

Italy

MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION

▶ *Actions of security forces*

Inhuman and degrading treatment by police forces against demonstrators during G8 summit; inadequate criminal legislation to prevent and punish torture and ill-treatment.

Significant progress: introduction of the crime of torture in the Italian legal system

Cestaro (6884/11)

Judgment final on 07/07/2015

Enhanced supervision

Status of execution

▶ *Protection against ill-treatment - specific situations*

“Extraordinary rendition” operation: abduction of an Egyptian national suspected of terrorist acts with a refugee status in Italy; his handing over to CIA agents and subsequent transfer to Egypt where he was secretly detained and subjected to violent interrogation.

Impunity of five Italian SISMI agents following the Italian Government’s decision, upheld by the Constitutional Court, to apply the State secrecy leading to subsequent quashing of their convictions.

Impunity of 26 convicted United States’ agents because of absence or non-conclusive extradition requests by the Italian authorities and the Presidential pardon granted to three of them.

Nasr and Ghali (44883/09)

Judgment final on 23/05/2016

Enhanced supervision

Status of execution

Reducibility of a **whole-life prison sentence** imposed for leadership of a Mafia organisation depending on cooperation with the judicial authorities.

Marcello Viola (No. 2) (77633/16)

Judgment final on 13/06/2019

Enhanced supervision

Status of execution

▶ *Domestic violence*

Failure to comply with the positive obligation to assess risk to life in time in domestic-violence case, and to ensure effective protection in this regard.

Talpis (41237/14)

Judgment final on 18/09/2017

Enhanced supervision

Status of execution

MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION

➔ Migration issues – lawfulness of detention and reception conditions

Detention without legal basis of irregular migrants following the “Arab Spring” events in a reception centre on the island of Lampedusa then on ships in Palermo harbour, and their subsequent removal to Tunisia without informing them about the reasons of their detention and without prompt examination of the lawfulness of detention.

Khlaifia and Others (16483/12)
Judgment final on 16/12/2016

Enhanced supervision

Status of execution

➔ Length of judicial proceedings and effective remedies

Excessive length of civil, criminal and administrative proceedings¹:

- administrative courts;
- criminal courts;

Abenavoli group (25587/94+)
Judgment final on 02/09/1997

Enhanced supervision

Status of execution

Ledonne No.1 (35742/97)
Judgment final on 12/08/1999

Enhanced supervision

Status of execution

➔ Protection of private and family life

Failure to ensure proper functioning of waste collection, treatment and disposal service in the Campania region and lack of effective remedy in this respect.

Di Sarno and Others (30765/08)
Judgment final on 10/04/2012

Enhanced supervision

Status of execution

Lack of reaction to air pollution by a steelwork, to the detriment of the surrounding population's health.

Cordella and Others (54414/13)
Judgment final on 24/06/2019

Enhanced supervision

Status of execution

Failure to make adequate and sufficient efforts to ensure respect of the applicant's visiting rights.

Terna (21052/18)
Judgment final on 14/04/2021

Enhanced supervision

Status of execution

Childcare measures in respect of the applicant's two children that had been kept in force for over ten years.

R. V. and Others (37748/13)
Judgment final on 18/10/2019

Enhanced supervision

Status of execution

¹ As regards status of execution and progress made, see also the final resolutions in *A.C.* group, *Andreoletti* group and the *DiBonaventura* group.

MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION

► **Protection of property rights – retrospective application of legislation**

Unjustified retrospective application of legislation to on-going judicial proceedings dealing with the calculation of the length of service of school staff and the pecuniary rights deriving therefrom, thus interfering with the right to peaceful enjoyment of possessions.

Agrati and Others (43549/08)
Judgment final on 28/11/2011

Enhanced supervision

Status of execution

► **No punishment without law**

Application of a more stringent jurisprudential definition of crime than the one developed at the time of events.

Contrada No. 3 (66655/13)
Judgment final on 14/09/2015

Standard supervision

Status of execution

► **Freedom of expression - defamation**

Imposition of prison sentence on journalists and editors for defamation notwithstanding the absence of any incitation to violence or hatred.

Belpietro (43612/10)
Judgment final on 24/12/2013

Standard supervision

Status of execution

Ricci (30210/06)
Judgment final on 08/01/2014

Standard supervision

Status of execution

► **Freedom of movement**

Lack of foreseeability of the Italian legislation regulating the imposition of special preventive measures (compulsory residence order) on persons deemed to pose a danger for security or public moral (notably individuals who may be regarded as habitual offenders or who, on account of their behaviour and lifestyle, may be regarded as habitually living, even in part, on the proceeds of crime) and lack of public hearing in the relevant proceedings.

De Tommaso (43395/09)
Judgment final on 23/02/2017

Enhanced supervision

Status of execution