

Munari and Rovelli Settlements / Vittorio Metta (Judge) / IMI Bank Case

Case ID:

ARW-141

Jurisdiction of Origin of Public Official or Entity Allegedly Involved:

Italy

Position of Public Official(s) (yrs in office):

Court of Appeals Judge (Metta, inclusive 1990)

Jurisdiction of Asset Recovery:

United States

Jurisdiction of Asset Recovery ? Description:

Undertaking Recovery Effort, Location of Recovery Effort, Asset Location / Alleged Asset Location

Asset Recovery Start:

2007

Asset Recovery End:

2007

UNCAC Offenses Implicated:

Art.15

Art.17

Art.19

Art.23

Money laundering Implicated:

Yes

Legal Basis for Asset Recovery:

Non-Conviction Based Confiscation

Intl.Cooperation: MLAT/Letter of Request?:

MLAT

Contributing Factors in Asset Recovery:

Cooperation by the U.S. and Italian authorities and sharing of information which enabled the U.S. to link successfully the assets to the defendants although the underlying criminal offenses had taken place over a decade prior to the filing of the complaint for civil asset forfeiture. (Source: Researcher interview, U.S. Immigration and Customs and Enforcement, December 2010.)

Status of Asset Recovery :

Completed

Stage in Asset Recovery Chain:

Assets Returned to Victim or Requesting Jurisdiction

Agreement for Returned Assets:

No

Agreement for Returned Assets - Description:

N/A

Case Summary:

In November 2007, the United States District Court for the Southern District of Florida issued

a Final Judgment of Forfeiture against a number of bank and securities accounts, as proceeds, property traceable to proceeds and property involved in foreign public corruption offenses, fraud against a foreign bank, U.S. money laundering offenses, and violations of 18 U.S.C. section 2314 (transportation of stolen goods, moneys, etc.) The judgment followed settlement agreements by the U.S. and (1) Pier Francesco Munari and Concejo de Capital Hanne, CCH, S.A. and (2) Oscar Rovelli, Angela Rovelli and Primarosa Battistella in which the individuals agreed to forfeit their interests in the properties to the United States in order that the United States could return the properties to Italy for the resolution of pending Italian legal proceedings against them. According to the U.S. Government complaint, the money laundering scheme involved shell entities or their financial accounts being "set-up in numerous foreign countries, including, but not limited to, the United States, British Virgin Islands, the Cayman Islands, Guernsey, Jersey, Switzerland, Luxembourg, Liechtenstein, Singapore, the Cook Islands, and Costa Rica. Eventually, portions of the fraudulently obtained IMI monies held by these MUNARI controlled entities found their way into financial accounts located in the United States." The U.S. returned \$122 million to Italy to an escrow account established by an Italian court which had ordered restitution for the victim bank. (Sources: U.S. v. Proceeds of Crime Transferred to Certain Domestic Financial Accounts, Case No. 07-21791-civ-UU (S.D. Fla.), Verified Complaint for Forfeiture In Rem filed on July 17, 2007 and Final Judgment of Forfeiture filed November 21, 2007); U.S. Department of Justice Press Release, "Money Laundering Forfeiture Complaint Filed against \$110 million in Proceeds from Italian Public Corruption Offenses," July 16, 2007; Researcher phone interview with investigator, U.S. Immigration and Customs and Enforcement, December 2010.)

Disposition of Criminal Case(s):

According to the U.S. civil forfeiture complaint, in May 2006, the Italian Supreme Court affirmed Mr. Metta's conviction for "bribery in judicial acts." (Source: U.S. v. Proceeds of Crime Transferred to Certain Domestic Financial Accounts, Case No. 07-21791-civ-UU (S.D. Fla.), Verified Complaint for Forfeiture in Rem (filed July 17, 2007).

Jurisdiction of Origin: Courts Involved:

Supreme Court; Court of Appeal (Rome); Italian Tribunal (Rome)

Jurisdiction of Asset Recovery: Investigative Agency:

Immigration and Customs Enforcement, Office of Investigations in Miami; Department of Justice Criminal Division's Office of International Affairs and the Justice Department's Attaché in Rome; Immigration and Customs Enforcement Attaché in Rome.

Jurisdiction of Asset Recovery: Prosecuting Authority/Civil Attorney(s):

Department of Justice, Criminal Division, Asset Forfeiture and Money Laundering Section; U.S. Attorney's Offices for the Southern District of Florida, Asset Forfeiture Division; U.S. Attorney's Offices for Southern District of California, District of New Jersey and Southern District of New York (ex-parte restraint orders)

Jurisdiction of Asset Recovery: Courts Involved:

U.S. District Court for the Southern District of Florida

Documents:

Munari_US_Final_Judgment_Nov_20_2007.pdf

Munari_US_Justice_Dept_Press_Release_Jul_16_2007.pdf

Munari_US_Justice_Dept_Press_Release_Jul_16_2007.pdf

Documents Links:

http://www1.worldbank.org/finance/star_site/documents/arw/Munari_US_Fina...

http://www1.worldbank.org/finance/star_site/documents/arw/Munari_US_Just...

http://www1.worldbank.org/finance/star_site/documents/arw/Munari_US_Just...

Other Sources:

U.S. v. Proceeds of Crime Transferred to Certain Domestic Financial Accounts, Case No. 07-21791-civ-UU (S.D. Fla.), Verified Complaint for Forfeiture in Rem (filed July 17, 2007) and Final Judgment of Forfeiture (filed November 21, 2007);

U.S. Department of Justice Press Release, "Money Laundering Forfeiture Complaint Filed against \$110 million in Proceeds from Italian Public Corruption Offenses," July 16, 2007; Researcher interview, U.S. Immigration and Customs and Enforcement, December 2010.