

The Column of Infamy

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Several words are used in Italy to mask the most infamous supermax prisons ever known in the country's history: their official name is 41bis, which is the paragraph number from prison legislation regarding control-unit prisons, or units within prisons with supermax facilities. Not even Mussolini's fascist dictatorship succeeded in creating such a brutal concept... Something similar can only be found in the Special Court, created by fascist regime in 1926 against "enemies of the State", just as now the Italian government has demanded any appeal made by inmates undergoing the 41bis programme to be made to the Surveillance Court of Rome.

The 41bis detention programme is based on torture, violence, annihilation, destruction of autonomy and the violation of basic human rights. It is legalised torture, but presented as merely a necessary security measure.

Politicians use the 41bis detention programme as a symbol, passing it off as the solution to all social problems and security concerns, glorifying it and strengthening it to enhance their own popularity. History teaches us that political systems built in the name of Good have institutionalized Evil.

Anti-mafia professionals (in Italy, a means of obtaining power and wealth), in collaboration with judges, politicians and mass-media, glorify the 41bis detention programme. They say it is an achievement for social well-being and security, whereas it is an instrument of torture to extort confessions. People are induced into believing that supporting the torture that is 41bis is a way to tackle crime. Ostracism can be felt by anyone who dares criticize the 41bis detention programme, denouncing it as torture. There is a kind of dictatorship of conformism about the scheme.

Over 30 years ago, Leonardo Sciascia said, "Anti-mafia professionals need mafia even where there's no mafia".

Mass-media exaggerate every little fact in favour of the 41bis detention programme. News can be made up with the help of experts to generate acceptance of the 41bis programme. 41bis is depicted as necessary to fight crime, legitimised as a tool for the protection of society. Yet they omit to mention that the legitimacy of self-defence is limited to the restriction of another's liberty and cannot involve any violation of human dignity. To do so would be to effectively legitimize torture.

Several international institutions condemned and still condemn Italy for its 41bis torture regime, but Italian politicians ignore such criticisms and exploit the 41bis programme for their populist purposes. In the Musumeci-2005 ruling, the European Court of Human Rights criticised Italy for the 41bis torture regime. The European Committee for the Prevention of Torture condemned Italy for the 41bis torture regime, considering it a violation of the European Convention, which states: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment". In 2010 the European Council censured the treatment toward people subject to the 41bis regime. The UN condemned the 41bis scheme and asked Italy to include the crime of torture in its Penal Code. The Italian government has officially told the United Nations Human Rights Council that it will not include the crime of torture in its Penal Code. What do they fear? Amnesty International condemns and criticizes the application of the 41bis torture regime. A US judge rejected extradition from USA to Italy for an Italian-American prisoner because of the existence of 41bis

regime, considered to constitute a violation of the United Nations Convention Against Torture. Former Italian Minister of Justice Angelino Alfano criticised the decision, considering it inconceivable, because the US does not only maintain the death penalty, but Guantanamo Bay. This is an example of how torture is deeply rooted in prison policy. The Minister said that he increased the severity of the 41bis torture regime and that life prisoners subjected to 41bis should suffer this regime until their final death. Any comment is superfluous. Compared to the 41bis regime, Guantanamo is a five star hotel. The President of the Italian Prison Psychologists, Alessandro Bruni, said: "41bis should be made more human and acceptable regarding human contact. It has been introduced as an historical need, but is not always possible to manage everything as an emergency".

Social relationships change things, situations and conditions transform people. 2300 years ago Aristotle said: "equal justice is what promotes social bonds". Even the humanisation of punishment is linked with social relationships.

Emergency became law and torture became institutional, as the state's right to avenge. As prisoners are not sentenced to death, their lives are made unbearable, with regulation of abuses designed to make the punishment as effective as possible.

A State that uses the same kind of violence it aims to punish, becomes more criminal than those it punishes. A generation has been brought up by hate. A State that feeds hate is neither civil, nor constitutional, nor democratic. When torture is institutionalized, a mechanism 'monsterises' those who suffer, in order to legitimise the crime committed in the punishment.

Life imprisonment dispossesses life, as it is a death sentence watered down in time.

Through paragraph 41bis you lose any little hope left. Through paragraph 41bis every perversion and inhumanity is legitimised. That's why in this condition the suicide rate is five times higher than amongst the rest of the prison population.

There should be an authoritative and brave figure to tell the truth, to say that criminality has always been harnessed by political power, from the Italian Unity til today... and that it's then crushed when it is not needed anymore. Now they're not only buried alive, but also tortured through the 41bis-regime

Among approximately 700 prisoners living under 41 bis are neither politicians, nor State servants, nor white collars... As such the sadistic desires and illusions of omnipotence of the oppressive bureaucrats, the dark figures who take pleasure in torturing their prisoners, reign supreme. If a public figure was put through 41 bis, within a short time things would return to the realm of legality, because 'respectable people' would act... but so long as it remains the so-called dregs of society which is subjected to the regime, 'respectable people'... don't want to hear it.

This regime won't help anybody 'become good', but just feed hate and rage.

The European Commission funded research on crime and security in Europe, from which it was concluded that Italy was the most secure country in Europe. This shows that such methods are a tool used by politicians to raise the spectre of insecurity, generating the fear of a monster.

The respect for human dignity is not a privilege granted to someone, but a fundamental right for all. A constitutional State neither has to win, nor to lose: it just has to exist. The tables have turned: prisoners are demanding legality and respect for the rules, "rights and duties", but the State keeps behaving like a

criminal. Cardinal Martini states that “the one who is an orphan left outside the house of rights, will uneasily be a son in the house of dues”. History will condemn politicians that used the torture of 41 bis for their grim electoral aims, and will forget the names of the torturers because history hates the names of torturers too.