

EXTERNAL

AI INDEX : EUR 30/01/94

January 1994

**ITALY: THE ALLEGED ILL-TREATMENT AND DEATH OF ANTONIO
IN TURIN**

MORABITO IN POLICE CUSTODY

Antonio ('Nino') Morabito, a 32-year old heroin addict and AIDS sufferer with a long criminal record for robbery, was arrested by Turin police in the densely populated Turin suburb of Mirafiori Sud on 18 December 1993. The arrest was in connection with a robbery which had taken place on a Turin street earlier that day. He was taken to a central police station but within a short time of his arrival was transferred by ambulance to a city hospital. He died en route.

Around a month earlier Antonio Morabito had obtained an early release from prison under a provision of Italian law which does not allow people diagnosed as suffering from terminal AIDS to serve custodial sentences. Since leaving prison he had been detained by Turin law enforcement agents on a number of occasions in connection with various offences but released again almost immediately after producing a certificate recording his medical condition.

According to official police statements made immediately after his death, Antonio Morabito had stolen jewellery from a woman on a Turin street shortly after 1pm on 18 December. By 2pm he had apparently exchanged the stolen goods for two doses of heroin. At around that time a police car intercepted him in via Artom in the Mirafiori Sud district. He was driving a stolen car which had been used in other robberies. The police stated that when they gave chase, he abandoned the car and ran off on foot. During the chase the police fired three shots, aimed at his car tyres and into the air. He was eventually caught and taken to a central police station in via Grattoni where he waited calmly in a corridor while police officers interviewed the woman who had earlier been robbed and who identified Antonio Morabito as her assailant. He asked to go to the lavatory because he felt ill but suddenly lost consciousness before he could reach it. An ambulance was called and he was taken to Turin's Mauriziano Hospital but died during the journey. The time of his death was recorded as 3.13pm.

Following the arrest and death of Antonio Morabito the offices of the Turin-based national daily newspaper La Stampa and the Morabito family received numerous telephone calls from residents of via Artom, who claimed to have observed his arrest and disputed the police account. Their allegations were widely reported in the local media. The majority of the eye-witnesses identified themselves by name and alleged that after

handcuffing him police officers kicked and punched him, hit him with the butt of a gun, grasped him by the throat and fired a shot close to his head. Some claimed that when the police first arrived in via Artom Antonio Morabito was not inside the car and that several police cars had gathered at the scene of arrest. For example, Vincenzo Montemurro, a resident of a high rise apartment block at number 99 via Artom said: "He was seated on a garden bench... after having bought ... heroin ... and was going towards the car when the police arrived. He was surrounded by six or seven police cars. Then Nino fled, he climbed over the gate of the kindergarten while they began firing at him, shouting at everyone to keep back. Then they got him, handcuffed him and beat him. One police officer took him by the throat and fired a shot into the ground right next to his head".

Emilia Allora, also a resident of number 99 stated "I am on the eighth floor, I heard a shot and shouting. Then I saw him being beaten like an animal. We were shouting: 'They're killing him, they're killing him, someone call an ambulance, call La Stampa'." Her account was reportedly confirmed by Addolorata di Giorgio on the seventh floor and Rosario Gumina and Gino Marino on the ninth floor of the same apartment block: "As we were shouting from the windows they pointed their guns at us and shouted: 'We'll kill you too, you bastards, stay inside'." An anonymous female witness, also resident on the ninth floor stated that "Even that high up I could hear the noise of the blow the policeman gave him on his head with the butt of his pistol".

The Turin Chief of Police publicly rejected these allegations and stated that some of the residents of via Artom had thrown objects at the police and had attempted to help Antonio Morabito escape arrest. He added that it was not the first time that residents of

via Artom had tried to prevent the arrest of a habitual criminal offender. Only one police car had been used in the arrest operation, but a second had been called out as a reinforcement when the residents began to throw missiles at the police. He reiterated that the police had first intercepted Antonio Morabito while he was in his car but when the officers approached his car he drove off again, attempting to run them down. After he abandoned his car he ran off and was chased over two gates. The Chief of Police stated that Antonio Morabito resisted arrest and the police were, therefore, obliged to use some force but that this could not be called "brutality". He said that the detainee was "of a slight build and that it was not necessary to use too much force to handcuff him, let alone hit him with the butt of a gun or fire a shot close to his head". He indicated that, apart from a few bruises incurred while escaping, Antonio Morabito's body showed no sign of injury. He pointed out that the deceased was a sick man in the terminal stages of AIDS and speculated that his death had been brought about by the exertion of the chase prior to his arrest.

Turin Deputy Public Prosecutor Alessandro Prunas immediately opened a judicial investigation into the circumstances surrounding the arrest and death of Antonio Morabito and the Morabito family constituted itself a civil party to the proceedings. The Deputy Prosecutor publicly invited potential eye-witnesses to the arrest to report to his office for interview; he began hearing the witnesses on 22 December. He also ordered an autopsy and various forensic tests to be carried out on the deceased in order to establish whether Antonio Morabito had been beaten, the exact cause and time of his death and whether he had taken drugs shortly before his death. The autopsy was carried out on 22 December by professor Tappero of the Turin Institute of Forensic Medicine, assisted by professor Baima Ballone, a forensic specialist representing the Morabito family. The autopsy was observed by a specialist from the police force.

In press interviews Antonio Morabito's family stated he had often been detained by police and carabinieri in Turin and claimed that he was regularly beaten on these occasions. They said that about a month before his death the police had detained him following a robbery carried out against an elderly woman. As on other similar occasions, Antonio Morabito had shown the medical certificate which indicated that he was suffering from terminal AIDS and could not, therefore, be imprisoned. The family alleged that he arrived home bent over double, having been kicked several times in the stomach by police officers. They also alleged that a week before his death, after a carabinieri patrol had stopped him on the street and taken him to their barracks, he returned home with a black eye inflicted by the carabinieri.

The family stated that when they viewed his body in the mortuary he had numerous bruises, particularly to his face and neck, not including the black eye which they claimed had been inflicted by the police the previous week.

The preliminary findings of the autopsy, reported on 23 December, established that Antonio Morabito had suffered serious internal injuries resulting in a stomach haemorrhage which had caused his death. It apparently also found injuries to his head. Eye-witnesses to the arrest continued to claim that the injuries had been inflicted by the police but the police put forward the hypothesis that the injuries could have been incurred when Antonio Morabito climbed over the gate of the kindergarten while trying to escape arrest. Further investigations are being carried out to establish the cause of the injuries.

On 27 December *avvisi di garanzia* (that is, official notifications that preliminary investigations are being carried out in connection with possible illegal acts) were issued to the two arresting police officers in connection with possible crimes of *omicidio preterintenzionale* (manslaughter).

Amnesty International is concerned by the contradictory versions of the circumstances surrounding the arrest and death of Antonio Morabito and, therefore, welcomed the prompt opening of a judicial investigation. It is seeking the cooperation of the Italian authorities in informing the organization of the eventual outcome of the judicial investigation into the events of 18 December 1983 and of any further judicial or administrative proceedings arising from it.