

UNCLASSIFIED

UNCLASSIFIED

PAGE 01 ROME 02821 141750Z
ACTION EUR-01

INFO	LOG-00	AID-01	AMAD-01	CIAE-00	SJK-01	C-01	DODE-00
	DS-00	HA-09	H-01	INM-01	INRE-00	INR-01	L-03
	ADS-00	NSAE-00	NSCE-00	OIG-01	OMB-01	PA-02	PM-01
	PRS-01	P-01	SCT-03	SNP-01	SP-01	SS-01	TRSE-00
	T-01	USIE-00	/034W				

-----OF6980 142127Z /38

R 141747Z FEB 92
FM AMEMBASSY ROME
TO SECSTATE WASHDC 4026
DEPT JUSTICE WASHDC
DIRFBI WASHDC 0329
DEA HQS WASHDC
INFO AMCONSUL PALERMO
AMCONSUL NAPLES
AMCONSUL MILAN
AMCONSUL GENOA
AMCONSUL FLORENCE

RELEASED IN FULL

UNCLAS ROME 02821

E.O. 12356: N/A
TAGS: SOCI, SNAR, PTER, ASEC, IT
SUBJECT: ITALIAN SUPREME COURT REVIVES MAXI-TRIAL
-- CONVICTIONS OF MAFIA BOSSES

1. SUMMARY. IN A DECISION WIDELY REGARDED AS A
SIGNIFICANT TURN OF EVENTS ON THE JUDICIAL FRONT IN
UNCLASSIFIED

UNCLASSIFIED

PAGE 02 ROME 02821 141750Z
ITALY'S ANTI-MAFIA STRUGGLE, THE ITALIAN SUPREME COURT
(CORTE DI CASSAZIONE) REVIVED THE MAXI-TRIAL
CONVICTIONS OF TOP LEVEL FIGURES IN THE SICILIAN MAFIA,
CONFIRMING THE VALIDITY OF EVIDENCE OF A HIERARCHIAL
CRIMINAL ORGANIZATION PRESIDED OVER BY BY A "CUPOLA" OR
"COMMISSION" OF BOSSES. END SUMMARY.

2. ON JANUARY 30, THE FIRST PENAL SECTION OF ITALY'S
SUPREME COURT ISSUED ITS LONG-AWAITED DECISION ON THE
PALERMO MAXI-TRIALS. IN ADDITION TO REJECTING THE
APPEALS OF MORE THAN 250 DEFENDANTS, THE COURT MORE

UNCLASSIFIED

IMPORTANTLY REVERSED PRIOR AQUITTALS BY THE PALERMO APPEALS COURT OF SEVEN TOP MAFIA BOSSES, INCLUDING MICHELE GRECO, SALVATORE RIINA, GUISEPPE (PIPPA) CALO, AND FRANCESO (DON CICCIO) MADONIA.

UNCLASSIFIED

3. THESE BOSSES, WHO WERE ALLEGED TO HAVE BEEN PART OF A SMALL GROUP WHICH DIRECTED THE AFFAIRS OF THE SICILIAN MAFIA IN THE LATE 1970S AND EARLY 80S, HAD BEEN SENTENCED IN THE FIRST MAXI-TRIAL IN 1987 TO LIFE IMPRISONMENT FOR THEIR ROLE, AMONG OTHER THINGS, IN ORDERING THE MURDERS OF ITALIAN LAW ENFORCEMENT OFFICIALS AND MAFIA RIVALS. THE COURT OF APPEALS IN PALERMO, HOWEVER, HAD REVERSED THEIR CONVICTIONS, DEEMING NOT CREDIBLE THE TESTIMONY OF "PENTITI" SUCH AS TOMMASO BUSCETTA AND THUS ALSO THE THEORY OF A HIERARCHIAL MAFIA PRESIDED OVER BY A COMMISSION OF BOSSES.

4. NOW, IN LIGHT OF THE SUPREME COURT RULING, THE CASES AGAINST GRECO AND THE OTHERS, WHICH INCLUDES THE
UNCLASSIFIED

UNCLASSIFIED

PAGE 03 ROME 02821 141750Z
1982 MURDER OF CARABINIERI GENERAL DALLA CHIESA AS WELL THE MURDERS OF STEFANO BONTANDE, SALVATORE INZERILLO AND OTHER RIVAL ORGANIZED CRIME FIGURES KILLED DURING THE MAFIA WARS OF THE EARLY 1980S, WILL HAVE TO BE REHEARD BY THE COURTS IN PALERMO.

5. PRIOR TO THIS DECISION, THE FIRST PENAL SECTION OF THE SUPREME COURT -- AND ITS PRESIDENT CORRADO CARNEVALE -- HAD BEEN MUCH CRITICIZED FOR UNDOING THE WORK OF SICILY'S ANTI-MAFIA MAGISTRATES. BUT IN THIS INSTANCE, CARNEVALE ABSTAINED FROM PRESIDING, AND THE PATTERN OF ADVERSE DECISIONS SEEMS TO HAVE BEEN BROKEN.

6. THE MAXI-TRIAL DECISION IS VIEWED AS A VINDICATION OF THE WORK OF GIOVANNI FALCONE AND OTHER MEMBERS OF PALERMO'S ANTI-MAFIA POOL OF MAGISTRATES AND ITS VIEW OF THE SICILIAN MAFIA AS A SOPHISTICATED, HIERARCHICAL ORGANIZATION. THE DECISION SHOULD ALSO REMOVE DOUBTS ABOUT THE LEGAL LEGITIMACY OF THE TESTIMONY OF "PENTITI" SUCH AS BUSCETTA AND FRANCESCO MARINO MANNOIA. (IN FACT, THE COURT FURTHER REDUCED MANNOIA'S SENTENCE, BASED ON HIS COOPERATION.)

SERWER

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

NNNN

UNCLASSIFIED