



Study on Extortion Racketeering the Need for an Instrument to Combat Activities of Organised Crime

FINAL REPORT



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EXECUTIVE SUMMARY

Topic. This final report covers all the activities concerning the Study on “Extortion Racketeering – The need for an instrument to combat activities of Organised Crime” awarded to Transcrime by the European Commission (Contract No. JLS/2008/D2/002).

Aim. The aim of the study is assessing the magnitude of the problem of extortion racketeering in the EU MS and if and how it should be tackled.

Hypothesis. There are two different types of extortion racketeering (systemic and casual) linked to three main variables: 1. the organisational structure of the criminal crime group that engages in extortion racketeering; 2. its strong presence at local territorial level; 3. the victim-offender relationship. These three variables are reciprocally related: the more the organised crime group focuses its activity on the local territory, being facilitated by its monopolistic position and hierarchical structure, the more it conducts criminal transactions with politicians and administrators, the more it infiltrates legitimate business, the more extortion becomes systemic (spreads and continues), and in becoming systemic provides more resources and closer control over the territory, the more criminals establish symbiotic relationship with the victims and the more the legitimate economy is infiltrated.

Implications. Generally speaking, the more OC groups act at transnational level, and the more they develop network organisational structures the less they will be able to control systematically a territory, the less extortion they use and, when they do so, it is casual. This explains why EU MS have substantive differences in the presence of extortion racketeering. After pointing out similarities and differences in extortion racketeering among the EU MS, this study identifies the common elements that may help to increase the effectiveness of existing instruments, and it suggests recommendations that could be adopted at EU level and addressed to MS.

To this end, this study:

- 1) frames the problem of extortion racketeering in the EU Agenda (Chapter 1);
- 2) outlines how extortion racketeering has developed in EU MS, the main forms of regulation of the phenomenon and the countermeasures (Chapter 2 and 3);
- 3) analyses the differing magnitude of the phenomenon across EU MS in light of the similarities and differences previously outlined, pointing out where the gaps are and where further action is needed (Chapter 4 and 5);
- 4) develops the index of relevance in the media in order to explain the social construction of the phenomenon in the EU Ms (Chapter 6);
- 5) summarizes the main findings (Chapter 7).
- 6) identifies recommendations (legislative and practices) which may be adopted at European and national level (Chapter 8).

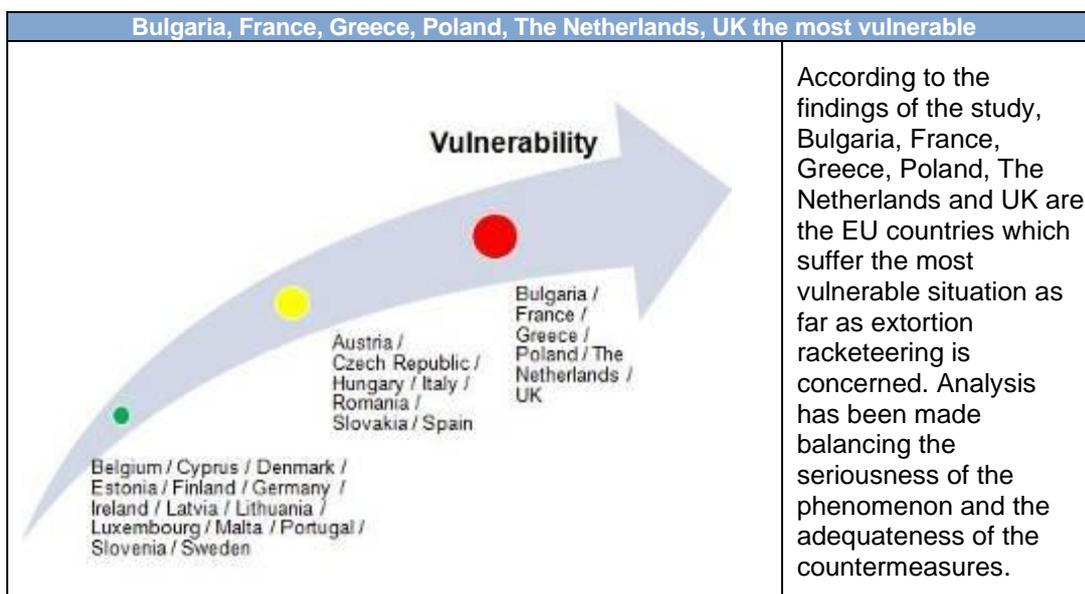
National situations. The analysis of the country profile has produced synoptic tables which have been inserted in the report. The following table more than others explains the main achievements (Chapter 3).

Member State	Forms of extortion		Actors			Victims	
	Typology	Relationship	Typology	Nationality	Structure	Typology	Nationality
Austria	CASUAL	Predatory; Parasitic	Local O.C.; Foreign O.C.; Local gangs	National; Foreign (Russian; Turkish; Serbs)	Hierarchy	Physical persons; Businesses	National; Foreign (Russian; Turkish; Serbs)
Belgium	CASUAL	Predatory; Parasitic	Foreign O.C.; Local gangs	National; Foreign (Russian)	Hierarchy	Physical persons; Businesses	National; foreign (Russian)
Bulgaria	SYSTEMIC	Parasitic; Symbiotic	Local O.C.; Foreign O.C.; PPO	National; Foreign (Serbs; Croats; Albanians; Turkish; Meaddle East; formers USSR citizens)	Hierarchy	Businesses	National; foreign (Serbs; Croats; Albanians; Turkish; Meaddle East; formers USSR citizens)
Cyprus	CASUAL	Predatory; Parasitic	Foreign O.C.	National; Foreign (Greek-Georgian; Greek-Russian)	Hierarchy	n.a.	National; Foreign (Greek-Georgian; Greek-Russian)
Czech Republic	SYSTEMIC	Parasitic; Symbiotic	Local O.C.; Foreign O.C.; Local gangs	National; Foreign (Russian, Ukrainian; Albanian; Romanian; Vietnamese)	Hierarchy	Physical persons; Businesses	National; Foreign (Russian, Ukrainian; Albanian; Romanian; Vietnamese)
Denmark	CASUAL	Predatory; Parasitic	Local gangs	National; Foreign	Hierarchy	Physical persons	National
Estonia	CASUAL	Predatory; Parasitic	Local O.C.; Foreign O.C.	National; Foreign (Russian)	Hierarchy	Physical persons	National
Finland	CASUAL	Predatory;	Local O.C.;	National;	Hierarchy	Physical persons	National
France	SYSTEMIC	Predatory; Parasitic; Symbiotic	Local O.C.; Foreign O.C.; Terrorist groups; Local gangs	National; Foreign (Turkish; Chinese; Albanian)	Hierarchy	Physical persons; Businesses	National; Foreign: (Turk.; Chin.; Alb.; Alg.; Moroccan; Portuguese; Tunisian)
Germany	CASUAL	Predatory; parasitic	Local gangs; Foreign O.C.	National; Foreign (Turkish; Russian; Italian)	Hierarchy	Physical persons; Businesses	National; Foreign (Turkish; Russian; Italian)
Greece	CASUAL	Predatory; Parasitic; Symbiotic	Local O.C.; Foreign O.C.	National; Foreign (Albanian; Pakistani; Russian)	Hierarchy	Businesses	National; Foreign
Hungary	SYSTEMIC	Parasitic; Symbiotic	Local O.C.; Foreign O.C.	National; Foreign	Hierarchy	Physical persons; Businesses	National; Foreign

Member State	Forms of extortion		Actors			Victims	
	Typology	Relationship	Typology	Nationality	Structure	Typology	Nationality
Ireland	CASUAL	n.a.	Local O.C.; Local gangs	National	Hierarchy	n.a	n.a
Italy	SYSTEMIC	Parasitic; Symbiotic	Local O.C.; Foreign O.C.; Local and foreign gangs	National; Foreign (Eastern European; Oriental)	Hierarchy	Physical persons; Businesses	National; Foreign (Eastern European; Oriental)
Latvia	CASUAL	Parasitic	Local O.C.; Foreign O.C.	National; Foreign (Russian)	Hierarchy	Physical persons; Businesses	National; Foreign (Russian)
Lithuania	CASUAL	Parasitic	Local O.C.	National	Hierarchy	Physical persons; Businesses	National
Luxemburg	CASUAL	n.a.	n.a.	n.a	n.a	n.a	n.a
Malta	CASUAL	No extortion racket	No extortion racket	No extortion racket	No extortion racket	No extortion racket	No extortion racket
Poland	SYSTEMIC	Parasitic; Symbiotic	Local O.C.; PPO; Foreign O.C.	National; Foreign (Russian; Eastern European; Oriental)	Hierarchy	Physical persons; Businesses	National; Foreign (Russian, Eastern European, Oriental)
Portugal	CASUAL	Predatory; Parasitic	Local O.C.; Foreign O.C.	National; Foreign (Eastern European; Chinese)	Hierarchy	Physical persons; Businesses	National; Foreign: (Eastern European; Chinese)
Romania	SYSTEMIC	Parasitic; Symbiotic	Local O.C.; Foreign O.C.; PPO; Local gangs	National; Foreign (Turkish; Chinese; Iranian; Nigerian; Ukrainian; Moldavian; Russians)	Hierarchy	Physical persons; Businesses	National; Foreign (Turkish; Chinese; Iranian; Nigerian; Ukrainian; Moldavian; Russians)
Slovakia	SYSTEMIC	Parasitic; Symbiotic	Local O.C.; Foreign O.C.; Local gangs	National; Foreign (Ukrainian; Albanian; Russian; Chinese; Romany)	Hierarchy	Physical persons; Businesses	National; Foreign (Ukrainian; Albanian; Russian; Chinese; Romany)
Slovenia	CASUAL	Predatory; Parasitic	Local O.C.; Foreign O.C.; Local gangs	National; Foreign (Eastern European)	Hierarchy	Physical persons; Businesses	National; Foreign (Eastern European; Albanian)
Spain	SYSTEMIC	Predatory; Parasitic; Symbiotic	Terrorist groups; Local gangs; Foreign O.C.	National; Foreign (Russian; Romanian; Colombian; Chinese)	Hierarchy	Physical persons; Businesses	National; Foreign: (Russian; Romanian; Colombian; Chinese)
Sweden	CASUAL	Parasitic; Predatory	Local gangs; Local O.C.	National	Hierarchy	Physical persons, Businesses	National

Member State	Forms of extortion		Actors			Victims	
	Typology	Relationship	Typology	Nationality	Structure	Typology	Nationality
The Netherlands	CASUAL	Predatory; Parasitic	Local O.C.; Foreign O.C.; Local gangs	National; Foreign (Chinese; Turkish)	Hierarchy; Network	Physical persons; Businesses	National; Foreign (Chinese; Turkish)
United Kingdom	SYSTEMIC	Predatory; Parasitic; Symbiotic	Local O.C.; Foreign O.C.; Local gangs; Terrorist groups	National; Foreign (Turkish; Kurdish; Cypriot)	Hierarchy	Physical persons, businesses	National; Foreign (Turkish; Kurdish; Cypriot)

Findings. On the basis of the analysis of the data collected in the country profiles the following figure has been created representing the vulnerability to extortion racketeering of each EU Member States.



Recommendations. In conclusion the following **recommendations** have been explained and suggested in Chapter 8 against two objectives.

Objective A. In order to increase the number of cases of extortion racketeering reported to the Police so that it becomes more visible, the following recommendations have been pointed out:

N.	Recommendation
1	Moving from a reactive to a proactive approach when investigating extortion racketeering
2	Strengthening the protection of the victims and witnesses of extortion racketeering
3	Providing victims with financial support
4	Strengthening the partnership between the criminal justice system and civil society
5	Focusing on interethnic extortion practices

Objective B. In order to prevent and control extortion racketeering and to dampen its consequences, the following recommendation have been pointed out:

N.	Recommendation
6	Extending the punishability of extortion racketeering
7	Developing a common data collection module on extortion racketeering
8	Tracing, freezing, seizing and confiscating the proceeds of extortion racketeering

INTRODUCTION

This final report covers all the activities concerning the Study on “Extortion Racketeering – The need for an instrument to combat activities of Organised Crime” awarded to Transcrime by the European Commission (Contract No. JLS/2008/D2/002).

In continuity with the conclusions of the “Seminar on Counteraction of Extortion Racketeering” held in Frascati (Italy) on 8-10 March 2007 organised by the Italian Ministries of Justice and the Interior, within the framework of the AGIS programme, this study intends to assess the magnitude of the problem of extortion racketeering in the EU MS and if and how it should be tackled.

There are two different types of extortion racketeering (systemic and casual) linked to three main variables: 1. the organisational structure of the criminal crime group that engages in extortion racketeering; 2. its strong presence at local territorial level; 3. the victim-offender relationship. These three variables are reciprocally related: the more the organised crime group focuses its activity on the local territory, being facilitated by its monopolistic position and hierarchical structure, the more it conducts criminal transactions with politicians and administrators, the more it infiltrates legitimate business, the more extortion becomes systemic (spreads and continues), and in becoming systemic provides more resources and closer control over the territory, the more criminals establish symbiotic relationship with the victims and the more the legitimate economy is infiltrated. The hypothesis deriving from previous studies (Savona, 2008) is that there are two different types of extortion racketeering (systemic and casual) linked to three main variables:

1. the organisational structure of the criminal crime group that engages in extortion racketeering;
2. its strong presence at local territorial level
3. the victim offender relationship.

The implications of this model are that, generally speaking, the more OC groups act at transnational level, and the more they develop network organisational structures the less they will be able to control systematically a territory, the less extortion they use and, when they do so, it is casual. This explains why EU MS have substantive differences in the presence of extortion.

After pointing out similarities and differences in extortion racketeering among the EU MS (in the phenomenon and in the legislation and other practices), this study identifies the common elements that may help to increase the effectiveness of existing instruments, and it suggests recommendations that could be adopted at EU level and addressed to MS.

To this end, this study:

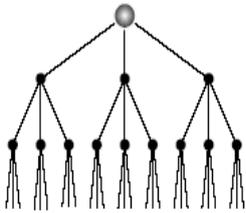
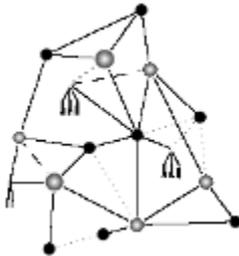
- 1) frames the problem of extortion racketeering in the EU Agenda (Chapter 1);
- 2) outlines how extortion racketeering has developed in EU MS, the main forms of regulation of the phenomenon and the countermeasures (Chapter 2 and 3);
- 3) analyses the differing magnitude of the phenomenon across EU MS in light of the similarities and differences previously outlined, pointing out where the gaps are and where further action is needed (Chapter 4 and 5);
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- 6) identifies recommendations (legislative and practices) which may be adopted at European and national level (Chapter 8).

Useful indications.

Chapter Summary	Summary tables in Chapter 3
 <p>The reader will find at the beginning of each chapter boxes which summarizes in brief the content of the chapter.</p>	 <p>In chapter 3 (EU Country Profiles), for each EU MS summary tables are provided in order to help the reader to select and focus on the main findings of the study.</p>

Concepts. This section provides some basic information about the concepts used in the study.

Hierarchical Organization	Criminal Network	
 <p>A group with a standard hierarchy is “the most common form of organised criminal group identified [...]. It is characterized by a single leader and a relatively clearly defined hierarchy. Systems of internal discipline are strict. Strong social or ethnic identities can be present, although this is not always the case. There is a relatively clear allocation of tasks and often some form of internal code of conduct, although this may be implicit and not ‘officially’ recorded” (UNODC, 2002: 34-35).</p>	 <p>Criminal networks “are defined by the activities of key individuals who engage in illicit activity in often shifting alliances. Such individuals may not regard themselves as being members of a criminal group, and may not be regarded as being a criminal group by outsiders. Nevertheless they coalesce around a series of criminal projects. [...] Networks usually consist of relatively manageable numbers of individuals, although in many cases different components of the network may not work closely with (or even know each other) but be connected through another individual or individuals”. (UNODC, 2002: 41).</p>	
Systemic Extortion	Casual Extortion	
<p>Extortion phenomenon is well rooted and well spread over a territory. Criminal organizations practice extortion routinely and extortion racketeering is a core part of criminal business.</p>	<p>Extortion phenomenon is episodic and not spread over a territory. Criminal organizations don’t practice extortion routinely.</p>	
Relationships between perpetrators and victims		
Parasitic	Symbiotic	Predatory
<p>When the perpetrator demands several payments over a long period of time.</p>	<p>When the perpetrators and the victims establish a prolonged relationship which produces illicit benefits for each of them.</p>	<p>When a considerable extortive payment is demanded only once.</p>

Acronyms.

Name	Definition
PPO = Private Protection Organisations	Specific enterprises which produce, promote and sell protection (similar to PSC)
PSC = Private Security Companies	Specific enterprises which produce, promote and sell security services (CCTV remote control, guardianships, etc.) (similar to PPO)

1. EXTORTION RACKETEERING IN THE EUROPEAN AGENDA

Since the crime of extortion racketeering, per se, has not to date been addressed by specific EU measures or initiatives, the aim of this chapter is to highlight how extortion racketeering has indirectly attracted the attention of the European Union within other initiatives and measures broadly focused on organised crime.

Extortion racketeering is an efficacious instrument available to organised criminal groups for infiltration of the legal economy.

This was the concern expressed by the 2000 European Union Strategy for the beginning of the New Millennium¹, the so-called *Millennium Strategy*, which requested the European Commission to develop and implement measures to prevent penetration by organised crime of the public and the legitimate private sector.

The seriousness of the phenomenon and its perception by the European Union has led to the inclusion of extortion and racketeering in the list of offences for which the European Arrest Warrant² can be issued. Moreover, in 2008 the criminal conducts of extortion and racketeering were included in several Council Framework Decisions aiming at strengthening cooperation among the European Union Member States in fighting crime, as follows:

- Council Framework Decision 2008/978/JHA of 18 December 2008 on the European evidence warrant for the purpose of obtaining objects, documents and data for use in proceedings in criminal matters;
- Council Framework Decision 2008/947/JHA of 27 November 2008 on application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions;
- Council Framework Decision 2008/919/JHA of 28 November 2008 amending Framework Decision 2002/475/JHA on combating terrorism;
- Council Framework Decision 2008/909/JHA of 27 November 2008 on application of the principle of mutual recognition to judgments in criminal matters.

The crimes of extortion and aggravated extortion are also cited within the Proposal for a Council Decision on the establishment of the European Criminal Records Information System (ECRIS) in application of Article 11 of Framework Decision 2008/XX/JHA. The inclusion of extortion and racketeering among the offences covered by the above mentioned Framework Decisions highlights the need to approximate legislations and to obtain information on the criminalisation of extortion racketeering in the EU Member States.

In particular, "The Hague Programme"³ of 2004, which sets objectives and priorities in the field of security for the period 2004-2009, stresses the specific need to approximate legislation in the field of extortion racketeering by describing the phenomenon and collecting countermeasures in national legislations.

The present study responds to this priority by seeking to identify the means necessary to reduce legislative asymmetries among the 27 EU Member States.

¹ Official Journal C 124, 03/05/2000 p.1-33.

² Council Framework Decision 2002/584/JHA of 13 June 2002.

³ For more detailed information, see: http://ec.europa.eu/justice_home/news/information_dossiers/the_hague_priorities/index_en.htm (visited on 15 April 2009).

This will help clarify whether the phenomenon of extortion racketeering could be prioritised while developing the future Stockholm Programme for Freedom, Justice and Security in the European Union (2010 – 2014)⁴.

Now summarized in two tables are the most recent European Acts where extortion can be related to racketeering.

⁴ For more information see: http://ec.europa.eu/justice_home/news/consulting_public/news_consulting_0001_en.htm (visited on 15 April 2009).

Table 1A: Council Framework Decisions and Proposals

ACT	RACKETEERING AND EXTORTION
<p>Council Framework Decision 2008/978/JHA of 18 December 2008 on the European evidence warrant for the purpose of obtaining objects, documents and data for use in proceedings in criminal matters</p>	<p>Article 14: Double criminality</p> <p>1. The recognition or execution of the EEW shall not be subject to verification of double criminality unless it is necessary to carry out a search or seizure.</p> <p>2. If it is necessary to carry out a search or seizure for the execution of the EEW, the following offences, if they are punishable in the issuing State by a custodial sentence or a detention order for a maximum period of at least three years, and as they are defined by the law of that State, shall not be subject to verification of double criminality under any circumstances:</p> <ul style="list-style-type: none"> - (...) - racketeering and extortion
<p>Council Framework Decision 2008/947/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions</p>	<p>Article 10: Double criminality</p> <p>1. The following offences, if they are punishable in the issuing State by a custodial sentence or a measure involving deprivation of liberty for a maximum period of at least three years, and as they are defined by the law of the issuing State, shall, under the terms of this Framework Decision and without verification of the double criminality of the act, give rise to recognition of the judgment and, where applicable, the probation decision and to supervision of probation measures and alternative sanctions:</p> <ul style="list-style-type: none"> - (...) - racketeering and extortion
<p>Council Framework Decision 2008/919/JHA of 28 November 2008 amending Framework Decision 2002/475/JHA on combating terrorism</p>	<p>Article 3: Offences linked to terrorist activities (...)</p> <p>2. Each Member State shall take the necessary measures to ensure that offences linked to terrorist activities include the following intentional acts:</p> <ul style="list-style-type: none"> - (...) - extortion with a view to the perpetration of one of the offences listed in Article 1(1);

Table 1B: Council Framework Decisions and Proposals

ACT	RACKETEERING AND EXTORTION
<p>Council Framework Decision 2008/909/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union</p>	<p>Article 7: Double criminality The following offences, if they are punishable in the issuing State by a custodial sentence or a measure involving deprivation of liberty for a maximum period of at least three years, and as they are defined by the law of the issuing State, shall, under the terms of this Framework Decision and without verification of the double criminality of the act, give rise to recognition of the judgment and enforcement of the sentence imposed: - (...) - racketeering and extortion.</p>
<p>Proposal for a Council Decision on the establishment of the European Criminal Records Information System (ECRIS) in application of Article 11 of Framework Decision 2008/XX/JHA</p>	<p>Categories And Sub-Categories Of Offence: - (...); - extortion; - aggravated extortion; - extortion, duress, pressure on a representative of public authority</p>
<p>Council Framework Decision 2006/960/JHA of 18 December 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union</p>	<p>ANNEX B INFORMATION EXCHANGE UNDER COUNCIL FRAMEWORK DECISION 2006/960/JHA REQUEST FORM FOR INFORMATION AND INTELLIGENCE TO BE USED BY THE REQUESTING MEMBER STATE A - Application of Article 4(1) or 4(3) of the Framework Decision 2006/960/JHA A.1. The offence is punishable by a maximum term of imprisonment of at least three years in the requesting Member State AND A.2. The offence is one (or more) of the following: (...) racketeering and extortion</p>
<p>Council Framework Decision 2006/783/JHA of 6 October 2006 on the application of the principle of mutual recognition to confiscation orders</p>	<p>Article 6: Offences 1. If the acts giving rise to the confiscation order constitute one or more of the following offences, as defined by the law of the issuing State, and are punishable in the issuing State by a custodial sentence of a maximum of at least three years, the confiscation order shall give rise to execution without verification of the double criminality of the acts: - (...) racketeering and extortion</p>
<p>Council Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties</p>	<p>Article 5: Scope 1. The following offences, if they are punishable in the issuing State and as they are defined by the law of the issuing State, shall, under the terms of this Framework Decision and without verification of the double criminality of the act, give rise to recognition and enforcement of decisions: - (...) racketeering and extortion</p>

Table 2A: Communications and other Acts dealing with extortion

COMMUNICATION	EXTORTION
<p>Communication from the Commission to the European Parliament, the Council and the Committee of the Regions - Towards a general policy on the fight against cyber crime {SEC(2007) 641} {SEC(2007) 642} /* COM/2007/0267 final</p>	<p>1.2.4. Crimes unique to electronic networks</p> <p>Large scale attacks against information systems or organisations and individuals (often through so called botnets[3]) appear to have become increasingly common. Moreover, incidents with systematic, well co-ordinated and large-scale direct attacks against the critical information infrastructure of a state have recently been observed. This has been compounded by the merging of technologies and accelerated interlinking of information systems, which have rendered those systems more vulnerable. Attacks are often well organised and used for the purposes of extortion. It can be assumed that the extent of reporting is minimised, in part due to the business disadvantages which might result if security problems were to become public.</p>
<p>Opinion of the European Economic and Social Committee on the Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions — A strategy for a Secure Information Society — Dialogue, partnership and empowerment COM(2006) 251 final</p>	<p>2.5 As regards computer viruses, worms and spyware have proliferated with the increasingly rapid development of electronic communication networks and systems, which have become increasingly complex and, at the same time, vulnerable, owing, not least, to the convergence of multimedia, mobile telephony and GRID infoware: extortion, DDoS (distributed denial of service), Internet ID theft, phishing, piracy etc. are security problems for the information society, which the European Community addressed in a Communication in 2001. The EESC commented on the Communication, identifying three lines of action:</p> <ul style="list-style-type: none"> - specific security measures; - legal framework, including the protection of data and privacy; - combating cyber-crime.

Table 2B: Communications and other Acts dealing with extortion

COMMUNICATION	EXTORTION
<p>Opinion of the European Economic and Social Committee on Civil society participation in the fight against organised crime and terrorism (2006/C 318/26)</p>	<p>4. Terrorism and organised crime are attacks on the rule of law (...)</p> <p>4.5 At the international level, there are overlapping areas between organised crime and terrorism: illegal arms dealing and drug trafficking. For instance, one area where terrorism and organised crime converge is the phenomenon of extortion. Terrorist groups have often acted like mafia-style organisations which finance their actions through criminal activity: trafficking of narcotics, weapons and human beings, credit card fraud, hold-ups, robberies and extortion of professionals and businessmen, illegal gambling and other crimes. (...)</p> <p>4.7.1 Terrorist organisations operating in some European countries aim to achieve their political ends through terror, crime, threat and extortion. However, they know that they will only realise their totalitarian goal once they have destroyed or weakened the rule of law. (...)</p> <p>8.6 It is important not to neglect other, lesser-known victims who receive less media coverage. These are the victims of criminal organisations that violate human rights to the same extent as terrorist organisations: victims of extortion, robbery, drugs; victims of human trafficking, prostitution and trade in women; victims of illegal labour exploitation</p>
<p>European Parliament recommendation to the European Council and the Council on combating the financing of terrorism (2005/2065(INI))</p>	<p>H. whereas in the current situation of huge volumes of financial transactions on the global market, owing to the multiplicity of financial transfers and the ever-changing nature of the economy, it is very difficult and complex undertaking to identify and tackle unlawful practices in respect of those transfers, such as laundering of the illicit proceeds from tax and customs fraud, corruption, and the activities of organised crime and mafias, including trafficking in narcotics, arms and human beings, and financing through extortion, including the so-called "revolutionary tax",</p>
<p>Communication from the Commission to the Council and the European Parliament on measures to be taken to combat terrorism and other forms of serious crime, in particular to improve exchanges of information /* COM/2004/0221 final</p>	<p>The financing of terrorism has been an offence in the Union since Framework Decision 2002/475/JHA on the fight against terrorism, which applies to all forms of financing of the activities of a terrorist group. This also makes it possible to tackle, among other things, cases where terrorist organisations obtain financial support from legitimate sources, for instance through charitable or other legal bodies.</p> <p>When seeking financing, terrorist organisations often also use methods similar to those of criminal organisations, such as extortion, kidnapping with ransom demands and all kinds of trafficking and fraud. Like criminal organisations, they may engage in corruption and money-laundering.</p>

2. HOW EXTORTION IS LINKED TO ORGANISED CRIME: A LITERATURE ANALYSIS

This chapter discusses the following topics: a) extortion as an organised crime activity; b) the (criminological) definition of extortion and extortion racketeering; c) extortion racketeering in legal/illegal markets; d) extortion racketeering as a mafia crime; e) extortion racketeering in the transition economies; f) the perpetrators; g) the victims.

This chapter provides an analysis of extortion racketeering according to the following components: the organisational structure (perpetrators), the victims, the context in which extortion racketeering is perpetrated (legal/illegal market), criminal features (such as those of mafia-like organised crime), and the geo-political-economic context.

The international literature⁵ agrees that extortion is a criminal activity that, when it is systemic (spread throughout the country and stable over time) is linked to organised crime groups, which use extortion for different purposes.⁶

2.1 Extortion Racketeering as an organised crime activity

According to Albanese (2002), extortion has long been associated with organised crime, while Konrad and Skaperdas have described extortion as the “defining activity of organised crime” (Konrad and Skaperdas, 1998: 461).

When extortion is committed on a regular basis, it turns into a racketeering practice. In fact “as extortion became regular, it turned into protection racket – an institutionalized practice whereby tribute is collected on behalf of a criminal group that, in exchange, claims to offer physical protection from other such groups” (Volkov, 2001: 1).

It has been noted (Cohen, 2003: 576) that the term ‘racketeering’ – which was first coined by Gordon Hostetter in 1927 in the United States – has changed its original meaning as an illicit form of business by acquiring the connotation of extortion. In fact, according to the definition provided by Hostetter (1929) in his book *It's a Racket*, a racket is a “scheme by which human parasites graft themselves upon and live by the industry of others, maintaining their hold by intimidation, force and terrorism” (Hostetter and Beesley, 1929: 37-41). One of the simplest forms of racketeering in the United States during the 1920s was the achievement of a monopolistic position within a market sector by means of corruption, protection and, if necessary, violence.

According to Hostetter, it is possible to identify two different types of racket: the “Collusive Agreement” and the “Simon Pure Racket”. The former consists of “a compact between a local businessmen’s association and a union allowing it to administer rules regulating prices and wages” (Cohen, 2003: 587); the latter consists of “a phony union or association established by a criminal solely for the purpose of bribery” (Cohen, 2003: 588). In fact, one of the techniques most widely used by racketeers in the United States at that time was to offer protection to businessmen in exchange for bribes.

⁵ Among many, the following authors have studied the phenomenon of extortion racketeering: (Landesco, 1968; Monzini, 1993; Schelling, 1984; Block, 1980; Gambetta, 1993; Paoli, 2003; Ruggiero, 1996; Varese, 2001; Alvazzi del Frate, 2004; Volkov, 2002; Paoli, 2004).

⁶ As in the main hypothesis outlined in the introduction to this study.

The specific link between extortion and the practice of racketeering was established by Schelling (1967) when he divided (with reference to the organisational dimension of illegal activities) racketeering phenomena between *extortions* and *criminal monopolies*. By providing protection, the organised criminal group gains control over a specific sector within the illegal area and may achieve some sort of monopoly by eliminating other “competitors” seeking to sell protection. The construction of illegal monopolistic markets is achieved by violent means, and extortion is one them most frequently used.

In a development that characterises the use of violence by organised crime against competitors and /or against legitimate businesses, extortion may be a demand to avert future violence, or it may accompany a minor act of violence that announces violence on a larger scale. According to the social and economic context, extortion may require specialisation Monzini (1993) and Clutterbuck (1987) or it may be an easy crime to commit because “it does not require any high initial investments, it carries low managing costs and, in areas where state protection is not regarded as adequate or reliable, it is also a low-risk operation, because people at large usually prefer to pay a low kickback than go to the police” (Paoli, 2003: 165).

2.2 Extortion Racketeering in the Legitimate Markets

Extortion racketeering, where it has developed in a systemic form, is one of the most frequent means by which organised criminal groups infiltrate the legitimate economy.

The literature on the topic can be grouped into two main areas of study. One highlights the protection/extortion racketeering nexus; the other focuses on the political dimension of the criminal practice.

Firstly, extortion racketeering takes the form of a business activity consisting in the sale and provision of protection. This is the case when extortion racketeering has been considered in regard to the Italian or Russian mafias. According to Gambetta (1993), in his book *The Sicilian Mafia. The Business of Private Protection*, the Sicilian mafia is an “industry which produces, promotes, and sells private protection” (Gambetta, 1993: 1). Because extortion is “a close cousin of protection, concretely from first principles” (Konrad and Skaperdas, 1998: 462), extortion racketeering may develop from the protection of businesses against losses due to robbery, fraud and other property crimes whenever the extortionists themselves create the conditions for that protection to be needed. In fact, as Grasso (2002) highlights in his book, *‘U Pizzu. L’Italia del racket e dell’usura*, the mafia does not select the territory on which to impose a protection racket; rather, it prepares the territory by generating a demand for security and protection through a high level of insecurity and uncertainty. This can be done by committing minor crimes which generate the perception that the situation in regard to criminality and security has changed.

Hence, extortion is used by organised criminal as a means to gain control over specific market sectors such as construction, seaports, waste disposal, bars, night clubs, restaurants, large shops.

According to Monzini (1993), restaurants, pubs, and night clubs are extorted mainly by groups with stronger organisational structures.

The main features of the phenomenon may be those outlined by Monzini (1993):

- extortion-protection, which consists in taxation on a regular basis imposed by violent means;
- labour racketeering, which is violent negotiation for access to the labour market and employment;

- monopolistic racketeering, which is a specific market strategy enforced by violent means and aimed at the physical elimination of the competitor, or at the creation of monopolistic coalitions.

According to Monzini (1993: 15), how the extortive system expands depends on two main variables: the mechanism of interdependence between victim and offender, and change in the violent means used to enforce the extortion.

2.3 Extortion Racketeering in Illegal Markets

Extortion racketeering does not only occur in legal markets; it is also perpetrated against actors mainly operating in illegal markets and within the so-called underworld.

With reference to the need for protection and the alternative source of guarantees sought by illegal actors, it is important to note that illegal activities are carried out in contexts where their perpetrators are unable to rely on the police or the criminal justice system for the solution of the conflicts. They must operate in conditions where no rules or laws can be enforced, with the consequence that they are not entitled to rights of any kind. According to Arlacchi (1988: 442), illegal enterprises act within an economic context where no sovereign power can be established and no *super partes* authorities can guarantee compliance with specific rules of conduct. Extortion racketeering in illegal markets therefore resembles the imposition of services such as those aimed at “solving problems and resolving disputes” (Monzini, 1993: 4). By means of the extortion, the perpetrators then aim at controlling particular areas of illegal activity.

The international literature reports two main features of extortion racketeering as an instrument to regulate illegal activities. According to Block (1980) and Landesco (1968), extortion racketeering is carried out by organised criminal groups in order to keep the influence areas of legal and illegal actors separate and distinct. On the other hand, according to Schelling (1984), extortion racketeering serves the purpose of protecting illegal markets. In fact, by collecting extortion money from individual criminals, organised criminal groups establish a form of tax collection, and this alternative fiscal system may facilitate the establishment of monopolistic areas.

2.4 Extortion as a Mafia-Crime

The debate on organised crime in Europe, as elsewhere, has been long permeated by the Mafia paradigm, and extortion racketeering has been also long considered a manifestation of mafia-type organised crime. It is consequently important to highlight the distinctive features of such crime when it is perpetrated in a mafia context.

According to Rossi (2005), wherever the mafia’s activities are present, extortion is committed on a regular basis by one or several mafia-type associations seeking to exercise their influence within a specific territory (Rossi, 2005: 146).

Useful in describing extortion racketeering as a *mafia crime* is the distinction drawn by Block (1980) between “enterprise syndicate” and “power syndicate”, where the latter is a criminal syndicate mainly involved in extortion as a form of territorial control (Ruggiero, 1996: 40).

According to Paoli (2003), the mafias in Sicily and in Calabria achieve “territorial sovereignty” through the exercise of extortion racketeering. Most of the licit and illicit enterprises operating in Sicily and in Calabria are forced to pay extortion money to the local mafia criminal organised groups (Paoli, 2003: 164).

Extortion has been analyzed by Gambetta (1993) from the perspective of the mafia as an “industry which produces, promotes, and sells private protection” (Gambetta, 1993: 1). One of the various forms that the protection provided by the mafia can assume is extortion. This is the case when “the mafia does not, in other words, supply a real service but merely practices extortion” (Gambetta, 1993: 28). Moreover, Gambetta (1993) stresses the possible positive and negative externalities deriving from the payment of extortion money. The request for protection is made regardless of the will of the individual, and “whether one wants or not, one gets it and is required to pay for it” (Gambetta, 1993: 31).

The Russian mafia engages in extortion practice as a form of protection and, according to Varese (2003: 55), for various reasons: the spread of market transactions is not sufficiently managed by the State; the presence of people trained to commit violence; and the availability of weapons. Criminal protectors are involved in various activities and offer several kinds of services. According to Varese (2001: 68), they also offer genuine services like the collection of debts or delayed payments.

At this stage, and in order to highlight the role of extortion when it is committed by mafia-like organised criminal groups, there follows a brief summary of the main reasons why it is important for the mafia:

1. extortion racketeering enables the mafia to gain control over a specific territory and its economic and politic activities. Moreover, the regular use of extortion also consolidates the ‘mafiosa culture’⁷. In fact, the entrepreneurs or shop-owners that have to deal with the mafia gradually become used to the presence of the mafia in their affairs and in their territory, and they often make collusive agreements;
2. extortion is also functional to a territorial division of criminal activities and control among mafia-type criminal groups (*cosche*)⁸;
3. extortion is still the main source of financing for mafia-type criminal organisations. The income collected from extortion payments is put into the so-called ‘cassa comune’ (common fund), which is the group’s main financial basis. This money is used for the group’s main expenses: purchasing arms, financing its activities, and paying its legal costs;
4. extortion racketeering enables the mafia to penetrate the legitimate businesses being extorted; and when entrepreneurs are no longer able to pay the extortion money, the mafia group takes over their businesses. As stressed by Monzini (1993: 2), extortion is a means used by the mafia to infiltrate the legal economy. This is also one of the main differences between common criminality and mafia criminality (Rossi, 2005: 147).

As Letizia Paoli points out in her book *Mafia Brotherhoods. Organised Crime, Italian Style*, the expansion of extortion has been driven by the factors that make it a profitable crime to commit. Extortion is in fact an easy crime to carry out and an easy way to make money rapidly: it does not require a high initial investment, it carries low managing costs; and, in areas where the state’s protection is not regarded as adequate or reliable, it is also a low-risk operation (Paoli, 2003: 165).

Another characteristic of extortion rackets carried out in mafia contexts is the professionalism with which the mafia group assesses the economic resources of the victim in order to calculate a payable amount of extortion money. This sum is

⁷ By *mafiosa culture* is meant the willingness of local people to accept and collaborate with the mafia in order to gain benefits. For details on collusive agreements between the mafia and local entrepreneurs see Sciarrone, 1998.

⁸ The case of the city of Siracusa is an exception: in order to survive a successful operation by law enforcement agencies, the two main mafia organizations in the city had to reach agreement and collaborate on continuing the extortion racket.

calculated so that the victim is willing to pay it without calling in the police. The amount of extortion money is not merely imposed on the victim but is also subject to negotiation: in fact, this stage in the victim/extortionist relationship is also of importance for establishing some sort of complicity between the two parties, and it is not rare for the victim to be grateful to the extortionists, who normally accept a smaller amount of money that is certain to be paid by the victim. This perverted relationship between the extorted and the extortionist often assumes the features of the “Stockholm syndrome”. Another point to be stressed is the absolute ductility of the relationship. The amount of extortion money requested is not fixed once and for all: it is elastic both to the necessities of the criminal group and to the economic situation of the victim. In fact, if the financial resources of the criminal group are depleted, the extortive demands will increase in their amount. On the other hand, mafia criminal groups are also understanding towards the victim if, for example, s/he is in economic difficulties. This relationship, which is mostly dissembled as friendship, increases the victim’s gratitude to the extortionists. Of course, this is not only a matter of gratitude and esteem, but also of trust and possible future joint economic relations and affairs.

As seems also clear from this description of the traditional *modus operandi* of mafiosa extortion, it is “functional to a criminality that is going to be organized” [Grasso, 2002, 77]. It allows acknowledgment of the existence and the superiority of the criminal group, and in this case of the mafia. To be stressed is that, at the very beginning of the extortive relationship between the racket and the victim, the latter is targeted not randomly but according to his/her vulnerability. His/her business has to be carried out in the territory where the mafioso group is able to exercise his power and the business must be of interest to the latter. Other key features in selection of the victim seem to be the instruments and infrastructure necessary for the production of his/her income. These must be exposed and well visible, so that they are easy targets for extortionist offences and attacks. If restaurants, shops, hotels, agricultural machinery or vehicles are destroyed, the owner’s business is blocked. After the first attacks the key role in the development of the extortion against the victim is played by the latter. It is up to him/her to decide whether to pay or to resist the mafia. If the second option is chosen, and most of the time it is accompanied by desperation and confusion on the part of the entrepreneur, the mafia returns on the offensive and decides how to convince the victim to pay. In most cases, the extortionists decide to step up the pressure on the selected victim, mainly through anonymous night-time telephone calls, threats of violence against the victim’s children or close relatives. The message is that the entire family will be the target if the entrepreneur does not pay the extortion money. If the victim tries once again to resist, the strategy commonly used by the mafia to test the victim’s effective vulnerability/capacity to resist is a bomb attack against the shop or damage to its shutters or the victim’s front door. Arsons is also sometimes used to intimidate the victim. In all cases, the decisions on the violent means to use to subdue the victims are mainly dependent on the mafia’s aim: either to persuade the victim to pay the protection money or to make an exemplary attack that demonstrates the mafia’s power to other entrepreneurs. In other cases the mafia does not want to take all the risks related to such attacks and therefore proceeds through minor criminal acts that make the victim even more afraid of more violent attacks in the future.

All these are actions that frighten the entrepreneur but not to the extent that s/he ready to denounce them to the police. At this point the figure of the *amico buono* starts to perform his function.

2.5 Extortion Racketeering as a Crime Affecting Transition Economies

In general the transformation of post-communist countries has been accompanied by a rise in crime. In particular, according to a report published by the Centre for the

Study of Democracy in 2004, “the penetration of organised crime into the security sectors of countries in transition is one of the darkest aspects of the post-communist transformation of states” (Centre for the Study of Democracy 2004, 5). The reform of the security sector is the key factor in understanding the spread and impact of extortion racketeering in Eastern Europe. “By the early 1990 the state had effectively lost its monopoly on violence which freed the hands of the violent entrepreneur groups” (Center for the Study of the Democracy 2007, 15). The state’s lack of power and capacity to perform its functions turned into an incapacity to protect the rising number of businesses being created. A wealth of opportunities were generated for organised criminal groups to infiltrate the state institutions and to take over functions and responsibilities pertaining to the state, such as security.

This explains the circumstances in which the criminal practice of extortion racketeering turns into a protection racket. In fact, organised criminal groups, mainly constituted by so-called *violent entrepreneurs* organised themselves in the transition countries in order to set up private security firms enforcing security contracts and providing businesses with security. Such organised criminal groups, mainly formed by former high-ranking ministry officials and sportsman also trained within the army, organised a system of protection racketeering by “taking over a specific territorial zone and defining it against rival racketeering groups” (Center for the Study of Democracy 2007, p. 16). The protection racket was enforced by means of violence and intimidation, and every commercial or business activity within the territorial zone of control was forced to pay protection money in order to suffer damage.

2.6 The Perpetrators

Like any other crime, extortion can be committed either by a single criminal or by an organised criminal group. Since the focus of the present study is not solely on the crime of extortion, but also on the more complex criminal phenomenon of extortion racketeering (which is presumed to take place in an organised crime context), its focus will be on the organised criminal groups involved in the practice.

The literature has considered the following features of extortion racketeers: their organisational structure, the geographical scale on which they operate, and the criminal context in which they act.

In regard to organisational structure, as said, extortion racketeering is perpetrated by organised criminal groups with hierarchical structures.⁹ A group with a standard hierarchy is “the most common form of organised criminal group identified in the sample. It is characterized by a single leader and a relatively clearly defined hierarchy. Systems of internal discipline are strict. Strong social or ethnic identities can be present, although this is not always the case. There is a relatively clear allocation of tasks and often some form of internal code of conduct, although this may be implicit and not ‘officially’ recorded” (UNODC, 2002: 34-35). Whilst the hierarchical organisational structure is functional to extortion racketeering, it is of interest to consider the relationship in reverse.

In fact, extortion racketeering is also functional to the achievement by organised criminal groups of several objectives. Of importance is the difference between simple organised criminal groups and mafia-like ones. Useful in this regard is the distinction that Block (1980) drew between *enterprise syndicate* and *power syndicate* when describing organised crime in the United States, where the latter is described as a criminal syndicate mainly involved in extortion as a form of control over the territory (Ruggiero, 1996: 40). A crucial element to consider is

⁹ For a more complete overview on types of organised criminal groups, see: United Nations Office on Drugs and Crime (2002), Results of a pilot survey of forty selected organized criminal groups in sixteen countries, Vienna.

whether extortion racketeering is functional to the existence of the organised criminal group, as in the case of mafia-type ones, and is one of several criminal activities carried out by the group, or whether the extortion racketeering is perpetrated by an organised criminal group specifically set up for the purpose. This latter is mostly the case of organised criminal groups, which may be better understood in light of the *enterprise syndicate* paradigm.

Lastly to be considered is the nationality of extortion racketeering groups and their geographical scale. Extortion racketeering has long been portrayed as a typically local level crime committed by local organised criminal groups, especially when the purpose is to gain control over a specific territory. Nevertheless, extortion racketeering seems to be a criminal practice affecting close ethnic communities where the perpetrators and victims belong to the same ethnic group, examples being Chinese or Italian communities (Nelli 1976).

It should also be stressed that, because extortion racketeering is a criminal practice with a local dimension, it is quite independent from whether the organised criminal group is national or transnational in nature.

No particular study has been carried out to date on whether there are major differences in *modus operandi* and criminal motivation when extortion racketeering is carried out within ethnic communities and when it carried out against nationals of the country considered. The reply to the questionnaire in the box below, and given by the expert involved in the study for Slovakia, provides interesting insights into the topic.

2.7 The Victims

As said, when extortion racketeering is committed in legal markets, it mainly affects businesses operating in the construction industry, harbour areas, public transport, and waste collection. Besides these economic sectors, where the purpose of extortion racketeering is mainly to eliminate competitors and create monopolistic cartels, restaurants, bars, night clubs and retail activities are also easy victims of extortioners. In these cases, extortion racketeering is mainly characterized by the imposition of protection services and the use of violence.

Although according to the above-mentioned literature, the victims of extortion are legitimate entrepreneurs or businesses, extortion also takes place in the underworld.

According to Schelling (1984: 185), the main victim of organised crime is the person who sells illicit services to the public. Extortion is the business of organised crime, and criminals themselves are seen as easy targets. In fact, according to Schelling (1971), a pivotal criterion used by racketeers to identify victims is visibility, which of course also depends on the illegal activities in which they are involved. For example, prostitutes or bookmakers cannot conceal themselves while doing business because they would lose their clients. In so far as actors providing illicit goods or services cannot hide from their clients, nor can they hide from potential extortionists (Schelling, 1971: 643-652).

According to Schelling (1984: 186-187), there are further characteristics that define an easy victim of extortion (racketeering):

- the victim has poor self-protection: criminals fit this criterion because they cannot usually resort to the law;
- the victim cannot hide from the extortionist. This means that criminals involved in selling illicit goods or services are the most vulnerable victims of extortion because they would lose their incomes if they stopped their criminal activity;
- the activity and earnings of the victim can be monitored;

- the business cannot be transferred elsewhere in order to escape the extortionist.

As previously mentioned, a crucial question arises when analysing the victims of extortion racketeering. As Landesco puts it, is the racketeer “a parasite or does he perform a service?” (Landesco, 1968: 150). This question essentially concerns the relationship between extortionists and victims. In fact, especially when victims operate in the legal economy, an extortionate practice often develops from an already-established business relationship. According to Passas (2002), the relationship between the victims and perpetrators of extortion racketeering is parasitical, because it is a relationship where “the aim is to preserve the viability of the target such that illegal benefits can be extorted on a more or less regular basis” (Passas 2002, 21).

Victims of extortion racketeering can also establish a symbiotic relationship with the perpetrators, given that organised criminal groups operate according to specific demand for the services that they supply. Extortion racketeering may begin as a symbiotic relationship and turn into a parasitical one, or a parasitical relationship can turn into a symbiotic one when collusive agreements and real services/facilitations are beneficial to the victims.

With regard to the victims, extortion racketeering, like other crimes committed by organised crime, is under-reported. Data from official crime and criminal justice statistics, for many different reasons (differences in the legal definitions, statistical classification, counting rules report¹⁰) and because of the symbiotic relationship between victims and perpetrators, cannot provide clear understanding of the dimension of the phenomenon throughout the European Union. Better indicators can be obtained by means of survey instruments that collect victim-based information in order to produce data more comparable across countries.¹¹ Because extortion racketeering mostly affects the business sector, it is covered by business victimisation surveys¹² carried out at both international and European level.¹³

The boxes below contains three examples of how data on victimisation concerning extortion racketeering have been collected in Bulgaria, Germany and Italy.

¹⁰ See: Adamoli et al., 1998

¹¹ See: Alvazzi del Frate, 2008

¹² The International Crime Business Survey carried out by UNICRI-UNODC, the Crime and Corruption Business Survey carried out by UNODC, the Commercial victimisation survey in the UK, the Business Crime monitor in the Netherlands and the Italian Business victimisation survey in Italy.

¹³ The business victimisation surveys in which extortion racketeering has been included as a crime type to be surveyed have produced encouraging data also in terms of response rate.

Box 1A: Examples of data collection on victims of extortion racketeering by means of survey instruments: the case of Bulgaria.

Bulgaria¹⁴

A crime victimisation survey of businesses in Sofia, conducted in 2000 for the United Nations Interregional Institute on Crime and Justice, provides a snapshot of protection rackets.²¹ The survey findings indicate that 11.4 percent of businesses stated that protection rackets were either common or very common in their line of business. When asked if they had been racketeered, 7.7 percent of businesses responded positively. For 78.9 percent of them, this had happened fewer than five times during 1999 but for the rest it was almost a monthly experience. The respondents pointed to 'organised criminal groups' (79 percent) and rival businesses (21 percent) as the main perpetrators. The United Nations Interregional Crime and Justice Research Institute (UNICRI) study shows that at that time the phenomenon of protection racketeering was still much more widespread in Bulgaria than most East European countries which had not been part of the former Soviet Union. The great majority of racketeering, however, remained unreported. Only 7.9 percent of businesses in Sofia responded that they had reported all instances of racketeering to the police during 1999. The main reason for the lack of reporting was fear of reprisals (63 percent). Two other reasons mentioned were that the police were not interested (40 percent) and were unlikely to be able to help (23 percent). It is probable that at the height of the racketeering boom (1993–1995) an even greater share of the crimes remained unreported.

In the 2005 business crime victims survey, only 1.3 percent of the respondents indicated that they had been asked for protection money during 2005 – a significant reduction from the 2000 level of 7.3 percent.

Overall, however, 8.8 percent of the companies had been victims of a range of threats and extortion (protection money being only one aspect). Generally, small companies with fewer than 10 employees were up to five times more likely to fall victim to such crimes than companies with over 100 employees. In only 7 percent of cases, though, were PSCs directly blamed as the perpetrators of such threats and extortion. In the other cases, local organised criminal groups (33 percent) and competition (26 percent) were named as the main culprits. Nevertheless, the data suggest that some PSCs remain involved in criminal activities. The levels of reporting threats and racketeering to the police were still low – 70 percent were not reported – but 22 percent had reported such crime, which is a clear increase from the earlier figure of 7.9 percent. However, this is significantly lower than other types of crimes, which generally have reporting rates of over 50 percent. In 2005 the key reasons for not reporting incidents to the police were the perception that the police could not do anything about it (31 percent), and that this was a problem that had nothing to do with the police (31 percent). One key difference with the 2000 survey's reasons for not reporting was the issue of reprisals; while in 2005 only 21 percent mentioned this as a reason for not reporting, in 2000 63.3 percent mentioned it as a reason. This indicates changing patterns of action by the perpetrators and decreased levels of violence by PSCs. This supports the more general observation that organised crime in Bulgaria went from a period of a high level of violence in the early 1990s towards reduced levels of violence and, as discussed in the following section, its substitution by corruption as a tool to achieve its goals.

¹⁴ For more details see: Gounev, 2006.

Box 1B: Examples of data collection on victims of extortion racketeering by means of survey instruments: the case of Germany.

Germany¹⁵

A victimisation survey of legitimate businesses carried out in the late 1990s showed that:

- direct experience of extortion was reported – varying by ethnic origin – by 4–13% of respondents and, within that figure, cases of extortion of protection money were reported by 2–6% of the respondents. Additionally, in telephone interviews between 15% and 28% of the respondents reported cases of extortion among their acquaintances. The highest percentage in this range of vicarious victimisation (28%) was reported by Turkish respondents: about 40% of these cases were claimed to be ones of ‘asking for donations’, e.g. for exile political groups. For the Greek, German and Italian respondents the estimates of victimisation rates varied from 8–13%; only the Turkish respondents, with an average estimate of 27%, saw their fellow ethnics as more likely to experience extortion. Nor did the estimates in the biggest cities (over 500,000 inhabitants) lead to the high percentages commonly cited in the public discourse – the highest perceived victimisation was that of Turkish business-people in big cities, which amounted to some 31%;
- restaurateurs with direct or indirect experience of extortion are even more likely to be victims of everyday crime. Those having such experiences tend to describe the ‘typical extortion’ in their city or region as starting with an economic relationship of dependence in which, for example, a blackmailer might use his or her knowledge about illegal practices by the victim. Restaurateurs with extortion victims in their social networks recall that such dependence provided the background for extortion in about 60% of the cases known to them. Extortion therefore appears to be a field of crime that is connected to crime-prone contexts and/or relies on prior economic contact;
- only a minority of the respondents confronted with extortion reported to the police or sought other help from official authorities. Most of them surrendered to the demands, only a few applied forms of ‘self-justice’. Both actual and potential victims were not very sure how they might get help in cases of extortion. The strongest effect on the willingness to report to the police as far as the extortion of protection money is concerned seems to be the police’s ability and promise to deal confidentially with the case. Practically none of the respondents wanted to appear as a witness before a court. A substantial proportion of the respondents also supported harsher punishment for criminals. An additional aspect brought out by respondents of German ethnic origin was a perceived need for more special police officers, undercover agents and greater leeway for the police to tap private residences. Restaurateurs from ethnic minorities built their hopes primarily on the integration of foreign personnel into the police force and improvements in the regulation and use of state’s evidence. In terms of fighting administrative corruption, again, the predominant wish on the part of respondents was their desire for complete anonymity. Reduced sentences for informants obtained lower support from respondents of all ethnic backgrounds.

¹⁵ For more details see: Ohlemacher, 1999, 2002.

Box 1C: Examples of data collection on victims of extortion racketeering by means of survey instruments: the case of Italy.

Italy

In 2008 the first Italian business victimisation survey was carried out by the Italian Ministry of Interior in collaboration with Transcrime, Joint Research Centre on Transnational Crime – Università degli Studi di Trento/ Università Cattolica di Milano. Among the various topics covered by the survey, particular emphasis was given to the collection of data on criminal phenomena closely related to the presence of organised crimes such as bribery, extortion and usury. Questions on the phenomenon of extortion racketeering had the same structure as used for the collection of data on common criminality.¹⁶ First collected were data on victimisation in the last three years, and then in the last twelve months. If the respondent declared that his or her business had been victim of at least one episode in the last twelve months, further details on the last episode were gathered.

With reference to extortion racketeering, the following information was collected:

- the level of concern felt by businesses with regard to the probability of being victim of extortion racketeering during the current year;
- how common the phenomenon was in the same line of business. This question was introduced as a proxy indicator for the burden of the criminal practice;
- experience of victimisation over the last three years;
- experience of victimisation when the aim of the intimidation and extortion was to impose protection services;
- experience of victimisation over the last twelve months;
- detailed information on the last episode of extortion racketeering covering the following issues: whether the victim had been forced to pay, give presents or facilities; information on the perpetrators (local organised criminal groups, foreign criminal groups, rival businesses, other); the amount of money paid, whether the last episode of extortion had been reported to the police and the reasons for both reporting and non reporting; whether the business had been subjected to reprisals for reporting to the police; how satisfied the business was with the police's work in assisting the victim.

Key findings from a preliminary analysis of the data collected are that:

- 10.9% of businesses in Italy were worried about being victims of extortion, with a higher value (20%) for businesses located in the Southern regions of the country (8.3% in the North);
- independently of geographical position, the economic sectors most concerned about being victims of extortion racketeering were hotels and catering, and the commercial and retail sector;
- 1.9 % of the businesses reported that extortion was very common in their line of business, and 7.4% that it was quite common. Data disaggregated on the southern provinces of Italy and the rest of the country confirmed the distribution of perceived concern : the phenomenon affects businesses in the southern regions more frequently than those in the rest of the country;
- in the past three years 1.7% of businesses had been victims of extortion, and 29.1% of them had been victims of protection racketeering, which is when threats and intimidations are made in order to impose protection services; the rate rises (43.2%) for businesses located in the South;
- in the last twelve months, 0.4% of Italian businesses had experienced at least one extortion episode: more specifically, 1.4% of those located in the provinces in the South and 0.1% of those situated in the rest of the country;
- businesses subject to extortion racketeering mostly operated in the construction sector (0.7% of them were affected by the criminal practice) and in public and

¹⁶ The survey covered the following crimes: theft, fraud, robbery, vandalism, counterfeiting, cybercrime, threats and intimidation, bribery, extortion, loansharking.

personal services (0.6%);

- with reference to the number of employees, businesses with 10 to 49 employees¹⁷ had been most frequently the victims of extortion racketeering in the last twelve months;
- with regard to perpetrators, 77.5% of the businesses reported that local organised criminal groups were engaged in the extortion racket;
- 6.6% of Italian businesses declared that they had reported an extortion episode to the police, while 19.8% replied that they had informed the police without formal reporting. 73.6% of the victimised businesses had not reported to the police;
- to be noted is that 92.5% of the businesses declaring that they had reported to the police had been subject to reprisals.

¹⁷ For more information on the dimension of the enterprises, see: http://ec.europa.eu/regional_policy/objective1/index_en.htm (visited on 28 January 2009)

3. EU COUNTRY PROFILES

This chapter presents, for each of the 27 European Union Member States, information and data on the following topics: a) overview on organised crime in the country; b) the situation concerning extortion racketeering; c) the legislation and regulation relating to extortion racketeering; d) the national legislation and practices relating to the protection of victims and witnesses of extortion racketeering.

This chapter presents the country profiles for the 27 European Union Member States. It is organised into 27 sections, one for each of the 27 European Union Member States, for which information was collected, mainly by means of a questionnaire administered to a national expert and by means of a literature review.

Each country profile is structured as follows:

1. Outlook;
2. Summary;
3. Overview on organised crime in the country;
4. The situation concerning extortion racketeering;
5. The criminal impact;
6. The legislation and regulation relating to extortion racketeering;
7. The law enforcement response to extortion racketeering;
8. The legislation and practices relating to the protection of victims and witnesses of extortion racketeering.

The following paragraphs provide a short description of the methodology applied and of the content contained in the eight parts of each country profile.

1. Outlook (Content)

This provides essential information on the seriousness of extortion racketeering in the country (high, medium, low); and the adequacy of counter measures against extortion racketeering (legislation and regulation and protection of victims, witnesses, justice collaborators) (high, medium, low).

To define the low, medium and high levels, the researchers have assigned different scores to different modalities for each variables.

Tab. 1 – Seriousness of extortion racketeering: scores

<i>Extortion racketeering</i>		<i>Points</i>	<i>Assumption</i>
Typology	Systemic	1	Systemic extortion is more serious than casual extortion
	Casual	0	
Victim-offender relationship	Symbiotic	3	A symbiotic relationship is more serious than a parasitic one, and a parasitic relationship is more serious than a predatory one
	Parasitic	2	
	Predatory	1	
Perpetrators (Typology)	Local O.C.	1	All criminal groups have been weighted at the same level
	Foreign O.C.	1	
	Local Gangs	1	
	Terrorist Groups	1	
Perpetrators (Nationality)	Local	1	No difference among perpetrators' nationalities
	Foreign	1	
Perpetrators (Structure)	Hierarchical	2	A hierarchical structure is more serious than a network one
	Network	1	

Victims (Typology)	Physical person	1	No difference among victims' typologies
	Businesses	1	
Victims (Nationality)	National	1	No difference among victims' nationalities
	Foreign	1	
Impact (Geographical concentration)	Yes	1	Where extortion is geographically concentrated it is harder to tackle
	No	0	
Impact (Coverage of Extortion in the media)	High	2	According to the index of coverage, points are assigned according to the country's rank position (see p.245)
	Medium	1	
	Low	0	
Impact (Perceived impact)	High	2	
	Medium	1	
	Low	0	

According to the total score for the country, the seriousness of extortion racketeering is low (if the total score is between 5 and 11), medium (if the total score is between 12 and 17) and high (if the total score is between 18 and 24).

Tab. 2 – Adequateness of legislation and regulation: scores

Legislation and regulations		Points	Assumptions
Extortion definition	Yes	1	Definition of extortion provides more adequateness in tackling the phenomenon
	No	0	
Punishability of extortion racketeering	Yes	1	Punishability of extortion racketeering provides more adequateness in tackling the phenomenon
	No	0	
National plan	Yes	1	Presence of a national plan on extortion provides more adequateness in tackling the phenomenon
	No	0	
Police Unit	Yes	1	Presence of a specialised unit on extortion provides more adequateness in tackling the phenomenon
	No	0	
Investigation	High	2	More investigation techniques available against extortion provides more adequateness in tackling the phenomenon
	Medium	1	
	Low	0	
International cooperation	Yes	1	International cooperation against extortion provides more adequateness in tackling the phenomenon
	No	0	

According to the total score obtained by the country, the adequateness of legislation and regulation against extortion racketeering is low (if the total score is between 0 and 2), medium (if the total score is between 3 and 5) and high (if the total score is between 6 and 7).

Tab. 3 - Protection of victims, witnesses and justice collaborators adequateness: scores

Protection of victims, witnesses and justice collaborators		Points
Victims	High	2
	Medium	1
	Low	0
Witnesses	High	2
	Medium	1
	Low	0
Justice Collaborations	High	2
	Medium	1
	Low	0

According to the total score obtained by the country, the adequateness of protection for victims, witnesses and justice collaborators is low (if the total score is between 0 and 2), medium (if the total score is between 3 and 4) and high (if the total score is between 5 and 6).

2. Summary (Content)

This summarizes the country profiles, providing the reader with the essential information regarding the Member State concerned. The summary is divided into four main parts:

- overview on organised crime in the country;
- situation on extortion racketeering;
- legislation and regulation;
- protection of victims, witnesses, justice collaborators.

3. Overview on organised crime in the country (Content)

This provides a general overview of the situation of organised crime in the country and helps frame the extortion racketeering phenomenon within the broader activities and patterns of organised crime in the Member State.

The information and data contained in this part are: (1) the likely structure of the organised criminal groups usually acting in the country, distinguishing between two types of structure: hierarchy and network; (2) the main nationalities of the criminal actors (national or non-nationals); (3) the main criminal activities carried out by those actors (national or transnational).

4. The situation concerning extortion racketeering (Content)

This provides an in-depth description of the situation of extortion racketeering within the Member State.

The information and data contained in this part deal with: (1) the trend of extortion racketeering in the past ten years (increasing, stable, decreasing) and the most recent data available; (2) the perpetrators of extortion racketeering practices within the country and their nature, distinguishing among their types (national O.C., foreign O.C.; terrorist groups and local gangs), nationality and structure; (3) the victims of extortion racketeering, their nature (physical persons or businesses) and their main features (nationality); (4) the likely victim/offender relationship and its nature: predatory (when a considerable extortive payment is demanded only once); parasitic (when the perpetrator demands several payments over a long period of time); symbiotic (when the perpetrators and the victims establish a prolonged relationship which produces illicit benefits for each of them).

All the above-mentioned information and data enable better definition of the typology of extortion racketeering in the Member State, distinguishing between contexts where extortion racketeering is widely present and deeply rooted as an organised crime practice (systemic) based on symbiotical relationships between offenders and victims and contexts where extortion racketeering is rarely recorded (casual).

5. The criminal impact (Content)

This provides information and data with which to estimate the impact of extortion racketeering in the Member State with regard to: (1) the geography of extortions, analysing whether they are concentrated in a specific area or spread across the country; (2) the markets that mostly produce criminal opportunities for extortion racketeering; (3) the perceived harm/impact.

6. The legislation and regulation relating to extortion racketeering (Content)

This provides information on the criminal instruments and definitions related to extortion and extortion racketeering by quoting the national definitions of extortions and analysing whether extortion can be punished when committed by (1) O.C. groups; (2) on a regular basis; (3) on a professional basis.

7. The law enforcement response to extortion racketeering (Content)

This provides information on: (1) the presence of a national action plan dealing also with extortion racketeering; (2) the presence of police units in charge of investigating extortion racketeering cases; (3) the set of special investigative means that can be used when investigating extortion racketeering cases; (4) international cooperation agreements and experiences.

8. The legislation and practices relating to the protection of victims and witnesses of extortion racketeering (Content)

This provides information on the protection programmes envisaged by the national legislation for (1) the victims; (2) the witnesses; (3) the justice collaborators involved in extortion racketeering cases.

In some profiles, the national expert provides more information on the investigative strategies and on the best practices in the country. Specific paragraphs have been added in order to contain this information, as follows:

- Suggestion for improving investigation capacity
- Best practices

***Disclaimer:** The reader should bear in mind that the different length of each profile and consequently the richness of the information contained therein depends on the magnitude of the phenomenon and its perception in the country.*

3.1 - AUSTRIA



OUTLOOK	
Seriousness of extortion racketeering	
Extortion racketeering	<div style="display: inline-block; width: 20px; height: 10px; background-color: #4f81bd; border: 1px solid black;"></div> Medium
Adequateness of counter measures against extortion racketeering	
Legislation and regulation	<div style="display: inline-block; width: 20px; height: 10px; background-color: #4f81bd; border: 1px solid black;"></div> Medium
Protection of victims, witnesses, justice collaborators	<div style="display: inline-block; width: 20px; height: 10px; background-color: #4f81bd; border: 1px solid black;"></div> High

Summary

OVERVIEW ON ORGANISED CRIME IN THE COUNTRY			
Likely structure	Main nationalities	Main criminal activities	
Hierarchy; Network	National; Foreign	National; Transnational	
SITUATION OF EXTORTION RACKETEERING			
Typology		Victim offender relationship	
Casual		Predatory, parasitic	
Perpetrators			
Typology	Nationality	Structure	
Local O.C.; Foreign O.C.; Local gangs	National; Foreign (Russian, Turkish, Serbs)	Hierarchy	
Victims			
Typology		Nationality	
Physical persons; Businesses		National; Foreign (Russian, Turkish, Serbs)	
Impact			
Geographical concentration	Coverage of extortion in the media	Perceived impact	
Yes	Low	Medium	
LEGISLATION AND REGULATION			
Extortion Definition		Punishability of extortion racketeering	
Yes		Yes, partially	
Law Enforcement			
National plan	Police Unit	Investigation	International coop.
No	No	High	Yes
PROTECTION OF VICTIMS, WITNESSES, JUSTICE COLLABORATORS			
Victims	Witnesses	Justice Collaborators	
High	High	High	

Overview on organised crime in the country

Austria can be considered a country exhibiting the features of a transit country for organised crimes such as trafficking and smuggling of people (especially woman from Eastern bloc countries, South America and Asia) and goods such as drugs (from the Netherlands), stolen vehicles, firearms (Europol, 2008: 46). Nevertheless, according to the national expert involved in the study, the situation of organised crime in Austria has completely changed in recent years: Austria is no longer solely a transit-country for organised crime, or a safe haven for their leaders; those organisations are now located and operational in Austria.

On average, two different types of organised criminal groups operate in Austria: local groups involved in prostitution, trafficking in human beings for prostitution and drugs, and organised criminal groups of foreign origin (especially from Southern and Eastern Europe) involved in property-crime, trafficking in stolen cars, drug-crime, and extortion (Europol, 2004).

The situation concerning extortion racketeering

With reference to extortion racketeering, the Austrian context is characterized by the presence of protection rackets operated by foreign criminal groups (Russian, Turkish, Israeli, Yugoslavian, Georgian) which are generally organised with a hierarchical structure. In particular, the organised extortion of protection money is known to take place chiefly in criminal circles (e.g. red-light scene). Even if in the past extortion was limited to the crime scene, in recent times protection money has been extorted from respectable traders. For example in 2006 a Georgian Organised Group extorted protection money from an Austrian national engaged in import-export business with Israel and China, and from a Turkish trader (Rossa, 2007).

Data on the phenomenon. On the basis of data examined by the national expert, even if extortion racketeering is not a separate part of national criminal statistics, Austria seems to be characterized by an increasing trend in the phenomenon of extortion racketeering.

Perpetrators. The main actors involved in the practice of extortion racketeering are local and foreign organised criminal groups as well as local gangs with looser structures.

Tab. 1 - Perpetrators

Local organized criminal groups	✓
Foreign organized criminal groups	✓
Terrorist groups	✗
Local gangs	✓

With reference to the origin of the foreign organised criminal groups operating in Austria and involved in extortion racketeering, Russian, Turkish and Serbs are those most involved in the practice.

Independently of nationality, organised criminal groups engaged in extortion racketeering operate mainly at national level and are usually also involved in the following criminal activities: armed robbery, drug production and trafficking, forgery, gambling, homicide, illegal activities related to prostitution, smuggling of cigarettes, trafficking in human beings and protection activities in general.

Tab. 2 – Other criminal activities carried out by the perpetrators

Local/national activities	✓
Transnational activities	✗

Victims. Victims of extortion racketeering are both national and non-national physical persons and businesses. When non-national victims are affected, they mostly originate from Israel, Russia, Georgia and Turkey. Nevertheless, the phenomenon is not widespread among closed ethnic communities.

Tab. 3 – Typology of victims

Physical persons	✓
Businesses	✓

Extortion racketeering in Austria is most frequently perpetrated against victims operating in the entertainment and import/export sectors on the basis of a predatory and parasitic relationship between victim and perpetrator.

Tab. 4 – Victim/offender relationship

Predatory	✓
Parasitic	✓
Symbiotic	✗

Tab. 5 – Markets most affected by extortion racketeering

Construction	✗
Real estate	✗
Entertainment sector (bars, cafés, clubs)	✓
Import/export	✓
Waste disposal	✓

The criminal impact

Geography of extortions. According to the national expert, there are particular areas and regions in Austria most affected by extortion racketeering.

Legal/illegal markets. Organised criminal groups involved in extortion racketeering seek to infiltrate the legitimate economy. According to the national expert, entertainment is the sector within the legal economy which generates most opportunities for extortion racketeering; while the illegal markets that generate opportunities for such crime are those related to smuggling activities and prostitution

Perceived harm. Extortion racketeering has a medium perceived harm impact if compared with other crimes (such as, for example, corruption or counterfeiting and product piracy). Moreover, according to the national expert, extortion racketeering will increase in the near future in Austria, and in particular in the legal and illegal entertainment sectors because more and more bars and restaurants are owned by foreigners, also in the high-price sector.

The national legislation and regulation relating to extortion racketeering

1. Paragraph 144 (Blackmail). “Whosoever coerces any other person, with violence or by threats, to action, tolerance or forbearance, or causes loss of this or another person, is to be punished with imprisonment between 6 months and five years”.

2. Paragraph 145 (Grave Blackmail). “(...), Whosoever commits blackmail (1) on a business-like basis; (2) against one and the same person for a prolonged period of time (...) shall be punished with 1 to 10 years of imprisonment”.

Extortion and organised crime. Extortion racketeering is not punishable under the Criminal Code of the Austrian Republic, and no other article within the Austrian legal system considers the phenomenon.

Tab. 6 – Criminalisation of extortion practices

Carried out by OC groups	
Carried out on a regular basis	
Carried out on a professional basis	

The law enforcement response to extortion racketeering

National plan. Austria does not have a specific action plan for extortion racketeering.

Police unit. Likewise, no specific police unit in Austria deals with extortion racketeering.

Investigation. According to the Code of Criminal Procedure of Austria special investigative means can be used, as shown in the following table.

Tab. 7 – Special investigative means

Interception of telephone conversations	
Interception of fax transmissions	
Interception of internet transmissions	
Audio or video recording of events taking place on private premises	
Undercover operations	
Techniques of financial investigation	
Financial criminal analysis	

Nevertheless, according to the national expert, the following can be considered obstacles against the investigation of extortion racketeering in Austria.

Tab. 8 - Obstacles against investigation in Austria

Lack of legislation		Low
Inadequate follow-up of investigative techniques		Serious
Limited investigative power		Serious
Lack of specialised investigative units		Serious
Lack of human/material resources within specialized units		Moderate

International cooperation. The Austrian criminal justice system comprises agreements and legislation that provide for direct police co-operation with the police forces of other EU Member States in the investigation of extortion racketeering cases, and in particular with the following countries: Czech Republic, Germany, Slovakia, Slovenia. Moreover, Austrian liaison officers that deal with extortion racketeering are posted in the following EU Member States: Czech Republic, Italy, Hungary, Poland, Romania, Slovakia, Slovenia and Spain. With reference to judicial cooperation, according to the national expert, none of the following instruments have been used to fight extortion racketeering: extradition for trial, extradition for sentence, execution of foreign sentences, transfer of sentenced persons/prisoners.

Nevertheless, when requested by a prosecutor/judge of another EU Member State, an Austrian prosecutor/judge is obliged to provide assistance in terms of the interception of telephone conversations, interception of fax transmissions, interception of internet transmission, audio or video recording of events taking place on private premises and undercover operations.

The following table shows the main obstacles against international cooperation in the investigation of extortion racketeering in Austria.

Tab. 9 - Obstacles against international cooperation in Austria

Lack of a common definition of the constituent element of the phenomenon		Serious
Lack of specialised investigative units		Moderate
Language difficulties		Moderate
Lack/Delay of responses to requests for assistance		Not at all
Lack of human/material resources within units specialized in the investigation of extortion racketeering		Moderate

The legislation and practices relating to the protection of victims and witnesses of extortion racketeering

Victims. With reference to the protection of, or support for, victims of extortion racketeering, several programmes are envisaged.

Tab. 10 – Victim protection programmes

Police protection	✓
Temporary relocation to safe areas	✓
Evidentiary rules of protection measures when testifying in court (anonymity, shielding, videoconferencing)	✓
Medical/psycho-social support	✓
Financial compensation	✗
Moderate financial assistance	✓

Witnesses. With reference to the protection of, or support for, witnesses of extortion racketeering, the following programmes/practices are envisaged by the Austrian Code of Criminal Procedure.

Tab. 11 – Witness protection programmes

Assistance before and during the trial	✓
Police measures to enhance physical security	✓
Court procedure to ensure the witness's safety while testifying	✓
Change of identity in case of extremely serious threat	✗
The possibility of giving evidence in a place other than that in which the person being prosecuted is situated	✓
The possibility of using audiovisual techniques	✓

Justice collaborators. With reference to the protection of, or support for justice collaborators in extortion racketeering cases, the following programmes/practices are envisaged by the Austrian Code of Criminal Procedure.

Tab. 12 – Justice collaborators protection programmes

Assistance before and during the trial	✓
Police measures to enhance physical security	✓
Court procedure to ensure the witnesses' safety while testifying	✓
Sentence reduction	✓
Measures to protect them within the penitentiary system	✓
Separation from the general prison population	✗
Use of a different name for the prisoner-witness	✗
Special transportation arrangements for in-court testimony	✓
Isolation in separate detention units at the prison	✓

Best practices

According to the national police, the following are the measures which have proved most effective in combating extortion racketeering: wiretapping, witness protection programmes, audio and video recording of events taking place on private premises.

With reference to the impact of these measures on different stakeholders, wiretapping is considered to have a high impact on businesses and consumers, and a medium one on law enforcement agencies, judicial and administrative authorities and other national and European authorities. On the other hand, witness protection programmes and audio/video recording are considered to be highly important for all the above mentioned stakeholders.

3.2 - BELGIUM



OUTLOOK

Seriousness of extortion racketeering

Extortion racketeering Medium

Adequateness of counter measures against extortion racketeering

Legislation and regulation Medium

Protection of victims, witnesses, justice collaborators High

Summary

OVERVIEW ON ORGANISED CRIME IN THE COUNTRY			
Likely structure	Main nationalities	Main criminal activities	
Hierarchy	National; Foreign	National; Transnational	
SITUATION ON EXTORTION RACKETEERING			
Typology		Victim/offender relationship	
Casual		Predatory; parasitic	
Perpetrators			
Typology	Nationality	Structure	
Foreign O.C.; Local gangs	National; Foreign (Russian)	Hierarchy	
Victims			
Typology		Nationality	
Physical persons; Businesses		National; Foreign (Russian)	
Impact			
Geographical concentration	Coverage of extortion in the media	Perceived impact	
Information not available	Low	Medium	
LEGISLATION AND REGULATION			
Extortion Definition		Punishability of extortion racketeering	
Yes		No	
Law Enforcement			
National plan	Police Unit	Investigation	International coop.
No	Yes	High	Yes
PROTECTION OF VICTIMS, WITNESSES, JUSTICE COLLABORATORS			
Victims	Witnesses	Justice Collaborators	
High	High	High	

Overview on organised crime in the country

Belgium belongs to the north-west region, which is mainly characterized by the presence of a well-developed infrastructure system which acts as a facilitator for the trafficking of human beings and illegal goods (Europol, 2008: 33). Other criminal activities in which Belgian organised crime is involved are money laundering, (excise and VAT-) fraud, trafficking in vehicles, forgery of documents, and theft with violence, threats or with use of weapons. Moreover, organised criminal groups operating in Belgium mainly utilize legal businesses in the import/export, real estate, construction and transport sectors in order to conceal the illicit nature of their profits. Another characteristic of organised crime in Belgium is the fact that it takes advantage of the presence of well-established ethnic communities. This is particularly the case of Albanese, Indo-Pakistani, Moroccan, Turkish and Kurdish communities (Europol, 2008: 34; Service for Criminal Policy, 2007: 17). The Belgian context of organised crime is also characterized by the presence of “itinerant crime groups” with the following characteristics: “an association of criminals; systematically committing residential burglaries or burglaries of commercial properties, including ram-raids, cargo thefts, metal thefts or thefts of construction vehicles and materials, originating mainly from the former Eastern Bloc; operating or directed from abroad or from large conurbations in Belgium; committing a significant number of crimes over a large area and possibly using minors to commit crimes” (Van Daele, 2008: 241-242). These groups, mainly originating from the Eastern European countries, are thus involved in organised property crimes and are highly mobile in carrying out their criminal activities.

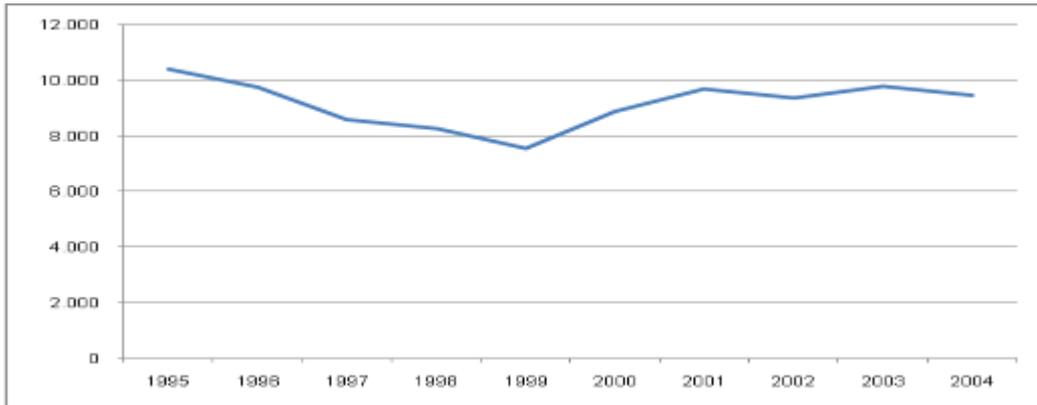
The situation concerning extortion racketeering

Data on the phenomenon. There are no general data available on extortion racketeering as an activity by criminal organisations. However, some statistics are available and might be useful. These are police statistics on extortion in general (over the period 2000-2007)¹⁸, statistics on convictions for extortion and theft, and statistics on and analysis of counterstrategies used by criminal organisations (which are made public in the bi-annual reports on organised crime in Belgium).

The police statistics on reported cases reveal a general increase over the period 2000-2007. However, the graph below shows a quite significant decrease in the number of convictions for theft and extortion in the period 1995-2004, while to be noted is an upturn since 1999. In particular, the largest increase took place between 1999 and 2001, while between 2001 and 2004 the trend seems to have been rather stable.

¹⁸ Information available at http://www.polfed-fedpol.be/crim/crim_statistieken/2007/rapports/rapports_s_2000_2007_national.pdf?bcsi_scan_A86CC429146B1327=0&bcsi_scan_filename=rapports_2000_2007_national.pdf, last visited on 14 June 2009.

Fig. 1 – Theft and extortions in Belgium. (1995-2004)



Source: Transcrime calculations on data of the Service de la Politique Criminelle of the Belgian Police.

Analysis of counterstrategies shows that the use of violence and intimidation by criminal organisations has been gradually decreasing, and in the last few years it has stabilised. Around 60% of known criminal organisations in Belgium make use of violence and intimidation, and about 20-25% of them resort to influence, which may take many different forms (through the use of money, manipulation, benefits in kind, and other material gifts).

Perpetrators. The organised criminal groups involved in extortion racketeering practices in Belgium can be grouped as follows:

- Motorcycle gangs, such as the Hell’s Angels, which collect money by enforcing bogus protection services in the entertainment sector;
- Chechen gangs operating in Belgium commit extortion within the Russian community.

Tab. 13 - Perpetrators

Local organized criminal groups	✗
Foreign organized criminal groups	✓
Terrorist groups	✗
Local gangs	✓

The following table indicates the most common nationalities of the organized criminal groups that often resort to extortion and violence.

Tab. 14 – Nationalities¹⁹.

1. Russian and Chechen
2. Bulgarian
3. Indo-Pakistani
4. Colombian and Chilean
5. Chinese
6 Belgian

¹⁹ This information is not listed in order of seriousness and only regards criminal organisations that often resort to extortion and violence, and not just racketeering.

To be noted in particular is that the Chinese organisations active in Belgium are not triads, but rather are horizontally organised and very flexible networks. They are perceived as rather threatening because of their use of violence, and because they extort managers of Chinese restaurants.

With reference to the Colombian and Chilean criminal organisations, these commit theft with violence (hold-ups), their targets being jewellery shops and banks. These criminal organisations plan and prepare their actions very thoroughly; they are actually itinerant groups that use false documents and stolen vehicles. They do not hesitate to use (deadly) violence and commit different kinds of theft and extortion in combination with drug trafficking and money laundering.

The Pakistani and Indian criminal organisations are mostly involved in economic exploitation of businesses (e.g. phone shops and night shops), but also in cybercrime, fraud and the manufacturing of false and falsified documents. They are also characterised by the use of (serious) violence in the form of beatings, homicide and manslaughter.

The Bulgarian criminal organisations are perceived as threatening because of their involvement in different criminal domains and their high degree of flexibility: sexual exploitation, economic exploitation, falsification, forgery and cybercrime. They also resort to extortion in order to apply pressure on competitors.

However, when national organised criminal groups are also concerned, organised criminal groups involved in extortion racketeering practices tend to operate at a local/national level.

Tab. 15 – Other criminal activities carried out by the perpetrators

Local/national activities	✓
Transnational activities	✗

Victims. The victims of extortion racketeering are national physical persons as well as businesses. In particular extortion, together with theft, fraud, cybercrime and bomb attacks, is one of the main criminal phenomena affecting businesses in Belgium.²⁰

Tab. 16 – Typology of victims

Physical persons	✓
Businesses	✓

On the basis of the information collected, it is possible to state that the perpetrators tend to establish predatory or parasitic relationships with their victims, and that extortion racketeering is most frequently perpetrated against victims operating in legal markets.

²⁰ For more information see: Service de la Politique criminelle, Criminalité contre les entreprises at http://www.dsb-spc.be/web/index.php?option=com_content&task=view&id=48&Itemid=72 (last visited on 15 May 2009)

Tab. 17 – Victim/offender relationship

Predatory	✓
Parasitic	✓
Symbiotic	✗

Tab. 18 – Markets most affected by extortion racketeering

Construction	✓
Real estate	✓
Entertainment sector (bars, café, clubs)	✓
Import/export	✓
Waste disposal	✓

The criminal impact

Geography of extortion racketeering. According to the national expert, there is no information available that could help determine whether extortion racketeering practices are concentrated in specific geographical areas of the country.

Legal/illegal markets. Although a specific analysis on extortion racketeering by criminal organisations in Belgium is lacking, some information can be given on the vulnerability of legal sectors. An ongoing analysis on night clubs already provides clear indications that a criminal group is attempting to acquire a monopoly in some regions; which opens prospects for different types of criminality, including racketeering.

Based on the bi-annual analysis of organised crime in Belgium, it is possible to gain some insights into preferences for certain legal sectors. The legal sectors most subject to organised crime are import/export, transport, construction, the hotel-restaurant-café business, and real estate. Affected to a lesser degree are retail, the diamond trade, services, textiles, and electronics.

Perceived harm. As shown in the table below, extortion racketeering in Belgium has a medium perceived harm impact if compared with other crimes.

Tab. 19 – Rank of criminal activities according to their perceived harm²¹

Kidnapping/ hostage taking	3
Extortion racketeering	4
Counterfeiting and product piracy	2
Corruption	5
Environmental crime	7
Illicit trade in human beings	1
Trafficking in cultural goods	8
Trafficking in arms	6

²¹ The criminal activities have been ranked by the national expert from 1 (least harmful) to 8 (most harmful). This ranking is based on the number of criminal organisations active in this kind of criminal activity.

The legislation and regulation relating to extortion racketeering

The Belgian Penal Code regulates extortion as follows:

Article 470 (Des Vols Commis a l'Aide de Violences ou Menaces et des Extorsions). “Sera puni des peines portées à l'article 468, comme s'il avait commis un vol avec violences ou menaces, celui qui aura extorqué, à l'aide de violences ou de menaces, soit des fonds, valeurs, objets mobiliers, obligations, billets, promesses, quittances, soit la signature ou la remise d'un document quelconque contenant ou opérant obligation, disposition ou décharge”.

Unofficial translation: “Those who have extorted, with the aid of acts of violence or with threats, either funds, stocks, movable objects, obligations, tickets, promises, bills, or the signature or the delivery of any document containing or operating on obligation, on disposition or on discharge, will be punished according to the sanctions foreseen by Article 468, as though theft has been committed with acts of violence or threats”.

Tab. 20 – Criminalisation of extortion practices

Carried out by OC groups	✗
Carried out on a regular basis	✗
Carried out on a professional basis	✗

The law enforcement response to extortion racketeering

National plan. Extortion racketeering is not addressed by any specific national plan, but the National Security Plan 2008-2011 regards all crimes with an organised character as a priority.

Police Unit. Like other serious crimes, extortion racketeering can be investigated by the Police Federale, Direction generale de la police judiciaire, Direction de la lutte contre la criminalité organisée.

Special investigative means used. The following special investigative methods can be used for specific serious crimes, which are defined in art. 90ter Code of Criminal Procedures. Extortion is one of those crimes on the list.

Tab. 21 – Special investigative means

Interception of telephone conversations	✓
Interception of fax transmissions	✓
Interception of internet transmissions	✓
Audio or video recording of events taking place on private premises	✓
Undercover operations	✓
Techniques of financial investigation	✓
Financial criminal analysis	✓

Nevertheless, according to the national expert, the following can be considered obstacles against the investigation of extortion racketeering in Belgium.

Tab. 22 - Obstacles against the investigation in Belgium²²

Lack of legislation		Not at all
Inadequate follow-up of investigative techniques		Low
Limited investigative power		Low
Lack of specialised investigative units		Moderate
Lack of human/material resources within specialized units		Serious

International cooperation. The Belgian criminal justice system comprises agreements and legislation that provide for direct police co-operation with the police forces of other EU Member States in the investigation of organised crime. This kind of international police cooperation is concerned with the prevention, repression and prosecution of serious crimes such as extortion, trafficking in human beings, sexual abuse of children, illegal migration, production and trafficking of drugs, money laundering, illegal weapons trade, counterfeiting, illegal trade in artworks and illegal trafficking of vehicles. These agreements are contracted with Albania (2005), Lithuania (in 2003), Estonia (2001), Latvia (2001), Slovenia (2001), Slovakia (2000), Poland (2000), Romania (1999), Hungary (1998) and Bulgaria (1998).

In addition, international cooperation is facilitated by the presence of liaison officers who deal with issues regarding the fight against organised crime.

The following table shows the main obstacles against international cooperation in the investigation of extortion racketeering in Belgium.

Tab. 23 - Obstacles against international cooperation in Belgium

Lack of a common definition of the constituent element of the phenomenon		Not at all
Lack of specialised investigative units		Moderate
Language difficulties		Low

With reference to international cooperation, the national expert noted that although crimes with an organised character are a priority, extortion as such is not. This means that the fight against extortion is rather reactive and *ad hoc*, and this hampers international cooperation.

Suggestions for improving investigation capacity. A platform for private-public partnerships already exists in Belgium, but needs to be further strengthened (e.g. facilitating denunciations when there are suspicions). There is also a strong need for programmes to enhance trust between law enforcement and some migrant groups and communities.

²² As specified by the national expert, this assessment is based on the investigation of organised crime in general.

The legislation and practices relating to the protection of victims and witnesses of extortion racketeering

Victims. With reference to the protection of, or support for, victims of extortion racketeering, several programmes are envisaged.

Tab. 24 – Victim protection programmes

Police protection	✓
Temporary relocation to safe areas	✓
Evidentiary rules of protection measures when testifying in court (anonymity, shielding, videoconferencing)	✓
Medical/psycho-social support	✓
Financial compensation	✓
Moderate financial assistance	✓

Victim services in Belgium can be grouped as follows:

- “*assistance to victims*, provided by the police under the authority of the Federal Minister of Internal Affairs;
- *reception of victims*, provided by the Public Prosecutor’s Office under the authority of the Federal Minister of Justice;
- *support for victims*, provided at the community level under the authority of the Flemish and French Community (Van Camp and Lemonne, 2005: 2).

Witnesses. With reference to the non-procedural protection of, or support for, witnesses of crime in Belgium, the only competent authority is the Commission for Witness Protection. Protective measures are of two types: ordinary and extraordinary. Belonging to the first group are “the concealment of certain personal data by the administrative authorities, provision of advice concerning prevention, the use of techno-preventive equipment, appointment of a public servant who acts as a contact point, provision of psychological assistance, preventive patrols by the police, recording of incoming and outgoing telecommunications, regular control on consultation of the state registry and/or the concealment of certain data concerning the person, provision of a secret number, provision of a cloaked license plate, provision of a mobile phone for emergencies, direct and physical protection of the person, electronic protection of the person, relocation of the person for a maximum period of 45 days, placement of a detainee in a specialised and protected section of the prison” (Vermeulen, 2005: 199). On the other hand, the extraordinary measures comprise relocation of a person and changing the identity of a person (Vermeulen, 2005). Procedural protection instead concerns the anonymity of witnesses mainly provided for by stipulations within the Belgian criminal procedural code (See Vermeulen, 2005).

Tab. 25 – Witness protection programmes

Assistance before and during the trial	✓
Police measures to enhance physical security	✓
Court procedure to ensure the witness's safety while testifying	✓
Change of identity in case of extremely serious threat	✓
The possibility of giving evidence in a place other than that in which the person being prosecuted is situated	✓
The possibility of using audiovisual techniques	✓

Justice collaborators. Justice collaborators. With reference to the protection of, or support for, justice collaborators, no specific procedure or law exists in the Belgian legislation. Nevertheless “in several laws, for example. legal excuses can be found that diminish or waive the punishment of the offender in exchange for his collaboration” (Vermeulen, 2005: 185). The most important measures are the imposition of a more lenient sentence, legal excuses that diminish or extinguish the punishment as well as a delay or suspension of the punishment. Moreover, the judge can also pronounce the offender guilty without imposing a sentence (See Vermeulen, 2005: 188). The Penal Code for example under article 326²³ provides a punishment excluding legal excuse for crimes committed regarding gangs and criminal organisations (art. 326 Penal Code).

In accordance with the definition provided by the Council Resolution of 20 December 1996 on individuals who cooperate with the judicial process in the fight against transnational organised crime, **justice collaborators** may be understood as “individuals who participate or have participated in an association of criminals or other criminal organization of any kind, or in organized crime offences” or as any individual who is willing to cooperate with the judicial process.

Tab. 26 – Justice collaborators protection programmes

Assistance before and during the trial	✓
Police measures to enhance physical security	✓
Court procedure to ensure the witnesses' safety while testifying	✓
Sentence reduction	✗
Measures to protect their life within the penitentiary systems	✓
Separation from the general prison population	✓
Use of a different name for the prisoner-witness	✓
Special transportation arrangements for in-court testimony	✓
Isolation in separate detention units at the prison	✗

²³ Art. 326. Seront exemptés des peines prononcées par le présent chapitre, ceux des coupables qui, avant toute tentative de crimes ou délits faisant l'objet de l'association et avant toutes poursuites commencées auront révélé à l'autorité l'existence de ces bandes et les noms de leurs commandants en chef ou en sous-ordre.

3.3 - BULGARIA



OUTLOOK

Seriousness of extortion racketeering

Extortion racketeering High

Adequateness of counter measures against extortion racketeering

Legislation and regulation High

Protection of victims, witnesses, justice collaborators Medium

Summary

OVERVIEW ON ORGANISED CRIME IN THE COUNTRY			
Likely structure	Main nationalities	Main criminal activities	
Hierarchy	National; Foreign	National; Transnational	
SITUATION ON EXTORTION RACKETEERING			
Typology		Victim offender relationship	
Systemic		Parasitic; Symbiotic	
Perpetrators			
Typology	Nationality	Structure	
Local O.C.; Foreign O.C.; Private protection organisation	National; Foreign (Serbs and Croats, Albanians, Turkey and Middle East nationals, formers USSR citizens)	Hierarchy	
Victims			
Typology		Nationality	
Businesses		National; Foreign (Serbs and Croats, Albanians, Turkey and Middle East nationals, formers USSR citizens)	
Impact			
Geographical concentration	Relevance of extortion in the media	Perceived impact	
Yes	High	High	
LEGISLATION AND REGULATION			
Extortion Definition		Punishability of extortion racketeering	
Yes		Yes	
Law Enforcement			
National plan	Police Unit	Investigation	International coop.
No	Yes	High	Yes
PROTECTION OF VICTIMS, WITNESSES, JUSTICE COLLABORATORS			
Victims	Witnesses	Justice Collaborators	
Medium	High	Medium	

Overview on organised crime in the country

In Bulgaria OC groups exert strong control over the territory through private security companies which operate in all economic sectors.

Generally speaking three types of OC can be defined.²⁴ The first type is the so-called **violent entrepreneurs** (a term introduced by the Russian sociologist Vadim Volkov²⁵) whose activity was initially largely based on violence. The second type is represented by the group of **black merchants** (extreme-risk entrepreneurs). These are more likely to be permanently involved in systematic criminal activity (smuggling, tax avoidance schemes etc.) in view of the great competitive advantages of this type of entrepreneurship. The third type consists of large structures headed by so-called **oligarchs** (akin to the notorious Russian model) who used politicians and top state administrators to redistribute national wealth during the transition from planned economy and universal state property to market economy and private property. After the initial redistribution, these structures sought to monopolize the most profitable activities and sectors in the state with the help of corruption and clientelism. The feature common to all three groups is their endeavour to capture markets regardless of the different structures and methods of operation. All three types of OC resort to violence in various degrees to gain and maintain market dominance, and extortion racketeering is part of their activities. Undoubtedly, the most intensive use of extortion racketeering in Bulgaria is associated with the so-called violent entrepreneurs, similar to the force structures in the countries of the former Soviet Union (Gounev, 2006).

Sources of entrepreneurship of violence. The model of entrepreneurship by violence (also “dubbed” selling protection) has been well-documented in the criminological literature. In its Bulgarian version, group members were initially recruited from **among athletes**, whence the popular name “wrestler groups or “wrestlers. Similarly to the former Soviet Union and the German Democratic Republic, Bulgaria had a very well developed system for training professional athletes in the Olympic sports. A network of sports schools was in place where huge numbers of children were trained to become professional athletes. At that time, the state ensured lifelong support for the elite athletes. With the demise of communist rule, the system was deprived of financial support, leaving tens of thousands of athletes practically out in the street. Some of them, and particularly the heavy sports athletes, joined the violent entrepreneur groups, which guaranteed them a new identity, good incomes, and prospects for rapid prosperity amid the chaos of the transition. The members recruited by these structures thus had unique psychological and physical experience in using violence, winning combat, enduring pain, etc. Structurally, the sports schools themselves formed the backbone of the future organised crime groups.

The second pool of recruits for the violent entrepreneur groups consisted of former **officers from the police and special services**. In the period 1990-1992, 12-17 thousand employees were discharged from this system for ideological reasons. It is generally believed that the representatives of this group, whose names rarely become public, have played a key role in the choice of activity by the violent entrepreneur structures. They further perform the critical function of mediators in the event of problems with the law enforcement authorities.

The third pool was made up of **criminals**, a great many of whom were given amnesty in the early 1990s. Their role, however, cannot be compared to countries with a long history of organised crime, such as Russia.

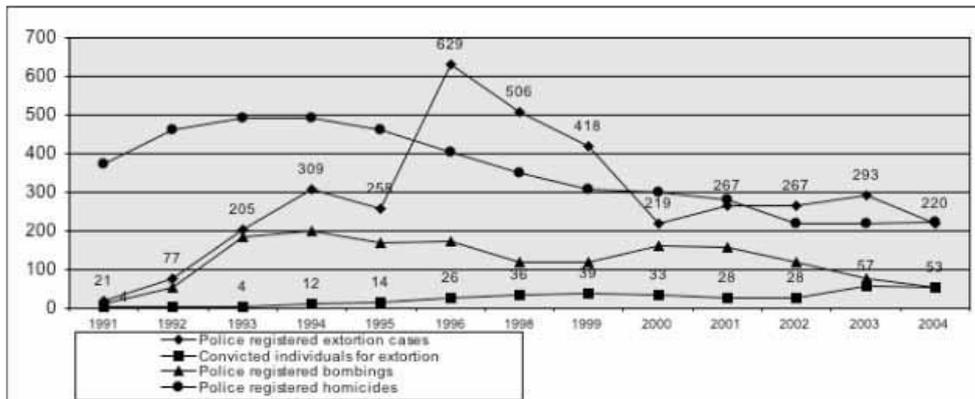
²⁴ See Bezlov et al. (2007).

²⁵ See Volkov (2002).

The situation concerning extortion racketeering

Data on the phenomenon. Due to the staggering scale of racketeering and the impunity of those involved, very few people have seen reason to report such incidents to the police. Fig. 1 shows that protection rackets peaked in 1993-1994, illustrated by the record high levels of bombings and murders in those years. At the same time registered racketeering cases numbered only a few hundred per year and fewer than a dozen individuals were sentenced, highlighting the large number of unreported racketeering incidents.

Fig. 2. Numbers of reported cases of extortion



Source: National Statistical Institute, Republic of Bulgaria

Those data can be easily explained. The National Statistical Institute (Republic of Bulgaria) collects data only for individuals convicted for extortion. It does not collect crime data on extortion racketeering because its registration is often avoided by the police. Nevertheless, these data indicate the trend and the peak of this type of crime in 1996 - the "golden" year of the insurance racket. Another proxy indicator with which to measure extortion racketeering is the number of premeditated murders, since this cannot be concealed. It is for this reason that 1994 and 1995 were years of record high levels for the Bulgarian crime statistics. The 1996 decline may be explained by attempts by the "violent entrepreneurs" to curtail extreme forms of violence. In addition explosions, which are used as a warning to those behind with their installment payments, are better registered, because the police cannot avoid recording them. The data show that at the peak in 1993-1994, was followed by another rise in 2000-2001, which reflects attempts by organised crime to redistribute resources and the weakness of law enforcement during that period.

Perpetrators. With reference to the perpetrators, mainly local organised criminal groups are involved in extortion racketeering practices.

Foreign organised criminal groups. When foreign organised criminal groups are involved in extortion racketeering practices, according to the national expert, the following nationalities seem to be represented: Serbs and Croats, Albanians, former USSR Citizens and Turkey and Middle East nationals.

Tab. 27 - Perpetrators

Local organized criminal groups	✓
Foreign organized criminal groups	✓
Terrorist groups	✗
Local gangs	✗
Private protection organisations	✓

Organised criminal groups operate mainly on a national scale and are also involved in the following criminal activities: drug producing/trafficking, environmental crime, forgery, fraud, gambling, homicides, illegal activities linked to prostitution, kidnapping for ransom, loan sharking and usury, smuggling of cigarettes, smuggling of cultural artefacts, trafficking in human beings, protection activities and vehicle theft.

Tab. 28 – Other criminal activities carried out by the perpetrators

Local/national activities	✓
Transnational activities	✓

The victims. Victims of extortion racketeering in Bulgaria are mainly businesses (especially those operating in the real estate sector) and non-nationals. The crime also occurs within ethnic communities such as Roman and Turkish minorities, but it is difficult to say to what extent.

Tab. 29 – Typology of victims

Physical persons	✗
Businesses	✓

Tab. 30 – Markets most affected by extortion racketeering

Construction	✗
Real estate	✓
Entertainment sector (bars, café, clubs)	✗
Import/export	✗
Waste disposal	✗

Tab. 31 – Victim/offender relationship

Predatory	✗
Parasitic	✓
Symbiotic	✓

The criminal impact

Infiltration into the legitimate economy. Organised criminal groups engaged in extortion racketeering seek to infiltrate the legitimate economy. The real estate sector seems to be the most vulnerable to such infiltration; as well as some agricultural markets, retail and hospitality industries.

Illegal markets. Drugs smuggling; Real estate fraud; Smuggling of excise tax goods: cigarettes, alcohol, oil; Illicit trade in human beings (export of prostitution); Smuggling of consumer goods.

Perceived harm. The criminal phenomenon most frequently perceived as harmful for Bulgaria is corruption, whilst extortion racketeering is considered to have a medium impact.

The legislation and regulation relating to extortion racketeering²⁶

Article 213a. (New, SG 62/97)²⁷. “(1) Who, with the purpose of forcing another to administer a possession or his right, or undertake proprietary liability, threatens him by violence, divulging defamatory matter, damaging of property or other illegal act with serious consequences for him or his relatives, shall be punished by imprisonment of 1 to 6 years and a fine of 1000 to 3000 Levs.

(2) The punishment shall be imprisonment of two to eight years and a fine of three thousand to 5000 levs if the act was: 1. accompanied by a threat of murder or serious bodily harm; 2. accompanied by causing light body harm; 3. accompanied by seizure, destruction or damaging of property; 4. perpetrated by two or more persons; 5. perpetrated by a person under art. 142, para 2, item 6 and 8²⁸; 6. committed by an armed person; 7. repeated in non-minor cases.

²⁶ All the texts quoted in this paragraph are available at <http://www.legislationline.org/> (visited on 27 August 2008).

²⁷ (3) The punishment shall be imprisonment of five to fifteen years and a fine of five thousand to ten thousand levs, whereas the court can rule confiscation of up to half of the property of the perpetrator if: 1. average or light bodily harm has been caused, unless a more serious punishment is stipulated for the committed crime; 2. substantial property damages have been caused; 3. the act has been committed by an organisation or a group or by an order of a person, organisation or group; 4. the act has been accompanied by an explosion or arson; 5. the act has been committed by or with the participation of an official; 6. the act has been committed against an official in connection with his office; 7 the act represents a dangerous recidivism.

(4) (Amend., SG 153/98) The punishment shall be imprisonment of fifteen to twenty years or life imprisonment, or life imprisonment without an option, whereas the court can rule confiscation of a part or of the whole property of the perpetrator if the act was: 1. accompanied by a serious or average bodily harm as a result of which death has followed; 2. accompanied by murder or attempted murder”.

2. Article 214. (Amend., SG 10/93; amend. and suppl., SG 50/95)

(1) (Amend., SG 62/97) Who, with the purpose of obtaining for himself or for somebody else a property benefit compels somebody by force or threat to commit, to miss or sustain something against his will, thus causing him or somebody else a property damage, shall be punished for extortion by imprisonment of one to six years and a fine of one thousand to three thousand levs, whereas the court can impose a confiscation of up to half of the property of the perpetrator.

(2) (Amend., SG 62/97) The punishment for extortion under the conditions of art. 213a, para 2, 3 and 4 shall be: 1. under para 2 - imprisonment of two to ten years and a fine of four thousand to six thousand levs, whereas the court can rule confiscation of up to one second of the property of the perpetrator; 2. under para 3 - imprisonment of five to fifteen years, a fine of five thousand to ten thousand levs and confiscation of up to half of the property of the perpetrator; 3. (amend., SG 153/98) (Amend., SG 153/98) under para 4 - imprisonment of fifteen to twenty years, life imprisonment or life imprisonment without an option and confiscation of no less than half of the property of the perpetrator.

(3) The punishment for extortion shall be from five to fifteen years of imprisonment and a fine of up to five hundred levs, whereas the court can rule confiscation of up to half of the property of the culprit if: 1. it has been accompanied by a serious or average bodily harm; 2. the act represents a dangerous recidivism”.

3. Article 214a. (New, SG 62/97)

“For preparation of a crime under art. 213a and 214 the punishment shall be imprisonment of one to three years”.

4. Art. 231a. (New, SG 62/97)

(1) Who participates in the leadership of an organisation or a group which, by using force or exciting fear, concludes transactions or profit benefit, shall be punished by imprisonment of three to eight years.

(2) Who participates in such an organisation or a group shall be punished by imprisonment of up to five years.

(3) The property acquired as a result of this activity by the organisation, by the group or by their participants shall be seized in favour of the state if the persons from whom it has been acquired or their successors are unknown.

(4) Applied in the cases under the preceding paras shall be the provision of art. 321, para 4 and 5”.

²⁸ “Art. 142. (New, SG 50/95) (...) 6. (New, SG 62/97) the act has been committed by a person engaged in guarding activity, by an employee of an organisation carrying out guarding or insurance activity, by a person acting on an errand of such organisation or posing as such, by a person from the Ministry of Interior or a person posing as such; (...)

8. (New, SG 62/97) the act has been committed by a person participating in an organisation or a group under art. 321a or acts on an errand of such an organisation or a group”.

With reference to the “alternative” sanctions see the *Law of Divestment in Favor of the State of Property Acquired from Criminal Activity*.

Tab. 32 – Criminalisation of extortion practices

Carried out by OC groups	✓
Carried out on a regular basis	✓
Carried out on a professional basis	✓

The law enforcement response to extortion racketeering

National plan. The phenomenon of extortion racketeering in Bulgaria is not addressed by any national plan set up to combat organised crime.

Police unit. Nevertheless, there is a specific unit of the Bulgarian police which also deals with extortion racketeering.

Investigation. The following investigative means can be used to investigate cases of extortion racketeering.

Tab. 33 – Special investigative means

Interception of telephone conversations	✓
Interception of fax transmissions	✓
Interception of internet transmissions	✗
Audio or video recording of events taking place on private premises	✓
Undercover operations	✓
Techniques of financial investigation	✓
Financial criminal analysis	✓

Tab. 34 - Obstacles against the investigation in Bulgaria

Lack of legislation		Moderate
Inadequate follow-up of investigative techniques		Serious
Limited investigative power		Serious
Lack of specialised investigative units		Moderate
Lack of human/material resources within specialized units		Serious

International cooperation. No data are at present available on whether there exist agreements or legislation providing for direct police co-operation with the police forces of other EU Member States in the investigation of extortion racketeering. Instead, according to the national expert involved in the study, Bulgaria has on at least one occasion direct police cooperation with the following countries: Czech Republic, France, Italy, Slovenia, The Netherlands.

Bulgaria has instead posted a **liaison officer** empowered to deal also with cases of extortion racketeering in the following countries: Austria, Belgium, Czech Republic, France, Germany, Greece, Italy, Hungary, Poland, Romania, Slovakia, Spain, The Netherlands, United Kingdom.

With reference to **judicial cooperation**, the following instruments can be used in Bulgaria: extradition for trial, execution of foreign sentences and transfer of sentenced persons/prisoners.

Moreover, when requested by a prosecutor/judge of another EU Member State, a prosecutor/judge in Bulgaria is obliged to provide assistance in terms of carrying out interceptions of telephone conversations, interception of fax transmissions, audio or video recording of events taking place on private premises and undercover operations.

The European Arrest Warrant has been issued by the following countries to Bulgaria: Austria, France, Germany, Italy, Hungary, Spain, The Netherlands.

Tab. 35 - Obstacles against international cooperation in Bulgaria

Lack of a common definition of the constituent element of the phenomenon		Moderate
Lack of specialised investigative units		Serious
Language difficulties		Serious
Lack/Delay of responses to requests for assistance		Moderate
Lack of human/material resources within units specialized in the investigation of extortion racketeering		Serious

The legislation and practices relating to the protection of victims and witnesses of extortion racketeering

Victims. With reference to the protection of, or support for, victims of extortion racketeering several programmes are envisaged.

Tab. 36 – Victim protection programmes

Police protection	
Temporary relocation to safe areas	
Evidentiary rules of protection measures when testifying in court (anonymity, shielding, videoconferencing)	
Medical/psycho-social support	
Financial compensation	
Moderate financial assistance	

Witnesses. With reference to the protection of, or support for, witnesses of extortion racketeering, the following programmes/practices are envisaged

Tab. 37 – Witness protection programmes

Assistance before and during the trial	
Police measures to enhance physical security	
Court procedure to ensure the witness's safety while testifying	
Change of identity in case of extremely serious threat	
The possibility of giving evidence in a place other than that in which the person being prosecuted is situated	
The possibility of using audiovisual techniques	

Justice collaborators. With reference to the protection of, or support for, justice collaborators in extortion racketeering cases, the following programmes/practices are envisaged.

Tab. 38 – Justice collaborators protection programmes

Assistance before and during the trial	✓
Police measures to enhance physical security	✓
Court procedure to ensure the witnesses' safety while testifying	✓
Sentence reduction	✗
Measures to protect their life within the penitentiary systems	✗
Separation from the general prison population	✗
Use of a different name for the prisoner-witness	✗
Special transportation arrangements for in-court testimony	✓
Isolation in separate detention units at the prison	✗

Best practices

The best practices to be cited are the laws listed and the political pressure applied since 1997 on the police and prosecutors to comply with the law.

3.4 - CYPRUS



OUTLOOK	
Seriousness of extortion racketeering	
Extortion racketeering	<div style="display: flex; align-items: center;"><div style="width: 20px; height: 10px; background-color: #0070C0; border: 1px solid black;"></div> Low</div>
Adequateness of counter measures against extortion racketeering	
Legislation and regulation	<div style="display: flex; align-items: center;"><div style="width: 40px; height: 10px; background-color: #0070C0; border: 1px solid black;"></div> Medium</div>
Protection of victims, witnesses, justice collaborators	<div style="display: flex; align-items: center;"><div style="width: 20px; height: 10px; background-color: #0070C0; border: 1px solid black;"></div> Low</div>

Summary

OVERVIEW ON ORGANISED CRIME IN THE COUNTRY			
Likely structure	Main nationalities	Main criminal activities	
Network	National; Foreign (Greek-Georgian, Greek-Russian)	National; Transnational	
SITUATION ON EXTORTION RACKETEERING			
Typology		Victim/offender relationship	
Casual		Predatory; Parasitic	
Perpetrators			
Typology	Nationality	Structure	
Foreign O.C.	Foreign (Greek-Georgian, Greek-Russian)	Hierarchy	
Victims			
Typology		Nationality	
Information not available		Foreign (Greek-Georgian, Greek-Russian)	
Impact			
Geographical concentration	Coverage of extortion in the media	Perceived impact	
No	Low	Low	
LEGISLATION AND REGULATION			
Extortion Definition		Punishability of extortion racketeering	
Yes		Information not available	
Law Enforcement			
National plan	Police Unit	Investigation	International coop.
No	Yes	Information not available	Yes
PROTECTION OF VICTIMS, WITNESSES, JUSTICE COLLABORATORS			
Victims	Witnesses	Justice Collaborators	
Information not available	Information not available	Information not available	

Overview on organised crime in the country

The crime level in Cyprus is one of the lowest in the world. Indeed, in 2008 the Police dealt with 7328 cases of serious crime, the majority of which concerned thefts, burglaries and other offences against property. It seems that the rate of serious crime in Cyprus, compared with international standards as indicated by international crime statistics, can be described as very low. Whilst the average crime / population ratio in a number of countries in Europe is about 4800, the ratio of serious crime in Cyprus is only about 928 serious crime cases per 100,000 people. Based upon the provisions of the law, international agreements and the relevant conventions, no organized groups can be identified in Cyprus. In fact, no criminal activities meet all four mandatory criteria as well as the secondary criteria, provided by the European Union for classification as "organised crime". However, evidence and intelligence have led to the conclusion that numerous criminal activities are linked with organized groups.

The situation concerning extortion racketeering

Except for single cases of extortion practices, Cyprus is not characterized by extortion racketeering activities. Only at the beginning of the 1990s were extortion cases registered, within the Russian community in particular: "a wave of bomb attacks in late 1995 in Limassol is believed to be partly connected to growing internecine violence between rival Russian gangs (Dunn, 1997: 82; see also Williams, 1989).

Data on the phenomenon. On the basis of the data collected on extortion practices, Cyprus has been characterized by a rather stable trend in the phenomenon in the past years.

While considering that the Cyprus police collects aggregate data on robberies and extortions, 71 robbery and extortion cases were reported and 42 were detected (59.2%) in 2008; 80 cases were reported and only 31 were detected (38.8%) in 2006; while 74 cases were reported and 36 were detected during 2007.

Moreover, according to the Cyprus Police (2009), despite a rise in detection rates for robbery, extortion, burglary and theft, the overall detection rate remains low due to the nature of the offences, and the difficulty of identifying their perpetrators. In 2008, 73 robbery and extortion cases were reported, and the detection rate increased by 7.6%.

Perpetrators. Although extortion racketeering is rare in Cyprus, those extortions that take place are mainly perpetrated by Greek-Georgian and Greek-Russian organised criminal groups. During the 1990s, the large presence of Russian nationals in Cyprus led to the development of extortion racketeering practices whereby Russians extorted protection money from compatriot businesses (Williams, 1989).

Tab. 39 - Perpetrators

Local organized criminal groups	✗
Foreign organized criminal groups	✓
Terrorist groups	✗
Local gangs	✗

Besides being involved in extortion, Russian organised criminal groups are also active in drugs dealing, burglaries, thefts from cars and robberies.

Tab. 40 – Other criminal activities carried out by the perpetrators

Local/national activities	✓
Transnational activities	✗

On the basis of the information collected, it is possible to state that the perpetrators tend to establish predatory or parasitic relationships with their victims.

Tab. 41 – Victim/offender relationship

Predatory	✓
Parasitic	✓
Symbiotic	✗

The criminal impact

Geography of extortions. There is no particular part of Cypriot territory with a significant prevalence of extortion racketeering.

Legal/illegal markets. According to the national expert, businesses providing entertainment and operating in the legal market may generate opportunities for extortion, as well as businesses involved in illegal gambling. In addition, some high-income shops (eg jewellery shops in tourist areas) are also considered at high risk.

Perceived harm. Extortion racketeering has a very low perceived harm impact compared with other crimes, as shown in the table below.

Tab. 42 – Ranking of criminal activities according to their perceived harm

Kidnapping/ hostage taking	3
Extortion racketeering	3
Counterfeiting and product piracy	7
Corruption	6
Environmental crime	4
Illicit trade in human beings	8
Trafficking in cultural goods	5
Trafficking in arms	3
Environmental crime	4

The legislation and regulation relating to extortion racketeering

Definition.

The Penal Code regulates extortion as follows²⁹:

Article 287 Any person who, with intent to extort or gain anything from any person, and knowing the contents of the writing, causes any person to receive any writing demanding anything from any person without reasonable or probable cause, and containing threats of any injury or detriment of any kind to be caused to any person, either by the offender or any other person, if the demand is not complied with, is guilty of a felony, and is liable to imprisonment for fourteen years.

Article 288 Any person who, with intent to extort or gain anything from any person:

- (a) accuses or threatens to accuse any person of committing any felony or misdemeanour, or of offering or making any solicitation or threat to any person as an inducement to commit or permit the commission of any felony or misdemeanour; or
- (b) threatens that any person shall be accused by any other person of any felony or misdemeanour, or of any such act; or
- (c) knowing the contents of the writing, causes any person to receive any writing containing such accusation or threat as aforesaid, is guilty of a felony, and if the accusation or threat of accusation is of:
 - (i) an offence for which imprisonment for life may be inflicted; or
 - (ii) any of the offences defined in sections 144 to 177 (inclusive) or an attempt to commit any of such offences; or
 - (iii) an assault with intent to have carnal knowledge of any person against the order of nature, or an unlawful and indecent assault upon a male person; or
 - (iv) a solicitation or threat offered or made to any person as an inducement to commit or permit the commission of any of the offences aforesaid; the offender is liable to imprisonment for fourteen years.

In any other case the offender is liable to imprisonment for three years.

It is immaterial whether the person accused or threatened to be accused has or has not committed the offence or act of which he is accused or threatened to be accused.

Article 289 Any person who, with intent to defraud, and by means of any unlawful violence to, or restraint of, the person of another, or by means of any threat of violence or restraint to be used to the person of another, or by means of accusing or threatening to accuse any person of committing any felony or misdemeanour, or by offering or making any solicitation or threat to any person as an inducement to commit or permit the commission of any offence, compels or induces any person-

- (a) to execute, make, accept, indorse, alter, or destroy the whole or any part of any valuable security; or
- (b) to write, impress, or affix any name or seal upon or to any paper or parchment, in order that it may be afterwards made or converted into or used or dealt with as a valuable security,

²⁹ Article 290 Any person who, with intent to steal any valuable thing, demands it from any person with menaces or force, is guilty of a felony and is liable to imprisonment for five years.

is guilty of a felony, and is liable to imprisonment for fourteen years.

Tab. 43 – Criminalisation of extortion practices

Carried out by OC groups	✗
Carried out on a regular basis	✗
Carried out on a professional basis	✗

Law enforcement response to extortion racketeering

National plan. Cyprus does not have a specific action plan for extortion racketeering. However, within the National Action Plan for Preventing and Combating Criminality 2005 - 2010, the following may be considered as relevant law enforcement measures implemented to combat organised crime and extortion racketeering.

Police unit. According to the National Action Plan, investigation regarding serious offences is made by the District Crime Investigation Departments. In addition, Cyprus Police undertake measures (preventive and combative) in the fight against organised crime. Among other actions, an Office at Police Headquarters has been established, which is responsible for the prevention and combating of organised crime. The Office is staffed by experts, criminologists, a programmer analyst and experienced investigators.

Special investigative means used. The following special investigative methods can be used in investigating extortion racketeering cases.

Tab. 44 – Special investigative means³⁰

Interception of telephone conversations	✔
Interception of fax transmissions	✔
Interception of internet transmissions	✔
Audio or video recording of events taking place on private premises	✔
Undercover operations	✗
Techniques of financial investigation	✗
Financial criminal analysis	✗

Nevertheless, according to the national expert, the following can be considered obstacles against the investigation of extortion racketeering in Cyprus

Tab. 45 - Obstacles against the investigation

Lack of legislation	<div style="width: 100%; height: 10px; background-color: #4f81bd;"></div>	Serious
Inadequate follow-up of investigative techniques	<div style="width: 20%; height: 10px; background-color: #4f81bd;"></div>	Low
Limited investigative power	<div style="width: 20%; height: 10px; background-color: #4f81bd;"></div>	Low
Lack of specialised investigative units	<div style="width: 50%; height: 10px; background-color: #4f81bd;"></div>	Moderate
Lack of human/material resources within specialized units	<div style="width: 50%; height: 10px; background-color: #4f81bd;"></div>	Moderate

³⁰ Interception of communications is prohibited by the Constitution of the Republic of Cyprus, Article 17

International cooperation. Cyprus Police cooperates closely with international law enforcement organizations, such as INTERPOL and EUROPOL, through the recently established European Union and International Police Co-operation Directorate. Cyprus Police has seconded liaison officers to EUROPOL, INTERPOL and the Embassy of the Republic of Cyprus in Athens for closer co-operation with all Greek liaison officers posted in other European and non-European countries. Police officers also take part in ESDP missions. In addition, Cyprus has ratified numerous international conventions and signed a number of bilateral agreements on cooperation between the police or other government authorities on matters related to the prevention and combating of international terrorism, drug trafficking, organised crime and other forms of serious crime. (Press and Information Office, Republic of Cyprus, 2005). The Crime Prevention Strategy of Cyprus, drawn up in 2007, gives priority to closer cooperation with other European countries, the F.B.I., Interpol and Europol as regards exchange of information and training of police officers. Moreover, the agreements (Tab. 3) subscribed to by Cyprus with other EU Member States in the field of internal security and the fight against organised crime may also be relevant to combating extortion racketeering.

Tab. 46 – Agreements signed by Cyprus with EU MS in the field of internal security and fight against organised crime

EU Member State	Subject of the Agreement
Greece	Cooperation on security matters
Romania	Cooperation in the Fight Against International Crime
Hungary	Cooperation in Combating Terrorism, Illicit Drug Trafficking and Organized Crime
Malta	Cooperation in Combating Terrorism, Illicit Drug Trafficking and Organized Crime
Ireland	Cooperation in Combating Illicit Drug Trafficking, Money Laundering, Trafficking in Person, Terrorism and Other Serious Crime
Italy	Cooperation in the Fight Against Organized Crime and Other Form of Crime
Slovenia	Cooperation in the Fight Against Terrorism, Illicit Drug Trafficking and Organized Crime
Bulgaria	Cooperation in the Fight against Transborder and organized Crime, Terrorism, Illegal Migration, Trade in Human Beings and Illicit Trafficking in Narcotic Substances
Estonia	Cooperation in Combating Organized and Other Forms of Crime
Slovakia	Cooperation in Combating Organised Crime, Terrorism and the Trafficking of Drugs, Psychotropic and other substances
Poland	Combating Organised and other Forms of Crime
France	Internal Security Matters
Latvia	Cooperation in Combating Terrorism, Trafficking of Drugs, Psychotropic Substances and their Precursors and Organised Crime
Spain	Cooperation in Combating Organised Crime

Source: *Legislatioline*

Cooperation has been further improved with the transposition of the Council Framework Decision 2006/960/JHA on simplifying the exchange of information and intelligence between Law Enforcement Authorities of the MS of the EU for the purpose of conducting criminal investigations or criminal intelligence operations.

Instruments such as extradition for trial, extradition for sentence, execution of foreign sentences and transfer of sentenced persons/prisoners are available to the authorities of the Republic of Cyprus. However, according to the national expert, there are no data available for each specific offence.

The following table shows the main obstacles against international cooperation in the investigation of extortion racketeering in Cyprus.

Tab. 47 - Obstacles against international cooperation

Lack of a common definition of the constituent element of the phenomenon		Serious
Lack of specialised investigative units		Moderate
Language difficulties		Moderate
Lack of human/material resources within units specialized in the investigation of extortion racketeering		Moderate

Suggestions for improving investigation capacity. According to the national expert, although extortion racketeering is not a frequent phenomenon in Cyprus, the following preventive measures could be implemented in order to diminish the possibility of a further spread of the criminal activity:

1. adoption of specialised legislation on extortion racketeering, including prohibitive sentences;
2. formation of a specialised adequately-equipped police unit, or the specialised training of selected investigating officers from the Divisional CIDs;
3. development of information sources;
4. collection and analysis of information/intelligence by specialised police personnel;
5. extension of community policing programme to high-risk areas;
6. surveillance of high-risk businesses;
7. implementation of witness/victim protection schemes;
8. improvement of cooperation between competent state authorities and international cooperation, especially regarding the exchange of information.

The legislation and practices relating to the protection of victims and witnesses of extortion racketeering

Victims. With reference to the protection of, or support for, witnesses of extortion racketeering, the following programmes/practices are envisaged

Considering that the Republic of Cyprus has signed the *European Convention on the Compensation of Victims of Violent Crimes*, victims of extortion racketeering may be also eligible for compensation, provided that the crime contains the element of violence and may be the direct cause of death, serious bodily injury or impairment of health.

No specific legislation exists for the protection of victims of extortion racketeering. However, the legislation on preventing and combating human trafficking (Law on Combating Trafficking and Exploitation of Persons and Protection of Victims 87(I)/2007) and domestic violence (Law on Domestic Violence (Prevention and Protection of Victims 119(I)/2000) include provisions for the protection of victims.

Witnesses. With reference to the protection of, or support for, witnesses of extortion racketeering, the following programmes/practices are envisaged by the Law for the Protection of Witnesses n. 95(I)/2001.

Tab. 48 – Witness protection programmes

Assistance before and during the trial	✓
Police measures to enhance physical security	✓
Court procedure to ensure the witness's safety while testifying	✓
Change of identity in case of extremely serious threat	✓
The possibility of giving evidence in a place other than that in which the person being prosecuted is situated	✓
The possibility of using audiovisual techniques	✓

Best practices

The following measures, mentioned in the National Action Plan 2005 - 2010, have been considered by the national expert as potentially effective in fighting extortion racketeering:

- establishing an Office at the C.I.D Department responsible for the Prevention and Combating of Illegal Activities related to Organized Crime;
- organization of lectures concerning organised crime to members of the various Criminal Investigation Departments, at the Cyprus Police Academy;
- the recruitment of university-educated specialists, including sociologists, criminologists, lawyers and psychologists as well as forensic scientists;
- improved and increased cooperation between the police, the customs and excise department, the migration office, the central bank and other relevant sectors and closer cooperation with other European countries, the F.B.I., Interpol and Europol as regards exchange of information and training of police officers;
- enhancement of the administrative capacity of specialized units, such as The Crime Intelligence Bureau, the "Crime Prevention Squads and the Drug Law Enforcement Unit;
- establishment of a crime analysis office supported by appropriate software and technology. Members of the unit would be qualified analysts. The crime analysis office would collect, analyze and distribute criminological information to the relevant law enforcement agencies. Moreover, the office would cooperate closely with local Criminal Investigation Departments;
- central computerized system for data reports on serious and minor offences in operation since January 2007;
- establishment of the community policing programme in some urban areas on an experimental? basis. Recently, and after evaluation of the programme with positive results, the community policing programme has been expanded with the establishment of eighteen stations.

Moreover, Cyprus Police places especial emphasis on public relations and cooperation with the local authorities. Police officials regularly meet with local representatives to exchange opinions and ideas in the field of crime prevention.

3.5 - CZECH REPUBLIC



OUTLOOK	
Seriousness of extortion racketeering	
Extortion racketeering	High
Adequateness of counter measures against extortion racketeering	
Legislation and regulation	High
Protection of victims, witnesses, justice collaborators	High

Summary

OVERVIEW ON ORGANISED CRIME IN THE COUNTRY			
Likely structure	Main nationalities	Main criminal activities	
Hierarchy	National; Foreign	National; Transnational	
SITUATION ON EXTORTION RACKETEERING			
Typology		Victim offender relationship	
Systemic		Parasitic; Symbiotic	
Perpetrators			
Typology	Nationality	Structure	
Local O.C.; Foreign O.C.; Local gangs	National; Foreign (Russian, Ukrainian, Albanian, Romanian and Vietnamese)	Hierarchy	
Victims			
Typology		Nationality	
Physical persons; Busiensses		National; Foreign (Russian, Ukrainian, Albanian, Romanian and Vietnamese)	
Impact			
Geographical concentration	Relevance of extortion in the media	Perceived impact	
No	High	Low	
LEGISLATION AND REGULATION			
Extortion Definition		Punishability of extortion racketeering	
Yes		No	
Law Enforcement			
National plan	Police Unit	Investigation	International coop.
Yes	Yes	High	Yes
PROTECTION OF VICTIMS, WITNESSES, JUSTICE COLLABORATORS			
Victims	Witnesses	Justice Collaborators	
High	High	High	

Overview on organised crime in the country

In the last 15 years the Czech Republic has witnessed an increased intermingling of cultures and activities of crime and, specifically, of organised crime. The multiplicity of organised criminal groups currently active on Czech territory have different origins, and thus differing cultural backgrounds and organisational structures. Within the boundaries of the Czech Republic, the local underworld meets with criminal groupings from the Soviet Union, the Balkans, Italy and other European countries, as well as Asia, Latin America, the Middle East and sub-Saharan Africa to create a new, highly developed crime industry. The territory of the Czech Republic has thus evolved into a veritable “crossroads of crime”. Though much organised crime is domestically produced, the newcomers have introduced “modern” and aggressive methods of illegal work on the Czech criminal scene, dramatically changing the practices, structure and turnover of illegal markets. Today, domestic and international organised crime actors increasingly cooperate with each other, constantly looking for new sources of profit (Nožina, 2004).

The current situation. Since the opening of its borders in 1989 the Czech Republic has witnessed increased inflows of foreigners of different nationalities and ethnicities into the country. This increase in foreigners and the opening of borders have also brought an increase in crime, specifically organised crime. At present about 50-70 organized criminal groups operate on the territory of the Czech Republic, but this number is changing because of migration, disclosure of crimes, etc. One third of these groups can be viewed as organized criminal groups with fully developed hierarchies and structures.

Main criminal activities. The main activities of organized criminal groups are the production and distribution of drugs, tax evasion, prostitution, trade in human beings, counterfeiting of currency, facilitation of illegal immigration, forged goods, evasion of author law, money laundering, extortion and racketeering, corruption, illegal trade in weapons, bank frauds and robberies.

Organized criminal groups are able to influence public life, the economic sphere, law enforcement and also governmental and judicial institutions. Large amounts of money from organised crime are used for corruption purposes. This phenomenon may influence state security.

Nationality of organised criminal groups. The organized criminal groups in the Czech Republic are connected directly with perpetrators abroad. Their members are mainly from the former Soviet Union countries (Russians, Ukrainians, Dagestanians, Chechens, Georgians), Balkan states (Albanians, Kosovo-Albanians, Romanians, Bulgarians) and from Asia (Vietnamese, Chinese).

Perceived harm of organised crime to the country. In the long term, organised crime can jeopardize the prestige of the Czech Republic abroad and can lead to: decreased trust of Czech nationals in the Czech Police, connection of organised crime and terrorism, increase in the popularity of extremist groups/parties.

The countermeasures. The fight against organised crime is still the main priority of the Czech Government and Czech Police. Every year the Conception of Fight against Organized Crime is drawn up. This document is approved by Government, and fulfillment of the tasks set out in the Conception is controlled during the year. Division of Security Policy of Czech Ministry of Interior is also part of the Multidisciplinary Working Group of European Council for Organized Crime (MDG), which meets every month to discuss current issues. This working group is also focused on international cooperation in the fight against organised crime.

Valid Czech Penal Code (law no: 140/1961 of Law Collection) contains section 163a - Participation on criminal association. New Czech Penal Code (law no:

40/2009 of Law Collection) contains section 361 – Participation in organized criminal groups, which imposes even stricter punishment and introduces the seizure of property as a new form of punishment.

The situation concerning extortion racketeering

Both national as well as foreign organisations are involved in extortion racketeering. Most of the criminal groups involved in extortion practices are organised with a hierarchical structure³¹. While the national organisations are moving towards less risky and more profitable criminal activities, such as frauds and financial crimes, the foreign organisations (especially Russian³² and Ukrainian) are deeply involved in the extortion market³³.

Data on the phenomenon. Extortion racketeering has been decreasing recently. Racketeering is being replaced by other forms of business liquidation, such as the violent takeover of clients or the whole business. No reliable data exist on the phenomenon: the available statistics cover extorsions of all types because the Czech Penal Code does not envisage extortion-racketeering (see Tab. 35).

Tab. 49 – Reported and disclosed cases of extortion in the Czech Republic. Period 2000-2008.

Year	Reported extortion	Disclosed cases
2000	1979	1731
2001	1908	1707
2002	2093	1720
2003	1835	1500
2004	1786	1471
2005	1608	1323
2006	1292	1043
2007	1336	1032
2008*	496	287

*(only period from 1/1/08 – 30/4/08)

Source: Ministerstvo vnitra a Policejní prezidium ČR

Perpetrators. According to the national expert, both national and foreign organised criminal groups as well as gangs are involved in extortion racketeering. These organized criminal groups have solid internal structures. Their main aim is to gain the largest profit possible, and their criminal activities mainly concern illegal immigration, illegal work, restaurants and bars (both legal and illegal) and prostitution. Large amounts of money from extortion-racketeering are invested in

³¹ “The crime groups active in the Czech Republic differ in their organisational structures depending on their cultural and sociological backgrounds. Most of them have a stable division of tasks, and with few exceptions, a stable composition, particularly concerning core members. They have also usually been in operation for several years. Most groups are hierarchical and use some form of internal discipline to ensure group cohesion” (Nožina, 2004).

³² “The gangs tend to concentrate on extortion and protection rackets (...) The Russian, who specialize in extortion, remains at large (...)” (Dunn, 1997: 82).

³³ “The crimes which they have committed include a wide range of various criminal activities (in particular crimes of violence – racketeering, extortion of prostitutes from the former Soviet Union, illegal trade in weapons and drugs, efforts to legalise earnings gained by criminal activities, pandering, illegal conveyance, motor vehicle thefts and other kinds of crime)” (Ministry of Interior of The Czech Republic Security Policy Department, 2001).

the corruption of public/governmental institutions and law enforcement agencies. The organized criminal groups are more often trans-border in character, and possible connections with terrorism may become major threats in the future.

Tab. 50 - Perpetrators

Local organized criminal groups	✓
Foreign organized criminal groups	✓
Terrorist groups	✗
Local gangs	✓

With reference to scale, organised criminal groups involved in extortion racketeering operate at transnational crime. As arises from the main features of transnational crime, it is very difficult to estimate which EU Member States are affected the most. This depends on the main nationality of members of criminal groups. As a result each group operates within the Czech Republic and the country of origin (where the members came from) and other European countries depending on whether a national community or diaspora lives in that specific country. Balkan nations have strong diasporas in Switzerland, Germany and Sweden, Turkish and Kurdish nationals have large communities in Germany. It is therefore not possible to give an exact account.

Moreover, these groups also commit armed robbery, drug producing/trafficking, gambling, illegal activities related to prostitution, loan sharking/Usury, Money laundering, smuggling of cigarettes, trafficking in human beings, protection activities, vehicle theft.

Tab. 51 – Other criminal activities carried out by the perpetrators

Local/national activities	✓
Transnational activities	✗

The Victims. Both legal and illegal businesses can be affected by extortion-racketeering. However, in the Czech Republic, extortion-racketeering is connected largely with organised crime and illegal businesses, mainly prostitution (brothels, bars, night clubs), illegal work (employment agencies), illegal immigration, goods smuggling.

Tab. 52 – Typology of victims

Physical persons	✓
Businesses	✓

It is also to be noted that the relation between victim and offender is often very close – offenders are usually of the same nationality as victims. That means that victims are often of Russian, Ukrainian, Albanian, Romanian and Vietnamese nationality.

Tab. 53 – Markets most affected by extortion racketeering

Construction	X
Real estate	X
Entertainment sector (bars, café, clubs)	✓
Import/export	✓
Waste disposal	X

Tab. 54 – Victim/offender relationship

Predatory	X
Parasitic	✓
Symbiotic	✓

Extortion racketeering within ethnic communities. Extortion-racketeering is frequent mainly in the communities (a) of people from the former Soviet Union, and in this case is connected with illegal immigration and illegal work; (b) of Vietnamese and Chinese, in this case extortion is focused on persons and businesses dealing with illegal immigration, smuggling of goods; (c) of Albanians and Kosovo-Albanians, mainly connected with smuggling of goods and vehicle thefts.

The criminal impact

Geography of extortion racketeering. Within the Czech Republic there are no specific areas where the phenomenon of extortion racketeering is particularly severe. The rate of criminal activity connected with extortion-racketeering is higher in big cities (as in other countries) and depends on areas where there are higher densities of people of certain nationalities. North Bohemia is traditionally more inhabited by Albanians and Kosovo-Albanians, Western and South Bohemia have large communities of Vietnamese, etc. However, this geographical pattern is not directly connected to certain types of criminality.

Infiltration into the legitimate economy. Organised criminal groups engaged in extortion racketeering also aim at gaining the maximum profit. This profit has to be cleaned through money laundering, which enables criminal groups to buy legal businesses and real estate. The main problem is the corruption connected with this activity.

Legal/illegal markets. In the Czech Republic, extortion of legal businesses is very rare. Legal businesses have no reasons not to cooperate with the police, who can help them with protection against perpetrators. This is why offenders focus mainly on illegal businesses. Nevertheless, sectors such as entertainment and the import/export business seem to be affected. With reference to illegal markets, prostitution, smuggling of goods, illegal work, vehicle thefts, illegal immigration are those that most generate criminal opportunities.

Perceived harm. Extortion racketeering is perceived as a problem but as one less serious than others such as hostage taking, corruption and illicit trade in human beings.

In general and at present, extortion-racketeering does not yield such large profits as in the past; hence the phenomenon is decreasing. Because organized criminal groups are focused on profit, they are turning their attention to other criminal activities. Therefore a further decrease of extortion-racketeering is expected in the Czech Republic.

The legislation and regulation relating to extortion racketeering

Definition. 1. Section 235

“(1) A person who through force, the threat of force or the threat of any other serious harm makes another person perform, omit or tolerate any actions, shall be liable to imprisonment for a term not exceeding three years;

(2) The offender shall be liable to imprisonment for a term of two to eight years, if he commits the act defined in paragraph 1:

- as a member of an organised group;
- if he commits the act together with two or more persons;
- if he commits the act with a weapon;
- if by the act he causes grievous bodily harm or considerable damage (i.e. minimum monthly wage multiplied by 100);
- if he commits the act against a witness or expert witness or interpreter for any reason relating to the discharge of their official duties, or
- if he commits the act against another person for reasons of race, nationality, political opinion, religion or because the person has no religion.

(3) The offender shall be liable to imprisonment for a term of five to twelve years if by the act defined in paragraph 1 he causes death or damage of a large extent." (i.e. minimum monthly wage multiplied by 500)"³⁴.

According to Czech Penal Law (law no: 140/1961 of Law Collection, section 89) considerable damage is at least 500.000 Czech crowns and damage of large extent is at least 5.000.000 Czech crowns.

Amendments: new penal code.

From 1st of January 2010 the new Penal Law (law no: 40/2009) will be in force. It contains the following sections³⁵ concerning extortion:

Section 175 Extortion

“(1) A person who through force, the threat of force or the threat of any other serious harm makes another person perform, omit or tolerate any actions, shall be liable to imprisonment for a term of 6 months to 4 years or by fee;

(2) The offender shall be liable to imprisonment for a term of 2 to 8 years, if he commits the act defined in paragraph 1: a) as a member of an organized group; b) if he commits the act together with two or more persons; c) if he commits the

³⁴ Text available at <http://www.legislationline.org/> (visited on 7 October 2008)

³⁵ Section 353 Dangerous Threatening

“(1) A person who threatens another person with killing, serious health harm or other serious harm in the way that reasonable concern is caused shall be liable to imprisonment not exceeding term of 1 year or by prohibition of business activity;

(2) The offender shall be liable to imprisonment for a term of not exceeding term of 3 years or by prohibition of business activity, if he commits the act defined in paragraph 1:

a) as a member of an organized group;
 b) if he commits the act against child or pregnant woman;
 c) if he commits the act with a weapon;
 d) if he commits the act against a witness or expert witness or interpreter for any reason relating to the discharge of their official duties, or
 e) if he commits the act against medical worker in relation with working duties or other person when fulfilling similar duty related to their job, occupation, status or function or granted by law.” The above mentioned changes criminalize also softer form of extortion – threatening, mainly in the cases when threatened person feels or assumes that the threatening can show real danger.

act with a weapon; d) if he commits by this act considerable damage; e) if he commits the act against a witness or expert witness or interpreter for any reason relating to the discharge of their official duties, or f) if he commits the act against another person for reasons of real or believed race, nationality, political opinion, religion or because the person has no real or believed religion.

(3) The offender shall be liable to imprisonment for a term of 5 to 12 years a) if he causes grievous bodily harm; b) if he commits the act to allow or facilitate to commit criminal offence of High Treason, terrorist attack or terror or c) if he causes by the act the damage of a large extent.

(4) The offender shall be liable to imprisonment for a term of 8 to 16 years, if he causes by the act defined in paragraph 1, death.”

Extortion and organised crime. Racketeering is covered only by section 235 of the Czech Penal Code which concerns extortion. No other article in the legal system of Czech Republic specifically criminalizes the practice of extortion racketeering when it is carried out by organised criminal groups on a regular and professional basis.

Tab. 55 – Criminalisation of extortion practices

Carried out by OC groups	✗
Carried out on a regular basis	✗
Carried out on a professional basis	✗

Law enforcement response to extortion racketeering

National plan. In the Czech Republic the phenomenon of extortion racketeering is addressed by a national action plan to combat organised crime. In particular every year the Czech Ministry of Interior, mainly its Division of Security Policy, creates a Conception of Fight against Organized Crime in the Czech Republic. The Division is also a member of the Multidisciplinary Working Group for Organized Crime of the European Council (MDG). However, there is no special working group focused only on extortion–racketeering (within the Ministry of Interior or within MDG). The phenomenon of extortion–racketeering is addressed in connection with the fight against organised crime.

Police Unit. In the Czech Republic there is a special police unit dealing in particular with the fight against extortion racketeering. More specifically, the *Organized Crime Detection Unit* is the main guarantee in the fight against extortion–racketeering. This Unit has responsibility for the entire Czech Republic, and in regions it cooperates with regional and municipal police stations.

Special investigative means used. In order to investigate cases of extortion racketeering, the following special investigative means can be used.

Tab. 56 – Special investigative means

Interception of telephone conversations	✔
Interception of fax transmissions	✔
Interception of internet transmissions	✔
Audio or video recording of events taking place on private premises	✔
Undercover operations	✔
Techniques of financial investigation	✔
Financial criminal analysis	✔

All the above mentioned means can be used (except for financial criminal analysis) only for investigation of the most serious criminal activities, i.e. cases where the offenders can be punished with imprisonment for a term of at least 5 years. The use of the above-mentioned means must be permitted by a judge.

Tab. 57 - Obstacles against the investigation in Czech Republic

Lack of legislation		Moderate
Inadequate follow-up of investigative techniques		Not at all
Limited investigative power		Low
Lack of specialised investigative units		Not at all
Lack of human/material resources within specialized units		Low

International cooperation. There are no specialized agreements for police cooperation which address only extortion–racketeering. Police cooperation in combating organized crime is of course possible within the legal framework of the EU (Schengen) and EU member states. Cooperation is also enhanced by Interpol and Europol. According to the national expert, the list of the EU Member States with which Czech Republic has or has had in the past direct police cooperation in the fight against extortion racketeering is not accessible from open sources.

Liaison officers dealing also with extortion racketeering are posted in Romania and Slovakia. Nevertheless, the Czech Police has liaison officers also in the Russian Federation, Serbia and Ukraine. Czech Police liaison officers deal with all kinds of criminal activities (also extortion) and areas of legal help.

Instruments such as extradition for trial, for sentence, execution of foreign sentences and transfer of sentenced persons/prisoners are possible within the framework of the Czech Penal Order (law no: 141/1961 of Law Collection), but exact data which concern only racketeering are not available.

Moreover, according to the national expert consulted, the Czech prosecutors/judges are independent institutions, and as such they decide in each and every case what kind of investigative means can be used. This applies to the Czech Police as well as to cross-border police cooperation. In certain cases there is possible direct cooperation within the framework of Schengen countries. A rogatory letter (request for legal help) is usually necessary. These investigative means must be permitted by a judge.

To date, no EU Member State has issued to the Czech Republic a European Arrest Warrant for cases of extortion racketeering.

Tab. 58 - Obstacles against international cooperation in Czech Republic

Lack of a common definition of the constituent element of the phenomenon		Serious
Lack of specialised investigative units		Low
Language difficulties		Moderate
Lack/Delay of responses to requests for assistance		Serious
Lack of human/material resources within units specialized in the investigation of extortion racketeering		Low

Suggestions for improving investigation capacity. Adoption of the new Penal Code and Penal Order at the beginning of 2010 has addressed the most serious problem – the use of psychological threats instead of physical attacks against victims (the *modus operandi* now more frequent). This problem will be covered by Section 353 of the Czech Penal Code. The problem of racketeering is subsiding, and where it persists, it is often replaced by more sophisticated forms of extortion such as economic liquidation, violent takeover of clients or of the entire firm. These issues will have to be addressed in the future.

The legislation and practices relating to the protection of victims and witnesses of extortion racketeering

Victims. With reference to the protection of, or support for, victims of extortion racketeering several programmes are envisaged.

Tab. 59 – Victim protection programmes

Police protection	✓
Temporary relocation to safe areas	✓
Evidentiary rules of protection measures when testifying in court (anonymity, shielding, videoconferencing)	✓
Medical/psycho-social support	✓
Financial compensation	✗
Moderate financial assistance	✓

Witnesses. With reference to the protection of, or support for, witnesses of extortion racketeering, the following programmes/practices are envisaged.

Tab. 60 – Witness protection programmes

Assistance before and during the trial	✓
Police measures to enhance physical security	✓
Court procedure to ensure the witness's safety while testifying	✓
Change of identity in case of extremely serious threat	✓
The possibility of giving evidence in a place other than that in which the person being prosecuted is situated	✓
The possibility of using audiovisual techniques	✓

Justice collaborators. With reference to the protection of, or support for, justice collaborators in extortion racketeering cases, the following programmes-practices are envisaged.

Tab. 61 – Justice collaborators protection programmes

Assistance before and during the trial	✓
Police measures to enhance physical security	✓
Court procedure to ensure the witnesses' safety while testifying	✓
Sentence reduction	✓
Measures to protect their life within the penitentiary systems	✓
Separation from the general prison population	✓
Use of a different name for the prisoner-witness	✓
Special transportation arrangements for in-court testimony	✓
Isolation in separate detention units at the prison	✓

Best practices

The following measures have been identified as the most effective in combating extortion racketeering:

- **Amendment of the new Czech Penal Code and Penal Order.** This will be valid from the beginning of 2010 and will cover also the softer version of extortion – dangerous threats;
- **Consistent fight against corruption of law enforcement agencies.** The decision to create a new General Directorate of Inspection taken in 2009 (to cover Police, Customs and civilian employees working for the Ministry of Interior);
- **Good promotion of Police.** Focus on community policing, with reorganization that began in 2008. Better structure of Police which enables focusing on specific areas of crime;
- **Consistent fight against extremism of all types.** Specialized Division of the Organized Crime Detection Unit established in 2001.
- **Consistent fight against criminal activities connected with extortion–racketeering.**
- Specialized units fighting against Illegal Immigration, Illegal Trade in Human Beings, Prostitution, Extortion and Blackmailing. The Organized Crime Detection Unit was established in 1995, has responsibility throughout the Czech Republic, and covers investigation of all the above-mentioned criminal activities
- **Police cooperation.** The National Bureau of Interpol in Prague was established in 1992. A Europol office was established in Prague in 2002. The Czech Republic became part of Schengen in 2008.

3.6 - DENMARK



OUTLOOK	
Seriousness of extortion racketeering	
Extortion racketeering	<div style="display: flex; align-items: center;"> <div style="width: 20px; height: 10px; background-color: #0070C0; margin-right: 5px;"></div> <div style="border: 1px solid black; flex-grow: 1; margin-right: 5px;"></div> Low </div>
Adequateness of counter measures against extortion racketeering	
Legislation and regulation	<div style="display: flex; align-items: center;"> <div style="width: 20px; height: 10px; background-color: #0070C0; margin-right: 5px;"></div> <div style="border: 1px solid black; flex-grow: 1; margin-right: 5px;"></div> High </div>
Protection of victims, witnesses, justice collaborators	<div style="display: flex; align-items: center;"> <div style="width: 20px; height: 10px; background-color: #0070C0; margin-right: 5px;"></div> <div style="border: 1px solid black; flex-grow: 1; margin-right: 5px;"></div> Medium </div>

Summary

OVERVIEW ON ORGANISED CRIME IN THE COUNTRY			
Likely structure	Main nationalities	Main criminal activities	
Hierarchy; Network	National; Foreign (Estonian, Latvian, Lithuanian, Polish, Russian, Serb, Albanian, Lebanese, Somali, Nigerian, Moroccan)	National; Transnational	
SITUATION ON EXTORTION RACKETEERING			
Typology		Victim offender relationship	
Casual		Parasitic; Predatory	
Perpetrators			
Typology	Nationality	Structure	
Local gangs	National; Foreign	Hierarchy	
Victims			
Typology		Nationality	
Physical persons		National	
Impact			
Geographical concentration	Relevance of extortion in the media	Perceived impact	
Low	Low	Low	
LEGISLATION AND REGULATION			
Extortion Definition		Punishability of extortion racketeering	
Yes		No	
Law Enforcement			
National plan	Police Unit	Investigation	International coop.
Yes	Yes	High	Yes
PROTECTION OF VICTIMS, WITNESSES, JUSTICE COLLABORATORS			
Victims	Witnesses	Justice Collaborators	
High	High	Information not available	

Overview on organised crime in the country

According to the report published by the Civil and Police Department of the Danish Police in 2005, organised crime in Denmark should be linked mainly to “the biker environment and crime committed by certain other organised criminal groups and networks that consist primarily of young men of a non-Danish ethnic background” (Danish National Police, 2006: 3). Biker groups, with a Danish ethnic background, “are involved in several criminal activities including drugs-related crimes, financial crime, human trafficking, robberies and smuggling of heavily taxed goods (Danish National Police, 2006: 7). In addition, according to data published by Europol in 2004, “the members of these gangs are typically boys or young men with immigrant backgrounds” (Europol, 2004: 19). In particular it is to be highlighted that “Denmark’s biker community is dominated by the international biker organisations: the Hells Angels and the Bandidos” (Europol, 2004: 19). Moreover, other criminal groups and networks constituted by non-Danish nationals are active across the country and in some towns in particular. The activities of foreign organised criminal groups in Denmark are strongly influenced by nationals originating from the Baltic countries, Poland, Russia, Serbia and Albania. Persons involved in organised criminal activities affecting Denmark have also been found to originate from the Middle East, Asia and Africa, in particular from Somalia, Nigeria and Morocco (Danish National Police, 2006: 11).

With reference to the dominant organisational structure of organised crime in Denmark, according to analysis carried out by Europol based on national data, “OC in Denmark seems to be based on flexible network co-operation. For example, it is often found that people in smuggler networks supply many different recipients in several countries and co-operate in variable constellations, and that the networks are involved in the form of crime that is currently thought to yield the highest profits” (Europol, 2004: 19). According to the national expert, the national situation concerning organised crime has not changed since 2004. However, within the past year, the two main OC groups, the bikers and the street gangs, have been involved in a “warlike” confrontation involving among other things shootings and killings. The reason for the increased tension is partly vendetta, and partly a result of competition for drug-dealing territories.

The situation concerning extortion racketeering

Data on the phenomenon. According to the national expert, on the basis of the data collected, Denmark has been characterized by a decreasing trend in extortion racketeering over the past 10 years.

In 2007, 206 cases of extortion and usury were reported to the Police. In 2008 the number was 187. These figures, however, also include cases with no connection whatsoever with OC³⁶.

Perpetrators. With reference to extortion racketeering, “there continue to be examples of extortion and the use of penalties linked to the biker culture” (Ringspolitiet, 2005). In fact, according to the Rigspolitichefen, the rival motorcycle clubs are also in competition for domination of the area of crime, extortion and protection money (Rigspolitichefen, 2000). In addition, “larger groups of youth and young adults, primarily from immigrant circles, have drawn attention to themselves in recent years (...) and the members of such street gangs are now becoming increasingly involved in violent crimes such as extortion, protection money (...)” (Cornilis and Greve, 2004).

³⁶ With reference to the available data, “188 cases of extortion were registered in 2005, compared to 179 in 2004. A small number of these cases were concerned with “dummy penalties” (Ringspolitiet, 2004)

Tab. 62 - Perpetrators

Local organized criminal groups	✗
Foreign organized criminal groups	✗
Terrorist groups	✗
Local gangs	✓

The local criminal groups engaged in extortion racketeering mainly operate at a national level and are involved in other criminal activities as well, such as drug production/trafficking, fraud, illegal activities related to prostitution, vehicle theft. These groups are rarely involved in transnational criminal activities (e.g. trafficking in human beings).

Tab. 63 – Other criminal activities carried out by the perpetrators

Local/national activities	✓
Transnational activities	✗

Victims. The victims of extortion racketeering are national physical persons, while there is scant evidence of extortion racketeering practices being carried out by ethnic communities.

Tab. 64 – Typology of victims

Physical persons	✓
Businesses	✗

In regard to the likely relationship between victim and offender, the following typologies suit the situation in Denmark: predatory and parasitic.

Tab. 65 – Victim/offender relationship

Predatory	✓
Parasitic	✓
Symbiotic	✗

The criminal impact

Geography of extortions. There is no particular part of the Danish territory with a significant prevalence of extortion racketeering.

Legal/illegal markets. According to the national expert, the drug trafficking markets within the illegal economy are those that generate most opportunities for extortion racketeering.

Perceived harm. The perceived harm of extortion racketeering at national level is generally low.

The national legislation and regulation relating to extortion racketeering

According to the Criminal Code of Denmark, the crime of extortion is criminalised as follows:³⁷

1. Paragraph 281

“Any person who

1 For the purpose of obtaining for himself or for others an unlawful gain threatens some other person with violence, substantial damage to property, the deprivation of liberty or a false accusation of having committed a punishable act or dishonourable conduct or revealing matters appertaining to someone’s private affairs, or who

2 Threatens some other person with making an accusation of having committed a punishable act or of making true accusations of dishonourable conduct, for the purpose of obtaining for himself or for others a gain that was not justified by the action, which was the reason for the threat;

Shall, provided the case is not covered by Section 288 of this Act be guilty of extortion”.

Extortion and organised crime. There are no articles in the Danish legal system that specifically criminalize extortion when it is carried out by an organised criminal group, on a regular basis and on a professional basis. Nevertheless, according to Paragraph 81, it is however as a rule an aggravating circumstance if the offence is committed by more than one person and/or is part of an “extensive crime”.

Tab. 66 – Criminalisation of extortion practices

Carried out by OC groups	✗
Carried out on a regular basis	✗
Carried out on a professional basis	✗

The law enforcement response to extortion racketeering

National plan. The phenomenon of extortion racketeering is addressed by a national plan set up to combat organised crime

Police unit. However, this crime is dealt with by the Rigspolitichefens special force “Nationalt Efterforsknings Center”, which monitors the area of OC in order to help the regional police authorities with overview, expert assistance and sharing of information across the country.

Investigation. In addition, according to the national legislation, the following special investigative means can be used to investigate cases of extortion racketeering: interception of telephone conversations; interception of fax transmissions; interception of internet transmissions; audio or video recording of

³⁷ The Penalty for extortion is imprisonment for any term not exceeding one year and six months (re Paragraph 285). Under aggravating circumstances the penalty is imprisonment not exceeding six years (re Paragraph 286) and under mitigating circumstances the penalty shall be a fine (re Paragraph 287). Section 288 concerns robbery and is distinct from Paragraph 281 through the actual use of violence or the threat of immediate application of such. The penalty for robbery is imprisonment for any term not exceeding six years – in aggravating circumstances not exceeding ten years (re paragraph 288).

events taking place on private premises; undercover operations³⁸; techniques of financial investigation; financial criminal analysis.

Tab. 67 – Special investigative means

Interception of telephone conversations	✓✓
Interception of fax transmissions	✓✓
Interception of internet transmissions	✓✓
Audio or video recording of events taking place on private premises	✓✓
Undercover operations	✓✓
Techniques of financial investigation	✓✓
Financial criminal analysis	✓✓

The table below shows the likely obstacles against the investigation of extortion racketeering in Denmark.

Tab. 68 - Obstacles against investigation in Denmark

Lack of a common definition of the constituent element of the phenomenon	<input type="text"/>	Not at all
Lack of specialised investigative units	<input type="text"/>	Not at all
Language difficulties	<input type="text"/>	Not at all
Lack/Delay of responses to requests for assistance	<input type="text"/>	Not at all
Lack of human/material resources within units specialized in the investigation of extortion racketeering	<input type="text"/>	Moderate

International cooperation. Because Denmark is signatory to the Schengen Convention, it is possible to observe and to make “hot pursuit” into another country; but according to the national expert, there are no agreements that specifically concern extortion racketeering. According to the data provided by national expert, Danish Law enforcement Agencies have not in the recent past been involved in cross national investigations or direct police cooperation in regard to the investigation of extortion racketeering. Moreover, apart from liaison officers stationed at Europol, no Danish police officers are posted at the police of other EU Member States. When requested by a prosecutor/judge of another EU Member State, a Danish prosecutor/judge is obliged to provide assistance, in terms of the interception of telephone conversations, interception of fax transmissions, interception of internet transmission and undercover operations. With reference to the application of the European Arrest Warrant, according to the national expert, this has been issued by other EU MS to Denmark. However, statistical information is not available on the matter. Moreover, the Schengen Information System would probably be a suitable instrument with which to collect the desired data.

The table below shows to what extent certain obstacles could hamper international cooperation in combating extortion racketeering.

³⁸ As far as undercover operations are concerned, these are prohibited if – and only if – they involve any kind of assistance or instigation of a crime. If, however, the investigation concerns a crime with a maximum penalty of imprisonment of up to six years or more, it is permitted under certain circumstances.

Tab. 69 - Obstacles against international cooperation in Denmark

Lack of a common definition of the constituent element of the phenomenon		Moderate
Lack of specialised investigative units		Not at all
Language difficulties		Low
Lack/Delay of responses to requests for assistance		Low
Lack of human/material resources within units specialized in the investigation of extortion racketeering		Not at all

The legislation and practices relating to the protection of victims and witnesses of extortion racketeering

Victims. With reference to the protection of, or support for, victims of extortion racketeering, the following programmes/practices are envisaged: police protection, temporary relocation to safe areas, evidentiary rules of protection measures when testifying in court (anonymity, shielding, videoconferencing), medical/psycho-social support, moderate financial assistance³⁹.

Tab. 70 – Victim protection programmes

Police protection	
Temporary relocation to safe areas	
Evidentiary rules of protection measures when testifying in court (anonymity, shielding, videoconferencing)	
Medical/psycho-social support	
Financial compensation	
Moderate financial assistance	

Witnesses. With reference to the protection of or support of witnesses of extortion racketeering, the following programmes/practices are envisaged: assistance before and during the trial, police measures to enhance physical security, court procedure to ensure the witness’s safety while testifying, change of identity in case of extremely serious threat.

Tab. 71 – Witness protection programmes

Assistance before and during the trial	
Police measures to enhance physical security	
Court procedure to ensure the witness’s safety while testifying	
Change of identity in case of extremely serious threat	
The possibility of giving evidence in a place other than that in which the person being prosecuted is situated	
The possibility of using audiovisual techniques	

³⁹ The Police may in extreme cases provide practical and economic assistance in order to protect witnesses. For victims that are not witnesses, the social authorities can provide psycho-social support, and they can claim a (small) financial compensation.

Best practices

Since extortion racketeering is not a major problem in Denmark, according to the national expert involved in the study it is not possible to indicate any best practice present at national level.

3.7 - ESTONIA



OUTLOOK	
Seriousness of extortion racketeering	
Extortion racketeering	<div style="display: inline-block; width: 20px; height: 10px; background-color: #0070C0; border: 1px solid black;"></div> Low
Adequateness of counter measures against extortion racketeering	
Legislation and regulation	<div style="display: inline-block; width: 20px; height: 10px; background-color: #0070C0; border: 1px solid black;"></div> Medium
Protection of victims, witnesses, justice collaborators	<div style="display: inline-block; width: 20px; height: 10px; background-color: #0070C0; border: 1px solid black;"></div> High

Summary

OVERVIEW ON ORGANISED CRIME IN THE COUNTRY			
Likely structure	Main nationalities	Main criminal activities	
Hierarchy	National; Foreign (Russian, Yugoslavian)	National; Transnational	
SITUATION ON EXTORTION RACKETEERING			
Typology		Victim/offender relationship	
Casual		Predatory; Parasitic	
Perpetrators			
Typology	Nationality	Structure	
Local O.C.; Foreign O.C.	National; Foreign: Russian	Hierarchy	
Victims			
Typology		Nationality	
Businesses		National	
Impact			
Geographical concentration	Coverage of extortion in the media	Perceived impact	
Low	Low	Low	
LEGISLATION AND REGULATION			
Extortion Definition		Punishability of extortion racketeering	
Yes		Yes	
Law Enforcement			
National plan	Police Unit	Investigation	International coop.
No	Yes	High	Low
PROTECTION OF VICTIMS, WITNESSES, JUSTICE COLLABORATORS			
Victims	Witnesses	Justice Collaborators	
High	High	High	

Overview on organised crime in the country

Estonia, together with the other Baltic countries, belongs to what Europol terms the North East Region and which can be considered “both a transit area and an important destination market for various commodities ranging from smuggled and counterfeit cigarettes to synthetic drugs” (Europol, 2008: 37). Estonian organised criminal groups, together with Lithuanian ones, “have a significant role in smuggling certain drugs to Estonia as well as in the production of synthetic drugs and the further distribution of these to the Finnish market” (Europol, 2008: 36).

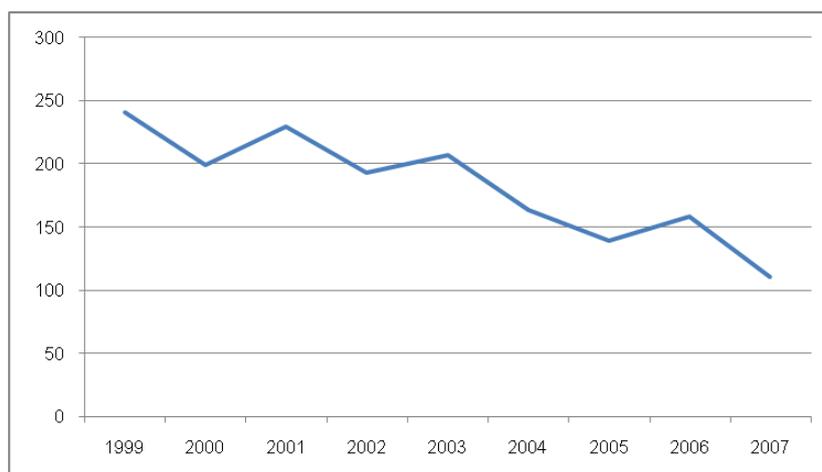
This confirms that organised crime groups in Estonia are not confined within the national borders but engage in numerous criminal activities across different countries. In fact, according to a report published by the Library of Congress – Federal Research Division of the United States, “the activity and international connections of Estonian narcotics traffickers have expanded significantly in recent years” (United States Library of Congress, 2003: 48). Organised crime in Estonia is dominated by local organised criminal groups and by foreign groups, most of them originating from Russia. It is in fact interesting to note that historically, “organized crime did not originate in Estonia but was imported from the former Soviet Union, the present Russian Federation, where it is not a new phenomenon at all” (Leps, 1997: 82).

At present, according to the national expert involved in the study, there are organized criminal groups in Estonia whose main illegal activities are prostitution, tax crimes and money laundering schemes. On the other hand, extortion racketeering committed by organized criminal groups has decreased in recent years.

The situation concerning extortion racketeering

Data on the phenomenon. The only data available refer to the wider phenomenon of extortion, which is nevertheless a proxy indicator for measuring extortion racketeering. According to the statistics, the phenomenon of extortion has decreased in the past eight years (Fig. 2).

Fig. 3. Extortions recorded by the police (1999-2007) in Estonia



Source: Statistics Estonia

Perpetrators. Organised criminal groups involved in extortion racketeering are mainly of local nature and operate on a national scale.

Tab. 72 - Perpetrators

Local organized criminal groups	✓
Foreign organized criminal groups	✗
Terrorist groups (please specify)	✗
Local gangs	✗

Tab. 73 – Other criminal activities carried out by the perpetrators

Local/national activities	✓
Transnational activities	✗

The Victims. Victims of extortion racketeering in Estonia are mainly national physical persons.

Tab. 74 – Typology of victims

Physical persons	✓
Businesses	✗

Moreover, according to the national expert, extortion racketeering does not occur within closed ethnic communities.

Accordingly, it can be stated that the prevalent form of relationship between victim and offender is predatory.

Nevertheless, in some cases, victims and offenders establish a symbiotic relationship which then turns into a parasitic one: for example when “the victim has been in debt and the person who committed the crime had a basis to claim the debt but did so in an illegal way by using violence” (Evestus, 2007: 2).

Tab. 75 – Victim/offender relationship

Predatory	✓
Parasitic	✗
Symbiotic	✗

The criminal impact

Geography of extortion racketeering. There are no specific areas in Estonia where the phenomenon of extortion racketeering is particularly severe.

Perceived harm. According to the national expert, the perceived harm of extortion racketeering is low in Estonia.

Impact. According to the national expert, although extortion racketeering is not a threat to Estonia’s security, economic hardship may lead to the development of extortion racketeering in the country.

The legislation and regulation relating to extortion racketeering

Definition.

1. Paragraph 214. Extortion

“(1) A person who coerces another person to transfer proprietary benefits by using a threat to restrict the liberty of the person, disclose embarrassing information or destroy or damage property, or by using violence, shall be punished by a pecuniary punishment or up to 5 years’ imprisonment.

Extortion and organised crime. Within the legal system of Estonia extortion is specifically criminalised⁴⁰ when it is carried out by organised criminal groups and on a regular basis.

Tab. 76 – Criminalisation of extortion practices

Carried out by OC groups	✓
Carried out on a regular basis	✓
Carried out on a professional basis	✗

Law enforcement response to extortion racketeering

National plan. According to the national expert, extortion racketeering is not addressed by a specific national plan devised to combat organised crime. Nevertheless, the Central Criminal Police and the Office of the Prosecutor General are the institutions whose main tasks are to combat extortion committed by organised criminal groups.

Police Unit. On the other hand, there is a specific police unit which also deals with extortion racketeering. This is the Central Criminal Police, which is responsible for the fight against organised crime (both national and international).

⁴⁰ In fact, according to Art 214, Criminal Code, (2) the same act, if committed: (1) by a person who has previously committed extortion, larceny, robbery or fraud; (2) on a large-scale basis; (3) by causing serious damage to health; (4) by a group or a criminal organisation; (5) by deprivation of the liberty of a person, or (6) by destroying or damaging property, is punishable by 4 to 12 years’ imprisonment”.⁴⁰

According to the national expert involved in the study, also worth mentioning is Article 255:

§ 255. Criminal organisation

(1) Membership in a permanent organisation consisting of three or more persons who share a distribution of tasks, created for the purpose of proprietary gain and whose activities are directed at the commission of criminal offences in the second degree for which the maximum term of imprisonment of at least three years is prescribed, or criminal offences in the first degree, is punishable by 3 to 12 years’ imprisonment.

(11) The same act, if committed by a legal person, is punishable by a pecuniary punishment or compulsory dissolution.

(2) For a criminal offence provided in this section:

1) the court may impose, as supplementary punishment, a pecuniary punishment pursuant to the provisions of § 53 of this Code, or

2) the court imposes, pursuant to the provisions of § 832 of this Code, extended confiscation of the property obtained by the criminal offence. Sometimes the victims have established connections with criminal organisation structures or groups, so that the illegal activities of those groups are qualified by article 257 of the Penal Code as arbitrary action with the provision that a person who unlawfully exercises his or her actual or assumed right, if such act involves violence, destruction or injuring of property or a threat thereof, deprivation of a person’s liberty, restriction of a person’s liberty or a threat thereof, or if other significant damage is caused thereby, shall be punished by a pecuniary punishment of up to 5 years imprisonment”. “A court may apply a confiscation of the object used to commit an intentional offence and of the assets acquired through the offence if these belong to the offender at the time of the making of the judgment”.

Investigation. the following special investigative means can be used in Estonia to investigate cases of extortion racketeering⁴¹:

⁴¹ The national expert cited the following articles of the Estonian Code of Criminal Procedure as relevant to better understanding of the investigative capacity of Estonian Law enforcement agencies in combating extortion racketeering:

§ 115. Covert surveillance and covert examination and replacement of object

(1) Information obtained by covert surveillance shall be recorded in the surveillance report. If necessary, such information shall be filmed, video-recorded or photographed.

(2) In the course of covert surveillance, a thing or any other object may be covertly examined and, if necessary, replaced.

(3) Information obtained by covert surveillance shall be entered in the surveillance report in so far as is necessary for the adjudication of the criminal matter. (19.05.2004 entered into force 01.07.2004 - RT I 2004, 46, 329)

§ 116. Covert examination of postal or telegraphic items

(1) Upon covert examination of a postal or telegraphic item, information derived from the inspection of the item is collected.

(2) A copy of an order or ruling on the covert examination of a postal or telegraphic item shall be sent to the head of the provider of the postal or telecommunications service in order for the item to be seized. After the covert examination of the postal or telegraphic item, the item shall be sent to the addressee.

(3) A representative of the provider of postal or telecommunications services shall be present at the covert examination of a postal or telegraphic item and the representative shall sign the surveillance report to that effect.

(4) In the course of covert examination of a postal or telegraphic item, the item may be replaced.

(19.05.2004 entered into force 01.07.2004 - RT I 2004, 46, 329)

§ 117. Collection of information concerning messages transmitted through commonly used technical communication channels

(1) Upon collection of information concerning messages transmitted by the public telecommunications network, information is collected from the operator of the electronic communications network or the provider of the postal or electronic communications service in order to ascertain the fact that a message has been transmitted, the duration and manner of transmission of the message, and the personal data and location of the sender or receiver.

(19.05.2004 entered into force 01.07.2004 - RT I 2004, 46, 329; 14.06.2006 entered into force 16.07.2006 - RT I 2006, 31, 234)

(2) Information collected pursuant to the procedure provided for in subsection (1) of this section shall be recorded in the surveillance report.

§ 118. Wire tapping or covert observation of information transmitted through technical communication channels or other information

(1) Information obtained by wire-tapping or covert observation of messages or other information transmitted by the public electronic communications network shall be recorded and entered in the surveillance report.

(19.05.2004 entered into force 01.07.2004 - RT I 2004, 46, 329; 14.06.2006 entered into force 16.07.2006 - RT I 2006, 31, 234)

(2) Information recorded upon wire-tapping or covert observation shall be entered in the surveillance report in so far as is necessary for the adjudication of the criminal matter.

(3) Information communicated by a person specified in § 72 of this Code which is subject to wire-tapping or covert observation shall not be used as evidence if such information contains facts which have become known to the person in his or her professional activities, unless the person has already given testimony with regard to the same facts or if the facts have been disclosed in any other manner.

§ 119. Staging of criminal offence

(1) A criminal offence may be staged in order to detect a criminal offence or ascertain or apprehend a criminal offender.

(2) If necessary, a staged criminal offence shall be photographed, filmed or audio or video recorded.

§ 120. Police agent

(1) "Police agent" means an official who collects evidence in a criminal proceeding by using a false identity. Identity documents and other documents may be issued in order to change the identity of a person.

(2) A police agent may participate in legal relationships under a false identity. A police agent has all the obligations of an official of an investigative body in so far as the obligations do not require disclosure of the false identity.

(3) A police agent may be involved on the basis of an order of the Public Prosecutor's Office. Permission for the involvement of a police agent is granted for up to six months and the permission may be extended by six months at a time.

(4) Permission for the involvement of a police agent with regard to a specific suspect or accused is granted pursuant to the provisions of subsection 114 (1) of this Code.

(5) Information collected by a police agent shall be recorded pursuant to the procedure provided for in § 74 of this Code. The statements of a police agent are used as evidence pursuant to the provisions of this Code concerning witnesses.

Tab. 77 – Special investigative means

Interception of telephone conversations	✓
Interception of fax transmissions	✓
Interception of internet transmissions	✓
Audio or video recording of events taking place on private premises	✓
Undercover operations	✓
Techniques of financial investigation	✓
Financial criminal analysis	✓

Moreover, according to the national expert, none of the following obstacles are considered to be problematic in Estonia.

Tab. 78 - Obstacles against the investigation in Estonia

Lack of legislation	<input type="text"/>	Not at all
Inadequate follow-up of investigative techniques	<input type="text"/>	Not at all
Limited investigative power	<input type="text"/>	Not at all
Lack of specialised investigative units	<input type="text"/>	Not at all
Lack of human/material resources within specialized units	<input type="text"/>	Not at all

International cooperation. No specialized agreements for police cooperation which address only extortion–racketeering exist in Estonia. The country does not have concrete bilateral agreements in this field, but it cooperates on the basis of the various EU agreements (for example the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union).

According to the national expert, Estonia has not received requests for legal assistance in regard to the investigation of extortion racketeering. Nevertheless, there are sometimes elements of racketeering in requests sent to Estonia in connection with other types of crime (for example drug crimes, robberies etc).

Liaison officers also dealing with extortion racketeering are posted in none of the EU Member States. A liaison officer is only posted at Europol.

Instruments such as extradition for trial, for sentence, execution of foreign sentences and transfer of sentenced persons/prisoners can be used if necessary. Nevertheless, according to the national expert, Estonia does not have cooperation practices in the field of extortion racketeering.

Moreover, if a prosecutor/judge of another EU Member State asks a prosecutor/judge of Estonia to use investigative means in Estonia, the Estonian prosecutor/judge is obliged to provide assistance with reference to: extradition for trial, extradition for sentence, execution of foreign sentences, transfer of sentenced persons/prisoners.

According to the national expert, Estonia has to date not received a European Arrest Warrant for the offence of extortion and racketeering. But there are

(6) The identity of a police agent shall remain confidential also after completion of the surveillance activities if disclosure of his or her identity may endanger his or her life or health or his or her further engagement as a surveillance officer, or if confidentiality is necessary for any other reason.

sometimes elements of racketeering in EAWs sent to Estonia in connection with other types of crime (for example drug crimes, robberies etc).

Tab. 79 - Obstacles against international cooperation in Estonia

Lack of a common definition of the constituent element of the phenomenon	<input type="text"/>	Not at all
Lack of specialised investigative units	<input type="text"/>	Not at all
Language difficulties	<input type="text"/>	Not at all
Lack/Delay of responses to requests for assistance	<input type="text"/>	Serious
Lack of human/material resources within units specialized in the investigation of extortion racketeering	<input type="text"/>	Not at all

Suggestion for improving investigation capacity. According to the national expert, surveillance activities are the most effective in fighting extortion.

The legislation and practices relating to the protection of victims and witnesses of extortion racketeering

Victims, Witnesses and Justice collaborators. The protection of, or support for, victims, witnesses of justice collaborators involved in cases of extortion racketeering is envisaged within the following acts: Victim Support Act, Witness Protection Act and Imprisonment Act.

Tab. 80 – Victim protection programmes

Police protection	✓
Temporary relocation to safe areas	✓
Evidentiary rules of protection measures when testifying in court (anonymity, shielding, videoconferencing)	✓
Medical/psycho-social support	✓
Financial compensation	✓
Moderate financial assistance	✗

Tab. 81 – Witness protection programmes

Assistance before and during the trial	✓
Police measures to enhance physical security	✓
Court procedure to ensure the witness's safety while testifying	✓
Change of identity in case of extremely serious threat	✓
The possibility of giving evidence in a place other than that in which the person being prosecuted is situated	✓
The possibility of using audiovisual techniques	✓

Tab. 82 – Justice collaborators protection programmes

Assistance before and during the trial	✓
Police measures to enhance physical security	✓
Court procedure to ensure the witnesses' safety while testifying	✓
Sentence reduction	✓
Measures to protect them within the penitentiary systems	✓
Separation from the general prison population	✓
Use of a different name for the prisoner-witness	✓
Special transportation arrangements for in-court testimony	✓
Isolation in separate detention units at the prison	✓

Best practices

According to the national police, the following are the measures which have proved most effective in combating extortion racketeering: witness protection programmes; use of special investigative means, use of co-operating offenders.

3.8 - FINLAND



OUTLOOK	
Seriousness of extortion racketeering	
Extortion racketeering	<div style="display: inline-block; width: 20px; height: 10px; background-color: #0070C0; border: 1px solid black;"></div> Low
Adequateness of counter measures against extortion racketeering	
Legislation and regulation	<div style="display: inline-block; width: 20px; height: 10px; background-color: #0070C0; border: 1px solid black;"></div> Medium
Protection of victims, witnesses, justice collaborators	<div style="display: inline-block; width: 20px; height: 10px; background-color: #0070C0; border: 1px solid black;"></div> High

Summary

OVERVIEW ON ORGANISED CRIME IN THE COUNTRY			
Likely structure	Main nationalities	Main criminal activities	
Hierarchy	National; Foreign (Russian, Yugoslavian)	National; Transnational	
SITUATION ON EXTORTION RACKETEERING			
Typology		Victim offender relationship	
Casual		Predatory	
Perpetrators			
Typology	Nationality	Structure	
Local O.C.	National	Hierarchy	
Victims			
Typology		Nationality	
Physical persons		National	
Impact			
Geographical concentration	Coverage of extortion in the media	Perceived impact	
Low	Low	Low	
LEGISLATION AND REGULATION			
Extortion Definition		Punishability of extortion racketeering	
Yes		No	
Law Enforcement			
National plan	Police Unit	Investigation	International coop.
No	No	High	Yes
PROTECTION OF VICTIMS, WITNESSES, JUSTICE COLLABORATORS			
Victims	Witnesses	Justice Collaborators	
High	High	High	

Overview on organised crime in the country

Organised criminal groups operating in Finland, like those active in the rest of the Nordic countries, “range from mainly indigenous gangs, which have an important role in the region, to Russian-speaking as well as Balkan OC” (Europol, 2007: 24). In Finland, foreign organised criminal groups mostly originate from Estonia and Russia, while the local ones belong to the outlaw motorcycle gangs.

The latter are involved in the Finnish drug market, and together with “the networks cooperating with them, are responsible for the wholesale and distribution in Finland” (Europol, 2008: 36). Nevertheless, taking into account the general situation of organised crime in Finland, “the most serious threats in the field of OC in Finland emerge from the international activities of Estonian, Estonian-Russian, and Russian criminal organisations” (Europol, 2004: 19), considering also that the drug market in which they are involved has developed into an important source of income (NBI Finland, 2003:1). Moreover, Finland can be considered a destination country for illegal immigration, which generates further “issues in relation to people entering illegally and thus rendering some of the border areas vulnerable to corruption and other illegal practices” (Spencer et al, 2006: 24).

In regard to the threat posed both by local and foreign organised criminal groups involved in different criminal activities, much emphasis in crime prevention has been placed on organised crime, and consequently “an increase of organised crime uncovered has been registered” (Ministry of Interior, Police Department, 2007: 4).

The situation concerning extortion racketeering

Even if extortion racketeering practices are less common in Finland, according to the NBI Criminal Intelligence Division this kind of crime is one of the priorities for crime prevention strategies (Vander Beken, 2003: 124). This is partially due to the evolution of extortion racketeering practices, which are carried out in the legal and illegal markets. In particular, the last few years in Finland have seen an increase in criminal activities – such as extortion – carried out by motorcycle gangs (Bandidos MC and Hells Angels), which seek to obtain financial gains as well as control over given territories or commercial sectors. In addition, also Russian gangs “have set up protection rackets to extort money from businesses” (Dunn, 1997: 83).

Data on the phenomenon. According to the national expert, the situation in Finland is quite clear - extortion racketeering is almost non-existent – and it seems to have been stable over the past ten years.

Perpetrators. Mostly local organised criminal groups are active in extortion racketeering, and, to the very limited extent that extortion racketeering exists, it would seem to be committed by local motorcycle gangs (Hells Angels, Bandidos etc) in connection with debt collection. It should be emphasised that the level of this activity appears to be very low.

Tab. 83 - Perpetrators

Local organized criminal groups	✓
Foreign organized criminal groups	✗
Terrorist groups	✗
Local gangs	✗

Moreover, these criminal groups mainly operate on a national scale and are also involved in the following criminal activities: drug producing/trafficking, homicide, illegal activities related to prostitution, loan sharking and usury, money laundering, trafficking in human beings, as well as trafficking in arms.

Tab. 84 – Other criminal activities carried out by the perpetrators

Local/national activities	✓
Transnational activities	✗

Victims. Victims of extortion racketeering in Finland are mainly physical persons and Finnish nationals.

Tab. 85 – Typology of victims

Physical persons	✓
Businesses	✗

Considering the nature of the phenomenon in Finland, the relationship between victims and perpetrators is of predatory type.

Tab. 86 – Victim offender relationship

Predatory	✓
Parasitic	✗
Symbiotic	✗

With regard to whether the phenomenon also occurs within ethnic communities, according to the expert there do not appear to be indications that such activity is directed at closed ethnic communities – which may be linked to the fact that there are very few foreign ethnic groups in Finland, and those that exist do not tend to be closed.

The criminal impact

Geography of extortion racketeering. There are no specific areas in Finland where the phenomenon of extortion racketeering is particularly serious.

Illegal markets. According to the national expert, and considering the (highly limited) extent to which extortion racketeering exists in Finland, the illegal market that generates most opportunities for extortion racketeering is that the one related to (illegal and semi-legal) debt collection activities undertaken by some motorcycle gangs. On the other hand, organised criminal groups involved in extortion racketeering practices seem not to infiltrate the legitimate economy. This signifies that extortion racketeering in connection with legal markets seems to be non-existent in Finland.

Perceived harm. Extortion racketeering has a low perceived harm among the potential harmful criminal activities threatening the country’s security.

The legislation and regulation relating to extortion racketeering

1. Section 3 - Extortion (769/1990)

“(1) A person who through a threat other than one referred to in section 1 forces another to relinquish an economic benefit to which the offender or the person on

whose behalf he/she is acting has no legal right shall be sentenced for extortion to a fine or to imprisonment for at most two years.

(2) An attempt is punishable".⁴²

2. Section 4 - Aggravated extortion (769/1990)

"If in the extortion: (1) a threat is made of a serious offence that would endanger the life or health of another or cause considerable damage to the property of another, (2) the offender takes unscrupulous advantage of the special weakness or other insecure state of another, (3) the financial benefit which the other is forced to relinquish is especially valuable or (4) particularly severe loss is caused to the victim of the offence in view of his/her circumstances, the offender shall be sentenced for aggravated extortion to imprisonment for at least four months and at most four years.

(2) An attempt is punishable".⁴³

Extortion and organised crime. Aside from the two Criminal Code provisions cited, there are no provisions in Finnish law that refer specifically to extortion. Commission of any offence as a member of a group organised for serious offences is specified as a factor increasing the amount of punishment. Thus, commission of extortion by an OC group would, all other circumstances being equal, lead to a more severe punishment than would commission of extortion by an individual acting alone.

There are no articles in the Finnish legal system that specifically criminalize extortion when it is committed by organised criminal groups on a regular and professional basis.

Tab. 87 – Criminalisation of extortion practices

Carried out by OC groups	✗
Carried out on a regular basis	✗
Carried out on a professional basis	✗

Nevertheless, according to the national expert, commission of extortion on a regular basis, and commission of extortion on a professional basis, would undoubtedly be deemed grounds to increase the amount of punishment.

In addition, chapter 17, section 1a of the Criminal Code criminalizes participation in the activity of an organized group.

The law enforcement response to extortion racketeering

National plan. Extortion racketeering is not addressed by any national plan set up to combat organised crime.

Police unit. There is no specific police unit in Finland that deals also with extortion racketeering.

Investigation. The following special investigative means can be used to investigate cases of extortion racketeering:

⁴² Text available at <http://www.legislationline.org/> (visited on 29 October 2008).

⁴³ Text available at <http://www.legislationline.org/> (visited on 27 October 2008).

Tab. 88 – Special investigative means

Interception of telephone conversations	✓
Interception of fax transmissions	✓
Interception of internet transmissions	✓
Audio or video recording of events taking place on private premises	✓
Undercover operations	✓
Techniques of financial investigation	✓
Financial criminal analysis	✓

The table below shows the extent to which the following elements may hamper the investigation of extortion racketeering in Finland.

Tab. 89 - Obstacles against investigation in Finland

Lack of legislation	<input type="text"/>	Not at all
Inadequate follow-up of investigative techniques	<input type="text"/>	Low
Limited investigative power	<input type="text"/>	Low
Lack of specialised investigative units	<input type="text"/>	Low
Lack of human/material resources within specialized units	<input type="text"/>	Low

International cooperation. Finland has agreements or legislation that provide for direct police cooperation with the police forces of other EU Member states. Moreover, according to the expert involved, Finland has traditionally engaged in close law enforcement cooperation with the Nordic countries. However, this is general cooperation. Since extortion racketeering as a phenomenon scarcely exists in Finland, there has been no need for any agreements or legislation specifically dedicated to this matter. Finland has “crime prevention agreements” with various countries (e.g. Estonia, Hungary, Latvia, Lithuania, Poland) that allow for close cooperation. Both these forms of cooperation are being supplemented, and in part replaced, with forms of EU cooperation.

Liaison officers posted to other EU Member States also deal with extortion racketeering. Finnish liaison officers are specifically posted in Estonia, France, Spain, and the Netherlands. To be noted is that, according to the national expert, Finland has liaison officers in other EU countries, and these can potentially be used to investigate extortion racketeering. It is another matter that Finnish input has not been necessary, since the phenomenon is so rare in Finland.

The liaison officer posted by Finland in Estonia also deals with cooperation with Latvia and Lithuania. It should also be noted that any liaison officer sent by a Nordic country (Denmark, Finland, Iceland, Norway and Sweden) can and is used by the police of any other Nordic country.

Extradition for trial, for sentence, execution of foreign sentences and transfer of sentenced persons/prisoners exist in Finland, but they have not (yet) been used to respond to extortion racketeering. Moreover, when requested by a prosecutor/judge of another EU Member State, a prosecutor/judge of Finland is not obliged to provide assistance, since coercive measures will be provided on a discretionary basis.

To date, no EU Member State has issued to Finland a European Arrest Warrant for cases of extortion racketeering.

Tab. 90 - Obstacles against international cooperation in Finland

Lack of a common definition of the constituent element of the phenomenon	<input type="checkbox"/>	Low
Lack of specialised investigative units	<input type="checkbox"/>	Low
Language difficulties	<input type="checkbox"/>	Low
Lack/Delay of responses to requests for assistance	<input type="checkbox"/>	Low
Lack of human/material resources within units specialized in the investigation of extortion racketeering	<input type="checkbox"/>	Low

The legislation and practices relating to the protection of victims and witnesses of extortion racketeering

Victims. With reference to the protection of, or support for, victims of extortion racketeering several programmes are envisaged.

Tab. 91 – Victim protection programmes

Police protection	✓
Temporary relocation to safe areas	✓
Evidentiary rules of protection measures when testifying in court (anonymity, shielding, videoconferencing)	✓
Medical/psycho-social support	✓
Financial compensation	✓
Moderate financial assistance	✓

To be specifically noted is that these measures may be used whenever the court deems that the life, health or safety of the victim or of a person closely connected with him or her is endangered. Witnesses of extortion racketeering have not been singled out.

Witnesses. With reference to the protection of, or support for, witnesses of extortion racketeering, the following programmes/practices are envisaged by the Finnish Code of Criminal Procedure.

Tab. 92 – Witness protection programmes

Assistance before and during the trial	✓
Police measures to enhance physical security	✓
Court procedure to ensure the witness's safety while testifying	✓
Change of identity in case of extremely serious threat	✓
The possibility of giving evidence in a place other than that in which the person being prosecuted is situated	✓
The possibility of using audiovisual techniques	✓

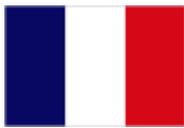
As for victims, to be noted is that these measures may be used whenever the court deems that the life, health or safety of the victim or of a person closely connected with him or her is endangered. Witnesses of extortion racketeering have not been singled out.

Justice collaborators. With reference to the protection of, or support for, justice collaborators in extortion racketeering cases, the following programmes/practices are envisaged by the Finnish Code of Criminal Procedure.

Tab. 93 – Justice collaborators protection programmes

Assistance before and during the trial	✓
Police measures to enhance physical security	✓
Court procedure to ensure the witnesses' safety while testifying	✓
Sentence reduction	✗
Measures to protect them within the penitentiary systems	✓
Separation from the general prison population	✓
Use of a different name for the prisoner-witness	✓
Special transportation arrangements for in-court testimony	✓
Isolation in separate detention units at the prison	✓

3.9 - FRANCE



OUTLOOK	
Seriousness of extortion racketeering	
Extortion racketeering	High
Adequateness of counter measures against extortion racketeering	
Legislation and regulation	Medium
Protection of victims, witnesses, justice collaborators	Low

Summary

OVERVIEW ON ORGANISED CRIME IN THE COUNTRY			
Likely structure	Main nationalities	Main criminal activities	
Hierarchy/Network	National; Foreign (Eastern European, African)	National; Transnational	
SITUATION ON EXTORTION RACKETEERING			
Typology		Victim/offender relationship	
Systemic		Predatory; Parasitic; Symbiotic	
Perpetrators			
Typology	Nationality	Structure	
National O.C.; Foreign O.C.; Terrorist groups; Local gangs	National; Foreign (Turkish; Chinese; Albanian,)	Hierarchy	
Victims			
Typology		Nationality	
Physical persons; businesses		National; Foreign (Turkish; Chinese; Albanian, Algerian, Moroccan, Portuguese, Tunisian)	
Impact			
Geographical concentration	Coverage of extortion in the media	Perceived impact	
Yes	Medium	Information not available	
LEGISLATION AND REGULATION			
Extortion Definition		Punishability of extortion racketeering	
Yes		Yes, partially	
Law Enforcement			
National plan	Police Unit	Investigation	International coop.
Information not available	Yes	High	Information not available
PROTECTION OF VICTIMS, WITNESSES, JUSTICE COLLABORATORS			
Victims	Witnesses	Justice Collaborators	
Information not available	Medium	Information not available	

Overview on organised crime in the country

Organised crime in France is generally heterogeneous in nature. It is involved in all forms of crime and, in particular, in those related to drug trafficking and dealing (De Boer, 2001 and Europol, 2006). Organised crime flourishes in France and typically involves a large number of foreign nationals, particularly from the new EU Member States (Europol, 2006). As well as organised crime groups, the French situation is distinguished by the presence of gangs which exploit all new money-making opportunities and can easily switch to other operating methods. “One example of this is the rise in the number of armed robberies on tobacconists, which has gone hand in hand with an increase in tobacco prices. Violence is also an increasingly worrying development, affecting both the law enforcement officers and the victims of crime” (Europol, 2004: 20). With reference to the drug market, France – especially in the South of the country – has developed some OC characteristics similar to those of Spain and Portugal (Europol, 2006). On the one hand, France serves as a transit point for hashish and cocaine moving further north and synthetic drugs and heroin moving to Southern Europe (Europol, 2004); on the other, the French drug market registers the presence of several non-national organisations (Eastern European, Turkish, Algerian, Moroccan and Congolese) involved in different stages of the distribution chain. As far as other criminal activities are concerned, French organised crime groups are involved in a very wide range of criminal behaviours, which can be grouped into three large sets (De Maillard, 2001): (1) wholly illegal activities, comprising racketeering, kidnapping, drugs (Europol, 2007), procuring, trafficking in unsalable products, smuggling, armed robbery, forgery and trafficking in immigrant labour; (2) illegal activities associated with legal operations: bribery in the public market, misappropriation of public resources; (3) legal activities associated with illegal operations: gaming machines and games of chance, insider dealing, agreements and abuse of dominant positioning public market, secret banking in the public market, secret banking for political parties, false accounting (Lallam, 2004: 365, see also Véry, Monnet, 2008).

The national situation concerning extortion racketeering

Data on the phenomenon.

Fig. 4 - Reported and detected cases of extortion and detection rate. France Metropolitane. 2007-2008.

	Reported ⁴⁴ cases			Detected cases ⁴⁵			Detection rate ⁴⁶	
	2007	2008	Variation	2007	2008	Variation	2007	2008
Extortions ⁴⁷	8817	7903	-10,34%	3673	3312	-9,83%	41,67%	41,91%

Source: Police Nationale – Source 4001

⁴⁴ It refers to “faits constatés”

⁴⁵ It refers to “faits élucidés”

⁴⁶ It refers to “taux d’élucidation”

⁴⁷ It refers to “Menaces ou chantages pour extorsion de fonds”

Perpetrators and victims. France is characterized by the presence of national as well as foreign criminal organisations involved in extortion racketeering. Based on a review of the major newspapers in France over the last two years, cases of extortion racketeering in France are mainly linked to three different types of perpetrators (a) organised criminal groups; (b) organised criminal gangs (bandits) committing extortion against businesses and retailers; (c) juvenile gangs perpetrating extortion against youths at school.

Tab. 94 - Perpetrators

Local organized criminal groups	✓
Foreign organized criminal groups	✓
Terrorist groups/separatists groups	✓
Local gangs	✓

Tab. 95 – Other criminal activities carried out by the perpetrators

Local/national activities	✓
Transnational activities	✓

National organisations, especially those related to the *milieu* (underworld) and with a strong presence of *beaux voyous* (goodfellas) are generally involved in extortion from physical persons and legitimate businesses, where extortions also concern with forced deductions on receipt, or compelled installing of illegal games.

In regard to extortion committed by national *bandits*, attention should be also paid to the situation in Corsica⁴⁸, where the Corsican separatist movement *FNLC Union des Combattants* practices “extortion racket on the island to the detriment of shopkeepers and civil engineering contractors. The collection of the “revolutionary tax” to the detriment of tourists or of the civil society is a phenomenon (...) known in the island, where a pseudo-protection of Corsican interests (...) is used as a screen for illegal and deviant behaviours” (Colombi, 2007). With reference to separatist organisations, also Basque separatism uses France as a rear-base for racketeers.

Foreign organisations – especially Turkish and Chinese – usually engage in extortion against co-nationals living in large urban areas. The Turkish community records the largest number of blackmail and racket offences (680 implicated persons over two years). Moreover, these cases concern both extortion and the levying of the revolutionary tax for the far left “TKP-ML”. The Turkish community is followed by the Chinese one (91 over the same period of time) (Colombi, 2007). In Paris, Chinese merchants make periodic payments of \$500 to \$2,500 in “tea money” to buy protection from gangs (Faligot, 2001). Some gangs engaged in this form of extortion are known to be operated by higher-level mafia officials with impeccable credentials as legitimate businessmen⁴⁹. After the Turkish and Chinese come the Albanians (43 cases registered).

⁴⁸ For an historical description of the evolution of organised crime in Corsica see Wilson, 2004.

⁴⁹ “Wenzhou gangs are active in extorting money from Chinese merchants from the same group in the Belleville section of northeast Paris, where gangs have waged violent turf battles. Similar protection rackets operate in Paris’s Chinatown, in the 13th Arrondissement (where the dominant group is the Teochew, from southeastern Guangdong Province), and in the suburbs of Paris, but gang competition in those areas is not as violent. (...) After the murder of two Chinese godfathers by rival gangs in Belleville in 1997, control of the local extortion business and the trafficking of illegal migrants went through a chaotic period. By 2000, the main activities of organized Chinese

Tab. 96 – Typology of victims

Physical persons	✓
Businesses	✓

On the basis of the information collected, the markets most affected by extortion racketeering practices are construction and entertainment. In addition, when victims are physical persons, these tend to be students, unemployed individuals and worker men. Victim of extortion racketeering in France are both National and non-Nationals. When non-Nationals, they mainly originate from Algeria, Morocco, Portugal and Tunisia.

Tab. 97 – Markets most affected by extortion racketeering

Construction	✓
Real estate	✗
Entertainment sector (bars, café, clubs)	✓
Import/export	✗
Waste disposal	✗

Given the variety of actors involved in extortion racketeering practices in France, it is possible to state that predatory and parasitic as well as symbiotic relationships are established by the perpetrators with their victims.

Tab. 98 – Victim/offender relationship

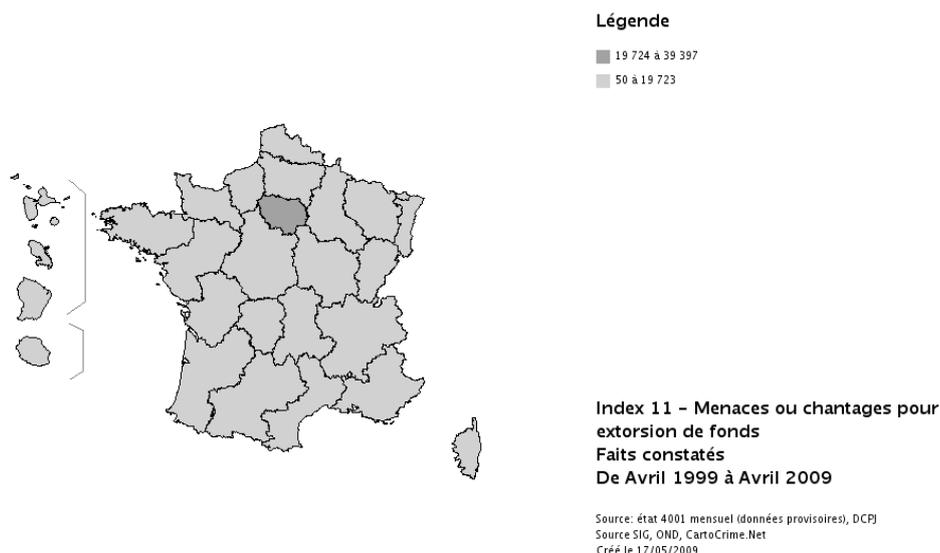
Predatory	✓
Parasitic	✓
Symbiotic	✓

The criminal impact

Geography of extortions. As shown in the figure below, in the past ten years extortion cases have tended to concentrate in the region of Paris.

Fig. 5 – Geography of extortions in France. Period April 1999 – April 2000

criminal groups in Paris were illegal labour and the traffic in illegal workers, illegal gambling and prostitution, kidnapping for ransom, armed robbery, and extortion. All these crimes often are accompanied by violence” (Curtis et al, 2002: 18- 57).



Source: *cartocrime.net*

However, extortion racketeering in France today exhibits two different tendencies: on the one hand, the ever-increasing number of incidents of extortion racketeering in tough suburban areas of Paris, Marseilles and Nice; on the other, the increasing presence in Corsica of organised criminal groups also involved in extortion racketeering practice. Moreover, in Grenoble a group of Italian and French citizens originating from the Sicilian Cosa Nostra uses extortion racketeering to finance itself (Colombi, 2007).

Legal/illegal markets. On the basis of the information collected above, the construction and entertainment sectors are those that, within the legal economy, generate most opportunities for extortion racketeering.

The legislation and regulation relating to extortion racketeering⁵⁰

According to the French Criminal Code, the crime of extortion is criminalised as follows:

1. Article 312-1

“Extortion is the act of obtaining by violence, by a threat of violence or constraint, a signature, a commitment or a renunciation, or the revelation of a secret, or the handing over of funds, securities or of any asset. Extortion is punished by seven years' imprisonment and a fine of € 100,000”.

The most notable circumstances are⁵¹:

⁵⁰ All the texts are available at <http://www.legislationline.org/> (visited on 30 November 2008).

⁵¹ Article 312-2: Extortion is punished by ten years' imprisonment and a fine of € 150,000: (1) when it is preceded, accompanied or followed by acts of violence upon other persons and which have caused a total incapacity to work for eight days or less; (2) when it is committed to the prejudice of a person whose particular vulnerability, due to age, sickness, or disability, to a psychic or physical deficiency or to a state of pregnancy, is apparent or known to the perpetrator”.

Article 312-3: “Extortion is punished by fifteen years' criminal imprisonment and a fine of € 150,000 when it is preceded, accompanied or followed by acts of violence upon other persons causing a total incapacity to work in excess of eight days.

The first two paragraphs of Article 132-23 governing the safety period are applicable to the offence set out under the present Article”.

- acts of violence, or the victim’s vulnerability;
- victims’ membership or non-membership (real or assumed) of an ethnic group, a race, a nation or a religion, or according to his/her sexual orientation;
- acts of violence having caused a permanent disability;
- use of weapon.

Extortion and organised crime. According to the French Criminal Code, the crime of extortion committed by organised criminal groups is criminalised as follows:

1. Article 312-6

“Extortion committed by an organised gang is punished by twenty years’ criminal imprisonment and a fine of € 150,000.

It is punished by thirty years’ criminal imprisonment and a fine of € 150,000 when it is preceded, accompanied or followed by violence upon other persons causing mutilation or permanent disability.

It is punished by criminal imprisonment for life where it was committed either with the use or threat to use a weapon, or by a person carrying a weapon subject to authorisation or the carrying of which is prohibited.

The first two paragraphs of article 132-23 governing the safety period are applicable to the offences set out under the present article”.

Tab. 99 – Criminalisation of extortion practices

Carried out by OC groups	✓
Carried out on a regular basis	✗
Carried out on a professional basis	✗

The law enforcement response to extortion racketeering

Police unit. “The fight against organised criminal activities involves traditional judicial policing work within specialised “central bureaux” (*Offices centraux*). There are inter ministerial services working with the Central Directorate of the Judicial Police (DCPJ) within the national police GDPN” (Godefroy, 2004: 777).

Article 312-4: “Extortion is punished by twenty years’ criminal imprisonment and a fine of € 150,000 when it is preceded, accompanied or followed by acts of violence upon other persons causing mutilation or permanent disability.

The first two paragraphs of article 132-23 governing the safety period are applicable to the offence set out under the present article”.

Article 312-5: “Extortion is punished by thirty years’ criminal imprisonment and a fine of € 150,000 where it was committed either with the use or threat to use a weapon, or by a person bearing a weapon subject to authorisation or the carrying of which is prohibited.

The first two paragraphs of article 132-23 governing the safety period are applicable to the offence set out under the present article”.

Article 312-7: “Extortion is punished by criminal imprisonment for life and a fine of € 150,000 when it is preceded, accompanied or followed either by acts of violence causing death, or acts of torture or barbarity.

The first two paragraphs of article 132-23 governing the safety period are applicable to the offence set out under the present article”.

Article 312-8: “For the purpose of articles 312-2, 312-3, 312-4, 312-6 and 312-7 extortion followed by acts of violence committed to assist an escape or to ensure the impunity of a perpetrator or an accomplice constitutes theft followed by violence”.

Moreover, established in 1992/1995 France was the Anti-Mafia Coordination and Investigation Unit and the Central Investigations Section on Organised Crime (SCICO) (Godefroy, 2004).

Investigation. The main special investigative means provided for by the code of criminal procedure and by the national special legislation (e.g. Loi 2001-1062 of 15 November 2001, the so-called Everyday Security Act 2001; Loi 91-646 of 10 July 1991), are listed in the table below (Godefroy, 2004).

Tab. 100 – Special investigative means

Interception of telephone conversations	✓
Interception of fax transmissions	✓
Interception of internet transmissions	✓
Audio or video recording of events taking place on private premises	Data not available
Undercover operations	✓
Techniques of financial investigation	✓
Financial criminal analysis	✓

International cooperation. In the field of the fight against organised crime activities, France is an active member of the so-called “Lyon group” of international crime experts set up by the G8 countries (Britain, Canada, France, Germany, Italy, Japan, Russia and the US). The Lyon group promotes the use of modern crime-fighting tools such as DNA databases and surveillance technology and recommends ways to improve co-operation on extradition and criminal justice issues. In addition, France is an active member of the so-called G6 (Britain, France, Germany, Italy, Poland and Spain), a group that meets twice yearly to discuss internal security co-operation and to generate new ideas for fighting organised crime and terrorism and managing immigration. Moreover, cooperation is guaranteed by the fact that France has central offices (SCCOPOL: Section Centrale de Coopération Opérationnelle de Police) for international co-operation which bring together national border guards, customs officers, police and judges and provide a “common platform” for co-ordinating investigations with authorities abroad (Brady, 2007).

The legislation and practices relating to the protection of victims and witnesses of extortion racketeering

Victims. With reference to the protection of, or support for, victims of extortion racketeering several programmes are envisaged.

Tab. 101 – Victim protection programmes

Police protection	Data not available
Temporary relocation to safe areas	Data not available
Evidentiary rules of protection measures when testifying in court (anonymity, shielding, videoconferencing)	Data not available
Medical/psycho-social support	Data not available

Financial compensation	Data not available
Moderate financial assistance	Data not available

Witnesses. With reference to the protection of, or support for, witnesses of extortion racketeering, the following programmes/practices are envisaged.

Tab. 102 – Witnesses protection programmes

Assistance before and during the trial	✓
Police measures to enhance physical security	✓
Court procedure to ensure the witness’s safety while testifying	✓
Change of identity in case of extremely serious threat	✓
The possibility of giving evidence in a place other than that in which the person being prosecuted is situated	Data not available
The possibility of using audiovisual techniques	Data not available

Justice collaborators. With reference to the protection of, or support for justice collaborators in extortion racketeering cases, the following programmes - practices are envisaged.

Tab. 103 – Justice collaborators protection programmes

Assistance before and during the trial	Data not available
Police measures to enhance physical security	Data not available
Court procedure to ensure the witnesses’ safety while testifying	Data not available
Sentence reduction	Data not available
Measures to protect them within the penitentiary systems	Data not available
Separation from the general prison population	Data not available
Use of a different name for the prisoner-witness	Data not available
Special transportation arrangements for in-court testimony	Data not available
Isolation in separate detention units at the prison	Data not available

3.10 - GERMANY



OUTLOOK	
Seriousness of extortion racketeering	
Extortion racketeering	<div style="display: inline-block; width: 20px; height: 10px; background-color: #4f81bd; border: 1px solid black;"></div> Medium
Adequateness of counter measures against extortion racketeering	
Legislation and regulation	<div style="display: inline-block; width: 20px; height: 10px; background-color: #4f81bd; border: 1px solid black;"></div> Medium
Protection of victims, witnesses, justice collaborators	<div style="display: inline-block; width: 20px; height: 10px; background-color: #4f81bd; border: 1px solid black;"></div> High

Summary

OVERVIEW ON ORGANISED CRIME IN THE COUNTRY			
Likely structure	Main nationalities	Main criminal activities	
Network	National; Foreign	National; Transnational	
SITUATION ON EXTORTION RACKETEERING			
Typology		Victim offender relationship	
Casual		Predatory; Parasitic	
Perpetrators			
Typology	Nationality	Structure	
Local gangs	National; Foreign (Turkish, Russian and Italian)	Hierarchy	
Victims			
Typology		Nationality	
Physical persons; Businesses		National; Foreign (Turkish, Russian and Italian)	
Impact			
Geographical concentration	Relevance of extortion in the media	Perceived impact	
No	High	Low	
LEGISLATION AND REGULATION			
Extortion Definition		Punishability of extortion racketeering	
Yes		Yes, partially	
Law Enforcement			
National plan	Police Unit	Investigation	International coop.
No	Yes	High	Yes
PROTECTION OF VICTIMS, WITNESSES, JUSTICE COLLABORATORS			
Victims	Witnesses	Justice Collaborators	
High	High	High	

Overview on organised crime in the country

“OC in Germany is dominated by German groups. Turkish organised groups also have an impact on the OC situation in Germany, followed by Lithuanians, Poles and Russians. Compared with previous years, the increase in the number of Lithuanian OC groups is particularly noteworthy.

As in recent years, German groups were primarily involved in drugs trafficking (especially cocaine and cannabis products), economic crime and crime associated with nightlife. The activities of all the groups together were focused primarily on the following crime fields: drug trafficking and smuggling, property crime, economic crime, smuggling of illegal immigrants and crime associated with nightlife. The only crime type that increased in regard to last year was arms trafficking.

Only one in four OC groups was involved in more than one form of criminal activity. This represents a continuation of the trend towards groups focusing increasingly on single areas of crime in order to maximise their profits. As before, groups involved in more than one criminal activity had a higher average OC rating than groups involved in just one field of crime” (Europol, 2004: 20).

The current situation. In 2007 organised crime in Germany was dominated by German groups (181 groups). Turkish (77), Polish (35) and Russian groups (23) follow. The activities of all the groups together were focused primarily on the following crime fields: drug trafficking and smuggling (223 cases), property crime (100), economic crime (93) and smuggling of illegal immigrants (42) and crime associated with nightlife. 31.9% of OC groups were involved in more than one form of criminal activity.

The situation concerning extortion racketeering

Extortion racketeering is carried out by both national and foreign criminal groups. In the latter case, Turkish OC groups (16.1%) as well as Russian and Vietnamese groups (9.7% each) play a major role” (Bundeskriminalamt, 2008: 82-92) in the extortion market.

In addition “crimes of extortion, such as protection racketeering, and robbery, in particular robberies on banks, money transports and jewellers formed a clear focal point in investigations reported in the field of violent crime. The pre-eminent nationalities in this field of crime were Germans, Russians and Poles. More than half of the groups active within the field of violent crime continued to be marked by strict ethnic isolation. Russian suspects committed in particular extortion and robbery offences, Polish OC groups mainly committed robberies on banks and jeweller's shops as well as smash and grab burglaries” (Bundeskriminalamt, 2005: 24). The perpetrators also include motorcycle gangs.

Generally, in illegitimate businesses, “the activities of these extortion gangs are purely predatory in nature. They exact protection payments from vendors without interfering (...). This finding corresponds with general assumptions about the respective functional autonomy of violence oriented criminal groups and illegal enterprises (...). Likewise, it is not surprising that these extortion gangs soon engaged in a bloody conflict over spheres of influence, as continuous extortion, by necessity, requires the establishment of a monopoly of power in a specific territory” (Von Lampe, 2002: 154).

The current situation. According to the recent report on organised crime published by Germany's Federal Criminal Police Office (the Bundeskriminalamt) in 2007 nationwide there were 25 cases of organised crime in the field of violent crime. 11 of them were extortion cases, and most of them dealing with protection rackets.

Data on the phenomenon. Cases of protection racketeering have only been specifically recorded since the beginning of 2008. However, it is to be noted that these records include all kinds of protection racket (in German “Schutzgelderpressung”) and not just those connected to organised crime.

Tab. 104 - Extortion offences in Germany (2003-2005)

Year	Offences	Attempts	Clear-up rate
2005	5.862 (0.1 %*)	2.505 (43 %)	5.043 (86 %)
2004	6.172 (0.1 %)	2.599 (42 %)	5.187 (84 %)
2003	5.804 (0.1 %)	2.538 (44 %)	4.881 (84 %)

* Percentage of all reported offences in Germany
 Source: Tangenberg, 2004

So far, there have been 56 reported cases of protection racket in 2008 but the data acquisition is not yet completed (so far information has only been provided by 8 of the 16 German Länder).

Perpetrators. According to the national expert, local gangs are the main perpetrators involved in extortion racketeering.

Tab. 105 - Perpetrators

Local organized criminal groups	✗
Foreign organized criminal groups	✓
Terrorist groups	✗
Local gangs	✓

Foreign organised criminal groups. When foreign organised criminal groups are involved in extortion racketeering, they originate mainly from Turkey, Russia and Italy.

Criminal activities. Organised criminal groups involved in extortion racketeering also engage in drug producing/trafficking, illegal activities related to prostitution, smuggling of cigarettes, protection activities.

Tab. 106 – Other criminal activities carried out by the perpetrators

Local/national activities	✓
Transnational activities	✓

The Victims. Victims of extortion racketeering in Germany are mainly non-nationals physical persons. In fact, according to the expert, protection rackets are understood in Germany as occurring amongst foreigners in most cases.

Tab. 107 – Typology of victims

Physical persons	✓
Businesses	✓

Tab. 108 – Markets most affected by extortion racketeering

Construction	X
Real estate	X
Entertainment sector (bars, café, clubs)	✓
Import/export	X
Waste disposal	X

Tab. 109 – Victim/offender relationship

Predatory	✓
Parasitic	✓
Symbiotic	X

Extortion racketeering within ethnic communities. With reference to the occurrence of the phenomenon within closed-ethnic communities, according to the expert this is supposed to exist. Nevertheless a criminological study carried out by the “Kriminologisches Forschungsinstitut Niedersachsen” (Ohlemacher et al.) in the late 1990s brought no empirical evidence for this assumption.

The criminal impact

Geography of extortions. There is no geographical areas/regions in Germany that are particularly affected by extortion racketeering.

Legal/illegal markets. The legal market in which extortion racketeering is mostly perpetrated in Germany is the entertainment sector, including bars, café and clubs.

Perceived harm. In Germany extortion racketeering has a low perceived harm impact if compared with other crimes.

The legislation and regulation relating to extortion racketeering

1. Paragraph 253 - Extortion⁵²

“(1) Whoever unlawfully with force or threat of appreciable harm coerces a human being to commit, acquiesce in or omit an act and thereby cause detriment to the assets of the person coerced or another, in order to wrongfully enrich himself or a third person, shall be punished with imprisonment for not more than five years or a fine.

(2) The act shall be unlawful if the use of force or the threat of harm is deemed to be reprehensible in relation to the desired objective.

(3) An attempt shall be punishable.

(4) In especially serious cases the punishment shall be imprisonment for not less than one year. An especially serious case exists as a rule if the perpetrator acts professionally or as a member of a gang which has combined for the continued commission of extortion”.

2. Paragraph 255 – Robbery like extortion

⁵² Text available at <http://www.legislationline.org/> (visited on 28 October 2008).

“If the extortion is committed by using force against a person or threats of imminent danger to life or limb, then the perpetrator shall be punished the same as a robber”.

Amendments: new penal code. In 1994 al. 4 of section 253 was introduced into the German Criminal Code. The aim was to reinforce the fight against organised crime. Another purpose of this amendment was to allow for the confiscation of assets acquired by organized criminals.

Extortion and organised crime. Within the German legal system s. 253 al. 4 German Criminal Code states that: “An especially serious case exists as a rule if the perpetrator acts professionally (in German: “gewerbsmäßig”) or as a member of a gang (in German: “als Mitglied einer Bande”) which has combined for the continued commission of extortion”.

Moreover, extortion racketeering is also considered by article s. 256 al. 2 within the German Criminal Code: “In cases under Sections 253 and 255, Sections 43a, 73d shall be applicable if the perpetrator acts as member of a gang which has combined for the continued commission of such acts. Section 73d shall also be applicable if the perpetrator acted professionally.” The aim of this provision is to make the confiscation of assets acquired by organized criminals possible; especially in cases of protection racketeering.

Tab. 110 – Criminalisation of extortion practices

Carried out by OC groups	✓
Carried out on a regular basis	✗
Carried out on a professional basis	✓

Law enforcement response to extortion racketeering

National plan. In Germany the phenomenon of extortion racketeering is not addressed by a national action plan to combat organised crime.

Police Unit. On the other hand Germany has a special police unit dealing in particular with the fight against extortion racketeering. In Germany each of the 16 German states (Länder) has its own police force. In addition, there is a Federal Criminal Police Office (the Bundeskriminalamt) with limited competences. Usually within the criminal investigation departments, special units are established for the fight against gang crime and organised crime. Within the range of their competences they also deal with cases of extortion racketeering.

Special investigative means used. In order to investigate cases of extortion racketeering, the following special investigative means can be used.

Tab. 111 – Special investigative means

Interception of telephone conversations	✓
Interception of fax transmissions	✓
Interception of internet transmissions	✓
Audio or video recording of events taking place on private premises	✓
Undercover operations	✓
Techniques of financial investigation	✓
Financial criminal analysis	✓

These means can be used only if the perpetrator acts professionally or as a member of a gang which has combined for the continued commission of extortion (see s. 253 al. 4 German Criminal Code).

Tab. 112 - Obstacles against the investigation in Germany

Lack of legislation	<input type="text"/>	Not at all
Inadequate follow-up of investigative techniques	<input type="text"/>	Not at all
Limited investigative power	<input type="text"/>	Low
Lack of specialised investigative units	<input type="text"/>	Low
Lack of human/material resources within specialized units	<input type="text"/>	Not at all

The main problem of all investigations in this field is to find victims who are willing to give evidence and to cooperate with police forces.

International cooperation There are neither specialized agreements for police cooperation which address only extortion–racketeering nor special agreements concerning police cooperation to fight extortion racketeering. This may be due to the fact that the general agreements concerning police cooperation are generally wide and flexible enough and pertain to extortion racketeering. Police cooperation with EU member states is primarily governed by Art. 39 et seq. Schengen Agreement. There are also various bilateral and multilateral agreements of the Federal German Government with EU member states. There are also agreements between the German States and EU member states or their respective local governments.

Liaison officers dealing also with extortion racketeering are posted in Austria, Bulgaria, Czech Republic, France, Greece, Italy, Hungary, Latvia, Lithuania, Poland, Portugal, Romania, Slovakia, Spain, Sweden, The Netherlands, United Kingdom.

If a prosecutor/judge of another EU Member State asks a prosecutor/judge of Germany to use the investigative means in the country, the prosecutor/judge of the country is obliged to provide assistance with reference to the following investigative means: interception of telephone conversations, fax transmissions and internet transmissions.

Tab. 113 - Obstacles against international cooperation in Germany

Lack of a common definition of the constituent element of the phenomenon	<input type="text"/>	Not at all
Lack of specialised investigative units	<input type="text"/>	Low
Language difficulties	<input type="text"/>	Serious
Lack/Delay of responses to requests for assistance	<input type="text"/>	Moderate
Lack of human/material resources within units specialized in the investigation of extortion racketeering	<input type="text"/>	Not at all

Suggestions for improving investigation capacity. Considering that the main problem of all investigations in this field is finding victims willing to give evidence and to cooperate with police forces, the most appropriate measure seem to be building confidence in the work of the police, especially amongst foreign citizens.

The legislation and practices relating to the protection of victims and witnesses of extortion racketeering

Legislation. Most of the following measures are regulated by a special law on protection of endangered witnesses (Gesetz zur Harmonisierung des Schutzes gefährdeter Zeugen of 2001) which covers all kind of victims not only victims of extortion racketeering.

Victims. With reference to the protection of, or support for, victims of extortion racketeering several programmes are envisaged.

Tab. 114 – Victim protection programmes

Police protection	✓
Temporary relocation to safe areas	✓
Evidentiary rules of protection measures when testifying in court (anonymity, shielding, videoconferencing)	✓
Medical/psycho-social support	✓
Financial compensation	✓
Moderate financial assistance	✓

Witnesses. With reference to the protection of, or support for, witnesses of extortion racketeering, the following programmes/practices are envisaged.

Tab. 115 – Witness protection programmes

Assistance before and during the trial	✓
Police measures to enhance physical security	✓
Court procedure to ensure the witness's safety while testifying	✓
Change of identity in case of extremely serious threat	✓
The possibility of giving evidence in a place other than that in which the person being prosecuted is situated	✓
The possibility of using audiovisual techniques	✓

Justice collaborators. With reference to the protection of, or support for, justice collaborators in extortion racketeering cases, the following programmes - practices are envisaged.

Tab. 116 – Justice collaborators protection programmes

Assistance before and during the trial	✓
Police measures to enhance physical security	✓
Court procedure to ensure the witnesses' safety while testifying	✓
Sentence reduction	✓
Measures to protect their life within the penitentiary systems	✓
Separation from the general prison population	✓
Use of a different name for the prisoner-witness	✓
Special transportation arrangements for in-court testimony	✓
Isolation in separate detention units at the prison	✓

Best practices

Measures which deal only with extortion racketeering are non-existent. With this reservation, measures for the protection of victims, witnesses and justice collaborators seems to be the most effective. These measures were legally introduced in the late 1990s.

Impact on the stakeholders. According to the national expert involved in the study, the measures for the protection of victims and witnesses have high impact because they implement them in their proceedings.

3.11 - GREECE



OUTLOOK	
Seriousness of extortion racketeering	
Extortion racketeering	<div style="display: inline-block; width: 100px; height: 10px; background-color: #0070C0; border: 1px solid black;"></div> High
Adequateness of counter measures against extortion racketeering	
Legislation and regulation	<div style="display: inline-block; width: 100px; height: 10px; background-color: #0070C0; border: 1px solid black;"></div> High
Protection of victims, witnesses, justice collaborators	<div style="display: inline-block; width: 100px; height: 10px; background-color: #ADD8E6; border: 1px solid black;"></div> Low

Summary

OVERVIEW ON ORGANISED CRIME IN THE COUNTRY			
Likely structure	Main nationalities	Main criminal activities	
Hierarchy	National; Foreign (Albanian, Pakistani, Bulgarian, Turks)	National; Transnational	
SITUATION OF EXTORTION RACKETEERING			
Typology		Victim/offender relationship	
Systemic		Predatory; Parasitic; Symbiotic	
Perpetrators			
Typology	Nationality	Structure	
Local O.C.; Foreign O.C.	National; Foreign (Albanian, Pakistani, Russian)	Hierarchy	
Victims			
Typology		Nationality	
Businesses		National; Foreign	
Impact			
Geographical concentration	Coverage of extortion in the media	Perceived impact	
Yes	Low	Low	
LEGISLATION AND REGULATION			
Extortion Definition		Punishability of extortion racketeering	
Yes		Yes, in part	
Law Enforcement			
National plan	Police Unit	Investigation	International coop.
No	Yes	High	Yes
PROTECTION OF VICTIMS, WITNESSES, JUSTICE COLLABORATORS			
Victims	Witnesses	Justice Collaborators	
Low	Low	Low	

Overview on organised crime in the country

Organised criminal groups operate mainly at local or national level (Europol, 2008: 39). The criminal activities related to organised crime can be divided between *main crimes* and *secondary crimes*. Those belonging to the first group are mainly illegal immigration, trafficking in human beings, drugs trafficking, forgeries, frauds. Secondary crimes committed by organised criminal groups are instead those crimes committed together with the main crimes in order to facilitate or conceal their commission (Hellenic Republic, Ministry of Public Order, Hellenic Police Headquarters, Security and Order Branch, Public Security Division, Analysis Unit, 2005: 4). This group comprises *inter alia* theft, extortion, trafficking in firearms, kidnappings, trafficking in stolen vehicles, drugs-related crimes. The criminal organisations involved are domestic, foreign and domestic-foreign. Albanians, Bulgarians, Pakistanis and Turks form the most active of foreign organizations in Greece. “The Albanian suspects display the most intense activity among the non-indigenous groups. By co-operating with Greek nationals they expand their illegal activity mainly in trafficking of drugs (cannabis, heroin) from Albania into Greece, trafficking in human beings for sexual abuse, thefts and robberies and illegal immigration. Bulgarian criminal organisations are involved in forgery, counterfeiting, trafficking in human beings for the purpose of sexual exploitation and trafficking in drugs. Pakistani and Turkish criminals are mostly involved in illegal immigration” (Europol, 2004: 20). In 2004, 178 investigations involved cases of organised crime, and among these, “63 organisations had hierarchical structure, 89 flat structure. It was not possible to define the structure in 26 cases” (Hellenic Republic, Ministry of Public Order, Hellenic Police Headquarters, Security and Order Branch, Public Security Division, Analysis Unit, 2005: 5).

The situation concerning extortion racketeering

Data on the phenomenon. On the basis of the data collected, Greek has been characterized by a stable trend in extortion in the past ten years. More detailed information is available for 2004, when the situation of the phenomenon can be depicted as follows:

Tab. 117 – Data on extortion

	2004
Criminal organisations subjected to extortions	5
Investigations on suspicion of participation in criminal organisations	66
Criminal organisations charged with crimes of an organised crime nature	49

Source: Hellenic Republic, Ministry of Public Order, Hellenic Police Headquarters, Security and Order Branch, Public Security Division, Analysis Unit, 2005: 19-20)

“In combination with extortions, CO members committed drug trafficking, trafficking in stolen vehicles, forgeries, crimes against physical integrity, use of bad and stolen bank cheques, as well as legalization of illegal profits” (Hellenic Republic, Ministry of Public Order, Hellenic Police Headquarters, Security and Order Branch, Public Security Division, Analysis Unit, 2005: 19).

Perpetrators. Both local and foreign organized criminal groups are involved in extortion racketeering in Greece. In regard to the main nationalities of non-nationals, the members of organised criminal groups originate mainly from Russia, Albania and Pakistan.

Tab. 118 – Perpetrators

Local organized criminal groups	✓
Foreign organized criminal groups	✓
Terrorist groups	✗
Local gangs	✗

The box below reports a case considered illustrative of the modus operandi adopted by the criminal organizations when carrying out extortion.

Box 1- Modus Operandi:

“In 2004, an important Greek CO, with 37 known members, was dislocated; this CO extorted storekeepers in several areas of Attica, promising protection of the stores receiving money. The above CO was divided in three subgroups with particular structures, which cooperated in the extortion of nightclub, cafeteria and restaurant owners. A feature of this case is the fact that some storekeepers accepted and exploited, against other storekeepers, the protection provided by this CO in order to protect their economic interests in an unfair way (explosion and destruction of other stores). A special characteristic of the above CO was the extortion of persons inside and outside the group, using firearms and explosive devices.

- two COs committed extortion in order to obtain money from business owners under the pretext of providing protection, mainly to owners of cafeterias, bars, nightclubs with strip show programmes, etc.;
- a CO used to steal cars and then extorted their owners in order to receive money to return the cars. However, members of the CO received the money without returning the cars;
- a basic “tool” of action is the use of violence either by threats against the victims’ life and property or by physical injuries, homicide attempts, shootings, explosions, arsons and destructions of their property. The form of violence varies according to the reaction of the victims;
- the COs seek to extort money (according to the proceeds of each company) to grant “protection” or very often to acquire co-ownership percentages of the firms;
- the Greek COs engage in conflict in order to obtain the “protection” of a store. This conflict causes violent fights between the members of COs which may result in death;
- the Pakistani COs committed kidnappings of illegal immigrants in order to extort their relatives for money. These COs use intense violence against the kidnapped victims” (Hellenic Republic, Ministry of Public Order, Hellenic Police Headquarters, Security and Order Branch, Public Security Division, Analysis Unit, 2005: 19-20).

In addition, the Greek context is characterized by the presence of particular criminal groups called the ‘godfathers of the night’. “The godfathers are ex-henchmen of nightclubs who have been released by their bosses. They formed their own gangs and began to sell protection to nightclubs, shops (e.g. fur-shops) and other enterprises (e.g. used-car lots). The godfathers are supposed to have divided Attica, the province surrounding Athens, into zones of influence according to the geographic distribution of nightclubs and the enterprises they control. It has been estimated that there are about seven gangs operating in Greece, co-operating with each other and having connections with the police. The godfathers also supply the nightclubs with adulterated spirits, drugs, and women from Eastern Europe. The supremacy of Greek nationals controlling this area is almost absolute” (Lambropoulou, 2003: 69-87).

Organised criminal groups involved in extortion racketeering operate mainly on a national scale and are also involved in criminal activities such as drug producing/trafficking, illegal activities related to prostitution, kidnapping for ransom, money laundering, trafficking in human beings and protection activities in general, use of bad and stolen bank cheques, forgeries.

Tab. 119 – Other criminal activities carried out by the perpetrators

Local/national activities	✓
Transnational activities	✗

Victims. Victims of extortion racketeering in Greek are both national and non-national businesses.

Tab. 120 – Typology of victims

Physical persons	✗
Businesses	✓

In particular the legitimate business sector that appears most affected by the phenomenon is entertainment, including bars, cafès and clubs.

Tab. 121 – Markets most affected by extortion racketeering

Construction	✗
Real estate	✗
Entertainment sector (bars, cafès, clubs)	✓
Import/export	✗
Waste disposal	✗

Moreover, to be noted is that the phenomenon of extortion racketeering also occurs within closed ethnic communities, and the nationalities most victimized seem to be Albanian and Pakistani.

With reference to the victim/offender relationship, predatory, parasitic and symbiotic are the terms that best describe the nature of the relationship between organised criminal groups carrying out extortions and the victims.

Tab. 122 – Victim/offender relationship

Predatory	✓
Parasitic	✓
Symbiotic	✓

The criminal impact

Geography of extortions. Criminal organisations mainly operate close to the urban areas of Attica and Salonica, as well as in other areas or ones adjacent to

neighbouring countries (Hellenic Republic, Ministry of Public Order, Hellenic Police Headquarters, Security and Order Branch, Public Security Division, Analysis Unit, 2005: 6). Specifically with reference to extortion racketeering, according to the national expert, there are areas in the country that are particularly affected by the phenomenon. This is also confirmed by the fact that one of the biggest Greek criminal organisations detected in 2004 was mainly active in Attica.

Legal/illegal markets. According to the national expert, entertainment can be considered a sort of borderline sector characterized its twofold nature as legal and illegal. This is the sector considered to generate most opportunities for extortion racketeering in Greece.

Perceived harm. According to the national expert, extortion racketeering has low impact on the economic and social development of the country. The same applies to the perceived harm if compared with other crimes (such as, for example, corruption, counterfeiting and product piracy, environmental crime).

The legislation and regulation relating to extortion racketeering

“The crime of extortion is included systematically in the chapter of the Greek penal code that refers to crimes considering financial rights, in the article 385⁵³. For the establishment of this crime the below-mentioned elements must be present:

The coercion of another person through violence or threat, apart from the case of robbery, in action, omission or tolerance, from which befalls damage in the forced person’s fortune;

malice of the perpetrator and moreover aim of illegal financial profit;

the crime of extortion is penalized as a felony (capital crime) in two cases;

if the criminal act has been committed via physical violence against a person or via threats combined with life danger;

if the perpetrator has used violence or threat causing damage to the business, profession, mission, or other activity that the forced person or another one practices or in the case that the forced person has volunteered to protect or anyway protects for the aversion of inflicting such damage from a third person.

All the above-mentioned actions must be committed habitually (namely, when after the repeated perpetration of the crime arises a constant inclination of the criminal towards the commission of this specific felony as an element of this person’s character) or as a profession (namely, when from the repeated perpetration of the crime or from the substructure the criminal has made for repeated perpetration of the action arises the intention of the culprit to obtain revenue)” (Meidanis, 2007).

Extortion and organised crime. Extortion racketeering practices are punishable under the Criminal Code of the Greek Penal Code, and more specifically under Article 187 and 385.

Tab. 123 – Criminalisation of extortion practices

Carried out by OC groups	
Carried out on a regular basis	
Carried out on a professional basis	

⁵³ An english translation of Article 385 has not been found. Therefore it will provided the reader with a more in depth explanation of its main elements.

The law enforcement response to extortion racketeering

National plan. Greece does not have a specific action plan for extortion racketeering.

Police unit. On the other hand, there are units of the Greek Police that also deal with the fight against extortion racketeering, and specifically the police force for the investigation of extortion and the police force for the investigation of organised crime.

Investigation. Moreover, according to the Code of Criminal Procedure of Greece, special investigative means can be used, as shown in the following table.

Tab. 124 – Special investigative means

Interception of telephone conversations	✓
Interception of fax transmissions	✓
Interception of internet transmissions	✓
Audio or video recording of events taking place on private premises	✓
Undercover operations	✓
Techniques of financial investigation	✓
Financial criminal analysis	✓

Tab. 125 - Obstacles against investigation in Greece

Lack of legislation		Serious
Inadequate follow-up of investigative techniques		Serious
Limited investigative power		Moderate
Lack of specialised investigative units		Moderate
Lack of human/material resources within specialized units		Serious

International cooperation. With reference to judicial cooperation, the instrument of extradition for trial has been used in order to combat extortion racketeering. Moreover, when requested by a prosecutor/judge of another EU Member State, a Greek prosecutor/judge is obliged to provide assistance in terms of the interception of telephone conversations, interception of fax transmissions, interception of internet transmission, audio or video recording of events taking place on private premises and undercover operations.

On the other hand, the table below sets out the main obstacles hampering international cooperation on behalf of Greece in combating extortion racketeering.

Tab. 126 - Obstacles against international cooperation

Lack of a common definition of the constituent element of the phenomenon		Serious
Lack of specialised investigative units		Serious
Language difficulties		Serious
Lack/Delay of responses to requests for assistance		Moderate
Lack of human/material resources within units specialized in the investigation of extortion racketeering		Serious

The legislation and practices relating to the protection of victims and witnesses of extortion racketeering

Victims. With reference to the protection of, or support for, victims of extortion racketeering, none of the following measures have been implemented in Greece.

Tab. 127 – Victim protection programmes

Police protection	
Temporary relocation to safe areas	
Evidentiary rules of protection measures when testifying in court (anonymity, shielding, videoconferencing)	
Medical/psycho-social support	
Financial compensation	
Moderate financial assistance	

Witnesses. With reference to the protection of, or support for, witnesses of extortion racketeering, none of the following measures have been implemented in Greece.

Tab. 128 – Witness protection programmes

Assistance before and during the trial	
Police measures to enhance physical security	
Court procedure to ensure the witness’s safety while testifying	
Change of identity in case of extremely serious threat	
The possibility of giving evidence in a place other than that in which the person being prosecuted is situated	
The possibility of using audiovisual techniques	

Justice collaborators. With reference to the protection of, or support for, justice collaborators involved in cases of extortion racketeering, none of the following measures have been implemented in Greece.

Tab. 129 – Justice collaborators protection programmes

Assistance before and during the trial	X
Police measures to enhance physical security	X
Court procedure to ensure the witnesses' safety while testifying	X
Sentence reduction	X
Measures to protect them within the penitentiary system	X
Separation from the general prison population	X
Use of a different name for the prisoner-witness	X
Special transportation arrangements for in-court testimony	X
Isolation in separate detention units at the prison	X

3.12 - HUNGARY



OUTLOOK	
Seriousness of extortion racketeering	
Extortion racketeering	High
Adequateness of counter measures against extortion racketeering	
Legislation and regulation	High
Protection of victims, witnesses, justice collaborators	High

Summary

OVERVIEW ON ORGANISED CRIME IN THE COUNTRY			
Likely structure	Main nationalities	Main criminal activities	
Hierarchy	National; Foreign	National; Transnational	
SITUATION ON EXTORTION RACKETEERING			
Typology		Victim offender relationship	
Systemic		Parasitic; Symbiotic	
Perpetrators			
Typology	Nationality	Structure	
Local O.C.; Foreign O.C.	National; Foreign	Hierarchy	
Victims			
Typology		Nationality	
Physical persons; Businesses		National; Foreign	
Impact			
Geographical concentration	Relevance of extortion in the media	Perceived impact	
No	Medium	Medium	
LEGISLATION AND REGULATION			
Extortion Definition		Punishability of extortion racketeering	
Yes		Yes, partially	
Law Enforcement			
National plan	Police Unit	Investigation	International coop.
Yes	Yes	High	Yes
PROTECTION OF VICTIMS, WITNESSES, JUSTICE COLLABORATORS			
Victims	Witnesses	Justice Collaborators	
High	High	High	

Overview on organised crime in the country

“Drug crime is a major activity of Hungarian OC groups. Marijuana is the most common drug, mainly produced in Hungary while the rest comes from The Netherlands and former Yugoslavian states. In synthetic drugs there are two new trends: the appearance of Kosovo Albanians (formerly active along the ‘Balkan route’) as coordinators and the growing role of Dutch citizens resident in Hungary and associated with drug producers and distributors in other European countries. Albanian ‘procurement groups’ mainly purchase heroin from Turkish wholesale traders who use Hungary more and more to establish heroin storage facilities, just as they do in Bulgaria and Romania. Certain Arab groupings also take part in the distribution of heroin in Hungary and there is a growing presence of Bulgarians, Romanians and Nigerians.

Other important crime areas are trafficking of illegal immigrants, where detection rates decrease due to the use of better quality forged documents and economic crime. The same applies to trafficking of human beings. As far as counterfeited or illegally transported genuine cigarettes are concerned, these are firstly stored in Hungary, and then transported to illegal storage facilities in Austria and Germany and from there into the UK where they are sold.

The cross border activities are mostly aimed at Austria, Germany, Slovakia, Ukraine and Italy. The nationalities involved in OC in Hungary are mainly Hungarian, Bulgarian, Chinese and Serbian and Montenegrin” (Europol, 2004: 20).

The current situation. According to the national expert involved in the study, the description of the situation on organised crime in Hungary given by Europol as of 2004 can be largely applied to the current situation, with the following additions: with regard to the structure and the profile of OC groups, there are two main types of domestic criminal organisations: traditional criminal organisations and specialised OC groups.

Traditional organised criminal groups. The main features of **traditional OC groups**⁵⁴ are the following:

- traditional activities and sources of income: extortion racket, prostitution, drug-business, running gaming rooms, casinos, places of entertainment, security companies;
- multi-level, well structured organisations (division of labour);
- criminal activity abroad – foreign criminal contacts;
- participation in legal economic and business activity;
- hungarian-speaking OC groups are dominant.

Specialised organised criminal groups. Instead, specialised OC groups focus on a certain type of crime such as drug-related crimes, counterfeiting, credit card fraud, cyber-crime, trafficking in human beings (prostitution) and illegal migration-related crimes (smuggling people).

The type of organisation. With reference to the general trends of organised crime in Hungary, according to the national expert involved in the study, the organised criminal groups operating in the country are well structured and well-

⁵⁴ These findings are based on the 2007 National Organised Crime Report and on the experiences of the investigations carried out by the National Bureau of Investigation. (Although the 2008 National Organised Crime Report is not yet available, the main trends remained similar in 2008 as well.)

organized with a high level of conspiracy. Moreover, leaders do not participate directly in committing crimes but mostly act indirectly by giving orders.

The criminal activities. Violent crimes have been pushed into the background by a shift to economic and more intellectual crimes. Moreover, OC group leaders obtain considerable funds from illegal activity, and illegal income is usually invested in legal businesses through cover companies. This trend in becoming more skilled and interested in economic crime is also demonstrated by the fact that organised criminal groups are making efforts to acquire interests in companies of strategic importance, such as those in the banking and energy sector. Moreover, they also tend to invest criminal proceeds in large-scale construction projects.

Organised crime in Hungary is becoming international and trans-border in its nature, even if the main territories of action are still Budapest and the counties around Lake Balaton.

It is also to be noted that organised crime groups in Hungary are obtaining knowledge of intelligence methods from former police officers.

The situation concerning extortion racketeering⁵⁵

On the basis of the investigations carried out by the *National Bureau of investigation – Organised Crime Division*, it emerges that “since the commission calls for conscious and purposeful planning, preparation and execution, perpetrators generally are persons with higher qualification and intellectual abilities above the average. In most cases, these people are skilled in committing crimes and were earlier punished for other crimes, such as fraud, theft or burglary.

During their years spent in prison, these criminals become more careful and learn more refined methods, which lead to lower risk and higher profit. The discovery of well-organised and precisely executed extortion is difficult; for this reason, lots of criminals use it. The most dangerous type of blackmailing is that linked with organised crime. Their primary goal is the regular profit-making, in order to which they often use violence and intimidation”.

“Obviously, victims are people possessing considerable amounts of money or mobilizable properties. Potential victims can be reputable lawyers, doctors, businessmen, entrepreneurs or government officials. Blackmailers consciously select a wealthy target person and try to find some weak point. The behaviour and attitude of certain victims often cause difficulties in investigations. In some cases, they are distrustful of the police and the success of investigations, or due to psychological pressure, they are not able to react in a rational manner. Many believe that if they fulfil the demands of the blackmailers, they will stop raising further claims. However, this almost never happens. Very often it is the victim’s interest that the extortion remains hidden, because the base of the blackmail is some compromising fact, such as economic misuse, sexual habit or paedophilia etc”.

“Methods of perpetrators show a remarkable diversity. They try to reduce the chance of being caught, so their main goal is that their identity and real endeavour remain in the background. The chosen method mainly depends on the temperament and the intellectual state of the perpetrator. Often (...) perpetrators aim at being as efficient as they can, so that they are not afraid of using personal physical violence. In other cases, blackmailers do all they can to remain in the background, so they hold out the prospect of heavy moral detriment with refined

⁵⁵ This paragraph is based on Kiss and Mátrai, 2007.

threat, instead of violence”. The summary applies to the current situation with the following additions⁵⁶:

The current situation: data on the phenomenon. On the basis of the experience of the national expert involved, the phenomenon of extortion racketeering in Hungary has remained stable in the last 10 years. In fact the number of extortion rackets ranged between 800 and 900 cases. The highest number appeared in 2003 (930 cases), but the situation can be regarded as stable.

Tab. 130 - Known extortion cases in Hungary (1994-2005)

Year	Known crimes	Crimes against property	Extortion
1994	389.451	287.095	519
1995	502.036	391.062	657
1996	466.050	365.235	724
1997	514.403	393.003	837
1998	600.621	457.188	875
1999	505.716	358.036	902
2000	450.672	311.610	890
2001	465.694	317.900	846
2002	420.782	283.664	888
2003	413.343	275.891	930
2004	418.883	262.082	906
2005	380.027	238.007	851

Source: Kiss and Mátrai, 2007

Perpetrators. The organised criminal groups involved in extortion racketeering are of both national and foreign origin. These are mostly Ukrainian and Chinese, and the occurrence of extortion racket in foreign criminal groups mirrors their involvement in OC in general. It is certain that most of the cases of extortion racket in Chinese communities are latent.

Tab. 131 - Perpetrators

Local organized criminal groups	✓
Foreign organized criminal groups	✓
Terrorist groups	✗
Local gangs	✗

The organised criminal groups involved in extortion racketeering mainly operate at national scale but are also involved in other criminal activities such as: armed robbery, drug producing and trafficking, illegal activities related to prostitution, loan sharking and usury, smuggling of cigarettes and protection activities in general.

⁵⁶ The findings are based on the investigations carried out by the National Bureau of Investigation and confidentially provided by the national expert involved in the study by completing the country profile assessment for Hungary.

Tab. 132– Other criminal activities carried out by the perpetrators

Local/national activities	✓
Transnational activities	✓

Victims. Victims of extortion racketeering in Hungary are mainly national businesses and physical persons. Nevertheless also gypsy communities are often involved in extortion rackets (as perpetrators and victims as well), which in most cases are connected with usury.

Tab. 133 – Typology of victims

Physical persons	✓
Businesses	✓

Tab. 134 – Markets most affected by extortion racketeering

Construction	✗
Real estate	✗
Entertainment sector (bars, café, clubs)	✓
Import/export	✗
Waste disposal	✗

Elaborated method/modus operandi. The following seem to be the main steps in the perpetration of extortion racketeering: 1. selection of the target; 2. getting acquainted; 3. obtaining the target’s trust; 4. loaning the money; 5. intimidation; 6. arbitrary increase of interest; 7. forced payment.

Moreover, a new phenomenon observed is that entrepreneurs running prosperous gyms or fitness centres have become preferential targets for blackmailers in the past few years. The extortion racket is often connected with usury. Blackmailers give loans with high rates of interest and they do not allow the debtor to pay back the loan until the total of the basic amount has been repaid as a whole, even if the money already paid back far exceeds the basic amount. If the debtors do not want or cannot do so, blackmailers start to threaten the victim.

Victim-offender relationship. It is typical for blackmailers make their relationship with the victim appear as a good, friendly relation, even by organising “well-documented” get-togethers, birthday parties etc. Since many OC groups have interests in security companies, in order to legalise the flow of money they contract with the victim for a service which is never performed in fact.

Tab. 135 – Victim/offender relationship

Predatory	✗
Parasitic	✓
Symbiotic	✓

The criminal impact

Geography of extortion racketeering. There is one area which is particularly affected by the phenomenon within Hungary: the city area of Budapest and the counties around Lake Balaton, which mirror the presence of organised criminality.

Infiltration into the legitimate economy. The OC groups involved in extortion racketeering aim in particular at (a) investing illegal income in legal businesses – use of cover companies; (b) making efforts to acquire interests in companies of strategic importance (banking and energy sector) or (c) investing money in large-scale construction projects.

In particular, the entertainment sector, including bars, café and clubs, is the legal sector most affected by extortion racketeering.

Legal/illegal markets. With reference to the legal markets that produce most criminal opportunities for extortion racketeering, according to the national expert, the entertainment sector and construction projects should be cited in particular. On the other hand, with reference to illegal markets, the drugs business and cigarette smuggling predominate.

Perceived harm. In Hungary, counterfeiting and product piracy and extortion racketeering are perceived as generating the greatest harm.

Impact. Generally speaking, extortion racketeering in Hungary seems to have medium impact. With regard to the future, according to the expert, “extortion racket is regarded as one of the most lucrative sources of income for OC groups. Fighting this crime can only be efficient if it is treated together with other phenomena linked to organised crime. The most effective way to fight OC is to use the means of asset identification, human intelligence, and follow the strategy elaborated on the basis of actual situations of OC. Law enforcement authorities have to be prepared to use different methods for different types of perpetration, which is basically determined by the means of commission”.

The legislation and regulation relating to extortion racketeering

Definition. 1. Section 323

“(1) The person who with violence or threat, for unlawful gain, forces another person to do, not to do or to endure something, and thereby causes damage, commits a felony, shall be punishable with imprisonment between one to five years.

(2) The punishment shall be imprisonment from two years to eight years, if the blackmailing is committed

- a) as part of a criminal conspiracy,
- b) with menace against life or limbs or another similarly grave menace,
- c) as an official person by using this character, or by feigning official commitment or quality”⁵⁷.

Extortion and organised crime. According to Section 98 of the Hungarian Penal Code, “any person who has knowingly committed a criminal act that is punishable with five years imprisonment or more in affiliation with organised crime shall be subject to *double the punishment* specified for the crime in question, however it shall not exceed twenty years. (...) Any person committing a crime in affiliation with organised crime shall be subject to *expulsion as a subsidiary punishment*.”

⁵⁷ Text available at <http://www.legislationline.org/> (visited on 3 December 2008).

This order of the Penal Code is applicable to extortion racketeering as well.

Moreover, Act 75 of 1999 on the Rules of Combatting Organised Crime and the Phenomena Connected with Organised Crime deals with extortion racket if connected with the activity of OC groups.

Tab. 136 – Criminalisation of extortion practices

Carried out by OC groups	✓
Carried out on a regular basis	✗
Carried out on a professional basis	✗

Law enforcement response to extortion racketeering

National plan. In Hungary, extortion racketeering is addressed by a national action plan to combat organised crime in particular within the Coordination Center Against Organised Crime, which operates on the basis of the Act 75 of 1999 mentioned above. It compiles an annual evaluation report concerning OC, establishing trends and threats, and elaborating a strategy and action plan on the national level.

Police unit. There is no special police unit in Hungary dealing in particular with the fight against extortion racketeering, but since the phenomenon is regarded as one of the most lucrative sources of income for OC groups, all the police units – both local and national level - dealing with organised crime also deal with extortion racketeering. Nevertheless, there is no special unit exclusively focused on extortion racket.

Investigation. In order to investigate cases of extortion racketeering, the following special investigative means can be used

Tab. 137 – Special investigative means

Interception of telephone conversations	✓
Interception of fax transmissions	✓
Interception of internet transmissions	✓
Audio or video recording of events taking place on private premises	✓
Undercover operations	✓
Techniques of financial investigation	✓
Financial criminal analysis	✓

Furthermore there also exists a means called “interception at the user’s own request”, which signifies that the victim or potential victim can ask the police authority to intercept his/her telephone conversations and use them as evidence during the investigation. This means was especially established to combat crimes committed with threats – such as extortion racketeering – and for the safety of the victim, and also to make investigations easier. This means must be permitted by the police authority, while the others mentioned above must be authorized by a court.

Tab. 138 - Obstacles against the investigation in Hungary

Lack of legislation	<input type="text"/>	Not at all
Inadequate follow-up of investigative techniques	<input type="text"/>	Low
Limited investigative power	<input type="text"/>	Low
Lack of specialised investigative units	<input type="text"/>	Not at all
Lack of human/material resources within specialized units	<input type="text"/>	Not at all

International cooperation. In Hungary, no agreements or legislation exist that provide for direct police cooperation with the police forces of other EU member states. In fact, apart from a few cases of legal aid there is no information on direct police cooperation in regard to the investigation of extortion racketeering with any of the countries listed above. The same situation applies to the function of liaison officers posted to other EU Member States, which means that none such have been posted. Instead, when requested by a prosecutor/judge of another EU Member State, a prosecutor/judge in Hungary is obliged to provide assistance in terms of carrying out interceptions of telephone conversations, fax transmissions, internet transmission, audio or video recording of events taking place on private premises and undercover operations. These obligations are based on Sections 63-67 of the Act 130 of 2003 on Criminal Cooperation with the Member States of the EU, and on Sections 200-206 of the Act 19 of 1998 on Criminal Procedure. According to the data provided by the Center of International Criminal Cooperation, in 2008, Hungary issued 650 European arrest warrants, 2 per cent of which (13 cases) were issued for the offence of extortion racketeering.

Tab. 139 - Obstacles against international cooperation in Hungary

Lack of a common definition of the constituent element of the phenomenon	<input type="text"/>	Low
Lack of specialised investigative units	<input type="text"/>	Not at all
Language difficulties	<input type="text"/>	Low
Lack/Delay of responses to requests for assistance	<input type="text"/>	Not at all
Lack of human/material resources within units specialized in the investigation of extortion racketeering	<input type="text"/>	Not at all

Suggestions for improving investigation capacity. According to the national expert, the legal background and the means available are sufficient to combat extortion racketeering. Generally, police officers have good experience in investigating this type of crime, but the way in which they handle victims should be improved. Psychological training for police officers dealing with this type of crime should be adopted.

The legislation and practices relating to the protection of victims and witnesses of extortion racketeering

Legislation. The legislation relating to the protection of victims and witnesses is foreseen by the *Act LXXXV - 1999* and the *Act LXXXV – 2001*.

Victims. With reference to the protection of, or support for, victims of extortion racketeering several programmes are envisaged.

Tab. 140 – Victim protection programmes

Police protection	✓
Temporary relocation to safe areas	✓
Evidentiary rules of protection measures when testifying in court (anonymity, shielding, videoconferencing)	✓
Medical/psycho-social support	✓
Financial compensation	✓
Moderate financial assistance	✓

The program protecting victims and witnesses and other participants of the criminal procedure is based on the Act 85 of 2001 on the Defence Program of the Participants in Criminal Procedure and Assistants of Jurisdiction, and on the Government Edict 34 of 1999 on the Rules and Conditions of the Execution of Defense Activity.

The program is executed by a special police unit of the National Bureau of Investigation.

Witnesses. With reference to the protection of, or support for, witnesses of extortion racketeering, the following programmes/practices are envisaged.

Tab. 141 – Witness protection programmes

Assistance before and during the trial	✓
Police measures to enhance physical security	✓
Court procedure to ensure the witness's safety while testifying	✓
Change of identity in case of extremely serious threat	✓
The possibility of giving evidence in a place other than that in which the person being prosecuted is situated	✓
The possibility of using audiovisual techniques	✓

Justice collaborators. With reference to the protection of, or support for, justice collaborators in extortion racketeering cases, the following programmes/practices are envisaged by the Slovakian Code of Criminal Procedure.

Tab. 142 – Justice collaborators protection programmes

Assistance before and during the trial	✓
Police measures to enhance physical security	✓
Court procedure to ensure the witnesses' safety while testifying	✓
Sentence reduction	✓

Measures to protect their life within the penitentiary systems	✓
Separation from the general prison population	✓
Use of a different name for the prisoner-witness	✓
Special transportation arrangements for in-court testimony	✓
Isolation in separate detention units at the prison	✓

Apart from the rules mentioned above, the Decree 4 of 2002 of the Minister of Justice is about the execution of Defense Program in penitentiary centers. The program is executed also by the special police unit of the National Bureau of Investigation.

Best practices

Extortion racketeering is regarded as a crime which can only be efficiently combated when it is controlled together with other crimes linked to organised crime. According to the national expert, measures that could help in effectively combating this criminal practice are the following:

- **Asset identification.** A methodology of asset identification has been elaborated and implemented, according to which in every investigation connected with OC the asset identification of the perpetrators must be carried out. This makes it possible to confiscate the property of OC group leaders and members, and to pay compensation to victims.
- **Human intelligence.** Since many OC group members have obtained knowledge of intelligence methods from former police officers, the role of human intelligence has become more important. A methodology has been elaborated and implemented to select “candidates”, and to evaluate and analyse information collected in this way.
- **Coordination Centre Against Organised Crime.** This is regulated by a law mentioned before which states that all OC-related crimes - such as extortion racketeering - are to be reported to the Centre. An annual national evaluation report establishes trends, threats and strategies.

3.13 - IRELAND



OUTLOOK	
Seriousness of extortion racketeering	
Extortion racketeering	<div style="display: inline-block; width: 20px; height: 10px; background-color: #0070C0; border: 1px solid black;"></div> Low
Adequateness of counter measures against extortion racketeering	
Legislation and regulation	<div style="display: inline-block; width: 40px; height: 10px; background-color: #0070C0; border: 1px solid black;"></div> High
Protection of victims, witnesses, justice collaborators	N.A.

Summary

OVERVIEW ON ORGANISED CRIME IN THE COUNTRY			
Likely structure	Main nationalities	Main criminal activities	
Network	National	National; Transnational	
SITUATION ON EXTORTION RACKETEERING			
Typology		Victim/offender relationship	
Casual		Information not available	
Perpetrators			
Typology	Nationality	Structure	
Local O.C.; Local gangs	National	Hierarchy	
Victims			
Typology		Nationality	
Information not available		Information not available	
Impact			
Geographical concentration	Coverage of extortion in the media	Perceived impact	
Information not available	High	Information not available	
LEGISLATION AND REGULATION			
Extortion Definition		Punishability of extortion racketeering	
Yes		Information not available	
Law Enforcement			
National plan	Police Unit	Investigation	International coop.
Information not available	Yes	Information not available	Yes
PROTECTION OF VICTIMS, WITNESSES, JUSTICE COLLABORATORS			
Victims	Witnesses	Justice Collaborators	
Information not available	Information not available	Information not available	

Overview on organised crime in the country

The majority of the individuals involved in organised crime in Ireland are Irish nationals, with only a very minor involvement of non-nationals. In addition, in regard to the national situation of organised crime, the Irish context is characterized by the presence of organisations which can be divided into two general categories. The first consists of well-established and structured groups which constitute the most significant component of Irish organised crime. The second category involves less structured groups involved in local criminal activities (Council of Europe, 2000). However, it seems that all those involved in organised crime in Ireland are known to each other and in many instances have co-operated in their efforts (Europol, 2004).

With reference to the criminal activities undertaken by organised criminals, "Ireland is affected by its close relationship to the United Kingdom which, in turn, is linked to the criminal hub which seems to have developed in The Netherlands, Belgium, western Germany, Luxembourg and northern France" (Europol, 2006: 8-9). These are the most common crimes committed by Irish organised criminals: counterfeit alcohol; drug trafficking and drug related crimes; laundering of rebated fuel; trafficking in human beings; contraband and counterfeit of tobacco products (An Garda Síochána et al, 2008).

The situation concerning extortion racketeering

Data on the phenomenon. The most recent data collected at national level are set out in the following table and are generally related to extortion offences.

Tab. 143 - Detected and recorded extortion offences in Ireland (2003-2007)

Year	Recorded	Detected
2003	21	14
2004	15	7
2005	18	9
2006	11	8
2007	20	14

Source: Central Statistics Office Ireland

Perpetrators. Extortion is carried out both by the more structured national groups and by local gangs. In fact, it is not uncommon for those involved in organised criminal activities to be linked to particular types of crime such as drugs supply, weapons, money laundering, armed robbery, extortion and vehicle crime.

Tab. 144 - Perpetrators

Local organized criminal groups	✓
Foreign organized criminal groups	✓
Terrorist groups	✗
Local gangs	✗

The legislation and regulation relating to extortion racketeering

1. Paragraph 17 of the Non-Fatal Offences Against the Person Act, 1997

(1) It shall be an offence for any person who, with a view to gain for himself or another or with intent to cause loss to another, makes any unwarranted demand with menaces:

(2) For the purposes of this section:

(a) a demand with menaces shall be unwarranted unless the person making it does so in the belief:

- (i) that he has reasonable grounds for making the demand, and
- (ii) that the use of the menaces is a proper means of reinforcing the demand;

(b) the nature of the act or omission demanded shall be immaterial and it shall also be immaterial whether or not the menaces relate to action to be taken by the person making the demand.

(3) A person guilty of an offence under this section shall be liable:

(a) on summary conviction to a fine not exceeding £1,000 or to imprisonment for a term not exceeding 12 months or to both,

(b) on conviction on indictment to a fine or to imprisonment for a term not exceeding 14 years or to both.

2. Paragraph 2 of the Non-Fatal Offences Against the Person Act, 1997

A person who makes any demand for payment of a debt shall be guilty of an offence if:

(a) the demands by reason of their frequency are calculated to subject the debtor or a member of the family of the debtor to alarm, distress or humiliation, or

(b) the person falsely represents that criminal proceedings lie for non-payment of the debt, or

(c) the person falsely represents that he or she is authorised in some official capacity to enforce payment, or

(c) the person utters a document falsely represented to have an official character.

(2) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding £1,500.

The law enforcement response to extortion racketeering

Police unit. The national police (An Garda Síochána) is responsible for investigating crimes committed by organised crime groups or gangs. In addition, the National Bureau of Criminal Investigation (NBCI) was established in 1997 as a response to the proliferation of serious and organised crime. In 2005, the Organised Crime Unit was established within the National Bureau of Criminal Investigation.

Investigation. Several operations have been carried out in order to gain better control over and to disrupt organised crime. One of the most recent has been Operation “Anvil”, which was initiated in the Dublin Metropolitan Region in 2005 and expanded to all Garda Divisions during 2006. The Operation was an intelligence-led policing initiative targeting active criminals and their associates involved in serious crime. It sought to prevent and disrupt this criminal activity

through extensive additional overt patrolling, and static checkpoints, by uniform mobile and foot patrols, supported by armed plain-clothes patrols. In addition to this overt patrolling, intelligence-led covert operations were also undertaken in the course of Operation “Anvil”, involving local units and personnel from Garda national investigative units (An Garda Síochána, 2006).

Tab. 145 – Special investigative means

Interception of telephone conversations	Data not available
Interception of fax transmissions	Data not available
Interception of internet transmissions	Data not available
Audio or video recording of events taking place on private premises	Data not available
Undercover operations	✓
Techniques of financial investigation	✓
Financial criminal analysis	✓

International cooperation. The European Arrest Warrant Act 2003, as amended, contains all the provisions in relation to the European Arrest Warrant. There is particular cooperation with the Northern Ireland authorities. In fact, “regular cross-border meetings, including an annual seminar, are held between law enforcement officials from both sides of the border and officials of the Northern Ireland Office and the Department of Justice, Equality and Law Reform to ensure that organised crime is tackled in a co-ordinated and effective manner. Arising from this co-operation, there is an ongoing assessment of the cross-border organised crime threat, which is reviewed on a regular basis to ensure that it reflects changes in the nature of cross-border organised crime” (Government of Ireland, 2009).

The legislation and practices relating to the protection of victims and witnesses of extortion racketeering

Victims. Victims of crime benefit from special protection measures within the Irish criminal justice system and from the activities carried out by the Commission for the Support of Victims of Crime, which was reconstituted in September 2008. In particular, the Commission supports and promotes the National Crime Victims Helpline as a central point of contact for all victims of crime. The following programmes are envisaged.

Tab. 146 – Victim protection programmes

Police protection	✓
Temporary relocation to safe areas	Data not available
Evidentiary rules of protection measures when testifying in court (anonymity, shielding, videoconferencing)	Data not available
Medical/psycho-social support	✓
Financial compensation	✓
Moderate financial assistance	✓

Witnesses. Several services are provided to the witnesses of crime. In particular Victim-Support – a community-based organisation – provides support before, during and after the court process.

Tab. 147 – Witness protection programmes

Assistance before and during the trial	✓
Police measures to enhance physical security	✓
Court procedure to ensure the witness's safety while testifying	✓
Change of identity in case of extremely serious threat	Data not available
The possibility of giving evidence in a place other than that in which the person being prosecuted is situated	Data not available
The possibility of using audiovisual techniques	Data not available

3.14 - ITALY



OUTLOOK

Seriousness of extortion racketeering

Extortion racketeering High

Adequateness of counter measures against extortion racketeering

Legislation and regulation High

Protection of victims, witnesses, justice collaborators High

Summary

OVERVIEW ON ORGANISED CRIME IN THE COUNTRY			
Likely structure	Main nationalities	Main criminal activities	
Hierarchy	National; Foreign (North African, Eastern European, Oriental, South American)	National; Transnational	
SITUATION ON EXTORTION RACKETEERING			
Typology		Victim/offender relationship	
Systemic		Parasitic; Symbiotic	
Perpetrators			
Typology	Nationality	Structure	
Local O.C.; Foreign O.C.; Local and foreign gangs	National; Foreign (Eastern European; Oriental)	Hierarchy	
Victims			
Typology		Nationality	
Physical persons; Businesses		National; Foreign (Eastern European; Oriental)	
Impact			
Geographical concentration	Coverage of extortion in the media	Perceived impact	
Yes	High	High	
LEGISLATION AND REGULATION			
Extortion Definition		Punishability of extortion racketeering	
Yes		Yes	
Law Enforcement			
National plan	Police Unit	Investigation	International coop.
Yes	Yes	High	Yes
PROTECTION OF VICTIMS, WITNESSES, JUSTICE COLLABORATORS			
Victims	Witnesses	Justice Collaborators	
High	High	High	

Overview on organised crime in the country

Italy is characterised by the presence of several mafia-type organisations, both national and transnational ones. These criminal organisations operate in a heterogeneous fashion. However, they generally aim at maintaining a strong control over the territory and to infiltrate the legitimate economy (Ministero dell'Interno, 2007). As well as Italian OCs, some non-indigenous criminal groups have been active in recent years within the country (Europol, 2007). The most prevalent nationalities are those of suspects originating from North Africa, East Europe, China and South America. However, this activity by non-indigenous groups often relies on the granting of “authorisation” by Italian OCs for territorial autonomy and specific areas of activity (Beccucci, 2006), so that power relations are maintained and profits are optimized.

The following features can be briefly identified with reference to the different geographical areas of the country. In Northern Italy, a stronger presence of traditional mafia organisations has been noted, mainly operating in the areas of money laundering, contracts and drug trafficking on an international scale (Europol, 2004). In Central Italy, the traditional mafia groups attempt to penetrate the financial world in order to launder their illegal profits. Besides the mafia, gangs made up of individuals from developing countries have been established, and are mainly active in drug trafficking, trafficking of human beings, exploitation of prostitution, marketing of falsified trademarks, and the running of illegal gambling places (Europol, 2004). In Southern Italy, criminal phenomena are somehow more widespread and complex.

The mafia-type organisations are more directly involved in tenders, contracts, sub-contracts and supplies (Ministero dell'Interno, 2007). In addition, there has emerged a tendency for economic and financial interests to be concentrated in the hands of an “elite”, with other important activities like drugs, usury and extortion being delegated to lower-profile individuals (Europol, 2004). The ‘Ndrangheta is less visible but appears to be better structured and more widespread, both at national and international level, with groups that report back to the land of origin. In general terms, the Camorra is made up of a variety of autonomous criminal organisations. These engage in a wide range of activities: smuggling, drugs trafficking, dumping of illegal waste, exploitation of prostitution, and trafficking in counterfeited currency and bonds. Camorra organisations do not allow much scope for foreign organisations. However, some foreign groups, especially Albanian, Nigerian and Chinese, have acquired a certain amount of autonomy in managing drug trafficking, exploitation of prostitution, and the black market of their clandestine co-nationals. Apulia’s criminal groups are the prime example of inter-ethnic crime integration, especially since the arrival of Albanian OCs that participate in the trafficking of human beings and drug trafficking. In terms of the scale of serious and organised criminal involvement, drug trafficking poses the greatest single threat to Italy. The cross-border activity of Italian groups is mainly aimed at France, Spain, the Netherlands, and Eastern Europe, including the Balkans (Europol, 2004).

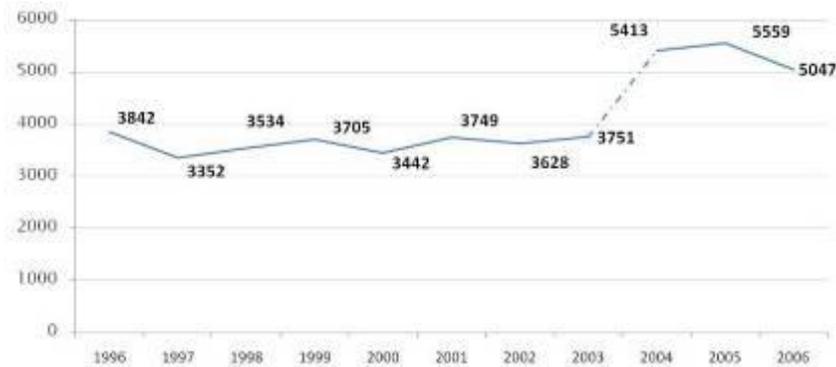
The situation concerning extortion racketeering

Organized extortion racketeering as an activity of organised crime is mostly concentrated in some southern Regions of the country. This criminal practice is generally employed by mafia-type organisations in order to gain better control over the territory at local level and infiltrate the legitimate economy. Extortive requests take various forms, such as exacting charges for protection, exploitation of entrepreneurs to economic and other criminal activities, the forced taking of

goods from a company without payment of invoices and payment of tax (SOS impresa 2007).

Data on the phenomenon. The only data available refer to the wider phenomenon of extortion, which is nevertheless a proxy indicator for measuring extortion racketeering. In the period between 2004 and 2006, data on the reported cases of extortion show a slight decrease, as shown by the figure below. In addition, Cecere (2007), using data collected at a regional level, confirms the decrease, with the sole exception of three regions: Sardinia, Campania and Calabria).

Fig. 6 - Extortion reported to the police. Period 1996-2006⁵⁸



Source: Mod. 165 & SDI – Italian Ministry of Interior

Perpetrators. The Italian situation with reference to extortion racketeering is one of the most complex, owing to the types of actors involved and the relationships they create with the victims of extortive demands. The national criminal organisations (mafia-type groups) are deeply involved in extortion racketeering against both legitimate and illegitimate actors (Gambetta, 1993; SOS impresa 2007; SOS impresa 2008).

When perpetrated by national mafia-type groups, extortion is used to control the territory, also by infiltrating legitimate markets and restricting the activities of criminal actors (such as drug dealers) that do not belong to the organisation. The organisations involved in such criminal activities have rather hierarchical structures (La Spina, 2005; Filocamo, 2007) and tend to create parasitic and symbiotic relationships with their victims (SOS Impresa, 2008). An interesting turning point in the organisation of the protection racket was noted by Grasso (Grasso, 2002: 83) in 2000 when a new extortion strategy was detected. Since then, in fact, partly due to the general strategy of Italian organised crime (especially the Sicilian mafia) to be as invisible as possible, also the amount of protection money paid by victims has changed: it has decreased, but more victims have been forced to pay. The mafia's motto seems to be "*pagare meno, pagare tutti*" (pay less, everybody pays) which means that everybody should pay so that the amount demanded can be lower. In this way the mafia not only decreases its risk of being detected but also gains increased control over the territory because businesses prefer to pay when the amount of money demanded is not excessive. This also means that the mafia continues to enrich itself, but at a lower risk. Moreover, and this is the most dangerous aspect of this new strategy, the mafia can extend its power and control over a larger numbers of victims, and this means that its reputation and economic power increase. On the other hand, in the last few years there have been very

⁵⁸ The sharp increase in the cases of extortion reported to the police between 2003 and 2004 is the result of changes made to the data collection procedure for reported cases in 2003/2004.

positive reactions from the civil society, by means of establishing several NGOs charged with the assistance and protection of victim of racketeering conducts.

Box 2. Modes of payment of so-called protection money

1. An “agreed payment” is a weekly or monthly payment of an amount of money.
2. Payment of the so called “pizzo” can also take place as a periodic “contribution to the organisation”. In this case money is collected for different reasons and by different subjects, for instance to support religious ceremonies or in order to guarantee legal assistance for “mafia members” and economic support for their relatives.
3. On other occasions the mafia demands not just money but also materials, especially from construction firms.
4. The so-called “*cavallo di ritorno*” involves criminal acts mainly consisting of thefts of cars, bicycles, motorcycles and agricultural machinery in non-urban areas. After the theft, the victims are offered the opportunity to pay to have the stolen property returned to them.

When extortion racketeering is carried out by foreign organised criminal groups, it is committed by criminal actors (organised groups and juvenile gangs) from Eastern European countries or from Far Eastern countries (e.g. China), which tend to perpetrate extortion against their fellow-nationals (Faligot, 2001; Curtis et al., 2002; Ministero dell’Interno 2007) and against businesses set up within ethnic communities (Ministero dell’Interno, 2007).

Tab. 148 - Perpetrators

Local organized criminal groups	✓
Foreign organized criminal groups	✓
Terrorist groups	✗
Local/foreign gangs	✓

The local organized criminal groups engaged in extortion racketeering operate both at national and international level and are involved in other criminal activities, such as crimes against the public administration, fraud, drug production/trafficking, forgery and illegal activities related to prostitution.

Tab. 149 – Other criminal activities carried out by the perpetrators

Local/national activities	✓
Transnational activities	✓

Victims. Victims of extortion racketeering practices are physical persons as well as businesses.

Tab. 150 – Typology of victims

Physical persons	✓
Businesses	✓

According to the first Italian business victimisation survey, which was carried out by the Italian Ministry of Interior in collaboration with Transcrime, the legal markets mostly affected by extortion racketeering practices are those indicated in the table below.

Tab. 151 – Markets most affected by extortion racketeering

Construction	✓
Real estate	✗
Entertainment sector (bars, cafés, clubs)	✓
Import/export	✗
Waste disposal	✓

Tab. 152 – Victim/offender relationship

Predatory	✗
Parasitic	✓
Symbiotic	✓

The criminal impact

Geography of the extortions. Extortion practices are mainly concentrated in some of the southern Regions of the country, where the national Mafia-like groups are more present and exert closer control over the territory, even though such practices are sometimes carried out even in other parts of the country.

Perceived harm. Extortion racketeering is perceived as having a high harm impact. According to data provided by Confesercenti (SOS impresa, 2008: 7) extortion racketeering costs Italian businesses 5.5 billion euros a year, while other crimes such as piracy (2.2 billion euros) or thefts and burglaries (2.1 billion euros) cost less.

The legislation and regulation relating to extortion racketeering

According to the Italian criminal code extortion and extortion racketeering are defined as follows.

1. Article 629 c. 1 Extortion

Any person who, with violence or threat, forces another person to do or not to do something which involves an unlawful gain for the offender or another person and causes loss for others is punished with imprisonment for between 5 and 10 years and with a fine of between 516 and 2.065 Euros.⁵⁹

2. Article 629 c. 2 Extortion racketeering. The punishment is imprisonment for between 6 and 20 years and a fine of between 1032 and 3098 Euros if the crime is committed under the circumstances cited in the last paragraph of article 628. The

⁵⁹ Provisional and unofficial English translation. Articolo 629 estorsione: chiunque, mediante violenza o minaccia, costringendo taluno a fare o ad omettere qualche cosa, procura a sé o ad altri un ingiusto profitto con altrui danno, è punito con la reclusione da 5 a 10 anni e con multa da € 516 a € 2.065.

La pena è della reclusione da 6 a 20 anni e della multa da € 1.032 a € 3.098, se concorre taluna delle circostanze indicate nell'ultimo capoverso dell'articolo precedente".

circumstances cited under article 628⁶⁰ of the Italian penal code include violence and threat committed by a person belonging to an organisation as described under article 416 bis, which defines a mafia type association.⁶¹

3.1 Aggravating circumstances: article 7 of Decree Law no.152/1991 converted into Law no.203/1991. The punishment is increased from one third up to the half whenever the offence has been committed either with a view to facilitating the activities carried out by a mafia-type association or taking advantage of the conditions provided for by article 416 bis Criminal code.

3.2 Aggravating circumstances: article 7 of Law no.575/1965. The punishment is increased from one third up to the half whenever the offence has been committed by a person subject to anti-mafia preventive measure, during execution of the measure or within the following three years.

Tab. 153 – Criminalisation of extortion practices

Carried out by OC groups	✓
Carried out on a regular basis	✓
Carried out on a professional basis	✓

Law enforcement response to extortion racketeering

National plan. The activities related to the fight against extortion racketeering within the country are coordinated by a Special Commissioner: the so-called *Commissario straordinario per il coordinamento delle iniziative antiracket e antiusura* (article 11 of the Law 400/1988⁶²).

Police unit. Operating within the *Direzione Centrale Anticrimine* of the National Police, created in 2005, is the *Servizio Centrale Operativo* (S.C.O.), which is the investigative office for the most harmful criminal phenomena (Filocamo, 2007). Besides the *Servizio Centrale Operativo*, also the *Special Operations Group* of the Carabinieri has investigative competences in investigations dealing with organised crime cases (Pugnetti, 2007).

Investigation. In addition to the S.C.O., the *Direzione Investigativa Anti Mafia - D.I.A.*, established by Law no. 410 dated 30.12.1991, has an interdepartmental

⁶⁰ “(...) 1. se la violenza o minaccia è commessa con armi o da persona travestita, o da più persone riunite;

2. se la violenza consiste nel porre taluno in stato di incapacità di volere o di agire;

3. se la violenza o minaccia è posta in essere da persona che fa parte dell’associazione di cui all’art. 416 bis”.

⁶¹ Also the articolo 12 *sexies* d.l. 8 giugno 1992, n. 306 is relevant because it lays down principles concerning forfeiture and extortion racketeering. “Tale norma prevede che nei casi di condanna o di applicazione della pena su richiesta delle parti (cd. patteggiamento) per alcuni gravi reati specificamente indicati (tra cui molti rientranti in quelli propri del cd. racket estorsivo, e cioè, associazione mafiosa, usura, estorsione, sequestro di persona a scopo di estorsione ecc.) è sempre disposta la confisca del denaro, dei beni e delle altre utilità di cui il condannato non può giustificare la provenienza e di cui, anche per interposta persona fisica o giuridica, risulta essere titolare o avere la disponibilità a qualsiasi titolo, in valore sproporzionato al proprio reddito, dichiarato al fine delle imposte sul reddito, o alla propria attività commerciale” (Di Taranto, 2007).

⁶² The Commissioner is tasked with:

- coordinating, also at operational level, throughout the country, initiatives and all other activities to combat extortion and usury that may be undertaken by state administrations and all other entities concerned, without prejudice to the competencies of the Public Security Authority;
- proposing to government authorities all measures deemed appropriate, subject to prior specific monitoring;
- undertaking, in compliance with government guidelines, any coordination activity, also at international level, with EU and UN bodies, as well as with other international organisations, without prejudice to the competencies of the Ministries of Foreign Affairs and Community Policies.

structure and the exclusive task of carrying out preventive investigations into organised crime, as well as conducting police investigations relating to mafia association offences or offences that can be linked to the same association. The D.I.A. is therefore a specialized investigation department with a single strategic aim: the fight against organized mafia-type crime, in all its expressions and connections (Rendo, 2007; La Spina, 2008).

In addition, according to the Code of Criminal Procedure, special investigative means can be used, as shown in the following table.

Tab. 154 – Special investigative means

Interception of telephone conversations	✓
Interception of fax transmissions	✓
Interception of internet transmissions	✓
Audio or video recording of events taking place on private premises	✓
Undercover operations	✓
Techniques of financial investigation	✓
Financial criminal analysis	✓

Tab. 155 - Obstacles against investigation in Italy

Lack of legislation	<input type="text"/>	Not at all
Inadequate follow-up of investigative techniques	<input type="text"/>	Not at all
Limited investigative power	<input type="text"/>	Not at all
Lack of specialised investigative units	<input type="text"/>	Not at all
Lack of human/material resources within specialized units	<input type="text"/>	Low

International cooperation. In the field of the fight against organised crime activities, Italy is active member of the so-called “Roma/Lyon group” of international crime experts set up by the G8 countries (Britain, Canada, France, Germany, Italy, Japan, Russia and the US). The Roma/Lyon group promotes the use of modern crime-fighting tools such as DNA databases and surveillance technology and recommends ways to improve co-operation on extradition and criminal justice issues.

It’s worth noting that, in that regard, the Italian Presidency of the G-8 (2009) carried out a set of initiatives aimed at increasing and enhancing the level of implementation of the United nation convention against transnational organised crime (Palermo, 2000).

In addition, Italy is active member of the so-called G6 (Britain, France, Germany, Italy, Poland and Spain), a group that meets twice yearly to discuss internal security co-operation and to generate new ideas for fighting organised crime and terrorism and managing immigration. Moreover, cooperation is guaranteed by the fact that Italy has central offices for international co-operation which bring together national border guards, customs officers, police and judges and provide a “common platform” for co-ordinating investigations with authorities abroad (Brady, 2007).

As far as the UN institutions are concerned, Italy is an active member of the United nation’s Commission on crime prevention and criminal justice (CCPCJ) and of the Conference of the parties to the UN convention against transnational organised crime.

Lastly, by means of an internal order of the General director of the criminal justice of the Ministry of Justice, a specialized unit has been set up within the Ministry of Justice, tasked with the management of MLA as well as extradition requests in the fields of organised crime and terrorism.

Tab. 156 - Obstacles against international cooperation in Italy

Lack of a common definition of the constituent element of the phenomenon	<input type="text"/>	Not at all
Lack of specialised investigative units	<input type="text"/>	Not at all
Language difficulties	<input type="text"/>	Moderate
Lack/Delay of responses to requests for assistance	<input type="text"/>	Moderate
Lack of human/material resources within units specialized in the investigation of extortion racketeering	<input type="text"/>	Low

The legislation and practices relating to the protection of victims and witnesses of extortion racketeering

Victims. With reference to the protection of, or support for, victims of extortion racketeering several programmes are envisaged.

Tab. 157 – Victim protection programmes

Police protection	✓
Temporary relocation to safe areas	✓
Evidentiary rules of protection measures when testifying in court (anonymity, shielding, videoconferencing)	✓
Medical/psycho-social support	✓
Financial compensation	✓
Moderate financial assistance	✓

The Italian strategy aims at protecting the victims of extortion racketeering and at restoring various kinds of costs borne by people who resist the racket. The first act in this domain was adopted in 1992 (*Decreto Ministeriale* 12 agosto 1992, n. 396, followed by Law 18 November 1993, n. 468) and was designed to reimburse some of the damage suffered by persons who resist extortion. Thereafter, Law of 23 February 1999, no. 44, dealing with the activities of the Solidarity Committee “reformed the previous measures, which had proved largely ineffective, given that almost the allocated resources remained unspent. The 1999 act increased the amount of benefits granted to racket victims and their relatives by extending the types of reimbursable damages, made their payments quicker and more reliable, involved the associations in its management, eased the burden of cooperation between victims and investigators (...)” (La Spina, 2008: 197). Between December 1999 and February 2006, the Solidarity Committee examined 5,872 requests for access to the Solidarity Fund and decided on 2,642, of which 1,516 were rejected and 1,126 accepted, handing out a total amount of 94,724,586.19 Euros, with 58,658,610.65 Euros as grants (to extortion racket victims) and 36,065,975.54 Euros as loans (to usury victims). Replaced in July 2006 and supported by the presence of the anti-racket mini-pools established in 2007 within the local prefectures, the Committee has so far examined 1,258 requests and decided on 511 cases, of which

285 were rejected and 226 accepted, handing out a total amount of 15,261,839.60 Euros, with 8,277,028.55 Euros as grants (to extortion racket victims) and 6,984,811.05 Euros as loans (to usury victims) (Lauro, 2007).

Alongside the legislation on the financial support of victims of the racket, since 1992 small firms have begun to create anti-racketeering associations and foundations, which in 1996 (Scandurra, 2007) merged into the Federazione Antiracket Antiusura Italiana (Italian Antiracket and Usury Federation). Among several activities, in 2004 a student movement called “Addiopizzo” [goodbye extortion] was created in Palermo. Its “first actions were mainly of symbolic nature: anonymous stickers or banners with phrases like *a people who rebel against the mafia and refuse to pay the pizzo is a free people*. In May 2006, a new initiative was launched: the publication of a list of over a hundred shopkeepers and entrepreneurs in the city in Palermo who had stated that they were prepared to resist the racket (...) this initiative creates a safety belt, sets an example to be followed by other people, and, last but not least, invites customers to “review” these economic actors by opting for their product and services” (La Spina, 2008: 198).

Witnesses. With reference to the protection of, or support for, witnesses of extortion racketeering, the following programmes/practices are envisaged.

Tab. 158 – Witness protection programmes

Assistance before and during the trial	✓
Police measures to enhance physical security	✓
Court procedure to ensure the witness’s safety while testifying	✓
Change of identity in case of extremely serious threat	✓
The possibility of giving evidence in a place other than that in which the person being prosecuted is situated	✓
The possibility of using audiovisual techniques	✓

Justice collaborators. With reference to the protection of, or support for, justice collaborators in extortion racketeering cases, the following programmes/practices are envisaged.

Tab. 159 – Justice collaborators protection programmes

Assistance before and during the trial	✓
Police measures to enhance physical security	✓
Court procedure to ensure the witnesses’ safety while testifying	✓
Sentence reduction	✓
Measures to protect them within the penitentiary system	✓
Separation from the general prison population	✓
Use of a different name for the prisoner-witness	✓
Special transportation arrangements for in-court testimony	✓
Isolation in separate detention units at the prison	✓

In addition, *extraordinary protective measures* can be applied when the ordinary measures “applied by the police forces, or by the Ministry of Justice (in case of

detained persons) appear to be inadequate to guarantee the personal safety of collaborator with justice or protected witnesses” (Di Nicola, Cauduro, 2005). These measures, which may be distinguished among personal, economic and judicial, are mainly provided for by Law 15 March 1991, no. 82 as amended by Law 13 February 2001, no. 45.

3.15 - LATVIA



OUTLOOK	
Seriousness of extortion racketeering	
Extortion racketeering	<div style="display: inline-block; width: 20px; height: 10px; background-color: #4f81bd; border: 1px solid black;"></div> Medium
Adequateness of counter measures against extortion racketeering	
Legislation and regulation	<div style="display: inline-block; width: 20px; height: 10px; background-color: #4f81bd; border: 1px solid black;"></div> Medium
Protection of victims, witnesses, justice collaborators	<div style="display: inline-block; width: 20px; height: 10px; background-color: #4f81bd; border: 1px solid black;"></div> High

Summary

OVERVIEW ON ORGANISED CRIME IN THE COUNTRY			
Likely structure	Main nationalities	Main criminal activities	
Network	National; Foreign (Russian)	National; Transnational	
SITUATION ON EXTORTION RACKETEERING			
Typology		Victim offender relationship	
Casual		Parasitic	
Perpetrators			
Typology	Nationality	Structure	
Local O.C.; Foreign O.C.	National; Foreign (Russian)	Hierarchy	
Victims			
Typology		Nationality	
Physical persons; Businesses		National; Foreign (Russian)	
Impact			
Geographical concentration	Coverage of extortion in the media	Perceived impact	
Yes	Low	Information not available	
LEGISLATION AND REGULATION			
Extortion Definition		Punishability of extortion racketeering	
Yes		Yes, partially	
Law Enforcement			
National plan	Police Unit	Investigation	International coop.
Information not available	Yes	Information not available	Information not available
PROTECTION OF VICTIMS, WITNESSES, JUSTICE COLLABORATORS			
Victims	Witnesses	Justice Collaborators	
High	High	High	

Overview on organised crime in the country

The Latvian situation of organised crime is conditioned by its proximity to Russia (Europol, 2006) and by the presence of national as well as non-national organised criminal groups. Moreover, “Latvia has traditionally been the black sheep of the Baltic family in terms of corruption and collusion between business and politics. Less is however known about the specific structures, size and modes of operation of organised criminal groups operating in Latvia at present. (...) In the past Latvian organised crime has been described as being composed of a number of networks. According to Latvian law enforcement personnel, many of the major groups have had contact with Russian organised crime, although the exact nature of their relationship at present is hard to determine. (...) A trend observed by law enforcement agencies in Latvia during the last two to three years is the increased investment of criminal profits in business and legitimate assets” (Kärrstrand and Jonsson, 2007; a similar situation has been described by Poljarevic, 2005). According to these sources, and before the world economic crisis, around 80% of the profits from the narcotics trade were invested in the Latvian real estate market. “Another indication of organised crime activity in the real estate market is the contract killings of real estate traders: four such were committed in Latvia in 2006, just as many as in 2005. Similarly, there are signs of groups making efforts to penetrate legal sectors of society through politics and business management. While there are similar indications of a penetration of the business sector in Estonia the situation in Latvia is especially serious, taking the above-mentioned collusion between Latvian politicians and business into account” (ibid).

The situation concerning extortion racketeering

Extortion racketeering is widespread in Latvia, given that approximately two-thirds of all criminality is considered to involve organised crime, and the national OC groups tend to operate also in the areas of car theft, fraud, extortion and counterfeiting (European Committee on Crime Problems, 2001). According to a 4 October 1999 Baltic News Report, extortion racketeering has changed from the phenomenon that it was at the beginning of the 1990s. It has switched from extortion of businesses through "protection" to extortion activities performed through legal channels in the context of the privatization of state-owned companies (Immigration and Refugee Board of Canada, 2000). Moreover, the return of stolen cars to their owners against remuneration used to be one of the most widespread forms of extortion in Latvia.

Data on the phenomenon. The data collected at national level seem to suggest that Latvia has been characterized by a decreasing trend in extortion racketeering in the past years.

Tab. 160 – Extortion Racketeering in Latvia (2007-2009)

Year	Extortion (\$ 183)	Extortion by OC (\$ 184)
2007	68	2
2008	37	2
2009 (5 month)	30	0

Source: national expert

Perpetrators. Extortion racketeering is committed by national as well as foreign (Russian) criminal organisations. Thanks to their structured and hierarchical organisation, Latvian organised criminal groups are closely embedded in the community (Council of Europe, 1999) and tend to run protection rackets and commit extortions in different areas of the country (Rawlinson, 2001).

Tab. 161 - Perpetrators

Local organized criminal groups	✓
Foreign organized criminal groups	✓
Terrorist groups	✗
Local gangs	✗

Victims. The victims of extortion racketeering are national physical persons as well as businesses.

Tab. 162 – Typology of victims

Physical persons commonly	✓
Businesses	✓

When victims are physical persons, they are debtors who are unable to settle their debts on time. With reference to businesses, a study carried out to determine the presence of extortion racketeering in Finland and the Baltic Region found that out of 85 companies studied in Latvia 11 were victims of protection rackets (Joutsen, 2001). In such cases, the perpetrators tended to establish parasitic relationships with their victims.

Tab. 163 – Victim/offender relationship

Predatory	✗
Parasitic	✓
Symbiotic	✗

The criminal impact

Geography of extortion racketeering. There is no particular part of Latvia with a significant prevalence of extortion racketeering. However, it should be noted that criminal organisations tend to operate in urban contexts, where they are involved in various extortion practices, such as protection and labour racketeering.

Perceived harm. As shown in the table below, extortion racketeering in Latvia has a high perceived harm impact if compared with other crimes.

Kidnapping/ hostage taking	1
Extortion racketeering	7
Counterfeiting and product piracy	3
Corruption	2
Environmental crime	6
Illicit trade in human beings	4
Trafficking in cultural goods	8
Trafficking in arms	5

The legislation and regulation relating to extortion racketeering

According to the Latvian Criminal Code, the crime of extortion is criminalised as follows:

1. Paragraph 183 - extortion. “(1) For a person who demands without legal basis the surrender of property or rights to property, or the performing of any acts of a financial nature, therewith threatening violence against, or disclosure of defamatory information concerning, the victim or relatives of the victim, or to destroy their property or cause them other substantial harm (extortion), the applicable sentence is deprivation of liberty for a term not exceeding eight years, with or without confiscation of property. (2) For a person who commits extortion, if commission thereof is repeated, or by a group of persons pursuant to prior agreement, or using violence, firearms or explosives, the applicable sentence is deprivation of liberty for a term of not less than five years and not exceeding twelve years, with confiscation of property, and police supervision for a term not exceeding three years”⁶³.

Extortion and organised crime. 2. Paragraph 184 - Extortion by an Organised Group

“(1) For a person who establishes an organised group or participates in such for purposes of extortion, the applicable sentence is deprivation of liberty for a term of not less than six years and not exceeding ten years, with or without confiscation of property, and police supervision for a term not exceeding three years.

(2) For a person who commits extortion as a member of an organised group, if the extortion is committed using violence, threats, firearms or explosives, the applicable sentence is deprivation of liberty for a term of not less than eight years and not exceeding twelve years, confiscation of property and police supervision for a term not exceeding three years.

(3) For a person who commits any acts provided for by Paragraph two of this Section if they have resulted in serious consequences, the applicable sentence is deprivation of liberty for a term of not less than ten years and not exceeding fifteen years, confiscation of property and police supervision for a term not exceeding three years”⁶⁴.

Tab. 164 – Criminalisation of extortion practices

Carried out by OC groups	
Carried out on a regular basis	
Carried out on a professional basis	

⁶³ Text available at <http://www.legislationline.org/> (visited on 28 December 2008).

⁶⁴ Text available at <http://www.legislationline.org/> (visited on 28 December 2008).

The law enforcement response to extortion racketeering

National plan. The phenomenon of extortion racketeering is not addressed by any specific national plan. but the National Security Plan 2008-2011 regards all crimes with an organised character as a priority. There is a national plan for combating organised crime, which aims at combating serious crimes, but not extortion in particular.

Police Unit. No specialized investigative structures exist specifically to prevent and combat the offence of extortion. However, operating within the Central Criminal Police Department is the Organised Crime Enforcement department, which is in charge of all investigations carried out in the field of crimes committed by organised groups.

Special investigative means used. The following special investigative methods, provided by the *Investigative Operations Law*, can be used in investigating extortion racketeering cases.

Tab. 165 – Special investigative means

Interception of telephone conversations	✓
Interception of fax transmissions	✓
Interception of internet transmissions	✓
Audio or video recording of events taking place on private premises	✓
Undercover operations	✓
Techniques of financial investigation	✓
Financial criminal analysis	✓

Nevertheless, according to the national expert, the following can be considered obstacles against the investigation of extortion racketeering in Belgium.

Tab. 166 - Obstacles against the investigation in Latvia

Lack of legislation		Low
Inadequate follow-up of investigative techniques		Low
Limited investigative power		Moderate
Lack of specialised investigative units		Low
Lack of human/material resources within specialized units		Moderate

International cooperation. International cooperation is framed within the Shengen agreement and is guaranteed by the *International Cooperation Department*, which aims at ensuring and promoting the international cooperation of the State Police with foreign law enforcement institutions in criminal matters and operational cooperation, as well as on providing information. This department consists of five units: Interpol National Bureau, Europol National Bureau, SIRENE National Bureau, Liaison Officers Unit, International Criminal Law and Operational Co-operation Unit, Registration, Analysis and Planning Unit.

The following table shows the main obstacles against international cooperation in the investigation of extortion racketeering in Latvia.

Tab. 167 - Obstacles against international cooperation

Lack of a common definition of the constituent element of the phenomenon	<input type="text"/>	Not at all
Lack of specialised investigative units	<input type="text"/>	Not at all
Language difficulties	<input type="text"/>	Low
Lack/Delay of responses to requests for assistance	<input type="text"/>	Not at all
Lack of human/material resources within units specialized in the investigation of extortion racketeering	<input type="text"/>	Low

The legislation and practices relating to the protection of victims and witnesses of extortion racketeering

Victims. The legislation relating to the protection of victims and witnesses is contained in the *Law on the Special Protection of Persons – 2005* (amended on 1 October 2005). Moreover, an agreement on cooperation in the protection of witnesses and victims signed by the Governments of Estonia, Latvia and Lithuania in March 2000 provides that a witness or victim of crime in any of these countries may be relocated to any of the other Baltic States for a limited period or, if the person’s security can no longer be ensured by the sending State, permanently (UNODC, 2008).

Tab. 168 – Victim protection programmes

Police protection	✓
Temporary relocation to safe areas	✓
Evidentiary rules of protection measures when testifying in court (anonymity, shielding, videoconferencing)	✓
Medical/psycho-social support	✓
Financial compensation	✓
Moderate financial assistance	✓

Witnesses and Justice Collaborators. The legal framework governing the use of measures protecting witnesses and justice collaborators, is provided by the Latvian Criminal Procedure Code.

Tab. 169 – Witness protection programmes

Assistance before and during the trial	✓
Police measures to enhance physical security	✓
Court procedure to ensure the witness’s safety while testifying	✓
Change of identity in case of extremely serious threat	✓
The possibility of giving evidence in a place other than that in which the person being prosecuted is situated	Data not available
The possibility of using	Data not available

Tab. 170 – Justice collaborators protection programmes

Assistance before and during the trial	✓
Police measures to enhance physical security	✓
Court procedure to ensure the witnesses' safety while testifying	✓
Sentence reduction	✓
Measures to protect them within the penitentiary systems	✓
Separation from the general prison population	✓
Use of a different name for the prisoner-witness	Data not available

3.16 - LITHUANIA



OUTLOOK	
Seriousness of extortion racketeering	
Extortion racketeering	<div style="display: inline-block; width: 20px; height: 10px; background-color: #4f81bd; border: 1px solid black;"></div> Medium
Adequateness of counter measures against extortion racketeering	
Legislation and regulation	<div style="display: inline-block; width: 20px; height: 10px; background-color: #4f81bd; border: 1px solid black;"></div> High
Protection of victims, witnesses, justice collaborators	<div style="display: inline-block; width: 20px; height: 10px; background-color: #4f81bd; border: 1px solid black;"></div> High

Summary

OVERVIEW ON ORGANISED CRIME IN THE COUNTRY			
Likely structure	Main nationalities	Main criminal activities	
Hierarchy	National; Foreign (Russian, Yugoslavian)	National; Transnational	
SITUATION ON EXTORTION RACKETEERING			
Typology		Victim/offender relationship	
Casual		Parasitic	
Perpetrators			
Typology	Nationality	Structure	
Local O.C.	National	Hierarchy	
Victims			
Typology		Nationality	
Physical persons; Businesses		National	
Impact			
Geographical concentration	Coverage of extortion in the media	Perceived impact	
No	Low	High	
LEGISLATION AND REGULATION			
Extortion Definition		Punishability of extortion racketeering	
Yes		Yes, partially	
Law Enforcement			
National plan	Police Unit	Investigation	International coop.
No	Yes	High	Yes
PROTECTION OF VICTIMS, WITNESSES, JUSTICE COLLABORATORS			
Victims	Witnesses	Justice Collaborators	
High	High	High	

Overview on organised crime in the country

According to the national expert involved in the study, organised criminal groups active in Lithuania are involved not only in vehicle theft, drug related crimes, racketeering, smuggling and robberies, but also in prostitution, trafficking in human beings, illegal migration, money, documents and credit card forgery, misappropriation of value-added tax, illegal production of alcohol, money laundering.

Organised crime is mostly of local origin (including Romany communities involved in drug related crimes) even if “Lithuanian OC groups are acting as important traffickers in many criminal markets in various geographical locations, often also beyond the borders of the North-East region. In some cases Lithuanian OC groups co-operate and supply goods to some Polish, Latvian and Estonian OC groups and OMCG and related groups” (Europol, 2008: 37). In particular, according to the national expert, at the international level Lithuanian organised criminal groups are active in the EU and neighbouring non EU countries such as Belarus and the Kaliningrad region of Russia. The main fields of criminal activity abroad are those related to the theft and transportation of stolen goods to Lithuania, transporting of drugs and weapons, trafficking in human beings and illegal migration.

Another characteristics of Lithuanian organised crime is that “organised criminal groups define their spheres of influence based on territorial assumptions and not on control of criminal markets” (Gustas, 2004: 1). This is also demonstrated by the fact that, for example, in 2003 71% of the organised criminal groups active in Lithuania were involved in extortion (See Gustas, 2004).

Moreover, with reference to organisational structure, “a major part of the OC groups in Lithuania are considered to have a high level of organisation” (Europol, 2004: 23).

The situation concerning extortion racketeering

According to the national expert involved in the study, extortion racketeering in Lithuania is committed by national criminal organizations, while activities by foreign criminal organizations, including Russians, are not usual. Ten years ago several such cases were reported, but today the involvement of foreign organised criminal groups is rather rare.

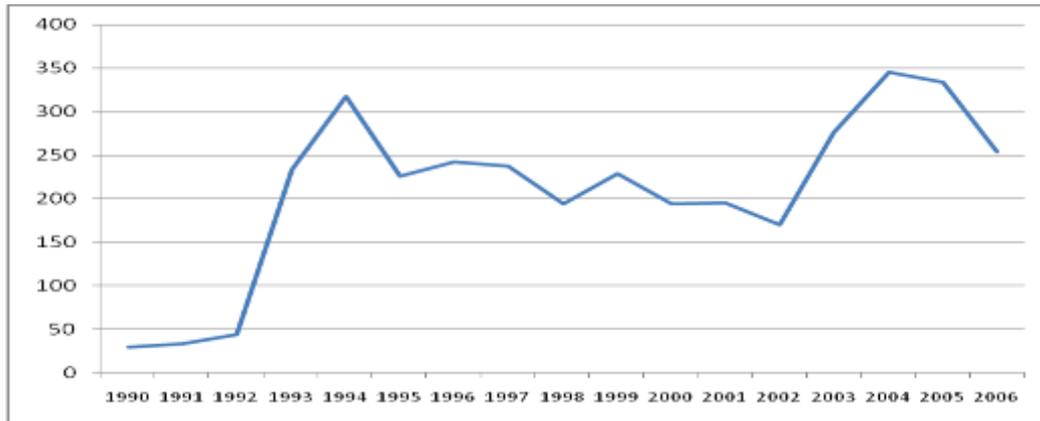
With reference to modus operandi, the situation in Lithuania, according to the national expert, can be described as follows: racketeers usually intimidate their victims by threats of physical violence (74%). Threats of— in 16%. In 48% of cases racketeers use only threats, in 47% also physical violence, in 5% also property damage, in 27% also deprivation of the victim’s freedom. However, racketeering practice which does not come to light maintains constant control over businesses, so that tribute is usually paid without it being necessary to intimidate the victim. The act of intimidation usually takes place in the case of refusal to pay the money demanded.

Some data are also available on how criminals intimidate their victims: 35% of the cases recorded in 2007 involved material damage; psychological violence was used in 28% of cases and physical violence in 18% of cases.⁶⁵ With reference to the object of the extortion, criminal actors generally demand money (55% of the 2007 cases), while they occasionally ask for other goods, such as mobile phones (2%) and automobiles (3%) (Balseviciene, 2007).

⁶⁵ Information is not available for the other cases (19%)

Data on the phenomenon.

Fig. 7 - Cases of extortion registered in Lithuania (1990-2006)



Source: Balseviciene, 2007

Moreover, according to the findings of the International Crime Business Survey (ICBS) carried out by UNICRI in 2000 in nine central–eastern European capital cities, “the highest level of victimisation was observed in Vilnius and Budapest, 41% and 42% respectively” (Alvazzi del Frate, 2004: 144). With particular reference to extortion racketeering – defined in the survey as extorting money from a company, threatening and intimidating managers and/or employees, and threatening product contamination (such as poisoning of food, altering of colours, damaging of external packages, etc.) – less than 10% of businesses in Vilnius felt that criminal practice was very common or fairly common (See: Alvazzi del Frate, 2004).

Perpetrators. 44% of the businesses in Lithuania forced to pay extortion money reported that the main perpetrators were local organised criminal groups.

Tab. 171 - Perpetrators

Local organized criminal groups	✓
Foreign organized criminal groups	✗
Terrorist groups (please specify)	✗
Local gangs	✗

Tab. 172 – Other criminal activities carried out by the perpetrators

Local/national activities	✓
Transnational activities	✗

According to the national expert, organised criminal groups involved in extortion racketeering are on average also involved in the following criminal activities: armed robbery, drug producing/trafficking, forgery, fraud, homicides, illegal activities related to prostitution, usury, money laundering, smuggling of cigarettes, trafficking in human beings, protection activities and vehicle thefts. In particular “in 70% of extortion cases, the perpetrators are also charged with other crimes: robbery (30%), theft (12%), illegal possession of weapon (12%), seizure of personal documents (11%), violation of public order (5%) (Fedosiuk, 2002).

Moreover, according to the national expert, the actors involved in extortion cases are usually men (96%). The average age is 27, and 40% of extortionists have no previous convictions. The usual racketeer is unemployed (60%) or formally (allegedly) employed in private business.

Victims. According to research carried out in the late 1990s, the most common victims of extortion in Lithuania were small and medium-sized retail businesses (Joutsen, 1998). In general, mostly nationals Lithuanian citizens of different nationalities such as Lithuanian, Russian, Polish, Byelorussian and Ukrainian are the most likely victims of extortion racketeering. In a few cases the victim has been a foreigner.

Tab. 173 – Typology of victims

Physical persons	✓
Businesses	✓

According to the national expert, victims of extortion racketeering are in particular businessmen violating economic tax and regulations, as well as persons already involved in illegal activities and persons who have borrowed money from members of organised criminal groups.

Tab. 174 – Markets most affected by extortion racketeering

Construction	✓
Real estate	✗
Entertainment sector (bars, café, clubs)	✓
Import/export	✗
Waste disposal	✗

Tab. 175 – Victim offender relationship

Predatory	✗
Parasitic	✓
Symbiotic	✗

The criminal impact

Geography of extortions. According to the national expert, there is no particular part of Lithuania with a significant prevalence of extortion racketeering. Nevertheless, considering that organised criminal groups involved in extortion racketeering “tend to operate in urban contexts such as Kaunas and Vilnius” (Balseviciene, 2007), it may be that these are the areas most affected by the phenomenon.

Legal/illegal markets. According to the national expert, market places, small car services, pubs, clubs, travel agencies, taxi companies and construction companies are those markets, within the legal economy, which generate most opportunities for extortion racketeering; while the illegal markets that generate

opportunities for such crime are those related to prostitution, drug dealing, smuggling, counterfeiting and product piracy, production of illegal alcohol.

Perceived harm. Extortion racketeering has a quite high perceived harm impact in Lithuania. Nevertheless, according to the national expert, corruption is the most difficult problem, as well as trafficking in human beings.

In general, as can be seen from the above data, Lithuania suffered greatly from extortion racketeering in 1990-1998. Nevertheless, according to the national expert, the array of legislative measures and an active criminal policy impacted on this kind of criminal activity, which became rather risky for OC. In fact, many participants in organized crime were imprisoned or forced to flee justice. The country's economic and social development also had positive effects. For example, many businesses avoided organized crime control by stipulating contracts with security companies.

As regards future trends in the phenomenon, a great deal depends on the economic situation. In fact, Lithuania has successfully combated extortion racketeering in the past ten years, but considering that the economic crisis stimulates property crimes in general, increasing rates of extortion racketeering may be expected, in particular if the crisis is protracted.

The legislation and regulation relating to extortion racketeering

Article 181

1. Any person who without any legal pretext, openly or covertly, forces another person to transfer property, render an interest or release from property obligation or conduct other actions related to property, or refrain from them, for personal gain or gain of other people, when making threats to use physical violence against the victim or another person, destroy or damage his/her property, disclose discreditable information or some other kind of information the disclosure of which is undesirable, or uses some other kind psychological coercion shall be punished by arrest or imprisonment for a term not exceeding 6 years.

2. Any person who extorted property by means of using physical violence, depraving another person from freedom or inflicting property damage, as well as who inflicted to another property harm of a big value, shall be punished to imprisonment for a term not exceeding 8 years.

3. Any person who extorted property of a big value or property of a big scientific, historical or cultural importance, or participating in activities of organized group, shall be punished to imprisonment for a term ranging from 3 to 10 years.

Extortion and organised crime. Extortion racketeering practices are in part punishable under the Criminal Code of Lithuania. In particular, the fact of extortion committed by organized group is an aggravating circumstance foreseen in part 3 of article 181 of the Lithuanian criminal code.

Moreover, according to the national expert, a specification has to be made in this regard. If extortion is committed when participating in a criminal association (the group with the highest organizational level), the criminal activity is to be qualified as two separate crimes: extortion (art. 181) and participation in the activities of a criminal association (art. 249)

Tab. 176 – Criminalisation of extortion practices

Carried out by OC groups	
Carried out on a regular basis	
Carried out on a professional basis	

Extortion racketeering is covered by other articles within the legal system of Lithuania. In fact racketeering practices are sometimes legally evaluated by courts as arbitrariness (art. 294), which is a less serious crime than extortion. The essence of arbitrariness is the executing of real or imagined civil rights by illegal means, including physical and mental violence. Thus, in many cases the racketeers insist that they have demanded money from the victim because they had legal grounds to do so. They usually claim that they have demanded that the victim pay his debts. In cases where such legal defence is successful, the court qualifies the crime as arbitrariness. Liability for arbitrariness is much milder than that for extortion.

The law enforcement response to extortion racketeering

National plan. Lithuania does not have a specific action plan for extortion racketeering, although the Lithuanian government adopted a programme to combat organised crime and corruption in 1999. However, no specific reference to extortion is made in the programme.

Police unit. There is a specific unit of the Lithuanian police force that also deals with extortion racketeering. In particular, in 1993 an *Organised Crime and Corruption Department* was established within the General Prosecutor’s Office and *Organised Crime investigation Units* were established within the structure of the Criminal Police Bureau.

Investigation. In addition, according to Lithuania’s Code of Criminal Procedure, special investigative means can be used, as shown in the following table.

Tab. 177 – Special investigative means

Interception of telephone conversations	✓
Interception of fax transmissions	✓
Interception of internet transmissions	✓
Audio or video recording of events taking place on private premises	✓
Undercover operations	✓
Techniques of financial investigation	✓
Financial criminal analysis	✓

Techniques of financial investigation and financial criminal analysis are not regulated within the Lithuanian Code of Criminal Procedure. On the other hand, no restrictions are foreseen.

With reference to the obstacles hampering the investigation of extortion racketeering in Lithuania, according to the national expert the main problems are the lack of material resources and low financial allocations, compared with the high level of risk within anti-organised crime units. Other problems are shown in the table below:

Tab. 178 - Obstacles against investigation in Lithuania

Lack of legislation	<input type="text"/>	Not at all
Inadequate follow-up of investigative techniques	<input type="text"/>	Low
Limited investigative power	<input type="text"/>	Not at all
Lack of specialised investigative units	<input type="text"/>	Not at all
Lack of human/material resources within specialized units	<input type="text"/>	Moderate

International cooperation. The Lithuanian criminal justice system comprises agreements and legislation that provide for direct police co-operation with the police forces of other EU Member States even there is no particular focus on the investigation of extortion racketeering cases. Lithuanian liaison officers that deal with extortion racketeering are posted in several EU Member States. With reference to judicial cooperation, the following instruments have been used to fight extortion racketeering: extradition for trial, extradition for sentence, execution of foreign sentences, transfer of sentenced persons/prisoners.

According to the national expert, the European Arrest Warrant has been issued at least once by EU Member States to Lithuania for the offence of extortion and racketeering.

Tab. 179 - Obstacles against international cooperation in Lithuania

Lack of a common definition of the constituent element of the phenomenon	<input type="text"/>	Not at all
Lack of specialised investigative units	<input type="text"/>	Not at all
Language difficulties	<input type="text"/>	Low
Lack/Delay of responses to requests for assistance	<input type="text"/>	Low
Lack of human/material resources within units specialized in the investigation of extortion racketeering	<input type="text"/>	Moderate

Suggestion for improving investigation capacity. According to the national expert, the following measures should be considered in order to prevent and combat extortion racketeering effectively:

- improving the education and training of operational and pre-trial investigation officers;
- implementation of new investigation and criminalistic techniques.

The legislation and practices relating to the protection of victims and witnesses of extortion racketeering

Legislation. Victims protection and support measures are regulated by the Law on criminal procedure participants and law enforcement officials protection from criminal influence (of 13-02-1996, new version of 1-07-2008). Evidentiary rules of protection measures when testifying in court are regulated by Code of Criminal Procedure. The responsible bodies administering protection measures are the police department and other institutions of operational and pre-trial activities, prosecutor’s offices, and the prison department.

Victims. With reference to the protection of, or support for, victims of extortion racketeering several programmes are envisaged.

Tab. 180 – Victim protection programmes

Police protection	✓
Temporary relocation to safe areas	✓
Evidentiary rules of protection measures when testifying in court (anonymity, shielding, videoconferencing)	✓
Medical/psycho-social support	✓
Financial compensation	✓
Moderate financial assistance	✓

Moreover, other measures may be implemented in order to protect victims of extortion racketeering:

- special regime on the disclosure of official information about protected persons;
- change of place of residence, work or study;
- change of personal identification and biography data;
- change of personal appearance by means of plastic surgery, providing person under protection with weapons or special defensive tools.

Witnesses. With reference to the protection of, or support for, witnesses of extortion racketeering, the following programmes/practices are envisaged by the Lithuanian Code of Criminal Procedure. These measures are provided through rules in the Code of Criminal Procedure related to victim and witness anonymity. The bodies responsible for providing anonymity and organizing protective measures are the prosecutor, pre-trial investigation officials, and the judge.

Tab. 181 – Witnesses protection programmes

Assistance before and during the trial	✓
Police measures to enhance physical security	✓
Court procedure to ensure the witness's safety while testifying	✓
Change of identity in case of extremely serious threat	✓
The possibility of giving evidence in a place other than that in which the person being prosecuted is situated	✓
The possibility of using audiovisual techniques	✓

Justice collaborators. The measures protecting justice collaborators are based on: 1) the criminal code, which provides for the release of justice collaborations from liability (in the most serious cases – to mitigate liability); 2) code of criminal procedure; 3) law on protection against criminal influence of criminal procedure participants and law enforcement officials. The bodies responsible for administering protection measures are the police department and other institutions of operational and pre-trial activities, prosecutor's offices and the prison department.

Tab. 182 – Justice collaborator protection programmes

Assistance before and during the trial	✓
Police measures to enhance physical security	✓
Court procedure to ensure the witnesses' safety while testifying	✓
Sentence reduction	✓
Measures to protect them within the penitentiary systems	✓
Separation from the general prison population	✓
Use of a different name for the prisoner-witness	✓
Special transportation arrangements for in-court testimony	✓
Isolation in separate detention units at the prison	✓

Best practices

According to the national expert, the following are the measures which have proved most effective in combating extortion racketeering in Lithuania, in the past and at the present:

- more severe responsibility for organized extortion, criminalization and severe responsibility for creating and participating in the activities of criminal associations (1993);
- legitimating victim and witness anonymity during investigations and court procedures (1993);
- organised crime prevention law. In 1993 the law on preventive detention was adopted. The preventive detention of a person for the term of two months became possible only on suspicion that the person was a member of criminal association. This was a harsh but effective law. It was in force until 1997, where it was replaced with the Organized Crime Prevention Law. According to this law, the court is empowered to place the person under suspicion of participation in organised crime activity under certain restrictions. At the same time non-compliance with the preventive restrictions is criminalized as a criminal offence;
- possibility to release justice collaborators from liability, as provided by the criminal code (1995);
- establishment of organised crime and corruption departments at General Prosecutor's Offices (1993) and in the biggest district prosecutor's offices (1995), as well as organised crime investigation units within the structure of the Criminal Police Bureau;
- active policy and PR action by general prosecutor's offices combating organised crime.

3.17 - LUXEMBOURG



OUTLOOK	
Seriousness of extortion racketeering	
Extortion racketeering	<div style="display: flex; align-items: center;"><div style="width: 20px; height: 10px; background-color: #0070C0; border: 1px solid black;"></div> Low</div>
Adequateness of counter measures against extortion racketeering	
Legislation and regulation	<div style="display: flex; align-items: center;"><div style="width: 30px; height: 10px; background-color: #0070C0; border: 1px solid black;"></div> Medium</div>
Protection of victims, witnesses, justice collaborators	<div style="display: flex; align-items: center;"><div style="width: 20px; height: 10px; background-color: #0070C0; border: 1px solid black;"></div> Low</div>

Summary

OVERVIEW ON ORGANISED CRIME IN THE COUNTRY			
Likely structure	Main nationalities	Main criminal activities	
Network	National; Foreign (South-Eastern European; African)	National; Transnational	
SITUATION ON EXTORTION RACKETEERING			
Typology		Victim/offender relationship	
Casual		Information not available	
Perpetrators			
Typology	Nationality	Structure	
Information not available	Information not available	Information not available	
Victims			
Typology		Nationality	
Information not available		Information not available	
Impact			
Geographical concentration	Coverage of extortion in the media	Perceived impact	
Information not available	Low	Low	
LEGISLATION AND REGULATION			
Extortion Definition		Punishability of extortion racketeering	
Yes		Information not available	
Law Enforcement			
National plan	Police Unit	Investigation	International coop.
No	Yes	Information not available	Yes
PROTECTION OF VICTIMS, WITNESSES, JUSTICE COLLABORATORS			
Victims	Witnesses	Justice Collaborators	
Medium	Information not available	Information not available	

Overview on organised crime in the country

Luxembourg OC groups are involved in a wide variety of crimes: mainly money laundering, hit and run, fraud, trafficking in drugs and human beings, theft of jewellery, armed robbery and car theft (Den Boer, 2001). All groups based in Luxembourg have a network structure and strong international contacts. However, local organised criminal groups tend to have a clear division of labour and infiltrate legitimate businesses also by means of corruption and violence (Vander Beken, 2003). Also less structured organised criminal groups/gangs are active in the country. They closely “influence the population’s perception of security, given the high number of visible crimes and fosters the growth of extremists groups and radical political movements” (Vander Beken, 2003: 215). Moreover, “Luxembourg signals two crime areas where political asylum is abused. One concerns trafficking in hard drugs, where a cellular network is dominated by Nigerian OC. A significant part of the suspects, mainly of Western African origin, had asked for political asylum in Luxembourg. However, most of them had already been for some years in the European Union and were involved in political asylum procedures in The Netherlands, Spain, Italy, Austria and Switzerland. The goal of this organisation seems to be to provide its members with a legal position. When the asylum procedure in one country is put to an end, the migrants just apply in another country. This organisation is rapidly gaining influence and gets drugs from The Netherlands. Secondly, South-Eastern European gangs are responsible for burglaries. Often, these criminals are engaged in the procedure to obtain political asylum in Belgium, Germany, France and The Netherlands” (Europol, 2004: 22-23).

The situation concerning extortion racketeering

Data on the phenomenon. The only data available refer to the wider phenomenon of extortion, which is nevertheless a proxy indicator for measuring extortion racketeering. On the basis of the data collected, Luxembourg has been characterized by a modest increasing trend in extortion practices.

Tab. 183 - Extortion cases Luxembourg (2001-2007)

Year	Registered cases
2001	37
2002	41
2003	27
2004	48
2005	55
2006	44
2007	49

Source: Police Grand-Ducal Luxembourg

Perpetrators. There is no evidence on the involvement of organised criminal groups in extortion racketeering practices. This may be due to the fact that Luxembourg exhibits a different profile (if compared with other European Union Member States), representing on the one hand an interesting country for money laundering and VAT frauds, and a transit country on the other (Council of Europe, 2001).

The criminal impact

Perceived harm. Extortion racketeering has a low perceived harm impact compared with other violent crimes (Houllé, Rondeau, 2002).

The legislation and regulation relating to extortion racketeering

Definition. Within the Luxemburgish criminal justice system, the crime of extortion consists in obtaining, by means of verbal or written threats, revelations or slanderous or defamatory imputations, funds or assets, or a signature or writing, an act, items containing or active duty, discharge or disposal⁶⁶.

⁶⁶ Art. 470. (L. 29 juin 1984) Quiconque aura extorqué, par violences ou menaces, soit la remise de fonds, valeurs ou objets mobiliers, soit la signature ou la remise d'un écrit, d'un acte, d'une pièce quelconque contenant ou opérant obligation, disposition ou décharge sera puni des peines portées aux articles 468, 471, 472, 473, 474 et 475, d'après les distinctions qui y sont établies.

Quiconque, à l'aide de la menace écrite ou verbale de révélations ou d'imputations calomnieuses ou diffamatoires, aura extorqué, soit la remise de fonds, valeurs ou objets mobiliers, soit la signature ou la remise des écrits énumérés ci-dessus, sera puni d'un emprisonnement d'un an à cinq ans et d'une amende de 500 euros à 30.000 euros.

La tentative de ce dernier délit sera punie d'un emprisonnement de six mois à trois ans et d'une amende de 251 euros à 10.000 euros.

1° Le délit d'extorsion consiste à se faire remettre, à l'aide de menaces écrites ou verbales, de révélations ou d'imputations calomnieuses ou diffamatoires, soit des fonds ou des valeurs, soit une signature ou un écrit, un acte, une pièce quelconque contenant ou opérant obligation, disposition ou décharge. L'extorsion suppose donc nécessairement un objet matériel qui peut être délivré ou transmis.

Dès lors, le délit d'extorsion n'existe qu'à la condition que la manoeuvre employée ait eu pour but une remise de deniers ou d'un titre qui constate l'existence d'un droit, d'une disposition ou d'une décharge.

Lorsque le prévenu a, à l'aide de menaces, essayé d'amener la victime à abandonner une affaire civile intentée contre lui et que les termes par lui employés n'impliquent pas nécessairement qu'il exigeait la remise d'une signature ou d'un acte matériel pouvant lui servir de décharge, il existe un doute sur l'existence d'un des éléments constitutifs de l'infraction, doute qui est à interpréter en faveur du prévenu. Cour 19 décembre 1959, P. 18, 89.

2° Le délit de chantage n'est pas constitué, si la victime d'un vol, qui a menacé le voleur de poursuites correctionnelles dans le but d'obtenir transactionnellement des fonds, a cru, de bonne foi, non excessive la somme demandée.

La réclamation d'une somme supérieure à la valeur de l'objet volé est en principe admissible, puisque l'exigence d'une somme égale à cette valeur donnerait à certains la tentation de voler dans l'espoir de n'être pas découverts.

La créance de la victime du vol doit être appréciée en tenant compte de tous les éléments du préjudice subi et non pas simplement par rapport à la valeur de l'objet volé.

Spécialement, le délit de chantage n'est pas constitué de la part du gérant responsable d'un supermarché qui, pour ne pas porter plainte, en cas de vol de marchandises d'une valeur modique par un client, a exigé une somme représentant vingt fois le prix de la marchandise dérobée, alors que s'il existe l'élément matériel de l'infraction consistant en la remise de fonds obtenue sous menace de révélations ou d'imputations diffamatoires vraies ou fausses, l'intention coupable n'est pas donnée, en l'absence

de conviction du prévenu qu'en agissant ainsi il avait abusé du droit de transaction appartenant aux victimes de l'infraction, et alors qu'il n'est pas prouvé, d'autre part, que, pendant la période où les faits reprochés ont eu lieu, les frais de surveillance ont été inclus dans le prix de vente des marchandises, de telle sorte que le montant des fonds versés aurait pu apparaître manifestement excessif au prévenu.

Cour 24 juin 1977, P. 24, 17.

3° Le délit de chantage prévu à l'article 470, alinéa 2, du Code pénal comporte deux éléments, l'un matériel, consistant en la remise de fonds ou d'écrits et de signatures obtenus sous menaces de révélations ou d'imputations calomnieuses ou diffamatoires, donc de faits de nature à porter atteinte à l'honneur ou à la considération de la personne menacée, l'autre moral, l'intention coupable du prévenu, caractérisée par la mauvaise foi de celui-ci.

Il n'y a pas intention coupable et partant pas chantage, si la victime d'un vol, qui a menacé le voleur de plainte dans le but d'obtenir transactionnellement des fonds, a cru de bonne foi non excessive la somme demandée.

La limite du droit de transiger n'est en effet dépassée qu'à partir du moment où une personne, agissant par cupidité illégitime, abuse du droit de transaction pour en tirer un profit anormal.

The law enforcement response to extortion racketeering

National plan. Luxembourg does not have a specific action plan for extortion racketeering.

Police unit. The police force has central and regional operational services. The central services include the judicial-police department, which has eight sections, among them a general-crime, an organised-crime, and an economic-and-financial-crime section (GRECO, 2001).

International cooperation. The bureau for international police co-operation acts as a central desk and is also responsible for the exchange of information between Europol, Sirene and Interpol (Den Boer, 2001).

The legislation and practices relating to the protection of victims and witnesses of extortion racketeering

Victims. The procedural law of Luxembourg allows victims of crime, and those who have suffered injuries (for instance assault, intentional injuries, rape etc.), to assert patrimonial claims within the criminal procedure in order to obtain compensation.

The following law may be relevant for victims of extortion racketeering:

- Law of 12 March 1984 on compensation to certain victims having suffered injuries resulting from crime, as completed by a law of 14 April 1992, foresees, on behalf of the State budget, the right of certain victims of crime to receive compensation paid out of the State budget.

Spécialement, le délit de chantage n'est pas constitué de la part d'un épicier qui, pour ne pas porter plainte, en cas de vol d'argent par une vendeuse, a fait signer par cette dernière une reconnaissance de dette de 200.000 F et, en vertu d'une procuration spéciale ad hoc, a prélevé du compte bancaire de son employée une somme de 156.900 francs, alors qu'il a eu de fortes raisons de penser que les manquants constatés dans sa caisse étaient à imputer, au moins en grande partie, à l'employée et que sa créance envers elle s'élevait à la somme d'au moins 200.000 F. Cour 2 juin 1978., P. 24, 143.

Art. 473. Dans les cas prévus aux art. 468, 469, 470, 471 et 472, la peine sera celle de la réclusion de quinze à vingt ans, si les violences ou les menaces ont causé, soit une maladie paraissant incurable, soit une incapacité permanente de travail personnel, soit la perte de l'usage absolu d'un organe, soit une mutilation grave.

La même peine sera appliquée si les malfaiteurs ont soumis les personnes à des tortures corporelles.

- Voir C. pén., art. 400; 438; 476.

Art. 474. Si les violences ou les menaces exercées sans intention de donner la mort l'ont pourtant causée, les coupables seront condamnés à la réclusion à vie.

La même peine sera appliquée si ces violences ou ces menaces ont été commises la nuit par plusieurs individus dans une maison habitée ou sur un chemin public.

- Voir C. pén., art. 401; 476 à 479.

Art. 475. Le meurtre commis pour faciliter le vol ou l'extorsion, ou pour en assurer l'impunité, sera puni de la réclusion à vie

- Voir C. pén., art. 393.

Art. 476. (L. 7 juillet 2003) Les peines portées par les articles 473, 474 et 475 seront appliquées, lors même que la consommation du vol ou de l'extorsion aura été empêchée par des circonstances indépendantes de la volonté des coupables.

- Voir C. pén., art. 51.

3.18 - MALTA



OUTLOOK

Seriousness of extortion racketeering

Extortion racketeering Low

Adequateness of counter measures against extortion racketeering

Legislation and regulation Medium

Protection of victims, witnesses, justice collaborators High

Summary

OVERVIEW ON ORGANISED CRIME IN THE COUNTRY			
Likely structure	Main nationalities	Main criminal activities	
Network	National; Foreign	National; Transnational	
SITUATION ON EXTORTION RACKETEERING ⁶⁷			
Typology		Victim offender relationship	
No extortion racket		No extortion racket	
Perpetrators			
Typology	Nationality	Structure	
No extortion racket	No extortion racket	No extortion racket	
Victims			
Typology		Nationality	
No extortion racket		No extortion racket	
Impact			
Geographical concentration	Relevance of extortion in the media	Perceived impact	
No extortion racket	Low	Low	
LEGISLATION AND REGULATION			
Extortion Definition		Punishability of extortion racketeering	
Yes		Yes, partially	
Law Enforcement			
National plan	Police Unit	Investigation	International coop.
No	Yes	High	Yes
PROTECTION OF VICTIMS, WITNESSES, JUSTICE COLLABORATORS			
Victims	Witnesses	Justice Collaborators	
High	High	Low	

⁶⁷ According to the expert extortion racketeering is not existent in Malta.

Overview on organised crime in the country

“Organised criminality in Malta is somewhat different from the definition of the Palermo Convention and as it is seen and experienced in other countries, particularly those neighbouring Malta. On the other hand, this does not mean that in Malta there are no criminals organising themselves for a particular crime. Organised criminality in the strict sense of the word was being experienced back in 1993/1994 when there was a group of criminals headed by one person and had two branches, one dealing with the importation and trafficking of drugs whilst the other engaged in serious thefts amounting to several hundreds of thousands and included acts of violence as firearms were used more frequently than not. (...) This group was dismantled and the criminals forming this group ended up in prison for long sentences for various crimes. The identification of these criminals was only possible because of the geographical size of Malta and this is the main reason why emphasising this issue started. Since 1994, criminals organised themselves in groups of two or three or even more to carry out one or two criminal acts together. But they do not organise themselves in an organised criminal group; rather, one can say that these are criminal gangs on a temporary basis” (Cassar and Gafa, 2007).

The situation concerning extortion racketeering

Data on the phenomenon. According to the national expert, on the basis of the data collected for the crime type “extortion”, Malta has been characterized by a stable trend in the phenomenon of extortion racketeering in the past 10 years.

The following data had been collected at a national level with reference to extortion.

Tab. 184 - Reported cases of extortion in Malta (2003-2006)

Reports	2003	2004	2005	2006
Bribery/Extortion/Blackmail	4	2	7	15

Source: Cassar and Gafa, 2007

Tab. 185 - Arraignments in Malta (2003-2006)

	2003		2004		2005		2006	
	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons
Bribery; Extortion; Blackmail	1	3	2	3	3	4	4	21

Source: Cassar and Gafa, 2007

Other information on the phenomenon are not available since, according to the national expert no cases have been reported.

The legislation and regulation relating to extortion racketeering

Definition. According the Criminal Code of Malta the crime of extortion is criminalised as follows:

1. Article 250

“(1) Whosoever, with intent to extort money or any other thing, or to make any gain, or with intent to induce another person to execute, destroy, alter, or change any will, or written obligation, title or security, or to do or omit from doing any

thing, shall threaten to accuse or to make a complaint against, or to defame, that or another person, shall, on conviction, be liable to imprisonment for a term from five to eighteen months.

(2) Where by such threat the offender shall have attained his end, he shall be liable to imprisonment for a term from seven months to three years⁶⁸.

Tab. 186 – Criminalisation of extortion practices

	No
Carried out by OC groups	✗
Carried out on a regular basis	✗
Carried out on a professional basis	✗

The law enforcement response to extortion racketeering

National plan. When dealing with the law enforcement response to extortion racketeering, Malta does not have a specific action plan for this kind of crime.

Police unit. On the other hand, although reports of extortion racketeering are virtually non-existent, should any such reports surface, they will be dealt with by the Economic Crimes Unit of the Malta Police Force. This Unit, which investigates economic crimes across the board (including usury and corruption amongst others), is headed by an Assistant Commissioner assisted by a Superintendent who supervises five Police Inspectors and their three/four-personnel team, each office also comprising a Police Sergeant.

Investigation. In addition, according to the national legislation, the following special investigative means can be used to investigate cases of serious crimes:

Tab. 187 – Special investigative means

Interception of telephone conversations	✓
Interception of fax transmissions	✓
Interception of internet transmissions	✓
Audio or video recording of events taking place on private premises	✓
Undercover operations	✓
Techniques of financial investigation	✓
Financial criminal analysis	✓

⁶⁸ Text available at <http://www.legislationline.org/> (visited on 27 December 2008). In addition to the above-mentioned definition, the criminal code of Malta provides other definitions.

Article 112 of the Criminal Code, 'unlawful exaction', states that:

Any officer or person employed in any public administration, or any person employed by or under the Government, whether authorized or not to receive moneys or effects, either by way of salary for his own services, or on account of the Government, or of any public establishment, who shall, under colour of his office, exact that which is not allowed by law, or more than is allowed by law, or before it is due according to law, shall, on conviction, be liable to imprisonment for a term from three months to one year.

Article 113 of the Criminal Code, 'extortion', states that:

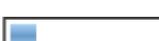
Where the unlawful exaction referred to in the last preceding article, is committed by means of threats or abuse of authority, it shall be deemed to be an extortion, and the offender shall, on conviction, be liable to imprisonment for a term from thirteen months to three years.

Tab. 188 - Obstacles against the investigation in Malta

Lack of legislation		Moderate
Inadequate follow-up of investigative techniques		Low
Limited investigative power		Low
Lack of specialised investigative units		Not at all
Lack of human/material resources within specialized units		Low

International cooperation. The Malta criminal justice system comprises agreements and legislation, and direct police cooperation is guaranteed by a liaison officer at Europol who deals with all criminal offences. With reference to judicial cooperation, the following instruments have been used to fight extortion racketeering: extradition for trial, extradition for sentence, execution of foreign sentences, transfer of sentenced persons/prisoners. The European Arrest Warrant has been never applied. According to the national expert, the following may be considered as obstacles against cooperation among EU Member States in combating extortion racketeering.

Tab. 189 - Obstacles against international cooperation in Malta

Lack of a common definition of the constituent element of the phenomenon		Moderate
Lack of specialised investigative units		Not at all
Language difficulties		Low
Lack/Delay of responses to requests for assistance		Moderate
Lack of human/material resources within units specialized in the investigation of extortion racketeering		Low

The legislation and practices relating to the protection of victims and witnesses of extortion racketeering

Victims. With reference to the protection of, or support for, victims of extortion racketeering several programmes are envisaged.

Tab. 190 – Victim protection programmes

Police protection	
Temporary relocation to safe areas	
Evidentiary rules of protection measures when testifying in court (anonymity, shielding, videoconferencing)	
Medical/psycho-social support	
Financial compensation	
Moderate financial assistance	

Witnesses. With reference to the protection of, or support for, witnesses of extortion racketeering, the following programmes/practices are envisaged.

Tab. 191 – Witness protection programmes

Assistance before and during the trial	✓
Police measures to enhance physical security	✓
Court procedure to ensure the witness's safety while testifying	✓
Change of identity in case of extremely serious threat	✓
The possibility of giving evidence in a place other than that in which the person being prosecuted is situated	✗
The possibility of using audiovisual techniques	✓

Justice collaborators. With reference to the protection of, or support for, justice collaborators in extortion racketeering cases, no programmes - practices are envisaged.

Best practices

Since the phenomenon is non-existent in Malta, it is not possible to indicate any best practice present at national level.

3.19 - POLAND



OUTLOOK	
Seriousness of extortion racketeering	
Extortion racketeering	<div style="display: inline-block; width: 20px; height: 10px; background-color: #0070C0; border: 1px solid black;"></div> High
Adequateness of counter measures against extortion racketeering	
Legislation and regulation	<div style="display: inline-block; width: 20px; height: 10px; background-color: #0070C0; border: 1px solid black;"></div> Medium
Protection of victims, witnesses, justice collaborators	<div style="display: inline-block; width: 20px; height: 10px; background-color: #0070C0; border: 1px solid black;"></div> High

Summary

OVERVIEW ON ORGANISED CRIME IN THE COUNTRY			
Likely structure	Main nationalities	Main criminal activities	
Hierarchy	National; Foreign (Russian, Eastern European, Oriental)	National; Transnational	
SITUATION ON EXTORTION RACKETEERING			
Typology		Victim/offender relationship	
Systemic		Parasitic; Symbiotic	
Perpetrators			
Typology	Nationality	Structure	
Local O.C.; Private protection organisations; Foreign O.C.;	National; Foreign (Russian, Eastern European; Oriental)	Hierarchy	
Victims			
Typology		Nationality	
Physical persons; Businesses		National; Foreign (Russian, Eastern European; Oriental)	
Impact			
Geographical concentration	Coverage of extortion in the media	Perceived impact	
No	Medium	Medium	
LEGISLATION AND REGULATION			
Extortion Definition		Punishability of extortion racketeering	
Yes		No	
Law Enforcement			
National plan	Police Unit	Investigation	International coop.
No	Yes	High	Yes
PROTECTION OF VICTIMS, WITNESSES, JUSTICE COLLABORATORS			
Victims	Witnesses	Justice Collaborators	
High	Medium	High	

Overview on organised crime in the country

The Polish situation of organised crime is distinguished by the feature that Polish groups predominate over international and Russian-speaking ones (Filipkowski, 2008). In addition, it seems that the Polish OC groups have already become closely involved in crimes against persons (Europol, 2006) while they are also involved in economic crime, drugs production and distribution, extortion, thefts of vehicles and euro counterfeiting. Despite the strong presence of national organised criminal groups, the situation of OC comprises the presence of rather heterogeneous groups with strong non-indigenous features. Chechens, Afghan and Vietnamese groups are considered to be the most dangerous ethnic groups active in Poland, where an increasing threat by Ukrainian groups is also registered (Europol 2004). In regard to transnational activities undertaken by OC groups based in Poland, the drug market is the most international crime area. Polish criminals export amphetamines to Germany, Sweden, Denmark, Spain, Great Britain and Holland, using their own distribution networks. On the other hand, Nigerian, Kurdish and Turkish groups active in Germany, the Netherlands and Spain try to recruit drug couriers in Poland. Owing to its specific geographical situation, Poland is used by OC groups as a transit country for illegal immigration and trafficking of human beings, mainly from Asia (Europol, 2004: 22-23).

The situation concerning extortion racketeering

Data on the phenomenon. The only data available refer to the wider phenomenon of extortion, which is nevertheless a proxy indicator for measuring extortion racketeering. On the basis of the data collected, Poland has been characterized by a decreasing trend in the phenomenon of extortion racketeering in the past years, which has been followed by an increase in its detectability (Tab. 176) and in the number of perpetrators validly sentenced (Tab.177).

Considering that the statistics do not distinguish between extortion and extortion racketeering, the following are the most recent data collected at national level.

Tab. 192 - Number of extortions committed in Poland (1999-2008).

Year	ART. 282	Year	ART. 282
1999	8.178	2004	7.349 ↓
2000	10.278 ↑	2005	5.803 ↓
2001	8.654 ↓	2006	5.710 ↓
2002	7.463 ↓	2007	4.871 ↓
2003	7.602 ↑	2008	5.074 ↑

Source: National expert

Tab. 193 - Police data on detectability of extortion

Year	Detectability %	Year	Detectability %
1999	52,6	2004	50,4
2000	53,7	2005	52,0
2001	52,7	2006	57,0
2002	50,6	2007	61,4
2003	48,0	2008	63,8

Source: National expert

Tab. 194 - Police data on number of perpetrators validly sentenced

Year	Number	Year	Number
2001	1182	2004	1722
2002	1289	2005	1469
2003	1267	2006	1230

Source: National expert

Tab. 195 - Court data on punishments imposed for sentenced perpetrators

Year	Deprivation of liberty	Deprivation of liberty with suspended execution	Deprivation of liberty					
			To 6 months	6 months to 1 year	1 - 2 years	2- 3 years	3 – 5 years	Longer than 5 years
2002	639	647	0	306	727	146	89	14
2003	557	706	7	275	808	118	51	4
2004	772	942	5	375	1101	165	56	12
2005	580	884	14	355	919	129	42	5
2006	538	687	5	309	761	103	44	3

Source: National expert

Perpetrators. Organised criminal groups engaged in extortion racketeering in Poland are of both local and foreign origin, in particular originating from Eastern Europe (Ukraine) and Russia. Foreign organised criminal groups operate – in general – among their co-nationals living or doing business in Poland. It is well known that organised criminal groups from former Soviet Union countries first attacked people from those countries transferring second-hand cars from Western Europe across Polish territory. Vietnamese groups operate in the very hermetic social environments of Vietnamese businessmen running their activities in Poland.

Tab. 196 - Perpetrators

Local organized criminal groups	✓
Foreign organized criminal groups	✓
Terrorist groups	✗
Local gangs	✗
Private protection organisations	✓

Besides the non-national organised criminal groups, two important categories of perpetrators can be singled out as far as extortion racketeering practices are concerned: the so-called “polish mafia” and the “private protection organisations” (PPO).

The organisations belonging to the so-called “Polish mafia” are still involved in extortion racketeering and in the protection racket. They are generally made up of Polish citizens and are organised on a hierarchical basis.⁶⁹

Poland is also characterized by the presence of the so-called “private protection organisations” (PPO). These can be defined as specific enterprises which produce, promote and sell protection. “A PPO may engage in a range of activities, but the sale of protection is a common thread. PPOs sell protection against rival protectors and other businesses on a private basis to individual customers, with the goal of making a profit from the transaction. To maximize revenue, PPOs seek exclusive relationships with clients because rival PPOs who also receive payment from their clients will only reduce their profits. Moreover, where PPOs fail to coordinate their activities and each can make independent claims, protection may exhibit externalities that allow non-paying firms to free-ride on the payment of other firms. As would-be monopolists, PPOs try to minimize these instances. For payment from the same firm, they will likely bankrupt the business in short order. Thus, managers prefer to pay one PPO rather than many. PPOs also protect against opportunism by business partners, particularly where state institutions are weak or where transactions are of dubious legality and cannot be adjudicated by the state. For example, transactions that violate regulations or the tax code may be especially vulnerable to cheating by business partners who know that state bodies will not respect the agreement. Since the informal economy makes up roughly 40 percent of GDP in Russia and 13 percent in Poland, such transactions are common, especially in small business. PPOs also protect against ordinary street crime” (Frye, 2002).

The perpetrators involved in extortion practices operate mainly at national scale and are also involved in drug producing and trafficking, smuggling of cigarettes, protection activities and vehicle theft.

Tab. 197 – Other criminal activities carried out by the perpetrators

Local/national activities	
Transnational activities	

Victims. The victims of extortion racketeering are national and non-national physical persons as well as businesses.⁷⁰ The victims’ nationalities are often linked with the nationalities of the perpetrators, such as Ukrainians, Russians and Vietnamese.

⁶⁹ In fact the groups belonging to the Polish mafia are based on: (1) clear leadership (consisting of one or several persons); multi-level organisational structure; hermetic nature of the group; (2) strong and enduring personal ties between members; specialisation in particular crimes; (3) ability to adapt rapidly to external conditions (both to market demands and to threats); (4) high mobility of members and rapid action in emergencies; (5) flexibility and high capacity for reorganisation; and organisational efficiency and professionalism.

⁷⁰ “The group of Marek K. (alias Little Eye) is an example of a highly organised criminal group. Disbanded in 1998 in a nationwide police operation involving 500 police officers, Little Eye’s group was the biggest and the strongest criminal group in Szczecin and the whole area of Western Pomerania. Little Eye, the founder and undisputed leader of the group, decided its business and power strategies, distributed the profits, settled disputes and maintained contacts with other criminal groups (e.g. from Colombia, the United States of America, Russia and Italy). He also punished traitors and those who had disobeyed his orders, at the same time as his group supported members serving time in prison. Little Eye’s group was involved in drug trafficking, robberies, kidnapping for ransom, extortion (for example, from smugglers, prostitutes, owners of massage salons and restaurants) and illegal trade in alcoholic beverages. The group also tried to control a specific territory, defending it against other criminal groups using explosives and guns” (Plywaczewsky, 2004).

Tab. 198 – Typology of victims

Physical persons	✓
Businesses	✓

Generally the markets most affected by extortion racketeering are those of entertainment and the import/export trade. In these markets, as well as in others, the perpetrators tend to establish parasitic and symbiotic relationships with their victims.⁷¹

Tab. 199 – Markets most affected by extortion racketeering

Construction	✗
Real estate	✗
Entertainment sector (bars, cafés, clubs)	✓
Import/export	✓
Waste disposal	✗

Tab. 200 – Victim/offender relationship

Predatory	✗
Parasitic	✓
Symbiotic	✓

The criminal impact

Geography of extortions. There is no particular part of the Polish territory with a significant prevalence of extortion racketeering.

Legal/illegal markets. On the basis of the information collected, it seems that the entertainment and import/export sectors are those, within the legal economy, which generate most opportunities for extortion racketeering, while the illegal markets that generate opportunities for the crime are those related to the smuggling of cigarettes and vehicle thefts.

Perceived harm. Extortion racketeering crime has a medium perceived harm impact compared with other crimes.

The legislation and regulation relating to extortion racketeering

According to the Criminal Code of Poland, the crime of extortion is criminalised as follows

⁷¹ This is the case of the “Polish mafia” and of the PPOs. As noted by Frye (2002), although PPOs may provide other services, their core business is protection against rival PPOs, business partners, and street crime. (...) Like PPOs, private security firms contract with individual customers for a service, but the latter perform a narrower range of functions; most importantly, they employ violence only with approval from the state. Private security firms defend property against petty criminals, guard transports, and investigate crimes; but their scope of activity is limited by the state. PPOs often provide these services, but they also resolve disputes and levy sanctions themselves - actions prohibited by the state”.

1. Article 282

“Whoever, with the purpose of gaining a material benefit, by using violence or threatening the life or health of a person, or threatening a violent attack against property, causes another person to dispose his own property or property of other persons, or causes a person to cease business activity shall be subject to the penalty of deprivation of liberty for a term of between 1 and 10 years”.

2. Article 283

“In the event that the act is of a lesser significance, the perpetrator of the act specified in Article 279 § 1, Article 280 § 1 or in Article 281 or 282 shall be subject to the penalty of deprivation of liberty for a term of between 3 months and 5 years”.

Extortion and organised crime. There are no articles that specifically criminalizes the crime of extortion when it is carried out by organised criminal groups and perpetrated on a regular and professional basis.

Tab. 201 – Criminalisation of extortion practices

Carried out by OC groups	✗
Carried out on a regular basis	✗
Carried out on a professional basis	✗

Nevertheless Polish Penal Code provides for separate article 258 for activity in OC group. It is used as a basis of responsibility for any criminal activity, not only extortion:

- Article 258: § 1. Whoever participates in an organised group or association having for its purpose the commission of offences shall be subject to the penalty of deprivation of liberty for up to 3 years. § 2. If the group or association specified in § 1 has the characteristics of an armed organisation, the perpetrator shall be subject to the penalty of deprivation of liberty for a term of between 3 months and 5 years. § 3. Whoever sets up the group or association specified in § 1 or 2 or leads such a group or association shall be subject to the penalty of deprivation of liberty for a term of between 6 months and 8 years.
- Article 259. Whoever voluntarily abandoned the participation in the group or association and disclosed to an authority responsible for prosecuting offences all the essential circumstances of the committed act or has voluntarily averted the impending danger shall not be subject to the penalty for the offence specified in Article 258.

The law enforcement response to extortion racketeering

National plan. Poland does not have a specific action plan for extortion racketeering.

Police unit. On the other hand, like other serious crimes, extortion racketeering is within the competence of Centralne Biuro Śledcze (CBS – Central Investigation Bureau), the central police agency dealing with the gravest offences, including extortion racketeering committed by OC groups.

Investigation. According to Polish law, special investigative means can be used as shown in the following table.

Tab. 202 – Special investigative means

Interception of telephone conversations	✓
Interception of fax transmissions	✓
Interception of internet transmissions	✓
Audio or video recording of events taking place on private premises	✗
Undercover operations	✓
Techniques of financial investigation	✓
Financial crime analysis	✓

Tab. 203 - Obstacles against investigation in Poland

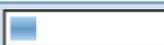
Lack of legislation	<input type="text"/>	Not at all
Inadequate follow-up of investigative techniques	<input type="text"/>	Moderate
Limited investigative power	<input type="text"/>	Moderate
Lack of specialised investigative units	<input type="text"/>	Low
Lack of human/material resources within specialized units	<input type="text"/>	Low

International cooperation. The Polish criminal justice system does not comprise agreements and legislation that provide for direct police co-operation with the police forces of other EU Member States in the investigation of extortion racketeering cases. More specifically, existing agreements between Poland and other EU Member States do not exclusively concern extortion racketeering, but rather grave offences in general, or the combating of organised crime. The following are the countries with which agreements exist: Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Estonia, Finland, Germany, Ireland, Hungary, Latvia, Lithuania, Slovakia, Slovenia, Spain, Sweden, The Netherlands, United Kingdom.

With reference to judicial cooperation, the following means may be used to fight extortion racketeering: extradition for trial, extradition for sentence, execution of foreign sentences, transfer of sentenced persons/prisoners. Nevertheless, according to the expert involved in the study, no information is available on whether these means have been used in cases of extortion racketeering. When requested by a prosecutor/judge of another EU Member State, a Polish prosecutor/judge is not obliged to provide assistance in terms of the interception of telephone conversations, interception of fax transmissions, interception of internet transmission, audio or video recording of events taking place on private premises and undercover operations.

Because Poland has implemented Council Framework Decision 2003/577/JHA of 22 July 2003 on the execution in the European Union of orders freezing property or evidence, a Polish prosecutor is obliged to secure property and evidence, including computer data, within the scope of this Framework Decision. It does not comprise the interception of phone calls, interception of data transmission, recordings or undercover operations. The Framework Decision refers to securing existing evidence, not to creating it by interception. However, Polish prosecutors may (i.e. it is not obligatory) provide assistance by gathering evidence, interviewing persons, conducting interceptions and undercover operations. Finally, the following may be considered as obstacles against cooperation among EU Member states in combating extortion racketeering.

Tab. 204 - Obstacles against international cooperation in Poland

Lack of a common definition of the constituent element of the phenomenon		Low
Lack of specialised investigative units		Low
Language difficulties		Low
Lack/Delay of responses to requests for assistance		Moderate
Lack of human/material resources within units specialized in the investigation of extortion racketeering		Low

The legislation and practices relating to the protection of victims and witnesses of extortion racketeering

Legislation. The main piece of legislation dealing with the protection of the victims of organised criminal acts is Act 56 of 8th July 1998 on the protection of the witness and on the modification and amendment of certain laws.

Victims. With reference to the protection of, or support for, victims of extortion racketeering several programmes are envisaged.

Tab. 205 – Victim protection programmes

Police protection	
Temporary relocation to safe areas	
Evidentiary rules of protection measures when testifying in court (anonymity, shielding, videoconferencing)	
Medical/psycho-social support	
Financial compensation	
Moderate financial assistance	

Witnesses. With reference to the protection of, or support for, witnesses of extortion racketeering, the following programmes/practices are envisaged by the Polish Code of Criminal Procedure:

Tab. 206 – Witness protection programmes

Assistance before and during the trial	
Police measures to enhance physical security	
Court procedure to ensure the witness’s safety while testifying	
Change of identity in case of extremely serious threat	
The possibility of giving evidence in a place other than that in which the person being prosecuted is situated	
The possibility of using audiovisual techniques	

Anonymous witnesses are also covered by protection measures provided by art. 184 of the Polish Code of Criminal Procedure, which states: “§ 1. If there is a justified concern for safety of life, health, freedom or loss of property of considerable dimension regarding the witness or his next of kin, the court, and in

the preparatory proceedings – the state prosecutor, may issue an order classifying as secret the circumstances allowing the identification of the witness, including his personal data, if they are of no significance for the proceedings in the case. The proceedings pertaining to these matters are conducted without participation of the parties and are classified as a state secret. The court order does not mention the circumstances referred to in the first sentence. § 2. In the event that the order referred to in § 1 has been issued, the circumstances referred to in this provision shall be known exclusively to the court, the state prosecutor and, when necessary, to a police official who conducts the proceedings. Records of testimonies of the witness may be made available to the accused or his defence counsel only in the manner preventing the disclosure of the circumstances referred to in § 1. § 3. The witness shall be examined by the state prosecutor and also by the court which may direct a judge from within its composition to do so – at a place and in a manner which prevent disclosure of the circumstances referred to in § 1. The state prosecutor, the accused and his defence counsel shall have the right to participate in the examination of the witness by the court or a designated judge from within its composition. (...). § 4. In the event that the witness is examined with the use of technical equipment making this action possible through remote transmission, the record of action with the participation of specialists should indicate their names, specialist expertise and the types of actions they performed”.

Justice collaborators. With reference to the protection of, or support for, justice collaborators in extortion racketeering cases, the following programmes/practices are envisaged by the Polish Code of Criminal Procedure:

Tab. 207 – Justice collaborators protection programmes

Assistance before and during the trial	✓
Police measures to enhance physical security	✓
Court procedure to ensure the witnesses' safety while testifying	✓
Sentence reduction	✓
Measures to protect them within the penitentiary system	✓
Separation from the general prison population	✓
Use of a different name for the prisoner-witness	✓
Special transportation arrangements for in-court testimony	✓
Isolation in separate detention units at the prison	✓

The aforementioned measures are provided for by Act of 25 June 1997 on key witness and executory regulation of 18 October 2006 on protection and assistance for justice collaborators.

3.20 - PORTUGAL



OUTLOOK	
Seriousness of extortion racketeering	
Extortion racketeering	<div style="display: inline-block; width: 20px; height: 10px; background-color: #4f81bd; border: 1px solid black;"></div> Medium
Adequateness of counter measures against extortion racketeering	
Legislation and regulation	<div style="display: inline-block; width: 20px; height: 10px; background-color: #4f81bd; border: 1px solid black;"></div> Medium
Protection of victims, witnesses, justice collaborators	<div style="display: inline-block; width: 20px; height: 10px; background-color: #4f81bd; border: 1px solid black;"></div> High

Summary

OVERVIEW ON ORGANISED CRIME IN THE COUNTRY			
Likely structure	Main nationalities	Main criminal activities	
Network	National; Foreign (Eastern European; Oriental)	National; Transnational	
SITUATION ON EXTORTION RACKETEERING			
Typology		Victim offender relationship	
Casual		Predatory; Parasitic	
Perpetrators			
Typology	Nationality	Structure	
Local O.C.; Foreign O.C.	National; Foreign (Eastern European; Chinese)	Hierarchy	
Victims			
Typology		Nationality	
Physical persons; Businesses		National; Foreign (Russian; Ukrainian; Chinese)	
Impact			
Geographical concentration	Coverage of extortion in the media	Perceived impact	
Yes	High	Medium	
LEGISLATION AND REGULATION			
Extortion Definition		Punishability of extortion racketeering	
Yes		Yes, partially	
Law Enforcement			
National plan	Police Unit	Investigation	International coop.
No	Yes	Medium	Yes
PROTECTION OF VICTIMS, WITNESSES, JUSTICE COLLABORATORS			
Victims	Witnesses	Justice Collaborators	
High	High	Medium	

Overview on organised crime in the country

The Portuguese situation of organised crime is distinguished by the presence of mainly heterogeneous OC groups (Europol, 2006). In fact, in addition to the national organisations, also non-nationals criminal groups (Spanish, Italian, Moldavian) carry out criminal activities in the country. Both national and non-national groups are involved in the following crimes: drug trafficking (Europol, 2006), economic and financial crime, smuggling, violent crime, trafficking and cloning and ringing of stolen vehicles. Local criminal organisations are also involved in the infiltration of legitimate businesses (Gabinette do Secretario-Geral do Sistema de Segurança Interna, 2008).

“The overall activity of OC in Portugal fell in 2003 with the exception of drug trafficking. Most striking was the fall in violent OC as a result of the breaking-up, in previous years, of Eastern European gangs which specialised in providing help with illegal immigration, trafficking of human beings, sexual exploitation, extortion and other related crimes. Portugal is still important on the Atlantic route for drug trafficking, principally due to its long-established relations with Africa and Latin America”. (Europol, 2004: 23).

The situation concerning extortion racketeering

Data on the phenomenon. The only data available refer to the wider phenomenon of extortion, which is nevertheless a proxy indicator for measuring extortion racketeering. On the basis of the data collected, Portugal has been characterized by an increasing trend in extortion practices in recent years.

Tab. 208 – Cases of extortion registered in Portugal (2003-2008)

	2003	2004	2005	2006	2007	2008	2003/2008
Extortion	155	147	175	176	211	190	↔

Source: Gabinete do Secretario-Geral do Sistema de Segurança Interna (2004; 2005; 2006; 2007; 2008)

Perpetrators. Portugal is characterized by the presence of national as well as foreign criminal organisations originating from East Europe and China involved in extortion racketeering. These groups generally have a vertical structure with highly centralized control and a restricted area of operation. Among these criminal groups are “Ukrainian and Moldavian criminal gangs specialize in kidnapping and extortion among their countrymen. It is these groups that cause the greatest social alarm in Portugal together with the organised criminal groups involved in drug trafficking”⁷².

Tab. 209 - Perpetrators

Local organized criminal groups	✓
Foreign organized criminal groups	✓
Terrorist groups	✗
Local gangs	✗

⁷² Vander Beken et al, 2003: 164. In addition: “with reference to the investigations in 2006 (compared to 2005) there had been a growth of 14.1% on extortion investigations started, a growth of 9 % in extortion investigations finished and a growth of 1% in extortion investigations accused (2005 with 46.8 % vs. 2006 with 47.8 %). When looking at the extortion typologies, extortions associated with kidnappings (10%) or hostage taking (1%) represent a small percentage in all extortions, but the percentage is rising (extortions associated with kidnappings +10% in 2006 and extortions associated with hostage taking +400% in 2006). Extortion is an urban type of crime, in fact Lisbon and Oporto concentrate 57% of all the extortion committed in Portugal” (Felicio, 2007).

Only in recent years (2005-2006), owing to new strategies aimed at curbing these criminal phenomena, has a reduction been recorded in the presence of violent organised criminal groups or gangs from East Europe (Felicio, 2007).

Organised criminal groups involved in extortion racketeering generally operate at a national level and are mainly involved in armed robberies, gambling, homicides, kidnapping for ransom and general protection activities. Also these criminal actors are deeply involved in drug trafficking and related criminal activities (e.g. money laundering).

Tab. 210 – Other criminal activities carried out by the perpetrators

Local/national activities	✓
Transnational activities	✗

Victims. While the victims of extortion racketeering are both physical persons and businesses, the former tend to be more frequently victimised.

Tab. 211 – Typology of victims

Physical persons	✓
Businesses	✓

In regard to ethnic communities those consisting of Russians, Ukrainian and Chinese are those most affected by extortive demands.

The markets most affected by extortion racketeering are construction and entertainment, which account for up to 90% of all cases registered at national level. But also in these markets criminal organisations tend to establish predatory and parasitic relationships with their victims.

Tab. 212 – Markets most affected by extortion racketeering

Construction	✓
Real estate	✗
Entertainment sector (bars, cafés, clubs)	✓
Import/export	✗
Waste disposal	✗

Tab. 213 – Victim/offender relationship

Predatory	✓
Parasitic	✓
Symbiotic	✗

The criminal impact

Geography of extortions. There is no particular part of Portugal with a significant prevalence of extortion racketeering. However, there is a clear

distinction between cities and rural environments or areas where constructions businesses are present.

Legal/illegal markets. On the basis of the information collected, the construction and entertainment sectors are those that, within the legal economy, generate most opportunities for extortion racketeering; while the illegal markets that generate opportunities for such crime are those related to prostitution and drug trafficking.

Perceived harm. Extortion racketeering, this crime has a medium perceived harm if compared with other crimes (such as environmental crimes or counterfeiting and product piracy). But, according to the national expert, in the next few years the phenomenon will increase and become increasingly serious. The circumstances that might affect the phenomenon are the global economic crisis, ongoing trials against some very important criminal organizations, and the increase in public awareness of this phenomenon.

The legislation and regulation relating to extortion racketeering⁷³

According to the Portuguese Criminal Code the crime of extortion is criminalised as follows:

1. Article 223 c. 1

Whoever with intention to obtain for himself/herself or for a third person an illicit enrichment, compels another person, by means of violence or threat of serious harm, to dispose its patrimony, implicating damages for him/her or other person. The penalty applicable to the extortion is from 1 month to the maximum limit of 5 years imprisonment.

Extortion and organised crime. According to qualifying circumstances, the penalty is increased from 3 up to 15 years' imprisonment (Article 223 (3) a)), when committed by a member of a gang that exist to carry out extortions on a regular basis; from 8 to 16 years' imprisonment (Article 223 (3) b)) when commission of the offence leads to the death of another person.

The provisions set forth in the Criminal Code are able to combat extortion and also extortion racketeering (Article 223 together with Article 299).

Tab. 214 – Criminalisation of extortion practices

Carried out by OC groups	
Carried out on a regular basis	
Carried out on a professional basis	

The law enforcement response to extortion racketeering

National plan. Portugal does not have a specific action plan for extortion racketeering.

Police unit. No specialized investigative structures exist specifically to prevent and combat the offence of extortion. However, the Portuguese Criminal Police has exclusive responsibility for investigating all serious, violent and organised criminality, including, inter alia, terrorism and crimes committed by terrorist organisations, terrorism financing, corruption, criminal groups, money laundering and also extortion.

⁷³ This paragraph is based on Felicio, 2007.

The Central Department for the Combating of Terrorism (Direcção Central de Combate ao Banditismo - DCCB) is responsible for investigating, inter alia, slavery, kidnapping or hostage-taking, attacks on the security of the State, terrorism and terrorism financing and extortion.

Investigation. There are no special investigation techniques especially foreseen by Portuguese law for the offence of extortion. However, criminal investigations may be undertaken using “controlled deliveries” (Article 160-A) and “interception of communications” (Article 160-C) both of Law 144/99 of 31 August on international judicial co-operation in criminal matters.

Tab. 215 – Special investigative means

Interception of telephone conversations	✓
Interception of fax transmissions	✓
Interception of internet transmissions	✓
Audio or video recording of events taking place on private premises	✗
Undercover operations	✗
Techniques of financial investigation	✓
Financial criminal analysis	✓

Tab. 216 - Obstacles against investigation in Portugal

Lack of legislation		Serious
Inadequate follow-up of investigative techniques		Moderate
Limited investigative power		Serious
Lack of specialised investigative units		Moderate
Lack of human/material resources within specialized units		Low

International cooperation. The Portuguese criminal justice system does not comprise agreements and legislation that provide for direct police co-operation with the police forces of other EU Member States in the investigation of extortion racketeering cases. Nevertheless, since most serious cases of extortion are usually associated with other crimes (e.g. kidnapping or criminal association) that have such agreements, cooperation is generally provided also thanks to the Portuguese liaison officers stationed at Europol. For example, direct police cooperation in regard to the investigation of extortion racketeering has been developed with Cyprus, Greece, Germany, Spain, The Netherlands and the United Kingdom.

With reference to judicial cooperation, the following instruments have been used to fight extortion racketeering: extradition for trial and transfer of sentenced persons/prisoners.

With reference to the application of the European Arrest Warrant, 2 warrants have been issued by Spain.

Tab. 217 - Obstacles against international cooperation in Portugal

Lack of a common definition of the constituent element of the phenomenon		Low
Lack of specialised investigative units		Serious
Language difficulties		Low
Lack/Delay of responses to requests for assistance		Serious
Lack of human/material resources within units specialized in the investigation of extortion racketeering		Moderate

Suggestions for improving investigation capacity. According to the national expert, the following measures should be adopted/implemented further in order to combat/prevent extortion racketeering:

- competence for the investigation of extortion should be given exclusively to the Polícia Judiciária (superior criminal investigation police), and within the Polícia Judiciária, competence for investigation should be given exclusively to the Unidade Nacional de Contra-Terrorismo;
- changes to the criminal proceedings law should be made in order to allow the use of: (a) audio or video recording of events taking place on private premises, (including the homes of suspects); (b) undercover operations; (c) members of the criminal organizations who repent as witnesses, in return for their non conviction
- changes to the criminal law in action should be made in order to produce: (a) an increase in the number of victims and witnesses protected by the Portuguese state; (b) a dramatic increase in the number of bank accounts, houses, cars and other assets seized in favour of the Portuguese state.

The legislation and practices relating to the protection of victims and witnesses of extortion racketeering

Victims. With reference to the protection of, or support for, victims of extortion racketeering several programmes are envisaged.

Tab. 218 – Victim protection programmes

Police protection	
Temporary relocation to safe areas	
Evidentiary rules of protection measures when testifying in court (anonymity, shielding, videoconferencing)	
Medical/psycho-social support	
Financial compensation	
Moderate financial assistance	

Witnesses. With reference to the protection of, or support for, witnesses of extortion racketeering, the following programmes/practices are envisaged.

Tab. 219 – Witness protection programmes

Assistance before and during the trial	✓
Police measures to enhance physical security	✓
Court procedure to ensure the witness's safety while testifying	✓
Change of identity in case of extremely serious threat	✓
The possibility of giving evidence in a place other than that in which the person being prosecuted is situated	✓
The possibility of using audiovisual techniques	✓

Justice collaborators. With reference to the protection of, or support for justice collaborators in extortion racketeering cases, the following programmes-practices are envisaged.

Tab. 220 – Justice collaborators protection programmes

Assistance before and during the trial	✓
Police measures to enhance physical security	✓
Court procedure to ensure the witnesses' safety while testifying	✓
Sentence reduction	✗
Measures to protect them within the penitentiary system	✗
Separation from the general prison population	✗
Use of a different name for the prisoner-witness	✓
Special transportation arrangements for in-court testimony	✗
Isolation in separate detention units at the prison	✗

Best practices

The following are the best practices identified in the field of criminal investigation in Portugal:

- creation of specialized teams and units prepared for long and difficult investigations that need exclusive dedication;
- use of telephonic, internet interception and surveillance;
- use of an approach that gathers evidence on criminal actions, the criminal structure and all profits made;
- simultaneous use of house searches, arrests, and the seizure of all profits;
- use of evidence specially gathered from witnesses (some needing protection), and technical analysis (on computer or financial documents).

3.21 - ROMANIA



OUTLOOK	
Seriousness of extortion racketeering	
Extortion racketeering	<div style="display: inline-block; width: 100px; height: 10px; background-color: #0070C0; border: 1px solid black;"></div> High
Adequateness of counter measures against extortion racketeering	
Legislation and regulation	<div style="display: inline-block; width: 100px; height: 10px; background-color: #0070C0; border: 1px solid black;"></div> High
Protection of victims, witnesses, justice collaborators	<div style="display: inline-block; width: 100px; height: 10px; background-color: #0070C0; border: 1px solid black;"></div> High

Summary

OVERVIEW ON ORGANISED CRIME IN THE COUNTRY			
Likely structure	Main nationalities	Main criminal activities	
Hierarchy	National; Foreign (African, Oriental, Ukrainians, Moldavians and Russians)	National; Transnational	
SITUATION ON EXTORTION RACKETEERING			
Typology		Victim offender relationship	
Systemic		Parasitic; Symbiotic	
Perpetrators			
Typology	Nationality	Structure	
Local O.C (Private protection companies); Local gangs; Foreign O.C.	National; Foreign (Turkish, Chinese, Iranians, Nigerians, Ukrainians, Moldavians and Russians)	Hierarchy	
Victims			
Typology		Nationality	
Physical persons; Businesses		National; Foreign (Turkish, Chinese, Iranians, Nigerians, Ukrainians, Moldavians and Russians)	
Impact			
Geographical concentration	Covergae of extortion in the media	Perceived impact	
No	High	Low	
LEGISLATION AND REGULATION			
Extortion Definition		Punishability of extortion rackeering	
Yes		Yes, partially	
Law Enforcement			
National plan	Police Unit	Investigation	International coop.
No	Yes	High	Yes
PROTECTION OF VICTIMS, WITNESSES, JUSTICE COLLABORATORS			
Victims	Witnesses	Justice Collaborators	
High	High	High	

Overview on organised crime in the country

The Romanian situation of organised crime is distinguished by the fact that local Romanian criminal groups have recently joined new international criminal structures and expanded their criminal activities in the EU. They have specialised in drugs and arms dealing, trafficking in human beings and theft of cars, forging of electronic payment instruments and documents, extortion, debit card fraud and property crime (Carp et al, 2007). While considering that Romanian OC groups are more engaged in predatory crimes and trafficking in human beings (Europol, 2006), their role in drug trafficking appears to be taking place in Northern Italy and Spain, although Romania itself is an important transit country for Turkish and Albanian drug traffickers. Romanian OC groups often operate in small cells. Despite their apparently autonomous activities these cells are often part of a larger hierarchical OC group. These are pyramidal organisations with strict centralised control and a clear division of tasks (Europol, 2004: 23-24). Besides national organised criminal groups, also non-national groups (African, Oriental, Ukrainians, Moldavians and Russians) are active in the country and are mostly involved in local criminal activities.

The situation concerning extortion racketeering

Perpetrators. The extortion racketeering situation in Romania is characterised by the presence of national organized criminal groups, as well as foreign organized criminal groups. In the former case the most common nationalities involved in extortion racketeering are Moldavian Ukrainian and Russian. Especially during the 1990s, racket groups composed of citizens from the former states of the Soviet Union had a leading role in Romanian criminality. These groups, well organised and equipped, most of them armed, acted mostly against their own nationals who were in Romania for business or as tourists. The most appropriate example is that of the rackets which, after blocking the vehicles in which people were travelling, used violent acts, firearms included, to force the passengers to hand over large amounts of money or other assets⁷⁴ (Carp et al, 2007).

Recently, Romania has had increasingly to deal with criminal elements from the Republic of Moldova and Ukraine organised into different forms of association (usually criminal, but also disguised as private companies) and usually involved in extortion racketeering practices (Carp et al, 2007).

The most important example of a national organisation is provided by the so-called Romanian *Racket*. This organisation used to have a hierarchical structure, with commanding offices in Moscow and Chisinau. As noted by Carp et al (2007), it acted on very detailed plans, each group having its own dedicated area; the

⁷⁴ 1991: seven groups were identified; they had 31 members who committed 9 attacks on buses transporting tourists from the Commonwealth of Independent States (CIS). 1992: 172 RACKET criminals were discovered; they had committed 286 crimes, most of them by using violence and threats in order to obtain money and goods from tourists from the Commonwealth of Independent States (CIS). 1993: 86 RACKET criminals were captured; they had committed 216 crimes, most of them by using violence, threats and blackmail in order to obtain money and goods from tourists from the Commonwealth of Independent States (CIS). 1994: sixteen groups were detected; they had 67 members who had committed 13 attacks on buses transporting tourists from the Commonwealth of Independent States (CIS). 1995: five groups were identified; they had 14 members who had committed 6 attacks on buses transporting tourists from the Commonwealth of Independent States (CIS). 1996: 6 groups were identified; they had 24 members who had committed 6 attacks on buses transporting tourists from the Commonwealth of Independent States (CIS) to different tourist points of interest. 1997-2002: no cases. At the same time, the Romanian Police anticipated that in the absence of firm and immediate action, these RACKET groups were likely to become a phenomenon difficult to control and combat, with serious implications for public order and national security. Thus, during 1995-1996, only 11 groups were identified; they had 38 members who had committed 12 attacks. Since 1997, this issue has ceased to be a problem for Romania.

persons in charge carefully established the routes to follow, the places to rest, where and how to turn the goods into profit, exchange the currency, recruit the hosts and collaborators. The group members had vehicles, receiving stations, arms and ammunition, maps, binoculars, and a compass. Romania was divided into seven action regions. Several groups of 4-8 persons, led by a chief, acted in each region. At certain intervals, the persons in charge met with the regional representative in order to deliver the amounts obtained from their specific actions and to receive new orders.

Tab. 221 - Perpetrators

Local organized criminal groups	✓
Foreign organized criminal groups	✓
Terrorist groups	✗
Local gangs	✓
Private protection companies	✓

The organized criminal groups that commit extortion racketeering mainly operate at a national level and are involved in other criminal activities, such as armed robbery, computer crimes, bank fraud, drug production/trafficking, forgery, fraud, homicides, illegal activities related to prostitution, protection activities, vehicle theft. These groups are also involved in transnational criminal activities. The most common are money laundering, smuggling of cigarettes, smuggling of cultural artefacts, trafficking in human beings.

Tab. 222 – Other criminal activities carried out by the perpetrators

Local/national activities	✓
Transnational activities	✗

Victims. On the basis of the information collected at a national level, the victims of extortion racketeering are physical persons and businesses mainly involved in the entertainment sector (bars, cafés, clubs) and in the real estate market.

Tab. 223 – Typology of victims

Physical persons	✓
Businesses	✓

Tab. 224 – Markets most affected by extortion racketeering

Construction	✗
Real estate	✓
Entertainment sector (bars, café, clubs)	✓
Import/export	✗
Waste disposal	✗

At the present time, there is scant evidence of extortion racketeering committed within ethnic communities. However in the late 1990s, besides Romanian groups, also groups formed on the basis of the nationality principle (Turks, Chinese, Iranians, Nigerians, Ukrainians, Moldavians and Russians) were observed and the activities of such groups were mostly of a local character, directed against their own nationals for the purposes of robbery and extortion of protection fees (Council of Europe, 2000).

As far as the relationship between perpetrators and victims is concerned, to be noted is that organised criminal groups (national and non national), as well as private protection companies, tend to establish parasitic or symbiotic relationships, especially when the victims are businesses.

Tab. 225 – Victim/offender relationship

Predatory	
Parasitic	
Symbiotic	

The criminal impact

Geography of extortions. There is no particular part of Romania with a significant prevalence of extortion racketeering.

Legal/illegal markets. According to the national expert, the economic sectors of entertainment (bars, restaurants, casinos), real estate, and protection and security services are those that generate most opportunities for extortion racketeering; while the illegal markets that generate opportunities for such crime are those related to prostitution activities, drugs, usury and trafficking persons.

Perceived harm. Extortion racketeering has low perceived harm impact compared with other crimes (such as, for example, illicit trade in human beings).

The legislation and regulation relating to extortion racketeering

According the Criminal Code of Romania the crime of extortion is criminalised as follows:

1. Article 194

“(1) Coercion of a person, either by violence or by threat, to give, to do, or not to do or to suffer something, if the act is committed in order to obtain an unlawful benefit, for oneself or for another, shall be punished by imprisonment from 6 months to 5 years.

(2) When coercion resides in a threat to reveal a real or imaginary act, which is likely to compromise the person threatened, his/her spouse, or a close relative, the penalty shall be imprisonment from 2 to 7 years”⁷⁵.

Extortion and organised crime. While, according the *Law no. 39/2003 on preventing and combating organised crime* blackmail/extortion is considered as a typical activity of organised crime.

Extortion and organised crime. The crime of extortion (blackmail) is explicitly quoted within the list of crimes that typically characterize an organised criminal group.

Article 2 - Law no. 39/ 2003 on preventing and combating organised crime

“a) an organised criminal group is a structured group formed of three or more persons that exists for a period of time and acts in a coordinated manner for the

⁷⁵ Text available at <http://www.secicenter.org/p325/Romania> (visited on 18 December 2008).

purpose of committing one or more serious offences, in order to obtain directly or indirectly a financial benefit or another material benefit. An “organised criminal group” is not a group formed occasionally with the purpose of immediately committing one or more offences and which has no continuity or definite structure or pre-established roles for its members inside the group.

b) a serious offence is an offence which is part of one of the following categories:

1. homicide, second degree murder, first degree murder;
2. illegal deprivation of freedom;
3. slavery;
4. blackmail; (...)⁷⁶.

Tab. 226 – Criminalisation of extortion practices

Carried out by OC groups	✔
Carried out on a regular basis	✘
Carried out on a professional basis	✘

The law enforcement response to extortion racketeering

National plan. Extortion racketeering in Romania is not specifically addressed in any action plan against organised crime.

Police unit. On the other hand, depending on the type of offences committed or the structure of the group, extortion racketeering is within the competence of the police units combating organised crime, or of the criminal investigation units.

Investigation. In addition, according to the Code of Criminal Procedure of Romania, the following special investigative means can be used to investigate cases of extortion racketeering.

Tab. 227 – Special investigative means

Interception of telephone conversations	✔
Interception of fax transmissions	✔
Interception of internet transmissions	✔
Audio or video recording of events taking place on private premises	✔
Undercover operations	✔
Techniques of financial investigation	✔
Financial criminal analysis	✔

⁷⁶ The other criminal activities listed under article 2 Law no. 39/2003 are: 6. offences against property, which have brought about particularly serious consequences; 7. offences regarding the non-observance of regulations regarding arms and ammunition, explosive substances, nuclear substances or other radioactive substances; 8. currency forgery or forgery of other values; 9. disclosure of economic secrets, unfair competition, non-observance of the provisions regarding import or export operations, embezzlement, non-observance of provisions regarding the import of toxic waste and residual matter; 10. procurement; 11. offences regarding gambling; 12. offences regarding trafficking in drugs or/and precursors; 13. offences regarding trafficking in human beings and offences connected with trafficking in human beings; 14. trafficking in migrants; 15. money laundering; 16. corruption offences, offences assimilated to corruption, as well as offences directly connected with offences of corruption; 17. smuggling; 18. fraudulent bankruptcy; 19. offences committed through digital or communication systems and networks; 20. trafficking in human tissues and/or organs; any other offence for which the law stipulates imprisonment of which the special minimum is at least 5 years. (...). Text available at <http://www.secicenter.org/p325/Romania> (visited on 18 December 2008).

Tab. 228 - Obstacles against the investigation in Romania

Lack of legislation		Low
Inadequate follow-up of investigative techniques		Low
Limited investigative power		Low
Lack of specialised investigative units		Not at all
Lack of human/material resources within specialized units		Not at all

International cooperation. Within the Romanian criminal justice system, international cooperation is provided for by agreements and legislation, and is based on cooperation with the International Police Cooperation Centre and Romanian police officers attached to nearby embassies.

Romanian liaison officers that deal with extortion racketeering are posted in the following EU Member States: Belgium, France, Germany, Greece, Italy, Spain, United Kingdom.

With reference to judicial cooperation, the following instruments have been used to fight extortion racketeering: extradition for trial, extradition for sentence, execution of foreign sentences, transfer of sentenced persons/prisoners.

When requested by a prosecutor/judge of another EU Member State, a Romanian prosecutor/judge is obliged to provide assistance in terms of the interception of telephone conversations, interception of fax transmissions, interception of internet transmission, audio or video recording of events taking place on private premises and undercover operations.

Tab. 229 - Obstacles against international cooperation in Romania

Lack of a common definition of the constituent element of the phenomenon		Serious
Lack of specialised investigative units		Low
Language difficulties		Low
Lack/Delay of responses to requests for assistance		Not at all
Lack of human/material resources within units specialized in the investigation of extortion racketeering		Low

The legislation and practices relating to the protection of victims and witnesses of extortion racketeering

Legislation. The legislation on the protection of victims and witnesses is foreseen by the *Law no. 211 /2004 to protect the victim of offences* and the *Law 682/2002 protection of witness*.

Victims. With reference to the protection of, or support for, victims of extortion racketeering, the following programmes/practices are envisaged.

Tab. 230 – Victim protection programmes

Police protection	✓
Temporary relocation to safe areas	✓
Evidentiary rules of protection measures when testifying in court (anonymity, shielding, videoconferencing)	✓
Medical/psycho-social support	✓
Financial compensation	✓
Moderate financial assistance	✗

Witnesses. With reference to the protection of, or support for, witnesses of extortion racketeering the following programmes/practices are envisaged.

Tab. 231 – Witness protection programmes

Assistance before and during the trial	✓
Police measures to enhance physical security	✓
Court procedure to ensure the witness's safety while testifying	✓
Change of identity in case of extremely serious threat	✓
The possibility of giving evidence in a place other than that in which the person being prosecuted is situated	✓
The possibility of using audiovisual techniques	✓

Justice collaborators. With reference to the protection of, or support for, justice collaborators in extortion racketeering cases, the following programmes/practices are envisaged.

Tab. 232 – Justice collaborators protection programmes

Assistance before and during the trial	✓
Police measures to enhance physical security	✓
Court procedure to ensure the witnesses' safety while testifying	✓
Sentence reduction	✓
Measures to protect them within the penitentiary systems	✓
Separation from the general prison population	✓
Use of a different name for the prisoner-witness	✓
Special transportation arrangements for in-court testimony	✓
Isolation in separate detention units at the prison	✓

Best practices

The following measures have proved most effective in combating extortion racketeering: (1) police officer/prosecutor teamwork; (2) Law no. 302/2004 (modified) regarding international cooperation on penal matters; (3) the programmes for the protection of victims and witnesses.

3.22 - SLOVAKIA



OUTLOOK	
Seriousness of extortion racketeering	
Extortion racketeering	<div style="display: inline-block; width: 100px; height: 10px; background-color: #0070C0; border: 1px solid black;"></div> High
Adequateness of counter measures against extortion racketeering	
Legislation and regulation	<div style="display: inline-block; width: 100px; height: 10px; background-color: #0070C0; border: 1px solid black;"></div> High
Protection of victims, witnesses, justice collaborators	<div style="display: inline-block; width: 100px; height: 10px; background-color: #0070C0; border: 1px solid black;"></div> High

Summary

OVERVIEW ON ORGANISED CRIME IN THE COUNTRY			
Likely structure	Main nationalities	Main criminal activities	
Hierarchy	National; Foreign (Russian, Yugoslavian)	National; Transnational	
SITUATION ON EXTORTION RACKETEERING			
Typology		Victim offender relationship	
Systemic		Parasitic, Symbiotic	
Perpetrators			
Typology	Nationality	Structure	
Local O.C.; Foreign O.C.; Local gangs	National; Foreign (Ukrainan, Albanian, Russian, Chinese, Romany)	Hierarchy	
Victims			
Typology		Nationality	
Physical persons, Businesses		National; Foreign (Ukrainan, Albanian, Russian, Chinese, Romany)	
Impact			
Geographical concentration	Coverage of extortion in the media	Perceived impact	
Yes	Low	Low	
LEGISLATION AND REGULATION			
Extortion Definition		Punishability of extortion racketeering	
Yes		Yes	
Law Enforcement			
National plan	Police Unit	Investigation	International coop.
No	Yes	High	Yes
PROTECTION OF VICTIMS, WITNESSES, JUSTICE COLLABORATORS			
Victims	Witnesses	Justice Collaborators	
High	High	High	

Overview on organised crime in the country

Slovakian organised crime generally has a territorial scope and a hierarchical structure (Europol, 2006). Predominant in the composition of organised criminal groups are nationals of the Slovak Republic, even if other ethnically organized groups are present (Russian, Yugoslavian). Organised criminal groups are focused on perpetrating financially profitable and more latent types of crime, particularly economic and drug related crime. Prominent among economic crimes committed by organised groups are tax and customs frauds, the illegal manufacture and distribution of cigarettes and alcohol and recovery and legalisation of criminal assets, in particular by establishing a large number of business entities and huge real estate investment. There is a new element in the structures of organised crime that links directly with the structure of football hooliganism. The members of criminal organised groups, besides directly supporting the activities of right-wing extremist groups, especially in organizing music concerts, meetings and marches, also promote fights and disturbances during football matches (Security Report on the Slovak Republic, 2008). In addition, since 2003 OC groups in Slovakia have focused their activities on trafficking in human beings and commodity smuggling. In these crime areas, Slovakia is not only a transit but also a destination country. Highly latent economic crime is increasingly committed by OC groups linked to OC groups abroad. To achieve their goals, offenders commit the most serious crimes, like homicides and kidnappings, and to protect their interests they often resort to "brutal force". To this end, "they illegally traffic in arms and explosives, which they subsequently use to intimidate their competing OC groups, damaged victims or witnesses of their main activities" (Europol, 2004: 24).

The situation concerning extortion racketeering

The first reports of the existence of racketing in Slovakia date from the beginning of the 1990s. Organized extortion racketing is a phenomenon of organised crime, and it is perceived as a high latent crime affecting the owners of restaurants, nightclubs, gambling places and similar businesses. It takes various forms,⁷⁷ such as exacting charges for protection, exploitation of entrepreneurs to economic and other criminal activity, the forced taking of goods from a company without payment of invoices and payment of tax, recovery of sums due and extortion of discredited people. This criminal activity is associated with intimidation, threats of violence against family members, abduction, and often murder. These are applied both to borrowers and lenders and to the abused entrepreneurs, "horses" whose services can no longer be used and there are concerns about disclosure.

Data on the phenomenon. On the basis of the data collected, the Slovak Republic has been characterized by a decreasing trend in extortion racketeering in the past 10 years. This can also be seen by looking at the most recent data collected at national level (Tab.216).

⁷⁷ There are various forms of racketeering. However, the most frequent and well known is the protection racket; in other words, paying for protection. In this case, criminals demand from businesses financial compensation for "protection" services against crimes that the racketeers instigate if unpaid.

Tab. 233 – Crime cases newly opened cases by the police (2006-2008)⁷⁸

	2006	2007	2008	2006/2008
Blackmail sec. 189	1107	913	887	↓
Oppression sec. 190	26	16	11	↓
Oppression sec. 191	12	4	5	↓
Total	1145	933	903	↓

Source: National expert

Tab. 234 - Sentenced person for extortion racketeering (2006-2008)

	2006	2007	2008	2006/2008
Sec of 190 and 191	13	8	13	↔

Source: National expert

Perpetrators. Local organized criminal groups are most involved in extortion racketeering. Foreign organized criminal groups are not frequent, but on the other hand they are more relevant, organized at a higher level of conspiracy because of close family ties and language barriers. The most common nationalities of the foreign organized criminal groups involved in extortion racketeering are: Ukrainian, Albanian, Russian and Chinese. Also Romany gangs (not very well organised groups of criminals) are involved in extortion practices.

Tab. 235 - Perpetrators

Local organized criminal groups	✓
Foreign organized criminal groups	✓
Terrorist groups	✗
Local gangs	✓

The national organized criminal groups engaged in racketeering are usually managed by a very close-knit higher-grade group of people. The control unit usually designates the focus of organized group, the type of strategy and operations, the method of selection of people and their position in the structure, and the use of profits. At the very top of the pyramid there may be a management or an individual. Members of control units (3-5 people), respectively individual, usually legally run businesses, maintain contacts with important members of government and business circles (local and national level), and they often have important social or business functions. They are often the owners of the various security agencies whose business is to protect property and persons (Green, 1998). These persons are not involved in perpetration of the crime itself. Central management is mainly in charge of ensuring the implementation of specific crimes, identifying the appropriate people, sharing the determination of management strategies and control disciplines. Usually, they move in public in the presence of personal bodyguards, and the general public know them as people from organised crime, but they are still in the background, and do not directly commit criminal acts. Rank-and-file members are chosen from among physically capable individuals who are often former or active athletes, former staff of the various special services in the police or the military. With regard to the

⁷⁸ The information presented in the tables is based on the responses to the questionnaire provided by the national expert for Slovakia involved in the study.

nature of activities required, they are specialists in weapons, explosives, communication equipment, computers and legal protection.

The local organized criminal groups that commit extortion racketeering mainly operate at national level and are involved in other criminal activities, such as armed robbery, bank fraud, drug production/trafficking, forgery, fraud, illegal activities related to prostitution, vehicle theft. These groups are rarely involved in transnational criminal activities.

Tab. 236 – Other criminal activities carried out by the perpetrators

Local/national activities	✓
Transnational activities	✗

Victims. The victims of extortion racketeering are national physical persons as well as businesses.

Tab. 237 – Typology of victims

Physical persons	✓
Businesses	✓

With reference to businesses, according to the Slovak Police, in the biggest cities of the country, restaurants, bars, and massage parlours are divided into zones between several ‘groups of interest’⁷⁹. Also the waste disposal sector is affected by extortion racketeering. In addition, when extortions are carried out by local organised criminal groups, these tend to establish parasitic and symbiotic relationships with their victims.

Tab. 238 – Markets most affected by extortion racketeering

Construction	✗
Real estate	✗
Entertainment sector (bars, café, clubs)	✓
Import/export	✗
Waste disposal	✓

Tab. 239 – Victim/offender relationship

Predatory	✗
Parasitic	✓
Symbiotic	✓

In regard to ethnic communities, those consisting of Chinese, Ukrainian and Romany migrants are those most affected by this kind of criminal behaviour.

⁷⁹ Leaders of these groups often visit massage parlours (MPs) in their “zone”; hold their business meetings in the MP, etc. Disobeying this system usually has tragic consequences for the owner (burning down of the MP or his house)” (Bianchi et al, 2007: 59). In the legal markets, in 2000 “15% of Slovakian managers (...) said protection payments are normally made” (Johnsona, 2000).

The criminal impact

Geography of extortions. There is no particular part of the Slovak Republic with a significant prevalence of extortion racketeering. The crime is committed across entire regions. However, there is a clear distinction between cities with more than 20,000 inhabitants and rural environments.

Legal/illegal markets. According to the national expert, the private security industry is the one, within the legal economy, which generates most opportunities for extortion racketeering; while the illegal markets that generate opportunities for such crime are those related to trafficking activities (trafficking of drugs from foreign countries as well as their production on Slovak territory, trafficking of goods from Ukraine, and illegal Chinese import/export markets).

Perceived harm. Extortion racketeering has a low perceived harm impact if compared with other crimes (such as, for example, corruption or counterfeiting and product piracy).

The legislation and regulation relating to extortion racketeering

According to the Criminal Code of the Slovak Republic (Legal act No 300/2005 Col., effective until 31 December 2005) the crime of extortion is criminalised as follows⁸⁰:

⁸⁰ Within the Criminal Code of the Slovak Republic (Legal act No 300/2005 Col., effective until 31 December 2005) other definitions related to the crime "extortion" are provided as follows:

Section 190 Gross duress

(1) Anyone shall receive a sentence of deprivation of liberty for four to ten years who by violence, threat of violence or threat of any other grievous harm forces another to proprietary or non-proprietary performance to the benefit of himself or of a third person for his own services or for services of a third person while imputing such performance to that person against his/her will even in case that such services are pretended.

(2) A perpetrator shall receive the sentence as referred to in the par. 1 if he: a) by violence or threat of violence unlawfully forces a group of persons to act, omit or suffer something contrary to their fundamental human rights or b) he tortures, ill-treats or carries out any similar inhuman and cruel treatment of a group of persons, due to their nationality, race, colour of skin, ethnic origin, age, health condition or gender or if he acts so with the intention to obtain undue or inadequate advantage for himself or for another.

(3) A perpetrator shall receive a sentence of deprivation of liberty for seven to twelve years if he commits a crime as referred to in the par. 1 or 2: a) and he causes so major damage, b) against protected person, c) due to especial motive or d) in more serious way of acting.

(4) A perpetrator shall receive a sentence of deprivation of liberty for twelve to twenty years if he commits a crime as referred to in the par. 1 or 2: a) and he causes so grievous bodily harm or death or b) and he causes so significant damage.

(5) A perpetrator shall receive a sentence of deprivation of liberty for twenty up to twenty five years or life sentence if he commits a crime referred to in the par. 1 or 2: a) and he causes so extensive damage, b) and he causes so death of several persons or c) while being a member of dangerous group.

Section 191

(1) Anyone shall receive a sentence of deprivation of liberty for one to three years who by violence, threat of violence or threat of any other grievous harm forces another to perform obligations which is a third person otherwise entitled to.

(2) A perpetrator shall receive sentence of deprivation of liberty for three up to eight years if he commits a crime referred to in the par. 1: a) and he causes so major damage, b) against protected person, c) due to especial motive or d) in more serious way of acting.

(3) A perpetrator shall receive sentence of deprivation of liberty for seven up to fifteen years if he commits a crime referred to in the par. 1: a) and he causes so grievous bodily harm or death or b) and he causes so significant damage.

(4) A perpetrator shall receive sentence of deprivation of liberty for fifteen up to twenty five years or life sentence if he commits a crime referred to in the par. 1: a) and he causes so extensive damage, b) he causes so death of several persons or c) while being a member of dangerous group.

Section 192 Duress

1. Section 189 Blackmail (Extortion)

(1) Anyone shall receive a sentence of deprivation of liberty for two to six years who by violence, threat of violence or threat of any other grievous harm forces another to act, omit or suffer.

(2) A perpetrator shall receive a sentence of deprivation of liberty for four to ten years if he commits a crime referred to in the par. 1: a) in more serious way of acting, b) against a protected person, c) due to especial motive or d) and causes so major damage.

(3) A perpetrator shall receive a sentence of deprivation of liberty for ten to twenty years if he commits a crime referred to in the par. 1: a) and causes grievous bodily harm or death, or b) and causes so significant damage.

(4) A perpetrator shall receive a sentence of deprivation of liberty for twenty to twenty five years or life sentence if he commits the crime referred to in the par. 1: a) and causes grievous bodily harm to several persons or death of several persons, b) and causes so extensive damage or c) while being a member of dangerous group.

Extortion and organised crime. Extortion racketeering practices are punishable under the Criminal Code of the Slovak Republic⁸¹.

Tab. 240 – Criminalisation of extortion practices

Carried out by OC groups	
Carried out on a regular basis	
Carried out on a professional basis	

(1) Any one shall receive sentence of deprivation of liberty up to three years who misusing a hardship (person is without means of subsistence) or urgent need of property or emergency caused by unfavourable personal situation of another forces that person to act, omit or suffer.

(2) A perpetrator shall receive sentence of deprivation of liberty for one up to five years if he commits a crime referred to in the par. 1: a) in more serious way of acting, b) against protected person, c) due to especial motive, d) with the intention to obtain major property profit or any other profit for himself or for another or e) while removing an employee his right to guarantee of occupational safety, holiday to refresh or refusing to create special working conditions for women and juvenile employees.

(3) A perpetrator shall receive sentence of deprivation of liberty for four up to ten years if he commits a crime referred to in the par. 1: a) and he causes so grievous bodily harm or death or b) and he causes so significant damage.

(4) A perpetrator shall receive sentence of deprivation of liberty for ten up to twenty five years or life sentence if he commits a crime referred to in the par. 1: a) and he causes so extensive damage, b) and he causes so death of several persons, c) while being a member of dangerous group or d) in crisis (distressed) situation.

⁸¹ Pursuant to section 129 subsection (2) of the Criminal Code of the Slovak Republic: (...) an organized group shall mean a conspiracy of at least three persons for the purpose of commission of a criminal act; within such group there exist certain level of distribution (division) of tasks between members of that group the activity of which is planned and co-ordinate in the way improving the probability of successful commission of a crime. Pursuant section 129 subsection (3) of the Criminal Code of the Slovak Republic: (...) a criminal group shall mean structured group of at least three persons existing for certain period of time and acting in co-ordinate way with the aim of committing one or several crimes, or the crime of money laundering pursuant the Section 233 or one of the corruption crimes pursuant to the Chapter eight, third Volume, the Separate part; that group commits crimes in order to directly or indirectly obtain financial profit or other advantage. Section 296 "Creation, instigation and supporting of criminal group": any person, who create or instigate a criminal group, who is its member, who is active for it or who support it, shall be liable to a term of imprisonment of five to ten years or of confiscation of property.

The law enforcement response to extortion racketeering

National plan. The Slovak Republic does not have a specific action plan for extortion racketeering.

Police unit. On the other hand, like other serious crimes, extortion racketeering is within the competence of Judicial Police Bureaus and also of the Organised Crime Bureaus.

Investigation. In addition, according to the Code of Criminal Procedure of the Slovak Republic, special investigative means can be used, as shown in the following table.

Tab. 241 – Special investigative means

Interception of telephone conversations	✓
Interception of fax transmissions	✓
Interception of internet transmissions	✓
Audio or video recording of events taking place on private premises	✓
Undercover operations	✓
Techniques of financial investigation	✓
Financial criminal analysis	✓

Tab. 242 - Obstacles against the investigation in Slovakia

Lack of legislation	<input type="text"/>	Not at all
Inadequate follow-up of investigative techniques	<input type="text"/>	Not at all
Limited investigative power	<input type="text"/>	Not at all
Lack of specialised investigative units	<input type="text"/>	Low
Lack of human/material resources within specialized units	<input type="text"/>	Low

International cooperation. The Slovak criminal justice system does not comprise agreements and legislation that provide for direct police co-operation with the police forces of other EU Member States in the investigation of extortion racketeering cases. Nevertheless, direct police cooperation in regard to the investigation of extortion racketeering has been developed with Czech Republic and Hungary. Slovak liaison officers that deal with extortion racketeering are posted in the following EU Member States: Austria, Bulgaria, Czech Republic, Hungary and Poland. With reference to judicial cooperation, the following instruments have been used to fight extortion racketeering: extradition for trial, extradition for sentence, execution of foreign sentences, transfer of sentenced persons/prisoners.⁸²

When requested by a prosecutor/judge of another EU Member State, a Slovak prosecutor/judge is obliged to provide assistance in terms of the interception of telephone conversations, interception of fax transmissions, interception of internet transmission, audio or video recording of events taking place on private premises and undercover operations.

⁸² For example a head of criminal group was extradited from Hungary in 2007. He was given a life sentence in February 2009.

With reference to the application of the European Arrest Warrant, between 2007 and 2008 warrants were issued by the Czech Republic (3 times for Slovakian citizens) and Spain (1 time for Ukrainian citizens).

Tab. 243 - Obstacles against international cooperation in Slovakia

Lack of a common definition of the constituent element of the phenomenon	<input type="text"/>	Not at all
Lack of specialised investigative units	<input type="text"/>	Low
Language difficulties	<input type="text"/>	Moderate
Lack/Delay of responses to requests for assistance	<input type="text"/>	Moderate
Lack of human/material resources within units specialized in the investigation of extortion racketeering	<input type="text"/>	Low

Suggestion for improving investigation capacity. According to the national expert, the following measures should be adopted/implemented further in order to combat/prevent extortion racketeering:

- enhance trust in the Police Force among victims of crime so as to improve their cooperation necessary for detection of criminal offences;
- create a special unit primarily focused on the detection and investigation of extortion racketeering with full application of the existing instruments for the protection of victims and witnesses.

The legislation and practices relating to the protection of victims and witnesses of extortion racketeering

Legislation. The main piece of legislation dealing with the protection of the victims of organised criminal acts is Act 56 of 8th July 1998 on the protection of the witness and on the modification and amendment of certain laws.

Victims. With reference to the protection of, or support for, victims of extortion racketeering several programmes are envisaged.

Tab. 244 – Victim protection programmes

Police protection	✓
Temporary relocation to safe areas	✓
Evidentiary rules of protection measures when testifying in court (anonymity, shielding, videoconferencing)	✓
Medical/psycho-social support	✓
Financial compensation	✓
Moderate financial assistance	✓

All defined measures are provided by the Department of Protective Services created within the Ministry of Interior according to Act. No. 256/1998 Coll. on witness protection and in supplement to Modification and Amendment of Certain Acts. This Department is fully equipped with technical and financial means, which are used to fulfil its tasks during witness/victims protection programmes.

Witnesses. With reference to the protection of, or support for, witnesses of extortion racketeering, the following programmes/practices are envisaged⁸³ by the Slovakian Code of Criminal Procedure.

Tab. 245 – Witness protection programmes

Assistance before and during the trial	✓
Police measures to enhance physical security	✓
Court procedure to ensure the witness’s safety while testifying	✓
Change of identity in case of extremely serious threat	✓
The possibility of giving evidence in a place other than that in which the person being prosecuted is situated	✓
The possibility of using audiovisual techniques	✓

Justice collaborators. With reference to the protection of, or support for, justice collaborators in extortion racketeering cases, the following programmes/practices are envisaged by the Slovakian Code of Criminal Procedure.

Tab. 246 – Justice collaborators protection programmes

Assistance before and during the trial	✓
Police measures to enhance physical security	✓
Court procedure to ensure the witnesses’ safety while testifying	✓
Sentence reduction	✓
Measures to protect their life within the penitentiary systems	✓
Separation from the general prison population	✓
Use of a different name for the prisoner-witness	✓
Special transportation arrangements for in-court testimony	✓
Isolation in separate detention units at the prison	✓

Best practices

According to the national police, the following are the measures which have proved most effective in combating extortion racketeering: witness protection programmes; use of special investigative means, use of co-operating offenders.

⁸³ Even if there are no special provisions dealing with the protection of witnesses of extortion racketeering at trial, they are fully covered by general provisions of the Code of Criminal Procedure of the Slovak Republic.

3.23 - SLOVENIA



OUTLOOK	
Seriousness of extortion racketeering	
Extortion racketeering	<div style="display: inline-block; width: 50%; height: 10px; background: linear-gradient(to right, blue, white); border: 1px solid black;"></div> Medium
Adequateness of counter measures against extortion racketeering	
Legislation and regulation	<div style="display: inline-block; width: 100%; height: 10px; background: linear-gradient(to right, blue, white); border: 1px solid black;"></div> High
Protection of victims, witnesses, justice collaborators	<div style="display: inline-block; width: 100%; height: 10px; background: linear-gradient(to right, blue, white); border: 1px solid black;"></div> High

Summary

OVERVIEW ON ORGANISED CRIME IN THE COUNTRY			
Likely structure	Main nationalities	Main criminal activities	
Network	National; Foreign (Eastern European)	National; Transnational	
SITUATION OF EXTORTION RACKETEERING			
Typology		Victim/offender relationship	
Casual		Predatory; Parasitic	
Perpetrators			
Typology	Nationality	Structure	
Local O.C.; Foreign O.C.; Local gangs	National; Foreign (Eastern European)	Hierarchy	
Victims			
Typology		Nationality	
Physical persons; Businesses		National; Foreign (Eastern European; Albanian)	
Impact			
Geographical concentration	Coverage of extortion in the media	Perceived impact	
Yes	Medium	Information not available	
LEGISLATION AND REGULATION			
Extortion Definition		Punishability of extortion racketeering	
Yes		Yes, partially	
Law Enforcement			
National plan	Police Unit	Investigation	International coop.
Yes	Yes	High	Yes
PROTECTION OF VICTIMS, WITNESSES, JUSTICE COLLABORATORS			
Victims	Witnesses	Justice Collaborators	
High	High	Medium	

Overview on organised crime in the country

The Slovenian situation of organised crime is shaped by the presence of indigenous and foreign organised criminal groups mainly involved in traditional crime and the use of influence and violence (Europol 2006). There is also a strong presence of Eastern European criminal groups active in crime against low-profile targets such as shops, supermarkets and houses. Slovenian authorities have further detected smuggling channels for weapons from the area of South-Eastern Europe to the EU countries and even to other continents. Nationals of Bosnia-Herzegovina and Slovenia working in the EU countries are acting as couriers. A number of smuggling cases to The Netherlands have been discovered; there the weapons are usually paid for in drugs, which are taken back to Bosnia-Herzegovina and Croatia by the same couriers. In July 2003, the unlawful importing of the radioactive element Cs 137 to Slovenia and an attempt to take it out of the country and then to Italy was discovered. Since 2004, Slovenia has noted a considerable increase in the distribution of counterfeited Euros (Europol, 2004: 24). When disclosing and investigating crime in 2008, the police classified fully 359 criminal offences as organised crime activities.

The situation concerning extortion racketeering⁸⁴

Data on the phenomenon. On the basis of the data collected, Slovenia has been characterized by a rather stable trend in extortion racketeering practices in recent years.

Tab. 247 – Extortion cases detected and investigated – Organised Crime

Year	Number of cases
2002	-
2003	-
2004	4
2005	9
2006	11
2007	18
2008	11

Source: Slovenian Police - Ministry of interior

Tab. 248 – Extortion cases detected and investigated - Juvenile crime

Year	Number of cases
2002	77
2003	50
2004	51
2005	44
2006	88
2007	71
2008	52

Source: Slovenian Police - Ministry of interior

With reference to the reported cases of extortion, statistics in 2008 reported 394 cases, 4.8% more than in 2007. The reason for this increase may be related to a series of police and media-supported awareness actions. These actions include press conferences after the arrests of large criminal OC groups connected with extortion; publications of brochures and posters (issued by the General Police

⁸⁴ This paragraph is based on Blazina, 2007.

Directorate). In 2008 these materials, encouraging the owners of shops, pubs and firms to report any extortion to the police, were distributed among the owners of firms, local communities, and owners of low-profit shops in Slovenia.

Perpetrators. Several types of extortion have been identified in Slovenia: (1) classic forms of perpetration; (2) politically motivated offences; (3) extortion originating from debtor/creditor arrangements; (4) extortion as part of other criminal offences; (5) juvenile extortion; (6) collecting fees - racketeering. According to the national police, the latest trends in extortion practices are characterized by the increase in extortion committed in brutal and humiliating manner with two or more perpetrators involved, and by an increase in organised forms of extortion committed by crime gangs. The perpetrators of extortion racketeering practices are both national and non-national groups, while in the past year there has been a decrease in the extortion of Albanian nationals by the Albanian diaspora because of the stabilized situation in Kosovo.

Tab. 249- Perpetrators

Local organized criminal groups	✓
Foreign organized criminal groups	✓
Terrorist groups	✗
Local gangs	✓

Victims. The victims of extortion racketeering are national physical persons as well as businesses.

Tab. 250 – Typology of victims

Physical persons	✓
Businesses	✓

In this particular context, local organised criminal groups tend to establish rather predatory or parasitic relationships with their victims.

Tab. 251 – Victim/offender relationship

Predatory	✓
Parasitic	✓
Symbiotic	✗

The criminal impact

Geography of the extortions. There is no particular part of Slovenia with a significant prevalence of extortion racketeering. However, recent trends exhibit a clear distinction between rural environments and cities, where forms of extortion by crime gangs are more frequently committed.

The legislation and regulation relating to extortion racketeering

According to the Slovenian Criminal Code, the crime of extortion is criminalised as follows:

Definition. 1. Article 218

“Whoever, with the intention of unlawfully acquiring property for himself or a third person, by use of force or serious threat coerces another person to perform an act or to omit to perform one to the detriment of his or another's property shall be sentenced to imprisonment for not more than five years.

Whoever, with the intention of unlawfully acquiring property for himself or a third person, threatens another person with disclosure of any matter concerning him or his relatives which is capable of damaging his or his relatives' honour or reputation, thereby compelling that person to perform an act or to omit to perform one to the detriment of his or another's property shall be punished to the same extent.

If the offences under the first or second paragraphs of the present article have been perpetrated by at least two persons, the perpetrators shall be sentenced to imprisonment for not less than one and not more than eight years” (Ministry of Justice of Slovenia, 2005).

Extortion and organised crime. Both extortion and racketeering are considered as felonies within the Slovenian criminal justice system, where extortions committed by organised criminal groups are criminalized. The presence of an organised criminal group as an actor is considered a highly dangerous and classified variant on the crime of extortion. This may occur when three or more persons commit the crime of extortion in an organised manner.

Tab. 252 – Criminalisation of extortion practices

Carried out by OC groups	
Carried out on a regular basis	
Carried out on a professional basis	

The law enforcement response to extortion racketeering

National plan. The “Raid” Project has recently been launched in Slovenia. This is a long-term (2007–2011) and general operation aimed at preventing and controlling crime in Slovenia. Among the many activities envisaged, this project comprises several partially local operations and analyses all the significant criminal groups engaged in extortion and blackmail in Slovenia, in order to establish possible connections between criminal groups and suspects and to prevent and eradicate this kind of criminal conduct (Blazina, 2007).

Police unit. Moreover, the Slovenian Criminal Police Directorate operates a Counter-Terrorism and Extreme Violence Unit which also deals with extortion racketeering. This Unit has several sub-units in regional criminal police directorates (11). Investigations of extortion cases related to organised crime are also carried out by the system analysis division, which provides support for the formation and implementation of security policies and for the functioning and development of the police system (Kolenc, 2003).

Investigation. Since extortion is considered a very serious crime in Slovenia, the criminal procedure allows the use of special investigative techniques when extortion racketeering cases are investigated.

Tab. 253 – Special investigative means

Interception of telephone conversations	✓
Interception of fax transmissions	✓
Interception of internet transmissions	✗
Audio or video recording of events taking place on private premises	✓
Undercover operations	✓
Techniques of financial investigation	✓
Financial criminal analysis	✓

International cooperation. The Slovenian criminal justice system comprises agreements and legislation that provide for direct police co-operation with the police forces of other EU Member States in the investigation of extortion racketeering cases. Cooperation is based upon memorandums and is usually carried out by means of joint investigative teams.

The legislation and practices relating to the protection of victims and witnesses of extortion racketeering

Legislation. The legislation on the protection of victims and witnesses is foreseen by the *Witness Protection Act (ZZPrič) – 2005*.

Victims. With reference to the protection of, or support for, victims of extortion racketeering, several programmes are envisaged.

Tab. 254 – Victim protection programmes

Police protection	✓
Temporary relocation to safe areas	✓
Evidentiary rules of protection measures when testifying in court (anonymity, shielding, videoconferencing)	✓
Medical/psycho-social support	Data not available
Financial compensation	✓
Moderate financial assistance	✓

Witnesses. With reference to the protection of, or support for, witnesses of extortion racketeering, the following programmes/practices are envisaged.

Tab. 255 – Witness protection programmes⁸⁵

Assistance before and during the trial	✓
Police measures to enhance physical security	✓
Court procedure to ensure the witness's safety while testifying	✓
Change of identity in case of extremely serious threat	✓
The possibility of giving evidence in a place other than that in which the person being prosecuted is situated	✓
The possibility of using audiovisual techniques	✓

Justice collaborators. With reference to the protection of, or support for justice collaborators in extortion racketeering cases, the following programmes - practices are envisaged.

Tab. 256 – Justice collaborators protection programmes

Assistance before and during the trial	✓
Police measures to enhance physical security	✓
Court procedure to ensure the witnesses' safety while testifying	✓
Sentence reduction	Data not available
Measures to protect them within the penitentiary system	Data not available
Separation from the general prison population	Data not available
Use of a different name for the prisoner-witness	Data not available
Special transportation arrangements for in-court testimony	Data not available
Isolation in separate detention units at the prison	Data not available

⁸⁵ "The measures within the protection programme may be: the relocation of persons, altered documents, prevention of provision of personal data and supervision of inquiries into records, concealment of identity as required for judicial procedures, change of identity, use of video conference and telephone conference, international exchange, measures in prisons or institutions for the enforcement of corrective measures, economic and social support" (Slovenian Ministry of Justice, 2006)

3.24 - SPAIN



OUTLOOK	
Seriousness of extortion racketeering	
Extortion racketeering	<div style="display: inline-block; width: 100px; height: 10px; background-color: #0070C0; border: 1px solid black;"></div> High
Adequateness of counter measures against extortion racketeering	
Legislation and regulation	<div style="display: inline-block; width: 100px; height: 10px; background-color: #0070C0; border: 1px solid black;"></div> Medium
Protection of victims, witnesses, justice collaborators	<div style="display: inline-block; width: 100px; height: 10px; background-color: #0070C0; border: 1px solid black;"></div> High

Summary

OVERVIEW ON ORGANISED CRIME IN THE COUNTRY			
Likely structure	Main nationalities	Main criminal activities	
Hierarchy; Network	National; Foreign (Russian, Eastern European)	National; Transnational	
SITUATION ON EXTORTION RACKETEERING			
Typology		Victim offender relationship	
Systemic		Predatory; Parasitic, Symbiotic	
Perpetrators			
Typology	Nationality	Structure	
Terrorist groups; Local gangs; Foreign O.C.	National; Foreign (Russian, Romanian, Colombian, Chinese)	Hierarchy	
Victims			
Typology		Nationality	
Physical persons; Businesses		National; Foreign (Russian, Romanian, Colombian, Chinese)	
Impact			
Geographical concentration	Coverage of extortion in the media	Perceived impact	
Yes	High	High	
LEGISLATION AND REGULATION			
Extortion Definition		Punishability of extortion racketeering	
Yes		No	
Law Enforcement			
National plan	Police Unit	Investigation	International coop.
Yes	Yes	High	Yes
PROTECTION OF VICTIMS, WITNESSES, JUSTICE COLLABORATORS			
Victims	Witnesses	Justice Collaborators	
High	High	High	

Overview on organised crime in the country

Spain, because of its geographical location and historical and cultural relations with Latin America and North-West Africa, represents a “crucial crossroads for cocaine produced in Colombia and transiting from other Latin American countries, such as Venezuela, Argentina and Brazil, and also from the Caribbean region” (Europol, 2008: 40). Moreover, in Spain geographical reasons had led to the establishment of cannabis products from North Africa and illegal immigrants from Africa and South America. The Iberian criminal scene is shaped mainly by the activities and co-operation patterns of certain indigenous, South American and North West African OC groups. In addition, the role adopted by certain Eastern European OC groups seems to be significant in the field of crimes against property, while Chinese OC groups are key players in the counterfeit goods market” (Europol, 2007). Spain is still a transit country for drugs directed to other EU Member States, as well as counterfeited goods or tobacco.

This transnational character of organised crime in Spain is further confirmed when looking at the composition of the organised criminal groups: in fact, nationals of as many as 122 different countries belonged to the known 564 organised crime groups in 2007 (Ministry of Home Affairs, 2007).

The other criminal activities in which organised crime is principally involved in Spain are arms and explosives trafficking, prostitution, children abuse, illegal gambling, organized business robbery, vehicle theft and smuggling, people trafficking, workers trafficking, counterfeiting and fraud, extortion, kidnapping, intellectual property crimes, the trafficking of works of art and jewels, and extensive money laundering (Sands, 2007).

The organisational structure of criminal groups operating in Spain can be described as follows, if compared with large mafia-like organised criminal groups: “smaller, very flexible, interacting among themselves as small independent cells that occasionally add their efforts to perform their criminal activities; and at other times, that interaction leads to burglaries of goods, kidnappings, or settling of scores among the groups (Jaime Jiménez, 2006: 3).

It is also worth mentioning that even if Spanish organised criminal groups are not sufficiently large to operate at transnational level and pose a serious threat to the country’s security, the fact that “some of these indigenous clans or individuals work with foreign criminals or groups such as the so-called Colombian cartels and Russian mafias in Spain” (Sands, 2007: 214) raises concerns about their criminal activities. For example, it is recognised that delinquency originating from the Balkan countries has a considerable impact, with an upward trend in recent years (Jaime Jiménez, 2006: 4).

Official data of the Spanish Ministry of Home Affairs in 2007 has established the following pattern of organized criminal groups in Spain:

- 35% of the groups have between 3 and 10 members. Most groups are composed of fewer than twenty people
- 51.4% of groups engage in one criminal activity, which denotes criminal specialization, while 48.6% of groups develop a number of unrelated criminal activities, which indicates multi-criminality mainly involving drugs trafficking (cocaine or hashish), property crimes (robbery, vehicle theft, extortion and misappropriation)
- 61% of groups have a hierarchical structure and 15.3% a network structure. In 99% of groups, tasks are distributed with internal control mechanisms.
- Organised crime in Spain has international connections, which tend to increase: 61.3% of groups have international activities. 54.5% of the groups dismantled, and 70.5% of active groups, had international activities at the

end of 2007. The data indicate that it is more difficult to act effectively against multinationals groups. In addition, an 31.56% increase in the frequency of international activities was recorded between 2006 and 2007, while the number of groups increased by 17%.

- OC groups in Spain tend to concentrate in coastal areas, especially Malaga, Barcelona, Valencia, Alicante, Cadiz and in Sevilla and Madrid.

The situation concerning extortion racketeering

The phenomenon. One of the most interesting features of extortion racketeering in Spain is the fact that it is carried out not only by national and foreign criminal groups (e.g. Chinese) but also by terrorist groups. For example, the ETA finances itself through extortion, kidnappings and the forced payment of what it terms “revolutionary taxes”.⁸⁶

Data on the phenomenon. Data on convictions for extortion in 2007 are available. In total, 31 persons have been convicted, 20 of them were of Spanish nationality while 5 originated from the rest of the European Union, 1 from the rest of Europe, 3 from America, and 2 from Africa (INE, Statistic National Institute).

Perpetrators. Based on a review of selected newspapers in Spain over the past two years, extortion racketeering in Spain seems to be perpetrated mainly by the following types of offenders:

- ETA terrorist group. In fact extortion racketeering is reported as one of the main means used by the terrorist group to finance its activities and terrorist attacks. Moreover, a Belgian newspaper⁸⁷ reported that ETA is perceived in Spain not only as a terrorist group but also as a criminal group systematically committing extortion;
- motorcycle gangs such as Hells Angels;

⁸⁶ Reproduced below is a letter written by the ETA terrorist group to extort money from businesses and published in the newspaper *El Mundo* (4 June 2007).

Euskal Herria, mayo de 2007

La organización socialista vasca revolucionaria para la liberación de la nación, ETA, quiere invitaros a dar pasos en el futuro de nuestro pueblo, que quiere avanzar. Euskal Herria se encuentra en un momento clave. Para hacer frente a los años de opresión que este pueblo ha padecido durante mucho tiempo, hemos sido numerosos los luchadores que nos hemos unido a las ansias de libertad.

Y queremos decir muy alto, que si durante estos años no hubiéramos ejercido la defensa de la identidad de nuestro pueblo en todas las áreas y de no haber defendido nuestros derechos a través de los instrumentos que hemos tenido y tenemos, Euskal Herria habría muerto a manos de los dos Estados. Y ahora y aquí tenemos la posibilidad de ser un Pueblo libre, precisamente por haber hecho frente a la opresión del enemigo. Pero aún queda mucho por hacer. El camino hacia la libertad y el futuro digno para un pueblo es largo, duro y difícil. Es imprescindible la participación de todos, en la lucha por superar el marco jurídicopolítico que ha creado la división, la opresión y la imposición sobre este Pueblo. Los hombres y mujeres que formamos parte de ETA, al igual que miles de vascos honrados, luchamos porque las palabras democracia y libertad se conviertan en realidad. Es necesaria la aportación de absolutamente todos, tanto en las áreas culturales, sociales, económicas, como políticas. Al menos, si no queremos que Euskal Herria muera.

Por eso, sin olvidar ni despreciar en absoluto el trabajo que ustedes realizan a favor de Euskal Herria y teniendo en cuenta la capacidad económica que poseen, venimos a pedirles una ayuda económica de 150.000 €. Les garantizamos que se utilizarán para la liberación y construcción de Euskal Herria y, al mismo tiempo, nos gustaría que lo entendieran como un compromiso de subvención.

Dando por hecho que tienen medios y posibilidades de ponerse en contacto con la Organización, bien para abordar este tema, bien para hablar de cualquier otro asunto, les queremos hacer llegar que tienen nuestras puertas abiertas de par en par. Sobra decir que estos contactos que mantenemos deben estar rodeados de la mayor discreción. Por otra parte, y por razones obvias de seguridad, les agradeceríamos que realizaran la aportación económica en billetes de 10, 20 y 50 euros.

Sin otro particular, reciban un saludo

Euskadi Ta Askatasuna

ETA

⁸⁷ *Une dictature et 800 morts plus tard*, MARTIN,PASCAL, Samedi 21 mars 2009, lesoir.be, (last visited on 25.04.2009)

- organised criminal groups linked to the Polish Mafia;
- Russian organised criminal groups.

Tab. 257 - Perpetrators

Local organized criminal groups	✓
Foreign organized criminal groups	✓
Terrorist groups	✓
Local gangs	✓

Extortion racketeering practices tend to be carried out by national and foreign organised criminal groups, and most of the organised criminal groups involved in such criminal practice operate both at local and transnational level.

Tab. 258 – Nationalities

1. Romanian
2. Eastern Europe
3. Colombian

Tab. 259 – Other criminal activities carried out by the perpetrators

Local/national activities	✓
Transnational activities	✓

Victims. Victims of extortion racketeering in Spain are physical persons as well as businesses operating in construction, real estate, and entertainment (bars, café, clubs)..

Tab. 260 – Typology of victims

Physical persons	✓
Businesses	✓

When victims are physical persons, they are often irregular immigrants, fellow-countrymen of the perpetrators,

In particular regard to infra-ethnic extortions, organised criminal groups of Russian, Colombian and Romanian citizens tend to be active in the field of extortion racketeering.

Tab. 261 – Most frequent nationalities

National	✗
Non nationals	✗
National and non nationals	✓

Tab. 262 – Markets most affected by extortion racketeering

Construction	✓
Real estate	✓
Entertainment sector (bars, café, clubs)	✓
Import/export	✗
Waste disposal	✗

There are grounds for concluding that the relationships established between victims and offenders are of predatory and symbiotic type.

Tab. 263 – Victim offender relationship

Predatory	✓
Parasitic	✗
Symbiotal	✓

The criminal impact

Geographic of extortions. No specific information is available on the concentration of extortion racketeering in particular areas or regions of Spain. Nevertheless, considering that organised criminal groups are mainly active along the Mediterranean coast (Málaga, Barcelona, Valencia, Alicante, Murcia), Atlantic Coast (Cádiz, Galicia) and in Madrid and Sevilla this may have an influence also on the geographical distribution of extortion racketeering.

Legal/illegal markets. No specific information is available on the legal and illegal markets that generate most opportunities for extortion racketeering in Spain. However, research on legitimate business structures runned by OC groups for laundering shows that these are fast cash businesses such as restaurants, bars, gaming halls, supermarkets and shops, together with construction companies and real estate.

Perceived harm. Although there is no information available about the impact of extortion racketeering, some studies concerning the evolution of crime in Spain claim that the attention of the media has increased, and concern among citizens have grown disproportionately, and not always in a parallel with the real evolution of the crime (Perez Jiménez, 2004). Nevertheless, when carried out by terrorist groups, extortion racketeering has a high perceived harm/impact, as shown by the table below.

Tab. 264 – Rank of criminal activities according to their perceived harm

Kidnapping/ hostage taking (ETA)	8
Extortion racketeering (ETA)	7
Counterfeiting and product piracy	2
Corruption	5
Environmental crime	3
Illicit trade in human beings	6
Trafficking in cultural goods	1
Trafficking in arms	4

The legislation and regulation relating to extortion racketeering

Definition. 1. Article 243 (Ley Orgánica 10/1995)

“El que, con ánimo de lucro, obligare a otro, con violencia o intimidación, a realizar u omitir un acto o negocio jurídico en perjuicio de su patrimonio o del de un tercero, será castigado con la pena de prisión de uno a cinco años, sin perjuicio de las que pudieran imponerse por los actos de violencia física realizados”.

Unofficial translation: Whosoever, with the aim of obtaining money, obliges someone else by means of violence and intimidation to perform or omit an action or a transaction with damage to himself or a third party, shall be punished by one to five years imprisonment without prejudice to those that might be imposed for acts of physical violence made

Extortion and organised crime. Although belonging to a criminal organisation is considered an aggravating circumstance for drug trafficking, prostitution, corruption of minors, money laundering, tax fraud, and fraud of the social security administration and illegal trafficking of immigrants, no legal provision has been implemented for extortion.

However, according article 515 Spanish Criminal Code, membership of an unlawful assembly or conspiracy with the aim of committing an offence is punished

Tab. 265 – Criminalisation of extortion practices

Carried out by OC groups	✗
Carried out on a regular basis	✗
Carried out on a professional basis	✗

The law enforcement response to extortion racketeering

National plan. An Action Plan Against Organised Crime (PACCO) was drawn up by the Ministry of the Interior (Home Office) in 2004 in order to improve the institutional response to organised crime.

In the framework of this plan, an Intelligence Center Against Organised Crime called CICO was created in 2006 (RD 991/2006) and attached to the Ministry as an advice and support body responsible for developing strategic intelligence in combating all forms of organised crime.

Police Units. Spanish National Police and Guardia Civil have specific units to combat organised crime. In particular, Policía Nacional comprises GRECO (Grupos de Respuesta Especial contra el Crimen Organizado) in Levante and Murcia, Costa del Sol and Almería, Cádiz, Canarias, Baleares and Galicia. The Guardia Civil comprises ECO (Equipos contra el Crimen Organizado) in Alicante, Málaga, Baleares, Canarias and Galicia.

Investigation. Special investigative means can be used in detecting extortion racketeering cases, as shown in the following table.

Tab. 266 – Special investigative means

Interception of telephone conversations	
Interception of fax transmissions	
Interception of internet transmissions	
Audio or video recording of events taking place on private premises	
Undercover operations	
Techniques of financial investigation	
Financial criminal analysis	

Tab. 267 – Obstacles against the investigation in Spain

Lack of legislation		Low
Inadequate follow-up of investigative techniques		Low
Limited investigative power		Moderate
Lack of specialised investigative units		Low
Lack of human/material resources within specialized units		Moderate

International cooperation. Apart from EU legislation, Spain has agreements providing for police cooperation in trans-border crime matters (organised or not), and they have been applied in the investigation of extortion racketeering with the following EU Members States: United Kingdom and Northern Ireland, France, Portugal, Slovakia Bulgaria, Cyprus, Italy, Latvia, Lithuania, Poland and Romania. With reference to non-European countries, agreements had been established with China, Israel, Russia, Senegal and Ukraine.

As a result of the enforcement of the EU legislation, and on the basis of specific agreements, Spanish police have carried out investigations on extortion racketeering with foreign police forces in France, Germany and Romania.

In particular the following instruments have been used in order to combat extortion racketeering: extradition for trial, extradition for sentence, and transfer of sentenced persons/prisoners.

Tab. 268 – Obstacles against international cooperation

Lack of a common definition of the constituent element of the phenomenon		Moderate
Lack of specialised investigative units		Low
Language difficulties		Moderate
Lack/Delay of responses to requests for assistance		Serious
Lack of human/material resources within units specialized in the investigation of extortion racketeering		Moderate

Suggestions for improving investigation capacity. According to the national expert, the following measures should be adopted/implemented further in order to combat/prevent extortion racketeering:

- improvement in understanding of extortion racketeering and its trans-national dimension, with Joint Protocols among Police, Courts and Prosecutors;

- establishment of awareness measures;
- improvement in the capabilities of Police Units and strengthening direct police and judicial cooperation;
- improvement of legislation in order to facilitate the confiscation of assets belonging to OC groups and criminalising? extortion racketeering.

The legislation and practices relating to the protection of victims and witnesses of extortion racketeering

Legislation. The legislation on the protection of victims and witnesses is set out in *Protection of Witnesses and Experts on Criminal Proceedings – 1994*.

Victims. With reference to the protection of, or support for, victims of extortion racketeering several programmes are envisaged.⁸⁸

Tab. 269 – Victim protection programmes

Police protection	✓
Temporary relocation to safe areas	✓
Evidentiary rules of protection measures when testifying in court (anonymity, shielding, videoconferencing)	✓
Medical/psycho-social support	✓
Financial compensation	✓
Moderate financial assistance	✗

Witnesses. In order to protect witnesses willing to cooperate with the justice system, courts in Spain may adopt the following measures: (a) hearings in separate rooms; (b) voice distortion; (c) sessions in camera⁸⁹.

Tab. 270 – Witness protection programmes

Assistance before and during the trial	✓
Police measures to enhance physical security	✓
Court procedure to ensure the witness’s safety while testifying	✓
Change of identity in case of extremely serious threat	✓

⁸⁸ At the moment the Spanish criminal justice system does not provide specific rules to distinguish and give special treatment to victims of extortion racketeering, although there are procedural rules related to minors and other incapable subjects in situations particularly at risk. Besides, enacted in 2004 was a comprehensive law on gender violence in which a wide range of guarantees and privileges are given to these specific victims. In addition there are Crime Victim’s Assistance Offices: these are free and public services established by the Ministry of Justice or the Autonomous Communities which serve and assist victims of violent crimes and crimes against sexual freedom.

⁸⁹ Moreover “where there is a serious danger as described in Section 1.2 of Implementing Act 19/1994, police protection for witnesses may be ordered at the request of the prosecuting authorities; in exceptional cases, witnesses may be given new identity papers and financial assistance to change their place of residence or work. Witnesses and experts may ask to be driven to court premises, places where they are to complete any procedural formalities or their homes in official vehicles; while on court premises, they are to be provided with a properly supervised area for their exclusive use, all without prejudice to other protection measures of a procedural nature. These measures may also be adopted once the criminal proceedings are over, should the serious danger in question continue” (Council of Europe (2006), Response to the questionnaire on protection of witnesses and pentiti in relation to acts of terrorism. Strasbourg).

The possibility of giving evidence in a place other than that in which the person being prosecuted is situated	✓
The possibility of using audiovisual techniques	✓

Justice collaborators. With reference to the protection of, or support for, justice collaborators in extortion racketeering cases, the following programmes-practices are envisaged.

Tab. 271 – Justice collaborators protection programmes

Assistance before and during the trial	✓
Police measures to enhance physical security	✓
Court procedure to ensure the witnesses' safety while testifying	✓
Sentence reduction	✓
Measures to protect their life within the penitentiary systems	✓
Separation from the general prison population	✓
Use of a different name for the prisoner-witness	✓
Special transportation arrangements for in-court testimony	✗
Isolation in separate detention units at the prison	✓

Best practices

According to the national expert, the following measures have proved effective in dealing with extortion racketeering:

- creation of specialised intelligence bodies (CICO) and Police Units such as GRECO's, UCO's;
- creation of specialised offices at General Prosecutor's Offices;
- agreements providing for direct police and judicial cooperation.

3.25 - SWEDEN



OUTLOOK	
Seriousness of extortion racketeering	
Extortion racketeering	<div style="display: inline-block; width: 20px; height: 10px; background-color: #4f81bd; border: 1px solid black;"></div> Medium
Adequateness of counter measures against extortion racketeering	
Legislation and regulation	<div style="display: inline-block; width: 20px; height: 10px; background-color: #4f81bd; border: 1px solid black;"></div> High
Protection of victims, witnesses, justice collaborators	<div style="display: inline-block; width: 20px; height: 10px; background-color: #4f81bd; border: 1px solid black;"></div> High

Summary

OVERVIEW ON ORGANISED CRIME IN THE COUNTRY			
Likely structure	Main nationalities	Main criminal activities	
Network	National	National; Transnational	
SITUATION ON EXTORTION RACKETEERING			
Typology		Victim/offender relationship	
Casual		Parasitic; Predatory	
Perpetrators			
Typology	Nationality	Structure	
Local O.C.; Local gangs	National	Hierarchy	
Victims			
Typology		Nationality	
Physical persons; Businesses		National	
Impact			
Geographical concentration	Coverage of extortion in the media	Perceived impact	
Yes	High	Low	
LEGISLATION AND REGULATION			
Extortion Definition		Punishability of extortion racketeering	
Yes		No	
Law Enforcement			
National plan	Police Unit	Investigation	International coop.
Yes	Yes	High	Yes
PROTECTION OF VICTIMS, WITNESSES, JUSTICE COLLABORATORS			
Victims	Witnesses	Justice Collaborators	
High	High	High	

Overview on organised crime in the country

Sweden belongs to what Europol defines as the North-East Region in Europe, which it describes as “both a transit area and an important destination market for various commodities ranging from smuggled and counterfeit cigarettes to synthetic drugs” (Europol, 2008: 37).

Nevertheless, organised crime in Sweden seems to be mainly characterized by “serious offences that are perpetrated systematically and in network form. Quite simply, it is more a case of organised offences, than it is of organised crime” (National Council for Crime Prevention, 2004: 54). The most common activities in which Swedish organised crime is involved are: “economic crimes, drug-related crime, smuggling of alcohol and tobacco, violent crime and illegal trade in firearms” (Europol, 2004: 25). With reference to the organisational structure of organised crime groups in Sweden, they are “more or less composite networks like those working with drug crime, rather than large hierarchical organisations with a godfather residing in the top (National Council for Crime Prevention, 2004:7). Moreover, organised criminal groups in Sweden share the feature of having numerous international connections. For example, with regard to smuggling, they have connections mainly with other countries in the Baltic Sea region and the south of Europe. The links to the countries in the Baltic Sea Countries mostly concern smuggling activities. Within the field of economic crime, the most common links are with other EU Member States (Europol, 2004: 25).

The situation concerning extortion racketeering

The phenomenon. Extortion racketeering has a limited impact in Sweden because national as well as foreign organised criminal groups tend to concentrate on other criminal activities. In fact, according to the Swedish National Council for Crime Prevention, “extortion and usury comprise a very small part of crime with, in the year 2000, only one (1) per cent of all fraud (...) In the year 2000, a total of almost 3,300 persons were prosecuted for a fraud offence, of which around 1,000 with fraud as the principal offence. There were 1,400 persons prosecuted for receiving stolen goods and 33 for usury or extortion” (Dolmén, 2001: 159).

Nevertheless, a report on organised crime in Sweden edited by Korsell and Hansen in 2002 describes extortion as one of the criminal activities in which organised crime in Sweden is involved.

Data on the phenomenon. On the basis of the data examined by the national expert involved in the study, Sweden has been characterized by an increasing trend in the phenomenon of extortion racketeering in the past ten years. In particular, the Swedish National Criminal Police has studied reports between 2000 and 2005, and it is possible to register an increase in “professional” extortions which follows the trend of extortion in general. The national authorities have reported an increase in extortion racketeering due to the presence of organised criminal groups or motorcycle gangs, which use extortion to control local legal markets. In fact, according to the most recent study carried out by the National Council for Crime Prevention on motorcycle gangs, there were about 300 such gangs in Sweden, and 20 of them were involved in criminal activities.

According to the statistics examined by the national expert, the number of police reports on extortion have tripled since 1999; but according to an investigation by the Police, few reports concern aggravated crimes or ones connected with organised crime. Nevertheless, according to the expert, extortion has gained more attention from organised criminal groups, and in his opinion extortion racketeering could be a growing problem in the future.

The perpetrators. According to the data examined by the national expert, 31% of the reported cases of extortion racketeering had connections with motorcycle gangs, prison gangs, and multicriminal gangs.

Tab. 272 - Perpetrators

Local organized criminal groups	✓
Foreign organized criminal groups	✗
Terrorist groups	✗
Local gangs	✓

On the other hand, foreign organised criminal groups do not seem to be involved in cases of extortion racketeering in Sweden, and the national gangs involved in extortion racketeering operate mainly at national scale where, according to the national expert, they are also usually involved in the following criminal activities: armed robbery, drug producing and trafficking, loan sharking and usury and money laundering.

Tab. 273 – Other criminal activities carried out by the perpetrators

Local/national activities	✓
Transnational activities	✗

Victims. The victims of extortion racketeering are national physical persons as well as businesses.

Tab. 274 – Typology of victims

Physical persons	✓
Businesses	✓

In particular, businesses victim to extortion racketeering are those that have in some way been using illicit labour, have borrowed money from organised crime members, or have had other ties to them. Secrets have also been found to be elements that make certain businesses vulnerable to extortion racketeering. Accordingly, it can be said that the typologies that best describe the relationship between victims and perpetrators are the predatory and parasitic ones.

With reference to extortion suffered by businesses, those sectors that seem to be most victimized are the construction industry, small shops, restaurant and car dealers.

Tab. 275 – Markets most affected by extortion racketeering

Construction	✓
Real estate	✗
Entertainment sector (bars, café, clubs)	✓
Import/export	✗
Waste disposal	✗

Tab. 276 – Victim/offender relationship

Predatory	✓
Parasitic	✓
Symbiotic	✗

Moreover there are rumours that extortion racketeering is also perpetrated within closed ethnic communities, but little information is available on this matter.

The criminal impact

Geography of the extortions. With reference to the geographical distribution of extortion racketeering, there are certain areas of the country which are particularly affected by the phenomenon, namely: the area of Stockholm, Västra Götaland and Skåne.

Legal/illegal markets. According to the national expert, the local gangs involved in extortion racketeering do not seek to infiltrate the legitimate economy, even if the construction industry, the entertainment and the auto market sector are those, within the legal economy which generate most opportunities for extortion racketeering. On the other hand, the illegal market that generates opportunities for such a crime is of the collection of debts in the drugs sector.

Perceived harm. With reference to the perceived harm of extortion racketeering, this crime has a low harm impact if compared with other crimes (such as, for example, illicit trade in human beings). In general, according to the national expert, the phenomenon will increase in the future in Sweden.

The national legislation and regulation relating to extortion racketeering

Definition. 1. Chapter IX, Section 4

“A person who by unlawful coercion induces someone to do or not do something which involves gain for the offender and loss for the coerced person or someone represented by the latter, shall, unless the crime is regarded as robbery or gross robbery, be sentenced for extortion to imprisonment for at most two years or, if the crime is petty, to a fine.

If the crime is gross, imprisonment for at least six months and at most six years shall be imposed”⁹⁰.

2. Chapter IV, Section 4

“A person who, by assault or otherwise by force or by threat of a criminal act, compels another to do, submit to or omit to do something, shall be sentenced for unlawful coercion to a fine or imprisonment for at most two years. Anyone who to such effect exercises coercion by threatening to prosecute or report another for a crime or give detrimental information about another, shall also be sentenced for unlawful coercion, provided that the coercion is wrongful.

If the crime referred to in the first, paragraph is gross, imprisonment for at least six months and at most six years shall be imposed. In assessing whether the crime is gross special consideration shall be given to whether the act included the

⁹⁰ Text available at <http://www.legislationline.org/> (visited on 9 October 2008).

infliction of pain to force a confession, or other torture”⁹¹. Moreover there is also the crime Interference in a judicial matter in chapter 17, section 10.

Extortion and organised crime. Extortion racketeering practices are not punishable under the Criminal Code of Sweden.

Tab. 277 – Criminalisation of extortion practices

Carried out by OC groups	✗
Carried out on a regular basis	✗
Carried out on a professional basis	✗

According to the general rules in the criminal code chapter 29, section 2, point 7, an aggravated circumstance is if the crime was committed as a part of a criminal activity which has been well planned or which has been run on a large scale in which the perpetrator takes an important role. In this respect, organised crime may be a factor when deciding the penalty.

The law enforcement response to extortion racketeering

National plan. Sweden has a specific action plan for extortion racketeering. In fact, according to the national expert, there are various strategies and plans against organised crime, and extortion racketeering is one of the several criminal phenomena that they target.

Police unit. There is a unit of the Swedish National Police that also deals with the fight against extortion racketeering, in particular within the criminal police at country level and the central national criminal police. According to the national expert, eight regional task forces have been established and their mission is to combat organised crime. Also to be instituted is a national task force, one of whose targets will probably be extortion racketeering.

Moreover, currently in operation are police projects focused on individuals (within OC) engaged in extortion. The aim of the projects is to arrest and convict the individual (for some of the crimes committed).

Investigation. In addition, according to the Code of Criminal Procedure of Sweden special investigative means can be used, as shown in the following table.

Tab. 278 – Special investigative means

Interception of telephone conversations	✓
Interception of fax transmissions	✓
Interception of internet transmissions	✓
Audio or video recording of events taking place on private premises	✓
Undercover operations	✓
Techniques of financial investigation	✓
Financial criminal analysis	✓

⁹¹ Text available at <http://www.legislationline.org/> (visited on 9 October 2008).

According to the national expert, to be stressed is that, following recent legislation (Code 2007:978) on secret room surveillance, audio recordings in private premises are only allowed in the case of aggravated extortion.

The following elements hamper the investigation of extortion racketeering in Sweden. In particular, according to the national expert, one of the main obstacles against investigating cases of extortion racketeering is that business people, as well as other victims, do not always report the crime to the police. He therefore believes that awareness of the problem of extortion racketeering practices should be heightened in the future.

Tab. 279 - Obstacles against investigation in Sweden

Lack of legislation		Not at all
Inadequate follow-up of investigative techniques		Low
Limited investigative power		Moderate
Lack of specialised investigative units		Moderate
Lack of human/material resources within specialized units		Moderate

International cooperation. Liaison officers, both police officers or custom officers, who also deal with the fight against extortion racketeering are posted in the following EU Member States: Belgium⁹², Bulgaria, Estonia, Germany, Latvia, Lithuania, Luxembourg⁹³, Poland, Portugal⁹⁴, Romania, Slovenia⁹⁵, Spain, The Netherlands, United Kingdom. With reference to judicial cooperation, the following instruments have been used to fight extortion racketeering: extradition for trial, extradition for sentence, execution of foreign sentences, transfer of sentenced persons/prisoners.

When requested by a prosecutor/judge of another EU Member State, a Swedish prosecutor/judge is obliged to provide assistance in terms of the interception of telephone conversations, interception of fax transmissions, interception of internet transmission, audio or video recording of events taking place on private premises and undercover operations.

With reference to the application of the European Arrest Warrant, based on information collected by the national expert at the general prosecutors office, this has been probably used in cases of extortion. However, it is not possible to obtain information on what EU Member States have issued European Arrest Warrants to Sweden.

The table below shows the extent to which the following obstacles may hamper international cooperation on combating extortion racketeering in Sweden's case.

⁹² In the Hague.

⁹³ In the Hague.

⁹⁴ In Madrid.

⁹⁵ In Belgrad.

Tab. 280 - Obstacles against international cooperation in Sweden

Lack of a common definition of the constituent element of the phenomenon		Moderate
Lack of specialised investigative units		Moderate
Language difficulties		Moderate
Lack/Delay of responses to requests for assistance		Moderate
Lack of human/material resources within units specialized in the investigation of extortion racketeering		Moderate

Suggestion for improving investigation capacity. According to the national expert, in order to combat and prevent the criminal practice of extortion racketeering, awareness of the problem should be raised, and attempts should be made to increase the willingness to report the crime to the police. Moreover, the phenomenon per se should be seriously taken into account, and extra efforts should be devoted to criminal investigations.

The legislation and practices relating to the protection of victims and witnesses of extortion racketeering⁹⁶

Victims. The following measures can be applied in order to protect victims of crime in Sweden:

- a lawyer or other person is paid by the state to accompany the victim;
- exclusion of the public from the court;
- taking of evidence without the accused being present;
- evidence taken only by the judge or another specified person;
- the use of video-technology in the investigative and court stages;
- right to refuse to make a statement;
- the right to refuse examinations or evaluations.

Tab. 281 – Victim protection programmes

Police protection	
Temporary relocation to safe areas	
Evidentiary rules of protection measures when testifying in court (anonymity, shielding, videoconferencing)	
Medical/psycho-social support	
Financial compensation	
Moderate financial assistance	

Moreover, Sweden does not have a system which gives victims anonymity in court. However, there are general routines, at different levels depending on the risk, to protect and support witnesses and victims, although they are not specific only to extortion racketeering.

⁹⁶ For more information see: Sunnqvist, *Victim protection in criminal proceedings. A pan-European comparison. Country report: Sweden* available at http://cdl.niedersachsen.de/blob/images/C8952959_L_20.pdf

Also to be noted is that there are also voluntary organisations providing support and protection, especially to children and women.

Witnesses. With reference to the protection of, or support for, witnesses of extortion racketeering, the following programmes/practices are envisaged by the Swedish Code of Criminal Procedure.

Tab. 282 – Witnesses protection programmes

Assistance before and during the trial	✓✓
Police measures to enhance physical security	✓✓
Court procedure to ensure the witness’s safety while testifying	✓✓
Change of identity in case of extremely serious threat	✓✓
The possibility of giving evidence in a place other than that in which the person being prosecuted is situated	✓✓
The possibility of using audiovisual techniques	✓✓

According to the national expert, a witness may sit in another room and testify. Video is also used. Moreover, Sweden does not have a system giving anonymity to witnesses in court. A witness shall be questioned during the session in court. Nevertheless, there are some general rules that make it possible in some situations for witnesses to give their statements outside the session in court.

Justice collaborators. With reference to the protection of, or support for, justice collaborators in extortion racketeering cases, the following programmes-practices are envisaged by the Swedish Code of Criminal Procedure.

Tab. 283 – Justice collaborators protection programmes

Assistance before and during the trial	✓✓
Police measures to enhance physical security	✓✓
Court procedure to ensure the witnesses’ safety while testifying	✓✓
Sentence reduction	✗
Measures to protect them within the penitentiary systems	✓✓
Separation from the general prison population	✓✓
Use of a different name for the prisoner-witness	✓✓
Special transportation arrangements for in-court testimony	✓✓
Isolation in separate detention units at the prison	✓✓

With reference to sentence reduction, Sweden does not have a crown witness system or plea bargaining, or a formal system for sentence reduction. Nevertheless, the Swedish criminal code (chapter 29, section 5) permits lenience if the perpetrator has sought to prevent or reduce the effect of the crime or reported him/herself to the authorities.

Best practices

According to the national expert, and opinions gathered from police officers, the best way to stop perpetrators is to encourage their reporting to the police.

3.26 - THE NETHERLANDS



OUTLOOK	
Seriousness of extortion racketeering	
Extortion racketeering	<div style="display: flex; align-items: center;"> <div style="width: 20px; height: 10px; background-color: #0070C0; border: 1px solid black;"></div> <div style="margin-left: 5px;">Medium</div> </div>
Adequateness of counter measures against extortion racketeering	
Legislation and regulation	<div style="display: flex; align-items: center;"> <div style="width: 20px; height: 10px; background-color: #0070C0; border: 1px solid black;"></div> <div style="margin-left: 5px;">Medium</div> </div>
Protection of victims, witnesses, justice collaborators	<div style="display: flex; align-items: center;"> <div style="width: 20px; height: 10px; background-color: #0070C0; border: 1px solid black;"></div> <div style="margin-left: 5px;">Low</div> </div>

Summary

OVERVIEW ON ORGANISED CRIME IN THE COUNTRY			
Likely structure	Main nationalities	Main criminal activities	
Network	National; Foreign	National; Transnational	
SITUATION ON EXTORTION RACKETEERING			
Typology		Victim offender relationship	
Casual		Predatory; Parasitic	
Perpetrators			
Typology	Nationality	Structure	
Local O.C., Foreign O.C., Local gangs	National; Foreign (Turkish, Chinese)	Hierarchy, Network	
Victims			
Typology		Nationality	
Physical persons; Businesses		National; Foreign (Turkish, Chinese)	
Impact			
Geographical concentration	Relevance of extortion in the media	Perceived impact	
No	Low	High	
LEGISLATION AND REGULATION			
Extortion Definition		Punishability of extortion racketeering	
Yes		No	
Law Enforcement			
National plan	Police Unit	Investigation	International coop.
No	Yes	High	Yes
PROTECTION OF VICTIMS, WITNESSES, JUSTICE COLLABORATORS			
Victims	Witnesses	Justice Collaborators	
Low	Information not available	Information not available	

Overview on organised crime in the country

The most recent picture on the situation of organised crime in the Netherlands is provided by the third edition of the Organised Crime Monitor at the Dutch Ministry of Justice. In fact, the key findings published in 2007 furnish new elements for further discussion and research on organised crime in the Netherlands (WODC, 2007: 171-183).

Even if the “transit nature” of Dutch organised crime is confirmed, some extortion cases carried out against real estate dealers have generated wide debate also on the relationship between the under- and upper world and the investment of criminal proceeds, and it has highlighted the widespread nature of racketeering practices in the country. Furthermore, the Netherlands still represent a favourite location for money laundering. Substantial amounts of money are also invested in companies, with the main aim of making further profits. According to Kleemans (2004: 321), the largest amounts of investments have been made in the red light district of Amsterdam or in the real estate sector, both in city centres and the surrounding neighbourhoods. With reference to structure, Dutch organised crime is network-oriented, and hierarchical organisations are “rather the exception than the rule” (WODC, 2007: 173). Although Dutch organised crime operates mainly at transnational level, it also has a strong local dimension, so that the local embeddedness of organised crime can be highlighted.

Owing to its geographical location and well-developed infrastructure system, the Netherlands performs an important role in both the production and the trafficking of drugs (Europol, 2008: 33). Also to be noted is that organised crime in the Netherlands gains benefits from exploiting ethnic communities established in the country.

The situation concerning extortion racketeering

According to a study recently carried out in the Netherlands on extortion racketeering in the business world (Van Leiden et al, 2007), five different types of extortion have recently been identified:

- ‘product extortion’. A company’s business is sabotaged, for example by poisoning (threatening to poison) perishables, or by placing explosives, if a demand for money is not met. This form of extortion can be considered a serious violent crime because it threatens public health and national security;
- ‘protection extortion’. A company is extorted by being forced to obtain protection against violence by the offender himself or others in exchange for payment, goods, services or deeds. This is perhaps one of the oldest and most organised professional forms of extortion and it may have a huge impact on the personal and professional atmosphere of the victim (company);
- ‘cyber extortion’. The extortionist threatens to make websites on the internet inaccessible, so that companies totally dependent on the internet for their business may suffer huge economic losses. Cyber extortion can also occur when companies are informed that they have flaws in their security network. This creates a new, modern form of protection extortion in which companies are extorted by having protection forced on them;
- ‘extortion of individuals’. Employers are pressured to hand over financial means, goods and services;
- ‘extortion of services’. This form of extortion may verge on doing business immorally (symbiotic extortion).

Data on the phenomenon. Current statistics on business extortion in the Netherlands are meagre and give a vague and incomplete picture which hampers a reliable scale estimation of the extortion problem. Nevertheless, these statistics indicate the extent of extortion problems. Based on current self-report statistics from the business community, it is possible to state that the lower limit of the percentage of victim ship is 0.14 per cent. In addition, there are sources which indicate a trend of one per cent. The national screening of registered reports of extortion incidents - as this is conducted in present research in 24 police districts - shows that around eighty extortion incidents come to the notice of the police yearly. This number is only an extract from the registrations, so that it is an obvious lower limit. Based on the self-report statistics and police statistics, it can be stated that business extortion is a serious problem.

Perpetrators. According to the above mentioned research carried out by Van Leiden at al. (2007), two types of offenders can be distinguished: individual offenders, and group offenders.

Tab. 284 - Perpetrators

Local organized criminal groups	✓
Foreign organized criminal groups	✓
Terrorist groups	✗
Local gangs	✓

Individual extortion is usually incidental in nature, although there have been cases of individuals trying to extort several companies. It is therefore worth mentioning that individual offenders engage particularly in product extortion and forms of extortion of individuals. Depending on the type of offender, the extortion of services may also be perpetrated by an individual. It may involve former employees, or other persons possessing confidential company information, but it can involve entirely independent operating offenders as well. Another finding of the research was that, although these are in fact individual offenders, they may conceal the extortion process behind a group or a criminal offender group.

The most prominent organised criminal groups involved in extortion practices belong to the criminal circuit, and they mainly engage in protection extortion, extortion of individuals, and extortion of services. These organised criminal groups are of both national and foreign origin.

As well as professional offender groups, groups of youngsters can also be considered extortionists. They mainly engage in protection extortion in the retail trade and in the catering industry. Organised criminal groups involved in extortion racketeering in the Netherlands operate mainly at local/national level.

Tab. 285 – Other criminal activities carried out by the perpetrators

Local/national activities	✓
Transnational activities	✗

Victims. The victims of extortion racketeering are both national and foreign physical persons as well as businesses. Based on police data examined by the national expert involved in the study, victims are 75% Dutch, 10% Turkish, 5% Chinese, while 10% come from other countries (Surinam, Egypt, Indonesia, Pakistan, Romania, Morocco, and Poland).

Tab. 286 – Typology of victims

Physical persons	✓
Businesses	✓

All retailers, the catering industry and small companies are vulnerable to the more face-to-face forms of extortion, such as protection extortion and extortion of individuals, because of the open character of these trades.

Foreign retail and catering employers are also victimized by extortion racketeering practices and seem to run a higher risk of protection extortion and extortion of individuals.

Moreover, companies which are totally dependent on the internet are attractive victims for forms of cyber extortion. For example, smaller companies whose sales largely depend on online purchasing are especially vulnerable, because they do not have the security and investigation facilities which larger companies often possess.

Tab. 287 – Markets most affected by extortion racketeering

Construction	✓
Real estate	✓
Entertainment sector (bars, cafés, clubs)	✓
Import/export	✗
Waste disposal	✗

With reference to the victim/offender relationship, many cases of extortion are based on parasitical relationships from which the extortioner gains unilaterally. Nevertheless, a few cases involving real estate dealers as victims of extortion racketeering have also revealed a ‘symbiotic relationship’ whereby both parties initially benefited from the extortion practice, which then turned into a parasitic one.

Tab. 288 – Victim/offender relationship

Predatory	✗
Parasitic	✓
Symbiotic	✗

Box 3: Identified modus operandi

Extortioners often select their victims (companies) carefully and contact them in various ways to make their demands. The main methods are sending letters, contacting the victim by telephone, and confronting the victim face-to-face. In many cases a once-only contact is sufficient; in some cases there are multiple contacts where different methods are used.

Extortioners enforce their demands with various coercive measures. These can be divided into violence, sabotage, revealing information and defamation. (Threatening) violence varies from psychological violence to physical violence whereby the victim’s feelings of safety are affected. This coercive measure is almost always part of the extortioner’s modus operandi.

In the case of sabotage, the extortioner threatens to frustrate a company's business, and he takes advantage of the company's fear of sales loss and image loss. Sometimes, sabotage hovers on the borderline of violence.

By threatening with defamation or the disclosure of sensitive information, the extortioner also takes advantage of the fear of (personal) image loss, depending on the kind of information.

The criminal impact

Geography of the extortions. According to the national expert, insufficient information is available to determine whether extortion racketeering is prevalent in certain areas/region of the country.

Legal/illegal markets. According to the national expert, shops, bars and restaurants are those businesses, within the legal economy, which generate most opportunities for extortion racketeering. No data and information are available on the opportunities generated by illegal markets in the Netherlands.

Perceived harm. Extortion racketeering has a quite high perceived harm impact compared with other crimes (such as, for example, environmental crime or counterfeiting and product piracy).

The legislation and regulation relating to extortion racketeering

Extortion and Blackmail (Title XXIII)

Article 317 – Extortion

1. A person who, with the object of obtaining unlawful gain for himself or another, compels a person by an act of violence or by threat of violence to surrender any property belonging in whole or in part to that person or to a third party, or to incur a debt or renounce a claim, or to make available data having monetary value in commerce, is guilty of extortion and liable to a term of imprisonment of not more than nine years or a fine of the fifth category.
2. The punishment in section 1 is also applicable to a person who exercises coercion as specified in section 1 by threatening that data stored by means of a computerized device or system will be rendered unusable or inaccessible, or erased.
3. The provisions of article 312, sections 2 and 3, are applicable to this serious offense.

Artikel 318 – Blackmail

1. A person who, with the object of obtaining unlawful gain for himself or another, compels a person, by threatening him with slander, libelous defamation or exposure of a secret, to surrender any property belonging in whole or in part to that person, or to a third party or to incur a debt, or renounce a claim, or to make available data having monetary value in commerce, is guilty of blackmail and liable to a term of imprisonment of not more than three years or a fine of the fifth category.
2. This serious offense will be prosecuted only upon complaint lodged by the person against whom it has been committed.

Extortion and organised crime. Extortion racketeering practices are not punishable under the Criminal Code of the Netherlands:

Tab. 289 – Criminalisation of extortion practices

Carried out by OC groups	✗
Carried out on a regular basis	✗
Carried out on a professional basis	✗

The law enforcement response to extortion racketeering

National plan. The Netherlands does not have a specific action plan for extortion racketeering

Police unit. Moreover, no specialised police unit exist to deal with extortion racketeering. These crimes are usually within the competence of the national expertise centre (National Police Agency - KLPD).

Investigation. In addition, according to the Country Code of Criminal Procedure, the following special investigative means can be used to investigate cases of extortion racketeering:

Tab. 290 – Special investigative means

Interception of telephone conversations	✔
Interception of fax transmissions	✔
Interception of internet transmissions	✔
Audio or video recording of events taking place on private premises	✔
Undercover operations	✔
Techniques of financial investigation	✔
Financial criminal analysis	✔

The following table shows the extent to which obstacles effectively hamper the investigation of extortion racketeering in the Netherlands.

Tab. 291 - Obstacles against investigation in the Netherlands

Lack of legislation	<input type="text"/>	Not at all
Inadequate follow-up of investigative techniques	<input type="text"/>	Not at all
Limited investigative power	<input type="text"/>	Low
Lack of specialised investigative units	<input type="text"/>	Moderate
Lack of human/material resources within specialized units	<input type="text"/>	Moderate

International cooperation. The Netherlands’ criminal justice system does not comprise agreements and legislation that provide for direct police co-operation with the police forces of other EU Member States in the investigation of extortion racketeering cases. In regard to this offence, liaison officers do not exist in any EU country.

Suggestion for improving investigation capacity. In order to combat/prevent extortion racketeering it is necessary to increase the cooperation of victims (willingness to report to the police) and to professionalize the police process when victims report. Besides, “more energy should be devoted to analysing the situational circumstances and to making organisations change these circumstances, by screening personnel, monitoring and changing production logistics and procedures, checking customers, et cetera. This call for a further development and actual implementation of the administrative approach towards organised crime” (Van de Bunt, Kleemans, 2007: 183).

Best practices

Dutch Police are conducting pilot projects to improve the willingness of victims to report to the police through anonymous call-in reports via intermediaries (the title of the initiative is Meld Misdaad Anoniem)⁹⁷.

The legislation and practices relating to the protection of victims and witnesses of extortion racketeering

According to the national expert, insufficient data and information are available to determine whether measures to protect victims or witnesses of extortion racketeering and justice collaborators are implemented in the Netherlands.

⁹⁷ See for information <http://www.meldmisdaadanoniem.nl/Article.aspx?id=203>.

3.27 - UNITED KINGDOM



OUTLOOK	
Seriousness of extortion racketeering	
Extortion racketeering	<div style="display: inline-block; width: 100%; height: 10px; background-color: #0070C0;"></div> High
Adequateness of counter measures against extortion racketeering	
Legislation and regulation	<div style="display: inline-block; width: 50%; height: 10px; background-color: #0070C0;"></div> Medium
Protection of victims, witnesses, justice collaborators	<div style="display: inline-block; width: 100%; height: 10px; background-color: #0070C0;"></div> High

Summary

OVERVIEW ON ORGANISED CRIME IN THE COUNTRY			
Likely structure	Main nationalities	Main criminal activities	
Network	National; Foreign	National; Transnational	
SITUATION ON EXTORTION RACKETEERING			
Typology		Victim/ offender relationship	
Systemic		Predatory; Parasitic; Symbiotic	
Perpetrators			
Typology	Nationality	Structure	
Local O.C.; Foreign O.C.; Local gangs; Terrorist groups (in Northern Ireland)	National; Foreign (Turkish; Kurdish; Cypriot)	Hierarchy	
Victims			
Typology		Nationality	
Physical persons; Businesses		National; Foreign (Turkish; Kurdish; Cypriot)	
Impact			
Geographical concentration	Relevance of extortion in the media	Perceived impact	
Yes	High	Low (excluding Northern Ireland)	
LEGISLATION AND REGULATION			
Extortion Definition		Punishability of extortion racketeering	
Yes		No	
Law Enforcement			
National plan	Police Unit	Investigation	International coop.
No	Yes	High	Yes
PROTECTION OF VICTIMS, WITNESSES, JUSTICE COLLABORATORS			
Victims	Witnesses	Justice Collaborators	
High	High	High	

Overview on organised crime in the country

According to SOCA (Serious Organised Crime Agency), “many of those known to be involved in serious organised criminal activities in (...) the UK are British nationals, including from ethnic minority communities. However, a significant number of foreign nationals are also involved” (2008). In terms of the scale of serious and organised criminal involvement, drugs trafficking poses the greatest single threat to the UK. British OC groups are engaged in the trafficking in heroin, cocaine (including crack) and ecstasy and they closely co-operate with other indigenous groups, such as Spanish and Dutch groups (Europol, 2004 and SOCA, 2008).

Hence, organised crime in the UK is a complex phenomenon, and those committing the crimes change their activity according to the profit that they can make, and the opportunities and risks that they perceive (SOCA, 2009). Organised criminal groups are involved in national as well as transnational crimes, such as organised armed robberies, car theft, frauds, smuggling and trafficking in human beings, e-crimes, intellectual property crimes (SOCA, 2008) and currency counterfeiting (Europol, 2006). With reference to structure, “some serious organised criminals belong to established groups with clear hierarchies and defined roles, but many are part of looser criminal networks and collaborate as necessary to carry out particular criminal ventures” (SOCA, 2008 and Hobbs, 2004). These organised criminals usually use violence or threats of violence, and are willing to commit or sponsor kidnapping, serious attack and murder, to protect their interests, including recovering debts (SOCA, 2008).

The situation concerning extortion racketeering

Data on the phenomenon. On the basis of the information collected the United Kingdom has been characterised by a stable trend in extortion racketeering in the past years.⁹⁸

Perpetrators. Although there are no mafia-type racketeering organisations in the UK, protection rackets are generally run by foreign organised criminal groups (especially Chinese), and they tend to be confined within the ethnic group (Young, 2007). Protection rackets and extortion practices (e.g. cyber-extortion) are sometimes also carried out by national organised criminal groups or gangs, in both the legitimate and illegitimate markets.

Tab. 292 - Perpetrators

Local organized criminal groups	✓
Foreign organized criminal groups	✓
Terrorist groups	✓ (in Northern Ireland)
Local gangs	✓

Criminal actors involved in extortion racketeering generally use violence and intimidation as a tactic also when they are involved in other national and transnational crimes.

⁹⁸ With reference to the available data, the Home Office collects data on recorded cases of “blackmail”. These are as follows: year 2002/2003 recorded cases 1331; year 2003/2004 recorded cases 1497; year 2004/2005 recorded cases 1465; year 2005/2006 recorded cases 1645; year 2006/2007 recorded cases 2481; year 2007/2008 recorded cases 1197.

Box 4. Violence and intimidation as a tactic

Coercion takes many forms, from unspoken intimidation, where criminals trade on a reputation for violence and ruthlessness, to the ready use of extreme violence or murder. Some criminal activities are intrinsically coercive, such as robbery, extortion or human trafficking. These aside, violence and intimidation are most marked among crime groups involved in drugs supply, particularly multi-drugs suppliers (especially those that sell both heroin and crack). There is substantial under-reporting of coercion, because many of the victims are themselves criminals and unlikely to report incidents either because they fear reprisals, or are reluctant to draw attention to their own criminal activities, or simply prefer to deal with the matter themselves.

Violence and intimidation are used primarily to maintain the discipline and compliance of group members and criminal associates, and to enforce criminal business deals and recover debts. Punishments may be meted out for double-crossing the group, making mistakes, not following orders, or being suspected of informing to the police. Violence sometimes erupts because of a dispute between criminal groups, although only a small proportion become involved in “turf wars”. Threats and actual violence are also used to force individuals to act against their will, for example, women trafficked to the UK to work as prostitutes.

Source: SOCA, 2008

Tab. 293 – Other criminal activities carried out by the perpetrators

Local/national activities	✓
Transnational activities	✓

According to the SOCA (Serious Organised Crime Agency), the London 2012 Olympic and Paralympics Games will generate increased involvement of organised criminal actors in extortion racketeering practices. The Olympic and Paralympics Games, in fact, will create new criminal opportunities for extortion, as well, because in the run-up to the Games, the large number of lucrative contracts for construction, services and sponsorship will attract the interest of serious organised criminals, who may attempt to corrupt or extort money from those involved (SOCA, 2008).

Victims. The victims of extortion racketeering are national and non-national physical persons as well as businesses (especially those involved in the entertainment sector and in the construction industry).

Tab. 294 – Typology of victims

Physical persons	✓
Businesses	✓

With reference to businesses as victims of extortion racketeering, a recent study⁹⁹ (Tilley et al, 2008a) reported that only one per cent of all respondents

⁹⁹ The research carried out by Tilley and colleagues examined the impact of organised crime against businesses located in three high crime residential neighbourhoods. It was based on a survey of businesses in the three areas (420 interviews with owners and/or managers between November 2006 and January 2007), police intelligence and local community contacts.

thought they had been victims of organised extortion. The same study showed that, within the London sample area, while businesses with Turkish/Kurdish/Cypriot (TKC) proprietors tended to have lower prevalence levels for external crimes committed against them. they tended to be victims of extortions perpetrated by their countrymen (Tilley et al, 2008b).

Tab. 295 – Markets most affected by extortion racketeering

Construction	✓
Real estate	✗
Entertainment sector (bars, café, clubs)	✓
Import/export	✗
Waste disposal	✗

Tab. 296 – Victim/offender relationship

Predatory	✓
Parasitic	✓
Symbiotic	✓

Extortion racketeering in Northern Ireland

As well as being a means of raising finance for terrorist operations, extortion in North Ireland has also been used effectively since the early 1970s to exercise paramilitary control over the community. Extortion probably generates millions of pounds per annum for paramilitary organisations. The true extent of Northern Ireland’s extortion problem is not reflected in the number of cases successfully prosecuted; it is likely that less than 10% of extortion is reported to police although the number of businesses coming forward to ask for PSNI assistance is increasing.

Demands are usually made in person, mostly in the form of a visit from two or three individuals to collect payment. This is most often done as an “invitation” to purchase security services from the organisation which they represent – it is rarely explicitly stated which organisation it is, but the victim will be left under no illusions. For new businesses, a one-off payment will often be demanded with subsequent monthly or weekly sums to be paid in addition once the business has started trading. For existing businesses, demands for regular monthly or weekly payment will be made. The size of the demand will usually be tailored to reflect the size and probable turnover of the business – i.e. what the business or individual can ‘realistically afford’. It is in the extortionists’ interest to make it easier for the victim to pay the demand, as this will reduce the chances of the crime being reported to the police.

The building trade is worst affected though fast food outlets, restaurants and licensed premises, car dealerships and other retail outlets have also been affected. Extortion threatens inward investment and increases the cost of doing business. This may be reflected in higher prices for the consumer and additional costs to the taxpayer. Extortion destroys families and relationships and businesses – particularly in witness intimidation cases. Extortionists drive people out of business and out of their homes and police are forced to devote scarce resources to the protection of vulnerable individuals. In a UK context, extortion as described here is almost unique to Northern Ireland.

The PSNI Extortion Unit mounts proactive and reactive operations to tackle extortion. It is often a difficult crime to investigate due to the victim's fear of reprisal and the threatening nature of the crime itself and often involves the use of undercover officers in order to obtain the necessary evidence while protecting the victim. In approximately 85% of cases reported, the victim declines to work with PSNI to conduct an investigation. Where PSNI has been able to conduct an investigation, every case has resulted in the extortionists being convicted. In 2005, the Unit arrested and charged 24 people with extortion offences" (Organised Crime Task Force, 2007), "in 2006 PSNI mounted 20 operations against extortionists, producing 26 arrests. As a result 18 individuals were charged and a further 5 reported to the PPS" (Organised Crime Task Force, 2008).

According to the *Annual Report and Threat Assessment 2008* "the nature of extortion in Northern Ireland is gradually changing. Extortion in the form of protection rackets, particularly in the construction industry, was frequently seen in the past, but initiatives like the Construction Contract Monitor scheme have helped reduce this practice¹⁰⁰. (...) The majority of extortion cases seen by PSNI are still linked to former or current paramilitary groups however there has also been an increase in cases reported by the foreign national community" (Organised Crime Task Force, 2009).

The criminal impact

Geography of the extortions. On the basis of the information collected, extortion in the form of protection rackets, particularly in the construction industry, was frequent in the past in Northern Ireland.

Legal/illegal markets. The legal market that produces criminal opportunities for extortion racketeering is the entertainment sector (bars, cafés, clubs) and the construction industry. Trafficking in human beings is considered the illegal market providing criminal opportunities.

Harm and impact. With reference to the perceived harm of extortion racketeering – excluding the situation of Northern Ireland – this crime has a low harm impact compared with other crimes. There is currently no reason to believe that extortion racketeering will increase in the UK over the next few years, although the economic downturn could conceivably provide an incentive for it to increase.

The legislation and regulation relating to extortion racketeering

Definition. 1. THEFT ACT 1968 section 21. Blackmail

"A person is guilty of blackmail if, with a view to gain for himself or another or with intent to cause loss to another, he makes any unwarranted demand with menaces (...). A person guilty of blackmail shall on conviction on indictment be liable to imprisonment for a term not exceeding fourteen years" (Levi and Smith, 2002).

Extortion and organised crime. Even if there is no formal criminalisation of extortion racketeering practices, when dealing with these cases the seriousness

¹⁰⁰ "Extortion in the form of protection rackets is gradually becoming less commonly seen by the PSNI Extortion Unit. In the past, protection rackets have traditionally been used to exercise control over the community, as well as generating huge amounts of revenue for paramilitary groups. Victims often included the construction industry who were forced to pay for 'security services' to protect their sites - the consequence of not paying often being the destruction of property and vehicles as well as threats of violence". (Organised Crime Task Force, 2009).

of the offence is taken into account by the courts in determining the length of sentence to be passed.

Other provisions. With reference to any other articles that could be used in order to criminalize extortion racketeering in the UK, it is possible that some extortion racketeering offences could involve kidnap and therefore be classified under that heading. It could also include threats to contaminate products under Section 38, Public Order Act 1986. It is also possible that it could be picked up under a conspiracy offence of some sort.

Tab. 297 – Criminalisation of extortion practices

Carried out by OC groups	✗
Carried out on a regular basis	✗
Carried out on a professional basis	✗

The law enforcement response to extortion racketeering

National plan. The United Kingdom does not have a specific action plan for extortion racketeering.

Police unit. While there are no units which deal solely with extortion racketeering, the Serious Organised Crime Agency and the Metropolitan Police, for example, have units dedicated to dealing with all forms of kidnap and extortion.

Investigation. In addition, according to the national legislation, special investigative means can be used, as shown in the following table.

Tab. 298 – Special investigative means

Interception of telephone conversations	✔
Interception of fax transmissions	✔
Interception of internet transmissions	✔
Audio or video recording of events taking place on private premises	✔
Undercover operations	✔
Techniques of financial investigation	✔
Financial criminal analysis	✔

Tab. 299 - Obstacles against investigation in the UK

Lack of legislation	<div style="width: 20%; background-color: #4a86e8; border: 1px solid black;"></div>	Moderate
Inadequate follow-up of investigative techniques	<div style="width: 0%; background-color: #4a86e8; border: 1px solid black;"></div>	Not at all
Limited investigative power	<div style="width: 0%; background-color: #4a86e8; border: 1px solid black;"></div>	Not at all
Lack of specialised investigative units	<div style="width: 0%; background-color: #4a86e8; border: 1px solid black;"></div>	Not at all
Lack of human/material resources within specialized units	<div style="width: 20%; background-color: #4a86e8; border: 1px solid black;"></div>	Moderate

International cooperation. The United Kingdom criminal justice system does not comprise agreements and legislation that provide for direct police co-operation with the police forces of other EU Member States in the investigation of extortion

racketeering cases. Nevertheless, direct police cooperation in regard to the investigation of extortion racketeering has been developed with Austria, Belgium, Bulgaria, France, Germany, Ireland, Poland, Portugal, Spain, The Netherlands.

With reference to liaison officers posted at other EU Member States, the Serious Organised Crime Agency has a network of liaison officers based overseas who deal with a variety of matters.

Moreover, the UK has discretion on whether to accede to a Mutual Legal Assistance Request on these matters made to the UK Central Authorities. This means that when a prosecutor/judge of another EU Member State asks a prosecutor/judge of UK to use the investigative means in UK, the prosecutor/judge in UK is not obliged to provide assistance.

Tab. 300 - Obstacles against international cooperation in the UK

Lack of a common definition of the constituent element of the phenomenon		Serious
Lack of specialised investigative units		Serious
Language difficulties		Low
Lack/Delay of responses to requests for assistance		Moderate
Lack of human/material resources within units specialized in the investigation of extortion racketeering		Moderate

The law enforcement response to extortion racketeering in Northern Ireland

Among many these are the most interesting strategies adopted in Northern Ireland in order to curb the phenomenon of extortion racketeering:

PSNI’s extortion helpline. The PSNI’s unit of specially trained officers dedicated to dealing with extortion has successfully investigated every extortion case reported to them, through to a prosecution. PSNI risk assesses every case, from every angle, to minimise risk to victims. Victims of extortion can receive advice and guidance from the PSNI team of officers by contacting the PSNI Extortion Unit on 028 909 222 67.

Construction Contract Monitor (CCM). A culture has developed in Northern Ireland where paramilitaries or petty criminals claiming to be paramilitaries have used threats to obtain monies from construction companies. In turn, some contractors have accepted this as a normal part of doing business in Northern Ireland. CCM has the potential to help break this culture. A suitable methodology for the introduction of CCM into construction procurement is by the inclusion of an enabling condition of contract in public sector projects. CCM would then be deployed on contracts where intelligence indicates cause for concern or by way of random audit to ensure contractors are meeting their requirements under the contract. A Framework Agreement has been established for CCM service provision. Framework Agreements are formal procurement arrangements provided for under the Public Contract Regulations 2006. Framework Agreements facilitate the call-off of CCM providers to undertake projects as the need arises by means of a secondary competition between the four firms appointed to the Framework Agreement. A CCM has been appointed for a Health Sector project, and secondary competitions are being organised to appoint CCMs to other projects nominated by Departments in the following sectors: Roads - 2 schemes; Water - 2 schemes; Housing - 2 schemes” (Organised Crime Task Force, 2009).

The legislation and practices relating to the protection of victims and witnesses of extortion racketeering

Victims. With reference to the protection of, or support for, victims of extortion racketeering several programmes are envisaged.

Tab. 301 – Victim protection programmes

Police protection	✓
Temporary relocation to safe areas	✓
Evidentiary rules of protection measures when testifying in court (anonymity, shielding, videoconferencing)	✓
Medical/psycho-social support	✓
Financial compensation	✓
Moderate financial assistance	✓

Witnesses. With reference to the protection of, or support for, witnesses of extortion racketeering, the following programmes/practices are envisaged.

Tab. 302 – Witness protection programmes

Assistance before and during the trial	✓
Police measures to enhance physical security	✓
Court procedure to ensure the witness’s safety while testifying	✓
Change of identity in case of extremely serious threat	✓
The possibility of giving evidence in a place other than that in which the person being prosecuted is situated	✓
The possibility of using audiovisual techniques	✓

Justice collaborators. With reference to the protection of, or support for justice collaborators in extortion racketeering cases, the following programmes/practices are envisaged.

Tab. 303 – Justice collaborators protection programmes

Assistance before and during the trial	✓
Police measures to enhance physical security	✓
Court procedure to ensure the witnesses’ safety while testifying	✓
Sentence reduction	✓
Measures to protect their life within the penitentiary systems	✓
Separation from the general prison population	✓
Use of a different name for the prisoner-witness	✓
Special transportation arrangements for in-court testimony	✓
Isolation in separate detention units at the prison	✓

4. COMPARATIVE ANALYSIS OF THE LEGISLATIVE MEASURES AND REGULATIONS DEALING WITH EXTORTION RACKETEERING

This chapter deals with a comparative analysis of the legislative measures and regulations in the field of extortion racketeering collecting information for each MS country on: a) extortion legal definition and its penal sanction; d) Punishability of extortion racketeering and its penal sanction (if provided); c) other administrative and civil measures provided by the Ms in order to tackle extortion and, specifically, extortion racketeering.

Inspection of the legal definitions of the 27 European Union Member States shows that they comprise four essential elements:

- the use of violence and/or threat against the victim;
- forcing the victim into a given behaviour;
- the damage that the given behaviour may cause to the victim or other individuals;
- the profit accruing from the given behaviour to the offender or other individuals.

These criteria can be used to define the following differences among the national definitions:

1. with reference to the “use of violence and/or threat against the victim”, most of the EU MS definitions deal with the concept of violence and threat. Only Finland and the United Kingdom have definitions based only on threat/menaces. Some countries include specific forms of threat, e.g. disclosure of embarrassing information (Estonia), or disclosure of defamatory information concerning the victim or relatives of the victim (Latvia);¹⁰¹
2. with reference to the element “forcing the victim into a given behaviour”, national definitions can be divided into two groups. The first group consists of the EU MS which give an “open” definition of “forcing”, e.g. used “to commit, acquiesce in or omit an act” (Germany). Most of the EU MS belong to this first group: Austria, Bulgaria, Czech Republic, Denmark, Germany, Greece, Hungary, Ireland, Italy, Romania, Slovenia, Sweden, United Kingdom. The second group consists of all those EU MS that specifically define the aim of “forcing”, e.g. “to transfer property, render an interest or release from property obligation or conduct other actions related to property, or refrain from them” (Lithuania);
3. with reference to the element “damage that the given behaviour may cause to the victim or other individuals”, as well as to the element “profit accruing from the given behaviour to the offender or other individuals”, most of the national definitions expressly indicate these two elements, and if they are not indicated they can be easily deduced from the text of the article.

Even though there is a high level of harmonisation among the national definitions of extortion, only few EU MS States specifically define extortion racketeering. The following elements of the national definitions have been found to best define this type of crime:

¹⁰¹ Similar cases are those of Lithuania, Malta, Romania, and Slovenia.

1. Extortion as a crime performed by organised criminal groups. Some EU MS provide specific sanctions for the crime of extortion when performed by organised criminal groups:
 - Czech criminal code, article 235, paragraph 2: “The offender shall be liable to imprisonment for a term of two to eight years, if he commits the act defined in paragraph 1 (extortion) as a member of an organised group (...);”
 - France criminal code, article 312-6: “Extortion committed by an organised gang is punished by twenty years' criminal imprisonment and a fine of € 150,000”;
 - Italian criminal code, article 629, second paragraph: “The punishment is the imprisonment between 6 and 20 years and fine between 1.032 and 3.098 Euros if the crime is committed under the circumstances cited in the last paragraph of the previous article”. The circumstances cited under article 628 of the Italian penal code include the case of violence and threat committed by a person belonging to an organisation as described under article 416 bis, which defines a mafia type association”;
 - Latvian criminal code, paragraph 184 - Extortion by an Organised Group: “(1) For a person who establishes an organised group or participates in such for purposes of extortion, the applicable sentence is deprivation of liberty for a term of not less than six years and not exceeding ten years, with or without confiscation of property, and police supervision for a term not exceeding three years. (2) For a person who commits extortion as a member of an organised group, if the extortion is committed using violence, threats, firearms or explosives, the applicable sentence is deprivation of liberty for a term of not less than eight years and not exceeding twelve years, confiscation of property and police supervision for a term not exceeding three years;
 - Slovak criminal code, article 190, last paragraph: “The offender shall be punished with imprisonment from twenty to twenty-five years or with a life sentence if he commits the offence referred to in part 1 or 2 (extortion) and (1) causes extensive damage by the offence; (2) causes death of several people by the offence or (3) as a member of a dangerous group”
2. Extortion as a crime performed by organised criminal groups in an entrepreneurial manner:
 - Austrian criminal code § 145 - Grave Blackmail: “(...), Whosoever commits blackmail (1) on a business-like basis; (2) against one and the same person for a prolonged period of time (...) shall be punished with 1 to 10 years' imprisonment”;
 - Estonian criminal code § 214, second part: “(...) The same act, (extortion) if committed: (...) (2) on a large-scale basis; (...) (4) by a group or a criminal organisation (...) is punishable by 4 to 12 years' imprisonment”;
 - German criminal code § 253, fourth part: “In especially serious cases the punishment shall be imprisonment for not less than one year. An especially serious case exists as a rule if the perpetrator acts professionally or as a member of a gang which has combined for the continued commission of extortion”.

Finally the Bulgarian criminal code under Chapter V – crimes against property, section V – extortion, provides specific definitions concerning the protection rackets/insurance rackets run by private security companies and by organised

criminal groups (art 213a), as well as the extortion activities undertaken by private security companies and by organised criminal groups:

- Article 213a (New, SG 62/97): “(1) Who, with a purpose of forcing another to administer a possession or his right, or undertake proprietary liability (...) (2) The punishment shall be imprisonment of two to eight years and a fine of three thousand to five thousand levs if the act was: (...) 5. perpetrated by a person under art. 142, para 2, item 6 and 8¹⁰²; (...) (3) The punishment shall be imprisonment of five to fifteen years and a fine of five thousand to ten thousand levs, whereas the court can rule confiscation of up to one second of the property of the perpetrator if: (...) 3. the act has been committed by an organisation or a group or by an order of a person, organisation or group (...);”
- Article 214 (Amend., SG 10/93; amend. and suppl., SG 50/95) (1) (Amend., SG 62/97): “(1) Who, with the purpose of obtaining for himself or for somebody else a property benefit compels somebody by force or threat to commit, to miss or sustain something against his will, thus causing him or somebody else a property damage, shall be punished for extortion (...) (2) (Amend., SG 62/97) The punishment for extortion under the conditions of art. 213a, para 2, 3 and 4 shall be:
 1. under para 2 - imprisonment of two to ten years and a fine of four thousand to six thousand levs, whereas the court can rule confiscation of up to one second of the property of the perpetrator;
 2. under para 3 - imprisonment of five to fifteen years, a fine of five thousand to ten thousand levs and confiscation of up to one second of the property of the perpetrator;
 3. (amend., SG 153/98) (Amend., SG 153/98) under para 4 - imprisonment of fifteen to twenty years, life imprisonment or life imprisonment without an option and confiscation of no less than one second of the property of the perpetrator”.

These elements are summarized in the following synoptic table.

¹⁰² Art. 142, par. 6: “the act has been committed by a person engaged in guarding activity, by an employee of an organisation carrying out guarding or insurance activity, by a person acting on behalf of such organisation or posing as such, by a person from the Ministry of Interior or a person posing as such.

Art. 142, par 8: the act has been committed by a person participating in an organisation or a group under art. 321a or acts on behalf of such an organisation or a group.

Table 1A: The national legislation

Member State	Definitions and sanctions				Other sanctions	
	Extortion	Sanctions	Extortion racket	Sanctions	Forfeiture	Other measures
Austria	whosoever coerces any other person, with violence or by threats, to action, tolerance or forbearance, or causes loss of this or another person	imprisonment between 6 months and 5 years	(1) on a business-like basis; (2) against one and the same person for a prolonged period	imprisonment between 1 and 10 years	Yes	Abschöpfung der Bereicherung, § 20 öStGB
Belgium	Those who have extorted, with the aid of acts of violence or with threats, either funds, stocks, movable objects, obligations, tickets, promises, bills, or the signature or the delivery of any document containing or operating on obligation, on disposition or on discharge	Information not available	No	Information not available	Information not available	Information not available
Bulgaria	who, with the purpose of forcing another to administer a possession or his right, or undertake proprietary liability, threatens him by violence, divulging defamatory matter, damaging of property or other illegal act with serious consequences for him or his relatives	imprisonment between 1 to 6 years + fines (see specific articles)	Specific definitions under art. 213a (3); 214 (2); 321(a)	Art. 213a (3) imprisonment between 5 and 15 years; art. 214 (2) between 5 and 15 years; art. 321(a) between 3 and 8 years	Yes	Information not available
Cyprus	Yes	Information not available	Information not available	Information not available	Yes	Information not available
Czech Rep.	a person who through force, the threat of force or the threat of any other serious harm makes another person perform, omit or tolerate any actions	imprisonment for a term not exceeding 3 years	if he commits the act defined in paragraph 1: as a member of an organized group	imprisonment between 2 to 8 years,	Yes	Information not available
Denmark	any person who 1. For the purpose of obtaining for himself or for others an unlawful gain threatens some other person with violence, substantial damage to property, the deprivation of liberty or a false accusation of having committed a punishable act or dishonorable conduct or revealing matters appertaining to someone's private affairs, or who 2 Threatens some other person with making an accusation of having committed a punishable act or of making true accusations of dishonorable conduct, for the purpose of obtaining for himself or for others a gain that was not justified by the action, which was the reason for the threat;	Information not available	No	Information not available	yes	Information not available

Table 1B: The national legislation

Member State	Definitions and sanctions				Other sanctions	
	Extortion	Sanctions	Extortion racket	Sanctions	Forfeiture	Other measures
Estonia	a person who coerces another person to transfer proprietary benefits by using a threat to restrict the liberty of the person, disclose embarrassing information or destroy or damage property, or by using violence,	pecuniary punishment or up to 5 years' imprisonment	the same act, if committed: (1) by a person who has previously committed extortion, larceny, robbery or fraud; (2) on a large-scale basis; (3) by causing serious damage to health; (4) by a group or a criminal organization; (5) by deprivation of the liberty of a person, or (6) by destroying or damaging property,	imprisonment between for 12 years	Yes	Information not available
Finland	a person who through a threat other than one referred to in section 1 forces another to relinquish an economic benefit to which the offender or the person on whose behalf he/she is acting has no legal right	imprisonment for at most 2 years	No	-	Information not available	Information not available
France	extortion is the act of obtaining by violence, by a threat of violence or constraint, a signature, a commitment or a renunciation, or the revelation of a secret, or the handing over of funds, securities or of any asset	punished by 7 years' imprisonment and a fine of € 100,000	Extortion by organized criminal groups	See specific provisions	Yes	Yes
Germany	whoever unlawfully with force or threat of appreciable harm coerces a human being to commit, acquiesce in or omit an act and thereby cause detriment to the assets of the person coerced or another, in order to wrongfully enrich himself or a third person,	imprisonment for not more than 5 years or a fine	if the perpetrator acts professionally (in German: "gewerbsmäßig") or as a member of a gang (in German: "als Mitglied einer Bande")	Non less than 1 year	Yes	Yes
Greece	yes	Information not available	Information not available	Art 187 and 385	Yes	Information not available
Hungary	the person who with violence or threat, for unlawful gain, forces another person to do, not to do or to endure something, and thereby causes damage,	imprisonment between 1 to 5 years.	Extortion committed in affiliation with organised crime	imprisonment between 2 to 8 years + section 98.	yes	Information not available
Ireland	it shall be an offence for any person who, with a view to gain for himself or another or with intent to cause loss to another, makes any unwarranted demand with menaces	conviction to a fine not exceeding £1,000 or to imprisonment for a term not exceeding 12 months or to both	Information not available	Information not available	Information not available	Information not available

Table 1C: the national legislation

Member State	Definitions and sanctions				Other sanctions	
	Extortion	Sanctions	Extortion racket	Sanctions	Forfeiture	Other measures
Italy	any person who, with violence or threat, forces another person to do or not to do something which involves an unlawful gain for the offender or another person and causes loss for others	imprisonment for between 5 and 10 years and with a fine of between 516 and 2.065 Euros	Combination of articles 629, 628 e 416bis	imprisonment for between 6 and 20 years and with a fine of between 1.032 and 3.098 Euros	Yes	Art. 12 sexies Law 8 June 1992, n. 306
Latvia	for a person who demands without legal basis the surrender of property or rights to property, or the performing of any acts of a financial nature, therewith threatening violence against, or disclosure of defamatory information concerning, the victim or relatives of the victim, or to destroy their property	imprisonment for a term not exceeding 8 years	for a person who establishes an organised group or participates in such for purposes of extortion; for a person who commits extortion as a member of an organised group, if the extortion is committed using violence, threats, firearms or explosives	imprisonment for between 6 and 10	Yes	Information not available
Lithuania	any person who without any legal pretext, openly or covertly, forces another person to transfer property, render an interest or release from property obligation or conduct other actions related to property, or refrain from them, for personal gain or gain of other people, when making threats to use physical violence against the victim or another person, destroy or damage his/her property, disclose discreditable information or some other kind of information the disclosure of which is undesirable, or uses some other kind psychological coercion	imprisonment for a term not exceeding 6 years	Yes	Information not available	Information not available	Information not available
Luxembourg	Yes	imprisonment for between 5 and 10 years	Information not available	Information not available	Information not available	Information not available
Malta	whosoever, with intent to extort money or any other thing, or to make any gain, or with intent to induce another person to execute, destroy, alter, or change any will, or written obligation, title or security, or to do or omit from doing any thing, shall threaten to accuse or to make a complaint against, or to defame, that or another person,	imprisonment for between 5 and 18 months	No specific definition	-	Information not available	Information not available
Poland	whoever, with the purpose of gaining a material benefit, by using violence or threatening the life or health of a person, or threatening a violent attack against property, causes another person to dispose his own property or property of other persons, or causes a person to cease business activity	imprisonment for between 1 and 10 years	No	-	Yes	Yes

Table 1D: the national legislation

Member State	Definitions and sanctions				Other sanctions	
	Extortion	Sanctions	Extortion racket	Sanctions	Forfeiture	Other measures
Portugal	whoever with intention to obtain for himself/herself or for a third person an illicit enrichment, compels another person, by means of violence or threat of serious harm, to dispose its patrimony, implicating damages for him/her or other person.	imprisonment for between 1 month and 5 years	Extortion by a member of an organised crime groups	penalty is increased from 3 up to 15 years' imprisonment	Yes	yes
Romania	coercion of a person, either by violence or by threat, to give, to do, or not to do or to suffer something, if the act is committed in order to obtain an unlawful benefit, for oneself or for another	imprisonment for between 6 months and 5 years	Extortion by organised crime groups	imprisonment for between 2 and 20 years	Yes	Information not available
Slovakia	anyone who by violence, threat of violence or threat of any other grievous harm forces another to act, omit or suffer	imprisonment for between 2 and 6 years	Extortion by organised crime groups	imprisonment for between 20 and 25 years or life sentence	Yes	Information not available
Slovenia	whoever, with the intention of unlawfully acquiring property for himself or a third person, by use of force or serious threat coerces another person to perform an act or to omit to perform one to the detriment of his or another's property	imprisonment for not more than 5 years	Extortion by group of persons	imprisonment for between 1 and 8 years	Information not available	Information not available
Spain	Whosoever, with the aim of obtaining money, obliges someone else by means of violence and intimidation to perform or omit an action or a transaction with damage to himself or a third party	imprisonment for between 1 and 5 years	No	Information not available	Information not available	Information not available
Sweden	a person who by unlawful coercion induces someone to do or not do something which involves gain for the offender and loss for the coerced person or someone represented by the latter, shall, unless the crime is regarded as robbery or gross robbery,	imprisonment for a term not exceeding 2 years	No	No	Yes	Information not available
The Netherlands	A person who, with the object of obtaining unlawful gain for himself or another, compels a person by an act of violence or by threat of violence to surrender any property belonging in whole or in part to that person or to a third party, or to incur a debt or renounce a claim, or to make available data having monetary value in commerce	imprisonment for a term not exceeding 9 years + fine	No	No	Yes	Yes
UK	A person is guilty of blackmail if, with a view to gain for himself or another or with intent to cause loss to another, he makes any unwarranted demand with menaces	imprisonment for a term not exceeding fourteen years	Aplication by judges	Information not available	Information not available	Information not available

5. COMPARATIVE ANALYSIS OF THE PHENOMENON: CRITERIA FOR CLUSTERING EU MEMBER STATES

This chapter carries out a comparative analyses of the extortion racketeering. Criteria for clustering EU Member States are provided.

In order to outline extortion in 27 MS a cluster approach has been used to group countries on the basis of the following two main criteria¹⁰³.

1. Geographical location. The first criterion relates to the geographical location of the EU Member States:

- North Europe: (Denmark, Estonia, Finland, Latvia, Lithuania, Sweden);
- West Europe: (Austria, Belgium, France, Germany, Ireland, Luxemburg, the Netherlands, United Kingdom);
- Central/East Europe: (Bulgaria, Czech Republic, Hungary, Poland, Slovakia, Slovenia, Romania);
- South Europe (Cyprus, Greece, Italy, Malta, Portugal, Spain).

2. Presence of casual and systemic extortion in relation to the organizational structure of organised crime (hierarchy/network). The second criterion is related to the main characteristics shaping the phenomenon of extortion racketeering in each of the EU Member States. Countries are grouped according to the typologies of extortion racketeering and the typologies of actors involved:

- With reference to the typologies of extortion racketeering, a distinction has been made between casual and systemic extortions. Extortions are casual when rarely committed by the national/foreign organized criminal groups present in the EU Member States. Extortions are systemic if they are a basic instrument employed by national/foreign organized criminal groups in order to control the territory at a local level. Within the main typologies of the systemic and casual extortions distinctions will be made among four different forms of extortion: anonymous extortion, protection racket, extortion of services and labor racketeering;
- With reference to the typologies of actors involved, a distinction has been made between hierarchical and networking organizations, where hierarchical organizations are “single hierarchical groups with strong internal systems of discipline” (UNODC, 2002: 34) and networking organizations are “loose and fluid network of individuals, often drawing on individuals with particular skills, who constitute themselves around an ongoing series of criminal projects” (UNODC, 2002: 34).

¹⁰³ See Smith et al., 2008.

5.1 Cluster n. 1: Geographical location

This helps highlight whether similarities in the phenomenon of extortion racketeering correspond to geographical proximity. These are the clusters that have been produced according to geographical location.

1. North Europe: Denmark, Estonia, Finland, Latvia, Lithuania, Sweden

These countries grouped in the *North-East region* share the feature of being “a final destination market in proximity with important supplying and transit countries” (OCTA 2007, p. 24). Synthetic drugs are also produced in the region, and its proximity to Russia makes the region suitable as a “gateway for counterfeit goods either heading here or on their way to the Russian or continental EU Markets” (OCTA 2007, p. 24). The groups operating in this region consist of nationals and are structured in small gangs. The criminal markets most active in the region are those of drugs and highly taxed goods smuggling, and geographical proximity to Russia represents a valuable opportunity for different criminal activities.

Owing to the prevalence of smuggling activities in this region, **extortion racketeering is a casual problem** in Denmark, Finland and Sweden. In fact, these countries are distinguished by the presence of criminal organizations that do not need and have the control over the territory being cross-border for their smuggling activities.

The proximity with Russian and Caucasian countries has generated the exportation from these countries of **systemic** protection activities in Estonia, Latvia and Lithuania.

2. West Europe: (Austria, Belgium, France, Germany, Ireland, Luxemburg, the Netherlands, United Kingdom)

The north-western or Atlantic Region is of particular interest owing to its infrastructure and transport system, which facilitates activities related to drug and human trafficking. Organised criminal groups operate in the Netherlands and in Belgium. They are a mix of groups composed of ethnic minorities and itinerant organised criminal groups mostly involved in robberies and originating from the former Yugoslavia. It should be added that the good living and economic standards of these countries make them particularly attractive as destination countries for both drugs and illegal immigration. This is particularly the case of the United Kingdom and Ireland.

Extortion racketeering is casual and does not represent a serious menace to these countries, although rumors of its occurrence have raised concerns about the possible diffusion of a practice long perceived as linked to countries with high presences of mafia-like organized criminal groups.

This is the case for example of the Netherlands, where a few years ago business racketeering ended up with the contract killing of important real estate dealers and raised the question of whether in these countries, too, organised crime was about to become more similar to mafia-style activity.

Most of the countries in this area suffer from extortion racketeering perpetrated within ethnic communities both by nationals and members of those communities. This is the case, for example, of the United Kingdom, Germany, France, Austria, Belgium and Luxembourg. For North Ireland the peculiarity of extortion racketeering is still its use as a means to finance terrorist operations.

3. **Central/East Europe:** (Bulgaria, Czech Republic, Hungary, Poland, Slovakia, Slovenia, Romania)

The main characteristics of the region is that it is formed of countries that have recently passed from a communism regime to a democratic state and consequently from a state-driven economy to the free market economy. This means that the region is still undergoing political instability, and there are several elements that make this situation of social, political and economic instability and uncertainty a facilitator of organised crime activities. Moreover, the region, owing to its proximity to the Balkans, is an important transit area for criminal goods and services, and in particular for smuggling and trafficking activities. Even if these countries exhibit the above similarities, this does not mean that organised crime has evolved and continues to evolve in them in similar ways. In fact, the countries differ both in terms of organized criminal groups and their structure, and with reference to their nature (mainly national or transnational). According to the OCTA 2008, for example, Romanian organized criminal groups are growing in size and becoming transnational in their involvement in criminal activities in other countries. Bulgarian organized criminal groups should be distinguished between ethnic Turks mainly involved in transnational criminal markets and ethnic Bulgarian mainly involved in domestic crime.

By contrast, organized criminal groups in Greece, Hungary and Slovenia operate mainly at national level, although they may also have contacts with foreign criminal groups and occasionally join criminal activities at transnational level.

The variety of criminal organizations, their differences in organizational structures (some are hierarchical, some take the form of a network, some are permanent, some are small and more flexible), together with their differing relationships with the territory, **make extortion racketeering systemic in countries such as Bulgaria, Czech Republic, Hungary, Romania, Slovenia.**

4. **South Europe:** (Cyprus, Greece, Italy, Malta, Portugal, Spain)

The region is highly heterogeneous with reference to the situations of both organised crime and extortion racketeering. In fact, even if all of these countries geographically border on non-European countries and therefore may also exhibit the same criminal opportunities and problems, they cannot be grouped together. Differences outweigh the similarities in the structure of organised crime groups operating in these countries, and this is also reflected in the different ways in which extortion racketeering is conducted.

In fact, whilst in Spain extortion racketeering is perpetrated by terrorist groups belonging to ETA, in Italy the phenomenon is mainly linked to mafia-like organised crime, for which extortion racketeering plays a fundamental role at local level, both to control the territory and to finance the criminal groups. Greece is particular to the extent in which extortion racketeering does not assume a particular role within the national criminal context, but different forms of extortion racketeering have been identified (e.g. protection racket, extortion of services). In the cases of Cyprus and Malta, the phenomenon of extortion racketeering does not seem to be of particular relevance, if not entirely non-existent. Even if organised crime activities are registered, extortion racketeering is not practiced.

Summarizing, in this area extortion racketeering is **casual** with the exception of **Italy** and **Spain** where the phenomenon is **systemic**.

5.2 Cluster n. 2: Presence of casual and systemic extortion in relation to the organizational structure of organised crime

This paragraph highlights by means of a summary table all the main elements shaping the national situations of extortion racketeering. It thus helps in analyzing the link between the presence of casual or systemic extortion and the structure of the organization (hierarchical and network).

The presence of extortion could be divided into two groups: systemic (the most serious one) and casual extortion. As Map 1 displays, systemic extortion racketeering seems mainly concentrated in Eastern EU Ms (Bulgaria, Czech Republic, Estonia, Hungary, Poland, Romania, Slovakia, Slovenia) and in some EU Ms in the South (Spain and Italy).

Map 1 – Presence of extortion in the 27 EU Member States



Source: Transcrime

Table 1A: National situations

Member State	Forms of extortion		Actors			Victims	
	Typology	Relationship	Typology	Nationality	Structure	Typology	Nationality
Austria	CASUAL	Predatory; Parasitic	Local O.C.; Foreign O.C.; Local gangs	National; Foreign (Russian; Turkish; Serbs)	Hierarchy	Physical persons; Businesses	National; Foreign (Russian; Turkish; Serbs)
Belgium	CASUAL	Predatory; Parasitic	Foreign O.C.; Local gangs	National; Foreign (Russian)	Hierarchy	Physical persons; Businesses	National; foreign (Russian)
Bulgaria	SYSTEMIC	Parasitic; Symbiotic	Local O.C.; Foreign O.C.; PPO	National; Foreign (Serbs; Croats; Albanians; Turkish; Meaddle East; formers USSR citizens)	Hierarchy	Businesses	National; foreign (Serbs; Croats; Albanians; Turkish; Meaddle East; formers USSR citizens)
Cyprus	CASUAL	Predatory; Parasitic	Foreign O.C.	National; Foreign (Greek-Georgian; Greek-Russian)	Hierarchy	n.a.	National; Foreign (Greek-Georgian; Greek-Russian)
Czech Republic	SYSTEMIC	Parasitic; Symbiotic	Local O.C.; Foreign O.C.; Local gangs	National; Foreign (Russian, Ukrainian; Albanian; Romanian; Vietnamese)	Hierarchy	Physical persons; Businesses	National; Foreign (Russian, Ukrainian; Albanian; Romanian; Vietnamese)
Denmark	CASUAL	Predatory; Parasitic	Local gangs	National; Foreign	Hierarchy	Physical persons	National
Estonia	CASUAL	Predatory; Parasitic	Local O.C.; Foreign O.C.	National; Foreign (Russian)	Hierarchy	Physical persons	National
Finland	CASUAL	Predatory;	Local O.C.;	National;	Hierarchy	Physical persons	National
France	SYSTEMIC	Predatory; Parasitic; Symbiotic	Local O.C.; Foreign O.C.; Terrorist groups; Local gangs	National; Foreign (Turkish; Chinese; Albanian)	Hierarchy	Physical persons; Businesses	National; Foreign (Turk.; Chin.; Alb.; Alg.; Moroccan; Portuguese; Tunisian)
Germany	CASUAL	Predatory; parasitic	Local gangs; Foreign O.C.	National; Foreign (Turkish; Russian; Italian)	Hierarchy	Physical persons; Businesses	National; Foreign (Turkish; Russian; Italian)
Greece	CASUAL	Predatory; Parasitic; Symbiotic	Local O.C.; Foreign O.C.	National; Foreign (Albanian; Pakistani; Russian)	Hierarchy	Businesses	National; Foreign
Hungary	SYSTEMIC	Parasitic; Symbiotic	Local O.C.; Foreign O.C.	National; Foreign	Hierarchy	Physical persons; Businesses	National; Foreign

Table 1B: National situations

Member State	Forms of extortion		Actors			Victims	
	Typology	Relationship	Typology	Nationality	Structure	Typology	Nationality
Ireland	CASUAL	n.a.	Local O.C.; Local gangs	National	Hierarchy	n.a	n.a
Italy	SYSTEMIC	Parasitic; Symbiotic	Local O.C.; Foreign O.C.; Local and foreign gangs	National; Foreign (Eastern European; Oriental)	Hierarchy	Physical persons; Businesses	National; Foreign (Eastern European; Oriental)
Latvia	CASUAL	Parasitic	Local O.C.; Foreign O.C.	National; Foreign (Russian)	Hierarchy	Physical persons; Businesses	National; Foreign (Russian)
Lithuania	CASUAL	Parasitic	Local O.C.	National	Hierarchy	Physical persons; Businesses	National
Luxembourg	CASUAL	n.a.	n.a.	n.a	n.a	n.a	n.a
Malta	CASUAL	No extortion rakcet	No extortion rakcet	No extortion rakcet	No extortion rakcet	No extortion rakcet	No extortion rakcet
Poland	SYSTEMIC	Parasitic; Symbiotic	Local O.C.; PPO; Foreign O.C.	National; Foreign (Russian; Eastern; European; Oriental)	Hierarchy	Physical persons; Businesses	National; Foreign (Russian, Eastern European, Oriental)
Portugal	CASUAL	Predatory; Parasitic	Local O.C.; Foreign O.C.	National; Foreign (Eastern; European; Chinese)	Hierarchy	Physical persons; Businesses	National; Foreign (Eastern; European; Chinese)
Romania	SYSTEMIC	Parasitic; Symbiotic	Local O.C.; Foreign O.C.; PPO; Local gangs	National; Foreign (Turkish; Chinese; Iranian; Nigerian; Ukrainian; Moldavian; Russians)	Hierarchy	Physical persons; Businesses	National; Foreign (Turkish; Chinese; Iranian; Nigerian; Ukrainian; Moldavian; Russians)
Slovakia	SYSTEMIC	Parasitic; Symbiotic	Local O.C.; Foreign O.C.; Local gangs	National; Foreign (Ukrainian; Albanian; Russian; Chinese; Romany)	Hierarchy	Physical persons; Businesses	National; Foreign (Ukrainian; Albanian; Russian; Chinese; Romany)
Slovenia	CASUAL	Predatory; Parasitic	Local O.C.; Foreign O.C.; Local gangs	National; Foreign (Eastern European)	Hierarchy	Physical persons; Businesses	National; Foreign (Eastern European; Albanian)
Spain	SYSTEMIC	Predatory; Parasitic; Symbiotic	Terrorist groups; Local gangs; Foreign O.C.	National; Foreign (Russian; Romanian; Colombian; Chinese)	Hierarchy	Physical persons; Businesses	National; Foreign (Russian; Romanian; Colombian; Chinese)
Sweden	CASUAL	Parasitic; Predatory	Local gangs; Local O.C.	National	Hierarchy	Physical persons, Businesses	National

Table 1C: National situations

Member State	Forms of extortion		Actors			Victims	
	Typology	Relationship	Typology	Nationality	Structure	Typology	Nationality
The Netherlands	CASUAL	Predatory; Parasitic	Local O.C.; Foreign O.C.; Local gangs	National; Foreign (Chinese; Turkish)	Hierarchy; Network	Physical persons; Businesses	National; Foreign (Chinese; Turkish)
United Kingdom	SYSTEMIC	Predatory; Parasitic; Symbiotic	Local O.C.; Foreign O.C.; Local gangs; Terrorist groups	National; Foreign (Turkish; Kurdish; Cypriot)	Hierarchy	Physical persons, businesses	National; Foreign (Turkish; Kurdish; Cypriot)

6. THE COVERAGE OF EXTORTION IN THE EUROPEAN UNION MEDIA

This chapter shows the coverage of extortion in the European Union Media. The index of media relevance allows comparison of data across different countries, showing how the phenomenon of extortion has been socially constructed by the media. For no reason this index does represent the dimension of the phenomenon in the countries of reference.

Because data on extortion are underreported, this study has developed an indicator on the coverage of the problem in the European Union media. This is an index that shows how often articles containing at least one instance of the word 'extortion' translated in the different national languages was present in the key journals. Data have been weighted according to the procedure outlined in the footnote of the table. The index of media relevance allows comparison of data across different countries, showing how the phenomenon of extortion has been socially constructed by the media.

For no reason this index does represent the dimension of the phenomenon in the countries of reference.

Methodology. The index of relevance has been calculated counting the number of articles in each 27 EU Ms containing the key word used (extortion in each MS national language) to search from April 2008 to April 2009. The number of articles has been weighted against the number of sources considered.

There follows the table with the results of the analysis.

Table 1: Extortion in the media of the 27 EU Member States. Index of media relevance. (April 2008 – April 2009)

Country	Annual Index (Rank) ¹⁰⁴	Sources	Key word	Language	Nr. of sources
Austria	63 (11)	Die Presse Der Standard	Erpressung	German	2
Belgium	42 (14)	Le Soir La Libre	Extorsion	French	2
Bulgaria	123 (8)	Devnevik	Изнудване	Bulgarian	1
Cyprus	10 (23)	Cyprus Mail	Extortion	English	1
Czech Republic	141 (4)	Lidove noviny	Vydírání	Czech	1
Denmark	18 (20)	Borsen	Pengeafpresning	Danish	1
Estonia	14 (22)	Postimees	Väljapressimine	Estonian	1
Finland	4 (26)	Helsingin Sanomat	Kirstys	Finnish	1
France	25 (18)	Les Echos Le Figaro Libération Le Monde	Extorsion	French	4
Germany	90 (10)	Frankfurter Allgemeine Zeitung Die Welt	Erpressung	German	2
Greece	27 (17)	Ta Nea To Vima	εκβιασμός	Greek	2
Hungary	40 (15)	Magyar Hírlap	Zsarolás	Hungarian	1
Ireland	96 (9)	The Irish Times	Extortion	English	1
Italy	372 (2)	La Repubblica Il Corriere	Estorsione	Italian	2
Latvia	16 (21)	Diena	Lzspiešana	Latvian	1
Lithuania	9 (24)	Lietuvos Rytas	Prievartavimas	Lithuan	1
Luxembourg	6 (25)	Lëtzebuurger Land d'Wort	Erpressung Extorsion	German French	2
Malta	0 (27)	The Malta Independent	Extortion	English	1
Netherlands	59 (12)	De Telegraaf Het Parool	Afpersing	Dutch	2
Poland	22 (19)	Gazeta Wyborcza	Wymuszenie	Polish	1
Portugal	727 (1)	Diario de Noticias	Extorsão	Portuguese	1
Romania	125 (7)	Evenimentul Zilei	șantaj	Rumanian	1
Slovakia	39 (16)	Pravda	Vydieranie	Slovak	1
Slovenia	55 (13)	Delo	Izsiljevanje	Slovenian	1
Spain	270 (3)	El Mundo El Pais	Extorsion	Spanish	2
Sweden	130 (6)	Dagens Nyheter	Utpressning	Swedish	1
United Kingdom	132 (5)	The Daily Telegraph The Times	Extortion	English	2

¹⁰⁴ This index of relevance has been calculated counting the number of articles containing the key word used (extortion in each MS national language) to search from April 2008 to April 2009 weighted against the number of sources considered. A search has been carried out for the keyword "pizzo". Nevertheless, articles containing the term "pizzo" have been found only for few countries, namely: Italy (677), Spain (10), France (7), Uk (4), Austria (2), Belgium (2), Germany (2), Slovenia (2), Czech Republic (1), Finland (1), Ireland (1), Lithuania (1), Portugal (1), Romania (1), Sweden (1). For this reason the research team decided to not consider this keyword.

7. FINDINGS

This chapter aims at providing the reader with a description of the main results obtained from the analysis of the country profiles.

7.1 The situations concerning extortion racketeering

Perpetrators. Generally extortion racketeering practices are carried out by *local organised criminal groups* that benefit from the strong presence on the territory and well rooted cultural and social ties with their victims. These groups employ extortion racketeering as a way to control the territory, to develop other illegal activities and to affect legal businesses. When *foreign organised criminal groups* (i.e. non national criminal groups) are involved in such a criminal activity they tend to establish forms of infraethnic extortions since they operate within close ethnic communities and victimise their own countrymen. In particular, the country profiles highlight infraethnic extortions racketeering as an emergent problem especially within Chinese and Vietnamese communities, where merchants and physical persons make periodic payments in "tea money" (Faligot, 2001) to buy protection from criminals and police officers. In addition, cases of infraethnic extortions emerged also in destination countries for Russian immigrants (such as Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Finland, Germany, Greece, Latvia, Poland, Romania, Slovakia and Spain) and in countries which are characterised by the presence of Eastern European nationals. Only in few countries the other actors listed above have been registered. *Terrorists and separatist groups* practice extortion racketeering activities in Spain, where the ETA finances itself through extortion and the forced payment of what it terms "revolutionary tax"; Northern Ireland, where extortion racketeering had been used effectively since the early 1970s to exercise paramilitary control over the community and France, where the Corsican separatist movement FNLC Union des Combattants collects of the "revolutionary tax" to the detriment of tourists or of the civil society. *Local gangs* are involved in extortion racketeering in Austria, Belgium, Czech Republic, Denmark, France, Germany, Ireland, Italy, Slovakia, Slovenia, Sweden, The Netherlands and in the United Kingdom. *Private protection organisations* particularly shape the phenomenon of extortion racketeering in the Easter European countries such as Bulgaria, Poland and Romania.

Victims. Victims of extortion racketeering are physical persons as well as businesses. With reference to the economic sectors where victimised businesses operate the entertainment (bars, café, clubs) one is the one suffering the higher level of victimisation, followed by the construction market. Rarely extortion racketeering occurred in other markets such as the real estate, the import export and the waste disposal ones. In the majority of the 27 EU MS perpetrators tend to establish predatory or parasitic relationships with their victims. In these contexts victims tolerate the presence of racketeers because they provide protection and control over economic markets. The businesses that have attempted to sever their links with the racketeering organisation have often suffered retaliation and been excluded from the market.

Impact/Harm. When compared to other criminal activities (namely: kidnapping; counterfeiting and product piracy; corruption; environmental crime; illicit trade in human beings; trafficking in human beings; trafficking in arms) and when considering how extortion racketeering practices have on the economic and social development of each country, such a criminal practice has a low impact/harm in most of the analysed countries, while it has a medium impact/harm in eight of them and a high impact/harm in four, namely Spain, Italy, Lithuania and the Netherlands.

Tab. 1 - The situations concerning extortion racketeering.

	A	B	BG	CY	CZ	D	DK	E	EST	F	FIN	GB	GR	H	I	IRL	L	LT	LV	M	NL	P	PL	RO	S	SK	SLO	
Perpetrators																												
Local OC	✓	✓	✓	-	✓	-	-	✓	✓	✓	✓	✓	✓	✓	✓	✓	na	✓	✓	-	✓	✓	✓	✓	✓	✓	✓	
Foreing OC	✓	✓	✓	✓	✓	✓	-	✓	-	✓	-	✓	✓	✓	✓	✓	na	-	✓	-	✓	✓	✓	✓	✓	-	✓	✓
Terr./Separatists	-	-	-	-	-	-	-	✓	-	✓	-	✓	-	-	-	-	na	-	-	-	-	-	-	-	-	-	-	
Local gangs	✓	✓	-	-	✓	✓	✓	✓	-	✓	-	✓	-	-	✓	-	na	-	-	-	✓	-	-	✓	✓	✓	✓	
PPO	-	-	✓	-	-	-	-	-	-	-	-	-	-	-	-	-	na	-	-	-	-	-	✓	✓	-	-	-	
Victims																												
Physical person	-	-	-	na	-	✓	✓	-	✓	-	✓	-	-	-	-	na	na	-	-	-	-	-	-	-	-	-	-	
Businesses	-	-	✓	na	-	-	-	-	-	-	-	-	✓	-	-	na	na	-	-	-	-	-	-	-	-	-	-	
Both	✓	✓	-	na	✓	-	-	✓	-	✓	-	✓	-	✓	✓	na	na	✓	✓	-	✓	✓	✓	✓	✓	✓	✓	
Markets																												
Construction	-	✓	-	na	-	-	na	✓	na	✓	na	✓	-	-	✓	na	na	✓	na	-	✓	✓	-	-	✓	-	na	
Real estate	-	✓	✓	na	-	-	na	✓	na	-	na	-	-	-	-	na	na	-	na	-	✓	-	-	✓	-	-	na	
Entertainment	✓	✓	-	na	✓	✓	na	✓	na	✓	na	✓	✓	✓	✓	na	na	✓	na	-	✓	✓	✓	✓	✓	✓	na	
Import/export	✓	✓	-	na	✓	-	na	-	na	-	na	-	-	-	-	na	na	-	na	-	-	-	✓	-	-	-	na	
Waste disposal	✓	✓	-	na	-	-	na	-	na	-	na	-	-	-	✓	na	na	-	na	-	-	-	-	-	-	✓	na	
Relationships																												
Predatory	✓	✓	-	✓	-	✓	✓	✓	✓	✓	✓	✓	✓	-	-	na	na	-	-	-	-	✓	-	-	✓	-	✓	
Parasitic	✓	✓	✓	✓	✓	✓	✓	-	-	✓	-	✓	✓	✓	✓	na	na	✓	✓	-	✓	✓	✓	✓	✓	✓	✓	
Symbiotic	-	-	✓	-	✓	-	-	✓	-	✓	-	-	✓	✓	✓	na	na	-	-	-	✓	-	✓	✓	-	✓	-	
Impact																												
High	-	-	-	-	-	-	-	✓	-	na	-	-	-	-	✓	na	-	✓	✓	-	✓	-	-	-	-	-	na	
Medium	✓	✓	✓	-	✓	-	-	-	✓	na	-	-	-	✓	-	na	-	-	-	-	-	✓	✓	-	-	-	na	
Low	-	-	-	✓	-	✓	✓	-	-	na	✓	✓	✓	-	-	na	✓	-	-	-	-	-	-	✓	✓	✓	na	

7.2 The law enforcement response to extortion racketeering

While considering that harmonisation among the legal instruments on extortion racketeering should be improved (see chapter 4). For the situations described in the country profiles emerge that seven EU MS have a national action plan addressing extortion racketeering. These countries are: Cyprus; Czech Republic; Hungary; Italy; Slovakia; Spain; Sweden.

With reference to the special investigative means, most of the 27 EU MS have all the following instruments: interception of telephone conversations; interception of fax transmissions; interception of internet transmissions; audio or video recording of events taking place on private premises; undercover operations; techniques of financial investigation; financial criminal analysis.

7.3 The legislation and practices relating to the protection of victims and witnesses of extortion racketeering

With reference to the measures and practices related to the protection of victims and witnesses a high degree of harmonisation emerges from the analysis of the profiles. Such an harmonisation emerges in the field of the protection of the victims as well as in the area of the protection of witnesses. Only in the area of the legislation and practices related to the protection of justice collaborators emerge a lower degree of harmonisation among the 27 EU MS. In fact few member States do not provide for sentence reduction, measures to protect their life within the penitentiary systems and separation from the general prison population.

Tab. 2 - The legislation and regulation relating to extortion racketeering

	A	B	BG	CY	CZ	D	DK	E	EST	F	FIN	GB	GR	H	I	IRL	L	LT	LV	M	NL	P	PL	RO	S	SK	SLO	
Extortion	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Extortion carried out by OC	-	-	✓	-	-	✓	-	-	✓	✓	-	-	✓	✓	✓	na	na	✓	✓	-	-	✓	-	✓	-	✓	✓	✓
Extortion carried out on a regular basis	✓	-	✓	-	-	-	-	-	✓	-	-	-	-	-	✓	na	na	-	-	-	-	✓	-	-	-	-	✓	-
Extortion carried out on a professional basis	✓	-	✓	-	-	✓	-	-	-	-	-	-	-	-	✓	na	na	-	-	-	-	-	-	-	-	-	✓	-

Tab. 3 - The law enforcement response to extortion racketeering

	A	B	BG	CY	CZ	D	DK	E	EST	F	FIN	GB	GR	H	I	IRL	L	LT	LV	M	NL	P	PL	RO	S	SK	SLO	
Law enforcement																												
National plan	-	-	-	✓	✓	-	✓	✓	-	na	-	-	-	✓	✓	na	na	-	-	-	-	-	-	-	-	✓	-	✓
Police unit	-	✓	✓	✓	✓	✓	✓	✓	✓	✓	-	-	✓	-	✓	✓	✓	✓	-	✓	-	✓	✓	✓	✓	✓	✓	✓
Investigation																												
Inter. telephone	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	na	na	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Inter. fax	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	na	na	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Intet. internet	✓	✓	-	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	na	na	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	-
Audio/video rec.	✓	✓	✓	✓	✓	✓	✓	✓	✓	na	✓	✓	✓	✓	✓	na	na	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Undercover op.	✓	✓	✓	na	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	na	✓	✓	✓	✓	-	✓	✓	✓	✓	✓	✓
Financial invest.	✓	✓	✓	na	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	na	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Financial analysis	✓	✓	✓	na	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	na	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

Tab. 4 - The legislation and practices relating to the protection of victims and witnesses of extortion racketeering

	A	B	BG	CY	CZ	D	DK	E	EST	F	FIN	GB	GR	H	I	IRL	L	LT	LV	M	NL	P	PL	RO	S	SK	SLO	
Victims																												
Police protection	✓	✓	✓	na	✓	✓	✓	✓	✓	na	✓	✓	-	✓	✓	✓	na	✓	✓	✓	-	✓	✓	✓	✓	✓	✓	✓
Temp. relocation	✓	✓	✓	na	✓	✓	✓	✓	✓	na	✓	✓	-	✓	✓	na	na	✓	✓	✓	-	✓	✓	✓	✓	✓	✓	✓
Evidentiary rules	✓	✓	✓	na	✓	✓	✓	✓	✓	na	✓	✓	-	✓	✓	na	na	✓	✓	✓	-	✓	✓	✓	✓	✓	✓	✓
Med/psycho sup.	✓	✓	-	na	✓	✓	✓	✓	✓	na	✓	✓	-	✓	✓	✓	na	✓	✓	✓	-	✓	✓	✓	✓	✓	✓	na
Fin. compensation	-	✓	-	✓	-	✓	-	✓	✓	na	✓	✓	-	✓	✓	✓	na	✓	✓	✓	-		✓	✓	✓	✓	✓	✓
Mod. fin. assist.	✓	✓	-	na	✓	✓	✓	-	-	na	✓	✓	-	✓	✓	✓	na	✓	✓	-	-	✓	✓	-	✓	✓	✓	✓
Witnesses																												
Ass. trial	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	-	✓	✓	✓	na	✓	✓	✓	na	✓		✓	✓	✓	✓	✓
Police security	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	-	✓	✓	✓	na	✓	✓	✓	na	✓	✓	✓	✓	✓	✓	✓
Wit. safety	✓	✓	✓	✓	✓	✓	-	✓	✓	✓	✓	✓	-	✓	✓	✓	na	✓	✓	✓	na	✓	✓	✓	✓	✓	✓	✓
Change identity	-	✓	-	✓	✓	✓	-	✓	✓	✓	✓	✓	-	✓	✓	na	na	✓	✓	✓	na	✓	-	✓	✓	✓	✓	✓
Evidence rule	✓	✓	✓	✓	✓	✓	✓	✓	✓	na	✓	✓	-	✓	✓	na	na	✓	na	-	na	✓	✓	✓	✓	✓	✓	✓
Audiovisual tech.	✓	✓	✓	✓	✓	✓	✓	✓	✓	na	✓	✓	-	✓	✓	na	na	✓	na	✓	na	✓	✓	✓	✓	✓	✓	✓
Justice coll.																												
Ass. trial	✓	✓	✓	na	✓	✓	na	✓	✓	na	✓	✓	-	✓	✓	na	na	✓	✓	-	na	✓	✓	✓	✓	✓	✓	✓
Police security	✓	✓	✓	na	✓	✓	na	✓	✓	na	✓	✓	-	✓	✓	na	na	✓	✓	-	na	✓	✓	✓	✓	✓	✓	✓
Wit. safety	✓	✓	✓	na	✓	✓	na	✓	✓	na	✓	✓	-	✓	✓	na	na	✓	✓	-	na	✓	✓	✓	✓	✓	✓	✓
Sent. reduction	✓	-	-	na	✓	✓	na	✓	✓	na	-	✓	-	✓	✓	na	na	✓	✓	-	na	-	✓	✓	✓	-	✓	na
Prot. penitentiary	✓	✓	-	na	✓	✓	na	✓	✓	na	✓	✓	-	✓	✓	na	na	✓	✓	-	na	-	✓	✓	✓	✓	✓	na
Sep. gen. pri. pop.	-	✓	-	na	✓	✓	na	✓	✓	na	✓	✓	-	✓	✓	na	na	✓	✓	-	na	-	✓	✓	✓	✓	✓	na
Change name	-	✓	-	na	✓	✓	na	✓	✓	na	✓	✓	-	✓	✓	na	na	✓	✓	-	na	✓	✓	✓	✓	✓	✓	na
Spec. trans.	✓	✓	✓	na	✓	✓	na	✓	✓	na	✓	✓	-	✓	✓	na	na	✓	✓	-	na	-	✓	✓	✓	✓	✓	na
Sep. unit. pris.	✓	-	-	na	✓	✓	na	-	✓	na	✓	✓	-	✓	✓	na	na	✓	na	-	na	-	✓	✓	✓	✓	✓	na

7.4 Assessing the vulnerability of 27 EU Member States to extortion racketeering

To the aim of the study, the vulnerability level of EU Member State to the phenomenon of extortion racketeering, measures the capacity of each Member State to respond to the phenomenon and helps in identifying areas where further intervention should be considered as a priority.

The vulnerability level (V) is function of the seriousness of the phenomenon and the level of adequateness of the countermeasures and the main assumption is that the higher the vulnerability level is, the more urgent is the need for further intervention.

V has been calculated as the difference existing between the value assigned to the seriousness of the phenomenon (0=low; 1=medium; 2=high) and the value assigned to the adequateness of the countermeasures implemented (0=low; 1=medium; 2=high). Values score between -2 and +2 with the value 0 meaning that countermeasures are fully in line with the seriousness of the phenomenon.

Tab. 5 - Assumptions

Assumption	Level of vulnerability
The level of vulnerability is high when the phenomenon is serious and the adequateness of the countermeasures is medium	High $(-2 < V < 0)$
The level of vulnerability is medium when even if the phenomenon is serious, the level of adequateness of the countermeasures is high	Medium $V = 0$
The level of vulnerability is low when even if the level of seriousness of the phenomenon is low, the adequateness of the countermeasures is high	Low $(0 < V < 2)$

According to the findings of the study, Bulgaria, France, Greece, Poland, The Netherlands and UK are the EU countries which suffer the most vulnerable situation.

Fig. 1 - The vulnerability of the EU Member States against extortion racketeering



Source: Transcrime

8. RECOMMENDATIONS

This chapter deals with eight recommendations in the extortion racketeering field to assist the European Commission in taking action in this domain.

Having considered the different national situations on the phenomenon of extortion racketeering, having highlighted the differences and similarities among the EU Members States and having assessed their vulnerability to extortion racketeering, the following paragraphs present recommendations to assist the European Commission in taking action in this domain.

The recommendations are intended to serve two main purposes: (A) increase the number of cases of extortion racketeering reported to the Police so that it becomes more visible; and B) prevent and control extortion racketeering in order to dampen its consequences.

A) Making the phenomenon more visible

As highlighted in the previous sections of this Study, extortion racketeering is a largely latent phenomenon because victims rarely report the crime to the police. This results from the fear of the victims and/or from the symbiotic relationships that the criminal actors establish with businesses and other legal actors. The following actions could be undertaken in order to make the phenomenon more visible:

Recommendation 1

Moving from a reactive to a proactive approach when investigating extortion racketeering

Why?

With reference to extortion racketeering as well as to other organised crime activities, investigation based on evidence is rather difficult considering that victims of extortion racketeering tend not to report them. Therefore, action should be taken at the EU level in order to invite the EU Member States to adopt on the one hand an approach based more on *intelligence* than *evidence* and to provide on the other hand incentives to report cases of extortion racketeering.

How?

a. Implementing intelligence-led policing strategies. Intelligence-led policing may be defined “as a business model and managerial philosophy where data analysis and crime intelligence are pivotal to an objective, decision-making framework that facilitates crime and problem reduction, disruption and prevention through both strategic management and effective enforcement strategies that target prolific and serious offenders” (Ratcliffe, 2008: 89).

b. Providing incentives to report extortion racketeering. Law enforcement activities could be enhanced developing incentives to reporting a crime. This could be done either via a more appropriate victim support (see Recommendation 2) either facilitating anonymous crime reporting.

c. Developing common standards for investigations through exchanges of experience. National specialised law enforcement agencies should seek to develop common standards for investigations, and they should promote exchanges of experiences and technical equipment.

Recommendation 2**Strengthening the protection of the victims and witnesses of extortion racketeering***Why?*

Action should be taken at the EU level to invite the EU Member States for which extortion racketeering is a problem to specialise and to improve the effectiveness of their programmes for the protection of victims and witnesses. The success of action against extortion racketeering is, in fact, closely bound up with the effectiveness of victim and witness protection programmes.

How?

a. Establishing transnational programmes for the protection of victims and witnesses. Action should be taken at the EU level to invite the EU Member States to establish transnational programmes for the protection of victims and witnesses. An example to emulate is the agreement on cooperation in the protection of witnesses and victims signed by the Governments of Estonia, Latvia and Lithuania in March 2000 which provides that a witness or victim of crime from any of these countries may be relocated to any of the other Baltic states for a limited period or, if the person's security can no longer be ensured by the sending state, permanently.

b. Developing common standards for victims and witnesses protection through exchanges of experience. National agencies should seek to develop common standards for victims and witnesses protection, and they should promote exchanges of good practices.

Recommendation 3**Providing victims with financial support***Why?*

In order to encourage victims to report extortion to the police, action should be taken at the EU level to invite the EU Member States to provide financial support for extortion racketeering victims.

How?

a. Establishing special fund for victims of extortion racketeering. When considering this action, attention may be paid to the Italian example of Law 512/1999, which created a special fund to support the victims of extortion racketeering financially. This law could be a good model to adopt. In fact, most of the victims of extortion racketeering are businesses which tolerate the presence of racketeers because they provide protection and control over economic markets. The businesses that have attempted to sever their links with the racketeering organisation have often suffered retaliation and been excluded from the market.

Recommendation 4***Strengthening the partnership between the criminal justice system and civil society****Why?*

One of the most important factors shaping extortion racketeering in several EU Member States is the symbiotic relationship between the criminal actors and their victims, given that organised criminal groups operate according to specific demand for the services that they supply. Civil society could play a pivotal role in breaking this relationship.

How?

a. Developing community partnerships against extortion. In order to disrupt such relationships, action should be taken at the EU level to invite the EU Member States to adopt measures aimed at encouraging local community organizations, the business community, and other sectors of society to develop partnerships with each other and with the authorities in order to prevent and control extortion racketeering. When considering this action, attention may be paid to the Italian example of “*Addiopizzo*” which fueled opposition against Sicilian Mafia and its extortion racketeering practices.

Recommendation 5***Focusing on interethnic extortion practices****Why?*

Action should be taken at the EU level to invite the EU Member States to increase law enforcement activities aimed at reducing interethnic extortion which seem persistent in some ethnic communities (e.g. Chinese) and widespread all over the EU Member States.

How?

a. Supporting community policing practice. In order to identify interethnic extortion community policing practices (e.g. leaflet in foreign language which provide information about victim support), with officers properly trained, could help.

b. Supporting recruitment and training of police officers of different nationalities. Moreover having an interethnic police force could stimulate victims cooperation fueling trust in law enforcement reliability.

c. Developing common standards to investigate interethnic extortion practices. National specialised law enforcement agencies should seek to develop common standards for investigations interethnic extortion practices which usually shares common patterns even if perpetrated in different EU Countries, and they should promote exchanges of experiences (see also Recommendation 1).

B) Preventing and controlling extortion racketeering

In order to reduce the consequences of extortion racketeering, attention should be paid to developing more effective penal and non-penal legal instruments that criminalize such conduct within the EU Member States and reduce the economic benefits deriving from such criminal activity.

In particular the following actions should be taken:

Recommendation 6

Extending the punishability of extortion racketeering

Why?

There is a lack of harmonisation among the EU Member States in their definitions of extortion racketeering. Paragraphs 46(a), 50(c) and 51(a) of the 1998 Action Plan and paragraph 48 of Presidency Conclusion of Tempere European Council have already asked the Council, should it be found necessary, to adopt instruments with a view to approximating the legislations of the EU Member States.

How?

a. Adopting and harmonising national definitions of extortion racketeering which should base on the minimum constituent elements identified by the study (extortion perpetrated by organised criminal groups, on a regular and professional basis). When considering this action, several national definitions might be adopted as benchmarks, as follows: Austria, Czech Republic, Estonia, Germany, France, Italy, Portugal, Slovak Republic and Romania.

Recommendation 7

Developing a common data collection module on extortion racketeering

Why?

Even if extortion suffers high rates of underreporting, a common database on extortion racketeering could be used in order to identify several important crime features (such as crime modus operandi, authors and victims characteristics, etc.), to support proactive policing (Recommendation 2) and to enhance international cooperation among national police.

How?

a. Developing a common data collection module on extortion racketeering identifying what data could be used and collect by law enforcement agency in order to monitor the level of cooperation between victims and law enforcement agency.

Recommendation 8**Tracing, freezing, seizing and confiscating the proceeds of extortion racketeering***Why?*

The primary motivation for much organised crime is financial gain. Effective prevention and control of organised crime should therefore focus on tracing, freezing, seizing and confiscating the proceeds of crime. For this reason, besides definition of the crime of extortion racketeering, there is a need within the EU Member States' criminal justice systems for sanctions on the proceeds from this criminal activity.

How?

a. Expansion to extortion racketeering of the list of crime allowing “extended powers of confiscation” as provided under article 3 of the Framework Decision 2005/212/JHA of 24 February 2005 on Confiscation of Crime-Related Proceeds, Instrumentalities and Property. According to article 3(1) of the Framework Decision 2005/212/JHA of 24 February 2005 on Confiscation of Crime-Related Proceeds, Instrumentalities and Property, the “extended powers of confiscation” are limited to a *numerus clausus* of crimes not including extortion racketeering. However, due to the diffusion of extortion racketeering practices in the 27 EU MS and the nature of such a crime, which is not likely to be committed on a one-off basis, it is recommended to extend the list of the crimes under article 3(1) to extortion racketeering. In addition this extension should be followed by a transposition in the EU Member States' criminal justice systems of such an extended power of confiscation.

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ANNEX 1 – THE QUESTIONNAIRE

INDEX

General and specific legislation dealing with the crime of extortion

For the purposes of this study, the expression “extortion racketeering” refers to extortionate activities regularly perpetrated both against both legal and illegal actors by organised criminal groups within a certain period of time.

According to our study, the crime of extortion is criminalised as follows in your country [...]

1. Have any amendments or changes in the legislation also led to changes also in the criminalisation of the practice?

Yes	▪
No	▪

If yes, please provide us with the legal definition as entirely defined by the article of reference.

Comments

2. Is there any article in your legal system that specifically criminalizes the practice of extortion when it is:

	Yes	No
carried out by OC groups	▪	▪
carried out on a regular basis	▪	▪
carried out on a professional basis	▪	▪

If yes, please provide us with the legal definition as entirely defined by the article of reference.

Comments

3. Is extortion racketeering considered by any other article within your legal system?

Yes	▪
No	▪

Comments

Law enforcement response to extortion racketeering

4. Is the phenomenon of extortion racketeering also addressed by any *national plan*¹⁰⁵ set up to combat organised crime?

Yes	▪
No	▪

Comments

5. Is there any unit of the police force in your country which also deals with the fight of extortion racketeering?

Yes	▪
No	▪

If yes, please shortly specify briefly in the box below when this unit it was established and what its competences are.

Comments

6. Which of the following special investigative means can be used to investigate cases of extortion racketeering in your county?

	Yes	No
Interception of telephone conversations	▪	▪
Interception of fax transmissions	▪	▪
Interception of internet transmissions	▪	▪
Audio or video recording of events taking place on private premises	▪	▪
Undercover operations	▪	▪
Techniques of financial investigation	▪	▪
Financial criminal analysis	▪	▪

Comments

¹⁰⁵ A *national plan* may be defined as a set of articulated governmental enactments of an administrative, political and/or criminal justice nature, stating objectives, priorities for action, tasks to be achieved, resources required, and the respective responsibility of each agency in the fight against *extortion racketeering*.

**International cooperation on law enforcement and judicial matters
in response to extortion racketeering**

7. Do agreements or legislation exist that provide for direct police co-operation with the police forces of other EU Member States in the investigation of extortion racketeering?

Yes	▪
No	▪

Comments

8. With which of the following EU Member States does your country have, or has had in the past, direct police cooperation in regard to the investigation of extortion racketeering?

	Yes	No
Austria	▪	▪
Belgium	▪	▪
Bulgaria	▪	▪
Cyprus	▪	▪
Czech Republic	▪	▪
Denmark	▪	▪
Estonia	▪	▪
Finland	▪	▪
France	▪	▪
Germany	▪	▪
Greece	▪	▪
Ireland	▪	▪
Italy	▪	▪
Hungary	▪	▪
Latvia	▪	▪
Lithuania	▪	▪
Luxembourg	▪	▪
Malta	▪	▪
Poland	▪	▪
Portugal	▪	▪
Romania	▪	▪
Slovakia	▪	▪
Slovenia	▪	▪
Spain	▪	▪
Sweden	▪	▪
The Netherlands	▪	▪
United Kingdom	▪	▪

Comments

9. Do police officers of your country posted as liaison officer to other EU Member States also deal with the fight against extortion racketeering?

Yes	▪
No	▪

If yes, please indicate below the countries to which liaison officers are posted.

	Yes	No
Austria	▪	▪
Belgium	▪	▪
Bulgaria	▪	▪
Cyprus	▪	▪
Czech Republic	▪	▪
Denmark	▪	▪
Estonia	▪	▪
Finland	▪	▪
France	▪	▪
Germany	▪	▪
Greece	▪	▪
Ireland	▪	▪
Italy	▪	▪
Hungary	▪	▪
Latvia	▪	▪
Lithuania	▪	▪
Luxembourg	▪	▪
Malta	▪	▪
Poland	▪	▪
Portugal	▪	▪
Romania	▪	▪
Slovakia	▪	▪
Slovenia	▪	▪
Spain	▪	▪
Sweden	▪	▪
The Netherlands	▪	▪
United Kingdom	▪	▪

Comments

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10. With reference to judicial cooperation, which of the following instruments are or have been used in your country to combat extortion racketeering?

	Yes	No
Extradition for trial	.	.
Extradition for sentence	.	.
Execution of foreign sentences	.	.
Transfer of sentenced persons/prisoners	.	.
Other	.	.

Comments

11. If a prosecutor/judge of another EU Member State asks a prosecutor/judge of your country to use the following investigative means in your country, is the prosecutor/judge of your country obliged to provide assistance?

	Yes	No
Interception of telephon conversations	.	.
Interception of fax transmissions	.	.
Interception of internet transmission	.	.
Audio or video recording of events taking place on private premises	.	.
Undercover operations	.	.

Comments

12. Has the European Arrest Warrant been issued by any EU Member States to your country for the offence of extortion and racketeering?

Yes	▪
No	▪

If yes, please indicate below from which EU Member State and how many times it has been issued.

	Yes	No	If yes, how many times?
Austria	▪	▪	
Belgium	▪	▪	
Bulgaria	▪	▪	
Cyprus	▪	▪	
Czech Republic	▪	▪	
Denmark	▪	▪	
Estonia	▪	▪	
Finland	▪	▪	
France	▪	▪	
Germany	▪	▪	
Greece	▪	▪	
Ireland	▪	▪	
Italy	▪	▪	
Hungary	▪	▪	
Latvia	▪	▪	
Lithuania	▪	▪	
Luxembourg	▪	▪	
Malta	▪	▪	
Poland	▪	▪	
Portugal	▪	▪	
Romania	▪	▪	
Slovakia	▪	▪	
Slovenia	▪	▪	
Spain	▪	▪	
Sweden	▪	▪	
The Netherlands	▪	▪	
United Kingdom	▪	▪	

Comments

Obstacles against combating extortion racketeering

13. The following elements may be considered as obstacles against the investigation of extortion racketeering. According to your experience, please indicate whether they represent a serious, moderate, slight problem, or whether they do not represent a problem at all.

	Serious	Moderate	Slight	Not at all
Lack of legislation	▪	▪	▪	▪
Inadequate follow-up of investigative techniques	▪	▪	▪	▪
Limited investigative power	▪	▪	▪	▪
Lack of specialised investigative units	▪	▪	▪	▪
Lack of human/material resources within units specialized in the investigation of extortion racketeering	▪	▪	▪	▪
Others	▪	▪	▪	▪

Comments

14. The following elements may be considered as an obstacles against **cooperation among EU Member States** in combating extortion racketeering. According to your experience, please indicate whether they represent a serious, moderate, slight problem or whether they do not represent a problem at all.

	Serious	Moderate	Slight	Not at all
Lack of a common definition of the constituent element of the phenomenon	▪	▪	▪	▪
Lack of specialised investigative units	▪	▪	▪	▪
Language difficulties	▪	▪	▪	▪
Lack/Delay of responses to requests for assistance	▪	▪	▪	▪
Lack of human/material resources within units specialized in the investigation of extortion racketeering	▪	▪	▪	▪
Others	▪	▪	▪	▪

Comments

15. Could you please give your suggestions concerning the measures that should be adopted/implemented further your country in order to combat/prevent extortion racketeering?

Legislation and other policies relating to the protection of victims and witnesses of extortion racketeering

In accordance with the definition provided by the Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings, **victims** may be defined as *“a natural person who have suffered harm, including physical or mental injury, emotional suffering or economic loss, directly caused by acts or omissions that are in violation of the criminal law of a Member State”*.

16. Do any of the following programmes exist in your country to protect or support **victims of extortion racketeering**?

If yes, please indicate the body which provides the programmes and briefly describe their nature and scope in the box below.

	Yes	No
Police protection	.	.
Temporary relocation to safe areas	.	.
Evidentiary rules of protection measures when testifying in court (anonimity, shielding, videoconferencing)	.	.
Medical/psycho-social support	.	.
Financial compensation	.	.
Moderate financial assistance	.	.
Other (specify)	.	.

Comments

In accordance with the definition provided by the Resolution of the Council of the European Union of 23 November 1995 on the protection of witnesses in the fight against international organized crime (95/C 327/04), **witness** may be defined as *“any person, whatever their legal status, who possess intelligence or information regarded by the competent authority as being material to criminal proceedings and liable to endanger those person if divulged”*.

17. Are there in your country any legislative provisions that protect **witnesses of extortion racketeering** at trial by means of the following measures?

If yes, please indicate the body which provides the programmes and briefly describe their nature and scope in the box below.

	Yes	No
Assistance before and during the trial	.	.
Police measures to enhance physical security	.	.
Court procedure to ensure the witness's safety while testifying	.	.
Change of identity in case of extremely serious threat	.	.
The possibility of giving evidence in a place other than that in which the person being prosecuted is situated	.	.
The possibility of using audiovisual techniques	.	.
Other (please specify)	.	.

Comments

In accordance with the definition provided by the Council Resolution of 20 December 1996 on individuals who cooperate with the judicial process in the fight against transnational organised crime, **justice collaborators** may be understood as “*individuals who participate or have participated in an association of criminals or other criminal organization of any kind, or in organized crime offences*” or as any individual who is willing to cooperate with the judicial process.

18. With reference to extortion racketeering, which of the following measures have been implemented in your country to protect justice collaborators?

If yes, please indicate the body which provides the programmes and briefly describe their nature and scope in the box below.

	Yes	No
Assistance before and during the trial	▪	▪
Police measures to enhance physical security	▪	▪
Court procedure to ensure the witnesses' safety while testifying	▪	▪
Sentence reduction	▪	▪
Measures to protect their life within the penitentiary systems	▪	▪
Separation from the general prison population	▪	▪
Use of a different name for the prisoner-witness	▪	▪
Special transportation arrangements for in-court testimony	▪	▪
Isolation in separate detention units at the prison	▪	▪

Comments

19. Could you please identify those measures (legislative and other than legislative) which have proved most effective in combating **extortion racketeering** in your country?

Please specify when the measures were established and their main components.

20. Could you please indicate to what extent the above-mentioned most effective measures, have had an impact on the various stakeholders? Have they had an high, medium or low impact?

Measures	Having an impact on			
	Law enforcement agencies	Judicial/ administrative authorities	Businesses and consumers	Other national and European authorities
(.....)				
(.....)				
(.....)				

Comments

Data on the phenomenon

21. On the basis of the data collected can you please provide a rough estimation of the trend in **extortion racketeering** in your country during the last 10 years?

Increased	•
Remained stable	•
Decreased	•

Please provide us with the most recent data available in your country.

Comments

Perpetrators

22. According to your experience, on average, what kinds of criminal organization are most involved in extortion racketeering in your country?

Local organized criminal groups	•
Foreign organized criminal groups	•
Terrorist groups (please specify)	•
Local gangs	•
Other (please specify)	•

Comments

23. When foreign organised criminal groups are involved, could you please indicate their most common nationalities?

1. (.....)
2. (.....)
3. (.....)

Comments

24. Do groups involved in extortion racketeering operate mainly on a national or transnational scale?

Mainly on a national scale	▪
Mainly on a transnational scale	▪

If on a transnational scale, could you please indicate the EU Member States among which they mainly operate?

Comments

25. On average, could you please indicate in which of the following criminal activities organised criminal groups involved in extortion racketeering are also engage?

Armed robbery	▪
Bank fraud	▪
Child pornography	▪
Computer crimes	▪
Drug producing/trafficking	▪
Environmental crime	▪
Forgery	▪
Fraud	▪
Gambling	▪
Homicide	▪
Illegal activities related to prostitution	▪
Kidnapping for ransom	▪
Loan sharking/Usury	▪
Money laundering	▪
Smuggling of cigarettes	▪
Smuggling of cultural artefacts	▪
Trafficking in human beings	▪
Protection activities	▪
Vehicle theft	▪

Comments

The victims

26. Who are the main victims of extortion racketeering in your country?

Physical persons	▪
Businesses	▪
Both	▪
Other (specify)	▪

Comments

27. What are the most frequent nationalities of the victims?

Nationals	▪
Non-nationals	▪
Nationals and non-nationals	▪

If non-nationals are affected by extortion racketeering, please indicate the main nationalities.

Comments

28. In your country does **extortion racketeering** occur within closed ethnic communities?

Yes	▪
No	▪

If yes, please specify their nationalities and how frequently they suffer extortion racketeering compared with nationals of your country.

Comments

29. Are there geographical areas/regions in your country that are particularly affected by extortion racketeering?

Yes	▪
No	▪

Comments

30. Do organised criminal groups involved in extortion racketeering infiltrate the legitimate economy?

Yes	▪
No	▪

Comments

31. When the victims are businesses, could you please indicate in which sector of the legal economy they mostly operate?

Construction	▪
Real estate	▪
Entertainment sector (bars, café, clubs)	▪
Import/export	▪
Waste disposal	▪
Other (specify)	▪

Comments

32. what are the **legal** markets that generate most opportunities for extortion racketeering in your country?

33. Which are the **illegal** markets that generate most opportunities for extortion racketeering in your country?

34. Please rank the following criminal activities according to their perceived harm in your country from 1 (least harmful) to 8 (most harmful)?

Kidnapping/ hostage taking	
Extortion racketeering	
Counterfeiting and product piracy	
Corruption	
Environmental crime	
Illicit trade in human beings	
Trafficking in cultural goods	
Trafficking in arms	

Comments

35. Could you please summarize the severity of the impact of the phenomenon of extortion racketeering on your country also considering its economic and social development?

High	•
Medium	•
Low	•

Comments

36. How and under what circumstances will the phenomenon of extortion racketeering will change in the next few years in your country?

Respondent:

Functional title:

Agency:

Street:

City/state/country:

Telephone:

Fax:

E-mail: