

4. Fax message from Attorney Dr. Bratschi to Swiss Bank Union, on 11 June 1993, referring to a phone call and asking for the discussed bank guarantee in accordance to the Spanish form **No. 64**
5. Spanish form regarding the bank guarantee (provided by Attorney Torradabella on 10 June 1993 by fax) **No. 65**
6. Fax message from Attorney Dr. Bratschi to Attorney Torradabella, dated 11 June 1993, confirming the issuance of the bank guarantee by the Swiss Bank, coming into effect on 14 June 1993 **No. 66**

PHASE TWO: July 1993 - 1999

The theft

16. On 20 July 1993 Attorney Torradabella checked the depot of the garage “Motorauto Marbella S.L.” and had to notice, that all four Ferrari cars had disappeared. He immediately informed Attorney Marc Stucki. In a letter to Attorney Torradabella (on 21 July 1993) Attorney Stucki suggested to inform all judges of Marbella about the defalcation (and theft) of the Ferrari cars by the Italians, which was also an act against an official order of the Court of Marbella.

Attorney Stucki and his Spanish partners noticed that the garage “Motorauto Marbella” was shut down from one day to another and that Mr. Kelvin Fisher had disappeared. The Marbellan police was immediately informed about the theft of the cars.

A second criminal complaint was lodged at the Police Commissariat of Marbella on 21 July 1993. Attorney Jaime Torradabella declared at the Police that the four Ferrari cars, property of his client, had disappeared and that they were deposited by order of the Investigative Court No. 2 at its disposal at the firm “Motorauto Marbella”.

The police found out that the cars were transported to Lisbon by the tow truck’s owner Mr. Alvaro Ferreira Texeira on 6 July 1993. The person who ordered the transport was **Mr. Antonio Eladio Amaral de Santos** (Mr. Amaral was the administrator of the com-

pany **Milauto** in Marbella, which belonged to the group and family holding of Judge Pilar Ramirez, the sister of Attorney Juan Ramirez, the latter was representing Mr. Fisher. "Milauto" was managed by the Mafioso Gianni Meninno. According to the Spanish Police the company "**Milauto**" was involved in an international net of sales of luxury cars, which had been stolen in European countries (see my report on corruption in Marbella in this respect). Mr. Amaral is a Portuguese who was detained for a short time by the Marbellan Police. The Marbellan Police then had the impression that Mr. Amaral's participation was of minor importance, as he apparently hired the tow truck **as a favor to and on order of his friend Mr. Kelvin John Fisher.**

The tow truck's owner Mr. Alvaro Ferreira Texeira declared at the Marbellan Police, that he had received a phone call from Motorauto Marbella on 5 July 1993 from one of the three associates of the enterprise "Motorauto" to transport four vehicles to Portugal. His son then collected the four Ferrari cars and transported them to Lisbon, where they were handed over to Mr. Pedro Poyares (Poiares) at the Hotel Ritz. The company "Pierre Motors", belonging to Mr. Texeira, charged 425,000 Pesetas (ca. USD 3,500) for this transport. Mr. Texeira was able to provide the bill for "Motorauto Marbella" (dated 7 July 1993) to the Spanish Police. Mr. Kelvin John Fisher could not be localized by the Spanish Police according to the criminal complaint.

According to a fax message from Attorney Torradabella (on 30 July 1993) Interpol Madrid was asked for help as well as Interpol Lisbon on 29 July 1993. Additionally, the Spanish Embassy in Lisbon intervened at the Minister of Internal Affairs of Portugal.

Attorney Marc Stucki contacted Attorney J. P. Concalves Comes in Lisbon by fax (on 11 August 1993) and asked him to represent the interests of Mr. Friedli in Portugal. In this fax message Attorney Stucki informed Attorney Comes about the investigations of Interpol. A criminal complaint and penal claim to be filed at the Criminal Court of Lisbon was being prepared.

Letter to the Swiss Ambassador in Lisbon / 11 August 1993

In a letter on 11 August 1993 the Swiss Ambassador in Lisbon was contacted by Attorney Marc Stucki and asked for help. This letter gives a good overview about the happenings

in Marbella during the last two years. The letter of Attorney Stucki will, therefore, be summarized hereafter:

- Firstly, Attorney Stucki described in this letter the problems regarding the real estate property of Mr. Friedli in Spain. Mr. Friedli was the owner of a real estate property of 120'000m² at the "Costa de Sol". Its value was officially estimated at CHF 17 millions (about USD 11 millions). This real estate property was sold to the Italians in July 1991 (the ownership transferred in the cadastral register) but the purchase price was never paid by the Italians.
- A similar modus operandi was used with the Ferrari cars.
- In 1991 Mr. Friedli realized that the Italians were members of the Sicilian Mafia clan "Santapaolo". A first criminal complaint was filed in October 1991.
- The justice of Marbella was - probably due to bribery and threats by the Mafia - completely corrupted. The people of Marbella demonstrated several times against the Court of Marbella already. Despite of the intervention from "Sevilla" and from Madrid and despite of the arrests of several judges, the situation had not been improved.
- The Mafiosi were not satisfied in just not paying the purchase prices, but they also accused our client at court and used forged documents and self-produced contracts.
- Besides of our client, about a dozen of well honorable people from Spain and from abroad became the victim of the same gangsters, which often used a comparable modus operandi.
- The local newspapers informed about the activities of the organized crime in Marbella under the headline of "El Trama de Marbella".

Additionally, Attorney Stucki informed Ambassador Erich Lang, that the four Ferrari cars were judicially deposited at a garage from where they had got stolen. Mr. Friedli was right before receiving his cars back, after depositing a bank guarantee at the court of Marbella.

Based on first investigations by Interpol Marbella, the cars were stolen on 7 July 1993. The same night they were transported to Lisbon, where a Mr. Renato Poyares took them over. The keys of the cars were handed over to him in the Hotel Ritz in Lisbon. Mr. Poyares is