

13th IRG & 13th WGP UNCAC

Italian contribution to the thematic discussion on anti-corruption awareness-raising, education, training and research.

"Follow the money".

Everyone remembers this sentence, which constitutes the method of investigation characterizing Giovanni Falcone's commitment.

Since the beginning, in the Italian legal system, the attack on the proceeds of the crime, whether it is money or the result of investment, is considered indispensable for the fight against organized crime.

In this context, the 1982 law which takes the name of a Sicilian member of Parliament, also a victim of the mafia, Pio La Torre, establishes a fixed point: the assets of the mafia must always be confiscated.

In the thought of that parliamentary there was also a further step: the confiscated assets must be returned to the community that had suffered the presence of that criminal.

The criminal accepts the possibility of deprivation of personal freedom, but not that his assets can be definitively subtract from himself and his family.

Nevertheless, even Falcone linked seized and confiscated assets to their social and institutional use.

In 1996, a popular mobilization promoted by "Libera" Association led by Don Luigi Ciotti - with the collection of about one million signatures - enabled the approval of the law which provides for the priority use of confiscated assets for these purposes.

Much progress has been made since that time; the great commitment of the Police Forces and the Judiciary has made it possible to achieve an ever increasing number of confiscations, with the consequent need for creating a Public Body for the management and subsequent destination of these assets.

Thus, the National Agency for the administration and destination of assets seized and confiscated from organized crime, which I have been managing for almost 2 years, was born in 2010, with an organization that has grown over time: from the original 30 recruited employees it has now 210 staff units which this year will reach over 300 units, to which are added about 800 experts called "coadiutori".

There are 5 operational branches: Rome, Milan, Naples, Reggio Calabria and Palermo.

Currently we have around 20,000 real estate properties under management awaiting destination and around 3,000 companies.

Therefore, the confiscated asset assumes a formidable symbolic value: that of the victory of the State and the revenge of the community.

The criminal, in fact, not only loses the property permanently, but also suffers the shame of seeing it used by institutions and non-profit associations for social purposes.

The affront is even stronger as it visibly shows the loss of the intimidating power exercised up to that moment.

Therefore, the meaning exceeds the value of the use of the asset - although absolutely relevant – and it acquires an even stronger one: that of the testimony of the reliability of the institutions.

This is even more evident in the management of companies subjected to seizure and confiscation.

In fact, the use of manpower has always been the basis of the power of criminal organizations.

Illicitly managing working sectors by binding workers and their families to these criminal organizations, creates a formidable system of subjection.

Hence, the gamble of the State to demonstrate its efficiency by guaranteeing in favour of confiscated companies the priority objective of safeguarding jobs, especially in those territories such as the Southern Italy where the unemployment rate is still very high.

The destination path is certainly complex and full of obstacles.

The assets are often damaged, even by the criminal himself; the capacity of the communities to receive and manage these assets on the territory is sometimes difficult, especially if they are small; companies suffer the so-called legality shock, in the transition from a criminal economy to a free market economy.

For this purpose, the Recovery Fund provides for the use of 300 million euros for the enhancement of confiscated assets assigned to local authorities, for 200 projects already submitted and being evaluated.

To these funds other EU financial resources are added for the Southern regions, as well as specific allocations from the Italian regions.

The fruits of the destinations are absolutely evident: about 20,000 confiscated real estate assets were assigned and over 16,000 of these were given to 1200 Italian municipalities, with a use of 75% of them for social purposes.

Some of these properties are managed directly by local authorities, but most of them have been allocated by these authorities to non-profit associations for social use such as: the reception of women victims of violence, the support for disabled young people, the housing for people in need, family homes, socio-recreational and cultural interest activities, and social farming activities.

The management by non-profit associations - about 1,000 at a national level - has an additional symbolic meaning: that of direct social use by the local community.

The large presence of young people in these associations testifies to their progressive detachment from the mafia culture and a new awareness of the affirmation of the culture of legality and trust in institutions.

In addition to an ordinary destination activity, the Agency supports the institutions in emergency situations.

Recently, on behalf of the Minister of Home Affairs, Luciana Lamorgese, the Agency allocated 234 real estate properties under management for the reception of refugees from Ukraine, to which were added, for the same purpose,

additional 400 confiscated assets already assigned to local authorities.

Besides, during the first period of Covid emergency, 200 real estate assets were identified for temporary use - initiative called "spaces to re-start" - in order to meet the needs of new structures necessary to ensure social distancing.

Nevertheless, even the use by State institutions has a great symbolic value: for example, the use of a criminal's home as a territorial garrison of the Police Forces or as a building serving a Justice Court.

It is clear that there is still a lot to do.

First, it must overcome the critical issues in the destination of confiscated assets resulting from investments abroad.

For example, it has to be noted that the payment of the value of the asset by the State where the asset is present does not represent that visible symbolic value of social use affirmed in our legal system.

Still few assets outside our national territory are managed by the Agency that I run, but the ongoing judicial activities could soon raise this problem.

Furthermore, the strong non-homogeneity present at the international level in the management and destination system of confiscated assets has already coordination difficulties.

But, I believe that the big interest from many countries all over the world in the Italian experience can constitute a strong basis for a common analysis and discussion in the perspective of an ever greater united vision.

This project, 30 years after the Mafia massacres in Capaci and Via d'Amelio in which the magistrates Giovanni Falcone, his wife Francesca Morvillo, Paolo Borsellino and the men and women of their escort lost their lives, could represent the best tribute to their memory.