

## ***Corruption in Marbella, Spain***

### ***Connection between Marbellan Judges and the Mafia***

The attached evidence documents and newspaper articles prove:

- § that Mafia members were involved in the case.
- § the existence of an important organization to sell stolen luxury cars in Spain, particularly at the Costa del Sol, with Italian Mafia members linked to the case, which used car selling enterprises (“Milauto Marbella” and “Motorauto Marbella”) as one of their modus operandi.
- § the activities of corrupted lawyers (Juan Carlos Ramirez Balboteo [Rodriguez] and Diego Jimenez Balboteo, both representing Mr. Kelvin Fisher [from “Motorauto Marbella”) as evidenced by the Anti Corruption Prosecution and they were involved in this car trafficking net.
- § that the Dean Judge of Marbella Mrs. Pilar Ramirez favored her family and the city Mayor Jesus Gil y Gil, and there is evidence of this.
- § that “Motorauto Marbella” was linked to Attorney Juan Ramirez Balboteo (the brother of Dean Judge Pilar Ramirez) and to Mafia members.
- § that once the enterprise “Motorauto Marbella” “legally disappeared” “Milauto Marbella” appeared.
- § that “Motorauto Marbella” “legally disappeared” right after the four Ferraris were stolen and transported to Lisbon and when the legal problems began.
- § that “Milauto Marbella” is linked to the Ramirez Balboteo family and to Italian Mafia members.
- § that “Milauto Marbella” is recognized by the Spanish Police as a car trafficking enterprise.

- § that the sole administrator of “Milauto Marbella” (Antonio Eladio Amaral Santos) is the man who “ordered the transportation” of the four Ferraris to Lisbon (as a “favor” for his friend Kelvin Fisher, the administrator and manager of “Motorauto Marbella”)
- § that “Milauto Marbella” is linked to the very same people as “Motorauto Marbella” and is actually located in the same street in Marbella (Avenida Ricardo Soriano).
- § that Pilar Ramirez, the Dean Judge of Marbella, was corrupted and expelled from office because she gave benefit to her family and their businesses.
- § that the brother (Juan Carlos Ramirez Balboteo) and the cousin (Diego Jimenez Balboteo) of Dean Judge Pilar Ramirez were involved in the case, which appears on many of the court documents (regarding the Ferrari case).
- § that Dean Judge Pilar Ramirez made sure she "instructed" some of the cases (concerning her family and the Mafia partners) herself; and the way she acted with “Milauto Marbella”, in which her brother was involved, in this selling stolen cars business, was considered a crime by the Anticorruption Prosecutor (see article El Mundo from 23 February 2000 / attachment A10).
- § that the Mafioso applied the same modus operandi to other victims besides Mr. Friedli respectively Dr. Gerber (see attachment A13).

Additionally it is to point out:

- § that a lot of evidence about the corruption and the activities of the Mafia in Marbella was discovered after the court rulings in the Ferrari case from 1993, 1994, and 1995
- § that a serious judge would have most probably decided otherwise in 1993, 1994 and 1995 if he had known about the whole dimensions of the Mafia activities in Marbella, the corruption, the nature of the bogus company “Motorauto Marbella” and the role and character of Mr. Fisher, Mr. Giannino and their lawyers.

## Attachment A1

This article from 13 April 2006 in the newspaper SUR (The Newspaper for Southern Spain) gives a good overview about the corruption among public servants in Marbella during the 1990ies. The article makes clear that almost every public institution in Marbella was corrupt (court, mayor, police etc.), with the consequence that the national government of Spain had to intervene and enacted an Anticorruption Investigative Judge. The most important passages of the article are the following:

### Corruption at the Town Hall of Marbella 1991-2003

“The mayor of Marbella Jesus Gil was found guilty of embezzlement, the perversion of justice and the falsification of public documents and had to go to prison in January 1999. He was also disqualified from holding public office for 28 years. With a full-time team of expensive lawyers behind him, he managed to postpone the inevitable and hold on to office until May 2002, when Julian Muñoz was elected the new mayor of Marbella.”

“For a man who spent so little time as mayor of Marbella - 15 months - Julián Muñoz has the distinction of being the ex-mayor in Spain charged with the longest list of offences: about a hundred. Many of them, in fact, date from his time as deputy mayor at Marbella Town Hall. He was sentenced to various terms in prison in 2005, two years after having been ousted as mayor in a vote of no confidence by fellow-party member Marisol Yagüe.”

### The corrupt Justice system of Marbella from 1991-2001

“In Marbella, the justice system was somewhat tarnished by the suspicion that the decisions of some judges were influenced by factors other than the pursuit of justice. Such was the case of Judge Pilar Ramírez of Marbella, whose father, Juan Ramírez, was a civil servant in the Marbella courts. He had apparently gained power beyond his position in the system, and was the subject of a report by the famous Judge Baltasar Garzón in 1987. This report warned of the power and influence of the civil servant, who had acted as intermediary in a property deal involving the then vice-president of the General Council for Judicial Power, the highest judicial body in the land. In 1993, Marbella Judge Blanca Díez charged Ramírez with corruption and ordered him to be imprisoned. She, in turn, was accused of irregularities of form in the case, and a year later, was suspended by the Andalusian Superior Court of Justice. A year after that, the Supreme Court reinstated her.”

“In 1999, Judge Pilar Ramírez was declared unsuitable to be a judge by the General Council for Judicial Power and suspended for four years by the Supreme Court, accused of having

failed to act in a matter relating to Marbella Town Hall and being a judge in a town of fewer than 100,000 inhabitants in which her father had “important businesses.” Judge Ramírez also opposed the jailing of Jesús Gil by Judge Santiago Torres in 1999 for the Atlético de Madrid shirts case. Ramírez left Marbella shortly afterwards. In 2001, 13 files relating to cases involving the corrupt mayor Jesús Gil were stolen from the courthouse in Marbella. The principal suspect, another courthouse official, committed suicide by jumping from the window of his apartment while the police were searching it.”

Remark:

*Another suspected regarding the disappearance of the mentioned 13 files was Judge Antonio Ruiz Villen, who was one of the Judge ruling on the Ferrari case (see decision from “Court #5 of First Instance of Marbella,” listed as “Pre-Trial Proceedings 677/93C”, possible date November 2, 1995; in the files of Connecticut State Police)*

Corruption at the Marbellan Police Station

“During the anti-corruption investigations the Chief of the Local Police (Rafale del Pozo) had been accused of not investigating crimes. Rafael del Pozo left the court after putting up 20,000 Euros as bail.”

“The concession to run the Marbella municipal tow truck service provides a clear example of the council’s unorthodox dealings. The chief of the Local Police force, Rafael del Pozo, was called in for questioning by Judge Torres. He left several hours later having been charged with failure to investigate an offence, covering up following an offence and illegal possession of firearms. According to sources Del Pozo was aware that the businessman Ismael P.P., currently being held in jail, had given the Mayor Marisol Yagüe several cars in exchange for being granted the contract for the tow truck service. Del Pozo apparently did nothing to stop this deal. The firearms charge refers to three unlicensed weapons found at the Local Police station. These are thought to have been gifts from a retired military man to the late Jesús Gil y Gil when he was mayor of the town. The town’s tow truck service was suspended on Wednesday due to the alleged irregularities in the granting of the contract.”

Attachment A2

The article in “*The Independent*” from 14 March 1994 shows the difficulties of anti-corruption judge Blanca Esther Diez to investigate and fight corruption and the Italian Mafia in Marbella. Her investigations focused especially on Juan Ramirez the father of Attorney Juan Carlos Ramirez (representing Kelvin Fisher and the Mafia members) and of Dean Judge Pilar Ramirez.

### **Attachment A3**

The article from *"the Guardian"* dated on 1 August 1999 describes the activities of Jesus Gil, the corrupt Mayor of Marbella. The article also mentions the suspension of Dean Judge Pilar Ramirez and the probable links between the Ramirez family, Mayor Jesus Gil and the Mafia. The prosecutor, Carlos Jiménez Villarejo, alleged Gil had links with Italian mobsters and Colombian drug lords.

### **Attachment A4**

This article from the newspaper *"El Mundo"* dated on 13 July 1999 describes the criminal behaviour of Mafioso Gianni Meninno. The article was translated from Spanish into English. Gianni Meninno was the criminal who offered Ferrari VIN 0799 for sale and who managed the transfer of the car to Mr. Triarsi, New Jersey, USA, in 1994.

The article points out the links between Gianni Meninno and the Mafia boss Felice Cultrera and the Ramirez family. Meninno appeared in several of Felice Cultrera's enterprises which were later administered by Juan Ramirez, father of the Marbella judge Pilar Ramirez. This way, the Italian mafia members appeared as shareholder or administrator of societies such as Giamar, Menimar, Larashe Investment, Mardesol, Promociones Urbanas etc. Additionally it is said in the mentioned article that Gianni Meninno had several open cases in Spain for fraud and sale of stolen cars.

### **Attachment A5**

This article was also published in the newspaper *"El Mundo"* on 13 July 1999. The article was translated from Spanish into English. Again the link between the Jesus Gil (Mayor of Marbella) and the Mafioso Gianni Meninno is shown in the article. The connection between Jesús Gil and the Italian Mafia members residing at the Costa del Sol was confirmed by the Anti-Corruption Prosecutor Jimenez Villarejo. Additionally the article points out that Gianni Meninno's car dealer office was the lid of an international net for the theft of luxury cars in European countries. It is also said in the article that Gianni Meninno was the front man of Felice Cultrera (the Mafia boss).

I consider the following passage of the article as very important:

"The documents that link Gil with the Italian mafia members were found by the Spanish police in a search that took place in 1993 in the offices of (Gianni) Meninno's society "Milauto Marbella". This car dealing establishment was, in reality, a lid for an international net for the sale of luxury cars that had been stolen in European countries. According to the police documents, Meninno's organization substituted the original registry numbers, gave new documentation (also false) and sold the vehicles."

“Among the documents intercepted to Meninno, the agents found various documents that proved that the lawyer Juan Carlos Ramirez Balboteo [representing Kelvin Fisher of “Motorauto Marbella” and brother of the Dean Judge] and his father Juan Ramirez Balboteo were in the mafia member’s payslip. In this search other documents of the Italian clan’s societies linked to the Marbella Town hall and the Ramirez family, were found.”

#### **Attachment A6**

This article in the newspaper “*Epoca*” from 12 July 1999 explains the construction of the family holding of Dean Judge Pilar Ramirez. The article was translated from Spanish into English and contains some remarks of the Spanish lawyer who translated the text for me. The article establishes and proves the connections between Juan Ramirez Balboteo (Mr. Kelvin Fisher’s lawyer), his sister Judge Pilar Ramirez, his cousin Diego Jimenez Balboteo on one hand and the Italian Mafioso Ugo Giovanni Gianinno, Gianni Mennino and Antonio Eladio Amaral Santos (who is probably a Portuguese) on the other hand. The structure of the family holding will be visualized in a separate document.

#### **Attachment A7**

This recent article from the newspaper “*20 minutos*” (23 February 2009) shows that trafficking of luxury stolen cars is a serious problem in Spain until today.

#### **Attachment A8 and A9**

These two attachments contain two extracts from the E-Infirma database regarding the companies “Motorauto Marbella” and “Milauto Marbella”. Both companies were involved in the car trafficking business. The administrators of the companies are John Kelvin Fisher, Ugo Giovanni Gianino, and **Antonio Eladio Amaral Santos**, the Portuguese who “managed” the transport of the Ferrari cars from Marbella to Lisbon on 6/7 July 1993.

#### **Attachment 10 / Newspaper *El Mundo*: 23 February 2000**

This is one of the most important articles as it shows the links between Dean Judge Pilar Ramirez (respectively her brother Attorney Juan Carlos Ramirez Balboteo) and the Mafia. The Anti Corruption Judge also links Juan Carlos Ramirez Balboteo (the lawyer of Kelvin Fisher) to a net for stolen cars.

The most important passages of this article have been translated and are mentioned below:

## **Headline: The ex Judge Ramirez favored mafia members linked to her family**

*“The Anti Corruption Prosecutor links her brother ([this is Attorney Juan Carlos Ramirez Balboteo, Mr. Fisher’s lawyer](#)) with a net for stolen cars.”*

“The Main Public Prosecutor, Carlos Jiménez Villarejo, denounces that Pilar Ramirez irregularly instructed a case for a business of stolen cars sales, of which her brother Juan Carlos Ramirez and various members of Felice Cultrera’s mafia clan, were members.”

“Now it goes further, it confirms that the brother of the ex dean judge ([this is Attorney Juan Carlos Ramirez Balboteo](#)) was associated with Ugo Giovanni Gianino from the Cultrera Clan, in a stolen cars business. Another relative, Diego Jiménez Balboteo, was this Italian citizen’s lawyer.”

“And, above all, Villarejo describes in detail the decisions made by the judge to instruct the case and benefit her relatives. The public prosecutor states that Juan Carlos Ramirez, brother of the Dean Judge of Marbella, was a founder associate of Milauto SL, which was under investigation by the Examining Magistrate’s Court number 7 of Marbella for the sale of stolen cars”

“Why was Ramirez interested in knowing the proceedings, inspite of the recusal? ([A term used when a board member has a conflict of interest and must abstain from voting on any issues relating to that private interest. The board member is said to be recusing himself from all deliberations on the matter](#)). The Anti corruption prosecutor questions her brother, Juan Carlos, who was not only Gianino’s lawyer, he was also his associate, precisely in Milauto” Villarejo answers himself. The heart of the matter, continues Villarejo, was Benoit Chatel’s statement; this is the charging evidence against Gianino.”

## **Attachment 11 / Newspaper “El Mundo” 23 June 1999**

This article in the newspaper “El Mundo” unveils again the links between Dean Judge Pilar Ramirez respectively her family and the mafia. The most important passages were translated and are mentioned below:

## **Headline: The Anti Corruption Prosecution links the dean judge’s family with the mafia**

“In the same claim, the public prosecutor manifests, based on police and judicial documents that “the dean magistrate’s father ([Juan Ramirez](#)) and brother ([Juan Carlos Ramirez Balboteo](#)) have been representatives, assistants and associates of a group linked to the San-

tapaola clan, main family of the Sicilian mafia in Catania, named cosa nostra” and which has “laundered huge amounts of money at the Costa del Sol.”

“(…) other societies, such as Desjipo, Promociones Urbanas, Bahía de Bellantoni, Talent Management Services, Kermosa, Motorauto Marbella, Osais de Bellantoni, Kueris, Asbal, Jucamar, Fisher Island, are represented or participated by the dean judge’s family members, and at the same time include as shareholders or administrators the mentioned Italian citizens and another one named Angelo Salamini.”

### **Attachment 12**

This article from the internet site <http://80sreborn.blogspot.com> published on 12 December 2007 was already mentioned in my “request for seizure”. It describes the mafia activities at the costa del sol in Marbella/Spain as well as the role of the Mafioso Felice Cultrera and Gianni Meninno.

### **Attachment 13 / Telegraph.co.uk, 20 October 2007**

#### **Headline: 'International sharks stole \$18m from widow'**

This article is very interesting because it shows a lot of similarities to the Ferrari case. The similarities are: Same modus operandi, same criminals involved (Gianni Meninno), use of invalid checks/commercial papers, Marbella as place of crime et cetera.

#### **The modus operandi was:**

1. choosing a wealthy victim
2. pretending interest to acquire assets from that victim
3. emphasising this “interest” in presenting invalid commercial papers (cheques, bank guarantees et cetera)
4. Involvement of third persons/parties (Notary-public, bogus companies, consulate, garages etc.) to pretend seriousness
5. managing the transfer of the assets from the victim to the criminal
6. disappearing with the assets without payment



#### **Attachment 14**

Source: [www.citymayors.com](http://www.citymayors.com); Date: 16 November 2006

**Title: Marbella awaits new elections after most local politicians are accused of corruption**

This article from the internet site citymayors.com describes the corruption in Marbella from 1991 until 2006. The article shows that the mayors elected after Jesus Gil y Gil were also suspected to be corrupt. This article proves that corruption in Marbella is a problem which even occurs today.

#### **Attachment 15 / Attachment 16**

Internet center for corruption research, CPI ranking 1995:

In this publication about corruption, Switzerland reaches 8.76 points of 10 points (ranking: 8) and was and is one of the states with the fewest corruption worldwide. Spain on the other side only reached 4.35 points of 10 (ranking: 26) in 1995.

Corruption perception Index 2008, Transparency International:

According to this index Switzerland had a CPI score of 9 points (rank: 5) compared with Spain which had 6.5 points (rank: 28).

**Conclusion: Based on these reports the integrity of Swiss authorities and especially of the Swiss police can hardly be questioned. On the other hand corruption among law enforcement (and other authorities) in Spain was a widespread and severe problem as shown above.**

#### **Attachment 17 / Newspaper "El Mundo", 30 January 1995**

This article shows the dimension of the car trafficking nets in Spain in 1994. The most important passages were translated as follows:

**"Headline: In 1994 an average of 6.500 cars were stolen each month in our country, of which 1.000 were never retrieved"**

**"Subtitle: Spain, a paradise for car stealing gangs"**

“During 1994, an average of 6.500 vehicles a month were stolen in Spain. Approximately a thousand of them will not be retrieved. Mercedes, Audi, BMW, to mention some of the luxury brands, are a clear objective for these organized gangs in our country and they don't stop before the big brands”.

**“Subtitle: This is the way the big international mafias work”**

“The main groups that steal cars in Spain to export them, are the big international mafias, their aim are elite cars: Ferrari Testarossa, Lamborghini Diablo, Mercedes high range... Samuel Gómez, in charge of the Section for the Illegal Traffic of Cars explained this newspaper that “the thinking minds and the forgers that work in our country have their location in Milán”

“In Spain, they specially act in Marbella, Costa del Sol, and Barcelona (..)”

**Attachments 18 – 27 are uniquely written in Spanish and have not been translated. Its content is mostly the same as the one in attachment 1 – 17.**