

# Berlusconi attacks independence of the Italian judiciary

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Italian head of government Silvio Berlusconi has reacted to the conviction of his long-time lawyer and close confidante Cesare Previti by declaring war on the independence of the Italian judiciary. His offensive against the Italian legal system is unprecedented for a postwar European democracy.

Berlusconi accused the judges who convicted Previti of being “politicised” and of undertaking their work with “the logic of putchists”. In a newspaper article, he stated: “The aim of these judges is not to establish justice, but instead to strike at those who have a mandate to rule Italy.”

He announced he would move to reintroduce as quickly as possible the immunity from prosecution for parliamentary deputies lifted at the beginning of the 1990s following the *mani pulite* (clean hands) affair, which exposed widespread corruption in the Italian state and economic circles. Berlusconi envisages an all-embracing ban on any criminal proceedings against the head of government, the state president and the presidents of both chambers of the Italian parliament until the end of their period in office. By such measures he is seeking to undermine the basis for any proceedings against himself and such trials as that against his friend Previti.

Last week a court of first instance in Milan sentenced the 68-year-old Previti to 11 years in jail for the offences of paying bribes and buying off judges. Two appeals remain to be heard before the conviction actually becomes legally enforceable. At the same time it is also possible that the case could be dropped because the offence was committed so long ago or be annulled through a new law. Nevertheless, the judgement in Milan reinforces grave charges which have been levelled against Berlusconi himself.

On the basis of an overwhelming body of evidence

the Milan judges concluded that in the 1980s and early '90s Previti had bribed Rome-based investigatory judges to smooth the way for the Berlusconi holding company Fininvest to take over the Mondadori publishing house. Mondadori is the biggest Italian book publisher and has considerable interests in the magazine and newspaper sector. Big businessman Carlo de Benedetti was also interested in Mondadori, but the company went to Berlusconi following a legal judgement. According to the Milan court judges, prior to the Berlusconi takeover bribes of millions were paid to the Rome judges dealing with the affair. A short time later one of the judges involved took up a lucrative job in Previti's legal firm.

Previti is one of Berlusconi's closest associates. He stood at the side of the small-scale building contractor from the very beginning and played a key role in Berlusconi's murky rise to become the richest man in Italy. His father, Umberto Previti, had already served as a business manager and partner in Berlusconi's building company and operated as front man for his entry into the television business. As company lawyer for Berlusconi's business interests, Previti junior played a similar role to that of the consigliere of the Corleone clan in the film *The Godfather*. He concentrated on legal issues and financial affairs and “nursed” relationships to influential personalities. Amongst his services was the acquisition of Berlusconi's main seat of power, the luxury villa at Arcore near Milan, for a rock-bottom price.

For a long time Previti was a sympathiser of the fascist MSI (Movimento Sociale Italiano). In 1994 he followed Berlusconi into political life and joined Forza Italia, which he represents in parliament up until today. In 1994 Berlusconi sought to appoint him minister of justice, but failed after the state president intervened to

stop the appointment. Previti then took over responsibility for the Defence Department and used his position to launch a vigorous attack on the Italian judiciary.

Previti faces a second similar court proceeding, which includes Berlusconi amongst the list of those charged. It concerns the failed attempt to privatise the food concern SME in 1985, the result of a court decision arrived at through Berlusconi's bribery of the judges, according to the state attorneys. It is alleged Berlusconi was able to dupe his rival Carlo de Benedetti, who had already signed a contract to purchase the company. Berlusconi then made a higher bid and the treaty with de Benedetti was then annulled by a court decision.

This trial will be the last in a series of more than a dozen proceedings charging Berlusconi with cooking the books, perjury and tax evasion. He has been found guilty in the first instance on three occasions and sentenced to a total of six years in prison. Up until now he has always been able to avoid jail through appeals claiming insufficient evidence against him, or the charges have been dropped because the offence was committed long ago.

When he took over as head of government three years ago Berlusconi still had four proceedings hanging over him. Since then three have been dropped because he used his parliamentary majority to change the relevant laws. He hoped to avoid the remaining trial with a law last year allowing an accused person to change the venue of trial if he can demonstrate bias on the part of the judges. Despite protests involving millions of ordinary Italians, the law was duly passed by the right-wing majority in parliament. Nevertheless the plan to switch the trial and play for time collapsed when the court of appeal refused to accept the claim that the judges selected for the Berlusconi trial were biased.

On May 5, a week after the sentencing of Previti, Berlusconi appeared in court for the first time in connection with the SME allegations. In a one-hour speech, he claimed that his rival de Benedetti—not he—had paid bribery money in order to acquire the food company from the state-owned IRI at a very low price. No surprise—heading IRI at that time was the current president of the European Union, Romano Prodi, who is regarded as a potential rival to Berlusconi in the next general elections.

According to Berlusconi's version of events,

following a request from his friend, the former head of government Bettino Craxi, he intervened in the affair in a completely selfless manner in order to prevent any damage to the Italian state. He deserved praise and not condemnation for his actions, Berlusconi concluded. Craxi, who spent his final years in exile in Tunisia in order to avoid a torrent of claims and proceedings charging him with corruption, has since died and is unable to corroborate Berlusconi's version of events.

The case of SME could prove troublesome for Berlusconi. Judgement is expected at the beginning of July at a time when Italy is due to take over the chair of the EU. For this reason there are already arguments in government circles to defer the trial with an appropriate law. Those in favour of such a measure reason that this would avoid the inevitable damage to Italy's image abroad and protect national state interests.



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