

NEWS

Six of the L'Aquila Seven Acquitted in Appeal

On 10 November, a panel of judges acquitted the scientists charged with manslaughter in the wake of a deadly earthquake that struck the Italian city of L'Aquila in 2009. Only the former deputy director of Italy's Civil Protection Department, Bernardo De Bernardinis, faces a 2-year sentence, which he may not serve.

The appeals court's decision overturned a 2012 verdict that declared all the defendants guilty and sentenced them each to 6 years in jail.

The L'Aquila Seven, as they are known, stood accused of contributing to 29 of the more than 300 deaths that resulted from the temblor. They were charged with failing to adequately assess the risk of a major earthquake and of falsely reassuring L'Aquila's population during a meeting of Italy's Major Risks Commission that took place just days before the main shock.

Contrary to some reports, the prosecution did not accuse them of failing to predict an earthquake. A detailed summary of the case can be found at <http://ow.ly/DAN0U>.

The announcement came after a month of appeal hearings in which the defense attempted to dismantle the claims made by the prosecution during the original trial and the prosecution reasserted allegations of negligence. The judges arrived at a decision late in the afternoon following a final day of arguments.

The judges read the verdict to a crowded courtroom, filled with the relatives of the victims—who were plaintiffs in the case—and members of the press. They announced that the defendants were absolved on the grounds that evidence for their crimes “does not exist.” Under Italian law, the judges have 3 months to file the full motivation behind their decision.

Seconds after the announcement, the courtroom [erupted](#) as victims' relatives

shouted, “Shame! Shame!” The defendants, who maintained great sympathy for those who lost their loved ones in the quake, reacted with “great satisfaction” that their argument was accepted, defense lawyer Francesco Petrelli told *Eos* through an interpreter. Petrelli represented Franco Barberi, a volcanologist at Roma Tre University and the vice president of the Major Risks Commission in 2009.

Petrelli said his client was relieved to close a chapter that had been “really difficult for him, emotionally and professionally,” in part because Barberi never understood how “he was put on trial for having expressed a scientific opinion” on the seismic risk in L'Aquila “that everyone always recognized as correct.” The main conclusion of the commission's meeting in 2009 was that the chance of a major earthquake was small but could not be excluded.

Another lawyer for the defense, Alessandra Stefàno, told *Eos* in an email that she believed the judges of the appeals court followed the law, reasoning “with their heads, not the wave of emotion” that marked the first trial. Stefàno represented Claudio Eva, a geophysicist at the University of Genoa and a member of the Major Risks Commission.

Instead, the judges laid some measure of blame with De Bernardinis, partly because of an interview he recorded before the Major Risks Commission meeting. In it, De Bernardinis made reassuring statements that most experts say were false. He told the media that the continued discharge of energy from small tremors decreased the chance of a larger earthquake striking the city.

Because of this interview, the prosecution had greater success linking De Bernardinis's actions to the actions of the victims, who allegedly changed their behavior in response to the commission's conclusions

and remained inside on the night of the earthquake when they would normally have fled their houses after a small foreshock.

The judges absolved De Bernardinis on 16 counts of manslaughter but convicted him on the remaining 13, though exactly why will not become clear until they file their motivation. The judges also reduced De Bernardinis's jail sentence to 2 years and “suspended” it, which means he will not serve time unless he commits another crime or his sentence changes in a later appeal.

Romolo Como, the attorney general who led the prosecution, told *Eos* in a translated email that he was “surprised” by the outcome. He said he believed that there were solid legal arguments for the “liability of all the defendants”—not just De Bernardinis—and that placing all the responsibility for public communication with De Bernardinis and the Civil Protection Department seemed “simplistic compared to the complexity of the legal case.”

After reviewing the judges' motivation, Como will decide whether or not to appeal the verdict in the Court of Cassation, which has the final word. The court can evaluate only the legal basis of the judges' decision, not the facts, said Petrelli, although it has the power to send the case back to the appeals court. He anticipates that the families of the victims will also appeal the verdict, but they can only seek damages, not a judgment of guilt. In the meantime, the scientists will remain free as they have throughout the process.

Como must now decide whether to prosecute De Bernardinis's boss, Guido Bertolaso, the director of the Civil Protection Department. A wiretap released during the 2012 trial implicated him in planting the idea that energy discharge made L'Aquila safer and in calling the Major Risks Commission meeting explicitly as a “media move” to calm the public.

—JULIA ROSEN, Writer

Editor's Note: AGU's reaction to the acquittal can be found at <http://ow.ly/3ucb92>.