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Permanent Mission of Italy  
Council of Europe

0955 Strasbourg, 21 OCT. 2019

Monsieur le Directeur,

J'ai le plaisir de vous transmettre ci-joint, avec prière de bien vouloir la publier sur le site web dédié à la « Plateforme pour la protection des journalistes », les éléments envoyés par les autorités italiennes, concernant l'alerte du 23 janvier 2018 – journaliste ukrainienne Anastasia Tovt.

Je vous prie d'agréer, Monsieur le Directeur, mes salutations les plus distinguées.

Michele   
Giacomelli

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Matjaž GRUDEN  
Directeur  
Direction de la Participation Démocratique  
Conseil de l'Europe  
STRASBOURG

1. On December 25, 2017 (Christmas Day), around 10:00 a.m., Police officers put under arrest at Saint Peter Square in Rome, a Ukrainian activist of the FEMEN movement, following her attempt, once in topless, to take away the baby Jesus doll from the crib - placed in that square for Christmas. On the same occasion, another lady, Ms. A.T., was stopped and then identified as a Ukrainian citizen, too<sup>1</sup>.

- More specifically, soon after the above events, both ladies were brought to the local Police Office close to Saint Peter Square where they indicated not to speak Italian but either their mother-tongue or English.
- Around 11:30 a.m., Police staff accompanied them to the Hotel where they said they were staying; and a search was carried out at their room, in accordance with the rules of the domestic criminal procedure code (Art. 352 c.p.p.).
- Soon after that, as per procedure both ladies were brought to the main Police HQs. in Rome, for identification and reporting purposes.
- In particular, with regard to Ms. A. T., the so-called statement of domicile (*verbale di domicilio*) was drawn up by using the appropriate form in English, to allow a correct understanding of the act, which was, moreover, illustrated by a Police operator being familiar with English language.
- At the end of this stage, Ms. A.T. acknowledged that she had understood what had been communicated to her and signed the above statement in English, besides accepting a copy of it together with the copy of the search report and the report of the seizure of the mobile phone used to make the video and of an additional cell phone in her possession.
- Around 19:00 p.m., given the fact that this lady did not speak Italian and did not know the city of Rome, she was accompanied by Police personnel, including female Police staff, at the aforementioned Hotel, to collect her luggage left in storage area - since her flight back to Kyiv had already been reserved, for that night, in the previous days.
- Subsequently, the Police officers accompanied her to Fiumicino Airport to allow her to board the flight PS308, of which she had a regular ticket purchased during the previous days.
- At 9:10 p.m. she was left at the aforementioned Airport without any kind of restriction and/or personal restriction.
- Afterwards, she regularly boarded the aforementioned plane heading to Kyiv.

2. As per rule and law, of all the activities carried out, the operating Police Office gave news and documentation to the competent Judicial Authority.

3. With regard to Ms. A.T., the Public Prosecutor Office in Rome reports that a judicial proceeding has been initiated on December 27, 2017 for the following conducts (as envisaged by the penal code): Art. 404: Offenses to the religion of the state through the vilification of things; Art. 624: Robbery; Art.625: Aggravating circumstances; Art. 56: Attempted crime. However, this judicial Office, on February 8, 2018, has submitted a motion of dismissal, as long as investigations have

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<sup>1</sup> <https://video.repubblica.it/mondo/vaticano-femen-grida-dio-e-donna-e-cerca-di-rapire-il-bambinello-del-presepe/293234/293849>  
<https://www.reuters.com/article/us-christmas-season-femen-vatican/topless-femen-activist-tries-to-snatch-jesus-statue-from-vatican-crib-idUSKBN1EJ002>

indicated that by her mobile, Ms. A.T. was just filming the moments of the “raid” carried out by Ms. A.V. within the crib prepared in Saint Peter Square, after having almost completely stripped off.

4. In particular the above Office stresses that Ms. A.T. has not perpetrated any crimes, not even in terms of association nor in terms of causal contribution to the action committed by Ms. A. V..

5. By motion of dismissal, the Public Prosecutor’s Office also requests that the confiscated devices (two mobiles) be given back to Ms. A.T., should this motion be judicially confirmed.