

THE CASALBONI CASE

This is the story of Roberto Casalboni, a 39 years old computer technician. This is the story of a motorcycle trip in August 2003, discovering Norway and its beautiful landscapes: in the sms to Ines – his mother, who is waiting for Roberto's return in Rimini – he tells of green valleys, crystal lakes and the unforgettable spectacle of the midnight sun.

A journey tragically broken on August 17, when Robert dies after a road crash on the way to Kristiansand. In this thin and brutal way Ines learns about Roberto's end. No further details were available: it's only reported that, according to the relief, the responsibilities seems to be clear: Roberto, proceeding at high speed, would have hit a Toyota at an intersection, dying shortly afterwards in hospital due to severe injuries.

Although at the time Ines was already 77, the following month she decides to travel to Norway, to see the place where her son died. Thus, she starts to discover the first inconsistencies with the news reported by the authorities.

First, the crash place: the road Roberto was going along had the right of way, and there was a stop on the other. How is it possible that the crash fault was take all upon Roberto? The Police did not answer this question, hiding behind the secrecy of investigations.

Then Ines goes to the hospital in Sorandet, where Robert was hospitalized and later died, and requests copies of medical records. Despite the apparent willingness shown by the doctors, the request has not been accepted on the basis of reasons that, day by day, appeared more and more pretentious. The medical record – as we'll see later – will be delivered just five years later, in July 2008.

Despite these episodes, which might make anyone wary of those people who were handling the case, the trust towards the Norwegian institutions has prevailed, both for its tradition of civilization of the Country, and because the Italian authorities have repeatedly reassured Ines that the Norway judiciary would have clarify every doubt. Moreover, the Italian Embassy in Oslo gives Ines the name of a Norwegian lawyer of Italian origin, Mr. Congeddu, from which to be represented in the criminal trial.

But the fall of the credibility of institutions, both Norwegian and Italian, is only postponed for a few months: in May 2004 the Court of Kristiansand incomprehensibly absolves the driver of the Toyota. The Italian Embassy, in turn, while informing Ines about this pronounce, expressly advises not to appeal, because "the cause is lost from the beginning". Even the lawyer Congeddu is contrary to appeal the judgment. Everyone agrees: the process must end there, but Ines doesn't know why, as the reasons of absolution haven't been provided yet. To this aim, Ines asks the lawyer to send her a copy of the Tribunal decision. At this point, the boycott becomes explicit: the attorney renounces the mandate, arguing that "the lady rebels against Norwegian law" and delays sending the file until December 2004 when the deadline for appeal has now expired. Ines has thus seen violated her right of defense.

Receiving the file, Ines makes translation acts (at their own expense): this way, she finally learns that the acquittal was based on clearly erroneous evidences. The suspects are now a certainty: the authorities lied. In order to get to the truth, it's necessary to restart investigations, starting from a serious reconstruction of the fact. To this goal, Ines instructs an expert, whose conclusions are shocking:

- first, the impact was not caused by Roberto, but by the Toyota driver, which should have stopped his car at the stop sign;
- secondly, the crash was not so violent, since the speed wasn't 90 km/h (as stated by the court in the judgment), but about 20 km/h: in such a clash, Roberto could be hurt, but hardly die;
- thirdly, the reconstruction carried out by the judge didn't consider statements of eyewitnesses and counterfeit evidence had been used (damage to vehicles have been aggravated to justify the conclusion that the impact was violent).

If so, it became essential to assess the conduct of Sorandet Hospital doctors, who served the first-aid treatment to Roberto. To this end, Ines also asks an expert on the medical treatment given to her son.

The examination was limited to the acts included in the judicial file, since the medical record, as mentioned, had not yet been delivered; nonetheless, it was sufficient to reach evidences that totally contradict the judgment of the Court: upon arrival at the hospital, Roberto's injuries didn't seem severe; he had regained consciousness shortly after the impact. Rather, it was the care provided by doctors to appear inadequate: although Robert had lost blood, no one has performed angiography to detect the presence of internal bleeding. Thus, a few hours later, Roberto bled to death, alone in a foreign land, killed by a driver carelessness and by the doctors' inexcusable negligence.

In such a situation, the rush of institutions, both Norwegian and Italian, in trying to close the case, blaming all the responsibility on Roberto, takes a very serious meaning: probably, inculpating someone who was dead - and alone in a foreign Country, so in condition of undersized defense - was believed to be a good strategy to cover the responsibilities of other people, and so avoid investigations - perhaps considered embarrassing - on the Norwegian health care system. And the same might be the explanation for Mr. Congeddu's absurd behavior, whose name, as mentioned, was spotted by the Italian Embassy.

Believing in the relevance of what had been discovered and in the attitude of institutions to really protect citizens, even acknowledging the errors and abuses committed by its officials, Ines has thus initiated a democratic battle to reopen the case of Roberto Casalboni, based on recognition that the serious abuses committed in case management by the institutions and the lawyer had blatantly violated her right of defense.

Consequently she submitted about thirty complaints, appeals and motions, to the major institutions of Norway (including the King of Norway, Parliament, Ministers of Justice, Foreign Affairs, Health, Attorney General of Norway, Ombudsman, Organization for the protection of patients , Director of the Hospital of Sorandet, Court of Kristiansand, Agder Police, the Disciplinary Committee of Attorneys in Oslo) and Italy (including the President of the Republic, the Italian government, the Minister of Foreign Affairs, the Italian Embassy in Oslo).

Many of the institutions surveyed didn't even answer, others just expressed a formal solidarity, others have actively supported the actions (as the President of the Province of Rimini and the Associazione Italiana Familiari e Vittime della Strada), which allowed to reach some important findings: the main result of this long quest for truth is that, 5 years after Roberto's death, the medical records have finally been given. The examination of the documents, carried out by a Norwegian independent specialist, confirmed the conclusions drawn by Ines experts: the medical emergency has been characterized by serious shortcomings; in particular, the specialist agreed on the fact that it would have sufficed an angiography to highlight the presence of a small lesion in a vein and prevent the internal bleeding that caused the death.

However, despite all the new elements confirmed the wrongness of the decision taken by the Court of Kristiansand, the institutions that had the power to reopen the case have always rejected the request of Ines, anchored to the fact that it was not appealed against the judgment. No relevance was given to the fact that this possibility was denied by fraud.

The protections afforded by state laws have proved to be useless. However, Ines didn't lose confidence in institutions: in 2009 she submitted the case to the European Court of Human Rights. The news, came in February 2010, that the Court had agreed to evaluate the case has kindled a new hope. However, in July 2011 a chilly response arrived. Action was declared inadmissible for the usual bureaucratic reason: no appeal against the Court's sentence had been presented. Moreover, the Court announced that all documentation will be destroyed after one year and intimated Ines not to make other requests! Again, a formal and bureaucratic response is used to trample the fundamental rights of citizens and the principles of democracy.

Almost 9 years have passed since Roberto is gone. Ines is 86 nowadays, but her battle is not over: the justice, which the institutions have not been able to provide, will come from the people, through a popular trial.

In this sense, the Italian Association of Road Victims and their Relatives (AIFVS) picked up Ines's call for:

- disapproving the institutional management of the Casalboni case, saying that truth and justice are two inalienable rights which must be granted to everyone, and in particular to the victims;
- encouraging harmonization of the laws relating to road traffic, in order to give a better legal protection for crashes taking place abroad and make effective the right of defense. For instance, the translation of court documents should be compulsory also in favor of the offended party, and not only for the accused.

This action, although it will not lead to the revision of the judgment, can give a sense to Roberto's death, avoiding anyone other to experience such abuses again.

Given the importance of the subject and his clear supranational dimension, AIFVS asks the FEVR as a whole and individual member organizations to support this initiative, agreeing on the demands of justice and change brought forward by Ines. A more detailed account of Roberto's case is available on AIFVS website, at the following address: www.vittimestrada.org/articles.php?lng=it&pg=1565.