

PORT OF GENOA: THE COURT OF CASSATION CANCELS THE TRIAL AT THE HEART OF THE SCANDAL

BY FRANCO MANZITTI

The scandal shook the Port of Genoa to the foundations of its historic piers and put its entire power base on trial, including the legendary CULMV port workers union led by Paride Batini. Six years, one month and ten days after the dramatic arrest of the chairman of the Genoa Port Authority, Giovanni Novi, and the explosion of the scandal, the Court of Cassation has cancelled all the charges, including those still standing after the expiry of the statute of limitations, and also changed the terms of the previous acquittals to "the action never took place", for all thirteen indictments.

Novi was arrested on February 7, 2008. On September 17, 2010, most of the charges were dropped not only for Novi, but also for the other defendants, including highly reputed lawyers of the calibre of professor Sergio Carbone, the former Finmeccanica chairman and professor of Shipping and International Law at Genoa University, shipowners like Aldo Grimaldi, of aristocratic Neapolitan-Genoese lineage, State Attorney Giuseppe Novarese, transport sector entrepreneurs like Aldo Spinelli, president of the Livorno Calcio football club, and other Port Authority managers, like its former general secretary Sandro Carena, and Filippo Schiaffino, the former president of the conventional goods terminal, the oil terminal and the maritime station. Also on the "blacklist" was perhaps the most "powerful" figure in the entire port, the leader of the CULMV (Compagnia Lavoratori Merci Varie) port workers union, Paride Batini, the heir to a tradition in Genoa dating back thousands of years.

On March 14, 2012, precisely two years later, the Genoa Court of Appeal amended the first verdict, not substantially, but ordering Novi to compensate the damages suffered both by the Genoa Port Authority and shipowners Messina, who had triggered the maxi trial by filing their complaint.

Now the Court of Cassation has cancelled all the charges, raised initially by the Genoa Public Prosecutor's Office and subsequently by the Attorney

General, with public prosecutors Walter Cotugno and Enrico Zucca, and later with Zucca as assistant attorney general, against Novi and his collaborators, painting a system of extortion, bid-rigging, fraud and abuse of office. This dismantles the entire framework of charges that for six years has kept the port of Genoa in check, conditioning it with this dramatic legal situation. For Novi, from whom one and a half million euros was also seized, the prosecution applied for six months' imprisonment in the first degree and five years and ten months in the second.

The well-known Genoese broker, who became port president in 2004, was arrested while armoured police vehicles surrounded Palazzo San Giorgio (the headquarters of the Port Authority, situated in the port area, where a few centuries ago Marco Polo wrote the *Milione* while imprisoned by the Genoese) to prevent leaks, in an operation that shook Genoa for years and caused an outcry that foreshadowed even more sensational accusations raised against the entire power system in Genoa.

Six and a half years later, everything has been reduced to ashes and the port clock has been turned back, most importantly in relation to the valuable pier concessions granted to the private terminal operators who manage the traffic that passes through the port.

Novi and his trusted advisor and lawyer Carbone were accused of bid-rigging because they assigned the concessions using an allegedly illegal procedure, and of extortion for having done so by exploiting their position as a public entity. Accusations were raised in turn against the port managers who had built that "corrupt" system and the terminal operators who had benefited from it.

The hailstorm of serious allegations also affected the "legendary" leader of the stevedores' and their union for being "complicit" with Novi and the Port Authority in the crime of fraud: according to the charge of serious fraud, the stevedores were accused of having being paid three million euros they were not owed by the port authority for container loading and unloading services. A "gift" from Novi and his staff to the port workers' union "to keep in their good books".

Genoa and the port were stunned by a scandal that reached into the very

heart of the city, touching people regarded as being above all suspicion and dragging them into this black whirlpool. The legal situation also had painful consequences.

While Novi was under house arrest, his wife died as a result of an illness that worsened rapidly after the charges were brought against her husband. Paride Batini, something of a monument for the port of Genoa and its activities, died during the trial in which he was investigated and heavily involved, without being arrested. He said goodbye to his life and the docks where he spent most of it, before his honour could be fully restored by the subsequent verdicts.

The port remained as if paralysed for years, hit hard by the post 2008 global crisis in the very period in which it and the disputed piers, in particular, were held hostage by the judicial enquiry.

It all began with a complaint filed by shipowners Messina against irregularities in the assignment of the famous Multipurpose Terminal, an Eldorado in Genoa's dockland, where the container carriers that plied the most lucrative trading routes docked.

The solution found by Novi and his team to assign the concessions of this terminal's valuable piers seemed at the outset to have satisfied everyone and to be based on a procedure thought to be fair and in line with conventional practice in Genoa, with the decision taken by the Port Committee and negotiations conducted by the president. The entire deal was applauded openly even by the the future challengers of the Great Division, including powerful shipowners Messina. It was like putting together the tiles in a complicated mosaic and finding the right places in it for the terminal operators, who wanted to know where their ships would dock. Before the scandal exploded, it seemed that the rules of this division, in the Port Authority's sphere of competence, were a matter of administrative law at the very most and that there could be no other legal framework. And there was certainly no question of criminal liability.

But the Genoa Public Prosecutor's Office saw a prohibited operation in the partitioning of the docks, with Novi assigning them to further his own interests, which was a serious breach of the rules. Not only shipowners

Messina were involved, but also Grimaldi's Grandi Navi Veloci, Spinelli, the state-owned Tirrenia fleet, minority terminal partners and in the background Aponte, the owner of MSC, one of the world's biggest liner companies. This super shipowner who was born in Sorrento had previously won a tender for the assignment of the docks in question but then withdrew, convinced by the consortium of Genoese operators to wait for better times to enter the fray.

What price did Novi exact for committing this crime, one which dragged him not only into prison but also made him a laughing-stock of the city? In the hundreds of pages of telephone wiretaps that the Public Prosecutor ordered to discover the workings behind this "great misdeed", no trace was found of a reward in money or in any other currency.

The maelstrom also swept up another untouchable figure like State Attorney Novaresi, who had been asked to provide his opinion on the legitimacy of the assignment. He too was investigated, charged and inundated by the waves of mud that the trial deposited on and around the docks.

Since then, the affairs of the Port of Genoa have revolved around this colossal legal battle, which is hard to understand on a technical level, but has had a huge impact on the city, in the reporting of the investigation, in its implications and consequences, and in the repercussions of the three sentences handed down so far until today's, which has cancelled everything, not by throwing in the towel, but by re-establishing the truth and legal balance.

A new president took over at the port of Genoa in the days after Novi's arrest. Luigi Merlo is a former regional councillor and a politician through and through, in the center left Partito Democratico party, unlike the technical expert Novi, who had already completed one term and started his second. The concession system has reached an equilibrium of its own accord, in the general legal confusion that the final sentence confirms, turning the clock back to 2004 and the situation before the famous tender that is the subject of the dispute.

The terminal operators have returned to their docks, with just one exception caused by the investigation/scandal: Tirrenia, the state-owned ferry

company, has been forced to leave the port of Genoa and is now based in Livorno, giving a boost to the Tuscan port at the expense of Genoa.

In addition, the Genoa-based terminal operators have paid the port of Genoa seven million euros less for their concessions. The other consequences of this bloody trial have been felt by the former defendants, who today emerge unscathed not because "the action is not considered a crime", but because "the action never took place", even though in the meantime they have suffered years of hardship in the face of public opinion. The action never took place and the truth has been re-established.

But nothing will give the port back its lost time or remedy the suffering endured by those accused of wrong-doing. Novi, whose honour has been restored in full, will perhaps file an application for compensation of the damage he has suffered for unlawful imprisonment and to his image. Scant satisfaction considering that "the action never took place."