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Illicit trades in the Mediterranean sea: drug trafficking

Rosario Pio Messina

Drug trafficking between organized crime and transnationality

This paper aims to give a normative reading of the criminological data related to illicit drug trafficking, in which criminal organizations operating on a transnational basis play a predominant role.

Initially, we will briefly address the phenomenon of transnational drug trafficking, passing in examination the specific role played by transnational cooperation among criminal organizations.

Next, an exegesis will be provided of the norms regarding criminal association for the purpose of drug trafficking, provided for in Article 74 of Presidential Decree No. 309/1990, and the transnational crime with the related aggravating circumstance introduced by Law No. 146/2006.

Subsequently, an overview of the jurisprudence of the Court of Cassation will be provided in relation to the compatibility between the aggravating circumstance of transnationality and associative crimes and between the same circumstance and the crimes-ends of criminal association.

Finally, an attempt will be made to provide an alternative interpretation, on the compatibility of the transnationality aggravator with associate offenses and their purpose-crimes, compared to the conclusions put forward by the Supreme Court of Cassation.