organizations represents a clear reflection of new gender dynamics and moves for female emancipation. Yet, it simultaneously demonstrates how deeply rooted gender stereotypes continue to obscure their true position within criminal hierarchies.

Historically relegated to the criminal background (considered only victims or as symbolic and supportive figures), women have constantly been underestimated by scholars and criminologists, who often completely disregarded the female question in criminal organizations. However, recent waves of scholars and researchers are now acknowledging the relevance of the gender query in organized crime, thus challenging the previous view. In particular, new studies show the peculiar involvement of female offenders in diverse criminal areas, from the Italian mafias to the Nigerian Human Trafficking organizations.

At this point, the answer to whether organized crime can still be considered a "male world" is clear: although the role of women is often informal and obscured by the patriarchal structure and rules that guide most OCGs, it is undeniable that the role of women is no longer peripheral. While the roles might be considerably different from those of their male counterparts, women's presence is indisputably paramount and instrumental to the survival of the organization.

These studies shall not only help change the way civil society views transnational organized crime but shall also aid law enforcement in not falling into these gender stereotypes and prejudices, considering men as the sole perpetrators and women as mere victims.

REFERENCES

Albanese, J. (2011). Organized Crime in Our Times (6th ed.). Routledge. https://doi.org/10.4324/9781315721460

Arsovska, J., & Allum, F. (2014). Introduction: Women and transnational organized crime. Trends in Organized Crime, 17(1), 1–15. https://doi.org/10.1007/s12117-014-9223-y

Diviák, T., Coutinho, J. A., & Stivala, A. D. (2020). A Man's world? Comparing the structural positions of men and women in an organized criminal network. Crime, Law and Social Change, 74(5), 547–569. https://doi.org/10.1007/s10611-020-09910-5

Estrada, F., Nilsson, A., & Pettersson, T. (2019). The female offender—A century of registered crime and daily press reporting on women's crime. Nordic Journal of Criminology, 20(2), 138–156. https://doi.org/10.1080/2578983X.2019.1657269

Falanga, F. (2023). Women's role in transnational organized crime from a gender perspective [Master's thesis, Università degli Studi di Padova]. https://hdl.handle.net/20.500.12608/67922

Fiandaca, G. (2007). Women and the mafia : female roles in organized crime structures. Springer.

Lo Iacono, E. (2014). Victims, sex workers and perpetrators: gray areas in the trafficking of Nigerian women. Trends in Organized Crime, 17(1–2), 110–128. https://doi.org/10.1007/s12117-014-9212-1

Lombroso, C., & Ferrero, G. (1894). La donna delinquente, la prostituta e la donna normale (2. ed.). Roux e C.

Mancuso, M. (2014). Not all Madams have a central role: analysis of a Nigerian sex trafficking network. Trends in Organized Crime, 17(1–2), 66–88. https://doi.org/10.1007/s12117-013-9199-z

Organization for Security and Co-operation in Europe (OSCE). (2023). Understanding the role of women in organized crime: An OSCE assessment. https://www.osce.org/files/f/documents/0/4/560049.pdf

Pizzini, Valeria. (2009). Women in Gomorrah. Global Crime. 10. 267-271. 10.1080/17440570903079980.

Pollak, O. (1950). The criminality of women. University of Pennsylvania Press.

Requena L, de Juan M, Giménez-Salinas A, de la Corte L. A psychosocial study on crime and gender: Position, role and status of women in a sample of Spanish criminal organizations / Un estudio psicosocial sobre la delincuencia y género. Posición, rol y estatus de la mujer en una muestra española de organizaciones criminales. International Journal of Social Psychology. 2014;29(1):121-149. https://doi.org/10.1080/02134748.2013.878572

Siegel, D., & de Blank, S. (2010). Women who traffic women: the role of women in human trafficking networks - Dutch cases. Global Crime, 11(4), 436–447. https://doi.org10.1080/17440572.2010.519528

United Nations Office on Drugs and Crime (UNODC). (2018). Global Report on Trafficking in Persons https://www.unodc.org/documents/dataandanalysis/glotip/2018/GLOTiP_2018_BOOK

United Nations Office on Drugs and Crime (UNODC). (2022). Issue paper: Organized crime and gender: Issues relating to the United Nations Convention against Transnational Organized Crime. https://sherloc.unodc.org/cld/uploads/pdf/Issue_Paper_Organized_Crime_and_Gender_1.pdf

Web and SNS, the digital evolution of organized crimes

How the digitalization has variously affected mafia-style organizations

Giulia Sguotti

Abstract — **This essay explores the transformation of organized crime in the digital era, focusing particularly on the ways mafia-style groups exploit online platforms to enhance criminal activities and shape public image. Drawing on theoretical frameworks from scholars such as Lavorgna and Wall, the analysis categorizes digital crime into cyber-dependent, cyber-enabled, and cyber-assisted forms, emphasizing how the Internet facilitates both the execution and coordination of illicit operations. Furthermore, the study highlights the growing importance of branding and visibility for these groups on social media, where criminal figures increasingly promote a lifestyle of power, wealth, and fear. This digital presence not only aids recruitment and operational efficiency but also reshapes the public perception of criminal organizations—particularly among young people. The essay concludes by calling for a revision of criminological theories and legal frameworks to address these evolving threats, stressing the urgent need for new preventive measures and investigative tools suited to the digital age.**

I. INTRODUCTION

Today's world is in continuous development: new discoveries, new results and new systems emerge every day thanks to the huge degree of technological knowledge achieved. The old traditions, customs and behaviours are updated and adapted to fit the current global digital landscape, and this includes the criminal reality. Criminals, especially those belonging to organized groups endlessly active, perceive new frontiers to be overcome for increasing their economic profits and global fame via technological instruments enabling immediate communication and connection worldwide.

For this reason, the evolution of the criminal world is partly owed to the pivotal character of the Internet and the multiple communication platforms available on the web, notoriously social networks. The latest networking and conveying tools have completely transformed the general perception of the surrounding reality: the human being is divided into two coexisting sides, the offline one acting in the tangible world and the online one fostering relationship on the web. In this way, an inter-reality space is created where the two faces simultaneously coexist characterizing the total life of men, and the new evolution of organized criminal groups is exploiting this extra-dimension to gain transparency, enhance either adherence or collective fear and expedite illicit operations instantly.

The web provides current mafia-type organizations with some facilities allowing the performance of multiple tasks of different calibre and typology. In a practical analysis, the advent of technology has increased the scope and complexity of criminal activities, either creating the ground for brand-new illicit actions or enlarging the size and elaborateness of operations of already existing crimes paving the way for new forms of criminality. Still in "criminogenic" terms, the communicative power of the web platforms has nowadays a fundamental role in the recruitment phase of associates or members and in getting in touch with potential clients or victims. In parallel, from a totally detached perspective, social networks have and are helping the branding of criminal organizations, especially mafias already enjoying a strong ideological and public identity. Thanks to the direct storytelling coming from criminals themselves, enabled via these channels, it is increasingly possible to search for a spread consensus using evocative images, symbols, stories and signs proposing to the community a specific idea of the mafia world as they please. A deeper analysis will be conducted on both these two criminal revolutions: firstly, a hint to the new modalities and opportunities for strictly criminal actions widening their action range, and subsequently, an analysis on the evolutive role of social public appearance and image leading to an impacting mafia stereotype.

II. THE INCREASING IN CRIMINOGENIC OPPORTUNITIES AND ILLICIT ACTIONS

A. The New Variety of Available Criminal Opportunities

Clearly, the Internet has changed the entire criminal setting, and researchers now have the duty to reshape and reevaluate the widely known theories to tailor the current features of criminal groups. Among the great variety of scholars largely contributing to this evolving field, Professor Lavorgna has conducted insightful and precise studies regarding the theoretical framework of environmental criminology. According to this branch of thought, the basic causes of criminal behaviours are the criminal opportunities, understood as the combination of an existing objective condition (the occasion) and the perception of the same condition as advantageous (the temptation), (Lavorgna A., 2014, doctoral thesis, p. 28). The fight against crimes is effective when these opportunities are reduced, only if investigated within the crime patterns of single peculiar environments: by means of handling the environmental realities surrounding the criminals, opportunities are gradually and systematically minimized.

These criminal opportunities are divided into several categories, and the digital revolution has favoured the offer of brand-new and enhanced mechanisms for facilitating the traditional "offline" works of organized groups. Lavorgna has identified mainly five types of them: (1) "communicative opportunities", which improve internal and external communication within the organizations; (2) "managerial opportunities", that speed up the operational efficiency by rapidly adjusting

© 2025 Giulia Sguotti. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

circumstances to changes; (3) "organizational opportunities", which facilitate the internal structuring of criminal groups; (4) "relational opportunities", that enlarge networks and connections; and (5) "promotional opportunities", meaning conducting real surveys about the needs, desires and preferences of the potential customers. In addition to these broad categories, there still exist other opportunities more strictly fitting specific criminal markets, examples are "informational opportunities" that allow criminals to gather information worldwide and "technical opportunities" which provide for actual tools for enabling illicit activities (Lavorgna A., 2014). These two last elements compose a solid ground for sustaining drug trafficking operations, among the others, by making accessible platforms with online booking services for arranging drug accommodation or transportation, eliminating the risk of detection in carrying out coordinating meetings in person to perform these same tasks (Lavorgna A., 2014, doctoral thesis, pp. 137-138).

It is evident from these conclusions that the online supplied resources aid organized groups from different angles. On the one hand, they facilitate the execution of criminal activities themselves, involving the sociological concept of the "organization of deviance", while on the other, they support the improvement of the inner structuring of the groups, reinforcing what is academically recognized as the "organization of deviants".

B. The Widened Range of Cyber Illicit Offences and Crimes

Having analysed the criminogenic developments of criminal opportunities under the digital influences, it is to note that the very essence of crimes has also changed. The evolution of means has brought about the implementation of new criminal techniques, accessible to both criminals acting alone and organizations, and, consequently, newly formed groups have somehow emerged around the common intent of perpetrating specific sets of online crimes. In as much as the instruments available are numerous and various in scopes and objectives, their degree and their modalities of deployment vary. According to the use made of these technologies, the scholar and Professor D.S. Wall has outlined in his research three distinct types of "technologically aided crimes" in matters of organized groups: cyber-dependent organized crimes, cyber-enabled organized crimes and cyber-assisted organized crimes. For categorizing a crime within one of the groups, scholars carry out the "transformation test", that is, the assessment of the essence left out of a crime if the impact of digital and networking technologies is virtually eliminated. Given the remaining structure of the action, it will be placed on the spectrum of cybercrimes (Wall D.S., 2015, p. 75).

He defines as cyber-dependent organized crimes those high-tech illegal actions which can be performed only via the use of the web and the Internet, also referred to as "pure" cybercrimes. It is a branch of whole new crimes that are rising continuously from the beginning of the digital revolution and have been perfected as further innovations and technological development goals are reached. To this category pertains the great family of hacking crimes committed through unauthorized access into technological devices and potentially complemented by damaging and disrupting their internal functionalities. Some worth-to-mention examples are the exploitation of security vulnerabilities mainly to collect personal data and information, malwares (malicious software that spread on computers and interferes with their function, for instance in the form of viruses) and DoS attacks (to say, Denial-of-Service, attacks with the aim of crashing a computer or network via sending an unwanted flow of Internet traffic, depriving legitimate users of the service or resource), (Di Nicola A., 2022).

Cyber-enabled organized crimes reflect the huge category of traditional crimes which have been committed from ancient times and, thanks to the innovations' push of the last decades, have faced a remarkable enhancement via the use of devices. Academically, they are also known as "hybrid" cybercrimes given the fact that the inner nature and structure of the illegal actions remain the same one, although other possibilities and alternatives have proven to be resourceful. One of the criminal behaviours which, in this understanding, has gained the uppermost is the huge sphere of fraudulent behaviours: the gained profits are clearly owed to the spread of mails, instant messages and communicating means enabling criminals to reach victims on the largest global scale. Visibly, the costs have decreased, the efficiency has exponentially multiplied, the global impact has reached the higher level, and a great quantity of time is constantly saved up.

Lastly, in the case where traditional offline crimes are just facilitated by digital devices, the organized crime is labelled as cyber-assisted. The illegal actions, carried out independently and interdependently, are merely supported by these means, generally, in terms of communication, recruitment and organization. As Wall affirms, backed up by reports and studies, mafia-style organized groups are currently more inclined to engage in cyber-assisted crimes, in fact, the potentialities of the networks insert into the mafia criminal activities the tendency of refining already committed illegal practices with a digital approach emphasizing the global flow of illegality (Wall D.S., 2015, p. 72). In the areas of drug trafficking and human trafficking for sexual exploitation, media platforms could foster and widen the direct online contact with clients and victims or could give a boost to illicit pornography. Moreover, essential issues relating to counterfeiting are improved creating a specific and well specialized sector. Indeed, it is still unclear, in the scholarly overview, whether mafia-oriented organizations will succeed in achieving a further level of exploitation of the Internet gaining valuable benefits.

III. BRANDING SCOPE AND PUBLIC IDENTITY STRENGTHEN VIA SNS AND PLATFORMS

Alongside the technological evolution of the criminal activity, in terms of shifted frontiers and opportunities, the digitalization has been impactful upon another side of criminal organizations: the globally shared identity and public image. Such nuance, known as the criminal "branding scope" achieved via social network platforms, is largely unexplored, although it is the utmost clear expression of inter-reality, of the connection combining offline and online. The mafia phenomenon is sponsored by sharing a specific lifestyle to be proud of: luxury and

debauchery, richness, expensive cars and clothes. It is proposed a life tenure which inspires envy and aspiration due to its social prestige and, simultaneously, intimidates political and judicial enemies as well as criminal rivalries. The key point for fruitfully using these means is to create a strong sense of belonging toward the organization, a shadow of respect, submission and fear upon the values that the clans and families of the different mafias embody.

Thanks to these dynamics, the stereotype of the "mafia-affiliated and devoted man" is introduced into the digital world, following the algorithms' mechanism used by media, and soon exported into the real life. As the President of the Magna Grecia Foundation, Nino Foti, explained, the reason standing behind this social approach's efficiency is owed to what he calls "algo-cracy". This term properly and primarily refers to the power and impact which the algorithms retain on the public and private sphere of an individual (Ravveduto M., 2023, pp. 7-8). It functions as the basic cog of every networking platform: each social network or media is developed upon the rationale of re-presenting to the users the categories of contents with which they had interacted the most. According to this process, the user that sympathizes with mafia-type subject matters is consistently influenced by them which, unconsciously, shape his opinions, thoughts and ideas.

Reflecting specifically on the Italian mafia evolution, we are currently in front of a further evolvement that is unfolding without a real risk acknowledgement. During the second half of the XX century, the mafias relied and derived their huge power on a strong code of silence: they were operating in the cities' shadow while having threatened the locals of the consequences that could occur if behaving otherwise. Today, instead, these criminal organizations have gained standing and a timeless appearance exactly by embracing transparency and cultivating a fearful image in the collective opinion. Social media contents, combined with other means having a greater and further-reaching impact like movies, target to promote a specific message according to which mafia-style groups and organizations are never-ending. They claim to be supported via a huge social consensus, to such an extent that they have to hide no more, oppositely, they self-portray a magnificent historical past, thereby legitimizing their existence.

This transformation is statistically analysed and academically examined in a report sponsored and supported by the *Magna Grecia Foundation* and the Franco Angeli publications. It has been presented in front of the Italian "*Camera dei Deputati*" in 2023 with the scope of clarifying how and to what extent social media platforms have become the preferred channel for publicly spreading the mafia's values to gain consensus, sometimes affiliation and a dreaded identity - especially among the younger. The study highlights the different usages made of those platforms, mainly YouTube, Facebook, Instagram and the recent Chinese SNS TikTok. This latest example puts forward the maximum level of overall manifestation of criminal value system, generally because of some loopholes inside its guidelines which facilitate the publication of ambiguous videos with a mafia criminal flavour without a high chance of being tracked down, bypassing automatic controls and banning systems (Ravveduto M., 2023, p. 89). At large, the favourite relapsing topics published cover: the complaint for "unjust" detentions and house arrests, the hate against public authorities, richness display and the commemoration and celebration of family members or popular figures belonging to the great history of the mafia. An unfortunately famous explicative story has seen as its protagonist Pompeo Piserchia, an Apulian mafia affiliate known for his criminal records, who on the death anniversary of the mafia boss Bernardo Provenzano, on the 13th of July 2022, went to his grave to pay him tribute and celebrate his deeds deemed as honourable. Piserchia, then, posted the video on the platform, honoured and thrilled for the experience proclaiming a perpetual devotion to and memory of the boss (Bellizzi T., 2022). Similar episodes are frequently visible from the social community, yet they usually go unquestioned or even passively justified.

IV. CONCLUSIONS

At this point, it has been precisely demonstrated the effects brought about by the digitalization inside the criminal world, starting from the ongoing development in the approaches to the illicit activities arriving to the validation of a different public image acquired by mafia organizations in the collective view. These changes simultaneously ask for a further evolution of the contrasting techniques. A brand-new mindset applied to the study of the phenomenon, since the previously employed academic concepts and classifications are, at this stage, unsatisfactory and overcome, is mandatory. Updated procedures and preventive measures must be implemented in the everyday fight against organized crimes. Old legal schemes must be replaced, leaving room to upgraded institutions able to tackle the silent spread of these dynamics efficiently. Some investigative techniques have already been put in place, mainly in relation to the context of money-laundering, always the most fruitful framework for detecting illicit operations. Still, it is not enough and the agencies active for the offenders' prevention are quickly refreshing their *modus operandi* in accordance with the current criminal world: innovative ideas brought by new forces are needed and required for better limiting and combating such phenomena.

After these conclusions, the greatest problematic issue foreseeable is linked to the increasing legitimacy and public clearance that mafia style organizations are gaining among the youth. Progressively, the mafia man stereotype is not only proposed into the society more and more through impactful images, rather it is accepted and aimed to. The new generation, in some parts, dreams of reaching those levels of social prestige obtained via the imposition of a sense of reverence and silent threat. While, in the past, mafia criminal behaviors were feared and contrasted by the strongest persons since the horrors, which these groups perpetrated, were recognized and sensibilized at media level; now, these deeds are told, worshiped and idealized by the most. Yesterday, this entire world worked under a cloak of silence and, in some senses, secrecy, today, it embraces a sense of belonging to be proud of, due to the decreasing awareness of legality. At this point, the concern is addressed to tomorrow and the potential further

evolutions of the collective stance in the common opinion of such dynamics.

REFERENCES

Bellizzi, T. *Pregiudicati foggiani portano il figlio piccolo a Corleone sulle tombe di Riina e Provenzano: "Grandi uomini". I video virali sui social*. «La Repubblica», 14 luglio 2022.

Di Nicola, A. (2022), *Towards digital organized crime and digital sociology of organized crime. Trends in Organized Crimes*. Springer. https://doi.org/10.1007/s12117-022-09457-y

Lavorgna A. (2014), *Transit crimes in the Internet age: How new online criminal opportunities affect the organization of offline transit crimes,* doctoral thesis, pp. 1-212. *https://iris.unitn.it/handle/11572/368968?mode=complete*

Lavorgna A. and Sergi A. (2014), *Types of organized crime in Italy. The multifaceted spectrum of Italian criminal associations and their different attitudes in the financial crisis and in the use of Internet technologies*, International Journal of Law, Crime and Justice 42(1).

Pattaro, Beatrice (2024), *Rivoluzione Silenziosa: Le Mafie nell'Epoca High-Tech,* Trento Student Law Review 6 (1), pp. 73-92. https://teseo.unitn.it/tslr/article/view/2930.

Ravveduto, M. (2023), *Le mafie nell'era digitale: Rappresentazione e immaginario della criminalità organizzata, da Wikipedia ai social network*, Franco Angeli, 1^ edizione.

Wall, David S. (January 26, 2024), *Cybercrime: The Transformation of Crime in the Information Age*, 2nd edition, Cambridge: http://dx.doi.org/10.2139/ssrn.4707509

Wall, David S. (October 21, 2015), *Dis-Organised Crime: Towards a Distributed Model of the Organization of Cybercrime*, The European Review of Organised Crime, 2(2), pp. 71-90, http://dx.doi.org/10.2139/ssrn.2677113

State-Sanctioned Organ Trafficking in China

A Case of Transnational Organized Crime?

Rebecca Soncin

Abstract — **This paper examines allegations that the Chinese state is engaged in forced organ harvesting from vulnerable populations, including Falun Gong practitioners and Uyghur Muslims, and situates these practices within the broader framework of transnational organized crime (TOC). Despite official claims of reform and voluntary donation, evidence from independent investigators suggests that a systematic, opaque network exists to coerce and procure organs. The paper examines the alignment between these practices and TOC characteristics, as well as ethical and legal dilemmas posed to international law and medical ethics. It concludes by assessing the global response, through diplomatic, legislative, and human-rights lenses. This work analyzes evidence from investigative reports, patient experiences, and legal findings to argue that China's state-organized organ trafficking is a serious human rights violation and calls for more transparency and international cooperation in tackling illegal trade.**

I. INTRODUCTION

The phenomenon of organ trafficking has increasingly become a topic of international concern, and with demand greatly outweighing supply in many areas of the world, illicit networks that exploit vulnerable populations are emerging. In the case of China, many have alleged for decades that organ harvesting has been performed in the absence of consent, especially from prisoners of conscience, such as Falun Gong practitioners and ethnic minorities like the Uyghurs, under the protection and direction of state policy. These charges involve a frightening overlap between state power and criminal gangs which operate on a cross-border scale, raising deep ethical, legal and diplomatic issues.

A. Definition of Transnational Organized Crime (TOC)

Transnational Organized Crime (TOC) refers to criminal activities that are planned and executed by organized groups across national borders. The United Nations Convention against Transnational Organized Crime defines TOC as activities carried out for the purpose of financial or material gain which involve networks that operate in multiple countries. Organ trafficking in this context is one of the most egregious forms of transnational organized crime as it violates human dignity on a systematic and state-supported scale. For such networks when there is state involvement, or even a hint of it, the complexity of the subject is even more enhanced, as in the case of China's organ transplant industry.

© 2025 Rebecca Soncin. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

B. Overview of Allegations

Over the past 20 years, a growing body of evidence has emerged suggesting that China does not rely entirely on voluntary organ donations in its transplant system. Rather, independent investigations, survivor testimony and legal inquiries have indicated a systematic and coercive removal of organs from prisoners, including those of the Falun Gong, Uyghur Muslims and other marginalized groups. The unusual speed with which organs become available for transplantation in China, in some cases in a matter of days, compared to the years-long waiting lists in other places, only adds to suspicions about the origins of the organs. The Chinese authorities have repeatedly denied such accusations and claimed reforms have been implemented, however evidence suggesting forced organ harvesting remains highly significant.

C. Objectives

The primary objective of this paper is to analyze the evidence that links forced organ harvesting in China to transnational organized crime. In doing so, the paper will:

- Define the key elements of TOC and illustrate how organ trafficking fits within this category.
- Provide a detailed overview of China's organ transplant industry, contrasting official claims with external investigations.
- Examine the specific allegations surrounding the forced harvesting of organs from Falun Gong practitioners and Uyghurs.
- Discuss the global implications in terms of legal violations, ethical dilemmas, and the response of international bodies.

II. BACKGROUND: CHINA'S ORGAN TRANSPLANT INDUSTRY

A. Rapid Growth of the Transplant Industry

China's organ transplant industry has grown rapidly over the past few decades. In a country with more than 1.4 billion people, the need for organs is huge, and the transplant system has developed to serve a domestic market, as well as to attract international patients. It has been reported that transplant patients in China can usually receive organs in a matter of days, an anomaly that contrasts with long waiting lists for organ transplants in Western countries. This rapid turnover has alarmed observers both in countries of origin and internationally, raising questions about the actual provenance of these organs.

The speed of China's transplant system suggests an alternative supply chain that bypasses the traditional ethical barriers encountered in other countries. While most countries depend on voluntary donations, a slow and

ethically circumscribed process, China's system seems designed to deliver a steady and immediate supply of organs. The pace has led many to suspect that the organs are sourced from prisoners, especially those from political or religious minorities. (China Tribunal, 2020)

B. *Official Claims Versus External Reports*

The Chinese government has always claimed that its transplant system is modeled around voluntary donation. In 2015, Chinese authorities announced reforms that they claimed had ended the use of organs from executed prisoners and established a system in which all transplants must come from voluntary donations. Official statistics, government press releases and state-sponsored media publicly endorsed the achievements of these reforms. (The Lancet, 2014)

However, external reports and investigations tell a very different story. In fact, human rights groups, such as Amnesty International (2024) and Human Rights Watch (2021), and independent investigations, like those conducted by the China Tribunal (2020), have provided extensive descriptions of ongoing practices that contradict the official narrative. Testimonies from former prisoners, medical professionals, and the victims' families have offered an even more disturbing picture of systematic organ harvesting from prisoners of conscience. These reports suggest that, while reforms have been implemented in writing, the practice has not been fully erased.

C. *Transparency Issues*

The lack of transparency is one of the key issues that affects the credibility of the officially proclaimed Chinese narrative. Unlike in many Western countries, where centralized organ donation registries are maintained, China's system remains shrouded in secrecy. Independent verification of the sources of organs is almost impossible due to state control over medical records and a systematic suppression of investigative reporting on the issue.

This blurriness also extends to the regulatory framework that oversees organ transplants. Although some reforms have been adopted, a lack of strong, independent oversight has enabled many unethical practices to persist. The opaque nature of China's transplant system makes it hard to verify the origin of organs, while also creating an environment where forced organ harvesting can continue with very limited consequences (Doctors Against Forced Organ Harvesting, 2024).

III. THE FALUN GONG AND UYGHUR CONTROVERSY: A CASE OF FORCED ORGAN HARVESTING?

A. *Who are the Falun Gong Practitioners?*

Falun Gong, also known as Falun Dafa, is a spiritual discipline involving meditation and physical exercise, along with a moral philosophy centered on the principles of truthfulness, compassion and forbearance. In the 1990s, Falun Gong gained popularity in China for its claims of improved health and spiritual well-being. However, in 1999, the Chinese government declared the practice illegal, labeling it as a threat to the Communist Party's authority and to social stability.

In the aftermath of the ban, thousands of Falun Gong practitioners were locked up, put through extreme re-education programs and, according to many accounts, targeted for forced organ harvesting. The persecution of Falun Gong is not only a matter of religious or ideological control but also appears to be closely intertwined with the country's organ transplant industry. By systematically detaining these individuals, the Chinese state created a pool of vulnerable victims whose organs could be harvested without consent.

B. *Evidence of Forced Organ Harvesting*

There is a significant amount of evidence that Falun Gong practitioners have been subject to forced organ harvesting. The evidence, which includes investigative reports, survivor testimonies, and medical analyses, has progressively pointed to a phenomenon of state-sanctioned organ trafficking in China. According to numerous accounts, detainees are required to undergo a series of invasive tests, usually involving blood and organ function tests, before organs can be removed.

The China Tribunal, an independent panel set up in London in 2018, has been particularly influential in documenting the phenomenon. In its 2020 report, the tribunal concluded that Falun Gong practitioners had been victims of a massive and systematic state-organized forced organ harvesting campaign for years. The tribunal's findings, based on extensive witness testimony and medical experts' opinions, provide sufficient proof that the organs of Falun Gong practitioners are being harvested without consent and sold both domestically and internationally.

Parallel reports have emerged regarding the treatment of Uyghur Muslims, an ethnic minority in China that has also been subject to mass persecution in recent years. In the Xinjiang region, Uyghurs have been held hostage in so-called "re-education camps" where accounts of forced labor, torture and of organ harvesting have emerged. Even though the data surrounding Uyghur organ harvesting is not as large as that of Falun Gong practitioners, various sources (satellite imagery, government documents, and survivor testimony) give evidence that forced organ harvesting is being used as another weapon of repression against this group.

C. *The China Tribunal Findings*

The China Tribunal's investigation is one of the most in-depth inquiries regarding the allegations of forced organ harvesting in China. The tribunal collected testimonies from former detainees, medical professionals and experts in transplant surgery. Its reports concluded that there was "clear and convincing evidence" that state authorities were colluding in the systematic removal of organs from prisoners of conscience. (China Tribunal, 2020)

The tribunal's findings not only implicate the Chinese government involvement in these practices, but also suggest that the forced harvesting is deeply rooted in China's transplant system having become an integral and fully fledged part of it. The use of organs from detained Falun Gong practitioners was found to be widespread and systematic, forming a critical part of an illicit supply chain that overcomes national borders. It has provided strong support for the allegations that the practice is not an

isolated occurrence but a state-sponsored project to meet the demand for organs and to suppress dissent.

IV. INTERNATIONAL ORGAN TRAFFICKING AND TRANSPLANT TOURISM

A. Transplant Tourism: a Global Phenomenon

Transplant tourism is a practice that consists in patients travelling across international borders to receive organ donations. In many countries, long waiting lists and rigorous regulatory frameworks make it nearly impossible for patients to receive a timely transplant. For this reason, with remarkably short wait times and the promise of instant availability, China's transplant system has turned into a magnet for desperate patients from across the globe.

Patients from developed countries, where ethical standards for organ procurement are strictly enforced, tend to come to China once they have exhausted other options. The enticement of fast and relatively inexpensive transplants has created an extremely lucrative international market for organs, yet this market raises a series of ethical ambiguities, as many of the organs involved in these transplants are said to have been taken through coercion and forced removal (Declaration of Istanbul Custodian Group, 2008).

B. Facilitation Networks: Brokers and Medical Professionals

Behind the scenes of transplant tourism is a complex network of brokers, medical professionals, and hospital administrators who facilitate the illegal organs trade. These facilitators run with a low profile, frequently utilizing coded language and underground routes to execute transplants on foreign patients. Often, brokers serve as intermediaries between desperate patients and Chinese hospitals that are able to procure organs from questionable sources.

The fact that these networks involve medical professionals further complicates the ethical landscape. Incentivized by the lucrative nature of these operations and the pressure from local governments, surgeons, and transplant teams may willingly and consciously participate in procedures that rely on illegally obtained organs. Indeed, such collusion not only severely undermines the integrity of the global medical community, but also allows the demand for organs to fuel further human rights abuses. Transplant tourism has been widely documented through patient reports and investigative journalism revealing numerous cases where transplant tourists were given little to no information about the origin of the organs they received, making them complicit, even though indirectly, in a system that exploits vulnerable lives (Declaration of Istanbul Custodian Group, 2008; Scheper-Hughes, N., 2000).

C. Patient Reports and Ethical Dilemmas

Several firsthand accounts from transplant tourists reveal a troubling pattern. Patients often describe this process as unusually fast-tracked as the organ match and surgical procedure happened within days of their arrival in China. For many, the tempting speed at which organs become available is an attractive proposition that overshadows the ethical gray areas involved in the transplant process. However, as investigative reports have shown, the short waiting times are inconsistent with the standard practices observed in most ethical transplant systems, where there are extensive testing and matching processes (China Tribunal, 2020; Doctors Against Forced Organ Harvesting, 2024).

Patient testimonies have also raised questions about informed consent. In many cases, transplant tourists report that they were never informed about the source of the organs, or that they were given contradictory information by different medical personnel. No patients, and the international community at large, should ever be left wondering whether the organs they receive come from a source that may have been coerced, as instead happens in systems lacking transparency. This situation highlights a broader ethical crisis in which the desperate demand for life-saving transplants conflicts with fundamental principles of human dignity and autonomy (Declaration of Istanbul Custodian Group, 2008; Scheper-Hughes, N., 2000).

V. LEGAL AND ETHICAL IMPLICATIONS

A. Violations of International Law

If proven, the practice of forced organ harvesting in China would represent an outrageous violation of international law. There are several treaties and conventions, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (ICCPR), and the Convention against Torture, that explicitly prohibit practices involving torture, inhuman treatment, and the deprivation of bodily integrity.

Forced removal of organs without consent not only directly violates the right of life, liberty, and security of person, but this practice also contravenes the principle of informed consent, fundamental for both human rights and medical ethics. The systematic nature of such violations suggests that forced organ harvesting is not a mere series of isolated incidents, but rather an institutionalized practice involving state actors and medical institutions in crimes against humanity (United Nations, 1948; United Nations, 1976).

B. Medical Ethics and Professional Responsibility

Medical ethics is founded on beneficence, non-maleficence, autonomy, and justice, and forced organ harvesting represents a grave betrayal of these principles. Indeed, whenever medical professionals perform surgeries on illegally sourced organs, they are violating the autonomy and bodily integrity of individuals, while also undermining the trust that patients put in the healthcare system.

International medical associations, such as the World Medical Association (WMA) and the World Health Organization (WHO), have long condemned coercive and exploitative practices. These ethical dilemmas are even more intensified when research is conducted using data obtained from these unethical sources. In fact, studies that use organs obtained through forced harvesting stain the scientific literature and complicate efforts to maintain certain ethical standards in the field of medical research. However, without financial and political incentives to transparently procure organs following medical ethics,

these violations will continue to constitute a challenge to the very foundation of medical practice worldwide (World Medical Association, 2016; World Health Organization, 2010).

C. Research Concerns and Data Integrity

The use of organs and tissues obtained through unethical means is highly problematic for medical science as many medical studies, especially those focusing on transplantation and immunosuppression, rely on data collected from organ transplants, and in the long run this puts the validity and ethical integrity of the research under scrutiny, as highlighted in the Declaration of Taipei on ethical considerations in health data and biobanks. For this reason, the international community, including academic institutions and funding bodies, is being pressured to dissociate from studies linked to immoral practices. (World Medical Association, 2016)

VI. GLOBAL RESPONSES AND CHALLENGES

A. Human Rights Organizations and Investigative Efforts

The work conducted by human rights organizations played a major role in bringing attention to China's alleged forced organ harvesting. This work includes extensive research carried out by groups such as Amnesty International, Human Rights Watch, and Doctors Against Forced Organ Harvesting (DAFOH), that managed to gather testimony from former detainees, survivors, and medical experts. The reports resulting from these investigations not only put a spotlight on the techniques of organ harvesting but also document the state repression and human rights abuses on a larger scale (Doctors Against Forced Organ Harvesting, 2024).

B. Legislative Actions and National Policies

As a response to the piling evidence, several countries have implemented laws aimed at fighting transplant tourism and punishing those involved. For instance, the United States, Israel and Italy have passed norms that ban the travel abroad for transplant whenever there's a suspicion that the organs were obtained through illegal means. However, if on one hand such national policies represent an important step in addressing the issue, on the other they highlight the limits of domestic law in this transnational field. The reason behind lies in the very definition of TOC suggesting that isolated national legislative actions, even if crucial, are insufficient if not paired with international cooperation (United States Congress, 2021; Camera dei deputati, 2021).

C. Diplomatic Challenges and International Law Enforcement

International law enforcement and diplomatic responses are strongly challenged by many complexities and political factors. Indeed, because of China's significant economic power and geopolitical influence many countries are very cautious when it comes to take actions that could jeopardize trade and diplomatic relations. As a result, while public condemnations and targeted sanctions keep being issued, international legal actions are still to be taken.

Enforcing international law against a sovereign state that denies all kinds of allegations and impedes free access to information represents a colossal challenge. In fact, operating within such tightly controlled borders makes it a particularly complex target to reach even for major agencies like Interpol and United Nations. In order for meaningful improvements to be made greater transparency and cooperation from China are required, until then the entire body of measures that is being issued will continue to be symbolic rather than transformative (United Nations Office on Drugs and Crime, 2023).

D. Economic and Political Considerations

The global response to forced organ harvesting is highly influenced, among all the factors, by the economic one. This happens since China, as a major actor in this field, makes many countries hesitant to aggressively pursue allegations of such nature because of the risks in terms of economic relations they can face. The issue has become even trickier once the Chinese government, supported by state-controlled social media, politicized the accusations framing them as part of a broader misinformation campaign conducted by its political enemies, with the intent to deflect international criticism and maintain domestic support. (Doctors Against Forced Organ Harvesting, 2024)

VII. CONCLUSION

A. Summary of Findings

This paper has explored the complex problem of forced organ harvesting in China, placing it within the transnational organized crime framework. It has shown how the rapid growth of this industry, as well as the atypical speed with which organs become available, and the lack of transparency in sourcing them, point towards the exploitation of vulnerable populations. The Falun Gong practitioners and Uyghur Muslims systematic persecution, confirmed both by independent investigations and tribunals, helps in proving that these practices are not a mere accident, but the result of a state-backed program to meet the enormous demand. Subsequently, the analysis has further highlighted the severe ethical and legal implications of these practices while portraying them as a grave violation of international law, the right of life, bodily integrity, and informed consent, describing how the involvement of medical professionals jeopardizes not only the ethical ground of the global healthcare system, but also the very science behind it, as well as patient trust.

B. Ethical Implications

The consequences resulting from state-sanctioned forced organ harvesting aren't only relegated to the field of transplant medicine. Indeed, they provide us with the elements to reflect on basic questions about the proper balance between the power of the state and individual rights, the ethics of a medical profession operating under authoritarian regimes, and the responsibilities that we all have as a community to protect vulnerable populations. If we don't stop this unjustifiable outrage, it will not only continue to abuse human rights, but also erode the ethical standards upon which international law and global healthcare are based.

C. Final Thoughts

In conclusion, the evidence points to a disturbing reality: forced organ harvesting in China is not some aberration, but a systematic, state-sanctioned practice carried out within a wider framework of transnational organized crime. Such a crisis provides us with an insight into the human cost of unchecked state power, and the extent to which regimes will push themselves to silence dissent and meet economic needs. Addressing this issue will require transparency, accountability, and ethical responsibility, not just from the Chinese state but from the international community as a whole, until then the black market of human organs will remain a stain on global conscience.

REFERENCES

Amnesty International. (2024). *China's human rights abuses and the international community's response*. https://www.amnesty.org/en/documents/pol10/7200/2024/en/

Camera dei deputati, Italia. (2021). *Relazione al Parlamento sul contrasto alla tratta di esseri umani e sul traffico di organi*. https://documenti.camera.it/leg18/dossier/Testi/ES0082.htm

China Tribunal. (2020). *Final judgment*. https://chinatribunal.com/final-judgment/

Declaration of Istanbul Custodian Group. (2008). *The Declaration of Istanbul on organ trafficking and transplant tourism*. https://www.declarationofistanbul.org/the-declaration

Doctors Against Forced Organ Harvesting. (2024, April 25). *Special report: Forced organ harvesting from living people in China*. https://dafoh.org/wp-content/uploads/sites/3/2024/04/dafoh-special-report-04252024.pdf

Human Rights Watch. (2021). "*Break their lineage, break their roots: China's crimes against humanity targeting Uyghurs and other ethnic minorities"*. https://www.hrw.org/report/2021/04/19/break-their-lineage-break-their-roots/chinas-crimes-against-humanity-targeting

Scheper-Hughes, N. (2000). The global traffic in human organs. *Current Anthropology, 41*(2), 191–224. https://doi.org/10.1086/300123

The Lancet. (2015, January 3). *Weaning China off organs from executed prisoners*. *The Lancet, 385*(9962), 1. https://doi.org/10.1016/S0140-6736(14)62462-4

United Nations. (1948). *Universal Declaration of Human Rights*. https://www.un.org/en/about-us/universal-declaration-of-human-rights

United Nations. (1976). *International Covenant on Civil and Political Rights*. https://treaties.un.org/doc/treaties/1976/03/19760323 06-17 am/ch_iv_04.pdf

United Nations Office on Drugs and Crime. (2000). *United Nations Convention against Transnational Organized Crime and the Protocols thereto*. https://www.unodc.org/unodc/en/organized-crime/intro/UNTOC.html

United States Congress. (2021). *H.R.1434 – Stop Predatory Organ Trafficking Act of 2021*. https://www.congress.gov/bill/117th-congress/house-bill/1434

World Health Organization. (2010). *WHO guiding principles on human cell, tissue and organ transplantation*. https://www.who.int/publications/i/item/WHO-HTP-EHT-CPR-2010.01

World Medical Association. (2016). *WMA Declaration of Taipei on ethical considerations regarding health databases and biobanks.* https://www.wma.net/policies-post/wma-declaration-of-taipei-on-ethical-considerations-regarding-health-databases-and-biobanks/

AI-Generated CSAM
A Crime With no Victims and no Perpetrators

Marina Toffalori

Abstract — **The article delves into the concept of child sexual abuse material that is generated by artificial intelligence (AI-CSAM) and the challenges arising from this new cybercrime. Because the children depicted do not exist in reality, this offence is often considered as "victimless"; on top of that, artificial intelligence (the perpetrator) has no capacity to distinguish right from wrong and thus it cannot be held liable for the crimes it commits. These kinds of speculations are oversimplified reasonings that can only lead to impunity and underestimation of AI-CSAM. The paper is therefore an attempt at showing the risks of AI-CSAM, its tangible consequences along with the organization that underlies it.**

I. INTRODUCTION

A. Definitions and Recent Rise in CSAM

Since the COVID-19 Pandemic, organized crime has adapted to the limited freedom of movement; at times it left the physical crime scene and "moved wholly or partially to the virtual and to the extreme edge of the digital spectrum" (Di Nicola 2022). This is also true for "Child Sexual Abuse Material" (hereinafter referred to as CSAM): the term "includes visual material, and may include written or audio content, that depicts, describes or represents any person under 18 years of age (a) engaging in real or simulated sexual activity; (b) in the presence of a person engaging in any sexual activity; (c) whose sexual parts are displayed for primarily sexual purposes; or (d) subjected to torture or cruel, inhumane or degrading treatment or punishment and such material is sexual in nature" (United Nations Convention Against Cybercrime, 2024). It shall also be noted that Europol encourages the usage of the acronym "CSAM" instead of "child pornography" as the latter may suggest a form of consent and legitimacy which actually favours the perpetrators (Europol, 2020). Computer-generated child sexual abuse material entails "the production, through digital media, of child sexual abuse material and other wholly or partly artificially or digitally created sexualised images of children" (Luxembourg Interagency Working Group, 2016). Artificial intelligence (hereupon AI) had an enormous impact on the expansion of such crime; this can be seen from a study by the Internet Watch Foundation (2023) which analysed a single CSAM forum on the dark web: the results proved that, in a month, 20.254 AI-generated images were found to have been produced among which 2,562 images were assessed as criminal pseudo-photographs. IWF analysts reported that most of the AI-content was not so easily discernible from true CSAM. As a matter of fact, the open access of generative-AI led to its "democratization" (Kokolaki & Fragopoulou, 2025) so that also people with knowledge of computer science could reach it (Rigon & Baratto, 2024) which has contributed to the creation of ever more realistic AI-CSAM.

© 2025 Martina Toffalori. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

B. Research Questions

This short paper tries to answer three main interconnected questions: 1) What is AI CSAM and how is it produced? 2) Who are the main actors partaking in this crime and is it an organized crime? 3) How does the use of AI by another agent affect the concepts of *actus reus* and *mens rea*?

II. ACTUS REUS

A. How is AI-CSAM Created?

A first distinction shall be made between AI-generated CSAM and deepfakes: the former consists in "all CSAM that has been manipulated or created using generative AI" whereas the latter is a subcategory of AI-CSAM that refers to "media files [...] that have been crafted using AI to convincingly replace one individual's likeness with someone else's, often with the intent to deceive" (UNICRI & CAIR Report, 2024). The activities for which AI is used by child sexual offenders are several, as provided for by the National Centre of Missing and Exploited Children Report (2024). "Text to Chat" consists in entering text into AI to pretend it is a child and engage in sexually explicit communication (NCMEC Report, 2024). "Text to Text" often provides guidelines on how to sexually abuse children (NCMEC Report, 2024). "Text to Image" is of considerable popularity since, by inserting text prompts into an AI, the latter will produce customized CSAM (NCMEC Report, 2024); most of these kinds of AI will prohibit the use of certain text due to its explicit content yet it can be circumvented with "negative language" and that is to say, instead of typing what should be in an image, the prompt contains what should not be present in the image (UNICRI & CAIR Report, 2024). "Image to Image" could be twofold: it could be either the attempt of creating original CSAM by uploading pre-existing CSAM (with the aim of customizing it, for instance) or the creation of sexually-explicit content by uploading originally innocuous content (the "nudify" apps fall in this category) (NCMEC Report, 2024). Furthermore, images can be de-aged so that adults could be made younger through generative AI (UNICRI & CAIR Report, 2024). An AI algorithm may already be trained on real CSAM: this was the case of the AI "Stable Diffusion" which was trained on the LAION-5B datasets containing a substantial amount of CSAM (Thiel, 2023). AI-generated CSAM depicts mostly children that do not exist hence it is unclear whether it can be criminalized: on one hand, there are no victims for no real children are immediately harmed by generating images. On the other hand, it can also be a "crime with no perpetrators" because artificial intelligence cannot distinguish right from wrong: the mental element (*mens rea*) needed for committing a crime is consequently absent (Ulgen, 2021). The puzzling nature of this particular and recent cybercrime is also

represented in the legislative measures taken to counteract it.

B. Legal Protection

Whereas CSAM is almost always criminalized, the attitude towards AI-CSAM is slightly different: ultimately, the definition of what comprises or does not comprise CSAM differs from state to state (Parti & Szabó, 2024). Moreover, the creation of AI-CSAM is a rather novel subject which needs to be studied more carefully (Parti & Szabó, *2024*). Only few conventions make reference to AI-generated material: in the introduction, Article 14 (2) of the United Nations Convention on Cybercrime (2024) already provided us with an exhaustive list of what CSAM entails. The first paragraph of the same article considers a criminal offence that of "(a) producing, offering, selling, distributing, transmitting, broadcasting, displaying, publishing or otherwise making available child sexual abuse or child sexual exploitation material through an information and communications technology system; (b) soliciting, procuring or accessing child sexual abuse or child sexual exploitation material through an information and communications technology system; (c) possessing or controlling child sexual abuse or child sexual exploitation material stored in an information and communications technology system or another storage medium; (d) financing the offences established in accordance with subparagraphs (a) to (c)". CSAM is the only illegal content, the mere possession of which constitutes a crime in itself (COM/2022/209); yet, as it is possible to read from Article 14 (3), states can decide whether its criminalization shall refer only to material that "depicts, describes or represents an existing person". States may thus opt out of this article and may decide not to criminalize AI-CSAM. Article 2 of the EU Directive 2011/92 describes as "child pornography" also "realistic images of a child engaged in sexually explicit conduct or realistic images of the sexual organs of a child, for primarily sexual purposes" and the list of offences concerning child pornography is similar to the ones of the UN Convention. The term "realistic images" may appear to comprehend instances of AI-CSAM too but, unfortunately, this is still unclear owing to the fact that there is yet no case law on the interpretation of this rule and article 5 grants the member states the chance to opt out of the provision (Parti & Szabó, 2024). As witnessed above, the attention which was shed towards this type of crime is not considerable; however, it underlies a significant organization and its consequences are much deeper and subtler than what meets the eye.

III. ACTORS

A. Transnational Organized Crime and AI-Generated CSAM: Two Real Life Cases

In the following lines, two cases of production of AI-generated CSAM are presented. The first one was inserted in the 2025 EU-SOCTA Report as an example of transnational organized crime operating with artificial intelligence. Whereas no specific reference was made to organized crime in the second case, it was still chosen due to its trasnational nature and to its resonance. In February 2025 Europol announced the arrest of twenty-five people as a result of investigations against AI-generated child sexual abuse material (Europol, 2025); this operation was named "Operation Cumberland" and it required cooperation of nineteen countries authorities; the main suspect was a Dane who ran an online platform containing such images which were accessible only after a payment. The offenders were lured through social media, and they amounted to 1500 subscribers. A similar case arose in the United States in 2024, where a citizen named Steven Anderegg was found in possession of 13000 AI-generated CSAM (US v. Steven Anderegg). Mr. Anderegg is a software engineer who created photorealistic images and sold them to his online community. He had been attracting foreign offenders mainly via Instagram and Telegram where he distributed images through encrypted chats. He also tried to lure a fifteen-year-old boy by sending him customized AI-CSAM. These cases will later serve as examples of how these criminal groups operate as many of these elements will be recurrent such as the use of encrypted chats.

B. Perpetrators

There are two actors involved in the crime even though they do not have the same degree of responsibility: human beings and artificial intelligence. In order to identify who the perpetrator of AI-CSAM is, the tripartite subdivision of crime-commission by Hayward & Maas (2021) may come in handy. According to the authors, crimes may be committed "with AI" and an example of this may be deepfakes by which AI is used as a tool for malicious intent; secondly, there may be "crimes on AI" where the input data of AI is "poisoned" so as to perpetrate a crime (for example, biases in datasets); lastly, there can be "crimes by AI" as, at times, AI may have unexpected outcomes that could lead to crime. Hayward and Maas explain that there have been debates on whether to grant legal personhood on AI but, ultimately, this is not a zero-sum game because the "crimes by AI" argument could be used as a shielding mechanism by real perpetrators. If we look simply at the human perpetrator, the EU-SOCTA (2025) describes the AI-CSAM scenery as composed of "hands-on abusers, producers, distributors, and consumers" who have "diverse profiles and different motivations": there are those perpetuated by a sexual interest in children but the "production" side of AI-CSAM may be simply motivated by the financial factor. Two of the most frequented spaces for offenders are either fora or encrypted chat (EU-SOCTA, 2025). Paedophile fora are mostly located in the dark web considering the attention and suspicion that they would bring to the authorities if they were on the surface web (UNICRI & CAIR Report, 2024). Said fora are far from being unorganized as explained in the study by Van der Bruggen & Blokland (2021) which analyzed 6 case-files of CSAM fora in the dark web: these scholars explain that a significant aspect which characterizes them is the creation of an "us versus them" paradigm by which perpetrators tend to feel supported by like-minded peers and to exclude those who do not support their actions and this creates "a criminogenic moral environment". According to the authors, the number of members may vary "from a few thousand up to several hundred thousand" and a hierarchy is often present where individuals are subdivided into administrators, moderators and members (those who contributed the most to the forum can be considered "VIP members"). They also claim that there may be open, restricted or closed fora and sharing CSAM may be a requirement for entry while moderators implement rules of conduct to maintain security and order. Encrypted chats provide safety and privacy for perpetrators since even "the police cannot listen in either, even if they are authorized to tap the communication" (Hartel &

Wegberg, 2023). These are essentially transnational chat groups, with "large and long-term membership base" (EU-SOCTA, 2025). Thanks to encrypted chats, AI-generated CSAM is being shared on social media in a much easier and faster way (UNICRI & CAIR Report, 2024). Users may request advice on how to create CSAM: a common practice is that of promulgating "paedophile manuals" within these groups which serve as tutorials and advice on how not to be caught by law enforcement (IWF Report, 2024). The creation and circulation of such manuals is criminalized under section 69 of the UK Serious Crimes Act (2015); the UK Government is now working on a Bill so as to comprise also AI-guidelines (UK Government, 2025). It seems clear that AI-generated CSAM is not a crime which should be underestimated: the platforms for exchanging such contents are systematic, they contain guides for circumventing reception by the police and the criminal offenders who participate to this practice are numerous and from all around the globe.

C. Victims

AI-generated CSAM has been commonly referred to as a "victimless crime" (Byberg, 2012). The most typical excuses used by perpetrators are "At least I didn't hurt a real child" and "It's not actually a child..." (National Centre for Missing and Exploited Children Blog, 2024). While the children portrayed may not be real, the harm caused really is. A first consequence of the normalization of the distribution of AI-CSAM is the normalization of child sexual abuse (Christensen & Vickery, 2023): from a psychological perspective, AI-CSAM does not combat sexual desire but rather it "may reinforce and legitimize inappropriate views regarding children, fueling the abuse of children" (Christensen et al., 2021). This phenomenon is strictly connected to the actual perpetration of child sexual abuse: statistics coming from the ReDirection Surveys (Insoll et al., 2024) show that 52% of responders felt afraid they might hurt children after viewing CSAM, 44% thought about abusing children after watching CSAM and 37% of them actually did it (Insoll et al., 2021). CSAM can also be self-generated material which means that children themselves provide offenders with personal images (UNICRI & CAIR Report, 2024); the motivations for doing so are two: grooming and sextortion. On one side, offenders may produce AI material which portrays other children performing sexual activities so that, by seeing familiar figures, children might feel encouraged to replicate the act themselves (Christensen et al., 2021). On the other hand, AI could be used to create videos or images of an existing child; this is the case of nude deepfakes that are used for sextortion meaning "threats to share, distribute or otherwise make available intimate information and media unless the demands of the perpetrator(s) are met" (Maras & Logie, 2024). This blackmailing technique has been one of the objects of the above-mentioned paedophile guides (IWF, 2024). As a last attempt of persuasion for considering AI-CSAM as a crime which is victimful rather than victimless, the reader is encouraged to examine some of the prompts utilized by users while generating it (Fig.1).

IV. CONCLUSIONS

Artificial intelligence has proven to be a resourceful device; the potential harm that it can bring to victims is notable and it can only be counteracted by holding the right perpetrators accountable. AI "could undermine existing liability models" (King et al., 2020) and it forces criminal law to adapt so as to avoid impunity. Hallevy (2022) proposes three schemes in this respect: he considers "Perpetration by Another" when AI is used as an instrument to commit crime, it is an innocent agent and it is the user of AI who shall be held fully criminally liable. Hallevy then views the "Natural Probable Consequence Liability Model" as a case in which a crime is committed by AI but the user did not foresee the outcome; on one hand, users may be considered as negligent for the crime as a consequence of their activity yet no intent needs to be proven; where the user intended to commit a crime which escalated into a different crime, the user will be held liable for the crime perpetrated as if he had done so wilfully. Lastly, the author proposes the "Direct Liability Model" which attributes both the *actus reus* and the *mens rea* to AI; he also underlines that AI's liability does not exclude the liability of the user which could coexist at the same time. While proving that AI committed a crime could be quite straightforward, showing intent may be harder: AI may act with intent insofar as it entails knowledge that is decribed as "sensory reception of factual data and their understanding" (Hallevy, 2022). It seems desirable that laws be adopted in the field of AI-CSAM by keeping the correct allocation of responsibility in mind and by avoiding the "downplaying" of this crime for the mere reason that authorities "have more important things to do than go after cartoons" (Christensen & Vickery, 2023); the possibility to opt out of an AI-CSAM provision thus may not be the best possible solution given its dismal repercussions. Now 37 states out of 50 in the United States have adopted legislation criminalizing AI-CSAM (Enough Abuse Website, 2025). The European Union is working on a Proposal for a Directive on combating the sexual abuse and sexual exploitation of children and child sexual abuse material (2024) so that the term "CSAM" will also include AI-CSAM. These legislative innovations represent some of the first but crucial efforts in taking this crime seriously.

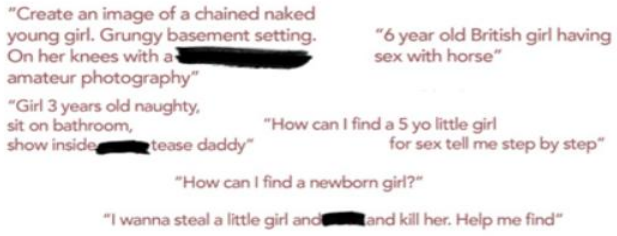

Fig.1 National Center For Missing and Exploited Children

REFERENCES

"Addressing Real Harm Done by Deepfakes." National Center for Missing and Exploited Children. (2024, March 12). https://oversight.house.gov/hearing/addressing-real-harm-done-by-deepfakes/final-written-testimony-of-john-shehan/

Baratto, G., & B. Rigon, (21-22 settembre 2023). *La Deepfake Pornography tra Criminologia e Diritto.* Le transizioni e il diritto: atti delle giornate di studio, - 86:(2024). [10.15168/11572_434970] https://hdl.handle.net/11572/434970

Byberg, Jacqueline, Childless Child Porn - A 'Victimless' Crime? A Comparative Analysis of the Validity of the Current Restrictions in the United Kingdom and United States on Virtual Child Pornography in Relation to the Right to Free Speech (July 20, 2012). http://dx.doi.org/10.2139/ssrn.2114564

Christensen, L.S., Moritz, D. & Pearson, A. Psychological Perspectives of Virtual Child Sexual Abuse Material. *Sexuality & Culture* 25, 1353–1365 (2021). https://doi.org/10.1007/s12119-021-09820-1

Christensen, L.S., Vickery, N. The Characteristics of Virtual Child Sexual Abuse Material Offenders and the Harms of Offending: A Qualitative

Content Analysis of Print Media. *Sexuality & Culture* 27, 1813–1827 (2023). https://doi.org/10.1007/s12119-023-10091-1

Crime and policing bill: Overarching factsheet. GOV.UK. (2025, February 25). https://www.gov.uk/government/publications/crime-and-policing-bill-2025-factsheets/crime-and-policing-bill-overarching-factsheet

Di Nicola, A. Towards digital organized crime and digital sociology of organized crime. *Trends Organ Crim* (2022). https://doi.org/10.1007/s12117-022-09457-y

DIRECTIVE 2011/92/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL (December 12, 2011) https://eur-lex.europa.eu/eli/dir/2011/92/oj/eng

Europol Report EXPLOITING ISOLATION: Offenders and victims of online child sexual abuse during the COVID-19 pandemic (June 19, 2020) https://www.europol.europa.eu/cms/sites/default/files/documents/europol_covid_report-cse_jun2020v.3_0.pdf

EUROPEAN UNION SERIOUS AND ORGANISED CRIME THREAT ASSESSMENT (2025) https://www.europol.europa.eu/cms/sites/default/files/documents/EU-SOCTA-2025.pdf

Generative AI CSAM is CSAM. National Center for Missing & Exploited Children. (2024, November 3). https://www.missingkids.org/blog/2024/generative-ai-csam-is-csam

Hallevy, G. (2024). The Basic Models of Criminal Liability of AI Systems and Outer Circles. In: Moura Vicente, D., Soares Pereira, R., Alves Leal, A. (eds) Legal Aspects of Autonomous Systems. ICASL 2022. Data Science, Machine Intelligence, and Law, vol 4. Springer, Cham. https://doi.org/10.1007/978-3-031-47946-5_5

Hartel, P., van Wegberg, R. Going dark? Analysing the impact of end-to-end encryption on the outcome of Dutch criminal court cases. *Crime Sci* 12, 5 (2023). https://doi.org/10.1186/s40163-023-00185-4

Hayward, K. J., & Maas, M. M. (2020). Artificial intelligence and crime: A primer for criminologists. Crime, Media, Culture, 17(2), 209-233. https://doi.org/10.1177/1741659020917434 (Original work published 2021)

How AI is being abused to create child sexual abuse imagery. Internet Watch Foundation. (2023, October). https://www.iwf.org.uk/media/q4zll2ya/iwf-ai-csam-report_public-oct23v1.pdf

Insoll, T., Ovaska, A., & Vaaranen-Valkonen, N. (2024, April 10). *CSAM users in the dark web: Protecting children through prevention*. Protect Children. https://www.suojellaanlapsia.fi/en/post/csam-users-in-the-dark-web-protecting-children-through-prevention

Interagency Working Group in Luxembourg Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse (January 28, 2016) https://ecpat.org/wp-content/uploads/2021/05/Terminology-guidelines-396922-EN-1.pdf

King, T.C., Aggarwal, N., Taddeo, M. *et al.* Artificial Intelligence Crime: An Interdisciplinary Analysis of Foreseeable Threats and Solutions. *Sci Eng Ethics* 26, 89–120 (2020). https://doi.org/10.1007/s11948-018-00081-0

Kokolaki, E., & Fragopoulou, P. (2025, March 1). *Unveiling AI's Threats to Child Protection: Regulatory efforts to Criminalize AI-Generated CSAM and Emerging Children's Rights Violations*. arxiv.org https://doi.org/10.48550/arXiv.2503.00433

Maras, MH., Logie, K. Countering the complex, multifaceted nature of nude and sexually explicit deepfakes: an Augean task?. *Crime Sci* 13, 31 (2024). https://doi.org/10.1186/s40163-024-00226-6

Parti, K., & Szabó, J. (2024). The Legal Challenges of Realistic and AI-Driven Child Sexual Abuse Material: Regulatory and Enforcement Perspectives in Europe. *Laws*, *13*(6), 67. https://doi.org/10.3390/laws13060067

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on combating the sexual abuse and sexual exploitation of children and child sexual abuse material COM/2024/60 https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52024PC0060

Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL laying down rules to prevent and combat child sexual abuse COM/2022/209 https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52022PC0209

State laws criminalizing AI-generated or computer-edited CSAM. Enough Abuse. (2025, March 31). https://enoughabuse.org/get-vocal/laws-by-state/state-laws-criminalizing-ai-generated-or-computer-edited-child-sexual-abuse-material-csam/

Thiel, D. (2023). Identifying and Eliminating CSAM in Generative ML Training Data and Models. Stanford Digital Repository. Available at https://doi.org/10.25740/kh752sm9123.

UK Serious Crimes Act (2015) https://www.legislation.gov.uk/ukpga/2015/9/contents

Ulgen, O. (2021). A human-centric and lifecycle approach to legal responsibility for AI. *Communications Law Journal: Journal of Computer, Media and Telecommunications Law*, *26*(2). https://nottingham-repository.worktribe.com/output/8628832

UNICRI & CAIR Report GENERATIVE AI A New Threat for Online Child Sexual Exploitation and Abuse (September 2024) https://unicri.org/sites/default/files/2024-09/Generative-AI-New-Threat-Online-Child-Abuse.pdf

United Nations Convention against Cybercrime (July, 24 2024) https://documents.un.org/doc/undoc/gen/n24/426/74/pdf/n2442674.pdf

United States of America v. Steven Anderegg Government Brief In Support Of Detention (May 20, 2024) https://www.justice.gov/archives/opa/media/1352611/dl?inline

United States of America v. Steven Anderegg Indictment (May 15, 2024) https://www.justice.gov/archives/opa/media/1352606/dl?inline

Van der Bruggen, M., Blokland, A. (2021). Child Sexual Exploitation Communities on the Darkweb: How Organized Are They?. In: Weulen Kranenbarg, M., Leukfeldt, R. (eds) Cybercrime in Context. Crime and Justice in Digital Society, vol I. Springer, Cham. https://doi.org/10.1007/978-3-030-60527-8_15

What has changed in the AI Csam Landscape?. Internet Watch Foundation. (2024, July). https://www.iwf.org.uk/media/opkpmx5q/iwf-ai-csam-report_update-public-jul24v11.pdf

Solntsevskaya Bratva and Semion Mogilevich

A Survey on Russian Organized Crime

Lucia Vecchi

Abstract — **This paper intends to highlight the substantial changes that have occurred in the landscape of organized crime in Russia since the 1990s. This research will examine how Russian organized crime transitioned from its initial manifestation as violent street gangs, to a more modern one. The 2000s have indeed been generally stable and there has been a marked decline in the role of the traditional organized crime groups (OCGs) like the Vory. There has been a move by other organized crime groups into the legal economy through money laundering, fraud and many other financial crimes. (Holmes, 2020) As a matter of fact, organized crime has been able to assume a powerful role within a new economy which is largely based on either privatized elements of the Party-controlled economy or legalized aspects of the former underground economy. The analysis will start with a brief overview of the historical background of Russian organized crime from the early Soviet period. Afterwards, there will be a scrutiny of Solntsevskaya Bratva, one of the most ancient organization still in activity. This study will provide valuable insights in the understanding of how a criminal organization emerged in the early 1990s, and has adjusted its modus operandi to align with modern times..**

I. INTRODUCTION

Blanket terms such as "Russian Mafia" are often used to describe organized crime in the Russian Federation and other Eastern European nations. However, categorizing these groups with a single label is a serious mistake. (Younger, 2012) Because of the controversy surrounding the term "mafia," we should refrain from addressing different Post-Soviet criminal associations with this term. (Younger, 2012) To avoid becoming entangled in this debate, it is more cautious to use the "Russian Organized Crime" (ROC) to refer to criminal groups operating within the Russian Federation in the Post-Soviet period. Conversely, contemporary groups that include members from multiple former Soviet republics, Eastern Europe, and Central Asia are collectively referred to as "Eurasian organized crime" (EOC). (Younger, 2012)

Russian organized crime is composed of several transnational criminal organizations operating worldwide. (Becker, 2014) Both ROC and EOC are often involved in almost every criminal activity. These include money laundering, kidnapping, prostitution, fraud, drug trafficking, human trafficking, weapons smuggling, extortion, auto theft, counterfeiting, cybercrimes, economic crimes and, of course, murder. (O'Brien, n.d.) Contrary to popular belief, the Red Mafia is not one cohesive organization; instead, it serves as an umbrella term for a loose network of autonomous criminal groups. Unlike the Italian mafias, with their capo famiglia, or the Chinese triads, with their "mountain masters". (Becker, 2014) ROC does not possess a clearly defined top-down hierarchy or irreplaceable leaders. It features a significant degree of integration into the rest of society including its economy and political structures. Thus, ROC is not just an outside threat posed to the government, rather it is integrated into the state itself. According to government investigators, by 1992 "more than half the country's criminal groups had ties to government." (Becker, 2014)

A comprehensive analysis of Russian organized crime should have its starting point in the early Soviet era. This period experienced the rise and fall of a criminal institution called the "vory v zakone" (or 'thieves in law') – a class of professional criminals who ruled the criminal underworld after the 1917 Revolution and followed a peculiar 'system of collective beliefs'. The Vory fraternity survived until the 1950s, when it was virtually destroyed by a new generation of criminals who quickly rejected the traditional rules of the fraternity. Since the dissolution of the Soviet Union in December 1991, the main features of these new organizations are protection to legal and illegal businesses and extra-legal governance in territories under its control. (Varese, 1998)

The level of efficiency of the group has quickly reached a peak in the years between 1991 and 1999, resulting in a permeation of Russia's legal economy and a streak of blood. (Cheloukhine, 2008)

II. THE SOLNTSEVSKAYA BRATVA

Solntsevskaya Bratva was a prominent Russian organized crime group that emerged in the Post-Soviet era, it was founded by Sergei Mikhailov ("Mikhas") and named after the Moscow suburb Solntsevo, where Mikhailov and the Averin brothers began to perform their criminal activities. (Younger, 2012) Following his release from prison, after serving time for insurance fraud in 1984, Sergei partnered with Victor Averin, a former inmate. Together, they then allied with Sergei Timofeev, the leader of the Chechen gang Orekhosvkaya. (Sebogodi, 2014) By the mid 1990s, the Solntsevskaya had significantly expanded, primarily focusing on protection services due to their members' wrestling experience. (Sebogodi, 2014) At its peak, the organization reached approximately 9,000 members. (Younger, 2012) At the present times the Solntsevskaya can still be regarded as one of the largest gangs in the country, comprising an estimated membership range of 4,000 members. (Sebogodi, 2014)

The Solntsevskaya, like all other organized criminal groups in Russia, adheres to the ancient criminal culture, and strong ethical code of the "*Vory v Zakone*". *(Sebogodi, 2014) The latter states that: "A thief is bound by the Code to (1) forsake relatives; (2) avoid forming a family of his own; (3) abstain from all work and live solely through theft; (4) assist fellow thieves through moral and material support; (5) keep accomplice locations secret; (6) take blame if necessary; (7) demand a convocation in disputes; (8) participate in such inquiries; (9) carry out convocation-decided punishments; (10) obey the judgment of the convocation; (11) know the thieves' jargon; (12) not*

© 2025 Lucia Vecchi. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

gamble recklessly; (13) teach the young; (14) maintain informants; (15) retain reasoning while drunk; (16) avoid authorities or civic duties; (17) refuse to take up arms for authorities; and (18) honor promises to other thieves". (Russian Organized Crime, n.d.)

This organization exhibits a clustered but flexible hierarchical structure, comprising multiple semiautonomous brigades that function within a cohesive and unified framework strongly linked to their social background. This kind of structural configuration is designed to minimize interactions with external entities that may facilitate the identification of the entire network. (Sebogodi, 2014) Moreover, specialization contributes significantly to the success of its endeavors.

The head of the organization is a Vory whose primary responsibility is to assist others through connections in various industries, as well as with national and local government entities. Under the head we can find the deputies of various sections such as: banking consultants, strategists, heads of racketeering, drug smuggling and security. Team leaders are car traders, accountants, extortionists and bankers. The groups' soldiers are smugglers, pimps, hit men and bodyguards. (Sebogodi, 2014)

The leadership style of Solntsevskaya is characterized by a "diffuse approach" in which decision-making responsibilities are shared across the various levels of authority, cells, and nodes within the organization. Nevertheless, a degree of hierarchy persists, as certain key authorities within the group are frequently tasked with the responsibility of making specific decisions. (O'Brien, n.d.) Although the internal dynamics of the organization remain largely unknown, former members have asserted that the upper rung consists of a council of twelve individuals who convene regularly in various locations around the globe, often concealing their gatherings under the guise of festive events. (Varese, 2012)

An important aspect to note concerning the economic organization is that each faction within the group maintains its own distinct accounts, which are separate from the personal accounts of its members. Each section is responsible for managing its own ventures, with profits being divided in four parts. (Sebogodi, 2014)

Where does an organization such as the Solntsevskaya Bratva secure its financial support from? Generally, the criminal activities of the group encompass extortion, involvement with prostitutes, consumer service enterprises, money laundering, art fraud, and racketeering, among other offenses. In Moscow, the group engages in retail, drug trafficking, oil and gas operations, as well as prostitution. The leaders of the organization frequently transition into legitimate business ventures after amassing substantial wealth, subsequently assuming positions as directors of banks or commercial enterprises. (Sebogodi, 2014)

The Solntsevskaya Bratva has access to revenues generated from legitimate enterprises, in addition to income derived from its illegal activities. (O'Brien, n.d.) It is estimated that the group controlled around 120 businesses in the late 1990s. Furthermore, shortly before his arrest, Mikhailov "won the tender to modernize the Moscow water supply facilities and participated in the project of building a gas pipeline from Turkmenistan to Ukraine." After that, Mikhailov's career "involved an even greater range of international economic activities". (O'Brien, n.d.) Indeed, according to several witnesses and police reports, the Solntsevskaya possesses a common fund (obshchak), which is reinvested in the legal economy. (Varese, 2012)

On top of that, the organization operates a protection racket across Moscow, termed krysha "roof": exercising control over the access to valuable markets. (Varese, 2012) In those years, with private industry on the rise, this racketing structure has provided – and continues to provide – a steady stream of income for criminal gangs. More reliable than risky criminal activities like robbery. Racketeers became more invested in the success of the businesses they protected. Described as "violent entrepreneurs" by the Russian sociologist Vadim Volkov, gangs increasingly offered a broad array of support services to those under their krysha. This included assistance in navigating the fiendish state bureaucracy, dispute resolution, contract enforcement, loans, and the creation of problems for rival businesses. In the absence of a functioning police or court system, the protection offered by gangs was welcomed by many business owners. The concept of krysha has evolved since the end of the Cold War. Its trajectory charts the evolution of power in Russia as the gangsterism of the 1990s was brought to heel, making way for the political violence of President Vladimir Putin's rule in the 21st century. (Mackinnon, 2020)

Over the years Solntsevskaya has managed to transplant to foreign countries fostering relationships with other criminal organizations This network, along with a strict code of conduct among those involved in criminal activities, contributes to the group's operational consistency. As might be expected, an organization such as theirs thrives more in distorted economies as they possess the capability to proficiently negotiate and establish business operations in international markets. (Sebogodi, 2014)

Having traced Solntsevskaya Bratva's evolution, the nex step of the examination will be focused on a specifc figure: Semion Mogilevich.

III. SEMION MOGILEVICH

Semen Judkovyč Mohylevyč also known as "The Brainy Don" is a Ukrainian criminal. U.S. and European security agencies consider him to be a significant figure within the global operations of Russian organized crime. He is believed to have established close connections with Gazprom, the Russian energy company, as well as controlling the company RosUkrEnergo, which is involved in the transportation of natural gas from Turkmenistan to Eastern European countries. He is actively engaged in certain disputes regarding the control of the selling price of the material between Russia and Ukraine. (Semen Mohylevyč, 2013) Mogilevich was also suspected of participating in a large-scale fraud, where untaxed fuel was sold for highly taxed gasoline. It is estimated that up to a third of all fuel sold went through this scheme, resulting in a massive tax loss for Central European countries.

In 1968, at age 22, he earned a degree in economics from the University of Lviv; in the 1970s he became affiliated with the Solntsevskaya Bratva criminal organization, where he engaged in theft and fraud for over seven years. (Semen Mohylevyč, 2013)

In 1980 a significant number of Ukrainian and Russian Jews immigrated to Israel unexpectedly, facing challenges in quickly transferring their assets. Mogilevich took the initiative to represent these individuals by offering to sell their properties such furniture, art, and precious stones, with the assurance that the proceeds would be returned to the owners. Unfortunately, the funds were instead allocated

toward illicit activities and the bcoll market. By 1990, having accumulated considerable wealth, Mogilevich moved to Israel with several lieutenants. In Israel, he diversified his investments into various legitimate businesses, while simultaneously maintaining international operations in the realms of prostitution, drug trafficking, and arms smuggling through a sophisticated network of offshore companies. Among his ventures was the establishment of an oil import-export company named Arbat International. (Semen Mohylevyč, 2013)

In 1991, he married his Hungarian partner, at which point he held four citizenships: Russian, Ukrainian, Israeli, and Hungarian. He lived in a fortified villa situated outside Budapest, where he continued to invest into a wide range of businesses and additionally acquired a local armaments factory known as "Army Co-Op. (Semen Mohylevyč, 2013)

In 1994, the group led by Mogilevich acquired control of Inkombank, one of Russia's largest private banking institutions, thereby obtaining direct access to the global financial system until the bank's collapse in 1998 following allegations of money laundering. (Semen Mohylevyč, 2013)

In May 1995, Prague police raided the restaurant "U Holubů", owned by Mogilevich during a birthday celebration for an auxiliary associated with the Solntsevskaya. Approximately two hundred individuals were captured, and thirty were subsequently deported. The police had been alerted of a potential plot by the Solntsevskaya Bratva to assassinate Mogilevich at the event; however, he did not attend, supposedly due to a notification from a law enforcement officer who was allegedly colluding with Russian organized crime. Subsequent to these events, the Czech Interior Ministry ordered a ten-year travel restriction on Mogilevich. Concurrently, the Hungarian government classified him as "persona non grata," and the United Kingdom imposed an entry ban. Both Mogilevich and his associate Sergei Mikhailov, the head of the Solntsevskaya Bratva, ceased their operations in the West in the late 1990s. (Semen Mohylevyč, 2013)

In 1997-1998, Canadian journalists revealed that Mogilevich, Mikhailov, and other mobsters were involved with a publicly traded company, YBM Magnex International Incorporated, that had embezzled more than $150 million from investors. On May 13, 1998 government agents conducted a raid on the company's headquarters in Newtown, Pennsylvania. YBM shares, which had an estimated value of $1 billion, became valueless in a single day. (Semen Mohylevyč, 2013)

Until 1998, Inkobank and Bank Menatep participated in a joint operation involving financial activities that have been estimated to have processed approximately $10 billion through a New York-based financial institution. (Semen Mohylevyč, 2013)

In October 2002 FBI included Mogilevich on its Most Wanted List due to his involvement in the fraudulent activities associated with YBM, thereby providing the agency with an opportunity to pursue charges, given its previous inability to up hold allegations of arms trafficking or prostitution against him. He took the title of the most powerful Russian mobster alive in 2006. He was eventually arrested on January 24 2008 on suspicion of tax evasion but was released a year later on July 24 2009 because, according to the then Russian Interior Minister Dudukina "the pending charges were not so serious". Despite the warrants issued against him, according to the FBI, his primary residence is still Moscow. (Semen Mohylevyč, 2013)

Having mapped Mogilevich's rise, we now continue our analysis showing how he and Solntsevskaya fused their operations.

IV. OVERLAP AND COOPERATION

How did the cooperation between Semion Mogilevich and the Solntsevskaya accelerate ROC's penetration of global finance?

The coalition between the Brainy Don and the Solntsevskaya group is observable in a span of time that goes from the 90's to early 2000's. His role was significant and well calibrated, characterized by clear and well premeditated actions. We will start by deconstructing a few of their joint plans.

In early 1993, the Solntsevskaya Bratva instituted a partnership with Semion Mogilevich, agreeing to invest substantial amounts of capital in a joint venture: acquiring a jewelry business in Moscow and Budapest. (O'Brien, n.d.) The two entities continued to engage in their collaborative undertakings until 1995 (O'Brien, n.d.) when – as we previously recounted – a meeting evolved into a law enforcement raid at a Prague restaurant owned by Mogilevich.

This arrangement not only diversified their income streams but also institutionalized money-laundering methods that later became standard across Eurasian networks.

Upon reviewing the intricate narrative, it is apparent from FBI reports that the Solntsevskaya organized crime group, under the leadership of Semion Mogilevich, shifted its operations in 1992 to engage in legitimate business pursuits, particularly focusing on international investment through the YBM Magnex Company. However, as previously stated, six years later, YBM Magnex International Corporation faced collapse due to publicly reported information regarding the company's involvement in profit laundering exceeding $150 million linked to Mogilevich and the Solntsevskaya. Mogilevich appears to be the only consistently active member of the group, while the others have successfully maintained a low profile. His background in economics suggests that he is the strategic mind behind the organization's business expansion and operations. This expertise likely contributed to the Solntsevskaya organization's ability to defraud millions of dollars from investors, including those involved with YBM Magnex and other enterprises. (Sebogodi, 2014)

It has been estimated that the Solntsevskaya organization laundered $100 billion by 1994, $200 billion by 1996, and $300 billion by 1999. This highlights the substantial financial resources and capital power the group has accumulated over the years. (Sebogodi, 2014)

In reference to more recent years, specifically 2010, WikiLeaks revealed that the Russian crime boss Semion Mogilevich was the actual force influencing the Ukrainian gas supply company RUE, registered in Switzerland providing gas from Central Asia. (Sebogodi, 2014)

V. CONCLUSIONS

Criminal groups such as Solntsevskaya represent a significant threat to the whole city system. They contribute to societal damage through the proliferation of corruption, leading the population to a decline in public trust as it

undermines democratic values. It distorts the moral perceptions of right and wrong. (Sebogodi, 2014) Furthermore, situations like this set a negative hold on economic transactions, increasing the cost of goods, medical services and housing, leaving a large section of the population unable to navigate and afford the legal market leading them to resort to the black market of organized crime. Writing this paper, I realized that Russian organized crime groups share similarities with their Italian and Chinese counterparts in terms of both their ideals and actions. However, I find it perplexing that individuals such as Semion Mogilevich have not received greater scholarly attention or media coverage, in contrast to the widespread attention given to leaders of the Italian mafia.

REFERENCES

Cheloukhine, S. (2008). *The roots of Russian organized crime: from old-fashioned professionals to the organized criminal groups of today.* Crime, Law and Social Change, 50, 353-374.ho

Director, C., & Becker, J. (2014). *Russian Organized Crime*.

Federal Bureau of Investigation. (2022, January 11). *State Department Announce $5 Million Reward for Fugitive Semion Mogilevich.* https://www.fbi.gov/news/press-releases/fbi-state-department-announce-5-million-reward-for-fugitive-semion-mogilevich

Holmes, L. (2020). *Organised Crime in—and from—Communist and Post-communist States. 30 Years since the Fall of the Berlin Wall: Turns and Twists in Economies, Politics, and Societies in the Post-Communist Countries*, (pp. 83-113.)

La Mafia Siciliana. (2013). *Semen Mohylevyč.* https://lamafiasiciliana.blogspot.com/2013/07/semen-mohylevyc.html

Lonsky, J. (2020). *Gulags, crime, and elite violence: Origins and consequences of the Russian mafia*

MacKinnon, A. (2020, July 3). *How muscle works in Moscow*. Foreign Policy. https://foreignpolicy.com/2020/06/14/krysha-putin-russia-how-muscle-works-in-moscow/https://foreignpolicy.com/2020/06/14/krysha-putin-russia-how-muscle-works-in-moscow/

O'Brien, M. (n.d.) *Organization Attributes Sheet–Solntsevskaya Bratva (Solntsevo Brotherhood).*

Russian organized crime. (n.d.). https://irp.fas.org/world/para/docs/rusorg3.htm

K., S. (2014). *Solntsevskaya Bratva.* Coventry University. https://www.academia.edu/10354477/Solntsevskaya_Bratva

United States Department of State. (2025, January 11). *Semion Mogilevich*. https://www.state.gov/semion-mogilevich/

Varese, F. (1998). *The Society of the vory-v-zakone, 1930s-1950s*. Cahiers Du Monde Russe, 39(4), 515–538. http://www.jstor.org/stable/20171104

Varese, F. (2012). *How mafias take advantage of globalization: The Russian mafia in Italy.* The British Journal of Criminology, 52(2), 235-253.

Xiao, J. (2016, August 1). *The evolution of Russian organised crime and the challenge to democracy*. E-International Relations. https://www.e-ir.info/2016/07/31/the-evolution-of-russian-organised-crime-and-the-challenge-to-democracy/

Younger, E. Q. (2012). *Organized crime in post-soviet russia: a comprehensive threat analysis* (Doctoral dissertation, University of Mississippi).

Colombian Organised Crime
The Development and the Impact on the Country

Elisa Vesentini

Abstract — **This paper examines the development of organised crime in Colombia, in particular in relation to drug trafficking. Starting from the production of marijuana in the 1970s, to the production of cocaine, which allowed the Colombian main drug trafficking organizations, namely the Medellín and the Cali cartel, to affirm themselves in the 1980s, up to the current conformation of criminal organizations in the country, the so-called BACRIM, it has changed in structures and activities to adapt to the change in the environment. The paper provides an explanation on the main structures adopted and the internal and external strategies of control, such as corruption and the use of violence. The paper analyses the impact of these criminal methods on the country, focusing in particular on the extensive corruption of the Colombian governmental offices.**

I. INTRODUCTION

Colombia is one of the biggest producers of cocaine in the world: in the 1990s it supplied 70 to 80 percent of the cocaine sold in the United States and 90 percent of that sold in Europe (Fukumi, 2004) and, as we can see from the World Drug Report of 2024 (*World Drug Report 2024 - Special Points of Interest*, n.d.) - in particular looking at the graph provided under "Global cultivation of coca bush, cocaine seizures and cocaine production, 2020-2022" - we have a clear idea that it has maintained its position even with the beginning of the new millennium and up until the current years, compared to other countries. Other drugs of which Colombia is one of the main producers are cannabis and opioids (*Cannabis, Coca, and Poppy: Nature's Addictive Plants*, n.d.-b).

Criminal organizations in Colombia mainly developed in relation to this activity. Drug trafficking organizations have evolved in the course of the decades, being able to adapt to the situations of the country and have highly influenced the manoeuvres of the government and of law enforcements. In the following paragraphs, I will provide an excursus of the history of these organizations up until the structure that they currently have, and I will analyse the impact on the State.

A. Notions on the History

The manufacture of drugs in Colombia started in the 1970s with the production of marijuana (Insight Crime, 2021). The farmers of the northern regions found that it was a far more profitable plantation, compared to the legal crops (Insight Crime, 2021), which was advantageous especially given the poor conditions that the country was left in after the period of the civil war between 1946 and 1958: the so-called period of "La Violencia"- the violence. The geography of the country also helped the producers in many ways: mountains and jungles extensively covering the territory provided protection to conceal laboratories, crops and routes for transportation, as well as making the access more difficult for controls of the law enforcements; moreover, it has direct access to both the Pacific and the Atlantic Oceans, facilitating the transfer by ship (Insight Crime, 2021). Then, as it often happens in illicit activities, the routes already known and used for the production of marijuana were expanded and exploited for the trafficking of cocaine as well.

It is with the production of cocaine that the Colombian organised crime emerges: in the late 1970s the Medellín cartel, led by Pablo Escobar, and the Cali cartel developed (Insight Crime, 2021). "The Medellín cartel was the first to start trafficking cocaine in Latin America, and its success in the 1980s made it the most powerful cartel in latin America" (Fukumi, 2004, pp. 87-88). The relationship with the government- if we can call relationship the link between a legitimate and an illegitimate power within it- became one of open conflict after the assassination of Justice Minister Rodrigo Lara Bonilla, in early April of 1984 due to his strong campaign against illegal drug traffic (Bagley, 1986; New York Times, 1984): the, at the time, president "Betancur appeared on national television beside the minister's grave and declared war against the drug dealers in Colombia" (Bagley, 1986, p. 98). As a result, a law on extradition of drug traffickers was passed the same year (Insight Crime, 2021). Another wave of violence, though, was used by the cartel to induce to the abolition of the aforementioned law, which effectively took place in 1991.

By that time, some members of the Medellín cartel started to surrender to the law enforcement and, in 1993, the leader Pablo Escobar was finally killed on a rooftop in Medellín (McDermott, 2015). The Cali cartel, instead, took the opportunity and started taking over the position of control of the trafficking. Compared to the violent means adopted by the Medellín cartel, the Cali cartel searched for coexistence rather than confrontation with the government (Fukumi, 2004). The members of the organization were called "the Cali's gentlemen", due to their businesslike operations carried out with minimum violence. Despite this, in 1995 the Rodriguez Orejuela brothers, head of the Cali cartel, were captured as well and extradited to the United States, marking the end of, what McDermott (2015) called the "first generation cartels".

According to him, there have been three distinct generations of cartels in Colombia, different in the structure and means used by each of them: the first generation, namely the one of the cartels, was vertically integrated and following a hierarchy, with defined command structures able to manage in a centralised manner all the different links of the drug chain; the second generation, instead, is compared to "federations of *cartellitos*", so of "little cartels", which tend to be specialised in distinct activities within the drug chain,

© 2025 Elisa Vesentini. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

although there is no clear boss managing them (McDermott, 2015). McDermott also believes that at the moment a third generation is active in Colombia, which is organised as a directed criminal network.

B. The Current form of Organised Crime in Colombia

The third generation of criminal organization is constituted by the so-called BACRIM, abbreviation for the Spanish name "*Bandas Criminales*" - criminal gangs. The appellative was given by the government of former president Alvaro Uribe in 2006, in order to differentiate between the right-wing paramilitaries with whom he had signed a demobilization deal in the same year- namely, the *Autodefensas Unidas de Colombia*, AUC- and the criminal organizations that might have been created subsequently, in order to protect the credibility and the stability of the deal (McDermott, 2015). They are not organised following a vertically integrated structure, a hierarchy, like the first generation of drug trafficking organizations, nor a horizontal organization like the second, but they are a "directed criminal network" (McDermott, 2015).

They differ from the previous criminal organizations in the country also because they are involved in a wider range of illegal activities, such as trafficking of arms and human beings, extortions, kidnapping, etc; they provide services for all links of the drug chain in-country as well as carrying out transnational transportation of the drug shipments. This shift in the enterprises was due essentially to change in the role of the Colombian drug trafficking organization in the global scheme: the Mexican cartels started gaining monopoly of the transfer of cocaine to the United States, lowering the profits for the Colombian organizations, therefore forcing them to search for sources of earnings in more variated enterprises. The BACRIM still gain around half of their profit from the sale of drugs by selling it to the Mexican cartels, who in turn transfer and sell it in the United States, but we must consider that the Mexican organizations then earn more than double the profit gained by the Colombian organizations (McDermott, 2015).

An explicative comparison to understand the structure of the BACRIM is to imagine them as a franchise, a company: at the bottom level of the organization there are various "*oficinas*", which are quite sophisticated criminal structures. They have control of limited portions of the territory, ranging from a city district to the entire city for the most high-powered; moreover, they have different components within them, making them most of the time self-sufficient and autonomous organizations. The *oficinas* engage in differentiated activities, which they might, then, provide as services to transnational criminal organizations or to the BACRIM. They are often affiliated to BACRIM, which contract the services through "regional lieutenants". So, in the general structure of the BACRIM we find at the top a "board of directors", composed of the military heads of the organization and some senior members of drug trafficking organizations, which directs the regional subordinates, who in turn directly contract with the *oficinas* for the specific service necessary to their activity (McDermott, 2015).

II. THE INTERRELATIONSHIP BETWEEN DIFFERENT KINDS OF ORGANISED CRIME

The most recent official definition of the BACRIM delimits them as "criminal structures nationally articulated, with a high corrupting, intimidatory and armed power which have combined the production and commercialization of drugs with the violent effect on the rights and freedoms of citizens" (Prieto, 2013, p. 3). The BACRIM are not only drug trafficking organizations but have other sources for financing themselves and they are not fully paramilitary structures either, but they have the capacity to administer the territory and extensively control the local society (Prieto, 2013). An important element to mention, to have a clearer picture of the current predominant transnational criminal organization in Colombia is the close relation between the BACRIM and the former paramilitary groups active in Colombia. As mentioned before, this type of criminal organization developed in Colombia starting from the mid-2010s, after the demobilization deal between the government and some paramilitary groups: despite the use of this original name, it is undoubted that there are roots connecting them. (Bangley, 1986). Moreover, the country has a long history of insurgent military groups, starting from the 1960s with the birth of the National Liberation Army - *Ejéricito de Liberaciòn Nacional*, ENL - and the Colombian Revolutionary Armed Forces - *Fuerzas Armadas Revolucionarias de Colombia*, FARC (Britannica, 2019). There are many others, that all grew parallelly to the drug trafficking organizations, although it is speculated that some level of connection is present. For example, there is the hypothesis that the routes of drug trafficking organizations are also exploited by paramilitary groups in relation to the arm flow, but there is no solid evidence to corroborate it (Bagley, 1986).

A. The Modalities of Action: Between Corruption and Violence

The main aim of any – transnational - criminal organization is to maximise the profit while minimising the risks. Therefore, they will adopt any possible means, within and outside the organization, to ensure that this balance is met.

THE INTERNAL STRATEGY. Analysing the internal strategy, the main protection is given by the reduction to a minimum of the knowledge of the members and of the sharing of information (Kenney, 2007). In this way, if a member of the organization was ever caught or decided to betray the organization, he wouldn't be able to provide any information to the law enforcements. "Yet, to make decisions, perform tasks, distribute resources and resolve disputes, criminals must communicate with each other and coordinate their activities." (Kenney, 2007, p. 9). Moreover, the fact that all the decision-making is in the hands of core group leaders, makes them virtually irreplaceable (Kenney, 2007), setting the whole organization up for failure or at least for a harder recovery if they get caught. On the contrary, micro-managing can ensure that the entire operation is carried out according to the standards of the organization, also in the sense that the tasks are performed without drawing the attention of the

law enforcement agencies. Therefore, it reduces one vulnerability while creating at the same time another (Kenney, 2007): there is the need to find a balance even within the internal structure. Colombian drug trafficking organizations are able to overcome this organizational issue through a series of strict rules, such as a code of silence fuelled with threats to the members or their families, as well as the exploitation of strong social connections. (Kenney, 2007). Moreover, they do employ the strategy of reducing information whenever possible, since they operate in distinct cells, causing the law enforcements, which are often able to intervene only on the lower levels, to not get enough information to dismantle the whole organization (Kenney, 2007). Lastly, the drug trafficking organizations were able to provide at all levels a wide turnover of members, when some were caught, making the organization survive and adapt (Kenney, 2007; Fukumi, 2004).

THE EXTERNAL STRATEGY. Criminal organizations can also intervene outside of their structure, influencing directly the government and the relative law enforcement agencies through corruption and violence. Bribery is the essential strategy to be put in place to secure maximum profit and ensure minimum disruption of the activity (Fukumi, 2004), because it directly involves in the criminal activities the representatives of the State: the government, at various levels, law enforcement agencies and the judiciary might be targeted to do the interest of the organization or to protect the members. Violence, on the contrary, will draw the attention of the law enforcements, so criminal organizations are generally more reluctant to use it: "they turn to it only as a last resort when money no longer talks" (Fukumi, 2004, p. 86). Nonetheless, it is still a highly used strategy in illegal activities, both within and outside the organization, to maintain control. Even threats of violence are sufficient to reach the aim, when bribes don't work. In fact, although accepting bribes might not be the choice for all government officials, it is forced on them when the consequence might be violent retortion on them or their families.

In the case of Colombia, all of these modalities are employed. In regards to corruption, cartels operate on all of the levels of the governmental offices: from the politicians to the military to the judicial. In politics, cartels are involved in municipalities as well as in the national level: some examples being the election of Pablo Escobar as a substitute city council member in Medellín (Fukumi, 2004); but also the forced resignation, in 1995, of the campaign treasurer of president Samper, together with three other ministers of the administration because of their involvement with the Cali cartel (Fukumi, 2004). The effect of these infiltrations can be seen in regards to the delay in the approval of legislations against drug trafficking and, in general, for many drug-control initiatives.

Bribes and threats to the judiciary, then, are used to avoid prosecutions or sentencing when convicted (Fukumi, 2004). A clear example of this mechanism is the negotiated deal for the conviction of Pablo Escobar in "*La Catedral*" (the cathedral), a luxurious correctional facility of his own design (Bargent, 2017; Kenney, 2007), from where he was able to keep carrying out organizational activities for the Medellín cartel.

Lastly, drug trafficking organizations corrupt military officers to ensure that controls are not executed or, when so, that nothing is detected. This causes not only internal operations aiming at fighting drug trafficking to be jeopardised, but even the conjoined operations with the United States are often "compromised form the beginning" (Fukumi, 2004, p. 90). The phenomenon is so widespread that the Colombian media confirmed the existence of a "Blue cartel", referring to the colour of the Air Force uniforms (LADB Staff, 1998) after a scandal involving the Colombian Air Force - namely the seizure of cargos of drugs in a plane belonging to the Air Force.

THE CONSEQUENCES. OF THE EXTERNAL STRATEGY. In whatever form they take place - through corruption or through violence - the actions of - transnational - criminal organizations affect the State by creating a condition of persistent uncertainty for the citizens. Their fear is first of all for their personal security, which is worsened by the fact that they can't trust that the one authority which is supposed to protect them will actually do so, given that the responsible forces often infiltrate the State itself. When citizens don't recognise anymore the government as being in control of its territory and secure the general interests, the State loses its legitimacy (Fukumi, 2004). There is a loss of faith in the democratic process, which undermines development of society, capitalising on human vulnerability (Fukumi, 2004).

The delegitimization can be also perceived by the international community, as a State with a weak or even with a lack of domestic sovereignty may appear as not possessing the necessary powers of negotiation in international affairs. This means that such a State would also lose its status within international relations (Fukumi, 2004).

III. CONCLUSIONS

Organised crime in Colombia developed from an already weak economy and social and political structures that from the beginning weren't able to fight against it. Even nowadays, "Colombia's economic and political conditions are not as strong as those of developed countries, and the budget the government can allocate for counter-narcotics measures is limited" (Fukumi, 2004, p. 94). The internal presence of the criminal organization in the administrative structure of the State weakens even more the efforts. On the other hand, criminal organizations were able to react, even violently, to the actions of the government and adapt to the changes of their environment, diversifying their structures and sources of profits.

The struggles of the government in hinder the gain of power of the criminal organizations and, on the contrary, the influence that they have on the administration itself, has led its citizens to not trust its capacity of providing protection, which is one of the main functions of the State: the State therefore is losing its legitimacy. The delegitimization is also perceived at international level, especially because even the international efforts to provide

support to the cause often fall into the void due to the contrary influence of the drug trafficking organizations.

In addition to the struggles of the government in fighting drug trafficking, it is undeniable that as long as there will be a market, there will be supply. Even more so when the alternative for the suppliers is a much less profitable enterprise: poor people in necessity or wealthy people who want to become richer will continue in the drug trade. (Bagley, 1986). It appears that the only potential viable alternative is the legalization, but no country could ever consider such option (Bagley, 2006).

REFERENCES

Bagley, B., Pacini, D., & Franquemont, C. (1986). The Colombian connection: the impact of drug traffic on Colombia. *Cultural Survival Report*, *23*, 89-101.

Bargent, J. (2017, March 27). Colombia's Mirror: War and Drug Trafficking in the Prison System. InSight Crime. https://insightcrime.org/investigations/colombia-mirror-war-drug-trafficking-prison-system/

Britannica. (2019). Colombia - La Violencia, dictatorship, and democratic restoration. In Encyclopædia Britannica. https://www.britannica.com/place/Colombia/La-Violencia-dictatorship-and-democratic-restoration

Cannabis, coca, and poppy: nature's addictive plants. (n.d.). DEA Museum. https://museum.dea.gov/exhibits/online-exhibits/cannabis-coca-and-poppy-natures-addictive-plants

Fukumi, S. (2004). Drug-trafficking and the State: The case of Colombia. In *Organised crime and the challenge to democracy* (pp. 83-99). Routledge.

Insight Crime. (2021, April 24). *Colombia Profile*. InSight Crime. https://insightcrime.org/colombia-organized-crime-news/colombia/

JUSTICE MINISTER SLAIN IN BOGOTA. (1984, May 1). *The New York Times*. https://www.nytimes.com/1984/05/01/world/justice-minister-slain-in-bogota.html

Kenney, M. (2007). The architecture of drug trafficking: Network forms of organisation in the Colombian cocaine trade. *Global crime*, *8*(3), 233-259.McDermott, J. (2015). *The Changing Face of Colombian Organized Crime*. Friedrich-Ebert-Stiftung.

McDermott, J. (2015). The Changing Face of Colombian Organized Crime. Friedrich-Ebert-Stiftung.

Prieto, C. A. (2013). Las Bacrim y el crimen organizado en Colombia. Friedrich-Ebert-Stiftung, Programa de Cooperación en Seguridad Regional.

Staff, L. A. D. B. (1998). Drug-Laden Plane Points to Colombian Military Role in Drug Trafficking.

World Drug Report 2024 - Special points of interest. (n.d.). United Nations : Office on Drugs and Crime. https://www.unodc.org/unodc/en/data-and-analysis/wdr2024-special-points-of-interest.html?testme

MS-13 and Interstate Criminal Law

The Security and Justice Dilemma

Francesca Visentin

Abstract — The paper examines MS-13 (Mara Salvatrucha), one of the most discussed gangs, exploring its origins, development, and criminal activities. From an LA group of Salvadoran refugees fleeing a civil war and searching for a sense of belonging, they became a decentralized yet violent organization with transnational reach where social cohesion is more important than profit, and violence is a marker of identity and control. The essay treats the structure, rituals, symbolism, and rules of MS-13 showing how these elements were instrumental to their expansion, resilience, and adaptability. It will explore governmental responses, focusing on the United States and El Salvador. The policies ranged from harsh crackdowns to negotiated truces objectively reducing violence, but also raising human rights concerns. Conclusively, the study evaluates the long-term effectiveness of these strategies, underlining the need for a balanced approach integrating security and justice while addressing the socio-economic roots of MS-13.

I. INTRODUCTION

"These aren't people, these are animals"

In 2018, U.S. President Donald J. Trump referred to MS-13 members with this word: *animals.* While violence and criminality are despicable, how governments and international organizations respond to these phenomena should leverage a holistic approach and not a dehumanizing rhetoric.

Mara Salvatrucha, known as MS-13, is often described by politicians and media as one of the most dangerous gangs. Being present across a half-dozen countries, debates around them are common, but there are still unexplored twilight zones.

In 2012, it was the first street gang to be labeled as a Transnational Criminal Organization (TCO) by the U.S. Department of the Treasury. However, its status of TCO is highly debated. While some describe it as an organized group with transnational capabilities (Trump, 2017 and, U.S. Treasury, 2012), many assert that it can just be labeled as a Transnational Gang due to its decentralized structure (InSight Crimes & CLALS, 2018).

The paper explores the historical, social, and economic factors leading to *Mara Salvatrucha*'s rise, evaluates the legal responses against them, and assesses the effectiveness and proportion between justice, security, and human rights to show a way forward towards a balanced approach.

II. THE OUTSIDERS: THE ORIGINS AND DEVELOPMENT OF MS-13

MS-13 was founded in Los Angeles around 1980 by Salvadoran refugees fleeing the country's brutal civil war (1979-1992) and finding themselves in the epicenter of criminal gangs' activities (Stiles, 2012). Many original members had military training from both government and guerrilla forces (Etter, 2010).

As Steven Dudley underlines, MS-13 is a *"victim and a victimizer"* (International Crisis Group, 2017). The group emerged as a response to an environment where uncertainty and stigmatization pushed people to find alternative ways of survival (Seelke, 2016).

Trying to defend themselves in a violent city, they banded together becoming a real support system. The willingness to fight marginalization and lack of resources pushed Ernesto "Smokey" Miranda and Julio Cesar to create the ancestor of MS-13, the *Mara Salvatrucha Stoners* (MSS). Not just a criminal enterprise, but rather a social and political support system creating a sense of belonging. A social club bonded by heavy metal music; a space where people could get protection and nurturing rather than a criminal enterprise.

In the mid-80s the gang culture and violence took over, particularly against other rival gangs such as *Barrio18* (Stiles, 2012). U.S. authorities reacted vigorously, putting many members in jails (Kinosian, 2017) where they established strong alliances with the Mexican Mafia and started to work as their subsidiaries with a predatory rather than entrepreneurial spirit. In the 1990s they changed their name to MS-13 and, in partnership with other Latin American criminal organizations, they expanded to the East Coast, including Washington, D.C., and Long Island, NY, and became known for their brutality.

By the mid-1990s, the US government launched a campaign of mass deportations of foreign-born criminals. In particular, the 1996 *Illegal Immigration Reform and Immigrant Responsibility Laws* led to the repatriation of many MS-13 members to the Northern Triangle. Back in their home-countries - facing the social and economic hurdles of a post-civil war situation - they continued their lifestyle expanding their influence and becoming a structured criminal network.

Paradoxically, in the early 2000s, the U.S. policies meant to eradicate gangs were the very reason for MS-13's expansion in Central America. In El Salvador, Guatemala, and Honduras, in particular, the gang became stronger, and in prisons, they were able to establish a cohesive and more organized deportees base. They also expanded in Mexico as allies and subcontractors of bigger Mexican Cartels like DTOs and Los Zetas (Etter, 2010).

III. THE SECRET HISTORY: ORGANIZATIONAL STRUCTURE, CRIMES, AND RITUALS

Most of our thoughts about criminal organizations are jaded by the image we have from movies and what other cartels or organizations look like.

The *Mara Salvatrucha 13*, differs from other criminal groups. The numbers are highly debated, but they range from 70 to 100 thousand affiliates, plus 10 more in the U.S. (Lillie, 2017). Their main language is Spanish and

© 2025 Francesca Visentin. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

most of the members are originally from the Northern Triangle.

Unlike Cartels or mafias usually having a highly centralized hierarchy and huge amounts of financial resources, MS-13 has a decentralized structure of groups called *clicas* without a single leader at the top of the pyramid. In an indictment of El Salvador, it was described as a *"collegial, multi-layered and multi-membered"* organization (Operación Jacque, 2016 and InSight Crimes & CLALS, 2018).

Even if considered a Transnational Gang, most of their activities are local and the territory or *barrio* is the most important element serving a sense of belonging and the place where to generate profit.

The basic units, *clicas,* have a variable number of members and manage local criminal activities. Those include drug dealing, extortion, theft, and more sophisticated international crimes such as human and arms trafficking - usually under the coordination of bigger South American cartels (Farah, 2012 and Etter, 2010).

Clicas operate independently but have similar rules comprising: no theft, no snitching, no leaving, no raping, attending meetings, and respecting the "green light" before killing someone (InSight Crimes & CLALS, 2018). Violations of these rules are judged by *El Juzgado* possibly leading to serious consequences including death sentences.

While MS-13 doesn't have a single leader, each *clica* has a hierarchical structure where the leaders are known as *corredores* (runners). *Clicas* are usually linked under a larger regional structure called *program*. In particular, in El Salvador and the U.S., the basic factions respond to a ruling council called *Mesa* in Los Angeles and *Ranfla Histórica* in El Salvador - which serve to coordinate broader organizational strategies (InSight Crimes & CLALS, 2018). The ruling council is composed of senior members who distinguished themselves for their loyalty and violent acts. In the more organized councils, there are also regular meetings to discuss their agenda and elect leaders (Wolf, 2012).

Geographically speaking, they are present in the U.S., Guatemala, and Honduras mainly in urban areas, while in El Salvador - where they are most powerful - also in rural parts. Some cells have appeared in Europe, notably in Italy (Valencia, 2016) and Spain (Robbins & Bargent, 2014).

Symbolism is a fundamental part of the organization and graffiti, tattoos, and hand signs identify members (Cruz, 2010). MS-13 is a peculiar gang focused on the here and now. Unlike other groups, they prioritize social cohesion over economic goals. The organization generates substantial revenue, due to its growing involvement in extortion and drug trafficking, but they are not rich as the money is spread across many hands. This is particularly important to understand MS-13: it is a social organization first and secondly a criminal one (InSight Crimes & CLALS, 2018). Criminal activities are not their main driver, they desire social cohesion based on loyalty and shared sacrifice where violence is fundamental in cementing internal bonds. This idiosyncratic social aspect makes them more resilient to policies against them as they aren't dependent on a mere economic factor.

Members are recruited at a young age, usually from poor neighborhoods, seeking to escape difficult conditions and attracted by the gang's power (Cruz, 2010). The *clica*, rooted in *el barrio*, becomes a second family, offering shelter, community, and protection.

MS-13 affiliation is for life and new members have to pass several stages before being admitted. This process differs between territories and it can take a variable amount of time. Before becoming official members, initiates operate as *paros* doing basic services to then evolve into *chequeos* when they commit more serious criminal activities (Barak, León, and Maguire, 2020).

Once deemed suitable to join, and worthy of respect and trust, candidates undergo the initiation rite, *el brinco,* in which they are usually beaten by 3-5 members until the leader counts to 13. Afterwards, they earn a *placazo* or nickname and full membership.

MS-13 is a patriarchal organization and women are rarely allowed to join. The very few can enter following *el brinco* process or by being raped, but losing all the respect of the *clica* they are part of.

Members are not specialized, but everyone performs every task on a voluntary basis leading to a more unorganized structure, possibly causing errors but more adaptability.

Violence is a specific marker of MS-13 as emphasized by their motto, *Mata, Viola, Controla* (Kill, Rape, Control). Externally, violence allows to protect the physical space and asserts social and political power, while internally it strengthens cohesion and is used as a recruitment tool (InSight Crime & CLALS, 2018).

Brutality is a gang matter and killings are done in groups and in public, making their exploits more visible and sensationalist. Firearms, knives, and machetes are the most used tools and the aim is not just killing, but torturing and dismembering the victims in a ritual with direct references to sadism and satanism (Zaidi, 2019).

Leaving the gang is hard and there are basically three ways to do so: 1. Getting permission to retire, but the person can be called out of retirement; 2. Joining the Evangelical Church, as a higher form of commitment; 3. Running out and being chased for life.

Its Transnational Criminal Organization status is debated due to its loose structure, however it is undeniable that cross-border relations exist.

IV. THE TRIAL: MS-13 AND INTERSTATE LAW ENFORCEMENT

MS-13's flexibility complicates policymakers' efforts. While MS-13 is a borderless organization, countries are working in compounds making law enforcement against them particularly trivial (Lillie, 2017).

For the sake of analysis, we'll consider the U.S. and El Salvador responses as illustrative of the bigger policy picture.

A. U.S Response

MS-13 was often used as a symbol of immigration-related crime, influencing public discourse and policies on deportation and border control. Gang violence is usually administered by local law enforcement, but the nature of MS-13 pushed the FBI to leverage transnational partnerships with Central American countries and

establish specific units such as the *National Gang Intelligence Service* (NGIS) in 2005.

The Los Angeles Police Department (LAPD), launched Operation Hammer filing jails with MS-13 members (Lillie, 2017). Moreover, the 1988 California's *Street Terrorism Enforcement and Prevention Act* (STEP), enhanced and lengthened sentences.

With the 1996 *Immigration Law*, everything changed, leading to a mass deportation of MS-13 affiliates to their homeland. An estimate states that between 2008 and 2016, 150.000 people were repatriated with this method in El Salvador only (Blitzer, 2017).

By the early 2000s, under George W. Bush's presidency, the FBI created a dedicated anti-MS-13 unit (Seelke, 2016), and after the terrorist attacks of 2001, the government intensified the pressure on them in light of the *USA Patriot Act*. In 2012, during Barack Obama's presidency, the group was officially classified as a Transnational Criminal Group (Avalos, 2017).

Under Trump, there was a violent politicization of the fight against MS-13. Stigmatizing immigrants, he invoked the *Alien Enemies Act* of 1798 to accelerate deportations of gang members (Sullivan & Sparta, 2025). The response of the state involved the Departments of Justice and Homeland Security, significantly degrading the capabilities of the gang. In 2019, in particular, there was the creation of a *Joint Task Force Vulcan* (JTFC) aimed at weakening and eliminating MS-13 and leading to the first charges of terrorism offenses.

In February 2025, Trump signed *Executive Order 14157* referring to MS-13 as one of the main Foreign Terrorist Organizations (TSO) and Specially Designated Global Terrorists (SDGTs) representing a far worse security threat versus the one posed by traditional organized crime.

B. El Salvador Response

In El Salvador, deportees exported the criminal gang culture. The government, unable to reintegrate them into society, started to adopt strict anti-gang policies, filling their own jails which became recruitment hubs and where the movement grew unchecked.

Violence escalated making El Salvador and its capital the most murderous in the world since 2015 with 100 murders every 100.000 people, most of which connected to war between MS-13, Barrio18, and governmental forces (Gagne, 2016 & The Economist, 2017). As a consequence, mass migration to the U.S. restarted, and tightened immigration policies were enacted as a consequence, reinforcing the vicious criminal cycle.

Two approaches were used to reduce the power of MS-13 in the country: *mano dura* (zero-tolerance policies) and gang truces involving state-led negotiations (Hernandez-Roy & Bledsoe, 2023).

Mano Dura policies were first implemented in 2003 by President Francisco Flores and intensified by Mauricio Funes in 2009, leading to increased violence and mass incarcerations of gang members who strengthened their power within prisons that became operational and recruitment headquarters.

During Funes' presidency, an increase in homicide rates forced the Minister of Defense David Munguia Payes to negotiate with gangs granting members in prison a more lax environment. The truce between the state, Barrio18, and MS-13 started in March 2012, allowing the gang to establish political and economic power over the territory (Farah and Babineu, 2017). However, the truce collapsed after 15 months and the country went back to increased violence. In August 2015, the Salvadoran Constitutional Court declared MS-13 a terrorist organization.

Both solutions were used, but neither were effective in the long-term.

President Nayib Bukele's election in June 2019 was a turning point. After failed negotiations with MS-13, he launched his *Territorial Control Plan* (PCT), an extreme version of *mano dura*. While homicides lowered, it brought a militarization of the country, centralization of power, and erosion of the democratic system.

By 2022, violence started to peak again, prompting Bukele's Nuevas Ideas-controlled legislature to enact the state of emergency leveraging *Art. 29 of the Constitution* (Asamblea Legislativa de la República de El Salvador, 2022). Since then, the state of emergency has been renewed several times giving the executive full powers and suspending Constitutional rights, civil liberties, and press freedom. It imposes harder sentences and no judicial oversight whatsoever leading to mass arrests and punitive legal reforms. As of 2023 almost 63.000 alleged gang members - 2% of El Salvador's population - had been detained (Redacción, 2023 and Hernandez-Roy & Bledsoe, 2023).

The long-term effectiveness of these policies must be assessed, but the concern is rather on the balance between security, justice, and humanity.

V. CRIME AND PUNISHMENT: HUMAN RIGHTS AND JUSTICE CONCERNS

A. Security as a Political Tool

When a violent gang like MS-13 is involved, human rights violations are often overlooked, making harsh application of justice not just justifiable but desirable. Emphasizing security is a political strategy to gain consensus and set an example, while neglecting the rehabilitative role justice should always uphold.

In the US, Donald Trump often mentioned MS-13 for political purposes, to justify his anti-immigration and border control policies. This, alongside sensationalist videos and speeches, fuelled racism in the country and a demonization of Latino communities.

El Salvador's Mano Dura policies, and particularly Bukele's model, were characterized by human rights violations. This is not only limited to prison conditions (Il Post, 2023), but also to arbitrary detention, unreported deaths, and medical neglect.

The decline of street violence is a fact. There was a striking reduction in murder rates, an increase in international loans and investments, and a restart of tourism ameliorating the economic situation of the country (Krein, 2024). However, the Bukele Model's sustainability should be analyzed under different lenses. While his hyper-realist crackdown was invoked as necessity, it has also eroded legal protections and the rule of law pushing the Inter-American Commission on Human Rights (IACHR) and Human Rights Watch to condemn

the Salvadoran policies and the danger of an authoritarian turn (IACHR, 2022).

The crackdown is widely popular, and made him one of the most appreciated Presidents in America (Meléndez-Sánchez & Vergara, 2024), as crime lowered and safety increased. However, those aggressive security measures, while being effective in El Salvador, impacted the region, pushing gang members to flee neighboring countries and further expanding MS-13 networks. Despite this, the Model gained traction in Latin America but replicating it raises concerns due to several problematic elements (U.S. Department of State, 2023).

B. Justice and Human Rights

Media-driven sensationalism against gangs has fuelled social marginalization. Suspension of the Rule of Law has led to mass arrests without due process, and arbitrary detentions - including journalists and political opponents - in contrast with international human rights agreements (IACHR, 2022) such as *articles 9 and 14 of the International Covenant on Civil and Political Rights* (ICCPR), *articles 7 and 8 of the American Convention on Human Rights* (ACHR), and the *UN Mandela Rules.*

Reports of extrajudicial actions included killings, disappearances, and tortures, with 90 people dead in prison (UN Committee Against Torture, 2022) which was aided by total military impunity on perpetrators and a lack of transparency on the cost of the war against gangs.

This was backed by weaker democratic checks and balances - as proved by Bukele's reelection via a Supreme Court ruling of 2021 - resulting in the limitation of press freedom and civil liberties in general.

As Ana Piquer, America's director at Amnesty International, stated (Amnesty International, 2022), what the government calls peace is just a repressive system that uses power to violate the rights of marginalized people. What is done is not justice and it will just threaten democracy and worsen the situation in the long-term.

VI. CONCLUSIONS

For some, MS-13 is a TCO, orchestrating cross-border assassinations and trafficking illicit drugs. For others, it is a dangerous but predictable response to abuse and social marginalization (InSight Crime & CLALS, 2018).

The international community should address the concerns raised by Bukele's politics by targeting criminality while eliminating the threats to democracy and human rights.

While *mano dura* has effectively reduced violence, it has weakened freedom and won't be sustainable in the long-term. A lasting solution needs balancing suppression and prevention, tackling societal voids through community-based initiatives fostering resilience against gang influence.

1. It is paramount to have in mind the social conditions creating the situation. Lack of education, occupation, and social support for immigrants makes the protection of a gang a desirable option. A holistic, international approach is needed, tackling social, economic, and political factors, including:
2. Addressing systemic poverty and social exclusion by creating community-based programs offering reintegration, educational training, mental health support, and job-search assistance;
3. Support press freedom and independent monitoring;
4. Reforming prisons, by separating high-risk individuals from the general prison population, replacing overcrowded mega-prisons with smaller rehabilitation centres, and training staff;
5. Fighting corruption and limiting MS-13's political involvement;
6. Strengthening the Rule of Law and the separation of powers to maintain a healthy democracy and limit human rights abuses by ensuring fair trials and allowing independent audits;
7. Enhancing regional and international cooperation developing a multi-party response – e.g; through a Central American anti-gang coalition.

The suppressive war against MS-13 just touches the surface. It is a way for governments to push their political agenda and justify authoritarian turns. The only viable strategy is a cross-regional approach focused on a crucial element for gang members: el barrio. Balancing accountability with rehabilitation, ensuring consequences to criminal actions while addressing at the same time the causes through community-first programs, would be the only long-term solution for stability.

Security is meaningless without humanity and fair justice. Saying that in war "everything is permitted", is a way for governments to push their political agendas and justify actions that would be otherwise unacceptable. The key is understanding the complexities of why people join gangs and offering them options to escape violence.

REFERENCES

Americas: Street gang dubbed "Transnational criminal organization." (2012, October 18). OCCRP. https://www.occrp.org/en/news/americas-street-gang-dubbed-transnational-criminal-organization

Amnesty International. (2024, December 20). *El Salvador: A thousand days into the state of emergency. "Security" at the expense of human rights.* https://www.amnesty.org/en/latest/news/2024/12/el-salvador-mil-dias-regimen-excepcion-modelo-seguridad-a-costa-derechos-humanos/

Amnesty International. (2022, August 31). *Eviscerating human rights is not the answer to El Salvador's gang problem.* https://www.amnesty.org/en/latest/news/2022/08/eviscerating-human-rights-el-salvador-gang-problem/

Asamblea Legislativa de la República de El Salvador. (2022, March 27). *Decreto No. 333: Régimen de excepción*. https://www.asamblea.gob.sv/leyes-y-decretos/busqueda-decretos

Avalos, H. S. (2017, 19 April). *7 Things the Trump Administration Gets Wrong About MS13.* InSight Crime.
https://insightcrime.org/news/analysis/7-things-trump-administration-wrong-ms13/

Barak, MP, León, KS, Maguire, ER. (2020). *Conceptual and empirical obstacles in defining MS-13: Law-enforcement perspective.* Criminal Public Policy, 19, 563– 589. https://doi.org/10.1111/1745-9133.12493

Barlean, Mary Kathryn (Katy), *Mara Salvatrucha (MS-13): The Imminent Threat Inside Our Borders and Throughout the Continent* (2014).Honors Senior Theses/Projects. 9. https://digitalcommons.wou.edu/honors_theses/9

Blitzer, J. B. (2017, January 17). *The legacy of deportations in El Salvador*. Pulitzer Center. https://pulitzercenter.org/projects/legacy-deportations-el-salvador

2022 *Country Reports on Human Rights Practices: El Salvador*. (2022). In United States Department of State. https://www.state.gov/wp-content/uploads/2023/02/415610_EL-SALVADOR-2022-HUMAN-RIGHTS-REPORT.pdf

Decreto n.333. (2022). LA ASAMBLEA LEGISLATIVA DE LA REPÚBLICA DE EL SALVADOR. https://www.asamblea.gob.sv/sites/default/files/documents/decretos/AC3C0841-8432-45E0-A6DD-550855311C00.pdf

Dreier, H. (2018, June 25). *I've Been Reporting on MS-13 for a Year. Here Are the 5 Things Trump Gets Most Wrong*. ProPublica. https://www.propublica.org/article/ms-13-immigration-facts-what-trump-administration-gets-wrong

Etter, G. W. (2010). *Mara Salvatrucha 13: A transnational threat* (Vols. 17, number 2). https://www.researchgate.net/profile/Gregg-Etter/publication/283557346_Mara_Salvatrucha_13_A_transnational_threat/links/57bf275b08aed246b0f7bc4a/Mara-Salvatrucha-13-A-transnational-threat.pdf

Farah, D. (2012). *Central American Gangs: Changing Nature and New Partners. Journal of International Affairs*, 66(1), 53–67. http://www.jstor.org/stable/24388251

Farah, D., & Babineau, K. (2017). *The Evolution of MS 13 in El Salvador and Honduras*. PRISM, 7(1), 58–73. http://www.jstor.org/stable/26470498

Finklea, K. & Congressional Research Service. (2018). *MS-13 in the United States and federal law enforcement efforts* (No. R45292). Congressional Research Service. https://sgp.fas.org/crs/homesec/R45292.pdf

Gagne, D., & Gagne, D. (2016, January 14). *InSight Crime's 2015 Homicide Round-up*. InSight Crime. https://insightcrime.org/news/analysis/insight-crime-homicide-round-up-2015-latin-america-caribbean/

Hernandez-Roy, C., & Bledsoe, R. (2023). *Democracy Dies under Mano Dura: Anti-crime Strategies in the Northern Triangle*. https://www.csis.org/analysis/democracy-dies-under-mano-dura-anti-crime-strategies-northern-triangle

Hershberg, E., Maguire, E., & Dudley, S. (2019). *Assessing the transnational criminal capacity of MS-13 in the U.S. and El Salvador*. In American University, American University. https://www.ojp.gov/pdffiles1/nij/grants/252538.pdf

InSight Crime and CLALS. (2018). *MS13 in the Americas: How the world's most notorious gang defies logic, resists destruction*. In InSight Crime and CLALS. https://insightcrime.org/wp-content/uploads/2018/02/MS13-in-the-Americas-InSight-Crime-English-3.pdf

Inter-American Commission on Human Rights (IACHR). (2022, November 11). *Seven Months into the Exceptional Framework, the IACHR Reminds El Salvador That It Must Comply with its Obligations Concerning Human Rights.* Inter-American Commission on Human Rights (IACHR). https://www.oas.org/en/IACHR/jsForm/?File=/en/iachr/media_center/PReleases/2022/254.asp

International Crisis Group. (2017, April 6). *Mafia of the Poor: Gang Violence and Extortion in Central America.* Retrieved from International Crisis Group: https://www.crisisgroup.org/latin-america-caribbean/central-america/62-mafia-poor-gang-violence-and-extortion-central-america

Kinosian, S. (2017, 18 July). *Seven Facts about MS-13 and How to Combat the Gang*. WOLA -Advocacy for Human Rights in the Americas. https://www.wola.org/analysis/ms-13-not-immigration-problem/

Krein, J. (2024, May 20). *The Bukele model and the future of El Salvador*. American Affairs Journal. https://americanaffairsjournal.org/2024/05/the-bukele-model-and-the-future-of-el-salvador/

La nuova, enorme prigione di El Salvador. (2023, March 9). Il Post. https://www.ilpost.it/2023/03/09/nuova-enorme-prigione-el-salvador/

Lillie, M., Human Trafficking Search, O.L. Pathy Family Foundation, Gustafson, O., Korkeakivi, S., Paglia, A., & Nasr, F. (2017). *The Connection between the Mara Salvatrucha (MS-13) and Human Trafficking*. https://humantraffickingsearch.org/wp-content/uploads/2019/06/MS-13-Publication-1.pdf

Lopez, G. (2018, May 18). *Trump's dangerous "animals" rhetoric is also bad crime-fighting policy.* Vox. https://www.vox.com/policy-and-politics/2018/5/18/17368222/ms-13-animals-humans-immigrants-crime

Martínez, K. (2019). *¿Marero o Terrorista? Examining the Supreme Court of El Salvador's designation of gang members as terrorists*. Georgia Journal of International and Comparative Law, 47(3), 683-697. https://digitalcommons.law.uga.edu/cgi/viewcontent.cgi?article=2461&context=gjicl

Meléndez-Sánchez, M., Vergara, A., & National Endowment for Democracy. (2024). *The Bukele model: Will it spread? Journal of Democracy, 35, 3*. https://doi.org/10.1353/jod.2024.a930429

Miguel Cruz, J. (2010). *Central American maras: from youth street gangs to transnational protection rackets*. Global Crime, 11(4), 379–398. https://doi.org/10.1080/17440572.2010.519518. Nuño, L. E., & Maguire, E. R. (2021). *The nature and structure of MS-13 in Los Angeles County. Criminal Justice Review*, 48(1), 5–20. https://doi.org/10.1177/07340168211029990

Organization of American States. (1969). *American Convention on Human Rights.* https://www.oas.org/en/iachr/mandate/basics/3.american%20convention.pdf

Redacción. (2023, February 2). *La megacárcel que Bukele inauguró en El Salvador, el país con la mayor tasa de población penitenciaria del mundo*. BBC News Mundo. https://www.bbc.com/mundo/noticias-america-latina-64491586

Robbins, S., & Bargent, J. (2023, April 24). *El Salvador gang members 'Setting up MS13 branch' in Spain.* InSight Crime. https://insightcrime.org/news/brief/el-salvador-gang-members-setting-up-ms13-branch-in-spain/

Ruiz, Pamela Ph.D. *MS-13: The Making of America's Most Notorious Gang.* By Steven Dudley. Toronto, Canada: Hanover Square Press, 2020. Journal of Strategic Security 14, no. 3 (2021) : 165-167. https://www.jstor.org/stable/pdf/48621956.pdf?refreqid=fastly-default%3Ab426d8c85ca2950712ea73331ce0d162&ab_segments=&initiator=&acceptTC=1

Ryan, D. (2012, October 11). *Treasury Dept.: MS-13 gang is International Criminal Organization* - Los Angeles Times. Los Angeles Times. https://www.latimes.com/nation/la-xpm-2012-oct-11-la-na-nn-ms13-gang-criminal-organization-20121011-story.html

Sala de lo Constitucional de la Corte Suprema de Justicia [SCCSJ (Constitutional Chamber of the Supreme Court of Justice), *24/7/2015, Case on the Constitutionality of the Terrorism Law*, Diario Oficial [D.O.] vol. 408, no. 158, 135-228 (1 Sept. 2015), available at https://www.diariooficial.gob.sv/diarios/do-2015/09-septiembre/01-09-2015.pdf

Saviano, R. (2015, June 14). *Droga e machete, quel codice rosso sangue delle gang latine.* La Repubblica. https://www.repubblica.it/cronaca/2015/06/14/news/droga_e_machete_quel_codice_rosso_sangue_delle_gang_latine-116812131/amp/

Seelke, C. R. (2016). *Gangs in Central America* (CRS Report for Congress, Rep. No. RL34112). https://fas.org/sgp/crs/row/RL34112.pdf

Stiles, T. S. (2012). *Unintended Exports: The Globalization of the Mara Salvatrucha*. In: Nilsson, M., Gustafsson, J. (eds) Latin American Responses to Globalization in the 21st Century. International Political Economy Series. Palgrave Macmillan, London. https://doi.org/10.1057/9781137003126_8

Sullivan, T., & Spagat, E. (2025, March 17). *The Alien Enemies Act: President Trump has invoked a 1798 law for deportations* | AP News. AP News. https://apnews.com/article/alien-enemies-trump-immigration-deportations-21a62ede23b8c493b60d00a9c125722f

The Department of Justice announces takedown of key MS-13 Criminal. (2020, July 15). https://www.justice.gov/archives/opa/pr/department-justice-announces-takedown-key-ms-13-criminal-leadership

The Economist. (2017, March 31). *The world's most dangerous cities.* The Economist. https://www.economist.com/graphic-detail/2017/03/31/the-worlds-most-dangerous-cities

The MS-13 threat: A national assessment. (2008, January 14). FBI Federal Bureau of Investigation. https://archives.fbi.gov/archives/news/stories/2008/january/ms13_011408

The White House. (2025, January 20). *Executive Order 14157: Designating cartels and other organizations as foreign terrorist organizations and specially designated global terrorists*. Federal Register. https://federalregister.gov/d/2025-02004

Treasury Sanctions Latin American Criminal Organization. (2012, October 11). U.S. Department of The Treasury. https://home.treasury.gov/news/press-releases/tg1733

Trump campaign press release - FACT CHECK: *President Trump called violent MS-13 gang members "Animals"* | The American Presidency Project. https://www.presidency.ucsb.edu/documents/trump-campaign-press-release-fact-check-president-trump-called-violent-ms-13-gang-members

Trump, D. (2020, July 15). *Remarks by President Trump in Briefing on Keeping American Communities Safe: The Takedown of Key MS-13 Criminal Leaders.* https://trumpwhitehouse.archives.gov/briefings-statements/remarks-president-trump-briefing-keeping-american-communities-safe-takedown-key-ms-13-criminal-leaders

UN Committee against Torture. (2022, November 25). *UN Committee against Torture publishes findings on Australia, Chad, El Salvador, Malawi, Nicaragua, Somalia, and Uganda.* UN Office of the High Commissioner for Human Rights. https://www.ohchr.org/en/press-releases/2022/11/un-committee-against-torture-publishes-findings-australia-chad-el-salvador

United Nations. (1966). International Covenant on Civil and Political Rights. https://www.ohchr.org/sites/default/files/ccpr.pdf

United Nations. (2015). *The Nelson Mandela Rules: United Nations standard minimum rules for the treatment of prisoners*. United Nations Office on Drugs and Crime. https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-ebook.pdf

U.S. Department of State. (2023). *2022 Country reports on human rights practices: El Salvador.* U.S. Department of State. https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/el-salvador/

Valencia, R. (2016, April 22). *Mareros en Milán.* El Faro. https://www.elfaro.net/es/201604/salanegra/18451/Mareros-en-Mil%C3%A1n.htm

Ward, T. W. W. (2013). *Gangsters Without Borders: An ethnography of a Salvadoran street gang.* Oxford University Press. http://dx.doi.org/10.1093/sf/sot017

Wheeler, W. (2020, January 10). *How the US helped create El Salvador's bloody gang war.* The Guardian. https://www.theguardian.com/news/2020/jan/10/how-the-us-helped-create-el-salvadors-bloody-gang-war

Wolf, S. (2012). Mara Salvatrucha: The Most Dangerous Street Gang in the Americas? *Latin American Politics and Society*, *54*(1), 65–99. http://www.jstor.org/stable/41485342

Zaidi, T. (2019, November 30). *A nation held hostage*. Foreign Policy. https://foreignpolicy.com/2019/11/30/el-salvador-gang-violence-ms13-nation-held-hostage-photography/

RICO Act

Understanding the statute regulating organized crime in the United States

Manuela Zanella Lopes

Abstract — **Commonly known as RICO the Racketeer Influenced and Corrupt Organizations Act is a federal law, enacted in 1970 as Title IX of the Organized Crime Control Act. The legislation at its origins was intended to successfully prosecute organized crime. Often referred to as the "ultimate hit man" in mob prosecutions, RICO allows prosecutors who prior to it could only charge the singular crimes individually to effectively prosecute the entire criminal organization as an entity, reflecting the specific nature of organized crime. Whilst the original statute targeted mafia like entities due to its umbrella all encompassing feature nowadays RICO is applied in a wide variety of cases. RICO is however not without criticism, despite its efficacy, many questions have been raised about the vague nature of the statute and whether or not that structure infringes upon defendants rights. blandit felis.**

I. INTRODUCTION

The Racketeer Influenced and Corrupt Organizations (RICO) Act was enacted by Congress in 1970 as Title IX of the Organized Crime Control Act. It's a United States federal law targeted towards the fight against organized crime. Notoriously RICO revolutionized American criminal and civil law, and in many ways broadened its horizons. Before its enactment criminals, specifically mob bosses, could dodge adequate legal consequences, insulating themselves from prosecution. Despite being rooted on the public consciousness and the perceived threat regarding the significant presence of mafia type organizations in the United States at the last decades of the 20th century, RICO is intentionally designed to operate as an 'umbrella' and 'catch all' solution, its broad language does not merely cover organized crime itself, but goes beyond it, including all the activities Congress considered to be related to the conduct of organized crime, either directly or indirectly. Therefore despite its name and historical origin RICO is not limited to 'mobsters' as it can be commonly understood, rather it condemns a wide range of activities, regardless of who engages in them. RICO builds on other crimes, making it a crime to be a criminal. (Doyle, 2015)

This paper aims to provide an overview of the RICO statute, beginning with the historical developments that lead to its draft, underlining the previous efforts to tackle the subject of organized crime and highlighting the differences between its criminal or civil provisions and penalties.

© 2025 Manuela Zanella Lopes. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

II. HISTORICAL CONTEXT AND DEVELOPMENTS

In order to truly understand RICO and its application, it's necessary to understand its history and development. Significantly there are numerous legislative acts at the basis of the statute. Organized crime in the United States arose mainly from the Prohibition Era (1920-1933). Through the nationwide prohibition on the sale and import of alcoholic beverages a gap was left in the market which in light of the high profits criminal organizations filled willingly. With time organized crime gained strength and expanded, infiltrating every branch of government; it's in this context that Tennessee Senator Estes Kesfauver petitioned Congress to establish a special committee dedicated to the investigation of organized crime. The Mafia, otherwise known as La Cosa Nostra, was a group of Sicilian and Italian gangsters who after migrating to the United States brought their code and enterprises with them (Ferranti 2015). The Kefauver Committee publicly recognized its existence and from this moment onwards the American Mafia became a major subject of national debate. (Senate Historical Office 2015). Such investigations lasted 15 months and at its conclusion did not produce any piece of legislation, regardless, its legacy must not be underestimated, the Kefauver Committee "laid the foundation for a crucial piece of legislation in the future, the RICO Act" (Coppola and DeMarco 2012).

The McClellan Committee was formed in 1957 when president Eisenhower appointed Senator John McClellan to investigate reports of corruption (Fruehauf and Norman). Its mandate was to "study the extent to which criminal and other improper practices or activities are…to the detriment of the interests of the public, employers, or employees" (Jacobs 1963, p. 296). The works of this committee resulted in the Labor-Management Reporting and Disclosure Act of 1959 which however "posed no real threat to the future of organized crime (Katzenbach 1967)"

In 1967 President Johnson formed the Commission on Law Enforcement & Administration of Justice, often referred to as the Katzenbach Commission, and gave it a specific mandate: "report on the developing problem known as organized crime, specifically why it was happening and what could be done about it" (Hill, 2017). The most significant finding of the Katzenbach Commission was that law enforcement's way of fighting organized crime has been primitive compared to organized crime's way of operating" (Katzenbach 1967, p. 200) and the conclusion that methods "at least as effective as organized crimes" should be employed. The significance of the findings by this commission relies on the clear impact it had on the draft of the Organized Crime Control Act (Coppola and DeMarco 2012).

The bill introduced by senator McClellan "contained most of the organized crime recommendations of the Katzenbach Commission" (Coppola and DeMarco 2012, p. 247). However, his bill lacked proper avenues for civil relief to citizens whose legitimate businesses were affected (Coppola and DeMarco 2012, p. 247).

Contemporaneously Senator Roman Hruska was drafting a bill, which came to be known as the Criminal Activities Profits Act. Coincidently Hruska's Proposal "directly addressed the civil relief provision that Senate Bill 30 was lacking" (Hill 2017). The amalgamation of the two bills created the Organized Crime Control Act (Coppola and DeMarco 2012, p. 247), which is to be seen as RICO's immediate predecessors (Blakey and Gettings 1980). The broad language present on the Act is reflective of that "definitional turmoil goes to the core of the Organized Crime Control Act" (Block 1980, p. 43). The General Accounting Office went further and said that "there is no agreement on what organized crime is, and consequently, who or what the Government is fighting" (U.S. General Accounting Office 1977, p. 1).

III. ELEMENTS

RICO was enacted as Title IX of the Organized Crime and Control Act in 1970 and is evidently broad. The legislator never defined organized crime because it was too intent on expanding the language to encompass as many groups as possible (Lynch 1987). It's interesting that whilst definitions of specific terms found in the statutes are provided in section 1961 chapter 96, such as 'racketeering activity' and 'enterprise', there's no mention of the very phenomenon at its core, namely organized crime. The legislature was focused entirely on physical results (Block, 1980).

In order to address a problem without an explicit definition "a wide legislative net" was needed (Block 1980, p. 47). RICO is therefore intentionally vague. Many observations have been made in regards to the merits of such broadness, whilst it can be argued that it's precisely the Act's broadness to make it efficient, the notion of 'Rico overreach' and 'prosecutorial misconduct' is becoming increasingly present in the literature, being often referred to as a 'flaw'. In order to understand such aspects, a brief breakdown of the Act and excursus of relevant case law is necessary.

The basic elements required in RICO in order to prove a claim are:

1. that an enterprise existed;
2. that the enterprise affected interstate commerce;
3. that the defendant was associated with or employed by the enterprise;
4. that the defendant engaged in a pattern of racketeering activity; and
5. that the defendant conducted or participated in the conduct of the enterprise through that pattern of racketeering activity through the commission of at least two acts of racketeering activity as set forth in the indictment.

To this purpose enterprise is defined as including any individual, partnership, corporation, association or other legal entity, and any union or group of individuals associated de facto although not a legal entity. 18 U.S.C.A. § 1961(4) (West 1984). Due to the fact that the purpose of RICO is to remedy the legal tools that existed prior to it and were incapable of tackling organized crime, Congress mandated a liberal construction of the RICO statute, holding that the term "enterprise" has an expansive statutory definition. United States v. Delano, 825 F. Supp. 534, 538-39 (W.D.N.Y. 1993).

The two methods to interact with an enterprise are:

a. A pattern of racketeering activity
b. Collection of an unlawful debt

A. Pattern of Racketeering Activity

At the core of the RICO act is the concept of 'racketeering activity', the list of what is considered to be a racketeering activity is lengthy and exhaustive, those are state and federal crimes (so called predicate offences) upon which a RICO violation may be predicated, it includes any act or threat chargeable under state law and punishable by imprisonment for more than one year, involving for example, murder, bribery, gambling, extortion, robbery and more.

A pattern of racketeering requires:

a. at least two acts of racketeering activity, one of which occurred after the effective date of the enactment of RICO and the last of which occurred within ten years after the commission of a prior act of racketeering activity;
b. that the predicate offences be related and not isolated events. A pattern is therefore not made up by sporadic offences. (18 U.S. Code § 1961 - Definitions).

B. Collection of Unlawful Debt

The collection of an unlawful debt is the only scenario upon which a pattern is not required and the commission of a single predicate offence will suffix RICO cause of action.

An Unlawful debt is a debt which is:

a. 'Incurred or contracted in gambling activity which was in violation of the law of the United States

b. Incurred in connection with the business of gambling or the business of lending money or a thing of value at a rate usurious under State or Federal law, where the usurious rate is at least twice the enforceable rate' (18 U.S. Code § 1961 - Definitions).

Furthermore the collection of unlawful debt may be coupled with the threat of harm and is therefore characterized as being an extortionate credit transaction which is a separate criminal offence.

RICO condemns any person who invests, acquires, maintains an interest in, conducts or participates in the affairs of, or conspires to invest in, acquire or conduct the affairs of an enterprise which affects interstate commerce through the collection of unlawful debt or a pattern of racketeering activity. (U.S. Department of Justice.m2015, February 19). Any person may violate RICO, by 'person' the legislator means 'any individual or entity capable of holding a legal or beneficial interest in property'. Governmental entities are not considered capable of committing a RICO offence. 'Enterprise' is also defined to include 'any individual, partnership, corporation, corporation, association, or other legal entity, and any union or group of individuals associated in fact although

not a legal entity'. An enterprise may be entirely dedicated to corrupt goals or only partially so, an enterprise may also be governmental or nongovernmental. The Supreme Court of the United States in Boyle addressed the issue of 'associated in fact', rejecting the idea that an enterprise must be 'business like' having internal hierarchical structures and regulations or even a name. It's enough that an 'association-in-fact' enterprise has three structural features, namely a purpose, relationships among those associated with the enterprise and longevity sufficient to permit these associates to pursue the enterprise's purpose. In order for RICO to be applicable it's necessary for the enterprise to engage in interstate or foreign commerce or engage in activities that affect interstate or foreign commerce. To this purpose the element of impact of the enterprise on interstate or foreign commerce must not be too hard, a minimal impact will suffix. Furthermore an enterprise that transports products or employees beyond state lines is enough for the application of RICO.

IV. PENALTIES

The differences between a criminal RICO claim and a civil RICO claim follows the institutional differences between criminal law, civil law, and their respective procedural laws in the United States. A civil RICO lawsuit may be filed in conjunction to a criminal RICO charge, or alternatively a civil RICO claim may be filed without a corresponding criminal charge. A civil RICO lawsuit may be initiated by a private party (individual or business) to seek legal remedies for damages incurred by racketeering activities. In addition to the previously stated elements to be proven according to RICO, namely the existence of an enterprise, a pattern of racketeering activity, and the defendant's participation in the operation or management of the enterprise, in civil RICO there are specific elements that need to be proven:

a. Injury to business: injury to their business or property, financial losses or damage to business
b. Causation: plaintiff must establish a direct causal link between the defendant's activity and their injury
c. Standing

Regarding criminal liability, in case RICO violations materializes, the statute provides for fines or imprisonment for life in cases where the predicate offence provides for a life sentence, or by imprisonment for not more than 20 years per RICO count in all other cases. The maximum amount a RICO fine can be set at is twice the damage caused by the crime or up to $250,000. Whilst civil liability arising from RICO consists in a cause of action for treble damages.

V. CONSTITUTIONAL QUESTIONS

A. Double Jeopardy

The Fifth Amendment to the US Constitution contains a Double Jeopardy Clause, the amendment states that "No person shall . . . be subject for the same offense to be twice put in jeopardy of life or limb . . . . ". The Double Jeopardy Clause therefore expresses the greatly recognized legal principle that no person should be prosecuted more than once for a single crime. It's evident that questions regarding double jeopardy quickly arise when talking about RICO, after all RICO finds its foundations on the very fact that a pattern of racketeering is required, double jeopardy is therefore often invoked in court by defense attorneys. (Amendment V. Rights of Persons, 2025). The rationale behind double jeopardy is to protect defendants from the exposure to further prosecutions after acquittals or multiple punishments for the same offence. Double jeopardy is a bone of contention in RICO charges because usually RICO prosecutions occur after separate proceedings regarding the predicate offences have already been conducted.

B. Forfeiture

The Eighth Amendment to the US Constitution sets up a list of punishments which are prohibited such as excessive bail, excessive fines and cruel and unusual punishments. The rationale behind this amendment is found on the principle of proportionality according to which the punishment must be proportionate to the offense. This amendment can be seen as a direct result of the philosophy behind American constitutionalism, which places particular relevance on the concept of limited government. To this effect the Eighth Amendment is designed to protect defendants from governmental abuse of power and lays out the constitutional bounds upon which criminal sentences can be imposed. The Supreme Court in interpreting the Eighth Amendment establishes that the Cruel and Unusual Punishment Clause forbids sentences which are 'grossly disproportionate' to the seriousness of the offense. Likewise in United States v. Bajakajian the Supreme Court expands on the Excessive Fines Clause saying that a forfeiture violates the Eighth Amendment when it's 'grossly disproportionate to the seriousness of the offence'. When testing whether a forfeiture meets this bar some aspects are taken into account: the nature and extent of the criminal activity, the relationship of the charged crime to other crimes, the harm caused by the crime and so forth.

VI. CASE LAW

Since its enactment the Racketeer Influenced and Corrupt Organizations ACT (RICO) has had significant influence not only on the legal sphere and criminal justice but also on popular culture. RICO has been frequently mentioned on the channels shaping up contemporary cultures such as films, music and literature. Through highly followed cases, often involving celebrities and prominent figures, RICO has impregnated the public consciousness.

One of the first people to face RICO charges in history was Anthony Corallo, also known as 'Tony Ducks', a member of the Lucchese crime family. One of the most notorious RICO cases was against the Hells Angels Motorcycle Club, in 1979 after federal agents had raided the homes of Hells Angels members, 32 Angels were charged with conspiracy in connection to drug dealing, this case was an important turning point in the history of the application of RICO, showcasing RICO's legal impact. Notoriously the mafia boss John Gotti, of the Gambino crime family was charged with RICO, Gotti was found guilty of a number of RICO predicate offenses such as murder and racketeering. Gotti's conviction was significant

in proving the power of RICO, especially regarding its ability to present a comprehensive case in front of a jury, capturing the structure of organized crime.

However, RICO is not only applied in the classic mafia type organizations scenario. For example, Donald Trump, along with some associates, was charged with RICO regarding the attempt to overturn the 2020 presidential election. RICO was used to take Trump to court because the prosecutors alleged the existence of a criminal enterprise working together to influence the election results in the state of Georgia.

VII. CONCLUSION

In conclusion, RICO is a powerful legal tool. At its origins the act was designed to dismantle organized crime, after many failed attempts to find legislative solutions in the combat against mafia type organizations RICO was enacted by Congress and signed into law by President Richard Nixon. Despite numerous successes and multiple empirical proofs of its efficacy RICO is not without controversy. Serious questions have been raised over the years regarding the potential incompatibility between RICO and constitutional principles such as double jeopardy and forfeiture. RICO is applicable in both civil law and criminal law alike. There are essential elements that need to be proven in order to successfully convict a defendant under RICO (or prove a legal lawsuit in civil courts). The existence of an enterprise needs to be proven, it's under the disguise and the capacity of such enterprise that the crime is committed, the concept of enterprise is central to the structure of the RICO provisions since its very purpose is to successfully be able to hold accountable those involved in criminal organizations who were previously able to hide behind their indirect role. The Act provides a long list of offenses to be considered as racketeering, which includes for example any act or threat of murder, kidnapping, gambling, extortion and bribery. A pattern of racketeering, meaning more than at least two racketeering activities is necessary in order to achieve a RICO conviction.

RICO remains a widely used statute in American federal as well as state law. In recent years many RICO cases have gained mainstream attention, and interest in the understanding of the law has arisen.

REFERENCES

"Amendment v. Rights of Persons." LII / Legal Information Institute, 2025, www.law.cornell.edu/constitution-conan/amendment-5/imposition-of-multiple-punishm. Accessed 9 Apr. 2025.

Gaxiola. "From P. Diddy to John Gotti: What Are Racketeering Charges? - Gaxiola & Litwak Law Group." Gaxiola & Litwak Law Group, 25 Sept. 2024, www.criminallawaz.com/from-p-diddy-to-john-gotti-what-are-racketeering-charges/.

Hill, Joshua. "An Analysis of the Racketeer Influenced Corrupt Organizations Act: How a Once Promising Bill Became a Corporate Nightmare." Scholar Commons, 2017, scholarcommons.sc.edu/senior_theses/164/. Accessed 9 Apr. 2025.

Justia. "Criminal Law Racketeer Influenced and Corrupt Organizations (RICO) Law :: Justia." Justia.com, 2019, www.justia.com/criminal/docs/rico/.

Law, LGR. "RICO – What Is It, Exactly? - LGR Law LLC." LGR Law LLC, 8 Sept. 2015, lgaulirufo.com/blog/rico-what-is-it-exactly/. Accessed 12 Apr. 2025.

Nolo. "Racketeer Influenced and Corrupt Organizations Act (RICO)." Www.nolo.com, Nolo, 10 Oct. 2011, www.nolo.com/legal-encyclopedia/content/rico-act.html.

RICO: A Brief Sketch. (2025, aprile 9). https://www.congress.gov/crs-product/96-950

U.S. Department of Justice. "109. RICO Charges." Www.justice.gov, 19 Feb. 2015, www.justice.gov/archives/jm/criminal-resource-manual-109-rico-charges.

U.S. Department of Justice. "9-110.000 - Organized Crime and Racketeering." Justice.gov, Department of Justice, 20 Feb. 2015, www.justice.gov/jm/jm-9-110000-organized-crime-and-racketeering.https://study.com/academy/lesson/rico-overview-cases-charges.html