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Concerns in Europe and Central Asia January – June 2004

ITALY

This country entry has been extracted from a forthcoming Amnesty International report, *CONCERNS IN EUROPE AND CENTRAL ASIA: January - June 2004* (AI Index: EUR 01/005/2004) issued in September 2004. Anyone wishing further information on other Amnesty International concerns in Europe and Central Asia should consult the full document.

Asylum and immigration (update to AI Index: EUR 01/001/2004)

AI continued to call for the introduction of a specific and comprehensive law on asylum, in order to guarantee the fundamental right to asylum, recognized in principle in the Italian Constitution and through Italy's ratification of the UN Convention relating to the Status of Refugees. The organization was concerned that, amongst other things, certain provisions of a law on immigration introduced in 2002 (Law 189/2002 – the so-called Bossi-Fini law), and relevant enabling legislation approved by the government at the beginning of July 2004, impeded the effective exercise of the right to asylum and allowed many asylum-seekers to be detained or restricted in their liberty in circumstances over and above those allowed under international standards.

Temporary holding centres for aliens

Thousands of foreigners without a right of residence in Italy, or suspected of not having such a right, were detained in temporary holding centres, commonly known as "Cpts" (*Centri di permanenza temporanea*). They could be held for up to a maximum of 60 days before their expulsion from the country as illegal immigrants, or release, but delays and inefficiencies in the processing system led to some people being detained repeatedly for the maximum period. The centres held foreigners detained on the streets and in the community, as well as foreigners transferred from prison after serving sentences for criminal offences. There were regular reports that the inmates of many centres did not receive satisfactory information about the reason for their detention or their rights, and experienced difficulties in gaining access to the legal advice necessary to challenge the legality of their detention and of expulsion orders. AI was particularly concerned at increasing reports that amongst the inmates were individuals trying to pursue asylum claims, but who were unable to gain access to the asylum determination process and, in some cases, to close relatives living in the country.

Tension in the centres remained high with frequent outbursts of violence and protests, including escape attempts and high levels of self-harm. Information continued to emerge indicating that conditions in a number of centres fell below international standards, with frequent overcrowding, unsuitable infrastructures, unhygienic living conditions, inadequate

access to fresh air, unsatisfactory diets and inadequate or inappropriate medical care. In addition, several criminal investigations were under way into alleged physical assaults on inmates by security and administrative personnel.

Such reports exacerbated AI's concern about the continuing absence of any permanent, independent monitoring and inspection body, mandated to make regular, unannounced visits of inspection to the Cpts and similar detention facilities, in line with international standards. AI called for the treatment and conditions of the inmates to be brought fully in line with relevant international human rights standards relating to asylum-seekers and all detained persons.

In January, a Roman Catholic priest employed as the director of Regina Pacis temporary holding centre in Lecce (Puglia province), five members of the administrative personnel, two doctors and 11 *carabinieri* providing the centre's security service were ordered to stand trial in connection with the physical assault and racial abuse of inmates in November 2002 (See AI Index: EUR 01/001/2004). The trial opened in May, as scheduled, but after a day was adjourned to October 2004.

The proceedings followed an investigation into a complaint lodged by 17 young North African men who alleged that, after attempting to escape from the holding centre on 22 November 2002, they were among some 40 North African inmates who were kicked, punched, slapped, spat at and subjected to verbal abuse directed at their religious -- Muslim -- beliefs. They claimed some inmates were pinned down by their arms and legs while their assailants tried to force them to eat pork, against their religious beliefs, by pushing it down their throats with a truncheon.

The charges against the 19 defendants included assault and battery, failure to intervene to prevent ill-treatment, falsification of evidence and abuse of the powers of a state officer. The two doctors were accused of falsifying medical certificates. In the course of various violent incidents on 22 November, three *carabinieri* and a number of detainees suffered injuries. It was reported that five of the detainees had fractured limbs and around a dozen suffered cuts and bruises. Of the 17 detainees who made the initial complaint, only 11 decided to pursue the case through the courts and they constituted themselves civil parties to the proceedings, thus formally registering their wish to receive compensation for their treatment. All of them were granted residence permits, renewable every three months, in view of the ongoing criminal proceedings.

A criminal investigation was continuing against a member of the Red Cross administration, and some seven police officers and one *carabiniere* attached to the via Mattei holding centre in Bologna (See AI Index: EUR 01/001/2004). It was alleged that, following an escape attempt by two North African inmates in March 2003, they were involved in a physical assault on them and some 10 other inmates. In November 2003 the judge of preliminary investigation had endorsed the Bologna public prosecutor's request for proceedings to be dropped against a further four police officers because the alleged victims had failed to identify them with certainty as their aggressors.

In January a criminal investigation against persons unknown was opened by the Bologna public prosecutor, following complaints lodged by three former inmates of the holding centre. Darwin Livingston, an Ecuadorian, Lahar Said, a Moroccan, and another foreign national said that they and other detainees had regularly experienced excessive drowsiness and disorientation after eating and drinking at the centre and alleged that they had been given heavy sedative drugs without their knowledge. They attached the results of blood analyses to their complaints which indicated that, shortly after their release from the centre, certain prescription drugs were present in their blood in high quantities. There was

widespread speculation that drugs had been given to inmates in order to keep them in a tranquilized condition.

The Public Prosecutor ordered an extensive inspection of the centre, took samples of the food and drink available to the inmates, seized medical records and checked the drugs held on the premises and administered by the medical personnel. At the end of June the Public Prosecutor's office indicated that, not only had the food and drink taken from the centre for expert analysis not revealed the presence of the drugs indicated in the former inmates' complaints and in their supporting blood analyses, but also that the latter were unreliable. Some of the investigation's findings were being challenged by the lawyers representing the three former inmates.

Alleged police ill-treatment and excessive force on the streets and in police stations

Allegations of ill-treatment by law enforcement officers often concerned members of ethnic minorities, including Roma, and administrative and criminal investigations were under way into numerous allegations of excessive force and physical assault by law enforcement officers in the context of policing operations surrounding demonstrations.

In February concerns were raised in the Chamber of Deputies regarding the case of Gabriele Greco. He was arrested on 3 February, following a street demonstration on the outskirts of Rome and during the brief occupation by some 200 people of nearby unoccupied buildings, in protest against work under way on an adjacent high speed rail line and its repercussions for local residents. There were allegations that police officers used excessive force to clear people, including children, from the buildings. In public statements made on his release the next day, facing charges of violently resisting arrest, Gabriele Greco alleged that, after being handcuffed and transferred to Prenestino police station, a police officer verbally insulted him, punched his head and lashed him with a wet towel whenever he responded. He claimed that, after some five hours of such treatment, he was transferred to Rome police headquarters where he was held overnight, almost naked, in a cold and dirty cell, without food or drink. Within days the police stated that an internal investigation had concluded that the allegations were without foundation and lodged a complaint accusing him of calumny and defamation.

Among the ongoing criminal proceedings were a number relating to policing operations surrounding the mass demonstrations which occurred during the Third Global Forum in Naples in March 2001 and the G8 Summit in Genoa in July 2001 (see previous editions of *AI Concerns in Europe and Central Asia, Italy*).

■ In March a judge of preliminary investigation began examining the Naples Public Prosecutor's request for 31 police officers who worked in the *Caserma Raniero*, a barracks used as a detention facility on the day of the demonstration, to be committed for trial on various charges, ranging from abduction to bodily harm and coercion: some officers were additionally accused of abusing their position as state officers and of falsifying records of statements and searches. In mid-July all 31 police officers were committed for trial. It was scheduled to open in December 2004.

■ In February, a judge ruled that there were no grounds to prosecute the 93 people, of various nationalities, accused of belonging to a criminal association intent on looting and destroying property, who had been detained during an overnight police raid on a building legally occupied by the Genoa Social Forum (GSF), the main organizer of demonstrations which took place during the G8 Summit in Genoa. All the other accusations which had been brought against the 93 in July 2001, which included resisting state officers with violence,

committing theft and carrying offensive weapons and which led to their deportation from Italy, had been dropped in 2003.

■ In March Genoa Public Prosecutor's office submitted a request for 29 police officers involved in the GSF raid to stand trial on various charges, including assault and battery, falsifying and planting evidence and abusing their power as state officers. A judge started to examine the request in court hearings which opened in June. No accusations were brought against scores more law enforcement officers involved in the raid and believed to have also participated in physically assaulting many of the demonstrators sleeping in the building. Apparently they could not be identified because their faces were frequently hidden by riot helmets, masks or scarves during the raid and they displayed no other means of individual identification. AI continued to advocate that Italian practice be brought in line with the European Code of Police Ethics (adopted by the Committee of Ministers of the Council Europe in September 2001) which states that, during interventions, law enforcement officers should normally "be in a position to identify themselves as an individual member of the police." The Committee commented that "without a possibility of identifying the individual policeman/woman, personal accountability ... becomes an empty notion." It is clear that if officers do not display prominently some form of identification - such as a service number - this can prevent the identification of alleged assailants and thus provide them with complete impunity.

■ Genoa Public Prosecutor's office concluded its investigation into the conduct of dozens of officials, including penitentiary staff, medical personnel and law enforcement officers who were on duty inside Bolzaneto temporary detention facility during the G8 period, and through which over 200 detainees held during the G8 summit passed, including the vast majority of those detained in the GSF raid. At the end of June the Public Prosecutor's office was reported to be drawing up a request for some 40 people to be committed for trial but this had not been submitted to the relevant judge by the end of June.

Prisons: ill-treatment, torture and deaths in disputed circumstances

Numerous criminal proceedings, involving large numbers of prison staff, were under way into alleged ill-treatment of individual prisoners and sometimes large groups of prisoners. Some of the proceedings were marked by excessive delays, with a few dating as far back as the mid-1990s. The allegations concerned psychological and physical, including sexual, abuse of prisoners, in some cases carried out systematically and sometimes amounting to torture. The criminal proceedings included at least five into individual prisoner deaths occurring in disputed circumstances between 1997 and 2004

The allegations related to district prisons across the country, including Ascoli Piceno, Avezzano (San Nicola di Avezzano), Belluno, Biella, Bolzano, Cagliari, Caltanissetta (Malaspina), Civitavecchia, Latina, Livorno, Milan (San Vittore), Naples (Secondigliano), Naples (Poggioreale), Nuoro, Palermo (Pagliarelli), Parma, Prato, Potenza, Reggio Calabria, and Sassari (San Sebastiano).

Such reports underlined the need for an independent external monitoring body mandated to make regular, unannounced visits of inspection to places of detention in line with existing relevant international standards -- such as the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment which stresses the importance of independent supervision of detention conditions. It underlines that these principles are *not* merely advisory, they call upon governments to implement and enforce their provisions.

AI also campaigned for Italy to ratify the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the aim of which is “to establish a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment”.¹

AI also continued to call on Italy to respond to the repeated recommendations of various UN treaty bodies and create a specific crime of torture, as defined in the UN Convention against Torture. However, as in previous years, initiatives to introduce such a crime into the Penal Code suffered delays and setbacks.

¹ For further information on the Optional Protocol and the general principles that AI considers should guide the establishment of the national preventive mechanisms see *Preventing Torture at Home – A Guide to the Establishment of National Preventive Mechanisms*, AI Index: IOR/51/004/2004.