

February 6, 2009

Testimony of Elisabetta Lana, a witness

The witness, warned in the sense of Article 497 of the Code of Criminal Procedure, reads the standard procedural formula.

Personal details: Lana Elisabetta, born in Rome Dec. 26, 1948

President. - When responding, face the microphone, speak in a loud voice; this is a lay witness, also [the same applies] to the defense. The Public Prosecutor may proceed with the examination.

Examination by Public Prosecutor Mignini

Public Prosecutor. - Ma'am, can you tell us what you remember of the event of discovery of the telephones as well as what occurred on the previous evening?

Witness. - Yes, the evening before that. I responded to a phone call...

Public Prosecutor. - At what time?

Witness. - Between nine and a half and ten in the evening. It was from a man, a stranger, who warned me not to go pee to the WC because there was a bomb and it could go off. At which moment I called the police, just in case, because... and the police arrived, in ten minutes, with one, with two agents, and we searched the place, around the house, the garden and all the places around the house.

Public Prosecutor. - Excuse me, when did they arrive?

Witness. - The police? Ten minutes after I called. That makes it around 10; I cannot recall exactly but between ten and ten past ten. Before leaving, the police told us to go to the postal police the next day to report this strange call we had received. Next morning, while we were getting ready, while I was getting ready, my son found a mobile phone.

Public Prosecutor. - At what time?

Witness. - About nine, in the garden; he brought it into the house and I thought that, perhaps, one of the police agents had accidentally lost it or dropped it and we called the Questura, who told us to bring it straight to the postal police and so we did that together with my {159} husband. We went to the postal police... we arrived about a quarter past ten, he had to wait a little because there were people ahead of us and then I gave the mobile phone to doctor Bartolozzi and started to recount what happened. And I waited

there, however, until doctor Bartolozzi found the owner of the telephone, in this case a female owner, I signed the statement and left.

Public Prosecutor. - You knew the name of the [female] owner? Did you say that?

Witness. - I said that, yes, Filomena Romanelli.

Public Prosecutor. - Did you know her?

Witness. - No. We were asked precisely that, if we knew her; she was a total stranger.

Public Prosecutor. - Well, what was the brand of that mobile phone?

Witness. - Oh, I don't know.

Public Prosecutor. - So you brought it, and you handed it over?..

Witness. - I left it there and that's all; I wasn't out to keep a watch over anything, also because with the phone call that we had had the day before, I didn't want to touch, just in case there was... I don't know what, someone's silly joke, so I didn't, I didn't touch [anything] in the slightest.

Public Prosecutor. - Do you remember if that mobile phone rang?

Witness. - No, it never rang, that one, never.

Public Prosecutor. - What happened next?

Witness. - After that we said our goodbyes and I left, I went shopping and while I was shopping, my daughter called me to tell me that she had found a second mobile phone, and I called doctor Bartolozzi at once to ask if I should bring it at once or later. He said to me, "No, bring it to me at once," and so my daughter came to pick me up and together with her, {p. 160} we went to doctor Bartolozzi at the postal police a second time.

Public Prosecutor. - At what time?

Witness. - It comes to around a quarter past noon approximately, twenty past noon.

Public Prosecutor. - So there you filed a report...

Witness. - Yes, we gave that second mobile phone and we waited while my daughter was giving a statement exactly where and how she had found it, and then she signed or I signed, I don't remember that, and then we left.

Public Prosecutor. - All right, you left the mobile phone, also that mobile phone, you left it with the postal police?

Witness. - Yes, Yes.

Public Prosecutor. - It rang, when did you?..

Witness. - It rang while we were in the car, however I did not look, I let it ring because I had put it in a plastic bag before that, it remained there and it was ringing but a little later it stopped; I did not see anything, really.

Public Prosecutor. - It was ringing around what time? When were you going up there?

Witness. - Twelve-twenty.

Public Prosecutor. - Around 12:20. And how many times did it ring?

Witness. - I don't know that, no, I don't remember, honestly.

Public Prosecutor. - So you left it and then what happened?

Witness. - And then nothing, then we went home. We returned home and around two o'clock doctor Bartolozzi called – now it was two, ten past two or a quarter past, I don't remember well – to order to stay in the house, to not walk out in the garden, to keep the dog and everything {161} inside, that he would send a patrol with two of his agents. And there were stayed in the house, we waited for them to arrive; the agents arrived, we were waiting outside, and then I got a phone call from doctor Cro... from, from the Questura. Now I don't remember who it was but I believe, I don't know... I don't remember, who told me to go down to the Questura at once, alone, and that's it. So I went to the Questura and was questioned by a policeman. About half past four, five.

Public Prosecutor. - Listen, the night between [Nov.] 1 and 2, did you hear anything, strange noises, cries, steps? That sort of thing.

Witness. - No.

Public Prosecutor. - I have no other questions.

President. - The civil party, if there are questions.

Counsel for the civil party. - None, thank you.

President. - No questions.

Examination by the defense counsel Mauri [sic; it's spelled “Luca Mauri” or “Luca Maori” in the transcript of the Feb. 9 hearing]

Counsel. - Counsel Mauri, Raffaele Sollecito's defender. Ma'am, you have told us before that in the evening of Nov. 1 you received that anonymous phone call around 22 hours.

Witness. - Nine and a half, ten.

Counsel. - You called the police immediately, at 113; do you remember exactly when they arrived, 10-15 minutes later?

Witness. - In about ten minutes, they were pretty quick.

Counsel. - Do you recall what they did, these policemen, when they arrived? First of all, how many of them?

Witness. - Two.

Counsel. - They surveyed the garden, they did?..

Witness. - They stopped, they got out. We talked to them and together with them, with a flashlight, we went around {162} the garden to take a little look – it was dark.

Consultant. - Sure. And what areas of the garden did you survey, did you check, starting from the gate towards the house?

Witness. - The (open) spot, the little spot where the next day the mobile phones were found, and around the house... a little around the house, that.

Consultant. - So the area where the next day the mobile phones were found was also checked?

Witness. - Yes, also with the flashlight in the dark.

Consultant. - After what time did they leave, the policemen?

Witness. - I can't tell, so, give or take one, one, hmm, twenty minutes, half an hour? Because they did not enter the house, actually, we circled around a little, they asked for information, but...

Counsel. - So in practice, the policemen from 113 stayed for the time needed to survey the area that you have referred to earlier?

Witness. - Yes.

Counsel. - And then, did you go into the house or did you leave to check...

Witness. - We went back into the house at once and we stayed locked inside.

Counsel. - So you did not find anything else that was anomalous from that... Regarding the delivery of the second mobile phone. You have spoken... you have said earlier that you spoke directly to Commissar Bartolozzi.

Witness. - Yes.

Counsel. - Did the Commissar indicate to you if the patrol was mandatory or not?

Witness. - The evening before the?..

Counsel. - The next day, the next day.

Witness. - I don't understand, sorry.

Counsel. - All right, the next day, the day after you were called... you called doctor Bartolozzi for the second time, saying: "I have found {163} a second mobile phone."

Witness. - Yes.

Counsel. - Doctor Bartolozzi, as you have recalled, told you to bring it, bring it to them. You went [there] around what time, could you repeat?

Witness. - Yes, sure, around a quarter past noon, twenty past noon.

Counsel. - And you filed a report.

Witness. - Yes.

Counsel. - On that occasion, did doctor Bartolozzi tell you if an investigation was opened by the police, in connection to the earlier complaint you had made?

Witness. - No, because it was too fast, no, not really.

Counsel. - Do you recall if he told you, do you recall if he told you that or not?

Witness. - I don't remember.

Counsel. - Good, thank you.

President. - There are no other questions. The defense. Yes. Please, counsel.

Examination by the defense counsel Dalla Vedova

Counsel. - Counsel Carlo dalla Vedova on behalf of Knox. Only a clarification, Ma'am. What's the makeup of your house – it has a garden and an enclosure, I presume.

Witness. - Yes.

Counsel. - The enclosure is high?

Witness. - Yes, quite, but not too much, one-two meters.

Counsel. - If you could describe it? Of what material is it made, is there a wall or?

Witness. No, no, apart from the beginning part that is made with a wall, the first part, everything else is a mesh.

Counsel. - And bordered by?

Witness. - Bordered by a part with an area that's not... steep rock [lit. cliff, crag, precipice].

Counsel. - Piece of land?

Witness. - Yes, in a piece of land...

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Counsel. - And then by the road, it seems to me.

Witness. - From the other part, by the road on the front and by another property on the back and by an alley that was made recently, an alley made two years ago, by another property.

Counsel. - But you have the neighbors around? Are there neighboring houses, or are there plots of land?

Witness. - No, plots of land, there is a neighboring house but it is rather far away from...

Counsel. - So in reality you have no neighbors.

Witness. - No.

Counsel. - It is a little isolated, this house.

Witness. - Yes.

Counsel. - And bordered by the road.

Witness. - Yes.

Counsel. - Are there trees around? All along the edges of the villa?

Witness. - There are big trees, yes.

Counsel. - Listen, turning to your second complaint, which you made after having been called by your daughter about the second mobile phone, at what time exactly did you say you went into the Questura and put forward, presented the second complaint?

Witness. - To the postal police?

Counsel. - Yes, the third time...

Witness. - Between ten past noon and half past noon, I don't know precisely but at that time, more or less.

Counsel. - I can show you that report, Ma'am, which is just a report of an additional complaint signed by you, which carries the timestamp of 12:46, if you could confirm to me that these...

Witness. - 12:46 is when we left.

Counsel. - If you could read the first line.

Witness. - Yes, yes, "the year 2007, done on the second of the month of November, at the time 12:46, in Perugia, in the office of the {165} Postal and communications police department of Umbria, with an official signature of..."

Counsel. - Thank you.

President. - So it was you who presented herself for this complaint.

Counsel. - My daughter and I.

Counsel. - Thank you. I am respectfully requesting the acquisition of these official documents.

President. - Yes, yes. So anyhow...

Counsel. - One more thing: you have already responded but... you have said that the mobile phone rang several times while you were in the car, but...

Witness. - It rang, one time.

Counsel. - Only one time.

Witness. - Yes, one, it rang one time; how many times it rang, I don't remember that. It rang once, but for how much time, I don't remember that.

Counsel. - A phone call, incoming.

Witness. - Incoming.

Counsel. - Thank you.

Examination by President

President. - If there are no other questions... There are no other questions. Excuse me, the distance between your residence and that of villa Pergola No. 7?

Witness. - So from a completely different side.

President. - It's a completely different side.

Witness. - Yes, I am not Perugian but one has to go down quite a distance and go back up through Bulagaio and then walk across the road, precisely... along a straight line, it could be close but it's not.

President. - What street?

Witness. - There is only the road, the asphalt-paved one called Bulagaio road. That's all, then around the park called Parco Sant'Angelo but it's not that it is linked to the street... to another street, really.

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Counsel. - Neither on foot? Neither on foot, you are talking about the route in an automobile or on foot?

Witness. - Of the auto route. Of the walking route, it's not easy also because one has to also pass a plot to reach the pavement.

President. - What time does to take to reach... No, you cannot say?

Witness. - No, I have never made it on foot.

President. - Good, the witness is discharged. Yes, thank you.