

# ITALY

## @Ill-treatment: November 1991 - March 1992

### ***Further allegations of ill-treatment in Sollicciano Prison, Florence (Update to information given in AI Index: EUR 01/02/91)***

Amnesty International was concerned by a letter, apparently written by prisoners held in the female wing of Sollicciano prison, which was published in the Florence edition of the national daily newspaper *La Repubblica* on 21 December 1991. The letter alleged that both male and female prisoners held in Sollicciano were regularly subjected to unprovoked physical attacks by groups of prison guards armed with batons and claimed that the prison administration was ignoring the situation.

During April and May 1991 inmates of Sollicciano prison had alleged to the relevant judge of surveillance<sup>1</sup> and to the Director General of Prison Administration, as well as to the press and members of the national and regional parliaments, that prison guards regularly subjected prisoners to ill-treatment, including beatings (see AI Index: EUR 01/02/91). The majority of the allegations concerned prisoners of North African origin, constituting some 40 per cent of the prison's population. The director of Sollicciano prison subsequently informed the press that the judge of surveillance was responsible for investigating the allegations.

Following the allegations of April and May 1991 Amnesty International wrote to the judge of surveillance, the Minister of Justice and the Director General of Prison Administration, seeking confirmation that an investigation was being carried out into the allegations of ill-treatment, and cooperation in communicating to the organization the progress and eventual findings of any such investigation and of any eventual judicial or administrative proceedings arising from it. No replies were received to Amnesty International's letters.

Amnesty International believes that all allegations of torture or ill-treatment should be treated in conformity with international standards, including the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ratified by Italy in January 1989. Article 13 of the Convention requires all State Parties to ensure that individuals who allege torture or ill-treatment have the right to complain to, and have their cases promptly and impartially examined by the competent authorities.

On 7 February 1992 Amnesty International therefore wrote again to the Italian authorities, asking to be informed of the steps taken to investigate the allegations of ill-treatment made by both male and female inmates of Sollicciano prison and to ensure that the provisions of international law were observed. The organization urged that, if no inquiry

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<sup>1</sup>a magistrate with - inter alia - specific responsibility for monitoring the treatment of the inmates of prisons under his/her charge.

had yet been opened, a thorough investigation of the allegations be immediately instituted and that its methods and findings be made public.

### *The alleged ill-treatment of Alessandro Ruver in Regina Coeli prison, Rome*

Amnesty International was concerned by press reports regarding the alleged ill-treatment of Alessandro Ruver by a prison guard in Regina Coeli prison, Rome, during the last week of January 1992 and his subsequent death on 6 February 1992.

According to these reports, Alessandro Ruver was arrested while in the act of purchasing heroin and committed to Regina Coeli prison, Rome, on 27 January 1992. His mother and sister claimed that when they visited him in the prison on 31 January he was covered in bruises and had to use a wheel-chair to move about. He indicated a prison guard standing nearby and said that the man had attacked and beaten him. However, the family claimed that another prison guard informed them he had received the injuries during a fight between prisoners. One newspaper report noted that no such incident was, however, recorded in the prison's disciplinary records. The newspaper also related that, after Alessandro Ruver's death, the Director of Regina Coeli prison sent a report to Diana De Martino, the Deputy Public Prosecutor (*Sostituto Procuratore della Repubblica*) investigating the circumstances of the prisoner's death, which stated that during his imprisonment Alessandro Ruver had accidentally fallen out of his bed, thus suffering the injuries seen by his relatives.

Alessandro Ruver was due to appear before Rome Tribunal in connection with the drugs offence on an unspecified date some time after 27 January but the court received a note from Regina Coeli prison stating that the prisoner was unable to appear because he was in a "confused state" (*stato confusionale*).

On 3 February 1992 Alessandro Ruver's sister returned to Regina Coeli prison but was informed that her brother had been transferred to San Giovanni Hospital, Rome. At the hospital the family apparently discovered that this was Alessandro Ruver's second admission to the hospital since his imprisonment. The hospital informed the family that he was dying from "fulminant meningitis". Alessandro Ruver died at San Giovanni hospital on 6 February 1992.

The press reports indicate that, following the family's allegations, Rome Deputy Public Prosecutor Diana De Martino opened an investigation into the alleged ill-treatment of Alessandro Ruver and the circumstances surrounding his death. In the context of this investigation she ordered that the body of Alessandro Ruver be exhumed and a new autopsy carried out.

Amnesty International was concerned by the reports of the contradictory explanations given by prison officials for the injuries which Alessandro Ruver's family claim to have observed on his body when they visited him at Regina Coeli prison on 31 January 1992 and is seeking information from the relevant authorities regarding the findings of any autopsy carried out at San Giovanni hospital immediately after Alessandro Ruver's death as well as

the findings of the new autopsy. Amnesty International has also asked for cooperation in informing the organization of the progress and eventual outcome of the judicial investigation.

### *The alleged ill-treatment of Daud Addawe in police custody, Rome*

Amnesty International sought information from the Italian authorities about official steps being taken to investigate the alleged ill-treatment of Daud Addawe, a 34-year-old Somali national, in police headquarters in Rome on 3 March 1992.

It was reported that on the morning of 3 March 1992 Daud Addawe, an asylum seeker from Somalia, who had been resident in Italy since leaving Mogadishu approximately a year previously, went to the aliens' registration office located in the headquarters of the Rome police, in order to renew his residence permit.

When the office opened for business Daud Addawe, along with a number of other people who had been waiting in the long queue which had formed in the street outside, jostled to get into the small reception area. The press reported an eye-witness account of what then happened, supplied by one of the people who had also been waiting in the queue. Daud Addawe had reached a seat in the reception area and was about to sit down when another man pushed him aside, causing Daud Addawe to lose his balance and fall to the floor. A female police officer, noticing a disturbance, then approached and blamed Daud Addawe for creating the disturbance. An argument then apparently ensued in which some male police officers became involved and which ended in an exchange of blows. It was reported that a police officer received injuries requiring up to three days to heal as a result. Four police officers then escorted Daud Addawe to a room on the floor below.

A trade union official, who was in the police station by chance on the morning of 3 March, later informed the press that she heard shouts and cries for help coming from the room where Daud Addawe had been taken. At about 1pm a Red Cross ambulance arrived at the police station and Daud Addawe was taken to Santo Spirito hospital under arrest and apparently in an unconscious state. At the hospital he was reportedly given heart massage to resuscitate him and put on an intravenous drip; a medical certificate was also issued recording a trauma to his head and bruising to his left leg and to his thorax.

The medical certificate also reportedly recorded that he should be sent to the clinic of Regina Coeli prison for observation. He was transferred to the prison later that day, apparently under investigation on a charge of insulting an officer of the state (*oltraggio a pubblico ufficiale*). Daud Addawe's sister visited the prison within approximately 24 hours of his arrest and subsequently informed the press that he was being held in a normal cell and not in the prison clinic, that he was limping and in a confused state, suffering severe pain and had bruises all over his body. On 5 March 1992 two members of parliament addressed written questions to the Ministers of Justice and the Interior, in which they requested an inquiry into the behaviour of the police officers involved in the reported incidents.

*Interim reply to Amnesty International's October 1991 Memorandum to the government concerning torture and ill-treatment - Exchange of correspondence with the Minister of Justice (update to information given in AI Index: EUR 01/02/91)*

On 6 February 1992 Amnesty International wrote to the Prime Minister's office pointing out that almost three months had passed since its meeting with the Prime Minister in October 1991 and that no reply had yet been received to the memorandum which it had handed over during the meeting. The memorandum contained a selection of cases of alleged torture and ill-treatment arising in or near Milan, Naples Padua, Rome, Salerno and Verona between 1986 and early 1991 where Amnesty International had been particularly concerned by the failure of the Italian authorities to reply to its requests for information, or where there had been no news of progress in official inquiries opened into the alleged ill-treatment for a considerable period of time. During the October 1991 meeting the Prime Minister gave assurances that he would ask for a thorough examination of each of the cases described in the memorandum and that Amnesty International would be informed of the results.

The Prime Minister's office responded immediately to Amnesty International's February letter and stated that, following the October 1991 meeting, the Ministry of Justice had been asked to review in detail the cases described in the memorandum. The investigation was taking some time because the information had to be collected through local authorities and the relevant courts of justice but it was expected that the necessary information would soon be available.

On 20 February Amnesty International received a letter from the Minister of Justice, together with a copy of a note dated 13 February 1992 which the Minister had addressed to the office of the Prime Minister. The note listed the information so far sent to the Ministry by the Procurators General responsible for the judicial areas in which the cases of alleged ill-treatment described in Amnesty International's memorandum had occurred.

In some cases the Ministry had still not received a response from the Procurator General concerned; other procurators had apparently so far provided only information already described in Amnesty International's memorandum. However, new information was supplied concerning developments in judicial inquiries opened into allegations of ill-treatment in Milan in 1988 and in Fuorni Prison, Salerno, in December 1990 (see below).

In his letter the Minister stressed that the omissions and delays in the replies were principally the result of various institutional processes and the length of time required by the various judicial offices to complete the inquiries and the criminal proceedings which had been opened. He informed Amnesty International that he had given strict instructions for these institutional processes to be speeded up as much as possible so that the information required could be available in the shortest possible time.

On 16 March 1992 Amnesty International wrote to the Minister expressing the hope that the organization would receive more comprehensive information on all the cases described in its memorandum as soon as possible. It also drew the Minister's attention to the allegations of ill-treatment emanating from Sollicciano prison, Florence (see above) and

the lack of response from his office, from the Director General of Prison Administration and from the judge of surveillance responsible for Sollicciano prison to the inquiries which Amnesty International had made about the allegations during 1991. The letter also expressed concern about reports which Amnesty International had received about the alleged ill-treatment and death of Alessandro Ruver in Rome in February 1992 (see above) and about the alleged ill-treatment of Daud Addawe in Rome in March 1992 (see above).

***Alleged ill-treatment in Fuorni Prison, Salerno (Update to information given in AI Index: EUR 01/01/91)***

In its memorandum to the Italian government Amnesty International had described its concern about the alleged ill-treatment of inmates of Fuorni prison during a search operation apparently carried out by between 100 and 150 masked prison guards on 15 December 1990. Prisoners claimed that the guards forced them to strip and perform press-ups and repeatedly kicked and beat them with truncheons and batons. They alleged that they were held in a common room and made to kneel, facing the wall, with their arms in the air and were beaten if they turned. They also alleged that some prisoners were sodomized with broom handles and that younger prisoners were forced to spit at and slap elderly prisoners.

It was claimed that in the days immediately following the search the prison infirmary issued around 100 medical certificates recording injuries which the medical staff estimated would require three, four or five days to heal. It was also claimed that one prisoner lost an eye, one sustained a burst ear-drum, one had the bones of one hand smashed and another had several teeth broken. Four or five prisoners were reportedly hospitalized but in January 1991 there were allegations that other injured prisoners had received inadequate medical treatment.

The communication which the Minister of Justice sent to Amnesty International in February 1992 said that on 23 January 1992 the Salerno Procurator General informed the Minister of Justice that the legal proceedings relating to the alleged incidents at Fuorni prison were transferred to the judge for the preliminary investigations (*giudice degli indagini preliminari*) with a request that they be partially dropped/"partially archived" ("*richiesta di archiviazione parziale*"); the dossier had since been requested by the Public Prosecutor for further investigation.

***Judicial inquiry into the alleged ill-treatment of 47 or more detainees in Milan, 1988 (Update to information given in AI Index: EUR 03/01/89 and EUR 03/02/89 and the Amnesty International Report 1989 to 1991).***

In its memorandum to the Italian government, Amnesty International had described reports which appeared in the Italian press during April 1988 stating that earlier that month a dossier had been sent to the Milan Public Prosecutor's office by the medical staff of San Vittore

prison, Milan. It was said to record an alarming increase over the immediately preceding months in the number of prisoners requiring medical treatment on arrival at the prison for injuries consistent with physical ill-treatment. In a few cases the prisoners' injuries apparently required several days' treatment in the prison's hospital wing.

The press reports claimed that the Public Prosecutor's office had received the cases of approximately 47 detainees, the majority of them North African immigrants, who had been transferred to San Vittore prison after spending short periods in the custody of either the police, the *carabinieri* or the *guardia di finanza* (customs and excise officers). The names of the detainees were not reported.

The press also reported that the Public Prosecutor's office had opened a judicial inquiry into the alleged ill-treatment in April 1988. The inquiry was apparently to investigate not only the treatment the prisoners received while in the custody of the law enforcement agencies but also their treatment by the San Vittore prison guards immediately after their arrival at the prison.

No reply was ever received to letters of inquiry which Amnesty International sent to the Italian authorities during 1988 seeking confirmation of the opening of the investigation and asking to be informed of its progress and eventual outcome.

The communication which the Minister of Justice sent to Amnesty International in February 1992 contained the following information.

The Public Prosecutor's office in Milan started a judicial investigation in May 1988 concerning injuries allegedly suffered by detainees at the hands of law enforcement agents and noted by the medical staff of Milan prison when the detainees were medically examined on their entry to the prison.

The medical staff of San Vittore prison had not in fact sent a dossier to the Public Prosecutor's office. The Public Prosecutor's office had, however, decided to appoint a magistrate to examine various reports which it had been sent by the office of the prison director whenever a prisoner stated during the medical examination that he had been ill-treated by law enforcement agents.

The inquiry was to establish whether the various single incidents alleged indicated a common practice of ill-treatment by the various law enforcement agencies. The inquiry was also to clarify the extent and origin of any ill-treatment and establish whether the law enforcement agents might be using violence to force detainees "to cooperate". This possibility was to be explored "because the common element apparently linking the various episodes of alleged violence against Italian and foreign nationals at the time of, or immediately after, arrest seemed to be the particular kind of crime for which they had been arrested - connected in the great majority of cases with drug-trafficking."

The investigation continued until the new Code of Criminal Procedure came into force (October 1989). It concluded that there was "no proof of a general tendency by the police to use gratuitous violence against detainees, including in cases involving foreign citizens". The investigation also concluded that in the great majority of cases of alleged ill-treatment where injuries had been observed during medical examinations, the detainees' injuries "were attributable to acts of violence or resistance towards a state officer...". On

looking into these cases the investigation found that "virtually all of these detainees had already been convicted on such charges" shortly after arrest by a court using a summary procedure (*rito direttissimo*<sup>2</sup>). In some cases the medical certificates attached to the reports sent by the office of the prison director "lacked supporting evidence of the alleged ill-treatment". In such cases and in cases where the prognosis for the injuries recorded was given as one or two days, where the detainee in question had made no formal request to press charges, the prosecutor's office requested the investigating magistrate to archive the proceedings.

The investigation was pursued in cases where the alleged victim had made a formal request to press charges and "in the objectively most serious cases, regardless of whether a formal request to press charges had been made or not. As a result of the summary investigations - apart from cases which were closed with a request for a decision to archive the proceedings or ended with a ruling to stop proceedings (*sentenza di non doversi procedere*) - committal for trial was requested in the following cases."

◆ One police officer serving with the sixth division of the Milan police was committed for trial on the offences of causing aggravated light physical injuries (*lesioni personali lievi*) to and making a false declaration against Soje Diop, a Senegalese national. On 19 March 1990 Milan Tribunal convicted the officer and sentenced him to nine months' imprisonment with a conditional suspension. No date has yet been fixed for the hearing of his appeal against the sentence.

◆ Four carabinieri formerly serving with the third 'Lombardia' battalion of Milan were committed for trial on an offence of aggravated physical coercion (*violenza privata aggravata*) against Giovanni Stella, an Italian national. The prosecutor requested that a charge of causing light personal injuries against the alleged victim should not be proceeded with because the alleged victim had failed to present a formal request to press charges.

◆ One police officer serving with the sixth division of the Milan police was committed for trial on an offence of aggravated physical coercion and aggravated light personal injuries against Andrea Dapò, an Italian national.

The Procurator General stressed to the Minister of Justice that "the investigation was made public for specific purposes" to remind the law enforcement agencies "of the need to respect the rules of civilization and to fulfil the duties of correctness in carrying out their functions. They should also be informed about the new practice initiated by the prison authorities which made the judicial authorities responsible for evaluating any anomalous behaviour during arrests, regardless of whether the possible victim ... had pressed charges or not".

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<sup>2</sup>Accelerated trial proceedings under the Code of Criminal Procedure in force until October 1989, omitting the instruction phase. Applied to defendants arrested *in flagrante* where no special investigation was considered necessary. After a summary interrogation by the Public Prosecutor such detainees could then be brought immediately before a trial judge.

The Procurator General also stated that "after the news of the investigation was made public" - the investigating office became convinced that "in more than a few cases where detainees, in particular North African and South American nationals", had alleged ill-treatment but where there was "no objective supporting evidence" - the alleging of ill-treatment became "a sort of ritual practice aiming at vindictive retaliation" against the arresting officers.