CHARGES IN PROCEEDINGS OF THE EARTHQUAKE OF L’AQUILO

1. BARBERI Franco, born in Pietrasanta (LU) on 16.08.1938, residing in Rome Via Domenico Fontana 34;
2. BERNARDINIS DE Bernard, born in Genoa on 21.04.1948, residing in Via Tortosa Number 4/39;
3. WOODS Enzo, born in Arezzo on 27.02.1942, residing in Bologna, Via de Griffon Number 5;
4. WILD Giulio, born in Rome on 20.10.1963, residing at Albano Lazio Via della Selvotta 15;
5. Gian Michele Calvi, born in Pavia June 18, 1957, residing in Progress New street Number 79;
6. EVA Claudio was born in Pula (Slovenia) on 05.02.1938, residing in Genoa, Via John Monleone 3/5;
7. DOLCE Mauro, born in Rome on 19.07.1953, residing in Via Marescotti Number 13;

DEFENDANTS

In the crime of article 113, 589 paragraphs 1 and 3, 590 c.p., since culpable in cooperation with each other:

BARBERI Franco as acting president of the National Commission for the Prediction and Prevention of Major Risks and Professor of Volcanology University of Rome;
DE BERNARDINIS Bernardo as Deputy Head of the technical operating National Department of Civil Protection;
WOODS Enzo, as President of the National Institute of Geophysics and Professor of Geophysics and Volcanology, University of Bologna;
WILD Giulio, as Director of the National Center for Earthquakes;
Gian Michele Calvi, as Director of the Foundation Eucentre (European Centre for Training and Research in Earthquake Engineering) and Professor of Design in seismic University of Pavia;
EVA Claudio, as Professor of terrestrial physics, University of Genoa;
DOLCE Mauro as Director of the Seismic Risk of the National Department of Civil Protection and Professor of Structural Engineering University of Naples Federico II;

As members of the National Commission for the Prediction and Prevention of Major Risks, defendants held a meeting in L'Aquila on 31 March 2009 for "the goal of providing the people of Abruzzo all the information available to the scientific community on seismic activity in recent weeks”;

Their guilt consisted of negligence, carelessness and inexperience;

In violation of Articles. 2, 3, 9 Law no. 225, 24.02.1992, Articles 5 and7 of Law no. 401 of 09.11.2001, of article 4 Law no. 21 of 26.01.2006, article 3 of the Decree of the President of the Council of Ministers no. 23582 of 03.04.2006;

Also in violation of the general regulations of Law no. 150 of 7 June 2000 on the regulation of the activities of information and communication of public administration;

Carrying out, on the occasion of the meeting, a “risk assessment” to seismic activity in the area of ​​L'Aquila during and around December 2008, activities approximate, generic and ineffective in relation to the duties of “prediction and prevention”;

Providing, on the occasion of the meeting, both oral and written statements, the National Department of Civil Protection, Alderman Abruzzo Civil Protection, the Mayor of L’Aquila, and L’Aquila citizenship, that were incomplete, incorrect and of a contradictory nature as to the causes, hazards, and future developments of seismic activity, thus negating the purpose of “protecting the integrity of life, property, settlements, and the environment from harm or danger of damage from natural disasters, catastrophes and other major events that lead to serious risks,” by stating that “it is not possible to predict” earthquakes, it “is extremely difficult to predict temporal evaluation of earthquakes,” “the mere observation of many small earthquakes does not constitute precursor phenomenon,” and at the same time the opposite or “any prediction has no basis in science.”

They also stated a belief that “strong earthquakes in Abruzzo have very long return periods. The risk of a short sharp shock like that of 1703 is unlikely, although we cannot exclude it absolutely,” and “that there is no reason consider a sequence of low magnitude shocks as a precursor to a strong event,” noting that “the records of the shock are characterized by strong peak acceleration, but with very low spectral shifts to a few millimeters and therefore hardly able to produce damage to structures, there is therefore to be expected damage to structures more sensitive to accelerations such as those in brittle behavior.”

The statements characterized the seismic swarm affecting L’Aquila for three months as a normal geographic phenomenon that “ranks say in the normal phenomenology certainly from the point of view of seismic phenomena that are expected in this type of territories, centered around Abruzzo, however, a little ‘Lazio, [*un po’ il Lazio, un po’ le Marche]* fluctuated in the centre of Italy.”

And that at present, there is no danger because the situation is favourable because there is a continuous discharge of energy, “there is a danger, I have spoken to the mayor of Sulmona, but the scientific community continues to prove me and indeed it is a win-win situation because the continuous discharge of energy, and so basically there are also rather intense events, then somehow we saw little damage”;

Thus falling short of their duties of the risk assessment related to their quality and their function and leading to the prediction and prevention, and the duties of clear, correct, complete communication;

They caused, during the violent earthquake (moment magnitude Mw = 6.3, local magnitude Ml = 5.8) of 6 April 2009, at 03:32 morning, the death of:

[List of 37 victims who died on 6 April 2009 or in the following days, and 5 people who were injured in the collapse of the housing in which they were, or in the L’Aquila “Student House.”]

Who were encouraged to remain at home by the statements above, despite the earthquakes that had repeated over several months with increasing frequency and magnitude, to that of 6 April 2009 at 03:32.

In L’Aquila between 31 March 2009, the date of the meeting of the National Commission for the Prediction and Prevention of Major Risks and 6 April 2009, the date of the earthquake.