



## Italy

# US film-maker tried in Italy on fascist-era charge over tainted blood testimony

**Kelly Duda faces charge of 'offending the honour or prestige' of prosecutor in case alarming free speech advocates**

**Angela Giuffrida in Rome**

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An American film-maker has been put on trial in [Italy](#) for “offending the honour or prestige” of an Italian prosecutor after testifying in a criminal case against a former health ministry chief and representatives of a pharmaceutical company accused of supplying Italians with tainted blood products.

Kelly Duda, who revealed how contaminated blood taken from prisoners in Arkansas was sold around the world, faces up to three years in prison if found guilty of an offence that dates back to Italy’s fascist period.

Duda, who also gave testimony to [the UK’s tainted blood inquiry in 2007](#), was contacted by Italian lawyers after his 2005 documentary about the Arkansas scandal, [Factor 8](#), revealed that thousands of unwitting victims in several countries, including Italy, had died after receiving contaminated medications imported from the US.

The cases in Italy dated back to the 1980s and 1990s, when 2,605 haemophiliacs were infected with HIV and hepatitis through plasma drawn from the blood of inmates in Arkansas.

Duda's investigation revealed that for three decades the state of Arkansas profited from blood collected from the prisoners, as part of a plasma programme run on behalf of the state by a now-defunct healthcare company. The blood products were sold worldwide, and the prisoners were paid a pittance.

Before the documentary and being asked to testify, Duda had no connections to Italy and had not even visited the country.

“For me, Italy first came up in 1999, when I discovered that the US FDA had enacted two international recalls of tainted blood, from the Arkansas prison system, and one of the countries this blood had gone to was Italy,” he said. “When I was asked to testify, I debated about whether to do it [and] in the end, I thought I was doing something good as so many people had suffered. But I ended up in a hornet's nest.”

In December 2017, Duda travelled to Naples to testify for the prosecution in a manslaughter trial against Duilio Poggiolini, a former chief of the health ministry's pharmaceutical division, and 10 representatives from Marcucci Group, a pharmaceutical company which produced and marketed blood products. The defendants were acquitted in 2019.

During what Duda described as a chaotic and confusing hearing, prosecutor Lucio Giugliano allegedly attempted to block and discredit his testimony - even though he was a prosecution witness - including evidence of a link between tainted blood from the Arkansas prison and Marcucci Group.

After the hearing, as Duda shook hands with Giugliano, he told him: “In my country, what you did today as a prosecutor would be disgraceful.”

Giugliano then told the judge that Duda had just committed a crime and the American was briefly detained. Two years later, Duda learned he would face a criminal trial in Rome on charges of having offended a prosecutor's honour or prestige.

Giugliano was not present at a hearing on Wednesday and the trial was postponed until July.

Duda, who is being tried in absentia, said: “The prosecutor tried to block his witness - as in, me - from giving evidence and then only asked me questions designed to discredit me. And for this now I'm the one on trial? It's mind-boggling, but I'm looking forward to defending myself.”

The Council of [Europe](#) (CoE) published an alert about Duda's case on its journalism protection platform, to which Italy is yet to respond, and he is being supported by Ossigeno per l'informazione, an organisation established to defend the rights of journalists.

The crime that Duda is charged with dates back to 1930, during the rule of Benito Mussolini.

Several other journalists have faced similar cases, including the Guardian's Lorenzo Tondo, who is [facing two libel claims by a prosecutor in Sicily](#) over a Facebook post and a series of articles published by the Guardian.

The CoE posted an alert about Tondo's case in November, [flagging the claims](#) as potential acts of state "harassment and intimidation". Libel cases filed by prosecutors against journalists have increased in Italy in recent years.

**"This crime is the heritage of a fascist setting and it's incomprehensible that it still exists," said Andrea Di Pietro, Duda's lawyer. "Even the supreme court has said in several cases that prosecutors, especially prosecutors, must submit to criticism."**

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