

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

**CONSIDERATION AND INSIGHTS**

**LIBERA**

ASSOCIAZIONI, NOMI E NUMERI  
**CONTRO LE MAFIE**



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CENTRO DI RICERCA

Palermo 2022  
28 | 29 ottobre

Il corso è riservato agli studenti universitari e ai laureati in Lettere, Giurisprudenza, Scienze Politiche, Scienze Sociali, Scienze della Comunicazione e Scienze della Formazione.

La giornata si svolge nella sede della Libera Università di Palermo a night.





On October 29th and 30th 2022, Libera promoted two days of workshops in Palermo for an international and multidisciplinary reflection after over 20 years since the Palermo Convention for the fight against transnational organized crime.

It was a significant moment to analyse in a critical and rational way the last decades of conflict with mafias and corruption, to turn our attention to the commitments during a final change of course (as it was defined during the event) for national and supranational involved institutions, to achievements and to difficulties that still limit a combined action of means, measures and countries. A first analysis of the topic was carried out during the event kick-off through a presentation document showing the context<sup>1</sup>.

During these days there was an exchange enriched by different voices within a hybrid format that allowed the presence, both in person and virtual, of many entities that took part in the 2000 Convention as well as of others born years later.

The event name “CROSS” points out the meaning of crossing of knowledge and actions, a reflection of what Libera has always strongly believed in: the importance of widening the perspective and combining the political level, the technical-cognitive element and the social foundation, whose expression is the participation of responsible and

vigilant citizenship. Therefore, the essential role of young generations that will write the future scenario and the valuable contribution of mafias victims’ relatives, who strengthen the state of law in their respective countries while looking for truth and justice.

International commitment has always been a priority for Libera<sup>2</sup>, and a path that brings some results, such as the creation of three important international networks (Alas, Change, Place), the approval of the European Directive regarding seizure and confiscation of profits of crime, the realization of projects<sup>3</sup> whose aim is to strengthen and coordinate the entities that both in Italy and abroad are committed in the fight against corruption, in promoting social use of confiscated properties, in creating networking among young people, in supporting mafias’ victims and in perspectives of inclusion and emancipation. On a transnational level, the cooperation with the European institutions and the alliance with organisations such as OSCE, UNODC, Global Initiative Against Transnational Organized Crime (Gi-TOC) and International Land Coalition, among others, point to the importance of combining the different paths of the entities in order to create new ones together.

In Palermo, members of the institutions with representatives of social organizations and of the academic world

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<sup>1</sup> [Cross - booklet](#)

<sup>2</sup> [Libera Internazionale](#)

<sup>3</sup> [Cross - Speaker corner](#)

met in a local, national and international environment that allowed a dynamic analysis.

As always happens during Libera initiatives, the reflection and the analysis brought to a plan of proposals and recommendations, addressed both to institutions and civil society, in the light of the ongoing changes and the challenges of the years to come. **This range of proposals is in line with what stood out during ExtraLibera<sup>4</sup>, an initiative that outlined the work priorities in dialogue with the competent realities.**

The proposals establish a transnational civic agenda, hoping that it will be employed by the international community and that will be presented to institutional headquarters and international organisations.

The proposals linked to these fields are combined with the work of the three networks promoted by Libera - ALAS America Latina Alternativa Social, in Latin America, CHANCE Civil Hub AgaiNst Organised Crime in Europe and PLACE Peace and Liberation in Africa through Change and Engagement in Sub-Saharan Africa - that in these years have elaborated political and action agenda focused on building common proposals to encourage competent organisations launching their own actions to make them appropriate and efficient.

As Libera's president Luigi Ciotti remembered, after the days of workshopse<sup>5</sup> it is important to feed fantasy and creativity, to contaminate and contaminate each other. The vision of the Palermo Convention must be preserved as a peculiar characteristic of Libera and all the other organizations involved in the commitment to social justice and the rights against mafia and corruption. Likewise, it must be emphasized the necessary transition of enlarging the perimeter of action going out from the respective comfort zones to meet other perspectives: different countries and fields carry on the same battles. It is all about organising and creating prevention and operation measures to move citizenship towards a new consciousness, in a transversal and wider perspective.

The CROSS programme was structured in four areas. Hereafter, the proposals from each panel.

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<sup>4</sup> [Extralibera - Contromafiecorruzione](#)

<sup>5</sup> it is possible to review the live streaming of the event on [Youtube](#) together with a [summary video](#)

## 1

# Social reuse of confiscated assets new challenges toward civil economy and the common good

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 30th, 1982.

Research that Libera conducted shows that 19 Member States of the European Union can rely on specific legislation on the use of the confiscated assets for public interest or social purposes. Most of the 19 Member States only experimented with the public conversion of assets seized by State authorities, emphasizing that it is a first step to also improve the social reuse (in a direct or indirect way) of confiscated assets in the future. A total of 13 public and social reuse experiences can be found across the European Union, excluding those in Italy: 3 in Spain, 2 in Romania, 2 in Bulgaria, 4 in Belgium, and one each in 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 organizations by cutting their economic and financial means. In the absence of specific legislation providing for the crime of “mafia-type criminal organization” and the consequent expropriation of assets, seizure and confiscation in Latin America apply on movable and immovable assets 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 organized crime, as described in the 2000 Palermo Convention.

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; the impulsion, in Argentina, of the “Bien Restituido” project, and the proposal of federal legislation on the issue of confiscation and public and social reuse.

**1. Transparency on confiscation and reuse data for bigger participation of the non-profit world.**

We want the confiscation and destination procedures of confiscated assets to observe the principles of publicity and transparency, promising a perspective of bottom-up democratic participation.

**2. Public funds, both national and European, supporting the whole process of reuse.**

We want calls for European funds that can influence not only the value appreciation of the real estate but also the start-up and administrative phase of the social experience.

**3. A European action supporting the direct, public, and social reuse of confiscated assets from organized crime. We ask European Union to assert the importance of encouraging Member States to public and social reuse of confiscated assets, stating the indirect reuse as the last solution after the destination.**

**4. Civil society, on an international level, as a driver for change.**

We suggest including the principles of participatory planning and the direct involvement of ONG as requirements for all the public normative interventions of public and private financial support.



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

The UN Convention against Transnational Organised Crime (UNTOC, known also as Palermo Convention), later inspiring other international charters, sets the goal of promoting integrity and fighting corruption in Articles 8 and 9. It does so primarily from a criminal law perspective but also sets rules about the prevention of malfeasance by urging cooperation among States. This mandate is particularly deepened by the UN Convention against Corruption (UNCAC, known also as Merida Convention), where it will also add the perspective of civil society as a useful subject for such cooperation.

The Palermo Convention is historically and globally (the situation is different on a European level) 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 organized crime of mafia-type.

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 organizations actually are.

Since 2000, forms of cooperation between institutions and between them 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 international law has provided a legal framework for such actions.

1. Updating international charters focused on organized crime and corruption, with the integration of an efficient and advanced definition of the connection between these two phenomena.

Currently, organized crime and corruption are often linked in international charters such as UNTOC and UNCAC but without clarifying their functional nature and their connection.

Including this aspect in international charters would allow to carry out cutting-edge norms that take into consideration this relationship. This would also allow to simplify the understanding of the criminal mafia-type phenomenon in systems that are not fully developed in this matter yet.

2. Considering, in international charters, a direct and evident integration of civil society participation in the form of civic monitoring, public spending and public politics supervision governance.

Currently, the participation of civil society in the governance of public spending and public decisions/politics supervision has still failed to comply.

The civic monitoring, based on the right to know and on accountability, in the international charters, must be recognized not as general guidelines but as a structured procedure, encouraged by national and international institutions. Moreover, it must be considered essential in case of significant public spending (e.g., Recovery and Resilience Facility of EU Member States).

- prevention practice of malfeasance, that must be complementary and not optional to institutional measures;
- restorative justice measure (and/or transitional in countries at a stage of democratization) which return power to the civil society (that is the victim/injured party) in relation to the direct and indirect costs produced by public corruption.

3. Modelling of good practices of cooperation between preventive institutions, repression entities and civil society based on real experience around UNTOC and UNCAC

Libera is committed to:

- map existing international practices of civic and institutional cooperation towards the prevention of corruption, identifying strengths and weaknesses of each one of them

- study UNTOC and UNCAC review mechanisms to find relevant experiences

- develop cooperation models, based on the best practices identified, and proposing them to national and international institutions to comply with suggestion 2 (see above)

4. Supporting the creation of an international civic watchdog network on a global level, a network of individuals that recognize themselves in this definition and that can guarantee mutual support.

Libera is committed to:

- map practices and subjects which are carrying civic monitoring actions on an international level;

- create a network, both on a regional and a global scale, between similar experiences that can be embraced by the same definition, in order to guarantee an exchange of practices and mutual support/encouragement, especially where the cooperation between States on this matter is not possible;

- suggest the Italian model of “monitoring communities”, an experience based on a monitoring approach, as sustainable, efficient and impactful civic monitoring.



# 3 International trafficking

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

Illicit trafficking is the primary source of livelihood for criminal organizations 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.

It is pivotal in the fight against mafias and corruption at the global level to draw attention on the three main international trafficking types - weapon trafficking, drug trafficking, and human trafficking.

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 organized 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. The additional protocol to the Palermo Convention

“Firearms Programme Protocol” against the illicit manufacturing and trafficking in firearms, ammunition, their parts and components, establishes administrative control measures that participant States must comply with and aims to foster transparency on the traceability of weapons, from manufacturer to purchaser, through cooperation between States, monitoring of flows and the inclusion of both preventive security and criminal justice measures.

Italy is a producer as well as a transit and destination country for trafficking: Italian organized 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.

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 organizations.

In Italy, the ‘ndrangheta is the dominant mafia organization in trafficking, due to its members and brokers 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% less than in 2020 (22,808). However, the figures for drug seizures show a clear increase over the previous year, with a percentage increase of 54.04%, which represents the fourth-highest result since 2000.

Lastly, the phenomenon of human trafficking. This phenomenon must be differentiated from migrant smuggling, which 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: it does not necessarily require the crossing of a border, but implies an ongoing 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 criminalized 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. In most cases victims are female, although this may change according to different geographical capacities to investigate and record trafficking.





1. Awareness campaign and mapping of central trafficking hubs in order to find contact points with the worldwide presence of Libera network and increase civic involvement.

2. Promoting on an institutional level the typification of weapon trafficking, which is often an invisible phenomenon but with a huge impact on a national and local level.

3. Advocacy actions at European institutions and reference transnational organizations to promote actions that summon transparency of information/data related to trafficking and drugs, weapons and people marketing.

4. Writing an annual thematic report, sharing data and information arising from the work of international networks promoted by Libera.

5. Organizing webinars with countries' representatives to create a general transnational debate on trafficking with constant updates thanks to the presence of the network organizations and the relationship with the institutions.

# 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 all tell a piece of the collective history of our country and beyond. 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 mostly concerned the reconstruction of the victims' stories and activities to keep their memory alive,

Libera has also promoted the building of bridges of memory between the families of Italian and foreign victims, sharing a common commitment to memory and justice that crosses all borders.

Day after day, memory paths have developed between Italy, Argentina, Colombia, Albania, Germany, France, Tunisia, and many other countries. Different historical, political, social and cultural contexts, but 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 a 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.

There is an urgent need to put the victim, understood as a person with rights and needs, back at the centre of the discussion, 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 realize 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.





1. Promoting a public debate on the victims' rights, especially on the right to truth. Carrying on with the "Diritti Vivi" campaign through different means and communication languages: podcasts, family video testimonies, artistic languages, research, articles and other investigations that have to be published and spread through social and web channels, starting from [vivi.libera.it](http://vivi.libera.it). Content translation to allow the distribution among other international networks.

2. Consolidation of the national and international network for the right to truth and the memory of innocent crime victims. Investigating the stories of international victims; organizing confrontation moments with entities committed in the fight for the right to truth and the creation of collective memory, both on a national and international level; creating a workshop, joined by victims' families and activists of networks that deal with victims' rights on a national and international level, constantly committed to suggest efficient interventions.

### 3. Advocacy

Organizing moments of analysis, information and confrontation with experts, family members and entities committed to the victims' rights, both on a national and international level.

Creating a group that works together with interested associations on a normative reorganisation regarding the victims' rights, starting with the recognition of the right to truth as an inalienable right.



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