

IHf FOCUS: elections; judicial system, fair trial and detainees' rights; torture, ill-treatment and police misconduct; fair trial and detainees' rights; prison conditions; freedom of movement; national minorities; asylum seekers and immigrants.

Many of the human rights concerns in Italy were connected to police conduct, particularly during the July "G8" meeting in Genoa, where police used excessive force against demonstrators and violated the rights of detainees. Furthermore, Italian authorities failed to investigate the violent incidents, including the circumstances leading to the death of one demonstrator. Prior to and during the "G8" meeting, freedom of movement was restricted.

Court proceedings in Italy were excessively long and most complaints to the European Court of Human Rights regarding violations of the right to fair trial within a reasonable time involved Italy.

Overcrowding in prisons was a serious problem and some cases of the ill-treatment of inmates were reported. Foreign prisoners faced even more problems, partly due to language barriers.

Italy continued to violate many of the basic rights of its Roma population, who also became a central target of hate speech in the run-up to the parliamentary elections. There was also a heated debate in the media and political arena on the rights of asylum seekers, refugees and immigrants.

Elections

On 21 December, the Senate passed a law guaranteeing Italian citizens living abroad the right to vote in parliamentary elections. The law, which ends a seven-year legislative process, complies with the constitutional reform approved by the previous legislature. It will give the right to vote to approximately two million people, mostly resident in Latin and Northern American countries, who will be able to cast their ballots by post as members of special constituencies.

Judicial System, Fair Trial and Detainees' Rights

Italian courts continued to have a bad record concerning excessive delays in court proceedings. According to official data, the average length of a civil lawsuit in Rome was three years, not including any appeal. The final sentence was delivered usually after a period of eight years, compared to the European average of four years.

According to the Inter-Ministerial Committee on Human Rights, Italy was the country with the greatest number of violations of Article 6 of the European Convention on Human Rights (the right to fair trial within a reasonable time) in Europe. In 2001, the European Court of Human Rights issued 359 sentences against Italy (out of a total of 683 in all Council of Europe member States), and approximately 3,500 cases were pending in the Court as of the end of 2001.

◆ In November, the European Court of Human Rights rejected Italy's appeal to review a previous ruling. Giuseppe Tripodi from Reggio, Calabria, had submitted a complaint to the Court for the excessive length of his civil lawsuit regarding a land dispute that he initiated in Italy on 28 November 1988. On 25 June 2000, 10 months after his death, the Court awarded Mr Tripodi compensation. The Italian Government had claimed it was impossible to execute the sentence due to the death of the applicant. However, the European Court ordered that the Government compensate Mr Tripodi's heirs. The original lawsuit was still pending at the time of writing.

Some members of the Extraordinary Parliamentary Committee for the Defence and Promotion of Human Rights in Italy, chaired by Senator Enrico Pianetta, proposed that the issue of long judicial pro-

ceedings be addressed and suggested the reform of the judicial system in order to avoid long delays.

On January 12, the General Prosecutor at the Supreme Court of Cassation, Francesco Favara, stated in his annual report on the administration of justice that the "Italian judicial system is still strictly monitored by the Council of Europe and by the European Court of Human Rights because of the length of the lawsuits, but the engagement of Italy to improve the situation is being recognised". Mr Favara added that new measures for the structural modernisation of the judiciary are being planned, and that a reduction of the flow of appeals to the Strasbourg Court could be reached through a "national filter" provided by the draft Law 7327/S – the so-called "Legge Pinto" – that has been approved by the Senate. Mr Favara also noted that excessively long court proceedings limit the deterrent and preventive effects of court judgments, emphasizing that both plaintiffs and defendants would profit from timely proceedings, which are also guaranteed as basic human rights.

On 18 December Minister of Justice, Mr Castelli, announced the establishment of a joint committee of the Supreme Council of the Bench and the Ministry of Justice, charged with identifying the productivity standards of the Italian judicial system by June 2002. Citing the huge number of Italian cases at the European Court of Human Rights, Minister Castelli said that Italy was obliged to take effective measures to improve its "services to citizens". In order to gain more efficient access to necessary judicial data, the Ministry created a new General Department of Statistics. The Vice-President of the Supreme Council of the Bench, Giovanni Verde, noted that the joint initiative will be conducted with due respect for judicial independence.

Detainees' Rights

More than 200 people who were arrested during the Genoa disorder (see be-

low) were summarily judged by courts in accelerated procedures in the temporary headquarters of the police and *guardia di finanza* (a customs officers corps, used also to secure public order) in the Bolzaneto district, and more than 50 in the Forte San Giuliano headquarters of the *carabinieri*. Most of the accused were fined or given short detention terms. Many non-Italian arrestees faced serious difficulties in obtaining legal aid and contacting their lawyers, consulates and families and receiving medical care; many were expelled after several days in custody. Doctors and health officers witnessed many of the arrested persons being wounded.

The Ministries of Internal Affairs and Justice initiated administrative investigations into allegations of the excessive use of force and violations of detainees' rights. The only consequence was that the Minister of Interior removed the Genoa head of police from office on 2 August, the head of national anti-terrorist department and the national vice-chief of police, who was responsible for public order in Genoa during the "G8 summit".

Torture, Ill-Treatment and Police Misconduct

Italian law enforcement officials resorted to the excessive use of force on several occasions in 2001, ill-treating individuals and violating detainees' rights.

◆ On 2 March, an anti-racist demonstration took place in Brescia (Northern Italy) following xenophobic statements by Minister of Regional Reforms Umberto Bossi, leader of the Northern League (*Lega Nord*) during the party's meeting against illegal immigration. According to reports, police and *carabinieri* officers used excessive force against peaceful demonstrators, beating dozens of them, eight of whom had to be hospitalised. More than ten young demonstrators were arrested and charged with resistance and contempt of public of-

ficials. Seven of the wounded demonstrators filed charges against the police for physical abuse, but as of the end of 2001, no officer had been punished.

◆ On 17 March, police clashed with demonstrators in Naples following a demonstration on the occasion of the "Third Global Forum". Abuse by police, *carabinieri* and *guardia di finanza* officers was reported. Law enforcement officers allegedly beat several peaceful demonstrators, some of whom were under age. In addition, people who tried to photograph or videotape the incidents were beaten and had their equipment destroyed. The arrested persons, who were injured, were denied immediate medical and legal assistance, and some of them were reportedly beaten and sexually humiliated also in the police stations. The Government set up an administrative investigating committee to examine the incidents.

From 20 to 22 July, the "G8" summit took place in Genoa. During and prior to the summit, over 200,000 people attended various demonstrations, most of which were peaceful, against "globalisation". However, some of the demonstrations resulted in violent clashes between demonstrators and the police.

◆ Hundreds of people were injured during the demonstrations and shops, cars and bank offices were destroyed. One protester, Carlo Giuliani, who reportedly attacked a *carabinieri* vehicle, was shot to death by a young *carabiniere*. A total of some 280 people, including non-Italian demonstrators, were arrested. According to several reports, videotapes and other evidence, on some occasions the police used excessive force when moderate force would have sufficed to end the violent attacks by small extremist groups and to protect people and property.

◆ On 20 and 21 July, law enforcement officers used excessive force against both

violent and peaceful demonstrators, as well as journalists, doctors and medical assistants.

◆ The most serious incident occurred on 22 July at dawn when police and carabinieri stormed the premises of the school "Sandro Pertini" (formerly "Diaz"), which was legally used by the Genova Social Forum (GSF) and where many demonstrators were lodged. Police beat dozens of people, 62 of whom were wounded and some needed urgent medical treatment in hospitals. Ninety-three people were arrested; some of whom reported cruel, inhuman and degrading treatment during their time in custody.

Due to its particular legal tradition, the Italian Penal Code did not specifically criminalize torture. At the time of writing, however, four draft laws were pending in Parliament in order to bring Italian legislation up to par with international standards in this respect.

Accountability

NGOs, reporters and lawyers voiced serious concerns about alleged violations of basic human rights during the "Genoa days". The Genoa Public Prosecutor's Office and the Italian Government initiated penal and administrative investigations into the alleged violations, respectively. The young *carabiniere* who shot Carlo Giuliani was charged with murder, and some other demonstrators who attacked the *carabinieri* car were charged with attempted murder. The cases were pending at the time of writing.

On 1 August, the Italian Parliament set up an inquiry committee for the Genoa incidents. The committee, which had no judicial power and was comprised of 18 deputies and 18 senators, terminated its work on 1 September without reaching a common position. The committees had no power to collect evidence, and only interviewed high-ranking police and prisons officers, representatives of local administration,

members of the Government, reporters and some organisers of the demonstrations. The heads of various police bodies gave contradictorily information during the interviews, apparently taking advantage of the non-binding character of the investigation.

Eventually, the Committee issued a report that was approved only by those members belonging to the pro-governmental political parties. The report was presented to the Parliament, who approved it by a majority, and to the Government. The dissenting members presented two alternative reports.

Opposition parties deemed the official report unreliable, criticizing it for not investigating the death of Carlo Giuliani and for failing to make recommendations to better handle serious public order emergencies in the future.

The Italian Helsinki Committee (IHC) stressed that measures should be taken to inform Italian law enforcement officials on international human rights standards and rules for police conduct. Furthermore, the IHC noted that many of the reported abuses would probably not have occurred – or at least could have been punished – had the officers been individually identifiable: the films and photographs of the dramatic Genoa events typically showed only anonymous officers wearing special anti-riot helmets that made their identification impossible.

Prison Conditions

According to official data, as of 31 May, the prison population in Italy totalled 55,383, although the maximum capacity of the penitentiaries was only 47,914. While some prisons were well designed and organised to offer prisoners acceptable conditions, in other prisons the overcrowding amounted to torture or cruel, inhuman or degrading treatment or punishment. The NGO "Antigone", which specialises in the rights of detainees, stated that in the entire Council of Europe region, only Greece, Hungary and Romania had a proportionally higher level of overcrowding.

Approximately 30% of the detainees (19,000) were illegal immigrants. Particular problems in this regard included insufficient legal assistance, also for linguistic reasons, and the dissemination of correct information for foreign citizens in prison or awaiting trial.

The Decree-Law 230/1999 formally provided for better health care for detainees, but it was not enforced, partly due to lacking structure. A project for the better health protection of prisoners, which was approved by a Ministerial Decree on 21 April 2000, made the hospitalisation of an inmate outside the prison possible if he/she suffered from a serious disease. It also addressed the issue of foreign detainees, underlining the need to break linguistic and cultural barriers in order to ensure effective health protection.

There were also reports of the ill-treatment of prisoners:

- ◆ In February, the Public Prosecutor's Office initiated a criminal investigation of ten members of the staff of Potenza District Prison for the alleged ill-treatment of Tunisian prisoner Tbina Ama. In August 2000, the prisoner climbed onto the prison roof to protest a serious beating by wardens the previous day.
- ◆ In April, a trial began against three prison officers of the Sassari prison (Sardinia) who had been charged with ill-treating Moroccan detainee Abdelaziz Ziad in November 1997. Mr Ziad alleged that the officers had beaten him in an isolation cell. His injuries were certified by a doctor.

Freedom of Movement

A few days prior to the Genoa "G8" summit, several people coming from other countries to participate in the planned demonstrations in Genoa were denied entry into Italy; and some already inside the country were expelled. Police forces also prevented other would-be demonstrators from reaching Genoa. In the harbour of

Ancona (on the Adriatic Sea, in Central Italy) violent clashes took place between protesters and law enforcement officials, and some foreign citizens were reportedly mistreated by the police.

◆ On 19 July, more than 120 Greek citizens (including the president of the Greek Section of Amnesty International) were forcibly returned to Greece under the pretext that police had found “dangerous objects” on some of their buses. Two days later the Greek Minister of Foreign Affairs strongly rejected this allegation. The Ancona Public Prosecutor’s Office initiated a penal investigation.

National Minorities²

Roma

According to the European Roma Rights Center (IHF cooperating organisation), Italy continued to violate many of the basic rights of its Roma population.

By developing a housing policy for Roma based on the racist and incorrect characterisation of them as “nomads,” the Italian Government continued to foster the segregation of Roma into inhuman and degrading “camps” to which no other segment of the population was confined. The camps were typically located far from most city centres, thoroughfares, and public services. Instead of trying to initiate measures aiming at abolishing the camp system, new camps were created, officially in order to provide better living conditions for Roma. However, conditions in most of them continued to be substandard and inhabitants were often forced to live without running water, toilets or electricity.

The Government’s policy of “Roma equal nomads” was further compounded by the rejection, procrastination, and excessive delay of processing residence permit applications by immigrant Roma, including Roma who have been in Italy continuously for a number of years and have children who were born in Italy.

In addition to the widespread and systematic policy of racial segregation of Roma, they faced pervasive abuse and discrimination by public officials in all spheres of social life.

The Government also failed to take measures concerning the exclusion of Roma from the scope of Law No. 482, entitled “Norms Concerning the Protection of Linguistic and Historical minorities.” This law, approved by the Chamber of Deputies in June 1998 only after Roma had been explicitly excluded from its application, was adopted after lengthy delays in December 1999.

Furthermore, Roma in Italy were commonly the victims of racially motivated police violence. Police abuse of Roma took various forms, ranging from beatings during arrest or in custody, to shootings and the unlawful confiscation of personal belongings under the threat of physical abuse. A common thread, however, was the fact that incidences of abuse took place with full impunity. Like police abuse, most cases of racist violence against Roma by civilians went unpunished and the victims were left without remedy for the violations they suffered.

Roma were also frequently subjected to unlawful police raids, including armed assaults in the early morning hours during which homes were searched, contents ransacked, inhabitants harassed or subjected to excessive force and other forms of arbitrary abuse.

Camp raids are a daily reality for many Roma in Italy.

◆ On 11 September at around 6 a.m., five police squad cars entered the Romani camp at Arco di Travertino, on the northern periphery of Rome, and officers forced the approximately 40 Romani inhabitants of the camp to leave their homes and stand in an adjacent parking lot in cold morning weather. According to Salvo de Maggio of the Rome-based Italian NGO *Capodarco*, police proceeded to search the premises with dogs and metal detectors and were accompanied by the communal sanitary

service and bulldozers. The search was carried out without a search warrant, and no arrest warrant was presented to any of the camp inhabitants.

◆ According to witness reports and the Rome-based Italian non-governmental organisation *Amicizia Rom Gagc*, on 1 October, municipal police and local immigration authorities entered the camps Casilino 700 and 900 on the southern periphery of Rome, with four 50-passenger police buses. Authorities reportedly ordered local Roma to board the buses. Approximately 120 Romani camp inhabitants were taken to the immigration office of the police department in Via Genova, where their identity cards were checked. They were then released on the same day. All detainees reportedly returned to the Casilino 700 and 900 camps shortly after the raid.

Roma in Italy also faced discrimination with respect to a broad range of rights to which non-Roma in Italy were entitled, most specifically the right to equal treatment before law enforcement and judicial authorities, housing, education, and access to public accommodation and services.

In the field of education, the Government's failure to eradicate the racial segregation of Roma in camps continued to severely hinder the access of Romani children to adequate education. Countless school-aged Romani children were denied the right to attend schools altogether, as their camps were located far from schools or school transportation services. Romani children who did attend schools faced a series of racially-motivated obstacles, including prejudice by non-Romani parents who did not want their children attending school with "Gypsies," bullying by non-Romani classmates, and stereotyping by teachers and school administrators who perpetuated myths of "genetically" lower intelligence levels among Romani children. Discriminatory treatment of Roma in the provision of and access to goods and services available to the public was also commonplace.

Italian officials and politicians frequently made anti-Romani statements and Italy's national elections, which were held on 13 May and resulted in a victory for the centre-right coalition headed by Silvio Berlusconi, were conducted in an explicitly anti-Romani atmosphere.

◆ Italian national newspapers, notably *Corriere della Sera*, *la Repubblica* and *il Tempo*, ran sensational headlines and articles, such as "Prostitutes and Nomads: Face-off DS-AN", which appeared in the national daily newspaper *Corriere della Sera* on 26 March. This article in *Corriere della Sera* opened with a summary of where the main political groupings stood on the Romani issue: "For the centre-right, if they are nomads, then they need to move, otherwise they must integrate." Another *Corriere della Sera* article from 18 April, entitled "A Jar and a Gypsy Face," criticised "the scandalous behaviour of Gypsies who take their children onto the street to make people pity them."

Candidates also used inflammatory anti-Romani statements in an attempt to gain votes.

◆ A regional district candidate for the *Alleanza Nazionale* (AN, part of the government coalition), Giuseppe Consolo, was quoted in the *Corriere della Sera* article of 26 March as saying: "The left and radical-chic attempted to favour them [Gypsies] by giving them houses. Fortunately Storace took care of that. If they are nomads, they need to move on." The statement was a reference to the continuing problems surrounding the camp Via Gordiani, on the southern periphery of Rome, where the spending of funds allocated to build permanent housing for the 250 Roma living in complete squalor was blocked by the regional president Francesco Storace, also a candidate of the AN party.

In the run-up to the local elections that took place throughout the country one week after the national elections, both mayoral candidates in Rome voiced opinions on the "Gypsy problem".

◆ The centre-left candidate Walter Veltroni said that "Nomads should not be treated with favouritism. Illegals must be treated like all others. For those who are legal, the camps seem to be providing good results."⁴

◆ The centre-right candidate Antonio Tajani stated that "If they [Roma] are sedentary, they must behave like Romans and send their children to school, obey the law and, if possible, buy a house."⁵ Mr Tajani's statement was particularly unfortunate because many Roma are blocked by Italian authorities from buying or even renting property, and are instead placed in "camps for nomads".

◆ On 15 October, a letter entitled "Away with Nomads" appeared in the Rome section of *Corriere della Sera*. The letter was a protest against the Villa Troilli Romani settlement and blamed the presence of Roma there for an increase in purse snatching, thefts and break-ins. The letter was signed by two members of the AN party. Previously, on 28 September, more than 200 AN members marched in Rome to protest municipal support for Romani housing in the 15th district, according to local NGOs *Caritas* and *3 Febbraio*.

Asylum Seekers and Immigrants

Approximately 15,000 people enjoyed refugee status under the Geneva Conven-

tion, and another 15,000 resided in Italy on humanitarian grounds. However, by the end of 2001, the Parliament had not approved a law on asylum that would implement Article 10 of the Italian Constitution, which stipulates that a foreigner who cannot enjoy democratic freedoms provided for by the Italian Constitution in his/her home country has the right to asylum in the territory of Italy according to the conditions set forth in the law. There was frequent heated debate in the media and political arena on the rights of asylum seekers, refugees and immigrants, as well as about the conduct of police officers towards them.

While regular immigrants from non-EU countries numbered more than one million, it was estimated that almost the same number of illegal immigrants were living in Italy. In 2001, about 20,000 "boat people" reached Italy, seeking asylum or for immigration, most of them being Kurds from Iraq or Turkey, as well as people from Albania or Northern Africa. According to the Ministry of Interior, about 20,100 people landed illegally in Italy in 2001. 314 boats were confiscated and about 100 people were arrested and charged with trafficking in human beings.

In 2001, 75,448 illegal immigrants were repatriated on the basis of bi-lateral agreements with their countries of origin.

Endnotes

¹ Based on the *Annual Report 2001* of the Italian Helsinki Committee.

² Based on the letter of the European Roma Rights Center letter to the United Nations Committee on the Elimination of Racial Discrimination (CERD), 29 June 2001, and other information at the ERRC website www.errc.org/publications/indices/italy.shtml.

³ "DS" is a centre-left party, *Democratici di Sinistra* and "AN", the reformed right wing party, *Alleanza Nazionale*.

⁴ *Corriere della Sera*, 25 March 2001.

⁵ *Corriere della Sera*, 26 March 2001.