

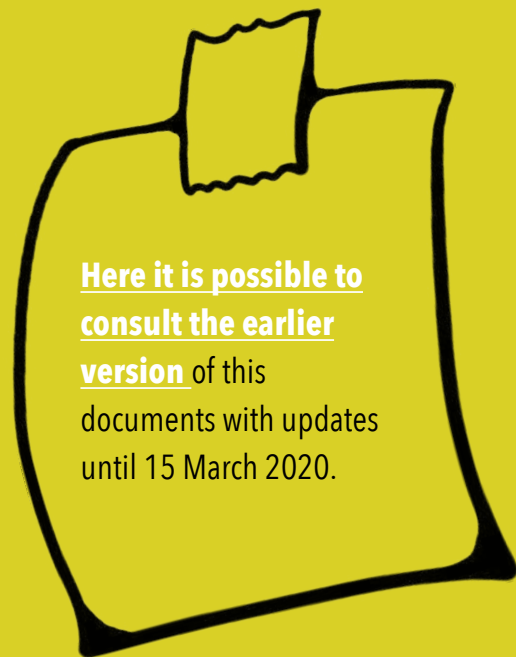
UPDATE #2



Prisons in Italy at the time of the Coronavirus

Antigone's work

Updated to April 20th 2020



Here it is possible to consult the earlier version of this documents with updates until 15 March 2020.

March 26th, 2020. Antigone writes to the Head of Police and the Head of the Penitentiary Administration (DAP) expressing the need for an extensive interpretation of Art.123 of Legislative Decree 18/2020 to protect the health of prisoners and prison workers.

Below is an excerpt:

Therefore, the "electronic means and other technical instruments" cannot be reduced only to electronic monitoring, since the availability of such technology is close to none, but all other technical instruments of easier and more immediate use, commonly used by the police forces for the control of the territory and the correct execution of home detention, must also be considered. We therefore hope that the provision you will adopt and update will take into account the plurality of technical means available.

March 27 th, 2020. **With a statement** Antigone announces that it has sent to the Justice Commissions of the Chamber of Deputies and the Senate the proposed amendments to articles 123 and 124 of the Decree. These proposals, elaborated together with Cgil, Anpi, Arci, Gruppo Abele, Ristretti, Cnvg, Diaconia Valdese, Uisp Bergamo and InOltre Alternativa Progressista, had the objective of increasing the possibility to grant measures of home detention, early release and probation. Antigone asked for these measures to be approved so that the overcrowding of prisons be decreased and the prison system can once again abide by the law. This would allow to better deal with the spread of coronavirus cases.

March 30th, 2020. Antigone publishes on its website the **page** with the campaign Prison and Covid-19, which also contains all the templates to request home detention and other useful informative materials. The Observatory also posts here the updates of the mapping of prison conditions at this particular time.



March 31st, 2020.

According to data published at the end of March by the DAP, there were 57,846 prisoners in Italian prisons, 18,975 of whom were foreigners, a reduction of about 3,300 prisoners compared to the beginning of March (-5.5%). Among these, 465 prisoners were released between 29 February and 31 March 2020 as a result of Law No. 199/2010 and subsequent amendments.

As can be imagined, the drop in numbers is very unevenly distributed throughout the country. Emilia-Romagna and Lombardy are the regions where the decline in the detained population is more evident (respectively 16.3% and 7.2%) while there is a decrease lower than the national average in Veneto (-3.8%) and Piedmont (-1%). However, in the same period of time, the population held in the Marche and Calabria regions even increased.

The drop of the number of women (-7.6%), is on average higher than that of the total prison population and in Emilia-Romagna the number of women fell by as much as 25%. Also, among the female prison population there are 44 mothers with 50 children, a decrease compared to the end of February when there were 54 mothers with 59 children.

Contrary to women, the decrease in foreigners (-4.7%) is slightly lower than the national average, although on average they commit less serious crimes.

Prisoners in semi-freedom decreased from 1,097 to 884, despite the fact that art. 124 of the "Cura-Italia" Decree seemed to have the goal to avoid their daily re-entry into prison.

Even prisoners in pre-trial detention experienced an even greater drop in proportion to that of prisoners with a final sentence (-7.6% and -4.5% respectively) despite the decree did not contain any specific provisions for them.

Antigone requested in a statement that the granting of home detention should not be subordinated to the activation of electronic monitoring, given the low numbers of the devices. The Minister Bonafede declared that only 920 of 5,000 are already active. These numbers are clearly insufficient decrease the prison population as needed because of the Covid-19 emergency.

Antigone also asked to urgently interrupt the measures of transfer of the prisoners from one prison to another. This is because transfers at this stage become a risky practice that could potentially spread the virus from prison to prison. The only way prevent the impact that this crisis could have on the prison system is to ensure the application of the same policies that are being implemented for people in liberty.

Our fears became reality and in the following days we received several phone calls, e-mails, letters from prisoners and family members of inmates held in the Tolmezzo prison where Covid-19 had arrived along with some inmates transferred from the Bologna prison.



April 5th, 2020. It is made known that one detainee held at the Santa Maria Capua Vetere prison in Campania tested positive to Covid-19. Already on March 31 Antigone had received the testimony of the prisoner's family members who were very worried about his health and afraid about the probable contagion. Antigone **pointed out** all the difficulties related to the management of the spread of the virus within the prison system.



April 6th, 2020. Antigone **joins the appeal** of the National Coordination of Legal Clinics to urgently intervene to protect the right to health in prisons as well.

April 7th, 2020. With a **video message**, Patrizio Gonnella urges the Senate (which from 8 April will discuss the conversion into law of the "Cura-Italia" decree) to extend the measures provided for in Articles 123 and 124. Another 10,000 prisoners need to be released. However, for those who will remain in prison, in addition to the right to health, also the other rights must be guaranteed: for example, through distant-learning to continue the courses of study undertaken. 37 prisoners tested positive to Covid-19 and about 160 prison workers, most of them policemen, doctors and nurses. These numbers must not be allowed to grow. We need to distance people and we need to do it now.

April 7-8th, 2020.

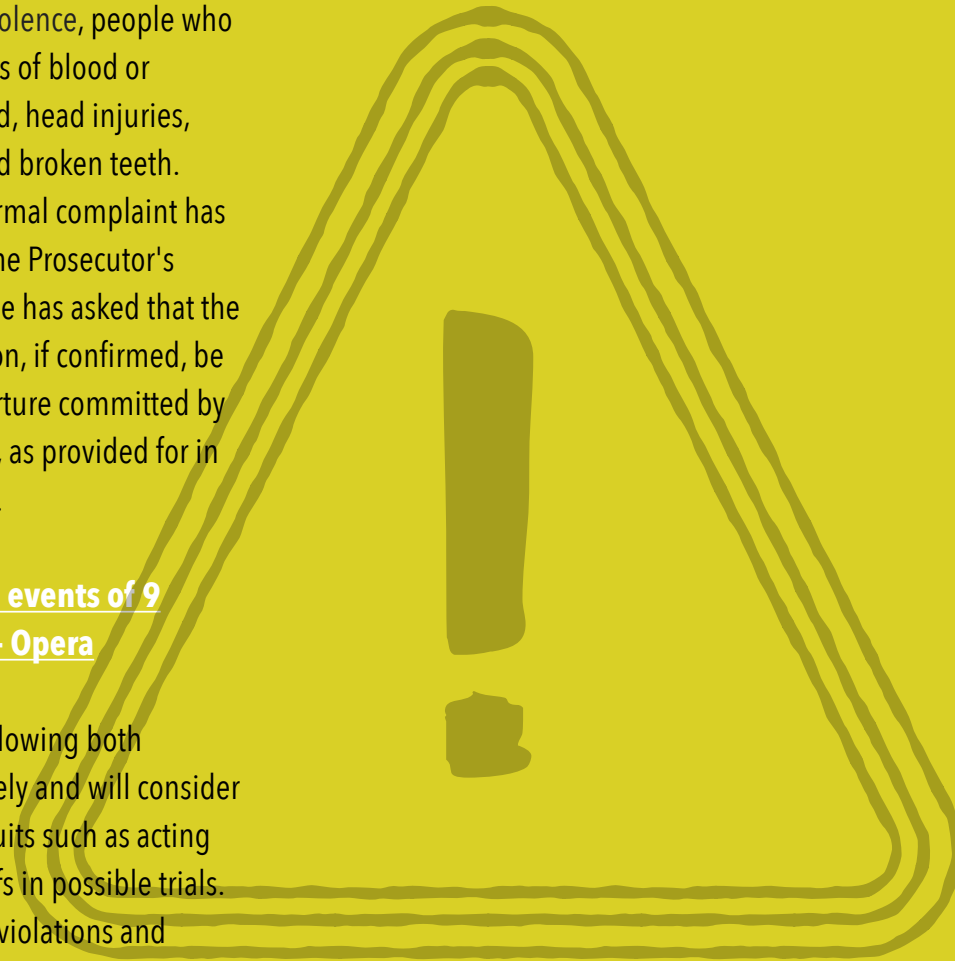
Antigone has received numerous reports of violence inside the **prison of Santa Maria Capua Vetere**. Antigone's lawyers verified the reported events and revealed a very harsh picture of violence against detainees. On 5 April, among the prisoners in the "Nile" section, the news spread that a prisoner in charge of distributing groceries and in solitary confinement with high fever, had tested positive for Covid-19. In the section, the detainees were reported to have started a peaceful protest, first by beating the bars and then barricading themselves behind a barricade built with the beds, demanding the distribution of personal protective equipment and sanitizers among the detained population. In the evening, according to the reports, the situation seemed to have calmed down, as the detainees were to meet with the Surveillance Judge, a meeting which actually

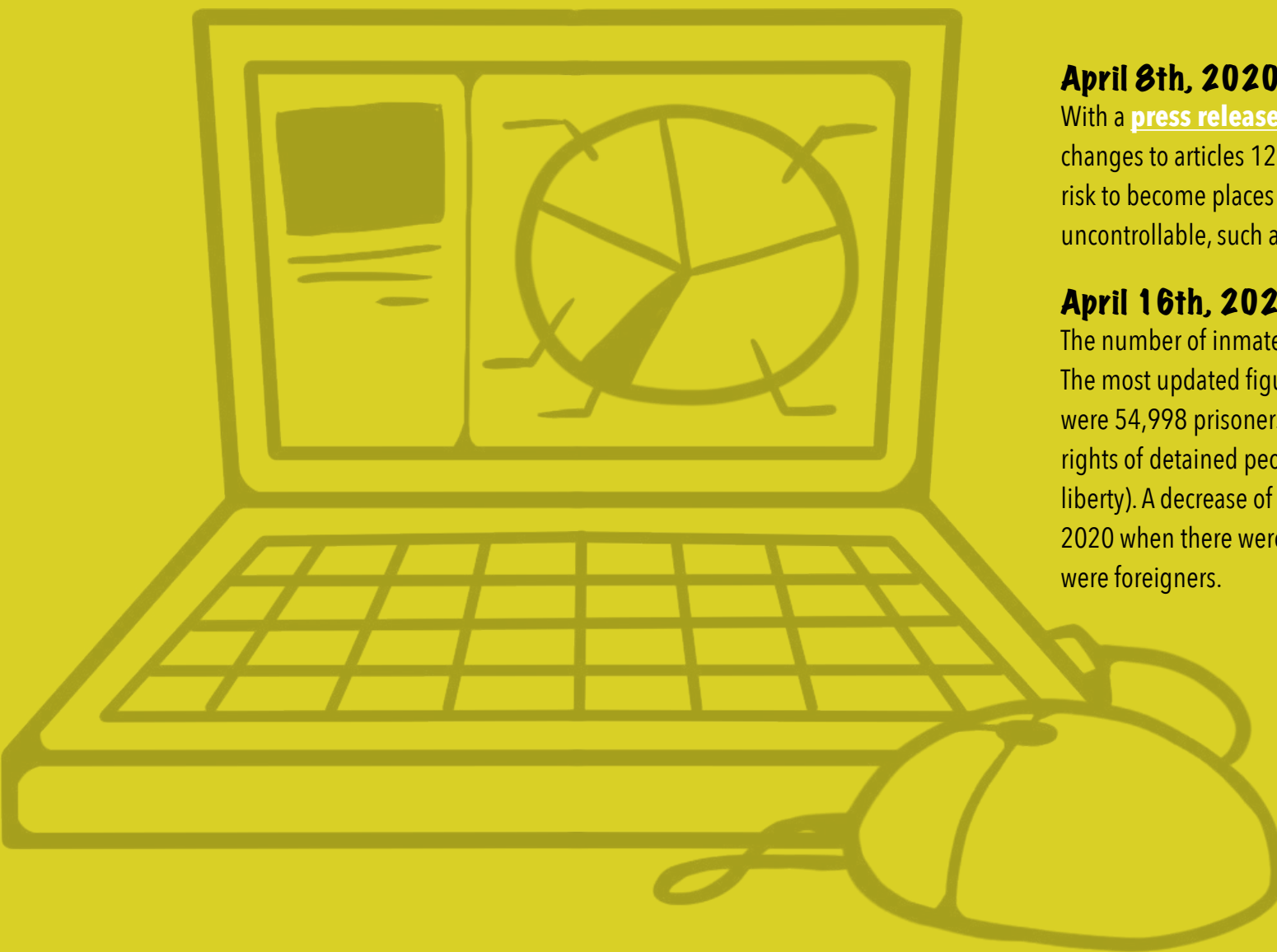
took place in the following morning. However, allegedly in the early afternoon, once the magistrate had left, some 400 prison police officers would have entered the section in anti-riot gear, with their faces covered by helmets, and there, in groups of seven, they would have entered the cells and would have slapped, kicked, punched and beaten the prisoners with truncheons. The beating would have then moved from the cells to the common areas, towards the outdoors area. According to the reports, in the following days, many detainees would not have been allowed to make phone calls. Those who were allowed to call would have been threatened if they told the events. This has not prevented prisoners from showing their families or lawyers the signs of violence. Allegedly, several doctors would have omitted the signs of violence from the medical reports. The reconstruction of the events that Antigone was able to formulate

shows people beaten with tremendous violence, people who fainted in pools of blood or urinating blood, head injuries, broken ribs and broken teeth. Obviously a formal complaint has been filed to the Prosecutor's Office. Antigone has asked that the facts in question, if confirmed, be qualified as torture committed by public officials, as provided for in Article 613 bis.

The previous events of 9 March 2020 - Opera

Antigone is following both situations closely and will consider potential lawsuits such as acting as civil plaintiffs in possible trials. Human rights violations and arbitrary violence against people deprived of their personal freedom are always unacceptable. The more unacceptable they become in situations of national and global emergency such as this one we are experiencing with the Covid-19 pandemic.





April 8th, 2020.

With a **press release**, Antigone denounces that the lack of changes to articles 123 and 124 of the "Cura-Italia" decree risk to become places where the spread of the virus is now uncontrollable, such as the social care homes for the elderly.

April 16th, 2020.

The number of inmates in Italian prisons continues to fall. The most updated figure dates back to April 16 when there were 54,998 prisoners (source: National Guarantor of the rights of detained people or people otherwise deprived of liberty). A decrease of about 6,000 people since 29 February 2020 when there were 61,230 prisoners, 19,899 of whom were foreigners.

INFECTION IN PRISON

March 19th, 2020.

The death of a 51-year-old prison policeman is confirmed. He had tested positive for Covid a few days earlier.

March 23rd, 2020.

Detainees: 17 tested positive, less than a third of them hospitalized and the rest in sanitary solitary confinement.

March 26th, 2020.

A second death among prison staff is confirmed. The prison police officer who died at the Humanitas hospital in Rozzano (Milan) was a 52-year-old man who was serving in Milan until he was diagnosed with the virus.

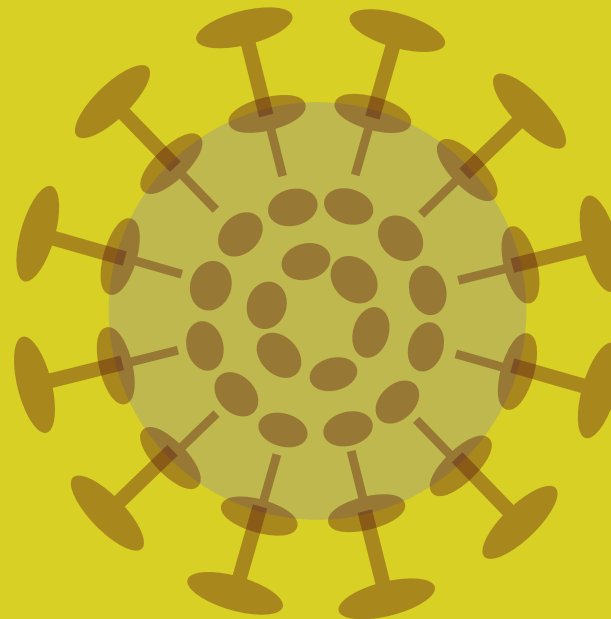
April 1st, 2020.

Prisoners: 19 tested positive, 2 of whom were hospitalized and 17 in sanitary solitary confinement in prison.

Penitentiary police: 116 tested positive, 17 of which were hospitalized and the rest in isolation at home or in barracks.

April 2nd, 2020.

The first death for Covid of a 76-year-old prisoner detained at the Bologna Dozza Institute is confirmed. At the time of death he was at the Sant'Orsola hospital in Bologna.



April 8th, 2020.

Prisoners: 58 tested positive, 11 of which were hospitalized and 47 in sanitary solitary confinement in prison. Penitentiary police: 178 tested positive of which 18 were hospitalized, about twenty in quarantine in barracks and the rest in isolation at home.

April 15th, 2020.

Prisoners: 94 tested positive, 11 of which were hospitalized and 83 in sanitary solitary confinement in prison.

19 recovered, 5 of whom were hospitalized and 14 in sanitary solitary confinement.

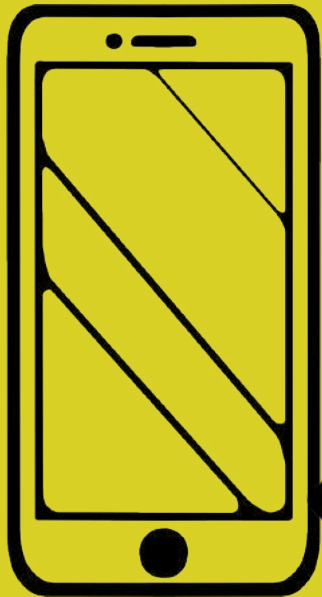
Penitentiary staff: 204 Penitentiary police officers and 5 people at the central administrative headquarters: 170 of whom are in isolation at home, 22 in barracks and 17 in hospital. 6 recovered.

April 14th, 2020.

The first death for Coronavirus is confirmed among the population interned in the Residences for the Execution of Security Measures (REMS). He is a man admitted to Rems in San Maurizio Canavese (Turin), where he died in hospital after testing positive for covid-19.

April 10th, 2020.

The death of a man detained at the Voghera prison for COVID is confirmed. The man, 58 years old, was in pre-trial detention, awaiting final sentence.



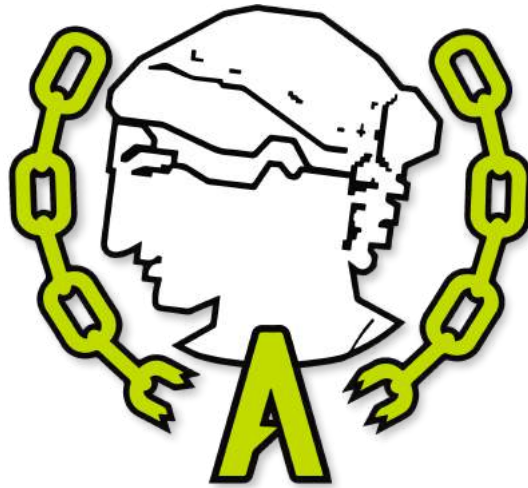
During these very tense days we have received and continue to receive phone calls, emails and messages via social media from family members of prisoners.

Some of them report to us about the measures taken by each prison to contain the virus, ranging from the limitation of family visits to only one person per detainee to their total suspension, from the replacement of family visits with video calls via Skype to the increase in phone calls. Others contact us expressing their desperation because they have not seen or heard from their loved ones for days or weeks due to the suspension of all family visits and in some cases even of phone calls (the latter suspended in some sections as a result of the riots). Others report cases of violence and retaliation carried out by the penitentiary police in some of the institutions that were involved in the riots. In some cases lawyers contacted us to report the interruption of consultations with their clients. We will continue to provide to anyone all the information available to us while our work to collect information goes on.



Antigone's Ombudsman is active to respond to requests for help from relatives of prisoners who can write to the following e-mail address:

difensore@antigone.it



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