



## Italy violated the Convention for ill-treatment of a trainee lawyer at a police station following an anti-globalisation demonstration

In today's **Chamber** judgment<sup>1</sup> in the case of [Cioffi v. Italy](#) (application no. 17710/15) the European Court of Human Rights held, unanimously, that there had been:

**a violation of Article 3 (prohibition of inhuman or degrading treatment)** of the European Convention on Human Rights, concerning both the police ill-treatment of Mr Cioffi, and the subsequent investigation.

The case concerned the taking of Mr Cioffi, then a trainee lawyer to a Naples police station, where he had suffered alleged ill-treatment at the hands of police officers, including being punched while on his knees, and verbal and physical abuse when he had attempted to request information. This took place against the background of the Global Forum on Reinventing Government in Naples in 2001.

The Court found in particular that the facts of his ill-treatment by the police had been clearly established by the Italian courts, which had described it, among other terms, as “particularly odious”.

It also held the subsequent investigation – in which 31 officials had been charged with multiple offences in connection with these events but most of the prosecutions had been discontinued owing to the expiry of the limitation period – to have been inadequate.

### Principal facts

The applicant, Andrea Cioffi, is an Italian national who was born in 1972 and lives in Naples (Italy).

Following anti-globalisation demonstrations in Naples in March 2001 around the Global Forum on Reinventing Government, a large number of people were injured. Mr Cioffi, along with a number of people demonstrators, was removed from the accident and emergency department of a hospital and taken to the Virgilio Raniero police station on the afternoon of 17 March 2001.

An investigation was carried out into accusations of kidnapping, abuse of authority by State officials, criminal coercion, and bodily harm of Mr Cioffi, among other offences, as a result of which 31 police officers were charged. The applicant joined the proceedings as a civil party.

In its judgment, the Naples District Court found that individuals taken into custody had been victims of “egregious conduct” (*gravissime condotte*), including: being made to walk through a hallway surrounded by law-enforcement officers, who took turns slapping, kicking, tripping, spitting on and verbally abusing them; being forced to kneel with their hands behind their heads, being forced to remain silent at all times and not being allowed to communicate with their lawyers or to inform their family members of their situation; having their mobile telephones seized and, in certain cases, damaged; being beaten and subjected to various forms of physical abuse; being subjected to threats and verbal abuse; and not being allowed to eat, drink or use the toilet.

1. Under Articles 43 and 44 of the Convention, this Chamber judgment is not final. During the three-month period following its delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: [www.coe.int/t/dghl/monitoring/execution](http://www.coe.int/t/dghl/monitoring/execution).

The District Court found that Mr Cioffi had been beaten several times, including when on his knees with his hands behind his head. When he had identified himself as a trainee lawyer and asked why he was being held without formal arrest, he had been physically abused. The court found this to be “particularly unacceptable”. He had been called *l’avvocato* (“the little lawyer”) by the officers, who said they knew where he lived.

With respect to the offences, including bodily harm and criminal coercion, the District Court decided that the proceedings had to be discontinued because the applicable statutory limitation periods had expired. Among other verdicts, 10 officers were convicted of kidnapping and given prison sentences of up to two years and eight months, together with suspension from public office. Fourteen officers appealed. In January 2013 the kidnapping convictions were quashed by the Naples Court of Appeal owing to expiry of the limitation period, as were the suspensions from public office. In October 2015 the Court of Cassation upheld that judgment. At the conclusion of the proceedings all offences were ultimately time-barred except in the case of three officers who had filed an express waiver of the statutory limitation periods.

The majority of the offences were ultimately time-barred.

## Complaints, procedure and composition of the Court

Relying on Articles 3 (prohibition of inhuman or degrading treatment) 5 (right to liberty and security) and 13 (right to an effective remedy), Mr Cioffi alleged, in particular, that he had been ill-treated while in police custody, and that the time-barring of those alleged offences meant they had gone unpunished.

The application was lodged with the European Court of Human Rights on 16 June 2015.

Judgment was given by a Chamber of seven judges, composed as follows:

Ivana **Jelić** (Montenegro), *President*,  
Erik **Wennerström** (Sweden),  
Georgios A. **Serghides** (Cyprus),  
Raffaele **Sabato** (Italy),  
Alain **Chablais** (Liechtenstein),  
Artūrs **Kučs** (Latvia),  
Anna **Adamska-Gallant** (Poland),

and also Ilse **Freiwirth**, *Section Registrar*.

## Decision of the Court

### Article 3

The European Court noted the Italian courts’ detailed factual findings concerning the abuse to which Mr Cioffi had been subjected; they had declared his treatment to have been “particularly odious” and the abuse as “very violent”. This treatment had not been caused by Mr Cioffi’s conduct. It noted, in particular, the first-instance court’s finding that when Mr Cioffi had attempted to obtain information from the police, he had been met with verbal and physical abuse, which had been characterised as “particularly unacceptable”.

Overall, the Court concluded that Mr Cioffi had been subjected to inhuman and degrading treatment by the police.

Regarding the investigation into these allegations, 31 officials and police officers were tried in connection with the events in this case, under multiple charges. However, most of the proceedings were discontinued as time-barred.

The Court reiterated that in its [Cestaro v. Italy](#) (no. 6884/11) judgment it had invited Italy to introduce legal mechanisms capable of, amongst other things, preventing those responsible for acts of torture and other types of ill-treatment from benefiting from measures incompatible with the case-law of the Court, including statute-barring, which can, in practice, prevent the punishment of those responsible for acts contrary to Article 3.

This time-barring of offences in this case had prevented the establishment of criminal responsibility – and, if appropriate, punishment – for abuse that the Italian courts had already found to be factually established.

The Court concluded that there had not been an effective investigation by the Italian authorities into Mr Cioffi's allegations, in order either to punish those responsible, or to deter future ill-treatment.

The Court found that there had been a violation of Article 3 of the Convention with regard both to Mr Cioffi's ill-treatment by the police, and to the subsequent investigation.

### Other articles

The Court considered that it had dealt with the main legal issues raised under Article 3 and that there was no need to examine the admissibility and merits of the complaints under Articles 5 and 13.

### Just satisfaction (Article 41)

The Court held that Italy was to pay the applicant 30,000 euros (EUR) in respect of non-pecuniary damage.

### Separate opinion

Judges Serghides and Adamska-Gallant expressed a joint partly dissenting opinion, which is annexed to the judgment.

*The judgment is available only in English.*

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**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.