

# Anonymous activist convicted for conspiracy by the Italian Supreme Court

The Corte di Cassazione has confirmed the decision of conviction against Anonymous activist Mr Gianluca Preite, by its decision nr. 50626/2013. The decision affirms that defendant is in fact guilty of unlawful access to information systems (article 615-ter of the (italian) Criminal Code), in conspiracy with other activists. Defendant had attempted a defense line based on the particular ideal value of the motives behind the gesture of Mr Preite. The Court (predictably) ruled against this argument: *“more than the ideal values, the critical point is the existence of a shared plot with regard to the means to pursue the aims (for flattering and praiseworthy as they may be) that the group has assumed”*.

It is however striking, in the Court's decision, how attentively the high Judges have examined the motives. While, in fact, it is quite obvious that ideal motives, under Italian criminal law, may be such to operate as [extenuating circumstances](#), (see, i.e. Cass. pen. [46306/2007](#) – published on Altalex), they cannot, per se, exclude the existence of the crime.