

# ITALY

## G8 Genoa policing operation of July 2001 A summary of concerns

### **PREFACE**

*On 19 September 2001 the President of the European Parliament announced that the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs (Citizens' Rights Committee) had been authorized to draw up a recommendation to the Council of the European Union on "an area of Freedom, Security and Justice: security at meetings of the European Council and other comparable events ...."*

*A draft report containing a draft proposal for such a recommendation was submitted to the Committee by the appointed rapporteur and this was considered by the Committee on 16 October 2001.*

*An explanatory note to the draft report stated that "After the demonstrations which took place during the European Council of Nice (December 2000), Gothenburg (June 2000) and finally in Genoa (July 2001) and the regrettable acts of violence that marked these demonstrations, it would be advisable for European institutions and notably the European Parliament, to understand the causes and furthermore avoid such incidents in the future."*

*In view of an examination of the report by the Citizens' Rights Committee scheduled for 12 November 2001, including examination of a proposed amendment according to which the Parliament would recommend the institution of a commission of inquiry into the incidents at the Genoa summit, Amnesty International took the opportunity to draw the Committee's attention in advance to a summary of its key concerns regarding the G8 Genoa policing operation.*

*The Committee adopted the final text of the report with a proposal for a recommendation on 12 November [European Parliament Index No: A5-0396/2001]. The text was passed to the Plenary of the European Parliament which is scheduled to vote on the proposal during the week beginning 10 December 2001. If adopted the recommendation would then be forwarded to the Council of the European Union and, for information, to the Commission and to governments and parliaments of the Member States of the European Union.*

*The text of the proposal adopted by the Committee does not include a recommendation for the institution of a commission of inquiry into the incidents at the Genoa summit but, noting that "following the Genoa disorders several administrative, judicial and parliamentary inquiries have been launched in Italy to ascertain if there was*

*inhuman or degrading treatment or punishment (article 4 - European Charter of Fundamental Rights)”, the text states that “The EP [European Parliament] will pay a particular attention to the follow-up of these inquiries in view of its 2001 annual report on protection of fundamental rights in the European Union”. Amnesty International notes in particular that in its ‘Specific recommendations to be followed to ensure a better protection of fundamental rights’ the proposal includes the following recommendations:*

- 3     **“- to avoid blocking of borders or denying the right to cross borders to individuals or groups of people who seek to participate peacefully in legitimate demonstrations.** – The increasingly frequent re-establishment by Member States of controls at internal borders has developed from an exceptional situation to becoming the rule, even for international events of minor importance. Article 2.2 of the Schengen Convention only lays down the possibility for Member States to reintroduce border controls, where public policy or national security so require. It is therefore the exception to the general rule that internal borders may be crossed at any point without any checks being carried out on persons. However, the reintroduction of border controls does not affect existing Community law in the field of free movement. The blockage at borders of thousands of persons travelling by train or boat without assessing if they are a serious threat affecting one of the fundamental interests of society (according to the European Court of Justice case law) is disproportionate and contrary to articles 11, 12 and 45 of the ECFR [*European Charter of Fundamental Rights*] and to the requirements of Directive 64/221/EC”.
  
- 3     **“- to avoid a disproportionate use of force and to instruct national police forces to control violence and preserve individual rights** even in confused crowd scenarios, involving violent lawbreakers mingling with peaceful law abiding citizens. To avoid the use of guns and comply with the UN recommendation on a proportionate use of force and COE [*Council of Europe*] ethical code for enforcement polices appears mandatory. To support the Council demand for a common European Handbook for police involved in public manifestations. It has to be noted that following the Genoa disorders several administrative, judicial and parliamentary inquiries have been launched in Italy to ascertain if there was inhuman or degrading treatment or punishment (art. 4 ECFR). The EP [*European Parliament*] will pay a particular attention to the follow-up of these inquiries in view of its 2001 annual report on protection of fundamental rights in the European Union”.
  
- 3     **“- to avoid any discrimination between national and European citizens in case of arrest or trial** and to ensure their right to use their own language and to have immediate access to a lawyer, to Consular protection as provided by Art. 36 of the Vienna Convention and, even in the case of a "fast track" judicial procedure, to ensure the right to be defended by a lawyer of his/her choice according to the fundamental right of access to justice”.

## **INTRODUCTION**

Over 200,000 people participated in anti-globalization demonstrations on the streets of Genoa in the days immediately preceding and during the G8 summit (20-22 July). The vast majority protested peacefully, however, some demonstrations degenerated into violence and resulted in significant injuries to people and extensive damage to property. By 22 July, one protester had been shot dead, hundreds of people had been injured and over 280 people, many of them foreign nationals, had been detained in connection with the events in Genoa.

Amnesty International (AI) has repeatedly expressed concern about the numerous reports of human rights violations, frequently supported by medical and/or photographic and/or eye-witness evidence, committed by law enforcement and prison officers against Italian citizens and foreign nationals in the context of the G8 policing operation. The allegations concern not only incidents occurring in Genoa itself during the days of and surrounding the G8 summit but also incidents occurring outside the city, including at border points.

AI recognizes the difficulties faced in policing summits, especially as certain factions are set on causing violence. Similarly, AI recognizes that it was the duty of the authorities to ensure the safety and security of participants in the G8 Genoa summit as well as of peaceful demonstrators and local inhabitants. The organization does not condone violence aimed at police or property, nor does it oppose the lawful use of reasonable force by law enforcement officials. However, AI believes that at the same time, policing must be carried out with full respect for international human rights standards and in such a way as to protect the rights of those people engaged in peaceful protest.

While welcoming the initiation of a number of criminal investigations by the Italian judicial authorities, directed by the Genoa Public Prosecutor's office, AI stated in July that in its view -- given the scale and gravity of the allegations still emerging, the large number of foreign nationals making the allegations and the consequent very high level of domestic and international concern -- the criminal investigations were unlikely to provide an adequate response.

On 18 September 2001, as a fact-finding Italian parliamentary committee of inquiry established in August to examine events occurring in the context of the G8 summit in Genoa ended in disagreement and acrimony between committee members, AI recalled the limitations of the committee's mandate and renewed the

call it first made in July for the establishment of an independent, public commission to carry out a comprehensive investigation into allegations of human rights violations during the G8 policing operation and the conduct of law enforcement and prison officers.

In its continuing call for such a commission, AI has pointed out that prompt, thorough and impartial investigations, with the methods and findings made public, serve to protect the reputations of law enforcement officers who may be the subject of unfounded accusations of ill-treatment, as well as to safeguard the interests of genuine victims of ill-treatment.

AI has set out some of the criteria which it believes should inform the establishment of an effective commission of inquiry (*see below*). No such commission has yet been established.

Letters which AI addressed to the Italian government in July during the run-up to, and the immediate aftermath of the G8 policing operation (*see below*) remain without response.

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## **BACKGROUND TO AI'S CONCERNS ABOUT THE G8 POLICING OPERATION**

On 2 March 2001 an anti-racism demonstration took place in **Brescia** protesting, among other things, against certain statements made by Umberto Bossi, leader of the federalist parliamentary party, the *Lega Nord* (Northern League) and since June a minister in the new coalition government. The demonstration was timed to coincide with a demonstration against illegal immigration, among other things, which the *Lega Nord* was holding in Brescia.

Demonstrators accused police and carabinieri officers of subjecting peaceful demonstrators to gratuitous violence, assaulting them with truncheons and rifle butts, applied in particular to their backs, and continuing to beat people who were lying on the ground bleeding. Dozens of people were reportedly injured, around eight of them so badly that they required urgent hospital treatment. Some 15 youths were arrested and put under investigation in connection with possible offences of resisting and injuring state officers. On 1 June it was announced that seven of the injured demonstrators - who had suffered injuries with prognoses ranging between 15 and 40 days and whose cases were presented as emblematic - had lodged criminal complaints against the Brescia police. Their complaints were reportedly supported by video and eye-witness testimony.

A demonstration which took place in **Naples** on 17 March, on the occasion of the **Third Global Forum** devoted to the stated theme of *Fostering Democracy and Development through e-Government*, degenerated into violent clashes between certain groups of demonstrators and law enforcement officials, and resulted in injuries to both officers and demonstrators, as well as damage to property. However, at the same time, numerous reports from various sources, including witness and victim accounts and photographic evidence, presented a disturbing picture of widespread abuses and violations of international human rights standards perpetrated against non-violent demonstrators and others by members of the State Police, *Carabinieri* and *Guardia di Finanza*. In a letter addressed to the former Minister of Interior in April, AI expressed its deep concern about the allegations against law enforcement officials. These included:

- non-violent protestors, including minors, trapped in a square sealed off by the police, being subjected to indiscriminate assaults by officers using rifle butts and truncheons, kicks, punches and stones, even though in many cases the protestors approached officers with their hands in the air as an indication of peaceful intent;
- the beating of individuals, including journalists, taking photographs or videotaping scenes of use of excessive force by police and the subsequent destruction of their cameras and film;
- failure to provide some injured detainees with prompt and adequate medical care;
- detainees being denied access to a lawyer and not allowed to have a member of the family or third person informed of their whereabouts;
- the ill-treatment of detainees, including minors, in police stations. Some of them were reportedly made to kneel on the floor of police stations with their faces to the wall for lengthy periods and subjected to random and deliberate beatings with truncheons, slaps, kicks, punches and verbal insults frequently of an obscene, sexual nature. Many detainees were given intimate body searches and in a number of instances the conduct of officers during body searches appeared deliberately aimed at humiliating and degrading the detainees.

AI called on the government to establish an independent commission of inquiry to investigate fully and impartially police tactics and behaviour during the Naples demonstration, and sought information on the status of the internal administrative investigation opened in connection with the March demonstration.

The organization was disappointed, therefore, by the response of the then Minister of Interior who, on 5 June confirmed that he had ordered the opening of an internal administrative

investigation into alleged inappropriate use of force or any improper deployment of the police, and indicated that with regard to the individual instances of alleged human rights violations described in AI's letter - cited only as illustrative examples - the judicial authorities would investigate those instances where individual complaints had been lodged with the courts or had otherwise come to light.

In AI's view the scope of the investigations indicated was insufficient and an inadequate response to the call for a comprehensive investigation carried out by a commission of inquiry, consisting of people of acknowledged independence and probity.

AI's concern at the government's failure to establish an independent commission of inquiry, and to provide information on the progress of the administrative investigation into the Naples incidents, was exacerbated by further allegations of the use of excessive force by law enforcement officials during a demonstration in the **Port of Naples** on 6 July 2001. The demonstration was connected to the presence in the port of the ship *European Vision*, prior to its departure for Genoa where it was destined to accommodate a number of G8 participants.

#### **AI letter to the Italian government in the lead-up to G8-Genoa**

On 10 July, in view of the allegations of human rights violations by law enforcement officials during the recent demonstrations in Italy, and in view of similar allegations made against law enforcement officials in a number of other countries in the context of demonstrations surrounding inter-governmental meetings, AI addressed a letter to the Minister of Interior, copied to the Ministers of Defence, Finance and Justice. The organization urged that the Italian authorities ensure that law enforcement officials engaged in policing operations at the forthcoming G8 summit in Genoa exercised maximum restraint in their treatment of demonstrators and were aware of, and acted at all times in accordance with the following international human rights and standards.

- **The right of freedom of expression**, as guaranteed under Article 10 of European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and Article 19 of the International Covenant on Civil and Political Rights (ICCPR).
- **The right of freedom of assembly**, as guaranteed under Article 11 ECHR and Article 21 ICCPR.
- **International standards relating to the use of force and firearms by law enforcement officials**, including the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. These standards stipulate, amongst other things, that force should be used only as a last resort, in proportion to the threat posed, and should be designed to minimize damage or injury.

The UN Code of Conduct for Law Enforcement Officials provides in Article 3 that law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty.

The UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials provide in part that:

4. "Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms. They may use force and firearms only if other means remain ineffective or without any promise of achieving the intended result."

5. "Whenever use of force and firearms is unavoidable, law enforcement officials shall:  
a. Exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved;  
b. Minimize damage and injury and respect and preserve human life";

8. "Exceptional circumstances such as internal public instability or any other public emergency may not be invoked to justify any departure from these basic principles".

9. "Law enforcement officials shall not use firearms against persons except in self-defence or defence of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life."

10. "In the circumstances provided for under principle 9, law enforcement officials shall identify themselves as such and give a clear warning of their intent to use firearms, with sufficient time for the warning to be observed, unless to do so would unduly place the law enforcement officials at risk or would create a risk of death or serious harm to other persons, or would be clearly inappropriate or pointless in the circumstances of the incident."

14. "In the dispersal of violent assemblies, law enforcement officials may use firearms only when less dangerous means are not practicable and only to the minimum extent necessary. Law enforcement officials shall not use firearms in such cases, except under the conditions stipulated in Principle 9."

- **The right not to be subjected to arbitrary arrest or detention** in violation of Article 5 (1) of the ECHR and Article 9 (1) of the ICCPR.

Article 9 (1) of the ICCPR states that "no one shall be subjected to arbitrary arrest or detention." The Human Rights Committee has explained that the term "arbitrary" in this article is not only to be equated with detention which is "against the law", but is to be interpreted more broadly to include elements of inappropriateness, injustice and lack of predictability. The ECHR, in Article 5(1), sets out the only permissible circumstances in which people may be deprived of their liberty. The European Court has ruled that "reasonable suspicion" justifying an arrest exists when there are "facts or information which would satisfy an objective observer that the person concerned may have committed the offence".

- **The rights of people deprived of liberty:**

- the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment in violation of Article 7 of the ICCPR and Article 3 ECHR.

The prohibition of torture and ill-treatment is absolute under these articles and no circumstances may be used to justify such treatment. In addition to the ICCPR and ECHR Italy has ratified, and is therefore committed to implement, the provisions of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture). This states in Article 2 (2) that: "No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture". All law enforcement officials are prohibited from inflicting, instigating or tolerating torture or other cruel, inhuman or degrading treatment or punishment of any person. This prohibition includes acts which cause mental as well as physical suffering to the victim.

- the right for relatives or third party to be informed of their whereabouts, in accordance with Principle 16 (1) of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment: "Promptly after arrest and after each transfer from one place of detention or imprisonment to another, a detained or imprisoned person shall be entitled to notify members of his family or other appropriate persons of his choice of his arrest, detention or imprisonment or of the transfer and of the place where he is kept in custody."

- the right for foreign nationals to contact consular officials, in accordance with Principle 16 (2) of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment which states that:

"If a detained or imprisoned person is a foreigner, he shall also be promptly informed of his right to communicate by appropriate means with a consular post or the diplomatic mission of the State of which he is a national or which is otherwise entitled to receive such communication in accordance with international law or with the representative of the competent international organization, if he is a refugee or is otherwise under the protection of an intergovernmental organization."

- the right of prompt access to a legal counsel of their choice, in accordance with Principles 1 and 22 of the Basic Principles on the Role of Lawyers:

"All persons are entitled to call upon the assistance of a lawyer of their choice to protect and establish their rights and to defend them in all stages of criminal proceedings".

"Governments shall recognize and respect that all communications and consultations between lawyers and their clients within their professional relationship are confidential."

- the right of prompt provision of adequate medical care in accordance with Article 6 of the UN Code of Conduct for Law Enforcement Officials:

"Law enforcement officials shall ensure the full protection of the health of persons in their custody and, in particular, shall take immediate action to secure medical attention whenever required."

- the right to be duly informed of their rights and of any charge(s) against them in a language they can understand, in accordance with Article 9(2) of the ICCPR and Article 5 (2) of the ECHR:

"Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him."

"Everyone who is arrested shall be informed promptly, in a language which he understands, of the reasons for his arrest and of any charge against him."

- the right to humane conditions of detention in accordance with Article 10 (1) of the ICCPR:

"All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person."

## **KEY AREAS OF AI CONCERN EMERGING FROM THE G8 POLICING OPERATION**

In a letter addressed to the Italian Prime Minister on 31 July, copied to the Ministers of Interior, Defence, Finance and Justice as well as the President of the Republic, AI expressed its deep concern about the numerous reports of the violation of all the rights indicated above in the context of the G8 policing operation. The allegations concerned Italian nationals and nationals of a large number of other countries who were in, or travelling to or from Genoa in connection with the G8 demonstrations. AI sought the government's cooperation, therefore, in providing information on instructions and training which were given to state officers in the lead up to G8 with regard to the international human rights standards detailed in AI's 10 July letter.

**In its letter AI expressed concern about:**

3 the use of firearms and the circumstances in which - during the anti-globalization demonstrations in Genoa on 20 July - a demonstrator, Carlo Giuliani, was fatally shot by a 21-year-old law enforcement official performing his military service in the carabinieri force.

AI welcomed the prompt opening by the Genoa Prosecutor's office of a criminal investigation into the fatal shooting. It urged that the investigation be thorough, and impartial, that its scope, methods and findings be made public and that it include a determination about whether the use of lethal force was consistent with the principles established in international human rights instruments regarding the use of force and firearms by law enforcement officials. The carabinieri who fired the fatal shot was subsequently placed under investigation in connection with a possible crime of homicide (*omicidio volontario*). An investigation relating to a possible crime of attempted homicide is also under way against those who were attacking the carabinieri vehicle carrying the officer at the time of the shooting.

Service records have established that, in addition to the shots fired in the context of Carlo Giuliani's death, law enforcement officers on the streets of Genoa fired at least 15 other shots, apparently into the air; police officials have also confirmed that a man wearing a standard tabard identifying him as a member of the press, and recorded on film while wielding a pistol, was a police officer.

AI urged the institution of a thorough review of the current training and deployment of law enforcement officers involved in crowd control and called on the government to take all necessary measures to ensure that officers are adequately equipped and trained to employ non-lethal methods of crowd control and moreover, are subject to strict regulations regarding the use of such methods, to a strict system of accountability, and that no more than reasonable force is used to control disturbances.

AI stated that all regulations and training on the use of firearms by law enforcement officials should be reviewed and, where necessary, amended, so as to ensure clarity and conformity with international minimum standards and to protect, to the greatest extent possible, the lives, physical integrity and safety of the public.

**AI also expressed concern about allegations that:**

3 in the days immediately preceding the G8 summit, some protestors with apparently peaceful intent were not allowed to enter Italy or were expelled and not allowed to proceed to Genoa, thus violating their rights to freedom of expression and assembly. There were also allegations that in incidents at the Port of Ancona some such protestors were allegedly subjected to ill-treatment by law enforcement officers.

On Thursday, 19 July some 130 Greek citizens who had travelled to Italy with the intention of joining in protests surrounding the G8 summit in Genoa, were forcibly deported by the Italian authorities. On Saturday, 21 July the Greek Foreign Ministry categorically denied claims by the Italian authorities that weapons and dangerous objects had been found in the coaches carrying the protestors, thus justifying their deportation. Many of those expelled, including the Chair of the Greek Section of AI, reported that law enforcement officers subjected them to gratuitous violence, kicking them and hitting them with batons. The Italian authorities stated that some demonstrators had attacked law enforcement officers, inflicting injuries;

3 law enforcement officers used excessive force on the streets during demonstrations which took place on Friday 20 and Saturday 21 July, inflicting indiscriminate assaults, including beatings with batons, on -- amongst others -- non-violent protestors (including minors), journalists reporting on the demonstrations, doctors and nurses who were clearly identifiable as such and providing medical assistance to demonstrators on a voluntary basis, and individuals unconnected to the demonstrations;

3 during a police raid carried out on buildings legally occupied by the Genoa Social Forum (GSF) in the early hours of Sunday, 22 July law enforcement officers subjected individuals detained in and around buildings legally occupied by the Genoa Social Forum, many of them asleep when the raid started, to deliberate and gratuitous beatings, resulting in numerous injuries, some of them requiring urgent hospitalization and in some cases surgical operations. Medical reports recorded injuries to 62 people detained during the raid: up to 20 people were reportedly carried out of the building on stretchers, two of them apparently unconscious. The detainees alleged in particular being beaten repeatedly with batons, kicked, having furniture thrown on top of them, even when they were lying on the ground with arms raised to indicate that they had no intention of resisting;

3 dozens of people were subjected to arbitrary and illegal arrest, detention and

subsequently expulsion from the country, including the vast majority of the 93 people detained during the raid on the Genoa Social Forum (that is, Scuola Pertini - ex-Diaz - building);

3 during transfer in police vehicles and inside detention facilities law enforcement and prison officers subjected individuals to beatings and other cruel, inhuman and degrading treatment. Allegations concern in particular the Bolzaneto facility - intended to receive and hold temporarily those detained by police and *guardia di finanza* before transfer to prison proper and via which some 222 people were processed, and the Forte San Giuliano facility - intended to receive and hold temporarily those detained by carabinieri before transfer to prison proper and via which some 57 people were processed. Prison personnel (penitentiary police and medical staff) were on duty at the facilities as well as law enforcement officers.

It has been claimed, *inter alia*, that detainees were slapped, kicked, punched and spat on, subjected to verbal abuse, sometimes of an obscene sexual nature, were deprived of food, water and sleep for lengthy periods, made to line up with their legs apart and faces against the wall and forced to remain in this position for hours, and beaten, in particular on parts of their bodies already injured during arrest if they failed to maintain this position. Some detainees were apparently threatened with death and, in the case of female detainees, rape: some were subjected to body searches carried out in a degrading manner.

Allegations made by former Bolzaneto inmates have been largely supported by statements made by some members of the nursing staff on duty at the detention facility during G8.

3 many people were denied the internationally-recognized rights of people deprived of their liberty, in some cases for several days. This included denial of prompt access to lawyers and, in the case of foreigners, consular officials, and denial of prompt and adequate medical care. In addition, many were not allowed to have their relatives promptly notified of their whereabouts and were not informed of their rights.

It was also reported that the Genoa Public Prosecutor's office itself was the subject of a complaint, lodged with the *Consiglio Superiore della Magistratura* (CSM), the magistracy's own autonomous oversight body, accusing the Chief Prosecutor of signing an order delaying G8 detainees' access to their lawyers, in violation of provisions of the Italian law.

## **CRIMINAL AND ADMINISTRATIVE INVESTIGATIONS**

Minister of Interior inspectors carried out three administrative investigations (relating broadly to the raid on the Genoa Social Forum buildings, the Bolzaneto detention facility and events on the streets) and the Department of Prison Administration (DAP), attached to the Ministry of Justice, mandated a commission which included the official in charge of the overall coordination

of the Bolzaneto detention facility, to carry out an investigation into the functioning of the facility where prison officers (that is, penitentiary police) as well as law enforcement officers were on duty during G8.

On 2 August the Minister of Interior announced, without further explanation, that the Genoa Chief of Police, the head of the Anti-Terrorism Unit and the Italian Deputy Chief of Police (who was in charge of the G8 operation) were being moved to other duties.

A serious lack of coordination appears to have emerged, as well as limited recognition by Ministry of Interior and DAP inspectors of errors, omissions and gratuitous violence in isolated instances in the conduct of law enforcement and prison officers.

A number of criminal investigations into the conduct of law enforcement and prison officers were opened by the Genoa Public Prosecutor's Office and are continuing. These include inquiries relating to the fatal shooting of Carlo Giuliani on 20 July; instances of alleged use of excessive force on the streets (AI is not aware if any specific investigations which have been initiated into the role of undercover police officers during the G8 demonstrations in Genoa); alleged ill-treatment and excessive force by law enforcement officers during the raid on the Genoa Social Forum premises (Scuola Pertini-ex Diaz premises) in the early hours of 22 July, and alleged ill-treatment and cruel, inhuman and degrading treatment by law enforcement and prison personnel in detention facilities, including Bolzaneto. Criminal investigations were also opened both by the Public Prosecutor's office in Ancona and by the Public Prosecutor's office in Patras, Greece, concerning the alleged ill-treatment of Greek citizens en route to Genoa on 19 July.

In its 31 July letter to the Italian government AI welcomed the opening of relevant criminal investigations by the Italian judicial authorities but emphasized its belief that – given the scale and gravity of the allegations still emerging, the large number of foreign nationals making the allegations and the very high level of domestic and international concern - the criminal investigations alone were unlikely to provide an adequate response.

At the same time AI strongly and publicly advocated the establishment of an independent public commission of inquiry to carry out a comprehensive investigation into the conduct of law enforcement and prison officers acting in the context of the G8 policing operation. The organization set out some of the criteria which it believes should inform the establishment of such a commission.

## **AI'S RECOMMENDATIONS FOR AN EFFECTIVE COMMISSION OF INQUIRY**

The commission:

- 4 should comprise people of acknowledged probity and impartiality;
- 4 should have its scope, methods and findings made public;
- 4 should be given jurisdiction to take evidence from people alleging that they have been ill-treated by law enforcement and prison officers, and that such people be protected against harassment and intimidation and from prosecution for the substance of any allegations made about specific instances of ill-treatment;
- 4 should be also empowered to summons and take evidence from law enforcement and prison officers as well as relevant administrators, and to subpoena relevant evidence and records;
- 4 should file interim reports to facilitate the prompt initiation of any appropriate criminal or disciplinary proceedings, identifying specific instances and individuals whenever possible. These reports should also facilitate prompt amendments to regulations, laws, training and procedures relevant to law enforcement and prison officers;
- 4 should be given the authority to recommend that criminal prosecutions or disciplinary proceedings be brought against any officers against whom there is substantive evidence that they have engaged in torture, inhuman or degrading treatment or used excessive force.
- 4 should be given the authority to investigate incidents relating to the G8 policing operation occurring outside as well as inside Genoa and outside the specific dates of the summit and demonstrations (19-22 July 2001).

Prompt, thorough and impartial investigations, with the methods and findings made public, serve to protect the reputations of law enforcement officials who may be the subject of unfounded accusations of ill-treatment, as well as to safeguard the interests of genuine victims of ill-treatment.

Such investigations can also indicate any improvements required in the working conditions of law enforcement officials, given reports that those engaged in the G8 policing operation were in many instances obliged to work excessively long hours, under extreme stress and in extreme heat, without access to food and drink for many hours.

## **INVESTIGATION BY THE ITALIAN PARLIAMENT**

On 1 August 2001 the Italian parliament decided to open a **fact-finding investigation** (*indagine*)

*conoscitiva*), with no judicial powers, rather than a full **ad-hoc parliamentary commission of inquiry** (*commissione d'inchiesta*), possessing full judicial powers. The *indagine conoscitiva* was carried out by a Committee of 36 members, composed of 18 Deputies and 18 Senators, drawn from the Constitutional Affairs Committees of both chambers of parliament (Chamber of Deputies and Senate), and representing the parliamentary groupings on a proportional basis. It was to complete its work and submit its report by 20 September 2001.

In the course of its work the Committee interviewed dozens of people, including high-ranking law enforcement and prison officials, current and former government ministers, representatives of local government, of the Genoa Social Forum and the media. It also collected official written reports and relevant documentation, some of it on a confidential basis, and viewed dozens of films and videos.

However, the Committee ended in disagreement and acrimony. Committee members representing opposition parties in parliament refused to endorse the text of a report drawn up by the Committee's president, a member of one of the government coalition parties, and announced that they would be presenting alternative reports of their own.

On 14 September, after a majority of the Committee indicated support for the president's text (the so-called 'Bruno' report), it was passed on to the Constitutional Affairs Committees of parliament and adopted by the majority party members in a vote on 20 September.

Two alternative reports were submitted to the Constitutional Affairs Committee of the Chamber of Deputies by the dissenting Committee deputies representing opposition parties in parliament. However, these reports were not put to a vote on 20 September because the Bruno report was examined first and had already been approved by the majority. The Bruno report was thus passed on to the government and parliament. Opposition parties immediately called for a parliamentary debate on the Bruno report and in which - as part of the motion - their own reports would also be presented.

An alternative report put forward by seven deputies representing opposition parties indicated that the authors could not endorse the Bruno report because it did not contain an exact description of the events, did not investigate certain episodes of particular importance, starting with the circumstances surrounding the incidents which led to the death of Carlo Giuliani, contained no proposals for the better management of public order and lacked a comprehensive evaluation of the Genoa events.

An alternative report put forward by a deputy representing the *Rifondazione Comunista* party observed that the limits of the Committee's mandate had not allowed it to

acquire documentation which would have been available to an ad-hoc parliamentary commission of inquiry with full judicial powers. It stated that this had made it possible for leaders of various law enforcement agencies to contradict each other when questioned by the Committee about specific incidents (citing the raid on the GSF premises as the most outstanding example of this), thus preventing a full and complete reconstruction of events and the circumstances in which they took place. The report also proposed the setting up of a full ad-hoc parliamentary commission of inquiry.

Given these circumstances, AI stated that it believed that the victims of alleged human rights violations during the G8 policing operation, law enforcement and prison officers involved in the policing operation and the general public could have little confidence in the impartiality of reports produced by members of the parliamentary fact-finding committee.

Therefore, AI continues to call for the establishment of an independent, public commission to carry out a comprehensive investigation into allegations of human rights violations during the G8 policing operation and the conduct of law enforcement and prison officers. It has also pointed out that, in the course of its work, the parliamentary fact-finding committee had elicited and collected a large amount of valuable information which should usefully inform any further commission of inquiry.

## **OTHER RELEVANT AI DOCUMENTS**

- ! *Italy: Letters to the Italian government concerning the G8 policing operation - July 2001* (AI Index: EUR 30/008/2001, August 2001);
- ! *Italy: Policing of demonstrations during the Group of Eight (G8) Summit must respect human rights standards* (AI Index: EUR 30/002/2001 - News release of 17 July 2001);
- ! *Italy: Letters to the Italian government concerning the G8 policing operation - July 2001* (AI Index: EUR 30/008/2001, August 2001);
- ! *Italy: Authorities must carry out urgent investigation and review of G8 policing* (AI Index: EUR 30/004/2001, Press release of 22 July 2001);
- ! *Italy/G8 summit: Amnesty International calls for commission of inquiry* (AI Index: EUR 30/006/2001 - Press release of 31 July 2001);
- ! *Italy: Alleged human rights violations during the G8 policing operation in Genoa require an independent public commission of inquiry* (AI Index: EUR 31/010/2001 - Public statement of 18 September 2001);

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