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Out of Africa: The human trade between Libya and Lampedusa

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Abstract Smuggling and trafficking in persons is ipso facto illegal. Is this criminal activity organised or diffuse? Recent objective indicators show that between 2000–2005 the reported incidence of people trafficking and smuggling from North Africa to Europe has escalated. The article examines the nature of criminality involved in people smuggling and trafficking with specific reference to the sea route between Libya and the Italian island of Lampedusa, 180 miles north of the Libyan coast. In 2006 almost 19,000 illegal migrants arrived on this small island. Recent major operations conducted by the Italian anti-mafia unit and the state police suggest transnational criminal organisation of the trade. The networks involved in this trade, however, do not conform to mafia-like hierarchical organisations but rather smaller, more complex and fluid criminal networks. The article aims to cast light on how people are smuggled and trafficked. The background to the rise in illegal immigration from Libya is sketched underlining the ‘push’ and ‘pull’ factors involved in the human trade. The article’s chief objective is to provide a greater understanding of the mechanisms and processes involved in smuggling/trafficking. A better knowledge of the processes involved is vital if domestic, regional and international authorities and bodies are to counter the practice and/or to formalise it.

Keywords Human trade · Libya · Migrants

The discovery of a boat drifting off the coast of Sicily in October 2003 containing 13 corpses and 15 barely alive survivors forced the issue of the smuggling of persons onto the front pages of the world press (Israely 2003). At least 80 smuggled persons, mainly Somalians had perished at sea (Loiero 2007). Would-be migrants often turn

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to intermediaries to facilitate entry into ‘Fortress Europe.’ Although the number of illegal immigrants arriving in Italy by sea is small, about 10–11% of total illegal migration, disproportionately high numbers of resources are dedicated to countering the maritime trade as a result of the symbolic importance of being seen to defend national borders and to address the acute strains on the infrastructure and economy of Lampedusa where the large majority of migrants arrive. Although, people smuggling/trafficking is a very lucrative enterprise, estimated to be worth \$7–10bn annually, the powerful indigenous criminal organizations operating in Sicily and Calabria seemingly are not involved, leaving the profitable trade to transnational networks comprised mostly of North and sub-Saharan Africans. This research note will investigate the nature of criminality involved in this maritime trade.

A distinction is made between trafficking in persons which involves the ‘exploitation of the migrant often for forced labour or prostitution’ and smuggling of persons which implies ‘procurement, for financial or material gain, of the illegal entry into a country of which that individual is neither a citizen nor permanent resident’ (Interpol 2006; UNODC 2007). There is a clear distinction between these types of illegal migration made in the UN Protocols on the Trafficking in Persons and Smuggling in Migrants—in the former the victim is the individual, whilst in the latter it is the state whose admission rules have been infringed. Nonetheless, whilst the practice and consequences of trafficking are particularly heinous, the smuggling of persons, whilst ostensibly a contractual arrangement with consideration on both sides, often results in financial, physical and emotional costs, and can readily transmute into an exploitative relationship at any stage of the transportation process. It was such a shift from smuggling to exploitation that prompted the Italian authorities to instigate a series of police operations that culminated in a large-scale country-wide operation called Harig.

This research note is based on a close examination of judicial proceedings compiled as part of the police operations against the criminal networks allegedly involved in the trade. Since four of the five cases are *sub judice*, the identities of the alleged smugglers/traffickers are kept confidential and replaced by nationality designations. The research note is divided into two parts. A first part examines the background to the rise in the numbers being trafficked/smuggled from Libya to Lampedusa. The second part looks in more detail at the mechanisms of this trade and draws tentative conclusions as to the nature of criminality involved.

The status of irregular migration from Libya to Italy

The movement of North and Sub-Saharan Africans across national borders in the Mediterranean region for a variety of motives but predominately economic betterment and escape from persecution, discrimination and political instability, whilst centuries old, has increased markedly as a result of the effects of globalisation. After 1990, net migration replaced natural increase (the difference between births and deaths) as the major component in population growth in the European Union with over three-quarters of growth in the EU-25 attributable to net migration. The EU-15 countries account for the large majority of net migration with figures rising from net migration of 0.7 per thousand population (p/t) between 1960

and 1964 to 4.7 p/t in 2004. In Italy this rise has been more rapid still with Italy showing negative migration figures of -1.6 p/t between 1960 and 1964 rising rapidly since 2000 to 9.6 p/t in 2004 (Eurostat 2006). Alongside legal migration, scholars and criminal justice practitioners agree that this growth has seen a concomitant rise in criminal activity to facilitate the illegal transportation of migrants, although there is disagreement as to the quality of criminality involved. In Italy, the Catholic non-governmental organization Caritas estimated that in 2006 there were 500,000 illegal migrants in the country, a figure that had risen 80% between 2001 and 2005, whereas L'Eurispes (*Istituto di Studi Politici, Economici e Sociali*) estimates a figure of 800,000 in 2007 (RomaOne 2007). International policing agencies recognise that it is not possible to quantify this criminality owing to its nature, and that it is difficult to define perpetrators and victims (Interpol 2006).

In the context of Italian law, what constitutes a *clandestino* or 'illegal' immigrant? A basic definition is an individual who is present on Italian sovereign territory without the relevant travel documentation or a residence/work permit. These individuals travel or are transported or smuggled into Italy. However, 65–75% of persons subject to removal are 'irregular' as a result of overstaying valid residence permits (Andrijasevic 2006; Parliamentary Assembly 2007). Those seeking asylum from their country of origin constitute a further category of illegal migration. In 2002, the centre-right populist government of Silvio Berlusconi promulgated a new law widely referred to as the Bossi–Fini Law after its architects, Umberto Bossi, the leader of the *Liga Nord* and Gianfranco Fini, the leader of the *Alleanza Nazionale* and former Deputy Prime Minister. The law is unique in the EU in that it conflates both immigration and asylum procedures. The new legislation built upon regulations introduced in 1998 by the centre-left government of Romano Prodi that introduced holding centres for immigrants unable to provide proof their identity and legal status, the *Centri di permanenza temporanea e assistenza* (CPT), widely criticised by human rights organizations. The Bossi–Fini legislation strengthened these existing measures, making it a criminal offence to disobey an expulsion order on pain of a jail sentence of between one to 4 years. At the same time labour market demand has forced both left and right wing governments to repeatedly introduce amnesties for illegal immigrants sponsored by Italian employers. Italy has implemented five programmes regularising over 1.4m migrants over the past 25 years.

Over the course of the twentieth century Italy transformed from a country of origin to a destination and transit country and in 1973 immigration surpassed emigration (Giacca 2004). With over 3m legal migrants or 6% of the overall population, Italy has the fourth highest number of legal migrants in the EU behind Germany, France and the UK, although the percentage number of legal migrants living in Italy is below the average for EU members with relatively low figures for asylum applications and acquisition of citizenship. Yet, a number of 'pull factors' make Italy an attractive point of entry. Historically it has maintained weak immigration controls. It is relatively accessible with the island of Lampedusa 113 km from the Tunisian coast, although a more daunting 300 km from the main Libyan points of departure taking 2 or 3 days of sailing. Italy is a signatory to the Schengen Treaty and detained immigrants can move on to other Schengen countries relatively easily. There is also an extant need for labour in the sizeable underground

economy, notably in agriculture and construction. People are smuggled into Italy by air, land and sea. As documented by Ferruccio Pastore, Paola Monzini and Giuseppe Sciortino clandestine entry by maritime vessels is facilitated by criminal organisations who employ two strategies: ‘clandestine landings’ in which migrants are set ashore on unpatrolled strips of coastline, and ‘open landings’ in which the vessels are abandoned in Italian territorial waters and the migrants taken into the protection of the authorities (Pastore et al. 2006).

North Africa became a conduit for the smuggling of persons in the early 1990s transporting seasonal agricultural labour after Italy introduced visa requirements for Maghreb countries. However, the numbers being smuggled from Libya to Italy have increased significantly over the past 7 years, although the numbers being smuggled have dropped slightly year on year from 2005 to 2007. Currently, the trade from North Africa greatly outweighs that along the Adriatic coast, the main point of entry for Albanian and Kurdish irregular migration, which dwindled to around five hundred migrants in 2006. At present around 90% of seaborne illegal immigrants arrive at Lampedusa, with smaller numbers landing on the island of Pantelleria, the Sicilian coast and even Sardinia. Numbers arriving in the region of Sicily, of which Lampedusa, is a part climbed from 2782 in 2000 to 21,400 in 2006. The most recent figures indicate that 12,419 migrants had reached Italian shores by 27 August 2007 from 14,511 in the same period in 2006. In terms of demographics, although migrants from the Maghreb still constitute the majority of persons smuggled, the route has become the final stage on extended smuggling routes from sub-Saharan Africa and Asia (see Table 1). The average age of illegal immigrants is 27. The numbers of women and children making the crossing are increasing but they remain heavily in the minority compared with adult men. There are also larger numbers of skilled and educated persons migrating (Giacca 2004). The flow of migrants from individual Maghreb, Sahelian and sub-Saharan African countries is influenced by the status of agreements with Italy governing migration quotas and the level of illegal migration from individual countries fluctuates accordingly.

Table 1 Illegal immigrants arriving in the region of Sicily between 1 January and 31 December 2006 by nationality (countries with over 100 illegal entrants)

Nationality	Nos. overall	Men	Women	Minors
Morocco	8,146	7,528	436	182
Egypt	4,200	3,395	11	794
Eritrea	2,859	2,435	308	116
Tunisia	2,288	2,222	9	57
Ghana	530	505	14	11
Nigeria	491	409	69	13
Ethiopia	479	324	127	28
Algeria	473	464	7	2
Bangladesh	361	354	2	5
Sudan	352	337	7	2
Pakistan	183	176	0	7
Côte d’Ivoire	168	163	4	1
Somalia	121	81	29	11
Total (from 44 countries)	21,400	19,099	1,037	1,264

Source: Ministry of the Interior, Department for Public Security

Nearly all smuggling to Lampedusa uses ‘open landings’ with the craft abandoned either on shore or at sea and the migrants surrendered to the protection of the authorities. The vessels used are usually medium sized craft, often barely seaworthy, constructed in North Africa, carrying no name or flag. They are piloted by *passeurs* or middlemen with little or no knowledge of navigation whose job is to escort the migrants. Shipwrecks are frequent. According to a press review conducted by Paolo Cuttitta there were 411 drownings in the Sicily Channel in 2003 and 280 drownings in 2004 (Cuttitta 2005). A recent report claimed that July 2007 was the worst month for fatalities with 79 persons drowned in the Sicily Channel (Diritti Globali 2007).

Whilst still constituting a minority of the overall L-L trade, persons from sub-Saharan Africa make up a growing percentage of those transported. Illegal migrants from 44 countries were recorded as arriving in Sicily in 2006, of which 28 were sub-Saharan with all geographic regions represented, although the majority were from the Horn and West Africa. The ‘push factors’ that underpin the rise in irregular migration are highly relevant in these areas including endemic poverty, internal demographic pressures, political instability and conflict, natural disasters and climate change. Although diverse points of embarkation are utilised by the smugglers, dissuasive measures put in place by Spain, Morocco, Mauritania and the European Union have restricted the number of migrants crossing into Spanish territory. In 2005 the Moroccan government agreed to increase surveillance of irregular immigration flows seeking to cross the Straits of Gibraltar or to enter the enclaves of Ceuta and Melilla, themselves now heavily fortified by the Spanish authorities, and consented to receive back failed asylum seekers. Patrols by the EU’s national border protection force, FRONTEX operating as far south as Senegal have likewise resulted in a drop in the numbers attempting the crossing to the Spanish-owned Canary Islands by up to 60% in the first half of 2007 in comparison with the previous year.

These factors have encouraged would-be migrants to undertake the long land journey to Libya. The trade in human beings has three phases: the mobilisation and recruitment of migrants; their transportation; and their insertion into the destination country (Salt and Stein 1998). The smugglers make use of historical camel routes via a series of traditional oasis towns that act as hubs for the trade. This journey is hazardous, made in old flatback trucks across parched and perilous desert terrain at risk of banditry from criminal bands, as well as extortion with menaces from the police and military in the countries transited. One such hub is Kuhfra in Libya near the Egyptian and Sudanese borders from where transport to the coast by lorry costs between \$300 and \$400. The cost of the sea journey from Libya to Lampedusa has risen sharply from about \$800 in 2003 to \$2000 in 2006 (Loiero 2007). Migrants from sub-Saharan Africa are reportedly preferred by the larger smuggling groups since they are willing to pay more and put up with longer periods of waiting and harsher conditions than those from the Maghreb (Loiero 2007). There are reports of sub-Saharan migrants being prematurely cast overboard with either no or insubstantial lifejackets or rafts. The legality of this intra-African migration is ambiguous. It is regarded as legal and encouraged by governments of very poor countries in West Africa that see the trade as a source of income. Hubs such as the Nigerien town of Agadez and the Malian town of Gao have flourished and ‘travel agents’ offering transportation to Libya do brisk business. These even have

extra-African ‘customers’ with smugglers from Asia estimating that circuitous routes via Niger or Mali carry fewer risks than a more direct route (Bensaad 2003). In terms of immigration controls between sub-Saharan African states, international statutory law is often at odds with customary and domestic laws and traditional practice. In terms of the land route from West Africa the members of the Economic Community of West African States (ECOWAS) regional economic organization have ratified a Protocol on the Free Movement of Persons, the Right of Residence and Establishment. Likewise, the East African Community has agreed to remove regulations militating against the free movement of citizens across borders. The Common Market for Eastern and Southern Africa (COMESA) has as an objective the adoption of a common visa arrangement eventually leading to the free movement of bona fide persons. More saliently, however, whilst immigration control is practiced at major border crossings, the long borders between states in Africa remain porous and immigration officials are open to corruption. Travellers are also frequently subject to the further exactions of law enforcement agencies along regional highways, as well as brigandage. For migrants from the Maghreb, the journey from point of departure to point of embarkation is less arduous. Moroccans are often offered ‘package deals’ that include a flight to Libya and the crossing to Lampedusa.

The obvious points of departure for those seeking to smuggle persons across the Straits of Sicily are Tunisia, Algeria and Libya. Stemming the rise in irregular migration from these countries became a policy priority for the government of Silvio Berlusconi. Diplomatic pressure, backed by economic and political incentives, was applied to encourage Tunisia, Algeria and Libya to cooperate in discouraging the smuggling of persons. The strategy has been most successful in Tunisia. In 2004, the government introduced new laws to counter illegal migration (Boubakri 2004). Stiff penalties, heavy fines and up to 20 years imprisonment are now imposed for crossing a border without travel documents, a crime which is aggravated if committed by an organised criminal network. Other laws allow for stricter boat licensing and close monitoring of maritime activity in Tunisian waters to spot vessels carrying illegal migrants. This activity has been assisted by the provision of surveillance equipment and training by the Italian authorities and joint patrols in Tunisian waters. At present, these measures seemingly have capped smuggling from Tunisia. Efforts to improve cooperation between Italy and Algeria have had less success. There are about 300,000 sub-Saharan Africans resident in Algeria which acts as a transit country for migrants destined for Europe via Italy and those attempting to cross via the Spanish enclaves or over the Straits of Gibraltar. A readmission agreement between Italy and Algeria was signed in 2000 but is not yet in force. In September 2007 the Italian Ministry of the Interior suggested that the next FRONTEX mission should patrol the Algeria–Sardinia migratory route.

However, by far the largest number of illegal immigrants are smuggled from the Libyan coastal areas near the town of Zuwarah with smaller numbers leaving from Tripoli, Zlitan, Sabrata and Tajura. The non-Libyan population numbers between 1.5 and 2 m out of an overall population of 5 m of which 600,000 are deemed ‘legal’ and between 1 and 1.2 m ‘illegal.’ Although this number includes those aiming to make the crossing to Italy, the majority of migrants treat Libya as a destination country that, unlike Tunisia and Algeria, needs labour in the agricultural sector, as

well as the construction and oil industries to perform the unattractive manual jobs indigenous Libyans are unwilling to do. That Libya has become both a significant country of transit and destination has its roots in the forced and voluntary settlement of nomads in the 1970s and 1980s, and wars and droughts that motivated labour migration to oil fields in the south of the country and a broader migration to Libya's urban areas (De Haas 2006). In the 1990s, President Muammar Ghaddafi, frustrated by the response of the Arab League to the UN economic embargo against Libya, sought to emphasise his African rather than Arab credentials, a policy which encouraged immigration from sub-Saharan Africa. Libya was a founder member of the Community of Sahel-Saharan States (CEN-SAD), a regional organization with 21 members whose headquarters are in Tripoli. Ghaddafi encouraged citizens of CEN-SAD states to work in Libya through beneficial immigration procedures.

The legal position of intra-African migration to Libya is historically a grey area, and currently subject to legal review. It was described by Gilles Giacca in 2004 as 'tolerated, and even solicited, but not legalised' (Giacca 2004). Libya is guarded about the issue of illegal migration. Tripoli has not ratified the 1951 Convention relating to the Status of Refugees and its 1967 protocol, nor entered into a formal relationship with the UN High Commission for Refugees, nor developed an asylum system in compliance with international standards. Libya is, however a signatory to the African Refugee Convention and the Palermo Conventions, although there is evidence that little effort is made to implement their provisions. Officials do not acknowledge the status of refugees and asylum seekers, but rather consider all immigrants to be economic migrants (Hamood 2006). The key laws regulating immigration are Law No.6/1987 as amended by law No.2/2004. The amendments have introduced tighter penalties on illegal residence in and passage through Libya as well as penalties for smuggling. There is specific reference to irregular migration, notably smuggling migrants by any means, and creating, supplying or carrying false travel or identification documents. These activities are punishable by imprisonment and a fine (Hamood 2006). The Technical Mission on Illegal Migration undertaken by representatives of the European Commission reported with satisfaction Libya's ostensibly robust response to illegal immigration.

The threat of illegal immigration is clearly perceived. Investigations are now conducted on traffickers, on the arrest and deportation of illegal immigrants, on the inspection of companies and on information analysis. A new Law No. 2/2004 is currently being implemented, which would bring stricter penalties for illegal immigrants and those who facilitated their illegal entry and/or stay. Libya has also created a new unit for the administration and enforcement of this new law, and is also in the process of hosting media campaigns warning about penalties for facilitating illegal immigration (European Commission 2004).

Libya's pariah status and its political insularity hindered Italian efforts to establish a framework for collaboration. However, with Ghaddafi signalling a desire to end his country's isolation and reintegrate Libya into the international community, a window of opportunity opened. In 2004, under Italian pressure, the EU agreed to lift the 18-year arms embargo on Libya. In September 2004 the International Organization for Migration (IOM), an intergovernmental body charged with promoting orderly and humane migration, entered into a strategic partnership with the Libyan government

to consult on the management of illegal migration. The visit followed a proposal by the German and Italian governments to establish detention centres outside Europe for the processing of asylum seekers in North African countries including Libya. Italy pressed for the United Nations sanctions on Libya to be lifted and on 24 August 2004 an agreement to combat illegal immigration was concluded. A further agreement was concluded by between the Prodi government and Libya in September 2006. Libya agreed to control its 2,000 km coastline and 7,000 km land borders and to put in place barriers against immigration from the south. Ghadafi also agreed to accept the readmission of illegal migrants from Italy. In return Libya receives material assistance in terms of planes, helicopters, boats, all-terrain vehicles and surveillance equipment, as well as the assistance of officers from the *Servizio Centrale Operativo* (SCO), the security agency charged with coordinating the intervention squads and special units in the fight against organised crime. Italy also finances a detention camp in northern Libya and two more in the south of the country. Perhaps most persuasive, the deal offered the opportunity to be seen to be cooperating in combating the smuggling of persons, enhancing Libya's reputation as a responsible state. With the agreement in place the Berlusconi government established a 'fast-track' repatriation policy with a significant number of illegal migrants arriving in Lampedusa being peremptorily sent back to Libya without potential claims for asylum being considered. In October 2004, Libya accepted 1,000 such returnees from Italy and since it is not a signatory of the Geneva Convention redeported them, at Italy's expense, to Egypt and Nigeria without checking whether they had a valid claim for asylum (Schuster 2005). These 'fast-track' deportations have been suspended by the Prodi government.

The nature of criminality

The transportation of undocumented migrants between the Libyan coast and Italy, mainly Lampedusa is *ipso facto* illegal. How are significant numbers of illegal migrants smuggled and/or trafficked on this route and what is the nature of criminal organization involved?

Research was conducted using a mixed methodology. A key source of data was the records of judicial proceedings in a number of important cases concerning the trade in human beings and related criminal activity. This methodological technique has a number of advantages. As Matthias Neske and Jeroen Doomernik point out 'the prosecutor shares a central cognitive aim with the researchers: to reconstruct the organization of the smuggling ring by focusing on the internal system of relationships and on the strategies used by the organization as a whole' (Neske and Doomernik 2006). It was possible to consult judicial files from five cases compiled by Luigi de Magistris, the examining magistrate in Catanzaro. The files contained detailed evidence from telephone interceptions, interrogations, statements from informants and smuggled persons. In some cases as with the evidence collected on the network in Egypt and Libya, proceedings were against unknown persons. The information gathered from judicial proceedings was supplemented and cross-checked against information obtained from interviews with senior officials and experts from the Italian criminal justice system, nongovernmental and intergovernmental

organizations and journalists.¹ The authors also visited the Sant'Anna detention camp in Crotona and interviewed the Head and Deputy Head of the Centre and volunteer workers from the Italian NGOs Misericordia and Caritas.

The court proceedings relate to a series of operations conducted by the Italian State Police from Crotona and Catanzaro in the region of Calabria. The operations were coordinated with the SCO and the *Direzione Anticrimine Centrale* (DAC). They were dubbed Salib (2003–2004), Habib (2005), Kafila I (2006) and Kafila II (2007). The operations resulted in over 80 persons being charged from a range of nationalities including Egyptians, Sudanese, Palestinians, Syrians, Iraqis, Moroccans, Algerians, Eritreans, Bulgarians and Italians. The examining magistrate involved in the operations recognised a criminal trend and ordered continued investigation that led to the core and largest operation called Harig which was concluded in April 2007. The word Harig literally means 'to burn' in Arabic, but in Moroccan idiom implies crossing a border clandestinely. Harig disarticulated an organised transnational criminal human smuggling and trafficking network. It resulted in 33 people being charged in Crotona, Milan, Agrigento, Isernia and Cosenza under Article 416, sub-sections (1), (5) and (6) of the Penal Code. The charges were serious and included, *inter alia*, association with a transnational criminal network of articulated cells operating on the Italian side in Crotona and other cities and in North Africa in Libya and Egypt. These cells were interactive and complimentary and acted as small networks within an overarching network. Their purpose was to assist the entry and illegal residence into Italy of foreign citizens for personal gain in violation of Legislative Decree 286/1998. They were further charged with trafficking over 2,500 persons on at least 10 boats to Lampedusa and reducing those smuggled to slavery through violence and threats and with exploiting the psychological and physical conditions of those smuggled. Others were also charged with kidnapping. Emphasising the transnational nature of the criminal activity charges were brought against individuals in Italy and North Africa. In Libya charges included the organization of the logistics involved in lodging persons and transporting them by sea from Libya. Elements within the network in Egypt and Sudan were charged with recruiting persons in their respective countries, offering 'packages' to Libya with the help of cells in Italy to arrange the itinerary of individuals from country of origin to Italy. On the Italian side, charges were brought against individuals for organising in return for money the escape of detainees from the Sant'Anna detention centre. At the time of the events investigated by Harig, Sant'Anna served as a centre holding those awaiting deportation as well as those under assessment. Alongside possible victims of trafficking and smuggled persons, were convicted smugglers and others convicted of criminal offences. The escapes were efficiently planned and executed indicating a sophisticated approach to the criminal activity. Localised rioting in the detention centre was instigated on two occasions in May and July 2006, and mass escapes

¹Interviews were conducted between May and September with Forti Oliviero (Caritas), Aida Nahun (ARCI), Barbra Freidel (IOM), senior officers from the SCO [Rome and Crotona], Angelo Morabito (Head of the *Squadra Mobile*, Crotona), Maria Sparta (Office of Immigration, Crotona), Luigi de Magistris (Examining Magistrate, DIA, Catanzaro), senior Italian police liaison in Tripoli, Maria José Falcicchia (Deputy Head of Police, Milan).

arranged to coincide with the ensuing confusion. Money was demanded from the escapees for their transportation to Milan and for the supply of forged documents. Others were kidnapped, held incognito and a ransom levied against family members living in Italy. Three cells based on nationality were identified, Sudanese, Eritrean and Moroccan. These were interactive but not normally hierarchical although the decisions were made by the Sudanese and Moroccans. To date only the trial subsequent to Operation Salib has been concluded with exemplary sentences given to those found guilty.

Evidence compiled of the L-L trade, documented in the judicial proceedings that followed Harig indicate that the criminal networks involved are not ‘mafia-like’ traditional hierarchical groupings, but rather loose networks. In their study of human smuggling into Italy published in 2006, Pastore et al. countered a number of myths concerning assisted illegal migration into Italy including the received wisdom that most undocumented migrants are illegal rather than irregular, that the majority arrive by sea and ‘the assumption that current irregular migration systems are supported by a concentrated and sophisticated criminal infrastructure’ (Pastore et al. 2006). On the contrary, they argue that the typical organizations operating in illegal markets are ‘loosely coupled coalitions of largely independent professionals and small cliques coordinated through a network of temporary contracts’ (Pastore et al. 2006). Further they contend that ‘smugglers act as tricksters chasing and exploiting opportunities and loopholes within well-defined economic constraints’ (Pastore et al. 2006). With particular reference to the L-L route, they report that ‘according to investigators, the gangs which organise the journey only sell migrants the service of the crossing as far as the shores of Sicily; no cases have been discovered of traffickers having connections on Italian territory to help with arrivals in Sicily’ (Pastore et al. 2006). Analysis of the Harig proceedings indicates that these loose networks are sophisticated posing a considerable threat to the human security of the smuggled persons and the sophistication of the criminal networks involved in the trade. The evidence coming out of Harig and the other operations indicate that the criminal networks work very effectively and are eminently fit for purpose.

For some time there has been evidence that ‘organised crime is increasingly operating through fluid network structures rather than through hierarchical structures’ (Williams 2001a,b). The building blocks of globalization are technological advances notably in communications and transport and the subsequent opening up of new markets. This is reflected as much in illicit business/criminal activities as licit activities, with traditional criminal organizations breaking down and the emergence of flexible criminal entrepreneurs. That globalization has failed to mitigate the economic disparity between North and South ensures a reservoir of people willing to travel for imagined economic betterment from the poor world to work as cheap labour in the rich world. This migratory flow is exacerbated by continued insecurity and conflict in many parts of the world coupled with the deleterious effects of natural disasters and climate change.

Do the networks involved in the L-L trade conform to recognised characteristics of criminal networks? Phil Williams’ conceptual analysis of key characteristics of criminal networks provides a foundation for determining the extent to which those individuals investigated by Harig for alleged involvement in the L-L trade constitute a criminal network. His basic definition of a network is ‘a series of nodes that are

connected...in significant way' with criminal networks originating and operating 'in order to obtain financial rewards through and from illicit activities' (Williams 2001a,b). Networks divide into 'directed networks,' created and directed by a core of organisers for a specific purpose or 'transaction networks' that emerge spontaneously to add efficiency to the functioning of a market (Williams 2001a,b). The L-L networks fall into the second category with brokers involved at the critical nodes of the transportation process. Members of the network continue to interact with the smuggled persons even after they have become detainees. Typically criminal networks have a core and periphery. Core members frequently share kinship ties helping to create a high level of trust and cohesion. Relationships at the periphery are looser than at the core, yet peripheral members play vital roles channelling intelligence and insulating the core from law enforcement activities.

The L-L trade typifies a shift from a rigid hierarchical organization to a loose network with diffuse identities. Instead of a dependence on ethnic, clan or family ties, the L-L networks have a mixed membership with family ties at the core and a multi-national periphery based on a diversity of labour and specific skills that individuals bring to the enterprise at critical nodes. The three cells operating within the overarching L-L network were Moroccan (M), Sudanese (S) and Eritrean (E). The most ethnically diverse cell was M (see Fig. 1). Within M there was a core of Moroccan nationals (M_7) and on the periphery were Moroccan, Tunisian, Sudanese and Italian nationals. At the core of the network operating in Italy was a Moroccan citizen (M_1) who acted as the prime organiser, originating the illicit activity and

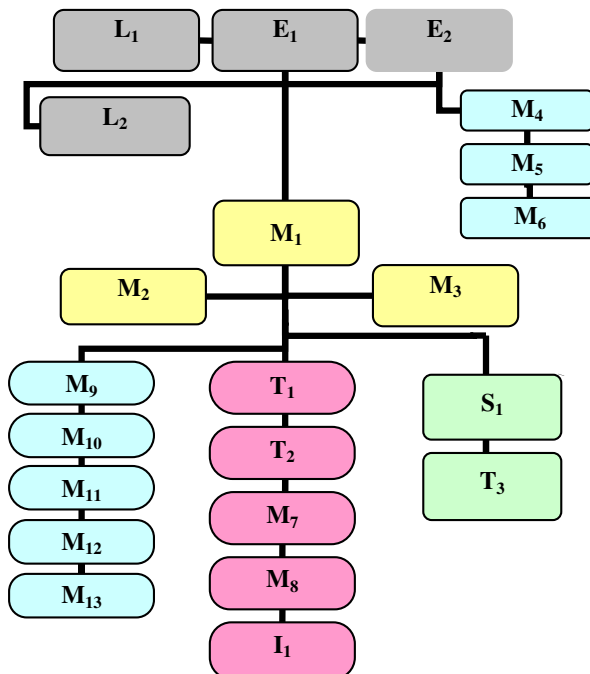


Fig. 1 The Moroccan network. Source: Procurator for Catanzaro, Proc. Pen. Nr. 1914/2006 R.G.N.R

provided the steering mechanism for the network. He was the main interlocutor between the Italian side of the network and those involved in the smuggling operation in North Africa, L_{1+2} and E_{1+2} . He was assisted by two close family members, M_2 and M_3 . There were three known active operational members of the network who controlled the lodging of the smuggled persons prior to embarkation and acted as *passeurs* for the sea crossing to Italy (M_{1+2+3}). On the Italian side, there was a further division of labour. Two members (S_1 and T_1) were dedicated to moving escaped detainees from the Sant'Anna detention centre and their subsequent transportation and insertion into northern Italian cities and, in some cases, the kidnap of escaped detainees for ransom. One of these (S_1) was resident in Sicily, keeping surveillance of the landings in Lampedusa and feeding information to the core. Another set of members (T_{1+2} , M_{7+8} , I_1) fulfilled the role of jailers for kidnapped detainees and collecting ransom money and other monies sent as payment for the journey between Libya and Lampedusa. A final set of members (M_{9-13}) operated within Sant'Anna facilitating the escape of detainees.

Two other cells, E and S cooperated in the human trade alongside cell M. As Williams notes, 'criminal networks come together with one another when it is convenient or beneficial to do so without this being a threat to their identity or *raison d'être*' (Williams 2001a,b). Cells E, S and M shared network members, notably in Egypt and Libya. The cells offered mutually supporting strategic structures, for example cell S supplied forged documents from a sophisticated printing works in Milan. The network also operates to span the boundary between the criminal underworld and the legal 'upperworld,' in so doing exploiting pre-existing corrupt environments. There is no evidence of corrupt liaisons between the smugglers and the authorities on the Italian side. However, on the North African side an environment of *laissez-faire* pertains. There is evidence that Libyans with close connections to the government, including diplomats and security agents, are directly involved in the trade. Informants implicated one of Ghadafi's sons in providing protection for those involved. Zuwareh has a long history of dealing in contraband including alcohol, petrol and cigarettes. The town is under the control of a single extended family and the local Berber population is ethnically and linguistically disparate from the majority Arabic population. The local police who are invariably low paid are open to corruption.

As evidenced by the series of operations, the response by Italian criminal justice to the activities of the trafficking/smuggling networks has been pro-active. There is, however, frustration within the ranks of the police agencies tasked with disrupting the trade, that critical nodes within the networks readily regenerate when displaced. The series of interlinked operations against trafficking/smuggling networks is testimony to this capacity for regeneration. As Carlo Morselli and Katia Petit point out, 'a criminal network may have more than one critical node and that core of that network may remain intact even after the removal of a key participant' (Morselli and Petit 2007). That such loose, fluid networks are intrinsically resilient to decapitation is captured by the analogy made by a British customs officer who likened smuggling organizations to 'a plate of spaghetti.'

Every piece seems to touch each other, but you are never sure where it all leads.

Once in a while we arrest someone we are sure is important. Well he may have

been up to that moment, but once we get him, he suddenly becomes no more than a tiny cog. Someone else important pops up in his place (Green 1969).

In Lieu of a conclusion

A preliminary study of the L-L human trafficking/smuggling trade indicates the existence of fluid and flexible networks well fit for transnational criminal activity. As Williams cautions, ‘there is a tendency in law enforcement circles and some academic analysts to treat centralised hierarchies as synonymous with organised crime and to treat networks as disorganised crime’ (Williams 2001a). As the initial findings of the study show the networks involved in the L-L trade are highly sophisticated, capable of regeneration and should not be underestimated. Moreover, contrary to Pastore et al’s contention, evidence from operations conducted by Italian criminal justice agencies indicate that the networks involved in smuggling migrants from North Africa maintain contact in the detention centres in Italy to facilitate for profit further transportation and insertion ‘services’ and/or to further exploit the migrants through kidnap and ransom.

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