



Orwellian Italy 2021

Description

ITALY: Francesca Totolo is a journalist and a writer based in Milan, and makes no mystery of her political affiliations. She had a rude awakening one morning at 06.30 am when her home was stormed by an antiterrorist unit of *Carabinieri* with a search warrant, who seized her PC and cell phone and forced her to follow them at their headquarters where she learned her charges and had all data from her personal devices copied. The same scene occurred simultaneously all over Italy involving another dozen or so individuals including a college professor which shares with Totolo more or less the same political opinions.

It turns out that the antiterrorist squad was coordinated by a special unit in charge of spying so-called *online haters* and inevitably reminds us of the thought police (*Thinkpol* in Newspeak language) of 1984. The main charge pressed was actually based on art.278 of the Italian Penal Code which states that anyone who offends the honour and prestige of the President of Italy can be sentenced from one to five years in prison. Supposedly, the group of *online haters* had used their social profiles on numerous instances to post derogatory or insulting comments toward Sergio Mattarella, his conduct and his persona. Incidentally – or coincidentally- the main Prosecutor who signed the search warrants makes no mystery either of his political affiliations, which happen to be exactly the opposite of the defendants.

Welcome to the new normal of Orwellian Italy 2021, where you can land in jail for your ideas and/or your political opinions, regardless of how you express them, in public or private. A law will be found – if not, a new one will be made – by a zealous prosecutor who thinks your thoughts do not fit the new normal enforced by Thinkpol and consequently you will have your home raided just as a terrorist of the most dangerous kind. Even politicians officially playing the role (to maintain a minimum of *Commedia*) of opposition to the current government dared only to whisper to Totolo some sign of solidarity in private.

No wonder. To use a crude but effective expression, Italian politicians are scared shitless of the judiciary, as they know too well that if a magistrate will prosecute you, your life will be held indefinitely, regardless of the fact that perhaps, many years later, you will be acquitted because found completely innocent. It is no coincidence that Italy remains by far the country with the highest number of violations to justice as sentenced by the European Court of Human Rights in Strasbourg (ECHR), the chief culprit

always being biblical slowness as the leitmotiv of the Italian judiciary. In terms of efficiency of its justice, Italy ranks normally below every country of Western Europe and barely slightly above Turkey, Romania, Ukraine and Bulgaria.

Matteo Salvini is facing one trial after another charged for possible kidnapping (of “migrants”) when he tried to stop NGO vessels from ferrying on a daily basis illegal aliens into Italy, back in 2019 when he was in charge as minister of the interior. No matter if he’s acquitted by one District Attorney, another one will formulate new charges, no matter how bizarre, insane or outright nonsense. The point here is to hit one in order to educate a hundred, as so stated a once-famous Chinese leader.

To add insult to injury to Salvini (and to reiterate who’s *really* in charge), another DA acquitted only days ago the German captain of the NGO vessel Sea Watch, Carola Rackete, who rammed an Italian coast guard vessel that was trying to prevent her from entering the port of Lampedusa in the summer of 2019. The Italian DA has decided that she acted “forced by a state of necessity” given the fact that she needed to unload the human load she was carrying. And for Salvini new trials may still be looming on the horizon, just to keep him on his toes.

The turning point for Italy’s *Ultracasta*, as the judiciary was called by the title of a daring book published in 2009, was in the early 90’s with *Operazione mani pulite*

(*Clean Hands*) the judiciary storm that brought to its knees – and to its end – an entire ruling political class, and eventually Italy’s *Prima Repubblica*. The *commedia* for the public (always needed in Italy in order to succeed) was that a team of fearless prosecutors was finally bringing law and order to Italy’s notoriously corrupt politics, stopping in front of no one in their ultimate search for justice.

Reality was somewhat different. After 30 years or so, we now know that it was largely a well orchestrated and well planned operation from foreign powers in order to dismantle and sell for pennies Italy’s state run enterprises. Yes, corruption was indeed rampant and permeated possibly every aspect of public life in Italy. It was then and it is now. But somehow, despite ubiquitous corruption, Italy’s economy managed to be the fourth in the world as of 1991. That turning point in Italian society is the fact that the judiciary with *Mani pulite* transforms from being an instrument at the disposal of political power into becoming *itself* political power, thus using its virtually unlimited power for the administration of justice as their personal and powerful tool to make the entire judiciary another entity not much different, in essence, from *Cosa nostra*.

And unlimited power resembles very much an addictive drug: is never enough. You always want more. Which explains what has happened in these recent years with the Italian *Magistratura*. Just like politicians, they have organized themselves in all sorts of groups, or bands, in machiavellian scheming against each other in order to favor their friends and destroy their enemies, as careers can be made or ruined, position can be given or taken away, political careers can be neutralized, journalists can be persecuted just like in the case of Totolo and others. In no other country of the western world the power of judges is so unique and virtually unchallengeable.

ANM (*Associazione Nazionale Magistrati*) is the self governing body of the Italian judiciary. Although officially not a union, it represents approximately 95% of Italian Magistrates and is composed of an internal central committee with 36 members elected every 4 years. And, being in Italy, it goes without saying that it is divided by internal groups or *correnti*, just like political parties of the outside world. In short, ANM can make or unmake a magistrate’s career. And just like every aspect of Italian society, it

is essential to have influential friends and contacts inside such an all too powerful association.

Luca Palamara made the headlines when he became the youngest President of ANM in 2008 when he was 39 years old. He held the post of President of ANM until 2012. The son of a prominent judge, with a law degree obtained at only 22 years old, he was surely destined to have a shining career. But in a permanent warfare of bands against each other, a rising star will always have plenty of treacherous enemies along his path. And in 2019 Palamara made the headlines again when the media reported that he was at the center of an investigation that highlighted the use of a malware, namely a trojan, in Palamara's phone, evidencing his pivotal role as a "mediator" between the different *correnti* of ANM, making deals of all sorts, deciding on the careers not just of other magistrates but also actions to be taken against politicians. And Palamara's role was essential in all this wheeling and dealing.

Such is the case when, in August 2018, when Salvini is minister of the interior and has the final word on NGO vessels unloading human cargos daily on Italian shores.

Palamara receives a call from then Vicepresident of ANM, Giovanni Legnini, who demands to attack Salvini threatening him with judicial actions as his decision to have illegal aliens held on an Italian Coast guard ship is attracting him too much popularity (from Italians). And Legnini's requests are promptly granted, as Salvini will soon be formally indicted on a number of charges, including kidnapping of the illegal aliens held on the Italian ship, as Italy was waiting for other EU states to receive part of the human cargo. In vain.

And so Palamara has gone in less than a year from being a rising star to become the ultimate villain of the entire Italian judiciary, and consequently the (badly needed) scapegoat for the many who were requesting his good offices, as recorded in the malware inserted in his phone. Palamara became the first president in the history of ANM to be expelled, in September 2020, from the *Magistratura*. And his *vendetta* was to be expected shortly thereafter. It has arrived as a book that speaks volumes, with an eloquent title: *Il sistema. Power, politics, deals: a secret history of the Italian Magistratura*.

Palamara's thesis is a simple one: yes, I was part of this system, this permanent warfare against each other, just as it was everybody else. When I became too powerful and influential, somebody decided that it was my turn to go down.

In a relatively normal country, such a book would be considered nothing short than

an earthquake that would make many heads roll. Many have expected the President of Italy to take some action in this ordeal, highly damaging for the already tampered prestige of the judiciary entirely, attracting many critics for this complete lack of action in this matter, including many ordinary citizens on their social profiles.

It is widely recognized that Palamara's book should potentially open an endless array of investigations. Not likely, at least not in Italy. After few weeks or months of noise, things will go back to normal. But in the meantime, *il Sistema* needs diversions. After all we live in an endless pandemic, which produces headlines on a daily, if not hourly, basis. And a group of potential terrorists always comes handy, especially in the case such as citizens who dared to express their judgements on a President that most likely will go down in history as "the silent". Which, in Italy, is the surest way to ensure yourself a peaceful and happy life.

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