

EXTERNAL

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ITALY

@THE ALLEGED ILL-TREATMENT OF MAHREZ CHANOUF AND SALIM SFOULI BY POLICE OFFICERS IN MILAN

Mahrez Chanouf, a Tunisian national and Salim Sfouli, an Egyptian national, both 18 years old and resident in Italy, were arrested by the Milan police at approximately 4.45am on 19 August 1993. Amnesty International is concerned about allegations of ill-treatment made both by eye-witnesses to the arrests as well as by Mahrez Chanouf and Salim Sfouli themselves. The organization is seeking information from the Italian authorities concerning the judicial and administrative investigation of the allegations.

The arrest of Mahrez Chanouf and Salim Sfouli followed a car-chase involving the vehicle which they were driving, which the police believed to be stolen, and two police cars carrying a total of four officers. The chase ended when their vehicle crashed into a tree in viale Tibaldi, Milan, after running into one of the police cars.

Later that morning, at approximately 6.30am, Radio Popolare, a Milan-based radio station broadcast an anonymous telephone call from a man who claimed to have witnessed the arrests from his nearby apartment. Some extracts from his telephone call are quoted below.

"They pulled them out, handcuffed them behind their backs, put them under a tree and started to kick and punch them. At that time there were still only four police officers and two cars. Afterwards others started to arrive, continuously, in the end there were nine cars and as the cars arrived the policemen got out and they hit them too. I did not count them but there must have been around a dozen; if there were two in every car, there must have been a minimum of 18, including men and women. When the two were handcuffed and on their knees they started to punch them and then just kicks, kicks, kicks, even when they were lying on the ground they kicked them - in the back, on their legs and on the back of their necks. There was a mass of police, they were in a circle around those two poor wretches, and they were all giving them kicks ... Things must have gone on like this for a quarter of an hour, perhaps 20 minutes, sometimes with breaks, but short breaks of around two minutes ... The main beating had already finished when the police cars started to go away and a Croce Verde (Green Cross) ambulance arrived ... The police cars .. made a terrible noise. Someone shouted from a balcony "That's enough now, you're killing them", but the police shouted back at them. They only calmed down when the ambulance arrived. The Croce Verde people stayed there half an hour, they talked to the policemen ... they discussed things for a long time before they filled in their white forms and went off without even touching the two who were handcuffed on the ground, one on his knees and the other leaning against the tree. At 6.30am the police threw them in a car and carried them away ..."

A female caller contacted the radio station later in the day claiming that she too had witnessed the arrests in viale Tibaldi and confirming the first caller's account. Press reporters who interviewed inhabitants of viale Tibaldi during the day also claimed that several had confirmed the accounts given to *Radio Popolare* and had told them that police threatened and shouted abuse at those who tried to intervene verbally to stop the beatings.

When questioned by the media on 19 August Milan's Chief of Police stated that the written reports drawn up by his officers made no reference to the events described by the anonymous telephone callers. He emphasized that the arrests had taken place after a dangerous car chase and had ended in a violent struggle. However, he stated that, if true, there would be no justification for the behaviour described by the telephone callers. He indicated that after arrest Mahrez Chanouf and Salim Sfouli were taken to a local police station and then to the local Fatebenefratelli hospital for tests to establish their correct ages (both had claimed to be minors). Hospital staff diagnosed injuries, consisting of cuts and bruises, which would take an estimated three days to heal. The detainees were then returned to the police station to await a court appearance the next day. The *Croce Verde* issued a statement indicating that their staff had witnessed no violence while at the scene of arrest, had seen no signs of violence on the two detainees who had not complained of any ill-treatment; they had not thought there was any need to transfer them to hospital.

Mahrez Chanouf and Salim Sfouli appeared in court in Milan on the morning of 20 August to be tried under the summary procedure (*processo per direttissima*) applied in cases of detainees caught in *flagrante delicto*. They were accused of stealing a car (*furto d'auto*) and resisting arrest (*resistenza a pubblico ufficiale*). Press reports describing their appearance in court stated that Salim Sfouli had a black eye, a swollen jaw, cuts on his back and on his knees and a noticeable red mark around one of his wrists, apparently caused by tight handcuffs at the time of arrest. Mahrez Chanouf had various small cuts and bruises on his body. A forensic examination had apparently been unable to establish whether their injuries had been sustained through the car crash or by other means.

Both men admitted stealing the car they were driving in the early hours of 19 August (both apparently have a record of car theft) and stated that they had earlier taken drugs. They claimed that they were dazed after the crash, that the police carried firearms as they approached the car and that they then pulled them out by their hair and started to kick and punch them. They alleged that they were repeatedly kicked and punched by numerous police officers both on the street and later in the police station and that the officers had worn gloves in order not to leave marks. They said that the police sent the *Croce Verde* ambulance away.

The court decided to drop the charge of theft against them but maintained the charge of resisting arrest. Both were placed in provisional liberty and a further hearing was scheduled for 25 August, to allow the court to collect further relevant evidence.

The official police report on the arrests, read out to the media by Milan's Chief of Police on the afternoon of 20 August, stated that when the car in which Mahrez Chanouf and Salim Sfouli were travelling crashed, the police approached to arrest them and administer first aid. However, the occupants

of the car had injured the first officer who arrived by suddenly pushing the car door open against him; a medical certificate subsequently recorded minor injuries to this officer requiring three days to heal. The police stated that it had been necessary to use a little physical violence to capture Mahrez Chanouf and Salim Sfouli who had continued to resist arrest by kicking and punching them. The police had called a Croce Verde ambulance to the scene but the detainees had refused treatment and later had to be forced to accompany them to the Fatebenefratelli hospital so that their exact ages could be established.

The Chief of Police stated that the hospital's medical reports, recording injuries to Marhez Chanouf and Salim Sfouli requiring only three days to heal, were difficult to reconcile with the kind of ill-treatment being alleged but indicated that if any evidence emerged which established that ill-treatment had indeed occurred then the police authorities would not hesitate to take the necessary measures; meanwhile they were awaiting the outcome of the judicial investigations.

On 25 August the four officers (three male and one female) who had participated in the car chase and who were first on the scene of the crash each made statements to the court. They indicated that Mahrez Chanouf and Salim Sfouli had tried to assault them and/or to escape, that once handcuffed they had been asked to sit down on the ground but had repeatedly tried to get up and kick the police; when the Green Cross ambulance arrived they had refused to be treated or to be taken to hospital.

The Croce Verde ambulance attendants apparently informed the court that when they arrived in viale Tibaldi the police told them that all was well. One of them reportedly stated that the two detainees had asked to be taken to casualty but that he "didn't pay much attention to what they were saying; they didn't appear to have any fractures".

The court heard the recording of the first anonymous phone call made to Radio Popolare on the morning of 19 August but as the man had refused to be identified his statements could not be considered as evidence. However, the female caretaker of an apartment block in viale Tibaldi told the court that she had seen the police pull Mahrez Chanouf and Salim Sfouli out of the car, handcuff them, throw them to the ground and kick and punch them repeatedly.

She said that when she shouted at the police to stop a group of officers came to her ground floor window and told her the two detainees had tried to kill them and that if she did not want to watch, she should close her shutters. She stated specifically that the two detainees had not attempted to escape.

Her testimony was confirmed by her 18-year-old daughter who also appeared in court.

The court found that the evidence given by the police officers contained clear contradictions and that their statements were unreliable. The court acquitted Salim Sfouli and Mahrez Chanouf of resisting arrest but referred the dossier on the affair to the Public Prosecutor's office for further investigation. According to the reports received by Amnesty International Salim Sfouli and Mahrez Chanouf now face possible charges of insulting the police and damaging property (*oltraggio e danneggiamento*) while the four police officers face possible charges of abusing their authority (*abuso d'autorità*) and committing perjury (*falso ideologico*).