

WRITTEN QUESTION E-1388/03  
by Maurizio Turco (NI)  
to the Commission

Subject: 'Accidental' deaths in Italian prisons - the case of Luigi Giusti

On 3 December 2002, Mr Luigi Giusti, aged 58, was arrested and transferred to Poggioreale prison in Naples under a detention order issued by Naples examining magistrate Giovanna Ceppaluni, at the request of public prosecutor Francesco Curcio.

At the time of his arrest, it was known that Mr Giusti was suffering from a life-threatening medical condition (severe diabetes which had already caused irreparable damage to the arterial system, including blindness and cardiovascular accidents affecting the limbs).

On 21 December 2002, the initial defence petition, which clearly drew the attention of the public prosecutor and examining magistrate to the need for medical examinations to be conducted in order to take account of the defendant's serious medical condition, was dismissed by the court and the examinations were never performed.

On 27 January 2003, the defence submitted an application for release, accompanied by a request for the prison hospital file to be made available, to which no response was received.

On 21 February 2003, an application by the defence for the prisoner to be released from custody on grounds of serious ill-health was rejected by the examining magistrate following a ruling by the public prosecutor, while no response was given to the request for the hospital file or for improved prison conditions on grounds of serious ill-health.

On 17 March 2003, according to one of the defence lawyers, the prison authorities sent an urgent fax to the examining magistrate saying that the prisoner's state of health had deteriorated and requesting an urgent transfer to the Cardarelli hospital in Naples (no reply was received).

During the night of 20-21 March 2003, the prisoner suffered acute chest pains, fell out of bed and had to be carried to the prison infirmary on the shoulders of his son Ottavio, also a prisoner. After being examined by medical staff, Mr Luigi Giusti was obliged to return to his cell. Two hours later, dying or perhaps already dead, he was taken to the Loreto Mare hospital.

To date no charges have been brought or investigation warrants issued against magistrates, who were clearly at fault, or the medical staff of the Poggioreale prison.

There have been an increasing number of cases, moreover, in which the state of health of inmates of Italian prisons has been 'misjudged', both by magistrates and medical staff.

In the light of the above, what measures will the Commission take to protect the basic rights of prisoners?

Would it not be useful to draw up Community legislation laying down minimum standards to protect prisoners' rights?

Does it not consider that the serious and repeated violations of prisoners' rights, particularly in Italy, where the case described above is merely one example among many, represent a breach of the EU Treaties?