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ITALY: THE ALLEGED ILL-TREATMENT OF MARCO MAGGI AND MAATI EL ADNAOUI BY MEMBERS OF THE STATE POLICE IN BOLOGNA

Amnesty International is concerned at the alleged ill-treatment by Bologna police officers (*Polizia di Stato*) of Marco Maggi, an Italian citizen, in April 1999 and of Maati El Adnaoui, a 28-year-old Moroccan citizen, in May 1999. In a complaint submitted to the judicial authorities, Marco Maggi, a 30-year-old graphic designer, stated that an officer subjected him to physical ill-treatment and verbal insults after seeing him deface a poster in a street in the northern city of Bologna. He claimed that a second police officer failed to intervene to stop the ill-treatment. Marco Maggi was subsequently accused of refusing to comply with a legitimate request to supply details of his identity to a public officer and of defacing property. A complaint lodged by Maati El Adnaoui claims that he was repeatedly punched in the face by police officers after they were called to the scene of his brother's collapse in the street.

Amnesty International's concern in these cases is based on Article 1c) of its Statute under which it opposes the torture and cruel, inhuman or degrading treatment of any prisoner or detained person, without reservation. The organization is seeking confirmation from the Italian authorities that thorough and impartial investigations are being conducted into the formal complaints of ill-treatment lodged by Marco Maggi and Maati El Adnaoui in May 1999, and asking for their cooperation in informing Amnesty International of their progress and eventual outcome of the investigations.

The case of Marco Maggi

The following account is based on a complaint (*denuncia-querela*) which Marco Maggi lodged with the judicial authorities on 19 May 1999. The complaint, supported by medical certificates, was addressed to the Bologna Public Prosecutor's Office.

At approximately 12.15am on 21 April 1999 Marco Maggi was seen by a two-man police patrol in the central reservation of viale Masini, Bologna, defacing an election poster depicting mayoral candidate, Giorgio Guazzaloca¹. Taken by surprise by the approaching police patrol, he ran off in the direction of via del Borgo di S. Pietro, pursued on foot by one of the police officers. Momentarily catching up with him in the central reservation of the busy road, the officer attempted to trip up Marco Maggi into the path of speeding vehicles. The pursuit ended when two vehicles blocked Marco Maggi's path.

¹Giorgio Guazzaloca was elected mayor following municipal elections held in Bologna in June 1999.

Marco Maggi claimed that after causing him to fall to the ground, the officer punched him in the face with such force that the glasses he was wearing were thrown some one and a half metres. He then proceeded to kick him, first in the left thigh and then in the buttocks, stopping only to alter the direction of his kicks. He then knelt with one knee on his head, pressing it hard against the road surface for approximately two minutes ignoring his protests of pain. During the alleged assault, the officer verbally insulted Marco Maggi: "...you are a shithead!...That will teach you to go around drawing masks [on posters]."²

According to Marco Maggi's complaint, the officer roughly pulled him up from the ground by his jacket, ripping it in the process, then dragged him down the road for approximately two metres and handcuffed him to the railings of a nearby church. He then asked him to produce his identity papers. Marco Maggi maintained that he tried to comply with this request but that, with only one free hand, he had difficulty reaching around behind his body to retrieve his papers from a rear trouser pocket. Marco Maggi stated that at this point the police officer became impatient with his fumbling and pulled out the documents himself.

Marco Maggi said he requested assistance from a member of the Municipal Police (*vigilessa urbana*) but that she was ordered away by the police officer. Subsequent attempts by Marco Maggi to seek assistance from passers-by provoked a volley of verbal abuse by the police officer. In his complaint, he noted that at no point during the incident did he resist the officer nor did he retaliate. Before releasing him on the street, the officers returned his glasses which had been damaged. He stated that without his glasses the incident was made that much worse owing to his severe shortsightedness.

Marco Maggi claimed that he tried to register a complaint against the police officer with the officer's colleague, but his request was refused, as was his request for the officers to identify themselves to him. In the presence of two passers-by he again attempted to register a complaint with the police officers, who were about to drive away, but he was ignored.

Accompanied by a passer-by, Marco Maggi went immediately to the Casualty Department of S. Orsola Hospital. A medical report issued in the early hours of 21 April 1999 noted Marco Maggi's claim that his injuries were caused by blows. This and subsequent medical reports issued by doctors at the same hospital recorded injuries or symptoms which appear compatible with his allegations. These included: multiple contusions; minor head trauma; bruising to his left thigh; swelling and bruising to his right cheek bone, and abrasions to his face, including the bridge of his nose, and to his wrists. He further complained of headaches and pain in his right arm, left knee, right buttock and right wrist.

On 6 May 1999 this case was the subject of a parliamentary question to the Minister of the Interior. The parliamentary question referred to a statement by the Bologna Chief of Police, who reportedly said that the injuries sustained by Marco Maggi were as a result of him and the police officer accidentally and simultaneously falling to the ground.

Following the incidents of 21 April 1999 the police accused Marco Maggi of refusing to comply with a legitimate request to supply details of his identity to a public officer (*rifiuto d'indicazioni sulla propria identità personale*, art 651 of the Penal Code) and of defacing property (*deturpamento e imbrattamento di cose altrui*, art 639 of the Penal Code). It has been reported that the Public Prosecutor's Office subsequently requested that he be tried and sentenced in connection with the first offence but that no action should be taken on the second.

²"...sei uno stronzo!...Così impari a fare le mascherine in giro." (taken from Marco Maggi's complaint). The Italian daily newspaper, *Il Manifesto*, reported on 23 May 1999 that in the period leading up to this incident a number of posters showing Giorgio Guazzaloca had been defaced by persons unknown. The defacing took the form of bandit masks.

The case of Maati El Adnaoui

In a formal complaint (*denuncia-querela*) lodged at the offices of the Bologna Carabinieri on the night of 2 May 1999 Maati El Adnaoui, a Moroccan national with a valid residence and work permit for Italy, stated that, while in the vicinity of via del Fossato, a street in Bologna, with his brother Hassan, in the early hours of 1 May 1999, his brother suddenly collapsed and lost consciousness. He said that he asked people living nearby to call the emergency ambulance service. An ambulance arrived at the same time as a squad of police officers. He said that, while he was kneeling near his brother, a female police officer grasped him by the neck, and tried to force him to his feet. He said that when he protested that it was his brother lying on the ground, the officer told him that the police would now see to things; a male officer then intervened, telling him to be quiet and suddenly punched him in the face three times. Several more officers then arrived and forced him to lie face down on the ground, handcuffed him and escorted him to a police car. He alleged that an officer seated next to him in the car punched his face several more times during the transfer to the Aliens Bureau (*Ufficio Stranieri*) where he was held for approximately two hours before being released. In his complaint he stated that he believed that the police officers' behaviour arose from his repeated and insistent requests that he be allowed to accompany his brother to hospital in the ambulance.

Meanwhile, his brother had been taken to the Maggiore Hospital in Bologna and after his release from police custody Maati El Adnaoui proceeded to the hospital to find his brother and to seek treatment for his own injuries. His complaint was accompanied by a medical certificate issued by the Casualty Department (*Pronto Soccorso*) of the Maggiore Hospital on 2 May 1999 and which recorded, *inter alia*, that Maati El Adnaoui had been examined on 1 May 1999, that he had alleged being beaten by police officers and that he had suffered a rebound or 'whiplash'³ injury to the neck (*trauma da contraccolpo rachide cervicale*). He would require some five days to recover from his injuries.

While at the hospital, police officers informed him that his brother Hassan had fallen from a second floor hospital window and had died that morning (1 May). The exact circumstances of the death were unclear. A criminal investigation (*procedimento penale n 454/99*) was opened by the Bologna Public Prosecutor's Office which ordered that an autopsy be carried out on the body of Hassan El Adnaoui on 6 May 1999. A doctor representing Maati El Adnaoui was allowed to be present at the autopsy. Amnesty International understands that further forensic tests were also ordered by the Public Prosecutor's Office.

On 10 May 1999 Maati El Adnaoui and his brother Said, lodged a complaint with the judicial authorities in which they said that they had learnt from a press report published on 3 May 1999 (which indicated that the content was based on information supplied by police and hospital staff) that their brother was said to be in an agitated state while at the hospital and that doctors were forced to call in officers from the hospital police post in order to help subdue him. The press report suggested that Hassan El Adnaoui was extremely drunk and had insisted on leaving the hospital and in an apparent attempt to do so, had fallen out of the hospital window. Maati and Said El Adnaoui stated that when they were allowed to see their brother's body in the mortuary on 1 May they noted various visible injuries to his face, head and body and claimed that the doctor who represented the family at the autopsy had indicted that the injuries sustained were not compatible with a fall from the second floor window. They stated that they did not believe the press version of events to be accurate and urged the judicial authorities to carry out further inquiries to clarify the full circumstances of the death of Hassan El Adnaoui.

³Injury to the neck sustained when a person is hit in the face by something or someone, and the neck absorbs the recoil.

The official results of the autopsy and other forensic tests had not been issued by the beginning of August 1999 and the circumstances of the death remain unclear at the time of writing.

BACKGROUND INFORMATION

In May 1999 the United Nations (UN) Committee against Torture examined Italy's third periodic report on its implementation of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Amnesty International took the opportunity to bring to the attention of the Committee and the Italian government some of its recent concerns relating to alleged torture and ill-treatment by law enforcement officers and prison officers in Italy and by members of the Italian armed forces in Somalia.

In its 30-page submission to the Committee, published in May 1999 under the title *Italy: A briefing for the UN Committee against Torture* (AI Index: EUR 30/02/99), Amnesty International expressed concern that, although Italy has adopted a number of administrative and legislative measures designed to combat use of torture and ill-treatment, in the organization's experience, these are not fully respected in practice. The briefing also summarized the main findings about the ill-treatment of detainees and prisoners which had been issued by various inter-governmental bodies since Italy's previous examination by the UN Committee against Torture in 1995, including the UN-based Human Rights Committee, the UN Committee on the Elimination of Racial Discrimination, the Council of Europe's Committee for the Prevention of Torture and its Commission against Racism and Intolerance.

Amnesty International pointed out that there are numerous allegations of law enforcement officers inflicting gratuitous and deliberate violence on individuals detained in connection with common criminal offences -- frequently drugs-related -- or in the course of identity checks. The allegations of ill-treatment relate to the moment of arrest and the first 24 hours in custody and concern both Italian nationals and foreigners. A high proportion of the allegations received by Amnesty International concern foreign nationals, many from Africa and a number of Roma.

Amnesty International also expressed concern that the bringing of criminal counter-charges against a high proportion of those alleging ill-treatment by public officers might effectively dissuade genuine victims of ill-treatment from complaining. It also commented that, although judicial investigations are routinely opened when formal complaints are lodged, some appear to lack thoroughness and a number of criminal proceedings relating to such complaints have been subject to excessive delays.

Amnesty International further noted that in January 1995, in the context of a press conference and report relating to illegal acts committed by Bologna Police, including ill-treatment of detainees, the then Minister of Interior indicated that amongst the Ministry's recommendations aimed at preventing the recurrence of such problems in the State Police was a proposal to create a professional code of ethics (*codice deontologico*) for the police. Amnesty International has received no information on the progress of this proposal.

Anyone wishing further details on Amnesty International's recent concerns relating to alleged torture and ill-treatment by law enforcement and prison officers in Italy and by members of the Italian armed forces in Somalia should consult the full 30-page report, *Italy: A briefing for the UN Committee against Torture* (AI Index: EUR 30/02/99) issued in May 1999. This, and other reports documenting the organization's concerns in Italy, is available from the International Secretariat and Amnesty International's Section offices.

