

THE EMERGING THREAT OF CHINESE ORGANIZED CRIME IN ITALY AND EUROPE

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Abstract: *The mafias, opening up from their territories of origin, have opened up to profound global transformations, also rethinking their own hierarchies of values, their own purposes and their own rules. In particular, in this paper the author deals with the Chinese mafia and its presence on Italian and European territory. In a transnational dimension, the Chinese underworld operates, with the native and foreign criminal cliques present in the territories, in carrying out illicit business and does this with a "mafia-style" methodology. Triad is the name given in the West to a secret society, founded in China in the 17th century and which has today become a dangerous mafia criminal organisation. It has its bases in Hong Kong and the island of Taiwan, but today it is increasingly widespread not only in the United States of America, but also in Italy and Europe.*

Keywords: *organized crime, mafias, triads, Chinese criminal organisations.*

Introduction

Chinese crime, which for years has also taken on mafia-like characteristics, represents a danger to the security not only of Italy, but of many European countries. The alarm was raised way back in 2003 by the parliamentary anti-mafia commission which listed the types of criminal activities carried out by the Chinese in Italy.

During the same period, the fifty-second "Report on information and security policy" of the Presidency of the Council of Ministers warned about the "Chinese cliques", their expansion in Italy and the ramifications that were emerging in Eastern Europe and France .

In the 2017 report, Europol highlights how today around five thousand criminal organisations are under investigation in the 28 member countries of the European Union and if it is true that only Italian ones are legally classified as mafia-type associations, it is equally true that many associations foreigners are also characterized because "they make use of the intimidating force of the associative bond and the condition of subjugation and silence that derives from it to commit crimes, to directly or indirectly acquire the management or in any case the control of economic activities, concessions, of authorizations, contracts and public services or to obtain unfair profits or advantages for oneself or others, or for the purpose of preventing or hindering the free exercise of voting or procuring votes for oneself or others during electoral consultations" (art. 416 bis Italian penal code).

1. The Chinese mafia and infiltration into Italian territory

Jean-François Gayraud (2010) considers as “mafias” the Sicilian Cosa Nostra, the Italian American Cosa Nostra (in the United States), the Calabrian 'Ndrangheta, the Neapolitan Camorra, the Apulian Sacra Corona Unita, the Chinese Triads, the Japanese Yakuza, the Albanian-speaking mafia (in Albania and Kosovo) and the Turkish Maffya.

In particular, Chinese criminal associations seem to reproduce the 'Ndrangheta model. In fact, they are based on a family basis, leveraging the feeling of belonging to a group, the so-called *guanxi* (关系), which goes beyond blood ties. On an etymological level, the term *guanxi* means "entrance door into a hierarchy or group" and, as specified by Ying Lun So and Antony Walker (2005, p. 3-4): “The simple translation of the Chinese word *guanxi* is "relationship". The same word can be used either to refer to people when the word means human relationship, or non-human issues, ...when the word appears in English ... it refers only to relationship between people ... one the primary difference in the Chinese and Western ways of doing business could be traced to the fact that in the West business developed its own culture separate from private and personal culture, with a different set of rules and a character its own. In the Chinese context, there is no separate morality for business. There are no separate rules that divide the conduct of business from that of personal affairs, in which the key factor is proper human relations. A successful business relationship between Chinese companies begin with the establishment of a personal bond between the principal managers of the companies and is based thereafter on the careful maintenance of these personal ties (De Mente, 1992)”.

“The Chinese cliques in Italy are structured according to essentially hierarchical methods, mainly focused on family and solidarity relationships. In particular, these are "closed" partnerships and, therefore, impenetrable to external contamination or collaboration. Rarely, in fact, is the creation of functional agreements with Italian criminal organisations or the establishment of small multi-ethnic cliques" (DIA, II semester 2022, p. 303).

Thus, Chinese organized crime is an "extended economic family", linked by common interests: the pursuit of both legitimate and illicit profits.

More precisely, with the term Chinese organized crime we can refer to three criminal groups: the Triads, the Tongs and the Street Gangs (Booth 1990; Chin, 1996; Huston, 2001; Chin, Zhang & Kelly, 2002).

The Triads represent the best-known Chinese criminal organisations, which, as we will see, refer to ancient secret associations, initially created to pursue legitimate purposes, which over time moved towards illegal markets.

The term *Tong* derives from the Mandarin *tang*, literally meaning hall or meeting place, to probably indicate those original associative forms that represented the first types of self-government of Chinese communities. These are associations that appear legal, have their own offices, provide legal and administrative assistance to their members, but their leaders are often criminals and, behind various apparently legitimate activities, conduct illegal businesses.

Street gangs appeared towards the end of the 1960s in the USA and were the product of the migratory flow of Chinese into American Chinatowns. They were initially the response to attacks by other ethnic groups and strengthened as organized criminal groups following relationships of exchange and mutual support with the criminal part of the tongs.

The triads represent the most powerful mafia in the East and are spreading widely in the West too.

Their internal hierarchical organisation means that there are no, or no visible, stable federative links between the various triads, nor can it be said that a top body exists, like the Sicilian dome of "Cosa Nostra" (Buzzat, Musumeci, 2007).

The Chinese mafia organisation began between the 17th and 18th centuries and its origin is linked to legends that trace their birth to an act of resistance by a group of Buddhist monks from a monastery called Shaolin, against the Qing dynasty (or Ch'ing).

It is said, in fact, that, around 1644, the Qing dynasty conquered China, putting an end to the Ming dynasty and southern China tried to rebel.

The group of Buddhist monks was joined by several rebels who reached the Shaolin monastery, when, in 1647 or 1674 (or again in 1732), according to different chronicles, the troops of the Qing empire massacred the monks of the temple, which was then set on fire . Only five of them managed to save themselves and, during their journey, they saw a censer floating on the waters of a river, on which an epigraph instructed them to "overthrow the Qing and restore the Ming".

Thus, they created the first Chinese secret society, the Triad (name with which the English colonialists of the nineteenth century called it), or Hong Men (Great Gate) or Sun Hoh Hwui evolved into Tian-Di Hui (Society of three united: sky, earth , man, the three powers in nature) (Milne, 1826), with a symbol in the shape of an equilateral triangle (Wilson, Newboldm 1841; Ownby, Somers Heidhues 1993; Murray, 1994; Rodier, 2012).

According to historians, however, the birth of the first triad dates back to 1760, in the province of Fujian, and its main objectives were not of a political nature, but of helping merchants and immigrants.

In the 19th century, the Triads also participated in the Opium War and the Yellow Turban Uprising, led by the Taiping and quelled by France and Great Britain which, having control of Hong Kong at the time, prohibited any form of secret society. It was then that the Triads, silently dedicated themselves to activities such as smuggling and piracy, formed ties with political power and began to influence decisions regarding the fate of the country. Thus, on January 1, 1912, Sun Yat-sen, an important member of the Ge Lao Hui triad, proclaimed the Republic of China. The triads were, therefore, starting to take on more and more senior roles.

After the Second World War, the power of the triads reached such high levels that the United States agreed on an anti-communist pact: to support Chiang Kai Shek's nationalist party to prevent Mao Tze Tung from gaining power. However, Mao came to power and in 1949 he began a strong repression against these organisations: 820,000 people were imprisoned, many others were executed and many migrated to Macao, Taiwan and the United States of America.

During this period, secret societies were therefore banned as illegal, but soon the Chinese government began to resort to triads, which had great economic wealth and could have provided liquidity to the country. This collaboration allowed China to prosper in a time of crisis, thanks to sanctioned crime. Starting from the 1970s, therefore, this attitude of tolerance towards the triads allowed them to grow and emerge again. The only condition to be respected was not to try to overthrow political power and to operate in total secrecy.

In the same period, the diaspora of the triads continued progressively: from Hong Kong to Great Britain, the Netherlands, South Africa and the North American continent.

Among the most dangerous triads, we remember the *14k* or *Sap Sze Wui*, considered in the 1990s the largest and most powerful operating in Macau; the Shui Fong (the water room); *Sun yee on* (New Virtue and Peace), the most powerful organisation in Hong Kong, with over 30,000 members and over 55,000 affiliates worldwide; the *Wo shing wo*; the *Luen*; the *King Yee Triad*; the *Hung Mun Triad*, etc.

The new wave of migration at the end of the 1980s which led Chinese communities to settle not only in America and Australia but also in Europe, also led to the entry of the Triads into these countries.

“Their global diffusion more or less follows that of the Chinese diaspora. This is an impressive phenomenon” (Gayraud, 2010, p. 147).

The Triads manage clandestine emigration from China to new lands. The technique they use to establish themselves and organize their criminal power passes mainly through the start-up of commercial activities, the acquisition of economic activities, the subsequent monopolization of territories and the creation of a Chinatown. A real fortress closed to the police and other criminal organisations. The Triads thus replace the original criminal associations in the management of drugs, prostitution and gambling and in offering other services, such as the trade of organs for transplants.

Today they are rapidly expanding and, having historically had the need to create an invisible system of capital transfer, they are excellent interpreters of financial globalisation, managing to take on a leading role compared to other mafias.

From a structural and organisational point of view, triads are similar to secret sects, characterized by rituals and symbolism (e.g. tattoos; combinations of numbers combined with the various roles within the organisation). Usually, Chinese crime bosses, unlike others, do not aspire to fame, but exclusively to the exercise of power, so much so that their identity is kept secret. Secrecy is generally a dogma for Chinese culture, so CDs are rare. "repents" or "collaborators of justice".

The internal structuring of the triads varies depending on external conditions, but some characteristics remain constant, primarily the organisational levels: at the top of the hierarchy there is the leader, called the *Master of the Mountain* (Shan Chu) or *Dragon Head* (Lung Tau) or 489, or *Big Brother* (Tai Lo); at the next level, there is a sub-boss, called 438. The boss is surrounded by two managers: the vanguard, an operational manager, and the *Master of the incense* (Hueng Chu), the guardian of the traditions and responsible for the recruitment of new followers, with a leading role within the organisation. The boss and sub-bosses define the general strategy of the organisation and take care of relations with foreign criminal organisations.

Below this first level we find the *Officers' Committee*, with the functions of spokesperson for the organisation, safety manager and advisor. The last step is occupied by the *soldiers* or 49, who act in the field under the direction of a leader, the Cho Kun. Aspirants to join the association are called *Blue Lanterns* and must pass a series of tests before joining the association.

In Italy, Chinese bosses manage their trafficking from their homeland and delegate the management of activities in the cities to underbosses and criminal labourers. From the report of the DIA (Anti-Mafia Investigative Directorate) on foreign mafias in Italy, published in June 2018 and relating to the period September-December 2017, it emerged that Chinese organized

crime has spread over a large part of Italian territory, in particular in Lombardy, in Tuscany, Emilia Romagna and Lazio.

Chinese organized crime in Italy is mainly dedicated to gambling, money laundering, "aiding and abetting illegal immigration (aimed at "trafficking", "illegal" work and prostitution), crimes against the person (sometimes committed in the context of intimidating actions or clashes between members of opposing groups), to robberies and extortions against fellow countrymen, to the counterfeiting of brands, to cigarette smuggling, to the falsification of documents, sectors to which added, albeit residually, the activities connected to gambling and drug trafficking, in particular methamphetamines (such as Shaboo), sometimes practiced in connection with the Philippine community" (DIA, 2018, p. 135).

In the report for the second half of 2022, the Anti-Mafia Investigation Directorate noted that "Chinese crime appears dedicated [also] to the commission of extortion and robberies almost exclusively to the detriment of its own compatriots, to the exploitation of prostitution, to the perpetration of financial crimes, to which they accompany illicit money transfer activities, as well as the detention and dealing of methamphetamine, which is treated almost as a monopoly by Chinese pushers". "This criminal activity is carried out together with Philippine and Bangladeshi crime. In particular, the Chinese and Philippine ones in the dealing of shaboo (synthetic drug made up of methamphetamine crystals). Bangladeshi crime is instead active not only in the dealing of marijuana and hashish, but also in that of yaba, a synthetic narcotic coming from the Asian market" (DIA, II semester 2022, p. 303, note 109).

For accounting practices, primarily functional to tax and social security evasion, perpetrated through the frequent establishment of so-called companies "open and close", Chinese crime often makes use of Italian consultants and professionals.

Most of the crimes are committed within the community, so they do not attract particular attention in public opinion and do not make the potential of this mafia visible, which we can see, however, in all its danger in the United States. On the other hand, the migration process of Chinese towards Italy is certainly much more recent than in the United States, where the Chinese presence has a history of more than one hundred and fifty years. When Chinese crime projects itself externally, it does so to launder and reuse capital, also establishing relationships with compliant professional environments.

The first conviction in Italy for mafia association against an organized group dates back to 1994, the year in which the Court of Rome with sentence no. 285, condemned, pursuant to art. 416 bis penal code, a group of Chinese citizens belonging to the Tiger Head clan, at the top of which was Zhou Yiping. The Court recognized in the accused's power of influencing his fellow countrymen, which led them to retract their statements during the hearing or even to leave the country before the start of the trial phase, those characteristics typical of the mafia-type association which made use of the associative bond and the intimidating force referred to in the art. 416 bis Italian penal code, to which reference was made previously. This rule is typified only in Italy and expressly provides for the possibility of also being applied to foreign criminal organisations operating on Italian territory. In fact, however, the aforementioned rule is difficult to implement.

The Court of Cassation pays particular attention to the manifestation of the "intimidatory method", and excluded the applicability of the art. 416 bis c.p. on several occasions and not only for the Chinese mafia, but also for the Nigerian and Ukrainian ones, as he stated that the fame

or criminal prestige of the groups which are mainly confined to their respective national communities of reference is not "crystallized or sufficiently widespread" (Sparagna, 2015, p. 18).

On this point more recently the Court of Cassation (Section 2, n. 50949 of 2017) stated that "the crime provided for by art. 416-bis of the penal code is also integrated by organisations which, even without having control over all those who live or work in a specific territory, have the aim of subjecting an indeterminate number of people who have immigrated or been forced to immigrate illegally to their criminal power." .

Lastly, the Court stated that "the crime referred to in art. 416 bis can also be configured with regard to organisations which, without indiscriminately controlling those who live or work in a specific territory, limit their illicit attentions to the detriment of the members of a specific community, making use of typically mafia methods, since the reason for the particular incrimination is given by the use of this methodology, considered to be most damaging to the protected assets" (Court of Cassation, section II, 21 July 2017, n. 1586).

The Triads, therefore, are increasingly evolving as mafia-style transnational criminal organisations and technological progress and the globalization of markets could increasingly favor the affirmation of this criminal phenomenon, to combat which it will be necessary to prepare effective legal instruments and guarantee specific preparation for the international bodies responsible for guaranteeing security.

2. Socio-political profiles of Chinese organized crime in Europe

Chinese organized crime, which already "occupies a prominent position among foreign criminal organisations in Italy, in particular in Tuscany..., in Lombardy, in Veneto, in Piedmont and in Lazio" (DIA, 2019), has gradually and systematically penetrated also in other EU countries, using as bases the main cities which for years had been the "crossroads" for the trafficking of drugs and illegal immigrants.

The Chinese mafia makes huge profits from illegal immigrants, who will be forced to commit crimes of all kinds on behalf of organisations to pay for their trip, leveraging their desperation and their dream of making a fortune.

In the Netherlands, for example, the development of Chinese entrepreneurship, particularly in the restaurant industry, and migration policies have, over the years, favored a considerable influx of young Chinese and also of criminals, so much so that, in Amsterdam alone, some groups have settled, such as Sun Yee on, Wo Shin Yee, Luen Ying She, Yuet Tung, connected to the Triads.

In Belgium, in Brussels, the presence of the Triads 14K and Wo Sing Wo has been confirmed. Presence of Chinese crime has been reported in Paris, where in a sort of Chinatown, some Triad leaders control communities of settled Chinese.

In Germany the Triads operate mainly in Hamburg. In Stuttgart and Nuremberg they control gambling, brothels, the trafficking of illegal immigrants, the falsification of documents and the trafficking of synthetic drugs. Even in Spain there is a strong concentration of Chinese from Zhejiang, but significant presences are also recorded in the Balkan region, in particular in Bosnia where several episodes of human trafficking for labor exploitation and prostitution have been detected in the Chinese community.

Chinese criminal presences also in Serbia and Kosovo, as well as in Malta, where the Chinese mafia mainly deals with human trafficking.

The Chinese communities in Europe, as well as in America and Australia, are all controlled by the triads, who organize clandestine emigration from China to other continents, also providing counterfeit documents.

The technique of conquering the territory, already tested in England, Holland, Canada, the United States of America and then also extended to France, Germany and Italy, involves the acquisition of the economic activities of the neighborhood and the progressive expulsion of residents, to establish the so-called Chinatown, a true enclave difficult to penetrate even by the police and other criminal groups.

In this way, the Tongs have asserted their dominance both in the management of the usual criminal activities, such as drugs, prostitution and gambling, and by offering new services, such as the trafficking of adolescents and the trade of organs for transplants.

Conclusions

From the investigations conducted, no stable federative connections between the various triads emerged, nor does it appear that a top body exists. However, investigators do not rule out the possibility that central coordination could be established in China of the criminal activities and legal investments of triads around the world.

The triads, thanks to the migratory flow, which is quantitatively growing and geographically expanding, and the ability to transfer capital while escaping government controls, have assumed, with their "*Invisible Empire*" (Faligot, 1996), a leading role in the panorama of the new mafias.

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