



*Dipartimento di Scienze Politiche
Cattedra di Sociology*

The Stefano Cucchi case and the theory of the last

RELATORE Prof. Antonio La Spina

CANDIDATO Giorgio Brugnoli
MATR. 083982

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INTRODUCTION

I don't remember the day of Stefano Cucchi's death. I don't remember reading any news, I don't remember being indignant. Stefano Cucchi entered my life late. I knew little about his story, I had seen the photo of the corpse but I had never been interested in that much. I involuntarily made the reasoning that everyone does: if he was in prison, something must have done. Then the first semester of the third year I went to exchange in Rabat and in Morocco two moments marked me. The first was the kidnapping of my neighbour. She, a gentle fifty-year-old lady, had asked us a week before to cover her because she remained at home unjustifiably from work. Having a fairly basic level of Arabic, I nodded, smiling thinking it was a trivial and normal thing. I never thought that what would happen five days later could be possible. It was evening and her screams broke the silence in a desperate attempt to ask for help. Ten men dragged her weight on a van in the middle of the street. I watched helplessly from the balcony and like me all the inhabitants of Rue Jabal Moussa. I never saw my neighbour again, but I know that after that the house was sold. I often stop to think about what happened... she was my neighbour. About a month later I watched an interview with Ilaria Cucchi and found myself in my Moroccan living room crying. I started thinking: what if it happened to my family? Like the Cucchi family, I have no experience in the judiciary and like me none of my relatives. But what I think is that if my brother were arrested, I wouldn't even expect to find him a week later naked on a table in a morgue. People make wrong decisions and those who make mistakes are right to pay, but not in this way. I cried thinking about the pain of a sister who, in addition to seeing her brother's body reduced in that way, must also fight against a flock of people who tell her that Stefano was a junkie and that he had fallen down the stairs. I decided to write this thesis for the admiration I feel for Ilaria Cucchi and her courage. The story of Stefano repeats too often to say that it is an extraordinary case and can perhaps help to break a long chain known only in part.

CHAPTER ONE:

The Outsiders

All social groups create norms and try, in certain moments and circumstances, to enforce them. Social norms indicate the types of behaviour proper to certain situations, thus defining "right" actions and prohibiting other "wrong" ones. When a norm is imposed, the person presumed to have broken it can be seen as a particular individual who cannot live according to the rules agreed by the group. This type of people is considered as an outsiders¹. However, the person given the outsider label may have another point of view on the issue. At this point a second meaning of the term emerges: the offender of the law can consider his judges as outsiders. The norms can be of two types: they can be formally decreed and introduced into the law and in this case the law enforcement agencies of the State can be used to enforce them. In other cases, they represent informal, recent or traditional convictions. In fact, informal regulations can be extinguished due to application deficiencies. Furthermore, the extent to which a person is an outsider varies from one case

¹ Outsiders. Howard S.Becker

to another. Our company has taught us that the person who commits an infringement of the highway code or who drinks a little too much at a party is not altogether very different from the rest of us. Our society has taught us to see a thief as less similar and therefore we punish him severely. Offenses like murder, kidnapping or betrayal lead us to look at the person who committed it as a real outsider.

Deviance

The outsider, the deviant with respect to the norms of a group, has been the subject of many speculations, theories and scientific studies. The most frequent questions are: why do they do it? How can we explain their transgression? What is in them that leads them to do wrong things? Scientific research has tried to find answers to these questions and in doing so it has accepted the premise posed by common sense that there is something deviant in the acts that break social norms. Science has also accepted the supposition of common sense according to which the deviant act occurs because certain characteristics of the person committing it make it necessary and inevitable to commit it. There are various definitions and interpretations of deviance.

1. The simplest one is essentially of a statistical nature, as it defines deviant anything too different from the average. In this sense being left-handed or having red hair is deviant, because most people prefer the right and have brown hair. The statistical interpretation can be considered naive and even trivial but the positive aspect is that it simplifies the problem, eliminating many questions that usually arise in discussions about the nature of deviance. In order to evaluate a particular case, just calculate the distance between the behaviour in question and the average. However, the problem arises that if this interpretation is made, most of the population would fall under the label of deviant. This interpretation is too far removed from the problem of the transgression that underlies the study of outsiders.
2. A less simple but much more common interpretation identifies deviance as something essentially pathological, which reveals the presence of a "disease". This analogy is based on a medical analogy. The human body, when it works efficiently and is not subject to any disturbance, is considered to be healthy. When it does not work efficiently, it is considered sick. Because people do not agree on what constitutes healthy behaviour, it is difficult to find a definition that can satisfy even a select and limited group such as the psychiatric group; it is impossible to find one that is generally accepted as the health criteria for the organism are accepted. The medical analogy is sometimes given a more rigorous meaning, considering the deviance "product" of a mental illness. For example, an addict's behaviour is considered to be a symptom of a mental illness. This medical metaphor, however, limits our vision in the same way as statistical interpretation.²
3. A third interpretation differentiates those characteristics of society that promote stability, and therefore are "functional", and those that break stability, and are therefore "dysfunctional". This

² C. Wright Mills, *The Professional Ideology of Social Pathologists*, *American Journal of Sociology*, XLIX, pp. 165-180

interpretation has the great virtue of indicating problematic areas in a society that people may not be aware of. But in practice it is difficult to specify what is "functional" and what is "dysfunctional" for a company or a social group.³

4. Another sociological interpretation is more relativistic. Identify deviance as the lack of obedience to norms. Once we have described the norms that the group imposes on its members, we can say with good precision if a person has broken them or not and if it is, in this sense, deviant. This interpretation is the one most closely linked to Becker's thought, but the same sociologist criticizes the fact that this interpretation does not consider simultaneous belonging to different groups. A society has many groups, each with its own set of rules, and people belong simultaneously to many groups. A person can break a group's norms in complying with the rules of another group. Is this why it should be defined as deviant?

Deviance and the reaction of others

Very often we make the mistake of considering deviants as a homogeneous category, only because they have performed the same deviant act. However, this assumption does not take into account the central aspect of deviance: it is created by society. Social groups create deviance by establishing norms whose infringement constitutes deviance itself, applying those rules to certain people and giving them the label of outsiders. From this point of view, deviance is not a quality of the act committed by one person, but rather a consequence of the application, by others, of rules and sanctions against a "culprit". The deviant is a person to whom this label has been successfully applied; deviant behaviour is a behaviour that people label as such.⁴ This labeling process is not infallible; certain people may be termed deviants while in reality they have not broken any rules. Given that the category, that of outsiders, is not homogeneous, one cannot absolutely think of finding common personality factors. Deviant people certainly share the experience of being labeled as outsiders. The extent to which an act will be considered deviant also depends on two other important factors: those who commit it and those who feel injured. The rules tend to be applied more to certain people than to others. An emblematic example is the studies on juvenile delinquency. Boys from middle-class neighbourhoods, when arrested, are not involved in the judicial process to the point where slum boys are. A middle-high class boy taken by the police risks being taken to the police station. This happens in the same way in the application of the law. A black person who attacks a white woman risks being punished more than a white man who commits the same crime. Deviance is not a simple quality, present in certain types of behaviour and absent in others, but rather the product of a process that involves the reactions of other people to a certain behaviour. Deviance lies in the interaction between the person who commits an act and those who react to it.⁵

³ R. K. Merton, *Social Problems and Social Theory*, Brace and World Inc., New York 1961, pp. 697-732

⁴ F. Tannenbaum, *Crime and Community*, Mc Graw Hill Book Co. Inc, New York 1951.

⁵ B. Malinowski, *Crime and Custom in Savage Society*

The types of deviance

Becker with his studies has succeeded in constructing a table that allows to obtain the distinction between different types of deviance. A brief explanation is sufficient for the types placed at the ends of the table. Conforming behaviour is simply that which respects the norm and is consequently received by others. The fully deviant behaviour is instead that which together breaks the norm and which others perceive thus. The central possibilities are the most complex to analyse. In the situation of the one who is falsely accused, a situation that criminals often call "whipping", others see the person as having committed an incorrect action, while in reality things are not like this. The opposite case is instead that of secret deviance: that is, an unseemly act is committed, but no one notices it, no one reacts to it as a violation of the rules.

Deviance and social control

Many scholars over the years have become interested in the study of marijuana consumption as an explanatory model of deviance. First, they asked themselves the question that arises almost spontaneously or why they do it. In the specific case of marijuana, this would generally be a psychological characteristic, a need for fantasy and escape, from the psychological problems that the individual is unable to face. It can be said, however, that it is the actual deviant behaviour that produces, over time, the deviant motivation. When a deviant behaviour occurs in a society in the initial phase there is a break in the social controls that usually operate to keep the behaviours compliant with these norms and values. When family members, friends or for example the employer of a deviant become aware of a certain deviance, they can attribute to him the characteristics of accessory status that are usually associated with that particular deviance. Believing him irresponsible or unable to control his own behaviour can punish him by various types of informal but highly effective sanctions such as ostracism or a so-called "withdrawal of affection". The career of the marijuana consumer can be divided into three stages, each representing a distinct change in its relation to the social controls of society in general. The first stage is represented by the beginner, the person who consumes marijuana for the first time; the second, from the casual consumer, whose consumption is sporadic and dependent on random factors; and the third, by the regular consumer, for whom smoking becomes a systemic habit, usually daily. Another problem a marijuana consumer faces is refuelling. In this field the consumer is limited by laws that make the possession or sale of them subject to severe penalties. This de facto relegates its distribution to illicit sources not easily available to the common person. In order for a person to start consuming marijuana, it must be able to join some group that makes these sources of supply accessible to it: usually a group organized around values and activities as opposed to those of conventional society in general. Consumption tends therefore to fluctuate in relation to the conditions of availability created by frequenting other consumers. If an occasional consumer begins to move towards a more regularized and systematic consumption, he can only do so by finding a more stable source of supply and then establishing relationships with people who traffic in drugs. The consumer must have a relationship or

must know someone who sells drugs by profession. Marijuana consumption is also limited by the fact that many individuals actually find it inappropriate or believe it can be.



CHAPTER TWO:

Who was Stefano Cucchi

Stefano Cucchi was born in Rome on October 1st 1978. Stefano was a boy who could change your day. Solar, sweet and sensitive are the most recurrent adjectives when friends are asked to describe him. As a boy he used to go out with his friends to the suburb of Torpignattara where he loved to fantasize about his future. His sister Ilaria, during an interview for the Rai Uno talk show "Domenica In", described Stefano as a guy full of attention to others and in particular recalled his ability to care about others in a non-invasive way, tiptoed. Stefano, who always been cheerful and full of life, became a silent and solitary person in his teens and high school years. The family did not understand the cause of this darkening but they understood that there was something that Stefano was trying in every way to hide. Slowly the boy became a stranger in the eyes of his loved ones and the situation continued to degenerate until, of his own free will, Stefano decided to enter a community to try to start a detoxification period.

The first period of community life took place in total isolation. In particular, no family member could actually contact Stefano. When the most critical phase of his stay within the structure eventually ended, Ilaria received a phone call telling her that Stefano wanted to see her. This meeting bears witness to the closeness and complicity between the two and, again during the interview conducted by Mara Venier, Ilaria remembers the moment of embrace as the moment when she found her brother again. The relationship between the two has always been a bit love and hate and more precisely the sister was for Stefano his best ally and confidant but at the same time also his worst enemy. In fact, over the years Ilaria had become a real policeman, always intent on seeking even the slightest indication of a possible relapse of her brother. She was rummaging in the pockets of his jackets, rummaging in his backpack and writing down every single anomalous behaviour so that the "damned" drug would not swallow Stefano again.

After his stay in the community, he returned to work in his father's surveyor's studio and returned to boxing training, his great passion, but the road was still quite uphill. To demonstrate this, a few weeks before his

arrest, Stefano, in a phone call with his sister, had desperately expressed the discomfort and loneliness he felt. He felt alone and in the eye of prejudice, determined to prove to everyone else that he was "normal" like them. *«I'm recovering my life»* always said to everyone, carefree and confident. First of all, Ilaria was convinced that the drug addiction problem was over, that it was only a distant memory, but on the night of October 15, 2009, the Cucchi family was swallowed up again in the nightmare.

The arrest

Stefano Cucchi on October 15, 2009 spends a day like any other: waking up early in the morning, working at his father's surveyor's office, boxing training in the gym, dinner at home with his parents. As usual, he goes out to take the dog for a walk at around 10.30pm. Leaving the house, he heads for the park of the Aqueducts where he meets a friend. The two start talking when, around 11:30 pm, both are stopped by a police patrol from the Appia station. After checking the generalities, Stefano is found in possession of about twenty grams of hashish and tablets, initially referred to ecstasy tablets. The latter during the preliminary phase of the trial turned out to be drugs for epilepsy. After a few minutes Stefano is taken to the Carabinieri barracks on Via del Calice and immediately afterwards he is accompanied to his parents' home for the search. His parents, as soon as they open the door to the police, fall again into the dramatic world of drug addiction. The search of Stefano's bedroom is without any results and his parents, Giovanni and Rita, seeing him in good health, are only concerned with reminding Stefano to advise the family lawyer. The trial, in fact, would have been held on the following day after arrest. The members of the mobile squad of the Carabinieri present reassure the couple by reiterating that the boy had warned his lawyer before he was arrested. At this point, by night, Stefano returns to the barracks on Via del Calice where the arrest report is filled in and where the documents necessary for the following day's proceedings are drawn up. From this moment a series of anomalies begin to occur that will be fatal for Stefano's life. In fact the report that is presented to the judge, who must decide whether to send Cucchi home or keep him in prison, is completely and almost paradoxically full of errors.

«Stefano Cucchi, born in Albania on 24 October 1974, in Italy without a fixed abode».

The arrest is indicated at 3.20 pm although it took place after 11.00 pm. In the space reserved for the appointment of a lawyer, it is written *«the prejudiced, consulted, declares that he does not want to appoint a trusted defender»*. After a few hours spent in the barracks, Cucchi was then transferred to the Tor Sapienza station on Via degli Armenti because in the barracks in Via del Calice there were no usable cells. When Cucchi is handed over to the new group of agents, he is asked to take off his shoelaces and belt and a carabinieri remembered two important details. In the first place Stefano became nervous at the request to give way the belt because, according to the military during the testimony in the trial, it had been broken during his stay in the first barracks. In the second place, a series of reddening on the face are noted, which however, again referring to the soldier, seemed more like the stains due to the cold so they cannot be traced back to bruises. These "spots", visible from the mug photo and even more from the corpse in the morgue, started from under the eyelids and extended to the cheeks. Shortly after entering the Tor Sapienza barrack,

more or less after about twenty minutes, Cucchi felt ill and an ambulance was needed. On arrival, however, the paramedics found a boy who was not very cooperative. In the report prepared by the crew of 118 we note that *«the patient refuses health care and hospitalization»*. To confirm this reconstruction, the doctor present on the vehicle declared that he was not even able to see him as Cucchi was completely covered with a sheet and did not want to be visited in any way. About two hours pass when two Carabinieri from the Via del Calice plant go to pick up the boy to take him to the court hearing. One of the two carabinieri describes the meeting as *«As he struggled to get up from the cot, I was able to observe that on his face he had two hematomas surrounding his eyes, which were particularly evident due to the pale colour he had in his eyes»*. Both remember that as well as walking with difficulty, Cucchi complained of severe headaches and when they asked for polishing of his physical condition, his colleagues declared that Stefano had had an "agitated" night and repeatedly hit his head against the wall.

The hearing

On 16 October, at 1 pm, in a courtroom in Rome, Stefano Cucchi was heard for the first and last time by the judge. The father Giovanni was also present in the room and remembered very well that day.

«I saw my son with a swollen face and two black marks under his eyes. He sat on the bench, waiting for his turn, he asked why they hadn't called his lawyer the day before. The Carabinieri were as if they had fallen from the clouds and he was very angry about this, saying these words "I asked you last night to call him. Why didn't you call him?" The Carabinieri showed indifference and practically did not give him an answer». The judge postponed the case to November 13, almost a month later, ordering the custody in prison. De facto, Stefano had little significant precedents and could be granted house arrest. But in the eyes of Judge Cucchi was an Albanian homeless, as drafted by the arrest report, so consequently the doors of the Regina Coeli prison were opened for the young surveyor.

Entry into prison and the aggravation of his physical condition

When his father saw his son's face in the court he immediately realized that something was wrong and was not the only one. In fact, as soon as he was taken by the prison police, he was immediately visited by a doctor because the agents noticed his precarious condition. In the report drawn up at 14.05 by the doctor of the Roman penitentiary, large ecchymosis lesions on the face and lesions to the sacral region and lower limbs were highlighted. The latter were not viewed as Cucchi himself refused to be checked. The mug shot, taken just crossed the door of prison, spoke for itself. The marks on the face were very clear and brutal. Gradually his health conditions fall and shortly thereafter the intervention of the doctors was requested for Stefano. He was taken to the Fatebenefratelli hospital where further medical check-ups were carried out and more specifically radiography in the back and skull that cannot be performed up to that time inside the penitentiary institution. The result is alarming not so much for the severity of the clinical picture but rather for the brutality suffered by the boy during his arrest.

«L3 vertebral body fracture and coccygeal vertebra fracture»

The hospitalization was inevitable for Stefano. The prognosis was twenty days with the indication of absolute rest in bed. But Stefano did not seem to cooperate once again, he refused the recovery and signed the resignation against the advice of the doctors and he returned to prison. On October 17th, the following morning, given the precarious conditions, Stefano was visited again by the prison medical team. The latter considered his state of health incompatible with his stay in prison and they ordered the hospitalization. He was accompanied a second time to the Fatebenefratelli hospital where the doctors explained him the absolute necessity to order the recovery and this time Stefano did not object. For reasons that are still not entirely clear, Stefano was transferred to the detention department of the Sandro Pertini hospital, a department that was not suited to such complex health conditions. The Cucchi family, until now left in the dark about everything, was warned around 10 pm. After the hospital run, they were denied the chance to meet Stefano. In the face of this news, the parents were looking for the doctors in order to talk about their son's health. From this moment and from this precise place two parallel vicissitudes unfold: the first concerns the travail suffered in those days by Stefano's parents and sister, beaten from one office to another and from one silence to another. The second story, on the other hand, concerns the last days of Cucchi's life, which can only be reconstructed through the clinical documents and the testimonies of those who had had the opportunity to get in touch with him.

The suffering of the Cucchi family

When Stefano's parents, Giovanni and Rita, learnt the news of Stefano's recovery they rushed to the Sandro Pertini hospital with the hope in the first place to know the health conditions of their son and secondly to bring him a change of clothing. In front of the entrance to the detention section of the hospital an agent reminded them that the area was effectively a part of the prison for which the access of unauthorized persons was impossible. Seeing the insistence and rigidity with which they were treated, they ask to know at least the child's health conditions. After a certain insistence a doctor told them to return Monday between 12 and 14 to be able to communicate with the supervising doctors. Back home they spent the day of Sunday in an anguish that only a parent can try. The following day, Monday, they arrived punctually at 12 in front of the competent office and after a long wait, they were received by a vice superintendent. The head of the health office denied the access to the two parents saying that "*the authorization has not yet arrived*". The meeting with the doctors was then postponed until the next day but Mr. Cucchi asked at least to be able to leave the change of clothing but he was reassured that Stefano already had everything he needed. They allowed them to leave only underwear that Stefano will never wear. No one, during his stay in the hospital, took care of changing him and he, given the impossibility to move, did not literally have the strength to do it. Stefano's parents, after having insistently asked to know at least how the guy was, were reassured by a nurse who said *«Stefano is calm»*. Resigned and distressed, they returned home and the following day they returned to Pertini hospital at the time indicated by the health personnel. This time, however, the situation, instead of

improving, falls further. They are denied the entry to the interphone and a director of the penitentiary section informed them that the authorization would never arrive. The official explained that they had to go and request the authorization from the court and then they have to validate it at the Regina Coeli prison. In three long and very heavy days nobody, between the medical staff and the penitentiary, was able to indicate to the Cucchi family the precise practice to obtain the much awaited authorization and the visit to the hospital. On Wednesday morning Giovanni Cucchi went to court where he got permission for the visit. After a race to the Roman prison, however, he failed to get it validated as the office in charge of these practices closed at 12.45. The next day he returned to prison while his wife Rita stayed home to take care of Ilaria's daughter. Around midday, a Carabinieri rang at the door and asked Mrs. Cucchi to accompany him to the barracks to sign some official papers. She cannot leave her granddaughter just a year old alone at home so the Carabinieri returned to the barracks before returning to the Cucchi home with the documents to be signed. At 12.30 the two officers entered the house and kindly asked the lady to sign the sheet of paper that they put in front of her eyes. When she reads "Authorization for the execution of the autopsy" hell engulfed the entire family. In this cold and ruthless way, a mother was told that her son had died during the night, with a sheet of paper on which they wrote that she could appoint an expert for the autopsy. The father Giovanni was warned and paradoxically in that moment, at a distance of 111 hours from the recovery of Stefano to the Pertini hospital, he had obtained the authorization to visit, a piece of paper without any use. As soon as they arrived in the hospital they stop a doctor and asked what happened and the answer they got was «*Your son has died*». How can a 31-year-old boy, up to a week full of life, pass away?

The Calvary of Stefano

Stefano Cucchi presented a fracture to the L3 vertebral body and a fracture of the coccygeal vertebra. He cannot walk, he must rest and must remain motionless in bed. He had difficulty in passing urine so a catheter was applied to him. One thing that leaves you in disbelief is that in five days, he had lost fifteen kilos. It seems almost paradoxical that a healthy person begins to lose so much weight under the eyes of doctors and nurses without anyone doing anything. The clinical diary, the only witness of the last days of Stefano's life, turned out to be bare and not very marked, as if they had not taken any serious care of him in those days. On October 21, the day before the death, the doctor specialized in orthopaedics noted in the clinical diary that Cucchi, with fractures to the two vertebrae, needed fifteen/twenty days bed rest and that hospitalization was not strictly necessary. It is therefore evident that twenty-four hours before the death, Stefano Cucchi was not in danger of life. His health conditions were not excessively serious and in any case due solely to fracture trauma. A first real explanation of Stephen's death can be found in the clinical diary: twice in this document it is noted that «*the patient refuses to eat and hydrate himself until he will have the opportunity to speak with his lawyer or with an operator of the CEIS therapeutic community*». Stefano Cucchi has deliberately stopped feeding himself thus completing a real hunger strike to obtain respect for one of his fundamental rights,

namely the right to defence. What is even more alarming and disarming is that not only Stefano decided to implement this peaceful form of protest but he also declared it repeatedly, clearly and unequivocally. The only mistake of this boy was to underestimate his physical condition because surely he would never have imagined that abstaining from food in such precarious conditions would have caused his death. Stefano Cucchi was protesting peacefully through the refusal of any treatment until his fundamental rights were respected. On October 22, the death certificate was written

«It is certified that Mr. Stefano Cucchi died for alleged natural death today at 6.45 am».

The anomalies

The story of Stefano Cucchi is full of anomalies that raise trivial questions and need an answer: there is too much forgetfulness, too many details are underestimated, too many lightnesses. It has been a long process over a week in which faults, negligence and indifference have accumulated and led to his death.

1. The minutes

As soon as Stefano Cucchi enters the barracks in Via del Calice, the Carabinieri prepare the arrest report to be presented the following day at the arrest validation trial. What is delivered to the magistrate is a completely wrong document. All information regarding Stefano is not totally or partially correct. Stefano Cucchi is referred to as Albanian and not as Italian. The date of birth on the report is October 24, 1975 and is incorrect. Still according to the report, Stefano Cucchi was a homeless man. The last error is the time of the arrest which actually took place after 11.00 pm while on the minutes it is indicated at 3.20 pm. Stefano Cucchi was born in Rome on October 1, 1978, he had a domicile and proof of this was his search at his parents' house that night. When he was arrested, Stefano had two documents with him: identity card and driving license. Why did the Carabinieri agents completely ignore the person they had in front of them?

2. The headshot on the wall

When the Carabinieri came to pick up Stefano to take him to court for the arrest validation process, they immediately noticed the physical condition of the boy. One of the agents asked a colleague for explanations and the latter reported that Cucchi had had a busy night and he had given headshots to the wall. This does not correspond to the truth. Stefano had just been beaten to death. He had not inflicted those injuries himself. The fact that Cucchi was already in pain the morning before he arrived in court and the fact that twice the police reported some "redness" and bruising on his face was completely ignored by the investigation.

3. The testimonies of the two Albanian prisoners

Another key factor that however was ignored by the magistrates during the trial phase is the testimony of two Albanian prisoners. The two foreigners, accompanied in court with him, declared that Cucchi claimed to have been beaten by the police on the evening of his arrest.

4. The office lawyer

His father Giovanni, when he saw his son in the courtroom for the last time, remembered perfectly how Stefano was angry at the sight of the lawyer. This represents a fundamental and essential point in his history. Fourteen hours after his arrest, Cucchi had twice requested assistance from his trusted lawyer who was not notified. This omission, which in itself constitutes a real illegality, will be extremely and fatally decisive. Stefano, after hours of agony, has decided to stop feeding himself in order to obtain respect for a fundamental principle of man who is the defence one: a right that has been voluntarily denied to him several times.

5. Claudio Marchiandi

On the morning of October 17th, after he had refused the first hospitalization, Stefano was visited again by the penitentiary doctors who decided that his health conditions were not suitable for the life of the prison. Once the hospitalization was ordered, Cucchi was then taken to the Fatebenefratelli hospital where he could be recovered to a hospital ward in the surveillance regime that the magistrate wanted to impose. At this point, however, an official of the prison administration, Claudio Marchiandi, entered the scene. He insisted and signed for the transfer to Sandro Pertini hospital. The official personally went to check and insisted that Stefano was taken to Pertini's detention area even if that ward was not the most suitable for taking patients with such a complex clinical situation. The official's decision was not linear and is proved not only by the waiting of many hours before recovery, but also by the statements of a nurse who confirmed to investigators the uniqueness of that intervention calling it *«absolutely an extraordinary procedure. In so many years of work here I had never seen so much urgency»*. The official Claudio Marchiandi was enrolled in the register of suspects for the death of Stefano Cucchi and during the interrogations he made disconcerting revelations: Cucchi had to be admitted to the detention department of the Sandro Pertini hospital to avoid that subjects outside the prison administration took cognizance of the tragic conditions in which the boy was reduced. The only concern of the Prap official was to hide Cucchi's real state of health from the judicial authorities. At Pertini hospital he would in fact be sheltered from prying eyes and intentionally removed from all the care he urgently needed. What is even more shocking and serious is that - as confirmed by the preliminary hearing judge Rosalba Liso - *«Stefano's conditions were palpable and visible to everyone, they were well known in the context of the penitentiary police for the plurality of subjects that they had seen and accompanied Cucchi. There was no room for doubts of any kind: Stefano had been beaten»*. The penitentiary official aimed to hinder Stefano's entry into a ward adapted to his physical condition, thus making him isolated and without help. However, what seemed so clear in the first instance sentence does not find the same result on appeal and the official Minchiardi is acquitted. Even if with his absolution a small piece of the story is lost, the chain of responsibilities appears clear. Cucchi first suffered violence and then was literally abandoned to himself. Thursday, October 22nd at 6.15 am, Stefano Cucchi, 31 years old, in his room inside the protected department of the Sandro Pertini hospital, where he was hospitalized from

Saturday 17 October, «*does not respond to stimuli*». Resuscitation was attempted but without success. The autopsy established that the death occurred around 3 am. Stefano Cucchi was therefore literally found dead. Those who treated him noticed it almost accidentally three hours later.

6. The clothes

When Stefano's parents discovered that their son had been recovered to the Fatebenefratelli hospital, they rushed first to find out his health condition and secondly to bring him a change of clothing. After several attempts, on Monday 19 October, they managed to talk to employees in the department who tell them that Stefano had everything he needed apart from the underwear for which the two managed to leave only a few items of clothing. Stefano will never wear these clothes. No one changed him during his entire stay in the hospital and, due to the pain following the beatings he suffered, he was unable to do it alone. Stefano Cucchi dies wearing the clothes with which he left the house on October 15, the day of his arrest.

7. Lack of precise indications

In addition to the harrowing story of Stefano's death, this story also leaves a bitter taste in the mouth due to the rigidity and coldness with which the guy's family were treated. How is it possible that only after three days of waiting in the hospital, are they informed of the real procedure for obtaining authorization to see the boy? For those without experience it is impossible to intuitively understand the mechanisms and operations of the prison world. For those unfamiliar with this world of rules and procedures, time is needed and the Cucchi family did not have that time.

Via Crucis

The story of Stefano Cucchi is not a story of medical malpractice and not even a prison story. The story of Stefano Cucchi is an emblematic example of the failure of the great machine of justice. This failure has crept into a long series of apparatuses and has involved multiple figures that would have a completely different mission than that of repression and custody. It is not a simple story of prisons or hospitals. From the day of his arrest to that of his death, Cucchi has gone through a considerable number of institutional sites and state apparatuses and more precisely:

- The barracks of the carabinieri of Via del Calice
- Tor Sapienza police station
- Three safety cells
- The courtroom of Rome
- The courthouse clinic
- The infirmary of the Regina Coeli prison
- The cell of the Regina Coeli prison
- The Fatebenefratelli first aid station
- The detention department of the Sandro Pertini hospital

In total it was a journey to death de facto made of twelve stages. There are twelve stages to which the same number of institutional and state offices correspond, locations in which the State, failing in its duty to protect its citizens, has failed. There are twelve stages in which an enormous number of people decide to close their eyes, to abstain, to omit, to abuse their role or lacking the duties that that role imposes. However, those who did not physically commit the aggression condemned Stefano to death by denying and falsifying the truth, neglecting it and abandoning it. To understand what really led to the death Stefano Cucchi should investigate all these steps and identify the faults and complicity of those who, for various reasons, have come into contact with Stefano. What is important to underline is that none of the actors intervened was able to interrupt, or more probably did not interrupt, the course of events: each with his own actions collaborated in having these events precipitate until their tragic epilogue. The death of Stefano Cucchi was the result of a long series of events, the concatenation and summation of facts linked to one another, whose causal link cannot be ignored in any way.

The process

On June 5, 2013, the third Court of Assise of Rome sentenced four doctors of the Sandro Pertini hospital to one year and four months of imprisonment at first instance, while for the primary of the department the penalty was two years of imprisonment. The crimes that are disputed are those of culpable homicide and false ideology. The president of the court instead acquits the other six persons registered in the register of suspects, including nurses and prison guards because they would not have contributed in any way to the death of the boy. The prosecutor asks for heavy penalties: between five and six years of imprisonment for doctors, four years for nurses and two for members of the penitentiary police. The crimes of personal injury and abuse of authority are disputed with the latter. The reading of the sentence in which the nurses and the penitentiary guards acquit is received by the public present in the courtroom with cries of indignation and indignation. On October 31, 2014, the Court of Appeal of Rome absolves all defendants: doctors, nurses and prison officers. The team of lawyers of the Cucchi family, headed by the lawyer Fabio Anselmo, announces an appeal to the Court of Cassation, while the sister Ilaria immediately declares her intention to request further investigation from the Public Prosecutor of the Republic Pignatone and that he would not in any way ceased its activities of sponsoring public opinion on the case. On November 3, Ilaria Cucchi is received by the Public Prosecutor who undertakes to review the papers of the trial in their entirety. On the same day, the Sappe Prison Police union filed a lawsuit against Ilaria Cucchi as "instigating hatred and suspicion towards the entire category". The Court of Cassation holds a hearing on December 15, 2015 and orders the partial annulment of the appeal sentence, ordering a new trial for five of the six doctors of the Sandro Pertini hospital, previously acquitted during the appeal process. According to the reasons expressed by the Court of Cassation, Cucchi's state of health should have required greater attention and in-depth analysis by health professionals. The Court of Appeal of Rome expresses itself, for the second time, on 16 July 2016, acquitting the five doctors because «*the fact does not exist*». The first penal section of the Court of

Cassation, during the hearing of 19 April 2017, again ordered the annulment of the appeal sentence, ordering a new trial for Pertini's five doctors. According to the Court, health workers showed very serious negligence for the delays in both prognosis and treatment and for this reason the absolution is contradictory and illogical. The Cucchi family did not lose hope and asked again for the intervention of the Public Prosecutor who, in September 2015, reopened the investigation file, entrusting it to deputy prosecutor Giovanni Musarò. Fabio Anselmo, the family's lawyer, had exposed to the magistrate that a military of the Carabinieri, Riccardo Casamassima, had received threats in order not to give testimony in the process. These threats were most likely attributable to one or more former colleagues involved in the case. Until now, the investigations had taken place mainly around the hospital world and the investigators focused on the last hours of Stefano's life spent at the Sandro Pertini hospital. On 30 June 2015, however, the Carabinieri Casamassima spontaneously testified to the magistrate Musarò, convincing him to reopen the case and above all addressing the investigations to the Carabinieri present in the two barracks on the night of his arrest. On 17 January 2017, after almost a year of preliminary investigations, Alessio Di Bernardo, Raffaele D'Alessandro and Francesco Tedesco are being indicted against the soldiers of the Carabinieri. The accusation was of intentional homicide and abuse of authority. The military in fact would have struck Cucchi with slaps, kicks and punches, causing him to fall and causing him very serious injuries that had become fatal for the subsequent emissive conduct of doctors and nurses. The Carabinieri Francesco Tedesco, with Vincenzo Nicolardi and Roberto Mandolini, must also respond to the accusation of forgery and slander, for the omission in the arrest report of the names of Di Bernardo and D'Alessandro, and for the accusation of having witnessed the forgery during the first instance trial. On 24 February 2017 the three suspects were suspended from the service. In July 2017, the crime of abuse of authority lapsed as a result of which the three soldiers were indicted only for intentional homicide. On 20 June 2018, surprisingly, the Carabinieri Francesco Tedesco began to speak. He denounced to the public prosecutor the disappearance of a document he wrote on 22 October 2009 addressed to his superiors in which he described how his two colleagues, involved in the case, had beaten the Roman surveyor. Following this complaint, the Public Prosecutor's Office entered five other soldiers of the Carabinieri on the register of suspects with the accusation of forgery for the probative pollution of evidence with the aim of diverting the trials to obscure persons. However, the coup de theatre arrived in October 2018 when Tedesco confessed for the first time the beating suffered by Cucchi. Ilaria Cucchi celebrated by declaring *«the wall of silence has finally fallen»*.

The night of the beating

On April 8, 2019, during the second trial, the Carabinieri is interrogated by the public prosecutor and reconstructs for the first time in nine years the individual moments of the night of Stefano Cucchi's arrest. The interrogated soldier begins his story by stating that Vice Commander Mandolini at that time urged his subordinates to increase the number of arrests in order to get noticed by his superiors. To this end the Vice Commander Mandolini allowed Di Bernardo and D'Alessandro to go out with their cars in bourgeois clothes,

outside working hours, to make more arrests often equipped also with the portable radio to communicate with the station. After the arrest of Stefano and the search with a negative result, Cucchi returns to the police station where he has to take a mug shot and take fingerprints. Stefano doesn't seem to want to collaborate and starts complaining in order not to take fingerprints with ink. At the time of the mug shot, Cucchi and the Carabiniere Di Bernardo began to bicker verbally until Stefano tried to slap the soldier, a slap described as «figurative and devoid of any bad and violent intention». The situation precipitates when Di Bernardo suddenly turns to Cucchi and pulls a violent slap in the face. Tedesco tries to stop his colleague but while helping Cucchi, Di Bernardo pushes Stefano strongly and at the same time D'Alessandro kicks with the tip of his boot at the height of his buttocks and more precisely of his anus. This calcium, together with the blow caused by the fall, causes the fracture of the coccygeal vertebra. Tedesco, during the trial, remembers the hard way with which Cucchi landed on the ground. *«He fell down and then once he took the blow to the pelvis he pulled back his back and his head, beating her violently»*. The Carabiniere, in front of the family and the judges who listen to his words, perfectly remembers the noise of the impact of the head with the floor of the room of the barracks in Via del Calice. Cucchi is on the ground and Di Bernardo, approaching the boy, delivers the last kick to his face. Stefano accuses the blows with courage and strength and when the Tedesco asks him if he is okay the guy answers jokingly *«I'm a boxer»*. When he gets up with difficulty, Stefano seems groggy and so Tedesco decides to call the Vice Commander Mandolini to inform him of what happened. Tedesco reviews Stefano Cucchi before the hearing for the validation of the arrest the next day. The declarations that conclude the interrogation of the Carabiniere are decisive and essential for the long awaited discovery of the truth.

«That morning it was obvious that Cucchi had been beaten»



CHAPTER THREE:

Who was Federico Aldrovandi

Federico Aldrovandi was born in Ferrara on the seventeenth day of July 1987. His father is a municipal police officer while his mother, Patrizia, is employed by the Municipality. After middle school he decides to start the ITIS Elettronica high school. At the age of eighteen he joined a Ferrara ASL project for the prevention of drug addiction. A great fan of the town's soccer team, Spal, has other great passions like music and concerts. He played the clarinet and from time to time he worked as a pony express in a pizzeria in the city and before he died he was waiting to take the license exam.

The reconstruction

On January 19, 2006, in response to a parliamentary inquiry by the deputy Titti De Simone, the minister for relations with the Parliament, Carlo Giovanardi, reconstructs the night of the 18-year-old's death in the courtroom. At 5.45 am on September 25th 2005, a small town, later identified, called 112 referring verbatim of "one who is blustering, screaming like mad and banging everywhere". Following this phone call, the State Police, with a patrol, reached via Ippodromo and the agents immediately noticed a young man shouting disconnected phrases, banging even with his head against some light poles. When the steering wheel arrived, the young man climbed onto the hood of the car and kicked the crew chief, who was standing next to the open door. In making this movement, it slides on the door itself and, therefore, falls to the ground. Some of the injuries found on the body would have occurred at this time. Going forward with the reconstruction, the minister reveals very important details to understand the severity of the beating. For the worsening of the situation it is necessary to have a second steering wheel and then a patrol of the carabinieri. Only the intervention of the reinforcements allowed the immobilization of the young man, to whom the handcuffs were applied. During the scuffle the agents had to use the truncheons, both to block the kicks and to unbalance them. Two billy clubs broke at the handle. The young man's death was recorded at 6.35am. During the session the minister supplies, probably unintentionally and without realizing it, an element that until then had remained unknown: on the body of Federico Aldrovandi two truncheons were broken.

However, the first instance trial three years later will completely dismantle the reconstruction of the minister. Federico did not hurt himself, he did not bang his head against the light poles and he did not go like crazy against the police car. The lesions on the body, minutely described in the autopsy, were all caused by the blows inflicted by the four agents. The total is fifty-four injuries, nine of which are lethal. The clothes returned to the family are completely soaked in blood. The cause of Federico's death is a postural hypoxia-asphyxia on which a hematoma has been grafted to the bundle of His in the heart, that is, the control unit of the heart. This was due to the action of the policemen who immobilized him on the ground with their bodies, climbing on them with his knees and their weight, preventing him from breathing.

The processes

On July 6, 2009, the court of Ferrara sentenced those four policemen to manslaughter at the age of three and six months. These are responsible for all fifty-four injuries found on the victim's body. The judge pronouncing the sentence states "each of the fifty-four points of medical-legal relief could individually initiate criminal proceedings for injuries". The first trial for the murder of Federico Aldrovandi is joined by a second trial, better known as Aldrovandi Bis, which will have four other officers charged with rejection of official duties, false testimony and personal abetting. Accusations originating from the work of screening and alteration of investigations put in place to protect colleagues. For three of them the sentences arrive: one year of imprisonment

The mother

If we resume the story of the victim who has Federico Aldrovandi as a victim, we note that it presents some elements that make it particularly significant. First of all, as often happens, there is at the center a female figure, that of the mother, as a fundamental actress of the story. Secondly, it should be noted that all the media and public opinion mobilization, political and institutional, finds its origin in a single source: the blog that Patrizia Moretti began writing around New Year 2006, in the torment of the first parties without Federico. The first letter on the blog is dated two January 2006.

I write the story of what happened to Federico, my son. I won't write everything about him, you can't tell a life, even if it's only 18 years old. He died on September 25th. I have always thought that surviving a child is an unbearable pain. Now I realize that one does not actually survive. Saturday 24 September was a clear day. Everything in that day had a special aura. Thinking about it now it's as if he wanted to greet all of us. He smiled for everyone ... he was the joy. He met the company, he did his pizza delivery job. The evening program included a concert in Bologna. Before he left he went to his house to change his shoes, playing soccer ... It was the last time I saw him. He had left home by car with Michy, who had not gone to Bologna. It was now five in the morning. The boys told that they offered him a lift but Federico didn't want to come back right away. He would return on foot. He was close to home. At that time I woke up, maybe not quite, wondering if Federico had returned. I had an

invincible tiredness I could not move. Then I heard a noise in his room and I was sure he was there. I woke up that it was almost eight. I started calling him and sending him messages. Nothing. It was not possible for him not to respond. The police came to warn us at 11am. After they took him away. His dead body remained on the asphalt from 6 to 11. And they didn't call me. He was my son. No one has the right to keep a mother away from her son! And they told me they did it for me ... because it was better that you didn't see. At that moment I believed him. Police said he was injured by banging his head against the walls. This turned out to be false. Federico was disfigured by beatings. Much later I got his clothes back. He wore a t-shirt, a hooded sweatshirt and a denim jacket. They are completely soaked in blood. I saw him in the coffin, his body no longer seemed to be symmetrical and aligned. My baby was perfect and beautiful. The police told me that he was drugged, that everything had happened because he was a poor toxic and we unlucky. They want to kill him twice. The ambulance was called when there was nothing left to do. What gives me no peace is the thought of the terror and pain that Federico experienced in his last moments of life. He was a simple boy like many others.

The key to everything lies in the last few lines: this being a boy like many others contributes to a process of identification with him and, on the part of adults, with his family. For that death, in fact, there do not seem to be extenuating circumstances: Federico was not a subversive or a junkie, a criminal or a terrorist. His only fault was to have the age he had and to make the mistakes of all his peers. Risky but innocent behaviours such as wandering the streets, occasionally taking substances, violating conventions and rules of the majority. In other words, Federico's death suggests the idea to many peers and not a few parents who can really happen to anyone. The illegal exercise of force, abuse and violence, in certain circumstances can be directed against anyone without a minimum motivation, if not the very logic of the abuse, to explain what happened. Which suggests the idea that you can never be really safe, if you need so little to end up killed. But the story of Federico Aldrovandi reveals all its exemplariness even for the all predictable behaviours of its actors, almost as if the weight of the role played was preponderated with respect to individual subjectivity. Think of that behaviour better known with *excusatio non petita*.

End of court case

On October 9, 2010, there was the news of the agreement reached between the relatives of Federico Aldrovandi and the Minister of the Interior, who decided to close the civil trial, granting relatives compensation of two million euros. The mother Patrizia accepted the compensation for two main reasons: it was the only way the state had to apologize; this act is as valid as a sentence.

The four policemen involved in the murder of Federico Aldrovandi still continue the activity previously carried out, they run armed and continue to perform patrol service.

Seven years after his son's death, Patrizia Moretti, together with Domenica Ferrulli, Lucia Uva and Ilaria Cucchi, founded the Federico Aldrovandi association in defence of the rights of victims of illegality committed by members of the police force.



CHAPTER FOUR:

Who was Francesco Mastrogiovanni

To begin with, Franco Mastrogiovanni (first name Francesco) was not crazy at all. He was a primary school teacher by trade. His pupils said of him that he was the highest teacher in the world. He was a person of lively, curious, very sensitive intelligence.

The reconstruction

The version of the carabinieri and that of the defence lawyers do not agree.

- According to witnesses, around 11.30 pm on 30 July 2009, Mastrogiovanni was riding at high speed in the pedestrian area of Acciaroli (part of the municipality of Pollica, province of Salerno).
- On the morning of 31 July, at 9.00 am while driving his car, he was swabbing other cars, according to witnesses.
- In the report of the carabinieri we learn that the mayor of Pollica would have signed the order for the provision of the Tso in hospital for Mastrogiovanni at 8.30 am, while in other service notes the time is completely different.
- Mastrogiovanni is pursued by various patrols, including carabinieri and police, to the Club Costa Cilento where, having left the car, he throws himself into the sea.
- Mastrogiovanni remains a long time in the water guarded by military personnel and doctors. The two doctors, the minimum number to validate the treatment, agree in considering the Tso necessary in the hospital.

- After a few hours in the water, Mastrogiovanni is convinced, perhaps because without any other choice, he leaves the sea and lets Valium and Farganese be injected (whose joint administration is never recommended).

Anomalies

As in the cases previously listed, even in the history of Mastrogiovanni there are a disproportionate number of inconsistencies and irregularities.

- A first discrepancy can be found in the various documents drawn up by the carabinieri. According to the official report, the mayor of Pollica would have signed the ordinance ordering the Tso in hospital admission at 8.30 am, a time that does not agree with the various service notations. In fact according to the last it seems that the authorization of the first citizen has arrived only after the opinion of the doctors of 118 intervened to the camp-site and therefore towards midday. From these notes a second fundamental question is to be asked: why is the order prepared by the mayor of Pollica?
- Mastrogiovanni at that time and for some hours, was in the territory of the municipality of San Mauro Cilento; his registered residence was established in Castelnuovo Cilento. How is it that a mayor issues an ordinance and that it produces its effects in the territory of another municipality?
- Even the moment of capture deserves attention. Mastrogiovanni remains in the water several hours supervised by the military and by the health personnel. The latter, despite the distance, have the opportunity to observe his behaviour and arrive at a diagnosis: affective schizo disorder with psychomotor agitation, behavioural alteration and aggressiveness. In addition to the diagnosis of schizophrenic disorder, «*complicated by cannabinoid dependence*» is added. The source of these claims is not known precisely, nor is the origin of the alleged cannabinoid dependence known, given that, as the drug test will reveal, the concentration of that substance in its blood is very low. The evocation of the presumed wandering condition that, in addition to not responding to reality data, recalls mechanisms of stigmatization that could reasonably be assumed abandoned for a century should be emphasized.
- Later it will be said that Mastrogiovanni had railed against doctors and will talk about his aggressive behaviour (however only verbal); the same health professionals declare to have carried out an accurate visit and to have detected the absolute refusal by the patient of each treatment and hospitalization. But this, once again, is in contrast with what was declared by both the carabinieri and the municipal police: in both reports we read that Mastrogiovanni, after about ten minutes from taking drugs, mitigated and reached on foot, of his own free will, the entrance to the beach establishment to lie on the ambulance bed and be taken to the psychiatric ward of the San Luca hospital in Vallo della Lucania. Mastrogiovanni, however, was very afraid of ending up in the hospital. Proof of this is the testimony of the owner of the campsite, who thus reports her last words

<< If they take me to Vallo I don't go out alive, they kill me >>

- At the time of entering the ward, sedation was not reported, and a high dose of a second dose of drugs was administered immediately. The procedure would have required an electrocardiogram and blood tests. The first examination was not carried out, instead the sample was taken on the third day and the results were printed only after death (highlighting, however, completely altered values).

Mastrogiovanni arrives in the psychiatric ward of the San Luca hospital on July 31, around 12.30. He will die on August 4th. Ninety-one hours spent in that ward and eighty-four in that restraining bed, to which he will be bound. Eighty-four hours uninterruptedly filmed by the internal camera located inside the room, eighty-four hours of video that irrefutably testify to Mastrogiovanni's agony and the horror that accompanies it.

Hospital permanence

Friday 31 July, day one:

Friday, July 31, at 12.32 pm, Francesco Mastrogiovanni enters the psychiatric ward of the San Luca hospital; the room assigned to him has two beds and, in the one next to him, there is another patient. At 12.45 pm he appears calm, does not have an aggressive attitude and does not give out rages. He greets the nurses giving them a hand and does not oppose any kind of resistance to the second injection of drugs (which, given his collaborative attitude, does not seem necessary). At 12.55 he prepares his own bed and shortly thereafter consumes the meal he was given. It will be the last time he will be fed and he can drink water; in the following three days it will never be fed, only hydrated through a drip of physiological solution. At 1.10 pm you can feel rest on the bed. 2.24 pm Two nurses enter the room. Mastrogiovanni is completely harmless, still under the effect of drugs, and it is at this point that it is tied: the wrists and ankles are tightened by means of clamps with screws and these are fixed to the bed. The camera takes over everything.

Excursus. The Basaglia law (n.180 dated 13 May 1978) regulates the matter of voluntary and obligatory health checks and treatments. Inside there is no explicit reference to the practice of restraint, but it is specified in any case that the obligatory health treatments can be arranged in respect of the dignity of the person and the guaranteed civil and political rights of the Constitution. In this regard, protocols have been prepared in many healthcare companies to indicate the guidelines to follow in the event of use of restraint and all, without exception, emphasize the exceptionality of the use of the provision. The ASL of Salerno, at the time of the admission of Mastrogiovanni, had not yet adopted guidelines, but in any way this deficiency could constitute a justification for the treatment to which it was subjected. If we look at the guidelines adopted by other local health authorities we can find several fundamental indications that in this case are repeatedly and severely violated:

- You cannot use physical restraint to punish a patient or just for personal convenience.
- Write down in the register of the justification and duration of the measure.

- Observe the patient every fifteen minutes and note the outcome of the check in the restraint log.
- Loosen every fifteen minutes, if the restraint takes place on four limbs, a rotating limb.
- Guarantee the patient the possibility of exercise and movement every two hours for at least ten minutes.
- To guarantee the operator's comfort, safety and presence throughout the period.
- Provide support and empathetically understand the patient's experience in that situation, it is important to reassure the patient about the aid purposes and not punitive of containment.

In the case of Francesco Mastrogiovanni, not one of these provisions has been respected.

At 2.30 pm two nurses enter and apply a catheter to Mastrogiovanni and he seems to notice the manoeuvre; at the same time, he becomes aware of being tied up and starts squirming trying to take off his catheter. Meanwhile, having the swimsuit on, he is covered with a sheet. Routine blood tests are not performed. At 4 pm Mastrogiovanni is always tied up, shaking, trying to get up and get rid of the straps. He continues to be half naked and from the bed in which he is put, too small given his stature, his legs pop out. An hour later the report of the analyses requested by the police is ready: the result is the presence of Thc for a value of 0.007 ng/ml. In the medical record, "cannabis dependence" is noted. At 8 pm the patient sleeps, it is decided not to practice evening therapy. Despite this it is not untied. His dinner is not brought but he is given a drip that does not replace feeding in any way. 11pm Mastrogiovanni always tied up, now completely naked, squirms and tries to get up.

Saturday 1 August, day two:

At 8 am Mastrogiovanni is always completely naked and exhausted, after a sleepless night during which he continually squirmed. Three nurses arrange him better the restraining bands to limit his movements. Hours 14 Mastrogiovanni is taken to another room with another patient. After an hour he is pulled up a little towards the headboard but remains with his legs out. He is not brought dinner. At 11.55 pm the nurses put a diaper on Matrogiovanni and in the room they turn off the light.

Sunday 2 August, day three:

He was given the saline solution, the previous one had been applied 36 hours before. 11.54 am a nurse enters and rests the trays with lunch on the bedside tables: the food will remain exposed to the eyes of the two men for over three hours, but they will not be able to eat it because they are both tied. At 3:00 pm Mastrogiovanni always tied appears sedated. It is in the centre of the bed. After a few hours, writhing, he risks falling. Two nurses put him back in position and bind the bands more tightly. Mastrogiovanni is about to fall again, the tie on his left wrist is what allows him to stay on the bed. No one makes him eat and he is not given water. IVs are given to him. He is never untied and the man squirms without stopping. During the course of the day, hardly anyone approached him. The patient lying in the bed next to his, recovering spontaneously and

despite this also tied, receives the same treatment. A scene shows how the man is forced to drink some water. He has his arms tied to the bed and tries to bring the bedside table to him with his foot, he manages to drop the bottle, he tries to grab it and after several attempts he manages to make it fall near the mouth and drink a few drops of water.

Monday 3 August, day four:

Mastrogiovanni is on the tied bed and without a sheet. The diaper is torn. At the foot of the bed there is a red spot (blood leaking from the arm where the infusion is applied), the nurse cleans it. 10 am in the room enters the head of the department accompanied by two nurses. Mastrogiovanni at the sight of the doctor appears conscious and tries to give the right hand that the doctor is limited only to touch. Mastrogiovanni follows with his eyes the movement of the doctor who immediately approaches the other patient and after a few seconds leaves the room without paying any attention to him. At 3 pm the patient always seems sedated, the diaper is torn off and the sheets have disappeared from the bed. He is given an IV, but nobody cares about his condition. It continually struggles. His eyes are half closed. With his hand he hits the infusion stick that falls on him. A nurse intervenes to put the drip in place. After almost an hour a nurse approaches him and, finally, after a quick cleaning of the genital area, he is changed into a diaper. They put a wet towel over his face. It is the first time since he entered the psychiatry department that he is washed. He is not fed. In the late afternoon the first signs of respiratory difficulty begin to appear. Evening therapy is not given because the patient sleeps. At 7 pm a nurse tries to make him take a sip of water with a bottle but Mastrogiovanni is no longer able to drink. The nurse uses a towel to wipe the sweat from his face. At 9.30 pm from the images it is clearly understood that Mastrogiovanni finds it hard to breathe, is agitated in the bed but his movements are increasingly contracted and devoid of strength. He is agonizing.

Tuesday 4 August, day five:

Hours 1 am, Mastrogiovanni's condition collapses desperately. The mouth is wide open looking for air. Hours 1.46 the patient does not move anymore. He stopped breathing. No one entered the room during the night. At 6.50am the roommate, no longer tied up, gets up from the bed and does not notice that Mastrogiovanni is dead. About ten minutes later a nurse enters the room. He does not notice that Mastrogiovanni is dead. At 7.30 am the doctor and two nurses enter the room and finally realize the death of Mastrogiovanni, which occurred hours earlier. Mastrogiovanni is first untied then the nurses begin to perform cardiac massage. The doctor returns and witnesses resuscitation manoeuvres but does not intervene. An electrocardiogram is done. The first since July 31st. On the medical record is written << 4.8.2009 hours 7.30 sudden cardio-circulatory arrest >>. Francesco Mastrogiovanni had died five and a half hours before.

The analysis of the medical record shows another puzzling fact: the containment to which Mastrogiovanni was subjected has never been noted.

Autopsy

The autopsy performed by doctors Adamo Mainese and Giuseppe Ortano a week after the death offers a series of fundamental elements:

- Death was caused by acute pulmonary edema. Acute pulmonary edema is a direct consequence of the way in which physical restraint was performed.
- The behavior of health personnel was grossly negligent.
- Excoriation of the wrists and ankles is a direct consequence of physical restraint. These lesions are very evident and deep on the left wrist.
- Appropriate therapy was given to the drugs administered, at high doses: drugs were added without indicating the specific reasons.

Judicial case

The picture is very clear and does not lend itself to misunderstanding. The public prosecutor of the court of Vallo della Lucania, Francesco Rotondo, challenged nineteen people including doctors and nurses, including the head of the psychiatry department of the San Luca hospital, for the following crimes: death as a result of another crime, seizure in person, and for doctors only, the ideological falsehood in public acts. The prosecutor has also requested the suspension of the profession for all the nineteen defendants and the judge for preliminary investigations has ordered the precautionary measure of the interdiction of the profession for fourteen doctors and nurses. The court of review of Salerno, at the end of February 2010, revoked the suspension of the service but, in September of the same year, the Criminal Court of Cassation accepted the appeal presented by the pm Round and the suspension of the service was restored as per the judge has the precautionary measure against all the accused because in addition to the two cases other facts have been reconstructed through the statements of thirty patients. The parliamentary commission of inquiry into the effectiveness and efficiency of the national health service also dealt with the matter, summoning and listening to the director of the mental health department of the ASL of Salerno Luigi Pizza who, however, failed to provide exhaustive answers to the questions asked. Finally, after more than a year, the Salerno Local Health Authority decided to set up a civil party. The first hearing was held on June 28, 2010 but was postponed until November 30th. On December 6, 2010, the president of the court rejects all the defendants' petitions and the trial proceeds with the rite of immediate judgment as the evidence is very evident. Over the following months, many facts have influenced the story. First of all, the transfer of the prosecutor Francesco Rotondo to the prosecutor's office of Salerno and the taking over of the Mastrogiovanni trial by the prosecutor Renato Martuscelli. The new public prosecutor, in fact, knew Francesco Mastrogiovanni. In 1999 he had ordered custody in prison for the elementary school teacher for an alleged outrage and resistance against some carabinieri after a dispute in the village square.

CONCLUSION:

All four cases described above can be classified as state crimes. Whatever happened. There may be judgments of judgments, investigations by prosecutors and harangues by defence lawyers but in the end it changes little. Although in many of these cases the term "homicide" has disappeared from the charges, these events have been neither a suicide nor a misfortune, but the consequence of the behaviour of others that have broken the lives of young men, elderly or people weak. So it remains a crime. And "state", regardless of individual responsibilities. Because Stefano Cucchi, Federico Aldrovandi and Francesco Mastrogiovanni died while they were guarded by the institutions and its representatives. All three have passed through barracks, security chambers, prisons, hospital prison departments. Public structures in which they were not masters of themselves. Since of their arrest, responsible for his fate has become the State. State crimes are difficult to resolve. They are usually shrouded in mystery, between un-cleared doubts and unanswered questions. Everything gets confused in a nebula where every protagonist called upon can invoke shaky or ambiguous justifications. It is hard to manage to dispel the mists and distinguish the facts when the state is called to investigate and judge itself. One cannot remain indifferent to the body of Stefano Cucchi. One cannot remain indifferent to a state crime that would have risked not only being unpunished, but even unknown if the victim's mother, father and sister had not decided to fight a minute after learning that Stefano had died. Maybe he had combined it big Stefano, maybe not. In this story, however, we must use the word perhaps, because for him no process has ever been celebrated. He died of justice, long before the date set for the hearing by that judge who had not even looked him in the face for an hour, ignoring in his face the most visible signs of the beating just suffered. If that judge and everyone present in our institutions had looked beyond prejudice. Beyond the obtuse hierarchy that defines as "last" to not deal with, the course of events would have been different. Stefano, like Federico or Francesco, was a human being but in the gears of justice and even before in the mind of the right-minded society this is forgotten. For that mechanism so cruel as emblematic of blaming the victim. We must always have confidence in the institutions but we must recognize that the dead in the hands of the state are becoming more and more.

According to the gruesome accounting that the permanent Observatory on deaths in prison assumed the burden of keeping and updating in real time, by the end of 2012 the number of suicides in Italian prisons would have reached sixty units, fifteen more than those they were in all of 2007. Sixty people died voluntarily, for self-harm, to which would be added another ninety-four deaths in prison against their will, trying to resist pathologies known or unknown to themselves, treated or not, or even to irregular treatments of penitentiary discipline. According to the observatory, 2087 people died in prison between 2000 and 2012.

These are all broken stories that sometimes have a name, a face, a family, while others are lost in an oblivion of indifference. And even more are those who systematically, in the same places, suffer injustices, with a custom that makes one shudder. And in the general indifference of that society that somehow wants to

protect itself by repeating itself that after all they have sought it. And indifference also ends up being a subtle, cowardly and widespread form of torture and complicity.

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