

LA COMMISSION D'ENQUÊTE SUR L'OCTROI
ET LA GESTION DES CONTRATS PUBLICS
DANS L'INDUSTRIE DE LA CONSTRUCTION

SOUS LA PRÉSIDENCE DE L'HONORABLE
FRANCE CHARBONNEAU, J.C.S., présidente
M. RENAUD LACHANCE, commissaire

AUDIENCE TENUE AU 500, BOUL. RENÉ-
LÉVESQUE OUEST À MONTRÉAL (QUÉBEC)

LE 18 SEPTEMBRE 2012

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Sténographes officiels**

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COMPARUTIONS

POUR LA COMMISSION :

Me SONIA LEBEL,
Me ÉLIZABETH FERLAND,

INTERVENANTS :

Me BENOIT BOUCHER, pour le Procureur général du Québec
Me DANIEL ROCHEFORT, pour l'Association de la Construction du Québec
Me SYLVIE CHAMPAGNE, pour Le Barreau du Québec
Me ALEXIE LAFOND-VEILLEUX, pour le Directeur général des élections
Me DENIS HOULE, pour l'Association des constructeurs de routes et grands travaux du Québec
Me ISABELLE PIPON, pour l'Association des constructeurs de routes et grands travaux du Québec

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1 L'AN DEUX MILLE DOUZE, ce dix-huitième (18e) jour
2 du mois de septembre,

3

4 PRÉLIMINAIRES

5

6 LA PRÉSIDENTE :

7 Bon matin à tous. Alors, bonjour. Maître Lebel.

8 Me SONIA LEBEL :

9 Bonjour.

10 LA PRÉSIDENTE :

11 Oui, bonjour. Nous vous écoutons.

12 Me SONIA LEBEL :

13 Parfait. On peut peut-être assermenter...

14 LA GREFFIÈRE :

15 On peut peut-être procéder à l'identification des
16 avocats.

17 LA PRÉSIDENTE :

18 Oui, s'il vous plaît.

19 LA GREFFIÈRE :

20 Alors, si les avocats voudraient bien s'identifier,
21 s'il vous plaît. On va commencer par la Commission.

22 Me SONIA LEBEL :

23 Alors, je suis ici. Maître Sonia Lebel pour la
24 Commission.

25

1 LA PRÉSIDENTE :

2 Et Maître?

3 Me ÉLIZABETH FERLAND :

4 Élizabeth Ferland.

5 Me BENOIT BOUCHER :

6 Alors, bonjour à vous. Benoit Boucher pour le
7 Procureur général du Québec.

8 LA PRÉSIDENTE :

9 Bonjour, Maître Boucher.

10 LA GREFFIÈRE :

11 Est-ce que vous pouvez continuer, s'il vous plaît,
12 les avocats.

13 Me DANIEL ROCHEFORT :

14 Alors, je suis Daniel Rochefort pour l'Association
15 de la construction du Québec. Bonjour.

16 Me SYLVIE CHAMPAGNE :

17 Bonjour, Sylvie Champagne pour le Barreau du
18 Québec.

19 LA PRÉSIDENTE :

20 Bonjour.

21 Me ALEXIE LAFOND-VEILLEUX :

22 Bonjour. Alexie Lafond-Veilleux pour le Directeur
23 général des élections.

24 Me DENIS HOULE :

25 Denis Houle pour l'Association des constructeurs de

1 routes et grands travaux du Québec.

2 Me ISABELLE PIPON :

3 Isabelle Pipon pour l'Association des constructeurs
4 de routes et grands travaux du Québec.

5 LA PRÉSIDENTE :

6 Je vous remercie. Bonjour.

7 Me SONIA LEBEL :

8 Peut-être assermenter le témoin, s'il vous plaît.

9

10 IN THE YEAR TWO THOUSAND AND TWELVE (2012), this
11 eighteenth (18th) day of September, personally came
12 and appeared:

13

14 **VALENTINA TENTI**, criminologist,

15

16 WHOM, having made a solemn declaration, doth depose
17 and say as follows:

18

19 EXAMINED BY Me SONIA LEBEL:

20 LA PRÉSIDENTE :

21 Q. **[1]** So, good day Mrs. Tenti, and welcome to the
22 Commission.

23 R. Bonjour Madame la Présidente, bonjour Monsieur le
24 commissaire.

25

1 Me SONIA LEBEL :

2 Madame Tenti will testify in English, mais avant
3 qu'on commence, Madame la Présidente et Monsieur le
4 commissaire, je vais me permettre d'introduire
5 peut-être en preuve les documents qui vont servir
6 au soutien de son témoignage. Nous avons déjà
7 envoyé à nos collègues des parties la semaine
8 dernière le curriculum vitae de madame Tenti, mais
9 on va commencer par son rapport. Il y a un rapport
10 qui a été produit à la demande de la Commission,
11 qui s'appelle « Framing Mafia Infiltration in the
12 Public Construction Industry in Italy ». Nous
13 allons le produire sous la cote 7P-119. On voit
14 d'ailleurs la page couverture à l'écran
15 présentement.

16

17 PIÈCE 7P-119 : Rapport - Framing Mafia
18 Infiltration in the Public
19 Construction Industry in Italy.

20

21 Me SONIA LEBEL :

22 Je vais également introduire en preuve le
23 curriculum vitae de madame Tenti, qui a également
24 été produit aux parties la semaine dernière.

25

1 LA PRÉSIDENTE :

2 Quelle cote lui avez-vous donné?

3 Me SONIA LEBEL :

4 Je lui ai donné la cote 7P-119.

5 LA PRÉSIDENTE :

6 Merci.

7 Me SONIA LEBEL :

8 Alors, le curriculum vitae, on va le voir également

9 apparaître à l'écran bientôt, portera la cote 7P-

10 120.

11

12 PIÈCE 7P-120 : Curriculum vitae de Valentina

13 Tenti, PhD en criminologie.

14

15 Me SONIA LEBEL :

16 Un PowerPoint a été préparé également au soutien du

17 témoignage de madame Tenti. Ce PowerPoint est

18 intégralement tiré du rapport et sera produit à la

19 fin du témoignage de celle-ci. Par contre, les

20 parties en ont déjà une copie pour leur permettre

21 de bien suivre ce qui va se passer dans les

22 prochains jours.

23 Q. **[2]** Bonjour, Madame Tenti. So, like I just

24 explained, you prepared a report at the demand of

25 the Commission. It's called "Framing Mafia

1 Infiltration in the Public Construction Industry in
2 Italy". Could you just explain a little bit the
3 objectives of this report, please?

4 R. The main goal of this study is to outline the
5 Italian phenomenon as it is in Italy, and it
6 provides some illustration, some depiction of the
7 phenomenon of Mafia infiltration in the public
8 construction industry in Italy. The main goal is
9 really to provide some specificities concerning the
10 three (3) main organized crime groups in Italy,
11 namely Cosa Nostra, 'Ndrangheta and Camorra, and to
12 try to analyse and to provide an explanation of the
13 dynamics of Mafia infiltration committed by these
14 three (3) criminal organizations in an attempt to
15 understand, to provide an illustration of how and
16 why those criminal organizations have plagued this
17 industry. This study will sharpen our understanding
18 of the Mafia phenomenon in Italy in the first
19 place, but also will provide some illustration of
20 the dynamics of Mafia infiltration.

21 Q. **[3]** So, maybe before we go just a little bit
22 further in that topic, could you explain to us, you
23 are considered an expert in your field, and what is
24 your background, what is your study in relation
25 with the organized crime topic?

1 R. I have a few... several years of experience in the
2 study of organized crime and in the criminology
3 research in general. I obtained my bachelor degree
4 at the Faculty of Law, Università di Trento in
5 Italy, with a thesis in Labor Law. I continued my
6 study at the Faculty of Law, Università di Trento
7 in Italy, and I completed my master's degree with a
8 thesis in criminology. The study was a study with
9 the aim to develop a theoretical framework to
10 evaluate the impact of anti-money laundering
11 policies in Italy, in order to contrast the
12 economic activities by organized crime. I continued
13 then my study after this specialization in criminal
14 matters and attended a Ph.D. program at the
15 Università Cattolica in Italy, and I defended my
16 Ph.D. thesis in February two thousand eleven
17 (2011), conducted a thesis on ethnic patterns in
18 organized crime, a study on ethnic relations in the
19 illegal drug market. The main goal of this study
20 was to understand the relations between organized
21 crime groups, in particular 'Ndrangheta, operating
22 in the drug market in Italy, and how they establish
23 and organize their activities with either ethnic
24 group, Mafia-type related.

25 Q. **[4]** More particularly, we can see on your CV that

1 you worked at a project called - Transcrime. What
2 is that about?

3 R. My knowledge and my expertise benefit from the
4 experience that I developed as an Assistant
5 researcher first, and researcher later, in
6 Transcrime. Transcrime is a research center, the
7 joint research center of the Università degli Studi
8 di Trento and Università Cattolica in Milano. Its
9 director is professor Savona. Thanks to the
10 experience that I collected when I took part to
11 several research projects carried out by
12 Transcrime, financed by different public
13 authorities or law enforcement agencies, I had the
14 chance to develop my expertise and my knowledge in
15 the field of criminology in general, with a
16 specific focus also, on organized crime and the
17 Mafia infiltration in the legitimate markets.

18 Q. **[5]** And at the outset of this program or this
19 project, Transcrime, am I mistaken, there was a
20 kind of software that was built up?

21 R. Exactly. In two thousand eight (2008)...

22 Q. **[6]** I never pronounced the name, though, so I'll
23 let you go.

24 A. Exactly. In two thousand eight (2008)...

25 Q. **[7]** I never pronounce the name, though. So I'll let

1 you go.

2 A. In two thousand eight (2008), Transcrime concluded
3 a research project, financed by the Minister of
4 Interior. The Italian Minister of Interior. The
5 project is called "Implementazione Analisi
6 Criminale". And this project is a very complex
7 project, and it is divided in different macro-
8 activities.

9 In particular, me, I was involved in the
10 macro-activities that aimed to develop an
11 understanding of the risk of infiltration in the
12 construction industry, and the outcome of this
13 report, or this analysis of this study, was also an
14 elaboration by Transcrime of a software that has
15 been made, has been produced, and now is in the
16 hand of the Minister of Interior.

17 This software aims at identifying, at
18 evaluating, assessing the risk of infiltration in
19 public contracts. How it works. It works by using a
20 statistical model, which includes different
21 variables, and coming from different data sources,
22 including, for example, an analysis of the
23 territorial context with a specific reference of
24 the level of permeability of a given setting. Data
25 concerning the typologies of contract, the awarding

1 procedures, the amount of the contract per se,
2 information concerning characteristic of the actors
3 involved, both companies or individuals.

4 The result of this software, that is called
5 RISICO... finally. Sorry. It's called RISICO...

6 Q. **[8]** I've practiced a lot of...

7 A. Which is the acronym for "rischio infiltrazione
8 criminalità organizzata", risk of infiltration of
9 organized crime, and the outcome are a number of
10 indicators related to the contract-related risk,
11 the company-related risk, and the person-related
12 risk. Which are respectively the risk of
13 infiltration, concerns the characteristic of the
14 contracts, typologies, characteristics of
15 enterprises, and specific characteristics of
16 individual holding, for an example, important
17 position within the company. Partner, manager,
18 legal representative.

19 Q. **[9]** So, basically, what this program does, you
20 enter the data and it raises red flags.

21 A. Exactly. This is exactly the goal of this software.
22 Just to insert different informations related to
23 these variables, and the result will be a
24 percentage of the risk of infiltration, and of
25 course, these, as you said, will emerge as a red

1 flag. But this is very very useful in terms of
2 investigations, especially if we... Because it's
3 very challenging, even for investigators, to start
4 analyzing all types of contracts of enterprises.
5 So, having also these elements or these tools that
6 can help the investigators or the public
7 authorities in general to address their activities
8 has been proven very very effective and useful.

9 Q. **[10]** Thank you. So we could see, on page 3 of the
10 PowerPoint, you... We basically divided your
11 presentation, that's going to happen over the
12 couple of hours in two parts. For the first part,
13 you will give a description of three traditional
14 Italian organized crime groups, namely the Cosa
15 Nostra, the 'Ndrangheta and the Camorra. Why have
16 you chosen those three in particular?

17 A. Those three, these three are the three traditional
18 Italian organized crime groups. It's true that are
19 not the only ones operating in Italy. Because in
20 Italy there are even other mafia-type associations.
21 But here, for the purpose of this study, I focused
22 on these three criminal organizations for a main
23 reason, which is based also on the historical
24 perspective and historical development of these
25 three organizations, these organizations proved

1 over the years a certain pattern, a consistency in
2 the infiltration in the legitimate markets in
3 general.

4 It's true that there are even other cases
5 concerning other mafia-type associations that prove
6 some elements of infiltration, but if we want to
7 provide typical examples of these criminal
8 patterns, the examination of these three criminal
9 groups is effective and useful for the purpose of
10 this study.

11 Q. **[11]** And you, as you said, you selected three cases
12 also, three case studies that everybody can read
13 about in your report, that you will explain and
14 give as an example along with all the factors that
15 emerge?

16 A. The data used for this report comes from a number
17 of, an analysis, a collection and analysis of a
18 number of secondary sources, which are a review of
19 literature on the topic, which includes scholar
20 academic works, research projects, official
21 publication by law enforcement agency or public
22 prosecutor's office. This helped a lot even to
23 frame, especially the first part of the study.

24 The second part of the study reported three
25 cases, which are based, the empirical foundation of

1 this material comes from court documents, so the
2 documents that are open, that are... there is no...

3 Q. **[12]** Public?

4 A. ... constraint... Thank you. That are public, there
5 is no constraint to access these documents. And in
6 particular, for the analysis of these case studies,
7 I simply repeat an analysis already done in another
8 study by Professor Savona, that in an another
9 article that is published, and in the analysis,
10 what Professor Savona has done is the... one of the
11 first attempt to my knowledge in study mafia
12 infiltration in the construction industry by those
13 three criminal organisation, analysing case studies
14 as using a particular approach that is the crime
15 script approach. In simple words, what this means?
16 We take the crime commission process and we break
17 down the activities committed by the organisations
18 based on different steps. In this way, this
19 analysis, this approach, allows us to break down
20 and to go deeper in the analysis of the real
21 actions undertaken by criminal organisations.

22 Q. **[13]** And this is the result of this analysis that
23 you will talk about in the second part of...

24 A. Exactly.

25 Q. **[14]** ... your presentation.

1 A. In the second part I will repeat the analysis of
2 Professor Savona using different case studies.

3 Q. **[15]** And what is in the part, in the title that we
4 can see "Dynamics of mafia infiltration in the
5 public construction industry in Italy", what are we
6 going to learn basically?

7 A. We're going to, we're going to extract the main
8 ideas concerning the how and why criminal
9 organisations have infiltrated the public
10 construction industry in Italy. So what will emerge
11 from this analysis are the main idea of, concerning
12 the activities undertaken and even we try to
13 explore better the dynamic, the action, what
14 criminal, what criminals do to infiltrate the, in
15 this case study.

16 Q. **[16]** From reading your report Madame Tenti I have
17 noticed that three main concepts emerged and it's,
18 I think it's important to define them from the get
19 go, so everybody knows in what playground we're
20 situating ourselves, so you're talking about, first
21 of all organised crime, and then you're talking
22 about mafia infiltration obviously and you're
23 talking about mafia enterprise. So could you just
24 give us an idea of what you mean in the context of
25 your study?

1 A. It's very important to define these working
2 definitions because we'll allow us to delimit the
3 scope of the research and even the criminal
4 phenomenon and behaviours that are under analysis.
5 So we start with the definition, with the working
6 definition of organized crime used for the present
7 study. Around the concept and interpretation of
8 organised crime, there is a lively debate. Just to
9 provide an example, Professor Forlampa was able to
10 collect more than one hundred and fifteen (115)
11 definitions of organized crime. Some researchers
12 focus more on offenders, the types of offenders.
13 Other with the groups, with activities, with a
14 modus operandi, so, for the purpose of the study, I
15 focused the definition of organized crime in
16 accordance with the legal provision of mafia-type
17 associations as mentioned by the Italian Criminal
18 Code at the Article 416 bis. For the Italian
19 legislation, a mafia-type criminal association is a
20 criminal association that consist in three or more
21 individuals. Those who belong to it make use of the
22 power of intimidation afforded by the associative
23 bond and the state of subjugation and criminal
24 silence, also called as "Omerta", which derives
25 from it to commit crimes, to acquire directly or

1 indirectly the management or control of economic
2 activities, concessions, authorisations, or public
3 contracts and services. Either to gain unjust
4 profits or advantages for themselves or for others
5 or to prevent or obstruct the free exercise of the
6 vote or to procure votes for themselves or to
7 others at the time of electoral consultations.

8 Q. **[17]** So am I to understand that the Italian law
9 makes a difference between mafia-type association,
10 criminal association or any other association of
11 criminals?

12 A. Yes. The Italian legislators had done this
13 distinguishing. The article 416 bis a) applies to
14 Cosa Nostra, 'Ndrangheta, Camorra criminal
15 organisations which prove to have the same aims and
16 to push the same activities based on the power of
17 intimidation. But this is something different from
18 what the Italian legislation define as criminal
19 association which is mentioned at the Article 460
20 of the Italian Criminal Code. Of course there is a
21 sort of overlapping between the two definitions. If
22 you want to see the common points between these two
23 provisions with the existence of a structure, the
24 associative bonds between three or more individuals
25 and then what is called the the "partum celerisa"

1 so the goal to commit a crime.

2 Q. **[18]** So that's what's common between the two?

3 A. Exactly. But the Italian legislation, the
4 legislator, went beyond these three elements and
5 emphasized other aspects that are very intertwined,
6 strongly intertwined, which is the overlapping
7 between criminal and legitimate settings. This is
8 also thanks to liaison elements between organised
9 crime, economic activities and political world and
10 the second element is the systematic resort to
11 violence in order to commit crimes and to exercise
12 an actual conditioning over a territory of the
13 economic activities.

14 Q. **[19]** In your opinion, was that necessary to make
15 this... those distinctions?

16 A. This power of intimidation, a state of subjugation,
17 is so strong in certain areas in Italy, where are
18 extremely permeated by Mafia presence, that only
19 the reputation of being a Mafia associate is enough
20 in order to achieve criminal goals. So, the
21 distinction, it's very important.

22 Q. **[20]** Very important, okay. What about Mafia
23 infiltration in the context of your report? What
24 are we looking at?

25 A. Strange to say, the analysis of Mafia infiltration

1 in the legitimate economy in Italy has been
2 subjected to extensive scrutiny, but very few
3 attempts that have been made to define Mafia
4 infiltration. So, for the present study, we will
5 use a concept of Mafia infiltration which is
6 interpreted in a relative broad sense. And in
7 particular, we do reference to the definition
8 already mentioned by a study of Calderoni and
9 Caneppele. The definition is that :

10 There is Mafia infiltration when
11 individuals who belong to a mafia-type
12 association, or are linked to it, or
13 support or facilitate its activities,
14 condition or alter the regularity of
15 the tendering / awarding / execution
16 of a public contract with the aim to
17 gain unjust profits or advantages for
18 themselves or for others.

19 The main idea is just to denote that system of
20 conditioning enforced by Mafia groups to polarize
21 market and to exercise an actual control over
22 legitimate activities.

23 Q. **[21]** And what about Mafia enterprise? What does
24 that mean?

25 A. There are many interpretations of the concept of

1 Mafia enterprise because few scholars have
2 elaborate the Mafia phenomenon in terms of illicit
3 enterprise that follows the same similar
4 characteristics of the legitimate counterpart. For
5 the present study we are going to use the concept
6 of Mafia enterprises as a formal economic entity
7 operating in the legitimate domain, linked to or
8 controlled, whether directly or indirectly, by a
9 mafia-type group, employing both legal or illegal
10 means to gain unjust profits or advantages.

11 Here, the main idea, especially when we
12 talk about an economic entity linked or controlled
13 to a mafia-type group, with a mafia group, the idea
14 was just to analyse all those enterprises in which
15 there is an involvement of Mafia members in a
16 company. This involvement can be formal, for
17 example, when an individual associated to a Mafia
18 group openly own a company. But the involvement can
19 be also informal, for example when non-members, not
20 associated, act as a front for Mafia groups.

21 Q. **[22]** So, what you mean is, by involvement, they
22 don't have to actually own the company so the
23 company would be branded "Mafia enterprise" in the
24 context of this report?

25 A. The involvement of Mafia members in a company can

1 be limited to the existence of other individuals
2 that can be not necessarily members of the
3 organization but that front the interest of the
4 organization.

5 Another important aspect is the resource to
6 violence or intimidation. These both can work in
7 the organization of the worker, in terms of
8 flexibility or work force holding wages, but also
9 in conducting businesses.

10 And the third element is the access to
11 resources from illegal activities.

12 Q. **[23]** That gives them an edge, I guess?

13 A. Exactly. All these elements together provide those
14 elements, those competitive advantages that Mafia
15 enterprises vis-a-vis against regular legitimate
16 enterprises. And I think that with this definition
17 it's very important to analyse those elements, to edge
18 even the more sophisticate and subtle form of Mafia
19 penetration in legitimate businesses.

20 Q. **[24]** And when we are talking about the resources,
21 obviously we are talking about capital and money?

22 A. We talk about capital, but...

23 Q. **[25]** Can we talk about something else?

24 A. No. Mostly here, I refer to capital, but even, I
25 will say, even what we call capital in terms of

1 financial capital, so we talk about money, but
2 honestly, it could be very interesting even to
3 interpret these in a broad sense, even in terms of
4 social capital, for example, which represents all
5 those connections and contacts that Mafia members
6 can create and develop and an enterprise can
7 exploit or develop for personal enrichment.

8 Q. **[26]** This capital, is it mainly or usually used
9 just to buy resources like raw material or can it
10 be used in any another way to infiltrate?

11 A. It can be used in every way as money can be used in
12 an enterprise. So, it can be used to buy material
13 or even to invest, to maximize the profit, so here
14 the use of the capital in this case, it's very
15 important. It can be also used just to acquire
16 companies in specific sectors that will be very
17 strategic in following stage of the infiltration.

18 Q. **[27]** Could that be used as an alternative source of
19 financing for some companies?

20 A. Yes, it can be. And honestly, recent investigations
21 have already revealed, in Italy for example, how
22 even very important companies are living a moment
23 of crisis in Italy. And thanks they can keep up,
24 they can overcome those moments of difficulties
25 using money coming from illicit sources. There are

1 just investigations, there are not really sentences
2 that prove the existence of these patterns, but
3 what emerged is that especially in a moment of
4 economical crisis, even legitimate enterprises that
5 need to survive can ask the help of the support of
6 some individuals in order to obtain this... to
7 obtain money...

8 Q. **[28]** So when the bank...

9 A. ... that can be used.

10 Q. **[29]** In legitimate settings, when the banks cannot
11 help them, they could be prone to turn over to this
12 capital.

13 A. You proba... you revolve your attention to those
14 old informal financial systems.

15 Q. **[30]** So, like we mentioned at the beginning of your
16 presentation, we will go into details of three
17 major groups: the Cosa Nostra, the 'Ndrangheta and
18 the Camorra. We will, I guess, study their
19 structure, function, goals, rituals, so we can
20 understand better, and what perspective will that
21 give us, if we go so deep?

22 A. I think that this is important for the general
23 understanding in order to overcome even those
24 stereotypes that, unfortunately, often characterize
25 the mafia phenomenon. Especially when we talk about

1 the Italian mafia phenomenon. So the idea here is
2 just to provide a comprehensive analysis and
3 description of what exactly is the mafia
4 phenomenon, how it has developed in Italy. This
5 will be very helpful, I think, for the purpose of
6 the Commission, in order to address the discussion
7 of the mafia phenomenon, the mafia infiltration in
8 the public construction industry, to frame even
9 possible similarities or differences between the
10 mafia phenomenon in Italy and how, and whether it
11 occurs here in Quebec, and this will be fundamental
12 in order to develop even effective remedial
13 strategies against the phenomenon.

14 Q. **[31]** Is there a reason why you always use mafia-
15 type organizations, or mafia phenomenon, and never
16 the word mafia as a whole?

17 A. The term mafia, which is a Sicilian word that
18 originally means respect, excellent, has been used
19 in Italy since the eighteen seventies (1870's) to
20 describe that criminal phenomenon that originated
21 in southern Italy. But it's true that according to
22 "pentiti", which are informants, which are former
23 members of the organization, they say that the term
24 mafia is a literary creation. And the real mafiosi
25 are, in reality, simple men of honour.

1 Q. **[32]** So they don't call themselves mafiosi?

2 A. They don't call themselves... They don't recognize
3 themselves as part of the mafia, and this is even a
4 consequence, an effect of what we call the
5 "omertà", so the obligation of silence that's
6 imposed also not only to, say, anything concerning
7 the structure, the membership of the organization,
8 but also to say the non-existence of the mafia. The
9 non-existence of the organization itself. So it
10 will be very difficult, and if you find in place
11 let me know, to find someone who was part of the
12 organization that will declare to be part of the
13 mafia as organization person.

14 Q. **[33]** And why does the term Cosa Nostra sound more
15 familiar to everybody than the other two?

16 A. For a long time, the Sicilian mafia, which is Cosa
17 Nostra, has been the most celebrated form of the
18 Italian organized crime. This is also thanks to
19 hundreds of books that have been written, of movies
20 that have been played. And around this phenomenon,
21 probably there is even a romanticized halo. And
22 these stereotypes are so strong that for many, the
23 Sicilian mafia is and behaves as it was depicted in
24 these romanticized novel or book. But it's not
25 exactly like that.

1 Honestly, when we approach the phenomenon
2 as an expert, as a researcher, you see that the
3 difference between mafia as a reality and mafia as
4 a myth, the difference is striking. So, knowing
5 better about the phenomenon, I think, will be very
6 very significant and useful to focus the
7 phenomenon, and repeat, even just to understand if
8 here there are the same patterns and the same
9 elements as emerged in the Italian context.

10 Q. **[34]** So, when, in history, when does the Cosa
11 Nostra start to emerge?

12 A. We have the first official description of a
13 brotherhood, or union, which dates back in eighteen
14 thirty-eight (1838), when Pietro Calà Ulloa, which
15 was the Trapanese prosecutor, brought a report to
16 the Minister of Justice, and, to enlighten the
17 presence of this brotherhood. What is very
18 interesting is that we see, from that description,
19 the same elements that we see in the contemporary
20 type of mafia, which is a structure, which is a
21 very strong associative bond which is used to
22 impose a certain authority. The network of
23 collusion so the... the patterns, the relational
24 patterns that link this brotherhood to other
25 individuals that are not members of organisations

1 and the route in a given territory.

2 Q. **[35]** So what was the function of this first
3 brotherhood?

4 A. The mafias in the early age started as a rural
5 phenomenon. Consider even the context, the Italian
6 context back then, we can even, there were few
7 noble families who owned lands, that are called
8 "latifondi" and they asked a group of individuals
9 or guardians to protect their land.

10 In reality, few authors have seen that
11 those groups of guardians will become what we see
12 the mafia group of today because they were, they
13 put themselves in a position between two sides, the
14 landlord and the peasants, the servants, and they
15 provide a service to both. So they protect the land
16 for the landlord and they provide protection to the
17 servants, helping them in doing their activities.
18 And even this can be very strange if you see the
19 phenomenon how it is today. Honestly, it should not
20 surprise so much because it is this attitude, it is
21 this characteristic of and the function of being a
22 protector that we'll see being a common pattern
23 that emerged even in the contemporary phenomenon.
24 And at the beginning the early men of honour just
25 accumulated their power, simply by being close to

1 the community, and to provide a service to the
2 community.

3 Q. **[36]** They made themselves needed?

4 A. Exactly.

5 Q. **[37]** You... there was something happening in the
6 post war, after World War II, that maybe was their
7 first incursion to the public construction
8 industry?

9 A. With the legitimate markets I will say, there is a
10 kind of, after the Second World War, in a boom of
11 urbanisation and project to rebuild the country,
12 few others had emphasized how mafia moved from the
13 country side to the city in order to exploit these
14 three mafia that was coming from the boom of the
15 urbanisation.

16 So we can see, we can say that it's since
17 the nineteen fifties (1950s) that we have a
18 beginning of mafia interest within the legitimate
19 markets. Just to provide an example, it started
20 since the mid of the fifties (1950s) and continued
21 until the nineteen eighties (1980s). What is in
22 Italy a very well noted case that is, that is
23 called "Sacco di Palermo", with a very rough
24 translation will be "Sack of Palermo", in which we
25 see how Cosa Nostra had infiltrated the public

1 construction industry in particular, thanks to
2 liaison elements with the political world and
3 colluded enterprises.

4 Just to provide some numbers that always
5 catch the attention of everyone, in that period
6 four thousand (4,000) buildings permits were
7 assigned by the Municipality of Palermo. Some
8 investigations revealed that about two thousand and
9 five hundred (2,500) of these building permits were
10 assigned to only three individuals. Those three
11 individuals were retired people with no expertise,
12 no know-how at all in the construction industry.
13 They were simply front men who were front to the
14 interest of Cosa Nostra in infiltrating the
15 construction industry.

16 Q. **[38]** So what was their first activities in that
17 market? How did they get something from...

18 A. Surprisingly enough, even the reputation of Cosa
19 Nostra was already so strong that this was possible
20 with the connection, the network of contacts with
21 some corrupted and deviant segments of the
22 political world and the colluded entrepreneurs.

23 Q. **[39]** From the seventies (1970s) to today, what's,
24 what can we learn, how it has, has it evolved?

25 A. Cosa Nostra of course doesn't limit themselves on

1 the legitimate market but we'll see, in the history
2 of, in the history of the criminal organisation,
3 how they were able to become pivotal actors also in
4 criminal markets.

5 First, it's the drug market and the drug
6 trafficking. In the seventies (1970s), they were
7 able to set up and to run pipelines of, especially
8 heroine, from Italy to North America and this was
9 possible even to the presence of elements, of
10 branches of Cosa Nostra or Italian descendants
11 from, who immigrated from Sicily and thanks to
12 these we can say common, common values or culture,
13 sharing this cultural aspect, they established
14 these, these pipelines for use for criminal intent.
15 What we see is that over the years, Cosa Nostra
16 became from a rural phenomenon, very localized, to
17 a transnational actor, and involved in both
18 criminal and legitimate markets.

19 Q. **[40]** So, from your research and to your knowledge,
20 in what countries can we see traces of Cosa Nostra?

21 A. The presence of Cosa Nostra as investigators have
22 validated, it's widespread in different parts, not
23 only in Italy but all over the world. There are
24 some elements of presence of Cosa Nostra in North
25 America, but also in Latin America, in Europe as

1 well.

2 Q. **[41]** So, if we get a little bit more into the
3 structure of the organization, because like you
4 said at the beginning of your presentation, that's
5 the key to understanding the way they function and
6 why they do things, and how they survive over time,
7 so I guess they have a basically a pretty special
8 structure for that. So, if we go to slide number 9,
9 so what is particular about that?

10 A. The basic unique of Cosa Nostra is the family,
11 which is a very well defined and independent
12 organization. The characteristic of each family is
13 that it acts on a territorial basis and it aims at
14 controlling that specific territory.

15 Q. **[42]** Are we talking about family, the way everybody
16 understands it?

17 A. Not if you understand family in terms of blood
18 family. When we talk about Cosa Nostra family, this
19 relation is not necessary. This means that a Cosa
20 Nostra family is not necessarily a blood family.
21 It's not necessary, it means that their members are
22 not necessarily linked by blood ties.

23 Q. **[43]** Okay.

24 A. And if we want somehow to picture the organization,
25 the structure of Cosa Nostra, we can image it to be

1 as a pyramid. So, Cosa Nostra is well known as
2 being a hierarchical organization. It's composed by
3 men of honour, and if we see at the bottom of this
4 pyramid, we have the soldiers, which are the
5 "soldati". And the soldiers are supervised usually
6 in group of ten (10) by "capodecina", head of ten
7 (10). And the "capodecina" have to report, of
8 course, to the rappresentante or "capofamiglia",
9 the family boss. He is the highest authority within
10 the family.

11 Q. **[44]** So, there is basically three (3) levels?

12 A. We can say, in a very simple way, we can structure
13 the organization in this way. The "capofamiglia",
14 the family boss, is often flanked by one or more
15 "consigliere", who is an advisor. And then, the
16 advisor assists the family boss in the most
17 important decisions, and he acts as an impartial
18 advisor in all the internal disputes within the
19 organization. In case of long-term defection or
20 interdiction of the family boss, of the
21 "capofamiglia", the organization is run by the
22 "vice-rappresentante", the vice-representative, who
23 is the right-hand man of the capofamiglia.

24 What is interesting and probably curious
25 for many is that there is a kind of principle of

1 democracy that inspire the structure of Cosa
2 Nostra.

3 Q. **[45]** You mean they have elections?

4 A. Exactly. In what consist this principle of
5 democracy. As few "pentiti" have already suggested,
6 Cosa Nostra is the most democratic body in this way
7 as being defined, in which the "capofamiglia", the
8 family boss, is not the most important authority.
9 He is just the core of the organization, he is the
10 family itself. And the family boss is only a
11 representative of the family.

12 And then, at least in theory, there are
13 even yearly elections to appoint both the family
14 boss and the "consigliere". How we can easily
15 image, violations of these principles of democracy
16 have been very frequent in this history of Cosa
17 Nostra. And this is of course when the yearly
18 elections are emptied in their meaning and they
19 become just a mere ritual of legitimization. We see
20 the break of this principle of democracy when a
21 family boss maintains for a longer period of time
22 their status of family boss, this also thanks to
23 the reputations that are able to build during the
24 function and exercise of this function.

25 But then, the most striking case, the most

1 significant case of the break of this principle of
2 democracy is when leaderships are imposed by the
3 use of the force and violence. And in this regard,
4 examples in which bosses have imposed their
5 authority over the organization, a family, are
6 being frequent in this history of Cosa Nostra.

7 Q. **[46]** So, they used that violence or a reputation of
8 violence even within the organization, not only
9 when they are dealing with others?

10 A. We can say absolutely that violence is a resource,
11 and it is used as a mean to achieve a goal. This
12 works both beyond the organization, to impose the
13 interest of the organization in a given setting,
14 but it works also within the organization. This is
15 why even we probably should break even these
16 stereotypes that, around, are around the
17 organization. Meaning that at the end we are
18 talking about criminals. We are not talking about
19 people who claim to be men of honour. We are
20 talking about criminals who have specific criminal
21 intents and goals. And, if necessary, they use
22 even, they resort to violence to achieve their
23 goal, even to impose themselves within the
24 organization.

25 Q. **[47]** So, the yearly elections aside, how can a

1 person be dismissed for this top position?

2 A. I would say simply to be killed. In cases, has...
3 it happened.

4 Q. **[48]** It has been known to happen?

5 A. The cases are very frequent. We have, for example
6 in the family of Corleone, Luciano Leggio, who
7 used, he used violence, and he was able to collect
8 a group of people, well-known as being particular
9 violent, to impose his leadership and to kill the
10 former boss, Mr. Navarra, to impose... to control
11 the Corleone family. This is just one example.

12 Q. **[49]** What we see on the screen right now is
13 basically the structure of one family. In the Cosa
14 Nostra, there is many families, I guess? So how do
15 they relate to each other? What are their status?
16 Are they independent, would they have to answer to
17 one another?

18 A. Just to provide you some numbers, there are some
19 estimates by the Direzione Investigativa Antimafia,
20 which is the investigative agency specialized in
21 organized crime, who estimates that in early two
22 thousand (2000), there were one hundred eighty-one
23 (181) Cosa Nostra families operating in Italy. In
24 Sicily, sorry. And those families are usually
25 autonomous, very independent. The family boss can

1 run a business without asking the authorization or
2 anyone. So the question is how these families are
3 coordinated within the label of Cosa Nostra.

4 In the early... Before, in the ear...
5 Sorry.

6 Q. **[50]** Go ahead.

7 A. Until nineteen fifties (1950's), the most
8 influential Cosa Nostra families organized, they
9 organized informal meetings in order to share
10 information, organize activities. But then
11 something happened in nineteen fifty-seven (1957).
12 There was a meeting in Palermo... There was a
13 meeting in Palermo, in which representatives of
14 Cosa Nostra family in Sicily, but also
15 representatives of the American Cosa Nostra
16 participated. Drug was the business on the agenda.

17 But from that meeting emerged even the
18 suggestion from Jos Bonanno of the idea to create a
19 commission for the families in Palermo, as modelled
20 on the American Cosa Nostra Commission. The idea
21 was just to create a consultative body with the aim
22 to coordinate the activities among family and to
23 settle possible conflicts within... between
24 families and single members. And in particular,
25 another important function of this commission was

1 to regulate the use of violence.

2 Q. **[51]** So, the first one that we see emerged after
3 that important meeting between American Cosa Nostra
4 and Italian Cosa Nostra is the Palermo Commission.
5 Is that right?

6 A. Exactly.

7 Q. **[52]** And why do they feel... why did they feel, at
8 that point in time, that they needed that? Because
9 they were functioning without it until that point?

10 A. Probably because the goal was just to create,
11 really, a mechanism of coordination of all the Cosa
12 Nostra family, especially if deals concerning
13 drugs, the importation and exportation of drugs was
14 the goal for both the Sicilian Cosa Nostra and the
15 American Cosa Nostra. So, you know, like, in the
16 legitimate world, you want even to be clear who is
17 your reference in order to establish and to define
18 contracts, deals... criminal contracts, deals. So
19 it's really, it's starting as being a mechanism of
20 coordination, first of all. This is important,
21 especially when your deals are not just local, but
22 are becoming transnational. And becoming
23 transnational is key on.

24 Q. **[53]** But at the beginning of it all, were the
25 families retaining or maintaining their

1 independence within the commission?

2 A. Families always maintain the commission. It's not
3 because we are talking about the establishment of a
4 commission that families have lost their
5 independence. This can emerge eventually in the
6 eighties (80's), nineteen eighties (1980's), when,
7 with the rise of the Corleonesi faction, led by a
8 family boss of the Corleone family, Toto Riina, who
9 his main goal was just to centralize his power. And
10 for this reason, he put his men in the most
11 important influential part of other families, to
12 impose his leadership.

13 Q. **[54]** So he diverted the purpose of the commission
14 to his own pur...

15 A. The collegial spirit of the commission, that first
16 inspired the creation of the commission itself, was
17 absolutely metamorphosed, for the purpose to create
18 a more centralized structure, this just because
19 Toto Riina, with the Corleonesi family, they wanted
20 just to impose their authority over other Cosa
21 Nostra families.

22 Q. **[55]** You mentioned that it all started with the
23 American Commission, we can see on the next page
24 that, we can see the structure of the Palermo
25 Commission. Is it the same? What's different? I

1 mean, what's the base of it all?

2 A. If you want to compare, if you want to compare what
3 has been said about the American Commission and the
4 Provincial Commission, we'll see that the system is
5 very analogous. There are many analogies between
6 the two, the two organisations. The American Cosa
7 Nostra starts with a collegial, the Commission, the
8 American Commission starts with a collegial body in
9 which all the families are represented within the
10 Commission. So, the idea was just to reproduce that
11 model for the needs of the Palermo family. But of
12 course, Cosa Nostra families in Sicily, in Palermo,
13 in Palermo Province, were confronted to a practical
14 question that these, the number of Cosa Nostra
15 families in Palermo Province.

16 Q. **[56]** How many families were there at that time?

17 A. At that time, it's hard to say, I don't know,
18 probably even the investigators don't know, just to
19 provide now an idea, is that some estimations
20 calculated that in the Province of Palermo there
21 are eight "mandamenti" that are called districts
22 that now we're going to explain what they are and
23 six "mandamenti" in the only city of Palermo. Work
24 is a "mandamento". A "mandamento" is, it's a
25 structure, it's an intermediate level between the

1 Cosa Nostra family and the Commission and three or
2 four adjoining families, three or four families in
3 adjoining territories are represented by what it's
4 called "capomandamento" and it's the
5 "capomandamento" who would have a seat in the
6 Commission.

7 Q. **[57]** And that's the first from the American
8 Commission in the sense that in that Commission in
9 the States, the family sends directly somebody to
10 the Commission, is that right?

11 A. In this case, there was really a practical need to
12 create an intermediate level in order to have all
13 the families of Cosa Nostra in Palermo being
14 represented in the Commission.

15 Q. **[58]** Okay. So, each "mandamento" represents, has a
16 seat on the Commission and has a vote for three or
17 four families?

18 A. Exactly.

19 Q. **[59]** Okay. There was another Commission that was
20 created that's called a "Cupola". What is it
21 exactly?

22 A. Tommaso Buscetta said even that there are similar
23 structures for all the Sicilian provinces in which
24 Cosa Nostra had branches. But investigators didn't,
25 were not able to prove exactly this. But what they

1 proved is, on the contrary, following the same
2 structure at the regional level. So the existence
3 of a Commission at the regional level in which all
4 the Cosa Nostra families are represented and as for
5 the Provincial Commission, the Regional Commission
6 is a consultative body composed by all the mafia
7 families in all the Sicilian provinces in which
8 Cosa Nostra has branches and as for the provincial
9 counterpart, the main function is just to settle
10 conflicts among families and members and, over the
11 years, has improved even their capacity to regulate
12 and coordinate all the activities of Cosa Nostra
13 families. And for many somehow authors also
14 emphasize that the original commission or "cupola"
15 followed the same destiny that the Provincial
16 Commission followed when, with the rise of the
17 Corleonesi family. Toto Riina was able also to
18 create some alliances in order to impose their
19 members holding important positions within the
20 "cupola". The result is that the principle of
21 collegiality was for sure weakened and that
22 principle of collegiality that first inspired the
23 creation of the, of these commissions.

24 But, on the other hand, these were very
25 functional for the purpose of Cosa Nostra per se

1 because it... it became a more centralized
2 structure and this was very useful also for the
3 purpose to undertaking criminal activities because,
4 for example, it's with the rise of the Corleonesi
5 that Cosa Nostra first was able to act as a unitary
6 entity to be more effective in the infiltration of
7 the legitimate markets, to pull in resources to
8 achieve those goals. So we'll see how even the
9 principle of collegiality has been weakened in
10 reality this was done for a specific purpose to
11 maximize the criminal actions.

12 Q. **[60]** So they learned, the families basically
13 learned by force or not, they learned that by
14 working together they were stronger.

15 A. Exactly.

16 Q. **[61]** What's the fate of those two Commissions
17 today?

18 A. It's very, that's a very, very interesting question
19 because in the last decades, there are many
20 successful anti mafia operations that, in
21 particular, the echelon of Cosa Nostra, especially,
22 even with the specific echelon in the Palermo
23 context. The, in a recent report from Direzione
24 Investigativa Antimafia, they say that the actual
25 status of Cosa Nostra, the regional and provincial

1 commission, is at a moment of transition, it's a
2 status of transition, this because the echelon of
3 Cosa Nostra Mafia has been arrested. And so, the
4 actual status is that the Cosa Nostra is in a phase
5 of reorganizing itself, reestablishing some
6 leaderships.

7 And just to provide an evidence that this
8 is something occurring, there was a recent
9 investigation called Operazione Perseo, in which a
10 special unit of carabinieri, that is a national law
11 enforcement agency, arrested ninety-nine (99)
12 individuals in Palermo, members of Palermo's Cosa
13 Nostra that met together in order to reestablish
14 the provincial commission in Palermo, old style,
15 Corleonesi style, so a very centralized structure.

16 Of course, with the arrest of ninety-nine
17 (99) individuals, what we learn from that is that
18 the capacity and the will to reorganize the
19 activities, in positive leadership, but also the
20 capacity of adaptation to new contingencies. And
21 probably this is the strength of this organization,
22 that although has been successfully, by a number of
23 anti-mafia investigations, there are some elements
24 that are constant and that provide the strength of
25 Cosa Nostra.

1 Q. **[62]** So, you talked about the Cosa Nostra in the
2 fifties (50's) and the seventies (70's), so I guess
3 to day, it's not eradicated? It's still there?

4 A. The phenomenon is still there, is still strong, is
5 still powerful and is still scary, especially in
6 specific territories that are extremely permeable
7 to the presence of Cosa Nostra. The situation is
8 still very, very difficult. And what is difficult
9 is that, and what we have to think, is that it's
10 not just a problem of specific territories. It's
11 not just a problem that is in Sicily. Because even
12 the presence of Cosa Nostra in different areas that
13 are not traditional Mafia-related, that is
14 something that should scare the most. And the goal
15 here is just to understand which are the elements
16 for which Cosa Nostra is able to establish in
17 another traditional territory.

18 Q. **[63]** How they set in a culture that's not theirs?

19 A. Exactly.

20 Q. **[64]** Okay.

21 A. So, just to understand which are the factors that
22 Cosa Nostra or mafia-type associations exploit in
23 order to set in a different territory.

24 Q. **[65]** So, when they get into another system or
25 another setting, they don't shape the setting to

1 their liking, they adapt?

2 A. I would say exactly this, because every context is
3 different, but if you want to succeed in a specific
4 context, you need to adapt to the opportunity that
5 that specific context will provide you.

6 Q. **[66]** Okay. If we go back to - la diapositive numéro
7 9, Madame, s'il vous plaît - to the structure of
8 the Cosa Nostra families per say, you talked about
9 the soldier, the Capodecina, the boss, ultimately.
10 When, I guess, you start at the soldier, when you
11 enter a family, is that right?

12 A. Yes.

13 Q. **[67]** Okay. And how do you move from rank to rank?
14 We talked about the boss and the theoretical
15 election that can take place, but what about the
16 Capodecina, the head of ten (10)?

17 A. For sure here, in terms of reputation and status
18 are the values for which there is a kind of
19 criminal mobility within the organization. So, like
20 it's a kind of criminal career, and so you have to
21 prove yourself, you have to prove to have some
22 specific characteristics in order to improve your
23 criminal status in this case. So, we can say here
24 it works exactly most as a criminal career. So, the
25 more you prove your ability in certain... to carry

1 on specific activities, the more you prove your
2 ability to enforce the reputation of the
3 organization, the more you have the chance to
4 achieve a higher level within the organization.

5 Q. **[68]** As you mentioned, the strength of the mafia-
6 type family is what they share, the fact that they
7 work as a unit. They share goals, they share
8 values, I guess. What are those values exactly?

9 A. This is... it's very important, the fact of this
10 Mafia system of values, because we can easily say
11 that it is this system of value that make a market-
12 type association, something different than a simple
13 crime that is organized. And the symbols and
14 rituals are used extensively in Cosa Nostra. There
15 is a goal, there is a reason why. There is a reason
16 why. Both internal the association and outside the
17 association. At the associative level, the sharing
18 of these values, it's very important as a means to
19 exercise unconditional claims upon its associates,
20 and to define the group collective identity. But
21 this system, it's very important even outside the
22 organization, beyond the organization itself. As a
23 means for the external recognition of the statute
24 of power derived from the mafia affiliation.

25 What this means. The sharing of this system

1 of values is a totem of group identity,
2 brotherhood, and even external recognition derived
3 and power, status of power afforded by the
4 associative bond. And Giovanni Falcone, the judge
5 that fought Cosa Nostra, he said that although
6 those systems of values can be less scrupulous,
7 especially nowadays, we cannot do the mistake they
8 don't exist at all. Because it's this system of
9 values that enforces the group, the feeling of
10 group belonging and the strength of Cosa Nostra
11 itself.

12 Q. **[69]** And this is one of the uniqueness that's
13 emphasized in article 416, when they talk about the
14 associative bond.

15 A. Exactly. It's exactly this. And that's the reason
16 why emphasis... Although many say and could
17 emphasize the folkloristic aspect of this system of
18 values, in reality there is a great support of this
19 system of values, and especially, this has an
20 immediate consequence when we talk about that power
21 of intimidation and subjugation afforded by the
22 associative bond.

23 Q. **[70]** So, before you get to the system of values,
24 you have to enter the family? How does that happen?
25 How do you become a man of honour?

1 A. Say that mafiosi are made and not born. So, in
2 order to be part of the organization of Cosa
3 Nostra, you need to undergo a process, a right of
4 affiliation. And probably many have already seen,
5 at least in a movie, I'm sure, how this system, how
6 this ceremony works. We can say that it's really a
7 symbolic representation, through which the new
8 candidate is... he becomes... is attributed with
9 the status of man of honour.

10 We have information about this right of
11 affiliation based on a number of declarations made,
12 especially by "pentitis" (sic). So, what we see,
13 that there are a number of local variations in this
14 ceremony. But what we can... We can simplify this
15 process in three main stages.

16 First of all, the candidate is presented to
17 the family by a man of honour. This means that
18 there is a man of honour that has vouched for the
19 new candidate. Then the rules of Cosa Nostra are
20 explained to the candidate. This means that that
21 system of values that is imposed by Cosa Nostra on
22 all its affiliates, that... a system of values that
23 regulates both the private and the public life, is
24 explained to the candidate. And then what we know.

25 Q. **[71]** What we see.

1 A. I said... What we see. So, we have really that
2 moment, that part of the ceremony in which the
3 index finger of the hand is...

4 Q. **[72]** They have a sense of drama.

5 A. Exactly. Then some blood falls on a holy image, and
6 this image burns while the candidate swears an oath
7 of loyalty to Cosa Nostra. As we see, during this
8 ceremony, there are many many references related to
9 the catholic iconography and terminology, and the
10 reference of blood. And there is a reason about
11 that. Honestly, when we approach the mafia
12 phenomenon, we always have to think that there is
13 an explanation of everything. Nothing is casual.

14 So, the religion reference gives the sacral
15 and imperative value of the ritual. And then the
16 blood illustrates both the brotherhood that now
17 links the new member to the other members of the
18 organization, and has another meaning, which is the
19 ultimate punishment of the member in case of
20 betrayal. The idea is, you...

21 Q. **[73]** Come in with...

22 A. ... come in with blood and you go out with blood
23 from Cosa Nostra.

24 Q. **[74]** Is there traces or evidence of this rite still
25 taking place today, or early... contemporary times?

1 A. This is something very, very interesting because we
2 can say "Okay, this is a picture of Cosa Nostra
3 back then" you know...

4 Q. **[75]** In the sixties (1960s)?

5 A. In the sixties (1960s), seventies (1970s) or even
6 in the eighties (1980s) so we cannot believe that
7 this system still exist. In reality, this should
8 surprise many or all to believe something like that
9 because in two thousand and seven (2007) during an
10 anti-mafia operation which led to the arrest of the
11 boss of Salvatore Lo Piccolo who was the Cosa
12 Nostra boss who took place after the arrest of
13 Bernardo Provenzano, another boss of the bosses of
14 Cosa Nostra, well the investigators found different
15 documents and seized, seized an important document
16 that after we will see, which is exactly the least
17 of the behaviour that each member has to respect.
18 And this...

19 Q. **[76]** So it kind of ties this rite to present days?

20 A. Exactly. This is, we are talking about December two
21 thousand and seven (2007) so not that many years
22 ago.

23 Q. **[77]** And we'll see this document later, is that
24 right?

25 A. Exactly, this is just to emphasize how this system

1 of value is still present. And honestly, I will say
2 that it's the existence of this system of value
3 that makes, that facilitates Cosa Nostra to resist
4 over the years and across settings.

5 Q. **[78]** You said that you're not born into a family, a
6 mafia-type family, at least in the Cosa Nostra,
7 you're made, you're a made man, you're a made man
8 of honour. What, why, what do you get from that?

9 A. You get all the status, the reputational status
10 afforded by the associative membership, the
11 associative bond. And especially in terms of
12 reputation, this is very, very important because
13 with the status of man of honour, you obtain that
14 reputational element that others don't have. Like
15 using another expression, quoting another informan,
16 "We are mafiosi, we are men of honour. The others
17 are just men." This emphasizes how they even look
18 at their status claiming values as honour,
19 obedience, loyalty and kind of discrediting, like
20 emphasizing their status compared to the rest of
21 the world.

22 Q. **[79]** Reputation is something you can't see, so how
23 do they establish their status in the
24 neighbourhood? How do people know who they are?

25 A. You just know. It's not because you don't see

1 something or you don't touch something that means
2 that it doesn't exist. Especially when you live in
3 a specific context that is traditionally permeated
4 by mafia presence you know. You breathe mafia
5 presence. You feel that there is something
6 different.

7 And probably this is a thought that I would
8 like, it's a message that I would like to give you
9 because when we live in an environment which is not
10 so permeable to mafia members, to mafia, to the
11 mafia phenomenon, probably we are more aware and
12 it's easier for us to recognize the good guys from
13 the bad guys, so we have this awareness, but it's
14 not so easy in another context. In another context
15 it's most of the time based on that protection
16 function that mafia members always carried over the
17 years, it's very hard to distinguish who is the
18 good guy and who is the bad guy because most of the
19 time it's the bad guy that provides me the job that
20 I need, who provides me an opportunity that I need
21 to survive. So this is just to say that don't be
22 surprised if you see people that are born in a
23 determined context, don't be so sure to distinguish
24 who is a good person, who is a bad person because
25 for us probably it's easier because we are able to

1 recognize...

2 Q. **[80]** It's more black and white.

3 A. Exactly. But in a specific context, this is
4 terribly...

5 Q. **[81]** The lines blur a bit.

6 A. And this is very challenging even for the
7 investigation of the public authority because it's,
8 the... you... Mafiosi are able to create that
9 social consensus and it's exactly that social
10 consensus that feeds the organisation and this is
11 extremely important for the existence of the
12 organisation itself.

13 Q. **[82]** They made... A little bit like you were
14 talking about the first Cosa Nostra back in the
15 eighteen hundreds (1800s) when they were, they were
16 giving a service to the landlords and to the
17 peasants. They integrate themselves into the
18 neighborhood and they become a necessity.

19 A. Most of the time Cosa Nostra and other mafia, the
20 example of other mafia organisations, they simply
21 fill the voids in society. Well especially when a
22 State is not able to provide something, it's Cosa
23 Nostra in this case that can provide that
24 something. This, it's, has very bad consequences
25 because it enforces the social consensus that is

1 key for the survival of Cosa Nostra itself.

2 Q. **[83]** That process of normality.

3 A. A process of normality. And then we are seeing how
4 it's even the asking the "pizzo", what we call the
5 "pizzo", so that the protection tax, the protection
6 racketing, how many in particular areas is seen, is
7 viewed as normal, so for us it's something that
8 surprised us because we would say, "Why do you pay
9 something for that?" it's something quite normal
10 because probably they already received a service
11 that otherwise they couldn't have.

12 Q. **[84]** Merci. Peut-être qu'à ce point-ci, si vous le
13 permettez, ça serait peut-être un moment de prendre
14 la pause avant d'aborder un autre, un autre sujet.
15 Merci.

16

17 SUSPENSION DE L'AUDIENCE

18 REPRISE DE L'AUDIENCE

19

20 LA PRÉSIDENTE :

21 Vous pouvez reprendre, Maître Lebel.

22 Me SONIA LEBEL :

23 Merci, Madame la Présidente.

24 Q. **[85]** So, just before we stopped for the break, you
25 mention the document that was seized in two

1 thousand and seven (2007), so and this document
2 which we can find at the page 16, Madame, this
3 document was seized, just say it again so we can
4 pick up from there.

5 A. Yes. In November two thousand seven (2007), there
6 was a very important anti-mafia operation in
7 Palermo that lead the arrest of Salvatore Lo
8 Piccolo, that was at that moment the boss of the
9 bosses for Cosa Nostra, after Bernardo Provenzano,
10 another notorious boss of the bosses was arrested a
11 few years before.

12 During in the course of that investigation,
13 few documents were found and seized by
14 investigators. And this is the copy of one of these
15 documents. That was a surprise, because as we said,
16 we always doubt the existence of that system of
17 value, if still on or not. And this was the proof,
18 the evidence that no, that system of value is still
19 strong, and still characterize the Mafia. The Cosa
20 Nostra is a Mafia, a Mafia phenomenon.

21 Q. **[86]** It was basically seized between the hands of a
22 boss of the bosses?

23 A. It was seized in the house where the boss was
24 found. And, so, was in the hand of Salvatore Lo
25 Piccolo.

1 Q. **[87]** Okay. So, on the left side of the slide that
2 we have on the screen right now, that's a
3 representation of the actual document, and on the
4 right slide I guess that's the translation in
5 English, is that right?

6 A. Exactly. I will try -- I think that is very
7 interesting just to see the document. And then, on
8 the side, I tried to do a rough translation in
9 order just to provide, just to put everyone in the
10 condition to understand the document. And this
11 document is called "Dieci Comandamenti", the ten
12 (10) commandments. Once again, the...

13 Q. **[88]** Get back to Catholic?

14 A. Exactly, the Catholic reference are still present.

15 Q. **[89]** So, how does it start?

16 A. The start is:

17 Giuro di essere fedele "a Cosa
18 Nostra", se dovessi tradire le mie
19 carni, devono bruciare, come brucia
20 questa imagine.

21 Here is... Before we explain how the rite of
22 affiliation works, and this is exactly the oath
23 that a new adherent has to swear, the oath of
24 loyalty.

25 Q. **[90]** While (overlapping voices)... is burning?

1 A. Exactly. And the translation is:

2 I swear to be faithful to Cosa Nostra.
3 If I betray Cosa Nostra, the
4 organization, my flesh must burn as
5 this image burns.

6 So, you can image, you can put yourself in the
7 context. You are in front of Cosa Nostra member, of
8 Cosa Nostra families, and you have in your hands
9 this holy image that is burning your hands, and you
10 are swearing this oath.

11 Q. **[91]** And in front of your men of honour that carry
12 their reputation, I guess?

13 A. Exactly. And then, this is the set of the values
14 that are imposed by Cosa Nostra to all the new
15 members. And the catholics "Divieti e Doveri", kind
16 of rights and duties. First:

17 Non ci si puo' presentare da soli ad
18 un' altro amico nostro - se non e' un
19 terzo a farlo.

20 The translation:

21 No one can present himself directly to
22 another of our friends. There must be
23 a third person to do it.

24 Q. **[92]** So, how do you explain that? Is that the
25 "Omerta" rule or the... kind of a safeguard that

1 they are putting up?

2 A. This, I wouldn't say that is an element of the
3 "Omerta", I would say that is more a shield of
4 protection of the organization. Because it's, there
5 is... they need in this case of someone who vouch
6 for another person in order to avoid what is a
7 risk, the risk of infiltration by a non-member of
8 the association. So, easily, to image, this is a
9 simple rule, just to protect the security and the
10 core of the organization. And this works when
11 another person introduces the fact that we are a
12 friend of ours, in order just to avoid the eventual
13 risk of infiltration.

14 Q. **[93]** It's a buffer?

15 A. Exactly.

16 Q. **[94]** Okay. What is the second one?

17 A. Non si guardano mogli di amici nostri.

18 It means:

19 Never look at the wives of friends.

20 Q. **[95]** How do you explain that one?

21 A. Honestly, I'm sure that you are going to smile a
22 few times reading these rules.

23 Q. **[96]** Is that more with the honour part, maybe, of
24 the men of honour?

25 A. Exactly. These, there are few articles, few rules

1 that... they just reveal that character of honour,
2 loyalty, good behavior in general. And I will say,
3 even here, there is an explanation of what, that
4 is... that halo, reputational halo that a mafioso
5 has to bring. Don't forget that in few cases, the
6 symptom of Tommaso Buscetta, because during his
7 life he had a sentimental life a little bit
8 complicated, and for this reason, he was, we say,
9 "meso fuore ordinanza". He was put aside the
10 business of the family. That's because his behavior
11 didn't follow, didn't respect what Cosa Nostra was
12 expecting and expects from all the men of honour.
13 So, what emerged here, it's really just the
14 importance of that reputational...

15 Q. **[97]** You have to project the image of being
16 honorable?

17 A. Exactly, exactly. Then:

18 Non si fanno comparati con gli sbirri.

19 Q. **[98]** Now, this one is more straightforward.

20 A. For a Sicilian, because they use a dialect. It's
21 not Italian - Italian. And the translation is:
22 Never be seen with cops.

23 Q. **[99]** Easier to understand.

24 A. Exactly. Then:

25 Si è il dovere in qualsiasi momento di

1 essere disponibile a Cosa Nostra.

2 Anche se ce la moglie che sta per

3 partorire.

4 So, always being available for Cosa Nostra is a
5 beauty. Even if your wife is about to give birth.

6 Q. **[100]** So what does that mean exactly?

7 A. Cosa Nostra becomes your priority. Cosa Nostra
8 becomes your family. And...

9 Q. **[101]** It's over your blood family.

10 A. Exactly. And so there is nothing more important
11 than Cosa Nostra. If Cosa Nostra says something,
12 you obey. So here emerged the character of
13 obedience that every member needs to respect.

14 Q. **[102]** And I guess you missed the one just above
15 that one?

16 A. Oh! Sorry.

17 Q. **[103]** It's okay.

18 A. Non si frequentano ne'taverne e
19 ne'circoli.

20 It's quite hard. Don't go to pubs and clubs.

21 Q. **[104]** What about cafes?

22 A. It's difficult. But here, once again, it's the
23 reputational elements that emerge. Then:

24 Si rispettano in maniera categorica
25 gli appuntamenti.

1 Appointments must absolutely be respected.

2 Q. **[105]** I guess they're not talking about dentist
3 appointments? What are they talking about?

4 A. Absolutely. These are the appointments imposed by
5 Cosa Nostra. And this means that even this is a
6 form of respect. When you arrive late, you miss an
7 appointment, a meeting of Cosa Nostra, you are
8 disrespecting your family. And so, once again,
9 this...

10 Q. **[106]** And it has about the same sense of the one
11 mentioning to always be available.

12 A. Exact.

13 Q. **[107]** When Cosa Nostra call, you come.

14 A. In this case, when Cosa Nostra call, you go, but
15 even go in time.

16 Q. **[108]** Okay.

17 A. So, just... Because there is even other members
18 that are relying on you. So, even that is a form...
19 It's a form of general respect. Honestly, most of
20 these could be simply applied for the regular...
21 for not criminal. Because they're really rules of
22 behaviors. So, that's something very very
23 interesting.

24 Q. **[109]** But, like you said, the fact that they're
25 swearing an oath, with a burning image and stating

1 all those rules and duties, it enforces the bond
2 between the family.

3 A. Exactly. The importance of this is exactly to
4 reinforce that group belonging. Because it's this
5 that makes, that guaranteed the level of cohesion
6 within the group.

7 Q. **[110]** Okay.

8 A. Then:

9 Si ci deve portare rispetto alla
10 moglie.

11 Wives must be treated with respect. Even here, it's
12 simply to... There is no interpretation that we can
13 do.

14 Quando si e' chiamati a sapere
15 qualcosa si dovrà dire la verità.

16 Means, when asked for an information, the answer
17 must be the truth. Here we have to do... we have to
18 precise this element. It's not that if an
19 investigator asks to a member, to a mafia member
20 something that...

21 Q. **[111]** He has to answer.

22 A. He has to answer, just telling the truth. Here, the
23 reference is always within the organization. If
24 someone, if another man of honour asks you to
25 tell... asks you something, you have to always say

1 the truth. And so this is a difference that is
2 important to enlight.

3 Non ci si puo' appropriare di soldi
4 che sono di altri e di altre famiglie.
5 Money cannot be appropriated if it belongs to
6 others or to other families. Here, it emerges also
7 another element. That, as we said, every family
8 acts on a territorial basis. And that absolutely
9 control over that territory and over the activities
10 in that territory.

11 So here, in order even to guarantee what we
12 call "pax mafiosa", so peace between families, this
13 is a form of, to guarantee this element about
14 conflicts between families.

15 And then it's very interesting, because the
16 next one said:

17 Chi non puo entrare a far parte di
18 Cosa Nostra.

19 So the next commandment explains who cannot be a
20 member of Cosa Nostra.

21 Chi ha un parente stretto nelle varie
22 forze dell'ordine.

23 Anyone who has a close relative in the police.

24 Chi ha tradimenti sentimentali in
25 famiglia.

1 Anyone with a two-timing relative in the family...

2 Q. **[112]** Are we referring to "pentiti"?

3 A. Yes.

4 Q. **[113]** And:

5 Chi ha un compartamento pessimo e che
6 non tiene ai valori morali.

7 Anyone who behaves badly and doesn't hold to moral
8 values.

9 When we read this, it's something really
10 interesting to see. Because here, once again, there
11 are values of loyalty, obedience and good
12 behaviour. And, but we should be very careful.
13 Because emphasis to these good values could be not
14 romanticized. Because, once again, we are talking
15 about criminals. And even the use of this system of
16 values is always -- this system of values is always
17 used in a utilitarian way, in a functionalistic
18 way, in order to increase the level of cohesions
19 within the group, and so we cannot put much
20 emphasis that say, "a man of honour, it's a real
21 good man". And so we should be very, very careful.

22 Q. **[114]** Just like you said earlier: nothing is
23 casual.

24 A. Exactly. And, but it's interesting to provide this
25 insight, that the loosening of this system of

1 values have had consequences within the
2 organization.

3 Q. **[115]** Would you say that over the years with the, I
4 would say the old mafia and the new mafia, we see
5 this loosening of the values?

6 A. This debate of old mafia versus the new
7 generation...

8 Q. **[116]** New age.

9 A. ... generation it's, honestly, it's a constant in
10 the history of Cosa Nostra. If we read the
11 declarations from Buscetta, we see that he
12 complained of this new generations of mafiosi and
13 probably was one of the reason why he decide to...

14 Q. **[117]** Turn?

15 A. ... to turn, because he saw that that system of
16 values imposed by Cosa Nostra was not respected
17 anymore by other members and, and this is exactly
18 the point, because it's the loosening of this
19 system of values that may create a breach, a break
20 within the organisation because, an example is
21 really, the number of "pentiti", like Tommaso
22 Buscetta, so people who were part of the
23 organisation, but then decide to distance
24 themselves from the organisation and to collaborate
25 with the judicial authority, and they start to

1 talk, they even broke the most important of these
2 values, that is the "Omerta", the rule of silence
3 in which every mafioso is not allowed to talk about
4 the organisation, the structure, the members, the
5 activities, and talking, collaborating with the
6 judicial force, they just, they just break one of
7 the most important rules of Cosa Nostra and this is
8 this rule that keeps the organisation safe, because
9 if you have, within the organisation, someone who
10 leaks information this is very, very dangerous for
11 the organisation itself.

12 Q. **[118]** And would you say that because this type of
13 organisation is more secretive than any other type
14 and they don't wear any symbols that are exterior,
15 this set of values is more important for them?

16 A. This is exactly what makes Cosa Nostra different
17 from other criminal groups, that probably they
18 share the membership just showing that are part of
19 the association. The main reference here that comes
20 in my mind is for example "les motards
21 criminalisés", the Hell's Angels, who show their
22 membership within a criminal organisation with some
23 patches, with some visual elements. Here, instead,
24 we move the attention towards that halo around the
25 concept.

1 Q. [119] So we always come back to the reputation.

2 A. We always come back to the reputation. I know that
3 probably here I'm kind of bombarding with the same
4 concept, but these are key in order to understand
5 the phenomenon per se, and, honestly, I think that
6 you will be even keen to understand if here, in the
7 local context, we have the same elements or not.
8 So, this will be very important to enlight.

9 Q. **[120]** So, like any basic criminal organisation,
10 this associative bond, this family, this Cosa
11 Nostra has goals, I guess.

12 A. Yes, that goes both, that are directed both in the
13 legitimate markets and in the criminal markets,
14 where the criminal organisation is more in it's
15 environment.

16 Q. **[121]** So, the first goal that could come to mind
17 when we talk about criminal organisations is money.
18 Is that one of their goals exactly?

19 A. Money for sure, it's very important. That's the
20 reason why they undertake a number of activities in
21 a number of criminal markets. The most important is
22 the drug trafficking, but it's not the only one.
23 But if we want to examine the phenomenon of mafia
24 type association in general, and then we are going
25 to focus on Cosa Nostra more in particular, another

1 element emerged that probably is even more
2 important than the profit which is the will to
3 power.

4 Q. **[122]** That's another key to understand what makes
5 them unique.

6 A. Exactly. And it's exactly this will to power that
7 make a mafia-type association different from any
8 kind of economic oriented or economic driven
9 criminal organization, because it's this will of
10 power that is in... Cosa Nostra is in constant
11 looking, searching for this will of power and some
12 "pentiti" always say that most of the time the same
13 criminal strategy planned by the mafia boss is
14 directed not much for an economic profit, but to
15 guarantee this will of power, and in what it
16 consists? It consists in a control of our
17 territory, in a key exercise of an actual condition
18 over the territory of the... of the family. And I
19 wanted to illustrate to you this dimension of mafia
20 activities through three elements to explain to you
21 some characteristics of this will to power. And I
22 wanted to illustrate this through the examination
23 of three main functions of mafia type associations
24 which are...

25 Q. **[123]** La diapositive 17 s'il-vous-plaît Madame.

1 Merci.

2 A. Which are protection, repression and mediation.

3 Q. **[124]** So these three elements are a way for them to
4 achieve that power?

5 A. That will to power.

6 Q. **[125]** Power.

7 A. Yes. The protection, he refers to those functions
8 to do with the defence of establishing interests
9 that men of honour carry out within the community
10 of their settlement. What this means? As we've seen
11 since the beginning, Cosa Nostra always try to
12 provide this service, this, try to provide a
13 protection based service.

14 Q. **[126]** And we go back to the brotherhood.

15 A. We go back to the brotherhood, we go back to that
16 social consensus also. And Diego Gambetta
17 exemplifies perfectly this function of Cosa Nostra
18 because he described Cosa Nostra as an industry
19 that promotes, produces and sells protection. And
20 the thing that this is a very effective definition
21 of Cosa Nostra, as industry that really provides
22 you a service which is protection.

23 Q. **[127]** Protection sounds good but it's not all that
24 good is it?

25 A. Exactly. Of course we are not talking about a real

1 protection. We are talking about a criminal
2 organisation who works in order to increase the
3 demand for security and then provides it.

4 Q. **[128]** So they create the need for protection and
5 then...

6 A. They provide.

7 Q. **[129]** ... they provide it.

8 A. They provide the service. We know these, these
9 activities probably have already, I'm sure, many
10 have already heard the word "pizzo" that is exactly
11 the protection tax that Cosa Nostra imposes to
12 legitimate individual. Hum... Just to provide some
13 numbers that, always usually when you have some
14 numbers, you always understand better the magnitude
15 and extension of the phenomenon. There was a study
16 in two thousand and seven (2007) conducted by
17 Professor Centi which is the National Association
18 of Retails who conducted a study concerning the
19 "pizzo" and what emerged are some estimates which
20 are one hundred and sixty million (\$160,000 M)
21 euros a year have been extorted by Cosa Nostra.
22 That is a lot of money. One hundred and sixty
23 million (\$160,000 M). The estimate suggests that we
24 are talking about seventy (70), seven-zero, percent
25 (70%) of legitimate businesses that are forced to

1 pay the "pizzo". This is in Sicily as a region.

2 Investigators in some reports also reveal
3 that probably the rates, the percentages, is even
4 higher in particular in territory or neighbourhood,
5 for example, in Palermo, they suggest, if I am not
6 mistaken, that this percentage reaches eighty
7 percent (80%). We are talking about, in a street,
8 we have ten (10) businesses, legitimate businesses,
9 eight of them are forced to pay the "pizzo".

10 Q. **[130]** What happened to the other two?

11 A. To the other two, the situation is quite tough,
12 it's quite difficult because as we said, the will
13 to power and to control it's even more important
14 than the...

15 Q. **[131]** Money itself.

16 A. Anything else. And so the protection racket is
17 enforced by the use of violence. So, for the people
18 who are not willing to pay there are some... some
19 consequences that can range from act of vandalism,
20 arson, it can reach even peak of extreme violence
21 until to reach killings, murders. One of the
22 examples is in nineteen ninety-one (1991), Libero
23 Grassi.

24 Q. **[132]** Nineteen ninety-one (1991)?

25 A. Nineteen ninety-one (1991), Libero Grassi who was a

1 Sicilian entrepreneur who stood alone against this
2 request, this mafia request, and even after a
3 number and a series of acts of retaliation against
4 his business.

5 Q. **[133]** Like, like what?

6 A. Like arson, robbery, in a certain moment there are
7 some facts that say Libero Grassi was victim of a
8 robbery in his...

9 Q. **[134]** Shop.

10 A. Shop for the same amount that he was asked to, from
11 the local family.

12 Q. **[135]** So he was robbed for the "pizzo".

13 A. He was robbed for the amount...

14 Q. **[136]** Of the "pizzo".

15 A. ... that was equivalent for the "pizzo". Just to
16 say that there are always meanings, all the action,
17 it's, there is always an explanation.

18 Q. **[137]** Like you said, the power has more meaning
19 than the money because they could have taken
20 everything but they took the "pizzo".

21 A. Exactly. They took just that specific amount.
22 Unfortunately, he was killed. He was brutally
23 killed on the street at seven in the morning
24 (07:00) and so his battle, his personal battle
25 ended with his death, but it's thanks to him and

1 other people that, as him, have fought this... the
2 protection racket, that, in Italy even there are a
3 number of social associations who now try to...

4 Q. **[138]** Support?

5 A. Support, to even make people aware of the
6 phenomenon because even in the early two thousands
7 (2000s) Cosa Nostra adopted a new strategy which is
8 "pagare meno pagare tutti" with a rough translation
9 "pay less but everyone has to pay". The idea is
10 that the amount forced, the amount asked for the
11 "pizzo" it's something afforded by the victim. In
12 this case, the victim will not report the fact
13 because for the victim it will be easier and
14 honestly, even more convenient, to pay because if
15 you don't pay probably they have to pay more in
16 case of acts of vandalism. So that's the new
17 strategy. The consequences of...

18 Q. **[139]** It's like buying insurance.

19 A. Exactly. The consequence is devastating because he
20 created that mafia culture that is what Cosa Nostra
21 wants and this mafia culture refers to people that
22 indulge to the mafia presence. So much that in that
23 case paying the "pizzo" is view as normal because
24 everyone does and if you don't do it there are very
25 bad consequences so you see even how this social

1 environment degenerates and once again, we are not
2 able to recognize what, who, what is good and what
3 is not good.

4 Q. **[140]** Can I, can we say that, once again, it shows
5 the capacity of that type of organisation to adapt.
6 They understood that it was better for them and
7 better to assess their power and the territory to
8 make it easier to pay than not to pay.

9 A. Exactly. Exactly. That's the reason, honestly,
10 that's, I know that probably in official moment
11 like this one I couldn't say... but from my
12 personal experience, when I went to Palermo, it's
13 striking to see... There is a particular well-
14 known, we call it "trattoria", a kind of
15 restaurant, and there are at least five fully-armed
16 police officers with bulletproof all-cover, because
17 the owner of that "trattoria" refuses to pay the
18 "pizzo".

19 And, honestly, it becomes even that a
20 symbol, to see even the law enforcement who
21 protects that restaurant, because you see, the
22 State is here, the State is not Cosa Nostra.

23 Q. **[141]** They want to shift...

24 A. Exactly. Because the role of... most... The
25 interpretation is that Cosa Nostra, most of the

1 time, wants to take the place of the State. It
2 doesn't want to subvert. It's not an anti-State.
3 Because many have considered, interpreted Cosa
4 Nostra as an anti-State. In reality, it just wants
5 to be the State where the State is not present.

6 Q. **[142]** We'll take care of you.

7 A. Exactly. And honestly, if you go there and you see
8 this context, it's really really striking.

9 Q. **[143]** So it's a logical move to fall into
10 repression now.

11 A. Exactly.

12 Q. **[144]** You just talked a bit about...

13 A. This leads us to the second important function that
14 is repression. And we say Cosa Nostra wants to
15 control all the activities, both licit and illicit,
16 over the territory. And all behaviors that are not
17 under, that are not following the rules of Cosa
18 Nostra will be punished.

19 We saw how it works when legitimate
20 businesses don't respect the rule to, for the
21 protection. But this works even for criminals who
22 work, who operate in their, in a territory
23 controlled by Cosa Nostra.

24 During the year, Cosa Nostra proved to be
25 more conciliatory, so to accept more acts, criminal

1 acts conducted by known...

2 Q. **[145]** Members.

3 A. ... members of the Cosa Nostra. But still, there
4 are some episodes that highlight the fact that
5 usually the criminal activities conducted in a
6 given territory should be at least authorized by
7 Cosa Nostra. An example is that, there is this
8 case, which this individual committed a robbery
9 without asking, previously asking the authorization
10 to the local family, and he was killed. That's
11 because he didn't respect the authority of Cosa
12 Nostra.

13 Another interesting case is that Cosa
14 Nostra imposes some rules even to criminals. And
15 this is something very interesting, because one of
16 these rules was that if someone commits a robbery,
17 in particular steals a car, he should wait at least
18 twenty-four hours (24) before selling the car. So
19 he should keep the car at least for twenty-four
20 hours (24). Why? Because the possible owner could
21 go, rather than to the police, go to Cosa Nostra,
22 to the family, that will provide the car. Well,
23 this criminal didn't respect this rule, and he was
24 killed. The consequences were dramatic because if
25 the owner could ask Cosa Nostra to have back the

1 car, Cosa Nostra could not do anything. And even
2 that, it was a damage, a reputation of damage of
3 the control of the family itself.

4 So, we see that...

5 Q. **[146]** So, by breaking the rule, he attacked the
6 reputation because...

7 A. Exactly.

8 Q. **[147]** ... Cosa Nostra is there for you. So if your
9 car is stolen, come to us and we'll provide.

10 A. Exactly.

11 Q. **[148]** Okay.

12 A. And then another very interesting element of the
13 function of Cosa Nostra that highlights this will
14 to power, that is mediation. And honestly, this is
15 something that I do like to put a lot of emphasis
16 of this function. Because it's becoming... was and
17 is becoming a very interesting aspect of the
18 function of Cosa Nostra.

19 For mediation, we recall some elements of
20 the protection function conducted by Cosa Nostra,
21 when many men of honour, many family bosses are
22 asked to solve some conflicts or controversies, to
23 solve a problem, technically, to solve a problem,
24 and these activities, the mediation-based
25 activities of Cosa Nostra has resulted to be even

1 speedy and very effective. So many can resort to
2 the family boss to resolve a problem.

3 But then the mediation can be seen in
4 another way. That is the more sophisticated way,
5 and is something that it probably is even more
6 actual, and something that we can even transport in
7 another context. That is other individuals, not
8 members, can ask this mediative action for Cosa
9 Nostra because Cosa Nostra is able to forge
10 relations with individuals of the
11 economical/political world.

12 What does it mean? It means that even
13 legitimate individuals can ask Cosa Nostra to help
14 to create, to exploit some contacts, good contacts
15 that could be helpful to, for their business, for
16 their life, and this is an aspect very interesting.
17 This capacity or capability of Cosa Nostra to
18 establish that networking, that network, and... So
19 even here, you see that how the role and the
20 function of Cosa Nostra is becoming more subtle and
21 sophisticated.

22 Q. **[149]** They place themselves in the middle of
23 things, so everything has to pass through them.

24 A. Remember how we started, with the history of Cosa
25 Nostra, where the early men of honour, they

1 accumulated the power by simply being in the middle
2 of two sides and were provided services to both
3 sides so everyone was happy. In this way, they were
4 able to cumulate power and this is exactly the
5 same, the same concept translated, that we can
6 translate in, even in our reality, in our days. So
7 they put themselves in a position which they can
8 distribute, contact, favour and...

9 Q. **[150]** So the notion of violence, or reputation of
10 violence is less important with that function?

11 A. That's what makes this kind of activities more
12 subtle, more sophisticated, because we're not
13 talking about more violent criminal organisation,
14 we are talking about a more sophisticated, a well
15 organized criminal organisation.

16 Q. **[151]** So they're cultivating contacts, they're
17 cultivating the society and inserting themselves in
18 it?

19 A. Just to provide a very short example. With the rise
20 of the Corleonesi there was a period of terrible
21 violence. We're talking about hundreds (100) of
22 people who were killed and after that period, of
23 course, there was effective attacks by the
24 institutions.

25 After that moment, the strategy adopted by

1 Cosa Nostra was what we called "Strategia della
2 inabissamento", sunken strategy, which means a less
3 use of violence but that guarantees a less
4 attention from law enforcement in this way, for
5 many, Cosa Nostra was invisible, didn't exist. This
6 doesn't mean that it was not effecting, that it was
7 not operating, they started infiltrating more the
8 legitimate markets, they started developing more,
9 establishing more the network of contacts that
10 would be important to condition the market.

11 Q. **[152]** So if we look at the time line in history,
12 would we say that Cosa Nostra evolved from the
13 function of protection, maybe being the main
14 function back then, back with the brotherhood and
15 evolve more with the modern mafia towards the
16 mediation function?

17 A. Honestly, I would say that although these three
18 elements are constant in the history of Cosa
19 Nostra, the variation is that they understood that
20 the use of violence as a resource should be
21 functional for specific goals because the more you
22 are violent, the more attention you have from law
23 enforcement or media. And the more you are at risk.
24 So in order to reduce this risk, it's better to be
25 less violent and periodically establish more links

1 or connections with the environment around you so
2 that's the reason why the use of violence becomes
3 it's target.

4 Q. **[153]** It's for a specific purpose?

5 A. It's for a specific purpose because it's not, it's
6 not rewarding.

7 Q. **[154]** And even the use of violence is not casual in
8 their, in their world?

9 A. There is a meaning about, behind every action of
10 Cosa Nostra.

11 Q. **[155]** We're going to talk now maybe about the
12 'Ndrangheta. Maybe I am the only one in the room
13 but that's not something that we're very familiar
14 with, I might say. We hear about it more and more
15 but why is that term 'Ndrangheta is not as known as
16 Casa Nostra for us?

17 A. I would like to quote some words of Julie Tingwall,
18 she was the Deputy Prosecutor of the State of
19 Florida in Tampa in the nineteen eighties (1980s)
20 and she said that the 'Ndrangheta is as invisible
21 as the other side of the moon. It's true what Julie
22 said that we never heard or we heard less about the
23 'Ndrangheta. Just to provide another example, in
24 the same years when the Deputy Prosecutor was
25 saying this, the same Tommaso Buscetta was not

1 really sure of the existence of a criminal
2 organisation which referred to 'Ndrangheta or
3 honour this society, he was not even sure so
4 'Ndrangheta always kept a very low profile.

5 Q. **[156]** Lower than Cosa Nostra?

6 A. Lower than Cosa Nostra, but this doesn't mean that
7 it was less effective or less active. It was just
8 invisible. And just to provide another quotation,
9 the report of the Commissione Parlamentare
10 Antimafia published in two thousand eight (2008) a
11 report just focused on the phenomenon of
12 'Ndrangheta and then they find 'Ndrangheta as the
13 most powerful mafia type organization operative in
14 Italy. The most powerful.

15 Q. **[157]** In two thousand and eight (2008)?

16 A. In two thousand and eight (2008). And for many
17 years 'Ndrangheta has been considered a minor
18 mafia, a mafia routed in the mountain in Calabria.

19 But, in reality, that low profile was
20 beneficial for the interest of the organization
21 itself because they were able to conduct criminal
22 activities and just to provide even some numbers,
23 there was another study that tried to estimate the
24 turnover of 'Ndrangheta. We are talking about
25 forty-four billion euros (€44,000,000,000) of money

1 collected by criminal activities by 'Ndrangheta.
2 It's almost a two point nine percent (2.9%) of
3 Italy's GDP. Just to provide the extension and the
4 caliber of this organization, this money comes
5 mostly from the drug market, drug trafficking, we
6 have the investigators for example that say that
7 about eight percent (80%) of all the drugs coming
8 from Latin America, from Colombia in particular,
9 passes through the port which is in Calabria and it
10 is controlled by 'Ndrangheta. This money comes even
11 from other criminal activities and from investments
12 in the legitimate economy.

13 Q. **[158]** So it's not my point to oversimplify things
14 but if we can say that Cosa Nostra is based in
15 Sicily, like you just said, and 'Ndrangheta, it's
16 based in Calabria?

17 A. Yes. 'Ndrangheta is a criminal organization that
18 originates, has originated in Calabria, but another
19 characteristic of this criminal organization that,
20 over the years, was able to expand notably within
21 the Italian borders with presence of 'Ndrangheta
22 clans in several Italian regions but there are
23 elements and evidence of the presence of 'Ndrangheta
24 in Europe and in North America, just to provide
25 some names Germany, England, Canada and Australia.

1 Q. **[159]** Would you say that there's evidence that it's
2 more widespread than Cosa Nostra or it's about the
3 same?

4 A. This is a little bit...

5 Q. **[160]** It's more subtle maybe?

6 A. It's a little bit difficult to answer this question
7 especially when you don't have data to estimate or
8 to measure this widespread but what is sure is that
9 the 'Ndrangheta is well known as being a criminal
10 organization that now has on a transnational scale
11 different parts of the world.

12 Q. **[161]** And I don't want to put you in a hard place
13 but you mentioned Canada. Do you have any idea from
14 your studies where in Canada 'Ndrangheta or Cosa
15 Nostra is mostly based?

16 A. It's not my idea, I just mentioned a criminal
17 investigation which just ended, it's called
18 Operazione Criminale which mentions, which reveals
19 evidences of the 'Ndrangheta in Ontario, especially
20 related within, in Toronto, and Thunder Bay.

21 Q. **[162]** And what about Quebec? Do you know if
22 'Ndrangheta or Cosa Nostra is based here?

23 A. From that source, there are no evidences that can
24 support the fact that there are branches of
25 'Ndrangheta in Quebec.

1 Q. **[163]** So its...

2 A. I'll repeat?

3 Q. **[164]** So you can't answer for now?

4 A. It's difficult to answer. I'm just reporting some
5 evidences that emerged from this operation and...

6 Q. **[165]** So what about the structure of 'Ndrangheta?
7 Is it close to the one of Cosa Nostra or different?

8 A. The structure of 'Ndrangheta is quite different
9 from the one that we explored for Cosa Nostra. Here
10 the basic unit is called "locale" that here it is
11 similar. We can compare the "locale" as the family
12 in Cosa Nostra.

13 Q. **[166]** But there's a difference, right?

14 A. The difference, the main difference that emerges is
15 if for Cosa Nostra the family is distinguished by
16 the blood family, this is not true for 'Ndrangheta.
17 This means that members are linked together by
18 family ties but blood ties.

19 Q. **[167]** So in this case, family is family?

20 A. In this case, family is family. And I would like,
21 just to quote another, another quotation from the
22 Commissione Parlamentare Antimafia, they say one
23 becomes a member by the simple fact of being born
24 into a mafia family. This is just to emphasize
25 really how there is a kind of overlap between the

1 criminal family and the blood family.

2 Q. **[168]** I should have mentioned that earlier, but
3 every time you quote something or you say something
4 like that, everything is in your report, right?

5 A. Yes.

6 Q. **[169]** So...

7 A. Everything is more developed in the report, here
8 the goal is just to highlight some ideas and, that
9 could be useful to...

10 Q. **[170]** So if anybody wants to read about that they
11 can...

12 A. There is always the reference of the report.

13 Q. **[171]** Okay. Thank you. So, that's one difference
14 with the Cosa Nostra.

15 A. Yes.

16 Q. **[172]** Like you said, family is family. Does that
17 serve a purpose?

18 A. Of course.

19 Q. **[173]** Nothing is casual.

20 A. Nothing is casual and the main... the main purpose
21 of this is that it provides, it's a... it's
22 certainly an element of cohesion within the group.
23 And this proves even to be a challenge for
24 investigations against, against the phenomenon
25 because as we saw it in Cosa Nostra, some members

1 decide to keep distance from the organization and
2 start talking, breaking the code, the rule of
3 "Omerta".

4 Is this possible in 'Ndrangheta? Probably,
5 but it's more difficult because who is the person
6 who's going to betray his father, his son, his
7 cousin? So the fact that the organization is based
8 on blood ties, or family ties, this is reinforcing
9 the group cohesion and it creates a kind of shield,
10 a protection of the organization itself.

11 Q. **[174]** So you don't just betray your colleague? You
12 betray your brother, your family?

13 A. Yes. I would like to provide some numbers for the
14 "pentiti" for example. These are official data on
15 the number of informants "pentiti" from Italian
16 mafia groups concerning the period nineteen ninety-
17 seven (1997) to two thousand and four (2004). From
18 this data emerges that one hundred (100)
19 individuals were former members of the 'Ndrangheta.
20 About twelve point six percent (12.6%). Two hundred
21 forty-three (243) from Cosa Nostra so we're talking
22 more than double. Than two hundred fifty-one (251)
23 from Camorra and eighty-five (85) from Sacre Corona
24 Unita, that is another mafia-type organization and
25 one hundred and fifteen (115) from other criminal

1 organizations. Those are absolute value so it's
2 difficult to provide some rates that allow us to
3 compare these numbers because it's very difficult
4 to calculate the numbers based on the number of
5 members for each organisation. But what this data
6 reveals is that the number of the 'Ndranghetisti
7 who decide to break the law, it's less...

8 Q. **[175]** Fewer.

9 A. Exactly, than a half from Cosa Nostra for example.
10 So these emphasizes how even the structure of the
11 organisation of is done in order to protect the
12 core and the business of the organisation itself.

13 Q. **[176]** So what about the "locale" which is the name
14 for the family of the 'Ndrangheta. How, where are
15 they based?

16 Q. **[177]** Where are they based?

17 A. So, the "locale" is really, the basic unit of
18 'Ndrangheta, it's like the fa... We can say it's
19 very similar to the concept of the family in Cosa
20 Nostra. As for the Cosa Nostra families, every
21 "locale" acts on a specific territorial basis. And
22 as for Cosa Nostra, every "locale" controls the
23 activities over that territory.

24 Q. **[178]** How are they named? Cause we hear about names
25 of families, and now it's gonna give me a chance to

1 ask you about the Cosa Nostra. How do they get
2 their name?

3 A. For Cosa Nostra, most of the time the name of the
4 family reflects the name of the territory or
5 neighbourhood that they control. Just to provide an
6 example, la "famiglia" di Porta Nuova, the Porta
7 Nuova families, is the mafia family that controls
8 the neighbourhood called Porta Nuova in Palermo.

9 Q. **[179]** If they move, do they take the name with
10 them? If the same family expands, or...

11 A. That is a little bit more difficult to...

12 Q. **[180]** To know.

13 A. ... to answer.

14 Q. **[181]** Okay.

15 A. It's true that even for the 'Ndrangheta, we have
16 some elements that identify, that associate the
17 group...

18 Q. **[182]** Of origin?

19 A. ... with a specific territory.

20 Q. **[183]** Okay.

21 A. Just a very... An example is the Siderno group,
22 that is a group based on the city in Siderno, in
23 Calabria, and as evidence report, there are some...
24 it's also, the Siderno group, the group called in
25 Ontario. Based on the evidences that emerge from

1 "operazione crimine". So sometimes the name of a
2 specific territory...

3 Q. **[184]** Follows.

4 A. ... follows. But it's not always like that. Most of
5 the time it's the name. Because here we are talking
6 about a familiar group... family-based group. Most
7 of the time it's just the name of the family that
8 is...

9 Q. **[185]** 'Ndrangheta.

10 A. In 'Ndrangheta.

11 Q. **[186]** Okay. So, like you said, the "locale" is the
12 basic unit. Within the "locale", how does it work?

13 A. Yes. The "locale" is the basic unit, but he can
14 have some branches that can operate all in the same
15 neighbourhood, or in the same city, or even in
16 another city. These branches are called "'ndrine".
17 And there are some evidences that emphasize also
18 the existence of subunits that are called "sub-
19 "'ndrine".

20 These, the "'ndrine", as branches, operate
21 independently. Have an element of independence and
22 autonomy. They have their own leader, they have
23 the... But always, once again, because they are
24 linked by family ties...

25 Q. **[187]** Ties?

1 A. ... there is always a recognition of the origin of
2 the... So even if "'ndrine" can be autonomous in
3 their goals, in their activities, there is always
4 this link...

5 Q. **[188]** To the "locale" of origin.

6 A. ... to the "locale" of origin.

7 Q. **[189]** Okay. So within a family or a "locale", just
8 not to mix it up with Cosa Nostra, how does it
9 work? Is it as simple, or based as a pyramid like
10 Cosa Nostra?

11 A. Before we said that Cosa... We can picture the
12 structure of Cosa Nostra as a pyramid. So it's a
13 vertical-based organization. 'Ndrangheta instead, is
14 more known as being a horizontal organization, even
15 if it's not really appropriate, just to provide an
16 idea. What is sure is that the structure and the
17 organization of 'Ndrangheta, it's very complex. And
18 I hope not to scare you, and I will try to keep
19 this as simple as possible.

20 We can see that the structure of
21 'Ndrangheta is divided in two groups that are
22 hierarchi... hierarchically...

23 Q. **[190]** Lower branch?

24 A. That are positioned one...

25 Q. **[191]** Over the other.

1 A. ... over the other.

2 Q. **[192]** Okay.

3 A. Thank you.

4 Q. **[193]** But the part... Well, we see here, "società
5 minore, società maggiore", so we can see that one
6 is on top of each other.

7 A. Exactly.

8 Q. **[194]** They're part of the same "locale".

9 A. Exactly.

10 Q. **[195]** Okay.

11 A. At the bottom... At the bottom, there is the
12 "società minore". And on the top, there is the
13 "società minore... maggiore". Within the "società
14 minore", there are many many ranks that are...
15 there are many many ranks. Here, we have some...
16 The information comes from informants, but even
17 from the investigations. The lower ranks within the
18 "società minore" is the "picciotto".

19 Q. **[196]** Which would be the soldier in...

20 A. We can say that he's the soldier for...

21 Q. **[197]** Just to help...

22 A. Yes. He's the soldier of...

23 Q. **[198]** Okay.

24 A. In Cosa Nostra. Then there is, above the
25 "picciotto" there is the "camorrista". "Camorrista"

1 is the member with fewer experience that, he
2 undertakes all the activities that a "picciotto"
3 cannot undertake.

4 Above the "camorrista" there is the
5 "sgarrista", that is, it's at the lower... at the
6 upper level of the organization. Evidences reveal
7 that the ranks of "sgarrista, camorrista and
8 picciotto" may be differentiated in other internal
9 ranks. To provide an example, a "picciotto" could
10 be symbol of "di giornata", "camorrista". There are
11 a number of other internal ranks, and the same is
12 for the "sgarrista".

13 This is just to emphasize how the
14 organization is segmented. And...

15 Q. **[199]** More segmented than the Cosa Nostra.

16 A. It's more segmented than the Cosa Nostra. The goal
17 is always the same: to provide a shield, and to
18 protect the core of the activities and the business
19 of the "locale".

20 Q. **[200]** So the link to the head of the "locale" is
21 less evident than Cosa Nostra, less direct?

22 A. That's the reason why even about 'Ndrangheta we
23 didn't know much. Because even the level of secrecy
24 was kept.

25 Q. **[201]** Even within.

1 A. Even within. Because it's true that the lower ranks
2 of 'Ndrangheta, they do not match about what are
3 the decisions taken at the upper level. So this is
4 why, even about 'Ndrangheta, we didn't know much.
5 Because even for the few "pentiti" that the public
6 authority had, most of them were people holding
7 lower positions. So they did not even reveal much
8 about the organization...

9 Q. **[202]** 'Cause they didn't know much.

10 A. Exactly.

11 Q. **[203]** Okay.

12 A. Then there is the "società maggiore". Even here, we
13 have different ranks. The lower is the "santista",
14 then we have other ranks that emerge from my
15 investigation, from other conversations and other
16 elements. We recognize the ranks of "vangelista,
17 quartino or trequartino, quintino or padrino, and
18 associazione". All these ranks are covered by high
19 level of secrecy. So it's, informations about these
20 ranks are very hard to collect.

21 Q. **[204]** So, even between themselves, like you say.

22 A. Even between themselves. For example, a "santista",
23 like works for Cosa Nostra, if two ??? "camorrista"
24 or "picciotto" meet and they introduce themselves,
25 explaining the rank that they hold within the

1 organization, this doesn't work for the "società
2 maggiore. I mean, I cannot introduce myself as an
3 "santista" but someone else needs to introduce me
4 to you as Ascentista. This is only to protect the,
5 the call of the organisation.

6 LA PRÉSIDENTE :

7 Q. **[205]** I'm sorry but how do they get from one rank
8 to the other?

9 A. That's a, it's a very good question. Even here we
10 have a sort of criminal career. So the more you
11 prove a certain ability or a criminal, a criminal
12 status, if you prove to be a man who values
13 something with the organization, you escalate in
14 your criminal... in your criminal career.

15 Me SONIA LEBEL :

16 Q. **[206]** But more than the Casa Nostra, they operate
17 on a need to know. I understand that, I mean, if
18 you don't need to know within the "società minore"
19 you don't know.

20 A. I don't...

21 Q. **[207]** What I mean is like you said they, they
22 ensure their security by shielding even the
23 information from one and the other.

24 A. Yes. Yes.

25 Q. **[208]** Okay.

1 A. And to go back to your question, it's even, for
2 example, for the leading positions, there is a
3 difference for example from 'Ndrangheta and Cosa
4 Nostra. Here we can say that for 'Ndrangheta that
5 there is a kind of patriar...

6 Q. **[209]** Patriarchy.

7 A. Thank you so much. In which the leading positions
8 are transmitted from son to...

9 Q. **[210]** So then again the blood.

10 A. From father to son.

11 Q. **[211]** The blood is...

12 A. Exactly, this is for the, for the leading
13 positions, for the lower ranks, we can say it's
14 still, it's a sort of criminal career like in a
15 legitimate enterprise, if you prove that you are a
16 good person who works hard, who has some potential,
17 you start your career.

18 LA PRÉSIDENTE :

19 Q. **[212]** Does the amount of crimes that you commit of
20 any importance to ranks?

21 A. For example, they say that in order to... You have
22 to prove, from, if I'm not mistaken, from the
23 "piccioto" to "camorrista", I think that there is
24 something that I would like to be more sure of, I
25 can, you need even to commit a crime, a murder, not

1 a crime, you need to commit a murder because this,
2 it's an element that even that enforces your
3 adhesion to the organisation.

4 Q. **[213]** And of course, the murder that you will be
5 committing has to be approved before?

6 A. The murder is assigned.

7 Q. **[214]** It's not only approved, it's ordered.

8 A. It's ordered because it's kind of assigned because
9 even in this case, you cannot allow that everyone
10 kills... even the victim is...

11 Q. **[215]** Chosen.

12 A. Is targeted.

13 Q. **[216]** Is a target.

14 A. And chosen by the higher level.

15 Me SONIA LEBEL :

16 Q. **[217]** So if we could just go a little deeper in the
17 structure and go to the next slide, Madame, how
18 does it work between the two ranks? The two units?

19 A. Based on even the information provided by Francesco
20 Fonti, he was one of the "pentiti" that revealed
21 some elements concerning the structure of the
22 'Ndrangheta, we can think that there are, there is
23 a common pattern with the "società minore" and the
24 "società maggiore" in terms of ruling positions.
25 The "società minore" is lead by "capo giovane" who

1 is the head of the "società minore". The "picciotto
2 di Giornata", he's the in charge to coordinate the
3 activities of those individuals who are going to
4 execute the orders that have been given. So he's in
5 charge to coordinate the "picciotti" and the lower
6 level.

7 Q. **[218]** So he carries the orders for the "capo
8 giovane"?

9 A. Exact. And then there is the "puntaio", that
10 is...

11 Q. **[219]** The money man.

12 A. Only probably it's improper but we will define the
13 Punto Iolo as the accountant of the "società
14 minore" because he's the one in charge of what is
15 called "Bacinella" that use is the term the
16 'Ndraghenta jargon that refers to the common fund
17 to which all the members of the association need
18 to, they need to...

19 Q. **[220]** Participate.

20 A. To participate.

21 Q. **[221]** So I guess when they make profit from their
22 business they have to give a part to the
23 "Bacinella"?

24 A. They put some...

25 Q. **[222]** Some in the... The common fund.

1 A. Exactly.

2 Q. **[223]** It's a common fund.

3 A. Exactly. And we see the same structure reflected in
4 the "società maggiore" so we have a "capo locale",
5 a "capo bastone" who is the head of the
6 organization. He's the one who decides the strategy
7 of the organisation, the activities, undertakings,
8 of the organisation.

9 Q. **[224]** So he is basically the boss of the family?

10 A. He's the boss of the family, exactly. And then we
11 have the "crimine" who is the person in charge to
12 coordinate all the activities and undertakings by
13 the "società maggiore" to coordinate all the
14 individual parts of the "società maggiore". And
15 then we have the "contabile" that as the
16 "puntaiole", he's the one in charge of the
17 "Bacinella" for what concerns the "società
18 maggiore". The interesting link because the
19 question is how "società maggiore" and "società
20 minore"...

21 Q. **[225]** Coordinate.

22 A. Coordinate. They talk to each other and the link is
23 the role of "Maestro di Giornata" who is the person
24 in charge to receive the order from the "capo
25 locale ", "capo bastone", and to transmit this

1 order to the "capo giovane". So in this way...

2 Q. **[226]** The liaison?

3 A. The liaison element between "società maggiore" and
4 "società minore". As you can imagine, now that we
5 have even simplified the organisation of the
6 internal structure of 'Ndrangheta and the
7 organization, you see how segmented this
8 organization is and how everyone has a specific
9 task and there's something that really is a
10 characteristic of this organization.

11 Q. **[227]** So I guess the "Maestro di Giornata" is a
12 very, would be a very interesting person to talk
13 to?

14 A. If he talks.

15 Q. **[228]** So I think it's a good time to stop. Un bon
16 moment pour arrêter.

17 LA PRÉSIDENTE :

18 À deux heures (14 h 00).

19

20 SUSPENSION DE L'AUDIENCE

21 REPRISE DE L'AUDIENCE

22

23 LA PRÉSIDENTE :

24 Bon après-midi à tous.

25 Q. **[229]** Good afternoon, Mrs. Tenti.

1 A. Good afternoon.

2 THE CLERK:

3 Mrs. Tenti, you are on the same oath.

4 Me SONIA LEBEL :

5 Alors bonjour Madame la Présidente, Monsieur le
6 Commissaire.

7 Q. **[230]** So, to start back where we left off, we were
8 talking about the internal structure of the
9 'Ndrangheta, and getting at least a grasp of the
10 fact that it's more sophisticated than the Cosa
11 Nostra is, and that it serves a real purpose for
12 them. Is that right? It helps them to evolve the
13 way they did?

14 A. Yes. The fact, how 'Ndrangheta organization is
15 structured, and how it's segmented, for sure will
16 help to protect the organization itself.

17 Q. **[231]** So if we move along, you were talking about
18 the Commission of Palermo, the "Cupola " that
19 served kind of a purpose within the Cosa Nostra to
20 coordinate all the families together. Do they, over
21 time, found a need for the same mechanism in
22 'Ndrangheta?

23 A. Like for Cosa Nostra, even each "locale", each
24 'Ndrangheta "locale" is very autonomous. And each
25 family boss has a degree of actions for their

1 activities. So we can say that 'Ndrangheta is a
2 sort of loose confederation of a number of mafia
3 families. And once again, the same question is how
4 these groups coordinated their actions.

5 In looking at the history of 'Ndrangheta,
6 we see that nineteen ninety-one (1991) was an
7 important year in order to edge a change. Before
8 nineteen ninety-one (1991), all the "locale" were
9 used to organize informal meetings, and in order to
10 exchange some information about the activities of
11 each clan. So, mechanisms of coordination were
12 guaranteed through these meetings. Investigators
13 revealed that mafia bosses at least met once a
14 year, in September, at the Sanctuary of Our Lady of
15 Polsi since at least the nineteen fifties (1950's).

16 This meeting, also known as "crimine", was,
17 at least at the beginning, a forum to discuss
18 actual and future strategies, and settle disputes
19 among the "locale". This is very important, because
20 even the fact that they were settled disputes
21 amongst the "locale", it's something different to
22 say that they settled disputes within the "locale".

23 Q. **[232]** Within the "locale".

24 A. Because within the "locale" is the "capo bastone",
25 the "capo locale", who has full control and full

1 authority to regulate those conflicts.

2 Q. **[233]** So am I recalling wrong that within the Cosa
3 Nostra, the Commission had also the power maybe to
4 settle disputes within members of the family?

5 A. Yes.

6 Q. **[234]** Okay. So that's another difference.

7 A. But here, it emerges better, the fact that each
8 "apo bastone" has full authority to control what
9 happens within his "cosca", while these meetings,
10 the criminals were a function to settle a potential
11 dispute or conflicts between "locale".

12 Q. **[235]** So what happened in nineteen ninety-one
13 (1991), what changed?

14 A. In nineteen ninety-one (1991), after a bloody war
15 between two "cosca", the De Stefano and the Imerti-
16 Condellos, something has changed. Because the need
17 to create mechanism of coordination became
18 essential. So, the "crimine" got a full
19 formalization. These meetings were officially
20 formalized, and the "crimine" circle "Camera di
21 Controllo or provincia". It's a super ordinate
22 body, endowed with the power to intervene in the
23 mafia families' affairs with exclusive competences
24 over specific matters.

25 And the structure of this body, it's very

1 similar to the commission of the Cosa Nostra. And
2 something very interesting is that investigators
3 revealed that the "crimine" is composed by three
4 "mandamenti". As we said for Cosa Nostra,
5 "mandamenti" are districts. The Ionico, or Ionic,
6 Tirrenica, or Piana, and Città, the City. This
7 district, this "mandamenti", includes all the
8 'Ndrangheta family...

9 Q. **[236]** Within that...

10 A. Within that specific territory.

11 Q. **[237]** So it's not necessarily limited to three or
12 four families, it could be more?

13 A. Exactly. It's not necessarily, there is not the
14 same pattern as in Cosa Nostra, but still emerged a
15 factor of the existence of the "mandamento"...

16 Q. **[238]** And does it...

17 A. ... defined in a whole specific territory.

18 Q. **[239]** And does it come from the same need to have
19 every family represented, or...

20 A. With...

21 Q. **[240]** ... it's for other reasons?

22 A. The need to have all the families represented, it's
23 important, but it's true that it's even a kind of
24 administrative level within the organization.

25 Q. **[241]** And after nineteen ninety-one (1991), does

1 the... the functions, they remain basically the
2 same, or they...

3 A. They remain, basically remain the same. The level
4 of information, each family boss was asked to
5 provide information concerning the activities
6 undertaken by each family, episodes that could be,
7 that have particular importance, and also new
8 membership.

9 What's interesting and this emerges
10 especially from "Operazione crimine" is that part
11 of the "crimine" are not just the three
12 "mandamenti" but what emerges is that the presence
13 of branches of 'Ndrangheta from Canada and from
14 Australia, for example, but also for 'ndrine in
15 other region, in other Italian regions. These, in
16 short, become an occasion for different groups to
17 meet and to share information and strategies,
18 criminal strategies.

19 Q. **[242]** So we learn from the Commission di Palermo
20 and the "cupola" that there was an evolution
21 towards a more controlling body like the bosses of
22 the bosses, this "crimine" followed the same fate?

23 A. We see that from an informal meeting the "crimine"
24 becomes an official occasion to, and an important
25 element within the organization and the

1 planification of criminal activities within Cosa
2 Nostra, within 'Ndrangheta, sorry.

3 Q. **[243]** 'Ndrangheta, no problem. Another unusual fact
4 about 'Ndrangheta is it's need to secrecy, it's so
5 great that even within their organization they have
6 a secret society?

7 A. This is something very, very interesting that in
8 the seventies (1970s) there was a need and it was
9 established a secret society within the secret
10 society. This secret society is called "La Santa"
11 the "Santa", and it was created by Girolamo "Mommo"
12 Piromalli who was the disputed boss of the
13 Piromalli clan in Gioia Tauro. The need why this
14 "Santa" was established was in response to the
15 limit upon each member of 'Ndrangheta in terms of
16 permissible activities as well as in relation with
17 the authority and criteria affiliation. What this
18 means? Following the system of values imposed also
19 by 'Ndrangheta, some activities, criminal
20 activities, were not allowed but the eagerness to,
21 for personal enrichment, forced in this case,
22 Piromalli with other mafia bosses to establish a
23 separate entity within the organization that was
24 somehow authorized to carry on some activities.

25 Just to provide an example, in the

1 seventies (1970s) many, many public investments
2 were done in South Italy in order to promote an
3 industry development. So there were a lot of, a
4 stream of income but, following the code of
5 'Ndrangheta, the organization could not infiltrate
6 the legitimate market so, in order to break this
7 rule, of course they couldn't break the code...

8 Q. **[244]** Officially.

9 A. They couldn't break the code of 'Ndrangheta, so
10 they just created an other entity within the
11 organization, the "Santa", and through the "Santa"
12 they infiltrated the legitimate markets. And
13 through the "Santa" even the members could
14 establish relation with the public authorities,
15 with politicians.

16 Q. **[245]** That was not allowed in the 'Ndrangheta?

17 A. Which was not allowed according to the 'Ndrangheta,
18 'Ndrangheta code. And also there are some changes
19 in the criteria of affiliation because only
20 honoured families could be part of 'Ndrangheta but
21 in this case, because of the need to create
22 contacts with other... with other individuals,
23 those individuals didn't respect the code
24 established for the... for the membership for the
25 "locale".

1 So, the goal of the "Santis" really was to
2 get all the illicit earnings in this way the
3 infiltration in the legitimate economy, the same
4 drug trafficking or the activities relating to
5 kidnapping become officially, become formalized and
6 another label for, by 'Ndrangheta members.

7 Q. **[246]** But justice was part of the "Santa"?

8 A. Exactly.

9 Q. **[247]** Okay. So I guess like any mafia-type
10 organization, the set of values, the symbols, the
11 rituals are, serve as strong bond for the
12 'Ndrangheta also?

13 A. Like in Cosa Nostra, the system of values it's very
14 important. As we have seen, the attention is being
15 not to break this system of values and some
16 activities and undertakings and, as in Cosa Nostra,
17 the use of the symbols is extensive. We see here
18 many, many similarities because this system of
19 values represent and constitute a totem of
20 collective identity, brotherhoods, and a status of
21 power derives by the mafia association.

22 Q. **[248]** So from that point, that point is not
23 different than Cosa Nostra?

24 A. What is different, for example, is that as for Cosa
25 Nostra, the investigators were never able to

1 find...

2 Q. **[249]** A piece of paper.

3 A. A piece of paper describing these, in particular
4 the rite, the rite of affiliation. This is not
5 happening for 'Ndrangheta. And concerning specific
6 with the rite of affiliation, investigators found
7 handwritten copies of these, of these ceremonies,
8 but what is very interesting is that comparing
9 those documents, we see that the rite, the rite
10 followed in the nineteen thirties (1930s) in
11 Calabria is... followed the same patterns as the
12 rite followed in Canada based on a paper found
13 during an investigation during the seventies
14 (1970s) or in Australia according to the documents
15 found in another operation in two thousand and five
16 (2005). So what emerges here is...

17 Q. **[250]** It's consistent.

18 A. Exactly. This system of values is consistent over
19 the year and across a setting. So what emerged here
20 is that the strength of this organization in
21 different context and over the year.

22 Q. **[251]** So you just mentioned, hinted at the rite of
23 affiliation. Is it more... Is it different from the
24 Cosa Nostra? What do we know about 'Ndrangheta?

25 A. The main idea, it's almost the same. Because the

1 rite of affiliation is this symbolical
2 representation that is called "battesimo", or
3 baptism, through which the status of men of honour
4 is attributed to new adherents. There are some few
5 local variations, but in general we can say that
6 there is a solid adhesion to the tradition.

7 The rite, the ceremony per se, it's a
8 little bit more complicated. Even if we can say
9 that it follows the same, almost the same pattern.
10 The candidate, his name is also "cardone", is
11 presented to the "società minore" by a member. So
12 once again, we have someone who has to vouch for
13 the "cardone".

14 And then the rite, the ceremony begins with
15 an exchange of questions and answers between the
16 "capo giovane" and the new candidate. There is
17 really a number of questions and answers during
18 which there are many many references to saints,
19 with values as honour, as loyalty, and the
20 candidate, the "cardone", has to memorize this
21 exchange of questions and to reproduce, like...

22 Q. **[252]** It's almost like a script.

23 A. It's almost like a script. Exactly.

24 Q. **[253]** Okay.

25 A. And then there is a trial of courage. So the

1 "cardone" needs to prove that he's a brave man. And
2 the candidate admission is held through the
3 formulation of three votes by the "capo giovane".
4 It means that there is really a confirmation, an
5 adhesion of the new members within the
6 organization.

7 Q. **[254]** Do we have any knowledge how his courage is
8 tested in the ceremony?

9 A. No. Honestly, it's difficult for me to say because
10 I don't know even if over the year there was a kind
11 of evolution.

12 Q. **[255]** But that's one trade that...

13 A. It could be varied. It could be just the use of
14 arms or weapons, or, as we say, even the killing.
15 It could be... It's an element in order to prove
16 the courage of the individuals. And then the
17 ceremony ends with the swearing of an oath, with
18 the blood that falls on an image, and then, and...

19 Q. **[256]** The burning.

20 A. The burning of this picture. What is interesting is
21 that for each passage of rank, there is a ceremony.
22 So this is something, for example, another
23 difference that emerges if we want to compare
24 'Ndrangheta to Cosa Nostra. That for every rank,
25 there is a new ceremony. This is important even to

1 establish every time this process of socialization
2 within the organization. As we saw how many ranks
3 there are in 'Ndrangheta, we can just imagine how
4 this is kind of, not bombarding, but it's a way
5 just to establish a few times, along the criminal
6 career, this adhesion to the criminal values, to
7 the organization...

8 Q. **[257]** To the oath?

9 A. To the...

10 Q. **[258]** Because with every rank comes more knowledge,
11 I guess?

12 A. Exactly. Exactly. So it's something, a constant
13 that repeats over the criminal career of...

14 Q. **[259]** So like any good criminal organization, they
15 have goals?

16 A. Exactly.

17 Q. **[260]** What are those goals?

18 A. Like, in Cosa Nostra, money for sure are very very
19 important. But once again, also for 'Ndrangheta as
20 for other mafia-type association, is the will to
21 power. That most of the time is more important than
22 the real economic benefits.

23 Here we see the pattern. We want to
24 confront 'Ndrangheta and Cosa Nostra, we see almost
25 the same element in terms of protection, repression

1 and mediation. For what concerns protection, if for
2 Cosa Nostra, if we remember I said that there was a
3 kind of, the degree of Cosa Nostra to, to
4 control...

5 LA PRÉSIDENTE :

6 Concentration?

7 A. Conciliatory probably is the term, so Cosa Nostra
8 member could accept a little bit more that other
9 not affiliates could undertake criminal activities,
10 this is more strict and more straight for what
11 concerns 'Ndrangheta. So...

12 Me SONIA LEBEL :

13 Q. **[261]** So the notion of territory is like stronger
14 maybe?

15 A. The notion of control or of the territory is strong
16 in Cosa Nostra, but it's strong as well in
17 'Ndrangheta. And probably for this aspect a little
18 bit stronger. We see the same patterns so when we
19 associate the function of protection with a mafia-
20 type association, we talk always about protection
21 racketeering and the main form of this protection
22 racketeering is that, is the "pizzo". And this
23 protection racketeering is very important as a sign
24 of subjugation, a recognition of mafia authority
25 from the victim.

1 Even here, just to provide some numbers as
2 we did for Cosa Nostra, there are some estimates
3 that suggest that in Calabria about fifty percent
4 (50%) of the legitimate businesses are forced to
5 pay the "pizzo". With a peak of almost seventy
6 percent (70%) in the city of Reggio de Calabre.
7 These estimates are based on a study that was
8 conducted in two thousand and seven (2007) but
9 there are some opinions that, for example, for the
10 investigation, the investigation depicts this
11 scenario even as a worse scenario because the anti-
12 mafia prosecutor Ruggieri affirms that all business
13 activities in the district of Catanzaro for example
14 are subject to extortion racketeering. So we are
15 talking about one hundred percent (100%).

16 Q. **[262]** Potentially higher.

17 A. Potentially.

18 LA PRÉSIDENTE :

19 Q. **[263]** Does that mean that all the population or the
20 people has to pay double, double money to owe the
21 different organizations?

22 A. No. Probably that wasn't clear that every family
23 act on a territorial basis and every family
24 controls a specific territory. There is not overlap
25 and this is very important because even in terms of

1 reference, everyone knows the people, they can
2 refer to in case of problem or in case of, you
3 know, whom they have to pay the "pizzo".

4 Me SONIA LEBEL :

5 Q. **[264]** So you pay once to one.

6 A. Exactly.

7 Q. **[265]** To one over your territory.

8 A. Exactly. If it could be a family who has the
9 "pizzo" in the wrong territory, there will be acts
10 of retaliation against that family from the family
11 that controls that territory. So this is very, it's
12 very, it's very clear.

13 Q. **[266]** Okay. Repression, mediation, we see the same
14 trades?

15 A. We see, we see the same trade. For the repression,
16 here, there are some data, there is an interesting
17 study that announces how, here, 'Ndrangheta really
18 controls all the criminal activities within the
19 territory and then mediation as well.

20 Once again, even the 'Ndrangheta, the "capi
21 locale", are asked to solve problems within the
22 local community but this role as a mediator is very
23 important, even when relations within individuals
24 of the economic or political world are requested,
25 so this role as a mediator works in two directions.

1 Q. **[267]** After we talked about the Cosa Nostra, we
2 talked about 'Ndrangheta, we talked about men of
3 honour, obviously in two thousand and twelve
4 (2012), we have to wonder what about the role of
5 the women in these associations, organizations?

6 A. For, there are a few studies that focus exactly on
7 the role of women in Cosa Nostra, and even in
8 'Ndrangheta. Unfortunately, this has never been my
9 focus, my personal research. I just know a few
10 elements about, for sure this will need further
11 investigation or explanation.

12 There is a kind of difference between Cosa
13 Nostra and 'Ndrangheta. What emerges is that in
14 'Ndrangheta, women have a stronger role. Why? As we
15 said, 'Ndrangheta is based on family blood, so
16 women have an important role, even to make the clan
17 stronger with the descendants. So the role of
18 women...

19 Q. **[268]** They create members.

20 A. They, they give birth to members. So the role of
21 women it's very, very strong. Can we say the same
22 for Cosa Nostra? I don't know but I don't think so.
23 The role will be important but...

24 Q. **[269]** Just because of the fact that the family is
25 not based within the blood line...

1 A. Exactly.

2 Q. **[270]** ... we could extrapolate that it's not the
3 same.

4 A. Exactly. But, as I said before, there is a specific
5 sector of research about this, and... that was not
6 mine.

7 Q. **[271]** Okay. So if we move into the Camorra, I mean,
8 this is very... not very different, because the
9 basics of mafia-type organizations remain the same.
10 But I think it's interesting to see how this is
11 less, I would say less structured, but I'm sure
12 you're gonna correct me.

13 A. No. I don't correct you if you use the word that is
14 less structured, because Camorra, for many aspects,
15 is a different phenomenon if we want to compare
16 with Cosa Nostra and 'Ndrangheta. In terms of
17 structure, in terms of organization, in terms of
18 mechanism of coordination.

19 Q. **[272]** Can you just start by saying where it's based
20 exactly?

21 A. Yes. The Camorra is, it's a label that we use to
22 identify a set of groups that originate in
23 Campania, which capital is Naples. So we are still
24 in a region in the south of the country. And what
25 Camorra has in common with the Cosa Nostra and

1 'Ndrangheta is for sure the will to power, and that
2 power of intimidation and subjugation afforded by
3 the associative bond.

4 Q. **[273]** They have the same goals, I guess?

5 A. They have the same goals. That's the reason why
6 Camorra is considered a mafia-type association. But
7 in terms of structure, we are talking about a very
8 different phenomenon. We are talking about a less
9 centralized criminal organization, we talk about a
10 number of clans, they don't act on a specific
11 territory. Meaning... I correct myself. In a
12 specific territory, it's possible that more clans
13 are present, and then the reason why, there are
14 many many conflicts for the Camorra, between
15 Camorra clans. That's the reason why even Camorra
16 is being considered a very violent criminal
17 organization, and resource... the violence is
18 really a resource to impose their authority in a
19 territory, but even to maintain that power in...
20 because the competition is very high with other
21 clans.

22 Q. **[274]** Their roots are not as strongly set in the
23 territory, so the need to resort to violence is
24 greater because of that?

25 A. There is still the roots in the territory. But the

1 territory can comprise different groups. So there
2 is competition. The level of competition between
3 groups, it's very... it's high. This doesn't mean
4 that this phenomenon is less dangerous, or less
5 powerful. Because most of the time, Camorra has
6 been depicted as a hydra. The mythological animal
7 with the nine snake heads. Because against Camorra,
8 many many anti-mafia operation has been undertaken.
9 But it seems that every time a boss has been
10 arrested, there was already another one who was
11 ready to replace the former boss. So what it
12 creates this is a continuity. Based on the same...
13 Based on the same values that are money and power.

14 Just to emphasize even the level of
15 competition between clans, we said that Direzione
16 Investigativa Antimafia reports that... in a report
17 of two thousand and ten (2010), that there are one
18 forty-five (145) groups currently active in
19 Campania. And because even not all the groups are
20 structured in the same way, we have some groups
21 that are more structured than another. That's the
22 reason why when we talk about Camorra in Italy,
23 most of the time you distinguish between clans and
24 minor clans. Referring to groups that are less
25 structured, and most of the time are just organized

1 around a very charismatic leader who collects a
2 group of individuals.

3 Q. **[275]** So there is no indication, or there is none
4 whatsoever ranks, or, as clear as they come out in
5 the other two organizations.

6 A. This is very very difficult. Because even in terms
7 of membership criteria, or rite of affiliation, we
8 don't see the same patterns as in Cosa Nostra and
9 in 'Ndrangheta. But what is interesting is that
10 we... If we examine the phenomenon of the Camorra
11 in a historical perspective, you see that the
12 former, the ancient version of the Camorra was very
13 close to the Sicilian and Calabrian counterparts.
14 There were rites of affiliation, membership
15 criteria were more selective. But with the
16 contemporary phenomenon, we don't see those
17 elements.

18 Q. **[276]** So, how do they get their names, the
19 families, or the units, the clans? Do they get the
20 names the same way the other two do?

21 A. Most of the time they take the name or from the
22 neighbourhood, for example, we talk about the Clan
23 di Casalesi, probably it's one of the most
24 structured clan, Camorra clans, and it takes the
25 name from the Casa di Principe, the town where

1 it... But most of the time there are other names
2 that are associated but most of the time it refers
3 just to the leader of the...

4 Q. **[277]** The name of the leader?

5 A. Yes.

6 Q. **[278]** Okay. Is there evidence of a commission or
7 something like that, like we see in the other two
8 entities?

9 A. There is no evidence for investigators that can
10 lead to the idea that there is, like in Cosa Nostra
11 and 'Ndrangheta, a centralized structure that helps
12 to coordinate the activities. This doesn't mean
13 that there were not attempts to create something
14 like that. For example in the nineteen eighties
15 (1980s), Raffaele Cutolo, he was an important
16 Camorra boss, tried to create an association at
17 Nuova Camorra Organizatta in order to create this
18 mechanism of coordination. The result was that with
19 the help of the Sicilians, this according to some
20 sources, the opponents created another, we can say
21 mega, mega "groupo" la Nuova Familia, and there was
22 a bloody war between the two, the two groups. The
23 result was that the Nuova Familia won, meaning that
24 it was not possible to establish this super
25 ordinate body of coordination. But what is

1 interesting is that after, with the Nuova Camorra
2 Organizatta being defeated, there was no need to
3 maintain that coalition between clans and even
4 Nuova Familia disappeared. Just to emphasized how
5 Camorra it's really a different kind of phenomenon.
6 It's a, there's a low degree of coordination even
7 if exceptions are evident with the Secondigliano
8 and the Casalesi clans and something very
9 characteristic of the Camorra is their resort to
10 violence even between, between clans.

11 Q. **[279]** We established already that what sets them
12 apart from a regular, if I might say, regular
13 criminal association, is the goals, money and
14 power.

15 A. Exactly.

16 Q. **[280]** The functions, do they have the same
17 functions the Camorra even if they are not as
18 structured. Can they provide protection, they use
19 repression, you just mentioned it...

20 A. Exactly.

21 Q. **[281]** ... do they, they can provide mediation, is
22 that as strong in there?

23 A. Yes, because for example, even from the analysis of
24 the case study of the etymology aspect of
25 networking, collusion with the other individuals,

1 their overlapping between legitimate and criminal
2 settings is still very evident, as is evidenced by
3 the resort to violence to polarize market and to
4 accept an actual conditioning over the territory.
5 And there we see, remember those two elements,
6 those elements that characterize a market type
7 association from a simple criminal association.

8 So although the structure is different, we
9 are talking about always a mafia-type association
10 because of these two factors.

11 Q. **[282]** The sets of values is very important also in
12 this type of organisation? What about the Camorra,
13 do we have evidence that they have the same, a
14 strong set of values as the Cosa Nostra and
15 'Ndrangheta?

16 A. Here the... we can say that Camorra probably is
17 more money oriented rather than value oriented, so
18 the addition to the group is more based on personal
19 enrichment rather than sharing a system of values.

20 Q. **[283]** So before we get into the second part of your
21 presentation which we are going to get into the
22 construction industry per se and how these groups
23 behave, could you just give us an overview of
24 maybe, talking about the Cosa Nostra or the
25 'Ndrangheta, even the Camorra, if you can provide

1 examples, of how they maybe enter the public
2 construction industry the first time or how do
3 they, in general, and then we'll, we can explain
4 that.

5 A. Just to provide a few elements because after
6 probably we're going to have the chance to develop
7 better what we focus on specific elements, we can
8 say that for Cosa Nostra, Cosa Nostra entered the
9 legitimate markets we can say about in the nineteen
10 fifties (1950s), we say, for example, when we
11 mentioned the experience of the Sacco di Palermo.
12 The same with, we see ten (10) years later, the
13 same happened for 'Ndrangheta, we're talking about
14 the sixties (1960s) and the seventies (1970s).

15 At the beginning, they entered the market
16 through the resort of violence so through extortion
17 and they... their way to impose their authority to
18 legitimate business was to ask the "pizzo" but soon
19 they understood the potential of this sector and so
20 they demanded a more direct participation in the
21 work itself. And they set up companies in specific
22 sectors, and they were able, in this way, to enter
23 the market with a direct involvement in the
24 industry itself.

25 Giovanni Falcone, for example, when he

1 talked about Cosa Nostra, he said that in a certain
2 moment, Cosa Nostra was in total control of the
3 construction industry, both with, or, this was
4 happening, or with the enterprises owned by Cosa
5 Nostra member, or with enterprises that were under
6 the control of Cosa Nostra.

7 Q. **[284]** And we come back to your definition at the
8 beginning, this morning, when you talked about
9 mafia enterprise.

10 A. Exactly.

11 Q. **[285]** The involvement part of it.

12 A. Exactly.

13 Q. **[286]** Okay.

14 A. And we see the same patterns also for 'Ndrangheta.
15 They enter the market, at the beginning through
16 extortion, then they open, they set up their
17 companies in order to have a more direct
18 participation in the sector.

19 Q. **[287]** So, the way that they enter the market at the
20 beginning, I mean, they didn't need, like you said,
21 the three front men that were retired people, they
22 didn't need the know-how to do that. They just
23 needed to skim over the top.

24 A. Exactly. Exactly. And what is even... What is
25 interesting, for example if you focus on

1 'Ndrangheta, it's even how they regulate between
2 "cosca", the infiltration. The example of the
3 infiltration in the construction of the Gioia Tauro
4 port is very significant.

5 There is this study that examined, for
6 example, the invoices by the two main companies
7 that won the contracts for the realization.
8 Invoices to all companies. Those companies were
9 mafia-related companies. And even analyzing these
10 data, it emerged that 'Ndrangheta, different
11 "coscas" of 'Ndrangheta were able to obtain seventy
12 percent (70%) of all the subcontracts concerning
13 the realization of the Gioia Tauro port, and for
14 the rest, for the rest thirty percent (30%), they
15 impose an eighty percent (80%) protection tax.

16 So, in reality, the control into the
17 subcontracting was purposely.

18 Q. **[288]** So they were not the ones bidding upfront,
19 but they were managing to enter the contract
20 afterwards.

21 A. And this is very interesting because there was
22 another official data that emerged that is very
23 significant. In nineteen seventy-four (1974), it
24 was the period where the Gioia Tauro was started to
25 be built, official data report one hundred and

1 fifty-four (154) arson against companies in that
2 area. The year after, the number of arson was zero.

3 So this was interpreted as the "locale"
4 achieved their goal. They obtained what they
5 wanted, and no... there was no need to...

6 Q. **[289]** For violence anymore.

7 A. Exactly.

8 Q. **[290]** So nothing is casual.

9 A. Nothing is casual.

10 Q. **[291]** So, it's gonna bring us to the typical
11 activities that - slide 33 - that organized crime,
12 and when we talk about organized crime, for the
13 purpose of your presentation, I will always mean
14 mafia-type organizations.

15 A. Yes.

16 Q. **[292]** So I don't have to repeat it over and over.
17 But when we talk about this type of organized
18 crime, they achieve specific activities to
19 infiltrate, to enter. You mentioned the extortion
20 that is...

21 A. Yes.

22 Q. **[293]** ... that always comes with the protection,
23 comes with the repression, comes with their
24 functions, and it's always related to their primary
25 functions, isn't it, and goals?

1 A. And with the nature of a mafia-type association
2 itself. Because when we talk about extortion, that
3 is the extraction of a tribute by the use of actual
4 or threatened force, honestly, is a commonplace
5 practice that emerges in the activities of mafia
6 associations. And this is consistent with the very
7 nature of the organization itself. As we say, they
8 claim the exercise of power and control over a
9 specific territory, and the first way to do it is
10 just to impose this protection tax.

11 Q. **[294]** With always the same goal in mind.

12 A. With the same goal in mind, that is power of
13 intimidation and control over the territory.

14 Q. **[295]** Okay. How... Could you illustrate for us
15 different types of extortion that can take place?
16 Obviously, one that comes to mind immediately when
17 we talk about extortion is money. And when we hear
18 the word "pizzo" now, we think it's money, a
19 percentage. You talked about that earlier this
20 morning, when we were talking about other examples.
21 But it's not always money, is it?

22 A. Exactly. Money, it's probably the first way to ask
23 the "pizzo". But even here, there are some
24 mechanisms that can be a little bit more
25 sophisticated than just ask a percentage of the

1 value of the work or a precise sum.

2 Q. **[296]** And maybe less obvious?

3 A. Exactly. I'd like to provide you an example that
4 emerged from the cases that I have analyzed.

5 Q. **[297]** If you allow me, Mrs. Tenti, I'm just gonna
6 set the context.

7 A. Yes.

8 Q. **[298]** All the cases, we mentioned them at the
9 beginning. All the cases you're going to talk
10 about, basically, you selected three cases, isn't
11 that right?

12 A. Yes.

13 Q. **[299]** And they all come from judicial files from
14 Italy?

15 A. Exactly. Those, they are court documents found
16 consistent for their empirical base of the cases so
17 they are documents that are public documents and
18 for the analysis that I undertook for the... for
19 this case study, I applied Savona's approach in the
20 analysis and I followed exactly the same structure.
21 At this, even in terms of comparative perspective
22 so in order to provide the reader the possibility
23 to compare the emergence of these cases with the
24 other three case studies.

25 Q. **[300]** So for the purpose of your testimony, we

1 won't go into the method...

2 A. Yes.

3 Q. **[301]** ... that you followed but if anybody is
4 interested about reading about it, everything is in
5 the report, right?

6 A. All the information is comprehensively detailed in
7 the report.

8 Q. **[302]** And the cases are detailed in the report?

9 A. Exactly.

10 Q. **[303]** So we're just going to use them to illustrate
11 our point.

12 A. Just as a tool.

13 Q. **[304]** Okay. So you wanted to provide an example.

14 A. Exactly as a transfer of money, I would like to go
15 to case A of the cases related to the 'Ndrangheta.

16 Q. **[305]** Could you still give the page of the report
17 if someone wants to follow along.

18 A. Sorry, it's...

19 Q. **[306]** No problem.

20 A. ... page 71.

21 Q. **[307]** So we're talking about transfer of money
22 here.

23 A. Exactly.

24 Q. **[308]** Go ahead, when you're ready.

25 A. So from this case emerges a mechanism from which

1 the "pizzo" was asked. And even for the purpose of
2 the case, all the names are just acronyms so there
3 is no reference to anyone.

4 Q. **[309]** We're not focussing on the people, we're
5 focussing on the scheme.

6 A. Exactly, that's the criminological approach,
7 exactly. We don't care about names but we care
8 about dynamics. In this case, a local entrepreneur
9 was approached by an individual. The investigators
10 revealed that this individual were close to the
11 Belocco family. And Belocco, together with the
12 Piromalli family is one of the most important in
13 the plan of Gioia Tauro.

14 Q. **[310]** Of the 'Ndrangheta or Casa Nostra, just for
15 my...

16 A. We're talking about 'Ndrangheta, we're talking
17 about Calabre, di Calabre case.

18 Q. **[311]** Okay.

19 A. And he used methods typical of the mafia, as said
20 by the investigators, and the entrepreneur was
21 asked to reduce the price... the entrepreneur was
22 in charge to supply material to another enterprise,
23 enterprise alpha. This other individual approached
24 the entrepreneur and asked to reduce the price, to
25 adjust the price of the supply from thirty-six

1 thousand lira (£36,000) per metre cubic to thirty-
2 three thousand lira (£33,000).

3 Q. **[312]** So in this story the entrepreneur in question
4 is not a mafia enterprise as we defined it?

5 A. The supplies, in this case, the entrepreneur is the
6 victim because he was asked to reduce the price of
7 the supplies, and the reason why is that because
8 the enterprise alpha, it is the subcontractor, what
9 was a mafia related company. So as the, the bad guy
10 said, "The job is mine so it makes no sense that
11 you invoice thirty-six thousand lira (£36,000) per
12 metre cubic and then you pay me a three thousand
13 lira (£3,000) kickback". So how we see here there
14 is extortion, there is a request to pay a "pizzo"
15 but it's these guys that has used a fraudulent
16 scheme, we can say, in order to disguise this
17 transfer of money.

18 Q. **[313]** So, just don't bother paying the money, just
19 give me the rebate.

20 A. It makes no sense that you involve something and
21 than I have to ask you those three thousand liras
22 (£3,000) so just reduce the price, the job is mine,
23 the company is not here, but it is linked to the
24 Belocco family in that case so, don't bother
25 yourself, just reduce, adjust the price.

1 Q. **[314]** So, could we see the scheme in reverse?

2 A. The scheme in reverse is that the mafia enterprise
3 got the subcontract and imposed the price for the
4 supplies.

5 Q. **[315]** So you buy from me. Instead of, if we see the
6 scheme in reverse, the mafia enterprise would be
7 the entrepreneur?

8 A. Because that is another case in which the victim in
9 this case could be the subcontractor and the
10 subcontractor is asked, is forced to supply to
11 specific enterprises which are mafia related. So,
12 here, the... It's different, the approach is
13 different, so the victim is the subcontractor and
14 there is the imposition of enterprises to supply
15 some material.

16 Q. **[316]** And this is what you talked about when you
17 said, you write "acquisition of supplies". Is that
18 the example we're talking about or is it something
19 different?

20 A. In this second case, I am talking more to the
21 participation of mafia enterprises or colluded
22 firms in jobs in which the companies subjected to
23 extortion as contractors, so subcontracting or
24 execution of specific works. But you see, here it's
25 very very similar. I mean, it's... It depends even

1 how the group infiltrated. Or as a subcontractor,
2 or as a supplier of...

3 Q. **[317]** What about acquisition of supplies then? Do
4 you have something that could help us understand
5 that type of extortion?

6 A. We can go in page 72.

7 Q. **[318]** So how does it work?

8 A. There is simply a... A company was forced to supply
9 concrete from another company, and this company was
10 owner by a family member of the family that
11 controlled that territory. And the entrepreneur was
12 victim of threatening, and what is even interesting
13 here is that the extortion was not just to impose
14 the supplier, but also the price. Because the price
15 was not really competitive. Was a little bit over
16 the market price. So he received the imposition of
17 the supplier, and in a very non-competitive manner.

18 Q. **[319]** So you buy from me, and you buy from me at my
19 price.

20 A. Exactly.

21 Q. **[320]** Okay. What about imposition of non-working
22 individuals?

23 A. On the same page, there is the same, in the same
24 case. Because unfortunately, those entrepreneurs
25 were two brothers, two brothers holding a company

1 were victims of both the imposition of suppliers,
2 and also the imposition of fictitious employees or
3 non-working employees. Here is this. The
4 enterprise, the entrepreneurs are forced to hire,
5 to put in the company's payroll some individuals.
6 Usually those individuals are members of the
7 organization, or not necessarily, can be even non-
8 members, but just affiliates or linked to the
9 organization. And those individuals, all the salary
10 imposition, and the "cosca", the mafia extracts
11 money from the construction firm by forcing the
12 contractors to hire those individuals. So we see
13 that there is not transfer of money, just... There
14 is the imposition of individual.

15 This is very critical, even in the light of
16 the social consensus. Especially when individuals
17 that have imposed to a company are not necessarily
18 mafia-related, but are just individuals that are
19 looking for a job for example. They need a job,
20 they ask the protection of the "locale" and the
21 "locale" will take care about this request and will
22 force another company to...

23 Q. **[321]** Employ?

24 A. Employ this individual. The consequence is
25 devastating in terms of social dimension of the

1 phenomenon, because this creates that social
2 consensus that between society and the community
3 and the mafia in which that controls the territory
4 because the "locale" is providing something that
5 otherwise was difficult to obtain.

6 Q. **[322]** Taking care of their people.

7 A. Exactly.

8 Q. **[323]** Okay. Violence and intimidation, we talked
9 about that, that's one of their trade, that's one
10 of their tools and that's one of the activities
11 that they used to insert themselves into the
12 industry.

13 A. Exactly. Violence, intimidation are used to impose
14 mafia, mafia activities. What is very interesting
15 here and I would like to highlight is that
16 necessarily this violence is not, doesn't need to
17 be actual. But only the reputation of being violent
18 or using threatening intimidation is enough to
19 alter the behaviour of legitimate actors. Both
20 internal competition, I mean, knowing that there is
21 a mafia "locale", me, as an entrepreneur, I don't
22 go there so even in terms of competition, this can
23 create some, not equilibrium in the market. So it's
24 a very interesting aspect to explore.

25 Q. **[324]** So they seduce you by providing a service

1 that you need or forced you into complying with
2 them.

3 A. Exactly.

4 Q. **[325]** C'est peut-être un bon temps pour prendre une
5 pause, Madame.

6

7 SUSPENSION DE L'AUDIENCE

8 REPRISE DE L'AUDIENCE

9

10 THE CLERK:

11 Mrs. Tenti, you are under the same oath.

12 Me SONIA LEBEL :

13 Bonjour, Madame la Présidente.

14 LA PRÉSIDENTE :

15 Bonjour.

16 Me SONIA LEBEL :

17 Bonjour, Monsieur le Commissaire.

18 Q. **[326]** So, just to pick up where we left off just
19 before the break, we were talking about the
20 activities that are typical to the Italian group,
21 mafia-type group, the way that they behave to
22 insert themselves, or infiltrate, to stick to the
23 terms that we know, to the legitimate sector, more
24 specifically the construction industry. We talked
25 about extortion, the "pizzo" and the many different

1 shapes that "pizzo" can take. Not only money, but
2 different forms. We talked about violence and
3 intimidation that's always underlining any activity
4 that this mafia-type group takes, and also we moved
5 to another type of activity, official corruption.

6 A. Exactly.

7 Q. **[327]** What does that mean?

8 A. What we observed from the analysis of the case
9 studies, but also from review of evidence from past
10 research, is that the construction industry
11 provides a prime example of continuous between
12 organized crime and individuals operating
13 legitimate economy.

14 What this means. Organized crime needs,
15 when, in the activity to infiltrate a legitimate
16 market, needs the critical involvement of various
17 legitimate actors for the achievement of criminal
18 goals. And at this regard, mafia-type organizations
19 reveal their specificity...

20 Q. **[328]** Specificity.

21 A. ... in the activity of networking. They are able to
22 establish connections with a number and a variety
23 of individuals, both operating in the legitimate
24 market and in the criminal sector. And when we talk
25 about official corruption, we refer, we're directly

1 "enter" with the public authority. Namely
2 politicians or public officials. And they serve as
3 tokens, or exploited prey, but they may also be
4 consensual actors pursuing their own interests. In
5 both cases, their place in the criminal scheme is
6 justified by the contribution of their legitimate
7 functions.

8 When we talk about official corruption, we
9 see that what we observed from the cases, from the
10 review of other research, is that mafia groups try
11 always to establish these corruptive connections
12 with the public authorities. Both politicians and
13 public officials. And it's true that there has
14 not... We can even distinguish some vulnerability.
15 We can distinguish who is more vulnerable to the
16 permeability of organized crime than others. And
17 those are, those public authorities, with, in a
18 position to handle public resources, or to
19 influence some phases of the public contracts.

20 So, by leveraging and manipulating their
21 regulatory powers and discretionary authority,
22 public officials and authorities, those who make
23 themselves available to corruption, can attract or
24 demand payoffs. So, what emerged, what we observed
25 here is really almost the necessity of organized

1 crime groups to establish these links, and this may
2 occur also through corruption.

3 But I do like even to specify something.
4 That there are many many studies that tried to
5 examine the links between corruption and organized
6 crime. And...

7 Q. **[329]** You mean, official... Official corruption and
8 organized crime?

9 A. Exactly.

10 Q. **[330]** Okay.

11 A. And the specificity is in Italy, corruption refers
12 to the activities, to bribe a public authority. We
13 don't, under the label corruption we don't identify
14 what is the private corruption. So this is a
15 specification that... So when I talk about
16 corruption, I also refer to the public sphere.

17 This study aims to examine the links
18 between organized crime and corruption. And
19 something very interesting emerged. And I think it
20 will be, for the purpose even for the Commission.
21 Is that, is a corrupted business environment is not
22 necessarily conducive to a strong organized crime
23 presence in the legitimate business sphere. What it
24 means, that organized crime groups may use
25 corruption as a means to achieve their goal, but

1 it's not that they create a corrupted system. They
2 just use that... deviant practices that are already
3 common in a certain environment, and they exploit
4 that deviant system for their purposes.

5 And I think that this is something
6 interesting, because most of the time we image
7 organized crime as the initiator, most of the time,
8 in most cases it's like that, but like an entity
9 who creates a system, a corrupt system. But there
10 are many many researchers that don't demonstrate
11 this. But they demonstrate exactly the opposite.
12 How a corruptive environment is not conducive of an
13 organized crime presence. And they just exploit
14 existing conditions or factors within a system.

15 Q. **[331]** And what's important to get from that, it's
16 not to go around and label everybody as corrupt,
17 but to understand that this is, these people are in
18 the position to give organized crime something,
19 something that they want, so they could be
20 vulnerable.

21 A. Exactly.

22 Q. **[332]** And that's what we have to focus on.

23 A. Exactly. What we can focus is that, first of all,
24 not to identify the organized crime groups as the
25 creator of a system. We can identify some public

1 authorities that can be more vulnerable.

2 Q. **[333]** Some positions?

3 A. Some positions, some public authorities holding
4 particular positions that can be more vulnerable
5 than others. Why? Because they just control
6 something of Mafia interest.

7 Q. **[334]** They have a key position?

8 A. Exactly. And so, these are the two elements that
9 are important.

10 Q. **[335]** This corruption, does it always take place by
11 the same form of exchanging money or do they have
12 other ways to provide services?

13 A. When we talked about mafia-type associations...

14 Q. **[336]** In Italy...

15 A. The context here is always Italy, so even when it's
16 not mentioned, I also refer on the Italian context.
17 But what emerges is that corruption is not just an
18 exchange of money, but because we are talking about
19 a mafia-type association, it's also an exchange of
20 favors, not necessarily money linked. Because
21 mafia-type associations, they bring that
22 reputation, they can provide services.

23 And what emerges is there is a very
24 interesting definition mentioned by Fulvetti,
25 because as we saw before, organized crime, mafia-

1 type groups, have been defined as an industry of
2 protection. And Fulvetti goes a little bit beyond,
3 he says the protection, in reality, is mutual
4 between organized crime and, in this case, the
5 public authority, because there is an exchange of
6 favors between the two actors.

7 Just to provide even some numbers, based
8 even on this infiltration permeability of organized
9 crime in the political world, Letizia Paoli
10 mentioned estimated that Cosa Nostra, for example,
11 openly supported between forty (40%) and seventy-
12 five percent (75%) of deputies of a particular
13 political party in Italy. This happened... And
14 about forty percent (40%) of all the deputies
15 elected in Sicily, between nineteen fifty (1950)
16 and nineteen ninety-two (1992). This just explains
17 even the permeability of the political world to
18 organized crime.

19 Q. **[337]** So, if organized crime doesn't bring money to
20 the table, what do they bring to the officials?

21 A. If we remember the definition of organized crime,
22 the Italian provision of organized crime, then
23 there is the answer, it's the exchange of votes.
24 Because this is the link that may unite organized
25 crime with politicians in the Italian context. They

1 exchange votes for contracts, for example. I do
2 like just to quote the words of Antonino Calderone,
3 that was a former member of Cosa Nostra. When he
4 was testifying against Cosa Nostra, he said :
5 "Politicians have always sought us out because we
6 can provide votes. Between friends and family, each
7 men of honor can muster up forty (40) to fifty (50)
8 other people. There are between one thousand five
9 hundred (1,500) and two thousand (2,000) men of
10 honor in Palermo province. Multiply that by fifty
11 (50) and you get a nice package of seventy-five
12 thousand (75,000) to one hundred thousand (100,000)
13 votes to go to friendly parties and candidates."
14 Antonino Calderone. So, here what emerges is really
15 the exchange of votes for favors.

16 And when we explore the topic of Mafia and
17 politics, we cannot do the mistake that Mafia has
18 political conventions. Organized crime has just
19 political strategy.

20 Q. **[338]** Political convenience?

21 A. Exactly, that is something different. It's not that
22 the organized is linked to a particular political
23 party or has particular ideas. It's just oriented
24 to achieve their goal, no matter who is in power.

25 Q. **[339]** So, we have to look at it from the

1 perspective of vulnerabilities of the position
2 that's hold?

3 A. Exactly. Just, this is the last thing, just to make
4 you understand even the permeability of the
5 political world in Italy, there are some official
6 data that explain that between nineteen ninety-one
7 (1991) and June two thousand and seven (2007), one
8 hundred seventy-two (172) city councils were
9 dissolved due to Mafia infiltration, according to
10 the Italian law 221 of nineteen ninety-one (1991).
11 Among the city councils dissolved, seventy-five
12 (75) were in Campania, where there is Camorra;
13 forty-nine (49) in Sicily, Cosa Nostra; and thirty-
14 eight (38) in Calabria. In Italy we have this
15 legislation that a city council can be disbanded if
16 it emerges a pattern of Mafia infiltration.

17 Q. **[340]** What about collusion? That's another type of
18 activity that takes place?

19 A. We can say the same elements that emerged for
20 corruption, transported in a private...

21 Q. **[341]** Setting?

22 A. In the private setting. So, what emerged from the
23 case studies and from the literature review, it's
24 really how actors from both criminal and legitimate
25 spheres seem often to converge in a symbiotic

1 setting and operate jointly. There is often a
2 consensual relationship that unite mafia members
3 and actors from legitimate professions and
4 occupations. So, most of the time, rather than
5 extortion practice, the focus is really on the
6 services provided both and exchanges between actors
7 from criminal and legitimate circles.

8 In such exchange process, the benefits are
9 mutual. Mafia associations supply protection, that
10 in this case it could be discouragement of the
11 competition, job opportunities or access to
12 resources, but also receive it from the legitimate
13 circles.

14 What I would like here to give is a message
15 that organized crime needs people that operate in
16 the legitimate sector and act as facilitators of
17 the activities of organized crime groups. Without
18 those facilitators, any activity of organised crime
19 groups will be very difficult to accomplish. Why?
20 Because organised crime groups are confronted to
21 some constraint that are for example a lack of
22 experience, a lack of knowhow, they need to clean
23 their business and this is possible just with the
24 support of some legitimate actors from the
25 legitimate spheres.

1 Q. **[342]** So they need both the official actors and the
2 private actors?

3 A. Exactly.

4 Q. **[343]** And the focus like you say is always on the
5 exchange of services. They always give something
6 but they get something back.

7 A. And another, something that could be specified,
8 every time I talk about even this collusion, we are
9 always talking about deviant segments of the
10 private, so this is very clear because I don't
11 want, and we don't want, just to target anyone but
12 we just want to, they are criminals with a clean
13 face but they are still criminals.

14 Q. **[344]** What about the... If we go to the next slide,
15 35, we see the cartel agreements.

16 A. Yes.

17 Q. **[345]** This is another type of activities?

18 A. Exactly. This is more a specification of what can
19 emerge.

20 Q. **[346]** Does it include collusion?

21 A. Of collusion. Here I can provide an example that
22 emerges from the case studies. It's a, it's the
23 case number 1 in Sicily that this case reveals a
24 mechanism of cartel agreements.

25 Q. **[347]** What page please.

1 A. Yes. We talk about page 62 and more in particular
2 63.

3 Q. **[348]** Okay.

4 A. From this case emerges how entrepreneurs both from
5 criminal and legitimate sectors just come together
6 and work together. Their role, they form a cartel
7 and the role here, of Cosa Nostra, is just to
8 enforce this cartel.

9 Q. **[349]** They're not necessarily part of the cartel
10 itself? As a worker, as an entrepreneur?

11 A. No, they just enforce, there are some mafia
12 enterprises...

13 Q. **[350]** Could be in the cartel?

14 A. Exactly but the main role of the Santapaola family
15 that is the Cosa Nostra family involved in this
16 type of criminal activity, is really just to
17 enforce the cartel because it's true that a cartel
18 between enterprises can start without necessarily
19 the support and the services provided by Casa
20 Nostra but it is true that with the presence of
21 Cosa Nostra, the cartel is most likely, most
22 endured and can be more effective.

23 Q. **[351]** So how did it work in that case?

24 A. In this case there are very, very interesting
25 because the legislation, the Sicilian legislation

1 at that time, for the awarding of public contracts,
2 was a little bit different from the rest of the
3 country. So the winner is not the person who
4 submitted the lower offer but there is a system
5 that calculates the average of all the deeds then a
6 percentage of the deeds, twenty-five percent (25%)
7 is excluded, the lower and the upper bids...

8 LA PRÉSIDENTE :

9 Bids.

10 A. ... are excluded and the winner bids, the winner
11 bid is the one that is the closest to the average
12 of the remaining bids so it's quite, it's quite a
13 different system. So in this case it emerges how a
14 number of firms secretly agreed to share the market
15 between them and they will, each apparently compete
16 on all tenders, but will in advance determine which
17 of them should win which contract.

18 Through the examination of the bids, what
19 the investigators revealed is that the values of
20 the biddings, rebates offered by fifty-two (52)
21 firms participating to the auction are extremely
22 close one to each other. All participating firms
23 had submitted a slightly lower bidding rebates
24 ranging approximately from zero point zero two
25 seven one one (0.02711) to zero point zero six six

1 seven (0.0667), three percent (3%) point higher.

2 Q. **[352]** We're talking the higher than the line, the
3 average line that we do?

4 A. We see that the difference between the winner bid
5 and the other bids had a slight difference, less
6 than one, less than zero point zero percent (0.0%).
7 Just to tell that, based on fifty-two (52) bids,
8 this is just to, it's just an evidence that for
9 sure there was a kind of collusive...

10 Q. **[353]** There's something wrong.

11 A. Exactly. And what is interesting, this is probably
12 just a curiosity that in order to define these
13 bids, Cosa Nostra used a software because they knew
14 already the number of participants because...

15 Q. **[354]** They were in the cartel.

16 A. Exactly. They formed a cartel or non cartel members
17 were suggested not to participate by mafia methods
18 so they...

19 Q. **[355]** Suggested?

20 A. And so you know the number of the bids and through
21 the software you can manipulate the bids and then
22 they say there are some interception, they say you
23 must tender at zero point eight-one (0.81) the
24 other will tender at higher price so as to ensure
25 that you win the project.

1 Q. **[356]** And this is because the system doesn't work,
2 works in this particular way with the average bid
3 and taking of the lower so they need a more
4 sophisticated way to calculate, right?

5 A. Exactly. And this is not the only...

6 Q. **[357]** Rather than the lowest bid.

7 A. This is not the only case in that case there are
8 other examples even the difference sometimes is
9 thirteen (13) decimal points difference, something
10 that is really crazy. What we, the message here is
11 just even to focus, not exactly on who is the
12 winner of the bid but to see the patterns of how
13 enterprises bid, this is the message that should,
14 it's an information.

15 Q. **[358]** And we have to adapt it to our system,
16 depending...

17 A. Of course.

18 Q. **[359]** Okay.

19 A. But just not to focus only on who the winners are,
20 but just to examine how the bids, the patterns of
21 how the bids are made.

22 Q. **[360]** And if we take a step back from the way they
23 were calculating the bids, obviously what they were
24 doing is sharing, so they were rotating...

25 A. There is a...

1 Q. **[361]** You talked about rotational bidding.

2 A. Rotation. Exactly.

3 Q. **[362]** What do you mean by that?

4 A. Of course, no one was unhappy of this system,
5 because every enterprise who takes a turn in
6 winning a contract. So in reality, there is... the
7 cartel works exactly in this way. There is not
8 imposition, but everyone comes together, they share
9 the market, and they organize even who is gonna win
10 which contract, and everyone will take a turn on
11 this.

12 Q. **[363]** And besides the fact that Cosa Nostra, in
13 that case, was helping in calculating the bids,
14 what were they taking?

15 A. Here, the presence of Cosa Nostra is more like in
16 order to organize. In that case, Cosa Nostra worked
17 like a mechanism of coordination of the cartel.
18 Because they received all the bids, they
19 manipulated the bids, they were those who used the
20 software to create the bids, and then they gave the
21 information about... In exchange, of course, they
22 received eventually a percentage of the contracts
23 won by the cartel members.

24 Q. **[364]** So the winner had to pay, I would say the
25 "pizzo", had to pay something to the...

1 A. For the service provided by Cosa Nostra.

2 Q. **[365]** Okay. Were they serving a function of
3 mediation, if anybody in the cartel wants to have
4 more than their share, does it come out from the
5 case?

6 A. That, this specific information doesn't come out.
7 It seems that all the entrepreneurs just simply
8 agreed to be part of this cartel.

9 Q. **[366]** Okay. If we talk more specifically about
10 fraudulent schemes, what kind of schemes are we
11 talking about, that take place?

12 A. From the cases, it emerged that every time there is
13 a racketeering activity, there is a form... It
14 always involves a certain amount of frauds, or
15 fraudulent scheme. This is... The explanation about
16 that is that through a mechanism, a fraudulent
17 mechanism, it was possible to hide a cash flow that
18 will be then transferred to the criminal
19 organization. And the main fraudulent schemes are
20 related to false or inflating invoicing for work
21 not performed, or material not used or not meeting
22 specifications.

23 I do like to refer to some cases,
24 concerning case number 2 for 'Ndrangheta, page 71,
25 in which the entrepreneur is asked to pay a

1 "pizzo". And he's the same 'Ndrangheta member who
2 suggested this strategy, how to hide the payment.

3 And the first strategy is, because we are
4 talking about the supply of material, the
5 entrepreneur is asked or to supply less material,
6 so rather than supply sixty kilograms (60 kg) of
7 concrete, mixed concrete, the quantity is reduced
8 to twenty-five kilos (25 kg). In this way, the
9 entrepreneur will provide less material, but
10 invoice for the full quantity.

11 The second mechanism would be a little bit
12 different, suggests to provide a cheaper material.
13 So, a material that doesn't meet the required
14 specifications.

15 Q. **[367]** So you have the same quantity, but less
16 quality.

17 A. Exactly. At the end, the entrepreneur... And the
18 difference is the same. The entrepreneur who
19 invoiced for the full price. For the price, for the
20 quality...

21 Q. **[368]** Higher.

22 A. ... under specification. The difference is the
23 amount to be paid to Cosa Nostra. For this specific
24 case, the entrepreneur decided to use mixed
25 concrete of inferior quality. The work was for the

1 paving. So they used this bad quality material to
2 put the base, and just the material that meet the
3 required specification at the top.

4 In this way, with this mechanism, in the
5 face of project controls and audit, there was sure
6 that in case of control for the quality of the
7 work, what emerged is really that all the required
8 specifications were met. While in reality that was
9 not done.

10 Another interesting case... Because
11 sometimes, to be criminal, you need to be very
12 creative. And this is another case. A firm won the
13 tender for the realization of the work for some
14 road pavement. And he asked for a kickback. In
15 order to conceal the payment of the extortion, the
16 contractor and the "'ndranghetosti" agree on this
17 stratagem. The firm BETA, the company, supplies
18 concrete from three different companies: the firms
19 GAMMA, DELTA and EPSILON.

20 Two of these companies are mafia-related.
21 And only one is the company, is a clean company. To
22 commit cash flows, only one firm provides BETA with
23 the material that he was supposed to. But all three
24 invoice for the price of the material.

25 Q. **[369]** Let's talk numbers here. If we have like

1 three hundred tons (300 t) of material, how does
2 that work?

3 A. Probably, the enterprise, the firm BETA will sign a
4 contract for one hundred tons (100 t) for each
5 company, if the amount, total is three hundred
6 (300), but only one company will provide the
7 material of one hundred tons (100 t). But all three
8 will...

9 Q. **[370]** Invoice?

10 A. Invoice for one hundred (100) each. This, in terms
11 of verification, is very challenging, because even
12 for the investigators, of course, it was so
13 difficult to track who was the company who didn't
14 provide the material but invoiced for the full
15 price. So, these are simple mechanisms because they
16 are not very complicated, but very challenging in
17 terms of investigations, even to track the reality
18 of the facts.

19 Q. **[371]** And they must use types of materials that are
20 also very hard to inspect, I guess?

21 A. Yes.

22 Q. **[372]** Okay. So, we just talked about the types of
23 activities that usually takes place, I mean, it
24 could be one of them, all of them, all mixed
25 together. We can see that something they're

1 intertwined together, but if we talked about ways
2 to understand how mafia infiltration occurs, we
3 have like three ways to look at it, if I understand
4 your report correctly. We could look at it through
5 the lens of conditioning... I never can say those
6 words, but the awarding process of the contract,
7 which you call public procurement process. We could
8 look at it through the actors involved, you hinted
9 us at it earlier, or through the lense of the
10 external resources. If we go to the awarding
11 process, what is important?

12 A. Yes, here the main idea is just, in order to
13 demonstrate ideas of how mafia infiltration occurs,
14 the idea was just really to try to answer to these
15 simple questions. The first question is: "In which
16 phase a mafia infiltration occurs?" In particular
17 we can examine the mafia conditioning across the
18 public procurement process. According to... I
19 provide a table.

20 Q. **[373]** Yes, 37, please.

21 A. Here...

22 Q. **[374]** This table is based on the three cases that
23 you just mentioned?

24 A. Exactly. This table is based on the three cases
25 that have been analyzed. This is based on the

1 script approach. I tried to break down... First of
2 all, I tried to select the three main phases of the
3 contract, so we distinguish the pre-contractual
4 phase, which is the planning and the preparation;
5 the contracting phase, which is the bidding and
6 awarding of the contract; and the post-contract
7 phase, that is the project execution. And for each
8 of these phases, I break down the actions that have
9 been or could be taken by mafia, the mafia group.

10 What we see from this table is that first
11 of all, we should focus on the last phase, on the
12 execution of the project. This phase is the phase
13 in which extortions take place. And looking at it
14 in a historical perspective, that was the starting
15 point of mafia infiltration. But what emerges from
16 this analysis is that mafia infiltration doesn't
17 occur only, it's not limited downstream. But it's
18 also, the mafia groups also organize their
19 activities upstream. So, there is more an
20 involvement. It seems that mafia groups tend to
21 move from simple racketeering to an active and
22 direct involvement in the business activity.

23 And here is the tricky part in terms of
24 investigations, because this means that the way in
25 which mafia infiltration is organized, in this way

1 it's becoming more sophisticated, more structured,
2 and in this way, even mafia groups tend to conceal
3 mafia goals, like power and money, behind a veil of
4 legitimization, because there are becoming more and
5 more in legitimate business. And this, in terms of
6 investigation, of prosecution, will be the
7 challenge to confront with. Because even that
8 process of legitimization is a very important phase
9 for which a mafia conditioning can exist.

10 Q. **[375]** And why do they bother? I mean, why didn't
11 they stick to the extortion and just get the money
12 without the work, I would say?

13 A. Because I would say the extortion is very linked to
14 violence, so the more we go at the beginning of the
15 process, the less you need the use... to resort to
16 violence, the more you need another characteristic
17 that is the networking. So, the more you need
18 contacts, the more you need collusive or corruptive
19 relations with other actors. So, here the idea is
20 to really just to analyze the fact that from
21 being... starting as a violent claim of attribute,
22 which is extortion, mafia infiltration is changing
23 face. It's becoming more and more sophisticated.
24 It's becoming more and more involved into the
25 legitimate market. Also, thanks to the support of a

1 number of various actors that facilitate this
2 escalation.

3 Q. **[376]** And does that relate more to power than
4 money?

5 A. That's for sure, because when power is so risky, so
6 if you have power you can get even more money,
7 because it's an exchange system. It's a perfect
8 exchange system. We can... There are some authors
9 that even when we talk about collusion or
10 corruption, they describe the links between
11 organized crime, economic activities and political
12 world as an iron triangle in which there is an
13 exchange of services. Organized crime provides
14 votes to the politicians. Politicians provide
15 public contracts. Organized crime gives the
16 contracts to entrepreneurs. Entrepreneurs provide a
17 social consensus that is important to mafia groups
18 to maintain and improve the status of power.

19 So this has been the, it has been
20 represented as a triangle where everyone, these
21 deviant segments of this triangle, obtain a sort of
22 benefit.

23 Q. **[377]** So they gain from that process of normality,
24 that process of legitimacy that's being installed
25 with all the actors that basically get to consent?

1 A. I think that what as now, not as a researcher but
2 as a citizen, what should scare me the most is
3 really the process of legitimization of mafia,
4 mafia groups. Because as you mentioned, this
5 process of legitimization as a consequence to
6 widespread idea of normality, that is normal to ask
7 a favour to a mafia group in order to get
8 contracts, that it is normal to ask to a mafia
9 group some "bolts" and this process of normality
10 it's, it's a very dangerous focusing on the social
11 dimension of the phenomenon.

12 Q. **[378]** So you mentioned the actors, if we look at it
13 from the perspective of the actors, what do we
14 learn that could be useful for the Commission?

15 A. Here...

16 Q. **[379]** The next slide please, Madame.

17 A. What emerges from what we observed is really the
18 capacity of mafia groups, because of their power
19 to, their capacity of networking and reaching all
20 the actors that are prone to be involved in a, in
21 criminal activities. There seems that those deviant
22 actors operating the legitimate markets in Italy
23 seem to converge in a symbiotic setting and to join
24 their activities.

25 Q. **[380]** So what are those actors that always from the

1 case study in Italy emerge as being key for the
2 mafia commissioning?

3 A. We have elements from all various sectors. We have
4 entrepreneurs who have, we have white collars, for
5 example in order to set up clean businesses, in
6 order to even attend, to participate to awarding
7 public procurement process, you need some
8 particular certifications. You need even an anti
9 mafia certification as required by the Italian
10 legislation so mafia organisations need the support
11 of these white collar crimes in order to set up
12 clean businesses.

13 They need, from the case emerge even that
14 the role of some professionals are even helpful for
15 the purpose of the mafia infiltration to be
16 accomplished and then there are even the
17 participatory role of some politicians and public
18 officials that were corrupted in order to provide,
19 to be provided a contract and...

20 Q. **[381]** And now, to translate that reality into maybe
21 our context for the purpose of the Commission, what
22 you're suggesting is what we look, we have to look
23 at, is who's involved in the public procurement
24 process and who could provide a service.

25 A. What I would like to suggest is just, you see, from

1 this exercise we started focussing on the organised
2 crime groups and we see instead that there is a
3 system behind organised crime groups. So here the
4 mistake, the mistake will be just pointing a mafia
5 group and attack the mafia group. Surely there are
6 actors within the system but they are actors, they
7 play within a system so the idea here is through...

8 Q. **[382]** They are not shaping the system.

9 A. They are not shaping the system, they are not
10 creating the system, they are just playing in the
11 system and the system is composed even by other
12 actors and has emerged, what we observed for the
13 cases, it's really this capacity of networking
14 between actors that make even this phenomenon so
15 complicated and sophisticated.

16 Q. **[383]** There's another key that we should look at,
17 this external resources.

18 A. Not to focus on, not to target any specific group,
19 but just to elaborate who are those vulnerable
20 actors within the industry and to even provide them
21 those tools in order to protect themselves from any
22 attack.

23 Q. **[384]** Attack. Okay. What are those resources that
24 we should look at and examine?

25 A. Exactly, when we talk about some sectors that could

1 be more vulnerable than others, the questions, what
2 emerges from the cases, but even from other
3 evidence, is that there is a strategy, a criminal
4 strategy, I mean not all sectors are vulnerable in
5 the industry, the construction industry, they are
6 not vulnerable in the same way.

7 What emerges from this case study is that,
8 for example, mafia groups tried to control and
9 manipulate some external resources. Those resources
10 are in particular raw material, the raw material
11 sector, they control the work force and they
12 control the capital.

13 Q. **[385]** The capital.

14 A. And...

15 Q. **[386]** In Italy I understand that usually mafia
16 groups control the three.

17 A. We are talking about organisations that control a
18 specific territory and they control all the
19 activities, all the activities in that territory.
20 So here, yes, the control of this productive
21 factors are all in the hands of organised crime
22 groups and...

23 Q. **[387]** But if we want to adapt that point of view to
24 our reality how should we go about it?

25 A. Those productive factors are pillars in the

1 construction because that, because the construction
2 industry depends on the availability and
3 reliability of these elements. And whoever is in
4 the position to provide these components hold a
5 strategic role within the construction market. And
6 this strategic role may be used as a leverage to
7 assert, assert a control within the market.

8 Focusing on the Italian, on the cases, it
9 emerged that through the control of those sectors,
10 that organized crime obtained critical benefits,
11 guaranteed market access and regulated market
12 competition. The typical example, they tried to
13 control it to create a monopoly of the production
14 and distribution of raw material, namely concrete,
15 and this was key for them in order to infiltrate
16 the market. Because everyone needed that source,
17 and they were able, in this way, to insert
18 themselves in the market and to condition the
19 market, because they were able to control sales,
20 contracts, orders, price. So, not all sectors are
21 vulnerable in the same way.

22 What emerged from the Italian case is that
23 the raw material sector, for example, was extremely
24 critical for the way how mafia conditioning over
25 the construction industry...

1 Q. **[388]** What about the workforce?

2 A. Even that, we saw, with the imposition of "anti
3 fiduo" (sic)...

4 Q. **[389]** Workers.

5 A. But even to, in case, to guarantee a kind of "pax"
6 within the construction site. So we're always
7 talking about groups that control everything on
8 their territory. So they want to be sure that if
9 you pay the protection racket, you won't have
10 problem of any of this... of this problem.

11 And something very interesting that could
12 be taken in consideration is that the control of
13 these critical components, combined with an intense
14 competition among construction firms, tend to
15 increase, even, the racketeering influence. And we
16 see this from the cases, that occurs in two ways.

17 The first one is that it makes legitimate
18 businesses vulnerable to extortion. As organized
19 crime can ask a payoff in exchange of the supply of
20 this material, or to threaten the non-supply of
21 this material.

22 But then, another interesting aspect is
23 that it creates, it may create also a voluntary
24 market for the services provided by organized crime
25 groups. They can provide some competitive advantage

1 to favour some firms from, through the provision of
2 these elements.

3 Q. **[390]** And it's true about the three resources. I
4 mean, with the workforce, they could provide an
5 advantage if they provide the workers and the
6 capital, they could buy back a company.

7 A. We can examine this together, under the label
8 productive factors, but we can focus this, even,
9 distinguish one of each factor. And, as I said,
10 everyone is in control to one of these productive
11 factors, is holding a strategic position within the
12 market. And can play with it.

13 Q. **[391]** So, maybe I can ask you this question, now
14 that we're aware of all that. Why, why is this
15 industry more susceptible or permeable to organized
16 crime?

17 A. For the analysis of case studies, it would be very
18 difficult to answer in a very precise way, because
19 the goal of the study was just to understand the
20 dynamics of the infiltration.

21 What I can provide are just insights.
22 Because answering to this question, why this sector
23 is so vulnerable, it should require a different
24 type of analysis that goes to examine the
25 characteristics of the structure, organization,

1 legislation of the industry.

2 Q. **[392]** Maybe we can break it down into principles.

3 You...

4 A. Exactly.

5 Q. **[393]** Racketeering susceptibility and racketeering
6 potential.

7 A. Exactly. I wanted to take this distinguishing that
8 was made by Goldstock when the organized crime
9 taskforce examined the New York construction
10 industry and the infiltration of Cosa Nostra in the
11 New York construction industry. And here I wanted
12 to distinguish these two elements: the racketeering
13 susceptibility and the racketeering potential.

14 The first one identifies most the
15 opportunities that are... The definition is : the
16 racketeering susceptibility is the degree to which
17 an industry structure, an organization creates
18 incentives for industry participants to engage in
19 racketeering, or to provide the means and
20 opportunity for racketeering both inside and
21 outside the industry to control or influence
22 critical industry components. The focus here, so,
23 is just to focus on the vulnerability, which can be
24 exploited by mafia groups in order to achieve their
25 goal.

1 Q. **[394]** Like you... And it all comes back with what
2 you were saying before: they're not creating the
3 system, they're using it.

4 A. They are...

5 Q. **[395]** So they're doing this exercise, obviously.

6 A. Exactly. What emerged is that organized crime
7 groups doesn't, does... They don't subvert or
8 attack the system, they just exploit opportunities
9 that are available, and seize those opportunities
10 to carry on their activities. From, just to provide
11 only a few elements, those opportunities may come
12 from the legislation, because loopholes within the
13 legislation can "inadeptibly" open...

14 Q. **[396]** Say that again?

15 A. Without purpose, can create opportunities. And what
16 emerged, organized crime in Italy exploited these
17 loopholes in order to achieve their infiltration.
18 Once again, without subverting or attacking the
19 system, but just exploiting an opportunity. The
20 exploitation, for example, of the regulatory
21 instrument, for example, the variation claims after
22 fact, a lawful system, but from the case study
23 emerges that it was used for the purpose to produce
24 a cash flow, using a false variation claim for some
25 work. So, what emerges here, it's really how they

1 exploit the opportunity within the system.

2 Q. **[397]** So, the first task that we have is to examine
3 our system, our industry, and identify those
4 loopholes or vulnerabilities?

5 A. The goal will be really to identify those
6 vulnerabilities. When you know how, why
7 infiltration occurs, and why this occurs, you are
8 able, only when you have this understanding, to
9 address criminal strategies. And this is the
10 example, the exercise that has been done in New
11 York and has been done in Italy, for example by
12 Transcrime, focusing really on an understanding of
13 how it works, why it works like that, analyze those
14 opportunities, and only with this understanding you
15 are able to promote and to develop some strategies
16 that will be able to limit or to attack the
17 problem.

18 Q. **[398]** So, that's why it's so important to
19 understand how they function, how they think, what
20 are their goals, and then look at the sector and
21 see how they could exploit it?

22 A. Just to focus on the legislative context, but also
23 all those characteristics of the industry linked to
24 the organization and the structure of the industry.
25 Because the opportunities are there, and the

1 vulnerability...

2 Q. **[399]** And usually, they find them. What about the
3 potential, what attracts them in that?

4 A. Exactly. For the racketeering potential, here the
5 idea was, using Goldstock's words, the definition
6 is : that it reflects all the profits racketeers
7 may reap from the exploitation of an industry
8 susceptibility. Here the factor is which are the
9 motivations that brings mafia groups in Italy to
10 infiltrate the market. And we can see just... If
11 you want to compare racketeering susceptibility and
12 potential, they work like, as many authors have
13 already mentioned, like push and pull factors.

14 In this case, when we talk about mafia
15 infiltration in Italy, for sure it emerges the
16 monetary reward. The construction industry is a
17 very lucrative sector, it's very profitable. There
18 is a large number of monetary transactions that can
19 be used even to hide some...

20 Q. **[400]** Kickbacks?

21 A. ... cash flow. Exactly.

22 Q. **[401]** Cash flow.

23 A. For the purpose of the... for organized crime
24 groups, it's important also because they allow it
25 to maximize the profit and the return of

1 investment. Then, it's key, it's even the money
2 laundering. It's opening companies or investing
3 capital from illegal proceeds that can clean their
4 money and they can reuse it.

5 Q. **[402]** And get the process of legitimacy rolling?

6 A. Exactly. So, the money laundering aspect is for
7 sure very, very important when we talk about
8 infiltration in the legitimate market in general.
9 But when we talk about a mafia-type association,
10 was cannot limit our attention only on the monetary
11 reward, because honestly, the monetary reward, all
12 organized crime groups, not necessarily mafia-type
13 groups, are somehow pulled by these factors, by
14 these economic attractions. But when we talk about
15 a mafia-type group, we have to focus especially on
16 the non-monetary reward. We always say the main
17 goal is money, but the other important goal is
18 power.

19 Q. **[403]** Power.

20 A. And through the infiltration in the legitimate
21 market, that organized crime group may exercise an
22 actual conditioning over territories and all the
23 economic activities. When I talk about non-monetary
24 reward, I talk about even that social consensus.
25 They provide job opportunities in Italy, in those

1 specific areas for example, where the rates of
2 unemployment are very high. And so, when I talk
3 about non-monetary reward, I talk about all the
4 elements that somehow connect the criminal
5 organization to a local dimension. And the group,
6 mafia groups, always try to hide their face like a
7 social entity that provides opportunities. They
8 fill voids that the state is not able to cover. And
9 this is the most difficult part when we want to
10 attack the problem, because we need here to attack
11 a social dimension, a social aspect of the problem.

12 Q. **[404]** You've talked about social consensus. Do I
13 take away from that that... You talked about
14 loopholes, official corruptions. Obviously, the
15 government or the public aspect of the society has
16 a responsibility in that, in Italy, occurring. But
17 what I get from that it's everybody has a
18 responsibility?

19 A. Exactly. And because we cannot expect than an
20 attack of organized crime comes only from the
21 public authority. We cannot expect that only the
22 government, or law enforcement, or the prosecutors,
23 are in the position to attack the problem. What we
24 should expect, there is a social reaction that
25 people are aware of the presence and permeability

1 of the bad guy and they recognize them as bad guys
2 because otherwise this increases and promotes the
3 process of normality that is devastating because
4 you don't recognize anymore the problem and that's
5 very dangerous, especially when you need to build
6 some defensive, defences.

7 Q. **[405]** And some awareness.

8 A. Exactly, that's the reason why even for the cover
9 of this report I chose to put a picture of water
10 because we can see really this mafia infiltration
11 like water that goes everywhere and it's invisible
12 so we need to be aware of the existence because
13 otherwise it's very difficult, we don't see it. But
14 we need even to build some walls to contain this
15 water and this wall, everyone has a contribution
16 for this wall. Not just the public authorities but
17 also society in general.

18 Q. **[406]** And if we just want, obviously we took a lot
19 away from this day and we, everybody will have to
20 digest that but if we want to sum up what this work
21 should bring to the Commission and what we should
22 take from that to go on in our work?

23 A. The idea here, the main goal of this presentation
24 was to provide you the elements about, to what is a
25 mafia type association in its different forms and

1 how they infiltrate the market. For the purpose of
2 the Commission, this could be very important to
3 note to frame the situation here, to verify if
4 there are similarities or differences with the
5 Italian context.

6 What emerges from this analysis for sure a
7 subtle and sophisticated form of mafia infiltration
8 that now is not limited to racketeering activities,
9 that are more violent, but they are moving towards
10 some more active involvement in the legitimate
11 business activities. Here so the worry is just to
12 focus on the process of legitimisation of this
13 process.

14 Q. **[407]** And normality, always.

15 A. Exactly. And then what emerges is that organised
16 crime doesn't attack the system, they just play
17 with the system so what we should do in order to
18 attack the problem is for sure to look at the task
19 environment in which organised crime thrives
20 because the opportunity is in that task
21 environment. This means to do a scan also focus on
22 the construction industry of the legislative
23 context, the economic context and to focus on the
24 characteristics of the industry, organisation and
25 structure, that may provide opportunities to

1 systematic criminality.

2 I will not, here I always talk about
3 organised crime participants because it's a system,
4 it's not just a group. So the idea is just then to
5 intervene on these criminogenic factors. It would
6 be a mistake to focus on a specific group because
7 as we have seen, there is a system behind, or a
8 system with these groups. A key will be even the
9 identification of, as we see, who control critical
10 external sources. In the Italian case, in the
11 Italian situation, it emerged that raw material,
12 the capital and workforce are the three pillars of
13 the industry.

14 Q. **[408]** So what are the questions we should ask
15 ourselves?

16 A. The questions should be : who is in control of the
17 raw material? Who is in control of the workforce?
18 Who is in control of the capital? And then another
19 important question: how those actors are linked
20 together? Because this will be critical to...

21 Q. **[409]** To assess the situation and intervene.

22 A. Exactly. But once again, even based on the
23 experience that I had the chance to develop through
24 Transcrime, an understanding of the opportunity is
25 fundamental in order to establish effective crime

1 control strategies and a here is a typical example
2 of this. After an understanding of the phenomenon,
3 its dynamics, that it's a tool that can provide
4 help in fighting even this...

5 Q. **[410]** Problem.

6 A. This phenomenon.

7 Q. **[411]** Thank you. Ce sont les questions que j'avais
8 à poser, ça termine l'interrogatoire en chef, je ne
9 sais pas si mes collègues ont des questions,
10 Madame.

11 LA PRÉSIDENTE :

12 C'est ce que je vais demander maintenant. Est-ce
13 qu'il y en a qui ont des questions pour madame
14 Tenti? Alors avant, je vais vous demander est-ce
15 que vous en avez pour longtemps parce qu'il est
16 déjà cinq heures moins vingt-cinq.

17 Me DANIEL ROCHEFORT :

18 Dans mon cas, j'estimerai une dizaine (10) de
19 minute, à peu près sept, huit questions.

20 LA PRÉSIDENTE :

21 Est-ce que c'est un dix (10) minutes d'avocat ou
22 c'est un vrai dix (10) minutes.

23 Me DANIEL ROCHEFORT :

24 Dix (10) à quinze (15) maximum, je vais être
25 prudent.

1 LA PRÉSIDENTE :

2 On a déjà quinze (15) minutes.

3 Me DANIEL ROCHEFORT :

4 Oui, mais quinze minutes réelles.

5 LA PRÉSIDENTE :

6 Maître Boucher?

7 Me BENOÎT BOUCHER :

8 Oui, j'aurai quelques questions aussi pour une
9 quinzaine (15) de minutes.

10 LA PRÉSIDENTE :

11 Pour une... Bon, O.K. Alors, tell me Mrs. Tenti,
12 are you available to come back tomorrow morning?

13 MS. VALENTINA TENTI:

14 I am available to come back tomorrow morning.

15 LA PRÉSIDENTE :

16 Because we have to, because we have some parties
17 who have cross-examination questions to ask you.

18 MS. VALENTINA TENTI:

19 Okay, no problem.

20 THE CHAIWOMAN:

21 Okay, thank you very much. Grazie mille.

22 MS. VALENTINA TENTI :

23 Prego.

24 LA PRÉSIDENTE :

25 Merci beaucoup.

1 Me SONIA LEBEL :

2 Si vous me donnez une autre seconde, Madame la
3 Présidente, j'ai naturellement perdu mon cahier
4 tantôt donc j'ai oublié, non ce n'est pas grave,
5 c'est que je dois produire de façon formelle le
6 PowerPoint et je m'excuse alors simplement pour
7 officialiser le PowerPoint qui vient d'être utilisé
8 d'ailleurs, comme je l'ai mentionné ce matin, ce
9 PowerPoint là n'apporte pas d'éléments nouveaux
10 mais il est un extrait ou des extraits tirés du
11 rapport. Par contre, pour permettre à tous ceux qui
12 voudraient en avoir une copie, qu'elle soit
13 disponible sur notre site, je vais vous demander de
14 le coter 7P-121 Madame. Merci.

15

16 PIÈCE 7P-121 : Power point utilisé par madame
17 Tenti lors de son témoignage

18

19 LA PRÉSIDENTE :

20 Donc à demain.

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22 AJOURNEMENT

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Certificate

We, the undersigned, **ROSA FANIZZI**, and **MARC BEEBE**, Official Court Reporters, hereby certify the foregoing is a true and faithful transcript of the evidence in the above mentioned case as taken by mechanical recording, to the best of the quality of said recording.

And we have signed:

ROSA FANIZZI

MARC BEEBE