

No. 1695/ 19 RG Dib

No. 2395/ 14 RG PM



PERUGIA CRIMINAL COURT

REPUBLIC OF ITALY

IN THE NAME OF THE ITALIAN PEOPLE

At the hearing held on 14 October 2020, the Third Panel of the Criminal Court of Perugia, comprised of the following magistrates

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| Dr Giuseppe Narducci | President |
| Dr Emma Avella | Judge |
| Dr Marino Albani | Judge, |

pronounced and made public, by reading out the disposition, the following

J U D G M E N T

in respect of the defendants **Lavore Stefania, Cortese Renato, Armeni Luca, Stampacchia Francesco, Tramma Vincenzo, Leoni Stefano and Improta Maurizio**

Civil plaintiffs: **Alma Shalabayeva, Mukhtar Ablyazov, Aldiyar Ablyazov, Alua Ablyazova, Madiyar Ablyazov, Madina Ablyazova, Venera Seralyeva, Bolat Seralyev, Adiya Seralyeva**

FOR THE FOLLOWING REASONS

In relation to Article 530, Code of Criminal Procedure,

- acquits Renato Cortese, Luca Armeni and Francesco Stampacchia of the charge under heading 3 (refusal to perform their duty as an official and fraudulent misrepresentation to mislead the Immigration Office of the police headquarters of Rome) because there is no case to answer;
- acquits Renato Cortese, Luca Armeni and Francesco Stampacchia of the charge under heading 5 (refusal to perform their duty) because there is no case to answer, the portion of the criminal conduct in respect of fraudulent misrepresentation with a view to misleading the Public Prosecutor's Office of Rome being included under heading 6);

- acquits Renato Cortese, Luca Armeni and Francesco Stampacchia of the charge under heading 5 (refusal to perform their duty as an official), the portion of the charge in respect of fraudulent misrepresentation to mislead the Public Prosecutor's Office in Rome being included in the charge at issue under heading 6);
- acquits Francesco Stampacchia of the charge under heading 7 (personal injuries caused to Bolat Seralyev on 29 May 2013) for not having committed the deed;
- acquits Renato Cortese of the charge under heading 8 (fraudulent misrepresentation to mislead the staff of the identification and deportation centre on 29 May 2013) for not having committed the deed;
- acquits Renato Cortese, Luca Armeni and Francesco Stampacchia of the charge under heading 9 (fraudulent misrepresentation of the report of custody of Semakin Volodymir for Alua Ayan on 30 May 2013) because there is no case to answer;
- acquits Renato Cortese in relation to the charge under heading 11) because there is no case to answer;
- acquits Renato Cortese, Francesco Stampacchia and Maurizio Improta of the charge under heading 13 (abuse of office and fraudulent misrepresentation of the return certificates of Alma Shalabayeva and Alua Ablyazova) because there is no case to answer;
- acquits Renato Cortese, Luca Armeni and Francesco Stampacchia of the charge under heading 14 (failure to report, on 31 May 2013, the Kazakh passport and Latvian residence permit of Alma Shalabayeva and fraudulent misrepresentation of the memo of 3 June 2013 to the Public Prosecutor's Office of Rome) because there is no case to answer;
- acquits Renato Cortese, Luca Armeni and Francesco Stampacchia of the charge under heading 15 (fraudulent misrepresentation of the memo to the Public Prosecutor's Office of Rome on 3 June 2013) because there is no case to answer;
- acquits Maurizio Improta, Vincenzo Tramma, Renato Cortese, Luca Armeni and Francesco Stampacchia of the charge under heading 16), limited to the kidnapping of Semakin Volodymir, because there is no case to answer;
- acquits Maurizio Improta of the charge under heading 7), limited to the charge in respect of the report of the statements made to the chief of police dated 15 July 2013;

In relation to Article 530, 2nd clause, Code of Criminal Procedure,

acquits Stefania Lavore of the charge under heading 1) because the act does not constitute an offence.

In relation to Articles 533 and 535, Code of Criminal Procedure,

- declares Stefania Lavore guilty of the charge under heading 2 (fraudulent misrepresentation of the report on the hearing confirming the detention of Alma Shalabayeva at the Ponte Galeria identification and deportation centre on 31 May 2013), excluding the aggravating circumstance pursuant to Article 61 No. 2, Code of Criminal Procedure, within the limits indicated in the rationale;
- declares Maurizio Improta guilty of the charge under heading 3 (fraudulent misrepresentation, with the intention to mislead, of the expulsion order of Alma Shalabayeva enacted by the Prefect of Rome on 29 May 2013), within the limits indicated in the rationale;
- declares Stampacchia Francesco guilty of the charge under heading 4 (fraudulent misrepresentation of the house search report on 29 May 2013) within the limits indicated in the rationale;
- declares Renato Cortese, Luca Armeni and Francesco Stampacchia guilty of the charge under heading 6 (fraudulent misrepresentation of the notification of offence No. 500 to the Public Prosecutor's Office of Rome on 30 May 2013), a portion of this charge being included in the charge at issue under heading 5) in respect of Renato Cortese, Luca Armeni and Francesco Stampacchia;
- declares Maurizio Improta guilty of the charge under heading 8 (fraudulent misrepresentation to mislead the staff of the identification and deportation centre on 29 May 2013);
- declares Renato Cortese and Luca Armeni guilty of the charge under heading 10 (fraudulent misrepresentation to mislead the Public Prosecutor's Office of Rome which issued the order authorizing the expulsion of Alma Shalabayeva on 31 May 2013) within the limits indicated in the rationale;
- declares Maurizio Improta guilty of the charge under heading 10 (fraudulent misrepresentation of the explanatory memorandum to the Public Prosecutor's Office of Rome on 31 May 2013), this charge also including the portion of the criminal conduct of which the defendant is charged under heading 17);

- declares Maurizio Improta guilty of the charge under heading 17 (multiple fraudulent misrepresentation offences with the intention to mislead, committed between 31 May 2013 and 29 July 2013), subject to the qualification of the behaviour at issue as fraudulent misrepresentation pursuant to Article 479, Code of Criminal Procedure, within the limits indicated in the rationale;
- declares Stefano Leoni guilty of the charge under heading 18 (fraudulent misrepresentation of the service report of 2 August 2013) within the limits indicated in the rationale;
- declares Stefania Lavore guilty of the charge under heading 20 (fraudulent misrepresentation of the report to the President of the Court of Rome on 19 July 2013), excluding the aggravating circumstance pursuant to Article 61 No. 2, Code of Criminal Procedure;
- declares Renato Cortese, Luca Armeni, Francesco Stampacchia, Maurizio Improta, Vincenzo Tramma and Stefano Leoni guilty of the charge under heading 1 (kidnapping by a public official with abuse of the powers inherent to their office to the detriment of Alma Shalabayeva and a minor below the age of 14, Alua Ablyazova), excluding the aggravating circumstance pursuant to Article 61 No. 2, Code of Criminal Procedure, and including in this charge a portion of the charge at issue under heading 16) concerning the defendants Improta, Tramma, Cortese, Armeni and Stampacchia as well as the entire charge at issue under heading 12) in respect of the defendants Maurizio Improta, Stefano Leoni and Vincenzo Tramma

Therefore, pursuant to Article 81, Code of Criminal Procedure, identifying for each defendant the sentence for which the offence which is deemed the most serious — the offence under Article 605, 1st, 2nd and 3rd clauses, Code of Criminal Procedure, in the case of defendants Cortese, Armeni, Stampacchia, Improta, Leoni and Tramma, and the charge indicated under heading 2) in the case of the defendant Lavore, the Court as a consequence condemns:

- the defendant Stefania Lavore to a sentence of two years and six months in prison, as well as the costs of the proceedings;
- the defendant Stefano Leoni to a sentence of three years and six months in prison as well as the costs of the proceedings;
- the defendant Vincenzo Tramma to a sentence of four years in prison, as well as the costs of the proceedings;

- the defendants Renato Cortese, Luca Armeni, Francesco Stampacchia and Maurizio Improta to a sentence of five years in prison, as well as the costs of the proceedings;

In relation to Articles 29, 31 and 37, Code of Criminal Procedure,

- declares Renato Cortese, Luca Armeni, Francesco Stampacchia and Maurizio Improta perpetually suspended from holding public office;
- declares Stefano Leoni and Vincenzo Tramma suspended from holding public office for a period of five years;
- declares Stefania Lavore suspended from holding public office for a period of two years and six months;

In relation to Article 538 et seq., Code of Criminal Procedure,

within the limits of the conclusions formulated by the defending lawyers of the civil plaintiffs at the hearing on 24 September 2020, the Court, as a consequence of the crimes committed, condemns the defendants Lavore Stefania, Cortese Renato, Armeni Luca, Stampacchia Francesco, Tramma Vincenzo, Leoni Stefano and Improta Maurizio, to pay compensation for the damage suffered by the civil plaintiffs, Alma Shalabayeva, also in consideration of the parental responsibility for the daughter, a minor, Alua Ablyazova, Mukhtar Ablyazov, also in consideration of the parental responsibility for the son Aldiyar Ablyazov, a minor, Madiyar Ablyazov, Madina Ablyazova and Venera Seralyeva, also in consideration of the parental responsibility for the daughter, a minor, Adiya Seralyeva. The compensation payable to the damaged parties is to be definitively decided by the civil judge.

The Court furthermore condemns the defendants to refund the legal and defence fees incurred by the civil plaintiffs, Alma Shalabayeva, Alua Ablyazova, Mukhtar Ablyazov and Aldiyar Ablyazov, assisted by lawyer Astolfo Di Amato, amounting to EUR 8.455,95, including general expenses, plus pension tax and VAT, as required by law, and the civil plaintiffs, Madina Ablyazova, Madiyar Ablyazov, Venera Seralyeva and Adiya Seralyeva, amounting to EUR 8.455,95, including general expenses, plus pension tax and VAT, as required by law.

Rules that the documents shall be forwarded to the Public Prosecutor's Office at the Court of Perugia for evaluation of the responsibility for the identification of the public official who caused personal harm to Bolat Seralyev on 29 May 2013 (heading 7), as well as in respect of the possible commission of the crime pursuant to Article 479, Code of Criminal Procedure in relation to the public officials who compiled the report of custody of Semakin Volodymir for Alua Ablyazova dated 30 May 2013 (heading 9).

The deadline for the filing of the rationale is set at ninety days.

Thus decided in Perugia on 14 October 2020

The President
Giuseppe Carducci

The Judges

Emma Avella

Marino Albani