



The brutality of institutional racism suffered by Emmanuel Foster Bonsu

by Grazia Naletto

The story of Emmanuel Foster Bonsu, 22 years old, of Ghanaian origin, stopped, beaten to a pulp, denigrated and offended by a group of ten municipality policemen in Parma on September 29, 2008, is one of the most difficult and painful to remember.

Nevertheless, it must be done. For many reasons.

The first is that this violence represents one of the most serious cases of institutional racism in our country. The second is the initial attempt (but also continued during the judicial process) to deny the seriousness and responsibility of the incident on the part of both the police and the institution they represented, relying, evidently, on a shameless presumption of impunity¹.

The resignation of the Security Councillor took place only three months later. Excuses (and not from everyone) had to wait many years. Third. Today, Emmanuel Bonsu no longer lives in Italy, he moved to London in 2014. Maybe he would have done it anyway, like many other young people of his age. But we have to wonder if the psychological pressure suffered for the endless length of the judicial process that led only in 2018 (ten years later) to a final condemnation of the main perpetrator of the racist violence suffered by him has not contributed to this choice.

But let us briefly recall the facts.

On that day in September, around 6:15 p.m., an anti-drug operation is underway in Falcone and Borsellino Park. Emmanuel is waiting to enter class (he attends a night school at the Itis, nearby), when he is grabbed by the hands of two men in plain clothes who do not qualify. Emmanuel does not know who they are and runs away. He is caught and thrown to the ground, with a gun pointed at his face. He is then punched with a fist before being dragged into the car, beaten again with plastic bottles full of water and insulted during the trip, taken to the command of the policemen, stripped completely and searched. Several times they call him "nigger". The policemen try to make the boy confess to being the "pole" of support for the pusher, arrested during the anti-drug operation in the park. But Emmanuel has nothing to do with it and does not confess.

During the interrogation, one of the police officers takes a picture of him with Emmanuel in his arms with a swollen eye, held by his hair and displayed as a trophy. It will be found after a few days by the investigators in the computer of one of the police officers, although it has been deleted.

¹ As one of Emmanuel's lawyers, Lorenzo Trucco, will observe during the first degree trial: "It is with bitterness mixed with sadness that we speak of this affair. This is the case of a person who, under the protection of the State, is mistreated with brutality, especially psychological. What is disturbing is the presumption of impunity of all the defendants involved". See: "The boy's lawyers ask for a provisional 500 thousand euros", *Il Fatto Quotidiano*, 27 September 2011.



Once his extraneousness to drug trafficking becomes evident, in an attempt to cover up the mistake and the illegal arrest in some way, the policemen force Emmanuel to sign a report in which they accuse him of resistance to public official. Then, after about four hours, they let him go, handing him an envelope with his personal belongings. The envelope is addressed to "Emanuel Negro" and bears the header of the municipal administration².

The emergency department issues a report attesting to a head and chest trauma. The next day, the young man, upset, makes a complaint to the Carabinieri. The local newspapers report the news, accompanying it with statements in support of the police. But the diffusion of a photo of Emmanuel with the swollen eye by the website of the newspaper *la Repubblica* brings the case to the national press and goes around the world. Burying the case becomes impossible, even if, at least in the first few days, both the police and the security councillor try to deny what happened.

It reconstructs well the details of what happened and the context in which Giuseppe Faso is placed in our first white paper, to which we refer³.

In the following we focus instead on the judicial process and the elements of investigation that have supported the recognition of the racist aggravating circumstance for the sentence imposed on two of the police officers involved.

Emmanuel's statements, the collection of testimony and some incontestable evidence lead, after about forty days, to the issuance of a notice of guarantee against ten police officers, including a chief inspector and a commissioner. The charges are very serious: aggravated beatings, slander, insult, racist insults and threats, arbitrary search, abuse of office, false ideological and material, kidnapping. Four of them were placed under house arrest in October 2008.

In the meantime, Emmanuel is traumatized: he confesses to the newspaper *la Repubblica* that "he does not leave home, he does not go to school, he postponed his service as a volunteer in the drug addiction community in Bethany. He says that he has received threats again, that he feels under fire and repeats that he is afraid"⁴.

The request for indictment comes in May 2009. Two of the police officers (Marcello Frattini and Ferdinando Villani) opt for the abbreviated ritual. The first is sentenced to three years and four months. For the second, the plea bargain is refused at two years and a new hearing is scheduled. In January 2011 he is sentenced to two years and ten months and to the payment of a provision of 5 thousand euros to the City of Parma.

The first degree trial

² At first the police, including the commander, try to make believe that the word "nigger" was added by Emmanuel. A handwriting report will confirm instead that it is the work of one of the policemen.

³ G. Faso, "La violenza subita da Emmanuel Bonus", in G. Naletto (a cura di), *Rapporto sul razzismo in Italia*, Manifestolibri, Roma 2009, available here: <http://www.cronachediordinariorazzismo.org/wp-content/uploads/rapportosulrazzismo.pdf>.

⁴ See: "Emmanuel, indagati 10 vigili e c'è l'accusa di sequestro", *RepubblicaParma.it*, 11 novembre 2008, here: <https://parma.repubblica.it/dettaglio/emmanuel-indagati-10-vigili-e-ce-laccusa-di-sequestro/1544181/1>.



The other defendants (Giorgio Albertini, Graziano Cicinato, Mirko Cremonini, Marco De Blasi, Pasquale Fratantuono, Simona Fabbri, Andrea Sinisi and Stefania Spotti) continue with the ordinary rite. The first degree trial begins on September 23, 2010, and the decision is issued on October 3, 2011.

The eight-hour-long indictment of the Pm is very harsh and focuses on the racist connotation of the violence suffered by Emmanuel: "Emmanuel Bonsu is the 'nigger' who becomes at some point in this story the stake of a drug dealer just because he is a 'nigger'. The racist aggravating circumstance distinguishes this story".⁵

The prosecutor asks for sentences ranging from a minimum of six years and nine months to a maximum of nine years and three months' imprisonment and disqualification from public office: in perpetuity for four defendants, for five years for the others. Emmanuel's lawyers, Maria Rosaria Nicoletti and Lorenzo Trucco, ask for a provisional sentence of 500 thousand euros.

The first-degree sentence accepts, in substance, the requests of the prosecutor and recognizes the aggravating circumstance of "racial" discrimination, while imposing penalties slightly lower than those requested, for an overall total of 39 years of imprisonment. The most serious sentence is for Pasquale Fratantuono, author of both the trophy photo and the racist writing on the envelope given to Emmanuel on his release.

For Simona Fabbri, Stefania Spotti and Pasquale Fratantuono the perpetual interruption from public offices is also ordered, for the others only for five years except for Cicinato, who is charged only with the crime of kidnapping (with suspended sentence). The Court also orders the compensation for moral and material damages of Emmanuel and the immediate liquidation of 135 thousand euros. However, the civil responsibility of the Municipality is not recognized: the Municipality policemen will have to pay.

The second degree trial

On January 31, 2014, the appeal process at the first criminal section of the Court of Appeal of Bologna is concluded. The motivations of the decision, filed in May, dwell on the unjustified brutality of the tackle made by Fratantuono and Cremonini on Emmanuel (when he had already been rendered harmless) precisely because he was "a foreigner from outside the EU and black"⁶.

⁵ See: "Processo per il pestaggio di Bonsu: il pm chiede per i vigili fino a 9 anni di carcere", *Il Fatto Quotidiano*, 27 settembre 2011, here: <https://www.ilfattoquotidiano.it/2011/09/27/processo-per-il-pestaggio-di-bonsu-il-pm-chiede-per-i-vigili-fino-a-9-anni-di-carcere/160147/>.

⁶ "But since he was a black man and therefore a different one was not believed; and therefore it is to be considered instead credible what he declared in the trial that Fratantuono in the face of his claim to have left the documents at school showed with sarcasm all his disbelief in this regard saying: 'Yes, yes. You are a student!'; he was a non-EU foreigner, a black man, how was it possible that he was a student?". These are the words that can be read in the motivations of the sentence, as reported by D. Marceddu, "Bonsu case: "beating with racial aggravation. A policemen was looking for promotion", on *Il Fatto Quotidiano*, May 13, 2014.



Another disturbing fact also emerges. The anti-drug operation of September 29, 2008 would have been useful to Simona Fabbri, who had taken the trouble to announce it to a representative of the local press: a few days later, he would have been appointed the new Deputy Commander of the Vigili, a position to which "he could have aspired". It was therefore very important that the operation went well, that's why the mistake made by mistaking Emmanuel for the "pole" of the pusher arrested that day, could not be admitted. The sentence of the second instance confirms the conviction of all eight police officers, reduces the sentences to six of the accused, while aggravating two. The highest penalty remains for Fratantuono (5 years and six months) to which is applied, as well as in Cremonini, the aggravating circumstance of racism, for the crime of private violence aggravated by "racial" discrimination. The Court of Appeals also denies the civil liability of the Municipality of Parma and confirms the provision of 135 thousand euros to be paid only by the police.

The appeal to High Court

The Court of Cassation ruled, in April 2015, on the eight municipality policemen who followed the ordinary rite, and in July 2015, on appeal by Frattini and Villani, annulled the second instance decision on one charge, ordering a trial of appeal bis with consequent redetermination of the sentence. According to the Court, in fact, there are no extremes of a crime of "kidnapping", but only of an "illegal arrest", punished with a much lighter penalty, which involves the statute of limitations.

The sentence of the Court is issued on November 24, 2016 for Frattini and Villani, and on January 10, 2017 for the other defendants. The result is a reduction of the prosecution for all the defendants and the recognition of the "general extenuating circumstances" for all except Fratantuono who, according to the Court of Appeal, "behaved in a particularly 'hateful' manner, with particular regard to the gratuitous and disproportionate violence against a defenceless boy, the racist phrases pronounced against the Bonsu, the writing on the envelope 'Emanuel negro', the picture taken by a colleague". Fratantuono, moreover, would never have recognized his responsibilities or apologized. For all the other defendants the penalty is reduced also in consideration of the level of their "repentance" (our quotation), in most cases only after years.

Moreover, the Court overturns the previous decisions recognizing the civil liability of the Municipality of Parma, condemning it to compensation for damages jointly and severally with the defendants.

On March 6, 2018, the Supreme Court rejected the appeal of the City of Parma and confirmed the civil liability recognized in the appeal bis process, ordering to pay Emmanuel 135 thousand euros (80 thousand as compensation, 48 to reimburse legal costs).

Fratantuono's sentence to four and a half years' imprisonment is definitively confirmed, while Cicinato is cleared of all charges.



Thus ends, after ten long years, the tortuous judicial process of this sad and sordid affair. The result is a substantial halving of the sentences compared to what was decided in the first instance sentence.

The apologies of the Mayor of Parma at the time, to Emmanuel and his family, never arrived.