

Breaking the silence, challenging the official discourse: the torture of far-left militants during the 1970s-80s in Italy and its denials

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ABSTRACT

Drawing on critical literature on state violence, torture and social movements, and based on archival documents and secondary sources, this article explores the cases of torture of far-left militants during the 1970s-80s in Italy. It shows that these cases are still surrounded by silence, despite recent revelations and confessions by police officers, and analyses mechanisms of denial and recurrent tropes in the official discourse that contributed to shield state institutions and silence testimonies. It engages with the ‘emergency’ as a legal and discursive paradigm, creating socio-political conditions that enabled state violence and sustained its denial. Finally, it challenges the liberal approaches that postulate the incompatibility of liberal democratic government with state violence and reminds the key role played by solidarity campaigns and mobilisations to condemn torture and demand truth and accountability.

KEY WORDS

Torture – state violence – denial – mobilisation – liberal democracy

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The first public mention of torture of far-left militants in police custody in Italy was in 1975 when Alberto Buonoconto, a militant of the *Nuclei armati proletari* (NAP – Proletarian Armed Units), one of the revolutionary groups of the time, denounced the violence he was subjected to while in police custody (Prette, 1998). Buonoconto’s testimony, like many others that followed, was eagerly dismissed and denied by state authorities. From 1978, and more frequently in the early 1980s, many were the militants who reported experiences of torture and inhumane treatment while in police custody. These denunciations emerged in a context of widespread political conflictuality during the decade of the 1970s and early 1980s, characterised by the increasing use of politically motivated violence by far-left revolutionary groups (targeted kidnappings, shootings and killings), by neo-fascist groups (bombings in public places), and by a crescendo of repressive violence by state agents and agencies in their attempt to stifle social movements and suppress revolutionary groups. It was not until 2007-13, however, that the issue of torture of militants during the 1970s re-emerged in the public sphere following the confessions of two police officers that were directly involved in the cases of torture, and within the context of wider discussions on the introduction of torture as a criminal offence into Italian legislation.

Since the early 1980s, there has been a proliferation of literature and cultural production on political violence and armed groups, with a large number of investigations by journalists, autobiographies and memoirs by militants, and academic research. The emphasis of this production has been, and continues to be, on radical left organisations and violence, both in academic and non-academic production (Armani, 2010; Rossi, 2011); the experiences of victims and the violence of far-right groups have long been overlooked and under-researched, although several publications in the last two decades have partially addressed this gap in the literature (Rossi, 2011). Extremely limited remains the literature on state violence during the same period, extant research focusing on legal and penal aspect (emergency legislation, penal policies) (Grevi, 1984; Schimel, 1986; Cento Bull, 2013) and tools of symbolic violence (laws on ‘repenting’ and ‘dissociation’) (Mosconi, 1982; Sommier, 2001) and often produced by critical lawyers and judges concomitantly to the adoption of those legal provisions at the time. This article therefore addresses a gap in the literature by examining the issue of torture on political militants during the late 1970s-early 1980s, the official discourse surrounding it, including mechanisms of denial in the representation of state violence. As such, it contributes not only to break the silence around specific cases of torture, but also to contribute to the body of academic literature accounting for socio-political conditions and discursive regimes that make torture and its denial possible, and allow silence on state violence to last. Finally, by focusing on the specific case of Italy, the paper also invites to question and challenge the liberal approaches that equate ‘liberal democracy’ as incompatible with state violence against political opponents and those labelled as terrorists and enemies within.

As Lalatta Costerbosa (2016) writes, the “silence of torture” functions as “widespread concealment (7) and designates “silence as negation of the truth” (11). The torture on far-left militants during the 1970s is undoubtedly an issue that remains surrounded and concealed by silence: silence reflected in a consistent and persistent succession of official denials, ‘silence of the perpetrators’ (22) for over 30 years, silence of the victims as well as the ‘silence of society’ (26). This analysis takes ‘silence’ as a standpoint to offer an overview of experiences of torture during the 1970s-early 1980s, to unravel official denials and the construction of a hegemonic narrative that silenced and made silence last, and to explore mobilisations that contested it and attempted to ‘break the silence’. ‘*La tortura è di Stato. Rompiamo il silenzio*’ (‘It’s state torture. Let’s break the silence’) was the main slogan of campaigns against torture and state repressive violence that restarted in 2012 in the wake of former police officers’ confessions. Despite mobilisations remained relatively small and failed to open a wider campaign and debate on torture, they represented a challenge to the official discourse as they gave voice and visibility to the issue of state violence, all too often wrapped in silence, particularly in liberal democracies.

This article is based on secondary research and the study of documents available on the cases of torture reported in Italy during the 1970s-80s. In addition to using documentary works previously published on the topic, the methodology included accessing and analysing relevant parliamentary documents and debates, using the online and onsite archive of the Italian parliament. Similarly, it involved identifying, retrieving and studying materials from a variety of sources, like newspaper, television and media archives, but also publications and reports by national organisations, such as the *Comitato contro l’uso della tortura*, and

international organisations like Amnesty International. Drawing on literature on social movement, memory studies, critical criminology and critical legal scholarship on state violence, denials, and official discourse, it adopts an interdisciplinary approach to account for the persistent absence of debates on torture during the 1970s and the importance of mobilisations' attempts to break the silence surrounding it.

The article is organised in three parts that apprehend the cases of torture, debates and silence that accompanied them. The first explores the paradigm of the emergency as social, political and legal conditions that made torture and its denial possible, and the construction of a dominant narrative about the 'democracy defeating terrorism'. The second part retraces the cases of tortures and engages with the mechanisms of denials deployed in the official discourse. The last part examines the effects produced by the police officers' confessions 30 years later and the role of mobilisations in challenging the hegemonic narrative.

The paradigm of the emergency as the conditions for torture and its denial

Despite being the focus of most literature, memorialistic and journalistic production and public debates on the 1970s in Italy, violent acts committed by far-left groups and militants constitute only one aspect of the violence characterising the decade. The increasing justification and the use of violence as a means to further political aims (Sommier, 1998; Della Porta, 1984; 1990; Della Porta and Pasquino 1983) was not a unique prerogative of radical left organisations: as official data show (Galleni, 1981) most casualties and injuries during the 1970s were in fact the result of far-right groups' politically motivated violence. The extent of state violence deployed to repress social movements and political unrest has been sparsely documented, notwithstanding the acceleration and intensification of state repression targeting political militants with new legislative provisions and detention policies, physical violence by police forces, and state's alleged involvement in the bombings perpetrated by far-right groups. The fast-paced adoption of decree-laws and laws, especially in the second half of the decade, facilitated the criminalisation of political activism and activists, introduced harsher penal and sentencing regimes for politically motivated offences, extended the terms of police custody and preventive incarceration. More specifically, emergency and counter-terrorism laws passed after 1978 granted extensive powers and autonomy to police forces and investigative judges (Schimel, 1986; Rossi, 2011, Cento Bull and Cooke, 2013), including with regards to the use of fire weapons (for police forces), to proceed with arrests, and encourage arrestees to collaborate with the investigations. In particular, the decree 625/1979, subsequently converted into the law n.15/1980 and further expanded into the law n.304/1982, created the judicial figure of the 'repentant' (*pentito*) or collaborator of justice, that is the person who, rescinding all links with their political organization, admitted their responsibility, collaborated with the police and investigative judges in exchange of sentence remissions. Those legislative responses, and subsequent prosecutions and trials that characterised the 'emergency' were supported by a wide spectrum of political forces, including the Italian Communist Party (PCI)ⁱ, but also generated important controversies and criticisms among some left-wing lawyers, judges and politicians at the time of their adoption. They have, however, received little attention since, although several of these 'emergency' provisions have subsequently been normalised, embedded into the

legislative framework and re-used in different contexts and cases (Vauchez, 2004; Fiorentino and Chiaramonte, 2019). Another, lesser known and documented aspect of the “fight against terrorism” is the rather frenetic activity in terms of the re-organisation of intelligence and security agencies and creation of special police units during the period of the late 1970s-early 1980s (Rossi, 2011; Rodotà, 1984) led by the Ministry of Interiorⁱⁱ. Among these, and justified by the necessity to coordinate and supervise the collaboration between intelligence services, the police and the judiciary the Central Office for General investigations and Special Operations (*Ufficio Centrale per le Investigazioni Generali e le Operazioni Speciali - UCIGOS*) was established by decree in January 1978, whilst specific Operational Groups were also set up on an *ad hoc* basis, as the one in charge of coordinating the investigations on the kidnapping of the US Army General James Lee Dozier in 1981 by the Red Brigades (BR)ⁱⁱⁱ (Prette, 1998).

As such, the response of the Italian state to widespread conflictuality was primarily geared towards a delegation of the responsibility to solve the crisis to its repressive agencies and apparatus (Althusser, 1971), thus testifying of the inability or unwillingness of political powers to address it by political means, and creating the conditions for the actualisation of state violence. It is in this context therefore, that the cases of torture need to be resituated, as well as the official denials and persistent silence surrounding them. By ‘paradigm of emergency’, this article refers not only to the arsenal of legislative tools, public order provisions, decisions and policies that supported state repressive apparatus to function ‘massively and pre-dominantly by repression’ (Althusser, 1971: 80); it also encompasses the ideological construction of the ‘emergency’, the definition of the legitimate means to address it and of the subjects of repression. It therefore includes the discursive regimes produced, co-produced and re-produced in various social fields, that justify those repressive measures and practices, that label and other their potential and actual subjects, that sustain the rationale of *extremis malis, extrema remedia*. As such, the paradigm of emergency created the conditions that simultaneously enabled the actualization of state violence and predisposed to the acceptance of its denial and the disqualification of testimonies of torture.

By asking *how* torture can co-exist with democracy, Rejali (2009) investigates the ways in which torture happens, despite most constitutions in liberal democracies protecting citizens from torture. In his juridical model, the author indicates that torture happens when a judicial system places a particular emphasis on confessions, shaped by long-term cultural dispositions, and opportunities arise. Through this lens, emergency legislation adopted in Italy at the end of the 1970s can be seen as an ‘enabling legal environment’ (Rejali, 2009: 54): confessions were the foundation of collaboration with justice for the ‘repentant’ (and later for militant’s ‘dissociation’ remissions^{iv}), echoing processes of the Inquisition (Sommier, 2001); the extension of police powers provided the opportunities. In the ‘paradigm of emergency’ then, state violence, and torture more specifically, also function ideologically as politics of intimidation and logic of domination as it ‘displays the omnipotence of sovereignty’. Thus, notwithstanding its liberal conceptualisation as incompatible with democracy, torture can be seen as the expression of an absolute violence that reflect the ‘enduring possibility of recourse to violence’ embedded in the background of political power (Di Cesare, 2018: 10).

As Scalia (2022) states, the category of emergency has been invoked in Italy by different governments as a tool to legitimate their decisions in contexts of crisis and to allow a call for unity to defeat what was successively defined as a ‘threat to democracy’. During the 1970s, politically motivated violence from radical left groups was disqualified, in the public, judicial and political discourse, as a ‘criminal’ or ‘terrorist’ threat to the democratic state, presented as under attack by ‘opposed extremisms’. By constructing the state’s responses as a defence of democracy, specifically in a post-dictatorial country in the context of the Cold War, the paradigm of the emergency facilitated the establishment of a hegemonic narrative purporting the ‘victory of democracy over terrorism’: persisting over the years as a framework of analysis, this narrative also foreclosed the possibility of alternative analyses and counter-narratives, as well as acted to pre-empt accusations of state violence. This hegemonic narrative has structured and continues to structure the official discourse about the decade, which also functioned to retain the unity, cohesion and confidence of parties, agencies and functionaries within the state apparatuses (Burton and Carlen, 1979: 48). The statement attributed to the then President of the Republic Sandro Pertini in 1982 that ‘in Italy we have defeated terrorism in courts of justice and not in stadiums’, (alluding to tortures practiced in Latin America) (cited in Caselli and Spataro, 2010)^v exemplifies it, also given its countless citations over the decades, by judges, politicians and journalists. Reiterated as a mantra in the official discourse, ‘democracy’ has been constructed as an antithesis (or even as an antidote) of state violence, construction that shielded institutions from accusations. When questioned on allegations of torture, Virginio Rognoni, Minister of Interior in 1982 affirmed in different occasions that: ‘...*the position of the government in the fight against the subversive threat [...] is maintained with the rigorous respect of civil laws, of democratic principles and norms, first of all, of the constitution*’ (Camera dei deputati, 15 February 1982) and that ‘*Democracy was able to defend itself from the terrorist danger and threat and to continue being a democracy, it has found its moral and civil strength*’ (Camera dei Deputati, 22 March 1982). Over the decades, on multiple occasions this hegemonic narrative was reasserted, and with it, the denial of state violence pre-empting or countering any accusation of the use of torture and anti-democratic measures: ‘*Italy has therefore not experienced any antidemocratic drift in its fight against terrorism, and the ‘special’ legislation was conform to all constitutional principles*’ (Caselli and Spataro, 2010: 380). Significantly, in his speech opening the first annual commemoration in 2008 of the ‘victims of terrorism and massacres of such origin’, Giorgio Napolitano, the then President of the Republic, reiterated that ‘*the republican state [...] defeated it [terrorism] whilst remaining within the limits of democracy and the rule of law.*’ (Napolitano, 2009). In this case, the ‘magical syllogism’ (Cohen, 2001) can be expressed in these terms: Italy is/was a democracy, torture cannot happen in a democratic country, and therefore torture cannot have happened in Italy. This persistent denial grounded in the alleged contradiction between democracy and torture is due to the fact that for a liberal democracy, the public recognition torture, as Lukes (2006: 13) suggests, would undermine both its democratic and liberal component, or equate to an admission of its own illegitimacy (Bensayag, 1986, cited in Di Cesare, 2018). However, torture, as a ritual and proof of sovereignty, may need to be apprehended ‘not in terms of the codes of truth but in those of the codes of power’ (Di Cesare, 2018: 6).

The lack of literature on state violence during the ‘years of lead’ and the focus on ‘violent oppositional political crimes’ (Ross, 2012) was at the same time produced by this hegemonic narrative and denial of state violence and contributed to produce and reinforce it. With the exception of a very limited number of works, the issue of torture is immersed in silence, almost completely absent from the vast academic and journalistic literature now available on the ‘years of lead’ in Italy, or at best, hastily mentioned. Differently from Northern Ireland, where a range of narratives give voice to experiences of state violence, torture and human rights abuses (White, 2018), similar experiences of radical left militants in Italy are only marginally represented, including in autobiographies, memorialistic literature and filmography on those years. This absence not only conceals the experiences of torture, but also obscures the role of the state repressive violence on the process of radicalization of revolutionary groups, the extent and duration of its harmful impacts, and by default, sustains the official discourse.

Torture testimonies: denunciations, mobilisations and denials

The work by Anna Rita Prette (1998) is the only attempt to date to systematically collate documents, testimonies and official evidence about cases of torture on left-wing militants during the 1970s-80s. It covers 28 cases between 1975 and 1982, selected on the grounds of the willingness of the affected individuals to report their experiences and be publicly named. However, the number of people who have been subjected to torture is estimated to be much higher, with Amnesty International (1984) citing thirty cases only in the first few weeks of 1982, and the *Comitato contro l'uso della tortura* (1982) mentioning 70 cases between 1975 and 1982. Those cases were met at the time of their public expression with extensive ‘literal’ and ‘interpretive’ denials (Cohen, 2001) by the police, judges and the government, and only one case led to charges and a trial against police officers.

The first case was reported in October 1975 when Alberto Buonoconto, militant of the *Nuclei armati proletari* (NAP – Proletarian Armed Unit), declared to a judge that after his arrest he had been questioned in Naples’ police station for 10 consecutive hours and subject to systematic and organised physical violence (Prette, 1998: 21-22). Buonoconto’s was the first public account of police violence on left militants inflicted with such ‘scientific methods’ that can be defined as torture, by a group of five police officers. The investigative judge to whom he denounced the torture suffered, confirmed the presence of bruises and injuries on the arrestee, but denied the request of his lawyers to have an independent legal-medical assessment. Buonoconto’s claims of torture were denied by the police officers as being self-inflicted and any further denunciation was thus dismissed.

The second known case, which will become a key case thirty years later, was that of Enrico Triaca, militant of the Red Brigades, arrested in May 1978 as a suspect in the kidnapping and killing of Aldo Moro^{vi}. During the questioning with the investigative judge, after having been detained in police custody, the militant declared that all confessions he had made to the police were extracted under torture and that he was subjected to the practice now euphemistically known as *waterboarding*. As a consequence, the judge decided to charge and prosecute Enrico Triaca for defamation of the police, for which he was sentenced in 1978 in addition to possession of weapons and membership of an armed organisation. This sentence

epitomised the mechanism of “literal denial” (Cohen, 2001) of the official discourse: the testimony of torture of the militant was presented (and punished) as a tactic to discredit and delegitimise the police, and more widely the state. But it also functioned as a strategy to silence and delegitimise Triaca, as well as any potential further testimonies, by undermining the credibility and reliability of the survivor. As it will be explored below, this sentence was later quashed in 2013 by the Court of appeal in Perugia that reviewed the case following the public confessions of two former police officers.

Multiple accounts of torture were recorded between 1979 and 1983, particularly in the first weeks of 1982, in the context of the investigation into the kidnapping of the US army General James Lee Dozier by the Red Brigades. Official statements by militants did not lead to any further judiciary or political inquiry, except for one case, that of Cesare di Leonardo, militant of the Red Brigades, arrested in January 1982, for which five police officers were arrested and prosecuted in Venice. Four of them were sentenced to a suspended sentence for abuse of authority in July 1983, whilst a fifth one, Salvatore Genova, was not tried because he benefitted from parliamentary immunity following his election as an MP in June 1983.

The decision of the Venice judges in June 1982 to charge and prosecute the police officers for violence and abuse of authority on Cesare Di Leonardo came after anonymous testimonies by some police officers confirmed the use of violence and degrading treatments to two journalists in February and March 1982^{vii}. It is significant to note that both journalists were arrested and charged (and later released) after the publication of their articles, for refusing to reveal the name of their sources. These articles, in addition to the number and frequency of statements made by militants to judges in those weeks, and the subsequent charges against five police officers generated some, though short lived, debates both in the public and political sphere in the first half of 1982. The question of torture was discussed and divided judges within the left-leaning union *Magistratura Democratica*, as well as police officers in the newly formed union of police workers SIULP (*Sindacato Italiano Unitario Lavoratori polizia*)^{viii}; some coverage was given in the press, mostly in left-wing newspapers^{ix}, but most media attention faded out quickly. In Parliament, torture was the object of several questions put forward by MPs from various left-wing groups and parties to the Minister of Justice and Minister of Interior. The parliamentary debates showed that the government’s responses were consistently and extensively re-producing a discourse of overlapping ‘literal’, ‘interpretive’ and ‘implicatory denial’ (Cohen, 2001), often accompanied by implicit accusations of sympathy with terrorism addressed to anyone who was questioning the official discourse. Following a classic pattern of official denial, the denunciations of torture by militants were presented as outright inventions or exaggerations by the Government. The Minister of Interior, Vincenzo Rognoni, when questioned in parliament, replied in a similar vein in three different occasions:

‘With regards to news published in newspapers, and to which some of the parliamentary questions refer, about the alleged violence to which recently arrested terrorists would have been subjected [...] I can say they are totally false.’ (Camera dei Deputati, 15 February 1982)

‘The situation, because of its dimensions and its characteristics cannot in any way recall the practice of ‘torture’, not even simply a violent and deliberate management of state authorities at the moment of the arrest.’ (Camera dei Deputati, 22 March 1982)

'Neither the government nor police forces have deliberately, even for a single moment, deviated from the road of civility and the rule of law.' (Camera dei Deputati, 6 July 1982)

Similarly did the President of the Council of Ministers, Giovanni Spadolini, when he stated that accusations of torture were *'obviously far-fetched'* and that the government could *'affirm with a clear conscience that torture is a practice that is unknown to our state, born out of the Resistance'* (cited in Prette, 1998: 209-210)

Testimonies were consequently delegitimised as being strategies of propaganda by armed groups to attack the state and present it as *'undemocratic'*:

'a pre-planned speculation by the terrorist groups: they can go as far as defamation and self-harm' (Virginio Rognoni in Camera dei Deputati, 22 March 1982)

'in front of the disbandment of armed groups, there are people who play their last card to create the image of a violent and torturer state that tends towards totalitarianism. It is probably the last-ditch attempt of terrorists that still haven't given up their pervert logic' (Giovanni Spadolini, cited in Prette, 1998: 209)

The overlapping of different forms of denials and the coexistence, even within the same speech of *'literal'*, *'interpretive'* and *'implicatory'* denials is nothing surprising: as Cohen (2001: 103) highlighted, even when contradictory elements are present, they form a deep structure, in which they are related to each other ideologically, rather than logically. This is how the Minister of the Interior, Virginio Rognoni, was for example declaring in the same speech that torture was a *'pre-planned speculation by terrorist groups'* and that:

'If some excess or abuse has happened in relation to the accusations that have been made, the judicial authority, which receives the statements and whose independence from the executive power is guaranteed, has all means to ascertain the facts and punish those responsible' (Camera dei Deputati, 22 March 1982)

Or that the President of the Council, Giovanni Spadolini, was able to revert the accusations against those who were subjected to torture: *'It is the Red Brigades who have systematically practiced torture for a decade in Italy'* (cited in Prette, 1998: 209)

It can be seen that even when there was some indication of implied acknowledgement of *'excesses'* and abuses, the official discourse aimed at displacing the blame, shifting it from state authorities towards armed groups and torture survivors themselves. Likewise, those who were denouncing police violence and questioning the stance of the government were directly or indirectly accused, by Ministers and some anti-terrorism judges, of *'sympathising with terrorists'* and undermining the efforts of the police and the judiciary in a critical moment of the fight against terrorism (Camera dei Deputati, 22 March 1982).

From civil society, a number of initiatives were also taken in an attempt to establish the truth and demand accountability for state violence and torture. In particular, a Committee against the use of torture was set up in 1982 by families and activists, liaising with MPs and lawyers, with a main objective:

'breaking the existing iron black-out surrounding cases of torture and conditions of detentions in Italian prisons. So, breaking the wall of silence as a first step, as a preliminary condition to grow a wider mass mobilisation able to put a strong, firm and inflexible barrier against the use of torture in our country' (Comitato contro l'uso della tortura, 1982: 15)

Its purpose was to gather documents and evidence, inform the public and support families and partners of political prisoners often subjected to threats and intimidations. Particularly interesting, the committee's approach was focused on denouncing the violence of state repression, as a continuum of violence from the arrest to the special regime in prison, including torture and forms of physical and psychological coercion.

From documents and testimonies available on the cases of torture reported during the period 1975-83, it can be observed that torture, as well as other forms of coercion enacted in prison or during custody, was not only used as a tool of violent interrogation to extract a confession, but also as a form of 'extra-judicial punishment' (Fassin, 2017). The number of cases reported, the consistency of the logic and logistics with which violence was inflicted, and in most cases the presence of the same special unit of police officers nicknamed 'The five of the Hail Mary'^x lead to exclude the 'rotten apple' theory or the reduction to 'isolated incidents' (Gonnella, 2013) and to think in terms of "*apparatus of torture*, understood as complex system of convergence between powers" (Prette, 1998: 17). The public declarations of two police officers thirty years later, who were directly involved in the cases of torture, confirmed the systemic character of its use and corroborated the testimonies given by the survivors at the time.

"Let's break the silence on state torture": fighting for justice 30 years later

To paraphrase Lisa Hajjar, (2017: 21), the afterlives of torture have continued to haunt Italian politics, as a 'subjugated knowledge, hidden away but not gone', as well as a practice of police violence. It is in 2007, in the context of trials against the police for violence on protesters at the 2001 G8 summit in Genoa and degrading and inhumane treatments of arrested activists in custody, that Salvatore Genova, involved in the Di Leonardo case in 1982, started to make confessions to a journalist. In the interview with Matteo Indice, the police officer stated that "exactly what the terrorists said happened, did happen" (Indice, 2007a), thus confirming the testimonies of tortured militants during the 1970s and early 1980s. He also validated the existence of special police units in charge of violent interrogations, as a '*structure managed by the highest hierarchies that contemplated the use of extremely violent methods*'. Subsequently, under anonymity first, the head of that police unit, Nicola Ciocia, nicknamed Prof. De Tormentiis at the time, also made public declarations that confirmed the use of torture '*not on own initiative, but rather upon orders from the higher ranks*' (Indice, 2007b) and the existence of a group with specific competencies:

'Torture [...] is the only way, especially when you receive pressures to solve the case at any cost. If you are into it, you cannot stop or cancel the ticket, and as a surgeon that has started an operation, you need to go until the end. Those of the 'Hail Mary' existed, they were my very loyal staff, who knew how to use 'particular' interrogation techniques' (Indice, 2007b)

More confessions by the two police officers followed in 2011 and 2012, including for a book by the journalist Nicola Rao (2011) and in a TV programme. These declarations, in addition to corroborating the testimonies given by militants, also substantiated the systemic aspect of torture, that included the existence of specifically tasked units, specifically trained individuals, and endorsement by political powers: a picture that is 'very far from the

representation of improvised uses of torture, that acquits state institutions' (Lalatta Costerbosa, 2016: 103). Notwithstanding their political significance, these revelations have not generated any significant debate, nor in the public or in the political sphere. As pointed out by Yildiz and Baert (2021), perpetrators' confessions do not necessarily represent a step towards truth and justice for past state violence, as their broader performative effects might actually preclude this possibility, they provide an *account*, they do not necessarily produce *accountability*. They can also offer, as in this case, an opportunity for the reiteration of denials. When interviewed by a journalist in 2007, following the first police confessions, the former Minister of Interior, Virginio Rognoni declared that

'The public opinion need to be reminded of the highly emotive context that characterised that time. I think of the brutality with which Vincenzo Taliercio was kidnapped and massacred in 1981 [by the Red Brigades]... In front of the resentment triggered by similar actions, there are no justifications, we certainly can't accept maltreatment in democracy. However, we need to consider the wider issue of the inner turmoil, of the human exposure of the investigators who were fighting daily against terrorism, that can generate an irrepressible rage' (Indice, 2007c)

Similarly, in his memoirs, Giuliano Amato, former MP and minister, wrote that

'controlled applications [of waterboarding] were few dozens, and they were discussed three times in Parliament between March and July 1982, when Rognoni denied repeatedly [...] They were, in this case, excesses of the police, sometimes linked to the very high tension of those days' (Amato, 2013: 153)

Although no longer (completely) 'literal', these statements constitute forms of 'implicatory' and 'interpretive' denials, that, whilst they 'hint at *some* official recognition for injuries', they 'avoid blaming state agents for the human rights violations' (White, 2018: 238), and return the accusations to the torture survivors: *'They were the butchers, certainly not us'* (Nicola Ciocia, cited in Abate, 2012). This is a recurrent pattern in experiences of state violence, as underlined by Cohen (2001), where survivors are often confronted with two levels of denials: the denial that the experience of violence is true, and the denial that it was unjustified.

Indeed, a 'complex discourse of denial' (Cohen, 2001) was present in both confessions by police officers and in statements by politicians and judges that followed them, characterised by the coexistence of outright denials, contradictions, reclassifications of acts, admissions of (minimised and rationalised) responsibilities, invocation of the 'circumstances' or reversed accusations against torture survivors.

These confessions represented therefore 'unsettling accounts' (Payne, 2008), that compelled audiences to talk and assert their own interpretation of the past, as denials, or as long-lasting demand for truth and justice. In this perspective, they functioned as a 'window of opportunity' also to revive mobilisations against torture and break the 30 years long silence on state violence. Though relatively small, demonstrations, meetings and sit-ins were organized by activist groups under the slogan 'Let's break the silence on state torture' in various Italian cities and MPs were encouraged to put forward questions to the government and contemplate the possibility of an official inquiry. Those mobilisations also supported the former BR militant Enrico Triaca's request in 2012 of revision of the trial which sentenced him for defamation of the police. The Court of appeal in Perugia accepted the request and acquitted the former militant in 2013 from the charges of defamation. The court also

transferred the new evidence and documents about torture to the Public Prosecutor's office in Rome in order to consider a prosecution against Nicola Ciocia. However, torture was not a criminal offence in Italian legislation until 2017, and the charges against Nicola Ciocia were subsequently requalified as 'abuse of authority on arrestee' (art. 608 cp.); the case was then dropped as the statute of limitations shielded the former police officer from prosecution.

The reactions to this case and to public confessions in the political and public sphere were limited, with little coverage in the media and few questions in Parliament raised by MPs. The scandal, as Gonnella (2013) puts it, was in the absence of a scandal. Even the new Parliamentary committee of inquiry on the kidnapping and killing of Aldo Moro, set up in 2014, that could have been an occasion to start collating documents on torture, failed to include this question, that is only barely mentioned during the debates of the committee (Commissione, 2014-2017). This testifies to the continuous reticence (or refusal) of political powers to engage with the debate on the use of torture during the 1970s and open an official inquiry. It shows the 'silence of the refusal; the refusal of the political and juridical acknowledgement of this construction and use of public violence' (Lalatta Costerbosa, 2016: 103). The persistence of silence on torture can be explained by at least three sets of interlinked factors. The first is found in the dominant tropes that have structured the collective memory of 1970s in Italy, and in particular the social and political construction of the linear dichotomy between 'victims' and 'terrorists', 'us' (society/state/democracy) and 'them' (anti-democratic/violent/extreme). The 'terrorists' cannot therefore be granted the apparently contradictory status of 'victims': they lack the character of 'passive innocence' that is expected of victims (Lefranc and Mathieu, 2009) and the dominant narrative derives its strength from its linearity, that eschews the complexity of overlapping experiences, such as being simultaneously a 'terrorist' and a 'torture survivor'. Secondly, and partially deriving from the first point, is the silence of those who were subjected to torture. After denouncing the torture in the immediate aftermath of the events, many survivors remained silent over the years, due to necessity, choice, absence of opportunities, or as inevitable consequence of language destroying pain (Scarry, 1985, cited in White, 2018; Di Cesare, 2018). It is the very nature of this form of violence that makes it incommunicable: the imposition of silence is one of its purposes (Marton, 1995; Green and Ward, 2004) and reflects the 'inner annihilation' of the survivor (Lalatta Costerbosa, 2016: 19). Third, as illustrated earlier, the hegemonic narrative of the 'victory of democracy over terrorism' re-produces and strengthens, as well as it is produced by, the silence on state violence.

Nevertheless, the acquittal of Enrico Triaca, 35 years after his first sentence, represented a significant step towards truth and contributed to breaking the silence. And whilst campaigns against torture were not 'successful' in sparking a broader debate on violence perpetrated or facilitated by the state, and struggled 'to be heard' (Collovald and Gaiti, 1991), they constituted a powerful tool to dispute the official discourse, to resist attempts at silencing the voices of torture survivors and to invite society to think of torture as part of a system of state violence and repression. As Rolston and Hackett (2009: 361) highlighted, the act of telling the stories, make them public and mobilizing becomes 'inevitably a challenge to the system' and to the silence that operates as condition of reproduction of acts of torture and violence. Thus, these mobilisations keep opening interstices in the discourse of power, as spaces for political conversations about state

violence, the absence of which ‘works to hold this ‘normal’ reality in place’ (Sutton and Norgaard, 2013: 521).

Conclusive remarks: on liberal democracy, torture and resistance

The importance of mobilisations against torture and public testimonies go therefore well beyond their apparent and immediate impact. Like the mobilisations fighting for justice and accountability for violence and inhumane treatments perpetrated by police forces against protesters in Genoa in 2001, they remind that democracy and torture are not necessarily an oxymoron and challenge the liberal *doxa* that associate liberal governmentality with the rule of law and incompatibility with state violence.

From this angle, the ‘paradigm of emergency’ is to be apprehended less as a temporary mode of exception characterised by the intensification of physical repression in critical circumstances, but rather as an ‘entrenched feature of the modern state’ (Ruggiero, 2020: 42). With the concept of *coup d’état*, Foucault (2009) was indicating the capacity of the state, when the necessity arises, to transcend the law and use violence against its enemies in order to be saved, it is the assertion and manifestation of the *raison d’état*. Thus, violence can be understood not as an ‘exception’, not a symptom of discontinuity from liberal government, but rather the contrary, as a constitutive part of liberal governmentality (Jabri, 2010). Jabri (2006) reminds us that elements of war are indeed deeply embedded in the peaceful order: it is what enables the actualisation of state violence in specific contexts, but also reveals the ‘continuity of sorts between the disciplinary, the carceral and the violent manifestations of government’ (Jabri, 2006: 56).

The question of torture during the 1970s in Italy therefore needs to be resituated in the continuum of state repressive violence, as the manifestation of a potential that is not necessarily in contradiction with a liberal democratic form of government. State violence is often hidden away of the public eye, displaced behind bars, in police stations or elsewhere, denied or justified, directed to the ‘dangerous’, the ‘terrorist’, the ‘other’; it inflicts silence and is strengthened by it. In this sense, this article sought to address the silence that exists even in academic research on the cases of torture and more generally state violence in Italy during the 1970s, and give voice to the silenced experiences of former militants survivors of torture. It engaged with an analysis of mechanisms of denials inscribed and reiterated in the official discourse over the years, and particularly their recurring reference to the democratic character of the Italian state as evidence of absence of torture. It aimed to make ‘room for ‘negative’ reconstruction: looking back not just to acknowledge, but to undermine the public discourse which allowed for collusion, silence and indifference. (Cohen, 2001: 240). Therefore, the article wished to acknowledge the importance of mobilisations to resist and denounce state violence, even when they seem unsuccessful to hold the state to account, because of their capacity to break the silence and to shake the indifference.

In 2015, in the case of *Cestaro vs Italy* the European Court of Human Rights recognised once more the violence perpetrated by police officers on protesters at the G8 summit in 2001, qualified it as torture and inhumane and degrading treatment, sanctioned Italy for the inadequacy (or rather inexistence) of its legislation on torture and defined it as a structural issue. Consequently, Italy introduced torture as a new criminal offence in its

legislation and penal code in 2017, with a controversial and minimalistic legal definition. Whilst this was certainly a step forwards to address and prevent impunity, the long and impervious journey that led to the approval of the law, and its weaknesses, expose the limitations of a purely legal approach to prevent torture. In this perspective, the role of solidarity campaigns and social movements remain irreplaceable to mobilise against and collectively reject torture, to debunk ‘the liberal ideology of torture’ (Hajjar, 2011; Luban, 2014), counter its normalisation and remind us all of its unjustifiability.

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ⁱ The PCI adopted a particularly punitive stance on extra-parliamentary political groups, because of its traditional strong 'statist culture' (Balestrini and Moroni, 1997), but also because these groups were perceived as challenging its monopoly of representation of the working classes and weakening its political position (Rossi, 2011).

ⁱⁱ The Ministry of the Interior is a key agency in the Italian government, in charge of public order, internal security, and administration of internal affairs. It also controls and coordinate police forces and their activities.

ⁱⁱⁱ James Lee Dozier was kidnapped in December 1981 by the Red Brigades, one of the largest armed groups in Italy, founded in 1970. At the time of the kidnapping, the US Army General was an official at the NATO headquarters in Verona.

^{iv} The law on dissociation, passed in 1987, allowed militants sentenced for politically motivated crimes to benefit from shortened sentences in exchange of a public admission of responsibility and declaration of dissociation from the armed struggle and previous political commitments.

^v This citation has been used multiple times by the authors in different settings and texts, as well as by political commentators and journalists writing on the Italian state's responses to political violence.

^{vi} Aldo Moro, from the Christian Democracy party, was a key political actor, who served several times as Minister and head of government during the 1960s-70s.

^{vii} Pier Vittorio Buffa: "Il rullo confessore" in *L'Espresso* 28 febbraio 1982 and Luca Villorosi «Ma le torture ci sono state? Viaggio nelle segrete stanze. Quei giorni dell'operazione Dozier» in *La Repubblica* 8 March 1982.

^{viii} See Prette (1998) for the reproduction of some documents relating to these debates.

^{ix} For key documents reporting these debates and coverage, see Prette (1998).

^x The reference was to the title of a popular Spaghetti Western film.