



# Italy

## Ratified the European Convention on Human Rights in 1955

### National Judge: Guido Raimondi

[Judges' CVs](#) are available on the ECHR Internet site

Previous Judges: Giorgio Balladore Pallieri (1959-1980), Carlo Russo (1981-1998), Benedetto Conforti (1998-2001), Vladimiro Zagrebelsky (2001-2010).

The Court dealt with 9,769 applications concerning Italy in 2014, of which 9,625 were declared inadmissible or struck out. It delivered 44 judgments (concerning 144 applications), 39 of which found at least one violation of the European Convention on Human Rights.

Applications processed in	2012	2013	2014
Applications allocated to a judicial formation	3249	3180	5476
Communicated to the Government	149	62	1763
Applications decided:	2815	2950	9769
- Declared inadmissible or struck out (Single Judge)	2494	2582	9227
- Declared inadmissible or struck out (Committee)	146	132	338
- Declared inadmissible or struck out (Chamber)	53	158	60
- Decided by judgment	122	78	144
Interim measures:	28	24	31
- Granted	1	0	1
- Refused (including out of scope)	27	24	30

For information about the Court's judicial formations and procedure, see the [ECHR internet site](#).

Applications pending before the court on 01/01/2015	
Total pending Applications*	15645
Applications pending before a judicial formation:	10079
Single Judge	484
Committee (3 Judges)	7739
Chamber (7 Judges)	1854
Grand Chamber (17 Judges)	2

\*including applications for which completed application forms have not yet been received

### Italy and ...

#### Its contribution to the Court's budget

For 2015 the Court's budget amounts to approximately 69 million euros. That budget is financed by contributions from the 47 member States of the Council of Europe in accordance with scales based on population and GDP; the 2015 contribution of Italy to the Council of Europe's (EUR 306 million) budget is **EUR 34,900,364**.

#### The Registry

The task of the Registry is to provide legal and administrative support to the Court in the exercise of its judicial functions. It is composed of lawyers, administrative and technical staff and translators. There are currently **708** Registry staff members of whom **25** are Italian.

## Noteworthy cases, judgments delivered

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### Grand Chamber

#### Cases dealing with inhuman or degrading treatment (Article 3)

##### [Saadi v. Italy](#)

28.02.2008

Decision to deport the applicant to Tunisia, where he claimed to have been sentenced in his absence for terrorism.

[Violation of Article 3 if the deportation went ahead](#)

##### [Enea v. Italy](#)

17.09.2009

Applicant had been subjected to a special prison regime (under section 41 *bis* § 2 of the Prison Administration Act) then placed in a high supervision unit.

[No violation of Article 3](#)

[Violation of Article 6 § 1 \(right to a fair trial\) concerning his right to a court during the period of the special regime](#)

[No violation of Article 6 § 1 as regards his right to a court during his placement in the high supervision unit](#)

[Violation of Article 8 \(right to respect for correspondence\)](#)

##### [Hirsi Jamaa and Others v. Italy](#)

23.02.2012

The case concerned Somalian and Eritrean migrants travelling from Libya who had been intercepted at sea by the Italian authorities and sent back to Libya.

[Violations of Article 3 because the applicants had been exposed to the risk of ill-treatment in Libya and of repatriation to Somalia or Eritrea](#)

[Violation of Article 4 of Protocol No. 4 \(prohibition of collective expulsions\)](#)

[Violation of Article 13 \(right to an effective remedy\) taken in conjunction with Article 3 because the applicants had been unable to lodge their complaints with a competent authority and to obtain a thorough and rigorous assessment of their requests before the removal measure was enforced](#)

[Violation of Article 13 taken in conjunction with Article 4 of Protocol No.4 because the remedy under the criminal law against the](#)

[military personnel on board the ship did not satisfy the criterion of suspensive effect](#)

The Court found that the applicants had fallen within the jurisdiction of Italy for the purposes of Article 1 of the Convention because they had been under the continuous and exclusive control of the Italian authorities.

#### Cases dealing with Article 6

##### [Right to a fair hearing/trial](#)

##### [Perna v. Italy](#)

06.05.2003

Journalist convicted of aggravated defamation for publishing an article accusing the Chief Public Prosecutor of Palermo (G. Caselli) of abuse of authority, without attempting to prove the veracity of his allegations.

[No violation of Articles 6 or 10 \(freedom of expression\)](#)

##### [Sejdovic v. Italy](#)

01.03.2006

Applicant convicted in his absence without having had the opportunity to present his defence.

[Violation of Article 6](#)

##### [Scoppola v. Italy \(no. 2\)](#)

17.09.2009

Question whether, in convicting the applicant for murder according to the summary procedure, the Italian courts should have applied the most lenient criminal-law provision out of all those in force in the period between the commission of the offence and the final judgment.

[Violation of Articles 6 and 7 \(no punishment without law\)](#)

##### [Right to a fair trial within a reasonable time](#)

##### [Scordino v. Italy \(no. 1\)](#)

29.03.2006

Effectiveness of the "Pinto Act", which introduced the possibility of lodging a complaint with the Italian courts in respect of excessively long proceedings. Also concerned the right to receive compensation for expropriation.

[Violation of Article 6 § 1 and Article 1 of Protocol No. 1 \(protection of property\)](#)

## Other noteworthy cases, judgments delivered

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### Grand Chamber

#### **Guerra and Others v. Italy**

19.02.1998

The Italian authorities had not provided the applicants with sufficient information about the risks and about what to do in the case of an accident in a chemical factory with a "high risk" classification.

Violation of Article 8 (right to respect for private and family life)

#### **Maestri v. Italy**

17.02.2004

Disciplinary proceedings against a judge for having been a member of a Masonic lodge.

Violation of Article 11 (freedom of assembly and association)

#### **Guiso Gallisay v. Italy**

22.12.2009 (judgment on just satisfaction)

Question of the criteria for calculation of just satisfaction in constructive expropriation cases.

The Court changed its criteria and now no longer takes into account the value of public works constructed on expropriated land.

#### **Lautsi v. Italy**

18.03.2011

The case concerned the presence of crucifixes in State-school classrooms in Italy.

No violation of Article 2 of Protocol No. 1 (right to education).

The Court held in particular that the question of religious symbols in classrooms was, in principle, a matter falling within the margin of appreciation of the State - particularly as there was no European consensus as regards that question - provided that decisions in that area did not lead to a form of indoctrination. The fact that crucifixes in State-school classrooms in Italy conferred on the country's majority religion predominant visibility in the school environment was not in itself sufficient to denote a process of indoctrination. Moreover, the presence of crucifixes was not associated with compulsory teaching about Christianity; and there was nothing to suggest that the authorities were intolerant of pupils who believed in other

religions, were non-believers or who held non-religious philosophical convictions. Lastly, Ms Lautsi had retained her right as a parent to enlighten and advise her children and to guide them on a path in line with her own philosophical convictions.

#### **Giuliani and Gaggio v. Italy**

24.03.2011

Death of demonstrator in clashes between anti-globalisation protesters and law-enforcement officers during 2001 G8 summit in Genoa.

No violation of Article 2 (right to life) concerning four different complaints: use of lethal force; legislative framework governing the use of lethal force / weapons issued to the law-enforcement agencies at the G8; organisation of the policing operations at the G8; alleged lack of an effective investigation.

No violation of Article 13 (right to an effective remedy). No violation of Article 38 (adversarial examination of the case).

#### **Scoppola v. Italy (n° 3)**

22.05.2012

The case concerned the applicant's disenfranchisement following his criminal conviction.

No violation of Article 3 of Protocol No. 1 (right to free elections)

The Court found that the disenfranchisement of convicted prisoners provided for under Italian law was not like the general, automatic, indiscriminate measure that led it to find a violation of Article 3 of Protocol No. 1 in the *Hirst (no. 2) v. the United Kingdom* case. Italian law took care to adapt the measure to the particular circumstances of a case, particularly the length of the sentence.

#### **Centro Europa 7 S.R.L. v. Italy**

07.06.2012

The case concerned an Italian TV company's inability to broadcast, despite having a broadcasting licence, because no television frequencies were allocated to it.

Violation of Article 10 (freedom of expression and information)

Violation of Article 1 of Protocol No. 1 (protection of property)

## Noteworthy cases, judgments delivered

### Chamber

#### Cases concerning the right to life (Article 2)

##### Violations of Article 2

#### [G.N. and Others v. Italy \(no. 43134/05\)](#)

01.12.2009

Difference in treatment among persons infected by transfusion or administration of blood products.

#### [Maiorano and Others v. Italy](#)

15.12.2009

Applicants' relative was brutally murdered by a repeat offender who had been granted day release.

The Court found that the judicial authorities had been negligent, not having taken due account of the criminal's dangerousness.

#### [Alikaj and Others v. Italy](#)

29.03.2011

Death of a young man who was shot by a police officer when he was being pursued by the police after resisting arrest.

#### Cases concerning prohibition of inhuman or degrading treatment (Article 3)

##### Violations of Article 3

#### [Ben Khemais v. Italy](#)

24.02.2009

Deportation of a Tunisian national suspected of being involved in Islamist terrorism despite the Court's indication to the Italian Government (under Rule 39 of the [Rules of Court](#)) that the order should be stayed pending its decision on the merits.

#### [Sulejmanovic v. Italy](#)

16.07.2009

The case concerned prison overcrowding.

#### [Toumi v. Italy](#)

05.04.2011

Removal of a terrorist from Italy to Tunisia notwithstanding the Court's indications and the risk of ill-treatment (see also Grand Chamber judgment [Saadi v. Italy](#)).

#### [Torregiani and Others v. Italy](#)

08.01.2013

The case concerned overcrowding in prisons in Italy.

The Court decided to apply the pilot-judgment procedure in view of the growing number of persons potentially concerned in Italy and of the judgments finding a violation liable to result from the applications in question.

#### [Contrada \(No. 2\) v. Italy](#)

11.02.2014

The case concerned the authorities' repeated refusal of a prisoner's requests for a stay of execution of his sentence or for the sentence to be converted to house arrest on account of his numerous health problems.

#### Cases concerning Article 6

##### Right of access to a court

##### Violations of Article 6 § 1

#### [Guadagnino v. Italy and France](#)

18.01.2011

Italian courts refused to hear industrial disputes concerning an employee of the French school in Rome.

#### [De Luca v. Italy and Pennino v. Italy](#)

24.09.2013

The two cases concerned the impossibility for the applicants to have a final judgment enforced in order to recover money owed to them by a municipal authority which had become insolvent.

##### Right to a fair hearing/trial

##### Violations of Article 6 § 1

#### [Cordova v. Italy](#)

30.01.2003

Applicant (former public prosecutor in Sicily) filed criminal complaints against a Senator and an MP, but their alleged offences were covered by parliamentary immunity.

#### [C.G.I.L. and Cofferati v. Italy \(no. 46967/07\)](#)

24.02.2009

Inability, for a trade union and its General Secretary, to bring libel proceedings against an MP (parliamentary immunity).

### **Savino and Others v. Italy**

28.04.2009

Question whether the Judicial Committee and Judicial Section for officials of the Chamber of Deputies were independent and impartial tribunals.

### **Lombardi Vallauri v. Italy**

20.10.2009

Refusal by Milan Catholic University to employ a lecturer who was not approved by the Congregation for Catholic Education.

### **Maggio and Others v. Italy**

31.05.2011

Re-adjustment of pensions of Italians who worked abroad.

### **Agrati and Others v. Italy**

07.06.2011

The applicants were 125 Italian nationals who complained about the retrospective application of a new law to ongoing judicial proceedings, on the calculation of their length of service as civil servants.

### **Arras and Others v. Italy**

14.02.2012

The case concerned legislative amendments which affected pending civil proceedings the applicants had brought concerning their pension adjustments. The applicants were pensioners and former employees of the Banco Di Napoli, a banking group which was originally public and was later privatised.

### **M.C. and Others v. Italy (no. 5376/11)**

03.09.2013 – Pilot judgment<sup>1</sup>

The case concerned the fact that it was impossible for 162 Italian nationals to obtain an annual adjustment of the supplementary part of a compensation allowance paid to them following accidental

<sup>1</sup> Since 2004 and in response to the large number of cases deriving from systemic or structural problems in certain countries the Court has developed a pilot-judgment procedure. This consists in identifying in a single judgment systemic problems underlying a violation of the European Convention on Human Rights and indicating in that judgment the remedial measures required to resolve such situations. The pilot-judgment procedure is not only intended to facilitate effective implementation by respondent states of individual and general measures necessary to comply with the Court's judgments, but also induces the respondent State to resolve large numbers of individual cases arising from the same structural problem at domestic level, thus reinforcing the principle of subsidiarity which underpins the Convention system.

contamination as a result of blood transfusions or the administration of blood derivatives.

The Court held that the Government's enactment of the emergency legislative decree, which ruled on the disputed issue of adjustment of the supplementary part of the allowance, had infringed the principle of the rule of law and the applicants' right to a fair hearing, had imposed "an abnormal and excessive burden" on them and, lastly, had disproportionately infringed their property rights.

### **Dhahbi v. Italy**

08.04.2014

The case concerned the inability of an immigrant worker of Tunisian origin to obtain payment from the Italian public authorities of a family allowance under the association agreement between the European Union (EU) and Tunisia (Euro-Mediterranean Agreement).

### **Azienda Agricola Silverfunghi S.A.S. and Others v. Italy**

24.06.2014

The case concerned proceedings before the Italian courts brought by a number of Italian agricultural companies based on their possible entitlement to a two-fold reduction of social security contributions. Pending these proceedings the Italian legislator passed a new retrospective law which determined that their benefits would be calculated alternatively, and not cumulatively.

### **Right to a fair hearing within a reasonable time**

### **Grande Stevens and Others v. Italy**

04.03.2014

The case concerned the applicants' appeal against the administrative penalty imposed on them by the Italian Companies and Stock Exchange Commission (hereafter "Consob"<sup>2</sup>) and the criminal proceedings to which they are currently subject after having been accused of market manipulation in the context of a financial operation involving the car manufacturer FIAT.

### **Violation of Article 6 § 1**

<sup>2</sup> "Consob" is a Commission charged, in particular, with protecting investors and ensuring the transparency and development of the stock markets.

No violation of Article 6 § 3 (a) (right to be informed promptly of the accusation) and (c) (right to the assistance of a lawyer) in respect of Mr Grande Stevens  
No violation of Article 1 of Protocol No. 1 (protection of property)  
Violation of Article 4 of Protocol No. 7 (right not to be tried or punished twice)  
The Court also held that the respondent State was to ensure that the new criminal proceedings brought against the applicants, in violation of Article 4 of Protocol No. 7, which, according to the most recent information received, were still pending in respect of Mr Gabiotti and Mr Grande Stevens, were closed as rapidly as possible.

**Excessive length of proceedings, delay in payment of "Pinto" compensation**

**Simaldone v. Italy**

31.03.2009

Delay in payment of compensation awarded under "Pinto Act".

Violation of Article 6 § 1 (right to a fair hearing within a reasonable time) and Article 1 of Protocol No. 1 (protection of property)

The judgment referred to a growing number of applications concerning delayed payment of "Pinto" compensation.

**Gaglione and Others v. Italy**

21.12.2010

Delay by the Italian authorities in paying compensation in 475 "Pinto" applications (applications lodged to complain of the length of civil proceedings) – a delay of at least 19 months in 65% of the applications.

Violation of Article 6 § 1 (enforcement of judicial decisions within a reasonable time); violation of Article 1 of Protocol No. 1 (protection of property)

The Court observed a widespread problem relating to the enforcement of Pinto decisions in Italy (at 7 December 2010, more than 3,900 applications concerning, among other things, delays in paying compensation under the Pinto Act were pending before the Court). It found that **general measures were required** to remedy malfunctioning of "Pinto" applications.

It disagreed with the assertion that the applicants had not suffered a significant

disadvantage and dismissed for the first time a request for application of the new admissibility criterion introduced by Protocol No. 14 (no significant disadvantage).

**Cases concerning the right to respect for private and family life (Article 8)**

Violations of Article 8

**Paradiso and Campanelli v. Italy**

27.01.2015

The case concerned the placement in social-service care of a nine-month-old child who had been born in Russia following a gestational surrogacy contract entered into by a couple; it subsequently transpired that they had no biological relationship with the child.

**Moretti and Benedetti v. Italy**

27.04.2010

Shortcomings in adoption proceedings: failure to respect foster parents' rights.

**Piazzini v. Italy**

02.11.2010

The case concerned the applicant's inability, for more than seven years, to exercise his right of access in respect of his son, under the conditions laid down by the courts, on account of the alleged failure by the social services to take the necessary measures.

**Di Sarno and Others v. Italy**

10.01.2012

The case concerned the state of emergency (from 11 February 1994 to 31 December 2009) in relation to waste collection, treatment and disposal in the Campania region of Italy where the applicants lived and/or worked, including a period of five months in which rubbish piled up in the streets.

**Costa and Pavan v. Italy**

28.08.2012

The case concerned an Italian couple who are healthy carriers of cystic fibrosis and wanted, with the help of medically-assisted procreation and genetic screening, to avoid transmitting the disease to their offspring.

The Court noted the inconsistency in Italian law that denied the couple access to embryo screening but authorised medically-assisted termination of pregnancy if the foetus showed symptoms

of the same disease. The Court concluded that the interference with the applicants' right to respect for their private and family life was disproportionate.

**Godelli v. Italy (no. 33783/09)**

25.09.2012

The case concerned the confidentiality of information concerning a child's birth and the inability of a person abandoned by her mother to find out about her origins.

The Court held that the Italian system did not take account of the child's interests.

**Zhou v. Italy**

21.01.2014

The case concerned the placement of the applicant's third child, a toddler, with a foster family with a view to adoption and the fact that Ms. Zhou had not had any contact with her child for ten months.

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## Other noteworthy cases, judgments delivered

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### Chamber

**Sud fondi Srl and Others v. Italy**

20.01.2009

Court-ordered confiscation of property following illegal development on a protected site ("Punta Perrotta"), although the Court of Cassation, in the criminal proceedings, had found the landowners and their representatives to have committed an "inevitable and excusable error".

Violation of Article 7 (no punishment without law)

**Seferovic v. Italy**

08.02.2011

Detention pending deportation of a woman who had recently given birth to a child who died at the hospital, despite the fact that Italian law prohibited the deportation of a woman within six months of giving birth.

Violation of Article 5 § 1 (f) and Article 5 § 5 (right to liberty and security)

**Sessa v. Italy**

03.04.2012

The case concerned the judicial authority's refusal to adjourn a hearing listed on the date of a Jewish holiday.

No violation of Article 9 (right to freedom of thought, conscience and religion)

The Court considered in particular that, even supposing that there had been an interference with the applicant's right under Article 9, such interference, prescribed by law, was justified on grounds of the protection of the rights and freedoms of others – and in particular the public's right to the proper administration of justice – and the principle that cases be heard within a reasonable time.

**Tarantino and Others v. Italy**

02.04.2013

The case concerned eight students' complaints about the restrictions imposed on them by Italian legislation aimed at limiting access to universities, following their unsuccessful attempts to obtain a place in the faculties of medicine and dentistry.

No violation of Article 2 of Protocol No. 1 (right to education)

For the first time the Court has had to assess the compatibility with the right to education in the tertiary sector of the operation of a numerus clausus (the maximum number of candidates allowed to enter a university) coupled with an entrance examination. The Court concluded that the State had not exceeded its wide discretion to decide on such a matter as regulating access to education. It essentially found that there existed a right to access education only in so far as a university had the capacity and resources and in so far as society had a need for a particular profession, unemployment representing further expenditure for society at large.

**Ricci v. Italy**

08.10.2013

The case concerned the conviction and sentencing of the presenter/producer of a satirical television programme for disclosing confidential images that had been recorded for the internal use of a public television station (the RAI).

Violation of Article 10 (freedom of expression)

**Valle Pierimpiè Società Agricola S.p.a v. Italy**

23.09.2014

The case concerned a declaration to the effect that a part of the Venice lagoon known as Valle Pierimpiè, which the applicant company had purchased and had

been using for fish farming, belonged to the public maritime domain.

Violation of Article 1 of Protocol No. 1 (protection of property)

### **Battista v. Italy**

02.12.2014

The case concerned the fact that it was impossible for Mr Battista to obtain a passport or an identity card valid for travel abroad on account of his failure to pay maintenance for his children.

Violation of Article 2 of Protocol No. 4 (freedom of movement)

### **“Dublin Regulation”<sup>3</sup>**

### **Sharifi and Others v. Italy and Greece**

21.10.2014

The case concerned 32 Afghan nationals, two Sudanese nationals and one Eritrean national, who alleged, in particular that they had entered Italy illegally from Greece and been returned to that country immediately, with the fear of subsequent deportation to their respective countries of origin, where they faced the risk of death, torture or inhuman or degrading treatment. The Court held, **concerning four of the applicants, Reza Karimi, Yasir Zaidi, Mozamil Azimi and Najeeb Heideri (also known as Nagib Haidari)**, who had maintained regular contact with their lawyer in the proceedings before the Court, that there had been:

a violation by Greece of Article 13 (right to an effective remedy) combined with Article 3 (prohibition of inhuman or degrading treatment) on account of the lack of access to the asylum procedure for the above-named applicants and the risk of deportation to Afghanistan, where they were likely to be subjected to ill-treatment  
a violation by Italy of Article 4 of Protocol No. 4 (prohibition of collective expulsion of aliens)

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<sup>3</sup> The “Dublin” system serves to determine which European Union (EU) Member State is responsible for examining an asylum application lodged in one of the Member States by a third-country national.

The Dublin Regulation establishes the principle that only one Member State is responsible for examining an asylum application. The objective is to avoid asylum seekers from being sent from one country to another, and also to prevent abuse of the system by the submission of several applications for asylum by one person.

a violation by Italy of Article 3, as the Italian authorities, by returning these applicants to Greece had exposed them to the risks arising from the shortcomings in that country’s asylum procedure;  
a violation by Italy of Article 13 combined with Article 3 of the Convention and Article 4 of Protocol No. 4 on account of the lack of access to the asylum procedure or to any other remedy in the port of Ancona

### **Mohammed Hussein v. the Netherlands and Italy**

02.04.2013

The case concerned a Somali asylum seeker who claimed in particular that she and her two young children would be subjected to ill-treatment if transferred from the Netherlands to Italy under the Dublin Regulation.

Application declared inadmissible as manifestly ill-founded.

The Court found in particular that, if returned to Italy, the future prospects of Ms Mohammed Hussein and her two children did not disclose a sufficiently real and imminent risk of hardship severe enough to fall within the scope of Article 3.

See factsheet “[Dublin cases](#)”.

## **Noteworthy cases, decisions delivered**

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### **Ada Rossi and Others v. Italy**

22.12.2008

Authorisation to discontinue artificial nutrition and hydration of a person in a persistent vegetative state.

Applications declared inadmissible as the applicants could not claim to be “victims” of the alleged violations.

### **Sommer v. Italy**

23.03.2010

Belated opening of proceedings against a former SS officer, convicted for killing civilians during the Second World War. Difficulty of collecting evidence in his favour 60 years after the events.

Application declared inadmissible: incompatible *ratione temporis* and *ratione materiae* and manifestly ill-founded.



### **[Achille Occhetto v. Italy](#)**

12.11.2013

The application concerned the quashing by the Consiglio di Stato of a decision by the Italian Electoral Commission in 2006 announcing Mr Occhetto's election to the European Parliament. The applicant alleged, in particular, a violation of Article 3 of Protocol No. 1 (right to free elections).

[Application declared inadmissible as manifestly ill-founded.](#)

### **[Riina v. Italy](#)**

11.03.2014

The application concerned the constant monitoring of Mr Riina in prison by means of a video surveillance system.

[Application declared inadmissible for non-exhaustion of domestic remedies.](#)

### **[Stella v. Italy and 10 other applications and Rexhepi v. Italy and seven other applications](#)**

25.09.2014

The applications concerned the issue of prison overcrowding in Italy following the application of the pilot judgment procedure in [Torreggiani and Others v. Italy](#), delivered by the Court on 8 January 2013. The situation complained of by the applicants concerns about 3,500 applications which are currently pending before the Court and which will be examined at a later date.

[Applications declared inadmissible for non-exhaustion of domestic remedies.](#)

### **[Sciabica v. Italy and Germany](#)**

21.10.2014

The applicant was convicted in Germany of intentional homicide and was subsequently transferred to Italy.

[Complaint against Italy declared inadmissible as the application was lodged outside the six-month time-limit](#)

[Complaint against Germany declared inadmissible as manifestly ill-founded](#)

## **Noteworthy pending cases**

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### **Grand Chamber**

#### **[De Tomasso v. Italy \(no. 43395/09\)](#)**

[The Chamber relinquished jurisdiction in favour of the Grand Chamber on 25 November 2014](#)

[Grand Chamber hearing on 20 May 2015](#)

The case concerns the applicant, who was considered to be a dangerous person, being

put under house arrest and special surveillance for a period of two years.

The applicant alleges violations of Article 2 of Protocol No. 4 (freedom of movement) to the Convention and 6 (right to a fair trial) of the Convention.

#### **[Parrillo v. Italy \(no. 46470/11\)](#)**

[Pending before the Grand Chamber](#)

[Grand Chamber hearing on 18 June 2014](#)

Case concerning the compatibility of the ban under Italian law (Law no. 40 of 19 February 2004) on the use of human embryos for scientific research. The articles in issue are Article 8 (right to respect for private life) of the Convention and Article 1 of Protocol No. 1 (right to the peaceful enjoyment of possessions) to the Convention.

In view of the complexity of the case, the Chamber to which it had been allocated relinquished jurisdiction in favour of the Grand Chamber on 28 January 2014.

## **Chamber**

#### **[Taddeucci v. Italy \(no. 51362/09\)](#)**

[Communicated](#) to the parties in September 2009. Inability of the applicants, a same-sex couple one of whom is an Italian and the other a New Zealand national, to live together in Italy on account of the Italian authorities' refusal to issue the second applicant with a residence permit because the national immigration legislation does not allow unmarried partners to obtain a family member's residence permit.

Relying on Article 14 (prohibition of discrimination) taken in conjunction with Article 8 (right to respect for private and family life) of the Convention, the applicants allege discrimination based on their sexual orientation on the grounds that the second applicant was refused a family residence permit and that they have no other means of living together as a couple in Italy.

#### **[Nasr and Ghali v. Italy \(no. 44883/09\)](#)**

[Communicated](#) to the parties in November 2011. This case concerns "extraordinary rendition": the applicant, the imam Abu Omar – an Egyptian national with political refugee status in Italy – alleges that he was kidnapped and transferred to Egypt and then detained in secret for several months in inhuman conditions. The second

applicant, his wife, complains that the Italian authorities left her in uncertainty as to what had happened to her husband. This case has been discussed by the Parliamentary Assembly of the Council of Europe and the European Parliament.

The applicants rely on Articles 3 (prohibition of inhuman and degrading treatment), 5 (right to liberty and security), 6 (right to a fair trial), 8 (right to respect for private and family life), and 13 (right to an effective remedy) of the Convention.

**Khlaifia and Others v. Italy  
(no. 16483/12)**

[Communicated](#) to the parties in November 2012

The application concerns the conditions of reception and removal of Tunisian economic migrants who arrived in Italy in 2011, in the wake of the "Arab Spring". The makeshift boats the three applicants sailed on with other migrants were intercepted by the Italian Coastguard and escorted to Lampedusa island. The applicants were first held at the island's initial reception and accommodation Centre (CSPA), for three and two days respectively. Then, after a revolt broke out at the Centre on 20 September 2011, they were placed on board vessels anchored in the port of Palermo, where they were held for six and four days respectively, before being sent home. They were returned to Tunisia by the simplified procedure laid down in agreements drawn up between Italy and Tunisia in April 2011. The Convention Articles in issue are Articles 3 (prohibition of inhuman or degrading treatment), 5 (right to liberty and security) and 13 (right to an effective remedy), and Article 4 of Protocol No. 4 (prohibition of collective expulsion of aliens).

**[Cestaro v. Italy](#) (no. 6884/11)**

**[Azzolina and Others v. Italy and Kutschkau and Others v. Italy](#) (nos. 28923/09 and 67599/10)**

Communicated to the parties in December 2012

In these three cases, the applicants allege that they were subjected to ill-treatment in the context of clashes at the G8 Summit held in Genoa in 2001. They rely in particular on Articles 3 (prohibition of inhuman and degrading treatment) and 13 (right to an effective remedy) of the Convention.

**Smaltini v. Italy (n° 43961/09)**

[Communicated](#) to the parties in October 2013

Impact on the first applicant's health of emissions from the ILVA steel plant. The applicants rely on Article 2 (right to life) and Article 6 § 1 (right to a fair hearing) of the Convention.

**Marriage between people of same sex**

**Oliari and Others v. Italy and Felicetti and Others v. Italy (nos. 18766/11 and 36030/11)**

[Communicated](#) to the parties in December 2013

Inability of the applicants (same-sex couples) to enter into marriage or any other form of civil partnership in Italy.

The applicants rely on Articles 8 (right to respect for private and family life), 12 (right to marry) and 14 (prohibition of discrimination) of the Convention.

**Orlandi and Others v. Italy  
(no. 26431/12)**

[Communicated](#) to the parties in December 2013

The case concerns the refusal by the Italian authorities to recognise the applicants' marriages, which were entered into abroad. It also relates to the lack of any other form of recognition for same-sex couples in the Italian legal system. The applicants rely on Articles 8 (right to respect for private and family life), 12 (right to marry) and 14 (prohibition of discrimination) of the Convention.