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## Opinion

# The fight against corruption is at stake in Milan

Working as a judge, police officer or lawyer is not usually an easy job. Neither in Argentina, nor in Italy, a country with which it shares political structures and culture. The case of the trial against Fabio di Pasquale.





Fabio Di Pasquale, Milan prosecutor.

EVA  
JOLY



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Working as a judge, police officer or lawyer is not usually an easy job. Neither in Argentina nor in Italy, a country with which it

shares to a certain extent political structures and culture, including its deviations, such as corruption in its institutions.

The difficulties faced by those who hold these positions are exacerbated when judicial officials come into conflict with local power dynamics.

Fabio di Pasquale can attest to this. A Milan prosecutor specialising in the fight against corruption, he managed to convict former Italian prime ministers Bettino Craxi and Silvio Berlusconi on charges of bribery and tax fraud respectively, before turning his attention to international financial crime.

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A member of the Corruption Hunters Network, founded by Norway in 2005 to support those who dedicate their lives to such

investigations, di Pasquale is a highly respected figure in his country and on the international scene. However, he could soon be sentenced to eight months in prison, simply for doing his job.

His troubles are the result of an investigation into the Italian national oil company, ENI, and suspicions of corruption in the awarding of a concession in Nigeria. The case caused a stir due to the scale of the accusations and the outcome of the lengthy judicial process. The OECD Working Group on Bribery mentioned the case in its very severe report on Italy and its shortcomings in this area in October 2022, which highlighted the existence of an evidentiary system surprisingly favourable to the accused.

The story does not end there for Fabio di Pasquale. The reaction of the royal power is merciless. One of his counterparts in the Italian prosecutor's office "paid him a price", as they say in Argentina, for not having included in the trial evidence supposedly favorable to the defense of the accused.

Di Pasquale and his colleague Sergio Spadaro, also subsequently indicted, had concluded that this evidence was not relevant or legally pertinent. It was information that was intended to undermine the credibility of an important witness. Statements that were accompanied by a lot of other evidence, including money transfers.

However, this line of argument did not convince the court that is now trying Di Pasquale and Spadaro. The charges could carry heavy penalties for those who dare to question the impunity of power in Italy. Under article 328 of the Italian Penal Code, which

punishes failure to fulfill the duties of a public official, they could end up in prison for up to eight months.

Judges must be above reproach in the conduct of their criminal investigations. They must be able to answer to disciplinary bodies for any faults committed in the exercise of their functions. It would be wrong to think that this is what is at stake in Italy today.

The trial of Fabio Di Pasquale and Sergio Spadaro is taking place in a deteriorated institutional environment, where tensions, suspicions and even score-settling seem to serve as a backdrop, and where the demands for justice and truth are particularly undermined. In addition to the personal future of two talented judges, the credibility of the entire Italian judicial system and the future of the fight against corruption, in Italy and far beyond, are threatened.

*Eva Joly is a former judge and Member of the European Parliament. She is a Commissioner of ICRICT (Independent Commission on the Reform of International Corporate Taxation).*