



Corso di laurea in International Relations

Cattedra: Heritage, Tourism and Sustainable Economic Development Policies

The Sicilian Mafia and the Illicit Trafficking of Cultural Property

The case study of Matteo Messina Denaro

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Anno Accademico 2023/2024

*A mio nonno e ai suoi insegnamenti, il nostro “tesoro culturale” che
la morte ha cercato di trafugare,
vivrà per sempre in me.*

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INTRODUCTION

Art. 9 of the Italian Constitution:

"The Republic promotes the development of culture and scientific and technical research. It protects the landscape and the historical and artistic heritage of the Nation. Protects the environment, biodiversity and ecosystems, including in the interest of future generations".

Italy represents a singular case on the international scene for the extent of its cultural and artistic heritage, a historical legacy that crosses thousands of years and has helped define national identity. However, this extraordinary wealth has made the country a prime target for the illicit trafficking of cultural property, a phenomenon that not only pauperizes cultural heritage, but also feeds global criminal networks.

This thesis research aims to analyze the impact of the illicit trafficking of cultural properties that are part of the Italian national heritage, exploring the connections with the most active criminal organizations in the sector and the role of national and international institutions in addressing this phenomenon.

In particular, the analysis focuses on Italy's best-known criminal organization, the Sicilian mafia organization called Cosa Nostra, that use the illegal trafficking of works of art as a means of laundering and financing other illicit activities. An emblematic case of the link between Sicilian Mafia and illicit trafficking in cultural property is the figure of Matteo Messina Denaro, one of Cosa Nostra's most recent and influential bosses. His activities were not limited to traditional forms of mafia crime, but included a strong interest in art, using stolen works as a means of exchange and money laundering. His fugitive status, which lasted decades, allowed him to run illicit deals on an international scale, making him a key figure in the cultural goods trafficking scene.

The case of Matteo Messina Denaro shows how the Sicilian Mafia has been able to adapt to the new dynamics of transnational crime, exploiting cultural heritage not only for economic purposes but also as a means of influence and power. The analysis of his activities provides a better understanding of the strategies adopted by organized crime in the art sector and the challenges institutions face in effectively countering the

phenomenon.

The protection of the Italian cultural heritage is not only a matter of national pride, but also a central issue in international relations, involving institutions such as UNESCO, Interpol and the European Union in the fight against the illicit trafficking of artworks and archaeological artifacts.

The debate on contrasting the illicit trade in cultural property is part of a broader international policy context, as it requires a shared commitment among governments, intergovernmental organizations and civil society. The growing awareness of the importance of cultural heritage as an element of identity and a factor in sustainable development makes it even more urgent to adopt effective measures to counter the criminal activities that threaten it. In this scenario, Italy, with its history and experience in cultural heritage protection, can take the lead in promoting innovative policies and strategies at the global level.

In light of the above, the thesis addresses this topic in 4 chapters.

In the first one I decide to explore the impact of illicit cultural property trafficking in Italy, focusing on the presence of illegal activities and the “archeomafia” phenomenon. Chapter 2 traces the history, structure, and evolution of Cosa Nostra, highlighting its strategies of territorial control and its connections with art trafficking. Chapter 3 examines the figure of Matteo Messina Denaro and his key role in the illicit trade of cultural artifacts. Finally, chapter 4 reviews law enforcement strategies at global, international, and national levels to combat this crime.

Be aware that the secret of art is to correct nature. (Voltaire)

Chapter 1. The Impact of Illicit Trafficking on Italian Cultural Heritage

Introduction

“Italy, a paradise inhabited by devils” is a quote by Henry Wotton and refers to the extraordinary beauty of Italy, a country rich in art and culture but at the same time marked by corruption, immorality and other negative forces that undermine its perfection.

Nowadays, the cultural heritage of Italy, celebrated worldwide for its abundance of archaeological treasures and artistic masterpieces, is under constant threat from illicit trafficking.

In this chapter, I will explore the multifaceted impact of these criminal activities, starting from the UNESCO Convention concerning the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Cultural Property. Then, there will be the description of the mechanisms of illicit trafficking, examining the significant role of organized crime in exploiting these treasures. Focusing particularly on the role of Italian organized crime and the phenomenon of “archeomafia”, this chapter examines how such groups exploit cultural properties not only for financial gain but also as tools for money laundering, bartering, and exerting social influence. The vulnerabilities of Italy’s immense heritage make it a prime target for these activities. At the end, I will analyze the parallels and contrasts between the two main Italy’s criminal organizations, Camorra and Cosa Nostra by examining famous art theft cases such as the theft of Van Gogh's masterpieces and Caravaggio's *Nativity*. This comparison will highlight their differing approaches to exploiting cultural heritage.

1. The 1970 UNESCO Convention Concerning the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Cultural Property

To properly understand the main object and the problem of the illicit trafficking, it is essential to take into account the UNESCO convention that governs and explains this matter. The 1970 UNESCO Convention, formally called the Convention Concerning the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Cultural Property, is an international instrument adopted in November 1970, to combat the illicit trade in cultural property and to promote international cooperation in the protection of cultural heritage. The Convention was created in response to the growing illegal trade in cultural property, with the aim of preventing unauthorized export, ensuring the return of stolen property and strengthening cooperation among states.

Among its main provisions, the Convention defines cultural property as objects of historical, artistic, archaeological, ethnographic, scientific and religious value, and establishes obligations for member states. For example, some obligations for member states are specified in Article 5, which calls on states to establish specialized services for the protection of cultural heritage, maintain up-to-date inventories of cultural property, promote educational campaigns, and take measures to prevent theft and illicit trafficking. Article 6 stipulates that each state must prohibit the export of cultural property without the appropriate authorization and ensure that such authorizations are clearly documented. Article 7 requires states to take necessary measures to prevent the import of stolen cultural property from museums, religious or public institutions. It also provides for cooperation among states to return such goods to the countries of origin. In the area of international cooperation, Article 9 allows states to request international assistance in the event of danger to their cultural heritage, while Article 13 promotes bilateral agreements for the repatriation of stolen goods¹.

The Convention, which applies only to states that have ratified it and to goods exported after its entry into force, has had a significant impact, encouraging many countries to

¹ UNESCO (1970) *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property*.

strengthen their laws and create protection mechanisms. However, its effectiveness can be limited by its non-retroactivity and the need for close international cooperation.

Today, the 1970 Convention continues to be a key reference in the fight against illicit trafficking in cultural property, especially in the contexts of armed conflict, illegal archaeological excavations and online trade, standing alongside other international initiatives such as the 1954 Hague Convention and the 1995 UNIDROIT Convention.

However, it is important to emphasize the high social and economic significance of cultural heritage. It represents the basis of a sustainable competitive advantage that must be fostered and protected. This aspect requires, both legally and economically, a concrete commitment to the optimal management, enhancement and promotion of it. To ensure the protection of an asset, it is necessary to define and classify it as “cultural,” thus recognizing its historical and artistic value. The concept of cultural property refers to a material element, a “res,” that belongs to culture and history, representing significant evidence of a people's civilization². Indeed, historically every artifact possesses intrinsic value, but the concept of cultural heritage goes far beyond the individual object: it finds its deepest meaning in the relationship between artifacts and their context of origin. “When archaeological artifacts or works of art are taken from their environment through clandestine excavation or theft and are transformed into almost meaningless objects, similar to fragments of a melody that, torn from the original score, can no longer recreate its complete harmony”³.

The Nicosia Convention emphasizes how cultural heritage should be conceived in a broader sense than its material dimension. “The word cultural implies a definite responsibility to our past, our origins, our roots, and from here we must mature an awareness of the inalienable necessity of its defense. Defending our history means protecting our future, the values of a people and the sense of being a community.”⁴ Consequently, it is clear that any action of deliberate destruction or removal of archaeological artifacts and works of art from their original context must be considered a real crime. It is a criminal act, against the territory from which these goods originate, the

² Commissione Franceschini (1967) *Rapporto finale della Commissione d'indagine per la tutela e la valorizzazione del patrimonio storico, archeologico, artistico e del paesaggio*.

³ UNESCO (1970) *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property*.

⁴ Council of Europe (2017), *Convention on Offences relating to Cultural Property*, Convention of Nicosia

local community rooted in it, and its cultural identity, which is based on an awareness of its own historical heritage. However, the impact of such actions is not limited to the local context: wherever they occur, they constitute harm to all of humanity.⁵ A clandestine excavation, which leads to the irreversible loss of the original context and the information it holds, as well as an act of destruction or theft, which prevent the enjoyment of a cultural asset, deprive the community of an irreplaceable part of collective history. These acts not only erase material objects but also rob humanity of fragments of its global memory and knowledge.

1.2 “Art has always attracted criminals.”⁶

The art world has always held a strong fascination for criminals, and this is no coincidence: the art market is one of the richest and most dynamic sectors in the world. In recent decades, the value of goods classifiable as “artistic artifacts” has grown significantly, turning this sector into an area of great attraction not only for experienced investors and enthusiastic collectors, but also for criminal organizations seeking high profits. According to recent estimates, although rough due to the large obscure figure and inherent variability in the value of stolen items, the cultural property market could generate earnings of more than \$2 billion annually⁷. Moreover, this market is frequently distinguished by its transnational nature. This interest is confirmed by the disturbing data released during the G7 Rome-Lyon Group meeting held in October 2017. On that occasion, UNESCO delegate Edouard Planche stated that “the illicit trafficking in the art world is worth \$8 billion annually, with annual revenues for trafficking in cultural goods amounting to 1.8-1.6 billion.”⁸ Of this, between \$1.6 billion and \$1.8 billion comes directly from the illicit trade in cultural goods, as reported in Global Financing Integrity's Transnational Crime and the Developing World Report 2017.

⁵ *Idem*

⁶ Di Nicola, A. and Savona, E.U., (1998). *Tendenze Internazionali di traffico di opere d'arte e politiche di contrasto*.

⁷ Campbell, A., (2013). 'The illicit antiquities trade as a transnational criminal network: characterizing and anticipating trafficking of cultural heritage', International Journal of Cultural Property

⁸ Giardini, G., (2017). 'G7 Roma-Lione: vale 8 miliardi il mercato nero dell'arte', Il Sole 24 Ore

In light of this data, the illicit art trade ranks as the third most profitable illegal sector globally, preceded only by narcotics and arms trafficking.⁹

2. Main features of the illicit trafficking of cultural property

The illicit trafficking of cultural property can be divided into three main categories. The first is art theft, which includes both thefts of famous works, often motivated by political reasons or ransom demands, but most thefts involve works of lesser value. The second category concerns art fraud, which includes forgeries, that is, works created to resemble originals, and counterfeits, copies presented as authentic. Finally, the third category concerns the looting and trafficking of archaeological goods, a phenomenon related to illegal excavations at known or unknown archaeological sites and the sale of the finds. This area is the most studied due to the availability of more readily accessible information than theft and fraud, as the finds are easier to trace and analyze due to their antiquity.

One of the aspects of illicit art trafficking is often its ambiguous position between legal and illegal trade, a feature that distinguishes it from other illicit trafficking, such as heroin trafficking, where this overlap does not occur. As Dennis Cosgrove, head of the Border Management and Security Unit at the OSCE's Transnational Threats Department, points out, this interconnectedness is a source of numerous risks: “The overlap between the two areas not only makes it more difficult to detect and combat illicit activities, but it is increasingly intertwined with other criminal trafficking, such as arms trafficking, human trafficking and migrant smuggling”¹⁰. These traffics often share the same routes and logistical networks, creating a complex web of illegal activities that feed off each other over time, amplifying the challenges for authorities and increasing the social, economic and security implications globally.

An important feature to consider concerns the object of illicit trafficking itself.

“A cultural asset can be used as a tool for money laundering, can be traded for weapons or drugs, or used to finance terrorist activities. Its value is intrinsic and assured, making it a safe investment. In addition to the economic aspects, it is important to note that a cultural asset also carries a symbolic value that transcends the monetary one. Indeed,

⁹ Zurlo, S., (2015). *L'arte è il nuovo affare della mafia*, Il Giornale

¹⁰ OSCE (2016). *Come il commercio illecito di opere d'arte e di artigianato ci sta violentemente defraudando*, Comunità di Sicurezza, 2

mafia organizations have been able to take great advantage of the symbolic power of these assets, using them not only for their economic value, but also for the power they wield on a social and cultural level”¹¹.

Another significant aspect of illicit art trafficking is that, compared to other criminal activities, the risk associated with this practice is relatively small and the penalties involved have long been minimal.

This phenomenon is distinguished by several typical crimes, including illegal excavation of archaeological artifacts, art theft, forgery, and illicit export of cultural property. In addition to these more common crimes, which represent the main modes of illicit trafficking, there are also specific environmental characteristics that influence the performance of these illicit activities. Indeed, the behavior of those who engage in such crimes is strongly influenced by the context in which they operate, which depends on the geographical areas of interest or local conditions. “Certain contextual factors can greatly reduce the risks associated with criminal actions, such as the ease of border crossing, the absence of adequate criminal legislation on the subject, the lack or insufficiency of law enforcement resources, and poor documentation of art objects”¹². These elements make it extremely difficult to trace the provenance of works, thus hindering the identification of perpetrators of crimes.

Also interesting to analyze are the criteria followed by the actors involved in the illicit trafficking of works of art. Criminal organizations tend to focus on valuable objects that are located in unprotected places, those that are easily transported, concealable and resalable, or those that possess special media relevance. “Under the strategy of indiscriminate looting, poor countries or those with a large archaeological heritage become prime targets. Countries that boast a particularly abundant heritage of artifacts, where valuable works can be stolen with relatively minimal effort, such as Italy and Greece, are common destinations for criminal organizations. Economic value, on the other hand, explains crime's intense interest in paintings by the great European masters and famous artists, whose high valuation has increased considerably since the postwar

¹¹ Ceschi, G. (2019). *Il ruolo della criminalità organizzata nel traffico illecito di opere d'arte*. Rivista Di Studi E Ricerche Sulla Criminalità Organizzata

¹² Di Nicola, A. and Savona, E.U., (1998). *Tendenze Internazionali di traffico di opere d'arte e politiche di contrasto*.

period. In addition, the criterion related to demand from individual buyers helps motivate the theft of high value works of art, often taken at the request of private collectors”¹³.

2.1 “A commercial chain”

The central figures in the illicit art trafficking business network are complex.

Often, in the case of mafia organizations, they do not manage the traffic directly but use intermediaries and highly specialized professionals. “It is precisely this distance between criminal organizations and the direct trafficking of artifacts that makes it difficult to identify mafia actors in the illegal art world.”¹⁴

At the base of the pyramid, in fact, we find the so-called “*tombaroli*”, whose activity varies depending on their area of operation. As pointed out in 2013 by British researcher Peter B. Campbell, professor of cultural heritage protection at Cranfield University, in an article published in the scientific journal *International Journal of Cultural Property*, *tombaroli* - a term also adopted in international academic research - were distinguished from other casual traffickers by the stability of their connections with smugglers. Within the criminal network, although organized, there was generally no hierarchy, but rather a structure based on the specialization of roles in the various stages of the illicit traffic.

According to Stefano Alessandrini report, *tombaroli* dig holes between graves to locate valuables to steal. “If they can spot an interesting piece through the hole, they enter the adjacent grave and widen the opening, thus continuing in a destructive process”¹⁵. The damage these individuals cause is incalculable and irreparable: it is not just stealing a valuable object, but violating the history of a site and an object, a history that can never be reconstructed again. “*Tombaroli*” operate on behalf of middlemen, usually domestically, who then link up with international middlemen¹⁶.

After appropriating the property, the criminal organization uses intermediaries, i.e., individuals who are highly qualified in history and art, such as, for example, art dealers.

¹³ Ceschi, G. (2019). *Il ruolo della criminalità organizzata nel traffico illecito di opere d’arte*. Rivista Di Studi E Ricerche Sulla Criminalità Organizzata

¹⁴ Direzione Nazionale Antimafia, (2012). *Relazione sulle attività svolte dal Procuratore nazionale antimafia e dalla Direzione nazionale antimafia nonché sulle dinamiche e strategie della criminalità organizzata di tipo mafioso nel periodo 1° luglio 2011 – 30 giugno 2012*, p. 407.

¹⁵ Giammaria, D., (2018). *Ladri di Bellezza*, Petrolino, Rai 3, [television broadcast].

¹⁶ Ceschi, G. (2019). *Il ruolo della criminalità organizzata nel traffico illecito di opere d’arte*. Rivista Di Studi E Ricerche Sulla Criminalità Organizzata

The latter works in order to introduce the asset to the market, attributing to it a semblance of lawfulness. In most cases, such maneuvering is carried out through the use of Auction Houses, as they cause the asset to be resold without making specific and meticulous investigations into its provenance.

Instead, at the top of this hierarchical structure can be prestigious foreign museums, renowned collectors, art galleries, and wealthy academics, who are the ultimate buyers of the stolen goods. These actors are crucial in the illicit market, as they could serve as the link between illegal trade and the legal art market. They can be described as “*white-collar tombaroli*”¹⁷, who, while not directly participating in looting, are complicit in crimes against cultural heritage simply by ignoring the provenance of artifacts and works of art of dubious origin. “Museums, auction houses, and art galleries, in addition to serving as distribution channels for the legitimate market, also help determine the value of artworks offered for sale. Major auction houses, for example, auction off hundreds of objects in a few hours, with an auction open to anyone. Often, very little information is provided in auction catalogs about the objects for sale, sometimes only a general reference to provenance and, in many cases, no details about the origin or dating of the pieces”¹⁸.

Organized crime is thus ubiquitous throughout the commercial chain that transfers works of art from the black market to the legal market, acting through different channels and in different ways to pursue economic, political or symbolic ends. Its influence extends to every level of the supply chain, making the fight against this phenomenon even more complex.

3. Italy, an open-air museum

To date, UNESCO has recognized 1,223 sites worldwide, comprising 952 cultural sites, 231 natural sites, and 40 mixed sites across 168 countries. Italy currently boasts the highest number of World Heritage sites, with 60 (59 in total, including 53 cultural and 6 natural) located within its borders¹⁹. More than 4,000 museums, 6,000 archaeological

¹⁷ Di Nicola, A. and Savona, E.U., (1998). *Tendenze Internazionali di traffico di opere d'arte e politiche di contrasto*.

¹⁸ Ceschi, G. (2019). *Il ruolo della criminalità organizzata nel traffico illecito di opere d'arte*. Rivista Di Studi E Ricerche Sulla Criminalità Organizzata

¹⁹ Data from UNESCO Italy - UNESCO World Heritage Centre.

areas, 85,000 churches subject to protection, and 40,000 historic residences surveyed. Italy is an “open-air museum” with its coastlines, reserves and natural landscapes. For every 100 km² in Italy, there are on average more than 33 surveyed properties. 18 percent of Italy's territory-more than 55,000 square kilometers-is subject to state protection activities²⁰.

The Italian Constitution assigns cultural heritage an absolutely central role, enshrining it among the fundamental principles. Indeed, Article 9 states that “*the Republic promotes the development of culture and scientific and technical research. It shall protect the landscape and the historical and artistic heritage of the Nation.*” This protection is so relevant that the Constituent Fathers wanted to include it among those supreme principles that cannot be altered or distorted, not even through a constitutional revision process. On the contrary, such principles can only be improved and enriched in their meaning. An idea forcefully reiterated by Carlo Azeglio Ciampi, former President of the Italian Republic, who in 2003, during his speech at the Quirinale for the awarding of gold medals to the well-deserving of culture and art, emphasized, “The national identity of Italians is based on the awareness of being custodians of a unitary cultural heritage that has no equal in the world.”

Specifically, in the Italian legislative context, the definition of “cultural good” is established in the Code of Cultural Heritage and Landscape, also known as the Urbani Code, named after its main promoter. This definition is contained, in particular, in Articles 2 and 10 of Legislative Decree No. 42 of January 22, 2004:

1. Cultural heritage consists of cultural property and landscape property.
2. Cultural property is immovable and movable things which, in accordance with Articles 10 and 11, are of artistic, historical, archaeological, ethno-anthropological, archival and bibliographic interest and other things identified by or under the law as evidence having civilizational value.
3. Landscape properties are those properties and areas specified in Article 134, constituting expressions of the historical, cultural, natural, morphological and aesthetic values of the territory, and other property identified by or under the law.

²⁰ Risparmiamocelo. (2017). *Quanto vale il patrimonio culturale e ambientale italiano?*

4. Cultural heritage assets belonging to the public are intended for the enjoyment of the community, consistent with the needs of institutional use and provided that they do not preclude reasons of protection.

It is clear that public cultural property is registered in the State Property and it is, therefore, attributable to the Italian people, for which the Public Administration (archives, museum, library, Superintendency), as custodian, must guarantee safekeeping. For those attributable, on the other hand, to private individuals or commercial companies - for the purpose of qualifying as an asset having cultural interest - a specific declaration by formal notification from a P.A. is required, which not only brings the asset under the discipline of cultural property but, even, itself attributes the requirement of cultural nature to the asset under attention.²¹

Therefore, Italy is widely recognized as a country of origin for cultural goods. This does not imply that the passage of such goods through the territory does not take place or that Italy is not a final destination for some of them, but in terms of the number of crimes related to cultural property, it is clear that the country has an extraordinarily large artistic and cultural heritage, which makes it particularly vulnerable to significant damage²².

Since after World War II, Italy has been one of the countries most involved in the illicit trafficking of cultural property for two main reasons. On the one hand, the extraordinary wealth of Italy's archaeological, artistic and cultural heritage, which has allowed it to hold the world record for the number of monuments recognized by UNESCO as World Heritage Sites. On the other hand, Italy has a high level of organized crime. It is difficult to imagine that trafficking in archaeological artifacts and works of art is separate from mafia organizations, for several factors. One of the hallmarks of mafias is the control of illicit and profitable activities in the territories of their influence. For this reason, it seems unlikely that a business so profitable, and moreover less risky than drug trafficking, would escape their supervision or be left entirely in the hands of groups of a different nature.

According to the Parliamentary Anti-Mafia Commission, the economic value of assets stolen through clandestine excavations and thefts between 2014 and 2017 exceeds 270 million euros. The Final Report of the Parliamentary Commission of Inquiry into the phenomenon of mafias and other criminal associations, approved on February 7, 2018,

²¹ Veronese, B. *Patrimonio culturale: definizione, gestione e valorizzazione*.

²² Venezia, L. (2020) 'Il traffico illecito di beni culturali', *DirittoConsenso*.

showed that the problem of attacks on national cultural heritage and the subsequent commercialization of stolen goods remains persistent. In fact, in the period 2014-2017, the Carabinieri's Cultural Heritage Protection Command (TPC) recovered more than 90,000 goods, including antiques, archival documents and books, and seized more than 130,000 archaeological artifacts, with a total estimated value of about 270 million euros²³. Investigations revealed that trafficking in historical artifacts from archaeological excavations or stealing artworks from museums and private collections are rarely the work of lone criminals. Rather, frequently these activities are carried out by well-structured criminal organizations capable of managing both the theft and the subsequent international disposal of the stolen goods and related laundering operations.

3.1 “Archeomafia”

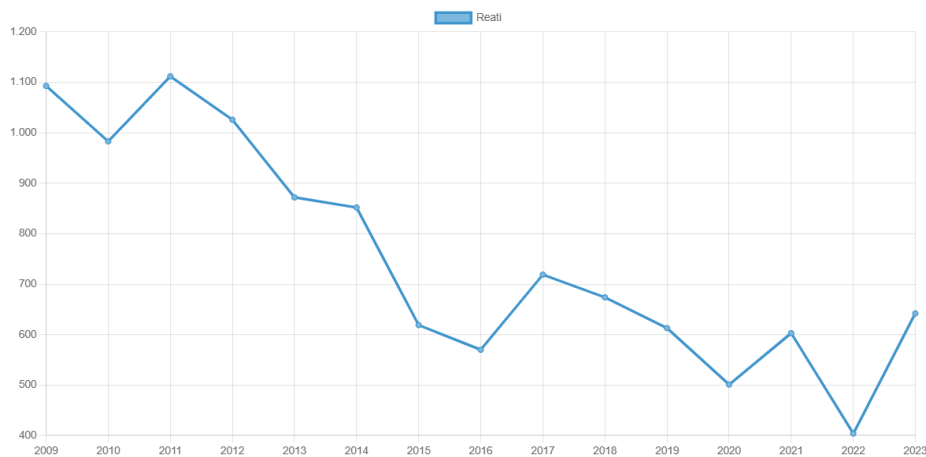
The association Legambiente, with the 1999 Ecomafia Report, coined the term “*archeomafia*,”²⁴ which is now commonly employed by the doctrine with the purpose of referring to all criminal organizations dedicated to the illicit trafficking of works of art, resulting in the export and marketing of illegally stolen goods. Since the 1970s, the phenomenon of “*archeomafia*” has taken hold in Italy. The motivations for criminality to enter the illegal art world are many. First, there is the intent to launder illicit gains through the buying and selling of antiquities or archaeological artifacts. Second, there is the possibility of making easy profits through theft, illegal excavation, trafficking or fencing stolen works of art. Another reason is the use of cultural goods as a means of bartering other goods, such as drugs or weapons, or for gaining advantages and consensus, such as donating a painting or archaeological artifact. In fact, according to sources, mafia organizations have also used cultural property as a means of blackmail against institutions, as demonstrated by the 1993 attacks on historic buildings in Florence, Rome and Milan, aimed at forcing the state to revise Article 41 bis of the penal code²⁵. The causes of the spread of art-related crimes are thus multiple and often interconnected, with a central role played by the evolution of international organized crime, which is constantly seeking new and original methods for laundering dishonestly accumulated profits.

²³ Keiron. (2021) *Illeciti a regola d'arte: le nuove frontiere delle archeomafie*. Tra i Leoni.

²⁴ Legambiente. (2023). *Archeomafia*. NoEcomafia Legambiente.

²⁵ Maniscalco, F. (n.d). *Le Archeomafie: origini, problematiche e possibili strategie di contrasto*.

On July 24, 2024, Legambiente published the Ecomafia 2024 report, showing a worrying 58.9 percent increase in art thefts in Italy in 2023, with a total of 642 cases.²⁶ This increase was observed not only by the Carabinieri of the Comando Tutela Patrimonio Culturale (TPC), but also by other law enforcement agencies, including the Guardia di Finanza, the Polizia di Stato and the Capitanerie di Porto.



Source: Legambiente processing of law enforcement and Capitaneria di Porto data

The most affected regions were Sardinia (19.6 percent of the national total), followed by Sicily, Lazio, Campania and Puglia. This alarming trend suggests a growing link between mafia organizations and the illicit trade in artworks, especially in regions traditionally influenced by organized crime.

In addition, the report showed an increase in complaints (+12.4 percent), seizures (+184.9 percent) and arrests (+84.6 percent) related to crimes against cultural heritage. These data indicate increasing illegal activity in the sector, with a significant impact on Italy's artistic heritage. These developments underscore the need to strengthen protection and law enforcement measures against illicit trafficking in works of art in order to preserve the country's rich cultural heritage.

3.2 Insight: The looting of archaeological property

In order to better understand the topics I will discuss in the next chapter, it is necessary to delve into how and why the theft of archaeological property occurs.

²⁶ Il Sole 24 Ore. (2024). *Legambiente svela il vero volume del traffico illecito di opere*.

In the context of art-related crimes, trafficking in archaeological artifacts is the most lucrative and secure, due to strong market demand and weak national and international regulations. Although archaeological looting is a global problem, it mainly occurs in countries in political crisis or affected by armed conflict, such as in the Balkan regions, Cyprus, Mali, Nigeria, Nepal and Afghanistan²⁷. In some cases, trafficking in cultural property is intertwined with drug trafficking, especially when the objects come from drug-producing areas.

Archaeological looting is also typical of mafia organizations, such as Cosa Nostra in Italy, and will be taken up several times in the next chapter.

As analyzed in Fabio Maniscalco's report, the looting of archaeological artifacts has three phases: the theft of the artifacts, their transfer, and their sale. Theft may be occasional, but it often occurs systematically by organized groups that use tools such as metal detectors to locate sites to plunder, while accomplices keep watch to avoid law enforcement intervention. In some cases, construction operators and landowners also fail to report archaeological finds to avoid expropriation, facilitating illicit trade. The transfer phase may be carried out directly by excavators or, when the objects are to be exported, by specialized couriers, often linked to organized crime, who manage to evade customs controls. The objects are sold through networks of fences who place them on the international market, often through collectors, auction houses or museums. Italy's archaeological heritage is particularly vulnerable to looting, given the large number of sites scattered throughout the country. National legislation punishes unauthorized archaeological searches and the seizure of cultural property belonging to the state with penalties ranging from imprisonment to a fine, but these penalties have limited effect, as arrest in "flagrante delicto" is not mandatory if the prescribed penalty does not exceed certain limits.

4. The most famous Italian cases of illicit trafficking of cultural properties

The Chamber of Commerce, through a cross-analysis of Interpol, ARCA and Carabinieri data, revealed that 55 works of art are stolen in Italy every day, totaling 20 thousand thefts

²⁷ Maniscalco, F. (n.d). *Le Archeomafie: origini, problematiche e possibili strategie di contrasto*.

per year and a value of 9.3 million euros²⁸. These numbers place Italy in first place in the world ranking of art thefts. Most of this trafficking is orchestrated by mafia organizations such as the Camorra and Cosa Nostra, which use artistic heritage not only as a source of illicit gain but also as a tool to consolidate their power and finance other criminal activities. Below is a table explaining the characteristics and diversity of the most two famous cases.

Case	Criminal Organization	Cultural Asset	Primary Purpose	Collaboration with Other Actors	Role of the Criminal Organization	Timeframe
Case 1: The theft of the Van Gogh paintings	Camorra	Modern art of high economic value	Guarantee for drug trafficking	Perpetrators of the theft	Custody and fencing of the paintings	Early 2000s
Case 2: The theft of “The Nativity” by Caravaggio	Cosa Nostra	“The Nativity” by Caravaggio, historical and cultural value	1. Money laundering 2. Extortion	1. Minor criminal groups; 2. intermediaries	Procurer of artworks	1969

4.1 Camorra’s Case

The famous theft of two Van Gogh works, “*Beach at Scheveningen in Stormy Weather*” and “*Congregation Leaving the Reformed Church in Nuenen*”, occurred in 2002 at the Van Gogh Museum in Amsterdam. Since then, the masterpieces were lost track of for fourteen years, despite ongoing investigations by Dutch and international law enforcement agencies. These paintings, considered among the most sought-after works of art in the world, were placed on the FBI's “Top Ten Art Crimes” list. Only in 2016, the paintings were finally found in the Naples area, wrapped in simple cotton cloths inside an

²⁸ Barneby. (2018). *6 furti di opere d’arte in Italia*.

anonymous cottage located in Castellammare di Stabia. That property was traceable to Raffaele Imperiale, a well-known drug trafficker linked to the Amato-Pagano Camorra clan, a criminal group active in the Secondigliano and Scampia areas²⁹. Imperiale was considered one of the main suppliers of drugs and weapons for the clan³⁰. The paintings were found during a seizure of assets worth tens of millions of euros conducted by the military under the command of Colonel Giovanni Salerno.

This case has been called a “sui generis” event by critics, as the paintings, whose total value is estimated at around 100 million euros, were hidden in a modest location, far from security vaults or luxurious villas. The question is, why would the clan purchase two works of such value and then relegate them to an anonymous and abandoned location ? According to General Parrulli, the paintings were used as a kind of “collateral” in drug deals, acting as insurance against South American drug traffickers with whom the Camorra clan had dealings. This “ransom” function is also confirmed in the words of Paolo Campiglio, a contemporary art historian and consultant for the evaluation of the confiscated works, who pointed out that the choice of these works was linked to the international prestige of the author and the intrinsic economic value of the paintings.³¹ This value, immediately recognizable even by interlocutors without artistic knowledge, made them ideal tools for negotiating and consolidating criminal relationships. Finally, it should be noted that the theft of these paintings-perpetrated by Octave Durham and Henk Bieslijn, figures not directly linked to the Camorra-had a very strong international media resonance, further amplifying the symbolic value of the paintings. In a documentary the two thieves also revealed significant details of the affair, explaining that the two paintings were chosen because of their small size, which made them easier to transport. The decision to give them to an Italian boss, however, seems to have been entirely accidental. They met Raffaele Imperiale in a coffee shop in Amsterdam, where the boss bought both paintings for about 350,000 euros, a pittance compared to the priceless value of the works.³² Inclusion on the FBI's list of the world's most wanted works gave the holders an

²⁹ Beneduce, T., (2016). *Van Gogh, ritrovati due quadri rubati nel 2002: erano nelle mani dei clan. Il Corriere del Mezzogiorno*

³⁰ Esposito, A., (2018). *Il super pentito: 'Ecco come nacque il rapporto tra Imperiale e gli Amato-Pagano'.* *Campania Crime News*

³¹ Buonfiglioli, F., (2016). *Arte e criminalità organizzata: un business miliardario. Lettera 43.*

³² Cozzolino, G. (2021) *'Raffaele Imperiale, il boss con la passione dell'arte: nel covo due quadri di Van Gogh'*, Fanpage.it.

aura of power and prestige, making these canvases not only objects of great economic value, but also instruments of symbolic legitimacy within criminal circuits.



Beach at Scheveningen in Stormy Weather
Nuenen



Congregation Leaving the Reformed Church in

4.2 Cosa Nostra case

The theft of Caravaggio's "*Natività con i Santi Lorenzo e Francesco d'Assisi*." is the world's second most sought-after work of art.

On a mid-October night in 1969 this famous canvas, was stolen from the Oratory of San Lorenzo in Palermo and disappeared forever. Law enforcement searches never ended, and the leads followed by the anti-Mafia are numerous, as are the conflicting statements of Mafia turncoats regarding the theft.

The "bridge" between Cosa Nostra and the Caravaggio canvas is not coincidental: in these 55 years in which hundreds of hypotheses have overlapped and no certainty about the painting's fate, the most controversial statements have come from turncoats and collaborators with the police. At least six turncoats have told six different versions: exhibited as a relic at Cosa Nostra summits, torn to pieces, used as a bedside table by the bosses, sold, smuggled to Switzerland, given as a gift, still intact but hidden in who knows what abode. The one who told the most detailed version was Marino Mannoia: he revealed to Giovanni Falcone that the painting had been torn to pieces but not before showing it to a possible buyer ready for anything. Too bad that Mannoia, a few years ago, revised his

version, admitting that he made those statements because he was under pressure from the anti-Mafia pool³³. Many other Mafia leaders had spoken on several occasions about the painting, such as Giovanni Brusca a collaborator of justice and former right-hand man of Totò Riina, who told how the work passed from hand to hand among the families and was displayed during Mafia meetings as a symbol of Cosa Nostra prestige. Then there is the report of the Anti-Mafia Commission (2018), which discards the hypothesis that the work was destroyed and instead supports the theory that it was stolen and transported to Switzerland, presumably by Mafia men linked to Gaetano Badalamenti. It is, therefore, undoubtedly a theft attributable to organized crime.

In the opinion of the author Michele Cuppone, in his book entitled “Caravaggio, the Nativity in Palermo. Birth and Disappearance of a Masterpiece.”, the security measures present in the Oratory of San Lorenzo were minimal. The thieves simply forced a window, most likely removed the canvas with a small blade and wrapped it in a carpet³⁴. For this, one might think that the theft of the painting was commissioned with a view to “minimum effort, maximum return.”

It is a case with several large areas of shadow, mainly due to the fact that, since the painting has not yet been found, it is difficult to contextualize the criminal case with the support of certain elements. The paths considered most reliable by magistrates lead to two alternative hypotheses: that Cosa Nostra would have stolen the artwork for money laundering purposes, transferring it to Switzerland where it would be resold; or to exert pressure and blackmail, especially against the state once it understood the extortionary power of the very valuable canvas³⁵. However, selling a painting whose value is around 30 million euros and which has been wanted by police around the world for years is no small feat. The fact that the stolen work is of very high historical and cultural value is a point in favor of the hypothesis of theft with the purpose of extortion³⁶. According to the statements of the pentito Giovanni Brusca, Caravaggio's “Nativity,” was even put, decades after the theft, on the blackmail platter to obtain from the Italian state for an

³³ Scorrane R.,(2024) '*Caravaggio, la Natività di Palermo e il mistero*', Corriere della Sera.

³⁴ Cuppone, M. (2024) *Caravaggio, la Natività di Palermo. Nascita e scomparsa di un capolavoro*. Campisano.

³⁵ Ceschi, G. (2019). *Il ruolo della criminalità organizzata nel traffico illecito di opere d'arte*. Rivista Di Studi E Ricerche Sulla Criminalità Organizzata

³⁶ Ceschi, G. (2019). *Il ruolo della criminalità organizzata nel traffico illecito di opere d'arte*. Rivista Di Studi E Ricerche Sulla Criminalità Organizzata

easing of 41 bis. The state did not accept, partly because it considered his proposal unfounded.

As in the case of the Van Goghs, the popularity of the work constitutes a key piece that would explain Cosa Nostra's behavior. However, unlike the Camorra, which has chosen paintings of notoriously high economic value internationally as collateral for drug deals, Cosa Nostra seems to have focused on a “local” work, endowed with high symbolic value for the city of Palermo and great cultural-historical relevance for Italian heritage.³⁷

But is there still any hope of finding it? It is hard to answer, just as it is hard to imagine: too many years have passed, and investigations have often been hampered by ambiguities and half-truths. In the end, the words of an intellectual like Leonardo Sciascia remain. Shortly after news of the theft broke, he commented, “I have always been of the opinion that Italy (...) should give up, totally and definitively, the custody and maintenance of works of art.”³⁸



Natività con i Santi Lorenzo e Francesco d'Assisi.

³⁷ *Idem*

³⁸ Scorrane R., (2024) '*Caravaggio, la Natività di Palermo e il mistero*', Corriere della Sera.

Chapter 2. Cosa Nostra: a Comprehensive Analysis from Historical, Economic, Political, and Social Perspectives

Introduction

Cosa Nostra is one of Italy's most complex and well-known criminal organizations, rooted in all socio-economic aspects of Sicily. This chapter aims to analyze the origins, structure and influence of Cosa Nostra, from its birth in the Sicilian countryside to its transformation into a powerful and structured criminal network. Key elements such as its hierarchical organization, relationship with politics, wars and the facts that characterized it are examined to better analyze its rule in the illicit trafficking of cultural proprieties.

As Leonardo Sciascia observed, “The Mafia was, and is, something else: a ‘system’ that in Sicily contains and moves the economic and power interests of a class that we can roughly say is bourgeois; and it does not arise and develop in the ‘vacuum’ of the State (that is, when the State, with its laws and functions, is weak or lacking) but ‘within’ the State. In short, the Mafia is nothing but a parasitic bourgeoisie, a bourgeoisie that does not undertake but only exploits.”

Through a historical, political and social perspective, this chapter provides a basis for understanding the mechanisms that have allowed Cosa Nostra to endure and adapt over time.

1. Cosa Nostra

It was Tommaso Buscetta, in 1984, who first used the term “Cosa Nostra” during his statements as a collaborator with the judiciary. During his confrontation with Judge Giovanni Falcone, Buscetta explained that Sicilian mafiosi, the “men of honor,” called the criminal organization of which they were a part that way. Unlike the Calabrian 'Ndrangheta, Cosa Nostra is not based on blood ties between affiliates, but rather on fiduciary ties.

1.2 Inside Cosa Nostra: structure and features

Cosa Nostra has a pyramidal top-down structure. At the base of the Mafia pyramid are the “picciotti” or “soldiers,” who make up the army of Cosa Nostra; going up is the figure of the “capodecina,” who controls the work of ten men; even higher up is the figure of the “mandamento capo”. Cosa Nostra is made up of a system of groups, called “families,” organized with a rigid hierarchical top-down system composed of gregarious picciotti under the orders of a head of the family called “padrino.” In contrast to the Calabrian 'Ndrangheta, the organization is not made up of people bound together by blood ties. Each family has a head, called a “representative,” elected by all the “men of honor,” who is in charge of controlling a specific territory, such as a township or city neighborhood. and assisted by a deputy head and one or more “advisers.” In each family, the “men of honor” (or “soldiers”) are coordinated, in groups of ten, by a “chieftain.” Three families constitute a “mandamento”. When a mandamento chief or family head is arrested, his place is taken by a provisional “reggente”. and the mandamento leaders (who are also elected) are part of the “Commission” or “Cupola,” which is the highest governing body of Cosa Nostra. The Commission makes the most important decisions, settles disagreements between the families, expels unreliable men, and controls all murders. Beginning in the second half of the 1950s, at the behest of the American Cosa Nostra, the Mafia in Sicily also adopted a higher hierarchical structure called the “Commission” or “Cupola,” which includes the organization's leaders located in the island's various provinces.

1.3 The “baptism of fire”

Entry into the organization is through a kind of “call.” An individual, after a period of observation during which his or her criminal capabilities are assessed, is approached and, with the approval of the head of the family, invited to participate in certain illicit actions along with already affiliated members. At this stage, the person is considered an “affiliate.”

There are strict rules of conduct. To obtain “picciotto” status, it is necessary to undergo an affiliation ritual attended by other mafiosi. During the ritual, the candidate takes a solemn oath, pledging eternal loyalty to the organization. The ritual involves passing through the hands of a sacred image, on which a few drops of blood taken from a finger of the candidate are dropped by means of a puncture (hence the term “punciutu”).

In the 1990s, Cosa Nostra partially modified its structure by adopting a logic of compartmentalization similar to that used by the 'Ndrangheta in Calabria. In this configuration, members of a group know only their leader and other participants in the same group, without having an overall view of the organization. This compartmentalization limits the knowledge of La Cosa Nostra that an affiliate can reveal to authorities in the event of arrest, thus reducing the risks of compromising the entire network.

1.4 Code of Honour

Cosa Nostra has internal rules of conduct, as amply demonstrated by several statements of collaborators of justice. After Salvatore Lo Piccolo's arrest on November 5, 2007, interesting documents were found in the hideout, including a decalogue of the man of honor, entitled “Rights and Duties”³⁹

1. One does not introduce oneself to another friend of ours - unless a third party does so.
2. One does not look at wives of friends of ours.
3. One does not make comparisons (pacts) with cops.
4. One does not frequent taverns or clubs.

³⁹ La Repubblica, 2007. *Il perfetto mafioso*

5. One has a duty at any time to be available to Cosa Nostra. Even if one has a wife about to give birth.
6. One categorically respects appointments.
7. One must pay respect to one's wife.
8. When one is called upon to know something one must tell the truth.
9. One cannot appropriate money that belongs to others and other families.
10. Who cannot join Cosa Nostra: those who have a close relative in the various law enforcement agencies, those who have sentimental betrayals in the family, those whose behavior is bad and who do not hold to moral values.

According to the most recent analyses of the National Anti-Mafia Directorate⁴⁰, one of the distinctive aspects of Sicilian organized crime is the presence of a “gray zone” in society. This space is made up of individuals or groups who, although not direct members of the organization, establish contacts, collaborations or forms of contiguity, more or less close, with it. Thus, in the relationship between the Mafia and society, a more or less large part emerges that can be complicit, conniving or simply indifferent, in a condition of neutrality. A kind of “mafia bourgeoisie,” composed of technicians, bureaucrats, professionals, entrepreneurs and politicians, who act as tools of the mafia and interact with it in a continuous exchange, defending common interests. The “gray zone⁴¹” represents the true strength of the mafia, as it is composed of “unsuspected people” who operate within legality and provide crucial support in legal matters, investments, concealment of funds and management of the organization's immense economic potential. Cosa Nostra's influences over the years have extended beyond Sicily, with significant presences in regions such as Piedmont, Lombardy, Emilia Romagna, Liguria, Tuscany and Lazio.

2. Historical Perspective

2.1 Origins and Evolution

⁴⁰ Camera dei deputati, 2008. *Scheda di base sulla commissione parlamentare di inchiesta sul fenomeno della mafia e delle altre associazioni criminali similari*

⁴¹ *Idem*

Cosa Nostra, one of the world's best-known Italian criminal organizations, has deep roots in Sicilian history.

Historically, one of the earliest mafia figures during the period of latifundia was that of the “gabelloti,” who rented land from feudal lords, paying a gabella. To control work in the fields and prevent theft, many gabelloti made use of “campieri,” a kind of private police in the service of the feudal lord. The gabelloti also rented land to peasants at a much higher price than the gabella they had to pay to the feudal lord. With the help of the campieri and their trusted men, the “soprastanti”, the gabelloti violently suppressed the workers' demands, maintaining control over their land and resources

The first document alluding to mafia to describe fraternities involved in criminal activities, signed by the prosecutor of the Grand Criminal Court of Trapani, is from 1837. However, the term mafia only became a current expression after the performance of the popular drama “I mafiusi di la Vicaria” in 1863⁴². Giuseppe Rizzotto wrote, with the collaboration of Gaspare Mosca, “I mafiusi della Vicaria,” a play, written in Sicilian, set in Palermo's Grand Prisons, which featured a group of inmates who enjoyed “special respect from their fellow inmates because they were mafiosi, members as such of an association to commit crimes, with hierarchies and specific customs, including real initiation rites.”⁴³ It is from this text that the term mafia begins to spread throughout the country.

At the same time, the phenomenon of brigandage developed in Sicily, which, however, differed from the mafia because it had social change as its goal, and consequently attacked private property and the barons. The mafiosi, on the other hand, offered them “protection.” Brigandage and mafia were antagonistic phenomena that, however, ended up entering a symbiotic relationship: the brigands created victims and therefore there was a strong demand for protection in the territory. The mafiosi took advantage of this circumstance to offer their “security,” lending it on terms that were at first sight acceptable. The mafia, however present and insidious it was, was not to be compared to the brigandage that was later repressed harshly.

⁴² Rizzotto, G., 1863. *I mafiusi di la Vicaria*

⁴³ L'Orizzonte Oro, 2023. *Viaggio tra le mafie: Storia di Cosa Nostra*

The Sicilian Mafia, as recalled in the Report on the Relations between the Mafia and Politics of the Parliamentary Anti-Mafia Commission of the 11th Legislature,⁴⁴ was also used to suppress in a repressive and violent manner the revolts of Sicilian peasants, united in the fasci, who demanded the abolition of the latifundium and the distribution of land. After being born in the countryside controlling fruit and vegetable markets, having moved to the city to control procurement, the late 1970s and early 1980s saw Cosa Nostra increase its wealth exponentially by entering the international narcotics market. The decision to enter this field, clearly more lucrative than cigarette smuggling, sparked a mafia war that resulted in the deaths of hundreds of people and brought the Corleonesi to power.

2.2 The First War of Mafia

Between late 1962 and early 1963, Palermo was rocked by a chain of murders, in an escalation of violence. Mafia wars, as time teaches, erupt for control of territory, business and prestige, but the motivations often go beyond that.

Facing each other were, on the one hand, Salvatore Greco, known as “Cicchiteddu,” a member of the Mafia aristocracy and son of the Ciaculli boss murdered in the 1946 feud, flanked by Corleone's Luciano Leggio. On the other side were the brothers Angelo and Salvatore La Barbera, up-and-comers in the criminal world who rose to power thanks to what might be called a “meritocracy of violence.” Ostensibly, this was a clash between the old and new Mafia, but the reality was more complex. While the Grecos represented a Mafia tradition rooted for centuries in the Ciaculli area, the La Barberas were emerging forces that had rapidly climbed the crime hierarchies. The causes of the clash remain to this day a combination of facts and supposition, reconstructed in part through the often contradictory accounts of the pentiti.

The triggering incident was a botched drug shipment in February 1962. The goods, sent from Egypt to the United States by members of the two business clans, turned out to be defective or incomplete. Mutual accusations ensued, resulting in all-out war. Sicily became the scene of heinous acts of violence, carried out in broad daylight, often in

⁴⁴ Parliamentary Commission of Inquiry into the Phenomenon of the Mafia and Other Similar Criminal Associations, Report on Relations between the Mafia and Politics, Parliamentary Acts, 11th Legislature, Doc. XXIII, no. 2, Rapporteur Luciano Violante.

crowded places, even causing civilian injuries. For months, murders and reprisals followed one another, conducted with machine guns and car bombs. The toll was dramatic: dozens of deaths, both among mob leaders and wingmen, on both fronts.

The series of murders that bloodied Sicily during the first Mafia war would provide the final push for Italian politics to perform more than just a symbolic act. The Parliamentary Anti-Mafia Commission began its work. It was the first official inquiry conducted by the Italian state against the Mafia organization. The initial premises seemed good, and in its first month of work, the Commission drew up plans for a specific legislative reform to combat organized crime. As in many other circumstances in its history, “Italy appears not as a fleet of ships sailing compactly in the same direction, but as many boats engaged in a private personal race.”⁴⁵ It is torn apart by private and factional interests, and the word Mafia becomes a political weapon ready to be exploited while forgetting the ultimate goal: to fight it. The special legislative reform then gave birth to an incredible own goal: under the “rules of compulsory stay,” dozens of mobsters were sent to various parts of the country, with the purpose of removing the boss from his territory. The result was that they also established networks in their new residences, setting the stage for the current situation: the creation of a widespread mafia network operating throughout the nation.

2.3 The Second War of Mafia

During the 1970s, the two sides that would dominate the so-called Second Mafia War gradually developed. This conflict sanctioned the rise to power of the Corleone faction, led by Salvatore Riina, and the systematic elimination of all forces that attempted to counter its military dominance.

Unlike the first Mafia war, which was characterized by mutual violence and constant reprisals between rival families, in this case there was no confrontation. The offensive launched by the Corleoneses and their allies found no resistance, and within a few months the entire opposing front was completely annihilated.

The Corleoneses, despite their economic weakness, distinguished themselves by their military strength, which they initially used in kidnappings. Totò Riina joined the organization in place of Luciano Liggio soon after the Corleonean boss was arrested on

⁴⁵ Alkemias, 2023. *La guerra di mafia e i primi passi dell'antimafia*

May 5, 1974. The Corleonesi, both because of lack of managerial experience and reduced contacts abroad, were cut off from the big narcotics trade and managed to make money almost exclusively from cigarette smuggling and kidnapping. Riina, however, ever since Liggio's arrest, began working on his very personal plan for internal supremacy within Cosa Nostra by creating a network of flankers and allies within the organization to one day succeed in overthrowing the hegemony of the bosses of the old Palermo families. In fact, the kidnappings ordered by Riina were aimed at discrediting, striking and challenging the power and prestige of opposing Mafia leaders.

The month of March 1981 officially marked the beginning of the second Mafia war with the disappearance of Giuseppe "Piddu" Panno, the patriarch of Casteldaccia. A prominent figure and member of the dome, Panno was a respected senior leader in the ranks of Cosa Nostra. From that time until the fall of 1983, Sicily would be bloodied by a war that claimed over a thousand lives. After Panno, Stefano Bontate, known as the "Prince of Villagrazia," one of Palermo's most influential mobsters, was killed on April 23, 1981. A frequenter of city salons and linked to prominent politicians and businessmen, Bontate represented a symbol of power and connections. On May 11 of the same year, it was the turn of Salvatore "Totuccio" Inzerillo, head of the Passo di Rigano family and cousin of the Gambinos, one of the most powerful families in America, based in Cherry Hill. After them, the murderous rampage will come down on all allies: trusted lookouts, sons, fathers and brothers. In the Inzerillo family alone, twenty-one members will be killed; eleven of the Badalamenti family will lose their lives, and as many of Tommaso Buscetta's relatives will be eliminated. Buscetta, who escaped the massacre and hid in Brazil, will be extradited and decide to cooperate with Judge Giovanni Falcone. He will become the first major turncoat, providing decisive testimony for the maxi-trial against Cosa Nostra.

Although this kept them out of the lucrative drug circuit, the strategy of kidnapping strengthened their network of alliances. More and more men of honor began to take their side, granting the Corleonesi' growing support even beyond the borders of the Palermo province. When hostilities broke out, the opposing faction found little resistance, with many rivals eliminated before they even perceived the danger. This was made possible by internal betrayals within their families, which had already made agreements with the Corleoneses.

By the late 1970s, the Corleoneses had gained a dominant position of strength within the organization, demonstrating the superiority of their strategy. In contrast, the bosses who focused on drugs and external relations found themselves isolated and betrayed, marking their ultimate defeat.

2.4 The “Season of Massacres”

Between 1979 and 1982, the military strategy of the Corleonesi became unequivocally outlined and was based primarily on the physical elimination of those who posed a threat to the organization's power. Victims include deputy Pio La Torre, known for his commitment against organized crime and for his bill that introduced the crime of mafia association; Piersanti Mattarella, president of the Region of Sicily and Carabinieri General Carlo Alberto Dalla Chiesa, sent to Sicily to counter the Mafia endowed with broad powers.

These murders not only eliminated key figures engaged in the fight against Cosa Nostra, but sent a message of terror that deeply shook public opinion and mobilized the state, forcing it to react more incisively against the Mafia organization. In 1982, Parliament passed a measure of fundamental importance: the introduction of Article 416 bis into the Criminal Code. This article not only defines the crime of mafia association, making it possible to prosecute those who participate in the criminal organization, but also allows for the confiscation of mafia assets, a decisive tool for striking at the economic foundations on which mafia power is based.

In 1983, the first “anti-Mafia pool” was created, an extraordinary innovation in the field of fighting organized crime. A group of Palermo magistrates that is created to foster more effective sharing of information and investigations into La Cosa Nostra, overcoming the isolation that often made individual judges vulnerable. Among the members of this group emerge are Giovanni Falcone and Paolo Borsellino, who begin to work closely together with the common goal of eradicating the Mafia organization.

In this period a further contribution came from “pentiti,” mostly from the ranks of the Mafia families defeated by the Corleonesi, who decided to start cooperating with the institutions and tell the secrets of Cosa Nostra in exchange for protection or lighter sentences.

The best known among them is Tommaso Buscetta, who after his arrest in 1983 will decide to start cooperating with the Palermo judges: his testimonies will be fundamental in shedding light on many aspects of the Mafia organization and in identifying many perpetrators of Mafia crimes, in the background of which remain the obscure relations with politics and institutions.

The work of the Palermo magistrates, thanks also to the confessions of turncoats such as Buscetta, led to the establishment of the Palermo “Maxiprocesso”⁴⁶: in 1986 more than 470 mobsters on the stand accused of Cosa Nostra's many crimes would be put on trial. A huge trial, much followed by the press and public opinion, which would come to a final conclusion only several years later with a series of very harsh sentences, including 19 life sentences, handed down to many of the mafia organization's leading figures. Despite this undoubted achievement, however, the “maxiprocesso” will fail to fully shed light on the relations between Cosa Nostra and politics.

Despite the sentences imposed during the maxiprocesso, Cosa Nostra reacted with ferocity by inaugurating a new season of bloody attacks. Between May and July 1992, the Mafia was guilty of the murders of Judges Giovanni Falcone and Paolo Borsellino, who were killed in explosive attacks. These crimes, of extreme violence, deeply marked public opinion and represented a message of direct challenge to democratic institutions. The season of massacres continued until mid-1993 with further attacks aimed at intimidating the state and destabilizing Italian society.

These tragic events remain the focus of judicial investigations and media attention to this day, in part because of the disturbing hypothesis, if confirmed, of a secret negotiation between Cosa Nostra and the State that allegedly took place during the same period, with the goal of ending the bitter confrontation between the two entities in exchange for concessions to the Mafia.

Despite major successes achieved by the state, including the arrest of two leading figures of the Corleonesi clan, Totò Riina in 1993 and Bernardo Provenzano in 2006, Cosa Nostra has not been completely eradicated. Although the Sicilian Mafia has abandoned its massacre strategy of the 1990s, it remains an active and dangerous criminal organization, capable of weaving relationships with sectors of politics and the economy and continuing to deeply influence Sicilian and Italian society.

⁴⁶ Fondazione Falcone, 2023. *Il Maxiprocesso*.

2.5 Modern developments

In recent years, as highlighted by the Anti-Mafia Commissions, Cosa Nostra has adopted a “strategy of submergence”⁴⁷, choosing to operate silently to carry out its illicit activities without attracting public attention. Toto Riina, communicated with other Cosa Nostra members from prison through the use of slips of paper drafted on an old typewriter and referred to as “pizzini.” He opted for a strategy of submerging the Sicilian Mafia, issuing orders to avoid the excessive and conspicuous use of violence. Instead of violence, corruption was preferred, control of the territory was guaranteed by the exercise of extortion, large amounts of capital were made by trafficking in narcotics, establishing relations with other Italian mafias and with Albanian, Eastern European and Colombian mafiosi, infiltrating the public procurement system, and grabbing, through a sophisticated system of fraud, large portions of the so-called European structural funds. The illegally accumulated money was laundered through the help of unsuspected professionals. Investments were made in lawful economic activities, not only in Sicily, but especially in other Italian regions and some foreign countries.

After Toto Riina's death, the closest to his succession was fugitive boss Matteo Messina Denaro, head of Cosa Nostra in the province of Trapani.⁴⁸ Known for his connection to a “dynastic” view of Mafia power, he continued to exert a form of indirect influence, based mainly on the loyalty of his family circle and closest associates. He was not considered a strong, unifying guide. After Matteo Messina Denaro's arrest in January 2023, Cosa Nostra found itself in a phase of further fragmentation and reorganization. The absence of a charismatic authority figure contributed to a more horizontal and decentralized management of mafia power, leaving room for individual families to pursue their own interests.

At the same time, the organization has tried to maintain a low profile, continuing to exploit corruption, relationships with the business and political worlds, and traditional criminal activities to ensure its survival. Despite major successes in the fight against the

⁴⁷ Camera dei deputati, 2018. *Relazione conclusiva della Commissione parlamentare antimafia*.

⁴⁸ Camera dei deputati, 2008. *Scheda di base sulla commissione parlamentare di inchiesta sul fenomeno della mafia e delle altre associazioni criminali similari*

Mafia, such as the arrest of leading figures and the introduction of increasingly effective legislative tools, Cosa Nostra remains an active threat, capable of adapting to new challenges and taking advantage of contexts of economic and social crisis to reassert its influence in the territory.

2.6 Totò Riina: the Boss of Bosses

Born in Corleone on November 16, 1930, in a family of farmers, Salvatore “Totò” Riina began his criminal career early, which would lead him to become the feared leader of the mafia's massacre mafia. When he was only 18, he was first arrested on murder charges, having killed a peer during a brawl. Sentenced to 12 years, it was in prison that he met Luciano Leggio (known as Liggio), an encounter that marked his entry into La Cosa Nostra. Riina walked out of the Sicilian prison Ucciardone in 1956 and became Leggio's right-hand man, joining his firing squad and contributing to a long trail of bloodshed. Together with another countryman, Bernardo Provenzano, Riina consolidated his power. In December 1963 he was arrested in Agrigento with a stolen identity card and a gun, but he returned to freedom in 1969 after an acquittal for insufficient evidence. Although subjected to a mandatory stay outside Sicily, he chose to go into hiding, which lasted more than 20 years.

His rise in the Cosa Nostra was marked by more than 100 documented murders and 26 life sentences imposed over the years. Among his first political victims were Michele Reina, provincial secretary of the DC, and Piersanti Mattarella, president of the Region of Sicily. After the arrest of Luciano Leggio, Riina took command of the “Mafia triumvirate”, along with Stefano Bontate and Tano Badalamenti. He later removed the latter by falsely accusing him of the murder of a Mafia leader. In the 1980s, Riina and the “viddani” of Corleone consolidated their domination of Cosa Nostra. With huge profits from drug trafficking, public contracts and building speculation, their power became unchallenged. Their strategy was based on egregious murders and “white wolf killings”. Riina was responsible for the elimination of an entire ruling class, including politicians such as Michele Reina, Piersanti Mattarella and Pio La Torre; magistrates such as Cesare Terranova, Gaetano Costa, Rocco Chinnici; journalists such as Mario Francese;

investigators such as Boris Giuliano and Ninni Cassarà; and symbolic figures such as super-prefect Carlo Alberto Dalla Chiesa.

Convicted in absentia during the maxiprocesso thanks to the revelations of Tommaso Buscetta, Riina responded with a bloody revenge, having 11 of Buscetta relatives killed. After the maxi trial became final and the first life sentences were confirmed, Riina declared war on the state. In the 1990s, the season of massacres began, culminating with the killing of Salvo Lima on March 12, 1992, and of the architects of the maxi trial, Giovanni Falcone and Paolo Borsellino, on May 23 and July 19 of that year, respectively. After 24 years on the run, Riina was arrested on Jan. 15, 1993, by ROS carabinieri. His capture took place near the villa of the Sansone family, Mafia entrepreneurs, where his family had found refuge. Many shadows remain as to how he was located.⁴⁹ From prison, Riina continued to rule and claim his massacres. In 2013, he was wiretapped while threatening PM Nino Di Matteo, who represented the prosecution in the trial on the alleged State-Mafia negotiations.

Riina died in prison under the 41-bis regime, never repenting for his crimes. Rosy Bindi, president of the Anti-Mafia Parliamentary Commission, declared, “The end of Riina is not the end of the Sicilian Mafia, which remains a criminal system of the highest danger. Totò Riina was the bloodthirsty leader of the Cosa Nostra massacre, but that mafia had already been defeated thanks to the sacrifice of so many righteous men.”

3. Economic Perspective

It is clear from the historical analysis of the mafia phenomenon that the intertwining of the legal and mafia systems is often difficult to distinguish. This link also generates significant consequences for the economic system. “The dynamics of mafia entrepreneurship and capitalist accumulation can be delineated in four main stages: the formation of financial resources through criminal activities of various kinds, the use of these resources to generate new illegal activities, the laundering and cleaning up of dirty capital, and, finally, the reinvestment of the cleaned-up proceeds in the legal circuits of the real economy and finance. It is, therefore, an entrepreneurial system that draws its original accumulation from traditionally illegal activities such as drug and arms

⁴⁹ Il Post, 2023. *L'arresto di Totò Riina: 25 anni fa.*

trafficking, exploitation of prostitution and extortion racketeering, but later enters the legal economy to reinvest the profits. However, the mafia presence in the legal economy is not neutral: it often succeeds in conditioning the dynamics, altering free competition and influencing market rules”⁵⁰.

Traditional Mafia activities include arms trafficking, counterfeiting of goods, smuggling of cigarettes, tobacco and other goods, narcotics trafficking (both soft and hard drugs), human trafficking, illicit trafficking of cultural properties and smuggling of illegal migrants. In addition, criminal organizations run gambling and the exploitation of prostitution, practice extortion racketeering, kidnapping, fraud in public contracts, usury, construction squatting and toxic waste trafficking. There is no shortage of vote exchange, which allows the mafias to influence the political system. These activities allow the mafia to accumulate huge profits, which it then reinvests in the legal economy, altering its mechanisms.

Estimates of the volume of business of mafia activities are impressive. For example, drug trafficking, according to the National Intelligence Council, generates a turnover of between \$100 billion and \$300 billion; the United Nations estimates it at \$400 billion, while the World Bank speaks of \$1 trillion.⁵¹ After drug trafficking, arms trafficking is another source of huge earnings, estimated at \$290 billion. Next, toxic waste trafficking generates an estimated \$10-12 billion, while human trafficking is another highly profitable activity. In Italy, according to Confesercenti's “Sos Impresa” report, the turnover of the mafia-related business sector is around 90 billion euros, a figure that corresponds to about 7 percent of the national GDP.⁵²

3.1 The strategy of “Pizzo”

The phenomenon of “pizzo” is one of the most widespread means by which the Mafia exercises control over the local economic fabric. Pizzo consists of the demand for a sum of money that merchants and entrepreneurs are forced to pay periodically to criminal organizations in exchange for “protection.” In cities such as Palermo, there are real price lists: for a store, 200 to 500 euros a month is demanded; for an elegant store in the city center, the figure varies from 750 to 1,000 euros; and for a supermarket, it ranges from

⁵⁰ Chiabrande D., 2009. *Mafia ed Economia: un intreccio pericoloso*. Pearson

⁵¹ *Idem*

⁵² *Idem*

3,000 to 5,000 euros monthly. An open construction site can pay up to 10,000 euros a month. Parallel to the phenomenon of pizzo, many businesses are directly run by the mafia to reinvest profits from illegal activities⁵³.

The agribusiness sector is also heavily influenced by mafia activities. Criminal organizations are able to condition the entire supply chain, from agricultural production to final distribution, altering free competition, influencing prices, product quality and the labor market. The same happens in the fishing sector, especially in relation to the trade in valuable fish and wholesale markets. In general, the entire food market is affected by the organized underworld, which alters its dynamics to its own advantage.

“The Mafia represents a cancer on not only the Italian economy, but the global economy. Despite the efforts of institutions and the battles waged over the years, its influence remains entrenched and complex to eradicate. One wonders if it will ever be possible to rid the economic system, Italian and global, of such a pervasive and destructive presence”⁵⁴.

4. Political Perspective

The relationship between politics and the Mafia is one of the most complex and controversial aspects of the Mafia phenomenon and Italy's political and institutional history. It is in question whether the mafia follows a real political strategy or whether it merely makes tactical alliances with other political groups. The mafia actually has no real ideology but has a distinct and cunning culture of power. In its relations with political forces, Cosa Nostra has shown a great capacity for elasticity and adaptation to the changing political framework and the succession of power holders. Thus it has been, exclusively or predominantly, liberal, Christian Democrat and is now linked to the political subjects that have established themselves in recent years.

According to the Anti-Mafia Commission, Cosa Nostra has a clear political strategy, which includes controlling territory and expanding its interests through corruption and violence. The Mafia acts as a “political group” in the sociological sense, presenting the characteristics of a power group: an administrative apparatus, physical coercion and an

⁵³ *Idem*

⁵⁴ *Idem*

order that applies over a territory. The Mafia also intervenes in politics through the use of political violence (assassinations and massacres) and control of institutional representation by selecting candidates or influencing elections.⁵⁵ Moreover, the Mafia cannot be considered only an “anti-state” or “state vacuum,” since although it does not recognize the state monopoly of force in its criminal activities, it actively participates in public life and state resources. It has a dual nature: on the one hand it is opposed to the state, because it does not recognize its justice and enforces its own laws, but on the other hand it is an integral part of the state, legitimizing its violence through impunity and acceptance of its acts.

4.1 Third Level

Since the 1980s, there has been a widespread idea that the relationship between the Mafia and politics is realized through a “third level.” This term was first used by Giovanni Falcone and Giuliano Turone in 1982, to describe mafia crimes on three levels: the first level refers to crimes that directly produce money movements (such as extortion and drug trafficking); the second level refers to crimes related to mafia logic and internal struggles between the gangs; and the third level refers to crimes that protect the mafia system, such as the murders of politicians or representatives of institutions⁵⁶.

Over time, the “third level” has been interpreted as a mafia supercup composed of politicians, financiers and other power figures, operating in parallel with the provincial mafia commission. This concept generated controversy, with some claiming the existence of an organic link between the Mafia and politics, while others believed that contacts were limited to isolated episodes between bosses and politicians.

Falcone, in 1989, reiterated that there was no “third level” superordinate to the Mafia organization. He argued that the Mafia could form alliances with other power groups, but was not subordinate to any⁵⁷. Despite this, Falcone recognized the presence of convergences of interests between the Mafia and politics, and denounced the collusion of

⁵⁵ Camera dei Deputati, 1993. *Relazione della Commissione Parlamentare Antimafia*.

⁵⁶ Report of 1982 presented by Consiglio superiore della magistratura da Giovanni Falcone e Giuliano Turone, with the title *Tecniche di indagine in materia di mafia*

⁵⁷ Santino, U. 1989. *La violenza programmata. Omicidi e guerre di mafia a Palermo dagli anni '60 ad oggi*,

some representatives of institutions with Mafia groups. In 1987, he had stressed the importance of white-collar crime and the need to legally address external complicity in mafia association, in order to punish political connivance with the mafia. In conclusion, Falcone did not deny the mafia-politics relationship, but he rejected the idea that it was an organized supercupola above the mafia. His legal approach aimed to treat collusion between politics and the Mafia as a factor that contributed to the growth of Mafia power. The relationship between the Mafia and politics, including through the role of the Christian Democrats (DC), has been the subject of investigation and reflection in recent decades. The 1976 Parliamentary Anti-Mafia Commission, in its majority report, emphasized that the Mafia is a phenomenon linked to the ruling classes, with a particular focus on the Mafia's continuing attempt to link itself to public powers. In this context, preference voting was seen as facilitating Mafia infiltration. The PCI minority report highlighted the link between the Sicilian Christian Democrat leadership and Mafia forces, with the Mafia adapting to political changes.

Next came the concept of the “dual state,” derived from analysis of the Nazi state, which describes a dual loyalty of the ruling groups to their country and an international deployment. Violence and lawlessness became resources for maintaining power when normal social conflict could not be controlled.⁵⁸

In the political arena, the phenomenon of mafia electoral exchange has also been dealt with through insufficient laws, such as the 1992 law, which reduced the scope of the original legislation, limiting it to vote buying and selling. Political accountability, provided for by the 1993 Anti-Mafia Commission, has had no real impact, and in subsequent years cases have emerged in which people on trial for the Mafia have been elected, further legitimizing lawlessness. Trials against Mafia-linked politicians have had mixed outcomes, with little progress being made in ascertaining the truth about the massacres. The link between political power and Mafia criminality continues to persist, with a system that seems unable to fully address this interconnectedness.

5. Social Perspective

⁵⁸ Fraenkel, 1983. *Il doppio Stato. Contributo alla teoria della dittatura*.

To fully understand the Mafia phenomenon through sociological analysis, it is essential to consider the environment in which it took shape as a key element. Sicily, a land rich in history and culture, holds hidden secrets and bears the burden of thousands of victims. This represents the paradox that characterizes the island. The Mafia has often been underestimated and, probably, even today not enough attention is paid to its social impact, nor to the way it has affected the daily lives of Sicilians and their relationship with the reality around them.

The Cosa Nostra had bullied its way into daily life, instilling in Sicilians a mentality of terror. Going out into the streets had become dangerous, sometimes it was as if there was a curfew and they were going to bomb the city. Cosa Nostra in order to live needed to find no obstacle, no individual or group that posed the question of the legitimacy of the actions that organized crime wanted to take. Here the mafia through its cruelty, through murders, internal and external wars, foreign contacts, drug imports, money laundering laid the foundation for the worst act since the existence of the mafia itself: the elimination and abolition of the individuality and character of Sicilians. They became active spectators of the Mafia's rise to power and passive actors in the massacres. The Mafia had also become the Sicilians. Sicily gave way to the Mafia, the same land that had been the homeland of great poets, jurists, actors; in short, it was the homeland of many prominent figures surrounded, however, by a context that eliminated all freedom, all awareness.

5.1 Leonardo Sciascia and the concept of “omertà”

Leonardo Sciascia, a leading figure in Sicilian literature, was among the first to openly denounce the Mafia phenomenon, highlighting not only its criminal nature but also its profound social and political implications on Sicilian society. In particular, through his famous novel *Il giorno della civetta* (The Day of the Owl), published in 1961, Sciascia confronts a type of mafia that could be defined as “ancient,” a criminal organization that, although it has roots far back in time, has specific characteristics that have been preserved and transmitted, significantly influencing the history of Sicily⁵⁹. This type of mafia, described with almost surgical precision in the book, helped shape the dark and bloody

⁵⁹ Sciascia, L., 1961. *Il giorno della civetta*.

years that marked the region, particularly between 1979 and 1992, a period of violence and massacres that left deep wounds in the collective memory.

In his novel, Sciascia draws attention to two fundamental concepts that emerge as pillars for understanding the structure and functioning of the Mafia phenomenon: the Mafia's collusion with political power and the concept of *omertà*. If the first aspect highlights the insidious and often invisible link between organized crime and institutions, the second, represents what has allowed the Mafia to flourish, expanding and taking root throughout Sicily and, later, in other parts of Italy as well.

Over time, the term “*omertà*” has acquired a specific connotation in Sicily, describing a real culture of silence, a widespread disposition among individuals not to speak out, not to denounce, to maintain an attitude of reticence in the face of criminal events, even serious ones, such as murders, shootings. It is this “*omertà*” mentality that has provided fertile ground for Cosa Nostra by allowing its affiliates to act almost undisturbed and to escape justice on many occasions. This attitude not only made the fight against the Mafia difficult, but also fueled a sense of helplessness and resignation among the population. Sciascia succeeds in highlighting not only the drama of this reality, but also the contradictions and moral dilemmas it entails. “I didn't see and hear anything.”

At the end, it is the result of a complex system and grows in symbiosis with society itself, exploiting the silence, fear and indifference of those around it. As Falcone said: “The Mafia, I repeat again, is not a cancer proliferated by chance on a healthy tissue. It lives in perfect symbiosis with the myriad protectors, accomplices, informers, debtors of all kinds, great and small master singers, intimidated or blackmailed people who belong to all strata of society. This is the breeding ground of Cosa Nostra with all that it entails of direct or indirect implications, conscious or not, voluntary or forced, often enjoying the consent of the population.”⁶⁰

The Mafia no longer became just a criminal organization; it was something more. It had replaced the state, developing within it, becoming a legitimized criminal organization, not only by the state, but also by Sicilian society. Feeding and not standing up for the few at the expense of the many made the situation in Sicily burning. The paradox had become so obvious that it really led to the question, “but are all Sicilians mafiosi?”

⁶⁰ Falcone 1991 interview with journalist Enzo Biagi during the TV program “Italia Sera”

Chapter 3. Case study of Matteo Messina Denaro

Introduction

This chapter explores the connection with and the passion for art of Matteo Messina Denaro, a leading figure and one of the last bosses of Cosa Nostra, highlighting his role in the Sicilian Mafia, Cosa Nostra and the evolution of his power. His particular interest in artworks and archaeological finds, inherited from his father and turned into a source of profit through illicit excavations and exchanges, is analyzed.

The connection between Cosa Nostra, cultural heritage, and the State is examined through concrete examples, such as the attempted theft of the *Satiro Danzante*, the use of artifacts for negotiations and the involvement of figures such as Gianfranco Becchina. The intersection of art, organized crime, and politics highlights the profound impact of the Mafia on Sicilian culture and historical identity.

“Cosa Nostra has understood what the State has not yet understood: that the cultural heritage is the territory, and that governing the heritage means exercising sovereignty even on a symbolic level. The one who controls the bowels of the earth and its treasures also commands over that land. It is not just about money, nor is it just about culture: it is about power and its representation.”⁶¹

⁶¹ Montanari, T. (2015). *I tesori dell'arte nelle mani della mafia*. La Repubblica

1. Biography of a boss

*"I wanted to be a man and I became MD"*⁶²

Matteo Messina Denaro was born in April 26, 1962, in Castelvetro, in the province of Trapani (Sicily) and he was one of the most notorious and powerful Mafia bosses of Cosa Nostra. Raised in a family deeply entrenched in the criminal organization, he was the son of Francesco Messina Denaro, Castelvetro's historic boss.

Messina Denaro began his criminal career in the 1980s, distinguishing himself by his ruthlessness and ability to build strategic alliances with key Cosa Nostra figures, including Totò Riina and the Graviano brothers. *"I don't have a job, I do what I like and mostly I do what I have to do. I am earning my slice of heaven."*⁶³

In the 1990s, he was a key player in Cosa Nostra's season of massacre, participating in the planning of the attacks against the Italian state that marked that period. He was involved in the 1992 Capaci and Via D'Amelio massacres, which led to the deaths of judges Giovanni Falcone, Francesca Morvillo, and Paolo Borsellino, as well as their escorts. In 1993, Matteo Messina Denaro played an active role in the bombings in Florence, Milan, and Rome, which caused numerous casualties and damage to Italy's cultural heritage. In addition, he was responsible for particularly heinous crimes, such as the kidnapping and murder of little Giuseppe Di Matteo, who was strangled and dissolved in acid after 779 days of captivity in order to punish his father, a collaborator with the police. *"My enemies have a logic of their own. They think they are all-powerful and righteous. They have constructed a great lie for the people, we are the evil and they the good."*

After Riina's arrest in 1993, Messina Denaro assumed a prominent role in the leadership of Cosa Nostra, specializing in the management of illicit deals such as drug trafficking, money laundering, and control of public contracts. His ability to manage huge money flows and build an international network made him a central figure in the criminal landscape.

"They say I was extremely rich, but in reality, I never cared much about money. My only driving force has always been pride, the kind that peculiar individuals have, aware that

⁶² Abbate, L. (2024). *I diari del boss: Parole, segreti e omissioni di Matteo Messina Denaro*. Milano: Rizzoli.

⁶³ *Idem*

they are hopelessly exiled from the herd. That is me.”⁶⁴

Despite law enforcement attention, he managed to elude capture for nearly three decades, becoming Italy's most wanted fugitive and a symbol of Cosa Nostra's challenge to the state.

*“We were an ethnic group persecuted like any other [...] we were persecuted as if we were villains, treated as if we were not of the human race, we were to be deleted. Yet we are children of this land of Sicily, tired of being overpowered by a state we do not recognize, we are Sicilians and such we wanted to remain.”*⁶⁵

His long fugitive life, characterized by strict control of the territory through intermediaries and a protection network built through family and political ties, ended on January 16, 2023, when he was arrested in Palermo at a private clinic where he was being treated for colon cancer. The arrest represented a historic moment in the fight against the Mafia, ending one of the longest and most significant escapes in Italian criminal history. During his imprisonment, Messina Denaro faced several trials, receiving confirmed life sentences for the numerous crimes of which he was found guilty. Terminally ill, he was transferred to L'Aquila prison, where he received palliative care until his death on Sept. 25, 2023.

*“I think I have led a life dominated by contempt for consequences. I've seen some run away from it. Cowards can recognize even in the dark the way home. These days it's fashionable to change your tunic. It does not belong to me and I find it very heroic to sink.”*⁶⁶

His passing marks the end of an era for Cosa Nostra, leaving a legacy of violence, *omertà* and fear that has profoundly marked contemporary Italian history.

2. “Con il traffico di opere d’arte ci manteniamo la famiglia”

Matteo Messina Denaro, who is remembered for many crimes and many deaths, was also engaged in another area in Italy: the illicit trafficking of archaeological and artistic artifacts. He had, in fact, inherited a passion for art and archaeology from his father, or perhaps he had seized the great opportunity for profit that resided in those pieces. This

⁶⁴ *Idem*

⁶⁵ *Idem*

⁶⁶ *Idem*

market turns out to be absolutely lucrative, especially in a country that is made of art like Italy.

Works of art that other countries want and, in order to own them, would pay any amount of money. In some “pizzini” where he talks about his life, Messina Denaro writes not surprisingly that with art trafficking “he could support himself”: “*with art trafficking we support our family,*” wrote the young boss at the beginning of his criminal career. The illegal trafficking of cultural goods represented for the Messina Denaro family a key element in their rise to power and, above all, a symbol of social prestige.

It is important to stress that works of art possess a strong symbolic value for a mafia boss, representing his power. As explained in the previous chapter, organized crime does not directly manage the trafficking of artifacts, and it is precisely this operational distance that makes complex to identify with certainty whether mafia members are involved in the illicit trafficking. In this case, Cosa Nostra is present all along the commercial chain that brings the works from the black market to the legal one, using different modalities and channels but it is still difficult to prove before the courts the link between illicit trafficking in art works, unauthorized archaeological excavations and mafia associations.

A distinctive aspect of the Messina Denaro Mafia family is the prominent role that trafficking in archaeological artifacts has assumed in their business, along with a genuine passion and a kind of “specialization” of its leaders in the area of ancient works. It is interesting to note that before they established themselves as a point of reference for *tombaroli* in western Sicily, “the Messina Denaro's social level was low, Francesco Messina Denaro was a *campiere*, means a janitor of the fields and overseer of farm work, while his father even was a janitor-with all due respect to the gentlemen janitors, he was a peculiar janitor. It's not like he was who knows what,”⁶⁷ as Angelo Siino, collaborator of justice, reported.

Collaborators of justice close to the Messina Denaro family have often told of their passion for art, with particular reference to ancient objects. Their father, one of the first *tombaroli* in the Selinunte archaeological park, is said to have passed on to his son Matteo not only a taste for art but also an interest in archaeology. Although it may be surprising

⁶⁷ Catalano, S. (2017). *Mafia, la passione dei Messina Denaro per l'archeologia: I piani per rubare l'Efebo e il Satiro e il ricatto allo Stato*. MeridioNews.

that individuals and known for brutal crimes would show an interest in such a sophisticated discipline, this aspect is not the most significant paradox of the story.

2.1 The intersection of Art, Cosa Nostra and the State

For mafia organizations, trafficking and stealing works of art turn out to be less risky activities than others, but they offer at the same time an instrument of intimidating power against the state. “Several accounts indicate that Matteo Messina Denaro allegedly selected the sites of the 1993 bombings by following a specific criterion related to the historical, artistic, and symbolic value of the affected sites: the Lateran Palaces and the Velabro in Rome, Via dei Georgofili near the Uffizi in Florence, and Via Palestro near the Pavilion of Contemporary Art in Milan”.⁶⁸

One of the most notorious national cases involving Matteo Messina Denaro was the robbery that took place at the Galleria Estense in Modena in January 1992. A group of four robbers, affiliated with Brenta crime boss Felice Maniero, broke into the Modena Art Gallery. The bandits immobilized the custodians and stole several valuable works, including paintings by Velázquez, Correggio, and a triptych by El Greco. Maniero, who had been arrested in Modena eight years earlier and subsequently escaped, had begun to follow a modus operandi similar to that of Cosa Nostra, hoarding works of art to use as a negotiating tool with the state. According to statements by the collaborator of justice and Totò Riina's right-hand man Giovanni Brusca, a key figure in the whole affair would have been Paolo Bellini, a former member of Avanguardia nazionale, a killer in the service of the 'Ndrangheta and a collaborator with the police since 1999. It would have been he who made the mafiosi realize that the attack on art treasures could have bent the state. After all, “killed a judge these are replaced, killed a policeman the same thing happens, but destroyed the Tower of Pisa was destroyed an irreplaceable thing with incalculable damage to the State.”⁶⁹

Messina Denaro's connection to the theft of the paintings emerges clearly: according to the statements of other collaborators of justice, the works were at the center of a negotiation in which Messina Denaro himself took part. The purpose was to obtain

⁶⁸ Giacalone, R. (2017). *Mafia, arte e il potere di Messina Denaro*. Libera Informazione.

⁶⁹ Ceschi, G. (2019). *Il ruolo della criminalità organizzata nel traffico illecito di opere d'arte*. Rivista Di Studi E Ricerche Sulla Criminalità Organizzata

advantages for prominent mafiosi who were detained. “The story told that photographs of those works were immediately sent to Messina Denaro, to assess whether Cosa Nostra could act to recover them”⁷⁰. The works were later recovered in two different operations, in 1993 and 1995, hidden in a tomb in the Ferrara lowlands.

In addition, Giovanni Brusca spoke of Cosa Nostra's attention to the world of archaeology in the early 1990s, partly as a means of putting pressure on the Italian state. “There was the possibility of being able to make an exchange of material,” Brusca reconstructs to magistrates, “that is, giving these works of art in exchange for permits, to which I gave myself help in order to be able to find of this kind of material. I turned to Salvatore Riina and Matteo Messina Denaro. I was not competent in the matter, I relied on them; plus Messina Denaro made me meet a person, I think he is not a man of honor, however a person very close to him.”⁷¹ For a long time, investigators speculated that this guest was someone who was in Switzerland and had contacts with half the world, according to Brusca's description, it might have been the art dealer Becchina himself, but they never managed to find conclusive evidence to substantiate this thesis.

3. Gianfranco Becchina, the “Maecenas of Castelvetro.”

It is simplistic to think that, in the illicit trafficking of cultural property, only the Mafia is included: the crime toward art is carried out by a series of figures, more or less lawful, more or less aware of the act and the loss they are bringing to history and cultural heritage. There are two types of characters in this field: a person who understands little about the historical and cultural value that art has for mankind, but also who know perfectly well how much the art objects they want to appropriate are worth: museums, collectors, wealthy private individuals. People who should not only love art but also preserve it. Gianfranco Becchina, 85 years old, a native of Castelvetro, is a well-known figure in both the cultural and judicial arenas, linked to Messina Denaro family's illicit trafficking. An established collector in Basel, Becchina allegedly supplied world-renowned museums such as the Louvre, MoMa, and in particular, the Getty Museum in Los Angeles with

⁷⁰ Reggiani, V. (2023). *Il boss latitante legato al furto del Velazquez*. Il Resto del Carlino.

⁷¹ Catalano, S. (2017). *Mafia, la passione dei Messina Denaro per l'archeologia: I piani per rubare l'Efebo e il Satiro e il ricatto allo Stato*. MeridioNews.

illicitly sourced pieces. The first traces of Becchina's investigation date back to the 1990s, when two collaborators of justice, Rosario Spatola and Vincenzo Calcara, spoke about him. Spatola told that Becchina had major interests in trafficking in archaeological artifacts. Both Spatola and Calcara stated that Francesco Messina Denaro had considerable interests around archaeological artifacts, he was the head of a gang of *tombaroli* who used international channels to sell them abroad, among these channels was Becchina.

According to “L'Espresso magazine”, one of the main case related to Becchina was his connection with the Getty Museum. In 1983 Becchina offered the California museum, at a price of \$10 million, a Greek kouros, or marble statue of a naked young man. The deal falls through because a famous Italian critic, Federico Zeri, a Getty consultant, labels the work “a fake.” Becchina, however, remains in vogue. Two years later, in Castelvetro, he meets Jiri Frel, who has just been removed as Getty curator on charges of making too many purchases at inflated prices. “Jiri Frel is a scholar of Czechoslovak origin who knows nothing about the Mafia, unaware that he is in a historic center dominated by one of the most powerful Cosa Nostra families. Gianfranco Becchina is known to Frel only as a valuable supplier of ancient art pieces, with clients from Switzerland to the United States, who has already sold more than fifty valuable classical artifacts to the Getty”⁷². After that, the California museum returned the first 43 Etruscan and Greco-Roman artifacts to Italy, the Boston Museum repatriated 13, the Met in New York another 20. In 2001, Becchina was investigated in Rome for receiving and illegally exporting works of art. In May 2002, at an Italian request, Swiss police search his gallery, Palladium Antike Kunst, in Basel, which he founded with his wife Ursula. During the raid, a vast archive, called the “Becchina archive,” was found, including 13,000 official documents and 4,000 photographs, as well as a confidential archive with images of 3,164 other exhibits.

“Through art and archaeology Gianfranco Becchina has become extremely rich. In Sicily he bought farms, businesses, real estate, even part of the Castelvetro castle. Six years ago, his assets were confiscated. In the motivation, reported by Lirio Abbate in the book-investigation “U Siccu” on Matteo Messina Denaro, the Trapani court explains that

⁷² Biondani, P. and Sisti, L. (2023) *‘Il traffico di reperti rubati per i grandi musei: nei sequestri in USA sono coinvolti anche trafficanti italiani’*, L'Espresso.

“although he has not been convicted of mafia association, his frequentations, trafficking and direct relations with the Castelvetro mafia-type organized crime circles make his degree of qualified dangerousness current and relevant.” When the Anti-Mafia Investigative Directorate notified him of the confiscation on November 2017, it found no archives: the library in Becchina's building, with all its papers, burned that very day in a mysterious fire⁷³.

In recent years Becchina has repeatedly claimed that he has never been convicted of any crime. In 2018, however, the Anti-Mafia Commission chaired by Rosy Bindi branded him as “close to both the Mafia family of Campobello di Mazara and that of Castelvetro,” which was found to be “also active in the illicit trade of archaeological finds from clandestine excavations in the Selinunte area,” with “interests headed by Matteo Messina Denaro and, before that, his father Francesco.”⁷⁴

While Becchina has described himself as a mere “Maecenas of the arts”, to his detriment are testimonies by Grigoli, a collaborator of justice who speaks of a flow of money received by Matteo Messina Denaro⁷⁵. The art dealer regarding his alleged association claims that “It is equally false any reference to Matteo Messina Denaro, a person with whom I have never had any kind of relationship whatsoever, in Italy or abroad, let alone by telephone as has been falsely claimed. I would like to point out that at the time of my final return from Switzerland Messina Denaro had been a fugitive for a few years.”⁷⁶

Among Matteo Messina Denaro's art connoisseur friends is also Giuseppe Fontana, “an anarchist,” as he calls himself, who was arrested in 1994 for drug trafficking, arms trafficking, and mafia association. In 1988 Fontana, like Pessoa's “Anarchist Banker,” lived a luxurious life. In Switzerland he owned a warehouse “with a consignment of antiques that the policemen unjustly seized from me,” as he wrote in a long letter signing himself “Prisoner of State.”⁷⁷ He was the one who was constantly traveling from Switzerland to Yugoslavia with his haul of archaeological artifacts found in poaching digs commissioned by the Mafia. But Fontana also had another important and more interesting

⁷³ *Idem*

⁷⁴ Camera dei Deputati (2018). *Relazione conclusiva della Commissione parlamentare antimafia*.

⁷⁵ ANSA. (2024). *Sequestro beni archeologici, è il trafficante d'arte Becchina*.

⁷⁶ TP24 (2024) ‘Gianfranco Becchina: figura chiave del traffico internazionale di opere d'arte’.

⁷⁷ Ferrante, V., Teodonio, V., & Viettone, E. (2015). *I tesori dell'arte nelle mani della mafia*. La Repubblica

mission: to supply Castelvetro with weapons of all kinds to enhance Matteo Messina Denaro's arsenal.

4. Sicily's treasures

“I do not envy God heaven because I am well satisfied to live in Sicily.”⁷⁸

With a millenary tradition, Sicily has been a land of conquest and fusion of multiple civilizations: from the Greeks to the Arabs, from the Normans to the Spanish, each people that has crossed the island has left an indelible trace in its cultural heritage. Its coastlines, Doric temples, Byzantine mosaics and Baroque palaces testify to an unparalleled historical richness. Unesco sites testify the cultural, artistic and historical importance of the island over the centuries, as well as highlighting its truly unique natural features. There are seven Sicilian Unesco sites, plus four intangible elements.

However, Sicily is also a place that faces difficult challenges, including the fight against organized crime and the protection of its vast heritage. Its extraordinary wealth is constantly threatened by mafia-related illicit activities, such as trafficking in archaeological artifacts, clandestine excavations, and the appropriation of cultural property. Organized crime often uses these trades to launder money and finance other illegal activities such as drug trafficking and weapons. The lack of adequate surveillance and the vastness of the territory make it difficult to protect this immense heritage, despite the efforts of the authorities. Preserving Sicily's cultural heritage is crucial to protecting the island's historical and cultural identity. However, as Giuseppe Tomasi di Lampedusa observes in his novel *Il Gattopardo* : “Sicilians will never want to improve for the simple reason that they believe they are perfect; their vanity is stronger than their misery.”

The activity of *tombatori* is still particularly intense today in Sicily. These seekers of archaeological relics, often destined for the black market, operate in an area where thousands of years of history make it relatively easy to find objects of great cultural value. Vincenzo Tusa, superintendent of the Cultural Heritage of Western Sicily since 1963,

⁷⁸ Attributed to Federico II of Svevia reflects the deep love the emperor had for the island. Federico II, who reigned in the 13th century, is often remembered for his intellectualism and passion for culture, but also for his special connection to Sicily, where he built numerous buildings, including the famous Castel del Monte.

called this activity a true “punishment of God.”⁷⁹ However, observing the continued depletion of the site, he proposed a bold and controversial solution: hire *tombaroli*. The idea, however, made it possible to significantly reduce the loss of artifacts, turning looters into custodians of the archaeological heritage.

Countering the phenomenon is the Carabinieri's Nucleo Tutela Patrimonio Culturale (Cultural Heritage Protection Unit), which recently published a balance sheet of operations carried out in 2022⁸⁰. Last year saw a decrease in thefts of works of art and cultural property compared to 2022. However, finds of archaeological and historical artifacts were numerous and, in some cases, of particular significance. In total, activities to combat illicit trafficking led to the recovery of more than 900 archaeological finds and 1,157 items of historical interest. The work of the Unit focused on two main directions: prevention and law enforcement. On the preventive front, 456 inspections were conducted in 2022 to ensure the security of museums, archives, libraries and protected archaeological areas. Targeted inspections also targeted markets, fairs and antique stores, with the aim of combating fencing. The data collected during these inspections were cross-referenced with those of the Data Bank of Illicitly Stolen Cultural Property, managed by the Carabinieri Tutela Patrimonio Culturale Command, the world's largest database of stolen works of art.

Illegal excavations are still the main threat to cultural heritage, both in Sicily and in the rest of Italy, according to Tpc carabinieri. The main cause is the lack of adequate supervision over a heritage that is as rich as it is extensive. “The areas most at risk,” says Luigi Mancuso captain of the Carabinieri Tpc Palermo, “are the central and western parts of the island. Investigative activity in 2013 led to the seizure of 7,858 archaeological finds worth an estimated more than 2 million euros”⁸¹. The main problem with these raids is the poor supervision of the sites, as with the Selinunte Archaeological Park, which became autonomous in April 2013 and under the custody of a scientific committee. “Since I have been director of the Archaeological Park, I am not aware of any theft nor do I see any situations of degradation or filth,” says Giovanni Leto Barone. - “The Park is completely fenced and manned at strategic points by 70 custodians. We would need at

⁷⁹ Ferrante, V., Teodonio, V., & Viettone, E. (2015). *I tesori dell'arte nelle mani della mafia*. La Repubblica

⁸⁰ TP24, (2023). *I tombaroli in Sicilia: in un anno recuperati reperti storici per 7,8 milioni*.

⁸¹ Centro Studi Pio La Torre, (2023). *Così la mafia investe nell'archeologia*.

least 120, but our economic resources do not allow us to do so at the moment.”⁸² However, along the beach of Marinella di Selinunte, near the coast, the fence is absent. In some areas it has been destroyed, in others it has been submerged by sand dunes, allowing anyone free access to the archaeological area. Even in the acropolis area, no janitors can be seen, and the only sign of the need for an entrance ticket is a sign that has fallen to the ground, now neglected.

5. "Selinunte, Messina Denaro supermarket"

Castelvetrano is not only the hometown of Matteo Messina Denaro. It is also ancient Selinunte, the largest archaeological park in Europe, a 270-hectare site that preserves necropolis, temples, walls, towers and an acropolis overlooking the sea. Neglect, illegal dumping, almost non-existent controls and damaged fences have long made Selinunte a haven for Sicilian *tombaroli* and, in particular, a valuable source of profit for the Messina Denaro family. Don Ciccio, Matteo Messina Denaro's father, knew the land in the Belice Valley inside out. “The old man above all had this particular hobby, because his career began precisely as a *tombarolo*.”⁸³ This is how collaborator of justice Angelo Siino describes him.

It was Don Ciccio who systematically recruited local *tombaroli* beginning in the 1960s to loot the area of the Selinunte archaeological park. Among them were farmers, fishermen and locals who, by digging up land rich in archaeological treasures, were able to supplement their income. But then, it was Messina Denaro himself, after his capture and shortly before his death, who told prosecutors that his father, was a *tombarolo* at the Selinunte archaeological site. “*I live well from my own, from the family. My father was an art dealer.*” And again, “*I am passionate about ancient history from Rome up. My father didn't really go there to dig however in Selinunte at that time there were a thousand people and they all dug. Generally 100 percent of the works were bought by my father which were then sold in Switzerland and then they came from Switzerland everywhere: to*

⁸² Ferrante, V., Teodonio, V., & Viettone, E. (2015). *I tesori dell'arte nelle mani della mafia*. La Repubblica

⁸³ Catalano, S. (2017). *Mafia, la passione dei Messina Denaro per l'archeologia: I piani per rubare l'Efebo e il Satiro e il ricatto allo Stato*. MeridioNews.

*Arabia, to the Emirates and we would see things that passed by my father in American museums.”*⁸⁴

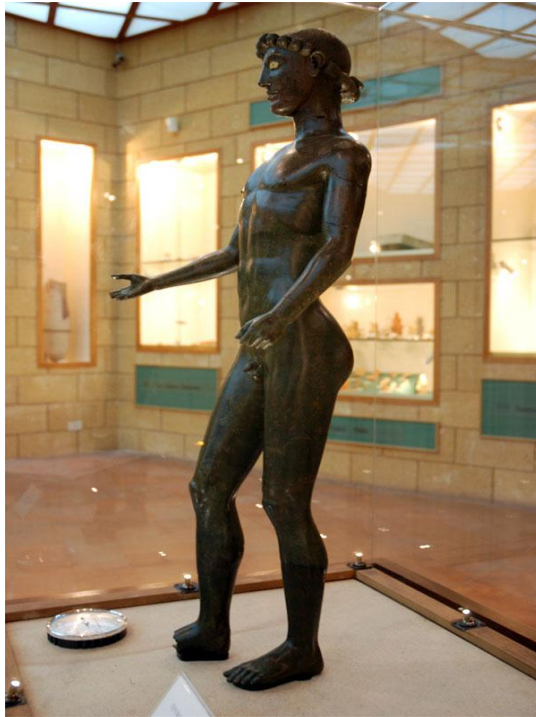
5.1 The *Ephebe of Selinunte*

The *Ephebe of Selinunte*, “Lu Pupu” as Sicilians refer to him affectionately, is a bronze statue about 85 cm tall, representing a nude male figure in the severe style, recognized as an authentic Sicilian Kouros dating from 480-460 BC. Today it can be admired at the Selinunte Civic Museum in Castelvetro (TP). According to reports in The Journal of Cultural Heritage, the statue was discovered in the 19th century by chance in the necropolis of contrada Galera Bagliazzo, also in Castelvetro. Because it was found near a clay sarcophagus, it is speculated that it was part of a funerary context. The statue was sold to the Municipality of Castelvetro for 50,000 liras and, in 1927, was restored by the Museum of Syracuse, after which it was transferred to the Archaeological Museum of Palermo. In 1933, it returned to Castelvetro and was placed in the antechamber of the Mayor's Cabinet, where it remained until 1962, when it was stolen. The instigator of the theft was allegedly Francesco Messina Denaro, known for his passion for ancient objects. “At the beginning of his career,” told collaborator of justice Siino, “the Messina Denaro father had to deal with the issue of the famous *Ephebe of Selinunte*. And from that moment on, they understood that the strand was profitable, it was very important, and from there on they always dealt with archaeological findings and art.”⁸⁵

Also according to The Journal of Cultural Heritage, in 1968, the police, led by the quaestor of Agrigento with the support of Rodolfo Siviero's team, organized an operation in Foligno to recover the statue. During the operation there was a fire and the arrest of four people. The years of hiding had severely damaged the statue: it had been hidden in a barrel of gasoline and manipulations had compromised the joints of the limbs. A complex restoration was then entrusted to the Central Institute for Restoration in Rome. After recovery, the statue was exhibited at the Salinas Museum in Palermo and finally returned to the citizens of Castelvetro in 1997, finding its permanent home in the Selinunte Museum in Palazzo Maio.

⁸⁴ Lo Verso, R. (2024). *Mafia e arte: i misteri e le mire di Messina Denaro sul Satiro*. Live Sicilia.

⁸⁵ Catalano, S. (2017). *Mafia, la passione dei Messina Denaro per l'archeologia: I piani per rubare l'Efebo e il Satiro e il ricatto allo Stato*. MeridioNews.



6. Matteo Messina Denaro and the *Satiro Danzante*

Matteo Messina Denaro, like his father, had become a relevant figure in clandestine excavations. However, dealing with recovering archaeological finds as at the Selinunte site was reductive for him; it was not enough; it was necessary to start doing something bigger. The underwater archaeology present in the Sicilian channel was a good starting point to put into practice the plan to create a commercial triangle between Sicily, Switzerland and the U.S. In the 1990s, Robert Ballard, who was famous for the discovery of the Titanic, announced to the National Geographic Society in Washington that he had found the largest basin of ancient shipwrecks in the Mediterranean Sea in the Sicilian Channel. The expedition, financed by the United States, led to the discovery of numerous artifacts, including the *Satiro Danzante*. This came at a crucial time when the Cosa Nostra was transformed, headed by a new leader who wanted to move away from a violent image to focus on high-level business, creating links between Sicily and the US. “MD was not just any mafioso, he was a man of culture, who spoke English and already with the attacks in Rome and Florence would have wanted to break down Italy's cultural identity in favor

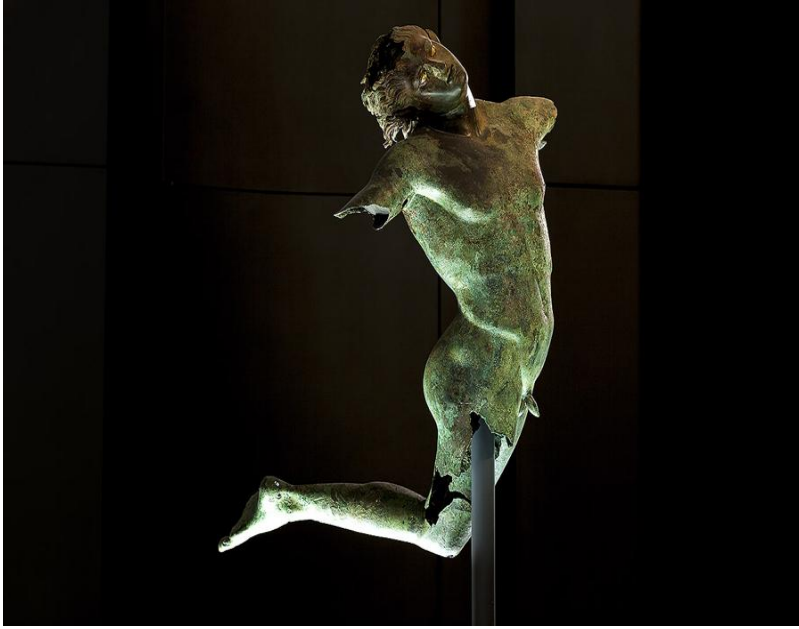
of a business that saw cultural heritage as the only expression of profit.”⁸⁶ His interest in archaeology was not just a passion; he knew that the state was weaker affected in its historical identity.

The *Satiro Danzante* of Mazara del Vallo is a symbol of Mediterranean beauty and underwater heritage recovered in the Sicilian Channel, of similar value to the Riace Bronzes. This precious bronze statue, dated to the late IV century B.C. and attributed to the school of Praxiteles, is displayed in the Museum of Sant'Egidio, a deconsecrated church of significant architectural interest built between 1500 and the end of the same century. In the early 2000s, a collaborator of justice Concetto Mariano said he was instructed by the boss to steal the famous *Satiro Danzante*, an archaeological find preserved in Mazara del Vallo, with the intention of marketing it through tried-and-true Swiss channels. The plan was finalized, a date chosen, but an unforeseen hitch messed everything up: a few days before the action, surveillance measures around the statue were reinforced and the bronze attributed to Praxiteles was then transferred to the offices of the Central Institute for Restoration in Rome. Messina Denaro had been a fugitive for some time, but nevertheless active and personally engaged in overseas business by filling American museums with bronzes found in the Sicilian channel. Together with Becchina, named in the previous paragraph, a not inconsiderable international trade in archaeological artifacts was set up, which was fortunately broken up in 2017 with the operation in Switzerland. Surely, in 30 years of absconding, the boss had accumulated in his lair more than what was found and seized after his arrest, and he was one of the few who knew and other items had illegally ended up in the hands of the US.

“If Messina Denaro had succeeded in stealing the *Satiro Danzante* and sending it to America, it would have been the ultimate defeat of every civil conscience, the death of our country's soul. The truth is that MD has always worked to destroy Italian heritage, other than passionate.”⁸⁷

⁸⁶ Radio Caffè Criminale (2023). *Matteo Messina Denaro e il Satiro Danzante*. A podcast written and narrated by: Archaeologist Luca Paolucci

⁸⁷ *Idem*



Chapter 4.

The importance of protecting cultural heritage through the prevention of illicit trafficking - A Legal Framework

Introduction

Around the world, there are many initiatives aimed at raising awareness of crucial social issues. From protecting biodiversity to preventing disease, from combating violence against women to promoting human rights, numerous causes contend for our attention.

In this context, what makes cultural heritage so essential that it deserves priority protection for future generations? This question is answered by UNESCO in one of its reports: although they are lifeless objects, the value of cultural heritage lies in the unbreakable bond with the people who created them. Through paintings, manuscripts, sculpture and architecture, past civilizations have left a legacy of creativity, knowledge and worldview that continues to inspire and teach. Without this transmission of knowledge, many of the achievements we benefit from today, from democratic principles to medical advances, would have been impossible.⁸⁸ Cultural heritage has a powerful symbolic value: it represents the collective memory of humanity and a bridge between eras and peoples. Its fragility makes it all the more precious, because to lose a work of art or a historic site is to erase a piece of our shared identity. Just as we feel an instinctive sense of protection toward living beings in danger, so too does the preservation of culture awaken a feeling of belonging and sharing.

This chapter explores the evolution of the legal framework aimed at the prevention of illicit trafficking of cultural property, analyzing the main normative instruments at the international, European and national levels. Beginning with the earliest historical provisions, such as the Treaty of Westphalia and the Lieber Code, to more recent conventions adopted by UNESCO, UNIDROIT and the European Union legislative

⁸⁸ UNESCO (2023). *Fighting the illicit trafficking of cultural property: a toolkit for European judiciary and law enforcement*, by Z. Boz.

efforts to combat the phenomenon and promote the return of stolen property will be examined. In addition, the role of international organizations, including Interpol and the United Nations, in coordinating interstate cooperation initiatives and strengthening mechanisms to control and suppress illicit trafficking will be explored. Finally, measures taken at the national level will be analyzed, with reference to Italian legislation, which has recently introduced stricter measures against crimes related to cultural heritage.

1. Return to the origins

*“Historia vero testis temporum, lux veritatis, vita memoriae, magistra vitae, nuntia vetustatis”*⁸⁹

In ancient times, particularly during the Roman period, the classification of property developed by Cicero laid the foundation for concepts that relate to cultural property today. His thought helped delineate a distinction between different types of property, implicitly recognizing the special value of those related to artistic and historical heritage. This approach would evolve over the following centuries, finding one of its first concrete expressions in the 1648 Treaty of Peace of Westphalia. This treaty, concluded at the end of the Thirty Years' War, represented a significant moment in the regulation of the protection of cultural heritage, as it contained specific provisions for the return of stolen artifacts, including archival documents, recognizing their importance not only materially, but also symbolically and identifiably for the nations involved. As part of this agreement, for example Sweden returned 133 Bohemian archival documents by the close of the 18th century. Therefore, the Westphalian Treaty marks a pivotal moment in the development of international regulations concerning the return of cultural property.

During the Napoleonic Wars, many cultural treasures were taken from their countries of origin. After the defeat at Waterloo and in the course of the 1815 Paris Convention negotiations, the Allies rejected France's proposal to retain the confiscated property. Consequently, a decree was issued for the return of both confiscated and treaty-acquired cultural items to their rightful countries.

Convened to refine and formalize the rules on warfare, the First Hague Conference of 1899 adopted the Hague Convention that explicitly prohibited the needless destruction of buildings dedicated to religion, science, art, and education. Particularly significant for cultural property is Article 56, which asserts that: “The property of communities, religious, charitable, and educational institutions, and property devoted to art and science, even if owned by the State, shall be treated as private property. Any intentional seizure, destruction or damage to such institutions, historical monuments, works of art or science shall be prohibited and shall be subject to legal proceedings.”

In 1919, two important treaties, the Treaty of Versailles and the Treaty of Saint-Germain-

⁸⁹ Cicero, *De Oratore*, (II, 9, 36), i.e., “History in truth is witness of the times, light of truth, life of memory, teacher of life, messenger of antiquity.”

en-Laye, addressed the restitution of cultural property for the first time. These treaties included clear provisions for the return of specific cultural items, establishing a precedent for future claims related to the restitution of artworks and other cultural objects. A landmark moment in the international protection of cultural property came with the 1935 Washington Pact, also known as the Roerich Pact or the Pan-American Treaty for the Protection of Artistic and Scientific Institutions and Historic Monuments. This agreement, which was the first of its kind, laid the groundwork for the enforcement of foreign laws concerning the return of cultural heritage within the Americas. According to Articles 2 and 3 of the treaty, objects lacking an export certificate from their country of origin would be confiscated and barred from importation, with the obligation for their return. Additionally, the country of origin, as a State Party to the treaty, had the right to demand the return of such objects. Although the Washington Pact applied only to pre-Columbian and colonial artifacts and was limited to the Americas, its principles have influenced contemporary international and regional laws regarding cultural property. The conventions surrounding the return of looted artifacts were further expanded following World War II. Specifically, the 1952 Convention on the Settlement of Matters Arising Out of the War and Occupation saw Germany commit to the establishment of a dedicated agency responsible for locating, recovering, and returning cultural property, as well as other items such as jewelry and antique furniture, taken from occupied territories during the war.

2. Prevention of illicit trafficking of cultural heritage at Global level

2.1 1970 UNESCO Convention

The United Nations has played a key role in arriving at a universal legal framework for cultural property. The most important on the subject is the 1970 UNESCO Convention, ratified by almost all states (193 States). As discussed in the previous chapters, the UNESCO 1970 Convention is formally known as the "Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property," it was adopted to provide a legal framework for the protection of cultural heritage globally and to prevent the illegal export and import of cultural objects, ensuring their rightful return to their countries of origin. It establishes a system for international cooperation, encourages the creation of national legislation to protect

cultural property, and facilitates the restitution of stolen or illicitly exported objects.

In this section, I will explore the operational aspects of the Convention, focusing on how it works in practice. In particular, the Operational Guidelines of the 1970 UNESCO Convention were developed to strengthen the implementation of the Convention and address contemporary challenges in the fight against illicit trafficking of cultural property. These guidelines provide an international standard to minimize disputes and guide the drafting or revision of national legislation on cultural heritage protection. They emphasize key areas such as due diligence, the return and restitution of cultural property, online sales and auctions, and the prohibition of illicit imports and exports.

Under the UNESCO 1970 Convention, Member States are required to implement specific measures aimed at preventing the illicit trade in cultural property. These measures include establishing clear criteria for due diligence, which involves assessing the "good faith" of individuals or institutions involved in cultural property transactions. This is essential for ensuring that cultural objects are not derived from illegal excavations, and that artifacts meet the Convention's standards. Additionally, countries must impose import restrictions on cultural objects that have been illegally exported and work towards their return to the countries of origin, with scientific analysis supporting restitution when necessary. It is also important to note that the Convention does not validate any illegal transactions that occurred prior to its enforcement. Furthermore, special care must be taken in the auction process to verify that cultural property has the appropriate export documentation. For online sales, the Convention encourages active public engagement and monitoring to identify and report any items with questionable origins, ensuring that the digital marketplace adheres to the same standards of accountability.

A key complement to the UNESCO 1970 Convention, is the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation (ICPRCP). This committee, made up of 22 Member States, plays a critical role in facilitating bilateral negotiations, offering mediation and conciliation services, and fostering multilateral cooperation to support the return of cultural property to its rightful owners. In addition, the ICPRCP encourages research aimed at creating representative collections in countries impacted by the dispersal of cultural heritage, and it actively promotes public awareness campaigns. The committee also provides guidance for UNESCO's work related to restitution and supports

the development of museums and conservation institutions, while promoting international exchanges of cultural property based on UNESCO's recommendations.

The guidelines that accompany the Convention reflect the changing landscape of illicit trafficking, taking into account the challenges posed by contemporary issues such as regulating auction houses, ensuring due diligence, and using technology to monitor online marketplaces. They emphasize the need for stronger collaboration among nations and relevant stakeholders to effectively safeguard cultural heritage.

Despite the measures taken, the Convention has some weaknesses. First of all, it has no retroactive effect and applies only to the movement of cultural goods that occurred after its entry into force in 1972. The 1970 UNESCO Convention is a legally binding international treaty for states that have ratified it. It aims to prohibit and prevent the illicit import, export and transfer of cultural property. However, its effectiveness depends on implementation in national laws and cooperation among member states. In addition, while binding, it does not provide direct sanctions for states that fail to comply with it, but establishes a legal framework for international cooperation in the protection of cultural heritage. This has led to a large variety of measures, often not aligned with the level of rigor and protection desired by the Convention's legislators. The sentence used in the Article 10, "in ways appropriate to each country," further reduces the effectiveness of the obligation, with the result that many signatory states do not actually impose these standards on antiquities dealers. Another limitation of the Convention concerns its scope, which is limited to theft from inventoried public collections and museums, while excluding private collections and unrecorded cultural property, such as that from unexplored archaeological sites. As a result, Article 3, which declares the movement of cultural property in violation of the Convention to be unlawful, and Article 1, which defines cultural property as that "designated by each State as important to archaeology, prehistory, history, literature, art, or science," have raised wide discussion among experts. However, their prevailing interpretation is that the Convention applies only to registered property, thus significantly limiting its effectiveness in combating illicit trafficking in antiquities, contradicting its own objective.⁹⁰ Finally, the Convention operates exclusively at the intergovernmental level (Article 9), excluding private individuals from

⁹⁰ Koush, A. (2022) *Traffico illecito di beni culturali: la risposta italiana in attesa di una reazione internazionale*.

the right to request the return of cultural property on the basis of its provisions. For these reasons, analysis of the 1970 UNESCO Convention shows that “it is more of a diplomatic tool than a true legal instrument”⁹¹, although it remains a relevant reference in international law.

A significant example of Cosa Nostra involvement in the violation of the 1970 UNESCO Convention may involve the activities of Gianfranco Becchina, the well-known art dealer originally from Castelvetro. Becchina was accused of being at the center of an organization dedicated to the illicit trafficking of archaeological artifacts, many from clandestine excavations in Sicily. These artifacts were illegally exported and sold to international collectors and museums, in violation of regulations governing the export and trade of cultural goods. The investigation revealed links between Becchina and the Messina Denaro Mafia family, suggesting a close connection between the illicit trafficking of artworks and Cosa Nostra activities.

2.2 UNIDROIT Convention

A further step toward combating the illicit circulation of cultural property was taken with the adoption of the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects. Its main objective is to analyze the needs and methods for modernizing, harmonizing, and coordinating private law, with a focus on commercial law, among states and groups of states. To address the issue of cultural property protection more forcefully, UNESCO invited UNIDROIT to draft the 1995 Convention on Stolen or Illegally Exported Cultural Objects, designed as a complementary instrument to the 1970 Convention. The UNIDROIT Convention commits states to ensure uniform treatment for the return of stolen or illegally exported cultural property by facilitating restitution requests that can be processed through national courts. Right from the preamble, the Convention stresses the importance of international cooperation to strengthen procedures for the return of cultural property that has been unlawfully removed or transferred between State Parties. It also provides for measures such as compensation to facilitate the return of goods to their countries of origin. One relevant element of the Convention, for

⁹¹ Brodie, N., Doole, J. & Watson, P. (2000) *Stealing History: The Illicit Trade in Cultural Material*. Cambridge: The McDonald Institute for Archaeological Research. Commissioned by ICOM UK and Museums Association.

instance, is the reduction of import controls: it does not require importing countries to verify the legality of cultural goods upon entry, whether they are destined for museums or private buyers. The chosen approach aims to make exporting countries primarily responsible. The Convention also distinguishes between the “return of stolen cultural property” and the “return of illegally exported cultural objects,” providing specific regimes for each category.

It is important to take into account that the UNESCO Convention and the UNIDROIT Convention should be considered complementary instruments: the UNIDROIT Convention does not replace the 1970 Convention but enhances its effectiveness by introducing private law and procedural rules that enable the principles and guidelines established by the 1970 UNESCO Convention to be applied. The UNIDROIT Convention is “self-executing,” meaning that it does not require a specific law to be enforced. The provisions can be directly invoked in states that have ratified it, providing an immediate legal basis for seeking the return or return of stolen or illegally exported cultural property before the courts or competent authorities. This treaty emphasizes the unique value and historical significance of cultural property, recognizing it as a fundamental element of the collective memory and identity of the communities that produced, cherished or rediscovered it.

On the occasion of the 25th anniversary of the UNIDROIT Convention (celebrated in Rome on Oct. 28, 2020), TPC Commander and Brigadier General Roberto Riccardi described the Convention as “one of the main instruments for the protection of the World's cultural heritage.” The UNIDROIT Convention is necessary for the purposes of the return of beauty because “art does not just have wings, it has soul and roots and wants to live where it was created.”⁹²

2.3 The Palermo Convention (UNTOC)

The United Nations Convention against Transnational Organized Crime (UNTOC), better known as the Palermo Convention, is an international treaty adopted in 2000 and entered into force in 2003. The Convention was signed by 191 states, compared to 193 UN

⁹² Comando Carabinieri Tutela Patrimonio Culturale (2020). *Attività operativa 2020*.

member states; thus implying a kind of “real universality” of the instrument⁹³.

At the origins of the Palermo Convention and its relevance lies the foresight of Giovanni Falcone. As everyone knows, Giovanni Falcone (1939-1992) was an Italian magistrate who symbolized the fight against mafia, in particular Cosa Nostra. Together with Paolo Borsellino, he led the anti-mafia pool, contributing to the instruction of the Palermo Maxi Process (1986-1987), which led to the sentencing of hundreds of mafiosi. He revolutionized the investigative method by introducing “follow-the-money” to track Cosa Nostra financial flows and by fostering the cooperation of pentiti. After becoming director of Criminal Affairs at the Ministry of Justice, he helped establish the National Anti-Mafia Direction. He was assassinated by Cosa Nostra in the Capaci massacre on May 23, 1992. Shortly before his tragic death, Falcone participated in the First Session of the United Nations Commission on Crime Prevention and Criminal Justice, held in Vienna April 21-30, 1992. As head of the Italian delegation, Falcone put forward the idea of a world conference that would set the stage for multilateral cooperation in the fight against organized crime, pointing out that “the decisive way to combat organized crime presupposes energetic and effective international cooperation and requires the preparation of appropriate international legislation” Similarly, he suggested “with regard to priority issues [...], addressing organized crime and economic crime as a top priority since these crimes have affected national institutions and the social fabric of countries in all regions of the world.”⁹⁴ With these words, Falcone urged politics to tackle supranational organized crime without hesitation. Falcone's idea later found fulfillment in the “Naples World Ministerial Conference on Transnational Organized Crime” on November 21-23, 1994. During this conference, the UN Secretary General noted that organized crime must be seen as a global threat, not just for the countries most affected, so the issue of universally defining organized crime was then discussed, as many countries had introduced the concept into their legal systems in different ways⁹⁵. Some countries suggested using existing instruments first, while others felt a convention was necessary given the growth of transnational organized crime. During the 1997 session, the General

⁹³ Balsamo, A., (2023). *La Convenzione di Palermo a vent'anni dalla sua entrata in vigore*. CentroStudi Livatino

⁹⁴ Governale, G., (2019) *'La Direzione Nazionale Antimafia e la Direzione Investigativa Antimafia: la visione di Giovanni Falcone'* Rivista di studi e ricerche sulla criminalità organizzata

⁹⁵ Nunzi, A., (2019). *La Convenzione di Palermo/I. Il percorso. La cooperazione intergovernativa degli anni '90*. Rivista di studi e ricerche sulla criminalità organizzata

Assembly decided to establish an intergovernmental group of experts in order to develop a draft Convention against transnational organized crime from a draft submitted by Poland and the other texts then under discussion.

The General Assembly also took into account of the report of the conference organized by the Falcone Foundation in April 1997. Falcone's thought found concrete realization through the initiatives and negotiations promoted by the United Nations, culminating some years later with the adoption of the Palermo Convention. This Convention is today a "living instrument," destined to evolve over time. Its future is outlined in Resolution 10/4, adopted on October 16, 2020 by the Conference of the Parties to the Palermo Convention. This resolution, proposed by Italy and entitled "Celebrating the twentieth anniversary of the adoption of the United Nations Convention against Transnational Organized Crime and promoting its effective implementation," was unanimously recognized as the "Falcone Resolution." With it, the international community paid tribute to the Sicilian magistrate and turned the principles he upheld into concrete actions. In the resolution, the fight against the economic dimension of crime is strengthened and, more generally, increasingly advanced tools for preventing and suppressing new forms of crime are offered. However, the United Nations Convention against Transnational Organized Crime provides a framework for combating transnational crimes, including trafficking in cultural property. The UNTOC serves as a legal instrument to address such crimes, although it does not contain specific provisions on cultural heritage. Among the main provisions of the UNTOC relevant to trafficking in cultural property is the applicability, which provides for the extension of the convention to serious crimes involving transnational organized groups, with prison sentences of at least four years for the crimes committed. Member states are obliged to criminalize activities such as unlawful transfer of ownership or falsifying the origin of illegally obtained cultural property, as stipulated in Article 6. In addition, states are expected to take measures to confiscate the proceeds of crimes and to trace assets related to trafficking in cultural property, as stated in Article 12. The UNTOC also promotes international cooperation by providing for extradition and mutual legal assistance among States Parties (Articles 16, 18) and the possibility of conducting joint investigations and fostering police cooperation (Article 27). Cultural property trafficking, as a transnational crime, is characterized by the use of sophisticated methods by organized groups, which often resort to practices such as laundering objects

through fake sales, falsifying provenance or manipulating the appearance of objects. In addition, cultural objects are sometimes loaned to public institutions or museums in order to create a legitimate false history. The investigation of these crimes is particularly complex, as it is difficult to link individuals to organized groups and there are no severe penalties for those who hold undocumented cultural property.

In recent years, with contributions from Italy and several other states, important projects have been launched to strengthen international cooperation against organized crime. Prominent among them is the revision of the Model Law on Mutual Assistance in Criminal Matters, completed in 2022⁹⁶. This update, necessitated by technological advances, introduced new provisions on electronic evidence collection and the use of advanced investigative techniques, such as electronic surveillance. These innovations are a crucial step in making crime fighting increasingly effective and adapted to the challenges of the contemporary world.

2.4 United Nations Security Council Resolution n. 2347

United Nations Security Council Resolution 2347 (2017) is the first official Council document dedicated to safeguarding cultural heritage during armed conflict. Unsurprisingly, the earliest international regulations for cultural property were tied to the laws of war, as such property, along with civilian lives, often suffers the most during periods of armed conflict and unrest. A key instrument from this era is the Lieber Code, drafted in 1863 during the American Civil War. It established the principle that even wartime conduct should uphold standards that protect human life. Although it was a national legal instrument, it is seen as a precursor to the Brussels Declaration of 1874, which later served as a foundation for the 1899 Hague Convention. Despite the existence of numerous international legal instruments, this resolution stands out for its global impact and adaptation of previous instruments to the context of cultural heritage.

The resolution has four main points:

⁹⁶ Balsamo, A., (2023). *La Convenzione di Palermo a vent'anni dalla sua entrata in vigore*. CentroStudi Livatino

- Coordinate international efforts of various organizations by adapting existing instruments related to terrorist financing, armed conflict and organized crime to protect cultural heritage.
- Identify crimes related to tangible cultural heritage during armed conflicts, encouraging member states to criminalize such actions.
- Urge member states to propose the inclusion of individuals, groups, and organizations linked to ISIL, al-Qaeda, and the illicit trade in cultural property on the lists provided by previous Security Council resolutions.
- Encourage the adoption of peacetime preventive measures to ensure maximum protection in the event of conflict.

In the preamble, the involvement of organized crime is emphasized, highlighting links with terrorist organizations through activities such as money laundering, bribery and illicit sales of cultural property online, which could finance terrorism. The resolution calls states' attention to the need to counter these practices: "Recognizing the indispensable role of international cooperation in crime prevention and criminal justice responses to counter trafficking in cultural property and related offences in a comprehensive and effective manner, stressing that the development and maintenance of fair and effective criminal justice systems should be a part of any strategy to counter terrorism and transnational organized crime and recalling in this respect the provisions of the United Nations Convention against Transnational Organized Crime and the Protocols."⁹⁷ Therefore, a central aspect is the call for member states to take measures to combat illicit trafficking in cultural goods, highlighting the possible link between cross-border trade in such goods and the financing of terrorism. The resolution also urges that trafficking in cultural property be considered a serious crime, in line with the United Nations Convention against Transnational Organized Crime (UNTOC). The resolution condemns the illegal destruction of cultural property, including religious sites and artifacts, as well as the looting and smuggling of cultural property, especially by terrorist organizations during conflicts. It also reiterates that under international law such attacks can be considered war crimes. Among the preventive measures outlined are promoting the creation of digitized inventories of stolen property, collaboration with international

⁹⁷ UN Security Council Resolution 2347 (2017), preamble para. 9.

databases (such as those of UNESCO and INTERPOL), the adoption of standards for museums and the art market, and the development of educational programs to raise awareness of the importance of protecting cultural heritage.

2.5 INTERPOL

Interpol is an international criminal police organization recognized by the United Nations and has 194 member states, which has always been committed to combating illicit trafficking in cultural property. The required cooperation was the focus of the 10th International Symposium on the Theft of and Illicit Traffic in Works of Art, Cultural Property and Antiquities. It was a conference that brought together 130 experts from 80 member countries. One of the main topics under discussion during the three-day event (Oct. 17-19, 2018) was the protection of cultural property in conflict zones and the possible link between art theft and the financing of terrorism.⁹⁸ On this occasion, the role of Interpol's Stolen Works of Art Database, which is a key tool in the recovery of cultural property, was repeatedly emphasized. Currently, the database contains descriptions of more than 50,000 lost, misplaced or stolen works of art. In addition, the "PSYCHE" (Protection System for Cultural Heritage) project, initiated in 2013 by INTERPOL and the Carabinieri Command for the Protection of Cultural Heritage, with the support of the European Commission, has renewed and enhanced the database. As of June 2018, member countries were given the ability to directly update the database, greatly improving the speed and effectiveness of information sharing⁹⁹. As explained before, the 2017 United Nations Security Council Resolution urged member states to use this platform as part of efforts to combat the illicit trafficking of cultural property. Despite the importance of this tool, Interpol's efforts alone are not enough. In fact, Interpol police officers do not have the power to conduct investigations independently in member countries, as the organization does not have international investigation brigades. Investigations are therefore the sole responsibility of the national police forces of individual states. For this reason, there are the "INTERPOL Notices", that are international notices or requests for cooperation that allow police forces of member states

⁹⁸ Dirittoconsenso (2019). *Interpol e la lotta contro il traffico illecito di beni culturali*.

⁹⁹ UNESCO (2023). *Fighting the illicit trafficking of cultural property: a toolkit for European judiciary and law enforcement*, by Z. Boz.

to share essential information related to crimes. Of these, the “Purple Notice” is of particular importance in the fight against illicit trafficking in cultural property, as it is used to request or provide information on the *modus operandi*, objects, devices or methods of concealment used by criminals. Its issuance requires authorization at the national level to ensure the validity and relevance of the information shared.

3. Prevention of illicit trafficking of cultural heritage at European level

3.1 Convention of Nicosia

The Nicosia Convention, adopted by the Council of Europe on May 19, 2017, is the first international legal instrument to specifically address the illicit trafficking and destruction of cultural property through criminal law. This binding treaty represents a key step in recognizing and defining crimes against cultural heritage as real crimes, an area that neither UNESCO nor the European Union can directly address through criminal law. The Council of Europe played a central role in the creation of the Nicosia Convention, thanks to its established expertise in legal and cultural cooperation and its network of experts and institutions. In 2015, during the 6th Council of Europe Conference of Ministers on Culture and Cultural Heritage, the “Namur Call” was launched to condemn the deliberate destruction of cultural heritage and the illicit trafficking of cultural property. The aim was to strengthen European cooperation and to update the existing Delphi Convention, considered outdated, with a more effective and current instrument.

In general, the Convention establishes an obligation for member states to criminalize a range of criminal offenses, including theft, illicit excavation, illegal import, export and sale of cultural property, as well as falsification of its documentation and intentional destruction. It also introduces the liability of legal persons, imposing penalties on institutions involved in illegal activities. One of the central aspects of the treaty is international cooperation, which provides for the exchange of information among states, mutual assistance in investigations, and the strengthening of export and art market controls. To resolve this issue, the Nicosia Convention promotes cooperation at both national and international levels, information exchange and collection of data on crimes included in the Convention. As reported by the Journal of Cultural Heritage Crime, the Committee of the Parties, established by the Convention, as a simple and flexible mechanism, is destined to serve as a centre for the collection, analysis and sharing of

information, experiences and good practice between Parties to improve their policies in this field using a multisectoral and multidisciplinary approach. As the Convention was consciously drafted to operate in harmony with, and build upon, universal instruments, it is intended to further facilitate co-operation between all States willing and able to take concerted action to preserve precious cultural heritage for present and future generations. The Convention is not intended for Europe only; it is also open to any country in the world that would like to accede to it. For example, Mexico ratified the Convention in 2018.¹⁰⁰

3.2 The EU Action Plan

The European Union's legislative framework on the import, export and return of cultural properties is defined by Article 36 of the Treaty on the Functioning of the European Union, which uses the term “national treasures” to refer to goods of artistic, historical or archaeological value. The same article recognizes the right of member states to prohibit or restrict the import and export of such goods, allowing them to retain objects of special significance to their heritage. With the establishment of the European Single Market on January 1, 1993, and the abolition of internal borders, the difficulty emerged of preventing national treasures from leaving the EU through another member state. In response to this need, the European Union introduced two key pieces of legislation to combat the illicit trafficking of cultural goods: Council Regulation (EC) No. 116/2009 on the export of cultural goods, and Directive 2014/60/EU of the European Parliament and of the Council, which reformulated the previous Directive 93/7/EEC on the return of cultural objects unlawfully removed from the territory of a member state.

Complementing this legal framework, the EU has developed a targeted action plan against the illicit trafficking of cultural goods, a phenomenon that has devastating consequences on cultural heritage, destroying collective memories and depriving humanity of priceless historical evidence. Conflict areas, such as Syria, Iraq, and Ukraine, are particularly vulnerable to such activities¹⁰¹.

The EU Action Plan is structured around four strategic objectives. The first objective is

¹⁰⁰ Journal of Cultural Heritage Crime (2023). *La Convenzione di Nicosia in 10 domande e 10 risposte*.

¹⁰¹ European Commission (2022). *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the EU Action Plan against Trafficking in Cultural Goods*.

to prevent and raise awareness by improving knowledge of legislation and prevention tools among art market operators and cultural institutions. Collaboration with UNESCO is key to update codes of conduct, promote the use of digital databases, and encourage tools such as Object ID to register cultural property. It also aims to make public and private collections less vulnerable through investment in training and protection measures. The second goal is to strengthen the capacity of law enforcement and judicial authorities. To cope with the complexity of the phenomenon, the creation of specialized cultural property trafficking units and dedicated magistrate pools is needed. Technology plays a crucial role, for example with the use of Artificial Intelligence to identify suspicious assets online. The third objective is the promotion of international cooperation. This involves strengthening cooperation with third countries to protect cultural property in countries of origin, transit and destination, integrating cultural heritage protection into EU security and development policies. Finally, the fourth objective aims to reduce the financial risks associated with the trafficking of cultural property. EU anti-money laundering regulations and limits on cash payments reduce the attractiveness of this market for illicit purposes. National risk assessments are promoted and guidelines for the private sector are developed to enhance transparency.

Therefore, the plan's main actions include the European Commission promoting a dialogue with the art market, supporting the digitization of sales records, and developing solutions to improve the traceability of cultural goods. Member states are encouraged to create national databases of stolen goods, share them with Interpol, train specialized personnel and sign the Nicosia Convention, which makes illicit trafficking in cultural property a crime.

3.3 EUROPOL

Europol (European Union Agency for Law Enforcement Cooperation) is the European Union agency tasked with encouraging cooperation among member countries' police forces in the fight against organized crime, terrorism and other serious security threats. Headquartered in The Hague, Netherlands, Europol collects and analyzes intelligence information, operationally supports investigations into transnational crimes such as trafficking in drugs, human beings and cultural property, and promotes international cooperation with authorities in non-EU countries and organizations like Interpol.

Although Europol does not have executive powers, such as the ability to make arrests, it is a key element in strengthening security within the EU.

Europol, through its European Financial and Economic Crime Centre (EFECC) and specialized cultural heritage crimes unit, works with Member State police forces, Interpol and other organizations to combat illegal trafficking in works of art, historical artifacts and archaeological finds. It also participates in international operations, such as Pandora, that aim to recover stolen cultural property and stop the criminal networks involved. The operation is part of the Organized Property Crime priority of EMPACT (European Multidisciplinary Platform Against Criminal Threats), the European multidisciplinary platform established by the Council of the European Union to fight the main forms of international crime affecting the Union, and is aimed at preventing the trafficking of illicitly sourced cultural property.

In recent years, Pandora operations have led to the recovery of thousands of cultural goods, including ancient statues, paintings, manuscripts, historical coins and archaeological artifacts, demonstrating the importance of international cooperation in the protection of artistic and historical heritage. However, there is no public evidence to show any specific involvement of Cosa Nostra in Pandora operations.

4. Prevention of illicit trafficking of cultural heritage at National Level

4.1 The Code of Cultural and Landscape Heritage

The Code of Cultural and Landscape Heritage (Legislative Decree 42/2004) regulates the protection, preservation and enhancement of the cultural and landscape heritage in Italy in accordance with Article 9 of the Constitution, which enshrines the protection of the nation's historical and artistic heritage. The Code defines as cultural heritage those of artistic, historical, archaeological or ethno-anthropological interest, and as landscape heritage those areas of particular natural, historical or aesthetic value. The Code establishes obligations of protection and preservation, regulates the methods of acquisition, management and enhancement of heritage, regulates the export and import of cultural goods, and provides specific authorizations for their movement. In particular, Title VI (Articles 147-182) provides for administrative and criminal penalties for those who violate the provisions of the Code, including the crime of damaging or illegally exporting cultural property. The aim is to ensure the protection and sustainable enjoyment

of cultural and landscape heritage, in harmony with the public interest and social and economic development.

At the beginning, there were not many provisions in the Italian Penal Code that can be specifically traced to the protection of cultural property, and over the years there have been several attempts to organize the criminal sanction framework to protect cultural heritage.

Recently, Italy has strengthened the protection of cultural heritage with the introduction of a new title in the Penal Code (Title VIII-bis: “Of crimes against cultural heritage”). This measure, proposed by the ministers Dario Franceschini and Andrea Orlando, had already been discussed and approved by the Chamber of Deputies in 2017, but had not completed the legislative process. After being resubmitted in 2021, thanks in part to the ratification of the 2017 Nicosia Convention, the law was expedited. The Nicosia Convention, ratified by the Senate in 2021, requires signatory countries to have strict regulations against crimes against cultural property. Italy, which until then lacked adequate defenses, had penalties that were too light and without aggravating factors for crimes of this kind. The Penal Code did not provide specific treatment for crimes against cultural heritage, and previous laws had proven ineffective. According to some sources, the second factor that accelerated the process was the decision of the House Judiciary Committee to insert new articles directly into the Penal Code, instead of continuing the examination of the bill as originally planned. This intervention made the entry into force of the reform faster, which now provides for harsher penalties for crimes against cultural property, such as the theft of works of art, which are treated as specific and more serious crimes than those related to common objects.¹⁰² Indeed, the measure inserts a new title in the Criminal Code, dedicated to crimes against cultural heritage, consisting of 17 new articles, by which it punishes, with harsher penalties than those provided for the corresponding simple crimes, theft, embezzlement, receiving stolen goods, money laundering and self-laundering, and damage involving cultural property. For example, the crime of theft of cultural property (Article 518-bis of the Criminal Code), punishable by imprisonment of 2 to 6 years and a fine of up to 6,000 euros, and the crime of embezzlement of cultural property (Article 518-ter of the Criminal Code), with penalties of 1 to 4 years, are provided. Illegal export of cultural property is now punished with

¹⁰² Osser, E., (2022). *I reati contro i beni culturali entrano nel Codice Penale*. Il Giornale dell'Arte

imprisonment of up to 6 years and a fine of up to 80,000 euros, while the crime of devastation and looting of cultural property carries penalties of up to 15 years¹⁰³. Specific aggravating factors are introduced for those who commit these crimes as professionals in the field, such as art dealers or restorers, and preventive measures are strengthened, with the possibility of seizure and confiscation of illicitly acquired property. Finally, the crime of organized activities for the illicit trafficking of cultural property is introduced, punishable by imprisonment from 2 to 8 years: the case punishes anyone who, in order to gain an unfair profit or advantage, by means of several operations and through the setting up of means and continuous organized activities, transfers, alienates, clandestinely excavates and otherwise illicitly manages cultural property. In relation to this crime, the reform provides for the jurisdiction of the district prosecutor's office and the possibility of conducting undercover activities. "A memorable day, a great step forward in the protection and preservation of cultural heritage and in the fight against the illicit trafficking of artworks. Parliament has definitively approved a law that has been awaited for years and that reaffirms the centrality of culture in Italian political choices, regardless of alignments. We are a cultural superpower and with this law we are showing the way, including by implementing the "Nicosia Convention."¹⁰⁴ This is how the former Culture Minister Dario Franceschini comments on parliament's unanimous approval of the law reforming criminal provisions to protect cultural heritage.

4.2 Comando Carabinieri Tutela Patrimonio Culturale (TPC)

The Comando Carabinieri Tutela Patrimonio Culturale (TPC) is the main Italian police body dedicated to the protection of artistic and historical heritage. Founded on May 3, 1969 on the initiative of General Arnaldo Ferrara, it was the first department in the world to specialize in this area. Its establishment proved particularly far-sighted, anticipating the 1970 UNESCO Convention, which urged member states to take measures against the illicit trafficking of works of art and to establish specialized units for their protection.

Today, the TPC operates under the Italian Ministry of Culture (MiC) and it is responsible for the protection and recovery of illegally stolen cultural property, the control of

¹⁰³ Camera dei deputati, (2017) *"Proposta di legge: Modifiche al codice penale in materia di reati contro il patrimonio culturale"*

¹⁰⁴ Ministero della Cultura, (2022). *"Reati contro il patrimonio culturale"*. Press Office MiC

archaeological and landscape sites both on land and at sea, including with the support of specialized units such as divers and horse cavalry, and the verification of security measures in museums, archives and libraries. It also carries out constant monitoring of auctions and online sales to prevent the illicit marketing of works of art. Prevention is also ensured through extensive monitoring of the territory, which also takes place from the air thanks to the use of helicopters. At international level, the TPC collaborates with INTERPOL, participates in Peace-Keeping missions, provides training to foreign police and customs forces, and contributes to research and development in the field of cultural heritage protection.

In 2015, it promoted, in cooperation with UNESCO, the creation of the Unite4Heritage Task Force, known as the “Blue Helmets of Culture,” a unit specializing in the protection of sites threatened by conflict or natural disasters.¹⁰⁵ The initiative, which was launched at Expo Milano and officially approved by UNESCO, took shape with the signing of a memorandum of understanding in February 2016 in Rome.¹⁰⁶ Italy was the first country to provide this task force, which is in charge of safeguarding cultural heritage in crisis situations, combating illicit trafficking and supporting local authorities in emergency management. As reported by the MIC, the “Blue Helmets of Culture” are made up, on a voluntary basis, of civilian experts from the Ministry of Culture, equipped with specific training, who are responsible for technical-scientific management, and highly qualified military personnel from the Carabinieri Tutela Patrimonio Culturale (TPC) Command, trained to intervene in areas affected by emergencies, who are responsible for the operational-logistical management of the missions; the Task Force may be supplemented by experts from outside the Ministry of Culture, belonging to universities, research organizations and nonprofit associations.

The Pandora operations, mentioned above, have seen the active involvement of Carabinieri from the Cultural Heritage Protection Command (TPC), leading to significant results in combating the illicit trafficking of cultural property. In 2023, TPC Carabinieri carried out 281 checks on archaeological, monumental, and underwater areas, as well as checking 108 antiquarian businesses and auction houses. The operation led to the indictment of 30 people and the seizure of 804 cultural goods, including a 17th century

¹⁰⁵ Ministero della Cultura (2022). *DM 31 marzo 2022, rep. 128 – Task Force Caschi blu della Cultura*.

¹⁰⁶ Riccardi, R. (2019). *Detective dell'arte – dai Monuments Men ai Carabinieri della Cultura*.

polychrome wooden statue and several wine amphorae from the Roman period found in the seabed of Sardinia.¹⁰⁷

4.3 Direzione Investigativa Antimafia (DIA)

The Anti-Mafia Investigative Direction (DIA) is an inter-agency investigative body established in 1991 by Law 410/1991, operating under the Ministry of the Interior to fight organized crime. The DIA coordinates the activities of the State Police, Carabinieri and Guardia di Finanza, conducting targeted investigations to target mafia organizations, including their economic and financial interests. In the area of trafficking in cultural property, the DIA plays a key role through monitoring connections between mafia clans and trafficking in works of art, collaborating with the Comando Carabinieri Tutela Patrimonio Culturale (TPC), INTERPOL to identify and recover stolen goods. Investigations generally focus on criminal networks involved in the illicit export of archaeological artifacts and works of art, which are often sold on the black market or infiltrated at international auctions. In addition, the DIA analyzes suspicious financial flows to track money laundering from the illegal sale of cultural property, identifying anomalous transactions and intermediaries involved. Through its patrimonial and anti-mafia investigations over the years, the DIA has made it possible to confiscate art collections accumulated with illicit proceeds by Mafia bosses, demonstrating how cultural heritage is often used as a tool for investment and concealment of wealth by organized crime. Recently, for example, the Anti-Mafia Investigative Directorate (DIA) executed a seizure order aimed at confiscating assets of historical, artistic, and archaeological significance. The seized assets include several late Roman amphorae and a marble plinth with mythological scenes carved on all sides, dating back to the Hellenistic-Roman period, all believed to be of great value. These objects belonged to an international art dealer, already the recipient of a confiscation order for other assets in his possession, and listed as belonging to the Mafia, with ties to the Messina Denaro family of Castelvetro¹⁰⁸.

¹⁰⁷ Journal of Cultural Heritage Crime, (2023). *Traffico illecito di beni culturali: il contributo dei Carabinieri all'operazione Pandora VII*.

¹⁰⁸ Direzione Investigativa Antimafia, (2024). *La Direzione Investigativa Antimafia sequestra beni archeologici a un trafficante internazionale di opere d'arte collegato a Messina Denaro Matteo*.

5. Final Considerations

Combating the illicit trafficking of cultural property is a global challenge that requires effective legal instruments and strong international cooperation. The analysis in this chapter shows how the legal framework for preventing the illicit trafficking of cultural property has evolved over time, from the first regulations to the current multilateral instruments, such as the 1970 UNESCO Convention and the 1995 UNIDROIT Convention. These treaties, although fundamental, still have some critical issues that limit their effectiveness, such as the lack of retroactivity, the lack of direct application in individual national legal systems, and the lack of incisiveness of penalties for related crimes.

At the international level, the role of institutions such as INTERPOL, the UN Security Council, and the Council of Europe has been instrumental in introducing new strategies to combat illicit trafficking. The adoption of the Nicosia Convention and European Union action plans attest to a growing focus on the need to integrate more modern and effective law enforcement tools. However, there remains a lack of harmonization among different national legislations, which makes coordinated and timely action difficult.

In Italy, efforts to protect cultural heritage and combat illicit trafficking are evident through the Cultural Heritage Code and the introduction of new regulations in the Penal Code, which toughen penalties for crimes against cultural property. The work of the Comando Carabinieri Tutela Patrimonio Culturale (TPC), in collaboration with DIA, INTERPOL has achieved numerous successes in the recovery of stolen works and in the fight against criminal organizations involved in the illicit trade in archaeological artifacts and works of art. As highlighted in previous chapters, the Messina Denaro case underscores the urgent need to strengthen controls over archaeological sites, art transactions, and improve cooperation between law enforcement and the art market to prevent the marketing of stolen art works.

CONCLUSION

The complex intersection between the Sicilian Mafia and the Italian cultural heritage reveals a reality in which art and history are not only victims but also tools of illicit activities.

Cosa Nostra is one of Italy's most deeply rooted and influential criminal organizations, with connections in the social, economic and political fabric of Sicily. Founded in the 19th century, it has evolved into a highly structured hierarchical system, characterized by an extremely rigid code of honor and a network of power that extends far beyond the island's borders. The organization does not limit itself to the simple management of illicit activities, but exercises widespread control over the territory, imposing itself almost as an alternative power to that of the state. It is distinguished by its ability to adapt and exploit every potentially lucrative sector, including the illicit trafficking of cultural property. Among the main characters of this phenomenon emerges the figure of Matteo Messina Denaro, the fugitive, the last great boss of Cosa Nostra. His interest in art and archaeological objects was not only a personal passion, but a real instrument of power and wealth. *"With art trafficking we support our family,"*. Inheriting from his father an aptitude for trafficking artifacts, Matteo Messina Denaro turned cultural heritage into a bargaining chip, using it to launder money, build alliances, and consolidate his criminal influence. Episodes such as the attempted theft of the Satiro Danzante and the involvement of figures like Gianfranco Becchina show how Cosa Nostra understood the enormous value, not only economic but also symbolic, of control over cultural resources. The phenomenon of "archaeomafia" thus represents one of the most intricate and insidious manifestations of organized crime and it is an activity that is grafted onto the vulnerability of Italy's cultural heritage, particularly that of Sicily, making it a constant target of illicit trafficking. In this context, Cosa Nostra, as of course other criminal organizations, adopt various strategies to exploit artistic heritage, with emblematic cases such as the theft of Van Gogh's works and the disappearance of Caravaggio's Nativity. In the face of this threat, the evolution of the international and national legal framework has sought to put a limit on the dispersion of cultural heritage. From the UNESCO Convention to the most recent Italian legislative interventions, to Interpol to Europol, awareness of the importance of protecting cultural property has grown, prompting the strengthening of

prevention and repression measures. However, the fight against illicit trafficking in works of art is not just a matter of laws and controls: it is a battle for the defense of collective identity, historical memory and the cultural value that these properties represent.

The case of Matteo Messina Denaro shows how “Cosa Nostra has understood what the State has not yet understood: that the cultural heritage is the territory, and that governing the heritage means exercising sovereignty even on a symbolic level. The one who controls the bowels of the earth, and its treasures also commands over that land. It is not just about money, nor is it just about culture: it is about power and its representation.”¹⁰⁹

Those who control art and history also control the present and future of a society.

Starting from Sicily, how can Cosa Nostra's illicit trafficking of cultural property be stopped? One of the first answers is to involve the local community. It is often citizens like farmers, fishermen, tourists and tour guides who first come across hidden artifacts or notice suspicious movements at archaeological sites. Creating voluntary surveillance groups, encouraging anonymous reporting, and raising awareness of the importance of cultural protection and the seriousness of illicit trafficking can make a big difference.

Another key step is to strengthen controls at critical points, such as museums, churches, ports and airports. And also the use of technology, with digital databases, drones to monitor archaeological sites and blockchain to track the provenance of artifacts, can make the illicit marketing of cultural property more difficult.

Finally, no strategy can be effective without ongoing education and awareness work. Schools can play a crucial role in teaching younger people the value of their history, while social media campaigns, thematic exhibitions, and public initiatives can raise community awareness. “As with any other criminal phenomenon, of course, the efforts of official bodies must be complemented by a growing involvement of civil society. There is a need to increase the involvement of civil society. Each of us must feel the ethical importance of this mission: to protect, as much as possible in their integrity, the testimonies of the past, in order to give a fulfilled meaning to the long journey of humanity and to indicate to new generations the profound meaning of such a journey.”¹¹⁰

¹⁰⁹ Montanari, T. (2015). *I tesori dell'arte nelle mani della mafia*. La Repubblica

¹¹⁰ Miracco, R. and Foster, C.P. (2018) *Saving Art, Preserving Heritage*.

Stopping the illicit trafficking of cultural property in Sicily, as well as all over Italy, is not just a question of legality, but of identity. Each stolen piece is a page torn from our history, a lost piece of our common heritage. Fighting the illicit trafficking of cultural property can become a starting point in the fight against the mafia phenomenon.

As Paul Klee stated, “*art does not replicate what is visible, but makes visible what is not always so.*”

Bibliography

- Abbate, L. (2024). I diari del boss: Parole, segreti e omissioni di Matteo Messina Denaro. Milano: Rizzoli.
- Alaimo, A. M. (2018). Il traffico illecito di beni culturali: Profili criminologici e strategie di contrasto. Tesi di laurea. LUISS Guido Carli. Available at: https://tesi.luiss.it/24342/1/079632_ALAIMO_ALESSANDRO%20MAURI.pdf
- Alkemia (2023). La guerra di mafia e i primi passi dell'antimafia. Available at: <https://www.alkemia.com/Home1/Lemafie/La1Guerradimafiaei primipassidellantimaf/tabid/720/Default.aspx>
- ANSA. (2024). Sequestro beni archeologici, è il trafficante d'arte Becchina. Available at: https://www.ansa.it/sicilia/notizie/2024/06/14/sequestro-beni-archeologicie-il-trafficante-darte-becchina_87344466-ad71-413f-b7ac-5f5dcecfb61e.html
- Balsamo, A., (2023). La Convenzione di Palermo a vent'anni dalla sua entrata in vigore. CentroStudi Livatino. Available at: <https://www.centrostudilivatino.it/la-convenzione-di-palermo-a-ventanni-dalla-sua-entrata-in-vigore/#:~:text=Il%2029%20settembre%202023%20segna,delle%20Nazioni%20Unite%20nel%202000.>
- Barnebys. (2018). 6 furti di opere d'arte in Italia. Available at: <https://www.barnebys.it/blog/6-furti-di-opere-d-arte-italia>
- Beneduce, T., (2016). Van Gogh, ritrovati due quadri rubati nel 2002: erano nelle mani dei clan. Il Corriere del Mezzogiorno. Available at: https://napoli.corriere.it/notizie/cronaca/16_settembre_30/camorra-trovati-due-quadri-van-gogh-rubati-2002-9daae33e-86d6-11e6-ab01-47135e367c80.shtml
- Biondani, P. and Sisti, L. (2023) 'Il traffico di reperti rubati per i grandi musei: nei sequestri in USA sono coinvolti anche trafficanti italiani', L'Espresso. Available at: <https://lespresso.it/c/inchieste/2023/1/29/il-traffico-di-reperti->

[rubati-per-i-grandi-musei-nei-sequestri-in-usa-sono-coinvolti-anche-trafficienti-italiani/3659](#)

- Camera dei deputati (2008). Scheda di base sulla commissione parlamentare di inchiesta sul fenomeno della mafia e delle altre associazioni criminali similari. Available at: [https://leg15.camera.it/_bicamerale/leg15/commbicantimafia/documentazione/matica/28/102/schedabase.asp](#)
- Campbell, A., (2013). 'The illicit antiquities trade as a transnational criminal network: characterizing and anticipating trafficking of cultural heritage', International Journal of Cultural Property.
- Catalano, S. (2017). Mafia, la passione dei Messina Denaro per l'archeologia: I piani per rubare l'Efebo e il Satiro e il ricatto allo Stato. Meridionews. Available at: [https://meridionews.it/mafia-la-passione-dei-messina-denaro-per-larcheologia-i-piani-per-rubare-lefebo-e-il-satiro-e-il-ricatto-allo-stato/](#)
- Centro Studi Pio La Torre, (2023). Così la mafia investe nell'archeologia. Available at: [https://www.piolatorre.it/public/r/cos-la-mafia-investe-nellarcheologia-272/](#)
- Ceschi, G. (2019). Il ruolo della criminalità organizzata nel traffico illecito di opere d'arte. Rivista Di Studi E Ricerche Sulla Criminalità Organizzata. Available at: [https://riviste.unimi.it/index.php/cross/article/view/12561](#)
- Chiabrando, D. (2009). Mafia ed Economia: un intreccio pericoloso. Available at: [https://it.pearson.com/content/dam/region-core/italy/pearson-italy/pdf/diritto-economia/area-giuridico-economica/proposte-didattiche/approfondimenti/AREE%20DISCIPLINARI%20-%20PARAMOND%20-%20GIUREC%20-%202009%20-%20PDF%20-%20Mafia%20economia%20intreccio%20pericoloso.pdf](#)
- Comando Carabinieri Tutela Patrimonio Culturale (2020). Attività operativa 2020. Available at: [https://media.beniculturali.it/mibac/files/boards/be78e33bc8ca0c99bff70aa174035096/PDF/attivit%C3%A0-operativa-2020c.pdf](#)
- Council of Europe (2017), Convention on Offences relating to Cultural Property, Convention of Nicosia

- Cozzolino, G. (2021) 'Raffaele Imperiale, il boss con la passione dell'arte: nel covo due quadri di Van Gogh', Fanpage.it. Available at: <https://www.fanpage.it/napoli/raffale-imperiale-il-boss-con-la-passione-dellarte-nel-covo-due-quadri-di-van-gogh/>
- Di Nicola, A. and Savona, E.U., (1998). Tendenze Internazionali di traffico di opere d'arte e politiche di contrasto. Available at: <https://iris.unitn.it/retrieve/73d55a17-c81a-404b-a553-1a661d8acfd9/Savona.pdf>
- Direzione Investigativa Antimafia, (2024). La Direzione Investigativa Antimafia sequestra beni archeologici a un trafficante internazionale di opere d'arte collegato a Messina Denaro Matteo. Available at: <https://direzioneinvestigativaantimafia.interno.gov.it/2024/la-direzione-investigativa-antimafia-sequestra-beni-archeologici-ad-un-trafficante-internazionale-di-opere-darte-collegato-a-messina-denaro-matteo/>
- European Commission (2022). Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the EU Action Plan against Trafficking in Cultural Goods.
- Ferrante, V., Teodonio, V., & Viettone, E. (2015). I tesori dell'arte nelle mani della mafia. La Repubblica. Available at: https://inchieste.repubblica.it/it/repubblica/rep-it/2015/01/12/news/mafia_e_arte-99674768/index.html
- Fondazione Falcone (2023). Il Maxiprocesso. Available at: <https://www.fondazionefalcone.org/maxiprocesso/>
- Giacalone, R. (2017). Mafia, arte e il potere di Messina Denaro. Libera Informazione. Available at: <https://www.liberainformazione.org/2017/11/15/mafia-arte-e-il-potere-di-messina-denaro/>
- Giardini, G. (2017). 'G7 Roma-Lione: vale 8 miliardi il mercato nero dell'arte', Il Sole 24 Ore. Available at: <https://www.ilsole24ore.com/art/g7-roma-lione-vale-8-miliardi-mercato-nero-dell-arte--AEtdPgC>

- Governale, G., (2019) 'La Direzione Nazionale Antimafia e la Direzione Investigativa Antimafia: la visione di Giovanni Falcone' Rivista di studi e ricerche sulla criminalità organizzata. Available at: <https://riviste.unimi.it/index.php/cross/article/download/11989/pdf/35643>
- Il Post (2023). L'arresto di Totò Riina: 25 anni fa. Available at: <https://www.ilpost.it/2023/01/15/arresto-toto-riina/>
- Il Sole 24 Ore. (2024). Legambiente svela il vero volume del traffico illecito di opere. Available at: [https://www.ilsole24ore.com/art/legambiente-svela-vero-volume-traffico-illecito-opere-AF5ztDvC#:~:text=I%20reati%20e%20i%20beni%20trafugati&text=Secondo%20l'Osservatorio%20di%20Legambiente,euro%20\(%2B13%2C6%25\)](https://www.ilsole24ore.com/art/legambiente-svela-vero-volume-traffico-illecito-opere-AF5ztDvC#:~:text=I%20reati%20e%20i%20beni%20trafugati&text=Secondo%20l'Osservatorio%20di%20Legambiente,euro%20(%2B13%2C6%25))
- Journal of Cultural Heritage Crime, (2023). Traffico illecito di beni culturali: il contributo dei Carabinieri all'operazione Pandora VII. Available at: <https://www.journalchc.com/2023/05/05/traffico-illecito-di-beni-culturali-il-contributo-dei-carabinieri-alloperazione-pandora-vii/>
- Keiron. (2021) Illeciti a regola d'arte: le nuove frontiere delle archeomafie. Tra i Leoni. Available at: <https://traileoni.it/2021/03/illeciti-a-regola-darte-le-nuove-frontiere-delle-archeomafie/#:~:text=Keiron%20%2D%20March%205%2C%202021&text=L'Italia%2C%20ad%20oggi%2C,reati%20contro%20i%20beni%20culturali>
- Koush, A. (2012) Illegal trafficking in cultural goods: Italian response awaiting international reaction. Available at: https://www.researchgate.net/publication/359770322_Illegal_trafficking_in_cultural_goods_Italian_response_awaiting_international_reaction
- Legambiente. (2023). Archeomafia. NoEcomafia Legambiente. Available at: <https://noecomafia.legambiente.it/archeomafia/>
- L'Orizzonte Oro (2023). Viaggio tra le mafie: Storia di Cosa Nostra. Available at: <https://www.lorizzonte-oro.it/viaggio-tra-le-mafie-storia-di-cosa-nostra/>
- Lo Verso, R. (2024). Mafia e arte: i misteri e le mire di Messina Denaro sul Satiro. Live Sicilia. Available at: <https://livesicilia.it/trapani-mafia-arte-becchina-messina-denaro/>

- Maniscalco, F. (n.d). Le Archeomafie: origini, problematiche e possibili strategie di contrasto. Available at: http://www.fabiomaniscalco.it/images/isform/Dispensa_n_1.pdf
- Montanari, T. (2015). I tesori dell'arte nelle mani della mafia. La Repubblica. Available at: https://inchieste.repubblica.it/it/repubblica/rep-2015/01/12/news/mafia_e_arte-99674768/index.html
- Nunzi, A., (2019). La Convenzione di Palermo/1. Il percorso. La cooperazione intergovernativa degli anni '90. Rivista di studi e ricerche sulla criminalità organizzata. Available at: <https://riviste.unimi.it/index.php/cross/article/view/11985>
- OSCE (2016). 'Come il commercio illecito di opere d'arte e di artigianato ci sta violentemente defraudando', Comunità di Sicurezza, 2 Available at: <https://www.osce.org/it/magazine/292856>
- Osser, E., (2022). I reati contro i beni culturali entrano nel Codice Penale. Il Giornale dell'Arte. Available at: <https://www.ilgiornaledellarte.com/Articolo/i-reati-contro-i-beni-culturali-entrano-nel-codice-penale#:~:text=L'Italia%20ha%20finalmente%20una,delitti%20contro%20il%20patrimonio%20culturale%C2%BB>.
- Radio Caffè Criminale (2023). Matteo Messina Denaro e il Satiro Danzante. A podcast written and narrated by: Archaeologist Luca Paolucci Available at: <https://www.spreaker.com/episode/matteo-messina-denaro-e-il-satiro-danzante--52802786>
- Reggiani, V. (2023). Il boss latitante legato al furto del Velazquez. Il Resto del Carlino. Available at: <https://www.ilrestodelcarlino.it/modena/cronaca/il-boss-latitante-legato-al-furto-del-velazquez-wegx4yd4>
- Riccardi, R. (2019). Detective dell'arte – dai Monuments Men ai Carabinieri della Cultura.
- Risparmiamocelo. (2017). Quanto vale il patrimonio culturale e ambientale italiano? Available at: <https://www.risparmiamocelo.it/quanto-vale-il-patrimonio-culturale-e-ambientale-italiano/>
- Rizzotto, G. (1863). I mafiosi di la Vicaria.

- Santino, U. (2015). Politica e mafia. Centro Impastato. Available at: <https://www.centroimpastato.com/politica-e-mafia/>
- Sciarrone, R. (2011). Il capitale sociale della mafia. Relazioni esterne e controllo del territorio. Quaderni di Sociologia, 57. Available at: <https://journals.openedition.org/qds/1476>
- Sciascia, L. (1961). Il giorno della civetta.
- Scorrane R.,(2024) 'Caravaggio, la Natività di Palermo e il mistero', Corriere della Sera. Available at:https://www.corriere.it/cronache/capolavoro/24_ottobre_17/caravaggio-nativita-palermo-mistero-3aad5e14-919c-4f70-88d6-225a5da89x1k.shtml
- TP24 (2024) ‘Gianfranco Becchina: figura chiave del traffico internazionale di opere d'arte’. Available at:<https://www.tp24.it/2024/06/18/antimafia/gianfranco-becchina-figura-chiave-del-traffico-internazionale-di-opere-d-arte/205294>
- UNESCO (1970) Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.
- UNESCO (2023). Fighting the illicit trafficking of cultural property: a toolkit for European judiciary and law enforcement, by Z. Boz. Available at: <https://unesdoc.unesco.org/ark:/48223/pf0000266098>
- UN Security Council Resolution 2347 (2017)
- Venezia, L. (2019). Interpol e la lotta contro il traffico illecito di beni culturali. Dirittoconsenso. Available at: <https://www.dirittoconsenso.it/2019/10/21/interpol-lotta-traffico-illecito-beni-culturali/>
- Venezia, L. (2020) 'Il traffico illecito di beni culturali', DirittoConsenso. Available at:<https://www.dirittoconsenso.it/2020/03/05/il-traffico-illecito-di-beni-culturali/>
- Zurlo, S., (2015). 'L'arte è il nuovo affare della mafia', Il Giornale. Available at: <https://www.ilgiornale.it/news/larte-coppola-1157849.html>

κτῆμα ἐς αἰεῖ', un possesso per sempre

“E forse la mia storia riuscirà, a udirla, meno dilettevole perché non vi sono elementi favolosi; ma sarà per me sufficiente che sia giudicata utile da quanti vorranno indagare la chiara e sicura realtà di ciò che in passato è avvenuto e che un giorno potrà pure avvenire, secondo l'umana vicenda, in maniera uguale o molto simile. Appunto come un possesso per l'eternità è stata essa composta, non già da udirsi per il trionfo nella gara d'un giorno.”
(Tucidide, La guerra del Peloponnèso, I, 20 e 22, trad. di L. Annibaletto, 1952).

And perhaps my story will succeed, on hearing it, less delightful because there are no fabulous elements in it; but it will be enough for me that it will be judged useful by those who wish to investigate the clear and certain reality of what has happened in the past and may one day also happen, according to human events, in the same or very similar manner. Precisely as a purchase for eternity was it composed, not already to be heard for triumph in the race of a day.”

Sono una classicista, non potevo concludere diversamente...

*Ringrazio la mia famiglia, i miei amici e radio azzurra per il supporto e le risate.
Un grazie speciale alla mia parentesi australiana e a tutti quelli che in questi anni hanno creduto in me anche quando dubitavo.*

Keep a weather eye on the horizon... 😊

