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**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

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IN RE Request from Italy  
Pursuant to the Treaty  
Between the United States of  
America and the Italian  
Republic on Mutual  
Assistance in Criminal Matters  
in the Matter of Romano Prodi

00000000000000000000

No. \_\_\_\_\_

**SA04CA0676 OG**

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APPLICATION FOR ORDER PURSUANT TO THE TREATY  
ON MUTUAL ASSISTANCE IN CRIMINAL MATTERS AND  
TITLE 28, UNITED STATES CODE, SECTION 1782

The United States petitions this Court for an Order, pursuant to the Treaty between the United States of America and the Italian Republic on Mutual Assistance in Criminal Matters (24 I.L.M. 1539), 28 U.S.C. §1782, and its own inherent authority, appointing Don J. Calvert as Commissioner to collect evidence from witnesses and to take such other action as is required to execute the attached request from Italy made pursuant to the Treaty.

Respectfully submitted,

JOHNNY SUTTON  
UNITED STATES ATTORNEY



By: \_\_\_\_\_  
Don J. Calvert  
Assistant United States Attorney

#2  
7/30/04

ATTACHMENT



**Public Prosecutor's Office at Bologna Court**  
**Procura della Repubblica presso il Tribunale Ordinario di Bologna**

Bologna, 2nd April 2004

Re: Criminal Proceedings No. 9608/03 + 9704/03 R.G. mod. 44

International Rogatory Request

To the competent Judicial Authority

- to be forwarded by the Rome-based Director of International Criminal Police Organisation (INTERPOL, ROME) -

of the United States of America

WASHINGTON D.C. - USA

for information: To the Chief of 2nd Office - Al Signor Dirigente dell'Ufficio II  
General Criminal Affairs Division - Direzione Generale Giustizia Penale  
Ministry of Justice - Ministero di Giustizia ROME

cc: US Department of Justice Representative at the US Embassy in ROME

Kindly requesting him to give the execution of the present Rogatory Requests and enhance the contacts between Bologna Public Prosecutor's and the competent Judicial Authorities

Pursuant to  
the Treaty between the United States of America and the Italian Republic signed in Rome on 9<sup>th</sup>  
November 2004 on Mutual Assistance in Criminal Matters and ratified by Act of Law No. 224  
dated 26<sup>th</sup> May 1984.

*Bologna Public Prosecutor's Office is conducting investigations into the following facts:*

1. On 21<sup>st</sup> December 2003, approximately at 10 and 11 p.m. in Bologna, two devices placed inside two waste bins exploded in the vicinity of the home of Mr Romano Prodi, the European Commission President. The two devices, of similar make, had been manufactured by placing a camping gas-cylinder triggered by a timer inside a "pressure-cooker". Both garbage containers burnt down and got destroyed.

On 23<sup>rd</sup> December 2003 the local editorial office of the daily newspaper "La Repubblica" received a document, claiming responsibility for the criminal act. The letter is divided into three distinct parts:

- a printed section describing programs and strategies, with the heading "Who we are - Open letter to the anarchist and antiauthoritarian movement", where the *Cooperativa Artigiana Fucos e Affini (occasionalmente spettacolare)* [Literal Translation: "Artisan's Cooperative Network and company (occasionally spectacular)], *Brigate 20 Lughe* [Literal Translation: 20 July Brigades], *Le Cellule contro il Capitale, il Carcere, i suoi Carceristi e la sua Celli*, [Literal Translation: the Cells against the Capital, Prison its Guards and Cells], *Solidarietà Internazionale* [Literal Translation: International Solidarity], announced the creation of the *Federazione Anarchica Informale* [Literal Translation: Informal Anarchic Federation], intended as a part of "mutual support", based on spontaneous and anonymous insurrectional actions as well as on its characteristic "horizontal" message, for the purpose of providing "international solidarity", proposing and pursuing specific objectives, ensuring "communication between groups/individuals";
- a printed section of political nature claiming responsibility for the the terrorist act, with the heading "Operazione Santa Claus", [Note of the Translator: Santa Claus Operation], where the *Federazione Anarchica Informale* announced the beginning of a campaign against the European Union policies of "exploitation and domination". The main targets of their attacks would be the "representational apparatus" and "the main characters in the show of neo-democracy";
- a section written with a lettering stencil, where the *Cooperativa Artigiana Fucos e Affini (occasionalmente spettacolare)* explicitly claims responsibility for the crime. Here they state that the President of the European Union Mr. Romano Prodi is the target of their attack and a manoeuvre has been started to get at him and people like him.

Other copies of this document, though lacking the final stencilled section, were received by the Milan editorial offices of the daily newspapers "Libero" and "La Repubblica"; a fourth copy of it, in which a stencilled text was added, was mailed to the Milan editorial office of the daily newspaper "Corriere della Sera". In the section written using a stencil, solidarity and support are expressed towards "all the prisoners fighting under FIES". The document is signed by FAI - *Solidarietà Internazionale* [Note of the Translator: FAI - International Solidarity].

On 27<sup>th</sup> December 2003, Mr Romano Prodi inside his Bologna home opened a parcel addressed to his wife containing a hollowed book, in which a booby-trap device had been placed. While the book was being extracted from the package the incendiary device burst into flames, damaging nearby furnishings and furniture, though not injuring the President.

On 29<sup>th</sup> December 2003 similar booby-trapped parcels targeted the Frankfurt Office of Mr Jean Claude Trichet, President of the European Central Bank, and the seat of EUROPOL, European

Police Office, in The Hague. Both parcels - defused by bomb disposal experts - were postmarked Bologna and bore the indication of a Bologna-based sender, who turned out to be fictitious.

On 30<sup>th</sup> December 2003 a parcel of similar make was received by the President of Eurojust in the Hague seat.

On 5<sup>th</sup> January 2004, two similar packages targeted the seat of the European Parliament in Brussels, respectively addressed to Hans-Gert Poettering, heading the European People's Party, and José Ignacio Salafranca, European Parliament member. A third similar one targeted the Manchester-based office of Gary Tilley, British member of the European Parliament.

From the investigations carried out so far all the above mentioned parcels resulted to have been mailed from Bologna and they all contained a document claiming responsibility for the act, which, however, lacked the stencilled part.

2. The way the devices planted near Prof. Bologna's house had been manufactured and placed, as well as the ways the fire-bomb parcels targeting European Union officials and institutions were made, packed and mailed, have led investigating authorities to believe according to the evidence gathered so far, also on an infernal basis, that all devices shared the same criminal intent and are to be connected with an organized group operating in Bologna.

Hence, Bologna Public Prosecutor has initiated preliminary criminal proceedings against unknown individuals for the crime punishable pursuant to Section 280 of the Italian Penal Code, i.e.: "Attacks for terrorist or subversive purposes", by a term not inferior to six years' imprisonment.

3. The document claiming responsibility for the attacks shows that the *Federazione Anarchica Informale* was created by *Cooperativa Artigiana Fuoco e Affini* (occasionalments spettacolo), 20th July Brigade, Cells against the Capital Prison in Genoa and Cella, and *International Solidarity*. All these groups are known to belong to the insurrectional wing of the anarchist movement. They are also known for having committed similar terrorist attacks in the past, though each acting independently of the others. Some of these attacks aimed at foreign targets or were committed to provide support and solidarity to the inmates of prisons located in foreign countries. Such terrorist attacks were the climax of "autoproteste" and "autiproteste" campaigns similarly staged in the last few years to show support for individuals of the same political affiliation, who were inmates in Spanish, Greek, Italian and Swiss prisons. Among them, the campaigns launched in support of individuals imprisoned in Spain under *Fisic*<sup>1</sup> classification (special detention measures) have been particularly harsh.

The mailing of incendiary or explosive-laden parcels to European Union Officials, and similarly to members of the law enforcement community or other Italian institutional figures, is a technique that starkly resembles the methods already adopted by Iberian insurrectionalists "to punish" journalists, magistrates and police officers. These elements strongly point to possible links between the Italian anarchist-insurrectionalist groups joining the *Federazione Anarchica Informale* and other homologous forces in Europe who perpetrated similar terrorist attacks.

<sup>1</sup> Note of the Translator: FIS - *Fichero de Inmigrantes de Especial Seguimiento* (summary file of special monitoring)

4. The *Cooperativa Artigiana Fuoco e Affini* (occasionally *spettacolare*) claiming responsibility for the two devices exploded near Mr. Romano Prodi's house, had already taken responsibility for other attacks in the past, including the mailing of an incendiary parcel to the Barcelona-based office of the Spanish Penitentiary Police Union and the planting (in July 2001) of a booby trap device with high offensive potential in a street close to Bologna Police Headquarters. The device, disposed of by bomb technicians before it could explode, was deliberately meant to cause either serious injuries to or even the death of law enforcement officers.

5. According to the findings of ongoing investigations, a version, sometimes also translated into other languages, of the document claiming responsibility for the attacks, though slightly differing from the texts referred to in point 1, was disseminated on the network.

Some of the URLs, where the web version of the document can be found are the following:

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The above listed URLs are all part of the web site <http://Indymedia.org>. Indymedia is a self-styled "international collectively run media network providing a radical objective and impassioned account of the truth", which is politically near to the extremist milieu, and purports to be an alternative to the news supplied by institutionally recognised and officially registered press and radio-TV broadcasting agencies. Most of the above listed documents are contained in the "news" or "newswire" section of the web site, serving the purpose of supplying information and meant as a free discussion forum, where documents on topics of common interest can be published in the web anonymously.

The web site "<http://Indymedia.org>" appears to be (registered) in the name of Independent Media Center, Street 1, 1415 3rd Ave., Seattle (U.S.A.), while the server hosting the web pages

has been tracked back to Rackspace Managed Hosting, 112 E. Pecan St., Suite 600, San Antonio, Texas 78205 (U.S.A.) (Attach. No. 13).

A further copy of the above document claiming responsibility for the attack was found at the URL

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The web site "<http://squat.net>" is registered in the name of Forbes Development, 19811 Pine Wind Drive Humble, Texas 77346 (U.S.A.), while the host server was tracked back to Jaap Vermaas, Nieuwmarkt 4, 1012 CR Amsterdam (Holland).

Finally, a web version of the above document was also found at:

- "<http://www.alasbarricadas.org/modules.php?file=comments&name=news&op=reply&id=13708&aid=3197>"

The document appears to have been published on 28<sup>th</sup> December 2003 at 00:38:16 - (Attach. No. 8).

The web site "<http://www.alasbarricadas.org>" appears to be registered in the name of a Mr. Xosxe Oural Martinez, C/Ildefonso Villalobos 7, Bejar, Salamanca (Spain), while the host server is in the name of the company Alvarez por la Libertad de Expresión y Cam, c/Hileras 4 209, 28013 Madrid (Spain).

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7. To the purpose of identifying the internet users who published the web version of the document claiming responsibility for the terrorist attacks in the above listed web spaces, Italian prosecuting authority needs to obtain the log files in relation to the creation and updating of the contents of said spaces.

The examination of the log files might disclose the IP addresses as well as the date and time of the internet connections, through which the documents were published in the web.

The log files should be obtained from the Internet Service Provider managing the servers hosting the above web spaces.

8. In the light of the elements reported above and in order to support the suspicion - so far substantiated by the peculiarity of the targets, all of them either embodying or representing European Union Institutions - whereby said terrorist attacks are the result both of a common strategy agreed upon by different pro-insurrection factions of the anarchist movement and of world-wide operational links, also consisting in the dissemination on the web of copies of the document claiming responsibility for the attacks.

Bologna Public Prosecutor's Office

**KINDLY REQUESTS**

that the competent United States Judicial Authority obtain the log files in relation to the creation and updating of the web spaces corresponding to the following URLs during the period from

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[http://translations.indymedia.org/Translations/1073420344/html\\_quote](http://translations.indymedia.org/Translations/1073420344/html_quote)

Given the serious nature of the crimes involved, a prompt execution of the present Rogatory Request is of the essence.

The following magistrates are conducting the investigations:

- dott. Paolo Giovagnoli;
- dott. Luca Tampieri; tel.
- dott. ssa Morena Piazzi;

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We thank you in advance for your kind assistance

Yours Sincerely,

for Bologna Public Prosecutor's Office

(Dott. Luca Tampieri, assistant public prosecutor)

(Dott.ssa Morena Piazzi, assistant public prosecutor)