

Carla Del Ponte in Lugano

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Carla Del Ponte, born in Ticino in 1947, opened her own law and notary's office in Lugano in 1975 and then joined the Lugano prosecution service as investigating magistrate and public prosecutor.¹ According to the International Criminal Tribunal for the former Yugoslavia, where she later served as Prosecutor, she worked with Falcone and together they uncovered the connection between the Italian drug trade and Swiss money launderers, which gave her a thorough knowledge of international mutual assistance in criminal matters.² She held office in Lugano from September 1981 until 1994, when the Federal Council appointed her Attorney General of Switzerland with effect from 1 April 1994. In that office she also sat on the federal commission on white-collar crime, before leaving in 1999 to become Prosecutor of the tribunals for the former Yugoslavia and Rwanda.³

1 The Addaura attempt of 21 June 1989

On the morning of 21 June 1989 the police guarding Giovanni Falcone's rented summer villa at Addaura, on the coast near Palermo, found a bag on the rocks below the house containing fifty-eight sticks of dynamite. Falcone had invited two Swiss magistrates to dinner and a swim: Claudio Lehmann and Carla Del Ponte, who were in Palermo to investigate money transfers from Sicily to Switzerland.⁴ The judgment of the Corte d'Assise di Caltanissetta of 27 October 2000 records that the Swiss magistrates had come for judicial cooperation in an investigation connected with organized crime and that they were examining various persons, including leading members of the Palermo Mafia, with Falcone's office.⁵

At the trial in Caltanissetta the public prosecutor argued that the target of the bomb had been Del Ponte as well as Falcone. Del Ponte testified that she and other Swiss investigators had received threatening telephone calls before and after the attempt. The court held that the bomb was meant to

kill and was more than a warning. It sentenced Salvatore Riina and others among the organizers and awarded damages to Del Ponte.⁶ Falcone himself was murdered with his wife and three police officers at Capaci on 23 May 1992. The Addaura bomb has remained the subject of further investigations in Italy, some of which have examined allegations that persons within the State apparatus were involved. These allegations are disputed and have not been established by a final judgment.⁷

Common misconception. The cooperation between Ticino and Palermo is sometimes told as the story of a few courageous individuals who overcame Swiss banking secrecy. The record shows a more institutional picture. The Ticino prosecutors acted under the existing law of mutual assistance and Swiss criminal procedure, and Swiss courts reviewed their decisions on appeal by account holders. Banking secrecy under Article 47 BankA had never protected bank data against a criminal investigation. What changed in the 1980s was the willingness of prosecutors in Lugano and Palermo to treat the bank account as the central piece of evidence and to travel to obtain it.

2 Notes

1. International Criminal Tribunal for the former Yugoslavia, "Carla Del Ponte, Prosecutor of the ICTY from 1999 to 2007", <https://www.icty.org/sid/101>. The ICTY gives Lugano as her place of birth. Other biographies name Bignasco in the Valle Maggia, for example "Carla Del Ponte", German Wikipedia, https://de.wikipedia.org/wiki/Carla_Del_Ponte (consulted as a last resort), so the text names only the canton. ↩
2. ICTY, "Carla Del Ponte" (as above). ↩
3. ICTY, "Carla Del Ponte" (as above), for the appointment as Attorney General on 1 April 1994 and the federal commission on white-collar crime. The ICTY dates her appointment as investigating magistrate to September 1981. ↩
4. "Chi mise davvero la dinamite dell'Addaura?", *Il Post*, 7 May 2010, <https://www.ilpost.it/2010/05/07/chi-mise-davvero-la-dinamite-delladdaura/> ("cinquantotto candelotti di dinamite"; the Swiss magistrates Claudio Lehmann and Carla Del Ponte were investigating money transfers from Sicily to Switzerland and had been invited for dinner and a swim). ↩
5. Corte d'Assise di Caltanissetta, judgment of 27 October 2000 against Biondino, Madonia, Galatolo and Riina,

https://progettosanfrancesco.it/wp-content/uploads/2021/05/addaura_primo_grado.pdf. ↩

6. "Giornale di Sicilia", 4 October 2000, <https://www.messinaantiusura.it/wp-content/uploads/sites/2/2022/07/20001004gdsa.pdf> (closing speech of the public prosecutor Luca Tescaroli: "L'obiettivo non era solo Falcone [...] ma anche Carla Del Ponte"); "Giornale di Sicilia", 28 October 2000, <https://www.messinaantiusura.it/wp-content/uploads/sites/2/2022/07/20001028gdsa.pdf> (verdict; threatening calls; damages to Del Ponte); Il Post (as above) for the convictions of Riina, Biondino and Madonia. ↩
7. Il Post (as above), reporting on the investigation published by Attilio Bolzoni in la Repubblica in 2010. For the Capaci attack of 23 May 1992, in which Falcone, his wife Francesca Morvillo and the escort officers A. Montinaro, R. Dicillo and V. Schifani were killed, see "Falcone, Giovanni", Enciclopedia on line, Treccani, <https://www.treccani.it/enciclopedia/giovanni-falcone/>. ↩

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