

MANCINO'S PHONE CALL INTERCEPTIONS: THE UNTOLD STORY

Framework

From November 2011 to April 2012 several phone calls were intercepted between the former minister Mancino and d'Ambrosio, the legal adviser to the Quirinale (presidential palace) and further 4 calls between Mancino and Napolitano. These last phone calls were marked as confidential and were subsequently destroyed without giving the parties involved the chance to assess their relevance. This happened as a consequence of the Constitutional Court's judgement concerning the conflict of powers raised by the Head of State. In the past such a conflict was never raised for previous Presidents of the Republic's interceptions, including those about Napolitano. D'Ambrosio's interceptions are part of the line of investigation carried out by the Prosecutor of Palermo on the State-Mafia negotiation.

Other parallele investigations are in progress in Florence and Caltanissetta on the massacres of 1992/1993 (respectively those of Rome / Milan / Florence and Capaci / Via D'Amelio). Although there could be a link between the negotiations and massacres, Florence and Caltanissetta are not investigating on the members of the institutions, as Palermo is dealing with this investigation.

It is important to remember that the only function of the Head of State for Justice, in addition to the powers of grace and a number of appointments, is to preside over the Superior Council of Magistracy in the MSM (and thus, in any case, not only its president); he performs disciplinary action against individual judges, having the power to remove them, but no power to influence investigations and proceedings, which are governed solely by the law (It. Rep. Const., part 2, Title IV).

November 25TH, 2011:

Former senator Mancino's phone number, now a private citizen, was brought under control by the prosecutor of Palermo, that wasn't entirely convinced of his testimony on the negotiation between state and mafia.

At that time the position of Mancino was that of witness, but by listening to the interception it's clear that he is very concerned to be investigated (which will happen next, for perjury) because of the contradictions between his version of events and that of two other former ministers, Claudio Martelli and Enzo Scotti.

December 22nd, 2011:

Mancino met the National Anti-Mafia Prosecutor Grasso at a ceremony before Christmas and refers to D'Ambrosio that Grasso wasn't able to exercise call back powers (forcible transfer of the investigation to another magistrate) and he insisted on the possibility of "coordinating" the investigation.

March 5th, 2012:

Mancino is afraid of the confrontation with the former Keeper Martelli, worried of being proven wrong. He fears the severity of the interrogation of the Palermo magistrates, and prefers the line of conduct of the Public prosecutor's office of Caltanissetta and Florence that so far hadn't involved any politicians in the other two lines of investigation concerning the massacres, while the prosecutor of Palermo was already investigating on the negotiation state-mafia. Mancino complains about the lack of uniformity in the work of the three prosecutors which in his opinion should be better coordinated. On the basis of this need D'Ambrosio began to advance a line of action through the Head of State who in the meantime was starting to be involved in the issue.

March 12th, 2012:

D'Ambrosio tells Mancino that he had spoken with both Grasso and the Head of State. The Quirinale (D'Ambrosio and Napolitano) began to study the issue, which however didn't seem easy to solve. For example the Quirinale suggest a phone call between Mancino and Martelli so that they can agree on a version to provide to the judges who questioned him.

D'Ambrosio tells Mancino that Napolitano will talk directly to Grasso and they'll consider to contact also the Attorney General of the Supreme Court Esposito to do something; even D'Ambrosio thinks that they could have benefited from the fact that Esposito was about to leave the position and then who knows ... , Mancino insists on the need for direct intervention to coordinate the prosecutors ,finally asks he D'Ambrosio to talk to Grasso if considered necessary but he also underlines the importance of not to divulge

any of these information.

March 27th, 2012:

Mancino has read the conclusions of the Prosecutor of Caltanissetta and he is strongly concerned that despite not being investigated, in the conclusions of Caltanissetta they have mentioned him and Conso and they agree with Martelli's version. Mancino talks to D'Ambrosio about the intention of writing a letter that he intends to show it in advance to D'Ambrosio and the Head of State in order not to aggravate even more its legal position. The letter of Mancino will focus on the lack of unity of the investigation and therefore the absence of coordination between the three prosecutors in Palermo, Caltanissetta and Florence. D'Ambrosio endorses this view.

April 3rd, 2012:

D'Ambrosio tells Mancino that he has received the letter and that on the basis of it , he and Napolitano are taking into account all the options, but also that the Head of State is willing to intervene. During the phone call Mancino lashes out again against the prosecutor of Palermo, and particularly against Di Matteo.

April 5th , 2012:

Mancino has been informed by the Quirinale that the letter was forwarded to the Supreme Court. In fact, on April 4th, the Secretary General of the Quirinale Donato Marra forwarded the letter to Mr. Esposito, at the side of which had been noted "on behalf of the President of the Republic" who recommended "taking immediate steps to ensure the conformity of address" of the investigation "in order to dispel the concerns that arise from the perception of non-unitary management of related investigations" and asked for "any permitted news."

A letter which was meant to be kept confidential, but that could be made public after the publication of interceptions planned for mid-June.

Sources:

- *reports on interceptions (www.slideshare.net/ilfattoquotidiano/telefonate-mancino-dambrosio)*
- *Micromega 5/2012*