

# ILLEGAL ASSET CONFISCATION

TRANSPARENCY INTERNATIONAL – ITALY

## ANALYSES ON PENDING CASES IN ITALY

MONITORING REPORT

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## THE CASE OF THE LA. RA. SRL COMPANY

### (Motta Sant’Anastasia, CT, Sicily)

La. Ra. Srl is a Sicilian company whose work mainly focuses on planning, installation and maintenance of systems of diverse nature. Since it was founded, it could always rely on the works commissioned by the close USA military base of Sigonella. The company was confiscated in 1998 to the mafia boss Carmelo La Mastra and, since then, it has been under the control of the State, through the work of the National Agency for Forfeited and Confiscated Assets. Despite being once a very wealthy and dynamic business, in the last few years it has been losing all its competitiveness; as a consequence, many workers have been fired. Today, the La. Ra. Srl risks shutting down, causing a major loss of jobs.

This case was chosen for the monitoring of illegal assets management phase since it undoubtedly summarizes many interesting deficiencies of the confiscated assets management system in Italy. What is mostly remarkable is the fact that few years ago the employees of the company (well-aware of the probable shut-down and at the same time conscious of having the know-how) planned a project with a twofold objective: keep the company alive and give a new life to another, very close confiscated assets, to date still unused. Despite such great and realistic initiative, the local authorities of Motta Sant’Anastasia did not allow the project to be implemented, and the absence of the ANBSC in the quarrel let the project fail. Therefore, the company has been left without clients’ commissions and will most certainly shut down soon.

The information on the management of the confiscated company have been gathered thanks to phone-interviews and emails and documents exchanges with the current financial administrator of the company, Mr. Innocenzo Mascali and the investigative journalist Maria Grazia Sapienza, who has been studying the case of the La. Ra. Srl for many months.

### PHASE MONITORED:

#### **MANAGEMENT OF FORFEITED ASSETS**

The Institutions involved in this phase of the confiscation of the La. Ra. Srl have been:

- The State Property Office;
- The National Agency for Forfeited and Confiscated Assets (ANBSC)
- The Financial Administrators nominated by the ANBSC

After the definitive confiscation in 2001, the La. Ra. Srl company passed under the jurisdiction of the State Property Office, therefore becoming a “State-owned company”. Later, when the ANBSC was created to replace the State Property Office in the management of confiscated assets, the La. Ra. Srl started being administered by the National Agency (2012), through the work of the financial administrators nominated by the agency.

For the reasons that will be further explained, the La. Ra. Srl company has been able to keep its competitiveness on the market despite the confiscation from mafia. However, during the last four years the enterprise has undergone some major hardships that are leading it towards a definite closure. The financial administrator Mr. Mascali has provided that will follow through a phone



interview and in particular through the sending of a complete set of official documents about the La. Ra. Srl and the issues it has faced during the last years.

Since the moment of final confiscation and the transfer of its administration under the State Property Office (2001) until 2013, the La. Ra. Srl could keep being a vital company in the field of high tech and systems maintenance thanks to the commissions coming from the USA military base of Sigonella (CT). Indeed, the USA military base had been relying for a long time on the La. Ra. Srl for such services and therefore these commissions after the confiscation can be seen as happened in continuity with the past. However, some years after confiscation, the company started having problems in getting leasing and financial aid from the banks, purportedly because of its dependence on the State (and therefore considered “not reliable”). To be sure, the investments were absolutely necessary for the renovation and progress of a company working in a field that is, by definition, focused on innovation.

Thus, well aware that the Sigonella base would not have renewed the commission on the works that were going to expire in 2013, the 68 employees of the La. Ra. Srl developed a new project in 2011. The project aimed at building a big sport and medical centre on the land that had been confiscated to the mafia member La Mastra together with the La. Ra. Srl company, but currently assigned to the town administration of Motta Sant’Anastasia (CT).

The project was very well accepted by the National Agency, which decided to let the La. Ra. Srl develop it and make the necessary land available to the company.

However, the then Major of Motta Sant’Anastasia, Mr. Angelo Giuffrida, strongly rejected this transfer of the land, claiming that the town administration already had other plans for its management.

After the major took such position, the ANBSC did not respond to any further call from the La. Ra. Srl employees about the development of the project, letting the proposition fail.

Moreover, during the last years the ANBSC repeatedly denied the possibility for the company to take part in the building of a big parking lot in Catania, a work that would have kept the enterprise active on the market. Also the Catania District Attorney, Mr. Giovanni Salvi, has many times publicly advocated for the participation of the La. Ra. Srl within the pool of companies working in the construction of the parking lot, claiming that such involvement would have also importantly contributed to raise the transparency of the whole construction project.

The financial administrator Mr. Mascali repeated several times during his interview how impossible it was for him and the employees to understand this behaviour of the ANBSC, which was and still is totally detrimental for the company.

After the end of the last Sigonella’s commissions in 2013, the enterprise has started suffering from major current assets problems, leading to a fast closure. The impact on the staff was dramatic: from 68 working units, they were reduced to 43 in 2013 and to 24 in 2014.

In few months, the La. Ra. Srl will be definitively shut down.



## THE CASE OF THE NON-PROFIT ASSOCIATION “THE STRENGTH OF SILENCE”

### (Casal di Principe, CE, Campania)

“The Strength of Silence” (La forza del silenzio) is the name of the non-profit organization founded by the policeman Vincenzo Abate, which has been occupying during the last six years a confiscated villa previously belonging to the Camorra boss Francesco Schiavone, called “Sandokan”. Now in jail, Francesco Schiavone was one of the most powerful members of the Casalesi Clan in the region of Campania. Interestingly, only half of the villa was confiscated, while the other half is still occupied by the Schiavone family. In the confiscated half, the “The Strength of Silence” provides services for children affected by autism and is known internationally for its innovative approach and research on autism.

The case of “La Forza del Silenzio” represents a good example of enforcement of the judgment of confiscation and it will therefore analysed from the perspective of this phase. The endeavour to reuse this asset has been and continues being fairly covered by the media. As an example of such statement, in fall 2014, the internationally known criminologist John Dickie visited the (halved) villa and made a short report of it for a TV show on the Mafia on History Channel. Such asset does indeed represent a great success and therefore deserves a closer look.

The information concerning this case have been collected mainly through three channels: (1) a phone interview with the president of the non-profit association “The Strength of Silence” Mr. Vincenzo Abate; (2) official documents regarding the assignation of the asset to the association, provided via email by Mr. Vincenzo Abate; and (3) online official material from the website of the Region Campania, in the section “Pol.i.s. Foundation” (Integrated Security Policies for Confiscated Assets and for Innocent Victims of Organized Crime)<sup>1</sup>.

### PHASE MONITORED:

#### ***ENFORCEMENT OF THE JUDGMENT AND ASSIGNATION OF THE ASSET***

This phase of the confiscation procedure has seen the involvement of the following institutions:

- The State Property Office, which was replaced in 2011 with the National Agency for Forfeited and Confiscated Assets as the governmental agency in charge of the confiscated assets management;
- The Town Administration of Casal di Principe (CE) and the Agrorinasce S.c.r.l. of which Casal di Principe is part. Agrorinasce S.c.r.l. is a consortium of local administrations from the province of Caserta, constituted with the aim to achieve innovation, development and territorial safety through the reception of regional, state and European funds;
- The non-profit Association “The Strength of Silence”.

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<sup>1</sup> Available at:

[http://fondazionepolis.regione.campania.it/showInEvidenceDocuments.php?bb1a82c9aa29ce63beb388080ed9f1d4=36be605fb2d73ac01c3f20ff4bcea0d3&id\\_document=137&refresh=on](http://fondazionepolis.regione.campania.it/showInEvidenceDocuments.php?bb1a82c9aa29ce63beb388080ed9f1d4=36be605fb2d73ac01c3f20ff4bcea0d3&id_document=137&refresh=on).



The institution responsible for the enforcement of the judgment in this case was the State Property Office. After the definitive confiscation of the asset, on November 12 2003 the State Property Office assigned it to the town administration of Casal di Principe with the Provision no. 39300.

After the assignation of the asset to the town of Casal di Principe (CE), the building was let unused for some six years. The local administration claimed that the confiscated half of the mansion could not be used because it was still occupied by the remaining members of the Schiavone family, to whom it had been confiscated.

Only in 2007, when the President of the Antimafia Parliamentary Commission visited the asset providing a major spin to the situation of stalemate, the local administration decided to build a wall inside the building, so that the confiscated part was finally concretely divided from the section still belonging to the Schiavone family.

Also in 2007, the Region Campania provided financial aid to renovate and furnish the confiscated part of the Schiavone villa (with the Regional Decree no. 88 of March 20 2007, 160,000.00 EUR were allocated to cover the confiscated asset expenses).

Finally, on July 8 2009 the town of Casal di Principe (CE), together with the consortium Agrorinasce S.c.r.l, signed a twenty-years free of charge lease contract with the non-profit association “The Strength of Silence”. Through this contract, the non-profit association was able to reuse the asset for its activities in support of children affected by autism. Chaired by the policeman Mr. Vincenzo Abate, the non-profit “The Strength of Silence” has become an internationally well-known leading institute for the treatment and research of autism.

## **THE CASE OF THE SARCONE FAMILY ASSETS<sup>2</sup>**

### **(Reggio Emilia, RE, Emilia Romagna)**

At the end of September 2014, the Antimafia Investigative Directorate (DIA) led by Mr. Arturo De Felice forfeited many assets belonging to some members of the Sarcone family in the area surrounding Reggio Emilia. According to the investigators, the Sarcone family would be closely related to the ‘Ndrangheta group “Grande Aracri”, whose power is mainly spread in the area of Crotona (Calabria). The total amount of the assets confiscated to the Sarcones is around 5,000,000.00 EUR and it includes around 40 estates, corporate shares, companies and current accounts.

It was chosen to examine the initial part of the confiscation procedure of this case for some good reasons. First of all, the news concerning the confiscation was given a great deal of attention by the media. This occurred mostly because the case proves the spreading of the Calabria Mafia (‘Ndrangheta) in one of the wealthiest regions of Northern Italy, such as Emilia Romagna, which is still considered to be a mafia-free region by a big fragment of the Italian population. Moreover, being very recent and significantly covered by newspapers and TV, this case provides a good example to be

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<sup>2</sup> Due to the great media coverage enjoyed by this case, all necessary information were gathered online, through newspaper articles:  
<http://www.ilfattoquotidiano.it/2014/09/24/ndrangheta-operazione-dia-sequestrati-beni-per-5-milioni-di-euro-a-reggio-emilia/1131312/>;  
<http://espresso.repubblica.it/attualita/2014/09/24/news/maxi-sequestro-alla-ndrangheta-in-emilia-toccato-il-feudo-dei-grande-aracri-a-brescello-1.181491>;  
<http://gazzettadireggio.gelocal.it/reggio/cronaca/2014/09/24/news/ndrangheta-operazione-antimafia-in-corso-a-reggio-emilia-1.9990092>;  
<http://www.ilsole24ore.com/art/notizie/2014-09-24/reggio-emilia-colpo-cosca-ndrangheta-grande-aracri-121703.shtml?uuid=ABLYUkwB>.



analysed in the initial phases of the confiscation procedure, especially those involving the identification and the securing of the illegal asset.

#### **PHASE MONITORED:**

##### ***SECURING THE ILLEGAL ASSET, PRECAUTIONARY MEASURES***

The institutions involved in the phase of securing the illegal assets for precautionary measures in this case are:

- The national Antimafia Investigative Direction (DIA), led by Mr. Arturo De Felice and the Florence and Bologna local sections of the DIA;
- The Court of Reggio Emilia, chaired by the judge Francesco Maria Caruso;
- The Carabinieri of Reggio Emilia.

The forfeiture decree was formally presented on September 22 2014 by the President of the Court of Reggio Emilia Mr. Francesco Maria Caruso and the Carabinieri of Reggio Emilia performed the effective forfeiture on September 24. The decree was emitted on demand of the national Antimafia Investigative Direction, in the person of its president Mr. Arturo De Felice. In fact, the DIA had made an urgent call for applying precautionary measures on the Sarcone family’s assets because the Florence DIA section, which had long been investigating on this family, found ground for accusing the Sarcone brothers of “objective disproportion between the declared revenue and their effective patrimony”. The DIA investigators claimed that the measure was indeed an urgent one since the Sarcone family, certainly aware of being investigated, had recently started to reduce their holdings, so that in case they underwent a confiscation procedure, the investigators would find very few assets to confiscate.

Due to the great media coverage enjoyed by this case, all necessary information were gathered online, through newspaper articles.

