

Fighting the Mafia: lessons learned¹

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*"Cowards die many times before their deaths;
the valiant never taste of death but once."
(Shakespeare)*

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1.- Introduction

Today marks the twenty-year anniversary of the death of Italian prosecutor³ Paolo Borsellino, who was murdered by the Cosa Nostra on July 19, 1992, almost two months after the murder of prosecutor Giovanni Falcone at the hands of the Corleone Mafia while travelling along the Capaci exit road on May 23. At Falcone's funeral, Borsellino—a colleague and probably his best friend—quoted Shakespeare by saying: "Cowards may die many times before their deaths, the valiant never taste of death but once." The quote also applies to Borsellino himself: he was a man who died physically, but his example lives on, along with his principles that inspire our work against organized crime.

I am grateful to have the grand honor of giving this talk today, a day in which we are commemorating the judge's physical disappearance and celebrating his presence in spirit.

It is not of my taste to satisfy the morbid desires of those people who, when talking about the Mafia, want to hear about every boss or every hired murderer, who they were, how they lived, how they killed, or what orders they gave. I would not want to appeal to such interests, because it would be a way of converting mafiosi into idols. It would offend the lives and memory of heroes who on a daily basis—many paying the ultimate price—faced up to powerful criminals who know no bounds and have no scruples. Therefore, unless entirely necessary, I shall avoid nominally mentioning bosses or members of the families. I will make a general reference to the achievements of Italian prosecutors in unraveling the Cosa Nostra. Falcone was the counterpart as he managed to visualize the organization from the inside and convince the turncoats to reveal information about the

¹ Summary of the talk given at the Italian Institute of Culture, Guatemala de la Asunción, July 19, 2012. The event commemorated the 20th anniversary of the murder of anti-Mafia prosecutor Paolo

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³ In Italy, the *Magistratura* is divided into the judiciary and offices of public prosecutors. Therefore, both judges and prosecutors are called *Magistrato*. It must be further stated that both Paolo Borsellino and Giovanni Falcone were prosecutors, which is the equivalent of *fiscal* in a Guatemalan context.

organization's functioning, structure, *modus operandi*, ethos and internal legal order.

2.- Origin of the Mafia

The origin of the Mafia is unclear. Nobody is able to say when it began, when it was born; this is logical as it is a large structure comprised of various groups that are subjected to an ethos of strict rules concerning secrecy and silence. Therefore, it is hard to pinpoint when it began.

Some believe that it was born in the fourteenth century when Sicily was still a feudal state and the large landowners exploited peasant farmers. At some stage, the owners handed over the management of their land to the *gabelloti*—sharecroppers who were responsible for mediating between exploited persons and estate owners. Then, the *gabellotti* suddenly became the protectors of the peasant farmers.

It was on these foundations, under the orders of a boss, that the *famiglia* was created: a sort of clan with a very closed intimate circle that, at a later stage, was joined by people without blood ties but who were trusted by the boss, and hence an outer circle was formed. The families joined forces to become a large structure, calling themselves Mafia.

3.- Etymology

It is not clear where the name Mafia, who called themselves Cosa Nostra, comes from. It is said that in 1282 a French soldier was responsible for two acts in Sicily: raping a young girl and then killing her boyfriend. This led to bitter feelings towards France, and hence it is said that Mafia is an acronym for *Morte A Francia Italia Anhela* [Italy Longs For The Death of France]. However, this seems to be more of a legend than a historical fact.⁴

An alternative theory states that Mafia appeared for the first time between 1862 and 1863, when a piece of theatre titled *I mafiosi di Vicaria* was staged in Palermo.⁵ The

⁴ An additional theory regarding the origin and the name of the Mafia states the following: “During the 18th century, Austria replaced Spain as the dominant force and, at the time, the Bourbon family—whose members governed France and Spain—also ruled various provinces in Italy. However, the outbreak of the French revolution caused serious changes in European politics. For example, it led French general, Napoleon Bonaparte, to cross the Alps in 1796 and defeat the Austrians in the north of Italy. This conquest allowed the French to advance further and take control of almost all of the Italian territory. The defeat of Napoleon was followed by many changes; however, the Italians never recovered their rights or their self-governance.

In this context of French domination, the Italian Mafia was born: from 1851 to 1870, many compatriots tried to recover control of the Italian territory, ejecting foreign rulers in an effort to unite Italy and recover their papal lands. This historic act had a great bearing on the development of secret organizations. It is said that the Mafia was part of the rebel groups who fought against the French invasions, i.e., it emerged as a revolutionary task force whose activities, as in every revolution, were clandestine [...].

Mafia meant *Death to France Italy Desires* [...]. By the end of the revolution, the reason to be of these armed clandestine groups had disappeared. However, at this time, some demoted guerilla warfare groups made use of their organization to continue conducting illicit and clandestine activities with the sole goal of generating personal profits.

In this sense, the revolutionary groups became exclusively criminal by taking advantage of the organizational structures and by using mysticisms in their groups to glorify the longstanding existence of their Roman origin and they acted in breach of the law and morality, meddling in illegal trading and instilling a culture of terror [...].” Gómez del Campo Díaz Barreiro, Bernardo: *La delincuencia organizada: una propuesta de combate*, Editorial Porrúa, México, 2006, p. 2-3.

⁵ “*I mafiosi di la Vicaria*” is a piece of opera written in 1863 by Giuseppe Rizzotto and Gaetano Mosca.

protagonists allegedly created the term mafioso to refer to a strong, rebellious man who imposes his will at all cost.

Others mention the use of Arabic words in Sicily and, from there, the term Mafia was used to refer to families and mafiosi.

Much like the origin of the Mafia, the origin of its name is a mystery.

4.- Ethos and structure

The families organized themselves internally, coordinated themselves externally, and established a hierarchy. Long before the 80s there was knowledge of the nature of the criminal organization (we knew what it was); however, it was unclear why the organization had such strong internal links, and nor was its functioning well understood. Precise details regarding its structure, internal order, and ethos were unknown; Falcone's investigations made it possible to "see" the Cosa Nostra from the inside.

It has a strict organizational structure and its own ethics. Because of these ethics, the mafiosi consider themselves to be "men of honor", men who keep their word and are duty bound to comply with the ethics⁶ and the internal values of the *famiglia*.

4.a) Ethos

For any justice official it is easier to tackle the Cosa Nostra than any organized crime group in Latin America, because at least if you know their ethos, you know how far you can go and how to deal with different situations. The men of honor do not attack the family of the authorities, prosecutors, police or judges. They do not kill his wife or children. In consequence, the dynamic of the men of honor—the way they conduct themselves—makes it possible to anticipate some facts. When a prosecutor or a police officer reaches his limit, he is replaced, because the Mafia will begin with the new official and hence the authorities have some room for maneuver. In contrast, when facing the Zetas or the FARC, to name a couple of examples, they do not have any values or limits, nor do they have "honor".

It may seem absurd to talk of the ethics of the Cosa Nostra; they do have ethics, however. They describe themselves as men of honor, they have different values, they are involved with different social concepts; once their ethics become known, they can be countered.

One of the basic principles is *omertà*: the law of silence.⁷ It is an ethical point that is non-negotiable. He who talks dies, the Mafias business stays within the Mafia, the business of the *famiglia* stays within the *famiglia*. Nothing is spoken of, nothing is revealed,

⁶ "[...] do not desire the woman of another man of honor; do not steal; do not exploit prostitution; do not kill other men of honor, unless absolutely necessary; avoid delation of police; do not face up to other men of honor; always show serious and correct behavior; never speak with strangers about the Cosa Nostra, and never introduce yourself on your own initiative to other men of honor, because the rules state that another man of honor, who both persons know, must guarantee that the other person belongs to the Cosa Nostra [...]" Falcone: Cosas de la Cosa Nostra, Ediciones Baratalia, Barcelona, 2006, p. 94.

⁷ "[...] The Mafia way is characterized by the use of the power of intimidation of the associative link, and the resulting binding nature of *omertà*, the law of silence. Thus *omertà* and being bound to silence represent the typical effect of Mafia intimidation [...]" Ingroia, Antonio: Crimen organizado, en especial el delito asociativo de tipo mafioso como herramienta facilitadora de la prueba, in "Herramientas para combatir la delincuencia organizada", Instituto Nacional de Ciencias Penales, Mexico, 2010, p. 68.

and business is not discussed. Orders are fulfilled.⁸

This is because the structure creates unity and implies a hierarchy, and nobody can disobey it. It is a solid organization, because orders are never disobeyed.

Another ethos-related aspect is that the order to kill must never be questioned.⁹ The slightest doubt results in the death of the person.¹⁰ Therefore, the organization is run like a well-oiled machine: no questions are asked, the orders filter down from above and they are fulfilled.

4.b) Structure

Within the family, there is a boss or capo, who is called “Don”¹¹ as a sign of respect. When the “Don” passes down an order, it is not debated, but rather obeyed; non-compliance is only punished in one way: by death.

Second on the ladder is the “*Consiglieri*”, the man trusted by the boss. He is the person who whispers to the boss, offers advice, explains the political outlook, and he provides tools to help make decisions. However, the “*Consiglieri*” has no decision-making powers and, once he has offered his advice, he is subjugated to the boss.

In third place is the “*Sotto capo*”, a kind of manager of the *famiglia* that oversees operations, illegal business, reprisals, feedback, monitoring, and he is also the voice on the streets. The boss only orders internally, he never opens up to the outer world to talk or debate. Everybody knows the boss; however, the communicator, the message-bearer, and the person who hands down the orders for dirty work is the “*Sotto capo*”.

In fourth place is the “*Contabile*”, who is responsible for finances. Any account that cannot be reconciled would lead to his death. It is an important and delicate position. It is not in the operational part of the organization; however, he has control over investments and money.

In fifth position is the “*Capoggerime*”, who is responsible for leading a group of soldiers. Different authors refer to 10, 15 or 7 soldiers. There is no clear number, but he is the person in charge in operations.

In sixth place are the “soldiers”, who are responsible for the dirty work.

The seventh position is held by the “*Giovane d'onore*”, the person who does not form part of the family but aspires to join the outer circle and earns credit in order to do so.¹²

⁸ “[...] A man of honor should only talk of matters that directly affect him; he should do so solely when asked a specific question and only if he is capable and has the right to respond. The internal relationships of the Mafia are founded on these principles, much like those between the Mafia and civil society. Judges and law enforcement agencies must adapt to them [...]” Falcone: op. cit. p. 45.

⁹ “[...] As strange as it may seem, the murderers achieved greater fame through the dignity of the victims, in so far as they had strangled a person worthy of the utmost respect. Facing up to a prestigious person is a source of glory; killing them is even more glorious; and being killed by them is honorable [...]” Falcone: op. cit. p. 76.

¹⁰ “[...] In a group such as the Mafia, which must protect itself in the face of its enemies, the weak or sick must be removed. This all helps us to understand why the Mafia do not talk or show their emotions or feelings [...]” Falcone: op. cit., p. 75.

¹¹ According to the dictionary of the Real Academia Española: from the Latin *dominus*; mister.

¹² “[...] Not everyone can join the Cosa Nostra. This university of crime demands bravery, an ability to commit violent acts and, therefore, an ability to kill. This is not the key condition in all cases, however. Knowing how to kill is necessary, but alone it does not suffice. Many other conditions must be met. Belonging to a mafioso environment and having family ties with other men of honor

As previously mentioned, within the *famiglia*, there is always an inner circle and then an outer circle comprised of trustworthy people. The inner circle is comprised of those persons with blood ties, and the outer circle by members who join through an admission process and, once accepted, they are bound by the ethos, the *omertà*, subordination and the duty to kill.

These families are part of a provincial representation and, from there, they join a regional structure.

The families and provincial representatives are found in Palermo, but the “*La Comisión*” also exists—a group that makes the big decisions of the Cosa Nostra.¹³ It is similar to the State: human groups are assigned to regions and there is a sort of parliament.

5.- Permanent nature

The *famiglia* is different to other criminal organizations in other parts of the world because it survives the test of time. The Latin American cartels¹⁴ do not have the same longevity and, in many cases, they break up once the boss has been arrested or killed. In contrast, the Mafia has strength, solidity, and a key impetus: the *famiglia* is not only a criminal organization, but also a forward-looking society. It is built so as to survive until the end of our times. The goal is for all members to live well, have a sure future and share the product of the work through a hierarchy-based distribution.¹⁵ The *famiglia* was born to live forever, it does not end with the death or arrest of the boss.

Those persons on the inside of Cosa Nostra live in a world with its own logic, its own rules; each member has their own life expectancy.¹⁶ The family tends to be (i) effective because orders are always complied with and goals are achieved, errors are not excused and, if goals are not achieved, people pay with their lives; (ii) efficient because it always acts quickly; and (iii) relentless because sentences are not overturned, there are no appeals. This leads us to a tragic conclusion: the Mafia is more efficient and more effective than the State, and hence it considers itself to be an alternative to the democratic system.¹⁷ Its effectiveness, efficiency and ruthlessness are the pillars of mafia power.

are great initial advantages. Among the indispensable qualities that are necessary, the turncoat Salvatore Contorno recalls that you must be male, have no siblings working in the *Magistratura* or law enforcement agencies [...]” Falcone: op. cit., p. 95-96.

¹³ “[...] The Commission's orders must be executed whatever the cost, and the boss of the family in the territory where the crime will be committed must be obligatorily informed [...]” Falcone: op. cit. p. 96.

¹⁴ “[...] The word cartel refers to organizations that nobody, except their leaders or members, knows everything about [...]” Kaplan, Marcos, quoted by Gómez del Campo: op. cit., p. 11.

¹⁵ “[...] the Mafia is not a service provider that works for the benefit of all, but rather a mutual benefit association that acts at the expense of civil society and solely to benefit its members [...]” Falcone: op. cit. p. 89.

¹⁶ “[...] The Cosa Nostra is a world in its own right that must be understood as a whole [...]” Falcone: op. cit. p. 56.

¹⁷ “[...] When facing up to the “Mafia state”, I realized just how more efficient and functional it was compared to our State and how, as a result, it was of utmost importance that we were fully committed to knowing every last detail about it and to appropriately fighting it [...]” Falcone: op. cit. p. 67.

It is depressing to conclude that it is an alternative to democracy. The Cosa Nostra goes where the Government does not. A similar situation happens to us in Central America with the drug trafficking organizations; the International Commission against Impunity in Guatemala (CICIG) has stated on numerous occasions that in those places where official institutions are not present, where there are no public services, where there is no health care, housing, education, where there are no opportunities for social progress, the drug traffickers—in Guatemala, Costa Rica and in any such country—offer their money and the people legitimize the cartels. The Cosa Nostra did just that in Sicily in those social areas where there was no state investment, where there was hopeless poverty; the families came, they distributed money and provided services that the Government could not offer. In this sense, it became an alternative to the democratic system.¹⁸

Historically, the States in Central America showed no responsibility toward the abandoned sectors of society that had no bearing on politicians or oligarchs; poverty simply continued to be disregarded, people had no hope and they had more and more impoverished children. At present, the drug traffickers resolve salary and income problems. The Mafia was doing just that and, therefore, for some sectors of society it represents an alternative to democracy. It is a means of distributing wealth and impoverished people legitimized those who sponsored them, in other words, the mafiosi who put food on their table.

6.- The Mafia as a system

As a system, the Mafia has economic elements, power, a vision of the future and a criminal organization. Latin American cartels, however, do not have this vision of the future. When the head of a Latin American cartel is removed, it tends to disappear; the *famiglia* quickly replaces the boss and survives justice's attack. The *famiglia* stands the test of time because it provides life and well-being, and it has an identity based on values that differ from our own.¹⁹ In order to prevail, it has a very effective criminal system.

The economic aspect implies excessive profit gained through all possible illicit means, without any limits. However, even if it were to be left without wealth, the *famiglia* would continue to be solid and keep operating. The cartels disband when they lose the money. The mafioso economic system competes with the State: it exerts an influence over the economy of the country or of the region, it affects market prices through the volume of business for which it is responsible.

The power system is very clear. We do not know how many Italian politicians, judges, prosecutors or police are members of the Cosa Nostra or have been bought by them. In contrast to terrorists, who seek the dissolution of the State, the Mafia competes with the State, but when necessary it latches onto public institutions,²⁰ weakening them

¹⁸ “[...] As a result of being Sicilian, the Mafia, much like Sicilians in general, feels wounded by the State's lack of interest and the errors made by the institutions at Sicily's expense. A high level of State disinterest in Sicily and a low level of attention from the institutions lead to greater power for the organization [...]” Falcone: op. cit. p. 78.

¹⁹ “[...] In a world without benchmarks, the mafiosi tend to preserve their identity [...]” Falcone: op. cit., p. 74.

²⁰ “[...] the Cosa Nostra is not an anti-State group, but rather a parallel organization that tries to benefit from the gaps in economic development by using illegal channels and, as soon as it feels besieged, it reacts by keeping a low profile. One must remember that, if we consider all the institutions and the society as a whole, the Mafia is the most agile, ductile and pragmatic organization that comes to mind [...]” Falcone: op. cit., p. 78.

and taking advantage of formal power structures.²¹

It has a criminal system. It uses the rights that they share with all of us, but at the same time, they have a parallel legal system, with its own rules, its own punishment threats and penalties. It is implacable; “justice” is immediate.²² There is no trial, there is no defense, there is no due process, there are no human rights, nor do they practice our democracy.

7.-Administration of violence

In exercising power, there are discrete forms of managing violence:

(i) External violence is the last resort,²³ the *ultima ratio*, as is the case in the context of the rule of law, and in this sense they are similar.²⁴ There is no preference regarding method, it must simply be effective and necessary. People are not tortured, poisoned or carved up unless it is absolutely necessary. The rules dictate that greatest effectiveness must be combined with the smallest risk element.

However, strangulation is recommended in order to avoid leaving evidence, or to avoid being discovered or punished by formal justice. Strangulation creates no noise, there is no blood, and it leaves very few traces of the perpetrator on the body of the victim if the body were to be discovered after the next step: the dissolution of the corpse in acid so that nobody can locate it. The victims disappear, they are strangled and dissolved in acid, erasing any vestiges of the crime—a process referred to as “*lupara bihaunch*”. Later, the acid is dumped in a river, a public water source or any other place; this covers up any murder.

(ii) The internal violence is guided by other principles: it must be exemplary. If, when a murder is under investigation, the police discover a body that has been brutally punished prior to death, it is an indication that the victim was a member of the Mafia. Greater suffering is inflicted when it is a matter of internal justice in order to dissuade those who seek to disobey or betray. When a member of the *famiglia* is going to be removed, the job is entrusted to the member with the closest ties: the blood brother, the intimate friend, etc. The purpose is to demonstrate that there is no safe haven—not even in the presence of the person's best friend—and also to verify the loyalty of the executor. The fidelity is between the member and the family, and not between the individual members.

There is a great capacity for violence, which is an integral part of the Mafia ethos. All of this, which can be discovered once you are able to decipher how the Cosa Nostra

²¹ “[...] By studying the honor men I have learned that the reality is that the mafia logic is neither excessive nor incomprehensible. It is merely the logic of power and it always responds to an objective [...]” Falcone: op. cit. p. 68.

²² “[...] we are fully familiar with the Cosa Nostra's disaffection with the Italian State and the fact that the organization prefers its own system of justice administration—fast and direct—to the prolonged processes that do not reach any conclusions [...]” Falcone: op. cit., p. 48.

²³ “[...] It is beneficial to avoid situations in which you need to show your own force or power [...]” Falcone: op. cit. p. 83.

²⁴ “[...] Threats are used only when it is deemed that the person involved will be vulnerable to such threats. The mafia is rational; its goal is to keep the number of murders to a minimum. If the threat is unsuccessful, they move to a second level, where they involve intellectuals, politicians, members of parliament, and they persuade them to publically express their doubts regarding the acts of a meddling police officer or a judge. If the desired result is not achieved, direct pressure is then used to silence the pestering person. As a final resort, an attack is launched. Moving to take action is normally successful, because the Cosa Nostra knows how to go about its business [...]” Falcone: op. cit., p. 53.

behaves, helps in the investigation into how it operates, because it becomes the guide for determining whether or not you are faced by a mafioso group and how to dismantle it.

8.- Important moments between the 80s and 90s

1) The war between the group from Corleone and Stefano Bontate's group from Palermo lasted three years (1981-1983) and, according to estimates, produced more than one thousand deaths. The group from Corleone prevailed, and it later killed the Governor of Palermo, Dalla Chiesa. It was a brutal war. The Mafia was operated by three bosses from Sicily at the time, there was a disagreement that culminated in the imposition of the Corleone group through the use of force and the violent death of one thousand people.

2) The Clean Hands Campaign: the judges and prosecutors decided to end with the dictatorship of the Corleone group and the officials who sold out. They started a campaign that cut short the lives of many judges. Some of the major losses include Falcone and Borsellino, but many others also gave their lives to restore order and the law.

3) The clean hands campaign culminated with a mass trial, led by prosecutors Giovanni Falcone and Paolo Borsellino. It concluded with the 357 mafiosi being given very severe sentences, including the boss of the Corleone group. It was believed that the group had been left without a leader and hence ceased to exist, but immediately a new boss was named, Bernardo Provenzano, and he was responsible for taking revenge against Falcone and Borsellino.

In this regard, I stress the lesson of the present head of the Italian Anti-mafia Directorate, Pietro Grasso, who recalls that the day of Falcone's murder, he, Grasso, had to travel in the same vehicle but due to a setback he was unable to accompany Falcone and he excused himself. Grasso would have been on the Capaci exit road and he would have died with Falcone on that fateful day. The attack employed 500 kilos of dynamite. At the time, Grasso promised not to rest until the person responsible, Provenzano, was imprisoned. He managed to arrest Provenzano in 2006, who is currently serving a life sentence.

9.- Turncoats (pentiti)

The turncoats Tommaso Buscetta and Antonino Calderone, and especially Buscetta, provided information to Falcone about the structure, internal organization, forms of mobilization, objectives and dynamics to catch the mafiosi; they broke the *omertà*.²⁵

Buscetta informed Falcone that he would leave Italy because they were going to kill him, and that they would then go after Falcone. That is indeed what happened.²⁶

Turncoats are used in Guatemala to dismantle networks, pursuant to the Anti-organized Crime Law; however, some sectors are strongly opposed, arguing that it is not possible to use criminals, negotiate with them, grant them freedom and generate impunity.²⁷ It is a question of choosing between one person having impunity and punishing

²⁵ “[...] when the State decides to seriously fight the Mafia, when law enforcement agencies and judges truly and thoroughly fulfill their duties, the conduct of the accused parties changes [...]” Falcone: op. cit., p. 51.

²⁶ “[...] First, they will try to kill me [explained Buscetta], but then it will be your [Falcone] turn, until they obtain their goal [...]” Falcone: op. cit. p. 8.

²⁷ “[...] I have been strongly criticized over the issue of turncoats. They have accused me of maintaining “intimate” relationships with them—a “secrets around the campfire” kind of relationship. Questions were asked of how I managed to convince so many people to cooperate and they went

everyone or everyone having impunity and nobody being punished.²⁸

The turncoats are necessary due to the secrecy surrounding the Cosa Nostra. Naturally, the law of silence—*omertà*—does not have as much importance in the cartels, but they, much like other criminal organizations, are businesses (illegal businesses, but, in the end, still businesses). They have leadership structures, middle-ranking officials, production departments, purchasing units, trading departments, finance departments, investment departments, etc. In order to know how they function, somebody on the inside must talk.²⁹

It is a result that the turncoats are so important and negotiating with them becomes a necessity. This dynamic led to the creation of a series of ethics for public prosecutors in relation to such negotiations:

- (i) The Office of the Public Prosecutor cannot pursue vague aims.
- (ii) The Office of the Public Prosecutor cannot institute proceedings without extremely high probabilities of success.³⁰
- (iii) The Office of the Public Prosecutor does not argue with mafiosi.
- (iv) The Office of the Public Prosecutor must deliver on promises that it makes to turncoats.
- (v) The Office of the Public Prosecutor must crosscheck each statement made by the turncoat with other means of evidence.³¹

We have witnessed how Guatemalan mafiosi insult the Attorney General: they insult her on a daily basis, they lie about her past, they lodge criminal complaints against her, and they demand that she resigns or be disqualified. The same calls have also been made against CICIG. Similarly, they have seen that we do not respond, because if we were to do so, we would stoop to their level and the authorities would be on a level playing field with the criminals. The public prosecutor who understands his job only responds in judicial hearings.

so far as to insinuate that I had made promises to the turncoats in exchange for confessions [...]”
Falcone: op. cit. p. 63.

²⁸ “[...] A turncoat—unlike the classic anonymous informant that the police cooperator used in the investigations and kept secret—creates new, different problems for the *Magistratura* and public opinion. Turncoats accuse themselves whilst accusing others, and they request protection [...]”
Falcone: op. cit., p. 58.

²⁹ “[...] Among the new investigation techniques are two techniques that are barely regulated: the protected witnesses and the turncoats (cooperators). Paradoxically, practice has demonstrated that cooperators have reached a considerable level of efficiency. In addition, it could not be any other way: both witnesses and cooperators are capable of offering information that could not easily be accessed by state bodies, and they directly make the information available to the judge. This creates an advantage that is not necessarily present in other forms of investigation [...]”
Quintero, María Eloísa: Testigo protegido y arrepentido o colaborar: una visión crítica, in “Herramientas para combatir la delincuencia organizada”, Instituto Nacional de Ciencias Penales, Mexico, p. 23.

³⁰ “[...] Prosecuting somebody for a crime without irrefutable evidence that proves their culpability is a useless service [...]”
Falcone: op. cit. p. 148.

³¹ “[...] As far as turncoats are concerned, I firmly believe that the only effective and fair way to work with them is to, firstly, verify the reliability of the information they disclose as carefully as possible, without dismissing or systematically diminishing the importance of their statements [...]”
Falcone: op. cit., p. 54.

Not undertaking initiatives without the possibility of succeeding implies that one should not bring proceedings against a powerful person—mafioso, political or economic—unless there is an extremely high probability of at least going to trial. Another topic for discussion is what the judges do. For many reasons the false starts should be avoided when dealing with powerful people: firstly, due to the danger faced by public prosecutors and witnesses; and secondly, the system is put at risk whenever an investigation is started against a “fat cat” and it does not go to trial; democracy loses its legitimacy. Those of us who institute proceedings bear a responsibility.

The promises made to mafiosi must be honored: promises that are impossible to keep should not be made to turncoats. Failure to comply with the system represents a loss. If the public prosecutor makes a promise, he must keep it, because he speaks on behalf of the State.³² Otherwise, the public prosecutor’s office will not be respected nor will it have credibility.

As a result, there would be no reliable information with which to dismantle networks in the future.³³

³² “[...] The mafiosi, like any other individual, must be treated sincerely and correctly [...]” Falcone: *op. cit.*, p. 54

³³ “[...] The members of the Cosa Nostra demand respect. Moreover, they only respect those who show a minimum amount of consideration [...]” Falcone: *op. cit.* p. 46.