Editorial note

New year’s resolutions. Promises and challenges ahead

by ANNA SERGI, University of West London and FALKO A. ERNST, University of Essex

The ECPR Standing Group on Organised Crime wishes everyone a happy new year. We have been very busy over the past few months and we will continue to be very busy over the next months. Exciting times, which we count on sharing with you.

The present Newsletter offers great variety in content and perspective. Bill Tupman and Aurelie Garbay each share their tales at the Charlie Hebdo shootings in Paris, providing much needed expert knowledge on responses to terrorism in democracies.

Subsequently, we have 4 articles ranging on different issues. Yuliya Zabyelina presents findings from her research on the links between Diplomats and Organised Crime. Marco De Biase takes us on an ethnographic journey into the South Italian hinterlands and portrays the rise to power of the Camorra in light of wider socio-political processes. Adrian Venables and his colleagues advance an innovative way to model cybercrime and measures to curb it. Finally, Nicholas Gilmour revisits the extant terminology of transnational organised crime and asks what would best serve research and law enforcement alike.

You will also be able to find details on the European Review of Organised Crime and other news from the SGOC after the articles. Keep an eye on that! As always, any feedback is appreciated. Happy Reading!
Reflecting on Terror after Charlie Hebdo. What now?

by William (Bill) Tupman

William (Bill) Tupman is Visiting Professor in Criminal Justice at BPP University, London; Research Fellow, Department of Criminology at Anglia Ruskin University, Cambridge; Honorary Fellow and retired academic, Department of Politics University of Exeter.

This article follows on from one published recently in the Conversation https://theconversation.com/charlie-hebdo-attackers-killed-now-france-seeks-answers-36084.

On 26th January, Abu Mohamed al-Adnani, an ISIS spokesman, praised the Paris attacks, the Sydney siege, the failed plot in Belgium and the gunman who shot a soldier at Canada’s national war memorial last October before attacking parliament. ISIS is thereby placing as much importance on such attacks as on going to Syria and Iraq to fight. Why? What does it gain by them? Are such attacks aimed at Western voters, with the intention that they agitate against Western military intervention in the Islamic world, or are they intended to raise morale among the jihadists suffering bomb and drone attacks? Or are they underlining the message that violence is the only way forward for Islam: that democracy is an irrelevance and that every non-Muslim, and even many Muslims, everywhere are legitimate targets? Is this tactic as much derived from Franz Fanon’s “the Wretched of the Earth” as it is from the Koran and Islamic scholars? Or are they much less random and more targeted than the media would have us believe?

The reason for raising these questions is that recent events appear to be more familiar than unfamiliar to old school academics who have studied terrorism since the 1960s. American academics after 9/11 were familiar with such attacks, yet with no safe house established and were without a plan as to what to do next.

It is worth remembering that all that follows are allegations and have not yet been proved in a court of law. There will be a trial of alleged associates of the brothers Cherif and Said Kouachi who are alleged to have been the attackers of the Charlie Hebdo journalists, the killers of a police officer that they had already wounded and the individuals killed in the siege of the printworks at Dammartin en Goele in North eastern France and of Amedy Coulibaly who is alleged to have shot at and wounded a jogger on the same morning as the Charlie Hebdo murders, murdered a policewoman and wounded a man the following morning in Montrouge, proceeding to hold hostages in a kosher supermarket near Porte des Vincennes.

The siege of the supermarket ended shortly after the siege of the printworks. Coulibaly’s girlfriend is supposed to have left for Syria the week before the attacks, which may or may not, suggest an element of planning.

The point to be made here is that with the exception of the jogger, these are not random attacks made on any random Westerner. Even where the attacks do not appear to have been pre-planned, the targets were police officers, a group of journalists who had become a cause celebre for jihadists and, most worryingly, a Jewish supermarket. No-one was shot at the garage where they stole petrol and food and a hostage was actually released at the printworks, where they had told the local media they were prepared for martyrdom. The Kouachi brothers after the Charlie Hebdo murders do not appear to have had a plan as to what to do next, presumably having anticipated a shoot-out with the police that would end with their deaths. The Kouachi brothers claimed to be carrying out the shootings on behalf of al Qaeda in Yemen, Coulibaly on behalf of ISIS, just to muddy the waters a little more.

There is little information about the shootings in Verviers, Belgium, that took place the week after the Paris shootings. The Belgian prosecutors say that a plot to kill police was foiled, and that a shoot-out took place with a group that had returned from Syria. Four Kalashnikovs, bomb-making equipment and police clothing was found. A trial has yet to take place, but raids were carried out on a number of addresses around the country.

In the Canadian shootings, Ottawa, October 2014, a gunman killed a soldier on duty at the national war memorial before attacking the Canadian parliament where he was shot and killed before he could do any harm. Two days previously another soldier had been killed in a hit and
run attack. The Australian siege in Sydney involved a fairly disturbed individual and the Lindt chocolate café doesn’t seem to be an easily explainable target, so may fall into the category of a copycat attack.

This is a piece for the Newsletter of the Standing Group on Organised Crime, so are there any crime angles? The Kouachi brothers had a Kalashnikov and a rocket launcher purchased from an arms dealer in Belgium. So did the Belgian jihadis. But so did some people in a street fight in London at the weekend. How easy is it to get these weapons? It is much easier than we think. Google Kalashnikovs and London and you will be amazed. It is true that they are easier to get in Belgium and that Belgian firearms law needs attention. But it isn’t that difficult for criminals to get hold of them.

The brothers fell off police and intelligence services’ radar because they had originally been petty criminals and appeared to have returned to old habits. The division between crime and terrorism is not so clear cut. Terrorist cells in the West have been ordered to be self-financing and crime is an acceptable means of fund raising. Equally, appearing to be an active criminal makes it more likely that weapons will be sold to you by illegal armourers. Remember the existence of the terror organised crime nexus, although in this case it is not clear how “organised” they were.

Finally, it is worth remembering that, horrendous as these attacks are and were, much worse is going on in the Islamic world. In Nigeria, the week of the Charlie Hebdo murders, Boko Haram is supposed to have killed 2,000 people in a massacre in Borno province. The Yemeni government has given in to Houthi Shia tribesmen, possibly giving the initiative to al Qaeda in the Arab Peninsula to lead the Sunni resistance. Syria and Iraq are still in flames. In Libya as I write this on 27th January, a hotel used by foreigners in Tripoli has been occupied by gunmen. I would return to two points from the earlier piece in the Conversation. A generational change may be taking place: as the founding members die, the restrictions they placed on themselves are lifted. Osama bin Laden’s long planning of specific symbolic attacks is replaced by more spontaneous acts of what is seen by the new younger less Islamic leaders as acts of revenge. Secondly, there is more that divides these organisations than unites them. They may break up as quickly as they formed. But the break up will be bloody.
Focus: Terror in Paris

Countering Terrorism in Democracies: Fighting fire with fire?

by Aurelie Garbay

Aurélie Garbay is a Ph.D. Candidate and teaching assistant in Public Law at the University of Pau and Pays de l’Adour (France). Her research focuses on the alterations of the democratic framework faced by Democracies fighting against terrorism, and more precisely in the light of the fight against Basque terrorism.

The recent attacks perpetrated in Paris were an immense shock for democratic States. No matter the preventive measures set up - intelligence gathering mechanisms, discreet surveillance measures, or dispersion of inmates - Saidi and Chérif Kouachi and Ahmed Coulibaly reminded to Democracies that they must protect themselves, their citizens and their values, from the terrorist threat. However, one of the main perils for democratic systems remains in their answer to terrorism. Indeed, facing an unpredicted act of exceptional physical and symbolic violence, States may be tempted to fight fire with fire (i) by maximizing their repressive action, but also by setting up measures in breach with their constitutional and/or international constraints. It was the case of the United States after the 9/11 attacks: the adoption of the Patriot Act led to massive restrictions of fundamental rights and freedoms, together with drifts and abuses such as illegal detentions and the use of torture on suspected terrorists. It was also the case of the Spanish response to terrorism: both during Franco’s dictatorship and under the current democratic regime, the use of incommunicado detention - a secret detention regime - led the European Court of Human Rights (ECHR) to condemn the Kingdom of Spain six times (ii) for its lack of effective investigations regarding torture allegations during custody. Considering the recent decisions by the ECHR and its acceptance to hear new complaints, and the problems continuously highlighted by the Council of Europe Committee for the Prevention of Torture, attention will be mainly focused in these developments on the Spanish case.

The example of the use of torture in Democracies, and the impunity often granted to State agents perpetrating such acts, provides a clear but alarming illustration of possible drifts in reaction to terrorist attacks. It also leads to a reflexion in order to understand why Democracies must fight against terrorism, and more generally against criminality, using instruments complying with the Rule of Law.

Torture as an infringement of the Rule of Law

To be considered as complying with the Rule of Law, a State must respect the constraints it committed itself to (iii), should they come from its constitution or the ratification of international conventions - e.g. the European Convention on Human Rights (ECHR). Thus, fundamental rights and freedoms enshrined in these norms should be ensured and not be affected by measures adopted by the State. However, when fighting against a criminal phenomenon, democratic States must address the issue of conciliating opposed objectives: the right to security on one side, individual rights and freedoms, on the other side. To this end, restrictions of rights and freedoms are admitted under specific circumstances. For instance, and according to the ECHR case law, the preservation of public order justifies the dissolution of a political party calling to violence or praising terrorism.

However, several democratic systems committed themselves to never admit restrictions to specific rights and freedoms. It is notably the case, in the framework of the ECHR, for the absolute prohibition of torture, enshrined in article 3 of the Convention. Consequently, any attempt to this right is in breach with the Rule of Law, and challenges the democratic essence of this State.

The Spanish system provides a clear illustration of this issue. Indeed, Spain ratified the ECHR, and its constitution - under article 15 - forbids the use of torture. Nonetheless, Spain set up a highly repressive apparatus in order to fight against terrorism, that challenges the absolute interdiction of torture. It is notably the case of the incommunicado detention: for five days and without any video recording, the suspected terrorist is forbidden to have contacts with people other than the State security agents, a forensic doctor appointed by State authorities - and so is the forensic doctor in charge of a counter-expertise (iv) - and a lawyer, also appointed by State authorities and only after the suspect’s first official statement - without any time restrictions (v). Such conditions, for sure collide with prescriptions regarding rights to medical and legal assistance, and create a situation of isolated confinement, which makes it possible de facto for State agents to torture suspects, despite the constitutional and conventionnal framework prohibiting the use of torture.

Torture as a systemic failure

The democratic essence of the State is all the more at stake that the use of torture by State agents is not only the result of legal “gaps”, but also linked to its acceptance by the system itself. Indeed, weaknesses in the legislation maybe counterbalanced by the action of the judiciary. In case of torture allegations, effective official investigations in order to establish the truth, but also appropriate sanctions when the use of torture has been proven are a clear and strong signal to State agents that any violation will not be accepted, and will be punished.

However, the paradox of the fight against terrorism by Democracies relies on the fact that democratic systems may accept deviant means in order to ensure...
their survival. The Reason of State - understood as an imperative on behalf of which State authorities accept infringements of the Rule of Law as serving the public interest (vi) - would thus justify a certain degree of tolerance for torturers. In this scenario, Courts, when they do not acquit the State agents, sanction the use of torture with lenient penalties that do not have any dissuasive effect. Eventually, the Executive may pardon convicted torturers, which not only undermines the symbolic value of the fault by granting them a form of impunity regarding what should be absolutely prohibited, but also comforts torturers in the validity of their methods. Consequently, systemic failures lead to the fall of the system as a Democracy.

The lack of investigations, related to the procedural aspect of article 3 of the Convention, was a key argument in the six complaints heard by the ECtHR on torture allegations in custody, and led Spain to be considered as having violated the ECtHR provisions (vii). Regarding the Executive attitude towards torture, the Kepa Urra Guridi case (viii) shows that, although judges sentenced to prison civil guards continued to work as French-Spanish anti-terrorism coordinator and was following a programme, with the authorization of the Interior Ministry in order to be promoted. (ix) For a psychological approach, see for instance the works and reports by psychologists of the Centre Primo Levi dedicated to the care of victims of torture and political violence.

Fighting fire with fire as the worst response to terrorism

Despite their constitutional and international constraints, Democracies may be tempted by torture. However, torture appears to be ineffective (x) as, under water boarding, "walling", and other "enhanced interrogation techniques", suspects are likely to admit any crime they have not committed in order to stop the sufferings. This was one of the main conclusions of the CIA’s report on its detention and interrogation programme (xi).

In addition, fighting fire with fire would have disastrous effects both on those who target Democracies, and on Democracies’ citizens. Regarding terrorists, the use of illegal means would echo their claim that the Institutions they fight against are violent and oppressive, and, hence, the use of torture by the State could be used to justify their attacks. Regarding Democracies’ citizens, the use of torture would break the "social contract": infringements of the Rule of Law, accepted if not organised by the system, would create among society a fear of being tortured and would annihilate citizens’ trust in their State and its bodies. In the end, the terrorist project, "the deliberate use of violence and threat of violence to evoke a state of fear (or terror)" (xii) in order to "threaten peace (...) and democratic institutions and their functioning and to undermine aspects of the Rule of Law" (xiii) of Democracies, could be considered as achieved.

A few days after the attacks at the railway station of Atocha, Javier Solana called "to fight for the Rule of Law, within the Rule of Law" (xiv). It is, indeed, the responsibility of Democracies to respond to terrorism with instruments complying with the Rule of Law, but also to face and address their own failures. Democratic States must hence remind that only if these conditions are met should their democratic essence remain.

Endnotes

(i) Schwimmer W., Preface to the "Guidelines of Human rights and the fight against terrorism" adopted by the Committee of Ministers of the Council of Europe on 11 July 2002 at the 804th meeting of the Ministers' Deputies
(ii) Related to Basque terrorism, see: San Argimiro Isasa v. Spain, case n° 2507/07, 28th September 2010; Beristain Ukar v. Spain, case n° 40351/05, 8th March 2011; Otamendi Egi-gurren v. Spain, case no 47303/08, 16th October 2012; Etxebarria Caballero v. Spain, case n° 7406/12, 7th October 2014; Ataun Rojo v. Spain, case n° 58438/00, 2nd November 2004.
(iv) Ley de enjuiciamiento criminal, article 510-4.
(v) Ley de Enjuiciamiento Criminal, articles 520 and 527 combined.
(vi) Senellart M., Machiavélisme et raison d’État, PUF, 1989, p. 5.
(vii) See, for instance, Martinez Sala and others v. Spain, §159; Ataun Rojo v. Spain, §34 and followings.
(ix) Interestingly, while the appeal was pending before the Supreme Court, one of the civil guards continued to work as French-Spanish anti-terrorism coordinator and was following a programme, with the authorization of the Interior Ministry in order to be promoted.
(x) For a psychological approach, see, for instance the works and reports by psychologists of the Centre Primo Levi dedicated to the care of victims of torture and political violence.

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Diplomatic Practice & Organised Crime

by Yuliya Zabyelina

Yuliya Zabyelina is an Assistant Professor at John Jay College of Criminal Justice, CUNY, New York. Her expertise lies in the area of international crime and justice with a particular focus on organized crime, international criminal markets, and corruption.

While foreign diplomats used to be giving police a headache with bad driving, speeding and parking violations, repeated offences with the involvement of diplomats in serious crimes such as drug and weapons trafficking, people trafficking or smuggling, and widespread visa malfeasance unveil the link between diplomatic agents and organised criminality. Yet, this relationship is by no means straightforward and definitely requires further analysis.

The contemporary history of diplomatic immunity goes back to 1961 when the Vienna Convention on Diplomatic Relations (VCDR) approved a standard set of principles regulating the diplomatic intercourse. Arising from customary international law, these principles are accorded in recognition that a diplomatic agent represents a different sovereignty and also in order that the legitimate pursuit of his official duties are not impeded in the jurisdiction of a foreign state, diplomatic agents are to be entitled to a special treatment. The principle of personal inviolability, for instance, implies that a diplomatic agent is not liable to arrest or detention: a diplomatic agent may not be detained or arrested. Neither can diplomatic agents be prosecuted for criminal violations under the jurisdiction of the receiving state (immunity from criminal jurisdiction). In addition, courts in the receiving state may not commence any civil or administrative lawsuits against a diplomatic agent, apply the law of the receiving state, and render judgments (immunity from civil and administrative jurisdiction).

Because of the extensive nature of diplomatic entitlements, diplomatic agents are difficult targets for average law enforcement officers who are usually not accustomed to deal with offenders entitled to a special treatment. According to the US Department of State guidelines on diplomatic and consular immunity, “police officers who understand the importance of diplomatic immunity may be inclined to be overly generous in its application if they do not have a full understanding of its parameters.” (i) Importantly, because of the reputational damage diplomatic misconduct may cause to the sending State and the entire diplomatic corps, national authorities reluctantly publicize information about such sensitive cases. Oftentimes, minor offences are tolerated by the receiving State in the name of preserving effective diplomatic relations with the sending State.

Although more than a few diplomats have abused diplomatic immunity, there are no comprehensive statistical data about serious crimes committed by diplomatic agents, and little information is available about the modus operandi of such activities. For example, diplomatic bags are inviolable for the purpose of keeping official correspondence between a government and its missions abroad confidential. Interestingly, a diplomatic pouch does not pertain to any restrictions in terms of the shape or size of diplomatic correspondence: in reality, diplomatic bags may consist of trucks or even large containers. The only necessary prerequisite of diplomatic correspondence is that it bears “visible external marks” that signify the diplomatic belonging.

Problems with the inviolability of diplomatic correspondence have been recently discussed in the context of trafficking poached ivory from African states to China. According to a London-based NGO, Environmental Investigation Agency (EIA), Chinese diplomatic officials in Dodoma used official trips such as presidential visits to smuggle ivory out of Tanzania—the largest source country of poached ivory. In EIA’s report (ii) issued in 2014, it is stated that poached ivory was loaded as diplomatic pouch on President Xi’s plane during his visit in March 2013. The EIA presented evidence collected during undercover investigations and confirmed with testimonies of Tanzanian ivory traders, in which they confessed to have supplied ivory to Chinese officials. Although China’s foreign affairs ministry denied all allegations by the environmental watchdog and described them as groundless, the ivory smuggling scandal considerably marred the country’s ivory demand reduction campaign launched in 2013.

Some evidence is also available to demonstrate that diplomatic agents have been involved in drug trafficking as principal perpetrators. For example, an Ethiopian embassy official Amelework Wondemagegne, travelling from Washington DC using an Ethiopian diplomatic passport, was arrested at Heathrow Airport on charges of smuggling 56 kg of cannabis into the UK. In a first round of interrogation, the suspect claimed diplomatic immunity despite a lack of entitlement. She also refused to recognize that the bags, which according to her contained meat and spices, belonged to her and insisted that somebody gave her the bags in Addis Ababa. The investigation of photographs taken on Wondemagegne’s camera showed her wearing a necklace that the investigators found in one of the suitcases with cannabis, confirming the fact that the suitcases did belong to Wondemagegne. On 2 August 2012, Isleworth Crown Court in west London found Wondemagegne guilty of drug trafficking, sending her to prison for a 33-month sentence, after which she will be deported from Britain to her country of citizenship.

The sanctions-stifled Democratic People’s Republic of Korea (DPRK) has become widely known for a series of drug seizures that occurred around the world in locations where North Korea had diplomatic and trade relations and were linked to its embassies. North Korean diplomats were forced to deal drugs, mostly crystal methamphetamine (“ice”) for hard cash to back up the regime in Pyongyang. An undercover operation by South Korean intelligence revealed that North Korean...
diplomatic missions are required to send back around USD 100,000 to its government. While the regime denies exporting meth, large amounts continue to leave the country, recently showing repeated testing positive meth, large amounts continue to leave the presence in delivering drugs to China and Eastern Europe. Access to current information on drug trafficking and other illegal dealings of North Korea is unfortunately hampered by the extremely closed nature of its political regime. Despite this problem, the allegations of state sponsorship of drug production and trafficking have already been raised by the US and other governments as crucial obstruction to combating international drug trade. One of the challenges to policy makers is how to pursue an effective counter drug policy and comply with US and international laws in situations when North Korean diplomats are involved in drug trafficking.

Diplomatic agents, however, are not always principal perpetrators of transnational crime. Criminal masterminds may take advantage of diplomatic channels of communication and diplomatic identity documents without a diplomatic agent or mission being aware of the crime. Thus, one should not generalize the involvement of diplomatic agents in criminal activities. For instance, criminal actors may use bags with counterfeit diplomatic label to smuggle illegal goods across national jurisdictions. If law enforcement officers cannot differentiate an authentic diplomatic pouch from a counterfeit one, they are not likely to be able to apprehend it.

In 2012, two diplomatic bags with 16 kg of cocaine worth USD 2 mln were shipped from Mexico City to the UN Headquarters in New York. Protected by the international law, the forged “diplomatic” correspondence was meant to escape inspection at the border and reach New York through Cincinnati, where it was to be collected by local drug dealers. According to the investigation, the officials working with UN correspondence became suspicious of the bags because of the poor quality of the UN logo on them and requested the pouch to be opened. Further investigation revealed 14 hollowed-out notebooks wrapped in cellophane, each containing about a kilogram of cocaine.

Important changes in Ecuadorian laws took place after the Italian police seized 40 kg of liquid cocaine en route from Ecuador to Milan in 2012. The inspection of the boxes with diplomatic labelling was requested by the Italian officers tipped off by TNT Express Worldwide, the company responsible for the shipment. Specifically, the TNT employees pointed to the seals placed on the Ecuadorian Ministry of Foreign Affairs’ cargo. As the scandal erupted, the Ecuadorian Foreign Minister Ricardo Patiño released a statement to the press that the national drug enforcement agency had inspected the box in Quito before leaving the country with specially trained dogs. He speculated that drugs had been clandestinely planted in the shipment while it was in transit. In March of the same year, the Ecuadorian authorities reformed the diplomatic correspondence services by establishing a new mechanism of “extraordinary diplomatic pouches” (The Diplomatic Bag Service Bylaw), whereby CCTV and digital alert systems monitoring by the country’s anti-narcotics agency, professional diplomats in the new millennium. Despite its obvious problems and ambiguities, no real alternative to diplomatic immunity is likely to be envisaged in the near future. One of the solutions is to systematize the most sensitive areas of offence and concentrate on developing effective national and global policy responses. The first steps towards more restrictive interpretations of diplomatic immunities have already been taken in the aftermath of the 9/11 under pressure by international organisations. Since 2011, the concept of diplomatic immunity has been received with considerable scepticism, and both international organisations and the public at large began to question the very idea of offering immunity to diplomats. Thus far, restrictive interpretations of the VCDR could be one of the constructive responses towards limiting opportunities for abuse.

Endnotes:

Marco De Biase is an Aspirant F.R.S. FNRS at GERME (Group for Research on Ethnic Relations, Migration and Equality) at Université Libre de Bruxelles and researcher at CEDEM (Center for Ethnic and Migration Studies) at Université de Liège. He also works as editor for the International Journal of sociology "Cartografie sociale". His doctoral project explores the mafia practices of certain Italian entrepreneurs in the european food sector.

"Many of my friends are in jail for association with the camorra (Neapolitan mafia). I don’t care what they do, so I keep seeing them. We grew up together in the same neighborhood. The politicians and rich families never left any room to act in this town. The only support and encouragement I got for the projects I attempted to develop over these last years came from those they call camorristi. They were the only ones who attempted to appreciate my ideas. The camorristi, the criminals are those sitting in parliament and in the Montesacro city hall, not my friends" (Stefano, 30 years).

"Since I’ve come out of jail everyone respects me. People are afraid of me. I have all kinds of boys around me asking what prison is like. They look up to me. I’ve satisfied all my wishes with the money I’ve earned: cars, clothes, drugs and women. If I’d taken a job, I’d have starved to death by now" (Cesare, 28 years).

Stefano was a young man who had always engaged in social activity. He lived in public housing and had a great number of projects in his head. He was unemployed when we met and was clearly angry when I spoke about it.

Cesare, on the other hand, had already been to prison. He was sent to jail for extortion and was accused of association with a camorra clan. He wasn’t upset about this. Prison, for him, was a type of consecration.

Through Stefano’s and Cesare’s experiences it is possible to outline a social map of Montesacro, a little town, situated in the inland of the Campania region in the South of Italy. Here, close to Naples, the next step of this “social block” took place in the 1960s and 1970s with the transformation of agrarian incomes into real estate incomes through a pact between local potentates, Christian Democrat politicians and municipal bureaucracy.

During this period the processes of accumulation of Montesacro’s elite intertwined with the speculative pressures of some local entrepreneurs who were very close to the camorra groups.

In fact, these entrepreneurs started the real estate speculation. The building of the first condominiums attracted exogenous capital. This trend exponentially increased construction activity, increasingly eroded the land and compromised the country from an environmental point of view.

The transition from an agrarian to a real estate income triggered all possible forces available to the camorra in loco and corrupted the rest with substantial inflows of economic capital.

The enrichment that benefitted a certain external and local entrepreneurship in both fields of industrial and commercial construction, added up to the enrichment of professional and technical groups and of service companies. Little by little they transformed themselves in authentic lobbies active in the trading system of the electoral market.

The explosiveness of this power network and the driving force of the camorra as well as local entrepreneurs led to a rapid growth of Montesacro, causing an...
unquantifiable variety of urban and social imbalances that made the clientelistic dependence on the dominant power spread like an oil slick among the poorer inhabitants.

The violent earthquake of 1980 (Il terremoto dell’Irpinia), which caused a thousand deaths in the region, exacerbated the speculative pressures, catalysing and linking them inextricably to the binomial disaster/development.

The earthquake and the huge amount of public funds allocated to reconstruction definitely brought Montesacro under the optic of the Neapolitan megalopolis. This explains both the demographic and economic inflows, induced by speculation and the expansion of the tertiary sector of the economy and the spread of mass distribution.

One of the most striking examples of this strong alliance of interests is the 30-year absence of the local strategic plan (PGRC - Piano Regolatore Generale Comunale). The last PGRC dates back to 1985 and most of the new constructions or retail chains were built in derogation to this planning instrument and placed in the “red zones”, i.e. where it is officially prohibited to build residential constructions due to hydrogeological risks.

In this context, Montesacro transformed from a town into an urban outskirt. An “outskirt in the woods”, as it might appear when looking at the town from the highway connecting Napoli with Canosa.

The urban development led to an exponential increase in social marginalisation, which has become an insurmountable barrier to participation in the town’s social, cultural and political life. Furthermore, the control of the territory by the camorra (which regulates the majority of public contracts), the de facto cancellation of an already weak political debate, the lack of meeting points, the multiplication of shopping malls, supermarkets and megastores render the town a mere extension of the Neapolitan megalopolis.

For these reasons, the transformation of Montesacro and its social fabric has to be explained by pointing to the materialistic dynamics that have characterised the process of wealth accumulation of the local “social block” and the effects that these processes have had on the town’s urban and social structure.

In Montesacro, supposed cultural specificities that would account for camorra groups’ hegemony do not exist. Rather, everything boils down to modern capitalistic processes and to how these have been directed and interpreted by the dominant “social block”, consisting of camorra and local elites.

As such, a great deal of the camorra’s manpower – constituted through local recruits, as Stefano’s and Cesare’s cases show – embodies the double role of victim and executioner.

The camorra deceives many involved persons, making them believe that they are moving up the social ladder or simply getting richer through delinquent praxis. In reality, it disposes of them as criminal actors of the same licit and illicit market and of the same political-administrative system that has excluded and marginalised them.

A Model For Characterising Cybercrime

by Adrian Venables, Siraj Ahmed Shaikh, James Shuttleworth

Adrian Venables (corresponding authors) is a PhD student at Coventry University in the UK researching a multivariate model for the measurement of cyber power with particular emphasis on the role of social media. An ex-regular and now reservist Royal Naval officer specialising in Communications and Information Systems, he is a self-employed cyber security consultant.

Dr. Siraj Ahmed Shaikh is a Reader in Cyber Security at Coventry University (UK). He has been involved in research, development and evaluation of large-scale distributed secure systems for over fifteen years.

Dr James Shuttleworth is the Associate Head of Department of Computing at Coventry University (UK).

Defining Cybercrime

Cybercrime has been described as falling into one of three categories. The first is the use of computers to facilitate conventional crime such as theft, fraud and harassment that existed before the widespread use of information technology. The second generation exploits the global reach of networked systems to extend the range of first generation criminality and the final, third generation of computer crimes are those that are the product of the Internet and are confined to the realm of cyberspace. This final type of computer crime can be further divided into content crime in which illegal material is stored on computers and integrity crime, which assaults the reliability of the system by hacking, vandalism, spying or denying access.

Defining Cyberspace

Achieving consensus on a definitive description of what constitutes cyberspace is a notorious difficult task with one study finding 28 different definitions for the term. Within UK Defence, the Development, Concepts and Doctrine Centre (DCDC) in acknowledging the lack of a formal definition draws on the Concise Oxford English Dictionary’s definition as relating to “Information Technology, the

Internet and virtual reality”. Their Joint Doctrine Note 3/13 provides a formal definition of cyberspace as:

... the interdependent network of information technology infrastructures, (including the Internet, telecommunications networks, computer systems, as well as embedded processors and controllers), and the data therein within the environment.

In attempting to describe the component elements of cyberspace, it has been considered as comprising a series of layers, with each fulfilling a particular role. Initially three layers were considered, the Physical, a Syntactic above and a Semantic on top. In this model, the Physical layer comprised the hardware and connecting wires, the Syntactic included the coding and protocols that enabled data transfer between hardware components and finally the Semantic layer containing the information that is used by the system to achieve its intended purpose. In later work, the lower layers have been redefined and a fourth included. This model for cyberspace consists of Infrastructure, Physical, Syntactic and Semantic layers with the Infrastructure consisting of the hardware, cabling and satellites and the Physical comprising the properties of the electromagnetic spectrum that animate the infrastructure layer.

Redefining cyberspace

To the four layer model of cyberspace, we add an additional Human element as we consider it fundamental to the nature and understanding of cyberspace and how it is utilised and exploited. This is because the domain is dependent upon man for its creation, maintenance, exploitation and ultimately its destruction. Furthermore, the interpretation of the Semantic layer, which provides information that is useful and understandable to human operators also needs to be variously tailored to suit the needs of the end user and will need to accommodate factors such as language and culture. This has been recognised with the development of Human-Computer Interaction (HCI) as a multidisciplinary field in which psychology and other social sciences unite with computer science and related technical fields with the goal of making computing systems that are both useful and usable.

Characterising cybercrime

Having defined the three types of cybercrime and how cyberspace can be described in terms of a four layer model, it is now possible to characterise how these different criminal acts manifest themselves within the cyber domain. This enables a differentiation to be made between types of offense and their impact on the target which can be displayed graphically.

Table 1 shows how different layers are used by cybercriminals to enter cyberspace depending upon the intended crime and how they may differ from the layer by which the victim is affected by the criminal act.

The information in Table 1 can be displayed graphically in Figure 1 which illustrates the relationship between the entry and affected layers of cyberspace.

From Figure 1 it can be seen that traditional crimes which have migrated to cyberspace utilise the human and semantic layers, emphasising the personal or information dependency of the crime. Bullying or incitement to commit a crime is essentially a human to human re-
relationship and the remaining traditional crimes are reliant upon the semantic layer to be successful. This layer contains the data and also the software that enables the user to interface with the computer and make sense of the information contained within it.

Significantly, crimes that can be regarded as new and only exist within the cyber domain employ other, lower layers of cyberspace. This emphasises their uniqueness and the lack of dependency on operators for them to be successful. Online vandalism for example, in which web sites are defaced, are designed to influence computer users, but are not a dependency for the criminal act itself to be successful. Another significant factor is the asymmetric nature of these crimes. Whereas conventional crimes affect the same layer as that in which the domain was entered, offenses that exist only online can cause an effect in a different layer from that in which it was entered. For example, the unauthorised use of system resources by computer viruses or to cause physical damage occurs at the infrastructure layer, but is initiated by the misuse of protocols at the syntactic layer. Denial of Service attacks, which saturate system resources at the syntactic level of the target are also caused by human initiative at the semantic level.

From this brief analysis of the nature of cybercrime when viewed from the perspective of this model of cyberspace it can be seen that it is possible to identify which layers require protection or monitoring in order to be able to detect and counter particular types of crime. It also highlights the differences between using computers as a medium by which to commit conventional crimes and for those which are unique for cyberspace. Although each layer of cyberspace possesses unique properties, all except the physical layer can be manipulated for illegal use demonstrating the challenges facing law enforcement agencies in countering computer crime.

References:
J. Sheldon, Deciphering cyberpower. Strategic Studies Quarterly 2011, pp.98
Transnational Organised Crime.
Is there value in a single, globally agreed definition?

by Nicholas Gilmour

Transnational organized crime (TOC) has embraced the modern era we now live in. Having rapidly expanded as an intrinsic part of globalisation, it has shaped criminal networks and diversified illicit activities. This has created a combined threat, both explosive and destabilizing. Accordingly, as wide-ranging preventative measures struggle to contain TOC, deliberations on existing definitions of TOC have progressed amongst practitioners, policy makers, and academics alike.

A phenomenon as old as the nation-state and international trade itself, producing one sole definition has proven difficult. For decades, countless groups, agencies and law enforcement organisations around the world have attempted to do so. Meanwhile, theorists and decision makers alike continue to grapple with two competing definitions: one focusing on groups of people and one focusing on types of crime. Although both provide orientation, neither sufficiently captures the reality of the contemporary global environment into which TOC is embedded. The most prominent definition to support prevention and detection efforts is the one proposed by the United Nations within the Convention against Transnational Organised Crime (2004), which appropriately defines organised crime as:

'A group of three or more persons that was not randomly formed, existing for a period of time, acting in concert with the aim of committing at least one or more serious crimes (punishable by at least four years’ incarceration), in order to obtain, directly or indirectly, a financial or other material benefit’ (Article 2)

While this definition omits any mention of what constitutes ‘transnational’ organised crime, the same UN Convention in article 3 does allude to cross border offences, describing an offence as transnational 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. (Article 3)

While TOC may simply be a modern term for an old age spectacle, it nevertheless captures the imagination of many, helping to support analyses of new arenas of criminal activity such as the cyberspace. Typically referred to as organised criminal activities transcending international borders and transgressing several states’ laws, TOC has seized upon issues surrounding international law breaking. Grabosky (2013) identifies approximately 150 accepted definitions detailed extensively throughout security literature. Likewise, The Council on Foreign Relations (2013) has identified as many as 52 different criminal activities that fall under the definition of transnational organised crime. In light of such diversity, is it conceivable in the first place to envision a globally agreed definition?

Given this lack of a unitary definition and TOC’s liquid nature, challenges for policing are immense. Could a single definition address the ever-changing nature of particular crime types? Motivated by profit and no longer bound by the constraints of state borders, TOC continues to morph. New ways of committing old crimes emerge. It is this diversification that regularly confronts and deters law enforcement from committing entirely to preventative and investigative actions. Despite these issues, evidence of cross border policing and international cooperation does exist. Recent disablement of ‘Gameover Zeus’ and ‘Crypto-Locker’ is a fine example here, having involved private sector actors and law enforcement agencies from ten different countries.

Generalist or simplistic definitions of TOC remain tolerable for many; nonetheless, many still fail to be multilateral in meaning. Definitions, do not always determine whether TOC is referring to the act, or the perpetrator, making them even less appropriate for universal adoption. Finckenauer (2005) argues that finding a common agreed definition of organised crime is nevertheless fundamental in addressing the threat. Is a single definition therefore possible, or even necessary? Without an agreed definition, it could be argued it is impossible to harmonize the response internationally, or indeed find comprehensive measures to identify, investigate, and prosecute TOC. Equally, creating defined definitions of specific crime types ultimately specifies a necessity to shape definite responses to what is essentially an ever-evolving criminal landscape.

Movement has taken place not only amongst those who commit crime but also in the way it is facilitated. Criminal enterprises, whether local, regional or international are unassumingly ‘sovereign free’, relying on network structures as opposed to bureaucratic hierarchies.

This makes it difficult for states to contain them. Therefore, should governments and law enforcement focus instead on the more obvious barriers currently limiting comprehensive success in the fight against transnational organised crimes? Cornerstone obstacles such as legislation, culture, intelligence sharing and governance. In fact, obstacles which have already provided numerous overt clues as to the fact it is not possible to effectively combine definitions of TOC into one single definition without first...
overcoming more influential transnational barriers. It does seem likely that these inhibitors in the fight against TOC are more prominent than the issue of no single, unanimously agreed description of TOC.

The evolution of organised crime groups into TOC has demonstrated how networks can vary in size, be local or global, domestic or transnational, incorporate a range of criminal offenses and range from centrally directed to highly decentralised (Williams, 2001, p 62). Schloenhardt (2010) argues future protocols should establish new crimes and any possible or likely changes to TOC. Presently, the UN convention’s aim is to instead eliminate the differences between legislatations and promote certain standards for domestic law enforcement while providing flexibility to the ever changing nature of transnational organised crime syndicates (UNODC, 2014). Consequently, it may not be possible to define the impending changes to TOC, especially whilst practitioners, policy makers, and academics simply aren’t futurologists. Previous predictions of today’s TOC landscape haven’t succeeded in defining present problems. If they had, developments in technology would surely have been anticipated and helped to thwart opportunities for preventing the abuse of the Internet by criminals.

Due to advances in communication technologies, a fundamental transformation of policing and investigative methodologies has taken place. This suggests that a move away from strict definitions is becoming more appropriate. The complexities of TOC cannot be squeezed into a single definition. We should thus stick to the overarching principles laid out by the UNODC and focus further on primary obstacles. If successfully quashed, these would support preventative and investigative actions against TOC – regardless of which definition is relied upon.

References:


Dataset release (in English and Spanish): Andreas Schedler, Mexican National Survey on Organized Violence / Encuesta Nacional de Violencia Organizada (envo), Public opinion survey (N = 2,400) and elite opinion survey (N = 629), 2014, cide Data Archive for Applied Research in the Social Sciences (biacs) (http://biacs.cide.edu/) (http://hdl.handle.net/10089/17069).

Centro de Investigación y Docencia Económicas A.C., Mexico City
The Vatican’s Challenges in the Balkans: Bolstering the Catholic Church in 2015 and beyond

by Matteo Albertini & Chris Deliso, Published by Balkanalysis.com, January 9, 2015, 236 pg, English

Topics addressed include:

1- Structure and goals of Vatican operations, and key diplomatic personnel
- Official Vatican-Italy security protocols and practices
- Detailed accounts of Francis’ 2014 visits to Albania and Turkey, including previously-unknown security intelligence
- Vatican relations with Orthodox Bulgaria, Macedonia and Serbia
- The importance of the Medjugorje pilgrimage site to Bosnian Catholics, and to the Vatican’s evangelical mission
- Montenegro’s famed holy relics as a source of international intrigue
- The Knights of Malta’s deep regional political role and charitable works
- The little-known financial activity of private-banking tax haven Luxembourg in aiding Catholic charities in the Balkans
- The secret role of Hungarian intelligence in executing Vatican policy
- The Vatican’s increasing manipulation of ethnic Albanian sentiments for religious and geopolitical interests
- The struggle for religious and nationalist identity in ethnic Albanian communities, Islam, and future stability concerns
- The ramped-up spy war between Germany and Turkey in the Balkans, at a time of US disengagement
- EU macro-regional development projects 2014-2020 and harmonization of Vatican-EU policy in the Balkans
- Five detailed appendices, with data on Vatican-Balkan diplomatic relations, Vatican diplomatic profiles, charities and data on representation of Knights of Malta and Jesuit entities.

The current global discussion about religion has been largely focused on Islam. Specifically, attention has been placed on the actions of extremists threatening to and carrying out terrorist acts against secular societies. The rise of ISIS and its declaration of a global Caliphate has recently inspired such acts in Canada, the United States, Australia, and just a few weeks ago in France. But while moderate Muslims and Western powers continue to grapple with the issue of how to best mitigate such extremism, Christianity, specifically Catholicism, is quietly continuing an ideological and territorial battle of its own.

In The Vatican’s Challenges in the Balkans: Bolstering the Catholic Church in 2015 and beyond, veteran researchers Matteo Albertini and Chris Deliso explore the Vatican’s strategic and diplomatic efforts to maintain its influence in an ideologically complex region that it believes to be existential to the future of Catholicism in Europe. There is no time wasted on Opus Dei or Da Vinci Code themed conspiracies within this manuscript. Rather, The Vatican’s Challenges in the Balkans is an aggressive analysis of the Holy See’s objectives, strengths, and vulnerabilities as it hopes to counter an increasingly powerful Islamic opposition within the region.

Capitalizing on a combination of experienced diplomatic, security, and intelligence assets, its vast financial resources, and the vision of its popular pontiff Pope Francis, the Vatican has drawn a symbolic line in the sand, laying claim to the Balkan states. Albertini and Deliso pay particular attention to the pontiff’s visit to Albania, a state that appears to factor heavily in the Vatican’s designs on the future of Catholicism in Europe. This insightful analysis is a window into the often forgotten subject of the Vatican as a state power, one that still wields considerable influence across a broad spectrum of global events.
Over the past months, the Standing Group on Organised Crime (SGOC) has continued its efforts in promoting excellence in research. We are now proud to present to you the second issue of The European Review of Organised Crime (EROC). Please, check our website sgocnet.org/site/the-review-eroc/ for details.

We wish to thank all editorial board members and international advisers for making EROC possible and hope that EROC will make a meaningful contribution to the study of organised crime worldwide. Your feedback is highly appreciated. We are now looking for new submissions and would appreciate if you could find a moment to pass the word to your colleagues.

Kind regards,

EROC Editors

Felicia Allum (University of Bath);
Anita Lavor- gna (University of Wolverhampton);
Yuliya Zabyelina (John Jay College of Criminal Ju- stice) --

The paper explores the link between colonialism and corruption using crisp set Qualitative Comparative Analysis (csQCA) and compares a number of post-colonial polities in Latin America and East Asia. It argues that the extent of colonialism, the structure of the colonial economy, and the level of violence in the struggle for independence are the three factors that shape whether political corruption adopts a centralized or a decentralized organizational structure. Hellman’s analysis also suggests that the former is easier to combat than the latter. These distinctions are important for understanding essential qualitative differences when reforming post-colonial political systems and developing more efficient anti-corruption tools for different forms of political corruption.

In recognition of an outstanding contribution to the study of organized crime, terrorism or corruption as an academic or professional endeavor, the Standing Group on Organized Crime is happy to announce its first recipient of the SGOC Best Paper award 2014. This award was created to acknowledge the input of a researcher who presented the most outstanding paper during the European Consortium for Political Research’s General Conference held at the University of Glasgow in September 2014.

This year’s winner is Olli Hellmann Lecturer in Politics at the University of Sussex.

His paper ‘Political Corruption in the Developing World: The Effect of Colonial Rule and Decolonisation’ makes an important contribution to the study of the institutionalization of political corruption.

The paper is available on the website sgocnet.org/site/the-review-eroc/ for details.

For full guidelines and submission details visit our website (http://sgocnet.org/site/the-review-eroc/) or contact us at european.review.ocr@gmail.com.

ECPR SGOC Best Paper Award 2014
Il Centro siciliano di documentazione “Giuseppe Impastato” - Onlus
1977-2015: 38 anni di attività contro la mafia, per la pace e i diritti umani, tra memoria, ricerca e impegno civile


Il Centro siciliano di documentazione “Giuseppe Impastato” - Onlus, Via Villa Sperlinga 15, 90144 Palermo, tel. 091.6259789

Centro siciliano di documentazione “Giuseppe Impastato”, Via Villa Sperlinga 15, 90144 Palermo, tel. 091.6259789
fax 091.7301490, e-mail: csdgi@tin.it, sito: www.centroimpastato.it, codice fiscale: 02446520823, c/c postale 10690907

News & Announcements

Csd Centro Siciliano di Documentazione “Giuseppe Impastato” - Onlus
1977-2015: 38 anni di attività contro la mafia, per la pace e i diritti umani, tra memoria, ricerca e impegno civile

Il Centro siciliano di documentazione “Giuseppe Impastato” - Onlus, fondato nel 1977 da Umberto Santino e Anna Puglisi, è formalmente costituito come modello di associazione culturale dal 1980 ed è stato intitolato al militare della Nuova Sicilia Giuseppe Impastato, assassinato dalla mafia il 9 maggio 1978. Dal 1998 il Centro si è trasformato in Onlus (Organizzazione non lucrativa di utilità sociale). Il Centro ha lo scopo di sviluppare la conoscenza del fenomeno mafioso e di altri fenomeni ad esso assimilabili, a livello nazionale ed internazionale; promuovere iniziative allo scopo di combattere tali fenomeni; elaborare e diffondere una cultura della legalità democratica e della partecipazione. Nel corso della sua attività il Centro ha formato una biblioteca, un’emoteroteca e un archivio specializzati sulla mafia e altre forme di criminalità organizzata; ha prodotto studi e ricerche; svolto attività di informazione e di educazione nelle scuole e in istituti universitari, in Italia e all’estero; promosso iniziative di mobilitazione (a cominciare dalla manifestazione nazionale contro la mafia, la prima nella storia d’Italia, svoltasi il 9 maggio del 1979) e di aggregazione sociale e ha avuto un ruolo decisivo nell’inchiesta sull’omicidio Impastato. Con il progetto di ricerca Mafia e società, il Centro ha avviato un’analisi scientifica del fenomeno mafioso, svolgendo ricerche sull’omicidio a Palermo, sulle imprese mafiose, sul traffico internazionale di droghe, sul ruolo delle donne, sul rapporto mafia-politica e sulle lotte contro la mafia. Il Centro si è impegnato nel movimento per la pace e nelle lotte per la pace e i diritti umani e propone la costituzione di un Memoriale-laboratorio della lotta alla mafia, che sia insieme: percorso museale, biblioteca e cineteca, itinerario didattico, istituto di ricerca.

Il Centro è autofinanziato, poiché contesta le pratiche clientelari di erogazione del denaro pubblico. La richiesta di una legge della Regione siciliana che regoli la concessione dei contributi, avanzata nel 1987, non è stata accolta. Per sostenere il Centro si può destinare il 5 per mille indicando il nostro codice fiscale: 02446520823.
The Next Issue of the ECPR Standing Group on Organised Crime Newsletter will be published at the end of May 2015.
The deadline for articles and contributions is 15th of May 2015.

You are also invited to propose things that could improve the quality of the newsletter.

Please send your suggestions and articles to:
Anna Sergi
Anna.Sergi@uwl.ac.uk
Falko Ernst
faerns@essex.ac.uk

The ECPR SGOC is organising its conference on Organised Crime and related theme across the 2015. We will announce more via email and on our website so stay tuned!

CONTRIBUTIONS!
For the newsletter we are looking for short original articles (1000-1500 words) on different organised crime-related themes. These contributions can stem from your ongoing research or from summaries of published material, which you might wish to circulate among the organised crime research community.

You may also contribute to the content of the newsletter by sending us any announcement of conferences/workshops/literature references you feel could be of interest to this field.

SUGGESTIONS!
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