



Construction and deconstruction of a prejudice around the murder of Muhammad Shahzad Khan

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Rome, Torpignattara area.

It is the night between 18 and 19 September 2014 when in Via Lodovico Pavoni, Daniel, a boy who is not even of age, beats Muhammad Shahzad Khan, a Pakistani citizen, to death, incited by his father who encourages him from the window to destroy him. The guilt? That of disturbing the residents with the out loud recitation of some sure of the Koran. The murder takes place in a few minutes under the eyes of some neighbours who will call the police. When the police arrive, Daniel admits that he hit the man in the face with a fist, "he spat at me and I reacted", he says. The boy is arrested on charges of involuntary manslaughter and transferred to juvenile detention. Carabinieri rule out racist motive. These are days of tension in the neighbourhood which, following some brawls that had taken place the month before, recently hosted a protest rally of about a hundred people against the situation of neglect and the "growth of crime".¹

Thus, two different and contrasting versions of the facts around the killing, supported by the media and public opinion, spread. There are those who believe that the two were involved in mutual provocation and aggression, or that the man had previously been the victim of other annoyed passers-by. Others argue without delay the thesis of the furious beating.

It is the first reconstruction to make headlines in local and national newspapers, attracted by the drama of the event. Examples of media language that do not hide any prejudice. The victim of the Marranella murder, as it is known by those who live in the area, is "an homeless", "a Pakistani", at first without any dignity of name, "but regularly on Italian territory".² The aggressor is instead "a boy", or "a minor" living in the same neighbourhood, who reacted, with violence, to the provocation of the man who, prey to an ethylic delirium, went around singing strange dirges, annoying passers-by and spitting in his face. On the contrary, it was the foreigner who was hit by the young man. In dealing with the case, journalists prefer the passive form aimed at highlighting the guilt of those

¹ See: Piccirilli A., "Torpignattara non ci sta: cittadini in rivolta occupano via Casilina", *RomaToday*, September 2 2014, <http://pigneto.romatoday.it/torpignattara/manifestazione-2-settembre-blocco-traffico-casilina.html?fbclid=IwAR30N8jHyOuAtwj1Bu2kDQbNdM6zJOp7YKxiTYLcL-x5lVOcCfqHlgs0Pb4>.

² See: "Torpignattara, arrestato il padre del ragazzo che uccise a pugni un pakistano: «Lo incitava dalla finestra»", *Il Messaggero*, October 14 2014, https://www.ilmessaggero.it/roma/cronaca/pakistano_ucciso_torpignattara_padre_ragazzo_pugni-641191.html



who suffered the action rather than the responsibility of those who made that violent gesture. The journalistic emphasis is heavily placed on the pure fatality of what happened. The man was killed with a single blow, given to defend himself. An unpredictable consequence, a dramatic accident.

The medical-legal investigation of the corpse and the subsequent investigations will shed more light on the story. From the autopsy it emerges that at the basis of the man's death there is a "repeated contusive trauma of the head with right temporal fracture and widespread subarachnoid haemorrhage". That is to say, the blows to the head were multiple. Toxicological tests exclude the victim's state of drunkenness and the presence of other substances in the blood.

Meanwhile, reconstructions obtained with the help of some family members reveal that Muhammad Shahzad was 28 years old and belonged to a peasant family from Pakistani Kashmir from which he had left seven years earlier to join some relatives living in Italy, taking advantage of the 2007 flows decree.

At first he worked as a domestic employee and as a cook in his uncle's restaurant. Once his uncle moved to London and closed the family business, Muhammad Shahzad was forced to reinvent himself as a street vendor in order to send money to his wife, who was married the year before the murder during a brief leave of absence, and his three-month-old son, who he did not even meet in time. Once he had lost enough income to provide him with housing and the support of relatives he had been able to rely on until then, he found himself forced to turn to the Municipality of Rome, which assigned him a bed in a city reception centre. As if that were not enough, two days before he was killed, he had learned of the death of an aunt in Pakistan.

Ejaz Ahmad, cultural mediator and journalist for *Azad*, a Urdu-language monthly magazine aimed at the Pakistani community in Italy, is one of the first to ask aloud for the truth about the case. In an interview with *Social Editor*³ states that Muhammad Shahzad was well known in the neighbourhood. Many people knew that he was disturbed, but they say that he never bothered anyone. The recent mourning, loneliness, daily difficulties and the growing frustration of recent times, linked to the risk of losing his residence permit, and therefore not being able to support the family left in his home country, had deeply disturbed him and had evidently accentuated previous problems. For this reason he had taken refuge in the religious dimension, wandering around the neighbourhood, dressed in traditional clothes, singing out loud the sure of the Koran. This is what that litany was that was bothering the tenants of Via Pavoni.

The neighbourhood's reactions to the news are rather ambiguous. In the same week Torpignattara is a succession of sit-ins and marches alternately of condolences for Muhammad Shahzad, aimed at "giving visibility to those who want the neighborhood to

³ See: "Pakistano ucciso a Roma, comitati di zona e società civile in piazza contro la violenza", *Redattore Sociale*, September 23 2019, <https://www.redattoresociale.it/article/ed20f84c-41c9-456c-8ca0-bb42d23d03a2/7c15524f-269d-484c-97b7-5d3aeb3ce939>.



be livable.”⁴, or in solidarity with Daniel⁵. In both cases, the demonstrators are pressed by the microphones and cameras of those journalists who, for a few days, will have the task of lifting the veil over the contradictions and everyday life of 'Torpigna', the suburbs in the centre of Rome, to anyone who does not live there, only to forget about it, except to return to the next, tempting, news story. On some of the banners that for days remain posted on gates and balconies we read: “No racism. No diversity. A misfortune will not deprive you of your freedom”, “You are not alone we are all with you!” Daniel's friends and supporters are convinced, they are convinced and try to convince that it is not racism or cohabitation at the risk of having to talk, but an act of defence that has ended in tragedy. And perhaps it is no coincidence that all this happened right there, where many feel victims of a fragile and fragmented social context. “Forgotten before you are born, kidnapped and abandoned to themselves after being born! These are the *adolescents* born at Marranella”. This is the phrase with which some young people sum up their awareness. The same defensive strategy is used by Daniel, during his own deposition before the judge of the Juvenile Court of Rome. The boy tells that that night he was in the company of a friend, going home when he met Muhammad Shahzad who came staggering near him, kicked the bicycle and spit on him. The man, clearly drunk, had his face covered with blood, a sign of a previous beating. That's why as soon as Daniel hits him the man falls to the ground hitting his head. The intention was to hurt him, obviously, but not to kill him. The boy claims not even to have realised the consequences of his actions. Proof of this is the fact that he did not even try to escape and that, when the Carabinieri arrived on the scene, he immediately admitted that it was he who hit the man, albeit with a single punch. The defence also excludes the racist motive. Daniel is not a racist, he cannot be, precisely because he was born and raised in Torpignattara, together with foreign neighbours and friends and children of immigrants.⁶

The judicial process

In October 2014, the Public Prosecutor's Office of Rome rejected the petition for release filed by Daniel's defendants and entered his father in the register of suspects, only to arrest him on charges of conspiracy to commit voluntary manslaughter, aggravated by having induced his minor son to commit the crime. According to the results of the investigation, it was Massimiliano who instigated his son to massacre Muhammad Shahzad.

⁴ Please see: “Torpignattara, centinaia al sit-in per il pachistano ucciso da un 17enne”, *La Repubblica*, 28 settembre 2014, https://roma.repubblica.it/cronaca/2014/09/28/news/torpignattara_centinaia_al_sit-in_per_il_pachistano_ucciso_da_un_17enne-96869817/#gallery-slider=96869797.

⁵ Bernardi F., “Ucciso a botte a Torpignattara, spuntano manifesti di solidarietà per il minorenne omicida”, *Il Messaggero*, September 21, 2014, https://www.ilmessaggero.it/roma/cronaca/torpignattara_ucciso_botte_striscione-600853.html.

⁶ See: Sansonetti A., “Pigneto-Torpignattara: chi era Muhammad Shahzad Khan ucciso in via Pavoni. Sulla sua morte due versioni”, *Blitz Quotidiano*, September 27 2014, <https://www.blitzquotidiano.it/foto-notizie/pigneto-torpignattara-muhammad-shahzad-khan-ucciso-in-via-pavoni-aggiornamenti-1981003/>.



From this moment on, two trials are being conducted: one against the material author, Daniel, and the other against his father, who, according to the prosecution, colluded with his son.

That evening, according to the reconstruction of the Public Prosecutor's Office, built on the basis of the testimonies acquired, Massimiliano, annoyed by Muhammad Shahzad's songs, looked out from his house in Via Pavoni, began to rage against the boy and threw a bottle full of water at him, touching him. At that point, seeing his son coming, he urges him to hit the heckler. Daniel, the judges say, acts "with unprecedented violence". The boy responds to the fatherly authority with rapid obedience "so as not to disappoint him".⁷ The key witnesses of the investigation, the couple who witnessed the murder from the nearby balcony, recall the images of that savage murder that took place in a few minutes. They tell of punches and kicks given by Daniel, even when Muhammad Shahzad, stunned, layed lifeless on the ground. After the beating, Maximilian takes to the street and, instead of being satisfied with the condition of the man attacked by his son, tried to break down the door of the neighbours, guilty of having tried to take the heckler's defence and of having alerted the police.

Massimiliano's defence is firm: "He spat in his face. The blood spat on him. Spitting is an ugly gesture. It bothers me when so many Bangladeshis pass by in the morning and while people have breakfast they spit. It is ugly. Imagine if they spit in your face", he says a few hours after the arrest.⁸ He defends his son by claiming that Muhammad Shahzad had already been the victim of a previous beating. "He was beaten an hour earlier by four people. Because he was annoying them. Daniel, says the father, "stood under the house, argued, gave him a push, two kicks. I went down immediately, on the fly. This one was on the ground. I didn't even notice it, I was arguing with the one who overlooked. People were busting my son's balls, saying "you piece of shit, how dare you"". Talking about the eyewitnesses and the accusation of incitement to his son for the sentences shouted from the balcony ("kill him, beat him") he almost mocked them. "When they were questioned they said that they do not remember, in the confusion, whether I said this". Some say that these contradictions come from fear. "Fear of me?" answers Massimiliano. The fact is that the couple have in the meantime left Torpignattara.

In June 2015 the judges of the Juvenile Court of Rome recognised the danger of the boy, revealed by the brutality of the beating, and therefore his guilt, proved by the autopsy and the reconstructions made by the witnesses.⁹ Daniel is sentenced to 8 years' imprisonment,

⁷ See: Angeli F, Salvatore F., "Pakistano ucciso a Torpignattara. I giudici: "Daniel lo ha massacrato per non deludere suo padre"", *La Repubblica*, November 15 2014, https://roma.repubblica.it/cronaca/2014/11/15/news/pakistano_ucciso_a_torpignattara_i_giudici_daniel_lo_h_a_massacrato_per_non_deludere_suo_padre-100591098/

⁸ Except from the interview given by Massimiliano Balducci to Servizio Pubblico, October 14 2014. The video is here: <https://www.michelesantoro.it/2014/10/il-padre-incita-il-figlio-ammazzalo-menagli-gonfialo/>.

⁹ See: "Tor Pignattara, uccise di botte un pakistano: la Cassazione conferma l'arresto per il minorene accusato dell'omicidio", *Il nuovo corriere di Roma e del Lazio*, april 2 2015 <http://www.corriereidiroma->



but a few months later the sentence is remodelled: 2 years' probation in a recovery community, with the possibility of extinction of the sentence if it is successfully completed. In the meantime, the trial of the father continues. In December 2015, the third Court of Assizes granted the request of the Prosecutor, sentencing Maximilian to 21 years' imprisonment for conspiracy to commit voluntary manslaughter aggravated by futile motives and instigation of a minor to commit a crime. In 2017 the Court of Appeal reduced the sentence to 10 years, recognising the lack of the element of intentional intent and reclassifying the offence from conspiracy to voluntary manslaughter to conspiracy to commit pretrial homicide. "By inciting him to strike, it is as if the defendant had armed his still-youngest son", says the Prosecutor.¹⁰ Massimiliano is also found guilty of threatening witnesses and attempting to contaminate the evidence, forcing his son, before the Carabinieri arrived at the crime scene, to change his shirt and replace his sneakers with a pair of flip-flops, with which he could hardly have given a kick.

The sentence also includes compensation for damages to the parents, wife and son of Muhammad Shahzad, who joined the trial as plaintiffs seeking damages, represented by the lawyers of Progetto Diritti, Mario Angelelli and Arturo Salerni.

The sentence of the High Court

In May 2018, almost four years after Muhammad Shahzad's murder, the final sentence was pronounced.¹¹, the Fifth Criminal Section of the Court of Cassation rejects the appeal filed by Massimiliano's lawyers and confirms the sentence imposed in the Appeal.

The points raised by the defendants in the appeal sentence, are three:

- the interpretation of the words pronounced by Maximilian, aimed at inciting his son to attack Muhammad Shahzad, reported inconstantly by the witnesses, in the various depositions;
- the "automatic relationship between command and blind obedience", i.e. between incitement and action of the son, who, according to the lawyers, had not even heard or understood what the father was shouting from his home;
- the exclusion of the depositions of two eyewitnesses (exactly coinciding with the statement made by Daniel) who claimed to have seen Muhammad Shahzad spitting in the boy's direction, and the recognition of this act as a real motive triggering the boy's reaction, and therefore the exclusion of "futile motives" as aggravating circumstances of the crime, and indeed the application of general mitigating factors to the crime.

[news.it/2015/04/02/tor-pignattara-uccise-botte-pakistano-cassazione-conferma-larresto-per-minorenne-accusato-dellomicidio/](https://www.news.it/2015/04/02/tor-pignattara-uccise-botte-pakistano-cassazione-conferma-larresto-per-minorenne-accusato-dellomicidio/).

¹⁰ See: Gaita L., "Roma. Incitò il figlio a uccidere pakistano, romano condannato a 21 anni: concorso in omicidio. "Come se lo avesse armato"", *Il Fatto Quotidiano*, December 7 2015, <https://www.ilfattoquotidiano.it/2015/12/07/roma-incito-il-figlio-a-uccidere-pakistano-romano-condannato-a-21-anni-concorso-in-omicidio-come-se-lo-avesse-armato/2285740/>.

¹¹ See: Cassazione Penale n. 27164 del 05/08/2018: <https://sentenze.laleggepertutti.it/sentenza/cassazione-penale-n-27164-del-08-05-2018>.



The grounds for the ruling, which rejected one by one the objections raised, focus mainly on the identification of a causal link between the event (the beating) and the damage (the death caused) and between incitement to violence by the father and murder by the son.

According to the Court, the connection, in both cases, is unquestionable, considering not only that the assault by Daniel began immediately after the pronouncement of the father's sentence, whatever it was, but that it was Massimiliano himself, after exhorting his son beat those who were disturbing him with his songs, who rushed into the street "proclaiming himself responsible for his son's action and saying to take it out on him and not on his son, since it was he who had told him to attack Khan".

As for the question of spit, and therefore the trigger for Daniel's immediate action/reaction, the judges maintain that even if this "had been preceded by a double stimulus, on the one hand the incitement of his father to attack the Pakistani, on the other the spit that he would have addressed to him in response to the first verbal contact". The key to understanding the aggression against Muhammad Shahzad should, however, mainly be found in the incitement by the parent towards a minor "to demonstrate with a violent act his virility and ability to impose himself, among other things in the exercise of a sort of defence of the community against a foreign harasser who annoyed the neighbourhood with his incessant litanies". Acknowledged as "inadequate and disproportionate the motive represented by the mere nuisance caused to the neighbourhood by the victim's insistent litany complaints", the judges note Massimiliano's clear intentions, as sustained since the first conviction, Aware of the reaction that his exhortation would have had on Daniel, he used his son's "inclination to brute violence [...] to teach poor Khan a "lesson", and to carry out the aggression he had started by throwing the bottle from his home. For these reasons, the judges conclude, it is undeniable that Masimiliano's attitude "has not only significantly strengthened his son's aggressive intention [...] but has even given rise to it".

Where are the institutions?

At each of the stages of the trial on the murder of Muhammad Shahzad, the institutions are called into question, accused by a part of the citizens of Torpignattara of excessive absconding, lack of political will and perhaps inability to take on the problems and difficulties that cross the neighborhood and fuel the resentment that is increasingly finding in the 'neighbours' the designated scapegoat.

This is combined with the media's relentless pursuit of blaming the victim of a brutal murder for his irregular condition, drunkenness, harassment and dangerous behaviour. The emphasizing of these elements contributes to support the stigmatization of migrants, the criminalization of foreigners, the ethnicization of social unease, the rhetoric of fear and at the same time contributes to draw a distorted and mystifying picture of the neighbourhood. So good are those protests, often exploited for political purposes, which accuse institutions of letting violence, intolerance and xenophobia feed on each other and of sinking, deploring it, the "Torpignattara experiment", thus creating the favourable ground for the spreading of the perception of an "inter-ethnic" conflict, or worse of a "war



between poor” and ending up belittling, almost justifying unacceptable acts of violence.¹² In a context like this, violence risks becoming a “legitimate and indeed obligatory tool to resolve conflicts”.¹³

More than five years have passed since that terrible night in August, and yet really nothing seems to have changed.¹⁴

¹² See Giuliano Santoro's book which traces the recent history of the neighborhood and reconstructs the killing G. Santoro, *Al palo della morte. Storia di un omicidio in una periferia meticcias*, Edizioni Alegre (Quinto Tipo), Roma, 2015.

¹³ Thus in the judgment of the Court of re-examination rejecting the appeal of Maximilian's defenders, confirming the custodial measure in prison of Daniel's father, reported in Angeli F., Salvatore F. cit.

¹⁴ Far right parties protest against mosques “Roma, a Torpignattara più moschee abusive che chiese (e non solo). La denuncia di FdI”, *Secolo d'Italia*, March 29 2019, https://www.secoloditalia.it/2019/03/roma-a-torpignattara-piu-moschee-abusive-che-chiese-e-non-solo-la-denuncia-di-fdi/?fbclid=IwAR13T53UVfMN8HpMhdKXr5BpsQ26OufuHZHvae-tSjVH4u_9KquBznEtQ8 e Musacchio F. Rivolta a Torpignattara: “Via stranieri e moschee”, *Il Tempo*, may 22 2019, <https://www.iltempo.it/roma-capitale/2019/05/22/news/roma-tor-pignattara-residenti-contro-stranieri-moschee-petizione-esercito-1157299/>. In may 2019 Francesco Lollobrigida, an MP from the far right asked officially to the ministry of Interior and Defense, to send the army: <https://aic.camera.it/aic/scheda.html?numero=4/02945&ramo=CAMERA&leg=18>).