Italy: The Cesare Battisti case and the attack on democratic rights

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In unison, and once again, the Italian political establishment has set off a frenzied campaign against the "terrorist" Cesare Battisti, a former political left activist, now a writer, accused of murdering four people in the 1970s.

Leaders and government figures, from the neo-fascists to the ex-Stalinists to the liberals, have taken turns in depicting Battisti as a dangerous terrorist and blood-thirsty criminal who must be brought to justice for the sake of avenging the victims of the crimes he allegedly committed some 30 years ago.

The barrage of media lynching echoes the hysteria built up around the Roman Polanski case or the September 11 attacks. The lies and distortions being promoted are a cover for a massive attack on some of the most basic democratic rights, such as the right to a fair trial and the right to asylum. National sovereignty is being trampled upon.

A toxic atmosphere of historical vacuum, anger, revenge and bigotry is being disseminated as part of the establishment of a repressive "law and order" system that more and more resembles an authoritarian police state. The implications of the specific case go well beyond the scope of the individual Battisti. A large number of intellectuals (Fred Vargas, Bertrand Tavernier, Bernand-Henri Lévy, to name a few) and human rights organizations have assiduously defended him against the abuses of the Italian state.

The life of Cesare Battisti can be seen as a reflection of the convulsive decade that followed the social upheavals of 1968. He became involved in petty crime and robbery from the age of 17. In 1979, after joining the autonomist organization Proletari Armati per il Comunismo (Armed Proletarians for Communism, PAC), Battisti was arrested during an investigation into the murder of a jeweler. Two years later, he was sentenced to 12 years in prison for participation in an armed group and for concealing a weapon.

In October 1981, he managed to escape from prison and went to France. The following year he fled to Mexico, then to France again, where the Mitterrand Doctrine offered him protection against extradition requests for political reasons. This policy was established by French President François Mitterrand in opposition to the anti-terrorism laws approved in Italy during the so-called *Anni di piombo* (Years of Lead) in the 1970s and 1980s, which failed to conform to basic international standards of jurisprudence.

In 1986, Battisti was sentenced in absentia to life in prison by a court of appeal. The trial that produced such a verdict was itself based on legislative and executive measures (so-called *leggi speciali*, or special laws) adopted by the Italian state for the alleged purpose of fighting terrorism. These measures deserve some closer attention, as they were an extraordinary attack on the most basic democratic rights. To a certain extent, they remain in effect.

From 1974 on, the Christian Democrats (DC), in coalition with the Italian Socialist Party (PSI) and with the full support of the Italian Communist Party (PCI), passed laws that:

• Increased preventive incarceration to eight years. Later, this term was further extended to 10 years and eight months and included retroactive provisions. This concept is incompatible with the basic democratic guarantee, widely recognized internationally, that a person is innocent until proven guilty.

• Extended the powers of police officers, including wider discretion on the use of firearms, as well as personal and house searches without a warrant. The latter is incompatible with basic democratic protections against unreasonable search and seizure.

• Instituted "special detention," a step backward from the fascist regulations of 1931. Inmates were now denied visitation rights, could be detained in complete and soundproof isolation, and deprived of any human interaction.

• Restricted the possibility of mistrial in cases where the rights of the accused were violated and facilitated the pursuit of trial in absentia.

• Removed the requirement for a court warrant in cases of wiretapping and eavesdropping. Any evidence collected

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through such methods was admissible in any trial.

• Enabled the police to hold anyone under suspicion of conspiracy for up to four days without the right to a lawyer. Cases of harsh interrogations and physical and psychological violence are well documented.

• Instituted the category of the *pentiti*, the so-called "collaborators of justice," who, in exchange for information, received a reduction of their sentences. This created a surreal system where mere hearsay would be used to alter penalties.

These measures made a mockery of democracy. The Battisti case is the product of such legal perversion. The entire process against him was full of contradictions and mere conjecture. For example, he was charged in two murders that occurred at the same time but at locations 170 miles apart (another man, Diego Giacomin, revealed he committed one of the two). According to several experts, ballistic analysis showed Battisti's innocence.

The use of torture during police interrogations of Battisti (including, in several reported cases, being force-fed water through a tube while being kicked in the stomach) as well as the use of mentally unstable or unreliable witnesses, including several *pentiti*, are well documented. His signature was forged on legal documents.

In the last decade, similar practices have been adopted and consolidated in many countries in the name of the fraudulent "war on terror." Guantanámo Bay, Abu Ghraib, the cases of Jose Padilla and Abu Omar come to mind, among many others. It is no surprise that the Battisti case is now being used to justify and, in fact, embolden a system based on the destruction of well-established democratic rights.

Battisti has always declared his innocence. When, in 2004, French President Jacques Chirac signaled his intention to extradite Battisti and Prime Minister Jean Pierre Raffarin signed the order, Battisti once again fled, after having established himself for 14 years in France as a popular writer.

The Human Rights League maintains that the French extradition order was illegal, since, according to Italian law, Battisti does not have the right to a new trial based on the sentence he received in absentia. This violates the European Convention on Human Rights which, in 1955, sanctioned the Roman principle "Ne absens damnetur" (No one can be condemned in absentia).

In 2007, he was arrested in Brazil, where Minister of Justice Tarso Genro offered him political asylum. Despite a 2009 ruling by the Brazilian Supreme Court that disagreed with Genro's decision, on December 31, 2010, the last day of his presidency, Luis Inàcio Lula da Silva exercised his power sanctioned by the Brazilian constitution and upheld Genro's decision.

Lula's decision, in line with international accords that recognize sovereign rights, has been the target of vitriolic criticism by the entire spectrum of the Italian political establishment. While from the right, threats against Lula and Brazil took on a theatrical character, particularly noteworthy are the positions taken by the so-called "left."

The Democratic Party (PD), the main receptacle of PCI ex-Stalinists, placed itself to the right of the government of Silvio Berlusconi. At a recent protest in front of the Brazilian embassy in Rome, Francesca Puglisi, spokesperson for the PD, stated that Battisti is "a criminal who has committed serious crimes." According to her, the protest was made necessary by "the insufficient effort of the [Berlusconi] government that has done little in order to obtain answers from Brazil."

The "law and order" Italia dei Valori's Antonio Di Pietro sounded a similar note: "We hope that president Lula won't become an accomplice for multiple murderer Battisti by conceding him asylum." Both Rifondazione Comunista (PRC) and Sinistra Ecologia e Libertà (SEL) made perfunctory statements, merely in support of sovereignty, as is typical of their deeply national orientation.

The *World Socialist Web Site* rejects Battisti's past politics of autonomism that characterized the activities of many youth in the 1970s, nor is it in a position to establish Battisti's guilt or innocence. However, this 32-year-long legal struggle reflects and, in many ways, parallels a more important historical development.

In the decade following the social upheavals of 1968, the working class made important advances. But the betrayal of the Stalinists, the trade unions, social democrats and Pabloites ensured that the counterattack of the bourgeoisie prevailed. The *leggi speciali* of the 1970s and early 1980s in Italy were one of the measures taken by the Italian ruling class, with the full support of the PCI, in defense of the interests of the bourgeoisie.

As then, today's successors of the PCI offer their unconditional support for the survival and protection of the bourgeois state. As they attacked Battisti's democratic rights in the past, they will not hesitate to attack the rights and living standards of the working population.

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