# £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>1</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 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

Amnesty International May 1993

Al Index: CUR 30/04/93

<sup>&</sup>lt;sup>1</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).

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>2</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 inmates were drug addicts. In March 1993 it was reported that Regina Coeli Prison (Rome), with a maximum capacity for approximately 800 prisoners,

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<sup>&</sup>lt;sup>2</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 ...".

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>3</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 directamente") 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 -

<sup>&</sup>lt;sup>3</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".

correspondence, visits, telephone-calls and exercise periods. These restrictions were introduced under the provisions of Article 41-bis of the Penitentiary Regulations.

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 - 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.

## Reports of alleged ill-treatment by prison guards

## Alleged ill-treatment in Asinara (Island) Prison

Asinara Prison is situated on the island of Asinara, a few miles off the coast of Sardinia. The allegations of ill-treatment concerned prisoners held in the "Fornelli" high security section of the prison between late August and October 1992. The prison was in the process of being closed down and certain parts of the "Fornelli" section had already been abandoned when the government launched its series of anti-mafia measures over the summer of 1992. Between 140 and 150 prisoners accused or convicted of mafia-related offences were transferred to the "Fornelli" section of Asinara Prison at the end of August 1992. The necessary restoration work had reportedly not been completed by the time of their arrival and there were numerous complaints about the general conditions including poor sanitation, inadequate food, poor hygiene, lack of medical facilities and overcrowding.

At the end of October 1992 it was reported that Giordano Otello Galati, a prisoner accused of serious mafia offences, who had been transferred to the "Fornelli" section at the end of August 1992 but had since been transferred back to a mainland prison to stand trial in the town of Palmi, had made a formal complaint regarding his treatment in Asinara Prison. In a written complaint sent to the Deputy Public Prosecutor in Palmi he claimed that, after being searched by prison guards shortly after arrival, he had been left naked for a long period and then beaten by the guards. He claimed that he was given sheets which had been used to clean the floors of a dirty cell and of a lavatory, was denied any lavatory paper for a week and allowed no outside exercise for a three-day period. He apparently also claimed that other prisoners had suffered similar beatings and humiliating treatment. He alleged that, when he was notified that his trial was scheduled to take place in Palmi, the guards had used violence to try to force him to sign a declaration stating that he would not appear in person at the hearing. He refused to sign and claimed that on leaving for Palmi the guards threatened him with further violence on his return.

At the same time it was reported that a practice of lawyers in Milan had written to the Minister of Justice alleging that, following a visit to the "Fornelli" section by a group of parliamentary deputies in September 1992, during which numerous prisoners had complained about their treatment, the prisoners had been subjected to severe beatings by prison guards.

# Alleged ill-treatment in Buoncammino Prison (Cagliari, Sardinia)

On 23 November 1992 a Sardinian daily newspaper, L'Unione Sarda, published extracts from a letter which it had received from a group of 79 prisoners held in Buoncammino Prison. In addition to complaints about their general conditions of detention the prisoners alleged that they had been the victims of an unprovoked physical attack by prison guards. They stated that at approximately 11pm on 21 July 1992, prison guards entered their cells and, for reasons unknown to them, had subjected them to severe beatings with batons. They claimed that after the beatings they had extensive bruising all over their bodies<sup>4</sup>. They also alleged that the prison director had transferred the most severely injured prisoners to other prisons so that they would be unlikely to be seen by their relatives for several weeks, by which time their injuries would be less noticeable.

On the day the newspaper published the allegations, Dott. Franco Melis, the Public Prosecutor (*Procuratore della Repubblica*) interviewed the prison director and obtained a full copy of the prisoners' letter. He opened an inquiry into the allegations of ill-treatment later that day and gave public assurances that the inquiry would be carried out thoroughly and rapidly.

#### Alleged ill-treatment in Canton Mombello Prison (Brescia)

On 16 July 1992 seven prison guards reportedly intervened to calm an altercation between prisoners in Canton Mombello Prison on the outskirts of Brescia. Immediately afterwards they allegedly dragged Gian Carlo Ragnoli, a prisoner serving a two-year sentence for possession of hashish, from his cell by his hair and beat him within sight of other prisoners while taking him away. When he had not returned to his cell that evening fellow-inmates began banging on the bars of their cells and exploded several small camping-gas cylinders in an act of protest. It was claimed that Gian Carlo Ragnoli was not involved in the initial fracas.

Gian Carlo Ragnoli was subsequently admitted to the prisoner's section of the surgical ward of the local hospital and on 20 July received an operation for a fractured nasal septum. The press reported that on admission to hospital Gian Carlo Ragnoli had, in addition,

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<sup>&</sup>lt;sup>4</sup> "Il 21 luglio 1992, martedì, alle ore 22 circa, per motivi non precisati siamo stati picchiati dalle guardie ... tutte le guardie entravano con appositi manganelli massacrandoci e pestandoci lasciandoci grossi lividi in tutte le parti del corpo"

multiple bruises to his body and blood in his urine. It was also reported that his lawyer subsequently submitted a formal complaint to the Public Posecutor's office in connection with this episode.

#### Alleged ill-treatment in Gazzi Prison (Messina)

On 24 June 1992 Carmelo La Rosa, a 29-year-old heroin addict, appeared before Messina Appeal Court, Sicily, for a hearing of his appeal against an eight-year sentence which he was serving in Gazzi Prison.

He informed the court that, as a heroin addict, he was subject to severe drug withdrawal crises and that after each such crisis, when sedative drugs had been administered by the prison's medical personnel, the prison guards beat him with batons. He alleged that the marshal of the prison guards had justified this treatment to him by accusing him of only pretending to suffer such crises. He removed his clothing while in the courtroom and claimed that the injuries visible on his body had been caused by blows from batons and had been inflicted by prison guards over the immediately preceding days.

The court acknowledged that there were clear signs of violent blows caused by a blunt instrument on Carmelo La Rosa's chest and shoulders and ordered that his statement be immediately passed to the Public Prosecutor (*Procuratore della Repubblica*) attached to Messina Tribunal (the lower court) so that he, as the responsible judicial officer, could issue an urgent order for Carmelo La Rosa to be examined by the director of Gazzi Prison clinic, immediately on his return to the prison. The court also reduced Carmelo La Rosa's original sentence to six years' imprisonment.

Carmelo La Rosa was readmitted to Gazzi Prison later that same day and imprisoned in a cell containing one other prisoner. However, the Public Prosecutor apparently neglected to order his medical examination. During the night of 24/25 June, Carmelo La Rosa was found dead, hanging by the neck from a trouser-belt tied to the bars of his cell-window.

On hearing the news of his death on 25 June, his lawyer made a formal, signed, statement to the Public Prosecutor describing the allegations which his client had made to him just before appearing in Messina Appeal Court. Carmelo La Rosa had claimed that he and 17 other detainees, all fellow drug addicts, had been isolated in Gazzi Prison and beaten by prison guards. He had also alleged that, after his last beating, the guards had threatened him with the following words: "If you denounce us we'll hang you". The lawyer stated that he had urged him to denounce his ill-treatment to the court but advised him to make no reference to the alleged threat because, as no supporting evidence could be offered, he considered it possible that his client would thus lay himself open to a counter-charge of calumny.

An investigation was opened by Deputy Public Prosecutor Gianclaudio Mango. It was reported that, shortly afterwards, the prison guards justified the use of physical violence against Carmelo La Rosa and other detainees by stating that it was necessary in order to subdue a prison revolt.

On 16 July Carmelo La Rosa's mother submitted a complaint to the Prosecutor General (*Procuratore Generale* - the prosecutor attached to the Appeal Court), constituting herself a civil party. The complaint summarized the allegations which her son had made both to his lawyer and to Messina Appeal Court. It also recalled the signs of injury displayed to and noted by the appeal court, the request for the Public Prosecutor to order an immediate medical examination and pointed out that the Public Prosecutor's office did not appear to have acted upon this request. The complaint asked that the investigation already being carried out by the Public Prosecutor should be accompanied by an investigation by the Prosecutor General in order that all those responsible for criminal acts, including acts of omission or neglect, might be identified.

#### Alleged ill-treatment in Padua District Prison

In October 1992 it was reported that Biagio Mazzara, an immate of Padua District Prison, had been ill-treated by one or more prison guards, while receiving treatment for kidney stones in the prison infirmary.

It was claimed that, following an altercation with a prison guard, Biagio Mazzara was persuaded to go outside the infirmary on a pretext and was then beaten by one or more prison guards.

Biagio Mazzara's lawyer reportedly lodged a formal complaint on his client's behalf with the magistrate of surveillance<sup>5</sup> reponsible for Padua Prison in which it was alleged that Biagio Mazzara had been punched, kicked, beaten with a belt buckle and had had burning cigarettes extinguished on his forehead. The judge subsequently ordered that a forensic examination be carried out on Biagio Mazzara. The findings of the forensic examination were apparently consistent with Biagio Mazzara's allegations of ill-treatment.

### Alleged ill-treatment in Pianosa Island Prison

During August and September 1992 Amnesty International received a number of allegations that prisoners held in the "Agrippa" 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.

<sup>&</sup>lt;sup>5</sup> A magistrate with - *inter alia* - specific responsibility for monitoring the treatment of the inmates of prisons under his/her charge

It was reported that all the prisoners held in the "Agrippa" high security section were being held under Article 41-bis of the Penitentiary Regulations. 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.

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

<sup>&</sup>lt;sup>6</sup> See Background

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>7</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". 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" 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" Amnesty International sent a further letter to the Minister, seeking information about the official steps taken as a result of the magistrate's findings.

Amnesty International was also concerned by the magistrate's account of several incidents which he described as involving "gratuitous and illegal brutality" 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

<sup>&</sup>lt;sup>7</sup> "di estremo disagio: paura, senso di precarietà"

<sup>&</sup>lt;sup>8</sup> "sicuramente non improntate al rispetto della persona ed a principi di umanità"

<sup>&</sup>lt;sup>9</sup>"un quadro generale di sopraffazione e di carenza di controlli dirigenziali"

<sup>&</sup>lt;sup>10</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'integrita fisica e psichica delle persone"

<sup>&</sup>lt;sup>11</sup>"gratuita ed illegale brutalità"

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.

## Alleged ill-treatment in Poggioreale Prison (Naples)

It was alleged that approximately four days before their transfer from Poggioreale Prison in mid-July 1992, between 200 and 250 prisoners under investigation or already convicted in connection with mafia-related offences were ill-treated by prison guards. The great majority of them, some 200, were transferred to Spoleto Prison.

The allegations did not become public until the end of August 1992 when a group of parliamentary deputies attached to the European Federalist Group (*Gruppo Federalista Europeo*) reported that they had received complaints from relatives of the Poggioreale prisoners transferred to Spoleto Prison in mid-July and addressed a formal parliamentary question on the matter to the Minister of Justice.

The deputies reported that the relatives claimed that prison guards called between 200 and 250 prisoners one by one to the isolation cells in Poggioreale Prison during an exercise period and that many of them were then severely beaten by the guards.

In January 1993 the then Minister of Justice, Claudio Martelli, wrote to Amnesty International stating that, following the letters of inquiry which he had received from the organization concerning official investigation of the allegations, he had entrusted a special assistant to carry out an inquiry into the alleged ill-treatment of July 1992. He added that the prison director of Poggioreale had informed him that no ill-treatment had been perpetrated against prisoners at that time. The Minister also said that "misunderstandings could have been created" by the fact that "a special treatment" provided for under Article 41-bis of the Penitentiary Regulations<sup>12</sup>, allowing "severe restrictions for criminals condemned for mafia

<sup>&</sup>lt;sup>12</sup>See Introduction

activities", had been applied to some of the prisoners held in Poggioreale during the period in question.

In concluding his letter the Minister said that, although he had full confidence in the thorough report he had received from his special assistant, he had instructed the competent department within the Ministry of Justice to request the Public Prosecutor of Naples to open an official investigation into the alleged ill-treatment of July 1992. He gave assurances that Amnesty International would be kept informed about the results of the investigation.

Further allegations of ill-treatment emanated from Poggioreale Prison in early 1993. In February 1993 female relatives of prisoners held in Poggioreale, including drug-dependent prisoners held in connection with drug-related offences, as well as prisoners held in connection with mafia-related offences, carried out protests outside the prison.

The protests followed the application of a series of restrictive measures to Poggioreale Prison inmates, which had been introduced on the orders of the Minister of Justice after the killing of a Poggioreale prison guard by the Camorra (the Naples mafia) near his Naples home at the beginning of February 1993. The new restrictions reportedly included a reduction in monthly visits, incoming mail, telephone calls and in the daily exercise periods.

During the protests relatives alleged that prisoners were subjected to ill-treatment in Poggioreale Prison. The all-party Parliamentary Committee for Prison Affairs (*Commissione parlamentare per gli affari penitenziari*) in Rome received numerous letters in which Poggioreale inmates alleged that they had been ill-treated by prison guards. Several of these allegations were accompanied by medical certificates issued by the prison authorities in which the injuries recorded on several prisoners were apparently attributed to their having fallen accidentally from their beds.

The Director General of Prison Administration visited the prison on 17 February 1993 and in public statements dismissed the allegations of ill-treatment as having no foundation.

### Alleged ill-treatment in Regina Coeli Prison (Rome)

According to press reports Alessandro Ruver, aged 32, 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 that 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 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" <sup>13</sup>

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.

It was reported that, following the family's allegations, Rome Deputy Public Prosecutor, Diana De Martino, opened an investigation into the alleged ill-treatment of Alessandro Ruover and the circumstances surrounding his death, ordering the exhumation of his body and a new autopsy.

On 30 April 1992 the UN Committee against Torture, during its consideration of Italy's first report on its implementation of the provisions of the UN Convention against Torture, raised the case of Alessandro Ruver with the Italian delegation. The delegation stated that both an administrative and a judicial inquiry had immediately been opened into the circumstances of Alessandro Ruver's death and were still under way. The Committee asked to be informed of the eventual outcome of the investigation and of any resulting criminal proceedings.

#### Alleged ill-treatment in Secondigliano Prison (Naples)

On 15 December 1992 the president of the lawyers practising in the criminal court of Naples Tribunal and the secretary of a local lawyers' union presented a report to the Naples Public Prosecutor requesting the immediate opening of a judicial inquiry into alleged ill-treatment of prisoners held in Secondigliano Prison.

The lawyers' representatives stated that they had received reports from their colleagues about "systematic beatings and gratuitous ill-treatment" being inflicted on inmates of Secondigliano Prison by prison guards. They refused to identify individual alleged victims by name, explaining that the prisoners had stated that they feared retaliation.

In January it was reported that a parliamentary deputy representing the Socialist Party had raised the allegations in a parliamentary question addressed to the Minister of Justice.

<sup>14</sup> inflammation of the brain membrane

<sup>13 &</sup>quot;stato confusionale"

<sup>15 &</sup>quot;sistematici pestaggi e gratuiti maltrattamenti"

The question sought information on the steps being taken to investigate the alleged ill-treatment. It was subsequently reported that that the Public Prosecutor's office in Naples had opened a judicial inquiry into the alleged ill-treatment at Secondigliano Prison, headed by Deputy Public Prosecutor Maurizio Fumo.

On the night of 28 January 1993, the Deputy Prosecutor, accompanied by a forensic doctor and a *carabinieri* unit, carried out an inspection at the prison in the context of the judicial inquiry into alleged ill-treatment. According to press reports published a few days after the inspection, they saw a number of prisoners bearing signs of physical injury. The forensic doctor apparently indicated his conclusion that the injuries found on two prisoners had not been caused by deliberate physical ill-treatment. However, he apparently made no immediate statement regarding the possible cause of the injuries displayed by other prisoners.

In a public statement made at the beginning of February, the secretary of the local lawyers' union indicated that Secondigliano inmates continued to make allegations of ill-treatment by prison guards. At the same time, a local newspaper reported that since the summer of 1992 it had received numerous letters from Secondigliano inmates alleging ill-treatment. The letters claimed that those most likely to be beaten by the prison guards were drug-dependent prisoners.

Prior to a visit of inspection to the prison carried out by the Parliamentary Committee for Prison Affairs (*Commissione parlamentare per gli affari penitenziari*) on 18 February 1993, the Committe's president stated publicly that the Committee had received numerous letters from Secondigliano inmates complaining about conditions within the prison and alleging ill-treatment. The Radical Party also reported receiving allegations of ill-treatment from Secondigliano inmates.

In April 1993 the press published an extract from a letter sent to Naples Deputy Public Prosecutor Maurizio Fumo by Gennaro Russo, a prisoner who had recently been transferred away from Secondigliano Prison in order to receive medical treatment. In his letter he asked not to be returned to Secondigliano and apparently stated: "I shake with fear at the idea of going back in there. I suffer from a slipped disc and every time I asked for an operation I was beaten, humiliated and insulted ..."

On 26 April the commandant of the prison guards at Secondigliano Prison and five superintendents were suspended from duty for a preliminary period of two months in connection with possible criminal charges, including abusing their authority, striking prisoners and giving false testimony. The commandant is suspected of having instigated the beating of Secondigliano inmates by prison guards and of opening the prisoners' outgoing mail and threatening them with further violence if they failed to remove passages referring to their alleged ill-treatment. At the end of April a further 60 to 70 guards were reportedly under judicial investigation in connection with the alleged ill-treatment of prisoners.

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<sup>&</sup>lt;sup>16</sup>"Mi vengono i brividi di paura all'idea di tornare lì dentro ... Sono malato di ernia del disco, e non potevo chiedere un intervento che venivo picchiato, umiliato e offeso ...."