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ITALY: FATAL SHOOTING OF FRANCESCO MAZZEO BY AN OFFICER OF THE GUARDIA DI FINANZA

Amnesty International is concerned about the shooting and consequent death of 25-year-old Francesco Mazzeo by an officer of the *Guardia di Finanza* (see Note overleaf) in Brenno Useria, Arcisate (VA) on the evening of 9 October 1995.

At the time of the incident Francesco Mazzeo was living in Brenno Useria, a small town in the Varese region of northern Italy, close to the Swiss border. On 9 October 1995, at about 10.30pm, he was riding on the back of a friend's Vespa 50 scooter along via Monte Grappa, a road running parallel to via Pellico, where his family lives. He appears to have been carrying a packet in his hands. Both he and his companion, Luca Caversazi, were known to the authorities in connection with drug offences. A roadblock had earlier been set up on via Monte Grappa by officers of the *Guardia di Finanza* based in Ponte Tresa on the Swiss border.

According to a version of the incident which was reportedly issued by the *Guardia di Finanza*, one of the *finanzieri* was stationed in the middle of the road when he saw the Vespa approaching at increased speed, as if intending to drive straight at him. He fired two warning shots in the air but was then knocked to the ground by the scooter as it passed and as he fell a third shot accidentally hit Francesco Mazzeo in the back. Francesco Mazzeo died on his way to hospital. The *Guardia di Finanza* reportedly claimed that the officer had been justified in resorting to his gun because he feared a packet being carried by Francesco Mazzeo contained weapons. It was also claimed that the road was poorly lit. (See overleaf for regulations governing the use of firearms by the *Guardia di Finanza*).

This version of the incident was challenged by parliamentary deputy Giuseppe Gambale. In a written question about the incident addressed to the Ministers of the Interior and of Justice on 12 October 1995, Giuseppe Gambale stated Luca Caversazi had taken law enforcement officers to the spot where the packet held by Francesco Mazzeo had been thrown, immediately after his arrest, on the same night as the incident. The packet, which contained 300 grams of hashish, had been thrown away some distance before the roadblock. The deputy also stated that Francesco Mazzeo had been shot in the back not once but twice, and that this made it difficult for the officer involved to assert that the fatal shot had been fired accidentally. He questioned whether the officer had been knocked over by the scooter, saying that some hours after the shooting the officer had been seen to be still on duty at the roadblock and was walking perfectly. He also denied that the street had been poorly illuminated and that, therefore, it had been difficult for the *finanzieri* to see.

Following Francesco Mazzeo's death the Varese Public Prosecutor's office immediately opened a judicial inquiry. Within days of the incident the officer who fired the shots was issued with a judicial notification (*informazione di garanzia*) by the Public Prosecutor's office of Varese, informing him that he was under investigation in connection with a possible charge of murder with intent (*omicidio volontario*) and an autopsy was carried out on the body on 11 October.

Luca Caversazi faced charges of resisting arrest and possession of drugs.

BACKGROUND NOTE ON GUARDIA DI FINANZA AND REGULATIONS COVERING USE OF FIREARMS BY THE FORCE

The *Corpo della Guardia di Finanza* (GdF) is a military body which forms part of the armed forces and of the law enforcement forces of the Italian State. Its tasks cover the areas of economic, financial and organized crime, drugs offences and customs and excise, frontier defence and law and order in general. It also acts as an emergency rescue body. Though responsible ultimately to the Minister of Finance, the wide-ranging duties of the *finanzieri* also bring them under the auspices of other authorities, including, in their capacity as judicial police, the Public Prosecutor's offices. On account of its insignia the Corps is commonly referred to in the Italian press as the *Fiamme Gialle* (Yellow Flames).

Norms regulating the use of arms and other forms of physical coercion by the GdF are contained both in the Penal Code (Law of 4 March 1958, n. 100, and the general dispositions on legitimate defence by state officers in articles 52, 53 and 54) and in the body of specific regulations governing the Corps. A GdF officer is allowed to use firearms in an area under surveillance for contraband offences when a suspect is manifestly armed (*palesamente armato*); if the crime is being committed after nightfall, when darkness may prevent an officer from "defending the fiscal interests of the State", or when three or more suspects are acting together at one time and may therefore obstruct officers attempting to prevent a crime. However, use of arms is not allowed when a suspect is fleeing or has abandoned the goods he or she is carrying. Specific regulations state that, before firing at a suspect, the officer must give a stop warning at least three times both verbally and with gestures and fire two shots in the air. Arms may be fired at motor vehicles "or other fast means of transport" if these do not comply with an order to stop and the officers are unable to catch up with it.