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ACTION EUR-01

INFO	LOG-00	ACDA-15	AGRE-00	AID-01	AMAD-01	A-01	CA-02
	CCO-00	CEA-01	CG-00	CIAE-00	SJK-01	COME-00	CTME-00
	C-01	DODE-00	DOEE-00	DS-00	EB-01	EXIM-06	E-01
	FAAE-00	FBIE-00	FRB-03	HA-09	H-01	IMMC-01	INRE-00
	INR-01	INSE-00	ITC-01	JUSE-00	LAB-04	L-03	ADS-00
	M-01	NRCE-00	NSAE-00	NSCE-00	OIS-01	OMB-01	OPIC-08
	PA-01	PM-01	PRS-01	P-01	SCT-03	SNP-01	SP-01
	SSO-00	SS-01	STR-20	TRSE-00	T-01	USIE-00	USSS-00

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R 291752Z JUL 92
FM AMEMBASSY ROME
TO SECSTATE WASHDC 0917

C O N F I D E N T I A L SECTION 01 OF 02 ROME 13544

RELEASED IN FULL

E.O. 12356:DECL: OADR
TAGS: PREL, PTER, ECON, IT
SUBJECT: A NEWCOMER TO ROME FOCUSES ON LEGAL ISSUES

1. CONFIDENTIAL - ENTIRE TEXT -.

2. SUMMARY. THE NEW SECRETARY GENERAL OF THE PRIME MINISTER'S OFFICE IS A LAWYER LIKELY TO FOCUS ON LEGAL QUESTIONS. SHE IS ALREADY PLAYING A STRONG ROLE IN ORGANIZING THE GOI'S FIGHT AGAINST THE MAFIA. SHE IS SYMPATHETIC WITH THE USG ON PROTECTION OF INTELLECTUAL PROPERTY. SHE WANTS TO SEE CONVICTED

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TERRORIST AND ITALIAN CITIZEN BARALDINI TRANSFERRED TO ITALY, ALTHOUGH HER CONTINUED INCARCERATION CANNOT BE ENSURED. END SUMMARY.

3. THE DCM CALLED JULY 28 ON THE NEWLY-APPOINTED SECRETARY GENERAL OF THE PRIME MINISTER'S OFFICE, FERNANDA CONTRI. BORN IN IVREA BUT RESIDENT FOR THE PAST 40 YEARS IN GENOA, WHERE SHE SPECIALIZES IN FAMILY LAW WITH HER HUSBAND, THE 57-YEAR-OLD CONTRI EXPECTS NOT ONLY TO RUN PALAZZO CHIGI BUT ALSO TO

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PLAY A STRONG ROLE IN CRIMINAL JUSTICE MATTERS, WHICH SHE HANDLED FOR THE SOCIALIST PARTY UNTIL RECENTLY. SHE WAS FRIENDLY WITH MAGISTRATES GIOVANNI FALCONE AND PAOLO BORSELLINO, HAVING SERVED A TERM AS A "LAY" MEMBER OF THE SUPERIOR COUNCIL OF MAGISTRATES (SUCH LAY MEMBERS ARE CHOSEN BY THE GOVERNMENT). SHE HAS NEVER VISITED THE U.S. BUT HAS TRAVELLED (BY CAR, AS SHE PREFERS NOT TO FLY) EXTENSIVELY IN EUROPE.

4. WE OUTLINED FOR CONTRI THREE AREAS IN WHICH HER HELP MIGHT BE NEEDED: LAW ENFORCEMENT MATTERS (INCLUDING THE ANTI-MAFIA AND ANTI-TERRORISM EFFORTS), COMMERCIAL QUESTIONS (INCLUDING THE URUGUAY ROUND, PROTECTION OF INTELLECTUAL PROPERTY AND SPECIFIC ISSUES LIKE BANANAS AND OILSEEDS), AND DEFENSE/SECURITY QUESTIONS (INCLUDING THE WEU/NATO RELATIONSHIP AS WELL AS BURDENSARING ISSUES LIKE TAXATION OF AMERICAN BASES AND INCREASED EUROPEAN CONTRIBUTIONS TO THE ALLIANCE). CONTRI FOCUSSED HER

COMMENTS ON LEGAL ISSUES.

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 THE ANTIMAFIA FORCES NEED STRENGTHENING

5. SHE EXPRESSED PARTICULAR APPRECIATION FOR USG HELP IN FIGHTING THE MAFIA, AND FOR THE EARLY RECOGNITION BY THE USG OF THE EFFORTS OF FALCONE. HE CLEARLY HAD FOUND MORE SUPPORT IN AMERICA THAN IN ITALY, WHERE HIS MAGISTRATE COLLEAGUES HAD FOUGHT WITH HIM CONSTANTLY. THE FBI'S HELP IN INVESTIGATING HIS MURDER AND BORSELLINO'S IS CRUCIAL, SHE SAID. SHE ALSO EXPRESSED DOUBT THAT THERE WAS ANYONE WHO COULD REPLACE THESE TWO LEADING LIGHTS. THOSE WHO HAVE BEEN NAMED AS POSSIBLE "SUPER-PROSECUTORS," INCLUDING CORDOVA AND OTHERS, LACK THE BALANCE AND KNOWLEDGE THAT CHARACTERIZED FALCONE AND BORSELLINO.

6. INTELLIGENCE COLLECTION IS NOW CRITICAL TO THE FIGHT AGAINST THE MAFIA, CONTRI SAID. THE ITALIAN SECRET SERVICES (SISMI AND SISDE) SPEND TOO MUCH TIME FIGHTING WITH EACH OTHER AND PRODUCE TOO LITTLE. THERE ARE LIKELY TO BE CHANGES IN PERSONNEL, AND A

SHIFT OF RESPONSIBILITY FOR INTELLIGENCE GATHERING AGAINST THE MAFIA TARGET FROM SISDE TO THE NEW ANTIMAFIA INVESTIGATIVE DEPARTMENT (DIA). COMMENT. WE MET FORMER SISMI CHIEF MARTINI, WHO IS NOW WORKING AGAIN AT PALAZZO CHIGI IN AN ADVISORS ROLE, IN THE WAITING ROOM ON OUR WAY OUT. IT IS POSSIBLE HE IS PLAYING A ROLE IN PLANNING INTELLIGENCE COMMUNITY CHANGES, AN AMBITION HE HAS EXPRESSED IN RECENT

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CONVERSATIONS WITH US. END COMMENT.

INTELLECTUAL PROPERTY SHOULD BE PROTECTED

7. CONTRI SAID SHE HAD SOME FAMILIARITY WITH INTELLECTUAL PROPERTY PROBLEMS, HAVING BEEN INVOLVED IN A CASE BROUGHT BY MGM IN THE MID-1980S. ITALY IS BACKWARD IN THIS AREA, SHE SAID. WE UNDERLINED THAT COOPERATION FROM THE GOVERNMENT AND LAW ENFORCEMENT OFFICIALS HAS BEEN GOOD, BUT LEGISLATION NEEDS TO BE STRENGTHENED AND UPDATED AND JUDGES NEED TO TAKE VIDEO, AUDIO AND SOFTWARE PIRACY MORE SERIOUSLY. ITALIANS, SHE REMARKED SYMPATHETICALLY, HAVE SIMPLY NOT KEPT UP WITH THE CHANGING WAYS IN WHICH IDEAS ARE

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EXPRESSED. CONSCIOUSNESS-RAISING IS CLEARLY NEEDED.

BARALDINI SHOULD BE TRANSFERRED

8. WE NOTED ONE BILATERAL DIFFICULTY IN THE LAW
 ENFORCEMENT AREA: THE BARALDINI CASE. NOTING THAT
 THE JUSTICE DEPARTMENT IS CONSIDERING THE GOI'S
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 FEBRUARY REQUEST FOR A TRANSFER, AND THAT WE COULD
 NOT PREDICT HOW IT WOULD COME OUT, WE REMINDED CONTRI
 OF THE FACTORS THAT WEIGH AGAINST: HER FAILURE TO
 EXPRESS REMORSE OR COOPERATE WITH THE AUTHORITIES AND
 THE LIKELIHOOD THAT SHE WILL BE RELEASED ONCE
 TRANSFERRED. WE ALSO NOTED THAT FALCONE HAD HAD AN
 OPPORTUNITY TO VERIFY THE CONDITIONS OF HER
 IMPRISONMENT AS WELL AS THE QUALITY OF HER MEDICAL
 CARE AND HAD COME AWAY SATISFIED.

9. MAKING IT CLEAR THAT SHE WOULD HAVE RAISED THE
 ISSUE IF WE HAD NOT DONE SO, CONTRI SAID SHE HOPED
 BARALDINI WOULD BE TRANSFERRED. SHE IS AN ITALIAN.
 ITALY IS TRYING HARD TO PUT THE ERA OF TERRORISM IN
 THE PAST. CONTRI EXPECTS TO REACH SOME AGREEMENT
 WITH AUSTRIA IN THE NEAR FUTURE TO PARDON OR RELEASE

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SOUTH TYROLEAN (ALTO ADIGE) TERRORISTS. THE QUESTION OF REMORSE AND COOPERATION WITH THE AUTHORITIES IS IMPORTANT, SHE ACKNOWLEDGED, BUT ITALY--HAVING FACED A TERRIBLE TERRORIST CHALLENGE--IS ANXIOUS TO CLOSE THE CHAPTER. WE WERE RIGHT, HOWEVER, TO WONDER WHETHER BARALDINI MIGHT BE RELEASED IF TRANSFERRED: GIVEN THE INDEPENDENCE OF ITALIAN MAGISTRATES, IT IS SIMPLY UNPREDICTABLE WHAT THEY WILL DO.
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