



EUROPEAN COURT OF HUMAN RIGHTS  
COUR EUROPÉENNE DES DROITS DE L'HOMME

Communicated on 5 July 2016

## FIRST SECTION

Application no. 58428/13  
Silvio BERLUSCONI  
against Italy  
lodged on 10 September 2013

### SUBJECT MATTER OF THE CASE

The application concerns the alleged violation of the applicant's right not to be punished without law and the right to stand for Parliamentary elections.

### QUESTIONS TO THE PARTIES

1. Did the decision of the Senate of the Italian Parliament of 27 November 2013, concluding that the applicant should be stripped of his parliamentary mandate as senator on the basis of Legislative Decree No. 235/2012, violate his right not to be punished without law under Article 7 of the Convention? In particular, did the Senate's decision constitute a "penalty" within the meaning of Article 7, and if so, was the Legislative Decree No. 235/2012 applied retroactively in the applicant's case?

2. Did the decision of the Senate of the Italian Parliament of 27 November 2013, concluding that the applicant should be stripped of his parliamentary mandate as senator on the basis of Legislative Decree No. 235/2012, violate his right to stand for elections under Article 3 of Protocol No. 1 to the Convention (*Sadak and Others v. Turkey (no.2)*, nos. 25144/94, 26149/95 to 26254/95, 27100/95 and 27101/95, § 33, ECHR 2002-IV)? In particular: (1) Did the measure pursue a legitimate aim and respect the principle of legitimate expectations (see *Lykourazos v. Greece*, no. 33554/03, §§ 53-58, 15 June 2006 and *Grosaru v. Romania*, no. 78039/01, §§ 54-57, 2 March 2010). Did the parliamentary procedure leading up to the decision to strip the applicant of his mandate as senator provide sufficient safeguards against arbitrariness?

3. Did the applicant have an effective remedy before a national authority for the alleged breach of his Convention rights under Article 13 of the Convention?