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Investigative methods and techniques to combat environmental crimes

Today perhaps more than ever before humanity has to face the dramatic consequences of a model of development based on the savage and indiscriminate exploitation of our planet's resources and environmental crime is part of this global emergency.

In Italy, in the last fifteen years, important "anti-pollution" legislation has been introduced to protect the environment.

One of the most impacted sectors is waste management which has always attracted mafia interest, even more so during this Pandemic emergency.

The criminal groups are increasingly moving the waste disposal phase to foreign countries that allow them to operate more cheaply and freely.

Illegal waste management has taken on a new level of organization that involves all stages of the chain, with a transnational dimension.

To stop this transnational dimension is important that all states have homogeneous legislation with effective investigative tools and appropriately severe penalties, such as we have now in Italy where the illicit management of waste in an organized form is punished as a specific offense: the crime of organized waste trafficking.

Since 2010, Italy has included this offense to those punishable as "organized crime".

This was a major game changer.

Why?

Because this change allows us to apply all the investigative methods and tools provided by the Palermo Convention such as electronic surveillance, controlled delivery, undercover operations, asset freezing and confiscation.

The Convention provides that not only the natural persons who commit such a crime but also the legal persons who have profited from it are liable for the crime.

A further tool is the protection of those involved in waste trafficking, who decide to collaborate with investigators.

In Italy there is a specific law which provides a program of protection and assistance for collaborators of justice.

Furthermore, while more serious penalties are provided for organized crimes, a significant reduction of the sentence is available for defendants who agree to collaborate.

Such investigative techniques and tools can operate in the international arena only if there is collaboration between the States involved.

The purpose of the Palermo Convention is to promote cooperation to prevent and combat transnational organized crime more effectively.

The first level is that of police cooperation, characterized by the spontaneous exchange of information between the judicial police forces of the different States involved.

The second level, which is normally after the first, is that of mutual legal assistance, with the establishment of direct relations between the judicial authorities involved.

The third level, the most advanced, is represented by the Joint Investigation Teams, provided for the Palermo Convention.

This last instrument would be particularly effective in combatting waste trafficking, spanning and involving several states.

In this case, the investigators of the individual States would become part of a single team and carry out the investigation together, with a common investigative project and with the sharing of the evidence collected. This is very important because in this way a State would be able to collect and use evidence provided by other countries that its own legal system may not provide for.

Environmental crime is a global emergency.

Combating this terrible threat is only possible if all States classify environmental crimes as organized crime in order to fully activate the instruments, approach, and methods provided by the Palermo Convention.

In this way we can all work together, as one great team.

I believe this is the winning strategy that we must consider for the future.

Giuseppe Gatti
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