



Civil society and the **fight**
against **global mafias**
from the Palermo
Convention to today

La società civile nella
lotta alle **mafie globali**
dalla Convenzione
di Palermo a oggi



cross



LIBERA

ASSOCIAZIONI, NOMI E NUMERI
CONTRO LE MAFIE



EN





The **Convention against transnational organised crime**, a multilateral agreement promoted by the United Nations and implemented on September 29th, 2003, was signed in Palermo on **November 15, 2000**. Its aim was to improve the coordination between countries in the fight against organised crime, corruption, and money laundering. **190 out of 193 UN Member States have signed it**. Twenty years later, and after over two years of the global pandemic, it is essential to analyse the way institutions and social organisations – on a local, national and international level – are operating and how successful they have been during these years in the **fight against mafias and corruption**, rethinking common strategies, and paying particular attention to current and future challenges.

The Convention was born out of the realisation that criminal organisations and their businesses were expanding, and were no longer confined within national boundaries but rather were operating on a global level.

A Convention that was born from the foresight of judge **Giovanni Falcone**, who a few months before his assassination took part in the First Session of the UN Commission on Crime Prevention and Criminal Justice in Vienna. According to Falcone, to face such a worldwide phenomenon there could not be individual fights, instead it was essential to take common actions and to share knowledge.¹ It became of utmost importance to create a stronger **cooperation** between **States and law enforcement**, which would allow the easy sharing of information and could operate more effectively.

United Nations' commitment was to set regulatory and procedural standards and common

languages between the Member States, starting with the definition of an *organised criminal group* as “a structured group, existing for a period of time, of three or more persons that act in concert with the aim of committing at least one serious crime or crimes established by this Convention, to obtain, directly or indirectly, a financial or other material benefit.”²

At the time of the Convention, Libera, an entity born in 1995 as a result of the mafia killings that undermined the democratic institutions of the Country, was already taking steps to focus the public debate on the importance of an active and conscious engagement from the citizens in the fight against the mafias. The aim was **to turn the model of the Italian anti-mafia upside down, starting from the collective memory of innocent mafia victims** and building preventive and formative action to fight organised crime.

One of the first collective actions carried out by Libera was the **public petition** to support a legislative proposal, related to the social use of confiscated properties. A proposal that collected over a million signatures and that was approved on **March 7th, 1996**.

The requests carried out in those years by the committed civil society have been promoted even during the writing of the Convention: the need of developing, on both a national and international level, coordination between social entities committed to counteract organised crime and promote human rights in a network with institutions, have set the basis for action both on a local and global level. Facing the failure of the exclusively repressive, normative, and judicial approach, **Libera** together with many other civil society entities **has promoted a course correction in the fight against**



mafias, extending its action towards a **cultural, educational, and preventive** prospect.

In these decades Libera, together with its international partners, has gradually turned its attention towards the transnational dimension of criminal phenomena, having the chance to also monitor its trend and progress outside the borders of our country, bringing them to public attention through meetings, reports, articles, and in-depth analysis. There have been opportunities to share its ongoing commitment at the United Nations, highlighting the results obtained thanks to the **promotion of social justice** as an instrument against mafias, the importance of **supporting innocent victims' relatives**, of promoting processes to guarantee the **transparency of the institutions** and by encouraging **redemption and inclusion** opportunities for those parts of the population more exposed to criminal phenomena.

Since 2014, Libera holds the Consultative Status at the United Nations, awarded by the *Economic and Social Council* (ECOSOC) part of the UNODC civil society unit, and it is regularly invited to the sessions of the Conference of the Parties of Palermo (UNTOC). It joined the 10th session of Vienna in 2020, speaking on behalf of activists and associations of the three international networks in Europe, Latin America and Africa, and the session of 2022 that also took place in the Austrian capital.

The *Global Organized Crime Index 2021*, promoted by the *Global Initiative against transnational organized Crime*, shows that to date most of the global population lives in countries with high levels of crime and generally low levels of resilience to this phenomenon. According to the data provided by the index, the American continent (specifically, Central and South America) is in the third position among continents with the highest level of crime, after Asia and Africa.

On a global level the trafficking of humans is the

most prevalent type, followed by the trafficking of **migrants, drugs and arms**, even if there are different categorizations depending on space and time.

Europe is the continent with the second to lowest crime rate, togliere with the lowest being Oceania. While it has the highest levels of resilience to organised crime thanks to international cooperation and Italian and European Union policies.

Human trafficking is the most prolific criminal market, where European countries have been both destination and transit areas, followed by drug and migrant trafficking. Criminal organisations, both Italian and European, often take advantage of legislative weaknesses, wars, and institutional precariousness to seep into territories, therefore expanding their range of power and trafficking.

In Latin America, Colombia leads the cocaine market and therefore its neighbouring States are considered the main transit areas of the world. In addition to drug trafficking, there are many other criminal markets, among which the illegal trade of non-renewable resources and flora and fauna related trafficking stand out: for example, Brazil is the main country that distributes illegal wood, increasing Amazon deforestation.

Human trade and trafficking, on the other hand, are widespread in Central America, especially in Panama, where many Venezuelan migrants transit and arrive. With regards to the trafficking of weapons, Mexico has the central role in selling weapons coming from the United States and heading to South America.

In Africa, human trafficking is the main criminal market, with 30 out of 54 African countries participating, followed by weapon trafficking. East Africa is the region with the highest level of criminality dominated by human and weapon trafficking, while drug trafficking affects mainly West





Africa. Lastly, it is important to mention the role of criminal groups in countries like South Africa, where they develop a similar structure each time to the one of the local mafias.

Within this context, the international reach of Libera has been developing and today promotes three international networks: **ALAS America Latina Alternativa Social**, which consists of over **60** operating entities in **12** Latin-American countries, **CHANCE Civil Hub AgaiNst Organised Crime in Europe**, **33** entities in **17** countries, and **PLACE Peace and Liberation in Africa through Change and Engagement in sub-Saharan Africa**, **42** associations in **16** countries.

Libera promotes and coordinates this network, with onus on the equal exchange between parties and the key role of partner organisations, whose careful overview of the territories is the “conditio sine qua non” to project and promote significant actions and proposals for change.

The presence of transnational networks is crucial to combine the action of prevention and contrast, reducing the chance for criminal organisations to take advantage of borders, as well as the opportunities coming from differences and/or regulatory gaps. This complementarity is essential and during the last ten years, the association has been carrying out many national and international projects whose aim is to strengthen and coordinate all of the entities both in Italy and abroad that are committed to the **fight against corruption** (YouMonitor, Libenter and Good(s) Monitoring Europe!), in **promoting social use of confiscated properties** (Bien Restituido, Rise-Alb and Twist), in **creating networking among young people** (Europe Hub), in **supporting mafias victims’ relatives** (Wings, Wise 4 All Challenges, Diritti Vivi) and in **perspectives of inclusion and emancipation** (Liberi di Crescere, Amuni, Liberi di Scegliere, ALI). All these projects, which will be presented during the CROSS event, represent the effort of

Libera and many international partners to put into action the objectives of the Palermo Convention, which is to provide concrete and comprehensive answers to criminal phenomena and to take bottom-up action proactively on the harmful effects that they have on social structure and rule of law.

The general aim is to remark not only on the importance of institutional, legal and police coordination of each State, but also on the urgency of a renewed engagement from citizens and the social world in the fight against mafias and, consequently, in the affirmation of rights and opportunities also for those members of the population that, in Italy as well as all over the world, experience the effects of criminal violence on their territories.

Thanks to the many opportunities for reflection and confrontation throughout these years, like the recent experience of **ExtraLibera**, the guidelines for the community have been outlined on both a national and international level to define action against mafias and corruption and to structure appropriate policies. Starting from the Palermo Convention until today, Libera has promoted four areas into the public debate:

- **promotion of social use of confiscated properties;**
- **civic supervision and anti-corruption;**
- **fighting trafficking;**
- **right to truth for mafias’ victims.**

These areas are not exhaustive of Libera’s commitment, but they can define directions to analyse criminal phenomena and measures on an institutional level.

¹ <https://www.interno.gov.it/notizie/convenzione-palermo-venti-anni-lotta-alla-criminalita-internazionale>.

² Art. 2, 2000 Palermo Convention.



la mafia restituisce il moltiplo



Grazie all'impegno di LIBERA e di tanti cittadini che ci hanno sostenuto, i beni confiscati ai mafiosi torneranno alle comunità locali attraverso servizi, scuole e lavoro. Fino a ieri era solo un sogno, oggi è una legge dello Stato. Adesso impegniamoci perché sia rispettata ed applicata.





1 Social reuse of confiscated property new challenges toward civil economy and the common good

Italy's regulatory and judicial experience in tackling the expropriation of mafia assets represents an example at the European and international level, thanks to the commitment of the pertinent institutions, and the "virtuous circle" of social reuse of the many properties returned to the community.

Forty years have passed by since the approval and implementation of the Italian Law 646\1982, which introduced the crime of mafia-type criminal conspiracy and the seizure and confiscation of assets of illicit origin, strongly desired and carried out by **Pio La Torre**, a trade unionist and politician killed by the mafia in Palermo (along with Rosario Di Salvo) on April 30, 1982.

There have been confiscations of assets from criminal organisations in every region of the peninsula without exception. More than **1,000 municipalities** (40% of which are located in central and northern Italy) have acquired in their possessions such as land and real estate - villas, apartments, warehouses, garages and other buildings that are the result of illicit reinvestment of the wealth accumulated by mafia organisations and other forms of economic and financial crime and corruption.

There are more than **950 social entities** from Lombardy to Sicily that have been assigned confiscated properties by municipalities. Many of them have been dedicated to the memory of innocent victims of the mafia and are involved first-hand in their management with the goal of increasing welfare and wider inclusion, cooperative promo-

tion and social economy, youth aggregation and better services to people, urban regeneration and environmental sustainability.

Twenty-six years after the approval of Law **109 of 1996**, the result of a collection of more than one million signatures in 1995, therefore certainly possible to draw conclusions, highlighting first and foremost the perks of what institutions, local authorities, associations and schools can reach when they collaborate. The ever-growing inventory of movable, immovable and corporate assets seized and confiscated from mafias, economic crime and corruption can make a significant contribution to post-pandemic social recovery, especially if there is an ability to quickly return these assets to the community.

Making territorial communities aware of the importance of their own actions, especially in the planning phase of public policies, actors and interlocutors of administrations, and proactive subjects of the social reuse process, is one of the objectives that has yet to be fully achieved.

At the European level, the approval of Directive 42 of 2014 of the European Parliament, and the Council on confiscation of proceeds of crime in the European Union proved to be a turning point in jurisprudence on the topic, urging EU countries to adopt measures that allow confiscated assets to be used for purposes of public or social interest. This achievement was made possible thanks to a long political action by Libera aimed at impacting on the European public agenda by mobilising civil society in EU Member States on issues





such as reconversion of confiscated assets. This has been possible by building up citizen awareness and bottom-up commitment, which are key ingredients to successfully fighting mafias at a societal and cultural level, as shown in Italy. This stage also marked an important moment for Italy, because of the opportunity to introduce other European countries to its regulatory model on asset forfeiture that proved to be virtuous and therefore set an example for foreign legislators.

Research that Libera conducted shows that **19 Member States of the EU** (out of 27) can rely on specific legislation to use confiscated property for public interests or social purposes. More than half of EU members confirmed that they have a specific institutional body specifically addressing the issue of managing confiscated property. This leads to a more effective management of the procedure that allows property to be reused for public and social purposes, as the Agenzia Nazionale does in Italy. Most of the 19 Member States only experimented with the public conversion of property seized by State authorities, emphasising that it is a first step to also improve the social reuse (in a direct or indirect way) of confiscated property in the future. Good practices of public and social reuse of confiscated property are now part of the good practices of **7 Member States** (Belgium, Bulgaria, Spain, Romania, France, the Netherlands and - of course - Italy). A total of **13 public and social reuse experiences can be found across the European Union**, excluding those in Italy: three in Spain, two in Romania, two in Bulgaria, four in Belgium, and one in both France and the Netherlands. Among the different reuse practices included in the mapping, what they all have in common is a goal of inclusion, cooperative promotion and social economy, youth engagement, people services, urban regeneration and environmental sustainability.

In the legislations of Latin American countries, measures quite similar to seizure and confiscation already exist and are called *incautación* and *decomiso*. Most countries, including Colombia, Mexico, Argentina, Guatemala, Peru, Paraguay,

and Bolivia, have incorporated them into their legal systems since the 1980s as a strategy to counter the expansion of criminal organisations by cutting their economic and financial means. In the absence of specific legislation providing for the crime of “mafia-type criminal organisation” and the consequent expropriation of assets, seizure and confiscation in Latin America apply on movable and immovable property of illicit origin, tied to particularly serious crimes such as drug trafficking or trafficking in human beings, federal-type crimes, or more generally in cases stemming from organised crime, as described in the 2000 Palermo Convention.

To date, there is also a small number of “spontaneous” experiences of social reuse on the continent, possible thanks to the commitment of a few magistrates and their ability to give extensive interpretation to the current legislation.

Interest in this topic is particularly alive within the Red ALAS - *América Latina Alternativa Social*, the Latin American network promoted by Libera, to which more than 60 entities from 12 countries on the continent adhere. Among the prominent results achieved, we can mention the following ones: article 43 of the Constitution of the State of Mexico City, which guarantees public and social reuse as a compensatory formula for victims of crime; the recommendation contained in the final report of the “Comisión de la Verdad” in Colombia; and the impulsion, in Argentina, of the “Bien Restituido” project, aimed at writing a piece of federal legislation on the issue of confiscation and public and social reuse.





2 Civic vigilance and the fight against corruption forms of collaboration between State authorities, institutions for the prevention of corruption and the monitoring civil society

The Palermo Convention (later inspiring charts such as the UNCAC) sets the goal of promoting integrity and fighting corruption in Articles 8 and 9. It does so primarily from a criminal law perspective, simultaneously setting rules about the prevention of malfeasance by urging cooperation among States. This mandate will be particularly deepened by UNCAC, adding the perspective of civil society as a useful subject for such cooperation.

In fact, the Palermo Convention is historically and globally the first international agreement that urges States to implement a piece of legislation that explicitly regulates this matter, vehemently establishing a connection between corruption and organised crime that has otherwise already been proved and explored by international criminal law.

At the same time, this Convention also pushed start-of-the-century Libera into the direction of investing more resources on the anti-corruption

front, enabling the organisation visibility outside national borders, where the public discourse about the mafias was not as central as in Italy.

In fact, the keystone of the common fight against criminality allows for a better understanding of how mafias secure covert exchange through their ability to exert a power to control these kinds of illegal markets and territories. This makes it clearer to non-Italians what mafia-like criminal organisations actually are.

Since 2000, forms of cooperation between institutions and civil society have often become a reality, with mixed fortunes. It is important to draw a portrait of such forms of collaboration without hiding the critical issues, but also pointing out how an international law has provided a legal framework for such actions. It is therefore necessary to address contemporary forms of collaboration between anti-corruption institutions, maladministration prevention institutions and civil society monitoring organisations. In this regard, the role of the UNODC, following the Palermo Convention and the more recent UNCAC on the one hand, and anti-corruption action (carried out in particular by civil society) at the global level, on the other, become central to the interplay among these entities and in their common front against criminality. A closer look at specific cases, such as the current situation in Guatemala and Malta, will also serve to corroborate this analysis.







Analysis and insights: from condemnation to proposal

CROSS

3 International trafficking

the evolution of illegal activities related to drugs, weapons, and people

By analysing war not only as a clash between ethnic groups, but also as mafia business, i.e., a colliding strategy of factions competing against each other, a fundamental component of “artificiality” emerges in the current process of violent disintegration. This key to interpretation also allows us to downplay the widely held thesis about the inevitability of the recent dramatic events. Finally, it allows us to highlight Western responsibilities in the trafficking that fanned and fueled the conflict.

Paolo Rumiz

It is pivotal in the fight against mafias and corruption at the global level to draw attention to the three main international trafficking types - **weapon trafficking**, given the magnitude of military expenditures in many States and the outbreak of new conflicts; **drug trafficking**, as it is still the most profitable market; and **human trafficking**, which represents a serious violation of human rights.

Illicit trafficking is the primary source of livelihood for criminal organisations and can take the form of the exchange of goods or services that can either be illicit or not, but are always carried out by violating procedures and regulations laid down by countries.

The main illicit markets we usually focus on are trafficking in arms, narcotics and human beings because these three domains are extensively common in many countries, with an impact that is not only economical but socially relevant, as they involve generalised violence. Nevertheless, all kinds of trafficking are unified by some common features; in fact, in addition to being hugely lucrative for the criminal organisations that set

them up, they profit from globalisation, state legislations, regulatory gaps, free markets and the breaking down of borders. Moreover, all illegal markets follow certain routes that are repeated regardless of what is being trafficked.

The lack of cooperation between States, the absence of common legislation, the political, social, and economic instability of a nation, the presence of wars, poverty and social inequality are all phenomena that make fertile ground for the proliferation of organised criminal groups and the development of the trafficking they manage.

Arms trafficking is one of the most complicated to track. The various legislations, the different categories of arms, the ineffectiveness of the tracking system in import and export, and the non-depletion of arms make a full analysis difficult, but the smuggled weapons, once they reach their destination, enable criminal groups and mafia and terrorist organizations to carry out attacks, subjugate the population, and maintain control of a given territory and implement guerrilla warfare. The additional protocol to the Palermo Convention “Firearms Programme Protocol” (dated 2001 and into force from 2005 with 119 joining States) against the illicit manufacturing and trafficking in firearms, ammunition, their parts and components, establishes administrative control measures that participant States must comply with, to be complied by States Parties and aims to foster transparency on the traceability of weapons, from manufacturer to purchaser, through cooperation between States, the monitoring of flows and the inclusion of both preventive security and criminal justice measures.

The transparency barometer, reported in “THE





2021 SMALL ARMS TRADE TRANSPARENCY BAROMETER”, has values ranging from 0 to 25 and, according to this research, only five States currently have a value above 20 (UK, Serbia, Netherlands, Germany, Switzerland), thus complying more than adequately with what the regulations require. Close to 0, and thus absolute violators of transparency standards, are Israel, Saudi Arabia, Iran, North Korea and Taiwan. All other States are in the range of 7 to 17, with a world average of 12.4.

Trafficked arms follow the same routes as those used for smuggling migrants and for other illicit trafficking: those coming from the United States tend to be directed to Mexico and from there through definition South America. Those coming from the European continent transit through several EU countries and then generally end their journey in Africa and the Middle East. **Italy is a producer as well as a transit and destination country for trafficking:** Italian organised crime is active both as a trafficker and as a buyer in the illegal arms trade; to the point that Europol has listed the *‘ndrangheta* as one of the largest criminal groups involved in the illegal arms trade, together with Albanian criminal groups.¹ The production of “light” weapons is a key business for Italy. Every year, since 2006, an average of **700 million new weapons** have been produced and 90% are sold abroad. Our country is among the top three in the world in terms of export volume.²

Italian companies have abundantly supplied the Mexican market, a country that is experiencing an unprecedented humanitarian emergency, with an annual average of ten thousand pistols/revolvers and over a thousand rifles. In particular, between 2007 and 2018, the Beretta Group sold 26,150 automatic assault rifles; 18,685 semi-automatic pistols; 1,775 long guns and 303 precision rifles to the Mexican army, generating revenue of at least USD 26.8 million. During the same timeframe, Fiocchi Munizioni exported 270 tonnes of

ammunition worth EUR 1.5 million. Between 2011 and 2016, the US Department of Justice counted approximately 74,500 firearms manufactured or sold in the United States recovered at various crime scenes in Mexico; in fact, the United States is the main legal supplier as well as the country from which approximately 70% of the illegal weapons on Mexican soil originate. In 2020 alone, 80% of the weapons imported into Mexico were of US origin (Global Exchange et al. 2020).

With regard to drug trafficking, studies that have been carried out confirm that the production and marketing of drugs remain areas of great interest for criminal organisations. Unlike marijuana, which is cultivated in many countries, the production of cocaine and opium has to be subject to a number of climatic constraints: cocaine is usually produced in South America along the Andean chain (mainly in Colombia and Peru); while opium is mainly produced in the countries of the Golden Crescent (Afghanistan, Pakistan and Iran) and the Golden Triangle (Myanmar, Laos and Thailand). The next step after production is trade, and Mexico, in addition to being the largest producer of opium on the American continent, is one of the main States involved in the storage and transit of cocaine produced in South America and bound for the United States.

In Italy, the *‘ndrangheta* is the dominant mafia organisation in trafficking, due to its members being scattered in both drug production and storage, and has therefore consolidated a significant role in international drug trafficking.

According to the 2022 annual report by the Central Directorate for Anti-Drug Services on the activities and results achieved in the fight against drug trafficking, in our country, the number of law enforcement activities continues to be affected by the pandemic crisis in some respects: the number of operations conducted in 2021 (21,318) is 6.53%

¹ AA.VV., Locatelli A., Terrorismo, criminalità e contrabbando. Gli affari dei jihadisti tra Medio Oriente, Africa ed Europa, a cura di De Stefano C., Santori E., Trento I. S., Soveria Mannelli (Catanzaro), Rubbettino, 2019, pp. 150.

² https://docs.google.com/document/d/1d5y5Cy_kcvFbWBm9XIQAFxyujK_Odz/edit



less than in 2020 (22,808). However, the figures for drug seizures show a clear increase over the previous year: from 59 tonnes seized in 2020, it rose to 91 tonnes in 2021, with a percentage increase of 54.04%, which, due to a significant increase in seizures of cocaine (from 13.5 tonnes seized in 2020 to 20 tonnes in 2021) and cannabis derivatives, represents the fourth highest result since 2000. The trend in the first months of this year seems to confirm the significant increase in the volumes seized from the illicit market.

The amount of drugs seized also increased in other European States, including Spain, where the 14 tonnes seized in March and April 2020 were six times higher than the previous year during the same period, and Belgium with 18 tonnes, six more than the previous year.

The emergency situation unleashed by Covid-19 also strongly affected the drug-producing states. In fact, in Peru, the difficulty in transporting the product and the lack of chemical precursors led to a surplus of coca leaves, resulting in a drastic drop in the price, from EUR 60 to EUR 10 per arroba (1 arroba = 11.5 kg of leaves) and consequently causing the wholesale price to halve compared to the pre-pandemic years, reaching around 400 dollars per kg.

When analyzing the phenomenon of human trafficking, we must start from a premise: trafficking involves a serious violation of human rights and must be differentiated from migrant smuggling. Although the two terms are often confused, trade of human beings (so-called trafficking) is quite different from smuggling. Smuggling is a crime against the State that involves the willingness and consent of the subject to illegally cross the borders of a State in return for payment of a sum of money. Trafficking, on the contrary, involves the exploitation of a human being without his or her consent and is therefore a crime against the

person. Migrants are not exploited by the smuggler once they have crossed the border illegally; on the contrary, we can say that the negotiating relationship between the two (service in return for payment) has a fixed duration because it ends once they enter another country. In contrast, trafficking, which does not necessarily require the crossing of a border, implies the continued and indefinite exploitation of the victims, especially once they have reached their destination.

Twenty years after the UN's Palermo Convention and its Additional Protocol on Preventing, Suppressing and Combating Trafficking in Persons, 90% of UN Member States have defined and criminalised the phenomenon in their national legislation. The pandemic has strongly influenced not only the trafficking of drugs but also the phenomenon of human trafficking; in fact, as the UNODC States in the 2020 "Global Report on Trafficking in Persons", due to Covid-19 there has been an increase in poverty which consequently increases the vulnerability of women, men and children to trafficking. The Global Report reports 49,032 trafficked persons in 2018, in particular it reports that on average out of every ten trafficked persons five are adult women and two are girls. **Therefore, in most cases victims are female**, although this may change according to different geographical capacities to investigate and record trafficking. According to data compiled by UNODC, adult women are the main victims of trafficking in many States, with the exception of North Africa and the Middle East, where the number of male victims exceeds the number of female victims. Data of 2018, the latest available at the moment, confirms the trend of the last few years of a 30% increase in child victims. 77% of women and 72% of female children victims of trafficking are sexually exploited, while for men and male children labor exploitation prevails, with 67% and 66% respectively.





4 Right to truth victims and the construction of collective memory

Since its foundation, Libera has set itself the goal of keeping alive the memory of the innocent victims of the mafias, starting with the right to each person's name. These are individual stories, but, gathered together, they tell a piece of the collective history of our country. In fact, more and more names of international victims are included in the long list that is read publicly every **21st of March**, the National Day of Memory and Commitment in Remembrance of Innocent Victims of the Mafia.

Out of **1055 names, 47 are international victims**. Among them, mainly young migrants from Africa and Eastern Europe, who died at the hands of caporalato (forced labour) in the countryside of Puglia and the province of Caserta. But also magistrates, like Pierre Michel, activists like Luc Nkulula, and above all journalists. **10 journalists were killed at the hands of the mafia** in different parts of the world, from Russia to Somalia, from Malta to Lebanon. Among them, **6 women**.

While the commitment on the international front is mostly concerned with the reconstruction of the victims' stories and activities to keep their memory alive, for several years now, it has also bridged memories between the families of Italian and foreign victims.

On several occasions, family members from different countries have met, sharing a common commitment to memory and justice that crosses all borders, transforming individual personal grief into the awareness that criminal violence strikes in every part of the world.

Day after day, memory paths have developed between Italy, Argentina, Colombia, Bosnia, Albania, Germany, France, Malta, Tunisia, the Democratic Republic of Congo, and many other

countries. Different historical, political, social and cultural contexts are connected to build paths of collective memory and fight common battles for the rights of victims and their families.

In these almost **thirty years of commitment**, the hundreds of victims we have met in the different corners of the world have one common denominator: the absence of truth and justice within the judicial process. We can estimate that over 80% of innocent victims of mafias have not received truth and justice, or only partial justice, through due process.

In our legal system, family members themselves are considered victims, but in order to have access to the so-called "benefits" provided, it is necessary to obtain the status of innocent victim of the mafia, which is only possible with a defined trial outcome. This reflection makes us look beyond Europe: in 2012, the European Union issued the Directive 29 on the safeguarding of the





rights, assistance and protection of victims of violent crimes, that always refers to rights and never to benefits, and so they should also be considered in our country.

We therefore feel an urgent need to put the victim, understood as a person with rights and needs, back at the centre of the discussion. There is a need to change the very sense of the measures provided for victims, moving from the definition of “benefits” to that of “rights”, starting with the right to the truth, which concerns not only those who have suffered the loss of a loved one, but all of us.

This right is not clearly recognized by our legal system, but in the context of international conventions it is evident that our country must look to it in order to fill a considerable gap.

Reflection on the right to truth has led us to increasingly turn our gaze beyond Europe, in particular to some South American countries. The very serious crimes against humanity, such as those committed in Colombia and Argentina, have determined important paths, which shape the double dimension of the right to truth, i.e. individual and collective. The establishment of Truth Commissions or other similar mechanisms in many countries where human rights violations have been strong and constant, has in fact led to realise that **the search for truth** regarding crimes against humanity is necessary to strengthen peace and is a fundamental part of the social reconciliation processes.

The right to truth is strongly linked to the other fundamental rights of the person and has both an individual and a social dimension, precisely because it belongs to everyone, not only to the victim’s family. It must therefore be considered an inalienable right that cannot be subject to limitations.





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Via Giuseppe Marcora, 18/20 - 00153 Roma
PI: 06523941000 | CF: 97116440583

Area Internazionale

tel. 06/69770333-36
international@libera.it



Organizzazione

tel. 06/69770326
organizzazione@libera.it
presidenza@libera.it

Ufficio stampa & Comunicazione

tel. 06/69770328
redazione@libera.it
ufficiostampa@libera.it
comunicazione@libera.it

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