

TRIBUNALE DI PERUGIA CORTE D'ASSISE, HEARING OF 7 FEBRUARY 2009

Confrontation in Court between Inspector Michele Battistelli and Luca Altieri whose testimonies differed on whether the former entered the room of Meredith Kercher on breaking down her door.

Questioning by: Judge Massei (President of the Court), Prosecutor Comodi, Prosecutor Mignini, Maresca (Civil counsel for Kercher family), Dalla Vedova (defense lawyer for Amanda Knox), Bongiorno (defense lawyer for Raffaele Sollecito), Maori (defense lawyer for Raffaele Sollecito).

Page 142

Judge Massei The witnesses are hereby informed that this is a continuation, albeit in a different form, of the testimonies already provided, and so they continue to have an obligation to tell the truth, they are also public officials in this phase as they were in the moment that they gave their testimonies independently of each other and the role they have, for this activity is of public officials, and so they are obliged to tell the truth. The confrontation has been arranged on the request of the Prosecutor, in agreement with the other parties, regarding differences, which appeared in the statements that you both made in particular Battistelli stated that he did not enter the room where Meredith was found, he saw the foot sticking out, the duvet that covered her, some coagulated blood and he didn't enter the room. On this point, the witness Altieri informed about this circumstance, giving a different account saying he received news of the entrance...

Altieri No, I saw.

Judge Massei Of having seen, having received news was more neutral, of having seen that Battistelli entered the room. Maybe on this point we can hear what the two witnesses have to say, let's see. Continue Altieri.

Altieri Your Honor as I already said yesterday, in the moment that I broke down the door everybody rushed outside the house and I remained a few seconds longer at the entrance to the room where I saw Inspector Battistelli enter, like I already said yesterday he arrived at the point of the victim's head and I saw his movement of lowering himself to lift up the duvet, rightly I believe, to ascertain whether she was dead basically and in that instance when I realized that he was about to lift up the duvet I also rushed out.

Judge Massei Do you [Battistelli] remember what you stated on this point yesterday...

Battistelli Absolutely and I confirm it.

Judge Massei Noted...

Battistelli They were all accompanied outside the house, from that moment on nobody entered again.

Judge Massei So you didn't...

Battistelli Absolutely [not].

Judge Massei You didn't lift up the duvet.

Battistelli I didn't even enter the room, from outside I looked for 30 seconds at what

was inside the room and then I used my telephone, my colleague was outside identifying all these people.

Judge Massei While you were looking in those 30 seconds the others saw...

Battistelli They were all accompanied outside, then if they rushed outside or not, I can't confirm, however they were all accompanied outside.

Judge Massei Do you know if anybody saw you while you remained in front [of the room] in those 30 seconds...

Battistelli I wouldn't be able to say, I looked in there for a moment, when I realized what the situation was I went to make a phone call.

Judge Massei Can you describe better what you mean by "I looked in there"?

Battistelli I was outside the room, you know, where the door was. Outside. I only looked inside. My colleague was there, I decided to take everybody out...

Altieri Can I ask a question? However I don't know whether I'm in a position to ask questions, basically, I want to ask how Inspector Battistelli deduced that underneath the duvet there was a dead body? Why could it not have been a person who had lost blood, so in that case why was an ambulance called given that it was only a supposition of a dead body?

PM Comodi It's not an admissible question if by a witness subject to...

Altieri I'm trying to reason in the sense that...

Judge Massei Excuse me, however...

Altieri Seeing as an ambulance didn't come, but basically an emergency Police squad...

Judge Massei But independently of this...

Altieri No, I say what I saw, but this is just a consideration...

Judge Massei You confirm that you saw this?

Altieri Of course, of course.

Judge Massei After that what were his movements, if you can...

Altieri Look as I already said, I repeat, he entered to the left of the body that was covered by the duvet.

Judge Massei Excuse me, you knock down the door, what happens to the door?

Altieri No, it doesn't fall down, it opens wide.

Judge Massei So the door opens wide.

Altieri Yes.

Judge Massei It remains wide open to its full extent or in part, or what?

Altieri I think wide open, I don't know.

Judge Massei I don't know...

Altieri No, it was enough to allow us to visualize the whole room through the opening of the door.

Judge Massei (Concurrent Voices)

Altieri Yes yes.

Judge Massei So the visibility is like this, what did you do?

Altieri I didn't stay there, I mean I repeat, just enough time for what I saw, so it could have been 5 seconds, 6 seconds.

Judge Massei And in these 5 seconds?

Altieri In these 5 seconds I saw Inspector Battistelli enter the room, leaving the body covered by the duvet to the left, so passing on the right side of the room and he arrived, he must have taken 3 or 4 steps, he arrived at the place of the duvet where the victim's head was, he made the move of bending over to lift it, after which I left the room and I don't know what else occurred.

Judge Massei Do you remember then, if the witness Battistelli reported anything to you all about what he had found and seen?

Altieri Well I remember, I remember only a telephone call that Battistelli made, I believe, now I don't know if it was to the Police or the Flying Squad, or the Commissioner, I don't know, however to the Police for the fact that this body had been discovered.

Judge Massei On this point, did you hear the content of this telephone call about what Battistelli was saying?

Altieri I can't remember it word for word... I mean I can't remember what he said exactly, basically the message was the communication of the discovery of a body, then...

Judge Massei But do you say this because you deduce it given the immediacy and the timing of the phone call?

Altieri I'm not deducing whether he entered [the room] to check [the body], if like he says he didn't enter maybe he deduced it.

Judge Massei The content of this telephone call that Battistelli makes, did you understand the content in some way, maybe hearing some of the words said?

Altieri No, I heard, of course yes.

Judge Massei What did you hear, which words?

Altieri I repeat I don't remember the exact words, I remember the substance of the telephone call.

Judge Massei The substance, so this summary.

Altieri It was to communicate that this body had been discovered and to call for the appropriate people to come.

Judge Massei In this moment were there any of the others of the house present?

Altieri Look I don't know, I couldn't say.

Judge Massei In particular if there was anybody next to you.

Altieri I couldn't say.

Judge Massei And are you able to describe the scene that you observed, consisting of Battistelli's entrance into the room, who else could have seen it, who else was...

Altieri Not by anybody as far as I'm concerned because I was the only one who

stayed inside, yes.

Judge Massei You [Battistelli] have heard.

Battistelli I continue to confirm what I testified yesterday. I entered... I wouldn't have any reason to not testify if indeed I'd entered.

Judge Massei Noted.

Altieri I don't have any reason to say something different from what I saw, I'm a witness basically.

Judge Massei That's what this confrontation is about, it's the meaning of the word even without taking into consideration what the technical meaning of the word confrontation means in a legal context.

PM Mignini Can I ask a question?

Judge Massei Of course, on these aspects as long as not going back over details already covered about differences already examined emerging between the two witnesses. Go ahead.

PM Mignini When Inspector Battistelli, you said you broke down the door, you remained in front of the door, basically with your back to the window, to the terrace.

Altieri Yes.

PM Mignini While the Inspector allegedly entered and then you left, because just as he was about to...

Altieri Make the gesture of lifting [the duvet].

PM Mignini He made the gesture, you left?

Altieri Yes.

PM Mignini And where did you go?

Altieri Outside with the others.

PM Mignini When did the Inspector make the telephone call?

Altieri As soon as the Inspector came out the house he made the telephone call.

PM Mignini When you go out, the Inspector comes out and then he makes the telephone call while outside?

Altieri Yes.

PM Mignini And what did he say on the telephone? Explain to us accurately what he said.

Altieri I've already been asked this, I don't remember the exact words, I only remember the substance.

PM Mignini I wanted to know, I have understood, seeing as here there have been 20 – 30 questions on the same arguments that had been made previously, I would also like to understand what he said, in other words "Hello I'm speaking with Dr. Bartolozzi, we have found what?" A body, a...

Altieri The conversation, I mean I can use words to report what I remember being said, then if these words are obviously not exact there's no sense that I tell you what these words are...

PM Mignini He spoke of a body, of a woman's body, what did he say?

Altieri Yes, I believe he referred to a girl found dead, but now whether he said

dead, of if he said body or if he said... Yes.

PM Mignini You said "I believe" so...

Altieri No, I believe in relation to the preciseness of the words, but regarding whether that was the substance I repeat I don't have any doubts.

Judge Massei Agreed.

PM Comodi Another question and that's all, when you went outside, did you then go back inside?

Altieri No, absolutely not.

PM Comodi When for example there was the arrival of the...

Altieri No, once outside I didn't put another foot in the house, none of us did.

Maresca Do you remember the Inspector in the moment that he arrived at the place of the body's head, more or less to lift the duvet, so making a few steps, is that right?

Altieri Yes.

Maresca Two or three, I imagine.

Altieri Three, maximum four.

PM Mignini In making these steps, did you notice anything in particular, I mean was there blood, you've all reported it.

Altieri Yes yes.

Maresca So he walked the length of the body, the manner of the walk up to the place of the head.

Altieri Look I, the blood was definitely on the right side of the room and to the right of the body so in the area in which he passed, now, whether, I mean if he actually stepped on some of the blood stains, I wouldn't be able to say.

Maresca No no, this is not what I asked, I asked whether you noticed anything in particular while the Inspector in your words walked basically alongside the body, up to the place of the head.

Altieri No, nothing in particular, just what I said yes.

Maresca Thank-you.

Bongiorno Inspector, you have just said that you were 30 seconds on the threshold [of the room], what were you doing for 30 seconds at the threshold?

Battistelli I looked inside the room to understand what was there, 30 seconds, 20.

Bongiorno You immediately said on going outside, a witness reported this earlier, that there had been a murder, a witness also reported it this morning.

Battistelli Presumed [murder].

Bongiorno A presumed murder. In the situation that you were in, I mean on the threshold of the entrance, you could only see this cover, yesterday you said a white foot, etc., what were the reasons that lead you to not do what I believe would be natural, to see if the person is dead or not?

Battistelli The reason that led me to do that was that because I... I tried at least to see if the duvet that could be seen and what led me to think that there was a

dead body underneath, was in fact the color of blood stains that were surrounding it.

Bongiorno So if there had been an unconscious woman underneath, maybe the duvet wouldn't have moved all the same, did you think that perhaps she might not have been dead?

Battistelli No.

Bongiorno Who did you call immediately?

Battistelli 113.

Bongiorno But those who then, who I don't know why were referred to as healthcare workers [sanitari] who came to the scene, who were they?

Battistelli Staff from 118 [Translator's note: Emergency medical services], they arrived in what is an ambulance emergency response vehicle, not an ambulance, but in a car, evidently because they had already been alerted that a body had been discovered.

Bongiorno Because the car that arrived is a car for when a body is discovered, not an ambulance, do you know.

Battistelli It wasn't an ambulance, it wasn't an ambulance.

Bongiorno You didn't even have a minimum doubt even though you hadn't seen the person that an ambulance was needed?

Battistelli I asked the Operations room to send medical personnel and the colleagues of the Flying Squad, then if an Ambulance were to arrive, I mean it's not as if I asked for that specific car, I asked for medical personnel, then that is what arrived.

Bongiorno From when the Inspector came outside and from that moment on, the news that was given was in any case that there was a death, nobody talked anymore about a... I mean it was taken for granted that...

Altieri Yes yes yes.

Bongiorno Thank-you, I've finished your Honor. For the confrontation about the mobile phones, I'm not sure if we are to do that in this hearing.

Maori Inspector, earlier you said in response to a question put to you by Defense Counsel Bongiorno that you immediately called 113.

Battistelli Yes.

Maori Did you also call Commissioner Bartolozzi?

Battistelli Yes.

Maori Did you use the same telephone?

Battistelli Yes, I believe so, in any case it was the on-duty phone.

Maori Where did you call Commissioner Bartolozzi, at his fixed number of his office, or on his mobile?

Battistelli I don't remember.

Maori Thank-you.

Judge Massei Are there any more questions on this aspect?

Dalla Vedova Well really this is a question for both, you were both actually present the moment the door was knocked down, you Altieri actually gave it a kick, were you [Battistelli] just behind this door when it fell down?

Battistelli It didn't fall, it opened wide, I was at the position of the dining table, the young guys were...

Dalla Vedova And did it open to the right or to the left?

Battistelli It opened...

Altieri It opened to the right.

Dalla Vedova And you [Battistelli] stayed exactly at the threshold, you didn't even take a half-step forward to take a look?

Battistelli Into the room?

Dalla Vedova Yes.

Battistelli I went towards the guys and we sent them all out.

Dalla Vedova Instead you Altieri made a half-step ahead because you had...

Altieri In the moment that the door gave way I took those 30 centimeters across the threshold and then I pulled back my foot.

Dalla Vedova Did you nearly fall then?

Altieri No, I just went over with my foot and then I pulled it back. No, I pulled back my foot to get straight back up, then even before I realized what was in the room I heard Paola's voice shouting with fear in her voice "A foot".

Dalla Vedova And did you see this foot?

Altieri Yes, in that moment my attention went towards the foot, and then from there, if I'm not mistaken Inspector Battistelli himself said "Away away, everybody out" and then there I also looked along the room and I saw the blood on the right and the duvet, basically some, let's say, I saw all of the floor of the room.

Dalla Vedova Last question, did somebody say "Everybody out".

Altieri Yes.

Dalla Vedova I believe you said it.

Altieri Yes.

Dalla Vedova And none of the guys that were outside ever went back in?

Battistelli No.

Dalla Vedova Of the guys that were outside.

Battistelli Of the guys no.

Dalla Vedova Filomena, Luca, Marco.

Battistelli They're all outside, my colleague Marsi was identifying them.

Dalla Vedova No more questions.

Judge Massei We can move on to the next matter, but before doing so I wanted to ask: you said you saw Battistelli lift up this duvet.

Altieri I repeat that I saw Inspector Battistelli move to lift the duvet, in other words

the gesture of, I mean in the moment that he took hold of the duvet, if then he lifted it up, as it seemed, I didn't see it because I went away.

Judge Massei So you didn't see it, you only saw the foot of the person that was found under the duvet.

Altieri That was sticking out from under the duvet.

Judge Massei You didn't see any parts above that?

Altieri No no, for us only the foot was sticking out from under the duvet.

Judge Massei Because the edge of the duvet hadn't been lifted, for what you could see until the moment when you...

Altieri Yes.

Judge Massei In front of the door. About the telephones...

Altieri With regards to the matter of the telephones, I would like to mention something and make a clarification so that the matter of the telephones doesn't undermine the reliability of my testimony which I believe is quite reliable.

Judge Massei Yes, right the reliability, you have to tell the truth.

Altieri Yes, I always tell the truth and only the truth. The clarification is this, I mean in coming here yesterday I have put myself, I came with, let's say, an attitude that would prevent any possible persuasion by any particular lawyer to make me say that I went beyond what I effectively remembered. This attitude that I have assumed together with, basically with the pressure of the questions by the Prosecution, of the lady, made me ... of the Prosecutor, made me in this case, regarding the misunderstanding about whether that telephone was on the table, whether it was the one that the officers of the Postal Police referred to, meant that I went against this hypothesis that I could have misunderstood this thing. Reflecting on this afterwards basically without this... I realize that it was possible, just as the Prosecutor wanted to highlight, a possible and human misunderstanding on the fact that the mobile phones that they were referring to was one of the mobile phones possibly on the table. Furthermore I remembered the yellow post-it with the cell phone numbers on it that if I'm not mistaken I also mentioned it in my deposition in December before the Prosecutor. So about having insisted on the fact that I saw this and that I was sure about it... That telephone, I take a step back, I honestly remember that on the table there was at least one cell phone and I won't doubt anymore... I mean I don't want to put into doubt the fact that the reference to the cell-phones wasn't... in the sense that maybe they didn't refer to this cell phone on the table, but to some cell-phones that probably, as has been said, had been left in headquarters.

Judge Massei You say you saw...

Altieri I have doubts about this thing for the reasons I've just explained.

Judge Massei Excuse me, this reflecting you did about your statements, were they reflections you did by yourself?

Altieri On my own, absolutely on my own.

Judge Massei You [Battistelli] said that the cell-phones had been left at the Police station.

Battistelli I didn't even see them.

Judge Massei You didn't see them, neither the first nor the second one.

Battistelli And not even the second one.

Judge Massei You left when the first cell-phone was found, you received news later about the second one, also because unfortunately we don't have the transcripts and so we're going by what we remember and this is our fault, and similarly will be a problem for others. So do you confirm this...

Battistelli Yes. There was only one cell-phone, my private one....

Judge Massei On this point...

Altieri Yes, moreover if I can say something, as I have already said, while the matter of the cell-phones can possibly be a misunderstanding about what was being said, what I saw with my own eyes is something else.

Judge Massei Meaning what, what did you see?

Altieri I mean about what we spoke about before seeing him enter is something else.

Judge Massei That message on the little note...

Altieri Yes, it's a yellow post-it with two cell-phone numbers.

Judge Massei Two numbers?

Altieri Yes.

Judge Massei Two cell-phone numbers. This note with two numbers?

Battistelli The little note where the lady wrote for me the numbers....

Judge Massei Let's take note of this declaration.

PM Mignini I haven't understood this very well, you have tried to explain why you had said something about these cell phones and then on the other hand today you say no, you have explained it and clarified it.

Altieri Yes.

PM Mignini In other words you have given, you have provided reasons, which I haven't well understood, what is this reason?

Altieri This is basically something of a consequence of basically an elaboration by me and my thought processes. About what happened, if you want I can repeat it...

Judge Massei On these processes...

PM Mignini I just wanted to understand why.

Judge Massei The stress.

Altieri The reason is this attitude for which I didn't want in any way to be induced by whoever to say things that went beyond what I could exclusively remember, so in the moment that I felt, and I believe many perceived the attempt by the Prosecution to highlight this possible misunderstanding that I admit is possible, I adopted this, let's say, unconsciously...

Judge Massei Let's continue, if there are questions on this aspect. About the cell-phones.

Bongiorno If I heard correctly, he has explained the matter of the cell-phone... I wanted to talk about the note with the two cell-phone numbers, they were the two

numbers of the two cell-phones, you said a moment ago it was a note on which there were these two cell-phones written by hand?

Battistelli Yes, she wrote them by hand.

Bongiorno The lady...

Battistelli I remember when she wrote the first number, but now I don't remember that note very well...

Bongiorno Mrs. Lana, who wrote that number?

Battistelli Miss. Knox.

Bongiorno Yes, these are the numbers that Knox gave you, I'm saying when you went there to say...

Battistelli Ah, I had...

Bongiorno On the little note there were those two numbers written by Mrs. Lana? Who had written them?

Battistelli No. I don't know, I don't remember if I had noted them down or if my supervisor had given them to me.

Bongiorno No, but this interests me, when, I mean, were both numbers written down at the same time?

Battistelli I don't know, I don't remember.

Bongiorno I mean if someone goes to a location to do some checks...

Battistelli I can't remember any more Counsel, I mean we're talking about something that is over a year and half ago, about a little note with two numbers on it, I don't know if my supervisor gave it to me or if I wrote them down, probably my supervisor and Mrs. Lana had written them.

Bongiorno So somebody wrote down these two numbers and gave them to you?

Battistelli It would seem so, yes.

Bongiorno And there weren't any further changes to this note afterwards?

Battistelli If I'm honest I don't even remember this note.

Bongiorno Did you write something on this note?

Battistelli I don't remember.

Judge Massei Excuse me, maybe this is not relevant however you went to via della Pergola because there was an item found, which was reported...

Battistelli Yes, but I most certainly had that number written down, but if I wrote it or somebody else wrote it, I can't remember.

Judge Massei How many numbers were there on the note at the time that you went to via della Pergola?

Battistelli Well I had one number.

Judge Massei The second, the other number?

Battistelli I couldn't have had the second one with me.

Confusion of voices in the Court room.

Judge Massei Just to have a clarification...

PM Comodi Because he doesn't even remember the note.
Confusion of voices in the Court room.

PM Comodi Facts which actually contrast with this thing.

Judge Massei So on this we can declare this point closed, maybe Mr. Altieri can be requested to remain a moment. Did you want to ask something Counsel? Still on the matter of the telephones, on the contradictions between them. Altieri said he saw two telephones on the table...

Dalla Vedova On this matter I have nothing to say.

Judge Massei So let's end it here, about the notes, you saw something relating to the notes, I mean if there is no objection...

Altieri There were two cell phone numbers one written below the other in pen on a yellow Post-it note.

Judge Massei On the same Post-it?

Altieri Yes, on the same post-it.

Judge Massei Excuse me, do you [Battistelli] remember seeing two cell phone numbers written on the same Post-it note?

Battistelli I don't remember this, I remember that I definitely had the telephone number...

Judge Massei One doesn't remember and the other saw two. So there isn't a discrepancy, there's a "don't remember" and a statement of a circumstantial fact. We can't go back...

Dalla Vedova I'm not returning to the argument, I'm asking a new question, if I may I would like to briefly illustrate to you why I'd like to take advantage of the fact that here we have a confrontation and right now I don't have the transcripts, however going by memory I think I remember because it was only yesterday. It seems to me that another element of discrepancy between the two testimonies is the fact that Battistelli said that when he arrived the four young adults were already there at the house...
Confused voices in the Court room.

Judge Massei Excuse me, please, let him finish and then maybe...

Dalla Vedova And on the other hand I seem to remember, I repeat with reservation but here we observed, we were all present, we don't have the transcripts, but instead Altieri said that he had arrived first, together with his friend and later the girls arrived. I request of the Honorable court, if your Honor wishes to consider this discrepancy given that we have the two people before us with obvious discrepancies like those discussed before, regarding the two cell phones and the entrance, I ask only for this.

Judge Massei Excuse me, on this because we have taken some notes but when Battistelli and the other Police officer arrive, they only find Amanda and Raffaele Sollecito.

PM Comodi No, your Honor, the defense Counsel is floundering and this is why I objected, because I believe, with apologies Counsel, I believe he incorrectly reported the situation that was intended, in other words, there's a discrepancy in effect, even if it's a minor one, between what Inspector

Battistelli said in other words that the four young adults arrived all four together and the testimony of the four young adults who say that the two boys arrived first and then the two girls, this is the discrepancy.

Judge Massei In one car, two cars.

PM Comodi No, but he said that Battistelli arrived when the four young adults were already there, this is why I objected.

Judge Massei On this the question is not permitted because we already have, and there's no reason to proceed to the confrontation as per articles 211 and 212. Mr. Altieri can therefore go. We can proceed with the confrontation with Paola Grande. It was accepted between Battistelli and Paola Grande, Battistelli and Altieri, between Altieri and Paola Grande.