

EUROPEAN COURT OF HUMAN RIGHTS

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Press release issued by the Registrar

GRAND CHAMBER HEARING SCOPPOLA v. ITALY

The European Court of Human Rights is holding a Grand Chamber hearing today **Wednesday 7 January 2009 at 9.15 a.m.**, in the case of *Scoppola v. Italy* (application no. 10249/03).

The hearing will be broadcast from 2.30 p.m. on the Court's Internet site (<http://www.echr.coe.int>).

The applicant

The case concerns an application brought by an Italian national, Franco Scoppola who was born in 1940 and is currently imprisoned in Parma (Italy).

Summary of the facts

On 2 September 1999, after a fight with his children, Mr Scoppola killed his wife and injured one of his sons. He was arrested on 3 September. After the investigation the Rome prosecution service recommended that the applicant be committed for trial for murder, attempted murder, ill-treatment of his family and illegal possession of a weapon.

In February 2000 the Rome preliminary hearings judge allowed the applicant's request to be tried under the summary procedure, a simplified process entailing, in the event of conviction, a reduction of sentence. In the version in force on that date, Article 442 of the Code of Criminal Procedure provided that a defendant otherwise liable to life imprisonment should be sentenced to a term of 30 years.

On 24 November 2000 the preliminary hearings judge found the applicant guilty and noted that the applicable sentence was life imprisonment. However, as the applicant had elected to stand trial under the summary procedure the judge sentenced him to 30 years' imprisonment.

The public prosecutor's office at the Rome Court of Appeal appealed. It was contended that the preliminary hearings judge should have applied Legislative Decree no. 341 of 24 November 2000, which had entered into force on the same day as the applicant's conviction. Article 7 of the decree, which was intended to provide an authoritative interpretation of Article 442 of the CCP, provided that, where the summary procedure had been followed, life imprisonment with daytime isolation was to be replaced by life imprisonment without isolation.

In September 2001 the Rome Assize Court of Appeal sentenced the applicant to life imprisonment. Noting that Legislative Decree no. 341 had entered into force on the same day as the preliminary hearings judge gave judgment, it ruled that, as the rule the decree

introduced was a procedural rule, it applied to all pending proceedings. It pointed out that under the decree's provisions the applicant could have withdrawn his request for adoption of the summary procedure and elected to stand trial under the ordinary procedure. As he had not done so, the first-instance decision should have taken into account the new rules brought in by the legislative decree.

The applicant appealed on points of law, complaining that he had been wrongly sentenced to life imprisonment. That appeal as well as other appeals were unsuccessful.

Complaints

The applicant complains that he has been sentenced to life imprisonment on the basis of the retroactive application of Legislative Decree no. 341. The case is being examined before the European Court of Human Rights under Article 7 (no punishment without law) and Article 6 § 1 (right to a fair trial) of the European Convention on Human Rights.

Procedure

The application was lodged on 24 March 2003 and declared partly admissible on 8 September 2005. On 13 May 2008 the Court adopted a final decision on the admissibility in which it noted that the applicant's complaints did not exclusively concern the alleged violation of Article 7, but also the question whether the provisions introduced by Legislative Decree no. 341 had infringed the principles of fair trial as set forth in Article 6 § 1 of the Convention.

On 2 September 2008 the Chamber to which the case had been allocated relinquished jurisdiction in favour of the Grand Chamber.

Composition of the Court

The case will be heard by the Grand Chamber composed as follows:

Jean-Paul **Costa** (France), *President*,
Christos **Rozakis** (Greece),
Nicolas **Bratza** (United Kingdom),
Peer **Lorenzen** (Denmark),
Françoise **Tulkens** (Belgium),
Josep **Casadevall** (Andorra),
Ireneu **Cabral Barreto** (Portugual),
Rait **Maruste** (Estonia),
Danutė **Jočienė** (Lithuania),
Ján **Šikuta** (Slovakia),
Dragoljub **Popović** (Serbia),
Mark **Villiger** (Liechtenstein),
Giorgio **Malinverni** (Switzerland),
George **Nicolaou** (Cyprus),
András **Sajó** (Hungary),
Mirjana **Lazarova Trajkovska** ("the former Yugoslav Republic of Macedonia"), *judges*,
Vitaliano **Esposito** (Italy), *ad hoc judge*,
Nona **Tsotsoria** (Georgia),
Alvina **Gyulumyan** (Armenia),

Ledi **Bianku** (Albania), *substitute judges*,
and also Michael **O'Boyle**, *Deputy Registrar*.

Representatives of the parties

Government: Nicola **Lettieri**, *Deputy Co-gent*;

Applicant: Nicolo **Paoletti**, Alessandra **Mari**, *Counsel*,
Ginevra **Paoletti**, *Adviser*.

After the hearing the Court will begin its deliberations, which are held in private. Judgment will be delivered at a later date¹.

Press contacts

Tracey Turner-Tretz (telephone: 00 33 (0)3 88 41 35 30)

Paramy Chanthalangsy (telephone: 00 33 (0)3 88 41 28 30)

Kristina Pencheva-Malinowski (telephone: 00 33 (0)3 88 41 35 70)

Céline Menu-Lange (telephone: 00 33 (0)3 90 21 58 77)

The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.

¹ This summary by the Registry does not bind the Court.