

Do you accept that a fascist law is applied within the European community?

The European Court of Justice (ECJ) delivered its opinion in the Vincenzo Vecchi case on July 14. The Court ruled that the "Devastation and ransacking" Italian law from Mussolini's time need not have a strict equivalence with a French law (double criminality) for the European Arrest Warrant (EAW) to be executed by French authorities. Consequently, the "Devastation and ransacking" law will also be applicable to Vincenzo Vecchi in France. According to this law, under the concept of "moral support" a demonstrator can be sentenced to up to 15 years imprisonment for simply participating in a demonstration.

Vincenzo Vecchi was sentenced to 12 years in prison for his participation in 2001 in the G8 counter-summit in Genoa; the Italian justice authorities issued a European Arrest Warrant against him in 2016.

During the G8 counter-summit demonstrations in Genoa, marked by extraordinary police violence, Vincenzo Vecchi did not harm or assault anyone. He was only accused of material offences, including those committed by others around him. Despite all this, the ECJ opinion calls on France to hand over Vincenzo Vecchi to the Italian judiciary to enforce the sentence imposed on him. 11 years ago, he fled to Rochefort-en-Terre, a small town in Brittany. Here he lives fully integrated, has a steady job, a flat and, together with his girlfriend, is appreciated by many... So France no longer seems to be a land of asylum!!!

When considering a law like «Devastation and ransacking », one must question the two concepts it carries: moral support and criminalization of demonstrators.

There is nothing to discuss here....

Based on the 'offence' of so-called "moral support", the judiciary system can convict you for your mere presence at a demonstration where material offences are committed. Simple photos proving Vincenzo Vecchi's presence at the demonstration were enough evidence for the Italian judiciary to sentence him to 12 years in prison. The so-called offence of 'moral support' illustrates the shift from individual to collective responsibility of an individual, from presumption of innocence to presumption of guilt (as any participant can be held responsible for the acts of other demonstrators). With the concept of 'moral support', fundamental rights such as the freedom to demonstrate are abrogated; Apparently, the Italian justice system considers it perfectly normal to accuse 10 demonstrators, the '10 of Genoa', as scape-goats for the 300,000 other participants! Is this also to cover up the extraordinarily brutal abuse of state violence that occurred during the demonstrations? On 1 July 2015, the European Court of Human Rights (ECHR) condemned Italy for never having prosecuted the perpetrators of police violence against anti-globalization protesters.

With this decision of the ECJ, which must not under any circumstances become a precedent, the EAW protocol is reduced to an automatic, purely administrative procedure. It deprives judges of any form of detailed investigation and the defense of any possibility of enforcing applicable rights. This decision opens the door to the application of freedom-destroying laws within the European Union; it paves the way for various forms of state-organized repression and coercion. It undermines the

principle of mutual trust and cooperation between states and legitimizes a "collaborationist" policy that reminds us of more somber times.

It should also be pointed out that the vigilance of the Support Committee and the defence lawyers prevented a legally unjustified further arrest warrant against Vincenzo Vecci from being executed. This had not been checked by the French justice system. In terms of loyalty and mutual trust between states, it cannot be said that the Italian judiciary behaved in an exemplary manner. This makes it irrefutably clear that detailed investigation proceedings and adversarial debate between the prosecution and the defence are absolutely necessary.

...AND PLEASE DO NOT BE CONTRARY ... AND HOLD YOUR PEACE

Another issue of such a law as "Devastation and ransacking " is the criminalization of protesters. It makes no distinction between a simple offence and a crime. An ordinary offence is equated with crimes such as murder, terrorism, drug trafficking, and rape with aggravating circumstances.... With this kind of interpretation of the law, is the European judiciary pursuing the political intention of suppressing and criminalizing essential forms of opinion-forming and opinion-expression, including the elementary right to demonstrate? Does this kind of anti-freedom application of the law also serve the intention to legitimize brutal state police violence, as was the bitter reality during the bloody repression of the counter-summit in Genoa in 2001?

Additional information:

On 22 June 2017, the European Court of Human Rights (ECHR) declared that the treatment the complainants had to endure on July 19, 20 and 21, 2001 at the Diaz school site constituted torture.

The then government of 'Berlusconi' bears responsibility for the bloody police repression to which many participants of the counter-summit were subjected. This government used a strategy of terror. It is responsible for the use of torture and barbaric acts of its then police. It is with sadness and anger that we remember the killing of Carlo Giuliani. This abuse of state violence of a fascist nature left traumas and deep wounds. This abuse of state institutions was confirmed by the unfair trials against the Genoa defendants.

The ECJ refuses to apply the overriding Article 49 of the European Union's Charter of Fundamental Rights of Citizens, the principle of proportionality. What is the use of Article 49 if, despite a clear disproportionality between the act and the sentence, the judges of a country cannot apply it to an EU citizen?

The ECJ's decision to implement the execution of a European arrest warrant whatever the cost, without control or further court proceedings, this decision to 'automate' the EAW to a certain extent, is in line with the intentions of an ultra-liberal policy. The 'free exchange' of defendants is equated with the free exchange of goods, all just a question of norm.

If the July 14, 2022 ECJ decision is enforced in the member states, this will de facto imply the abolition of political right of asylum within Europe. We do not accept this. We will not silently accept that a red carpet is rolled out for the introduction and the application of freedom-destroying laws.