

## AMNESTY INTERNATIONAL PUBLIC STATEMENT

Date November 2023 index number EUR 30/7322/2023

# ITALY: BACKTRACKING ON GUARANTEEING FREEDOM FROM TORTURE

Italy's guarantees on freedom from torture have been weak at best, and recent proposals to amend domestic laws suggest a concerning determination to erode international law undertakings against torture in the country. Despite the adoption of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Convention) in 1984, it was only five years later, in 1989, that Italy ratified the Convention. It was another 30 years before Italy would introduce the crime of torture in its legal system with Law 14 July 2017, n. 110 (Law 110/2017), entitled Introduction of the crime of torture in the Italian legal system.<sup>1</sup> The law was the result of years of negotiations and included a definition of torture, in which some aspects negatively departed from that of the Convention.<sup>2</sup> Just six years later, Italy is now in danger of undoing its progress on recognizing the crime of torture, by legislative changes that threaten to not only impact ongoing investigations and court cases, but would also lead to impunity and a lack of accountability for future cases. In the context of hundreds of police and prison officials under investigation or convicted of torture since the law came into force, such a roll-back of rights could have far reaching consequences for Italy's international human rights obligations to guarantee freedom from torture.

## BACKGROUND

Since 2017, the crime of torture, in article 613-bis of the Italian Criminal Code, has filled a gap that in the past prevented Italian courts from punishing acts of torture adequately, such as those committed by police forces during the infamous Genoa G8 summit of 2001.<sup>3</sup> In July 2021 in Genoa, hundreds of demonstrators faced exceptional violence and brutality by police forces over three days. Scores were also beaten and abused after the protests had ended, as they prepared to spend the night in a local school complex turned into a hostel. For those grave events, Italy was sanctioned by the European Court of Human Rights for lacking an adequate legal framework to combat torture.<sup>4</sup> Many of those responsible for acts of torture at the time were prosecuted for less serious offences or avoided punishment due to the statute of limitation.

In the past six years, article 613-bis has been tested in criminal investigations and court cases. Its application has been clarified and guided by Court of Cassation rulings, which have ensured an implementation of the law in line with the requirements of the Convention.<sup>5</sup> Importantly, prosecutors and judges have been able to use it to ensure justice, truth and reparation for victims and their families, punishing perpetrators for a crime that reflects the gravity of their conduct.

However, the party *Brothers of Italy*, led by the current prime minister, and which is the first party in a government coalition which enjoys a comfortable majority in parliament, appears set to turn back the clock and to drastically restrict the applicability of the crime of torture. While different proposals are still being considered, the one that is currently most articulated and awaiting to be discussed in parliament is a bill entitled "Amendments to the criminal code regarding the introduction of an aggravating circumstance in the matter of torture" (*Disegno di legge n. 341, "Modifiche al codice penale in materia di introduzione di una circostanza aggravante comune in materia di tortura"*, Bill n.341).<sup>6</sup> The proposal raises several concerns, which will be discussed below.

---

<sup>1</sup> LEGGE 14 luglio 2017, n. 110 Introduzione del delitto di tortura nell'ordinamento italiano, at <http://www.gazzettaufficiale.it/eli/id/2017/07/18/17G00126/sg>

<sup>2</sup> Comunicato stampa Roma, 6 luglio 2017, Anche l'Italia riconosce la tortura quale crimine grave da punire, at <http://www.garantenazionaleprivatiliberta.it/gnpl/resources/cms/documents/7c335c7d5981bb096ba176a96bdcc3e4.pdf>

<sup>3</sup> The G8, or Group of Eight was an inter-governmental forum which at the time included Canada, France, Germany, Italy, Japan, Russia, the United Kingdom and the United States. Russia was later expelled and the Group is now known as G7.

<sup>4</sup> *CESTARO v. ITALY* (coe.int)

<sup>5</sup> Cass., Sez. III, sent. 25 maggio 2021 (dep. 31 agosto 2021), n. 32380, Pres. Marini, est. Di Nicola, ric. R.C.C. at 1649707337\_cassazione-2021-32380-tortura-privata-tortura-di-stato-613-bis.pdf (sistemapenale.it)

<sup>6</sup> Bill n.341 and related information can be accessed at Parlamento Italiano - Disegno di legge S. 341 - 19<sup>a</sup> Legislatura (senato.it)

## ABROGATION OF THE CRIME OF TORTURE MAY IMPACT INVESTIGATIONS AND COURT CASES

Torture is a crime under international law, which imposes numerous obligations upon states to ensure it is adequately punished. Article 1 of the Convention states:

1. For the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.
2. This article is without prejudice to any international instrument or national legislation which does or may contain provisions of wider application.

Article 1 of Law 110/2017, which introduced article 613-bis in the Italian Criminal Code, defines torture as follows:

"Anyone who with serious violence or threats, or acting with cruelty, causes acute physical suffering or a verifiable psychic trauma to a person deprived of his/her liberty or entrusted to his/her custody, authority, supervision, control, care or assistance or who is in a situation of vulnerability [diminished ability to defend oneself] is punished with four to ten years of imprisonment if the offence is committed by multiple acts or if the offence involves inhuman and degrading treatment for the person's dignity.

If the acts referred to in the first paragraph are committed by a public official or by someone in charge of a public service, with abuse of power or in violation of the duties inherent to their function or service, the penalty is five to twelve years of imprisonment."

Bill n.341 proposes to abrogate the crime of torture as defined in article 613-bis and to introduce in its place an aggravating circumstance without express reference to the term "torture" in the law. This would be added to article 61 of the Criminal Code on aggravating circumstances, as article 61(11)-novies: "Having committed the conduct inflicting on a person pain or acute physical or mental sufferings, for the aim of obtaining from them or a third person information or confessions, of punishing them for an act that they or a third person has committed or is suspected of having committed, of intimidating them or exercising pressures on them or of intimidating or exercising pressures on a third person, or for any other motive based on any form of discrimination, whenever such pain or sufferings are inflicted by a public official or by any other person who is acting in an official capacity or at their instigation, or with their expressed or tacit consent."

While the proposed aggravating circumstance reflects nearly *verbatim* the definition of torture of Article 1(1) of the Convention, the term "torture", as well as the distinct crime of torture, would disappear from the Criminal Code.

Removing the autonomous crime of torture as a distinct and especially serious offence, punished proportionately to its gravity would have a negative impact on Italy's obligation to guarantee freedom from torture and would signal that the institutions are deprioritizing the protection of the right to be free from it. Crucially, the prosecution of acts of torture would have to be carried out through lesser crimes, such as grievous bodily harm, with a shorter statute of limitation. This would result, as it has on multiple occasions in the past, in barring investigations and prosecutions. The deterrent effect of the distinct crime of torture, which is, as recognized by the proponents of its abrogation, especially "shameful", would be lost. Last but not least, the punishment of conduct which constitutes torture but is not labelled as such would be left to the discretion of the courts, which can balance aggravating circumstances with attenuating ones, resulting in a lower level of penalties. The consequences of such an amendment would be ultimately denying justice for the victims and fostering impunity.

As in many other countries, acts of torture by law enforcement officials remain a reality in Italy. Several court cases in which prosecutors are contesting the crime of torture for acts which have led to the death, injury, and humiliation, including for racist and discriminatory motives, of numerous victims are ongoing and could be affected by a review of article 613-bis. In March 2023, 23 prison officers were suspended for allegations of torture against detainees in the prison of Biella, Piedmont. A trial is ongoing regarding 105 prison officers and other officials accused of multiple offences, including torture, for the violent suppression of a protest in the Santa Maria Capua Vetere prison, in the Campania region, in April 2020, which affected 177 detainees and led to the death of one of them. But allegations of torture regard also police officers. In June 2023, in Verona, Veneto region, reports emerged that numerous police officers were under investigation for various crimes, including torture, against people they were stopping and detaining, mostly of foreign or Romani origin. In 2021, five police officers in Piacenza, Emilia-Romagna, were convicted of a series of grave crimes,

including torture.<sup>7</sup> In both these last cases, the crimes are alleged to have been committed over time and were covered and allowed to continue by colleagues and superiors.

These are but a few cases that illustrate the continuing need for a distinct crime of torture to combat and punish the most serious violations of human dignity by law enforcement officials.

## **CONCERN ABOUT THE MOTIVATION OF BILL N. 341**

The five-page long motivation of the bill raises concern not only because of the drafters' expressed reasons for the proposal, but also because of what they failed to include. A need to strengthen tools to prevent and combat torture and a focus on ensuring justice for victims of torture are completely absent from the bill's motivation.

The radical proposal to do away with the crime of torture, introduced only in 2017 and after considerable pressure from international human rights mechanisms and complex parliamentary negotiations, revolves exclusively around a perceived need to protect police forces from 'spurious complaints'. This perceived need, however, is not accompanied by any data or an analysis of the impact that the introduction of the crime in the legal system has had in this or other respects (including, for example in terms of deterrence – one of its chief functions).

Instead, the drafters make reference to the “need to avoid exposing law enforcement and security forces to spurious complaints”; to the risk that the crime of torture is applied “in the case of sufferings caused during legitimate public order and policing operations”, during “operations of public order or law enforcement not, per se, involving deprivation of personal liberty when carried out in a context of significant vulnerability and powerlessness of the victim, raising some risks of excessive penalization of the legitimate work of police forces”; to “behaviours clearly outside its [torture's] classical sphere of operation [*sic*], such as a rigorous use of force by police during a particularly delicate arrest or public order operation or to the placing of a detainee in an overcrowded cell”; and to the “risk that being subjected to complaints and instrumental court cases could disincentivize and demotivate law enforcement forces, depriving those who are tasked with the enforcement of the law of the necessary momentum to carry out their work optimally, with subsequent weakening of crime prevention and repression activities and a generalized disheartening of the enterprise and agency of law enforcement forces”.

Furthermore, the bill's drafters allege (without providing supporting evidence) that there does not appear to be an increase in the crimes and abuses perpetrated by law enforcement officials which could justify the introduction of a “new” crime, effectively turning back the clock to the parliamentary debate that resulted in the approval of Law 110/2017.

Finally, the drafters conclude that the bill is presented “adequately to protect the honour and image of police forces that work every day to guarantee public safety risking their own life, and to avoid the dangerous consequences that could derive from the application of the new crimes”.

In the absence of any empirical justification for the need to amend the current legislation, and of any explanation about the way in which the bill would strengthen the legal system to combat torture more effectively, the amply reiterated preoccupation with shielding the police forces from a perceived risk of 'spurious complaints' emerges as the sole aim of the bill.

Amnesty International is concerned that moving from such premises, if passed, the bill would result in Italy being once again in breach of the obligation to implement the Convention and deprived of the necessary legal framework to uphold the prohibition against torture.

## **THE MISINTERPRETATION IN BILL N. 341 OF THE INTERNATIONAL OBLIGATION TO PUNISH TORTURE**

In the motivation, the drafters display a dangerous and instrumental misinterpretation of international obligations under the Convention. They state that Italy's delay in implementing the Convention through the introduction of the crime of torture was “pertinently motivated”. In the drafters' view, the authorities believed that the aggravating circumstances already present in the Criminal Code constituted an adequate implementation of the duty to punish acts of torture in a

---

<sup>7</sup> See the following media reports on these cases, among the many available: *Violenze in carcere a Biella, 23 agenti sospesi per "tortura di Stato"* (rainews.it); *Pestaggi carcere Santa Maria Capua Vetere, i cittadini e parte della politica chiedono giustizia* (editorialedomani.it); *Verona, 5 poliziotti arrestati per torture e pestaggi in questura - la Repubblica*; *Italian Carabinieri station in Piacenza shut over torture claims - BBC News*

manner that reflects the gravity of the conduct. Following the drafters' reasoning, Italy was complying with the Convention before the introduction of the crime of torture as per article 613-bis.

Yet, as mentioned above, the European Court of Human Rights sanctioned Italy precisely for not having an adequate legal framework to combat torture.<sup>8</sup>

It is worth also reminding that before Law 110/2017 was passed, the Committee against Torture (the Committee)'s reviews of Italy's compliance with the Convention repeatedly recommended that Italy incorporate into domestic law the crime of torture as defined in the Convention, leaving Italian authorities in no doubt as to the fact that the then legal framework was insufficient to meet the Convention's obligations. In July 2007, the Committee stated:

"5. Notwithstanding the State party's assertion that, under the Italian Criminal Code all acts that may be described as "torture" within the meaning of article 1 of the Convention are punishable and while noting the draft law (Senate Act No. 1216) which has been approved by the Chamber of Deputies and is currently awaiting consideration in the Senate, the Committee remains concerned that the State party has still not incorporated into domestic law the crime of torture as defined in article 1 of the Convention. (arts. 1 and 4)

The Committee reiterates its previous recommendation (A/54/44, para. 169(a)) that the State party proceed to incorporate into domestic law the crime of torture and adopt a definition of torture that covers all the elements contained in article 1 of the Convention. The State party should also ensure that these offences are punished by appropriate penalties which take into account their grave nature, as set out in article 4, para. 2 of the Convention."<sup>9</sup>

It should also be noted that Article 1 of the Convention constitutes the minimum level of protection that states must uphold, but a broader definition of torture in domestic law than the one in the Convention is acceptable, as expressly stated in the second paragraph of Article 1 of the Convention: "This article is without prejudice to any international instrument or national legislation which does or may contain provisions of wider application."<sup>10</sup>

## **THE MISINTERPRETATION IN BILL N. 341 OF THE REQUIREMENTS OF THE DEFINITION OF TORTURE IN ARTICLE 1 OF THE CONVENTION**

The drafters critique the definition of torture introduced by article 613-bis which they describe as "profoundly divergent" from that of the Convention. However, because of the drafters' above-described motivation, their preoccupation with the letter of Article 1 of the Convention rings insincere, and in fact their reasoning leads in the opposite direction of that prescribed by the Convention, with the elimination of the crime and even of the term "torture" from the Criminal Code.

The drafters' critique of article 613-bis returns over amply debated issues that experts and parliament discussed before the passing of Law 110/2017. They note that:

a) acts of torture in Article 1 of the Convention can be carried out only by a public official, whereas in article 613-bis they can be carried out by anyone;

b) Article 1 of the Convention does not typify the conducts that can constitute torture, whereas article 613-bis provides for three categories of acts that can constitute torture: acts of grave violence (in the plural); grave threats (in the plural); and acts carried out with cruelty. The drafters, further to the overall consideration that prescriptive conducts are not in line with the Convention's definition, remark positively on the use of the plural in article 613-bis, as it helps reduce the risk of spurious complaints, but express concern about the alleged vagueness of the notion of cruelty, and also about the fact that an act amounting to cruel, inhuman or degrading treatment committed with cruelty could be subsumed by the crime of torture, contrary to international law;

---

<sup>8</sup> CESTARO v. ITALY (coe.int)

<sup>9</sup> COMMITTEE AGAINST TORTURE, Thirty-eighth session, 30 April to 18 May 2007, CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 19 OF THE CONVENTION, Conclusions and recommendations of the Committee against Torture, ITALY, CAT/C/ITA/CO/4, 16 July 2007

[tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CAT%2FC%2FITA%2FCO%2F4&Lang=en](http://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CAT%2FC%2FITA%2FCO%2F4&Lang=en)  
See also para.169 of the Report of the Committee against Torture (twenty-first session, 9-20 November 1998) and twenty-second session (26 April-14 May 1999), A/54/44 at

[tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolNo=A%2F54%2F44%28SUPP%29&Lang=en](http://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolNo=A%2F54%2F44%28SUPP%29&Lang=en)  
<sup>10</sup> Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment | OHCHR

c) Article 1 of the Convention requires specific intent (*dolo specifico*), as the Convention outlines the objectives of acts of torture, namely obtaining from the victim or a third person information or a confession, punishing the victim for an act they or a third person have committed or is suspected of having committed, or intimidating or coercing the victim or a third person, or for any reason based on discrimination of any kind. Article 613-bis only requires generic intent (*dolo generico*), without specifying the finalities of an act of torture. From the objectives of acts of torture as defined in the Convention, the drafters infer that torture in the Convention requires that a victim is in a state of powerlessness *because* of their being deprived of personal liberty. They also state that treatment that is ultimately “justified”, due to the legitimate aim of the official, cannot constitute torture even if it causes strong pain to the victim. Such treatment would include violence carried out during military operations, and during judiciary and penitentiary police and public order operations, provided that the principle of proportionality is respected. In these cases, according to the drafters, the police or military officials who might have acted for aims different from those in Article 1 of the Convention, and provided they have acted with excessive force, could be liable of inhuman or degrading treatment. The “shameful” accusation of torture would remain limited to cases in which the victim is in a state of absolute dependence or enslavement to the aggressor, because of their sphere of liberty being completely under the dominion of the aggressor, in a situation alike slavery.<sup>11</sup> Because article 613-bis only requires generic intent, there is a risk of prosecuting for torture officers who might have caused sufferings during legitimate police or public order operations, in which the victims could be in a situation of relative powerlessness, but are not deprived of liberty.

The overall aim of this largely inaccurate interpretation of the Convention and of international jurisprudence is clearly to exclude the applicability of the crime of torture to public order operations and more broadly to any situation where there is no deprivation of liberty in its strict meaning. The drafters’ reasoning ignores that the interpretation of torture under international law is not nearly as restrictive as they make it and is not limited to cases of deprivation of liberty. It also leads to the absurd conclusion that there might be acts of torture that should be regarded as legitimate because they were carried out in the context of military operations, judiciary and penitentiary police and public order operations. The reference to the principle of proportionality in Bill n.341’s motivation is especially confusing here, because if the use of force is proportional, then it could hardly be at risk of being prosecuted as torture; and if it is not, then it should be liable to being prosecuted as appropriate, including as torture, should it meet the elements of the Convention’s definition.

## **A HUMAN RIGHTS-BASED CRITIQUE OF ARTICLE 613-BIS OF THE ITALIAN CRIMINAL CODE**

When Italy introduced the crime of torture in the Criminal Code, Amnesty International welcomed it, but noted some problematic aspects and called for a review to bring it in line with the Convention.<sup>12</sup>

Specifically, the definition includes an accumulation of requirements for an act to constitute torture resulting in establishing a higher threshold than that of Article 1(1) of the Convention (the elements of “serious violence or threats”, “cruelty”, “verifiable psychic trauma” and “multiple acts” are not contained in the Convention). The added requirement that it involves “inhuman and degrading treatment for the person’s dignity”, while not having a narrowing or expanding effect, adds to the lack of clarity. In fact, this is counterproductive, as cruel, inhuman or degrading treatment would then fall within the stricter requirements that apply for torture, thus weakening protections.

Secondly, elements of Article 1 (1) of the Convention which give the Convention’s definition focus and clarity, are missing, namely a reference to the intention and purpose (including discrimination) of an act of torture.

Thirdly, the crime can be committed by anyone and not only by a public official or other person acting in an official capacity, although it should be noted that the provision requires the victim to be in the custody, or subjected to the authority, supervision, control, care or assistance of the perpetrator.<sup>13</sup>

With regard to the second paragraph of article 613-bis, in Amnesty International’s view, even taking into account that “instigation” to commit torture is dealt with in a separate provision of the Italian law, this provision is narrower than Article

---

<sup>11</sup> “L’infamante accusa di tortura rimarrebbe così confinata ai casi in cui la vittima si trovi in stato di « completa dipendenza o asservimento » all’aggressore, essendo la sua sfera di libertà alla mercé di quest’ultimo in modo simile alle situazioni di schiavitù.”

<sup>12</sup> Italy: Submission to the United Nations Committee Against Torture, 62nd Session, 6 November - 6 December 2017 (amnesty.org)

<sup>13</sup> It should also be noted that at Article 7 of the Rome Statute of the International Criminal Court, torture is regarded as a crime against humanity and is defined as “the intentional infliction of severe pain or suffering, whether physical or mental, upon a person in the custody or under the control of the accused”, without any further requirement as to the characteristics of the perpetrator or the purposes of their acts, RS-Eng.pdf (icc-cpi.int)



1(1) of the Convention, as elements of the Convention's definition are missing, namely "with the consent or acquiescence". Furthermore, the introduction of the elements of "with abuse of power or in violation of the duties inherent to their function or service" suggest that an official could inflict torture without abusing his/her power or violating their duty. This expansion of the definition may be used to claim a defence of superior orders, explicitly prohibited in Article 2(3) of the Convention. It is important to note that there is no explicit denial of such a defence elsewhere in Law 110/2017.

Article 1 of Law 110/2017 also introduces article 613-ter, entitled Instigation to commit torture by a public official, which reads:

"The public official or a person in charge of a public service who, in the performance of their duties or service, instigates in a concretely adequate way another public official or another person in charge of a public service to commit the crime of torture, if the instigation is not accepted or if the instigation is accepted but the crime is not committed, is punished with six months to three years of imprisonment."

This provision is narrower than Article 1(1) of the Convention, in that the person being "instigated" must also be an official, whereas no such requirement exists in the Convention. Furthermore, there is no requirement that the instigation is done in a "concretely adequate" way in the Convention.

At the time, Amnesty International was also concerned about article 5 of Law 110/2017 entitled Invariance of expenditure and which reads: "The implementation of this law must not result in new or increased expenditure for the State's budget." The Convention includes provisions whose implementation clearly requires resources to be allocated. For example, article 10 on education and training; article 11 on the review of interrogation policies; article 14 on redress, in addition to the general obligation to prevent torture and other ill-treatment, to investigate complaints, et cetera. The strict provision of article 5 of Law 110/2017 was a recipe for non-implementation of the law and of the obligations in the Convention.

In addition, Amnesty International was concerned that Law 110/2017 contained no clear provisions on the following areas: the inadmissibility of any justification for torture, in order to bar the applicability of certain defences, as required under Article 2(2) of the Convention; the obligation to ensure that education and information regarding the prohibition against torture are fully included in the training of all relevant official, as required by Article 10 of the Convention; and the obligation to keep under systematic review all interrogation policies and practices and arrangements regarding the custody and treatment of persons deprived of liberty to prevent torture, as required by Article 11 of the Convention.

In November 2017, soon after the enactment of Law 110/2017, the Committee against Torture registered its criticism of the definition of torture in article 613-bis.<sup>14</sup> The Committee noted the introduction of the crime of torture as a specific offence, however, it also noted that the definition of torture set forth in article 613-bis failed to mention the purpose of the act in question, contrary to what is prescribed in the Convention. Moreover, the basic offence, according to the Committee, does not include specifications relating to the perpetrator — namely, reference to the act being committed by, at the instigation of, or with the consent or acquiescence of a public official or other person acting in an official capacity. The Committee concluded that this definition is significantly narrower than the definition contained in the Convention, and that it establishes a higher threshold for the crime of torture by adding elements beyond those mentioned in Article 1 of the Convention. The Committee thus recommended that:

"The State party should bring the content of article 613 bis of the Criminal Code into line with article 1 of the Convention by eliminating all superfluous elements and identifying the perpetrator and the motivating factors or reasons for the use of torture (i.e. to obtain information or a confession, to punish the victim, to intimidate or coerce the victim or a third person, or any reason based on discrimination of any kind)."

Furthermore, the Committee expressed concern that the crime of torture is subject to a statute of limitations of 18 years and recommended that Italy "ensure that the offence of torture is not subject to any statute of limitations, in order to preclude any risk of impunity in relation to the investigation of acts of torture and the prosecution and punishment of perpetrators."

Amnesty International considers the above recommendations should be the starting point of a review of the crime of torture in Italy. However, the intentions of the drafters of Bill n. 341 go in a very different direction.

---

<sup>14</sup> See in particular paras 10 to 13 of CAT/C/ITA/CO/5-6: Committee against Torture: Concluding observations on the combined fifth and sixth periodic reports of Italy | OHCHR

## CONCLUSIONS AND RECOMMENDATIONS

Although article 613-bis could be improved to better align it with the Convention, Amnesty International considers that it would be unrealistic to embark on a review of article 613-bis in the hope of strengthening it in line with the Convention. Thus, Amnesty International calls on the government, members of parliament and all relevant institutions to:

- focus on maintaining the crime of torture in the Criminal Code
- ensure that it is implemented by all relevant authorities in a manner fully consistent with Italy's international obligations under the Convention and the Optional Protocol to the Convention, including as to the inadmissibility of any justification for torture; the inclusion of education and information regarding the prohibition against torture in the training of all relevant officials; and the systematic review of all interrogation policies and practices, and of arrangements regarding the custody and treatment of persons deprived of liberty; and
- allocate adequate resources for the full implementation of Italy's obligations under the Convention.

*Amnesty International is grateful to Antonio Marchesi, associate professor of International Law at the Faculty of Law of the University of Teramo, for his contribution to this analysis of Bill n. 341*