



Press freedom

Italian prosecutor's claims against Guardian reporter flagged by human rights watchdog

Daniel Boffey in Brussels

Fri 5 Nov 2021 13.49 GMT

Two libel claims by an aggrieved Italian prosecutor against a Guardian journalist have been flagged as potential acts of state “harassment and intimidation” on an alert system run by Europe’s leading government-backed human rights organisation, the [Council of Europe](#).

Calogero Ferrara, a prosecutor in Palermo, filed the defamation suits in 2019 against the journalist Lorenzo Tondo over a Facebook post and a series of allegedly inaccurate articles published by the Guardian. A first hearing of one of the libel cases has now been set for February 2022.

It is claimed in [an alert](#) posted on the Council of Europe “safety platform” by the European federation of Journalists and the International Federation of Journalists that the lawsuits will in effect prevent Tondo from carrying out his reporting duties. The Italian government is yet to respond to the alert.

According to the Council of [Europe](#), a postwar organisation of which 47 member state governments are signatories, the “safety of journalists” platform reports on “serious threats to the safety of journalists and media freedom in Europe in order to

reinforce the Council of Europe's response to the threats and member states' accountability".

In the past year, there have been 212 such alerts in 33 countries, to which 78 have received a response from the government involved. None of the alerts have been "resolved", according to the Council of Europe.

Ferrara's defamation claims against Tondo relate to his reporting on the case of an Eritrean man, Medhanie Tesfamariam Berhe, who a court found was mistakenly identified by prosecutors in Palermo in 2016, as one of the world's most-wanted human traffickers, Medhanie Yehdego Mered, nicknamed "the General".

In July 2019, Judge Alfredo Montalto rejected the prosecutors' case against Berhe and ordered his immediate release. He had been arrested in Khartoum, Sudan, [with help of the UK's National Crime Agency and the Sudanese police](#).

"It was a case of mistaken identity," the judge said. "The man in prison was wrongly arrested."

Berhe was found guilty of aiding illegal immigration for having helped his cousin to reach Libya. Because he had already served three years in prison, the judge ordered his immediate release.

The initial case against Berhe, led by Ferrara, was found in a 400-page judicial report by the court of assizes to be guilty of "serious neglect" by withholding evidence. According to judges, the prosecutors' accusations in some instances "appeared patently inconsistent and inadequate".

The prosecutors are appealing against the judgments on what is known in [Italy](#) as the "Mered" trial. According to the alert on the Council of Europe platform, "as a result" of the lawsuits against Tondo, the Guardian's southern Italy correspondent, he will not be able to report on the appeal hearings, which started on 27 October.

The Council of Europe alert says: "In 2016, public prosecutors in Sicily had announced the arrest in Khartoum (Sudan) of a 35-year-old Eritrean who they alleged was Medhanie Yehdego Mered, also known as 'The General', one of the world's most-wanted international people traffickers.

"During the subsequent trial in Palermo, doubts were raised - first of all by Tondo on the basis of evidence-based investigative work - that the arrested man was not Mered but an innocent refugee whose name was Medhanie Tesfamariam Berhe, whereas Mered was free and active in Uganda.

"Between December 2019 and January 2020, Tondo was notified of two civil lawsuits for defamation filed by prosecutor Ferrara: one over his Facebook post and

one over his articles posted on the Guardian.

“Although the mandatory mediation attempt was concluded on 5 November 2020, prosecutor Ferrara waited almost one year before confirming the lawsuits, which were notified shortly before the start of the second ‘Mered’ trial. Critics say this might indicate a strategic move to intimidate and prevent Tondo from covering the second ‘Mered’ trial.”

Romina Marceca, a journalist with the Italian newspaper la Repubblica, is also been sued by Ferrara for her reporting on the original trial.

Alberto Spampinato, the director of Ossigeno per l'informazione, an organisation established to defend the rights of journalists, said: “Criticising a prosecutor in Italy is risky. If a journalist dares to do so, it is likely that the prosecutor will sue him for defamation and force him to defend himself in court and to bear the related costs.

“Events of this type are not rare and put journalists in serious difficulty. Ossigeno per l'informazione will continue to support Lorenzo Tondo during this legal battle and will continue to do so, alongside the Guardian and the community of European journalists.”

When contacted, Ferrara said he had asked his lawyer to respond.

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