

Secret Power

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WikiLeaks and Its Enemies

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Foreword by Ken Loach

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1

The WikiLeaks Revolution

MY SOURCE AT RISK

It all started in 2008, when one of my sources stopped talking to me because she became convinced she was being illegally wiretapped.

When a person contacts one of us journalists to confide sensitive information—information that someone with power would want to keep hidden—they do so only if they trust they will not be found out and face dire consequences, like dismissal from their job, crushing lawsuits or, in extreme cases, prison or even death. My source had had the courage to seek me out, but after our first few meetings, her fears had prevailed.

I waited a long time for her to show up for what would have been our last meeting. In the end I realized she was not going to show, and that there would be no further meetings. I had no way of knowing for sure if she really was being illegally wiretapped or if she was just being paranoid, but fortunately I took her fears very seriously.

Throughout the years I had spoken with dozens of journalistic sources. Some had given me snippets of useful information, while others had only wasted my time, and yet others had made it possible for me to bring off remarkable scoops. But none had ever had so profound an impact on my life and my profession as she did. That source, who had not wanted to reveal a single word of what she knew, changed my work forever.

In fact it was at that moment that I realized I needed to find a much more secure way of communicating with sources. The old techniques, unfortunately still used in all newsrooms today, were and are completely outdated; they are wholly inadequate for a world where police forces, spies in the employ of big companies,

and secret services can listen in on journalists and everyone who talks to us with astonishing ease.

If I had studied law, I would have looked to the laws for protection. But I had studied mathematics, so it was natural for me to look to encryption and passwords for a possible solution. I had learned a bit about cryptography at university. My knowledge was only theoretical, but the art of protecting communication between two people, so that it is not indiscriminately accessible to everyone, had intrigued me.

As Philip Zimmermann, inventor of the PGP (Pretty Good Privacy) program for encrypting emails and documents, had written:¹ “You may be planning a political campaign, discussing your taxes, or having an illicit affair. Or you may be communicating with a political dissident in a repressive country. Whatever it is, you don’t want your private electronic mail (email) or confidential documents read by anyone else. There’s nothing wrong with asserting your privacy.”

Not only is there nothing wrong with it, but it is a basic right of journalists and our sources; if we cannot guarantee that those who give us confidential information will be protected, no one will give us information any more.

In the old analog world before the digital era, the apparatuses of the state, from police forces to secret services, could steam open letters to read a private citizen’s correspondence, or eavesdrop on telephone conversations and transcribe them one by one, but these methods took time, and could not be used systematically on entire populations. But with digital communications, everything changed. Monitoring the email correspondence of millions has become mere child’s play.

It was precisely this transformation that had prompted Philip Zimmermann, a U.S. computer software engineer and pacifist, to create his PGP program. Right from the start, he had caught sight of a looming risk for democracy.

1. Philip Zimmermann, “Why I wrote PGP,” June 1991: www.philzimmermann.com/EN/essays/WhyIWrotePGP.html

His concerns can be summed up in this testimony he gave before a U.S. Senate committee in 1996:² “The Clinton Administration seems to be attempting to deploy and entrench a communications infrastructure that would deny the citizenry the ability to protect its privacy. This is unsettling because in a democracy, it is possible for bad people to occasionally get elected—sometimes very bad people. Normally, a well-functioning democracy has ways to remove these people from power. But the wrong technology infrastructure could allow such a future government to watch every move anyone makes to oppose it. It could very well be the last government we ever elect.”

Zimmermann was not a radical. He was a pacifist who believed in political dissent and had in fact been arrested for his peaceful protests against nuclear weapons. Foreseeing the threat posed by digital communication for democracy, he engaged in an act of civil disobedience: just as the U.S. Senate was seeking to pass Senate Bill 266—a bill allowing the government to access anyone’s communications—he created PGP, a software program for encrypting emails. He then distributed it completely free of charge, to make it as widespread as possible before the government could make encryption illegal.

It was a revolutionary move. As Zimmerman himself explained it,³ prior to PGP it was not possible for an ordinary citizen to communicate with someone over long distances in a secure manner, without the risk of being intercepted. That power was solely and firmly in the hands of the state. But that monopoly ended with PGP. It was 1991.

The U.S. government did not just stand by and watch, however: it placed Zimmermann under investigation. But ultimately the investigation was closed in 1996 without any indictment. With

2. Testimony of Philip R. Zimmermann to the Subcommittee on Science, Technology, and Space of the U.S. Senate Committee on Commerce, Science, and Transportation, June 26, 1996: <https://philzimmermann.com/EN/testimony/index.html>

3. Philip Zimmermann, Creator of PGP, Phil Zimmermann talks at Bitcoin Wednesday, July 30, 2018: www.youtube.com/watch?v=M8zoNx8svC4&tab_channel=BitcoinWednesday

users ranging from Amnesty International to political activists in Latin America and the ex-Soviet Union, PGP began to spread throughout the world, generating crucial debate on civil liberties and surveillance and inspiring the creation of other kinds of software for communications encryption.

The day my source didn't show up for our appointment marked a turning point for me. If codes and passwords could protect activists, then they could protect us journalists and the people who talk to us too.

It was one of my sources in the encryption world who first put Julian Assange and WikiLeaks on my radar, in 2008. They had yet to publish the great news scoops that would make them famous the world over, so very few people knew of them. "*You should take a look at that bunch of lunatics,*" my expert friend told me. The "lunatics" he was referring to were Assange and his team at WikiLeaks. My cryptographer friend's tone was joking, but his respect for them was evident. If someone with his expertise and dedication to human rights was taking an interest in them, I felt, they must be doing something worthy of attention.

I began to look at the work done by WikiLeaks methodically. Created just two years before, in 2006, the group was truly in its infancy. The idea was revolutionary: to harness the power of the internet and of encryption to obtain and then "leak"—hence the name "WikiLeaks"—classified documents of significant public interest. Just as traditional media receive information from unknown persons, who send letters or packets of documents to newsrooms, so Assange and his organization received sensitive files, sent in electronic form by anonymous sources to their online platform. The identity of those sharing sensitive documents was protected by advanced technological solutions like encryption, along with other ingenious techniques.

In 2006, when WikiLeaks was founded, there was not a single major newspaper in the world systematically offering encryption-based protection to its sources; it took years for the most influential daily in the world, the *New York Times*, and other major media to decide to adopt it, inspired by the intuition of WikiLeaks.

Julian Assange and his organization were without doubt pioneers. They were especially interested in “whistleblowers,” people who, in the course of their work in a government or private company, become aware of abuses, gross corruption or even war crimes or torture committed by their superiors or their colleagues, and decide to expose them in the public interest, providing journalists with factual information. A whistleblower is an individual who acts in accordance with his or her conscience. They do not look away, pretending not to see. They blow the whistle knowing that the consequences they will face may be harsh, in some cases even lethal. Those who unveil crimes committed by secret services are literally putting their lives on the line, and often can count on only two forms of protection: hiding behind anonymity, or doing the exact opposite, coming out into the open and hoping for the support of public opinion.

By leveraging the power of the internet and encryption, WikiLeaks offered advanced technical solutions to protect whistleblowers. They not only provided a shield to those blowing the whistle in the public interest, they also attracted sources with particular talents and professional experiences, potentially sources with access to important information. Because, after all, who back then could really appreciate a tool as complex and unusual as encryption? Those who had studied it, or who worked in the field of computer science or intelligence. The technologically advanced structure of WikiLeaks appealed to an entire community familiar with the language of science and technology.

The results were soon forthcoming, and when I began observing them attentively from the outside, during that far-off year of 2008, I was deeply impressed.

SAYING NO TO THE PENTAGON

It was one of the most impenetrable places in the world. The Guantanamo detention camp, created by the George W. Bush administration on January 11, 2002, exactly four months after the attack on the Twin Towers, had fast become a symbol of the

inhumanity of Bush's war on terror. According to then-defense secretary Donald Rumsfeld, only the world's most dangerous terrorists were confined there: *the worst of the worst*. In reality, no one knew exactly who all the prisoners were and what went on inside the camp. It was run by a military task force, the JTF-Gtmo (Joint Task Force Guantanamo), but no one had any factual information on its operations. Only the International Committee of the Red Cross was allowed access to the detention camp and, in a classified report in November 2004, the committee claimed that the prisoners were physically and psychologically tortured.⁴

A few months earlier, in April of 2004, the great U.S. investigative journalist Seymour Hersh had unveiled⁵ that torture was rampant in the prison of Abu Ghraib in Iraq, and the photos of the atrocities committed by the U.S. troops who had invaded the country and toppled Saddam Hussein's regime just one year earlier had made their way around the world. Still today, the images are jaw-dropping in their cruelty: they would later be immortalized in the cycle of paintings entitled *Abu Ghraib* by Colombian artist Fernando Botero, who captured the ferocity of the war dogs set upon the defenseless prisoners, terrified they might be ripped to shreds at any moment.

Many suspected that the International Committee of the Red Cross did not have access to all the detainees in Guantanamo, and one of the leading U.S. organizations for civil and human rights, the American Civil Liberties Union (ACLU), had sought in vain to obtain the task force's operations manual. The ACLU had attempted to request a copy of the manual from the U.S. authorities under the Freedom of Information Act, the tool that allows citizens to access government records of public interest. No dice; the Bush administration rejected the request. WikiLeaks were the ones to divulge the manual, in November 2007.⁶

4. Neil A. Lewis, "Red Cross finds detainee abuse in Guantánamo," *New York Times*, November 30, 2004.

5. Seymour Hersh, "Torture at Abu Ghraib," *New Yorker*, April 30, 2004.

6. The document revealed by WikiLeaks is entitled: *Camp Delta Standard Operating Procedures (SOP)* and is available at: https://wikileaks.org/wiki/Camp_Delta_Standard_Operating_Procedure (accessed May 19, 2022).

The document was a file from the U.S. Department of Defense, the Pentagon, and was dated March 2003, just one year after the detention camp was opened. It was signed by General Geoffrey D. Miller who, according to press accounts cited by the American magazine *Wired*,⁷ had visited Abu Ghraib in 2003, shortly before the appalling episodes of torture on its inmates, documented by Hersh, came to light. The manual confirmed what many had suspected: the U.S. authorities had lied; some prisoners were kept beyond the reach of the International Committee of the Red Cross, leaving the committee unable to monitor their treatment: “No access, No contact of any kind with the ICRC. This includes the delivery of ICRC mail,” read the manual.

No physical torture was described in the file, but forms of psychological torture were detailed: solitary confinement and techniques to psychologically subjugate detainees were there in all their harshness. The document explained how to use dogs in the detention camp, how to handle questions and relations with journalists, especially the guidelines on conversations with the press, focused on progress in the international fight against terrorism.

When this file came to my attention, I was amazed not only that WikiLeaks had managed to obtain it, but that Julian Assange’s organization had defied the Pentagon’s demand to remove it from their website insofar as, the U.S. Department of Defense had written to WikiLeaks, its “publication has not been approved.”⁸ Standing up to a demand from the Pentagon, whose power and influence hold sway throughout the world, takes independence and courage. Assange and WikiLeaks were not just pioneers in the use of technology to protect individuals revealing secrets in the public interest, they were brave as well. And for me, that bravery was a glimmer of hope in the darkness surrounding journalism in those years.

7. Ryan Sigel, “Sensitive Guantánamo Bay manual leaked through Wiki site,” *Wired*, November 14, 2007.

8. The email from the Pentagon to WikiLeaks is available on the WikiLeaks website: https://wikileaks.org/wiki/Camp_Delta_Standard_Operating_Procedure (accessed May 19, 2022).

The war on terror had exposed the brutality of the Bush administration, but also the considerable responsibility of the mainstream media, which had so often shown no skepticism towards the machinations of their government. Like in the months preceding the invasion of Iraq, the *New York Times* had published unsubstantiated articles on Saddam Hussein's attempts to procure weapons of mass destruction. The *Times* contributed to a media campaign that rendered acceptable—even to a public opinion politically at odds with the Bush administration—the invasion of Iraq and the devastating war that followed, a bloodbath that cost at least 600,000 lives.⁹

And that was not the only time mainstream American media had become a tool of their government rather than a means of constraining it. For years the *New York Times* chose not to use the word “torture” for the atrocious interrogation techniques employed in prisons in Iraq, Afghanistan, Guantanamo and various countries around the world where the CIA operated its so-called “black sites” in complete secrecy in the name of the fight against terrorism. Techniques like waterboarding, in which a human being is tied to a slanted board, a cloth placed over his eyes and water poured over his face to trigger the sensation of drowning. Rather than calling these practices “torture,” up until 2014 the *New York Times* regularly referred to them as “enhanced interrogations,”¹⁰ a cryptic term that kept public opinion from perceiving the inhumanity of operations like a detainee being left to die of cold, as Gul Rahman did in Afghanistan.¹¹

Things did not go any better with the *Washington Post*. In 2005 it had agreed not to publish the names of the Eastern European countries where the CIA's secret prisons were located: Poland, Lithuania and Romania. Here too, the request not to name names

9. Philip Bump, “15 years after the Iraq war began, the death toll is still murky,” *Washington Post*, March 20, 2018. The death toll will be discussed in chapter 5.

10. Only in August 2014 did the *New York Times* acknowledge that those interrogation techniques were torture, as admitted by the executive editor, Dean Baquet, in this article: “The executive editor on the word ‘torture’,” *New York Times*, August 7, 2014.

11. Larry Siems, “Inside the CIA's black site torture room,” *Guardian*, October 9, 2017.

had come from the Bush administration, and the newspaper had complied.¹²

In such a landscape a new journalism, aggressive and courageous, not intimidated by the Pentagon and not willing to publish or hide information based on government manipulation, was as necessary as air. That was what WikiLeaks promised. But that was not all. The organization had also impressed me for another reason.

PUBLISHING WHAT NO ONE DARED TO PUBLISH

In 2008 a major Swiss bank, Julius Baer, had come into the sights of Julian Assange's organization. It was the very same bank that would surface two years later in an Italian criminal investigation on Angelo Balducci, former chair of Italy's Board of Public Works, ultimately involved in a corruption scandal that cost him his appointment as "Gentleman of His Holiness," the highest honor the Holy See could bestow at the time on a Catholic layman.

Thanks to a Swiss whistleblower, Rudolf Elmer,¹³ who had found the courage to leak a series of internal documents from Julius Baer's branch in the Cayman Islands, WikiLeaks had exposed the bank's alleged involvement in crimes ranging from tax evasion to money laundering, and immediately found the bank on its back. It demanded that the file be removed and took legal action. But what looked to be a classic battle, with a foregone conclusion, developed into a fully fledged fiasco.

WikiLeaks had been designed to make censoring the files it published difficult; its servers were located in unknown sites, the identities of those working for the organization were not public, apart from those of Julian Assange and the German spokesman for WikiLeaks at the time, Daniel Schmitt,¹⁴ and tracing an address for Assange and his staff was problematic, to say the least. But Julius Baer enlisted an aggressive law firm specializing in celeb-

12. Dana Priest, "CIA holds terror suspects in secret prisons," *Washington Post*, November 2, 2005.

13. Tax Gap Reporting Team, "Isles of plenty," *Guardian*, February 13, 2009.

14. Daniel Schmitt was actually a pseudonym for Daniel Domscheit-Berg.

rity lawsuits, Lively & Singer of Los Angeles, who, in their efforts to track down those responsible for the publications, targeted WikiLeaks as an “entity of unknown form” along with Dynadot LLC, WikiLeaks’ domain name registrar, a company with headquarters in California. The bank’s lawyers requested and obtained from the judge an order that the files be removed. It seemed like a done deal. Only it wasn’t.

WikiLeaks set about creating “mirrors,” sites with identical content to the one banned by the judge, which began to bounce around the world. At that point, Julius Baer’s lawyers requested the complete shutdown of WikiLeaks and a ban on transfer of the forbidden content to other sites. This move boomeranged, however, as the request for complete shutdown prompted the leading U.S. organizations for the defense of digital and civil rights to enter the fray. From the Electronic Frontier Foundation (EFF), headquartered in San Francisco, to the American Civil Liberties Union (ACLU), some of the most influential American civil rights institutions backed WikiLeaks in federal court, invoking the First Amendment, the fundamental principle of the U.S. Constitution that provides powerful protection of the press and freedom of expression. In March 2008 the judge overturned the order, rejecting the bank’s demand that the WikiLeaks site be shut down completely and ruling that publication of the files enjoyed constitutional protection under the First Amendment.

This staunch resistance from Assange’s organization and the legal battle that had ensued, backed by influential organizations like the EFF and the American Civil Liberties Union, had brought the name of Julius Baer to the pages of the world’s leading newspapers, from the *New York Times*¹⁵ to the *Guardian*, obtaining the exact opposite effect to that desired by the powerful bank. The documents Julius Baer had wished to see discreetly removed were now an affair of international interest. As if that were not enough, WikiLeaks also published its correspondence with the

15. Adam Liptak and Brad Stone, “Judge orders WikiLeaks web site shut,” *New York Times*, February 19, 2008.

bank's lawyers, to whom it had responded, unfazed: "keep your tone civil."¹⁶

I was amazed at this display of backbone. I did not yet know Julian Assange personally, but I was studying him and his organization from afar, through their work. They were showing the courage to publish extremely sensitive files, putting themselves at risk while defying institutions which, from both the legal and extra-legal standpoint, intimidated even the editorial staffs of news media with the most lavish budgets and important connections. I was impressed by their strategic approach as well. If they had played the Julius Baer match as a traditional news outlet would have done, they would very likely have taken a considerable beating. Italian or British or Swiss newspapers, for example, must operate within the limits established by the laws of the country in which they are registered; their publications would have little chance of enjoying the press protection afforded by the American Constitution. But by playing the game on the global level, exploiting the resources of the internet and international alliances with civil and digital rights advocates, availing themselves of the powerful shield offered by the First Amendment and the bullhorn of the traditional media, WikiLeaks had inflicted a resounding defeat on a very wealthy bank.

For an investigative journalist forced to contend with the intimidating power of the rich and the powerful and their lawsuits every day, and the resulting severe constraints on press freedom, watching that fiasco unfold was a spectacular sight. With all the power of their money and their lawyers, Julius Baer had slunk back home with their tail between their legs, while WikiLeaks had succeeded in publishing what many newspapers would have considered unpublishable, because too risky from the legal standpoint.

The Julius Baer case, like that of the Guantanamo manual, was proof that the battle against secrecy could be won. And I abso-

16. The correspondence is available on the WikiLeaks website: www.wikileaks.com/wiki/Full_correspondence_between_Wikileaks_and_Bank_Julius_Baer (accessed May 19, 2022).

lutely had to track Assange down because, as a journalist, that battle was also my own.

A PHONE CALL IN THE NIGHT

Elusive and mysterious, who were Julian Assange and WikiLeaks? It took some time before I was able to establish a connection with them. To find out more, I contacted activists, experts in state secrets and encryption, every contact and every scrap of information that might help me understand who they were. Initially, WikiLeaks was organized like a wiki: they accepted documents, analyzed them and then published them, asking everyone to help examine the files and advance a debate on what they revealed. They did not routinely work with journalists; they had some media partners, but not large teams of partners as they did in later years. But one night, they asked for my help.

It was the summer of 2009. When the phone rang, it was the dead of night. I was having a hard time waking, but my phone kept ringing relentlessly and I finally dragged myself up. “This is WikiLeaks,” I heard someone say. I could barely understand what was going on, but in the end I grasped that the person on the phone was Daniel Schmitt. He was relaying a message: I had one hour to download a file from the internet, after which it would be removed so it could not be accessed by others. He told me they were running some checks on the file’s authenticity and what it revealed. “Can you give us a hand?” he asked.

I immediately downloaded the file and began to examine it. It was a recording dating back to July 2008. You could hear Walter Ganapini, at that time the councilor for the environment of Italy’s Campania region, talking about the infamous garbage crisis that had brought images of Naples drowning in trash to newspapers and televisions across the world.

The strongman in the game was not Ganapini, however, but the special commissioner for the waste emergency, Gianni De Gennaro, who would go on to join the Department of Information Security (DIS), the coordinating body of Italian intelligence.