

# ITALY

## @Alleged torture and ill-treatment by law enforcement and prison officers

### *Introduction*

Amnesty International has received allegations over a number of years that people held in the custody of law enforcement and prison officers in Italy have been subjected to gratuitous and deliberate physical violence. During the 1990s there has been a noticeable increase in the number of such reports received by the organization. In many cases the incidents described are of cruel, inhuman or degrading treatment or punishment: in some cases they have amounted to torture. The circumstances surrounding the deaths of several prisoners and detainees have also been the subject of dispute. Amnesty International cannot always confirm the accuracy of each individual allegation reported in this document, nevertheless the number, consistency and regularity of the allegations cause the organization to believe that the scope of the problem goes far beyond a few isolated incidents.

In Amnesty International's experience, although Italy has adopted certain legislative and administrative measures designed to combat the use of ill-treatment against detainees, in practice these are not being fully respected. Italy has also ratified the principal international instruments prohibiting torture and cruel, inhuman or degrading treatment or punishment. However, independent experts appointed by the United Nations and the Council of Europe to supervise the implementation of the provisions of these instruments have expressed concern over the use of ill-treatment by law enforcement and prison officers in Italy and have recommended that the authorities take more effective steps to safeguard detainees from ill-treatment.

Allegations of torture and ill-treatment by prison officers, sometimes concerning large numbers of inmates, have been reported from over a dozen prisons during the 1990s. Frequently they have been accompanied by complaints of severe overcrowding, poor sanitation and inadequate medical assistance. In 1993 Amnesty International published a paper entitled: *Italy - An increase in alleged ill-treatment by prison guards*<sup>1</sup>: further information about the allegations described in that report and on new allegations received since its publication is given in this paper (see page 20).

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<sup>1</sup> AI Index: EUR 30/04/93 - available in English and French.

Allegations of torture and ill-treatment by law enforcement officers have come from across the country, including the cities of Bologna, Florence, Genoa, Milan, Naples, Padua, Palermo, Rome and Turin. In some of these places there are multiple complaints of ill-treatment. Law enforcement officers from the State Police (*Polizia dello Stato*), responsible to the Minister of the Interior, the *Carabinieri*, a paramilitary force responsible to the Minister of Defence, and the Municipal Police (*Vigili Urbani*), under the control of the local council (*comune*), have been named in these allegations.<sup>2</sup> This paper describes a number of specific cases of ill-treatment by law enforcement officers occurring in 1993 and 1994 which illustrate how detainees frequently fail to benefit from the safeguards against ill-treatment currently in place.

Allegations of ill-treatment by law enforcement agents have concerned individuals stopped or detained apparently on suspicion of having committed common criminal offences or in the course of identity checks. In the majority of cases the ill-treatment is alleged to have occurred on the street, at the moment of arrest and during the first 24 hours in custody, before the detainee has seen a lawyer or been brought before a judicial authority. In some cases law enforcement officers are said to have beaten individuals who intervened when the officers were allegedly ill-treating others or investigating them in a violent or rough manner. In some cases the use of physical violence appears to have taken place for the purpose of punishing or humiliating the individual, and in others racial or other prejudice appears to have been a factor.

Amnesty International has noted with concern that a high proportion of the allegations of ill-treatment by law enforcement officers concern immigrants from outside Western Europe (the majority of them from Africa) and that an increasing number of allegations concern Roma (Gypsies). A number of cases concern people held in connection with drug-related offences. Some allegations have concerned minors between the ages of nine and 16. In the latter months of 1994 there was also an increasing number of allegations of ill-treatment in the course of and following large street demonstrations.

The most common forms of ill-treatment alleged are repeated slaps, kicks and punches, and beatings with truncheons, frequently accompanied by general verbal abuse and, in the case of immigrants and Roma, racial abuse. There have been isolated reports of sexual assault and of law enforcement officers threatening detainees with guns. There are also reports of detainees being deprived of food for prolonged periods of up to 24 hours and reports of Roma girls, some as young as nine or 10, being subjected to humiliating and degrading treatment by having their traditionally long hair cut off by police officers, apparently as a form of summary punishment after being caught in the act of begging.

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<sup>2</sup> Officers from all these forces may be assigned to judicial police functions, principally under the direction of the Public Prosecutor.

Many cases of alleged ill-treatment in the custody of law enforcement officers reported to Amnesty International have been accompanied by medical certificates confirming that victims sustained injuries consistent with their allegations. Some allegations have also been supported by eye-witness evidence. Detainees frequently claim that if they indicate their intention of lodging a complaint they are threatened with further ill-treatment or criminal counter-charges such as resisting or insulting a public officer, calumny or defamation. When formal complaints are lodged, judicial investigations are routinely opened. However, Amnesty International has noted that a number of these have appeared to lack thoroughness. In instances known to Amnesty International where officers have been found guilty of ill-treating detainees, the sentences passed by the courts have frequently been nominal.

At the end of November 1994 an internal administrative inquiry was opened into the functioning of the state police in Bologna and into possible illegal acts committed by members of the force. Amnesty International recognizes that the scope of the inquiry was restricted to Bologna but believes that its findings and recommendations have a wider relevance.

The inquiry was opened immediately after the arrest of five officers attached to the Bologna police on suspicion of belonging to the so-called *Uno bianca* gang. *Uno bianca* had operated in the Emilia-Romagna region over the previous four years and was thought to be responsible for some 20 killings (including the killing of three *carabinieri* officers, two North African immigrants and two Roma), over 40 woundings, a series of violent robberies and two attacks on Roma camps. There was widespread concern about the length of time the officers' alleged criminal activities had gone undetected and the inquiry sought to address the question of possible collusion within Bologna police headquarters.

The full contents of the report were not published but passed directly to the judicial authorities for evaluation regarding the opening of further criminal proceedings. However, at a press conference held in Bologna on 17 January 1995 the outgoing Minister of the Interior outlined the main findings of the investigation. Although the inquiry had concluded that there had been no direct collusion with the *Uno bianca* gang, it had uncovered "exceptional" administrative disorganization in the Bologna police force. General inertia and negligence by those in positions of authority within the force had led to, *inter alia*, widespread corruption, nepotism, abuse of the promotions system, lack of supervision and professionalism, criminal investigations deliberately blocked or carried out incompetently, and various illegal acts, including physical abuse of detainees, apparently being committed regularly by some elements within the force.

The Minister emphasized that the situation was "unique" to the Bologna police. His report was apparently accompanied by detailed recommendations aimed at preventing the recurrence of such problems in the State Police covering, *inter alia*, improvements in police training and proposing a professional code of conduct (*codice deontologico*) for the police.

The press reported that in the course of the inquiry information had been collected on numerous incidents of police ill-treatment by certain elements within the Bologna police force. These apparently included detainees being punched, beaten with truncheons and forced to perform physical exercises during police interrogations, frequent use of violence against Roma, including Roma children, and against immigrants. One mobile police patrol was said to have transported immigrants up to the mountains outside Bologna, removed their shoes and thus forced them to return to the city barefoot. Other allegations included cases of immigrants being chained to hot-water radiators in police offices, several immigrants and drug addicts having their heads shaved in police stations as a form of summary punishment, and citizens intervening to stop police ill-treatment of detainees on the street being detained themselves and charged with insulting and/or resisting police officers.

Amnesty International welcomed the news of the initiatives announced by the former Minister of the Interior and looks forward to their full implementation, along with the adoption and implementation of recommendations made to the Italian authorities by experts appointed by inter-governmental bodies, including the Council of Europe's Committee for the Prevention of Torture (ECPT) and the United Nations (UN) Human Rights Committee. These recommendations are described below. In Amnesty International's view such reforms are urgently needed.

Although Amnesty International recognizes that Italy has introduced certain safeguards against ill-treatment by law enforcement officers and has created a structure to investigate allegations of ill-treatment and bring those responsible to justice, these have not been effective in preventing the use of ill-treatment. Although the former Minister of the Interior emphasized the "exceptional" and "unique" nature of the situation uncovered in the Bologna force, in view of the similarity of many of the allegations in Bologna to the reports of ill-treatment which Amnesty International is receiving in increasing numbers from all areas of the country and involving not only the State Police but also *Carabinieri* and, to a lesser degree, the Municipal Police, Amnesty International is concerned that there is a possibility that elements in other State Police forces and other law enforcement agencies may also be employing excessive force and subjecting detainees to ill-treatment on a regular basis.

Summaries of numerous reports of alleged ill-treatment by law enforcement officers, received by Amnesty International in the 20-month period up to the end of December 1994, are contained in Appendix 1. They do not represent a comprehensive record of all allegations of ill-treatment made during that period.

***Domestic and international provisions on the protection of detainees against torture and cruel, inhuman or degrading treatment or punishment***

The crime of torture, as such, does not exist in Italian law.<sup>3</sup> However, the Constitution of the Republic of Italy stipulates in Article 13.4 that "physical or moral violence against persons placed under any form of detention shall be punished". Article 27.3 states that "...punishments of convicted persons shall not consist of inhumane treatment...". A Constitutional Court decision of June 1993 (Decision N° 349) ruled that no form of detention "will imply treatment contrary to the sense of humanity". Criminal proceedings for crimes ranging from coercion and assault to murder, which are committed against prisoners or detainees by state officials, may be brought under the Penal Code and Code of Penal Procedure. Penitentiary legislation and regulations also contain provisions protecting prisoners from inhumane treatment.

In September 1978 Italy ratified the International Covenant on Civil and Political Rights (ICCPR) which in Article 7 provides that "no-one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment". In July 1994 the United Nations (UN) Human Rights Committee considered Italy's third periodic report on its implementation of the provisions of the ICCPR. Amongst its principal concerns it listed cases of ill-treatment "by police and security forces in public places and police stations" and the "increasing number of cases of ill-treatment in prisons", noting that they were not always investigated "thoroughly", that "torture as such is not punishable in domestic law and that, consequently, appropriate sanctions are not always imposed on those found guilty". The Committee urged that torture be made a specific criminal offence and recommended that Italy "further strengthens measures to protect the rights of detainees; to promptly investigate allegations of ill-treatment and to ensure that appropriate penalties are applied whenever such offences are committed; to prevent the commission of such acts through efforts to ensure the stricter observance of regulations relating to the treatment of detainees and offenders". The Committee also suggested that "more effective and thorough human rights training be provided to law enforcement officials and prison officers".

In January 1989 Italy ratified the UN Convention against Torture and its initial report on its compliance with the requirements of the Convention was considered by the UN Committee against Torture in April 1992. On that occasion the Committee expressed concern about a number of allegations of ill-treatment by law enforcement and prison officers. Italy submitted its Second Periodic Report in July 1994 and the Committee is due to consider the report at its next session in Geneva in April 1995.

The European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, ratified by Italy in December 1988, established a European

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<sup>3</sup> In July 1994 during the UN Human Rights Committee's consideration of Italy's third periodic report on its compliance with the International Covenant on Civil and Political Rights, the government delegation stated that a bill proposing that torture be made a specific criminal offence had been submitted to parliament but that the text had not been adopted.

Committee for the Prevention of Torture (ECPT).<sup>4</sup> The Committee carried out its first visit to Italy in March 1992, visiting places of detention in Rome, Milan and Naples. In January 1995 the Italian Government agreed to the publication of the ECPT's February 1993 report on its visit, together with its own response.<sup>5</sup>

### ***The main findings and recommendations of the European Committee for the Prevention of Torture concerning detention by law enforcement officers***

The ECPT concluded that people held by law enforcement officers in Italy "and particularly those belonging to certain specific categories (such as foreigners, people arrested in connection with drugs-related offences etc), run a not inconsiderable risk of being ill-treated."<sup>6</sup>

The ECPT stated that in the course of the visit, its delegation had heard a fairly large number ("*un assez grand nombre*") of allegations of ill-treatment of greater or lesser severity suffered by detainees. These allegations consisted, *inter alia*, of punches, kicks, slaps, insults and deprivation of food. In many cases, reports recording traumatic injuries consistent with the alleged injuries had been recorded by doctors on the detainees' admission to prison. The allegations concerned *carabinieri* officers in particular but ill-treatment by police officers was also cited.

The ECPT said that it had heard, from various sources, that on their arrival in prison many detainees were reluctant to tell the duty doctor the cause of their injuries, out of fear of subsequent reprisals or of prejudicing their cases in the criminal proceedings against them. The delegation observed that in such cases the prison doctors generally noted in the medical admission register<sup>7</sup> that "the detainee stated that he had been beaten by persons known to him" or that "the detainee did not deny having been beaten".

The ECPT emphasized that it is the period immediately after deprivation of liberty when the risk of intimidation or ill-treatment is greatest and explained that, in the matter of fundamental

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<sup>4</sup> A body of experts elected by the Committee of Ministers of the Council of Europe to strengthen the safeguards against torture and other ill-treatment by periodically visiting places of detention in countries which have ratified the Convention and making recommendations to the government.

<sup>5</sup> See Council of Europe reports CPT/Inf (95) 1 and 2.

<sup>6</sup> "... *et surtout des personnes appartenant à certaines catégories particulières (étrangers, personnes arrêtées pour des délits liés aux stupéfiants, etc), courent un risque non négligeable d'être maltraitées.*"

<sup>7</sup> Register 99.

guarantees against ill-treatment, it attached particular importance to three rights. These should be available to the detainee from the start of the custody period:

- ! the right to inform a relative or third party of the arrest;
- ! the right of access to a lawyer;
- ! the right to be examined by a doctor of his/her own choice.

Under Italy's Code of Penal Procedure, the judicial police should, with the detainee's consent, inform his/her relatives of the detention without delay. However, members of the law enforcement forces told the ECPT delegation that they did not notify relatives if they feared a risk of collusion. **The ECPT recommended that any possibility of delaying notification of a detention to relatives in exceptional circumstances should be strictly limited by law and should be the subject of appropriate guarantees (for example, any delay should be recorded in writing, together with the reasons for it, and endorsed by the public prosecutor or a magistrate).**

Under the Code of Penal Procedure every detainee in the custody of law enforcement officers has the right to communicate (*conferire*) with his/her lawyer from the beginning of the detention period and the detaining officers should also inform the detainee that he/she may name a lawyer of his/her own choice or be assigned a duty lawyer *de officio*. The officers also have a duty to inform the relevant lawyer of the detention. However, the ECPT found that, despite these provisions, in practice the presence of a lawyer in a police or *carabinieri* station was "a rare thing". Many prisoners told the delegation that they had not had any contact with a lawyer before their transfer to prison. Some prisoners claimed that they had not been informed of their right of access to a lawyer. Others apparently had not received any reply to their inquiries about the presence of a lawyer, or had been told that they would see a lawyer once they arrived in prison. **The ECPT recommended that steps be taken to ensure that every detainee has the right, without delay, to communicate *in private* with a lawyer.**

Under the Code of Penal Procedure the public prosecutor may question a detainee, informing his/her lawyer (who may be present during such questioning) of this without delay. Questioning cannot be delegated to anyone else. However, the judicial police may receive "spontaneous statements" ("*dichiarazioni spontanee*") of people under investigation in connection with a criminal offence; the information given cannot be used in any subsequent trial.

The ECPT called the attention of the Italian authorities to information which its delegation received from various sources (including people under detention and those at liberty), according to which "informal interrogations" of people in detention, carried out by police and *carabinieri*, **without** a lawyer and/or the prosecutor being present, was "a common practice" and that it was notably on such occasions that pressure had been exerted and/or ill-treatment inflicted. **The ECPT recommended that the Italian authorities draw up a code of conduct for interrogations, to supplement the relevant provisions of the Code of Penal Procedure.**

The Code contains no specific provisions covering detainees' access to a doctor and the ECPT found that, in practice, when a detainee requests one, or the detaining officers are concerned by the detainee's state of health, then a doctor attached to the police station or to the local emergency medical services is called in. **The ECPT recommended that every detainee should have the right to be examined by a doctor of his/her own choice, if they so requested; that the medical examination should take place out of the hearing and, preferably, out of sight of the detaining officers; that the results of the medical examination, as well as relevant statements made by the detainee and the conclusions of the doctor, be formally recorded by the doctor and made available to the individual concerned and his/her lawyer.**

The Committee also considered it fundamental for detainees to be informed, without delay and in a language they understood, of all their rights. However, many detainees alleged to the ECPT that they had received no explicit information regarding the right to have their family informed of their detention and/or regarding their right of access to a lawyer. **The ECPT recommended that a document describing their rights be distributed to all detainees at the beginning of their detention. It should be available in several languages and, in addition, detainees should certify that they have been informed of their rights in a language they understand.**

The ECPT delegation was concerned by the systems for recording information about detainees which it found in the *carabinieri* posts and police stations visited. In the police stations there were registers of detention recording some basic information in summary form (such as the detainee's name and date of birth, date and time of arrest, reasons for arrest, date and time of release). However, the delegation had found no such registers in the *carabinieri* posts visited. In reply the Ministry of Defence stated that the *carabinieri* maintained an individual file on each detainee held in the cells, which was regularly updated during the detention.

**The ECPT considered that the fundamental safeguards for detainees in police or *carabinieri* custody would be reinforced if a single and comprehensive custody record were maintained for each detainee. It recommended that it record all aspects of the detention** (including time of arrest; reason(s) for arrest; time told of rights; signs of injury or mental illness; time when relatives informed of the detention; time when a lawyer, a doctor or a consular officer contacted and/or time of their visits; time meals served; times(s) of questioning; time when put at the disposal of the competent magistrate; time of release etc). With regard to certain aspects of detention (such as the record of personal effects; being informed of one's rights; of exercising one's rights or deciding not to exercise them) the signature of the detainee should be requested (and, if necessary, the absence of a signature duly explained). The detainee's lawyer should have access to such a record.

**The Committee also considered that regular visits to places of detention by relevant judicial authorities could have a significant effect in preventing ill-treatment.**

**The ECPT emphasized the importance of professional training, recommending that particular attention be paid to training in inter-personal communication skills.**

**The Committee recommended that commanding officers make it clear to their subordinates, without any ambiguity, that ill-treatment is inadmissible and that they will be severely sanctioned if they ill-treat detainees. The ECPT emphasized the importance of bringing offenders to justice, considering that "...one of the most effective ways of preventing ill-treatment lies in a diligent examination of every such complaint made and in the application of appropriate sanctions by the criminal justice system. It is clear that the fact of knowing that the courts are ready to inflict rigorous penalties constitutes one of the most powerful dissuasive factors".<sup>8</sup>**

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Italy's July 1994 report to the UN Committee against Torture cites some statistics relating to complaints of ill-treatment made against officers of the State Police, stating that "in the past five years 148 cases have been filed involving legal proceedings instituted against police officers for offences based upon acts of bodily harm" and adds that "Where disciplinary measures have been used to punish offences, formal reprimands or fines have been administered". However, the report provides no statistics on the outcome of these legal proceedings, nor on the overall number of disciplinary sanctions imposed, nor any statistics relating to complaints of ill-treatment lodged against *Carabinieri*, Municipal Police or the Penitentiary Police.

In its response to the ECPT's report, the Ministry of Defence provides statistics on complaints against *carabinieri* over a five-year period preceding publication of the ECPT report in January 1995. The statistics relate only to the following regions: Lazio, Lombardia, Sardegna, Piemonte e Valle d'Aosta, Veneto, Emilia-Romagna, Puglia, Friuli-Venezia Giulia, Marche. These statistics indicate that, at the time the Ministry drew up its response, out of 42 complaints of ill-treatment made against *carabinieri* in those regions, two of the criminal proceedings subsequently opened had ended in conviction by the courts. Fourteen disciplinary proceedings had been opened and disciplinary sanctions had been imposed in four instances.

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<sup>8</sup> *"...un des moyens les plus efficace de prévenir les mauvais traitements réside dans un examen diligent de toute plainte formulée à cet égard et dans l'application de sanctions appropriées par la justice pénale. Il est évident que le fait de savoir que les tribunaux sont prêts à infliger des peines rigoureuses constitue un facteur de dissuasion très puissant."*

In Amnesty International's experience, where law enforcement officers have been found guilty of ill-treating detainees, the sentences passed by the courts have frequently been nominal.

On 15 November 1993 three *carabinieri*, attached to the Sant'Anna d'Alfaedo barracks, near Verona, detained **Nicholas Obachina**, a Nigerian, and asked him to get into their car. After a few kilometres he was apparently savagely beaten with a type of truncheon which was not part of the *carabinieri's* service equipment. He was kicked repeatedly in the stomach and then left unconscious and bleeding by the roadside. Passers-by came to his assistance and he was taken to a local hospital where he told doctors that he could identify his assailants. His allegations were brought to the attention of the judicial authorities.

The three accused denied the allegations but in October 1994 it was reported that a court in Verona sentenced them to 12 months' imprisonment with a conditional suspension of the sentences. The court also ordered that the sentences would not be entered on the standard information certificate on individuals which the central records office may supply to third parties (*non menzione della condanna nel certificato del casellario*). The officers indicated their intention of entering appeals. The judicial authorities had apparently lost track of Nicholas Obachina's whereabouts by the time the trial took place and he was not in court during the hearing against the officers.

Criminal charges of resisting or insulting a public officer or of calumny or defamation are frequently brought against individuals who allege they have been ill-treated by law enforcement officers. Amnesty International has also noted that detainees often claim that they have been threatened with further ill-treatment or criminal counter-charges if they indicate their intention of making a complaint about their treatment. It is frequently alleged that many individuals, in particular immigrants and Roma, fail to make formal complaints of ill-treatment because they fear harassment, further ill-treatment or counter-charges such as those indicated above. Amnesty International recognizes that some complaints made about ill-treatment by law enforcement officers may be exaggerated or untrue and also acknowledges that, like everyone else, such officers are entitled to protection of their reputation and to be assumed innocent until proven guilty. However, Amnesty International is concerned that the institution of legal proceedings against a high proportion of complainants may effectively dissuade victims of ill-treatment from complaining.

Charges of resisting arrest were brought against **Mahrez Chanouf**, a Tunisian, and **Salim Sfouli**, an Egyptian, who were arrested by Milan police in the early hours of 19 August 1993 after a car-chase which ended when they ran into a police car and crashed into a tree. However, within hours anonymous callers to a local radio station, who claimed they had witnessed the arrests from their apartments, alleged that the two men had been dragged from the car, handcuffed and repeatedly kicked and punched for around 20 minutes while on the

ground by over a dozen male and female police officers. When Mahrez Chanouf and Salim Sfouli appeared in court the following day, to be tried under the summary procedure applied in cases of detainees caught *in flagrante delicto*, they were accused of stealing a car and resisting arrest. They displayed cuts and bruises and alleged that they had been repeatedly kicked and punched by numerous police officers, both on the street and later in the police station. A forensic examination confirmed their injuries but was apparently unable to determine their cause.

At a further court hearing on 25 August 1993 four officers, who had participated in the car-chase and had been the first at the scene of arrest, told the court that the detainees had tried to assault them and escape. A witness testified in court that she had seen the two detainees being beaten by the police and that they had made no attempt to escape. The court found that the statements made by the police officers contained clear contradictions and were unreliable. Mahrez Chanouf and Salim Sfouli were acquitted of resisting arrest and the charge of car theft was apparently dropped. The affair was referred to the Public Prosecutor's office for further investigation regarding possible charges against Mahrez Chanouf and Salim Sfouli of insulting the police and damaging property, and regarding possible charges against the four police officers of abusing their authority and committing perjury. Amnesty International has received no response to letters addressed to the Italian authorities seeking information on the outcome of the Public Prosecutor's investigation. [See Appendix 1, Case N° 4, for further details]

On 6 August 1986 **Ganem Tofek**, a Palestinian born in Israel and now a medical practitioner in Israel, was stopped by several plainclothes police officers in Turin. He was taken to Mirafiori Sud police station where he claimed he was called a "Dirty Jew"<sup>9</sup> and, when he explained that he was a Palestinian and a Muslim, called a terrorist. When he protested, he was slapped around the head and felt pain in his ear which started bleeding. The police pressured him to sign a statement admitting he had insulted a female inspector at the station. When he refused and indicated his intention of lodging a complaint about his treatment, they arrested him on accusations of insulting and resisting a public officer (*oltraggio e resistenza a pubblico ufficiale*). He was taken to hospital where a doctor diagnosed a perforated ear-drum. He was released, without further charges, two days after his arrest. A judicial investigation was opened into his formal complaint of ill-treatment.

In January 1994 the press reported that a retired officer, who had been head of the Mirafiori Sud station in 1986, and another officer had just been sentenced to one year and one month's imprisonment for calumny and perjury as a result of Ganem Tofek's complaint. A third officer was sentenced to one year, one month and 15 days' imprisonment for the same offences. These sentences were arrived at through the *patteggiamento* (or plea-bargain) procedure,

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<sup>9</sup> "*Sporco ebreo*"

whereby the accused and the Public Prosecutor agree on a sentence which must be approved by the trial judge. The accused's guilt is thus acknowledged and no full court hearing takes place. A female inspector was acquitted of having committed any offence and a fifth officer, accused of inflicting injuries on Ganem Tofek, was not sentenced (*prosciolto*) because the offences of which he was accused were covered by an intervening amnesty.

As already indicated, a high proportion of the allegations of ill-treatment currently being received by Amnesty International concern immigrants, in particular those from Africa. **Yimbi Ona Nsambi Okoka**, a Zairian, alleged that he was ill-treated by officers attached to the State Police in 1993 and ill-treated again, by *carabinieri*, in 1994. In a formal complaint lodged at a *carabinieri* post in Milan on 14 November 1993 he alleged that he had been assaulted by police officers in Milan's central railway station earlier that day. He said that when they approached and asked him for his identity documents he complied, but that they then carried out a body search against his wishes. He claimed that afterwards they handcuffed him, threw him into a van and hit him during the journey to Fatebenefratelli police station, the officer in charge taking the lead. He said that during his detention at the police station this officer and three or four others beat him repeatedly over the space of an hour and that he was handcuffed throughout the assault.

Afterwards, they took him across a courtyard while he cried and shouted for help and into another building where four or five officers beat him again. He was taken to an office where he said that a man dressed in plain clothes told him to be quiet and asked him to sign a statement. When he refused to sign, the man ordered the officers to release him. He said he was then driven away from the station to via Galileo, had his handcuffs removed and was left on the street. A medical certificate issued by the casualty ward of Milan's Fatebenefratelli hospital within hours of his release recorded various injuries to his head and body which would take some seven days to heal and indicated that he had suffered a physical attack. Yimbi Okoka then lodged his complaint. Amnesty International has no information regarding the steps taken to investigate the complaint. Yimbi Okoka has informed the organization it has been archived. [See Appendix 1 - Case N° 8, for further details]

On 6 June 1994 Yimbi Okoka lodged a formal complaint alleging that he was assaulted on a station platform by *carabinieri* officers who ordered him off a Nice to Milan train at Albenga railway station in the early hours of the previous day, after he had had a heated verbal dispute with the train guard. He was informed that he was under arrest after arrival at the local *carabinieri* barracks. He claimed he was assaulted a second time during his transfer from the local barracks to that of Finale Ligure later that morning and once again inside Finale Ligure barracks after being stripped. He stated that he was then placed in a cell where he remained until 2.20pm when he collapsed due to the injuries he had suffered and was given medical assistance in the barracks. He was returned to the cell and remained there until he appeared in court in Albenga the next morning to answer a charge of resisting a public officer.

In his formal complaint, Yimbi Okoka stated that he was asked to choose between a full trial and *patteggiamento*<sup>10</sup> and assigned a duty lawyer. He said that he at first opted for trial but that when the lawyer informed him that the trial would not take place for around three days, during which time he would remain detained, he opted instead for *patteggiamento*. Yimbi Okoka has told Amnesty International that he did not understand the *patteggiamento* procedure and its consequences and that he considers he was unjustly sentenced to four months' imprisonment, conditionally suspended, and to a fine of 500,000 lire. After appearing in court he was returned to the *carabinieri* barracks for the final release papers to be completed. In his formal complaint he alleged that he was beaten again before being set free. He also stated that 1,100 of the 1,700 French francs he was carrying at the time of arrest were missing.

Yimbi Okoka told Amnesty International that when he appeared before the Albenga court he had asked how to lodge a complaint about his treatment by the *carabinieri* and was advised to lodge it at a police station in the nearby town of Alassio. After his release on 6 June 1994 he went to Albenga hospital where a medical certificate was issued, apparently recording various injuries. He then proceeded to the police station in Alassio. He claimed that the police inspector who dealt with him at first refused to accept his complaint. However, after an argument and, so Yimbi Okoka claims, after contacting the *carabinieri* in Albenga, the inspector agreed to record his complaint, attaching the medical certificates issued by the doctor who treated him at Finale Ligure barracks and by Albenga hospital.

However, the inspector then immediately arrested Yimbi Okoka on a charge of calumny and he was taken directly to the district prison in Savona. After three days imprisonment he appeared before a judge of preliminary investigation, accompanied by his own lawyer, and after questioning was released pending trial on the charge of calumny. The police in Alassio apparently forwarded his complaint and the supporting medical certificates to the court in Savona. By the end of February 1995 Yimbi Okoka had received no further information regarding his complaint or the criminal proceedings against him. [See Appendix 1 - Case N° 17, for further details]

An increasing number of allegations concern Roma. In June 1994 **Naser Hasani**, a Rom from former-Yugoslavia, lodged a complaint after being stopped by three police officers while driving a car with two companions in Florence. He said that they checked his identity documents and accused him of using a hammer they found in his car to carry out robberies. They asked him to follow their police car to the police station but, instead, led him to a park on the outskirts of the city, where he alleged that they kicked him, struck him with the hammer and racially insulted him. After the police left the scene his companions took him to a local hospital

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<sup>10</sup> For an explanation of the *patteggiamento* procedure - see case of Ganem Tofek - page 12.

which issued a medical certificate recording multiple cuts and bruises. [See Appendix 1 - Case N° 16, for further details]

On 23 September 1993 **Tarzan Sulic**, an 11-year-old Rom, was shot dead and his 13-year-old female cousin, **Mira Djuric**, seriously wounded while in a cell in a *carabinieri* barracks near Padua. In public statements made immediately after the incidents the *carabinieri* said that the children had been detained after being found in possession of stolen goods but that they had refused to give their names and that, therefore, their parents could not be contacted and asked to collect the children. (Children under the age of 14 are not criminally liable under Italian law). They said that the children had been placed in the cell after becoming violent and abusive and claimed that the single shot, which killed Tarzan Sulic and lodged in Mira Djuric's chest, was fired accidentally during a struggle between the boy and a *carabiniere*, when the boy had tried to remove the officer's pistol from his holster. Mira Djuric, in a formal complaint lodged by her family on 9 October 1993, alleged that she and her cousin were both ill-treated by *carabinieri* during their detention and that the accused officer had tried to lift her skirt and had later pointed a gun at the boy's head, threatening to kill him, just before the gun was fired. Attached to the complaint was a photograph, taken while Mira Djuric was in hospital, which apparently showed bruising to her body. Forensic tests established that the gun was fired at very close range, in a downward trajectory, that the boy had been seated when the shot was fired and that his hands were not touching the gun at that moment. They were apparently unable to establish whether any struggle had immediately preceded the firing of the gun. The Public Prosecutor's office apparently concluded that the allegation that the children were beaten during their detention was unfounded.

On 2 March 1995 the commandant of the barracks at the time of the children's detention was sentenced to two months' imprisonment for abusing his authority and ordered to pay 10 million lire to the children's family, a civil party to the proceedings. He had apparently ordered minors to be held in a locked cell (illegal under Italian law), provided them with no food or drink for some five hours and failed to inform the competent juvenile authorities about their detention, as required by law. The commandant told the court that he had informed the judge responsible for cases involving minors of the children's detention that same day but the trial established that the judge had only been informed by a fax sent the day after their detention.

On 10 March 1995 the second section of Padua's criminal court sentenced a *carabiniere* to one year, five months and 10 days' imprisonment, with a conditional suspension of the sentence, for the manslaughter (*omicidio colposo*) of Tarzan Sulic. The officer was also ordered to pay three and a half million lire compensation to the Sulic family, the civil party. This

sentence was arrived at through the *patteggiamento* procedure<sup>11</sup> and, therefore, no full court hearing took place. A petition calling for the sentence to be re-examined, signed by over 1,000 people, including the mayor of Padua and over 50 lawyers, was sent to the Procurator General's office following the announcement of the sentence.

As a member of a paramilitary force, the officer in question also faces a court martial on 16 May 1995 for illegal use of a regulation firearm. He is accused of taking the pistol out of its holster, cocking it, loading it and pointing the gun at an unarmed minor.

The circumstances surrounding several deaths in the custody of law enforcement officers have been the subject of dispute during the 1990s. **Antonio Morabito**, a 32-year-old heroin addict with a long criminal record for theft and suffering from an advanced stage of AIDS, died in the custody of the Turin police on 18 December 1993. He was arrested in the densely populated Turin suburb of Mirafiori Sud in connection with a theft carried out earlier that day. When intercepted by the police he was driving a stolen car and the police stated that during the ensuing chase they fired several shots in the air and at the car tyres. One of these shots brought the car to a halt whereupon Antonio Morabito ran off, apparently scaling several fences before being arrested. He was taken to a central police station but, according to an official statement, was found lying on the floor of a toilet one hour later and died during transfer to hospital. Numerous people claiming to be eye-witnesses, told his family and the media that, after handcuffing him, police officers punched and kicked him, hit him with the butt of a gun and fired a shot close to his head. The police publicly rejected the allegations and suggested they were maliciously motivated.

Autopsy and forensic reports established that Antonio Morabito had suffered severe injuries to the peritoneum resulting in a fatal intestinal haemorrhage. Turin's Procurator General informed Amnesty International that the autopsy also recorded "numerous head injuries" ("*numerosa ferite alla testa*"). In May 1994 two police officers were committed for trial for deliberately inflicting injuries leading to the death of Antonio Morabito (*omicidio preterintenzionale*). During the court hearings, which opened before Turin's assize court in October 1994, witnesses, claiming to have observed the arrest, maintained their allegations that Antonio Morabito was ill-treated by the police. The forensic expert representing the Public Prosecutor's office and the forensic expert representing the Morabito family (a civil party), argued that the injury which led to the haemorrhage was caused by one or more sharp, violent blows: by punching or kicking. The forensic expert representing the accused police officers apparently argued that Antonio Morabito could have incurred the injury by hitting his stomach

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<sup>11</sup> For an explanation of the *patteggiamento* procedure - see case of Ganem Tofek, page 12.

against the steering wheel of the car. The possibility of the injury being caused after he suffered a heavy fall at one or more of the fences was also raised.

On 26 January 1995 the court issued its verdict, acquitting both officers; it found that, although one officer had used physical force against Antonio Morabito, it had been within the limits laid down by law. The court also ordered that relevant records of the court hearings be sent to the Public Prosecutor's office for evaluation in connection with possible offences of perjury committed by witnesses in the course of the trial. The full written judgment, detailing the reasons leading to the court's verdict, was due to be deposited in mid-March 1995. It was not in Amnesty International's possession at the time of writing. Amnesty International understands that the Morabito family has indicated its intention of appealing against the sentence. It is not yet known if the Public Prosecutor will enter an appeal.

Amnesty International has received a number of allegations of ill-treatment made by people suspected of or held in connection with drugs-related offences. For example, in a complaint lodged with Rome's Public Prosecutor's office on 6 August 1993 **Giancarlo Malatesta** alleged that on the night of 23-24 July police officers, who suspected him of being in the process of buying drugs, repeatedly kicked and punched him, both on the street and in Viminale police station, Rome, and threatened him with further violence and counter-charges if he lodged a complaint. A medical certificate issued within hours of his release from police custody on 24 July apparently recorded multiple cuts and bruises to his body. The Italian authorities have not responded to Amnesty International's inquiries concerning the outcome of the complaint. In August 1994 doctors in a Milan hospital drew the attention of police and judicial authorities to the allegations made by a Moroccan immigrant who claimed that the injuries, which had necessitated an emergency operation to remove his spleen, had been inflicted by a *carabiniere* officer some hours earlier. **Khaled Kablouti**, a drug addict, said that he had been on the point of injecting himself in a city underpass when the officer ordered him to throw away his needle. He said that he complied but that the officer then kicked him in the stomach, knocking him down, and kicked him again in the same place when he tried to stand. The officer then left the scene. A judicial investigation was apparently opened. [See Appendix 1 - Case N°s 3 and 19 respectively, for further details]

There have also been several cases involving the alleged ill-treatment of minors. According to a formal complaint lodged by his mother, 13-year-old **M.C.** alleged that, after being stopped in a stolen car on 8 September 1993, he was taken to the headquarters of Rome's traffic police where an officer struck his eye with the butt of a gun, inserted the gun in his mouth, threatening to kill him, and then hit him repeatedly until restrained by a fellow officer. The boy claimed that while en route to San Camillo hospital, where he received eight stitches to an eye injury, the first officer threatened him with further violence if he complained about his treatment. In February 1994 the Public Prosecutor attached to Rome's Juvenile Court informed Amnesty International that preliminary judicial proceedings had been opened against a police

officer in connection with the alleged ill-treatment. [See Appendix 1 - Case N° 5, for further details]

There are isolated reports of females being subjected to sexual assault by law enforcement officers. On 19 July 1993 **Moufida Ksouri**,<sup>12</sup> a 24-year-old French citizen of Tunisian origin, filed a formal complaint against Italian and French police officers at a police station in Cannes (France). She stated that on returning to France from Italy on 15 July 1993 she and three friends were stopped at the Menton-Ventimiglia border where Italian police officers checked their identities. Moufida Ksouri was not carrying her identity papers and was taken to the frontier post where she claimed two Italian police officers stripped her, carried out a body search and raped her. They then took her to the French border post manned by two border police officers, one of whom allegedly forced her to have sexual relations with him. She also stated that the police made racist insults.

Judicial investigations were opened in France and in Italy. In August 1993 two Italian police officers were arrested in connection with the alleged incidents and on 14 July 1994 a court in San Remo sentenced them to five years and eight months' imprisonment for using threats and violence to hold her against her will in order to perform sexual acts, raping her and subjecting her to other sexual acts using threats and violence (*ratto a fine di libidine, violenza carnale aggravata e atti di libidine violenti*). A French magistrate indicted both French police officers on charges of indecent behaviour but at the time of writing the investigation in France was unfinished.

There have been reports of law enforcement agents beating and subjecting to verbal abuse individuals who have intervened to stop the ill-treatment of others in public places. In statements made to the press **Biagio Imposimato**, a 27-year-old factory worker, alleged that at around 1.15pm on 14 December 1994, while standing on a Turin street corner waiting for a friend, he saw four men kicking and punching a fifth. He said that at first he took it to be a fight between individuals who had emerged from a nearby bar. He approached and asked the assailants why they were hitting the man, and told them to ring the police if he had committed some offence against them. He said a woman watching the scene informed him they were police officers but the four men, using insulting and vulgar language, simply told him not to interfere.

He then returned to the corner but said that within five minutes a car stopped in front of him, carrying the four alleged assailants and their victim, first believed to be a Moroccan but later identified as **Said Alaoui**, a Tunisian. Biagio Imposimato claimed that one of the men got out of the car and dragged him to offices of the municipal police (judicial police section) located

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<sup>12</sup> This case was originally reported by the press under the name "Leila H".

on the other side of the street. He said he was taken to an office on the ground floor and saw Said Alaoui being led away, bleeding from the nose. He claimed that, when the four alleged assailants entered, they told him he should not get involved, threatened him with physical violence if he "spoke too much", and said they were going to phone his place of work and make him lose his job. He said they then started to hit him, inflicting three strong blows from behind. When he asked the reason for this behaviour they replied with vulgar verbal insults, adding that it was people like him "who want Moroccans in Italy". He was formally accused of incitement to disobey the law, under Article 415 of the Penal Code, and then released. He said he felt deafened as a result of the blows received and went to Maria Vittoria hospital which issued a medical certificate apparently recording a contusion to the outer part of the left ear which would take some five days to heal.

In public statements the police indicated that officers had stopped Said Alaoui for an identity check but that he had resisted with violence and, therefore, had been arrested and accused of resisting and insulting public officers and damaging their car. They further stated that Biagio Imposimato had incited him to escape. Biagio Imposimato publicly denied the accusation. He lodged a formal complaint about his treatment by the police and a judicial investigation was opened by the Public Prosecutor's office which was reportedly still under way in March 1995.

A background of political instability during 1994 led to an increasing number of large street demonstrations in larger towns and cities, some of which ended in violent clashes between demonstrators and law enforcement agents. By the autumn some of these demonstrations were accompanied by allegations of ill-treatment.

In September a mass demonstration against the closure of a social centre led to violent clashes between demonstrators and law enforcement officers in **Milan**. In a subsequent complaint to the Milan Chief of Police and to the Minister of the Interior, journalists and press photographers claimed they were kicked and beaten by police while reporting on the demonstration and that officers assaulted some photographers while they were taking pictures of police armed with truncheons beating demonstrators. The Milan Chief of Police apologized to the journalists and photographers injured by the police but no disciplinary investigation was apparently announced. Journalists claimed that they also saw bystanders, including passengers of a stationary bus, being beaten by the police. Some members of the public lodged formal complaints of ill-treatment. **Enrica Personé** alleged that she and her daughter were standing at a bus stop when they saw police officers beating a youth with their truncheons. She said that when they called on them to stop the police officers beat her daughter. A local hospital later issued a certificate recording that Enrica Personé was in a state of shock and that her daughter had multiple bruising to her legs.

Judicial and administrative inquiries were opened in connection with clashes between police and demonstrators in **Naples** on 14 November and subsequent complaints of police ill-treatment. Particular concern was expressed about the treatment of **Salvatore Franco** who, according to the eye-witness testimony of, among others, two parliamentary deputies from the *Rete* (Network or Anti-Mafia) Party, was thrown into the air by a police car driven at high speed into a crowd of demonstrators. Police later stated that the driver lost control after Salvatore Franco threw a stone, shattering the car windscreen. The deputies said that officers dragged him into the car and took him to a nearby police station. Salvatore Franco later claimed that officers subjected him to blows, particularly to an injured leg, during the transfer. The deputies witnessed his arrival at the station and reported that, although he was moaning with pain and unable to stand, he was put on the floor of the lobby and several police officers began kicking him. They said that when they protested, they too were kicked. On Salvatore Franco's subsequent transfer to hospital doctors recorded a triple fracture of his left leg, multiple bruising to the abdomen and suspected internal injuries.

### ***Alleged ill-treatment by prison officers***

During 1992 and 1993 there was a marked increase in the number of reports alleging that prisoners had been subjected to unwarranted and deliberate physical violence by members of the Penitentiary Police (*polizia penitenziaria*). The most common forms of ill-treatment alleged were repeated kicks and punches and prolonged beatings with batons, sometimes involving large numbers of prisoners. All the allegations concerned prisoners held in connection with common criminal offences, including mafia-related activities. Allegations of ill-treatment inflicted by prison officers persisted into 1994 but were fewer in number.

In its 1993 report entitled *Italy: An increase in alleged ill-treatment by prison guards* Amnesty International pointed out that the reports of ill-treatment it had received were frequently accompanied by reports of severe overcrowding, poor sanitation and inadequate medical assistance. The organization stated that it was concerned that the background of sharply deteriorating living conditions and increased tension noted in the prisons during 1992 and 1993 might have been a contributory factor to the increase in allegations of unwarranted and deliberate physical violence by prison guards. [See introductory chapter of the May 1993 report - reproduced in full in Appendix 2] There are regular reports that living conditions within the prisons continue to deteriorate and that the penitentiary police are severely understaffed. Despite some efforts by the authorities to alleviate chronic overcrowding, according to official statistics, in June 1994 the prison population had grown by another 10% since the end of 1993 when the prison population already exceeded the maximum capacity by some 20,000.

Amnesty International received little response to its letters of inquiry to the Italian authorities seeking further information and comments regarding the allegations of ill-treatment described in its May 1993 report, and concerning the progress and eventual outcome of official

inquiries opened as a result of the allegations. However, Amnesty International understands from information supplied by the Italian Government to UN bodies (including the UN Human Rights Committee and the UN Special Rapporteur on Torture), and reported in their public records, that the majority of these inquiries concluded that the allegations of ill-treatment were unfounded. However, at least two judicial inquiries relating to alleged ill-treatment by prison officers appear to be still open.

A series of anti-mafia measures introduced by the government over the summer of 1992 led to numerous transfers to the high security sections of prisons such as Asinara, Pianosa, Poggioreale and Secondigliano of prisoners accused or convicted of mafia-related crimes. Restrictions were placed on the access of such prisoners to - *inter alia* - correspondence, visits, telephone-calls and exercise periods. These restrictions were introduced under the provisions of an amendment to Article 41-bis of the Penitentiary Regulations, introduced by government decree in the summer of 1992, subsequently converted into law, and now in force until the end of the decade. The amendment allowed the Minister of Justice to authorize the suspension - for public order and security reasons - of all or part of the normal prison rules regulating the treatment of prisoners for those held in connection with organized crime and certain other serious criminal offences. Soon after its introduction there were claims that inmates were being ill-treated by prison officers in several prisons where Article 41-bis had been applied.

It was reported that over 60 prisoners transferred to the "Agrippa" high security section of **Pianosa (Island) Prison** during July and August 1992 were held under the provisions of the amended Article 41-bis. From mid-August 1992 onwards, when prisoners were allowed their first visits from lawyers and relatives since transfer, there were reports that many prisoners appeared dirty and undernourished and that they claimed they had been punched, kicked, subjected to arbitrary beatings with batons, repeatedly threatened and insulted, and had been forced to run continuously during exercise periods. The majority of prisoners' relatives making such allegations did not identify themselves by name, saying that they feared retaliation against the prisoners concerned, although the wives and lawyers of two prisoners did make formal complaints to the judicial authorities.

In September 1992 the magistrate of surveillance responsible for monitoring the treatment of Pianosa inmates sent the Minister of Justice the findings of his August visit to the prison. His report appeared to lend credibility to a number of the allegations emanating from the "Agrippa" section. He concluded that criminal acts had possibly taken place there and also described several incidents involving "gratuitous and illegal brutality" against detainees in the ordinary sections of the prison. The magistrate indicated that he intended to send further details, including the name of one of the guards who had participated in the above incidents, to the competent Public Prosecutor's office in Livorno.

Amnesty International wrote to the Minister of Justice asking for details of the regime in force in the "Agrida" section and asked to be informed if the Prosecutor's office had opened an inquiry into the incidents and, if so, to be informed of any criminal or disciplinary proceedings arising from it. No reply was received and no further news has been received regarding progress in any investigation into the alleged incidents.

From late 1992 onwards lawyers, newspapers, parliamentary deputies and a parliamentary committee for prison affairs reported receiving allegations of ill-treatment from inmates of **Secondigliano Prison**, Naples. It was claimed that they were subjected to "systematic beatings and gratuitous ill-treatment" by prison guards. Judicial investigations were opened into the alleged ill-treatment and in April 1993 five prison officers and their commanding officer were suspended from duty in connection with possible criminal charges, including abuse of authority, striking prisoners and committing perjury. The commanding officer was suspected of instigating the beating of inmates by prison guards, opening prisoners' outgoing letters and threatening them with further violence if they failed to remove passages referring to ill-treatment. By June 1993 over 100 guards were apparently under investigation in connection with the alleged ill-treatment of some 300 prison inmates.

In February 1994 it was reported that a chief inspector of the penitentiary police, a chief superintendent, three superintendents and one assistant had been committed for trial on various charges including abuse of authority, aggravated fraud, calumny, perjury and instigation of others to commit offences. In January 1995 the judicial authorities informed Amnesty International that the trial of the officers was still pending before the Second Criminal Section of Naples Tribunal and indicated that the Naples Prosecutor's office was pursuing criminal proceedings against 65 members of the Penitentiary Police.

Amnesty International continued to receive reports of alleged ill-treatment from Italian prisons during 1994 but they had decreased in number and appeared to involve single individuals or smaller groups of prisoners than the immediately preceding years.

One such allegation again concerned **Secondigliano Prison**. In an open letter published by the press on 8 February 1994 inmates of Secondigliano Prison expressed concern about the isolation of a fellow prisoner, **Giacomo De Simone**, since an appearance before the third section of Naples Criminal Court on 12 January 1994 when he had complained of ill-treatment by prison guards. They claimed he had been repeatedly beaten by prison guards over a two-day period immediately preceding the court hearing and threatened with further ill-treatment if he reported his treatment to the judges.

In January 1994 inmates of **Sulmona Prison** (L'Aquila, Abruzzo) claimed that officers had beaten them in reprisal for a protest they had carried out in December 1993, apparently over an alleged delay in providing medical assistance to a fellow prisoner. By the end of the month inmates had reportedly lodged some 13 complaints accusing prison officers of inflicting severe beatings, issuing death threats, abusing their authority and committing acts of deliberate humiliation and extortion.

In June 1994 it was reported that six officers serving in **Monza Prison** had been placed under arrest in the connection with the alleged ill-treatment of one of the inmates a few weeks previously. The inmate in question, who was not identified by name, had apparently been involved in a scuffle with a fellow prisoner on exiting from a Sunday mass at the prison. When the guards intervened the prisoner apparently reacted violently. The guards escorted him to another section of the prison and were accused of then beating him so severely that he required an emergency operation to his spleen.

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## APPENDIX 1

**Summaries of cases of alleged ill-treatment by law enforcement officers reported to Amnesty International in a 20-month period up to the end of December 1994. They do not represent a comprehensive record of all allegations of ill-treatment made during that period.**

### 1993

1. **Arsenie Cretu**, a 31-year-old Romanian, was arrested by Milan police at an apartment in the city on 27 May 1993. In November 1993 a Milan court sentenced him to eight years' imprisonment for a sexual assault and robbery. He denied the charges. The outcome of his appeal against the sentence is not known to Amnesty International.

When he was interviewed by the judge of preliminary investigation (*giudice per le indagini preliminari*) attached to Milan Tribunal on 29 May 1993 the judge recorded his statement that at the time of arrest police had beaten him and urinated on his head; he also noted visible bruises and signs of injury on his thorax, abdomen and back.

In a signed memorandum, apparently drawn up in May 1993, Arsenie Cretu stated that the police had beaten him over a two-hour period before he was taken to a central police station where they beat him once again. He repeated his allegations of ill-treatment in a subsequent formal complaint lodged with the court on 22 July 1993. Amnesty International also understands that on his admission to San Vittore prison, Milan, in the afternoon of 27 May 1993, he was examined by a doctor who recorded various injuries to his body.

The Milan Public Prosecutor's office opened an investigation into the allegations (Criminal proceedings N° 56277/93) following receipt of the complaint. No reply has been received from the authorities in response to Amnesty International's requests for information concerning the outcome of the investigation.

2. On 19 July 1993 **Moufida Ksouri**,<sup>1</sup> a 24-year-old French citizen of Tunisian origin, filed a formal complaint against Italian and French police officers at a police station in Cannes (France). She stated that on returning to France from Italy on 15 July 1993 she and three friends were stopped at the Menton-Ventimiglia border where Italian police officers checked their identities. Moufida Ksouri was not carrying her identity papers and was taken to the frontier post where she claimed two Italian police officers stripped her, carried out a body search and raped her. They then took her to the French border post manned by two border police officers

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<sup>1</sup> This case was originally reported by the press under the name "Leila H".

(PAF), one of whom allegedly assaulted her in the toilets of the post, forcing her to have sexual relations with him. She also stated that the police made racist remarks.

Judicial investigations were opened in France and in Italy. In August 1993 two Italian police officers were arrested in connection with the alleged incidents and on 14 July 1994 a court in San Remo sentenced them to five years and eight months' imprisonment for using threats and violence to hold her against her will in order to perform sexual acts, raping her and subjecting her to other sexual acts using threats and violence (*ratto a fine di libidine, violenza carnale aggravata e atti di libidine violenti*). A French magistrate indicted both French police officers on charges of indecent behaviour but at the time of writing the investigation in France is unfinished.

**3.** In August 1993 **Giancarlo Malatesta**, a 31-year-old Italian citizen and at that time a drug user, lodged a formal complaint with the Public Prosecutor's office attached to Rome *Pretura* (a first instance court) alleging that he had been assaulted by police in Rome on the night of 23/24 July 1993. His complaint, dated 5 August 1993, was registered with the Public Prosecutor's office on 6 August (Registration N° 000005633/P). The following information is taken from that complaint.

Giancarlo Malatesta stated that he was stopped by police officers in via Giolitti, Rome, at around midnight on 23 July 1993. The police apparently suspected him of being in the process of buying drugs. Giancarlo Malatesta claims that he made no attempt to resist arrest but that, while still on the street, a police inspector (whom he identified by name) took him by the neck and hit his head repeatedly against scaffolding. After he had fallen to the ground, the officer kicked him and subjected him to verbal abuse. The assault ended when an officer in a passing police car saw the incident and intervened.

Giancarlo Malatesta was then escorted to the Viminale police station. He claimed that by then the injuries to his head were causing him extreme pain and that he was in need of medical attention. He broke down in tears and informed another police officer and an inspector of the assault and told them that he wished to make a formal complaint. A short time later the police officer (identified by his first name only) took him to a room on the first floor of the police station and told him he was going to give him a severe beating which would make him forget about making a complaint.

He said the officer then kicked and punched him repeatedly on his head and abdomen, resulting in a large wound above one of his eyes and numerous cuts and bruises on his body. Giancarlo Malatesta claimed that he was handcuffed throughout the assault and that he eventually fell to the floor bleeding profusely. When he asked the police officer to take him to hospital the officer responded with verbal abuse.

Giancarlo Malatesta returned to the ground floor without assistance and was then released. He claimed that his girlfriend, who was also in the police station, had overheard him crying out in pain and pleading with the police officer to stop his assault. She accompanied him to the casualty ward of a local hospital to receive medical treatment. He stated that within a short time the police officer who had assaulted him in the station arrived at the casualty ward,

asked him if he felt better and offered to take him home. Giancarlo Malatesta alleged that when he firmly rejected this offer the police officer again subjected him to verbal abuse and threatened that, if he did not drop his complaint, then he would accuse him of resisting arrest and ensure he went to prison.

Giancarlo Malatesta attached to his complaint medical certificates recording his injuries, including a certificate issued by a duty doctor at the casualty ward on 24 July 1993. Amnesty International understands the Public Prosecutor's office opened an investigation into the complaint (Criminal proceedings N° 866241/93 I). However, the organization has received no response to letters addressed to the Italian authorities seeking further information about the investigation.

**4.** Eighteen-year-olds **Mahrez Chanouf**, a Tunisian, and **Salim Sfouli**, an Egyptian with a record for theft, were arrested by Milan police in the early hours of 19 August 1993 after a car chase which ended when they ran into a police car and crashed into a tree in viale Tibaldi. Later that day anonymous callers to *Radio Popolare*, a local radio station, who claimed they had witnessed the arrests, alleged that the two men had been dragged from a car, handcuffed and repeatedly kicked and punched for around 20 minutes while on the ground by over a dozen male and female police officers. It was also claimed that police threatened and shouted abuse at those who tried to intervene verbally to stop the beatings.

When Mahrez Chanouf and Salim Sfouli appeared in court the following day, to be tried under the summary procedure applied in cases of detainees caught *in flagrante delicto*, they were accused of stealing a car and resisting arrest. They displayed cuts and bruises and alleged that they had been repeatedly kicked and punched by numerous police officers, both on the street and later in the police station. A forensic examination confirmed their injuries but was apparently unable to determine their cause.

At a further hearing on 25 August 1993, four officers, who had participated in the car chase and had been the first at the scene of arrest, told the court that the detainees had tried to assault them and escape. A witness testified in court that she had seen the two detainees being beaten by the police and that they had made no attempt to escape. The court found that the statements made by the police officers contained clear contradictions and were unreliable.

Mahrez Chanouf and Salim Sfouli, were acquitted of resisting arrest and the charge of car theft was apparently dropped. The affair was referred to the Public Prosecutor's office for further investigation regarding possible charges against Mahrez Chanouf and Salim Sfouli of insulting the police and damaging property, and regarding possible charges against the four police officers of abusing their authority and committing perjury.

Amnesty International has received no response from the Italian authorities to its letters seeking information on the outcome of the prosecutor's investigation and about any administrative investigation opened into police behaviour. In August 1994 the press reported that Milan's Chief of Police had informed a *Radio Popolare* journalist that he had taken no action against the police officers involved in the affair.

5. In a formal complaint lodged by his mother, Assuntina C, on 10 September 1993, **M.C.**, a **13-year-old** Italian, alleged that he was ill-treated by an officer attached to the traffic police (*Polstrada*) in their headquarters in the via Portuense, Rome, on 8 September 1993. He claimed the officer hit him in the left eye with the butt of his gun and then inserted the gun in his mouth, threatening to kill him. He alleged that, although he was bleeding, the officer hit him repeatedly until a colleague intervened. He was then taken to the casualty ward of San Camillo Hospital, but claimed that during the transfer the policeman who had assaulted him threatened to beat him again and to "ruin" his parents if he complained about his treatment. At the hospital the boy apparently received eight stitches to his injured left eye and a medical certificate was issued estimating that his injuries would take seven days to heal.

The police accused the boy of resisting arrest and injuring a public officer (*resistenza e lesioni a pubblico ufficiale*). However, minors under the age of 14 cannot be prosecuted under Italian law and no criminal proceedings could be pursued against M.C. He was released from the police station later on 8 September and returned home.

In subsequent public statements the police stated that the boy had been a passenger in a car which had refused to stop at a police road block in the early hours of 8 September. A car chase ensued which ended when the police, after first firing several warning shots in the air, fired shots at the car's rear wheels. The police stated that both the driver and the boy resisted arrest and a scuffle broke out during which the boy and a police officer were injured. San Camillo Hospital also issued a medical certificate to the injured police officer, estimating a two-day recovery period for the injuries sustained.

In February 1994 the Public Prosecutor attached to Rome's Juveniles Court (*Tribunale per i minorenni*) informed Amnesty International that the Public Prosecutor's office attached to Rome *Pretura* (a first instance court), had opened preliminary judicial proceedings against a police officer in connection with a possible charge of causing bodily harm (*lesioni personali*) to the boy. The outcome of the investigation is not known to the organization.

6. On 23 September 1993 **Tarzan Sulic**, an 11-year-old Rom, was shot dead and his 13-year-old female cousin, **Mira Djuric** seriously wounded while in a cell in a *carabinieri* barracks near Padua. In public statements made immediately after the incidents the *carabinieri* said that the children had been detained after being found in possession of stolen goods but that they had refused to give their names and that, therefore, their parents could not be contacted and asked to collect the children. (Children under the age of 14 are not criminally liable under Italian law). They said the children had been placed in the cell after becoming violent and abusive and claimed that the single shot which killed Tarzan Sulic and lodged in Mira Djuric's chest was fired accidentally during a struggle between Tarzan Sulic and a *carabiniere*, when the boy had tried to remove the officer's gun from its holster. Mira Djuric, in a formal complaint lodged on her behalf by her family on 9 October 1993 alleged that she and her cousin were both ill-treated by *carabinieri* during their detention and that the accused officer had tried to lift her skirt and had later pointed a gun at the boy's head, threatening to kill him, just before the gun was fired. Attached to the complaint was a photograph, taken while Mira Djuric was in hospital, which

apparently showed bruising to her body. Forensic tests established that the gun was fired at very close range, in a downward trajectory, that the boy had been seated when the shot was fired and that his hands were not touching the gun at that moment. They were apparently unable to establish whether any struggle had immediately preceded the firing of the gun. The Prosecutor's office apparently concluded that the allegation that the children were beaten during their detention was unfounded.

On 2 March 1995 the commandant of the barracks at the time of the children's detention was sentenced to two months' imprisonment for abusing his authority and ordered to pay 10 million lire to the civil party. He had apparently ordered the two minors to be held in a locked cell (*camera di sicurezza*), illegal under Italian law, provided them with no food or drink for some five hours and failed to inform the competent juvenile authorities about their detention, as required by law. The commandant told the court that he had informed the judge responsible for cases involving minors of the children's detention that same day but the trial established that the judge had only been informed by a fax sent the day after their detention.

On 10 March 1995 the second section of Padua's criminal court sentenced a *carabiniere* to one year, five months and 10 days' imprisonment, with a conditional suspension of the sentence, for the manslaughter (*omicidio colposo*) of Tarzan Sulic. The officer was also ordered to pay three and a half million lire compensation to the Sulic family, a civil party to the criminal proceedings. This sentence was arrived at through the *patteggiamento* (or plea-bargain) procedure<sup>2</sup> and, therefore, no full court hearing took place. As a member of a paramilitary force, the officer also faces a court martial on 16 May 1995 for illegal use of a regulation firearm. He is accused of taking the pistol out of its holster, cocking it, loading it and pointing the gun at an unarmed minor.

7. According to a report published in the daily newspaper *La Stampa* on 6 December 1994, criminal proceedings were under way in connection with the case of **an ex-auxiliary police officer** who, on 15 October 1993, witnessed a thief being caught by passers-by in Bologna and called the state police. He claimed that when the police car arrived an officer got out and began slapping the thief around the face. When he shouted at him to stop and threatened to report him, he himself was detained and taken to police headquarters where he was accused of insulting a public officer and resisting arrest (*oltraggio e resistenza a pubblico ufficiale*).

8. At 11.22pm on 14 November 1993 **Yimbi Ona Nsambi Okoka**, a Zairian, lodged a formal complaint at a *carabinieri* post in Milan alleging that he had been assaulted by police officers earlier that day. He said that at about 1.30pm around seven uniformed police officers, whom he had just seen searching another black man, approached him in Milan's central railway station and asked for his identity documents. He said that he complied but that they then carried

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<sup>2</sup> For an explanation of the *patteggiamento* procedure - see case of Ganem Tofek on page 12 of the main text.

out a body search against his wishes. He claimed they then handcuffed him, threw him into a van and hit him during the journey to Fatebenefratelli police station, the officer in charge (ranked as a marshal) taking the lead.

At the station he was held alone in a room until around 3pm, when the marshal who he alleged had assaulted him came and asked him to sign some documents. When he refused the officer left; around 30 minutes later another policeman arrived and asked if he wanted "to talk". Yimbi Okoka said that as he did not know what the policeman wanted to talk about he refused. The officer then left. After approximately 15 minutes the marshal returned with three or four other officers who took him to another room where he claimed they beat him repeatedly over the space of an hour. He stated that he was handcuffed throughout the assault and that the officers also photographed and fingerprinted him.

Afterwards they took him across a courtyard while he cried and shouted for help and into another building where four or five officers beat him again. He was taken to an office where he said a man dressed in plain clothes told him to be quiet and asked him to sign a statement. He refused to sign. At approximately 6pm the man ordered the police to release him. Some officers then drove him away from the station, to via Galileo, and left him there, removing his handcuffs only at the moment of setting him free.

At around 8pm he went to the casualty ward of Milan's Fatebenefratelli hospital where doctors issued a medical certificate at 9.30pm recording various injuries to his head and body which would take some seven days to heal and indicating that he had suffered a physical attack. He then went to the *carabinieri* post to lodge his complaint.

Amnesty International has no information regarding the steps taken to investigate the complaint but Yimbi Okoka has informed the organization it has been archived. [*See also Case N° 17 for a summary of Yimbi Okoka's alleged ill-treatment in 1994*]

9. On 15 November 1993 three *carabinieri*, attached to the Sant'Anna d'Alfaedo barracks, near Verona, detained **Nicholas Obachina**, a Nigerian, while he was in a local bar and asked him to get into their car. After a few kilometres he was apparently savagely beaten with a type of truncheon (*manganello*) which was not part of *carabinieri* service equipment. He was kicked repeatedly in the stomach and then left unconscious and bleeding by the roadside. Passers-by came to his assistance and he was taken to a local hospital where he told doctors that he could identify his assailants. The head of the local *carabinieri* station, apparently alerted by the hospital, reported the allegations to the captain of the company to which the three *carabinieri* belonged. The captain then brought the allegations to the attention of the judicial authorities.

The three accused denied the allegations but in October 1994 a court in Verona sentenced them to 12 months' imprisonment with a conditional suspension of the sentence. The court also ordered that the sentences would not be entered on the standard information certificate on individuals which the central records office may supply to third parties (*non menzione della condanna nel certificato casellario*). The three *carabinieri* indicated their intention of entering appeals. The judicial authorities had apparently lost track of Nicholas Obachina's

whereabouts by the time the trial took place and he was not in court during the hearing against the officers.

**10. Antonio Morabito**, a 32-year-old heroin addict with a long criminal record for theft and suffering from AIDS at an advanced stage, died in the custody of the Turin police on 18 December 1993. He was arrested in the densely populated Turin suburb of Mirafiori Sud shortly after 2pm on 18 December in connection with the theft of a gold watch from a woman on a Turin street earlier that day. When intercepted by police in via Artom he was driving a stolen car. The police stated that during the chase they fired several shots into the air and at the car tyres. One of those shots brought the car to a halt whereupon Antonio Morabito ran off, apparently scaling several fences before being arrested.

According to government statements made to the UN Special Rapporteur on Torture, as described in his annual report for 1994,<sup>3</sup> "One hour after being taken to the police station he was found in a toilet lying on the floor and had died while being transferred to hospital by ambulance".

Following the death the offices of the Turin-based national daily newspaper *La Stampa* and the Morabito family received numerous telephone calls from residents of via Artom, who claimed to have observed his arrest. They alleged that, after handcuffing him, police officers punched and kicked him, hit him with the butt of a gun and fired a shot close to his head. The police rejected the allegations and suggested they were maliciously motivated.

Autopsy and forensic reports established that he suffered severe injuries to the peritoneum resulting in a fatal intestinal haemorrhage. According to a letter sent to Amnesty International by Turin's Procurator General on 31 March 1994 the autopsy, in addition to recording the internal haemorrhage as the direct cause of death, also recorded "numerous injuries to the head" ("*numerosa ferite alla testa*").

On 4 May 1994 two police officers were committed for trial for deliberately inflicting injuries leading to the death of Antonio Morabito (*omicidio preterintenzionale*). During the court hearings, which opened before Turin's assize court in October 1994, witnesses claiming to have observed the arrest maintained their allegations that the detainee was ill-treated by the police. The forensic expert representing the Public Prosecutor's office and the forensic expert representing the Morabito family (a civil party), argued that the injury which led to the haemorrhage was caused by one or more sharp, violent blows: by punching or kicking. The forensic expert representing the police officers apparently argued that Antonio Morabito could have incurred the injury by hitting his stomach against the steering wheel of the car. The possibility of the injury being caused after he suffered a heavy fall at one or more of the fences was also raised.

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<sup>3</sup> E/CN. 4/1995/34 page 82, paragraph 430.

On 26 January 1995 the court issued its verdict, acquitting both officers, finding that although one officer had used physical force against Antonio Morabito it had been within the limits laid down by law. The court also ordered that relevant records of the court hearings be sent to the Public Prosecutor's office for evaluation in connection with possible offences of false testimony committed by witnesses in the course of the trial. The full written judgment, detailing the reasons leading to the court's verdict, was due to be deposited in mid-March 1995. It was not in Amnesty International's possession at the time of writing. Amnesty International understands that the Morabito family has indicated its intention of entering an appeal against the sentence. It is not yet known if the Public Prosecutor intends to lodge an appeal.

## 1994

**11. Five people**, described as "youths" by the press, were reportedly arrested by Bologna police at approximately 3pm on 14 January 1994 following a drugs raid on a street-market. One of them had apparently approached to watch the police arrest the other four but was arrested himself and taken to the police station. All five were reportedly released within 48 hours. It is unclear whether any of the detainees were accused of drugs-related offences, but it was reported that at least two of the detainees were charged with insulting the police (*oltraggio a pubblico ufficiale*). All five sought medical assistance at a local hospital after their release from custody, claiming they had been beaten at the police station. The lawyer representing two of them, **Marco Lobos** and **Franco Vienibene**, later informed the press that when he arrived at the police station at approximately 6pm on 14 January 1994 he noted that Marco Lobos had a large bruise around his left eye and that his trousers were marked with blood. On 22 February Marco Lobos and Franco Vienibene lodged formal complaints against the police, supported by medical reports recording injuries.

In July 1994 during the UN Human Rights Committee's examination of Italy's Third Periodic Report on its implementation of the International Covenant on Civil and Political Rights, the Italian Government representatives, in an apparent reference to the abovementioned cases, informed the Committee that criminal proceedings had been instituted against the police officers concerned and that they were to stand trial in the near future.<sup>4</sup>

In December 1994 the Ministry of Justice informed Amnesty International that criminal proceedings had been opened into the allegations made by Franco Vienibene and Marco Lobos and that relevant investigations were still being conducted by the Public Prosecutor's office attached to Bologna *Pretura* (a first instance court).

**12.** On 27 January 1994 **Vicky Tschimanga**, a 28-year-old Zairian medical student, was arrested by two police officers while talking to a friend, a diplomat, at Rome's Termini railway

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<sup>4</sup> See Summary Record of the 1331st Meeting of the UN Human Rights Committee - CCPR/C/SR.1331, paragraph 15.

station. According to press reports he subsequently lodged a formal complaint against the two officers, claiming that they kicked and punched him before taking him and his companion to the police station where he was again ill-treated.

Vicky Tschimanga said he was released after a police inspector explained to him that a mistake had occurred. In subsequent public statements the police said that they had stopped him in an area where they had been told an African drug-dealer was operating and had detained Vicky Tschimanga after he refused to show his identity papers. Amnesty International has received no response to its requests for information on the steps taken to investigate the alleged ill-treatment and their outcome.

**13.** In March 1994 **15-year-old Salvatore Messina** lodged a formal complaint alleging that he was threatened and beaten by municipal police officers at around 10.45pm on the night of 11 March, after two officers had almost run him over in their car as he was crossing a road in Palermo. He claimed he was on his way home and had just got off a bus, together with several friends. He said the police car stopped a few centimetres away from his left knee and that when he asked for an explanation, the two officers got out of the car and asked him for his identity documents. One of them then dragged him into the back seat of the car by his arm and slapped him violently several times, threatening to keep on hitting him unless he said he was "a piece of shit" ("*un pezzo di merda*"). He eventually complied and was released.

Salvatore Messina made a complaint to the offices of the state police in Palermo shortly after his release and police officers accompanied him to the casualty ward of Villa Sofia hospital shortly after midnight. The hospital issued a medical certificate apparently recording various injuries to the boy's face which were expected to take around two days to heal. A judicial investigation was reportedly opened into his complaint.

A spokesperson for the police categorically rejected Salvatore Messina's allegations. He was reported as stating: "Messina was part of a group of people who were bothering all the cars driving down the street that evening. Furthermore, the boy was drunk and when he saw our police car arriving he placed himself in the middle of the road and began taunting and insulting our men. The officers placed him in their car in order to escort him home. However, once on board, he began slapping and punching himself and saying that if his father were to find out he had been stopped by the police he would beat him up. Then, all of a sudden, he opened the car door and jumped out of the car."

**14.** In August 1994 the Public Prosecutor's office attached to the Palermo *Pretura* (a first instance court) informed Amnesty International that in June 1994 13 officers of the Palermo Municipal Police had been committed for trial following an investigation into the alleged ill-treatment of **Filippo Campanella** on 15 March 1994. Filippo Campanella, a 29-year-old electronics technician, was committed for trial on a charge of refusing to give public officers details of his identity ("*rifiuto di fornire indicazioni sulla propria identità personale a un pubblico ufficiale*"). The trial of both the officers and Filippo Campanella is scheduled for 12 April 1996.

When the investigation opened in March 1994 it was reported that three officers were initially imprisoned for four days, then placed under house arrest, while one officer was under hospital arrest: a number of other officers were suspended from duty, pending the outcome of further inquiries. The officers are accused of forcing Filippo Campanella out of his car and kicking and punching him until he lost consciousness, after he had asked if he could remain briefly double-parked on a Palermo street, while waiting for his father. He suffered a spinal injury resulting in paresthesia (neurological damage) to his right leg ("*trauma vertebrale con parestesia arto dx*"), affecting his ability to walk. During the investigation the officers apparently claimed he had thrown himself to the ground, pretending to be hit. The officers are also accused of using threats and violence to take a roll of film from the camera of a bystander who had photographed their assault.

**15.** A report published in the daily newspaper *La Stampa* on 6 December 1994, described the case of a **29-year-old man** arrested in Bologna following a routine identity check in a bar on 5 May 1994 when he had been found not to be carrying his identity papers. The man alleged he was ill-treated during the transfer to the police station where he was made to do physical exercises and was then beaten. On his release at around dawn he sought medical treatment at a local hospital and in a subsequent formal complaint claimed he had been wrongly accused of drunkenness, and of insulting and resisting a public officer.

**16. Naser Hasani**, a Rom from former Yugoslavia, resident in a Roma camp near Florence, lodged a formal complaint after being stopped by three police officers while driving a car with two companions in central Florence at around 10pm on 7 June 1994. He said they checked his identity documents and accused him of using a hammer they found in his car to carry out robberies. They asked him to follow their police car to the police station but instead led him to the Le Cascine park on the outskirts of the city, where he alleged they kicked him, struck him with the hammer and racially insulted him. After the police left the scene his companions took him to the casualty ward of Careggi hospital which apparently issued a medical certificate recording multiple cuts and bruises.

**17.** On 6 June 1994 **Yimbi Ona Nsambi Okoka** [*see also Case N° 8 - above*], a Zairian, lodged a complaint alleging that he had been assaulted by *carabinieri* officers after they ordered him off the Nice to Milan train at Albenga railway station in the early hours of the previous day. He said that shortly before arriving at Albenga he had had a heated verbal dispute with the train guard after the guard had told him he was not able to supply him with any water and that both of them had exchanged insults. He said he had shown the *carabinieri* his ticket on their request but that when he refused to get off the train the *carabinieri* used force to remove him. He said that when he made a pejorative remark about Italy the *carabinieri* started to beat him. He was transferred to the local *carabinieri* barracks where he was put in handcuffs, searched, and left in a corridor. At around 7am he was informed he was under arrest and transferred to *carabinieri* barracks in the nearby town of Finale Ligure. He alleged he was assaulted a

second time during the journey and once again inside Finale Ligure barracks, after being stripped.

He stated that he was then placed in a cell where he remained until 2.20pm when he collapsed due to the injuries he had suffered and was given medical assistance by a duty doctor. He was returned to the cell and remained there until he appeared before Albenga *Pretura* (a first instance court) the next morning to answer a charge of resisting a public officer (*resistenza a pubblico ufficiale*). He was asked to choose between a trial and the *patteggiamento* procedure<sup>5</sup> and assigned a duty lawyer. Yimbi Okoka said that he at first opted for trial but when the lawyer informed him that the trial would not take place for around three days, during which time he would remain detained, he opted instead for *patteggiamento*. However, Yimbi Okoka claims he did not understand the *patteggiamento* procedure and that he was unjustly sentenced to four months' imprisonment, conditionally suspended, and to a fine of 500,000 lire. He was returned to the *carabinieri* barracks for the final release papers to be completed and alleged that he was beaten again and then placed in a cell for about half an hour before being finally set at liberty. He said that on his release 1,100 of the 1,700 French francs he was carrying at the time of arrest were missing.

He said that when he had appeared before the Albenga court he had asked how to make a complaint about his treatment by the *carabinieri* and was advised to lodge it at a police station in the nearby town of Alassio. After the trial had concluded he went to Albenga hospital where a medical certificate was issued, apparently recording various injuries. He then went to the police station in Alassio, arriving at around 6pm. He claimed that a police inspector who dealt with him (identified by name), at first refused to accept his complaint. However, after an argument and, so Yimbi Okoka claims, after the inspector had contacted the *carabinieri* in Albenga, the inspector agreed to record his complaint, attaching the medical certificates issued by the duty doctor called in to treat him at Finale Ligure barracks and by Albenga hospital.

However, the inspector then immediately arrested him on a charge of calumny and he was taken directly to the district prison in Savona. After three days' imprisonment he appeared before a judge of preliminary investigation, accompanied by his own lawyer, and after questioning was released pending trial on the charge of calumny. The police in Alassio apparently forwarded his complaint and the supporting medical certificates to the court in Savona. By the end of February 1995 Yimbi Okoka had received no further information regarding his complaint or the criminal proceedings against him.

**18.** In July 1994 the press reported that two officers attached to the railway police (*Polfer*) had stopped **three Roma girls aged nine, 11 and 13** caught in the act of begging at Turin's Porta Nuova railway station. It was alleged that the girls were taken to the police post inside the station where one of the officers made them enter a room one by one and, using a pair of scissors, cut off their long hair and told them that now, with their short hair, they would not be

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<sup>5</sup> For an explanation of this procedure - see case of Ganem Tofek, page 12 of main text.

appearing in public. The girls, apparently in tears, then returned home to their camp and told their mothers what had occurred. The incidents apparently came to light because members of a Roma support association, with long-standing links with Turin's Roma community, happened to be at the camp. The mother of the eldest girl is reported as stating that whoever had cut the girls' hair must have been aware of the significance of long hair for gypsy women: long hair was a tradition to which great cultural value was attached. There were also claims by the Roma community that, although no other such cases had been reported in Turin, a number of cases of hair being cut as a summary punishment for begging had been reported in Milan and Rome.

The railway police stated that an internal investigation had been opened and that if the allegations proved to be true, then the case would be referred to the judicial authorities. In addition, the guilty officer would face severe disciplinary measures. The outcome of the police investigation is not known to Amnesty International.

**19.** On 16 August 1994 doctors at Milan's Fatebenefratelli hospital drew media attention to the allegations made by **Khaled Kablouti**, a 32-year-old Moroccan immigrant, who claimed that the injuries which had necessitated an emergency operation to remove his spleen on 14 August had been inflicted by a *carabiniere* officer some hours earlier.

Khaled Kablouti, a drug addict, said that he had been on the point of injecting himself in a city underpass when he was approached by two men: one in plain clothes, carrying a gun, the other, dressed in *carabinieri* uniform, ordered him to throw away his needle. He said that he complied but that the officer then kicked him in the stomach, knocking him down, and kicked him again in the same place when he tried to stand. The men then left the scene, leaving Khaled Kablouti to get up a flight of stairs to the street and seek help from passers-by. He was transferred to the hospital by ambulance.

The hospital doctors informed the police post attached to the hospital of Khaled Kablouti's allegations and his injuries. Apparently the police officer, instead of informing the judicial authorities directly, passed the information to the local *carabinieri* who, in turn, passed it to the competent territorial command. Amnesty International understands that the judicial authorities were informed at this point and an investigation opened into the allegations. It was reported that on the evening of 17 August three *carabinieri* interviewed Khaled Kablouti in Fatebenefratelli hospital and recorded a statement. At the time of writing Amnesty International is not aware of the outcome of the investigation.

**20.** At the beginning of August 1994 it was reported that doctors working in the casualty ward of San Paolo hospital, Savona, had informed local police that **Bouzedr El Mautrofi**, a 32-year-old Tunisian immigrant, had cuts to a hand and various bruises to his legs requiring some 30 days to heal and that he claimed they had been inflicted by officers attached to Spotorno Municipal Police.

Bouzedr El Mautrofi alleged that, as he waited at a bus-stop, officers stopped their car and requested his identity papers. They took away a bag containing towels for sale, ordering him to make his own way to the police station. There the officers checked his identity and formally

confiscated his bag and merchandise, indicating that he did not have the proper authorization to sell the goods. He claimed that when he protested officers beat him with truncheons. In statements to the press the officers confirmed that the identity check had taken place and that they had confiscated goods, but said they had been obliged to remove the man from their offices by force. They claimed that once outside he had hit his fist against the wall thus incurring the injuries to his hand.

**21.** A mass **demonstration held in Milan** in September against the closure of a social centre led to violent clashes between demonstrators and law enforcement officers. In a subsequent complaint to the Milan Chief of Police and to the Minister of the Interior, journalists and press photographers claimed they were kicked and beaten by police while reporting on the demonstration and that officers assaulted some photographers while they were taking pictures of police armed with truncheons beating demonstrators. The Chief of Police apologized to the injured journalists and photographers, but no disciplinary inquiry was apparently announced. Journalists claimed that they also saw bystanders, including passengers on a stationary bus, being beaten by the police; some members of the public lodged complaints of ill-treatment. **Enrica Personé** alleged that she and her daughter were standing at a bus stop when they saw police officers beating a youth with their truncheons. She said that when they called on them to stop the police officers beat her daughter. A local hospital later issued a certificate recording that Enrica Personé was in a state of shock and that her daughter had multiple bruising to her legs.

**22.** A 20-year-old **Yugoslav female**, identified only by the name "**Nadia**" and described as a prostitute by the press, claimed that two police officers in a squad car stopped her on a street in Genoa one night in October 1994. The officers later stated that she was not carrying proper identity and residence documents and was taken to their offices in Piazza Matteotti for a full identity check. However, she claims that one of the officers sexually assaulted her there. A few days later she was stopped by another squad car and told the police officers what had happened. The accused officers denied the allegations and stated that it had been a routine identity check. However, the press queried why no record had apparently been made of "Nadia" being stopped the first time by the police and why no report apparently existed on the verification procedures carried out. The police officers concerned apparently indicated that it was "customary" ("*consuetudine*") not to make a written record of "routine" police interventions considered to be of minor importance.

At the beginning of January 1995 the press reported that the Public Prosecutor's office in Genoa had concluded its investigation into the allegations and had requested that one officer be committed for trial on a charge of rape (*violenza carnale*), the other on a charge of complicity in the crime, for failing to intervene to stop it taking place.

**23.** Judicial and administrative inquiries were opened in connection with clashes between police and student **demonstrators in Naples** on 14 November and subsequent complaints of police ill-treatment. Particular concern was expressed about the treatment of **Salvatore Franco**

who, according to the eye-witness testimony of, among others, two parliamentary deputies from the *Rete* (Network or Anti-Mafia) Party, was thrown into the air by a police car driven at high speed into a crowd of demonstrators. Police later claimed that the driver lost control after Salvatore Franco threw a stone, shattering the car windscreen. The deputies said that officers dragged him into the car and took him to a nearby police station. Salvatore Franco later claimed that officers subjected him to blows, particularly to an injured leg, during the transfer. The deputies witnessed his arrival at the station and reported that, although he was moaning with pain and unable to stand, he was put on the floor of the lobby and several police officers began kicking him. When they protested, they too were kicked. On Salvatore Franco's subsequent transfer to hospital, doctors recorded a triple fracture of his left leg, multiple bruising to the abdomen and suspected internal injuries.

24. In statements made to the press **Biagio Imposimato**, a 27-year-old factory worker, alleged that at around 1.15pm on 14 December 1994, while standing on a street corner in Turin waiting for a friend, he saw four men kicking and punching a fifth. He said that at first he took it to be a fight between individuals who had emerged from a nearby bar. He approached and asked the assailants why they were hitting the man, and told them to ring the police if he had committed some offence against them. He said a woman watching the scene informed him they were police officers but the four men, using insulting and vulgar language, simply told him not to interfere.

He then returned to the corner but said that within five minutes a car stopped in front of him, carrying the four alleged assailants and their victim, first believed to be a Moroccan but later identified as **Said Alaoui**, a Tunisian. Biagio Imposimato claimed that one of the men got out of the car and dragged him to offices of the municipal police (judicial police section) located on the other side of the street (*Corso XI Febbraio*). He said he was taken to an office on the ground floor and saw Said Alaoui being led away, bleeding from the nose. He claimed that, when the four alleged assailants entered, they told him he should not get involved, threatened him with physical violence if he "spoke too much", and said they were going to phone his place of work and make him lose his job. He said they then started to hit him, inflicting three strong blows from behind. When he asked the reason for this behaviour they replied with vulgar verbal insults, adding that it was people like him "who want Moroccans in Italy". He was formally accused of incitement to disobey the law, under Article 415 of the Penal Code, and then released. He said he felt deafened as a result of the blows received and went to Maria Vittoria hospital which issued a medical certificate, apparently recording a contusion to the outer part of the left ear (*contusione al padiglione auricolare sinistro*) which would take some five days to heal.

In public statements the police indicated that officers had stopped Said Alaoui for an identity check but that he had resisted with violence and, therefore, had been arrested and accused of insulting public officers, damaging their car and resisting arrest (*violenza, oltraggio, resistenza nei confronti degli agenti e danneggiamenti*). They further stated that Biagio Imposimato had incited him to escape. Biagio Imposimato publicly denied the accusation.

He lodged a formal complaint about his treatment by the police and a judicial investigation was opened by the Public Prosecutor's office which was reportedly still under way in March 1995.

**25. Enrico Notarangelo**, a 29-year-old Italian citizen born in Switzerland and resident in Mattinata (Puglia), alleged that he had been ill-treated by police and *carabinieri* officers in December 1994. He described his treatment in a report dated 28 December 1994 which he sent to the Minister of the Interior and to police, *carabinieri* and judicial authorities, and also in a formal complaint, dated 19 January 1995, sent to the Public Prosecutor's office attached to Foggia *Pretura* (a first instance court).

He stated that at approximately 11pm on 16 December 1994, *carabinieri* requested him to report to their post in Mattinata so that his car logbook could be checked. On arrival he and his car were searched. The official record given to Enrico Notarangelo at the end of his detention and carrying his signature together with that of two *carabinieri*, states that the searches, which proved negative, were carried out because "his behaviour had aroused suspicion that he might be in possession of arms or other material which might be used to commit a crime". In his complaint, Enrico Notarangelo claimed that five *carabinieri*, including the head of the station, and two police officers, all identified by name, participated in his ill-treatment. He claimed that they questioned him in connection with a robbery carried out at the house of a relative of one of the police officers. He denied any involvement in the robbery.

He alleged that he was detained between approximately 11pm and 2.45am and that during that time he was beaten by all the officers present, who slapped his face, punched his head, beat his shoulder, arms and legs with wooden truncheons, spat in his face and subjected him to verbal abuse. He was finally released without charge.

He attached to his complaint a medical certificate issued at 3am on 17 December 1994 by an emergency first aid post in Mattinata (*Guardia Medica della Unità Sanitaria Locale FG/5 di Mattinata*) and a certificate issued by the casualty ward of San Giovanni Rotondo hospital following a medical examination also carried out on 17 December 1994. The certificates recorded multiple cuts and bruises to his face and body and a perforated left eardrum caused by a blow. The hospital certificate recorded that the injuries were expected to take around 25 days to heal, and, that a report (N° 1335) had been sent to the judicial authorities. Enrico Notarangelo also attached three colour photographs to his complaint, which he stated had been taken on 18 December 1994, and which showed apparent injuries to his left eye, left ear, his back and lower leg. [Copies of the photographs are in Amnesty International's possession]

## APPENDIX 2

# ITALY

## An increase in alleged ill-treatment by prison guards

### Introduction

Amnesty International has received allegations over a number of years that people held in the custody of law enforcement agents and prison guards in Italy are sometimes subjected to torture and ill-treatment<sup>6</sup>. During 1992 Amnesty International was particularly concerned by a marked increase in the number of reports alleging that prisoners had been subjected to unwarranted and deliberate physical violence by prison guards. The most common forms of ill-treatment alleged were repeated kicks and punches and prolonged beatings with batons, sometimes involving large numbers of prisoners. These allegations have persisted into the first months of 1993. All concern prisoners held in connection with common criminal offences, including mafia-related activities.

This document describes some of the allegations made during 1992 and early 1993; it is not a comprehensive list of all such cases brought to Amnesty International's attention during that period. It cites incidents reported in Asinara (Island) Prison, Buoncammino Prison (Cagliari, Sardinia), Canton Mombello Prison (Brescia), Gazzi Prison (Messina, Sicily), Padua District Prison, Pianosa Island Prison, Poggioreale Prison (Naples), Regina Coeli Prison (Rome) and Secondigliano Prison (Naples).

Amnesty International has communicated its concern about the allegations of ill-treatment emanating from all these prisons to the Italian authorities. In its letters, Amnesty International has sought further information and comments regarding the allegations themselves, the steps taken to investigate them and the progress and eventual outcome of any official inquiries opened as a result of the allegations. However, the Italian authorities have replied in only one instance (see *Alleged ill-treatment in Poggioreale Prison*).

Amnesty International is not in a position to confirm, or reject, the accuracy of all the allegations of ill-treatment reported in this document. Nevertheless, the number, frequency and

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<sup>6</sup> For further information on Amnesty International's concerns regarding torture and ill-treatment in Italy, see *Italy - Torture and ill-treatment: a summary of Amnesty International's Concerns* (AI Index: EUR 30/04/92) and *Amnesty International's Concerns in Europe: May 1992 - October 1992* (AI Index: EUR 01/04/92).

variety of the sources of the allegations give the organization cause to believe that the problem of ill-treatment is not one of a few isolated incidents. Amnesty International is concerned that the Italian authorities should respond to all allegations of ill-treatment in a manner consistent with international standards, including the United Nations (UN) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, by thoroughly, promptly and impartially investigating such allegations, making public the findings and bringing to justice those responsible.

### **Background**

The reports of alleged torture and ill-treatment described in this document were frequently accompanied by complaints of severe overcrowding, poor sanitation and inadequate medical assistance and Amnesty International was concerned that the background of sharply deteriorating living conditions and increased tension noted in the prisons during 1992 and the first months of 1993 might have been a contributory factor to the increase in allegations of unwarranted and deliberate physical violence by prison guards during that period.

Public statements made by Nicolò Amato, Director General of Prison Administration (*Direttore Generale degli Istituti di Prevenzione e Pena*) and by Giovanni Conso, the newly-appointed Minister of Justice, in March 1993, supported by detailed statistics, established that problems within the prison system had reached crisis proportions during 1992.

Their information showed a dramatic rise in the prison population. Between 1991 and 1993 it rose from approximately 25,000 to almost 50,000, which exceeded the prisons' overall maximum capacity by almost 20,000. During a press interview in March 1993 the Director General of Prison Administration said: "The prisons are bursting...Twenty or thirty people are crowded into the larger rooms, six or seven people are shut into the small cells...sometimes without space to stand up. We are forced to put beds anywhere and everywhere, to put mattresses on the floor".<sup>7</sup>

It was also acknowledged that one of the main factors contributing to prison overcrowding was the slowness in the functioning of the criminal justice system, criticized by Amnesty International on numerous occasions. In 1992 over half of the entire prison population had not yet received a definitive sentence. Tension within the prisons was also exacerbated by the high number of drug-dependent prisoners: over 30% of the prison population admitted to being drug-addicted, with the proportion in larger city prisons often reaching 70% or more.

Some specific examples illustrate the problems. In July 1992 Poggioreale Prison (Naples), with a maximum capacity for approximately 1,300 prisoners was said to be holding some 2,400 inmates. In December 1992 Buoncammino Prison (Cagliari, Sardinia), with a maximum capacity for around 320 prisoners was reportedly holding some 680 prisoners with between six and eight prisoners housed in cells measuring on average 15 or 16 square metres; up to 80% of the

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<sup>7</sup> "Le carceri scoppiano ... Nei cameroni si ammassano venti, trenta persone, in piccole celle sono rinchiusi sei o sette detenuti ... a volte senza lo spazio per stare in piedi. Siamo costretti a piazzare letti ovunque, a mettere materassi a terra ...".

inmates were drug addicts. In March 1993 it was reported that Regina Coeli Prison (Rome), with a maximum capacity for approximately 800 prisoners, contained 1,500 prisoners, some 700 of whom were drug-addicts. During a visit to San Vittore Prison (Milan) on 1 April 1993, a group of parliamentary deputies apparently found 14 foreign prisoners from countries outside the European Community held in a cell measuring three by four metres. At the beginning of April 1993 Ucciardone Prison (Palermo), with a capacity for barely 400 prisoners, was reportedly holding over 1,100 prisoners.

The Director General of Prison Administration also indicated that the prison system was suffering from a serious shortage of prison personnel, in particular prison guards and medical staff, together with a chronic lack of funds and an accumulation of large debts: "We don't have money to feed the prisoners, to give them work in prison, to give them medical care. We're also lacking the money for heating fuel, at Christmas we had to leave some prisons unheated".<sup>8</sup>

The official statistics of the Ministry of Justice suggested that overcrowding and resulting tensions had generated further connected problems. Between 1991 and 1992 a steep increase was recorded in the instances of self-injury by prisoners (2,161 in 1991; 4,385 in 1992), in attempted suicides (365 in 1991; 531 in 1992; in violent incidents between prisoners (74 in 1991; 1,142 in 1992) and in hunger-strikes and other forms of protests by prisoners (2,171 in 1991; 14,837 in 1992).

During March and April 1993 the government launched a series of measures aimed at reducing the prison population and defusing tension within the prisons. These included: increasing the number of prison guards, opening additional prisons, increasing the availability of alternatives to full prison detention, facilitating the expulsion from Italy of foreigners accused of criminal acts and depenalizing a series of minor offences -making them administrative offences. A national referendum in April 1993 voted in favour of depenalizing the personal use of drugs and was also expected to result in a reduction in the prison population.

On 26 March 1993 the government created a special committee presided over by the Prime Minister, and including the Ministers of the Interior, Justice and Defence, to monitor "continuously and directly" (*costantemente e direttamente*) the situation in the prisons, the success of the new measures and to introduce further remedial measures, as necessary.

Reports of alleged ill-treatment were still being received by Amnesty International at the end of April 1993, particularly in connection with an amendment to the Penitentiary Regulations.

A series of anti-mafia measures introduced by the government over the summer of 1992 led to numerous transfers to the high security sections of prisons such as Asinara, Pianosa, Poggioreale and Secondigliano of prisoners accused or convicted of mafia-related crimes. Restrictions were placed on the access of such prisoners to - *inter alia* - correspondence, visits, telephone-calls and exercise periods. These restrictions were introduced under the provisions of Article 41-bis of the Penitentiary Regulations.

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<sup>8</sup> "Non abbiamo i soldi per far mangiare i detenuti, per farli lavorare in prigione, per curarli. Ci mancano anche i soldi per il gasolio, a Natale abbiamo dovuto lasciare al freddo alcune carceri".

Article 41-bis of Law No 354 of 26 July 1975 governing Penitentiary Regulations was amended by Decree Law No 306 of 8 June 1992, converted into Law No 356 of 7 August 1992. The amendment allowed the Minister of Justice to authorize the suspension - for public order and security reasons - of all or part of the normal prison rules regulating the treatment of prisoners for those held in connection with organized crime and certain serious criminal offences (homicide, robbery with violence, extortion, kidnapping for ransom and terrorism). Soon after its introduction there were claims that inmates were being ill-treated by prison guards in several prisons where Article 41-bis had been applied and by the first months of 1993 there were allegations that prisoners accused of ordinary criminal offences, as well as those held in connection with the crimes specified under the provisions of Article 41-bis, were also affected.

### ***Alleged ill-treatment in Pianosa Island Prison***

During August and September 1992 Amnesty International received a number of allegations that prisoners held in the "Agrida" high security section of Pianosa Island Prison (located off the coast of Tuscany) had been subjected to torture and ill-treatment by prison guards. The allegations concerned some 55 prisoners transferred to Pianosa from Ucciardone Prison, Palermo, on 20 July and a further dozen or more prisoners transferred to Pianosa during July and August. All the prisoners concerned were reportedly under investigation or convicted in connection with mafia-related activities and their transfers formed part of the series of anti-mafia measures introduced by the government over the summer of 1992.

It was reported that all the prisoners held in the "Agrida" high security section were being held under Article 41-bis of the Penitentiary Regulations.<sup>9</sup> According to the information received by Amnesty International, between the date of their transfer and 12 August, the prisoners were not allowed any visits from either their defence lawyers or relatives. The various reports received by Amnesty International after 12 August included allegations that prisoners had been subjected to arbitrary beatings with batons, to punches and kicks and to repeated threats and insults; that they had been forced, on a daily basis, to run and to perform press-ups during the two daily exercise hours and had been beaten with batons and punched and kicked, both while running or if they refused or stopped. It was claimed that two physically handicapped prisoners were observed crawling along the ground to meetings with relatives because their crutches had been removed and no assistance was offered by prison guards. It was also alleged that rectal examinations, which prisoners were informed were necessary for security reasons, were carried out with "sadistic brutality".

Following their first monthly visits, prisoners' relatives reported a series of complaints regarding the general conditions of detention. They claimed - *inter alia* - that the prisoners had complained of insufficient and inadequate food and appeared undernourished, that the prisoners were dirty in appearance and that many had been allowed no change of clothing since their transfer of 20 July.

Amnesty International noted that, in making these allegations, the majority of prisoners' relatives did not identify themselves by name, claiming that they feared retaliation against their imprisoned relatives if their names became known. However, in the cases of two individual prisoners - Antonio Vaccarino and Rosario Indelicato - formal complaints of ill-treatment were made to the judicial authorities by their wives and defence lawyers following visits which they carried out to the prison in August.

In September Amnesty International wrote to the Minister of Justice, seeking his comments on the reports received and asked to be informed about the official steps taken to investigate the allegations, in particular, whether the prisoners had undergone medical-forensic examinations following the allegations and, if so, with what result.

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<sup>9</sup> See *Background*

Amnesty International drew the Minister's attention to its concern that, where prison regulations could be suspended for reasons of public order and security, any new prison regime should continue to provide full and adequate guarantees in areas such as medical care and powers of complaint. The organization considers such provisions particularly important where there is a special regime in force, in order to secure the general physical welfare of prisoners and to protect them from possible ill-treatment.

Amnesty International therefore asked the Minister to provide details of the prison regime in force in the "Agrippa" section, especially the provisions for monitoring the prisoners' state of health. It also sought the Minister's assessment of the extent to which the regime conformed to the principles of the European Prison Rules appended to Recommendation No R(87)3, adopted by the Committee of Ministers to member States of the Council of Europe on 12 February 1987, with particular reference to those sections relating to medical services, discipline and punishment and information to and complaints by prisoners.

A report sent to the Minister of Justice on 5 September 1992 by the magistrate of surveillance responsible for Pianosa Prison - Dr Rinaldo Meroni of Livorno Tribunal - came to public attention in October 1992. It had been sent following a visit which the magistrate had made to the prison in August and his findings and observations appeared to lend credibility to a number of the allegations of ill-treatment received by Amnesty International.

The organization noted with concern the magistrate's statements that he had found a prevailing atmosphere of "extreme unease: fear and a sense of insecurity..."<sup>10</sup> in the "Agrippa" section and had observed prisoners being treated in ways which were "certainly not marked by respect for the person and for the principles of humanity"<sup>11</sup>. Amnesty International was also disturbed by the magistrate's conclusions that the "Agrippa" section presented "a general picture of abuse and lack of administrative control"<sup>12</sup> and that criminal acts had possibly taken place there. In view of the magistrate's further conclusion that it was "absolutely necessary to regain full control of the "Agrippa" section so that the legality and respect for those minimum rules of humanity in the execution of sentences and the protection of the physical and psychological integrity of the person are guaranteed, without exception"<sup>13</sup>, Amnesty International sent a further letter to the Minister, seeking information about the official steps taken as a result of the magistrate's findings.

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<sup>10</sup> *"di estremo disagio: paura, senso di precarietà"*

<sup>11</sup> *"sicuramente non improntate al rispetto della persona ed a principi di umanità"*

<sup>12</sup> *"un quadro generale di sopraffazione e di carenza di controlli dirigenziali"*

<sup>13</sup> *"occorre assolutamente riprendere appieno il controllo della diramazione Agrippa nel senso che vengano garantite senza eccezioni la legalità ed il rispetto di quelle regole minime di umanità nell'esecuzione delle pene e di tutela dell'integrità fisica e psichica delle persone"*

Amnesty International was also concerned by the magistrate's account of several incidents which he described as involving "gratuitous and illegal brutality"<sup>14</sup> against common detainees held in the ordinary sections of the prison. Namely, that a few days after the arrival in July of the new contingent of prisoners in the "Agrippa" section, three non-commissioned prison officers attached to that section called four prisoners out of the ordinary section one by one and beat them both with and without truncheons. One of the prisoners apparently suffered such severe injuries that he had to be immediately transferred from the island. All detainees re-entering the ordinary section of the prison during the afternoon of the day of these events were called before the guards and at least one of them was required to submit to a strip-search and to bend over repeatedly for a rectal examination; the magistrate emphasized that there was no necessity or justification for such a search. After obeying an order to dress himself the detainee also received a heavy blow from one of the guards. On returning to his cell he asked for and was then attended by a prison doctor. That night the three guards in question returned to the section and subjected the detainee to a severe beating. The magistrate commented that this was no doubt inflicted in order to intimidate the prisoner and discourage him from speaking about his treatment.

The magistrate indicated that he intended to send further details, including the name of one of the guards who had participated in the above incidents, to the Public Prosecutor's Office in Livorno. Amnesty International therefore asked to be informed if the Prosecutor's office had opened an inquiry into the incidents and, if so, to be informed of any criminal or disciplinary proceedings arising from it.

In April 1993 it was reported that a mafia plot had been uncovered to kill 12 prison guards who had been employed in Pianosa Prison at the time of the alleged ill-treatment. There were claims that the killings had been planned in revenge for the ill-treatment allegedly inflicted by the prison guards on prominent mafia members held in Pianosa Prison in 1992.

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<sup>14</sup>"*gratuita ed illegale brutalità*"