

APPEAL TO THE INTERNATIONAL COMMUNITY

Democracy is in danger in Italy

From: Antonio Di Pietro

“ In Italy, the Berlusconi Government proposed and tabled a new law for approval, namely Law No. 128, also known as the Alfano Law after the incumbent Justice Minister Angelino Alfano.

The Alfano Law made it impossible to prosecute the incumbents in four Italian Government posts: the Premier, the President of the Republic and the Chairmen of the Chamber of Deputies and the Senate respectively. Silvio Berlusconi insisted on the introduction of the Alfano Law in order to ensure that he cannot be prosecuted on charges of having bribed a witness in return for the individual providing perjured testimony in two separate court cases.

On 17 February 2009, the individual that received the bribe, namely attorney David Mills, was found guilty by the Court and sentenced to serve a jail term of 4 years and six months.

In the absence of the Alfano Law, therefore, Berlusconi could well be convicted on the charge of bribery.

“ According to statements made by more than 100 constitutionalists, the Alfano Law is deemed to be unconstitutional because it violates the provisions of article 3 of the Italian Constitution, according to which “all citizens shall be equal before the Law”.

On 6 October 2009 the Constitutional Court is due to issue a ruling regarding the constitutionality of the Alfano Law and, should the Court rule that it is unconstitutional, Berlusconi will then be remanded for trial on the charge of having bribed David Mills.

“ Berlusconi and Justice Minister Alfano were recently invited to attend a dinner at the home of Constitutional Court Judge Mazzella, a dinner that was also attended by another Constitutional Court Judge, namely Paolo Maria Napolitano.

A journalist found out about the dinner and the participants subsequently admitted that they had indeed been there. It is unacceptable for two judges to meet privately and out of public view with the potential beneficiary of their decisions, particularly so soon before they are due to issue a ruling on a law that will determine the future of Berlusconi himself.

“ I am therefore appealing to the international community to circulate this information and to exert the necessary pressure in order to ensure that the principle of democratic freedom and independence of the Constitutional Court is upheld, so as to prevent our democracy in Italy being turned into a de facto dictatorship.



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