

**Presentation of the Round Table**

It is a great pleasure for us to host this Round Table on Citizens and Criminal Justice. Present here with us are a number of very distinguished participants, some of whom you have met before and others who are new to you.

It is my pleasure to welcome the following:

Senator Luciano Violante, President of the Parliamentary Anti-Mafia Commission in Italy; Ambassador Giorgio Giacomelli, Under-Secretary-General, Director-General of the United Nations Office at Vienna; Mr. Manuel Montagud, General Commissioner of the Spanish Judicial Police; Mr. Denis Joubert, Head of Prevention Central Directory of the National Police, Ministry of the Interior, France; Mr. Raimond Kendall, Secretary General of Interpol; Mr. Dato Steenhuis, Procurator General of the Court of Appeal of Leeuwarden, the Netherlands; Mr. Uwe Dormann, Head of the Crime Analysis/Crime Statistics of the Bundeskriminalamt, Germany; and Mr. Vincenzo Parisi, Chief of Police, Ministry of the Interior, Italy.

A citizen's contact with the criminal justice system varies according to his/her position vis-a-vis the system or any of its components. It has been historically, sociologically and juridically proved that public participation is indispensable. In general terms the citizen can, and should, accomplish participation by adhering to the social contract - hence, in accordance with the law - by being available to involvement and by involving the police and the criminal system both as a victim and as a free and responsible citizen.

As we have seen from the papers presented, one of the crucial elements on which the citizen evaluates the criminal justice system is based on his/her contacts with the system when applying the law. In fact, the certainty of the efficacy or inadequacy of both the criminal justice system and the police is an irreplaceable element when evaluating the levels of real and concrete application of the law.

On the other hand, for an efficient response of the criminal justice system to the various types of crime, it is of the utmost importance that citizens provide the necessary information and actively support police and magistrates in the application of prevention and control strategies.

As often pointed out in the reports presented yesterday and this morning, in particularly sensitive areas such as organised crime, economic crime, crimes against the environment, as well as possibly the most private one of them all - domestic violence, citizen's participation is fundamental. In addition, access to the criminal justice system should be encouraged and in many cases adequate guarantees provided to those who collaborate with the police and magistrates.

No less important is the role of individuals and the community at large in the application of some types of alternative sanctions (other than detention) that require the voluntary collaboration of the citizen, as well as the favourable attitude of the community. The objective of this Round Table is, therefore, to discuss these and

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<sup>1</sup> Director, UNICRI.

other topics that reflect national and international problems that concern the participants. I feel confident that this occasion will bear a series of stimuli conducive, among other, to the formulation and application of United Nations policies.



## Giorgio Giacomelli<sup>2</sup>

It is with great pleasure that I accepted the invitation of UNICRI to participate in this Round Table, which convenes so many eminent policy-makers, scholars and administrators. Mainly because, in my opinion, this initiative takes place at a time which is extremely particular and appropriate.

We are living a fundamental cultural change. Humanity has always moved in the direction of greater integration and greater complexity - on the other hand, this is the trend of all that exists and is alive, be it simple or complex - but we have reached, with the acceleration of history, a critical moment. A moment that lasts over fifty years, as far as the United Nations is concerned, and which has implied the passage to an integration of the institutions, an integration of nations and Member States. An exhausting road along which headway has been made, but now we have arrived at an even more critical moment.

Having experienced several working hypotheses and various forms of collaboration in all the fields of international co-operation, the need is now felt to place man at the centre of the scene. This we perceive in the most dissimilar sectors: in that of development - in the broadest sense of the word - in which reference is not made to the development of the countries in anticipation of the "trickling down" which should then benefit everybody. But looking ahead we see the hypotheses of a Summit on Social Development for 1995, which by now, I should say, is acquired even if there is still controversy as to what it should be. There is evident uneasiness in the world as regards the shock of its institutional structure, but there is no doubt that this is the direction in which we are moving.

Lets talk about drugs for a moment. As you know I am here myself with a double hat. Drugs is a classical example; we have conducted an international battle against drugs mainly thinking of the substance - the white powder, the syringe or the addict. It is now considered increasingly necessary to conduct a battle on all fronts (this is the new philosophy that is emerging in this gestation period which led to the birth of the programme that I was requested to set up less than two years ago) - that is a balanced and global approach to meet all the various aspects: supply, demand, trafficking. But in reality the problem is that of moving from the symptomatological cure to the search for deep causes.

Now, to proceed with what occupies and preoccupies us today, in the world of crime something similar is happening; that is to say there is an awareness that even if the original intention is basically always the same (there is nothing new under the sun), in reality the world of crime and of reaction - defence, therefore - of society with respect to crime, have resulted in shifting the attention towards structural paths to, again, identify the symptom, that is to say, the criminal, the "habeas corpus". This has placed, for example, experts and magistrates in an extremely uncomfortable situation - that in which a syndrome has developed on the basis of which the humanity with whom they had most contact was the world of crime.

Now instead, in order to be able to face this subject in its deep causes, the concept has developed whereby there is a need to place oneself at an optic of 180

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Under-Secretary General, Director-General of the United Nations Office at Vienna.

degrees, that of the defence of society - the optic of the victim and of the potential victims.

In other words, we are moving towards - to use a fashionable term (yet not that recently discovered) - a new "social ecology". It is necessary that institutions are aided in eliminating the weight of an ungrateful role because there is no doubt that, in the eye of a potential victim, the aggressor and the protector are very often seen with almost the same fear. If we see and are daily afflicted by television films (i.e. "Police Academy 1, 2, 3, 4"), this is not propaganda to project a certain image, but the expression on the part of the media and the world of artistic production, of the existing urgency to create a different relationship between society and those who society must defend, becoming aware and controlling the increasingly serious, turbulent and transnational causes of social diseases.

My interest in this event relates to the two functions that I occupy at present - Executive Director of the new Programme for Drug Abuse Control, and Director-General, dealing with the Social Programme of the United Nations, including crime prevention activities.

I have always considered it a positive development that (due to the Secretary-General's decision to entrust me with both posts), the Crime Prevention and Criminal Justice Programme and the Drug Control Programme have been brought closer together. The General Assembly decided that they should be two separate institutions, but it is obvious that one cannot deal with several aspects of drug abuse control and of crime prevention in separation and isolation.

Whatever the future structure of the social sector of the Secretary will be, you may rest assured that I will always support strong pragmatic ties between, and the physical vicinity of, these two entities. However, I also see a number of advantages in the Crime Prevention and Criminal Justice activities to be close to the social work of the Organization for a number of reasons that I have already mentioned.

UNICRI's efforts, coupled with the general support of our colleagues and friends from the Netherlands and from Italy, are an excellent example of fruitful international co-operation in pursuing specific goals, such as improving information on the real scope and dynamics of crime.

The International Conference has shown that it is possible to obtain systematic and comprehensive information on crime in various developing and developed countries. Victimization surveys and in particular the survey discussed at this Conference, deliver concrete evidence of the true extent of crime, evidence that naturally can still be refined and counter-checked. But even in its present form it informs us about the realities of crime and the great exigencies of the criminal justice system.

In particular, findings on unrecorded and otherwise unreported crimes help to offer advice on the issues that are most relevant to public safety and security. Answers to questions such as which groups of people are most frequently victims of crime, when crime is committed and why it is under-reported, provide a base for the development of versatile and dynamic crime prevention and criminal justice policies.

This type of information is of course indispensable to criminal justice decision-makers. At the same time, it can be of crucial importance to make it available to the public in order to build a broad base and share experiences of criminal justice and crime prevention policies. In this way, a relationship between citizens and criminal

justice administration can be formed and a higher level of social cohesion maintained.

I should emphasize, however, that in the area of crime prevention and control, as in many other areas, the way in which information is provided to members of the public is important. Information that is not analysed and disseminated, can produce negative effects and, therefore, do more harm than good. It may be difficult to envisage this issue in the light of aggregated statistical data, but it can be seen clearly in the context of particular types of crime.

A specific example would be drug-related crime. There are at least three separate categories of criminal activities for which this term could be used: the offence of actually consuming the substance; the illegal conversion of money gained by the traffickers into illicit assets ("money laundering"); and its criminal acquisition, often involving violence against people in order to finance the purchase of the illegal substance.

I wish to draw your attention to the fact that two of these three categories are not victimless crimes, a term often used in the discussion of drug-related crimes. The victims in the third case are obvious, and will be represented in a victims survey, such as the one which is the centrepiece of our agenda. The victims in the second instance are the financial institutions, which at times may be on the side of the victim, and at others on the side of the culprit. But however difficult it is to identify the victim, it is clear that all citizens are victims of a pollution of the financial environment. These are true victims, but they show up very rarely in exercises such as those presented at the Conference.

Whether to classify substance abusers as victims is, to some extent, a matter of terminological preference, but whatever label we choose, they will not appear in most victims surveys. It is, therefore, necessary to be precise in reporting what is meant by the term "drug crime" or "drug-related crime", and it is also necessary, of course, to take care not to stimulate such activities by providing, as I mentioned, models which may be followed. In summary, the category of drug-related offences is of particular concern to me, in my United Nations role, and is one that has a complex but important relationship with victim surveys in general.

Returning to the victimisation survey, I wish to emphasize the important contribution it makes to the United Nations Crime Prevention and Criminal Justice Programme. It relates in particular to one of its priorities, as determined by both the Economic and Social Council, and the first session of the Commission of Crime Prevention and Criminal Justice earlier this year. This priority involves the intensification of clearing house functions of the Programme, to provide a comprehensive and versatile collection and dissemination of crime-related information; in other words, strengthening information activities for the international criminal justice community, as well as for victims, both actual and potential.

The 1992 International Victim Survey added a new dimension to the current programme of surveys carried out in Vienna. These include collection and analysis of data related to illicit drug-trafficking, carried out by UNDCP in pursuance of the international drug treaties. I must also refer to the periodical United Nations Surveys of Crime Trends and Operations of Criminal Justice Systems, the last one of which, conceptually, originated with considerable assistance from UNICRI. They have been carried out regularly by the Crime Prevention and Criminal Justice Branch since 1977.

These surveys on crime-related data, recorded by criminal justice agencies, offer a wealth of information on officially-known criminality. At this moment, the Branch is receiving replies to the fourth survey of this kind, covering the years 1986-90. Since the first survey covered the period 1970-75, information on global trends in crime over the twenty-years' period (1970-90) will soon be available to the international criminal justice community. Some portions of the data have already been widely analysed and publicised, and I am sure that my colleagues at UNICRI will provide you with additional information about this, if requested.

I wish to stress that information activities in the broadest sense, and certainly those relevant to citizens and criminal justice, would not have been, and will not be, possible without the support of the government, international governmental and non-governmental organisations. Not only because governments are the main providers of information for international surveys, but also because governments and other entities express their needs in the United Nations forum as to the kind of information required and, therefore, to be collected and disseminated.

In this context, I would like to refer to two very positive developments which were encouraged and supported by the government and the non-governmental organisations. Firstly, the computerised United Nations Criminal Justice Information Network - an electronic mail and substantive data-base system operated by the Crime Prevention Branch in Vienna, and of which UNICRI is a member. The United States Government, through its Bureau of Justice Statistics of the Department of Justice, is currently funding the network, but we hope to find the necessary resources to incorporate the Network into the next United Nations Programme budget. The Network currently has some 260 members worldwide, and the number is increasing.

Secondly, the United Nations is preparing the first global Report on Crime and Justice, which will be using the results of various crime-related surveys, including the 1992 International Victim Survey. Again, government support is crucial in launching the project and its in 1994.

We are counting on the support of all interested parties and experts for this project. Both projects will hopefully contribute to a better understanding of crime and a better relationship between citizens and criminal justice systems and their administrators.

With so much attention being focused on organised crime, from a glimpse of the list of speakers much more attention will be dedicated to that topic during the course of this Round Table.

However, I thought it might be interesting to shift our attention towards what could be called "ordinary" crime. There is no doubt that organised crime is a very important topic also in the Netherlands, but I wish to approach the topic of this Round Table from a different angle. This probably has something to do with the controversial role that the Netherlands - being a small country in this big world - likes to play in the international society.

For decades the criminal justice system has been concentrating on the offender, considering him/her as its main client. The activities of the various agencies in the system are all more or less directed towards the offender, and even the support systems used to be directed more towards the needs of the offender than towards the victim of the crime.

It took a few decades to realise that the victim, the law-abiding citizen in general, is probably a much more important customer of the system because if he/she remains unsatisfied with the system's performance, he/she might eventually become an offender himself/herself. Of course, this would not happen overnight and it would occur at a different pace for each type of crime.

There has been a very rapid spread in bicycle theft (which is, quantitatively speaking, the main crime problem in the Netherlands) and recent research in the Netherlands discovered that 50% of the population in the Hague admitted that it was easy for them to buy stolen goods in a bar or a cafe. These two types of crime were given very little attention by the police over the last fifteen years, and the danger in these facts is plain to see.

Therefore, the victim and the law-abiding citizen should be taken care of in order to prevent them from becoming potential offenders or, as our Prime Minister once put it, from becoming calculating citizens who, when considering costs and benefits, may find that the latter outnumbers the former - and therefore decide to become offenders.

Now that we have become aware of this problem, another one has arisen, and that is the struggle for the limited resources of the criminal justice system. These resources will always be limited. No matter how many police officers, prosecutors, judges and prison cells there may be, they will never be enough. Because of limited resources, the various agencies of the criminal justice system have to try to safeguard their fair share of police.

In the Netherlands, the Minister of Transport claimed recently that he would like stronger surveillance over speed limits on the motorways in Holland; the Minister of the Environment demanded more attention towards the investigation and prosecution of environmental crime; the Minister of Finance wanted more effort to be put into fraud reduction; and finally, the government as a whole is very keen to

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<sup>3</sup> Procurator General of the Court of Appeal of Leeuwarden, the Netherlands.

fight organised crime. These are, of course, all jobs that have to be carried out by the police, and the prosecutors of the system.

There is no doubt that these are very worthy goals, but the problem that obstructs them is, as I mentioned before and as has been discussed during this Conference, that the attention of the criminal justice system has gradually shifted away from the problems faced by the individual citizen, in particular that of the victim. Although the citizen is indirectly a victim of organised crime, fraud, environmental crime, etc., in the majority of cases no direct individual victimisation is involved. Therefore, the victim will, for the time being, be less interested in fighting these types of crime.

What citizens are primarily interested in, as is evident from the main reports presented at the Conference, is police attention towards victimisation, even though they are fully aware that the police cannot do much about crime. They do not expect the police to solve the offences, or to bring back stolen property. And may I remind you once again, that 90% of crime in the industrialised world is property crime.

The system, therefore, must accept the fact that there is a greater demand for attention for its limited resources and try to deal with them by paying more attention to the afore-mentioned crimes: environmental crime, fraud, organised crime, etc.

It is doubtful that a citizen who is dissatisfied, as far as his/her individual victimisation is concerned, would be willing to co-operate with the system in fighting against these types of crime. Furthermore, I believe that the solution to this dilemma and the establishment of a reasonable balance between the two types of crime may well be the most challenging task for the criminal justice system in the years to come.

In my opinion the fundamental problem faced by the criminal justice system today is that which in synthesis can be defined as "to guarantee the honest citizen". That is to say, to provide guarantees, on the one hand, to the victim of the crime, and on the other, to those who collaborate with the justice authorities as witnesses or in any other capacity.

I cannot tell whether all penal systems today are in a position to accomplish this objective. A singular and interesting test was carried out in Paris a few days ago. The same case was contemporaneously tried, if I remember rightly, by six countries according to each of their systems. It was interesting to note the difference in the final results obtained considering the fact that the geographic area covered by the participants was, in general, very homogeneous as regards consumer goods, guiding ideologies and fundamental values.

In a European system like the one we are moving towards it is essential, not only that citizens are guaranteed through homogeneous procedures, but also that an attempt be made to render these as similar as possible in order to avoid unbalance in the guarantees provided by one country and another.

From this point of view it would be extremely useful to start giving serious thought in Europe to the creation of a European judicial area for some forms of crime. I intend ultimately to reflect for a moment on this matter which I consider to be of particular relevance - mainly as a result of the experience and responsibility which I have assumed over the last period.

Serious crime is by now serious international crime. It is no longer national crime nor a sum of national crimes. Criminal organisations are international criminal organisations. As regards Italy in particular, the internationalisation of crime has developed along the line of hard narcotic drugs.

Such a market is typically an international market; the place where the substance is consumed is different from that where it is produced and, generally speaking, it is paid for in still a third place. It is rather significant, in fact, that as compared with the remarkable results obtained in confiscating supplies of narcotic drugs, parallel results have not been achieved as regards seizing the large quantities of money that are being paid for its supply. This evidently means that in this market there is a marked divergence between the time of delivery and actual payment for the substance; in addition, it is very likely that payment involves territorial areas different from that where the substance is actually delivered. The message that stems from the narcotic drugs traffic, but which is applicable to so many other criminal markets, is that internationalised counter action is, at this point, the appropriate strategy.

By internationalised counter action I do not mean only international collaboration which, especially among the police forces of the various states, has reached an acceptable stage. The need is felt, instead, for the removal of national barriers when dealing with certain types of crime. Major organised crime has by now broken through national barriers; nowadays these function as filters only for the legal

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<sup>4</sup> President, Anti-Mafia Commission, Parliament of the Republic of Italy.

authorities. My query is, therefore, in relation to crimes which in Italy are considered to be of a "mafia" origin, would it not be the case to work towards the possibility of removing national barriers in order to facilitate direct collaboration between police, judicial and bank authorities (the emphasis is on bank authorities) without the mediation of other authorities?

A second step should be the identification of a restricted number of proceedings that can acquire the value of evidence within the judicial context, for example, the interrogation of a defendant who is free, has a legal representative and is interrogated by an outside judge (third party). I also refer here to a report on search and confiscation carried out by a judicial police authority and confirmed by a third judicial authority.

In my opinion, these two types of proceedings would be sufficient for the present; the accomplishment of this task would mean a step forward. In short, the legal world must acquire competitiveness vis-a-vis the illegal world. National barriers today hinder this competitiveness. The point is how to go about overcoming these barriers. Quite frankly, I do not believe in the possibility of constituting a court with powers that go beyond national borders, as I have heard is being proposed (I do not really know what crimes this court should judge), and the number of crimes related to organised crime are so many that I do not believe any court alone could adjudicate them all.

The matter in question is, therefore, the creation of an area in which the single police forces, the single magistrature and the single bank vigilance authority can move with a certain amount of freedom, such, in fact, that would allow them to compete with the world of crime. In my opinion this could be promised to the present and future generations, in order to manifest our will to help those who in the world of tomorrow, could be more harmed by organised crime than we are harmed today by the absence of an adequate response to the international dimensions that organised crime has acquired over the last few years.

The world is changing; in Europe and in the whole world the last few months have been full of events that will be reported in history and engraved in peoples' memory.

Despite the balances that a society must create to ensure the protection of human rights and fundamental liberties, the different effects of exclusion and marginalisation are taking the lead in a very preoccupying manner. Delinquency, prostitution, drug abuse, and to a certain extent, AIDS, are expanding on the grounds of too many exclusions engendered by our society - the first victim of which is often the youth.

Nowadays the majority of human beings live in towns, and the young people's future is to be found there. Now, we must admit that urban civilisation is not yet a reality and that it remains for us to build a town space capable of producing an authentic citizenship.

Our towns, and especially the great urban centres, the metropolises and megalopolises are perceived as an assembly of parts or a sum of functions that represent an obstacle to the formation of the social link necessary to create solidarity and favour cumulative processes of exclusion and inequalities.

A rapid survey of the relationship between population and aggregate delinquency shows that the great majority of countries with a high level of urbanisation experience an increase in crime and that the young people naturally appear among the categories at the highest risk.

Nowadays, the problem of delinquency has become a political challenge in industrialised countries. The deterioration of the urban social fabric provides the backdrop for the phenomenon of delinquency, as well as being the cause of the endemic explosions of group violence in the most turbulent districts.

Studies carried out throughout Europe, in the world and, particularly, in France over the last twelve years have revealed the need to deal globally, efficiently and according to an accurate diagnosis when searching for the causes of the social disease of the youth.

Everyone knows that it is not possible to study the phenomenon of delinquency without taking into account the underlying causes which are linked to development models, poverty, illiteracy, school failure, unemployment, weakening of the traditional values and those of the family.

These are all causes that, when put together, lead globally to a certain loss of identity among our citizens - and not only among the most disadvantaged or the victims of national or international migration - and favour the turn towards drugs and violence. The one certain thing is that in these circumstances it is no longer possible to base delinquency and crime control policy on repression alone, and that the institutions called to provide for it - police, justice - would not be able to satisfy requirements and would wear themselves out in so doing.

Nevertheless, society's acknowledgment of collective responsibilities in the growth of delinquency must not lead to a decrease in the severity of attitudes in

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<sup>5</sup> Head of Prevention, Central Directorate of the National Police, Ministry of the Interior, France.

relation to the author of an offence, nor to the abandonment of sanctions and repression, which, if necessary, should be very firm.

The institutions, whether acting in a singular capacity or in the framework of a partnership, provide or try to provide as satisfactory an answer as possible to this problem. The method chosen by the national police force in France is the creation of a "proximity police" based on the development or reinforcement of a number of techniques. I will mention three of them: the improvement of the quality of the reception service in police stations, concomitant with the reaffirmation of the presence and efficiency of the public utility in the districts; the extension of the "ilotage" (i.e. the supervision of a block of houses), and the participation of the police in carrying out the youth aid initiative. We are convinced that the policeman has a role to play in these processes. This is not to say that the policeman is a "super social actor" but, more simply a kind of "social sentry", useful for dealing with the problems encountered in the towns and districts. In his/her position of privileged observer of life in the cities, the policeman must necessarily be involved in the process of urban social development and, at a central level, it is essential for the police to be present in the debate on the city policy.

Therefore, I would like to point out immediately that, for us, it is not a matter of carrying out "who knows what" kind of infiltration, particularly among the young people we meet during districts animation programmes; this is not at all our objective. We have established a very simple fact: in a certain number of districts we are witnessing progressive social desertion, the social workers encounter the greatest difficulties in carrying out their work correctly.

As a result, the police is forced to intervene at the peak of a discussion on any incident, however trivial. Thus very often having to bear the citizens' violent manifestations of rebellion against those who represent public power, i.e. the three or four unfortunate policemen who attempt, when called upon, to play the role of mediators. These circumstances very often lead to conflicts that can take a dramatic turn.

Programmes for young people in these problem areas have thus been created with the aim of progressively establishing the public service and creating a new relationship between police and youth, in order to make them understand that the policemen have a public service mission and a social control role.

Of course, the complexity of the problems that affect all the aspects of social life require the close and continuous collaboration of all the intervening parties involved: citizen's representatives, police, justice, those responsible for education, health, housing, extra-curricular activities, sport and social associations, and social workers. In this respect, the exchange of knowledge, experience and know-how at an international level is proving increasingly necessary.

It is clearly at the level of local organisations, in the frame of a territorialisation of the interventions and a careful consideration of the specificity of the different local context, that we have the best chances to tackle not only delinquency, but also the numerous problems that arise among the citizens.

However, this difficult problem cannot be treated on the basis of improvisation and it is essential to develop a methodology that allows for the establishment of a diagnosis of local situations and provide adequate answers, certainly repressive and complementary, such as alternatives to imprisonment, judicial mediation, socio-educational judicial review, community service, etc.

France has opted for this method in a determined way. As for the Ministry of the Interior and Public Safety, an action plan for safety was presented last May. This plan aims at mobilizing the forces to prevent the development of delinquency and to improve everyday safety. These measures are prioritarily directed towards the 27 more urbanised departments where prefects are in charge of the elaboration of local safety projects together with the local authorities responsible for safety matters. These projects identify definite objectives and establish common priorities of action in several fields: safety in the surroundings of educational establishments, safety of elderly persons, fight against drug abuse, safety in the town centres with a high commercial density, safety in the "grands ensembles" (large blocks of important buildings situated in urban areas), safety in public transport, etc.

The conventions agreed upon between the state, local organisations and their partners are, in most cases, based on a local diagnosis of safety made jointly by the delinquency prevention communal councils. These councils are usually entrusted with a task of follow-up and evaluation through local observation stations on safety that are progressively created in France on the basis of victimisation surveys currently being carried out in our country (see Zauberman's contribution to this volume). In future, the safety measures defined within the frame of the partnership established between the state and the local actors could be integrated in the whole proceedings of the city policy and become part of the next five-year plan which will come into force on 1 January 1994.

These are the current orientations of everyday prevention and fight against delinquency adopted by the National French Police Force.



## Manuel Montagud<sup>6</sup>

There is no doubt that in most societies citizens feel or are under the impression that they are unprotected or helpless; indeed, in many cases they feel that the delinquent benefits or disposes of broader juridical or penal protection than they do. The consequence of this, in our opinion, is that when directly involved in a criminal act, victims experience a feeling of inhibition when having to report or co-operate with penal justice organisations in the process of preventing or punishing a criminal act. Penal administration and police in Spain believe that the answer to this issue is educating citizens - starting from the basic elements and applying the quickest methods aiming at informing on available procedures in the most comprehensive way - in order to be in a position of collaborating directly for the solution of the problem. What are these procedures? In our opinion a juridical or penal procedure does exist. This consists in conveying to citizens the perception and total awareness that personal participation is important and not simply wait for police officials to take a penal action against the delinquent, as is usually the case. Instead, the citizen should know that he/she can also exercise private action, including from an associative point of view, collective action. Needless to say, this can only be achieved through mechanisms that would allow for a more agile performance of justice and judicial procedures capable of responding to the needs of a citizen.

Another procedure is making the citizen aware of the fact that, under certain circumstances, the penal administration is responsible for damages and injuries incurred. In Spain there are specific delinquent figures for which the penal administration is obliged to compensate the citizen for damages, such as in cases of terrorism. For certain crimes, such as crimes against public health and some crimes of negligence, the administration is obliged to compensate for the damage caused.

Another procedure which is considered significant towards citizens' active participation in this responsibility is of a social nature. By social nature is meant participation in civilian or neighbourhood associations which, in a way, stimulate juridical or penal mechanisms to respond to these situations. It goes without saying that the citizen's confidence in his/her strong position vis-a-vis the police forces is fundamental and basic. This can only be achieved by a daily and practical task which in Spain has led to the creation of specific groups within the judicial police to give support to citizens in certain criminal areas, such as aid to minors and assistance to females in relation to crimes related with cases of maltreatment and rape. A new police figure has been instituted in all police stations with the task of acting as mediator between neighbourhood associations, and before whom these associations present all their cases and problems. This officer is authorized to then channel these cases for police, penal or administrative action.

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<sup>6</sup> General Commissioner of the Spanish Judicial Police, Spain.



The Bundeskriminalamt could be compared with the Federal Bureau of Investigation (USA), but since Germany is a small country, the Bundeskriminalamt is much smaller. As far as the prevention and repression of crime are concerned, the German Government stresses especially increasing drug misuse, combined with the increased border-crossing of organised crime. In the last few years, the borders in Europe have opened up more and more; therefore, international co-operation in the fight against organised crime is of major importance.

However, returning to the main topic of this Conference, the extremely high level of petty crimes, such as theft, is just as important, as it seems to be an indicator of diminishing common values in our society. Petty crimes against individual citizens, such as theft or assault, are measured more efficiently through victim surveys than through official statistics. Prevention means developing better educational and social strategies - this is one of the main issues of German criminal policy.

The prevention work of the German police consists in reducing crime opportunities, and supplying the population with information as to how to better protect themselves. Ironically, there was an unplanned success in crime prevention in Germany. Several years ago, when motorcyclists were obliged by law to wear helmets, there was an astounding decrease in motorcycle theft. This is because potential thieves would not normally carry a helmet with them, and would risk being stopped by the police if driving a motorcycle when not wearing one.

Social and crime problems are found mostly in the larger cities, and I believe that crime prevention should be carried out first in these areas. Comparison between cities throughout Europe, via victim surveys, would be less expensive, methodologically better controlled, and would offer more relevant results for crime prevention than national level surveys. In fact, the majority of German victimisation studies have been carried out on a city level; with further geographical differentiation, offering better possibilities to compare the survey data with police data and with demographic, housing or social structure data for prevention purposes.

The various papers and reports that were presented yesterday and today offer many interesting considerations that should be further and very carefully examined.

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Head of the Crime Analysis/Crime Statistics of the Bundeskriminalamt, Germany.



## Raymond Kendall<sup>8</sup>

I will confine my brief remarks to some of the issues brought up during this Round Table. What interests me as a practitioner is how we can link the excellent results of the academic studies, and the follow-up action. I believe that certain remarks made by Irvin Waller this morning and this afternoon are a key factor.

We have seen the results of research, and we have also seen some possible, and even probable, solutions. In many cases we have seen the results of the studies confirming and telling us certain things which we already knew, and I think we must be careful that the over-emphasis on the studies does not detract from the follow-up action; I have various explanations for this, but obviously not entire solutions.

The fact is that where things seem to break down is between the academic results of studies, with their suggestions of probable and possible solutions, and the arrival at the implementation of action. What I believe is an absolute necessity between the examination of the solutions and the putting into action, is a firm political will. In my opinion, where things seem to be going wrong is in some sort of direction \*or misdirection between the results of the studies and the application of the action.

The reason for this, I believe, is that there are certain incompatibilities between the logical action that should follow the studies and what may be political expediency. I think that this comes out very clearly if we look at the efforts that have been made and the resources that are put into prevention programmes, social programmes and demand-reduction programmes, in relation to drug-addiction.

Of course, we all know that however much we say that these things are multi-disciplinary, the tendency is always to insist on the law-enforcement side. The reason for our doing this is because it is the solution of facility for the politicians. If you are a policeman, you will arrest more people, and you will seize more drugs, very quickly; but you will do absolutely nothing about dealing with the problem that you are really faced with.

We all know that the prevention programmes, social programmes and demand-reduction programmes will probably not show a result - if they are effective - for at least ten years. Politicians cannot wait that long. Most of them will not be around to see the results anyway.

So what I am suggesting (I am not sure how it can be done, and I am wondering whether there is not some way that it can be built into the academic studies) is the possibility of showing (and I know how difficult this is) how much crime is really costing to society; how much the finance of my organisation costs, for example, which spends 60% of its efforts dealing with the illicit traffic in drugs; and in some way showing the real cost-effectiveness of a really successful crime prevention programme.

These are the sort of things that will "speak", as far as politicians are concerned; how much money can we save? How can we avoid doing what we usually do (in political terms)? That is to say: wait until the disaster happens before we intervene. What I am trying to say - and I am being rather provocative about this - is that there

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<sup>8</sup> Secretary General of Interpol.

is a breakdown between the solutions that to all of us seem to be fairly obvious, and the actual effective application of these solutions.

The other point I would like to make, and it rather links with the point made by Dato Steenhuis, is that because the serious crime problems are rather "sexy" in the media terms, we tend to concentrate our efforts, also in police terms, on dealing with these serious crimes, which most members of the public are not directly affected by. I have a feeling that if we were to solve the problems of street and property crime and security in general, the public would feel more secure, they would have confidence in the system and they would be more co-operative. As a result, we would be able to concentrate our efforts much more on them rather than only emphasising the really serious crimes.

The last point I want to make is just a point of information for those people who this afternoon raised their concern about offences committed against minors. For the last three years we have been looking seriously at this problem; we presented a report (which is a sort of mini-victimisation study as a result of consultation with our member countries) to our General Assembly last week and we have set up a permanent-standing working party to examine the whole issue of crimes against minors.

## Vincenzo Parisi<sup>9</sup>

I would like to bring to your attention some data - resulting from analyses - which, to me, appear to be fundamental. We are faced with the generalised phenomenon of the expansion of crime which is evidence of the marked decline of the values of legality in all the states.

Interpol data for 1991 place Italy in eighth place with 4,612 crimes per 100,000 inhabitants, preceded by Sweden and the United Kingdom with more than double the number of crimes, Luxembourg, the Federal Republic of Germany, France, Austria and Switzerland. In Switzerland, where conditions are better, the index increases each year by 1,000 crimes per 100,000 inhabitants. The position of Belgium, Greece, Spain and Portugal follows that of Italy. Thus, a worrying picture.

As far as Italy is concerned, this has determined the commitment of the institutions and improved collaboration. In addition, the improved investigative tools assigned to magistrates and the police force has determined an indicative and significant decrease in the crime index between last year and the current one. This has allowed us to register a generous 10% decrease in crimes as overall data.

Concurrent with the 20% decrease in homicides - which will hopefully make us loose the unenviable primacy registered last year - and a decrease of approximately 360 homicides, as well as the 25% reduction in robberies and bag-snatching, an increase is registered in reported extortion, which evidently reveals an improvement in the attitudes of trust between the state and the victims of this crime.

We are convinced that in spite of this progress, other significant facts must be estimated in order to acquire data which is sufficiently reliable in relation to the vastness of the phenomenon. This phenomenon has increased enormously and become broader following the crisis in the Balkans, whereby, because of its geographic location, Italy is rather central in the trafficking of narcotic drugs.

Undoubtedly drug trafficking has shifted towards other countries. Two are the fundamental consequences of this: the improvement of the internal situation, and the relenting of some criminal structures faced with problems of reduction of potentiality and lack of provisions. It must be recognised that the problems which criminal structures now confront are also to be attributed to the improved attitude between the victims of crime and the state.

Incentives, forms of encouragement, attention on the part of the police and the judicial and administrative authorities have brought about evident forms of collaboration. Over 200 collaborators have registered with the penal authorities; a fact without precedents in the history of organised crime. A collateral phenomenon has been observed: the emigration of criminal groups. At this point I would like to stress the need to attract, from wherever possible, instruments for social defence in order to stop the pervasive criminal phenomenon from invading in a destabilising manner other realities.

An improvement has also been recorded in the approach towards prevention, in investigative capabilities and in the overall capacity of responding to crime. In this respect, according to the relative data, by the end of the year we expect to have

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<sup>9</sup> Chief of Police, Ministry of the Interior, Italy.

effected 300,000 arrests and recorded over 500,000 persons reported without arrest. In our case, these are record data, considering also the traditional mistrust towards the institutions.

We estimate that the Mafia today faces greater difficulty in operating in Italy (both in Sicily and elsewhere) than in areas where it is less known and where there is access to greater resources than in Italy. In relation to the massacres, where three well known magistrates and eight state policemen were killed, we have been able to certify that these were linked to operational difficulties (Cosa Nostra intended to intimidate the institutions to arrest the process of improvement in competence).

Subsequent data inform us that the murderers of Judge Livatino who had been arrested in Germany, were sentenced yesterday. Our gratitude goes to the German police for their collaboration.

Significant interaction between Italian criminality and that abroad was ascertained when carrying out the "Green Ice" operation. In this circumstance satisfaction was shared between Italian and North American authorities. Collaboration has been established with police authorities in Venezuela following the repatriation of the Cuntrera brothers. Gratitude was expressed to the Chief of the Venezuelan Police two days ago here in Rome.

The recent arrest of Madonia which took place in Vicenza has revealed that this criminal, Number Three of the Sicilian Cupola, carried with him the equivalent of fifty million lire in German marks and was on his way to Germany. In carrying out his activity, Justice Borsellino's last mission was, in fact, to Germany. Today - this afternoon, as a matter of fact - an Italian gangster was arrested in Frankfurt upon the indication of the German Liaison Officer of the German police. He was identified in Ivrea by the Carabinieri while he was about to transfer to Germany after having robbed one-hundred million lire from the Bank of Ivrea. All these are signs of the internationalisation of crime.

I agree with all that has been said by the previous speakers and with Senator Violante in particular, that is to say, the issue of the honest person's easy access to justice, in whatever capacity. Criminality and, as regards Italy, even that of the Mafia is becoming a peripheral phenomenon. Crime is acquiring a new geographic profile. The Mafia itself has altered its geographic features.

It is no longer located in Sicily; it has branches and hinges that originate in Sicily, but which expand like tentacles over other regions and over other cities (not only Italian). There is a suspicion that organised crime is tempted to shift to regions where there is a greater concentration of wealth, where the dynamics of narcotic drugs present even higher possibilities regarding the investment of capital and where they are covered by bank secrecy or by the financial system.

A series of extremely alarming data which we have acquired demonstrate how, in fact, the Mafia has secured a position of strength in its spreading towards other horizons. Nevertheless, this has also determined a cause of weakness. The framework which was originally monolithic, has to contend today with the consequences of congestion of the traditional areas. And this applies not only to the Mafia, but also to other rather dangerous forms of Italian criminality.

Naturally, there is a relenting, a decongestion in the larger areas of the criminal world and the consequent weakening of the original ties between these groups and the original nucleus, where the temptation of becoming independent is evident; profiting from the fact of not being well known, of being able to live in an

environment that ignores certain phenomena, and in a condition in which the information system is not punctual enough - for the mere reason of not being in a position to understand the extra-geographic reality.

Senator Violante's statement in connection with the need to guarantee victims, defendants and collaborators is a fact. It is encouraging that among those who collaborate, in Italy, there is a young twenty-year old woman, Rosetta Cerminara from Calabria who has provided a precious contribution with regard to a double homicide. It is also reassuring that the judges were able to pass sentence for the Vattino murder on the testimony of a commercial agent.

There are, in fact, a number of cases of citizen collaboration outside their own personal judicial concern for which a rewarding formula or solution must be found. As evidence of the efficacy of these external connections we can observe how, with the help of the French police, Matteo Bove (famous Sardinian criminal who also participated in the kidnapping of young Farouk Kassan) was recently arrested in Corsica.

I agree that an extra-national court would only relatively respond to our needs - in addition, such a proposal may not even be feasible. Nevertheless, collaboration - mainly regarding information - must be consolidated and corroborated. This could be improved by employing a larger number of liaison officers (only part of these have so far been appointed), each one of whom must endeavour to understand the realities that are threatening.

As regards the Italian administration, I am persuaded of being able to give the maximum encouragement towards the advancement of this collaboration; we are entirely available to accomplish the results, and at the same time to satisfy all requirements regarding information flow.

Crime is, by now, a phenomenon that threatens all mankind. But let us not forget what has been said earlier: a sort of world-wide revolution has taken place; similar to what happened after the fall of the Wall of Berlin, and which is symptomatic of a search for something new which has not yet been identified. It certainly leads us to consider the need to defend ourselves from the danger that these groups propagate and determine a carcinogenic phenomenon that could, in fact, hinder future progress in each one of our countries, as well as in those countries where freedom is a recent acquisition.





# **PART FIVE**

Summaries of Country/City Surveys

