



# Violent Censorship and Its Victims

Report by **Alberto Spampinato**,  
director of *Ossigeno per l'Informazione*,

at the conference on threatened reporters,  
sponsored by the Siani Award,

during the presentation of  
the 2010 OSSIGENO REPORT.

Naples, 23<sup>rd</sup> September 2010

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**OSSIGENO per l'informazione**  
**Osservatorio FNSI-Ordine dei Giornalisti sui cronisti sotto scorta**  
**e le notizie oscurate in Italia con la violenza**

**Centre on Information and journalism**  
**on the news overshadowed by violence in Italy**

Promoted by Fnsi and Ordine Nazionale dei Giornalisti  
in association with Libera Informazione,  
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OSSIGENO aims to document all the Italian cases of violent or abusive limitation of freedom of expression against journalists, writers, intellectuals, politicians, trade unionists, public officials and other citizens, with special attention to information and to what happens in journalism in the areas where strong and deeply rooted is the influence of organized crime.

The second annual Report of *Ossigeno*, which I feel very honoured to present at the Giancarlo Siani Award, puts light on a worrying and barely known phenomenon which gets more and more common, even if already widespread, also in our country. It is the violent censorship realized through threats, intimidation, damages, intrusions, and devious legal measures that hamper and limit the freedom of information. From 1960 to 1993, the most extreme forms of censorship have dealt with the murder of eleven stubborn and brave journalists who did not want themselves to be hushed up. Giancarlo Siani was one of them, a 26 year old brilliant journalist. He was shot down like a bull 25 years ago, one night in Naples, while he was coming back home from his office at the *Mattino*, after a day of work. His murderers, members of the *camorra*, decided that he deserved to die for reporting on news they did not like. As a matter of fact, three months earlier he had revealed a secret agreement between the *camorra* members of the *Nuvoletta* clan and the mafia members of the Totò Riina's clan. Giancarlo was the only one to write about that story. He was the only brave one to make the bosses' secrets public, damaging them.

At the newspaper, he was boasted for the scoop. He was "promoted" and moved from the detached office of Castellammare di Stabia, where he was the correspondent from Torre Annunziata, to the central office of Naples. "Now, give up with these stories which get the *camorra* angry" - some colleagues advised him. "What's the point?", they told him. It's the story told in the film *FortApasc*, by Marco Risi. Giancarlo did not follow those advices and kept on gathering critical information, the information which other people dodged or pretended not to know, and he kept on writing inconvenient news. His flair and his view of journalism did not let him to act differently. He could not turn his head in order to stay safe, not even when the danger was evident and he started to have fear. Giancarlo acted just like the other ten journalists murdered in Italy: all of them were murdered because, even feeling the danger, they were determined to keep on, and thus there was no

other way to stop them. I have thought through a long time about these dynamics, because one of those stubborn journalists was my brother. His name was Giovanni. The others were Cosimo Cristina, Mauro De Mauro, Mario Francese, Pippo Fava, Peppino Impastato, Beppe Alfano, Mauro Rostagno, Carlo Casalegno, Walter Tobagi. I feel proud to recall here their names together with Giancarlo and Giovanni and to honour their memory.

Since 1993, no other journalist was murdered. But violence has not ceased. This is what comes from several news and it is confirmed by the 2010 *Ossigeno* Report which, listing the most recent facts, denies the commonplace that Italy is a calm place for journalists. This is not true. Our Report shows that in 2009 and 2010 in Italy hundreds of journalists suffered serious threats, intimidation, damages, undeserved pressures and other forms of violence exerted in order to limit their right to collect and publish news for the public's sake. The episodes we verified, in the period January 2009-March 2010, are 53. 29 of this attacks were addressed to individuals and 24 were addressed to groups of people. Some of the latter ones struck entire newspapers offices, estimating almost 400 journalists involved. It is not a little number. They are more than the members of the Senate. It's like there was one threatened journalist in each community of 150 thousand inhabitants. Four hundred is not a little number, but the actual threats are even more. The phenomenon is really widespread. We did not mention all the cases which were reported to us, but only the ones we were able to verify and after the closing in March of this half-report, other 25 episodes came to our knowledge, increasing the total to 78. *(see in the last page the figures updated after the present report).*

Furthermore, one thing is what we see, and another thing is the real dimension of the phenomenon, because a lot of cases are not reported. This is what comes out of the biannual UNESCO report. What we can see and measure are only the REPORTED threats and the murders committed, as recalled by the UN

agency which monitors the freedom of information in the world, but this is only the visible part of a phenomenon which is mostly hidden, "the tip of the iceberg", with a huge part which stays submerged.

**GEOGRAPHICAL DISTRIBUTION** - But where do such horrible things happen? The common opinion is that they can happen only in those countries with a weak and unstable democracy or, within countries like Italy, only in the lands where mafia is deep-rooted. This is not really the case. It is true that - with 23 episodes, and 15 only this year - Calabria is at the top of the Italian chart with an extremely alarming situation, which would deserve more attention, solidarity and initiative. It is true that Sicily and Campania also keep high positions in this ideal chart. But our survey shows that threats to journalists spread in almost every region, from Veneto to Lombardia to Lazio. These are the figures (the number in brackets is that of the 2009 *Ossigeno* Report): Calabria 15 (8), Sicily 6, Campania 6, Lazio 10, Lombardia 6, Puglia 3, Basilicata 2, Piemonte 2, Emilia Romagna 1.

**COMPARISON WITH 2009** - One year ago, the first *Ossigeno* Report registered 61 episodes within a space of three years (2006-2008), with an average of 20 threats per year. The 43 episodes of this new half-Report represent an increment of the 100%. The rise is even higher for the threats addressed to groups of journalists or to entire newspapers offices: in 2009 we counted 9 episodes and estimated at least 200 journalists involved, now the episodes are 24 (+250%) and the journalists involved are the double (+100%).

The new Report confirms the alarm we raised one year ago: that an escalation is under way. It was fully justified. Even eminent international centers of monitoring (Freedom House, Reporters Sans Frontières and others) had reported the strong alarming limitations to the freedom of information which happen in Italy, with violence against journalists. But no one had foreseen a so fast progression. We hope that our work could help to raise awareness about what is happening. Despite the astonishment

and the incredulity which these figures can cause, it is difficult to question them, and we have to face them. Our Report presents cases which are directly verifiable: names, surnames, circumstances of each episode and it shows which risks the Italian journalists take when they deal with the most critical and inconvenient news, unwelcome news for the centre of the criminal power, especially for the organized crime, but also for other levels of power. The Report formulates, in addition, some proposals to reduce the risks for the reporters and shows some topics which would deserve special attention and a close examination, which have not been achieved until now.

We think that a systematic encumbrance to the right to inform, as it happens in Italy with the several cases of threats to the journalists, takes to an extensive overshadowing of information, with the disappearing of news of great relevance. Therefore, the threats jeopardize the completeness of the information, weaken the right of the citizens to be informed and finally reduce the spaces of democracy. This is evident for a number of foreign observers that have been watching the Italian situation for a long time. In our country, instead, the phenomenon is completely neglected.

The politicians do not care, the institutions and the journalists undervalue it, while the civil society ignore it. The problem is shrouded by the indifference, which hides it and this has no excuse in a democratic country which claims the origins of the civil law and it is one of the founding members of the European community which vouches for these rights through its higher institutions.

In this deafening silence, in Italy, hundreds of journalists and their newspapers are exposed, without special protections, to interference and serious and recurrent threats.

Such episodes should not be omitted. The single reporters should not be left alone before this huge problem. This is unacceptable in a civil society. Also because the public indifference encourages negative behaviours. For instance, it encourages those people who, for fear or self-interest, instead of

supporting the honest and threatened reporters, instead of surrounding them with solidarity, they mock them with a cynical question: "What's the point?". Unfortunately, also a lot of journalists have pronounced these words. Somebody say that for superficiality and they only need to be informed about the state of the things. Some other people say it with cunning and malice, with the air of those who know best, and consider autocensorship the best way to prevent the threats. Autocensorship, actually, is the antithesis of journalism, but these people consider it a "trick" of the trade. But what kind of trade? - I would like to ask. To hide information, to differentiate the news, to let the fear take the lead, to look at the facts wearing blinkers or through the eyes of the strongest one: these things have nothing to do with journalism, do not make up with the duties of the journalists.

This was true at the time of Cosimo Cristina, murdered in Termini Imerese in 1960 for his brave investigations about interrelations between mafia and politics. It was true in 1972, when Giovanni Spampinato was killed. It was true in 1985, when Giancarlo Siani died. It was true and it was difficult to say it. It is still true today and it is still difficult, much to my regret, that these elementary rules are peacefully accepted. However, we could not honour the memory of Giancarlo and of all the brave journalists killed in Italy without telling this truth again, without reporting the mocking of the fearful ones and the fatalism of whom, in front of the sad status of a great part of the Italian journalism, in front of the slaughter of principles and rights, which calls for revenge, think that the only thing to do is to conform to the lowest level, leaving aside the civil commitment, the ideals, the ethics and the codes of conduct, and ultimately, our same honour.

The Italian journalism faces a great number of problems: temporary employment, lack of job, lack of resources, partisanships... But nothing of all this can justify the apology of behaviours that have nothing to do with journalism. If we simply let go, Giancarlo Siani and all the other brave journalists whose

memory we still honour today, will not appear as exemplary journalists who got killed in order not to bend, who dominated the fear and accepted the risk to get killed in order to write their news without accepting orders. They will seem just some crazy people who committed suicide and killed themselves by hitting the wall with their head, and we can't deny that sometimes they are described like that. Their personal stories say something else and we should make efforts to make everyone aware of it, especially the young people, especially those who would like to be journalists. Even because each of those stories leads us to the present problems and helps us to understand them.

**FORMS OF INTIMIDATION** - Since 1993 in Italy no other journalist was killed. However, violence and other undeserved pressures are still used to hush reporters and columnists up, to intimidate them, to stop investigations, news, interpretations considered inconvenient. The most used methods are letters and threatening phone calls: 19 + 9 (17) and we must add 2 e-mails sent on the web. There are also 10 +3 (16) physical aggressions and 9 +1 (8) intrusions and damages.

**FINANCIAL COMPENSATIONS** - Other more devious but equally effective methods are used: interventions on the newspapers ownership, indirect and allusive warnings which can come through unexpected ways, requests of denial used as an excuse. Things that cannot be seen in a survey. Like the growing number of summons at the Civil court to obtain ruinous financial compensations, with no proportion to the damage caused and to the income of the newspaper or the journalist involved, with no complaint for libel and with no evidence of damage verified in a Penal court. We registered 13+1 (8) of these cases, the most sensational being those presented by the Prime Minister Silvio Berlusconi against *Repubblica*, for the 10 questions about the Noemi affair, and against the *Unità*, for the same case. The claim was of one million euro.

Another one was presented against journalist Rino Giacalone by the Major of Trapani, who claimed 50 thousand euro for an



article which had criticized his work. We also recall the sentence in appeal against the *Messaggero* and the music critic Alfredo Gasponi, which obliged them to pay to the orchestral players of Santa Cecilia, respectively a compensation of 2 millions and 400 thousand euro, and of 500 thousand euro, for an interview of 1996 when the conductor Wolfgang Sawallisch expressed unflattering opinions.

**INVASIVE SEARCHES** - Trial reporters are exposed to another type of serious intimidation: sometimes they run up against touchy magistrates who get offended of a newsleak, magistrates who, instead of picking on the sources - often other magistrates or public functionaries bound to keep secrecy - they pick on the journalists, investigate them, put pressure on them to reveal their confidential sources, strike them with invasive searches and seize their instruments of work and their archives. The Italian legislation permits this and other kinds of abuse of the judicial action, even if they often end with a verdict of no guilty. In the Report we present 13 +1 (15) cases of this type and we stress the legislative gaps on the subject of our legislation, gaps that need to be filled in. They must be filled in.

In the country where the "gag act" was not enforced only thanks to the massive mobilization of journalists and public opinion, we dare to demand that, because it is a fair request and a necessary measure. How could the gap be filled in? An example to follow comes these weeks from Germany where, on the government initiative, the parliament is modifying the penal code in order to expressly declare that a journalist who writes confidential news revealed by public functionaries, magistrates, secret services, even if it deals with trial documents or the text of an interception, cannot be legally prosecuted. In these cases the judges will prosecute with no dispensation only the "source" who breaches the secrecy. It is a very civil reform that would be very good for our country.

**AGGRAVATING CIRCUMSTANCE** - We think, and we wrote it in the Report, that another legislative reform would be necessary

to ensure the journalists' safety: there should be a specific aggravating circumstance for all the offences aimed at hampering the right to inform and, as a consequence, the right to be informed. It would be a justified measure to limit the common and recurrent use of forms of violence against journalists and against their activity.

**OFFENCE FOR OBSTRUCTION TO INFORMATION** - Furthermore, according to us, a new offence should be introduced into the code: obstruction to free information, a positive rule to ensure the defense of a right established by the Constitution and the Charter of Fundamental Rights of the European Union, but widely infringed with no impunity. We know that it's difficult, that the tide goes to the opposite direction, towards the decriminalization of a large number of offences. But it would be useful to open the debate on legal protection of journalists starting from this point, to come finally, after due consideration, to a civil sanction.

The path that I draw would help to raise awareness of the problem among the public opinion, and thus give start to the legislative process. It would let understand how things go in our country, but in other countries too, and would show the leaks which need to be fixed. We must remember that, in its last biannual Report, Unesco indicated as one its priorities to adjust the legislations in order to reduce the generalized "impunity" of those people who killed journalists or exerted any kind of violence against them. If *Ossigeno* managed to keep on, it would gather eminent opinions on the subject and will promote a specific conference.

**LEGAL PROTECTION** - In the light of these considerations, moreover, it is evident the need to offer a service of legal assistance to the threatened journalists. But it is also necessary to find new forms of solidarity for the threatened journalists and to find better organizational solutions within the newspapers offices to ensure the journalists' safety.

OSSIGENO'S PROBLEMS - As I previously mentioned, we did not include in the Report some cases, probably true, which were reported to us. I would like to tell why: we were not able to verify them with the strict parameters we adopted. It would have been necessary to send some trustworthy correspondent to Sicily, Calabria and to other places. We did not have the means to do it. The *Ossigeno* Observatory, unfortunately, still does not have the resources to go to these or other kinds of expenses. As explained in the introduction of our scientific director, Angelo Agostini, this report, as the previous one, was realized capitalizing the civil commitment and the stubbornness of a group of volunteers who personally covered the expenses and, obliged to limit their activity, preferred the reliability of the news instead of the width of the description.

HALF-REPORT - For these limitations, we define this document a half-Report, a mid-term report, which is a good compromise compared to the aim we had fixed. This does not reduce the importance of the data we present and the pride we feel for this second *Ossigeno* Report, after the first representative one of 2009. Anyway we will add soon more news about threats, intimidation, damages, intrusions in Italy in last few months, to have a definite 2010 Report

GOODBYE, MAYBE - In conclusion, we are forced to say that, at the actual state of things, we cannot assure that in 2011 we will be able to write an updated report. The conditions of uncertainty and precariousness of *Ossigeno* already went too far and have exhausted the strength which brought us until here. Without the support of fresh resources and some financial help, we cannot present a serious and reliable picture. We expressly explained it to the board of FNSI and the Association of Journalists, that sponsor the observatory, and which we thank for having create *Ossigeno*, filling a gap that had been there for a long time. We have recently received encouraging assurances. We hope that these can be converted into concrete actions and decisions which could give the observatory the opportunity to walk on.

*Naples, 23<sup>rd</sup> September 2010*



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**DATA OF THE 2010 REPORT**

**Threats and intimidating actions**

Relevant episodes in 2009-2010: 78, 54 of which against individuals and 24 against groups  
Estimation of involved journalists: 400

**Professional situation**

Stable contracts: 52 Temporary contracts: 18 Other: 8

**Modality of threats**

Physical assaults: 13

Damages: 15\*

Threats and intimidation (oral and/or written\*\*): 34

Complaints and legal actions: 16

\* among the damages we include the hacker attack to the LiberaInformazione website

\*\* the category includes the finding of bullets and other materials

**Where**

Calabria 19, Lazio 17, Sicily 10, Campania 10, Lombardy 9, Puglia 4, Basilicata 2, Piedmont 2, Veneto 2, Tuscany 2, Friuli Venezia Giulia 1, Liguria 1, Bruzzo 1, Emilia Romagna 1.

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