

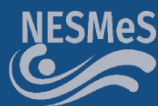


UNIVERSITÀ  
DEGLI STUDI  
DI PALERMO  
Dipartimento di  
Giurisprudenza

# Research NESMeS

THE NEW ERA OF SMUGGLING  
IN THE MEDITERRANEAN SEA

CYCLE OF SEMINARS 2019





## THE NEW ERA OF SMUGGLING IN THE MEDITERRANEAN SEA

*The Project "The New Era of Smuggling in the Mediterranean Sea" (NESMeS) intends to better understand the interactions between different kinds of illicit traffics (e.g. human trafficking, drugs trafficking and cigarette smuggling) committed by organized criminality within the Mediterranean Sea, with specific regards to 5 Countries: Italy, Spain, Portugal, Germany and Greece and in the general framework of EU.*

*The research is carried out by a team of Scholars and Professors of the University of Palermo: Prof. Vincenzo Militello (Project Leader), Prof. Alessandro Spina, Prof. Licia Siracusa and Prof. Annalisa Mangiaracina, together with three Research Post-Doc Fellows, Valentina Punzo, Riccardo Omodei and Salvatore Orlando.*

*In order to widen the research and collect materials and experiences, the cycle of seminar will convene international experts and prominent academics and scholars. The seminars will allow the project team to better understand the different approaches to the issues and to discuss with different points of view the first research-outcomes.*

*Unless otherwise announced, seminar venue will be Aula Circolare A.A. Romano, University of Palermo, Department of Law.*

 [www.unipa.it/nesmes.pmi](http://www.unipa.it/nesmes.pmi)

The Project is funded by PMI IMPACT, a global grant initiative by Philip Morris International to support projects dedicated to fighting illicit trade and related crimes.



## C Y C L E O F S E M I N A R S 2 0 1 9

### KEY-SPEAKERS

- Manuel Cancio Melia, *Universidad Autonoma de Madrid*
- Izabella Cooper, *Frontex*
- Mirentxu Corcoy, *Universitat de Barcelona (UB)*
- Juan Carlos Hortal, *Universitat de Barcelona (UB)*
- Antonio La Spina, *LUISS, Rome*
- Teresa Manso, *Freiburg and Universitat Oberta de Catalunya*
- Anabela Miranda Rodriguez, *Universidade de Coimbra*
- Valsamis Mitsilegas, *Queen Mary University, London*
- John Vervaele, *Utrecht Law School*
- Till Bettels, *Prosecutor's Office, Offenburg, Germany*
- Benjamin Vogel, *Freiburg*
- Sigfried Wittwer, *Customs Office, Germany*

### OTHER SPEAKERS

**Antonio Balsamo**, *Permanent Representative to United Nations, Wien* | **Alessandro Carrozzo**, *Colonel, Financial Police, Palermo* | **Lucilla Cassarino**, *Customs and Border Protection Office, Palermo* | **Francesco Del Grosso**, *Police Officer, Palermo* | **Giuseppe Di Chiara**, *University of Palermo* | **Roberto Conti**, *Court of Cassation, Rome* | **Calogero Ferrara**, *Prosecutor's Office, Palermo* | **Claudia Ferrari**, *Prosecutor's Office, Palermo* | **Federica La Chioma**, *Prosecutor's Office, Palermo* | **Paola Maggio**, *University of Palermo* | **Lucia Parlato**, *University of Palermo* | **Simona Ragazzi**, *Preliminary investigation Judge, Catania* | **Giorgia Righi**, *Prosecutor's Office, Palermo* | **Dario Scaletta**, *Prosecutor's Office, Palermo* | **Cosmo Virgilio**, *Colonel, Financial Police, Palermo* |



## LECTURES

### *Date and Coordinator*

### *Speakers*

### *Topics*

**1 March 2019 (FRI)**  
3 pm

Vincenzo Militello

*Key speaker*  
BENJAMIN VOGEL

Dario Scaletta

1. *The proceeds of illicit traffics: Anti-money laundering and the changing face of public-private cooperation.*

**7 March 2019 (THU)**  
10 am

Alessandro Spena

*Key speaker*  
VALSAMIS MITSILEGAS

Simona Ragazzi

2. *Criminalising Humanitarianism? The criminalisation of migrant smuggling between international and European law.*

**14 March 2019 (THU)**  
10 am

Vincenzo Militello

*Key speaker*  
MANUEL CANCIO MELIA

Cosmo Virgilio

3. *The phenomenon of drug trafficking between new drugs and old legal paradigms.*

**18 March 2019 (MON)**  
3 pm

Licia Siracusa

*Key speakers*  
MIRENXXU CORCOY BIDASOLO  
JUAN CARLOS HORTAL

Alessandro Carrozzo

4. *Irregular immigration, human trafficking and Criminal law: the Spanish experience.*

**22 March 2019 (FRI)**  
3 pm

Licia Siracusa

*Key speaker*  
ANTONIO LA SPINA

Calogero Ferrara  
Francesco Del Grosso

5. *The role of organized criminality in the illicit trafficking in the Mediterranean Area: from drug trafficking to cigarette smuggling and from arms trafficking to migrant smuggling.*

**28 March 2019 (FRI)**  
3 pm

Vincenzo Militello

*Key speaker*  
TERESA MANSO

Giorgia Righi

6. *Multilevel criminal policy against trafficking of human beings and smuggling of migrants.*



| <i>Date and Coordinator</i>        | <i>Speakers</i>   | <i>Topics</i>  |
|------------------------------------|---|--|
| <b>4 April 2019 (THU)</b><br>10 am | <i>Key speaker</i><br>SIGFRIED WITTWER  | 7. <i>Cigarette Smuggling as a crossborder crime, between yesterday and today.</i>                           |
| Annalisa Mangiaracina              | Claudia Ferrari<br>Lucilla Cassarino  |  |
| <b>5 April 2019 (FRI)</b><br>3 pm  | <i>Key speaker</i><br>ANABELA MIRANDA RODRIGUES   | 8. <i>New developments in international cooperation against smuggling: a critical approach.</i>              |
| Alessandro Spena                   | Federica La Chioma  |  |
| <b>12 April 2019 (FRI)</b><br>3 pm | <i>Key speaker</i><br>IZABELLA COOPER   | 9. <i>The mandate, activities and the challenges of Frontex, the European border and coast guard agency.</i> |
| Alessandro Spena                   | Giuseppe Di Chiara  |  |
| <b>16 April 2019 (TUE)</b><br>3 pm | <i>Key speaker</i><br>JOHN VERVAELE   | 10. <i>The “atypical” evidence in the multilevel legal system.</i>   |
| Annalisa Mangiaracina              | Federica La Chioma<br>Lucia Parlato   |  |
| <b>29 April 2019 (MON)</b><br>3 pm | <i>Key speaker</i><br>TILL BETTELS  | 11. <i>The prosecution of organized crime in Germany: substantive and procedural aspects.</i>                |
| Annalisa Mangiaracina              | Paola Maggio  |  |
| <b>6 May 2019 (TUE)</b><br>3 pm    | ROBERTO CONTI<br>ANTONIO BALSAMO  | 12. <i>Concluding round table: New European challenges in the fight against illicit trafficking</i>          |
| Vincenzo Militello                 | Representatives of Sicilian Financial Police and Carabinieri<br>Project Team and Research Fellows |  |

## T O P I C S

### 1. THE PROCEEDS OF ILLICIT TRAFFICS: ANTI-MONEY LAUNDERING AND THE CHANGING FACE OF PUBLIC-PRIVATE COOPERATION

The session will be devoted to analysing the money laundering as crucial aspect of the illicit traffics: the legal counteraction will be examined both at an international and at domestic level.

### 2. CRIMINALIZING HUMANITARIANISM? THE CRIMINALISATION OF MIGRANT SMUGGLING BETWEEN INTERNATIONAL AND EUROPEAN LAW

This session will be devoted to discussing the moral and legal relevance of migration. In particular, the following questions will be discussed: is there a right to migrate? Do States have the right to limit and control immigration? And if yes, to what extent does this right go? How do EU Member States treat immigration? Do they recognize it as a right? Do they criminalize irregular migration?

### 3. THE PHENOMENON OF DRUG TRAFFICKING BETWEEN NEW DRUGS AND OLD LEGAL PARADIGMS

The Session will be devoted to analysing the drug trafficking phenomenon both from a criminological and from a juridical point of view. From a criminological perspective will be examined the new dimension of the phenomenon, taking into account the routes, the substances and the criminality involved. From a juridical point of view the seminar, among other things, will investigate the suitability of the prohibition model, with a particular focus on the criminalization of the drugs use.

### 4. ILLEGAL IMMIGRATION, TRAFFICKING AND CRIMINAL LAW: THE SPANISH EXPERIENCE

The seminar will be devoted to analysing the smuggling criminal offence in Spain in all its different facets. This analysis will be carried on taking into account also the International and European law.



**5. THE ROLE OF ORGANIZED CRIMINALITY IN THE ILLICIT TRAFFICKING IN THE MEDITERRANEAN AREA: FROM DRUG TRAFFICKING TO CIGARETTE SMUGGLING; FROM ARMS TRAFFICKING TO MIGRANT SMUGGLING**

The topic will be developed from a socio-criminological perspective with a specific attention on the analysis of the organizational models adopted by criminal groups. The seminar discusses the role of organized criminality and the organizational methods by criminal groups devoted to the illicit trafficking considered.

**6. MULTILEVEL CRIMINAL POLICY AGAINST TRAFFICKING OF HUMAN BEINGS AND SMUGGLING OF MIGRANTS**

The Seminar will be devoted to analysing the relation between the trafficking and smuggling criminal offences. Among other things, the lecture will focus on the international legal framework, with a particular attention to the UN and EU norms.

**7. CIGARETTE SMUGGLING AS A CROSSBORDER CRIME YESTERDAY AND TODAY**

The seminar will be focused on cigarette smuggling in Germany. A starting point of the lecture will be the empirical complexity of the phenomenon (statistics from the German customs) to which the analysis of the features and current development of cigarette trafficking will follow as well as the discussion of smuggling of tobacco as the source of funding for transnational crime.

**8. NEW DEVELOPMENTS IN INTERNATIONAL COOPERATION TO FIGHT SMUGGLING: A CRITICAL APPROACH**

The seminar will be devoted to a critical perspective of the recent development in the international cooperation in criminal matters with specific focus in the fight against smuggling of goods and people. An investigative approach will be also taken into account through concrete cases conducted by police agents and prosecutors.

## **9. THE MANDATE, ACTIVITIES AND THE CHALLENGES OF FRONTEX, THE EUROPEAN BORDER AND COAST GUARD AGENCY**

The seminar gives an overview of the initiatives undertaken by the EU to assist Member States affected by strong migratory pressure from 2015 up to now. It covers the operational activities conducted by Frontex, the results achieved, as well as the most recent developments affecting the agency. It also looks deeper into the question whether border control per se is sufficient to address the migratory crises. The analysis will take into consideration both humanitarian and security aspects of migration management.

## **10. THE “ATYPICAL” EVIDENCE IN THE MULTILEVEL LEGAL SYSTEM**

The seminar will discuss the more relevant criminal procedure facets related to the illicit traffics. Special consideration will be given to the “new” evidence available both at the EU and at the Member States considered level.

## **11. THE PROSECUTION OF ORGANIZED CRIME IN GERMANY: SUBSTANTIVE AND PROCEDURAL ASPECTS**

The seminar will focus on the prosecution of organized smuggling of migrants and goods, such as narcotics and cigarettes. Firstly, it will examine the substantive concepts of criminal association and gang-like or commercial commission of crimes. Secondly it will present the recent tightening of non-conviction-based-confiscation in German criminal law.

## **12. CONCLUDING ROUND TABLE: NEW EUROPEAN CHALLENGES IN THE FIGHT AGAINST ILLICIT TRAFFICKING**

The concluding seminar tries to sum up the reflections and ideas gathered during the seminars cycle. The discussion will be devoted to outline new perspectives of criminal policy to improve the fight and the prevention of the forms of cross-border crimes in a European dimension. A public disclosure of the research outcome is expected.