

Giuliano Mignini's letter to Linda Byron July 2009 of King5 TV Seattle translated from Italian

http://blogs.nwcn.comstatenews/washington/stories/NW_072109INV-knox-prosecutor-SW.5d023298.html

Dear Ms Byron,

I hope we will be able to meet and discuss sometime in person, since some of the issues you have examined, specifically the Florentine proceedings against myself and Dr Giuttari, are way too complex to be described in just a few words. I will try to give a short answer here.

To begin with, there is no relationship between the events that are the subject of Spezi's and Preston's book and the murder of young Ms Kercher beside the fact that I am the one person dealing with both the Narducci proceedings (connected to the Monster of Florence case) and the Meredith Kercher murder.

These two are totally different events, as well as wholly unrelated to each other, and I am not able to see any type of analogy.

Furthermore, while the precautionary custody order for Spezi has been voided by the Tribunale del Riesame of Perugia, exclusively on the grounds of insufficient elements of proof, the precautionary custody order for Knox was firmly confirmed not only by the Tribunal of Riesame in Perugia, but above all by the Sixth Section of the Court of Cassazione, which has declared the matter decided and closed.

About the "sacrificial rite" issue, I have never stated that Meredith Kercher was the victim of a "sacrificial rite".

It should be sufficient to read the charges to understand that the three defendants have been accused of having killed Ms Kercher in the course of activities of a sexual nature, which are notoriously very different from a "sacrificial rite".

The Monster of Florence investigations have been led by the Florentine magistrates Adolfo Izzo, Silvia della Monica, Pierluigi Vigna, Paolo Canessa and some others.

I have never served in Florence. I have led investigations related to the case since October 2001, but only with regard to the death of Dr Francesco Narducci, and just a superficial knowledge of those proceedings [Dr Narducci drowned or was drowned] would suffice to realize that I never spoke of a "sacrificial rite" which in this case doesn't make any good sense.

About the defense lawyer issue. Mr. Preston was heard as a person claiming information about the facts (in effect a witness), but after indications of some circumstances against him surfaced, the interview was suspended, since at that point he should have been assisted by an attorney, and since according to the law the specific crime hypothesis required the proceedings to be suspended

until a ruling on them was handed down.

All I did was to apply the Italian law proceedings. I really cannot understand any problem.

In the same way, Knox was first heard by the police as a witness, but when some essential elements of her involvement with the murder surfaced, the police suspended the interview, according to Article 63 of the penal proceedings code.

But Knox then decided to render spontaneous declarations, that I took up without any further questioning, which is entirely lawful. According to Article 374 of the penal proceedings code, suspects must be assisted by a lawyer only during a formal interrogation, and when being notified of alleged crimes and questioned by a prosecutor or judge, not when they intend to render unsolicited declarations.

Since I didn't do anything other than to apply the Italian law applicable to both matters, I am unable to understand the objections and reservations which you are talking about.

Secondly, I have told you that explaining the nature of the accusations against me is a complex job.

In short, it has been alleged that I have favored Dr Giuttari's position, who was investigated together with two of his collaborators for a (non-existent) political forgery of a tape recording transcription of a conversation between Dr Giuttari and Dr Canessa.

The latter was giving vent to his feelings, telling Dr Giuttari that the head prosecutor in Florence (at the time) was not a free man in relation to his handling of the Monster investigations.

A technical advisor from the prosecutor's office in Genoa had tried to attribute that sentence to Dr Giuttari, without having previously obtained a sound test from him, only from Dr Canessa.

I decided, rightly and properly, to perform another technical test on that tape for my trial (I have a copy of it, and the original transcripts of the recording).

I had the technical test performed by the Head of the Sound Task Force of the RIS Carabinieri in Rome, Captain Claudio Ciampini.

If Giuttari had lied, Captain Ciampini would have certainly said so. But his conclusions from the analysis were that that sentence had been pronounced by Dr Canessa. And by the way, this is clearly audible.

I then deemed it appropriate to interrogate the technical adviser from Genoa, in the sphere of the investigations led by me, since the people under investigation were thoroughly but inexplicably aware of the development of the investigation of Dr Giuttari.

The technical advisor from Genoa had made some absolutely non-credible declarations, and I had

to investigate him.

The GUP from Genoa, Dr Roberto Fenizia, by means of a non-contested verdict on 9 November 2006, acquitted Dr Giuttari and his collaborators, because the alleged crimes had never occurred.

Therefore, I am accused for doing a proper and due investigation, without even the consideration that I have spared some innocent people from a sentence. I leave any further evaluation up to you.

As for the phone tapings, they had been fully authorized or validated by the GIP. [Those charges are now thrown out.] Explain to me how they can be considered wrongful. I haven't been able to understand this yet.

This is the story of that case in short, and I am certain the truth will prevail.

None of us is guaranteed not to be subjected to unjust trials, especially when sensitive and "inconvenient" investigations have been conducted.

When accusations are serious and heavy in Italy, a magistrate that has been investigated or charged suffers heavy consequences.

There are appropriate bodies in charge to intervene according to the current laws, but the Florentine penal proceeding so far hasn't affected me at all, perhaps because everybody – and specifically those professionally working on the matter - have realized that such penal proceedings have been anomalous, to use a euphemism.

As to my possibility to appeal any conviction, the Italian law provides for it, and I don't need to say more.

I will make some closing remarks on the different jurisdictions.

Indeed there are differences between the [UK and US] common law jurisdictions and those of continental Europe, including the Italian one, which like any other jurisdiction has its flaws but also its merits, of which I 'm becoming more aware as I carry on.

Furthermore, both jurisdictions are expressions of the juridical culture of the Western world, and this is something that shouldn't be disregarded.

I don't think I need to add anything else, except that these issues would need to be discussed in a personal conversation in order to delve further into the matter.

Sincerely

Giuliano Mignini