



## *Direzione Nazionale Antimafia e Antiterrorismo*

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The growing transnational nature of criminal phenomena and the negative impact of organised crime on democratic institutions and their correct functioning call for a strengthened dialogue and action among the different States' Judiciary Authorities and, more generally, they impose to rethink international relations dynamics.

Only practical international cooperation (formal and informal, bi- and multilateral, horizontal and vertical, among judiciaries and law enforcement) can provide the proper tools to tackle organised crime, which takes advantage of the existing gaps among national legal frameworks and operational standards.

Along with the latter, all the actions and initiatives needed to prepare, strengthen and assist judicial and police cooperation must be enhanced.

These activities are fundamental to raising common standards to prevent and fight against organised crime and terrorism at a multilateral level. They reflect in capacity-building initiatives and technical assistance aligning the efficiency levels of the institutions and professionals in this sector.

In this perspective, meetings like this one, which offers a networking opportunity among sectoral experts and the possibility to share their expertise with their peers from other legal systems, are intended to lead to a multilateral legal harmonisation and, therefore, represent essential steps to strengthening our fight against transnational organised crime.

In this regard, the National Antimafia and Antiterrorism Directorate has cultivated a fabric of relations with the countries' central judicial bodies (and its counterparties, where possible) where a major or more urgent need existed to establish immediate and practical collaborations at the investigative level. From the Countries of America Latina (concerning drug trafficking) to the Balkanic Countries (concerning human, weapon, drug trafficking and other offences), from African Countries to the Middle and Far Eastern ones. A series of formal agreements (with the ratification of tailored *Memorandums of*

*understanding*) intended to establish faster and immediate intelligence exchange procedures among judiciaries of different Countries, to allow continuous confrontation on procedural matters, and to share strategies to tackle criminal phenomena of global and common concern.

This cooperation system, fuelled by hundreds of study visits, allowed the DNA to explain the Italian Antimafia model and its legal, organisational, operational and technological aspects to international delegations (judges, parliamentary and government representatives and law enforcement officers).

The Italian Legislator also recognised the relevance of the Prosecutor's Offices' active and passive rogatory activities when investigating criminal, mafia or terrorist organisations. Such activities are immediately brought to the attention of the DNA, serving as a collection and processing hub for intelligence on investigations against organised crime.

Moreover, in the meantime, preferential collaboration channels have been opened with Eurojust and, more recently, with EPPO through specific memorandums of understanding (for the first time in the European area) designed to promote joint institutional and operative partnerships in support of investigations on offences of transnational nature. This support also resulted in the creation of JITs (Joint Investigation Teams), to which the DNA has offered practical judicial assistance.

We wish increasing dissemination of JITs among the Countries affected by transnational crime, as they represent a tool to overcome the challenges related to existing legal gaps among judicial systems.

Against this backdrop, launching parallel investigations in Countries tackling the same criminal phenomenon is essential. Successful similar experiences – some based on bilateral agreements - have already started and brought extraordinarily positive results, such as Albania and Switzerland.

A particularly positive experience was promoting the role of magistrates, a judge from non-EU countries appointed to facilitate relationships among the countries' judicial authorities involved in specific investigations. Such professionals are also entitled to take part in investigative and judicial activities coordinated by the DNA. This new asset, encouraged and financially supported by UNODC, marks the end of simple information exchange among international investigating judges and paves the way to *coworking* approaches,

helping to establish common strategies and creating shared judicial cultures. On this ground, international cooperation concretely develops. Intelligence exchange among Judicial Authorities, Investigative Agencies and Central Authorities, data and information processing and continuous outcomes and experience sharing among experts from different Countries are the starting point to launch fruitful judicial and police cooperation. Recently, the National Antimafia and Antiterrorism Directorate has ratified Agreements of Mutual Collaboration with Argentina, Perù and Colombia on drug trafficking. The Memorandums focus on the detection, trial and sentencing of serious organised crime offences and the recovery of unlawful profits. They also provide for the establishment of working groups to analyse matters of common interest and coordinate cooperation strategies; followed by the constitution of JITs and the identification of common contact points to ease communications. Over the last three years (2020/2023), 25 rogatory letters (active and passive – mainly active) are in place. They rely on the regulations of the United Nations Convention against Transnational Organised Crime (UNTOC) and have involved several Countries, including the United States, Argentina, Colombia, Ecuador and others. Undoubtedly, the successful outcome of the letter rogatory is directly linked to the cooperative relations between the states and the agreements and/or exchanges that must appropriately precede the sending of the request for judicial assistance.

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