

Cassations Decides on Berlusconi

Judith Harris (August 01, 2013)



At 8:04 pm Silvio Berlusconi, 77-year-old former premier, learned from the TV set in his huge apartment within Palazzo Grazioli, just steps away from Palazzo Venezia in Rome, that the Italian high court, the Cassations, had come down on him, but softly enough that he can breathe a deep sigh of relief. And so can today's left-leaning premier, Enrico Letta, who heads a government in tandem with Berlusconi's Partito della Liberta' (PdL). Convicted to a four-year sentence which is unlikely to be served, he will be retried, however, on the question of his possible interdiction from public office.

Rome - At 8:04 pm Silvio Berlusconi, 77-year-old former premier, learned from the TV set in his huge apartment within Palazzo Grazioli, just steps away from Palazzo Venezia in Rome, that the Italian high court, the Cassations, had come down on him, but softly enough that he can breathe a deep sigh of relief. And so can today's left-leaning premier, Enrico Letta, who heads a government in tandem with Berlusconi's Partito della Liberta' (PdL). The Berlusconi group of supporters - he was not personally in the courtroom - greeted the news with shouts of joy. Although his lawyers were careful to make no comments, outside the courthouse some Berlusconi supporters waved banners saying, "Justice has been done."



It is early, at this writing only 20 minutes after the announcement, to make other serious predictions, but at this time it seems a safe guess that the government itself is safe. All along Berlusconi had said that there would be no repercussions on the government, and, particularly after this soft sentence, this appears to be the case.

The Cassations court did, however, give Berlusconi his first ever conviction, to four years of prison. He will not go to prison (he is over seventy years old). But at the same time sent the case was not entirely closed, but sent onward to the Court of Appeals in Milan to redefine the question of what he had feared most, interdiction from public office. This means that Berlusconi remains a member of Parliament (and possible future premier) and retains parliamentary immunity for the time being. The court said specifically that it "annuls the sentence" regarding his temporary interdiction for five years from public office" and transmits the acts to another section of the appeals court of Milan in order to "redetermine the accessory punishment." But even if a court subsequently upholds the interdiction, say early commentators, it might be for no more than one year.

Yesterday Berlusconi's two lawyers spoke altogether five hours in his defense, in what was the third if not quite the last round in the tax fraud case brought against Berlusconi and his Mediaset SpA TV company; through Mediaset he owns three of Italy's seven national TV channels: Canale 5, Italia 1 and Rete 4. Berlusconi's fairly weak defense was that, as premier, he had no time to bother with taxes.

Today's sentence follows his conviction on Oct. 26, 2012 to four years of prison and to five years of interdiction from public office. Convicted with him at that time were Egyptian movie producer Frank Agrama and two former Mediaset managers, Gabriella Galetto and Daniele Lorenzano; for them today's sentence was definitive.

This past May 8, an appeals court had upheld that sentence of 2012. On appeal by Berlusconi's small army of lawyers, headed by Niccolò Ghedini and Franco Coppi, the case was then sent to the Court of Cassations, Italy's final appellate court. The work of the Cassations is not to judge on the merit of a sentence, but to review the lower court's positions on points of law and procedure. Because the Cassations court is hardly known for swift action, the "exceptional speed" (to quote Ghedini) with which it appeared the Cassations agenda has come under criticism from the Berlusconi camp. Those defending the apparently unusual haste say it was to avoid the case's going into prescription.

In the background was bitterness. Few have been more adamant defenders of Berlusconi than Daniela Santanché, who had repeatedly warned that Berlusconi's supporters would take to the streets to protest if he were convicted. Other of his backers screamed that a conviction would be a "vendetta" serving only to weaken the nation with "seismic shifts." The decision would go beyond Berlusconi himself, had predicted an editorialist from the rightist *Il Giornale*: "The Cassations holds the destiny and future of this country in its hands...a traumatic excit by the Cavaliere [Berlusconi] will put unforeseen forces into action that will make the political system even more unstable.... We are at a crossroads, and it is up to the judges to choose the political, economic and social future of the Italians."

Berlusconi himself has been careful to say that, should he be convicted, he will neither flee to a safe haven outside Italy, as did the late Socialist leader Bettino Craxi, nor bring down the government of which his Partito della Libertà is a partner.



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