



fatti**per**bene

**SOCIAL RE-USE OF
CONFISCATED ASSETS IN ITALY**
NUMBERS, PRACTICES AND PROPOSALS

LIBERA

ASSOCIAZIONI, NOMI E NUMERI
CONTRO LE MAFIE

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Chapter 1

Social re-use of the assets confiscated from mafia groups and the corrupt for recovery

Today, we can take stock of the social re-use of confiscated assets in Italy, first highlighting the achievements of a path and the many experiences gained through the use of real estate and movable and corporate assets removed from the availability of mafia groups. Such assets from the various forms of economic and financial crime (from money laundering to usury, from labour exploitation to “ecomafias”) and corruption have become opportunities for a dependable engagement aiming at the common good.

Today, almost 900 associations and cooperatives have been assigned confiscated real estate and corporate assets. They are committed to managing them for the purpose of inclusion, cooperative promotion and social economy, youth engagement, services to people, urban regeneration, and environmental sustainability.

During the pandemic, many solidarity and co-responsibility actions have addressed the most vulnerable and people in need. Social realities that manage assets confiscated from criminal organisations are also playing an important role.

Assets confiscated throughout Italy have been assigned to more than 1,000 municipalities. Final confiscations have taken place in every Italian region.

The ever-increasing heritage of movable, immovable and corporate assets seized and confiscated from mafia groups, economic crime and corruption could make a great contribution to Italy's recovery efforts after the pandemic. This is even more true if all the assets were quickly returned to the community, and if social policies became a political priority in support of housing rights, public health, environmental sustainability, decent work and educational and cultural pathways.

The number of seizures and confiscations has now reached a considerable dimension in terms of economic and financial assets. Various public and private bodies are involved in the different phases of seizure, confiscation, allocation and assignment provided for in the Anti-Mafia Code. However, they currently lack knowledge and tools.



Twenty-five years after the law for social re-use was adopted, now being modelled in Europe and internationally, we highlight some calls for action:

1 Implement the anti-mafia code reform in its successful innovations, in the current system of anti-mafia prevention measures, as an effective means of combatting mafia groups and economic and financial criminals through their assets;

2 Promote the re-use of confiscated assets for public and social purposes as a priority, providing for their sale only as a last resort, with adequate checks and controls to avoid re-appropriation by the same mafia members;

3 Extend seizure and confiscation rules envisaged for mafia members to include "corruption," and ensure full equality of the confiscation and re-use of assets seized from corruption. The recent months' judicial investigations and institutional reports show how mafia groups and corruption are taking

greater advantage of the pandemic and the economic and social crisis;

4 Introduce specific criminal penalties aimed at punishing actions that combat and circumvent seizures and confiscations, since the current regulatory provisions are sometimes insufficient or ineffective;

5 Amend the legislation governing restitution of confiscated real estate by an equivalent if confiscation is revoked. Restitution for an equivalent sum should be the only solution. We also propose for it not to be charged to the beneficiary administration but rather to the Single Justice Fund;

6 Allocate adequate tools and resources to the judiciary dealing with asset management in the seizure and confiscation phases, both for prevention and criminal cases. Adopt uniform criteria and transparency as well as the rotation of asset managers;

7 At the judicial offices and the National Agency, promote greater dissemination of experiences of the social re-use of assets before the final confiscation with a free loan for use and with provisional assignments. This, combined with the necessary connection between the seizure and the final confiscation phases, and then with the final granting, will avoid dispersing the continuity of good practices. Also provide for the stipulation of specific protocols between the Agency and the courts;

8 Assign competences and human resources to the National Agency to enable it to fully and timely fulfil all the

functions and tasks of management, assignment, verification and monitoring of re-use, while supporting the Judicial Authority, the Prefectures, local administrations and third sector organisations;

9 Promote the full accessibility of information on seized and confiscated assets and encourage civic monitoring, citizen participation and participatory third sector planning;

10 Allocate a share of the Single Fund for Justice to make movable and immovable assets usable and to support the continuity of business activities, as well as to support youth entrepreneurship and social economy projects, along with support for victims and witnesses of justice;

11 Allocate a portion of the Single Justice Fund to satisfy creditors recognised in good faith and prevent a part of these assets from being auctioned, starting from those already identified and set aside by the Agency pursuant to Law 228/2012. Instead, provide for their allocation for social purposes, especially in this pandemic recovery period;

12 Ensure a rapid start of the projects presented for social re-use of assets included in the Agency's call for direct allocation to non-profit organisations. Allocate additional financial resources for their sustainability. Consider publishing a the call for proposals for a second time, withdrawing real estate for which no proposals for re-use have been submitted so far and inserting new assets for which a restitution path to the community can be activated;

13 Protection of the workers of seized and confiscated companies as well as providing adequate support to guarantee their business continuity, establishing provincial boards at the Prefectures;

14 Include the public and social enhancement of the confiscated assets in economic planning and territorial cohesion documents. With a shared route for the use of resources provided for in the proposal of the Next Generation EU National Recovery and Resilience Plan, ensure transparency and civic participation in design and monitoring;

15 The Government and Parliament, within their respective institutional competences, must commit to ensuring their contribution to promote public and social re-use of seized and confiscated assets at the European and international level, as recognised in Europe and in the recent United Nations resolutions.

Chapter 2

From seizure to social re-use

confiscated assets in Italy's
and Europe's regulatory evolution

“As soon as you're charged with 416-bis (the criminal code article covering the crime of association with mafia-type crime, ed.), it automatically triggers the confiscation of assets (...). There's nothing worse than having your assets confiscated (...). Then, it's best to leave.”

That is what Sicilian-American boss Francesco Inzerillo said in a telephone conversation intercepted as part of the “Old Bridge” operation in February 2008, which definitively dismantled the Inzerillo family “businesses.”

This explains the impact that seizure and confiscation of mafia bosses' assets has on their power and their control of the territory. However, we also need an initial explanation

of the strong significance that social re-use has assumed in recent years, as the bulwark of a new pact of trust between citizens and the state.

Confiscated assets must be seen as tools for understanding Italy's territory, social context and history. They bring together four different dimensions: judicial, with the affirmation of the principle of legality and repression against criminal economic phenomena; economic, with the direct return of stolen assets to the people and territory; political, when the state manages to recreate a bond with citizens and impose its presence on mafia control and, finally, a social and cultural dimension, when the confiscated assets become a sign of “re-education” for the territory's people, accustomed to seeing abuses go unquestioned.



What are confiscated assets?

There are three different categories of confiscated assets, each with a specific regulation:

MOVABLE ASSETS This category includes cash and cheques, current assets and securities, personal receivables (promissory notes, bearer books, other bonds) or motor vehicles, boats and movable assets not forming part of company assets. According to art. 48 of Legislative Decree 159/2011, sums of money confiscated or obtained from the sale of other movable assets are aimed at the active management of other confiscated assets. According to the same article, confiscated money that is not necessary for the management of other assets should be transferred to the Single Justice Fund (FUG). In addition to these, FUG should also pay the sums obtained from the sale of different categories of movable assets and from the recovery of personal debts;

REAL ESTATE ASSETS These include apartments, villas, sheds, garages and building or agricultural land. They have a high symbolic value because they concretely represent the power that the boss can exercise in the surrounding territory. They are often the chosen places for meetings among the different mafia families. The state may decide to use them for “*purposes of justice, public order and civic protection*” as stated in the legislation or transfer them to the assets of the municipality in which they exist (as a priority, or of the Region or Province secondarily). The local authority can then manage them directly or assign them free of charge to associations, communities and voluntary organisations. Confiscated assets related with the crime of facilitating drug use will preferably be assigned to associations and recovery centres for drug addicts. The real estate category is also the one that encounters the greatest obstacles during the allocation process. In fact, numerous assets are blocked by bank

¹ Operation Old Bridge is a 2008 police action against Cosa Nostra, conducted jointly by the Italian and US police. It led to the arrest of 90 people between Italy and the United States and thwarted the Inzerillo's plan to reconquer Palermo. The operation took down the bosses Giovanni Inzerillo, Frank Cali, Filippo Casamento and Mario Sferrazza, among others. Nicholas Corozzo, considered the Gambino family's head, managed to escape thanks to a tip, but on 29 May 2008, he turned himself in to the FBI in New York.

mortgages, illegal occupation or the confiscation of undivided shares, which considerably delay the closing of allocation procedures.

CORPORATE ASSETS This category represents one of illicit businesses' main sources of money laundering. Seizures and confiscations cover a wide range of investment sectors: industries active in the construction sector; agri-food companies (such as the buffalo farm with adjoining dairy confiscated from the Camorra in the Castel Volturno area, Caserta province, and now managed by the social cooperative Le Terre di Don Pepe Diana - Libera Terra); restaurants and pizzerias practically everywhere, from Calabria to Lecco; chains of pizzerias and tourist clubs in the centre of Rome connected to numerous confiscations against Camorra clans and Calabrian Ndrina's, and entire shopping centres created out of nowhere as cathedrals in the desert used for money laundering.

In recent years, the investments of mafia groups and organised crime have also affected the health and renewable energy sectors (in particular wind and photovoltaic plants). Whenever these business and commercial activities can actually continue production and maintain stable employment levels, the state may decide to rent them to public or private companies and enterprises, for consideration. Otherwise, the workers can form a cooperative; in this case, they acquire the right to rent the company free of charge. The state may decide to sell or liquidate the company (after careful economic and strategic evaluation by the National Agency for the Management and Allocation of Seized and Confiscated Assets to Organised Crime) only if there is greater utility for the public interest.

From first degree confiscation to allocation to local authorities, the confiscated asset (whether real estate or companies) follows a very complex bureaucratic process classified in phases:

ASSETS UNDER MANAGEMENT These are assets subject to confiscation, although not final and, therefore, still awaiting trial following a challenge or appeal. From second-degree confiscation, assets are managed directly by the National Agency for the Management and Allocation of Seized and Confiscated Assets to Organised Crime (ANBSC). Until then, they are managed by a judicial administrator appointed by the Court of First Instance;

ASSETS DESTINED FOR CONFISCATION This category of confiscated assets has reached the end of the legislative process, from confiscation to allocation. Therefore, assets transferred to other state administrations for institutional purposes or governmental uses, or to municipalities (or to regions or provinces) for social purposes, fall into this category. Allocation does not necessarily imply social re-use. Unfortunately, local authorities frequently fail to guarantee their timely re-use for social purposes although the assets have been transferred to them for their exclusive use.

The National Agency data, which were updated at the end of 2020, refer to:

- 19,310 real estate assets under management
- 17,307 assigned real estate assets
- 2,916 companies under management
- 1,465 assigned companies.

The numbers reported refer to the individual land registry parcels and not to the entire

asset or the entire real estate unit. In most cases, a piece of land and an apartment are formed of multiple parcels that represent multiple confiscated assets for the agency. The figures also represent a historical fact since 1982.

First legislative measures: from Law 575 to the Rognoni - La Torre Law

The mafia phenomenon began to be socially relevant in Southern Italy and Sicily as early as the second half of the 1800s. The area was going through a difficult process of territorial adaptation to the new "national" rules of united Italy. However, the context was carefully analysed only after the post-World War II period and the establishment of the first Anti-Mafia Commission. This led to a first rule. Law 575 of 1965, which still constitutes the lynchpin of Italian anti-mafia legislation. It was approved following the Ciaculli massacre (Palermo) of 30 June 1963, in which seven police officers lost their lives.

However, a real leap in regulatory quality had to wait until 1982, with the bill proposed by Pio La Torre and Virginio Rognoni. This rule was a true turning point. It recognized the mafia phenomenon as compact and structured. It began to be seen as an anti-state phenomenon that needed to be fought with full awareness of its strength and its ability to infiltrate public life. General Carlo Alberto dalla Chiesa, Special Prefect in the city of Palermo, shared that opinion. In his last interview, he told Giorgio Bocca, then journalist of the daily newspaper "La Repubblica":

The mafia is now in the major Italian cities, where it has invested largely in construction, trade and also industry. You see, I am interested in know-

ing this "primitive accumulation" of mafia capital, this phase of money laundering, these stolen, extorted liras that well-known architects or designers have transformed into modern homes or hotels and restaurants à la page. However, I am even more interested in the mafia control network. It uses these houses, companies and businesses by transferring them, preferably to clean hands, above suspicion. This network stands at key points, securing shelters, procuring laundering opportunities and controlling power.

The law, which took the name of Rognoni - La Torre (no. 646), was promulgated on 13 September 1982, just less than five months after La Torre's assassination in Palermo and ten days after the assassination of General Dalla Chiesa.

In those years, Cosa Nostra decided to make a decisive leap in terms of visibility and fight against the institutions. In those same years, the president of the Sicily Region Piersanti Mattarella and the head of the Public Prosecutor's Office of Palermo Gaetano Costa were also assassinated in rapid succession.

After years of work, La Torre (trade unionist first, then elected deputy in the PCI lists), made a lucid analysis on the mafia's completed transformation to a mafia of building speculation ("Sack of Palermo", ed), permanently inserted in the financial and productive fabric. A new social and political awareness developed based on the emotional impact of those murders, thereby culminating in the new law's approval.

The "Copernican revolution" of Law 646/1982 (Rognoni - La Torre) introduced the crime of mafia association for the first

time into Italian law. The article states:

Art. 416-bis. – Mafia-type association. Anyone who is part of a mafia-type association formed by three or more people is punished with seven to twelve years of imprisonment. Those who promote, direct or arrange the organisation, for this reason alone are punished with imprisonment for 9 to 14 years. The association is mafia-like when its members use the force of intimidation for the association bond and the condition of subjection and omertà (code of silence) that derives from it, to commit crimes, to acquire directly or indirectly the management or otherwise control of economic activities, concessions, authorisations, contracts and public services, or to achieve unfair profits or advantages for themselves or for others, or to prevent or hinder the free exercise of the vote or to procure votes for themselves or others during elections.

The underlying intuition is linked to the mafia phenomenon's change in direction. The simple "military" repression of criminal organisations would not have been sufficient to reduce its dangers, especially when capital reserves allowed replacing arrested followers with others or rebuilding the repositories of seized weapons and explosives. Therefore, mafia entrepreneurship, through economic control of the territory, over time would hinder the birth of the honest, healthy, "less recognisable" part of entre-

preneurship. This is associated with money laundering, which is also highly detrimental to the most basic rules of free competition. For all these reasons, Law 646 contains, for the first time, the confiscation of assets when no legitimate origin is found in the direct or indirect ownership by the suspect belonging to a mafia-type association. These confiscations may be preceded by seizure if there is a real danger that the assets may be dispersed, stolen or sold. Another substantial change in the new law introduced provides capital measures in the traditional prevention procedure, namely the seizure and possible confiscation of assets also "from persons against whom a prevention measure can be proposed because they are suspected of belonging to mafia-type associations." Therefore, the law has made it possible to investigate the assets and financial resources of the suspects, their family members and cohabitants and all those natural and legal persons, associations or bodies, the assets of which are available.

Subsequent legislative measures and Law 109

Following this first important step in the fight against mafia-style organised crime, legislators have sought to make a number of improvements to the entire legislation. In 1989, L.D. 230 amended Law 575/65, introducing provisions regarding the management and disposal of confiscated assets. A significant innovation was the provision of the asset administrator, to be appointed by the Court with the same measure with which the seizure is provided. This person is responsible for diligently providing for the custody of the asset and its administration

and conservation to increase its profitability, if possible. The administrator must also periodically draft a report indicating other assets to be seized, of which he or she became aware during the management period. The administrator may also arrange for sums of money derived from the management of such seized assets to be used for the payment of any expenses related to the asset's management and conservation. If the real estate is constituted in companies, the finance expert will establish the exact value and communicate it to the competent Prefect. The Prefect, in turn, after consulting the Provincial Committee for Public Order and Security, formulates allocation proposals to the Ministry of Economy and Finance, which will issue its own decree (even in disagreement).

In 1990, the legislature took a further step forward with Law 55 of 19 March. To intensify the preventive measures against the mafia economy, recipients of asset measures were expanded to include some classes of socially dangerous individuals such as those suspected of belonging to associations dedicated to drug trafficking and those deemed habitually living from the proceeds deriving from the crimes of extortion, usury, money laundering or use of money, goods or utilities of illicit origin and smuggling. Another innovation of that law was to allow assets to be seized and confiscated when the special surveillance measure was not actually applicable. Examples include when the subject is absent, residing abroad or is already subject to a prison security or probation measure. This measure's limit is that the asset intervention still cannot be separated from the consideration of a subject's social dangerousness, thus neglecting the inherent dan-

ger to the assets themselves.

L.D. 356 of 8 June 1992, then converted into law, goes in this direction. The new provisions have allowed the temporary suspension of the administration of assets that can be used to carry out economic activities, if these can facilitate the activity of subjects against whom a personal prevention measure has been ordered, or of subjects under criminal proceedings for crimes of mafia-type association, kidnapping or extortion. The seized asset may then be confiscated by a subsequent order. These new rules are clearly aimed at expanding and strengthening law enforcement actions against Mafia crime entering the world of economy and business; the focus is not on how dangerous the subject is, but above all, the verification of economic availability.

Despite all these advances, the legislation on the confiscation of assets struggled to take off, especially due to the numerous complex investigations to be carried out, but also due to the lack of a provision for the allocation and subsequent use of confiscated assets. A new emotional wave would push for an important step forward. On 23 May 1992, near Capaci, on the stretch of motorway that connects Punta Raisi airport with Palermo, five hundred kilos of explosives blew up Judge Giovanni Falcone, his wife Francesca Morvillo and the three police escorts Antonio Montinaro, Rocco Di Cillo and Vito Schifani. Only fifty-seven days later, on 19 July, a car bomb in Via D'Amelio killed Paolo Borsellino and five escort agents, Agostino Catalano, Emanuela Loi, Vincenzo Li Muli, Walter Eddie Cosina and Claudio Traina. Despite the January 1993 capture of Totò Riina, considered the leader of Cosa Nostra, mafia intimidation continued to

move towards more institutional and national heritage targets. Between May and July of that year, explosive charges were placed in Florence in via dei Georgofili, behind the Uffizi Gallery (the attack cost five lives); in Milan, the country's economic centre (the attack took place in via Palestro, near the Contemporary Art gallery and claimed five innocent victims); in Rome, simultaneous explosions in Piazza di San Giovanni in Laterano and the church of San Giorgio al Velabro fortunately injured no one. These places were not chosen at random: Pope John Paul II had recently given his famous speech in Agrigento against the mafia, which ended with the words: "Convert! God's judgement will come!" Rome was also hit by another unsuccessful attack at the Olympic Stadium.

This sparked a movement of cultural and social rebellion. Citizens, associations and collective subjects of various political and religious orientations became aware that it was no longer possible to delegate the commitment against the proliferation of mafia organisations only to the judiciary or armed forces and police. It was necessary to raise awareness of constitutional principles and everyday legality. It was especially necessary to leverage the Mafia's economic heritage, which had the power to keep entire sections of the population under control.

Therefore, it was no accident that the first network of associations to combat organised crime was born with the name of *Libera*. *Associazioni, nomi e numeri contro le mafie*; above all, the first initiative of national importance was collecting signatures to introduce the re-use of confiscated assets for social purposes. The management of these assets thus becomes a sort of modern "counterbalance" to counter organised

crime activities and spread a culture of legality to stand as the main antibody to mafia groups. Giuseppe Di Lello, a former magistrate of Palermo's anti-mafia pool, was the first to formulate the legislation, while Libera's campaign collected more than one million signatures. The Justice Committee approved Law 109 of 7 March 1996 in record time and after the legislature's end. However, it was very different from what had been proposed by the civil society organisations: First, it eliminated the section dedicated to the social use of assets confiscated from corruption and limiting the prefectural funds to three years of activity for the management of resources of proposals to support the re-use of confiscated assets. Law 109's technical innovations include the clause in which the asset administrator must have proven competence in this field. In addition, if the assets are incorporated in the company, the director may be one of the professionals who have performed or are performing as commissioner for the administration of large companies in crisis, thus trying to safeguard companies with a good chance of development and employment levels.

The asset allocation procedures have been considerably streamlined and the parties involved in the confiscation procedure have also been reduced. A fund was set up in the prefectures to finance projects regarding the management of confiscated buildings and socially useful activities. The Fund consisted of sums of money obtained from the sale of movable assets and negotiable investments securities, the recovery of personal receivables as well as the rental, sale or liquidation of company assets. With this instrument, the law introduced the financing of proposals for the management of confis-

cated properties for institutional, social or public interest purposes. In particular, these proposals were related to the specific activities of the rehabilitation of degraded urban districts, prevention and recovery from conditions of distress and exclusion, interventions in schools for legal education courses and promotion of entrepreneurial culture and entrepreneurial activity for unemployed young people.

In the years following the enactment of Law 109 of 1996, numerous studies and monitoring activities have been carried out to identify the right corrections, especially in the bureaucratic allocation process. Considerable administrative difficulties were encountered in timing the various phases. Realistically, the final, irrevocable confiscation should be completed within a few months.

This would allow defining the asset's characteristics to make a precise allocation plan for conservation and promotion of its value.

From the Extraordinary Commissioner to the establishment of the National Agency

Careful analysis, first by the Court of Auditors and then by the National Council of Economy and Labor, allowed finding appropriate solutions to improve the asset confiscation and management process. A first step in this direction was taken in 1999-2000 with the creation of the Office of the Extraordinary Commissioner of the Government for the management and disposal of assets confiscated from criminal organisations. This experience lasted until 2003. It



was interrupted for four years and resumed again in 2007 with a new Commissioner, Judge Antonio Maruccia, already a Supreme Court member. In his 2009 final report, he expressed the need to set up a National Agency for Seized and Confiscated Assets from Crime. In the delicate field of asset control from mafia-style criminal organisations, there was a unanimous need to provide the court system with a legal entity capable of taking charge to ensure the profitable management and return of the wealth recovered from crime through their effective and rapid social and institutional re-use.

The new body would be designed as a valid support for the confiscation process from judicial seizure, placing itself at the direct service of the judicial administrator at first, then managing the next phase of the asset's final confiscation until adoption of the assignment measure. For the first time, the need is clear for a single contact, which can be an intermediary between institutions and the third sector.

Legislative Decree 4 of 4 February 2010 (converted into Law 50 of 31 March 2010) is thus revolutionary in its scope because it established the country's first "mixed" Agency. The new Agency for the Administration and Allocation of Seized and Confiscated Assets from Organised Crime is not only a working and consultation table governed by specific rules, but also a body responsible for important political decisions on the management and allocation of confiscated assets. Precisely for this reason, the legislature explicitly provides for the presence of magistrates and managers of government offices on the Governing Council. From this point of view, the Agency constitutes a new model of inter-institutional cooperation. To curb organ-



ised crime, a convergence of public agencies is needed with a plurality of readings aimed at a given context.

From the outset, the establishment Decree highlighted "the extraordinary need and urgency to establish a body that ensures the unitary and effective administration and allocation of assets seized and confiscated from mafia organisations, also through a stable connection with the judiciary and the administrations concerned, to guarantee the prompt use of these assets."

However, the Agency's operating difficulties were immediately apparent, also due to huge staff shortages, procedural shortcomings and a lack of adequate expertise. Over time, these operational drawbacks have led to some amendments to the Anti-Mafia Code, even including a permanent staff increase from 30 to 200 units (70 of which to be hired through public competition rather than using only internal mobility procedures) and, at the same time, offering the possibility of using an additional 100 non-executive staff members in managerial positions from other administrations. However, the staff increase long remained only on paper, failing to translate into a real strengthening of the agency. The call for public competition only concerned some of the 70 units. Only Budget Law 2020 introduced a mechanism to simplify the hiring procedures for the roles within the agency, finally making it possible to add 100 units to the staff with the related financial coverage.

Progress has been made on several fronts: in the asset allocation field (with the effort to accelerate procedures as much as possible); transparency and publicity of data on confiscated assets and companies, through the

activation of the OpenRegio and Open data aziende confiscate (confiscated companies) platforms; organisation of the Service Conferences hosted by the Agency in collaboration with some Prefectures, and publication of the Management Guidelines aimed at the allocation of seized and confiscated real estate. However, we must continue to bring the workforce into line. If fully operational, this would make it possible to obtain a decisive step change in the allocation, monitoring, support to the judiciary and in accompanying the municipalities' and CSOs' planning and design. A change is also required in managing companies seized and confiscated to protect their workers. At the same time, we must not overlook the urgency of assigning adequate resources and personnel also to the Courts' Prevention Measures Sections and Preliminary Investigation Magistrate's offices that deal with criminal seizures and enhancing and strengthening the role of Prefectures' Support Cores and permanent provincial tables on seized and confiscated companies.

Approval of the Anti-Mafia Code and the amendment process

The next step forward was the 6 September 2011 approval of Legislative Decree 159 (better known as the Anti-Mafia Code), the result of Delegated Law no. 136 of 13 August 2010. This specifically delegated the Government to issue a legislative decree with the task of carrying out a complete recognition of the anti-mafia rules of a criminal, procedural and administrative nature as well as their harmonisation and coordination. The Code, rather than being a single text of anti-mafia laws, proved to be a single text of preventive measures. In any case, the new

Anti-Mafia Code introduced a fundamental innovation with the provision of a time limit for issuing allocation orders. According to Article 38, the National Agency has ninety days to complete the procedure. In some specific cases, this period can be doubled. The organisation employs executives and officials of the Civil Administration of the Interior, officers and non-commissioned officers of the State Police, the Carabinieri force and the Guardia di Finanza Corps. Executives and officers of the Fire Brigade are included for the initial asset inspections. In November 2011, the Agency's Governing Council gave the green light to opening decentralised offices in Palermo, Naples and Milan, relying on the principle of constant dialogue among local authorities, mayors and prefects.

With the 2013 Stability Law (Provisions for preparation of the State's annual and multi-annual budget, Law 228 of 24 December 2012), the Government introduced some regulatory and technical changes to the Anti-Mafia Code and new developments in the institutional body's functioning. The Stability Law finally amended Article 12e of Law 356/92, giving the National Agency the necessary powers to manage the confiscated assets in a unitary manner, regardless of the type of crime committed (provided they fall within the cases listed in the aforementioned regulatory article). Another important innovation is the remodelling of Article 48 of the Anti-Mafia Code. The recipients of movable assets have been extended with the inclusion of local authorities and voluntary associations. During the seizure and confiscation of assets and until their allocation, Article 51 also expressly ensures exemption from taxes, duties or levies. A fundamental novelty concerns the new protection of third parties. The Anti-Mafia Code provides for

the subpoena of some third parties, regulating the conditions and methods of protection through a procedure in which all the "events" concerning the asset are resolved. The state, therefore, acquires the asset free of any issue that could involve charges or expenses.

Since the Anti-Mafia Code's approval, Libera immediately reported limits, inconsistencies and difficulties in applying it. In an attempt to obtain a further modification of this important provision, on 3 June 2013, the President of the Chamber of Deputies Laura Boldrini was given the text of Bill No. 1138 of popular initiative "IO RIATTIVO IL LAVORO (I Reactivate Work)," to favour the emergence to legality and the protection of workers of companies that are seized and confiscated from organised crime. The campaign was led by a committee comprised of Cgil with Acli, Arci, Avviso Pubblico, Centro studi Pio La Torre, LegaCoop, Libera. Associazioni, nomi e numeri contro le mafie and Sos Impresa.

In November 2013, the Chamber of Deputies Justice Committee initiated the discussion of the bill of popular initiative AC 1138. The original text was enriched with numerous other provisions aimed at revising Legislative Decree no. 159, after two years of discussions, debates and hearings, also thanks to the contribution of the work of the Parliamentary Anti-Mafia Committee and the Garofoli Commission,

On 23 January 2014, the Report "Per una moderna politica antimafia" (For a modern anti-mafia policy) was presented. It gathers the results of the work of the Commission established by Prime Minister Enrico Letta and chaired by Councillor Roberto Garofoli

li. The Commission's intention was to try to standardise and improve the anti-mafia legislation in force, paying special attention to the whole asset seizure and confiscation process.

With regard to asset prevention measures, the Commission has suggested the following: expanding the number of individuals entitled to propose them to the National Anti-Mafia Prosecutor; establishing a national register of preventive measures; creating some mechanisms for linking investigations and proposals among the Prosecutor, Commissioner and Director of the Anti-Mafia Investigation Directorate. Finally, they suggested strengthening confiscation by equivalent, now limited to cases when the proposal has shown purposes of avoidance. The Commission has also proposed measures to reduce the length of the prevention process.

Confiscation demonstrates the importance of an efficient management system. It could enhance assets as resources for the reaffirmation of legality and economic revival. The strong critical issues regarding the Agency's organisation and functioning and the need to relaunch its role and effectiveness have led the Commission to suggest an effective involvement of the ministries concerned and of the Presidency of the Council itself in performing the steering functions through an interdisciplinary approach. All this is with a view to ensuring the strengthening of the Agency's competencies. The provision was that the Agency, on the one hand, could carry out continuous and systematic monitoring on the re-use of confiscated assets, verifying their consistency with the related allocation provision. On the other hand, it could assign real estate directly to the associations and organisations contemplated by the Anti-Ma-

fia Code.

With particular reference to the management of real estate assets, the Commission has proposed mechanisms to cover ordinary maintenance and management costs and to satisfy creditors who have been recognised as showing good faith. The known cases of criticality identified over the years have led to the need for measures aimed at ensuring the effectiveness of the clearance of the properties by planning, during the preventive or criminal procedure, and the asset's immediate occupation by another subject (obviously unrelated to the proposed asset or third party owners) in view of the final assignment (encouraging the participation of local authorities and associations for this). To complete the picture, moreover, some measures were aimed at mitigating the various difficulties faced by companies subject to seizure or confiscation as such companies begin legal activities, starting with those deriving from the inevitable increase in management costs due to the company's emergence process and the need, therefore, to meet tax and social security payments as well as the regularisation of employment relationships and application of accident prevention legislation.

Other interesting proposals can be identified in the Commission report. These include measures to support the regularisation of employment relationships and provision of guarantees for the protection of workers' health and safety; mechanisms to overcome funding blockage, which frequently occurs at the time of seizure; forms of "sterilisation," limited in time, of the enforcement and precautionary actions taken by creditors on the seized company's assets, and measures aimed at guaranteeing greater specific man-

agerial skills in the company management.

On 18 June 2014, the Chamber of Deputies and the Senate approved the text of the Report on the prospects for reforming the system for managing assets seized and confiscated from organised crime. It had been unanimously dismissed by the Parliamentary Committee of Enquiry into the phenomenon of mafia groups and other criminal associations, including foreign ones, on 09 April 2014.

On 11 November 2015, after careful work by the Justice Committee and with the improvement of some of the House's amendments, the Anti-Mafia Code reform text was approved in the Chamber of Deputies, collecting most of the proposals contained in the bill and the requests of those who work daily in the fight against organised crime. These include individuals who carry out asset investigations and those who work to avoid dispersing the legacy and democracy constituted by returning seized and confiscated movable, immovable and corporate assets to the community.

On 21 April 2016, the Senate Justice Committee started the examination of provision AS 2134 by scheduling a new hearing cycle. However, the Committee's work was considerably prolonged, leading to postponement of the debate in the Chamber of Deputies, which started only on 19 June 2017. Finally, on 6 July 2017, the Senate approved the provision.

On 19 July 2017, the Chamber of Deputies' Justice Committee returned to work on the text approved by the Senate, scheduling the subsequent review of the measure for September. On 18 September, the deadline expired to table amendments, all rejected

in subsequent sessions, to avoid a second passage to the Senate and, therefore, the risk of not reaching approval. On 25 September, the Chamber of Deputies debate began with the general debate, and on 27 September, after rejecting a preliminary question, the Senate definitively approved the law amending the Anti-Mafia Code, labelled Law no. 161. On 17 October, the Head of State promulgated the law "with reservations," and it took effect on 19 November 2017. In December, the inconsistencies noted by the President of the Republic were finally remedied.

The main innovations the Reform introduced concern the following points:

- the extension of the application cases that also include suspects of other crimes among the recipients of preventive measures. These include crimes against the public administration, such as embezzlement, bribery and corruption, although with the associative bond;
- the impossibility of justifying the legitimate origin of the asset with the proceeds or re-use of a previous tax evasion;
- the introduction of the principle of seizure and confiscation by equivalent, according to which, if it is not possible to seize the assets because the one proposed is not available, seizure and confiscation concern other assets of legitimate origin and equivalent value;
- the principle of absolute priority in dealing with asset prevention procedures and the establishment of specialised sections;
- judicial control of companies and economic activities, for a period ranging from 1 to 3 years, if the mafia facilitation is occasional

and there are factual circumstances from which the real danger of mafia infiltration conditioning the activity can be deduced;

- the requirement to choose the judicial administrators, even more than one, from among those recorded in special registers and the appointment by grounded decree. Appropriate correspondence must be ensured between the professional profile and the activity to be managed. Also, to avoid an excessive burden of duties, adequate task rotation must be ensured. Task of such complexity that they cannot be combined with others will be identified. Finally, preclusions are identified for the appointment, including those regarding the previous performance of work or professional activities in favour of the proposed person or the existence of professional and family relationships with the magistrate;
- ANBSC's management competences start from second-degree confiscation. Until then, the agency must carry out tasks in support of the judicial authority;
- in the case of companies, the legislature based the reform on the principle of greater protection of third parties and workers, with a view to encouraging the continuation of activity. Only if the continuation of business is not a viable means may the administrator propose liquidation of the company, which is therefore a residual procedure;
- for companies of extraordinary socio-economic interest, the judicial administrator can be appointed from among experts in corporate management of the national register of judicial administrators indicated by Invalitalia s.p.a. among its employees;
- to ensure continuation of the business

activity, facilitate the judicial administrator and safeguard employment levels, the legislature has established permanent Boards on seized or confiscated companies in the prefectures;

- the judicial administrator can take advantage of the free support of entrepreneurs active in the same sector in which the company operates or in sectors considered related. In addition, the technical support of the Chambers of Commerce is also available;

- real estate assets may also be transferred for economic purposes, but it is mandatory to respect the obligation to re-use the proceeds for social purposes;

- institutions are required to publish on their institutional websites, and to update monthly, the list of confiscated assets transferred to them, under penalty of managerial liability;

- the National Agency Director does not necessarily have to be chosen from among the prefects, and an Advisory Committee is also set up. Support Cores are also established at each prefecture.

Legislative Decree 113/2018, converted into Law no. 132 of 1 December 2018 and better known as the First Security Decree or Salvini Decree, introduced some further amendments to the Anti-Mafia Code, regarding in particular the strengthening of the National Agency and the possibility of selling the assets for which it is not possible to proceed with the allocation. Moreover, this provision had already been covered by the law since the approval of Law 109. However, it was considered an *extrema ratio* (last resort) and, moreover, the sale could only take place to certain specific categories of

subjects. The Security Decree, while providing for pre-emption mechanisms, ended up expanding the audience of potential buyers to private individuals, through the typical methods of auctioning and awarding to the highest bidder. This rule has raised many controversies and Libera and other social realities have called for revising this dangerous provision, which risks dispersing the efforts made to guarantee the social re-use of assets confiscated from mafia groups.

The European scenario: a definition of organised crime

Serious and Organised Crime (SOC) is one of the greatest threats to the European Union's security. According to Europol's SOCTA (2017) report, more than 5,000 organised crime groups are currently under investigation in Europe. Organised crime is profit-driven and its illegal activities generate huge revenues. The proceeds of organised crime within the EU are currently estimated at around EUR 110 billion per year.

In the European Union, currently only about 2% of the proceeds of crime are frozen and about 1% confiscated. This allows organised crime groups to invest in expanding their criminal activities and infiltrating the legal economy. Europol estimates that between 0.7% and 1.28% of the EU's annual GDP is involved in suspicious financial activities.

The reference scenario is clearly outlined in the European Parliament resolution of 25 October 2011 on Organised Crime:

- organised crime has a substantial social cost, in that it violates human rights, undermines democratic principles, and diverts and wastes financial, human and other re-

sources, distorting the free internal market, contaminating businesses and legitimate economic activities, encouraging corruption and polluting and destroying the environment;

- the purpose and basis of organised crime is to make an economic profit. Consequently, if action to prevent and combat the problem is to be effective, it must focus on identifying, freezing, seizing and confiscating the proceeds of crime;

- criminal organisations are concentrating their activities on a large number of ever-expanding fields, including, for example, international drug trafficking, trafficking in and the exploitation of human beings, financial crime, international arms trafficking, counterfeiting, cybercrime, environmental crime, the diversion of public funds, fraud and extortion, most activities of which are transnational and pan-European by nature;

- judicial, investigative and journalistic evidence has shown that some Member States contain deep and consolidated infiltrations by organised crime into politics, public administration and the legal economy;

- corruption is organised criminals' standard means of employing blackmail or disperse rewards to divert public resources and worm their way into local politics, government and the private sector, while money laundering is one of the most insidious channels contaminating legitimate activities with illicit activities and an indispensable transition process, without which the purchasing power acquired through crime would remain merely usable within illegal circles but incapable of translating into real economic power.

The individual nations' existing regulatory framework seems insufficient to guarantee a serious law enforcement action. It must be addressed with a global and international approach and, therefore, with close cooperation between the countries concerned and international bodies.

The above-mentioned resolution states, *"whereas it is one of the primary objectives of the European Union to create an area of freedom, security and justice without internal borders, in which crime is prevented and combated, and to ensure a high level of security through measures to prevent and combat crime and measures for coordination and cooperation between police and judicial authorities and other competent authorities."* Therefore, on the one hand, the European Parliament called on Member States to improve cooperation and coordination as well as to approximate their legislation, especially with reference to the development of common, standard procedures and types of criminal offence, drawing on the good practices of the most highly developed legal systems in terms of countering organised crime. On the other hand, it called on the Commission to submit a framework proposal for a directive on the procedure for seizure and confiscation of the proceeds of crime, with regard to the requirement to respect fundamental rights as enshrined in the Charter of Fundamental Rights and the European Convention on Human Rights:

- make rules on the effective use of instruments such as extended and non-conviction-based confiscation;

- elaborate rules concerning the mitigation of the burden of proof after an offender's conviction for a serious offence (including

offences related to organised crime) concerning the origin of assets held by the offender;

- encourage the introduction of instruments in national legal systems which, under criminal, civil or fiscal law, as appropriate, mitigate the burden of proof regarding the origin of assets held by a person accused of an offence related to organised crime;

- include rules allowing for the seizure and subsequent confiscation of assets assigned to third parties; call for the actions of the front person in such cases to be treated as a criminal offence, since their aim is to sidestep the enforcement of asset protection measures or facilitate the offences of receiving, laundering and using money obtained illegally.

The foreword of the aforementioned resolution recalls the most significant documents that have outlined the evolution of international cooperation over time.

The European Directive on Confiscation

Directive 2014/42/EU on the freezing and confiscation of instrumental assets and proceeds of crime in the European Union, as specified in Article 1, has introduced minimum rules on the freezing of assets with a view to possible subsequent confiscation and on the confiscation of assets in criminal matters.

The Directive states that cross-border organised crime including mafia-type criminal organisation's main objective, is economic gain. Consequently, the competent authorities must have the means to trace, freeze, manage and confiscate the proceeds of

crime. A comparable minimum set of appropriate statistical data on the freezing and confiscation of assets also must be collected to allow their distribution and to analyse the distribution of criminal organisations in the EU. In particular, Article 10.3 of the Directive stresses that Member States should consider allowing confiscated assets to be used in the public interest and/or for social purposes.

The ARO platform - Asset Recovery Offices Platform

The Asset Recovery Offices (ARO) platform, promoted by the European Commission and Europol, aims to facilitate cooperation among Member States for retrieval and identification of the proceeds of crime and other assets belonging to criminals throughout the EU. The platform has thus accompanied and accompanies Member States in the implementation of Directive 2014/42/EU. National offices face a number of common challenges, in particular their ability to access relevant financial information, and it is therefore essential to have central support from the European Union.

In 2012, as part of the ARO platform, Member States were invited to envisage creation of an Asset Management Office (AMO), to identify existing asset management laws and practices, share current institution-building agreements in EU countries and facilitate the exchange of experiences among existing AMOs. Within the ARO platform, the AMO sub-group was thus created to support Member States in the specific phase of the management of confiscated assets and, therefore, also in the introduction and application of the hypothesis of public and social

re-use of confiscated assets, contained in Article 10.3 of the Directive.

The new European report “Asset recovery and confiscation: Ensuring that crime does not pay”

This report by the European Commission and Parliament published in June 2020 analyses the implementation of Directive 2014/42/EU on freezing and confiscation of the proceeds of crime and assesses the feasibility and benefits of introducing further common rules at the EU level.

It reflects on the need for stricter provisions to improve the identification, tracing, freezing, management and confiscation of illicit assets. It also provides an overview of the work of AROs and the challenges they face in carrying out their day-to-day tasks. The ability to freeze and confiscate assets depends on the ability to trace and identify them effectively. It is, therefore, essential to ensure that asset recovery offices are equipped to carry out their tasks effectively. It provides an overview of international instruments relevant to the asset recovery field. International cooperation is essential for the effective recovery of criminal assets.

The report also analyses the implementation of Article 10.3 of Directive 2014/42/EU, highlighting that 19 Member States (Austria, Belgium, Bulgaria, Croatia, the Czech Republic, Cyprus, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Poland, Portugal, Romania, Slovenia, Spain) have specific legislation on the use of confiscated assets for public or social interest purposes.

“There is a growing need to maximise the social impact of a criminal case. A sentence or conviction alone is not enough to take a stand against serious crimes.”

Ishan Ahmadali Senior Policy Adviser - National Office for Serious Fraud, Environmental Crime and Asset Confiscation in The Netherlands

Regulation 2018/1805 for mutual recognition

Regulation 2018/1805 of the European Parliament and of the Council on the mutual recognition of freezing and confiscation orders aims to overcome the difficulties or impossibility of cooperation (anti-mafia) so far justified by the member countries' different confiscation models. The Regulation affirms the principle of mutual recognition imposed by a directly applicable legislative measure such as a regulation adopted by the ordinary legislative procedure based on Article 82, par. 1 of the Treaty on the Functioning of the European Union.

The Regulation took effect on 19 December 2020 and allows the competent institutions to work more quickly in the fight against organised crime, with the provision of standard procedures and shared documents.

On 20 January 2021, this new European Regulation was applied for the first time in Italy. The investigation of the Mobile Operational Team of Salerno, in Campania, concerned a local entrepreneur's massive infiltration in funeral services and the transport of the sick. In addition to allowing the confiscation of some €16 million, the investigation also led to the first freezing of assets abroad, in Romania, without the need

to use the “classic” international letters rogatory. In fact, once the freezing or confiscation order has been issued, this Regulation provides for it to be sent to the Ministry of Justice. The Ministry, in turn, transmits it for enforcement without delay to the pertinent foreign authority or its counterpart; at that point, the appropriate police force executes the order.

This new European legislation directly attacks money laundering and mafia investments abroad, where they attract less attention, given the lack of specific anti-mafia legislation outside Italy. This recent law enforcement operation will remain in Italian and European judicial history because it will allow us to tackle the issue of the fight against Serious and Organised Crime in an increasingly incisive way.

“Mobsters know whenever they end up in jail, their business will continue with the wealth they set aside. Their crime partners continue to receive their salary, along with their family members. Once the judgment is served, their criminal charisma is intact and they can return to command as before. If we take these provisions from them, after serving their jail time, they will be economically ruined and will no longer have their men. That’s why it’s important for bosses to accumulate money and keep it safe, often by storing it abroad.”

Prefect Francesco Messina

Central Anti-Crime Director
of the State Police

Chapter 3

Data from official sources

an overview of the current situation

Confiscated real estate assets

Since 1982, 36,616 real estate units (land registry plots) have been confiscated. About 17,300 have been assigned and commissioned by the National Agency for Official and Social Purposes. Not all of the almost 19,300 Agency-managed real estate units

(data updated as of 02 March 2021) have reached final confiscation (about 11,000 according to data as of 31 December 2019). They are still to be allocated because they present various forms of criticality (undivided shares, urban irregularities, illegal employment and shabby structural conditions).





However, a substantial part, 4,868 according to data on 31 December 2019, were frozen pending the completion of the procedures for verifying third parties' bona fide credits.

Moreover, 3,100 real estate properties received no expressions of interest from state administrations and local authorities. Therefore, they did not give a positive opinion on their inclusion in their real estate assets.

Finally, a National Agency survey launched in 2019, on a sample of about 6,000 real estate units allocated to municipal administrations, from the findings received on 2,600 assets, indicates that just over half of the assets were actually re-used.

The National Agency's annual reports allow tracing the historical trend of seizures and

allocations, from 1982 to date. In particular, between 1982 and 1996, there were 1,263 confiscations and 34 allocations. During those first years of implementation of the Rognoni - La Torre law, the law for social re-use was not yet in force. In the second decade, from 1996 to 2008, the numbers increased considerably and, in 2001, there were as many as 1,023 seizures and 315 allocations. In the following years until 2019, the last year for which the Agency's report is available, only data on allocations is reported, standing at 1,512 in 2019.

The route to the management and allocation of real estate presents several obstacles. Our work as a national network of associations and territorial groups sees dialogue with institutions as the only possible way to overcome them.

Mortgage creditors are among the critical issues to be addressed. Stability Law 2012 granted them protection in January 2013, allowing them to submit an application for admission to credit in the event of ascertained good faith. The Agency is required to identify assets with a total market value of at least twice the amount of the credits admitted and to proceed with their liquidation. Libera has proposed to draw on the Single Justice Fund to identify the resources necessary for implementing this provision. But there is more. As expressly stated in the Agency's Guidelines, often the actual asset allocation must wait for the approval of the distribution project provided by the legislation on credit verification (Article 61 of the Anti-Mafia Code). In the event of failure to comply with the procedure, pursuant to Article 52, selling the confiscated assets becomes necessary to indemnify good faith creditors. Under this legislation, the Agency has "set aside" almost 5,000 real estate properties (as of 31 December 2019) in good condition and of value, certainly useful for public and social purposes, and intended for sale to repay creditors recognised as having good faith. In our opinion, it would be important to avoid these assets being auctioned and instead to provide for their rapid allocation for social purposes, especially in this post-pandemic recovery period.

Libera believes that the sale of confiscated real estate must remain a residual resort, as provided in the text prior to the changes made to the Anti-Mafia Code by the 2018 Security Decree. This would safeguard the compensatory nature of the social re-use of confiscated assets. As aforementioned, sale to some categories of collective subjects was already possible ("to public bodies

engaged, among other official purposes, in investment in the real estate sector, to trade associations that ensure greater guarantees and usefulness for the pursuit of the public interest and to banking foundations") as *extrema ratio* (a last resort), and we believe this must be taken into consideration, ensuring all stakeholders' commitment to enable allocation or transfer for purposes of public interest. The previous wording also allowed the use of the asset for neither private nor personal purposes, even in the case of sale.

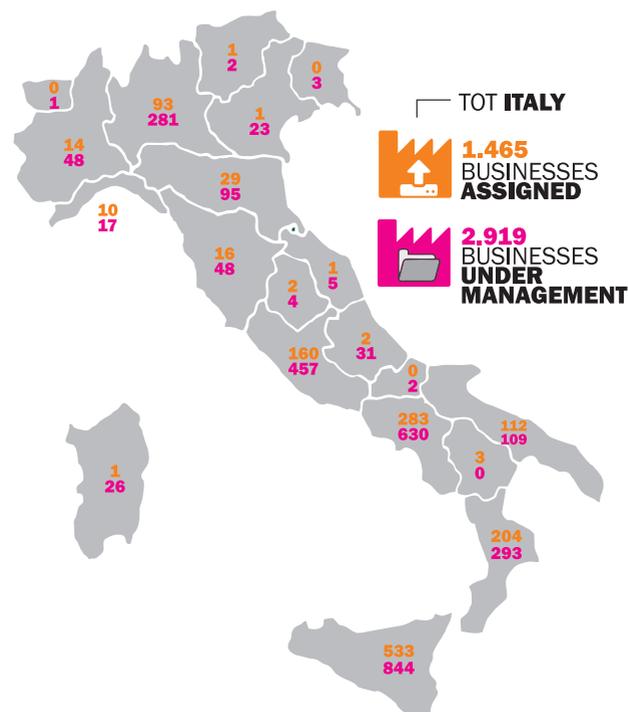
The National Agency guidelines also specified that the sale can only be considered after having verified the impossibility of allocations for state purposes or for self-financing, for social purposes, or with the procedure of direct allocation to the third sector.

Seized and confiscated companies

Most of the confiscated businesses are entrusted to the Authorities without a real operational capacity. They are often headed towards liquidation and closure, unless effective action is taken in the previous phases. However, many are empty boxes, shell or front companies without any potential to emerge and continue production.

Of approximately 4,400 companies confiscated since 1982, those assigned have almost all been liquidated. A further 2,920 remain under the Agency's management. Of these, however, according to data from a year ago, 1,931 companies were under permanent confiscation and only 481 were active.

As in the case of real estate, a historical progression of allocations can also be tracked for confiscated companies; from 2008 to



2019, the number went from 5 in 2010 to 441 in 2019. The trend over the years is not always homogeneous; in 2017 there were only 8 allocations.

A general analysis of this decade shows that mafia groups increasingly invaded different sectors of the economy, but, at the same time, the institutions' response was more incisive.

A further indication comes from the assignment analysis for year 2019: out of 441 companies assigned, 439 were liquidated and 2 put up for sale.

A larger number of firms must reach their

final confiscation in a good state of operation. The 2017 reform of the Anti-Mafia Code had encouraged corporate reorganisation already from the seizure phase, through immediate liquidation if not operational or without concrete possibilities of recovery to legality, on the one hand. On the other hand, it provided for continuing operations through the programme proposed by the administrator appointed by the chief justice. Still, more must be invested in the skills and professionalism of both administrators and National Agency assistants for a step change in this direction. The figure for closure of companies under seizure remains

high. Not only when the company is clearly not fit for the market, but especially for those companies that could realistically have continued their activity.

Very few companies are assigned to cooperatives of their own workers. This procedure should be followed, when possible, with more strength, support and accompaniment tools. More emphasis must also be put on youth entrepreneurship, cooperation and social economy projects.

Especially in this post-pandemic and general crisis period for small and medium-sized companies, full implementation of Legislative Decree 72/2018 and the instruments to protect workers of seized and confiscated companies must be ensured.

For 2021-2023, Budget Law 2021 has extended income support measures, equal to the extraordinary salary integration, in favour of workers suspended from work or employed part-time and employees of seized and confiscated companies subjected to interim administration. The provision extends these measures under the same conditions for a maximum of 12 months in the three-year period and within the spending limit of one million euros for each year.

We hope to see the tools strengthened to support companies' relaunch, to the point of making consultation with trade unions systematic. As proved on many occasions, this relationship brings added value. For example, it is sometimes necessary to arrange gradual re-emergence from undeclared work and tax irregularities.

A guarantee and facilitation fund was introduced to ensure business continuity for seized and confiscated companies under Budget Law 2016 (Article 41 bis of the An-

ti-Mafia Code). When possible, these long awaited measures prevent company closures, allowing them to remain operational at the end of the complex route towards re-establishment in the market. Two investment guarantee and facilitation funds (for 10 million per year until 2019), meanwhile, were made operational by MEF-MISE inter-ministerial decrees of November 2016, modified in 2019 and recently refinanced through the last 2021 Budget Law.

Critical issues have been reported regarding the functioning of the Ministry for Economic Development's Investment Fund. It remained largely unused due to low application numbers and the cumbersome process and access conditions. In some cases of successful applications to the facilitated funding, the *de minimis* rule (regarding items lacking significance) created difficulties with respect to the amount to be financed. The benefit is considered entirely in the year of loan disbursement and not pro-rata for the loan duration. In some cases, this has reduced the instrument's potential, as the receivable amounts were low.

The facilitation measure has so far been provided with €28 million (increased by €10 million per year for 2021 and 2022), about half still available as of 17 November 2020. For companies located in Sicily, a further 20 million euros have been allocated and just over 7 and a half million euros are still available.

Finally, in June 2020, the Agency published a circular letter regarding the *Preliminary Provisions for creation of a synergistic link among businesses/companies seized and confiscated from organised crime pursuant to the Anti-Mafia Code*. We consider this a positive stimulus to the search for further solutions for companies and creation of real

synergies useful for their survival and production continuity.

Seized and confiscated movable assets

Article 40 of the Anti-Mafia Code provides for the court to entrust seized movable assets, also those registered in public registers, in judicial custody to the Police Bodies and the National Fire Corps for use in official activities or for judicial police needs. Alternatively, they can be entrusted to the Agency, other state bodies, non-economic public bodies and territorial bodies for purposes of justice, public rescue, civil protection or environmental protection. Article 48, on the other hand, establishes that the Agency can use movable assets, also those recorded in public registers, in official activities or for other state bodies, local authorities or third sector organisations.

Trucks, work vehicles, operating machines, forklifts and any other special use vehicles functional to public rescue needs, are assigned as a priority to Fire Brigades.

In August 2020, the National Agency approved the Guidelines for the allocation of movable property recorded in public registers. Among other things, these provide for confirmation of the pre-emption right to the assignment in favour of the assignees in the judicial phase, unless the assignee formally and expressly refuses the final allocation. In addition, they establish that potential recipients must be fairly classified and that allocation must follow certain specific principles and criteria: greater territorial proximity, absence of other allocations in the previous twelve months and, finally, chronological or



der of the application submission.

For organisations and bodies in the third sector or the private social sector, the asset allocation application and the consequent assignment must be consistent with their statutory purposes.

The historical trend of movable asset allocations has been traceable since 1982. The National Agency's 2017-2018 report states that up to 2018, 3,829 movable assets of different types were allocated, with the following percentages: Destruction/Demolition: 42.07%; Free loan: 20.55%; Sale: 18.65%; Assignment to Police: 14.6%; Transfer to the Fire Brigades and public rescue 4.12%.

The role of Local Authorities, transparency and the procedures for the allocation of assets to the third sector¹

Starting from the commitments made at the table of the Open Government Forum Italia at the Department of Public Functions of the Presidency of the Council of Ministers, and as a continuation of data transparency work on the topic of confiscation and public and social re-use, Libera published the research titled **rimanDATI**, in collaboration with Gruppo Abele and University of Turin's

Department of Culture, Politics and Society. This is a process for civic monitoring of municipalities' compliance with the obligation to publish lists of confiscated assets under the provisions of article 48 paragraph 3 letter c of the Anti-Mafia Code. The monitoring activity also attempted to gather information on the regulations and calls for the allocation of confiscated assets.

Adoption of the regulations is undoubtedly a guarantee for all interested parties, and many municipalities have drafted their own. The timing of asset concessions is a particularly important issue. Among the various provisions, the regulations always indicate a fixed time limit for the loan contract duration in the case of assignment for social purposes. In most cases, this limit is set at a maximum of 10 years, without distinctions related to the type of asset or other variables. Probably Local Authorities consider a pre-established orientation appropriate and useful to facilitate accessibility for third sector organisations to manage the asset.

However, the concession duration becomes decisive in the case of investments to be made on the asset, which must have an adequate recovery time. Considering the great diversity of assets to be assigned in different conditions (apartments, warehouses, agricultural assets), setting a maximum period or not can cause the public body to lose opportunities for improvements of the asset with a clear negative impact both from the social (with assets confiscated but never fully recovered), and the employment points of view.

In the municipal regulations on the assignment of assets, with reference to the max-

¹ The third sector includes all non-governmental, non-profit organisations and groups.

imum duration of the loan, wording would, therefore, be desirable to recall and connects to the investment that the proposer is willing to support, to avoid missing any opportunity.

Some realities, starting from the confiscated assets, have carried out a social economy activity, creating employment and spillover effects. For them, the moment the borrowed assets expire is a matter of concern, in some cases being stipulated for a considerable number of years (thus also allowing significant investments in improving the asset). With the awareness of the importance of being open to all interested parties in the territory, it would be appropriate to provide in the notices regarding assets for which the concession has expired, a specific priority provision for those who have already managed the asset, with reference to the quality of the management and the results obtained. This is to prevent virtuous experiences from risking closure due to the loss of the loan. The evaluation of quality and results will be defined based on the original allocation plan and the impact on the territory (e.g. job placement, spillover effect, investment/turnover ratio, etc.).

Attention in the drafting of public tenders for real estate allocation is vital, in drafting and identification of planning macro-purposes, to ensure the prominence of social networks and active citizenship. These procedures should be accompanied by listening to the social actors in the territory and the community as well as organising training courses dedicated to third sector stakeholders, to also facilitate small businesses in the project proposal drafting phase.

Finally, it would be useful to provide for a

greater role of the third sector, as a co-planner with the public sector, speeding up agendas and optimising the use of resources. The adoption of participation methods would also make it easier for municipalities to express their interest in acquiring confiscated real estate in their assets. When addressing the agency, some municipalities, mostly the smaller ones, found it hard to express their interest in the use of confiscated property. It would be useful to include support and accompaniment in the task of providing greater expertise in this area and in the preparation of well-defined proposals for use for public and social purposes of the assets for which allocation is requested.

Opportunities and critical issues in the provisional allocation of real estate

Provisional allocation of seized real and movable property is one of the most effective tools to protect the functionality of the property to be confiscated, ensuring its future as a useful resource for the territory and the entire community. Libera, through the commitment of the national associative network, even before the amendment of the Anti-Mafia Code in 2017, identified this possibility in several cases, with interesting results from the social impact perspective. Re-use in the seizure or confiscation phase is a decisive step forward for the care of the property, but it makes clear the need to create a stable connection between the competences of the Court and those of the National Agency. In some cases, it was possible to proceed with the management of seized or not finally confiscated assets for social purposes. This activity is often carried

out for public utility purposes and allows the recovery and maintenance of assets (both real estate and agricultural businesses), thus protecting them from deterioration, often in high-risk conditions.

Some social cooperatives have made themselves available to manage assets. In some cases, the initial solution proposed was rental rather than a loan, as expressly provided for by the Anti-Mafia Code. Rental was proposed also for agricultural vehicles. Otherwise, a free loan contract is proposed for an agricultural year without tacit renewal, unless notice of withdrawal or deduction is given and without prejudice to the pending harvest. Many third sector parties may find it difficult to apply for a provisional allocation, which involves significant personal and financial commitments, subject to cessation at the time of final confiscation, in addition to termination in the case of revocation of the seizure. Moreover, the right to the pending harvest in case of restitution of the assets is not clear. That specific feature of the agricultural sector must be considered. Provision should be made for forms of 'bridging' that in compliance with the criteria of transparency, publicity and equal treatment, to ensure maintaining continuity between provisional and final allocation (e.g. involving the Agency in the provisional allocation phase).

It is important to provide corrections to the current rules and regulations regarding access to the contributions provided for all operators (e.g. contribution for organic farming) and safeguarding of pending harvest in agriculture (when the asset must be returned), to avoid penalising third sector organisations, and rather to facilitate and stimulate their willingness to assume assets

as a provisional assignment for social re-use until their final confiscation.

In recent years, the competent courts and judiciary have promoted territorial protocols as a tool to allow a large part of the economic and social partnership to monitor the presence of seized and confiscated assets at first instance and, above all, to make proposals for provisional re-use. This method's main objective is to prevent real estate and/or company activities from being frozen for the duration of the procedure and the administrative process, losing part of their economic value. Meanwhile, it protects workers. In addition, the surrounding territory must perceive institutions' and associations' interest towards the community context.

Now, some bodies managing irrevocably confiscated assets are proactive with the Entities called upon to manage seized and confiscated assets, especially during the transfer of responsibility between agencies. Regarding our experience, this is a very delicate phase and the mechanisms are not yet perfectly smooth. Sometimes, some procedural criticalities arise in the time between the passage of assets from the National Agency to the territorial body that must assign them through calls for bids.

In general, in these specific cases, we think that in order to preserve the confiscated property, a form of temporary entrustment pending the completion of the allocation process would comply with the law, to avoid reducing or even zeroing its production potential. We thought of calling it "receivership," to convey a meaning of control over something that will then follow the usual procedures for assignment. This proposal was also made recently and is kept in mind by the Agency.

The programmes of the National Agency for the Administration and Allocation of Real Estate

The “Guidelines for administration aimed at the allocation of seized and confiscated properties,” approved by the National Agency in 2019, represent an important step forward for the entire judicial and administrative process concerning the assets. The document traces the different phases of the allocation and assignment process, explaining some steps and identifying common practices to speed up the entire procedure. Already in the support phase (from seizure to second-degree confiscation) the will appears clear to resolve disputes related to the asset and to allow more immediate re-use, also through institution of the provisional assignment, pursuant to article 110 paragraph 2 of the Anti-Mafia Code. During the Agency administration phase from second-degree confiscation, the Guidelines stress the importance of providing for publication of the list of assets on a specific section of its website to enable those entitled to apply for their use through a specific expression of interest. Local authorities’ active role in allocation and assignment is thus recalled, with their commitment to support managers temporarily identified by the Agency. As already written, local authorities must undertake administrative and planning training to address this phase as required.

The National Agency is also committed to planning the final allocations, recognising the third sector’s role as fundamental in re-use planning and in the analysis of a territory’s needs. Quoting the same Guidelines, allocation for social purposes to a territorial government body, in principle, must be accompanied by the simultaneous definition

of a re-use project and the prior identification of the private social organisation that will take care of it, assuming the burdens. The local authority must publish, in time and possibly before the final confiscation, a specific exploratory notice aimed at acquiring specific availability. Following the return of the buildings to the State Treasury assets, the Agency starts the call procedure for expressions of interest, using, primarily and systematically, the instrument of the Service Conference, to be carried out with the help of the Prefecture Support Cores.

Finally, self-financing procedures (the possibility for the Agency to use the confiscated immovable property for economic purposes, to ensure its enhancement), should not include assets of high symbolic value entailing the need to allocate them for official or social purposes. Also, Local Authorities must only use the assets for profit following certification that the assets could not be assigned for public and social purposes.

With this vision, confiscated assets gain a strongly symbolic value also in terms of compensation towards the community of reference, as a tool to build a new community history. In its 25 years of activity, Libera has always focused on the practice of social re-use as a sign of change for the territory and as a tool for building a new development model, an alternative to the mafia.

A noteworthy recent initiative by the National Agency relates to the publication of a notice of direct assignment to third sector organisations by the National Agency, in accordance with the provisions of Article 48 paragraph 3 letter c-bis) of the Anti-Mafia Code, starting with real estate properties for which no public bodies entitled to their



assignment have expressed interest. Once the various critical issues encountered have been overcome, this first experiment may also represent an additional opportunity for municipalities to express their interest in acquiring the real estate in their assets. In this regard, a preference clause has been provided for project proposals accompanied by a declaration of intent by one of the recipient administrations that certifies the sharing of the project and the will to acquire ownership of the assets. In its first experience, despite the difficulties in carrying out inspections due to the pandemic and the state of some of the properties, 160 re-use proposals were submitted by the third sector.

The award criteria adopted by the Agency’s Governing Council are based on the methodological principles of cohesion and social protection, inclusion in employment and

social cooperation, economic sustainability and, above all, environmental sustainability.

For the implementation of some projects, the National Agency will grant a financial contribution of up to 50,000 euros for each proposal, for a total of one million euros; the contribution is made available, for each year of the 2020-2022 period, by the budget law for 2020.

The coming months will be an important test both with regard to the start of the projects submitted and the duplicability of the call, through the recovery of those real estate for which no proposals for re-use have been submitted and providing a different allocation path for social purposes for others that present greater criticality.

The National Agency is implementing some changes to the anti-mafia code introduced

in 2017 with the aim of increasing the number of real estate units to be used for social purposes, as these are assets of companies intended for sale. Indeed, the guidelines for the reinstatement of independently confiscated real estate in the company's assets (Article 15 ter of the anti-mafia code) have been approved, providing that this occurs only in well-identified cases where reinstatement does not prevent the asset from being used for social purposes. However, if the property is part of a real estate company, pending the ministerial decree provided for by article 48 paragraph 8 bis of the anti-mafia code, the extraction of the property will be enforced whenever possible, allocating it in the ordinary manner.

Support for projects of social re-use of confiscated assets

Projects of social re-use of confiscated assets cannot be separated from public and/or private financial instruments of support and their efficient application. The effective re-use of confiscated assets is slowed by the lack or insufficiency of financial resources necessary to ensure real estate renovation and conversion, and by the need for real and sustainable projects, linked to the needs of the context in which the assets are located.

The PON Sicurezza (National Operational Programme on Security) has long been the South's only public funding source (now PON Legalità - on Legality) of the Ministry of the Interior and from some measures envisaged in the Regions' PORs (Regional Operational Programmes). Some Regions have also decided to allocate budgetary funds for the Local Authorities receiving the assets and for third sector recipient organisations.

Among the national level support actions of recent years, it is worth mentioning the Decree of 30 January 2015 of the Ministry of Infrastructure and Transport, in agreement with the Ministry of the Economy and Finance. It established a Programme for the recovery of confiscated properties for housing purposes, which had foreseen the allocation of 18 million euros for municipalities in the 2014-2017 period.

At the same time, some private actors have decided to provide support for projects, including mutual funds from the Cooperation environment, some banking foundations and the Fondazione con il Sud.

To guarantee a greater connection and unitary planning of the various measures, Italy's Partnership Agreement, prepared by the Ministry for Territorial Cohesion, for 2014-2020 European Planning, provides for specific measures on confiscated assets and companies for the purposes of social economy and labour inclusion.

The budget law for 2017 has set out the National Strategy for the enhancement of assets and companies confiscated from organised crime through cohesion policies. The National Strategy, adopted with CIPE resolution in 2018 and published in the Official Journal in March 2019, is a very important document. It aims to ensure the concrete implementation of the actions to strengthen the public and private stakeholders' asset management capacity, allocation planning and support to projects for the re-use of real estate and corporate assets, in conjunction with the state and regional administrations.

In this regard, achievement of the objectives envisaged in the Plan for the South presented in February 2020 and in the Exemplary

Confiscated Assets Plan, with the support of the Development and Cohesion Fund, is set as a priority.

At the same time, we propose to provide for measures and interventions in the preparatory documents of the next programming

for the 2021-2027 cohesion funds and in the National Recovery and Resilience Plan. Their draft includes provisions concerning the appropriation of three hundred million euros.

Chapter 4

Practices of social re-use of assets confiscated from mafia:

Data processed by Libera
updated on 02 March 2021

The ethical dimension of the routes arising from the re-use of confiscated assets for social purposes is found in the co-responsibility that has transformed them from “exclusive” to “common” and shared goods. Since the early years, Libera, with its entire territorial and associative network, has chosen to map and report all these experiences, so that they could become examples and ideas of volunteering and cooperation for the whole world.

At the time of the first monitoring, just over fifty management bodies were engaged in

the management of movable, immovable and corporate assets. To date, the public and social re-use of confiscated assets has proven to be a widespread practice in over 350 municipalities, throughout the Italian Peninsula.

Twenty-five years later, we can report on a new Italy, clearly marked as an alternative community to the mafia, which conceives and realises a new model of territorial development.



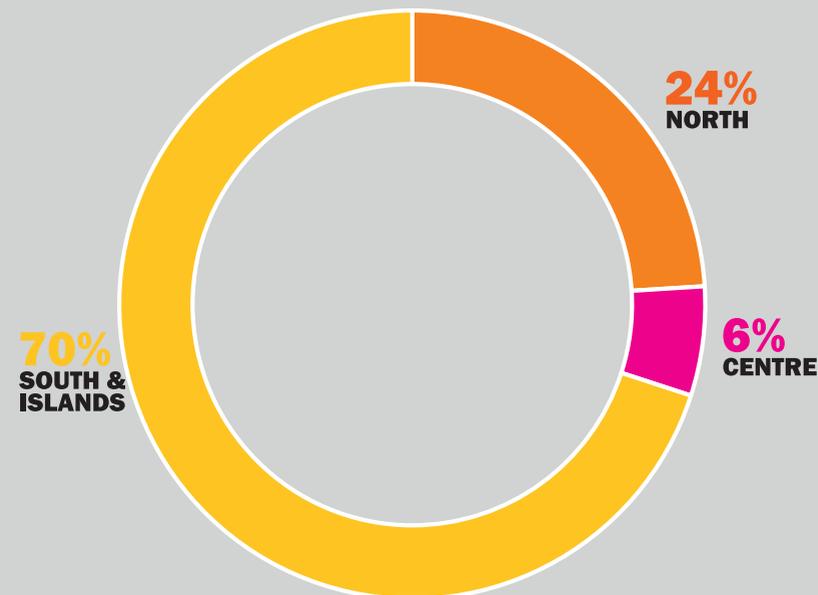
Mapping third sector managing organisations

To date, we have recognised **871 different operators** involved in the management

of real estate confiscated from organised crime, obtained by concession from local authorities, in as many as **17** out of 20 regions.

Geographical macro-areas	Number of managing bodies
North	206
Centre	57
South & Islands	608
TOTAL	871

MANAGING BODIES DIVIDED BY MACRO-GEOGRAPHICAL AREAS



Data collected through the territorial action of Libera's network shows that more than half of social organisations consist of various types of associations (468); there are 189 social cooperatives (the figure includes cooperatives of workers of confiscated companies). Among the other third sector managing organisations are 11 amateur sports associations, 23 third sector operators man-

aging welfare services outsourced by public bodies, 36 temporary purpose associations or networks of associations, 60 religious organisations (dioceses, parishes and Caritas), 26 foundations, 14 Scouts groups and finally 6 schools of different levels. The census does not include real estate re-used for official purposes by state and local administrations.

Type of managing bodies	number
Various types of associations	486
Various types of social cooperatives (including 4 worker cooperatives of confiscated companies)	188
Church bodies (parishes, dioceses)	54
Foundations	24
ATS - ATI (Temporary Purpose or Enterprise Associations) - networks of associations	33
Third sector organisations managing welfare services outsourced by public bodies	31
Scouts (AGESCI - CNGEI)	14
Cooperative consortia	14
Schools of various levels	7
Sports clubs and associations	11
Communities	6
Training institutions	2
Professional Associations	1
TOTAL	871

Among the different types of managing bodies, we have highlighted all the realities directly linked to the world of the Catholic Church: parishes, dioceses and diocesan

Caritas that have undertaken a path of re-use, putting themselves at the service of the community:

Religious organisations (dioceses, parishes, Caritas)	number
Calabria	18
Campania	7
Emilia Romagna	1
Lazio	1
Liguria	2
Lombardy	5
Piedmont	2
Puglia	6
Sardinia	1
Sicily	15
Tuscany	2
Total	60

We have information that allowed us to reconstruct the type of assets handled by the managing entities. In many cases, a single reuse experience includes multiple

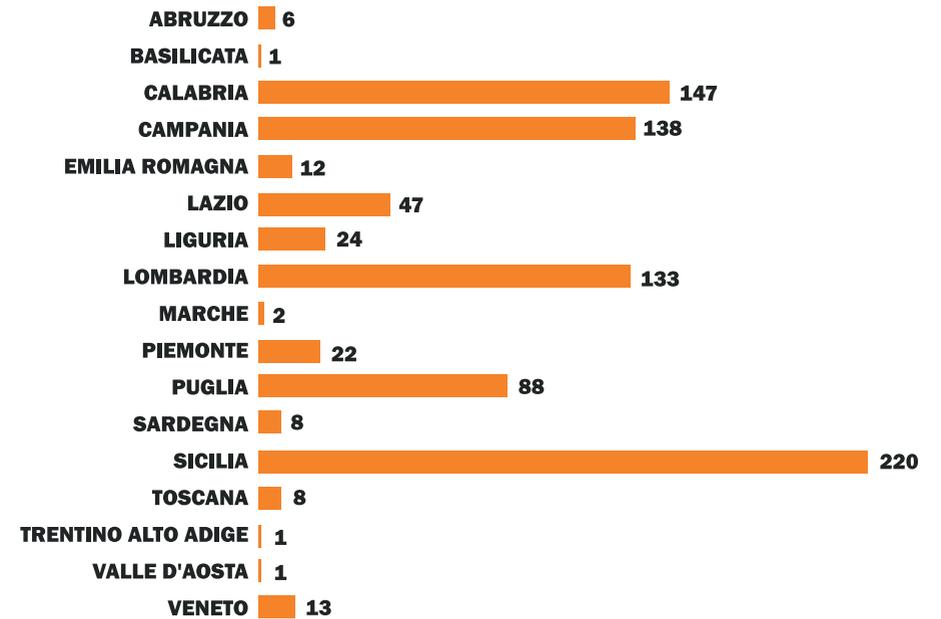
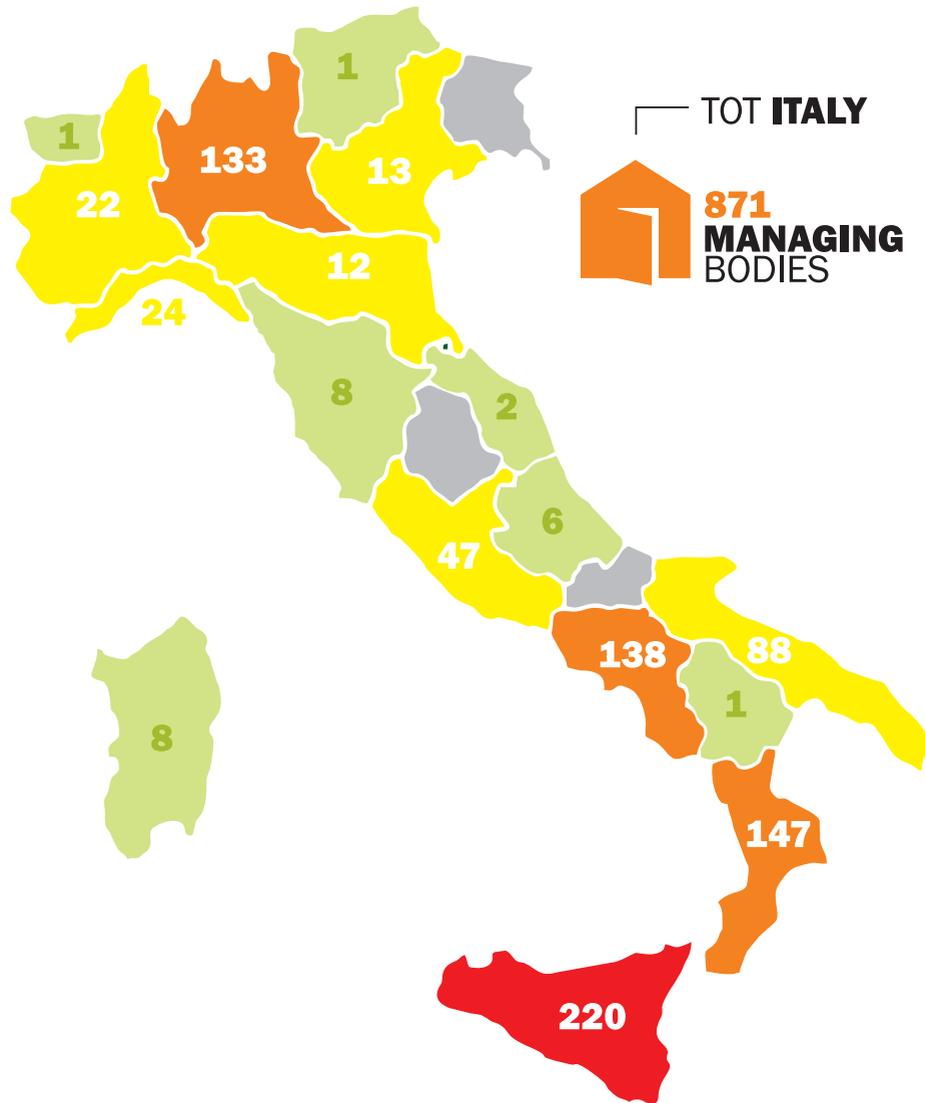
confiscated assets. Sometimes they are of different land registry types. Therefore, this graphic's total is not equivalent to the total experience.

Type of managed asset	number*
Apartment, detached house	353
Villa, built on several levels, land with building, apartment block	207
Commercial or industrial premises, shed, warehouse, storage room, shop, workshop, office	81
Stall, garage, car park, basement	25
Land of various types	176
Other Undefined Real Estate Unit	35
Sports facilities, resort	9
Real estate complex	29

* the total is not reported because it does not correspond to the number of managing bodies. Each managing body can manage multiple properties and of different types

Sicily is the region with the most bodies managing assets confiscated from mafia groups, with **220** operators, followed by

Calabria with **147**, Campania with **138**, and Lombardy with **133**.



The story of what happens every day to the assets confiscated from mafia groups tells us about the change that is being made day after day, with the aim of creating new economic and sustainable development practices. We have grouped the 871 managers into macro-categories of activities, which naturally intertwine and overlap. The choice to include the “welfare and social policies” category does not exclude that every action

in support of the community is in itself an action that brings practices of inclusion; daily experience also tells us that all confiscated assets are generators of real and regular jobs. Likewise, all the management bodies we have met are bearers of cultural promotion and knowledge, of a new history that releases clean energies.

Scopes of activity of the managing bodies	number*
Welfare and social policies	472
Agriculture and the environment	94
Production and Work	37
Cultural promotion, knowledge and sustainable tourism	185
Sports	29
Association headquarters and operations	41
Undefined	98

* the total is not reported because it does not correspond to the number of managing bodies. Each managing body can carry out activities related to different areas and on the different assets managed

Memory and commitment with confiscated assets

Our network considers the experiences of social re-use as places with a voice, able to become a vehicle and instrument of knowledge, wisdom, identity, history and stories. These places have an extraordinarily important function for the stratification of collective culture to resist time, oblivion and forgetfulness. And, ultimately, to trace paths that, from remembrance, can sprout fruits of commitment and responsibility. They are the places of memory, symbolic elements that establish, at the individual and collective level, deep relationships with those who experience them. Places of pedagogy: in the

route that, since 1996, has marked Libera's work for the social re-use of assets recovered from clans and for the enhancement of re-use experiences, the very deep link between memory and confiscated assets has never been abandoned. We always considered it essential to combine the repressive, political and economic dimensions, inextricably linked to the social re-use of confiscated assets, with the equally fundamental cultural and social dimension. This is a map of the commitment, in which we have highlighted confiscated assets that are dedicated to the memory of innocent victims of mafia groups and that are today the flagship of a daily commitment:



The next monitoring action

The data processed above shows that one of the greatest hurdles is interconnecting different datasets on confiscated assets. The National Agency has borrowed the system already used by the State Property Agency, collecting data on individual land registry plots and not on complex real estate units.

In contrast, our voluntary mapping work records the presence of a managing body

(association, social cooperative, and all the other types listed above), who most often manage several land registry plots grouped into one or more confiscated assets.

Starting from the network of all the bodies hosting the Elstate Liberi! commitment and training camps within confiscated assets, we tried to “count” the land registry plots managed by each of them to provide the first aggregate data:

Geographic macro-area	Bodies	Plots
North	11	44
Centre	2	5
South and Islands	30	846
total	43	895

Type	Number	Plots
Association	18	109
ATS	1	4
Cooperative consortium	1	3
Social Cooperatives	22	771
Volunteer organisation	1	8
total	43	895

Indeed, our next monitoring action will focus on counting the land registry plots of all 867 re-use practices, to be able to directly relate our data with those of the institutions and

to be able to return a precise picture on the impact of re-use in social and territorial contexts.

Chapter 5

RimanDati

First national report on the state of the transparency of assets confiscated in local administrations

RIMANDATI is much more than a name.

This research which was conducted through the collaboration between Libera, Gruppo Abele and the Department of Culture, Politics and Society of the University of Turin was given a rather provocative title in a constructive attempt to bring out, from several elements that constitute the premise, conclusion and perspective.

The premise lies in the reasons that led us to build this *first national report on the state of transparency of confiscated assets in local administrations*. Since the approval of Law 109 of 1996, in these twenty-five years of commitment to the public and social re-use of the enormous real estate heritage recovered from mafia groups, we have learned to recognise the confiscated assets as the starting point to build paths of activation and local cooperation capable of re-using and transforming these into common assets, opportunities for change and redemption for the territories and people, instruments of dignity and recognition and concrete implementation of rights. Ultimate-

ly, they are collective resources to take care of, to know, defend and enhance.

In this scenario, local authorities bear important responsibilities. It is they who make, or must make, a crucial contribution to the various actions for effective institutional and social re-use. Especially the municipalities, recipients of the vast majority of confiscated assets, are a pivot of this chain. For this reason, the report analyses their work and addresses them: enhancing their effective ability to return the assets recovered from crime to the community should not be understood only as the fulfilment of an administrative burden, but as an opportunity for “good governance” of the territory.

Therefore, it is of primary importance to be able to know and fully use data, news and information on confiscated assets. That is why we insist on believing that transparency, even in this area, must and can be considered a common good, as also confirmed in the provisions of the Anti-Mafia Code (Legislative Decree 159/2011), which require Local Authorities to make available data on

confiscated assets transferred to their assets, publishing them in a specific and dedicated list. A provision further strengthened by the 2017 reform law. To understand what has been done (and how it has been possible to do so), it is necessary to look at Article 48 paragraph 3 letter c of the Anti-Mafia Code

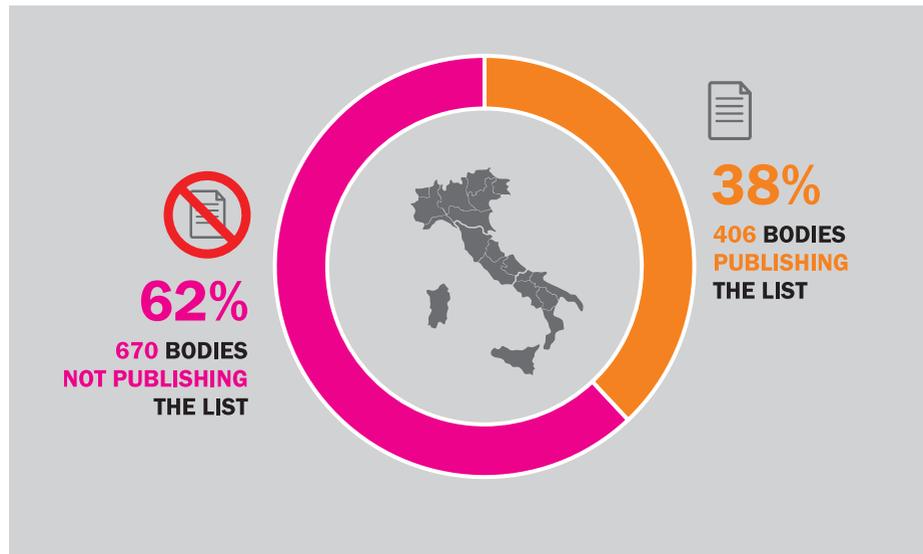
The local and regional authorities must draw up a specific list of confiscated assets transferred to them, which is periodically updated on a monthly basis. The list, made public on the body's institutional website, must contain data concerning the amount, allocation and use of the assets as well as, in the case of assignment to third parties, the assignee's identification data and the details, object and the duration of the concession deed. Failure to publish entails managerial responsibility pursuant to Article 46, Legislative Decree No. 33 of 14 March 2013.

Our research work, therefore, concerned the complete mapping of these lists. Experience has taught us that, in general, this principle has not found concrete implementation in reality. Even when data on confiscated assets have in some way been made public, this has happened with extreme difficulty, enormous delays and in ways that never really fully comply with the regulations. However, such experience had never been transformed into a timely and in-depth study, a comprehensive and reasoned overview on the state of transparency of municipalities in the field of confiscated assets, on which

to base a political action capable of concretely affecting the ability of Local Authorities to move in the direction of complete transparency. The research premise, and fundamental objective, therefore, is combining the spirit and content of the legislation on confiscated assets with the spirit and content of the law on transparency, in particular Decree 33 of 2013.

The conclusions we have reached, supported by the collected data, unfortunately confirmed the assumptions. At the time the civic monitoring action ended, only 406 out of 1076 municipalities monitored were publishing the list. And, of these, most do so in a partial way and do not fully comply with the regulatory guidelines. This means that 62% of municipalities are in complete default.

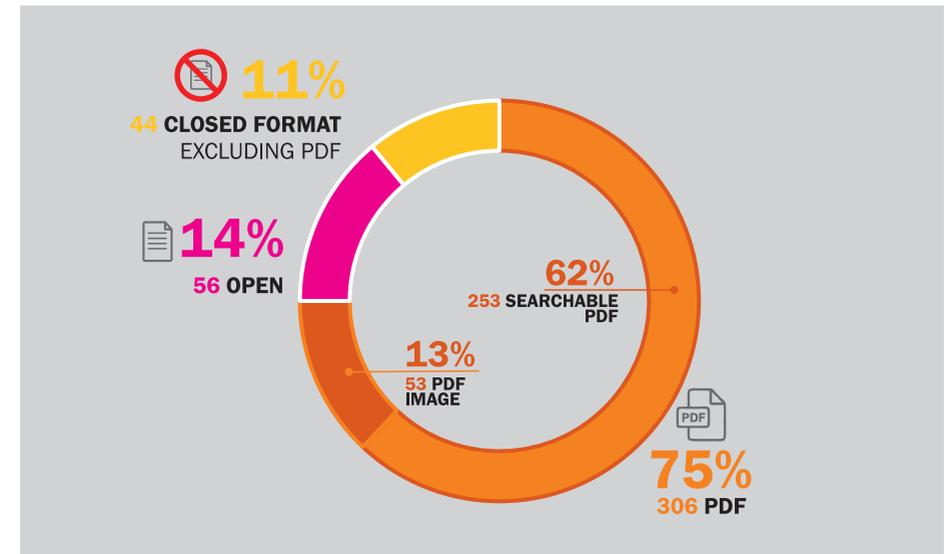
Region	Municipalities assigned real estate	Municipalities that have published the list	Municipalities that have not published the list	% of municipalities publishing the list on the regional total
Abruzzo	31	8	23	26%
Basilicata	3	2	1	67%
Calabria	139	51	88	37%
Campania	131	45	86	34%
Emilia Romagna	38	19	19	50%
Friuli Venezia Giulia	6	0	6	0%
Lazio	77	38	39	49%
Liguria	14	7	7	50%
Lombardy	184	59	125	32%
Marche	5	3	2	60%
Molise	2	0	2	0%
Piedmont	49	19	30	39%
Puglia	98	42	56	43%
Sardinia	22	6	16	27%
Sicily	207	87	120	42%
Tuscany	26	8	18	31%
Trentino Alto Adige	4	1	3	25%
Umbria	7	1	6	14%
Valle d'Aosta	1	0	1	0%
Veneto	32	10	22	31%
TOTAL	1076	406	670	
%		38%	62%	



The negative record in absolute terms belongs to the municipalities of Southern Italy (islands included), with 392 municipalities that do not publish any list. The North follows, with 213 defaults, and the Centre, with 65 municipalities.

The research tries to go deeper on the sample of the 406 municipalities that publish

the list, analysing in detail the lists' contents and the methods of publication and returning a general picture of great criticality. For example, on the publication format, data show that the vast majority of the monitored bodies is essentially not mainstreaming open data.



This critical picture is made even more plastic by the value of the national ranking we have built: on a scale from 0 to 100 (where 0 refers to situations of total absence of published data, 100 to inverse situations of correct presence of all the data), the national average stops at 18.53. Even when reducing the baseline to just municipalities

that publish the list, thus excluding all those stopped at 0, the national average ranking does not exceed 49.11 points.

Publication format

open format	55
closed format EXCLUDING PDF	44
digital print PDF	245
scanned PDF	50
TOTAL	406



In short, when we talk about the transparency of information on confiscated assets by Local Authorities, we must necessarily take note that there is still much work to be done to reach a picture that is at least sufficient and have available satisfactory data, both from a quantitative and qualitative point of view.

This is why we call it “riman**DATI**”.¹ The outcome of this “exam” we have administered to the municipalities requires us to treat them as students who failed to pass the school year with full marks and who, for this reason, are offered a retest in September (rimandati). Our re-examination must be carried out as a civil action with timelines and methods that induce the municipalities to fully comply with legal requirements.

Let’s address perspective. As we said, the title has a constructively provocative flavour. We don’t want to issue a final judgement, a peremptory rejection. Our monitoring communities have always drawn inspiration for their civil action from each other. We ask for public, high-quality data because we firmly believe that they allow us to take care of a common good beyond the logic of mere civic access, in a positive and constructive climate of cooperation with the administrations. Moreover, we are well aware of the matter’s complexity and the difficulties that Local Authorities are forced to face daily, in terms of workloads and human resources and skills available. We are convinced that together we can and must find the solutions that are useful for ensuring transparency. That is why, we will continue our monitoring action at the national and local level, using

all the tools that the law makes available to citizens to see their right to knowledge recognised. We propose, in the same constructive and cooperative spirit, some political proposals. These begin from improved conditions and transparency levels in municipalities. They affect the possibility of increasing the social re-use of confiscated assets to make them common assets and gyms for life.

OUR PROPOSALS

We propose for the National Agency for the Management and Allocation of Seized and Confiscated Assets to Organised Crime (ANBSC) to adopt a guideline document to be sent to all organisations receiving confiscated assets with a detailed handbook on the lists’ methods and contents to be published, also providing a common model capable of standardising the same publication at the national level. The *vademecum* (handbook) should clearly indicate the institutional websites’ section in which the lists are to be published. To consistently implement the legislation on transparency established by L.D. 33 of 2013, read in conjunction with the Anti-Mafia Code, we believe that only the section “Transparent administration,” under the item “Real estate and asset management,” should hold the list of confiscated assets as specific content, and not be included in the more general list of the body’s real estate assets.

We propose the implementation of the principles of transparency to become a shared practice not only for municipal administra-

tions, but for all public administrations that, in various ways, are intertwined with the asset’s history. Being able to know the criminal history, provisional assignments and management activities from the seizure phase as well as being able to interact with the judiciary could represent additional resources in the process of participatory design of social re-use.

It is important to ensure greater coordination and exchange throughout the official chain of confiscated assets, which then allows a rapid resolution of critical issues and data transparency. In particular, starting from already tested models of collaboration, we propose the implementation of a connection among the judicial offices at the Courts, ANBSC, state administrations, Prefectures and, finally, the local authorities of proximity, as applicants for the allocation of the confiscated assets.

We ask that paths be promoted and then implemented to accompany the municipalities

and support the design of social organisations, with the activation of civil monitoring and citizens’ participation.

We hope that the Cohesion Policies and the funds related to them can increasingly become a tool for community empowerment and development. The National Strategy for the enhancement of confiscated assets through cohesion policies and additionally, as evidenced by the path undertaken with the IV Action Plan of Italy’s Open Government Forum, a fruitful dialogue [began] in building the Partnership Agreement regarding the 2021-2027 Planning Period. It then continued in the implementation of the individual funding programmes, allowing the achievement of important objectives in improving the asset’s structural conditions. Above all, organised civil society is aware of being a driver of change.

¹ “Rimandati”, in the Italian Education System, refers to students failing exams and being given the opportunity to resit them. The pun also involves the word “DATI,” meaning DATA.

Chapter 6

International commitment

Europe and the commitment to the social re-use of confiscated assets

The social and economic prevention of criminal phenomena at European level began as early as 1997 with the first hearing in the European Parliament. Thanks to Libera's growing commitment to promoting such prevention, an increasingly strong action has been structured to promote the public and social re-use of confiscated assets also abroad, as a key tool for activating communities against criminal infiltration and for the recovery of movable and immovable assets, creating new vectors of social and economic welfare.

Libera has always believed that repression should be complemented by a greater involvement of civil society, as also reaffirmed by the association at the international level during the tenth session of the United Nations Convention against Transnational Organised Crime. Furthermore, this direct commitment by citizens should be achieved mainly through the support of reporting and clarity of information to build a common strategy to prevent and combat Serious and Organised Crime.

Libera's milestones in Europe

For 25 years, Libera has also been present at European level in the support of associations and authorities that encourage promoting the re-use of confiscated assets for public and social purposes. At the same time, with the multiple realities committed to promoting social justice in Europe, it brings this legal instrument as best practice to be implemented nationally, showing its potential at institutional level and building training courses with associations and social enterprises throughout Europe.

This European commitment has been translated into a number of key steps:

1997 Libera's public hearing in the European Parliament within the Resolution for the action plan against organised crime.

2009 Presentation to the Committee on Civil Liberties, Justice and Home Affairs (LIBE), the proposal for a Directive on the seizure and confiscation of criminal assets, in which Libera proposed the inclusion of public and social re-use of confiscated assets.

2012 Support to the Special Commission on organised crime, corruption and money laundering (CRIM), for development of a European strategy against criminal systems.

2015 Cosponsor of the Parliamentary Inter-group on transparency, the fight against corruption and organised crime (ITCO).

2015 (to date) Libera is involved as a consultant in the ARO Platform promoted by the European Commission and Europol.

The CHANCE Network - Civil Hub Against organised Crime in Europe

The end of 2016 brought the first steps of the network CHANCE – Civil Hub Against organised Crime in Europe, promoted by Libera with associations, activists and informal groups from more than 10 European countries. This new European network of civil society organisations and committed citizens aims to respond to the need to effectively counter the economic and social power of criminal and corrupt systems as a common European priority.

On 3 April 2019, the CHANCE network presented its Political Agenda to the European Parliament on 15 thematic points, from proposing a new common definition on the subject of "organised crime" to strengthening confiscation instruments through the public and social re-use of assets. This network aims to bring the fight against serious and organised crime and corruption to the centre of the European debate. The CHANCE network represents a new opportunity to address these criminal phenomena, parasites of society and the economic system, with new strategic directions that start from sharing innovative tools and good practices, without neglecting dialogue with the institutions of reference.

In particular, the promotion of public and social re-use of criminal assets is a central

objective of the Political Agenda and, at the same time, of the activities carried out by the network. This encourages in-depth exploration and discussion of the topic in the programming and institutional context.

The Political Agenda and the promotion of the public and social re-use of confiscated assets in Europe

The political agenda of CHANCE aims to strengthen the fight against organised crime and corruption throughout Europe with the European institutions to:

- share the need to implement common work on the social and cultural level;
- propose new tools to improve the perception of the criminal and mafia phenomenon;
- support the growth of a civil society network, based on the promotion of social justice and the fight against organised crime and corruption, capable of interacting with national and European institutions.

The agenda, composed of 15 political points, focuses specifically on promoting the re-use of confiscated assets for public and social purposes, indicating some actions to be implemented so that this good practice is increasingly widespread and practised in and outside the European Union.



That is why we call for strengthening the fight against organised crime and the confiscation of criminal assets. Based on the new Regulation 1805/2018 for the mutual recognition of freezing and confiscation orders and Directive 42/2014, we ask to:

1 push for the harmonisation of rules against organised crime at the European level, in line with the European Commission's European Agenda on Security (July 2017), with a specific focus on promoting the public and social re-use of criminal assets, both directly and indirectly;

2 strengthen the ARO – Asset Recovery Offices – platform to be able to provide any relevant economic and financial information on natural and legal persons for judicial purposes;

3 strengthen the AMO - Asset Management Offices - platform as a key tool to encourage the exchange of knowledge and good practices on the management of seized/confiscated assets;

4 encourage the provision and use of non-conviction-based confiscation measures, – including asset prevention, – with a specific Directive that includes due process guarantees;

5 set up a fund dedicated to the re-use of confiscated assets through Cohesion Policies in 2021-2027 programming, encouraging the creation of a European strategy for public and social allocation of criminal assets.

PUBLIC AND SOCIAL RE-USE OF ASSETS CONFISCATED FROM MAFIA GROUPS

Twenty years after the United Nations' Palermo Convention was adopted, we must stop and think what has Europe achieved in the fight against organised crime? We must duly consider and assess the important instruments put in place so far, such as Directive 2014/42, on the freezing and confiscation of instrumental assets and proceeds of crime in the European Union. Since its first hearing in the European Parliament in 1997, Libera has always believed that repression should be complemented by a greater involvement of civil society. This is why, from the outset, we have supported introducing of the possibility of re-using confiscated assets for public and social purposes throughout Europe, not only for the Member States.

With the European network CHANCE - Civil Hub Against organised Crime in Europe, we want to shout loudly that it's time to move!

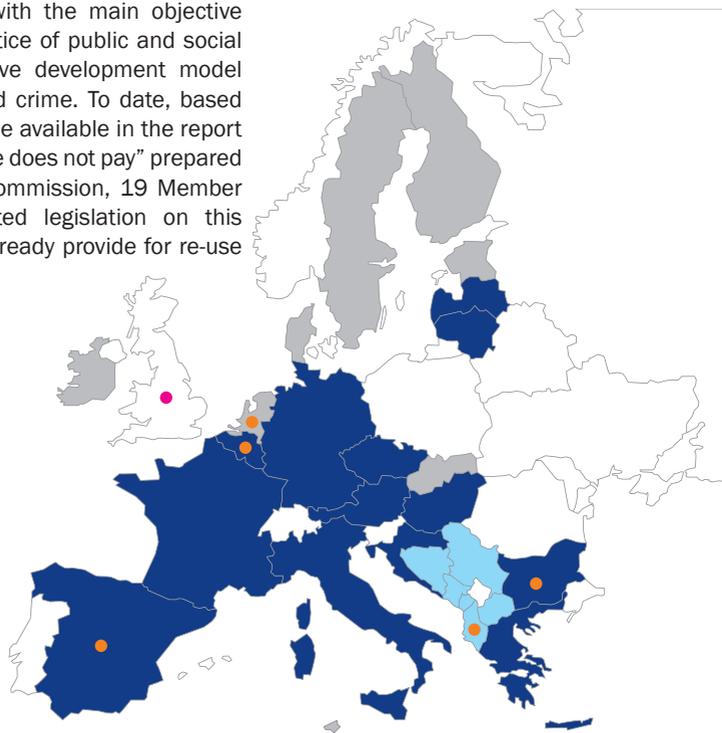


WE ASK TO

- 1** push for the harmonisation of rules against organised crime at European level, in line with the European Commission's European Agenda on Security, with a specific focus on promoting the public and social re-use of criminal property, both directly and indirectly
- 2** strengthen the ARO – Asset Recovery Offices – platform to be able to provide any relevant economic and financial information on natural and legal persons for judicial purposes
- 3** strengthen the AMO - Asset Management Offices - platform as a key tool to encourage the exchange of knowledge and good practices on the management of seized/confiscated assets
- 4** encourage the provision and use of non-conviction-based confiscation measures, – including asset prevention, – with a specific Directive that includes due process guarantees
- 5** set up a fund dedicated to the re-use of confiscated assets through Cohesion Policies in 2021-2027 programming, encouraging the creation of a European strategy for public and social allocation of criminal assets

The European report on legislation and cases of the public and social re-use of confiscated assets in Europe

Libera's and the European CHANCE network's advocacy have increasingly become concrete actions, with the main objective of making the practice of public and social re-use an alternative development model to that of organised crime. To date, based on official data made available in the report "Ensuring that crime does not pay" prepared by the European Commission, 19 Member States have adopted legislation on this subject, and four already provide for re-use practices:



Countries where legislation on the public and social re-use of confiscated assets exists

19 EU COUNTRIES

Belgium, Bulgaria, Czechia, Germany, Greece, Spain, France, Croatia, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Austria, Poland, Portugal, Romania, Slovenia

BALKAN COUNTRIES 5 NON-EU COUNTRIES

Albania, Bosnia and Herzegovina, the Republic of North Macedonia, Montenegro, and Serbia.

Countries where direct public and social re-use practices exist

● Spain, The Netherlands, Albania, Belgium, Bulgaria

Countries where indirect public and social re-use practices exist

● United Kingdom

Countries where re-use is not regulated in national legislation

Denmark (non ha neanche sottoscritto la direttiva), Estonia, Finland, Malta, Slovakia, Sweden, The Netherlands (non ancora), Ireland

Red Alas and its commitment in Latin America

What does the law state?

Legislation in Latin American countries include notions very similar to seizure and confiscation, called "incautación" and "decomiso". The majority of countries, including Argentina, Bolivia, Colombia, Guatemala, Mexico, Paraguay and Peru, have introduced them into their legal systems since the 1980s, as a strategy to combat the expansion of organised crime, including in economic and financial terms.

In the absence of specific regulations that typify the crime of "mafia-type criminal organisation" and the consequent expropriation of assets, seizure and confiscation in Latin America apply to movable and immovable assets of illicit origin, linked to particularly serious crimes such as drug or human trafficking, federal crimes, or more generally in the cases attributable to organised crime, as described in the Palermo Convention of 2000.

After the final confiscation, assets are acquired by the state, which can destroy them (as it happened with the famous villa/castle of Pablo Escobar in Medellin), sell them at auction or allocate them for a public function. To date, there are a small number of "extemporaneous" experiences of social re-use on the continent, which have been promoted thanks to the commitment of some magistrates and their ability to give an extensive interpretation to the current legislation.

Also through the action of Libera's international sector, in the last decade, we have witnessed a growing interest by associa-

tions and collectives of victims and family members in the Italian experience of social re-use of confiscated assets, which they consider a model to be replicated as an instrument of restorative and transitional justice. In particular, it was very useful to invite Latin American delegations to experience the re-use promoted in Italy in person.

This interest is particularly vivid within Red ALAS - América Latina Alternativa Social, the Latin American network promoted by Libera, comprises over 60 organisations from 12 countries of the continent.

In particular, at the last network meeting, a working group was established, which aims to develop a communication strategy, actions and projects to promote research and training on the social use of confiscated assets in Latin America.

A first concrete result achieved in this regard was the inclusion of the principle of the social re-use of assets confiscated from organised crime in the Constitution of the State of Mexico City, which entered into force in 2018, after the capital had become, in 2016, the 32nd State of the Republic of Mexico.

Art. 43 of the Constitution of the State of Mexico City

The authorities will adopt administrative, legislative, budgetary and judicial measures to [...] rehabilitate the victims, executioners and those affected by criminal violence, dismantle the asset structure of organised crime, guarantee the social re-use of seized and confiscated assets through a final ruling as well as the safeguarding and return of the victims' assets.

2021 will see important news in Argentina and Colombia.

Argentina: the project “Bien Restituido – para el desmantelamiento patrimonial del crimen organizado y el fortalecimiento de la sociedad civil”, financed by the European Union, sees Libera as project leader together with three Argentine organisations belonging to Red ALAS. It will last 4 years and aims to promote the approval of organic legislation on the social re-use of confiscated property and to accompany the first concrete re-use experiences, which will be carried out after the new law takes effect.

Colombia: the final report of the Truth Commission, which will be published in June, will recommend the possibility of allocating confiscated assets for social re-use. The Red ALAS organisations in Colombia are working, along with Libera, with a group of members of the Lower Chamber and Senate to draft a law to present in parliament in the wake of the recommendation issued by the Truth Commission.



Chapter 7

Libera Terra

Business as a tool to restore dignity for territories and people

Libera Terra is an entrepreneurial project based on cooperation which was established with the support of the association Libera. Associazioni, nomi e numeri contro le mafie. Today, Libera Terra brings together nine social cooperatives and a consortium that is also a social and non-profit cooperative. Social and agricultural cooperatives manage land and real estate confiscated from mafia groups in Sicily, Calabria, Puglia and Campania. They involve organic farmers in Southern Italy who share their principles in their recovery.

Libera Terra’s ultimate goal is to restore dignity, value and beauty to gorgeous but difficult territories, through the recovery of assets confiscated from mafia groups, to create economically healthy cooperative businesses able to generate employment and wealth spillover, and to produce quality agri-food products obtained with eco-friendly and human-friendly methods. Through these activities, Libera Terra aims to promote a virtuous and sustainable economic system based on legality, social justice and the market.

Thanks to Libera Terra’s activities over the years, cultivating land removed from organised crime and creating quality organic products has thus become a tool to stimu-

late social, economic and cultural change in territories historically characterised by a strong presence of organised crime.

Libera Terra project guidelines, milestones and stakeholders

In 2000, Libera supported the creation of Libera Terra to promote the practical implementation of Law 109 of 1996 and demonstrate that re-using confiscated assets could be a great opportunity for economic development, employment and redemption of territories oppressed by mafia groups.

The project sets out some guidelines to follow to enhance the territories in which the Libera Terra cooperatives operate:

- **Quality:** both in the production and management processes of cooperatives and Libera Terra agri-food products.
- **Excellence:** intended as a guidepost for continuous improvement.
- **Organic production:** Libera Terra cooperatives cultivate on lands confiscated for pre-established periods of time that are limited to the period of management. That is, these lands are common assets assigned to them only for a given time. Therefore, it is crucial for the organic method to be used, as it not only avoids depleting these lands,

but also increases their value for future generations.

- Sustainability: in terms of the Libera Terra cooperatives' social, environmental and economic activities.
- Involvement: meant as a continuous effort towards involving local communities in re-use of confiscated assets and action aimed at ensuring broader impact of benefits to the community;

- Continuous monitoring of activities.

The first Libera Terra cooperative was founded in 2001, named after Placido Rizzotto, a Corleonese trade unionist killed by the mafia in 1948. The cooperative was entrusted with assets confiscated from the mafia in the Municipalities of Alto Belice Corleonese, Palermo province, gathered in the Consorzio Sviluppo e Legalità.



2001
Cooperativa Sociale
Placido Rizzotto
San Giuseppe Jato (PA)



256

HECTARES
MANAGED



17

FINANCING
MEMBERS

4

VOLOUNTARY
MEMBERS

9

WORKING
MEMBERS



22

NON-MEMBER
WORKERS



3

E!STATE LIBERI!
WEEKS

WHEAT
TOMATO
OLIVES
GRAPES
CHICKPEAS
LENTILS
RED PEAS

LANDMARK PROJECTS 2020

donation of food products to the Civil Protection of San Giuseppe Jato during the COVID-19 health and social emergency; promotion of the territory and its memory with activities aimed at the knowledge and enhancement of the Garden of Memory, a confiscated asset managed by the municipality of San Giuseppe Jato, site of the tragic killing of the child Giuseppe Di Matteo; moments of study and reflection on the massacre of 1 May 1947 in Portella della Ginestra; daily activities aimed at enhancing the work carried out by Libera Terra in the Alto Belice region.



The first Libera Terra product, pasta, was launched in 2002, followed throughout the years by many other products. At the same time, other Libera Terra cooperatives were born: Valle del Marro cooperative in Calabria (2004), Pio La Torre cooperative in Sicily (2007), Terre di Puglia cooperative (2008),

Beppe Montana cooperative in Sicily (2010), le Terre di Don Peppe Diana cooperative in Campania (2010), Rosario Livatino cooperative in Sicily (2012), Terre Joniche cooperative in Calabria (2013) and Rita Atria cooperative in Sicily (2014).



2004
Cooperativa Sociale
Valle del Marro Libera Terra
Polistena (RC)



100

HECTARES
MANAGED

HOT
CHILLI
PEPPER
OLIVES
CITRUS
KIWI
DURUM
WHEAT



0

FINANCING
MEMBERS

1

VOLOUNTARY
MEMBERS

5

WORKING
MEMBERS



23

NON-MEMBER
WORKERS



4

ESTATE LIBERI!
WEEKS

LANDMARK PROJECTS 2020

“Immigrazione, lavoro e integrazione: le coop degli uomini liberi” (Immigration, work and integration: the coop of free humans - project for job placement, care and reception for 7 African immigrants from the Piana di Gioia Tauro);

“Sensibilizzazione studenti sul contrasto alle mafie: Soggiorni Cooperative Sociali Beni confiscati” (Sensitisation of students on the fight against mafia groups: Stays at Social Cooperatives on Confiscated Assets), organised by the Department for Human, Financial and Instrumental Resources of the Ministry of Education and the Parliamentary Anti-Mafia Commission; Erasmus+ “Réseau Européen de promotion d’alternatives économiques et sociales face à la grande criminalité” (European Network for promotion of economic and social alternatives against major crime), with French association Crim’HALT (objective: to transfer to foreign participants knowledge and skills related to good practices in the social use of assets confiscated from the mafia).



2008
Cooperativa Sociale
Terre di Puglia Libera Terra
Mesagne (BR)



85

HECTARES
MANAGED

PURPLE
ARTICHOKE
TURNIPS
OLIVES
WINE
HONEYDEW
MELON
BROCCOLI
WHEAT
TOMATO



3

FINANCING
MEMBERS

3

VOLOUNTARY
MEMBERS

5

WORKING
MEMBERS



15

NON-MEMBER
WORKERS



0

ESTATE LIBERI!
WEEKS

LANDMARK PROJECTS 2020

Last year, the project “Dalle agromafie all’agricoltura sociale” (From agrimafias to social agriculture) was launched. It won the call for tenders “Cantieri di antimafia sociale” (Social Anti-Mafia Workshops) of the Puglia Region: a social agriculture school in which about twenty girls and boys experience new visions of sustainable, ethical and innovative agriculture.



2007
Cooperativa Sociale
Pio La Torre
San Giuseppe Jato (PA)



180

HECTARES
MANAGED

CEREAL
LEGUMES
GRAPES
VEGETABLES
OLIVES



3

FINANCING
MEMBERS

4

VOLOUNTARY
MEMBERS

8

WORKING
MEMBERS



10

NON-MEMBER
WORKERS



0

ESTATE LIBERI!
WEEKS

PROGETTI SIGNIFICATIVI 2020

Creation of “Conosciamo Libera Terra e il Territorio” (Getting to Know Libera Terra and the Territory) project with a local school.



2010
Cooperativa Sociale
Beppe Montana Libera Terra
Lentini (SR) - Belpasso (CT)



90

HECTARES
MANAGED

ORANGES
LEMONS
OLIVES
EGGPLANTS
TOMATOES
PEPPERS
ZUCCHINI
WHEAT



0

FINANCING
MEMBERS

0

VOLOUNTARY
MEMBERS

4

WORKING
MEMBERS



3

NON-MEMBER
WORKERS

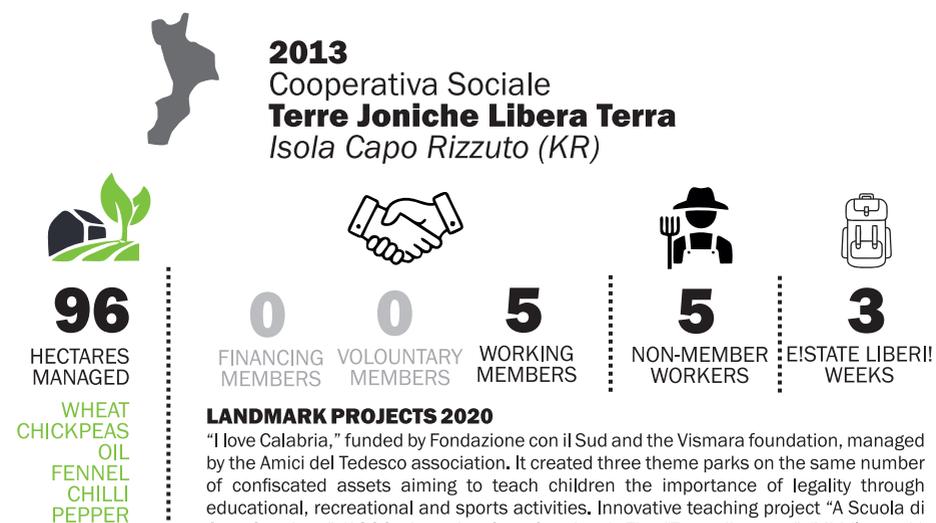
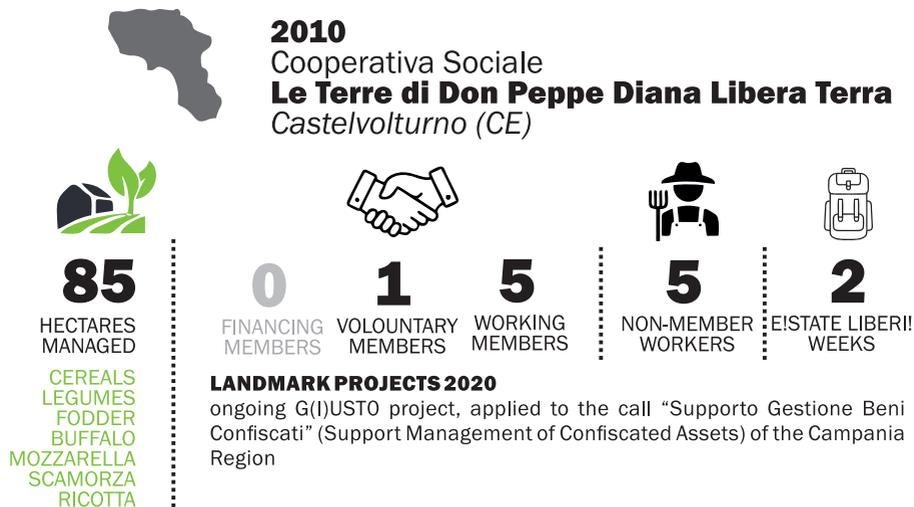


2

ESTATE LIBERI!
WEEKS

LANDMARK PROJECTS 2020

A project has been implemented for the employment of inmates in the Augusta Prison





Libera Terra cooperatives are class B social cooperatives, all established by public tender, which temporarily manage assets seized and/or confiscated from mafia groups (usually concessions of 20-30 years), largely consisting of agricultural land.

The decision to establish the cooperatives by public tender was taken to meet a dual objective. One was public evidence in the procedures for the allocation of confiscated assets, initially not provided for by the legislation. The other was to ensure maximum openness and transparency in local communities' involvement in the projects for re-use of the assets.

Libera Terra cooperatives are, therefore, the heart of the entire project. They are the operational tool through which groups of people come together to undertake an entrepreneurial path with strong ethical and social characteristics and a great impact on the territory through the social and productive re-use of assets removed from mafia groups. Moreover, because they are agricultural businesses, their main specific activity is recovery and cultivation of the lands assigned to them. Their ordinary social activities are carried out in close contact

with Libera's local and associative network and fully assume the association's values: remembrance and commitment in memory of Mafia's innocent victims, training courses with schools and informal groups, active participation in national and local events as well as the organisation of E!State Liberil! commitment and training camps.

In 2006, some important cooperatives, mostly members of the Legacoop Bologna cooperative association, supported the establishment of *Cooperare con Libera Terra – Agenzia per lo sviluppo cooperativo e della legalità* (Cooperate with Libera Terra – Agency for cooperative development and legality), an association for cooperative development and legality. The association was founded with the aim of consolidating and supporting the economic-entrepreneurial development of Libera member cooperatives that manage assets confiscated from mafia groups, through the sharing of skills and expertise of associated bodies.

Libera Terra Mediterraneo was born in 2008. It is a consortium, a non-profit social cooperative, which brings together Libera Terra cooperatives along with other operators sharing its values and objectives.



2008
Consorzio
Libera Terra Mediterraneo
Sede San Giuseppe Jato (PA)

PROMOTED PRODUCTION

PASTA
WINE
OIL
FLOURS
SHORTBREAD
LEGUMES
CEREALS
PRESERVED FOOD
PATE
BUFFALO MOZZARELLA
SCAMORZA
RICOTTA
JUICE
SPIRITS
FRUIT
VEGETABLES
IN SEASON

4

FINANCING MEMBERS



5

DONATING MEMBERS

5

NON-DONATING MEMBERS



18

PERMANENT WORKERS

LANDMARK PROJECTS 2020

"10% per te, 10% alla comunità" (10% for you, 10% to the community): from 22 March to 22 April donation equal to 10% of the turnover of online sales to the COVID-19 hospital of Palermo;

23 April/24 May donation equal to 10% of the turnover of online sales of Centopassi wines in favour of the communities of San Cipirrello and donation equal to 10% of the turnover of online sales of Hisotelaray wines donated to the community of Mesagne; sustainable tourism groups with schools until February 2020 + adults in summer: total 854 students and 100 adults;

activities with Libera coordination groups to finance the expenses for one association's volunteer during school outings; support to project "Vivi la memoria" (Live Remembrance) with a percentage of sales of Christmas gifts that brought a donation of 22,496 euros.

The consortium was established with the aim of pooling the agricultural activities of Libera Terra cooperatives, enhancing their production, and entering the market jointly and effectively. Therefore, Libera Terra Mediterraneo coordinates the cooperatives' production activities and follows the transformation of agricultural raw materials into finished products, taking care of all phases

of product development, from conception to marketing, seed-to-shelf.

The production and marketing of products with a great value-price ratio, ensuring repeat purchases by the customers, enables Libera Terra's sustainability, generating employment and dissemination of a virtuous economic system.

Chapter 8

E!State Liberi!

Engagement and training camps on assets confiscated from mafia

Libera has created a direct and real action that, through the participation of thousands of people, has become an important tool to combat mafia organisations: E!State Liberi! - summer camps - engagement and training camps on confiscated assets.

E!State Liberi! summer camps are an all-encompassing training experience, where young people from all over Italy and/or abroad have a real opportunity to spend a week (or more) of their summer on a journey of experience on land and assets once owned by bosses and now re-used for social

purposes by associations and cooperatives. From assets confiscated from mafia groups to venues of civil and social engagement, participants have the opportunity to experience sharing, exchange, training and real engagement.

E!State Liberi! camps are, therefore, part of Libera's daily action and its network throughout Italy, with the aim of strengthening existing projects and enhancing and illuminating their positivity while generating new activism routes.



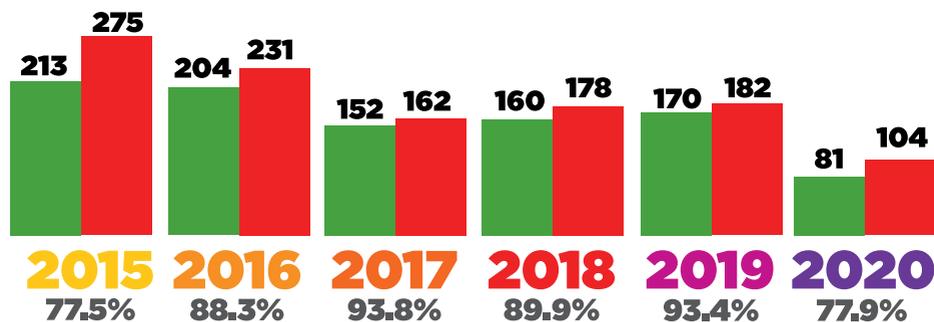
Thanks to the commitment of many Libera volunteers every year, the camps run throughout Italy in 60 locations across 14 regions. From the Piana di Gioia Tauro on the properties confiscated from the Ndrangheta, to the lands once belonging to the bosses

Brusca and Riina in Sicily, through Puglia on the estates confiscated from the Mafia families of the Sacra Corona Unita, to the assets of the Camorra clans, to the Ndrangheta's hidden treasures in Lombardy and Piedmont.



This offer takes into account all types of participation, differentiated with dedicated proposals: camps for minors, adults and groups. The first two types are dedicated to individual participation. The last, on the other hand, is reserved for pre-established groups such as scout groups, parish groups, associations, etc.

Since 2005, the summer camp commitment has grown, reaching all regions of Italy and also experimenting with training proposals aimed at an international audience. In particular, since 2015, more and more managing organisations of confiscated assets have decided to host training experiences:



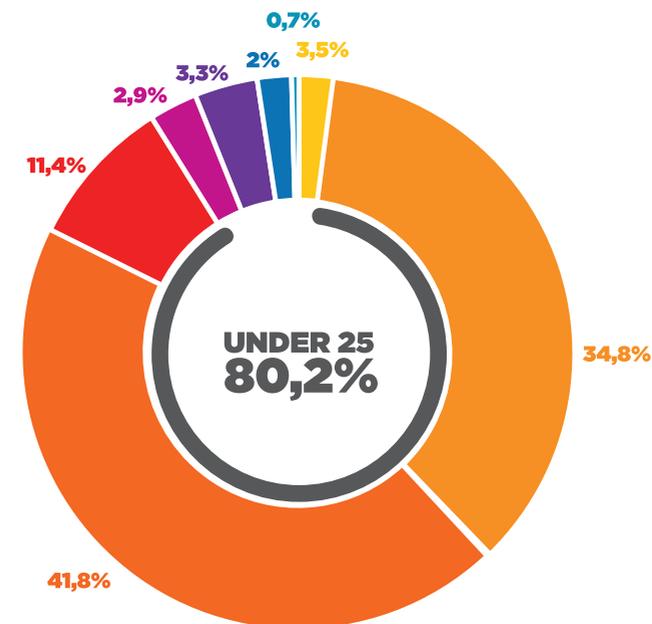
2020 was a complex year, which required a total rethinking of the summer experience, from a logistical and educational point of view. Participants in the activated engagement and training camps have discovered and experienced the social value of all those assets recovered from mafia groups that have become clear evidence of local solidarity chains: they have been preparing meals to deliver to people in quarantine,

organising online lessons and educational moments for students and young people, activated listening and assistance services aimed at all those living in need and poverty.

More than 870 participants have chosen to spend some of their free time with Libera. Most of them, 8 out of 10, are students between the ages of 14 and 25.

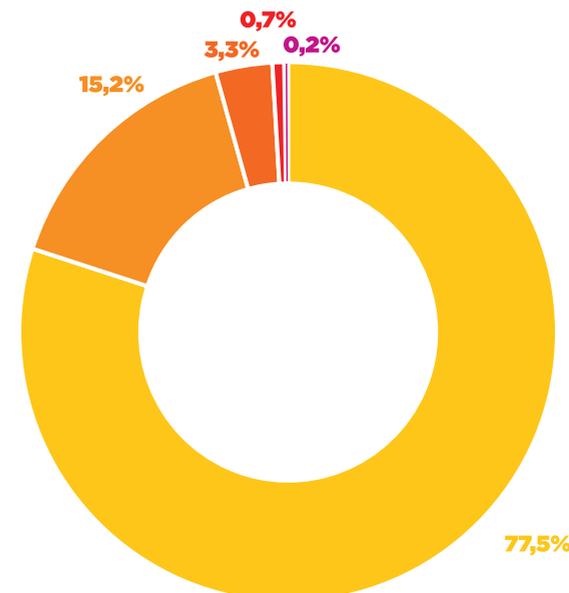
AGE

- **UNDER 14**
31 | 3.5%
- **14-17**
305 | 34,8%
- **18-24**
367 | 41,8%
- **25-34**
100 | 11,4%
- **35-44**
25 | 2,9%
- **45-54**
29 | 3,3%
- **55-64**
14 | 2%
- **OVER 65**
6 | 0,7%



OCCUPATION

- **STUDENT**
77,5%
- **WORKER**
15,2%
- **UNEMPLOYED**
3,3%
- **PENSIONER**
0,7%
- **CLERGY MEMBER**
0,2%



Participants in the Commitment and Training Camps are immersed in daily, wide and participatory mobilization. This involves Libera's coordination and local groups, social cooperatives, and associations and realities active in their network. Participating means being part of a movement seeking the transformation of territories and places where mafia groups and criminal powers operate. It means proposing an alternative social, environmental, cultural and economic model. In this context, confiscated assets are the engine of territories' physical and social transformation. Once a symbol of mafia power, they are transformed to become common assets available to the community and meeting its needs. They become places where clean work, respect for people and the environment, rights, solidarity and social inclusion are the pillars of a new structure.

We believe that this challenge is in step with the times in both Italy and Europe. Its social commitment and co-responsibility supports police and judicial action. Organised crime has crossed every geographical border, permeating the international scene at all levels. Therefore, we must shape a new notion of responsible civil society able to culturally op-

pose mafia violence, also at the European and international levels.

Hence, Libera enhances cultural and educational processes that involve other countries in addition to Italy. Indeed, increasingly more young people join the camps from abroad, also thanks to Libera's activity in Europe and to its collaboration with groups operating in other countries: Belgium, France, Germany, the Balkan area, the USA, just to mention a few places of origin of E!State Liberi! participants. In 2019 alone, almost 100 foreign participants chose Libera's camps in Italy. They met people and heard stories from the host territories. They genuinely supported the social re-use paths of confiscated assets, learning how this can be achieved through direct testimonials. The daily training activities also allowed understanding of the links between Italian mafia groups and international contexts and criminal environments.



“ Now that I am at home, I realise how the behaviours that have allowed so much harm to be done to those places are deeply rooted here too. Indifference to what is public and common endangers everyone's happiness. We can only reverse this trend by talking about it and encouraging those around us to reflect, starting with ourselves. The volunteering camp made me realise that the individual's happiness depends on the well-being of the community. Once that is understood, commitment to the community is no longer a difficult duty or a hobby, but rather one of the elements that allow us to live really well with ourselves.

Federico, Milan
CastelVolturno camp



References

Benelitalia - Quaderni di Libera con Narcomafie Economia, welfare, cultura, etica: la generazione di valori nell'uso sociale dei beni confiscati alle mafie, edited by Riccardo Christian Falcone, Tatiana Giannone, Francesco Iandolo, i quaderni di Libera with Narcomafie, 2016

Dalle mafie ai cittadini. La vita nuova dei beni confiscati alla criminalità, by Toni Mira, Alessandra Turrisi, San Paolo Edizioni, 2019

Politiche integrate di sicurezza. Tutela delle vittime e gestione dei beni confiscati in Campania, edited by Vittorio Martone, Carocci, 2020

RimanDATI. Il primo Report nazionale sullo stato della trasparenza dei beni confiscati nelle amministrazioni locali, edited by Riccardo Christian Falcone, Leonardo Ferrante, Tatiana Giannone, Gerardo Illustrazione, Vittorio Martone, Luca Mennella, Libera, 2021

Beni Confiscati. 25 anni dopo, una sfida ancora da vincere, instant book edited by VitaASud, 2021

Web References

www.libera.it
www.confiscatibene.it

www.benisequestraticonfiscati.it
www.opencoesione.it
www.camera.it/leg18/99?shadow_organo_parlamentare=3014
direzioneeinvestigativaantimafia.interno.gov.it
www.fondazioneconilsud.it/interventi/bandi-e-iniziative/beni-confiscati/
www.avvisopubblico.it/home/home/cosa-facciamo/informare/documenti-tematici/beni-confiscati/
www.agenziacoesione.gov.it/lacoesione/le-politiche-di-coesione-in-italia-2014-2020/strategie-delle-politiche-di-coesione/strategia-nazionale-per-la-valorizzazione-dei-beni-confiscati-at-traverso-le-politiche-di-coesione/



25 years ago, LIBERA was born to meet a need for justice, to quench or at least mitigate a thirst for truth. It was born to build paths of hope and change. It was born to not leave alone those whose lives were broken by mafia violence, for all those who are engaged in combatting organised crime and the corruption that makes it possible.

Libera is a story of meeting and exchange. Libera is a network of over 1,600 national and local associations, movements and groups, cooperatives, schools, dioceses, parishes and scout groups involved in a commitment not only “against” mafia groups, corruption, crime and those who feed them, but strongly “for” social justice, the search for truth, protection of rights, transparent politics, a democratic legality based on equality, a living and shared memory and an active citizenship that lives up to the spirit and hopes of the constitution.

It is present throughout Italy in 20 regional groups, 83 provincial groups and 289 local groups. 80 international organisations belong to the Libera Internazionale network, in 35 countries in Europe, Africa and Latin America.

More than 4,000 young people participate in the commitment and training camps on confiscated assets every summer. About a thousand of them animate environmental protection projects in collaboration with the Carabinieri’s Forest Rangers Corps. More than 5,000 schools and university faculties are engaged together with Libera in the construction and implementation of training and education courses on accountability and democratic legality, with the involvement of thousands of students and hundreds of teachers and university professors.

Libera is a shared and responsible archive thanks to the families of the mafia’s innocent victims, who strive to keep the ideals and dreams of their loved ones alive.

Libera creates projects and paths toward social justice and the dignity of persons with the conviction that a shared commitment is required to achieve them.

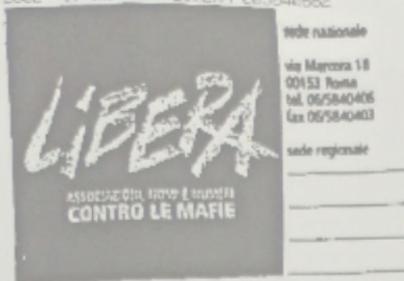
Libera has always been a means, not an end: the purpose is a daily commitment to free the country from mafia groups, corruption and illegality.

In a word: freedom

22. GEN. 2002 17:28

LIBERA 065840662

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PETIZIONE POPOLARE



Al Presidente del Senato
sen. Carlo Scognamiglio

Al Presidente della Camera
on. Irene Pivetti

Vogliamo che lo Stato sequestri e confisci tutti i beni di provenienza illecita, da quelli dei mafiosi a quelli dei corrotti. Vogliamo che beni mobili e beni immobili confiscati siano rapidamente conferiti, attraverso lo Stato e i Comuni, alla collettività per creare lavoro, scuole, servizi, sicurezza, lotta al disagio.

Già oggi esiste la legge 575 del 31/5/1965 che regola le procedure di sequestro e di confisca dei beni di provenienza illecita. Esse tuttavia sono macchinose, specie nel momento in cui occorre destinare il bene confiscato ad attività sociali, e non capaci di tutelare l'impresa e l'occupazione nel caso di aziende sequestrate e confiscate.

Noi sottoscritti: proponiamo la modifica della legge 575/65 e in particolare chiediamo:

1) di istituire presso ogni prefettura un fondo per attività di risanamento delle periferie, di lotta al disagio, di educazione alla legalità e di promozione di impresa per giovani disoccupati ai sensi della legge 44/85, da alimentare con i beni mobili confiscati o con proventi della vendita di beni immobili improdut-

UN MILIONE DI FIRME PER CONFISCARE I BENI AI MAFIOSI E AI CORROTTI. USARLI PER CREARE LAVORO, SERVIZI, VIVIBILITA'

tivi e di aziende; a tale fondo possono accedere enti locali, associazioni, gruppi sulla base di progetti concreti;

2) di conferire rapidamente ai Comuni e eventualmente, attraverso loro, a comunità, enti, associazioni del volontariato, cooperative, associazioni culturali e sportive i beni immobili confiscati destinandoli a finalità sociali, salvo quelli necessari allo Stato per esigenze di pubblica sicurezza, pubblica istruzione, difesa, sanità e protezione civile;

3) di estendere la Cassa Integrazione ai dipendenti delle aziende sequestrate e confiscate e di poter nominare come amministratori di queste aziende anche persone di particolare esperienza come già previsto dalla legge Prodi (legge 95/79) per le aziende in crisi.

Chiediamo infine che tutte le proposte di legge riguardanti la confisca dei beni ai mafiosi e ai corrotti e il loro utilizzo a fini sociali vengano messe al più presto all'ordine del giorno dei lavori della Camera e che l'iter per la loro approvazione sia il più breve possibile.

nome e cognome

indirizzo

firma



Libera.

Associazioni, nomi e numeri contro le mafie

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