



Alina, libera “contra sé”. Ma “il fatto non sussiste”

by Paola Andrisani

It is April 16, 2012, when Alina Bonar Diachuk, a 32-year-old Ukrainian citizen, commits suicide in the police station of Villa Opicina, a small hamlet near Trieste.¹ She did it by tying a rope to the radiator in the cell where she had been locked up two days earlier. The news did not arouse much clamour, on the contrary it is hastily robbed of a “banal” made of crime news. As the days go by, information begins to filter and bring back to the surface the horror of what was consumed in that cell.

Alina had just finished serving a 10-month prison sentence for “conspiracy to commit and aiding and abetting illegal immigration”, as the local news reports say, focusing more on criminal details than on the death itself. She was released from prison on Saturday, April 14, 2012 with an expulsion decree still pending, linked to prison detention, but not yet ordered by the Prefect.

Alina is therefore formally a free woman. Yet waiting for her when she gets out of prison, she finds a police car that takes her to another police station, waiting for the formalisation of the expulsion decree. She has kept two days at Villa Opicina before deciding to take off the rope from the hood of her sweatshirt and hang herself from the bars of the window of a security camera guarded by a CCTV camera.

A cloudy story with unclear contours. The Prosecutor's Office opens an investigation.

The investigation

Alina was not supposed to be there. The girl's family's defence lawyer does not use blunt terms and speaks explicitly of “kidnapping”. The expulsion decree had yet to be issued, so there were no valid reasons to detain her at police headquarters.

Alina should not have been in those rooms, also and above all because of her psychological fragility², and she should have been checked on sight (and it would have been possible since she was in a supervised video room). But this was not the case and she died hanging after 40 long minutes of agony, 40 minutes during which no one (specifically those on guard at the time) saw or heard anything.

On the register of suspects gets Carlo Baffi³, head of the Immigration Office, who is

¹ Please see also P. Andrisani, “Alina e il mistero del Commissariato degli orrori”, in Lunaria (a cura di), Cronache di ordinario razzismo. Terzo libro bianco sul razzismo in Italia, 2014, pag. 200-202.

² Alina was afraid of being forcibly repatriated: when she felt that there was no alternative way to her endless escape, she tried to kill herself. The attempt made in the Coroneo prison, was unsuccessful. She was rescued and saved. But, within the Commissariat of Opicina, where she had been locked up after the release decided by the judiciary, her desperation got the better of the control systems and the eyes of the police officers who were supposed to watch over her to prevent other desperate gestures.

³ The Uil Police Union defends the work of the Police Headquarters. “The case of Alina Bonar, who



charged with kidnapping and manslaughter. For the Prosecutor's Office, the woman was in fact "illegally" detained at the offices of the Commissariat because she had finished serving her sentence and was in fact "free".

However, during the course of the investigation, there are some details that only few witnesses highlight or deliberately tend to be hidden.⁴ For example, the (absolutely not negligible) fact that, within the Commissariat in question, a sign would have been found with the words "Purge Office" (instead of "immigration office") and a photo of Mussolini on it, while other material related to the neo-fascist fringe was also found at Baffi's house (a paperweight with the fascist motto "Hangman who gives up", books such as Adolf Hitler's "Mein Kampf", "The defence of the race" by Julius Evola or "How to recognise and explain the Jew" by George Montandon, a bust and various posters of Mussolini and other unequivocal materials).

Alina's case, confirms the chief prosecutor, may not be an isolated case. In that police station, of course, Alina had had the worst of it, losing her life, but she was not the only one to suffer abuse and violence: many other foreign citizens, EU and non-EU, awaiting deportation were illegally detained in Opicina cells. In fact, investigations have shown that 174 cases were found (from August 2011 to April 2012). To detain without any restrictive measure of the Judicial Authority many foreign citizens, considered (sometimes erroneously) "irregular" was an habit that lasted years and emerged with the tragic end of the woman.

The investigation was closed in January 2015: the Trieste Public Prosecutor's Office served notice of the conclusion of the investigation on the then manager of the Immigration Office, accused of aggravated kidnapping, and on three officers of the Commissariat, accused instead of "violated surrender" and "death as a result of another offence". A "heavy" file of more than 10,000 pages, plus 246 personal files of as many foreign citizens. These acts also contain the dramatic video recording the stages of Alina's suicide. The lawyer of Alina's family asks the Ministry of the Interior for compensation of 500,000 euros.⁵

In 2016, among the thousands of papers in the proceedings, an old report from 2006 comes out: a document relating to the meeting between the heads of the Prefecture and the Public Prosecutor's Office itself, which, together with the subsequent circulars of the Police Headquarters, would unequivocally demonstrate that the Immigration Office's agents

committed suicide at the police station of Opicina, had to be a moment of reflection and correction of the practices of treatment of foreigners awaiting expulsion", writes the provincial secretary Uil Police, Paolo Di Gregorio. "On the contrary, we have seen spectacularization and superficiality, which destroy the lives and stories of some policemen. Emblematic is the story of Carlo Baffi", an official of the Police Headquarters under investigation, "where a story of professional commitment is publicly demolished despite not delivering any repressive excess or ideologically inspired smudging, but an approach based on precise directives".

⁴ Among them, the journalist Cinzia Gubbini on the manifesto, in an article of 17 May 2012, "In Trieste the Commissariat of horrors, kidnappings and violence on 50 immigrants", available here: http://www.reti-invisibili.net/morticarceri/articles/art_15497.html

⁵ The compensation is then "settled" at the sum of 150 thousand euros, then granted in 2016.



carried out the indications that emerged from that meeting for six years (from 2006 to 2012) And this means that the Public Prosecutor's Office itself was aware of the “procedure” that after 2012, with Alina's death, was correctly “outlawed”.

The trial

In February 2018, the trial with an abbreviated rite begins, calling for the imprisonment of seven of the nine policemen of the Immigration Office investigated (including executives), two of whom are called to answer for manslaughter for the death of the young Alina Bonar Diachuk. Together with Alina's file, there are 174 more in this case, concerning as many foreign citizens. Public prosecutor Massimo De Bortoli believes that it was “kidnapping of a person who has been aggravated by abuse of power and public officials”: the migrants should not have been detained in that damn barracks. In his indictment before Judge Giorgio Nicoli, the accused and their lawyers, the magistrate asked for 20 years and 9 months of detention in total for the officers and officials with responsibility in the Immigration Office involved in the investigation.

Also the judges of the Review Court, in confirming the legitimacy of the searches ordered by the Pm, when the judicial case broke out, have reiterated the same thesis of the prosecution.

On 4 June 2018, the judge for preliminary investigations, Giorgio Nicoli, issued an acquittal sentence for the former head of the Immigration Office of the Police Headquarters, Carlo Baffi, his deputy Vincenzo Panasiti, and then Alberto Strambaci, Cristiano Resmini, Alessandro De Antoni and Fabrizio Maniago, as well as for the chosen agent Ivan Tikulin.

The ruling, 154 pages, accused the prosecution of being biased and wasting time and money and justified the behaviour of the Immigration office officers who were carrying out their duty of taking into custody foreigners bound to be deported from the country. “The deportation of a foreign citizen cannot be carried out without taking him or her into custody” ruled the judge. The judge even went so far as to state in that the investigation would “create panic in the Trieste Police Headquarters and, perhaps, in other police headquarters. So much so that it would have induced at least Trieste and Gorizia (as peremptorily stated by the prosecutor in his reply, as a result of his investigation) to no longer dare to detain the foreigners to be expelled, at most inviting them with a 'ticket' - if they so wish - to voluntarily undergo the procedures aimed at removing them from the national territory”.

The epilogue?

In September 2018, Alina's case lands in the Court of Appeal, with an equally substantial 113-page dossier.

Massimo De Bortoli, the public prosecutor, did not give up and appealed against the sentence in which judge Giorgio Nicoli acquitted all nine police officers.⁶ The investigation

⁶ Please see: Court of Trieste, Sentence no. 346/18 of 4 June 2018, filed in July 2018.



had already created tensions, given that officials and agents have always maintained that they had done nothing more than implement the directives issued by the top bodies of the Police Headquarters and shared at the highest institutional levels. In the appeal, the Public Prosecutor went through the entire accusatory system sustained so far: the deprivation of personal freedom to which foreigners who were in the police station would have been subjected would not have been legitimate, even in view of the sole purpose of removal with repatriation.

Nicoli has always maintained that “the police has the duty to detain the foreigner, even if he has not committed a crime, for the sole reason that it has been ascertained that he is circulating in the State without having the title and, therefore, is violating the law”.

The judicial battle is still open and all to be played out. On appeal, the outcome of the first instance could also be overturned.

But the question that now arises is: can only a mere compensation in money restore dignity and serenity to these people who have been violated and abused illegally in the cell of a police station? Much will depend on the of the next sentence. Certainly, no amount, however large, will ever be able to restore Alina's life, who died, according to the first judge, “as a result of the action taken by the victim and, therefore, no other factor contributed”.

Alina is dead, but for the Law, it did not happen.