

Italian justice

Silvio, the actress and the law

ROME
 Suspicions surround Italy's attempt to reform the judiciary

THE story of Silvio Berlusconi's lobbying to secure television parts for glamorous actresses is one of the more strange and memorable tales of the Italian prime minister's colourful history. In 2007 an Italian newspaper published leaked transcripts of telephone calls between Mr Berlusconi, then leader of the opposition, and a senior executive at Italy's public broadcaster. In one of them Mr Berlusconi, seeking to upset the centre-left government's narrow majority in the upper house, is quoted as explaining that "I'm trying to get the majority in the Senate". One voluptuous actress has "been requested from me by someone with whom I am negotiating".

The inevitable suspicion was that Mr Berlusconi was trying to persuade legislators to defect by using the oldest bait in the book. On February 25th, however, the case was dropped. Prosecutors said there was insufficient evidence of wrongdoing for either Mr Berlusconi or the executive to be tried. On the same day, oddly, Mr Berlusconi's People of Freedom (Pdl) alliance dropped some of the more draconian measures in a bill designed to limit wiretaps and reports of their contents.

The episode illustrates many of the misgivings that surround Mr Berlusconi in his latest effort to overhaul the legal system: is he really seeking to enhance Italy's poor standards of justice, or is he trying to protect his own interests?

All agree that the existing system is a nightmare: intrusive yet slow, costly and unpredictable. Its shortcomings are not just a matter of social fairness. They help explain why Italy attracts comparatively little foreign investment. According to a 2009 survey by the World Bank on the ease of doing business, Italy's judicial system offers investors less protection than does Mozambique's; contracts are more difficult to enforce in Italy than in Colombia.

Angelino Alfano, the justice minister, says it takes more than 31 months on average to bring a case to court; more than 5m civil and 3m criminal cases are pending. Money is part of the problem. The courts are poorly financed, and the limited money available is spent on too many small courthouses. In criminal trials, moreover, both defence and prosecution are allowed at least two appeals.

Saving money is one justification for the first proposed reform, which deals primarily with restricting wiretaps. Even Saviero Borrelli, the prosecutor who led the

School killings in Germany

Not just an American horror

BERLIN

Germany's strict gun laws could not prevent another teenage massacre

ANOTHER ordinary school. Another teenager with a dark soul and a gun. Another harvest of young corpses. This time it happened in Winnenden, a prosperous town of 28,000 near Stuttgart. On March 11th Tim Kretschmer, a 17-year-old boy clad in black military garb, marched into the Albertville-Real-schule, from which he had graduated last year, and opened fire with a 9mm pistol.

He killed nine students (eight of them female), three women teachers and one person in front of a psychiatric clinic opposite the school, before fleeing with a hostage in a hijacked car. In a shoot-out with police at a Volkswagen dealership 40km (25 miles) away, he killed two more before apparently shooting himself.

For some time now, Germans could no longer regard school massacres as a characteristically American crime. In 2002, 17 people were killed at a school in Erfurt in eastern Germany. In Finland shooting sprees at two different schools in 2007 and 2008 left 20 people dead, including the perpetrators.

Germany, though, has one of the strictest gun-control regimes in the world, says Rainer Wendt, head of the country's Police Union. Gun-owners have to show that they can be trusted with weapons, demonstrate their need for them, register them with the police and keep them securely. Gun ownership is relatively high, at around 30 per 100 people, but well below the rate in the United States (89) and Finland (45), according to the Geneva-based Small Arms Survey. Despite such restrictions, Mr

so-called *Mani Pulite* (Clean Hands) anti-corruption drive that swept away Italy's old political order 15 years ago, recognises that Italian investigators resort much too freely—and lazily—to telephone-tapping and eavesdropping.

The bill says a telephone tap would have to be authorised by three judges; they would need "evident" indications of guilt; and with the exception of Mafia or terrorism cases, it could not last more than 60 days. The judiciary's self-regulatory body has criticised earlier versions of the bill as "a serious obstacle to investigative activity"; it said it would benefit fraudsters, blackmailers and paedophiles. Under pressure, the government has removed some of the most controversial provisions.

Still, some remaining aspects worry journalists and lawyers, such as the stiff penalties suggested for the publication of

Kretschmer's parents owned an arsenal of more than a dozen guns, one of which he employed in the killing spree, according to German press reports. His father is a prosperous businessman.

Children who are prone to extreme violence often hint at it beforehand, but if Mr Kretschmer did so no one picked it up. He is described by officials as "completely inconspicuous" and had entered an apprenticeship programme, an attainment that eludes many disaffected young men. Tragedies like the one in Winnenden can unfortunately strike without warning, and perhaps anywhere.



After the bloodbath

wiretaps, part of a proposed news clamp-down from arrest to indictment. Currently, prosecution evidence can be published as soon as it is handed to the defence. Innocent third parties can find their most intimate thoughts aired in public. But given the sloth-like pace of the courts, such British-style restrictions may mean that serious allegations are heard about only long after the event.

A second bill would overhaul the workings of the judiciary. Some steps, like curbing appeals, will help. But the main reform, splitting the jobs of prosecutor and judge, may make justice fairer but not swifter. One change, stopping the findings of one trial being applied to another one, would slow down proceedings. And it would also shield Mr Berlusconi after the conviction last month of his former lawyer, David Mills, on bribery charges. ■

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