

EXTERNAL

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ITALY

@THE ALLEGED ILL-TREATMENT OF BEN MOGHREM ABDELWAHAB BY CARABINIERI OFFICERS IN VOGHERA

Amnesty International is concerned about the alleged ill-treatment of Ben Moghrem Abdelwahab, a 29-year-old Tunisian, by *carabinieri*¹ officers in Voghera in September 1995.

Ben Moghrem is currently resident in Voghera, Northern Italy, where he works in an engineering workshop (*officine meccaniche*). He is in possession of a valid residence permit. Amnesty International is seeking the cooperation of the Italian authorities in informing the organization of the steps taken to investigate Ben Moghrem's formal complaint against the *carabinieri* and their eventual outcome.

The following information is based on the formal complaint (*denuncia-querela*) which Ben Moghrem lodged with the Public Prosecutor's office in Voghera in October 1995.

At approximately 1.45pm on 22 September 1995 Ben Moghrem was on his way to work when he was approached in via Carducci by a marked car with two uniformed *carabinieri* officers on board. One officer got out of the car and asked to see Ben Moghrem's identity card and residence permit, after first asking him to open his mouth (the *carabinieri* reportedly suspected him of being a drug dealer who had hidden a supply of drugs in his mouth). Ben Moghrem said that as he took out his wallet to produce his documents the officer snatched it away from him. Ben Moghrem explained to the *carabiniere* officer that his shift began at 2pm and he did not want to be late for work. He claimed that he was, however, ignored and forcibly placed in the marked car while being repeatedly slapped and verbally insulted.

Ben Moghrem told the officers that he had been feeling unwell that morning and asked them not to beat him. He was, however, threatened with further physical violence. He was then taken to the local *carabinieri* barracks in Voghera where, immediately on arrival, he was handcuffed behind his back and while in the corridor of the barracks repeatedly pushed and slapped, subjected to further insults and threatened with imprisonment by the two arresting officers.

Ben Moghrem stated that he was handcuffed throughout his stay in the barracks, that several individuals, including other uniformed *carabinieri*, witnessed his ill-treatment in the

¹ A paramilitary force responsible to the Minister of Defence.

corridor and that at least one of this group of people took part in pushing, insulting and threatening him. He claimed he was refused permission to telephone his place of work to inform his employer of his absence.

He said that at one point the violent pushing to which he was subjected caused him to fall to the ground where he was kicked in the head, back and on his left side. He was eventually helped to his feet by a *carabiniere* who, while gripping him tightly round the throat, shouted at him, ordering him to do as they told him. Ben Moghrem was then taken to an office inside the barracks where photocopies of his documents were made.

In the office the *carabinieri* officers racially insulted him, in particular he recalled being called a “shitty Moroccan” (“*stronzo marocchino*”), and derogatory remarks were made about his mother and sister. The officers also went through his small pocket address book, accusing those named in it of being drug dealers who had all been arrested already.

Ben Moghrem stated that he then began to cry and was asked to sign a type-written statement. When he refused to sign the statement an officer crumpled up his residence permit and threatened to destroy it, adding that this would create problems for him with the police (*Questura*) as well. The same officer also threatened him with imprisonment.

He said that a gun was pointed at his head and he was again ordered to sign the statement. Although Ben Moghrem claimed that he was unaware of its contents he signed it adding, however, next to his signature the words, “with reservation” (“*con riserva*”). On noticing the additional wording a *carabiniere* officer again insulted him and drew the attention of his colleagues to what he had written, whereupon another officer hurled a metal stapler at Ben Moghrem, hitting him. He claimed a *carabiniere* then began slapping him with such force that he broke his own wristwatch. Ben Moghrem was ordered to report back to the barracks at a future date with the sum of 100.000 Italian lira in order to pay for the repair of the watch. Ben Moghrem said that he remained silent and continued crying.

At approximately 2.40pm that same afternoon his documents were returned to him and he was allowed to leave the barracks on foot. Ben Moghrem then telephoned a friend who drove him to the Casualty Ward of Voghera hospital (*Ospedale Civile di Voghera*). After a thorough medical examination he was admitted to the Trauma Unit where he reportedly remained for eight days receiving treatment for his injuries.

In October 1995 Ben Moghrem lodged his official complaint, supported by medical reports, with the Public Prosecutor’s office in Voghera, accusing the *carabinieri* of deliberately injuring him, verbally insulting him and threatening him with a weapon (*lesioni volontarie, ingiuria aggravata e minaccia aggravata dall’uso delle armi*).

On 18 October 1995 the Italian daily newspaper, *La Repubblica*, reported that the *carabinieri* officers admitted beating Ben Moghrem but only so as to defend themselves

against his aggressive behaviour.

Following the alleged incident a support committee was formed, which included, amongst others, a member of the Italian Senate, a lawyer, a criminologist and leaders of domestic anti-racist groups. The support committee reportedly stated during a press conference drawing attention to Ben Moghrem's complaint that: "This time we will see this through to the end...too many similar cases are archived" (*"Questa volta andremo fino in fondo...troppi casi analoghi vengono archiviati"*).²

A lawyer forming part of the support committee and representing Ben Moghrem was also quoted as saying: "There are dozens of cases of people who have been beaten while in barracks and many of these people are charged with calumny. This is a very serious incident...we don't want this case to be archived" (*"Ci sono decine di casi di persone che vengono picchiate nelle caserme e molte di loro finiscono per essere accusate di calunnia. Questa volta l'episodio è gravissimo...vogliamo che questo caso non venga archiviato"*).³

² *Il Manifesto*, 18 October 1995.

³ *Ibid.*

BACKGROUND INFORMATION

During the 1990s there has been a noticeable increase in the number of allegations that people held in the custody of law enforcement and prison officers in Italy has been subjected to gratuitous and deliberate physical violence. A high proportion concern immigrants from outside Western Europe - most of them from Africa and an increasing number of Roma. In a report published in April 1995 entitled, *Italy: Alleged ill-treatment by law enforcement and prison officers* (AI Index: EUR 30/01/95), Amnesty International said it was concerned that elements within some law enforcement agencies might be subjecting detainees to ill-treatment on a regular basis and that, although Italy had adopted certain legislative and administrative measures designed to combat the use of ill-treatment against detainees, in practice these were not being fully implemented. The report cited numerous individual cases to illustrate the organization's concerns and drew attention to the lack of thoroughness in a number of judicial investigations into complaints of ill-treatment and to the nominal sentences frequently imposed in those cases where officers had been found guilty of ill-treating detainees.

The organization's report pointed out that both the United Nations (UN) Human Rights Committee and the Council of Europe's Committee for the Prevention of Torture (ECPT) had recently expressed concern over the ill-treatment of detainees in Italy and had recommended that the authorities take more effective steps to safeguard them from such treatment. Amnesty International noted that in its report on its first visit to places of detention in Italy in 1992 (authorized for publication by the Italian Government in January 1995), the ECPT concluded that people held by law enforcement officers "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 ill-treatment".⁴

Amnesty International's report was submitted to the UN Committee against Torture which, in April and May 1995, considered Italy's Second Periodic Report on its compliance with the UN Convention against Torture. In its concluding comments the Committee emphasized its concern over the persistence of ill-treatment by prison and law enforcement officers. It noted that the majority of victims of ill-treatment belonged either to "certain foreign countries or to minorities" and emphasized its concern over "a dangerous trend towards a degree of racism". The Committee stated that, in its view, the punishments imposed on public officers in cases where trials had taken place did not appear proportionate to the severity of the acts committed.

The Committee's recommendations to the Italian authorities included closely monitoring the implementation of existing safeguards against ill-treatment during initial detention, especially access to medical and legal assistance, ensuring the speedy and effective investigation of complaints of torture and ill-treatment and the adequate and effective punishment of those responsible.

⁴ CPT Inf (95) 1.