



## Eugenio Tiraborrelli, who died as a recluse at 82 years of age for a solidarity “crime”<sup>1</sup>

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The story I am writing about seems to be a dense narrative with a tragic ending: it was referred by the Rete Diritti in Casa - a group based in Parma that fights for the right to housing - as well as by some left-wing online newspapers, then relaunched by the Agi press agency and the daily newspaper “Avvenire”; not by other nationally important media.

Its main character, Egidio Tiraborrelli, was born in 1937 in Casalbordino, in the province of Chieti. As a child he was seriously injured in the head due to the explosion of a mine that was destined to destroy a German tank. Later, at the age of 16, he had to emigrate to Argentina by boat, with his mother, a brother and a sister, to join his father and older brother, who had been living there for some years. And there, in Comodoro Rivadavia, in the province of Chubut, Patagonia, he spent most of his adult life working as a welder for the long pipeline that carries natural gas to Buenos Aires.

After some time spent travelling around the world working for Snam, Saipem and other companies, he finally returned to Italy. He lived for a few years in Pavullo nel Frignano, a town in the province of Modena, where he tried to set up a small business. He finally came to Parma to get treatment for lung cancer, having just had heart surgery.

As he had such a modest pension that he was entitled to a supplementary allowance, he was initially housed by a Moroccan family in a small house, then he ended up in a Caritas accommodation. Intolerant as he was about fixed rules and hours, when, in 2015, he came into contact with the Rete Diritti in Casa, since there was no accommodation available in the occupied buildings, he asked and obtained to “live” in his caravan, parked in the courtyard of the one in via La Spezia.

In this environment he integrated himself to the point of creating and cultivating, in the courtyard, a small vegetable garden, whose products he used to offer to the other occupants, with whom he had relations of friendship, solidarity and mutual help. This helped him to endure with courage, even serenity, the many ailments that afflicted him, the result of a life as intense and eventful as it was hard and difficult: from hernia to varicose veins, from circulatory problems to cancer.

Just a few months before the tragic outcome of his story, he had undergone an aortic operation, which he also faced with courage, strength of spirit, even a sense of irony: it

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<sup>1</sup> Versions of this text have appeared on “il manifesto” January 20 2020 (*Il «delitto» di Egidio*) and “MicroMega Online” January 22 2020 (*Il crimine di solidarietà di Egidio Tiraborrelli, eroe del nostro tempo*).



was the qualities that distinguished him, together with a certain *bon vivant* spirit, with a taste for adventure and seduction, as underlined by those who met and frequented him.

Despite being so run-down, on 18th December 2018 Egidio was taken from the small popular accommodation, where he had been living for three months, to be taken to the Parma prison. What crime had he been found guilty of, so serious as to allow him to inflict the prison sentence on someone so old and seriously ill? No less than “aiding and abetting illegal immigration”.

It was only at the time of his arrest that Egidio learnt that on 2 November 2016 the criminal section of the Ancona court (a panel made up of Andrea Ausili, Sonia Piermartini, Tiziana Fancello, the latter honorary judge) had sentenced him - *in absentia* and with a final sentence, albeit of first instance - to three years and six months in prison for such a crime of solidarity that he would have committed back in 2012. Evidently, the court-appointed lawyer, the civil lawyer Fabrizio Naspi, who had been assigned to him without his knowledge, had considered that it was not appropriate to appeal, although he himself, at least during the first hearing, had objected to the irregularity of the notice to the defendant.

In short, traveling on a motorboat travelling from Greece to Italy, Egidio allegedly “transported inside a luggage carrier, placed in a car owned by others” - the sentence reads - a Moroccan woman “completely undocumented”, thus allowing her to violate the “sacred” borders of the homeland, from which she would be promptly expelled.

While recognising the extenuating circumstances of the absence of profit motive and the fact that Egidio was completely uncensored, the judges imposed such a prison sentence on him, plus a fine of ten thousand euros and the obligation to pay the costs of the trial and custody of the car: which had been confiscated immediately after landing, once stopped and identified by some members of the Maritime Border Police of Ancona.

All this in virtue of the crime that the criminal law of the enemy and his alleged accomplices - one could say - defines as “aiding and abetting illegal immigration”, introduced in Italy with the framework law n.40 of 1998, the so-called Turco-Napolitano, then merged in the legislative decree n.286 of 25 July 1998. It is a *de facto* crime useful to criminalise any form of aid to those who attempt to reach or actually reach our country, or who reside there “illegally”: even when the actions are guided solely by a spirit of solidarity and altruism. In addition, it is considered particularly regrettable, so much so that it is included among the offences that can be committed: those who are convicted cannot benefit either from the suspension of the detention order or from alternative measures to imprisonment.

Therefore, even though he was at such an advanced age and in an increasingly serious state of health, Egidio remained in prison for almost nine months, in very difficult conditions: for one thing, the Parma prison was equipped with a single oxygen ventilator,



which the sick prisoners were forced to use in turn. In addition, one of the consequences of his conviction was that his pension was blocked and he was obliged to return what he had already received.

Five months after the imprisonment, finally a lawyer from Parma, solicited by activists of the Diritti a Casa Network, submitted a request for alternative measures, obtaining only the possibility of temporary hospitalization, when necessary, in a supervised ward of the Maggiore Hospital. During one of these, Egidio worsened, perhaps because of what is called nosocomial infection, as some people hypothesize: he died on 6 September 2019.

His story illustrates at least three important and very topical themes in a tragically exemplary way. First, the fact that - as we once said - justice is still class justice, which tends to show its most severe, if not fierce, face towards the poorest and/or vulnerable.

Secondly, there seems to be a predominant view of the prison sentence as a cruel punishment, such that it can also be inflicted on the elderly, even seriously ill people; and this in clear disregard of the European Convention on Human Rights, of our Constitution, of Italian legislation itself. In fact, Article 47b of the Prison Law provides for home detention for those sentenced to a prison sentence who are “in particularly serious health conditions”.

Finally, at the centre of this distressing story is, as mentioned above, the crime of aiding and abetting illegal immigration, which, being considered hostile, does not provide for alternative measures to detention, unless the convicted person suffers from serious health problems: as it was exactly in Egidio's case. Such a crime - as we know well - allows authorities, rulers, politicians to commit the worst evils, starting with the criminalisation of NGOs involved in search and rescue operations at sea; thus contributing, and greatly contributing, to what we have repeatedly, in the wake of Michel Foucault, called the *tanatopolitics* of the European Union.

Thanks to the existence of such a crime, even the most obvious and spontaneous acts of solidarity - such as those inspired by the primary moral duty to “feed the hungry” and “feed the thirsty” - can fall under the axe of repression, as has happened several times, even in Italy, especially in border areas. To cite just one example among many, it is enough to remember the ordinance, issued - or rather, renewed - in August 2016 by the mayor of Ventimiglia, the PD, Enrico Ioculano: it prohibited the distribution of food, even water, to refugees who, in very precarious conditions, were waiting for the right moment to cross the border into France. It was on the basis of this order that on 20 March 2017 three volunteers from the *Roya Citoyenne* association were arrested and denounced, “caught” distributing food and water to them.

Do not believe, therefore, that the infamies committed in relation to immigration and asylum issues are solely due to the work of the Salvinian gang. The aforementioned law known as Turco-Napolitano already established that anyone who favours “the entry of



foreigners into the territory of the State in violation of the provisions of this law is punished with imprisonment of up to three years and a fine of up to thirty million lire". Egidio - a hero of our time, after all - is one of the victims of an ignominy that is inscribed in the long term.